

**State of Vermont**  
**Adopted Intended Use Plan for the Drinking Water**  
**State Revolving Fund**  
**Federal Fiscal Year 2011**

**Prepared By**  
**Drinking Water and Groundwater Protection Division**  
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## **1. Introduction**

The 1996 Amendments to the Safe Drinking Water Act (SDWA) established the Drinking Water State Revolving Fund (DWSRF). The State of Vermont's allotment for the DWSRF is \$9,418,000 for Federal Fiscal Year (FFY) 2011. This money can be used for a wide variety of activities, including public water system infrastructure improvements, source water protection, and water system management enhancements.

The SDWA requires that each state prepare an Intended Use Plan (IUP) each fiscal year that details how the DWSRF money will be used. Once the IUP has undergone public comment, it is submitted along with other supporting documents to the regional United States Environmental Protection Agency (EPA) office. These various documents comprise the capitalization grant request for the DWSRF. While a wide variety of state agencies are involved in the process, the Drinking Water and Groundwater Protection Division (DWGWD) of the Department of Environmental Conservation (DEC) is responsible for preparing and submitting all of these documents. The DWGWD is also responsible for the implementation of the various policies and procedures that are followed as part of the DWSRF, including the assurances and certifications contained in the capitalization grant request.

This preliminary draft intended use plan is for FFY11 federal funding of \$9,418,000, a state match of \$1,883,600, and available loan repayment and fund interest. Information is also provided on prior years' funds and progress in meeting short- and long-term goals in the biennial report.

## **2. Short and Long Term Goals**

### **2.1. *Short Term Goals and Objectives***

1. Secure the State's fifteenth capitalization grant to finance improvements for public water systems.
2. Administer a DWSRF program for projects that have been determined to be the highest priority to address contamination issues that pose the most serious risk to human health.
3. Provide loans to assist eligible public water systems listed in the IUP and priority list for projects to ensure compliance with the SDWA requirements and maintain and/or improve drinking water quality.
4. Provide loans to municipally owned and privately owned non-profit community water systems with populations of fewer than 10,000 people for conducting feasibility studies, preliminary engineering and final designs for water system improvements.
5. Provide loans to municipalities for purchasing land or conservation easements in order to protect public water sources and ensure compliance with drinking water regulations.
6. Promote capacity development by completing infrastructure improvement plans for small community water systems and schools through contracts.
7. Actively promote and pursue funding for all eligible systems, especially systems serving disadvantaged communities and systems with populations of fewer than 10,000 (small systems) that do not have adequate technical, managerial, or financial resources to come into or maintain compliance, and to provide safe drinking water.
8. Ensure that at least 15% of the DWSRF Project Fund Account provides loan assistance to

small systems on an annual basis.

9. Continue the Vermont Source Water Protection Program.
10. Provide effective program management and resources to ensure the integrity of the DWSRF.
11. Coordinate DWSRF activities with enforcement activities of the State and EPA.
12. Continue implementation of the statewide strategy to improve capacity for existing public water systems and assure capacity for new public water systems.
13. Use DWSRF set-aside funding to provide the additional resources required to manage the Vermont Drinking Water Program.
14. Continue programs to encourage participation of small water systems in the loan program.
15. Integrate Green Infrastructure funding into the DWSRF Program in accordance with federal guidelines.

## **2.2. Long Term Goals and Objectives**

1. Through effective management, provide a self-sustaining funding program that will assist public water systems in achieving compliance with the SDWA, maintaining the public health objectives of the SDWA, and ensuring the public has safe drinking water.
2. Maintain the fiscal integrity of the Drinking Water State Revolving Fund (DWSRF) and comply with generally accepted government accounting standards to assure continuance of loan funds for future generations.
3. Provide funding assistance to eligible public water systems for eligible projects associated with the improvement and maintenance of water treatment, storage and distribution facilities, and for consolidation or interconnection of water systems to improve service or develop capacity.
4. Use set-asides to improve source water protection and assessment efforts by providing technical and financial assistance.
5. Continue to update, develop, and implement administrative rules and guidance for carrying out the DWSRF program.
6. Continue to update, develop, and implement the capacity development strategy for existing systems.
7. Continue providing operator training by DWGWPD staff and through grants and/or contracts with third party technical assistance providers.

## **3. Public Participation**

The Drinking Water and Groundwater Protection Division recognizes that public participation and the persistent cultivation of stakeholder interests is an integral element in the development of an effective program. The public participation component in the development of this IUP is a continuation of previous comprehensive efforts. Public meeting locations are handicapped accessible. The DWGWPD will continue to cultivate and encourage public participation in the development of the IUP. In brief, the procedure for public participation in the development of this IUP included the following notifications and meetings. Copies of the public participation documents are in Section 8.

### ***3.1. Notification of Application Form Availability***

Initial notification by postcard (see Section 8.1) to apply for inclusion in the 2011 Projects Priority List (PPL) was sent out in November 2011 to all Vermont public water systems, consultants, and other stakeholders. The postcard also provided notice for the public meeting on the IUP, the deadline to file a PPL application, and information on how to access the application form on the Drinking Water and Groundwater Protection Division (DWGWPD) website. The application form and attached instructions state that information provided by applicants will be used to make preliminary determinations on project eligibility; project priority; water system financial, administrative, and technical capacity; and to determine loan lending rates consistent with federal and state legislation. Completed PPL applications were due by January 20, 2012. The public notice also informed applicants that the public meeting would be conducted by the DWGWPD in order to obtain public comment on the PPL and all other elements of the IUP.

### ***3.2. Direct Contacts***

Throughout the year DWGWPD staff made contact with the most needy and high priority water systems to encourage them to apply to be included in the PPL. Contacts were made via on-site visits and by phone. Additionally, water systems are routinely directed to the DWSRF by other DWGWPD staff, such as staff conducting sanitary surveys.

### ***3.3. Public Meeting Notices***

In early February 2012, an email notice and draft PPL was sent to all systems that have applied and their consultants. Applicants were asked to review their respective information in the draft PPL and check it for accuracy. Applicants were encouraged to attend the IUP meeting. The meeting notice was also posted on the DWGWPD website.

### ***3.4. Public Meeting***

The public meeting was held March 12, 2012 in the Pavilion Auditorium in Montpelier, Vermont and was attended by 14 people including the presenters.

### ***3.5. DWGWPD Website Posting***

The draft IUP was posted on the DWGWPD website prior to the public meeting and replaced on the website with this adopted IUP.

## **4. Financial Matters**

### ***4.1. State Match Provisions***

Under the provisions of the Safe Drinking Water Act Amendments of 1996 [Section 1452(e)], each State is required to deposit in the DWSRF an amount equal to at least 20% of the total amount of the capitalization grant. This amount must be deposited on the date of, or before, receiving federal payments under the capitalization grant agreements. The State of Vermont's Capitalization Grant request for FFY11 is \$9,418,000; therefore, the amount of state match funds required is \$1,883,600. The state match will be provided with funds appropriated through the Vermont State Capital Construction and State Bonding Act No.40 of 2012.

An additional one-to-one state match is also necessary for the State Program Management Set-aside. This match can be an in-kind match for money spent on PWSS work in FFY93 and FFY11 in excess of the required PWSS match. No more than 50% of the in-kind match can come from the FFY93 money. The State of Vermont has preliminarily determined that \$680,792 of excess state match was spent on PWSS programs during FFY11. Additionally, \$519,208 of FFY93 state match funds have been previously approved by EPA as eligible to use towards the one-to-one state match for the Program Management Set-aside. The total credited match is therefore \$1,200,000 for the state program management set-aside. The State of Vermont will submit documentation to EPA together with the Program Management Set-Aside workplan on the state match funds based on PWSS FFY93 and state expenditures during FFY11.

## **4.2. Funding Breakdown**

The State of Vermont will have a total of \$11,301,600 in new funds for the FFY11 DWSRF Program, consisting of \$9,418,000 in federal funds and \$1,883,600 in state match. This amount is to be divided between set-aside activities and loans for water system facility improvements. Additionally, revolving fund interest earnings, loan repayments and uncommitted prior year revolving loan funds will be used to fund construction projects on the 2011 PPL, which is currently projected to total \$5,553,234.

### **4.2.1. Set-asides**

The State of Vermont does not intend to take the full amount of set-asides allowed for in the DWSRF federal rule. If all the set-asides were maximized, approximately \$2.92 million of the \$9.418 million would be allocated to them. Instead, the State is proposing to use \$2.496 million for set-aside activities, which is 26.5% of the federal grant and 22.1% of the combined federal grant and state match. More specific information on the use of the set-asides is provided in Section 6 of this IUP.

### **4.2.2. Facility Improvement Loans**

The State is proposing to spend \$14,359,064 for construction projects. This amount includes \$6,922,230 of new federal funds, \$1,883,600 of new state funds, and an estimated \$5,553,234 of carryover of prior year funds, interest, repayments, and miscellaneous income. The federal cash draw ratio for the 2011 grant will therefore be \$6,922,230/\$8,805,830, or 78.61%. The 2011 DWSRF PPL (Section 9) identifies Anticipated Loan Recipients' projects with a total estimated cost of \$14,313,543, which is sufficient to provide loans to the top 19 projects on the comprehensive list, plus 6 projects that qualify for green project reserve (GPR) funding. Note that at the current time the total estimated qualifying GPR is \$1,838,079, which is \$45,521 below the 20% threshold amount of \$1,883,600. We will therefore continue to solicit GPR-eligible projects until the threshold is met, or if necessary, request a waiver from EPA. If more loan funds become available during the course of the year, additional projects will be funded from the Comprehensive List (CL) consistent with existing bypass procedures.



### **4.3. Payment Schedule**

EPA requires a payment schedule for planning the obligation of federal funds. A federal payment is defined as an increase to the ceiling in the Automated Standard Application for Payment System (ASAP).

Each payment occurs at the beginning of a quarter with planned commitments to be made through the end of that quarter. Except for the set-aside payments taken the first quarter, loan commitments in an amount equal to each federal plus state match payment must be made within one year of the payment date, in accordance with the Safe Drinking Water Act Amendments of 1996.

Payment No.	Federal Fiscal Year		Amount
	Quarter	Date	
1	2012-3	4/1/2012 – 6/30/2012	\$2,600,000
2	2012-4	7/1/2012 – 9/30/2012	\$1,800,000
3	2013-1	10/1/2012 – 12/31/2012	\$1,500,000
4	2013-2	1/1/2013 – 3/31/2013	\$650,000
5	2013-3	4/1/2013 – 6/30/2013	\$2,868,000
Total			\$9,418,000

### **4.4. DWSRF Disbursement Schedule**

EPA requires an estimated disbursement schedule for planning the outlay of federal funds. Below is the schedule for the new funding of \$9,418,000.

Disbursement Quarter	Amount
4QFFY2012	64,569
1QFFY2013	829,772
2QFFY2013	1,433,289
3QFFY2013	1,663,005
4QFFY2013	1,931,892
1QFFY2014	2,100,364
2QFFY2014	740,874
3QFFY2014	654,235
Total	\$9,418,000

### **4.5. Criteria and Method for Distributing Funds for Improvement Projects**

A list of projects requiring loans is maintained by the Drinking Water and Groundwater Protection Division and updated annually. This list plus additional information submitted by water systems was used to develop a new PPL consisting of projects requesting loans from FFY11 funds (Section 9) using the project priority ranking system described in Section 5.

Projects with a total cost not exceeding the estimated funds available for the Priority List during this funding cycle are those projects designated with an 'F' in the 3<sup>rd</sup> column of the priority list. Projects that have a 'C' in the 2<sup>nd</sup> column of the list are continuing from a prior year's priority list and "N" indicates the project is new. These fundable projects are also referred to as "Anticipated Loan Recipients" (ALRs). Available funds will be used for the first 19 projects on the comprehensive list plus the 6 projects on the GPR list. Projects that are not ALR will be funded in priority order if funds become available during the funding cycle through the bypass procedure described in the Priority System section (Section 5.3.8) and/or if additional loan funds become available as a result of project underruns. Projects that are ready to proceed but are not in the fundable range should notify the DWGWPD in writing prior to the September 30, 2013 deadline. The ALRs are those projects with the highest ranking that comply with the following:

- Under federal requirements, at least 15% of the capitalization grant funds, or \$1,412,700, must be used for projects serving communities with populations of less than 10,000 persons. Only 3 of the 25 systems in the fundable range have a population of 10,000 or more, with less than 12% of the project funds to be awarded to these large systems and roughly 88% to be provided to small water systems.
- As required in Vermont legislation, funds for private water systems are limited to 20% of the available funds, or \$2,871,813, unless there are insufficient municipal projects ready to proceed and additional funds are available. There are currently 5 private water systems that are ALR in the amount of \$1,581,804, which is below the 20% limit.
- As required in federal law applicable to the 2011 grant, at least 30% of the federal grant shall be provided in the form of loan subsidy, or \$2,825,400 of the federal funds shall be provided in the form of grants, principal forgiveness or negative interest loans (or any combination of these). Most of the subsidy for the list of ALRs is projected to be met by providing negative interest pursuant to current program methodologies to disadvantaged communities. The aggregate negative interest is estimated to total \$2,756,466, with the balance of \$68,934 to be provided through a uniform 0.05% principal forgiveness for all loan recipients. We will manage the subsidy requirement by increasing the principal forgiveness to offset any reduction in negative interest that may arise as loans are awarded.
- As required in federal law applicable to the 2011 grant, loans totaling at least 20% of the grant amount, or \$1,883,600, shall be awarded to projects qualifying as "Green" to the extent there are sufficient eligible project applications. As noted above in Section 4.2.2, we are currently showing GPR projects totaling \$1,838,079, which is slightly below the target amount. We will continue to solicit GPR projects to achieve the 20% requirement unless and until it is determined that there are no additional GPRs ready to proceed, at which point a waiver from this requirement would be submitted to EPA.

