



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 2 8 2009

Mr. Mike Johnson, PE
Program Manager
Clean Water State Revolving Fund
West Virginia Department of Environment
601 57th Street, SE
Charleston, WV 25304

Dear Mr. Johnson:

I am pleased to inform you that EPA accepts and approves the West Virginia Department of Environment's (WVDEP) Supplement to its FY 2009 Intended Use Plan (IUP). The IUP Supplement identifies how WVDEP plans to use the funds allocated to the Clean Water State Revolving Fund (CWSRF) program provided under the American Recovery and Reinvestment Act (ARRA).

The IUP Supplement was prepared in accordance with EPA regulations and guidance concerning the ARRA. The approved IUP included 123 eligible waste water infrastructure projects totaling \$647,678,719. In accordance with the accountability and transparency required under ARRA, the IUP included clear descriptions of WVDEP's plans to:

- Create and retain jobs by moving funds to construction within 12 months of enactment;
- Select projects based on readiness to proceed criteria;
- Provide additional subsidization through negative interest rate loans;
- Request applications for additional projects eligible for the 20% of the ARRA funding available for green infrastructure, water efficiency, energy efficiency, and environmental innovative solutions.

With the approval of the IUP, EPA may now move forward with the ARRA grant application for \$61,092,100. EPA plans to only award 80 percent of the funds at this time. The balance will be available after the additional green reserve projects are identified. If you or your staff have any questions, please contact me at (215) 814-5435 or Ms. Magdalene Cunningham at (215) 814-2338.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine Reynolds".

Lorraine H. Reynolds, Associate Director
Office of Infrastructure and Assistance

West Virginia
Clean Water
State Revolving Fund



FINAL
Intended Use Plan
Supplement #1 – Using the
Economic Recovery Funds
in Fiscal Year 2009

Submitted to the
U.S. Environmental Protection Agency
Region III
March 18, 2009



west virginia department of environmental protection

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Introduction

This document is the Clean Water State Revolving Fund's Supplement #1 to its Intended Use Plan for federal fiscal year 2009 (Oct. 1, 2008 – Sept. 30, 2009). This supplement is issued to give specific guidance to loan recipients concerning the use of the economic recovery funds made available by Congress under the “American Recovery and Reinvestment Act of 2009” (ARRA). This supplement will be used by the Environmental Protection Agency to award the federal grant to DEP containing the \$61,092,100 in economic recovery funds for wastewater facilities construction.

This public law passed by Congress does not require the 20% state match that is normally required for this program. The EPA guidance document issued for awarding these economic recovery grants to the states contains some additional flexibility that states can take advantage of to make certain these funds are used to expedite projects to the construction phase.

In accordance with the ARRA, these economic recovery funds must be awarded to eligible projects and be under contract for construction within 12 months of the date of enactment of the act (February 17, 2009). The ARRA requires EPA to reallocate any funds that do not meet the required deadline to other states.

Funds Identification

The \$61,092,100 in economic recovery funds was authorized by Congress under the “American Recovery and Reinvestment Act of 2009”. EPA will award this money in a federal grant to the DEP for the Clean Water State Revolving Fund program.

Since there is not a state matching requirement for these funds, all project loans issued using this money will be comprised of 100% federal funds. Payments made to loan recipients under each loan will therefore be all federal funds.

The federal law allows states to set aside a portion of the money for administrative purposes. The DEP will not be using this administrative allowance. All money will go toward project construction activities.

These funds made available by Congress to help stimulate the economy are in addition to the annual allocation of Clean Water SRF money annually appropriated by Congress. The FY2010 Intended Use Plan will be developed later in 2009 to govern the use of all other Clean Water SRF money in FY2010.

Section

III

Goals

A. Long Term Goals

- 1). Preserve and create jobs and promote economic recovery through expansion of wastewater infrastructure.
- 2). Have all economic recovery funds under contract or construction by February 16, 2010.

B. Short Term Goals

- 1). Solicit for and identify projects to utilize the 20% reserve for Green Infrastructure Projects by August 17, 2009.
- 2). Obligate all economic recovery funds to eligible projects by August 17, 2009.
- 3). Have all funded projects advertise for bids no later than October 1, 2009.

Section

IV

Project Priority List

The FY2009 Project Priority List is contained in the original Intended Use Plan which has been approved by EPA. All entities on the current priority list will be eligible for consideration for loan commitments using the economic recovery funds if they can expedite the designing and bidding of their project. In addition, the list of projects contained in Appendix A to this IUP supplement is an all inclusive list that contains existing priority list projects and other projects that have either expressed interest in receiving economic recovery funds or may be in a position to ask for consideration for funding within the next few months.

Should any of these entities listed in Appendix A now wish to pursue using the economic recovery funds, the Pre-Bid and Readiness to Proceed checklist that requests relevant project status and financial information must be submitted to the DEP.

