

STATE OF NEW HAMPSHIRE
2021 DRINKING WATER STATE REVOLVING FUND
INTENDED USE PLAN

September 7, 2021



New Hampshire Department of Environmental Services
Water Division
Drinking Water and Groundwater Bureau

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1. INTRODUCTION

The 1996 Amendments to the Safe Drinking Water Act (SDWA) created a Drinking Water State Revolving Fund (DWSRF), primarily to provide assistance to public water systems to finance the cost of drinking water infrastructure. In accordance with the U.S. Environmental Protection Agency (EPA) guidance, up to 31% of each year's DWSRF allotment to a state (referred to as the capitalization grant) can be used to promote proactive drinking water protection measures such as: source water protection, capacity development, operator certification, small system technical assistance and program administration. The term setaside is used to describe funds for these non-infrastructure activities. There are four setasides that a state may take from the capitalization grant including: a 2% small system technical assistance setaside, a 4% DWSRF Program administration setaside, a 10% Public Water Supply Program management setaside, and a 15% source water protection/capacity development setaside. The purpose of this document is to explain how New Hampshire intends to use the DWSRF 2021 capitalization grant funds (i.e. setasides and infrastructure project funds). This document will also explain how New Hampshire intends to comply with the 2021 federal requirement to provide a minimum of 20%, but no more than 49%, of the capitalization grant to subsidize infrastructure projects for disadvantaged communities, as well as requirements related to the Davis-Bacon Related Acts and the American Iron and Steel provision. Although, there are no specific "green" requirements for 2021, the IUP will describe how certain "green" project types will continue to be eligible for project funds.

The amount of the State of New Hampshire's DWSRF capitalization grant that is available for FFY21 is \$11,100,000. This grant must be matched with state funds that equal 20% of the capitalization grant (\$2,220,000). The match was secured in the biennial state capital budget that became effective July 1, 2019.

The maximum amount of setasides the state can use from the 2021 capitalization grant is 31% of the award or \$3,441,000. After careful analysis of the benefits and costs of taking the full amount of the setasides, the state has determined that doing so is necessary to support staff and grant and contract funding needed to fully implement the Safe Drinking Water Act in New Hampshire. Accordingly, New Hampshire intends to utilize \$222,000 from the 2% technical assistance setaside, \$444,000 from the 4% administration setaside, \$1,110,000 from the 10% program management setaside, and \$1,665,000 from the 15% source water/capacity setaside. The majority of these funds will be used to fund personnel performing eligible activities and associated expenses for the period beginning on July 1, 2021 through September 30, 2022 (when we anticipate receiving our next capitalization grant). Other significant uses of these funds include contracts to improve and maintain data management to accomplish goals related to public water system supervision, source water protection, improved capacity, water system security, asset management, and tracking compliance with loan and grant requirements. The uses of the remaining prior year setasides that are projected to be available as of July 1, 2021 are also described.

Based on the intended FFY21 setaside usage, there is \$9,879,000 available from the FFY21 DWSRF capitalization grant (including 20% state match) for infrastructure projects. In addition to these funds the state intends to use up to \$10,000,000 in repayment funds. Attachment A includes a table which summarizes the available project funds. Overall, a total of \$19,879,000 of project funds will be available for new loans. It is important to note that New Hampshire also has a [Drinking Water and Groundwater Trust Fund](#) (DWGTF) that provides grants and loans for infrastructure projects. This Trust Fund is managed by a 19-member advisory commission with NHDES responsible for administering the program, largely with staff paid for by the trust fund. New Hampshire has also created the [Per- and Polyfluoroalkyl Substances Remediation Loan Fund](#) (PFAS RLF), established under RSA 485-H, which provides up to \$50 million in low interest loans for public water systems to address per- and polyfluoroalkyl substances (PFAS) maximum contaminant level (MCL) violations

that may occur as a result of the PFAS standards. Public drinking water program SRF and engineering staff support the DWGTF and PFAS RLF to both process approved funding in concert with DWSRF provisions and to oversee design and construction of drinking water infrastructure projects.

There are a number of attachments that clarify and itemize how SRF funds will be utilized. Attachment A provides the financial status. Attachment B provides details on funding of setaside activities. The department solicited projects from community and non-transient/non-profit water systems between April 1, 2021, and June 1, 2021. The department received funding requests for 197 projects for over \$466 million dollars. Attachment F provides a listing and description of infrastructure projects that were ranked for DWSRF funding.

This plan has been prepared to inform all of the stakeholders on the intended use of the entire 2021 capitalization grant and available repayment and prior year capitalization grant funds. It is also a part of the documentation the New Hampshire Department of Environmental Services (NHDES) must provide to the EPA in order to apply for a DWSRF capitalization grant. For further information on New Hampshire's DWSRF, contact Johnna McKenna in the NHDES Drinking Water and Groundwater Bureau at (603) 271-7017 or johnna.mckenna@des.nh.gov.

2. GOALS FOR INFRASTRUCTURE PROJECT AND SETASIDE ACTIVITIES

The ongoing short-term and long-term goals are listed below. For 2021, as was the case in previous years, there are some particular goals of high importance that continue to be so. These goals include:

- **Keep un-liquidated loan obligations (ULOs) low.** ULOs are the capitalization grant funds that have been approved for New Hampshire, which may be under contract, but have not actually been spent. Since 2016, New Hampshire met the federal deadline to reduce our ULO for loan funds (2-year unspent balance limit) and setasides (3-year limit). New Hampshire will continue practices that were implemented including disbursing federal funds first, bypassing projects on the priority list for shovel-ready projects lower on the list and breaking large projects into phases so as not to commit existing capitalization grant dollars to later phases of a project.
- **Maximize loan forgiveness for disadvantaged communities.** The capitalization grant requirement to use a minimum of 20%, but no more than 49%, of the capitalization grant to subsidize projects will be met as indicated in Attachment I. The DWSRF program goal will be to provide loan forgiveness to as many eligible disadvantaged water systems as feasible.
- **Assist loan recipients with federal requirements,** including Davis-Bacon and American Iron and Steel provisions, by providing guidance and training, document templates and technical support for loan recipients. Increased utilization of Davis-Bacon tracking applications will also be encouraged and evaluated.
- **Promote asset management** with the ultimate goal of having all large and municipal systems applying for funding related to implementation of such plans. This is to be achieved through grants for asset management plans and providing DWSRF priority points if the system has an asset management plan. A database is being utilized to track water system's progress towards asset management. Although the 2020 annual workshop was postponed due to COVID-19 it was held virtually on January 19, 2021 with over 90 attendees. The 2020 municipal Asset Management award was presented to the Town of Salem

Asset Management Team and the individual award was presented to Tony Cavaliere from the Towns of Marlborough and Jaffrey. This award is established jointly by the NHDES Wastewater Engineering Bureau (WWEB), Drinking Water and Groundwater Bureau (DWGB) and Watershed Management Bureau (WMB) to recognize exemplary programs and encourage those who develop and use asset management programs.

