

Financial Assistance Application & Instructions

Type of Assistance Requested

- A. Clean Water State Revolving Fund Program (CWSRF)
 B. Water Recycling Funding Program (WRFP)
 C. Small Community Wastewater Grant Program (SCWG)

Amount of Assistance Requested: \$ _____

FAAST (On-Line) PIN No.: _____
 SWRCB Assigned Project No.: _____

I. Applicant Information

Agency Name: _____
Street Address: _____
Mailing Address: _____
County: _____ **Federal ID Number:** _____
Authorized Representative, Title: _____ **Phone:** _____
Contact Person, Title: _____ **Phone:** _____ **E-mail:** _____

II. Project Information

Note: The Instructions contains multiple templates and further guidance to complete this application.

1. **Project Description:** (Attach a brief description. Label as Attachment 1)
2. **Project Name:** _____
Estimated Construction Start Date: _____
3. **Regional Water Quality Control Board:** _____
4. **WDR Permit No (if applicable)** _____
5. **Current Project Status:** Planning Underway: Planning Complete Other _____
6. **Estimated Project Capital Costs and Funding Summary:**

Cost Classification	SWRCB Program Share \$	Applicant's Share \$	Other Loans or Grants, etc. \$	Total \$
A. Facilities Construction				
B. Facilities Planning (a, b)				
C. Facilities Design (a)				
D. Administration and Legal (a)				
E. Land and Right-of-Way				
F. Contingencies (a) (c) (d)				
G. Relocation of Utilities (a)				
H. Engineering Services During Construction (a)				
I. Other Costs (Explain)				
J. Total Capital Costs				
K. Additional Cash Flow Needs (c)	Not Fundable			
L. Total Funding Requirements				

- (a) Soft Costs may be provided for planning, design, legal, engineering during construction, relocation payments, and administration costs. For details, please refer to the Policy or guidelines of the corresponding program.
- (b) CWSRF Program and SCWG Program only.
- (c) This is the amount in excess of the total capital costs needed to cover cash flow requirements during construction.
- (d) Contingencies costs are not eligible for funding under the CWSRF and WRFP Programs.

All costs in Item 6 above are adjusted to the following date: _____ by using the following rate of inflation _____ % annually, or cost index: (name) _____, (index value) _____

7. Sources of Funds for Capital Costs and Estimated Disbursement Projections:

Source (e)	Amount, \$
A. State Funds Requested	
B. Grant Requested	
C. Cash Reserves Now on Deposit	
D. Bonds	
E. Tax Levies	
F. Non-cash	
G. Short Term Loans or Notes	
H. Other State Financing or Grants	
I. Other Federal Grants or Loans	
J. Other	
K. Total	

(e) Attach the Estimated Annual Disbursement Schedule: Application Instructions contains the template (label as Attachment 2).

III. Authorization and Other Approvals (All Programs with exceptions noted below)

1. **Legal Authority (except SCWG):** Submit a legal opinion addressing the following issues (label as Attachment 3):
 1. The legal authority to enter into a financing agreement with the SWRCB, including legal citations;
 2. Agency’s attorney contact information; and
 3. Any requirements that the applicant hold an election before entering into a financing agreement with the State Water Board. If an election is required, state the date held or the date scheduled: _____
2. **Applicant Authorization:** Submit a certified copy of a resolution adopted by the governing body (label as Attachment 4A). A model resolution is given in the Application & Instructions for your reference.
3. **Water Rights:** To comply with Sections 1210 through 1212 of the Water Code, an approved Petition for Change may be required from the State Water Board, Division of Water Rights. If the project is not a wastewater project an appropriate water right may be required if water will be diverted from a surface or subterranean stream.
 Have you filed a petition with the Division of Water Rights? Yes No
 Applicant must submit a written determination from the Division of Water Rights showing whether a petition must be filed or no further action is required. If no water rights petition is required, submit documentation and label as Attachment 4B. If a water rights petition is required, provide a copy of the water rights petition and label as Attachment 4B.
 To obtain a written determination, submit an email request including a brief project description (one page or less) to the Division of Water Rights, kmrowka@waterboards.ca.gov for your project. The project description needs to include whether: (a) the wastewater project currently discharges to a stream and any change to the discharge amount as a result of the proposed project; or (b) the non-wastewater project will divert from a surface or subterranean stream. For information regarding water rights, applicants may review the following web site:
http://www.swrcb.ca.gov/water_issues/programs/grants_loans/water_recycling/waterrightsrequirements.shtml.
 If additional information is needed, please contact the Division of Water Rights, Kathy Mrowka, at (916)341-5363.
4. **Project Report or Facilities Planning Document:** Submit a completed facilities planning document and any supplementary documents that contain the required facilities planning information described in each of the program guidelines (label as Attachment 5).
5. **Environmental Review (SCWG not CEQA+):** Refer to the *Instructions and Guidance for Environmental Compliance Information* for details on meeting state and federal environmental review requirements. Submit the California Environmental Quality Act (CEQA) Checklist portion of this document and all available environmental documents for your project (label as Attachment 6).
6. **Credit Review Package (except SCWG):** Submit a Credit Review Package (label as Attachment 7) as specified in the Instructions’ Credit Review Checklist. For Program specific information, please refer to the respective Program guidelines.
7. **Project Schedule:** Submit a project schedule showing project milestone dates (label as Attachment 8). This schedule should be updated periodically as more information becomes available. All WRFPP projects must submit a construction finance plan, please refer to the WRFPP Guidelines.
8. **Regional Water Quality Control Board Requirements:** Submit adopted or tentative State Water Resources Control or Regional Water Quality Control Board Waste Discharge Requirements, amended Basin Plan Total Maximum Daily Loading for the project’s discharge to an impaired water body, Water Recycling Requirements, and/or NPDES Permit (label as Attachment 9).

9. Applicant's Authority on Property Access to Construct Project: A legal description of the site on which the project is to be constructed and an opinion signed by competent title counsel describing the interest the applicant has in the site, including information as to any easements and rights-of-way and certifying that the estate or interest is legal and valid. The opinion should also include information as to whether or not:

- The applicant (or the present owner if fee simple title has not been or is not to be acquired) has good and valid title to the entire site (excluding easements and rights-of-way) free and clear of any pre-existing mortgages, deeds of trust, liens or other encumbrances, which would affect the value or usefulness of the site for the purpose intended;
- Certifying that the applicant has sufficient property rights in the land used for all portions of the Project to enable it to access, construct, operate, maintain, and allow for outside inspections of the Project throughout the useful life of the Project and/or the CWSRF financing term, whichever period is longer;
- Any deeds or documents required to be recorded in order to protect the title of the owner, and the interest of the applicant have been duly recorded or filed for record whenever necessary; and
- The applicant has complied with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601). (label as Attachment 10).

10. Real Property Acquisitions: Has all necessary land or right-of-way been acquired? Yes No
If no, submit status of acquisitions (label as Attachment 11A).

11. Agreements with Other Parties: Please list all agreements and approvals needed for implementation of the project. Submit and explain status of said agreements and approvals (label as Attachment 11B).

12. Tax Questionnaire (except SCWG): Please complete and submit the Tax Questionnaire (contained within the Instructions) with the application (label as Attachment 11C).

13. Water Conservation Plan: Prior to approval of the project by the State Water Board, specific Water Conservation requirements must be achieved. In fulfillment of these requirements, please indicate below what pertinent information you are submitting (label as Attachment 12).

