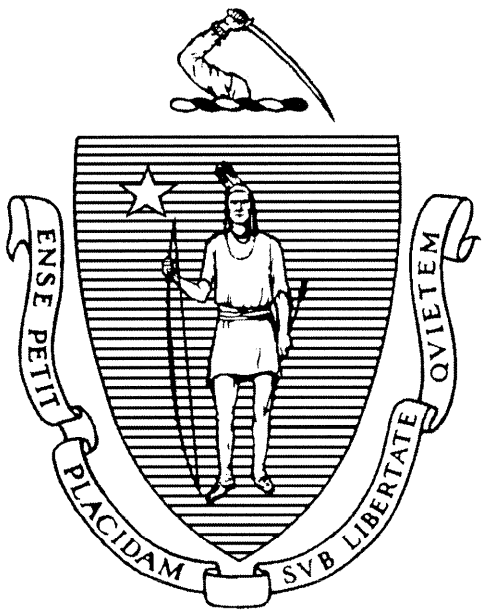
Massachusetts Department of Environmental Protection

GRANT AND LOAN PROGRAMS

Opportunities for Watershed Protection Planning and Implementation



2007

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Resource Protection
Glenn Haas, Acting Assistant Commissioner

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Massachusetts Department of Environmental Protection
Arleen O'Donnell, Acting Commissioner

Bureau of Resource Protection
Glenn Haas, Acting Assistant Commissioner

Division of Municipal Services
Steven J. McCurdy, Director

Division of Watershed Management
Glenn Haas, Director

Northeast Regional Office
Richard Chalpin, Regional Director

Central Regional Office
Martin Suuberg, Regional Director

Western Regional Office
Mike Gorski, Regional Director

Southeast Regional Office
Gary Moran, Regional Director

TABLE OF CONTENTS

ITEM **PAGE**

GRANT PROGRAMS **1**

1. 604(b) Water Quality Management Planning Grant Program 1
2. 319 Nonpoint Source Grant Program 3
3. Water Conservation Grant Program 5

LOAN PROGRAMS **6**

1. Clean Water State Revolving Loan Fund (SRF) Program 6
2. Community Septic Management Program 7
3. Drinking Water State Revolving Loan Fund (DWSRF) Program 9

GRANT AND LOAN PROGRAMS

Opportunities for Watershed Planning and Implementation

Massachusetts Department of Environmental Protection Bureau of Resource Protection Glenn Haas, Acting Assistant Commissioner

The Department of Environmental Protection's (the Department or MassDEP) grant and loan programs consist of federal funds from EPA as authorized by the Clean Water Act Sections 604(b) and 319, and the Drinking Water State Revolving Fund (DWSRF) Setasides. Other programs are derived through state appropriation. These include the state bond fund for research and demonstration, and state loan programs for municipalities (State Revolving Loan Fund [SRF]) and homeowners (Community Septic Management Program [CSMP]). Each of these programs provides an opportunity for watershed initiative planning and/or implementation. Please note the eligibility criteria, time frame for application, and Department contacts for further information. Updates, schedules, and program information are available at the MassDEP Web site, www.mass.gov/dep.

GRANT PROGRAMS

1. 604(b) WATER QUALITY MANAGEMENT PLANNING GRANT PROGRAM

This grant program is authorized under the federal Clean Water Act Section 604(b) for water quality assessment and management planning.

Eligibility
Regional public comprehensive planning organizations or interstate organizations such as: regional planning agencies, councils of governments, conservation districts, counties, cities and towns, and other substate public planning agencies and interstate agencies. Such organizations must be chartered with suitable powers as a unit of local government, an independent substate agency, or an interstate organization under an interstate agreement of which Massachusetts is a party.

Application Process
Request for Responses (RFR) are typically issued by MassDEP each October for competitive projects with proposals due approximately six weeks later. The RFR contains a schedule for each step of the application process.

Respondents must first qualify as an eligible entity as defined above. In addition, proposals must be submitted in the required format as outlined in the RFR and contain all applicable supporting information, including the appropriate documentation required by the Department's Civil Rights Office. All projects will be required to meet the federal MBE/WBE requirements of 4.65% and 16.03%, respectively.