- **Ensure compliance with the lead and copper rule (LCR)** by giving additional priority points for projects that will replace lead system components (i.e. goosenecks, valves, full service lines) and continuing work on improved implementation of the rule.
- **Assist** water systems with new MCLs for manganese, arsenic and PFAS through the provision of technical and financial assistance. Compliance with these new MCLs will be provided points equivalent to other MCL rankings for DWSRF funding.
- **Coordinate** the provision of funding from the DWSRF, DWGTF, PFAS RLF, and American Rescue Plan Act (ARPA) to ensure the longevity of the DWSRF by coordinating funding timing and project selection.

2A. Ongoing Short-term Goals for the DWSRF

- Provide effective program management to ensure the integrity of the DWSRF.
- Utilize DWSRF monies to address acute health risks as a priority.
- In addition to protecting public health by prioritizing projects that address acute contaminants, address chronic contaminants to the extent that MCLs exist or new ones are established.
- Fund staff to achieve and facilitate statewide compliance with the SDWA.
- Coordinate DWSRF activities with enforcement activities of both NHDES and the EPA.
(Note: The DWSRF program staff works closely with the Drinking Water and Groundwater Bureau enforcement program in establishing project priority. It is important to note that all of the DWSRF program staff members have roles in the PWSS program, and the two programs are essentially intertwined. DWSRF works closely with monitoring and enforcement and stays up-to-date on systems that are not in compliance. The DWSRF program reaches out to noncompliant water systems with infrastructure needs and encourages them to apply for DWSRF financing. Our priority ranking system awards the highest ranking points to projects that address the most serious health risks (MCL violations), and other projects that address noncompliance with drinking water regulations. The DWSRF program also works closely with the enforcement program to ensure that loans are made to water systems with enforcement targeting tool (ETT) scores of 11 or greater only if the project will resolve the noncompliance.)
- Provide public and private water systems with low-cost financial assistance to complete projects eligible for funding.
- Provide assistance in the form of subsidies to communities or eligible systems defined as “disadvantaged” to ensure affordable water.

- Provide small systems (population served of less than 10,000) with financial assistance for eligible projects using at least 15% of the project fund.
- Coordinate the DWSRF program with existing source water protection activities at the state and local level.
- Provide funding for preventative measures such as source water protection and the replacement of aging infrastructure.
- Update and continue to implement New Hampshire's Capacity Development Plan.
- Promote "Green" projects and, in particular, the use of effective system-wide metering at systems to promote water and energy efficiency projects.

2B. Long-term Goals for the DWSRF

- Support the departmental goal of ensuring that all New Hampshire communities will have water that is safe to drink all of the time.
- Develop and effectively manage a self-sustaining program to facilitate compliance by all public drinking water systems with the SDWA.
- Protect public health and promote the completion of cost-effective projects.
- Improve the capacity of small privately owned public water systems.
- Improve resiliency and preparedness at all public water systems.
- Advance water infrastructure sustainability through the promotion of asset management, financial planning, and water and energy efficiency.
- Maintain the DWSRF in perpetuity.
- Have local source water protection programs implemented at 90% of all community sources.
- Provide input in the expenditure of public funds for the purpose of directing investment toward improvements that maximize public benefits, maintain affordability, promote sustainability and increase public water system's technical, managerial and financial capacity.
- Making data supported decisions through the improvement and maintenance of a variety of drinking water related databases.

3. DESCRIPTION OF FINANCIAL STATUS AND FEDERAL REQUIREMENTS OF THE DWSRF

3A. Total Amount of Funds in the FFY21 DWSRF Fund

The total amount of funds allotted to New Hampshire for FFY21 is \$11,100,000. This amount includes the FY 2021 DWSRF Allotment of \$11,001,000 and the FY 2019 DWSRF Reallotment Funds of \$99,000. The intended use for this funding is summarized in Attachments A and B. The financial status, as it appears in Attachment A, shows a 20% state match of \$2,220,000. The match was secured in the biennial state capital budget that was effective July 1, 2019.

3B. End of the Year Financial Status and Summary of Accomplishments

Since FFY97, New Hampshire has been receiving annual DWSRF capitalization grants. Prior to 2009 (American Recovery and Reinvestment Act and subsequent grants have been larger) and currently, these grants, on average, provide the state with about \$8,000,000 to \$11,000,000 annually. To date, using these grants, state match dollars, ARRA funding, loan repayments and interest earned, over \$331 million has been provided to improve drinking water infrastructure in New Hampshire. Greater than 15% of the capitalization grants received have funded projects at small systems (systems serving less than 10,000) and projects that qualified for subsidies due to their disadvantaged community status. Approximately 31% of the annual grant can be taken by the state as setasides to fund specific drinking water program related activities. Below is a table that outlines the grant awards and setasides taken in each fiscal year. It should be noted that from FFY99 to FFY03 10%, and in some years 4%, setasides were reserved to be taken from project funds in the future. Utilization of these reserved funds has only occurred once, as described in the revised 2010 IUP and in the footnote below.

