



EPA Funding for Water Infrastructure (SRFs, WIFIA, WIIN, OSG, Community Grants, and yes BIL)

Eligibilities and Requirements



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ALL ABOUT WATER



OVERVIEW

BIL

1 Overview of funding programs



3 Federal requirements



2 Program eligibilities



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EPA'S FUNDING PROGRAMS FOR WATER INFRASTRUCTURE

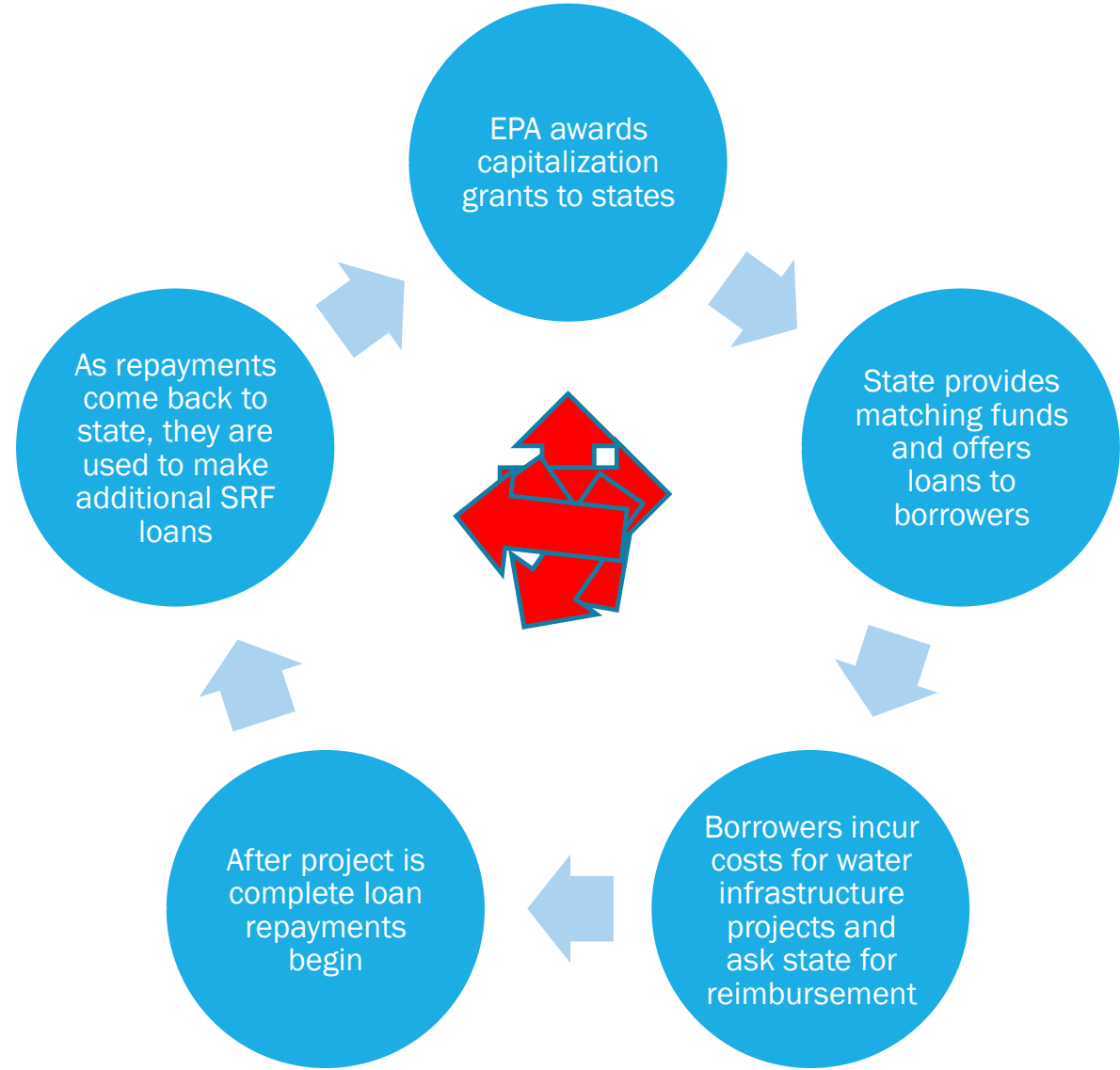


STATE REVOLVING FUND



- 4% Admin
- 2% SSTA
- ~94% Loans

- 4% Admin
- 2% SSTA
- 10% SPM
- 15% Local Assistance
- ~69% Loans



CWA

SDWA

National Tribal Set-Asides and ANV funding

STATE REVOLVING FUND - TRIBAL SET-ASIDES AND ANV



- ★ Annual allotment taken off the top of the SRF national allotment
~~2% per set-aside
- ★ Grants, not loans
- ★ Funding goes to projects highly rated on Indian Health Service (IHS)
Sanitation Deficiency System (SDS) list
- ★ Funds and projects administered in conjunction with IHS

More info:

Drinking Water– <https://www.epa.gov/tribaldrinkingwater/drinking-water-infrastructure-grants-tribal-set-aside-program>

Wastewater– <https://www.epa.gov/small-and-rural-wastewater-systems/clean-water-indian-set-aside-program>



WIFIA (WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT)

- EPA makes WIFIA funding available annually and invites Letters of Interest
- Selected projects are then invited to apply
- Credit subsidy offered by WIFIA guarantees a loan at the **AAA** Treasury rate (even if borrower has a lower (or no) credit rating)
- Loan term is **35 years** from substantial completion, and repayment can be deferred up to **5 years** after substantial completion (i.e., total of 40 years)
- WIFIA funding can be up to **49%** of the project cost, and total Federal funding can be up to **80%** of the project cost
- Minimum project size for large communities is **\$20m**, and for small communities (25,000 or less) is **\$5m**
