



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

Clean Water State Revolving Fund

Intended Use Plan State Fiscal Year 2021

Submitted to the
U.S. Environmental Protection Agency
Region IX

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List of Acronyms

AB - Assembly Bill

ARRA - American Recovery and Reinvestment Act of 2009

CBR - Clean Water Benefits Reporting

CFR - United States Code of Federal Regulations

CWA - Clean Water Act of 1987, as amended

CWSRF - Clean Water State Revolving Fund

DCNR - Department of Conservation and Natural Resources

DWSRF - Drinking Water State Revolving Fund

EPA - Environmental Protection Agency

FFY - Federal Fiscal Year

GPR - Green Project Reserve Projects

HUD - Housing and Urban Development

IUP - Intended Use Plan

MHI - Median Household Income

NAC - Nevada Administrative Code

NDEP - Nevada Division of Environmental Protection

NIMS - National Information Management System

NRS - Nevada Revised Statute

OFA - Office of Financial Assistance

SFY - State Fiscal Year

SRF - State Revolving Fund

TMDL - Total Maximum Daily Loads

USDA - United States Department of Agriculture

WQF - Water Quality Factor

WRRDA - Water Resource Reform and Development Act of 2014

1) Introduction

The 1987 amendments to the Federal Clean Water Act (CWA) authorized the creation of the Clean Water State Revolving Fund (CWSRF). Nevada’s program is administered by the Office of Financial Assistance (OFA), under the direction of the Nevada Division of Environmental Protection (NDEP), Department of Conservation and Natural Resources (DCNR). NDEP is the designated agency to apply for the capitalization grant for the CWSRF Program and related State funds. Nevada Revised Statutes (NRS) 445A.060 to 445A.160, inclusive, are the State statutes for the CWSRF. The regulations for the CWSRF can be found in the Nevada Administrative Code (NAC) 445A.685 to 445A.805, inclusive.

The CWA, along with NAC 445A.764, requires State programs to prepare an annual Intended Use Plan (IUP) for federal funding. The IUP must describe:

- Use of a state’s capitalization grant
- State match funds
- Principal and interest from loan repayments
- Other interest earnings of the CWSRF
- Bond proceeds
- Funds designated for administration
- Funds transferred from or to the Drinking Water State Revolving Fund (DWSRF)
- Any other monies deposited into the CWSRF.

The IUP is the central component of the CWSRF grant application and communicates plans to stakeholder, including systems, the public, EPA, and other State departments. This IUP provides specific details on key aspects of the program, including our State’s short- and long-term goals, the priority setting process used to rank projects, and the list of projects eligible to receive funding from available CWSRF funding.

Nevada is expected to receive a federal capitalization grant under the Federal Fiscal Year 2021 Appropriation. The appropriation requires amounts to be used from the capitalization grant for additional subsidy and green projects. Nevada plans to meet these requirements. Nevada is requesting the following funding levels:

| Estimated Federal Capitalization Grant: \$7,779,000 | | |
|--|----------------|---------------------------|
| Amount provided as 10% subsidy | 10% | \$777,900 |
| Amount provided as additional subsidy | Up to 30% | \$0 - \$2,333,700 |
| Amount provided as loans | 56.4% to 86.4% | \$4,356,240 - \$6,689,940 |
| Set-Aside Requests | | |
| 4% Administration | 4.0% | \$311,160 |

2) Goals

Nevada's Short-Term Goals

- Provide financial assistance to recipients outlined on Nevada's 2021 Fundable List in [Attachment C](#).
- Ensure compliance with all pertinent federal, state, and local water pollution control laws and regulations.
- Ensure fiscal soundness and perpetuity in the CWSRF program, which provides below-market-rate financing for water pollution control projects.
- Coordinate with other federal and state funding authorities to ensure systems receive as many resources as possible in funding their project.
- Market the CWSRF program to educate potential borrowers on funding green infrastructure projects, nonpoint source projects, and other emerging markets – such as irrigation districts.

Nevada's Long-Term Goals

- Obtain optimum turnover of the CWSRF fund while maintaining the necessary reserve for debt service that safeguards the program's AAA rating from Standard and Poor's.
- Issue debt obligations as needed to provide funding to the program either to match the federal grants or provide additional resources for projects.
- Enhance Nevada's disadvantaged systems' long-term sustainability by working with systems to develop fiscal sustainability plans, reasonable rates to sustain their system, and short-lived asset reserves.
- Ensure the program budget adequately supports resources and administrative activities, as well as anticipates future needs.
- Develop an internal, web-based application that will maintain accountability over the CWSRF program and allows electronic interfacing with borrowers.

3) Project Eligibility, Criteria, and Selection

The Nevada CWSRF program can be used to:

- Provide loans at a subsidized interest rate to systems for:
 - Wastewater treatment (centralized and decentralized)
 - Storm water management
 - Agricultural best management practices
 - Habitat protection and restoration
 - Groundwater protection and restoration
 - Surface water protection and restoration
 - Green infrastructure
 - Water and energy conservation
 - Planning, design, and assessment
- Refinance qualifying debt obligations for projects if the debt was incurred and construction initiated after March 7, 1985
- Provide loan guarantees for local debt obligations
- Provide additional subsidy to eligible recipients in the form of principal forgiveness

NDEP considers the health and safety of the citizens of Nevada its first priority. Nevada conservatively estimates the needs of the systems within the State over a two-year fiscal period. The needs of our systems, however, vary widely. Some of our systems are concerned with aging infrastructure, while others are working on attaining water quality standards. NDEP accounts for these challenges by having direct dialogue with systems, engineers, technical assistance providers, and contractors that deal with these systems directly. Nevada's relatively low system count allows NDEP to directly work with these systems and understand which projects will be most ready to proceed.

Priority list

The first requirement for a system to obtain funding is to be added to the Nevada Project Priority List. Attachment A outlines the CWSRF project priority list ranking criteria. See Attachment D for the current Priority List. A project pre-application can be submitted at any time and obtained on NDEP's website¹.

¹ <https://ndep.nv.gov/water/financing-infrastructure/state-revolving-fund-loans/how-do-i-apply>

Public participation

NDEP sends out a solicitation to all systems for proposed projects.