The proposals are evaluated and selected by the Department and funding is announced within two months following the proposal submission deadline. Generally, projects are expected to begin approximately eight months after the date of their selection by the Department.

Funding Priorities

Generally, the following types of assessment/planning activities receive consideration for funding.

- **Assessment of the Effectiveness of Stormwater Best Management Practices** -Assessment of costs (including operation and maintenance), treatment effectiveness, and water quality improvements from existing stormwater management systems.
- **Assessment of Local Water Quality Protection Measures** -Analyses of the range and effectiveness of local control measures such as bylaws, regulations, and enforcement provisions within a river basin or drainage area.
- **Assessment of Land use Activities** -Identification and mapping of current land use activities within a river basin or drainage area, including known and potential sources of point and nonpoint pollution and permitted water withdrawals and discharges.
- **Assessment of Local and Regional Environmental Awareness, Activities, and Concerns** - Identification and assessment of the local and regional needs, and current status of education and technical assistance relative to managing nonpoint source pollution within a river basin or drainage area. Plan and coordinate resource protection efforts of various groups.
- **Water Quality Assessment** -Identification and characterization of a specific nonpoint source pollution problem site or resource of particular concern via water quality sampling. Results used to develop recommendations for BMP implementation projects and management strategies consistent with the Department's policies and programs.
- **Water Supply/Water Quality Source Protection Planning** -Development of water supply planning and protection strategies for communities with public water supplies within a sub-basin.
- **Water Supply Development Planning** -Assessment of future water supply needs within a basin or sub-basin.
- **Wetlands Assessment and Restoration Planning** -Identification and planning for potential wetlands restoration projects.

The 604(b) Grant Program is designed to assist regional planning agencies and other eligible recipients in providing water quality assessment and planning. The focus of these grants will be for watershed or sub-watershed based nonpoint source assessment activities that support the Department's assessment and planning initiatives including: Massachusetts Estuaries Project, TMDL development efforts, water supply source protection planning projects, or activities identified in EOEEA Watershed action plans. It is expected that these assessment activities will provide the Commonwealth with information useful to develop recommendations relative to future nonpoint source pollution implementation projects, the management of the water withdrawal permitting process under the Water Management Act, planning for drinking water source protection, and developing management strategies for the restoration and protection of surface, groundwater and wetland resources.

This grant program provides eligible recipients with water quality assessment and planning assistance. The Department has prioritized these grants for watershed or subwatershed based nonpoint source assessment type projects that will provide diagnostic information to support the Department's basin-wide water quality management activities.

The Department has scheduled several basins and/or coastal drainage areas throughout the Commonwealth for water quality assessment work each year. The RFR contains a list of basins in year

one of the five-year basin schedule. Special consideration for funding is given to 604(b) projects proposed in these river basins and drainage areas, however, respondents are not discouraged from proposing suitable water quality assessment and planning projects in other basins. Each project should contain a public outreach component. Additional consideration is given to projects that contain innovative approaches to the problems identified and which result in technology and information transfer. Proposals that are comprehensive and combine elements of water supply protection and planning and water quality assessment are encouraged.

Minimum Evaluation Criteria
Consideration is given to:

- well thought out projects which support EOEEA basin-wide water quality management activities;
- extent to which the project, scope of services and targeted watersheds would further the Department's water quality management priorities or other suitable water quality management goals;
- extent to which the performance-based objectives are well defined, feasible, practical, cost-effective, and have measurable results; and
- likelihood of success of the project, including usefulness of assessment or planning actions, and proposed implementation strategies.

Matching funds are not required, but offering additional cash or in-kind cost sharing as demonstration of local support may enhance proposals.

Contact: Gary Gonyea, Department of Environmental Protection, One Winter Street, 6th Floor, Boston, MA 02108 to obtain additional program information or a copy of the 604(b) RFR. Telephone: (617) 556-1152. Indicative Summaries of past 604(b) projects can be seen at http://www.mass.gov/dep/water/grants.htm#guides.

