



**NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

**DRINKING WATER  
STATE REVOLVING FUND**

**FFY2013 FINAL PRIORITY SYSTEM,  
INTENDED USE PLAN,  
PROJECT PRIORITY LIST AND RESPONSE DOCUMENT**

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Chris Christie  
Governor



Bob Martin  
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Although the information in this document will be funded wholly or in part by the United States Environmental Protection Agency under an assistance agreement to NJDEP's DWSRF program, it may not necessarily reflect the views of the Agency and no official endorsement should be inferred.

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## **OVERVIEW OF THE FFY2013 FINAL PRIORITY SYSTEM, INTENDED USE PLAN, PROJECT PRIORITY LIST AND RESPONSE DOCUMENT**

The Federal Safe Drinking Water Act (SDWA) Amendments of 1996 authorized a Drinking Water State Revolving Fund (DWSRF) to assist publicly owned and privately owned community water systems and nonprofit noncommunity water systems finance the costs of infrastructure needed to achieve or maintain compliance with SDWA requirements and to protect the public health in conformance with the objectives of the SDWA. Section 1452 (b) of the SDWA requires each State to prepare an Intended Use Plan (IUP) annually to identify the use of funds in the DWSRF and describe New Jersey's planned use of its allotment of federal moneys authorized by the SDWA Amendments.

This document serves as the NJDEP's DWSRF Priority System, IUP, and Project Priority List and has several purposes regarding the use of anticipated federal funds, including:

- 1- the establishment of the ranking criteria under which DWSRF projects will be ranked and placed on the Federal Fiscal Year (FFY) 2013 Priority List;
- 2- the establishment of program requirements and document submittal deadlines for award of DWSRF loans in SFY2014 (specifically, May 2014) using FFY2013 federal capitalization grant funds and any remaining funds from previous federal capitalization grant funds, repayments, transfers from Clean Water SRF repayments, state match and interest earnings;
- 3- the establishment of loan terms for projects financed through the Environmental Infrastructure Financing Program using FFY2013 federal capitalization grant funds; and
- 4- the establishment of the proposed uses of the set-asides using FFY2013 federal capitalization grant funds.

The IUP details how the State of New Jersey proposes to finance projects to be included in New Jersey's program and which projects are to be managed by the New Jersey Department of Environmental Protection (NJDEP), with respect to the FFY2013 capitalization grant. The nonproject set-asides provide for DWSRF activities that are not construction related and include administration of the DWSRF, technical assistance for small systems, State public water system supervision (PWSS) programs, source water program administration, capacity development, and operator certification. Project expenditures involve loans made by the DWSRF to water systems for the planning, design, and construction of drinking water facilities.

The SDWA initially authorized a total of \$9.6 billion nationally for the DWSRF through FFY2003. The United States Environmental Protection Agency (USEPA) appropriated \$963,000,000 for FFY2011 and \$919,400,000 for FFY2012 for the DWSRF. The current allotment to New Jersey for FFY2010 to 2013 of 2.14 percent of the Federal DWSRF appropriation is based on the results of the 2007 Drinking Water Infrastructure Needs Survey, published in March 2009. Funds available to the State for future appropriations will be allotted according to a formula that will reflect the results of the 2011 Drinking Water Infrastructure Needs Survey conducted pursuant to Section 1452(h) of the SDWA. A gradual decrease since the 1997 Needs Survey (1995 data) in New Jersey's DWSRF allotment – from 2.44% to the

current 2.14% - has occurred as New Jersey's reported percentage of the total national needs has decreased. The continued involvement of the water systems in New Jersey's Needs Surveys is critical to future DWSRF allotments.

The DWSRF is administered as a component of the Environmental Infrastructure Financing Program (EIFP) which also administers the state's Clean Water State Revolving Fund (CWSRF). The Clean Water component of New Jersey's EIFP provides low interest loans to publicly owned systems for planning, design and construction of wastewater treatment facilities and other water quality improvement projects under the federal Clean Water Act and state law. The CWSRF program is covered under a separate Intended Use Plan (IUP). Prospective project sponsors must complete a ranking form for each program to be included in the respective Priority Lists and to be eligible for financing under each program.

The Bureau of Safe Drinking Water jointly manages the DWSRF program with the Municipal Finance and Construction Element of the NJDEP and the New Jersey Environmental Infrastructure Trust (Trust). Through leveraging by the Trust (that is, the sale of revenue bonds, the proceeds of which are loaned to project sponsors), the State is able to provide low interest loans to more projects than if leveraging was not done. It should be noted that the 1981 Water Supply Bond Act authorized financing only to publicly owned systems, and the 1996 SDWA amendments did not change this. The State utilizes the 1981 Water Supply Bond Act to provide the 20 percent match to the federal capitalization grant funds, a condition under both the Clean Water and the Drinking Water SRF programs. Federal funds can be used to fund both privately owned and publicly owned water systems. In FFY2013, New Jersey is proposing a small systems loan program leveraged by the NJEIT, limited to \$4 million, with a portion of the loan subject to principal forgiveness.

Legislative appropriation and authorization bills are introduced annually in the Spring for each funding cycle. The DWSRF program has closed on numerous loans over the past fourteen funding cycles from 1998 to 2012 which are presented in Appendix C. Loans were generally fully executed in November of each year (with a second closing in March 2010 for the 2009 funding cycle). Starting with the SFY2012 cycle, loans will be executed in May of the following year to give time for a water system to award construction contracts before loan closing.

The 1996 SDWA amendments and subsequent appropriations bills offer states the flexibility to meet the funding needs for drinking water and wastewater facilities by transferring funds from one SRF program to the other. An amount up to 33 percent of the DWSRF Capitalization Grant may be transferred from the CWSRF program to the DWSRF program, or vice versa. The USEPA has issued guidance that would allow utilization of transfer credits and transfer of funds on a net basis (i.e., funds could be moved in both directions), provided that the final transferred amount does not exceed the authorized ceiling. NJDEP has transferred up to the maximum amount authorized from the CWSRF loan repayments to the DWSRF such that the transfer did not jeopardize the ability to fund Clean Water projects. In general, the CWSRF program evaluates funds to determine whether adequate monies are available for Clean Water projects in the current fiscal year. In addition, the CWSRF program reviews the type and number of DWSRF projects and makes a determination regarding the transfer of funds from CWSRF loan repayments to DWSRF accounts. In accordance with approved procedures, the USEPA has

approved a total of ten transfers of funds from CWSRF repayments to DWSRF for a sum of \$98,372,340 (see Appendix B.3). The NJDEP fully supports efforts to enact legislation to continue to allow the transfer of funds between the two programs. The NJDEP will consider the option to transfer funds from the CWSRF to the DWSRF each fiscal year, to the extent allowed by law, as long as it is determined that adequate monies are available for the proposed CWSRF projects and there is a need for the funds in the DWSRF program. Historically, any eligible project under the CWSRF and DWSRF programs that meets the program requirements and is ready to proceed has been able to receive a CWSRF or DWSRF loan; an evaluation will be made in FFY2013 to determine if a transfer is needed.

The Environmental Infrastructure Financing Program (EIFP) has received USEPA's approval to utilize cross-collateralization in its financing structure for both the DWSRF and the CWSRF Programs. Under the cross-collateralization option, repayments of loans from either fund MAY be used to cover any default in loan repayments. The ability to use this feature between the clean water and drinking water programs will result in significant savings to the project sponsors, particularly the drinking water project sponsors, since there is not a large pool of loan repayments available for this newer program. However, the State's cross-collateralization would involve only a temporary use of funds from the CWSRF to the DWSRF or vice versa if a default in loan repayment did occur (which, to date, has not occurred under either program). Further, the New Jersey Environmental Infrastructure Trust (Trust) and NJDEP would take steps to collect the defaulted loan repayments, and the appropriate drinking water or clean water fund would be reimbursed.

Under the current Trust structure, all three of the bond rating agencies (Fitch, Moody's, Standard and Poor's) has given the Trust's bonds the highest rating possible. The higher the bond rating, the lower the interest rates on the bonds and, therefore, the lower the cost to the loan recipients. For example, for the last funding cycle of the DWSRF, the Trust successfully sold bonds at 2.749 percent for the 2012A series bonds, 3.244 percent for the 2012B series bonds and 3.555 percent for the 2012C series bonds. The Trust reduces the costs that must be passed on to a project's users, because project funding is provided at half the typical market interest rate. By funding projects through the Trust, project sponsors (and in turn users) can expect to save up to 30% on the financing of the total eligible costs of a project. A summary of Trust bond rates are included in this IUP in Appendix C.1.

Historically, any eligible project under the DWSRF program that met the program requirements and was ready to proceed was able to receive a DWSRF loan. But now, as the dollar amount of eligible projects exceeds the limited funds available, it is possible that some eligible projects will not be within reach of the NJDEP's fundable range. Since the 1981 Bond Fund and state match monies cannot be utilized for private water companies, source of monies available will also need to be considered when funding projects

In the past, adequate resources were available to cover the NJDEP's costs for administration of the project without levying a fee. Since the SFY2003 Appropriations Act, NJDEP has been required to collect fees from all borrowers in order to overcome fiscal constraints. Since SFY2005, the NJDEP fee has been standardized at two (2) percent. A description of the NJDEP fee and a chronological summary of the fees are included in this IUP. There is no SRP funding

involved in the NJDEP loan origination fee.

SRF recipients that expend \$500,000 or more in a year of DWSRF funds shall have an audit conducted in conformance with the Single Audit Act.



# **PRIORITY SYSTEM**

## **I. Priority List - General**

Placement on the Project Priority List is a prerequisite to being considered eligible for financial assistance. The “Call for Projects” for all funding cycles is continuous and projects may be added to the list during the time period between the publication of the proposed IUP and the public hearing date. This will allow for public review prior to the loans being issued. The Project Priority List is created using the Letter of Intent – Drinking Water Loan (see Appendix A) submitted by potential applicants online at [www.njeit.org/forms.htm](http://www.njeit.org/forms.htm). The prospective applicant has the responsibility of submitting all the required application material in a timely manner and in accordance with the deadlines published in this IUP.

In general, failure of a prospective applicant to submit complete planning, design and application documents within the time periods specified by this IUP will result in NJDEP bypassing the project in favor of other priority project(s) which are ready to proceed. Additionally, project sponsors may elect to bypass the project until a future cycle. Please see N.J.A.C. 7:22-3.9 for a general description of the bypass process.

Presently, there are 41 projects totaling \$118 million on the proposed Master SFY2013 Project Priority List, which identifies proposed projects for the May 2013 funding cycle and 79 projects totaling \$214 million on the proposed Master SFY2014 Project Priority List, which identifies proposed projects for the May 2014 funding cycle. The NJDEP also maintains a “Project Priority Comprehensive List” which includes any projects that may be eligible for future funding cycles. More details are available in Appendix C.

## **II. Ranking Methodology**

NJDEP will assign points to each project using the Project Priority System and rank all eligible projects according to the total number of points each project receives. All projects will subsequently be placed on the Project Priority Comprehensive List (see Appendix C) according to their ranking. Projects with more points are ranked above those with fewer points. The annual addition of new projects to the Project Priority Comprehensive List, periodic revisions to the Priority System, or the identification of new information regarding a project, may result in annual changes to an individual project ranking.

The principal elements of the Priority System are: A) Compliance and Public Health Criteria, B) Approved Asset Management Plans/Water Supply Plans/Studies, C) State Designations, D) Affordability, and E) Population. Points are assigned for each of the five priority categories and are discussed in more detail below.

Projects that include multiple elements, as listed in priority Category A, will be separately listed by the elements involved and priority points will be assigned for each element.

Priority points will be assigned only if the project scope includes actual repair, rehabilitation, or correction of a problem or improvement clearly related to priority Category A. A project must

be assigned points from Category A to be eligible for ranking; points assigned from the remaining categories are in addition to the points received in Category A.

The prospective applicant must notify NJDEP of any changes to project scope or any other circumstance that may affect the calculation of priority points. NJDEP shall then recalculate, if appropriate, the prospective applicant’s ranking utilizing the new information submitted and revise the priority ranking accordingly.

Points are assigned for each of the five priority categories discussed below, as applicable:

**Category A. Compliance with the SDWA and Protection of Public Health**

DWSRF funds are to be utilized to address contamination problems and to ensure compliance with the SDWA requirements. Priority is given to water systems in non-compliance with the surface water treatment requirements and those incurring acute primary maximum contaminant level (MCL) violations, or action level exceedances as defined in the National Primary Drinking Water Regulations and the New Jersey Safe Drinking Water Regulations (N.J.A.C. 7:10). Table 1 describes the project elements that are eligible for DWSRF funds:

TABLE 1. Project Elements Eligible for Project Priority Ranking in the Drinking Water State Revolving Fund Program<sup>1</sup>

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1.	Systems that utilize surface water that are not in compliance with the surface water treatment requirements, or have had any acute violations (either fecal coliform or nitrates), and have been issued an administrative order or directive by NJDEP requiring the correction of any noncompliance of its treatment facilities to address an immediate public health threat.	500 Points
2.	Systems which utilize groundwater under the direct influence of surface water, that are not in compliance with the surface water treatment requirements or have had any acute violations (either fecal coliform or nitrates) and have been issued an administrative order or directive by NJDEP requiring the correction of any noncompliance of its treatment facilities to address an immediate public health threat.	350 Points
3.	Systems that utilize groundwater that have had any acute violation (either fecal coliform or nitrates).	300 Points
4.	Systems that have had, or NJDEP reasonably expects to have, any primary maximum contaminant level (MCL) violations (except acute violations) or exceedance of action levels (lead and copper rule).	250 Points

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<sup>1</sup> A project must be assigned points from Category A to be eligible for Project Priority List ranking; points assigned from Categories B through E supplement the points received in Category A.

- |     |   |            |
|-----|---|------------|
| 5.  | Systems that have been issued a notice of noncompliance by NJDEP for reasons other than water quality; i.e. inadequate storage, inadequate source, lack of emergency power, etc.  | 175 Points |
| 6.  | Purchase and/or consolidation of a water system to comply with the SDWA for capacity development.   | 170 Points |
| 7.  | Systems that are proposing improvements for drought or other related water supply management initiatives, as identified or designated by the State.   | 160 Points |
| 8.  | Systems that have lost well capacity due to saltwater intrusion and a solution is needed to preserve the aquifer as a viable aquifer.   | 150 Points |
| 9.  | Extension of water mains, including associated appurtenances and water system facilities, to private wells that have had any maximum contaminant level exceedances or have exceeded lead and copper action levels.  | 125 Points |
| 10. | Existing treatment facilities that need to be rehabilitated, replaced, or repaired to ensure compliance with the SDWA.  | 100 Points |
| 11. | Existing transmission or distribution mains with appurtenances that need to be rehabilitated, replaced, repaired or looped to prevent contamination caused by leaks or breaks in the pipe or improve water pressures to maintain safe levels or to ensure compliance with the SDWA. | 75 Points  |
| 12. | Existing pump stations or finished water storage facilities that need to be rehabilitated or replaced to maintain compliance with the SDWA.   | 60 Points  |
| 13. | New finished water storage facilities or pump stations that are needed to maintain pressure in the system and/or prevent contamination.   | 50 Points  |
| 14. | Addition or enhancement of security measures at drinking water facilities, including but not limited to fencing, lighting, motion detectors, cameras, secure doors and locks, and auxiliary power sources. (please see Security Measures at Public Water Systems in Appendix B.6)   | 45 Points  |
| 15. | Green Infrastructure: renewable energy generation such as solar panels, hydroelectric, geothermal or wind turbines or infrastructure built at the water system facilities such as green roofs, porous pavement, bioretention or grey water reuse.                                   | 45 Points  |
| 16. | Systems which have had any exceedance of any secondary drinking   | 40 Points  |

water regulations that have received notification issued by NJDEP that exceedance of a secondary drinking water regulation causes adverse effects on the public welfare, and for which the system has received a directive issued by the NJDEP requiring correction of the exceedance.

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|---|-----------|
| 17. Installation of new water meters and/or other water conservation devices, including but not limited to retrofit plumbing fixtures.  | 35 Points |
| 18. Construction of new or rehabilitation of existing interconnections between water systems to improve water pressures to maintain safe levels, promote availability of alternative source of supply, or to ensure compliance with the SDWA. | 30 Points |
| 19. Replacement of water meters.  | 25 Points |
| 20. Redevelop wells, construct new wells, or construct or rehabilitate surface water sources with associated treatment facilities to meet the New Jersey SDWA rules for required pumping capacity.  | 15 Points |
| 21. Other project elements, not including items 1 through 20 above, that ensure compliance with the SDWA and protect public health, as approved by NJDEP.   | 1 Point   |
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### **Category B. Approved Asset Management Plans/Water Supply Plans/Studies**

Planning water system improvements that advance comprehensive water supply concepts can facilitate cost effective drinking water system rehabilitation. To provide an incentive for appropriate planning, 75 Points will be given to each project that implements the actual repair, rehabilitation, correction of a problem, or water system improvement clearly identified in an asset management plan or 50 points will be given if the project is clearly identified in other appropriate plans (i.e. five year master plan, five year capital improvement plan, rate setting study or comprehensive water supply plan for a particular region or watershed) approved by a municipal or State agency (such as the New Jersey Department of Environmental Protection, the New Jersey Department of Community Affairs or the New Jersey Board of Public Utilities) within the last five years.

At a minimum, the plan should contain an inventory of water system components (i.e. source, treatment, distribution, storage etc.) including a description of age, criticality and remaining useful life. Resources for your information and use on asset management can be found at:

*<http://water.epa.gov/type/drink/pws/smallsystems/managementhelp.cfm>*

### **Category C. State Designations**

## 1. State Plan

NJDEP assigns points to projects in municipalities that the State Planning Commission has approved under the Plan Endorsement or Center Designation Process. Please note that if a local entity has not received designation by the State Planning Commission, projects within that entity would receive zero (0) points for this element.

- a) Projects located predominantly within or designed to provide service to a designated growth area that lies within a municipality that has received Plan Endorsement of its Master Plan from the New Jersey State Planning Commission or is an Urban Center or Urban Complex are eligible for twenty (20) points.
- b) Projects located predominantly within or designed to provide service to a designated growth area that lies within a municipality that are identified in the Master Plan currently recognized as endorsed by the New Jersey State Planning Commission as a designated center other than an Urban Center (Regional Center, Town, Village, Hamlet) are eligible for fifteen (15) points.

For a current list of those local governments that have gained Plan Endorsement from the New Jersey State Planning Commission, please check the Office for Planning Advocacy at the Department of State website at <http://www.nj.gov/state/planning/plan.html> and then refer to the current State Plan Policy Map to determine if the project area lies within a designated growth area.

Contact the Office for Planning Advocacy, Department of State, P.O. Box 820, Trenton, N.J. 08625-0204 or call (609) 292-7156 for further information on the State Development and Redevelopment Plan.

## 2. Transit Village Initiative

The NJDOT participated in a multi-agency Smart Growth partnership known as the Transit Village Initiative. The Transit Village Initiative helps to redevelop and revitalize communities around transit facilities to make them an appealing choice for people to live, work and play, thereby reducing reliance on the automobile. The Transit Village Initiative is an excellent model for Smart Growth because it encourages investment in portions of New Jersey where infrastructure and public transit already exist. Aside from Smart Growth community revitalization, two other goals of the Transit Village Initiative are to reduce traffic congestion and improve air quality by increasing transit riders. Therefore the NJDEP will provide five (5) additional priority points to any project sponsored by a Transit Village community or to any project that is constructed within a Transit Village community. For more information about Transit Villages, please see <http://www.nj.gov/transportation/community/village/> and for a list of Transit Villages, please see <http://www.nj.gov/transportation/community/village/faq.shtm>.

## 3. Brownfield Development Area (BDA)

The NJDEP sponsors a program to promote the re-use of formerly contaminated sites. The

NJDEP’s Brownfield Program, spearheaded by the Office of Brownfield Reuse, serves as a vital component of the state's Smart Growth efforts to stem the tide of sprawl and channel new development into cities and towns. Under the innovative Brownfield Development Area (BDA) approach, NJDEP works with selected communities affected by multiple brownfield sites to design and implement plans for these properties simultaneously, so remediation and reuse can occur in a coordinated fashion. The DWSRF will support this initiative by providing five (5) additional priority points to any project serving a BDA. For more information about Brownfield Development Area Initiative, please see <http://www.nj.gov/dep/srp/brownfields/bda>.

