

State of Michigan
Rick Snyder, Governor

Department of Environmental Quality



C. Heidi Grether, Director

INTERNET: <http://www.michigan.gov/drinkingwaterrevolvingfund>

**Drinking Water Revolving Fund
Amended Supplemental Intended Use Plan
Fiscal Year 2019**

Prepared by:
Revolving Loan Section
Drinking Water and Municipal Assistance Division

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PURPOSE

The Supplemental Intended Use Plan (SIUP) submitted in February 2017 was part of the application the Michigan Department of Environmental Quality (MDEQ) used to request supplemental capitalization grant funds. Upon receipt of the complete application package, the U.S. Environmental Protection Agency (EPA) had 30 days to respond and to approve the funding request. The EPA then issued a capitalization grant award. Once the capitalization grant was awarded, the funding became available for use. The MDEQ agreed to use all Water Infrastructure Improvements for the Nation (WIIN) funds in accordance with the SIUP per 40 CFR Part 35 Subpart L. Changes to the SIUP are included in this amended SIUP and will be sent to the EPA and posted on the MDEQ Web site. Any additional changes to the SIUP will be handled similarly.

INTRODUCTION

The Water Infrastructure Improvements for the Nation Act was signed into law in December 2016. This act authorizes supplemental Drinking Water State Revolving Fund (DWSRF) capitalization grants under section 1452 of the Safe Drinking Water Act, as amended. Per WIIN, an eligible recipient for the supplemental funding is a state in which the President has declared an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to public health threats associated with the presence of lead or other contaminants in drinking water provided by a public water system. An eligible system is a public water system that has been the subject of the emergency declaration. On January 16, 2016, President Obama signed an emergency declaration for the city of Flint, Michigan. At that time, the city of Flint was the only community eligible to receive WIIN funds. The 2017 Further Continuing and Security Assistance Appropriation Act included \$100,000,000 in supplemental DWSRF appropriations pursuant to section 2201 of the Water and Waste Act of 2016, which includes WIIN.

This amended SIUP describes how the MDEQ will administer the \$100,000,000 of available supplemental capitalization grant funds, which will be matched with 20 percent (\$20,000,000) in state funds. The Revolving Loan Section (RLS) of the Drinking Water and Municipal Assistance Division (DWMAD) is assigned program administration responsibilities. The Community Water Supply Section (CWSS) of the DWMAD will issue necessary construction permits and provide technical review and assistance. Financial administration of the program will be handled by the staff of the Michigan Finance Authority (the Authority).

The WIIN legislation states an eligible system shall be considered to be a disadvantaged community under section 1452(d) of the Safe Drinking Water Act (42 U.S.C. 300j-12(d)) and eligible to receive loans with additional subsidization including forgiveness of principal. Funds may be provided for the purpose of addressing lead or other contaminants in drinking water, including repair and replacement of lead service lines and public water system infrastructure. The city of Flint qualifies as a disadvantaged community based on the state's criteria, listed in the "Disadvantaged Community Status" section of this amended SIUP (page 10).

The supplemental federal capitalization grant allocation is \$100,000,000. Legislation mandates that 20 percent of this amount be provided as a state match. The state match, \$20M, is provided from the general fund designated by the Michigan legislature to assist with the removal of lead service lines in the city of Flint. The MDEQ plans to provide the entire amount, \$120,000,000, as a loan with 100-percent principal forgiveness to the city of Flint. A state may provide a loan subsidy (e.g., principal forgiveness) to benefit communities meeting the state definition of disadvantaged. No fees will be charged or associated with the WIIN funding or

state match. The WIIN funding and associated state match will not have any impact on the base DWRP program. The state match for WIIN is separate and distinct from state match used for the DWRP base program. All projects funded with this supplemental capitalization grant and match must pay their workers federal Davis Bacon wage rates for the job classification. Additionally, all projects funded with monies from WIIN must comply with the American Iron and Steel provisions and Disadvantaged Business Enterprise requirements.

