DELAWARE'S 2023 FUNDING WORKSHOP

VIRTUAL WEBINAR

JANUARY 12, 2023

CWSRF

Clean Water State Revolving Fund

DWSRF

Drinking Water State Revolving Fund

Delaware CWSRF and DWSRF Funding Workshop

Today's Presenters

- Greg Pope, Chief of Operations, DNREC Environmental Finance
- Sandi Spiegel, Deputy Chief, Health Systems Protection, DHSS DWSRF
- James Sullivan, Planner, DNREC Watershed Stewardship

Workshop Format

- Webinar style
- Ask questions in the chat or Q&A
- Presentation will be available online

Delaware CWSRF and DWSRF Funding Workshop

Workshop Purpose

- Provide a detailed overview of the CWSRF and DWSRF Programs, including supplemental funding from the Bipartisan Infrastructure Bill (BIL)
- Ensure that potential loan applicants understand project eligibilities, funding processes, and the deadlines for applications
- Provide resources for applicants seeking financial assistance for wastewater, drinking water, stormwater and other water infrastructure improvement projects

DNREC and DHSS Collaboration

- The CWSRF and DWSRF programs are jointly administered by DNREC and DHSS
- Once per year (January) project Notices-of-Intent (NOIs) are solicited for wastewater projects and drinking water projects – **currently due February 15, 2023**
- Wastewater and Drinking Water NOIs are ranked and scored to prepare CWSRF and DWSRF Project Priority Lists (PPLs)

Delaware CWSRF and DWSRF Funding Workshop

Agenda

- Base SRF and Bipartisan Infrastructure Law (BIL) Funding
- BIL Funding Overview
  - Supplemental Funding
  - Emerging Contaminants (EC)
  - Lead Service Line (LSL) Replacement
  - Disadvantaged Communities
  - Technical Assistance
  - Build America Buy America (BABA)
- Interest Rate Policy and Affordability Policy
- Loan Terms
- PPL Ranking Criteria – CWSRF and DWSRF
- Environmental Review, Program Requirements, and Project Management
- Loan Application Process, Funding Award, and Loan Closing
- Planning Grant and Other Programs

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

BIPARTISAN INFRASTRUCTURE LAW (BIL)

FFY 23 FUNDING AMOUNTS

	CWSRF	DWSRF
Base Program (20% match)	**7,779,000.00**	**11,100,000.00**
CW Min Ad Sub (10%)	777,900.00	-
CW Max Ad Sub (30%)	2,333,700.00	-
DW Min Ad Sub (12%)	-	1,332,000.00
DW Max Ad Sub (35%)	-	3,885,000.00
DW Congressional Ad Sub	-	1,559,940.00
Base Program Totals	**7,779,000.00**	**11,100,000.00**

Bipartisan Infrastructure Law (BIL)	CWSRF	DWSRF
Supplemental Funding (10% Match)	**8,738,000.00**	**17,992,000.00**
Ad Sub (49%)	4,281,620.00	8,816,080.00
Emerging Contaminants (0% Match)	**459,000.00**	**7,555,000.00**
Ad Sub (100%)	459,000.00	7,555,000.00
Lead Service Line Replacement (0% match)	-	**28,350,000.00**
Ad Sub (49%)	-	13,891,500.00
BIL Totals	**9,197,000.00**	**53,897,000.00**

These are last Years Figures and are subject to change.

	CWSRF	DWSRF
Program Totals	7,779,000.00	11,100,000.00
BIL Totals	9,197,000.00	53,897,000.00
Subtotals	**16,976,000.00**	**64,997,000.00**
Grand Total	**$81,973,000.00**	

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Bipartisan Infrastructure Law (BIL)

CWSRF Definition of Emerging Contaminants:

The main categories of emerging contaminants include but are not limited to:

- **Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and other persistent organic pollutants (POPs)** such as polybrominated diphenyl ethers (PBDEs; used in flame retardants, furniture foam, plastics, etc.) and other persistent organic contaminants such as perfluorinated organic acids, PFAS free foam flame retardants;
- **Biological contaminants and microorganisms**, such as antimicrobial resistant bacteria, biological materials, and pathogens;
- **Some compounds of pharmaceuticals and personal care products (PPCPs)**, including a wide suite of human prescribed drugs (e.g., antidepressants, blood pressure medications, hormones), over-the-counter medications (e.g., ibuprofen), bactericides, fragrances, UV filters (sunscreen agents), detergents, preservatives, and repellents;29
  - Insect Repellents, Cosmetics and UV filters: DEET, Methylparabens, Benzophenone30
  - Fragrances: HHCB and AHTN (7-acetyl-1,1,3,4,4,6-hexamethyl-1,2,3,4-tetrahydronaphthalene; CAS 21145-77-7; Tonalide)31
  - Cosmetic and food preservatives: BHA (butylated hydroxyanisole) and BHT (butylated hydroxytoluene)32
  - Veterinary medicines such as antimicrobials, antibiotics, anti-fungals, growth promoters, investigational new animal drugs, and hormones;
  - Substances that illicit endocrine-disrupting chemicals (EDCs), including synthetic estrogens (e.g.,17αethynylestradiol, which also is a PCPP) and androgens (e.g., trenbolone, a veterinary drug), naturally occurring estrogens (e.g.,17ß-estradiol, testosterone), as well as many others (e.g., organochlorine pesticides, alkylphenols)

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Bipartisan Infrastructure Law (BIL)

CWSRF Definition of Emerging Contaminants (continued):

Nanomaterials

such as carbon nanotubes or nano-scale particulate titanium dioxide, of which little is known about either their environmental fate or effects.;

Microplastics/Nanoplastics:

synthetic solid particle or polymeric matrix, with regular or irregular shape and with size smaller than 5 mm, of either primary or secondary manufacturing origin, or larger plastic materials that degrade into smaller pieces, including from tire wear (such as 6PPD), which are insoluble in water.33 Primary microplastics include particles produced intentionally of this very small dimension, like pre-production pellets used as intermediate in plastic production, microbeads for abrasive functions or microfibers that form from synthetic textiles

Projects that address contaminants with water quality criteria established by EPA under CWA section 304(a), except for PFAS are not eligible for CWSRF Emerging Contaminants funds

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Bipartisan Infrastructure Law (BIL)

Detailed List of DWSRF Emerging Contaminants Project and Activity Examples

Below are non-exhaustive lists of DWSRF-eligible projects and activities under the BIL DWSRF Emerging Contaminants capitalization grants. For a project or activity to be eligible for funding under this appropriation, it must be otherwise DWSRF eligible, and the primary purpose must be to address emerging contaminants in drinking water with a focus on perfluoroalkyl and polyfluoroalkyl substances (PFAS) Projects that address any contaminant listed

