

# Drinking Water State Revolving Fund Program 2024 Construction and Lead Service Line Project Funding Guidelines

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Photo Credit: City of Pasco, West Pasco Water Treatment Plant, Benton County, Filtration FTP Improvements.

# **Office of Drinking Water Contacts**

# **Drinking Water State Revolving Funding Program**

Department of Health, Office of Drinking Water

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Cultural/Environmental	Scott Kugel	360-480-7617	Scott.Kugel@doh.wa.gov
Technical Assistance	Vacant		watersystemhelp@doh.wa.gov
Emerging Contaminants for Small and Disadvantaged Communities	Sam Delmer	360-688-0610	Samantha.Delmer@doh.wa.gov
Underwriting and Subsidy	Mike Copeland	360-236-3083	Michael.Copeland@doh.wa.gov
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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.

Eastern Regional Office	Northwest Regional Office	Southwest Regional Office
509-329-2100	253-395-6750	360-236-3030

## **Technical Assistance Contacts for Small Water Systems**

To request technical assistance, contact your regional planner or engineer for a referral.

Technical assistance available includes help with developing or updating your planning document to bid documents.

**Evergreen Rural Water of Washington** 

360-462-9287

erwow.org

#### **Rural Community Assistance Corporation (RCAC)**

509-867-6636 or 916-447-2854

rcac.org

#### **Environmental Finance Center**

efcnetwork.org/get-help/

#### **Infrastructure Assistance Coordination Council (IACC)**

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

#### Small Communities Initiative (SCI) by ODW Referral Only

To receive assistance from SCI, please contact your Regional Engineer or Regional Planner. The regional staff can make referrals for technical assistance.

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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 <a href="mailto:civil.rights@doh.wa.gov">civil.rights@doh.wa.gov</a>.

# **Program Description and Goals**

These guidelines define the application requirements and review process for the 2024 Drinking Water State Revolving Fund (DWSRF) Loan Program. Congress created the DWSRF Loan Program in 1996, when it reauthorized the Safe Drinking Water Act (SDWA). The U.S. Environmental Protection Agency (EPA) awards annual capitalization grants to Washington and other states for:

- Capital construction loan program with potential subsidy.
- Lead service line loan program with potential subsidy.
- Emerging contaminants loan program with 100 percent subsidy.
- Non-construction "set aside" funds to run the program and ensure compliance with drinking water rules.

In November 2021, Congress passed the Infrastructure and Investment Jobs Act, otherwise known as the Bipartisan Infrastructure Law (BIL), which appropriated billions of additional dollars to the DWSRF program to improve water system infrastructure throughout the country. These funds will subsidize the existing DWSRF program over a five-year period. EPA provided grant funding through the Water Infrastructure Improvements for the Nation (WIIN) program for small and disadvantaged communities with challenges resulting from emerging contaminants. Based on water system needs and funding availability, WIIN grant funding may be made available to eligible projects.

The Washington State Legislature passed <u>RCW laws</u> to create a DWSRF loan program consistent with federal law and to provide supplemental funding through state match and associated grant programs. <u>Regulations in the WAC</u> were adopted to implement the program. Loan repayments, loan interest, loan fees, and state match funds supplement the federal capitalization grant.

DWSRF provides low-interest construction loans to publicly (municipal) and privately owned drinking water systems in Washington state, as well as tribally owned systems. Municipal water systems are "a city, town, or other public body created by or pursuant to state law," such as water sewer districts, public utility districts, and other special purpose districts. DWSRF goals are to:

- Provide funding to water systems for capital improvements that 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.

#### **Special Funding Pots**

\$17.5 million for projects addressing **emerging contaminants** with 100 percent loan principal forgiveness for systems serving disadvantaged communities (DAC) or fewer than 25,000 people.

\$28.7 million for **lead service line inventory and replacement** projects with 49 percent as loan principal forgiveness dedicated to systems serving disadvantaged communities (DAC).

\$3 million reserved for water main replacement projects that coincide with another infrastructure project, such as transportation improvement project, sewer main replacement, or fish passage project.

## Important Things to Note in the DWSRF 2024 Loan Cycle

- We accept applications for all eligible construction projects during this loan cycle. For projects funded under the capitalization grant or BIL, we then develop Intended Use Plans (IUP) for the funding to meet the requirements of federal law and to support our grant application for this year's funding cycle. We prioritize eligible projects and include in the IUP, based on the type of project and funding available. We will provide the project priority list to the Public Works Board and legislative committees by February 1, 2025. Any projects funded under other funding sources will be subject to the funding requirements of those grants and associated work plans.
- We updated the criteria utilized as part of the project assessment to help determine eligibility as serving a disadvantaged community (DAC) for potential principal forgiveness and additional points. The applicant must demonstrate the pressure zones served by the project serves a qualifying DAC. We base prioritization on the affordability index or status as a federally recognized tribe then potential additional subsidy based on the number of DAC criteria met. The DAC criteria include Environmental Health Disparities ranking, Social Vulnerability Index ranking, percent of people below 185 percent of the federal poverty level, and status as a federally recognized tribe serving residential connections. See <a href="Appendix B">Appendix B</a>.
- We provide up to 100 percent principal forgiveness for emerging contaminant related projects to the highest ranked projects. At least 25 percent of the available principal forgiveness will be provided to water systems serving less than 25,000 people or projects serving DAC. We updated the criteria through which the amount of potential subsidy available for a project is calculated.
- Approximately \$150 million is available for award under the capitalization grant and BIL funding, with a maximum award of \$15 million per jurisdiction. If additional funds remain available after all eligible projects have been awarded funding, we may increase the maximum award per jurisdiction. We will calculate any subsidy that is awarded based on the advertised maximum award. We will offer any funding that is offered above the advertised maximum award as loan without additional subsidy. Initial subsidy allocations

- will be preliminarily determined by February 1 and finalized by April 1. Subsidy allocations may be adjusted if a project assigned subsidy withdraws their application or does not pass underwriting. Projects may also be identified for funding under other funding sources, such as the WIIN Emerging Contaminants for Small and Disadvantaged Communities grant.
- ◆ There is additional funding available through the WIIN Act Emerging Contaminants for Small and Disadvantaged Communities (EC-SDC) program for capital improvement projects that address emerging contaminants, with PFAS being the top priority. Capital improvements include treatment installation, drilling a new well, and consolidating with a water system that has compliant drinking water or treatment online. Funding is available to water systems serving small or disadvantaged communities. For the purposes of this funding, a small system is defined as a community and not-for profit non-community public water system (PWS) that has a population of less than 10,000 individuals that we determine does not have the capacity to incur debt sufficient to finance a project or activity under the grant program. Program staff with detailed knowledge of PWSs in the state have found that small water systems do not have the capacity to incur debt required to undertake activities to effectively address emerging contaminants have one of the following characteristics:
  - Does not have an approved planning document,
  - o Does not have an operator on-site on a daily basis, or
  - Serve fewer than 500 people a day.
- Water systems are required to complete <u>inventories</u> to identify and replace lead service lines within their systems by October 16, 2024. The law requires water systems to provide public notification until the material makeup of the entirety of the service lines are identified and any identified lead service lines are replaced. DWSRF has funding available to undertake both the lead service line inventories as well as any required lead service line replacement projects. Projects providing for the complete replacement of lead service lines and lead components are eligible for funding (both public and private portions must be replaced). Subsidy in the form of principal forgiveness is available for water systems that serve DAC. Water System Plans are not required to receive lead service line inventory funding and may be funded as part of the proposed project.
- All funded applicants are required to develop an asset management program and additional funding may be awarded to facilitate this effort. The program must be wholistic and include development or purchase of asset management software.
- To be eligible for subsidy, consolidation projects must demonstrate that the system being consolidated meets the DAC criteria outlined in <u>Appendix B</u>.
- Applicants must submit applications through our online application system, Washington Loan Tracking (WALT). The application worksheet and EZ-1 Form are available on our website. Applications are due by November 30, 2024.

- Applicants must have a <u>Secure Access Washington</u> (SAW) account to be able to access WALT.
- Applicants must be registered with <u>SAM.gov</u> prior to signing a loan contract. You must renew your <u>SAM.gov</u> registration annually and provide the expiration date.
- Department of Health (DOH) Financial Services will administer the DWSRF loan contracts.

#### **WALT Preregistration**

If you have not applied with WALT before, **please email**<u>DWSRF@doh.wa.gov</u>, **before**accessing the online application.

- If you do not complete your construction competitive bid process within 18 months of contract execution, we may withdraw your funding.
- We modified the Application Scoring, Readiness to Proceed, and Bonus Points (see Appendix A).
- Projects are now eligible to receive points for meeting DAC criteria (see Appendix A).
- Congress passed the Build America, Buy America (BABA) Act on November 15, 2021, which 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 using federal dollars. The requirements apply to loan agreements signed on or after May 14, 2022. For more information, refer to Appendix E.
- Congress passed the Davis-Bacon Act on March 3, 1931, as amended on August 21, 2002, which requires the higher of state or federal prevailing wages for each laborer classification, weekly payment of labor performed, payment of overtime over 40 hours in a week at a rate of one and half times the basic rate, and maintenance of payroll and basic records. DOH Financial Services contract managers perform 21-day and periodic employee interviews.
- Funding for standard refinancing of loans from other funders is also offered if funding is available (see below for details). To be eligible for refinancing, any original funding must meet the DWSRF requirements. New projects take priority over refinancing.
- Water systems with funding requests under \$100,000 should contact <u>Jocelyne.Gray@doh.wa.gov</u> or call (564) 669-4893 to discuss funding needs before applying.

# **Before You Apply**

#### **Planning Documents**

All applicants must have a **current and approved** Water System Plan (WSP) or a Small Water System Management Program (SWSMP) **by November 30, 2024**. If your SWSMP was approved prior to November 30, 2018, please **contact your regional planner**. You may be required to update your SWSMP.

The planning document **must** identify and discuss the proposed project, **unless** applying for a Lead Service Line Loan or Planning and Engineering funding. We have Planning and Engineering loans for Group A community water systems, not-for-profit noncommunity water systems, and community water systems owned and managed by a federally recognized tribe serving residential connections to develop, update, or amend their planning document. We have planning grants for small water systems serving disadvantaged communities without a planning document.

If you need a current and approved planning document and apply for Lead Service Line Inventory (LSL) Loan, the planning document **must** be included in the scope of work.

Planning document reviews take a minimum of 90 days plus the response to comments by the water system. Plans submitted AFTER April 1 of the year the Construction/LSL Loan Cycle closes will NOT be prioritized for approval by November 30.

Planning documents are one measure used to assess the financial, managerial, and technical capacity of a water system. Please contact your ODW regional office if you have questions concerning your planning documents.

