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AGENDA ITEM MEMO

BOARD MEETING DATE: September 12, 2024

TO: Board Members

THROUGH: Bryan McMath, Interim Executive Administrator
Ashley Harden, General Counsel
Jessica Peña, Deputy Executive Administrator

FROM: Marvin Cole-Chaney, Director, Program Administration and Reporting
Patrick Kading, Manager, Federal Program Administration

SUBJECT: SFY 2025 Drinking Water State Revolving Fund Intended Use Plan – Lead Service Line Replacement Program

ACTION REQUESTED

Consider approving the State Fiscal Year (SFY) 2025 Drinking Water State Revolving Fund Intended Use Plan covering Lead Service Line Replacement activities.

BACKGROUND

The Infrastructure Investment and Jobs Act of 2021 (IIJA) appropriated capitalization grant funds for Federal Fiscal Years (FFY) 2022 to 2026 for lead service line replacement projects. This IUP covers the DWSRF capitalization grant funds allocated to Texas from FFY 2024 appropriations in the amount of $28,650,000.

The appropriations require exactly 49 percent ($14,038,500) of the capitalization grant amount be provided as additional subsidization, which will be in the form of principal forgiveness. Per the U.S. Environmental Protection Agency's (EPA's) guidance, only projects that meet the state's disadvantaged community definition are eligible to receive the additional subsidization. A total of $27,528,500 is available for projects under this IUP, including the required additional subsidization.

To be eligible for this financial assistance, projects must be a lead service line replacement project or associated activity directly related to the identification (including service line inventories), planning, design, and replacement of lead service lines, and the system must be DWSRF program eligible. Any funded project involving the replacement of a lead service line must replace the entire lead service line, not just a

portion, unless a portion has already been replaced or is concurrently being replaced with another funding source.

Program Highlights

a) To ensure TWDB fulfils the additional subsidization requirement in the IIJA, all financing will be made at the ratio of 51 percent principal forgiveness and 49 percent loan/bond, including the financed loan origination fee. In addition, it will allow the TWDB to substitute another project at the same ratio for any project that fails to close on the entire amount, further ensuring the TWDB maintains the overall required additional subsidization percentage regardless of any particular project.

b) Features a definition of disadvantaged community that will enable virtually all areas of Texas to be eligible for this program.

c) At the same time as employing a broad definition of a disadvantaged community, it established that funding priority will be for projects with identified lead service lines or have included inventory of lines as part of the project, those with lower annual median household incomes, and smaller systems.

d) Inventories – the loan portion of the approved project covering the service line inventories will be at zero percent interest. This will provide additional benefit to those financing service line inventories through this program.

e) Planning, acquisition, design, and/or construction phases – the loan portion will carry an interest rate based on the regular DWSRF program interest rate reduction methodology. This will provide interest income for the regular DWSRF program since loan payments from the Lead Service Line Replacement financing are deposited into the regular DWSRF account.

Significant Program Changes for SFY 2025

Significant program changes from the previous year's IUP are highlighted below. These changes address the new DWSRF-LSLR program requirements while striving to ensure the programs continue to offer financial assistance to all eligible systems within the constraints of the program. These adjustments are intended to allow the TWDB to continue to meet the needs of its customers while addressing the new allocation and programmatic requirements.

1. Would no longer offer dedicated Construction-Ready funds.

2. Beginning with FFY2024, the EPA has clarified that galvanized service lines that are currently, or ever were, downstream of known lead service lines or components are the only galvanized service lines eligible for Lead Service Line Replacement Funding.

Solicitation and Level of Interest

The TWDB invited entities to submit Project Information Forms (PIFs) for this funding program from December 15, 2023, until April 1, 2024. The SFY 2025 DWSRF Lead Service Line Replacement IUP includes 35 eligible project proposals requesting a total amount of approximately $392 million.

Public Review, Hearing, and Comments

A notice of the 18-day public comment period and the associated public hearing on the draft IUP was placed on the TWDB website and sent via email to entities that submitted projects for the SFY 2025 IUP. A copy of the IUP was sent to the EPA for review and comment. The public comment period was from July 15, 2024, to August 2, 2024. A public hearing was conducted in person on July 25, 2024, at 10:00 A.M. in Austin.

The public comments received during the public comment periods and the TWDB's responses are shown in Attachment 1.

KEY ISSUES

The initial list of projects to be invited to apply for funding is the Initial Invited Projects List (IIPL). Formal invitation letters to those projects listed in the IIPL will be sent upon Board approval of the IUP.

RECOMMENDATION

The Executive Administrator recommends approval of the SFY 2025 DWSRF Lead Service Line Replacement IUP with the ability to make non-substantive changes if necessary.

Attachment(s):

1. Response to public comments on the draft SFY 2025 DWSRF Lead Service Line Replacement IUP
2. Recommended Final SFY 2025 DWSRF Lead Service Line Replacement IUP

Texas Water Development Board

Response to Comments on the Draft State Fiscal Year (SFY) 2025 Drinking Water State Revolving Fund (DWSRF) Lead Service Line Replacement (LSLR) Intended Use Plan (IUP)

The following provides a summary of the public comments received during the public comment period from July 15, 2024, to August 2, 2024, the Texas Water Development Board (TWDB) responses, and changes to the draft SFY 2025 DWSRF LSLR IUP.

General Comments

Comment submitted by: Sanjay Singh Negi, PE, PMP, CFM, Water Resource Engineer, WSP USA Inc.
Comment Date: July 17, 2024

Comment:
What systems will receive funding by Oct 16 deadline to build their inventories? The IUP is not clear on the velocity of release of funds. Should it be expedited?
Let me know if you have any questions.

Response:
The TWDB appreciates receiving this comment for the SFY 2025 DWSRF Lead Service Line Replacement IUP.

TWDB understands the urgency of meeting the EPA inventory deadline and has worked to get funding out in a timely and expeditious manner. The 2025 DWSRF LSLR IUP is not the first source of funding for systems to complete this task. Funds for DWSRF Lead Service Line Replacement (LSLR) Program were first made available under the SFY 2023 IUP, which was approved by the TWDB Board on August 10, 2023. This previous IUP was amended on April 11, 2024, to include additional federal funds from Federal Fiscal Year 2023. Through these previous IUPs, approximately 109 entities have been invited to receive funding.

Entities that will be invited under SFY2025 DWSRF LSLR IUP will not receive funds prior to the October 16th EPA inventory deadline. However, receipt of funds from TWDB does not bar entities from submitting their inventories on time, as inventories can be submitted with "unknowns" and updated at a later date. Additionally, systems may request to be reimbursed on eligible inventory costs, provided the work performed was done in accordance with TWDB's DWSRF LSLR IUP. The TWDB will evaluate those costs on a case-by-case basis.

Within the IUP, Section VIII "Participating in the DWSRF Program" describes the DWSRF Program process. The process is also described, with approximate dates, on the TWDB DWSRF website, https://www.twdb.texas.gov/financial/programs/DWSRF/index.asp.

Change:
None.

Comment submitted by: Danielle Goshen, Senior Policy Analyst, Water Infrastructure, Environmental Policy and Innovation Center and Charles Wight
Comment Date: August 2, 2024

Comment:
To whom it may concern at the Texas Water Development Board,

On behalf of the Environmental Policy Innovation Center (EPIC), I am grateful for the opportunity to submit comments on the DWSRF General Activities and LSLR program. The Environmental Policy Innovation Center (EPIC) is a nonprofit organization whose mission is to build policies that deliver spectacular improvements in the speed and scale of environmental progress. We deliver data-driven policy analysis, innovation, and technical assistance to eliminate disparities across water systems and ensure more residents across the country have access to safe and accessible drinking water. We thank the TWDB for continuing to improve Texas' SRF programs.

Access to safe, affordable drinking water in many parts of the United States feels like a promise made but not kept. Growing concern over the affordability and quality of drinking water is increasingly clear—and barriers to better outcomes range from localized problems to systemic issues.

These challenges are particularly acute in Texas, where the American Society of Civil Engineers 2021 Report Card for America's Infrastructure graded Texas drinking water at a "C-"and Wastewater at a "D." Communities across the Lone Star State grapple with dangerous pipe leaks, arsenic contamination, unprecedented population growth—which can strain already stressed and aged systems—and the intensifying effects of climate change. The Environmental Protection Agency's (EPA) recent Drinking Water Infrastructure Needs Survey and Assessment (DWINSA) estimates $61.5 billion is needed over the next 20 years to upgrade and maintain the state's drinking water infrastructure, ranking Texas second highest in national need.

Luckily, Texas is expected to receive $2.9 billion over five years to improve water infrastructure across the state through the Infrastructure Investment and Jobs Act (IIJA). Further, Texas has effectively leveraged its SRF programs, making additional funds available to invest in much needed water infrastructure projects in the state. One of the key challenges in ensuring equitable water infrastructure for the communities that need it most is the prioritization of funds. A common barrier to informed decision-making in water infrastructure investments is the lack of comprehensive data.

To gain a full understanding of Texas' drinking water challenges, we must account for how different water system characteristics impact access to safe, affordable services—including how they interact in complex ways that can compound impacts to communities. While significant data exist regarding water use and communities impacted, these data are often housed under diverse platforms (e.g., agencies, non-profits, for profit-companies), and are rarely collected based on the service area boundaries of the utilities themselves—rendering the data largely inaccessible for decision-makers and advocates alike.

The Environmental Policy Innovation Center (EPIC) aims to close this data gap with the new Texas Community Water System Prioritization Tool. This tool consolidates relevant

data affecting water users, making it accessible and viewable along service-area boundaries. It is publicly available to decision-makers, service providers, and communities striving to improve safe and affordable drinking water in Texas. Through this tool, we believe we can better inform decisions regarding future investments in technical assistance, project funding, education, and more.

The tool harmonizes 50 variables from 11 different datasets from 6 different organizations and agencies, including:

- EPA: Safe Drinking Water Information System utility information dataset, Safe Drinking Water Information System violations, SRF project awards
- TCEQ: Boil Water Notices, Limited Water Use
- Census: American Community Survey - 5yr 2020
- Duke University: Water Affordability Dashboard
- Environmental Defense Fund: Climate Vulnerability Index (CVI)
- Council of environmental quality: Climate and Economic Justice Screening Tool (CEJST)

To illustrate some of the initial findings developed from this tool, we already identified regional variations among utilities that received SRF funds. For instance, utilities in East Texas exhibit the following characteristics compared to those in other parts of the state:

- Projects receive **less total assistance under State Revolving Fund programs, but have a higher per capita principal forgiveness rate** in comparison to the rest of Texas.

- Approximately 12% of utilities have an open health-based violation, and 24% have had a health-based violation over the past 5 years. **All reported violations (health, non-health, total), were not significantly correlated with any socioeconomic or utility characteristics**.

- Although communities within the lowest 20% of income pay less for water, **the cost of water represents a larger share (up to 3.6%) of their annual income** in comparison to the highest 20% income bracket (up to 1.5%).

- Utilities that draw surface water from a reservoir located in a highly impaired basin are **reporting health-based violations at a higher frequency in East Texas**.

We believe the following recommendations, bolstered by the Texas Community Water System Prioritization Tool, can help support data-driven decisions-making in the DWSRF General and LSLR programs.

I. <u>Consider increasing the amount of principal forgiveness allocated for Very Disadvantaged Communities under the DWSRF General Activities program</u>

Under the SFY25 Draft DWSRF IUP, TWDB is allocating $1,000,000 in principal forgiveness to systems determined to be Very Disadvantaged. Systems are determined to be Very Disadvantaged under this funding option if their service area AMHI is below 50 percent of the state-wide average AMHI.

According to the American Community Survey (ACS) 5-Year Estimates, the statewide AMHI in Texas is $73,035–50% of which is $36,517.5. According to the Texas Community Water System Prioritization Tool, this would make 181 utilities in Texas eligible (see **Image 1** showing a subset of these systems in Harris County).

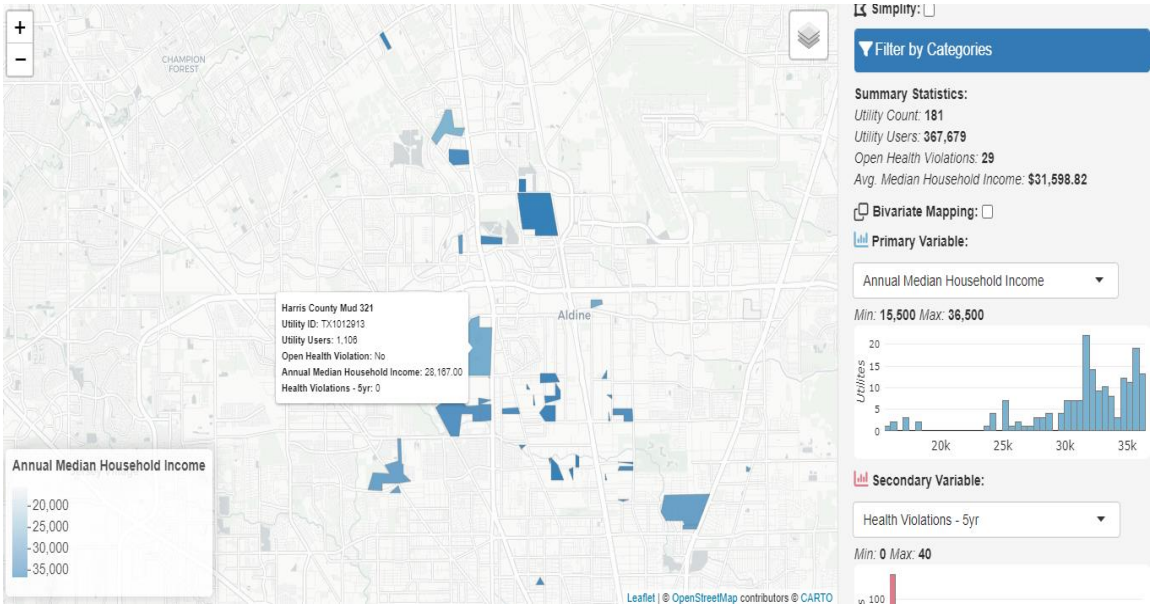


Image 1: Very Disadvantaged Systems identified in the Houston Area and their Summary Statistics identified by EPIC's Texas Community Water System Prioritization Tool

121 of these 181 systems are categorized as Very Small with less than 1,000 connections. Further, of these 181 systems, only 19 have received DWSRF funding from 2009 - 2020 (see **Appendix 1)**.

Further, results from the Texas Community Water System Prioritization Tool show that out of the 141 systems identified as eligible for Very Disadvantaged status, we have annual water and sewer bill data for only nine of these communities. The average water and sewer bill for these communities is $ 930.81. This figure is close to the statewide average of $975.65 for communities with available data. **Image 3,** below shows the City of Crockett, with low AMHI ($28,585) and high annual water and sewer bills ($1,118.4) (see **Image 2**, below).

Very Disadvantaged communities like the City of Crockett, with lower AMHI, are disproportionately affected by higher or even average water and sewer bills, due to the extra burden felt by communities characterized by low AMHI. Increased rates due to additional loan financing from the utility will further exacerbate the financial strain on these communities, if 100% funding is not available under the Very Disadvantaged eligibility.

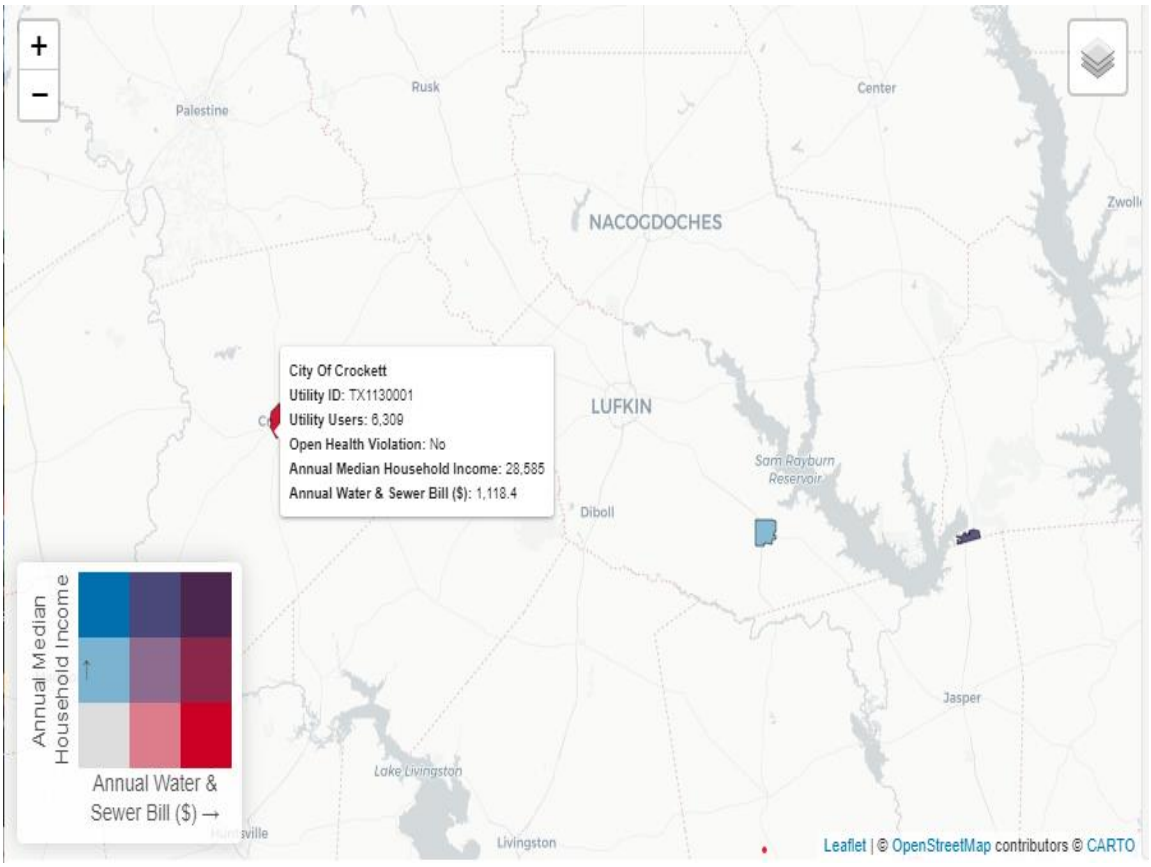


Image 2: Bivariate Graph of City of Crockett showing AMHI and Annual Water & Sewer Service Bill

Further digging into this trend, the data reveal that water and sewer bills on average for Very Small and Medium Very Disadvantaged systems are either equal to or higher than the statewide average, with averages of $975.39 and $1,020.24, respectively. **Figure 1** below illustrates the average water and sewer bills for communities of different sizes, compared to the rates paid by very disadvantaged communities within those same size categories. This shows an even greater need for Very Small and Medium Very Disadvantaged communities to receive 100% funding for their projects–as these communities are likely among the communities with the highest water rate burden in the state. See **Appendix I** for tabular data.

