



## **STATE OF RHODE ISLAND**

### **STATE FISCAL YEAR (SFY) 2022 AMENDED INTENDED USE PLAN**

*in support of the*

### **FEDERAL FISCAL YEAR (FFY) 2021 CAPITALIZATION GRANT**

*To be made available by the Federal Clean Water Act  
for the Clean Water State Revolving Fund*

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#### **AMENDMENT TO THE SFY2022 CWSRF INTENDED USE PLAN – Dated May 11, 2022**

The Project Priority List has been amended. This IUP amendment includes updated references to Project Priority List Amendment #1.

The Amended SFY2022 CWSRF IUP was put out to public notice on May 11, 2022 on the Bank's website. Any public comments received will be reviewed by the Bank.

#### **I. INTRODUCTION**

The Rhode Island Infrastructure Bank (Bank) is pleased to submit to the Environmental Protection Agency (EPA) the Intended Use Plan (IUP) for all Clean Water Act (CWA), Title VI funds available to the Clean Water State Revolving Fund (CWSRF) including the Federal Fiscal (FFY) 2021 allotment of \$10,669,000.

The Bank agrees to provide, through methods available to it, the required State Matching Funds of \$2,133,800 for the FFY2021 Capitalization Grant. The State Match will be credited to the CWSRF following receipt of Federal funds into the Bank's Automated Standard Application for Payments (ASAP) account as required by the Act.

#### **THE RHODE ISLAND CWSRF PROGRAM**

##### **A. Administration**

The entities involved in the application for this Federal Capitalization Grant are the Rhode Island Infrastructure Bank (the Bank) and the Rhode Island Department of Environmental Management (RIDEM).

The Bank is the designated lead entity of the CWSRF Program (the Program) and, among other things, is empowered to enter into capitalization grant agreements with the EPA, to accept capitalization grant awards, and to otherwise manage the CWSRF in accordance with the requirements and objectives of the Act.

RIDEM is responsible for establishing assistance priorities; assisting in the development of the IUP; maintaining the project priority list (PPL); determining project eligibility; performing technical project reviews; monitoring construction; review of project disbursements and project closeouts.

Consistent with the provisions of the CWA and subsequent amendments to it, the Bank reserves the right to cross-collateralize between the CWSRF and Drinking Water SRF (DWSRF). Similarly, the Bank reserves the right to transfer CWSRF funds to the DWSRF as permitted by CWA. While the Bank has not initiated any such transfers in prior years, to help fund loan demand in the DWSRF program, the Bank proposes to make such a transfer in the near term. For this IUP, the Bank proposes to transfer \$7,264,950 from the CWSRF to the DWSRF. As shown in the table below, this amount represents 33% of the DWSRF Capitalization Grant for the FFY 2019 and FFY2020 DWSRF Capitalization Grants:

	<b>DW Cap Grant Amount</b>	<b>Transfer eligible to DWSRF</b>	<b>Transfer amount to DWSRF</b>
2019	\$11,004,000	\$3,631,320	\$3,631,320
2020	\$11,011,000	\$3,633,630	\$3,633,630
	<b>Total</b>	<b>\$7,264,950</b>	<b>\$7,264,950</b>

Currently the Bank is evaluating the best option for facilitating the transfer either by (a) transferring uncommitted first use CWSRF capitalization grant funds from the 2019 and 2020 grants or (b) transferring revolved funds. Acknowledging the administrative burden of transferring Capitalization Grant funds, the Bank's preference is to transfer revolved funds. Once the Bank settles its approach, it will formally notify Region 1 of the transfer and provide necessary documentation required for the transfer.

With the award of the FFY2021 Federal Capitalization Grant, it is the State's intention to continue a subsidized loan program for assisting water pollution abatement projects and to continue the proper administration of the CWSRF.

## **B. Planned Program Activities**

The FFY2021 Capitalization Grant funds will aim to provide financial assistance to local governmental units, persons, corporations and sewer authorities for a variety of infrastructure projects.

The IUP outlines the anticipated use of all funding available in the Program and the methods of financing to be used to make construction loans.

The strong financial standing of the Program is the result of extensive modeling and analyses that provides the Program with the flexibility to achieve short- and long-term goals within the changing financial, legal, and/or political environment.

## **C. Short- and Long-Term Goals**

As required by the CWA, the Program has identified the following goals for the CWSRF. The goals described below are grouped according to short-term and long-term objectives and are not listed in any order:

### **SHORT-TERM GOALS**

**Goal #1:** Effectively manage the Program and maintain timely distribution of Program funds.

**Goal #2:** Continue to encourage new project eligibilities and for traditional wastewater projects to include green and resilient components.

**Goal #3:** Administer rules, regulations, loan policies and procedures, and continue to manage guidelines that are conducive to the proper functioning of the Program while ensuring compliance with the CWA.

**Goal #4:** Develop a comprehensive need-based IUP, to be submitted along with the annual capitalization grant application and prepare an annual report which lists the State's accomplishments for the fiscal year and submit to the EPA in a timely manner.

### **LONG-TERM GOALS**

**Goal #5:** Protect the public health and the environment and promote completion of cost-effective projects.

**Goal #6:** Assure full compliance with Title VI of the Clean Water Act and all federal crosscutting requirements as per the 1987 CWA amendments.

**Goal #7:** Continue to manage the Program such that it will operate in perpetuity.

**Goal #8:** Place emphasis on projects focused on attaining compliance with Rhode Island Pollutant Discharge Elimination System (RIPDES) permit limitations and reinforce the importance of attaining general water quality standards where they are negatively impacted by municipal point-source discharges and/or sources of nonpoint source pollution.

**Goal #9:** Continue to evaluate environmental needs throughout the State, by rating specific projects for water quality improvement and/or protection and strive to distribute Program funds in a priority manner.

**Goal #10:** Continue to assist prospective borrowers during all phases of project development, including the financing process.

**Goal #11:** Continue efforts to improve the water quality of the Narragansett Bay and its tributaries, which is designated as an Estuary of National Significance, and the Wood-Pawcatuck Watershed which is a nationally designated Wild and Scenic River.

**Goal #12:** Coordinate with related partners on the support of borrowers for stormwater,

non-point source, climate resiliency and other weather-related projects.

#### **D. Information on the CWSRF Activities to be supported**

The FFY2021 Capitalization Grant funds will provide financial assistance to municipalities and sewer authorities using direct loans, Bank Loans, or Federal Direct Loans. The maximum permissible principal repayment period shall be up to 30 years following project completion and may begin up to 12 months after construction is completed but will not exceed 5 years from the beginning of construction.

The Program has de-allocated Local Interest Subsidy Trust (LIST) funds, Federal Direct Loan re-payments, and State Match direct loan repayments available to lend. These amounts will be used to fund “direct loans” (i.e., not leveraged) or for revenue bond pool issues during this IUP period as loan demand and timing dictates.

The Bank, in cooperation with RIDEM and Rhode Island Housing (RI Housing), continues to manage its Community Septic System Loan Program (CSSLP). RI Housing is the homeowner loan administrator on behalf of the community. The CSSLP allows communities without wastewater treatment facilities to access CWSRF funds. Communities can access the CSSLP after completing an On-Site Wastewater Management Plan (OWMP) approved by RIDEM.

Once the plan appears on RIDEM’s PPL and the Certificate of Approval (CA) is obtained, the community will apply for a loan from the Bank to repair or replace failing sub-standard septic systems. Once the loan is negotiated, the community may then allow residents to access the funds. The borrowing cost for the homeowner is 1% per annum of the outstanding loan balance and a \$300 loan origination fee for a term up to ten years. The Bank uses revolved funds to capitalize the CSSLP. Both RIDEM and the Bank view the CSSLP as a means of achieving the goals and objectives of the approved Section 319 Non-Point Source Management Plan.

In FY2021, the Bank made three CSSLP loans. To date, the Bank has made sixty CSSLP loans to seventeen communities in the total amount of \$21,100,000. To date, the Bank has originated 948 end loans to property owners.

RIDEM and the Bank have created a new funding mechanism to provide grants/loans to municipal and quasi-state entities for the protection of wastewater collection and treatment infrastructure from natural hazards (floods, sea-level rise, etc.) related to climate change. The Wastewater Treatment Facility Resilience Fund has been funded with approximately \$5 million in grant funds from a state bond referendum. Projects costing less than \$500,000 would receive a 50% matching grant up to \$250,000. The grantee is free to use any source, including a loan from the Bank, to finance its match. For projects estimated to cost over \$500,000 a 50% matching grant is made up to \$1.25 million and the grantee must finance its match through the CWSRF program. RIDEM and the Bank are in discussions with the following grantees for match financing: Quonset Development Corporation, Town of Smithfield and Town of Westerly. A fourth grantee, the Town of East Greenwich, financed its match using funds from the FFY 2020 Capitalization Grant.

#### **RIDEM Administrative Costs**

Based upon the FFY2021 allotment of funds, RIDEM plans to use \$426,760 (4%) of the FFY2021 Title VI funds for administrative support in managing and operating the Program. The Bank, from FFY98 through FFY05 had “banked” the authority to use the 4% of the federal capitalization funds for RIDEM administrative costs to support the Program. The Bank also banked the FFY2009 American Recovery and Reinvestment Act Capitalization Grant’s 4% administrative monies. To date, \$3,849,156 in Capitalization Funds for RIDEM’s administrative costs have been banked. These funds have been loaned to various communities. As of March 31, 2021, the Bank has “unbanked” \$2,391,856 utilizing its deallocated funds to pay for RIDEM administrative costs leaving a balance of \$1,457,300 of banked RIDEM administrative funds.

### **Listing of State Revolving Fund Projects To Be Funded**

With the total FFY2021 Federal and State allotment, it is the State’s plan to continue a subsidized CWSRF loan program. To determine which projects are to be funded by the Program, the SFY2022 PPL, prepared by the RIDEM, Office of Water Resources, was reviewed in relation to requests received by the Bank through April 15, 2021. Potential borrowers and those projects requiring CWSRF funds in SFY2022 are identified in priority order. The projects identified for funding are in the service area of the Narragansett Bay Commission (which serves all, or portions of, Central Falls, Cranston, Cumberland, East Providence, Johnston, Lincoln, North Providence, Pawtucket, Providence, and Smithfield); City of Newport; Rhode Island Grows; Town of Burrillville; Town of Middletown; Quonset Development Corp and the Stone Bridge Fire District. Note: All borrowers are subject to change.

## **II. FINANCIAL PLAN AND STRUCTURE FOR THE CWSRF**

### **A. Sources and Uses of Funds Potential**

The estimated funds available for projects in this IUP are summarized below and additional information can be found in Table 1 attached. The estimate includes awarded but unused (undedicated) EPA and State Capitalization Grants available to be drawn from ASAP (see Table 1 attached hereto); direct loan repayments; deallocated reserve funds; estimated debt proceeds; and interest earnings on investments of Program resources.

<b>Resources Available</b>	<b>Amount</b>
State Match Repayments	\$2,360,524
Deallocated List Funds	\$53,185,488
Revenue Fund Release	\$13,583,719
FY 2021 Cap Grant (minus RIDEM Admin)	\$10,242,240
State Match	\$2,133,800
Bond Proceeds	\$10,000,000
Transfer to DWSRF*	(\$7,264,950)
<b>Total</b>	<b>\$70,657,102</b>

\*Proposed.

The total amount of loans to be issued in SFY2021 from the CWSRF is anticipated to be

approximately \$72.7 million. The resources available in the CWSRF are anticipated to be enough to finance all eligible projects ready for financing during this IUP period. The Bank will fund projects according to the PPL developed by RIDEM and readiness to proceed.

## **B. Program Income from Administrative Fees**

The Bank charges a 1.0% Loan Origination Fee on all loans. These fees help offset origination-related expenses. The Bank also charges a 0.30% service fee (per annum) on outstanding loan balances; this fee is used to pay the Bank's operating expenses.

As dictated by EPA, The State agrees to: 1) maintain records which account for fees separate from the CWSRF project fund, 2) identify in the IUP all types of fees charged on loans, including the fee rate, and the amount of fees available, and 3) include in the annual report the types of fees charged on loans, the amount of fees collected, and how those amounts were used.

## **C. Schedule of Anticipated Payments into the ACH system**

The Program anticipates deposits into the ASAP for the FFY2021 capitalization grant as per the following schedule. At this time, it is also expected that the Bank will draw cash from ASAP as per the same schedule:

### FFY2021 Capitalization Grant Anticipated Payments into EPA/ACH Payment System

Federal Fiscal Qtr.	Payment Into ACH	Cumulative Ceiling
Oct. - Dec. 2021 (22-1)	\$3,556,333.33	\$3,556,333.33
Jan. - Mar. 2022 (22-2)	\$3,556,333.33	\$7,112,666.66
Apr. - Jun. 2022 (22-3)	\$3,556,333.34	\$10,669,000.00
Jul. - Sept. 2022 (22-4)	\$0.00	\$0.00

## **D. Federal Cash Draw Proportionality Ratio**

The Bank will use the 100% State Match equivalent disbursement method (i.e., disburse 100% of the State Match before any of Federal funds are disbursed to meet the proportionality requirement).

## **E. Projected Funding List**

With the award of this grant in the amount of \$10,669,000 plus the State Match of \$2,133,800 for a total amount of \$12,802,800, the Bank expects to fund all, or portions of the projects identified in Table 2 attached hereto. The Bank has received applications from the Town of Burrillville \$5,000,000; Town of Middletown \$2,032,020; Narragansett Bay Commission \$45,000,000; the City of Newport \$11,042,500; Quonset Development Corporation \$450,000 and the Stone Bridge Fire District \$208,300. Additionally, the Bank anticipates an application from Rhode Island Grows for \$9,000,000.

## **F. Additional Subsidization**

The Bank, to the extent that it can, plans on providing up to \$2,133,800 (20% of Capitalization Grant) in additional subsidy from the FFY2021 Capitalization Grant to eligible borrowers. Subsidization will be provided in the form of either principal forgiveness or grants. Exactly 10% (\$1,066,900) of the Capitalization Grant must be provided as additional subsidization consistent with the FFY2021 Enacted Appropriation. This amount is not subject to the restrictions of Water Resources Reform and Development Act (WRRDA). In addition, between 0% and 30% of the Capitalization Grant may be provided as additional subsidization consistent with the WRRDA provisions. In its solicitation for projects to be included on the SFY2021 PPL, RIDEM announced, to the extent permitted by EPA, that principal forgiveness funds will be applied to projects that constituted a Green Project Reserve (GPR) project. Additional subsidy will be given to projects that qualify for Green Project Reserve. Additional subsidy will be determined by the weighted average of the total project cost of the GPR projects.

### **G. Green Project Reserve (GPR)**

The Further Consolidated Appropriations Act 2020 sets a goal, subject to eligible projects, that not less than 10% of each state capitalization grant be used to fund the GPR: green infrastructure, water and energy efficiency, and other environmentally innovative projects. A good faith solicitation must be open to all GPR eligible projects in each of the four GPR categories. RIDEM's PPL and the Bank's annual open solicitation for projects will be deemed enough for these purposes because the solicitation was open to all GPR eligible projects. The State agrees to include in its IUP such qualified projects, or components of projects, that total an amount at least equal to 10% (\$1,066,900) of its Capitalization Grant.

The attached project list shows the total assistance amount for projects or portions of projects meeting one or more of the specific objectives required by this provision. Town of Burrillville, Quonset Development Corporation, Rhode Island Grows and Stone Bridge Fire District each have GPR associated with their projects.

In its solicitation for projects to be included on the SFY2022 PPL, RIDEM announced, to the extent permitted by EPA, that principal forgiveness funds will be applied to projects that met the GPR guidelines.

<b>Borrower</b>	<b>Project</b>	<b>GPR Category</b>	<b>Project Cost</b>	<b>Loan/Total</b>	<b>GPR Eligible Cost</b>
Burrillville	WWTF Headworks & Oakland Pump Station	EI	\$5,000,000	\$5,000,000	\$245,000
NBC	Solar Carport	EE	\$1,059,000	\$45,000,000	\$1,059,000
NBC	WCSOI OF Relief Structure	GI	\$3,732,000	\$45,000,000	\$250,000
Quonset Development Corp.	WWTF High Flow Capacity Improvements	EI	\$450,000	\$450,000	\$125,000
RI Grows	Greenhouse Stormwater Collection Treatment Reuse	GI/EI	\$9,000,000	\$9,000,000	\$9,000,000
Stonebridge Fire District	Application of Alum to Stafford Pond	EI	\$208,300	\$208,300	\$208,300

Total GPR Eligible			\$10,887,300
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GI - Green Infrastructure  
EI – Environmentally Innovative  
EE - Energy Efficiency  
WE- Water Efficiency

## H. Criteria and Methods for Distribution of CWSRF Funds

RIDEM has an integrated priority ranking system, approved by EPA Region I. A PPL is developed annually using this ranking system (Attachment A).

The CWSRF will provide loans for up to 100% of eligible project and finance costs, consistent with Federal limitations on the use of CWSRF funds, with the State determining the eligibility based on state-developed criteria.

The Bank and RIDEM take several factors into consideration when determining which projects from the PPL will be funded by the CWSRF. These factors include:

- Relative ranking on the PPL;
- Indication that the community (or service district) has the authority to encumber debt for water pollution abatement projects from the Bank;
- Indication that the community (or service district) will make an application to the CWSRF for financing;
- Indication that the community's (or service district's) credit quality is adequate;
- Indication that RIDEM will approve the project in the form of a Certificate of Approval; and
- Indication that projects are ready to proceed within six months of closing the loan.

## I. By-Pass procedure and revisions to the Intended Use Plan

Throughout the course of the year the need may arise to amend this IUP. In such an event, the Program will only propose projects that have been selected from the approved PPL. The projects on this list will have been previously identified and approved through the public participation process as per 40 C.F.R. Section 35.3150 (c).

In the event that projects identified for funding in the IUP are unable to proceed, funding assistance for these projects will be deferred and other projects from the PPL will be selected for funding based on procedures in the priority determination system, readiness to proceed, and availability of funds.

## III. ASSURANCES AND SPECIFIC PROPOSALS



The Bank provides the necessary assurances and certifications as part of the Operating Agreement (OA) between the Bank and EPA. Rhode Island's OA includes the requirements of the following sections of the law:

602 (a): Environmental Reviews

RDEM has formulated the State Environmental Review Process (SERP) which has been approved by EPA. For FFY21 funds, we expect that most projects will require a Finding of No Significant Impact (FONSI), Categorical Exclusions and non-treatment works projects that do not require environmental review.

602 (b)(3): Binding Commitments

The Bank certifies that it will enter into binding commitments for 120% of each quarterly payment received under the Capitalization Grant within one (1) year of receipt of that payment into the EPA/ACH payment system.

602 (b)(4): Expeditious and Timely Expenditures

The Bank will expend all funds in the CWSRF in a timely and expeditious manner. Disbursements for approved CWSRF projects are dependent upon the accuracy of construction schedules and consistency with planning. The Bank agrees that it will not provide assistance to any project unless that project is consistent with plans developed under Section 205(j), 208, 303(e), 319 or 320.

## **A. Reporting**

The Bank and RIDEM are committed to ensuring that all reports and electronic data are submitted by their deadlines.

- **Federal Funding Accountability & Transparency Act (FFATA)** – The Bank is committed to transparency and accountability under FFATA (reporting requirements may be obtained at their website <https://fsrs.gov/>). The Bank program information, IUP's, Annual Reports, Audited Financials and other program materials will be posted on the Bank's website: [www.riib.org](http://www.riib.org).
- **SRF Database (formerly Clean Water Benefits Reporting (CBR))** – Project milestones and other pertinent information is reported through EPA's Clean Water Benefits Reporting data base. RIDEM commits to entering benefits information on all projects into the CBR by the end of the quarter in which assistance agreement is signed.
- **SRF Database System (formerly National Information Management System (NIMS))** – The Bank agrees to submit requested data into the SRF Database System for the reporting period July 1 – June 30 on an annual basis.
- **Utilization of Small, Minority and Women's Business Enterprise (DBE)** – The Bank and RIDEM agrees to comply with the requirements of EPA's program for DBE in procurement under assistance agreements contained in 40 CFR, Part 33.
- **Single Audit Act** – The Bank in accordance with OMP Circular A-133, which implements the single audit act, hereby agrees to obtain a single audit from an

independent auditor if it expends \$750,000 in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the Bank shall submit a copy of the SF-SAC and a Single Audit Report Package to the Federal Audit Clearing House. The Bank will require the same of its borrowers should they expend \$750,000 in total federal funds in any fiscal year.

- **EPA Annual Report** – The Bank agrees to provide an Annual Report to EPA by September 30 the first fiscal year after it receives payments under title VI. The Bank will submit this report to EPA according to the schedule established in the grant agreement.
- **EPA Sustainability Policy Implementation** - The Bank and RIDEM continue to support the implementation of EPA's Infrastructure Sustainability Policy by funding only wastewater treatment projects that are consistent with local wastewater facilities plans, prioritize projects through an integrated priority determination system that places emphasis on public health and water quality protection projects and awards extra points for "smart growth" projects and projects that incorporate GPR elements, and tie Additional Subsidization to GPR projects. While recently most of the projects currently funded are mandated through compliance orders or consent agreements, both the Bank and RIDEM recognize that has not been the case in the past nor will it be in the future. The Program will therefore continue to investigate means by which other sustainability measures (e.g., effective utility management, asset management, and integrated water resource management) can be further incorporated into funding decisions to build a "pipeline" of sustainable projects eligible to receive CWSRF funding.
- **Additional Requirements** - To comply with federal reporting requirements such as DBE reporting and Davis-Bacon for the FFY 2021 Capitalization Grant, the Bank will apply these requirements to all of its treatment works projects, (see Table 2) as well as for all other requirements such as the Single Audit Act and federal environmental crosscutters. At time of loan closing, the Bank will designate a borrower for FFATA reporting.

### **Davis-Bacon Wage Rates**

Section 602(b)(6) of the CWA permanently applies the prevailing wage (Davis-Bacon) provision of FWPCA Section 513 to any projects for treatment works that are funded by the CWSRF. Consistent with EPA's prior implementation of this provision, application of the Davis-Bacon Act requirements extends not only to assistance agreements funded with capitalization grants, but to all CWSRF-funded projects involving the construction of treatment works regardless of the source of the funding (e.g., prior years' appropriations, state match, bond proceeds, interest earnings, principal repayments, etc.). Any project that is considered a "treatment work" as defined in the CWA Section 212, now incorporated into the CWA as Section 502(26), must comply with Section 513, regardless of which eligibility it is funded under (see section 603(c)). It should be noted that the RI CWSRF program does not consider projects constructing or implementing green stormwater infrastructure to be treatment works.

### **American Iron & Steel (AIS)**

On June 10, 2014, WRRDA amended the CWA to include permanent requirements for the use of AIS in CWSRF financed treatment works projects. Section 608 of the CWA now contains requirements for AIS that repeat those of the Consolidated Appropriations Act of FY2014. As such, all CWSRF projects must comply with Section 608 of the CWA for implementation of the permanent AIS requirements. Therefore, all guidance adopted for FY2014 apply for the permanent AIS requirements for the CWSRF.

## **B. Fiscal Sustainability Planning**

For treatment works proposed for repair, replacement, or expansion, the EPA is now requiring that Program borrowers develop and implement a fiscal sustainability plan (FSP) that includes:

- an inventory of critical assets that are a part of the treatment works;
- an evaluation of the condition and performance of inventoried assets or asset groupings;
- a certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and
- a plan for maintaining, repairing, and, as necessary, replacing the treatment works and a plan for funding such activities; or a certification that the borrower has developed and implemented a plan that meets these requirements.

The Borrower shall develop and implement the FSP for the Planning Area in accordance with all statutory requirements. The FSP for the Planning Area shall be developed, implemented, and submitted to the RIDEM with a copy to the Bank by the earlier of one year from the date of this Agreement or the final draw on the Loan. RIDEM will inform the Bank of compliance with this requirement the earlier of the aforementioned.

## **C. Cost and Effectiveness**

Starting with the loan applications submitted as of April 1, 2016, EPA is now requiring that borrowers provide a certification that:

- have studied and evaluated the cost and effectiveness of the processes, materials, techniques and technologies for carrying out the proposed project; and
- have selected, to the maximum extent practicable, a project that maximizes the potential for efficient water use, reuse, recapture, and conservation, and energy conservation, taking into account:
  - the cost of constructing the project;
  - the cost of operating and maintaining the project over the life of the project; and
  - that the cost of replacing the project.

The Bank has developed a Cost and Effectiveness Self-Certification Form stating that as a condition for receiving assistance through the SRF, the Borrower hereby certifies that per Section 602(b)(13) of the WRRDA the project is Cost Effective.

#### **D. Architectural and Engineering (A/E) Services Procurement**

The 2014 WRRDA Amendments requires that A/E services that are paid with Federal funds for Clean Water projects be procured using the qualifications-based selection process under Chapter 11 of title 40, United States Code or an equivalent state qualifications-based requirement.

#### **E. Affordability Criteria**

EPA required each state to develop new affordability criteria for the distribution of additional subsidy by September 30, 2015. These criteria needed to consider income, unemployment rate, and population trends. The Bank developed these criteria, accepted public comment, and approved the final criteria on January 5, 2016. When applied, applicants scoring nine criteria points or greater will be eligible for principal forgiveness. The Bank is currently evaluating potential revisions to the affordability criteria to best reflect Rhode Island and current demographic trends.

#### **F. Project Accounting**

The EPA requires that project accounts be maintained in accordance with generally accepted government accounting standards, including standards relating to the reporting of infrastructure assets. The Bank has always required that project accounts be maintained in accordance with generally accepted government accounting standards, but not particularly with respect to the reporting of infrastructure assets. The most recent applicable standard is Governmental Accounting Standards Board (GASB) Statement No. 34, issued in June 1999, which details governmental reporting requirements including standards for reporting of infrastructure assets. The Bank will be changing the standard condition in the Project Regulatory Agreement to reflect this change. It is expected that this change will have little, if any impact on SRF borrowers as most communities are already complying with GASB 34 requirements

#### **G. Signage**

The Bank agrees to comply with the SRF Signage Guidance to enhance public awareness of EPA assistance agreements nationwide. The Bank will include the EPA logo on all project signs.

#### **H. Public Review and Comment**

PPL Public Notice for public comment was announced in the Providence Journal on May 14, 2021 and the IUP was put on Public Notice in the Providence Journal on June 16, 2021. Additionally, the IUP will be posted on the Bank's website and the PPL has been posted on the RIDEM website providing the opportunity for public comment for thirty (30) days from the date of posting. Any public comments received will be reviewed by the Bank and RIDEM collectively. The PPL was amended and PPL Amendment 1 has been posted on the RIDEM website providing the opportunity for public comment for thirty days from

the date of posting. PPL Amendment 1 was posted on the RIDEM website on approximately September 3, 2021 or earlier.

#### **IV. UPDATE ON THE FFY2019 AND FFY2020 CAPITALIZATION GRANTS UTILIZATION**

Approximately, \$9,175,340 remains to be committed in the FFY2019 capitalization grant and \$9,176,200 remains in the FFY2020 capitalization grant. During FY2021, the Bank had anticipated closing loans to several communities. Unfortunately, those borrowers were not ready to proceed with their loans. GPR and principal forgiveness utilization has been met on the FFY2019 capitalization grant. GPR and principal forgiveness utilization has not yet been met on the FFY2020 capitalization grant.

The Bank and RIDEM continue to actively engage borrowers to utilize the SRF. The decline in SRF loans is due to most water treatment plants in Rhode Island being updated in the last fifteen years. Additionally, there have not been any new Rhode Island Pollutant Discharge Elimination System (RIPDES) permit initiatives.

The Bank and RIDEM anticipate an application being submitted shortly from Rhode Island Grows. Rhode Island Grows is an advanced controlled environment vegetable produce company with headquarters in Rhode Island. The Company specializes in the development of advanced greenhouse facilities and vegetable produce production for the Northeast Corridor. Their anticipated request will be \$9,179,861. Their project will consist of a stormwater collection, treatment, and reuse irrigation system. Their entire project will be GPR eligible. The Bank anticipates this to be the first private borrower funder under the CWSRF,

TABLE 1

Cap Grant Year	Cap Grant Amount	State Match	DEM 4% Admin.	Used DEM 4% Admin.	Remaining DEM 4% Admin	Banked DEM 4% Admin.	Un-Banked DEM 4% Admn. (deallocated)	Remaining Banked DEM 4% Admin.	Grants pledged for specific purpose	State Match Pledged for a Specific Purpose	Cap Grants Available	State Match Available	Total Cap Grant & State Match Available
CS44000190-0	\$13,378,481	\$2,675,696	\$535,139.24	\$551,880.00	-\$16,740.76				\$13,378,481.00	\$2,675,696.20	\$0.00	\$0.00	\$0.00
CS44000191-0, 2	\$26,826,822	\$5,365,364	\$1,073,072.88	\$1,056,332.12	\$16,740.76				\$26,826,822.00	\$5,365,379.00	\$0.00	-\$14.60	-\$14.60
CS44000193	\$12,905,937	\$2,581,187	\$516,237.48	\$516,237.48	\$0.00				\$12,905,937.00	\$2,581,187.40	\$0.00	\$0.00	\$0.00
CS44000194	\$7,988,800	\$1,597,760	\$319,552.00	\$319,552.00	\$0.00				\$7,988,800.00	\$1,597,760.00	\$0.00	\$0.00	\$0.00
CS44000195	\$8,254,100	\$1,650,820	\$330,164.00	\$330,164.00	\$0.00				\$8,254,100.00	\$1,650,820.00	\$0.00	\$0.00	\$0.00
CS44000196	\$13,547,500	\$2,709,500	\$541,900.00	\$541,900.00	\$0.00				\$13,547,500.00	\$2,709,500.00	\$0.00	\$0.00	\$0.00
CS44000197	\$4,127,100	\$825,420	\$165,084.00	\$165,084.00	\$0.00				\$4,127,100.00	\$825,420.00	\$0.00	\$0.00	\$0.00
CS44000198	\$9,033,100	\$1,806,620	\$361,324.00			\$361,324.00	\$361,324.00	\$0.00	\$9,033,100.00	\$1,806,620.00	\$0.00	\$0.00	\$0.00
CS44000199	\$9,033,800	\$1,806,760	\$361,352.00			\$361,352.00	\$361,352.00	\$0.00	\$9,033,800.00	\$1,806,760.00	\$0.00	\$0.00	\$0.00
CS44000100	\$9,002,900	\$1,800,580	\$360,116.00			\$360,116.00	\$360,116.00	\$0.00	\$9,002,900.00	\$1,800,580.00	\$0.00	\$0.00	\$0.00
CS44000101	\$8,921,900	\$1,784,380	\$356,876.00			\$356,876.00	\$356,876.00	\$0.00	\$8,921,900.00	\$1,784,380.00	\$0.00	\$0.00	\$0.00
CS44000102	\$8,942,000	\$1,788,400	\$357,680.00			\$357,680.00	\$357,680.00	\$0.00	\$8,942,000.00	\$1,788,400.00	\$0.00	\$0.00	\$0.00
CS44000103	\$8,883,300	\$1,776,660	\$355,332.00			\$355,332.00	\$355,332.00	\$0.00	\$8,883,300.00	\$1,776,660.00	\$0.00	\$0.00	\$0.00
CS44000104	\$8,888,700	\$1,777,740	\$355,548.00			\$355,548.00	\$239,175.60	\$116,372.40	\$8,888,700.00	\$1,777,740.00	\$0.00	\$0.00	\$0.00
CS44000105	\$7,208,600	\$1,441,720	\$288,344.00			\$288,344.00		\$288,344.00	\$7,208,600.00	\$1,441,720.00	\$0.00	\$0.00	\$0.00
CS44000106	\$5,839,300	\$1,167,860	\$233,572.00	\$233,572.00	\$0.00				\$5,839,300.00	\$1,167,860.00	\$0.00	\$0.00	\$0.00
CS44000107	\$7,159,200	\$1,431,840	\$286,368.00	\$286,368.00	\$0.00				\$7,159,200.00	\$1,431,840.00	\$0.00	\$0.00	\$0.00
CS44000108	\$4,515,300	\$903,060	\$180,612.00	\$180,612.00	\$0.00				\$4,515,300.00	\$903,060.00	\$0.00	\$0.00	\$0.00
2W44000209	\$26,314,600	\$0	\$1,052,584.00			\$1,052,584.00		\$1,052,584.00	\$26,314,600.00	\$0.00	\$0.00	\$0.00	\$0.00
CS44000109	\$4,515,300	\$903,060	\$180,612.00	\$180,612.00	\$0.00				\$4,515,300.00	\$903,060.00	\$0.00	\$0.00	\$0.00
CS44000110	\$13,681,000	\$2,736,200	\$547,240.00	\$547,240.00	\$0.00				\$13,681,000.00	\$2,736,200.00	\$0.00	\$0.00	\$0.00
CS44000111	\$9,915,000	\$1,983,000	\$396,600.00	\$396,600.00	\$0.00				\$9,915,000.00	\$1,983,000.00	\$0.00	\$0.00	\$0.00
CS44000112	\$9,486,000	\$1,897,200	\$379,440.00	\$379,440.00	\$0.00				\$9,486,000.00	\$1,897,200.00	\$0.00	\$0.00	\$0.00
CS44000113	\$8,955,000	\$1,791,000	\$358,200.00	\$358,200.00	\$0.00				\$8,955,000.00	\$1,791,000.00	\$0.00	\$0.00	\$0.00
CS44000114	\$9,410,000	\$1,882,000	\$376,400.00	\$376,400.00	\$0.00				\$9,410,000.00	\$1,882,000.00	\$0.00	\$0.00	\$0.00
CS44000115	\$9,361,000	\$1,872,200	\$374,440.00	\$374,440.00	\$0.00				\$9,361,000.00	\$1,872,200.00	\$0.00	\$0.00	\$0.00
CS44000116	\$8,962,000	\$1,792,400	\$358,480.00	\$358,480.00	\$0.00				\$8,962,000.00	\$1,792,400.00	\$0.00	\$0.00	\$0.00
CS44000117	\$8,892,000	\$1,778,400	\$355,680.00	\$355,680.00	\$0.00				\$8,892,000.00	\$1,778,400.00	\$0.00	\$0.00	\$0.00
CS44000118	\$10,777,000	\$2,155,400	\$431,080.00	\$431,080.00	\$0.00				\$10,777,000.00	\$2,155,400.00	\$0.00	\$0.00	\$0.00
CS44000119*	\$10,669,000	\$2,133,800	\$426,760.00	\$426,760.00	\$0.00				\$1,493,660.00	\$2,133,800.00	\$1,910,390.00	\$0.00	\$1,910,390.00
CS44000120	\$10,670,000	\$2,134,000	\$426,800.00	\$0.00	\$426,800.00				\$0.00	\$0.00	\$10,670,000.00	\$2,134,000.00	\$12,804,000.00
TOTALS	\$316,064,740	\$57,950,028	\$12,642,590	\$8,366,634	\$426,800.00	\$3,849,156.00	\$2,391,855.60	\$1,457,300.40	\$296,219,400.00	\$55,816,042.60	\$12,580,390.00	\$2,133,985.40	\$14,714,375.40

\*The "Cap Grants Available" for the asterisked includes \$7,264,950 transfer from the CWSRF to the DWSRF.