Fiscal Year	Capitalization Grant Amount	Setasides Taken
FY 1997	\$13,754,800	\$3,121,557
FY 1998	\$7,121,300	\$2,207,603
FY 1999	\$7,463,800	\$1,268,846
FY 2000	\$7,757,000	\$1,566,512
FY 2001	\$7,789,100	\$1,904,023
FY 2002	\$8,052,500	\$1,449,833
FY 2003	\$8,004,100	\$591,111
FY 2004	\$8,283,100	\$1,328,496
FY 2005	\$8,285,500	\$2,568,505
FY 2006	\$8,229,300	\$2,551,083
FY 2007	\$8,229,000	\$2,550,990
FY 2008	\$8,146,000	\$2,550,990
FY 2009	\$8,146,000	\$2,525,260
FY2010	\$13,573,000	\$4,712,120*
FY2011	\$9,418,000	\$2,919,580
FY2012	\$8,975,000	\$2,782,250
FY2013	\$8,421,000	\$2,610,510
FY2014	\$8,845,000	\$2,741,950

Fiscal Year	Capitalization Grant Amount	Setasides Taken
FY2015	\$8,787,000	\$2,723,970
FY2016	\$8,312,000	\$2,576,720
FY2017	\$8,241,000	\$2,625,070
FY2018	\$11,107,000	\$3,443,170
FY2019	\$11,004,000	\$3,411,240
FY2020	\$11,011,000	\$3,413,410
FY2021	\$11,100,000	\$3,441,000

Note: In 2009, NHDES received a capitalization grant under the American Recovery and Reinvestment Act in the amount of \$19,500,000. NHDES took \$780,000 of these funds for setaside activities.

* The setaside amount taken in FFY10 (received in May 2011) included 31% of the cap grant (\$4,207,630) and prior year funds (\$504,490) previously reserved for future use.

The following bullets outline accomplishments from prior years:

- Processed loan applications from water systems for a variety of infrastructure improvement projects.
- Performed construction inspections and closeout of completed infrastructure projects.
- Performed all EPA required reporting and participated in necessary audits and reviews.
- Maintained agreements with the New Hampshire State Treasury and New Hampshire Business Finance Authority to facilitate loan processing.
- Refined and implemented new rules and requirements resulting from 1996 SDWA Amendments, the 2016 WIIN Act, and the 2018 America's Water Infrastructure Act Amendments.
- Performed monitoring, enforcement, surveillance, lab certification and information management associated with SDWA compliance.
- Implemented a capacity development program that incorporates asset management and includes continuing to identify small system capacity needs and using SRF loans and grants to address them.
- Implemented New Hampshire's Source Water Protection Program including: approval of new well sites, issuance of chemical monitoring waivers, incorporation of sustainability and provision of technical assistance.
- Provided an average of \$200,000 each year (except in 2011) for source water protection and security grants.
- Protected and continue to monitor over 9,000 acres of critical water supply lands.
- Protected public health through adoption of new MCLs through rulemaking for Arsenic and four PFAS.
- Readopted expired rules and advanced primacy packages.

- Conducted leak detection surveys for 47 community water systems, spanning approximately 962 miles of pipe in FY19. One hundred ten leaks were discovered, totaling approximately 765 gallons per minute. Due to travel restrictions associated with COVID-19, the leak detection firm could not travel to New Hampshire to complete the leak detection surveys for FY20. This contract is planned to be extended, and the leak detection surveys are planned to be completed in FY21.
- Advanced water infrastructure sustainability through the provision of eight rounds of asset management grants to 96 water systems totaling \$ 1,854,685 (108 total Asset Management projects)
- Enhanced efforts related to lead in drinking water including obtaining a federal grant for lead outreach, developing and distributing a [Lead in Drinking Water Brochure](#) and [Lead Infographic for Schools](#), reviewed lead remediation plans now required in New Hampshire for schools with elevated lead levels and collaborated with the New Hampshire Department of Education to provide schools with funding for lead remediation and developed and launched "[Protect Your Tap - 10 min Lead Test](#)" application.
- Coordinated with funding partners (e.g. USDA Rural Development, Community Development Finance Authority, New Hampshire Drinking Water and Groundwater Trust Fund, Northern Border Regional Commission, etc.) to discuss current initiatives, issues and funding opportunities.
- Provided public water systems assistance with COVID-19 challenges including developing and providing weekly updates to a guidance document, providing alternative approaches to in-home sampling, standing up routine conference calls, assisting with PPE distribution, etc.

3C. Leveraging

The State of New Hampshire does not intend to increase infrastructure project funds by leveraging any portion of the DWSRF. This is consistent with the State Treasurer's policy on leveraging revolving loan funds.

3D. Administration Fee

An administration fee of 2% of the outstanding principal balance is charged and placed into a separate state account to be used for program administration. We estimate that \$2,103,312 will be deposited into this account annually. The 2% administration account funds will be utilized for activities associated with administering and achieving compliance with the Safe Drinking Water Act, as well as achieving the DWSRF goals listed above.

3E. Types of Projects to be Funded

The types of projects intended to be funded from the Infrastructure Project fund include:

- Construction/upgrading of treatment facilities.
- Replacement or treatment of inadequate or contaminated sources.
- Installation/upgrade of disinfection facilities.
- Consolidation/acquisition and interconnection of systems to address viability issues.
- Planning and engineering associated with eligible projects.
- Replacement of aging infrastructure.

- Transmission lines and storage.
- Distribution system replacement/rehabilitation.
- Replacement of lead components (i.e. goosenecks and full service lines) and lead service line replacement assistance programs.
- Installation of meters and backflow prevention devices.
- Extension of public water systems to address contaminated private drinking water supply wells.
- Projects that advance “green” approaches to water supply; including innovative environmental projects, energy generation, and other work identified in energy or water use efficiency plans.
- Land acquisition and associated costs that are integral to a DWSRF eligible project.
- Interim financing for projects to be funded from other sources as funding allows and only after funding for all projects seeking long term funding occurs (note: principal forgiveness will not be available for these projects).
- Other projects necessary to address compliance/enforcement issues.

The types of activities intended to be funded by the Setaside Account include:

- Administration of the DWSRF program.
- SDWA implementation.
- Technical assistance to small water systems.
- Technical assistance on water system related lead removal and treatment at schools and day cares and compliance with new MCLs for Arsenic, Manganese and PFAS.
- Capacity Development Program implementation.
- Asset management and financial planning grants.
- Leak detection assistance
- Water line GIS mapping
- Emergency preparedness and resiliency.
- Source water protection implementation, including grants or contracts to implement program elements.
- Ongoing support for operator training and certification.
- Lab accreditation.
- Lead service line inventory.
- Information management and reporting.

3F. Financial Terms of Loans

The department will establish the interest rates for all loans on the date of the first public hearing held each federal fiscal year using the 11-Bond Index published online the prior week by [The Bond Buyer](#).

Loan rates are established at the time the original loan agreement is transmitted to the loan recipient based on the loan repayment period selected by the loan recipient. Fixed interest rate charges during the loan repayment period are finalized at the time of the supplemental loan agreement, after project completion in accordance with the DWSRF rules (Env-Dw 1100).