- Proof of signed Memorandum of Understanding with the California Urban Water Conservation Council.
- Copy of the Urban Water Management Plan submitted to the CA Department of Water Resources (See item 14).
- Copy of the developed Water Conservation Program for approval by the State Water Board.
- None at this time. Please explain: _____

14. Urban Water Management Plan (UWMP): If you are a water supplier to more than 3,000 customers or supplying more than 3,000 acre-feet annually you are required to submit an UWMP to the Dept. of Water Resources (DWR). Please submit documentation showing that the UWMP has been submitted to the DWR and Water Code Section 10631.5 Best Management Practices Compliance (label as Attachment 13A).

15. Compliance with Water Metering Requirements: Water Code Section 529.5 requires urban water suppliers to comply with water metering requirements to obtain state financial assistance. Please submit the Certification of Compliance, included in the Application Instructions, with water metering requirements or exemption (label as Attachment 13B).

IV. Other Submittals (Program specific information required noted below)

A – Clean Water State Revolving Fund Program Projects

- 1. Dedicated Source of Net revenues (for CWSRF or WRF loans):** A "Dedicated Source of Net revenues" is required to repay the financing agreement. Please attach appropriate resolution or ordinance or indicate schedule to provide dedicated source of revenue (label as Attachment 14). A Dedicated Source of Net revenues must be approved before a financing agreement can be issued. This is the same document requested within the Credit Review Package, Item Number 10.
- 2. Certification of Compliance with Federal Laws and Authorities:** See Application Instructions for the appropriate form (label as Attachment 15)
- 3. Reimbursement Resolution:** Please complete and submit a Reimbursement Resolution (label as Attachment 16). A template Reimbursement Resolution is included in the Application Instructions.
- 4. General Plan Certification:** Please complete and submit the General Plan Certification contained within the Application Instructions (label as Attachment 17).

B - Water Recycling Projects (CWSRF or WRFPP)

This section applies to water recycling projects for the purpose of providing water supply rather than water pollution control or wastewater disposal. For water recycling projects funded by the CWSRF, the documents required under section IV.A. must also be submitted.

1. Estimated Annual Costs:

Cost Classification	Annual Costs, \$	
	First Year	Fifth Year
Debt Service		
Fixed Operation and Maintenance Cost		
Variable Operation and Maintenance Cost		
Other (explain)		
Total Annual Costs		

Assumed Date of Costs for:

First Year of Operation: _____

Fifth Year of Operation: _____

Assumed Cost Index or Rate of Inflation: Index Name: _____ Index Value: _____ or
Inflation Rate: _____ % per yr.

2. Annual Deliveries:

Year of Operation	1	2	3	4	5
No. of Sites					
Amount, Ac-ft/yr					

3. Reclaimed Water User Assurances: Please indicate method of providing user assurances.

User Agreements Mandatory Use Ordinance

Refer to Water Recycling Funding Guidelines for latest requirements and timing of submittals (label as Attachment 18).

4. Water Supply Project Best Management Practices (BMPs): Please provide a copy of the Department of Water Resources BMPs eligibility to receive grant or financing determination letter (label as Attachment 19) for surface or groundwater storage, recycling, desalination, water conservation, water supply reliability and water supply augmentation projects.

V. Notes or Explanations:

VI. Certification and Signature of Authorized Representative

I certify that the information in this application, including all attachments, is true and correct to the best of my knowledge and belief. I understand that updated information will be required later.

Signature: _____

Date: _____

Printed Name: _____

Financial Assistance Application Instructions

for

Clean Water State Revolving Fund (CWSRF) Program
Water Recycling Funding (WRF) Program
Small Community Wastewater Grant (SCWG) Program

All applicants are encouraged to schedule a kickoff meeting with the Division if the applicant has never applied or has not applied for a CWSRF, WRF or SCWG financing in the last two years. The kickoff meeting should be scheduled during the planning portion of the project because the federal and state requirements regarding environmental, credit review, and legal issues are all critical path tasks that Division staff can clarify early in the planning phase of a project. These Programs are dynamic and state/federal Policies, laws, and regulations are changing over time. Familiarity with recent changes is important. The Division recommends that the applicant review the application, application instructions, and the Credit Review Instructions prior to the kickoff meeting with the Division so that the applicant is prepared to ask questions relevant to its specific project requirements. Division staff may be able to schedule kickoff meetings at the applicant's location or another site, depending on travel costs and resources available, to accommodate the Division's and applicant's schedules.

This application package should be submitted to the address listed below at the completion of planning or earlier, if possible. An incomplete application package may be submitted, but applicants should understand that complete applications will be reviewed before incomplete applications. An agency may request funding from more than one program. The application, including attachments, is intended to provide all information and documents needed for facilities plan approval and a preliminary funding commitment. Updated information may be required later. The electronic versions of all forms are available from the Division Project Managers and the CWSRF web site: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/refmaterial.shtml
Please refer to the adopted Program Policy for program specific information.

Submit the completed application package to:

State Water Resources Control Board
Division of Financial Assistance
ATTN: Mr. Christopher Stevens, Supervising Engineer
1001 I Street, Sacramento, CA 95814
P.O. Box 944212
Sacramento, CA 94244-2120

State Water Resources Control Board (State Water Board)

Division of Financial Assistance (Division)

Financial Assistance Application Checklist

Submit your Financial Assistance Application with all the documents listed below. After review of your application, the Division of Financial Assistance (Division) will issue a Facilities Plan or a Concept Approval Letter and a preliminary funding commitment if the application meets all applicable program requirements.

Attach No.	Title of Attachment	Application Ref. Section	Attachment Notes
Submit the following documents for all Financial Assistance Programs (exceptions noted)			
1	Project Description	II.1	
2	Estimated Annual Disbursement Schedule (except SCWG) (*see note)	II.7	
3	Legal Authority (except SCWG)	III.1	
4A	Application and Authorization Resolution	III.2	
4B	Water Rights determination from the Division of Water Rights	III.3	
5	Project Report and/or Facilities Planning Document	III.4	
6	CEQA Checklist and Environmental Documents (SCWG: no CEQA+)	III.5	
7	Credit Review Package (except SCWG)	III.6	
8	Project Schedule	III.7	
9	Regional Water Board Requirements (Waste Discharge Requirements)	III.8	
10	Applicant's Authority on Property Access to Construct Project	III.9	
11A	Real Property Acquisition	III.10	
11B	Agreements with Other Parties	III.11	
11C	Tax Questionnaire (except SCWG)	III.12	
12	Water Conservation Plan (except SCWG)	III.13	
13A	Urban Water Management Plan (if required)	III.14	
13B	Compliance with Water Metering Requirements	III.15	
CWSRF Program only (include, in addition to the items 1 - 13 above, the following documents)			
14	Dedicated Source of Net Revenue (loans only, not required for grants)	IV.A.1	
15	Certification of Compliance With Federal Laws and Authorities	IV.A.2	
16	Reimbursement Resolution (Loans only)	IV.A.3	
17	General Plan Certification	IV.A.4	
WRFP only (include, in addition to the items 1 - 13 above, the following documents)			
18	Recycled Water User Assurances	IV.B.3	
19	AB 1420 Determination Letter	IV.B.4	

*Note - The Estimated Annual Disbursement Schedule is the Agency's estimate of future requests for CWSRF, SCWG or WRFP funds based on the Project's construction schedule. The Division uses these estimates for financial forecasting purposes and will periodically request updates from the Agency as the schedule proceeds closer to actual construction.

