

Appendix N

CWSRF Application and Application Instructions

Financial Assistance Application

Type of Assistance Requested

- A. Clean Water State Revolving Fund Program (CWSRF)
 B. Water Recycling Funding Program (WRFP)
 C. Small Communities Wastewater Grant Program (SCWG)

Amount of Assistance Requested: \$ _____

State Assigned Project No.:

I. Applicant Information

Agency Name: _____
Street Address: _____
Mailing Address: _____
e-mail: _____ **County:** _____ **Federal ID Number:** _____
Authorized Representative, Title: _____ **Phone:** _____
Contact Person, Title: _____ **Phone:** _____

II. Project Information

1. **Project Description:** (Attach a brief description. Label as Attachment 1) _____
2. **Project Name:** _____
3. **Regional Water Quality Control Board:** _____ 4. **Est.** _____

Construction Start Date: _____

5. **Current Project Status:** Planning Underway Planning Complete Other _____
6. **Estimated Project Capital Costs and Funding Summary:**

Cost Classification	SWRCB Program Share, \$	Applicant's Share, \$	Other Loans or Grants, etc., \$	Total, \$
A. Facilities Construction				
B. Facilities Planning (a, b)				
C. Facilities Design (a)				
D. Administration and Legal (a)				
E. Land and Right-of-Way	Not Fundable			
F. Prime Engineering (a, b)				
G. Contingencies				
H. Relocation Payments (a, b)				
I. Engineering Services During Const. (a)				
J. Other Costs (Explain)				
K. Total Capital Costs				
L. Additional Cash Flow Needs (c)	Not Fundable			
M. Total Funding Requirements				

- (a) An allowance may be provided for planning, design, legal, engineering during construction, relocation payments, and administration costs. For details, please refer to the guidelines of the corresponding program.
- (b) CWSRF Program and SCWG Program only.
- (c) This is the amount in excess of the total capital costs needed to cover cash flow requirements during construction. This amount is obtained from the cash flow analysis in the Construction Financing Plan.

All costs in Item 6 above are adjusted to the following date: _____ by using the following rate of inflation _____ % annually, or cost index: (name) _____, (index value) _____

7. **Sources of Funds for Capital Costs and Estimated Disbursement Projections:**

Source	(e)	Amount, \$
A. State Funds Requested		
B. Grant Requested		
C. Cash Reserves Now on Deposit		
D. Bonds	(f)	
E. Tax Levies	(g)	
F. Non-cash	(h)	
G. Short Term Loans or Notes	(h)	
H. Other State Financing or Grants	(i)	
I. Other Federal Grants or Loans	(h)	
J. Other		
K. Total	(j)	

- (e) Attach the Estimated Annual Disbursement Schedule (label as Attachment 2A). See instructions doc.
- (f) Specify type of bonds, provide date of voter approval, total amt. of authorized issue, and effective interest rate.
- (g) Specify type of tax and provide the amount to be received by the date of the expected state funds award.
- (h) Provide details of legal authorization, cite appropriate code or other legal reference, specific source of funds, time of expected receipt and, in the case of liabilities, the security provided by the Applicant.
- (i) Provide name of program and law authorizing program, whether grant or loan, date of approval, schedule of payments, and effective interest rate for loan.
- (j) This total should equal the Total in item 6.M. above.
- (k) Use attachments to fully explain sources of funds for Capital Costs, if needed (label as Attachment 2B).

III. Authorization and Other Approvals (All Projects with exceptions noted below)

1. **Legal Authority:** Submit a legal opinion, including legal citations, addressing the following issues (label as Attachment 3):
 1. The legal authority to enter into a financing agreement with the State Water Resources Control Board
 2. Any requirements that the applicant hold an election before entering into a financing agreement contract with the State Water Resources Control Board. If an election is required, state the date held or the date scheduled: _____
2. **Applicant Authorization:** Submit a certified copy of a resolution adopted by the governing body (label as Attachment 4A). A model resolution is given in the application instructions for your reference.
3. **Water Rights:** To comply with Sections 1210 through 1212 of the Water Code, a Petition for Change may be required to be filed and approved by the Division of Water Rights, State Water Resources Control Board.
 Have you filed a petition with the Division of Water Rights? Yes No
 Applicant must submit a written determination from the Division of Water Rights regarding whether a petition must be filed or no further action is required (label as Attachment 4B).
 If no, explain: _____
 Please contact the Division of Water Rights, Petition Unit, at (916) 341-5363 for further information.
4. **Project Report or Facilities Planning Document:** Submit a completed facilities planning document and any supplementary documents that contain the required facilities planning information described in each of the program guidelines (label as Attachment 5).
5. **Environmental Review:** Refer to the Division of Financial Assistance *Environmental Review Process Guidelines for State Loan Applicants* for details on meeting state environmental review requirements and for additional CWSRF Federal requirements. Submit all available environmental documents for your project (label as Attachment 6). Indicate below those documents submitted:

 Negative Declaration Draft EIR Final EIR Notice of Determination

 State Clearinghouse Number: _____
6. **Draft Revenue Program (except SCWG):** Submit a draft revenue program and Wastewater Capital Reserve Fund Resolution (label as Attachment 7). For more information, please refer to the respective program guidelines. Water reclamation projects funded by the CWSRF need to submit a draft revenue program satisfying Water Recycling Funding Guidelines only.
7. **Project Schedule:** Submit a project schedule showing project milestone dates (label as Attachment 8). This schedule should be updated periodically as more information becomes available. All WRFP projects must submit a construction finance plan, lease refer to the WRFP Guidelines.
8. **Regional Board Requirements:** Submit adopted or tentative Waste Discharge Requirements, Water Reclamation Requirements, and/or NPDES Permit which the Regional Board has adopted or proposed for the project (label as Attachment 9).
9. **Real Property Acquisitions:** Has all necessary land or right-of-way been acquired? Yes No
 If no, submit status of acquisitions (label as Attachment 10A).

10. **Agreements with Other Parties:** Please list all agreements and approvals needed for implementation of the project. Submit and explain status of said agreements and approvals (label as Attachment 10B).
11. **Tax Questionnaire (except SCWG):** Please complete and submit the Tax Questionnaire with the application (label as Attachment 10C).
12. **Water Conservation Plan:** Prior to approval of the project by the State Water Resources Control Board, specific Water Conservation requirements must be achieved. In fulfillment of these requirements, please indicate below what pertinent information you are submitting (label as Attachment 11).
 - Proof of signed Memorandum of Understanding with the California Urban Water Conservation Council.
 - Copy of the developed Water Conservation Program for approval by the State Water Resources Control Board.
 - None at this time. Please explain: _____
13. **Applicant's Authority on Property Access to Construct Project:** A legal description of the site on which the project is to be constructed and an opinion signed by competent title counsel describing the interest the applicant has in the site, including information as to any easements and rights-of-way and certifying that the estate or interest is legal and valid. The opinion should also include information as to whether or not:
 - The applicant (or the present owner if fee simple title has not been or is not to be acquired) has good and valid title to the entire site (excluding easements and rights-of-way) free and clear of any pre-existing mortgages, deeds of trust, liens or other encumbrances, which would affect the value or usefulness of the site for the purpose intended;
 - Any deeds or documents required to be recorded in order to protect the title of the owner and the interest of the applicant have been duly recorded or filed for record whenever necessary; and
 - The applicant has complied with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601). (label as Attachment 12)
14. **Urban Water Management Plan (UWMP):** If you are a water supplier to more than 3,000 customers or supplying more than 3,000 acre-feet annually you are required to submit an UWMP to the Dept. of Water Resources (DWR). Please submit documentation showing that the UWMP has been submitted to the DWR (label as Attachment 13).

IV. Other Submittals (Program specific information required noted below)

A – Clean Water State Revolving Fund Program Projects

1. **Dedicated Source of Revenue (for CWSRF or WREF loans):** A "Dedicated Source of Revenue" is required to repay the financing agreement. See revenue program requirements included in the *Policy for Implementing the Clean Water State Revolving Fund for Construction of Wastewater Treatment Facilities*. Please attach appropriate resolution or ordinance or indicate schedule to provide dedicated source of revenue (label as Attachment 14). A Dedicated Source of Revenue must be approved before a financing agreement can be issued.
2. **Certification of Compliance with Federal Laws and Authorities:** (label as Attachment 15)
3. **Preaward Compliance Report:** (label as Attachment 16)
4. **Reimbursement Resolution:** Please complete and submit the Reimbursement Resolution (label as Attachment 17).
5. **General Plan Certification:** Please complete and submit the General Plan Certification (label as Attachment 18).
6. **Schedule of System Obligations (SSO):** Please submit a SSO (See application instructions, Exhibit J) and a letter from the Agency's bond counsel (in certain circumstances local counsel will be adequate) addressing any conditions or prohibitions for the Agency's wastewater entity existing debts (except other CWSRF debts) that would affect the ability of the Agency's wastewater entity to enter into and meet its obligations under the CWSRF financing agreement. Also, the Agency will need to submit a letter from the Agency's bond counsel (in certain circumstances local counsel will be adequate) addressing any conditions or prohibitions in existing debt (except other CWSRF debts) that would affect the ability of the Agency to enter into and meet its obligations under the CWSRF financing agreement. Debts addressed by counsel should match those listed in the SSO. If the applicant does not have other debts (except other CWSRF debts), the Agency's Authorized Representative must provide a letter stating this. The Agency's SSO will include: name of lender; title of debt, debt term, interest rate, total debt amount; remaining debt balance; and debt end date. For all debts other than existing CWSRF debts, include maturity schedules and debt instruments (bond documents, loan agreements, etc.) on a CD. All information submitted will be reviewed by SWRCB legal staff for compliance with CWSRF Program requirements. (label as Attachment 19)

B - Water Reclamation Projects (CWSRF or WRFP)

This section applies to water reclamation projects for the purpose of providing water supply rather than water pollution control or wastewater disposal. For water reclamation projects funded by the CWSRF, the documents required under section IV.A. must also be submitted.