NDEP conducts a public hearing on the draft priority list to encourage public participation and provide a time for public comment. NDEP will provide notice of the time and place set for the workshop no less than 15 days before the workshop, unless a longer period is required. NDEP may provide such notice by:

- Mailing the notice to each interested person who requests to be on a mailing list maintained by NDEP
- Posting on NDEP's public notice website
- Posting on the State's public notice website
- Sending an email through NDEP's maintained email subscription service
- Any other means reasonably calculated to provide such notice to the general public and any person who may be affected

The notice will include all the required elements of a public notice as outlined in the regulations.

NDEP sent out solicitations in May 2020 for the Clean Water Priority List — Effective July 2020. A publicly noticed workshop was held on July 15, 2020 at 1:30pm. The priority list went into effect at the close of that public workshop. NDEP intends to send out solicitations in early Spring 2021 for the next priority list.

To ensure that the public has an opportunity to review our proposed plans for the CWSRF, the 2021 draft IUP was posted on NDEP's website² for 30 days before it was finalized. Additional notice of the DRAFT IUP was emailed to subscribers to NDEP's maintained email subscription service.

² <https://ndep.nv.gov/posts>

4) Loan Requirements and Program Assurances

Nevada will assure compliance with the following federal and state requirements:

Affordability and Additional Subsidy Criteria

Nevada has approved affordability criteria that meets the requirements in the Water Resource Reform and Development Act of 2014 (WRRDA). Additionally, Nevada will provide additional subsidy as required by the grant conditions (Attachment B).

American Iron and Steel

Nevada will ensure borrowers comply with the American Iron and Steel Requirement on any project funded in whole or in part with CWSRF funds.

Architectural and Engineering (A/E) Services Procurement

A CWSRF applicant will be required to demonstrate that architectural and engineering contracts were procured through a process identified in 40 U.S.C. 1101 et seq. Nevada considers a contract “significantly modified” for purposes of this section if: the type or scope of work varies from the professional services in the original solicitation, and/or; the cost of work increases by more than 50 percent of the original contract.

Binding Commitments

Nevada will enter into binding commitments equal to at least 120 percent of each grant payment within one year after receipt (on a cumulative basis), in accordance with the U.S. Code of Federal Regulations (CFR) §35.3135(c).

Cash Draw Ratio

Nevada will deposit and disburse required state match funds prior to drawing any funds from the federal capitalization grant.

Certification of Compliance: Before an agreement for financial assistance is transmitted to the borrower for signature, a recipient must certify that it has complied and will comply with all requirements of federal law that are determined by the United States Environmental Protection Agency to apply to the operation of the fund. This conforms with NAC 445A.777.

Cost and Effectiveness

CWSRF applicants must certify that they have studied and evaluated the cost and effectiveness of the proposed project and have selected (to the maximum extent practicable) a project or activity that maximizes the potential for efficient water use, reuse, recapture, water conservation, and energy conservation. The analysis must be in conformance with NAC 445A.734.

Davis-Bacon Wage Act

Nevada will ensure borrowers comply with The Davis-Bacon Act for construction projects funded in whole or in part with CWSRF funds.

Disadvantaged Business Enterprise

Nevada agrees to follow the DBE Good Faith Efforts' Guidance and goals approved by EPA-Region 9 on November 22, 2016 until a new percentage goal is approved by EPA. All contracts for funding assistance under the CWSRF program will contain the good faith effort guidance and goal percentages. Projects are required to comply with the requirements of federal law concerning the participation of disadvantaged businesses in conformity with NAC 445A.795.

Environmental Reviews

Nevada will ensure an environmental review that meets federal requirements of each project receiving assistance is completed prior to awarding funds from the CWSRF. The environmental review will include other federal crosscutter requirements as applicable.

Examination of plans and specifications

An examination of plans and specifications of the project will be conducted to determine if the design is consistent with the facilities described in the facility plan, the proposed project, and in concept, will meet discharge requirements and finally will comply with applicable federal and state requirements. An applicant shall submit a design report and a final set of specifications and plans before advertising for bids in accordance with NAC 445A.771.

Expeditious and Timely Expenditures

Nevada will expend all funds in the CWSRF in an expeditious and timely manner, in accordance with CFR §35.3135(d).

Federal Crosscutters

Nevada will ensure compliance with other federal crosscutters, where applicable.

Fiscal Sustainability Plans

For applicable CWSRF projects involving repair, replacement, or expansion of a publicly owned treatment works, the recipient of a loan shall develop and implement a fiscal sustainability plan as outlined by WRRDA. Nevada will obtain appropriate certifications.

Green Project Reserve

To the extent that there are sufficient eligible project applications, Nevada will use no less than 10 percent of the capitalization grant for projects to address green infrastructure, water, or energy efficiency improvements – or any other environmentally-innovative activities. Nevada will continue to conduct outreach to systems to bring more projects forward.

Loan Refinancing

- Nevada will consider refinancing qualifying debt obligations for projects if the debt was incurred and construction initiated after March 7, 1985. NDEP will assess every request on a first-come, first-served basis, and can deny an application for good cause.
- NDEP will not refinance loans that were solely for the purchase of land.
- NDEP cannot refinance loans for privately held entities.

- The system must be listed on Nevada’s Clean Water Priority List as an eligible entity and project.
- The project must have met all CWSRF programmatic conditions and federal cross-cutter requirements required by the EPA at the time the original loan was signed.

Procurement of contracts

Nevada will ensure borrowers follow the applicable federal and state requirements when procuring contracts for work conducted with CWSRF funds.

Reporting

Nevada commits to providing data or information on the CWSRF program to federal, state, or public inquiries in a manner as requested.

Separate project accounts

A recipient of financial assistance shall maintain project accounts in accordance with generally accepted governmental accounting standards. This includes maintaining a separate account that records all revenues and expenditures directly and indirectly related to the system receiving funding. This is in accordance with NAC 445A.779.

System of user charges

A recipient of financial assistance must design a system of user charges that generates the money required for costs of operation, maintenance, and the replacement of treatment works in conformance with NAC 445A.788.

Value Engineering.

Nevada will ensure that all projects that exceed \$10,000,000 will conduct value engineering. Any recommendations derived from the value engineering must be implemented to the extent feasible. A peer review of a project may be required at NDEP’s discretion. This is in conformance with NAC 445A.782.