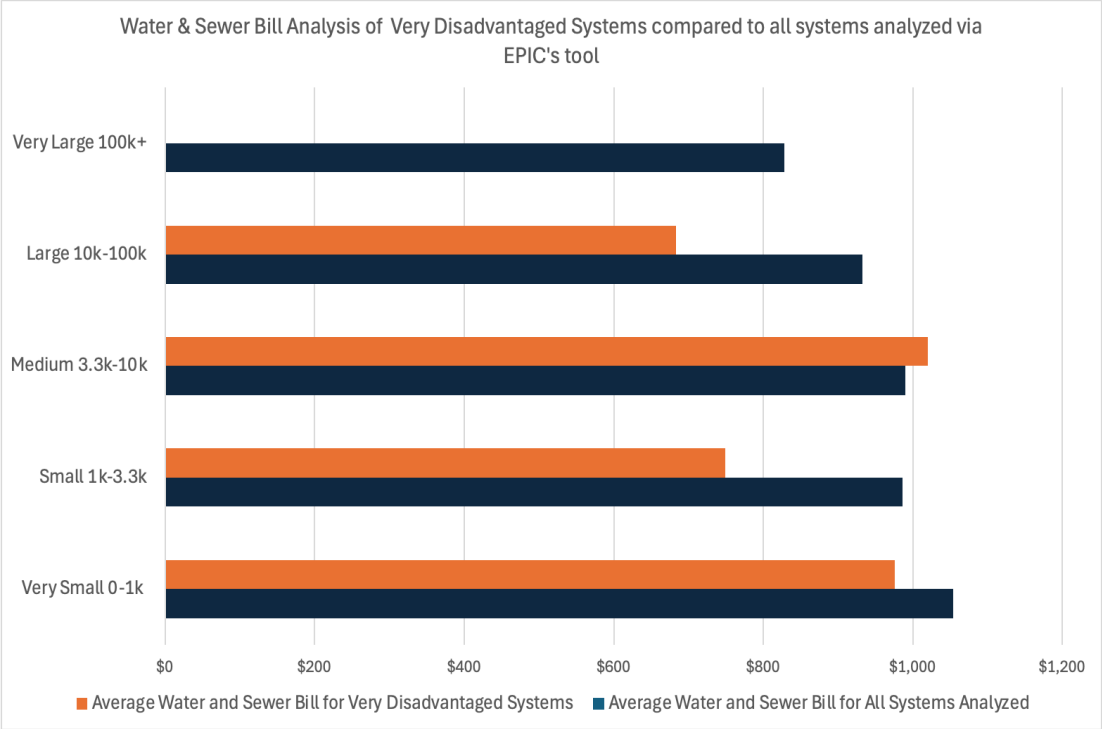


Figure 1: Water & Sewer Bill Analysis of Very Disadvantaged Systems vs state average using EPIC's Texas Community Water System Prioritization Tool

As noted above, currently only $1,000,000 is reserved for Very Disadvantaged communities. While we are very pleased to see this step taken by the TWDB to increase funding to communities that face significant financial hardship, this currently amounts to ~7% of principal forgiveness provided under this year's draft IUP. Luckily however, an additional 10% of funds are available for principal forgiveness (PF) that are not currently being considered for PF. We therefore recommend that additional principal forgiveness from the 10% of funds still available for PF be allocated for these Very Disadvantaged communities. As Texas has significantly leveraged its SRF funding, and has a net position of $1,709,896,186.26, providing additional funding as principal forgiveness for Very Disadvantaged communities would not significantly impact the long-term financial stability of the DWSRF program, and could help address more Very Disadvantaged Communities.

II. Increase outreach through TA programs, increase planning grant opportunities, and increase prioritization points to Very Small, Very Disadvantaged systems under the DWSRF General Activities program

Using the Texas Community Water System Prioritization Tool, we see that 181 of the 4,616 utilities analyzed in Texas would be eligible for Very Disadvantaged status. Of these 181 systems, 19 (or 10%) were funded under the DWSRF during a ten-year period from 2009-2020 (see **Appendix II**).

Digging deeper into these 19 systems, once again, the size of the system shows a significant influence, with larger systems being more likely to secure funding compared to their smaller counterparts. **Figure 2** below shows how within these 19 funded systems Very Small systems struggle the most with applying for and/or receiving funds. While these

systems make up nearly 67% of the Very Disadvantaged systems analyzed, they comprise only 36.8% of the Very Disadvantaged systems that received DWSRF funding from 2009-2020–representing disproportionately low levels of funding.

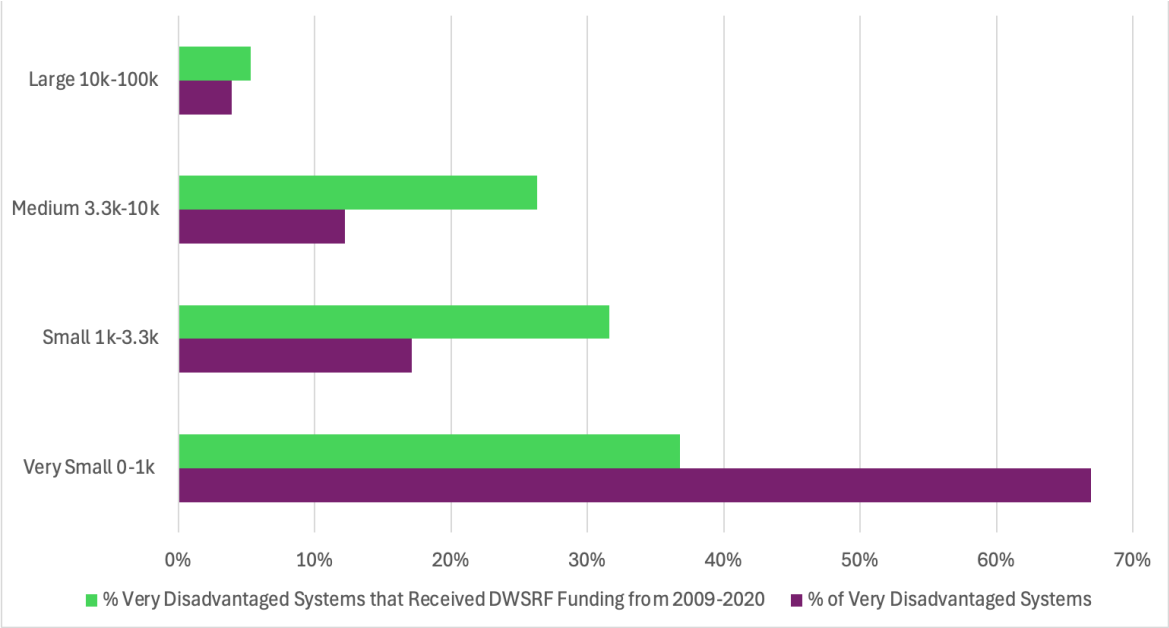


Figure 2: Comparing Very Disadvantaged systems that received DWSRF funding from 2009 - 2020 stratified by system size

This underrepresentation of Very Small, Very Disadvantaged systems may be due to multiple factors, including among others:

- Lack of knowledge regarding DWSRF funding and financing opportunities;
- Lack of capacity to apply for funding and financing through the SRF program;
- Projects submitted not being ready to proceed;
- Applicants not being able to take on additional loans; and
- Low ranking.

In order to help these systems apply for and receive funding we encourage the TWDB to adopt the following recommendations: (i) increase outreach and support efforts through Technical Assistance to Very Small, Very Disadvantaged systems to ensure systems know about the funding and financing opportunities and are given support to apply for and receive funding under the DWSRF program; (ii) for high ranking Very Small, Very Disadvantaged systems whose projects are not ready to proceed, be sure to provide planning grant opportunities to ensure projects are eligible for construction funding in subsequent IUP years; and (iii) provide prioritization points for Very Small and Very Disadvantaged systems, to increase project ranking.

We believe that this increased attention to Very Small, Very Disadvantaged communities, in addition to **Recommendation I** above, will help these communities access much needed infrastructure funding.

III. Reserve 50% of principal forgiveness under the DWSRF LSLR program for communities with greater disadvantage – allowing these communities to receive up to 100% principal forgiveness

Under the draft IUP, an entity is considered an eligible Disadvantaged Community if it:

> *1) may have lead service lines within the distribution system, and*
> *2) 51 percent or more of the proposed project beneficiary area based on household connections has an Annual Median Household Income (AMHI) level that does not exceed 150 percent of the state's AMHI level. The state AMHI from the U.S. Census 2017-2021 American Community Survey (ACS) 5-year estimate is $67,321; therefore the AMHI of the proposed project beneficiary area must not exceed $100,982.*

Using the Texas Community Water System Prioritization Tool, out of 4616 systems analyzed, we identified 659 water systems over and 3880 systems under or equal to $100,982 AMHI–meaning 3880 systems analyzed would meet the socioeconomic factor required under the DAC definition.

Analyzing these 3880 communities, **Image 4**, below shows a bivariate representation of the communities eligible for DAC funding under DWSRF LSLR program and the communities that qualify as disadvantage under the Climate and Economic Justice Screening Tool (CEJST), a mapping tool that helps identify disadvantaged communities. Disadvantaged communities, also known as Justice40 communities. A community is highlighted as disadvantaged on the CEJST map if it is in a census tract that is (1) at or above the threshold for one or more environmental, climate, or other burdens, and (2) at or above the threshold for an associated socioeconomic burden.[1]

As **Image 4** shows, there is a wide range of communities that meet DAC eligibility under the LSLR program, but that are not typically considered disadvantaged, as represented by the communities represented in blue and white. In fact, 1589 (or 41.2%) of the 3880 communities eligible as a DAC under this program are considered to have 0% of the service area considered disadvantaged according to Justice40.

[1] More about CEJST and the disadvantaged methodology used can be found at: https://screeningtool.geoplatform.gov/en/methodology#:~:text=A%20community%20is%20highlighted%20as,for%20an%20associated%20socioeconomic%20burden.

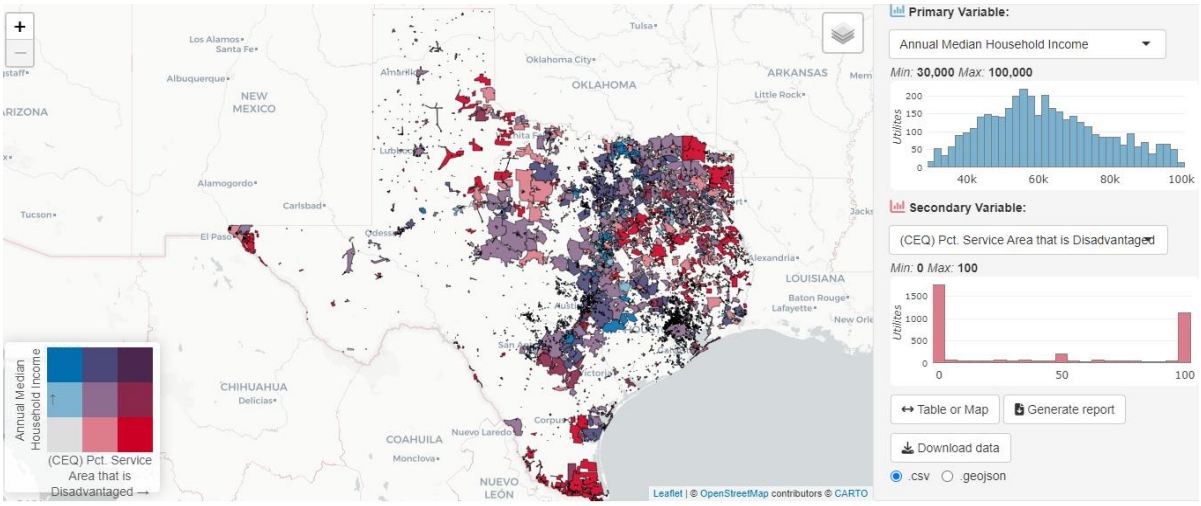


Image 4: Bivariate representation of the communities eligible for DAC funding under DWSRF LSLR program and the White House's Council on Environmental Quality's Disadvantaged status

While we understand the need to disburse funds under this new program in a timely manner, we believe a greater focus is warranted on the communities least able to take on debt and/or pay for LSLR projects without the favorable financing and funding available under the SRF program. Since the current definition is so broad, we are concerned that dis- and under-invested financially vulnerable areas may continue to lose out on funding for LSLR replacement.

Therefore, we suggest reserving at least 50% of funds for areas that meet a narrower disadvantaged community definition – for example, 75% of the area's AMHI as used in other TWDB programs. This would result in communities less than or equal to $50,490.75 AMHI being available for these reserved funds. According to the prioritization tool, this would make 1,022 of the 4,539 water systems analyzed eligible for this separate distribution of funding. Further, this would reduce the number of communities with 0% of the service area considered disadvantaged according to Justice40 from 1598 systems to 121 systems– more effectively targeting limited principal forgiveness to communities that are more disadvantaged.

Further, a disadvantaged community should not be turned away from one-time funding opportunities for projects so directly connected to public health if they are unable to repay loans. Without any possibility of 100% principal forgiveness, we are concerned that the most under-resourced communities will continue to not be able to invest in necessary lead service line replacement programs. To address this, we also recommend that the TWDB prioritize principal forgiveness based on level of disadvantage, with the highest amount of principal forgiveness (up to 100%) reserved for the most disadvantaged communities.

Thank you again for the opportunity to submit these comments. Please do not hesitate to reach out with any questions or comments about the above, and we look forward to working with the TWDB to implement these recommendations.

APPENDIX I: Water & Sewer Bill Analysis of **Very** Disadvantaged Systems using EPIC's Texas Community Water System Prioritization Tool

Size Category	# of All Systems Analyzed	% of All Systems Analyzed	Average Water and Sewer Bill for All Systems Analyzed	# of Very Dis-advantaged Systems	% of Very Dis-advantaged Systems	Average Water and Sewer Bill for Very Dis-advantaged Systems
Very Small 0-1k	2732	59.2	$ 1,053.65	121	2.62	$975.39
Small 1k-3.3k	916	19.8	$986.10	31	0.67	$749.34
Medium 3.3k-10k	588	12.7	$989.71	22	0.48	$1,020.24
Large 10k-100k	275	6.0	$932.02	7	0.15	$ 682.86
Very Large 100k+	38	0.8	$828.20	0	0	-
NA	67	1.5	-	0	0	-
Total	**4616**	**100**	**$975.65** (average water & sewer bill for all systems analyzed)	**181**	**3.92**	**$ 930.81** (average water & sewer bill for Very Disadvantaged Systems)

APPENDIX II: Analysis of systems below 50% Statewide AMHI using EPIC's Texas Community Water System Prioritization Tool

Size Category	All Systems Analyzed	% of All Systems Analyzed	# of Very Dis-advantaged Systems	% of Very Dis-advantaged Systems	Number of Total Systems that Received DWSRF Funding From 2009-2020	Number of Very Dis-advantaged System that Received DWSRF Funding from 2009-2020	% Very Dis-advantaged Systems that Received DWSRF Funding from 2009-2020
Very Small 0-1k	2729	59.1	121	66.9	96	7	36.8
Small 1k-3.3k	911	19.7	31	17.1	68	6	31.6
Medium 3.3k-10k	588	12.7	22	12.2	47	5	26.3
Large 10k-100k	274	5.9	7	3.9	35	1	5.3
Very Large 100k+	38	0.8	0	0	15	0	0
NA	67	1.5	0	0	0	0	0
Total	**4607**	**100**	**181**	**100**	**261**	**19**	**100**

Response:
The TWDB appreciates receiving this comment for the SFY 2025 DWSRF Lead Service Line Replacement IUP and providing a link to the Environmental Policy Innovation Center's Texas Community Water System Prioritization Tool.

Please refer to the public comment responses for the SFY 2025 Drinking Water State Revolving Fund and Clean Water State Revolving Fund Intended Use Plans, for responses related to those programs.

The following recommendation and corresponding TWDB response related to the SFY 2025 DWSRF Lead Service Line Replacement IUP are below:

Reserve 50% of principal forgiveness under the DWSRF LSLR program for communities with greater disadvantage – allowing these communities to receive up to 100% principal forgiveness.

Unlike the DWSRF and CWSRF General Activity programs, the DWSRF LSLR program has specific requirements for the amount of principal forgiveness and loan funding that is made available to systems, as stipulated by the EPA and the Infrastructure Investment and Jobs Act (IIJA). The program must provide 49 percent of the capitalization grant as funding in the form of principal forgiveness. Because of this very specific requirement and the complexity of ensuring that the requirement is met with a large number and variety of projects, it was determined that funding each project at the ratio of 51 percent principal forgiveness and 49 percent loan was the most feasible method for ensuring that the requirements of the capitalization grant are met.

As a clarification, 49 percent of the total capitalization grant must be offered as principal forgiveness to projects. After taking out the administrative set-aside (used by TWDB to administer this program), the remaining funds available for projects are to be distributed at the ratio of 51 percent principal forgiveness and 49 percent loan.

Change:
None.

Comment submitted by: Jennifer Walker, Texas Coast and Water Program, National Wildlife Federation**;** Tom Entsminger, Texas Coast and Water Program, National Wildlife Federation**;** Marisa Bruno, Water Program Manager, Hill Country Alliance**;** Suzanne Scott, State Director, The Nature Conservancy in Texas**;** Bob Stokes, President, Galveston Bay Foundation**;** Evgenia Spears, Water Program Coordinator, Sierra Club Lone Star Chapter**;** Annalisa Peace, Executive Director, Greater Edwards Aquifer Alliance; Hank Habicht, Co-Founder, Water Finance Exchange**;** Usman Mahmood, Policy Analyst, Bayou City Waterkeeper**;** Danielle Goshen, Senior Policy Analyst, Water Infrastructure ,Environmental Policy and Innovation Center (EPIC)**;** Stefania Tomaskovic, Coalition Director, Coalition for the Environment, Equity and Resilience**;** Stephany A. Valdez, Water Justice Organizer, Coalition for the Environment, Equity, and Resilience**;** Harold Hunter, Environmental Services Area Director, Communities Unlimited**;** Becky Smith, Texas Director, Clean Water Action/Clean Water Fund
Comment Date: August 2, 2025

Comment:
To whom it may concern at the Texas Water Development Board,

This letter provides formal comments on behalf of the undersigned organizations on the Draft SFY 2025 Drinking Water State Revolving Fund Lead Service Line Replacement (DWSRF-LSLR) program. The Texas Water Development Board (TWDB) has undergone immense growth in policy and financial responsibilities over the last decade. The Texas Water Development Board (TWDB) has grown and developed immensely over the past decade to meet new challenges and undertake new responsibilities. This trend is illustrated by the $2.9 Billion in new federal funds for the Clean Water and Drinking Water State Revolving Funds (CWSRF and DWSRF, or SRFs) available to the TWDB via the Bipartisan Infrastructure Law (BIL) over the remaining two years of BIL appropriations. This Draft Intended Use Plan covers capitalization grant funds allocated to Texas from Federal Fiscal Year 2024 LSLR appropriations, which represent a historic opportunity for projects in disadvantaged areas of the state. 49% of the funds are also required to be utilized as Additional Subsidization, indicating the federal government's recognition of the challenges communities face as they try to mitigate lead service lines in their distribution systems.

With these comments we seek to acknowledge positive changes incorporated into the SFY 2025 Draft DWSRF LSLR IUP, provide recommendations for additional changes that we believe could be incorporated in support of program goals, and outline future policy recommendations that should be considered for incorporation into future IUP's.