1. **Estimated Annual Costs:**

Cost Classification	Annual Costs, \$	
	First Year	Fifth Year
Debt Service		
Fixed Operation and Maintenance Cost		
Variable Operation and Maintenance Cost		
Other (explain)		
Total Annual Costs		

Assumed Date of Costs for:
First Year of Operation: _____
Fifth Year of Operation: _____

Assumed Cost Index or Rate of Inflation: Index Name: _____ Index Value: _____ or
Inflation Rate: _____ % per yr.

2. **Annual Deliveries:**

Year of Operation	1	2	3	4	5
No. of Sites					
Amount, Ac-ft/yr					

3. **Reclaimed Water User Assurances:** Please indicate method of providing user assurances.

- User Agreements Mandatory Use Ordinance

Refer to Water Recycling Funding Guidelines for latest requirements and timing of submittals (label as Attachment 20).

V. Notes or Explanations:

3/2008 L:\FacPlan\SRF\+SRFAPP.doc

VI. Certification and Signature of Authorized Representative

I certify that the information in this application, including all attachments, is true and correct to the best of my knowledge and belief. I understand that updated information will be required to be submitted later.

Signature: _____

Date: _____

Printed Name: _____

State Water Resources Control Board
Division of Financial Assistance (DFA)

Financial Assistance Application

for

Clean Water State Revolving Fund (CWSRF) Program
Water Recycling Funding (WRF) Program
Small Communities Wastewater Grant (SCWG) Program

This application package should be submitted to the address listed below at the completion of Facilities Planning. An agency may request funding from more than one program. The application, including attachments, is intended to provide all information and documents needed for facilities plan approval and presentation of the project to the State Water Resources Control Board for a preliminary funding commitment. Updated information will be required to be submitted later. The electronic version of all forms is available from the DFA Project Managers and available at the CWSRF web site:
<http://www.waterboards.ca.gov/funding/srf.html>.

Please refer to the adopted CWSRF Program Policy for program specific information.

Submit the completed application package to:

State Water Resources Control Board
Division of Financial Assistance
ATTN: Mr. Christopher Stevens, Supervising Engineer
1001 I Street, Sacramento, CA 95814
P.O. Box 944212
Sacramento, CA 94244-2120

State Water Resources Control Board
Division of Financial Assistance

Financial Assistance Application Checklist

Submit your Financial Assistance Application with all the documents listed below. Upon review and acceptance of your submittal, the Division of Financial Assistance (DFA) will issue a Facilities Plan or a Concept Approval Letter and a preliminary funding commitment.

Attach. No.	Title of Attachment	Application Reference
Submit the following documents for all Financial Assistance Programs (exceptions noted)		
1	Project Description	Section II.1
2A	Estimated Annual Disbursement Schedule (Except SCWG) (*see note)	Section II.7
2B	Sources of Funds for Capital Costs (if needed)	Section II.7
3	Legal Authority	Section III.1
4A	Application and Authorization Resolution	Section III.2
4B	Water Rights determination from the Division of Water Rights	Section III.3
5	Project Report and/or Facilities Planning Document	Section III.4
6	Environmental Documents	Section III.5
7	Draft Revenue Program	Section III.6
8	Project Schedule	Section III.7
9	Regional Board Requirements (Waste Discharge Requirements)	Section III.8
10A	Real Property Acquisition	Section III.9
10B	Agreements with Other Parties	Section III.10
10C	Tax Questionnaire (except SCWG)	Section III.11
11	Water Conservation Plan (except SCWG)	Section III.12
12	Applicant's Authority on Property Access to Construct Project	Section III.13
13	Urban Water Management Plan (if required)	Section III.14
CWSRF Program only (include, in addition to the items 1 - 13 above, the following documents)		
14	Dedicated Source of Revenue (loans only, not required for grants)	Section IV.A.1
15	Cert. of Compliance With Federal Laws and Authorities	Section IV.A.2
16	Pre-award Compliance Report (Civil Rights Compliance)	Section IV.A.3
17	Reimbursement Resolution	Section IV.A.4
18	General Plan Certification	Section IV.A.5
19	Schedule of System Obligations (SSO) Package	Section IV.A.6
WRFP only (include, in addition to the items 1 - 13 above, the following documents)		
20	Recycled Water User Assurances	Section IV.B.3

*Note - The Estimated Annual Disbursement Schedule is the Agency's best guess of future requests for CWSRF and WRFP funds based on the Project's construction schedule. DFA uses these estimates for financial forecasting purposes and will periodically request updates from the Agency as the schedule proceeds closer to actual construction.