4. Green Project Reserve (GPR)

NJDEP is promoting green infrastructure, water and energy efficiency, and environmental innovation in its water improvement projects. Therefore the NJDEP will provide fifteen (15) additional priority points to any project that is a categorically eligible project, in accordance with Section I of this Intended Use Plan.

Please note that the points from these four items of Category C can be cumulative. Please note for water systems that service more than one municipality, the municipality that has the highest population served will be counted for this category.

**Category D. Affordability**

The purpose of the affordability criteria is to determine which project sponsors’ water systems are eligible for additional points under the Affordability Category.

Affordability is the degree of need for financial assistance based upon the New Jersey median household income compared to the municipal median household income (MHI). Affordability is determined by the following formula:

$$(\text{Municipal MHI} / \text{Statewide MHI}) \times 100 = \text{Affordability Factor}$$

Points are assigned as shown in Table 2.

TABLE 2. Point values assigned based on Affordability Factor calculation

1. Affordability factor of 100 or greater	0 Points
2. Affordability factor from 85 through 99	15 Points
3. Affordability factor from 66 through 84	30 Points
4. Affordability factor less than or equal to 65	80 Points

The median household income of the municipality which the water system serves and the statewide median household income will be determined from income data in the most recent United States census, which is currently the 2010 census.

The NJDEP has determined that for the purposes of the DWSRF Program, a municipality whose median household income is 35 percent or more below the State’s MHI shall be considered a

Disadvantaged Community, and will receive 80 priority points which is proportionately greater than the other affordability factor points. (New Jersey’s MHI is \$68,444 from the 2010 Census.)

A weighted MHI will be calculated for a project sponsor whose water system serves more than one municipality, as shown in the example below.

Example:

Municipalities Served	MHI	Populations Served	Fraction of total population served	Weighted municipal MHI
Lancaster	30,000	5,000	0.167	5,000
Mayberry	20,000	10,000	0.333	6,660
Holmeville	25,000	15,000	0.500	12,500
<b>Total</b>		<b>30,000</b>	<b>1.00</b>	<b>24,160</b>

Please note for water systems that service more than ten municipalities, the ten municipalities that have the highest populations served will be considered in the above table for the affordability factor.

**Category E. Population**

As a tiebreaker, projects will be assigned points based on the permanent population of the water system service area. For a resort community where the summer and winter populations vary greatly, the permanent population will be calculated by taking the sum of twice the winter population and once the summer population and dividing by three (see below). For water systems that service more than one municipality, total all the permanent population served in the multiple service areas. Priority points will be calculated as the permanent population served by the water system divided by 100,000, expressed as a decimal. In the event that projects remain tied, the project which serves a greater proportionate population in the water system’s area will be given higher priority.

Population served for resort communities will be calculated by the following equation:

$$[(2 \times \text{Winter Population}) + \text{Summer Population}] / 3 = \text{Weighted Permanent Population}$$

**III. Project Priority**

Emergency projects are considered a public health hazard and will receive funding over other projects on the Project Priority List, as described in Section I.B.1 of this IUP.

Small system projects are those identified projects for systems serving 10,000 persons or less.

Supplemental loans are for projects which have received loans to date but require additional funds, either due to the award of all project related contracts or for increased costs due to differing site conditions.

Legacy projects are projects that were not able to meet the previous financing cycle deadlines for the Trust Bond sale but were awarded an interim loan before April.

In summary, the order of project priority is as follows:

1. Emergency Projects (as defined in the Intended Use Plan, Section I.B, Eligible Projects);
2. Small Systems (as defined in the Intended Use Plan, Section III, Small Systems) up to 15 percent of DWSRF Funds;
3. Supplemental Loans (as defined in the Intended Use Plan, Section I.E, Supplemental Loans);
4. Legacy Projects (as defined in the Intended Use Plan, Section I.B, Eligible Projects); and
5. Current Year's Projects.



## INTENDED USE PLAN

This IUP provides information on funds available through the Drinking Water SRF Program to provide financial assistance for projects using FFY2013 capitalization grants, state match, and Trust bond proceeds. Placement on the Project Priority List is a prerequisite to be considered eligible for financial assistance. Projects will be certified for funding based on the Project Priority List rank, amount of available funds, and compliance with the DWSRF Program's requirements and deadlines for completion of planning, design, and loan application. If the total dollar amount of projects exceeds funds available and some projects are not within NJDEP's funding range, projects below the fundable limit may not receive a loan in the current funding cycle.

Any projects that are not ready to proceed during the funding year will be bypassed, but will remain on the Project Priority Comprehensive List and thus be eligible to pursue loan awards in a future funding cycle. Project sponsors must submit a new Letter of Intent – Drinking Water to confirm interest in any future funding cycle. Additionally, project sponsors may elect to bypass their project until a future cycle. These projects will receive a letter stating that the project is bypassed for this funding cycle but the project is still eligible under future funding cycles. In general, failure of a prospective applicant to submit complete planning, design and application documents within the time periods specified by this IUP will result in NJDEP bypassing the project in favor of other priority project(s) which are ready to proceed. Please see N.J.A.C. 7:22-3.9 for a general description of the bypass process.

The proposed IUP provided an opportunity for those interested in being considered for the FFY2013 priority list to review the ranking criteria and other DWSRF loan information prior to submitting a Letter of Intent and associated documents for the October 1, 2012 deadline. Project sponsors must meet the program schedule below in order to be funded in May 2014:

### FFY2013 Schedule

Letter of Intent and Environmental Planning	October 1, 2012
Engineering Design with Plans & Specifications and Loan Application	March 4, 2013
Application submitted for all Permits	March 4, 2013
Loan Award	May 2014

If these deadlines are not met, the NJDEP will bypass the project in favor of other ready priority project(s). Please note that the submittals due to NJDEP must be received by close of business on the respective dates specified above. Additionally, the submittal of an electronic copy of the complete planning, design, and application packages must be submitted to the Trust in electronic format by close of business on October 1, 2012 and March 4, 2013, respectively. All electronic submissions to the Trust must be in a format as specified by the Trust. Please refer to the Trust website at <http://www.njeit.org/forms.htm> under loan applications for further guidance.

Additionally, all supplemental loan applications pursuing funding in May 2014 must submit a loan application and any permit applications by March 4, 2013.

For reference, the FFY 2012 schedule was as follows:

FFY2012 Schedule

Letter of Intent and Environmental Planning	October 3, 2011
Engineering Design with Plans & Specifications and Loan Application	March 5, 2012
Application submitted for all Permits	March 5, 2012
Second Chance Submittal	March 5, 2012
Loan Award	May 2013

The FFY2012 Schedule (i.e., for loan awards in May 2013) was published in the NJDEP’s IUP for the DWSRF Program finalized in September 2011. Please note that the prospective project sponsors that met the deadlines in the FFY2012 Schedule were given priority in order of ranking. Refer to the Priority System chapter of this IUP, Section III.

Historically, any eligible project under the DWSRF program that met the program requirements and was ready to proceed received a DWSRF loan. But now, as the dollar amount of eligible projects exceeds funds available, it is possible that some projects will not rank high enough for funding. Therefore, the source of monies and the allowed use of the funds need to be taken into consideration as some funding sources do not allow for the financing of private utilities. The “fundable” line will thus fluctuate as project sponsors may elect for their projects to be bypassed, or project sponsors are notified that their projects are bypassed for a variety of reasons. Unfundable projects will be considered eligible but not reachable. These project sponsors may continue to pursue funding through the DWSRF program as the fundable line fluctuates and increases or decreases the number of reachable projects. However, we emphasize that placement on the Project Priority List does not guarantee funding. The NJDEP will continue to pursue additional sources of funding for DWSRF construction projects. Additionally, the NJDEP is considering changes (e.g loan term adjustments, Trust only loans, etc.) for projects below the fundable line.

It is highly recommended that all prospective project sponsors attend a preplanning meeting with the Bureau of Safe Drinking Water (BSDW) and Municipal Finance and Construction Element of NJDEP and the Trust prior to the prospective project sponsor’s submission of a Letter of Intent – Drinking Water Loan. The purpose of the preplanning meeting includes discussion of DWSRF Program requirements and schedules and the prospective project sponsor’s project(s) and schedules. After the preplanning meeting, those prospective project sponsors wishing to pursue project financing through the DWSRF Program should submit a Letter of Intent – Drinking Water Loan (online) to the NJDEP/Trust and proceed according to the applicable schedule.

An acceptable planning submittal must consist of a complete project report, the appropriate environmental planning documentation for the level of environmental review determined applicable by NJDEP, cultural resources information, documentation of completed public participation activities, a detailed map, and the results of preliminary coordination activities with

lead agencies regarding environmental and permit reviews. The requirements for the planning submittal can be found in N.J.A.C. 7:22, Subchapter 10.3 to 10.6, Financial Assistance Programs for Environmental Infrastructure Facilities. Three copies of the planning document (with an online submittal to the Trust: at [www.njeit.org](http://www.njeit.org)) must be submitted by the deadline to:

Eugene Chebra, Assistant Director  
Mail Code 401-03D  
NJ Department of Environmental Protection  
Division of Water Quality  
Municipal Finance & Construction Element  
P.O. Box 420  
Trenton, NJ 08625-0420

The DWSRF may only provide assistance for expenditures (not including studies, monitoring, operation, and maintenance expenditures) which will facilitate compliance with national primary drinking water regulations applicable to the system or otherwise significantly further the health protection objectives of the SDWA. For those projects that have the potential to facilitate substantial growth or cause significant adverse environmental impacts, the NJDEP will place increased emphasis on the evaluation of the planning submitted by the project sponsor with respect to the water quality/quantity impacts, impacts to riparian corridors, the existing pollution control needs, assessment of the resulting environment, detailed assessment of proposed alternatives and cost-effectiveness of the proposal. The NJDEP's funding decisions will be based upon the projects' aggregate impacts as determined through such evaluations.

Additionally, the Statewide Water Quality Management (WQM) Planning rules, N.J.A.C. 7:15 establish a mechanism for the determination of consistency between proposed projects or activities requiring NJDEP issued permits and the WQM Plans. In addition, procedures for the modification of water quality management plans, when necessary, either through amendment or revision are also specified. More information on the WQM can be accessed at <http://www.nj.gov/dep/wqmp>.

## **I. Eligible Systems and Projects**

### **A. Eligible Systems**

Public community water systems (as defined by the National Primary Drinking Water Regulations), both privately and publicly owned, and nonprofit noncommunity water systems are eligible for DWSRF assistance. Eligibility is limited to these types of water systems that are required to comply with the New Jersey State primary drinking water regulations. Facilities that are defined as water systems but are exempt from regulation under the SDWA are not eligible. Federally owned systems and State owned systems (State agencies, such as state police, parks and forestry, and corrections) are not eligible to receive DWSRF assistance. However, State authorized systems (water commissions, water supply authorities, and water districts) are eligible to receive DWSRF assistance.

## B. Eligible Projects

The main objective of DWSRF funding is to protect the public health in conformance with the objectives of the SDWA. A list of project elements eligible for Project Priority Ranking for the Drinking Water State Revolving Fund Program is presented in Table 1 as part of the Ranking Methodology for the Project Priority List. Placement on the Project Priority List is a prerequisite to be considered eligible for financial assistance. The major program elements of eligible projects are summarized below.

The DWSRF provides assistance for expenditures (not including monitoring, operation, and maintenance expenditures) which facilitate compliance with National Primary Drinking Water Regulations and applicable USEPA guidance, so that water systems may further achieve the health protection objectives of the SDWA. These include projects to maintain compliance with existing regulations for contaminants with acute health effects (e.g., the Surface Water Treatment Rule, the Total Coliform Rule, Ground Water Rule and nitrate standard) and existing regulations for contaminants with chronic health effects (e.g., Lead and Copper Rule, regulated inorganics, volatile organics and synthetic organics, disinfection by-products, and radiological contaminants). In addition, projects that address the exceedance of a recommended upper limit for a secondary contaminant are DWSRF eligible. Certain types of projects that address water supply issues related to public health protection are also eligible.

Projects to replace aging infrastructure are also eligible if they are needed to maintain compliance or further the public health protection goals of the SDWA. Examples of these include projects to:

- rehabilitate or develop sources (excluding reservoirs, dams, dam rehabilitation, and water rights) to replace contaminated sources;
- install or upgrade treatment facilities, if the project would improve the quality of drinking water to comply with primary or secondary drinking water standards;
- install or upgrade storage facilities, including finished water reservoirs, to meet minimum system storage requirements or prevent the introduction of microbiological contaminants to the water system;
- install or replace transmission and distribution pipes to prevent contamination caused by leaks or breaks in the pipe, or improve water pressure to safe levels; and
- install and enhance security at drinking water systems, including fencing, lighting, motion detectors, cameras, and alternative auxiliary power sources.

Projects to consolidate water supplies are eligible for DWSRF assistance, as follows : 1) extension of water mains by a community water supply system to individual homes with contaminated wells; or 2) purchase or consolidation (i.e., restructure) of a water system that is unable to maintain compliance for technical, financial, or managerial reasons only if the financial assistance will ensure that the system returns to and maintains compliance with SDWA requirements and the owner or operator of the water system agrees to undertake feasible and appropriate changes in operations necessary to ensure the system has the technical, managerial, and financial capability to maintain long term viability and compliance with SDWA requirements.

An amendment to the existing Financial Assistance Programs for Environmental Infrastructure Facilities Rules, adopted in the *New Jersey Register* dated October 6, 2003 (35 NJR 1475(a)), added a requirement for mandatory connection ordinances for water main extension projects to ensure that the public health issue is addressed, to assure the cost-effectiveness of the project, and to ensure adequate operation of the system to be built. This amendment also required project sponsors to adopt or obtain a mandatory well sealing ordinance if the NJDEP determines that it is warranted to prevent usage of contaminated water, prevent cross-connections, and/or the migration of contaminants.

The NJDEP clarified the types of Green Projects that are eligible for DWSRF funding, to be consistent with the USEPA guidance. The most recent Congressional appropriation contained requirements that a percentage of the Capitalization Grant may fund green projects. The Green Project Reserve is discussed below.

Additional considerations for eligibility for DWSRF funding:

1. Emergency Projects

Emergency Repair Projects are defined as, and limited to, projects that replace, in kind, the failure of an essential portion of a public water system that will disrupt water service to any number of the public water system's customers for a minimum of 24 hours total and/or poses a substantial threat to the public health, safety, and welfare. The DWSRF will only fund the portion of any repair that is necessary to restore lost service to the affected population under the emergency loan provisions. A water purveyor may only receive emergency funding for a specific Emergency Repair Project ONCE. Any long term solutions, modifications, and/or upgrades to prevent future emergency occurrences must be addressed in future financing cycles as a project and published on the Project Priority List.

Emergency Repair Projects will not have to be ranked on the current Priority List in accordance with the DWSRF Interim final rule, 40 CFR Parts 9 and 35, Section 35.3555. However, the project will need to be identified in the following IUP and the Annual Report to USEPA. Emergency Repair Projects will receive priority funding over other projects on the Project Priority List.

The affected system must notify the Chief of the Bureau of Safe Drinking Water, Water System Operations Element in the Division of Water Supply and Geoscience, Sandra Krietzman, at (609) 292-5550 by close of business on the day of the emergency or by 12:00 PM of the next business day. For example, if an emergency occurs on a Friday morning, the NJDEP must be notified by the end of the Friday business day or if an emergency occurs on a Saturday or Sunday, the NJDEP must be notified by 12:00PM on the following Monday. The NJDEP will confirm notification of the possible emergency project with a fax describing what information is to be submitted to NJDEP. Within 30 days of the emergency occurrence, the affected system must submit to the DWSRF a comprehensive report including the following: nature/location of the emergency, need for repair and description of the initial efforts to repair the damage, detailed description of the repair needed with costs, list any required permits, and a description of the

long term solution. In addition, a Certification signed by the water superintendent, chief engineer or director must be provided by the water system stating that there was an emergency situation and that the repairs are required.

The NJDEP recognizes that environmental infrastructure emergencies may occur that endanger public health and welfare and can result in substantial environmental damage. Such circumstances require an immediate response for which a complete technical and environmental review in advance of construction is not possible. On July 15, 2005, the NJDEP issued a generic Environmental Decision Document (EDD) for environmental emergency response projects and on January 3, 2006, amendments to the program's rules at N.J.A.C. 7:22 were adopted to allow the EIFP to fund certain emergency projects. The generic EDD and the rule changes identify the specific types of projects and conditions that must exist to qualify under the emergency project provisions of the Financing Program. With the EDD and the rules as guidelines, the NJDEP has developed a process to respond rapidly when emergencies occur, obtain basic project information, make an eligibility determination and issue a pre-award approval so that owners/operators can undertake the needed repairs and maintain eligibility for those expenditures through the EIFP. For ranking purposes, projects that qualify as emergency projects will receive funding priority over all other projects on the Project Priority List.

All program requirements must be met to the NJDEP's satisfaction prior to the water system being reimbursed for the emergency repair.

## 2. Multi-year Projects

The construction of a new well presents challenges for the DWSRF financing program. This is due to the extended length of time required to satisfy all permit requirements and obtain permit approvals. In order to provide more financing options and to get funds to the water systems earlier in the well construction process, the NJDEP proposes to provide more than one loan for new well projects. This unique multi-year type of loan takes the appearance of a reimbursement, as the project sponsor must utilize its own money to initially finance the addition of the new well before the DWSRF loan is issued.

Initially a loan can be awarded for only the installation of a well. Under this process, a project sponsor will apply for a loan to drill a well (new or replacement). The project sponsor would be eligible for loan award after DWSRF programmatic requirements are met and a Bureau of Water System Engineering (BWSE) permit to construct is issued and appropriate well permitting conditions are met. In the case of a test well, a well drilling permit is required only. In this scenario, the well could be constructed but not operated until a final permit is issued. If in the event of unforeseen conditions in which the well could not be utilized or re-designated from a test well to a production well, the project sponsor would be eligible for an additional loan to construct a second well. However, the project sponsor will be required to submit documentation describing the failure of the first well and adequate technical analysis supporting the construction of the second well. The project sponsor would remain liable for both loans for both wells. The intent of this program is to ensure that the project sponsor has a usable well that will perform as intended over the life of the loan(s).

After a major modification for the Water Allocation diversion permit is issued, if applicable, the project sponsor could apply for an additional loan to construct the necessary appurtenances, such as a well house, pump, associated treatment, etc. If the project sponsor does not pursue an additional loan for the construction of well appurtenances, the project sponsor must still commit to finalizing the project such that the result is a fully functioning, permitted production well.

An overview that details the process and duration of the new well funding process, such as the steps to obtain the Bureau of Water System Engineering and Bureau of Water Allocation and Well Permitting permits, obtain pre-award approvals, and submit all required DWSRF loan documents is summarized in a timetable, a copy of which is available by contacting the DWSRF staff at (609) 292-5550.

### 3. Green Project Reserve (GPR)

GPR Projects are defined by USEPA as projects that address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities. Projects meeting this definition will follow the same process as all other DWSRF projects. Certain projects, associated with the drinking water system improvements, are considered by USEPA as categorically eligible projects; such as solar power, wind turbines, geothermal or hydroelectric power, green roofs, bioretention, porous pavements, grey water use, US Building Code LEED certified facilities, installing water efficient devices, new meter for an unmetered area, replacing existing meters with an automated meter reading system and pressure reducing valves.

Certain projects may be eligible but need extra justification under a business case review; such as cleaning and lining of water mains, replacing water meters with traditional meters, replacement of water mains or storage tanks to reduce water losses, energy efficient upgrades to pump stations or treatment plants and installation of SCADA systems.

