



## **STATE OF RHODE ISLAND**

### **STATE FISCAL YEAR (SFY) 2023 INTENDED USE PLAN**

*in support of the*

### **FEDERAL FISCAL YEAR (FFY) 2022 BASE, GENERAL SUPPLEMENTAL, LEAD SERVICE LINE REPLACEMENT AND EMERGING CONTAMINANTS CAPITALIZATION GRANTS**

*To be made available by the Safe Drinking Water Act Amendment of 1996 for the  
Drinking Water State Revolving Fund*

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## **I. INTRODUCTION**

This Intended Use Plan (IUP) serves as the State of Rhode Island's application for the Environmental Protection Agency's (EPA) Federal Fiscal Year 2022 Drinking Water State Revolving Fund (DWSRF) Capitalization Grant as authorized by §1452 of the Safe Drinking Water Act Amendments of 1996 (the Act). The IUP requests a Base Capitalization grant award totaling \$7,008,000. As part of this IUP, the State is also applying for \$17,992,000 of DWSRF General Supplemental Grant funds; \$28,350,000 of Lead Service Line Replacement Grant funds and \$7,555,000 of Emerging Contaminants Grant funds all made available through passage of the Bipartisan Infrastructure Law (BIL). Rhode Island Infrastructure Bank (Bank) agrees to provide through methods available to it, the required 20% State Matching Funds of \$1,401,600 for the Base FFY2022 Capitalization Grant and the required 10% for the DWSRF General Supplemental Grant totaling \$1,799,200. There is no State Match requirement for the Lead Service Replacement Grant and the Emerging Contaminants Grant. The State Match will be deposited into the DWSRF upon remittance of Federal funds into the Bank's Automated Standard Application for Payments (ASAP) account as required by the Act.

## **II. THE RHODE ISLAND DWSRF PROGRAM**

### **A. Administration**

The entities involved in the application for these Federal Capitalization Grants are the Bank and the Rhode Island Department of Health (RIDOH). The Bank is the designated lead agency with respect to the financial aspects of the DWSRF Program (the Program) and is empowered to enter into capitalization grant agreements with the Regional Administrator to accept capitalization grant awards, and to otherwise manage the fund in accordance with the requirements and objectives of the Act, as established by Chapter 46-12.8 of the General Laws of Rhode Island, as amended.

RIDOH is the designated lead agency responsible for establishing assistance priorities; assisting in development of the IUP; establishing project priority lists (PPL); determining project eligibility; performing technical project reviews; monitoring construction; approval or denial of payment; and determining and implementing the Technical Assistance, Local Assistance, and State Program Management set-aside programs.

### **B. Planned Program Activities**

These Capitalization Grant Applications (the Applications) are for qualifying projects and set-aside dollars made available to the State of Rhode Island for Federal Fiscal Year 2022.

The IUP, included as Section III.B to this document, outlines the anticipated use of all funding available in the Program and the methods of financing to be used to make construction loans to Rhode Island-based water suppliers.

The current financial structure of the Program is the culmination of extensive modeling and analyses which provides the Program with the flexibility to achieve its short- and long- term goals (see item B, 3., below) within the changing financial, legal, and/or political environment.

The Program has a financing structure flexible enough to meet the needs of the varied types of water suppliers who seek financial assistance while ensuring the financial health of the Program, the Bank, its bond holders, and existing financial assistance programs. The financial structure attempts to maximize the number and volume of loans the Bank can responsibly make to the local communities and water supply authorities while complying with the Act and associated rules promulgated by EPA.

**C. Bipartisan Infrastructure Law (BIL)**

On November 15, 2021, President Biden signed into law the Bipartisan Infrastructure Law (BIL) into law. The BIL provides three new federal grants through the Drinking Water State Revolving Fund (DWSRF) over the next five years:

1. General Supplemental Funding Grant
2. Lead Service Line Replacement Funding Grant
3. Emerging Contaminants Funding Grant

For FFY2022, the Bank expects to receive the following three grants; \$17,992,000 for the General Supplemental Grant; \$28,350,000 for the Lead Service Line Replacement Grant and \$7,555,000 for the Emerging Contaminants grant. The BIL mandates that 49% of funds provided through the DWSRF General Supplemental Funding and Lead Service Line Replacement Funding must be provided as principal forgiveness and/or grants. This requires that the State provide at least \$8,816,080 and \$13,891,500 respectively. BIL also mandates that 100% of the funds provided through the Emerging Contaminants must be provided as principal forgiveness and or/grants. The State will provide the entire \$7,555,000 as principal forgiveness and/or grants. The table below illustrates the FFY2022 allocations and subsidy requirements:

**Table I**

FFY22 BIL Allocations and Subsidy Requirements

Appropriations from BIL	2022 Allocations	Subsidy Requirements
DWSRF - General Supplemental	\$ 17,992,000	\$ 8,816,080
DWSRF - Lead Service Line Replacement	\$ 28,350,000	\$ 13,891,500
DWSRF - Emerging Contaminants	\$ 7,555,000	\$ 7,555,000

Under the DWSRF General Supplemental provision, the state match requirement is reduced to 10% of the total amount of the capitalization grant in fiscal years 2022 and 2023. The match requirement returns to 20% of the capitalization grants in fiscal year 2024.

Under the Emerging Contaminants and the Lead Service Line Replacement provisions, the requirement to provide the state match has been waived.

**III. CAPITALIZATION GRANT AGREEMENT**

**A. EPA/State of Rhode Island Operating Agreement**

The Operating Agreement (OA) which establishes a mutual obligation between the EPA and the

State of Rhode Island for the oversight of the Program has been in effect since December 1997. The purpose of the OA is to define and integrate rules, regulations, guidelines, policies, procedures, and activities to be followed by EPA and the State of Rhode Island in administering the Program prescribed by §1452 of the SDWA. The OA will continue from year-to-year and will be incorporated by reference into the annual SRF Capitalization Grant Agreement (the Agreement).

The State of Rhode Island agrees that any modifications to this agreement that may be required by EPA regulations, policies, or program guidance, will be made, and implemented where applicable within six months of issuance or on such other schedule as negotiated with EPA. If feasible, such modifications may be discussed at the time of the annual review. EPA agrees that, unless mandated by Federal law, modifications will not apply retroactively, unless agreed to by the the State of Rhode Island.

Detailed information concerning Rhode Island's SRF laws, rules, policies, and procedures are incorporated by reference in the OA. During or before the annual Application submittal process, changes to the OA will be considered and only the materials relevant to the proposed changes shall be submitted for EPA's consideration.

Information which changes from year-to-year is contained in our annual application and the IUP. Several specific assurances necessary for submittal of an application are included in the OA. These include an assurance that the State:

- Had the authority to establish the Program and operates it in accordance with the Act;
- Will use Generally Accepted Accounting Principles;
- Will have the Program fund and set-aside accounts audited annually in accordance with Generally Accepted Government Auditing Standards;
- Will commit and expend funds as efficiently as possible and in an expeditious and timely manner;
- Will use funds in accordance with the IUP; and
- Will provide EPA with an annual or biennial report.

Other assurances specific to the award and acceptance of the capitalization grant are noted in the IUP.

As per the OA, EPA agrees to review the Application and take appropriate action within 45-days of receipt of a complete application (including, but not limited to, supporting documentation and certifications and any modifications to the OA, the annual IUP, and proposed payment schedule) in the Regional Office. EPA shall either approve the application and award the capitalization grant or shall notify the State of Rhode Island in writing of issues requiring resolution. The State of Rhode Island and EPA agree to negotiate promptly, cooperatively, and in good faith to clarify or resolve questions which may arise during review of the Application. The Bank agrees to execute the Capitalization Grant offer within 30 days of EPA approval.

## **B. DWSRF Intended Use Plan**

### **1. Introduction**

The Bank and RIDOH submit to EPA the IUP for the SDWA §1452 funds available to the State of Rhode Island for Federal Fiscal Year 2022. This includes the Federal Fiscal Year 2022 Base Capitalization Grant allotment of \$7,008,000; \$17,992,000 DWSRF General Supplemental grant; \$28,350,000 Lead Service Line Replacement Grant; and the \$7,555,000 Emerging Contaminants Grant.