**APPLICATION/AUTHORIZATION/REIMBURSEMENT
RESOLUTION(S) MODEL**

(Note: The Model Resolution is shown as one Agency action but may be done as multiple Resolutions if required by Agency)

RESOLUTION NO. _____

APPLICATION/AUTHORIZED REPRESENTATIVE RESOLUTION (Required for all Programs)

BE IT RESOLVED by the _____ (*Governing Board of the Agency*) that the _____ (*Title of Authorized Representative*) is hereby authorized and directed to sign and file, for and on behalf of the _____ (*Agency Name*), a Financial Assistance Application {NOTE: this works for loans, grants, Installment Sales Agreements and other financing} for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of (_____ *Project Title or Description*); and

BE IT RESOLVED that the _____ (*Agency Name*) hereby agrees and further does authorize the aforementioned representative or his/her designee to certify that the Agency has and will comply with all applicable state and federal statutory and regulatory requirements related to any financing or financial assistance received from the State Water Resources Control Board; and

BE IT FURTHER RESOLVED that the _____ (*Authorized Representative*) or his/her designee of the _____ (*Agency Name*) is hereby authorized to negotiate and execute a financial assistance agreement from the State Water Resources Control Board and any amendments or change orders thereto and certify financing agreement disbursements on behalf of the _____ (*Agency Name*). {NOTE: Following sentence is optional} Except for grant awards, such financial assistance shall not exceed (\$Total of Loan, Installment Sales Agreement, or other Non-Grant financing).

REIMBURSEMENT RESOLUTION (Attachment 15 - Required for CWSRF financing agreements eligible to receive State Revenue Bond Funds)

WHEREAS, the _____ (*Agency Name*) (the "Agency") desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its water and wastewater system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

WHEREAS, the Agency intends to finance the construction and/or reconstruction of the Project or portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board); and

WHEREAS, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"), and

WHEREAS, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the Agency desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Agency; and

WHEREAS, the Agency has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE AGENCY DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

SECTION 1. The Agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

SECTION 2. The reasonably expected maximum principal amount of the Project Funds is \$_____. {Remove this Note when completing the Resolution: DFA may provide up to 150% of the Preliminary Funding Commitment without having to go back to the State Water Board or DFA Deputy Director for reauthorization. Also, the amount stated here cannot be exceeded by DFA unless superceded by another agency Resolution.}

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the Agency will expend moneys for the portion of the Project costs to be reimbursed with Project Funds.

SECTION 4. Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

SECTION 5. To the best of our knowledge, this Agency is not aware of the previous adoption of official intents by the Agency that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 6. This resolution is adopted as official intent of the Agency in order to comply with Treasury Regulation §1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

SECTION 7. All the recitals in this Resolution are true and correct and this Agency so finds, determines and represents.

AYES: _____

NOES: _____

ABSENT: _____

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the _____ (Governing Board of the Agency) held on _____ (Date).

(Name and Signature of the Clerk or Authorized Record Keeper of the Governing Board of the Agency)

CLEAN WATER STATE REVOLVING FUND PROGRAM
of the
STATE OF CALIFORNIA
acting by and through the
STATE WATER RESOURCES CONTROL BOARD

TAX QUESTIONNAIRE

You have applied for financing from the State Water Resources Control Board ("State Water Board") and its Clean Water State Revolving Fund ("CWSRF"). The CWSRF utilizes the proceeds of tax-exempt bonds (the "Bonds"). Since the Bonds will be tax-exempt, it is necessary to obtain certain information regarding the project to be funded (the "Project"). This Tax Questionnaire is designed to assist in obtaining such information. Each recipient of a CWSRF financing agreement or other assistance to be financed with Bond proceeds is requested to complete the attached Tax Questionnaire. In addition, you will be asked to execute a certification as to the use of the financial assistance being provided to you and certain other matters that could affect the tax exemption of the Bonds. We will prepare this certification based upon the information furnished by you in this Tax Questionnaire. Your CWSRF financing agreement "Agreement", also known as an Installment Sales Agreement, will also contain tax covenants based in part on your answers to this Tax Questionnaire.

Any questions regarding this Tax Questionnaire may be directed to your project manager. You may also wish to consult with your own counsel. The adopted Reimbursement Resolution is preferred to be submitted with the application or as soon as possible after the application is submitted. However, if the Agency cannot send in the Reimbursement Resolution with the application the latest date of submittal is no later than 60 days after start of construction of the project and before DFA can prepare the CWSRF financing agreement (see the above model resolution).