Further clarification on GPR can be accessed at:  
<http://www.epa.gov/reg3wapd/infrastructure/gpr.htm>

### 4. Legacy Projects

Legacy projects have been created for projects that were not able to meet the current SFY financing deadlines but will receive all necessary approvals and are awarded Interim Loans on or before mid-April of that year. This new class of projects or legacy projects from the current year program will be prioritized over any new projects seeking loans in the next SFY program (including second chance projects, if applicable)

## **C. Projects not eligible for funding**

The DWSRF cannot provide funding assistance for the following projects and activities:

- Dams, or rehabilitation of dams;
- Water rights, except if the water rights are owned by a system that is being purchased through consolidation as part of a capacity development strategy;
- Reservoirs, except for finished water reservoirs and those reservoirs that are part of the

treatment process and are located on the property where the treatment facility is located;

- Laboratory fees for monitoring;
- Operation and maintenance expenses;
- Projects needed mainly for fire protection;
- Projects for systems that lack adequate technical, managerial, and financial capability, unless assistance will ensure compliance;
- Projects for systems that have a USEPA Enforcement Targeting Tool score greater than or equal to 11, unless funding will ensure compliance ([www.epa.gov/compliance/resources/policies/civil/sdwa/drinking\\_water\\_erp\\_2009.pdf](http://www.epa.gov/compliance/resources/policies/civil/sdwa/drinking_water_erp_2009.pdf)); and
- Projects primarily intended to serve future growth.

#### 1. Lack of technical, managerial, and financial capability

The DWSRF may not provide any type of assistance to a system that lacks the technical, managerial, or financial capability to maintain SDWA compliance, unless the owner or operator of the system agrees to undertake feasible and appropriate changes in operation or if the use of the financial assistance from the DWSRF will ensure compliance over the long term. A capacity development program was created to evaluate each system to be funded to ensure each meets the capacity development requirements (see Appendix B).

#### 2. Compliance with Enforcement Targeting Tool

The DWSRF may not provide assistance to any system that has an Enforcement Targeting Tool (ETT) score of 11 or greater unless the NJDEP determines that the project will enable the system to return to compliance and the system will maintain an adequate level of technical, managerial and financial capability to maintain compliance.

### **D. Compliance without DWSRF Funding**

The inability or failure of any public water system to receive assistance from the DWSRF or any other funding agency shall not alter the obligation of a drinking water system to comply in a timely manner with all applicable drinking water standards.

### **E. Supplemental Loans**

In the event that additional monies are needed, either because the low bid building cost is higher than the original loan amount or because of differing site conditions, the project sponsor may request a supplemental loan. The NJDEP may execute a supplemental loan agreement only after passage of a subsequent legislative appropriations act providing monies for the specific project. In either instance, the project sponsor is responsible for other costs. The NJDEP will give supplemental loans funding priority over projects on a current Priority List. Please note that supplemental loan applications must be submitted to NJDEP by the March deadline for the funding cycle in which the supplemental loan is requested.

### **F. Pre-award Approval**



In order to maintain eligibility under the DWSRF program, a project sponsor cannot advertise for bids before executing a loan unless the Department and the Trust issue written pre-award approval. Therefore, written pre-award approval is needed before the project sponsor advertises for bids. Any project sponsor is eligible for pre-award approval once programmatic requirements have been met. A project sponsor needs to receive all applicable permits; an Environmental Decision Document (EDD) from the NJDEP, Municipal Finance and Construction Element, Bureau of Environmental and Engineering Reviews; written approval of plans and specifications from the NJDEP, Municipal Finance and Construction Element, Bureau of Environmental and Engineering Reviews; and satisfy all conditions of the Socially and Economically Disadvantaged businesses (SED) participation goals. After written pre-award approval is received, a project sponsor may advertise for bids. Please note that pre-award approval is not a guarantee of funds.

## **G. Allowable costs**

### 1. Land acquisition

Land acquisition is eligible only if it is integral to a project that is needed to meet or maintain compliance and further public health protection. In this instance, land that is integral to a project is only that land needed to locate eligible treatment or distribution projects. In addition, the acquisition has to be from a willing seller.

### 2. Planning and design of a drinking water project

NJDEP has adopted rules at N.J.A.C. 7:22 entitled “Financial Assistance Programs for Environmental Infrastructure Facilities.” N.J.A.C. 7:22-5.12 establishes the eligible allowance to defray the cost of planning and design, for project sponsors whom do not seek reimbursement of actual planning and design costs. Please see Table 1, entitled “Allowance for Facilities Planning and Design” in N.J.A.C. 7:22 to calculate the planning and design allowance for projects whose sponsor does not seek reimbursement for actual planning and design costs.

### 3. Construction related cost of a drinking water project

The Financing Program rules (N.J.A.C. 7:22) provide eligible costs of 3 percent of the construction contract costs for administrative expenses, 5 percent of the construction contract costs for construction contingencies, and the actual cost of engineering/construction management services (NJDEP will use 12 percent to estimate the cost of engineering/construction management services for the purposes of developing the project priority list).

### 4. Growth

Assistance may be provided to address population growth expected to occur by the date of initiation of operation of any improvements to be funded by DWSRF assistance, but not solely in anticipation of future population growth. In determining whether or not a project is eligible for assistance, NJDEP must determine the primary purpose of the project. If the primary purpose is to supply water to or to attract new population growth, the project is not eligible to receive

DWSRF funds. If the primary purpose is to address a compliance or public health problem, the entire project, including the incidental portion necessary to accommodate a reasonable amount of growth to the date of initiation of operation of any improvements to be funded by DWSRF assistance from the NJDEP, is eligible. The remaining capacity related to growth has, until this time, been eligible for funding by the Trust.

#### **H. Socially and Economically Disadvantaged (SED) Business Participation**

Project sponsors are required to set a goal of awarding at least 10 percent of a project's costs for construction, materials, or services to small business concerns owned and controlled by SED individuals as defined in the Small Business Act (15 U.S.C. 637(a) and (d)) and any rules promulgated pursuant thereto. The NJDEP and the Trust have adopted the SED rules (at *N.J.A.C. 7:22-9*) that identify the SED utilization requirements that project sponsors will have to meet.

#### **I. Administrative Fees**

In accordance with the USEPA Policy on Fees Charged on Assistance Provided Under the SRF Programs, states must disclose information regarding the assessment and use of any fees associated with SRF activities that are passed on to the program participants. In New Jersey, each SRF project is financed with two loans, one from the NJDEP which utilizes federal SRF capitalization grants and one from the NJ Environmental Infrastructure Trust, which utilizes bond proceeds from the Trust bond sale. It is anticipated that the State Fiscal Year 2013 Appropriation Act will require the NJDEP to assess an annual administrative fee and provide monies to the State Treasury to help offset the cost of DWSRF administration. The NJDEP received legislative approval in June 2005 to institute a 2 percent loan origination fee to fund the annual fee requirement. This origination fee was based on a five-year program cost evaluation. This evaluation will be conducted annually to ensure funding is adequate. This fee will be assessed on the total loan amount regardless of any amounts subject to principal forgiveness. This fee is generally financed as part of each borrower's Trust Loan.

Any fees collected above the amount necessary to fund that year's program will be held by the Trust in a separate account. Interest earned on this account will be applied toward DWSRF administrative costs. Specifically, funds from the account will be disbursed to Treasury every year to meet the anticipated State revenue established under the Annual Appropriations Act. If the fees collected are insufficient to fund the program, the NJDEP will request that the shortfall amount be appropriated from the special account. (Note: Monies collected through the NJDEP Fee can only be used for EIFP administrative costs.) There is no SRF funding involved in the NJDEP loan origination fee. The NJDEP's loan origination fee is not included in the principal amount of the DWSRF loan and is separately accounted for. The fee schedule is detailed in Table 3.

TABLE 3. Drinking Water Administration Fees

Year	NJDEP Fee Rate	Amt. Collected	Amt. Transferred to DEP
2003	0.90%*	\$199,293	\$199,293
2004	3.37%	\$1,557,178	\$1,557,178
2005	1.75%	\$986,123	\$986,123
2006	2.00%	\$982,936	\$904,301
2007	2.00%	\$909,695	\$909,695
2008	2.00%	\$2,260,319	\$2,260,319
2009	2.00%**	\$1,212,304	\$1,212,304
2010	2.00%**	\$893,979	\$893,979
2011	2.00%**	\$1,223,999	\$1,223,999

\* In SFY2003 only, the fee was collected against the Trust portion of the loan

\*\* Starting in SFY2010, 1 percent of the fee was charged at closing and the Trust will bill the borrower 0.25 percent every year for the next four years to come up to the full 2 percent fee.

The Trust's loan is issued at the same market interest rate as the Trust obtains from the sale of its bonds. A Trust Loan administrative fee of 0.01 percent is applied to the Trust Loan to fund the costs of issuance associated with the bond sale. This fee is generally financed as part of each borrower's Trust Loan. These issuance costs include such activities as: bond counsel, financial advisor, rating agencies, printing and publishing of the Notice of Sale, the Preliminary Official Statement, the Official Statement, and other costs related to the Trust's bond sale. In addition, the Trust will charge participants an annual administrative fee for loan administration payable semiannually. The annual amount may not exceed 0.3 percent of the initial principal amount of the Trust loan to cover the balance of the closing cost and the annual operating expenses associated with the operations of the Trust and the on-going costs associated with the Loan Service and Trustees. The Trust Annual Fee is not included in the principal amount of the loan. The annual fees collected by the Trust are held in an account outside of the SRF. The Trust anticipates collecting administrative fees associated with the DWSRF and CWSRF programs of approximately \$5 million in this fiscal year. The Trust may charge non-governmental participants for any expenses incurred by or on behalf of the Trust in connection with the evaluation of the acceptability of any collateral provided as security for the Trust and Fund loans, regardless of whether the loan is actually closed. The Trust will not incur such expense without the prior notification to the potential borrower.

## J. Credit Worthiness Policy

The Trust is revising a credit worthiness policy for loan applicants to clarify and define what financial information is expected of applicants that are applying for an SRF loan in conjunction with the financial addendum form. The policy is expected to be published in this loan cycle.

## II. Description of DWSRF Use of Funds

In addition to the USEPA's capitalization grant, funds are also available from two other sources: the New Jersey Water Supply Bond Fund created under the Water Supply Bond Act of 1981 and

the Trust. The 1981 Bond Act authorized the creation of a general obligation debt in the amount of \$350,000,000 for the purpose of providing loans for State or local projects to rehabilitate, repair, or consolidate antiquated, damaged, or inadequately operating water supply facilities and to plan, design, acquire, and construct various State water supply facilities. The Trust has the authority to issue bonds and to reserve any funds necessary to make loans to applicants for environmental infrastructure projects. NJDEP intends to continue to provide loans through the capitalization grant in combination with leveraging state match funds by the Trust to maximize the Program's cash flow. The NJDEP provides loans at zero percent interest (with a principal forgiveness portion for the small systems loan program and top ranked projects ) for a maximum of 20-year repayment terms, not to exceed the useful life, for a portion of the allowable costs as described in the loan terms below. The Trust offers market rate loans for the remaining allowable project costs, also for up to a 20-year term.

Additionally, monies will be deobligated for New Jersey from the Operator Certification Expense Reimbursement Grant (ERG) in FFY2012 and FFY2013, a grant program established in accordance with Section 1419 of the SDWA to provide funding for certification and training costs for small drinking water system operators. The deobligated monies will then become available for New Jersey to utilize under the DWSRF program. These monies are requested under the current DWSRF capitalization grant. It is estimated that \$1 million will be available in FFY2012 and any other remaining monies that are deobligated will be available in FFY2013.

Table 4 illustrates the NJDEP's intended use of the FFY2013 funds from all sources.

The DWSRF Loan Terms are as stated below, unless amended, as needed to meet the requirements of the FFY2013 DWSRF Federal Appropriations Bill. In the general loan program, the loan terms are 20 percent of the total project costs (up to \$2 million) will be awarded as principal forgiveness loans; 40 percent of the total project costs (up to \$4 million) will be awarded as zero interest loans from the Department and 40 percent of the total project costs (up to \$4 million) will be awarded as a loan at the market rate from the New Jersey Environmental Infrastructure Trust (Trust). If the total project(s) cost (including the leveraged Trust portion) for a water system is more than \$10 million, then the remainder of the project will be covered by the following loan terms: the traditional DWSRF program, whereby 75 percent of the balance greater than \$10 million will be awarded as zero interest loans from the Department and 25 percent of the balance greater than \$10 million will be awarded as a market rate loan from the Trust.

In SFY2013, the loan terms include a Small Water Systems loan program as a component of the general loan program. The Small Systems loan program is designed to facilitate small system access to DWSRF financing. Qualified Borrowers are publicly-owned and privately-owned community water systems and nonprofit noncommunity water systems with populations less than 10,000 persons. There is a cap of \$1 million per loan with a total of \$4 million available for this new loan program. At the loan cap amount of \$1 million, 50 percent (\$500,000) is available as principal forgiveness; 25 percent of the total project costs (up to \$250,000) is available as zero interest from the Department and 25 percent of the balance of the total project cost is available at the Trust market rate. This program will prioritize small systems in three tiers as follows: 1) those systems serving less than 500 residents, 2) those systems serving 500 to 3,300 residents

and 3) those systems serving 3,301 to less than 10,000 residents. At this time, the financing program is discussing other advantages to small systems; such as waiving administrative fees, direct loans, getting the lowest costs for bond counsel, etc.

For the Small System loan program, NJDEP will provide a list of candidates that qualify for the small systems loan program, from those applicants who meet the first DWSRF deadline of October 1, 2012. At time of letter of intent submittal, there will be a drawdown box where the applicant can note their interest in the small system loan program. NJDEP will work with these systems to provide the best available loan terms.

Loan terms for supplemental loans will be the same terms as were made for the original executed DWSRF loan.

For all projects, outside the Small Systems loan program, we will fund projects in ranked order, including principal forgiveness monies, until the 30 percent maximum is awarded. The balance of the projects will be eligible for the traditional DWSRF FY2013 financing program (i.e. 75 percent zero interest, 25 percent market rate) in ranked order. This approach allows us to focus the principal forgiveness monies on small systems while providing the remaining principal forgiveness funding to high priority projects. While, the DWSRF program hopes to finance all projects, we recognize that limited funds may prevent the funding of all project sponsors.

A minimum of 20 percent of the State's FFY2013 DWSRF allocation may be used for projects that meet the requirements of the Green Project Reserve (GPR). Green infrastructure projects, such as solar panels or wind turbines, will be given priority for GPR funding in ranked order. Additionally, the GPR can be provided for categorically eligible projects or other projects for water efficiency, energy efficiency or other environmentally innovative activities, as needed to reach the optional 20 percent goal.

Table 5 outlines the distribution of FFY2013 non-project set-aside funds. Nonproject set-aside funds identified in Table 5 will be used for the activities shown or reserved for use in future fiscal years use, in accordance with USEPA guidance. NJDEP determines annually how much money is needed in each set-aside by evaluating staffing, supplies, consultants and other costs needed to adequately run the programs and fulfill the obligations of the SDWA Amendments. A workplan is then submitted to USEPA based on those amounts. Funds not used for nonproject set-aside activities will be returned to the project fund for use towards construction projects. NJDEP may move funds among set-aside activities or from the set-aside account(s) to the Fund after receiving an approved amendment to the capitalization grant, where permissible. A description of the Nonproject Set-Aside Activities for FFY2013 is included in Section IV of this IUP.

TABLE 4. NJDEP's Intended Use of the FFY2013 funds

<u>Funds Available</u>	<u>FFY2013*</u>
Federal Capitalization Grant	\$19,174,000
State Match	\$ 3,834,800
Transfers from CWSRF to DWSRF	\$0
Estimated DW Repayments Available as of 2013	\$19,000,000
Interest Earnings	\$3,000,000
Remaining monies from previous Cap Grants **	\$0
Estimated Funds Available	\$45,008,800
<u>Projected Expenditures</u>	
Nonproject Set-asides (see Table 5)	\$ 3,067,840
Funds Available for Projects	\$41,940,960
Trust Reserve Fund***	\$0
NJDEP \$\$ Available	\$41,940,960
Trust Bond Proceeds	\$13,980,320
Funds Available for Projects**** (NJDEP & Trust)	\$55,921,280

\* The federal funds are estimated at \$19,174,000 for FFY2013 for planning purposes; actual amounts may vary but will be proportionally allocated as indicated.

\*\* If applicable, some funds from previous DWSRF capitalization grants, previous transfers from CWSRF repayments, interest earnings, repayments, and state matching funds may be available for funding the May 2014 funding cycle projects. The above amount is estimated as zero dollars, but NJDEP intends to use any remaining balance of monies to fund construction projects. After review of the set aside work plans, any resources not used to promote and operate set aside activities will return to the construction fund.

\*\*\* Please see the Trust's Project Priority List and Financial Strategy dated January 2012 for a discussion about the Trust Reserve Fund.

\*\*\*\* This estimate is based on the traditional 75/25 DWSRF financing program. The details of the loan terms are discussed in this section of the IUP.

TABLE 5. Nonproject Set-Aside Fund Uses  
\$3,067,840 (See Table 4)  
FFY2013\*

PROGRAM	AMOUNT	REMAINING AMOUNT***
Program Administration of DWSRF Projects (4%)	\$766,960	\$184,754
Small System Technical Assistance (2%) **	\$383,480	\$485,584
State Program Management (10%) **	\$1,917,400	
State PWSS Program (7.4%)	\$1,418,973	\$2,381,222
Source Water Program Admin (0.4%)	\$69,877	\$376,022
Capacity Development (1.9%)	\$363,975	\$555,306
Operator Certification (0.3%)	\$64,575	\$819,982

\* The federal funds are estimated at \$19,174,000 for FFY2013 for planning purposes.

\*\* These figures are approximate, and are subject to a workplan submittal to USEPA.

\*\*\* These figures are the unexpended funds in the DWSRF accounts as of January 1, 2012 which do not include outstanding contracts, expenses, and salaries for SFY2013.

Currently NJDEP's IUP does not call for providing additional funds for disadvantaged communities. However, disadvantaged communities, as identified in the Project Priority System-Category D, Affordability Criteria, will receive more ranking points. Thus disadvantaged communities will receive a higher priority to qualify for the low interest loans available under the DWSRF financing program.

Under the provisions of the SDWA of 1996, Section 1452(e), each State is required to deposit in the DWSRF an amount equal to at least 20% of the total amount of the capitalization grant. It is expected that the funding source of the State Match for New Jersey will be secured from the 1981 Water Supply Bond Fund.

Each State must also agree to deposit into the set-aside account where the Section 1452(g)(2) funds will be deposited, a dollar for dollar match, not to exceed an amount of 10% of the capitalization grant. Thus, the State Match for the State Program Management set-aside for FFY2013 is \$1,917,400. The dollar to dollar state match is anticipated to be met by half of the funds coming from the SFY1993 PWSS Program overmatch and A-280 Safe Drinking Water Tax Fund and half from the SFY2013 PWSS Program overmatch and A-280 Safe Drinking Water Tax Fund, as applicable.

### III. Small Systems

The Federal SDWA amendments of 1996 had a goal for states to provide at least 15 percent of all funds credited to the DWSRF project account to provide loan assistance to systems serving fewer than 10,000 persons. Therefore, 15 percent of the DWSRF fund will be reserved to provide financing for small systems serving fewer than 10,000 residents. However, if there are not enough small systems serving fewer than 10,000 that would be eligible for the 15 percent reserve, then the moneys would be utilized for eligible projects, in priority order, that have met program requirements.

One of NJDEP's short-term goals is to provide loan assistance to systems serving fewer than 10,000 persons, to the extent that there are a sufficient number of eligible projects to fund. New Jersey will continue to strive to meet this criterion; however it has proven to be a difficult goal to reach despite the best efforts and intentions of the NJDEP. For the first ten funding cycles, New Jersey did not meet the 15 percent goal. NJDEP has surpassed the 15 percent goal in 2007, 2008 and for ARRA in 2009. More small systems are participating in the DWSRF, potentially because more small systems are facing contamination issues which rank higher on the priority list.

The NJDEP continues to reach out to small systems. The NJDEP distributes informational pamphlets, makes presentations, and provides small systems with an informational sheet tailored to small system concerns. NJDEP staff also target small systems for informational site visits. With the help of the two percent set-aside for technical assistance to small systems, the NJDEP entered into contracts with New Jersey Water Association (NJWA) to provide engineering services to small systems under the Small System Technical Assistance set aside in March 2004, 2006 and 2010. Under these contracts, small systems serving less than 3,300 people accessed a pre-approved list of consulting engineers that provided assistance completing DWSRF applications and submittals for systems. The engineers were reimbursed through this contract instead of the project sponsor receiving a planning and design allowance. This eliminated the need for small systems to utilize their own resources to pay for the engineering planning and design costs. Five systems utilized the first two contracts and they are fully expended. Currently, two systems are participating in the third contract.