All loans for financing standard projects will be for a term not to exceed 20 years except for loans to disadvantaged systems that may be for a term of up to 30 years, provided that the loan term does not exceed the useful life of the financed improvements.

The chart below provides the current loan interest rates:

Term	Interest	Current charge rate (as of 8/5/21)
5 years	25% of the IUP Rate	0.3925%
10 years	50% of the IUP Rate	0.785%
15 years	75% of the IUP Rate	1.1775%
20 years	80% of the IUP Rate	1.256%
30 years (disadvantaged systems only)	80% of the IUP Rate	1.256%

Note: Terms of financial assistance for disadvantaged systems and communities are addressed in Section 8.

In addition to interest charges, as required by RSA 486:14, I(b), the department shall set aside as an administrative fee a sum equal to 2% of all loan principal balances outstanding each year. For any loan for which the interest rate is less than 2%, the administrative fee shall equal the interest rate.

3G. Davis-Bacon Wage Rates Requirements

The SDWA requires the application of Davis-Bacon prevailing wage rates on all construction projects funded in whole or in part by the DWSRF. Davis-Bacon applies to construction contracts over \$2,000 and their subcontractors (regardless of the subcontract amount).

To ensure compliance with these requirements, NHDES will confirm that the correct wage determinations are being included in the bid specifications and/or construction contracts. NHDES will also provide assistance to recipients with the specific EPA Davis-Bacon contract language that is to be included in bid specifications and/or contracts. In addition, NHDES will collect certifications of Davis-Bacon compliance from assistance recipients with disbursement requests. Two full-time positions oversee and provides assistance with Davis-Bacon requirements.

3H. American Iron and Steel Requirements

AWIA 2022 requires that American made iron and steel (AIS) be used in construction projects funded by the DWSRF. Consequently, NHDES intends to continue to implement this provision in accordance with EPA's guidance and has added language to the loan documents, developed project checklists and guidance documents to ensure the implementation and compliance of this provision.

3I. Amount Dedicated to Subsidizing Projects for Disadvantaged Communities/Systems

New Hampshire intends to meet the grant condition that requires funding equal to at least 20%, not to exceed 49%, of the capitalization grant to be provided to disadvantaged systems in the form of loan subsidization. This subsidy will be provided as loan forgiveness. Interim financing for projects will not be eligible for subsidies. Further discussion of the disadvantaged community program is found in Section 8. Attachment I provides a list of 2014-2020 projects and the subsidy amounts. According to the charts, the subsidy requirement will be met for each year. If necessary, adjustments will be made to ensure that the minimum subsidy requirement is met. Provisions for this are outlined in previous IUPs and will be implemented as needed.

3J. Funds Transferred Between DWSRF and the Clean Water State Revolving Fund (CWSRF)

The SDWA amendments of 1996 allow states to transfer up to 33% of the DWSRF capitalization grant into the CWSRF or an equivalent dollar amount from the CWSRF into the DWSRF. New Hampshire reserves the right to transfer up to \$3,633,630 between these funds.

3K. Anticipated Cash Ratio

All DWSRF projects funded by capitalization grant funds are supported by the appropriate level of State matching funds. For the FFY21 capitalization grant, NHDES will be using a cash draw ratio of 77.5% federal funds and 22.5% state match funds. Within 24 hours of each disbursement to SRF loan recipients by the New Hampshire State Treasury, NHDES transacts a federal drawdown request for the federal portion of the disbursed amount.

3L. Federal Requirements

The following federal requirements apply to the DWSRF capitalization grant: Single Audit Act (OMB A-133); Disadvantaged Business Enterprise compliance (DBE); Federal environmental crosscutters; and Federal Funding Accountability and Transparency Act (FFATA) reporting. These requirements will apply to all DWSRF loan projects. By doing this, NHDES will ensure that the federal requirements are applied to funds in an amount at least equal to the capitalization grant. In addition, continued demonstration of compliance with the operator certification program will be done to avoid withholding a portion of the capitalization grant.

3M. Federal Reporting

NHDES will continue the commitment to enter project and benefits data into the EPA Drinking Water National Information Management System (NIMS) and Project and Benefits Reporting (PBR) System. Among other parameters, the reporting systems will evaluate the number of New Hampshire DWSRF projects that provide the following public health benefits:

- i. Achieve compliance with SDWA.
- ii. Maintain compliance with SDWA.
- iii. Meet future requirements of SDWA.

NHDES will enter project benefits information into the PBR by the end of the month in which the assistance agreement is signed. In addition to this reporting, New Hampshire will continue to produce an annual report, which has been required by EPA since the beginning of the DWSRF Program.

FFATA reporting requirements will be met by reporting to [fsrs.gov](https://www.fsr.gov) on 2021 loans that individually exceed \$25,000 in a total amount equivalent to \$9,879,000 which is the amount of the capitalization grant going toward projects. Recipients of loans that will be reported to [fsrs.gov](https://www.fsr.gov) will be required to obtain a DUNS number and provide any information on highly compensated individuals prior to receiving the loan to enable NHDES to fulfill the FFATA requirements. NHDES will report loans in the order they are made until the reporting requirement is met. Any contracts, loans, or grants funded from setasides that individually exceed \$25,000 will be reported to [fsrs.gov](https://www.fsr.gov) as required.

4. INTENDED USE OF NON-INFRASTRUCTURE PROJECT ACTIVITIES (SETASIDES)

4A. Definition of Setasides

Setasides are uses of DWSRF money allowed by the SDWA for activities other than infrastructure funding. The following chart explains the different setasides, the setaside amounts available in FFY21, and the requirements and restrictions specified in the SDWA for their use.

Setasides Available to States under the DWSRF

Setaside Amount/ Name	Requirements for Use	FFY21 \$ Available
4% or \$400K/ Administration of DWSRF	Funds can only be used for activities related to administering the drinking water state revolving fund	\$444,000
2% / Small System Technical Assistance	Funds can only be used to provide technical assistance to systems serving < 10,000	\$222,000
10% / Program Management	Funds can be used to assist the following drinking water programs: Public Water Supply System, Source Water Protection, Capacity Development, and Operator Certification	\$1,110,000
15% / Source Water Protection and Capacity Development	Funds can be used to support the State's Capacity Development Strategy and the Source Water Protection Program with the following restrictions: - SWP land acquisition is loan only. - No more than two-thirds of the total setaside can be used for any one of the following: land acquisition loans or source water protection implementation or capacity development	\$1,665,000

4B. Intended Use of Setasides

The intended use of each of the setasides is described below. Attachment B contains the budget that details how this and the 2% and 15% setasides will be used. Attachments A and B provide additional information regarding the use of setasides.