2. 319 NONPOINT SOURCE GRANT PROGRAM

This grant program is authorized under Section 319 of the CWA for implementation projects that address the prevention, control, and abatement of nonpoint source (NPS) pollution. In general, eligible 319 projects must: implement measures that address the prevention, control, and abatement of NPS pollution; target the major source(s) of nonpoint source pollution within a watershed/subwatershed; contain an appropriate method for evaluating the project results; and must address activities that are identified in the Massachusetts NPS Management Plan.

Eligibility
Proposals may be submitted by any interested Massachusetts public or private organization. To be eligible to receive funding, a 40% non-federal match is required from the grantee. This match may be cash or from in-kind services performed as part of the approved project activities. The match must meet the same eligibility criteria as the federal funds.

Application Process
A Request for Responses (RFR) is typically issued by MassDEP each April with proposals for competitive projects due approximately eight weeks later. Respondents must first qualify as an eligible entity as defined above. In addition, proposals must be submitted in the required format as outlined in the RFR and must contain all applicable supporting information, including the appropriate documentation required by the Department's Civil Rights Office.

The proposals are evaluated by an inter- and intra-agency review committee in late June. Projects selected by the committee are recommended to the Commissioner, who announces the approvals approximately two months later. MassDEP forwards the recommendations to EPA with the annual Workplan in October; project contracts are finalized following EPA acceptance of the recommendations. Generally, projects are expected to begin approximately eight months after the date of their selection by the Department.

Funding Priorities
Projects selected by the Department for funding are included in the Department's yearly program plan that is submitted to EPA prior to the start of the federal fiscal year. The program emphasizes selection of projects that will implement Total Maximum Daily Load (TMDL) recommendations and that will result in the restoration or remediation of impaired waters. Outreach and education projects and projects that demonstrate innovative technologies are also solicited. Capacity building, assessment, and planning is not eligible for 319 funding, except where such work is recommended in a TMDL. NPS research and water quality and/or biological monitoring for assessment purposes alone are not eligible for 319 funding. Work that is specifically required by a NPDES stormwater permit is not eligible for 319 funding, but stormwater work that exceeds the permit requirements may be eligible.

Contact: Jane Peirce, Department of Environmental Protection, 627 Main Street, Worcester, MA 01608 to obtain additional program information or a copy of the 319 RFR. Telephone: (508) 767-2792. Indicative Summaries of previous 319 projects can be seen at http://www.mass.gov/dep/water/grants.htm#guides.

3. WATER CONSERVATION GRANT PROGRAM

Eligibility
Any interested Massachusetts public water system or municipality may submit proposals. To be eligible to receive funding, a 25% match is required from the grantee. This match may be cash or from in-kind services performed as part of the approved project activities.

Application Process
A Request for Responses (RFR) is typically issued by MassDEP each spring with proposals for competitive projects due approximately eight weeks later. Respondents must first qualify as an eligible entity as defined above. In addition, proposals must be submitted in the required format as outlined in the RFR and must contain all applicable supporting information, including the appropriate documentation required by the Department's Civil Rights Office. The proposals are evaluated and selected by the Department, and funding is announced within two months following the proposal submission deadline. Generally, projects are expected to begin approximately three months after the date of their selection by the Department.

Funding Priorities
Types of eligible projects include but are not limited to: water conservation outreach and education programs, local water audits, comprehensive leak detection programs, , rebates for water conservation devices. However, all proposed projects that focus on drinking water conservation, loss identification, resolution, and prevention will be considered. All projects must contain an appropriate method for calculating the reduction in water losses as a result of the project. Priority consideration for funding will be directed to those with Water Management Act Program Permits undergoing a 5-year review, public water systems who have withdrawal points within a stressed basin, with an identified problem meeting demand, and who have a significant environmental concern reflected via WMA permit conditions or as defined by the Massachusetts Water Resource Commission, public water systems with drinking water pricing

policies that strongly encourage conservation, and public water systems with existing water loss prevention and conservation programs. Offset feasibility studies, operation and maintenance costs, and capital costs are not eligible for funding.

Contact: Malcolm Harper, Department of Environmental Protection, 627 Main Street-2nd Floor, Worcester, MA 01608 to obtain additional program information, or a copy of the RFR. Telephone: 508-767-2795. Indicative summaries of previous grants can be seen at http://www.mass.gov/dep/water/grants.htm#guides.