**New Small Systems Loan Program:** In FFY2013, the DWSRF loan program will be implementing a Small Water Systems loan program. This program was initiated in order to proactively ease access to small system financing. From the applicants that meet the first deadline of the DWSRF program, NJDEP will provide a list of candidates from that group that qualify for the small systems loan program. NJDEP will work with these small systems to provide them with the best available loan terms. At time of the letter of intent submittal, there will be a drawdown box where the applicant can note their interest in the small system loan program. Qualified Borrowers are publicly-owned and privately-owned community water systems and nonprofit noncommunity water systems with serving less than 10,000 persons. There will be \$4 million available for this new loan program. The Interest Rate is set at 50 percent of the total project costs (up to \$500,000) will be awarded as principal forgiveness loans; 25 percent of the total project costs (up to \$250,000) will be awarded as zero interest loans from



the Department and 25 percent of the balance of the total project cost (up to \$250,000) will be awarded as a loan at the market rate from the Trust with a maximum Loan Amount of \$1,000,000 per water system. This program will be offered in a tier approach: first to those systems serving less than 500 residents, secondly to those systems serving 500 to 3,300 residents and lastly to those systems serving 3,301 to less than 10,000 residents.

Additionally, the program is evaluating more ways to help small systems in participating in the DWSRF loan program; such as waiving the administrative fees, direct loans, getting the lowest costs for bond counsel, etc.

#### **IV. Nonproject Set-asides**

Section 1452 of the Federal SDWA authorizes the states to provide funding for certain nonproject activities, as long as the amounts do not exceed ceilings specified in the statute. Required workplans will be submitted to the USEPA with the capitalization grant application for the nonproject set-aside activities. The workplans will provide a task, output, and budget breakdown for the set-asides. Each year, the NJDEP will assess the desired goals and outputs with actual accomplishments to determine the progress of the set-asides projects. Any costs that are not covered by the workplans will be used to finance construction projects; where allowed, the NJDEP reserves the authority to apply for these set-aside funds for nonproject activities under future capitalization grant applications. NJDEP wants to balance the monies between the set-aside programs that further the objective of the SDWA and distribute loan monies to water systems to maintain compliance with the SDWA and protect public health. Dollar amounts identified for each set aside is estimated. Unless specifically noted, the activities outlined will be completed and the entire dollar amount cited will be expended by the end of SFY2014.

##### **A. Utilizing Reserved Funds**

Funds for the Small Systems Technical Assistance (SSTA) and the State Program Management categories of the set-asides have been reserved from each of the previous capitalization grants awarded to the NJDEP by the USEPA. Portions of the total set-aside monies requested from the previous capitalization grants were reserved for future capitalization grant applications and those funds were utilized for construction loans at that time.

##### **B. Administration (4%, 6 full time employees or FTE)**

These funds will be used to administer the DWSRF in New Jersey. These administrative costs may include expenses such as development of the Project Priority System, the IUP and Project Priority List, the capitalization grant application, and other program documents. In addition, NJDEP's costs for project management for planning, design, construction, loan payment/repayment, annual reporting activities, infrastructure needs survey, etc., are also eligible. These costs include endeavors to market the DWSRF program in New Jersey, such as creating websites and publishing informational brochures. If this entire amount is not obligated in one year, the NJDEP will retain these funds to cover administrative costs in subsequent years. However, the NJDEP has expended the entire 4.0% administrative set-aside each year.

### **C. Small System Technical Assistance (SSTA) (2%, 2 FTE)**

The Small System Technical Assistance (SSTA) Program provides assistance to small water systems, defined as public water systems serving 10,000 or fewer persons [1452(g)(2)(D)] that need to acquire and maintain compliance with the Safe Drinking Water Act requirements. The NJDEP will continue to utilize staffing resources to implement Program activities. Contracted services to address some Program activities are limited as detailed below.

A recent reorganizational structure within the NJDEP's Drinking Water Program has defined two Bureaus within the Water System Operations Element to address Program implementation.

The Bureau of Safe Drinking Water will maintain one FTE to address the following primary responsibilities:

- The NJDEP continues to contract with the New Jersey Water Association (NJWA) to provide group training sessions to owners and operators of small water systems. Sessions are held in the Northern, Central and Southern regions of New Jersey. Training topics include Basic Accounting, Consumer Outreach, Distribution Planning, and SDWA requirements. Other topics are freely substituted based on feedback from the attendees. The training sessions are well attended and receive positive reviews from the licensed operators. NJWA conducted 14 training sessions in FFY2011, using funds available from a \$154,000 agreement executed on January 5, 2009. This agreement is currently in place until March 4, 2012. We are in the process of initiating a new \$161,000 agreement with NJWA for an additional 70 training sessions to be conducted through August 31, 2013.
- On March 14, 2011, NJDEP executed a \$400,000 agreement with the NJWA to provide the necessary engineering services needed for small systems to apply to the DWSRF loan program. Under the agreement, small systems serving less than 3,300 customers may access a pre-approved list of consulting engineers that provide assistance completing DWSRF applications and submittals for systems. The engineers are reimbursed through this contract instead of the project sponsor receiving a planning and design allowance. This eliminates the need for small water systems to utilize their own resources to pay for these engineering costs. Currently two small systems are receiving assistance under this program for the FFY2012/FFY2013 loan cycle.

### **Goals**

The following items will be addressed during FFY2013:

- Continue to provide approximately 40 NJWA training courses per year for small water system operators that are applicable for Training Contact Hours for license renewal.
- Provide oversight for the Engineering Services Contract which provides funding to cover the engineering and design costs incurred by small public water systems serving less than 3,300 persons who apply for a Drinking Water State Revolving Fund Loan

The Bureau of Water System Engineering will maintain one FTE to address the following primary responsibilities:

- Prepare annual reporting to satisfy EPA requirements. Such reports include the Intended Use Plan due in March, the Work Plan due in June, and the Performance Status Report due in September of each year.
- Perform approximately 20 small water system technical assistance site visits per year and address follow-up activities.
- Coordinate with NJDEP Enforcement and County Health Departments to assist public water systems with achieving and maintaining compliance.
- Perform investigative field sampling of public water systems to identify/confirm/resolve water quality concerns. This sampling effort is not intended to address a water system's normal compliance monitoring requirements but to serve in the identification, confirmation or resolution of a water quality concern.

The criteria for performing site visits under this Program have been re-prioritized as follows:

#### Small System Technical Assistance Site Visit Prioritization Framework

1) *Systems with unresolved or persistent (>1) Acute Violations* (Total Coliform Rule (TCR), Ground Water Rule (GWR), Nitrate) in the following order: Community Water System (CWS), Non-Transient-Non-Community Water System (NTNCWS) serving as Schools, Daycare Centers, Other NTNCWS, Transient Non-Community Water Systems (TNCWS);

2) *Systems with 2 consecutive non-acute TCR violations or three nonconsecutive non-acute TCR Violations within a twelve month period* in the following order CWS, NTNWS Schools, Daycare Centers, Other NTNCWS, TNCWS;

3) *Systems with 2 or more Treatment Technique Violations or Failure to Maintain Treatment notices within a 12-month operating period* in the following order CWS, NTNWS Schools, Daycare Centers, Other NTNCWS, TNCWS;

4) *Systems appearing on USEPA's Enforcement Targeting Tool report with 11 or more points and unresolved violations for two or more consecutive Quarterly Reports.*

5) *Systems with Significant Deficiencies* (as specified in italics below) *that are identified during Sanitary Surveys* in the following order CWS, NTNCWS: Schools, Daycare Centers, Other NTNCWS, TNCWS:

- i. Source: the defined criterion is not a trigger point for a site visit;
- ii. *Treatment Related*: the defined criterion is a high priority trigger point for a site visit, applicable to both CWS and NCWS;

- iii. *Distribution Related*: the defined criterion is a medium priority trigger point for site visit – applicable to CWS;
- iv. Finished Water Storage: the defined criterion is not a trigger point for site visit;
- v. Pumps: the defined criterion is not a trigger point for a site visit;
- vi. Monitoring/Reporting/Data Verification: the defined criterion is not a trigger point for a site visit.
- vii. *O&M Procedures*: the defined criterion is a low priority trigger point for site visit applicable to both CWS and NCWS.
- viii. Operator Compliance: the defined criterion is not a trigger point for a site visit.

6) *Systems with Non Acute (non TCR) MCLs or Action Level Exceedances (ALE) that are approaching compliance deadlines for corrective actions*, in the following order CWS, NTNCWS Schools, Daycare Centers, Other NTNCWS, TNCWS:

- i. Past 6 months of 12 month period to achieve MCL compliance;
- ii. Past 3 months of 6 month period to address Corrosion Control Treatment (CCT) recommendations for ALE.

Site visits may document a review of the following:

- a) System infrastructure (source, treatment, storage, & distribution processes);
- b) System operation and maintenance procedures;
- c) Compliance monitoring schedule, sampling plans and techniques;
- d) Guidance for selecting appropriate treatment technologies to address specific water quality concerns.

#### **D. State Program Management (10%)**

NJDEP intends to use this set-aside to provide support for: (1) Public Water System Supervision (PWSS) programs such as the radon in water program, data management, development of program rules including administration of the consumer confidence report program, and sampling; (2) source water protection program; (3) development and implementation of a capacity development program and strategy to generate adequate technical, financial, and managerial capacity for water systems; and (4) the management of an operator certification program.

##### 1. State PWSS Program (7.4%)

- i. Radon in Water Program (1 FTE)

The Radon Multi Media Mitigation Program (MMMP) was intended to provide a more cost-effective alternative to achieve radon risk reduction, by allowing States (or community water systems) to address radon in indoor air from soil (the greatest risk compared to ingesting radon), while reducing the highest levels of radon in drinking water. The proposed National Primary Drinking Water Regulations describing the Radon MMMP have not been adopted and the

USEPA has not included radon in its most recent regulatory calendar. Congress directed the USEPA to consult with the states to evaluate options to implement a single drinking water standard for radon. USEPA was to prepare a Report to Congress on the radon in drinking water regulations as requested in the FY 2003 Appropriations bill. USEPA was expected to complete this report by November 2004 however it has never been finalized.

Given the uncertainty of the USEPA MMMP, the Department's Commissioner asked the Drinking Water Quality Institute (DWQI) to address radon in water. The DWQI formed the Radon Subcommittee which issued a final report in February 2009 recommending a MCL of 800 pCi/L for radon-222 in drinking water ([http://www.nj.gov/dep/watersupply/radon\\_report\\_dwqi\\_2\\_17\\_09.pdf](http://www.nj.gov/dep/watersupply/radon_report_dwqi_2_17_09.pdf)). The Radon Subcommittee further recommended that the Department pursue mandatory radon in air testing and other initiatives through the legislature.

The following items will be addressed during FFY2013:

- If so directed by the Commissioner of the NJDEP, participate in rulemaking process to propose an MCL of 800 pCi/L for radon in drinking water;
- Meet with legislators on dedicated funding of radon program, mandatory testing of homes and schools, and extension of radon resistant construction to Tier 2 areas;
- Maintain course outlines, material, instructors, and logistics for a certification program for radon in water professionals;
- Maintain technical reference materials for radon in water mitigation;
- Attend the National Radon Meeting;
- Develop a Homeowner's Guide to Radon in Water for private wells; and
- Provide training to water treatment professionals on how to treat radon in water and the special precautions required.

ii. Data Management (4 FTE)

*New Jersey Environmental Management System (NJEMS)*

The NJDEP continues to enhance an enterprise data management system, New Jersey Environmental Management System (NJEMS), which consolidates many existing individual data management systems across the Department and across many media (e.g., air, water, and land). This represented a significant step toward an integrated Department-wide data management system to be used primarily for permit, reporting, and enforcement activities.

The NJDEP Division of Water Supply and Geoscience continues to participate in numerous enhancements to NJEMS for the benefit of the Water Supply components of the system, which continues to require a significant investment of time and work performance.

The NJDEP and the CGI Group Inc. implemented the NJEMS-SDWIS/State Interface application in 2007 to provide electronic data exchange between NJEMS and SDWIS/State, in an effort to maintain data integrity between the two data systems, with the intent to reduce duplicate manual data entry into each data system, and electronically transfer data concerning drinking

water systems, including inventory, violations, and enforcement actions. The NJDEP and CGI developed an update to the Interface to ensure compatibility with SDWIS/State web 2.3. The updated Interface has been completed and placed into production as of May 2011.

In the future, additional enhancements and the ongoing development of critical business/corporate data verification, query, report, management, and performance capabilities will support Safe Drinking Water system inventory data management and construction permit activities pertaining to the regulated public water systems.

#### Document Management (Imaging)

The Well Permits program implemented several enhancements to its manual data entry Well Wizards to improve processing performance and efficiency in NJEMS. Also, the Well Permits program has instituted e-Permitting, which allows the regulated community to submit documents through the NJDEP web portal.

NJDEP continues its ongoing efforts to improve and expand its EDMS (electronic document management system). This includes an upgrade to Highview and further integration with NJEMS. The further integration with NJEMS allows more programs to make their images readily available to NJDEP users as well as provide for new access points within the NJEMS application to retrieve images. It also includes synchronization of NJEMS and HighView to keep data and images up to date. To date, four NJDEP programs are using HighView / NJEMS integration, which number of programs is expected to increase. NJDEP, CACI and CGI have entered into a work plan agreement to further expand and improve HighView / NJEMS integration, and to include additional programs.

NJDEP is also focusing on content management and providing users with access to documents based on contextual and thematic searches. NJDEP continues to work toward integration of its EDMS with its other enterprise based systems including FACITS, IMAP, RSP, OPRATS, WEBI, DATAMINER, etc. Efforts are being made to provide public access, where appropriate to the NJDEP's documents through web-based reporting and the creation of a virtual reading room which would retrieve images across all the NJDEP's various data and GIS systems.

#### Safe Drinking Water Information System (SDWIS/State)

NJDEP installed SDWIS/State 8.0 in June of 2004. As of May 2011 (SFY2011), NJDEP completed the upgrade to SDWIS web 2.3 and related applications. NJDEP accomplished this upgrade to SDWIS web 2.3 with the assistance of the USEPA and SAIC Inc. This upgrade included application, data, and server migration from SDWIS/State 8.0, a significant change requiring migration through four versions of SDWIS/State.

NJDEP completed work to design, develop, test and implement upgrades to the NJEMS-SDWIS/State Interface application and the E2 Reporting System to ensure compatibility with SDWIS web 2.3. The schedule for completion of these upgrades coincided with the schedule to implement SDWIS web 2.3. The updated Interface and E2 Reporting System have been completed and placed into production as of May 2011.

Due to the substantial complexity of SDWIS/State, with its considerable functionality and built-in modules, New Jersey has not yet achieved full implementation of SDWIS/State. Accordingly, NJDEP continues its ongoing efforts to attain greater knowledge and use of SDWIS/State, in order to further its desire to fully implement SDWIS/State.

USEPA continues its development, design, testing and implementation of upgrades to the current versions of SDWIS/State and related applications, currently SDWIS 3.x. USEPA proposes to begin cloud computing architecture development of SDWIS/Central and SDWIS/ Next Generation applications, planned for FFY 2012 through FFY 2014. NJDEP proposes to participate in the planning efforts to implement SDWIS 3.1 in the Spring of 2013, with consideration for SDWIS/Central or SDWIS/Next Generation, during SFY 2012 through SFY 2014.

### New Jersey Electronic Environmental (E2) Reporting System

NJDEP and EnfoTech Inc. developed upgrades to the E2 Reporting System to ensure compatibility with SDWIS web 2.3. The updated E2 Reporting System has been completed and placed into production as of May 2011.

NJDEP anticipates the ongoing effort to implement E2, including outreach, guidance and assistance to interested users will continue. A major step towards laboratory participation in the E2 effort was the NJDEP requirement that laboratories report microbiological and nitrate test results for transient noncommunity water systems to the Department electronically by July 1, 2009, and the requirement that laboratories report most microbiological and analytical test results for community and nontransient noncommunity water systems to the Department electronically by April 1, 2010. These program changes resulted in revisions to standard operating procedures, system administration and report management roles, and design and development of various reports.

The New Jersey E2 Reporting System allows laboratories to submit three major categories of reports:

- Electronic Drinking Water Reports (DWR) related to the Safe Drinking Water Act;
- Private Well Testing Reporting under the Private Well Testing Act (PWTA); and
- New Jersey Quantitation Limit (NJQL) reports for Office of Quality Assurance lab certification program.

NJDEP anticipates the need to design and develop additional reports (e.g. Monthly Operator Reports, data evaluations, other system implementation activities) in support of the E2 Reporting System for DWS and PWTA reporting."

### Resources (Staff)

The data management system improvements envisioned require additional resources to accomplish the current goals of data management system upgrades and future enhancements.

This set-aside provides partial funding to assist in this process, as identified in previous IUPs. Additional staff resources to accomplish the Water Supply programs and corresponding data management activities may be needed in the future.

## **Goals**

The combined impact of NJEMS, SDWIS/State, NJ E2 Reporting System, etc., is to provide New Jersey with greatly enhanced capabilities to maintain various Water Supply program data, e.g., Safe Drinking Water, Private Well Testing, Water Resource Allocation, Well Permit, Geographic Information Systems, and continuing opportunities to improve compliance decisions and federal reporting capabilities. NJDEP may propose to utilize available funding for contractual support for enhancements and maintenance of data systems, including but not limited to NJEMS, SDWIS, NJEMS-SDWIS/State Interface, and E2 Reporting System. The NJDEP proposes to perform additional development and ongoing implementation work to:

- more fully utilize the available functionality built into NJEMS and SDWIS/State;
- continue to implement SDWIS/State web 2.3;
- perform data clean-up and validation, investigate errors and data problems, to improve data management for Water Supply in NJEMS, SDWIS/State, and HighView;
- create, improve, and maintain Business Objects Universes for Water Supply in NJEMS and SDWIS/State;
- develop additional critical business/corporate data verification, query, report, management, and performance capabilities in NJEMS, SDWIS/State, and New Jersey E2 Reporting System;
- develop additional public access reports, as appropriate, for data in NJEMS and SDWIS/State, available through the NJDEP web;
- enhance drinking water system monitoring analytical data management, including selected modules developed by other States using SDWIS/State;
- enhance Drinking Water Watch;
- continue to implement SDWIS/FedRep, in support of the USEPA effort to modernize SDWIS/FED;
- continue ongoing activities to implement the New Jersey Electronic Environmental (E2) Reporting System as the New Jersey electronic laboratory-to-State data exchange XML schema to facilitate reporting requirements in accordance with the Safe Drinking Water Act and the Private Well Testing Act;
- enhance the New Jersey Electronic Environmental (E2) Reporting System for the Safe Drinking Water Act and the Private Well Testing Act;
- consider future enhancements to the COMPASS database system for the Private Well Testing Act;
- implement SDWIS/State web 3.x and subsequent releases, migrate data from SDWIS/State web 2.3;
- participate in the USEPA efforts to develop SDWIS/Central and SDWIS/ Next Generation applications;



- install and implement SDWIS/eDV 2.0 and subsequent releases in support of the USEPA Data Verification process to identify and compare violations, and improve quality assurance;
- evaluate and determine the need to develop any legacy computer application to provide a user-friendly format for any drinking water data not migrated from NJPWS to SDWIS/State;
- improve and enhance the electronic data interface between NJEMS and SDWIS/State to maintain data integrity between the two data systems, to reduce duplicate manual data entry into each data system, and to electronically transfer data concerning drinking water systems, including inventory, violations, and enforcement actions;
- enhance the NJEMS-SDWIS/State Interface for compatibility with SDWIS web 3.x and subsequent releases;
- enhance the New Jersey Electronic Environmental (E2) Reporting System for compatibility with SDWIS web 3.x and subsequent releases;
- develop, test, and implement additional electronic data flow initiatives, e.g., ePermitting to allow electronic submission of permit applications and related data submissions through web-based applications;
- plan, design, develop improvements to the NJDEP electronic document management and imaging systems, currently in HighView;
- develop an interface application to integrate the HighView imaging system with NJEMS to make the images readily available to the NJDEP users and to the public, as appropriate;
- provide computer, database, and related electronic hardware and software upgrades;
- participate in providing web-based access applicable to County Environmental Health Authority (CEHA) agencies to enter and update data into NJEMS, concerning drinking water systems, including inventory, violations and enforcement actions;
- enhance and promote greater use of the Water Supply Internet web for public and interested outside agency access;
- consider development of a Water Supply Intranet web for NJDEP access; and
- enhance computer applications to facilitate environmental decision making as required under the Safe Drinking Water Act, or as required in support of the NJDEP Water Supply programs.
- develop, coordinate, and conduct computerized Geographic Information System (GIS) in support of NJDEP Safe Drinking Water Program, including but not limited to geospatial analysis, data layer development/maintenance, database development/maintenance, and map production.
- develop automated customized geospatial analysis tools to support and promote GIS services for the NJDEP Water Supply programs.
- coordinate with the NJDEP Office of Information Resources Management to develop mapping query applications to allow NJDEP staff (Intranet users) and the public (Internet users) to geographically query Safe Drinking Water data, as appropriate.
- participate with the NJDEP Office of Information Resources Management to develop and improve the NJDEP Information Technology Strategic Plan.