**TABLE 2**

Community	RIPDES #	Project Name/Number	* SFY22 Estimated PPL COST (\$)	SFY22 Project Cost (\$)	Funded w/Available Cap Grant	Funded w/Available State Match (\$)	Funded w/Repayment and/or Leveraged
Burrillville	RI0100455	<b>WWTF Headworks and Oakland Pump Station Improvements †</b>	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000		\$ -
Middletown	n/a	Marshall Village Pump Station Replacement/ Paradise	\$ 2,100,000	\$ 2,032,020			
NBC	RI0100315	FPWWTF Ernest Street Pump Station Improvements	\$ 11,069,000	\$ 1,252,000	\$ -	\$ -	\$ 1,252,000
NBC	RI0100315	FPWWTF Maintenance and Storage Buildings	\$ 18,222,000	\$ 4,581,000	\$ -	\$ -	\$ 4,581,000
NBC	RI0100315	<b>NBC Solar Carport †</b>	\$ 1,059,000	\$ 6,000		\$ -	\$ 6,000
NBC	RI0100315	Long Range Biosolids Disposal	\$ 10,471,000	\$ 688,000	\$ -	\$ -	\$ 688,000
NBC	RI0100315	FPWWTF Standby Power System Electrical Improvements	\$ 6,962,000	\$ 263,000	\$ -	\$ -	\$ 263,000
NBC	RI0100315	<b>WCSOI OF Relief Structure†</b>	\$ 3,732,000	\$ 2,303,000	\$ 1,066,900	\$ -	\$ 1,236,100
NBC	RI0100315	Louisquiset Pike Interceptor Replacement	\$ 4,794,000	\$ 4,794,000	\$ 4,602,100	\$ 191,900	\$ -
NBC	RI0100315	Providence River Siphon Rehab	\$ 8,479,000	\$ 963,000	\$ -	\$ -	\$ 963,000
NBC	RI0100315	FY 2020 WWTF Improvements	\$ 12,919,000	\$ 6,755,000	\$ -	\$ 1,941,900	\$ 4,813,100
NBC	RI0100315	NBC Interceptor Easements	\$ 1,338,000	\$ 659,000	\$ -	\$ -	\$ 659,000
NBC	RI0100315	NBC System-wide Regulator Modifications	\$ 3,327,000	\$ 786,000	\$ -	\$ -	\$ 786,000
NBC	RI0100315	NBC Systemwide Facilities Planning	\$ 754,000	\$ 577,000	\$ -	\$ -	\$ 577,000
NBC	RI0100315	FPWWTF Standby Power System Electrical Improvements	\$ 6,962,000	\$ 630,000	\$ -	\$ -	\$ 630,000
NBC	RI0100315	NBC Systemwide Inflow Reduction Program	\$ 892,000	\$ 190,000	\$ -	\$ -	\$ 190,000
NBC	RI0100315	Municipal Sewer Acquisition Impact	\$ 411,000	\$ 294,000	\$ -	\$ -	\$ 294,000
NBC	RI0100315	FPWWTF Facilities Plan Update	\$ 421,000	\$ 156,000	\$ -	\$ -	\$ 156,000
NBC	RI0100315	NBC Systemwide RIPDES Flow Monitoring	\$ 1,650,000	\$ 894,000	\$ -	\$ -	\$ 894,000
NBC	RI0100315	Omega Pump Station Upgrade	\$ 4,225,000	\$ 984,000	\$ -	\$ -	\$ 984,000
NBC	RI0100315	Lincoln Seplage Station Replacement	\$ 4,994,000	\$ 558,000	\$ -	\$ -	\$ 558,000
NBC	RI0100315	BPWWTF Sludge Digestion Facility Improvements	\$ 5,103,000	\$ 1,777,000	\$ -	\$ -	\$ 1,777,000
NBC	RI0100315	WWTF Improvements	\$ 3,000,000	\$ 500,000	\$ -	\$ -	\$ 500,000
NBC	RI0100315	Interceptor Inspection and Cleaning of CSO Interceptors	\$ 3,000,000	\$ 500,000	\$ -	\$ -	\$ 500,000
NBC	RI0100315	Rehabilitation of the NBC CSO Interceptors	\$ 9,000,000	\$ 1,500,000	\$ -	\$ -	\$ 1,500,000
NBC	RI0100315	BPWWTF UV Disinfection Improvements	\$ 18,354,000	\$ 3,595,000	\$ -	\$ -	\$ 3,595,000
NBC	RI0100315	BPWWTF Improvements	\$ 9,710,000	\$ 584,000	\$ -	\$ -	\$ 584,000
NBC	RI0100315	BPWWTF Operations - Design Build	\$ 39,871,000	\$ 7,568,000	\$ -	\$ -	\$ 7,568,000
NBC	RI0100315	CSO Phase III A Facilities - Design & Construction Program Mgmt.	\$ 54,000,000	\$ 73,000	\$ -	\$ -	\$ 73,000
NBC	RI0100315	CSO Phase III A Facilities - Pawtucket Tunnel & Pump Station	\$ 488,300,000	\$ 747,000	\$ -	\$ -	\$ 747,000
NBC	RI0100315	CSO Phase III A Facilities - Tunnel Pump Station Fit-out	\$ 88,334,000	\$ 39,000	\$ -	\$ -	\$ 39,000
NBC	RI0100315	CSO Phase III A Facilities - OF 205	\$ 6,045,000	\$ 10,000	\$ -	\$ -	\$ 10,000
NBC	RI0100315	CSO Phase III A Facilities - OF 210, 213, 214	\$ 28,187,000	\$ 20,000	\$ -	\$ -	\$ 20,000
NBC	RI0100315	CSO Phase III A Facilities - OF 217	\$ 18,400,000	\$ 45,000	\$ -	\$ -	\$ 45,000
NBC	RI0100315	CSO Phase III A Facilities - OF 218	\$ 11,715,000	\$ 10,000	\$ -	\$ -	\$ 10,000
NBC	RI0100315	CSO Phase III A Facilities - Regulator Modifications	\$ 5,666,000	\$ 17,000	\$ -	\$ -	\$ 17,000
NBC	RI0100315	CSO Phase III A - GSI Projects	\$ 8,754,000	\$ 8,000	\$ -	\$ -	\$ 8,000
NBC	RI0100315	CSO Phase III A Facilities - BPWWTF Clarifiers & Flow Splitters	\$ 47,026,000	\$ 112,000	\$ -	\$ -	\$ 112,000
Newport Quonset Dev. Corp.	RI0100293	Long Wharf Pump Station Improvements	\$ 12,000,000	\$ 11,042,500	\$ -	\$ -	\$ 11,042,500
	RI0100404	<b>Quonset POTW Resiliency Action Plan Phase R1 †</b>	\$ 950,000	\$ 450,000	\$ -	\$ -	\$ 450,000
RI Grows	n/a	<b>Rhode Island Grows - Phase I †</b>	\$ 9,000,000	\$ 9,000,000	\$ -	\$ -	\$ 9,000,000
Stonebridge Fire	RI002384	Application of Alum to Stafford Pond	\$ 450,000	\$ 208,300	\$ -	\$ -	\$ 208,300
Total Rated			\$ 976,646,000	\$ 72,170,820	\$ 10,669,000	\$ 2,133,800	\$ 57,336,000

† Qualifies for Green Project Reserve.

\* All projects not shown. Projects shown are expected to be funded w/2021 Capitalization Grant and other available RIIB funds

## **Attachment A**

### **State Fiscal Year 2022 Project Priority List**



# RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

## Office of Water Resources

### Fiscal Year 2022 Project Priority List - Amendment #1

Points	Category	Community	Green	Project Name/Number	Cost (\$)
41	5	NBC	Y	Phase III CSO Facilities GSI Projects	\$ 8,754,000.00
40	10	Charlestown	N	Community ISDS Repair Program	\$ 600,000.00
37	5	NBC	Y	Phase III CSO Facilities Phase B	\$ 28,484,341.00
37	5	NBC	Y	Phase III CSO Facilities Phase C	\$ 164,660,000.00
37	5	NBC	Y	Phase III CSO Facilities Phase D	\$ 83,500,000.00
36	5	NBC	N	Phase III CSO Facilities - Pawtucket Tunnel & Pump Station Shaft	\$ 488,300,000.00
36	5	NBC	N	Phase III CSO Facilities Tunnel Pump Station Fit-out	\$ 88,334,000.00
36	5	NBC	N	Phase III CSO Facilities OF 205 Facilities	\$ 6,045,000.00
36	5	NBC	N	Phase III CSO Facilities OF 218 Facilities	\$ 11,715,000.00
36	5	NBC	N	Phase III CSO Facilities BPWWTF Clarifiers and Flow Splitting	\$ 47,026,000.00
36	5	NBC	N	Phase III CSO Facilities OF 217 Facilities	\$ 18,400,000.00
36	5	NBC	N	Phase III CSO Facilities OF 210/213/214 Facilities	\$ 28,187,000.00
36	5	NBC	N	Phase III CSO Facilities Regulator Modifications	\$ 5,666,000.00
36	5	NBC	N	CSO Phase III Facilities Construction Management Services	\$ 54,000,000.00
36	11	RI Infrastructure Bank	Y	Stormwater Project Identification & Realization Program	\$ 605,000.00
35	10	North Kingstown	N	North Kingstown Community Septic System Loan Program	\$ 300,000.00
35	10	South Kingstown	N	Community OWTS Repair Program	\$ 1,000,000.00
34	10	Tiverton	N	C-22-001 Community Septic System Loan Program	\$ 900,000.00
33	4C, 10	Warwick Sewer Authority	N	Community Sewer Tie-In Loan Fund	\$ 150,000.00
32	6	North Kingstown	N	Wastewater Management Facilities Plan Update	\$ 250,000.00
32	4C	Warwick Sewer Authority	N	Strawberry Field Rd. Sewer Project II/ Contract #77A	\$ 1,150,000.00
32	4C, 4D	Warwick Sewer Authority	N	Bayside Interceptor & Lateral Sewers Contract #86	\$ 25,000,000.00
32	11, 12	Westerly	Y	Westerly Swales - 2019 Municipal Resiliency Program Grant	\$ 151,000.00
31	10	Portsmouth	N	CSSLP Loan Program	\$ 500,000.00
30	10	New Shoreham	N	Community Septic System Loan Program	\$ 300,000.00
30	4C	Warwick Sewer Authority	N	Greenwood East Sewer Project Contract #87A	\$ 17,020,000.00
30	4C, 4D	Warwick Sewer Authority	N	Warwick Sewer Authority Neck South Sewer Extension	\$ 15,410,000.00
30	4C	Warwick Sewer Authority	N	Northwest Gorton Pond Sewer Project Contract #88 Phase II	\$ 5,434,086.00
30	4C	Warwick Sewer Authority	N	Pilgrim Estates Sewer Project Contract #90	\$ 5,520,000.00
29	10	Narragansett	N	ISDS Management Program	\$ 250,000.00
29	11	Narragansett	N	Narrow River Water Quality Improvement Project Phase IV	\$ 5,970,000.00
28	11	Middletown	Y	Townwide Green Infrastructure	\$ 10,000,000.00
27	11	Cranston	Y	TMDL Implementation	\$ 250,000.00
26	3B, 5	Newport	N	Long Wharf Pump Station Improvements	\$ 12,000,000.00
26	11	South Kingstown	N	TMDL Program Implementation	\$ 1,000,000.00
26	11	South Kingstown	N	Phase II Stormwater Program Compliance	\$ 300,000.00
26	12	Stone Bridge Fire District	Y	Stafford Pond Alum Treatment	\$ 650,000.00
26	6	Westerly	N	Wastewater Facilities Plan Update	\$ 200,000.00
26	4C, 10	Tiverton	N	C-22-002 Community Sewer Tie-in Loan Program	\$ 300,000.00
25	11	Pawtucket	Y	Pawtucket TOD North	\$ 10,000,000.00
24	4C	Tiverton	N	C-22-003 Robert Gray Area Phase 2 Sewer Expansion	\$ 5,000,000.00
24	4C	Tiverton	N	C-22-004 Bay Street Area Sewer Expansion	\$ 15,000,000.00
23	1, 4D	North Kingstown	N	QDC Infrastructure Upgrades	\$ 6,000,000.00
23	11	Pawtucket	Y	Pawtucket #1 Parking Garage	\$ 2,000,000.00
23	11	Pawtucket	Y	Pawtucket Tidewater	\$ 3,000,000.00
23	11	Pawtucket	Y	Pawtucket Front Street/Bikeway	\$ 2,000,000.00
22	6	NBC	N	FPWWTF Facilities Plan Update	\$ 421,000.00
22	4C, 4D	South Kingstown	N	Saugatucket Pond (North Road) Sewers	\$ 2,300,000.00
21	10	Cranston	N	Community ISDS Repair Program	\$ 200,000.00
21	1	Warren	Y	WWTF Improvements	\$ 4,500,000.00
20	3A, 3B	Middletown	Y	Town-Wide CIPP Slip-Lining & Manhole Rehabilitation Annual Program	\$ 100,000.00
20	6	NBC	Y	NBC Energy Sustainability Project	\$ 669,000.00

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**Office of Water Resources**  
**Fiscal Year 2022 Project Priority List - Amendment #1**

20	10	Smithfield	N	Community Septic System Repair Program	\$ 250,000.00
19	8	Hopkinton	N	Stuabtown Road Landfill Phase II Cap Restoration	\$ 355,322.00
19	6	NBC	N	RIPDES Compliance Improvements	\$ 1,469,000.00
19	5	NBC	Y	WCSOI OF 046 Relief Structure	\$ 3,732,000.00
19	12	North Kingstown	Y	Wickford Waterfront Resiliency Project	\$ 2,000,000.00
19	4D	North Kingstown	N	Newcomb Road Sewer Main Replacement	\$ 650,000.00
19	11	North Kingstown	Y	Roger Williams Drive Stormwater Mitigation	\$ 50,000.00
19	4C, 10	North Kingstown	N	Community Sewer Tie-in Program	\$ 300,000.00
19	4C	North Kingstown	N	Post Road North Sewers	\$ 7,000,000.00
19	7, 11, 12	North Kingstown	Y	West Main Street Stormwater Management Design	\$ 300,000.00
19	11	Rhode Island Grows LLC	Y	Rhode Island Grows - Phase I	\$ 9,000,000.00
19	4C, 4D	South Kingstown	N	Upper Salt Pond Collection System	\$ 2,100,000.00
19	1, 12	Westerly	N	Westerly Vortex Grit Chamber Redundancy Project	\$ 2,092,378.00
18	1, 3B, 12	Burrillville Sewer Commission	Y	WWTF Headworks and Oakland Pump Station Improvements	\$ 5,000,000.00
18	11	Coventry	Y	Purchase of Vactor Truck/Jetter	\$ 425,000.00
18	1	NBC	Y	NBC Solar Carport	\$ 1,059,000.00
18	6	NBC	N	Greenhouse Gas Study	\$ 179,000.00
18	1, 3B, 12	Quonset Development Corp.	Y	Quonset POTW Resiliency Action Plan Phase R1	\$ 900,000.00
18	1	Warren	Y	WWTF Comprehensive HVAC & Energy Efficiency Improvements	\$ 504,990.00
18	1	Warwick Sewer Authority	Y	Sludge Dewatering Improvements	\$ 1,350,000.00
18	3B, 12	Westerly	N	New Canal Street Pump Station Flood Retaining Wall	\$ 499,100.00
18	3B, 12	Westerly	N	Old Canal Street Pump Station Flood Protection Wall	\$ 255,000.00
18	12	Westerly	Y	Westerly Chapman Pond Boat Wash Station and Lake Management Plan	\$ 91,334.00
17	11	Coventry	N	Upper Dam Pond Stormwater Management - Phase II	\$ 464,380.00
17	11	Coventry	Y	Upper Dam Pond Stormwater Management - Phase III	\$ 493,300.00
17	4C, 10	New Shoreham	N	Community Sewes Tie-In Program	\$ 150,000.00
17	11	North Kingstown	Y	Walmsley Lane Drainage	\$ 250,000.00
17	12	Warwick Sewer Authority	Y	Buckeye Brook Restoration	\$ 1,700,000.00
16	1	Narragansett	N	Scarborough WWTF Groin Rehabilitation Project	\$ 1,500,000.00
16	1	South Kingstown	N	South Kingstown Regional WWTF Phase II Hydraulic Expansion	\$ 3,600,000.00
16	3B	Warren	Y	Wood Street Pump Station Upgrade	\$ 4,500,000.00
16	1, 2	Warwick Sewer Authority	N	Miscellaneous Facility & Process Improvements	\$ 5,000,000.00
15	6	Central Falls	N	Stormwater Facilities Plan	\$ 300,000.00
15	6, 12	East Greenwich	Y	WWTF Emergency Generator & Systemwide Resiliency Improvements	\$ 441,305.00
15	6,7	Hopkinton	N	Stuabtown Road Landfill Phase I RAWP Development	\$ 634,770.00
15	1	Narragansett	N	Regional WWTF Process Upgrade	\$ 8,887,200.00
15	1	Narragansett	N	Regional WWTF Hydraulic Expansion	\$ 5,564,160.00
15	1	NBC	N	BPWWTF Improvements	\$ 9,710,000.00
15	1, 12	Smithfield	N	Smithfield WWTF Flood Resiliency	\$ 850,000.00
15	1	South Kingstown	N	South Kingstown Regional WWTF Septage Receiving Facilities	\$ 500,000.00
15	4D	South Kingstown	N	South Road Interceptor	\$ 1,700,000.00
15	1	South Kingstown	N	Regional WWTF Upgrades	\$ 1,100,000.00
14	12	Burrillville Land Trust	Y	Sweet's Hill Purchase	\$ 2,200,000.00
14	1,3B,12	Narragansett	N	WWTF and Pump Station Replacement Generators	\$ 686,000.00
14	11	North Kingstown	Y	Post Road South Stormwater and Sidewalk Project	\$ 450,000.00
14	4C	Warwick Sewer Authority	N	Northwest Gorton Pond Sewer Project Contract #88 Phase I	\$ 4,462,551.00
13	1	Cranston	Y	Cogeneration	\$ 8,000,000.00
13	11	Cranston	N	Storm Drain Upgrades	\$ 1,000,000.00
13	1	NBC	N	FPWWTF Maintenance and Storage Buildings	\$ 18,222,000.00
13	1, 2	NBC	N	WWTF Improvements	\$ 3,000,000.00
13	6	NBC	N	NBC Long-range Residual Solids Management Study	\$ 10,471,000.00
13	1	NBC	N	BPWWTF Sludge Digestion Facility Improvements	\$ 5,103,000.00
13	1	NBC	N	BPWWTF Operations Building	\$ 39,871,000.00

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
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13	1	NBC	N	FPWWTF Standby Power System Electrical Improvements	\$ 6,962,000.00
13	1, 2	NBC	N	FY 2020 WWTF Improvements	\$ 12,919,000.00
13	1	NBC	N	BPWWTF UV Disinfection Improvements	\$ 18,354,000.00
13	1, 3B	NBC	N	Facility Electrical Improvements	\$ 275,000.00
13	3B, 12	New Shoreham	N	Resiliency Floodproofing - Ocean Ave Pump Stations 1&2	\$ 500,000.00
13	11	Newport	N	Tide Gates for Select Storm Drain Outfalls	\$ 5,000,000.00
13	4C	North Kingstown	N	Tower Hill Road Sewer Extension	\$ 500,000.00
13	4C	North Kingstown	N	Phillips Street Sewer Extension	\$ 250,000.00
13	4C	North Kingstown	N	Shore Acres Wastewater Collection System	\$ 6,500,000.00
13	4C	North Kingstown	N	Wickford Village (W-1) Subarea Sewers	\$ 15,900,000.00
13	4C	North Kingstown	N	Wickford Village (W-2) Subarea Sewers	\$ 12,000,000.00
13	4C	North Kingstown	N	Wickford Village (W-3) Subarea Sewers	\$ 7,000,000.00
13	4D	South Kingstown	N	Curtis Corner Road Interceptor	\$ 2,200,000.00
13	2,7	Westerly	N	WWTP Nitrogen Removal Upgrade	\$ 15,000,000.00
12	3B	NBC	N	NBC CSO Interceptors Rehabilitation	\$ 9,000,000.00
12	3B	NBC	N	Inspection and Cleaning of CSO Interceptors	\$ 3,000,000.00
12	3B, 12	Smithfield	N	Smithfield Pump Station Flood Resiliency	\$ 1,200,000.00
12	3B	Warren	Y	Patterson Avenue Pump Station Upgrade	\$ 4,000,000.00
12	4C	Warwick Sewer Authority	N	GAPS (Miscellaneous Sewer Extensions)	\$ 2,300,000.00
11	6	Central Falls	N	Wastewater Facilities Plan	\$ 300,000.00
11	4C	Coventry	N	Coventry Drive Sewers	\$ 950,000.00
11	6	East Greenwich	N	East Greenwich Facilities Plan Update	\$ 200,000.00
11	6	NBC	N	River Model Development	\$ 596,000.00
11	3B	NBC	N	FPWWTF Ernest Street Pump Station Improvements	\$ 11,069,000.00
11	12	NBC	N	Pilot Restoration Projects	\$ 132,000.00
11	3B, 6, 7	NBC	N	NBC Systemwide Regulator Modification	\$ 3,327,000.00
11	6	NBC	N	NBC Systemwide RIPDES Flow Monitoring	\$ 1,650,000.00
11	1	NBC	N	I M Facilities	\$ 9,987,000.00
11	3A	NBC	N	NBC Systemwide Inflow Reduction Program	\$ 892,000.00
11	6	NBC	N	NBC Systemwide Facilities Planning	\$ 754,000.00
11	6	NBC	N	Municipal Sewer Acquisition Impact	\$ 411,000.00
11	3B	Newport	N	Sanitary Sewer Improvements IV	\$ 4,000,000.00
11	3B	Newport	N	Sanitary Sewer Improvements V	\$ 4,000,000.00
10	1	Bristol	N	WWTF Solids Handling Process Upgrades & Misc. Improvements	\$ 2,000,000.00
10	1	East Greenwich	N	Wastewater Treatment Plant Upgrades	\$ 4,500,000.00
10	3B	NBC	N	Louisquisset Pike Interceptor Replacement	\$ 4,794,000.00
10	3B	NBC	N	Lincoln Septage Station Replacement	\$ 4,994,000.00
10	3B	NBC	N	NBC Interceptor Easements	\$ 1,338,000.00
10	8	North Kingstown	N	Hamilton-Allenton Landfill Closure	\$ 2,000,000.00
10	8	Smithfield	N	Landfill Closure (Ridge Road)	\$ 4,250,000.00
10	1	Warwick Sewer Authority	N	Sodium Hydroxide Tank Upgrade	\$ 66,000.00
9	12	Burrillville Land Trust	Y	O'Leary Farm Purchase	\$ 150,000.00
9	4C	Coventry	N	Briar Point Area Sewers	\$ 3,500,000.00
9	3B	Cranston	N	Systemwide Sewer Repair	\$ 1,400,000.00
9	3B	Cranston	N	Pump Station Capacity Upgrades	\$ 1,400,000.00
9	3B	Middletown	N	Marshall Village Pump Station Replacement	\$ 1,000,000.00
9	1	Narragansett	N	Scarborough WWTF Upgrades	\$ 8,237,000.00
9	3B, 12	New Shoreham	N	Upgrade Old Harbor Pump Station	\$ 1,000,000.00
9	3B	Smithfield	N	Improvements To Town Pump Stations	\$ 320,000.00
9	3B	Warwick Sewer Authority	N	Cedar Swamp Pump Station HVAC/Odor Control	\$ 1,750,000.00
8	3A, 6, 7	Bristol	N	Miscellaneous Collection System Improvements	\$ 600,000.00
8	1, 3B	Warwick Sewer Authority	N	Treatment Facility & Remote PS Scada Upgrades	\$ 1,000,000.00
8	1	Warwick Sewer Authority	N	WWTF Grease Removal System Replacement	\$ 575,000.00

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**Office of Water Resources**  
**Fiscal Year 2022 Project Priority List - Amendment #1**

7	1	Bristol	N	Miscellaneous Compost Facility Improvements	\$ 500,000.00
7	3A	East Greenwich	N	Inflow/Infiltration Analysis Implementation	\$ 400,000.00
7	3B	Narragansett	N	Wastewater Pump Station Upgrades	\$ 1,145,000.00
7	4D	North Kingstown	N	ASQAH Road Sewer Replacement	\$ 850,000.00
7	1	Smithfield	N	Upgrade Smithfield WWTF Fire Protection System	\$ 150,000.00
7	6, 3A	Smithfield	N	Smithfield Infiltration and In-FlowRemoval - SSES	\$ 1,500,000.00
7	4C	Smithfield	N	North Candy Court Sewers	\$ 160,000.00
7	4C	Smithfield	N	Highview and Hilldale Estates Sewers	\$ 3,775,000.00
7	4C	Smithfield	N	Friendship Lane, Domin Ave, Potter Ave, Rawson Ave, Sydney St, etc.	\$ 1,000,000.00
7	4C	Smithfield	N	Lower Sprague Reservoir (Area)- Indian Run Plat, Totem Pole Trail	\$ 5,000,000.00
7	4C	Smithfield	N	Cortland Ln, Baldwin Dr, Kimberly Ann Dr. Crabapple Ln, & Christopher Dr.	\$ 1,500,000.00
7	4C	Smithfield	N	Green Lake Drive, Ruff Stone Drive Sewers	\$ 855,000.00
7	4C	Smithfield	N	Levesque Dr, Jambray Dr, Dongay Rd, Elna Dr, John Mowry Rd, etc.	\$ 3,450,000.00
7	4C	Smithfield	N	Richard St & Hazel Point Sewer Extension	\$ 565,000.00
7	4C	Smithfield	N	Elmgrove Ave (off Sanderson Rd) Sewers	\$ 720,000.00
7	4C	Smithfield	N	Fanning Lane (Area) Sewers	\$ 2,850,000.00
7	4C	Smithfield	N	Austin Ave, Mapleville Road/Colwell Road Sewers	\$ 2,420,000.00
7	3B	Warwick Sewer Authority	N	Cedar Swamp Force Main Replacement	\$ 2,000,000.00
6	3B	Middletown	N	Wave Ave. Pump Station Upgrade	\$ 60,000.00
6	3B	Middletown	N	West View Pump Station Generator Replacement	\$ 55,000.00
6	3B	Middletown	N	Memorial Boulevard Sewer Main CIPP	\$ 444,000.00
6	3B	Middletown	N	Corporate Park Pump Station Generator Replacement	\$ 55,000.00
6	3B	Middletown	N	Paradise Pump Station Improvements	\$ 55,000.00
6	3B	Middletown	N	Paradise Pump Station Force Main Replacement	\$ 759,000.00
6	3B	Middletown	N	Paradise Pump Station Generator Replacement	\$ 78,000.00
6	1	Smithfield	Y	Smithfield Treatment Plant Upgrades HVAC	\$ 650,000.00
6	3B	Warwick Sewer Authority	N	Airport Road Interceptor & Manhole Rehabilitation	\$ 4,300,000.00
6	3B	Warwick Sewer Authority	N	Oakland Beach Interceptor Rehabilitation	\$ 1,300,000.00
5	3B	NBC	N	Omega Pump Station Upgrade	\$ 4,225,000.00
4	3B	Cumberland	N	Abbott Street Wastewater Pump Station Replacement	\$ 450,000.00
4	3B	Cumberland	N	Ashton Mill Village Sanitary Sewer Improvements	\$ 700,000.00
4	3B	East Greenwich	N	Main Street Sewer Main Upgrade	\$ 1,500,000.00
4	3B	New Shoreham	N	Champlin's Marina Pump Station Force Main Replacement	\$ 125,000.00
4	4D	Smithfield	N	Stillwater Interceptor Upgrade Project	\$ 1,250,000.00
4	3B	South Kingstown	N	South Kingstown Pump Station Force Main Replacement	\$ 1,500,000.00
4	3B	Warwick Sewer Authority	N	Norwood Interceptor Repair	\$ 1,231,000.00
4	3B	Warwick Sewer Authority	N	Bellows Interceptor Repair	\$ 1,126,014.00
4	3B	Warwick Sewer Authority	N	Warwick Sewer Authority Ave Pump Station Upgrades	\$ 517,500.00
4	3B	Warwick Sewer Authority	N	Warwick Sewer Authority Neck Pump Station Upgrades	\$ 3,220,000.00
4	3B	Warwick Sewer Authority	N	Oakland Beach Pump Station Replacement	\$ 2,970,000.00
4	3B	Warwick Sewer Authority	Y	Replacement of Air Ejector Pumping Stations	\$ 2,100,000.00
4	3B	Warwick Sewer Authority	N	Post Road North Interceptor Repair	\$ 829,466.00
4	3B	Warwick Sewer Authority	N	Oakland Beach Force Main Repair	\$ 3,000,000.00
4	3B	Warwick Sewer Authority	N	Three Ponds Interceptor, Phase 1 Repair	\$ 4,004,708.00
4	3B	Warwick Sewer Authority	N	Three Ponds Interceptor, Phase 2 Repair	\$ 1,964,591.00
4	3B	Warwick Sewer Authority	N	Three Ponds Interceptor, Phase 3 Repair	\$ 2,006,054.00
4	3B	Warwick Sewer Authority	N	Apponaug Interceptor Repair	\$ 522,688.00
4	3B	Warwick Sewer Authority	N	Apponaug Pump Station Upgrades	\$ 345,000.00
4	3B	Warwick Sewer Authority	N	Loveday Interceptor Repair	\$ 3,223,738.00
4	3B	Warwick Sewer Authority	N	Loveday Pump Station Upgrades	\$ 500,000.00
4	3B	Warwick Sewer Authority	N	Emmons Ave Interceptor Repair	\$ 397,143.00
4	3B	Warwick Sewer Authority	N	Emmons Ave Pump Station Upgrades	\$ 345,000.00
				<b>Total</b>	<b>\$ 1,650,495,119.00</b>