#### **Pre-Contract Requirements**

Applicants must complete the following steps prior to receiving a DWSRF contract. **These are not required (but highly recommended) prior to submittal of a complete project application.** 

- Step 1: Valid Registration with <u>System for Awards Management</u> (SAM).
  - Borrowers must have a valid entity registration with <u>SAM.gov</u>, a federally owned and operated free website that consolidates the federal procurement systems and the Catalog of Federal Domestic Assistance (CFDA) into one system. <u>SAM.gov</u> 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 <u>SAM.gov</u> to see if the borrowing entity is already registered. You do not need a user account to search, just type the entity name or Unique Entity ID (UEI) number into the search box.

o If the borrowing entity is not registered, create a user account, and register at SAM.gov. The UEI is needed to complete registration. The Federal Service Desk at <u>fsd.gov</u> can help you navigate the system and support your registration.

#### Step 2: Unique Entity ID.

On April 4, 2022, the number for entities doing business across the federal government changed from the DUNS Number to the UEI (generated by <u>SAM.gov</u>).

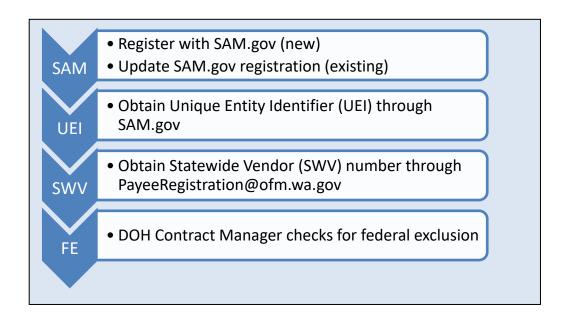
- The UEI is a 12-character alphanumeric ID assigned to an entity by SAM.gov.
- o As part of this transition, the DUNS Number has been removed from <u>SAM.gov</u>.
- Entity registration, searching, and data entry in <u>SAM.gov</u> now requires use of the new UEI.
- Existing registered entities can find their UEI by <u>following the steps here</u>.
- New entities can get their UEI at <u>SAM.gov</u> and, if required, complete an entity registration.
- Apply early for your UEI as it can take <u>SAM.gov</u> a month to assign you one. An UEI is required at the time of signing a loan contract.

#### 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,
<a href="maintains.new">PayeeRegistration@ofm.wa.gov</a> or obtain the required forms on the OFM
vendor-payee website.

#### Step 4: Check for Federal Exclusion.

 Before we award 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**

- July 24, August 21, and September 18, 2024: Live informational webinars. We will post the slides to the <a href="DWSRF webpage">DWSRF webpage</a>.
- October 1, 2024: The 2024 DWSRF construction loan application cycle opens. Systems interested in funding are encouraged to work with DWSRF staff and applications may be submitted prior to the cycle opening but we will not review until after October 1.
- October 16, 2024: Live question and answer webinar. We will post the slides to the <u>DWSRF webpage</u> by October 25, 2024.
- November 30, 2024: Application deadline.
- December 2024-February 2025: Applications are reviewed, scored, and ranked. Draft funding list published around February 1. Proposed subsidy amounts will be determined by February 1 and included in award letters to the applicants.
- March 2025: Award letters are sent to applicants. Letters may be delayed if a federal appropriations or a continuing resolution are not adopted.
- April 1, 2025: Subsidy will be finalized for all eligible entities.
- Spring 2025: DWSRF scopes of work finalized.
- July1, 2025: Contracts executed (signed) after final scope of work is accepted.
- Borrowers will have **60 days** to sign and return contracts. If the borrower does not sign and return the contract in **60 days**, we may withdraw the funding offer.
- Draws may begin at loan execution.

## **DWSRF Application Process**

We accept applications through our online WALT system. For applicants who have not previously applied, please submit a pre-registration form to <a href="mailto:dwsrf@doh.wa.gov">dwsrf@doh.wa.gov</a> before accessing the online application.

You can get an application worksheet, guidelines for WALT, and an <u>EZ-1 Project Review Form</u> <u>331-651 (Word)</u> at <u>our website</u>. WALT accepts applications until 11:59 p.m. on the deadline date of November 30, 2024. You must attach the <u>EZ-1 Project Review Form 331-651 (Word)</u> to your application.

# **Technical Assistance and Other Funding Resources Available**

Along with project funding, DWSRF has funding for a variety of technical assistance (TA) that is free assistance to public water systems serving less than 10,000 people.

#### Available assistance:

Asset management development, income surveys, rate studies, funding applications, development/update of SWSMP or WSP, LSL inventories, engineering design, construction documents, bid documents, and bidding and procurement assistance. There is TA for board training, operator training, and capacity development for technical, managerial, and financial needs.

DWSRF staff can also help identify other funding options.

Contact your regional planner or engineer to identify potential TA needs. Submit TA requests to <u>watersystemhelp@doh.wa.gov</u>.

# **The DWSRF Funding Process**

- We will only consider complete loan applications.
- Applications should include a description of the project and preliminary scope of work that clearly describes the project need, phases and aspects of the project, anticipated work required to complete each phase of the project, and anticipated project material requirements to allow for the development of a detailed scope of work as part of the project contract. Projects must be specifically listed in the appropriate water system planning document.
- Upon receipt, we will verify completeness. If we need additional information, we will
  email you. You 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 you provide as part of the application.

- We will execute all contracts and provide an overview of the DWSRF contract requirements.
- A nonrefundable 1.0 percent loan service fee is assessed at contract execution. For those projects receiving subsidy as serving DAC, there is no loan service fee.
- Eligible *preconstruction* project costs may be eligible for reimbursement after a DWSRF contract is executed. You must incur the cost within 12 months prior to contract execution. Any work completed prior to contract execution is done at the water system's risk.
- Construction work cannot start until the water system successfully completes both the environmental and cultural reviews. Construction activities undertaken prior to contract execution are NOT eligible for reimbursement.

The borrower must receive our approval of the project report, related construction documents, **and** 100 percent bid documents. Our approval is required for all DWSRF projects, including water mains. 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.** 

- Financial Services retains 10 percent of your contract amount until you officially close the project. After your project closes, the retained 10 percent is released.
- Projects must complete the construction competitive bid process within 18 months of contract execution.
- DWSRF basic interest rate is 2.25 percent.
- Borrowers must complete projects within four years of signing a DWSRF contract.
- The standard loan repayment period is 20 years. Projects with service areas that qualify as serving DAC may be eligible for extended loan terms, up to 30 years. The useful life of the project must be equal to or greater than the loan repayment period. The minimum useful life of a project we fund is ten years.
- Financial Services closes out construction projects or lead service line replacements when they:
  - Determine cultural and environmental deliverables are met.
  - Receive an engineer-certified construction completion report.
  - Receive any required as built drawings.
  - Receive the financial audit report (if required).
  - Receive final approval from your regional office.

## Project Report, Construction Document, and Bid Document Approvals

**ALL** funded projects must receive our approval for project report, construction documents, **and** bid documents, which typically comes from your regional office.

The distribution project review exception **DOES NOT** apply to water main or lead service line replacements.

Contact your regional office about submittal requirements.

# Loan Repayments Made During Construction

Annual loan repayments (principal and interest) start in October of the first year of loan execution. Loan principal forgiveness is awarded at time of project close out.

- Financial Services closes out a lead service line inventory projects when they:
  - o Receive the lead service line inventory, and
  - Receive an approved planning document (if required). You must receive approval from the regional office.

## **Asset Management**

Asset management helps water systems maintain the desired level of service at the lowest life cycle cost. Water systems that properly maintain their assets are more likely to ensure safe and reliable drinking water for their customers. Bonus points are available for attending asset management training and for creating an asset inventory. To receive bonus points for your asset inventory, it must include the list of water system assets, age of assets, expected life of the assets, criticality of assets, and replacement cost of assets. See <a href="Appendix G">Appendix G</a> for more information on an asset inventory.

If you are awarded funding, but do not have an asset management program, part of your scope of work includes development of a comprehensive asset management program and additional funding (up to \$40,000) may be provided for the purchase or development of software.

#### **Subsidy Prioritization**

The percent of subsidy assigned to a water system depends on the affordability index, the number of Washington Tracking Network (WTN) Criteria met (as outlined in Appendix B), and whether the system is owned and operated by a federally recognized tribe serving residential connections. The affordability index compares the water system residential rate to the county median household income (MHI).

# **Subsidy**

EPA requires DOH to award subsidy (loan principal forgiveness) to eligible projects within water systems serving residential connections in areas considered to be DAC. Principal forgiveness (awarded as subsidy) means that you will not have to pay back a portion of the loan principal. Principal forgiveness is applied after construction project close out and loan payments must be made until that time. If you receive principal forgiveness, you still must pay interest on the loan portion of your award, but no loan fee. DOH uses the criteria outlined in Appendix B to determine if a project qualifies as serving a DAC. DOH will maximize the subsidy

available to meet public health needs and where it is most needed throughout the state based on the applications received. **Qualifying as serving a DAC does not guarantee your project will be funded and it does not guarantee you will receive subsidy.** 

A for-profit community water system that qualifies as serving a DAC may qualify for subsidy if the project addresses a new or emerging public health concern that is not associated with failure to maintain infrastructure. The for-profit water system cannot increase rates to payback, nor may they receive a return-on-investment for the forgivable portion of the loan. Any allowable surcharges will be governed by the reporting requirements of the Washington Utilities and Transportation Commission (UTC) contained in <u>WAC 480-110-455</u>.

#### **Subsidy Prioritization for Disadvantaged Communities**

Affordability Index			
	1.5% to 2.5%, Tribal  Community <sup>2</sup> , or  Greater than 2.5%  Consolidation <sup>3</sup> 0% to 1.5%		
Baseline Subsidy <sup>1</sup>	50%	35%	25%

<sup>&</sup>lt;sup>1</sup>Water systems that meet several disadvantaged community criteria may be eligible for subsidy up to 75% of the project cost.

<sup>&</sup>lt;sup>3</sup>Consolidation projects involving DAC are eligible for 35% baseline subsidy. Additional subsidy may apply to the project for subsidy up to 60% of the project cost.

Disadvantaged Community WTN Criteria Met	Additional Subsidy
Meets 3 WTN criteria	25%
Meets 2 WTN criteria	10%
Meets 1 WTN criteria	No additional subsidy

We will award subsidy to projects serving DAC based on financial need until subsidy is allocated. Depending on the amount of funding available and amount of project applications, not all systems that qualify for subsidy (loan principal forgiveness) and are on the eligible funding list will receive it. There is a set amount of subsidy available, and we award it based on project ranking.

If subsidy funds are still available after awarding subsidy as described above, we may increase the subsidy award for eligible subsidy recipients by project ranking and DAC criteria met.

<sup>&</sup>lt;sup>2</sup>Tribal Community is a federally recognized tribe that owns and operators a public water system serving residential connections. Tribal communities will receive a minimum of 35% subsidy. If a tribal community provides documentation supporting an affordability index greater than 2.5% or meets two or more of the WTN criteria, the tribal community may be eligible for additional subsidy.