- Develop and implement a geodatabase schema for Safe Drinking Water permit GIS submittals to enable electronic sharing of drinking water infrastructure inventory information between NJEMS and the regulated water systems.

iii. Implementation of Program Rules (4 FTE)

In planning for the implementation of additional SDWA Regulations, the NJDEP anticipated that additional Program Management set-aside funding was needed. The NJDEP staff hired under this set-aside will continue to handle additional implementation activities associated with the following rules: Groundwater Rule, Radionuclide Rule, the microbiological/disinfection by products (M/DBP) cluster of rules including Stage II DBP and LT2 Enhanced Surface Water Treatment Rule, Lead and Copper Short-term revisions and the anticipated adoption of the Revised Total Coliform Rule.

iv. Sampling (0 FTE)

NJDEP receives funding for special purpose monitoring and laboratory analytical services, under the annual Public Water System Supervision (PWSS) grant authorized by the USEPA, for state administration of the SDWA. Funding for these services is eligible under the PWSS grant and also under the DWSRF, State Program Management Set-Aside for PWSS State Program.

PWSS and Set-Aside PWSS funds may not be used for routine sampling and analyses which are otherwise required of a CWS as part of its normal compliance monitoring requirements under the SDWA rules and regulations. However, PWSS and Set-Aside PWSS funds may be used for State sampling and analyses of special purpose monitoring, surveillance monitoring, and/or other discrete special one-time monitoring.

NJDEP proposes to use these additional funds for special purpose monitoring and laboratory analytical services as it determines necessary and appropriate. Additionally, the program does quality assurance check sampling of CWS to provide an additional level of assurance that standards are being met.

Accordingly, the NJDEP seeks additional State Program Management Set-Aside for PWSS State Program grant funding of monitoring and laboratory analytical services, estimated at \$85,000, in accordance with Section 1452(g)(2)(A) of the SDWA.

v. Security (0%, 0 FTE)

The NJDEP's Drinking Water Security Program supports drinking water infrastructure protection efforts and initiatives as established for public water systems by state, local, and federal agencies. Specific drinking water security activities include, but are not limited to, ensuring that public water systems, as applicable, perform security vulnerability assessments; develop emergency response plans; and receive training and assistance regarding various security requirements and guidance.

The NJDEP's Drinking Water Security Program has been solely supported by the Water Protection Coordination Grant appropriations available to states by the USEPA. This funding source has supported NJDEP's Drinking Water Security Program activities from 2002 through 2009, totaling approximately \$1,150,000. Calendar year 2009 was the last year of the annual USEPA Homeland Security funding. Remaining funding should support NJDEP's Drinking Water Security Program activities through September 2013.

However, monies will be needed in 2013 to fund the security program. Therefore, SRF set-aside monies of \$200,000 for 2013 and \$150,000 annually thereafter may be requested to support on-going Drinking Water Security Program tasks/activities.

## 2. Source Water Protection Program Management (0.4%, 2 FTE)

The source water program set-aside is the primary source of funding for continuing source water assessment and protection activities. The 1996 Amendments to the Federal Safe Drinking Water Act requires states to perform source water assessments for all public water systems. The New Jersey Source Water Assessment Program Plan was approved by the United States Environmental Protection Agency in November of 1999. Under the New Jersey Source Water Assessment Program, the New Jersey Department of Environmental Protection (NJDEP) performed a source water assessment of each source of public drinking water (surface water and ground water sources) determining each source's susceptibility to contamination. NJDEP reported the susceptibility rating results in water system specific source water assessment reports. All source water assessment reports (community and noncommunity) were completed by spring 2005.

NJDEP, in conjunction with the United States Geological Survey (USGS), performed the following steps to determine the drinking water sources' susceptibility.

- Identified the area that supplies water to a public drinking water system well or surface water intake (known as the source water assessment area). For ground water sources, this area is also known as the well head protection area. Approximately 10 percent of New Jersey's surface area is contained within a community water system well's source water assessment area. For surface water, approximately 53 percent of the state falls within a source water assessment area.
- Inventoried the significant potential sources of contamination within the source water assessment area.
- Determined how susceptible each drinking water source is to contamination. Susceptibility to the following categories of contamination was determined: pathogens, nutrients (nitrates), pesticides, volatile organic compounds (VOCs), inorganics, radionuclides, radon, and disinfection byproduct precursors (DBPs).

To determine susceptibility to these contaminants, the USGS, with NJDEP assistance, developed statistical models based on extensive analysis of existing well sample data and surface water intake data. The statistical models determined the relationship between environmental factors

and the probability for contamination to occur. These models identified factors, such as land use or geology, found to be significantly “linked” to a public water system source’s potential to become contaminated by one or more categories of contaminants.

Using the factors, the statistical models provided numerical ratings for each source of drinking water for each contaminant category, which were then converted into high (H), medium (M), or low (L) susceptibility ratings.

The Source Water Assessment Program was designed to encourage protection of drinking water sources by providing information to state and local regulatory agencies and the public to assist in watershed assessment and planning and to enhance the public’s role as “water stewards.” The results provide information to allow state and local agencies to determine if increased regulatory controls, including local land use ordinances, are warranted. In addition, the basic data gathered through the Source Water Assessment Program, including the locations of the public water system wells and surface water sources, will be available for NJDEP program use in efforts to improve environment regulatory actions, such as cleanup decisions in the hazardous and solid waste programs.

### **Goals**

NJDEP will develop and implement source water protection initiatives to better safeguard current and future drinking water resources. The NJDEP will continue to review its existing regulatory programs that already protect drinking water sources and determine whether or not they should be revised to better protect these sources. The NJDEP will develop new and build upon existing strategies for protection of source waters, enhancing existing surface and ground water protection programs that regulate threats to drinking water, as well as support local well head protection ordinances.

- SWAP staff will continue to work with New Jersey public water systems and with the interested public to assure the accuracy of the source water assessments for existing sources. Based on updated information, changes may be necessary and may result in issuing revised source water assessments. This will include such activities as updating the NJDEP source inventory and processing changes to the location data, coordinating with the New Jersey Geological Survey regarding changes to well delineations, updating contaminant source inventories, re-running models, and re-issuing updated SWAP reports.
- In addition, new sources of public water will need to be evaluated and assessed. The Community water systems will be evaluated by the New Jersey Geological Survey. It is estimated that 25-50 new community water system wells are placed into service every year. NJDEP anticipates approximately 60 or more new noncommunity water systems (transient and nontransient) will become active every year and will require source water assessments. Performing source water assessments and generating SWAP reports for new sources of water and/or new systems will continue to be an ongoing activity.

- NJDEP will also continue to assist those water systems that are responsible for generating consumer confidence reports (CCR) to ensure the most recent and accurate source water assessment information is provided within their consumer confidence reports.
- NJDEP will continue to maintain its Source Water Assessment Program website to keep the public informed of well head protection efforts, provide the most recent source water assessment reports, and answer questions the public may have concerning the program.
- NJDEP may also conduct a survey to obtain information from various groups regarding source water protection efforts. A goal of the survey would be to learn about the groups' beliefs and behaviors in order for us to help advance the level of source water protection in NJ. The survey likely will be focused on obtaining this information from community water systems, municipal and county governments, as well as watershed associations and environmental groups in NJ.

### 3. System Capacity Development (1.9%, 4 FTE)

In accordance with Section 1420 of the Federal SDWA New Jersey developed a capacity development program. The goals of New Jersey's Capacity Development Program are to prevent the formation and approval of new nonviable public water systems and to assist existing water systems in achieving and maintaining compliance with the Federal and State SDWA regulations.

In accordance with Section 1420 (a) of the federal regulations, for new systems, each State shall have the legal authority to assure that all new CWS and NTNC water systems demonstrate adequate technical, managerial and financial capacity (TMF). In New Jersey, P.L.1999 Chapter 176 the New Jersey SDWA (N.J.S.A. 58:12A) gives New Jersey explicit legal authority to require new public water systems to demonstrate capacity prior to commencing operation. New Jersey then adopted a new rule (N.J.A.C. 7:10-13), effective on August 21, 2000, that establishes the requirements to assure that all new public community and NTNC water systems have adequate capacity. Additionally, in accordance with Section 1420 (c) of the Federal SDWA each State is required to develop and implement a strategy to assist existing systems in acquiring and maintaining capacity. The USEPA approved New Jersey's Capacity Development Strategy on September 28, 2000.

#### **Goals**

This Intended Use Plan will review the future activities planned to implement the Capacity Development Program in order to comply with the federal SDWA requirements. New Jersey intends to accomplish the following tasks:

- Prepare the SFY2013 Annual Report that documents the ongoing implementation of the capacity development program for addressing capacity determinations for new systems and the application of an effective strategy for existing public water systems. This report is due by August 15, 2013.

- Continue the process of conducting on-site capacity evaluations for the community and noncommunity systems identified on the 2010 Strategy List and other systems identified as needing capacity development through other means (e.g., Small System Technical Assistance Program, Compliance & Enforcement Element, and County Environmental Health Agencies).
- Continue to evaluate and improve implementation of the Capacity Development Program and Strategy including without limitation any feedback from systems which receive assistance, attendees of workshops or training sessions, Managerial Capacity Workgroup members, and advisory boards such as the NJ Clean Water Council.
- Provide direct technical assistance to those water systems that fail to demonstrate adequate TMF capacity. This will be performed on an ongoing basis and will attempt to cooperatively incorporate the use of TMF assistance. Technical assistance will include direct consultation to assist targeted water systems to comply with existing regulations regarding construction and operation. Managerial and financial assistance will continue to incorporate the concepts of Asset Management to establish water system priorities in refurbishing, maintaining, and expanding needed infrastructure. Once these priorities are determined, the water system can then develop meaningful projections of expenses and evaluate how to garner revenues needed to effect improvements. The program anticipates involvement in meaningful rate setting discussions, when needed, so that targeted water systems can themselves determine how best to accrue the funds required to maintain their water system. USEPA's Simple Tools for Effective Performance (STEP) Guide Series, Check Up Program for Small Systems (CUPSS), or similar tools/software will be used when appropriate.
- Provide oversight to the one or more third-party contractors engaged to supplement our own efforts in providing on-site capacity evaluations, on-site technical assistance, asset management plan development, and rate setting advice during SFY2013. The program will manage and coordinate executed service contract(s) to accomplish this goal. Tentative targets for the use of service contracts include a) third party contract to conduct site visits and conduct TMF capacity evaluations for targeted water systems, b) third party contract to implement asset management program for targeted water systems, and c) third party contract to provide water utility rate setting assistance when necessary.
- Perform TMF evaluations on any new community and NTNC water systems.
- Obtain training for Capacity Development Program staff to enhance their overall ability to assess TMF capacity and help public water systems develop and implement asset management plans.
- Develop our own training materials or integrate/modify existing materials available from other States, Technical Assistance Centers, Environmental Finance Centers, and/or Non-Profit Organizations to educate owners, managers, board/council members, and licensed operators on the benefits of developing TMF capacity through asset management. Once developed, offer training sessions and work shops through various forums (e.g., one-on one sessions with select public water systems, classroom seminars, webcasts, etc.)

- USEPA’s Simple Tools for Effective Performance (STEP) Guide Series, Check Up Program for Small Systems (CUPSS), or similar tools/software will be used when appropriate.

#### 4. Operator Certification (0.3%, 3 FTE)

N.J.A.C. 7:10A “*Licensing of Water Supply and Wastewater Treatment System Operators*” requires all public community and NTNC water systems to employ a licensed operator. The Bureau of Safe Drinking Water routinely checks to ensure that these systems are under the supervision of a licensed operator through coordination with the NJDEP Examinations & Licensing Office, NJDEP Enforcement Units, and County health departments. Use of a shared database has reduced the time needed to perform this task. Success of this program is anticipated to continue with less than 2% noncompliance. The NJDEP believes that a licensed operator with oversight at small systems will alleviate many of the noncompliance issues that typically plague small systems and will result in a significant reduction of SDWA violations.

In addition, NJDEP requires licensees to obtain continuing education credits, called Training Contact Hours (TCH), for operator license renewal. NJDEP has recognized the State Operator Training Center (SOTC) at Rutgers University, the New Jersey Section of the American Water Works Association (NJAWWA), the New Jersey Water Environment Association (NJWEA), the American Water Works Service Company, Hunterdon County Polytech and Aqua New Jersey as qualified course providers. NJDEP has also approved nearly 200 continuing education courses given by independent course providers for TCHs and continues to review requests for TCH approval from training providers. Also, NJDEP has identified the need for distance learning in New Jersey and has approved the California State University’s Office of Water Programs as a provider of initial certification training courses and AWWA eLearning (formerly the AWWA Online Institute), CEU Plan, 360water.com, and Pure Safety as providers of online continuing education courses.

NJDEP has engaged in several activities to support training programs in New Jersey. NJDEP contracted with the SOTC at Rutgers University to provide 50 percent tuition cost reimbursements for continuing education to water licensed operators. The reduced costs have made this training more accessible to operators. A \$198,000 contract was executed on October 6, 2010 to provide additional funding for this purpose through 2012. NJDEP also subsidizes operator continuing education courses provided by the NJAWWA. We anticipate execution of a new agreement with NJAWWA in FFY2013 to provide for more training seminars. In addition, NJDEP reimburses tuition and textbook costs to qualified individuals taking the required initial and advanced certification courses.

### **Goals**

The following items will be addressed during FFY2013:

- NJDEP has developed duties and responsibilities guidance documents for each class of Water Treatment (T) and Water Distribution (W) licensed operators. This task was not completed in previous years, but is now awaiting management approval. These draft

documents were submitted for peer review by licensed operator professional associations. We anticipate finalization and public dissemination of these documents by FFY2013.

- NJDEP will review requests of operators who wish to operate more than 10 public water systems.
- The NJDEP will track those individuals who fail the water/wastewater operator licensing examinations in order to ensure that they complete the appropriate review course, if they fail an exam three times.
- NJDEP will adjust continuing education renewal cycles of those operators who cannot meet requirements due to active military duty or medical reasons.
- NJDEP will continue to coordinate with local and county health department agencies and NJDEP regional field offices to ensure systems' noncompliance with the licensed operator requirement is a low percentage.
- NJDEP will continue to review requests by training providers to issue continuing education credits for operator license renewal.
- The NJDEP will continue to extend funding for tuition reimbursement to qualified water operators taking courses at Rutgers' SOTC through FFY2013.
- NJDEP will continue to provide for free or reduced cost operator training through NJAWWA seminars and teleconferences.
- NJDEP will continue to provide tuition reimbursement to any persons who are taking the introductory or advanced courses needed to obtain a drinking water operator license.
- NJDEP will continue to subsidize the training and examination of persons wishing to become Very Small Water System (VSWS) operators.
- NJDEP has initiated a licensed operator internship program. This one-year program allows for utilities to receive Expense Reimbursement Grant (ERG) funds to hire and train interns to serve as licensed operators. Individuals that successfully complete the program by taking the required training course and obtaining the one year of operating experience will qualify to take a Water Treatment or Water Distribution Class One State exam. Program activities will continue into FFY2013. After this ERG expires on December 31, 2012, we intend to cover any outstanding intern disbursements to water utilities under the Operator Certification set-aside that could not be paid under the ERG.
- NJDEP will revise and update the Operator Certification portion of the Division of Water Supply website with new training and certification information.



- The NJDEP will interact with licensed operators to ensure that facilities are effectively operated and maintained, assist in providing direct technical assistance, and develop appropriate training for public water system operators throughout the State.

## **V. Short and Long-Term Goal Statements**

Within the next two years, NJDEP will strive to accomplish short term goals. There are three goals that NJDEP would like to continue to pursue:

1. Provide funding for eliminating uncovered finished water reservoirs – Water systems that have uncovered finished water storage facilities must meet the requirements of 40 CFR 141.714. The Federal Safe Drinking Water Act rules require reservoirs to be covered, replaced or treated by April 1, 2009, or require the water system to be in compliance with a State approved schedule in order to ensure adequate protection of water supplies. The last three water systems with uncovered finished water reservoirs signed Administrative Consent Orders by April 1, 2009 and are working with the NJDEP to meet the Federal requirement for the five remaining uncovered reservoirs. Multiple sources of funding will be needed, as the total cost is estimated at over \$100 million. One water system with an uncovered reservoir pursued funding under the November 2010 funding cycle. The DWSRF program will continue to work with the remaining water systems to be available to help finance the resolution to eliminating uncovered reservoirs.
2. Provide funding to small water systems to help finance improvements in order to meet the USEPA goal of a minimum of 15 percent of project funds for small water systems. With the help of the 2 percent set-aside for technical assistance to small systems, the NJDEP again entered into a contract with the New Jersey Water Association (NJWA) to provide engineering services to small systems. Under this contract, small systems serving less than 3,300 in population can access a pre-approved list of consulting engineers that will provide assistance completing DWSRF applications and submittals for systems. The engineers will be reimbursed through this contract instead of the project sponsor receiving a planning and design allowance. This will eliminate the need for small systems to utilize their own resources to pay for the engineering planning and design costs. This initiative is marketed by both the NJDEP and the NJWA. It is presented at various seminars throughout the state, at site visits, and via mailings targeting small systems. Additionally, the EIFP is evaluating more ways to help small systems in participating in the DWSRF loan program. Starting in FFY 2013, the DWSRF loan program will be implementing the Small Water Systems loan program.
3. Decrease unliquidated obligations from older DWSRF capitalization grants. New Jersey has changed the loan process so that applicants must have executed construction contracts prior to executing a loan with the state. This will help minimize unexpended balances from older capitalization grants. NJDEP is actively pursuing older loans to request disbursements as soon as possible and to deobligate the monies once construction is completed and paid out. Additionally, NJDEP has revised its accounting system for the First In First Out (FIFO) basis and that should also help in decreasing the unliquidated obligations.

NJDEP will strive to accomplish long term goals in the time period greater than five years. There are five goals that NJDEP would like to continue to pursue:

1. **Loan Program Viability** – This goal includes various steps. Since more than ten years have passed since the first DWSRF capitalization grant was awarded, New Jersey will take a look at the current program and consider any changes that should be considered for the near and long term future. Tools that may help in the process is the Financial Planning Model, a Financial Planning Committee and workgroup meetings with the Trust and financial consultants that can look at changes in loan terms, loan rates, any various other financial aspects of the program to ensure the fiscal integrity of the Fund and the best program available to water systems in difficult economic times. Also, New Jersey needs to look at future federal, state and local regulations and compliance issues to evaluate the future revisions to the project priority system.
2. **Smart Growth/Sustainable Planning** - New Jersey is a small, but densely populated state, and has made smart growth and sustainable planning a priority. The Department of State and the NJDEP have smart growth and sustainable planning sections that concentrate on these issues in New Jersey. The DWSRF program will work with these sections and other interested parties in New Jersey to review changes in our funding program to address smart growth, green funding and sustainable planning. This could possibly result in changes to the project priority system or funding package, as this aspect of the program is evaluated each year.
3. **Green Projects Reserve (GPR)** – This becomes more important as there is a national and state emphasis placed on green projects and as the country becomes more aware of replacement with energy and water efficiency projects as water systems upgrade. The project priority system and smart growth funding package were revised in the FFY2011 IUP to include GPR, and these revisions are also carried forward in this IUP for FFY2013. However, each year GPR will be evaluated and New Jersey will decide what, if any, changes need to be made to provide more incentives for green funding with water system improvements.
4. **Asset Management Planning** – This has become an important issue with the NJDEP. The DWSRF program is encouraging and assisting water systems in preparing Asset Management plans by increasing points in Category B. “Approved Asset Management Water Supply Plans / Studies.” There are ongoing discussions on where else NJDEP can provide help in this areas to water systems.
5. **Data Management System**- A data management system for the DWSRF program is under development to improve the efficiency, operation and organization of the program. The EIFP is currently developing a new data management system named H2IOan System.