4B (1). 4% DWSRF Program Administration – 4 FTEs

SRF Program administration will be funded in part by using the entire FFY21 setaside and remaining prior years funds in order to administer the DWSRF program. The Drinking Water and Groundwater Bureau, with support from within and outside NHDES, will administer the DWSRF. The 4% setaside will be used to pay salaries and associated expenses of existing NHDES support personnel devoted to the administration of the fund. External support will be provided by the New Hampshire State Treasury, and the Business Finance Authority (BFA). BFA will be funded to establish the credit worthiness and provide legal services for private systems. The New Hampshire State Treasury will be funded to process transfers in and out of the Automatic Clearing House

Bank, as well as managing accounts and investments related to the DWSRF. Attachment C contains the current agreements with the BFA and the New Hampshire State Treasury. Funds from this setaside are also used to procure all equipment and training necessary for the adequate performance of program administration staff, and travel costs for FTE's performing fund administrative functions. In addition, some of the 4% funds may be used to hire contractor support for DWSRF related data management. These contracts will assist the state with reporting to EPA and analysis of future fund related scenarios.

4B (2). 2% Technical Assistance for Small Systems 1 FTE

NHDES intends to use all of the FFY21 setaside and the remaining prior year setaside. As in years past, NHDES will utilize this setaside to provide technical assistance to small water systems. While technical assistance is a routine activity for all the staff in the small system subsection, NHDES will use a portion of this setaside to fund 1 FTE and associated expenses. This position is located in the small system subsection and is dedicated to improving the financial, managerial and technical capability of systems serving less than 3,300. For 2021/2022, we also use some funds for a contractor to help small systems develop accurate record drawings. As with all the setasides, funding from this setaside will be used to support data systems. This allows us to track the performance of small systems.

4B (3). 10% State Program Management – 10 FTEs

Program Management activities will be funded using the entire FFY21 10% setaside and the remaining prior years setaside. In general, the 10% setaside supports monitoring, enforcement, laboratory certification, private well initiative, operator certification, engineering and plan review, as well as information management activities. Funding from this setaside, will be used for contractor assistance related to PWS data system development and maintenance.

4B (4). 15% Source Water Protection and Capacity Development – 11 FTEs

A number of activities will be funded from using the entire FFY21 15% setaside and the remaining prior year funds, including capacity development and source water protection. Source water protection activities will include technical and financial (grants and contracts) assistance and performance of regulatory functions related to new well sitings and large groundwater withdrawal permitting and to manage database and GIS systems necessary to provide source water protection assistance to water systems. Other capacity development activities beyond source protection will also occur. This will include tracking the progress of New Hampshire's current Capacity Development Program and the ongoing provision of technical assistance to improve small systems managerial, financial and technical capabilities. The state also plans to continue funding a highly successful leak detection contractor and potentially expand this work to include contracting service for water audits as well as grants for asset management plans. Solicitation for Local Source Water Protection Grant Program (\$220,000) is open until November 1, 2021. Contractual support for database improvements is also planned. Grant applications for all grants funded by the DWSRF are available on the NHDES website. Hard copies of these and contractual agreements funded by the setasides can be provided to EPA.

4C SRF 2%, 10% and 15% Set-Aside Uses, Deliverables & Measures of Success

(Note: Includes four-year work plan for 15% setaside)

ACTIVITY	SET-ASIDES USED	DELIVERABLES	CONTRACTS	MEASURES OF SUCCESS
Promote Source Water Protection/ Emergency Planning and Sustainability	15% setaside	<ul style="list-style-type: none"> -Provide grants for WP projects. -Assist PWS. -Publish newsletter and maintain website. -Issue monitoring waivers. -Meet current EPA measure. 	SWP/preparedness Grants	<p>Number of SWP plans implemented.</p> <p>Meeting EPA’s SWP Measures.</p> <p>Routine communication with stakeholders.</p> <p>Water saved.</p>
Public Water System Supervision	10% setaside	<ul style="list-style-type: none"> - Increase compliance via effective enforcement activity. - Develop and implement new rules and complete primacy packages. - All New Hampshire annual lab certifications completed. -Developing SOPs for and implementing new PFAS MCLs. 		<p>Implementation of regulations and primacy updates in accordance with EPA’s schedule/measures.</p> <p>The number of enforcement actions/year.</p> <p>The number of labs certified/ year.</p> <p>The number of assistance contacts to private well owners through calls and use of the Be Well Informed app.</p>
Information Management/GIS	2%, 10% and 15% setasides	<ul style="list-style-type: none"> -Improved information management. - Continue to develop new database. - Document current status of all PWSs. -Transition from legacy databases. -GIS analysis for priority setting and mapping of public water system 	<p>Funding provided to Office of Information Technology (based on positions and computer replacement needs and the costs for a programmer).</p> <p>2%, 15% and 10%: IM Contracts</p>	<p>Timely reporting.</p> <p>Data driven decision making.</p> <p>Functional databases.</p> <p>Improved GIS analyses and coverage of distribution systems.</p>

ACTIVITY	SET-ASIDES USED	DELIVERABLES	CONTRACTS	MEASURES OF SUCCESS
		distribution systems.		
Capacity Development/ Small System Oversight	2%, 10% and 15% setasides	<ul style="list-style-type: none"> - Target capacity development. - Outreach and assistance to small systems. - Assist private well owners with a focus on arsenic reduction. - Operator certification. -Leak detection occurring at multiple systems. 	<p>15%: Asset Management Grants .</p> <p>2% Planning grant contract to improve small system record drawings</p> <p>Leak Detection & Water Audit Contract.</p>	<p>Improved compliance.</p> <p>Improved public health.</p> <p>Efficient use of infrastructure funding.</p>
Implement Well Siting Program	15% setaside	New well sitings/ large withdrawals Evaluate source capacity as needed.		The number of well siting approvals s and capacity investigations completed.

4D. Transferring Funds from Setasides into Infrastructure Project Account

NHDES reserves the right to transfer monies from setaside accounts into the infrastructure project account should the need arise.