Consistent with the provisions of the SDWA and subsequent amendments to it, the Bank reserves the right to cross-collateralize between the DWSRF and Clean Water SRF (CWSRF). Similarly, the Bank reserves the right to transfer CWSRF funds to the DWSRF as permitted by SDWA in the upcoming Federal Fiscal Year. While the Bank has not initiated any such transfers in prior years, the Bank may propose to make such a transfer in the near term if the need arises.

With the award of the Base Federal grant and BIL General Supplemental Funding Grants, it is the State's intention to continue a subsidized loan program for eligible publicly and privately organized drinking water suppliers in the State of Rhode Island.

#### **Lead Service Line Replacement**

The State will be funding private and public lead service lines to minimize adverse public health effects of lead. In addition to funding the lead service line replacement projects with principal forgiveness and/or grants the Bank will also making zero interest loans to borrowers and will not be charging any service fees.

#### **Emerging Contaminants**

For a project or activity to be eligible for funding under this appropriation, it must be otherwise DWSRF eligible and the primary purpose must be to address emerging contaminants in drinking water. Given the clear Congressional intent that these funds focus on projects addressing perfluoroalkyl and polyfluoroalkyl substances (PFAS), the State has actively solicited and prioritized PFAS-focused projects. The State, however, does have the flexibility to fund projects for any contaminant in any of EPA's Contaminant Candidate Lists.

To determine which projects are to be funded by the Program, RIDOH annually prepares the PPL. Projects are funded based on ranking and readiness to proceed. In addition to the most current PPL, a carryover list is later discussed in this document.

Projects expecting to need funding in the next fiscal year are identified in priority order. RIDOH has developed a "tie-breaking" procedure, by-pass provisions, by-pass for small systems procedure, and emergency projects procedure as part of the Rules and Regulations Pertaining to the Program.

The PPL was formatted in accordance with EPA requirements for both Green Project Reserve (GPR)

and the Base Program. Although the State chose to opt out of the GPR for FFY2022, the format will remain the same in the event the State does not have the option of opting out in the future or chooses to implement GPR.

## **2. Revision to the IUP**

This IUP is based upon construction projects listed on the PPL. Throughout the course of the year, the need may arise to amend this IUP. If projects identified for funding in the IUP are unable to proceed, funding assistance for these projects will be deferred and other projects from the PPL will be selected for funding. Selection is based on procedures in the priority determination system, readiness to proceed, and availability of funds.

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

As required by the Act, the Program has identified the following goals. The IUP details the short- and long-term programmatic goals of ensuring affordable drinking water, ensuring public health protections, complying with the Act, and maintaining the long-term financial health of the Program.

Both entities will develop and administer all their respective proper rules, regulations, and policies to implement the Program. The goals described below are grouped according to short- and long-term objectives and are not listed in any order of Program priority:

### Short Term Goals

*#1:* Endeavor to provide 15% of project funds for assistance to small systems on an annual basis. Continued outreach efforts to small systems to educate and better promote the Program, to maintain a pipeline of projects that are eligible to receive funding.

*#2:* Develop various work plans for use of specific set-aside dollars.

*#3:* Coordinate Program activities with other state and Federal activities relating to public drinking water.

*#4:* Continue to reduce Unliquidated Obligations (ULO) associated with Capitalization Grant awards and work towards achieving EPA's ULO objective.

*#5:* Promote climate resilience of water systems through coordination and funding of eligible water suppliers.

*#6:* Prepare an annual report which lists the State's accomplishments for the fiscal year and submit to EPA in a timely manner.

*#7:* Identify and prioritize additional subsidy for projects in the IUP that serve disadvantaged communities by providing targeted outreach and engagement.

## Long Term Goals

- #1: To manage the Program in compliance with the SDWA of 1996 (§1452).
- #2: Manage the Program to distribute funding to eligible public and privately- organized water suppliers in a timely and efficient manner.
- #3: Maintain the Capacity Development Program as per §1420 of the Act.
- #4: Maintain a Source Water Protection Program in accordance with § 1453 of the Act.
- #5: Maintain a Disadvantaged Community Loan Program for those water suppliers meeting Program criteria.
- #6: Ensure full compliance with §1452 of the Act and all Federal cross-cutting issues as required by the 1996 SDWA amendments.
- #7: Provide a self-sustaining funding program that will assist public water systems in achieving compliance with public health objectives of the Act.
- #8: Maintain the fiscal integrity of the Program and comply with generally accepted governmental accounting principles to assure continuance of loan funds for future generations.
- #9: Provide financial assistance in the form of loans with principal forgiveness to mitigate the impacts from emerging contaminants on public water systems.
- #10: Support BABA by ensuring that all products used in infrastructure projects as identified in the Act be produced in the US and assurance that required procurement language is used in contracts.
- #11: Accelerate the identification and removal of lead service lines through technical and financial assistance.
- #12: Fully enforce Civil Rights by promoting public engagement and program transparency.

## 4. Program Issues and Initiatives

This IUP addresses the sources of funds expected to be available to the Program through State Fiscal Year 2023. The uses of these funds are expected to begin in Federal Fiscal Year 2023. The financing capability of this IUP is based upon the total Federal Base and Supplemental awards, less the amounts designated for the set- aside programs, plus the State Match when due. Principal and interest repayments to the fund, plus interest and equity earnings, will be returned to the fund and recycled. The use of “recycled funds” may be used for Federal Direct loans.

To fulfill the proportionality requirement, the State will continue to use the 100% State Match equivalent disbursement method for the Base and supplemental funds to ensure compliance with the requirement for this and future grants.

The resources available to the Bank are State Match repayments totaling \$829,083; Revenue fund Release (to Deallocated List; includes interest earnings) totaling \$6,396,735; FFY2022 Base capitalization grant (minus set-asides) totaling \$4,800,480; Base State Match \$1,401,600; BIL Supplemental Grant (minus set-asides) \$14,195,688; BIL Supplemental Grant State Match \$1,799,200; BIL Lead Service Line Replacement (minus Set-asides) \$27,783,000; BIL Emerging Contaminants (minus set-asides) \$7,517,225; and Bond Proceeds \$35,000,000.

**Table II  
Resources Available**

Resources Available	Amount
State Match Repayments	\$829,083
Revenue Fund Release	\$6,396,735
FY 2022 Base Cap Grant (minus set-asides)	\$4,801,280
Base State Match	\$1,401,600
BIL General Supplemental Cap Grant (minus set-asides)	\$14,126,274.93
BIL General Supplemental State Match	\$1,799,200
BIL Lead Service Line Replacement (minus set-asides)	\$27,783,000
BIL Emerging Contaminants (minus set-asides)	\$7,524,966
Bond Proceeds	\$35,000,000
Clean Water Fund Transfer	\$0
<b>Total</b>	<b>\$99,662,138.93</b>

As of April 30, 2022, and for the life of Program, the Bank has made ninety-seven drinking water loans totaling \$594,506,820. Projects on the draft 2022 PPL total \$1,152,453,539 and the total amount of projects that can be funded this year totals \$99,662,138.93; therefore, the Bank estimates its funding gap to be \$1,052,791,400.07.

The Bank anticipates closing on the following program loans in FY2023:

**Table III  
FY2023 Base Anticipated Loans**

Borrower	Loan Amount
Boys & Girls Club of Newport*	\$29,290
Lincoln Water Commission	\$6,819,000
Block Island Water Company	\$950,000
Village on Chopmist Hill*	\$1,000,000
<b>Total</b>	<b>\$8,798,290</b>

\*Small System



**Table IV**  
**FY2023 General Supplemental Anticipated Loans**

<b>Borrower</b>	<b>Loan Amount</b>
Kingston Water District*	\$75,000
Providence Water	\$21,000,000
Prudence Island Water District*	\$1,000,000
Smithfield Water Supply Board*	\$2,000,000
<b>Total</b>	<b>\$24,075,000</b>

\*Small System

**Table V**  
**FY2023 LSR Anticipated Loans**

<b>Borrower</b>	<b>Loan Amount</b>
Bristol County Water Authority	\$1,000,000
City of East Providence	\$100,000
Harrisville Fire District*	\$100,000
City of Newport	\$5,150,000
Town of North Kingstown	\$900,000
Pawtucket Water Supply Board	\$2,000,000
Providence Water	\$25,000,000
City of Warwick	\$2,500,000
Woonsocket Water	\$575,000
<b>Total</b>	<b>\$37,325,000</b>

\*Small System

**Table VI**  
**FY2023 Emerging Contaminants Anticipated Loans**

<b>Borrower</b>	<b>Loan Amount</b>
Quonochontaug East Beach*	\$450,000
University of Rhode Island	\$10,000,000
West Glocester Elementary*	\$450,000
<b>Total</b>	<b>\$10,900,000</b>

\*Small System

To ensure the PPL is not a “wish list” for water suppliers and to get an accurate forecast of the funding needs, RIDOH’s annual solicitation letter requested water systems to only submit projects that will start construction within two years.