#### **Loan Terms**

Loan Type	Interest Rate and Forgiveness	Loan Fee**	Loan and Fee Repayment Period
Standard Loan	2.25% interest on loan	1.0% at loan execution	20 years or life of the project, whichever is less <sup>1</sup>
Reduced Interest Rate	1.75% interest on loan	1.0% at loan execution	20 years or life of the project, whichever is less <sup>1</sup>
Partial Subsidy	1.75% interest on loan, partial principal forgiveness	No Fee	24 years or life of the project, whichever is less <sup>1</sup>
Full Subsidy	1.75% interest on loan, full principal forgiveness	No Fee	Principal and interest repayments during construction <sup>2</sup>

#### **Maximum Award**

The maximum award to each water system/entity is approximately \$15,000,000.\*

#### **Loan Fees**

\*The loan fee is not subject to the loan limit. For example, if a project is budgeted at \$15,000,000, the applicant can apply for a \$15,150,000 loan—\$15,000,000 for the project plus the \$150,000 loan fee.

\*\*Water systems receiving subsidy are not subject to loan fees.

- 1. Loan term may be extended to 30 years if needed for cash flow if the term matches the economic life of the project.
- 2. If applicable, borrowers will receive principal forgiveness upon project completion.

# Water Main Replacement Projects that Coincide with Another Infrastructure Project (Smart Projects)

We identified a category of "Smart Projects" to assist jurisdictions with replacement of water mains that coincide with another infrastructure improvement project, such as sewer line replacement, transportation improvement project, or a fish passage barrier removal project. We allocated \$3 million for these types of projects this year, with a maximum award per project of \$1.5 million. To be eligible for this funding, the water system must meet all DWSRF eligibility criteria plus the following:

- Be a Group A community not-for-profit water system, municipal, public utility district, water district, or port district.
- Provide a letter from the jurisdiction (such as Department of Transportation or County Public Works Department) that has notified the water system regarding the impending project. For instance, a letter from the Department of Transportation, which states road resurfacing is scheduled for July 2025.

DWSRF staff will score and rank eligible Smart Projects using the criteria in <u>Appendix A</u> and award \$3 million to the top-ranking projects. If projects receive identical scores, DWSRF uses the largest population served by the proposed project as a tiebreaker. After we award \$3 million to the highest-ranking Smart Projects, remaining Smart Projects will be scored and ranked with all other DWSRF applications.

#### **Supplemental Financial Information**

We require supplemental financial information for all water systems that request financial help from DWSRF. You must provide all financial information requested in the application to be considered for funding.

#### **Investment Grade Efficiency Audit**

DWSRF projects must complete an Investment Grade Efficiency Audit (IGEA) if the IGEA is reasonably obtainable. This is an effort to apply energy efficiency to water systems, similar to the DOH Green Projects that started in 2009. The following should complete an IGEA as part of their loan agreement:

- Projects that serve more than 10,000 people on a regular basis.
- Projects that result in increased pumping requirements and/or are treatment plant projects.

You may finance your audit as part of your loan. Your power provider or an energy services company (ESCO) may prepare your audit. More information is available in <u>Appendix F</u>.

# **Eligibility Requirements**

#### **Eligible Applicants**

Publicly or privately owned Group A community water systems. Homeowners' associations must submit copies of their articles of incorporation.

Transient or non-transient noncommunity public water systems owned by a nonprofit organization. Nonprofit noncommunity water systems must submit tax-exempt documentation.

Tribally owned water systems must meet all DWSRF eligibility requirements including having a current and approved planning document. Contact the regional planner assigned to your county. The water system must meet all capacity requirements, and the proposed project may not receive SDWA national set-aside funds.

Group B or individual water supply systems being restructured into a Group A that meets all the following eligibility requirements.

- When the project is complete, the system(s) will be one Group A community water system due to consolidation with another system.
- The applicant has a history of sound system operations and management and is financially healthy.
- The applicant has the technical, operational, managerial, and financial capacity necessary to manage the project and the water system.
- The project must fix existing public health problems that pose serious risks.
- The project must be a cost-effective solution to the public health problem.
- Applicants must sufficiently notify potentially affected parties about the proposed project.
- The applicant must show they considered alternative solutions to address the problem.

• The project is intended to protect public health and not primarily focused on future population growth.

#### **Ineligible Applicants**

- Noncommunity public water systems owned by a for-profit organization.
- State or federally owned water systems. However, state and federally owned water systems may be part of a consolidation project as the system to be consolidated.
- Systems lacking the technical, financial, and managerial capability to ensure compliance, financial health, and loan repayment.

## **Project Eligibility Requirements**

- System owner must have an approved and current WSP that includes the proposed project or an approved SWSMP that includes the proposed project. The WSP cannot expire on or before November 30, 2024, except for applicants of Lead Service Line loans.
   See special requirements below for details.
- System owner must have water rights secured if the proposed project requires a water right, such as a new source or a consolidation.
- System owner must have control of the project site (signed easement, lease agreement, or proof of ownership) or an agreement that can be executed on receipt of funding.
- Project must focus primarily on construction.
- Project must focus primarily on one identified problem or need, such as treatment, a new reservoir, or infrastructure repair and replacement. If your project has more than one focus, we may require you to resubmit each as a separate application. Contact DWSRF staff for guidance if you are unsure about the focus of your project.
- Project must address the water system's existing public health and/or compliance issues (such as state or federal enforcement action; significant noncompliance with federal or state drinking water regulations; or red, yellow, or blue operating permit related to infrastructure) unless the borrower is using other funding to address the issue.
- If distribution system leakage is over 30 percent, you may be asked to reevaluate your project if it does not address system leakage.
- Applicants with an outstanding technical, managerial, or financial audit finding will not be eligible for a loan. Applicants are encouraged to review their audits prior to applying.

# **Special Eligibility Requirements for Restructuring, Consolidation, and Receivership Projects**

Only **Group A community water systems and municipal entities** are eligible to apply for DWSRF funding for restructuring and consolidation projects. Projects must result in a water system change of ownership or being inactivated due to consolidation with another water system. Costs associated with a consolidation or restructuring project are eligible for principal forgiveness for up to five years after change of ownership occurs if the consolidating system serves a disadvantaged community based on criteria in <u>Appendix B</u>. **A signed agreement or letter of commitment for transfer of ownership between all involved water systems will be required to be eligible for funding.** 

Restructuring and consolidation projects acquire other Group A or Group B public water systems, or more than two properties served by private wells that may have water quality problems, deteriorated infrastructure, or capacity issues. For consolidation projects that involve one or more Group B water systems or properties served by private wells, the applicant must be a Group A system or a municipal entity (see additional conditions below).

State or federally owned water systems can be part of a consolidation project. **We will not** award subsidy for a consolidation or restructuring project if the project beneficiaries are noncommunity for-profit systems. We will score restructuring and consolidation projects based on unresolved compliance history of the system being acquired over the past five years.

Additionally, **applicants** for a restructuring and consolidation project **must demonstrate** a record of **sound drinking water utility management**. They must:

- Own at least one Group A public water system.
- Have at least five years of experience as a Group A water system or have someone on staff with five years of experience with a Group A water system.
- Have an approved WSP for the applicant system, that demonstrates the applicant's intent to provide/consider consolidation or be an approved satellite management agency.
- Have no state or federal civil penalties in the past five years.
- Have received no unilateral enforcement orders from EPA or DOH in the past five years.
- Not have had a system's operator license suspended or revoked in the past five years.
- Be current with DOH fee payment schedule.

We may consider other eligibility criteria on a case-by-case basis including operating permit history, prior contract performance, and history of audit findings.

For receivership projects, the proposed project must satisfy the terms of the court order, and the borrower must submit a copy of the court order with the application.

# **Special Eligibility Requirements for Lead Service Line Inventory Projects**

- Water systems are required to complete the service line assessments by October 16, 2024, with annual updates for inventories with unknowns or lead service lines, per the Lead and Copper Rule Revisions.
- The system owner must have an approved and current WSP or an approved SWSMP. The WSP cannot expire on or before November 30, 2024. The SWSMP must be approved after November 30, 2018, to be considered current and approved. If the WSP or SWSMP needs to be updated or developed, the planning document must be included in the scope of work.
- System owner must have control of the project site (signed construction easement or signed agreement) or an agreement that can be executed on receipt of funding for any planned potholing.
- Project must focus primarily on lead service line identification and inventory development.
- Must be able to start project within 12 months of contract execution and complete project within 24 months of contract execution.
- Applicants with an outstanding technical, managerial, or financial audit finding will not be eligible for a loan.

Select **Lead Service Line Loan** in WALT for either the Lead Service Line **Inventory** Loan or the Lead Service Line **Replacement** Loan.

# **Special Eligibility Requirements for Lead Service Line Replacement Projects**

- The system owner must have an approved and current WSP or an approved SWSMP. The WSP cannot expire on or before November 30, 2024. The SWSMP must be approved after November 30, 2018, to be considered current and approved. If the WSP or SWSMP needs to be updated or developed, the planning document must be included in the scope of work.
- System owner must have control of the project site at each property (signed construction easements or signed agreements) or agreements that can be executed on receipt of funding.
- Project must focus primarily on construction.
- Complete service line replacement is required. No partial replacements unless a portion of the service line has been replaced in the past five years. Complete service line replacement is from the water-main connection to the premise piping connection (inside or outside the building).
- Must be able to start construction within 12 months of contract execution and complete project within 24 months of contract execution.

 Applicants with an outstanding technical, managerial, or financial audit finding will not be eligible for a loan.

#### **Water System Capacity Eligibility Requirements**

The DWSRF Loan Program requires a current, DOH-approved WSP or SWSMP that includes your project and demonstrates your financial, technical, and managerial capacity to:

- Successfully run the water system.
- Complete the proposed project.
- Repay the loan.

Attach a copy of the WSP or SWSMP approval letter with **pertinent pages** of the proposed project as part of the application. **Do not attach the entire document.** 

Additional capacity requirements for the DWSRF Loan Program include:

- Demonstrating financial health and ability to repay the loan.
- Demonstrating the proposed project is ready to proceed.
- Providing all information as requested in the application.
- Applicants must not have any outstanding audit findings related to technical, managerial, or financial capacity.
- Performance on currently held and open DWSRF funded projects.

# **Source and Service Meter Eligibility Requirements**

Source and service meter installation is not an eligible stand-alone project. However, for a proposed project to be eligible for funding, water systems must have source meters on all existing and proposed new sources of water supply or must include source metering as part of the proposed project. In most cases, systems also must have service meters on all existing connections or must include service meter installation as part of the proposed water main replacement project. If requested, we may provide service meter exemptions to those that qualify (WAC 246-290-496).

#### **Preconstruction Eligibility Requirements**

If you receive a DWSRF loan, you may request reimbursement of preconstruction costs already incurred, within 12 months of contract execution, if both of the following apply:

- The costs relate directly to the project.
- You have adequate documentation showing you previously paid for those costs.