GOALS

Michigan's DWRP establishes a funding source designed to protect and preserve public health within the state's boundaries. Michigan's geographical identity as a "Great Lakes" state affords its citizens with an abundant and high quality water resource from which to draw its drinking water. Unlike many states, Michigan water supplies are plentiful and periods of restricted use are few in most communities. The great challenge for water suppliers lies in protecting the high quality of the resource, as well as ensuring that adequate volume and pressure exist to deliver potable water to the customer.

To this end, Michigan's DWRP has the following long-term goals as it pertains to the supplemental capitalization grant:

Goal: *To fund activities to eliminate the emergency drinking water situation.*

The MDEQ is working closely with the city of Flint to identify and implement the eligible activities that the city can pursue to reduce the public health threat from lead.

Goal: *To continue effective partnerships with other federal and state financing sources to promote efficiency in environmental review procedures and coordination of funding.*

Given the limitations on pooled capital, the MDEQ continues to work together with various federal and state agencies, such as the U.S. Department of Transportation, Michigan Department of Health and Human Services and the Michigan Department of Transportation, so that we may collectively fund qualifying projects and maximize use of our capital pool to achieve stated goals. Such partnerships ultimately benefit everyone. Industry, tourism, and day-to-day quality of life are strengthened when our most valuable natural asset is preserved and made available for use and enjoyment.

Goal: *To maintain statewide compliance with all applicable state and federal drinking water laws, rules, and standards while protecting the public health and environmental quality.*

The MDEQ will use DWRP set-aside funding to assist economically disadvantaged communities in meeting drinking water standards.

In order to accomplish the long-term goals, we must also focus on more immediate objectives. Therefore, our short-term goals in FY 2019 are:

Goal: *Secure Michigan's full share of federal funding and expeditiously obligate these monies, along with the state contribution.*

The MDEQ secured the full share of federal WIIN funding in FY2017. This amended SIUP identifies all projects that are willing and able to progress to loan closing consistent with a project milestone schedule for the construction of eligible facilities in accordance with WIIN guidelines. All projects receiving WIIN funds will issue a Notice to Proceed within 60 days of the loan closing, as required of other DWRP loans.

Goal: *Ensure that the requirements of the WIIN capitalization grant are met, including those that are imposed on local borrowers.*

Congress allowed the state to provide the WIIN capitalization grant as additional subsidy to borrowers. The MDEQ plans to provide the additional subsidy as principal forgiveness to the city of Flint. Congress also requires all DWRP projects funded with WIIN pay their workers the federal Davis Bacon wage rates for their job classification, comply with the American Iron and Steel, Disadvantage Business Enterprise, and EPA signage requirements.

ALLOCATION OF FUNDS

Set-Asides

Set-asides in the DWRP are derived from the capitalization grant awarded to the state by the EPA. Set-asides are designated for specified uses. The MDEQ requested \$1,500,000 or 1.5 percent of the federal supplemental grant for the Local Assistance Set-Aside to provide technical assistance as part of the state's capacity development program to support operational improvement of the city's distribution system including corrosion control studies and asset management program development. The work plan for this set-aside was submitted to EPA.

Project Descriptions

| Amended Supplemental Project Priority List | | | | |
|--|-------------|---------------------------------------|-----------------------------------|------------------------|
| Project Rank | Project No. | Description | Estimated Construction Start Date | Commitment Amount |
| Funded | 7421-01 | Service line replacement | May 2017 | \$40,000,000* |
| 1 | TBD | Secondary water source | April 2019 | \$9,163,300 |
| 2 | TBD | Dort & Cedar storage/pumping | April 2019 | \$10,125,000 |
| 3 | TBD | Chemical feed building | March 2019 | \$3,400,000 |
| 4 | TBD | Northwest transmission main | April 2019 | \$12,296,900 |
| 5 | TBD | Water main replacement | August 2018 | \$68,905,500*** |
| 6 | TBD | Water meter replacement | January 2019 | \$18,460,000 |
| 7 | TBD | Water quality monitoring | January 2019 | \$612,500 |
| 8 | TBD | Service line replacement | July 2019 | \$10,000,000 |
| Funded | Set-aside | Local Assistance/Capacity Development | Funded March 2017 | \$1,500,000 |
| Total | | | | \$120,000,000** |

*\$20,000,000 of the Service Line Replacement project was from State Match money allocated by the Michigan legislature.

