

State of Alabama

Alabama Department of Environmental Management
Clean Water State Revolving Fund Program



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**Clean Water State Revolving Fund (CWSRF)
Infrastructure Investment & Jobs Act (IIJA)
Emerging Contaminants (EC)
Intended Use Plan**



Fiscal Year 2025

Final – June 8, 2026

The IUP was posted for public comment on April 24, 2026, for 30 days. Comments were received and responses to comments are attached.

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I. Introduction:

As required by Title VI of the Clean Water Act, each year the Department must prepare an Intended Use Plan (IUP) identifying the projected uses of funds available in its Clean Water State Revolving Fund (CWSRF). This Intended Use Plan (IUP) serves as a basis for the development of the capitalization grant payment schedule. In accordance with the Clean Water Act (CWA) Amendments of 1987, the Department proposes the following plan for the intended use of the CWSRF Infrastructure Investment & Jobs Act (IIJA) Emerging Contaminants (EC) funds as required by Section 606(c) of the CWA.

The State of Alabama will receive EPA Capitalization Grants from the Infrastructure Investments & Jobs Act in the amount shown in Table 1 below for the CWSRF program. The capitalization grant funds for the CWSRF will be distributed as outlined by this plan.

Table 1

Program	Capitalization Grant Amount	Matching Funds	Total
Clean Water State Revolving Fund (CWSRF) IIJA EC	\$2,378,000	NA	\$2,378,000
Totals:	\$2,378,000	NA	\$2,378,000

Alabama agrees to comply with all Civil Rights Laws, including The Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act, and Section 13 of the Federal Water Pollution Control Plan Act Amendments of 1972, which prohibits discrimination in the provision of services or benefits, on the basis of race, color, national origin, sex, handicap or age.

II. Program Goals (Outputs/Outcomes):

1. To protect the public health and the environment and promote the completion of cost effective wastewater treatment facilities that manage emerging contaminants well.
1. To maintain the CWSRF program and the fiscal integrity of the fund.
2. To provide a self-perpetuating source of financial assistance for the construction of public wastewater treatment and transport facilities needed to meet water quality standards and provide capacity for future growth.
3. To assure that all Municipal NMP facilities achieve compliance as soon as possible.
4. To assure that all municipal facilities achieve compliance with final effluent limits as soon as possible.
5. To assist in the maintenance of water quality standards wherever such standards are adversely affected by municipal wastewater point sources.
6. To meet public health and environmental needs of those communities with malfunctioning on-site treatment systems that are either identified as a health hazard by the State Health Department or that adversely affect water quality.

C. Program Changes

No programmatic changes are proposed for this fiscal year.

III. Sources and Use of the Funds:

The Department is expected to fund FY 2025 projects using the EPA IIJA EC Capitalization Grant. The estimated sources and uses of funds in the FY2025 CWSRF IIJA EC program are as follows:

A. Projected Sources

Table 2A: CWSRF Capitalization Grant

2025 IIJA EC EPA CWSRF Cap Grant:	\$2,378,000
Estimated Loan Repayments and Interest Earnings for 2025 Cap Grant	\$0 ¹
Loan Repayments and Interest Earnings from Revolving Fund	\$0 ²
<hr/> Total Project Priorities:	<hr/> \$2,378,000 ²
Overall Total:	\$2,378,000 ³

Note 1: Estimated future repayments and interest earnings from FY25 loans.

Note 2: Approximate total funds available based on projected fiscal year funding allotments and repayments for FY25. Actual totals are provided in the annual report at the end of each fiscal year.

Note 3: Estimated repayment funds from FY25 IIJA EC Capitalization Grant are not included in project totals. These funds will be included in future fiscal year(s)' IUPs as repayments are received.

B. Projected Uses

Table 3A: CWSRF Capitalization Grant

Project Assistance:	\$2,378,000
Administrative Costs :	\$0
<hr/> Total:	<hr/> \$2,378,000

C. Leveraging

The Department does not intend to issue CWSRF revenue bonds for new projects during fiscal year 2025.

D. Financial Terms of Loans

The Fund will offer loans for up to 100 percent of allowable project costs for projects addressing emerging contaminants in wastewater. Such loans must be made such that the total amount of funding is provided with 100 percent principal forgiveness.

Project fund disbursements to recipients at intervals as work progresses and expenses are incurred and approved.

The specific terms and conditions of the funds shall be incorporated in the financial agreement to be executed by the recipient and the Department.

E. Extended Term Financing

Section 603(d)(1)(A) authorizes CWSRF loans to be made for a term not exceeding the lesser of 30 years or the useful life of the project. The total term financing shall not exceed 20 years or, under special circumstances, 30 years may be considered.

F. Transfer of Funds

In accordance with 40 CFR 35.3530, the Department reserves the right to transfer funds from the Clean Water State Revolving Fund (CWSRF) to the DWSRF. Funds transferred from the CWSRF to the DWSRF are to be used to fulfill the DWSRF infrastructure financing demand as needed.

IV. Water Resources Reform and Development Act

The Water Resources Reform and Development Act (WRRDA) was enacted on June 10, 2014 and brought several changes to the CWSRF program.

A. Fiscal Sustainability Plans

The Federal Water Pollution Control Act (FWPCA) Section 603(d)(1)(E) requires a recipient of a loan for a project that involves the repair, replacement, or expansion of a publicly owned treatment works to develop and implement a Fiscal Sustainability Plan (FSP) or certify that it has developed and implemented an FSP. This provision applies to all loans for which the loan recipient submitted an application on or after October 1, 2014.

The Alabama CWSRF program provides all assistance by purchasing outstanding debt obligations (bonds) from the borrower, thus this requirement does not apply. The Alabama CWSRF program commonly refers to these bond purchase agreements as “loans”, though they are not loans as defined by EPA.

B. Architectural and Engineering (A/E) Services Procurement

For any capitalization grant awarded after October 1, 2014, the State must ensure that all A/E contracts for projects identified as using funds directly from each year’s capitalization grant (i.e. equivalency projects) comply with the elements of the procurement processes for A/E services as identified in 40 U.S.C. 1101 et seq., or an equivalent State requirement. If a project is utilizing federal funds (“equivalency”) then the Alabama CWSRF requires its recipients to comply with the *September 30, 2014 Alabama CWSRF A/E Procurement Requirements* (See Attachment 3). For projects which are not considered equivalency, procurement of A/E services would follow the requirements of State Bid Law. Since 2024, the SRF has placed all A/E services in “non-equivalency” funding when practicable.

C. Cost and Effectiveness Certification

Section 602(b)(13) requires that CWSRF recipients certify that the recipient has studied the cost and effectiveness of the project and selected the project that maximizes the potential for efficient water use, reuse, recapture and conservation, and energy conservation. The Alabama CWSRF program is requiring each recipient of CWSRF funding to provide a certification in compliance with 602(b)(13). This certification can be found on page 14 of the CWSRF Loan Application (Form 339 M-2).

D. Additional Subsidy and Affordability

Additional subsidy in the form of principal forgiveness shall be made available in total of the required amount for the States 2025 Capitalization Grant Appropriation or the cap set at 603(i)(3) of the Federal Water Pollution Control Act, whichever is less. Additional subsidy will be provided in rank order to projects as determined by the Affordability Measure for Alabama. In addition, additional subsidy may be provided to an eligible project that meets Section 603(i)(1)(B) Clean Water Act requirements at a greater than 50% project cost ratio. Each project may receive principal forgiveness until the maximum amount has been allocated. The Affordability Measure Guidelines for Alabama can be found on Attachment 4.