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**Office of Water Resources**  
**Fiscal Year 2022 Project Priority List - Amendment #1**

Conduit Financing Only:					
Points	Category	Community		Project Name/Number	Cost (\$)

				<b>Total:</b>	\$ -
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**Not Rated - Project Already Funded/Under Construction/Completed (not counted)**

Points	Category	Community		Project Name/Number	Cost (\$)
NR	1, 2	NBC		FPWWTF Blower Improvements - Phase II	\$ 9,443,000.00
NR	3B	NBC		Providence River Siphon Rehabilitation	\$ 8,479,000.00
NR	5,11	NBC		Phase III CSO FacilitiesGSI Demonstration Project	\$ 1,781,000.00
NR	3B	NBC		Moshassuck Valley Interceptor Replacement	\$ 13,368,000.00
NR	1	NBC		BPWWTF Biogas Reuse Energy Project Construction	\$ 8,271,641.00
NR	5, 7	NBC		Phase III CSO Facilities Design	\$ 77,000,000.00
NR	3B	NBC		Improvements To Interceptors FY 2019	\$ 3,343,000.00

				<b>Total:</b>	\$ 121,685,641.00
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**Not Rated - Not Applicable**

Points	Category	Community		Project Name/Number	Cost (\$)

				<b>Total:</b>	\$ -
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**Not Rated - Not Eligible**

Points	Category	Community		Project Name/Number	Cost (\$)

				<b>Total:</b>	\$
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				<b>Grand Total</b>	\$ 1,650,495,119.00
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**Appendix A: CATEGORY DEFINITIONS**

<b><u>CATEGORY</u></b>	<b><u>NUMBER</u></b>	<b><u>DEFINITION</u></b>
Secondary Treatment	1	Replacement/modifications/additions based on an approved Wastewater Facilities Plan (WWFP) to achieve/maintain secondary treatment
Advanced Treatment	2	Replacement/modifications/additions based on an approved WWFP to achieve/maintain advanced treatment
I/I Correction	3A	Corrective actions in sewer systems identified in an approved I/I Analysis or Sewer System Evaluation Survey
Sewer System Repair	3B	Rehabilitation is extensive repair of existing sewers/pump stations beyond scope of normal maintenance programs. Replacement is construction of parallel sewers/sewers with exact function of sewers to be abandoned. Replacement of pump stations is construction of a new pumping station with the same functions/flow capacity of the old facility. All must be in WWFP
Collectors (Future)	4A	Sewers that will convey flows from future homes, businesses and industries identified in a CCP and approved in a WWFP
Interceptor (Future)	4B	Sewers that will convey flows from one of more Category 4A areas to another interceptor or WWTF
Collectors (Present)	4C	Sewers to convey flows from present homes, businesses, and industries identified in a CCP and approved in a WWFP
Interceptor (Present)	4D	Sewers to convey flows from one of more Category 4C areas to another interceptor WWFP
CSO	5	Combined Sewer treatment/storage/separation per an approved WWFP
Planning	6	Detailed plan determining the need for and feasibility of water pollution abatement project(s)
Design	7	Plans, Specifications, and bidding documents
Non-Point	8	Implementation project per Non-Point Source Plan (SGP # 731)
Estuarine	9	Implementation project per Comprehensive Conservation and Management Plan (SGP # 715)
Onsite Wastewater Treatment Facility (OWTS)	10	Alternative systems, subsurface (OWTS), and Wastewater Management Districts (WWMD) per RIGL 45-24.5
Stormwater	11	Planning & Implementation of municipal stormwater management programs and controls
Other	12	Other water pollution abatement or water quality improvement projects including climate resiliency

## **Attachment B**

### **Memorandum of Understanding Between RIDEM and RIIB**

# **MEMORANDUM OF UNDERSTANDING**

**2013 - 2017**

*between*

**The Rhode Island Clean Water Finance Agency**

*and*

**The Rhode Island Department of Environmental Management**

*for the*

**Clean Water State Revolving Fund**

## **I. Purpose**

The purpose of this Memorandum of Understanding ("MOU") is to denote the functional roles and responsibilities of both the Rhode Island Clean Water Finance Agency ("Agency") and the Rhode Island Department of Environmental Management ("DEM") in administering the State Revolving Fund ("SRF") Program. This document will provide a framework which defines the roles of the Agency and DEM in managing the SRF program and serve as a basis for coordinated action between the agencies in the issuing, servicing, and accounting for loans under the SRF program. The agreement herein is for the purposes of, and shall be read in conjunction with, RIGL 46-12.2-1 et seq. In the event of any conflict, the general laws shall prevail.

## **II. Goal**

This agreement will serve as the basis for mutual understanding of the basic mechanisms, responsibilities, duties, and processes of the respective agencies for evaluating, implementing, managing, and revising the SRF program. The MOU covers the major operational aspects of the SRF program.

In general, the Agency is responsible for the administration and management of the financial aspects of the SRF program such as: approving and issuing loans; enforcing loan terms; fund transfers and disbursements; bond sales and retirement; investment management; and all financial report generation. The Agency will only make loans for projects issued Certificates of Approval by DEM.

In general, DEM is responsible for the programmatic aspects of the SRF program such as review and approval of all: facility planning-related reports and studies; environmental documents; plans and specifications; program compliance and enforcement; and determinations of project need, scope, costs, and eligibility. DEM is also responsible for development of project rating and ranking systems, including the annual Project Priority List. DEM will issue Certificates of Approval to applicants whose water pollution abatement projects are determined to be eligible for SRF Program assistance.

## **III. Background**

The federal 1987 Water Quality Act amended the Federal Water Pollution Control Act ("Clean Water Act") to end the Title II Construction Grants Program which provided grants to local governmental units for eligible water pollution abatement projects. The act established a new Title VI State Revolving Loan Fund (SRF) program which provides capitalization grants to states as "seed" money to establish revolving loan funds to provide a perpetual source of loans below market rate for water pollution control projects.

The state of Rhode Island has determined that utilizing a finance agency with revenue bonding authority is the most effective method of maximizing the loan dollars available for water pollution abatement projects. DEM has the statutory and regulatory authority for review and approval of systems or means to prevent water pollution.



#### IV. Responsibility

It is mutually understood that close coordination between the Agency and DEM is necessary to effectively administer the SRF for the state of Rhode Island. The breakdown of responsibilities in this section is to designate the lead agency responsible for producing/issuing the various items, but it is understood that items will be coordinated with the non-lead agency. Items which must be developed jointly are also listed.

The Certificate of Approval will be issued by DEM when all environmental, technical, and regulatory approval requirements for the project have been met. The Certificate of Approval will denote the specific project, the total estimated costs of the project, and will identify any portions of the project which are not eligible for SRF funding.

The Agency will negotiate loan terms with applicants which have received, or will receive, Certificates of Approval for projects. Loan terms will cover interest rate, loan repayments, loan security, dedicated sources of revenue, and such other items as the Agency deems necessary to protect the long-term viability of the SRF Program.

The Agency shall be responsible for processing all disbursement requests in accordance with the loan agreements negotiated with the applicant, except as set forth below. The Agency is responsible for insuring DEM receives a copy of all such requests for disbursement.

Independent of Agency disbursement processing, DEM will be responsible for determining that the applicant has completed the work for which the Certificate of Approval was issued, that the work meets all conditions of approval, that project budgets were met, that no ineligible items were purchased, and that the project meets all applicable SRF program regulatory requirements. DEM is responsible for insuring that the Agency receives a copy of all such project oversight reports.

Processing of all final disbursement requests by the Agency subsequent to substantial completion or initiation of operation (for construction projects) or delivery of final planning and design documents shall be withheld until receipt of a satisfactory final project report and/or approval from DEM.

The DEM will inform the Agency of failure to correct, or noncompliance with, conditions of approval of the project or program requirements. Once notified, the Agency and DEM will take all necessary and appropriate actions, as described in Chapter 46-12.2 of the General Laws of Rhode Island of 1956, as amended, DEM's **Rules and Regulations for the SRF Program**, the Agency's **Loan Policies and Procedures**, and the Loan Agreements and Certificates of Approval for the project.

##### *Breakdown of Responsibilities*

###### *A. Agency Lead:*

1. Maintaining compliance with all federal and state fund management requirements.
2. Determining the lending policies of the SRF funds
3. Determining the short and long term investment policy of the SRF funds
4. Preparing all required financial reports including those required by:
  - a. U.S Treasury/Internal Revenue Service
  - b. U.S. Environmental Protection Agency

- c. State of Rhode Island
- d. Other regulatory agencies as appropriate
- 5. Conducting all applicant financial review/analysis/approval functions related to SRF loan approval, administration, and management
- 6. Developing all loan issuing and servicing policies and procedures
- 7. Collecting, enforcing, and accounting for fees, charges, and loan repayments
- 8. Submitting capitalization grant applications to EPA
- 9. Developing, executing, and amending the Operating Agreement with U.S. EPA

**B. DEM Lead:**

- 1. Reviewing and approving all environmental and technical requirements for projects funded by the SRF
- 2. Issuing Certificates of Approval for projects eligible for funding from the SRF Program.
- 3. Developing and maintaining the Priority Determination System and Priority List
- 4. Insuring project compliance with all SRF program conditions of approval and project implementation requirements

**C. Joint Effort:**

- 1. Developing the annual Intended Use Plan
- 2. Preparing the SRF Program Annual Report
- 3. Determining eligibility requirements for SRF projects
- 4. Insuring appropriate tracking and inspections for disbursements to and closeout of the projects
- 5. Proposing changes to the program based on experience and changing market conditions
- 6. Preparing enforcement procedures to be utilized by DEM and the Agency for failure to comply with SRF program requirements

**V. Administrative Costs**

The Agency and DEM shall mutually develop and concur with the program administrative costs budget estimate in time for the annual appropriations bill. The Agency shall be responsible for the payment of all administrative costs. Funds allotted under Section 603(d)(7) of the federal Clean Water Act shall be transferred to DEM to defray its administrative expenses. Unless specifically prohibited by law, all other sources of revenues generated through SRF Program funds management may be used by the Agency to support administrative costs. Administrative expenditures incurred by DEM through its duties in the SRF Program that are in excess of those funds allotted under

Section 603(d)(7) shall be borne by the Agency. Both parties agree to manage the SRF Program in an effective and efficient manner. The payment of administrative expenses based upon the previous years' appropriations shall not be delayed in the event of a dispute between the parties (see Article IX Disputes).

#### **VI. Responsible Officials**

The following positions are hereby designated the responsible officials for their respective organizations. Unless specifically prohibited by law, persons assigned to these positions are authorized hereby to replace, revise, or revoke all SRF program administrative management policies, procedures, or documentation by mutual agreement through an exchange of letters between the Agency and DEM.

Additionally, unless specifically stated elsewhere, whenever notification shall be required under the SRF program, such written notification shall be deemed sufficient if directed to the positions at the addresses noted below.

For DEM:                      Director, R.I. Dept. of Environmental Management  
                                     c/o Chief, Office of Water Resources  
                                     235 Promenade Street  
                                     Providence, R.I. 02908-5767  
                                     Phone: (401) 277-3961

For the Agency:            Executive Director  
                                     R.I. Clean Water Finance Agency  
                                     Suite 119  
                                     235 Promenade Street  
                                     Providence, R.I. 02908  
                                     Phone: (401) 453-4430

#### **VII. Duration of the MOU**

The term of the MOU shall be five years. The MOU shall be formally reviewed and renewed every five years. All provisions of a properly executed MOU shall remain in effect until such time as a new MOU is formally executed.

#### **VIII. Amendments/Revisions to the MOU**

The MOU may be amended or revised at any time by mutual agreement between the Agency and DEM through an exchange of letters.

#### **IX. Disputes**

Disputes between the Agency and DEM in all matters in the SRF program which are related to the federal requirements under the Clean Water Act shall be resolved, following appropriate consultation with both the Agency and DEM and review of all pertinent facts, by the U.S. EPA. EPA's decision shall be the final administrative action on the matter.

For all other matters in the SRF program, disputes between the Agency and DEM shall be resolved, following consultation with both organizations and review of pertinent facts, by an independent arbitrator.

#### **X. Assignment**

Neither the Agency nor DEM shall assign, in whole or in part, its interest or duties in the SRF program and will not

contract for resources to conduct functional SRF program tasks without written notification to the other organization. Both parties recognize that written notification is intended for informational purposes only, and both parties shall make a good faith effort to provide said notification prior to any assignment(s).

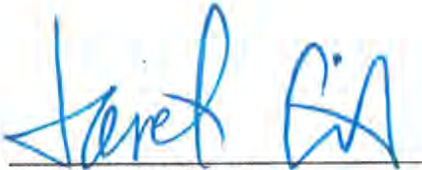
**XI. Access to Records**

All SRF files of both agencies will be mutually available.

**XII. Records Identification and Retention**

RICWFA and DEM will be responsible for project progress tracking, inspection and closeout after loans are given. Therefore, the two agencies will develop a project numbering system which will accommodate the needs of both agencies and distinguish between general project and fiscal records.

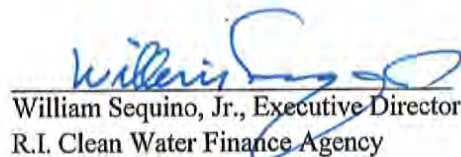
File retention will be split along general responsibilities. DEM will retain all general management, inspection, Certificate of Approval files. The Agency will retain all Certificates of Approval, loan payments, fiscal, and audit files.



Janet L. Coit, Director  
R.I. Department of Environmental Management

Date

8/16/13



William Sequino, Jr., Executive Director  
R.I. Clean Water Finance Agency

Date

8/17/13

## **Attachment C**

### **RIDEM Rules and Regulations**

## **TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 150 - WATER RESOURCES**

#### **SUBCHAPTER 20 - FINANCIAL ASSISTANCE**

##### **Part 1 - Rules and Regulations for the State Revolving Fund (SRF) Program**

### **1.1 Purpose**

The purpose of these State Revolving Fund (SRF) Program regulations is to establish procedures for the issuance of Certificates of approval for water pollution abatement projects seeking financial assistance from the Clean Water State Revolving Fund.

### **1.2 Legal Authority**

- A. The federal Clean Water Act, 33 U.S.C. § 1251 *et seq.* (2018), ("CWA") authorized establishment of, and funding for, a capitalization grant program to states for establishing perpetual revolving loan funds as a source of low-cost financing for water pollution abatement projects.
  - 1. The creation of the Rhode Island Infrastructure Bank ("Bank") and the charge to work in conjunction with the Rhode Island Department of Environmental Management ("DEM") to secure the benefit of the CWA Title VI program for Rhode Island was established by Chapter 303 of the Rhode Island Public Laws of 1989. This chapter was codified as R.I. Gen. Laws Chapter 46-12.2.
  - 2. These SRF Program regulations are adopted in accordance with Chapter 42-35 (the Administrative Procedures Act) pursuant to: the requirements of R.I. Gen. Laws Chapter 46-12.2; the Director's powers and duties under R.I. Gen. Laws Chapter 42-17.1 and 46-12.2 and R.I. Gen. Laws § 46-12-3; and the federal requirements of Title VI of the CWA.
  - 3. These regulations are effective twenty (20) days from the date of filing with the Secretary of State.

### **1.3 Superseded Regulations**

These regulations supersede and entirely replace the "Rules and Regulations for the State Revolving Loan Fund (SRF) Program" dated March 1991 and amended June 1994 and September 1997.

### **1.4 Severability**

If any provision of these rules and regulations or the application thereof to any local government unit, person, or circumstance is held invalid by a court of competent jurisdiction, the remainder of the rules and regulations shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections shall not affect the validity of the remainder of these rules and regulations.

### **1.5 Definitions**

- A. "Bank" means the Rhode Island Infrastructure Bank.
- B. "Approved project" means any project or portion thereof that has been issued a Certificate of Approval by the DEM for financial assistance from the Bank.
- C. "Categorical Exclusion (CE)" means a category of project which does not individually or cumulatively have significant effects on the environment.
- D. "Certificate of Approval (CA)" means the project Certificate of Approval per R.I. Gen. Laws § 46-12.2-8.
- E. "Chief Executive Officer (CEO)" means the mayor in any city, the president of the town council in any town and the executive director of any authority or commission, unless some other officer or body is designated to perform the functions of a chief executive officer under any bond act or under the provisions of a local charter or other law.
- F. "Clean Water Act (CWA)" means as defined by R.I. Gen. Laws § 46-12.2-2.
- G. "Community Comprehensive Plan (CCP)" means a plan prepared pursuant to the Rhode Island Comprehensive Planning and Land Use Regulation Act, R.I. Gen. Laws Chapter 45-22.2.
- H. "Comprehensive Conservation and Management Plan (CCMP)" means a plan prepared pursuant to the requirements of Section 320 of the Clean Water Act, 33 U.S.C. § 1330 (2018).

- I. "Corporation" means any corporate person, including but not limited to: corporations, societies, associations, limited liability companies, partnerships, and sole proprietorships.
- J. "Cost(s)" as applied to any project, means any or all costs, whenever incurred, in accordance with R.I. Gen. Laws §§ 46-12.2-2 and 46-12.2-8.
- K. "Cumulative impact" means the impact on the environment which results from the incremental impact of project(s) when added to other past, present, and reasonably foreseeable future actions or projects, regardless of which local governmental unit, corporation or person undertakes such other actions or projects.
- L. "DEM" means the Rhode Island Department of Environmental Management.
- M. "Director" means the Director of DEM or his/her designee
- N. "Effects" and "Impacts", as used in these regulations, are synonymous. Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, and health, whether direct, indirect, or cumulative. The distinctions are:
  - 1. Direct effects are caused by project(s) and occur at the same time and place.
  - 2. Indirect effects are also caused by project(s) and may be later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.
  - 3. Cumulative effects are caused by both the direct and indirect effects of water pollution abatement projects, plus the effects of other projects which are planned in the planning area.
- O. "Environment" shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment (see the definition of "effects").
- P. "Environmental Assessment (EA)" means a chapter, appendix, or amendment of a Wastewater Facilities Plan or other document
  - 1. That serves to:



- a. Briefly provide sufficient evidence and analysis of effects of proposed project(s) as a basis for DEM to determine whether to issue a Finding Of No Significant Impact (FONSI) or require an Environmental Impact Statement (EIS) to be prepared;
  - b. Document compliance with state and federal environmental review requirements when no EIS is required;
  - c. Facilitate preparation of an EIS when one is necessary;
2. Shall include:
- a. Brief discussions of the need for the proposed project(s)
  - b. Brief discussions of alternatives to recommended project(s) which involve unresolved conflicts concerning alternative uses of available resources
  - c. Brief discussions of the environmental impacts of the proposed project(s) and alternatives and outline means to mitigate environmental impacts
  - d. Agencies and persons consulted during the environmental assessment, and responses to substantive comments.
- Q. "Environmental Impact Statement (EIS)" means a detailed written statement prepared as a supplemental chapter of a Wastewater Facilities Plan or other document if DEM determines the Environmental Assessment identifies significant impacts associated with the preferred alternative project(s). The EIS will address:
- 1. The environmental impact(s) of the proposed project(s)
  - 2. Any detrimental effects on the environment which cannot be avoided should the proposed project(s) be implemented
  - 3. Alternatives to the proposed project(s) and the environmental impacts of those alternatives
  - 4. The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity
  - 5. Any irreversible and irretrievable commitments of resources which would be involved in the project(s) if implemented
- R. "EPA" means the U.S. Environmental Protection Agency.

- S. "Finding of No Significant Impact (FONSI)" means a document prepared by DEM briefly presenting the reasons for determining why project(s) will not have a significant effect on the environment. It shall include the EA and shall note any other environmental documents related to it. The FONSI need not repeat any of the discussion in the EA, but may incorporate it by reference.
- T. "Loan" means a loan as defined in R.I. Gen. Laws § 46-12.2-2.
- U. "Loan agreement" means any agreement as defined in R.I. Gen. Laws § 46-12.2.2.
- V. "Local governmental unit" means as defined in R.I. Gen. Laws § 46-12.2-2.
- W. "Mitigation" means:
1. Avoiding an impact altogether by not implementing a certain project or parts of a project
  2. Minimizing an impact by limiting the degree or magnitude of a project and its implementation
  3. Rectifying an impact by repairing, rehabilitating, or restoring the affected environment.
  4. Reducing or eliminating an impact over time by preservation and maintenance operations during the life of a project.
  5. Compensating for an impact by replacing or providing substitute resources or environments.
- X. "National Environmental Policy Act (NEPA)" means the National Environmental Policy Act of 1969, codified at 42 U.S.C. § 4321 *et. seq.*
- Y. "Non-Point Source (NPS) Management Plan" means a plan, including appendices and/or amendments, prepared pursuant to the requirements of Section 319 of the federal Clean Water Act.
- Z. "Person" means any natural person.
- AA. "Priority determination system" means the system by which water pollution abatement projects are rated on the basis of environmental benefit and other criteria pursuant to rules and regulations promulgated by DEM as they may be amended from time to time.
- BB. "Project" or "Water pollution abatement project" means any project eligible pursuant to Title VI of the Clean Water Act, 33 U.S.C. § 1341 *et seq.* (2018).

- CC. "Project Priority List (PPL)" means an annual ranked listing based on relative priority ratings of all water pollution abatement projects for which federal or state assistance is requested from DEM's assistance programs.
- DD. "Record of Decision (ROD)" means a document prepared by DEM briefly reviewing the significant effects project(s) will have on the environment. It shall include the EIS and shall note any other environmental documents related to it. Since the EIS is included, the ROD need not repeat any of the discussion in the EIS, but may incorporate it by reference. The ROD will specify mitigation measures necessary to allow a project to proceed.
- EE. "Significantly", as used in the DEM environmental review process, means considering both the context and intensity of impacts, whether beneficial or detrimental.
1. Context means that the significance of the impacts of a project must be analyzed in several contexts such as: the community as a whole (social, economic); the affected region; the affected interests; and the locality. Significance varies with the setting of the proposed project(s). In the case of a site-specific action, such as siting of a wastewater treatment facility, significance would usually depend upon the effects in the locale rather than in the whole planning area. Conversely, extending interceptor and collector sewers to a previously undeveloped portion of the planning area would result in effects on many elements of the environment.
  2. Intensity refers to the severity of the impact. The parties responsible for facility planning must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
    - a. Impacts may be both beneficial and detrimental. A significant effect may exist even if it is believed on balance that the effect will be beneficial.
    - b. The degree to which the proposed project(s) affect public health or safety.
    - c. Unique characteristics of the geographic area impacted by the project(s) such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
    - d. The degree to which the effects of the proposed project(s) on the quality of the environment are likely to be controversial.

- e. The degree to which the possible effects on the environment are uncertain or involve unique or unknown risks.
  - f. The degree to which a project may establish a precedent for future projects with similar effects or represents a decision in principle about a future consideration.
  - g. Whether the project(s) is related to other projects with individually minor but cumulatively major impacts. Significance exists if it is reasonable to anticipate a cumulatively major impact on the environment. Significance cannot be avoided by terming a project temporary or by breaking it down into small component parts.
  - h. The degree to which the project may detrimentally affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources.
  - i. The degree to which the project may detrimentally affect an endangered or threatened species or its habitat that has been determined to be critical under the federal Endangered Species Act of 1973.
  - j. Whether a project threatens a violation of federal, state or local law or requirements imposed for the protection of the environment.
- FF. "State Guide Plan" shall mean goals, policies, or plan elements for the physical, economic, and social development of the state, adopted by the State Planning Council in accordance with R.I. Gen. Laws § 42-11-10.
- GG. "Title VI" means Title VI of the federal Clean Water Act, 33 U.S.C. § 1383 (2018).
- HH. "Wastewater" means all flows in sanitary or combined sewers and all septage.
- II. "Wastewater Facilities Plan (WWFP)" means a plan prepared pursuant to the requirements of Section 201 of the federal Clean Water Act, 33 U.S.C. § 1281 (2018), which is a detailed 20-year wastewater treatment, conveyance, and disposal plan, including an assessment of the environmental impacts of the plan, prepared to meet the statutory and regulatory requirements of the DEM for systems to prevent pollution and the consistency requirements of the Comprehensive Planning and Land Use Regulation Act (R.I. Gen. Laws Chapter 45-22.2).
- JJ. "Wastewater Treatment Facility (WWTF)" means any equipment, devices, and systems for preventing, abating, reducing, storing, conveying, treating,

separating, recycling, reclaiming, or disposing of septage and flows from sanitary or combined sewers.

- KK. "Waters of the state" shall include all surface waters including all waters of the territorial sea, tidewaters, all inland waters of any river, stream, brook, pond or lake, and all ground waters and wetlands of the state of Rhode Island.

## **1.6 Eligibility**

- A. All water pollution abatement projects proposed by local governmental units, corporations and persons, to the extent permitted by Title VI of the Clean Water Act, which are consistent with the state's goals, policies, and objectives as expressed in the State Guide Plan and are consistent with a plan approved under either Section 201, 319, or 320 of the federal Clean Water Act, 33 U.S.C. §§ 1281, 1329, and 1330 (2018), are eligible for assistance from the SRF Program. Assistance will be offered and awarded to projects based on ranking of the environmental benefits of the project, readiness to proceed and availability of funds.
- B. Additional eligibility restrictions may apply to certain types of projects funded in whole or in part from funds awarded through Title VI of the Clean Water Act.

## **1.7 Environmental Review**

- A. All Section 212 (33 U.S.C. § 1292 (2018)) projects funded by the SRF Program must have the environmental impacts of project alternatives analyzed and evaluated as part of facilities planning or reaffirmation of the environmental review of an existing Wastewater Facilities Plan (WWFP). All Section 212 projects will include an Environmental Assessment and, if significant impacts on the environment are identified at any point in the planning process, an Environmental Impact Statement must be prepared. DEM will prepare any FONSI or ROD that is required. DEM shall review and approve all properly documented requests for Categorical Exclusions. DEM can only issue Certificates of Approval for Section 212 design and construction projects identified in a DEM-approved Wastewater Facilities Plan and its associated environmental review. The State Environmental Review Process (SERP) for Section 212 projects is conducted pursuant to § 1.12 of this Part.
1. The environmental review requirements for most Section 319 and Section 320 (33 U.S.C. §§ 1329, and 1330 (2018)) projects will be satisfied when they are consistent with either the NPS Plan or the CCMP. Certain Section 319 and 320 projects with Section 212 attributes may be subject to additional environmental review requirements.

2. At the request of another state agency, or quasi-state agency, the SERP may be used by the Director to assess the environmental impacts of activities funded through programs other than the SRF program.

## **1.8 Certificate of Approval Process**

A Certificate of Approval for a project must be issued by DEM as the basis for receiving an SRF loan from the Bank. Applications for a Certificate of Approval will be submitted to the DEM, Office of Water Resources.

## **1.9 Loan Program**

All loan requirements are contained in the Bank's "Clean Water State Revolving Fund Loan Policies and Procedures".

## **1.10 Project Administration and Audit**

Any SRF loan project is subject to periodic site visits for reviews and inspections of the project progress, records, and accounts by either or both DEM and the Bank. All SRF project accounts must be reviewed as a major federal program under the federal Single Audit Act standards, 31 U.S.C. § 7501 *et seq.*, during any audit. All project management and fiscal records must be maintained by the borrower for a period of five years following project completion or final financial settlement, whichever is greater.

## **1.11 Penalties**

In cases of non-compliance with conditions of a Certificate of Approval, a warning letter will be sent. Failure to correct or willful non-compliance with Certificate of Approval conditions will result in the issuing of a Notice of Violation by the DEM under the procedure detailed in R.I. Gen. Laws § 42-17.1-2(u). In addition to the Director's authority to assess administrative penalties for non-compliance under the authority of R.I. Gen. Laws Chapter 42-17.6, non-compliance with loan award conditions will be a condition of default of the SRF loan, and the local governmental unit or person may be assessed additional penalties by the Rhode Island Infrastructure Bank (Bank).

## **1.12 State Environmental Review Process**

### **A. General Process and Background**

1. This State Environmental Review Process (SERP) addresses compliance with the National Environmental Policy Act [NEPA], a requirement of the Clean Water Act [CWA] for all projects funded with the federal portion of

the Rhode Island SRF Program. Further, environmental review for natural resources inventories and consistency with the State Guide Plan (SGP) is required for all projects funded by the state portion of the SRF Program. The Rhode Island Comprehensive Planning and Land Use Regulation Act [R.I. Gen. Laws Chapter 45-22.2] requires not only coordination and consistency between state and local planning programs in the development of the Community Comprehensive Plan (CCP), but also consideration of environmental conditions during planning similar in many respects to NEPA.