**The estimated total of work to be completed is greater than the \$120 million of available WIIN funds.

***WIIN funds are insufficient to cover all water main replacement work; approximately \$54M will be from other funding sources

The city of Flint is the only community currently eligible to receive WIIN funding. The city has a population of 99,000. In July 2018, the city of Flint identified several project categories it would like to use WIIN funding to implement that will address the public health threats associated with the presence of lead. Below is a list of the projects, in priority order as ranked by MDEQ technical staff, based on the city of Flint's identified needs in their May 2018 project plan. All of the projects on the project priority list (PPL) will be funded using WIIN as the prescribed tasks are completed to allow the projects to proceed with construction.

The project plan was reviewed and contained work that may be DWRP funded in the future. Funding between project categories is subject to change as negotiated between the state and the city depending on when a project(s) is ready to proceed with construction.

Project Funded with WIIN

Service Line Replacement

The city planned to replace approximately 6,000 service lines for one year, using \$40 million of WIIN funding awarded in May 2017. This work will replace lead and galvanized steel service lines from the street to inside the home with copper materials; therefore, removing the risk of potential drinking water lead contamination from service lines. Other activities include hydrovac of Phase 4 and Phase 5 addresses, restoration and force account. This is an active project and work is currently on going.

Projects Requesting WIIN Funds

1. Secondary Water Source

Currently, there is a single pipeline that provides treated water from the Great Lakes Water Authority (GLWA) to the city of Flint. The city plans to build a connecting 36" water main (5.5 miles) between Genesee County and the city of Flint water treatment plant to provide a backup water source. This project would provide treated water in emergency situations or if the city exceeds the GLWA withdrawal rate and/or city storage capabilities. This project will address the situation causing the declared emergency by providing a backup water source per MDEQ regulations.

Construction is expected to begin in April 2019. The estimated project cost is \$9,163,300. Milestone activities include:

- Development of environmental assessment with 30-day public comment period
- Submittal, review, and approval of plans and specifications
- Development and advertisement of bid package
- Completion of three-part application for funding
- Submittal of bid costs
- Signing of financial agreement between city and state

2. Dort and Cedar Street Storage Reservoirs and Pump Station Improvements

The Dort and Cedar Street storage reservoirs and pump station facilities were designed for a larger demand and customer base. The city plans to make modifications to the pump station capabilities of the Dort and Cedar Street reservoirs to improve reliability, water storage, mixing and distribution. Permanent sodium hypochlorite improvements will be made at the Cedar Street facility as well. This project will address the situation causing the declared emergency by providing the ability to maintain flows and pressure throughout the system needed to allow the city to meet their GLWA contract requirements and ensure an adequate quantity of water during peak demand periods.

Construction is expected to begin in April 2019. The estimated project cost is \$10,125,000. Milestone activities include:

- Development of environmental assessment with 30-day public comment period

- Submittal, review, and approval of plans and specifications
- Development and advertisement of bid package
- Completion of three-part application for funding
- Submittal of bid costs
- Signing of financial agreement between city and state

3. Chemical Feed Building

Although the city will receive treated water from GLWA and/or Genesee County, there is a need to add (or have the capability to add) additional chemicals. A new, permanent chemical feed building at the water treatment plant site will be constructed to replace the existing, temporary treatment facilities. The new building will house equipment to feed chlorine, to maintain chlorine residuals throughout the distribution system, and sodium hydroxide and/or phosphoric acid for corrosion control. This project will address the situation causing the declared emergency by properly treating the water supplied by GLWA and Genesee county as the current treatment facilities are not sufficient for long-term service.

Construction is expected to begin in March 2019. The estimated project cost is \$3,400,000. Milestone activities include:

- Development of environmental assessment with 30-day public comment period
- Submittal, review, and approval of plans and specifications
- Development and advertisement of bid package
- Completion of three-part application for funding
- Submittal of bid costs
- Signing of financial agreement between city and state

4. Northwest Transmission Main

The current 24-inch transmission main was constructed in the 1930s, is near the end of its useful life and it is too large of a diameter for current water demands. Therefore, it needs to be replaced. A new 16-inch water main will be installed from the water treatment plant west and south to connect with the water main at University Avenue. This project will address the situation causing the declared emergency by resizing the main to help with water age in the system.