We find the following changes encouraging and hope to see them remain in upcoming LSLR IUP's:

- No longer offering dedicated Construction-Ready funds; and
- Providing 25 rating points to projects that include an inventory as part of the project to identify lead service lines, placing them on a level playing field with projects that have already identified lead service lines as part of the water system.

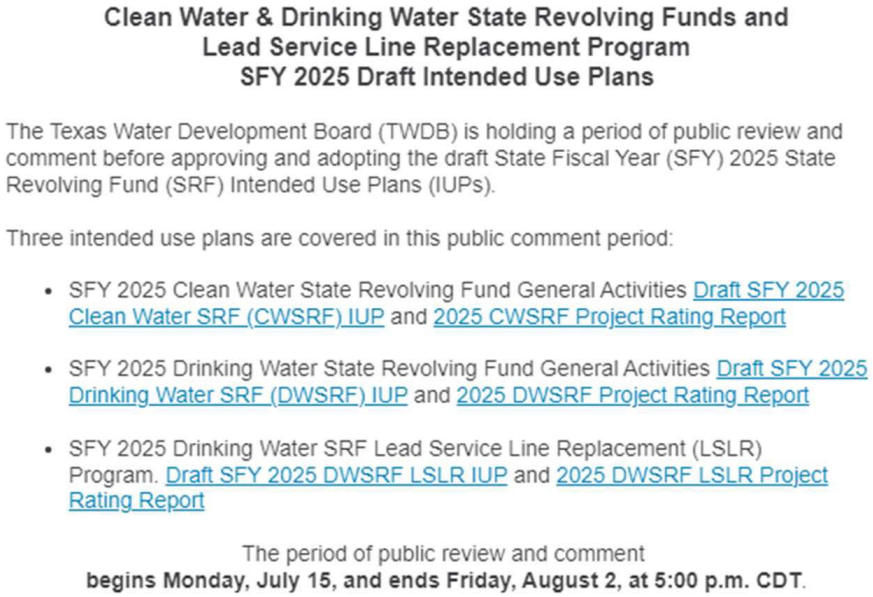
We believe the following recommendations should be considered for implementation in the SFY 2025 LSLR IUP:

I. Add an Initially invited Project List

Although the TWDB has posted the Project Rating Forms for the LSLR program on its website, it does not provide either an appendix to the IUP or a separate document describing the initially invited project list - a trend that has persisted across all LSLR IUP's released by the TWDB so far. We have seen the same trend in the last two years of LSLR funding as well, meaning we now have three IUPs (including this draft), but no invitation list for any of them. Invitation lists are crucial to understanding how limited LSLR assistance is being utilized and posting them on the agency website should be considered a fundamental aspect of the TWDB's transparency about its use of BIL funds. For all LSLR IUP's, including those already posted as well as the current draft, we encourage the TWDB to provide an initially invited project list similar to the one posted as part of the DWSRF and CWSRF general program activities IUP's.

II. Accept Public Comments Submitted Through August 2, 2024

In the email sent by TWDB on July 15, 2024, the stated public comment period was from July 15, 2024 to August 2, 2024 (see Image 1, below). However, the Draft DWSRF LSLR IUP for SFY25 states that the public comment period ends on August 1, 2024. We request that the TWDB leave the public comment period open until August 2, 2024 to accommodate commenters unaware of the earlier deadline.



Clean Water & Drinking Water State Revolving Funds and Lead Service Line Replacement Program SFY 2025 Draft Intended Use Plans

The Texas Water Development Board (TWDB) is holding a period of public review and comment before approving and adopting the draft State Fiscal Year (SFY) 2025 State Revolving Fund (SRF) Intended Use Plans (IUPs).

Three intended use plans are covered in this public comment period:

- SFY 2025 Clean Water State Revolving Fund General Activities Draft SFY 2025 Clean Water SRF (CWSRF) IUP and 2025 CWSRF Project Rating Report
- SFY 2025 Drinking Water State Revolving Fund General Activities Draft SFY 2025 Drinking Water SRF (DWSRF) IUP and 2025 DWSRF Project Rating Report
- SFY 2025 Drinking Water SRF Lead Service Line Replacement (LSLR) Program. Draft SFY 2025 DWSRF LSLR IUP and 2025 DWSRF LSLR Project Rating Report

The period of public review and comment
begins Monday, July 15, and ends Friday, August 2, at 5:00 p.m. CDT.

Image 1: Email from TWDB on DWSRF LSLR Public Comment Period

III. Use Set-asides for LSLR Inventories or Reserve the Right to Use Unused Portions of the Set-asides at a Later Date for Approved Set-aside Uses

The EPA has urged states to use LSLR set-aside funds to complete LSL inventories, and the Lead and Copper Rule Revisions require that all water systems complete LSL inventories by October 16, 2024. Applicants who have completed their inventories have an advantage under the draft IUP, since entities that have identified lead service lines as part of their system get 25 project rating points.

However, states can use set-asides for technical assistance to local water systems to help them identify LSL's. In fact, federal regulations allow states to set aside up to 31% of the capitalization grant funds for purposes other than financing construction projects for water systems. Texas is currently only utilizing 3.91% of its set-asides under this program, with none of it being spent on LSLR inventories.

We strongly recommend that Texas utilize the remainder of the set-asides under this program to aggressively provide technical assistance to communities to help with LSLR inventories. This change would result in communities not needing to repay the set-aside funds and LSLR construction projects would be able to receive a more attractive loan-to-principal forgiveness ratio. Instead of providing $49 in principal forgiveness for every $51 loaned, $49 in principal forgiveness can be issued for every $20 loaned, with the remaining $31 as set asides for inventories and other activities that could lead to more cost-efficient LSLR projects.[1]

Further, even if set-asides are not utilized under this IUP year, we encourage the TWDB to reserve the right to utilize the maximum amount of set-asides from this allotment for use in future IUP years. A state may reserve set-aside funds from a capitalization grant and expend them over a period of time, provided that the state identifies the reserved amount in its Intended Use Plan (IUP) and describes the use of the funds in workplans for EPA approval.[2] Except for the local assistance and other state programs set-aside, a state may reserve the authority to take set-aside funds from future capitalization grants if those funds were not included in prior or current years' workplans.[3] The amount of reserved funds that a state may take in a future year is limited by the unused set-aside funds in the capitalization grant of the past year in which the state reserved the funds. Not only will reserving the right for TWDB to utilize funds that help communities with no-cost technical assistance but can also help the TWDB in spending down LSLR funds, if it is having difficulties finding communities willing to take on loan financing for lead projects.

Acknowledging the short two-week public comment period for the draft IUP, we hope to find opportunities to discuss and develop the following recommendations for consideration in upcoming LSLR IUPs:

IV. Revise Disadvantaged Community Policies

Under the Texas DWSRF LSLR IUP, only projects that meet the disadvantaged community requirements are eligible for funding. Therefore, disadvantaged status is a major driver for communities to apply for funding under the LSLR DWSRF program. The following recommendations will help refine disadvantaged community policies under the LSLR program to help ensure areas most in need are prioritized for principal forgiveness.

a) Expand Eligible Entities to All Communities Not Just DACs

While all principal forgiveness under the LSLR program must be provided to DACs, it is not the case that only DACs are eligible for LSLR financing under the program. In Texas

[1] EPIC, Janet Pritchard, State SRF Policies to help Communities Fully Take Up the new Federal Funding for Lead Service Line Replacement (January 2023). Available at: https://www.policyinnovation.org/blog/setasidefunds.

[2] See 40 CFR 35.3540(d).

[3] *Id.*

however, the strategy of the TWDB has been to only allow DACs to apply for and receive funding under the LSLR program[4] and providing the same proportion of loans and principal forgiveness to all projects.[5] The TWDB has balanced this with having a very broad definition of DAC under the LSLR program. As will be discussed in **sub-section b**, below, we encourage the TWDB to have a more narrow definition of DAC so that principal forgiveness is prioritized for communities that are unable to take on loan financing. However, we also encourage the TWDB to expand the eligible communities that are able to apply for LSLR financing under this program to address lead issues in their communities. This will hopefully allow the TWDB to find additional communities that are able to take on loan financing to get LSLR funds out the door. It will also hopefully allow the board to increase the amount of principal forgiveness available per project, based on the level of disadvantage a community faces (as will be discussed in sub-section c, below.)

b) Set-aside 50% of Funding for More Disadvantaged Communities

Under the draft IUP, an entity is considered an eligible disadvantaged community if it:

> *1) may have lead service lines within the distribution system, and*
> *2) 51 percent or more of the proposed project beneficiary area based on household connections has an Annual Median Household Income (AMHI) level that does not exceed 150 percent of the state's AMHI level. The state AMHI from the U.S. Census 2017-2021 American Community Survey (ACS) 5-year estimate is $67,321; therefore the AMHI of the proposed project beneficiary area must not exceed $100,982.*

Using the new Texas Community Water System Prioritization Tool developed by EPIC, we identified 659 water systems (out of 4616 total systems) in Texas that had an AMHI over $100,982. We estimate this would exclude less than 14% of cities from accessing principal forgiveness, meaning that more than 85% of all cities in Texas would qualify as disadvantaged communities under this definition. Moreover, none of the PIFs submitted were determined to be ineligible due to not meeting disadvantaged criteria.

While we understand the need to disburse funds under this new program in a timely manner, we believe a greater focus is warranted on the areas considered disadvantaged under more reasonable circumstances. Since the current definition is so broad, we are concerned that dis-and under-invested vulnerable areas may continue to lose out on funding for LSLR replacement. Therefore, we suggest setting aside at least 50% of funds for areas that meet a more strict disadvantaged community standard – for example, 75% of the area's AMHI as used in other TWDB programs. According to the prioritization tool, this would make 1,022 of the 4,539 water systems analyzed eligible for this separate distribution of funding.

c) Increase the Amount of Principal Forgiveness for More Disadvantaged Communities, Up to 100%

[4] See page 10 on SFY25 LSLR IUP (describing funding options available under the IUP and stating that only entities with projects that meet the disadvantaged criteria and are listed on the Project Priority Lists (PPLs) may be invited to apply for funding options.

[5] See page 9 on SFY25 LSLR IUP (stating that all financing will be made at the ratio of 51 percent principal forgiveness and 49 percent loan/bond, including the financed loan origination fee).

In addition to narrowing the definition of disadvantaged communities, the TWDB should provide principal forgiveness on a sliding scale based on a community's level of disadvantage. Currently, an eligible entity with an AMHI of $100,000 will receive the same financing (51% principal forgiveness, 49% loan) as a community whose AMHI is $30,000. This will likely result in affordability and repayment issues preventing the most disadvantaged communities in the state from accessing these funds.

While we recognize the need to replace all lead service lines, we believe that the principal forgiveness should be prioritized in areas most unable to pay for replacement. We therefore recommend implementing a sliding scale approach, where areas of higher disadvantage are eligible for larger percentages of principal forgiveness.

A disadvantaged community should not be turned away from one-time funding opportunities for projects so directly connected to public health if they are unable to repay loans. Without any possibility of 100% principal forgiveness, we are concerned that the most under-resourced communities will continue to not be able to invest in necessary lead service line replacement programs. To address this, we recommend that the TWDB prioritize principal forgiveness based on level of disadvantage, with the highest amount of principal forgiveness (up to 100%) reserved for the most disadvantaged communities.

V. Improving Project Rating Criteria

Project prioritization is a key policy choice that impacts which communities will receive funding. We are encouraged to see the TWDB use AMHI as a factor to award points on a sliding scale. Instead of providing flat project rating points for all projects that have a certain AMHI, this method aims to prioritize areas that are most disadvantaged over other communities that may be more able to pay for LSLR projects. While we appreciate this criterion, the following recommendations aim to further prioritize projects that result in rapid LSLR and ones that are aimed at supporting projects in areas with vulnerable populations.

a) Incentivize Rapid Replacement of LSLR Through Rating Criteria Awarding Points on a Sliding Scale

We recommend that instead of providing 25 points to projects that have identified lead project service lines, the project rating formula should incentivize projects that would deliver rapid replacement. For example, the TWDB could provide 25 points to projects that ensure 100% line replacement within x number of years. For larger systems where 100% replacement may not be feasible within a quick time frame, 25 points could be eligible for projects that ensure x number of lines (minimum 500) or x% (e.g., 10%), whichever is larger, of the system's LSLs are replaced per year. We recommend that points be provided on a sliding scale, providing more points to projects that ensure the quickest line replacement. Incentives like these can be seen at work in LSLR IUP's from other states, including Wisconsin.

a) Add Rating Criteria Aimed at Prioritizing Projects in Vulnerable Subpopulations, Including Percent of Children Under 5 Years of Age

We appreciate the TWDB's rating criteria for AMHI, but additional project rating criteria can help ensure equitable distribution of funds under this program. There are numerous

subpopulations that are particularly vulnerable to lead exposure. Unfortunately, some of the characteristics of subpopulations are not systematically quantified through for example, American Community Survey data. For example, the CDC has identified pregnant parents and immigrant and refugee children from less developed countries as particularly vulnerable subpopulations. Gathering statewide data on these subpopulations may be difficult and potentially problematic. However, as discussed in the introduction, the need to replace lead service lines is urgent, as lead is a neurotoxin that can damage the brain and cause lifelong developmental and behavioral problems in children.

According to the CDC, children less than six years old are at a higher risk of lead exposure.[6] Luckily, the ACS collects data on percent of persons under 5 years of age. Using the Texas Community Water System Prioritization Tool, for the water systems analyzed, the average percent of children under the age of 5 is 6.3%. We therefore recommend prioritizing communities with greater than average populations of children under 5 years of age, to better target communities most at risk. Additional rating criteria aiming at prioritizing projects in other vulnerable communities should also be considered.

_____

The undersigned groups appreciate and are encouraged by the TWDB's progress made under this draft IUP. We hope these recommendations provided above are taken into consideration and look forward to any future discussions with the board to help operationalize these recommendations.

Response:
The TWDB appreciates receiving this comment for the 2025 DWSRF Lead Service Line Replacement IUP.

I. Add an Initially invited Project List.
Initially invited Project List will be added to the final DWSRF-LSLR SFY25 IUP to be taken to the TWDB board members for approval consideration and will be available on the website, under the DWSRF LSLR Program, https://www.twdb.texas.gov/financial/programs/Lead-SLR/index.asp

An Invited Project List will be made available for the DWSRF-LSLR SFY23 Amended IUP, that will include the three rounds of invites sent under this IUP. The Invited Project List for Amended SFY 2023 on the website on the website, under the DWSRF LSLR Program, https://www.twdb.texas.gov/financial/programs/Lead-SLR/index.asp.

II. Accept Public Comments Submitted Through August 2, 2024
Public Comments were accepted through the end of the day on Friday, August 2, 2024. The error on the IUP document will be corrected for the final version.

III. Use Set-asides for LSLR Inventories or Reserve the Right to Use Unused Portions of the Set-asides at a Later Date for Approved Set-aside Uses.

[6] CDC, Lead Poisoning Prevention, Children. Available at: https://www.cdc.gov/nceh/lead/prevention/children.htm#:~:text=Children%20under%20the%20age%20of,they%20are%20growing%20so%20rapidly.

Thank you for this suggestion. The TWDB evaluates making use of reserved set-aside funds and those designated uses with each funding round and will continue to do so for this program. A statement has been added to the IUP stating that the state reserves the right to make use of unused set-aside funds through future grant opportunities.

IV. Revise Disadvantaged Community (DAC) Policies: (a) Expand Eligible Entities to All Communities, not just DACs; (b) Set-aside 50% of Funding for More Disadvantaged Communities; (c) Increase the Amount of Principal Forgiveness for More Disadvantaged Communities, Up to 100%.

Thank you for this suggestion. When planning for future funding rounds for this program, the TWDB evaluates all rating criteria to ensure its effectiveness in meeting the goals of the program and the needs of Texas water systems.

Suggestions related to eligible entities and rating criteria will be considered for future rounds, however, the expanded Disadvantaged Communities (DAC) criteria compared to the base SRF programs ensure that the TWDB administers the LSLR grant award in accordance with the Infrastructure Investment and Jobs Act (IIJA).

Unlike DWSRF and CWSRF General Activity programs, the DWSRF LSLR program has specific requirements for the amount of principal forgiveness and loan funding that is made available to systems, as stipulated by the EPA and the IIJA. The program must provide 49 percent of the capitalization grant as funding in the form of principal forgiveness. Because of this very specific requirement and the complexity of ensuring that the requirement is met with a large number and variety of projects, it was determined that funding each project at the ratio of 51 percent principal forgiveness and 49 percent loan was the most feasible method for ensuring that the requirements of the capitalization grant are met.

As a clarification, 49 percent of the total capitalization grant must be offered as principal forgiveness to projects. After taking out the administrative set-aside (used by TWDB to administer this program), the remaining funds available for projects are to be distributed at the ratio of 51 percent principal forgiveness and 49 percent loan.

V. Improving Project Rating Criteria: (a) Incentivize Rapid Replacement of LSLR Through Rating Criteria Awarding Points on a Sliding Scale, (b) Add Rating Criteria Aimed at Prioritizing Projects in Vulnerable Subpopulations, Including Percent of Children Under 5 Years of Age

Thank you for this suggestion. When planning for future funding rounds for this program, the TWDB evaluates all rating criteria to ensure its effectiveness in meeting the goals of the program and the needs of Texas water systems.

Suggestions related to rating criteria will be considered for future rounds, while taking into account the resources required by entities to acquire the information for submission to the TWDB, as not to create a burden on the applying systems that would harm their ability to submit an application for funding.

Change:
Updated the language in the IUP to show that the public comment period ended on August 2, 2024, instead of August 1, 2024.
Updated the IUP to clarify that the state reserves the right to use unused set-aside funds through future grant opportunities.

Comment submitted by: Stephany A. Valdez, Water Justice Organizer, Coalition for the Environment, Equity and Resilience and Usman Mahmood, Policy Analyst, Bayou City Waterkeeper
Comment Date: August 2, 2024

Comment:
To whom it may concern at the Texas Water Development Board:

This letter provides formal comments on behalf of the undersigned organizations regarding the Draft SFY 2025 Drinking Water State Revolving Fund Lead Service Line Replacement (DWSRF-LSLR) program. Over the past decade, the Texas Water Development Board (TWDB) has significantly expanded its policy and financial responsibilities. This trend is exemplified by the $2.9 billion in new federal funds for the Clean Water and Drinking Water State Revolving Funds (CWSRF and DWSRF) allocated to the TWDB via the Bipartisan Infrastructure Law (BIL) over the next two years. This Draft Intended Use Plan (IUP) covers capitalization grant funds allocated to Texas from Federal Fiscal Year 2024 LSLR appropriations, representing a historic opportunity for projects in disadvantaged areas across the state. Notably, 49% of these funds must be used as Additional Subsidization, reflecting the federal government's recognition of the challenges communities face in mitigating lead service lines in their distribution systems.

With these comments, we aim to acknowledge positive changes incorporated into the SFY 2025 Draft DWSRF LSLR IUP, provide recommendations for further improvements, and outline future policy suggestions for upcoming IUPs.