Eligible preconstruction activities include:

- Design and engineering.
- Project report and construction documents.
- Environmental and cultural reviews.

Eligible Lead Service Line Inventory activities include:

- Planning document development or update.
- Records research.
- Customer surveys.

#### **Construction Eligibility Requirements**

Construction may not start until all of the following occur:

- Sign your DWSRF contract and return it to us.
- Submit any required project report and construction documents to DOH and the regional engineer approves those documents.
- Follow the bid requirements detailed in publication <u>DWSRF Customer Handbook 331-586</u> (PDF).
- 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.

# **Phased or Staged Projects**

You will need to separate a complex project into stages or phases to accomplish your goals. We will require you to amend your application to address phasing or staging needs. We encourage you to discuss phasing or staging with your regional engineer and planner.

## **Eligible Activities and Project Costs**

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

• Preconstruction activities (engineering, asset management, design, legal, financial, environmental, and cultural reviews, permitting, and surveying) directly related to an eligible capital construction project.

- Value Planning for treatment to evaluate alternative analysis with cost comparison over life of loan.
- Purchase costs for a publicly owned water system to acquire or restructure water systems.
- An asset management program is required to justify the cost for transfer of assets.
- LSL inventory work:
  - Records review.
  - Site inspections, including inside the buildings.
  - Development and implementation of a portal for customer self-reporting.
  - Potholing.
- Construction of infrastructure improvements:
  - New source.
  - Source reconstruction or upgrades.
  - Disinfection improvements or treatment.
  - Filtration and other treatment.
  - New finished reservoir or reservoir improvements.
  - Rehabilitation of finished water reservoir tank interior.
  - Clearwells.
  - Treatment plant discharge improvements.
  - Water main or distribution improvements, such as water main replacement or booster pump stations.
  - Replacing aging infrastructure or making distribution improvements to maintain compliance or further protect public health. Such projects may include pressure reduction devices, backflow prevention assemblies, security measures, telemetry, and an additional source for emergencies or additional capacity.
  - Restructuring, consolidation, and receivership projects to take over noncompliant, failing, or struggling water systems.
  - Security measures, such as lighting, cameras, and fences, as a stand-alone project or as part of a larger project.
  - Resiliency projects or climate change response projects, such as seismic upgrades, improvements to surface water intakes for drought or flood conditions, interties, or generators for main water supply.
  - Cybersecurity upgrades to existing infrastructure. Must follow Cybersecurity & Infrastructure Security Agency (CISA) and EPA standards.
  - Backflow prevention device as a stand-alone project. The backflow device must be on property the applicant owns. In addition, the applicant must own and operate the device.
  - Purchase and installation of source meters as part of an eligible project.
  - Purchase and installation of service meters as part of an eligible project.
  - Complete removal and replacement of lead service lines (public and privately owned portions) or service lines made of galvanized iron or galvanized steel (that are currently or previously were downstream of lead components), goosenecks, pigtails, and connectors; planning and design.
    - Including temporary access and construction easements are required to

allow the cultural review, environmental review, and construction activities to occur for replacement of lead service lines on private property. Permanent easements are not required for the new service lines. However, if the water system requires a permanent easement for the project, the costs associated with establishing the permanent easement are eligible for reimbursement.

- Reasonable costs associated with returning private property to previous condition once service line replacement occurs (repair fences, replant shrubs, reseed grass, etc.).
- Buy real property from a willing seller if it is an integral part of a capital construction project. If you use DWSRF funds to purchase real property, and you sell or rent any portion of that property, we will deduct any resulting profits from your reimbursement. Reimbursements include:
  - Purchase of land and easements.
  - Purchase of roads, buildings, fences, or other structures.
  - Salaries, expenses, or fees for appraisers, negotiators, or attorneys.
  - o Removal or demolition of roads, buildings, fences, or other structures.
  - Other direct costs associated with real property acquisition.
- 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 three percent of the funding amount.
  - Predesign engineering.
  - Design engineering.
  - Construction engineering.
  - Acquiring land or rights of way.
  - Purchasing meters.
  - Line locating.
  - Labor.
  - Excavation.
  - Disinfection and flushing of connections.
  - Replacing or repairing mains damaged during meter installation.
- With DOH approval, you may size projects to accommodate reasonable population growth and water system expansion (this is generally the 20-year projection in a WSP or SWSMP). A hydraulic analysis may be required for increasing distribution pipes. Please note that if growth or fire flow is the primary purpose of your project, your project is ineligible for funding.
- Costs of complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- DWSRF Loan Fees.
- Purchasing water production capacity from another water system, if that is the best solution for the project. This is limited to municipal water systems not using the

- additional water production capacity for future growth but needing the capacity to address a public health threat.
- 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).
- Projects must include at least 10 percent contingency of the construction hard costs.
   Contingency costs cannot exceed 20 percent of the construction hard costs.

#### **Ineligible Projects**

- Projects in which future population growth and water system expansion are the primary focus.
- Projects solely for preconstruction activities unless it is a lead service line inventory project.
- Projects solely for studies or assessments.
- Point-of-use treatment devices for community systems and most noncommunity systems.
- Construction management only projects. Must include a water infrastructure construction component.
- Acquisition, construction, or rehabilitation of dams or raw water reservoirs.
- Projects in which fire protection is the primary focus.

#### **Ineligible Activities and Project Costs**

- Water rights, except if the water rights are owned by a water system being purchased through consolidation, restructuring, or receivership.
- 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.
- Force account labor.

# **Application Evaluation Process**

After we receive applications by November 30, 2024, 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 eligibility criteria and system capacity requirements, we disqualify the project from DWSRF funding program consideration. Under the legal requirements established in WAC 246-296-160, you have twenty working days from the date on the disqualification notification letter to send a request for reconsideration to the Director of the Office of Drinking Water.

The request 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 re-evaluate the project considering any new information. We will notify the applicant in writing of the Director's decision, which is final and subject to a request for administrative hearing if desired by the applicant.

#### **Planning Requirement and Capacity Review**

For DWSRF Capitalization Grant and BIL Supplemental Grant projects, we require your proposed project to be included in a current DOH-approved WSP or SWSMP. **The WSP cannot expire on or before November 30, 2024, and the SWSMP must be approved after November 30, 2018.** For more information about the water system planning requirement, <u>contact your ODW regional office</u>. We will also review the information provided in the application to determine whether the water system has adequate technical, managerial, and financial capacity. Construction projects funded under the EC-SDC grant are subject to the guidelines applicable to that grant.

#### **Technical Evaluation—Scoring and Ranking**

Our scoring process gives funding priority to projects that address severe public health threats and compliance issues. A critical element of the application is the risk or problem the proposed project eliminates. It is your responsibility to clearly document in the application any public health risks and compliance problems the project will address. We may not consider unclearly presented information during scoring and ranking.

We will rank Lead Service Line Inventory applications on a first come, first served basis.

We will rank Lead Service Line Replacement applications by lead or copper water quality levels.

Each project's score depends on a variety of factors. The most important factor is the Risk Category, which is the public health risk the project addresses. An application can receive points in only one Risk Category and only one Project Type. Here are the Risk Categories in priority order.

**Risk Category 1:** The proposed project eliminates documented microbial contamination.

**Risk Category 2:** The proposed project eliminates primary inorganic chemical contamination, eliminates PFAS contamination above the EPA maximum contaminant level (MCL), addresses corrosion control, or addresses water shortages associated with a declining aquifer (eligible communities identified in Appendix A).

**Risk Category 3:** The proposed project eliminates other primary chemical risk, eliminated organic chemical risk, addresses a sanitary survey significant deficiency, disinfection installation, receiverships, or EPA chemical Health Advisory (HA).

**Risk Category 4:** The proposed project addresses a secondary MCL, resiliency including cybersecurity, climate change response, seawater intrusion risk, sanitary survey significant finding, 75 percent of nitrate or arsenic MCL, or transmission line replacement. PFAS detections above 50 percent of the MCL

**Risk Category 5:** The proposed project must include components for infrastructure sustainability.

# Readiness to Proceed, Bonus, and Disadvantaged Community Points

We award additional points for the following (see Appendix A for a complete list):

- **Readiness to Proceed.** We award points to projects ready to proceed to construction in a timely manner or ones that address a project previously funded by a DWSRF program.
- **Compliance.** The project meets documented compliance requirements.
- **Restructuring or Consolidation Benefit.** The project restructures or consolidates (eliminates) one or more Group A or B system(s).
- Asset Management. The system staff have attended asset management training or have an asset inventory with the six elements.

- **Smart Project.** A water main replacement coincides with another infrastructure project such as complete streets, dig once, or culvert conversion to a fish passage.
- **Green Project.** The project reduces distribution system leakage, treatment costs, and/or power consumption.
- Disadvantaged Community (DAC). Additional points given to projects that serve DAC based on the number DAC criteria met.

Once applications are scored, we rank them from highest to lowest based on water quality need. If applications receive identical scores, we use the smallest full time residential population served by the proposed projects as a tiebreaker in order to assist small water systems with high-rate burden.

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 do not guarantee you will receive funding. We encourage applicants who do not receive funding to reapply in the future or talk with us about other funding sources.

#### **Standard Refinance**

Standard refinance is for successfully completed projects using non-DWSRF funding sources where the recipient wants to refinance at a lower interest rate. Applicants must meet all applicable requirements for the project and must meet all DWSRF prerequisites at the time the project was undertaken. Subsidy is not available for standard refinance projects.

Standard refinance projects are a low priority, and we do not rate and rank them as competitive projects. We make funding offers for standard refinance projects only if DWSRF money is left after the funding of competitively ranked projects. We rank multiple standard refinance projects competing for funding according to the financial burden on the ratepayers.

Applicants must explain the original source of project funding (e.g., USDA-RD, or other federally funded entities). Applicants must also explain the current repayment terms. The debt for the project must still be outstanding. The loan term cannot exceed the useful life of the project. We will not advance refund a prior debt.

#### **Financial and Capacity Review**

We financially review 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 financial statements or 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 our review demonstrates that an applicant cannot repay a loan, is unable to meet performance timelines in an open DWSRF funding agreement, 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 do not 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, offer a planning and engineering loan to allow you to start with preconstruction activities, or identify other funding opportunities.

#### **Intended Use Plan**

Each year, the DWSRF Loan Program prepares the federally required Intended Use Plan to demonstrate how we will use available DWSRF funds. This is last years <u>Intended Use Plan 331-534</u>. We post the Intended Use Plan on the <u>DWSRF webpage</u> for public review. We send emails to stakeholders to announce the availability of the Intended Use Plan for the 30-day public comment period. After the 30-day public review and comment period, we finalize and submit the Intended Use Plan to EPA as part of the DWSRF state capitalization grant application package.