5) Financial Management

Grant match requirements

CFR §35.3135(a) requires the State to provide a 20 percent match to the capitalization grant. Nevada issues General Obligation Bonds additionally secured by pledged revenues to meet this match requirement. In SFY 2020, Nevada issued an amount of \$6,000,000, which satisfied the match requirement through the 2020 grant award.

Program leveraging

States may issue additional bonds through the CWSRF program using the federal capitalization grant as security to provide for higher funding levels in the current year. The CWSRF program has cumulatively issued leveraged bonds totaling \$195,030,000.

Administration

The changes to the CWA from WRRDA allow states to take up to 4 percent of the cumulative federal capitalization grant, one-fifth of the current valuation of the fund, or \$400,000 per year to support administration of the program. Nevada has historically requested less than authorized to allow more funding for projects. \$311,200, or 3.6 percent of the estimated grant allotment for administration, will be requested in the SFY 2021 grant application. Nevada will continue to use fee income to supplement additional administrative activities.

Fee income

NDEP applies a loan origination fee of 0.5 percent of the amount of the base loan, per State regulations. The fee will be applied to all loans except principal forgiveness loans and the restructuring of an existing SRF loan. The fee income will cover the costs of administration and be deposited directly into the fund.

Auditing

Nevada's Comprehensive Annual Financial Report (CAFR), Single Audit Report, and internal controls over financial reporting are independently audited by a contracted external accounting firm. The CWSRF program is presented on the CAFR as a major enterprise fund, along with two other funds. The OFA will prepare a financial report at the end of the fiscal year and publish the report at the completion of the State audit that will highlight the programs financial activities. Nevada intends to comply with CFR 35.3135(h).

Borrower credit worthiness and review

The OFA will evaluate each applicant's fiscal information prior to executing a loan and each year the loan is outstanding. Borrowers must demonstrate their ability to repay the loan extended to them to safeguard the public funds extended to the borrower in the loan contract. Borrowers must also demonstrate fiscal sustainability in their system throughout the term of the loan contract. System user rates adopted by the governing board must be sufficient to cover operations, maintenance, debt service, and any reserve requirements of the system and the proposed project at the time of loan closing. Phased-in rate structures will be considered sufficient if they are fully implemented by the time construction of the proposed project is completed.

Fiscal information that can be reviewed include, but are not limited to:

- Bank statements
- Financial reports
- Financial audits
- Credit reports
- Letters of credit
- User rates
- Debt management policies
- Capital improvement plans

Current ratios used to analyze the borrower's solvency and liquidity include:

- Current ratio
- Working capital
- Operating ratio (before depreciation)
- Debt coverage ratio (before noncash expenses)

Principal repayments on loans

Repayment of loan principal will commence no later than three years after the date of the agreement or immediately after project completion, whichever is earlier. Principal from loan recipients will be used by the program to issue new loans and repay outstanding principal on leveraged bonds issued by the program.

Loans will generally have a maximum term of 20 years or the life of the assets funded, whichever is shorter. In some cases, 30-year term loans are available. For the system to qualify for a 30-year term:

- The projects primary assets must have a useful life of 30 years;
- the borrowers financial and managerial capacity can support a 30-year term;
- the State Treasurer's Office agrees to the purchase of a 30-year term bond; and
- funds available for 30-year terms in the program are available.

NDEP will assess every request on a first-come, first-served basis and can deny an application for good cause.

NDEP will calculate on July 1 of each year the amount of funds that are available for the SFY 30-year term loans. The program will account for beginning cash, changes in cash, and reserves for CWSRF debt service for the next fiscal year. Any funds remaining at the end of the fiscal year that are available for future loans will be used for the basis of the calculation. Up to 75 percent of the future funds remaining will be eligible for 30-year term loans.

Early principal payoffs and restructuring

NDEP recognizes the need for proper fiscal and infrastructure sustainability within systems. Therefore, NDEP does allow the opportunity for a current CWSRF borrower to pay off or restructure their outstanding CWSRF debt. Due to the impact this will have on the CWSRF fund and staff resources, these requests are processed on a first-come, first-served basis and can be denied by NDEP for good cause shown. Borrowers must meet certain conditions to qualify for approval from NDEP for early payoff or restructuring:

- The existing CWSRF loan must be fully drawn or de-obligated;
- the first principal draw on the loan must be five years old or older;
- the borrower must demonstrate the need and/or benefit of early payoff and/or restructure to the users of the system;
- the State Treasurer's Office must also agree to the payoff; and
- loans can only be restructured one time.

Interest on loans

Nevada does not issue direct loans to CWSRF applicants. Rather, the CWSRF applicant will be required to issue a bond, to which the State Treasurer will purchase on behalf of the CWSRF program if the loan is repayable. Interest rate policy is established by the State Board of Finance, Debt Management Policy and fixed for the life of the loan. Rates will be at or below the market rate of interest in conformity to CWSRF programmatic conditions. Interest will begin to accrue upon a draw against the bond and repayable every six months while principal remains outstanding. Loan interest will be used by the program to repay outstanding debt issued to match the capitalization grant or leverage the CWSRF.

- The interest rate for SRF project loans with 20-year terms are typically 62.5 percent of market rate most recently published in the Bond Buyer prior to closing.
- The interest rate for SRF project loans with 30-year terms are typically 62.5 percent of market rate most recently published in the Bond Buyer, plus a difference between the Municipal Market Data (MMD) 20-year versus 30-year AAA curve scale prior to closing.

- The interest rate for refinancing existing SRF project loans (average life of the refunding bonds is ten years or less) or municipal debt incurred for a SRF qualified project (average life of the refunding bonds is ten years or less) shall be an interest rate on the outstanding principal of the general obligation bond equal to the rate of the current MMD AAA curve scale corresponding to the average life of the refunding bonds (rounded up to the next full year) plus 25 basis points.
- In special circumstances where a SRF loan financing or refinancing does not fit within the interest rate parameters above (e.g. a SRF project loan with an amortization term of ten years or less, a taxable refinancing of an existing SRF project loan, or municipal debt incurred for a SRF qualified project), the Treasurer’s Office – in consultation with its financial advisor and NDEP – will determine the rate utilizing an applicable index in line with the methodology above to produce a loan at or below the current market rate.