Please return a hard copy version of the executed, completed Tax Questionnaire and the adopted Reimbursement Resolution to your project manager at State Water Resources Control Board, Division of Financial Assistance, 1001 I Street, 16th Floor, Sacramento, California 95814.

**STATE WATER RESOURCES CONTROL BOARD
CLEAN WATER STATE REVOLVING FUND PROGRAM****TAX QUESTIONNAIRE**

LEGAL NAME OF APPLICANT	Project Number	DATE/TIME RECEIVED BY Water Board
--------------------------------	-----------------------	----------------------------------------------

NAME AND LOCATION OF PROJECT

As used in this Tax Questionnaire, the term "Project" is the project that you described in the Financial Assistance Application submitted to the Water Board and constitutes those costs that will be funded by the Water Board under the Agreement. The phrase "Non-Governmental Entity" constitutes any person, partnership, corporation or other organization that is not organized as a state, city, county, school district, other special district or joint powers authority. The federal government is a Non-Governmental Entity.

Instructions: Answer all questions and provide all information and documents requested. Begin typing in the shaded area and the space will enlarge to accommodate the information that is typed.

1. Briefly describe the Project, its functions and its principal components.

2. Indicate by principal components your current estimates of the costs of the Project, as follows:

- | | |
|-------------------------------------------------------------|----|
| a. Construction costs | \$ |
| b. Equipment costs | \$ |
| c. Rehabilitation or renovation of facilities | \$ |
| d. Site preparation costs | \$ |
| e. Architectural/engineering, design and planning costs | \$ |
| f. Engineering and administrative costs during construction | \$ |
| g. Surveys | \$ |
| h. Legal fees | \$ |
| i. Financing costs | \$ |
| j. Commitment fees and deposits | \$ |
| k. Other costs (please specify) | \$ |

Yes No

3. Will any portion of the financing provided under the Agreement be used to refinance existing debt relating to the Project?

(If yes, please identify the existing indebtedness to be refinanced, including its name, original issue date, par amount, purpose(s), whether it is immediately prepayable, and whether the interest on such existing debt is federally taxable or tax-exempt. State the amount of the Agreement that is expected to be used for refinancing purposes. Note that existing indebtedness includes all bonds, notes, leases or commercial paper issued by you relating to any portion of the Project.)

4. Indicate the amount of Project costs that are expected to be paid within the following periods of time:

(Please respond to this question using the expected initiation date of construction.)

Project costs to be spent within 6 months: \$
Project costs to be spent within 12 months: \$
Project costs to be spent within 18 months: \$
Project costs to be spent within 24 months: \$
Project costs to be spent within 30 months: \$
Project costs to be spent within 36 months: \$
Project costs to be spent *beyond* 36 months: \$

5. Please provide the dates of expected commencement and completion of construction of the Project.

Yes No

6. Have any costs of the Project been paid prior to the date hereof?

(For each Project cost that has been previously paid, provide an itemization of the (i) amount, (ii) purpose, (iii) date paid, and (iv) source of payment of such cost, e.g., revenue, Federal or State grants, other financing, or internal loan.)

Yes No Not Applicable

7. If you answered "yes" to Question 6 above, have you at any time adopted a resolution or other official action (e.g., a so-called "reimbursement resolution") relating to your intent to finance the Project with financial assistance from the WATER BOARD or other indebtedness?

(If yes, please identify the date of such resolution or other document and attach a copy.)

Yes No

8. Will any portion of the financing provided under the Agreement be used to pay administrative or engineering expenses directly relating to the construction of the Project?

(If yes, please state the amount expected to be so used and provide details as to its calculation (e.g., based on actual costs or a percentage of construction).)

Yes No Not Applicable

9. If you answered "yes" to Question 8 above, will any portion of the financing provided under the Agreement be used to pay administrative or engineering expenses incurred by the applicant's staff?

(If yes, please state the amount expected to be so used and provide details of the work performed.)

Yes No Not Applicable

10. If you answered "yes" to Question 9 above, will the charges to be reimbursed be tracked by an accounting system, such as a cost accounting system, that will allow them to be differentiated from other charges for other work done by the applicant's staff?

(If yes, please specify how charges will be tracked.)

Yes No

11. Do you anticipate any Non-Governmental Entity owning any portion of the Project at any time?

(If yes, identify the Non-Governmental Entity and provide all available details with respect to its ownership interest.)

Yes No

12. Do you anticipate any Non-Governmental Entity contracting to operate, manage or provide any exclusive services with respect to the Project at any time?

(If yes, please identify the Non-Governmental Entity and explain the arrangement. If an operations, management or exclusive services contract currently exists, attach a copy. Contracts that relate solely to services that are merely incidental to the primary use of the Project need not be listed. Examples of incidental services are contracts for janitorial services, office equipment repairs or billing services. If you are uncertain as to whether the contract is incidental or not, please describe the contract and the services provided thereunder.)

