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Glossary

The following abbreviations are used throughout this document to denote the listed words, terms and phrases:

AgWQLP – West Virginia Agricultural Water Quality Loan Program

ARC – Appalachian Regional Commission

BAN – Bond Anticipation Note

BRF – Brownfield Revolving Loan Fund

CA – West Virginia Conservation Agency

CWA – Federal Clean Water Act

CWSRF – Clean Water State Revolving Fund

DEP – West Virginia Department of Environmental Protection

DWWM – Division of Water and Waste Management

DEP EBPP – Extended Bond Purchase Program

EPA – United States Environmental Protection Agency

IJDC – West Virginia Infrastructure and Jobs Development Council

IUP – Intended Use Plan

MHI – Median Household Income

NRCS – Natural Resources Conservation Service

NPS – Nonpoint Source

OA – Operating Agreement

OSLP – Onsite Systems Loan Program

POTW – Publicly Owned Treatment Works

PSC – Public Service Commission of West Virginia

USDA – United States Department of Agriculture

SCD – Soil Conservation District

WDA – West Virginia Water Development Authority

WRRDA – 2014 Water Resources Reform and Development Act

Preface

Mission Statements

Department of Environmental Protection

To efficiently and effectively carry out the State's environmental laws and regulations that are designed to provide and maintain a healthful environment consistent with the economic benefits derived from strong agricultural, manufacturing, tourism and energy-producing industries.

Division of Water and Waste Management

To protect, preserve and enhance West Virginia's land and watersheds for the safety and benefit of all.

Clean Water State Revolving Fund

To provide technical and financial assistance to local governmental entities to improve water quality and public health conditions.

SECTION I

Introduction

This document is the Clean Water State Revolving Fund's Intended Use Plan for state fiscal year 2020 (July 1, 2019 – June 30, 2020 (FY2020)). The Division of Water and Waste Management is the primary state agency that administers the Clean Water State Revolving Fund, with financial and support assistance provided by the West Virginia Water Development Authority.

As of July 1, 2019, there have been 31 federal capitalization grants and amendments awarded by the Environmental Protection Agency. The State has provided, where required, the 20% matching funds for each grant and amendment.

Repayments of prior loans and bonds and investment earnings are also available within the Clean Water State Revolving Fund to fund additional wastewater and nonpoint source projects. A calculation of available funds during this fiscal year is contained in Section II.

SECTION II

Funds Identification

The chart on the next page identifies the revenue sources that will be used for loans and other anticipated expenditure categories.

A similar chart can be found in Appendix F, which is used by EPA for its purpose only. This chart summarizes the federal capitalization grants, state matches, repayments, earnings, etc., since the program began. It also estimates the fiscal year revenue sources to calculate a theoretical amount of funds available.

WEST VIRGINIA CLEAN WATER STATE REVOLVING FUND

Intended Use Plan – Sources and Uses of Funds

State FY2020 (July 1, 2019 – June 30, 2020)

Available funds as of December 31, 2018

Cash balance in CWSRF account =	\$121,712,503	
Federal funds accounts payable (base grants) =	<u>\$ 0</u>	
		<u>\$121,712,503</u>

New funds available during state FY2020:

Next Federal EPA Grant	\$ 24,769,000	
Next State Match	\$ 4,953,800	
Est. Repayments (principal) (to 6/30/20) =	\$ 35,525,670	
Est. Repayments (interest) (to 6/30/20) =	\$ 2,992,940	
Est. Investment Earnings (to 6/30/20) =	<u>\$ 2,221,900</u>	
		<u>\$ 70,463,310</u>

Less:

Existing project loans payables (12/31/18) =	\$ 64,975,912	
Existing binding commitments (12/31/18) =	\$ 71,664,402	
AgWQLP reserve =	\$ 150,000	
OSLP reserve =	\$ 300,000	
DEP Administration =	<u>\$ 0</u>	
		<u>\$137,090,314</u>

Net available funds during FY2020 = \$ 55,085,499

Notes:

The match should be received by July 2019.

SECTION III

Goals

A. Long term goals

1. Expand the CWSRF accessibility by creating new financial assistance programs to address NPS pollution control problems.
2. Ensure the CWSRF program operates in perpetuity at its maximum level to provide financial assistance to entities approved by law.

Objective 1 – Conduct financial capability reviews on all potential loan recipients to assure credit worthiness and fiscal responsibility.

Objective 2 – Maximize investment opportunities.

Objective 3 – Monitor repayment activity of loan recipients and take action for collection of delinquent payments from loan recipients.

Objective 4 – Utilize EPA’s financial planning model to ascertain the long term effects of different CWSRF policies.