We find the following changes encouraging and hope to see them remain in upcoming LSLR IUP's:

- No longer offering dedicated Construction-Ready funds; and
- Providing 25 rating points to projects that include an inventory as part of the project to identify lead service lines, placing them on a level playing field with projects that have already identified lead service lines as part of the water system.

Recommendations for SFY 2025 LSLR IUP:

1. Add an Initially Invited Project List
Although the TWDB posts Project Rating Forms for the LSLR program on its website, it does not include an appendix or a separate document describing the initially invited project list. This lack of transparency has persisted across all LSLR IUPs released by the TWDB. Invitation lists are crucial to understanding how limited LSLR assistance is being utilized. We recommend that the TWDB provide an initially invited project list for all LSLR IUPs, including those already posted, as well as the current draft.

2. Extend and Accept Public Comment Period to August 2, 2024
The email from TWDB on July 15, 2024, stated the public comment period as July 15, 2024, to August 2, 2024. However, the Draft DWSRF LSLR IUP for SFY25 states that the public comment period ends on August 1, 2024. To accommodate all commenters, we request that the TWDB extend the public comment period to August 2, 2024.

3. **Use Set-asides for LSLR Inventories or Reserve the Right to Use Unused Portions of the Set-asides at a Later Date for Approved Set-aside Uses**

The EPA has encouraged states to use Lead Service Line Replacement (LSLR) set-aside funds to complete LSL inventories. The Lead and Copper Rule Revisions mandate that all water systems must finish these inventories by October 16, 2024. Under the draft Intended Use Plan (IUP), applicants who have completed their inventories receive a competitive advantage with an additional 25 project rating points.

States can allocate set-asides for technical assistance to local water systems to help identify lead service lines. Federal regulations permit states to designate up to 31% of the capitalization grant funds for purposes beyond financing construction projects. Currently, Texas is utilizing only 3.91% of its set-asides for this program, with none allocated to LSLR inventories.

We strongly recommend that Texas fully utilize the remaining set-asides to provide robust technical assistance to communities for LSLR inventories. This strategy would mean communities wouldn't need to repay the set-aside funds, and LSLR construction projects could benefit from a more favorable loan-to-principal forgiveness ratio. For example, rather than offering $49 in principal forgiveness for every $51 loaned, the state could provide $49 in principal forgiveness for every $20 loaned, with the remaining $31 allocated to inventories and related activities, leading to more cost-efficient LSLR projects.

Furthermore, if set-asides are not fully used in this IUP year, we urge the TWDB to reserve the right to utilize the maximum amount of set-asides from this allotment in future IUP years. States may reserve set-aside funds from a capitalization grant and spend them over time, as long as the reserved amount is identified in the IUP and its use is described in workplans for EPA approval. Except for the local assistance and other state programs set-aside, a state may reserve the authority to take set-aside funds from future capitalization grants if those funds were not included in prior or current years' workplans. The amount of reserved funds that a state may take in a future year is limited by the unused set-aside funds in the capitalization grant of the past year in which the state reserved the funds. Reserving these funds not only supports communities with no-cost technical assistance but also helps the TWDB manage LSLR funds more effectively, especially if there are challenges finding communities willing to take on loan financing for lead projects.

Acknowledging the short two-week public comment period for the draft IUP, we hope to find opportunities to discuss and develop the following recommendations for consideration in upcoming LSLR IUPs:

4. Revise Disadvantaged Community Policies

Under the Texas DWSRF LSLR IUP, only projects that meet the disadvantaged community requirements are eligible for funding. Therefore, disadvantaged status is a major driver for communities to apply for funding under the LSLR DWSRF program. The following recommendations will help refine disadvantaged community policies under the LSLR program to help ensure areas most in need are prioritized for principal forgiveness.

a. Expand Eligible Entities to All Communities

While all principal forgiveness under the LSLR program must be provided to disadvantaged communities (DACs), the TWDB should allow all communities, not just DACs, to apply for

LSLR financing. This would help identify additional communities able to take on loan financing, ensuring LSLR funds are utilized effectively.

b. Set Aside 50% of Funding for More Disadvantaged Communities

In the draft Intended Use Plan (IUP), a community qualifies as disadvantaged if it meets the following criteria:

- The community may have lead service lines within its distribution system.
- At least 51% of the households in the proposed project area have an Annual Median Household Income (AMHI) that does not exceed 150% of the state's AMHI. According to the U.S. Census 2017-2021 American Community Survey (ACS) 5-year estimate, the state AMHI is $67,321, so the AMHI for the project area must be no more than $100,982.

Using the Texas Community Water System Prioritization Tool developed by EPIC, we identified that out of 4,616 total systems in Texas, 659 had an AMHI above $100,982. This indicates that less than 14% of cities would be excluded from accessing principal forgiveness, allowing over 85% of Texas cities to qualify as disadvantaged communities under this definition. Additionally, none of the Project Information Forms (PIFs) submitted were found ineligible due to not meeting the disadvantaged criteria.

While timely disbursement of funds is essential, we believe a more focused approach is needed to target truly disadvantaged areas. The broad current definition may result in dis- and under-invested vulnerable areas missing out on critical funding for LSLR replacement. Therefore, we recommend setting aside at least 50% of funds for areas that meet a stricter disadvantaged community standard—such as 75% of the area's AMHI, as used in other TWDB programs. Based on the prioritization tool, this adjustment would make 1,022 of the 4,539 analyzed water systems eligible for this focused distribution of funding.

c. Increase Principal Forgiveness for More Disadvantaged Communities, Up to 100%

Implement a sliding scale approach where areas with higher levels of disadvantage receive larger percentages of principal forgiveness. While we recognize the need to replace *all* lead service lines, we believe that the principal forgiveness should be prioritized in areas most unable to pay for replacement. We therefore recommend implementing a sliding scale approach, where areas of higher disadvantage are eligible for larger percentages of principal forgiveness. This would ensure that the most under-resourced communities can invest in necessary lead service line replacement programs.

5. Improve Project Rating Criteria

Project prioritization is a critical policy decision that determines which communities will receive funding. We commend the TWDB for incorporating the use of AMHI as a factor to award points on a sliding scale. Rather than assigning flat project rating points to all projects with a certain AMHI, this approach aims to prioritize the most disadvantaged areas over communities that may be better equipped to finance LSLR projects. While we appreciate this criterion, we propose the following recommendations to further prioritize projects that ensure rapid LSLR implementation and those targeting areas with vulnerable populations.

a. Incentivize Rapid Replacement of LSLR Through Rating Criteria:

We propose that instead of granting 25 points to projects that have merely identified lead service lines, the project rating formula should be adjusted to incentivize rapid replacement. For instance, the TWDB could award 25 points to projects that guarantee 100% line replacement within a specified number of years. For larger systems where achieving 100% replacement in a short time frame may not be feasible, projects could earn 25 points by ensuring the replacement of a specified number of lines (minimum 500) or a certain percentage (e.g., 10%) of the system's lead service lines per year, whichever is greater. We suggest that points be allocated on a sliding scale, with more points awarded to projects that commit to the fastest line replacement.

b. Add Rating Criteria Aimed at Prioritizing Projects in Vulnerable Subpopulations, Including Percent of Children Under 5 Years of Age

While we value the TWDB's use of AMHI in their rating criteria, additional project rating criteria are essential to ensure an equitable distribution of funds. Numerous subpopulations are particularly vulnerable to lead exposure. Unfortunately, some characteristics of these subpopulations are not systematically quantified through data sources like the American Community Survey (ACS). For instance, the CDC identifies pregnant individuals and children from immigrant and refugee families from less developed countries as especially vulnerable to lead exposure. Statewide data on these groups can be challenging to gather and may present difficulties. However, as previously mentioned, replacing lead service lines is urgent because lead is a neurotoxin that can cause lifelong developmental and behavioral issues in children.

According to the CDC, children under six years old are at a higher risk of lead exposure. Fortunately, the ACS collects data on the percentage of persons under five years of age. Utilizing the Texas Community Water System Prioritization Tool, we found that the average percentage of children under the age of five in the analyzed water systems is 6.3%.

We appreciate the TWDB's progress under this draft IUP and hope these recommendations are taken into consideration. We look forward to further discussions with the board to operationalize these suggestions.

Response:

The TWDB appreciates receiving this comment for the 2025 DWSRF Lead Service Line Replacement IUP.

I. Add an Initially invited Project List.

Initially invited Project List will be added to the final DWSRF-LSLR SFY25 IUP to be taken to the TWDB board members for approval consideration and will be available on the website, under the DWSRF LSLR Program, https://www.twdb.texas.gov/financial/programs/Lead-SLR/index.asp

An Invited Project List will be made available for the DWSRF-LSLR SFY23 Amended IUP, that will include the three rounds of invites sent under this IUP. The Invited Project List for Amended SFY 2023 on the website on the website, under the DWSRF LSLR Program, https://www.twdb.texas.gov/financial/programs/Lead-SLR/index.asp.

II. Accept Public Comments Submitted Through August 2, 2024
Public Comments were accepted through end of the day on Friday, August 2, 2024. The error on the IUP document will be corrected for the final version.

III. Use Set-asides for LSLR Inventories or Reserve the Right to Use Unused Portions of the Set-asides at a Later Date for Approved Set-aside Uses.
Thank you for this suggestion. The TWDB evaluates making use of reserved set-aside funds and those designated uses with each funding round and will continue to do so for this program. A statement has been added to the IUP stating that the state reserves the right to make use of unused set-aside funds through future grant opportunities.

IV. Revise Disadvantaged Community (DAC) Policies: (a) Expand Eligible Entities to All Communities, not just DACs; (b) Set-aside 50% of Funding for More Disadvantaged Communities; (c) Increase the Amount of Principal Forgiveness for More Disadvantaged Communities, Up to 100%.
Thank you for this suggestion. When planning for future funding rounds for each this program, the TWDB evaluates all rating criteria to ensure its effectiveness in meeting the goals of the program and the needs of Texas water systems.

Suggestions related to eligible entities and rating criteria will be considered for future rounds, however, the expanded Disadvantaged Communities (DAC) criteria compared to the base SRF programs ensure that the TWDB administers the LSLR grant award in accordance with the Infrastructure Investment and Jobs Act (IIJA).

Unlike DWSRF and CWSRF General Activity programs, the DWSRF LSLR program has specific requirements for the amount of principal forgiveness and loan funding that is made available to systems, as stipulated by the EPA and the IIJA. The program must provide 49 percent of the capitalization grant as funding in the form of principal forgiveness. Because of this very specific requirement and the complexity of ensuring that the requirement is met with a large number and variety of projects, it was determined that funding each project at the ratio of 51 percent principal forgiveness and 49 percent loan was the most feasible method for ensuring that the requirements of the capitalization grant are met.

As a clarification, 49 percent of the total capitalization grant must be offered as principal forgiveness to projects. After taking out the administrative set-aside (used by TWDB to administer this program), the remaining funds available for projects are to be distributed at the ratio of 51 percent principal forgiveness and 49 percent loan.

V. Improving Project Rating Criteria: (a) Incentivize Rapid Replacement of LSLR Through Rating Criteria Awarding Points on a Sliding Scale, (b) Add Rating Criteria Aimed at Prioritizing Projects in Vulnerable Subpopulations, Including Percent of Children Under 5 Years of Age
Thank you for this suggestion. When planning for future funding rounds for this program, the TWDB evaluates all rating criteria to ensure its effectiveness in meeting the goals of the program and the needs of Texas water systems.

Suggestions related to rating criteria will be considered for future rounds, while taking into account the resources required by entities to acquire the information that is required for

submission to the TWDB applications, as not to create a burden on the applying systems that would harm their ability to submit an application for funding.

Change:
Updated the language in the IUP to show that the public comment period ended on August 2, 2024, instead of August 1, 2024.

Updated the IUP to clarify that the state reserves the right to use unused set-aside funds through future grant opportunities.

Drinking Water State Revolving Fund

Intended Use Plan

Lead Service Line Replacement Funding

SFY 2025

(FFY 2024 Allotment)

DRAFT Date: August 2024

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Texas Water Development Board rules governing the Drinking Water State Revolving Fund program (Texas Administrative Code, Title 31, Part 10, Chapter 371) may be accessed online at http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=31&pt=10&ch=371

Drinking Water State Revolving Fund
Acronyms

ACS	American Community Survey
AIS	American Iron & Steel
AMHI	Annual Median Household Income
BABA	Build America, Buy America Act, 2021
CFR	Code of Federal Regulations
CWSRF	Clean Water State Revolving Fund
DWSRF	Drinking Water State Revolving Fund
EPA	Environmental Protection Agency
FFY	Federal Fiscal Year
FMT	Financial, Managerial, and Technical
IIJA	Infrastructure Investment and Jobs Act, 2021
IUP	Intended Use Plan
LSLR	Lead Service Line Replacement
MMD	Municipal market data
NEPA	National Environmental Policy Act
PIF	Project Information Form
POU	Point of Use
PPL	Project Priority List
PWS	Public Water System
SDWA	Safe Drinking Water Act
SFY	State Fiscal Year
SRF	State Revolving Fund
TCEQ	Texas Commission on Environmental Quality
TWDB	Texas Water Development Board

I. Overview

The Infrastructure Investment and Jobs Act, 2021, Pub. L. 117-58 (IIJA) appropriated capitalization grant funds for Federal Fiscal Years (FFY) 2022 to 2026 for lead service line replacement projects and associated activities directly connected to the identification, planning, design, and replacement of lead service lines.

This Intended Use Plan (IUP) covers the Drinking Water State Revolving Fund (DWSRF) capitalization grant funds allocated to Texas from FFY 2024 appropriations for Lead Service Line Replacements (LSLR) in the amount of $28,650,000. The appropriations require 49 percent, or $14,038,500 of the capitalization grant amount be provided as additional subsidization, which will be in the form of principal forgiveness. In the event the EPA reallots LSLR funding from other states, the TWDB may apply for those funds through this IUP.

After the administrative set-aside, a total of $27,528,500 is available for projects under this IUP.

The Environmental Protection Agency (EPA) implementation memorandum provides the following guidance and information:

Eligible Use of Funds:

For a project or activity to be eligible for funding under this appropriation, it must be otherwise DWSRF eligible and be a LSLR project or associated activity directly connected to the identification, planning, design, and replacement of lead service lines.

Any project funded under this appropriation involving the replacement of a lead service line must replace the entire lead service line, not just a portion, unless a portion has already been replaced or is concurrently being replaced with another funding source.

To define a “lead service line” for the purpose of this appropriation, EPA will use an amended version of the Lead and Copper Rule Revisions’ regulatory definition, which is,

> “…a service line made of lead, which connects the water main to the building inlet. A lead service line may be owned by the water system, owned by the property owner, or both. For the purposes of this subpart, a galvanized service line is considered a lead service line if it ever was or is currently downstream of any lead service line or service line of unknown material. If the only lead piping serving the home or building is a lead gooseneck, pigtail, or connector, and it is not a galvanized service line that is considered a lead service line, the service line is not a lead service line.”

EPA has expanded the eligible uses beyond the definition above to also include the replacement of lead goosenecks, pigtails, and connectors as eligible expenses, whether standalone or connected to a lead service line. This Texas Water Development Board (TWDB) program uses the expanded EPA definition for this special funding. These funds cover and require replacement of the entire lead service line as defined above which terminates at the premise plumbing, regardless of the location of the water meter or isolation

valve, or even the lack of an isolation value before the start of premise plumbing. Any portion of a “lead service line” as defined above that extends through the wall and into the house must be replaced. No portion of a particular “lead service line”, whether outside or inside the structure, may remain. The composition of the material, such as a lead service line pipe, should determine what must be replaced. Premise plumbing, though, is not eligible under this DWSRF program special funding.

Beginning with the FFY2024 grant, the EPA has clarified that galvanized service lines that are currently, or ever were, *downstream of known lead service lines or components are the only galvanized service lines eligible for Lead Service Line Replacement Funding*. Galvanized service lines that are downstream of unknown lines are not eligible for replacement using the funding under this program but are eligible under the regular DWSRF program.

Additional Subsidization:

The IIJA contained the following provision:

> “Provided further, That for the funds made available under this paragraph in this Act, forty-nine percent of the funds made available to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide subsidy to eligible recipients in the form of assistance agreements with 100 percent forgiveness of principal or grants (or any combination of these), notwithstanding section 1452(d)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-12)”

This language requires states to provide 49% of the capitalization grant amount as additional subsidization in the form of principal forgiveness and/or grants. EPA’s guidance says states must provide all additional subsidization to water systems that meet the state’s disadvantaged community criteria.

II. Background

In 1996 Congress passed federal amendments to the Safe Drinking Water Act (SDWA) that established the DWSRF program. The TWDB is authorized by state law to administer this program for Texas.

The TWDB is the financing agency for the DWSRF and has a contractual relationship with the state’s primacy agency, the Texas Commission on Environmental Quality (TCEQ), to perform DWSRF activities. TCEQ performs DWSRF activities that include rating proposed projects, state program management, small systems technical assistance, assessments for ground water sources, source water technical assistance, sanitary surveys, complaint investigations, enforcement activities, disaster assistance, and implementation of the State of Texas approved Capacity Development Strategy.

The IIJA appropriated supplemental capitalization grant funds for FFY 2022 to 2026 for general activities, lead service line replacement, and emerging contaminants. The SFY 2023 IUP covering lead service lines replacement using FFY2022 allotment was effective August

10, 2023. This IUP was amended to cover lead service line replacement using allotments from FFY2022 and FFY2023 and was effective April 11, 2024.

III. Projects to Fund

A. Eligible Applicants

Applicants eligible to apply for assistance are:

- Existing community Public Water Systems (PWSs) including political subdivisions, nonprofit water supply corporations and privately-owned community water systems.
- Non-profit, non-community public water systems.
- State agencies.

An entity's project must meet the disadvantaged criteria to receive funding under this IUP. See Appendix D: Criteria to Determine Disadvantaged Community Eligibility for more information.

B. Eligible and Ineligible Use of Lead Service Line Replacement Funds

1. Examples of eligible projects and activities:

For a project or activity to be eligible for funding under this appropriation, it must be otherwise DWSRF eligible and be a LSLR project or associated activity directly connected to the identification, planning, design, and replacement of lead service lines. Any project funded under this appropriation involving the replacement of a lead service line must replace the entire lead service line, not just a portion, unless a portion has already been replaced.

- Complete removal of lead service lines (public and privately owned portion) or service lines made of galvanized iron or galvanized steel (that are currently or have previously been downstream of lead components) and replacement with a pipe that meets the requirements established under 40 CFR 143 and which complies with state and local plumbing codes and or building codes.
- Removal of lead or galvanized goosenecks, pigtails, and connectors, and replacement with an acceptable material that meets the requirements established under 40 CFR 143 and which complies with state and local plumbing codes and or building codes.
- Replacement of curb stops, curb stop boxes, and other service line appurtenances that are removed as part of full LSLR.
- Site restoration, including landscaping, sidewalks, driveways, etc. if the removal was necessary to replace the lead service line.
- Permit fees if the fees are normal, required, and specific to the LSLR. It is recommended that communities waive these fees.
- Temporary pitcher filters or point-of-use (POU) devices certified by an American National Standards Institute accredited certifier to reduce lead during or for a short time period after LSLR projects.
- Development or updating of lead service line inventories, including locating and mapping lead service lines.
- Methods of investigation to develop inventories could include visual observation, water quality sampling (non-compliance), excavation, vacuum or hydro-excavation,

statistical analysis, or other emerging technologies.
- Planning and design for infrastructure projects listed above.
- Community engagement planning related to projects listed above.
- Non-routine lead sampling (if not for compliance purposes) as part of a LSLR project.