Any new project that has not yet gone through the West Virginia Infrastructure and Jobs Development Council (IJDC) process must submit its application and preliminary engineering report to the IJDC before it will be considered for the economic recovery money.

Upon approval for Clean Water SRF funding using the economic recovery funds, the selected projects will be rated using the existing EPA approved priority rating system and added by amendment to the existing priority list without the need for additional public participation. The IJDC public participation process will be adequate for Clean Water SRF purposes. All of these projects selected for funding will be included on the FY2010 Project Priority List which will be effective October 1, 2009.

Section
V

Loans Under the Federal Economic Recovery Grant

A. Readiness to Proceed

The congressional intent of the ARRA is to accelerate the construction of projects. The DEP will officially commit money to potential loan recipients under the economic recovery grant only after final construction drawings and specifications have been approved by DEP and the entity can show that the bidding process and ultimately construction can be initiated immediately upon approval. Financial assistance will be committed to projects on a readiness to proceed basis until the funds are obligated. The readiness to proceed checklist can be found in Appendix B.

B. Interest rates on POTW loans

In accordance with the ARRA, any eligible recipient of assistance from a State Revolving Fund is eligible for additional subsidization. The forms of additional subsidization may be principal forgiveness, negative interest rates or grants.

The DEP has statutory authority to establish interest rates and will use negative interest rates to determine the amount of additional subsidization on each loan. A negative interest loan is a loan for which the rate of interest is such that the total payments over the life of the loan are less than the principal of the loan.

The following criteria will be used to determine the negative interest rate on a traditional wastewater project:

If the end of the project average monthly user rate based upon 4,000 gallons of water usage is:

- 1). Less than 1.5% of the median household income (MHI), the negative interest rate will be -3.0%. This equals a debt forgiveness of approximately 50%.
- 2). Greater than or equal to 1.5% MHI but less than 1.75%, the negative interest rate will be -5.0%. This equals a debt forgiveness of approximately 70%.
- 3). Greater than or equal to 1.75%, the debt forgiveness will be 100%.

For planning purposes, the capital recovery factors to be used are as follows:

-3% interest rate, 38-year loan repayment = 0.0138

-5% interest rate, 38-year loan repayment = 0.0083

If the loan recipient desires a shorter loan repayment term, the applicable negative interest rate will be determined by DEP on a case by case basis to give approximately the same debt forgiveness.

For any project funded in its entirety from the 20% Green Reserve which is not a traditional wastewater project, the debt forgiveness will be 100%.

C. Annual administrative fees on POTW loans

The annual DEP administrative fees charged on all loans which are used to administer the program will be reduced on loans to disadvantaged communities (at or above 1.5% MHI) issued under the federal economic recovery grant. The annual administrative fee on loans issued to these communities will be reduced to 0.25%. The annual administrative fee to communities other than disadvantaged communities will remain at 1%. On loans where there will be 100% debt forgiveness, no annual administrative fee will be charged.

D. Maximum allowable loan amounts

The ARRA grant to DEP for the Clean Water SRF program will be \$61,092,100. The DEP has determined the maximum allowable loan amount that will be considered for any one loan recipient will be \$15,000,000. The additional subsidization benefits described above will apply to this amount only. The remaining loan amount needed for these high dollar projects can be committed from the regular pool of low interest CWSRF loan funds or another funding source.

E. Extended Bond Purchase Program

In order to use the economic recovery funds as quickly as possible, all entities are eligible to receive loans with a maximum repayment term of 38 years.

F. State Requirements

The DEP will officially commit money to potential loan recipients under the economic recovery grant only after final construction drawings and specifications have been approved by DEP and the entity can show that the bidding process and ultimately construction can be initiated immediately upon approval. Financial assistance will be committed to projects on a readiness to proceed basis until the funds are obligated. The readiness to proceed checklist can be found in Appendix B.

In addition to the standard Clean Water SRF bond purchase agreement conditions, the following special condition will apply to each loan recipient under this grant:

- a) The loan recipient will develop and implement an asset management plan in accordance with guidelines issued by DEP.

All proposed projects requesting funding under the 20% Green Reserve must submit their proposals to DEP by July 1, 2009.