## **VI. Summary of Outreach Efforts**

Federal DWSRF rules require that States’ DWSRF programs include public participation activities. NJDEP sent a Notice of Public Hearing for the Proposed Project Priority System to

community and nonprofit noncommunity water supply systems, county and municipal health authorities, selected environmental groups, selected engineering consultants, water associations and assorted State agencies requesting their input on the drinking water financing program. Appendix C lists all construction projects on the comprehensive project priority list, projects expected to be funded in May 2013 under the master list, and a summary of projects already funded from November 1998 to 2012 .

Information about this program and essential contact information are available on the NJDEP, Division of Water Supply and Geoscience home page, <http://www.nj.gov/dep/watersupply> and the Trust website, <http://www.njeit.org/forms.htm>. Copies of this IUP, “FFY2013 Final Priority System, Intended Use Plan, Project Priority List and Response Document,” are available on these websites. The NJDEP and the Trust make periodic presentations to groups, such as the NJWA, explaining and answering questions about the DWSRF program. NJDEP staff visits small systems to directly promote the DWSRF program. The capacity development staff is well versed in the opportunities afforded small systems through the DWSRF program and actively promotes the DWSRF during site visits and presentations. DWSRF staff will interact with the capacity development staff and Enforcement staff to ensure that any systems identified by these sections that are in need of loan monies are aware of the DWSRF program. The NJDEP will specifically target systems identified in the annual Safe Drinking Water Act Violations report for participation in the DWSRF. The DWSRF staff has also participated in presentations at events sponsored by Rutgers, the State University of New Jersey, the New Jersey chapter of the American Water Works Association and the North Jersey Water Conference.

Continuous public participation activities will include participation in training sponsored by other agencies such as the NJWA, Rutgers Continuing Education, the New Jersey Chapter of the AWWA, and other groups upon request. In addition, the Trust has conducted outreach efforts targeted to both public and privately owned purveyors. The Trust includes in its periodic newsletter articles pertaining to the DWSRF. This newsletter is mailed to public and privately owned water purveyors, municipal and county officials, and licensed professionals such as engineers and attorneys. Also, the Trust conducts its annual seminar each year for borrowers to review the financial requirements, deadlines and obligations associated with the program. The Trust’s website can be viewed at <http://www.njeit.org> and the Municipal Finance and Construction Element’s website can be viewed at <http://www.state.nj.us/dep/dwq/mface.htm>.

## **APPENDIX A**

- 1) Critical Steps for DWSRF Loans
- 2) FFY2012/SFY2013 Drinking Water Financing Program Schedule
- 3) FFY2013/SFY2014 Drinking Water Financing Program Schedule
- 4) Letter of Intent – Drinking Water

**Appendix A.1**  
**Critical Steps for DWSRF Loans**  
**FFY2013**

**1. Identify Project on the Priority List:**

- Submit a letter of intent – drinking water
- Forms should be completed online at <http://www.njeit.org/forms.htm> and go to the letter of intent – drinking water. For first time users, call the NJ Environmental Infrastructure Trust at (609) 219-8600 and designate an authorized representative to complete the form online.

**2. Attend a NJDEP Pre-Planning Meeting:**

- Although this step is not required, it is highly recommended
- Discuss program requirements and schedules

**3. Submit Letter of Intent – Drinking Water and Planning Document:**

- The FFY 2013 cycle deadline is October 1, 2012
- Planning document is a general summary of project scope and environmental concerns (must include a map) as described in N.J.A.C 7:22-10 at [http://www.state.nj.us/dep/dwq/pdf/njac722\\_sub10.pdf](http://www.state.nj.us/dep/dwq/pdf/njac722_sub10.pdf)
- A commitment letter is included in the letter of intent noted in step #1 above
- Note that electronic submissions to the Trust must be in a format as specified by the Trust and submitted by October 1, 2012

**4. Submit Design Document and Loan Application:**

- Plans, specifications, loan application and all permit applications must be submitted
- The FFY2013 cycle deadline is March 4, 2013
- Note that electronic submissions to the Trust must be in a format as specified by the Trust and submitted by March 4, 2013

**5. Submit Financial Documents:**

- The deadline is in December of each year
- The NJEIT financial seminars are held earlier in February

**6. Loan Award:**

- Loans are closed in escrow in March of the following year
- Loans are awarded May of the following year
- Must have all applicable permits and approvals in place and be certified by NJDEP by February of the following year
- Projects that are certified and meet the Trust's credit worthiness review are funded in order of placement on the Priority List as described in the Intended Use Plan

Please see [www.njeit.org](http://www.njeit.org) for copies of these documents.

**Appendix A.2**  
**FFY2012/SFY 2013 Drinking Water Financing Program Schedule**  
 (Using FFY 2012 and Other Available Federal Monies)

<b><u>DATE</u></b>	<b><u>ACTION</u></b>
August 2011	-Public hearing on FFY2012 Priority System, Intended Use Plan and Project Priority List proposal
Before October 3, 2011	-Prospective project sponsors attend preplanning meeting with NJDEP prior to submitting Letter of Intent – Drinking Water
October 3, 2011	- Letter of Intent – Drinking Water due & completed online -Applicants submit all planning documents to NJDEP -Submit electronic version to Trust
On or before January 15, 2012	-NJDEP/Trust submit list of projects (based on Priority System ranking methodology) to Legislature for forthcoming State Fiscal Year
February 2, 2012	-Proposed Amendments to FFY2012 IUP and a Second Chance Call for Projects
March 5, 2012	-Applicants submit all design documents to NJDEP -Applicants submit complete loan application to NJDEP -Supplemental Loan applications due to NJDEP -Submit electronic version to Trust -Submit second chance applications
On or before March 30, 2012	-Financial Plan for forthcoming State Fiscal Year submitted by Trust to Legislature
June 30, 2012	-Legislature acts on Financial Plan
December 2012	-Applicants submit financial addendum form to the Trust -Distribution of draft loan exhibits
March 2013	-Execute NJDEP/Trust loan agreements in escrow
April 2013	-Trust Bond Sale
May 2013	-Loan award

**Appendix A.3**  
**FFY2013/SFY 2014 Drinking Water Financing Program Schedule**  
 (Using FFY 2013 and Other Available Federal Monies)

<b><u>DATE</u></b>	<b><u>ACTION</u></b>
September 5, 2012	-Public hearing on FFY2013 Priority System, Intended Use Plan and Project Priority List proposal
Before October 1, 2012	-Prospective project sponsors attend preplanning meeting with NJDEP prior to submitting Letter of Intent – Drinking Water
October 1, 2012	- Letter of Intent – Drinking Water due & completed online -Applicants submit all planning documents to NJDEP -Submit electronic version to Trust
On or before January 15, 2013	-NJDEP/Trust submit list of projects (based on Priority System ranking methodology) to Legislature for forthcoming State Fiscal Year
March 4, 2013	-Applicants submit all design documents to NJDEP -Applicants submit complete loan application to NJDEP -Supplemental Loan applications due to NJDEP -Submit electronic version to Trust
On or before March 30, 2013	-Financial Plan for forthcoming State Fiscal Year submitted by Trust to Legislature
June 30, 2013	-Legislature acts on Financial Plan
December 2012	-Applicants submit financial addendum form to the Trust -Distribution of draft loan exhibits
March 2014	-Execute NJDEP/Trust loan agreements in escrow
May 2014	-Loan award

**Appendix A.4**  
**Letter of Intent – Drinking Water Loan**

**Please go to the website: [www.njeit.org/forms.htm](http://www.njeit.org/forms.htm)**



## **APPENDIX B**

- 1) Drinking Water Infrastructure Needs Survey
- 2) Revised Capacity Development Evaluation Procedure for DWSRF Project Sponsors
- 3) Chronological Summary of Capitalization Grants and Transfers
- 4) USEPA 5700.7 – Environmental Results
- 5) Sources of Funding
- 6) Security Measures at Public Water Systems
- 7) Notice of Open Public Comment Period Regarding Proposed Amendments to FFY2012 IUP and a Second Chance Call for Projects dated February 2, 2012
- 8) Cover Letter for Proposed FFY2013 IUP dated August 20, 2012
- 9) Notice of Public Hearing/Comment Period for FFY2013 IUP dated August 20, 2012
- 10) Cover Letter for Final FFY2013 IUP dated December 7, 2012
- 11) Summary of Public Hearing

## Appendix B.1 Drinking Water Infrastructure Needs Survey

The 1996 amendments to the SDWA require the USEPA to conduct an assessment every four years of capital improvements that are needed by community and nonprofit noncommunity water systems. Therefore, every four years a Drinking Water Infrastructure Needs Survey (Survey) is conducted to meet the above requirements. A Report to Congress is then issued by USEPA. These reports are available online at <http://www.epa.gov/safewater/needssurvey/index.html>. Therefore, it is very important for the drinking water systems in New Jersey to complete the surveys and analyze their needs over a twenty-year period.

Congress directed that allotments for fiscal year 1998 and subsequently would be distributed among states based on the results of the most recent Drinking Water Infrastructure Needs Survey and Assessment. The first survey was conducted in 1995 and then scheduled for every four years afterwards. The Survey is used to determine the total national need for the 20-year period and identify the proportional need for each state. Based on this proportional need, the yearly appropriations of the DWSRF were allotted among the 50 states and Puerto Rico. The DWSRF directs that states with 1 percent or less of the total need shall receive a minimum of 1 percent of the funds as an allotment. Also, the Virgin Islands, District of Columbia, Pacific Island territories, American Indian tribes, and Alaskan Native villages receive a proportion of the allotment.

The First Report to Congress, reflecting 1995 data, was released in February 1997, the Second Report to Congress, reflecting 1999 data, was released in February 2001 and the Third Report to Congress, reflecting 2003 data, was released in June 2005. The allotment percentages for New Jersey based on the previous surveys were 2.44 percent, 2.30 percent and 2.21 percent, respectively. The gradual decrease in allotments has resulted in significant impact on the financial capability of New Jersey's DWSRF program.

The Fourth Report to Congress was released on March 26, 2009 and the results will affect State allotments for fiscal years 2010 through 2013. The revised state allotments were published by USEPA on May 28, 2009. New Jersey's allotment decreased from 2.21 percent to 2.14 percent. Total 20-year needs reported by each Needs Survey:

<b>Survey</b>	<b>National</b>	<b>New Jersey</b>	<b>Dollars</b>
1995	\$138.4 Billion	\$3.61 Billion	1995 Dollars
1999	\$150.9 Billion	\$3.66 Billion	1999 Dollars
2003	\$276.8 Billion	\$6.92 Billion	2003 Dollars
2007	\$334.8 Billion	\$7.96 Billion	2007 Dollars
2011	Pending	Pending	2011 Dollars

On March 4, 2011, the 2011 Drinking Water Infrastructure Needs Survey package from the United States Environmental Protection Agency (USEPA) was sent to 3,100 water systems in the country, including sixty-one water systems in New Jersey, chosen to participate in the Survey. All sixty-one surveys were sent to Cadmus Group for review and comment by November 22nd, 2011. Therefore, 100% of New Jersey's need surveys were sent in by USEPA's November 23rd deadline. The results of this survey will affect State allotments for fiscal years 2014 through 2017.

## **Appendix B.2**

### **Revised New Jersey Capacity Development Program for Projects Financed through the Drinking Water State Revolving Fund**

#### Background

The Safe Drinking Water Act (SDWA) Amendments of 1996 (Pub. L. 104-182) authorize a Drinking Water State Revolving Fund (DWSRF). The DWSRF is designed to assist publicly owned and privately owned community water systems and nonprofit noncommunity water systems in financing the costs of infrastructure needed to achieve or maintain compliance with SDWA requirements, and to meet the public health objectives of the SDWA.

Section 1452(a)(3) of the SDWA prohibits a state from providing DWSRF assistance to a system that lacks technical, managerial, and financial capacity or is in significant noncompliance with any requirement of a national primary drinking water regulation or variance, unless: 1) the use of the financial assistance will ensure SDWA compliance, or 2) the owner or operator of the system agrees to undertake feasible and appropriate changes to assure that adequate capabilities will be put in place, and agrees to implement such changes.

The following is a screening process that will be used to assess the technical, managerial, and financial capacity of any DWSRF project sponsors.

#### I. Technical Capacity

Technical capacity refers to the adequacy, operation, and maintenance of a water system's infrastructure. To assure adequate technical capacity, a project sponsor must demonstrate that its water system has adequate source water and adequate infrastructure, and must demonstrate that personnel operate its water system with technical knowledge about applicable standards. The project sponsor may demonstrate adequate technical capacity as follows:

The water system has no continuing violations of New Jersey's SDWA rules (N.J.A.C. 7:10) and Water Supply Allocation Permit rules (N.J.A.C. 7:19) unless the improvements will ensure SDWA compliance;

The water system is operating its water system under a licensed operator, of the appropriate license. For class 3 and 4 water treatment systems, there is more than one operator with the appropriate license;

The water system has adequate primary and backup source capacity;

The water system has on site auxiliary power as needed and the water system has adequate storage as defined in the New Jersey Water Supply Management Act Rules (7:19-6.7)

The water system finished storage facilities are in good condition and structurally inspected at least every 5 years;

In addition to the above, the New Jersey Department of Environmental Protection may review other items for technical capacity if necessary.

## II. Managerial Capacity

Managerial capacity refers to the personnel expertise required to administer the overall water system operations. To assure adequate managerial capacity, the project sponsor must demonstrate that relative to its water system it has clear ownership, proper and organized staffing, and effective interaction with regulators and customers. The project sponsor may demonstrate adequate managerial capacity as follows:

The water system is not in receivership;

The water system has an emergency response plan in case of a Natural disaster;

The water system has an organization chart that shows all positions with clear defined job descriptions; and

The water system has policy and procedures to track customer complaints in order to provide feedback on quality of service and infrastructure needs.

In addition to the above, the New Jersey Department of Environmental Protection may review other items for managerial capacity if necessary.

## III. Financial Capacity

Financial capacity refers to the monetary resources available to a project sponsor for its water system to support the cost of operating, maintaining, and improving the water system. To assure adequate financial capacity, the project sponsor must demonstrate that relative to its water system it has sufficient revenues, fiscal controls and credit worthiness. The project sponsor's water system may demonstrate adequate financial capacity if the following is met:

The water system charges for water;

The water system is metered; and

The water system has a shut off policy for no payment.

In addition to the above, the New Jersey Department of Environmental Protection may review other items for financial capacity if necessary and will encourage water systems to develop asset management and capital improvement plans as needed to assure the long term viability of their utility.

## IV. Systems with Inadequate Capacity

A water system that requires improvements to obtain adequate capacity can apply to the DWSRF provided that the improvements will ensure SDWA compliance. The NJDEP will make this assessment on a case-by-case basis, with emphasis on compliance with all applicable requirements, rules or statutes of the respective agencies. The water system must agree and demonstrate to the agencies' satisfaction the implementation of any required technical, managerial or financial changes necessary to obtain approval by the agencies.

## V. Long Term Capacity

The NJDEP, where appropriate, will assess whether a water system has a long term plan to undertake feasible and appropriate changes in operations necessary to develop adequate capacity. Information such

as engineering reports, inspection reports, and other available information will be used in making these assessments. The NJDEP will encourage consolidation of water systems in an effort to improve capacity. The Small Water Utility Take Over Act (N.J.S.A. 58:11-59) and companion regulation (N.J.A.C. 7:19-5) may need to be reviewed and modified if necessary to address existing systems in significant noncompliance.

**Appendix B.3**  
**Chronological Summary of DWSRF Program**  
**Capitalization Grants**

Federal Fiscal Year	National Appropriation (\$)	Allotment Formula (%)	New Jersey's Appropriation (\$)	Date Awarded
FFY97	1,275,000,000	2.23	27,947,300	September 11, 1998
FFY98	725,000,000	2.44	17,347,900	September 11, 1998
FFY99	775,000,000	2.44	18,182,200	September 23, 1999
FFY00	820,000,000	2.44	18,896,600	July 13, 2000
FFY01	823,185,000	2.44	18,974,800	August 9, 2001
FFY02	850,000,000	2.30	18,538,600	September 19, 2002
FFY03	850,000,000	2.30	18,427,200	September 30, 2003
FFY04	830,310,200	2.30	19,115,600	September 28, 2004
FFY05	850,000,000	2.30	19,075,100	September 27, 2005
FFY06	850,000,000	2.21	18,211,700	September 20, 2006
FFY07	837,495,000	2.21	18,212,000	September 26, 2007
FFY08	829,029,000	2.21	18,027,000	September 10, 2008
FFY09	829,029,000	2.21	18,027,000*	September 23, 2009
FFY09-ARRA	2,000,000,000	2.21	43,154,000	August 26, 2009
FFY10	1,387,000,000	2.14	28,995,000	September 29, 2010
FFY11	963,000,000	2.14	20,120,000	September 28, 2011
FFY12	917,892,000	2.14	20,174,000**	September 18, 2012
TOTAL FFY97 to FFY12:			361,426,000	

\*Note that \$149,812 was awarded as in kind services and utilized by USEPA to hire contractors for DWSRF administration

\*\*Includes \$1 million deobligated from ERG

**Funds Transferred to the DWSRF from the CWSRF**

Transfer Based on Capitalization Grant	Funds Transferred (\$)	Date
FFY 97	9,222,609	October 13, 1999
FFY98 and FFY99	11,724,933	October 19, 2000
FFY00 and FFY01	12,497,562	August 28, 2001
FFY02	6,117,738	September 27, 2002
FFY03	6,080,976	September 17, 2003
FFY04	6,308,148	September 28, 2004
FFY05	6,294,783	September 27, 2005
FFY06	6,009,861	October 11, 2006
FFY07	6,009,960	October 3, 2007
FFY08 through FFY11	28,105,770	April 26, 2012
FFY12	0	To be evaluated if needed
TOTAL:	98,372,340	

**Appendix B.4**  
**USEPA 5700.7**  
**Environmental Results**

<b>DWSRF Environmental Results SFY2012</b>		
<b><u>Anticipated Outputs &amp; Outcomes for SFY 2012</u></b>		
<b><u>Strategic Plan Objective 2.1</u></b>		
Protect human health by reducing exposure to contaminants in drinking water (including protecting source waters), in fish and shellfish, and in recreational waters		
<b>CONSTRUCTION LOANS</b>	<b>OUTPUTS</b>	<b>OUTCOMES</b>
	10 Binding Commitments	Improved compliance with the SDWA for systems receiving DWSRF funds
<b>SET ASIDE</b>	<b>OUTPUTS</b>	<b>OUTCOMES</b>
Small System Technical Assistance	Conduct 30 training sessions	Improve compliance and operator efficiency among systems receiving technical assistance
	Conduct 20 outreach site visits	Increase compliance among systems, especially systems serving less than 10,000 customers
Radon	Develop a Homeowner's Guide to Radon in Water.	Provide guidance to the public to help them in treating their source of water
Data Management	Review alternatives for the planning, design & development of future computer applications and database management systems for SRF programs	Provide a software to manage data and files for SRF programs to enhance the program efficiency
	The NJDEP may propose to utilize available funding for contractual support for enhancements and maintenance of the existing data systems, including NJEMS, SDWIS 2.3, NJEMS-SDWIS/State Interface, and E2 Reporting System.	Enhance the NJEMS, SDWIS, Interface, and E2 computer applications to work more efficiently and to utilize newer versions, e.g., SDWIS 3.x and related applications.
Implementation of Program Rules	Implement new rules for Revised Total Coliform Rule and Lead and Copper Rule Long Term Revisions	Guidance to administer new rules to protect public health
Sampling	35 public water systems sampled	Increase the number of water systems returning to compliance and/or maintaining compliance
SWAP	Delineate and assess 25 new community water supply wells placed in service during SFY12	The new well data will be added to the SWA's to keep information current and relevant