Yes No

13. Will the Project provide recycled water or wastewater services to non-governmental entities other than on the basis of standard rates and charges?

(If there are any non-standard rates and charges, describe the rate structure focusing on any special rate agreements or charges for specific entities. An example of a non-standard rate is a large industrial user paying a flat fee in a system where the other users pay a rate based on usage.)

Yes No

14. Do you anticipate any Non-Governmental Entity having special priority rights or other preferential rights to use the service provided by the Project?

(If yes, identify the Non-Governmental Entity and describe the special priority or preferential right(s).)

Yes No

15. Will the entire Project be available for use by the general public?

(If no, please explain and describe the portion of the Project that will not be available for use by the general public. For example, municipal water and wastewater systems used for residential, commercial, governmental and business purposes are available for use by the general public; a specialized pollution control facility immediately adjacent to a private business that is the sole user of the facility is not available for use by the general public.)

Yes No

16. Will any Non-Governmental Entity guaranty or otherwise be directly obligated to repay the financial assistance provided under the Agreement?

(If yes, identify the Non-Governmental Entity and describe the guaranty arrangement therewith.)

APPLICANT ACKNOWLEDGEMENT AND SIGNATURE

I hereby certify that I am an authorized representative of the Applicant, and that I am authorized by the Applicant to execute this Tax Questionnaire. I am charged with the responsibility to perform such acts as are necessary and proper for the financing, construction, acquisition and/or improvement of the Project, and am acting for and on behalf of the Applicant in executing this Tax Questionnaire. I certify that I am familiar with the Project and that all information contained herein is true, correct and complete to the best of my knowledge. I am not aware of any facts or circumstances that would cause me to question the accuracy or reasonableness of any information contained in these responses or attached documentation. I understand that the foregoing information and attached documentation will be relied upon by the Water Board and their counsel, in providing financing with respect to the Project.

AUTHORIZED REPRESENTATIVE SIGNATURE

PRINT NAME AND TITLE

DATE

Dedicated Source of Revenue Resolution Instructions

- A. Clean Water State Revolving Fund (CWSRF) and Water Recycling Funding Program (WRFP) requirements require each recipient to establish one or more dedicated sources of revenue for repayment of the CWSRF and/or WRFP assistance (except grants). A dedicated source can be a special assessment, general taxes, general obligation bonds, revenue bonds, user charges, or other sources.
- B. Revenue will be considered dedicated when the municipality passes an ordinance or resolution committing a source of funds for repayment. The ordinance or resolution dedicating a source of funding for repayment of the CWSRF and/or WRFP assistance must be adopted before issuance of the financing agreement (loan contract, Installment Sales Agreement, etc.).

C. Ordinance or resolution language equivalent to the following would be acceptable:

1. The XXXXX Agency hereby dedicates the following source of revenue (**user charge, proceeds of revenue bonds, etc.**) to payment of any and all Clean Water State Revolving Fund and/or Water Recycling Funding Program financing on Regional Recycled Water Distribution System-Phase 1 Project No. C-06-4846-110. This dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board.

**Sample Certification of Compliance
With Federal Laws and Authorities**

Environmental Authorities

1. Archeological and Historical Preservation Act of 1974, Pub. L. 86-523, as amended, Pub. L. 93-291 16 USC § 469a-1.
2. Clean Air Act, Pub. L. 84-159, as amended.
3. Coastal Barrier Resources Act, Pub. L. 97-348, 96 Stat. 1653; 16 USC § 3501 et seq.
4. Coastal Zone Management Act, Pub. L. 92-583, as amended; 16 USC § 1451 et seq.
5. Endangered Species Act, Pub. L. 93-205, as amended; 16 USC § 1531 et seq.
6. Environmental Justice, Executive Order 12898.
7. Floodplain Management, Executive Order, 11988 as amended by Executive Order 12148.
8. Protection of Wetlands, Executive Order 11990, as amended by Executive Order No. 12608.
9. Farmland Protection Policy Act, Pub. L. 97-98; 7 USC § 4201 et seq.
10. Fish and Wildlife Coordination Act, Pub. L. 85-624, as amended.
11. National Historic Preservation Act of 1966, Pub. L. 89-665, as amended, 80 Stat. 917 (1966) 16 USC § 470 et seq.
12. Safe Drinking Water Act, Pub. L. 93-523, as amended; 42 USC § 300f et seq.
13. Wild and Scenic Rivers Act, Pub. L. 90-542, as amended, 82 Stat. 913; 16 USC § 1271 et seq.
14. Essential Fish Habitat Consultation. Pub. L. 94-265, as amended, 16 USC § 1801 et seq.
15. Recycled Materials. Executive Order 13101; Section 6002 Resource Conservation and Recovery Act – 42 USC § 6962.