E. Extended Term Financing

Section 603(d)(1)(A) authorizes CWSRF loans to be made for a term not exceeding the lesser of 30 years or the useful life of the project. The total term financing shall not exceed 20 years or, under special circumstances, 30 years may be considered.

V. Project Selection and Methods of Distribution of Funds

A. Priority List

In order to be considered for CWSRF assistance, projects must be addressing emerging contaminants found on EPA's Contaminant Candidate List (CCL) in wastewater, must be on or added to the Priority List and have a proposed project schedule that coincides with the availability of CWSRF funds. The CWSRF project list was developed by identifying the priority point rating for each proposed project. (See Attachment 5). The funding of such projects is also subject to the availability of funds. All of the projects identified on the Priority List will be used as the equivalency project for the fiscal year 2025 IJJA EC capitalization grant.

Projects on the CWSRF IJJA EC Project List are ranked by their respective priority point rating and may be funded according to availability of funds. Projects that are not funded from the Project List may be funded in subsequent years.

The State reserves the right to fund projects not on the priority list, on an emergency basis, if funds are available. Emergency projects would include those where some type of failure was unanticipated and requires immediate attention to protect public health. Additionally, supplemental loans may be issued to previous recipients as needed to complete segmented projects or to cover cost overruns. See Attachment 1.

B. Additional Subsidization

Additional subsidy in the form of principal forgiveness shall be made available in total of the required amount of the 2025 Capitalization Grant Appropriation or the cap set at 603(i)(3) of the Federal Water Pollution Control Act, whichever is less. The attached project list attachment includes projects that may receive principal forgiveness based the subsidy criteria. The Department has authority to provide additional subsidization by the Code of Alabama Section 22-34-3(a).

Table 4: Additional Subsidization Requirements

Program	Minimum	Maximum
CWSRF IJJA EC	\$2,378,000 (100%) ³	\$2,378,000 (100%) ³
Total	\$2,378,000	\$2,378,000

Note 3: IJJA requires 100% total.

C. Green Project Reserve

The EPA capitalization grant requires that, to the extent there are sufficient eligible project applications, not less than 10% of funds provided by the 2025 IJJA CW EC Capitalization Grant for projects must be used for projects that address green infrastructure, water or energy efficiency, or other environmentally innovative activities. These four categories of projects are the components of the Green Project Reserve (GPR). The Department actively solicited for green infrastructure projects. This solicitation included a notice posted on the ADEM website as well as a notice sent to approximately 1,000 addresses on the Department's contact list including all incorporated towns and all county governments. The project fundable list identifies projects totaling the amount in Table 5 below.

Table 5: Green Project Reserve

Program	Green Project Reserve Amount
CWSRF IIJA EC	\$680,000 (28%)
Total	\$680,000

D. Prevailing Wages

Davis-Bacon wage requirements apply for fiscal year 2025 and each fiscal year thereafter and the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by the CWSRF as authorized by title VI of that Act (33 U.S.C. 1381 et seq.). The Department will include in all loan agreements and procurement contracts terms and conditions requiring compliance with this requirement.

E. Build America, Buy America (BABA)

Build America, Buy America (BABA) apply for this fiscal year 2024 and each fiscal year thereafter. BABA will be required for eligible projects funded through the Clean Water State Revolving Fund (CWSRF) unless a waiver is granted.

BABA is considered a federal cross-cutting requirement that applies to SRF assistance equivalent to the federal capitalization grant (i.e., “equivalency” projects). EPA’s SRF regulations at 40 CFR 35.3145 and 35.3575 require states and recipients of SRF funds equivalent to the amount of the federal capitalization grant to comply with federal cross-cutting requirements. Section 70914 of the IIJA, which states when a Buy America preference applies, explains that “none of the funds made available for a Federal financial assistance program for infrastructure...may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.” Therefore, BABA only applies to projects funded in an amount equivalent to the federal capitalization grant.

F. Distribution of Funds to Set-Aside Accounts

EPA provisions allow funds to be set aside from the State Revolving Fund Capitalization Grant for activities such as administration of the SRF Program, operator training and technical assistance, and special projects focused on CWSRF eligible activities. These activities are discussed in “Set-Aside Activities” below.

G. Selection of Systems to Receive Assistance

To the maximum extent possible, the CWSRF gives priority for the use of the funds to projects that are the most serious risk to human health and are necessary to ensure compliance with the Clean Water Act and Amendments.

The criteria for ranking projects gives priority to projects that:

1. promote compliance with the Clean Water Act;
2. improve water quality;
3. increase energy and water efficiency;
4. promote sustainability;
5. and the applicant is financially capable of receiving a loan.

These considerations are addressed by the Priority Ranking Criteria found in ADEM Administrative Code R. 335-11-1-.04 and in the CWSRF pre-application provided in Attachment 6.

Projects on the priority list shall be ranked in descending order of the point rating assigned to each project. In the event two or more projects are assigned an identical point rating, such projects shall be ranked in accordance with the following criteria: The project that serves a community with the lowest median household income shall be ranked first. In the event the projects have identical median household incomes, the project with the lowest total cost will be ranked first.

A project on the fundable portion of the list may be bypassed and the next eligible project funded if it is determined that the project will not be ready to proceed during the funding year. Projects that have been bypassed may be funded at a later date when the project is ready to proceed. Should a system on the funded list decline the loan, the next ranked project shall be offered access to all or a portion of these funds.

Any changes to the IUP, including the addition of projects not listed on the IUP at the time of solicitation for public comment, will require an additional public comment period of 30 days. The Department will resolicit this IUP for notice if changes are made in future fiscal year(s).

F. Inadequate Allocations

If the actual federal CWSRF allocations are less than anticipated by the Department in the development of the CWSRF priority list, the Department may find it necessary to reduce their commitments to projects on the priority list. The Department may take formal action to reduce the number of commitments in accordance with subparagraph 3) of this paragraph.

- 1). The Department may redistribute the CWSRF funds allocated to each project.
- 2). The Department may redistribute funds from lower priority projects to higher priority projects.
- 3). The Department may bypass projects on the priority list in accordance with Section H, below.

G. Unanticipated and Uncommitted Funds

If unanticipated or uncommitted funds become available, the Department may take action to distribute them in accordance with subparagraphs 1-2 of this paragraph:

- 1). The Department may use the unanticipated or uncommitted funds to fund the highest priority project(s) from the priority list.
- 2). The Department may use the unanticipated or uncommitted funds to increase the amount of funds allocated to CWSRF fundable projects or to provide increased assistance to projects which have already received CWSRF assistance.

Additionally, supplemental loans may be made to previous recipients as needed to complete segmented projects or to cover unanticipated cost overruns.

H. Project Bypass/Reallotment

The Department may bypass any project on the CWSRF priority list that is not, in the Department's opinion, making satisfactory progress in satisfying requirements for CWSRF assistance. Bypassed projects will be removed from the priority list. In determining whether or not a project is making satisfactory progress in satisfying the requirements for CWSRF assistance, the Department shall use the criteria contained in subparagraphs 1-6 of this paragraph. Funds released through project bypass will be considered as uncommitted and available for redistribution in accordance with this section.