Capacity Development	Conduct on-site evaluations and resolution of problems for 2 CWS and 5 NCWS on the 2010 strategy List	Identify TMF problems for each system and work towards resolution of problems
Operator Certification	Review requests of operators who wish to operate more than 10 public water systems.	Ensuring that a qualified licensed operator can spend an adequate amount of time at each system should reduce violations for small water systems
	Continue tuition subsidies for water system operators attending the Rutgers University OCEP operator training sessions.	Enable the licensed operators to stay current on their continuing education, which should assist them in running the water systems properly



## Appendix B.5 Sources of Funding

- 1) NJDEP – Drinking Water SRF  
Bureau of Safe Drinking Water  
[http://www.state.nj.us/dep/watersupply/dws\\_loans.html](http://www.state.nj.us/dep/watersupply/dws_loans.html)  
609-292-5550
- 2) New Jersey Environmental Infrastructure Trust  
<http://www.njeit.org>  
609-219-8600  
Fax: 609-219-8620
- 3) NJDEP – Clean Water SRF  
Municipal Finance and Construction  
[www.state.nj.us/dep/dwq/mface.htm](http://www.state.nj.us/dep/dwq/mface.htm)  
609-292-8961
- 4) NJDEP – Green Acres  
<http://www.nj.gov/dep/greenacres/progareas.html>
- 5) NJDEP – SRP  
Environmental Claims Administration  
[www.nj.gov/dep/srp/finance](http://www.nj.gov/dep/srp/finance)
- 6) NJDEP – ISRA Office of Accountability  
<http://www.nj.gov/dep/srp/guidance/isra/rfsguide.htm>  
<http://www.nj.gov/dep/srp/finance/hdsrf/>
- 7) NJ Department of Community Affairs  
<http://www.state.nj.us/dca/divisions/>  
1-800-NJ-HOUSE  
[http://www.state.nj.us/dca/hmfa/media/download/owner/ho\\_potablewater\\_fs.pdf](http://www.state.nj.us/dca/hmfa/media/download/owner/ho_potablewater_fs.pdf)  
Potable water loans for individual homeowners:  
<http://www.state.nj.us/dca/hmfa/homeownership/owners/potable/>  
<http://www.state.nj.us/dca/grants/>
- 8) NJ Economic Development Authority  
[www.njeda.com](http://www.njeda.com)  
609-292-1800
- 9) US Department of Agriculture  
Rural Utilities Services – New Jersey Office  
<http://www.rurdev.usda.gov/nj/wwd.html>  
In New Jersey, contact Kenneth C. Drewes, Phone: (856) 787-7753 or  
E-mail: [kenneth.drewes@nj.usda.gov](mailto:kenneth.drewes@nj.usda.gov)

- 10) CoBank – for private water companies  
<http://www.cobank.com/Products-Services.aspx>  
1-800-542-8072
  
- 11) US Federal Government grant opportunities  
<http://www.grants.gov/>  
[http://water.epa.gov/grants\\_funding/](http://water.epa.gov/grants_funding/)
  
- 12) New Jersey Redevelopment Authority  
[www.njra.us](http://www.njra.us)  
Leslie Anderson, Executive Director  
609-292-1071
  
- 13) Rural Community Assistance Partnership (RCAP)  
[http://www.rcapsolutions.org/loan\\_funds.htm](http://www.rcapsolutions.org/loan_funds.htm)  
RCAP Revolving Loan Fund  
Donna Warshaw  
RCAP Solutions Financial Services  
978-630-6635  
[dwarshaw@rcapsolutions.org](mailto:dwarshaw@rcapsolutions.org)
  
- 14) USEPA  
<http://water.epa.gov/drink/>
  
- 15) US Department of Commerce  
Economic Development Administration  
<http://www.eda.gov>

The NJDEP and the Division of Water Supply and Geoscience do not recommend or support any specific loan programs. Citation here does not equate to official endorsement and none should be inferred. The above list is not meant to be a comprehensive list of funding programs.

## **Appendix B.6**

### **Security Measures at Public Water Systems**

USEPA and New Jersey encourages water systems to protect their facilities and identify their vulnerability to security threats, vandalism and contamination. Information on this topic can be further clarified at the USEPA website (<http://cfpub.epa.gov/safewater/watersecurity/index.cfm>). Security protection (physical and electronic) of the water system should provide deterrence, detection, delay and response against vandals, terrorists, saboteurs and criminals.

A first step is to perform a Vulnerability Assessments (VA) which describes the water system components, determines the critical assets, identifies and prioritizes the adverse consequences to avoid, determines the probabilities of malevolent acts, evaluates existing security measures and provides recommendations for risk reduction. By Federal Regulation, all community water systems (CWS) serving more than 3,300 customers had to conduct a VA that addressed the entire water system. CWS serving a population greater than 100,000 (Tier 1) were to submit a VA by March 31, 2003. CWS serving a population of 50,000 to 99,999 (Tier 2) were to submit a VA by December 31, 2003. CWS serving a population of 3,301 to 49,999 (Tier 3) were to submit a VA by June 30, 2004. CWS serving a population of less than 3,300 (Tier 4) were excluded. NJ achieved 100% compliance with VA submittals.

DWSRF loan monies can be utilized for the installation of security measures, including but not limited to: fencing, security cameras, lighting, motion detectors, secure doors and locks, redundancy for systems and power, secure chemical storage, enhanced treatment options, backflow prevention devices, covering finished reservoirs, secure access panels, vents and hatches.



**State of New Jersey**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
**MAIL CODE 401-03**  
DIVISION OF WATER SUPPLY  
BUREAU OF SAFE DRINKING WATER  
401 EAST STATE STREET  
P.O. BOX 420  
Trenton, NJ 08625-0420  
TEL: # (609) 292-5550  
FAX # (609) 292-1654  
[www.state.nj.us/dep/watersupply](http://www.state.nj.us/dep/watersupply)

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

**NOTICE OF OPEN PUBLIC COMMENT PERIOD**  
REGARDING  
**PROPOSED AMENDMENTS TO THE FFY12 DRINKING WATER**  
**PRIORITY SYSTEM/INTENDED USE PLAN (IUP)**  
AND A  
**“SECOND CHANCE CALL FOR PROJECTS”**

February 2, 2012

Dear Interested Parties:

The Safe Drinking Water Act (SDWA) Amendments of 1996 authorized a Drinking Water State Revolving Fund (DWSRF) to assist publicly and privately owned community water systems and nonprofit noncommunity water systems to achieve or maintain compliance with SDWA requirements and to further the public health objectives of the SDWA.

**The FFY2012 DWSRF Final IUP was published on September 14, 2011. The IUP contained the SFY2012 and the SFY2013 schedules for submitting DWSRF projects. Project sponsors were required to meet these schedules with all applicable deadlines in order to be considered for financing in the SFY2012 and SFY2013 funding cycles.**

**Several changes have been made to the IUP and the SFY2013 schedule:**

- 1) A second chance opportunity is being provided for project sponsors to submit projects for financing in the FFY2012/SFY2013 Financing Program.

**The FFY2012/ SFY2013 Financing Program now includes a second chance provision to accommodate project sponsors that missed the initial commitment letter and planning document deadline of October 3, 2011. Sponsors of such projects will be given a second opportunity to participate in the FFY2012/SFY2013 Financing Program provided they are able to submit a letter of intent, complete planning documents, design documents, a loan application and proof that all applicable permits/approvals have been applied for by March 5, 2012.**

**Projects that met the October deadline are still required to submit their project design documents and loan application on or before March 5, 2012.**

**Additionally, projects by-passed in the SFY2012 cycle that did not meet the October 2011 deadline for resubmission of their project, should resubmit a loan application by March 5, 2012.**

**Second chance projects will be eligible for loans (at one-quarter the market rate) in the SFY2013 Financing Program provided the project meets the program requirements in a timely manner and that there are sufficient DWSRF monies based on the project's rank. Second chance projects will be ranked in accordance with the FFY2012 Priority System and assigned a rank below the projects that met the October deadline which have been identified in the January Report to Legislature.**

An electronic copy of the complete package must be submitted to the Trust in electronic format by close of business on March 5, 2012. All electronic submissions must be on CD or DVD in PDF, TIFF, or JPG format. Please refer to [www.njeit.org/forms.htm](http://www.njeit.org/forms.htm) under loan applications for further guidance.

- 2) **A new classification of projects called “Legacy Projects”** has been created for projects that were not able to meet the SFY2012 financing deadlines but will receive all the necessary approvals and are awarded Interim Loans on or before April 20, 2012. This new class of projects or **legacy projects** from the 2012 program will be prioritized over any new projects seeking loans in the SFY2013 Program (including second chance projects as noted in 1. above).

Projects eligible for financing in the 2013 Program will be offered loan awards in the following order: (1) emergency projects, (2) small systems, (3) supplemental loans, (4) legacy projects, (5) new projects in rank order based on Project Priority List ranking methodology that met the initial program deadline in October 2011, and (6) second chance projects.

If you would like a copy of the IUP or Project Priority Lists, you may contact the DWSRF program or obtain a copy from our website, <http://www.state.nj.us/dep/watersupply/loanprog.htm>.

The period for submitting written comments on this proposal will close on March 5, 2012 (all comments must be postmarked by that date). Please submit the written comments to:

Mail Code 401-03  
NJ Department of Environmental Protection  
Sandra Krietzman, Bureau Chief  
Bureau of Safe Drinking Water  
P.O. Box 420  
Trenton, NJ, 08625-0420

All comments submitted in accordance with the deadline will be considered in the preparation of the final amended FFY2012 Priority System IUP documents.

Should you have any questions regarding the IUP or the DWSRF program, please contact Roger Tsao or Josephine Craver at the Bureau of Safe Drinking Water at (609) 292-5550 or fax (609) 292-1654.

Thank you for your anticipated input on this proposal document.

Very truly yours,



Sandra Krietzman, Chief  
Bureau of Safe Drinking Water

- c: Community Water Supply Systems
  - Nonprofit Noncommunity Water Supply Systems
  - County and Municipal Health Authorities
  - Environmental Groups
  - Engineering Consultants
  - USEPA Region II, Bruce Kiselica, Chief, Drinking Water Section
  - USEPA Region II, Stephen R. Vida, SRF Team Leader
  - USEPA Region II, Alicia Suarez, DWSRF Coordinator
  - Drinking Water Quality Institute
  - USDA, NJ Rural Development, Kenneth C. Drewes, Director, Business & Community Programs
  - NJAWWA, Mona Cavacoli, Section Manager
  - NJ Water Association, Rick Howlett, Executive Director
  - Water Supply Advisory Council, Eugene Golub, Chairman
  - NJ Office of Smart Growth, Gerard Scharfenberger, Acting Executive Director
  - NJ Dept. of Community Affairs, Tom Neff, Director, Local Government Services
  - NJ Board of Public Utilities, Maria Moran, Director, Division of Water
  - NJ Economic Development Authority, John Rosenfield, Director, Program Services
  - NJ Housing and Mortgage Finance Agency, Jerome Keelen, Director, Single Family Programs
  - New Jersey Redevelopment Authority, Leslie Anderson, Executive Director
  - David E. Zimmer, Executive Director, NJ Environmental Infrastructure Trust
  - John Plonski, Assistant Commissioner, Water Resources Management, NJDEP
  - E. David Barth, Director, Management and Budget, NJDEP
  - Karen Fell, Assistant Director, Division of Water Supply, NJDEP
  - Eugene Chebra, Acting Assistant Director, Municipal Finance & Construction Element, NJDEP



## State of New Jersey

### Appendix B.8

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**MAIL CODE 401-03**

DIVISION OF WATER SUPPLY AND GEOSCIENCE- SAFE DRINKING WATER

401 EAST STATE STREET

P.O. Box 420

Trenton, NJ 08625-0420

TEL: # (609) 292-5550

FAX # (609) 292-1654

[www.state.nj.us/dep/watersupply](http://www.state.nj.us/dep/watersupply)

CHRIS CHRISTIE

*Governor*

KIM GUADAGNO

*Lt. Governor*

BOB MARTIN

*Commissioner*

August 20, 2012

Subject: **Notice of Public Hearing**  
Drinking Water State Revolving Fund Program  
"Proposed FFY2013 Priority System, Intended Use Plan, Project Priority List"

Dear Interested Parties:

Please see the attached Notice of Public Hearing regarding the Drinking Water State Revolving Fund (DWSRF) Program to be held at the offices of the New Jersey Environmental Infrastructure Trust (Trust), 3131 Princeton Pike, Building 6, Suite 201, Lawrenceville, New Jersey on September 5, 2012. The hearing will commence at 10:00 a.m. and conclude at the end of testimony.

The Safe Drinking Water Act (SDWA) Amendments of 1996 authorized a DWSRF to assist publicly and privately owned community water systems and nonprofit noncommunity water systems to achieve or maintain compliance with SDWA requirements and to further the public health objectives of the SDWA. The DWSRF is administered as a component of the Environmental Infrastructure Financing Program that also administers the State's Clean Water State Revolving Loan Fund (CWSRF).

The Proposed IUP contains loan terms for the general DWSRF loan program. A maximum of 30% of the capitalization grant will be given out as principal forgiveness. The proposed loan terms are 20 percent of the total project costs (up to \$2 million) will be awarded as principal forgiveness loans; 40 percent of the total project costs (up to \$4 million) will be awarded as zero interest loans from the Department and 40 percent of the balance of the total project costs (up to \$4 million) will be awarded as a loan at the market rate from the Trust. If the total project(s) cost (including the leveraged Trust portion) for a water system is more than \$10 million, then the remainder of the project will be covered by the following loan terms: the traditional DWSRF program, whereby 75 percent of the balance greater than \$10 million will be awarded as zero interest loans from the Department and 25 percent of the balance greater than \$10 million will be awarded as a market rate loan from the Trust.

The proposed IUP includes a new Small Water Systems loan program developed for eligible water systems with populations less than 10,000 persons to facilitate small system access to DWSRF financing. A total of \$4 million is available for this new loan program. At the loan cap amount of \$1 million per water system, 50 percent (\$500,000) is available as principal forgiveness; 25 percent of the total project costs (up to \$250,000) is available at zero interest from the Department and 25 percent of the balance of the total project cost is available at the

Trust market rate. Small systems will be prioritized in three tiers as follows: 1) less than 500 residents, 2) 500 to 3,300 residents and 3) 3,301 to less than 10,000 residents.

The proposed IUP also modifies the categories of projects eligible for DWSRF funding to include systems that have been issued a notice of non-compliance by the Department for infrastructure deficiencies, such as inadequate storage, inadequate source or lack of emergency power (175 points). Additional points will be given to those water systems with asset management plans or for other approved plans.

The Proposed IUP contains the DWSRF FFY2013 schedules. Project sponsors must meet these schedules with all applicable deadlines in order to be considered for financing in May 2014.

Should you have any questions regarding the IUP or the DWSRF program, please contact Alan Dillon or Josephine Craver at the Bureau of Safe Drinking Water at (609) 292-5550 or fax (609) 292-1654.

If you would like a copy of the IUP, contact the DWSRF program or obtain a copy from our website, [http://www.nj.gov/dep/watersupply/dws\\_loans.html](http://www.nj.gov/dep/watersupply/dws_loans.html).

Sincerely,



Sandra Krietzman, Chief  
Bureau of Safe Drinking Water

#### ATTACHMENT

C: Community Water Supply Systems  
Nonprofit Noncommunity Water Supply Systems  
County and Municipal Health Authorities  
Environmental Groups  
Engineering Consultants  
USEPA Region II, Bruce Kiselica, Chief, Drinking Water Section  
USEPA Region II, Stephen R. Vida, SRF Team Leader  
USEPA Region II, Daniel D'Agostino, DWSRF Coordinator  
Drinking Water Quality Institute members  
USDA, NJ Rural Development, Kenneth C. Drewes, Director, Business & Community Programs  
NJAWWA, Carol Storms, Section Chair  
NJ Water Association, Rick Howlett, Executive Director  
Water Supply Advisory Council  
NJ Dept. of State, Business Action Center, Linda Kellner, Acting Executive Director  
NJ Dept. of Community Affairs, Thomas Neff, Director, Local Government Services  
NJ Board of Public Utilities, Maria Moran, Director, Division of Water and Wastewater  
NJ Economic Development Authority, John Rosenfield, Director, Program Services  
NJ Housing and Mortgage Finance Agency, Anthony Marchetta, Executive Director  
New Jersey Redevelopment Authority, Leslie Anderson, Executive Director  
David Zimmer, Executive Director, NJ Environmental Infrastructure Trust  
Magdalena Padilla, Chief of Staff, NJDEP  
Michele Siekerka, Assistant Commissioner, Water Resources Management, NJDEP



Marilyn Lennon, Assistant Commissioner, Land Use Management, NJDEP  
E. David Barth, Director, Management and Budget, NJDEP  
Michele Putnam, Director, Division of Water Quality, NJDEP  
Fred Sickels, Director, Division of Water Supply, NJDEP

August 20, 2012

## **NOTICE OF PUBLIC HEARING/COMMENT PERIOD**

REGARDING

### **PROPOSED FFY2013 DRINKING WATER PRIORITY SYSTEM, INTENDED USE PLAN AND PROJECT PRIORITY LIST DRINKING WATER STATE REVOLVING FUND (DWSRF)**

The Department of Environmental Protection (Department) has completed the development of the Proposed FFY2013 Drinking Water Priority System, Intended Use Plan and Project Priority List (IUP) documents to establish funding policies and the program schedule to administer the Environmental Infrastructure Financing Program.

The proposed **Loan Terms** are as stated below, unless amended, as needed to meet the requirements of the FFY 2013 DWSRF Federal Appropriations Bill. In SFY 2014, the loan terms include a Small Water Systems loan program as a component of the general loan program. In the general loan program, the proposed loan terms are 20 percent of the total project costs (up to \$2 million) will be awarded as principal forgiveness loans; 40 percent of the total project costs (up to \$4 million) will be awarded as zero interest loans from the Department and 40 percent of the balance of the total project costs (up to \$4 million) will be awarded as a loan at the market rate from the New Jersey Environmental Infrastructure Trust (Trust). If the total project(s) cost (including the leveraged Trust portion) for a water system is more than \$10 million, then the remainder of the project will be covered by the following loan terms: the traditional DWSRF program, whereby 75 percent of the balance greater than \$10 million will be awarded as zero interest loans from the Department and 25 percent of the balance greater than \$10 million will be awarded as a market rate loan from the Trust.

The Small Water Systems loan program is designed to facilitate small system access to DWSRF financing. Qualified Borrowers are publicly owned and privately owned community water systems and nonprofit non community water systems with populations less than 10,000 persons. There is a cap of \$1 million per loan with a total of \$4 million available for this new loan program. At the loan cap amount of \$1 million 50 percent (\$500,000) is available as principal forgiveness; 25 percent of the total project costs (up to \$250,000) is available at zero interest from the Department and 25 percent of the balance of the total project cost is available at the Trust market rate. This program will prioritize small systems in three tiers as follows: 1) those systems serving less than 500 residents, 2) those systems serving 500 to 3,300 residents and 3) those systems serving 3,301 to less than 10,000 residents. At this time, the financing program is discussing other advantages to small systems; such as waiving administrative fees, direct loans, getting the lowest costs for bond counsel, etc. New Jersey is proposing to start the small systems loan program for the SFY2014 loan applicants that will close on a loan in May 2014.

NJDEP will provide a list of candidates that qualify for the small systems loan program, from those applicants who meet the first DWSRF deadline of October 1, 2012. NJDEP will work with these systems to provide the best available loan terms. At time of letter of intent submittal, there will be a drawdown box where the applicant can note their interest in the small system loan program.

Loan terms for supplemental loans will be the same terms as were made for the original executed DWSRF loan.

For all projects outside the Small Water Systems loan program, we will fund projects **in ranked order**, including principal forgiveness monies, until the 30 percent maximum principal forgiveness is awarded. The balance of the projects will be eligible for the traditional DWSRF FFY2013 financing program (i.e. 75 percent zero interest, 25 percent market rate) in ranked order. This approach allows us to focus principal forgiveness monies on small systems while providing the remaining principal forgiveness funding to high priority projects. While, the DWSRF program hopes to finance all projects, we recognize that limited funds may prevent the funding of all project sponsors.