- More info: <https://www.epa.gov/wifia>

WIIN (WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION) GRANTS

WIIN 2104 SUDC

WIIN 2107 Lead Testing in
Schools and Childcare Facilities

WIIN 2105 Reducing Lead in
DW

EC-SDC

WIIN 2104 SUDC

- Annual grant funding for States and Tribes
- Must be a **Small** (serving a population < 10,000), **Underserved** (DW compliance violation within last 5 years), **Disadvantaged** (per each state's DAC criteria) **Community**
- For drinking water infrastructure projects and/or technical assistance to comply with SDWA
- Administered by Washington DOH
- FY21 funding amount for Washington was \$758,000
- More info: <https://www.epa.gov/dwcapacity/wiin-grant-small-underserved-and-disadvantaged-communities-grant-program-0>

WIIN 2107 LEAD TESTING AND REDUCTION IN SCHOOLS AND CHILDCARE FACILITIES

- Annual grant funding for States and Tribes
- Three rounds of funding offered to date.
- Uses EPA's *3Ts for Reducing Lead in Drinking Water* guidance to implement lead testing programs and develop monitoring, maintenance and/or sampling plans that protect children from lead exposure.
- **BIL modified program to allow compliance monitoring and reduction/remediation in addition to testing.**
- Most recent WIIN 2107 grant to Washington = **\$723,000**
- More info: <https://www.epa.gov/dwcapacity/wiin-grant-voluntary-school-and-child-care-lead-testing-and-reduction-grant-program>

WIIN 2105 REDUCING LEAD IN DW

- EPA HQ makes funding available annually and uses a competitive RFA process.
- \$20m available nationally for FY22
- Funding is for projects or activities to replace lead service lines, implement treatment improvement projects, and remove potential sources of lead in schools and childcare facilities across the United States.
- More info: <https://www.epa.gov/dwcapacity/wiin-grant-reducing-lead-drinking-water>