5. PRIORITIZATION OF GRANTS AND FINANCIAL ASSISTANCE

The criteria for prioritizing source water protection and asset management grant applications are contained in the request for grant proposals to be provided to EPA. Use of a leak detection contractor will continue to occur on a first come, first served, readiness basis.

6. CRITERIA AND METHOD FOR DISTRIBUTION OF INFRASTRUCTURE PROJECT FUNDS

In FFY2021 the state must provide a minimum of 20% of the capitalization grant to subsidize infrastructure projects for disadvantaged systems but may provide up to 49%. To meet this goal, New Hampshire will fund projects in disadvantaged communities on a priority basis.

6A. Description of Process for Selection of Eligible Systems to Receive Assistance

The state of New Hampshire utilizes a ranking system to prioritize the order in which eligible projects will be financed. Projects are ranked based upon the relative impact of the project in achieving the objectives of the Safe Drinking Water Act and, in 2021, priority will continue to be given to projects in disadvantaged communities. In general, highest priority will be given to projects in disadvantaged communities that facilitate compliance with national primary drinking water regulations applicable to the system under title 1412 or otherwise significantly further the health protection objectives of this title (1452(a)(2)). Projects in need of improved capacity will also be given priority. Although, there is not a requirement to fund “green” projects. NHDES intends to award priority points for certain types of green projects identified in a system’s energy or water use efficiency or sustainability plan.

Prior to funding any project, every effort is made to evaluate an applicant's financial, technical and managerial capacity prior to issuing a loan. This is accomplished by reviewing plans, designs, documents and compliance records, as well as completion of a capacity self-assessment form as a condition of the loan application. Loans will not be issued to those applicants lacking the necessary capacity to effectively own, operate and maintain their system(s). All projects are required to complete asset management activities for the funded asset including asset inventory and a commitment to an asset management, financing and implementation strategy. A system-wide plan is not required by the DWSRF program although it is strongly encouraged and technical assistance is provided. The priority ranking system that was used to produce the list in Section 9 is explained in the following subsections.

6A (1). Priority Ranking Formula

Project priority points (P) will be derived using the following formula:

P= (A+B+C+D+E+F+G+H+I+J)

Where:

- A** = Existing or projected violations of current and proposed drinking water standards
- B** = Existing deficiencies in the supply of drinking water
- C** = Existing deficiencies in design or operation
- D** = Capacity development need
- E** = System interconnection
- F** = Affordability (ratio of annual water rate vs. median household income)
- G** = Implements energy or water use efficiency type projects
- H** = Addresses critical infrastructure needs
- I** = Asset Management (AM) program in place and project identified in an AM plan
- J** = Lead component/service line replacement project

Eligible applicants for project funding include municipal or privately owned community water systems and non-profit organizations that operate public water systems that are non-community but serve a non-transient population such as: schools, hospitals and large work places. Seasonal or communities with less than 50% of households whose residents are permanent are not eligible for Category F and will not receive subsidization. Joint projects that involve 2 or more applicants, that are seeking funding as one project, will be ranked as one project. Ranking points cannot be double counted but if one applicant is eligible for points from a particular category (e.g. capacity points) then the whole project is eligible for those points.

Description of Factors

Factors used in the formula are described and weighted below. Factors and points apply to the system applying for assistance. For projects where an interconnection is proposed, points can be awarded for the relief of problems in the satellite system(s).

A = Current or Projected Violations of Drinking Water Standards or Trigger Levels		
Maximum Contaminant Levels (MCL) are established by the federal or state Safe Drinking Water Act (SDWA) for those contaminants which may be detrimental to public health. Exceedances of these levels in the last year (retroactive exceedances for recently adopted MCLs and the last three years for IOCs and secondary contaminants) at community public water systems, of contaminants that will be addressed by the project, carry the following weightings. Points are given for all of the following categories that apply to a system and will be addressed by the project:		
Category		Priority Points
a. Total and fecal coliforms		
	1. No detections	0
	2. 1-2 TCR assessments	30
	3. Greater than 2 assessments	40

	4. Boil order	60
b. Nitrate or acute do-not-drink health advisory/AGQS		
	1. No level above 1.0 mg/L (N) or HA/AGQS	0
	2. Levels >5.0,<10mg/L (N), or >0.1,<0.3 mg/L Mn	30
	3. MCL violations (N) or HA exceedance/AGQS	60
c. Filtration or Disinfection related Treatment Techniques		
	1. No violations	0
	2. 1-2 treatment technique violations	30
	3. Greater than 2 violations	60
d. Chemical or Disinfection Byproducts MCL violations		
	1. No MCL exceedances or violations	0
	2. Greater than 80% of MCL or AGQS or at least 1 exceedance	20
	3. Exceedance of a proposed standard	40
	4. 1-2 MCL violations	40
	5. Greater than 2 violations	52
e. Lead and Copper (At the 90th percentile)		
	1. Copper levels above 1.3 mg/l	40
	2. Lead levels above 0.010 mg/l	52
f. Secondary Standards		
	Any exceedance of a secondary MCL	20

B = Quantity Deficiencies	
Quantity deficiencies are shortages due to limited water supply sources within the distribution system to meet public need. The public health and compliance risks associated with quantity deficiencies include domestic need of adequate potable water for drinking and hygiene. The following priority points may be assigned only for current or recent (within last five years) unaddressed shortages. Projects related to future growth or expansions are not eligible for funding.	
Category	Priority Points
Adequate quantity for the present (meets all current demand)	0
Continual shortage (daily)	26
Shortage of supply recognized by NHDES	24
Shortage during peak demands	24
Shortage during seasonal high use in a system with an implemented conservation plan	22
Shortage during seasonal high use in a system without an implemented conservation plan	18

C = Design/Operational Deficiencies	
Design or operational deficiencies are those which could be corrected by, repair, installation, or	

replacement of all or a portion of the system. Any combination of the following deficiencies has the potential to adversely affect a system's ability to continually provide drinking water that meets all standards.	
Category	Priority Points
Incomplete surface water filtration or presence of groundwater under the influence of surface water	26
Insufficient storage capacity/storage tank	24
Confined space pumphouse/other safety issues	18
Non-optimized surface water filtration when compared with American Water Works Association composite correction criteria	18
Distribution/plant capacity deficiencies (includes situations where current demand exceeds treatment capacity; pipe tuberculation; pressure issues; asbestos cement removal, high unaccounted for water)	18
Need to upgrade existing corrosion control treatment in order to meet action levels	17
Improper well construction	16
Mandated disinfection of groundwater system	14
Inadequate water treatment wastewater disposal (backwash or sludge)	14
Other significant deficiencies (e.g. other deficiencies observed during a sanitary survey)	14
Backup power source	5