From the DWSRF Infrastructure Fund:

- Emerging contaminants costs associated with the construction of a new treatment facility or upgrade to an existing treatment facility that addresses emerging contaminants
- Development of a new source (i.e., new/replacement well or intake for a public water system) that addresses an emerging contaminant issue [Note: water rights purchases must still meet the criteria in the Class Deviation for Water Rights]
- Consolidation with another water system that does not have emerging contaminants present or has removal capability
- Costs for planning and design and associated pre-project costs
- Infrastructure related to pilot testing for treatment alternatives
- Creation of a new community water system to address unsafe drinking water provided by individual (i.e., privately-owned) wells or surface water sources

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Bipartisan Infrastructure Law (BIL)

Detailed List of DWSRF Emerging Contaminants Project and Activity Examples (continued)

From the DWSRF Set-asides:

- Direct technical assistance to public water systems (of any size) with emerging contaminants and treatment problems which could lead to a loan application
- PFAS and other emerging contaminants project pre-development activities (such as determining if and where there is a problem)
- Technical assistance for eligible systems to diagnose emerging contaminants problems at their water systems
- Project planning, preliminary engineering, and design
- Funding state PWSS staff who are working on PFAS and emerging contaminants oversight
- Incorporating training on PFAS and emerging contaminants into state operator certification materials
- Obtain test kits/laboratory equipment for systems to test for newly recognized contaminants of concern and training to use that equipment
- Pilot testing and studies on improving public water system operation
- Source water protection activities (e.g., developing source water protection plans, well abandonment, etc.)
- Conducting initial, special (non-routine/non-compliance) monitoring to establish a baseline understanding of a contaminant of concern or operation of newly-used technology

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Bipartisan Infrastructure Law (BIL)

Detailed List of DWSRF Lead Service Line Replacement Project and Activity Examples

Below are non-exhaustive lists of DWSRF-eligible projects and activities under the BIL DWSRF Lead Service Line Replacement (LSLR) capitalization grants. For a project or activity to be eligible for funding under this appropriation, it must be otherwise DWSRF eligible and be a LSLR project or associated activity directly connected to the identification, planning, design, and replacement of lead service lines. Any project funded under this appropriation involving the replacement of a lead service line must replace the entire lead service line, not just a portion, unless a portion has already been replaced.

From the DWSRF Set-asides:

- Planning and design for LSLR infrastructure projects
- Developing or updating lead service line inventories, including locating and mapping lead service lines
- Providing technical assistance to small water systems undertaking lead service line inventories or construction projects
- Funding state staff and contractors to work on LSLR education and outreach and inventory plans, etc.
- Non-routine lead sampling (if not for compliance purposes)

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Bipartisan Infrastructure Law (BIL)

Detailed List of DWSRF Lead Service Line Replacement Project and Activity Examples (continued)

From the DWSRF Infrastructure Fund:

- Complete removal of lead service lines (public and privately owned portion) or service lines made of galvanized iron or galvanized steel (that are currently or have previously been downstream of lead components) and replacement with a pipe that meets the requirements established under 40 CFR 143 and which complies with state and local plumbing codes and or building codes
- Removal of lead or galvanized goosenecks, pigtails, and connectors, and replacement with an acceptable material that meets the requirements established under 40 CFR 143 and which complies with state and local plumbing codes and or building codes
- Replacement of curb stops, curb stop boxes, and other service line appurtenances that are removed as part of full LSLR
- Site restoration, including landscaping, sidewalks, driveways, etc. if the removal was necessary to replace the lead service line
- Permit fees if the fees are normal, required, and specific to the LSLR. It is recommended that communities waive these fees
- Temporary pitcher filters or point-of-use (POU) devices certified by an American National Standards Institute accredited certifier to reduce lead during or for a short time period after LSLR projects
- Development or updating of lead service line inventories, including locating and mapping lead service lines
- Methods of investigation to develop inventories could include visual observation, water quality sampling (non-compliance), excavation, vacuum or hydro-excavation, statistical analysis, or other emerging technologies
- Planning and design for infrastructure projects listed above
- Non-routine lead sampling (if not for compliance purposes) as part of a LSLR project

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Bipartisan Infrastructure Law (BIL)

Increase Investment in Disadvantaged Communities:

A key priority of BIL is to ensure that disadvantaged communities benefit equitably from this historic investment in water infrastructure:

- The BIL mandates that 49% of funds provided through the DWSRF General Supplemental Funding and DWSRF Lead Service Line Replacement Funding must be provided as grants and forgivable loans to disadvantaged communities
- The BIL also requires that not less than 25% of funds provided through the DWSRF Emerging Contaminants Funding be provided as grants and forgivable loans to disadvantaged communities or public water systems serving fewer than 25,000 people
- The SDWA requires states to establish a definition of disadvantaged communities that can receive this additional subsidization

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Bipartisan Infrastructure Law (BIL)

Increase Investment in Disadvantaged Communities:

For the CWSRF, the BIL mandates that 49% of funds provided through the CWSRF General Supplemental Funding must be provided as grants and forgivable loans to the following assistance recipients or project types:

- Municipalities that meet the state's affordability criteria
- Municipalities that do not meet the state's affordability criteria but seek additional subsidization to benefit individual ratepayers in the residential user rate class
- Entities that implement a process, material, technique, or technology that addresses water or energy efficiency goals; mitigates stormwater runoff; or encourages sustainable project planning, design, and construction

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Bipartisan Infrastructure Law (BIL)

Other provisions

Technical assistance funding:

- EPA recommends states use the full DWSRF 2% small system technical assistance set-aside and the CWSRF 2% technical assistance funds to enhance or build programs that proactively identify, reach out to, and provide assistance to rural, small, and tribal publicly owned treatment works and drinking water systems, particularly in disadvantaged communities
- The programs should be designed to help disadvantaged communities identify needs, develop projects, apply for funding, design and implement projects, build capacity, and create training and career pathways

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Bipartisan Infrastructure Law (BIL)

Build America Buy America (BABA)

BABA expands existing American Iron and Steel (AIS) requirements to include construction materials and manufactured goods. SRF programs should:

- Oversee BABA implementation across state SRF-funded projects, as applicable, and provide detailed information on BABA compliance requirements, flexibilities, and processes to recipients
- Inform SRF grant and loan recipients of the domestic preference requirements. EPA will work with states to develop and provide information to SRF recipients
- Collaborate with EPA and industry to incentivize and grow domestic supply chains and U.S. manufacturing capacity for products essential to drinking water, wastewater, and stormwater infrastructure
- Educate funding recipients about their eligibility for waivers and provide help applying for waivers. EPA will develop appropriate waivers and processes to facilitate a smooth transition to these expanded requirements

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CWSRF-DWSRF Interest Rate Policy

- Project affordability criteria and interest rates apply to new public, private/public use, investor-owned, and private/private use CWSRF loan applications
  - Interest rate plus fee shall be set at 2.0 percent per annum
  - Administrative Fees shall be set at 50% of the overall interest rate
  - A lower interest rate may be made available based on projected residential user rates as a percentage of Median Household Income (MHI) above 1.5 percent, and 3.0 percent for wastewater and drinking water user rates combined only after other alternatives such as extended repayment terms, principal forgiveness or supplemental grants are exhausted
  - Proposed 0% interest rate for all LSLR loans

Key Notes

- This policy was written with guidance from the State's financial advisory firm, PFM, LLC
- The BBI 11-GO and BBI 20-GO are used as the benchmarks for this policy. EF will continue to monitor the below industry benchmarks to ensure compliance with offering a "rate between 0.0 percent and market rate." CWSRF regulations Section 35.3120 and DWSRF Section 35.3525 require that SRF loan interest rates be between zero percent and the market rate, as determined by the states. The U.S. Environmental Protection Agency (EPA) does not define market rate

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Additional Subsidization –

The state may provide additional subsidization to a municipality or inter-municipal, inter-state, or state agency, including forgiveness of principal or grants (EPA subawards) to benefit a municipality that meets the affordability criteria of the state established

- For the Base CWSRF funds, there is a 10% minimum subsidy requirement and maximum of 30% of capitalization grant award
- For the Supplemental CWSRF funds, there is a requirement for 49% subsidy of the capitalization grant award
- The Emerging Contaminants CWSRF funds shall be provided to eligible recipients as assistance agreements with 100% principal forgiveness or as grants (or a combination of these)

Additional Subsidization -

For CWSRF projects may be provided to projects in the following order:

- To benefit a municipality that meets the state's affordability criteria as established under the CWA section 603(i)(2);
- To benefit a municipality that does not meet the state's affordability criteria but seeks additional subsidization to benefit individual ratepayers in the residential user rate class; or
- To any eligible recipient to implement a process, material, technique, or technology that addresses water or energy efficiency goals; mitigates stormwater runoff; or encourages sustainable project planning, design, and construction

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DWSRF Additional Subsidization

- Additional Subsidization – The state may provide additional subsidization to an eligible recipient that meets the Disadvantaged Community definition of the state
  - The Base DWSRF funding assistance may provide an additional subsidization of at least 12% and up to 35% (of the capitalization grant award) for Disadvantaged Communities and 14% for initial financing/purchase/refinance loans, under the Congressional Authority
  - The Supplemental DWSRF funds shall be used by the State to provide subsidy to eligible recipients in the form of assistance agreements with forgiveness of principal or grants (or any combination of these) using 49% of the DWSRF capitalization grant
  - The Emerging Contaminants DWSRF funds shall be provided, in its entirety, to eligible recipients as assistance agreements with 100% principal forgiveness or as grants (or a combination of these)
  - For the Lead Service Line Replacement funds, 49% of the funds made available to each State for DWSRF capitalization grants shall be used by the State to provide subsidy to eligible recipients in the form of assistance agreements with 100% forgiveness of principal or grants (or any combination of these)

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The CWSRF affordability criteria will be used to determine whether a project is eligible for principal forgiveness. Principal forgiveness awards will be determined based upon applications received through the annual CWSRF solicitation process and will be provided on a first come first serve basis, to the extent available. Section 603(i)(2) of the CWA requires the follow factors: MHI, unemployment rate, population trends of the borrower (or the project area if the project is located in a different jurisdiction) and other relevant data. Affordability criteria measures are the following:

CWSRF Affordability Criteria

Income Data – 1.5 percent of MHI will be considered affordable for a single wastewater or drinking water residential user rates; 3.0 percent of MHI will be considered affordable for combined wastewater and drinking water residential user rates. Delaware's affordability criteria accounts for existing system costs relative to Operations and Maintenance (O&M) and Capital, as well as proposed project O&M and Capital costs as a function of MHI (1.5 percent water or wastewater, 3.0 percent if both services are provided) for the project area. MHI is based on the most recent census data for the municipality or county. CWSRF loan applicants whose MHI is not representative of the census data may provide documentation in order to obtain principal forgiveness or additional subsidization. Documentation will be in the form of a representative income survey of the majority of the residents of the project area.

Unemployment Data – Nonpayment of residential wastewater and drinking water utility bills are normally directly associated with insufficient income and unemployment. Communities with greater than or equal to 3.4% unemployed population greater than or equal to 16 years in civilian labor force will be eligible for additional subsidy. Based on the percent above the threshold, additional subsidy may be provided to the extent available.

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Population Trends – Wastewater utilities can be negatively impacted by decreasing population in relation to fixed assets and expenses that were designed/sized to service a larger customer base. Communities with greater than or equal to 12.1% vacant households would be eligible for additional subsidy. Based on the percent above the threshold, additional subsidy may be provided to the extent available.

CWSRF Affordability Criteria

Or; if the applicant is deemed "disadvantaged" by one of these methods, additional subsidy consideration may be given on a percentage basis in concert with any wastewater rate increase (to the extent available):

- Climate and Economic Justice Screening Tool: https://screeningtool.geoplatform.gov/en/
- The community has greater than or equal to 30.9% population living under 200% of poverty level

For projects that may seem unaffordable but are actually not cost effective, the CWSRF will review projects for the cost per EDU. Projects in which the cost per EDU is greater than $25,000 will be subject to additional analysis. This may include: income surveys, value engineering, detailed budget review, and/or a capital contribution from the borrower.

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DWSRF Subsidy Requirements

Subsidy Requirements DHSS will meet minimum subsidy requirements by providing principal forgiveness or grants to: Communities identified as Disadvantaged.