2. Ineligible projects and activities:

- A project or activity that is not a lead service line replacement project or associated activity directly connected to the identification, planning, design, and replacement of lead service lines.
- Any project or activity not replacing the entire lead service line unless a portion of a lead service line has already been replaced or is concurrently being replaced with another funding source.
- Corrosion control studies, corrosion control infrastructure, replacing water meters, and replacing water mains. Also, consistent with the regular DWSRF program, funding for bottled water and premise plumbing are not eligible under this appropriation.
- Galvanized service lines that are downstream of unknown lines are not eligible for replacement using the funding.

3. **Reimbursement for service line inventory activities** – An entity may include in its proposed project a request for reimbursement for eligible initial service line inventory activities that were required to comply with the EPA's Lead and Copper Rule Revisions regulation, or other service line inventories conducted or being updated. However, the activities must have been performed in accordance with all DWSRF program requirements to be reimbursed.

IV. Significant Program Changes

Significant program changes from the previous year's IUP are highlighted below.

These changes address the new DWSRF-LSLR program requirements while striving to ensure the programs continue to offer financial assistance to all eligible systems within the constraints of the program. These adjustments are intended to allow the TWDB to continue to meet the needs of its customers while addressing the new allocation and programmatic requirements.

1. Would no longer offer dedicated Construction-Ready funds.

2. Beginning with FFY2024, the EPA has clarified that galvanized service lines that are currently, or ever were, downstream of known lead service lines or components are the only galvanized service lines eligible for Lead Service Line Replacement Funding.

V. Amount Available / Allocations

1. Allocations

A total of $27,528,500 is available for projects under this IUP. A total of $14,038,500 will be allocated to the required additional subsidization funding and $13,490,000 will be allocated to the loans/bonds, including the financed loan origination fee.

2. Principal Forgiveness / Loan Ratio

All financing will be made at the ratio of 51 percent principal forgiveness and 49 percent loan/bond, including the financed loan origination fee. The loan origination fee must be financed under this IUP as part of the DWSRF program commitment to ensure the TWDB maintains the required principal forgiveness percentage for the capitalization grant. An entity's project must meet the disadvantaged criteria to receive funding under this IUP. See Appendix D: Criteria to Determine Disadvantaged Community Eligibility for more information.

3. Inventories - Separate interest rates, closings requirements, and debt instruments offered

The loan portion of the approved project covering the service line inventories will be at zero percent (0%) interest, may close separately from any portion for approved for Planning, Acquisition, Design, and/or Construction, and may be in the form of a loan agreement to any entity that may legally employ that option to save on closing costs.

The loan/bond financing for Planning, Acquisition, Design, and/or Construction portion will be at the DWSRF program's regular reduced interest rate.

4. Interest rate reduction methodology:

The interest rate on these equivalency projects will be a 35-percentage reduction from the Thomson Reuters Municipal Market Data (MMD) rate adjusted for yield to maturity that is applicable to the entity's rating, with non-rated entities using the Baa rate.

Exclusions from the interest rate reduction methodology - the interest rate reduction methodology does not apply to any portion of financing that is offered at zero percent.

Allocation of Grant Funds, including Additional Subsidization & Set-Asides:

DWSRF LSLR FFY 2024	**$28,650,000.00**	**% of Grant**
Minimum & Maximum – Prinicipal Forgiveness		
Minimum & Maximum (Total)	$14,038,500,00	49%
Current Allocation of Prinicipal Forgiveness		
Total Currently Allocated	$14,038,500.00	49%
Total Breakdown		
Total Principal Forgivenss Allocated to Projects	$14,038,500.00	49.00%
Set-aside – TWDB Administration (including Project Management System)	$1,121,500.00	3.91%
Loans/Bonds	$13,490,000.00	47.09%
Total	**$28,650,000.00**	

VI. Funding Options and Terms

Equivalency projects (Federal Requirements) – All projects will be considered equivalency projects, which must follow all federal requirements commonly known as "cross-cutters." More information on the federal cross-cutters may be found in Appendix E.

1. Funding Options Available:

Entities with projects that meet the disadvantaged criteria and are listed on the Project Priority Lists (PPLs) may be invited to apply for the following funding options.

a. Inventories (Equivalency)

Funding for the development or updating of service line inventories, including locating and mapping service lines. To be eligible, the activity must have been performed in accordance with all DWSRF program requirements, including the Disadvantaged Business Enterprise requirements. All financing will be made at the ratio of 51 percent principal forgiveness and 49 percent loan/bond, including the financed loan origination fee (except TWDB may adjust the ratio slightly for some commitments to yield the 49 percent principal forgiveness amount to the mathematical precision EPA determines is required under the IIJA). The loan origination fee must be financed under this IUP as part of the DWSRF program commitment to ensure the TWDB maintains the required principal forgiveness percentage for the capitalization grant. The loan portion will have an interest rate of zero percent (0%). It will carry different closing timeframe requirements, and the repayable portion may be provided in the form of a loan agreement to any entity that may legally employ that option.

b. Planning, Acquisition, Design, and/or Construction (Equivalency)

Funding for all other eligible activities will be under this option. All financing will be made at the ratio of 51 percent principal forgiveness and 49 percent loan/bond, including the financed loan origination fee. The loan origination fee must be financed under this IUP as part of the DWSRF program commitment. The loan/bond portion will have the regular subsidized interest rate. The funding will have different closing timeframe requirements than the inventory funding option. This financing will only be provided in the form of a loan agreement to those entities that may only employ that option under state law.

2. Terms of Financial Assistance

Loans may be offered for a term of up to 15 years for the portion provided under the inventory only funding option. Loans may be offered up to 30 years for the planning, acquisition, design, and/or construction phases. If the project consists of service line inventories and planning, acquisition, design, and/or construction phases, then the cost for the inventories, if less than 25 percent of the total amount being financed, may be financed with a loan of up to 30 years. The zero percent rate on the costs for the service line inventories will reduce the overall interest rate on the total amount financed. The term of financial assistance offered may not exceed the expected design life of an eligible project. The TWDB may allow principal and interest payments on a bond or loan

to commence not later than 18 months after completion of the project, if considered appropriate as determined by the Executive Administrator.

3. Federal Requirements on Available Funds

Funds are subject to federal requirements such as Davis-Bacon Act prevailing wages and the Build America, Buy America Act (BABA). DWSRF-funded projects must follow all federal "cross-cutter" requirements and EPA's signage requirements. These requirements are outlined in Appendix E.

VII. Goals

The primary goal of the Texas DWSRF program is to improve public health protection. In addition, the overall goals of the Texas DWSRF program are to identify and provide funding for maintaining and/or bringing Texas' PWSs into compliance with the SDWA; to support affordable drinking water and sustainability; and to maintain the long-term financial health of the DWSRF program fund. Goals specific to the lead service line replacement funding in this IUP are listed below.

A. Short-Term Goals

1. Fund eligible project proposals to identify and replace lead service lines up to the amount of funding available.

2. Provide outreach to systems within Texas on the availability of this funding to identify and replace lead service lines.

3. To improve public health throughout Texas by employing disadvantaged criteria that will maximize the number of systems able to identify and replace any lead service lines in Texas.

4. The TWDB and TCEQ will collaborate on the deployment of these funds in a manner that will provide the most beneficial assistance to entities conducting required service line inventories and replacing identified lead service lines.

B. Long-Term Goals

1. Use the lead service line grant funds provided to Texas to fund project proposals to replace all identified lead service lines in Texas.

2. To the extent eligible project proposals are received, use all the lead service line replacement funds allotted to Texas to improve public health and ensure compliance with the requirements of SDWA.

3. To enhance the timely identification and removal of any lead service lines in Texas, maximize the number of systems that receive the benefit of the subsidy available under the IIJA appropriations.

4. The TWDB and TCEQ will collaborate on the deployment of these funds in a manner that will provide the most benefit to public health and ensure compliance with the requirements of SDWA.

5. Employ these funds in a manner that will maintain the fiscal integrity of the DWSRF in perpetuity.

VIII. Participating in the DWSRF Program

A. Solicitation of Project Information

Project information was solicited from eligible entities across the state using direct emails, notices posted on the TWDB website, and financial assistance workshops held throughout the state. Potential applicants submitted a Project Information Form (PIF) by the response deadline in Appendix A. Potential applicants submitted PIFs by the response deadline of April 1, 2024.

The required information submitted on a PIF consisted of:

- A detailed description of the proposed project to identify and/or replace lead service lines.
- A map(s) showing the location of the service area.
- An estimated total project cost that is certified by a registered professional engineer if project costs are greater than $100,000.
- A checklist and schedule of milestones to determine a project's readiness to proceed to construction.
- Information necessary to rank the project:

  (a) Whether there are identified lead service lines

  (b) Project area's Annual Median Household Income (AMHI)

  (c) System size – number of connections
- Information necessary to determine disadvantaged eligibility.
- Signature of the applicant's authorized representative.Additional information detailed within the solicitation for projects.

Any survey being used for income determination must be completed within five years prior to the date the TWDB receives the PIF.

B. Evaluation of the Project Information Received and Priority Rating System

All PIFs submitted received a review by TWDB staff. The scores are based on information received by any established PIF deadline. Throughout the evaluation process, entities were contacted by staff if additional information was needed.

C. Ranking and Creation of the Project Priority List

Each project submitted by the initial deadline and determined to be eligible is ranked from highest to lowest by the rating factors and included on the PPL. In the event of ties in the rating, priority is given to the project serving the fewest connections. Project information submitted after the PIF deadline will not be considered for rating purposes prior to adoption of the initial PPL. Following approval of the IUP, changes to a ranked project that result in a project no longer addressing the issues for which it was rated will require the project to be re-rated and re-ranked. Changes in the project that do not trigger re-rating and re-ranking are:

1. The applicant for a proposed project changes but the project does not change;

2. The number of participants in a consolidation project changes and the change does not result in a change to the combined rating factor; and

3. The fundable amount of a proposed project does not increase by more than 10 percent of the amount listed in the approved IUP. The Executive Administrator may waive the 10 percent limit to incorporate additional elements to the project.

Based on a review of readiness to proceed to construction, the TWDB determines which phases would be eligible to receive funding. The phases indicated on the TWDB invitation represent the phases deemed eligible based on that review.

D. Bypassing Projects

The TWDB's Executive Administrator may decide to bypass, or skip, higher ranked projects in favor of lower ranked projects to ensure that funds available are utilized in a timely manner, that statutory and capitalization grant requirements are met. In addition, if an entity is offered funding for any project that has an interrelated project ranked lower on the list, the Executive Administrator has discretion to also offer funding for the interrelated project. Reasons for bypassing projects are discussed in Appendix F.

E. Phases for Invited Projects

1. Inventories Funding Only

This option covering both new service line inventories as well as reimbursement of costs to perform service line inventories is used to fulfill TCEQ's requirements for the EPA Lead and Copper Rule Revisions regulation. To be eligible for reimbursement, the activity must have been performed in accordance with all DWSRF program requirements, including the Disadvantaged Business Enterprise requirements.

2. Pre-Design Funding Option (or Inventories, Planning, Acquisition, Design and Construction Funding)

The pre-design funding option allows an applicant to receive a single commitment for all phases of a project. The construction portion of the project must be deemed ready to proceed and lead service lines must be identified before funds for the construction phase will be released.

3. Construction Funding Only

Lead service lines must be identified before construction work proceeds.

4. Planning, Acquisition, and Design

A project that was not deemed ready to proceed to construction may receive an invitation to fund only the Planning, Acquisition, and/or Design portion of the project.

5. Viability and Feasibility of Projects

A project must demonstrate to the TWDB that it is viable, feasible, and sustainable prior to being invited to submit an application and prior to receiving a commitment for any funding option for the acquisition, design or construction phases of the project. A project may receive funds for the planning phase to assess the viability and feasibility of a project.

F. Invitations and Application Submissions

The TWDB will invite certain entities on the PPL to submit an application for eligible project phases. An entity on the list may not submit an application until it receives an invitation from TWDB. TWDB will consider bypass procedures in Appendix F. when deciding whether it needs to bypass projects on the PPL.

Intent to Apply

As part of the invitation process the TWDB may require the applicant to submit an intent to apply form or information by a specified deadline showing the applicant's intent to request up to the eligible amount of funding in the IUP. Failure to submit the requested intent to apply information by the established deadline will result in TWDB bypassing the project on the IUP list.

Prior to submitting an application, entities are required to participate in a pre-application meeting to discuss the application process and project requirements. Invited applications from projects on the PPL that are received during the initial invitation round after Board approval of the IUP will be allotted available funding based on rank order. All projects must be determined administratively complete as submitted, or within 14 days from the date the applicant receives a notice to correct deficiencies, or any funding may be reallotted.

Each application received by the TWDB will be reviewed to ensure that the required milestones have been met to allow funding of the phase(s) being requested. If the application review determines that a project is not ready to proceed for funding for the phase(s) being requested, the project may be bypassed.

Projects may be bypassed if an applicant fails to timely submit a complete application or additional requested information.

Deadline for Receipt of Application

The TWDB will establish a deadline for receipt of the application. If the application is not received by the established deadline, the project will be bypassed.

Subsequent Invitations

TWDB may invite additional projects to submit if any funds remain unallocated after an initial invitation. Applicants may submit a PIF at any time for a project to be considered for inclusion on an amended PPL. The new projects will be considered after those on the original PPL list have been invited. The amended PPL will undergo a 14-day public review period that will be advertised on the agency website.

G. Addressing Any Water Loss Mitigation within the Application

If an applicant that is a retail public utility providing potable water has a water loss that meets or exceeds the threshold for that utility in accordance with §358.6 of Title 31, Part 10, Texas Administrative Code, the retail public utility must use any other additional financial assistance provided by the TWDB, to mitigate the utility's water loss. However, at the request of a retail public utility, the TWDB may waive this requirement if the TWDB finds that the utility is satisfactorily addressing the utility's system water loss. Mitigation, if necessary, will be in a manner determined by the retail public utility and the TWDB's Executive Administrator in conjunction with the project proposed by the utility and funded by TWDB.

H. Closing Deadlines

The deadlines to close a commitment is dependent on whether the commitment is 100% for inventory activities or some combination of inventory activities, along with planning, acquisition (if needed), design and/or construction. If the commitment is only for inventory activities it must close within twelve months from the date of commitment. If the commitment is a combination of inventory activities, along with planning, acquisition (if needed), design and/or construction it must close within 24 months. The recipient may elect to close separately on the amount for inventory activities before closing on the remainder of the commitment within the 24-month timeframe. In extenuating circumstances, the Board may grant extensions of time to close if an applicant demonstrates sufficient reason for a delay. The TWDB may extend these closing deadlines if necessary to confirm to the closing schedule for concurrent financing for the project from another TWDB financing program. To manage cash flow and borrowing

costs, TWDB may elect to close the loan portion to an escrow account before subsequently closing the principal forgiveness portion to an escrow account, or employ other methods.

Type of Financial Assistance	Closing Deadline
Commitment is only for inventory activities	12 months
Combination of inventory activities, along with planning, acquisition (if needed), design and/or construction	24 months

I. Limits

1. Proportionate Share/Capacity

The TWDB may limit the amount of total funding available to an individual entity or project based on a proportionate share of total funds available.

2. Additional Project Funding Before Closing

The total project costs may be increased if the entity shows that additional funds are necessary to implement the project.

3. Reduction in Closing Amount

If the closing amount is reduced from the commitment amount, then the principal forgiveness amount for the closing will be reduced on a pro rata basis to maintain the required ratio of 51 percent principal forgiveness and 49 percent loan, including the origination fee.

J. Leveraging to Provide Additional Funding

The TWDB may leverage the DWSRF program as necessary to meet the demand for funding additional drinking water projects. The TWDB does not anticipate leveraging the lead service line replacement grant funds at this time.

K. Updates to the Intended Use Plan

Substantive changes to the IUP may be made through an amendment after a 14-day public review and comment period. Non-substantive changes may be made by the TWDB without public notification.

IX. Set-Asides

Federal regulations allow states to set aside up to 31 percent of the capitalization grant funds for purposes other than financing construction projects for water systems. The set asides for the FFY 2024 capitalization grant for lead service line replacement will be allocated as shown below. The state reserves the right to make use of unused set-aside funds through future grant opportunities.

A. Texas Water Development Board Administration and Technical Assistance Activities

The SDWA allows a state to set aside funds to cover the reasonable costs of administering the DWSRF and to provide technical assistance to public water systems. The amount that may be taken for these purposes is the amount of any fees collected by the State, regardless of the source; and the greatest of (1) $400,000, (2) one-fifth of one percent of the current valuation of the DWSRF (both loan and set-asides), and (3) an amount equal to four percent of all grant awards to the DWSRF for the particular fiscal year.

The TWDB will draw administrative and technical assistance set-asides from the FFY 2024 Capitalization Grants in the amount of $1,121,500. This amount is based on the option of using four percent of the FFY 2024 capitalization grant for lead service line replacement activities. These funds will be used for allowable expenses such as reporting activities, payment processing, application assistance, project development and monitoring, and technical assistance to public water systems. In addition, the TWDB assesses fees for the purpose of recovering administrative costs. These fees are placed in a separate account for future administrative expenses. The fees are generated by an assessment of 2.0 percent of the portion of the DWSRF financial assistance that is repaid and is assessed at closing. Fees collected will be deposited into the Administrative Cost Recovery Fund.

B. Coordination of Activities with the Texas Commission on Environmental Quality

The TWDB and TCEQ regularly communicate to discuss projects in need of financial assistance through the DWSRF program. The two agencies hold periodic DWSRF coordination meeting and TCEQ staff attend many of TWDB’s pre-application meetings and financial assistance workshops.

X. Financial Status

A. State Match

No state match is required for the lead service line replacement grant funds.

B. Binding Commitment Requirement

The TWDB will enter into binding commitments with entities that equal the amount of a FFY 2024 grant payment allocated to projects within one year after the receipt of the

grant payment. A binding commitment occurs when the TWDB's Board adopts a resolution to commit funds to a project.

C. Leveraging

The DWSRF program will be leveraged as necessary to provide funds to meet the needs of public water systems in the state. The TWDB does not anticipate leveraging the lead service line replacement grant funds at this time.

D. Cross-Collateralization

On March 1, 2018, the TWDB has cross-collateralized the Clean Water State Revolving Fund (CWSRF) and the DWSRF as a source of revenue and security for the payment of the principal and interest on bonds for the DWSRF and CWSRF programs. State authority is provided under Section 15.6042 of the Texas Water Code. The TWDB has received a certification from the state Attorney General that state law permits the TWDB to cross-collateralize the assets of the CWSRF and the DWSRF. Cross-collateralization of the CWSRF and DWSRF will enhance the ability of the DWSRF to leverage its funds and increase its lending capacity without detriment to either of the SRF programs.

