

# Intended Use Plan

State Fiscal Year 2015

September 15, 2014



State of Oregon  
Department of  
Environmental  
Quality



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# Introduction

The Intended Use Plan (IUP) is a document the Oregon Department of Environmental Quality (DEQ) prepares for the U.S. Environmental Protection Agency (EPA) and others interested in Oregon's Clean Water State Revolving Fund (CWSRF) program. This IUP describes how DEQ proposes to use the CWSRF funds during state fiscal year (SFY) 2015 (July 1, 2014 through June 30, 2015). This IUP also includes information required for DEQ to receive federal funding through EPA appropriations and the resulting CWSRF capitalization grant. The SFY 2015 IUP will remain in effect until the next IUP is developed and finalized.

DEQ's CWSRF program offers below-market interest rate loans and bond purchases to public agencies for planning, design, construction or implementation of the following water quality improvement projects:

- Wastewater collection, treatment, water reuse and disposal systems
- Non-point source water pollution control projects
- Development and implementation of management plans for federally-designated estuaries in Oregon (Tillamook Bay and Lower Columbia River)

Applicants that have submitted applications for eligible projects are included on the project priority list in priority order. However, DEQ does not commit or reserve funds for individual projects until an applicant meets all application requirements. This indicates the project's readiness to proceed. DEQ funds projects that are ready to proceed in priority order.

All CWSRF program activities are governed by Oregon Administrative Rules Chapter 340, Division 54, which can be found on the state's website: [http://arcweb.sos.state.or.us/pages/rules/oars\\_300/oar\\_340/340\\_054.html](http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_340/340_054.html).

## Environmental Benefits of Projects

EPA requires all new projects funded through the CWSRF program to have a demonstrated environmental benefit. States must document this benefit by including either specific projected environmental results or outcome measurements in their IUP. States also can choose to place a statement in their IUP that they will enter data into the Clean Water Benefits Reporting database at least quarterly for each project funded. Upon execution of each new project funding through the CWSRF program, DEQ will enter the required data into the online web-based database maintained by EPA, as required by the Federal Funding Accountability and Transparency Act. Additionally DEQ also will report in the federal System for Award Management on newly executed agreements in excess of \$25,000 in an amount equivalent to the capitalization grant duration. Reporting will be in accordance with the EPA memorandum, Guidance on Federal Funding Accountability and Transparency Act reporting through Clean Water State Revolving Fund and Drinking Water State Revolving Fund data systems (March 23, 2011).

# CWSRF Program Goals

## Long Term Program Goals

- Goal #1:** Protect public health and the waters of the state by offering financial assistance for water pollution control projects.
- Goal #2:** Provide financial support for water quality improvement projects that incorporate innovative and sustainable approaches.
- Goal #3:** Administer the Clean Water State Revolving Fund to ensure its financial integrity, viability and perpetuity as a source of financial assistance.
- Goal #4:** Assist public agencies as they strive to achieve and maintain compliance with federal and state water quality standards.
- Goal #5:** Encourage public agencies to focus on high priority, water quality improvement projects statewide including stormwater, nonpoint source and estuary management projects.
- Goal #6:** Provide technical assistance to public agencies by using the principles of effective utility management to assess financial, operational, managerial and infrastructure capability needs that will result in water quality improvement.
- Goal #7:** Provide small public agencies with additional assistance that will result in their ability to complete water quality protection and improvement projects.
- Goal #8:** Ensure program budget adequately supports resources and administrative costs.
- Goal #9:** Encourage public agencies to use planning loans for water quality improvement and protection projects that incorporate sustainability and integrate natural green infrastructure with traditional gray infrastructure.
- Goal #10:** Continue coordination and cooperation with other state and federal programs in providing financial assistance to Oregon public agencies.
- Goal #11:** Solicit input from a standing external advisory committee on program development and implementation issues, as appropriate.

## Short Term Program Goals

- Goal #1:** Continue to maintain the revolving nature of the fund and an active pace of disbursements in conjunction with the receipt of new funds and loan repayments.
- Goal #2:** Provide the type and amount of financial assistance most advantageous to public agencies, to the maximum extent possible within the constraints of sound financial management, law and regulation.
- Goal #3:** Provide additional subsidization as required by the federal fiscal year 2014 and 2015 capitalization grants.
- Goal #4:** Fund green infrastructure, water or energy efficiency improvements or environmentally innovative projects that total the amount required by the federal fiscal year 2014 and 2015 capitalization grants.

# Federal Capitalization Grant Requirements

DEQ must comply with EPA capitalization grant requirements to receive its federal funding allocation. The annual EPA capitalization grant provides additional funding to the CWSRF that increases DEQ's capacity to fund water quality improvement projects. Although it's not yet been awarded, this IUP includes the anticipated federal fiscal year (FFY) 2014 (Oct. 1, 2013 through Sept. 30, 2014) capitalization grant.

DEQ will apply for the allocated the FFY 2014 grant in the amount of \$15,839,000. DEQ's application for the FFY 2015 capitalization grant will be addressed in future 2015 IUP updates when EPA notifies DEQ of Oregon's allotment from future federal appropriations. This IUP addresses requirements to fund green projects and to provide additional subsidization, which DEQ offers in the form of principal forgiveness throughout this IUP.

## FFY 2014 Cap Grant Payment Schedules

DEQ will apply for the FFY 2014 capitalization grant in mid-July 2014. The estimated payment schedule for the FFY 2014 capitalization grant is:

July – Sept. 2014: \$6,000,000,  
Oct. – Dec. 2014: \$6,000,000,  
Jan. – March 2015: \$3,839,000

DEQ will disburse 100 percent of the required state match prior to disbursing any of the associated federal grant funds.