Construction is expected to begin in April 2019. The estimated project cost is \$12,296,900. Milestone activities include:

- Development of environmental assessment with 30-day public comment period
- Submittal, review, and approval of plans and specifications
- Development and advertisement of bid package
- Completion of three-part application for funding
- Submittal of bid costs
- Signing of financial agreement between city and state

5. Water Main Replacement

Water mains will be replaced throughout the city's water system that are at a high risk of failure and/or are critical to overall performance based on Arcadis Asset Management Plan.

Some water main will be replaced in conjunction with service line replacement projects. Additional water mains will be replaced as roadway funding is received from other sources to coordinate work efforts. The roadway funding identified to date includes Atherton, Dupont and Kearsley streets. Atherton and Dupont streets were specifically identified in the original SIUP and the terms and conditions of the WIIN capitalization grant as an approved project. Water main replacements are expected to cover several years and may need an additional funding source to complete construction. These projects will address the situation causing the declared emergency by reducing the chance of contamination due to watermain breaks.

The Kearsley Street project will be funded in coordination with other road rehabilitation work funded by the Michigan Department of Transportation. Construction is expected to begin in late August 2018. WIIN will fund approximately \$1,675,000 of the project costs associated with watermain replacement. The plans and specifications for this project have been reviewed and approved by MDEQ. The Kearsley Street remaining milestone activities include:

- Completion of 30-day public comment period
- Completion of three-part application for funding
- Submittal of bid costs
- Signing of financial agreement between city and state

The estimated project cost is \$67,230,500. Remaining water main replacement milestone activities include:

- Development of environmental assessment with 30-day public comment period
- Submittal, review, and approval of plans and specifications
- Development and advertisement of bid package
- Completion of three-part application for funding
- Submittal of bid costs
- Signing of financial agreement between city and state

6. Water Meter Replacement

Currently, the city has a program to replace existing, manual read meters with an Advanced Meter Analytics System to allow automated meter reading. At the time of the DWRF project plan submittal in June 2016, the city had replaced approximately 5,500 meters. Meter replacement is for the entire city, not only where service lines are replaced (install approximately 28,000 residential and 1,000 commercial water meters). Meter replacement will reduce unaccounted for water and ensure an appropriate rate is charged to customers thereby creating a revenue stream to fund future maintenance and replacement needs of the system. This project will address the situation causing the declared emergency as many meters are defective and have exceeded their useful life; new meters will assist with water system operations and accurately monitor water usage and losses.

Construction is expected to begin in January 2019. The estimated project cost is \$18,460,000. Milestone activities include:

- Development of environmental assessment with 30-day public comment period
- Development and advertisement of bid package
- Completion of three-part application for funding
- Submittal of bid costs

- Signing of financial agreement between city and state

7. Water Quality Monitoring

Currently, water monitoring is done manually (i.e., collection, analysis, data entry, etc.) at several locations in the water system. An automated monitoring system would be installed that would include chlorine residuals, turbidity, pH level, conductivity, pressure, phosphate, and bacteriological indicators. This will assist with water quality compliance and provide real time data. This project will address the situation causing the declared emergency by monitoring the water supply to ensure a safe supply of drinking water and allows operators to respond faster to water quality changes in the distribution system.

Construction is expected to begin in January 2019. The estimated project cost is \$612,500. Milestone activities include:

- Development of environmental assessment with 30-day public comment period
- Submittal, review, and approval of plans and specifications
- Development and advertisement of bid package
- Completion of three-part application for funding
- Submittal of bid costs
- Signing of financial agreement between city and state

8. Additional Service Line Replacement

This is a contingent project if current funding for service line replacements is insufficient per the Pastor's Settlement Agreement. The project would remove lead and galvanized steel service lines from the street to inside the home. This project will address the situation causing the declared emergency by removing lead and galvanized steel from the water system. Construction, if necessary, is expected to begin July 2019. The estimated project cost is \$10,000,000.