2. To be eligible for funding by the SRF, projects must be identified in or consistent with the goals, policies, and objectives of the State of Rhode Island as expressed in the SGP and adopted elements thereof. All projects funded by the SRF must also be consistent with or identified in plans approved pursuant to the requirements of Sections 201, 319, or 320 of the federal Clean Water Act. Section 201 requires a Wastewater Facilities Plan (WWFP), a plan which assesses wastewater conveyance, treatment, and disposal needs for a twenty year planning period. The projects identified for implementation in the approved plan are called Section 212 projects. The Section 319 plan is "Rhode Island's Nonpoint Source (NPS) Management Plan", a plan which identifies projects to mitigate adverse water quality impacts from sources of pollution other than point sources. The Section 320 plan is the "Comprehensive Conservation and Management Plan (CCMP) for Narragansett Bay", a plan which identifies projects, objectives, and strategies for mitigation of pollutant loadings to the Narragansett Bay watershed. This plan has also been adopted as State Guide Plan Element 715.
3. All WWFPs or WWFP Updates funded by the SRF Program must meet the full federal environmental review requirements. This is necessary because the SRF Program contains both federal and state funds; to insure compliance with environmental consideration and planning consistency requirements under state law; to insure that design and construction projects are eligible for SRF Program loans; and to provide sufficient planning data to properly and efficiently manage the SRF Program for maximum benefit to the state. The environmental review requirements for most Section 319 and Section 320 projects are satisfied when they are identified in or consistent with either the NPS Plan or the CCMP, respectively. Certain Section 319 and 320 projects with Section 212 attributes may be subject to additional environmental review requirements.
4. All WWFPs or WWFP Updates funded by the SRF Program must contain at least an Environmental Assessment (EA). The EA will analyze and evaluate the impacts on the environment of all alternatives considered to

address the existing and forecasted needs identified through the WWFP process. All planning assumptions and forecasts used in the WWFP must be consistent with those used to develop the CCP of the local governmental unit. If significant impacts are identified with the selected alternative, further analysis and evaluation will be required in an Environmental Impact Statement (EIS). Mitigation measures for impacts from the Section 212 project contracts identified in the WWFP will be contained in any Categorical Exclusion (CE), Finding Of No Significant Impact (FONSI), or Record Of Decision (ROD) issued by DEM. Mitigation measures will also be conditions in the Certificates of Approval for design or construction loans, as appropriate. Monitoring compliance or progress toward complying with mitigation measures will be part of the DEM SRF project inspections.

5. To fund Section 212 projects that are identified in a WWFP for which the environmental determination (CE, FONSI, or ROD) is greater than five years old, the information and the environmental review findings of the WWFP must be reaffirmed for the projects to be eligible for SRF Program funding. The reaffirmation process requires examination of the current need for, cost of, and environmental impact of already studied projects. If there are no significant changes from the prior WWFP or environmental review, DEM may then approve the reaffirmation request.
6. In general, Categorical Exclusions for projects should be identified through the wastewater facilities planning process (i.e. WWFPs or WWFP Update). The need for a project, however, prior to being identified in an approved WWFP must be demonstrated and must have no significant environmental impacts. Requests for a CE for projects may be made directly to DEM for approval prior to applying for an SRF loan. DEM will not approve any CE requests that result in an increase in average daily design flow or a change in treatment method.

B. Local Governmental Unit Responsibility

1. The local governmental unit is responsible for providing the environmental review information as part of the WWFP required by the SRF program.
2. The local governmental units must prepare an Environmental Assessment (EA) as part of the WWFP. Comments by all agencies with statutory and/or regulatory authority within the planning area (e.g. Statewide Planning, Coastal Resources Management Council, DEM Wetlands, DEM Groundwater, RI Historical Preservation Commission, U.S. Fish & Wildlife, etc.) must be requested by the local governmental unit as part of the EA process. If the EA does not identify significant impacts from the project(s)



identified in the WWFP, DEM will issue a FONSI. If, as a result of the EA, significant impacts are identified, the local governmental unit must prepare an Environmental Impact Statement (EIS). DEM will issue a Record of Decision (ROD) identifying mitigation measures necessary for the project to proceed.

3. DEM will independently review and evaluate the environmental information provided as part of the WWFP, and issue a CE, FONSI or ROD. Mitigation measures and comments by other agencies must be incorporated in the WWFP and will be reflected in any final determination rendered by the Department.
4. As part of the Certificate of Approval application process for a Wastewater Facilities Planning loan, DEM will be reviewing the scope of work for consultant services. DEM will require a draft of the WWFP and EA to be submitted for review and comment prior to a public hearing for the document.

C. Public Notice and Participation

1. The local governmental unit must hold at least one public meeting/workshop during the preparation of the WWFP, preferably once the alternatives have been developed and the environmental impacts analyzed. This meeting will explain the Plan of Study and solicit public opinions and concerns. If the impacts identified with the preferred alternative in the EA are significant, the local governmental unit must issue a public notice stating that an EIS is being initiated and that a scoping meeting will be held. When the preferred alternative is identified, the community must hold a public hearing on the draft WWFP and draft EA/EIS. The Final WWFP and EA/EIS submitted to DEM for review and approval must include responses to all substantive public comments.

D. Consistency Requirements

1. For compliance with state law, information used in the WWFP is required to be consistent with the local CCP. The CCP will provide the basic assumptions and data to be used for forecasting: land use and other development and social parameters; cumulative impacts from all projects planned within the project area; natural, cultural, and historical resources inventories; population; zoning; and infrastructure and public services needs. To be approved by DEM, all WWFPs must be consistent with the local CCP. For DEM SRF Program funding assistance, all Section 212 projects must be identified in a DEM-approved WWFP or meet the requirements for a Categorical Exclusion.

## E. Legal Procedures

1. Following the DEM decision to issue a CE, FONSI, ROD, or reaffirmation of a previous decision, DEM will invite public comments for thirty (30) days, or as required by R.I. Gen. Laws § 42-35-2.8, by publishing a notice of the determination made in a paper of statewide circulation and sending notification of such determination to all persons and associations who have advised the DEM that they wish to be noticed. During the public comment period, any interested party may submit written comments and may request a public hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. Public hearings will be held in accordance with the provisions of the R.I. Administrative Procedures Act [R.I. Gen. Laws § 42-35-2.8]. Following public notice or public hearing, the final determination will be made by the Director.
2. At the time any final determination is made by the Director, DEM shall issue a response to comments. The response shall briefly describe and respond to all substantive comments raised during the public comment period or during the public hearing. The response to comments shall be made available to the public. Any person aggrieved by a final DEM decision may pursue any legal remedies it may be entitled to under the R.I. Administrative Procedures Act [R.I. Gen. Laws Chapter 42-35].
3. In cases of non-compliance with conditions of a Certificate of Approval, a warning letter will be sent. Failure to resolve the non-compliance through a warning letter will result in the issuing of a Notice of Violation by the DEM under the procedures detailed in R.I. Gen. Laws § 42-17.1-2(u). In addition to the Director's authority to assess administrative penalties for non-compliance under the authority of R.I. Gen. Laws Chapter 42-17.6, non-compliance with loan award conditions will be a condition of default of the SRF loan, and the local governmental unit may be assessed additional penalties by the Rhode Island Infrastructure Bank.

## F. State Agency Authority

1. The Department of Environmental Management is the designated agency responsible for environmental review of water pollution abatement projects under state law.
2. The Director of the Department of Environmental Management has broad authority to: "supervise and control the protection, development, planning, and utilization of the natural resources of the state, such resources including (but not limited to) water..." R.I. Gen. Laws § 42-17.1-2(1); "to

establish minimum standards for the establishment and maintenance of salutary environmental conditions" (R.I. Gen. Laws § 42-17.1-2(14)); and "to develop comprehensive programs for the prevention, control, and abatement of new or existing pollution of the waters of the state" (R.I. Gen. Laws § 46-12-3(b)). The Director is also specifically authorized (R.I. Gen. Laws §§ 42-17.1-2(19), 46-12-3(r), 46-12.2-8(d)) to issue, amend, revoke, and enforce reasonable rules and regulations necessary to carry out duties assigned by any provision of law, along with the power to assess administrative penalties in accordance with R.I. Gen. Laws Chapter 42-17.6 for failure to comply with R.I. Gen. Laws § 42-17.1-2(22).

3. In addition to the broad general powers above, the Director is specifically authorized: "to establish minimum standards...relating to the location, design, construction, and maintenance of all sewage disposal systems" (R.I. Gen. Laws § 42-17.1-(2)(12)); "to establish minimum standards for permissible types of septage" (R.I. Gen. Laws § 42-17.1-2(15)); "to establish minimum standards...for...the design, construction, operation, and maintenance of disposal facilities; and the location of various types of facilities" (R.I. Gen. Laws § 42-17.1-2(16)); "To approve...the construction, modification, and operation of discharge systems or any parts thereof and to require the prior submission of plans, specifications, and other data relative to discharge systems and to require that such plans, specifications, and other data be certified by a professional engineer registered in Rhode Island and to inspect such systems either under construction or in operation" (R.I. Gen. Laws § 46-12-3(j)); "to approve the operation of treatment facilities" (R.I. Gen. Laws § 46-12-3(t)); to "enforce...the standards...for the quality of...water, and the design, construction and operation of all sewage disposal systems" (R.I. Gen. Laws § 42-17.1-2(13)).
4. State law also addresses protection of the environment as part of the comprehensive planning process. All municipalities of the state are currently in the process of developing or amending their CCP to meet the requirements of the Comprehensive Planning and Land Use Regulation Act (R.I. Gen. Laws Chapter 45-22.2). This act states: "Comprehensive planning must provide for protection, development, use and management of our land and natural resources" (R.I. Gen. Laws § 45-22.2-3(A)(3)); (A goal is), "To promote the protection of the natural...resources of each municipality and the state" (R.I. Gen. Laws § 45-22.2-3(C)(4)); "Rhode Island's cities and towns...shall: Plan for future land use which...protects our natural resources" (R.I. Gen. Laws § 45-22.2-5(A)(1)); [The natural and cultural resources element] "Shall provide an inventory of the significant natural resource areas such as water, soils, prime agricultural lands, natural vegetation systems, wildlife, wetlands, aquifers, coastal

features, flood plains, and other natural resources and the policies for the protection and management of such areas" (R.I. Gen. Laws § 45-22.2-6(E)). The R.I. Department of Administration's Division of Planning is responsible for the comprehensive planning process.

## **TITLE 250 – Department of Environmental Management**

### **CHAPTER 150 – WATER RESOURCES**

#### **SUBCHAPTER 20 - FINANCIAL ASSISTANCE**

PART 2 – Rules and Regulations for the Priority Determination System for Federal and State Assistance for Construction of Water Pollution Abatement Projects

#### **2.1 Purpose**

- A. The Priority Determination System is designed to achieve optimum water quality management results from the Rhode Island Department of Environmental Management's (DEM) water pollution abatement project construction assistance programs, consistent with the powers and duties of the Department denoted in Chapters 42-17.1, 46-12, and 46-12.2 of the Rhode Island General Laws as amended, and the Federal Water Pollution Control Act [33 U.S.C. Sec. 1251 *et seq.*, as amended], commonly called the Clean Water Act.
- B. The Priority Determination System describes procedures for annually determining the priority rating and ranking of all categories of identified water pollution abatement projects proposed by local governmental units and persons, which may receive federal and/or state funding assistance from the State Revolving Fund (SRF) and the Interceptor Bond Fund (IBF) account of the Rhode Island Clean Water Act Environmental Trust Fund.
- C. Eligibilities and actual assistance awards are determined by the criteria and methodology contained in the rules and regulations for each specific assistance program.

#### **2.2 Authority**

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws §§ 42-17.1-1 *et seq.*, 46-12-1 *et seq.*, and 46-12.2-1 *et seq.*; and in accordance with R.I. Gen. Laws §42-35-1 *et seq.*

## 2.3 Application

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

## 2.4 Definitions

- A. For the purposes of these Regulations, the following terms shall have the following meanings:
1. "Bank" or "RIIB" means the Rhode Island Infrastructure Bank established by R.I. Gen. Laws § 46-12.2-1 *et seq.*
  2. "Areawide Waste Treatment Management Plan" or "208 Plan" means the plan prepared by the State pursuant to Section 208 of the Clean Water Act.
  3. "Chief Executive Officer" means the mayor in any city, the president of the town council in any town, or the executive director of any authority or commission unless some other officer or body is designated to perform the functions of a chief executive officer under the provisions of a local charter or other law.
  4. "Clean Water Act" or "CWA" means the Federal Water Pollution Control Act, codified at 33 U.S.C Sec. 1251 *et seq.*, as amended.
  5. "Community Comprehensive Plan" or "CCP" means a plan prepared pursuant to the Rhode Island Comprehensive Planning and Land Use Regulation Act, R.I. Gen. Laws § 45-22.2-1 *et seq.*
  6. "Comprehensive Conservation and Management Plan" or "CCMP" means a plan prepared pursuant to the requirements of Section 320 of the Clean Water Act.
  7. "Construction" means any one or more of the following: Preliminary planning to determine the feasibility of treatment works, engineering, scientific, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration,

rehabilitation, improvement, or extension of treatment works, or the administration, inspection, or supervision of any of the foregoing items.

8. "Combined Sewer" means a sewer which serves as a sanitary sewer and a storm sewer.
9. "Combined Sewer Overflow" or "(CSO)" means flow from a combined sewer in excess of the interceptor or regulator capacity that is discharged into a receiving water without going to a WWTF. A CSO occurs prior to reaching a WWTF and is distinguished from bypasses which are intentional diversions of waste streams from any portion of a WWTF.
10. "Costs" means any or all costs relating to the planning, designing, acquiring, constructing and carrying out and placing in operation a water pollution abatement project including, but not limited to, the following: planning, design, acquisition, construction, expansion, improvement and rehabilitation of facilities; acquisition of real or personal property; demolitions and relocations; labor, materials, machinery and equipment; services of architects, engineers, scientists, environmental and financial experts and other consultants; feasibility studies; rate/cost recovery/user charge studies; borings, survey, and other preliminary engineering costs; plans and specifications; administrative costs; legal costs; all costs related to project financing; and any and all other expenses necessary or incidental to the financing and construction of a water pollution abatement project.
11. "Department" or "DEM" means the Department of Environmental Management of the State of Rhode Island.
12. "Director" means the Director of the Rhode Island Department of Environmental Management or his/her designee.
13. "Fiscal Year" means the State of Rhode Island fiscal year: 1 July to 30 June.
14. "Growth Center" means a designated area, consistent with the state-approved local Community Comprehensive Plan, where compact, mixed-use development is accommodated without depleting a community's natural, historic and cultural resources.

15. "Infiltration/Inflow" or "(I/I)" means the total flow from both infiltration and inflow without distinguishing the source.
16. "Landfill" means any site where the disposal of wastes and/or sludge occurs or has occurred by placing them in or on the land, compacting, and covering with a layer of soil.
17. "Local Governmental Unit" means any city, town, district, commission, agency, authority, board or other political subdivision or instrumentality of the state or of any political subdivision thereof responsible for the ownership or operation of a water pollution abatement project(s), including the Narragansett Bay Water Quality Management District Commission.
18. "Materials" means product(s) employed in or by-products generated by industrial, commercial, and/or agricultural processes.
19. "Materials Storage Area" means any pile, impoundment, compound, facility or other area where materials are contained, held or otherwise stored in such a manner which causes, contributes to, or contaminates runoff.
20. "Nonpoint Source Management Plan" or "NPS" means a plan prepared pursuant to the requirements of Section 319 of the Clean Water Act.
21. "Onsite Wastewater Treatment System" or "(OWTS)" means any system of piping, tanks, disposal areas, alternative toilets or other facilities designed to function as a unit to convey, store, treat and/or dispose of sanitary sewage by means other than discharge into a public sewage collection system.
22. "Person" means an individual, trust, firm, joint-stock company, corporation (including a quasi-governmental corporation), partnership, association, syndicate, fire district, club, non-profit agency commission, or of any interstate body and any agent or employee thereof.
23. "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, thermal, and radiological integrity of water.
24. "Project" or "Water Pollution Abatement Project" means any project that contributes to the prevention, removal, curtailment, or mitigation of



pollution of the surface waters or groundwater of the state, or the restoration of the quality of said waters, and conforms with any applicable planning document which has been approved and/or adopted. This definition shall be construed to include the planning, design, construction or any other distinct stage or phase of a project, as well as efforts to educate or raise the awareness of the general public towards pollution or a project.

25. "Project Priority List" or "PPL" means an annual ranked listing based on relative priority ratings of all water pollution abatement projects in all categories for which federal or state assistance is requested from DEM's assistance programs.
26. "Raw Sewage Discharge" means any discharge to a receiving water of untreated sanitary sewage.
27. "Runoff" means water that drains from an area as surface flow.
28. "Sanitary Sewer" means a sewer which conveys wastewater from residences, commercial buildings, industrial plants, and institutions.
29. "State Guide Plan" or "SGP" means goals, policies, or plan elements for the physical, economic, and social development of the state, adopted by the State Planning Council in accordance with R.I. Gen. Laws § 42-11-10.
30. "Storm Sewer" means a sewer intended to convey only storm waters, surface runoff, street wash waters, and drainage.
31. "Total Maximum Daily Load" or "TMDL" means the amount of a pollutant that may be discharged into a waterbody and still maintain water quality standards. The TMDL is the sum of the individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background taking into account a margin of safety.
32. "Underground Storage Tank" means any one or a combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of petroleum product or hazardous materials, and the volume of which (including the volume of the underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground.

33. "Wastewater Facilities Plan" or "WWFP" means a plan prepared pursuant to the requirements of Section 201 of the federal Clean Water Act which is a detailed 20-year wastewater treatment, conveyance, and disposal plan, including an assessment of the environmental impacts of the plan, and which also contains information to meet the statutory and regulatory requirements of the DEM for systems to prevent pollution and the consistency requirements of the Comprehensive Planning and Land Use Regulation Act (R.I. Gen. Laws § 45-22.2).
34. "Wastewater Treatment Facility (WWTF)" means any equipment, devices, and systems for preventing, abating, reducing, storing, conveying, treating, separating, recycling, reclaiming, or disposing of sanitary or combined sewage.
35. "Watershed Action Plan" means a document that identifies watershed goals and management objectives along with specific action items that are needed. The plan is developed in consultation with all key stakeholders within the watershed including, but not limited to, federal, state and local governmental agencies, non-governmental organizations and the private sector.

## **2.5 Project Priority List**

- A. A project cannot receive funding from any DEM assistance program which utilizes the Priority Determination System unless it is on the approved Project Priority List. The DEM, Office of Water Resources must receive a letter of intent or equivalent document requesting that the proposed project be placed upon the Project Priority List. To be rated and ranked under the project priority system, the letter of intent for a requested project must include:
  1. Documentation that the requested project is, at a minimum, not inconsistent with: the State Guide Plan; a Community Comprehensive Plan; the Non-Point Source Management Plan; the Areawide Waste Treatment Management Plan or Plans; the Comprehensive Conservation and Management Plan; an approved Wastewater Facilities Plan. EXCEPTION: this requirement does not necessarily apply to request for assistance for planning or scientific investigations/studies.
  2. A total cost estimate of all costs relating to the project.

3. A project description and schedule.
- B. The Director shall annually prepare and publish a ranked priority list of all water pollution abatement projects for which assistance has been properly requested.

## **2.6 Project Rating**

- A. The Director shall rate each project according to the project rating criteria in Appendix I of these Regulations. In order to rate a project, the Director must determine that the project will contribute to achieving the State water quality policy goals and objectives. The numerical scores in Appendix I are based on the following:
1. The existing conditions that cause the pollution.
  2. The benefits of the proposed project, including improvements in overall efficiency and service.
  3. Improvements to water quality.
  4. Intergovernmental needs, requirements, or mandates identified in: the State Guide Plan; a Community Comprehensive Plan; the Non-Point Source Management Plan; the Areawide Waste Treatment Management Plan; the Comprehensive Conservation and Management Plan; a Special Area Management Plan; an approved Total Maximum Daily Load or Watershed Action Plan, or an approved Wastewater Facilities Plan.
  5. The degree to which a project is ready to proceed.
- B. For every project, the Director shall assign points to each project rating criterion based upon the most current information available to the Department, including information received prior to or during the public notice period required under § 2.8 of this Part.
- C. Point values have been assigned to subcategories based on needs and priorities identified in but not limited to: the State Guide Plan; a Community Comprehensive Plan; the Nonpoint Source Management Plan; the Areawide Waste Treatment Management Plan; the Comprehensive Conservation and Management Plan; DEM Water Quality Regulations; RIDEM Rules and

Regulations for Groundwater Quality; and an approved Wastewater Facilities Plan.

- D. The Director shall annually evaluate the rating of each project and make such changes as deemed necessary.

## **2.7 Project Ranking**

Projects will be ranked based upon points accumulated pursuant to § 2.6 of this Part. The Director shall not place projects on the PPL and shall remove projects from the PPL when it is determined that the projects will not contribute to achieving applicable state water quality goals, policies, standards, or objectives.

## **2.8 Review and Adoption of Priority List**

- A. The Director shall make available for written comments the proposed PPL prior to its adoption.
- B. Public notice of the availability of the proposed PPL shall be published in a newspaper of the State with statewide circulation, or on the Department's website, for up to thirty (30) calendar days, or as required by R.I. Gen. Laws § 42-35, to afford all interested persons reasonable opportunity to submit data, views, or arguments concerning the proposed PPL. The public notice shall indicate the location where copies of the draft PPL may be obtained and/or reviewed by interested parties.
- C. The Director shall accept written comments on the draft PPL. The Director shall consider fully all written submissions respecting the proposed PPL, and make any changes deemed necessary to serve the purposes of these Regulations.
- D. The Director will adopt a final PPL. Upon adoption of the final PPL, if requested to do so by an interested person, the Director will issue a concise statement of the principal reasons for and against its adoption, incorporating therein the reasons for overruling the considerations urged against its adoption.
- E. The Director shall permanently retain a copy of the PPL development record which shall include a copy of the final PPL, copies of all comments, and any statement by the Director regarding the comments on or adoption of the final PPL.

- F. The Director shall include such information in the PPL for each project as required by the EPA pursuant to the Clean Water Act and guidance issued pursuant thereto.

## **2.9 Project Priority List Revision**

- A. The Director shall review the PPL for changes in estimated project schedules, project costs and/or scope, annually. The Director may propose modification of the PPL at any time according to these procedures:
  - 1. Addition to the list: projects can only be added to the PPL after a public notice period as described in Rule 2.8 (250-RICR-150-20-2).
  - 2. Removal from the list:
    - a. The Director may remove a project completely from the Project Priority List if it is determined: that it is fully funded by other assistance programs; that it is not consistent with an approved WWFP or applicable comprehensive management plan; or that significant deficiencies exist in the project scope of work or costs analysis.
    - b. The Director shall notify by certified mail the person or local governmental unit whose project will be removed and the basis for the removal. The person or local governmental unit shall have ten (10) calendar days from receipt of the letter to submit evidence to the DEM showing that its project should not be removed.
    - c. The Director shall review his/her decision based on the information submitted by the person or local governmental unit and shall revise his/her decision if deemed necessary.
    - d. A person or local governmental unit whose project is removed after such review by the Director may request that the Director reverse his/her decision to remove the project only if substantial rights of the applicant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are without factual basis or are an unfair interpretation of the Rules and Regulations.

3. Revisions of a Clerical Nature: Revisions of a clerical nature require neither a public hearing nor documentation.

## 2.10 Severability

If any provision of these Rules and Regulations, or the application thereof to any local governmental unit or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

## 2.11 Superseded Rules and Regulations

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of the Priority Determination System shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

## 2.12 Appendix I - Project Rating Criteria

APPLICANT:			Point Value s	Actual Ratin g	Ite m #
PROJECT:					
I.		EXISTING CONDITIONS CRITERIA †			
	A.	Direct Raw Sewage Discharge/Sanitary Sewer Overflow	7		A
	B-1	Failing OWTS. - Documented Water Quality Degradation	7		B-1

	B-2	Failing OWTS – Other	3		B-2
	C-1	Untreated/uncontrolled runoff - Documented Water Qual. Degrad. (Pathogen impacts)	5		C-1
	C-2	Untreated/uncontrolled runoff - Documented Water Qual. Degrad. (Non-path. impacts)	3		C-2
	C-3	Untreated/uncontrolled runoff – Other	2		C-3
	D-1	Wastewater Treatment Facility	3		D-1
	D-2	Collection System/Pump Station	1		D-2
	E.	Combined Sewer Overflows	10		E
	F.	Landfill - Closure imminent or closed	3		F
	G-1	Underground Storage Tank – Leaking	3		G-1
	G-2	Underground Storage Tank - Potential to leak (single wall construction)	2		G-2
	H.	Materials Storage Area	3		H
	I-1	Sub-surface Discharge - non-sanitary wastewater	2		I-1
	I-2	Sub-surface Discharge - stormwater only	1		I-2
	J.	Stormwater treatment/management facility	3		J
	K.	Atmospheric Deposition	1		K
	L.	Excessive Flows - exceeds design flow or operational capacity	3		L
	M.	Streambank erosion or scouring	3		M

	N.	Stream continuity/connectivity impaired	3		N
	O.	Drinking water well contamination	3		O
		Section I - Total Points		_____	
II.		PROPOSED PROJECT BENEFITS CRITERIA † *			
	A.	Regional Project (i.e. project serves more than one community)	5		A
	B	Treatment of Septage at Existing WWTF	3		B
	C.	Operational Reliability Improvement	2		C
	D.	Project helps to alleviate a Sewer Connection/Extension Ban in the area served	5		D
	E.	Demonstration or Pilot Projects	2		E
	F.	Project incorporates pollution prevention/waste minimization techniques	2		F
	G.	Project protects or restores a critical aquatic habitat or resource	3		G
	H.	Project provides technical assistance/public education	2		H
	I.	Project improves permitted discharge from interim to final limits	3		I



		(discharge is presently in compliance with interim limits)			
	J.	Project addresses/prevents water pollution within a growth center	5		J
	K.	Project incorporates green infrastructure, energy conservation or other sustainable measures	5		K
	L.	Project implements climate change resiliency measures	5		L
		Section II - Total Points		_____	
III.		WATER QUALITY IMPROVEMENT CRITERIA ‡			
A.		Surface Water Restoration † [Use Integrated 305(b)/303(d) Report]			
	A-1	Project affects a Category 4.A or 4.B waterbody	8		A-1
	A-2	Project affects a Category 5 waterbody	6		A-2
	A-3	Project affects a Category 4.C waterbody	4		A-3
		Subtotal III A		_____	

B.		Surface Water Protection † [Use RIDEM Water Qual. Regs. & 305(b)/303(d) Report]			
	B-1	Project affects an SRPW drinking water supply waterbody	8		B-1
	B-2	Project affects another SRPW or Category 2 waterbody	6		B-2
		Subtotal III B		_____	
C.		Groundwater Protection Factor [Use Rules and Regulations for Groundwater Quality] †			
	C-1	Project affects a Wellhead Protection Area for Community Water System Well	6		C-1
	C-2	Project affects an area of GAA Groundwater	4		C-2
	C-3	Project affects an area of GA Groundwater	2		C-3
	C-4	Project affects an area of GB Groundwater	1		C-4
		Subtotal III C		_____	
		Section III - Total Points		_____	

IV		INTERGOVERNMENTAL NEEDS CRITERIA ††			
	A.	Project is consistent with Community Comprehensive Plan/State Guide Plan	3		A
	B.	Project is consistent with an approved Wastewater Facilities Plan or OWMP	3		B
	C.	Project is consistent with a Special Area Management (SAM) Plan	3		C
	D.	Project is consistent with the Areawide Waste Management Plan (208 Plan)	1		D
	E.	Project is consistent with the Nonpoint Source Management Plan (319 Plan)	3		E
	F.	Project is consistent with the Comp. Conservation and Management Plan (CCMP)	3		F
	G.	Project is consistent with TMDL or Watershed Action Plan	3		G
	H.	Project is consistent with the local Stormwater Management Plan	3		H
	I.	Project is consistent with the Implications for Climate Change for RI Wastewater Collection and Treatment Infrastructure	3		I
	J.	Population Served by the Project †			J.
	J-1	1 – 14,999	1		J-1

	J-2	15,000 – 49,999	2		J-2
	J-3	≥ 50,000	3		J-3
		Section IV – Total Points		_____	
V.		READINESS TO PROCEED CRITERIA			
A.		Planning †			
	A-1	Remedial Action Work Plan has been approved	2		A-1
	A-2	Wastewater Facilities Plan or OWMP approved or reaffirmed	2		A-2
	A-3	Environmental Assessment or Categorical Exclusion Approved	2		A-3
	A-4	Lake Management Plan Approved	2		A-4
		Subtotal V A		_____	
B.		Design			
	B-1	Plans and Specifications approved	2		B-1

		Subtotal V B		_____	
C.		Financial/Other ††			
	C-1	Local bonding authority approved, system revenues pledged or other local funds committed	2		C-1
	C-2	Pre-application for SRF Funding complete (i.e. qualified for loan by RIIB)	2		C-2
	C-3	Grant funding has been secured	2		C-3
	C-4	Local ordinance/zoning passed in support of the project	2		C-4
		Subtotal V C		_____	
		Section V - Total Points		_____	
† - Select one criterion, at most, for each category. For example, choose A-1, A-2 or neither as applicable.					
† † - Select each and every criterion which applies.					
* - Points are awarded for projects at the project site if the criterion is included in the proposed project.					
‡ - For water bodies that are included on the surface water reclamation and protection lists, the highest total point rating under either of those lists must be used, but not					

both.

**250-RICR-150-20-2**

**TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 150 - WATER RESOURCES**

**SUBCHAPTER 20 - FINANCIAL ASSISTANCE**

PART 2 - Rules and Regulations for the Priority Determination System for Federal and State Assistance to Local Governmental Units for Construction of Water Pollution Abatement Projects (250-RICR-150-20-2)

Type of Filing: Amendment

Effective Date: 10/24/2017

Editorial Note: This Part was filed with the Department of State prior to the launch of the Rhode Island Code of Regulations. As a result, this digital copy is presented solely as a reference tool. To obtain a certified copy of this Part, contact the Administrative Records Office at (401) 222-2473.

## **Attachment D**

### **RIIB Loan Policies and Procedures**



830-RICR-10-15-1

## **TITLE 830 - INFRASTRUCTURE BANK**

### **CHAPTER 10 – PROGRAMS**

#### **SUBCHAPTER 15- SEPTIC AND SEWER**

##### **PART 1 - Clean Water State Revolving Fund Loan Policies and Procedures**

#### **1.1 Purpose:**

The within Loan Policies and Procedures of Rhode Island Infrastructure Bank (the "Bank") have been established to govern the lending activities of the Water Pollution Control Revolving Fund and the Rhode Island Water Pollution Control Revolving Fund in accordance with the State Water Pollution Control Revolving Funds, 33 U.S.C. §§ 1381 to 1388 and R.I. Gen. Laws Chapter 46-12.2 as amended.

#### **1.2 Definitions:**

Except as otherwise defined herein, the words and phrases used within these Loan Policies and Procedures have the same meaning as the words and phrases have in R.I. Gen. Laws Chapter 46-12.2 as amended.

#### **1.3 Financial Assistance:**

These Policies and Procedures govern the provision of financial assistance to local governmental units, persons or corporations (collectively "Borrowers") to finance costs of approved water pollution abatement projects in the form of loans with below market interest rates or interest rate subsidies which reduce the cost of financing these projects by at least 33%. Financially distressed Borrowers may receive financial assistance greater than 33% as long as these loans do not have an adverse effect on other participants in the loan programs of the Bank; bond holders; other creditors of the Bank; or the finances of the Bank. In determining those Borrowers that qualify as "financially distressed" the Bank may consider the criteria set forth in R.I. Gen. Laws §§ 45-13-12(b)(1) through (4) as amended.