Use of all funds available

All loans, except for tribal loans, will be funded with resources in a specific order, utilizing the first-in, first-out method for bonds and grants:

1. Bond proceeds (match and leverage, if available)
2. Capitalization grant funds
3. Re-loan principal
4. Re-loan interest
5. Treasurer’s interest

Loans provided to tribal governments will be funded using capitalization grant funds only.

| Estimated FY2021 Cumulative Sources and Uses | | | |
|---|---------------------|---------------------|--------------------|
| | Through SFY 2020 | 2021 Fiscal Year | Cummulative |
| Sources | | | |
| Federal Capitalization Grants | 210,710,300 | 7,779,000 | 218,489,300 |
| ARRA Capitalization Grant | 19,239,100 | 0 | 19,239,100 |
| State Match Bonds | 48,374,715 | 0 | 48,374,715 |
| State Leverage Bonds | 129,997,725 | 0 | 129,997,725 |
| Principal Repayments | 285,098,904 | 21,882,741 | 306,981,645 |
| Interest Repayments | 119,588,539 | 5,010,989 | 124,599,528 |
| Service Fees for Administration | 1,753,400 | 105,747 | 1,859,147 |
| Investment Earnings | 21,559,641 | 500,266 | 22,059,907 |
| TOTAL SOURCES | 836,322,324 | 35,278,743 | 871,601,067 |
| USES | | | |
| Final Loan Agreements (non-ARRA) | 596,064,412 | 0 | 596,064,412 |
| Final Loan Agreements (ARRA) | 19,222,555 | 0 | 19,222,555 |
| Fundable List of Projects | 9,758,241 | 34,877,940 | 44,636,181 |
| Match Bond Debt Service | 49,087,526 | 0 | 49,087,526 |
| Leverage Bond Debt Service | 137,196,740 | 0 | 137,196,740 |
| Administrative Expenses (Service Fees) | 770,446 | 89,643 | 860,089 |
| Administrative Expenses (non-ARRA) | 4,675,870 | 311,160 | 4,987,030 |
| Administrative Expense (ARRA) | 16,545 | 0 | 16,545 |
| Available for future loan commitments | 7,119,164 | 0 | 7,119,164 |
| Debt Service Reserves | 12,410,825 | 0 | 12,410,825 |
| TOTAL USES | 836,322,324 | 35,278,743 | 871,601,067 |

Principal forgiveness loans

Nevada does not require an entity to issue a bond if the loan is forgiven. Additionally, interest and loan origination fees are also forgiven. Eligibility for a principal forgiveness loan is outlined in Attachment B. The amount of CWSRF funds that are available for principal forgiveness loans is based upon the current federal capitalization grant amount and grant conditions. Nevada will spend the required capitalization grant amounts as outlined in the current appropriation act. Nevada's total amount used towards principal forgiveness loans is outlined on Attachment C.

Program transfers

NDEP reserves the option to transfer up to 33 percent of CWSRF capitalization grant funds to the DWSRF program, or an equivalent amount from the DWSRF to the CWSRF. Nevada has not transferred any funds since program inception.

| Program transfers | |
|---|---------------|
| Cumulative capitalization grant received through SFY 2020 | \$229,949,400 |
| 33% of DWSRF Capitalization grant funds | \$75,883,302 |
| Transfers-to-date | \$0 |

Green project reserve

The federal capitalization grant is anticipated to require Nevada to use at least 10 percent of the grant for projects that qualify for funding under the green project reserve, as specified by the EPA Green Project Reserve Guidance (EPA 2012 Green Project Guidance). See Attachment C for current year funding.

Attachment A: CWSRF Project Priority List Ranking Criteria

Projects shall be ranked within the priority classes based on the total number of ranking points each project receives.

Priority classes

Class A: Project benefits public health and/or the environment

- (10 points) Treatment works or pollution control projects necessary to eliminate documented public health hazards in unsewered communities. These are evidenced by:
 - A finding of violation issued in writing by the public health authority for the area; and
 - An official action to:
 - Halt or restrict construction of individual sewerage disposal systems;
 - Eliminate or restrict discharge from a non-point source; or
 - Treatment works necessary to eliminate documented public health hazards in sewerred communities (where existing facilities have exceeded their useful life and have deteriorated enough to create a public health hazard)
- (8 points) Treatment works or pollution control projects necessary to correct existing violations of surface water quality standards. Violations must be documented by in-stream water quality data. The municipal discharger or person(s) responsible for the non-point source discharge must have been notified of the violation by NDEP.
- (6 points) Treatment works necessary to correct violations of discharge permit limitations. The violation must be documented by discharge monitoring reports or NDEP compliance monitoring. A notice of violation and an administrative order must have been issued by NDEP.
- (4 points) Treatment works or pollution control projects necessary to eliminate and/or prevent interference with an existing beneficial use of groundwater where it has been determined that such an interference exists.

Class B: Projects necessary to increase reliability or sustainability

- (10 points) Treatment works necessary to provide a degree of treatment beyond water quality standards or permit requirements. These treatment works are intended to reclaim and reuse wastewater, sustain compliance with water quality standards, or maintain beneficial uses.
- (8 points) Interceptors in sewerred communities, pumping stations, infiltration inflow correction, correction of combined sewer overflows, sewer system rehabilitation, and reclaimed water distribution.

- (6 points) Facility flow or loading as a percent of design capacity exceeds 85 percent; (4 points) exceeds 75 percent.

Class C: Other clean water needs projects

- (10 points) Projects providing wastewater treatment and collection systems in existing unsewered communities with no public health hazards or water standards violations; or projects providing wastewater collection systems to unsewered portions of sewerred communities.
- (5 points) All other treatment works or pollution control projects.

Water quality factor (WQF): applies only to Class A and B projects

Assessments of surface waters in Nevada are based on a two-year, rotating watershed basin cycle. Assessment data and narrative explanations are compiled into the 305(b) Report to Congress. Section 303(d) of the CWA requires each state to list waters where technology-based effluent limitations are not stringent enough to protect water quality standards. The 303(d) List of Waters, now published with the 305(b) report, identifies all assessed waters with one or more pollutants as "impaired" and therefore not "meeting the water quality standard." NDEP is required to develop TMDLs for those water bodies that do not meet water quality standards. NDEP then establishes the allowable loadings of pollutants or other quantifiable parameters for a waterbody, based on the relationship between point and non-point pollution sources and in-stream water quality conditions. TMDLs are prioritized by designated use classifications and the severity of pollution.

The numerical value of WQF is based on where a treatment plant discharges or what is affected by the discharge from a non-point source.