D = Capacity Development	
Public water systems in need of significant technical, managerial or financial assistance through the capacity development program are identified through a variety of mechanisms including sanitary surveys, referrals from contract operators, direct requests from the water system, customer complaints, and repeat enforcement and significant non-complier lists. Systems are notified of the recommended improvements in their sanitary survey report or technical assistance site visit reports, are coded in the database and entered into our capacity development tracking database. Systems on the capacity development list are typically very small systems but are not limited to system size.	
System is being tracked by DWGB in the capacity development tracking database. Project addresses a recommendation identified through the DWGB capacity development program.	20

E = Consolidation	
The project involves interconnection to a more viable public water system.	20

F = Affordability	
Affordability is an indicator of a rate payer's ability to afford rate increases that will result from a project. Affordability is determined by a ratio that compares the average water rate to the median household income of the community that is applying for funding. Below is a table which provides points based on this ratio. Only year round communities that are considered	

disadvantaged will be eligible for these points. The water rates are based on the most recent information compiled by NHDES in its 2021 water rate survey report or from information provided directly by the applicant. The median household income (MHI) is the income data compiled by the U.S. Census Bureau 2015-2019 American Community Survey. The affordability ratio is calculated by dividing the water rate by the community median household income times 100%.

Affordability Ratio (Water Rate/MHI)	Priority Points
2.00 or more	15
1.6 to 1.99	11
0.8 to 1.5	7

G = "Green"

Projects that include energy or water efficiency improvements will be assigned ranking points. In general, green projects include, but are not limited to, energy generation, leak repair, meter installations or upgrades, pump efficiency, water infiltration/storage projects, high efficiency pumps and motors, variable frequency drives in lieu of throttling valves, water main replacement or any other activities identified in a NHDES-approved water conservation plan or comprehensive energy or water audit.

Category	Priority Points
Project is directly from the systems energy audit	15
Project is energy or water efficient	10

H = Critical Infrastructure

If the project upgrades, replaces or supplements critical infrastructure components such as sole sources of supply, water treatment plant, storage tanks, transmission mains, river crossings, or other such infrastructure the failure of which could interrupt water service to the entire water system, or a significant portion thereof, then the project will be assigned ranking points.

15

I = Asset Management

If the system has completed activities related to an active asset management program, then the project will be assigned ranking points. This includes small water system business plans (BP).

Category	Priority Points
Project is directly from the systems asset management plan/BP	15
The system has implemented a complete asset management plan/BP	5
The system has implemented some components of an asset management plan/BP	2

J = Lead

Any documented lead component or lead service line (all the way to the meter) replacement project

50

Lead jointed pipe

10

6A (2). Tie-Breaking Procedure

When two or more projects score equally under the Project Ranking Formula, tie-breaking procedures will be utilized. The first tie-breaking procedure is related to long-term financing of the projects. A project that intends to use the DWSRF for long-term financing will receive the higher ranking. If both projects are to use the DWSRF for long-term financing, in order to direct financial resources where they will benefit the greatest number of people, and because the vast majority of New Hampshire's systems are either small or very small, (statewide, only 18 systems serve greater than 10,000 people) the project with the greater existing population served will receive the higher ranking.

6A (3). Bypass Procedure

Because of the need to apply quickly for available federal dollars and the unpredictability of when funds become available, projects that score high but cannot obtain authority to borrow before May 2022, may be temporarily by-passed. Also, a project on the fundable portion of the main list may be bypassed if it is determined that the project will not be ready to proceed for other reasons during the funding year or, if the cost of the project will prevent the state from meeting the grant conditions requiring that 15% of the grant be used to fund projects in small systems, and that 20% be used to subsidize loans to disadvantaged communities. Any applicant whose project is to be bypassed will be given written notice by NHDES. It is the department's intent to work with these systems to assist them in getting ready to proceed. Funds which become available due to the utilization of the bypass procedure will be treated in the same way as additional allotments.

6A (4). Emergency Projects

Projects necessary to alleviate emergency situations that result in an imminent threat to public health, such as: the total loss of water supply or loss of a major component due to a natural or unforeseen disaster which could not have been prevented by the applicant (e.g. tornado, flood, severe weather, fire, collapse, emerging contaminant that is acute in nature for some population, etc.), or other water emergencies which could not have been prevented by exercise of reasonable care by the applicant, can be immediately elevated to the top of the priority list at the discretion of the department.

6A (5). Refinancing Existing Loans

The DWSRF may be used to buy or refinance debt obligations for DWSRF eligible projects not currently financed through the DWSRF. Debt obligations for private systems are not eligible for refinancing under the DWSRF. The long-term debt must have been incurred after July 1, 1993, to be eligible for refinancing. DWSRF monies cannot be used to refinance loans for the purchase of land. Priority for refinancing will go to systems having the highest user rate. Consideration for these applications will be entertained only after projects addressing public health protection and compliance have been funded. If funded, the refinanced project must have complied with

all federal and state requirements for the DWSRF program including applicable Davis-Bacon Act and the American Iron and Steel provision requirements.

6B. Impact of Funding Decisions on the Long Term Financial Health of the DWSRF

The rate structure for loans will encourage short-term loans; thereby freeing up funds for more loans. Financial modeling indicates that even with the measures being put into place to address disadvantaged communities; reduce ULOs, the integrity of the fund will be maintained and growth will occur.

6C. Relationship to State Program Goals and Objectives

NHDES places priority on categories of projects that meet departmental goals as stated in the long and short-term goals of the IUP (Section 2). In general, the resolution of imminent threat to public health by addressing acute contaminants at disadvantaged communities is paramount, followed by the resolution of such issues elsewhere. Other compliance issues, improved capacity and promotion of projects identified in an asset management plan are also goals supported by New Hampshire's prioritization approach.

7. ASSISTANCE TO SMALL SYSTEMS

A minimum of 15% of the total amount available for assistance from the fund must be made available to provide infrastructure loan assistance to systems serving fewer than 10,000 people. Accordingly, New Hampshire intends to dedicate at least \$1,665,000 for loans to eligible small systems for eligible infrastructure projects.