## **1.4 Loan Application:**

- A. Requests for financing should be submitted in writing by the Chief Executive Officer or other authorized officer of the Borrower to the Executive Director of the Bank. The written request shall include:
1. A description of the project to be financed with the projected construction and completion schedule. In the case of a refinancing, a description of the completed project and the terms and source of previous financing.
  2. A description of the dedicated source of loan repayment, i.e., general revenues, or wastewater system revenues
  3. A description of the overall operations of the Borrower, including but not limited to the most recent annual report or audited financials, with an emphasis on
    - a. legal structure;
    - b. management;
    - c. sources of revenues;
    - d. operating expenses;
    - e. operating surpluses or deficits;
    - f. actual results versus budget; and
    - g. sources of financial liquidity.
  4. Legal authority or authorities to construct, finance and operate the project.
  5. The past five years Audited Financial Statements in accordance with Generally Accepted Government Accounting Standards.
  6. Financial and demographic information.
  7. For revenue bonds, financial projections over the life of the financing showing sources of revenues, operating expenses, capital replacement reserves, user fee impact analysis, and cash available for debt service.
  8. Such other information as the Bank may reasonably require.

## **1.5 Loan Approval Process:**

- A. Loan approvals are subject to the following terms:
1. that all projects to be funded appear on the Rhode Island Department of Environmental Management's ("RIDEM") Project Priority List and have Certificates of Approval issued;
  2. that the loan comply with all federal, state and Bank laws, rules and regulations;
  3. that the loan and debt service requirements be approved by any applicable regulatory Agency;
  4. that a satisfactory loan agreement be signed by all parties to the transaction;
  5. that the loan will be made subject to availability of funds as related to the Bank's capacity; and that the loan will be made subject to ranking on RIDEM's Project Priority List.
  6. The Bank will conduct a financial analysis for each loan application which may include, but not be limited to:
    - a. sources of revenue and financial liquidity
    - b. historical and projected financial operating results
    - c. present and future debt service requirements
    - d. impact of dedicated user fees and/or general revenues
    - e. cost of the project and completion schedule
    - f. long term capital replacement planning
    - g. socioeconomic conditions and trends
    - h. management qualifications and experience
    - i. effects of legal structure and any regulator control
    - j. any other information that the Bank or its Board of Directors may require.

7. In addition, the Bank may take into consideration the Affordability Criteria established by the Bank and RIDEM posted on the Bank's website.

B. If the Board approves the application, a Commitment Letter will be issued to the Borrower for their acceptance, outlining the terms and conditions of the loan.

## **1.6 Terms and Conditions:**

A. **Borrowing Rate** - The stated interest rate on the Borrower bond, which is the Borrower's market rate (the "Market Rate"), is the prevailing market taxable or tax-exempt interest rate for issuers of comparable creditworthiness to the Borrower, as determined by the Bank on the advice of the Financial Advisor after consultation with the Borrower. Subject to adjustment by the Bank from time to time, the subsidized interest rate for the Loan is 66 2/3% of the Market Rate (the "Subsidized Interest Rate"). The Borrower will be obligated by the Borrower bond to pay the Market Rate, but will be billed only for the Subsidized Interest Rate. If the Borrower or other borrowers of the Bank should default in timely payment of debt service on the Loan or on the loans made to such other borrowers of the Bank, the Bank may require the Borrower to pay up to the Market Rate on the Borrower Bond.

1. Interest is to be calculated based on a 360-day year and twelve thirty-day months, and may be capitalized during construction. Interest payments are semi-annually on March 1 and September 1.

B. **Loan Fees** - An origination fee of the greater of \$1,000 or one percent (1%) of the principal amount of the Loan will be payable to the Bank by the Borrower at the time of the Loan's closing. All other costs incidental to the Borrower's role in the transaction, i.e. legal fees, financial advisory fees, bond insurance premiums and the like, will be paid by the Borrower. The Bank will charge an annual service fee of one-half of one percent (0.5%) of the Loan's outstanding principal, payable semi-annually at each interest payment date. A late payment of five percent (5%) of the amount of the late payment will be charged for every 15 days that a payment is late.

C. **Amortization** - Amortization will begin at a mutually agreed upon date, but in no case later than the earlier of three (3) years after loan closing or September 1 after completion of the construction of the projects. Principal payments will be made annually on September 1st and the schedule of payments will be structured to meet the debt service and financial assistance needs of the Borrower.

D. **Final Maturity** - Loans shall mature no later than thirty years after the Loan closing.

- E. Prepayments - A loan may be prepaid by the Borrower at any time but may be subject to a prepayment penalty based on the cost of reinvesting the prepayment, the cost of prepaying outstanding bonds of the Bank or any other negative financial impact to the Bank.
- F. Security - Loans will have a pledge of
1. general revenues and/or wastewater system revenues; and/or
  2. may be secured by any other assets and upon such other terms and conditions as the Bank deems appropriate to protect the interests of the other participants in the loan programs of the Bank; bondholders; other creditors of the Bank; bondholders; or the finances of the Bank.
- G. Construction Progress Payments - Progress payments for each construction project will be made through an account established for the Borrower. Loan proceeds will be transferred monthly from the Borrower account for each borrower based upon approved Requisition Forms submitted to the Bank. Upon receipt of the Requisition Form, the Bank will verify:
1. that a Certificate of Approval has been issued by RIDEM;
  2. the vendor is identified in the contract; and
  3. there is sufficient availability in the Borrower account to make the payment.
    - a. Payments will be made directly to the vendor and/or the Borrower for reimbursements by the Bank, and a "paid" stamped copy of the Requisition Form will be sent to the Borrower and RIDEM. RIDEM will perform periodic project inspections to:
      - (1) monitor construction progress;
      - (2) verify eligibility of construction cost under the program; and
      - (3) ensure construction is in conformity with Plans and Specifications.
    - b. RIDEM will provide a copy of the inspection report to the Bank. Any adverse conditions will be reported to the Bank who will suspend further payments until the adverse conditions have been rectified. RIDEM will perform a final project inspection before the final payment is made by the Bank.

## **1.7 Reporting Requirements:**

- A. Borrowers will be required to provide information to the Bank during the life of the loan, including, but not limited to:
1. A copy of its Annual Audited Financial Statements in accordance with Generally Accepted Government Accounting Standards, annually within nine months of end of fiscal year.
  2. An annual analysis of operating revenues and expenses, including without limitation, a description of the status of the dedicated wastewater system revenues and/or general revenues and operating expenses in excess of budget and a schedule of current and projected user rates.
  3. A copy of the annual budget of the Borrower, within fifteen days of its adoption.
  4. An annual schedule of current and projected short term and long term debt service.
  5. An annual schedule of Capital Replacement Reserves.
  6. Copies of reports submitted to RIDEM, the Environmental Protection Agency ("EPA") and any other regulatory agency relating to the projects financed by the Bank or the operation thereof.
  7. Other information or reports that the Bank deems appropriate.

## **1.8 Loan Agreements:**

There will be a Loan Agreement with the Borrower outlining the terms and conditions of the Bank's loan. The Borrower's repayment obligation to the Bank under the agreement will be evidenced by a bond(s) of the Borrower outlining the loan's specific terms and condition. The bonds shall be in fully marketable form, accompanied by documentation, in form and substance satisfactory to the Bank and an opinion, in form and substance satisfactory to the Bank, of nationally recognized bond counsel satisfactory to Bank as to its valid authorization, execution, delivery and enforceability, as well as its federal and state tax consequences, and may include an opinion that the bonds are not private activity bonds within the meaning of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code") 26 U.S.C. § 141.

## **1.9 Compliance with State and Federal Law:**

- A. The Borrower must comply with all applicable state laws and regulations. Recipients of loans must also comply with all requirements of 33 U.S.C. §§1381 to 138 and regulations and guidance issued thereunder in addition to any other applicable federal laws and regulations.
- B. In addition, the Borrower must agree to take all action, or refrain from taking any action, that would cause interest on any obligations of the Bank to be included, for federal income tax purposes, in the gross income of the holders of such obligations.

## **1.10 Modifications:**

Where deemed appropriate by the Bank, waiver or variation of any provisions herein may be made or additional requirements may be added.

## **1.11 Severability:**

If any provision of these rules and regulations or the application thereof to any local government unit, person, or corporation is held invalid by a court of competent jurisdiction, the remainder of the rules and regulations shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections shall not affect the validity of the remainder of these rules and regulations.

**830-RICR-10-15-1**

**TITLE 830 - INFRASTRUCTURE BANK**

**CHAPTER 10 - PROGRAMS**

**SUBCHAPTER 15 - SEPTIC AND SEWER**

PART 1 - Clean Water State Revolving Fund Loan Policies and Procedures (830-RICR-10-15-1)

Type of Filing: Amendment

Effective Date: 06/01/2018

Editorial Note: This Part was filed with the Department of State prior to the launch of the Rhode Island Code of Regulations. As a result, this digital copy is presented solely as a reference tool. To obtain a certified copy of this Part, contact the Administrative Records Office at (401) 222-2473.



## **Attachment E**

### **Irrevocable Commitment to Provide State Matching Funds**

## *Irrevocable Commitment*

### To Provide State Match Funds for the Benefit of Clean Water State Revolving Fund

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WHEREAS the State of Rhode Island (the "State"), in order to make loans and/or provide grants to facilitate construction of water pollution control facilities and obtain federal financial assistance, has caused there to be created the Rhode Island Infrastructure Bank ("Bank");

WHEREAS the availability of federal clean water capitalization grants made available by Section 1381 of the Water Quality Act of 1987 (the "Act") is contingent upon the Bank's irrevocable commitment of matching funds equal to at least twenty percent (20%) of the amount of federal grant funds allocated to the State; and,

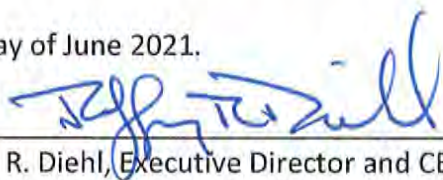
WHEREAS the Bank agrees to provide through methods available to it 2,133,800 in State Match Funds for the federal fiscal year 2021 grant by December 31, 2021, which complies with the Act and the Bank's Intended Use Plan.

The provision of these State Match dollars will be enough to allow the Bank to continue to qualify for the federal capitalization grant in the amount of \$10,669,000 being the maximum amount of federal Clean Water Capitalization Grant to which the State is entitled in federal fiscal year 2021. The Bank may provide the total state match requirement for the 2021 federal grant in advance of the date above if it deems it prudent to do so.

NOW, THEREFORE, it is hereby agreed and confirmed that the Bank shall continue to irrevocably commit the State Match dollars needed as required by federal regulations, to ensure the Bank's ability to receive the maximum amount of federal safe drinking water capitalization grants for which it is eligible.

Acknowledged and accepted this 16<sup>th</sup> day of June 2021.

By: \_\_\_\_\_

  
Jeffrey R. Diehl, Executive Director and CEO  
Rhode Island Infrastructure Bank

## **Attachment F**

### **CWSFR Binding Commitments**

**HISTORICAL DATA LISTING of CWSRF BINDING COMMITMENTS**

	PROJECT NAME	FY OF BIND COMMIT.	DOLLAR AMOUNT	Date of B/C FY11 and forward
1	NBC WOONASQUATUCKET	92	2,030,000	
2	BRISTOL COMPOST	92	4,000,000	
3	NARRAGANSETT SOLIDS HANDLING	92	1,959,000	
4	BURRILLVILLE 16B	92	1,227,700	
5	BURRILLVILLE 17	92	753,000	
6	NARRAGANSETT FACILITY PLAN	92	50,000	
7	NORTH SMITHFIELD FACILITY PLAN	92	50,000	
8	NBC BUTLER HOSPITAL	92	1,167,700	
9	WARWICK HOXIE NORTH	92	208,000	
10	N. SMITHFIELD SEWER DESIGN	92	110,000	
11	JOHNSTON FACILITY PLAN	92	83,493	
12	WARWICK GASPEE I	92	3,292,000	
13	N. SMITHFIELD SCHOOL STREET	92	1,127,000	
14	N. SMITHFIELD MORSE/GIL	92	485,600	
<b>Fiscal Year 1992 Total</b>			<b>\$16,543,493</b>	
15	NBC WP/RA	93	3,396,450	
16	N. SMITHFIELD BIRCH HILL	93	468,600	
17	BRISTOL CONT. 21	93	780,000	
18	NBC 101 DESIGN	93	740,000	
19	NBC SMITH STREET	93	540,000	
20	E. PROV. FINAL CLARIFIER	93	285,700	
21	E. PROVIDENCE FIXED COVER	93	173,000	
22	BURRILLVILLE CONTRACT 12	93	919,000	
23	CUMBERLAND MENDON ROAD	93	1,600,000	
24	NARRAGANSETT RIO VISTA 1+1A	93	250,000	
25	NARRAGANSETT 7A	93	250,000	
26	WARWICK GASPEE II DESIGN	93	325,000	
27	WARWICK PRESIDENTIAL STREETS	93	956,540	
28	N. SMITHFIELD SEWER DESIGN	93	84,068	
<b>Fiscal Year 93 Total</b>			<b>\$10,768,358</b>	
29	NBC CSO LDM PLANNING	94	5,958,553	
30	CUMBERLAND CH/CR DESIGN	94	164,000	
31	NBC 504 DESIGN	94	523,000	
32	NBC SEPTAGE FP AMEND	94	71,000	
33	NBC PITMAN TO GANO	94	2,600,000	
34	CUMBERLAND CURRAN ROAD	94	640,000	
35	NARRAGANSETT MUMPFORD PUMP	94	483,430	
36	NARRAGANSETT OCEAN ROAD	94	177,000	
37	N. SMITHFIELD TELEMTRY	94	230,000	
38	CRANSTON NEW WELSH PUMP STATION	94	1,160,000	
39	N. SMITHFIELD VICTORY HIGHWAY	94	1,450,000	
<b>Fiscal Year 94 Total</b>			<b>\$13,456,983</b>	
40	NBC CSO LDM DESIGN 1B	95	5,208,373	
41	E. PROVIDENCE EMERGENCY POWER	95	498,745	
42	N. PROVIDENCE LANDFILL	95	1,597,000	
43	CUMBERLAND BEAR HILL DESIGN	95	150,000	
44	WOONSOCKET P. S. DESIGN	95	42,000	
45	NBC 101 CONSTRUCTION	95	12,880,000	
46	HOPKINTON LANDFILL	95	1,597,000	
47	NBC SAYLESVILLE DESIGN	95	207,000	
48	CUMBERLAND MENDON ROAD - 295	95	378,700	
49	NBC GIS STUDY	95	75,000	
50	NARRAGANSETT POINT JUDITH DESIGN	95	34,835	
51	NBC BUCKLIN POINT	95	400,000	
52	E. PROVIDENCE SEC. CLARIFIER	95	2,310,000	
53	CUMBERLAND HILL	95	649,750	
54	CUMBERLAND BEAR HILL	95	1,604,250	
55	WARWICK GASPEE II	95	2,767,003	
<b>Fiscal Year 95 Total</b>			<b>\$30,399,656</b>	

**HISTORICAL DATA LISTING of CWSRF BINDING COMMITMENTS**

	PROJECT NAME	FY OF BIND COMMIT.	DOLLAR AMOUNT	Date of B/C FY11 and forward
56	NARRAGANSETT NO. END #2	96	1,348,930	
57	NBC CONTRACT 102 DISINFECTION	96	303,000	
58	CUMBERLAND POCASSET	96	276,000	
59	NORTH SMITHFIELD IRONSTONE	96	2,913,400	
60	NBC 803 BUCKLIN PT. LOCKERS	96	390,000	
61	WOONSOCKET MORRIS STREET	96	73,000	
62	WESTERLY RIVERDALE	96	375,000	
63	CRANSTON P.S. REHABS DESIGN	96	281,000	
<b>Fiscal Year 96 Total</b>			<b>\$5,960,330</b>	
64	NBC SAYLESVILLE CONST.	97	1,240,000	
65	WARWICK GASPEE III	97	2,450,000	
66	WARWICK SEWERS DESIGN	97	339,412	
67	WOONSOCKET P.S. REPAIR	97	450,639	
68	NBC CONT.504 JOHNSTON INTERCEPTOR	97	6,140,000	
69	WESTERLY, FRANKLIN ST. SEWERS #15	97	195,000	
70	WARWICK HOXIE NORTH	97	961,955	
71	Narragansett Pt. Judith Plat L Construction	97	2,630,018	
72	Warwick Glen Dr/Little Pond Sewers Constrc.	97	1,825,870	
73	Warwick Hoxie East Sewer Construction	97	4,044,395	
74	Warwick Cove Sewer Construction	97	2,422,269	
75	Warwick Gorton's Pond North - Phase 1 Constr.	97	130,325	
76	NBC Storage Building Impv. Design	97	91,000	
77	NBC Contract 103 Planning	97	260,000	
<b>Fiscal Year 1997 Total</b>			<b>\$23,180,883</b>	
78	Bristol Landfill Closure Phase III	98	1,200,000	
79	Middletown Orangeberg Pipe Replacement	98	398,000	
80	Warwick Vets and Lower Tuskatucket	98	348,215	
81	NBC Cont.103 Sludge Incineration Design	98	965,000	
82	Warwick Lakewood/Atlantic Sewers	98	567,963	
83	NBC Storage Building Improv.- Construction	98	2,300,000	
84	Warwick Nausauket Sewers	98	10,565,678	
85	Warwick Cindy Lane Sewers	98	439,425	
86	Warwick Gorton Pond North Phase II	98	356,066	
<b>Fiscal Year 1998 Total</b>			<b>\$17,140,347</b>	
87	Narragansett Contract 3	99	1,425,123	
88	Narragansett Contract 3A	99	699,552	
89	Narragansett Contract 4	99	1,365,805	
90	NBC Cont.108 Y2K Update	99	250,000	
91	NBC Cont.807D Bucklin Pt. WWTF	99	2,800,000	
92	Warwick Conimicut North Design	99	350,000	
93	Warwick Cove 2 & Brookwood P.S. Design	99	157,667	
94	Warwick Centerville P.S. Design	99	23,200	
95	Narragansett Contracts 5&6	99	1,587,075	
96	Warwick Vets Sewers	99	7,764,440	
97	Westerly Babcock Sewers	99	1,368,420	
98	NBC Cont. 304.03 Saylesville Force Main	99	69,784	
<b>Fiscal Year 1999 Total</b>			<b>\$17,861,066</b>	
99	Warwick Lower Tuskatucket Sewers	00	11,046,000	
100	Warwick Post Road South Construction	00	1,373,170	
101	Warwick Cowesett Interceptor	00	447,178	
102	Smithfield Wionkhiege P.S. Improvements	00	150,000	
103	Bristol Replacement of Tub Grinder	00	300,385	
104	Bristol Landfill Closure Phs 3, Area 2	00	1,200,000	
105	East Greenwich Refinance Phs I Sewers	00	3,100,000	
106	East Greenwich Lower Cindy Ann Sewers	00	1,154,451	
107	Middletown High St. Sewer Replace & Drain.	00	789,190	
108	NBC Cont. 109P - Denitrification Facility	00	250,000	
109	NBC Cont 104C - Septage Receiving	00	1,133,000	
110	NBC Cont. 704P - Pump Stations Storage	00	150,000	
111	NBC Cont. 302.03D Phs I CSO design	00	6,035,000	
112	Westerly Phs. I WWTF Upgrade Design	01	710,000	
113	Woonsocket Gaskill & Berkley Sewers	00	93,923	
<b>Fiscal Year 2000 Total</b>			<b>\$27,932,297</b>	

**HISTORICAL DATA LISTING of CWSRF BINDING COMMITMENTS**

	PROJECT NAME	FY OF BIND COMMIT.	DOLLAR AMOUNT	Date of B/C FY11 and forward
114	Bristol Landfill Closure Design Phs. 3 - 4	01	127,500	
115	Cranston ATW - Supplemental Planning	01	188,468	
116	Cranston GIS Planning Study	01	1,138,125	
117	Cranston Pontiac Ave Pump Station Rehabilitation	01	125,000	
118	East Greenwich Phase II Sewers	01	3,406,000	
119	East Greenwich Phase II-A Sewers	01	2,000,000	
120	Middletown Coddington PS Replacement	01	250,000	
121	NBC Cont. 302.05 Floatables Collection	01	803,100	
122	NBC Cont. 304.03C Saylesville Force Main	01	698,000	
123	NBC Cont. 304.04C TV Inspection	01	167,145	
124	NBC Cont. 904 - Corp. Office Bld.	01	6,650,000	
125	North Smithfield Update Sewer Use Ordinance	01	10,225	
126	Warwick ATW Design	01	2,500,000	
127	Warwick Conimicut North 68-A	01	2,065,650	
128	Warwick Cont. 71C - Op. Bld. & SCAD	01	2,250,000	
129	Warwick Cove Sewer Phs. II-A	01	698,778	
130	Warwick Diamond Hill Road Design	01	206,850	
131	Warwick Diamond Hill Sewers Phs I Construction	01	795,786	
132	Warwick Diamond Hill Sewers Phs II Construction	01	1,944,723	
133	Warwick Diamond Hill Sewers Phs IV Construction	01	2,214,067	
134	Warwick Strawberry Field Road Design	01	268,800	
135	Warwick Old Buttonwoods Design	01	198,900	
136	Warwick Sheraton Park Design	01	184,000	
137	Westerly Pickering & Butterfly Sewers	01	241,560	
138	Woonsocket Miles and Scotia Sewers	01	72,992	
	<b>Fiscal Year 2001 Total</b>		<b>\$29,205,669</b>	
139	Bristol SSES	02	278,371	
140	Bristol Mt. Hope & Harris PS Design	02	109,328	
141	Bristol Ferry Road Interceptor Replacement	02	470,000	
142	Bristol Silver Creek PS Modification	02	1,501,200	
143	Cranston I/I Study	02	808,932	
144	NBC Cont. 110 Site Specific	02	250,000	
145	NBC Cont. 304.05C TV Inspection	02	366,000	
146	Newport GIS	02	771,484	
147	Newport ICI No. 1 SCADA	02	1,301,864	
148	Newport ICI No. 2 Sodium Hypochloride	02	745,619	
149	Newport ICI No. 3 Dechlorination	02	193,052	
150	Newport ICI No. 4 Concrete Tanks	02	893,217	
151	Newport ICI No. 5 Odor Control	02	1,066,833	
152	Newport ICI No. 6 Fine Bubble	02	2,567,992	
153	Newport ICI No. 8 PS Repair	02	1,713,276	
154	Newport ICI No. 9 CSO Improvements	02	421,574	
155	Newport ICI No. 10 Site Dewatering	02	84,293	
156	Newport ICI No. 11 Grounds Improvement	02	617,450	
157	Newport ICI No. 12 Safety Improvements	02	49,700	
158	Warwick Arnolds Neck Design	02	124,055	
159	Warwick Conimicut North 68-B	02	6,562,111	
160	Warwick Conimicut North 68-C	02	6,532,863	
161	Warwick Diamond Hill Phs III Construction	02	2,435,594	
162	Westerly Phs. WWTF Upgrade	02	7,205,755	
163	Woonsocket Aldrich, Caron, etc. Sewers	02	66,648	
	<b>Fiscal Year 2002 Total</b>		<b>\$37,137,211</b>	

# **HISTORICAL DATA LISTING of CWSRF BINDING COMMITMENTS**

	PROJECT NAME	FY OF BIND COMMIT.	DOLLAR AMOUNT	Date of B/C FY11 and forward
164	Bristol Kickemuit/Harrison Ave. PS	03	1,940,000	
165	East Greenwich Phase III-A Sewers	03	2,000,000	
166	East Greenwich Design of AWT Improvements	03	345,000	
167	Jamestown Design - WWTF, PS Rehab. & SCADA	03	194,763	
168	Jamestown Sanitary Sewer Manhole Rehabilitation	03	129,055	
169	Jamestown Sanitary Sewer Pipeline Rehabilitation	03	1,112,135	
170	Jamestown SSES & Facilities Plan	03	509,955	
171	Jamestown Sewer Pipeline & Manhole Replacement Construction	03	1,213,500	
172	Middletown SSES	03	55,670	
173	NBC Cont. 302.06C Main Spine Tunnel	03	208,977,245	
174	NBC Cont. 302.07C Foundry Shaft Site Demo.	03	800,000	
175	NBC Cont. 302.08C OF 004/061	03	7,446,000	
176	NBC Cont. 302.09C Emergency Overflow Structure	03	5,230,000	
177	NBC Cont. 302.11C CSO Woonasquatucket Interceptor Relief	03	5,651,725	
178	NBC Cont. 302.15C OF 006/007	03	8,000,000	
179	NBC Cont. 302.21 CSO Met. & Mon.	03	617,750	
180	NBC Cont. 807C Bucklin Point WWTF	03	61,661,050	
181	Newport ICI No. 7 Sludge Dewatering	03	609,265	
182	Warren Facilities Plan Update	03	118,000	
183	Warren Sanitary Sewer Reconstruction Cont. 1	03	1,610,000	
184	Warwick AWT Construction Cont. 71D	03	28,000,000	
185	Warwick Sheraton Park Construction	03	4,581,120	
186	Warwick Strawberry Field/Main Ave. Construction	03	8,979,853	
	<b>Fiscal Year 2003 Total</b>		<b>\$349,782,086</b>	
187	Bristol Landfill Final Closure	04	3,510,000	
188	Burrillville Eastern Villages Contract 19A-1	04	1,991,680	
189	Burrillville Eastern Villages Contract 19A-2	04	2,359,825	
190	Burrillville Eastern Villages Contract 19B-1 Modified	04	3,350,000	
191	Cranston Flue Gas Recirculation	04	1,202,967	
192	East Greenwich AWT Construction	04	7,510,000	
193	Jamestown Sewage Pumping Station Rehab. Project	04	1,427,468	
194	Johnston Rotary Drive Sewers	04	750,000	
195	Middletown Kempenaar Valley Purchase	04	1,000,000	
196	Narragansett Briggs Farm Sewers	04	4,200,000	
197	NBC Cont. 302.10C CSO Consolidation Conduit/Dropshaft	04	6,000,956	
198	South Kingstown Diane Drive Sewers	04	628,784	
199	Warren Sanitary Sewer Rehabilitation Cont. 2	04	335,000	
	<b>Fiscal Year 2004 Total</b>		<b>\$34,266,680</b>	
200	Barrington Pump Stations Bypass Valves	05	368,000	
201	Bristol Design of SSES Improvements Phs. 1	05	74,979	
202	Bristol Sewer System Rehabilitation Cont. No. 572	05	1,925,000	
203	Cranston Biological Nutrient Reduction (BNR)	05	5,927,654	
204	Middletown Smythe Street	05	271,303	
205	Middletown Chase Estates	05	1,152,312	
206	Middletown Coddington Manor Sewers	05	815,000	
207	Middletown Birchwood Manor Sewers	05	787,100	
208	Warwick Conimicut West	05	7,240,563	
209	Warwick Old Warwick Sewers	05	2,469,935	
210	West Warwick Upper Maise Quinn Interceptor	05	3,565,750	
211	Westerly Old Canal Street Pump Station	05	370,000	
212	Westerly SCADA	05	450,884	
213	Warwick Arnolds Neck/Chepiwanoxet Cont. 84	05	2,181,558	
	<b>Fiscal Year 2005 Total</b>		<b>\$27,600,038</b>	

### HISTORICAL DATA LISTING of CWSRF BINDING COMMITMENTS

	PROJECT NAME	FY OF BIND COMMIT.	DOLLAR AMOUNT	Date of B/C FY11 and forward
214	Barrington Pump Stations Upgrade Contract	06	5,080,000	
215	Cranston Plainfield Pike Sewer Upgrade	06	1,027,146	
216	Jamestown Rehabilitation of the Wastewater Treatment Facility	06	3,331,000	
217	Middletown Bailey Brook Interceptor Rehabilitation Project	06	703,474	
218	Middletown Slate Hill Farm Sewers Construction	06	1,500,000	
219	Middletown Wave Ave. PS Study	06	23,580	
220	NBC 302.14C - Tunnel PS	06	54,535,000	
221	Warwick Bayside/Longmeadow Sewer Projects - Design Cont. 86A - D	06	461,840	
222	Warwick Cove Phase IIB Sewer Extension Cont. 72B	06	3,866,155	
223	Warwick Governor Francis Farms I (Gaspee IV) Sewers	06	3,780,857	
224	Warwick Old Buttonwoods Sewer Construction Cont. 76C	06	3,037,970	
225	Westerly Phase II I/I Repairs	06	245,470	
<b>Fiscal Year 2006 Total</b>			<b>\$77,592,492</b>	
226	Bristol Compost Agitators	07	561,000	
227	Bristol Main Screw Pump Station Improvements	07	1,500,000	
228	Bristol Miscellaneous Wastewater Project Upgrades Cont. No. 624	07	957,029	
229	Bristol Sewer System Repairs and Improvements Cont. No. 617	07	2,322,955	
230	Bristol Sump Pump Inspection Program	07	155,000	
231	Coventry Hopkins Hill Relief Contract 4	07	2,396,745	
232	East Greenwich Queen's Grant & Gaps Sewers	07	2,800,000	
233	East Greenwich Sun Valley Sewers	07	3,200,000	
234	Middletown Wave Ave. Pump Station Force Main Replacement	07	2,514,713	
235	NBC 302.13C - CSO Regulator Modifications	07	1,629,869	
236	NBC 303.01C - CSO Phs. II Design	07	9,394,000	
237	North Smithfield Improvements Branch River, Pond Hill & Sharon Parkway PS	07	429,855	
238	Warren Capacity Management Program	07	50,000	
239	Warren Sanitary Sewer Rehabilitation Cont. 3	07	808,040	
240	Warwick Capron Farms Sewer Extension Cont. 76A	07	3,850,000	
<b>Fiscal Year 2007 Total</b>			<b>32,569,206</b>	
241	Barrington Brickyard Pond Force Main Replacement	08	2,660,495	
242	Bristol Design & Bid Services For WWTF Upgrade & SCADA	08	118,966	
243	Bristol Hydraulic Model & CMOM	08	625,000	
244	Bristol SSES Phs. II and Permanent Flow Meter Analysis	08	289,038	
245	Coventry Main Street Area Sewer Project Contract 5	08	4,200,000	
246	Cranston Sockanosset Sewer Replacement/Rehabilitation	08	745,385	
247	Middletown SCADA Panel Fabrication	08	210,300	
248	Middletown SCADA Panel Installation	08	155,627	
249	Middletown Wave Avenue Wastewater Pump Station Upgrade	08	2,917,177	
250	Middletown Evergreen Park Improvements	08	963,655	
251	NBC 109.01D - Design of BNR & other improvements @ FPWWTF	08	7,145,000	
252	North Smithfield Facilities Plan Update	08	65,700	
253	North Smithfield SCADA System Improvements	08	525,250	
254	Smithfield Maplecrest Sewers	08	711,375	
255	West Warwick Clyde Interceptor	08	1,506,964	
<b>Fiscal Year 2008 Total</b>			<b>22,839,932</b>	