**EXAMPLE - Project Annual Disbursement Projections
for Use in Fiscal Impact Analysis**

Date Prepared: _____

Applicant Name: _____

Estimated Start of Construction Date: _____

Estimated Completion of Construction Date: _____

Estimated Total Funding Assistance (\$): _____

Applicant's Project Name	Project No. *	7/1/XX-6/30/XX	7/1/XX-6/30/XX	7/1/XX-6/30/XX	7/1/XX-6/30/XX

Instructions: Please provide the applicant's required cash flow needs for the entire project for each State Fiscal Year (SFY). The SFY begins July 1 and ends June 30 of each year.

* Project No. is assigned by the Division and may be found on the following State Water Control Board's web site for the current adopted Project Priority Listing: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/pubs.shtml

APPLICATION/AUTHORIZATION RESOLUTION(S) MODEL

RESOLUTION NO. _____

APPLICATION/AUTHORIZED REPRESENTATIVE RESOLUTION (Required for all Programs)

BE IT RESOLVED by the _____ (*Governing Board of the Agency*) that the _____ (*Title of Authorized Representative*) is hereby authorized and directed to sign and file, for and on behalf of the _____ (*Agency Name*), a Financial Assistance Application {NOTE: this works for loans, grants, Installment Sales Agreements and other financing} for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of (_____ *Project Title or Description*); and

BE IT RESOLVED that the _____ (*Agency Name*) hereby agrees and further does authorize the aforementioned representative or his/her designee to certify that the Agency has and will comply with all applicable state and federal statutory and regulatory requirements related to any financing or financial assistance received from the State Water Resources Control Board; and

BE IT FURTHER RESOLVED that the _____ (*Authorized Representative*) or his/her designee of the _____ (*Agency Name*) is hereby authorized to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto and certify financing agreement disbursements on behalf of the _____ (*Agency Name*). {NOTE: Following sentence is optional} Except for grant awards, such financial assistance shall not exceed (\$Total of Loan, Installment Sales Agreement, or other Non-Grant financing).

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the _____ (*Governing Board of the Agency*) held on _____ (*Date*)

(Seal)

(Name & Signature of the Clerk or Authorized Record Keeper of the Governing Board of the Agency)

INSTRUCTIONS AND GUIDANCE: ENVIRONMENTAL REVIEW CHECKLIST
FOR THE APPLICATION AND EVALUATION FOR
ENVIRONMENTAL REVIEW AND FEDERAL COORDINATION FORMS

Introduction:

Detailed information, including statutes and guidelines on the California Environmental Quality Act (CEQA), can be obtained at <http://ceres.ca.gov/ceqa>. A CEQA Process Flowchart that shows interaction points between lead and responsible agencies can be found at http://ceres.ca.gov/topic/env_law/ceqa/flowchart/index.html. In addition, State Water Board environmental staff is available to answer questions about the review process. Please contact your assigned Project Manager to be directed to an appropriate environmental staff person for further clarification.

Environmental Review Checklist:

All projects coming to the State Water Board for funding are considered “projects” under CEQA because the State Water Board is providing discretionary approval for that funding. State Water Board staff will begin a formal environmental review for a CWSRF project when the State Water Board Project Manager receives a complete Environmental Review package from the applicant. A complete Environmental Review package includes all required CEQA documentation listed on the Environmental Review Checklist for the Applicant and a completed Evaluation Form for Environmental Review and Federal Coordination with the attached supporting documentation to assure compliance with the federal environmental cross-cutting regulations.

The type of CEQA document that might apply to an applicant’s project include one of the following: 1. Notice of Exemption; 2. Initial Study/Negative Declaration (or Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Program [MMRP]); or 3. Environmental Impact Report (EIR) with an MMRP. The applicant must determine the appropriate document for its project and submit the additional supporting information listed under the applicable section of the Environmental Review Checklist. Please submit two copies of all documents. If the applicant is using a CEQA document that is older than five years, the applicant must re-evaluate environmental and project conditions, and develop and submit an updated document based on the results of that re-evaluation.

The applicant must ensure the environmental documents are specific to the project for which funding is being requested. Program or Master Plan EIRs may not provide sufficient detail for the State Water Board to make its findings. The applicant should submit documents that are project-specific. If a CEQA document refers to environmental and mitigation information contained in other documents, then the applicant must submit those documents.

Each applicant, if it is a public agency, is responsible for approving the environmental documents it uses regardless of whether or not it is a lead agency under CEQA. Non-profit organizations, however, shall only be responsible for approving the applicable project mitigation measures identified in the MMRP. For purposes of State Water Board funding, all public agencies applying for this funding shall file either a Notice of Exemption or a Notice of Determination with the Governor’s Office of Planning and Research (State Clearinghouse). Stamped copies of these notices shall be submitted with the rest of the environmental documents.

If the CEQA document is linked to a National Environmental Policy Act (NEPA) document (such as an Environmental Assessment or an Environmental Impact Statement), then the applicant shall submit the additional corresponding NEPA items with either a Finding of No Significant Impact or a Record of Decision made by the lead agency under NEPA.

Note that additional information may be requested from the applicant after review of all the environmental documents to ensure the State Water Board can fulfill its own environmental review responsibilities.

The CWSRF requires full disclosure of all aspects of the project, including impacts and mitigation measures that are not only regulated by state agencies, but also by federal agencies. Early consultation with state and federal agencies will minimize changes to the project during the application review process. The applicant shall provide the information and/or reference any applicable sections from the documents being submitted to assist the environmental staff with its review. The following information provides guidance on key areas of federal coordination and review.

1. Federal Endangered Species Act (ESA), Section 7:

For further information on the federal ESA go to <http://www.fws.gov/endangered/policy/index.html> and <http://www.nmfs.noaa.gov/pr/laws/esa/>. Note that compliance with both state and federal ESA is required of projects having the potential to impact special status species. Although overlap exists between the federal and state ESAs, there might be additional or more restrictive state requirements. For further information on the state ESA, go to <http://www.dfg.ca.gov/habcon/cesa/>.

2. National Historic Preservation Act (NHPA), Section 106:

The NHPA focuses on federal compliance. In addition, CEQA requires that impacts to cultural and historic resources be analyzed. The "CEQA and Archeological Resources" section from the Governor's Office of Planning and Research CEQA Technical Advice Series states that the lead agency obtains a current records search from the appropriate California Historical Resources File System Information Center. In addition, the Native American Heritage Commission (NAHC) will provide a list of Native American tribes to be contacted and that are culturally affiliated with a project area. For more information visit Office of Historic Preservation website at <http://ohp.parks.ca.gov/>.

The NAHC can be contacted at:

915 Capitol Mall, Room 364
Sacramento, CA 95814
(916) 653-4082

3. Clean Air Act:

For CWSRF financed projects, we recommend including a general conformity section in the CEQA documents. This will eliminate the need for another public review process, should a conformity determination be required. The applicant should check with its air quality management district and review the State Air Resources Board [California air emissions map](#) for information on the State Implementation Plan. For information on the analysis steps involved in evaluating conformity, please contact an environmental staff person through your assigned Project Manager.

4. Coastal Zone Management Act:

For affected areas, refer to <http://coastalmanagement.noaa.gov/mystate/docs/StateCZBoundaries.pdf>. For additional information please, refer to <http://www.coastal.ca.gov/ccatc.html> and/or <http://www.bcdc.ca.gov/>.

5. Farmland Protection Policy Act:

The Natural Resources Conservation Service provides information on the Farmland Protection Policy Act at <http://www.nrcs.usda.gov/programs/fppa>. Please see the following website regarding the Williamson Act <http://www.consrv.ca.gov/dlrp/lca>.