Resources will be allocated to long-term subsidized direct loans and/or leveraged loans to local governmental units and privately organized water suppliers in need of financing for identified capital projects. The State will require adherence to all aspects of the Davis- Bacon Act to every funded project. RIDOH’s Center for Drinking Water Quality requires that EPA’s Attachment 6 Wage Requirements under FY 2012 Appropriations Act become part of the project specifications. Additionally, EPA’s memorandum dated November 16, 2012 Class Deviation Prevailing Wage Interview Interval Requirements are required to be in the specifications as well as in the project

files. Furthermore, a copy of the Rhode Island Rules and Regulations Relating to Prevailing Wages (Revised March 26, 2012) are also included in the specifications.

Set-aside monies will be used according to the work plans prepared for each set-aside. Table II estimates the loan potential of Rhode Island's DWSRF based on the type of financing employed. With this application, the State will be utilizing \$420,480 of the Base Administrative Set-aside; \$700,800 of Base State Program Management Set-aside; \$1,051,200 of the Base Local Assistance Set-aside and \$35,040 for the Base Technical Assistance Set-aside. Set-aside programs are discussed in depth later in this document.

**Table VII**  
**Total Capital Grants in the RI Base DWSRF Program**

<b>FFY</b>	<b>Grant Award</b>	<b>State Match</b>	<b>Set-Asides</b>	<b>Unbanked RIDOH Reserved Set-Aside Authority</b>	<b>Total Capital in the RI DWSRF</b>
1997	\$12,558,800	\$2,511,760	(\$2,260,584)		\$12,809,976
1998	\$7,121,300	\$1,424,260	(\$817,074)		\$7,728,486
1999	\$7,463,800	\$1,492,760	(\$1,221,018)		\$7,735,542
2000	\$7,757,000	\$1,551,400	(\$1,204,679)	(\$982,305)	\$7,121,416
2001	\$7,789,100	\$1,557,820	(\$1,629,929)		\$7,716,991
2002	\$8,052,500	\$1,610,500	(\$2,496,275)	(\$821,133)	\$6,345,592
2003	\$8,004,100	\$1,600,820	(\$2,481,271)		\$7,123,649
2004	\$8,303,100	\$1,660,620	(\$2,573,961)		\$7,389,759
2005	\$8,285,500	\$1,657,100	(\$2,568,505)		\$7,374,095
2006	\$8,229,300	\$1,645,860	(\$2,551,083)		\$7,324,077
2007	\$8,229,000	\$1,645,800	(\$2,550,990)		\$7,323,810
2008	\$8,146,000	\$1,629,200	(\$2,525,260)		\$7,249,940
2009	\$8,146,000	\$1,629,200	(\$2,525,260)		\$7,249,940
2010	\$13,573,000	\$2,714,600	(\$2,171,680)		\$14,115,920
2011	\$9,418,000	\$1,883,600	(\$376,720)		\$10,924,880
2012	\$8,975,000	\$1,795,000	\$0		\$10,770,000
2013	\$8,421,000	\$1,684,200	(\$2,021,040)		\$8,084,160
2014	\$8,845,000	\$1,769,000	(\$2,741,950)	(\$44,360)	\$7,827,690
2015	\$8,787,000	\$1,757,400	(\$2,723,970)		\$7,820,430
2016	\$8,312,000	\$1,662,400	(\$1,329,920)		\$8,644,480
2017	\$8,241,000	\$1,648,200	(\$2,477,700)	(\$257,100)	\$7,154,400
2018	\$11,107,000	\$2,221,400	(\$3,443,170)		\$9,885,230
2019	\$11,004,000	\$2,200,800	(\$3,415,240)	(\$225,920)	\$9,563,640
2020	\$11,011,000	\$2,202,200	(\$3,413,410)	(\$220,220)	\$9,579,570
2021*	\$11,100,000	\$2,220,000	(\$3,330,000)	(\$222,000)	\$9,768,000
2022	\$7,008,000	\$1,401,600	(\$2,067,360)	(\$140,160)	\$6,202,080
<b>TOTAL</b>	<b>\$233,887,500</b>	<b>\$46,777,500</b>	<b>(\$56,918,049)</b>	<b>(\$2,913,198)</b>	<b>\$220,833,753</b>

**Available Capital: \$220,833,753**

**Loans Executed: \$615,517,321**

\* Please note that the \$11,100,000 figure represents \$11,001,000 of the FFY2021 Award and \$99,000 of the reallocation provided by unused funds from the Wyoming SRF.

**Table VIII**  
**Total Supplemental Grants in the RI DWSRF**  
**Program**

FFY	Grant Award	State Match	Set-Asides	Unbanked RIDOH Reserved Set-Aside Authority	Total Supplemental Capital in the RI DWSRF
2022	\$17,992,000	\$1,799,200	(\$3,865,725.07)	\$0	\$15,925,474.93
<b>TOTAL</b>	<b>\$17,992,000</b>	<b>\$1,799,200</b>	<b>(\$3,865,725.07)</b>	<b>\$0</b>	<b>\$15,925,474.93</b>

**Table IX**  
**Total Lead Service Line Replacement Grants in the**  
**RI DWSRF Program**

FFY	Grant Award	State Match	Set-Asides	Unbanked RIDOH Reserved Set-Aside Authority	Total Supplemental Capital in the RI DWSRF
2022	\$28,350,000	\$0	(\$567,000)	\$0	\$27,783,000
<b>TOTAL</b>	<b>\$28,350,000</b>	<b>\$0</b>	<b>(\$567,000)</b>	<b>\$0</b>	<b>\$27,783,000</b>

**Table X**  
**Total Emerging Contaminant Grants in the RI**  
**DWSRF Program**

FFY	Grant Award	State Match	Set-Asides	Unbanked RIDOH Reserved Set-Aside Authority	Total Supplemental Capital in the RI DWSRF
2022	\$7,555,000	\$0	(\$30,034.01)	\$0	\$7,524,965.99
<b>TOTAL</b>	<b>\$7,555,000</b>	<b>\$0</b>	<b>(\$30,034.01)</b>	<b>\$0</b>	<b>\$7,524,965.99</b>

**5. Financial Plan and Structure for the DWSRF**

On a regular basis the Bank coordinates with RIDOH, borrowers, and our financial advisory firm to evaluate the borrowing needs of the State. The Bank evaluates the need to issue debt to augment other funding sources such as Capitalization Grant Funds, State Match Funds, Borrower Repayments – all to find the most economically efficient way to meet the needs of water systems and communities. Once an approach is settled upon, the Bank will execute on its finance plan.

**a) Source of State Match**

Based on the expected FFY2022 Base DWSRF Base Capitalization Grant of \$7,008,000, the required 20% of state match equals \$1,401,600. The Bank is also expecting to receive an additional \$17,992,000 for the DWSRF Supplemental Grant which has a state match requirement of 10% (\$1,799,200). The required FFY2022 state match for both the Base and BIL capitalization grants have been received from the 2023 State Supplemental Budget and was deposited on May 03, 2022.

**b) Loan Terms and Fees**

The Program offers an economic benefit to its borrowers in the form of loan interest subsidization. The standard interest rate is  $\frac{1}{4}$  off the individual borrower's market rate (as jointly determined by the Bank's financial advisor and the borrower's financial advisor). Loans can be up to twenty years in duration and can be structured to meet the repayment abilities unique to each borrower. Loan fees include a 1.0% loan origination fee and a 0.3% annual service fee on the outstanding balance of the loan. Interest is collected twice annually, and principal is collected once annually. The Bank uses fees collected to pay for administration costs and other operating expenses.