The final Intended Use Plan contains a Final Prioritized Project List, which is published on our website in May each year. If an applicant does not agree with the final funding list, they can request a review. We must receive written requests for review within 14 calendar days of notification.

Our decision after this review is final.

# **Project Implementation**

After we approve the final recommended funding list and EPA awards capitalization grants, our staff will work with you to execute a contract.

To finalize your contract, we will email the contract to you. You must sign the contract and return it to us within sixty 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 construction:

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

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

#### **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 we issue a final completion letter. This includes any ground-disturbing activities including geotechnical work and test wells. Our 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. The determination must be posted to the SEPA register and the local newspaper serving the project area for public comment.
- 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 agency must provide written notice to the DOH Cultural and Environmental Program Specialist. The exempt determination must complete a 30-day public comment period. The publication can run concurrently 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.
- Environmentally sensitive area (e.g., wetlands, shorelines).
- Historically 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 our Cultural and Environmental Program Specialist for information on requirements and/or substitutions.

Non-municipalities 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 us for approval. Water systems must complete a public comment period for all projects to be Categorically Exempted (state statute WAC 197-11-305(2) Categorical Exemptions do not pertain to federally funded projects).

#### **Environmental Review Timetable**

Activity	Responsibility	Timeframe
Submit copies of determination, documentation, proof of publication	Borrower	As Soon as Possible
Review determination, documentation, 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 projects must also have a DOH-approved inadvertent discovery plan in effect for all construction activities. Effects may occur when:

- Ground disturbing activities occur in, or near, sensitive areas.
- 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, we:

- Are the cultural review lead to meet Section 106 of the NHPA and determine which consultation requirements apply to your project's undertaking.
- Initiate the cultural review after the DWSRF final loan list is approved.
- Contact 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. Please, submit a draft survey to us for final approval. Surveys must meet the DAHP cultural resources reporting standards. After the survey is approved, we will provide instructions regarding final distribution to consulting parties. 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 other 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.

#### **Cultural Review Timetable**

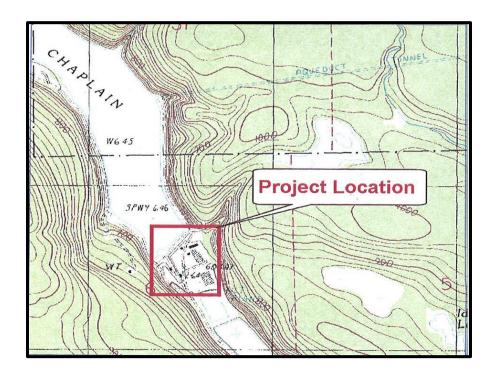
Activity	Responsibility	Timeframe
Receive Notice of Final Approved DWSRF Loan List	DOH	Starting Point
Evaluate Project  Research project area  Identify Area of Potential Effect	DOH	Ongoing
Make Determination  "No Historic Properties Affected"  -OR-	DOH	Ongoing (1)
"Area of Potential Effect"  1. Complete survey and/or monitoring plan  2. Additional consultation with DAHP and tribes	Borrower DOH	3-6 Months 6-18 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.

#### **To Ensure Your Cultural Review Is Not Delayed:**

- The EZ-1 Project Review Form is available on our DWSRF website.
- The EZ-1 Project Review 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 so that someone unfamiliar with the project will understand the extent and impact of the project.
- Make sure the Township, Range, and Section information is correct.

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



You are required to confirm or update the EZ1 Project Review 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 based on the project's undertaking.

We will require additional information if you will demolish any structures or modify any historic structures 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 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 Area of Potential Effect.
- 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 Project Review 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.

# **DWSRF Contract Requirements**

Our staff monitors each DWSRF contract for compliance. Borrowers must complete all funded projects within four 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 18 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 <u>DWSRF Customer Handbook 331-586</u>).
- Comply with the federal Davis-Bacon Act (pay prevailing wages). If you receive funding, we will provide information compliance.
- Comply with American Iron and Steel requirements. Refer to <u>Appendix D</u> for more information.
- Comply with Build America, Buy America (BABA) requirements. Refer to <u>Appendix E</u> 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 us within 60 days of project completion.

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

If an unforeseeable event during your contract causes a 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, we 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.

We will send out invoices each year, payments must be made once per year, starting the first October after loan execution.

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

# **APPENDIX A: Project Scoring Procedures**

We score all eligible applications on Risk Category, readiness to proceed, as well as bonus points and financial assistance points.

#### **Risk Categories**

DOH ranks the list from highest to lowest score, with microbial risk (Risk Category 1) rated highest and infrastructure replacement (Risk Category 5) rated lowest. We base the Risk Category on the primary risk the proposed project will address. We will develop a ranked priority project list for both the Lead Service Line replacement and unregulated contaminant funding pots from the Bipartisan Infrastructure Law funding, and we will fund projects until those funds are exhausted. Any remaining unfunded project will be placed on the priority project list for the standard DWSRF funding and funded in rank order until that funding is exhausted.

An application receives points in only **one** Risk Category and in only **one** Project Type.

Risk Category 1			
The proposed project will eliminate a documented microbial contamination			
Type of Project	Points		
New Source or Consolidation	120		
Source Reconstruction	115		
Disinfection Improvements	110		
Filtration	110		
New Reservoir or Reservoir Improvements	100		
Treatment Replacement	70		

To receive a score in Risk Category 1, your project must address an existing unaddressed documented microbial contamination event (that occurred within the last five years), or compliance problem associated with:

- Revised Total Coliform Rule.
- Surface Water Treatment Rules.
- ♦ Groundwater Rule.
- Uncovered finished water reservoirs.
- Exceeding EPA Health Advisory (HA) level for microbials and cyanotoxins. Per the current EPA HA, the identified cyanotoxins are microcystins (current level established at 0.3 micrograms per liter) and cylindrospermopsin (current level established at 0.7 micrograms per liter).

#### In addition, your project must be one of the following types.

- Disinfection or filtration projects to address the documented problem.
- Source reconstruction or replacement to address the documented problem.

- Reservoir replacement or new cover if finished water reservoir is currently uncovered.
- Reservoir, clearwell, or pipeline construction to satisfy a chlorine contact-time requirement.

Risk Category 2			
The proposed project will eliminate primary inorganic			
chemical contamination			
Type of Project	Points		
New source, consolidation, source reconstruction or treatment for nitrate	110		
New source, source reconstruction or treatment for contaminants other than Nitrate; project addresses water shortage due to a declining aquifer	100		
Lead service line or gooseneck removal or replacement	95		
Treatment replacement	60		

To receive a score in Risk Category 2, your project must address compliance problems (MCL, Treatment Technique (TT), or Action Level) exceedances or violations associated with the following (unless it is a lead service line replacement project).

Antimony (Sb)	Chromium (Cr)	Nickel (Ni)
Arsenic (As)	Copper (Cu)	Nitrate (as N)
Asbestos	Cyanide (HCN)	Nitrite (as N)
Barium (Ba)	Fluoride (F) (over 4.0 mg)	Selenium (Se)
Beryllium (Be)	Lead (Pb)	Thallium (Tl)
Cadmium (Cd)	Mercury (Hg)	

#### Risk Category 2 also includes the following.

- Corrosion control projects for lead and copper exceedances.
- Complete lead service line replacement.
- Projects to address concentrations of PFOS, PFOA, PFHxS, PFNA, HFPO-DA (GeneX), PFHxS, PFNA, HFPO-DA, and PFBS that exceed the MCL. After we score applications, we rank them from highest to lowest. If projects receive identical scores, we use highest detection, then the largest population served by the proposed projects as a tiebreaker. We will reserve 25 percent of the emerging contaminant funding to fund projects serving DAC or systems serving under 25,000 people.
- Projects that address water shortages associated with a declining aquifer. A water shortage response plan will be a required project submittal as part of the scope of work.
   Must submit documentation showing declining static water levels over three-year period.

Risk Category	<i>y</i> 3	
The proposed project will eliminate other primary chemical risks, addresses a sanitary survey significant deficiency, disinfection installation, lead removal/replacement, receivership, or EPA chemical HAs		
Type of Project	Points	
New Source or Consolidation	95	
Treatment	90	
Receivership	70	
Other	65	

To receive a score in Risk Category 3, your project must address compliance problems (MCL, TT, or Action Level), exceedances, or violations associated with the following.

- Disinfection by-products.
- Organic chemical.
- Radionuclides.

Treatment Replacement

#### Other eligible projects in Risk Category 3 include the following.

- Infrastructure project that addresses a significant deficiency identified during the most recent sanitary survey.
- Installation of disinfection as required in WAC 246-290-451, if not captured in Risk Category 1.
- Addressing an exceedance of an EPA HA level established for chemical contaminants, such as manganese concentrations that exceed 0.3 milligrams per liter.
- Receiverships.

Risk Category 4		
The proposed project addresses secondary MCL, resiliency including cybersecurity, climate change response, seawater intrusion risk, sanitary survey significant finding, or 75% of nitrate or arsenic MCL		
Type of project	Points	
New source or restructuring/consolidation	60	
Treatment	55	
Adds resiliency to system	50	
Treatment replacement	45	

To receive a score in Risk Category 4, your project must address compliance problems (MCL, TT, or Action Level), exceedances, or violations associated with the following.

Chloride (Cl)	Manganese (Mn)	Sulfate (SO4)
Fluoride (F) (over 2.0 mg/L)	Silver (Ag)	Zinc (Zn)
Iron (Fe)	Sodium (Na)	Conductivity

Projects that provide resiliency to the water system also qualify for Risk Category 4. Resilience refers to the ability of water infrastructure systems to withstand and recover from natural and man-made disturbances to their functioning. Resilience criteria for factors relating to project planning and design may address:

- Vulnerability of a water system to disruption of safe water delivery, whether natural or of human origin.
- Capability to recover from disruption of safe water delivery.
- A range of natural events capable of disruption, including flooding, long-term drought, and earthquakes.
- Projects that qualify as providing system resiliency or climate change response include (but are not limited to) adding a redundant source in a different aquifer, modifying a surface water intake to operate under drought or flood conditions, seismic upgrades to finished water reservoirs or transmission mains, interties, relocating water mains out of landslide prone areas, providing a generator at the main source, or upgrading cybersecurity of water infrastructure. The proposed project needs to benefit the majority—51 percent or more—of the population the water system serves. A water shortage response plan will be a required project submittal as part of the scope of work.

#### Other projects that qualify for Risk Category 4 include the following.

- Addressing seawater intrusion.
- Addressing a significant finding identified in the most recent sanitary survey. The system must have received a compliance order for the significant finding.
- Addressing a nitrate or arsenic issue. To qualify, the system must have entry point monitoring that documents the system exceeds 75 percent of the nitrate or arsenic MCL.
- Restructuring or consolidation project not captured in Risk Category 1, 2, or 3.