6. Floodplain Management - Executive Order 11988:

Each agency shall provide leadership and take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities. Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain. The generally established standard for risk is the flooding level that is expected to occur every 100 years. If an agency has proposes to conduct, support, or allow an action in a floodplain, then the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplain. For further information, please consult the following web link: <http://www.epa.gov/owow/wetlands/regs/eo11988.html>.

7. Migratory Bird Treaty Act (MBTA):

The MBTA provides legal protection for almost all breeding bird species occurring in the United States. It must be addressed in CEQA. The MBTA restricts the killing, taking, collecting and selling, or purchasing of native bird species or their parts, nests, or eggs. The treaty allows hunting of certain game bird species, for specific periods, as determined by federal and state governments. In the CEQA document, each agency must make a finding that a project will comply with the MBTA. For further information, please consult the following web link: <http://www.fws.gov/laws/lawsdigest/migtrea.html>.

8. Protection of Wetlands – Executive Order 11990:

Projects, regardless of funding, must get approval for any temporary or permanent disturbance to federal and state waters, wetlands, and vernal pools. The permitting process is usually through the U.S. Army Corps of Engineers (USACOE). This process can be lengthy, and may ultimately require project alterations to avoid wetlands. Applicants must consult with USACOE early in the planning process if any portion of the project site contains wetlands, or other federal waters. The USACOE Wetland Delineation Manual is available at: <http://www.wetlands.com/regs/tlpge02e.htm>. Also note that the State and/or Regional Water Quality Control Boards are involved in providing approvals through a 401 Water Quality Certification and/or Waste Discharge Requirements (http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml).

9. Wild and Scenic Rivers Act:

There are construction restrictions or prohibitions for projects near or on a “wild and scenic river.” A listing of designated “wild and scenic rivers” can be obtained at <http://www.rivers.gov/wildriverslist.html>. Watershed information can be obtained through the “Watershed Browser” at: http://cwp.resources.ca.gov/map_tools.php.

10. Source Water Protection:

For more information, please visit: <http://epa.gov/region09/water/groundwater/ssa.html>.

State Water Resources Control Board (State Water Board)
Clean Water State Revolving Fund Program
Environmental Review Checklist for the Applicant
What to Submit to your State Water Board's Project Manager

If project is covered under a **CEQA Categorical or Statutory Exemption**, submit a copy of the following ¹:

- Notice of Exemption (filed with the Governor's Office of Planning and Research)**
- List of Best Management Practices (BMPs) and their locations, if project implements BMPs**
- Map of the project area**
- Evaluation form for Environmental Review and Federal Coordination**

If project is covered under a **Negative Declaration**, submit a copy of the following ¹:

- Draft and Final Initial Study/Negative Declaration**
(or Mitigated Negative Declaration, if applicable)
 - Comments and Responses to the Draft
 - Mitigation Monitoring and Reporting Program (if using a Mitigated Negative Declaration)
- Resolution approving the CEQA documents**
 - Adopting the Negative Declaration
 - Making CEQA Findings
- Notice of Determination (filed with the Governor's Office of Planning and Research)**
- Evaluation form for Environmental Review and Federal Coordination**

If project is covered under an **Environmental Impact Report (EIR)**, submit a copy of the following ¹:

- Draft and Final EIR**
 - Comments and Responses to the Draft
 - Mitigation Monitoring and Reporting Program (MMRP)
- Resolution approving the CEQA documents**
 - Certifying the EIR and adopting the MMRP
 - Making CEQA Findings
 - Adopting a Statement of Overriding Considerations for any adverse impact(s) that cannot be avoided or fully mitigated if project is implemented
- Notice of Determination (filed with the Governor's Office of Planning and Research)**
- Evaluation form for Environmental Review and Federal Coordination**

If EIR is a joint CEQA/National Environmental Policy Act document (EIR/Environmental Impact Statement or EIR/Environmental Assessment), submit the applicable Record of Decision and/or Finding of No Significant Impact.

¹ If the CEQA document is more than five years old applicant shall provide an updated CEQA document (eg., subsequent, supplemental, or addendum CEQA documents) or a letter that describes the current status of the environmental condition for the project's location.

State Water Resources Control Board (State Water Board)
Clean Water State Revolving Fund Program

Evaluation Form for Environmental Review and Federal Coordination

1. **Federal Endangered Species Act:**

Does the project involve any direct effects from construction activities, or indirect effects such as growth inducement that may affect federally listed threatened or endangered species that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?

Attach project-level biological surveys, evaluations analyzing the project's direct and indirect effects on special-status species, and a current species list for the project area.

No. Discuss why the project will not impact any federally listed special status species:

Yes. Include information on federally listed species that could potentially be affected by this project and any proposed avoidance and compensation measures so that the State Water Board can initiate informal/formal consultation with the applicable federally designated agency. Document any previous ESA consultations that may have occurred with the project.

2. **National Historic Preservation Act:**

Identify the Area of Potential Effects (APE), including construction, staging areas, and depth of any excavation. (Note that the APE is three dimensional and includes all areas that may be affected by the project, including the surface area and extending below ground to the depth of any project excavations.)

Attach a current records search with maps showing all sites and surveys drawn in relation to the project area, and records of Native American consultation.

3. Clean Air Act: Is the project subject to a State Implementation Plan (SIP) conformity determination?

No. The project is in an attainment or unclassified area.

Yes. The project is in a nonattainment area or attainment area subject to maintenance plans. Include information to indicate the nonattainment designation (e.g. moderate, serious or severe), if applicable. If estimated emissions (below) are above the federal de minimis levels, but the project is sized to meet only the needs of current population projections that are used in the approved SIP for air quality, then quantitatively indicate how the proposed capacity increase was calculated using population projections.

Air Basin Name: _____

Provide the estimated project construction and operational air emissions (in tons per year) in the chart below, and attach supporting calculations.

Attach any air quality studies that may have been done for the project.

Pollutant	Status (Attainment, Nonattainment or Unclassified)	Threshold of Significance for the Area (if applicable)	Construction Emissions (Tons/Year)	Operation Emissions (Tons/Year)
Carbon Monoxide (CO)				
Ozone (O ₃)				
Oxides of Nitrogen (NO _x)				
Particulate Matter (PM _{2.5})				
Particulate Matter (PM ₁₀)				
Reactive Organic Gases (ROG)				
Sulfur Dioxide (SO ₂)				
Volatile Organic Compounds (VOC)				

4. Coastal Zone Management Act: Is any portion of the project site located within the coastal zone?

No. The project is not within the coastal zone.

Yes. Describe the project location with respect to coastal areas, and the status of the coastal zone permit:

5. **Farmland Protection Policy Act:**

Is any portion of the project site located on important farmland?

No. The project will not impact farmland.

Yes. Include information on the acreage that would be converted from important farmland to other uses. Indicate if any portion of the project site is located within Williamson Act control and the amount of affected acreage:

6. **Flood Plain Management:**

Is any portion of the project site located within a 100-year floodplain as depicted on a floodplain map or otherwise designated by the Federal Emergency Management Agency?

No. Provide a description of the project location with respect to streams and potential floodplains:

Yes. Describe the floodplain, and include a floodplain map and a floodplains/wetlands assessment. Describe any measures and/or project design modifications that would minimize or avoid flood damage by the project:

7. **Migratory Bird Treaty Act:**

Will the project affect protected migratory birds that are known, or have a potential, to occur on-site, in the surrounding area, or in the service area?

No.

Yes. Discuss the impacts (such as noise and vibration impacts, modification of habitat) to migratory birds that may be directly or indirectly affected by the project and mitigation measures to reduce or eliminate these impacts. Include a list of all migratory birds that could occur where the project is located:

8. Protection of Wetlands:

Does any portion of the project area contain areas that should be evaluated for wetland delineation or require a permit from the U.S. Army Corps of Engineers?