EC-SDC (EMERGING CONTAMINANTS IN SMALL AND DISADVANTAGED COMMUNITIES)

- EPA will make funding available annually and invite Letters of Intent
- States can then apply for their share of the national EC-SDC allotment
- Funding is for projects and/or technical assistance to help small and disadvantaged communities address emerging contaminants, like PFAS.
- \$1B per year for 5 years.
- 100% grant, no match.
- More info: <https://www.epa.gov/dwcapacity/emerging-contaminants-ec-small-or-disadvantaged-communities-grant-sdc>



SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS (OSG) PROGRAM

- Annual grant funding for States and Tribes
- One round of funding offered to date.
- States are required to prioritize funding projects for communities that are financially distressed, have a long-term municipal CSO or SSO control plan, or for projects that have requested funding on their Clean Water State Revolving Fund (CWSRF) Intended Use Plan.
- FY21 OSG funds for Washington = \$1,241,000
- More info: <https://www.epa.gov/cwsrf/sewer-overflow-and-stormwater-reuse-municipal-grants-program>



COMMUNITY GRANTS, AKA CONGRESSIONALLY DIRECTED SPENDING OR COMMUNITY PROJECT FUNDING, OR EARMARKS

- Earmarks program was mothballed in 2011 – now back in 2022
- Annual grant funding for specific water infrastructure projects
- Generally same eligibilities as SRF
- 20% match
- Administered by EPA, but request funding via member of Congress
- FY22 Community Grant funding for projects in Washington = \$32m for 17 projects
- More info: <https://www.epa.gov/sustainable-water-infrastructure/epa-community-grants>





FY22 COMMUNITY GRANTS-WASHINGTON

City of Ellensburg for Renewable Natural Gas Conversion and Methane Gas Recovery at the Wastewater Treatment Facility	\$840,000
City of North Bend for Snoqualmie Valley Trail Channel Widening and Wetland Creation/Enhancement	\$225,000
The City of College Place for a wastewater treatment project.	\$3,500,000
The Stevens Public Utility District #1 for a septage reuse project.	\$1,680,000
City of Stevenson for Wastewater Treatment Plant Upgrades	\$2,500,000
City of Sultan for Wastewater Plant Upgrade	\$2,000,000
Clark Regional Wastewater District for Curtain Creek Septic Elimination Program	\$800,000
Port Hadlock for Wastewater Facility	\$2,500,000
Town of Malden for a sewer system project	\$3,500,000
MacKaye Harbor Water District for Agate Beach Lane Source Water and Transmission Improvements	\$694,480
Port of Coupeville for Wharf Rehabilitation Project	\$136,000
Quileute Nation for Quileute Move to Higher Ground Water System Improvement	\$1,479,355
Sammamish Plateau Water and Sewer District for Sammamish Plateau Water PFAS Treatment Plant upgrades	\$1,585,000
The City of Airway Heights for a water replacement project.	\$3,500,000
The Town of Cusick for a water treatment facility project.	\$3,500,000
Lakewood Water District for PFAS Remediation	\$1,950,000
Town of Harrah for Drinking Water Well Project	\$2,000,000

BIL SRF PRIORITIES

- Provide subsidy to Disadvantaged/EJ communities (and adjust Disadvantaged Assistance/Affordability criteria as necessary)
- Protect human health and the environment by treating/removing Emerging Contaminants
- Protect human health by replacing lead service lines
- Provide historic levels of funding to address the gap between water infrastructure needs and available funds