Risk Category 5	
The proposed project must include components for infra	structure
sustainability Type of Project	Points
Treatment enhancements, new source, or source rehabilitation	40
Distribution reservoir (additional reservoirs or replacement distribution)	40
Main/distribution improvements/booster pump	40
Cross-connection control – installation of backflow prevention assemblies (stand-alone project)	30
Installation of pressure reduction device (stand-alone project)	25
Security measures (stand-alone project)	20
Treatment plant discharge Improvements	10
Other (such as telemetry)	10

#### **Examples of Risk Category 5**

- Treatment enhancement. For example, treatment installed to address taste and odor.
- Install an additional distribution reservoir.

- Install treatment plant discharge improvements.
- Install pressure reduction device(s).
- Install backflow prevention device(s). Device must be installed on property the water system owns and the water system must own and maintain the device.
- Security measures (cameras, fencing, lighting, lab equipment, chemical storage) not included as part of a Risk Category 1–4 project.
- Replace infrastructure.
- Replace roof for reservoir and other structures.
- Other distribution improvements.

#### **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 completed must provide documentation as part of the application process to receive points.

Readiness to Proceed	Points
Construction Documents Complete	2
Submit regional office construction documents approval letter.	
<b>Bid Documents Complete</b> Submit regional office bid documents (specifications and drawings) approval letter.	5
Status of SEPA/NEPA Completion of SEPA/NEPA includes issuing a final determination and publishing the determination for the proposed project. Provide certified notice (affidavit of publication) and copy of final determination with application.	2
Status of Cultural and Historical Review Completion of the Cultural Review includes a final determination made and published based on the National Historic Preservation Act (NHPA) requirements with consultation documentation and final determination submitted with application. Full completion receives full allowable points with no partial points awarded for partial completion. Determinations made under Washington State Executive Order 05-05 or 21-02 are not able to be accepted in lieu of NHPA Section 106 reviews.	3
Completes Previous DWSRF Construction or DWSRF LSL Replacement or DWSRF Emergency Loan This project completes or allows continuation of a previously partially funded DWSRF construction, lead service line replacement, or emergency loan project.	4
Completes Previous DWSRF Planning & Engineering/Preconstruction Loan or Grant This project completes a previous DWSRF planning and engineering/preconstruction loan project.	2
Completes Previous DWSRF Consolidation Feasibility Study Grant	10
This project completes a previous DWSRF consolidation feasibility study grant project. At least one water system must be eliminated or restructured.	
Completes Previous DWSRF Lead Service Line Inventory Loan	2
This project replaces lead service lines identified in a previous DWSRF LSL inventory loan project.	

#### **Bonus Points**

Bonus points acknowledge how projects help communities provide clean and reliable drinking water by addressing compliance issues, consolidations, being aware of assets, water main replacement projects that coincide with other projects, or address high distribution system leakage.

**Note:** Applicants who claim the items below must provide documentation as part of the application process to receive points.

Bonus	Points
DOH awards bonus points to projects that eliminate an unresolved compliance problem. We will review our records to determine whether a system is under an active enforcement action. We award the highest point value to projects that address an active enforcement action (including DOH's departmental order, penalty, or bilateral compliance agreement, or federal administrative order, or stipulated penalty). We award the lowest point value to projects that	Highest: 5
eliminate an existing or potential problem that would place the system out of compliance, or eliminate a red, yellow, or blue operating permit related to infrastructure (when the water system is not subject to an active enforcement action).	Lowest: 2
Consolidation and Restructuring We award bonus points to projects that result in restructuring or consolidating (eliminating) Group A or B water systems. We will give 10 bonus points for each system the project restructures or eliminates, with no limit to the amount of bonus points allowed. Points will be given for a single consolidation or restructuring.	Unlimited
Attend Asset Management Training  If a representative from the water system participated in an asset management or GIS for asset management training provided by DOH, RCAC or other technical provider between September 1, 2021, and November 30, 2024, you are eligible for a bonus point. To receive the point in this category, you must provide the training date, location, title, and sponsor information along with the name(s) of staff who attended the training (one point per system).	1
Asset Inventory  To receive maximum points in this category, you must provide an asset inventory that includes the 6 elements as follows: the list of water system assets, condition of assets, criticality of assets, useful life, replacement priority of each asset, and replacement cost of assets. See <a href="Appendix H">Appendix H</a> for an example. Partial points will be given for inventories that do not include each element listed above or inadequately address the elements.	1-6
Water Main Replacement Projects that Coincide with Other Infrastructure Projects (Smart Projects) Water main replacement projects that coincide with a transportation improvement project, fish passage barrier removal project, sewer main replacement, or other infrastructure projects will receive bonus points. Provide documentation of the other infrastructure project and construction schedule.	5
<b>Green Projects</b> Project addresses distribution system leakage (DSL) above 10 percent, reduces pumping or treatment costs, or results in reduced energy consumption. Provide quantitative evaluation describing how the project contributes to overall reduction in water loss, is ranked on asset management plan and reduces treatment and/or energy costs.	5

# **Disadvantaged Community Points**

Communities that meet the definition of a disadvantaged community (DAC) under WAC 246-296 and criteria outlined in <u>Appendix B</u> may receive additional points.

Projects are considered serving a DAC when:

- When a water system serves residential connections and is owned or operated by a federally recognized tribe.
- The service area of a proposed project within a public water system where the project will result in water rates that are more than one and one-half percent of the median household income of the service area
- Or when 50 percent of a project location is within census tract(s) that meet at least one
  of the Washington Tracking Network (WTN) Criteria, including:
  - Where 50 percent of project location is in census tract(s) ranking of 7 or more for the federal funding friendly Environmental Health Disparities (EHD)
  - Where 50 percent or more of project location is in census tract(s) ranking 7 or more for the federal funding friendly Social Vulnerability Index (SVI)
  - Where 50 percent or more of project location is in census tract(s) where more than 30 percent of the population is below 185 percent of the federal poverty level.

A water system only has to meet one of the criteria to qualify as disadvantaged, but meeting multiple criteria may result in additional points.

Disadvantaged Community Criteria	Points
Meets 3 WTN criteria or a Federally-	
Recognized Tribal Community serving	10
residential connections.	
Meets 2 WTN criteria	6
Meets 1 WTN criteria	3

# **APPENDIX B: Disadvantaged Communities**

Disadvantaged Communities (DAC) are a qualifying service area of a project serving residential connections within a public water system that is disproportionately impacted by economic, health, and environmental burdens. Potential qualifying areas will be assessed by indicators including but not limited to population served, social vulnerability, environmental health disparities, or economic hardship. Projects verified as serving disadvantaged communities are eligible for loan subsidy, though loan principal forgiveness is not quaranteed.

#### Public water systems are considered serving disadvantaged communities when:

- The system is owned and operated by a federally recognized tribe serving residential connections.
- The service area of a proposed project within a public water system where the project will result in water rates that are more than one and one-half percent of the median household income of the service area or;
- When 50 percent of a project location is within census tract(s) that meet at least one of the below Washington Tracking Network (WTN) Criteria:
  - Federal Funding Friendly\* Environmental Health Disparities (EHD) ranking of 7 or more.
  - o Federal Funding Friendly\* Social Vulnerability Index (SVI) ranking of 7 or more.
  - Population living below 185 percent of the federal poverty level\*\* is greater than 30 percent.

DWSRF developed a <u>DAC Mapping Tool</u> to allow public water systems to make a preliminary estimation if their project area may be considered a DAC under the WTN Criteria only (water systems serving tribal communities are not mapped, as data is not available). Final DAC determination is made by SRF staff based on the project area submitted by the applicant. Qualification as a DAC does not guarantee project funding or subsidy in the form of loan principal forgiveness. Subsidy amounts and applicability will be determined by SRF staff utilizing the established subsidy criteria.

<sup>\*</sup>The EHD and SVI ranks are provided by the WTN. The "Federal Funding Friendly" rank is adjusted from the primary <u>WTN maps</u>, omitting indicators related to race and ethnicity from the calculation to comply with federal laws related to funding allocation. <u>Data source can be found here</u>.

<sup>\*\*</sup>The percent of the population living below 185 percent of the federal poverty level is provided by the WTN, via the U.S. Census. <u>Data source can be found here.</u>

# Appendix C: Federal Crosscutters, State Laws, and Related Publications

#### **Related Publications**

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

Infrastructure Investment and Jobs Act, of 2021 Pub. L. 117-58

# **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 Tackling the Climate Crisis at Home and Abroad, Executive order 14008

#### **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 and 21-02, 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

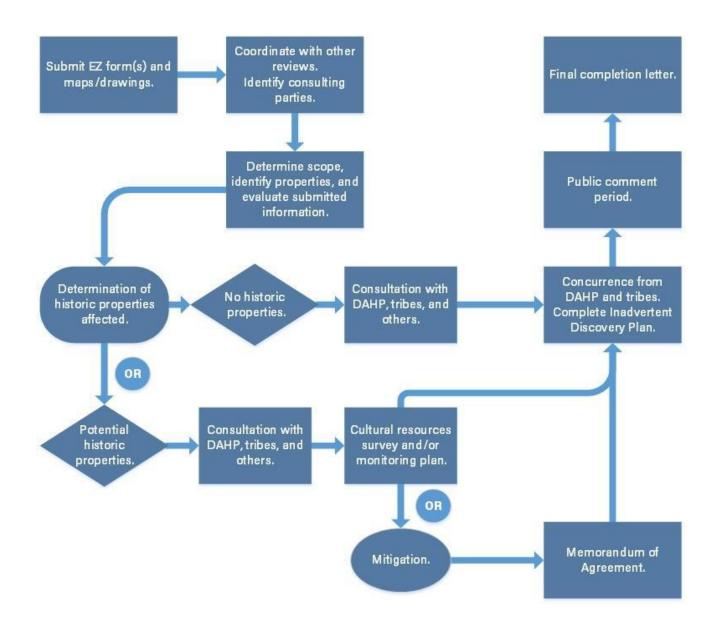
Chapter 246-294 WAC, Drinking Water Operating Permits

Chapter 246-295 WAC, Satellite System Management Agencies

Chapter 246-296 WAC, Drinking Water State Revolving Fund

Title 173, Department of Ecology Rules

# **Appendix D: Cultural Review Flow Chart**



# **Appendix E: Build America, Buy America Requirements**

DWSRF construction projects must comply with the Build America, Buy America (BABA) provisions. Projects started prior to May 14, 2022, may be exempt. Visit the <u>EPA website for more information on the BABA requirements</u> and the waiver process.

As of the publish date of these guidelines, the Office of Management and Budget (OMB) has not issued implementation guidance on BABA requirements. Please refer to the website above for the most up to date information.

If you have additional questions on these requirements, please contact Mike Copeland at Michael.Copeland@doh.wa.gov or 360-236-3083.