LOAN PROGRAMS

1. CLEAN WATER STATE REVOLVING LOAN FUND (SRF) PROGRAM

The Massachusetts State Revolving Fund for water pollution abatement projects was established to provide a low-cost funding mechanism to assist municipalities seeking to comply with federal and state water quality requirements. The Division of Municipal Services of the Department of Environmental Protection and the Massachusetts Water Pollution Abatement Trust jointly administers the SRF Program. Each year the Department solicits projects from Massachusetts municipalities and wastewater districts to be considered for subsidized loans, which are currently offered through a two percent interest loan. In recent years the program has operated at an annual capacity of $200 to $300 million per year, representing the financing of 50 to 70 projects annually. The SRF Program applies an increased emphasis on watershed management priorities. A major goal of the SRF Program is to provide incentives to communities to undertake projects with meaningful water quality and public health benefits and which address the needs of the communities and the watershed.

Eligibility

Financial assistance is available for planning, design, and construction of projects, including new wastewater treatment facilities and upgrades of existing facilities; infiltration/inflow correction; wastewater collection systems; control of combined sewer overflows; Brownfields water resource infrastructure improvements; and nonpoint source pollution abatement projects, such as landfill capping, community programs for upgrading septic systems (Title 5), and stormwater remediation. In addition, non-structural projects are eligible for SRF funding; e.g., planning projects for nonpoint source problems that are consistent with the MassDEP's Nonpoint Source Management Plan and that identify pollution sources and suggest potential remediation strategies.

Project Evaluation

In order to be considered for funding, a community must complete a Project Evaluation Form at the time of the project solicitation that DEP conducts in the fall of each year. DEP will rank projects using a rating system that assigns points on the basis of various environmental, program, and implementation criteria. These criteria include the extent to which the project:

- will have demonstrable water quality benefits;
- will eliminate or mitigate a risk to public health;
- is needed to come into or maintain compliance with applicable discharge permits or other water pollution control requirements;
- implements or is consistent with watershed management plans (or addresses a watershed priority); and
- is consistent with local and regional growth plans.

Project Priority List and Intended Use Plan Project Listing
After evaluating the Project Evaluation Forms that were submitted in response to the annual solicitation, MassDEP develops the annual list of projects that are eligible for financial assistance. From this annual list, and on the basis of project readiness to proceed and priority ranking status, the Department assigns projects to a fundable list. The next step is when these projects meet the criteria for funding for the following year and are placed on the Intended Use Plan (IUP). Projects on the IUP are then eligible to apply for financing with the total cost of all projects on the IUP not to exceed the amount that is available that year. IUP listed projects are those which received a high rating, and (a) have made a local funding appropriation commitment, or (b) are scheduled to make a funding appropriation by June 30 of the coming year. All applicants must file a completed loan application no later than October 15 of each year in order to be eligible for funding under the SRF for the following year.

Funding Commitments
In order for a community to obtain funding for a project on the IUP, it must file an Application for Financial Assistance and obtain a Project Approval Certificate (PAC) from the Department. A complete loan application includes construction contract documents ready for bidding and evidence that the project is, or will be, in compliance with any applicable environmental reviews and permits prior to the issuance of the PAC. Once the Department certifies that the costs are eligible for SRF Program funding, the Massachusetts Water Pollution Abatement Trust (Trust) votes to issue the borrower a binding loan commitment. The Trust and the borrower then execute a Loan Agreement to secure the financing for the water pollution abatement project. The Loan Agreement establishes the security of the loan, repayment schedule, interest rates, and subsidies, as well as various procedural and regulatory requirements related to the Department's oversight of the project.
Contact: To obtain additional information please contact Dave Delorenzo, Department of Environmental Protection, One Winter Street, 5th Floor, Boston, MA 02108, (617)292-5779or at the Regional Office Municipal Service Center closest to you:

Northeast Regional Contact: Thomas Mahin (617) 654-6521
Southeast Regional Contact: Richard Keith (508) 946-2784
Central Regional Contact: Paul Anderson (508) 792-2802
Western Regional Contact: Deirdre Cabral (413) 755-2148