# **HISTORICAL DATA LISTING of CWSRF BINDING COMMITMENTS**

	PROJECT NAME	FY OF BIND COMMIT.	DOLLAR AMOUNT	Date of B/C FY11 and forward
256	Burrillville School Street Ejector Station Improvements	09	1,049,920	
257	Cranston Allard & Randall PS Service Area SSES	09	144,525	
258	Narragansett Design of Narrow River Stormwater Abatement Project	09	156,100	
259	Warwick Governor Francis Farms Phs. II Sewer Design	09	181,585	
260	Warwick Governor Francis Farms Phs. II Const.	09	5,282,777	
	<b>Fiscal Year 2009 Total</b>		<b>6,814,907</b>	
261	Bristol Sewer Cleaning & CCTV	10	65,410	
262	Bristol Sewer Cleaning & CCTV - Phase II	10	117,770	
263	Bristol WWTF & Remote PS Cont. 683	10	4,100,000	
264	Bristol Town Beach Water Quality Improvements	10	1,000,000	
265	Burrillville Whipple Avenue Landfill Closure	10	1,805,250	
266	Coventry Lakeside Drive Area Sewer Project Cont. #6	10	1,763,255	
267	East Greenwich Pinewood Sewer Extension	10	2,980,150	
268	East Greenwich Howland Farm Sewer Extension	10	417,810	
269	East Providence Design of BNR Upgrade	10	2,085,450	
270	Johnston Memorial Plat Sewers	10	3,084,919	
271	NBC Fields Pt. WWTF BNR Cont. 109.01C	10	91,512,000	
272	NBC Design of BNR & Other Improvements @ BPWWTF 809.00D	10	2,390,000	
273	NBC Flow Control Efficiencies Cont. 122.00C	10	1,470,000	
274	NBC Tunnel Odor Control Design Build Contract Cont. 302.14OC	10	1,167,000	
275	Narragansett Narrow River Stormwater Abatement Project	10	1,204,777	
276	Newport Easton Beach Stormwater UV Disinfection System	10	5,197,977	
277	Newport Catch Basin Separation Area 6	10	623,335	
278	Newport High Priority Sewer Pipe Line Replacement Cont. #10-013	10	2,039,739	
279	Newport Railroad Interceptor Sanitary Sewer Line Improv. Project	10	547,470	
280	North Smithfield Design of Collection System Improv. Phs. I & II	10	342,469	
281	North Smithfield Phase 1A Sewers	10	3,263,050	
282	North Smithfield Phase 1B Sewers	10	3,396,133	
283	Smithfield Flow Monitoring Study	10	400,000	
284	Smithfield Kimberly Ann Sewers	10	117,010	
285	Warwick Sandy Lane Sewers	10	1,643,672	
	<b>Fiscal Year 2010 Total</b>		<b>132,734,646</b>	
286	Bristol Sewer System Repairs, Phase 2 Area I-III - Contract 719	11	578,835	02/17/11
287	Bristol Design & Bid Services for Sewer System Repairs Phase 2 Area	11	26,177	09/02/10
288	Bristol Phase 3 Cleaning & CCTV Inspection of Gravity Sewer	11	270,000	07/07/10
289	Cranston Facilities Plan Update	11	247,670	11/17/10
290	East Greenwich Design of the Water Street Collector Sewer Replacement	11	18,700	06/21/11
291	East Providence Design of Headworks, Primary Treatment & Other Plant Work	11	786,769	08/06/10
292	East Providence Design of Watchemoket Cove Pump Station & Interceptors	11	667,600	09/30/10
293	East Providence Design of New Pump Stations & Other PS Work	11	422,333	09/30/10
294	East Providence Headworks & Other Plant Work Construction	11	8,173,512	12/17/10
295	East Providence Watchemoket Cove Pump Station & Interceptors Const.	11	7,066,670	12/30/10
296	East Providence New Pump Stations & Other Pump Stations Const.	11	4,869,350	12/30/10
297	East Providence Biological Nitrogen Removal Upgrade Construction	11	12,838,423	12/17/10
298	NBC 121.00C FPWWTF Wind Turbines	11	14,853,106	11/24/10
299	NBC 119.00D Regulatory Compliance Building Design	11	2,889,000	11/24/10
300	NBC 303.05C Phase II CSO OF 027	11	12,061,400	02/10/11
301	NBC 120.00 BPWWTF Biogas	11	450,000	03/07/11
302	NBC 303.09C WCSOI Regulator Modifications	11	1,156,000	03/29/11
303	NBC 303.06C Phase II CSO OF 037 West	11	26,069,150	03/29/11
304	NBC 303.07C Phase II CSO OF 037 South	11	16,100,800	03/29/11
305	NBC 303.08C Phase II CSO OF 37 North	11	16,100,800	03/29/11
306	NBC 303.54C Branch Avenue Interceptor Improvements	11	2,300,000	03/10/11
307	NBC 303.11C Phase CSO WCSOI West	11	19,293,625	05/02/11
308	NBC 809.00C Bucklin Pt. WWTF Improvements	11	50,351,500	06/10/11
309	NBC 303.10C Phase II CSO WCSOI North	11	25,623,500	06/24/11
310	Newport Wellington Avenue Sanitary Sewer Interceptor Rehabilitation	11	1,700,052	09/02/10
311	Newport Thames Street Sanitary Sewer Interceptor Rehabilitation	11	5,284,900	10/26/10
312	Woonsocket Wastewater Collection System Improvements	11	1,173,173	09/30/10
	<b>Fiscal Year 2011 Total</b>		<b>231,373,045</b>	03/10/11

# **HISTORICAL DATA LISTING of CWSRF BINDING COMMITMENTS**

	PROJECT NAME	FY OF BIND COMMIT.	DOLLAR AMOUNT	Date of B/C FY11 and forward
313	Barrington Sanitary Sewer Ejector Stations Upgrade	12	923,500	04/13/12
314	Barrington Former Landfills 1 & 2 Closure	12	1,362,042	07/18/11
315	Bristol Phase 4 & 5 Cleaning and CCTV Inspection of Gravity Sewer	12	267,000	10/17/11
316	Bristol Compost Facility Front End Loader	12	250,000	09/02/11
317	Bristol Design and Bid Services for Headworks & Drainage Improvements	12	200,000	08/01/11
318	Bristol Design & Bid Services for Sewer System Repairs Phases 1 - 3	12	174,000	07/21/11
319	East Greenwich Water Street Collector Sewer Replacement	12	1,614,899	11/23/11
320	East Providence Watchemoket Cove Pump Station Force Main	12	11,705,040	07/21/11
321	Middletown Continental Village Sanitary Sewer Storm Drainage & Roadway Imp.	12	1,629,084	06/28/12
322	NBC 303.04C Phs. II CSO SCSOI Main	12	78,286,650	03/02/12
323	NBC 303.13C Phs. II CSO WCSOI - Site Demolition	12	717,000	11/23/11
324	NBC 303.03C Phase II CSO WCSOI Main	12	123,637,750	09/27/11
325	NBC 306.00C Floatable Control Project Outfalls 205, 219 & 220	12	2,599,000	09/06/11
326	NBC 303.02C Phs. II CSO OF 106	12	10,317,000	09/06/11
327	NBC 303.12C SCSOI Regulator Modifications	12	2,620,000	09/02/11
328	Smithfield Wastewater Treatment Plant Tertiary Treatment Upgrade	12	8,160,072	11/30/11
329	Warren Water Street Infrastructure Improvements	12	2,336,236	01/25/11
	<b>Fiscal Year 2012 Total</b>		<b>246,799,273</b>	
330	Barrington Town Beach Water Quality Improvements	13	477,415	07/18/12
331	Bristol Design & Bid Services for Sewer System Repairs Subarea 24 (4389)	13	74,000	10/09/12
332	Bristol Pump Station Improvements - Design	13	120,000	10/12/12
333	Bristol Contract 777 Inflow Reallocation /Drainage Improv. Phase 1-3 Area	13	1,070,000	04/04/13
334	Bristol Contract 783 Sewer System Rehabilitation - Subarea 24 Construction.	13	856,000	05/31/13
335	Coventry Contract 8 Quidneck Village Sewer Project - Design	13	180,000	09/13/13
336	Coventry Flat River Road/Industrial Drive & Town Hall/Annex Project	13	5,000,000	11/21/12
337	Cranston Design & Bid Services for WPCF BNR Upgrade	13	2,154,800	10/09/12
338	Providence Water Scituate Reservoir Watershed Land Acquisition Program	13	10,000,000	07/16/12
339	RI Airport Corp. Wastewater Treatment Plant Tertiary Treatment Upgrade	13	24,574,014	06/06/13
340	Woonsocket Design of Wastewater Facility Improvements	13	9,600,000	06/25/13
	<b>Fiscal Year 2013 Total</b>		<b>54,106,229</b>	
341	Bristol Pump Station Improvements - Cont. 786 Construction	14	1,090,000	07/30/13
342	Cranston Water Pollution Control Facility Nutrient Removal Upgrades - Const.	14	25,000,000	07/26/13
343	NBC 308.00 Re-evaluation of Phase III CSO Facilities	14	1,689,857	12/10/13
344	NBC 119.00C Regulatory Compliance Building Construction	14	19,833,000	03/06/14
345	Warwick AWT Facility Phosphorus Remove Upgrad, Flood Control & Mitigation	14	21,000,000	03/06/14
346	Woonsocket Regional WWTF Capital Improvements: Volumes 1 - 5	14	31,400,000	03/28/14
	<b>Fiscal Year 2014 Total</b>		<b>100,012,857</b>	
347	Barrington Former Landfill 3 Closure	16	2,329,000	05/16/16
348	Bristol - Design & Bid Services for WWTF Improv. FY15 - FY16	16	175,000	06/02/16
349	Bristol Pump Station Improvements FY2015 - FY2016 - Construction	16	2,500,000	06/22/16
350	Burrillville WWTF Phosphorus Upgrade	16	5,000,000	07/30/15
351	East Greenwich - RBC & WWTF Improvements - Design	16	405,700	06/02/16
351	NBC 109.08 FPWWTF Blowers Phs 2	16	5,395,000	06/22/16
352	NBC 116.02 - Tunnel PS Roof Replace	16	713,000	07/30/15
353	NBC 130.00C - FPWWTF Final Clarifiers	16	2,739,000	06/22/16
354	NBC 304.38C - Interceptor Easment Restoration - Abbott Valley Intercep.	16	1,188,000	03/16/16
355	NBC 304.59C - Improvements to Interceptors FY2015	16	1,222,000	07/30/15
356	NBC 304.62C - EP Interceptor Improv.	16	1,327,000	04/21/16
357	NBC 813.00C - BPWWTF Flood Protection	16	1,283,000	06/02/16
358	NBC 120.00C - Biogas Cogeneration	16	6,082,000	07/30/15
359	Newport Contract No. 16-02 - Wellington CSO Improvements	16	4,809,435	10/02/15
360	Warren WWTF Improvements - Design	16	1,480,000	06/02/16
361	Warwick Cont. 86A-1: Tidewater Dr. Phs.1	16	382,470	07/30/15
362	Warwick East Natick/O'Donnell Hill Sewer Phase IIIB	16	1,498,219	06/02/16
363	West Warwick WWTF Phosphorus Upgrade	16	11,500,000	07/30/15
	<b>Fiscal Year 2016 Total</b>		<b>50,028,824</b>	

### HISTORICAL DATA LISTING of CWSRF BINDING COMMITMENTS

	PROJECT NAME	FY OF BIND COMMIT.	DOLLAR AMOUNT	Date of B/C FY11 and forward
364	Coventry - Cont. 8C: Quidneck/Hazard	17	553,590	06/29/17
365	Coventry - Lakeside II: Nothern Arnold Road Sewer Project - Cont. 8A	17	900,501	10/25/16
366	East Greenwich - RBC & WWTF Improvements - Construction	17	5,447,800	03/21/17
367	NBC 305.01C - BVI Easement Restore.	17	768,000	03/21/17
368	Newport - WPCP Project 15-023 Pkg. #2	17	30,816,685	05/23/17
369	Newport - WPCP Project 15-023 - Solids Handling	17	2,669,498	01/03/17
370	Newport - Des. WPCF Upgrades	17	4,527,660	07/20/16
371	Warwick - Cont. 95 Primary Clarifiers Rebuild	17	561,000	04/13/17
372	Warwick - Cont. 85B - Governor Francis Farms Phs. III Const.	17	5,802,984	04/13/17
373	Warwick - Cont 91A: Phase 3 Levee Improvement	17	2,741,170	04/13/17
	<b>Fiscal Year 2017 Total</b>		<b>54,788,888</b>	
374	Barrington - Former Landfill 4 Closure	18	2,321,000	03/20/18
375	Bristol - Contract 885: Leahy & Sowans Sewer & WWTF Drainage - Fairview	18	2,160,000	05/10/18
377	Middletown - Upper Easton's Point Sewer Lining	18	4,053,542	03/01/18
378	NBC 308.00D - Design Phase 3A & 3B CSO	18	94,280,000	11/03/17
379	NBC 304.57C - 78" Interceptor Replacement Providence River Siphon	18	6,458,000	05/07/18
380	NBC 304.44C - Moshassuck Valley Interceptor, Central Falls Branch Repl.	18	6,531,000	06/21/18
381	Warren - WWTF Improvements Project Construction	18	16,716,600	03/27/18
	<b>Fiscal Year 2018 Total</b>		<b>132,520,142</b>	
382	Bristol - Design WWTF RBC & Misc.	19	107,720	04/08/19
383	Bristol - Design & Bid Compost Facility Improvement	19	45,050	04/08/19
384	East Greenwich - WWTF Lighting Upgrade	19	59,861	09/07/18
385	NBC 304.66C - Improvements to Inteceptors FY2018	19	3,150,000	07/30/18
386	NBC 305.03C - BVI Wetland Easement Restoration	19	607,000	04/03/19
387	NBC 304.67C - Improvements to Inteceptors FY2019	19	5,913,000	05/20/19
388	NBC 308.08C - CSO Phase IIIA GIS Demonstration -1304 High Street	19	2,100,000	06/03/19
389	New Shoreham - Block Island Landfill Slope Repairs	19	1,995,000	11/14/18
390	Westerly - 2018 Sewer System Improvements	19	1,840,000	07/30/18
	<b>Fiscal Year 2019 Total</b>		<b>15,817,631</b>	

# **HISTORICAL DATA LISTING of CWSRF BINDING COMMITMENTS**

	PROJECT NAME	FY OF BIND COMMIT.	DOLLAR AMOUNT	Date of B/C FY11 and forward
391	Bristol - Pilot Area Flow Metering	20	33,000	04/07/20
392	Bristol - WWTF RBC & Misc. Improv. Cont. 927	20	3,200,000	04/03/19
393	Bristol - Compost Facility Improvement - Contract 917	20	220,000	04/03/19
393	NBC 308.09C - CSO Phase IIIA Macomber Stadium	20	7,532,500	10/02/19
394	Pawtucket - TOD Dist. GSI - Pine Street	20	967,067	05/12/20
<b>Fiscal Year 2020 Total</b>			<b>11,952,567</b>	
391	Bristol - WWTF Electrical Imprv.: Des.	20	128,100	08/17/20
392	Bristol - WWTF Solids Handling: Plan.-	20	112,000	07/28/20
393	Prov. Redevelop. Agy.- Charlotte Hope Stormwater	20	2,378,347	04/30/20
<b>Fiscal Year 2021 Total</b>			<b>2,618,447</b>	

## Total Federal Grants Used to Date \*

CS44000191-0	\$13,378,481
CS44000192-0, 1	\$26,826,822
CS44000193-1	\$12,905,937
CS44000194-1	\$7,988,800
CS44000195-1	\$8,254,100
CS44000196-1	\$13,547,500
CS44000197-1	\$4,127,100
CS44000198-1	\$9,033,100
CS44000199-1	\$9,033,800
CS44000100-1	\$9,002,900
CS44000101-1	\$8,921,900
CS44000102-1	\$8,942,000
CS44000103-1	\$8,883,300
CS44000104-1	\$8,888,700
CS44000105-1	\$7,208,600
CS44000106-1	\$5,839,300
CS44000107-1	\$7,159,200
CS44000108-1	\$4,515,300
2W44000209-1	\$26,314,600
CS44000109-1	\$4,515,300
CS44000110-0	\$13,681,000
CS44000111-0	\$9,915,000
CS44000112-0	\$9,486,000
CS44000113-1	\$8,955,000
CS44000114-0	\$9,410,000
CS44000115-0	\$9,361,000
CS44000116-0	\$8,962,000
CS44000117-0	\$8,892,000
CS44000118-0	\$10,777,000
CS44000119-0	\$10,669,000
CS44000120-0	\$10,670,000
Subtotal	<u>\$316,064,740</u>
Total State Match Used to Date:	<u>\$57,950,028</u>
Total Binding Commitment Requirement:	<u>\$374,014,768</u>
Total Binding Commitments to Date 6/21	\$1,799,233,168
Banked Binding Commitment Authority:	\$1,425,218,400

## **Attachment G**

Application for Federal Assistance (SF-424)

This Workspace form is one of the forms you need to complete prior to submitting your Application Package. This form can be completed in its entirety offline using Adobe Reader. You can save your form by clicking the "Save" button and see any errors by clicking the "Check For Errors" button. In-progress and completed forms can be uploaded at any time to Grants.gov using the Workspace feature.

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**OPPORTUNITY & PACKAGE DETAILS:**

Opportunity Number:	EPA-CEP-01
Opportunity Title:	EPA Mandatory Grant Programs
Opportunity Package ID:	PKG00214109
CFDA Number:	66.458
CFDA Description:	Capitalization Grants for Clean Water State Revolving Funds
Competition ID:	
Competition Title:	
Opening Date:	
Closing Date:	10/04/2030
Agency:	Environmental Protection Agency
Contact Information:	Please consult your regional office.

**APPLICANT & WORKSPACE DETAILS:**

Workspace ID:	WS00708335
Application Filing Name:	Capitalization Grant for 2021 Clean Water State Revolving Fund
DUNS:	7878511120000
Organization:	RHODE ISLAND INFRASTRUCTURE BANK
Form Name:	Application for Federal Assistance (SF-424)
Form Version:	3.0
Requirement:	Mandatory
Download Date/Time:	Jun 11, 2021 10:51:48 AM EDT
Form State:	No Errors

**FORM ACTIONS:**

## Application for Federal Assistance SF-424

\* 1. Type of Submission:

- ☐ Preapplication  
☒ Application  
☐ Changed/Corrected Application

\* 2. Type of Application:

- ☒ New  
☐ Continuation  
☐ Revision

\* If Revision, select appropriate letter(s):

\* Other (Specify):

\* 3. Date Received:

Completed by Grants.gov upon submission.

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

### 8. APPLICANT INFORMATION:

\* a. Legal Name:

Rhode Island Infrastructure Bank

\* b. Employer/Taxpayer Identification Number (EIN/TIN):

055455432

\* c. Organizational DUNS:

7878511120000

### d. Address:

\* Street1:

235 Promenade Street, Suite 119

Street2:

\* City:

Providence

County/Parish:

\* State:

RI: Rhode Island

Province:

\* Country:

USA: UNITED STATES

\* Zip / Postal Code:

02908-5718

### e. Organizational Unit:

Department Name:

Division Name:

### f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Ms.

\* First Name:

Robin

Middle Name:

K

\* Last Name:

Hedges

Suffix:

Title:

Director of Program Operation

Organizational Affiliation:

Rhode Island Infrastructure Bank

\* Telephone Number:

401-808-6418

Fax Number:

\* Email:

rhedge@riib.org

## Application for Federal Assistance SF-424

### \* 9. Type of Applicant 1: Select Applicant Type:

A: State Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

### \* 10. Name of Federal Agency:

Environmental Protection Agency

### 11. Catalog of Federal Domestic Assistance Number:

66.458

CFDA Title:

Capitalization Grants for Clean Water State Revolving Funds

### \* 12. Funding Opportunity Number:

EPA-CEP-01

\* Title:

EPA Mandatory Grant Programs

### 13. Competition Identification Number:

Title:

### 14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

### \* 15. Descriptive Title of Applicant's Project:

The RI CWSRF is a financial assistance program which provides low-interest loans to local governmental units to finance water pollution abatement projects.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments



**Application for Federal Assistance SF-424****16. Congressional Districts Of:**

\* a. Applicant

All

\* b. Program/Project

All

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**

\* a. Start Date:

10/01/2021

\* b. End Date:

10/01/2028

**18. Estimated Funding (\$):**

* a. Federal	10,669,000.00
* b. Applicant	0.00
* c. State	2,133,800.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	12,802,800.00

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:

Middle Name:

\* Last Name:

Suffix:

\* Title: \* Telephone Number:  Fax Number: \* Email: \* Signature of Authorized Representative:  \* Date Signed:

## **Attachment G.1**

### **EPA Key Contacts Form**

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Opportunity Number:	EPA-CEP-01
Opportunity Title:	EPA Mandatory Grant Programs
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CFDA Description:	Capitalization Grants for Clean Water State Revolving Funds
Competition ID:	
Competition Title:	
Opening Date:	
Closing Date:	10/04/2030
Agency:	Environmental Protection Agency
Contact Information:	Please consult your regional office.

**APPLICANT & WORKSPACE DETAILS:**

Workspace ID:	WS00708335
Application Filing Name:	Capitalization Grant for 2021 Clean Water State Revolving Fund
DUNS:	7878511120000
Organization:	RHODE ISLAND INFRASTRUCTURE BANK
Form Name:	EPA KEY CONTACTS FORM
Form Version:	2.0
Requirement:	Mandatory
Download Date/Time:	Jun 11, 2021 10:52:27 AM EDT
Form State:	No Errors

**FORM ACTIONS:**

## EPA KEY CONTACTS FORM

**Authorized Representative:** *Original awards and amendments will be sent to this individual for review and acceptance, unless otherwise indicated.*

<b>Name:</b>	<b>Prefix:</b> Mr.	<b>First Name:</b> Jeffrey	<b>Middle Name:</b> R.
	<b>Last Name:</b> Diehl		<b>Suffix:</b>
<b>Title:</b>	Executive Director/CEO		
<b>Complete Address:</b>			
<b>Street1:</b>	235 Promenade Street, Suite 119		
<b>Street2:</b>			
<b>City:</b>	Providence	<b>State:</b>	RI: Rhode Island
<b>Zip / Postal Code:</b>	02908-5718	<b>Country:</b>	USA: UNITED STATES
<b>Phone Number:</b>	401-415-8134	<b>Fax Number:</b>	
<b>E-mail Address:</b>	jdiehl@riib.org		

**Payee:** *Individual authorized to accept payments.*

<b>Name:</b>	<b>Prefix:</b> Mr.	<b>First Name:</b> Jeffrey	<b>Middle Name:</b> R.
	<b>Last Name:</b> Diehl		<b>Suffix:</b>
<b>Title:</b>	Executive Director/CEO		
<b>Complete Address:</b>			
<b>Street1:</b>	235 Promenade Street, Suite 119		
<b>Street2:</b>			
<b>City:</b>	Providence	<b>State:</b>	RI: Rhode Island
<b>Zip / Postal Code:</b>	02908-5718	<b>Country:</b>	USA: UNITED STATES
<b>Phone Number:</b>	401-415-8134	<b>Fax Number:</b>	
<b>E-mail Address:</b>	jdiehl@riib.org		

**Administrative Contact:** *Individual from Sponsored Programs Office to contact concerning administrative matters (i.e., indirect cost rate computation, rebudgeting requests etc).*

<b>Name:</b>	<b>Prefix:</b> Ms.	<b>First Name:</b> Robin	<b>Middle Name:</b> K.
	<b>Last Name:</b> Hedges		<b>Suffix:</b>
<b>Title:</b>	Director of Program Operations		
<b>Complete Address:</b>			
<b>Street1:</b>	235 Promenade Street, Suite 119		
<b>Street2:</b>			
<b>City:</b>	Providence	<b>State:</b>	RI: Rhode Island
<b>Zip / Postal Code:</b>	02908-5718	<b>Country:</b>	USA: UNITED STATES
<b>Phone Number:</b>	401-808-6418	<b>Fax Number:</b>	
<b>E-mail Address:</b>	rhedges@riib.org		

# EPA KEY CONTACTS FORM

**Project Manager:** *Individual responsible for the technical completion of the proposed work.*

---

**Name:** Prefix:  **First Name:**  **Middle Name:**   
**Last Name:**  **Suffix:**   
**Title:**

**Complete Address:**

**Street1:**   
**Street2:**   
**City:**  **State:**   
**Zip / Postal Code:**  **Country:**   
**Phone Number:**  **Fax Number:**   
**E-mail Address:**

## **Attachment G.2**

EPA Form 4700-4

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Opportunity Title:	EPA Mandatory Grant Programs
Opportunity Package ID:	PKG00214109
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CFDA Description:	Capitalization Grants for Clean Water State Revolving Funds
Competition ID:	
Competition Title:	
Opening Date:	
Closing Date:	10/04/2030
Agency:	Environmental Protection Agency
Contact Information:	Please consult your regional office.

**APPLICANT & WORKSPACE DETAILS:**

Workspace ID:	WS00708335
Application Filing Name:	Capitalization Grant for 2021 Clean Water State Revolving Fund
DUNS:	7878511120000
Organization:	RHODE ISLAND INFRASTRUCTURE BANK
Form Name:	EPA Form 4700-4
Form Version:	3.0
Requirement:	Mandatory
Download Date/Time:	Jun 11, 2021 10:52:15 AM EDT
Form State:	No Errors

**FORM ACTIONS:**

## Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance

Note: Read Instructions before completing form.

### I. A. Applicant/Recipient (Name, Address, City, State, Zip Code)

Name: Rhode Island Infrastructure Bank  
Address: 235 Promenade Street, Suite 119  
City: Providence  
State: RI: Rhode Island Zip Code: 02908-5718

B. DUNS No. 787851112

II. Is the applicant currently receiving EPA Assistance? ☒ Yes ☐ No

III. List all civil rights lawsuits and administrative complaints pending against the applicant/recipient that allege discrimination based on race, color, national origin, sex, age, or disability. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7.)

None

IV. List all civil rights lawsuits and administrative complaints decided against the applicant/recipient within the last year that allege discrimination based on race, color, national origin, sex, age, or disability and enclose a copy of all decisions. Please describe all corrective actions taken. (Do not include employment complaints not covered by 40 C.F.R. Parts 5 and 7.)

None

V. List all civil rights compliance reviews of the applicant/recipient conducted by any agency within the last two years and enclose a copy of the review and any decisions, orders, or agreements based on the review. Please describe any corrective action taken. (40 C.F.R. § 7.80(c)(3))

None

VI. Is the applicant requesting EPA assistance for new construction? If no, proceed to VII; if yes, answer (a) and/or (b) below.

☒ Yes ☐ No

a. If the grant is for new construction, will all new facilities or alterations to existing facilities be designed and constructed to be readily accessible to and usable by persons with disabilities? If yes, proceed to VII; if no, proceed to VI(b).

☒ Yes ☐ No

b. If the grant is for new construction and the new facilities or alterations to existing facilities will not be readily accessible to and usable by persons with disabilities, explain how a regulatory exception (40 C.F.R. 7.70) applies.

N/A

VII. Does the applicant/recipient provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, sex, age, or disability in its program or activities? (40 C.F.R. 5.140 and 7.95)

☒ Yes ☐ No

a. Do the methods of notice accommodate those with impaired vision or hearing?

☒ Yes ☐ No

b. Is the notice posted in a prominent place in the applicant's offices or facilities or, for education programs and activities, in appropriate periodicals and other written communications?

☒ Yes ☐ No

c. Does the notice identify a designated civil rights coordinator?

☐ Yes ☒ No

VIII. Does the applicant/recipient maintain demographic data on the race, color, national origin, sex, age, or handicap of the population it serves? (40 C.F.R. 7.85(a))

☐ Yes ☒ No

IX. Does the applicant/recipient have a policy/procedure for providing access to services for persons with limited English proficiency? (40 C.F.R. Part 7, E.O. 13166)

☐ Yes ☐ No



- X. If the applicant is an education program or activity, or has 15 or more employees, has it designated an employee to coordinate its compliance with 40 C.F.R. Parts 5 and 7? Provide the name, title, position, mailing address, e-mail address, fax number, and telephone number of the designated coordinator.**

N/A

- XI. If the applicant is an education program or activity, or has 15 or more employees, has it adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7? Provide a legal citation or Internet Address for, or a copy of, the procedures.**

N/A

**For the Applicant/Recipient**

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. I assure that I will fully comply with all applicable civil rights statutes and EPA regulations.

A. Signature of Authorized Official

Completed by Grants.gov upon submission.

B. Title of Authorized Official

Executive Director/CEO

C. Date

Completed by Grants.gov  
upon submission.

**For the U.S. Environmental Protection Agency**

I have reviewed the information provided by the applicant/recipient and hereby certify that the applicant/recipient has submitted all preaward compliance information required by 40 C.F.R. Parts 5 and 7; that based on the information submitted, this application satisfies the preaward provisions of 40 C.F.R. Parts 5 and 7; and that the applicant has given assurance that it will fully comply with all applicable civil rights statutes and EPA regulations.

A. \*Signature of Authorized EPA Official

B. Title of Authorized Official

C. Date

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**\* See Instructions**

Instructions for EPA FORM 4700-4 (Rev. 06/2014)

General. Recipients of Federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes and regulations.

Title VI of the Civil Rights Acts of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Act goes on to explain that the statute shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the Federal financial assistance is to provide employment). Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities. Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability in the United States shall solely by reason of disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of disability is prohibited in all such programs or activities. The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission. Title IX of the Education Amendments of 1972 provides that no person in the United States on the basis of sex shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution. 40 C.F.R. Part 5 implements Title IX of the Education Amendments of 1972. 40 C.F.R. Part 7 implements Title VI of the Civil Rights Act of 1964, Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act, and Section 504 of The Rehabilitation Act of 1973. The Executive Order 13166 (E.O. 13166) entitled; "Improving Access to Services for Persons with Limited English Proficiency" requires Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Items "Applicant" means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance. 40 C.F.R. §§ 5.105, 7.25. "Recipient" means any entity, other than applicant, which will actually receive EPA assistance. 40 C.F.R. §§ 5.105, 7.25. "Civil rights lawsuits and administrative complaints" means any lawsuit or administrative complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability pending or decided against the applicant and/or entity which actually benefits from the grant, but excluding employment complaints not covered by 40 C.F.R. Parts 5 and 7. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed. "Civil rights compliance review" means any review assessing the applicant's and/or recipient's compliance with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, or disability. Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission. If any item is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable." In the event applicant is uncertain about how to answer any questions, EPA program officials should be contacted for clarification. \* Note: Signature appears in the Approval Section of the EPA Comprehensive Administrative Review For Grants/Cooperative Agreements & Continuation/Supplemental Awards form.

## **Attachment G.3**

### **Budget for Non-Construction Programs**

This Workspace form is one of the forms you need to complete prior to submitting your Application Package. This form can be completed in its entirety offline using Adobe Reader. You can save your form by clicking the "Save" button and see any errors by clicking the "Check For Errors" button. In-progress and completed forms can be uploaded at any time to Grants.gov using the Workspace feature.

When you open a form, required fields are highlighted in yellow with a red border. Optional fields and completed fields are displayed in white. If you enter invalid or incomplete information in a field, you will receive an error message. Additional instructions and FAQs about the Application Package can be found in the Grants.gov Applicants tab.

**OPPORTUNITY & PACKAGE DETAILS:**

Opportunity Number:	EPA-CEP-01
Opportunity Title:	EPA Mandatory Grant Programs
Opportunity Package ID:	PKG00214109
CFDA Number:	66.458
CFDA Description:	Capitalization Grants for Clean Water State Revolving Funds
Competition ID:	
Competition Title:	
Opening Date:	
Closing Date:	10/04/2030
Agency:	Environmental Protection Agency
Contact Information:	Please consult your regional office.