- The next most 'in need' communities as identified by the financial review and affordability criteria mentioned herein and based on project priority
- Applicants who meet the 2022 Additional Subsidy Provisions, Part 1) Congressional Additional Subsidy Authority Provisions

A community considered for the DWSRF Disadvantaged Community Program may receive additional subsidies to the extent that that subsidy is available and within programmatic structure

Disadvantaged Community (DAC) - A disadvantaged community is one that:

- Meets the Affordability Criteria; or
- Is identified by EPA EJScreen tool at 90% (USA) percentile or higher for Environmental Justice Indexes or for "Low Income" under the Socioeconomic Indexes; or
- Is identified as disadvantaged by the White House Climate and Economic Screening Tool; or
- Is underserved

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DWSRF Subsidy Requirements

Affordability Criteria – Income Data – 1.5 percent of MHI will be considered affordable for a single wastewater or drinking water residential user rates; 3.0 percent of MHI will be considered affordable for combined wastewater and drinking water residential user rates. Delaware's affordability criteria accounts for existing system costs relative to Operations and Maintenance (O&M) and Capital, as well as proposed project O&M and Capital costs as a function of MHI (1.5 percent water or wastewater, 3.0 percent if both services are provided) for the project area. MHI is based on the most recent census data for the municipality or county. DWSRF loan applicants whose MHI is not representative of the census data may be required to provide documentation to obtain principal forgiveness or additional subsidization. Documentation will be in the form of a representative income survey of the majority of the residents of the project area.

Underserved – As defined in SDWA section 1459A (emphasis added): "(2) INCLUSIONS.—The term 'underserved community' includes a political subdivision of a State that either, as determined by the Administrator— '(A) does not have household drinking water or wastewater services; or '(B) is served by a public water system that violates, or exceeds, as applicable, a requirement of a national primary drinking water regulation issued under section 1412, including— '(i) a maximum contaminant level; '(ii) a treatment technique; and '(iii) an action level."

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CWSRF Loan Terms

- CWSRF loans are made at or below market interest rates, at terms not to exceed the lesser of 30 years and the projected useful life (refer to Interest Rate Policy effective January 1, 2021)
- Standard municipal/private loan terms are:
- <= $250,000 loan term - 5 years;
- <= $500,000 loan term - 10 years;
- > $500,000 loan term - 20 years; and
- 30-year term reserved to help make loans affordable or to restructure debt or for projects with a useful life of 30 years or more

DWSRF Loan Terms

- DWSRF loans are made at or below market interest rates, at terms not to exceed the lesser of 20 years and the projected useful life (refer to the Interest Rate Policy effective January 1, 2021)
- 30-year loans are limited to specific entities that are considered disadvantaged

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CWSRF – DWSRF Annual Project Priority List (PPL) Process

- The criteria are defined by the Standard Operating Procedures for PPLs established by DNREC and DHSS
- Projects are ranked by year of inception and then by number of priority points
- Generally, the highest-ranking project should deliver the greatest environmental and public health benefit to the State

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CWSRF POINTS CRITERIA

I. Water Quality Protection (0-10 bonus)	0-45 points
II. Targeted Waterbodies	0-20 points
III. Clean Water Priorities	0-20 points
IV. State Strategies	0-10 points
V. Green Project Reserve	0-10 points
VI. Sustainability	0-30 points
VII. Land Conservation 0 points	(10 bonus)
VIII. Borrower Type	0-10 points
(Up to 20 bonus)	Total 145 pts

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Water Quality Protection – (0 - 45 points)

- Point Source project - Total pounds of nitrogen plus the total pounds of phosphorus that will be removed from the discharge as result of the project multiplied by a constant - Maximum 45 points

$$\text{Example: } \frac{(11{,}400\ \#N + 1{,}600\ \#P)/\text{year} \times 0.30\ d/\#}{365d/\text{year}} = 10.7 \text{ pts}$$

Plus: Bonus pts for ENR: additional point for each 10% of allowable pollution load eliminated by project (up to 10 pts), or

- Toxics - For toxic pollutants, the effectiveness of a given project will be rated based on its ability to eliminate or reduce the severity of Delaware fish consumption advisories; eliminate or reduce the severity of toxic impacts to benthic aquatic life; or otherwise attain numeric toxics criteria for the protection of human health and aquatic life in Delaware Water Quality Standards. Points will be determined for effectiveness by multiplying the percent reduction in impact by 0.5 - Maximum 45 Points, or
- Non-point source project: receive points based on the published efficiencies of the BMP's. Percent efficiency of the project's BMP multiplied by 45 - Maximum 45 points

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Targeted Waterbodies – (0-20 points)

If the project:

• Addresses an existing TMDL	20 points
• Addresses a watershed management plan	10 points
• None of the above	0 points

Strategies for State Policies & Spending (0-10 points)

• 212 project	
• Level 1	10 points
• Level 2	10 points
• Level 3	5 points
• Level 4	0 points
• Out of Play	0 points

NPS- 1(0 points)

• Non-point Source (319) Project	10 points

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Green Project Reserve (0-10 points)

Project meets definition in one of below categories

• Green Infrastructure	10 points
• Water Efficiency	10 points
• Energy Efficiency	10 points
• Environmentally Innovative	10 points

Sustainability (0-30 points)

Project/System incorporates:

• Asset Management Implementation	10 points
• Full Cost Pricing Standards	10 points
• Climate Change Adaption or Resiliency	10 points

Sponsorship (10 bonus points)

• Land Conservation or Water Quality Sponsorship	10 points

Borrower Type (0-10 points)

• Municipality or State Agency	10 points
• All Others	0 points

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DWSRF POINTS CRITERIA

I. Growth	0 points
II. Affordability	max 100 points
III. Quality Deficiencies	max 180 points
IV. System Information	max 70 points
V. Regionalization	max 200 points
VI. Storage	max 180 points
VII. Treatment	max 410 points
VIII. Distribution	max 620 points
IX. Source	max 300 points
X. Safety & Vulnerability	max 20 points
XI. Sustainability	max 280 points

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Growth– (0 points)

- Is the project primarily for growth?
  If yes, it is not eligible project

0 Points allowed

DWSRF federal requirements prohibit funding projects that are primarily for growth. DWSRF follows EPA's 'Fix it First' approach to funding

Affordability- (max 100 points)

- According to the preliminary Financial Review, is this project considered unaffordable and/or does this project meet Underserved Community Criteria?

100 Points allowed

Applicant can assume, based on past affordability analysis, the answer to this question. If no assumption can be made, you can contact DWSRF for assistance.

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Quality Deficiencies- (max 180 points)

- Was the Applicant required to provide a Public Notification to its consumers during the past three years for exceeding a drinking water standard in accordance with State or Federal Regulations?

80 Points allowed

Applicants can refer to the water system operator, Consumer Confidence Report, internal records, or contact DWSRF for assistance

- Does the project description stated in the application address the compliance issue for which the Public Notification was required?