- (5 points) Not supporting: at least one of the water quality standards for the beneficial use was not met
- (5 points) Groundwater impairment that affects water quality
- (1 point) Fully supporting: however, a project is needed to maintain water quality standards

Project readiness: applies to all priority classes

The highest point value is assigned to projects that are ready to bid a project. Projects with approved facility plans and are ready to go to bid will receive a median point value. Projects with an approved facility plan only receive the lowest point value available.

- (10 points) Plans and specification approved by NDEP: includes everything needed to bid the project
- (7 points) Facility plan approved by NDEP: final plans and specifications to be completed within six months

- (5 points) Facility plan approved by NDEP

Asset management: applies to all priority classes

NDEP encourages systems that do not have an existing Asset Management Plan to develop and implement one. Asset management is actively managing infrastructure capital assets to minimize the total cost of owning and operating them – while still delivering the service levels customers’ desire. Each utility is responsible for making sure that its system stays in good working order, regardless of the age of components or the availability of additional funds. Asset management programs with long-range planning, life-cycle costing, proactive operations and maintenance, and capital replacement plans based on cost-benefit analyses can efficiently meet this challenge.

Systems will receive additional points for all of the following criteria that apply:

- (1 point) The system has mapped its treatment and collection system and analyzed conditions, including:
 - Risks of failure
 - Expected dates of renewals and ultimate replacements
 - Sources and amounts of revenues needed to finance operation, maintenance, and capital needs
- (1 point) The system has developed appropriate rate structures to build, operate, and maintain the system
- (1 point) The system has specifically allocated funds for the rehabilitation and replacement of aging and deteriorating infrastructure

Green projects: applies to all priority classes

Green projects are projects that include a component(s) that has green infrastructure, water efficiency, energy efficiency, or an environmentally innovative benefit. EPA has provided information³ on green project reserve guidance. Systems may receive additional points for projects that incorporate green infrastructure, water conservation/efficiency, energy efficiency, or environmentally innovative components. Systems will receive 5 additional points if any of the following criteria apply (this is not an exhaustive list):

- Energy-efficient retrofits and upgrades to pumps, treatment processes, etc.
- Installation of water-efficient devices
- On-site clean power production (wind, solar, hydroelectric, geothermal, biogas, etc.)
- Energy management planning, including energy assessments, energy audits, optimization studies, and submetering of individual processes to determine high energy

³ http://water.epa.gov/grants_funding/cwsrf/Green-Project-Reserve.cfm

use areas expected to result in a capital project

- Reuse of treated effluent
- Establishment or restoration of permanent riparian buffers, floodplains, wetlands, or other vegetated buffers
- Project to manage wet weather and restore natural hydrology by infiltration, evapotranspiration, or harvesting and using storm water
- Green storm water infrastructure for parking areas
- Other environmentally innovative projects

General criteria: applies to all priority classes

On an annual basis – following a statewide solicitation for projects at the end of each calendar year – NDEP develops a statewide priority list of water projects, which is a part of this IUP. Placement on the priority list does not guarantee that a project will be funded. However, only those projects that are included on the priority list will be considered for possible funding. Any list, before it is finalized, must undergo the public review and comment process outlined in regulations.

NDEP may revise the ranking of a project on an existing list at any time if information affecting the ranking of the project becomes available. NDEP may, without holding a public participation workshop, revise a priority list to correct minor typographical or technical errors.

The product of two numbers – the initial rank number of a project within a class of projects; and the ratio of the state median household income to the median household income for the service area served by the applicant – determines the final rank number for the project within each class.

If two or more projects within the same class have the same final rank number, the project with the highest population in its service area will be ranked higher within the class.

Eligible projects on the priority list may be bypassed if the applicant withdraws a project, requests that action be deferred, fails to meet submittal deadlines, or is not ready to proceed as determined by NDEP. The projects that are bypassed will be provided notice by NDEP and have an opportunity for objection.

Requests for financial assistance for emergency situations may be made to NDEP at any time. In any emergency situation, an applicant may submit a loan application without waiting for a revision to the priority list. All other applicants on an approved priority list will be notified of an emergency request and be given an opportunity for any comments or objections.

Attachment B: CWSRF Criteria to Determine Eligibility for Principal Forgiveness Loan

NAC 445A.764(b) requires the Intended Use Plan to list “the types of activities to receive financial assistance from the fund, including eligible categories of cost, the types of financial assistance to be provided by the fund and the terms for the various types of financial assistance provided by the fund.”

Eligible systems for subsidy funding under the federal 10 percent mandate

The following systems or needs will be deemed eligible for a principal forgiveness loan by NDEP:

- Projects deemed eligible by Nevada’s Affordability Criteria
- Projects that assist with storm water or non-point source mitigation
- Projects that assist with green infrastructure
- Funding for communities with a population of less than 10,000 people
- Preliminary Engineering Reports (PER) with an Environmental Review (ER) for the selected project for any size system
 - Must be formatted in accordance with Rural Utilities Services Bulletin 1780-2 to prepare for a specific course of action the community must address. The PER and ER cannot simply address all system needs or provide for a master plan of the system. Additionally, the ER must address the specific course of action and/or area of impact by the project identified in the PER.
- Design-only projects for any size system
 - Project requesting design must have been determined to be the best alternative for the specific course of action the community must address and be ready to proceed to construction upon completion of the design.

Eligible systems for subsidy funding under the additional 0-30 percent subsidy allowed under the Clean Water Act, as amended

The following systems will be deemed eligible for a principal forgiveness loan by NDEP:

- Projects deemed eligible by Nevada’s Affordability Criteria

Affordability criteria

Nevada defines a disadvantaged community as an area served by a community in which the median (middle) household income is less than 80 percent of the median household income (MHI) of the State.

NDEP will evaluate systems using the below criteria to determine if they will qualify for a principal forgiveness loan. A total of 230 points are available. A system needs to obtain 50 or more points to be eligible for a principal forgiveness loan.