# **Appendix F: Seven Steps for Your Investment Grade Energy Audit**

- Investigate all areas of energy and water use in your water system that coincide with your DWSRF scope of work.
- Identify systems (processes and buildings) with sufficient consumption to make significant savings possible. You must be able to pay back the cost of the savings within six years—otherwise it is not considered cost effective for our DWSRF process.
- Use all available information to determine the theoretical energy requirement and actual energy consumption of those systems. Available information includes half-hourly data, gas and fossil fuel use profile, degree-day heating and cooling data, water consumption, building structure, occupancy, location, ventilation and internal dissipation, natural light, and production data.
- Determine the energy efficiency of each system component. Divide the theoretical energy requirement by the actual energy consumption.
- Identify all significant viable energy and carbon reduction opportunities within the inefficient systems, which may require the use of energy analyzers, data-loggers, and other measuring equipment. This may involve:
  - o Checking the combustion efficiency of all significant combustion plants.
  - Assessing standing and other losses.
  - Investigating the operation and capabilities of any Building Energy Management Systems.
  - Considering the scope for building fabric improvements and the resulting opportunities for the specification of smaller and thus more cost-effective plants.
  - Identifying where additional management effort should be directed, the measures necessary for improving staff performance, and additional submetering, and other related matters.
- Analyze the potential of renewable energy opportunities and technologies.
- Report on all of the above. Provide an accurate assessment of the potential energy and carbon reductions along with details of the specific measures required for implementation, illustrative costs, and payback periods. Keep your report in your files for future audits. You do not need to submit a copy, but keep a copy available for requests.

For guidance on how to proceed with a preliminary audit, or to learn more about this requirement, contact Department of Enterprise Services Energy Program Manager Roger Wigfield at 360-407-9371 or <a href="mailto:roger.wigfield@des.wa.gov">roger.wigfield@des.wa.gov</a>.

# **APPENDIX G: Example Asset Inventory**

To receive bonus points for having an asset inventory, the following information is required:

- List of water system assets.
- Age of assets.
- Expected life of the assets.
- Criticality.
- Level of service.
- Replacement costs.

<u>Rural Community Assistance Corporation</u> (RCAC) developed an <u>Excel Asset Inventory Worksheet</u> you can download and use to submit this information. For support with the worksheet please contact RCAC directly at 509-867-6636 or 916-447-2854.

# **Column 1: Asset and Description**

List your water system assets here. Assets to list include pumps, wells, storage tanks, pipes, treatment facilities, and vehicles.

#### **Column 2: Installed Date**

Enter the date you believe the asset was first put into service.

#### **Column 3: Estimated Effective Life**

Enter the expected life of the asset in years in this column. For this spreadsheet, the condition rating is applied (entered into Column 4 of this spreadsheet) to determine the calculated remaining life of the asset.

The table below may help you estimate the expected life of an asset. You can also get information on the life of an asset from equipment operating manuals, water systems operators, or vendors.

Acces Toma	Average Effective	A A Toma	Average Effective
Asset Type	Life (Years)	Asset Type	Life (Years)
Intake Structures	40	Lab Monitoring Equipment	5–10
Wells/Springs	40	Tools & Shop Equipment	10
Chlorination Equipment	7–10	Office Furniture	10
Small Motors	10–15	Computers	5
Storage Tanks	60	Vehicles	10
Pumps	10-15	Civil Structures	75
Pipe	60–90	Electrical Motors (Large)	30
Valves	20–30	Electrical Panels	20–25
Backflow Devices	15–20	Controls	15–25
Meters	10–15	Building Assets	60
Hydrants	30–45		

# **Column 5: Criticality**

Each asset must include a criticality number to receive bonus points for having an asset inventory. Criticality depends on the impact to the water system if the asset is not available. The RCAC spreadsheet uses the following critical numbers.

Critical Number	Description
1	The water system will essentially shut down if this component fails. This asset has no backup and is so important that an emergency plan must be in place as well as funding to replace it. Example: Single well pump failure; single reservoir failure; anything that could cause a violation of the Safe Drinking Water Act.
2	This asset would have a serious impact on the water system if it failed; however, procedures could fix the problem within a reasonable time. Example: Two wells and primary well pump fails; electrical components in panels fail: backflow assembly did not pass testing; key pipe failure that could be repaired; single chlorinator failure; pressure reducing valve failure.
3	The condition of this asset causes continued unnecessary operational costs to your utility. Examples: Deteriorating buildings, equipment and rolling stock; leaks in piping; old and worn-out electrical equipment.
4	This asset's condition or failure may cause inconvenience to customers via reduced service, outages, or minor taste or odor complaints. Examples: Excessive leaks, valves frozen partway closed, hydrants not working so flushing cannot be done; poor billing program.
5	These assets have been in service for a long time and their condition may not be well known. Evaluation recommended to determine what may be needed.

# **Column 9: Replacement Cost**

Each asset must have a replacement cost provided.

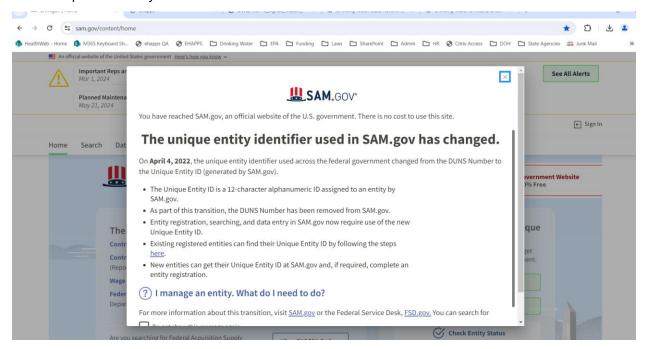
If you have questions on this spreadsheet or how to develop an asset inventory, please contact your regional planner. You are not required to use the RCAC spreadsheet to receive bonus points and we will accept the information in any format.

# **APPENDIX H: Example Good DWSRF Application**

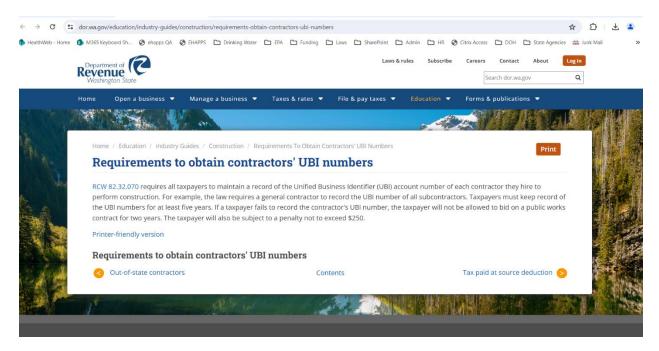
In order to have a complete application, the following information is required.

# **Applicant Organization Information**

- Applicant Organization is the entity that will sign the loan agreement if awarded funding.
- Water System Name and System ID: name and identification number of the water system where the project is located. If this is a consolidation, this should be the name and ID number of the receiving water system.
- Obtain a Unique Entity Identifier from <u>SAM.gov</u>. It is a number that allows you to do business with the federal government. This registration must be renewed (for free) every year. Provide the expiration date. It can take weeks to get an UEI assigned to your entity so start this process early.



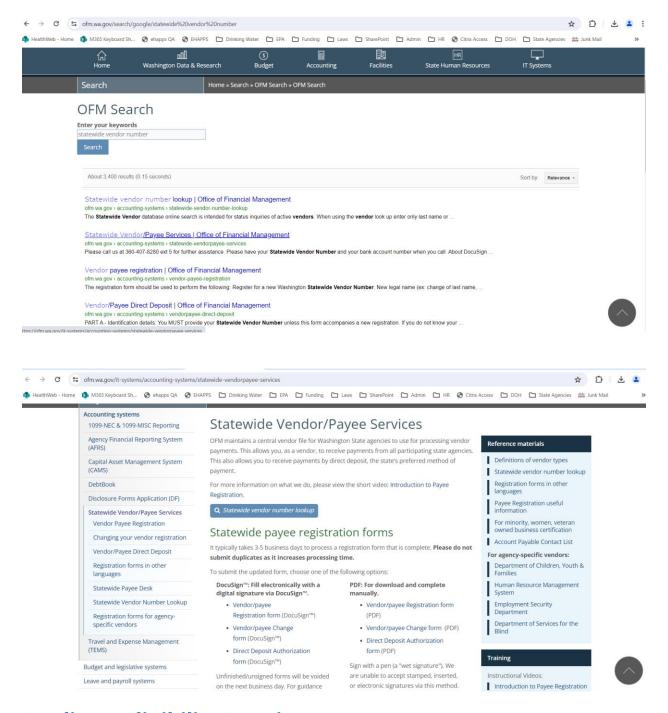
• Obtain your Unique Business Identifier (UBI) number from the <u>Washington State Department</u> of Revenue. It is a nine-digit number that allows you to do business in Washington State.



Obtain your Statewide Vendor number from the <u>Washington State Office of Financial</u>
 <u>Management</u>. This number allows you to receive funding reimbursements from the
 Washington State Department of Health.



- o Search for Statewide Vendor Number in the search box.
- Select Statewide Vendor/Payee Services | Office of Financial Services in the results



# **Applicant Eligibility Requirements**

- For the WSP or SWSMP approval letter, upload a PDF copy of the signed letter from your regional office.
- For the WSP or SWSMP page that talks about the project, upload PDF of **just the pages** that has the project description and your capital improvement plan table. **DO NOT UPLOAD THE ENTIRE PLANNING DOCUMENT.**

- For source projects or consolidations, provide the water right documentation. Upload a PDF copy of the water right certificate, superseded certificate, or permit. Or documentation that your source is a permit exempt well. Additional documentation may be needed: letter from the Department of Ecology or Record of Examination. The application or the change application is NOT proof you have been granted a water right or permission to expand the water right. If this is a consolidation, upload a letter or email from Ecology identifying the water rights to be incorporated into the consolidation.
- The applicant must have access to the site during the life of the loan and the life of the asset, not just during construction. Upload documentation showing ownership, lease agreement, long term easement (perpetual easements are preferred), or franchise agreements. Construction site permits are NOT sufficient control.
- Outstanding audit findings: If the applicant has no outstanding findings on the most recent audit, the answer is YES. If your answer is NO, please contact <a href="Michael.Copeland@doh.wa.gov">Michael.Copeland@doh.wa.gov</a> to determine if your audit findings disqualify you from funding.

# **Project Information**

- Project Name: A good project name is relevant to what is being constructed.
  - If you are going to name the water tower for a previous mayor: Judy Dench Water
     Tank
  - For a water main replacement, use the main roadway: 45<sup>th</sup> Avenue Southeast Main Replacement.
- Brief Project Description:

* Brief Project Description (Max 500 Words)	

500 words left

- o Identify what is going to be constructed (well, source intake, tank, booster station, water main, etc.) for the entire project.
- o Identify what the DWSRF loan (engineering design, permits, bid documents, construction, DOH review fees, service meters, etc.) will pay for. If your project will be co-funded with other state, federal, or local funding, including state or congressional appropriation, identify the parts the DWSRF loan will fund. It MUST include a construction component. Include a short description of any compliance issues in the past five years (how many boil water notifications, number of contaminant

#### GOOD SMALL PROJECT EXAMPLE

Water system tank is at end of its expected life and undersized. We have traced E. coli to the tank requiring disinfection. We will construct a new 300,000-gallon concrete tank next to the existing tank. Then demolish the existing tank.

exceedances, number of water outages, distribution system leakage above 30 percent, etc.). The scope of work is developed from this description in the application.