Criteria for determining loan interest rate and term are codified in state statute. Additionally, Section 10 - Program Description includes a summary of the applicable rates and terms for the various types of loans available from the DWSRF. A preliminary loan rate determination has been made for all projects on the Priority List in accordance with federal and state requirements.

## **4.6. Disadvantaged System**

The State of Vermont recognizes the need to provide additional assistance to certain water systems beyond what the standard DWSRF construction loan program offers. The disadvantaged system program is intended to provide longer loan terms and principal forgiveness to water systems that have relatively low income and relatively high water user costs. Unlike the standard loan program, certain disadvantaged systems are eligible for debt forgiveness as a means of making a water improvement project more affordable.

### **4.6.1. Community Water System Disadvantaged Program**

A community water system is considered disadvantaged when certain conditions are satisfied. First, the municipality in which the water system is located or the users of the water system must have a median household income (MHI) below the average of the community median household incomes of the state. Second, the water system must have an annual household water user cost greater than 1.0 percent of the median household income after construction of the proposed water supply improvements, or, for municipal applicants, if the MHI is at or above the state average of community MHIs, the water system must have an annual household water user cost greater than 2.5 percent of the median household income after construction of the proposed water supply improvements. The median household income of the system will either be taken from the most recent federal census data for the municipality or be determined from the area served by the water system based upon data gathered by an independent contractor hired by the applicant water system. The water system has the option of choosing which method is used to determine the median household income, although the Secretary shall make the final determination. The cost of the independent contractor may be included in the total project cost. The user cost of the water system shall take into account the monies needed to cover the project cost, prior drinking water projects, and the estimated annual operation and maintenance costs as determined by the Secretary. Disadvantaged municipally-owned water systems and privately-owned nonprofit community water systems that have an MHI below the state average are eligible to receive assistance in the form of negative interest.

Projects will be ranked using the priority system. Based on preliminary information, estimated subsidies from the Disadvantaged System Program are included on the priority list. Disadvantaged systems are eligible to receive loans up to 30 years in length and receive interest rates between plus three (+3) percent and minus three (-3) percent. The interest rate cannot be less than that necessary to achieve a target annual household user cost of 1.0 percent of the median household income of the municipality in which the water system is located or of the users of the water system. To achieve the target annual household user cost, a mixture of debt forgiveness, standard DWSRF loan rates, and extended loan terms will be offered. First, disadvantaged systems will have the loan extended from 20 to 30 years provided that the primary funded project elements have a design life equal to or greater than the term of the loan. If this action does not achieve the target annual household user cost, the interest rate will be incrementally reduced from plus three (+3) percent to zero (0) percent for systems that have an MHI at or above the state average to minus three (-3) percent for systems that have an MHI below the state average to achieve the target rate. If a disadvantaged system's user cost still exceeds the target annual household user cost after receiving the maximum debt forgiveness, no additional loan subsidy will be granted.

The application of the disadvantaged system program will be based on the best available information when the Department of Environmental Conservation approves the loan application. All other subsidies obtained from other institutions that will reduce the project and user cost shall be considered when calculating whether a system is disadvantaged or not. Normally, the total subsidy (negative interest plus principal forgiveness) for all loans cannot exceed 30 percent of the amount of the capitalization grant in any given year, with the exception so far for the federal ARRA FFY2009, FFY2010 and this year's FFY2011 appropriations. Other than the exceptions noted above, if the full amount of subsidy is met for a given priority list, any remaining projects eligible for subsidy can either receive standard loans for that funding year or delay the project so they may avail themselves of disadvantaged program funding in the future. The Secretary shall make the determination whether to defer the project based on public health and other factors.

#### **4.6.2. School Water System Disadvantaged Program**

Public funding for schools in Vermont is controlled by the State to ensure that all Vermont children have equal access to resources for education through high school. The complicated system of state wide property tax, property tax rebates and local school district property tax sharing requirements make all municipally owned school water systems equally disadvantaged and discouraged from making needed water system improvements. All municipally owned public school water systems are eligible for loan principal forgiveness under the disadvantaged program.

Projects are ranked in accordance with the priority system. Loans for water system improvements to schools have a maximum term of 20 years and an interest rate of 3%. To make school system water projects more affordable, up to \$25,000 of the principal of a construction loan may be forgiven when the following conditions are met:

- 1) The system demonstrates capacity;
- 2) The system is in compliance with the Vermont Water Supply Rule including any temporary operating permit or other compliance schedule;
- 3) A Department of Environmental Conservation construction permit has been obtained and all conditions of the construction permit satisfied;
- 4) Competitive procurement procedures in accordance with ANR requirements were followed; and
- 5) A Professional Engineer or ANR staff has verified the completed work.

More detailed guidance on eligibility and procedures is provided in a Drinking Water and Groundwater Protection Division Guidance Document. The standard ANR procedures for obtaining a loan must be followed and the system will not be eligible for principal forgiveness if the applicable 30% limit on loan subsidies has been reached by projects higher on the priority list, except as for projects funded off this year's priority list, the ARRA FFY2009 and FFY2010 lists.

#### **4.7. Financial Status of Drinking Water State Revolving Fund**

As part of the Intended Use Plan, states must report on the financial status of their DWSRF. The first capitalization grant was awarded September 30, 1997 and the projected status of the fund at 7/1/2012, excluding ARRA 2009, is as follows:

Projected Loan Award Transactions SFY2012	Loan Awards	Total Loan Funds	Federal Funds	State Match Funds	Fund Interest	Repayments and Misc.
Cumulative Awards at 6/30/11	(104,455,493)					
Available Balance at 6/30/11		23,039,692	7,536,050	2,322,945	2,011,933	11,168,763
FFY10 Grant and State Match		12,690,755	9,976,155	2,714,600		
Available Balance at 7/1/2011		35,730,447	17,512,205	5,037,545	2,011,933	11,168,763
Transactions 7/1/11 to 3/31/12						
Funds Received		3,102,835			3,456	3,099,379
Net Loan Awards	(10,291,357)		(7,262,720)	(1,461,075)	0	(1,567,563)
Transactions 4/1/12 to 6/30/12						
Projected Funds Received		344,877			975	344,532
Projected Loan Awards	(22,423,904)		(10,249,486)	(3,576,470)	0	(8,597,948)
Cumulative Awards and Available Funds 7/1/11 thru 6/30/12	(32,715,261)	39,178,159				
Carryover Available for FFY11 PPL Projects and Contingency		6,462,897	0	0	2,016,363	4,446,534
Reserve for Contingency		909,663			(909,663)	0
Carryover for FFY11 PPL		5,553,234			1,106,700	4,446,534
FFY11 Federal Grant and State Match		8,805,830	6,922,230	1,883,600		
Total Available Funds for FFY11 PPL Projects		14,359,064	6,922,230	1,883,600	1,106,700	4,446,534

Actual Plus Anticipated Funding Commitments by Priority List	
FFY 1997 Priority List	\$12,490,858
FFY 1998 Priority List	\$5,046,384
FFY 1999 Priority List	\$6,330,532
FFY 2000 Priority List	\$7,982,165
FFY 2001 Priority List	\$9,718,091
FFY 2002 Priority List	\$9,135,730
FFY 2003 Priority List	\$8,837,405
FFY 2004 Priority List	\$11,093,662
FFY 2005 Priority List	\$6,333,942
FFY 2006 Priority List	\$9,985,705
FFY 2007 Priority List	\$7,637,842
FFY 2008 Priority List	\$11,010,001
FFY 2009 Priority List	\$15,144,611
FFY 2010 Priority List	\$17,780,817
FFY 2011 Priority List	\$14,359,064
<b>Total Funding Commitments</b>	<b>\$152,886,809</b>

Note: Commitment amounts for any given fiscal year's PPL are subject to change until all loans for that year are closed out and amounts final.

<b>Admin Fee Account</b>	
Fund Balance 7/1/11	\$1,324,612
Fees Received 7/1/11 thru 11/1/2011	\$117,589
Additional Fees Projected thru 6/30/12	\$400,000
Fund Balance Projected at 7/1/12	\$1,842,201

<b>Total Loan Program Funds Projected at 7/1/12 – Excludes ARRA 2009 Funds (Obligated + Unobligated)</b>			
	<b>Federal</b>	<b>State</b>	<b>Total</b>
FFY 97 CAP Grant	\$10,399,392	\$2,511,760	\$12,911,152
FFY 98 CAP Grant	\$5,505,827	\$1,424,260	\$6,930,087
FFY 99 CAP Grant	\$6,045,972	\$1,492,760	\$7,538,732
FFY 00 CAP Grant	\$6,241,580	\$1,551,400	\$7,792,980
FFY 01 CAP Grant	\$5,856,754	\$1,557,820	\$7,414,574
FFY 02 CAP Grant	\$6,264,100	\$1,610,500	\$7,874,600
FFY 03 CAP Grant	\$6,593,314	\$1,600,820	\$8,194,134
FFY 04 CAP Grant	\$6,391,744	\$1,660,620	\$8,052,364
FFY 05 CAP Grant	\$6,394,868	\$1,657,100	\$8,051,968
FFY 06 CAP Grant	\$6,129,679	\$1,645,860	\$7,775,539
FFY 07 CAP Grant	\$6,031,592	\$1,645,800	\$7,677,392
FFY 08 Cap Grant	\$5,925,927	\$1,629,200	\$7,555,127
FFY 09 Cap Grant	\$5,747,505	\$1,629,200	\$7,376,705
FFY 10 Cap Grant	\$9,976,155	\$2,714,600	\$12,690,755
FFY 11 Cap Grant	\$6,922,230	\$1,883,600	\$8,805,830
<b>Subtotals</b>	\$100,426,639	\$26,215,300	\$126,641,939
Cumulative Interest Earnings Projected at 7/1/12			\$1,682,000
Cumulative Loan Repayments Projected at 7/1/12			\$25,472,511
Miscellaneous Income Projected at 7/1/12			\$23
Additional Repayment Funds Anticipated during SFY13 for FFY11 Projects			
<b>Total Project Funds</b>			<b>\$153,796,473</b>
Admin Fee Account Projected at 7/1/12			\$1,842,201
<b>Total Funds</b>			<b>\$155,638,674</b>

If loan repayments and fund interest earned during this funding cycle exceed the amount currently projected, additional projects on the FFY11 PPL may be funded. Additional information on funding will be included in our biennial report.

See Section 9.3 for a list of fund commitments for all pending loan approvals for prior years' projects.

#### **4.8. DWSRF and CWSRF Transfer**

The Safe Drinking Water Act Amendments of 1996 (Section 303) allow a state to transfer up to 33% of the DWSRF capitalization grant from the DWSRF to the Clean Water State Revolving Fund (CWSRF) or an equivalent amount from the CWSRF to the DWSRF. This transfer is at the Governor's discretion. Vermont does not intend to transfer any money between these funds, although the right is reserved to do so at a later date.

## **5. Priority Ranking System**

The State of Vermont will continue to use a point system to prioritize the order in which eligible water supply projects that are ready to proceed will be financed. To be eligible, projects must maintain or facilitate compliance with the drinking water regulations or further the protection of public health, or qualify for the Green Project Reserve (GPR). The projects must also be needed and the proposed type, size and estimated cost of the project must be suitable for its intended purpose. Additionally, the water system must have or will have the technical, financial and managerial capability to operate the system in compliance with federal and state law and the system must not or will not be in significant noncompliance with the regulations. Projects on the list should anticipate needing the estimated funding during the next year. Projects will be phased if appropriate. Projects for final design are expected to submit a loan application together with a draft engineering services agreement prior to October 1st of the following year. Projects requesting construction funds are expected to advertise for bids prior to the October 1st deadline.

Priority in funding will be given to projects that address the most serious risk to human health, are necessary to ensure compliance with the requirements of the Safe Drinking Water Act (SDWA) and the Vermont Water Supply Rule (WSR), and assist systems most in need according to State affordability criteria. Examples of projects that might meet these goals include repairing or replacing aged infrastructure (e.g., install or replace/upgrade treatment, storage, or transmission facilities), water system restructuring such as consolidation of systems, or management changes to ensure technical, managerial, and financial capabilities of the water utility. Projects not eligible include operation and maintenance costs, future growth, fire protection, and laboratory fees for monitoring.

A separate list of qualifying GPR projects will be established in the adopted PPL to meet the 20% target to the extent we find sufficient eligible projects. Elevated priority will be given to those projects that are recognized as categorically green.