1. Summary of the cross-collateralization structure:

   a. The type of moneys which will be used as security – Pledged Political Subdivision Bonds and certain other funds included in the Master Resolution (program account, portfolio account, and revenue account) will secure the bonds.

   b. How moneys will be used in the event of a default - In the cross-collateralized scenario, Political Subdivision Bonds from the non-defaulting program will be used to cover the debt service delinquency on the defaulting program. If, for any reason, insufficient Political Subdivision Bonds exist in both programs, then program equity will be utilized.

   c. Whether or not moneys used for a default in the other program will be repaid; and, if it will not be repaid, what will be the cumulative impact on the funds. While a decision to repay or not repay would be made at the time of default, the TWDB would either require repayment when funds are available or transfer repayment funds.

2. Proportionality – The proceeds generated by the issuance of bonds will be allocated to the purposes of the CWSRF and the DWSRF in the same proportion as the assets from the two funds that are used as security for the bonds.

3. State Match – In accordance with Texas Water Code §§ 17.853(c)(1) and 17.859, the TWDB intends to provide state match through the issuance of one or more revenue bonds in a program series that will fund the two SRF programs. Supplemental bond resolutions for the issuance of each series will provide detail on what specific money is pledged as security for each program (CWSRF or DWSRF) within the series. As required, the CWSRF and DWSRF will continue to be operated separately. The cash flows for the DWSRF program and the CWSRF program will be accounted for separately. Repayments on loans in the CWSRF program will be paid to the CWSRF and repayments on loans made in the DWSRF program will be paid to the DWSRF.

Similar to other states' financing methods where state match is not provided by appropriation and is instead generated through debt issuance, the TWDB cross-collateralization structure allows the TWDB to retire bonds for the State Match with interest earnings payments only, not principal, earned from each SRF in accordance with 40 CFR § 35.3550(g)(3).

E. Method of Cash Draw

There is no state match and EPA has revised its cash draw policy as described in "Class Exception from the Clean Water and Drinking Water State Revolving Fund Cash Draw Rules", dated November 18, 2022. Therefore, TWDB will draw federal funds using acceptable evidence of expenditures.

F. Long-Term Financial Health of the Fund

The long-term financial health of the DWSRF is monitored through ongoing cash flow and capacity modeling. The TWDB lending rate policy has been established to preserve the corpus of the capitalization grants and state match funds, excluding the amount of additional subsidization, set-aside amounts from each grant, and net transfers. The TWDB will continue to manage the DWSRF to ensure funds will be available in perpetuity for activities under the SDWA.

G. Interest Rate Policy

The interest rate will be a percentage reduction from the Thomson Reuters Municipal Market Data (MMD) rate adjusted for yield to maturity that is applicable to the entity's rating, with non-rated entities using the Baa rate, as follows:

(a) Equivalency projects: 35% reduction

Exclusions from interest rate reduction methodology - the interest rate reduction methodology does <u>not</u> apply to any portion of financing that is offered at zero percent (0%).

Rates are set five business days prior to the adoption of the political subdivision's bond ordinance or resolution or the execution of the financial assistance agreement, but may be based on interest rate levels determined as of an earlier date, and are in effect for forty-five days.

H. Fees

The only fee is an origination fee of 2.0 percent on the loan portion that is assessed at closing. All fees must be financed through the DWSRF loan. Fees are not deposited into the DWSRF.

I. EPA Program Evaluation Report and Audit

EPA has conducted an annual program review of the DWSRF program for SFY 2022 and sent the final report to TWDB in July 2023. EPA made six recommendations: to continue hiring engineers; document BABA compliance; track BABA waivers; ensure compliance with Executive Order 14030 regarding the National Floodplain Risk

Management Standard; meet the minimum additional subsidization requirements; and meet the binding commitments requirements following receipt of capitalization grants. The TWDB continues to implement strategies to address these recommendations and will provide status updates within the SFY 2024 Annual Report.

The Texas State Auditor's Office published the results of the SFY 2023 Single Audit of the DWSRF on February 22, 2024 (Report 24-318). There were no findings as a result of the review.

XI. Navigating the Lists

Appendices G – I are a series of lists that detail the proposed project information of each project based upon the PIFs received.

- **Appendix G** - The alphabetical list is the PPL sorted alphabetically. It contains the project information; the name of the applying entity, their total number of points and associated priority order rank, the total population, a detailed description of the proposed project, all project phases requested by the entity, and total project cost. A grand total for all of the projects is listed on the last page of the appendix.
- **Appendix H** – Projects that were deemed ineligible to receive DWSRF funding with a brief description as to why they were deemed ineligible.
- **Appendix I** – The ranked list is the PPL sorted in rank order. The content is the same as the alphabetical list in Appendix G.
- **Appendix J** – The list of projects that will be invited in the initial invitation round. The information provided in this list is similar to the alphabetical list (Appendix G) and priority order list (Appendix I). The TWDB has determined which project phases are eligible to receive funding during this SFY, which is depicted in the Phase(s) column. Projects on this list will receive an invitation letter from the TWDB upon Board approval of the IUP. Pertinent notes and the definitions of acronyms and footnotes are listed on the last page of the appendix along with a grand total for the projects.

Appendix A. Public Review and Comment

Public participation is an important and required component of the IUP development process. The TWDB takes seriously its responsibility in administering these funds and considers public input necessary and beneficial.

A. Notice

To seek public comment, the draft IUP including the Project Priority List will be made available until August 2, 2024. The draft FFY 2024/SFY 2025 DWSRF Lead Service Line Replacement IUP will be announced as follows:

- Public notification of the draft IUP and the public comment period will be posted on the TWDB website at www.twdb.texas.gov.
- The notice will be sent via email to all entities that submitted projects for the SFY 2025 IUP and everyone who had signed up to receive TWDB email notifications.
- A copy of the draft IUP will be sent to EPA after published.

B. Comment

Comments will be accepted via the following options from July 12, 2024, until 5:00 P.M. on August 2, 2024.

1. Submission of a comment online via a Microsoft Form submittal. The link to the online form will be provided within an official notice of the public comment period.
2. Emailing comments on the DWSRF LSLR IUP to the following electronic mail address and specifying in the subject line “DWSRF LSLR IUP comments” DWSRF@twdb.texas.gov.
3. Attending a public hearing on July 25, 2024, at 10:00 A.M. at the Stephen F. Austin State Office Building, Room 170, in Austin, Texas.

All comments on the proposed IUP will be responded to and made publicly available on the meeting documents for the TWDB Board meeting in which the IUP, in its entirety, is considered for Board approval.

C. Effective Date

The FFY 2024 DWSRF Lead Service Line Replacement IUP is considered final on the effective date.

D. Documentation

The final entire IUP, including project lists, will be formally submitted to the EPA and posted on the TWDB website once approved by the Board.

Appendix B. Projected Sources and Uses of Funds

(As of May 2, 2024)

SOURCES:	
FFY 2024 Federal Capitalization Grant LSLR	$28,650,000
TOTAL SOURCES:	**$28,650,000**
USES:	
Set-Asides from FFY 2024 Grant	
TWDB Administrative Set-Aside	$1,121,500
Total TWDB Set-Aside:	$1,121,500
TCEQ Small Systems Technical Assistance Program Set-Aside	$0
TCEQ Texas State Management Program Set-Aside	$0
TCEQ Local Assistance and Other State Programs Set-Aside	$0
Total TCEQ Set-Asides	$0
Projects to be Funded:	
SFY 2025 IUP Commitments – Additional Subsidization	$14,038,500
SFY 2025 IUP Commitments – Bonds/Loans	$13,490,000
Total Projects To Be Funded - SFY 2025:	$27,528,500
TOTAL USES:	**$28,650,000**
NET SOURCES (USES):	**$0**

Fees are not deposited into the Fund; therefore, based on EPA guidance they are not included in the Sources and Uses for the Fund.

Appendix C. Rating Criteria

Identified Lead Service Lines
If the entity has:

- identified lead service lines as part of the water system – 25 points OR
- Included an inventory as part of the project to identify lead service lines – 25 points

Annual Median Household Income (AMHI) level:
State AMHI divided by the Project Area's AMHI as a ratio X 10 equals the points (to nearest hundredths)

Examples of otherwise identical applicants:
Project area has a lower income - $73,035 / $45,000 = 1.496 X 10 = 14.96 (more points / ranks higher)

Project area has a higher income - $73,035/ $85,000 = 0.792 X 10 = 7.92 (fewer points / ranks lower)

System size
Applicant entity serves under 1,000 connections – 10 points
Applicant entity serves between 1,000 and 10,000 connections – 5 points
Applicant entity serves over 10,000 connections but fewer than 50,000 connections – 2 points

Tie Breaker
Rating factors will be ranked in descending order with priority given to the entity serving the fewest connections first.

Appendix D. Criteria to Determine Disadvantaged Community Eligibility

An entity is considered an eligible disadvantaged community if it:

1) may have lead service lines within the distribution system, and
2) 51 percent or more of the proposed project beneficiary area based on household connections has an Annual Median Household Income (AMHI) level that does not exceed 150 percent of the state's AMHI level. The state AMHI from the U.S. Census 2018-2022 American Community Survey (ACS) 5-year estimate is $73,035; therefore the AMHI of the proposed project beneficiary area must not exceed $109,552.50.

City/Place, Census Tract and Block Group geographical U.S. Census geographical areas or an eligible income survey may be used for the AHMI calculation.

First method, easiest method to employ:
To lessen the burden on applicants who can meet the requirement without considering the 51% level, the TWDB will make the presumption that the average (mean) of the AMHI of all U.S. Census Bureau Cities/Places, Block Groups and/or Census Tracts containing any portion of the project service area is the AMHI for the project. Applicants must provide a list of all of the Cities/Places, Block Groups and/or Census Tracts containing any portion of the project service area, the AMHI for each City/Place, Block Group and/or Census Tract, and a detailed map of the proposed service area to be considered for using the presumptive approach in establishing the project's AMHI. TWDB will use the project area map to verify the associated Cities/Places, Block Groups and/or Census Tracts submitted. The Executive Administrator will then determine whether this option is a reasonable estimate of the AMHI for the project service area and may be used for the AMHI threshold calculation.

Second method, if first method does not meet the 150 percent threshold:
Any applicant that does not meet the 150 percent threshold by using the average (mean) of the U.S. Census Bureau Block Groups and/or Census Tracts containing any portion of the project service area may submit the actual number of household connections in each Block Group and/Census Tract and calculate the weighted average AHMI for the project service area.

Third method, if necessary to meet the 150 percent threshold:
Finally, if the AMHI of the applicant's project service area does not fall within 150 percent of the state AMHI threshold without consideration of the 51 percent calculation, the applicant would need to provide the number of household connections in each U.S. Census Bureau's geographical area that is used in the calculation.

Alternatively, as with general program activities, the entity may conduct an income survey for determining the applicable AMHI. Any survey being used for income determination must be completed within five years of prior to the date the TWDB receives the PIF.

Acceptable Source of Socioeconomic Data for FFY 2024

For this IUP, the TWDB will utilize:

(1) U.S. Census 2018-2022 ACS 5-year estimates. An Excel spreadsheet containing this date is located here:
https://www.twdb.texas.gov/financial/instructions/doc/ACS-data-for-SFY2025.xlsx

Entities may also access their U.S. Census 2018-2022 ACS 5-year estimate data directly from the U.S. Census webpage. Census Data Search guidance (WRD-284) is available on the TWDB website at: http://www.twdb.texas.gov/financial/instructions/doc/WRD-284.docx

OR

(2) Data from a socioeconomic survey approved by the Executive Administrator of a statistically acceptable sampling of customers in the service area completed in accordance with the most current Socioeconomic Surveys Guidelines (WRD-285) posted on the TWDB website. Any survey being used for income determination must be conducted within five years prior to the date the TWDB receives the PIF. An entity must submit documentation that substantiates the inadequate or absent Census data that led to the need to conduct a survey. **All entities must obtain prior approval to use survey data instead of the most recently available ACS data.**

In instances where the ACS data does not adequately reflect an entity's service area (e.g. an entity serves a community outside of its Certificate of Convenience and Necessity, an entity serves another system, the entity is a system without a Census Bureau defined boundary, etc.), a prorated analysis of ACS block group data will be performed to calculate the AMHI. Systems owned and operated by a public school or school district will be evaluated for their annual median household income for their school district boundary.

If recent reliable data is unavailable for the school district to determine the AMHI, the TWDB will use information from the Texas Education Agency's Title I, Part A program to determine income eligibility. If more than 50 percent of the school districts campuses are eligible for the program, the district's AMHI will be assumed to be eligible.

Appendix E. Federal Requirements and Assurances

A. Federal Requirements

1. **Davis-Bacon Wage Rate Requirements**

   A subrecipient must comply with the requirements of section 1452(a)(5) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(5)) in all procurement contracts and must require contractors to include compliance with section 1452(a)(5) of the Safe Drinking Water Act in all subcontracts and other lower tiered transactions. All contracts and subcontracts for the construction project must contain in full in any contract in excess of $2,000 the wage rate requirements contract clauses prescribed by TWDB. Section 1452(a)(5) requires compliance with 40 U.S. Code Sections 3141 to 3144, 3146, and 3147 covering wage rate requirements. TWDB guidance is available at http://www.twdb.texas.gov/financial/instructions/doc/DB-0156.pdf.

2. **American Iron and Steel (AIS)**

   The TWDB and all DWSRF financial assistance recipients will comply with the American Iron and Steel (AIS) requirement in applicable federal law, including federal appropriation acts. Federal law requires DWSRF assistance recipients to use iron and steel products that are produced in the United States for projects for the construction, alteration, maintenance, or repair of a public water system or treatment works.

   The term ‘‘iron and steel products’’ means the following products made primarily of iron or steel:

   - lined or unlined pipes and fittings
   - manhole covers and other municipal castings
   - hydrants
   - tanks
   - flanges, pipe clamps and restraints
   - valves
   - structural steel
   - reinforced precast concrete
   - construction materials

   EPA may waive the AIS requirement under certain circumstances.

   TWDB guidance is available at http://www.twdb.texas.gov/financial/instructions/doc/TWDB-1106.docx.

3. **Build America, Buy America Act, 2021 (BABA)**

   The requirements of the Build America, Buy America Act, 2021 (P.L. 117-58), known as BABA, will apply. Information on BABA is available on the TWDB website at http://www.twdb.texas.gov/financial/programs/BABA/index.asp

   An additional source of information on BABA is EPA’s website.

4. Environmental Reviews

The National Environmental Protection Act (NEPA)-like environmental review requirements are specified in Texas Administrative Code, Title 31, Part 10, Chapter 371 and apply to these projects.

5. Generally Accepted Accounting Principles

Assistance recipients must maintain project accounts according to Generally Accepted Accounting Principles as issued by the Governmental Accounting Standards Board, including standards relating to the reporting of infrastructure assets.

6. Compliance with Cross-Cutting Authorities

There are a number of federal laws, executive orders, and federal policies that apply to projects and activities receiving federal financial assistance, regardless of whether the federal laws authorizing the assistance make them applicable. These federal authorities are referred to as cross-cutting authorities or cross-cutters. All cross-cutters apply to Equivalency projects.

The cross-cutters can be divided into three groups: environmental; social policies; and, economic and miscellaneous authorities.

- Environmental cross-cutters include federal laws and executive orders that relate to preservation of historical and archaeological sites, endangered species, wetlands, agricultural land, etc. This cross-cutter requirement includes a National Environmental Policy Act (NEPA) compliant environmental review, which applies to these projects. When conducting the NEPA-like review the TWDB will inform EPA when consultation or coordination by EPA with other federal agencies is necessary to resolve issues regarding compliance with applicable federal authorities.

- Social policy cross-cutters include requirements such as minority and women's business enterprise participation goals, equal opportunity employment goals, and nondiscrimination laws. This cross-cutter requirement includes compliance with the EPA's Disadvantaged Business Enterprise program administered by TWDB.

- Economic cross-cutters directly regulate the expenditure of federal funds such as the prohibition against entering into contracts with debarred or suspended firms.

The Equivalency projects that are considered federal are those entered into the Federal Funding Accountability and Transparency Act Subaward Reporting System.

7. Financial, Managerial, and Technical (FMT) Capacity

Prior to receiving or closing a commitment, the TCEQ will conduct a review of each applicant's FMT capacity. All applicants must receive FMT approval before closing on financial assistance funding.

8. Competency Statements

The following competency statements are provided to satisfy the EPA's policy entitled "Policy to Assure Competency of Organizations Generating Environmental Measurement Data under Agency Funded Assistance Agreements."

TCEQ Competency Statement:

TCEQ ascertains that competency can be demonstrated by the following:

1. EPA approval of the "Quality Assurance Project Plan for the Public Water Supply Supervision Program Relating to the Safe Drinking Water Act of the Texas Commission on Environmental Quality", Revision 14, (QTRAK #23-033), approved by EPA on November 10, 2022, which is approved through November 10, 2025.
2. The "TCEQ Quality Management Plan, Revision 29 (2024)" (QTRAK# 24-064) approved on December 7, 2023, by EPA Region 6 which demonstrates competency by providing a description of the quality policies including all requirements described in EPA QA/R-2.

9. Compliance with Capacity Development Authority, Capacity Development Strategy and Operator Certification Program

A. Capacity development authority. The State of Texas, through the TCEQ, has the legal authority to ensure that all new community water systems, and new nontransient, noncommunity water systems that commence operations have demonstrated FMT capacity with respect to national primary drinking water regulations. If DWSRF financial assistance is being provided to the new system, TCEQ conducts and provides to TWDB the results of its FMT assessment prior to closing on the financial assistance.

B. Capacity development strategy. The State of Texas, through the use of DWSRF set-asides provided to TCEQ, implements a strategy to assist public water systems in acquiring and maintaining financial, managerial, and technical capacity. The TWDB has set aside funds from the regular/base program FFY 2022 grant for TCEQ to implement a capacity development strategy. TCEQ will use funds from the State Program Management, Small Systems Technical Assistance, and Local Assistance and Other State Programs set-asides to conduct the capacity development activities. The TCEQ demonstrates compliance with the Capacity Development Strategy requirement of the SDWA by annually submitting the Capacity Development Report to EPA. The most recent report was provided to EPA on November 27, 2023. The TCEQ submitted the TCEQ Triennial Progress Report to the Governor on the Public Water Supply Capacity Development Program on September 29, 2023, as required by SDWA Section 1420(c)(3).

C. Operator certification program. The State of Texas, through the TCEQ, has a program for certifying operators of community and nontransient, noncommunity public water systems. The TCEQ demonstrates compliance with the Operator Certification

Program Provisions by annually submitting an Operator Certifications Program Report to EPA. The most recent report was provided to EPA on September 12, 2023.

10. Signage

DWSRF projects must comply with the EPA signage requirements that pertain to the lead service line replacement funding.

B. Assurances

Entry into the Federal Reporting Systems

The TWDB will enter information into EPA's DWSRF Reporting System, the DWSRF National Information Management System, and the Federal Funding Accountability and Transparency Act Sub-Award Reporting System as required.