- Median Household Income (MHI) shall be taken to mean:
 - The latest American Community Survey information used for the current year project priority list; or
 - A valid income survey performed within the last five calendar years
- Population trends shall be taken to mean:
 - The change in population over a three-year period as reported on the latest American Community Surveys available
- Unemployment percentage shall be taken to mean:
 - The percent listed on the same American Community Survey used for the MHI calculations
- Percent of population not in workforce shall be taken to mean:
 - The percent listed on the same American Community Survey used for the MHI calculations
- Affordability shall be taken to mean:
 - Whether or not an interest-bearing loan will increase already sufficient user rates by 25 percent or more
 - A comparison to the existing operating, maintenance, debt service, and reserve requirements to the new operating, maintenance, debt service, and reserve requirements will be performed. This will be compared to existing user rates.
 - Existing rates must be considered sufficient, meaning rates must cover operating, maintenance, debt service, and reserve requirements of the new system.
 - If the governing board increased user rates by 25 percent or more in the last five years to provide the system with a sufficient rate
- Other factors will be counted if they relate to the project

| State Median Household Income (MHI) versus Community MHI | | Possible Points |
|--|--|------------------------|
| Based upon the Current Priority List data | | |
| 1.25 or more | | 50 |
| less than 1.25 | | 0 |
| Project Points | | |
| Population Trend | | Possible Points |
| Based upon last three years of American Community Survey best available data | | |
| 1. Decreasing | | 5 |
| 2. Increasing | | 0 |
| Project Points | | |
| Unemployment Rate | | Possible Points |
| Based upon American Community Survey used for MHI data | | |
| Greater than 80% of statewide unemployment | | 5 |
| Less than 80% of statewide unemployment | | 0 |
| Project Points | | |
| Population not in labor force | | Possible Points |
| Based upon American Community Survey used for MHI data | | |
| Greater than state percentage | | 10 |
| Less than state percentage | | 0 |
| Project Points | | |
| Affordability | | Possible Points |
| Yes | | 20 |
| No | | 0 |
| Project Points | | |
| Other Factors | | Possible Points |
| Qualifies as a Class A project on the current Clean Water Priority List | | 30 |
| Consolidation into another system | | 50 |
| Project is addressing stormwater or non-point source pollution control | | 20 |
| Project considered Green | | 20 |
| Small Systems that serve populations less than 10,000 people | | 20 |
| Project Points | | |

Special terms and conditions for principal forgiveness loans

Construction projects

- Applicants seeking funding from the CWSRF for construction projects must demonstrate the systems willingness to sustain themselves into the future and ensure the public funds provided in the contract are used in the best interest of the community. NDEP will add, as a condition of the loan contract for principal forgiveness loans, that borrowers:
 - Evaluate user charges at least once every three years
 - Maintain a fiscal sustainability plan that:
 - Includes an inventory of all assets that are part of the system; and
 - Evaluate the condition and performance of inventoried assets or asset groupings; and
 - Documents the useful life of the assets; and
 - Contains a plan for maintaining, repairing, and as necessary, replacing the assets; and
 - Contains a plan for funding maintenance, repair and replacement; and
 - Evaluates and implements water and energy conservation efforts
 - The development of an Asset Management Plan will satisfy this requirement. Loan applicants must certify as part of the funding agreement that the recipient has, or will develop, a plan prior to the final draw on the loan. Existing applicant plans must have been reviewed and/or updated by the governing board no longer than five years prior to the date of the loan application.
 - Set-aside funds into a reserve account for capital replacement
 - NDEP calculates this yearly investment based upon the system's short-lived assets (15 years or less) amortized on a straight-line basis.
 - Short-lived assets may include pumps, data collection equipment like telemetry, alarms, and SCADA units. For this purpose, short-lived assets are in conformity to capital assets generally accepted as those with a life expectancy of 15 years or less.

- Utilities may only use these reserve funds for capital improvements. Importantly, these improvements are not restricted to the system’s short-lived assets. There are several expenses that qualify as capital expenditures:
 - Bringing a new facility into service;
 - Planning or designing a new facility that will enhance the existing system;
 - Extending the life or enhancing the value of an asset with better quality materials or system upgrades.
- Utilities cannot use these reserve funds for inventory items, for maintenance, or for operation expenses. For example, utilities cannot use these reserve funds for minor incidentals like repair clamps, small tools, service contracts, inventory parts and fittings, spare lengths of pipe for repairs, or maintenance supplies like paint, grease, and other similar day-to-day supplies.
- Utilities cannot use the funds in the reserve account for the purpose of expanding their system. For example, they may not use these reserves to finance the installation of new services or the extension of main lines to serve new areas/customers.
- Utilities must clearly identify their annual contribution to this fund— along with the fund balance — on their financial statements.
- The required capital reserve schedule — established at the completion of a project — will become a binding condition of the loan. Utilities must notify NDEP, in writing, when they make a withdrawal from the reserve fund for a capital improvement. They must also include the amount and nature of the expenditure.
- NDEP may consider other cash of the system that is available for capital improvements to meet this requirement.
- Principal forgiveness funding for eligible recipients for construction projects under the 10-percent mandate may receive, with good cause shown, the full amount of federal authority.
- Principal forgiveness funding may be provided for eligible recipients (for construction projects under the additional subsidy allowed by the CWA). Recipients can receive up to \$500,000 for each project, unless the project is deemed a Class A project, or the project experiences increased costs due to economic fluctuations or other extenuating circumstances determined by NDEP.

- Physical or managerial consolidation of two or more systems of any size
 - Principal forgiveness funding may be provided (up to \$500,000) unless the project is deemed a Class A project, or other extenuating circumstances determined by NDEP.
- PERs with an ER for the selected project and design-only projects of any size system
 - Principal forgiveness funding will be provided up to \$100,000 for each project. A 15-percent match will be required for each disbursement request for these projects. Systems will be required to commit to a meeting schedule with NDEP.