2. COMMUNITY SEPTIC MANAGEMENT PROGRAM

The enactment of the Open Space Bond Bill in March of 1996 provided new opportunities and stimulated new initiatives to assist homeowners with failing septic systems. The law appropriated $30 million to the MassDEP to assist homeowners. The Department will use the appropriation to fund loans through the Massachusetts Water Pollution Abatement Trust. The fund will provide a permanent state/local administered revolving fund to assist income-eligible homeowners in financing necessary Title 5 repairs. Working together, the MassDEP and the Trust have created the Community Septic Management Program to help Massachusetts's communities protect threatened ground and surface waters while making it easier to comply with Title 5. This loan program offers three options from which a local governmental unit can choose:

Option 1A -the Community Inspection Program. A community may establish a comprehensive inspection program that provides for the inspection of all septic systems over a seven-year period. Homeowners whose systems fail as a result of an inspection could receive a low interest loan to repair, upgrade or replace a failing system.

Option 1B -the Comprehensive Local Septic Management Program. A community may develop a plan to identify, monitor and address the proper operation, maintenance and upgrade of septic systems

in a systematic manner meeting the requirements of Title 5. Homeowners whose systems require repair, upgrade or replacement as a result of the community's comprehensive plan could receive a low interest loan to perform the necessary work.

Funding under Options 1A and 1B. Communities may receive up to $200,000 to make loans to eligible homeowners. In addition, communities choosing either of these options are eligible for a preloan financial assistance payment (grant) of up to $20,000 to help defray the initial costs of establishing the required programs.

Option 2 -Local Betterment Loan Program. A community can establish a program that targets environmentally sensitive areas within the community. Homeowners in designated areas may receive a low interest loan to repair, upgrade or replace a failing system. Under Option 2 communities are eligible to receive up to $100,000 for a loan program to eligible homeowners.

Funding

Funding for these programs is in the form of a zero-interest loan from the Trust to the Community that must be repaid over a period of up to 20 years. To receive a loan from the Trust, Communities must execute a Loan Agreement with the Trust and issue local governmental obligations (bonds) to secure the loan. Loans from the Trust to a community for one of the above three options are for use by eligible homeowners with an annual family income that does not exceed $150,000 (unless otherwise approved by DEP). Loans from the community to the homeowner may have an interest rate of either 2 or 5 percent at the option of the community. A homeowner's loan will be repaid to the community through the homeowner's real estate tax bill via a betterment assessment under MGL C. 111 s. 127B 1/2.

Eligibility

All municipalities are eligible.

Application Process

MassDEP will provide written notice of the availability of these funds to each identified municipality, and will request the municipality to state in writing whether it is interested in receiving such financial assistance.

Local Program Funding

Subject to the availability of funds, and after providing a reasonable opportunity for the municipalities to express their interest in applying for financial assistance, MassDEP reserves the right to offer this financial assistance to those municipalities who have already received grants under the Septic System Repair Program.

Contact: To obtain additional program information, please contact the program manager for your area at one of the following Department of Environmental Protection regional offices:

Northeast Regional Office: Nihar Mohanty (617) 654-6515
Southeast Regional Office: Pamela Truesdale (508) 946-2881
Central Regional Office: Paul Anderson (508) 767-2802
Western Regional Office: Deirdre Cabral (413) 755-2148

3. MASSACHUSETTS DRINKING WATER STATE REVOLVING FUND PROGRAM

The Massachusetts Drinking Water State Revolving Fund (DWSRF) provides low-cost financing to help local governmental units and community public water suppliers to comply with federal and state drinking water requirements. The DWSRF Program's goals are to protect public health and strengthen compliance with drinking water requirements, while addressing the Commonwealth's drinking water needs. The Program incorporates affordability and watershed management priorities.

The Division of Municipal Services of the Department of Environmental Protection (MassDEP) and the Massachusetts Water Pollution Abatement Trust (Trust) jointly administer the DWSRF Program. Each June, MassDEP solicits projects from Massachusetts's local governmental units (municipalities, school districts, etc.) and community water systems (with at least 15 residential connections) to be considered for subsidized loans. The current subsidy level is through a two percent interest loan. The Program operates with approximately $100 million per year in financing capacity.