**c) Additional Subsidization**

Under the Congressional Additional Subsidy Authority, the Bank is required to use at least 14% of the Base Capitalization Grant (\$981,120) to provide additional subsidy to eligible recipients in the form of principal forgiveness or grants. In addition, through BIL, the SDWA mandates that states use at least 12 % (but no more than 35%) of the Base Capitalization Grant (\$840,960) to provide subsidy to Disadvantaged Communities in the form of principal forgiveness or grants.

The BIL General Supplemental and Lead Service Line Replacement Grants each require 49% of the respective portions to be provided as additional subsidy to Disadvantaged Communities. The BIL Emerging Contaminants require 100% to be provided as additional subsidy, with 25% to Disadvantaged Communities or public water systems serving fewer than 25,000 people.

Priority for principal forgiveness or grants will be given to small drinking water system projects that are on the PPL list, have a certificate of approval, and are ready to proceed. "Emergency" water quality projects will be given priority regardless of PPL ranking. Each qualifying drinking water small system will be eligible to receive a minimum of \$100,000 in principal forgiveness funds. Total principal forgiveness will not exceed the total project size and is subject to the availability of funds. Should there not be enough small system demand, principal forgiveness may be allocated to other drinking water applicants.

Further, additional subsidization will be given to water systems deemed disadvantaged as per the State's Disadvantaged Community Program later discussed in this IUP.

#### **d) Investment Practices**

The Bank has an investment policy for “idle” funds, with most invested in short-term investments until the Bank can allocate those funds into the next pool of borrowing. The Bank, along with its financial advisors, closely monitors investment options. Loan demand can be met using direct loans or leveraged loans. The leveraging ratio for the program is approximately 2x which helps maximize its loan capability by issuing revenue bonds to meet the funding need.

#### **e) Method of Distributing Funds**

The Program will provide loans for up to 100% of eligible project and finance costs. This is consistent with Federal limitations on the use of Program funds and RIDOH determining the eligibility based on Federal eligibility guidelines. RIDOH has developed the project priority determination system and has prepared the PPL for this fiscal year. The Bank will fund projects on the approved PPL based on the order in which they appear and readiness to proceed to the extent that the borrowers access the fund. Periodic mailings and notices of funding availability have been provided to all eligible borrowers.

Currently, the Bank and RIDOH are structuring loans and project approvals for several projects around the State.

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

- Project will provide a necessary health benefit in accordance with the Act;
- Water supplier will make an application for financing;
- Water supplier has the financial, managerial and technical ability to apply for, receive and repay the loan; and
- Projects are ready to proceed at the time of financing availability.

### **6. Transfer Authority between Clean Water and Drinking Water SRF’s**

In accordance with the Safe Drinking Water Act (SDWA) and the SRF funds transfer provisions (Section 302), the State hereby reserves the authority to transfer an amount up to 33 percent of the DWSRF program capitalization grant(s) to the CWSRF program or an equivalent amount from the CWSRF program to the DWSRF program. In addition, the Bank may transfer funds between CWSRF and DWSRF General Supplemental grants and between the CWSRF and DWSRF BIL Emerging Contaminants capitalization grant. No transfer of funds is planned at this time; however, the Bank reserves the right to transfer fund in the future.

### **7. Cross-Collateralization of the CWSRF and DWSRF Revenue Bond Structure**

The Master Trust Agreement dated May 1, 2021, provides for a bond structure that allows cross-collateralization of the CWSRF and the DWSRF to provide additional bond security and

ratings enhancement for both programs. With cross-collateralization, excess CWSRF revenues (revenues pledged to repayment of CWSRF bonds over and above what is needed to make actual debt service payments) would be available to cure any DWSRF bond payment default or reserve fund deficiency. Likewise, excess DWSRF revenues would be available to cure any CWSRF bond payment default or reserve fund deficiency. Pursuant to federal regulations, cross-collateralization support cannot extend to debt specifically issued for the purpose of providing state matching funds. The Master Trust Documents provide adequate safeguards to ensure that future CWSRF or DWSRF bond issues will comply with this limitation. Revenues pledged to the repayment of CWSRF bonds include: principal and interest payments received on loans, investment earnings on funds and accounts within the bond indenture, including a reserve fund comprised of CWSRF program assets (cash). The Master Trust Documents and each series bond indenture require that revenues pledged are sufficient to cover the debt service requirement for each payment date at least 1.1 times. Accordingly, a cash flow surplus is anticipated for each period absent a borrower default on a loan. This surplus flows to the other series of the CWSRF and DWSRF bonds. Under the new Master Trust Indenture, all CWSRF loans are pledged to all CWSRF outstanding bonds, and all DWSRF loans are pledged to all DWSRF outstanding bonds.

The order of priority for surplus CWSRF pledged revenues is:

- CWSRF bond issue debt service payment deficiencies;
- Any DWSRF bond issue debt service payment deficiencies (but not DWSRF state match bonds);
- CWSRF bond issue reserve fund deficiencies;
- Any DWSRF bond issue reserve fund deficiencies (but not DWSRF unrestricted reserve funds that secure DWSRF state match bonds);
- To replenish and repay the DWSRF for any surplus DWSRF pledged revenues that were previously utilized to cure a CWSRF bond issue debt service or reserve fund deficiency;
- All remaining funds are released back to the CWSRF Loan Account.

The order of priority for surplus DWSRF pledged revenues is similarly structured. Any surplus CWSRF pledged revenues utilized to cure a DWSRF bond issue debt service or reserve fund deficiency will ultimately be repaid to the CWSRF through operation of the Master Trust Documents.

## **8. Project Priority System**

RIDOH utilizes a point system to rank the order in which eligible drinking water projects will receive funding from the Program. Projects which address acute public health issues will receive highest priority. The next priority is given to projects that address chronic and long-term public health issues. The ranking criteria also consider issues related to compliance with the Act, infrastructure upgrading and replacement, and the need for assistance based on affordability.

Each year, all eligible public drinking water systems will be asked to submit information on projects for which they are seeking funding or private funding for the next funding year. The information will be reviewed by RIDOH and then given a priority ranking score. The eligible projects and their respective information will then be listed in order of priority in a PPL. The PPL will show the following information: name of system, Public Water System (PWS) ID number, project

description, population served, priority point score, anticipated start date, and project dollars to be funded.

**9. Activities to be supported**

RIDOH administers the set-aside programs targeted towards assisting water supply systems in meeting the broad-based goals of the program. Table XI below illustrates the dollars spent on Base set-aside programs. A discussion of each set-aside program follows:

**Table XI  
Allotment of Base Set-Aside Dollars Requested**

<b>FFY</b>	<b>Administrative</b>	<b>Technical Assistance</b>	<b>State Program Mgmt.</b>	<b>Local Assistance</b>	<b>Total Set-Asides</b>
1997	\$502,352	\$251,176	\$251,176	\$1,255,880	\$2,260,584
1998	\$284,852	\$0	\$532,222	\$0	\$817,074
1999	\$298,552	\$149,276	\$400,000	\$373,190	\$1,221,018
2000	\$310,280	\$297,566	\$1,579,138	\$0	\$2,186,984
2001	\$311,564	\$0	\$150,000	\$1,168,365	\$1,629,929
2002	\$322,100	\$316,832	\$1,470,601	\$1,207,875	\$3,317,408
2003	\$320,164	\$160,082	\$800,410	\$1,200,615	\$2,481,271
2004	\$332,124	\$166,062	\$830,310	\$1,245,465	\$2,573,961
2005	\$331,420	\$165,710	\$828,550	\$1,242,825	\$2,568,505
2006	\$329,172	\$164,586	\$822,930	\$1,234,395	\$2,551,083
2007	\$329,160	\$164,580	\$822,900	\$1,234,350	\$2,550,990
2008	\$325,840	\$162,920	\$814,600	\$1,221,900	\$2,525,260
2009	\$325,840	\$162,920	\$814,600	\$1,221,900	\$2,525,260
2010	\$542,920	\$271,460	\$1,357,300	\$0	\$2,171,680
2011	\$376,720	\$0	\$0	\$0	\$376,720
2012	\$0	\$0	\$0	\$0	\$0
2013	\$336,840	\$168,420	\$673,680	\$842,100	\$2,021,040
2014	\$353,800	\$221,260	\$884,500	\$1,326,750	\$2,786,310
2015	\$351,480	\$175,740	\$878,700	\$1,318,050	\$2,723,970
2016	\$166,240	\$0	\$831,200	\$332,480	\$1,329,920
2017	\$252,630	\$164,820	\$1,081,200	\$1,236,150	\$2,734,800
2018	\$444,280	\$222,140	\$1,110,700	\$1,666,050	\$3,443,170
2019	\$664,080	\$220,080	\$1,100,400	\$1,650,600	\$3,635,160
2020	\$660,660	\$220,220	\$1,101,100	\$1,651,650	\$3,633,630
2021	\$666,000	\$111,000	\$1,110,000	\$1,665,000	\$3,552,000
2022	\$420,480	\$35,040	\$700,800	\$1,051,200	\$2,207,520
<b>TOTAL</b>	<b>\$9,563,550</b>	<b>\$3,971,890</b>	<b>\$20,947,017</b>	<b>\$25,346,790</b>	<b>\$59,825,247</b>