Municipal projects to purchase land or conservation easements for the purpose of protecting public drinking water supplies and planning projects are also prioritized using this system. Separate priority lists will be maintained for each of the loan types.

### **5.1. Priority Ranking System Scoring Criteria**

There are seven criteria used to prioritize projects. The criteria used will be determined based on the loan fund used to fund the project. Criteria one through five and seven (Section 5.1.1 through Section 5.1.5 and 5.1.7) will be used for the Revolving Loan Construction Fund and Planning Loan Fund and criteria 3 through 6 (Section 5.1.3 through Section 5.1.6) for the Source Protection Loan Fund.

The priority ranking system scores projects based on information submitted by water systems and from information in the DWGWPD files. The seven criteria are:

1. System facility deficiencies to be corrected by the project (a weighting factor of 1.2 is applied for eligible schools and childcare facilities).
2. Physical consolidation of water systems.
3. Financial need/affordability.

4. Population.
5. Downtown center preference.
6. Source protection (only applies to Source Protection Loans funded thru the LASRF).
7. Security improvements.
8. Green project or green project component.

Priority points assigned to projects are computed in the manner described below. Projects to extend existing water systems or develop new water systems to replace contaminated non-public water sources are assigned points based on documented information on water facilities serving a majority of the homes to be served. Points for such projects are only awarded for System Facility Deficiencies (Criteria 1, Section 5.1.1) and must satisfy the EPA requirement of addressing significant threats to public health.

#### **5.1.1. System Facility Deficiencies**

The points assigned to each required improvement reflect the relative public health risk and compliance concern of the deficiency being corrected. Points are awarded for the deficiency corrected by the project that addresses the highest health risk and compliance concern, and represents a significant portion of the total project cost. The Secretary may phase projects for priority scoring purposes when more than one deficiency is being corrected, the associated costs of correcting each deficiency is significant, and the relative public health risk and compliance concern of the deficiencies are significantly different. A weighting factor of 1.2 will be applied to the system facility deficiency category for qualifying schools and childcare facilities, because the people served by these types of facilities are considered to be at higher risk. Priority points are awarded for the following deficiencies:

	<b>Deficiencies</b>	<b>Points</b>	<b>Description</b>
A	Microbiological Contaminated Source	120	Project will replace a documented contaminated source.
B	Contaminants above MCL	120	Project will correct a deficiency resulting in water being delivered to consumers exceeding an MCL. This project may be a new source, replacement of contaminated equipment, piping, or treatment.
C	Unapproved source of water	110	Water system is routinely using a non Drinking Water and Groundwater Protection Division permitted water source that requires a boil water or do not drink advisory. The project may include a new source or approval of the existing unapproved source.



	<b>Deficiencies</b>	<b>Points</b>	<b>Description</b>
D	Action level above DOH and DEC established levels of concern for eight chemicals (benzene; carbon tetrachloride; vinyl chloride; dibromochloropropane (DBCP); 1,2 dichloroethane; 1,2 dichloropropane; hexachlorobenzene, and tetrachloroethylene)	100	Points will also be awarded for other chemicals when DOH expresses a similar level of concern. Project may include new source, treatment or removal of contamination source.
E	Inadequate filtration performance	100	Documentation of inadequate performance should be available. This deficiency applies to filtration to control microbiological contamination or treatment to reduce an MCL contaminant. Inadequate filtration or other equipment to control secondary contaminants does not meet this criterion.
F	No treatment under influence of surface water	95	These points are awarded in those instances when a source has not been determined to be microbiologically contaminated; a) applies in those cases.
G	Inadequate chlorination or disinfection facilities	95	These points would be awarded to projects where water systems are required to continuously disinfect and maintain chlorine contact time. A project to provide equipment, controls or storage for the contact time could receive these points.
H	Daily or routine water shortages	95	These shortages should require either water conservation measures by customers, water hauling or use of an emergency source.
I	Lack of standby disinfection facilities	90	These points could be awarded for all community and non-transient non-community (NTNC) water systems without these facilities.
J	Finished storage vulnerable to contamination	90	These points could be awarded to correct a deficiency such as a reservoir with a leaking roof or within a building that is not insect or rodent proof.

	<b>Deficiencies</b>	<b>Points</b>	<b>Description</b>
K	Lead and Copper corrosion control	80	These points may be awarded for treatment systems needed to correct lead and copper corrosion control problems.
L	Contamination below MCL	80	These points may be awarded if the project is being undertaken to treat or eliminate contamination of a regulated contaminant below an MCL.
M	Seasonal water shortages	70	These points may be awarded if a water system experiences water shortages seasonally requiring hauling or water conservation measures. Improvements may include new source, increases in pump sizes or mains or treatment facilities, or replacement of leaking water mains.
N	Routine pressure below 20 psi in distribution system	70	Points may be awarded if pressure falls below 20 psi regularly on a weekly basis. Project may include storage, pumping, source, distribution or transmission facilities.
O	Source vulnerable to PSOCs	60	Points will be awarded if project is being undertaken to eliminate potential sources of contamination of a water source.
P	Pressure under 20 psi during fire flow	60	Points may be awarded if pressures will drop below 20 psi in the distribution system during system expected fire flows. Project may involve storage, transmission, pumping or distribution facilities.
Q	Redundancy of critical components	50	Points may be awarded if project will provide redundant facilities such as pumps, sources, storage or treatment facilities.
R	Iron, manganese, and other secondary contaminants	50	Points may be awarded if project will eliminate or minimize secondary contaminant problems. Project may involve replacement of piping, treatment facilities or new source.
S	Inadequate finished storage construction	50	Points may be awarded to replace or repair storage facilities. Routine operation and maintenance costs are not eligible.

	<b>Deficiencies</b>	<b>Points</b>	<b>Description</b>
T	Inadequate transmission main	40	Points may be awarded to repair or replace transmission mains. Routine operation and maintenance costs are not eligible.
U	Inadequate finished storage capacity	40	Points may be awarded to provide additional storage capacity.
V	Inadequate pumping facilities	30	Points may be awarded to replace or repair pumping facilities. Routine operation and maintenance costs are not eligible.
W	Lack of reserve capacity	30	Points may be awarded to provide system reserve capacity recommended by the Water Supply Rule. Project may include source, pumping, transmission mains or treatment facilities.
X	Inadequate cross-connection control	30	Points may be awarded to correct existing or potential cross-connection problems.
Y	Inadequate distribution facilities	20	Points may be awarded to replace or repair distribution facilities. Routine operation and maintenance costs are not eligible.
z	Inadequate backwash	20	Points may be awarded to correct inadequate back wash facilities. Projects may include pumping, storage, and backwash disposal facilities.
aa	Routine distribution pressure below 35 psi	20	Points may be awarded if project will correct distribution system pressures below 35 psi. Project may include pumping, storage, or distribution facilities.

### **5.1.2. Physical Consolidation of Water Systems**

The physical consolidation of small water systems is a major factor in the capability of small systems to protect public health and comply with Safe Drinking Water Act regulations. The following points will be awarded to projects that consolidate systems. Higher points are awarded to projects that will have a greater positive impact on compliance and protecting public health. Points are awarded for only one of the four sub-criteria. Points for this criterion are not awarded for projects primarily intended to extend existing or create new water systems.

<b>Description (points received for 1 of the 4 areas only)</b>	<b>Priority Points</b>
Consolidation of interconnection of community system lacking capacity	20
Consolidation or interconnection of community system	15
Consolidation or interconnection of NTNC systems	10
Consolidation of interconnection of TNC systems	5

### **5.1.3. Financial Need/Affordability**

Affordability only considers income because it is the most fundamental predictor of a household's ability to pay and is represented by the median community household income statistic. Affordability is based on a comparison of state community median household income (SCMI) to the median household income (MHI) of the water system or of the town(s) in which the system exists. The SCMI figure is \$54,647 (\$38,394\*1.04<sup>9</sup>) based on the 2000 federal census and inflated 4% per year beginning with the FFY 03 priority list. For water systems that encompass more than one town, the MHI is based on the weighted number of household connections in each town if the MHI is to be based on town figures. The formula for affordability involves first dividing the community water system MHI by the SCMI (\$54,647), and then multiplying this figure by one hundred (100) to yield a percentage. Different percentage brackets are then assigned points. Points for this criterion are not awarded for projects primarily intended to extend existing or create new water systems.

<b>Affordability (Community MHI/SCMI x 100 = X)</b>	<b>Priority Points</b>
X < 60	35
60 < X < 70	25
70 < X < 80	15
80 < X < 90	10
90 < X < 100	5
100 < X < 120	2
X > 120	0

### **5.1.4. Population Criteria**

Priority points will be assigned to the system based on population. Small systems are generally at a disadvantage because of economies of scale (affects ability to do physical improvements, improve system capacity, etc.); projects for small systems have a greater impact on protecting public health and compliance with regulatory requirements than projects for larger systems.

<b>Population</b>	<b>Priority Points</b>
25 to 100	20
100 to 200	15
200 to 300	10
300 to 500	5
500 to 3300	3
> 3300	0

The point values for population will be multiplied by a factor of 3 for the set-aside planning loan fund to give higher priority to small systems. Population used for assigning points will be total population served including seasonal population. Populations for unserved areas will be total estimated population of the geographical area to be served. Points for this criterion are not awarded for projects primarily intended to extend existing or create new water systems.

#### 5.1.5. Downtown Area Preference

The points assigned for this factor will give minimal priority to projects that improve service to designated downtown areas.

<b>Downtown Area Preference</b>	<b>Priority Points</b>
Project improves service to a designated downtown area	5

#### 5.1.6. Source Protection Loan – Land Purchase or Conservation Easement

Sources must have an approved hydrogeologically delineated Source Protection Area and an approved Source Protection Plan prior to loan approval.

- a. Land location points are not additive. Points for the highest applicable improvement are counted.

<b>Land Location</b>	<b>Priority Points</b>
Project achieves isolation zone control	40
Project achieves primary recharge zone control	10

- b. Potential Sources of Contamination (PSOCs) addressed. Points are not additive, and are awarded for the highest applicable improvement.

<b>PSOCs addressed</b>	<b>Priority Points</b>
Project addresses microbiological PSOCs	20
Project addresses nitrate PSOCs	15
Project addresses primary inorganic or organic PSOCs	10

#### 5.1.7. Security Projects

Projects receiving technical points “a” through “aa” above will be awarded the following additional points if the project includes security improvements.

<b>Security Projects</b>	<b>Priority Points</b>
Project is strictly a security improvement project.	20
Points may be awarded if project includes security improvements to water system infrastructure. Project may include fencing and gates, alarm and detection systems, lock systems or other security type improvements necessary for critical infrastructure protection.	5

### **5.1.8. Green Projects**

Projects will be awarded the following additional points if the project or a component of the project is an eligible “green” project.

<b>Green Projects</b>	<b>Priority Points</b>
Project is recognized as being categorically green per EPA guidance.	20
Project is not recognized as categorically green per EPA guidance and requires a business case to be developed.	5

### **5.2. Refinancing of Existing Facilities**

The DWSRF construction loan program may be used to buy or refinance municipal debt including all obligations for DWSRF eligible projects. Under federal law, privately owned systems (both profit and nonprofit) are not eligible for refinancing. The long-term debt must have been incurred and construction must have started after July 1, 1993 to be eligible for refinancing. The use of DWSRF funds are intended to be first directed at proposed projects that address ongoing compliance problems or public health risks.

State legislation allows for loans to systems that incurred debt and initiated construction after April 5, 1997 at interest rates and terms comparable to those for new projects. Projects that have initiated or completed construction in accordance with DWSRF environmental and procurement requirements will receive priority ranking using the procedure described for new projects for the next two annual priority lists compiled following the initiation of construction. All other applications to refinance existing debt or fund completed construction will not be considered.

### **5.3. Construction Loan Fund Priority List**

The fund provides construction loans to municipalities and certain privately-owned water systems for planning, design, construction, and repairing or improving public water systems to comply with State and Federal standards and protect public health. The projects that are ready to proceed in the Federal fiscal year October 1 - September 30 are assigned points in accordance with the Priority Ranking system scoring criteria. Project funding is based on priority score and the following considerations:

#### **5.3.1. Projects Partially Funded in Prior Year**

Projects that received partial funding from the construction loan fund in the current state fiscal year are placed at the top of the priority list. If there is more than one such project, priority order of these projects will be determined by priority score. Partial funding includes final design and/or partial construction. Planning and feasibility study loans are not considered partial funding. The water system must have submitted a loan application and Drinking Water and Groundwater Protection Division funding commitments must be made prior to July 1st to receive this consideration; projects that have received in excess of \$6.0 million for construction costs are not eligible.

### **5.3.2. Commingling of New Projects with Continuing Projects**

At the Department's discretion, Continuing projects will be commingled with new projects receiving technical priority points in the categories a., b., and c. listed in Section 5.1.1, i.e., for a microbiological contaminated source, 120 points; contaminants above MCL, 120 points; and unapproved source of water, 110 points, respectively. New projects with technical points in one of these three categories will be commingled with continuing projects based on the total amount of points available for the project. The projects will be funded in priority order.