G. Federal Requirements

- a) The 20% state match requirement has been waived for obtaining the economic stimulus grant.
- b) The federal law allows for at least 50% of the funds to be used for additional subsidization using principal forgiveness, negative interest rates or grants. DEP plans to meet this requirement by providing negative interest rates as described in Section V. B.
- c) All funds must be committed and projects must be under construction within 12 months of the date of enactment of the ARRA (February 17, 2009).
- d) Davis-Bacon Act wage rules will apply to all assistance agreements made with funds under the ARRA.
- e) All iron, steel, and manufactured goods used in each project must be produced in the United States (Buy American).
- f) States will be required to report no less than monthly on the uses of funds provided under the ARRA. DEP will enter all ARRA funded projects into the CWSRF benefits reporting database as soon as possible after loan closing but not less frequently than monthly in accordance with EPA guidance.
- g) To the extent there are sufficient eligible projects, not less than 20% of the funds shall be used for projects to address green infrastructure, water or energy efficiency improvements or other environmentally innovative activities. In order to meet this requirement, DEP is

actively soliciting green reserve projects through the public notification and distribution of this IUP supplement. Projects eligible for consideration under the Green Reserve may be new projects or modifications to projects already under consideration. Appendix C contains guidance on project types that may qualify as green infrastructure. The deadline for submitting proposals to DEP is July 1, 2009.

- h) ARRA funds may not be used to provide assistance for the purposes of refinancing municipal debt or restructuring outstanding CWSRF loans issued prior to October 1, 2008.
- i) All other federal cross-cutting authorities apply under the ARRA, including the requirements of the Disadvantaged Business Enterprise regulation.
- j) ARRA authorizes the reallocation of economic recovery funds that are not under contract or construction within 12 months of the date of enactment. In the event funds appropriated by ARRA are deobligated from other states, the DEP may receive additional funds under this reallocation provision, if eligible to participate in the reallocation. Therefore, the DEP will:
 - a. Regularly report and review its own progress in meeting the timelines established by the ARRA legislation and take corrective action as necessary to avoid reallocation of its funds;
 - b. Include appropriate conditions in all bond purchase agreements to ensure that recipients make timely progress toward entering into contracts for construction;
 - c. Provide a list of additional projects to EPA to be funded with additional ARRA funds should they become available;
 - d. Provide a certification to EPA through an amendment to this IUP that all funds received or these additional projects will be under contract for construction within 120 days of reallocation.

Section

VI

Public Participation

The draft Intended Use Plan Supplement #1 for using the economic recovery funds under the American Recovery and Reinvestment Act of 2009 was posted on DEP's web site and the Governor's web site on February 27, 2009. A mass mailing was sent on the same day to project sponsors, consulting engineers, regional planning and development councils and other interested parties requesting comments on the draft document be submitted by the close of business on March 9, 2009. All comments that were received were considered prior to finalizing this document. The final IUP Supplement #1 will replace the draft IUP on DEP's web site when approved by the EPA.

Appendix A

Intended Use Plan Project List for ARRA Grant

Intended Use Plan Project List for ARRA Grant

Project	Project Subtitle	County	IJDC#	PriorityPoints	Total Cost	SRFLoanAmount	Construction Start	NPDES#
Albright		Preston	2008S-1036	117.00	\$1,793,500	\$293,500	TBD	WV0551384
Barrackville		Marion	2007S-970	100.00	\$5,743,960	\$1,895,950	TBD	WV0081434
Beckley	Red Bush	Raleigh	2007S-993b	95.21	\$6,834,794	\$6,502,394	TBD	WV0023183
Belington		Barbour	95S-155		\$4,292,000	\$0	TBD	
Belle		Kanawha			\$2,500,000	\$0	TBD	
Beverly	WW Improvements	Randolph	2007S-969	85.00	\$1,749,000	\$1,749,000	TBD	WV0045136
Birch River PSD		Nicholas	2005S-858		\$2,875,000	\$0	TBD	
Boone County PSD	Madison	Boone	2006S-913		\$1,500,000	\$0	TBD	
Bradley PSD		Raleigh	2000S-521b		\$4,199,000	\$2,699,000	09/30/09	
Brooke Co. PSD	Eldersville Road/Ph II	Brooke	2000S-538b/539b	165.00	\$9,822,000	\$2,460,000	TBD	WV0084182
Brooke County PSD	Phase I	Brooke	2000S-538a/539a		\$13,165,000	\$0	TBD	
Broone County PSD	BIM	Boone	2000S-553b		\$2,300,000	\$0	TBD	
Canaan Valley PSD		Tucker	2007S-1007	85.00	\$7,570,000	\$3,730,000	12/31/09	
Central Hampshire PSD		Hampshire	2007S-966		\$1,683,000	\$0	TBD	
	Romney interconnection	Hampshire	2006S-959		\$2,470,000	\$0	09/30/09	
Ceredo		Wayne			\$520,000	\$0	TBD	
Charles Town		Jefferson	2008S-1069		\$17,550,750	\$15,500,750	TBD	
Charleston	Sugar Creek	Kanawha		72.00	\$4,160,000	\$4,160,000	TBD	WV0023205
	Kanawha Two-Mile	Kanawha		72.00	\$12,120,000	\$12,120,000	TBD	WV0023205
	Lick Branch Rehab	Kanawha		72.00	\$4,580,000	\$4,580,000	TBD	WV0023205
	Porter Rehab	Kanawha		72.00	\$6,300,000	\$6,300,000	TBD	WV0023205
Chelyan PSD		Kanawha	2003S-746		\$5,176,000	\$0	TBD	
Clarksburg	Davisson Run	Harrison	2007S-1005	110.00	\$2,000,000	\$2,000,000	07/31/09	WV0023302