3. Integrate the CWSRF program into DEP’s Watershed Management Framework to increase program effectiveness by targeting the CWSRF funds toward higher priority watersheds.
4. Market the CWSRF program throughout the State to increase commitment/utilization of funds and maintain program pace by providing articles, press releases, and presentations on CWSRF program activities and participating in meetings of Federal and State associations concerned with water quality, health, and economic development issues.
5. Participate in the monthly meetings of the IJDC. Participation will include performing technical reviews on all proposed wastewater projects and coordinating and recommending the most feasible funding sources for all projects.
6. Incorporate EPA’s strategic plan program activity measures into the CWSRF program by working to achieve a targeted fund utilization rate of 100% (cumulative dollar amount of loan assistance agreements divided by cumulative amount available for projects).
7. Develop effective wastewater management in rural, low income West Virginia communities. This includes investigating new funding opportunities and participating with local community leaders and civic groups to develop wastewater management ideas and programs.

B. Short term goals

1. Continue outreach efforts for potential new loan recipients.
2. Maintain a targeted fund utilization rate “pace” goal of at least 95%. Program pace is defined by EPA as the cumulative loan assistance provided divided by the total amount of funds available. Loan assistance is defined as the cumulative assistance provided by executed loan, bond, and funding assistance agreements (does not include preliminary binding commitment letters).
3. Provide outreach and requested technical assistance to several communities in the Tygart River Watershed as they consider biological nutrient removal processes in their systems.
4. Coordinate and work with WV DEP’s Abandoned Mine Lands section on the planning, design, and construction of wastewater treatment facilities that were awarded PILOT Grants in McDowell County.
5. Keep the CWSRF flexible to be able to quickly respond to potential project shifts due to the State’s economic crisis and rapid regional population adjustments.
6. Re-evaluate and potentially restructure the AgWQLP to entice applicants back to the program.

SECTION IV

Project Priority List

The Project Priority List is contained in Appendix A. The list includes potential CWSRF binding commitments for Section 212 projects (publicly owned treatment works). Projects must appear on the priority list in order to receive consideration for a loan/bond purchase agreement or a formal loan commitment. The list was developed using fact sheets received from each applicant, consulting engineer or other representative, and should reflect current costs. If additional projects are developed during the fiscal year that do not appear on the list but would like to receive a commitment, they may be added to the list after adequate public notification procedures have been completed. This procedure generally takes 60 days.

The CWSRF will continue to commit funds to projects in order of their position on the priority list on a first-come, first-served basis, as long as all applicable program requirements have been met and the project is within six months of construction. At a minimum, the facilities plan, and plans and specifications must be approved. Consideration will be given to the status of rights-of-way obtainment and other items on the pre-bid checklist during this process. As projects are deemed eligible for a binding commitment, they will be funded in order of priority. Furthermore, a project will not receive a commitment from the CWSRF unless it has received a funding recommendation from the IJDC in accordance with WV State Code, Chapter 31, Article 15A. This binding commitment from the CWSRF will remain in effect until the expiration date contained in the commitment and is subject to an extension.

Individual NPS pollution control activities and projects funded by the CWSRF do not have to appear on the annual priority list. However, the funding of these projects is described in Section V(I) and an amount has been reserved to fund these projects. These NPS projects are eligible for funding using state revolving funds in accordance with federal law and are defined under Section 319 of the CWA. Any type of NPS activities funded must be included in the DEP's approved NPS management plan. Appendix C contains a quarterly outlay estimate for all NPS activities expected to be funded this fiscal year.

SECTION V

Fund Activities

A. **Interest rates on POTW loans**

The eligibility criterion for low interest loan consideration will be based upon 3,400 gallons of monthly water usage. The DEP will use this criterion to determine the interest rate on loans. The maximum allowable term of the loans will be determined using the following range of user rates and MHI data:

Less than 1.5% MHI: 2.75% interest rate, .25% annual admin fee, 20-year term

1.5% to 1.74% MHI: 1.75% interest rate, .25% annual admin fee, 21 - 30-year term

1.75% to 2.0% MHI: .75% interest rate, .25% annual admin fee, 21 - 30-year term

Greater than 2% MHI: 0.25% interest rate, .25% annual admin fee, 31 - 40-year term

The MHI data is derived from the 2015 census data published by the U. S. Department of Commerce, U.S. Census Bureau, American Fact Finder. Interest rates will not exceed 2.75% and will not be less than 0.25%. For all public service districts, the MHI to be used will be the lowest of either the county(s) or magisterial district(s) that is most appropriate for the project area. magisterial district and county information can be found in Appendix E. Municipal MHI data is contained in Appendix E1.