- 1). Any project on the CWSRF IIJA EC Priority List may be bypassed if the applicant fails to submit a complete CWSRF application.
- 2). The Department may use individual project schedules developed by the Department to determine whether or not the project is making satisfactory progress during the fiscal year.
- 3). In order to comply with EPA certification restrictions related to equivalency requirements, it may be necessary to bypass projects which have not complied with Title II requirements and other federal authorities.
- 4). Any project on the CWSRF IIJA EC Priority List may be bypassed if the applicant fails to demonstrate the ability to repay the loan.
- 5). To maintain the fiscal integrity of a leveraged loan program or provide funds for new construction, the Department may choose to bypass projects which involve refinancing of existing debt.
- 6). Projects may be removed from the priority list at the request of the applicant or if the Department finds that the project is ineligible for CWSRF assistance.

VI. Set-Aside Activities

States are allowed to reserve a portion of their capitalization grant for program administration and technical assistance for rural, small, and Tribal communities. The Department is not reserving these funds for FY25; however, the Department reserves the right to do so in future fiscal years. The Department will document this funding on an Intended Use Plan (IUP) and provided for comment by the public prior to use.

- A. Reserved**
- B. Reserved**

VI. Certifications

1. The Department certifies that this IUP will be subject to public review and comment with a public notice period of 30 days.
2. The Department certifies that all wastewater facility projects in this IUP are on the CWSRF IIJA EC Priority List.
3. The Department certifies that it will enter into binding commitments for 100% of each payment under the CWSRF capitalization grant within one (1) year after receipt of each payment.
4. The Department certifies that it will expend all funds in the CWSRF in an expeditious and timely manner.
5. The Department certifies that all wastewater facilities in the state are in compliance with enforceable requirements or are making progress toward meeting those requirements except as specifically noted in the IUP.
6. The Department certifies that all facilities funded by the CWSRF shall complete a NEPA-like environmental review process.
7. The Department certifies that it will comply with all requirements of the 1997 Operating Agreement with EPA.
8. The Department certifies that it will complete a Benefits Assessment worksheet for each loan agreement executed in order to comply with EPA environmental results reporting requirements.
9. The Department certifies that it will provide CWSRF assistance to the extent there are sufficient eligible project applications, not less than 10% of the CWSRF Capitalization Grant for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities. These four categories of projects are the components of the Green Project Reserve. (Deliverable)
10. The Department certifies that it will provide CWSRF loans with additional subsidization in the form of principal forgiveness for 100% of the CWSRF IIJA EC Capitalization Grant as required by the Emerging Contaminants Additional Subsidization Requirement.
11. The Department certifies that it will implement the State's CWSRF in compliance with Title VI of the Clean Water Act and to ensure conformance with Federal crosscutting issues as required by the 1987 Clean Water Act amendments.
12. The Department certifies that it will ensure compliance with the "first use" requirements which require that CWSRF assistance be available to projects which are members of the National Municipal Policy (NMP) universe; projects which have legally enforceable compliance schedules. (Deliverable)
13. The Department certifies that it will achieve statewide compliance with Federal and State water quality standards, particularly with the NMP as rapidly as possible. (Deliverable)

VII. Program Income:

The Alabama Water Pollution Control Authority, with ADEM as its agent, assesses an annual fee based on outstanding loan principal. These fees vary based on the fiscal year to which the loan agreement was secured and are collected twice a year when the recipient initiates repayment of the loan. In accordance with *Guidance on Fees Charged by States to Recipients of Clean Water State Revolving Fund Program Assistance*, published October 20, 2005, fees collected from loans sourced from outstanding grants will be used for administration of the SRF fund only. All other fees will be used to provide fee income for the Department’s CWSRF Direct Loan Fund and assist in the implementation of the Department’s Water and Field Operations Divisions. The expected interest rate for projects funded in fiscal year 2025 is a range of 1.99% - 2.75% total. This includes 0.1% in interest and the remaining percentage in fees collected by the Department.

Since the CWSRF IIJA EC funds are required to be disbursed with 100% additional subsidization, no fees are expected to be collected from these funds.

VIII. Estimated CWSRF Capitalization Grant Payment Schedules:

A. Estimated Grant Draw Schedule

Table 6A: CWSRF IIJA Capitalization Grant

Fiscal Year	Month	Draw
2026	Sept	\$182,924
2027	Oct	\$182,923
2027	Nov	\$182,923
2027	Dec	\$182,923
2027	Jan	\$182,923
2027	Feb	\$182,923
2027	Mar	\$182,923
2027	Apr	\$182,923
2027	May	\$182,923
2027	Jun	\$182,923
2027	Jul	\$182,923
2027	Aug	\$182,923
2027	Sep	\$182,923
	Total	\$2,378,000

B. Estimated Grant Disbursal Schedule

CWSRF Capitalization Grant

Payment Quarter	Payment Date	Payment Amount
FY2027/Quarter 1	October 1, 2026	\$1,189,000
FY2027/Quarter 3	April 1, 2027	\$1,189,000

Payments are defined as increases to the amount of funds available from the federal SRF capitalization grant. This draft payment schedule is based on the State's projection of binding commitments and disbursements from the SRF to the members of the SRF project list. The disbursement schedule will essentially coincide with the grant payment schedule as ACH draw requests will be processed only upon submittal of payment requests from loan recipients for actual costs incurred. Funds from the ACH will be disbursed to the recipient immediately. The disbursement of funds will be in proportion to the amount of state and federal funds provided by the grant and state match. This will be ensured by disbursing all state match funds prior to drawing capitalization grant funds for project disbursements.

C. Capitalization Grant Budget Periods

2025 EPA IIJA EC CWSRF Capitalization Grant

September 1, 2026 through August 31, 2033

IX. Public Participation

The IUP was provided for public notice and comment on April 24, 2026. Comments were received and the responses are attached. No changes were made to the IUP because of the comments made; however, some minor formatting changes were made.

X. Reporting

1. Annual reports are required for the CWSRF and IIJA Emerging Contaminants Capitalization Grant. Each annual report is due on December 30 following each fiscal year. The annual report for the 2025 CWSRF IIJA funding will include the results from the period of September 1, 2026 through October 1, 2027 and will be submitted on or before December 30, 2026. The annual report shall provide an update on the deliverables and milestones accomplished by the Department in the fiscal year.
2. The Department will submit information on projects into the CWSRF Nation Information Management System (NIMS) as binding commitments are entered into with the borrowers as proposed in this IUP. The projects will be updated in NIMS at a maximum of one quarter after the binding commitment close date.