Project	Project Subtitle	County	IJDC#	PriorityPoints	Total Cost	SRFLoanAmount	Construction Start	NPDES#
Claywood Park PSD	Phase I	Wirt	2004S-793		\$3,560,000	\$0	TBD	
	Phase II	Wirt	2006S-955		\$2,012,000	\$0	TBD	
		Wood	2008S-1061		\$3,525,000	\$3,425,000	06/30/09	
Cottageville PSD		Jackson	2004S-789		\$2,215,000	\$0	TBD	
Crab Orchard-MacArthur PSD	Marsh Fork/Harper Eccles	Raleigh	2002S-659	125.00	\$9,256,000	\$5,825,000	TBD	WV0082309
	Misc. extensions-Phase II	Raleigh	2002S-714		\$3,745,394	\$1,314,606	09/30/09	
	Marsh Fork/Bolt-Phase I	Raleigh	2002S-657A	140.00	\$11,500,000	\$6,000,000	TBD	WV0082309
Delbarton		Mingo	2003S-751		\$5,858,458	\$0	10/31/09	
Dunbar		Kanawha	98S-460		\$2,564,000	\$2,564,000	TBD	
Elk Valley PSD	Phase II	Kanawha	2002S-691b		\$9,138,190	\$5,300,000	TBD	
Elkins	CSO	Randolph	2007S-996	90.00	\$1,352,800	\$1,352,800	07/31/09	WV0020028
Enlarged Hepzibah PSD		Harrison	RUS project/S		\$925,000	\$0	TBD	
Flatwoods-Canoe Run PSD	WWTP Upgrade/Exts Phase I	Braxton	2003S-744a	115.94	\$6,467,000	\$1,300,000	TBD	WV0084042
Flemington		Taylor	2008S-1050		\$4,700,000	\$0	TBD	
Frankfort PSD		Mineral	2004S791a		\$15,246,038	\$0	08/31/09	
Franklin		Pendleton	2008S-1026		\$3,410,370	\$0	TBD	
Grantsville		Calhoun	2006S-895		\$22,003,000	\$0	TBD	
Granville		Monongalia		67.00	\$1,085,634	\$583,644	TBD	WV0024988
Greater Harrison County PSD	Phase II/Rt. 73	Harrison	2007S-1010	175.00	\$15,664,000	\$15,500,000	TBD	WV0084301
Greater Marion PSD		Marion			\$6,640,800	\$0	TBD	
Greater St. Albans PSD	Phase III	Kanawha	2002S-692C	140.00	\$8,704,000	\$3,704,000	TBD	WV0035068
	Phase II	Kanawha	2002S-692B	140.00	\$9,582,000	\$4,582,000	11/30/09	WV0035068
Green Valley-Glenwood PSD		Mercer	97S-289		\$3,600,000	\$600,000	TBD	
Greenbrier PSD #1		Greenbrier	2008S-1055	155.00	\$11,670,000	\$11,670,000	TBD	WV0089010
Hamrick PSD		Tucker	2005S-887		\$852,000	\$0	TBD	