30 Points allowed

Example: if the Public Notification was issued for nitrates, but the project description installs storage, no points will be awarded because the project does not address the compliance issue.

- Does the Applicant meet or exceed EPA's Electronic Tracking Tool (ETT)'s compliance score of 11?

10 Points allowed

Applicants can contact DWSRF for assistance.

- According to sample results, does the water system exceed any Secondary Standards?

25 Points allowed

Applicants can refer to the water system operator, Consumer Confidence Report, internal records, or contact DWSRF for assistance.

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Quality Deficiencies- (max 180 points) (continued)

- Have any complaints been documented by the Office of Drinking Water for taste, odor, or color?

15 points allowed

Applicants can refer to the water system operator, internal records, or contact DWSRF for assistance.

- Have any monitoring or reporting violations been issues in the past three years?

30 points allowed

Applicants can refer to the water system operator, internal records, or contact DWSRF for assistance.

System Information (max 70 points)

- Population 10,000+

10 points allowed

- Between 5,001 – 9,999

10 points allowed

- Between 3,301 – 5,000

10 points allowed

- Between 500-3,300

20 points allowed

- Less than 500

40 points allowed

- Municipal or community

10 points allowed

- Non-Profit Non-Transient Non-Community or Non-Profit Transient Non-Community

5 points allowed

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Regionalization (max 200 points)

Is the Applicant providing water to a non-complying water system?

50 points allowed

Is the Applicant providing water to an area of existing private wells with water quality deficiencies?

50 points allowed

Will the project result in the consolidation of complying water systems?

70 points allowed

Will the project result in an interconnection with another water system?

30 points allowed

Storage (max 180 points)

Does the project address acute quantity deficiencies such as:

Water pressure below 25 psi

50 points allowed

Lack of adequate supply

50 points allowed

Does the project address chronic quantity deficiencies such as:

Lack of adequate storage

40 points allowed

Water shortages during peak demand

40 points allowed

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Treatment (max 410 points)

Referring to Section 1 and the project description, will the project directly remedy the contaminant exceedance or non-compliance with treatment upgrades?

100 points allowed

Example: if nitrates is the compliance issue, and nitrate treatment will be installed, points will be awarded.

Faulty pumping Station
Inaccurate controls/SCADA
Inadequate corrosion control
Ineffective backflow prevention

20 points allowed

Degraded facility
Backwash Recovery System Installation
Inadequate disinfection
Inadequate nitrate removal
Inadequate filtration
Lack of critical redundancy
Unreliable emergency power

30 points allowed

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Distribution (max 620 points)

Lead Component Service Line Replacement	100 points awarded
Inadequate intake (surface water only) Failing transmission mains Failing distribution mains	80 points awarded
Meter installation Meter replacement	60 points awarded
Hydrant installation Hydrant replacement	40 points awarded
Valve installation Valve replacement	30 points awarded

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Source (max 300 points)

- Indicate all source upgrades below:
  - Inadequate source — 100 points allowed
  - Replacement of contaminated source — 100 points allowed
- Source Well protection/Well Field Development — 50 points allowed
- Other — 50 points allowed

Safety &Vulnerability (max 20 points)

- Is the project intended to address safety projects such as lights and cameras or alarm systems? 20 points allowed

Sustainability (max 280 points)

- Is the Applicant's 5-year Capitalization Plan or similar document included in the application? 40 points allowed

Or similar document can mean the annual budget. DWSRF offers 1:1 assistance if needed for free with budgeting.

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Sustainability (max 280 points) (continued)

- Does this project have a joint CWSRF project that will occur simultaneously?

  30 points allowed

- Does this project consider other relevant community sustainability priorities from other sectors, such as agriculture, transportation, housing and/or finance?

  30 points allowed

- Does this project make use of technologies and practices to reduce energy and /or water consumption or use renewable energy?

  30 points allowed

Most likely, treatment and distribution projects are using these technologies. Be a part of Project Sunshine and get a free feasibility study conducted of your system as it pertains to green energy and infrastructure.

Does this project reduce the vulnerability of the infrastructure from extreme events and increase resilience to future events?

30 points allowed

This can be a trigger question, should the scope be re-evaluated to accommodate such needs?

10 points allowed for each:

Is the project scope to prepare for future requirements?
Is this a phased project covering several years?
Is the Applicant active in other DWSRF grant programs?

30 points

This can include Asset Management, or Planning Grants

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Sustainability (max 280 points) (continued)

20 points allowed for each :

Does the Applicant's rate structure promote conservation?

Are the Applicant's rates reviewed and assessed on a regular basis?

The answer is probably yes to both of these questions. Town/City management can assist.

10 points each for having and implementing the following documents:

Consumer Confidence Report?

Cross Connection Control Plans?

Cyber Security/ Vulnerability Assessment and Plans?

The water operator will know the answer to all of the questions. Don't exclude that valuable resource!

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CWSRF - DWSRF Application Process

Projects on the fundable PPL will be solicited to apply for an SRF loan

SRF Loan applications undergo an engineering/technical review and loan underwriting process

Technical review consists of:

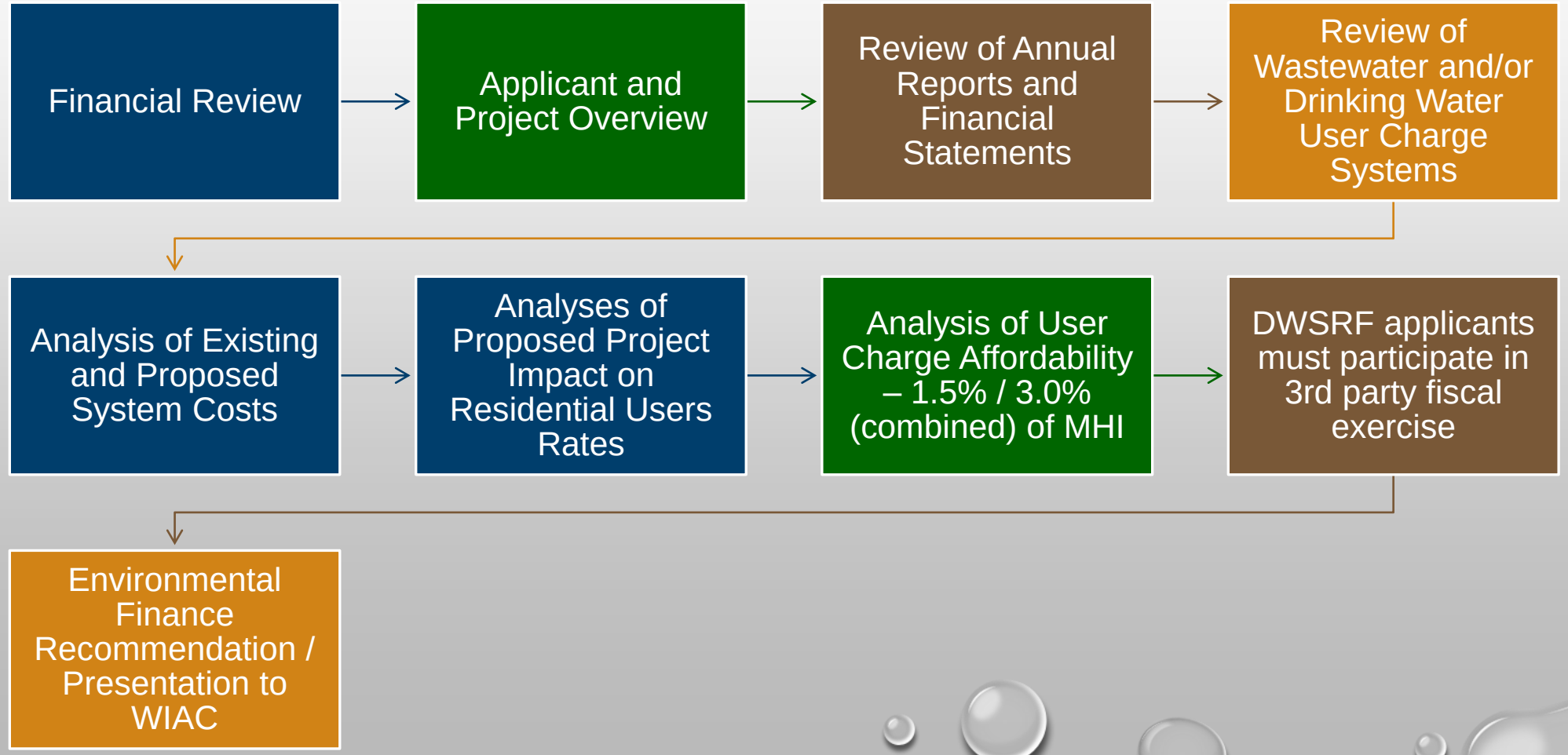
- Review of PER or Capacity Development Report
- Environmental Review

Loan underwriting process consists of:

- Financial review
- Funding package proposal

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

CWSRF - DWSRF Loan Approval Process



DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

Binding Loan Commitment, Loan Agreement, & Closing Process

Binding Loan Commitment Letter

- Commitment of fund resources for proposed project (borrower can solicit project construction bids)
- Project Description
- Loan Amount
- Loan Terms
- Estimated timing (120 days) to close the loan

Loan Closing

- Typically, after project construction bids are solicited and accepted
- Scheduled loan closing with legal counsel
- Borrower incurs loan closing expense for borrower and fund
- Financing Agreement – project description and budget, operation of system, special covenants, loan disbursement schedule
- General Obligation Bond or Revenue Bond—sets forth loan terms and final maturity date
- Final maturity date – cannot be extended once the loan is closed; therefore, if construction is delayed, the loan will be amortized over fewer years

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

Loan Reimbursement and Repayment Process

Loan Reimbursement

- Eligible project expenses must be incurred but not required to be paid in advance
- Reimbursement draw requisition form must be used
- Copies of supporting project expenses included with draw request

Loan Repayment Process (depending on loan agreement)

- Interest only payments during project construction
- Amortized loan (principal and interest) repayment are due 6 to 12 months after projects completion
- Final Disbursement and Initiation of Operations
- Upon substantial completion and release of any retainage, recipients submit for final disbursement
- Project engineer will ensure that the program requirements are met and that all specifications have been followed

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

CWSRF Program Requirements

All Projects

- Super Cross Cutters - Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Section 13 of the Federal Water Pollution Control Act Amendments of 1972; and Executive Order 11246 on Affirmative Action in federal contracting
- Delaware State Prevailing Wage Rates
- State Environmental Review Process - ("NEPA-like" Environmental Review)
- Project Sign
- Access to Project Site
- Suspension and Debarment and other responsibility matters

Requirements that only apply to "Treatment Works" projects

- Davis-Bacon Wage Rates
- American Iron and Steel (AIS) – CWSRF loan recipients, absent a waiver, are required to use iron and steel products that are produced in the United States for projects for the construction, alteration, maintenance, and repair of treatment works. GAAP Reporting
- Fiscal Sustainability Plans – Applies to all entities in which the loan recipient submits an application on or after October 1, 2014. Fiscal Sustainability Plans (FSPs) are required for treatment works repair, replacement, or expansion. Entities which already have implemented Asset Management are not required to develop a FSP and can self-certify that they have implemented an asset management plan

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

CWSRF Program Requirements

Requirements that only apply to Municipalities and State Agencies

- **Cost and Effectiveness –** This provision applies to municipalities or inter-municipal, interstate, or State agencies for which the loan recipient submits an "application" on or after October 1, 2015. The statute requires a cost and effectiveness analysis

Requirements that only apply to "Equivalency" Projects

- **Disadvantaged Business Enterprises (DBE)** - EPA's Disadvantaged Business Enterprise (DBE) rule applies to procurement actions for projects considered equivalency
- **A/E Procurement** - A/E Procurement applies to contracts for program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services. All projects considered equivalency must comply with the elements of the procurement processes for A/E services as identified in 40 U.S.C. 1101 et seq., or an equivalent State requirement. If a borrower cannot comply with the federal requirement, a separate "non-equivalency" financing agreement will fund the architectural and engineering services
- **Generally Accepted Accounting Practices (GAAP)** – GAAP compliance will be required as a condition of making a loan or providing other assistance from the fund
- **Single Audit Requirement** – Applies to loan recipients receiving federal assistance greater $750,000+ threshold in a federal fiscal year
- **Prohibition on certain telecommunication & video surveillance services or equipment**
- **Build America Buy America (BABA)**
- **"Building a Better America" Sign**

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DWSRF– Program Requirements

- EO 11246 Equal Employment Opportunity – non- discrimination based on race, color, religion, sex, or national origin
- Requirement for Certification of Non-segregated Facilities
- Civil Rights Act of 1964
- Rehabilitation Act of 1973
- Delaware Prevailing Wage Regulations
- Davis-Bacon Wage Rates
- Build America Buy America (BABA) and American Iron and Steel (AIS)
- DBE (formerly MBE/WBE)
- Suspension and Debarment and other responsibility matters
- Standard Project Sign and a “Building a Better America” Sign
- Access to Project Site
- Single Audit Requirement – Applies to loan recipients receiving federal assistance greater $750,000+ threshold in a federal fiscal year
- Prohibition on certain telecommunication & video surveillance services or equipment

