

**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 35: ENVIRONMENTAL PROTECTION**  
**SUBTITLE C: WATER POLLUTION**  
**CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY**  
**PART 365 PROCEDURES FOR ISSUING LOANS FROM THE WATER POLLUTION**  
**CONTROL LOAN PROGRAM**  
**SECTION 365.345 LOAN PRIORITY SCORE**

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**Section 365.345 Loan Priority Score**

- a) Projects will be scored and ranked for inclusion on the Project Priority List using the loan priority score methodology set forth in this Section.
- b) The Agency will calculate the loan priority score by totaling the points awarded in subsections (e) through (l).
- c) Applicants with a higher loan priority score will be ranked above applicants with a lower loan priority score on the Project Priority List.
- d) Only projects that have submitted a Funding Nomination Form and have a project plan approved by the Agency will be scored pursuant to this Section.
- e) Violations and Enforcement Compliance
  - 1) A maximum of 650 points may be awarded under this subsection (e).
  - 2) 200 points will be awarded if the project is necessary to correct a violation of the Act or Board rules, other than reporting, that has resulted in any of the following:
    - A) referral to the Illinois Attorney General's Office;
    - B) referral to USEPA;
    - C) a court order directing the loan applicant to remedy the violation;

- D) a Pollution Control Board order directing the loan applicant to remedy the violation; or
  - E) an administrative order from USEPA directing the loan applicant to remedy the violation.
- 3) 150 points will be awarded if the project is necessary to correct a violation of the Act or Board rules, other than reporting.
  - 4) 150 points will be awarded if the project improves or replaces infrastructure that requires a construction permit or National Pollution Discharge Elimination System (NPDES) permit.
  - 5) 75 points will be awarded if the completed project will result in the applicant's removal from the Agency's Critical Review or Restricted Status list.
  - 6) 75 points will be awarded if the completed project corrects sanitary sewer overflows (SSOs), combined sewer overflows (CSOs), or basement backups.
- f) Unsewered Communities and Consolidation
- 1) A maximum of 200 points may be awarded under this subsection (f).
  - 2) Points will be awarded if the project provides wastewater collection and treatment service to a municipality as follows:
    - A) 200 points will be awarded if the loan applicant does not have centralized waste water treatment and discharges to surface waters;
    - B) 100 points will be awarded if the loan applicant does not have centralized waste water treatment; or
    - C) 50 points will be awarded if the loan applicant has centralized waste water treatment and greater than 50% of the project's costs is to provide sewer service to an unsewered area.
  - 3) 100 points will be awarded if the project consolidates one or more treatment works and eliminates a discharge to a water of the United States.
- g) Water Quality Improvement
- 1) A maximum of 150 points may be awarded under this subsection (g).

- 2) Points will be awarded if the project improves a named cause of impairment for a receiving water body identified as a high priority pursuant to section 303(d) of the CWA.
    - A) 50 points will be awarded if the project improves two or more causes of impairments; or
    - B) 25 points will be awarded if the project improves one cause of impairment.
  - 3) Points will be awarded if the project improves a named cause of impairment for a receiving water body designated as medium priority pursuant to section 303(d) of the CWA.
    - A) 25 points will be awarded if the project improves two or more causes of impairments; or
    - B) 15 points will be awarded if the project improves one cause of impairment.
  - 4) Points will be awarded if the project improves a receiving water body that has an approved total maximum daily load (TMDL) pursuant to section 303(d)(1)(C) of the CWA.
    - A) 75 points will be awarded if the project improves a receiving water body with an approved TMDL for two or more causes of impairments.
    - B) 50 points will be awarded if the project improves a receiving water body with an approved TMDL for one cause of impairment.
  - 5) Points will be awarded if the project will result in a reduction of phosphorous or nitrogen in the receiving water body.
    - A) 75 points will be awarded if the project will reduce both nitrogen and phosphorous.
    - B) 50 points will be awarded if the project will reduce nitrogen or phosphorous.
- h) Protection of Assets
- 1) A maximum of 75 points may be awarded under this subsection (h).

- 2) Points will be awarded if the applicant is implementing an asset management plan, fiscal sustainability plan, or other equivalent operation and maintenance plan.
    - A) 75 points will be awarded if the facility has a design average flow of less than 1 million gallons per day.
    - B) 25 points will be awarded if the facility has a design average flow of equal to or greater than 1 million gallons per day.
  - 3) 25 points will be awarded if the applicant has a design average flow of less than 1 million gallons per day and the applicant is developing an asset management plan, fiscal sustainability plan, or other equivalent operation and maintenance plan.
- i) Conservation and Green Infrastructure
- 1) A maximum of 75 points may be awarded under this subsection (i).
  - 2) 25 points will be awarded if the project will achieve 20% or greater reduction in water or energy use of the loan applicant.
  - 3) 20 points will be awarded if the project contains resiliency components, including facilities built for redundancy, or if the project assists a loan applicant with planning for potential service disruptions, natural or manmade.
  - 4) 15 points will be awarded if the project implements green infrastructure, including, but not limited to, green roofs, pervious pavement, rainwater harvesting or cisterns, sustainable landscaping, stormwater control, constructed wetlands, LEED certified buildings, and riparian buffers.
  - 5) 15 points will be awarded if the project implements one or more agricultural BMPs.
- j) Readiness to Proceed
- 1) A maximum of 120 points may be awarded under this subsection (j).
  - 2) 20 points will be awarded if the loan application required by Section 365.350(a) has been submitted to the Agency.
  - 3) 20 points will be awarded if the applicant has obtained necessary permits to begin construction of the project or the Agency determines that no permit is required for the project.

- 4) 40 points will be awarded if the requirements of Section 365.350(a) through (d) have been satisfied.
- 5) 40 points will be awarded if the requirement of Section 365.350(e) has been satisfied.

k) Economic Factors

- 1) A maximum of 135 points may be awarded under this subsection (k).
- 2) Median Household Income (MHI). The following points will be awarded based on the MHI of the applicant's service population as a percentage of the statewide average MHI:

Points	MHI as % of Statewide MHI
50	Below 70%
40	70 - 79.99%
30	80 - 89.99%
20	90 - 99.99%
0	At or Above 100%

- 3) User Rates. The following points will be awarded based on the average annual residential user fees after the project is constructed as a percentage of MHI of the applicant's service population (i.e., average annual user fees/MHI x 100).

Points	Rate as % of MHI
50	At or Above 2%
25	1 - 1.99%
0	Below 1%

- 4) Unemployment Rate. The following points will be awarded when the applicant's unemployment rate is greater than the statewide average:

Points	Unemployment Rate Percentage Points Greater than Statewide Average
35	3 percentage points or more
25	1.5 - 2.99 percentage points
15	0.1 - 1.49 percentage points

l) Population

- 1) A maximum of 50 points may be awarded under this subsection (l).
- 2) The following points will be awarded based on applicant's service population.

<b>Points</b>	<b>Service Population</b>
50	Less than 10,000
25	10,000 - 34,999
10	35,000 - 74,999
0	At or Above 75,000

(Source: Added at 43 Ill. Reg. 11141, effective October 1, 2019)