OUTPUT/OUTCOME MEASURES

To comply with the EPA requirements on Environmental Benefits of the DWRF, Michigan estimates that the following outputs could result from WIIN funded projects

- A. Output: Michigan could fund drinking water transmission/distribution projects (see projects ranked 1, 2, 4, 5, and 8 on page 5) to construct/rehabilitate/upgrade drinking water transmission and distribution systems. The dollar amounts of these projects is approximately \$110,490,700 million.

Outcome: The funding of these projects could result in more people receiving improved drinking water from existing treatment systems in Michigan.

- B. Output: Michigan could fund a drinking water treatment project to construct and/or rehabilitate drinking water treatment facilities. The dollar amount of the project is approximately \$3.4 million.

Outcome: The funding of the project could result in improved drinking water for thousands of people in Michigan and, upon completion of the project, facilities that meet all applicable permits and SDWA requirements.

Please note that the number of applications will not agree with the number of loans on the PPL, as many of the project loans include work in more than one category (i.e., transmission/distribution, treatment, storage, and source).

REPORTING

Required reporting will be provided in a timely manner. The state will provide the city with copies of the appropriate forms (e.g., Disbursement Request Form, Lead Service Removal Form). Semi-annual reporting will be provided to the EPA regarding the set-aside activities and the associated expenses. The DWRF Annual Report was provided to the EPA detailing the activities and associated expenses of the supplemental funding by December 31, 2017 and will continue every year following until the funding has been fully spent. The city of Flint will be required to submit a copy of its Single Audit to the MDEQ if the city expends more than \$750,000 of federal funds per fiscal year.

CRITERIA AND METHOD FOR DISTRIBUTION OF FUNDS - PROJECT LOANS

Michigan's DWRF will commit loans for qualified projects based on project plans that were submitted to the RLS. Plans are reviewed by staff of the MDEQ to ensure compliance with Section 5405 of Act 451, before being placed on the PPL. The DWRF, to the maximum extent practicable, must give priority to projects that:

- address the most serious risks to human health,
- are necessary to ensure compliance with the requirements of the federal SDWA,
- in addition, assist systems most in need according to the state's affordability requirements.

Michigan's priority system takes these factors into account in the assignment of priority points. Acute violations receive a larger number of points than any other category. In fact, standard compliance offers over 41 percent of a project's total possible points. All factors point to the need for the project to comply with federal drinking water requirements; affordability is addressed by the award of additional points for disadvantaged community status, and is the ultimate tiebreaker. Michigan's priority point system is detailed in Section 5406 of Act 451.

All projects are reviewed and scored based upon the priority point system outlined in Part 54 of Act 451. Funds are made available for commitment based on the priority ranking.

All project financial assistance using WIIN will be via a 0-percent interest loan with 100-percent principal forgiveness. The city will incur costs while performing approved project activities. The city will be invoiced for those activities. The city will submit disbursement requests of all eligible incurred costs for review, approval and payment. Disbursement requests are processed weekly on Wednesday; final payment is made to the city's financial institution within seven days of processing.

DISADVANTAGED COMMUNITY STATUS

Disadvantaged community status is determined by the MDEQ based on information submitted with a supplier's project plan. To qualify, an applicant must first meet the definition of "municipality" found in Part 54 of Act 451. Next, the updated median annual household income (MAHI) of the area to be served must be less than 120 percent of the state's updated MAHI. Finally, the costs of the project must be borne by the customers in the service area. If costs are spread over a larger area, then that area must demonstrate that it meets the poverty or affordability criteria.

Once these conditions are met, a community will be awarded the disadvantaged community status if one of the following is true:

- More than 50 percent of the area to be served by the proposed project is identified as a poverty area by the U.S. Census Bureau.
- The updated MAHI of the area to be served is less than the most recently published federal poverty guidelines for a family of four in the contiguous United States.
- The updated MAHI is less than the updated statewide MAHI and the annual user costs for water supply exceed 1 percent of the service area's MAHI.
- The updated MAHI is more than the updated statewide MAHI and the annual user costs for water supply exceed 3 percent of the service area's MAHI.