No. Provide the basis for such a determination:

Yes. Describe the impacts to wetlands, potential wetland areas, and other surface waters, and the avoidance, minimization, and mitigation measures to reduce such impacts. Provide the status of the permit and information on permit requirements:

9. Wild and Scenic Rivers Act:

Is any portion of the project located within a wild and scenic river?

No. The project will not impact a wild and scenic river.

Yes. Identify the wild and scenic river watershed and project location relative to the affected wild and scenic river:

Identify watershed where the project is located: _____

10. Source Water Protection:

Is the project located in an area designated by the U.S. Environmental Protection Agency, Region 9, as a Sole Source Aquifer?

No. The project is not within the boundaries of a sole source aquifer.

Yes. Identify the aquifer (e.g., Santa Margarita Aquifer, Scott's Valley, the Fresno County Aquifer, the Campo/Cottonwood Creek Aquifer or the Ocotillo-Coyote Wells Aquifer):

State Water Resources Control Board
Division of Financial Assistance (Division)
Financial Assistance Credit Review Checklist

Applicant Name: _____

Project Name: _____

Project Number: _____

A Preliminary Funding Commitment (PFC) will not be approved until the Credit Review documents listed below have been submitted, reviewed, and a credit limit determined for the applicant by the Division. The following list of required documents is to be provided to the Division.

Item No.	Description of Document (March 2009 CWSRF Policy Section)
1	Estimated Project construction and annual Operations & Maintenance costs (IX.A.6)
2	Project costs financed by the CWSRF and other fund sources (IX.A.10.c)
3	MHI for the Project service area (IX.A.2.a)
4	Project Description, Location and service area map (IX.A.2 and IX.A.10)
5	Project Benefits (IX.A.1)
6	Total of active service connections (Residential listed separately) (IX.A.2.b)
7	Current monthly residential service charges (IX.A.2.c)
8	Projected monthly residential service charges (after funding) (IX.A.10.d)
9	Legal opinion on Proposition 218 & Pledged Revenue (IX.E.1)
10	Draft or Adopted Dedicated Source of Net revenues Resolution (IX.E.2)
11	Other security, if any (IX.E.3.c)
12	Financial Statements (3 years – including most recent) (IX.E.3.a)
13	Cash reserves and uses (IX.E.3.b)
14	Schedule of System Obligations (IX.E.5)
15	Bond Counsel Legal Opinion on System Obligations (IX.E.5.c)
16	Debt Documents (IX.E.5.d)
17	Legal Opinion on Litigation, Disputes, Audits (IX.E.4)
18	Future Capital Improvements / long term indebtedness (IX.E.6)

Description of items required on Credit Review Checklist:

Estimated Costs, CWSRF Funding, Other Sources of Funds Amounts, and MHI

1. The estimated construction and annual Operation and Maintenance (O&M) costs;
2. A description of the anticipated manner in which all the costs will be financed; and
3. Median Household Income (MHI) and population for the proposed Project service area using census data or the most recent income survey if the census data does not accurately reflect the community's MHI. This information is used to analyze various factors, including affordability (*if applicant does not have credit review consultant, the Division will research and provide MHI information as part of its Credit Results*).

Project Description, Location, and Benefits

4. Description of project, project location and a map of existing service area;
5. Statement of Project needs and benefits, including a discussion of the water quality benefits of the Project and the public health or water quality problems to be corrected.

Total Active Service Connections

6. Active wastewater service connections that are currently and directly served by the wastewater collection system. This includes a breakdown by each category for all domestic or residential, industrial, commercial and other connections.

Average Current Monthly Wastewater Charges

7. If the wastewater system uses a "tiered" rate, the charge should reflect what a typical user pays in each category and the basis of the charges. The rate should reflect direct wastewater charges plus any other fees or charges that support the wastewater service such as parcel fees, standby charges, wastewater taxes, and surcharges.

Projected Monthly Residential Service Charge (Project Constructed)

8. Provide the average projected monthly wastewater charges that will be passed on to wastewater users by category and the basis of the charges during the useful life of the proposed Project. Include any ineligible project costs as well as non-Project-related wastewater system costs that will be imposed on the residential users during the next five years.

Proposition 218 and Pledged Revenue Legal Opinion

9. Please submit a legal opinion with regard to repayment sources:
 - a. If user charges may be used for repayment, please submit letter from counsel addressing the following:
 1. Date of mailing notice to ratepayers;
 2. Date of last rate-setting hearing; and
 3. Certifying that the most recent rate setting proceedings were in compliance with the substantive and procedural requirements of Proposition 218.
 - b. For all funds used for repayment, please include in the letter from counsel the following information:
 4. Citations to the relevant laws authorizing use of such funds and any conditions, and
 5. Information about whether any pre-conditions to such use (election, etc.) has occurred.

Also submit for the most recent Proposition 218 rate process, the number of rate payers noticed and number of protests received either in writing or at a public hearing. If applicant is still working on a rate increase, provide a schedule of key events and the details of the proposed Proposition 218 rate increase.

Draft or Adopted Dedicated Source of Net Revenues

10. Submit a draft or adopted resolution dedicating net revenues for repayment of CWSRF financing. An adopted resolution will be due prior to entering into a CWSRF financing agreement. Net revenues means net revenues of System. See enclosed Schedule of System Obligations (Attachment 18) for definition of System.

Other Sources of Security

11. The applicant shall identify other sources of security, if any, the value of any such security, and whether such security is currently pledged to another financing.

Financial Statements and Security (3 years, including most recent)

12. The applicant shall provide three years of financial statements. The financial statements must include current year (if available), and two years prior (Audited financial statements are preferred).

Cash Reserves and Uses

13. The applicant shall identify any cash reserves and the planned uses of the cash reserves shown in the financial statements.

Schedule of System Obligations (SSO), Bond Counsel Opinion, and Debt Documents

14. Please submit a completed SSO for your projects (see next page for form). The SSO will be an exhibit to the CWSRF financing agreement and will rank existing debt according to priority in relation to the new, anticipated CWSRF debt (senior, parity, or subordinate). Most CWSRF recipients will place an "N/A" in the box for senior debt, unless existing debt expressly precludes additional debt parity. The SSO will list the name of lender, title of debt, debt term, interest rate, total debt amount, remaining debt balance, and debt end date.

15. The applicant shall submit a letter from the Agency's bond counsel, representing that counsel has reviewed the CWSRF financing agreement template posted online and citing relevant provisions in each of the applicant's existing debt documents listed in the SSO (including CWSRF debts), that would affect the ability of the Agency to agree to and meet its obligations under the proposed CWSRF financing agreement (the template for the CWSRF financing agreement can be found at http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/cwsrf/cwsrf_ctrct_tmplte.pdf). The bond counsel must provide an opinion about any conditions in existing debt(s) that would affect the applicant's ability to agree to and meet its obligations under the CWSRF financing agreement (provide legal citations for reference) and whether/how those conditions have been met. If the applicant has no other debts (except other CWSRF debt), the Agency's Authorized Representative must provide a letter stating these facts.

16. For all System debt (other than CWSRF debt), the applicant shall submit the relevant debt document (loan agreement, bond indenture, installment sales agreement, etc.) by either CD or paper copy. The applicant may be required to submit supplemental materials.