Attachment C: CWSRF 2019 Fundable List

2021 Fundable List

Projects to be applied to the 2021 Grant

| Grant Applied to: | PL Class ^A | PL Rank ^A | Community Name/Project Sponsor | Population | Project Description | Total Assistance | Interest Rate | Additional Subsidy Provided | Green Project Reserve | Estimated Binding Commitment |
|-------------------|-----------------------|----------------------|--------------------------------|------------|--|------------------|---------------|-----------------------------|-----------------------|------------------------------|
| 2021 | B | 16 | Lyon County Utilities | 13,000 | Lyon County Rolling A WWTP Expansion | 20,000,000 | Pending | 0 | 0 | 6/30/2021 |
| 2021 | B | 19; 20; 21; 26 | Washoe County | 35,580 | Phase 2: STMMRF; Steamboat Lift Station; Collection system | 23,000,000 | Pending | 0 | 855,800 | 10/31/2021 |
| 2021 | C | 42 | Lyon County Utilities | 12,000 | Stormwater improvements | 855,800 | PF | 855,800 | 0 | 10/31/2021 |
| 43,855,800 | | | | | | | | | 855,800 | 855,800 |

Projects to be applied to earlier Grants-terms and conditions

| Grant Applied to: | PL Class ^A | PL Rank ^A | Community Name/Project Sponsor | Population | Project Description | Total Assistance | Interest Rate | Additional Subsidy Provided | Green Project Reserve | Estimated Binding Commitment |
|-------------------|-----------------------|----------------------|---|------------|---|------------------|---------------|-----------------------------|-----------------------|------------------------------|
| 2020 | A | 7 | Humboldt Co (Grass Valley) | 4,000 | PER/ER for nitrate mitigation | 98,381 | PF | 98,381 | | 6/30/2021 |
| 2021 | A | 03 | Minden Gardnerville Sanitation District | 8,657 | Consolidation of Pine view Estates Mobile Home Park | 682,000 | PF | 682,000 | | 6/30/2021 |
| 780,381 | | | | | | | | | 780,381 | 0 |
| 44,636,181 | | | | | | | | | 1,636,181 | 855,800 |
| 44,636,181 | | | | | | | | | 1,636,181 | 855,800 |

^A July 2020 CWSRF Priority List Class

^B July 2020 CWSRF Priority List Ranking

Attachment D: CWSRF 2020 Project Priority List

Nevada Clean Water State Revolving Loan Fund --Effective July 2020

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Class A: Project benefits public health and/or the environment

| Priority | Applicant | Permit No. | Population | Total Points | State MHI/ PWWS/MH | Revised Points | D1 | G ² | Project Description | Estimate | Funded |
|----------------------|---|----------------|------------|--------------|-----------------------|----------------|----|----------------|--|----------------------|------------------|
| 1 | Storey Co (Cold Hill) | ONEVOSD90L0129 | 68 | 25 | 1.16 | 29.12 | | | New treatment/disposal system to replace failing OSDS & septic systems | \$ 1,200,000 | Y+Y ³ |
| 2 | Lyon County Utilities | NS20000500 | 10,733 | 27 | 0.91 | 24.58 | | G | Sewer lift station rehab/replace (GREEN) & replacement of sewer main | \$ 8,000,000 | Y ² |
| 3 | Minden-Gardnerville Sanitation District | NS0040027 | 8,657 | 23 | 1.04 | 23.86 | | | Consolidation of Pineview Estates with MGSD | \$ 6,858,940 | Y ² |
| 4 | Douglas Co (North Valley) | NS0060025 | 4,500 | 25 | 0.94 | 23.42 | | | Saniclo-Sewer consolidation | \$ 1,500,000 | Y+Y ³ |
| 5 | Fallon Palouse-Shoshone Tribe | | 300 | 18 | 1.22 | 21.92 | | | New treatment lagoon & rehabilitate 2 lift stations | \$ 2,025,034 | Y+Y ³ |
| 6 | Washoe Co (Spanish Springs) | NV0020150 | 20,238 | 28 | 0.65 | 18.30 | | | Saniclo-Sewer consolidation - Spanish Springs | \$ 31,900,000 | |
| 7 | Humboldt Co (Grass Valley) | | 4,000 | 9 | 1.10 | 9.92 | | | PERER: New wastewater treatment system | \$ 90,000 | |
| Total Class A | | | | | | | | | | \$ 51,573,974 | |