BIL SRF FUNDING ELIGIBILITIES & REQUIRED SUBSIDY

BIL Funding Pots	Eligibilities	FY 2022 Amount Available - Washington	% Req. Subsidy
★ CWSRF Supplemental	Same eligibility as CWSRF Base Program	\$30,951,000	49%
★ CWSRF Emerging Contaminants	Planning, design and construction of projects to address PFAS, pharmaceuticals, microplastics, nanomaterials, HABs*	\$1,626,000	100%
★ DWSRF Supplemental	Same eligibility as DWSRF Base Program	\$40,196,000	49%
★ DWSRF Emerging Contaminants	Planning, design and construction of projects (as well as technical assistance from the DWSRF Set-Asides) to address PFAS, or any contaminant on the Contaminant Candidate Lists.	\$16,878,000	100%
★ DWSRF Lead Service Lines	Planning, design and construction of LSL replacement projects, LSL inventories, technical assistance, etc.	\$63,336,000	49%

BIL SRF REGION 10 TRIBAL SET-ASIDE FUNDING – FY22

BIL Funding Pots	FY 2022 Amount Available
CWSRF Supplemental	\$1,576,000
CWSRF Emerging Contaminants	\$1,626,000
DWSRF Supplemental	\$9,933,000
DWSRF Emerging Contaminants	\$4,178,000
DWSRF Lead Service Lines	\$15,669,000



FEDERAL REQUIREMENTS

FEDERAL REQUIREMENTS: ACRONYMS AND TERMINOLOGY

AIS

BABA

Davis-
Bacon

Environmental
Review

DBE

Single
Audit

FEDERAL REQUIREMENTS: AMERICAN IRON AND STEEL



The [American Iron and Steel \(AIS\)](#) provision requires recipients to procure and use iron and steel products that are produced in the United States for the construction, alteration, maintenance, or repair of a public water system or treatment works.

Funding Program	
SRF	X
WIFIA	X
WIIN	X
OSG	X
Community Grants	X
BIL SRF	X



AIS questions? SRF_AIS@epa.gov

AIS WAIVERS



Several national AIS waivers are available, here are the details:

1. [National Product Waiver for Minor Components in Iron and Steel Products \(with Cost Ceiling\)](#)
2. [National Product Waiver for Pig Iron and Direct Reduced Iron](#)
3. [Short-Term National Product Waiver for Stainless Steel Nuts and Bolts Used in Pipe Couplings, Restraints, Joints, Flanges, and Saddles](#)
4. [Nationwide Plans and Specs Waiver Pursuant to Section 436 of P.L. 113-76, Consolidated Appropriations Act \(CAA\)](#)
5. [De Minimis Waiver Pursuant to Section 436 of P.L. 113-76, Consolidated Appropriations Act \(CAA\)](#)

Need to request a waiver? <https://www.epa.gov/cwsrf/american-iron-and-steel-requirement-waiver-request-process>

FEDERAL REQUIREMENTS: BUILD AMERICA, BUY AMERICA (BABA)



Build America, Buy America (BABA) requires all of the iron, steel, manufactured products, and construction materials used in a Federally-funded project to be produced in the United States.



Funding Program	
SRF	**
WIFIA	X
WIIN	X
OSG	X
Community Grants	X
BIL SRF	**



BABA questions? BABA-OW@epa.gov

BABA WAIVERS



 Several BABA waivers are available so far, here are the details:

Funding Program	Waiver	Details
SRF & BIL SRF	<u>BABA Adjustment Period Waiver for SRF Projects that have Initiated Design Planning</u>	For eligible SRF projects that have <u>initiated project design planning prior to May 14, 2022</u>
WIFIA	<u>BABA Program Waiver for Projects in Design Planning</u>	For eligible projects to be financed by the Water Infrastructure Finance and Innovation Act (WIFIA) program that have <u>initiated project design planning prior to May 14, 2022</u>

BABA WAIVERS - CONTINUED



?	Funding Program	Waiver	Details
	WIIN, OSG, 319, 320, Tribal Set-Asides, Community Grants*, etc.	BABA Temporary Public Interest Waiver for Selected EPA Funding Programs	Temporary public interest waiver for selected EPA water infrastructure and water resources protection programs for a period <u>expiring six months after the issuance of this waiver</u> . (Delays implementation until March 2, 2023 —meaning that grants from these programs awarded prior to that date will not have to comply with BABA.)
	All EPA Grant programs	Small Project General Applicability Waiver	For assistance agreements or subawards under assistance agreements that are less than \$250,000 .
	All EPA Grant programs	Draft De Minimis Waiver	Products that qualify for a de minimis waiver cumulatively may comprise no more than a total of 5 percent of the total cost of the materials used in and incorporated into a project.