Litigation, Disputes, and Audits Legal Opinion

17. The applicant's attorney shall describe any pending or anticipated litigation, contractual or ratepayer/taxpayer disputes, and/or adverse audit findings by outside auditors (including commercial and government auditors, grand juries, or other similar entities acting in a formal capacity) related to the system, the project or the project property that may detrimentally affect the applicant's payment source, the ability of the applicant to agree to or pay the CWSRF financing or manage and implement the project financed by the CWSRF Program. Particular emphasis should be placed on timeframes and potential financial exposure.

Future Capital Improvements and Long-Term Indebtedness Needs

18. The applicant must describe its capital improvement plans and the long-term indebtedness needed to fund future capital improvements.

SCHEDULE OF SYSTEM OBLIGATIONS

The following outstanding Local debts are senior to this Financing Agreement.

Attach.	Name of Lender & Title of Debt	Project No.	Debt Term (yr)	Interest Rate	Total Debt Amount	Remaining Debt Balance	Debt End date	Annual Payment Amount
A								

The following debts are on parity to this Financing Agreement.

Attach.	Name of Lender & Title of Debt	Project No.	Debt Term (yr)	Interest Rate	Total Debt Amount	Remaining Debt Balance	Debt End date	Annual Payment Amount

The following debts are subordinate to this Financing Agreement.

Attach.	Name of Lender & Title of Debt	Project No.	Debt Term (yr)	Interest Rate	Total Debt Amount	Remaining Debt Balance	Debt End date	Annual Payment Amount

Note: A part of the Financing Agreement is the Schedule of System Obligations (SSO).

“System” means for the purposes of a wastewater project, all wastewater collection, transport, treatment, storage and disposal facilities, including land and easements thereof, owned by the applicant, including the proposed Project, and all other properties, structures or works hereafter acquired and constructed by the applicant and determined to be a part of the System, together with all additions, betterments, extensions or improvements to such facilities, properties, structures or works of any part thereafter acquired and constructed. For purposes of a water recycling project, “System” means all wastewater, water recycling, and/or potable water collection, transport, treatment, storage and and/or disposal facilities, including land and easements thereof, owned by the applicant, including the proposed Project, and all other properties, structures or works hereafter acquired and constructed by the applicant and determined to be a part of the System, together with all additions, betterments, extensions or improvements to such facilities, properties, structures or works of any part thereafter acquired and constructed.

Each attachment listed above is the corresponding repayment or maturity schedule for that obligation. The SSO is a listing of all current outstanding System debt (including CWSRF debts) for the Agency’s wastewater entity with the following information describing the relationship of the debts with respect to all CWSRF financing agreement(s) as senior, parity, or subordinate. Also, the Agency will need to submit a letter from the Agency’s bond counsel addressing any conditions or prohibitions in existing debt (except other CWSRF debts) that would affect the ability of the Agency to enter into and meet its obligations under the CWSRF financing agreement. Debts addressed by counsel should match those listed in the SSO. If the applicant does not have other debts (except other CWSRF debts), the Agency’s Authorized Representative must provide a letter stating this. The Agency’s SSO will include: name of lender; title of debt, debt term, interest rate, total debt amount; remaining debt balance; and debt end date. Most CWSRF applicants will place an “N/A” in the box for senior debt, unless existing system debt expressly precludes additional parity debt. For all debts other than existing CWSRF debts, include maturity schedules and debt instruments (bond documents, loan agreements, etc.) on a CD or paper copy. All information submitted will be reviewed by SWRCB Legal and Credit Review staff for compliance with CWSRF Program requirements.

Clean Water State Revolving Fund (CWSRF) Program
of the
State of California
acting by and through the
State Water Resources Control Board (State Water Board)

TAX QUESTIONNAIRE

You have applied for financing from the State Water Board and its CWSRF. The CWSRF utilizes the proceeds of tax-exempt bonds (Bonds). Since the Bonds will be tax-exempt, it is necessary to obtain certain information regarding the project (Project) to be funded by the CWSRF Program. This Tax Questionnaire is designed to assist in obtaining such information. Each recipient of a CWSRF financing agreement or other assistance to be financed with Bond proceeds is requested to complete the Tax Questionnaire. In addition, you will be asked to execute a certification as to the use of the financial assistance being provided to you and certain other matters that could affect the tax exemption of the Bonds. We will prepare this certification based upon the information furnished by you in this Tax Questionnaire. Your CWSRF financing agreement, also known as an Installment Sales Agreement, will also contain tax covenants based in part on your answers to this Tax Questionnaire.

Any questions regarding this Tax Questionnaire may be directed to your Project Manager. You may also wish to consult with your own counsel. The adopted Reimbursement Resolution should be submitted with the application or as soon as possible after the application is submitted. However, if the Agency cannot send in the Reimbursement Resolution with the application, the latest date of submittal is no later than 60 days after start of construction of the project. The Reimbursement Resolution must be submitted before the Division can prepare the CWSRF financing agreement (see the enclosed model Reimbursement Resolution).

Please return a hard copy version of the executed, completed Tax Questionnaire and the adopted Reimbursement Resolution to your Project Manager at State Water Resources Control Board, Division of Financial Assistance, 1001 I Street, 16th Floor, Sacramento, California 95814.



**STATE WATER RESOURCES CONTROL BOARD
CLEAN WATER STATE REVOLVING FUND PROGRAM
TAX QUESTIONNAIRE**

LEGAL NAME OF APPLICANT

Project Number

**DATE/TIME RECEIVED
BY Water Board**

NAME AND LOCATION OF PROJECT

As used in this Tax Questionnaire, the term "Project" is the project that you described in the Financial Assistance Application submitted to the Water Board and constitutes those costs that will be funded by the Water Board under the Agreement. The phrase "Non-Governmental Entity" constitutes any person, partnership, corporation or other organization that is not organized as a state, city, county, school district, other special district or joint powers authority. The federal government is a Non-Governmental Entity.

Instructions: Answer all questions and provide all information and documents requested. Begin typing in the shaded area and the space will enlarge to accommodate the information that is typed.

1. Briefly describe the Project, its functions and its principal components.

2. Indicate by principal components your current estimates of the costs of the Project, as follows:

- | | |
|---|----|
| a. Construction costs | \$ |
| b. Equipment costs | \$ |
| c. Rehabilitation or renovation of facilities | \$ |
| d. Site preparation costs | \$ |
| e. Architectural/engineering, design and planning costs | \$ |
| f. Engineering and administrative costs during construction | \$ |
| g. Surveys | \$ |
| h. Legal fees | \$ |
| i. Financing costs | \$ |
| j. Commitment fees and deposits | \$ |
| k. Other costs (please specify) | \$ |

Yes No

3. Will any portion of the financing provided under the Agreement be used to refinance existing debt relating to the Project?

(If yes, please identify the existing indebtedness to be refinanced, including its name, original issue date, par amount, purpose(s), whether it is immediately prepayable, and whether the interest on such existing debt is federally taxable or tax-exempt. State the amount of the Agreement that is expected to be used for refinancing purposes. Note that existing indebtedness includes all bonds, notes, leases or commercial paper issued by you relating to any portion of the Project.)

4. Indicate the amount of Project costs that are expected to be paid within the following periods of time:

(Please respond to this question using the expected initiation date of construction.)

Project costs to be spent within 6 months: \$

Project costs to be spent within 12 months: \$

Project costs to be spent within 18 months: \$

Project costs to be spent within 24 months: \$

Project costs to be spent within 30 months: \$

Project costs to be spent within 36 months: \$

Project costs to be spent *beyond* 36 months: \$

5. Please provide the dates of expected commencement and completion of construction of the Project.

Yes No

6. Have any costs of the Project been paid prior to the date hereof?

(For each Project cost that has been previously paid, provide an itemization of the (i) amount, (ii) purpose, (iii) date paid, and (iv) source of payment of such cost, e.g., revenue, Federal or State grants, other financing, or internal loan.)