## Program Administration

### Administrative Expenses

DEQ charges an annual fee in the amount of 0.5 percent of the unpaid balance (beginning with the second payment) as prescribed in OAR 340-054-0065(6). As part of DEQ's 2012 CWSRF rulemaking, the annual fee on loans in repayment was reduced from 0.5 percent to 0.25 percent starting Jan. 1, 2013, through Dec. 31, 2014, to align the program's administrative account balance with program expenditures. The temporary annual fee reduction will benefit borrowers and not adversely impact DEQ's ability to administer the program. Currently, annual fees are adequate to support DEQ's administration of the program, and DEQ will continue to monitor the fees fund to ensure the revenue source is adequate. Revenues from this fee are kept in an account outside the regular CWSRF and are used exclusively to pay CWSRF program administrative costs. As of May 1, 2014, the CWSRF program had approximately \$4.8 million in the administrative fund available for administrative expenses.

DEQ uses the annual fee revenue to pay administrative expenses for program operations and therefore chooses to bank the 4 percent allowed under the capitalization grant for administrative use. The banked authority stands at \$7.2 million. During the SFY 2013 performance evaluation review, EPA identified that some loan fees were incorrectly were being deposited into the CWSRF fund and then transferred into the administrative fund. In April 2014, DEQ discontinued this practice. The total amount of incorrectly deposited fees for SFY 2014 is \$405,588. That amount will be deducted from the banked 4 percent administrative allowance leaving about \$6.8 million. This deduction will be reflected after the award of the FFY 2014 capitalization grant, in a subsequent update to this IUP.

# Funding Options

Two funding options are available through the CWSRF program: loans with terms not to exceed 20 years and a bond purchase not to exceed 30 years.

## Loan Terms and Conditions

The CWSRF offers loans with maximum repayment duration of 20 years after project completion, and interest rates based on the average 20-year municipal bond rate, as published by the Federal Reserve. Loans with shorter repayment terms may have different interest rates. The average bond rate is calculated on a quarterly basis. A percentage of that rate is used for the CWSRF loan interest rate on loans signed in the subsequent calendar quarter. These percentages are stated in OAR 340-054-0065(4). Interest rates for 20 year loans signed during the period July 1, 2014 through Sept. 30, 2014 will be about 1.73 percent for small communities with median household income (MHI) below the statewide MHI, and about 2.38 percent for all other communities. Beginning July 1, 2014, loans will have rates based on the average municipal bond rates during the April through June period.

## Bond Purchase

On Feb. 5, 2013, the DEQ adopted OAR 340-054-0072, which made extended term financing available for treatment works projects via a bond purchase, with a maximum repayment duration of 30 years not to exceed the useful life of the asset. Interest rates are calculated the same as above with a small added premium for certain borrowers.

As part of this rule making, DEQ made a onetime offer allowing a select number of existing loans the opportunity to refinance under a bond purchase under a specific conditions. DEQ identified 17 existing borrowers—10 of which decided to refinance their loan. These 10 borrowers have until Feb. 1, 2016 to complete their loan refinance with a bond purchase.

## Applications

DEQ sent a memorandum and email during Oct. 2013 to all cities, service districts and sanitary districts to solicit applications for CWSRF loans. Watershed councils, irrigation districts and other groups concerned with non-point source pollution and estuary management also were included in the mailing. DEQ encourages public agencies to submit a completed application for all eligible projects regardless of the project schedule or status. Although DEQ accepts applications at any time, application deadlines are set prior to DEQ's scoring meetings. The deadline for applications to be considered for funding during DEQ's SFY 2015 is Aug. 8, 2014, Dec. 12, 2014, and April 10, 2015.

Under OAR 340-054-0025(6)(a), projects will remain on the priority list for up to 36 months, after which they will be removed from the list. DEQ also removes projects from the list upon execution of a borrowing agreement or upon request by the applicant.

This IUP includes 14 projects for a total of \$128,171,622 in requested funding. DEQ received eight new applications from City of Bend (5), City of Brookings, City of Coos Bay, and City of Hood River. Since the SFY 2014 IUP – Update #1 dated Dec. 19, 2013, DEQ removed seven projects because new loan agreements were executed for City of Chiloquin, City of Columbia City, City of Echo, City of Hood River, City of Monroe, one of two from City of Newport, and City of Powers. DEQ also removed projects that decided not to pursue funding with the CWSRF program.

Following in Table 1 is a brief description of each project, organized in alphabetical order, which includes:

- Newest applications are identified with a project number ending in “15.”
- Applicants that serve populations of 10,000 or less are indicated as eligible for small community reserve funds as defined by administrative rule.
- Projects that meet categorical green project reserve requirements are identified with qualified funding.