### **a) Base Administration**

RIDOH and the Bank use the annual allotments of Base administrative set-aside funds to manage the Program. It is expected that the accumulation of annual administrative set-aside award will outlast the Federal capitalization period, thus assuring adequate revenue for perpetual program administration.

With this application, the State is utilizing \$420,480 of the Base grant request for administrative set-aside costs. The combined needs of RIDOH and the Bank exceed the 4% (\$280,320) allowed for administrative costs. The Bank will be utilizing \$140,160 for various purposes related to performing its administrative oversight responsibility of the financial aspects of the program. RIDOH will be utilizing \$280,320 to cover expenses incurred in carrying out its programmatic responsibilities for the program. As a result, the State will be utilizing an additional \$140,160 out of the Administrative Reserved Authority.

### **b) Base Technical Assistance for Small Systems**

The State plans to utilize \$35,040 and reserve \$105,120 for technical assistance from a future Base capitalization grant. Base technical assistance set-aside monies can be used for technical training small public water systems operators and specifically targeting operation and maintenance issues including water quality improvement and compliance with the SDWA. The bulk of the Base Technical Assistance set-aside funding is used to fund contracts to provide engineering services, technical training and outreach. A portion of the set-aside can be used to provide assistance to small community water systems in preparing Consumer Confidence Reports (CCRs). The Base technical assistance set-aside workplan describes planned funding and uses in more detail and includes a line-item budget.

### **c) Base State Program Management**

A maximum of 10% of a Base Capitalization Grant can be allocated for State Program Management (SPM) activities. The State will be utilizing \$700,800 of the grant request.

RIDOH uses the Base SPM set-aside to fund various activities which are mandated by the Act:

- Maintain the Capacity Development Program to ensure that water systems have the technical, managerial, and financial capacity to meet existing and future SDWA regulations;
- Fund a portion of the Operator Certification Program;
- Fund a portion of the Drinking Water Laboratory Quality Control and Quality Assurance Officer within the Department of Health; and
- Fund existing drinking water programs including a portion of other Public Water Surveillance Program activities.

The Act requires that states meet specific mandates or risk losing a portion of their federal grant. Failure to implement a Capacity Development Program and/or Operator Certification Program that are at least as stringent as the federal guidelines will result in a state losing up to 20% of their Capitalization Grant each year. The Base state program management set-aside workplan describes

planned funding and uses in more detail and includes a line-item budget.

**d) Base Local Assistance**

The State will be utilizing \$1,051,200 of the grant request for Base Local Assistance activities. Activities include public outreach and education to promote source protection and support water system capacity, water system technical assistance, continued development of a GIS-based groundwater quality database, guidance for contract operators and facility improvement planning. Services and products will be delivered through a combination of office staff and contracted services. The Base local assistance set-aside workplan describes planned funding and uses in more detail and includes a line-item budget.

**Table XII  
Allotment of General Supplemental Set-Aside  
Dollars Requested**

<b>FFY</b>	<b>Administrative</b>	<b>Technical Assistance</b>	<b>State Program Mgmt.</b>	<b>Local Assistance</b>	<b>Total Set-Asides</b>
2022	\$719,680	\$250,068.02	\$1,641,666.28	\$1,254,310.77	\$3,865,725.07
<b>TOTAL</b>	<b>\$719,680</b>	<b>\$250,068.02</b>	<b>\$1,641,666.28</b>	<b>\$1,254,310.77</b>	<b>\$3,865,725.07</b>

**e) General Supplemental Administration**

RIDOH and the Bank use the annual allotments of General Supplemental administrative set-aside funds to manage the Program. With this application, RIDOH will be utilizing \$480,307.50 and the Bank will be utilizing \$239,372.50 for various purposes related to performing its administrative oversight responsibility of the financial aspects of the program. The administration and technical assistance set-aside workplans describe planned funding and uses in more detail and includes a line-item budget.

**f) General Supplemental Technical Assistance for Small Systems**

The State plans to utilize \$250,068.02 of FFY 2023 General Supplemental technical assistance and reserve \$109,771.98 from a future capitalization grant. Supplemental technical assistance monies can be used to provide technical, managerial and financial assistance and training to small public water systems. This set-aside will be used to provide technical training, education and outreach to the operators of small public water systems. The training targets operation and maintenance issues and assists small public water systems in improving the quality of their water and maintaining compliance with the Safe Drinking Water Act. These funds are also used to provide compliance assistance to small water systems during or after violations or inspections, general operations assistance to small systems utilizing treatment, and circuit rider assistance and expertise. The Supplemental technical assistance set-aside workplan describes planned funding and uses in more detail and includes a line-item budget.

**g) General Supplemental State Program Management**

A maximum of 10% of a General Supplemental Capitalization Grant can be allocated for State Program Management (SPM) activities. The State will be utilizing \$1,641,666.28 of the grant request and will reserve \$157,533.72

RIDOH will use the General Supplemental SPM set-aside to fund various activities which are mandated by the Act including to:

- Maintain the Capacity Development Program to ensure that water systems have the technical, managerial, and financial capacity to meet existing and future SDWA regulations;
- Fund a portion of the Operator Certification Program;
- Fund a portion of the Drinking Water Laboratory Certification Officer within the Department of Health; and
- Fund existing drinking water programs including a portion of other Public Water Surveillance Program activities.

The Act requires that states meet specific mandates or risk losing a portion of their federal grant. Failure to implement a Capacity Development Program and/or Operator Certification Program that are at least as stringent as the federal guidelines will result in a state losing up to 20% of their Capitalization Grant each year. The Supplemental state program management set-aside workplan describes planned funding and uses in more detail and includes a line-item budget.

**h) General Supplemental Local Assistance**

The State will be utilizing \$1,254,310.771 of the grant request for General Supplemental Local Assistance activities. Activities include public outreach and education to promote source protection and support water system capacity, water system technical assistance, continued development of a GIS-based groundwater quality database, guidance for contract operators and facility improvement planning. Services and products will be delivered through a combination of office staff, contracted services, and laboratory equipment. The Supplemental local assistance set-aside workplan describes planned funding and uses in more detail and includes a line-item budget.

**Table XIII  
Allotment of Lead Service Replacement Set-  
Aside Dollars Requested**

<b>FFY</b>	<b>Administrative</b>	<b>Technical Assistance</b>	<b>State Program Mgmt.</b>	<b>Local Assistance</b>	<b>Total Set-Asides</b>
2022	\$0	\$0	\$0	\$567,000	\$567,000
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$567,000</b>	<b>\$567,000</b>

The State is choosing not to take any of the Lead Service Administrative, State Program Management and Local Assistance set-aside so that there can be ample funds for projects. The State is taking \$567,000 in the local assistance set-aside for lead service line inventories and contracts.

**Table XIV**  
**Allotment of Emerging Contaminants Set-Aside**  
**Dollars Requested**

<b>FFY</b>	<b>Administrative</b>	<b>Technical Assistance</b>	<b>State Program Mgmt.</b>	<b>Local Assistance</b>	<b>Total Set-Asides</b>
2022	\$0	\$0	\$0	\$30,034.01	\$30,034.01
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$30,034.01</b>	<b>\$30,034.01</b>

The State is choosing not to take any of the Emerging Contaminants Administrative, State Program Management and Technical Assistance set-asides so that there can be ample funds for projects. The State is taking \$37,775 in the Local assistance set-aside for a PFAS sampling study. The state is also reserving authority to take \$302,200 in Administrative, \$755,500 in State Program Management, and \$151,100 in Technical assistance set-asides from future capitalization grants.