Yes No Not Applicable

7. If you answered "yes" to Question 6 above, have you at any time adopted a resolution or other official action (e.g., a so-called "reimbursement resolution") relating to your intent to finance the Project with financial assistance from the WATER BOARD or other indebtedness?

(If yes, please identify the date of such resolution or other document and attach a copy.)

Yes No

8. Will any portion of the financing provided under the Agreement be used to pay administrative or engineering expenses directly relating to the construction of the Project?

(If yes, please state the amount expected to be so used and provide details as to its calculation (e.g., based on actual costs or a percentage of construction).)

Yes No Not Applicable

9. If you answered "yes" to Question 8 above, will any portion of the financing provided under the Agreement be used to pay administrative or engineering expenses incurred by the applicant's staff?

(If yes, please state the amount expected to be so used and provide details of the work performed.)

Yes No Not Applicable

10. If you answered "yes" to Question 9 above, will the charges to be reimbursed be tracked by an accounting system, such as a cost accounting system, that will allow them to be differentiated from other charges for other work done by the applicant's staff?

(If yes, please specify how charges will be tracked.)

Yes No

11. Do you anticipate any Non-Governmental Entity owning any portion of the Project at any time?

(If yes, identify the Non-Governmental Entity and provide all available details with respect to its ownership interest.)

Yes No

12. Do you anticipate any Non-Governmental Entity contracting to operate, manage or provide any exclusive services with respect to the Project at any time?

(If yes, please identify the Non-Governmental Entity and explain the arrangement. If an operations, management or exclusive services contract currently exists, attach a copy. Contracts that relate solely to services that are merely incidental to the primary use of the Project need not be listed. Examples of incidental services are contracts for janitorial services, office equipment repairs or billing services. If you are uncertain as to whether the contract is incidental or not, please describe the contract and the services provided thereunder.)

Yes No

13. Will the Project provide recycled water or wastewater services to non-governmental entities other than on the basis of standard rates and charges?

(If there are any non-standard rates and charges, describe the rate structure focusing on any special rate agreements or charges for specific entities. An example of a non-standard rate is a large industrial user paying a flat fee in a system where the other users pay a rate based on usage.)

Yes No

14. Do you anticipate any Non-Governmental Entity having special priority rights or other preferential rights to use the service provided by the Project?

(If yes, identify the Non-Governmental Entity and describe the special priority or preferential right(s).)

Yes No

15. Will the entire Project be available for use by the general public?

(If no, please explain and describe the portion of the Project that will not be available for use by the general public. For example, municipal water and wastewater systems used for residential, commercial, governmental and business purposes are available for use by the general public; a specialized pollution control facility immediately adjacent to a private business that is the sole user of the facility is not available for use by the general public.)

Yes No

16. Will any Non-Governmental Entity guaranty or otherwise be directly obligated to repay the financial assistance provided under the Agreement?

(If yes, identify the Non-Governmental Entity and describe the guaranty arrangement therewith.)

APPLICANT ACKNOWLEDGEMENT AND SIGNATURE

I hereby certify that I am an authorized representative of the Applicant, and that I am authorized by the Applicant to execute this Tax Questionnaire. I am charged with the responsibility to perform such acts as are necessary and proper for the financing, construction, acquisition and/or improvement of the Project, and am acting for and on behalf of the Applicant in executing this Tax Questionnaire. I certify that I am familiar with the Project and that all information contained herein is true, correct and complete to the best of my knowledge. I am not aware of any facts or circumstances that would cause me to question the accuracy or reasonableness of any information contained in these responses or attached documentation. I understand that the foregoing information and attached documentation will be relied upon by the Water Board and their counsel, in providing financing with respect to the Project.

AUTHORIZED REPRESENTATIVE SIGNATURE

PRINT NAME AND TITLE

DATE

**CERTIFICATION FOR COMPLIANCE WITH WATER METERING
REQUIREMENTS FOR FUNDING APPLICATIONS**



In 2004, Assembly Bill 2572 added section 529.5 to the Water Code, providing that, commencing January 1, 2010, urban water suppliers must meet certain volumetric pricing and water metering requirements in order to apply for permits for new or expanded water supply, or state financial assistance for the following types of projects:

1. wastewater treatment projects
2. water use efficiency projects (including water recycling projects)
3. drinking water treatment projects

For the purposes of compliance with Section 529.5, a "water use efficiency project" means an action or series of actions that ensure or enhance the efficient use of water or result in the conservation of water supplies.

Please consult with your legal counsel and review sections 525 through 529.7 of the Water Code before completing this certification. Do NOT modify the Compliance with Water Metering Certification form other than adding the Agency Name, Project Title, Name of Authorized Representative, and Title.

Applicants Affected

This requirement applies to urban water suppliers.

"Urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers.

When Certification is Required

State Water Resources Control Board (State Water Board): The application for financial assistance must include a completed and signed certification form demonstrating compliance with the water metering requirements.

Department of Water Resources (DWR) funding applications: This certification must be completed and submitted with the funding application. Check the specific proposal solicitation package for directions on applicability and submittal instructions.

Department of Public Health (DPH) Safe Drinking Water State Revolving Fund Program: This certification must be completed and submitted with the executed Notice of Acceptance of Application (NOAA).

**CERTIFICATION FOR COMPLIANCE WITH WATER METERING
REQUIREMENTS FOR FUNDING APPLICATIONS**



Funding Agency name: State Water Resources Control Board

Funding Program name: Clean Water State Revolving Fund

Applicant (Agency name): City of Name

Project Title (as shown on application form): Wastewater Treatment Plant Improvement Project –CWSRF No. C-06-XXXX-110

Please check one of the boxes below and sign and date this form.

As the authorized representative for the applicant agency, I certify under penalty of perjury that the agency is not an urban water supplier, as that term is understood pursuant to the provisions of section 529.5 of the Water Code.

As the authorized representative for the applicant agency, I certify under penalty of perjury that the applicant agency has fully complied with the provisions of Division 1, Chapter 8, Article 3.5 of the California Water Code (sections 525 through 529.7 inclusive) and that the ordinances, rules, or regulations submitted with this certification as listed below have been duly adopted and are in effect as of this date.

I understand that the Funding Agency will rely on this signed certification in order to approve funding and that false and/or inaccurate representations in this Certification Statement may result in loss of all funds awarded to the applicant for its project. Additionally, for the aforementioned reasons, the Funding Agency may withhold disbursement of project funds, and/or pursue any other applicable legal remedy.

Name of Authorized Representative
(Please print)

Signature

Title

Date

Dedicated Source of Revenue Resolution Instructions

- A. Clean Water State Revolving Fund (CWSRF) and Water Recycling Funding Program (WRFP) requirements require each recipient to establish one or more dedicated sources of revenue for repayment of the CWSRF and/or WRFP assistance (except for grants).
- B. If the recipient plans to use any combination of or portion of user fees/charges or connection fees/charges for repayment, the dedicated source should be **net revenues**. This is consistent with typical financial industry standards. Other types of dedicated source(s) which may be acceptable include: special assessment, general taxes, general obligation bonds, or revenue bonds.
- C. You should provide a draft Dedicated Source of Revenue Resolution with the credit review package. The final resolution must be adopted before the financing agreement is issued. Ordinance or resolution language equivalent to the following would be acceptable in most cases:

1. The (Agency Name) hereby dedicates net revenues to payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding Program financing for Project Name Project No. C-06-XXX-XXX. This dedicated source of net revenues shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board.