## Table 1: Project Descriptions

<b>Application Number</b>	<b>Applicant Name (County) Description</b>	<b>Requested Amount</b>
<b>14500A-15</b>	<b>City of Bend (Deschutes County)</b> Sec. 212 Planning. Wastewater facilities planning for collection system improvements.	<b>\$3,939,246</b>
<b>14500B-15</b>	<b>City of Bend (Deschutes County)</b> Sec. 212 Design and Construction. Design and rehabilitation of five identified areas and corrosion control throughout of the existing plant interceptor of the collection line.	<b>\$5,450,000</b>
<b>14500C-15</b>	<b>City of Bend (Deschutes County)</b> Sec. 212 Design and Construction. Design and construction of a bypass valve and new force main within the north area.	<b>\$7,895,000</b>
<b>14500D-15</b>	<b>City of Bend (Deschutes County)</b> Sec. 212 Design and Construction. Design and construction of a new lift station and force main in the southwest area and existing capacity improvements for the trunk line.	<b>\$12,291,108</b>
<b>14500E-15</b>	<b>City of Bend (Deschutes County)</b> Sec. 212 Design and Construction. Design and construction of a large diameter gravity sanitary sewer pipeline within the south east portion of the city.	<b>\$63,000,000</b>
<b>18200-15</b>	<b>City of Brookings (Curry County)</b> Sec. 212 Design and Construction and Small Community. Design and construction of interceptor, pump testing and pump upgrades, aeration blower upgrade, I&I study, and methane storage and fats, oils, and grease feasibility study.	<b>\$3,214,470</b>

This project includes a sponsorship option includes:

[1] Bio swale and stormwater retention, Chetco River creek restoration and drainage improvements, water conservation plan update, stormwater plan implementation planning, and stormwater education and outreach. Requested amount of \$845,385, of a \$944,600 total project costs.

[2] Redirect drainage of a wet weather management system for parking areas to existing bio-swales and improve storm drainage and outreach assistance to mimic natural hydrology and increase effective permeable surfaces; qualifies for green project reserve funding; \$355,000 categorically green infrastructure (1.2-2)

[3] Update the water conservation plan to identify options for reducing water use and possibly reuse wastewater effluent; this will be incorporated into the project design; qualifies for green project reserve funding; \$25,000 categorically water efficiency improvement (2.2-5).

The sponsorship projects are consistent with Oregon Nonpoint Source Management Plan sections 1.2, 2.3.4, 3.3.2, and 5.3.10.

<b>Application Number</b>	<b>Applicant Name (County) Description</b>	<b>Requested Amount</b>
<b>24000-15</b>	<b>City of Coos Bay (Coos County)</b> Sec. 212 Design and Construction. Design and construction of a new wastewater treatment facility. The new plant will provide additional capacity and UV disinfection.	<b>\$21,836,876</b>
	<p>This project includes a sponsorship option including in the amount of \$2,200,000 of stormwater and riparian enhancements. Sponsorship options includes:</p> <p>[1] Create a Stormwater Management Plan and Stormwater Ordinance development, replacement of a culvert and streambank restoration, and development of a pet waste management program.</p> <p>[2] Establish and restore permanent riparian buffers and other natural features within a highly urbanized watershed, to mimic natural hydrology and increase effective permeable surfaces at Chicksees Creek and First Creek, \$975,000; qualifies for green project reserve funding under the categorically green infrastructure (1.2-7).</p> <p>[3] Retrofit of urbanized areas to include low impact development, install rain gardens with signage for education and outreach, \$550,000; qualifies for green project reserve funding under the categorically green infrastructure (1.2-1).</p> <p>The sponsorship projects are consistent with Oregon Nonpoint Source Management Plan sections 1.2, 2.3.4, 3.3.2, and 5.3.10.</p>	
<b>24190-12</b>	<b>City of Coos Bay (Coos County)</b> Sec. 212 Planning. Facilities planning for wastewater treatment plant No. 2 upgrade.	<b>\$659,300</b>
<b>37450-14</b>	<b>City of Glendale (Douglas County)</b> Sec. 212 Design and Construction and Small Community. Design and construction of upgrades to the headworks, pump station, treatment unit, tertiary sand filter, and reconstruction of existing outfall.	<b>\$1,600,000</b>
<b>45700-15</b>	<b>City of Hood River (Hood River County)</b> Sec. 212 Design and Construction. Design and construction of a new sewer outfall to meet permit conditions.	<b>\$2,726,000</b>
<b>62361-13</b>	<b>City of Madras (Jefferson County)</b> Sec. 212 Design and Construction and Small Community. Design and construction of 8-inch sewer main to unsewered area with failing onsite systems.	<b>\$85,000</b>
<b>66790-13</b>	<b>City of Moro (Sherman County)</b> Sec. 212 Design and Construction and Small Community. Design and construction of new collection trunk line at treatment lagoon, new storage pond and improvements to the irrigation system.	<b>\$1,392,500</b>
<b>68931-14</b>	<b>City of Newport (Lincoln County)</b> Sec. 319 Design and Construction. Replacement of unpermitted storm sewer pipe that has collapsed. The project will address deficiencies in the drainage system by increasing the system's flow capacity and correcting structural failures. This project is consistent with the Oregon Nonpoint Source Management Plan section 2.1.	<b>\$1,982,122</b>
<b>83810-13</b>	<b>City of Sheridan (Yamhill County)</b> Sec. 212 Design and Construction and Small Community. Design and construction of improvements to the main lift station and associated force main.	<b>\$1,700,000</b>

## Project Priority List in Alphabetical Order

[Appendix 1](#) includes all projects for which DEQ has received applications, whether or not the project is ready to proceed. To be awarded funding, an applicant must complete all applicable CWSRF requirements. The project priority list is in alphabetical order by applicant, and includes the following additional information required by EPA: (1) amount requested; (2) priority ranking; (3) EPA needs category; (4) water quality permit number (for federal NPDES permits EPA's "OR" identification number is listed and for state WPCF permits the DEQ identification number is listed); and (5) preliminary project schedule.

## Project Priority List in Rank Order

[Appendix 2](#) includes the same projects listed in Table 1; however, this list is sorted in project rank order. [Appendix 2](#) also includes the points assigned during the scoring process, applicable green project reserve category, and an indication whether the project was submitted by a small community as defined under OAR 340-054-0010(28), or is for facility planning, or both.