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

CWSRF - DWSRF Bidding and Contracting Process

Project Bid Process

- All plans and specifications must be reviewed and approved by program staff prior to advertisement
- Mandatory Pre-Bid meeting must be held to explain program requirements to potential bidders at least 15 days prior to bid opening
- Project is bid for a minimum of 30 days
- Sealed bids are received and shall be opened publicly and be read aloud at the time and place designated

Contract Award Process

- Bids are tabulated and the contract is awarded to the responsive low bidder
- Bid Package submitted for approval must contain:
  - Bid tabulation
  - Certification of all Bonds
  - Certification that all easements have been obtained
  - Submission of required DBE documents (if applicable)
  - Other documents as required
- Schedule and conduct a Pre-construction conference

Construction and Inspection

- Monthly progress meetings must be held
- Interim inspections will be conducted by the project engineer to ensure compliance with the program requirements and significant project delays, or issues must be disclosed to the project engineer

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Other CWSRF – DWSRF Grant and Funding Programs

*Asset Management Grants – CWSRF and DWSRF

*Project Planning Advances – CWSRF

Planning and Design Loans - CWSRF

*Wastewater Matching Planning Grants - CWSRF

*Surface Water Matching Planning Grants – CWSRF

*Community Water Quality Improvement Grants - CWSRF

*Drinking Water Matching Planning Grants – DWSRF

Clean Water Initiative

**** Insurance requirements apply.***

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

Wastewater and Drinking Water Asset Management Grants

Asset management is the practice of managing infrastructure capital assets to minimize the total cost of ownership and operations, while delivering the service level customer's desire

Must be a Publicly-Owned Wastewater or Drinking Water Utility	Municipal Government must sign a five-year agreement to develop and implement an Asset Management Plan based on the following core components: • Asset Inventory • Level of Service • Critical Assets • Revenue Structure • Capital Improvement Plan	Municipality may contract with consulting firm following their own procurement procedures, however, scope must be approved by DNREC prior to solicitation	Required to annually submit annual Asset Management Plan for the 5-year grant agreement	No cash match required for up to $100,000 municipal planning grant to develop and implement an Asset Management program

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

CWSRF Project Planning Advances

- Project Planning Advances are designed to assist municipalities with the preparation of Preliminary Engineering Reports (PERs), and Environmental Information Documents (EIDs) that will directly lead to new CWSRF projects and loans
- Funding Allocation: $200,000 for wastewater and surface water projects in SFY 23
- Up to $100,000 to complete a project PER and EID within one year
- After a PER and/or EID have been completed, a municipality must submit a CWSRF Project Notice-of-Intent (NOI) for the proposed project and subsequently apply for and execute a CWSRF Loan
- 100% of a Project Planning Advance will be forgiven after a PER and/or EID have been completed
- If a public referendum for a proposed SRF project/loan fails to pass, a municipality is required to submit referendum outcome documentation. In the case of a failed public referendum 100% of the Project Planning Advance will be forgiven
- If a municipality fails to execute a CWSRF loan for the project (other than failed referendum), 100% of the advance must be returned
- Open solicitation – municipalities can submit Project Planning Advance Applications at any time; one per year limit

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

CWSRF Planning and Design Loans

- To assist potential borrowers with the costs of Project Planning and Design, and to help accelerate the CWSRF loan process:
- Potential borrowers with projects on the CWSRF Project Priority List (PPL) may be offered 0% Planning and Design Loans (PDLs)
- PDLs will be for up to one year to complete the necessary project planning and design to submit a CWSRF loan application
- Borrowers must obtain the necessary approvals from their governing authorities to issue General Obligation debt for PDLs; after the loan can be closed and funds disbursed
- Submitted loan applications will go through normal CWSRF reviews and approvals; after which another loan closing will occur rolling the PDL into a regular interest payable during construction CWSRF loan
- After the planning and design process, borrowers can decide not to move forward with the project and the PDL will be amortized at 0% over 5 years or less (based on loan amount)
- After one year, if the project planning and design process has not been completed and a CWSRF loan application has not been submitted, the PDL will become immediately due and payable

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

Wastewater Matching Planning Grants

- Wastewater Matching Planning Grants are allocations in the CWSRF Non-Federal Administrative Account
- The program is designed to assist municipal and county wastewater utilities relative to determining infrastructure needs and conducting feasibility studies. Other eligible entities may apply for these grants
- Eligible studies include General and Regional Facility Planning Studies, Feasibility Studies, Inflow and Infiltration Studies, and studies necessary for permit applications (i.e. Hydro-Geo Studies) NOTE: Design is not an eligible use of Wastewater Matching Planning grants
- $150,000 is allocated for the program in SFY 23
- $50,000 per application, and $100,000 annual cap per municipality
- 50% cash match required (use of CWSRF loan funds for match requires EF approval)
- Grant typically will be open August and January as allocated balances allow
- Studies need to be completed in 2 years or less from PO Issue Date
- Application packet is on the DNREC website, **and the next due date February 15th**

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

Drinking Water Matching Planning Grants

- Drinking Water Matching Planning Grants are patterned after the Wastewater Matching Planning Grant Program, funded from the DWSRF Non-Federal Administrative Account
- The program is designed to assist municipal and county drinking water utilities relative to determining infrastructure needs and conducting feasibility studies
- Funding can be used to assist with drinking water planning in general, and for specific project planning and designs necessary to submit a loan application for DWSRF funding consideration
  - $300,000 is allocated for the program in SFY 23
  - 50% cash match required
  - Grant applications may be submitted at any time and will be reviewed at the next WIAC meeting, as allocated balances allow
- Application packet is on the DNREC website and **the next due date is February 15th**

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

Surface Water Matching Planning Grants

- The Surface Water Matching Planning Grant Program supports surface water improvement projects and activities that focus on the developed landscape to improve water quality in impaired watersheds in Delaware. These grants are intended for planning/preliminary engineering/feasibility analysis of stormwater retrofits, green technology practices, stream and wetland restoration projects, small watershed studies, development of master surface water and drainage plans, and other point and non-point source water pollution control projects
- State agencies, counties and municipalities are eligible to apply for a Surface Water Matching Planning Grant
  - $250,000 is allocated for the program in SFY 23
  - There is a $50,000 grant award cap and an annual award cap of $100,000
  - Cash matching funds are required
  - Grant typically will be open July and January as allocated balances allow
- Studies need to be completed in 2 years or less from PO Issue Date
- Application packet will be on the DNREC website at least 30 days before proposals are due. **The next due date is February 15th**