ATTACHMENT 1: CW EC PROJECT PRIORITY LIST

Project #	Applicant Name	Project Description	City/Town	County	Population	Disadvantaged Rank	Priority Ranking Points	CW SRF Amount Granted	CW SRF PF	CW SRF PF%	GPR Amount	GPR Category	GPR Description	Applied for Project Amount	Interest Rate
CS011140-01	Coffee County Commission	Coffee County Landfill Leachate Treatment System Project	Coffee Co. Wide	Coffee	54,805	1.00	60	\$1,000,000	\$1,000,000	100%	\$0	NA	NA	\$5,451,000	NA
CS010815-04	West Morgan-East Lawrence Water & Sewer Authority	Reverse Osmosis Reject Stream PFOS Treatment Project	Decatur	Lawrence	57,303	1.00	90	\$1,378,000	\$1,378,000	100%	\$680,000	Energy Efficiency	SCADA System & Variable Frequency Drive Pumps	\$15,000,000	NA
2 Total Projects								\$2,378,000	\$2,378,000					\$20,451,000	

ATTACHMENT 2 – CW IIIA EC PROJECT PRIORITY DESCRIPTIONS

Coffee County Landfill/Leachate Treatment Project

This funding is being provided to construct two (2) parallel three-pass reverse osmosis treatment systems and associated collection, reuse, and disposal infrastructure for leachate treatment. Each parallel system will be designed for 24,000 gallons per day for a peak treatment capacity of 48,000 gallons per day. Each reverse osmosis train will share a single feed and permeate treatment system. This treatment and disposal infrastructure will allow Coffee County Landfill to treat site generated leachate to meet existing discharge limits as outlined in the existing NPDES permit, including PFAS removal, and manage disposal on-site or utilize permeate for dust management and control in accordance with the facility's existing operational permit, as allowable. ADEM's Land Division would have to review and approve the concentrate produced by the treatment system before the concentrate could be returned to the landfill under the facility's existing operating permit. This project would potentially allow the landfill to discontinue or minimize the transportation offsite of leachate to the local POTW facility for treatment that does not remove PFAS components of the leachate. This project allows for the secondary use of permeate on site, and disposal of excess permeate through an existing NPDES permitted outfall.

West Morgan-East Lawrence Water & Sewer Authority – Reverse Osmosis Reject Stream PFOS Treatment Project

The proposed project will assist in the actual treatment and destruction methods for the waste stream from the RO system. Pilot studies have proven the destruction methods to be feasible. These treatment options will be implemented destroying the PFAS so that it is never returned to the environment. This would result in elimination of the concentrated waste stream containing emerging contaminants.

Attachment 3: A/E Procurement Requirements

Alabama CWSRF A/E Procurement Requirements

Effective September 30, 2014 for all assistance agreements directly made available from the FY 15 (and later) capitalization grant.

It is the intent of the Alabama Clean Water SRF program that all assistance recipients select architectural & engineering services based on qualifications of the selected firm, not price. This reinforces Canon IV of the Board of Engineers and Land Surveyors' Code of Ethics, contained in the Board's regulations at 330-X-14-.05 (f):

The engineer or land surveyor shall not participate in or implement procurement practices (bid submittals) which do not first determine the qualifications of the engineer or land surveyor prior to entering into fee negotiations for services being sought. An engineer or land surveyor having submitted a statement of qualification and performance data, and having first been judged as the qualified individual or firm to provide the services required for the proposed project, may proceed to negotiate a contract with a client and establish compensation or fees for the required services.

Should the engineer or land surveyor be unable to negotiate a satisfactory contract with the client for any reason, the engineer or land surveyor shall withdraw from further consideration for the engineering or land surveying services. Another engineer or land surveyor may then be selected for negotiations of a contract for the services on the stated project.

Examples include but are not limited to, simultaneous negotiations or solicitation of fee proposals by the client from two or more engineers or land surveyors constitutes "bidding" and participation by a licensee is prohibited.

Use of a qualifications-based selection is also required by the Alabama Board for Registration of Architects, at 100-X-5-.10:

Architects are encouraged to seek professional employment on the basis of qualifications and competence for proper accomplishment of the work. This procedure restricts the architect from submitting a price for services until the prospective client has selected, on the basis of qualifications and competence, one architect or firm for negotiations.

CWSRF assistance applicants are required to certify the following:

1. That the applicant sought the most-qualified firm for professional services, by issuing a Request for Proposals (RFP) or a Request for Qualifications (RFQ).
2. That the applicant made a good faith effort to seek proposals or qualifications from at least 3 firms, as evidenced by a public notice, advertisement, or other appropriate means.
3. That the applicant evaluated the proposals or qualifications and selected a firm based on professional competency, past performance, specialized experience, and other factors deemed critical for success of the project.

4. That only upon making a selection based on qualifications did the applicant negotiate a contract and determine compensation. (If the applicant was unable to negotiate a contract with the most qualified firm, the applicant may then negotiate with the next-most-qualified firm)

ATTACHMENT 4

Alabama Clean Water State Revolving Fund Additional Subsidization and Affordability Criteria Effective September 30, 2015

Purpose:

This document establishes the additional subsidization and affordability criteria for the Alabama Clean Water State Revolving Fund. The criteria are effective September 30, 2015, and may be modified from time-to-time upon notice.

Background:

Section 603(i) of the Federal Water Pollution Control Act states the following:

Additional Subsidization-

(1) IN GENERAL - In any case in which a State provides assistance to a municipality or intermunicipal, interstate, or State agency under subsection (d), the State may provide additional subsidization, including forgiveness of principal and negative interest loans--

(A) to benefit a municipality that--

(i) meets the affordability criteria of the State established under paragraph (2);

or

(ii) does not meet the affordability criteria of the State if the recipient--

(I) seeks additional subsidization to benefit individual ratepayers in the residential user rate class;

(II) demonstrates to the State that such ratepayers will experience a significant hardship from the increase in rates necessary to finance the project or activity for which assistance is sought; and

(III) ensures, as part of an assistance agreement between the State and the recipient, that the additional subsidization provided under this paragraph is directed through a user charge rate system (or other appropriate method) to such ratepayers; or

(B) to implement a process, material, technique, or technology--

(i) to address water-efficiency goals;

(ii) to address energy-efficiency goals;

(iii) to mitigate stormwater runoff; or

(iv) to encourage sustainable project planning, design, and construction.

(2) AFFORDABILITY CRITERIA-

(A) ESTABLISHMENT-

(i) IN GENERAL - Not later than September 30, 2015, and after providing notice and an opportunity for public comment, a State shall establish affordability criteria to assist in identifying municipalities that would experience a significant hardship raising the revenue necessary to finance a project or activity eligible for assistance under subsection (c)(1) if additional subsidization is not provided.

(ii) CONTENTS- The criteria under clause (i) shall be based on income and unemployment data, population trends, and other data determined relevant by the State, including whether the project or activity is to be carried out in an economically distressed area, as described in section 301 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161).

(B) EXISTING CRITERIA- If a State has previously established, after providing notice and an opportunity for public comment, affordability criteria that meet the requirements of subparagraph (A)--

(i) the State may use the criteria for the purposes of this subsection; and

(ii) those criteria shall be treated as affordability criteria established under this paragraph.

(C) INFORMATION TO ASSIST STATES- The Administrator may publish information to assist States in establishing affordability criteria under subparagraph (A).

(3) LIMITATIONS-

(A) IN GENERAL- A State may provide additional subsidization in a fiscal year under this subsection only if the total amount appropriated for making capitalization grants to all States under this title for the fiscal year exceeds \$1,000,000,000.

(B) ADDITIONAL LIMITATION-

(i) GENERAL RULE- Subject to clause (ii), a State may use not more than 30 percent of the total amount received by the State in capitalization grants under this title for a fiscal year for providing additional subsidization under this subsection.

(ii) EXCEPTION- If, in a fiscal year, the amount appropriated for making capitalization grants to all States under this title exceeds \$1,000,000,000 by a percentage that is less than 30 percent, clause (i) shall be applied by substituting that percentage for 30 percent.