Projects notated with an asterisk in the "Applicant" column were scored using criteria under the administrative rules prior to the 2012 rule amendments. DEQ evaluated options and methodologies for how to incorporate previously scored applications with new applications that were scored under the amended administrative rules. Previous applications and scores have been blended with the new application scores using the methodology described under Project Ranking Criteria. Due to the need to integrate two scoring systems in this IUP, the actual number of total points does not always align with the priority rank.

## Applicants Ready to Proceed

DEQ's CWSRF program staff score and rank each eligible application submitted, and then the project is included in the IUP. DEQ will only fund a project if it is included in the IUP and is ready to proceed. "Ready to proceed" means satisfying all CWSRF requirements, including, but not limited to: a land use compatibility statement; an environmental review (if applicable); and documentation supporting compliance with the federal cross-cutting authorities. An applicant is not considered ready to execute an agreement until all requirements have been satisfied. DEQ will offer funding to ready-to-proceed applicants throughout the year and will be reflected in subsequent IUP updates.

[Appendix 3](#) includes one applicant that submitted a project application and has completed all CWSRF requirements.

## Funding Award By-Pass Procedure

The CWSRF program may not always have sufficient funds available to offer funding to all projects that are ready to proceed. In this situation, DEQ will award funding to projects that are ready to proceed in rank order based on the Project Priority List ranking as published in the IUP. If an applicant declines funding, DEQ will go to the next highest ranking project and offer funding to that project, until all available CWSRF funds have been committed. If the number of projects ready to proceed does not draw down all available CWSRF program funds, DEQ will award funding without regard to ranking, since available funds will accommodate all projects ready to proceed. This encourages applicants to proceed with their projects and CWSRF funds are used in a timely manner. This procedure allows DEQ to fund a lower ranking project ahead of a higher ranking project if the lower ranking project is ready to proceed while the higher ranking project is not. DEQ will use this same procedure for the Green Project Reserve and principal forgiveness funding to ensure these are fully obligated in accordance with DEQ and federal requirements.

# Priority Ranking Criteria

DEQ used criteria in OAR 340-054-0026 to rank projects.

Table 1: CWSRF Project Ranking Criteria for Non-planning Loans and OAR 340-054-0027. Non-planning project ranking criteria include: water quality standards and public health considerations; watershed and health benefits; and other considerations.

Table 2: CWSRF Project Ranking Criteria for Planning Loans to score the new projects in this IUP. Planning projects are ranked similarly to the non-planning applications.

## Estimated Funds Available for SFY 2015

[Appendix 4](#) provides the calculation of funds available for SFY 2015 and includes the first half of SFY 2016 (hereafter referred to as SFY 2015 for this section only). This calculation includes the anticipated FFY 2014 capitalization grant in the amount of \$15,839,000.

### Sources of Funds

#### *Federal Capitalization Funds*

DEQ will allocate any additional federal or state funds that become available during SFY 2015 based on this IUP. The FFY 2014 capitalization grant award will include a proposed federal payment schedule based on project schedules and when the cash will be needed.

#### *State Match*

DEQ will sell bonds in approximately the amount of \$5,000,000 to raise matching funds for up to \$25,000,000 in future federal capitalization grant money. Bonds will be issued during SFY 2015 as needed to provide matching funds for the federal capitalization grants. Principal and interest repayments included in [Appendix 4](#) are payments received by DEQ through SFY 2013, SFY 2014 and an estimate SFY 2015. [Appendix 4](#) represents the timing of the funds supply to the demand for funds.

#### *Investment Earnings*

Investment earnings are projected conservatively for SFY 2015 based on low-market interest rates and the relatively high cash balance of the CWSRF. The long term goal is to keep cash reserves low by balancing the need for cash to cover variability in project completion schedules against the goal of keeping funds in use by communities. As the program's available cash balance gradually declines due to the disbursement of funds to borrowers, investment interest earnings also will gradually decline.

#### *Repayments*

Projected SFY 2015 repayments (principal repayments and interest payments) in the amount of \$85,402,346 are included in the cash available. This amount includes the following three categories (from most time-certain to least time-certain):

- 1) Repayments on projects that are fully disbursed and already in repayment;
- 2) Repayments of interim loans with long-term financing through USDA Rural Development; and
- 3) Repayments on signed agreements that are not fully disbursed at this time but are expected to be in repayment before the end of 2015.

The estimates for 2) and 3) are less time-certain because they are dependent upon timely project completion. Repayment schedules are delayed frequently when projects finish later than anticipated. However, unscheduled prepayments increase the actual repayments received. New agreements for short-term projects also increase the repayments actually received. The net effect of these factors in recent years has been to increase actual repayments received over the amount projected. In addition, this estimate of repayments does not include repayments from agreements not yet executed, but which could be signed and in repayment during SFY 2015.

The amount of repayments stated above includes DEQ's estimate of repayments, based on existing agreements through SFY 2014 with an estimate of SFY 2015. SFY 2015 is included in this calculation as the demand for disbursement funds has historically been spread over at least three years after the agreement is signed. Additionally, the inclusion of repayments supports the supply of funds to the demand for funds. Failure to provide funding at a level that can be supported by the program means fewer projects completed and higher balances of CWSRF cash remaining unused. Future calculations of funds available may be adjusted as conditions warrant.

## **Uses of Funds**

### ***Administrative Expenses***

Prior to 2004, DEQ used the 4 percent allowed under the capitalization grant for administrative uses. After 2004, DEQ uses the annual fee revenue to pay administrative expenses for program operations and therefore chooses to bank the 4 percent allowed under the capitalization grant for administrative use. [Appendix 4](#) represents the historical use of this allowance.