### **5.3.3. Tie Breaking Procedure**

When two or more projects score equally under the project priority system, the higher total score under the system facility deficiencies criteria will be used as a tiebreaker. If the projects are still tied, the system serving the lowest population will be given priority.

### **5.3.4. Amendments**

The state revolving fund priority list may be amended up to twice a year to consider updated or new information from water systems that have already been identified and ranked through the priority system public participation process and are listed on the Comprehensive Project Priority List. Amendments to the priority list will only affect the ranking of eligible projects; projects will not be removed from the Anticipated Loan Recipient category. A public participation process will be followed for any amendments to the priority list.

### **5.3.5. Funding Cap**

All three loan funds have maximum annual funding limits. No more than the following amounts of funds available in any given year can go to a single project, except when there is a surplus of funds, or when the Secretary specifically approves an exception.

<b>Loan Fund</b>	<b>Funding Cap</b>
Construction Loan Fund	\$2,000,000
Source Protection Loan Fund	\$200,000
Planning Loan Fund	\$100,000

### **5.3.6. Bypass System**

It is the intention of the state of Vermont to adhere to the priority list to the maximum extent possible. However, there are certain funding limits that could result in changes to the list. Also, the state recognizes that some systems may not be ready to proceed or emergency events could occur that would necessitate systems being bypassed in a given funding year. Anticipated Loan Recipients with a total cost of projects that does not exceed the estimated funds available during the fiscal year are identified in the Intended Use Plan.

### **5.3.7. Bypassed Projects**

Bypassed projects in any given year may be eligible for funding in the next funding year. The projects will be considered for the following year's project priority list. Updated information on project plans and scheduling will be required. Projects that will be bypassed will receive formal written notification in advance of being bypassed.

Programs funded under the technical assistance and the local assistance set-aside will be used to assist bypassed systems with pre-project activities required for project approval and funding.

### **5.3.8. Bypass Mechanisms**

#### **5.3.8.1. Small Water Systems**

A minimum of 15 percent of the DWSRF monies must go to systems serving fewer than 10,000 persons. Meeting this minimum funding requirement should not be a problem in Vermont since all but eight systems serve a population of fewer than 10,000 people. However to ensure compliance with this item, the projects on the list serving more than 10,000 people will be bypassed in any given year by the highest priority projects serving fewer than 10,000 people as necessary to meet the 15% funding requirement for the Anticipated Loan Recipients.

#### **5.3.8.2. Private Water Systems**

A maximum of 20 percent of the available funds can go to privately owned water systems. If necessary, privately owned water system projects on the list will be bypassed to comply with the 20% limitation for Anticipated Loan Recipients.

#### **5.3.8.3. Financial Capacity or Readiness**

Systems that have not demonstrated financial capacity (e.g., positive bond vote) or are not ready to proceed (i.e., do not meet schedules approved by the Department of Environmental Conservation such as feasibility and engineering studies, final design, construction or signed agreements) may be bypassed in any given funding year. In general, projects requiring bond votes with fund commitments will be bypassed if there is not a positive bond vote by March 2013. When projects not meeting the eligibility guidelines are bypassed, the highest priority projects not identified as Anticipated Loan Recipients will become eligible for funding, utilizing the monies made available. In general, new funding commitments will not be made after September 30<sup>th</sup> of the funding year. Any uncommitted funds identified after September 30<sup>th</sup> can be awarded to those projects outside the fundable range that have notified the DWGWPDP in writing prior to September 30<sup>th</sup> of project readiness and determined by DWGWPDP to meet readiness-to-proceed criteria. Such additional projects will be funded in priority order. Any remaining funds will be used to fund projects on the following year priority list.

#### **5.3.8.4. Disadvantaged Community**

When grant awards limit loan subsidy, disadvantaged communities can elect to be bypassed if they are not able to receive loan subsidy because an annual maximum has been reached, which with most grants is 30%, exceptions being the ARRA 2009, the 2010, and 2011 federal grants. The highest priority project(s) not identified as Anticipated Loan Recipients will then be selected for funding up to the dollar amount allocated to the bypassed project. Lack of funding does not alter the obligation of the bypassed system to comply with the SDWA and WSR regulatory requirements.



#### **5.3.8.5. Emergencies**

Systems either on or off the Priority List that experience an emergency resulting in an imminent and substantial threat to the public health may bypass all other projects and may be assigned top priority. Emergency additions to the Priority List will result in the lower priority projects identified as Anticipated Loan Recipients being bypassed. The number of projects bypassed will depend upon the amount of funds needed to cover the emergency. Projects that may be required to address such a health risk could involve installation of treatment facilities, construction of a new water source, or replacement of a failed system element.

#### **5.3.9. Green Project Reserve**

Over the past three funding cycles a considerable amount of DWSRF staff time has been invested in generating interest and disseminating information about the Green Project Reserve. Due to this effort we estimate that we will have a sufficient number of project applications to meet the 20% requirement. In the event we do not have enough qualifying projects, DWSRF staff will undertake a direct solicitation effort to generate applications.

The Green Project Reserve (GPR) was established in 2009 under the American Recovery & Reinvestment Act (ARRA) and has continued in 2010 and 2011 through the Drinking Water State Revolving Fund (DWSRF) base program. While energy efficiency, water efficiency, green infrastructure, and environmentally innovative projects have always been eligible under the DWSRF program, the GPR helps dedicate funding for these types of projects. For the 2011 priority list, \$1,883,600 has been dedicated (to the extent there are sufficient eligible applications) for projects or components of projects that qualify for the GPR.

In 2010 the VT DWSRF decided to focus its GPR effort on waterline replacement projects (i.e. Leaky Pipe Fund) that address significant water losses and improve energy efficiency. For the 2011 funding cycle the VT DWSRF is proposing a different approach by making a modification to the priority ranking scoring criteria to include a scoring category for qualifying green projects. The criteria have been modeled after the existing criteria for security projects. If a project or component of a project is determined to be categorically green per EPA guidance, 20 priority points will be added to the project's score. If a project or component of a project is determined not to be categorically green per EPA guidance and requires a business case to demonstrate the anticipated "green" benefits derived from the project, 5 priority points will be added to the project's score.

The purpose of the business case is to provide a well-documented justification for a project and will be used to determine eligibility for the GPR. Business cases will be reviewed by this office for completeness, accuracy and reasonableness/justification. The following section provides guidelines for developing a business case.

##### **1) Length of a Business Case**

- i) Business cases must address the decision criteria for the category of project
- ii) Business cases should be adequate, but not exhaustive.
  - (a) There are many formats and approaches. A specific one is not required.

- (b) Some projects will require detailed analysis and calculations, while others may not require more than a description and references to other relevant documents.
  - (c) Limit the information contained in the business case to the pertinent “green” information needed to justify the project.
- iii) A business case can simply summarize results from, and then cite, existing documentation – such as engineering reports, water or energy audits, results of water system tests, etc.
- 2) Content of a Business Case
  - i) Quantifiable water and/or energy savings or water loss reduction for water and energy efficiency projects should be included.
  - ii) The cost and financial benefit of the project should be included, along with the payback time period where applicable.
- 3) Items which Strengthen Business Case, but are not Required
  - i) Showing that the project was designed to enable equipment to operate most efficiently.
  - ii) Demonstrating that equipment will meet or exceed standards set by professional associations. Including operator training or committing to utilizing existing tools such as Energy Stars Portfolio Manager or CUPSS for energy efficiency projects.

**Example business cases and other relevant GPR information and guidance can be found at [www.vermontdrinkingwater.org](http://www.vermontdrinkingwater.org).**

### **5.3.10.Minor Changes to Fundable Projects**

Once a project is determined to be fundable, minor scope changes that occur during project development or during construction may be eligible without having to re-rank the project. This will be acceptable provided the project scope includes correction of the facility deficiency that was the basis for the points awarded to the project on the adopted list.

## **5.4. Planning Loan Fund**

The planning loan fund provides loans to municipalities and privately owned non-profit community water systems (other privately owned water systems are not eligible) for preparation of preliminary engineering planning studies and final engineering plans and specifications for water system improvement projects. Priority list applications for planning loans may be submitted at any time for projects that are ready to proceed. Proposed projects that are ready to proceed are assigned points in accordance with the priority ranking system scoring criteria and available funds are used to fund the projects with the highest scores. Initial funding commitments for new funding will be made based on priority list applications received on or before October 1st. Additional projects are funded in priority order as funds become available. Water systems are given 60 days to submit loan applications following notification of available funds. Additional time to submit applications based on a project schedule approved by the Drinking Water and Groundwater Protection Division may be authorized by the DWSRF Program Manager. Expenditures by the applicant prior to fund commitment by the Department are not

loan eligible. Assigning points and prioritization of planning loans will only be implemented when planning loan requests equal the current balance of unobligated funds, consisting of prior years' allocations, loan repayments plus fund interest.

#### **5.4.1. Planning Loan Forgiveness**

Under certain circumstances up to \$50,000 of the unpaid balance of a planning loan to a municipality may be forgiven by the Secretary. Potentially eligible preliminary engineering and design cost forgiveness will be determined by DEC using DEC guidance documents (Engineering Fee Allowance Curve) and the completed documented construction cost eligible for revolving loan funds. The forgiveness criteria may be modified in the future based on operating experience. Procedures and eligibility criteria for planning loan forgiveness are detailed in a Drinking Water and Groundwater Protection Division guidance document.

##### **5.4.1.1. General Eligibility Criteria**

- 1) The system must demonstrate capacity.
- 2) The system must be in compliance with the Water Supply Rule including any temporary operating permit or other compliance schedule.
- 3) The system must be current on fee payments.
- 4) A construction permit must be issued and the requirements must be satisfied including O&M manual and as-built requirements.
- 5) The loan funding agreement must be signed following the effective date of legislation authorizing loan forgiveness (June 16, 2001).

##### **5.4.1.2. Specific Eligibility Criteria**

Projects must meet at least one of the criteria below to qualify for forgiveness.

- 1) Construction of the project was completed using non-Drinking Water State Revolving Loan Funds (DWSRF) and the project did not receive other state appropriated funds for project costs.
- 2) If the project serves a small population, the maximum forgiveness shall be \$25,000. Projects for systems serving populations of 300 or fewer shall receive 100 percent of eligible forgiveness. The percent eligible for forgiveness for systems serving 300 to 500 populations shall be reduced by 0.5% for an increase of one in the design population. Systems serving populations of 500 and above will not be eligible for any forgiveness under this criterion.
- 3) User rates exceed 2% of the median household income. The amount of forgiveness will be determined by increasing the forgiveness until the 2% target, the \$50,000 maximum, or the amount of the unpaid balance is reached. The annual planning loan cost to the municipality will be determined using construction loan terms and interest rates for DWSRF funded projects.

#### **5.5. Source Protection Fund**

The source protection fund provides loans to municipalities (privately-owned water systems are not eligible) for purchasing land or conservation easements in order to protect public water sources and ensure compliance with drinking water regulations. Priority list applications for land purchase or conservation easement projects may be submitted at any time for projects that are ready to proceed. The proposed projects are assigned points in accordance with the Priority

Ranking System Scoring Criteria; projects are funded in priority order when funds become available. Water systems are required to submit a project schedule for approval by the Drinking Water and Groundwater Protection Division within 30 days of notification of available funding.

## **6. Information on Set-asides**

The State of Vermont plans to set aside \$2,495,770 (26.5%) of the Capitalization Grant for various non-construction related activities that are authorized in the Safe Drinking Water Act Amendments of 1996. These activities are often vital to water systems so that they can develop and maintain the financial, technical, and managerial capacity to run their system effectively. A portion of the set-aside money will be used to develop and implement programs within state government necessary to implement the DWSRF and the SDWA Amendments of 1996.

The SDWA provides guidance for a variety of uses of the set-aside money. The set-aside money will be placed in separate accounts outside the Project Fund. The SDWA allows for transfers between the set-aside accounts, and from the Set-aside Account to the Project Fund Account, but not from the Project Fund Account to the Set-aside Account. The set-aside amounts and Project Fund amounts are the current best estimates of the funds required to complete the programs and projects described in the IUP. Transfers of funds between accounts and projects in accordance with EPA requirements will be made as necessary to accomplish the programs and projects described and efficiently and effectively use the available funds. The SDWA limits the percentage of the capitalization grant that can be used in each of these set-asides and whether the set-aside funds can be “banked” or reserved for future use.

### **6.1. DWSRF Administrative Set-aside**

Up to 4% of the capitalization grant can be used for the DWSRF Administrative Set-aside. The full 4%, \$376,720, will be taken for the various uses described below. The maximum 4% administrative set-aside has been taken each year. Expenditures are made from the earliest fiscal year funds available. Total administrative set-aside funding awarded through August 8, 2011 (inclusive of ARRA 2009 funds) is \$5,646,340. With the award of the FFY11 funds, the total will be \$6,023,060.