(C) APPLICABILITY- The authority of a State to provide additional subsidization under this subsection shall apply to amounts received by the State in capitalization grants under this title for fiscal years beginning after September 30, 2014.

(D) CONSIDERATION- If the State provides additional subsidization to a municipality or intermunicipal, interstate, or State agency under this subsection that meets the criteria under paragraph (1)(A), the State shall take the criteria set forth in section 602(b)(5) into consideration.

Discussion:

On June 10, 2014, the Water Resources Reform and Development Act of 2014 was signed into law. Among the provisions of the Act is the new Section 603(i), which details how a state Clean Water State Revolving Fund (CWSRF) program may provide additional subsidization. It also requires that each program establish an affordability requirement that can be a consideration in granting additional subsidization.

The American Recovery and Reinvestment Act of 2009 was the first time that Congress applied the principle of principal forgiveness to the CWSRF. In response, the Alabama CWSRF program utilized additional subsidization in the form of principal forgiveness to construct green infrastructure. In Alabama, green infrastructure (stormwater) projects are constructed very infrequently, even though stormwater runoff is a major source of pollutants. Many local communities lack a dedicated revenue stream to pay for stormwater projects; thus, the CWSRF program has applied principal forgiveness to these projects in order for them to be economically viable. It is hoped that in time, the success of these projects will encourage the construction of more improvements without the need for additional subsidy. The Alabama CWSRF intends to continue this practice to ensure nonpoint source projects are constructed along with the traditional point source projects.

In previous years, the amount of additional subsidization was set by Congress through the annual appropriations process. The amount available varied from year to year and may have been subject to a minimum or maximum. Under the new 603(i)(3), a state may provide up to a maximum of 30% of its capitalization grant if the total appropriations equal or exceed \$1.3 billion. The project priority list will be used to determine which projects are provided principal forgiveness. The highest ranking green infrastructure project will receive principal forgiveness in order to continue to incentivize green projects. Additionally, principal forgiveness will be allocated based on the projects which have the highest priority rankings until all additional subsidization has been allocated.

The amount of principal forgiveness allocated to each project will be determined by a number of factors. These include affordability, need (priority ranking), and type of project (resolving compliance, etc.). 603(i)(2) also requires state CWSRF programs to establish affordability criteria. The criteria “shall be based on income and unemployment data, population trends, and other data determined relevant by the State”. Traditionally, affordability has been determined by the CWSRF through a comparison of median household income and annual sewer use charges. The new requirements take a broader approach, focusing more on income and employment of the affected population. In response, the Alabama CWSRF program will utilize the county poverty rate (a measure that compares household income to the number of persons in the household), county unemployment rate, and statewide population trend to determine if a project is affordable. In addition to these measures, the Department also performs a financial analysis to determine a community’s coverage ratio (the ratio of revenue to debt), and a financial sustainability to determine how much of a typical SRF loan a community can afford

Final Criteria for Additional Subsidy and Affordability:

Additional subsidy in the form of principal forgiveness shall be made available in a total amount per year not to exceed the cap set at 603(i)(3). Funding will be provided in rank order on the project priority list, until the maximum amount has been allocated.

The Affordability Measure for Alabama will be calculated as the sum of the following:

1. The poverty rate of the county served by the project minus the statewide poverty rate;
2. Unemployment Rate Value: The unemployment rate of the county minus the statewide unemployment rate;
3. If the statewide population trend has increased over the two most recent 10-year census estimates, the population trend value shall be 1; if it has decreased the population value shall be 2.



Form 340: Clean Water State Revolving Fund Preapplication

Project Name	
Assistance Amount Requested	\$
Date Submitted	



Submit Complete Preapplication to:	
Preferred method By email:	srf@adem.alabama.gov
By overnight mail:	1400 Coliseum Boulevard Montgomery, Alabama 36110-2400 (334) 271-7714
By mail:	SRF Section Alabama Department of Environmental Management Post Office Box 301463 Montgomery, Alabama 36130-1463

Section 1: Contact Information

Loan Applicant

Applicant Name			
Authorized Representative <small>(Signatory of Loan Agreement)</small>		Title of Authorized Representative	
Email Address		Telephone Number	
Contact Person <small>(Daily SRF Communications)</small>		Title of Contact Person	
Email Address		Telephone Number	
Mailing Address		City, Zip Code	
County		UEI Number	
Fax Number		PWSID Number	
AL House District(s)		AL Senate District(s)	
NPDES Permit Number of Facility (if applicable)		Population of System	
Names and 12-digit HUC Codes of Watersheds Impacted			

Project Engineer:

Firm Name	
Address	
City, State, Zip code	
Engineer Name	
Telephone Number	
Email Address	
Fax Number	

Section 2: Project Information

For the following questions, please attach additional pages if adequate space is not provided on this form:

1. List all other funding sources to be utilized to complete this project.

Other Funding Source(s)	Amount(s)	Commitment Date

2. Provide demographic information about the affected community

Community is defined as the township or county that best represents the system. Please identify what community is being used.

Median Household Income		Source/Date:	
Unemployment Rate		Source/Date:	
Population Trend Over 10 Years (+%)		Source/Date:	
Community			

Priority Ranking System

The following factors are used to rank the proposed project, and will ultimately determine if it falls in the fundable portion of the priority list. The applicant must provide documentation where required in order to receive credit.

*Any ranking criteria that cannot be verified through supporting documentation by the Department will be awarded zero points.

A. Enforcement and Compliance Rating Criteria (Maximum: 50 points) *

	Ranking Criteria	Point Value
1	Facility is under formal enforcement action by ADEM and is currently in significant non-compliance. The project will bring the facility into compliance. (A copy of the enforcement order must be attached)	50
2	Project is a voluntary effort to resolve violations and will mitigate the issuance of a formal enforcement action.	40
3	The facility is currently in compliance with permit limits, but will fall out of compliance without the proposed project.	25

B. Water Quality Improvement Criteria (Maximum: 135 points) *

Ranking Criteria		Point Value
1	Project will significantly address water quality standards in a water body that: a) Has an approved TMDL b) Is subject to a draft TMDL, dated 0-2 years from present c) Is subject to a draft TMDL, dated 3-5 years from present d) Is subject to a draft TMDL, dated 6-10 years from present	25 15 10 5
2	Project will implement TMDL(s) for: a) Pathogens (i.e., fecal coliform/E. coli) b) Mercury c) Nutrients (i.e., phosphorous, nitrogen) d) Organic Enrichment/Dissolved Oxygen e) Ammonia (toxicity) f) Siltation (sediment)	5 15 10 5 5 15
3	a) Project will benefit a Category 5 or Category 4 listed water body. a) Project takes place in an EPA-identified priority watershed and reduces/eliminates one or more sources of impairments (point and nonpoint source). b) Project will improve water quality in an Outstanding Alabama Water (OAW). c) Project will improve water quality in an Outstanding National Resource Water (ONRW).	5 5 5 5
4	Project will upgrade or replace existing failing or inadequate decentralized wastewater treatment systems, or construct septage treatment facilities that are crucial to the proper operation of decentralized wastewater treatment systems.	10
5	Project will protect a public drinking water source from contamination that will negatively impact public health.	15
6	Project will implement a National Estuary Program Comprehensive Conservation Management Plan	10