### ***Debt Service on Match Bonds***

When state match bonds are sold, the CWSRF program will be required to pay the debt service on the bonds. This has an impact on the dollars available to fund projects this year and in future years. Annual debt service on bonds issued in the amount of \$5,000,000 (estimated need) would average approximately \$337,500. In addition to the cost of the SFY 2014 match bonds, the CWSRF also will pay approximately \$1,900,000 in debt service costs during SFY 2015 on bonds issued in previous years. This debt service has a limiting effect on the availability of funds needed for the program over the long term.

## **Funding Allocations**

Each year DEQ establishes a maximum amount per project and sets aside certain amounts for the planning reserve, small community reserve, green project reserve and additional subsidization based on administrative rules. Based on current funds available, the maximum amount per project for SFY 2015 is \$24,765,815.

DEQ does not expect to fund any projects for more than the maximum amount per project. However, this could occur if there are not enough projects are ready to proceed during SFY 2015. If this occurs, any remaining available funding may be offered to existing borrowers in rank order.

## **Planning Reserve**

The total planning allocation cannot exceed \$3,000,000 per OAR 340-054-0036(1)(b). Projects will be funded until such time as the reserve is fully allocated, or until any remaining reserve is reallocated to design or construction projects. Planning projects that are not fully funded through the planning reserves may be funded with the remaining funds only by competing with all other projects in priority order. If the planning reserve is not used, DEQ will allocate any remaining funds to design or construction projects in priority order during the final quarter of the state fiscal year.

## Small Community Reserve

The small community, population of 10,000 or less, has a small community reserve that cannot exceed 25 percent of the current funds available per OAR 340-054-0036(1)(a). For SFY 2015, the maximum funding under the small community reserve is \$41,276,358. Small community projects that are not fully funded through the small community reserves may be funded with the remaining funds only by competing with all other projects in priority order. If the small community reserve is not used, DEQ will allocate any remaining funds to design or construction projects in priority order during the final quarter of the state fiscal year.

## Green Project Reserve

The anticipated FFY 2014 capitalization grant requires DEQ to use at least 10 percent of the grant for projects that qualify for funding under the green project reserve. The minimum amount of green project reserve DEQ must provide from the anticipated FFY 2014 capitalization grant will be \$1,583,900.

For a project to obtain green project reserve funding, it must follow the EPA Fiscal Year 2012 GPR Guidance ([http://water.epa.gov/grants\\_funding/cwsrf/upload/FY-2012-SRF-Procedures-and-Attachments.pdf](http://water.epa.gov/grants_funding/cwsrf/upload/FY-2012-SRF-Procedures-and-Attachments.pdf)) for determining project eligibility. [Table 1](#) and [Appendix 2](#) indicates projects that meet the green project reserve under the four categories: Green Infrastructure - GI; Water Efficiency - WE; Energy Efficiency - EE; and Environmentally Innovative Activity – EIA.

DEQ expects to satisfy the FFY 2014 green project reserve requirement in part by executing an agreement with two projects. First, with the City of Brookings, project number 18200-15, application in the amount of \$3,214,470 of which \$355,000 is a categorically green infrastructure project and \$25,000 is categorically water efficiency improvement. And secondly with the City of Coos Bay, project number 24000-15, application in the amount of \$21,836,876 of which \$1,525,000 is a categorically green infrastructure project.

DEQ will obtain documentation to verify these projects meet the green project reserve eligibility categorically or through a business case prior to execution of funding.

Throughout the year DEQ receives new projects that are included in IUP updates. DEQ anticipates fulfilling the green project reserve requirements for the FFY 2014 capitalization grant throughout the year with the eligible ready-to-proceed projects and how DEQ will ultimately allocate green project reserve funding will be identified in subsequent IUP updates. DEQ cannot reallocate the Green Project Reserve funds to any other funding category.

## Additional Subsidization

The FFY 2014 federal Appropriations Act requires states to provide additional subsidization to CWSRF projects. DEQ chooses to award the required additional subsidization in the form of principal forgiveness (PF). Principal forgiveness is applied to the principal amount borrowed effectively reducing the debt and future repayments. The minimum amount of principal forgiveness DEQ must provide from the anticipated FFY 2014 capitalization grant will be \$861,921.

OAR 340-054-0065(11)(d) allows PF for nonpoint source control and estuary management projects in an amount that may not exceed 30 percent of the principal amount or \$1 million dollars, whichever is less. Planning projects are also eligible for PF under OAR 340-054-0065(11)(e) and are limited to no more than 30 percent of the principal amount for any single planning project. DEQ will determine PF for point source projects as provided in OAR 340-054-0065(11)(c). To calculate PF for section 212 projects DEQ uses median household income as most recently available from the US Census Bureau to determine qualifying communities. A project applicant where the community served by the project has a median household income less than the statewide median household income qualifies. DEQ then uses the median household income of the community the project will serve as a

factor in a calculation, based on the American Community Survey to determine an “affordability rate” (ability to repay the debt and projected sewer rate increases). This rate is unique to each project applicant. If a borrower’s projected sewer rate, when the project is complete, will be higher than their affordability rate, the borrower is eligible to receive PF included in the agreement.

A thorough eligibility review will be completed before any PF is provided. DEQ anticipates fulfilling the PF requirements for the FFY 2014 capitalization grant throughout the year and will be identified in subsequent IUP updates and will be shown in [Appendix 5](#).