Project	Project Subtitle	County	IJDC#	PriorityPoints	Total Cost	SRFLoanAmount	Construction Start	NPDES#
Hardy County PSD	Baker	Hardy	2005S-885		\$1,900,000	\$0	TBD	
Harpers Ferry-Bolivar PSD		Jefferson	2006S-928		\$920,629	\$920,629	07/15/09	
Hinton	Brooks/Barksdale	Summers	2002S-676	150.00	\$3,319,000	\$338,000	TBD	WV0024732
	Gold Coast/Ph II	Summers	2001S-634b	80.00	\$1,520,000	\$760,000	08/15/09	WV0024732
Huntington	13th Street	Cabell		115.00	\$3,869,450	\$3,869,450	TBD	WV0023159
	Pumping Stations	Cabell			\$1,241,000	\$0	TBD	
	13th & 16th St. sewers	Cabell			\$1,925,000	\$0	TBD	
	Hal Greer Blvd. Interceptor	Cabell	2001S-629	115.00	\$2,886,919	\$0	09/30/09	WV0023159
Huttonsville PSD	Phase II of 97S-345	Randolph	2008S-1012		\$4,500,000	\$0	TBD	
Jane Lew PSD	Phase II	Lewis	2005S-889		\$6,867,000	\$0	TBD	
Jefferson Co. PSD	Flowing Springs	Jefferson	2006S-924		\$22,705,263	\$18,205,263	11/01/09	
Kermit		Mingo	2003S-754	172.00	\$2,231,200	\$731,200	05/15/09	WV0105643
Kingmill Valley PSD		Marion	2007S-973		\$2,525,860	\$0	TBD	
Kingwood	Ext./Halloran Addition	Preston	2007S-998	130.01	\$11,400,000	\$10,400,000	TBD	WV0021881
Leon		Mason	1995S-126		\$2,468,000	\$0	09/15/09	
Malden PSD	Phase I/Coll. System Upgrade	Kanawha	2005S-855	95.00	\$13,584,075	\$3,409,075	08/15/09	WV0050640
	Phase II/WWTP Construction	Kanawha		95.00	\$10,042,813	\$1,792,000	TBD	WV0050640
Marlinton	WWTP Upgrade	Pocahontas	2006S-891	95.00	\$675,120	\$675,120	08/31/09	WV0024473
Marmet		Kanawha	2001S-588	75.38	\$6,177,000	\$2,625,000	06/15/09	WV0021752
Mason		Mason	2008S-1033		\$479,500	\$0	10/15/09	
Mason County PSD	Lakin Area	Mason		115.00	\$6,000,000	\$5,000,100	TBD	WV0086886
McDowell County PSD	Coalwood	McDowell	2004S-813	117.00	\$3,907,600	\$0	TBD	WV0105562
Meadow Bridge		Fayette	2005S-876		\$937,000	\$0	TBD	
Moorefield		Hardy	2007S-977		\$34,999,700	\$9,897,600	TBD	
Morgantown	Cheat Lake/ Ph II	Monongalia		70.00	\$7,500,000	\$7,500,000	TBD	WV0083071
	Deckers Creek	Monongalia		150.00	\$17,500,000	\$9,500,000	TBD	WV0040517

Project	Project Subtitle	County	IJDC#	PriorityPoints	Total Cost	SRFLoanAmount	Construction Start	NPDES#
Morgantown	West Run	Monongalia		100.00	\$2,500,000	\$2,500,000	TBD	WV0023124
	Cobun Creek	Monongalia		85.00	\$1,750,000	\$1,750,000	TBD	WV0023124
	Burroughs Run	Monongalia		100.00	\$42,800,000	\$42,800,000	TBD	WV0023124
Moundsville	CSO	Marshall		80.00	\$3,529,920	\$2,909,020	TBD	WV0023164
		Marshall	2005S-878		\$678,000	\$311,600	TBD	
New Haven		Mason	2007S-1008	80.00	\$2,645,000	\$2,645,000	TBD	WV0032531
New Martinsville	Foundry Street	Ohio		68.00	\$1,367,700	\$1,367,700	TBD	WV0027472
Nitro		Kanawha	2007S-979		\$2,250,000	\$2,250,000	TBD	
North Beckley PSD		Raleigh	2007S-1003	142.00	\$4,831,042	\$4,831,042	09/30/09	WV0027740
Northern Jackson PSD		Jackson	2003S-726		\$2,600,000	\$0	07/31/09	
Northern Wayne PSD		Raleigh	2002S-716		\$2,036,000	\$1,036,000	09/15/09	
Norton-Harding-Jimtown PSD	Phase II	Randolph	2003S-778b		\$5,155,200	\$0	TBD	
		Randolph	2003S-778a		\$1,791,733	\$0	TBD	
Nutter Fort		Harrison	2006S-920		\$2,950,000	\$0	TBD	
Oceana		Wyoming	2006S-905		\$2,300,000	\$0	08/01/09	
Paw Paw		Morgan	2005S-888		\$2,000,000	\$0	TBD	
Pea Ridge PSD	Industrial Park/Rt 2 - Phase I	Cabell	2007S-985	135.00	\$9,120,000	\$9,120,000	TBD	
Pennsboro		Ritchie	2004S-839A	55.00	\$2,736,900	\$0	09/01/09	WV0025739
Poca	Heizer Creek	Putnam	96S-161/2001S-608		\$1,100,000	\$0	TBD	
Pratt		Kanawha	2006S-946		\$536,000	\$536,000	TBD	
Preston County Sewer PSD		Preston	2007S-972		\$1,410,000	\$0	TBD	
Princeton	WWTP upgrade	Mercer	2008S-1013	65.00	\$6,600,000	\$6,600,000	TBD	WV0023094
	Sewer extension	Mercer	2008S-1040		\$675,000	\$675,000	TBD	
Putnam PSD	Phase II	Putnam	97S-355b		\$1,736,000	\$0	12/15/09	
Ravenswood		Jackson		70.00	\$2,101,000	\$2,101,000	11/15/09	WV0021989
Reedsville		Preston	2005S-867		\$2,829,000	\$0	TBD	