**10. List of Projects to be Funded**

RIDOH, in preparation of its Fiscal Year 2022 PPL, has surveyed water suppliers around the State to gauge interest and readiness to proceed for projects needing funding provided by the FFY2022 Capitalization Grant. A list of potential borrowers, the projects to be funded, the project’s ranking score, and estimated dollar amount of the project is provided as Appendix A to the IUP. The PPL was put on notice for public review on April 14, 2022 and can be found on RIDOH’s Program webpage.

**11. Green Infrastructure**

The PPL was formatted in accordance with EPA requirements of GPR and the base Program. Although the State chose to opt out of the GPR commencing with FY 2012, the format will remain the same in the event the State does not have the option of opting out in the future or chooses to implement GPR again.

**12. Emergency Power Generator Initiative**

Included in the small water systems comprehensive strategy will be a focus of accelerating improvements, including the installation of emergency generators or renewable energy systems, that will increase the resiliency of small water systems to impacts of extreme weather events. Funding for emergency generators will be available to all eligible systems. The level of financial assistance, including principal forgiveness, will be consistent with section 11 of this IUP. All eligible projects that receive a certificate of approval from RIDOH and are ready to proceed may be funded.

The Bank and the RIDOH are committed to providing a targeted approach that involves education, outreach, technical, and financial assistance to streamline the processes for an enhanced level of service to Rhode Island’s small drinking water systems.

RIDOH contracts with industry partners and vendors to provide services to prepare small public for infrastructure upgrades, solicit funding, complete projects, and sustain strong financial and managerial practices. As a condition of eligibility, all small systems must have a Facilities Improvement Plan completed either independently or by the vendor with which RIDOH contracts. The requirement for a Facilities Improvement Plan can be waived if the Program determines that one is not necessary. This document serves as a planning tool for both short- and long-term capital project needs. Additionally, RIDOH contracts with an industry vendor to provide engineering services to small public water systems, which range from completion of engineering plans and specifications to bidding assistance, project oversight, and compliance with federal requirements. RIDOH has a contract in place with a vendor that will provide financial and managerial training to small public water systems. Both the Facilities Improvement Plan and financial and managerial training may be required of any small public water systems receiving principal forgiveness; determination will be made by RIDOH and the Bank.

### **13. Small Systems Strategy**

Per the Federal requirement, the State intends to use a portion of the DWSRF capitalization grant as principal forgiveness or grants as discussed in Section 5.C: Additional Subsidization.

All small water systems, serving 10,000 users or fewer, listed on the project priority list will be eligible to receive at minimum, \$100,000 in principal forgiveness not to exceed the total project size, subject to the availability of funds. Funding decisions will be made by considering their ranking on the project priority list combined with their readiness to proceed.

#### **a) Education and Outreach**

The DWSRF program views customer engagement as a critical step in cultivating and maintaining relationships with its customers. Below are steps that the Bank and RIDOH are undertaking to achieve the small drinking water system requirement:

- The Bank and RIDOH will meet with every small drinking water system that has a project on the PPL;
- The Bank will compile a small drinking water system client list and, on an annual basis, host informational sessions about the Program in partnership with RIDOH;
- RIDOH and the Bank will attend small drinking water system association meetings such as the Atlantic States Rural Water & Wastewater Association and the Rhode Island Water Works Association;
- RIDOH will proactively market the DWSRF program during sanitary surveys and with systems that are not in compliance with State Drinking Water Regulations; and
- RIDOH, in partnership with the Bank, will proactively reach out to small systems, that are known to need improvements, during the yearly PPL development process to ensure applications for projects are received.

**b) Technical Assistance**

- The Bank, in partnership with RIDOH, will hold an annual information session for small drinking water systems to understand the project financing process and to ensure that they understand required Federal reporting requirements and processes for participating in the Program;
- The Bank will design marketing materials specifically targeted towards small drinking water systems;
- The Bank will assist with income surveys to disadvantaged very small systems to assist with the affordability analysis needed when considering additional principal forgiveness commitments over and above the \$100,000;
- The Bank and RIDOH will identify other funding and financing programs that have the potential to co-fund projects with financing;
- The Bank will assist small drinking water systems with energy efficiency technical assistance, such as energy audits through partnership with National Grid's energy efficiency team;
- RIDOH and the Bank will develop a small drinking water system technical assistance guide, including additional grant and financing options; and
- RIDOH will provide direct technical assistance to assist the PWS to complete the certificate of approval process.

**c) Streamline and Improve the Process for Small Systems**

- RIDOH will create a packet of materials, templates, and guidance documents for the certificate of approval process;
- The Bank will create a packet of materials, templates, and guidance documents for the loan approval process;
- RIDOH will refer systems to FIP and capacity development services once the PPL is finalized.

**d) Financing Incentives**

- Small drinking water systems will receive preference over other applicants to access principal forgiveness funds.
- To be eligible to receive principal forgiveness, projects must be on the PPL and have a Certificate of Approval. Those projects that are ready to proceed will be given priority. Readiness to proceed will be deemed as having either an RFP for engineering services to design the project, final bids in hand for engineering or construction services, or a signed engineering or construction contract. Emergency water quality projects will be given first-priority regardless of PPL ranking.
- Each qualifying drinking water small system will be eligible to receive at a minimum \$100,000 in principal forgiveness funds (dependent upon project size), subject to the availability of funds.
- Should there not be enough small system demand, Base principal forgiveness may be allocated amongst other drinking water applicants.

#### 14. Disadvantaged Community Program

To assess affordability needs in the DWSRF, Rhode Island has established an Affordability Criteria for Rhode Island's municipalities and drinking water utilities. Entities with an Affordability Index less than the statewide average may qualify for additional subsidization such as principal forgiveness. Indexed entities are grouped into tiers, with tiers further below the statewide average qualifying for increased levels of subsidization.

Once each year, prior to the release of the Intended Use Plan for the fiscal year, RI Infrastructure Bank shall use current data, funding availability and expected loan volume to update the calculation, tiers and thresholds; RI Infrastructure Bank may also establish additional eligibility provisions at its discretion. All RI municipalities shall be indexed along with selected drinking water and wastewater entities. Additional entities can be indexed on an as-needed basis.

The Affordability Index is calculated using the following formula:

$$\text{Affordability Index} = \text{Median Household Income} * \text{Employment Rate} * \text{Population Ratio}$$

- **Median Household Income**<sup>1</sup> is a widely accepted metric of resident's ability to afford the cost of infrastructure projects. A community with higher median household income suggests higher ability to afford the cost of infrastructure.
- **Employment Rate**<sup>2</sup> represents the resident employment size divided by the size of the total labor force in the community. Higher employment rates suggest that a community has more residents able to afford the cost of infrastructure than a community with lower rates.
- **Population Ratio**<sup>3</sup> is the ratio of the current US Census Bureau Decennial Census population to the previous Census population expressed as a percentage. A percentage greater than 100% indicates communities with a growing population, and a percentage less than 100% indicates a shrinking population. A growing population indicates an increasing ratepayer base to absorb infrastructure costs. As a state, Rhode Island's population slightly increased from 2000 to 2010.

Large drinking water systems serving over 10,000 users shall be tiered based on the tier of the community they serve. Large systems serving multiple communities shall be tiered based on an index set to be a weighted average of each community served. Weighting shall be based on population served or flow data and come from publicly available sources or data provided by the system.

Small drinking water systems serving 10,000 users or less shall be tiered based on median household income from either an income survey or census tract data. If a system serves multiple census tracts, the census tract with the lowest income is used.

Eligible systems with an Affordability Index 70% or less of the statewide average shall be designated a tier 1 entity; systems with an Affordability Index between 71% and 85% shall be designated a tier 2 entity; systems with an Affordability Index between 86% and 100% of the statewide average shall

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<sup>1</sup> Median Household Income data from the Rhode Island Department of Labor and Training (RI DLT) site or other accepted source. RI DLT does not collect median household income and uses data from US Census Bureau, American Tables S1901 & B19301 Per Capita Personal Income in the Past 12 Months (Inflation-Adjusted Dollars).