Economic and Miscellaneous Authorities

1. Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754, as amended, Executive Order 12372/ 42 USC § 3331 et seq.
2. Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans; 42 USC § 7606; 33 USC § 1368; 40 CFR Part 31.
3. Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91-646, as amended; 42 USC §§4601-4655
4. Contractors, Subcontractors, Debarment and Suspension, Executive Order 12549; 2 CFR Part 1532. The Excluded Parties List System can be found at <http://www.epls.gov>.
5. Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects, EO 13202, as amended by EO 13208.

- 6. Hotel and Motel Fire Safety Act of 1990 (PL 101-391, as amended). Recipients may search <http://www.usfa.dhs.gov/applications/hotel/>.
- 7. Records and financial reporting. 40 CFR Part 31.
- 8. Copyright: 40 CFR Part 31.

Social Policy Authorities

- 1. Age Discrimination Act of 1975, Pub. L. 94-135; 42 USC § 6102.
- 2. Race Discrimination: Title VI of the Civil Rights Act of 1964, Pub. L. 88-352.1; 42 USC § 2000d, 40 CFR Part 7.
- 3. Sex Discrimination: Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 (the Clean Water Act); 33 USC § 1251, 40 CFR Part 7.
- 4. Disability Discrimination: Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (including Executive Orders 11914 and 11250); 29 USC § 794, 40 CFR Part 7.
- 5. Equal Employment Opportunity, Executive Order 11246.
- 6. Women’s and Minority Business Enterprise, Executive Orders 11625, 12138, and 12432, 40 CFR Part 31.
- 7. Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590.
- 8. Anti-Lobbying Provisions (40 CFR Part 34). Borrower agrees to submit certification and disclosure forms as requested by the State Water Resources Control Board or the USEPA.
- 9. Anti-Litigation Provisions (2 CFR 220, 225, or 230).

CERTIFICATION

I certify that _____
(Municipality)
has, or will, comply with the above list of federal laws and authorities.

Name and Signature of Authorized
Representative or Designee

(Date)

United States Environmental Protection Agency Washington, DC 20460 EPA Pre-award Compliance Review Report for Wastewater Treatment Construction Loans		Form Approved OMB No. 2090-0014
Note: Read Instructions on Reverse Before Completing Form		
I. A. Applicant (<i>Name and State</i>)		B. EPA Project No.
II. A. Are any civil rights lawsuits or complaints pending against applicant? If "Yes", list those complaints and the disposition of each complaint.		
II. B. Have any civil rights compliance reviews been conducted during the two years prior to this application for activities which would receive EPA assistance? If "Yes", list those compliance reviews and status of each review.		
III. A. Population Characteristics		Number of People
1.	a. Population of Entire Service Area	
	b. Minority Population of Entire Service Area	
2.	a. Population Currently Served	
	b. Minority Population Currently Being Served	
3.	a. Population to be Served by Project	
	b. Minority Population to be Served by Project	
4.	a. Population to Remain Without Service	
	b. Minority Population to Remain Without Service	
B. If entire community under the applicant's jurisdiction is not served under the existing facilities or will not be served under the proposed plan, give reasons why.		
C. Give the schedule for future construction by which treatment system service will be provided to all inhabitants within applicant's jurisdiction. If there is no schedule, explain why.		
D. Is another Federal Agency being asked or already providing financial assistance to any construction associated with this project? If "Yes", list the other Federal Agency(s), describe the associated work and the dollar amount of assistance.		
E. Will all new facilities or alterations to existing facilities financed by this grant be designed and constructed to be readily accessible and useable by handicapped persons? If "No", explain how a regulatory exception (40 CFR 7.70) applies.		
IV. Certification I certify that the information given above is true and correct to the best of my knowledge or belief. (<i>A willfully false statement is punishable by law; U.S. Code, Title 18, Section 1001</i>)		
A. Signature of Authorized Official		B. Title of Authorized Official
		C. Date
For the U. S. Environmental Protection Agency Use		
		Date

INSTRUCTIONS

General

Grantees must comply with the following statutes by virtue of receiving the grant.

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Act goes on to explain that the title shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where a primary objective of the Federal financial assistance is to provide employment).

Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities.

Section 504 of The Rehabilitation Act of 1973 provides that no otherwise qualified handicapped individual shall solely by reason of their handicap be excluded from participation in, be denied the benefit of or be subject to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of handicap is prohibited in all such programs or activities.

The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age Discrimination in employment is prohibited by the Age discrimination in Employment Act administered by the Equal Employment Opportunity Commission.

Title IX of the Education Amendments of 1972 provides that no person should, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal education institution.

The primary purpose of the treatment works construction grant program under the Federal Water Pollution Control Act, as amended, is development of water pollution control facilities.