The set-aside will be used to pay for approximately 1.2 FTEs within the Drinking Water and Groundwater Protection Division and fund the associated operating costs. These FTEs are responsible for the day-to-day operations of the DWSRF, including reviewing engineering contracts, ensuring that state and federal guidelines are followed, monitoring and approving funding obligations, environmental reviews, project approvals, preparation of the IUP and grant applications, preparation of reports, legislative testimony in support of the state match,

Funding from this set-aside for approximately 1.65 FTEs and associated operating costs will be utilized by the Facilities Engineering Division to support their roles in the DWSRF. Additional FTEs performing work in the DWSRF Program are funded through other sources. The Facilities Engineering Division is responsible for a variety of tasks, including, but not limited coordination/preparation of loan documents, maintaining project financial records, approving loan disbursements, completing project audits, inspections, managing loan closeouts, monitoring loan repayments, and managing compliance with Federal Cross-cutting Authorities, general program accounting.

As part of the financial administration required by Vermont Statute and federal guidelines, set-aside funds will be used for financial administration of the DWSRF. This money will go to other state agencies or authorities in accordance with Memoranda of Understandings contained in the FFY97 Capitalization Grant Application and subsequently amended. Briefly, these organizations consist of the Vermont Municipal Bond Bank, which is responsible for the overall fund and is a party to all loan awards to municipal applicants, and the Vermont Economic Development Authority, which is responsible for conducting creditworthiness reviews of loan applicants for privately-owned water systems and is a party to those loans.

## **6.2. State Program Management Set-aside**

Up to 10% of the capitalization grant can be used for the DWSRF Program Management Set-aside, plus up to the amount of authority reserved from prior capitalization grants. The state is requesting to take \$1,200,000 or the full 10% plus an additional 2.74% of the grant for the Program Management Set-aside. The State Program Management Set-aside can be used to fund a variety of SDWA required programs, including emergency support and various federal Public Water Supply Supervision programs. This year's Program Management Set-aside funds will be used to fund Drinking Water and Groundwater Protection Division personnel costs.

### **6.2.1. DWGWP Division Personnel Costs**

Amount - \$1,180,000

The money will provide funding for approximately 11.45 FTEs and associated operating costs. Duties of the FTEs include capacity development, consumer confidence report assistance, adoption and implementation of new regulations, implementation of new and existing federal rules, source water assessment and protection, planning, outreach, data management, engineering and construction supervision, compliance supervision, and other drinking water program activities.

### **6.2.2. Contract for Technical Services**

Amount - \$20,000

The DWGWPD may contract for engineering assistance to provide technical support to public water systems to attain and maintain compliance with federal regulations, with particular focus on recently promulgated federal rules such as, LT2 SWTR, Stage 2 DBP, Groundwater Rule, and the Lead and Copper Rule.

### **6.2.3. Continued Activities Using Prior Year Funds**

A number of programs described and funded under the prior IUPs are still active but do not require additional funding this year. These include Drinking Water and Groundwater Protection Division - owner/operator communications, group training and one-on-one technical assistance, Public Service Board user rate setting assistance, board member/owner's manual, consolidation assistance, emergency support, electronic permits & fees, SDWIS State, DWGWPD personnel and operating expenses. If limited additional funding is required for some of these programs, funds will be transferred between the various program management set-aside activities.

### **6.3. Small Systems Technical Assistance Set-aside**

The State of Vermont has chosen to take the allowed 2% of the DWSRF for the Small Systems Technical Assistance Set-aside and continue activities initiated with the FY 97 Capitalization Grant. The state is requesting the full amount of FFY11 funds available for this set-aside, or \$188,360. These funds will be combined with the funds remaining from previous grants to provide technical assistance to small public water systems.

#### **6.3.1. Small Systems DWSRF & Capacity Assistance**

Amount - \$100,000

The Drinking Water and Groundwater Protection Division will continue funding operator training through either grants or contracts with technical service providers. Previously, this activity was funded with Local Assistance and Program Management Set-Aside funds and we are now proposing to utilize the Technical Assistance funds for this purpose.

#### **6.3.2. Technical Assistance Contract for NTNCs and TNCs**

Amount - \$50,000

The Drinking Water and Groundwater Protection Division will continue to provide technical assistance to public non community water systems. This work will be accomplished through an engineering contract. The primary focus of this assistance is troubleshooting water treatment for TNCs.

#### **6.3.3. GPR Assistance – Energy/Water Conservation Audits**

Amount \$28,360

The Drinking Water and Groundwater Protection Division will contract with a qualified consultant or a technical service provider to conduct energy and water conservation audits of public water systems. These audits may provide the basis for subsequent loan applications for “green” projects that could potentially be included subsequent years’ Green Project Reserve.

#### **6.3.4. DWGWP Division Technical Assistance**

Amount - \$10,000

The Drinking Water and Groundwater Protection Division intends to allocate approximately 0.11 of an FTE to provide direct technical assistance to PWSs. It is anticipated that technical assistance will be part of the Division’s overall strategy for implementing the new federal ground water rule.

#### **6.3.5. Continuing Activities**

A number of programs described and funded under prior IUPs may be resumed, such as a multi-year engineering contract to provide operational troubleshooting assistance to small water systems. Additionally, we will reserve funds for possible renewal of the SRF assistance contract (services provided previously by the Vermont Rural Water Association). We will reevaluate after we have had an opportunity to judge the success of parceling out those services through several smaller scope contracts.

## **6.4. Local Assistance and other State Program Assistance Set-asides**

States are authorized to take up to 15% of the capitalization grant for this set-aside. The authorized activities under this set-aside include a land acquisition and conservation easement loan program, a voluntary source water quality protection efforts loan program, establishment and implementation of a wellhead protection program, and technical and financial capacity implementation. No more than 10% of the capitalization grant can be used for any one of these authorized activities. The State of Vermont is requesting to take \$730,690 for this set-aside, which is 7.76% of the capitalization grant.

### **6.4.1. Capacity Implementation**

Capacity implementation includes a variety of activities to support the development and implementation of technical, financial, and managerial capacity for public water systems. The Drinking Water and Groundwater Protection Division will allocate \$683,600 of the FFY11 grant to provide this assistance.

#### **6.4.1.1. Planning Loan Program**

Amount - \$542,330

The Planning Loan Program was established with FFY98 funds to make planning loans to municipally owned water systems serving populations of fewer than 10,000. The program was expanded to provide loans for both planning and final design and to authorize loans to owners of non-profit privately owned community water systems in October 2001. This program is part of the state capacity development strategy to provide assistance to small systems to conduct feasibility studies, preliminary engineering reports, and prepare final designs in order to comply with state and federal standards and protect public health. This loan program is described in more detail in the Program Description Section of this IUP and the administrative details were described in the initial workplan for this activity, which was included with the FFY98 EPA grant application.

The State of Vermont is proposing to increase available funds in this account by \$542,330. Current planning loan commitments, pending loan applications, and set-aside funding amounts are summarized on the next page.



<b>Summary of Planning Loan Set-aside Amounts</b>	
<b>Funding Year</b>	<b>Amount</b>
FFY98	\$534,195
FFY99	\$300,000
FFY00	\$200,000
FFY01	\$500,000
FFY02	\$250,000
FFY03	\$225,000
FFY04	\$225,000
FFY05	\$225,000
FFY06	\$300,000
FFY06 (Transfer from Source Protection Loan Fund)	\$400,000
FFY07	\$450,000
FFY08	\$500,000
FFY09	\$500,000
FFY10	\$1,153,705
FFY11	542,330
<b>Subtotal</b>	<b>\$6,305,230</b>
Cumulative Net Other Funds 6/30/11 (repayments, interest, miscellaneous)	\$1,995,067
Projected Repayments thru SFY12	\$500,000
<b>Total Funds Projected Received at 7/1/2012</b>	<b>\$8,800,297</b>
Total Commitments at 6/30/2011	\$4,627,599
Projected Commitments SFY12	\$1,000,000
<b>Total Commitments Projected at 7/1/12</b>	<b>\$5,627,599</b>
<b>Projected Available at 7/1/12</b>	<b>\$3,172,698</b>

#### **6.4.1.2. Capacity Positions**

Amount - \$141,270

Starting in the FFY 03 IUP, the State funded approximately 1.09 FTEs and associated costs as part of the capacity implementation program. We increased the FTEs to approximately 2.0 with the FFY 05 grant. In FFY 06, we added funding for another FTE in a temporary service position to provide direct assistance to systems with the preparation and implementation of the surface water treatment rules, with a particular focus on the Long Term 2 Surface Water Treatment Rule and the Stage 2 Disinfection By-products Rule. The SWTR position is now shown as a part-time position. FFY11 funds totaling \$141,270 will be allocated to fund approximately 1.6 FTEs and associated costs.

#### **6.4.1.3. Ongoing Capacity Activities**

Ongoing activities with prior year's funds include the Drinking Water and Groundwater Protection Division newsletter, the Source Protection Loan Program, asset management assessments contracts, engineering contracts to prepare O&M manuals, and other forms of technical assistance to public water systems.

#### **6.4.2. Wellhead Protection Program**

Amount - \$47,090

We are proposing to continue the funding of positions to implement the groundwater portion of the Source Water Protection Program. We are seeking to provide funding for approximately 0.4 of an FTE and associated costs. The funding for surface water protection activities performed by these positions is funded under the Program Management Set-aside. This program includes the review and approval of Source Protection Plans, creating and reviewing Source Water Assessments, reviewing Source Protection Plans as part of the Phase II/V waiver review process, and outreach and assistance on source protection.

#### **6.5. Summary of DWSRF Set-asides for FFY2011**

<b>DWSRF Set-asides for FFY11</b>		
<b>Set-aside (Maximum %)</b>	<b>Funds Allowable</b>	<b>Grant Request</b>
Administration (4%)	\$376,720	\$376,720
Technical Assistance (2%)	\$188,360	\$188,360
Program Management (10%)	\$941,800	\$1,200,000
Local Assistance (15%)	\$1,412,700	\$730,690
Totals	\$2,919,580	\$2,495,770

<b>DWSRF Set-asides Summary (Includes ARRA 2009 Funds)</b>					
<b>Set-aside</b>	<b>Prior Years' Funds</b>	<b>Current Year FFY11 Funds</b>	<b>Total with FFY11 Funds</b>	<b>Expended as of 3/31/2012</b>	<b>Unexpended as of 3/31/2012<sup>1</sup></b>
Administration	\$5,646,920	\$376,720	\$6,023,640	\$5,168,027	\$855,613
Technical Assistance <sup>2</sup>	\$2,523,170	\$188,360	\$2,711,530	\$1,899,363	\$812,167
Program Management <sup>3</sup>	\$10,918,367	\$1,200,000	\$12,118,367	\$9,081,131	\$3,037,236
Local Assistance	\$10,156,019	\$730,690	\$10,886,709	\$8,205,859	\$2,680,850
<b>Totals</b>	<b>\$29,244,476</b>	<b>\$2,495,770</b>	<b>\$31,740,246</b>	<b>\$24,354,380</b>	<b>\$7,385,866</b>

<sup>1</sup> Plans for use of unexpended funds are included in work plans; some of these funds are committed in grants, contracts, or loans committed to activities described in previous work plans.

<sup>2</sup> Vermont has reserved the right to take additional technical assistance funds from future grants. (ARRA FFY09 \$336,000)

<sup>3</sup> Vermont has reserved the right to take additional program management funds from future grants based on the following authorization balances from prior grants:

FFY97:	\$669,258
FFY98:	\$592,130
FFY99:	\$226,380
FFY00:	\$275,700
FFY01:	\$48,910
FFY03:	\$177,410
ARRA FFY09:	\$1,730,000
Less Prior Transfer:	<u>\$(780,505)</u>
Total:	\$2,939,283

Note 1: The above ARRA Program Management (PM) Set-aside amount is \$1,730,000, which is the sum of \$975,000 plus a transfer of \$755,000 of unexpended Project Management Set-Aside funds to the Fund.

Note 2: The FY97 banked authority was \$1,105,880, but has been reduced by \$178,422 to the amount shown to reflect amendment to the 2009 grant, which was increased by \$222,387, \$43,965 of which was within the 10% allowable from the 2009 grant.

Note 3: The FY97 banked authority is being further reduced with this IUP from \$927,458 to \$669,258 (a decrease of \$258,200) to enable increased request above the 10% limit of the FY11 Program Management Set-Aside.

## **7. Program Changes**

### ***7.1. Recent Changes Incorporating Federal Requirements***

The FFY2011 funds include several relatively new requirements which will continue to be implemented with this IUP and which are outlined as follows:

- Davis-Bacon wage rate requirements will continue to apply to all construction loans on the FFY2011 PPL. This requirement applied for the first time to the ARRA 2009 projects and was subsequently expanded to apply to all projects receiving loan awards after October 30, 2009.
- All loan recipients must obtain a D-U-N-S number prior to receiving a loan to enable the state to satisfy Federal Funding Accountability and Transparency Act (FFATA) requirements.
- 20% of the federal grant will be reserved for qualifying green projects to the extent there are sufficient eligible projects.
- At least 30% of the grant funds must be provided in the form of additional loan subsidy.
- Beginning with the ARRA 2009 Grant and continuing with the FFY2010 Grant and now the 2011 Grant, all project loans capitalized, at least in part, with these funds are entered in a national database known as Drinking Water Projects & Benefits Reporting, or PBR for short. DWSRF employees enter information into PBR following award of a loan agreement or amendment, generally on a weekly basis.