<sup>2</sup> Employment data from the RI DLT, Labor Market information or other accepted source.

<sup>3</sup> Population data is from RI DLT or other accepted source. RI DLT does not collect population data and uses data from US Census Bureau decennial census.

be designated a tier 3 entity. Domestic limited liability companies and domestic profit corporations, excepting cooperatives, are not eligible for a tier. Additionally, to qualify for drinking water tiering, entities must be a community Public Water System or a school.

The Affordability Index results are shown in Appendix 1. All 39 RI municipalities have been indexed, along with selected drinking water entities. Additional entities can be indexed on an as-needed basis.

The table below describes the FY23 Tiers with eligible communities listed. Entities not listed are either not eligible or have not been indexed.

**Table: FY23 Tiers with eligible communities (% = Community Index as Percentage of State Index)**

<b>Tier 1</b> Affordability Index <b>70% or less</b>	<b>Tier 2</b> Affordability Index <b>71 - 85%</b>	<b>Tier 3</b> Affordability Index <b>86% - 100%</b>
Woonsocket Water – 58%	Pawtucket Water Supply Board – 73% Providence Water Supply Board – 83% Small systems: Kingston Water District Smithfield Water Supply Board Greenville Water District* Pascoag Utility District*	Small systems: Block Island Water  Note: Funding only available in this tier if no ready-to-proceed projects remain in Tier 1 and Tier 2

\*Income survey planned; results needed to qualify system under a tier. As planning for these income surveys has already started, Greenville Water District and Pascoag Utility District can qualify for loan forgiveness following the previous version of RI DW SRF’s additional subsidization for disadvantaged small systems qualification process for projects starting before December 31, 2022.

Drinking water projects expected to close in FY23 with affordability-based principal forgiveness include:

- Woonsocket Water
- Pawtucket Water Supply Board
- East Providence Water Utilities
- Providence Water Supply Board
- Smithfield Water Supply Board
- Greenville Water District
- Kingston Water District

**Allocating Principal Forgiveness**

Projects closing loans in FY23 shall be allocated principal forgiveness according to the following table.



**Table: FY23 Tiers with thresholds and principal forgiveness**

<b>Tier</b>	<b>Index Threshold</b>	<b>DW SRF Principal Forgiveness</b>
<b>Tier 1</b>	<b>0-70%</b> of state average	40% of project cost if application received by priority date and loan closed prior to December 31, 2022
<b>Tier 2</b>	<b>71-85%</b> of state average	15% of project cost if application received by priority date and loan closed prior to December 31, 2022
<b>Tier 3</b>	<b>86-100%</b> of state average	Funding available in this tier if no ready-to-proceed projects remain in Tier 1 and Tier 2
<b>All projects</b>		Up to \$100,000 for systems serving less than 10,000 users;  Up to \$200,000 for systems serving school districts;  Emergency generators may receive principal forgiveness for a portion or the entirety of the project cost.

Principal forgiveness amounts are contingent upon funding availability and readiness to proceed. The Bank strives to accommodate all borrowers and, for financial applications not received by the priority date of June 10, 2022 or not ready-to-proceed, shall allocate principal forgiveness in the order in which ready-to-proceed financial applications are received.

**Lead Service Line Replacement – Principal Forgiveness Allocation**

Principal forgiveness allocations for lead service line replacements will utilize the Affordability Index to determine eligibility. Entities classified as Tier 1 or Tier 2 will qualify for an allocation of principal forgiveness. If the entity does not qualify but has qualifying census tracts located within the service area, they will be provided a prorated principal forgiveness amount based on the percentage of work to be performed in those areas.

The amount of principal forgiveness for each project is determined by the total amount of subsidy to be awarded (49% of lead service line capitalization grant). All eligible projects will receive the same percentage of principal forgiveness. This will be determined by calculating what percentage of subsidy can be provided across all projects to arrive at the total principal forgiveness to be awarded.

To access the principal forgiveness, entities must borrow for the remaining project balance. This will ensure that full projects are completed.

Lead service line projects expected to close in FY23 with affordability-based principal forgiveness include:

- Bristol County Water Authority
- City of Newport
- Pawtucket Water Supply Board
- Providence Water
- East Providence Water Utilities
- Harrisville Fire District
- City of Warwick
- Woonsocket Water Division

#### Emerging Contaminants-Principal Forgiveness Allocation

The State will provide 100% of the Emerging Contaminants Grant, \$7,555,000, as additional subsidization in the form of principal forgiveness or grants. At least 25% of these funds will be provided to DWSRF borrowers that meet the State’s affordability criteria or to a public water system serving fewer than 25,000 persons. Funds can be used for addressing contaminants with a focus on PFAS.

Emerging Contaminant projects expected to close in FY23 with principal forgiveness include:

- Quonochontaug East Beach
- University of Rhode Island
- West Glocester Elementary

#### **15. Emergency Construction Program**

The emergency construction fund will provide loans to PWS that have experienced a recent unexpected event that poses a serious threat to public health, welfare, or water supply. Projects must meet the eligibility criteria but do not need to be on the project priority list and are eligible for principal forgiveness. RIDOH has the discretion to determine what constitutes an emergency and can also waive provisions of the standard approval process (including but not limited to competitive bidding, environmental reviews, capacity assessments, and plans and specifications).

#### **16. Assurances and Specific Proposals**

The Bank provides the necessary assurances and certifications for the Program as part of the OA between the State of Rhode Island and the EPA. Refer to Rhode Island’s OA for specific assurances regarding the State Environmental Review Process to be completed by the Rhode Island Department of Environmental Management (DEM), agreement to comply with federal cross-cutters, agreement to enter into binding commitments, and agreement to the timely expenditure of funds.

#### **17. Schedule of Payments into the Automated Standard Application (ASAP)**

The Program anticipates funding its ASAP account in a manner to be agreed upon by the EPA and the Bank to allow for maximum Capitalization Grant draws as may become necessary. The Program anticipates deposits into the ASAP account for the FFY22 capitalization grant as per the following schedule for the Base DWSRF Capitalization Grant; General Supplemental; LSR and Emerging Contaminants:

**Table XV**  
**Anticipated Payments Into EPA/ ACH Payment system-Base DWSRF Grant**

<b>Federal Fiscal Year Quarter</b>	<b>Dates</b>	<b>Grant Award Amount</b>	<b>Grant Payment Amount (ACH)</b>	<b>Binding Commitment</b>
FFY-2022-4	July 1, 2022 – Sept 30, 2022	\$ 7,008,000.		
FFY-2023-1	Oct 1, 2022 – Dec 31, 2022		\$ 3,885,000.	
FFY-2023-2	Jan 1, 2023 – March 31, 2023		\$ 3,123,000.	
FFY-2023-3	Apr 1, 2023 – June 30, 2023			

**Anticipated Payments Into EPA/ ACH Payment system-General Supplemental**

<b>Federal Fiscal Year Quarter</b>	<b>Dates</b>	<b>Grant Award Amount</b>	<b>Grant Payment Amount (ACH)</b>	<b>Binding Commitment</b>
FFY-2022-4	July 1, 2022 – Sept 30, 2022	\$17,992,000		
FFY-2023-1	Oct 1, 2022 – Dec 31, 2022		\$2,400,000	
FFY-2023-2	Jan 1, 2023 – March 31, 2023		\$5,000,000	
FFY-2023-3	Apr 1, 2023 – June 30, 2023		\$5,592,000	
FFY-2023-4	July 1, 2023 – Sept 30, 2023		\$5,000,000	
FFY-2024-1	Oct 1, 2023 – Dec 31, 2023			
FFY-2024-2	Jan 1, 2024 – March 31, 2024			
FFY-2024-3	Apr 1, 2024 – June 30, 2024			

**Anticipated Payments Into EPA/ ACH Payment system LSR**

<b>Federal Fiscal Year Quarter</b>	<b>Dates</b>	<b>Grant Award Amount</b>	<b>Grant Payment Amount (ACH)</b>	<b>Binding Commitment</b>
FFY-2022-4	July 1, 2022 – Sept 30, 2022	\$28,350,000		
FFY-2023-1	Oct 1, 2022 – Dec 31, 2022		\$6,000,000	
FFY-2023-2	Jan 1, 2023 – March 31, 2023		\$6,000,000	