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the (Governing Board of the Agency) held on (Date).

(Seal)

(Name & Signature of the Clerk or Authorized Record Keeper of the Governing Board of the Agency)

**Certification of Compliance
With Federal Laws and Authorities**

The Applicant certifies that it is familiar with, understands, and will comply with the following federal laws applicable to recipients of CWSRF funding. The Applicant further certifies that it will consult with its own attorney in making the above certification. The Applicant understands that these conditions, or conditions like them, will be incorporated into the final financing agreement.

Environmental Authorities

1. Archeological and Historical Preservation Act of 1974, Pub. L. 86-523, as amended, Pub. L. 93-291 16 USC § 469a-1.
2. Clean Air Act, Pub. L. 84-159, as amended.
3. Coastal Barrier Resources Act, Pub. L. 97-348, 96 Stat. 1653; 16 USC § 3501 et seq.
4. Coastal Zone Management Act, Pub. L. 92-583, as amended; 16 USC § 1451 et seq.
5. Endangered Species Act, Pub. L. 93-205, as amended; 16 USC § 1531 et seq.
6. Environmental Justice, Executive Order 12898.
7. Floodplain Management, Executive Order, 11988 as amended by Executive Order 12148.
8. Protection of Wetlands, Executive Order 11990, as amended by Executive Order No. 12608.
9. Farmland Protection Policy Act, Pub. L. 97-98; 7 USC § 4201 et seq.
10. Fish and Wildlife Coordination Act, Pub. L. 85-624, as amended.
11. National Historic Preservation Act of 1966, Pub. L. 89-665, as amended, 80 Stat. 917 (1966) 16 USC § 470 et seq.
12. Safe Drinking Water Act, Pub. L. 93-523, as amended; 42 USC § 300f et seq.
13. Wild and Scenic Rivers Act, Pub. L. 90-542, as amended, 82 Stat. 913; 16 USC § 1271 et seq.
14. Essential Fish Habitat Consultation. Pub. L. 94-265, as amended, 16 USC § 1801 et seq.
15. Recycled Materials. Executive Order 13101; Section 6002 Resource Conservation and Recovery Act – 42 USC § 6962.

Economic and Miscellaneous Authorities

1. Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754, as amended, Executive Order 12372/ 42 USC § 3331 et seq.
2. Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans; 42 USC § 7606; 33 USC § 1368; 40 CFR Part 31.
3. Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended; 42 USC §§4601-4655
4. Contractors, Subcontractors, Debarment and Suspension, Executive Order 12549; 2 CFR Part 180; 2 CFR Part 1532. The Excluded Parties List System can be found at <http://epls.gov> . The Recipient represents and warrants that it has included a term or conditions requiring compliance with this provision in all of its contracts and subcontracts. The Recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the termination, delay or negation of this Agreement.

5. Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects, EO 13202, as amended by EO 13208.
6. Hotel and Motel Fire Safety Act of 1990 (PL 101-391, as amended). Recipients may search <http://www.usfa.dhs.gov/applications/hotel/>.
7. Records and financial reporting (40 CFR Part 31).
8. Copyright. 40 CFR Part 31.
9. Prevailing Wage Law, Davis-Bacon Act of 1931 (as amended).

Social Policy Authorities

1. Age Discrimination Act of 1975, Pub. L. 94-135; 42 USC § 6102.
2. Race Discrimination: Title VI of the Civil Rights Act of 1964, Pub. L. 88-352.1; 42 USC § 2000d, 40 CFR Part 7.
3. Sex Discrimination: Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 (the Clean Water Act); 33 USC § 1251, 40 CFR Part 7.
4. Disability Discrimination: Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (including Executive Orders 11914 and 11250); 29 USC § 794, 40 CFR Part 7.
5. Equal Employment Opportunity, Executive Order 11246.
6. Disadvantaged Business Enterprise, Executive Orders 11625, 12138, and 12432; 40 CFR Part 33.
7. Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590.
8. Anti-Lobbying Provisions (40 CFR Part 34). Borrower agrees to submit certification and disclosure forms as requested by the State Water Resources Control Board or the USEPA. In accordance with the Byrd Anti-Lobbying Amendment, any Recipient who makes a prohibited expenditure under 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure. The Recipient shall ensure that no Project Funds provided by the State Water Board under this assistance agreement are used to engage in lobbying of the federal government or in litigation against the United States unless authorized under existing law. The Recipient shall abide by its respective 2 CFR 200, 225, or 230, which prohibits the use of federal grant funds for litigation against the United States or for lobbying or other political activities.
9. Anti-Litigation Provisions (2 CFR 220, 225, or 230).
10. Trafficking Victims Protection Act of 2000.
11. ACORN Prohibition. None of the Project Funds used in this Agreement may be used for contracts or subcontracts to ACORN.

CERTIFICATION

I certify that _____
 (Municipality)
 has, or will, comply with the above list of federal laws and authorities.

 Name and Signature of Authorized
 Representative or Designee

 Date

Reimbursement Resolution

WHEREAS, the (Agency Name) (the "Agency") desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its water and wastewater system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

WHEREAS, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board); and

WHEREAS, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

WHEREAS, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the Agency desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Agency; and

WHEREAS, the Agency has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE AGENCY DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

SECTION 1. The Agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

SECTION 2. The reasonably expected maximum principal amount of the Project Funds is \$. {Remove this Note when completing the Resolution: Please include the maximum reasonable project amount. Your SRF financing agreement will not exceed this amount under any circumstances.}

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the Agency will expend moneys for the portion of the Project costs to be reimbursed with Project Funds.

SECTION 4. Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

SECTION 5. To the best of our knowledge, this Agency is not aware of the previous adoption of official intents by the Agency that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 6. This resolution is adopted as official intent of the Agency in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

SECTION 7. All the recitals in this Resolution are true and correct and this Agency so finds, determines and represents.

AYES: _____

NOES: _____

ABSENT: _____

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the (Governing Board of the Agency) held on (Date). (Seal)

(Name & Signature of the Clerk or Authorized Record Keeper of the Governing Board of the Agency)

**GENERAL PLAN COMPLIANCE CERTIFICATION
FOR PUBLICLY OWNED TREATMENT WORKS**

CLEAN WATER STATE REVOLVING FUND PROJECT NO. C-06-**NUMBER**

RECIPIENT: **AGENCY NAME** **CITY** (**CITY**)

(If the applicant is responsible for adopting the General Plan)

As required by Section IX D of the *Policy for Implementing the Clean Water State Revolving Fund for Construction of Wastewater Treatment Facilities* (March 2009), and conditions of the Clean Water State Revolving Fund Financing Agreement, I certify that the **City has** adopted the land use and housing elements of its General Plan and that the proposed project is consistent with the adopted General Plan.

OR (If the applicant is not responsible for adopting the General Plan)

As required by Section IX D of the *Policy for Implementing the Clean Water State Revolving Fund for Construction of Wastewater Treatment Facilities* (March 2009), and conditions of the Clean Water State Revolving Fund Financing Agreement, the **City** certifies that at least seventy-five (75) percent of the area affected by the project includes cities and counties with adopted land use and housing elements. The applicant's authorized representative will also document that the applicant notified the **City of Yucaipa**, the responsible agency for adopting the plan(s) and provided a reasonable opportunity to comment on the project's consistency with the plan(s). The applicant's authorized representative will certify that the applicant considered those comments during development of the project.

Authorized Representative's Signature

Authorized Representative's Name and Title

Date