Appendix F. Bypass Procedures

The Executive Administrator may decide to bypass, or skip, higher ranked projects in favor of lower ranked projects to ensure that funds available are utilized in a timely manner and that statutory and capitalization grant requirements are met. If an entity is offered funding for any project that has an interrelated project ranked lower on the list, the TWDB Executive Administrator will have discretion to also offer funding for the interrelated project.

Reasons for bypassing projects are listed below, but are not limited to:

1. **Fulfill the Additional Subsidization Requirement**

   A project on the PPL may be bypassed to fulfill the federal additional subsidization requirement or to make commitments of the amount of funds that remain unallocated.

2. **Intent to Apply and Application Submission Deadlines**

   A project may be bypassed if the applicant did not submit any intent to apply form or information by a specified deadline or the application is not received by the TWDB-established submission deadline and it is not administratively complete by the established deadline.

3. **Readiness to Proceed**

   The Executive Administrator may bypass projects to include those deemed ready to proceed to construction.

4. **Past Project Performance**

   If the applicant has failed to close a commitment or complete a project in a timely manner under a prior IUP, and it is determined that such failure to perform could jeopardize the timely use of funds for a project under this IUP, the Executive Administrator may bypass the project.

5. **Financial Capacity**

   A project may be bypassed if the Executive Administrator determines that the applicant will be unable to repay the SRF financial assistance for the project.

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Appendix G. Project Priority List - Alphabetical

Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
12	52.08	3-D Mobile Home and RV Park	16061	TX 0910072	95	Lead Service Line Replacement 3D	Project will be to replace all galvanized lines that were put in use when the mobile home park was built. Homes all have pex put in so will be main water lines to each lot that will need to be replaced.	DC	$ 100,000.00
8	46.20	Alice	16057	TX1250001	17,891	City of Alice LSLR	The City of Alice is requesting funding in order to purchase a trailer-mounted hydro-excavator and truck to transport the hydro-excavator, funds to reimburse play for City Staff doing the Inventory; funds to pay for clerk who will input into TCEQ/EAP excel spreadsheet, the inventory data; funds to hire a consulting firm to locate service lines with GIS map coordinates, to investigate and to determine material of service lines, and to categorize such lines to determine non-lead or lead for replacement. These activities and investigations will enable the City to have a more accurate figure to be determined for sampling requirements under the rule, excavation, and for the replacement cost of known lead service lines immediately upon their discovery.	P	$ 769,321.00
28	43.05	Alvin	16077	TX0200001	26,780	Lead Service Line Location and Replacement Program	In March 2023, The City of Alvin began efforts toward identifying and replacing lead service lines (LSLs) as required by the updated regulations in the Lead and Copper Rule Revisions (LCRR). The City developed a phased approach. The City is seeking funding for Phase 3 (monitoring and public communications to support verification of LSLs) and Phase 4 (LSL replacement and mitigation).	PDC	$ 5,003,272.00
31	37.66	Austin	16080	TX2270001	1,153,430	Galvanized Water Service Line Replacement	The Lead and Copper Rule Revision (LCRR) requires the replacement of any galvanized service line that is, or ever was, downstream of a lead service line. This project will replace galvanized services found in Austin Water's system on both the public and private side of the meter.	DC	$ 6,000,000.00
4	54.54	Beaumont	16053	TX1230001	54,359	Lead Service Line Inventory and Replacement	The City of Beaumont aims to complete this service line inventory and replace lead and galvanized service lines requiring replacement in the area. This project includes finishing the inventory and replacing the galvanized and lead service lines in the defined project area. The project will also conduct public outreach for awareness.	PDC	$ 7,602,000.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
9	52.91	Beeville	16058	TX0130001	13,680	Beeville Lead Service Line Replacement	Beginning in 2021 the City utilized a GIS program to identify the City's main lines and location. The city of Beeville has contracted with Mid Cimarron, LLC to asset city utility maintenance crews to inventory customer water service lines to identify the applicable pipe material. Per Lead and Copper Rule Revisions (LCRR), upon completion all unidentified lead and galvanized pipe service lines will be replaced. As of March 29, 2024, 1,693 of the City's 4,761 services have been inventoried. The inventory of the remaining service lines and identification of existing lead and galvanized service line pipe materials will be completed/known by June 1, 2024.	PDC	$ 1,960,231.80
13	51.82	Brady	16062	TX1540001	5,770	City of Brady Phase II LSLR Project	Replacement of galvanized lines for water services to include from the water main to the home plus paving repair, landscaping and other repairs as needed for affected areas.	C	$ 11,950,000.00
32	58.17	Brazoria	16081	TX0200003	2,875	City of Brazoria Lead Service Line Replacement	City plans to complete a GIS database of existing water services, a complete lead service line inventory with the replacement of all identified lead service lines. The project includes lead service line inventory, lead service line replacement plan, public communications plan, water sample/testing plan. With completion of planning phases, city will complete the design, bidding, and construction of replacement of lead service lines.	PDC	$ 3,224,520.00
23	44.98	Cleburne	16072	TX1260003	31,352	Cleburne LCRR Inventory and Replacement Plan	This project will include completion of a lead service inventory, supplemental lead sampling, planning and design for infrastructure, design, and construction cost for removal/replacement of goosenecks pigtails/connectors/service lines/ and acquisition of temporary water filter systems for affected households.	PDC	$ 48,492,400.00
2	60.43	Cotulla	16051	TX1420001	3,996	Lead Service Line Inventory and Replacement	The City of Cotulla aims to complete the service line inventory and replace lead service lines in the area. This project includes finishing the inventory and replacing the galvanized and lead service lines in the system.	PDC	$ 398,000.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
11	52.26	Crystal City	16060	TX2540001	6,504	Crystal City Lead Service Line Replacement	The City of Crystal City requests funds to complete an inventory of potential lead-service lines, as well as replacement funds for identified lines. The city estimates that approximately 90% of all households were built before 1980, which suggests there is a high prevalence of lead-service lines. Replacing water lines has continued to be a high priority for Crystal City, as it has identified approximately 40,750 linear feet of old cast iron and asbestos line that need to be replaced due to high water losses and continuous leaks. The proposed budget includes an estimated 2,430 service connections that will need proposed line replacements, which will require approximately 135,000 linear feet of service lines in yards from water meters to residential homes. This project also includes inventory funds, which will determine the complete scope of lead service line replacement needs, as well as meet the Texas Water Development Board's inventory guidelines.	PDC	$ 15,231,334.00
33	29.29	Cumby	16082	TX1120001	807	LSLR 2024	Inventory of lead-service lines will be performed prior to this project and prior to the October 16, 2024 deadline. This project will include field work to confirm and identify details of pre-inventoried lead-service lines including line sizes, lengths, etc. Prepare report, plans and specifications for lead-service line replacement in accordance with TCEQ Lead and Copper Rule Revisions (LCRR). Bid and construct the improvements. Prepare a GIS database of completed improvements.	DC	$ 945,000.00
17	47.48	El Campo	16056	TX2410002	12,602	Lead Service Line Replacement Project	The City of El Campo is currently preparing the initial lead and copper service line inventory. The TWDB LSLR funds will be used for the lead service line replacement project throughout the entire City of El Campo. The project will include design and construction.	DC	$ 10,053,000.00
1	62.99	Goliad	16050	TX0880001	1,624	City of Goliad LSLR 2024	The project will consist of digging on both sides of the meter for from water main tap to the meter from meter to the house service lines, evaluating the materials, classifying logging if, lead ,galvanized, copper, pvc, or poly tubing After making sure it is approved material, (a) document in the file in LSLR survey packet files and cover up dig site,(b) If material needs to be replace, do so with approved AWWA material or document that it needs to be changed out, file it in the LSLR survey report packet, and replace identified non-conforming services per TCEQ and guidelines.	PDC	$ 530,000.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
20	46.85	Granbury	16069	TX1110001	10,080	Lead Service Line Replacement	In accordance with the regulations set forth by the Texas Commission on Environmental Quality (TCEQ) in its revised Lead and Copper Rules, the City is required to develop an inventory of the materials of construction for all water service lines in the distribution system. The City currently provides potable water service to 6,159 connections within its distribution system. Based upon the age of the distribution system and insights provided by Staff, there is likely a significant portion of the distribution system which have water services which utilize lead or galvanized materials. The City is requesting financial assistance from Texas Water Development Board to determine the exact number and location as well as replacement of the lead and galvanized service lines within the distribution system.	PC	$ 4,240,000.00
34	25.26	Hempstead	16083	TX2370001	6,687	Lead Service Line Replacement	The City of Hempstead is currently preparing the initial lead and copper serve line inventory. The TWDB LSLR funds will be used for the lead service line replacement project throughout the entire City of Hempstead. The project will include design and construction related to the replacement of lead services lines throughout the entire City of Hempstead.	DC	$ 7,161,000.00
35	18.13	Houston	16084	TX1010013	2,304,580	Lead and Copper Rule Revision Compliance	The proposed project will survey an estimated 494,856 household service line connections throughout the City of Houston to identify and replace lead service lines within the entire service area. The project is being conducted in three phases, the first of which has begun. Funding is requested for the second and third phases. Project will be staged in nine of Houston's Complete Communities. Second Phase is field inspections for initial Lead Service Inventory to verify accuracy. Third Phase involves the actual replacement of confirmed lead service lines and could be implemented concurrently with second phase.	PDC	$ 30,000,000.00
14	54.69	Italy	16063	TX0700028	1,926	City of Italy LSLR	This project will identify, map, and inventory the water service connections within the City of Italy, including evaluation of the piping material. The inventory will identify any lead service lines which will need to be replaced with future funding for design and construction.	P	$ 200,000.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
24	44.96	Longview	16073	TX0920004	81,092	Water Service Line Replacement	The city is developing a water service line inventory to identify lead services. A crew is going to unknown services to identify material type. The city is also sending a survey to customers to identify their service line material. Any lines identified on the public side will be replaced. Private service lines identified will be reported to customers. The city will work with customers to replace lead/galvanized material. In addition, the City has hired KSA Engineers to assist in the data processing and reporting.	PDC	$ 6,246,113.00
3	51.81	Lower Valley WD	16052	TX0710154	64,332	Lead Service Line Replacement Project	The District proposes to hire one (1) temporary staff person to continue inventory, catalogue, and identify lead service lines in private properties. Staff will submit for plumbing permits to replace lines that have been identified. The District will contract with a third-party vendor to replace those lines that have been identified. This vendor will replace lines from the water meter to the homes to be compliant. The project will include the installation of any service lines, plumbing fixtures and appurtenances needed to fulfill TCEQ's requirements on the resident's property. The District will task an inspector that will make sure that the work is completed to the resident's satisfaction and submit a final report for each property that was worked on.	PDC	$ 570,000.00
19	47.59	Marshall	16068	TX1020002	23,461	Water Service Line Replacement	Design, bidding, inspection, and construction administration for replacement of an estimated 850 lead service lines to be confirmed in the lead service line inventory phase.	PDC	$ 7,457,463.00
6	54.39	Meridian	16055	TX0180002	1,493	City of Meridian LSLR	The City of Meridian is requesting funds to assist in the final inventory and replacement of identified lead service lines.	PDC	$ 7,940,395.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
30	39.76	New Braunfels Utilities	16079	TX0460001	90,403	NBU Lead Service Line Inventory & Replacement	NBU identified 8,426 services in its service territory which had unknown materials on both the NBU-side and customer-side of the water meter. As of March 27, 2024 NBU through the use of Peabody Construction has visually identified 6,832 of the services. Roughly 48% of the identified service lines on the customer side are presumed to be identified as "galvanized requiring replacement" in the submitted inventory. NBU expects that roughly 4,000 services will be required to be replaced. NBU seeks funding to reimburse or pay for costs associated with the portion of the lead service line inventory which has already accomplished, the completion of the lead service line inventory, identifying any unknown materials in the system after submission of the LSLI to TCEQ, the required planning of the lead line replacement program, performing the design and replacement of lead service lines, covering the land acquisition costs associated with any required easements or construction, and a contingency amount of 10%.	PDC	$ 25,856,185.00
25	44.78	Panorama Village	16074	TX1700026	2,513	Lead Service line Replacement Inventory Study	Create an inventory of the City's service lines connected to the water distribution system to develop an accurate analysis of the current condition and prepare for the removal of lead lines. This may include non-routine lead sampling, inventory methods, such as observation, excavation, vacuum, and analysis.	P	$ 125,000.00
26	43.93	Pasadena	16075	TX1010293	153,000	LCRI Inventory and WL Replacement	This project will include building the inventory list as outlined in TCEQ-20943. The fieldwork required to validate the entries will also be included as part of the project as part of the project. The project will prepare a master plan to outline how and when the lead and copper lines will be replaced over the next 10 year period. The estimated construction cost is spread over a construction period of 10 years.	PDC	$ 21,980,000.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
5	54.68	Pine Village Public Utility District	16054	TX1010901	3,516	Lead Service Line Inventory and Replacement Program	The majority of the District's utilities date back to the early 1970s. Therefore, the maintenance and upkeep of the District's assets is critical to ensure quality and reliable service to its constituents. The proposed project is comprised of two phases which includes the 1) lead service line inventory and replacement plan, and 2) lead service line replacement. The inventory and replacement plan will identify and include both the public and private sides of the water service lines. Additionally, the inventory and replacement plans will identify possible changes to Lead and Copper sampling within the system, water system reporting, public education requirements, and the introduction of a new lead trigger level. Further details on the requirements of the lead service line replacement, including environmental impact analysis, will be identified at a later date. Once more information is available, we can then provide additional details into the planning and scoping for the lead service line replacement. For purposes of this PIF, we used best judgement practices to estimate the costs associated with the lead service line replacement. The District is in the process of completing the lead service line inventory. As of today, the District has confirmed 223 service lines do not contain lead material based on available historical data and record drawings. The remaining 499 service lines were constructed prior to 1988 (most date back to the early 1970s) and the material is currently listed as unknown. The District is preparing to perform field verification inspections soon to identify the material of the 499 service lines.	PDC	$ 2,715,000.00
10	52.27	Port Arthur	16059	TX1230009	56,039	Lead Service Line Inventory	Develop inventory	P	$ 4,806,260.00
7	53.66	RPM WSC	16056	TX2340016	2,300	FM 279 RPM Chandler County	RPM WSC is required to replace all lead water service lines. They have found lead service lines down FM279, FM2010 and along Chandler Interconnect that will need to be replaced. RPM is requesting funding to be able to replace the existing lead service lines and provide safe and reliable drinking water.	DC	$ 250,000.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
27	43.84	San Angelo	16076	TX2260001	101,004	San Angelo Lead Service Line Location and Replacement Program	Revised PIF from SFY2023. Seeking funding for Phase 3 (Field Verification of Service Lines Material), Phase 4 (Monitoring & Replacement Plan) and Phase 5 (LSLs Replacement).	PDC	$ 9,858,684.00
29	41.28	San Antonio Water System	16078	TX00150018	1,949,969	Lead Service Line Replacement	Update to SAWS LSLR 2023 PIF; Inventory with field investigations, develop Lead Service Line Replacement Action Plan, design and bid services, construction costs for replacement of lead service lines.	PDC	$ 114,034,371.00
21	45.88	Sherman	16070	TX0910006	43,645	Lead Service Line Location and Replacement Program	Revised PIF from SFY2023. Seeking funding for on-going Phase 3 (Field Verification of Service Lines Material) and future Phase 4 (Monitoring & Public Communications to Support Verification of LSLs) and Phase 5 (LSLs Replacement Planning and Mitigation).	PDC	$ 8,768,258.28
22	43.20	Weatherford	16071	TX1840005	36,251	City of Weatherford Lead Service Line Replacement	The initial phase of this project will be focused on developing an initial service line inventory based on the best available data and a prioritized plan for investigation of unknown service lines. Assumptions for potential lead service line replacements are included herein for the subsequent phase of field investigation and replacement of lead service lines.	PDC	$ 23,734,700.00
16	49.61	Willis	16065	TX1700003	6,561	Lead Service Line Inventory and Replacement	Create an inventory of the City's service lines connected to the water distribution system to develop an accurate analysis of the current condition and prepare for the removal of lead lines. This may include non-routine lead sampling, inventory methods, such as obersvation, excavation, vacuum, and analysis.	P	$ 305,000.00
15	48.26	Wills Point	16064	TX2340005	6,648	Wills Point LSLR Project	Proposed project includes identifying lead service lines, design of removal and replacement, and construction work to remove and replace lead lines. City expects to use Force Accounting agreement to complete parts of the LSLR inventory.	PDC	$ 631,400.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
18	47.39	Wilmer	16067	TX0570018	5,370	City of Wilmer Lead Service Line Inventory and Replacement Program	The City of Wilmer, Texas has deep concern about the problem of lead water services. Their concern is rooted with a strong interest in protecting the public's health from the harmful effects of lead in drinking water. By undertaking this project, the City intends to eliminate lead water services from their system if any are identified. This project will be approached in two phases. The first phase will be to perform the EPA and TCEQ mandated lead service inventory and submit said inventory to TCEQ well in advance of the October 2024 deadline. The second phase of the project will be to replace all identified lead services with appropriate new water service materials. This second phase will include planning, design, stakeholder coordination, and construction services.	PDC	$ 2,768,073.75
TOTAL		**35**							**$ 391,906,981.83**

Texas Water Development Board
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Appendix H. Alphabetical List of Ineligible Projects

None.