FFY-2023-3	Apr 1, 2023 – June 30, 2023		\$6,567,000	
FFY-2023-4	July 1, 2023 – Sept 30, 2023		\$6,000,000	
FFY-2024-1	Oct 1, 2023 – Dec 31, 2023		\$3,783,000	
FFY-2024-2	Jan 1, 2024 – March 31, 2024			
FFY-2024-3	Apr 1, 2024 – June 30, 2024			

**Anticipated Payments Into EPA/ ACH Payment system  
Emerging Contaminants**

<b>Federal Fiscal Year Quarter</b>	<b>Dates</b>	<b>Grant Award Amount</b>	<b>Grant Payment Amount (ACH)</b>	<b>Binding Commitment</b>
FFY-2022-4	July 1, 2022 – Sept 30, 2022	\$7,555,000		
FFY-2023-1	Oct 1, 2022 – Dec 31, 2022			
FFY-2023-2	Jan 1, 2023 – March 31, 2023			
FFY-2023-3	Apr 1, 2023 – June 30, 2023		\$37,775	
FFY-2023-4	July 1, 2023 – Sept 30, 2023			
FFY-2024-1	Oct 1, 2023 – Dec 31, 2023		\$2,000,000	
FFY-2024-2	Jan 1, 2024 – March 31, 2024		\$2,000,000	
FFY-2024-3	Apr 1, 2024 – June 30, 2024		\$3,517,225	

**18. Schedule of Cash Draws from the ASAP**

The ultimate method of financing used (e.g., direct loans, leveraged loans or combination) and the anticipated start and completion dates of the projects to be funded will determine an accurate cash draw schedule from the ASAP account. The Bank and RIDOH are cognizant of, and will abide by, all cash draw rules as prescribed by EPA.

**19. Schedule of Binding Commitments**

In accordance with §1452(g)(3)(A) of the Act, the State of Rhode Island agrees to enter into binding commitments to provide financial assistance to eligible water suppliers. A binding commitment for the Program is defined as that point in time when both a Certificate of Approval for the project has been issued by RIDOH and a loan agreement with the Bank is in place. The State of Rhode Island agrees to make binding commitments in an amount equal to or greater than the amount of each grant payment and State Match that is deposited into the Program within one year after the grant payment.

**20. Public Review and Comment**

The IUP is subject to review and comment by the public prior to its incorporation into the State of

Rhode Island's Capitalization Grant agreement with EPA. The IUP was put to public notice on June 21, 2022 in the Providence Journal and was simultaneously sent to all interested parties by request.

In the spring, letters were sent out to all eligible systems asking them for new projects for the PPL. The FY 2022 PPL was placed on the RIDOH webpage for public notice on April 14, 2022. Throughout the year, as utilities show interest in utilizing the Program, RIDOH will periodically revise the PPL so that the utilities may access funds.

## **21. Audits and Reporting**

The Bank and RIDOH are committed to entering data into the EPA SRF Data System to evaluate the benefits of the RI DWSRF Program. The State will continue to adhere to Federal Funding Accountability & Transparency Act (FFATA); MBE/WBE; Single Audit Act and CCR/SAM. The State will also adhere to the requirements that sub-recipients provide a DUNS number prior to receiving a sub-award.

## **22. American Iron and Steel (AIS) and Build America Buy America Act (BABA)**

On January 17, 2014, Federal Public Law 113-76 was enacted, which added a new federal use of American Iron and Steel (AIS) requirement in Section 436. Subsequent annual appropriations have continued this requirement in all drinking water construction projects. On November 15, 2021, President Biden signed the Bipartisan Infrastructure Law (BIL) making the American Iron and Steel (AIS) procurement requirement permanent for DWSRF construction projects going forward. To assure compliance, all loan agreements contain language requiring compliance with the AIS. In addition, RIDOH ensures that the required AIS language is included in all Request for Proposals, and contracts and conducts field verifications for project compliance with AIS.

BIL added a new Build America, Buy America Act of 2021 (BABA) requirement to the CWSRF program. BABA expands existing American Iron and Steel (AIS) requirements to include construction materials and manufactured goods.

The effective date of BABA was on May 14, 2022, which means any grants awarded on or after that date must be fully compliant with BABA.

The Federal Office of Management and Budget (OMB) released program guidance to agencies on April 18, 2022. EPA is expected to issue a separate implementation procedure for BABA compliance that will likely include waivers for certain situations in order to minimize disruption of projects already planned and designed. The Bank and RIDEM will ensure compliance with BABA.

## **23. Program Evaluation Report (PER) and Audit Findings**

EPA has recently recommended that States provide follow-up to their PER finding. Below you will find RI's updates on action items.

1. **Action Item:** Update the RI DW NIMS data during the 2022 open period to reflect the subsidy given to disadvantaged communities or provide an explanation for the figures in SFY2021. This is a repeat finding.
  - Per prior conversations with EPA, RIIB has updated the requested numbers in the NIMS report for 2014-2020. RIIB did not have the ability to add the updated numbers directly into the portal therefore an edited PDF with the appropriate lines highlighted was submitted to EPA.
2. **Action Item:** Update the RI DW NIMS data during the 2021 open period to reflect the subsidy given to assistance recipients in years 2014 – 2020. This is a repeat finding.
  - The Bank submitted an edited PDF report to EPA that addressed this action item.
3. **Action Item:** The 2022 Annual Report must contain an explanation of the reasons for the delay in the 2020 additional subsidy commitment into loan executions and provide a plan that identifies the project(s) that will use the remaining subsidy funds, along with milestones for each project showing the path to an executed agreement. If the subsidy commitment is met prior to 9/30/22, please notify EPA Region 1 at that time. The IUP for the 2022 capitalization grant should indicate any additional subsidy from previous years that still must be committed to projects.
  - The Bank has closed loans after the reporting period and has now fully utilized the remaining FFY2019 subsidy. Open capitalization grants with unutilized subsidies will continue to be monitored. The utilization of these funds will be reflected in the 2022 Annual Report and are also be reflected below.

**24. Update on the FFY2019, FFY2020 and FFY2021 Capitalization Grants Utilization**

To date, the FFY2019 SDWA Disadvantaged Communities and Congressional subsidy requirement has been utilized.

Utilization of the FFY2020 capitalization grant congressional subsidy has commenced, and utilization of the SDWA Disadvantaged Communities subsidy is ready to commence. Full utilization is anticipated by the Fall of 2022. FFY2021 Utilization has not yet commenced. Delays in utilization has been attributable to clients not being able to proceed with their projects due to construction plans not being reviewed or lack of bids being obtained.

The Bank and RIDOH are continuing to work with Northeast Water Solutions, Inc. (NWSI) and Rural Community Assistance Partnership (RCAP) to provide engineering and income surveys to small systems to help accelerate projects.

**Table XVI  
Principal Forgiveness Utilization**

Loans Using FFY20 Cap Grant PF - SDWA Disadvantaged Communities	Principal Forgiveness Allocation
Hillsdale Housing Loan #2	\$343,957.00
<b>Total FFY20 Cap Grant PF Used</b>	<b>\$343,957.00</b>
<b>Balance Remaining</b>	<b>\$316,703.00</b>

<b>Loans Using FFY20 Cap Grant PF - Congressional</b>	<b>Principal Forgiveness Allocation</b>
Paige Associates	\$ 28,008.80
Hog Island North	\$ 100,000.00
Foster Gloucester School District	\$200,000.00
<b>Total FFY20 Cap Grant PF Used</b>	<b>\$328,008.80</b>
<b>Balance Remaining</b>	<b>\$1,213,531.20</b>

<b>Loans Using FFY21 Cap Grant PF - SDWA Disadvantaged Communities</b>	<b>Principal Forgiveness Allocation</b>
<b>Total FFY21 Cap Grant PF Used</b>	<b>\$0.00</b>
<b>Balance Remaining</b>	<b>\$660,060.00</b>

<b>Loans Using FFY21 Cap Grant PF - Congressional</b>	<b>Principal Forgiveness Allocation</b>
<b>Total FFY21 Cap Grant PF Used</b>	<b>\$0.00</b>
<b>Balance Remaining</b>	<b>\$1,540,140.00</b>