Class B: Projects necessary to increase reliability or sustainability

| Priority | Applicant | Permit No. | Population | Total Points | State MHI/ PWWS/MH | Revised Points | D1 | G ² | Project Description | Estimate | Funded |
|----------------------|--|----------------|------------|--------------|-----------------------|----------------|----|----------------|--|-----------------------|----------------|
| 8 | Tonopah Public Utilities | NS0000026 | 2,478 | 24 | 1.54 | 36.97 | D | G | Treatment effluent infrastructure project - Phase 2 (GREEN) | \$ 3,516,900 | |
| 9 | Hawthorne Utilities | NS0200009 | 3,020 | 23 | 1.16 | 27.25 | | G | Effluent Management PER | \$ 115,000 | |
| 10 | Washoe Co (Hufliaker Reservoir) | NS0040024 | 35,980 | 25 | 1.07 | 26.67 | | G | Hufliaker reservoir water quality & management project (GREEN) | \$ 4,000,000 | Y |
| 11 | Tonopah Public Utilities ⁴ | NS0000026 | 2,211 | 16 | 1.48 | 24.65 | D | G | Main Street Sewer System Relining (GREEN) | \$ 1,204,510 | |
| 12 | Elko Co Public Works (Mountain City) | NS0040023 | 60 | 16 | 1.48 | 23.67 | D | | Sewer collection system repairs | \$ 600,000 | |
| 13 | Kingsbury General Improvement District ⁴ | NS0080033 | 9,000 | 22 | 0.98 | 21.59 | | G | Market Street Lift Station - New Lift Station to replace undersized wetwell, pumps, surge basin, and other system upgrades (GREEN) | \$ 2,835,000 | |
| 14 | Tonopah Public Utilities ⁴ | NS0000026 | 2,211 | 14 | 1.54 | 21.57 | D | G | Sewer System Rehab & replacement - Main Street Storm Drain - Sewer System conflict mitigation (GREEN) | \$ 1,212,366 | |
| 15 | Douglas Co Lake Tahoe Sewer Authority | NS0080033 | 2,800 | 23 | 0.94 | 21.55 | | G | Aeration basin equipment rehabilitation (GREEN) | \$ 6,000,000 | Y |
| 16 | Lyon County Utilities | NS2000500 | 13,000 | 23 | 0.91 | 20.94 | | G | Lyon County Rolling A WWTP expansion/reuse of treated effluent (GREEN) | \$ 15,000,000 | |
| 17 | Hawthorne Utilities | NS0200009 | 3,020 | 17 | 1.16 | 20.14 | | G | Sewer collection system improvements | \$ 585,000 | |
| 18 | Reno, City of | NS2008500 | 34,000 | 19 | 1.05 | 19.93 | | G | Reno-Stead water reclamation facility expansion to 4 MGD (GREEN) | \$ 52,850,000 | Y |
| 19 | Washoe Co (Steamboat Lift Station) | NS0040024 | 35,980 | 16 | 1.07 | 19.20 | | G | South Truckee Meadows Steamboat lift station expansion | \$ 10,000,000 | Y |
| 20 | Washoe Co (So. Truckee Meadows Collection Sys) | NS0040024 | 35,980 | 16 | 1.07 | 19.20 | | G | South Truckee Meadows sanitary sewer collection system rehabilitation | \$ 15,000,000 | Y |
| 21 | Washoe Co (Pleasant Valley) | NS0040025 | 35,980 | 17 | 1.07 | 18.13 | | G | Geiger lift station & Pleasant Valley sewer interception | \$ 9,900,000 | |
| 22 | Washoe Co (Mira Loma Hidden Valley Inlet) ⁴ | NS0040024 | 35,980 | 16 | 1.07 | 17.07 | | G | Reclean Expansion to Hidden Valley and City of Reno Mira Loma Inlet Project | \$ 13,965,496 | |
| 23 | Parshing Co (Inlay) | ONEVOSD90L0125 | 120 | 15 | 1.11 | 16.67 | | | Treatment & collection system replacement | \$ 1,000,000 | |
| 24 | West Wendover, City of | NS0010010 | 4,110 | 16 | 1.03 | 16.45 | | G | Replacement of effluent reuse line (GREEN) | \$ 1,608,800 | |
| 25 | Humboldt Co (McDermit) ⁴ | NS0060005 | 172 | 13 | 1.07 | 13.89 | | G | Humboldt County McDermit Sewer Collection System Rehabilitation (GREEN) | \$ 536,000 | |
| 26 | Washoe Co (So. Truckee Meadows WRF) | NS0040024 | 35,980 | 13 | 1.07 | 13.87 | | G | South Truckee Meadows water reclamation facility expansion (GREEN) | \$ 34,200,000 | Y |
| 27 | Ely, City of | NS0070015 | 5,500 | 13 | 0.99 | 12.87 | | | Murry Street sewer | \$ 1,122,850 | |
| 28 | McCall-Ruin, GD | NS0067046 | 1,200 | 12 | 1.02 | 12.28 | | | McCall wastewater treatment facility upgrade | \$ 1,625,000 | |
| 29 | Douglas County Public Works | Multiple | 9,450 | 13 | 0.94 | 12.18 | | G | Telemetry & SCADA improvements | \$ 700,000 | |
| 30 | Douglas Co Lake Tahoe Sewer Authority | NS0080033 | 2,801 | 13 | 0.94 | 12.18 | | G | Headworks improvements & other system improvements (GREEN) | \$ 892,160 | Y |
| 31 | Douglas Co Lake Tahoe Sewer Authority | NS0080033 | 2,801 | 13 | 0.94 | 12.18 | | G | Head removal rehabilitation project (GREEN) | \$ 1,322,720 | Y |
| 32 | Nurrin Las Vegas, City of | NV0023647 | 231,000 | 11 | 1.00 | 10.96 | | | Sewer main rehabilitation | \$ 11,840,000 | Y |
| 33 | Ely, City of | NS0070015 | 5,500 | 10 | 0.99 | 9.90 | | | Wastewater treatment plant sludge dewatering press | \$ 919,800 | |
| 34 | Nye County (Gabbs) | NS0070021 | 976 | 4 | 0.93 | 9.25 | | | Sewer main & lateral replacement | \$ 900,000 | |
| 35 | Ely, City of | NS0070015 | 2,600 | 8 | 0.92 | 7.85 | | | Lift station, pond lining, collection system rehabilitation | \$ 10,000,000 | |
| 36 | Ely, City of | NS0070015 | 2,600 | 8 | 0.92 | 7.85 | | | Uplift station, pond lining, collection system rehabilitation | \$ 6,720,290 | |
| 37 | Washoe Co (Cold Springs WRF) | NS0090268 | 4,627 | 7 | 0.81 | 6.64 | | G | Cold Springs water reclamation facility expansion & upgrade (GREEN) | \$ 29,620,000 | |
| 38 | Round Hill, GD ⁴ | NV0000260 | 1,200 | 8 | 0.64 | 5.10 | | | Collection system repair and replacement | \$ 575,000 | |
| 39 | Lander Co Sewer & Water District 2 (Austin) | NS0030015 | 350 | 8 | 0.62 | 4.92 | | | Sewer main rehabilitation | \$ 1,200,000 | Y ² |
| Total Class B | | | | | | | | | | \$ 245,838,992 | |

Class C: Other clean water needs projects

| Priority | Applicant | Permit No. | Population | Total Points | State MHI/ PWWS/MH | Revised Points | D1 | G ² | Project Description | Estimate | Funded |
|-------------------------------|---------------------------------|------------|------------|--------------|-----------------------|----------------|----|----------------|---|-----------------------|--------|
| 40 | Humboldt Co (McDermit) | NS0060005 | 200 | 15 | 1.07 | 16.03 | | | Asenic treatment backwash discharge line to existing lift station | \$ 145,000 | Y |
| 41 | Canyon, GD ⁴ | NS0050028 | 1,250 | 13 | 0.92 | 12.02 | | G | WWTP systemwide upgrades - laboratory construction (GREEN) | \$ 535,000 | |
| 42 | Lyon County Utilities | | 12,000 | 11 | 1.01 | 10.01 | | | Storm water improvements in Dayton (GREEN) | \$ 500,000 | |
| 43 | Yerington, City of ⁴ | NS0040033 | 3,200 | 6 | 0.90 | 9.59 | D | | WWTP Relocation - PER & Construction | \$ 2,635,000 | |
| 44 | TRU, GD ⁴ | NS2000502 | 10,000 | 8 | 0.92 | 7.40 | | | WWTP systemwide upgrades - aging infrastructure | \$ 2,150,000 | |
| 45 | McCall-Ruin Sewer & Water, GD | NS0067046 | 1,588 | 0 | 1.02 | 0.00 | | | McCall sewer project - lean refinance | \$ 1,112,460 | |
| Total Class C | | | | | | | | | | \$ 7,077,460 | |
| TOTAL FOR ALL PROJECTS | | | | | | | | | | \$ 304,490,428 | |