As part of the SFY 2013 performance evaluation report, conducted by EPA, we reviewed the PF requirements for past capitalization grants. The PF requirement for the 2012 capitalization grant was \$887,332. DEQ in the process of awarding \$382,500 to the City of Coquille, and have awarded \$468,592 to the Three Sisters Irrigation District, \$6,000 to the City of Ione, and \$30,240 to the City of Monroe, fulfilling the requirements for 2012 capitalization grant.

The PF requirement for 2013 capitalization grant was \$710,427. DEQ in the process of awarding 666,687 to Central Oregon Irrigation District and \$43,740 to the City of Chiloquin, fulfilling the requirements of the 2013 capitalization grant.

## Proposed SFY 2015 Activity

[Appendix 5](#) includes projects proposed to be funded with SFY 2015 funds based on the calculation of funds available as stated in [Appendix 4](#).

The top section of [Appendix 5](#) shows projects that may receive increases to their existing agreements. The lower section shows new agreements that may be executed, based on applications already received and includes the highest ranking projects that could be funded if ready to proceed. Funds will be allocated as projects become ready to proceed and funds are available. As indicated in this table, there is a remaining balance in the CWSRF fund. DEQ will leave this unallocated balance to provide communities the opportunity to submit project applications during SFY 2015 and obtain funding as allowed under CWSRF requirements. DEQ may also offer remaining available funds to an existing borrower in excess of the 15 percent annual funding limit, if all new requests are funded (OAR 340-054-0036(3)(a)(A)).

[Appendix 5](#) is an estimate only and the actual SFY 2015 funding activity may be different based on the demand for funds, the overall ranking of projects, projects’ readiness to proceed and recent rule amendments. Any remaining available funds will be obligated as applicants become ready to proceed and request agreements. DEQ has provided an estimate for subsidization based on the FFY 2014 capitalization grant.

## Timely Use of Funds

DEQ intends to use funds in the CWSRF program in a timely and expeditious manner. EPA requires funds to be committed within one year of availability, with some exceptions. [Appendix 6](#) documents DEQ’s CWSRF program compliance with this requirement, including information by project for early repayments. DEQ has three years to commit early principal payments. Prepayments were received during SFY 2014 from the City of Athena, City of Cove, City of Gold Beach (2), City of Maywood Park, Three Sisters Irrigation District, and the City of Vernonia, and those amounts are included in funds available for projects.

## **Binding Commitments and Funds Available**

EPA's Memorandum #SRF 99-05 requires the CWSRF program to execute binding commitments at least equal to the amount of funds available in the program, within one year of that fund availability. [Appendix 6](#) calculates the amount of funds available as of June 30, 2013, and compares that amount to the binding commitments executed as of June 30, 2014. [Appendix 6](#) identifies the binding commitments including the details of early repayments from applicants during SFY13-15.

## **Environmental Review**

EPA approved DEQ's current state environmental review process in Feb. 2008 and documentation of this process is available upon request and can be found on DEQ's website.

At a minimum, projects equal to the amount of EPA's capitalization grants must comply with federal cross-cutter laws. DEQ is in compliance with the federal cross cutter requirements, and all DEQ design and construction projects must comply with federal cross-cutting authorities.

## **Operating Agreement**

The operating agreement between the EPA Region 10 and the DEQ for the CWSRF includes procedures, assurances, certifications, applicable federal authorities and laws, and other on-going documentation required for the program. The Operating Agreement is discussed here to incorporate the required assurances, certifications and other documentation by reference. Copies of the operating agreement are available upon request.

## **Single Audit Act**

Borrowers who have been disbursed federal funds under DEQ's CWSRF program may be subject to the requirements of the Single Audit Act and OMB Circular A-133. DEQ will monitor borrowers' compliance with those requirements in an amount equal to the capitalization grants.

## **Public Involvement**

### **Public Notice of Environmental Assessment**

Applicants must complete an environmental impact analysis for projects funded under the Clean Water Act, Section 212. The environmental review process includes the opportunity for public review and comment, which is generally a 30-day period. DEQ issues a public notice for each project in the local area where the project occurs. This public notice may also be required for Clean Water Act Section 319 and Section 320 projects that also are considered Section 212 projects.

### **Public Notice**

DEQ sent an announcement to all Oregon jurisdictions, sanitary districts, and other interested parties in Oct. 2013 that encouraged eligible public agencies to submit applications. The following public notice inviting comments on the Proposed Intended Use Plan was printed in the Daily Journal of Commerce on Friday, July 25, 2014.

**Public Notice**  
**Oregon DEQ Clean Water State Revolving Fund**  
**Proposed Intended Use Plan**  
**State Fiscal Year 2015**

**Notice Issued:** July 25, 2014  
**Comments Due:** August 24, 2014

## **What is Proposed?**

The Oregon Department of Environmental Quality has prepared a *Proposed Intended Use Plan, State Fiscal Year 2015* for the Clean Water State Revolving Fund Program in accordance with procedures set forth in Oregon Administrative Rules, chapter 340, division 54. After the close of the public comment period, DEQ will address any comments received and finalize the *Proposed Intended Use Plan*.

## **Description of Proposed Intended Use Plan**

The *Proposed Intended Use Plan, State Fiscal Year 2015* will fund approximately \$204 million for planning, design, or construction of projects needed to address water quality improvement in Oregon. The *Proposed Intended Use Plan* includes eight new applications on the Project Priority List that applied for funding.