C. Water/Energy Efficiency Rating (Maximum: 65 points) *

Ranking Criteria		Point Value
1	Project incorporates energy efficient design considerations with established objectives and targets for energy reduction opportunities, performed energy audits or developed energy conservation plans.	5
2	Project uses renewable energy to provide power to a POTW.	10
3	Project implements upgrades to pumps and treatment processes which result in: a) 20 percent or greater reduction in energy consumption at a POTW. b) Less than a 20 percent reduction in energy consumption at a POTW.	10 5
4	Infiltration/Inflow correction projects that save energy from pumping and result in reduced treatment costs, and I/I projects in cases where excessive groundwater infiltration is contaminating the influent.	10
5	Projects that incorporate recycling and/or reuse of gray water or wastewater.	20
6	Production of treated effluent for groundwater recharge, industrial operations, or agricultural purposes.	5

D. Stormwater Management Criteria (Maximum: 50 points)

Ranking Criteria		Point Value
1	Project will implement stormwater harvesting and reuse.	10
2	Project incorporates wet weather management systems including: permeable pavement, bioretention, tree plantings, green roofs, rain gardens and other practices that can be designed to mimic natural hydrology and reduce effective imperviousness.	10
3	Project will create riparian buffers, floodplains, vegetated buffers and additional streambank restoration methods.	10
4	Project supports wetland protection or restoration, including constructed wetlands.	10
5	Downspout disconnection to remove stormwater from sanitary sewers and manage runoff onsite.	5
6	Project incorporates green streets for new development, redevelopment or retrofits.	5

E. Agricultural and Nonpoint Source Pollution Criteria (Maximum: 35 points)

Ranking Criteria		Point Value
1	Project addresses water quality impacts associated with farming operations by: <ul style="list-style-type: none"> a) Implementing water-saving irrigation systems in farms currently using inefficient watering systems. b) Implementing methods to reduce soil and stream bank erosion. c) Utilizing BMPs including no-till farming practices, rotational grazing, cropland conversion and winter cover crops. d) Utilizing alternative watering sources including effluent or grey water reuse. 	5 10 10 10
2	Project addresses water quality impacts associated with animal feeding operations by: <ul style="list-style-type: none"> a) Developing a Nutrient Management Plan. b) Establishing heavy –use protection areas. c) Implementing onsite waste management systems for manure and poultry litter; including recycling, spreading, and storage systems, and digester gas technologies. d) Utilizing dead bird composters and/or incinerators. e) Implementing BMPs (including exclusion fencing and stream crossings). 	10 5 10 5 5

F. Sustainability Criteria (90 possible bonus points) *

Ranking Criteria		Point Value
1	Project incorporates one or more of the following planning methodologies: <ul style="list-style-type: none"> a) Comprehensive Land Use Plan (must designate areas where public infrastructure will and will not be supported) b) Asset Management Plan c) Watershed Management Plan d) Nutrient Management Plan e) Nutrient Trading f) Open Space Preservation g) Integrated Water Resource Plan that stresses water efficiency, reuse and conservation 	5 10 5 5 5 5 5
2	Project includes one or several of the following design considerations: <ul style="list-style-type: none"> a) Site fingerprinting for minimized landscape disturbance and sustainable landscape design. b) LEED certified or other ADEM-approved green building techniques for POTWs. c) Minimizes the environmental and water quality impact of construction through the use of clean fuel construction vehicles, construction waste reduction and other innovative methodologies. d) Project envelope is located in a previously developed area. e) Use of environmentally friendly post-consumer recycled or reclaimed materials. 	5 5 5 5 5
3	Project implements at least one of the following construction methods: <ul style="list-style-type: none"> • Innovative erosion control practices; • Protection of onsite trees, vegetation, native habitats and urban forests; or • Replanting of disturbed areas with native plant species. 	5
4	Project will utilize one or more of the following water conservation strategies: <ul style="list-style-type: none"> a) Development of a water conservation program. b) Incorporates sustainable water pricing practices and rate structures. c) Completion of EPA’s Water Quality Scorecard (see http://www.epa.gov/smartgrowth/water_scorecard.htm). 	5 10 5

G. Growth Criteria (50 possible bonus points)

Ranking Criteria		Point Value
1	Project includes a significant growth component. (See PER instructions)	0
2	Project does not include a significant growth component. (See PER instructions)	50

Sum the points from each category below.

Part A: Enforcement and Compliance (50 points maximum)	
Part B: Water Quality (135 points maximum)	
Part C: Water/Energy Efficiency (65 points maximum)	
Part D: Stormwater Management (50 points maximum)	
Part E: Agricultural/Non-Point Source (35 points maximum)	
Part F: Sustainability (90 bonus points maximum)	
Part G: Growth (50 bonus points maximum)	
TOTAL POINTS CLAIMED:	

This form should be signed by the official who is authorized to execute contracts on behalf of the applicant jurisdiction. **ONE SIGNED COPY (including attachments)** should be emailed to the address shown on Page 1 of this form.

Attachments to be included with this form:

- 1. Preliminary Engineering Report (PER Outline PER Format Below (Preferred))**
- 2. Copies of last three (3) years of audited financial statements (if available)**

Preliminary Engineering Report Outline:

- 1. Description of Project**
 - a. Brief description and background of project
 - b. Purpose of project
 - c. Location of project
 - d. Project Scope
 - e. Average annual household water bill
 - f. Population and median household income
- 2. Proposed Improvements**
 - a. System connections and connections that benefit from construction
 - b. System plan for water conservation
 - c. Proposed operation and management
 - d. Improvements to system
- 3. Project Maps**
 - a. Include all affected water bodies
- 4. Projected Outlay Schedule**
- 5. Cost Breakdown**
 - a. Estimated cost outline for entire project
- 6. Supporting Documentation*** for priority points claimed, as required above. Any points claimed that cannot be readily substantiated from the information submitted will not be counted. The Department reserves the right to make the final determination of all points awarded.
- 7. Growth Criteria:** If the project includes any of the following components, enter a point value of 0:
 - a. New (not a replacement) wastewater treatment plant (excluding decentralized systems).
 - b. Upgraded/expanded/replacement wastewater treatment plant where the purpose of the project is to increase the design flow or projects where the design flow of the facility incidentally increases by more than 20%.
 - c. Collection system improvements that increase design flow (excluding rehabilitation projects where the original design flow is restored).
 - d. New or expanded collection systems.
 - e. Any POTW project that serves future growth.

If none of the criteria above apply, the project will be awarded points as shown.

The undersigned representative of the applicant certifies that the information in the application and in the attached statements and exhibits is true, correct and complete to the best of the applicant's knowledge, information and belief.