The major benefits for qualified communities include additional priority points, extension of loan terms from 20 to 30 years, and financial assistance to defray the cost of preparing a project plan.

EPA AUTOMATED CLEARINGHOUSE ACTIVITIES

The EPA employs an Automated Standard Application for Payments (ASAP) system to make disbursements of federal funds. Michigan will comply with this system's requirements and deposit funds drawn from it into appropriate accounts set up for the DWRP.

Disbursements from the WIIN funding will be based on the reimbursement of expenses. The city will incur project costs and then submit the invoices for the work with a completed disbursement request form to the MDEQ for payment. The disbursement request should include all supporting documentation.

Michigan began drawing supplemental capitalization grant funds from the ASAP system in May 2017 for setaside activities and May 2018 for the service line replacement project. To satisfy Michigan Public Act 268 of 2016, all initial lead service lines project activities were paid from the \$20 million of state match. This ensured that the \$20 million appropriated by the Michigan legislature was spent specifically on lead service lines as noted in the statute. All other projects will be paid using this draw ratio: 100 percent (federal) for the 2017 supplemental capitalization grant. ($\$100M - \$1.5M = \$98.5M + \$20M \text{ match} = \$118.5M$) Set-asides draws will be 100-percent federal. The forecasted cash draw schedule is \$20 million per quarter for the next five quarters for the total WIIN funds available of \$120 million. As of July 1, 2018, \$22,690,700 (\$20 million state funds and \$2,690,700 million federal funds) has been disbursed for the service line replacement project and \$766,227 (100 percent federal funds) for setaside activities.

As project costs or set-aside costs are incurred, the request for disbursement of funds will be sent directly to the MDEQ, who will then process the request as part of a weekly draw request. Upon delivery to its office, the Authority will execute the fund drawdown electronically by transferring money from the federal ASAP and state accounts.

Monies will be automatically deposited into the DWRP account, while funds are electronically wired to a municipal water supplier's bank from the DWRP account.

ASSURANCES

The final guidelines from the EPA set forth provisions that the state must provide certain assurances in order to qualify for capitalization grant funding. Such assurances are incorporated into the Operating Agreement and are included here by reference, as the MDEQ will:

- comply with state statutes and regulations
- demonstrate technical capability to manage the supplemental funding with adequate staff
- accept payments in accordance to the schedule
- enter into binding commitments as required in 40 CFR 35.3555(e)
- follow generally accepted accounting principles
- commit and expend all funds as efficiently and expeditiously as possible
- use the WIIN funding in accordance with the SIUP

The MDEQ has a Quality Management Plan that guides our selection of qualified staff, and that the relevant staff is in place to work on DWRF projects. DWRF project information will continue to be provided to the EPA via the Drinking Water Project & Benefits Reporting and the National Information Management System. All WIIN projects funded will meet the requirements for crosscutter review and the Federal Funding Accountability & Transparency Act.

Michigan is providing technical and managerial capacity assistance to the city of Flint for various aspects of the water treatment system. Several state contracts have been executed to ensure that the appropriate and feasible operational changes will comply with the requirements of the Safe Drinking Water Act.

PUBLIC REVIEW AND COMMENT

No public participation or comment period is required. The amended SIUP will be posted to the MDEQ Web site. Questions about the DWRF amended SIUP may be directed to:

Ms. Sonya T. Butler, Section Manager
 Revolving Loan Section
 Drinking Water and Municipal Assistance Division
 Department of Environmental Quality
 P.O. Box 30241
 Lansing, MI 48909-7741
 Voice: 517-284-5433
 E-mail: butlers2@michigan.gov

Other contacts for the DWRF are:

Ms. Dana DeBruyn, Acting Chief
 Environmental Health Section
 Drinking Water and Municipal Assistance Division
 Department of Environmental Quality
 P.O. Box 30241
 Lansing, MI 48909-7741
 Voice: 517-930-6463
 E-mail: debruynd@michigan.gov

Ms. Mary G. Martin, Executive Director
 Michigan Finance Authority
 Michigan Department of Treasury
 Richard H. Austin Building
 P.O. Box 15128
 Lansing, MI 48922
 Voice: 517-241-9504
 E-mail: treasmmba@michigan.gov