## **To Receive a Copy of the Proposed Intended Use Plan**

A copy of the *Proposed Intended Use Plan, State Fiscal Year 2015* is available on DEQ's website at: <http://www.deq.state.or.us/wq/loans/iup.htm>. Comments on this IUP must be submitted in writing via mail, fax, or email any time prior to the comment deadline of 5:00 p.m. on Monday, August 24, 2014. Written comments may be mailed, faxed or e-mailed to:

Mail: Oregon DEQ, Water Quality Division  
Attn: Katie Foreman  
811 SW Sixth Ave.  
Portland, OR 97204-1390

Fax: (503) 229-6037

Email: [intendeduseplancomments@deq.state.or.us](mailto:intendeduseplancomments@deq.state.or.us)

## **Notification of IUP**

DEQ sent notification to the eight new applicants on the Project Priority List for this proposed IUP and also sent e-mail notification to the following:

David Carcia  
U.S. Environmental Protection Agency  
1200 6<sup>th</sup> Avenue, Suite 900, Seattle, WA 98101

Janet Gillaspie, Executive Director  
Oregon Association of Clean Water Agencies  
107 SE Washington St., Suite 242, Portland, OR 97214

## Public Comments

Written comments were received from one commenter, David Carcia, U.S. Environmental Protection Agency (Seattle, WA) during the comment period, which ended August 25, 2014 at 5:00 p.m. Summaries of comments and the Department's responses are provided below.

<b>Comment 1 Green Project Reserve - Project Descriptions</b>	Please update the GPR Guidance citations used in the Proposed IUP to use the number system used in the EPA Fiscal Year 2012 GPR Guidance, which is still in effect. For example, the Proposed IUP cites "...categorically green infrastructure (1.b.iv)," which is not the same number system used in the GPR guidance.
<b>Response</b>	<i>DEQ updated the document to directly reference the EPA Fiscal Year 2012 GPR Guidance.</i>
<b>Comment 2 Green Project Reserve - eligibility</b>	Please clarify why Brookings, Coos Bay are categorically GPR eligible for a specific GPR sub-category. For example Coos Bay uses the term "riparian enhancements," which is not specific enough. The descriptions should closely correlate to the GPR sub-section from the EPA GPR guidance. DEQ also could choose to explain how they intend to identify GPR in a subsequent SFY2015 IUP update.
<b>Response</b>	<i>DEQ updated Table 1 providing information for the Brookings and Coos Bay projects. Project descriptions include the eligibility for categorically Green Project Reserve funding.</i>
<b>Comment 3 Global comment</b>	Please review and reconcile any differences between the financial numbers in the text and those in the tables and appendices, as relevant. For example, Table 4 has some numbers that differ from how they were represented in the text. The numbers in the table appear to be correct, but the text has not been updated yet.
<b>Response</b>	<i>DEQ has updated the document and verified the text, table, and appendices are correct.</i>

DEQ also made minor corrections from the proposed IUP.

# Appendices

## Appendix 1: Project Priority List in Alphabetical Order

Applicant Project #	Amount Requested	Priority Ranking	EPA Needs Category	Permit Number	Preliminary Project Schedule		
					Agreement	Start	Completion
Bend 14500A-15	3,939,246	13	III-B, IV-A, IV-B	OR101572	Aug-14	Aug-14	Nov-14
Bend 14500B-15	5,450,000	9	III-B	OR101572	Sept-14	Sept-14	Aug-15
Bend 14500C-15	7,895,000	9	III-B	OR101572	Sept-14	Oct-14	Jun-16
Bend 14500D-15	12,691,108	12	III-B, IV-A	OR101572	Oct-14	Nov-14	Oct-15
Bend 14500E-15	63,000,000	9	IV-B	OR101572	Sept-14	Sept-14	Dec-16
Brookings 18200-15	3,214,470	2	I,II,III-A, III- B, IV-A, IV- B, VI, VII-B, VII-D, VII-E	101773	Sept-14	Jul-16	Nov-16
Coos Bay 24000-15	21,836,876	1	I	100771	Sept-14	Feb-15	Oct-17
Coos Bay 24190-12	659,300	14	I	N/A	Aug-14	Aug-14	Jun-15
Glendale 37450-14	1,600,000	3	I	OR002640 9	Aug-14	May-14	Aug-16
Hood River 45700-15	2,726,000	4	III-B	OR002078 8	Sept-14	Sept-14	Mar-15
Madras 62361-13	85,000	6	IV-A	101739	Aug-14	Aug-14	Nov-14
Moro 66790-13	1,392,500	5	I,III-B	100600	Aug-14	Aug-14	Jul-15
Newport 68931-14	1,982,122	8	VII-E, VII-F	N/A	Jan-14	Apr-14	Aug-14
Sheridan 83810-13	1,700,000	7	III-B	OR002064 8	Aug-14	Aug-14	Sept-16

## Appendix 2: Project Priority List in Rank Order

Priority Ranking	Scoring	Project Number	Applicant	Amount Requested	Green Project Reserve Category and amount	Small Community & Facility Planning
1	66	24000-15	Coos Bay	21,836,876	GI - 1,525,000	
2	64	18200-15	Brookings	3,214,470	GI - 355,000 WE - 25,000	SC
3	58	37450-14	Glendale	1,600,000		SC
4	54	45700-15	Hood River	2,726,000		SC
5	51	66790-13	Moro	1,392,500		SC
6	49	62361-13	Madras	85,000		SC
7	45	83810-13	Sheridan	1,700,000		SC
8	44	68931-14	Newport	1,982,122		
9	37	14500B-15	Bend	5,450,000		
9	37	14500C-15	Bend	7,895,000		
9	37	14500E-15	Bend	63,000,000		
12	36	14500D-15	Bend	12,691,108		
13	19	14500A-15	Bend	3,939,246		FP
14	10	24190-12	Coos Bay *	659,300		FP

\* Scored using scoring criteria under the administrative rules prior to the 2012 rule amendments.