Signature of Authorized Representative	Print or Type Name
Title	Date

EDWARD F. POOLOS
DIRECTOR

JEFFERY W. KITCHENS
DEPUTY DIRECTOR



KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

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Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

May 28, 2026

Ms. Cassie Bates & Mr. Cade Kistler
Mobile Baykeeper
450C Government St.
Mobile, AL 36602

Dear Ms. Bates and Mr. Kistler,

On May 21, 2026, the Department received comments from the Mobile Baykeeper pertaining to the fiscal year 2025 Clean Water and Drinking Water Intended Use Plan (IUP). The comments advocate for the City of Prichard and demonstrate the many needs Prichard has related to sewer and drinking water projects. The Department is aware of the needs and continues to work with city leadership, the Mobile Area Water & Sewer System (MAWSS), and USEPA Headquarters to find a solution. To date, city leadership has been working to find grants and funding to help with the needs of the Prichard WW&SS. To assist with the effort of better defining a path forward the Bond Holders and ADEM are jointly funding a project to better define the steps forward. We have also solicited assistance from MAWSS in this effort. The goal of this project is to better define a solution that is the most reliable, cost-effective and best alternative for the citizens of Prichard. It is anticipated that this effort will require eight to nine months to complete. This will also dovetail with the City of Prichard's leadership commitment to complete the search for additional grants or funding.

Furthermore, providing direct loans to the City of Prichard is not possible at this time.

ADEM Admin. Code r. 335-11-1-.09(10) states:

Loans shall be made only to public entities that:

- a) Are included on the project priority list;
- b) In the opinion of the Department, have demonstrated the technical, financial, and managerial ability to operate and maintain the facilities over their useful life and to repay the loan;
- c) Provide security for repayment for the loan;
- d) Are not in default with any outstanding debt indentures, grant agreements, or loans;
- e) Agree to periodically adjust user fees and charges in order that a revenue stream is generated sufficient to operate and maintain the facilities and repay the loan;
- f) Agree to maintain records in accordance with governmental accounting standards and to conduct annual audits of the public body's financial records; and,
- g) Provide assurance as reasonably required by the Department and EPA.



Birmingham Office
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Office
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)

Coastal Office
1615 South Broad Street
Mobile, AL 36605
(251) 450-3400
(251) 479-2593 (FAX)

Neither the City of Prichard nor The Water Works & Sewer Board of The City of Prichard meet all the conditions above.

No major programmatic changes to the revised IUP were necessary. The Department thanks Mobile Baykeeper for their comments. We hope Mobile Baykeeper can assist and have discussions with the leadership of the City of Prichard. FY26 is the final allotment of the Infrastructure Investment and Jobs Act (IIJA). June 30, 2026, is the final day the Department is accepting applications for consideration of funding for the FY26 SRF loan cycle. We encourage Mobile Baykeeper to work with the City of Prichard leadership to assist the city in finding the solution that works best for the citizens of Prichard.

If you have any questions, please do not hesitate to contact Brian Espy at (334) 271-7711 or via email at bespy@adem.alabama.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Russell Kelly".

Russell Kelly, Chief
Permits and Services Division
ADEM

cc: Chris Bruegge – USEPA Region 4
Amy Kuhs – USEPA Region 4

EDWARD F. POOLOS
DIRECTOR

JEFFERY W. KITCHENS
DEPUTY DIRECTOR



KAY IVEY
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May 28, 2026

Ms. Danielle Goshen
Senior Policy Analyst, Water Infrastructure
Environmental Policy Innovation Center (EPIC)
7761 Diamondback Dr.
College Park, MD 20742

Dear Ms. Goshen,

On May 21, 2026, the Department received comments from the Environmental Policy Innovation Center (EPIC) pertaining to Alabama's 2025 Clean Water and Drinking Water Infrastructure general supplemental Investment & Jobs Act (IJA) Intended Use Plans (IUPs) as well as the IJA IUPs related to lead service lines and emerging contaminants that were on notice during the month of May 2026. Below is the Department's response to the comments. No major programmatic changes to the revised IUP were necessary.

Comment 1:

Currently, it is unclear whether ADEM applies caps on principal forgiveness (PF) amounts under the General Supplemental program, as well as how PF allocations are determined among applicants. 1 For example, the General Supplemental Project Priority List (PPL) appears to provide PF at approximately 40% for one project, while all remaining projects appear to receive PF equal to 100% of the DWSRF amount granted.

To improve transparency and public understanding of funding decisions, we encourage ADEM to clarify the following under the General Supplemental Program:

- *whether project-level PF caps exist;*
- *how PF allocation amounts are determined for applicants; and*
- *whether there are specific criteria, formulas, or thresholds used to determine the percentage of PF awarded to each project.*

Response:

ADEM does not apply a cap to on PF. PF is determined based on financial need based on an evaluation of recent audits by the Department's third-party financial advisor.



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(251) 479-2593 (FAX)

Comment 2:

EPIC recommends that ADEM provide clearer guidance regarding electronic submission options for public comments and reopens the public comment period for the Draft DWSRF Intended Use Plans (IUPs) to ensure meaningful public accessibility and participation. The public notice for the Draft IUPs (General Supplemental, LSLR, and EC) only provided a physical mailing address for comment submission and did not include an email address or other electronic submission mechanism.

Limiting submission instructions to physical mail may create unnecessary barriers for stakeholders seeking to participate in the public comment process, including small water systems, technical assistance providers, community organizations, and members of the public who may rely on electronic communication methods. Electronic submission options have become standard practice across many SRF programs and are an important component of transparent and accessible public engagement processes.

Given the lack of clarity regarding whether electronic submissions would be accepted, EPIC recommends that ADEM reopen the public comment period following the publication of updated submission instructions that clearly identify all available methods for submitting comments, including electronic options. Doing so would help ensure that all interested stakeholders have a fair and accessible opportunity to participate in the development of DWSRF IUP.

Response:

ADEM has met the USEPA/Federal requirements for public noticing of IUPs. The Department appreciates EPIC's suggestions and will consider them in the future.

Comment 3:

Under federal regulations "[a]ll projects... must be ranked using a State's priority system and go through a public review process prior to receiving assistance." Further, "[t]he IUP must contain a fundable list of projects that are expected to receive assistance from available funds designated for use in the current IUP and a comprehensive list of projects that are expected to receive assistance in the future." Currently, it appears that Alabama only publishes a fundable list in its draft IUPs across all programs (Base, General Supplemental, LSLR, and EC) that includes applicants expected to receive DWSRF funding. However, ADEM does not appear to publish a comprehensive list of all applicants from which the fundable list is derived.

For most states, the comprehensive list often appears as the full list of applicants that are not expected to receive funding based on limited funding available during the funding cycle. We assume that each Priority List appended to Alabama's IUPs is a subset of the applicants that seek funding under the DWSRF programs, representing the set of prioritized projects expected to receive funding within the current funding cycle, which would characterize Alabama's Priority Lists as Fundable Lists. If this is the case, the lack of transparency with regard to applications that are not on the Priority List limits stakeholders' ability to fully assess the program, for example, by comparing the characteristics of applicants selected to receive SRF awards with those who applied but are not prioritized to receive funding. We encourage ADEM to publish not just a funding list, but also a comprehensive list of applicants. Alternatively, if the state has enough funding to meet all program demand, we encourage the state to clearly state that all projects on the comprehensive list are expected to be funded.

Response:

40 CFR 35.3555(c)(2)(i) states, "The IUP must contain a fundable list of projects that are expected to receive assistance from available funds designated for use in the current IUP and a comprehensive list of projects that are expected to receive assistance in the future...." At this time, the Department is unable to provide a comprehensive list of projects that are expected to receive assistance in the future. Prior to placing an IUP on notice, the Department provides the USEPA Region 4 an opportunity to review and comment. USEPA Region 4 has indicated that the Department's IUPs are appropriate and align with the Federal Regulations.