Accordingly, the information on this form is required to enable the U.S. Environmental Protection Agency to determine whether prospective treatment works construction grantees are developing treatment system projects on a nondiscriminatory basis as required by the above referenced statutes.

Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission. If any items is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable."

ITEMS

- I. Self-explanatory.
- II. A. Civil Rights lawsuits means any lawsuit or complaint alleging discrimination on the basis of race, color, national origin, sex, age, or handicap pending against the applicant or entity which actually benefits from the grant. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, only civil rights lawsuits involving the Department of Sewage whether named as a party or not should be listed.
- II. B. Civil Rights compliance review means any review assessing the applicant's compliance with laws prohibiting discrimination on the basis of race, color, national origin, sex, age, or handicap. If any part of the review covered the entity which actually benefits from the grant, it should be listed. If it did not, the review should not be listed.
- III. A. Give population of Applicant's treatment system jurisdiction, broken out by categories as specified.
- III. B. If there is a significant disparity between minority and nonminority populations to receive service, not otherwise satisfactorily explained, the Regional office may require a map which indicates the minority and nonminority population served and not served as well as the minority and nonminority population served by this project.
- III. C. "Jurisdiction" means the geographical area over which Applicant has authority to provide treatment works service.
- III. D.&E. Self-explanatory.
- IV. Self-explanatory.

**GENERAL PLAN COMPLIANCE CERTIFICATION
FOR PUBLICLY OWNED TREATMENT WORKS**

CLEAN WATER STATE REVOLVING FUND PROJECT NO. C-06-**NUMBER**

RECIPIENT: **AGENCY NAME** **CITY** (**CITY**)

(If the applicant is responsible for adopting the General Plan)

As required by Section IX D of the *Policy for Implementing the Clean Water State Revolving Fund for Construction of Wastewater Treatment Facilities* (February 1995, amended July 17, 2007), and conditions of the Clean Water State Revolving Fund Financing Agreement, I certify that the **City has** adopted the land use and housing elements of its General Plan and that the proposed project is consistent with the adopted General Plan.

OR (If the applicant is not responsible for adopting the General Plan)

As required by Section IX D of the *Policy for Implementing the Clean Water State Revolving Fund for Construction of Wastewater Treatment Facilities* (February 1995, amended July 17, 2007), and conditions of the Clean Water State Revolving Fund Financing Agreement, the **City** certifies that at least seventy-five (75) percent of the area affected by the project includes cities and counties with adopted land use and housing elements. The applicant's authorized representative will also document that the applicant notified the **City of Yucaipa**, the responsible agency for adopting the plan(s) and provided a reasonable opportunity to comment on the project's consistency with the plan(s). The applicant's authorized representative will certify that the applicant considered those comments during development of the project.

Authorized Representative's Signature

Authorized Representative's Name and Title

Date

EXHIBIT J
SCHEDULE OF SYSTEM OBLIGATIONS

Attachment 19 (CWSRF only)

The following outstanding Local debts are senior to this Financing Agreement.

Attach.	Name of Lender & Title of Debt	Project No.	Contract No.	Debt Term (yr)	Interest Rate	Total Debt Amount	Remaining Debt Balance	Debt End date
A								

The following debts are on parity to this Financing Agreement.

Attach.	Name of Lender & Title of Debt	Project No.	Contract No.	Debt Term (yr)	Interest Rate	Total Debt Amount	Remaining Debt Balance	Debt End date

The following debts are subordinate to this Financing Agreement.

Attach.	Name of Lender & Title of Debt	Project No.	Contract No.	Debt Term (yr)	Interest Rate	Total Debt Amount	Remaining Debt Balance	Debt End date

Note: A part of the Financing Agreement is the Schedule of System Obligations (SSO). Each attachment listed above is the corresponding repayment or maturity schedule for that obligation. The SSO is a listing of all current outstanding debts for the Agency's wastewater entity with the following information describing the relationship of the debts with respect to all CWSRF financing agreement(s) as senior, parity, or subordinate. Also, the Agency will need to submit a letter from the Agency's bond counsel (in certain circumstances local counsel will be adequate) addressing any conditions or prohibitions in existing debt (except other CWSRF debts) that would affect the ability of the Agency to enter into and meet its obligations under the CWSRF financing agreement. Debts addressed by counsel should match those listed in the SSO. If the applicant does not have other debts (except other CWSRF debts), the Agency's Authorized Representative must provide a letter stating this. The Agency's SSO will include: name of lender; title of debt, debt term, interest rate, total debt amount; remaining debt balance; and debt end date. For all debts other than existing CWSRF debts, include maturity schedules and debt instruments (bond documents, loan agreements, etc.) on a CD. All information submitted will be reviewed by SWRCB legal staff for compliance with CWSRF Program requirements.