## Appendix 3: Applicants Ready to Proceed

Applicant	Applicant Number	Description	Amount Requested	Rank	Points
Moro, City of	66790-13	Storage pond and irrigation improvements	1,392,500	5	51

## Appendix 4: Estimated Funds Available for SFY 2015

	Actual Through SFY 2013	Actual For SFY 2014	Estimated For SFY 2015	Total
<b>Sources of Funds</b>				
Federal Capitalization Grants	400,736,785	15,082,000	15,839,000	431,657,785
State Match	78,866,352	0	5,000,000	83,866,352
Investment Earnings	33,398,027	883,713	900,000	35,181,740
Principal Repayments	463,889,432	25,520,420	62,023,628	551,433,480
Interest Payments	146,713,123	9,829,064	23,378,718	179,920,905
Transfer From Fees Account	3,000,000	0	0	3,000,000
<b>Total Sources of Cash</b>	1,126,603,719	51,315,197	107,141,346	1,285,060,262
<b>Uses of Funds</b>				
Agreements and Amendments	1,009,155,193	17,269,868	N/A	1,026,425,061
Administration Expense paid with Grant	8,863,620	0	0	8,863,620
Debt Service on Match Bonds	36,221,371	7,840,476	1,857,972	45,919,819
<b>Total Uses of Cash</b>	1,054,240,184	25,110,344	1,857,972	1,081,208,500
<b>Sources of Cash less Uses of Cash</b>	72,363,535	26,204,853	105,283,374	203,851,762
<b>Net Available to Lend - FY 2015</b>	N/A	N/A	203,851,762	<b>203,851,762</b>

## Appendix 5: Estimated SFY 2015 Activity

Project	Facility Planning	Small Community	GPR Funding	Other	FP,SC,GPR and Other Total	Subsidy	Remaining Available CWSRF Funds
Current Available Funds:	3,000,000	50,962,941	1,583,900	148,304,921	203,851,762	861,921	203,851,762
<b>Use of Available Funds – Increases (decreases in parenthesis)</b>							
Hermiston				2,500,000	2,500,000		201,351,762
Newberg				25,000,000	25,000,000		176,351,762
<b>Subtotals</b>	0	0	0	27,500,000	27,500,000	0	
<b>Balance</b>	3,000,000	50,962,941	1,583,900	120,804,921	176,351,762	861,921	176,351,762
<b>Use of Available Funds - New Agreements</b>							
Applicant:							
Bend	2,340,700			1,598,546	3,939,246		172,412,516
Bend				5,450,000	5,450,000		166,962,516
Bend				7,895,000	7,895,000		159,067,516
Bend				12,691,108	12,691,108		146,376,408
Bend *				30,577,764	30,577,764		115,798,644
Brookings			355,000	2,859,470	3,214,470		112,584,174
Coos Bay	659,300				659,300		111,924,874
Coos Bay		20,607,976	1,228,900		21,836,876		90,087,998
Glendale		1,600,000			1,600,000		88,487,998
Hood River				2,726,000	2,726,000		85,761,998
Madras		85,000			85,000		85,676,998
Moro		1,392,500			1,392,500		84,284,498
Newport				1,982,122	1,982,122		82,302,376
Sheridan		1,700,000			1,700,000		80,602,376
<b>Subtotal</b>	3,000,000	25,385,476	1,583,900	65,780,010	95,749,386	0	
<b>Balance</b>	0	25,577,465	0	55,024,911	80,602,376	861,921	

\*Current request exceeds maximum allowed per OAR-340-054-0036 (3)(a)(A). At the end of SFY2015 the DEQ may allocate remaining funds.

## Appendix 6: Binding Commitments and Funds Available

### FUNDS AVAILABLE AS OF JUNE 30, 2014:

Total Federal Cap Grants Awarded	Total State Match	Total Principal Repayments	Total Interest Repayments	Total Investment Interest	Total Early Principal Repayments And other allowances SFY 13, 14	TOTAL FUNDS AVAILABLE
415,818,785	78,866,352	489,313,244	156,490,081	34,281,739	-130,997,553	1,174,770,201
					2013 -63,773,930	
					2014 -6,529,025	
					Admin allowance -16,632,751	
					Bond debt service -44,061,847	
					adjusted total	1,043,772,648
<b>Total Binding Commitments as of June 30, 2014:</b>						1,026,848,483
<b>Binding Commitments as a Percentage of Funds Available From 2014:</b>						<b>98.4%</b>

### EARLY REPAYMENTS DEQ HAS RECEIVED FROM BORROWERS

Borrower	Amount	State Fiscal Year
Brookings 18230	7,257,408	FY 13
Veneta 93621	95,652	FY 13
Corvallis 24481	11,141,546	FY 13
Cottage Grove 24573	6,977,170	FY 13
Independence	300,001	FY 13
Madras 62370	3,048,873	FY 13
RVSS 14001	509,293	FY 13
RVSS 14002	196,377	FY 13
RVSS 14003	302,987	FY 13
RVSS 78495	3,855,720	FY 13
Salem 80210	3,163,013	FY 13
Salem 80211	8,127,401	FY 13
Salem 80212	7,084,001	FY 13
Salem 80213	8,127,114	FY 13
Stayton 87590	3,587,374	FY 13
Gold Beach 37814	4,057,000	FY 14
Gold Beach 37811	929,141	FY 14
Cove 24680	1,345,194	FY 14
Three Sisters 6914	2,975	FY 14
Maywood Park 63960	27,160	FY 14
Vernonia 93640	8,613	FY 14
Athena 11850	139,997	FY 14