*An additional waiver for the Community Grants program is being discussed – it would be similar to the waiver for the SRF program.

FEDERAL REQUIREMENTS: DAVIS-BACON ACT



The [Davis-Bacon Act \(DBA\)](#) requires that all contractors and subcontractors performing construction, alteration, and repair (including painting and decorating) work under federal contracts in excess of \$2,000, pay their laborers and mechanics not less than the prevailing wage and fringe benefits for the geographic location.

EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

- PREVAILING RATES:** You must be paid no less than the average rate listed in the Davis-Bacon Wage Decision, published in the Notice for Work that you perform.
- OVERTIME:** You must be paid no less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are law exceptions.
- ENFORCEMENT:** Contract payments can be withheld to protect workers' basic pay and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow recovery, termination and disbarment of contractors from future federal contracts for up to three years. A contractor who violates contract payroll records or failure wage liabilities may be subject to civil or criminal prosecution, fines and/or imprisonment.
- APPEALS:** Appellate rules apply only to appellate properly registered under approved Federal or State apprenticeship programs.
- PREPARE FOR:** If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Office listed below.

Funding Program	
SRF	X
WIFIA	X
WIIN	X
OSG	X
Community Grants	X
BIL SRF	X



FEDERAL REQUIREMENTS: ENVIRONMENTAL REVIEW (NEPA OR SERP)



This requirement means looking at how federal grant actions may affect the quality of the environment. The direct grant programs require NEPA, and projects receiving SRF funding follow a NEPA-like State Environmental Review Process (SERP).

More info:

<https://www.epa.gov/nepa>

Funding Program	
SRF (SERP/SEPA)	X
WIFIA	X
WIIN	X
OSG	X
Community Grants	X
BIL SRF (SERP/SEPA)	X



FEDERAL REQUIREMENTS: DBE




Under EPA's DBE Program recipients who procure goods and services with Federal funds are required to seek and are encouraged to use disadvantaged business enterprises (DBEs).

- Key components of the [Disadvantaged Business Enterprises \(DBE\) Program](#) include:
 - Fair Share Objectives,
 - Six Good Faith Efforts,
 - DBE (MBE/WBE) Reporting, and
 - DBE (MBE/WBE) Certification.
- Grant recipients must report DBE participation on EPA Form 5700-52A, when the budget for procuring construction, equipment, services, supplies, and subawards (under 'Other') **exceeds \$250,000** (Simplified Acquisition Threshold).

Funding Program	
SRF	**
WIFIA	X
WIIN	X
OSG	X
Community Grants	X
BIL SRF	**

FEDERAL REQUIREMENTS: 2 CFR PART 200, SUBPART F (SINGLE AUDIT)

 A non-Federal entity that expends \$750,000 or more in Federal grants during the non-Federal entity's fiscal year must have a single or program-specific audit conducted for that year.

Key takeaways:

- Based on expenditure of funds, not receipt of a grant award
- Triggered when funds are disbursed by EPA
- Includes Federal funds from any source or Agency

More info: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-F>



Funding Program	
SRF	**
WIFIA	X
WIIN	X
OSG	X
Community Grants	X
BIL SRF	**

FEDERAL REQUIREMENTS: WHO CAN HELP?

- Your EPA Project Officer or Infrastructure Funding Specialist
- Agency Subject Matter Expert (SME)
- Council of Government (COG)
- Private Consultants/Contractors
- State Revolving Fund staff
- Other grantees