Eligible Projects

Financial assistance is available for the engineering, design, and construction of drinking water projects that protect public health and strengthen compliance with federal and state drinking water regulations. For engineering and design costs, the Program will provide financial assistance in the form of allowances as a percentage of project costs. Eligible projects include:

- new and upgraded drinking water treatment facilities;
- projects to replace contaminated sources, new water treatment, or storage facilities;
- consolidation or restructuring of water systems;
- projects and system activities that provide treatment, or effective alternatives to treatment, for compliance with regulated health standards, such as the Surface Water Treatment Rule; and
- installation or replacement of transmission or distribution systems.

Examples of ineligible projects include dams, purchase of water rights, reservoirs, lab fees, fire protection projects, and other non-capital expenses.

Project Rating

MassDEP has established criteria to evaluate and prioritize proposed projects. These criteria and other program procedures are contained in regulations found at 310 Code of Massachusetts Regulations 45.00.

To be considered for funding, a public water supplier must complete a Project Evaluation Form (PEF) during the project solicitation period. The application requires thorough information showing the project's significant benefits to public health or drinking water quality, local funding authorization, and a commitment that the borrower can file a timely loan application. MassDEP will rank the projects using a rating system that assigns points on the basis of various criteria. These criteria include the extent to which the project:

- eliminates or mitigates a public health risk;
- is necessary to achieve or maintain compliance with applicable drinking water quality requirements;
- is affordable to users in the service area;
- consolidates or restructures a public water system; and
- implements, or is consistent with, watershed management plans (or addresses a watershed priority) and is consistent with local and regional growth or infrastructure plans.

Project Priority List and Intended Use Plan Project Listing
After evaluating the project requests submitted in response to the solicitation, MassDEP will rank the projects, conduct a public hearing, and adopt a priority list of projects eligible to receive financial assistance. From this annual list, and on the basis of the project's readiness to proceed and priority rating, MassDEP assigns projects to the Intended Use Plan Project Listing (IUP). The IUP is a subset of the priority list and identifies candidates for DWSRF funding.

Projects on the IUP are eligible to apply for financing in the current year, with the total cost of all projects on the IUP not to exceed the amount of financing capacity available for that year. To qualify for placement on the DWSRF IUP, a project must have a high ranking, and must have received a local funding appropriation or be scheduled for funding appropriation by June 30. Also, the applicant must be able to file a complete loan application at the earliest opportunity, but no later than October 15.

Funding Commitments
To obtain funding for a project on the IUP, the borrower must file a loan application and obtain a Project Approval Certificate (PAC) from MassDEP. The loan application must include information about funding authorization, repayment ability, and project schedule. A complete loan application also includes construction contract documents ready for bidding and evidence of compliance with any applicable environmental reviews and permits.

Once MassDEP certifies that costs are eligible for funding from the DWSRF Program, the Trust votes to issue the borrower a binding loan commitment. MassDEP then issues a Project Regulatory Agreement (PRA). The PRA includes MassDEP's regulation and supervision conditions and limitations, cash drawdown schedule, and provisions from the PAC. The Trust, MassDEP, and the borrower then enter into a loan agreement to secure the financing for the project. The loan agreement establishes the security of the loan, repayment schedule, interest rates, and subsidies, as well as various procedural and regulatory requirements related to MassDEP's oversight of the project. Following MassDEP approval of the PAC, the project should commence within six months.
Contact: To obtain additional information concerning the DWSRF Program, please contact the following MassDEP staff:

Municipal Services staff in MassDEP's regional offices:

Northeast: Kevin Brander (978) 694-3236
Southeast: Richard Keith (508) 946-2784
Central: Paul Anderson (508) 767-2802
Western: Deirdre Cabral (413) 755-2148

Drinking Water Program staff in MassDEP's Boston office:
Yvette DePeiza (617) 292-5857

Municipal services staff in DEP's Boston office:
David DeLorenzo (617) 292-5774
Joseph Delaney (617) 292-5808

Information is also available on MassDEP's Web site: **http://www.mass.gov/dep**