### ***7.2. Changes to the Priority Ranking System***

The priority ranking system has been modified to include a green project scoring category as outlined in section 5.1.8 of this document. Points are awarded for projects that qualify as green, but those points only apply to the Green Project Reserve portion of the Fund.

### ***7.3. Potential Future Changes***

Consideration is being given to increasing the annual cap on construction loans from the current \$2 million limit to \$3 million. This may be implemented with the adoption of the FFY2012 IUP.

## 8. Public Participation Documents

### 8.1. Request for Priority List Applications Postcard Text

#### VERMONT DRINKING WATER STATE REVOLVING FUND REQUEST FOR PRIORITY LIST APPLICATIONS

The Drinking Water State Revolving Fund (DWSRF) provides low interest loans to municipalities and certain privately owned water systems for planning, final design and construction of water system improvements that improve public health protection and facilitate compliance with the Safe Drinking Water Act (SDWA). The DWSRF is now accepting priority list applications for placement on the 2011 DWSRF Project Priority List. The deadline for **2011 priority list applications is Friday, January 20, 2012**. The priority list application and schedule for the FY2011 DWSRF Capitalization Grant can be found at [www.vermontdrinkingwater.org](http://www.vermontdrinkingwater.org) or can be obtained by contacting Bryan Redmond of the DWSRF Loan Program at 802-654-8969.

As with the 2010 funds, the 2011 grant includes a requirement to allocate 20% of the total EPA grant funds to projects that qualify under the Green Project Reserve (GPR). Qualifying projects fall into 4 categories: water efficiency, energy efficiency, green infrastructure, and environmentally innovative. If you have a project that you think may qualify or would like to learn more information about the GPR please contact Eric Law of the DWSRF Loan Program at 654-8962.

A draft priority list will be available on Friday, February 3, 2012. A public meeting to receive comments on the draft priority list and FY 2011 Vermont Intended Use Plan will be held on Wednesday, March 14, 2012 from 1:00 P.M. to 3:00 P.M. at the Pavilion Auditorium in Montpelier, Vermont. Final written comments are due by Wednesday, March 28, 2012.

The meeting will be held in a wheelchair accessible facility. Upon request, the agency will provide interpreters, listening devices, auxiliary aides or other assistance that may be necessary to make this hearing accessible to all interested parties.

If you have questions about completing the application form or the loan program in general, please contact Bryan Redmond at 802-654-8969 or by email at [bryan.redmond@state.vt.us](mailto:bryan.redmond@state.vt.us). We look forward to assisting you with your water system improvement needs.

## **8.2. Responsiveness Summary**

The following responsiveness summary lists questions and comments received during the March 14, 2012 public hearing through the public comment period ending on March 28, 2012. Some comments are edited for brevity and/or clarity.

	<b>Question or Comment</b>	<b>Response</b>
	Application received from the Town of Windsor.	The project has been added to the final priority list and has received 68 priority points.
	Application received from the East Ridge Acres Homeowners Association.	The project has been added to the final priority list and has received 90 priority points.
	Application received from Town of Hardwick.	The project has been added to the final priority list and has received 63 priority points.
	Pittsford Fire District No. 1 has requested reconsideration of the priority points awarded to their project.	This project involves connecting users currently served by a water system not in compliance with the Maximum Contaminant Level (MCL) for disinfection byproducts. The project was originally awarded 30 facility improvement points for inadequate pumping facilities but has now been awarded 120 facility improvements for a project that will correct a deficiency resulting in water being delivered to customers exceeding an MCL.

	<b>Question or Comment</b>	<b>Response</b>
	In reviewing the 2011 P-List, a commenter noted that Ascutney FD #2 is not included. Is this because the system is on the FY10 list of pending commitments. The FD is pursuing a March 6 bond vote and assuming that passes they will be utilizing the FY10 funds. Should that fail and they get bypassed for funding are they eligible for 2011 funds?	A column has been added to the pending loan commitments sheet to display the FY11 priority points associated with the project. In the event a project is bypassed from the FY10 list due to delays and an application was received for placement on the FY11 list, the project will maintain its priority ranking on the FY11 list.

## 9. Projects Priority Lists and Anticipated Loan Recipients - Construction Loans

### 9.1. Comprehensive List – New Funding Commitments

#### 2011 Drinking Water State Revolving Fund Capitalization Grant

#### Comprehensive Project Priority List, May 1, 2012

**Total Available Funding: \$14,359,064**

Priority Points	Funding Type	Funding Status	WSID	WS Name	Pop.	Project Description	Loan Amount	Rate	Term	Cumulative Total
138	C	F	VT0005228	PROCTOR WATER DEPT	2000	Improvements include comprehensive source, storage, treatment, and distribution system improvements to address system deficiencies associated with disinfection byproducts and substandard water pressure.	\$1,638,224	-2.00%	30	\$1,638,224
133	C	F	VT0005212	CASTLETON FIRE DISTRICT 1	1940	Construction of a new water storage tank, water main replacement, construction of new transmission main loop connecting South Street with Sand Hill Road.	\$300,000	-3.00%	30	\$1,938,224
126	C	F	VT0006624	PUTNEY SCHOOL	310	Water system upgrades including new booster pump station, replacement of water storage tank, centralized disinfection and water softening, centralized water system controls and upgrades to the distribution system.	\$200,000	3.00%	20	\$2,138,224
118	C	F	VT0005170	BRADFORD VILLAGE WATER SYSTEM	1512	Construction of new water storage tank, building replacement and mechanical improvements to existing well pump station, water distribution system improvements, and improvements to the Fairground Road booster system.	\$1,887,500	-3.00%	30	\$4,025,724
80	C	F	VT0005198	GREENSBORO FIRE DISTRICT 1	421	Water main replacement, services, hydrants and gate valves and improvements to the water storage tank.	\$123,500	-2.67%	30	\$4,149,224
162	N	F	VT0005648	PITTSFORD FIRE DISTRICT 1	69	Project consists of connecting Pittsford Fire District No. 1, Proctor Pittsford Country Club and eight Corn Hill residences to the Town of Pittsford's municipal water system including upgrade of the District's booster pump station.	\$225,000	-2.05%	30	\$4,374,224
149	N	F	VT0005199	GREENSBORO BEND FIRE DISTRICT 2	55	Extension of water main to serve the Four Seasons of Early Learning School and chlorine contact pipe construction to address contact time issues.	\$135,000	3.00%	23	\$4,509,224
140	N	F	VT0005240	HEMLOCK RIDGE CONDOMINIUM	63	Water system upgrades including raw water radium treatment, replacement of water storage tank and installation of flushing valves on distribution mains.	\$192,500	3.00%	20	\$4,701,724



140	N	F	VT0005115	EAST BERKSHIRE WATER COOP	184	Water system upgrades to address significant deficiencies in the system as identified in the 2010 sanitary survey.	\$418,254	3.00%	20	\$5,119,978
140	N	F	VT0005229	RUTLAND CITY WATER DEPT	18500	Construction of treatment process and associated filtration facility modifications to reduce DBP's from the City's slow sand filtration process.	\$1,000,000	3.00%	20	\$6,119,978
133	N	F	VT0020704	SOUTHERN VERMONT COLLEGE	560	Project to construct chlorination systems for existing water systems servicing Southern Vermont campus.	\$700,000	3.00%	20	\$6,819,978
132	N	F	VT0005653	DEER CREEK CONDOMINIUMS	274	Installation of radium treatment and pump station to pump backwash water from the treatment system to the adjacent North Branch Fire District No. 1 wastewater collection and treatment facility.	\$71,050	3.00%	20	\$6,891,028
128	N	F	VT0006727	MIDDLETOWN SPRINGS SCHOOL	120	Modifications to the existing water storage tank and pumping upgrades.	\$21,000	3.00%	20	\$6,912,028
123	N	F	VT0005106	CANAAN FIRE DISTRICT 1	970	Treatment system improvements for disinfection and sequestering, source improvements, water main replacement, and storage improvements.	\$1,500,000	-3.00%	30	\$8,412,028
120	N	F	VT0021202	BERLIN MUNICIPAL WATER SYSTEM	0	Construction of a new municipal water system to serve the Berlin Corners area.	\$2,000,000	3.00%	20	\$10,412,028
110	N	F	VT0005176	WELLS RIVER WATER SYSTEM	490	Improvements to the existing water storage tank, replacement of existing water meters, and water main replacements including a river crossing.	\$250,000	3.00%	20	\$10,662,028
110	N	F	VT0005298	BELLOWS FALLS WATER DEPT	3700	Project includes final design for installation of a source control valve vault, isolation valves and a meter manhole on the lower Saxton's River crossing, a water distribution system master meter and improvements to the raw water intake as recommended in the December 16, 2011 Water System Evaluation Report by Dufresne Group.	\$689,500	-3.00%	30	\$11,351,528
108	N	F	VT0020964	SOUTH ALBURGH FIRE DISTRICT 2	25	Phase I improvements consisting of transmission and distribution mains from Alburgh Village along West Shore Road to the Isle Lamotte Bridge.	\$173,936	3.00%	20	\$11,525,464
108	N	F	VT0005310	WILMINGTON WATER DIST	1400	Water system upgrades in order to comply with Long Term Enhanced Surface Water Rule, several requirements identified in recent sanitary survey, and the need to address a recent test that exceeded the Lead and Copper Rule limits.	\$950,000	0.74%	30	\$12,475,464
105	N	NF	VT0005268	SUGAR RUN ASSOCIATION INC	197	Lining to the existing water storage tank, replacement of existing booster pumps, replacement of four hydropneumatic tanks, and the installation of a corrosion control system.	\$65,000	3.00%	20	\$12,540,464
98	N	NF	VT0005084	RICHMOND WATER DEPT	1000	Construction of chlorine contact facilities at the existing well site as well as cleaning or replacement of existing gravel pack well screen.	\$130,000	3.00%	20	\$12,670,464

98	N	NF	VT0005566	BARRE TOWN WATER SYSTEM	1210	Construct system modifications to maintain adequate chlorine residual in the Millstone Storage Tank.	\$30,000	3.00%	20	\$12,700,464
92	N	NF	VT0005261	CABOT TOWN WATER SYSTEM	250	Install 4,600' of water main and appurtenances to connect residents in Lower Cabot to the Town of Cabot water system to eliminate private water supplies that have been contaminated by an active hazardous waste site.	\$450,000	3.00%	20	\$13,150,464
90	N	NF	VT0005220	EAST RIDGE ACRES	95	Project will address system wide low pressure deficiency.	\$150,000	3.00%	20	\$13,300,464
80	N	NF	VT0005204	NEWPORT CENTER WATER SYSTEM	330	Development of a new municipal well to address water shortages.	\$100,000	3.00%	20	\$13,400,464
80	N	NF	VT0005130	ST ALBANS WATER DEPT	9956	Improvements to the South Reservoir.	\$1,200,000	3.00%	20	\$14,600,464
78	N	NF	VT0005139	GRAND ISLE FIRE DISTRICT 4	1063	Construction of an additional water filtration unit, integration of new filter into the plant control system, and update the control system to provide better security, process control and water flow/finish water quality record keeping.	\$500,000	3.00%	20	\$15,100,464
75	N	NF	VT0005132	SWANTON VILLAGE WATER	4394	Construction of new 16" transmission main from Robin Hood Drive to the existing storage reservoir and upgrade of distribution pipelines on Fourth and Second Street.	\$1,500,000	3.00%	20	\$16,600,464
75	N	NF	VT0005333	SPRINGFIELD WATER DEPT	9800	Replacement of existing mains to correct low system pressure issues.	\$500,000	3.00%	20	\$17,100,464
75	N	NF	VT0021207	KILLINGTON GATEWAY I CONDO ASSOC INC	68	Replacement of existing below grade facility with a new booster pump system controlled by variable frequency drives, disinfection system, and new water storage tank.	\$100,000	3.00%	20	\$17,200,464
75	N	NF	VT0005070	HINESBURG WATER DEPT	2010	Connection of the Lyman Meadows water system with the Hinesburg water system.	\$300,000	3.00%	20	\$17,500,464
73	N	NF	VT0005084	RICHMOND WATER DEPT	1000	Construction of new cast in place reservoir to provide domestic use and fire protection.	\$1,400,000	3.00%	20	\$18,900,464
70	N	NF	VT0005045	ST JOHNSBURY WATER SYSTEM	5000	Replacement of three 1.0 mgd clarifier filter units.	\$1,925,000	-3.00%	30	\$20,825,464
68	N	NF	VT0005084	RICHMOND WATER DEPT	1000	Install new water main under the river of higher on the Bridge St. Bridge	\$193,000	3.00%	20	\$21,018,464
68	N	NF	VT0005341	WINDSOR WATER DEPT	3300	Construction of a standby LP gas fired generator to provide backup for the Town's well pump.	\$350,000	3.00%	20	\$21,368,464
65	N	NF	VT0005254	BARRE CITY WATER SYSTEM	14000	East Cobble Hill Road water main replacement.	\$1,050,000	-3.00%	30	\$22,418,464
63	N	NF	VT0005084	RICHMOND WATER DEPT	1000	Construction of water main upgrades and appurtenances on Browns Court.	\$225,000	3.00%	20	\$22,643,464
63	N	NF	VT0005084	RICHMOND WATER DEPT	1000	Construction of water main upgrades and appurtenances on East Main St.	\$440,000	3.00%	20	\$23,083,464