8. DISADVANTAGED COMMUNITY/SYSTEM PROGRAM

New Hampshire will provide at least 20%, not to exceed 49%, of available funding in the form of loan subsidies to disadvantaged communities. The percentage of principal forgiveness will be adjusted as needed, as provided in 8D below, to ensure that this goal is met and, if necessary, bypass provisions will be utilized.

8A. Definition

A disadvantaged community or system is defined as a community public water system or community that serves residents whose median household income (MHI) is less than the statewide MHI (Attachment D) based on the most recent census data and/or income survey. If an applicant for DWSRF assistance meets the definition of "disadvantaged" and if the resulting project user rate (which is the total of the existing rate in addition to the rate that results from the new project) exceeds the statewide affordability criteria (see 8C), it may be eligible for subsidies from the Disadvantaged Community/System Program. Subsidies will be available in the form of principal forgiveness. This program only applies to infrastructure projects.

8B. Limitations to Disadvantaged Program Assistance

To qualify for disadvantaged program assistance, at least 50% of the residential units served by the water system must be occupied at least six months of the year by a population meeting the disadvantaged income criterion (i.e. Project MHI < Statewide MHI). A project requesting interim financing will also not be eligible for disadvantaged system assistance.

8C. Affordability Criteria and Terms of Financial Assistance

Affordability of a proposed project considers both the resulting user rate (based on usage of 71,996 gallons per household per year) and the MHI of the community system or community in which the system exists. An affordable project is one that results in user rates that do not exceed 0.8% of the system or town MHI. For the purpose of determining the level of subsidy given the applicant through the Disadvantaged Community/System Program, the following process is followed:

Communities or systems requesting a loan that have an MHI less than the statewide MHI (based on the most recent census data and/or income survey), which for New Hampshire is \$76,768 using the 2015 - 2019 American Community Survey data, are identified and considered disadvantaged. Provided they score enough points to be funded using the previously described prioritization ranking methodology, they will be given a subsidy in the form of principal forgiveness to bring the resulting user rate closer to being considered "affordable." The level of subsidy is determined by using an Affordability Index, which serves to measure the impact of a project on a disadvantaged community. The index is calculated by dividing the project user rate by the community or community system's MHI. Loans, rates and terms for this program will be the same as those for standard project loans.

Disadvantaged System Assistance

Affordability Index* (project user rate / community or water system's MHI)	Minimum Principal Forgiveness
0.8 to < 1.50	10%
1.50 to < 2.00	15%
≥ 2.00	20%

*See Attachment D for community MHI figures used in the calculations.

Community systems that are county owned are eligible for forgiveness as long as the county MHI is below the statewide MHI. The level of subsidy will be determined based on the chart below.

**County Owned Community Systems
Disadvantaged System Assistance**

Median Household Income (MHI)	Amount of Principal Forgiveness
\$76,768-\$50,000	10%
Below \$50,000	15%

8D. Amount of Funding to be Provided to Disadvantaged Communities/Systems

NHDES intends to reserve a minimum of 20% of the DWSRF capitalization grant to subsidize eligible projects at community water systems in disadvantaged communities. Subsidy will be provided in the form of principal forgiveness. To meet this goal, the amount of subsidy for a project will be determined at the time of the loan agreement in accordance with the table above. The New Hampshire DWSRF program reserves the right to increase the principal forgiveness percentages in the Disadvantaged System Assistance table in section 8C, above, in order to meet the minimum 20% disadvantaged subsidy goal. If necessary, each category of principal forgiveness in the tables above will be increased by an equal amount to ensure that the total amount of loan forgiveness under the 2021 PPL meets the amount required by the federal grant.

8E. Identification of Systems to Receive Assistance

Projects have been prioritized using the system described in section 6A and identified on the project priority list as eligible for assistance from the Disadvantaged Community/System Program.

8F. Long-term Effect of Subsidies on the DWSRF

The anticipated net long-term effect of the allocation of funds for financial assistance to Disadvantaged Communities/Systems, as proposed, will be to reduce the amount of funds available to the standard project fund in the amount of \$2,220,000.

9. 2021 INFRASTRUCTURE PROJECTS

The NHDES received 188 eligible applications for new infrastructure projects. For a complete description of each of these 2021 projects and the current priority-ranking list see Attachment F.

10. UNANTICIPATED CHANGES IN THE INTENDED USE OF FUNDS

This IUP provides a description of how New Hampshire intends to utilize both project funds and setasides. It provides for the funding of emergency projects and describes a procedure to bypass projects. In the rare event that a significant change in this plan is deemed necessary, New Hampshire commits to the public notice and hearing requirements as described in the next section.

11. PUBLIC PARTICIPATION

A public hearing was held on August 5, 2021, related to this IUP. Notice of this hearing was posted in the *New Hampshire Union Leader*, a newspaper with statewide circulation. Email notification to all applicants occurred one week prior to the public hearing. Attachment H contains the description of the public hearing and a summary of all the comments received.

ATTACHMENT A

FFY21 NHDWSRF Financial Status

Projected Uses of DWSRF	\$ available
Federal Cap Grant	\$11,100,000
State Match (20% of federal cap grant)	<u>\$2,220,000</u>
Total \$s available for projects and setasides	\$13,320,000
Projected \$ for projects:	
FFY21 Set asides to be used 7/1/21-9/30/22	<u>(\$3,441,000)</u>
Total \$s available for projects	\$9,879,000
Projected uses of FFY21 infrastructure project funds:	
Subsidies to Disadvantaged Communities/Systems (20% of cap grant)	\$2,220,000
Small System Dedication (15% of Cap Grant)	\$1,665,000
Maximum Standard project loans (may also include small system projects)	\$5,994,000
Total uses of FFY21 project funds:	\$9,879,000
<u>Loan repayment available for projects:</u>	<u>\$10,000,000</u>
Total Project Funds Available:	\$19,879,000

ATTACHMENT B

Setaside Budget

ATTACHMENT C

Agreements – Business Finance Authority and Department of Treasury

ATTACHMENT D

2015-2019 American Community Survey MHI Table

ATTACHMENT E

Indirect Cost Agreement

ATTACHMENT F

Infrastructure Projects: Priority List

ATTACHMENT G

Payment Schedule for ACH

ATTACHMENT H

Public Participation

Call for Pre-applications

Public Hearing Newspaper Notice

Public Hearing Description and Summary of Comments Received

ATTACHMENT I

Subsidy Requirement Charts