**APPLICANT & WORKSPACE DETAILS:**

Workspace ID:	WS00708335
Application Filing Name:	Capitalization Grant for 2021 Clean Water State Revolving Fund
DUNS:	7878511120000
Organization:	RHODE ISLAND INFRASTRUCTURE BANK
Form Name:	Budget Information for Non-Construction Programs (SF-424A)
Form Version:	1.0
Requirement:	Mandatory
Download Date/Time:	Jun 11, 2021 10:52:01 AM EDT
Form State:	No Errors

**FORM ACTIONS:**

**BUDGET INFORMATION - Non-Construction Programs**

OMB Number: 4040-0006  
Expiration Date: 02/28/2022

**SECTION A - BUDGET SUMMARY**

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. CWSRF Project Fund - 20% State Match		\$	\$	10,242,240.00	\$ 2,133,800.00	\$ 12,376,040.00
2. DEM Personnel Budget				200,000.00		200,000.00
3. DEM - Fringe Benefits				136,000.00		136,000.00
4. DEM - Travel, Equipment, Supplies, Contractual & Other				90,760.00		90,760.00
5. Totals		\$	\$	10,669,000.00	\$ 2,133,800.00	\$ 12,802,800.00

## SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) CWSRF Project Fund - 20% State Match	(2) DEM Personnel Budget	(3) DEM - Fringe Benefits	(4) DEM - Travel, Equipment, Supplies, Contractual & Other	
a. Personnel	\$	200,000.00	\$	\$	200,000.00
b. Fringe Benefits			136,000.00		136,000.00
c. Travel				5,000.00	5,000.00
d. Equipment					
e. Supplies					
f. Contractual				85,760.00	85,760.00
g. Construction					
h. Other	12,376,040.00				12,376,040.00
i. Total Direct Charges (sum of 6a-6h)	12,376,040.00	200,000.00	136,000.00	90,760.00	12,802,800.00
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	\$ 12,376,040.00	\$ 200,000.00	\$ 136,000.00	\$ 90,760.00	12,802,800.00
7. Program Income	\$	\$	\$	\$	\$

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SECTION C - NON-FEDERAL RESOURCES						
(a) Grant Program		(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8.	CWSRF Project Fund - 20% State Match	\$		\$		\$
9.	DEM Personnel Budget					
10.	DEM - Fringe Benefits					
11.	DEM - Travel, Equipment, Supplies, Contractual & Other					
12.	TOTAL (sum of lines 8-11)	\$		\$		\$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 10,669,000.00	\$ 3,556,333.33	\$ 3,556,333.33	\$ 3,556,333.34	\$
14. Non-Federal	\$ 2,133,800.00	\$ 2,133,800.00			
15. TOTAL (sum of lines 13 and 14)	\$ 12,802,800.00	\$ 5,690,133.33	\$ 3,556,333.33	\$ 3,556,333.34	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16. CWSRF Project Fund - 20% State Match	\$	\$	\$	\$
17. DEM Personnel Budget				
18. DEM - Fringe Benefits				
19. DEM - Travel, Equipment, Supplies, Contractual & Other				
20. TOTAL (sum of lines 16 - 19)	\$	\$	\$	\$

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	N/A
22. Indirect Charges:	N/A
23. Remarks:	

## **Attachment H**

Attorney General's Letter





STATE OF RHODE ISLAND  
OFFICE OF THE ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903  
(401) 274-4400 • [www.riag.ri.gov](http://www.riag.ri.gov)

*Peter F. Neronha*  
*Attorney General*

July 15, 2021

Dennis Deziel, Regional Administrator  
United States Environmental Protection Agency  
USEPA REGION I – New England  
5 Post Office Square  
**Mail Code:** ORA  
Boston, MA 02109-3912

**RE: CERTIFICATION LETTER REGARDING FEDERAL FISCAL YEAR 2021**  
**RHODE ISLAND INFRASTRUCTURE BANK'S (FORMERLY CLEAN WATER**  
**FINANCE AGENCY) CLEAN WATER STATE REVOLVING FUND**  
**CAPITALIZATION GRANT APPLICATION**

Dear Regional Administrator Deziel:

I am writing this letter pursuant to the requirement contained in 40 CFR § 35.3110 (d) (2) which requires the Attorney General certify that the provisions establishing the state revolving loan fund (the "SRF"), and the powers that such provisions confer, are consistent with state law and that the state may legally bind itself to the terms of the capitalization grant agreement. Such certification is required for the Rhode Island Infrastructure Bank to receive federal capitalization grants pursuant to Title VI of the Clean Water Act.

Legislation authorizing the establishment of a state SRF was adopted at the 1989 session of the Rhode Island General Assembly and is codified as Chapter 12.2 of Title 46 of the General Laws of Rhode Island, as amended. Rhode Island General Laws ("R.I. Gen Laws") § 46-12.2-3 establishes the Rhode Island Infrastructure Bank ("the Agency") as a "body politic and corporate and public instrumentality of the state," and provides that the exercise by the Agency of the powers conferred by R.I. Gen Laws § 46-12.2 "shall be deemed to be the performance of an essential public function." R.I. Gen Laws § 46-12.2-4 (a)(12) grants to the Agency the power to enter into contracts and agreements which "may include without limitation ... capitalization grant agreements, intended use plans, operating plans and other agreements and instruments contemplated by Title VI of the Clean Water Act, 33 U.S.C. § 1381, *et seq.*" R.I. Gen Laws § 46-12.2-6(a) designates the Agency as "the instrumentality of the state for the administration" of the SRF in providing as follows:

- (a) The [A]gency shall be the instrumentality of the state for administration of the water pollution control revolving fund... and in conjunction with the department [Rhode Island Department of Environmental Management] is empowered to and shall take all

action necessary or appropriate to secure to the state the benefits of Title VI of The Clean Water Act, 33 U.S.C. § 1381, et seq.... Without limiting the generality of the foregoing and other powers of the agency provided in this Chapter, the agency is empowered to and shall:

(1) Cooperate with appropriate federal agencies in all matters relating to administration of the water pollution control revolving fund and, pursuant to the provisions of this Chapter, administer the fund... (3) In cooperation with the department [Rhode Island Department of Environmental management], prepare and submit to appropriate federal agencies applications for capitalization grants under Title VI of the Clean Water Act, 33 U.S.C. § 1381, et seq. and enter into capitalization grant agreements, operating agreements and other agreements with appropriate federal and state agencies and accept and disburse as provided herein any capitalization grant awards made under Title VI of the Clean Water Act....

“Water pollution control revolving fund” is defined as “the Rhode Island water pollution control revolving fund contemplated by Title VI of the Water Quality Act and established under § 46-12.2-6.” See R.I. Gen Laws § 46-12.2-2.

R.I. Gen Laws § 46-12.2 is valid state law. Further, R.I. Gen Laws § 46-12.2-25 specifically provides that “insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, municipal charter, administrative order or regulations, the provision of this chapter shall be controlling.”

In view of the foregoing, as Attorney General of the State of Rhode Island, I certify that the state legislation establishing the SRF and the powers it confers are consistent with state law and that the state may legally bind itself to the terms of the capitalization grant agreement contemplated by Title VI of the Clean Water Act.

The Rhode Island Infrastructure Bank is fully authorized to conduct business in accordance with Chapters 46-12.2 and 46-12.8 of the Rhode Island General Laws.

Sincerely,



Peter F. Neronha  
Attorney General

cc: Anna Coelho Cortes  
Clean Water SRF Program Manager

## **Attachment I**

### Affordability Criteria



Summary and Explanation  
of the  
Affordability Criteria  
for the  
Rhode Island  
Clean Water State Revolving Fund  
Program

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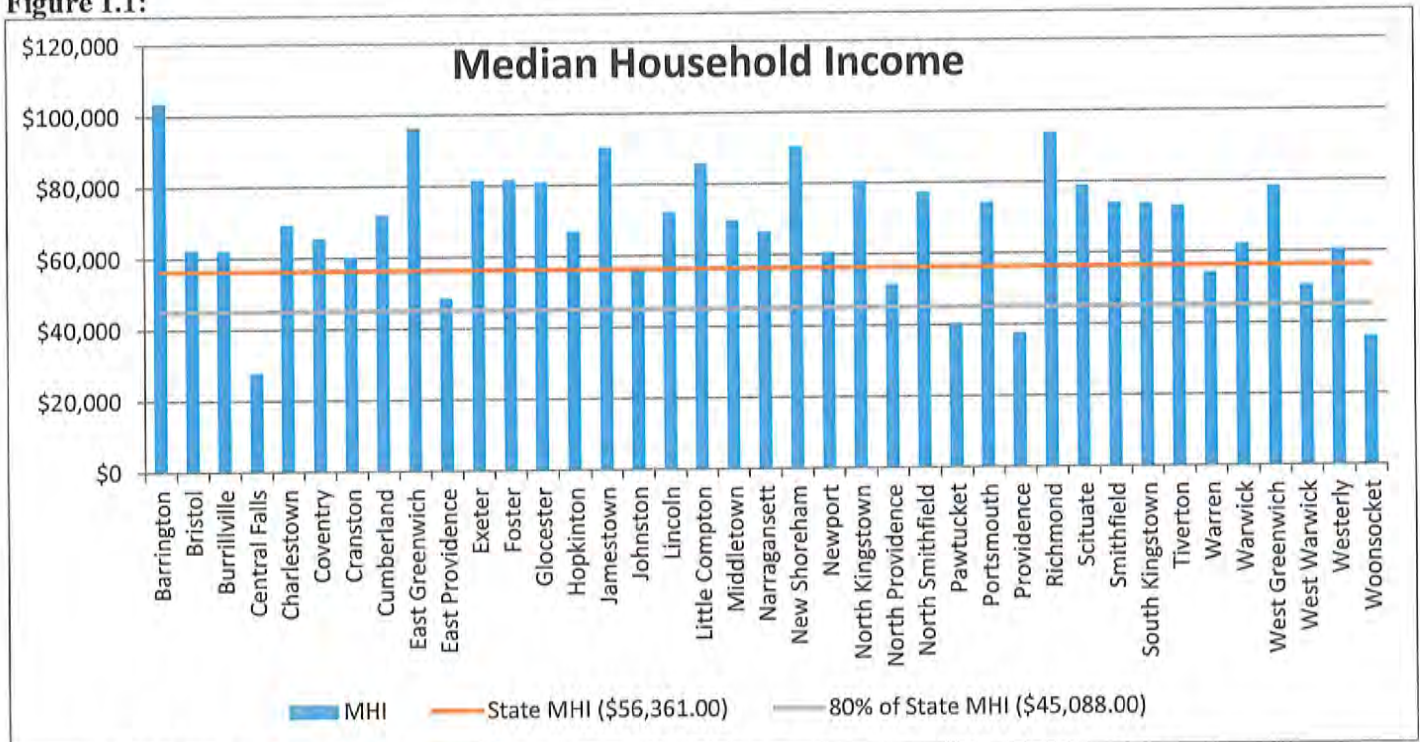
## **Introduction:**

This document provides data in order to establish affordability criteria as outlined by the 2014 amendment to the Clean Water Act, section 603(i)(2), attached in Appendix I. Following the outline, this document will discuss Income and Unemployment Data in Section 1, Population Data in Section 2, and other data related to economically distressed communities (as described in in Section 301 of the Public Works and Economic Development Act) in Section 3. The purpose of the Affordability Criteria is to help the Rhode Island Clean Water State Revolving Fund Program determine which municipalities would experience financial hardship when trying to fund a [qualifying] project without receiving assistance beyond the standard Clean Water SRF subsidy. To help identify these municipalities graphs have been included in the sections below to compare factors such as median household income (MHI), unemployment, user rates, and population trends for municipalities, counties and service areas to the state averages. The common thresholds at which municipalities are considered economically disadvantaged or distressed by most states and in the Public Works and Economic Development Act is below the state average, and in some cases, below 80% of the state average. Municipalities that are regularly below the 80% of the state average threshold will be highlighted throughout this document.

### 1. Income and Unemployment Data:

In Rhode Island the MHI is \$56,361.00. There are 8 communities that have an MHI that is less than or equal to this value: Central Falls, East Providence, Johnston, North Providence, Pawtucket, Providence, Warren, West Warwick and Woonsocket. Of these 8 communities, Central Falls, Providence, Pawtucket and Woonsocket all have MHI's that are less than or equal to \$45,088.00 (80% of the State's MHI). This value is significant because it is a threshold value that is commonly used as criteria to determine a community's economic standing (i.e. distressed/disadvantaged), more of which is discussed in Section 3. Figure 1.1 below shows the Median Household Income for all municipalities in Rhode Island as compared to the State Average, and the 80% Value.

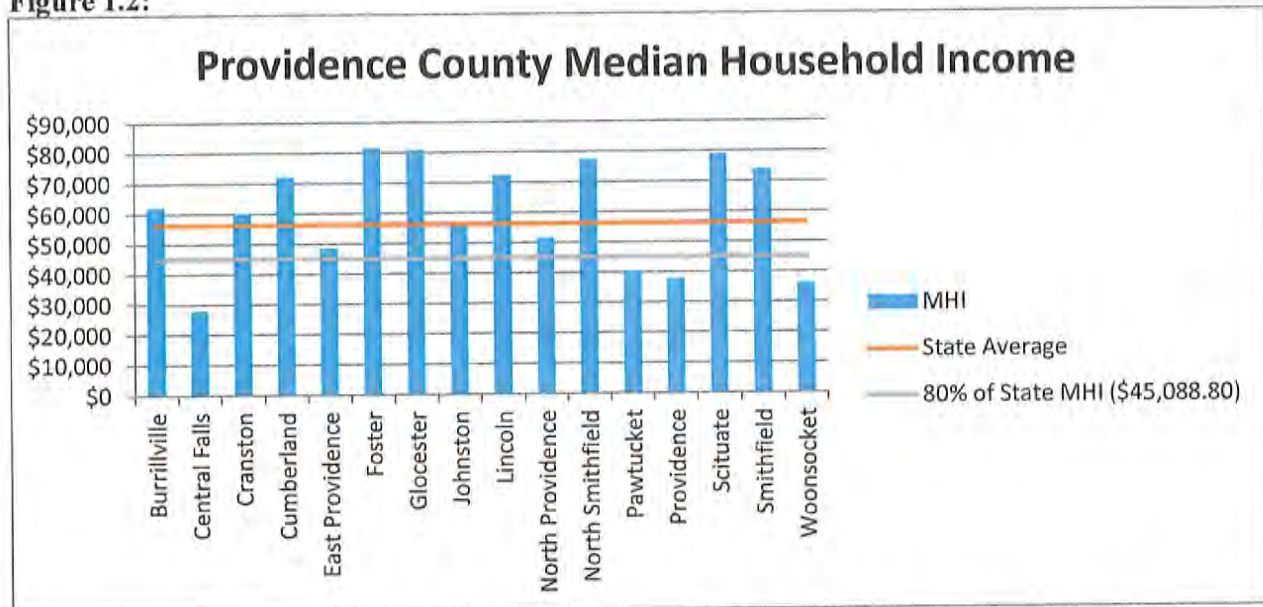
**Figure 1.1:**



Providence County's data is shown separately in Figure 1.2 below because 6 out of the 8 communities with MHI's below the State Average, including all 4 that fall under the 80% income level are located in Providence County.



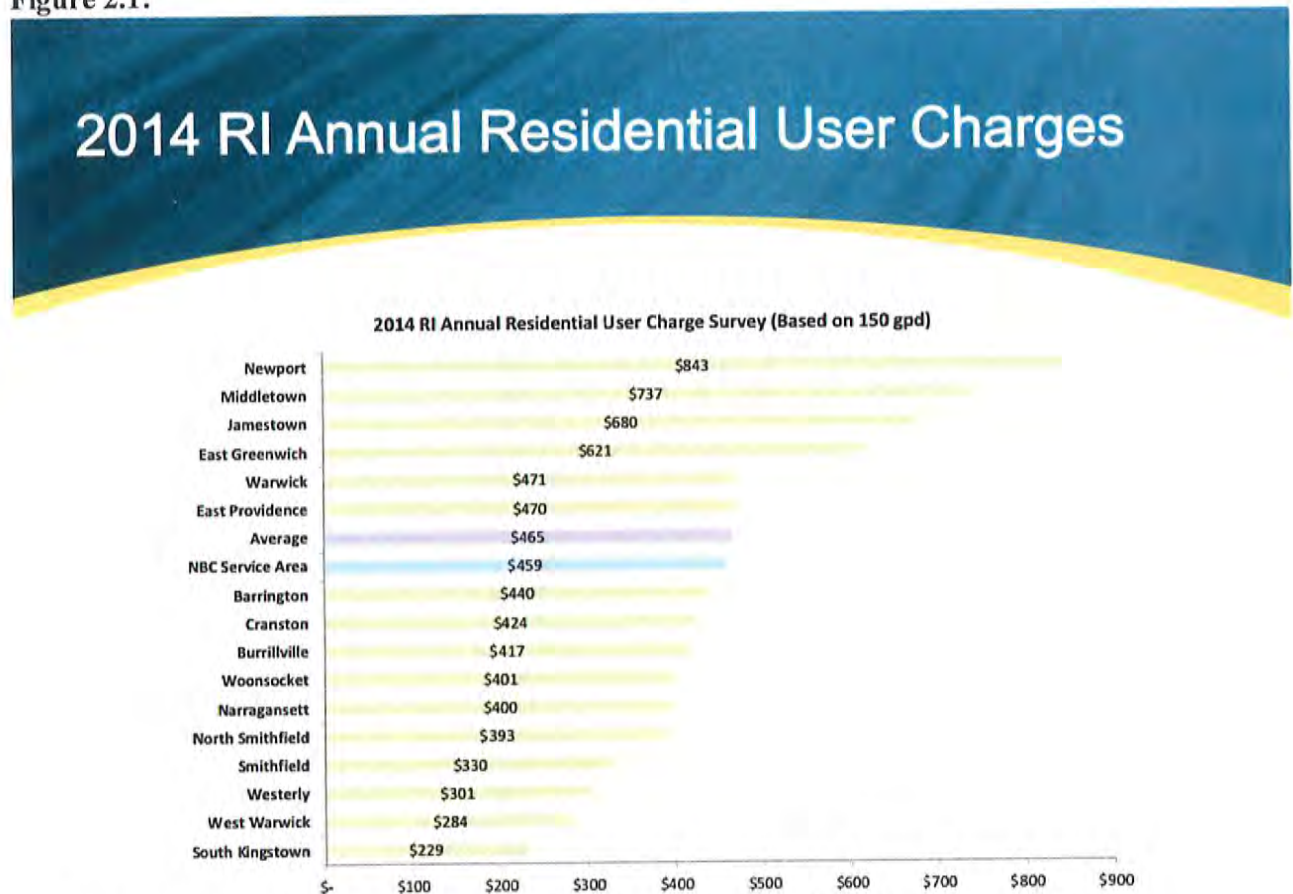
Figure 1.2:



The following graph, Figure 2.1, which was produced by the Narragansett Bay Commission, shows the 2014 Annual Residential User Charges for most of the WWTF's throughout Rhode Island, as well as the State Average User Rate. The data from this graph is used in Figure 2.2 to compare the Annual User Rates for each community to the Median Household Income.

The EPA's unofficial standard for user rates is for the rate to be kept at or below 2% of the areas MHI to be considered affordable. The following graphs compare MHI to user rates in order to show which areas are approaching or already above the 2% value. Figure 2.2 compares user rates to the MHI of the municipality, while Figure 2.2a compares user rates to the service area. There is a difference here because of service areas such as Fields Point and Bucklin Point, which are inclusive of many municipalities which have widely varied MHI's. A weighted average MHI and user rate was calculated based on population served. The main difference between Figures 2.2 and 2.2.a is that the four communities that are disadvantaged are no longer individually present, but instead get grouped into the two NBC service areas, and Woonsocket's service area includes North Smithfield. These three regions still have MHI's lower than the 80% mark, but the user rates are now all below 1.20%, so the rates appear more affordable.

Figure 2.1:



Source: NBC CSO Control Facilities Phase III Reevaluation Alternative Plans Workshop, 27 April 2015

The blue vertical line in Figure 2.2 and 2.2.a shows the value \$45,088.8, which is 80% of the State Median Household Income. The data points to the left of the line (Central Falls, Providence, Pawtucket and Woonsocket/ NBC Fields Point, Bucklin Point and Woonsocket) have an MHI that is less than the this value and also pay a rate that is greater than 1% of their MHI annually. Other towns that pay more than 1% are Newport, Middletown and New Shoreham, but their MHI's are all higher than the State's Average MHI. The orange horizontal line in Figure 2.2 and 2.2.a shows the value 0.82%, which is the state average user rate as a percentage of MHI according to the Narragansett Bay Commission.

Figure 2.2:

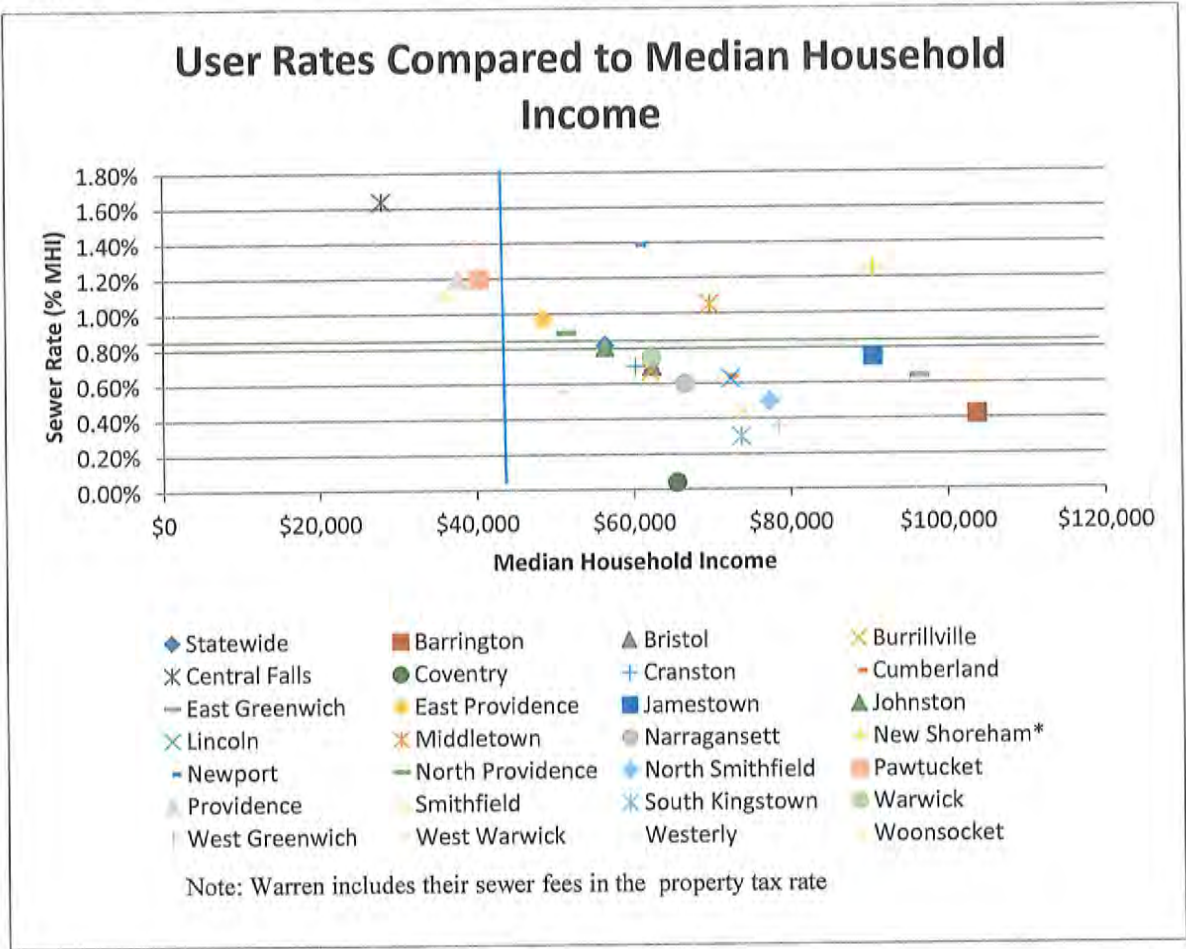
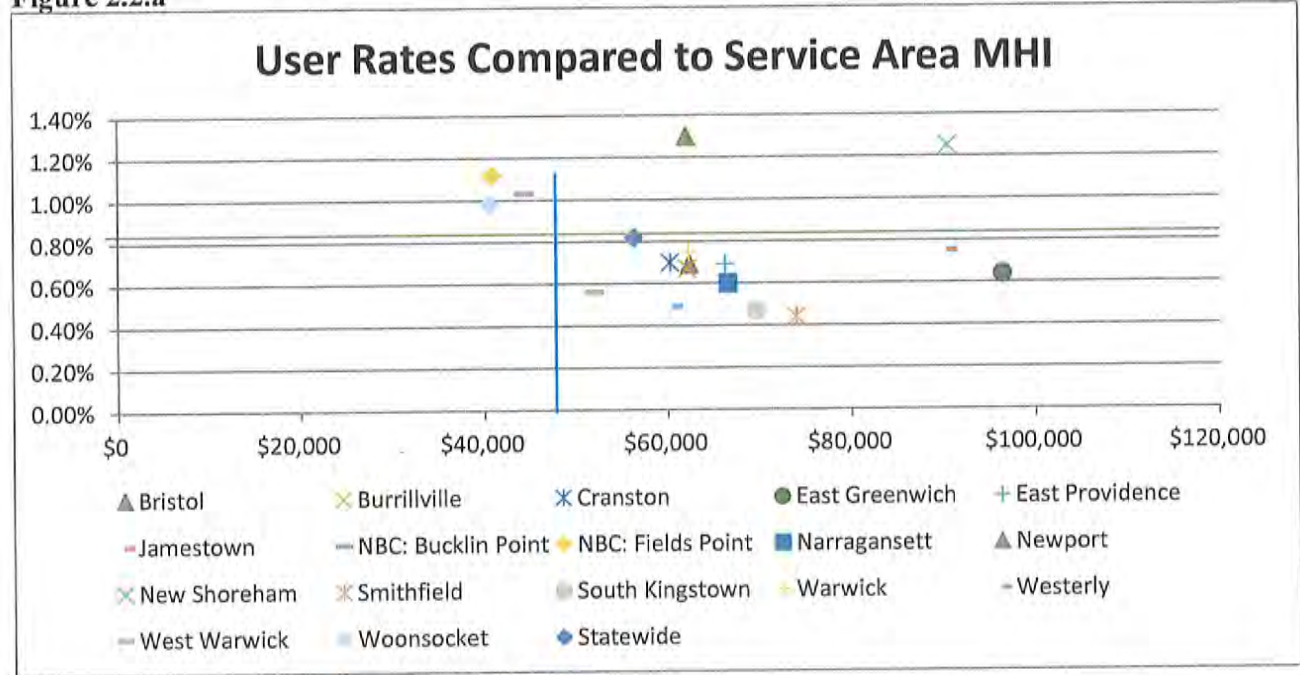


Figure 2.2.a





**Table 1.1:**

Town	MHI	2014 Annual User Rates	User Rate as % MHI (User Rate/MHI *100)
Statewide	\$56,361	\$465	0.82%
Barrington	\$103,696	\$440	0.42%
Bristol	\$62,358	\$433	0.7%
Burrillville	\$62,188	\$417	0.67%
Central Falls	\$27,993	\$459	1.64%
Coventry	\$65,565	\$284	0.043%
Cranston	\$60,283	\$424	0.7%
Cumberland	\$72,160	\$459	0.64%
East Greenwich	\$96,438	\$621	0.64%
East Providence	\$48,521	\$470	0.97%
Jamestown	\$90,484	\$680	0.75%
Johnston	\$56,343	\$459	0.81%
Lincoln	\$72,434	\$459	0.63%
Middletown	\$69,784	\$737	1.05%
Narragansett	\$66,600	\$400	0.6%
New Shoreham	\$90,491	\$1,131	1.25%
Newport	\$60,533	\$843	1.39%
North Providence	\$51,470	\$459	0.89%
North Smithfield	\$77,378	\$393	0.5%
Pawtucket	\$40,379	\$459	1.2%
Providence	\$37,632	\$459	1.2%
Smithfield	\$74,000	\$330	4.4%

South Kingstown	\$73,780	\$229	0.3%
Warwick	\$62,295	\$471	0.75%
West Greenwich	\$78,438	\$284	0.36%
West Warwick	\$50,590	\$284	0.56%
Westerly	\$60,532	\$301	0.49%
Woonsocket	\$36,058	\$401	1.1%

The following table shows the same data, but it groups the users by service area rather than by municipality. For service areas that encompass more than one city/town a weighted average for MHI and user rate was calculated based on population served (i.e. a town with a higher population served has more weight).

Note: East Providence serves Barrington, NBC: Bucklin Point serves Central Falls, Cumberland, East Providence Lincoln, Pawtucket and Smithfield, NBC: Fields Point serves Johnston, North Providence and Providence, Newport serves Middletown, South Kingstown serves Narragansett, West Warwick serves Coventry, Cranston, East Greenwich, Warwick and West Greenwich, and Woonsocket serves North Smithfield. For these service areas a weighted average has been calculated based on data from

<http://www.dem.ri.gov/programs/benviron/water/permits/wtf/potwops.htm> .

**Table 1.2:**

Service Area	Towns Served By Service Area	Contribution (%)	MHI	Weighted MHI	2014 Annual User Rate	Weighted Annual User Rate	Weighted User Rate as % MHI
Bristol	Bristol	100%	\$62,358		\$430		0.69%
Burrillville	Burrillville	100%	\$62,188		\$417		0.67%
Cranston	Cranston	100%	\$60,283		\$424		0.70%
East Greenwich	East Greenwich	100%	\$96,438		\$621		0.64%
East Providence	East Providence	68.11%	\$48,521		\$470		0.69%
	Barrington	31.89%	\$103,696		\$440		
Jamestown	Jamestown	100%	\$90,484		\$680		0.75%
	Central Falls	15.96%	\$27,993	\$44,369	\$459	\$459	1.03%

NBC: Bucklin Point	Cumberland	9.13%	\$72,160		\$459		
	East Providence	7.32%	\$48,521		\$459		
	Lincoln	7.73%	\$72,434		\$459		
	Pawtucket	59.73%	\$40,379		\$459		
	Smithfield	0.13%	\$74,000		\$459		
NBC: Fields Point	Johnston	7.03%	\$56,343	\$40,888	\$459	\$459	1.12%
	North Providence	14.2%	\$51,470		\$459		
	Providence	78.77%	\$37,632		\$459		
Narragansett	Narragansett	100%	\$66,600		\$400		0.60%
Newport	Middletown		\$62,064		\$806		1.30%
	Newport						
	U.S. Navy Base						
New Shoreham	New Shoreham	100%	\$90,491		\$1,131		1.25%
Smithfield	Smithfield	100%	\$74,000		\$330		0.44%
South Kingstown	Narragansett	44.23%	\$66,600	\$69,677	\$400	\$252	0.47%
	South Kingstown	33.33%	\$73,780		\$229		
	URI	22.44%	n/a		n/a		
Warwick	Warwick	100%	\$62,295		\$301		0.75%
Westerly	Westerly	100%	\$60,532		\$305		0.49%
West Warwick	Coventry	3.79%	\$65,565	\$51,937	\$284	\$290	0.56%
	Cranston	0.63%	\$60,283		\$424		
	East Greenwich	0.06%	\$96,438		\$621		
	Warwick	2.94%	\$62,295		\$471		
	West Greenwich	0.09%	\$78,438		\$284		
	West Warwick	92.49%	\$50,590		\$284		

Woonsocket	North Smithfield	10.12%	\$77,378	\$44,037	\$393	\$406	0.92%
	Woonsocket	80.15%	\$36,058		\$401		
	Blackstone, MA	3.89%	\$71,875		\$550.42		
	Millville, MA	5.84%	\$77,250		\$435		
Statewide			\$56,343		\$465		0.82%

Section 603(i)(2) lists unemployment as a factor that must be considered in the Affordability Criteria. Unemployment data for Rhode Island will be discussed below and will focus on comparisons between regional (County and WWTF Service Area) unemployment to statewide unemployment.