Project	Project Subtitle	County	IJDC#	PriorityPoints	Total Cost	SRFLoanAmount	Construction Start	NPDES#
Richwood	Phase II	Nicholas	2000S-577b		\$200,000	\$3,200,000	TBD	
	Phase I	Nicholas	2001S-577A	75.00	\$3,000,000	\$0	09/01/09	WV0022004
Ronceverte		Greenbrier	2001S-576	85.00	\$4,978,233	\$2,222,222	TBD	WV0023246
Scotts Run PSD		Monongalia	2007S-964	142.00	\$5,987,185	\$3,837,185	TBD	WV0104671
Shady Spring PSD		Raleigh	2001S-616		\$2,175,826	\$2,175,826	TBD	
Shepherdstown		Jefferson	2007S-986		\$9,127,000	\$8,627,000	12/31/09	
Shinnston	Phase I	Harrison	2005S-859		\$4,470,000	\$0	11/30/09	
South Charleston		Kanawha	2006S-911		\$5,800,000	\$5,800,000	TBD	
St. Marys	Phase II	Pleasants	2001S-626b		\$4,760,000	\$0	07/31/09	
Sun Valley PSD		Harrison	94S-005		\$8,379,000	\$0	10/31/09	
Vienna		Wood		80.00	\$1,620,000	\$1,620,000	TBD	WV0023221
Wayne		Wayne	2003S-738		\$12,762,772	\$5,000,000	TBD	
Webster County Commission		Webster	2000S-562		\$2,585,591	\$0	TBD	
Welch		McDowell	2006S-903		\$1,500,000		TBD	
		McDowell	2006S-930		\$1,633,000	\$0	TBD	
Wellsburg		Brooke		73.00	\$1,117,100	\$632,100	TBD	WV0026832
West Hamlin		Lincoln	2004S-821		\$1,128,700	\$0	08/15/09	
Westover		Monongalia		70.00	\$1,825,000	\$1,500,000	TBD	WV0024449
Williamstown	WWTP Improvements	Wood	2007S-992	70.00	\$1,320,000	\$1,320,000	12/31/09	WV0022071
		Wood	99S-508		\$268,000	\$268,000	TBD	
Winfield		Putnam	2008S-1046	70.00	\$2,000,000	\$2,000,000	07/15/09	WV0024503
Worthington		Marion	2008S-1067	72.00	\$1,100,000	\$0	TBD	WV0100385
		Marion	2007S-981		\$1,650,000	\$0	08/31/09	
					\$647,678,719	\$322,969,776		

Appendix B

Readiness to Proceed Checklist

Pre-Bid and Readiness to Proceed Checklist

(Stimulus Projects)

Project Sponsor:

IJDC Number:

1. Are your plans and specifications:

Approved ___ Under Review at DEP ___ Not yet submitted ___ Design not yet begun ___
Percent complete ___

2. Do you have a DEP NPDES Permit or Modification for this Project: Yes___ No___

Comments: _____

3. Do you have a preliminary title opinion: Yes ___ (attached) No___

Comments: _____

4. Do you have required PSC approvals: Yes ___ (attached) No___

Comments: _____

5. Please provide your best estimate of: a. going to bid_____ (date)

b. contract award_____ (date)

6. Does this project include other funding sources:

Yes, List Sources, attach commitment letters No

7. Provide current project cost estimate (attached).

8. Provide CWSRF Amount \$_____

Signature

Date

Printed Name

Title

Appendix C

Green Infrastructure Guidance

CWSRF Project Descriptions and Examples for Green Project Reserve

(as contained in EPA Guidance)

The ARRA requires that at least 20% of each State's capitalization grant be used to fund projects referred to as the Green Project Reserve. The following is a set of examples for projects EPA believes would be eligible. It should be noted that all project eligibility requirements otherwise applicable to the CWSRF program apply to the Green Project Reserve.

Under the Green Project Reserve in the CWSRF both entire projects may be considered for inclusion or appropriate identifiable components of larger projects may be considered for inclusion. Whatever projects or project components are included, such projects or project components must clearly advance the objectives articulated in the specific categories discussed below.

Business Case Requirements for Counting Costs toward the 20% Reserve

There are some types of projects that clearly will qualify towards the 20% Green Project Reserve, being entirely and explicitly framed as a green infrastructure or a water or energy efficiency project. However, some types of traditional projects may also have benefits that may in some cases be counted towards the 20% Green Project requirement. For such traditional projects (or portion of a project) to be counted towards the 20% requirement, the State's project files must contain documentation that the clear business case for the project (or portion) investment includes achievement of identifiable and substantial benefits that qualify as Green Project benefits.

The required documentation could be a simple memo but must indicate the basis on which this project was judged to qualify to be counted toward the 20% requirement. Such a memo would typically include direct reference to a preliminary engineering or other planning document that makes clear that the basis upon which the project (or portion) was undertaken included identifiable and substantial benefits qualifying for the Green Project Reserve.