Texas Water Development Board
SFY 2025 Drinking Water State Revolving Fund - Lead Service Line Replacement
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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
1	62.99	Goliad	16050	TX0880001	1,624	City of Goliad LSLR 2024	The project will consist of digging on both sides of the meter for from water main tap to the meter from meter to the house service lines, evaluating the materials, classifying logging if, lead ,galvanized, copper, pvc, or poly tubing After making sure it is approved material, (a) document in the file in LSLR survey packet files and cover up dig site,(b) If material needs to be replace, do so with approved AWWA material or document that it needs to be changed out, file it in the LSLR survey report packet, and replace identified non-conforming services per TCEQ and guidelines.	PDC	$ 530,000.00
2	60.43	Cotulla	16051	TX1420001	3,996	Lead Service Line Inventory and Replacement	The City of Cotulla aims to complete the service line inventory and replace lead service lines in the area. This project includes finishing the inventory and replacing the galvanized and lead service lines in the system.	PDC	$ 398,000.00
3	51.81	Lower Valley WD	16052	TX0710154	64,332	Lead Service Line Replacement Project	The District proposes to hire one (1) temporary staff person to continue inventory, catalogue, and identify lead service lines in private properties. Staff will submit for plumbing permits to replace lines that have been identified. The District will contract with a third-party vendor to replace those lines that have been identified. This vendor will replace lines from the water meter to the homes to be compliant. The project will include the installation of any service lines, plumbing fixtures and appurtenances needed to fulfill TCEQ's requirements on the resident's property. The District will task an inspector that will make sure that the work is completed to the resident's satisfaction and submit a final report for each property that was worked on.	PDC	$ 570,000.00
4	54.54	Beaumont	16053	TX1230001	54,359	Lead Service Line Inventory and Replacement	The City of Beaumont aims to complete this service line inventory and replace lead and galvanized service lines requiring replacement in the area. This project includes finishing the inventory and replacing the galvanized and lead service lines in the defined project area. The project will also conduct public outreach for awareness.	PDC	$ 7,602,000.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
5	54.68	Pine Village Public Utility District	16054	TX1010901	3,516	Lead Service Line Inventory and Replacement Program	The majority of the District's utilities date back to the early 1970s. Therefore, the maintenance and upkeep of the District's assets is critical to ensure quality and reliable service to its constituents. The proposed project is comprised of two phases which includes the 1) lead service line inventory and replacement plan, and 2) lead service line replacement. The inventory and replacement plan will identify and include both the public and private sides of the water service lines. Additionally, the inventory and replacement plans will identify possible changes to Lead and Copper sampling within the system, water system reporting, public education requirements, and the introduction of a new lead trigger level. Further details on the requirements of the lead service line replacement, including environmental impact analysis, will be identified at a later date. Once more information is available, we can then provide additional details into the planning and scoping for the lead service line replacement. For purposes of this PIF, we used best judgement practices to estimate the costs associated with the lead service line replacement. The District is in the process of completing the lead service line inventory. As of today, the District has confirmed 223 service lines do not contain lead material based on available historical data and record drawings. The remaining 499 service lines were constructed prior to 1988 (most date back to the early 1970s) and the material is currently listed as unknown. The District is preparing to perform field verification inspections soon to identify the material of the 499 service lines.	PDC	$ 2,715,000.00
6	54.39	Meridian	16055	TX0180002	1,493	City of Meridian LSLR	The City of Meridian is requesting funds to assist in the final inventory and replacement of identified lead service lines.	PDC	$ 7,940,395.00
7	53.66	RPM WSC	16056	TX2340016	2,300	FM 279 RPM Chandler County	RPM WSC is required to replace all lead water service lines. They have found lead service lines down FM279, FM2010 and along Chandler Interconnect that will need to be replaced. RPM is requesting funding to be able to replace the existing lead service lines and provide safe and reliable drinking water.	DC	$ 250,000.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
8	46.20	Alice	16057	TX1250001	17,891	City of Alice LSLR	The City of Alice is requesting funding in order to purchase a trailer-mounted hydro-excavator and truck to transport the hydro-excavator, funds to reimburse play for City Staff doing the Inventory; funds to pay for clerk who will input into TCEQ/EAP excel spreadsheet, the inventory data; funds to hire a consulting firm to locate service lines with GIS map coordinates, to investigate and to determine material of service lines, and to categorize such lines to determine non-lead or lead for replacement. These activities and investigations will enable the City to have a more accurate figure to be determined for sampling requirements under the rule, excavation, and for the replacement cost of known lead service lines immediately upon their discovery.	P	$ 769,321.00
9	52.91	Beeville	16058	TX0130001	13,680	Beeville Lead Service Line Replacement	Beginning in 2021 the City utilized a GIS program to identify the City's main lines and location. The city of Beeville has contracted with Mid Cimarron, LLC to asset city utility maintenance crews to inventory customer water service lines to identify the applicable pipe material. Per Lead and Copper Rule Revisions (LCRR), upon completion all unidentified lead and galvanized pipe service lines will be replaced. As of March 29, 2024, 1,693 of the City's 4,761 services have been inventoried. The inventory of the remaining service lines and identification of existing lead and galvanized service line pipe materials will be completed/known by June 1, 2024.	PDC	$ 1,960,231.80
10	52.27	Port Arthur	16059	TX1230009	56,039	Lead Service Line Inventory	Develop inventory	P	$ 4,806,260.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
11	52.26	Crystal City	16060	TX2540001	6,504	Crystal City Lead Service Line Replacement	The City of Crystal City requests funds to complete an inventory of potential lead-service lines, as well as replacement funds for identified lines. The city estimates that approximately 90% of all households were built before 1980, which suggests there is a high prevalence of lead-service lines. Replacing water lines has continued to be a high priority for Crystal City, as it has identified approximately 40,750 linear feet of old cast iron and asbestos line that need to be replaced due to high water losses and continuous leaks. The proposed budget includes an estimated 2,430 service connections that will need proposed line replacements, which will require approximately 135,000 linear feet of service lines in yards from water meters to residential homes. This project also includes inventory funds, which will determine the complete scope of lead service line replacement needs, as well as meet the Texas Water Development Board's inventory guidelines.	PDC	$ 15,231,334.00
12	52.08	3-D Mobile Home and RV Park	16061	TX 0910072	95	Lead Service Line Replacement 3D	Project will be to replace all galvanized lines that were put in use when the mobile home park was built. Homes all have pex put in so will be main water lines to each lot that will need to be replaced.	DC	$ 100,000.00
13	51.82	Brady	16062	TX1540001	5,770	City of Brady Phase II LSLR Project	Replacement of galvanized lines for water services to include from the water main to the home plus paving repair, landscaping and other repairs as needed for affected areas.	C	$ 11,950,000.00
14	54.69	Italy	16063	TX0700028	1,926	City of Italy LSLR	This project will identify, map, and inventory the water service connections within the City of Italy, including evaluation of the piping material. The inventory will identify any lead service lines which will need to be replaced with future funding for design and construction.	P	$ 200,000.00
15	48.26	Wills Point	16064	TX2340005	6,648	Wills Point LSLR Project	Proposed project includes identifying lead service lines, design of removal and replacement, and construction work to remove and replace lead lines. City expects to use Force Accounting agreement to complete parts of the LSLR inventory.	PDC	$ 631,400.00
16	49.61	Willis	16065	TX1700003	6,561	Lead Service Line Inventory and Replacement	Create an inventory of the City's service lines connected to the water distribution system to develop an accurate analysis of the current condition and prepare for the removal of lead lines. This may include non-routine lead sampling, inventory methods, such as obersvation, excavation, vacuum, and analysis.	P	$ 305,000.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
17	47.48	El Campo	16056	TX2410002	12,602	Lead Service Line Replacement Project	The City of El Campo is currently preparing the initial lead and copper service line inventory. The TWDB LSLR funds will be used for the lead service line replacement project throughout the entire City of El Campo. The project will include design and construction.	DC	$ 10,053,000.00
18	47.39	Wilmer	16067	TX0570018	5,370	City of Wilmer Lead Service Line Inventory and Replacement Program	The City of Wilmer, Texas has deep concern about the problem of lead water services. Their concern is rooted with a strong interest in protecting the public's health from the harmful effects of lead in drinking water. By undertaking this project, the City intends to eliminate lead water services from their system if any are identified. This project will be approached in two phases. The first phase will be to perform the EPA and TCEQ mandated lead service inventory and submit said inventory to TCEQ well in advance of the October 2024 deadline. The second phase of the project will be to replace all identified lead services with appropriate new water service materials. This second phase will include planning, design, stakeholder coordination, and construction services.	PDC	$ 2,768,073.75
19	47.59	Marshall	16068	TX1020002	23,461	Water Service Line Replacement	Design, bidding, inspection, and construction administration for replacement of an estimated 850 lead service lines to be confirmed in the lead service line inventory phase.	PDC	$ 7,457,463.00
20	46.85	Granbury	16069	TX1110001	10,080	Lead Service Line Replacement	In accordance with the regulations set forth by the Texas Commission on Environmental Quality (TCEQ) in its revised Lead and Copper Rules, the City is required to develop an inventory of the materials of construction for all water service lines in the distribution system. The City currently provides potable water service to 6,159 connections within its distribution system. Based upon the age of the distribution system and insights provided by Staff, there is likely a significant portion of the distribution system which have water services which utilize lead or galvanized materials. The City is requesting financial assistance from Texas Water Development Board to determine the exact number and location as well as replacement of the lead and galvanized service lines within the distribution system.	PC	$ 4,240,000.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
21	45.88	Sherman	16070	TX0910006	43,645	Lead Service Line Location and Replacement Program	Revised PIF from SFY2023. Seeking funding for on-going Phase 3 (Field Verification of Service Lines Material) and future Phase 4 (Monitoring & Public Communications to Support Verification of LSLs) and Phase 5 (LSLs Replacement Planning and Mitigation).	PDC	$ 8,768,258.28
22	43.20	Weatherford	16071	TX1840005	36,251	City of Weatherford Lead Service Line Replacement	The initial phase of this project will be focused on developing an initial service line inventory based on the best available data and a prioritized plan for investigation of unknown service lines. Assumptions for potential lead service line replacements are included herein for the subsequent phase of field investigation and replacement of lead service lines.	PDC	$ 23,734,700.00
23	44.98	Cleburne	16072	TX1260003	31,352	Cleburne LCRR Inventory and Replacement Plan	This project will include completion of a lead service inventory, supplemental lead sampling, planning and design for infrastructure, design, and construction cost for removal/replacement of goosenecks pigtails/connectors/service lines/ and acquisition of temporary water filter systems for affected households.	PDC	$ 48,492,400.00
24	44.96	Longview	16073	TX0920004	81,092	Water Service Line Replacement	The city is developing a water service line inventory to identify lead services. A crew is going to unknown services to identify material type. The city is also sending a survey to customers to identify their service line material. Any lines identified on the public side will be replaced. Private service lines identified will be reported to customers. The city will work with customers to replace lead/galvanized material. In addition, the City has hired KSA Engineers to assist in the data processing and reporting.	PDC	$ 6,246,113.00
25	44.78	Panorama Village	16074	TX1700026	2,513	Lead Service line Replacement Inventory Study	Create an inventory of the City's service lines connected to the water distribution system to develop an accurate analysis of the current condition and prepare for the removal of lead lines. This may include non-routine lead sampling, inventory methods, such as observation, excavation, vacuum, and analysis.	P	$ 125,000.00
26	43.93	Pasadena	16075	TX1010293	153,000	LCRI Inventory and WL Replacement	This project will include building the inventory list as outlined in TCEQ-20943. The fieldwork required to validate the entries will also be included as part of the project as part of the project. The project will prepare a master plan to outline how and when the lead and copper lines will be replaced over the next 10 year period. The estimated construction cost is spread over a construction period of 10 years.	PDC	$ 21,980,000.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
27	43.84	San Angelo	16076	TX2260001	101,004	San Angelo Lead Service Line Location and Replacement Program	Revised PIF from SFY2023. Seeking funding for Phase 3 (Field Verification of Service Lines Material), Phase 4 (Monitoring & Replacement Plan) and Phase 5 (LSLs Replacement).	PDC	$ 9,858,684.00
28	43.05	Alvin	16077	TX0200001	26,780	Lead Service Line Location and Replacement Program	In March 2023, The City of Alvin began efforts toward identifying and replacing lead service lines (LSLs) as required by the updated regulations in the Lead and Copper Rule Revisions (LCRR). The City developed a phased approach. The City is seeking funding for Phase 3 (monitoring and public communications to support verification of LSLs) and Phase 4 (LSL replacement and mitigation).	PDC	$ 5,003,272.00
29	41.28	San Antonio Water System	16078	TX00150018	1,949,969	Lead Service Line Replacement	Update to SAWS LSLR 2023 PIF; Inventory with field investigations, develop Lead Service Line Replacement Action Plan, design and bid services, construction costs for replacement of lead service lines.	PDC	$ 114,034,371.00
30	39.76	New Braunfels Utilities	16079	TX0460001	90,403	NBU Lead Service Line Inventory & Replacement	NBU identified 8,426 services in its service territory which had unknown materials on both the NBU-side and customer-side of the water meter. As of March 27, 2024 NBU through the use of Peabody Construction has visually identified 6,832 of the services. Roughly 48% of the identified service lines on the customer side are presumed to be identified as "galvanized requiring replacement" in the submitted inventory. NBU expects that roughly 4,000 services will be required to be replaced. NBU seeks funding to reimburse or pay for costs associated with the portion of the lead service line inventory which has already accomplished, the completion of the lead service line inventory, identifying any unknown materials in the system after submission of the LSLI to TCEQ, the required planning of the lead line replacement program, performing the design and replacement of lead service lines, covering the land acquisition costs associated with any required easements or construction, and a contingency amount of 10%.	PDC	$ 25,856,185.00

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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
31	37.66	Austin	16080	TX2270001	1,153,430	Galvanized Water Service Line Replacement	The Lead and Copper Rule Revision (LCRR) requires the replacement of any galvanized service line that is, or ever was, downstream of a lead service line. This project will replace galvanized services found in Austin Water's system on both the public and private side of the meter.	DC	$ 6,000,000.00
32	58.17	Brazoria	16081	TX0200003	2,875	City of Brazoria Lead Service Line Replacement	City plans to complete a GIS database of existing water services, a complete lead service line inventory with the replacement of all identified lead service lines. The project includes lead service line inventory, lead service line replacement plan, public communications plan, water sample/testing plan. With completion of planning phases, city will complete the design, bidding, and construction of replacement of lead service lines.	PDC	$ 3,224,520.00
33	29.29	Cumby	16082	TX1120001	807	LSLR 2024	Inventory of lead-service lines will be performed prior to this project and prior to the October 16, 2024 deadline. This project will include field work to confirm and identify details of pre-inventoried lead-service lines including line sizes, lengths, etc. Prepare report, plans and specifications for lead-service line replacement in accordance with TCEQ Lead and Copper Rule Revisions (LCRR). Bid and construct the improvements. Prepare a GIS database of completed improvements.	DC	$ 945,000.00
34	25.26	Hempstead	16083	TX2370001	6,687	Lead Service Line Replacement	The City of Hempstead is currently preparing the initial lead and copper serve line inventory. The TWDB LSLR funds will be used for the lead service line replacement project throughout the entire City of Hempstead. The project will include design and construction related to the replacement of lead services lines throughout the entire City of Hempstead.	DC	$ 7,161,000.00
35	18.13	Houston	16084	TX1010013	2,304,580	Lead and Copper Rule Revision Compliance	The proposed project will survey an estimated 494,856 household service line connections throughout the City of Houston to identify and replace lead service lines within the entire service area. The project is being conducted in three phases, the first of which has begun. Funding is requested for the second and third phases. Project will be staged in nine of Houston's Complete Communities. Second Phase is field inspections for initial Lead Service Inventory to verify accuracy. Third Phase involves the actual replacement of confirmed lead service lines and could be implemented concurrently with second phase.	PDC	$ 30,000,000.00
TOTAL		**35**							**$ 391,906,981.83**

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Appendix J. Initial Invited Project List

Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
1	62.99	Goliad	16050	TX0880001	1,624	City of Goliad LSLR 2024	The project will consist of digging on both sides of the meter for from water main tap to the meter from meter to the house service lines, evaluating the materials, classifying logging if, lead ,galvanized, copper, pvc, or poly tubing After making sure it is approved material, (a) document in the file in LSLR survey packet files and cover up dig site,(b) If material needs to be replace, do so with approved AWWA material or document that it needs to be changed out, file it in the LSLR survey report packet, and replace identified non-conforming services per TCEQ and guidelines.	PDC	$ 530,000.00
2	60.43	Cotulla	16051	TX1420001	3,996	Lead Service Line Inventory and Replacement	The City of Cotulla aims to complete the service line inventory and replace lead service lines in the area. This project includes finishing the inventory and replacing the galvanized and lead service lines in the system.	PDC	$ 398,000.00
3	51.81	Lower Valley WD	16052	TX0710154	64,332	Lead Service Line Replacement Project	The District proposes to hire one (1) temporary staff person to continue inventory, catalogue, and identify lead service lines in private properties. Staff will submit for plumbing permits to replace lines that have been identified. The District will contract with a third-party vendor to replace those lines that have been identified. This vendor will replace lines from the water meter to the homes to be compliant. The project will include the installation of any service lines, plumbing fixtures and appurtenances needed to fulfill TCEQ's requirements on the resident's property. The District will task an inspector that will make sure that the work is completed to the resident's satisfaction and submit a final report for each property that was worked on.	PDC	$ 570,000.00
4	54.54	Beaumont	16053	TX1230001	54,359	Lead Service Line Inventory and Replacement	The City of Beaumont aims to complete this service line inventory and replace lead and galvanized service lines requiring replacement in the area. This project includes finishing the inventory and replacing the galvanized and lead service lines in the defined project area. The project will also conduct public outreach for awareness.	PDC	$ 7,602,000.00

Phase(s): P-Planning, D-Design, C-Construction

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Appendix J. Initial Invited Project List

Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
5	54.68	Pine Village Public Utility District	16054	TX1010901	3,516	Lead Service Line Inventory and Replacement Program	The majority of the District's utilities date back to the early 1970s. Therefore, the maintenance and upkeep of the District's assets is critical to ensure quality and reliable service to its constituents. The proposed project is comprised of two phases which includes the 1) lead service line inventory and replacement plan, and 2) lead service line replacement. The inventory and replacement plan will identify and include both the public and private sides of the water service lines. Additionally, the inventory and replacement plans will identify possible changes to Lead and Copper sampling within the system, water system reporting, public education requirements, and the introduction of a new lead trigger level. Further details on the requirements of the lead service line replacement, including environmental impact analysis, will be identified at a later date. Once more information is available, we can then provide additional details into the planning and scoping for the lead service line replacement. For purposes of this PIF, we used best judgement practices to estimate the costs associated with the lead service line replacement. The District is in the process of completing the lead service line inventory. As of today, the District has confirmed 223 service lines do not contain lead material based on available historical data and record drawings. The remaining 499 service lines were constructed prior to 1988 (most date back to the early 1970s) and the material is currently listed as unknown. The District is preparing to perform field verification inspections soon to identify the material of the 499 service lines.	PDC	$ 2,715,000.00
6	54.39	Meridian	16055	TX0180002	1,493	City of Meridian LSLR	The City of Meridian is requesting funds to assist in the final inventory and replacement of identified lead service lines.	PDC	$ 7,940,395.00
7	53.66	RPM WSC	16056	TX2340016	2,300	FM 279 RPM Chandler County	RPM WSC is required to replace all lead water service lines. They have found lead service lines down FM279, FM2010 and along Chandler Interconnect that will need to be replaced. RPM is requesting funding to be able to replace the existing lead service lines and provide safe and reliable drinking water.	DC	$ 250,000.00

Phase(s): P-Planning, D-Design, C-Construction

Texas Water Development Board
SFY 2025 Drinking Water State Revolving Fund - Lead Service Line Replacement
Intended Use Plan
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Rank	Points	Entity	PIF No.	PWS ID No.	Population Served	Project Name	Project Description	Requested Phase(s)	Total Project Cost
9	52.91	Beeville	16058	TX0130001	13,680	Beeville Lead Service Line Replacement	Beginning in 2021 the City utilized a GIS program to identify the City's main lines and location. The city of Beeville has contracted with Mid Cimarron, LLC to asset city utility maintenance crews to inventory customer water service lines to identify the applicable pipe material. Per Lead and Copper Rule Revisions (LCRR), upon completion all unidentified lead and galvanized pipe service lines will be replaced. As of March 29, 2024, 1,693 of the City's 4,761 services have been inventoried. The inventory of the remaining service lines and identification of existing lead and galvanized service line pipe materials will be completed/known by June 1, 2024.	PDC	$ 1,960,231.80
10	52.27	Port Arthur	16059	TX1230009	56,039	Lead Service Line Inventory	Develop inventory	P	$ 4,806,260.00
TOTAL		**9**							**$ 26,771,886.80**

Phase(s): P-Planning, D-Design, C-Construction