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

Community Water Quality Improvement Grants

- Community Water Quality Improvement Grants that will support water quality improvement projects in impaired Delaware watersheds will be available from the Water Infrastructure Advisory Council. Competitive grant proposals should focus on the developed landscape to improve water quality and address one or more of the following goals:
  - Provides benefits to water quality within an impaired watershed
  - Proposal demonstrates innovative or environmentally beneficial science
  - Implements non-regulatory projects listed in a watershed management plan
  - Restores water quality benefits
- Applicants may be any Delaware non-profit organization, community organization, and/or homeowner's association, or Conservation District
- Ag Operations, for profit firms, Counties, Municipalities, and State agencies are not eligible, however, cooperative arrangements with eligible applicants are acceptable

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

- 75% of grant award must be used for project implementation, 25% can be used for administration
- No cash match is required
- Projects required by enforcement, punitive requirements, regulation, required mitigation, agricultural practices are not eligible. Projects that exceed regulatory require (except Ag) are acceptable
- Programs and projects selected will demonstrate innovative and/or environmentally beneficial and sustainable methods, techniques, and/or practices for water quality improvements with cost effective and measurable results
- $250,000 is allocated for the program in SFY 23
- $25,000 minimum grant with a $75,000 per grant cap
- Implementation of projects need to be completed in 2 years or less from PO Issue Date. Innovative Research projects receive an additional year for monitoring
- Grant typically will be open October and April as allocated balances allow
- Application packet will be on the DNREC website 30 days prior to proposals being due. **Current solicitation has a due date of TBD**

Community Water Quality Improvement Grants

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

Clean Water Initiative (CWI) Strategy

Section 88. Clean Water Initiative. Section 1 Addendum of this Act makes an appropriation to Clean Water State Revolving Fund. At least $1,600,000 of these funds shall be used for the development, administration and implementation of a clean water financing program to benefit low-income and traditionally underserved communities through lower interest rates and affordability grants.

Clean Water Trust

Operational Definition of Low-Income Communities

Low-income and underserved communities historically have wastewater and drinking water needs, but have no managerial, technical, financial resources, or capacity to address these needs, mainly due to high incidences of poverty, low-income levels, geographical isolation, and the difficulty of attracting septic system operators.

An operational definition for low-income communities has been defined as communities that have at least 51% of the household incomes at or below area the current U.S. Department of Housing and Urban Development (HUD) low-income (80%) limit (LIL) and are connected to septic systems or community systems.

Immediate Strategy

The CWSRF program should identify projects on its current project priority list (PPL) and intended use plan (IUP) that meet the criteria of the CWI. The first project on the PPL meeting the criteria was Donovan Smith MHP. This was an ideal demonstration project. As PPL's are updated, the projects will be screened for CWI funding opportunities.

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

Clean Water Trust – Clean Water Initiative for Underserved Communities

Name	County	City or Town	Public Water	Public Sewer
Twin Maples MHP	Kent	Near Kenton	Community	Community
Flying Dutchman MHP	Kent	Near Felton	Community	Community
Lucas Development	Sussex	Milton	No	No
Mount Joy	Sussex	Miillsboro	No	No
Concord	Sussex	Near Seaford	No	No
Possum Point	Sussex	Millsboro	No	No
Coverdale Crossroads	Sussex	Bridgeville	No	No
Cedar Creek	Sussex	Near Lincoln	No	No
Cool Spring	Sussex	Near Harbeson	No	No
Diamond Acres	Sussex	Dagsboro	No	No
Greentop	Sussex	Lincoln	No	No
Slaughter Neck	Sussex	Lincoln	No	No
Dog Patch	Sussex	Near Clarksville	No	No
Marathana MHP	Kent	Magnolia	No	No
~~Countryside Hamlet~~	~~Sussex~~	~~Dagsboro~~	~~Community~~	~~No~~

Short-Term Strategy

The CWI Workgroup identified a “shorter” list of communities to be targeted. These communities were derived from the DSHA “Strong Communities” and MHP target areas. The short-term strategy is to successfully implement three to five pilot projects.

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

Clean Water Trust – Clean Water Initiative for Underserved Communities

Long-Term Strategy

The long-term strategy will be further defined based on the lessons learned from early pilots and the collection and analysis of data relative to the CWI. The plan is to further develop the guidance and application process. Workshops will be held, and stakeholders along with potential partners will be invited. A public solicitation process will be conducted similar to other solicitations that have been conducted by DNREC. Projects will continue to be identified on the CWSRF PPL that meet the criteria of the CWI and use the funds appropriately.

Interested Counties, Municipalities, Private Utilities, or Non-Profits willing to be project sponsors should contact Environmental Finance for further information.

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Deadlines for NOIs and Planning Grants

Notices of Intent (NOI) for State Revolving Fund wastewater, drinking water, stormwater, and related infrastructure projects are due by DNREC close of business at 4:30 p.m. on Wednesday, February 15.

Applications for wastewater, drinking water, surface water matching planning grants and community water quality grants are also due by DNREC close of business at 4:30 p.m. on Wednesday, February 15.

CWSRF Program at 302-739-9941

Or

DWSRF Program at 302-744-4739

https://dnrec.alpha.delaware.gov/environmental-finance/

You can also email staff at:

Greg Pope, P.E. (Greg.Pope@delaware.gov) –
Chief of Operations, DNREC, Environmental Finance

Laura Robbins (Laura.Robbins@delaware.gov) –
Chief of Administration, DNREC, Environmental Finance

Marissa Jacobi (Marissa.Jacobi@delaware.gov) –
Public Health Treatment Program Administrator, DHSS
Resource Mailbox: DHSS_DPH_DWSRF@Delaware.gov

Jim Sullivan (James.Sullivan@delaware.gov) –
Planner, DNREC, Division of Watershed Stewardship

DELAWARE CWSRF AND DWSRF FUNDING WORKSHOP

DELAWARE'S 2023 FUNDING WORKSHOP

WRAP UP & NEXT STEPS

CWSRF

Clean Water State Revolving Fund

DWSRF

Drinking Water State Revolving Fund

Next WIAC Meeting
Wednesday, March 15
DelTech Terry Campus or via Webex