63	N	NF	VT0005084	RICHMOND WATER DEPT	1000	Construction of water main upgrades and appurtenances on Bridge St., Depot St., and Pleasant St.	\$450,000	3.00%	20	\$23,533,464
63	N	NF	VT0005039	HARDWICK TOWN WATER SYSTEM	1900	Project will address system deficiencies including leakage, hydraulics, and available storage volume.	\$1,100,000	3.00%	20	\$24,633,464
62	N	NF	VT0005289	WORCESTER FIRE DISTRICT 1	350	Installation of a new telemetry system for the pump and tank controls. The project also includes replacement of existing filter media and chemical feed equipment.	\$33,000	3.00%	20	\$24,666,464
60	N	NF	VT0005079	MILTON WATER DEPT	5333	Waterline replacement on Rugg Avenue, River Street, and Kienle Road.	\$469,000	3.00%	20	\$25,135,464
57	N	NF	VT0005114	BAKERSFIELD FIRE DISTRICT 1	446	Addition of second gravel pack well within the vicinity of existing well to provide redundancy.	\$350,000	3.00%	20	\$25,485,464
45	N	NF	VT0005092	CHAMPLAIN WATER DISTRICT	68000	Construction of a new 1.25 MG storage tank on Water Tower Hill.	\$1,600,000	3.00%	20	\$27,085,464

Notes:

- 1) Total available funding is based on Federal Capitalization Grant, State Match, interest earnings, and other fund income. Note \$1,883,600 of available funding is reserved for projects qualifying under the Green Project Reserve (GPR).
- 2) Funding Type: E = Emergency Project, C = Continuing Project, N = New Project
- 3) Funding Status: F = Fundable Project, NF = Non Fundable Project.
- 4) Final eligibility determinations will be made at time of the loan application review.
- 5) Interest rates and loan terms are preliminary estimates only.
- 6) Interest rates and loan terms for new water systems initially set to 3%, 20 years and subject to change as further information becomes available.
- 7) For multi-year projects that anticipate subsequent years of DWSRF funding, interest rates may change as the loan value increases.
- 8) Point totals are subject to change as further documentation may be required to substantiate the priority points awarded.
- 9) If a project is greater than 50% green, the entire project is eligible for base program funds.

## 9.2. Green Project Reserve List

### Green Project Reserve

Project Priority List, April 5, 2012

Total Available Funding: \$1,883,600

Priority Points	Funding Type	Funding Status	WSID	WS Name	Pop.	Project Description	GPR Type	Green Amount	Rate	Term	Cumulative Total
85	C	F	VT0005198	GREENSBORO FIRE DISTRICT 1	421	Water main replacement, services, hydrants and gate valves and improvements to the water storage tank.	EI/WE/B	\$826,500	-2.67%	30	\$826,500
95	N	F	VT0005254	BARRE CITY WATER SYSTEM	14000	Nelson Street Hydroelectric project.	EI	\$500,000	-3.00%	30	\$1,326,500
85	N	F	VT0005053	BURLINGTON DEPT PUBLIC WORKS WATER DIV	44000	Installation of a new speed controlled high efficiency finished water pump to replace the existing inoperable 500 hp finished water pump.	EI/B	\$214,170	3.00%	20	\$1,540,670
38	N	F	VT0005116	ENOSBURG FALLS WATER SYSTEM	1700	Weatherization of well pump house Nos. 1 & 2.	EI/B	\$12,409	-3.00%	30	\$1,553,079
33	N	F	VT0005218	FAIR HAVEN WATER DEPT	3076	Construction of small scale inline hydroelectric generation at the water treatment plant.	EI	\$175,000	3.00%	20	\$1,728,079
28	N	F	VT0005310	WILMINGTON WATER DIST	1400	Installation on an in-line micro hydro system.	EI	\$110,000	0.74%	30	\$1,838,079

#### Notes:

- 1) Total available funding is based on 20% Federal Capitalization Grant.
- 2) Funding Type: E = Emergency Project, C = Continuing Project, N = New Project
- 3) Funding Status: F = Fundable Project, NF = Non Fundable Project.
- 4) GPR Type: EE = Energy Efficiency, WE = Water Efficiency, EI = Environmentally Innovative, GI = Green Infrastructure, B = Business Case required.
- 5) Final eligibility determinations will be made at time of the loan application review.
- 6) For non-categorically green projects, eligibility determinations will be made at the time of the business case review.
- 7) Interest rates and loan terms are preliminary estimates only.
- 8) Point totals are subject to change as further documentation may be required to substantiate the priority points awarded.
- 9) Since project totals do not meet the 20% requirement additional project solicitation is required.
- 10) If a project is greater than 50% green, the entire project is fundable with base program funds.

### 9.3. Prior Years' Pending Loan Commitment

	Loan Awards/Amendments at 5/1/2012- Pending Prior Fiscal Years' PPLs		
Water System	PPL	Loan Amount	FY11 Points
Cavendish Loan Amendment for Source Treatment	FY01	252,397	
South Alburgh Fire District 2 Loan Amendment	FY04 & FY10	1,557,000	
Verdmont MHP (Waitsfield)	FY04	50,000	
Waitsfield Elementary School	FY06	50,000	
Royal Pine Villa (Pownal)	FY07	55,075	
Castleton Fire District #1 Loan Amendment	FY08 & FY09	689,455	
Elmore Water Cooperative	FY08	225,000	
Twinfield USD 33 (Marshfield) Loan Amendment	FY08	3,386	
Okemo Village HOA Loan Amendment	FY08	40,000	
Springfield	FY09	2,000,000	
Proctor Loan Amendment	FY10	1,881,690	
Orange Center School	FY09	50,000	
Grand Isle CWD	FY10	400,000	123
Sheldon Loan Amendment	FY10	650,000	
Alburgh Village Loan Amendment	FY10	460,000	
Killington Mountain School	FY10	35,000	
North Hero	FY10	205,000	125
Putney School	FY10	500,000	
Ascutney Fire District #2	FY10	1,500,000	125
Fairfax Fire District #1	FY10	138,000	
St. George Fire District #2	FY10	215,000	112
Killington Gateway	FY10	100,000	
Northfield	FY10	714,600	
Brierwood MHP (St. Albans)	FY10	470,000	85
Aqua Haven (East Haven)	FY10	383,500	120
Greensboro FD1	FY10	2,000,000	
Total		14,625,103	

	Approved * Loan Awards/Amendments at 5/1/2012- Pending Prior Fiscal Years' PPLs		
Water System	PPL	Loan Amount	FY11 Points
Tri-Park Loan Amendment (Brattleboro)	FY03	58,855	
Castleton FD1 Loan Amendment	FY08	897,559	
Bennington	FY08	192,807	
Proctor Loan Amendment	FY09 & FY10	1,252,929	
Drumleys Condominiums (Warren)	FY09	184,800	
Birch Landing (Plymouth)	FY09	395,012	
Plainfield	FY09	311,750	65
Thetford Water Coop Loan Amendment	FY09	10,000	
Leisure Lodge Condominiums (Wilmington)	FY09	201,354	
Bradford Loan Amendment	FY10	2,000,000	
South Wallingford Water Coop	FY10	408,000	
Mountain Green Condominiums	FY10	481,930	
Readsboro Village	FY10	1,275,000	
Burke Town School	FY10	128,805	
Total		7,798,801	

\* Approved means the loan or loan amendment has been approved by DWGWPB and routed to FED for preparation of legal documents.

## **10. Program Description**

### **PROGRAM DESCRIPTION VERMONT DRINKING WATER STATE REVOLVING FUND**

The following is a brief and general overview of the Drinking Water State Revolving Fund (DWSRF) program; official interpretations of policies and procedures may be obtained from the Drinking Water and Groundwater Protection Division (802-654-8969). The four sections in this Program Description are Construction Loans, Planning Loans, Source Protection Loans, and All Loans.

#### ***10.1. Construction Loans (Planning & Design also eligible)***

##### **10.1.1. Eligible Organizations**

- 1) Publicly owned community water systems.
- 2) Privately owned community water systems.
- 3) Non-profit, Non-community water systems.

##### **10.1.2. Eligible Projects**

Nearly all water system improvement projects are eligible (new construction, renovation or replacement, or consolidation of systems) which will facilitate compliance with federal primary drinking water regulations or otherwise significantly further health protection objectives of the Safe Drinking Water Act (SDWA).

Generally, the complete project will be eligible for a loan. Examples of eligible projects include:

- Replacement of contaminated sources with new sources;
- Construction of treatment facilities;
- Installation of disinfection facilities;
- Projects required to address compliance or enforcement issues;
- System consolidation or interconnection to address capacity issues;
- Costs for planning and engineering design associated with a DWSRF eligible project;
- Land acquisition integral to a DWSRF eligible project.
- Replacement of aging infrastructure, including all distribution and transmission lines;
- Upgrade or rehabilitation of existing water facilities;
- Installation of meters and back flow prevention devices; and
- Refinancing of DWSRF eligible projects where the debt was incurred after July 1, 1993. (Funds currently not available.)

##### **10.1.3. Ineligible Projects**

The fund cannot provide funding assistance for the following projects and activities:

- Dams or rehabilitation of dams;
- Water rights, except if the water rights are owned by a system that is being purchased through consolidation as part of a capacity development strategy;
- Reservoirs, except for finished water reservoirs and those reservoirs that are part of the treatment process and are located on the property where the treatment facility is located;
- Laboratory fees for monitoring;
- Operation and maintenance expenses;
- Projects needed mainly for fire protection;
- Projects for systems that lack adequate technical, managerial and financial capability, unless assistance

will ensure compliance;

- Projects for systems in significant noncompliance, unless funding will ensure compliance; and
- Projects primarily intended to serve future growth. This includes projects to develop new water systems and/or water system extensions. Under certain circumstances, a new water system or water system extension may be determined to be eligible. Please contact the Drinking Water and Groundwater Protection Division for further information.

#### 10.1.4. Project Planning

The phasing of construction projects over multiple years is an acceptable practice. However, each application must identify a stand-alone project. The funding of future phases will be contingent on availability of funds and project priority.

#### 10.1.5. Loan Rates and Terms

The following rates are subject to change based on determinations by the State Treasurer and the Secretary.

LOAN TYPE <sup>[1]</sup>	ORGANIZATION TYPE	INTEREST RATE PLUS ADMINISTRATIVE FEE	MAX TERM <sup>[2]</sup>
Planning	All	0%	5 yrs.
Construction	Municipal Community <sup>[3]</sup> Non-disadvantaged	(3%) - (0%) <sup>[7]</sup>	20 yrs.
Construction	Municipal/Disadvantaged <sup>[4]</sup>	(3%) - (-3%) <sup>[7]</sup>	30 yrs.
Construction	Private-Profit Community	3% <sup>[8]</sup>	20 yrs.
Construction	Private-Non-Profit Community (Disadvantaged) <sup>[4]</sup>	(3%) - (-3%) <sup>[10]</sup>	30 yrs.
Construction	Private-Non-Profit Community (Non-disadvantaged)	3% <sup>[8]</sup>	20 yrs.
Construction	Private-Non-Profit Non-Community	3% <sup>[8]</sup>	20 yrs.
Construction	Municipal (Non-Community)	3% <sup>[9]</sup>	20 yrs.
Refinancing	Municipal (Debt incurred July 1, 1993 - April 5, 1997)	4.376% <sup>[5]</sup>	20 yrs.
Refinancing	Municipal (Debt incurred after April 5, 1997)	New loan rates <sup>[6]</sup>	New loan <sup>[6]</sup> terms

- 1) Planning loans may include feasibility studies, preliminary engineering, engineering design etc., and will be rolled over into a long term loan if a loan is obtained for the proposed facilities. Construction loans include all system improvement type loans.
- 2) Loan durations are for maximum terms but may be for a shorter time based on loan amount and other considerations.
- 3) Municipal includes city, town, village, fire district, school district, etc. Interest rate plus administrative fee will not be less than necessary to achieve an annual household user cost of 1.00% of median

household income.

- 4) A disadvantaged municipality has a median household income below the state average community median household income ( $\$40,368 \times 1.04^9 = \$57,456$ ) or the user cost exceeds 2.5% of the MHI (applicable to municipal applicants only). Interest rate plus administrative fee and term will not be less than necessary to achieve an annual household user cost of 1.0% of median household income, and final adjustments will be made when loan is finalized after construction completion.
- 5) Interest rate set by State Treasurer.
- 6) Interest rate plus administrative fee and term will be the same as for new loans if funded within 2 years of the initiation of construction.
- 7) Administrative fee will be from 0% to 2%.
- 8) Administrative fee will be 3%.
- 9) Administrative fee will be 2%.
- 10) Administrative fee will be from 0% to 3%

#### **10.1.6. Comprehensive Project List**

The Drinking Water and Groundwater Protection Division maintains a list of known projects eligible for loans. The list is developed/updated annually and water systems are encouraged to identify projects and submit applications for this list. The Drinking Water and Groundwater Protection Division may add projects to the list without an application from the water system.

