

STATE OF INDIANA

Clean Water SRF Intended Use Plan for Emerging Contaminants Program



**State Fiscal Year 2023
(July 1, 2022 – June 30, 2023)**

**For CWSRF Federal Emerging Contaminants
funds appropriated in FFY 2022**

State of Indiana
Clean Water SRF Contaminants Program
Intended Use Plan SFY 2023

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I. Introduction

Pursuant to Sections 603(g), 606(c) and 216 of the Clean Water Act as further amended by the Water Resources Reform and Development Act, (collectively, the “Clean Water Act” or “CWA”) and the FY 2023 Appropriations Act, the State of Indiana (State), acting through its Indiana Finance Authority (Authority), hereby submits to the United States Environmental Protection Agency (EPA) and the public this Intended Use Plan (IUP) for State Fiscal Year (SFY) 2023, for its Clean Water State Revolving Fund Emerging Contaminants (CWSRF) Loan Program. An IUP is prepared each fiscal year to identify the uses of all monies available to the CWSRF and DWSRF Loan Programs during that fiscal year. Acronyms and terms used herein are defined in Exhibit A, Definitions.

This IUP sets forth the intended use of the CWSRF Emerging Contaminants Capitalization Grant that will be transferred to the DWSRF Emerging Contaminants Loan Program. The CWSRF Emerging Contaminants Capitalization Grant was appropriated through the Bipartisan Infrastructure Law (BIL).

The CWSRF Emerging Contaminants Program is administered by the Authority. The Authority is responsible for setting priorities for financing assistance from the CWSRF, which is evidenced by the CWSRF Emerging Contaminants Capitalization Grant received from EPA.

The Authority assures that no person or entity shall be excluded from participation in, or be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity on the basis of race, color, or national origin as required by Title VI of the Civil Rights Act of 1964. This requirement is included in all Financial Assistance Agreements and contract documents funded through the State Revolving Fund Loan Programs.

II. Project Priority List (PPL)

The SFY 2023 PPLs include applications and projects submitted to the CWSRF Loan Program. Projects for which a Preliminary Engineering Report (PER) has been submitted have been ranked and scored. The SFY 2023 CWSRF PPL does not contain sufficient projects addressing emerging contaminants to utilize the CWSRF Emerging Contaminant Program FY 2022 funding. It is the intent of the Authority to apply for the CWSRF Emerging Contaminants Capitalization Grant and to transfer the FY 2022 CWSRF Emerging Contaminant allotment to the DWSRF Emerging Contaminant program, which does have sufficient projects addressing Emerging Contaminants to utilize both the CW Emerging Contaminants Capitalization Grant and the DW Emerging Contaminants Capitalization Grant. See the DWSRF PPL at www.srf.in.gov for a listing of projects with Emerging Contaminant components.

The funds will be used to finance the DWSRF projects found on the DWSRF PPL noted to address emerging contaminants in drinking water. The DWSRF Loan Program has sufficient projects reflected in the SFY 2023 PPL meeting the goals of the DWSRF Emerging Contaminants Program to utilize the entirety of the FY 2022 DWSRF Emerging Contaminants allotment along with the FY 2022 CWSRF Emerging Contaminants allotment.

III. 2023 CWSRF Loan Program Goals and Objectives

The goal of the CWSRF Loan Program is to facilitate statewide compliance with State and Federal water quality standards. For purposes of this CWSRF Emerging Contaminants IUP, short-term goals and objectives are those the State expects to achieve in SFY 2023.

A. Short-Term Goals and Objectives

During SFY 2023, the CWSRF Loan Program expects to achieve the following short-term goals and objectives:

ST1 Goal: Seek the immediate transfer of award of the Federal Fiscal Year (FFY) 2022 Emerging Contaminant Capitalization Grant to the DWSRF Emerging Contaminant Program.

ST2 Goal: Conduct outreach that includes presenting at workshops and conferences to advertise the availability of CWSRF Emerging Contaminants funding and assistance available to disadvantaged communities through the CWSRF Loan Program.

ST3 Goal: Work with partners to develop a pipeline of projects to utilize the CWSRF Emerging Contaminants program in SFY 2024.

IV. Financial Status of the CWSRF Fund

A. Technical Assistance Set-Aside

The BIL allows for the Authority to set-aside an additional two (2%) percent of funds annually awarded to provide technical assistance to rural, small, and tribal publicly owned treatment works, particularly in disadvantaged communities (i.e. communities that meet the Affordability Criteria). The Authority will not utilize the set-aside funds through the FY 2022 CWSRF Emerging Contaminant program, but retains the authority to reclaim the funds, in the amount of \$45,060, from a future Capitalization Grant.

Banked Set-Aside Funds:

	Technical Assistance	Total
FY 2022 Emerging Contaminants	\$45,060	\$45,060

B. Transfers between CWSRF and DWSRF

The Authority has retained the flexibility to permit transfers between the DWSRF Loan Program and the CWSRF Loan Program of Capitalization Grants and other funds held in or allocable to such funds to the extent permitted by the CWA and the Safe Drinking Water Act (SDWA). Transfers are only made between accounts established for like purposes and subject to like restrictions in the SRF Loan Programs, such as the DWSRF Emerging Contaminant Program and the CWSRF Emerging Contaminant Program.

The statutory ceiling of funds available to transfer is 33% of the DWSRF Emerging Contaminant allotment. In FY 2022, the DWSRF allotment is \$11,548,000 and 33% of the allotment equals \$3,810,840; thus allowing 100% of the CWSRF Emerging Contaminant allotment (equal to \$2,253,000) to be transferred to the DWSRF Emerging Contaminant Program.

	DWSRF EC Program	CWSRF EC Program
FY 2022 Program Allotments	11,548,000	2,253,000
Transfer	2,253,000	(2,253,000)
FY 2022 Post-Transfer Amounts	13,801,000	-

V. Public Participation

Public notice is made through the SRF Loan Program website, www.srf.in.gov. The CWSRF Loan Program has public noticed the Amended and Restated IUP on the SRF Loan Program website from October 27, 2022, through November 17, 2022. Each quarter, the PPLs are public noticed for a three-week period. Further detail on public notices of the PPLs can be found in Exhibit B. Copies of this proposed IUP and PPLs are also available to the public upon request. The PPLs are also posted on the SRF Loan Program website and the public is encouraged to provide comment.

The Authority provides outreach to various groups, and organizations associated with Indiana communities by presenting at relevant conferences (Regional meetings conducted by the Authority or the Authority’s contractors, AWWA, EWIG, etc.) and informing the public of the public review comment period of the CW IUP through targeted mailings. The Spring 2023 SRF newsletter encouraged public comment for the Indiana IUPs. The Newsletter is emailed to Financial Advisors, Engineering Firms, Bond Counsels, and other interested parties.

The CWSRF Loan Program will respond to any substantive SFY 2023 IUP comment or concern.

This IUP, may be amended during SFY 2023 in accordance with federal and state law. The IUP may also be amended from time-to-time to reflect any minor changes which constitute data revision or clarification.