Water Efficiency

- I.** Water efficiency is the use of improved technologies and practices to deliver equal or better services with less water.
- II.** Projects eligible for assistance include assistance
 - a. to any municipality, intermunicipal, interstate, or State agency for construction of publicly owned treatment works defined in section 212 of the Clean Water Act
 - i. Planning and design activities for water efficiency that are reasonably expected to result in a capital project are eligible; to the extent practicable, such projects should be coordinated with drinking water systems and projects.
 - ii. Building activities that implement capital water efficiency projects are eligible.

- b. to public or privately owned projects that implement State Nonpoint Source Management Plans established under section 319 of the Clean Water Act
 - i. Planning and design activities for water efficiency that are reasonably expected to result in a capital project are eligible.
 - ii. Building activities that implement capital water efficiency projects are eligible.
 - c. to public or privately owned projects that develop or implement a Comprehensive Conservation Management Plan established under section 320 of the Clean Water Act.
 - i. Planning and design activities for water efficiency that are reasonably expected to result in a capital project are eligible.
 - ii. Building activities that implement capital water efficiency projects are eligible.
- III.** Water efficiency projects can be stand alone projects. They do not need to be part of a larger capital improvement project.
- IV.** Drinking Water Utilities may apply to the Clean Water State Revolving Fund.
- V.** Examples of projects include
- a. Installation of water meters
 - b. Retrofit or replacement of water using fixtures, fittings, equipment or appliances
 - c. Efficient landscape or irrigation equipment
 - d. Systems to recycle gray water
 - e. Reclamation, recycling, and reuse of existing rainwater, condensate, degraded water, stormwater, and/or wastewater streams.
 - f. Collection system leak detection equipment

Energy Efficiency

- I.** Energy efficiency is the use of improved technologies and practices to reduce the energy consumption of water quality projects, including projects to reduce energy consumption or produce clean energy used by a treatment works defined in Sec. 212.
- a. Web link to EPA's clean energy site <http://www.epa.gov/cleanenergy/>
 - b. Clean energy includes wind, solar, geothermal, hydroelectric, and biogas combined heat and power systems.
- II.** Projects eligible for assistance include assistance
- a. to any municipality, intermunicipal, interstate, or State agency for construction of publicly owned treatment works defined in section 212 of the Clean Water Act
 - i. Planning and design activities for energy efficiency that are reasonably expected to result in a capital project are eligible.
 - ii. Building activities that implement capital energy efficiency projects are eligible.
 - b. to public or privately owned projects that implement State Nonpoint Source Management Plans established under section 319 of the Clean Water Act
 - i. Planning and design activities for energy efficiency that are reasonably expected to result in a capital project are eligible.

- ii. Building activities that implement capital energy efficiency projects are eligible.
 - c. to public or privately owned projects that develop or implement a Comprehensive Conservation Management Plan established under section 320 of the Clean Water Act.
 - i. Planning and design activities for energy efficiency that are reasonably expected to result in a capital project are eligible.
 - ii. Building activities that implement capital energy efficiency projects are eligible.
- III.** Energy efficiency projects can be stand alone projects. They do not need to be part of a larger capital improvement project.
- IV.** Examples of projects include
 - a. Energy efficient retrofits and upgrades to pumps and treatment processes
 - b. Leak detection equipment for treatment works
 - c. Producing clean power for 212 treatment works on site (wind, solar, hydroelectric, geothermal, biogas powered combined heat and power)³

Green Infrastructure

- I.** Definition: Green Infrastructure includes a wide array of practices at multiple scales that manage and treat stormwater and that maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater. On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies such as infill and redevelopment that reduce overall imperviousness in a watershed. On the local scale green infrastructure consists of site- and neighborhood-specific practices, such as bioretention, trees, green roofs, porous pavements and cisterns.
- II.** Projects eligible for assistance include assistance
 - a. to any municipality, intermunicipal, interstate, or State agency for construction of publicly owned treatment works defined in section 212 of the Clean Water Act
 - i. Planning and design activities for green infrastructure that are reasonably expected to result in a capital project are eligible.
 - ii. Building activities that implement capital green infrastructure projects are eligible.
 - b. to public or privately owned projects that implement State Nonpoint Source Management Plans established under section 319 of the Clean Water Act
 - i. Planning and design activities for green infrastructure that are reasonably expected to result in a capital project are eligible.
 - ii. Building activities that implement capital green infrastructure projects are eligible.
 - c. to public or privately owned projects that develop or implement a Comprehensive Conservation Management Plan established under section 320 of the Clean Water Act.

³ Project file should include a calculation of the energy efficiency of the project.