#### **10.1.7. Project Ranking and Selection Criteria**

A project priority list is established for projects needing funds during the Federal fiscal year (October 1 - September 30 of each year). A priority score is established for each eligible project by assigning points based on established criteria. The criteria required by Federal and State regulations are covered under the following general categories:

- 1) System facility deficiencies (weighting factor of 1.2 is applied for eligible schools and childcare facilities).
- 2) Physical consolidation of water system,
- 3) Financial need/affordability,
- 4) Population,
- 5) Downtown area preference,
- 6) Source protection (applies only to source protection loans funded thru the LASRF),
- 7) Security projects, and
- 8) Green Project Eligibility.

Projects are listed in priority order based on total point scores.

#### **10.1.8. Anticipated Loan Recipients**

The highest priority projects with a total cost that does not exceed the estimated funds available during the fiscal year and which comply with the following Federal and State regulatory requirements are identified as Anticipated Loan Recipients on the list.

- 1) A minimum of 15% of the funds must be used for projects serving communities with populations of fewer than 10,000 persons.
- 2) Funds for private systems cannot exceed 20% of the available funds.
- 3) With the exception of ARRA FFY2009, FFY2010 and FFY2011 funds, subsidies for disadvantaged communities cannot exceed 30% of the federal capitalization grant.

Projects not identified as Anticipated Loan Recipients will be funded in priority order, if funds became available during the year.



### **10.1.9. Bypassed Projects**

Anticipated Loan Recipients may be bypassed if they do not proceed in accordance with the planned project schedule or if emergency projects are funded to address imminent and substantial threats to public health.

### **10.1.10. Re-Application**

Priority lists will be revised at least annually; updated information or new applications will be required. The Drinking Water and Groundwater Protection Division may include projects on the list without applications.

### **10.1.11. Engineering Reports and Plans and Specifications**

Drinking Water and Groundwater Protection Division approval of feasibility studies and engineering reports funded by the program is required. The Vermont Water Supply Rule requires approval of plans and specifications for all water system improvements.

### **10.1.12. Procurement Requirements**

Competitive procurement requirements and approvals will be included in loan agreements. Force account construction will not be allowed except in unusual circumstances. The Construction Section of the DEC Facilities Engineering Division manages procurement procedures and requirements for DWSRF funded projects.

### **10.1.13. Maximum and Minimum Loan Amounts**

A minimum loan amount has not been established; not more than \$2 million of the funds available in any given year can go to a single project, without specific review and approval by the Secretary. Projects with costs exceeding the \$2 million cap will be treated as continuing projects and have a maximum value of \$6 million before it loses its elevated continuing status.

### **10.1.14. Project Approval Steps**

Following are the steps for a standard construction project.

- 1) Application for priority list or updated information submitted by applicant. (April of each year.)
- 2) The eligibility of each project is reviewed, and priority points awarded to each project.
- 3) Priority list developed.
- 4) Public meeting held and public comment obtained on priority list.
- 5) Capitalization grant finalized and submitted to EPA.
- 6) EPA approves grant to State.
- 7) Anticipated loan recipients required to attend a pre-application meeting.
- 8) Anticipated Loan Recipients required to submit a project schedule.
- 9) Project schedule approved by Drinking Water and Groundwater Protection Division.
- 10) Anticipated Loan Recipients requested to submit application.
- 11) Application to include information for environmental review.
- 12) Project determinations made (eligibility, scope, interest rate, etc.).
- 13) Environmental review process completed.
- 14) Bond Bank or VEDA notified of project approval.
- 15) Applicant submits loan application to VEDA or Bond Bank if required.
- 16) VEDA or Bond Bank executes loan agreement with applicant.
- 17) Plans and Specifications approved.
- 18) Contracts awarded in accordance with loan agreement.
- 19) Construction initiated.
- 20) Loan disbursements made during construction for completed work.
- 21) All construction completed.
- 22) All loan agreement conditions and/or Capacity Improvement Plans completed.
- 23) Loan closed out.

24) Loan payments begin.

#### **10.1.15. Municipal School Water System Disadvantaged Program**

Up to \$25,000 of a loan from the construction fund for improvements to a municipally owned public school water system may be forgiven. The following criteria must be satisfied.

- 1) The system must demonstrate capacity.
- 2) The system must be in compliance with the Water Supply Rule including any temporary operating permit or other compliance schedule.
- 3) The improvements must be completed in accordance with a construction permit issued by DEC and all of the construction permit conditions must be satisfied.
- 4) Competitive procurement procedures must be followed for the construction.
- 5) The completed work must be inspected and completed in accordance with the construction permit verified by a professional engineer or DEC staff.
- 6) Standard procedures for obtaining a loan must be followed.

The determination by the Secretary on loan forgiveness will be final. The determination will be made when the loan is finalized following construction completion.

#### **10.1.16. U.S. Department of Agriculture RD - ANR Joint Funded Projects**

The Secretary may designate certain projects as joint funded projects and reduce the ANR administrative fee plus interest rate to make the total cost to the borrower equivalent to an ANR DWSRF loan for the total project. Municipalities will be contacted prior to making such decisions and this procedure will generally only be considered for large projects.

### ***10.2. Planning Loan Fund***

#### **10.2.1. Eligible Organizations**

Municipal systems and private non-profit community systems with populations under 10,000 are eligible for planning and final design funding from the planning loan fund.

#### **10.2.2. Eligible Projects**

Preliminary engineering planning studies and final engineering plans and specifications for water system improvement projects needed to comply with state and federal standards and to protect public health.

#### **10.2.3. Loan Terms and Rates**

Planning Loans are at 0% interest for a 5-year term, and may be rolled into a construction loan from the priority list (based on points) at the interest and term identified for the construction loan.

#### **10.2.4. Maximum and Minimum Loan Amounts**

The maximum loan amount is \$100,000.

#### **10.2.5. Project Ranking**

The Drinking Water and Groundwater Protection Division maintains a project priority list for planning loans, if necessary. A priority score is established for each eligible project by assigning points for the water system improvement project based on established criteria. The criteria are the same as for construction projects. However, projects are only scored when there will be an anticipated shortage of funds.

#### **10.2.6. Priority List Applications**

Applications will be accepted on a continuing basis.

### **10.2.7. Loan Recipients**

The highest priority projects on the priority list will be funded as funds become available.

### **10.2.8. Loan Applications**

Water systems will generally be given 60 days to submit a loan application following notification of available funds.

### **10.2.9. Loan Consolidation Requirement**

Consolidation of the planning loan with a loan from the construction loan fund for the water system improvements will be required as a loan condition. Consolidation will be made when the construction loan is finalized following completion of construction.

### **10.2.10. Procurement Requirements**

Procurement requirements will be included in loan agreements. All professional service contracts will require review and approval of scope of services, level of effort, and cost. All feasibility studies, planning documents, preliminary engineering reports, and plans and specifications require review and approval by the Drinking Water and Groundwater Protection Division. Costs incurred prior to a commitment of loan funds by DEC are not eligible for a loan.

### **10.2.11. Repayment**

The first loan repayment will be two years after last loan disbursement or approval of the engineering report or final design, whichever occurs first, except for those loans that are eligible for forgiveness, in which case the repayment starts five years after last loan disbursement or engineering report or design approval. Under certain circumstances up to \$50,000 of the unpaid balance of a planning loan to a municipality may be forgiven by the Secretary following the completion of project construction. The following criteria must be satisfied to obtain loan forgiveness; the Secretary's determinations on loan forgiveness shall be final. Potential eligible preliminary engineering and design cost will be determined by DEC using DEC guidance documents (Engineering Fee Allowance Curve) and the completed documented construction cost eligible for revolving loan funding.

#### **1) General Criteria**

- a. Must demonstrate capacity,
- b. Must be in compliance with the Water Supply Rule including any temporary operating permit or other compliance schedule,
- c. Must be current on fees,
- d. Improvements for which planning loan was provided must be completed in accordance with a Drinking Water and Groundwater Protection Division construction permit.
- e. All construction permit requirements must be satisfied including O & M manual and as-builts.
- f. Loan agreement must be executed following the effective date of the authorizing legislation (June 16, 2001).

#### **2) Specific Criteria. The project must meet at least one of the following specific criteria.**

- a. Construction of the project was completed using non-Drinking Water State Revolving Loan Funds (DWSRF) and the project did not receive other appropriated state funds for project costs.
- b. The project serves a small population. The maximum forgiveness shall be \$25,000. Projects for systems serving populations of 300 or less shall receive 100% of eligible forgiveness. The percent eligible for forgiveness for systems serving 300 to 500 population shall be reduced by 0.5% for an increase of one in design population. Systems serving populations of 500 and above will not be eligible for forgiveness under this provision.
- c. User rates exceed 2% of the median household income. The amount of forgiveness will be determined by increasing the amount of forgiveness until the 2% target, the \$50,000 maximum, the amount of the unpaid balance or the eligible preliminary engineering and design cost is

reached. The annual planning loan cost to the municipality will be determined using construction loan terms and interest rates for DWSRF funded projects.

### **10.3.Source Protection Loans**

#### **10.3.1. Eligible Organizations**

Municipal water systems are eligible for source protection loans.

#### **10.3.2. Eligible Projects**

For purchasing land or conservation easements in order to protect public water sources and ensure compliance with state and federal drinking water regulations.

Source must have hydrogeologically delineated source protection area (no 3000' radius source protection areas) and an approved source protection plan prior to loan award.

Water system must demonstrate how the project will directly promote public health protection or compliance with national drinking water regulations.

#### **10.3.3. Loan Terms and Rates**

Source Protection Loans are at 3% interest for a term of 20 years.

#### **10.3.4. Maximum and Minimum Loan Amounts**

The maximum loan amount is \$200,000. There is no minimum loan amount.

#### **10.3.5. Project Ranking**

The Drinking Water and Groundwater Protection Division maintains a project priority list for source protection loans. A priority score is established for each eligible project by assigning points based on established criteria. The criteria, most of which are the same as for construction projects, include the following general categories:

- 1) Population;
- 2) Financial need/affordability;
- 3) Downtown area preference;
- 4) Source protection.

#### **10.3.6. Priority List Applications**

Applications will be accepted on a continuing basis.

#### **10.3.7. Loan Recipients**

The highest priority projects on the priority list will be funded when funds become available.

#### **10.3.8. Loan Applications**

Water systems will be required to submit a project schedule for approval by the Drinking Water and Groundwater Protection Division within 30 days of notification of available funding.

#### **10.3.9. Loan Conditions**

Loan conditions on land use may include:

- 1) Management in accordance with source protection plan;
- 2) Prohibition of sale as long as source is an approved water source;
- 3) Requirement for an annual inspection and report.

### **10.3.10. Procurement Requirements**

Procurement requirements will include:

- 1) A minimum of two appraisals will be required for evaluation purposes;
- 2) Proposed easements and purchase agreements will require review and approval by DWGWPD;
- 3) Normal closing requirements, such as title search, will apply;
- 4) Purchase must be from a willing seller.

### **10.3.11. Repayment**

Payments begin one year after last loan disbursement.

## **10.4.All Loans**

### **10.4.1. Lack of technical, managerial and financial capability**

A loan fund may not provide any type of assistance to a system that lacks the technical, managerial or financial capability to maintain SDWA compliance, unless the owner or operator of the system agrees to undertake feasible and appropriate changes in operation or if the use of the financial assistance will ensure capacity over the long-term.

The Drinking Water and Groundwater Protection Division will make a determination on system capacity based on information available in Drinking Water and Groundwater Protection Division records, the priority list application, completion of the capacity evaluation form at the pre-application meeting, and the loan application. Some considerations include current compliance status with requirements for an operation and maintenance manual, operator certification, water quality monitoring, source protection plan, payment of lawful fees, groundwater under the influence determination, sanitary survey recommendations, and long range planning. Financial capacity determination will also consider current and projected water rates, delinquent water accounts, and financial planning.

The existence of an active organization with identified responsible officials and business practices with respect to customer complaints will be considerations in managerial capability determinations.

Loan applications will rarely be rejected based on capability determinations (e.g., capacity determination), however, loan agreements will frequently include corrective action requirements to improve capability.

### **10.4.2. Loan Application Fees**

There are no application fees, however an administrative fee will be charged on some loans.

### **10.4.3. Loan Disbursements**

Loan disbursements will be made in accordance with the loan agreement, however, only one disbursement will be allowed in a calendar month and disbursements must be for expenses incurred and paid. An estimated disbursement schedule will be required at the time of loan execution.

### **10.4.4. Loan Repayment**

Loan repayment requirements will be specified in the loan agreement; however, repayments must start no later than 1 year after project completion.

### **10.4.5. Financial Capability to Repay Loan**

The Vermont Municipal Bond Bank shall make these determinations for all loans to municipal organizations and the Vermont Economic Development Authority (VEDA) will make these determinations for all loans to private organizations.

The Bond Bank and VEDA make the loans on behalf of the state. Applicants must submit the necessary applications and other information to these entities as necessary for processing the loans.