**Figure 3.1**

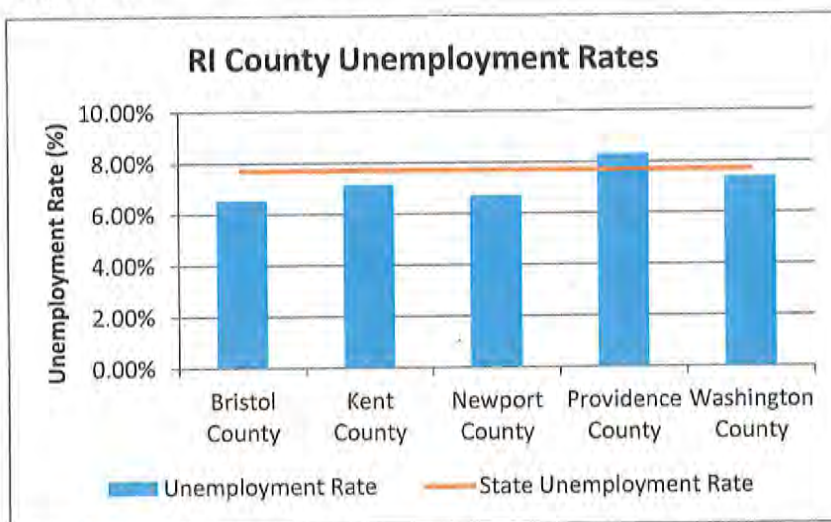


Figure 3.1 shows unemployment rates for the five counties in Rhode Island compared to the state average. This graph is inclusive of all municipalities in Rhode Island, so unsewered communities are represented. Generally the rural and unsewered communities in Rhode Island have a higher than

average MHI and a lower unemployment. It can be seen that Providence County has the highest unemployment rate, while all other counties have unemployment rates below the State Average.



**Figure 3.2**

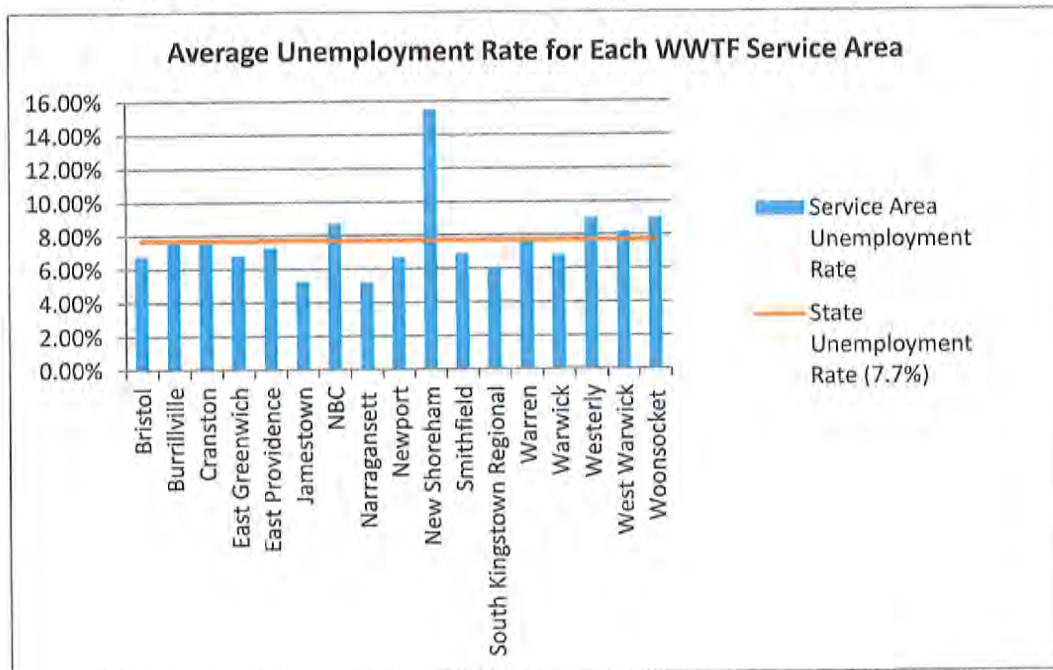


Figure 3.2 shows the (weighted) average unemployment rate for each wastewater treatment service area, as compared to the state unemployment rate of 7.7%. Discounting New Shoreham as an outlier because the available data was not seasonally adjusted, the service areas with the highest unemployment rates are the Narragansett Bay Commission Facilities (8.7%), Westerly (9%), West Warwick (8.2%)

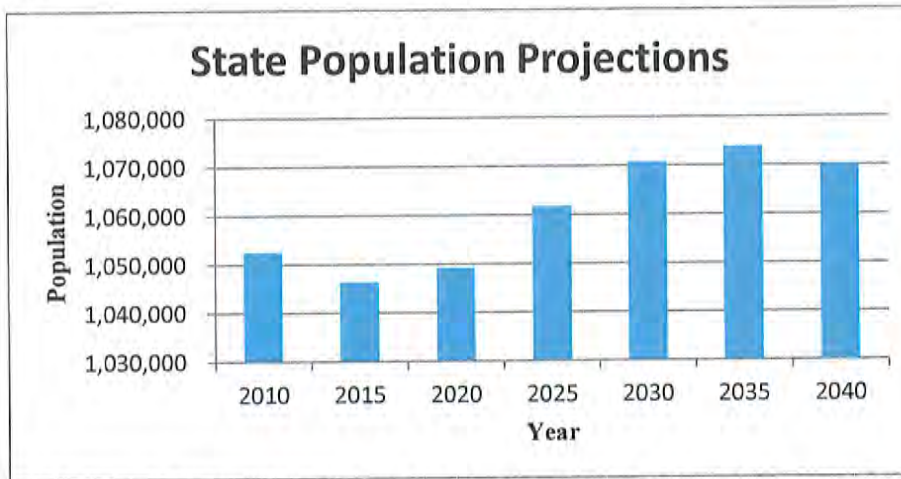
and Woonsocket (9.02%). It should be noted for towns served by two wastewater treatment facilities (e.g. East Providence, Narragansett) it is assumed that there is even distribution and the unemployment rate for each service area is the same as the community's overall unemployment rate. (The Narragansett Bay Commission treatment plants data have been combined in the graphs below to match the data provided in the 2014 Annual User Rates graph above.)



## 2. Population Trends:

Population data will be evaluated below based on statewide, county, and service area trends that are expected to occur in Rhode Island from 2010-2040. Because of the way the data is made available population numbers are inclusive of households on septic systems. There is not a way to separate the data, so, as with unemployment, it is being assumed that population will change evenly among sewerage and unsewered areas. The population projections for the State based on data from the Rhode Island Statewide Planning Program shows that the population will continue to slowly decline until 2020, after which the projections show growth slowly occurring until 2035, when there will be a decline again.

**Figure 4.1**



When broken down to individual counties over the 2010-2040 time period, a steady decline in population can be seen in Newport, an increase can be seen in Washington County, and Bristol County remains relatively unchanged but with a minor decline. Both Kent County and Providence County mimic the trend of the overall state projection.

**Figure 4.2:**

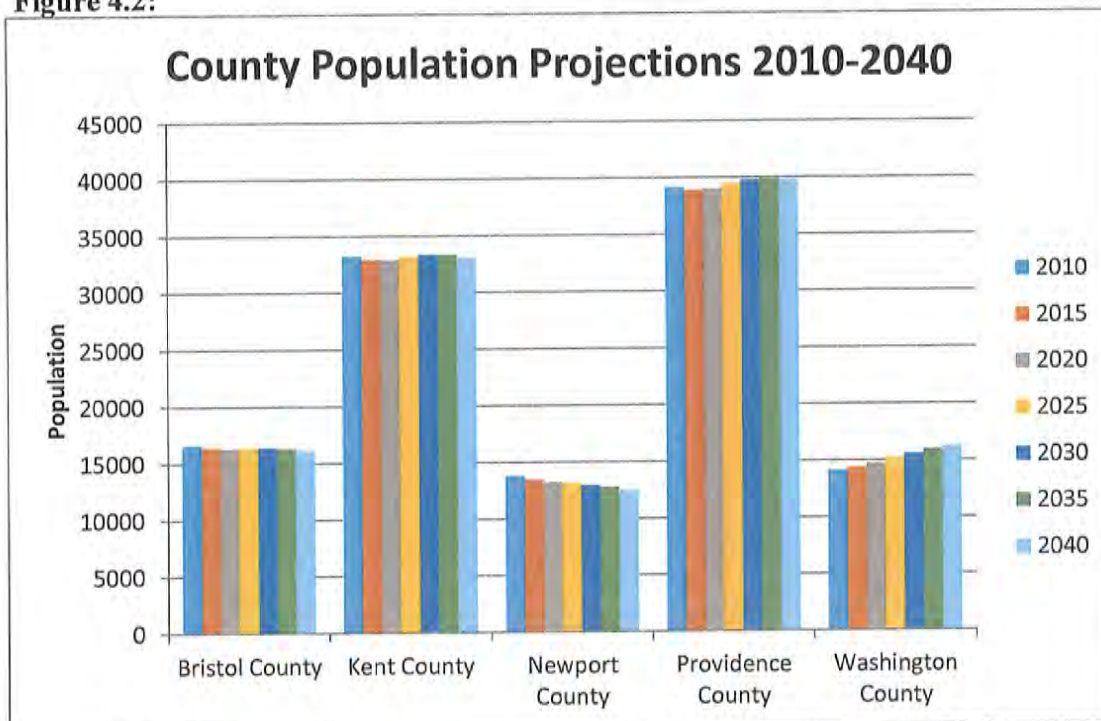


Figure 4.3 shows the Population Trends from 2010-2040 for each WWTF Service Area. As expected, the NBC Service Area shows population increase from 2015-2040, mainly because of how much larger Providence's population is compared to the rest of the communities served, and because Providence is expected to grow. East Providence, Newport, Warwick and Woonsocket's service areas show population decline, while the Bristol, East Greenwich, Narragansett, Smithfield and South Kingstown Regional service areas have population increases. Burrillville, Jamestown and New Shoreham show no change in population from 2010-2040. However, it can be seen in Figure 4.4 that New Shoreham's population will increase by about 23%, the reason this is not visible in figure 4.3 is because the data points for New Shoreham are significantly lower than all other areas. The changes can be seen in Figure 4.4 because the population changes are measured relative to a base population value of 0% (or no change from the initial population in 2010). It should be noted that for towns that are served by 2 wastewater treatment plants, only the percent of the population that the town contributes to the treatment plant was considered (e.g. East Providence contributes 68% of the total users to the East Providence WWTF, and 7.41% of the total users to Bucklin Point facility, so projections were calculated accordingly).

**Figure 4.3**

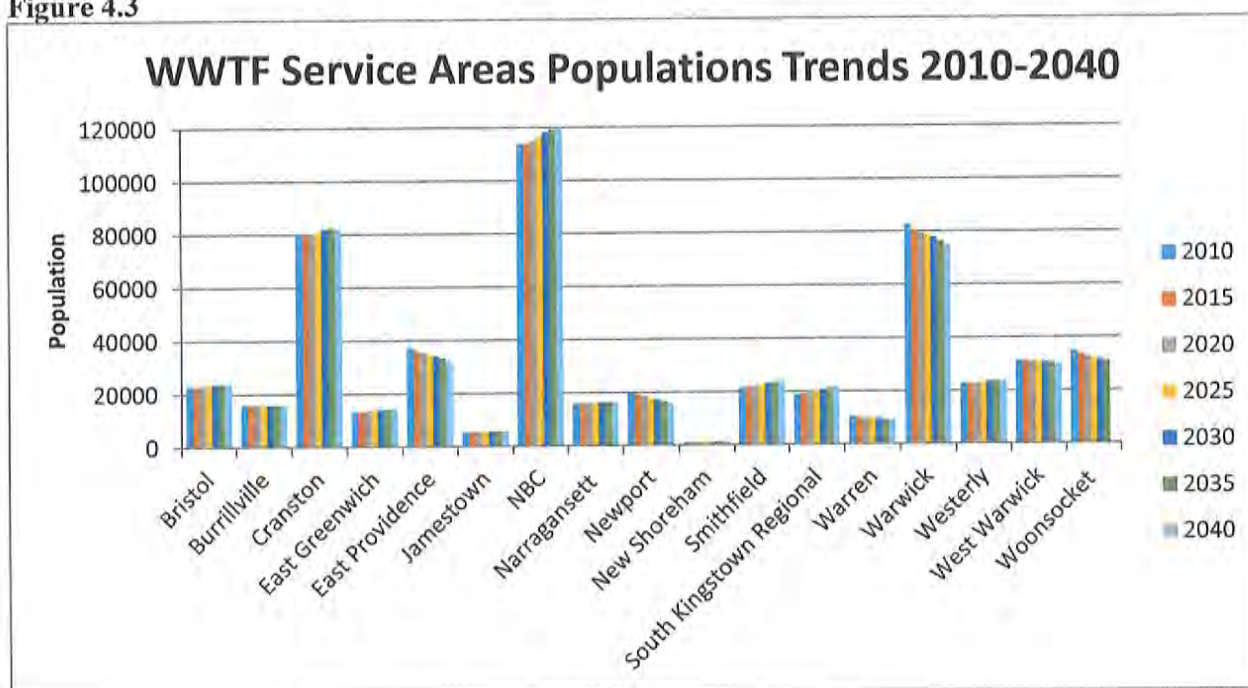
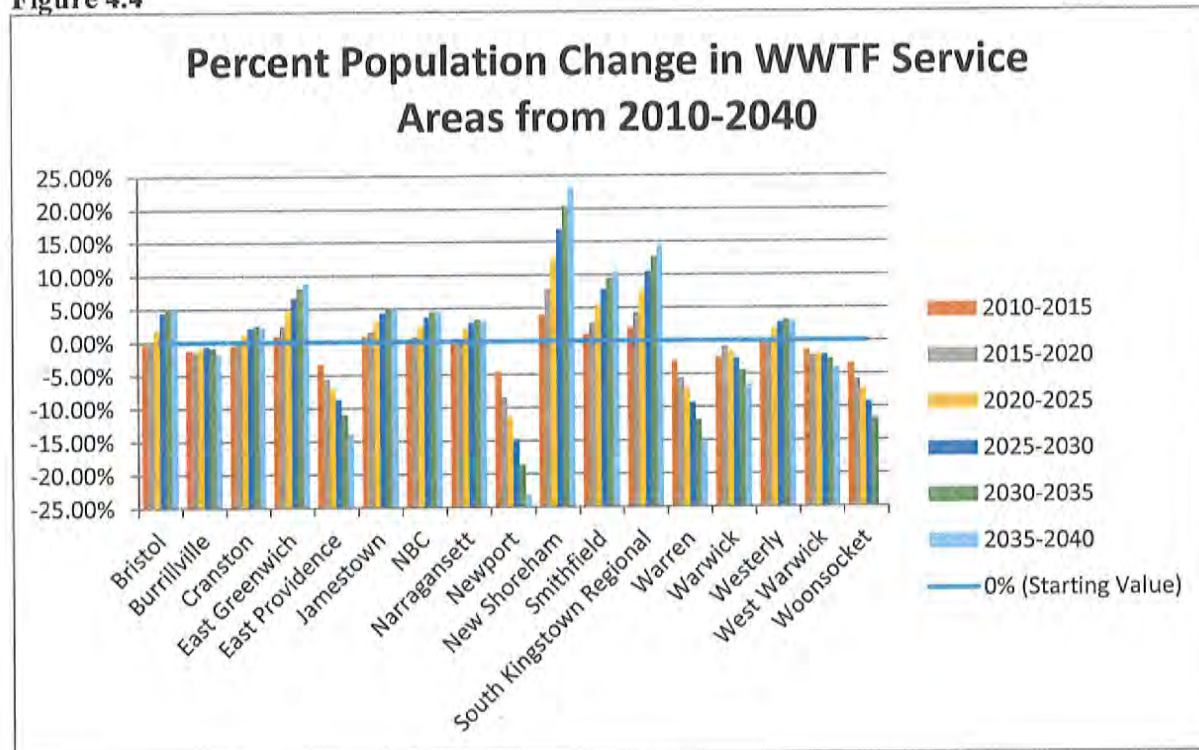




Figure 4.4 represents population changes in the WWTF Service Areas from 2010-2040 as a percentage (loss or gain). The blue line shows 0%, which is the starting value, and shows that no loss/gain has occurred. Service areas that rise above the blue line experience growth, while ones that fall below the blue line experience loss. The data being shown here is the same as what is used above, so it is still inclusive of households on septic systems. This representation also doesn't consider growth or loss in commercial and industrial users.

**Figure 4.4**



### 3. **Thresholds:**

As outlined in 603(i)(2) Affordability Criteria is to be based on income and unemployment data, population trends, and other data determined relevant, such as the location of economically distressed areas (broad criteria for which is given in Section 301 of the Public Works and Economic Development Act). The towns that meet these criteria in Rhode Island are Central Falls, Pawtucket, Providence and Woonsocket. All of these towns have a MHI that is less than 80% of the national MHI, have unemployment rates higher than 6.5% (one point higher than the national average), and have per capita incomes less than 80% of the national per capita income. At a state level these cities fall under the same categories, having a MHI of less than 80% of the states average, and having an unemployment rate of higher than 8.7%. The data for this is shown in the tables below.

**Table 2: State Averages Compared to Economically Distressed Areas**

Category	State Average	Threshold*	Central Falls	Pawtucket	Providence	Woonsocket
Unemployment	7.7%	8.7%	9.6%	9.0%	9.0%	9.7%
Per Capita Income	\$30,469.00	\$24,375.20	\$14,074.00	\$21,637.00	\$21,676.00	\$21,088.00
MHI	\$56,361.00	\$45,088.80	\$27,993.00	\$40,379.00	\$37,632.00	\$36,058.00
User Rate	\$465	2% MHI	\$459	\$459	\$459	\$401
Max User Rate (2% MHI)	\$1,127.22	\$901.76	\$559.86	\$807.58	\$752.64	\$721.16
*Threshold for Per Capita Income and MHI is based on 80% of the state average, and for Unemployment is 1% higher than the state average.						

**Table 3: National Averages Compared to Economically Distressed Areas:**

Category	National Average	Threshold	Central Falls	Pawtucket	Providence	Woonsocket
Unemployment	5.5%	6.5%	9.6%	9.0%	9.0%	9.7%
Per Capita Income	\$28,155.00	\$22,524.00	\$14,074.00	\$21,637.00	\$21,676.00	\$21,088.00
MHI	\$53,046.00	\$42,436.00	\$27,993.00	\$40,379.00	\$37,632.00	\$36,058.00
User Rate	N/A	2% MHI	\$459	\$459	\$459	\$401
Max User Rate (2% MHI)	\$1,060.92	\$848.72	\$559.86	\$807.58	\$752.64	\$721.16

\*Threshold for Per Capita Income and MHI is based on 80% of the national average, and for Unemployment is 1% higher than the national average (as outlined in Section 301 of the Public Works and Economic Development Act).

## Appendix I

### *(2) AFFORDABILITY CRITERIA.—*

#### *(A) ESTABLISHMENT.—*

*(i) IN GENERAL.—Not later than September 30, 2015, and after providing notice and an opportunity for public comment, a State shall establish affordability criteria to assist in identifying municipalities that would experience a significant hardship raising the revenue necessary to finance a project or activity eligible for assistance under subsection (c)(1) if additional subsidization is not provided.*

*(ii) CONTENTS.—The criteria under clause (i) shall be based on income and unemployment data, population trends, and other data determined relevant by the State, including whether the project or 16 activity is to be carried out in an economically distressed area, as described in section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161).*

*(B) EXISTING CRITERIA.—If a State has previously established, after providing notice and an opportunity for public comment, affordability criteria that meet the requirements of subparagraph (A)—*

*(i) the State may use the criteria for the purposes of this subsection; and*

*(ii) those criteria shall be treated as affordability criteria established under this paragraph.*

*(C) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).*

The FWPCA section 603(i)(2)(A) requires that criteria be based on:

- income;
- unemployment data;
- population trends; and
- other data determined relevant by the State.

Income, unemployment data, and population trends must be reflected in State affordability criteria; however, the statute does not prescribe the weight that must be given to each type of criteria. States have the flexibility to determine which of the required criteria are most relevant to their CWSRF programs and may structure their program's criteria accordingly. If CWSRFs have existing affordability criteria that meet the requirements established in section 603(i)(2)(A), they may continue to use those criteria. Existing criteria must also have undergone the appropriate public notice and comment process within their respective States.

## Rhode Island's Affordability Criteria Compared to Other States:

State	Income	Unemployment	Population	User Rate as % MHI	How Awards are Determined
<b>Rhode Island</b>	<b>MHI &lt; 80% State Average</b>	<b>MHI <math>\geq</math> 1 point higher than State Average</b>	<b>Population is Declining</b>	<b>&lt; 2% MHI</b>	<b>Points awarded based on criteria, PPL</b>
New York	<p>*MHI Less than State Average</p> <p>-MHI up to 150% of State Average (may be eligible for reduced interest financing)</p> <p>-MHI above State Average requires application</p> <p>-MHI above 150% of State Average: not eligible</p>	N/A	*Population less than 300,00	<p>-Must compare Target Service Charge to Projected First Year Sewer Rates:  <math>TSC = [(MHI/10,000)^2 * 24] + [(MHI/10,000) * 2] + 70</math></p> <p>PSC is calculated per EDU at a 50% subsidy rate and must be reduced by at least 5% to ensure meaningful reduction to user rates</p>	<p>*If project costs less than \$25 Million, and service area meets two starred factors they are available for Hardship Financing without needing to apply</p> <p>-Financial Hardship Application used to determine if other communities are eligible (they are eligible when the Target Service Charge is lower than the rate that users would be paying when given a 50% subsidy)</p>
Maryland	MHI < 70% State Average	Unemployment rate in the upper 25 <sup>th</sup> percentile (high unemployment in County)	Located in a Maryland county with declining population	Sewer Rate per Year per EDU < 1% Community MHI	<p>Additional factor: located in and benefits an MDE approved Environmental Benefit District</p> <p>-Document indicates that only one out of the 5 factors described needs to be met</p>
Pennsylvania	No threshold, just low MHI leads to a lower Target Percentage	<p>N/A, utilize "Early Warning System of Economic Distress" instead (the more distressed an area is the lower the</p>	<p>% Population over age 64 (the higher the % the less they're expected to pay)</p> <p>Rate of population change (Significant decline= lower Target Percentage)</p>	Between 1-2% MHI determined by "Target Percentage" (All factors described go towards determining the target percentage which is then used to determine target	Factors described are the criteria, goal is to make the services affordable to the community, no point system

		target percentage is)	% of Population below the poverty line(the more people living in poverty the lower the target percentage)	user rate with the formula: target percentage * MHI = target user rate)	
Ohio	NA	NA	Points distributed based on service areas population: the lower the population the more points awarded	1999 MHI ≤ \$36,250: benchmark is 1.2% MHI  1999 MHI > \$36,250 benchmark is 1.6% MHI	Points are awarded for environmental impact, population, and user rate as a % MHI are considered

### **Conclusion:**

This data can be used to establish the factors and thresholds that are best for determining affordability throughout Rhode Island.

Section 1: Income and Unemployment: Comparing statewide data to community data instead of comparing national data to Rhode Island communities better tailors the threshold at which affordability is determined throughout the State. Because of Rhode Island's small size compared to the United States (about 1/300<sup>th</sup> in terms of population) using national values does not take into consideration what is happening in Rhode Island. Therefore, to develop an accurate representation of what is happening in Rhode Island it is better to compare State averages to community averages and service area averages. For this reason, data comparing national unemployment and MHI does not need to be considered in the affordability criteria, but the same principles can be applied to identify the communities with low MHI and high unemployment. By applying the national thresholds of 80% MHI and 1% higher unemployment rate to statewide data, communities that would be considered "economically distressed" are more accurately identified throughout Rhode Island.

Section 2: Population Projections: Again due to Rhode Island's size it is most beneficial to evaluate population trends that are occurring in individual cities and towns instead of by county or state in order to best identify the which areas will experience the most growth or loss. Figure 4.4 shows the percent changes that communities are expected to experience from 2010-2040, from which the thresholds for population loss has been determined. (Note: population loss is significant because it means there will be fewer users paying a sewer bill and likely contribute to increased rates, whereas population gains will not likely cause increased user rates.) Relative to the United States, Rhode Island is going to have flat or small population growth, with populations declining in only a few communities. Thresholds of loss between 0-10%, 10-20% and >20% will be used to identify which communities are going to be impacted most. Population projections will be based on the current data that is available for projections out 30 years.

Section 3: The tables in this section show State and National Averages compared to economically distressed areas in Rhode Island by evaluating MHI, Per Capita Income and Unemployment Rate as factors being used to determine economic distress. It is important to note that Per Capita income is not going to be considered in the Affordability Criteria Rating because



MHI is being evaluated and gives nearly the same results (i.e. the same towns with low MHI tend to have low Per Capita income so evaluating both is somewhat redundant). Nationally the current unemployment rate is much lower than the current unemployment rate in Rhode Island, yet Rhode Island's MHI and Per Capita income is higher than the national average, so just using the State values makes the data more consistent. The tables only show the four communities that meet both the unemployment and MHI standards, there are two more communities that have unemployment rates greater than or equal to 8.7%, and there are no other communities with MHI's less than 80% of the state average. This section is significant because it proves that applying the same thresholds to national and state averages gives similar results, yet it is better to utilize just the state data because the range is smaller and more accurately identifies the communities that are "distressed" in Rhode Island.

In order to make the analysis of these factors relevant to Rhode Island the national thresholds discussed above have been applied to compare statewide, community and service area data. The thresholds are outlined below in the Affordability Criteria Rating sheet and points are assigned to determine where the community or service area ranks.

### Affordability Criteria Rating

APPLICANT: \_\_\_\_\_ PROJECT: \_\_\_\_\_

		<u>Point Values</u>	<u>Actual Rating</u>	<u>Item #</u>
<b>I.</b>	<b><u>INCOME AND UNEMPLOYMENT</u></b>			
A-1	Median Household Income greater than the state average	0		A-1
A-2	Median Household Income less than or equal to the state average but greater than 80% of the state average	1		A-2
A-3	Median Household Income less than or equal to 80% of the state average	2		A-3
B-1	Unemployment Rate less than the state average	0		B-1
B-2	Unemployment Rate less than 1% higher than the state average but greater than the state average	1		B-2
B-3	Unemployment Rate less than 2% higher than the state average but greater than or equal to 1% higher than the state average	2		B-3
B-4	Unemployment Rate greater than or equal to 2% higher than the state average	3		B-4
<b>Section I - Total Points</b>			_____	
<b>II.</b>	<b><u>POPULATION PROJECTIONS*</u></b>			
C-1	Service Area to experience population growth	0		C-1
C-2	Service Area to experience a decline in population no greater than 5%	1		C-2
C-3	Service Area to experience decline in population greater than 5% but less than or equal to 10%	2		C-3
C-4	Service Area to experience decline in population greater than 10% but less than 20%	3		C-4
C-5	Service Area to experience decline in population greater than 20%	4		C-5
<b>Section II - Total Points</b>			_____	
<b>III.</b>	<b><u>OTHER DATA</u></b>			
D-1	Annual User Rate less than 1.5% MHI	0		D-1
D-2	Annual User Rate greater than or equal to 1.5% MHI but less than 2% MHI	1		D-2
D-3	Annual User Rate greater than or equal to 2% MHI	2		D-3
<b>Section III- Total Points</b>			_____	

**Total Points:** \_\_\_\_\_

≥ 9 Points: Eligible for Principal Forgiveness

**Affordability Criteria**  
**for the**  
**Rhode Island**  
**Clean Water State Revolving Fund Program**

**Affordability Criteria Rating**

APPLICANT: \_\_\_\_\_ PROJECT: \_\_\_\_\_

		<u>Point Values</u>	<u>Actual Rating</u>	<u>Item #</u>
<b>I.</b>	<b><u>INCOME AND UNEMPLOYMENT</u></b>			
A-1	Median Household Income greater than the state average	0		A-1
A-2	Median Household Income less than or equal to the state average but greater than 80% of the state average	1		A-2
A-3	Median Household Income less than or equal to 80% of the state average	2		A-3
B-1	Unemployment Rate less than the state average	0		B-1
B-2	Unemployment Rate less than 1% higher than the state average but greater than the state average	1		B-2
B-3	Unemployment Rate less than 2% higher than the state average but greater than or equal to 1% higher than the state average	2		B-3
B-4	Unemployment Rate greater than or equal to 2% higher than the state average	3		B-4
	<b>Section I - Total Points</b>		_____	
<b>II.</b>	<b><u>POPULATION PROJECTIONS*</u></b>			
C-1	Service Area to experience population growth	0		C-1
C-2	Service Area to experience a decline in population no greater than 5%	1		C-2
C-3	Service Area to experience decline in population greater than 5% but less than or equal to 10%	2		C-3
C-4	Service Area to experience decline in population greater than 10% but less than 20%	3		C-4
C-5	Service Area to experience decline in population greater than 20%	4		C-5
	<b>Section II - Total Points</b>		_____	
<b>III.</b>	<b><u>OTHER DATA</u></b>			
D-1	Annual User Rate less than 1.5% MHI	0		D-1
D-2	Annual User Rate greater than or equal to 1.5% MHI but less than 2% MHI	1		D-2
D-3	Annual User Rate greater than or equal to 2% MHI	2		D-3

\*Base population projections on most recent 30 year population projection data

**Total Points:** \_\_\_\_\_

≥9 Points: Eligible for Principal Forgiveness



State of Rhode Island and Providence Plantations  
**Department of State | Office of the Secretary of State**  
**Nellie M. Gorbea, Secretary of State**

**Rules and Regulations Filing Form**

**1. Agency Name and Address**

Infrastructure Bank (formerly Clean Water Finance Agency)  
 235 Promenade Street, Suite 119, Providence Rhode Island 02908

**2. Title of Rule**

RI Clean Water State Revolving Fund - Affordability Criteria

**3. Statutory Source of Authority**

46-12.2

**4. Concise Explanatory Statement - §42-35-2.3**

In accordance with Chapter 46-12.2 of the Rhode Island General Laws, this filing is to establish the RI Clean Water State Revolving Fund - Affordability Criteria. Notice was previously published in the Providence Journal on 12/9/15 and a public hearing was held on 12/21/15. No changes from the language since proposed.

**5. Type of Filing**

**Emergency Rules**

A1. Emergency 120-day initial - §42-35-3(b)

☐ Adoption

☐ Amendment of ERLID:

☐ Repeal of ERLID:

A2. Emergency 90-day renewal - §42-35-3(b)

☐ Adoption

☐ Amendment

Indicate ERLID of 120-day initial:

Brief Statement of Reason for Finding Imminent Peril §42-35-3(b)(2):

**Final Rules**

☐ B1. Amendment

☒ B2. Adoption

☐ B3. Repeal

☐ C. Technical Revision

If B1 or C, please indicate new, amended, deleted, or revised sections:

**6. Notice and Hearing Information**

Date of Public Notice - §42-35-3(a)(1):12/09/2015

Date of Public Hearing - §42-35-3(a)(2):12/21/2015

End of Comment Period:01/05/2016

**7. Agency Additional Information - Web Page**

<http://www.riinfrastructurebank.com/>

**8. Certification**

I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42-35) and that they are true copies of this Department, attest,

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Title

\_\_\_\_\_  
 Notary Public

Subscribed and sworn before me

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_