- What is the actual project?
- Must select one project source and treatment, tank replacement, or main replacement.
- What will be paid for by DWSRF?
- Provide the legislative and congressional districts for where construction will occur.
- Project Site Street Address: Identify the lot address or parcel number or nearest street address. Identify the main roadway for water main projects. Ensure the latitude and longitude provide the correct location in Google Maps. It is recommended you upload a map of the location. Please zoom out enough to see landmarks such as roads, rivers, and neighborhoods.
  - Location should be where the construction will occur—surface water intake, storage tank, water treatment plant, or booster station, etc.
  - If location is main line replacements or lead service line replacements, select a location that identifies the street or streets where the work will be completed.
- Main focus of the project: Identify the main reason for the project.
  - o If you are upgrading the surface water intake and building a new water treatment plant due to compliance, the focus will be Construction-Treatment.
  - o If you are building a new surface water intake and building a new water treatment plant, the focus will be Construction-Source.
  - o If you are drilling a new well that includes the construction of a water treatment plant, the focus will be Construction-Source.
  - o If you are acquiring another water system and constructing a reservoir to meet the

Our source is contaminated requiring disinfection. We need to treat for manganese. Distribution lines need to be replaced. A previous board repaired the storage tank and well pump 15 years ago. Most of our customers are on fixed incomes.

POOR PROJECT EXAMPLE

#### GOOD LARGE PROJECT EXAMPLE

We are installing PFAS at all five wellfields. This project will pay for bid documents, permitting, DOH review fees, and construction for treatment at Wellfield 2. We received a Public Works Board loan and a state appropriation for engineering design, site development, SEPA, and public engagement.

- demands of the water system, the focus will be Restructuring/Consolidation/Receivership.
- o If you are drilling a new well and building a reservoir with a booster station somewhere else in the distribution system, submit TWO separate applications. The focus of the well application will be Construction-Source. The focus of the reservoir and booster station will be Construction-Transmission & Distribution.
- Actions proposed to address public health concerns: select all the portions of the project.
- Indicate if the project is for restructuring/consolidation/receivership. Describe the final outcome of the project. Identify who will own the water system. Identify if the water system will be a stand-alone/satellite water system or physically connected to another water system. Describe the compliance issues that will be addressed.
  - Upload any signed transfer of ownership agreements or bills of sale.
  - Upload any court orders for receivership.
- Indicate if the project addresses a compliance issue identified in a letter or email sent by DOH. Indicate the type of documentation received from DOH.
  - o Upload the compliance document, DOH letter, or DOH email.
- Indicate if the project will address an exceedance of an MCL, secondary MCL, action level, or 80 percent of the nitrate or arsenic MCL.
  - Indicate which contaminants. You may select more than one if the project will address exceedances of multiple contaminants.
- Indicate if a treatment technique was issued by DOH. Indicate which rule(s) were violated.
- Indicate if the project will address a water shortage due to a declining aguifer.
  - Upload well static water level measurements.
  - Upload water conservation and water saving measures. Mandatory water conservation is preferred over voluntary conservation. Provide the volume of water saved since implementing the conservation measures.
    - Identify if and how many service meters were replaced or installed. Identify previous water main replacement projects to reduce leakage.
    - Identify water fixture rebates.
- Identify if water meters are installed on all existing sources and services. All source water projects will require installation of source meters. Water main or lead service line replacement projects will require installation of service meters.

#### **Readiness to Proceed Points**

- Indicate if construction documents or bid documents have been approved by the regional office. Upload the approval letters. Bid documents are **REQUIRED** FOR ALL PROJECTS funded by DWSRF, including water main projects, **before you go out to bid.**
- Indicate if SEPA has been completed. Upload the final determination letter. This must be completed before you may issue notice to proceed.
- Indicate if the cultural and historical review process has been completed per Section 106 of the National Historic Preservation Act requirements. Upload the final determination letter.
   Completing the process following the Governor's 21-02 process will only be awarded partial points. This process must be completed before you may issue notice to proceed.
- Indicate if the project received previous DWSRF funding. Provide the loan or grant application number.

#### **Bonus Points**

- If a restructuring or consolidation project, list the names and ID numbers of the water systems to be acquired.
- If your staff has attended asset management training since September 1, 2021, list the name of each staff member along with the location and date of the training.
- If you have an asset inventory spreadsheet, upload it. We recommend using the <a href="RCAC Asset Inventory spreadsheet">RCAC Asset Inventory spreadsheet</a>. If your asset inventory is located in your planning document, upload ONLY the pages with the inventory. You will receive a point for each of the six elements provided in your inventory: list of water system assets, age of assets, expected life of the assets, replacement cost of assets, condition of the asset, and criticality.
- Smart Projects are water main replacement or relocation projects that coordinate with other projects to use the dig-once approach. Other projects include but are not limited to fish passage barrier removal, transportation improvements such as Complete Streets, and sewer main replacement. Provide documentation of the other infrastructure projects along with expected construction schedule.
- Green Projects are projects that reduce distribution system leakage that is above 10 percent, reduces pumping or treatment costs, or reduces energy consumption. Upload calculations showing expected water, treatment, or electrical savings based on industry standards.

#### **Financial Information**

Identify the various activities to be paid for by the DWSRF loan. PLEASE NOTE: all construction projects funded by DWSRF MUST submit bid documents (specifications and drawings) to the regional office for review and approval PRIOR to going out to bid. Engineering report, planning document, and bid document reviews require DOH review and approval fees per WAC 246-290-990. Include construction cost contingency from 10 percent to 20 percent.

- Indicate if you have received or applied for funding from other local, state, or federal agencies or direct appropriations from state legislature or congress. If you have spoken to an elected official or their staff about direct appropriations/Community Grants, provide the name of the legislator, senator, or Congress person and the amount requested.
- If your water system is a not-for-profit/nonprofit corporation serving a non-community (NTNC or TNC) water system, upload a copy of your federal nonprofit certification.
- List the reserve accounts held by your water system and the amount in each reserve account.

#### **Managerial Capacity**

- Identify if you have all board positions filled. If not, do you have a plan in place to fill any vacancies? Vacancies should be filled within six months.
- Well managed water systems have regular board meetings. Annual association meetings are good for water customers, but the association board should meet more frequently such as quarterly or monthly.
- Your governing body (board, officers, owner) is required to approve the submittal of the application for the specified project and proposed funding amount. The water system may delegate application submission to a water system officer, employee, consultant, or technical assistance provider.
  - o Upload the meeting minutes that approve the submission of the application.

### **Technical Capacity**

- Identify how many certified water operators you are required to have to manage your water system. You may be required to have:
  - Water Distribution Specialist (WDS)
  - Water Distribution Manager (WDM)
  - Water Treatment Plant Operator (WTPO)
  - Water Distribution Manager and Water Treatment Plant Operator
  - o None
- Indicate if all your required positions are filled.
  - Provide the names and certification numbers for all your certified operators on staff or contracted.
- Indicate if you will need to hire or contract new or additional operators upon project completion. If you are building your first treatment plant for filtration, you will need to hire/contract a WTPO and a backup WTPO.
  - o If the answer is yes, upload the proposed staffing plan. Identify how many primary operators and how many back up operators you plan to hire or contract with.
- Operations and maintenance records should be kept and available for review by the water system board, staff, customers, local public health, and the state Office of Drinking Water.

• Complete the table with the number of active residential connections, active commercial connections, other or vacant connections, and total number of connections – current and expected growth for the next five years.

#### **Financial Capacity**

- Complete the water rate table for the average residential monthly rate per connection. If you do not know what the average water usage is for your system, you can use indoor residential water usage of 2,000 gallons (267 cubic feet) per month. Provide the current rates and expected rate increases for the next five years. Your rates MUST cover operational expenses, this loan repayment, other loan repayments, emergency reserves, and any other required reserves. If your rates do not cover all expected expenses, you will be asked to raise your rates as part of the loan agreement.
- Indicate if an income survey has been completed. For DWSRF consideration, the study must be approved within the past 12 months.
- Indicate if water rates will be increased to repay this loan.
- Indicate if adopted, or to be adopted, water rates included this expected DWSRF loan repayment. If yes, provide the date the new rates take effect. Upload the meeting minutes that adopted the rate increase.
- Provide the annual revenue water rates are expected to generate.
- Provide information about your outstanding debt, open lines of credit, and any overlapping debt with other entities.
- Indicate if you are able to raise the water rate to meet the loan repayment. You must be able to cover operational expenses, loan repayments, and emergencies.
- Indicate if there is a pending motion or resolution to limit the water system's ability to raise water rates or use revenue to repay the loan.
- Indicate if you have experienced financial distress due to a natural disaster.
- Indicate if you have received technical assistance. Technical assistance could be board development, operator recruitment and training, helping you with the funding application, income survey, planning documents, or engineering design. Identify the technical assistance provider:
  - Rural Community Assistance Corporation (RCAC)
  - Evergreen Rural Water of Washington (ERWOW)
  - Small Communities Initiative (SCI)
  - Celerity
  - Engineering Consultant paid by DOH
- Indicate if technical staff helped you complete this application.
  - o If yes, indicate what items they help you with:
    - Asset Management Training
    - Rate Setting

- Assistance Completing Applications
- Income Survey
- Other identify the activities provided.
- Identify all your water system experienced in the last five years.
  - Indicate if the water system was involved in any lawsuits or pending litigation exceeding \$10,000. If yes, upload a statement from your lawyer describing the lawsuit.
  - Indicate if any company assets have been sold.
  - o Indicate if you plan to sell any company assets.
  - Indicate if the water system is under any regulatory or court compliance order.
     Upload the order.
- Indicate if the water system will consolidate with another system or change ownership before the loan is paid off.

# **Privately Owned Water Systems**

- Provide contact information for three references you did business with over the past year.
- Credit report authorization for all parties responsible for the debt obligation.
- Upload tax returns for the last three years.
- Upload a copy of bank statements ending December 31 for the last three years.
- Upload a copy of bylaws and article of incorporation.

# **All Applicants**

- Certify you have not defaulted on any loan payment in the past.
- Upload balance sheets for the past three years and the current year.
- Upload the book asset details or fixed asset inventory list with depreciation schedule.
- Upload the income statements for the last three years and the current year.
- Ensure you have uploaded your **adopted** rate schedules for the past three years, current year, and the future five years.
- Upload EZ1 form with map of the project location(s) to be used for the cultural and historical review.