- i. Planning and design activities for green infrastructure that are reasonably expected to result in a capital project are eligible.
 - ii. Building activities that implement capital green infrastructure projects are eligible.
- III.** If a project is specifically required by a draft or final NPDES permit, then it can only be funded through Sec. 212 or Sec. 320 authority
- IV.** Green infrastructure projects can be stand alone projects. They do not need to be part of a larger capital improvement project.
- V.** Examples of projects include
 - a. Implementation of green streets (combinations of green infrastructure practices in transportation rights-of-ways), for either new development, redevelopment or retrofits
 - b. Implementation of water harvesting and reuse programs or projects, where consistent with state and local laws and policies.
 - c. Implementation of wet weather management systems for parking areas which include: the incremental cost of porous pavement, bioretention, trees, green roofs, and other practices that mimic natural hydrology and reduce effective imperviousness at one or more scales, including constructed wetlands.
 - d. Hydromodification to establish or restore riparian buffers, floodplains, wetlands and other natural features.
 - e. Downspout disconnection to remove stormwater from combined sewers and storm sewers.
 - f. Comprehensive retrofit programs designed to keep wet weather out of all types of sewer systems using green infrastructure technologies and approaches.
 - g. Implementation of comprehensive street tree or urban forestry programs, including expansion of tree box sizes to manage additional stormwater and enhance tree health.

Environmentally Innovative Projects

- I.** Projects that demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal with reduced costs and projects that foster adaptation of water protection programs and practices to climate change.
- II.** Projects eligible for assistance include assistance
 - a. to any municipality, intermunicipal, interstate, or State agency for construction of publicly owned treatment works defined in section 212 of the Clean Water Act
 - i. Planning and design activities for environmentally innovative projects that are reasonably expected to result in a capital project are eligible.
 - ii. Building activities that implement capital environmentally innovative projects are eligible.
 - b. to public or privately owned projects that implement State Nonpoint Source Management Plans established under section 319 of the Clean Water Act
 - i. Planning and design activities for environmentally innovative projects that are reasonably expected to result in a capital project are eligible.
 - ii. Building activities that implement capital environmentally innovative projects are eligible.

- c. to public or privately owned projects that develop or implement a Comprehensive Conservation Management Plan established under section 320 of the Clean Water Act.
 - i. Planning and design activities for environmentally innovative projects that are reasonably expected to result in a capital project are eligible.
 - ii. Building activities that implement capital environmentally innovative projects are eligible.

III. Examples of projects include

- a. Green Infrastructure/Low Impact development stormwater projects
- b. Wetland restoration and constructed wetlands
- c. Decentralized wastewater treatment solutions to existing deficient or failing on site systems.
- d. Water reuse projects that reduce energy consumption, recharge aquifers or reduce water withdrawals and treatment costs
- e. The water quality portion of projects that employ development and redevelopment practices that preserve or restore site hydrologic processes through sustainable landscaping and site design.
- f. Projects that use water balance approaches (water budgets) at the project, local or state level that preserve site, local or regional hydrology. Such an effort could show-case efforts to plan and manage in a concerted manner, surface and groundwater withdrawals, stream flow (aquatic species protection), wetland and floodplain storage, groundwater recharge and regional or local reuse and harvesting strategies using a quantified methodology.
- g. Projects that facilitate adaptation of clean water programs and practices to climate change.
- h. The water quality portion of projects that demonstrate the energy savings and greenhouse reduction benefits of sustainable site design practices and the use of green stormwater infrastructure.
- i. Projects that incorporate differential uses of water based on the level of treatment to reduce the costs of treating all water to potable water standards.
- j. Projects that identify and quantify the benefits of using integrated water resources management approaches.

Appendix D

Sources and Uses chart (for EPA use only)

West Virginia Clean Water State Revolving Fund
 Intended Use Plan - Sources and Uses of Funds
 FY2009 - Supplement #1 to add ARRA Funds
 (for EPA use only)

Cumulative Sources as of June 30, 2008

Capitalization Grants (17)	394,207,857	
State Matches (actual)	78,849,675	
Repayments (P + I; 212 + 319)	159,930,979	
Investment Earnings	27,433,222	
Sources sub-total (a)		660,421,733

Cumulative Uses as of June 30, 2008

POTW Binding Commitments	627,083,900	
NPS Binding Commitments	15,943,571	
DEP Administration (4%)	15,100,935	
Uses sub-total (b)		658,128,406

FY2009 Sources of Funds

Available funds from prior IUPs (a - b)	2,293,327	
Capitalization Grant #18 (FY08 Funds)	10,607,850	
State Match	2,121,570	
ARRA Grant	61,092,100	
Earnings	2,160,000	
Repayments	<u>22,721,218</u>	
FY09 Sources of Funds (c)		100,996,065

FY2009 Reserves

BAN Leveraging Program	5,000,000
AgWQLP Reserve	700,000
On Site Loan Program Reserve	950,000
DEP Administration	<u>0</u>
FY09 Set-Asides (d)	6,650,000

Net Available Funds during FY09-base SRF Program =	33,253,965
Available ARRA Funds =	<u>61,092,100</u>
Total =	94,346,065