A maximum of 20 percent of the State's FFY2012 DWSRF allocation may be used for projects that meet the requirements of the **Green Project Reserve (GPR)**. We may amend that amount, as needed, to meet the requirements in the FFY2013 DWSRF Federal Appropriation Bill. Green infrastructure projects, such as solar panels or wind turbines, will be given priority for GPR funding in ranked order. Additionally, the GPR can be provided for other projects for water efficiency, energy efficiency or other environmentally innovative activities, as needed, to reach the 20 percent goal.

A **new project element** was added under category A for systems that have been issued a notice of non compliance by NJDEP for infrastructure deficiencies; such as inadequate storage, inadequate source or lack of emergency power. These are awarded 175 points. Additionally, in Category B, 75 Points will be given for an asset management plan and 50 points for other approved plans.

The first **deadline** for the submittal of the planning documents and the letter of intent for the Drinking Water SRF is October 1, 2012. Also note that the submittal of the loan application and design documents to the Department must be received by close of business March 4, 2013. Applicants must submit an electronic copy of the complete application package to the Trust in by close of business on March 4, 2013. All electronic submissions to the Trust must be in a format as specified by the Trust. Please refer to the Trust website at [www.njeit.org/forms.htm](http://www.njeit.org/forms.htm) under loan applications for further guidance.

A complete copy of the proposed IUP document and project list is available on the Department's website at [http://www.nj.gov/dep/watersupply/dws\\_loans.html](http://www.nj.gov/dep/watersupply/dws_loans.html). You can request a hard copy by contacting Josephine Craver, Supervisor, Bureau of Safe Drinking Water at (609) 292-5550.

**A public hearing regarding the DWSRF IUP will be held at the offices of the New Jersey Environmental Infrastructure Trust, 3131 Princeton Pike, Building 6, Suite 201, Lawrenceville, New Jersey in the hearing room, on Wednesday, September 5th, 2012. The hearing will commence at 10:00 a.m., and conclude at the end of testimony.**

Presentations may be made orally or in writing. If written testimony is prepared, the oral presentation should be limited to a summary of the text. The period for submitting written comments on this proposal will close on September 24th, 2012 (all comments must be postmarked by that date). All comments submitted by the deadline will be considered in the preparation of the Final FFY2013 IUP documents.

Written comments on the Drinking Water proposal should be submitted by September 24th, 2012 to:

NJ Department of Environmental Protection  
**Mail Code 401-03**  
Sandra Krietzman, Bureau Chief  
Bureau of Safe Drinking Water

P.O. Box 420  
Trenton, NJ, 08625-0420

If you have any questions regarding the Drinking Water proposals, please contact one of the following:

Alan Dillon, Section Chief	609-292-5550
Josephine Craver, Supervising Environmental Engineer	609-292-5550

Thank you for your anticipated input on this proposal document.

Appendix B.10



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

MAIL CODE 401-03

DIVISION OF WATER SUPPLY AND GEOSCIENCE- SAFE DRINKING WATER

401 EAST STATE STREET

P.O. Box 420

Trenton, NJ 08625-0420

TEL: # (609) 292-5550

FAX # (609) 292-1654

[www.state.nj.us/dep/watersupply](http://www.state.nj.us/dep/watersupply)

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

December 7, 2012

SUBJECT: Drinking Water State Revolving Fund Program  
"Final FFY2013 Priority System, Intended Use Plan, Project Priority List and  
Response Document"

Dear Interested Parties,

The Drinking Water State Revolving Fund Final FFY2013 Priority System, Intended Use Plan (IUP), Project Priority List and Response Document are available at [www.nj.gov/dep/watersupply/dws\\_loans.html](http://www.nj.gov/dep/watersupply/dws_loans.html). A Public Hearing regarding the Drinking Water State Revolving Fund Program was held on September 5, 2012 at the offices of the New Jersey Environmental Infrastructure Trust, Lawrenceville, New Jersey. No oral comments were presented at the hearing and no written comments were received. No changes were made to the Final FFY2013 IUP.

The federal Safe Drinking Water Act (SDWA) Amendments of 1996 authorized a Drinking Water State Revolving Fund (DWSRF) to assist publicly and privately owned community water systems and nonprofit noncommunity water systems to achieve or maintain compliance with SDWA requirements and to further the public health objectives of the SDWA. The DWSRF is administered as a component of the Environmental Infrastructure Financing Program that also administers the State's Clean Water State Revolving Loan Fund (CWSRF).

The IUP also contains the FFY2012 and the FFY2013 schedules. Project sponsors must meet these schedules with all applicable deadlines in order to be considered for financing in May 2013 or 2014.

Should you have any questions regarding the IUP or the DWSRF program, please contact Alan Dillon or Todd Taylor at the Bureau of Safe Drinking Water at (609) 292-5550 or fax (609) 292-1654.

If you would like a copy of the IUP, contact the DWSRF program or obtain a copy from our website, [www.nj.gov/dep/watersupply/dws\\_loans.html](http://www.nj.gov/dep/watersupply/dws_loans.html).

Sincerely,



Sandra Krietzman, Chief  
Bureau of Safe Drinking Water

#### ATTACHMENT

##### C: Community Water Supply Systems

Nonprofit Noncommunity Water Supply Systems

County and Municipal Health Authorities

Environmental Groups

Engineering Consultants

USEPA Region II, Mike Lowy, Acting Chief, Drinking Water Section

USEPA Region II, Stephen R. Vida, SRF Team Leader

USEPA Region II, Daniel D'Agostino, DWSRF Coordinator

Drinking Water Quality Institute members

USDA, NJ Rural Development, Kenneth C. Drewes, Director, Business & Community Programs

NJAWWA, Carol Storms, Section Chair

NJ Water Association, Rick Howlett, Executive Director

Water Supply Advisory Council

NJ Dept. of State, Business Action Center, Linda Kellner, Acting Executive Director

NJ Dept. of Community Affairs, Thomas Neff, Director, Local Government Services

NJ Board of Public Utilities, Maria Moran, Director, Division of Water and Wastewater

NJ Economic Development Authority, John Rosenfield, Director, Program Services

NJ Housing and Mortgage Finance Agency, Anthony Marchetta, Executive Director

New Jersey Redevelopment Authority, Leslie Anderson, Executive Director

David Zimmer, Executive Director, NJ Environmental Infrastructure Trust

Magdalena Padilla, Chief of Staff, NJDEP

Michele Siekerka, Assistant Commissioner, Water Resources Management, NJDEP

Marilyn Lennon, Assistant Commissioner, Land Use Management, NJDEP

E. David Barth, Director, Management and Budget, NJDEP

Michele Putnam, Director, Division of Water Quality, NJDEP

Fred Sickels, Director, Division of Water Supply and Geoscience, NJDEP

## **Appendix B.11 Summary of Public Hearing**

A Notice of Public Hearing dated August 20, 2012 publicly advertised the DWSRF hearing. On Wednesday, September 5th, 2012, a public hearing was held at the offices of the New Jersey Environmental Infrastructure Trust, 3131 Princeton Pike, Building 6, Suite 201, Lawrenceville, New Jersey in the large conference room. The hearing commenced at 10:00 a.m. and concluded at the end of testimony. The hearing was held in conjunction with the Priority System and Intended Use Plan hearing for the Clean Water SRF Program. The hearing officer, Joseph Miri, Research Scientist in the Division of Water Supply & Geoscience, commenced the meeting by summarizing the Proposed FFY2013 Priority System, Intended Use Plan, Project Priority List and outlining modifications.

A statement summarizing the changes set forth in the Proposed IUP was presented at the public hearing.

The Drinking Water Intended Use Plan includes a new project element that was added under Category A for systems that have been issued a notice of non compliance by NJDEP for infrastructure deficiencies; such as inadequate storage, inadequate source or lack of emergency power. These projects are awarded 175 points. Additionally, in Category B, 75 Points will be given for an asset management plan and 50 points for other approved plans.

The Loan Terms are proposed and will be amended as needed to meet the requirements in the Federal Fiscal Year 2013 Drinking Water State Revolving Fund Federal Appropriation Bill. The loan terms include a minimum of 30 percent of the State's Federal Fiscal Year 2013 Drinking Water State Revolving Fund allotment as principal forgiveness. Additionally, as New Jersey and the USEPA are promoting green projects, a goal of Green Project Reserve equal to 20 percent of the State's Federal Fiscal Year 2013 Drinking Water State Revolving Fund allocation is proposed in the Intended Use Plan. Please refer to Appendix B.9 of this document, the Notice of Public Hearing dated August 20, 2012 for specific changes.

The new Small Water Systems loan program is designed to facilitate small system access to DWSRF financing. Qualified Borrowers are publicly owned and privately owned community water systems and nonprofit non community water systems with populations less than 10,000 persons. There is a cap of \$1 million per loan with a total of \$4 million available for this new loan program. At the loan cap amount of \$1 million, 50 percent (\$500,000) is available as principal forgiveness; 25 percent of the total project costs (up to \$250,000) is available at zero interest from the Department and 25 percent of the balance of the total project cost is available at the Trust market rate. This program will prioritize small systems in three tiers as follows: 1) those systems serving less than 500 residents, 2) those systems serving 500 to 3,300 residents and 3) those systems serving 3,301 to less than 10,000 residents. New Jersey is proposing to start the small systems loan program for the SFY2014 loan applicants that will close on a loan in May 2014.

Several individuals attended the hearing and no individuals provided testimony. In addition, no written comments were received prior to the submittal deadline of September 24, 2012.

Transcripts of the hearings are available from the transcription services (Guy J. Renzi & Associates of Trenton, NJ, [www.renziassociates.com](http://www.renziassociates.com)) to any interested person or organization upon request. In addition, copies of the transcripts may be reviewed at the NJDEP's offices at 401 East State Street in Trenton, New Jersey.



## **APPENDIX C**

- 1) DWSRF Financing Program Summary
- 2) Funded Projects by Type
- 3) Summary of Projects Previously Funded through DWSRF
- 4) Summary of Projects Previously Funded through Other Sources
- 5) Projects Funded through SFY2012 DWSRF that closed on a loan in May/June 2012
- 6) Project Priority Comprehensive List
- 7) Proposed FFY2012/SFY2013 Project Priority Master List
- 8) Proposed FFY2013/SFY2014 Project Priority Master List

**Appendix C.1  
DWSRF Financing Program Summary**

Project sponsors in the DWSRF program typically receive two loans: a 0% interest loan from the NJDEP and a market rate loan from the NJ Environmental Infrastructure Trust (the Trust). In most cases each loan is for half of the project cost and the borrower therefore realizes a loan with a rate approximately half of the market rate. DWSRF loans are available for terms not to exceed 20 years. Table C.1: Trust Loan Rates table shows the standard rates for Series A (for public borrowers) and Series B (for private borrowers) bonds from 1998 to 2010.

**TABLE C.1 Trust Loan Rates**

Year	Series A Bond Rate (public)	Series B Bond Rate (private)
1998	4.55%	4.68%
1999	5.45%	5.67%
2000	5.13%	5.37%
2001	4.37%	4.65%
2002	4.30%	4.53%
2003	4.24%	*
2004	4.05%	4.45%
2005	4.26%	4.62%
2006	4.19%	4.48%
2007	4.22%	*
2008	4.79%	*
2009-Fall Pool	3.52%	5.21%
2009-Winter Pool	3.39%	*
2010**	3.89%	3.85%
2012	2.75%	3.24%

\* There were no Series B bonds sold in 2003, 2007, 2008 and 2009 winter pool.

\*\* The 2010 Bonds were Series 2010B (public) and Series 2010C (private) for the 2010 cycle

Under the Smart Growth provisions of the DWSRF program that were first made available to FFY04 project sponsors, sponsors with projects located in Urban Centers and Urban Complexes designated by the State Planning Commission, Transit Villages designated by the Department of Transportation, and Brownfield Development Areas (BDA) designated by the NJDEP and Green Project Reserves (GPR) may be eligible for a modified rate. In these loans, up to 75%, as opposed to 50%, of the project cost can come from the NJDEP loan, which is provided at 0% interest, and no less than 25% of the project costs can come from the Trust loan, which is provided at market rate. Table C.2: NJDEP/Trust Proportions table summarizes the projects that have executed loans and have participated in the Smart Growth Initiatives and the proportionality of the loans. Please note that the 75/25 loan terms have been available to all participants since 2009.

**Table C.2**  
**NJDEP/Trust Proportions**  
**Projects that have executed loans and have participated in the Smart Growth Initiatives**

Project Sponsor	County	Project Description	Project Number	Year Financed	Project Amount	Proportion
Matawan Borough	Monmouth	Modifications to the aeration, clarification, chemical treatment, filtration processes, equipment controls and new generator	1329001-001	May-12	\$4,782,675.00	75% / 25%
NJ American Water Co.- Mt Holly	Burlington	Installation of solar power at Mansfield WTP complex	0323001-002	May-12	\$5,926,014.00	75% / 25%
Matawan Borough	Monmouth	Structural improvement at the two existing water storage tanks	1329001-002	Masy-12	\$529,465.00	75% / 25%
Trenton City	Mercer	Floating Cover for Pennington Reservoir	1111001-009	Dec-10	\$13,082,500	75% / 25%
Newark City	Essex	Replacement of 32,00 LF of water mains	0714001-006	Dec-10	\$8,816,311	75% / 25%
NJ American Water Co	Monmouth	Installation of solar power at Yellowbrook WTP	1345001-013	Dec-10	\$802,930	75% / 25%
NJ American Water Co NJ	Burlington	Installation of solar power at Delran WTP	0327001-011	Dec-10	\$7,432,070	75% / 25%
NJ American Water Co	Essex	Installation of solar power at Canoe Brook WTP	0714001-012	Dec-10	\$1,220,345	75% / 25%
Trenton City	Mercer	Addition of 2 natural gas generators at the Central Pumping Station	1111001-006-0-0	Mar-10	\$8,550,000	75% / 25%
Bayonne MUA	Hudson	Slip line 2,600 LF of 48-inch Aqueduct - Phase 1	0901001-003-0-0	Mar-10	\$1,696,480	75% / 25%
Harrison Water Dept	Hudson	Brownfield designated site, 626 LF of 8-inch water main upgrades between 3rd St and Frank E. Rodgers Blvd - Harrison Commons	0904001-003-0-0	Dec-09	\$720,011	75% / 25%
Harrison Water Dept/Hudson County IA	Hudson	Brownfield designated site, 5,700 LF of 12-inch water main upgrade on Cape May Street and Frank E. Rogers Blvd. -- Metro Centre	0904001-002-0-0	Dec-09	\$1,820,154	75% / 25%
Jersey City/Jersey City MUA	Hudson	Upgrades at the Boonton Reservoir Treatment Plant	0906001-001-0-0	Mar-10	\$10,376,040	75% / 25%

<b>Project Sponsor</b>	<b>County</b>	<b>Project Description</b>	<b>Project Number</b>	<b>Year Financed</b>	<b>Project Amount</b>	<b>Proportion</b>		
Newark**	Essex	Cleaning and Lining of the Pequannock Aqueducts No. 1 and 2	0714001-003-1-0	Nov-08	\$4,894,140	75%	/	25%
Newark**	Essex	Cleaning and Lining of 56,800 LF of 6,8 and 12-inch distribution mains	0714001-004-1-0	Nov-08	\$4,894,140	75%	/	25%
City of Jersey City/Jersey City MUA**	Hudson	Replacement of tube settler, valve replacement & clean and line mains	0906001-002/003/004-1	Nov-08	\$10,540,000	75%	/	25%
Trenton City**	Mercer	Pre-treatment and facilities improvement projects	1111001-004-0-0	Nov-07	\$12,881,160	75%	/	25%
Bayonne	Hudson	Rehabilitation of water mains-Phase 2	0901001-002-0-0	Nov-07	\$355,135	75%	/	25%
Bayonne	Hudson	Rehabilitation of water mains-Phase 1	0901001-001-0-0	Nov-07	\$1,419,555	75%	/	25%
City of Jersey City/Jersey City MUA	Hudson	Replacement of Traveling Bridge and Tube Settler system	0906001-002	Nov-07	\$6,070,000	75%	/	25%
City of Jersey City/Jersey City MUA	Hudson	Cleaning and Lining of Mains	0906001-004	Nov-07	\$1,846,000	75%	/	25%
City of Jersey City/Jersey City MUA	Hudson	Large Valve Replacement	0906001-003	Nov-07	\$4,841,608	75%	/	25%
Newark City	Essex	Clean and cement line Pequannock Aqueduct 1 and 2	0714001-003	Nov-07	\$4,090,000	75%	/	25%
Newark City	Essex	Clean and line water mains	0714001-004	Nov-07	\$4,090,000	75%	/	25%

<b>Project Sponsor</b>	<b>County</b>	<b>Project Description</b>	<b>Project Number</b>	<b>Year Financed</b>	<b>Project Amount</b>	<b>Proportion</b>
Passaic Valley WC	Passaic	Cleaning & Lining of mains in Paterson	1605002-006	Nov-07	\$2,110,000	75% / 25%
Atlantic City MUA**	Atlantic	Expand and upgrade filtration facility	0102001-001-1-0	Nov-06	\$2,397,472	75% / 25%
Trenton City	Mercer	Pre-treatment and facilities improvement projects	1111001-004-0-0	Nov-06	\$48,893,604	75% / 25%
New Brunswick	Middlesex	Water treatment plant upgrades	1214001-003-0-0	Nov-06	\$21,578,106	75% / 25%
NJDWSC	Passaic	Installation of solar collectors on roof of filter bldg to generate 10-15% of power needed by the WTP -- Alternate power	1613001-015-0-0	Nov-06	\$1,271,911	64% / 36%
NJDWSC	Passaic	Wanaque Pump Station Upgrades	1613001-017-0-0	Nov-06	\$2,183,362	64% / 36%
Atlantic City MUA	Atlantic	Expand and upgrade filtration facility	0102001-001-0-0	Nov-05	\$5,377,620	75% / 25%
Trenton City	Mercer	Water main rehabilitation including cleaning and lining	1111001-003-0-0	Nov-04	\$12,481,572	55% / 45%
Camden City**	Camden	Rehabilitate the Morris-Delair treatment plant	0408001-003-1-0	Nov-03	\$6,655,299	75% / 25%
North Jersey District WS	Passaic	Upgrade existing basin with solids removal equipment, add new waste wash tank and relocate backwash recycle point	1613001-003-0-0	Nov-03	\$5,567,400	63% / 37%
North Jersey District WS	Passaic	Rehabilitation of existing chemical feed equipment	1613001-010-0-0	Nov-03	\$2,968,650	63% / 37%

<b>Project Sponsor</b>	<b>County</b>	<b>Project Description</b>	<b>Project Number</b>	<b>Year Financed</b>	<b>Project Amount</b>	<b>Proportion</b>
North Jersey District WS	Passaic	Replace underdrain system on aging filters and install air scouring backwash system	1613001-011-0-0	Nov-03	\$4,963,950	63% / 37%
Camden City	Camden	Cleaning & Lining of large transmission mains	0408001-010-0-0	Nov-03	\$10,317,372	75% / 25%

\*\*supplemental

## **Appendix D**

### **Nonproject Set-aside List**

The NJDEP may approve expenditures for the following activities in accordance with Section 1452(k) of the SDWA.

#### **LOANS:**

- \_\_\_\_\_ for water systems to acquire land or a conservation easement from a willing seller or grantor, for source water protection purposes and to ensure compliance with national primary drinking water regulations.
  
- \_\_\_\_\_ for community water systems to implement local voluntary, incentive based source water protection measures delineated under a source water protection program.
  
- \_\_\_\_\_ for community water systems to provide funding for the development of a source water quality protection partnership petition (optional program under consideration by NJDEP).

#### **TECHNICAL AND FINANCIAL ASSISTANCE:**

- \_\_\_\_\_ for water systems as part of a capacity development strategy developed and implemented under Section 1420 (c) of the SDWA.

#### **STATE EXPENDITURES:**

- \_\_\_\_\_ for the State to make expenditures for the establishment and implementation of wellhead protection programs under Section 1428 of the SDWA.

**The NJDEP received no responses indicating any interest in these items at this time.**