Comment 4:

*Under the SFY26 Draft EC IUP Project Priority List, a single \$10 million project is expected to receive nearly three-quarters of the approximately \$13.5 million available for projects. Despite receiving the majority of available EC funding, the project ranks near the bottom of the PPL, as the third-lowest ranked project listed. See **Image 1**. The remaining projects are expected to receive between \$300,000 and \$690,000 in assistance, for projects ranging from \$500,000 to \$39.3 million in applied for project amounts. The disparity in this proposed allocation, particularly given the low ranking of the \$10 million West Morgan-East Lawrence Water & Sewer Authority project, suggests that additional clarity regarding project funding caps and allocation decisions is warranted. If the remaining projects were allocated substantially less funding because portions of their requested amounts were determined to be ineligible, we encourage the state to include an additional column on its project lists identifying the amount of eligible project costs for each project.*

Response:

The West Morgan East Lawrence system has an effective reverse osmosis system. The project funded with \$10 million will impact more Alabama citizens at a lower cost per household than any other project submitted. The cost per household and the number of households impacted is a major deciding factor when evaluating projects.

Comment 5:

*In SFY26, across all programs, we see the amount of funding available for projects as higher than the costs of projects on the fundable list. See **Image 2**. This suggests that, unless additional funding is provided for projects on the fundable list, significant carryover or uncommitted funds will again occur in SFY26.*

*For **Image 2** through **Image 4** below, several methodological considerations are important to note. First, the green "Funds Available for Projects" bars were calculated by combining federal capitalization grants, any state match, uncommitted fund balances, any loan repayments, and any interest earnings from the revolving fund, and then subtracting set-asides, as the state does not provide a single consolidated value for funds available for projects.*

Second, the blue "Demand for Funds" bars were calculated using the "Applied for Project Amount" values for all projects included on Alabama's published project lists.

Third, the purple "On Fundable List" bars were calculated as the sum of all values under the "DW SRF Amount Granted" column for the LSLR, General Supplemental, and EC programs. For the Base program, the "Applied for Project Amount" values were used instead, as the state does not

provide a separate expected funding amount for Base projects. As a result, the same value is used for both the blue "Demand for Funds" bars and the purple "Funds Expected to Be Awarded" bars under the Base program, which may overestimate the true amount of funding expected to be awarded to projects under the base program during the funding cycle.

Finally, as discussed in **Recommendation 3**, we are also concerned that Alabama's project lists may only reflect projects expected to receive funding, rather than a comprehensive list of all applicants seeking assistance. Because comprehensive lists are typically used to assess total program demand, actual demand for DWSRF funding in Alabama may be higher if additional applicants sought funding but were not included on the published project lists. Accordingly, the demand estimates reflected in Images 2 through 4 may underestimate actual program demand.

Diving further into uncommitted funds, we do not believe this is a concern under the EC and LSLR programs. Under both the lead and EC programs, demand for funds far exceeds available funds, and costs on the fundable lists are equal if not slightly higher than the amount of funds available for projects. This shows that the state has good opportunity to expend lead- and EC-specific funds and also needs additional funds to support lead and EC projects. See **Image 3** and **Image 4**, below.

At the same time, the degree to which total available funds exceed the total cost of projects on the fundable lists suggests that funds available for projects on the Base and/or General Supplemental programs are at risk of not being committed during this funding cycle. When looking at the General Supplemental Program, we calculate that \$166,944,738 is available for projects.⁵ However, only \$35,054,923 is provided as funding amounts or 'DW SRF Amount Granted' on the state's Draft General Supplemental Project Priority List — **resulting in over \$131 million in funds that are not expected to go towards projects during the SFY26 General Supplemental funding cycle.**

In order to avoid uncommitted funds from the General Supplemental program during SFY26, we **encourage ADEM to allow projects from the state's LSLR and EC programs to be considered for funding from the Base or General Supplemental programs.** This could help ensure that funds are spent in a timely manner, and carryover funds are limited. Further, **projects on the state's General Supplemental project lists should be considered for funding under the Base program and vice versa.**

Additional recommendations that ADEM may want to consider include revising readiness to proceed requirements, and/or project assistance and principal forgiveness caps. However, since we believe Alabama does not include a comprehensive list of all applicants seeking funding, it is hard to know whether these recommendations would be helpful in addressing significant carryover funds under the general program. Further, the state could utilize additional set-aside allowances to help develop and expedite the state's project pipeline, as will be discussed in the next recommendation.

Response:

Thank you for the suggestions. The state will consider the recommendations moving forward.

Comment 6:

Alabama could make greater use of available set-aside allowances to ensure ADEM has sufficient resources to administer its DWSRF program, ensure funds are getting out the door, and provide additional support to applicants. Although up to 31% of a DWSRF federal capitalization grant may be allocated to set-aside activities, ADEM consistently underutilizes these funds—never allocating more than 15% of any individual cap grant to set-asides. See **Image 5**. Moreover, set-asides have only been allocated from Base and IIJA General Supplemental grants, with none drawn from the LSLR or EC grants.

EPIC encourages states to use available set-aside allowances from Base, IIJA General Supplemental, and LSLR grants to support administrative needs, provide technical assistance and capacity building to eligible applicants, and build robust project pipelines. We do not typically encourage set-asides from EC grants, however. Set-asides from the Base, IIJA General Supplemental, and LSLR grants are drawn from funds that would otherwise be used for repayable loans. In contrast, EC program funds must already be provided as 100% principal forgiveness, so diverting those funds to set-asides reduces the amount available for direct project assistance to communities.

Given the significant amount of unutilized or carryover funds that have occurred within ADEM's programs—particularly the General Supplemental program—we encourage the state to make greater use of set-asides to strengthen Alabama's project pipeline. **Increased use of these set-asides could help support applicants in developing eligible projects, navigating the application process, and meeting readiness-to-proceed requirements.**

Response:

Thank you for the suggestions. The Department places a high value on funding infrastructure projects. The state may consider EPIC's recommendations moving forward.

Comment 7:

Some policy decisions indicated in Alabama's IUPs are unclear. This makes it hard to analyze which communities are benefitting from Alabama's DWSRF and propose opportunities for improvement. **We encourage Alabama to increase program transparency by clearly communicating key policies and funding decisions.** This includes, but is not limited to:

- Provide a single value for **funding available for projects** on the sources and uses of funds tables.6
- Provide **PWSID information** for each project on the PPL.
- Provide how much ARPA funds are being utilized (if any) in the Sources and Uses of Funds tables.
- Provide **project rank** for each project on the PPLs.
- Provide **project score**, even for Supplemental Projects receiving additional DWSRF funds, where loans are issued to previous recipients as needed to complete segmented projects or to cover cost overruns.
- Clearly articulate how much **carryover** occurs for each program, including LSLR and EC, even if that value is \$0 for the funding cycle.

Response:

All IUPs are reviewed and approved by USEPA Region 4 prior to public notice. Thank you for the suggestions. The state will consider the recommendations moving forward.

If you have any questions, please do not hesitate to contact Brian Espy at (334) 271-7711 or via email at bespy@adem.alabama.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Russell Kelly", with a stylized flourish at the end.

Russell Kelly, Chief
Permits and Services Division
ADEM

cc: Chris Bruegge – USEPA Region 4
Amy Kuhs – USEPA Region 4