Should Congress amend the CWA or pass reform legislation that affects small disadvantaged communities, the DEP may revise this interest rate policy to consider other factors as required by federal law.

B. **Additional subsidization for disadvantaged communities**

This year's Clean Water Act Title VI funding allocation for West Virginia is \$24,769,000. The Appropriations Act requires that a portion of each capitalization grant be used for additional loan subsidization and for funding green infrastructure projects. The Act requires a minimum of 10% be set aside for funding green projects. This amount will equal \$2,476,900. The allowable green project categories that will be considered for this funding are described below.

The Act also requires a minimum amount be set aside for providing additional loan subsidization in the form of grants or principal forgiveness. Therefore, DEP will be setting aside 20% of the capitalization grant in the amount of \$4,953,800 to be used as principal forgiveness.

Principal forgiveness of all or part of a loan will be the mechanism that will be used to supply the additional subsidization. Additional loan subsidization is a last resort for disadvantaged communities and will only be provided when other funding options within the CWSRF program are not practical to make the project financially affordable (i.e. 40-year loan terms, deferred principal repayments, reduced debt service coverage, etc.).

The 2014 Water Resources Reform and Development Act (WRRDA) amended sections of the Federal Water Pollution Control Act (FWPCA). Amendments to 603(i)(2) required States to develop affordability criteria that would assist in identifying applicants that would have difficulty financing projects without additional subsidization. The criteria, based upon a points system that will be used to identify these applicants as per WRRDA, are as follows:

Income based upon %MHI – Based upon the 2015 Census data for 3,400 gallons of water usage.

<u>MHI</u>	<u>Points</u>
1.75% - 1.99%	50
2.0% or greater	75

Unemployment Data – As published by WorkForce West Virginia, the State’s average unemployment rate was 5.2% in 2017. See Appendix H.

<u>Locality’s Unemployment Rate (UR)</u>	<u>Points</u>
UR < West Virginia’s UR	0
UR 0% - 2% above West Virginia’s UR	5
UR > 2% above West Virginia’s UR	10

Population Trends – Based upon the percentage change for the period from 2015 to 2017 (calendar years) by county as published by American Fact Finder. See Appendix I.

<u>Change in Population</u>	<u>Points</u>
Greater than +2%	0
0 to +2%	5
Less than 0%	10

For applicants that receive at least 60 points, the project is eligible for the lesser of 50% of the total eligible CWSRF project costs or \$1,000,000 in principal forgiveness.

For applicants that receive at least 90 points, the project is eligible for the lesser of 100% of the total eligible CWSRF project costs or \$1,500,000 in principal forgiveness.

Readiness to proceed to construction is the primary criterion that will be used in allocating the additional subsidies. The final amount of the subsidy will be determined after receipt of bids and after a formal application is submitted. Note: As existing debt is retired, the dedicated revenue stream will rollover to pay the amount of any deferred loan.

Loan recipients eligible for additional subsidization must appear on the current priority list prior to loan closing.

C. Green Projects Reserve

In accordance with federal law and to the extent there are sufficient eligible project applications, not less than 10% of the funds in the capitalization grant shall be used to address green infrastructure projects.

Allowable green project categories will be as follows:

1. Energy Efficiency

A community may utilize improved technologies and practices to reduce the energy consumption of existing wastewater treatment systems, use energy in a more efficient way, and/or produce/utilize renewable energy. Only the dollar amount associated with the green component of a larger project will qualify for the green reserve. Proposed green projects in this category may be eligible to receive additional loan subsidization, in the form of principal forgiveness, to the lesser of 50% of the total eligible green CWSRF costs or \$500,000.

Projects that will not be allowable include but are not limited to:

- a. Infiltration and inflow pipe repair or replacement.
- b. Purchase of hybrid/alternative fuel vehicles for sewer fleets.
- c. Operation, maintenance and replacement activities.
- d. Drinking water related projects.

2. Water Efficiency

Water efficiency type projects are not eligible for additional loan subsidization or green technology funding, except for WWTP water efficient appliance/plumbing projects and water reuse projects. Proposed green projects in the water reuse category may be eligible to receive additional loan subsidization, in the form of principal forgiveness, to the lesser of 50% of the total eligible green CWSRF costs or \$500,000.

3. Storm Water / Green Infrastructure

Allowable green projects to be funded under this category are:

- a. Publicly sponsored projects that utilize green technologies to treat or eliminate storm water from existing wastewater collection and treatment systems.
- b. MS4 sponsored projects that utilize green technologies to solve storm water issues.

