

CHAPTER 91
CRITERIA FOR RANKING PROJECTS
FOR THE CLEAN WATER STATE REVOLVING FUND (CWSRF)
[Prior to 7/1/83, DEQ 19.2(12)]
[Prior to 12/3/86, Water, Air and Waste Management[900]]

567—~~90.1~~**91.1(455B) Statutory authority, purpose, and general policy.**

90.1(1) The authority for the Iowa Department of Natural Resources (department) and the Iowa Finance Authority are jointly designated to administer the clean water state revolving fund (CWSRF). Authority to administer this fund is provided to assist in the construction of wastewater treatment facilities and water pollution control works is provided in Iowa Code sections 455B.291 to 455B.299 and the federal Clean Water Act. The requirement to have selection criteria and a method for selecting projects or programs for loans is provided in 40 CFR Part 35.3150, July 1, 2002. Section 603(c) of Title VI of the CWA allows the use of state revolving funds to assist in the construction of POTWs and WPC projects.

~~567—91.2(455B) Scope of title.~~ The department has jurisdiction over the surface water and groundwater of the state to prevent, abate and control pollution. As part of that general responsibility, the department and the Iowa finance authority are jointly designated to conduct the administration of the CWSRF loan assistance program to assist in the financing of infrastructure projects pursuant to the Clean Water Act (CWA). A project must comply with this chapter and 567—Chapter 92 or 567—Chapter 93 to be eligible for a CWSRF loan. This chapter provides the rating criteria to be used to rank eligible projects for funding. Rating criteria are provided for publicly owned treatment works (POTW) projects and nonpoint source projects. Rating criteria for nonpoint source projects will be utilized when 90 percent of the set aside funds have been allocated. Until that time, the loan assistance is based on a first come, first funded concept.
[ARC 8596B, IAB 3/10/10, effective 4/14/10]

Commented [1]: Now in new 90.1(1).

Commented [2]: Moved to 90.1(7).

Commented [3]: Moved to new 90.14(1).

~~90.1(2)~~~~567—91.3(455B) Purpose.~~ The Clean Water Act requires that all uses of CWSRF funds are prioritized. This chapter provides definitions, forms, general project and program administration rules, criteria for loan eligibility, and the criteria that are used to rate for rating and ranking WPC projects for the CWSRF point source and activities for both POTW and NPS nonpoint sources pollution control programs. The commission is to set funding targets for POTW and nonpoint source activities and to adjust the fundable project list to ensure that the short- and long-term goals of the intended use plan (IUP) are achieved. The public has an opportunity annually, and quarterly as needed, to comment on both the fundable list and the short- and long-term goals of the IUP. The requirement to have selection criteria, a method for selecting projects or programs for loans, and the extent to which these policies must be described in the IUP are provided in 40 CFR § 35.3150.
[ARC 8596B, IAB 3/10/10, effective 4/14/10]

Commented [4]: Moved to new 90.1(4) Program funding.

Commented [5]: See new 90.1(9)Public participation.

567—91.4 and 91.5 Reserved.

~~567—91.6(455B) General information—priority rating system.~~ The department shall use the priority rating system to rate eligible projects for funding. An eligible project may be either a point source project or a nonpoint source project or activity. A nonpoint source project activity must be identified in the most recent Iowa nonpoint source management program to be considered eligible.

Commented [6]: Moved to new 90.1(7), Project determination.

567—91.7 Reserved.

567—~~90.7~~~~91.8(455B) Point source project priority rating system.~~ ~~91.8(1) Rating criteria.~~ The rating criteria consider the use and classification of the receiving waters, water quality of the receiving waters, groundwater protection, project category type, project purpose, and a tiebreaker. Priority ranking for the POTW projects shall be based on the total points awarded for all the categories; the greater the total number of points, the higher the ranking. For POTW projects, the ranking will be done when at the time the IUP is prepared. For nonpoint source projects, if 90 percent of the set aside is allocated, the ranking will be done at the time the

~~project application is received.~~ The tiebreaker category will be used when necessary.

Commented [7]: Moved to new 90.14.

90.7(1) ~~a.~~ *Use classification of receiving waters.* This category addresses the receiving water that is impacted or potentially impacted by the existing situation and that would be improved or protected by the proposed project. Points for sludge stabilization, sewers, and lift station projects are based on the designated use of the waters that receive or could receive the effluent discharge. Points ~~will~~ shall be awarded and ~~shall~~ be cumulative for all designated use classifications of the receiving water stream. ~~Points for sludge stabilization, sewers, and lift station projects normally will be based on the assigned use of the waters that receive or could receive the effluent discharge.~~

Use and Classification of Receiving Waters	Points
Outstanding Iowa waters	45
High quality waters	40
High quality resource waters	20
Class A1 waters	50
Class A2 waters	45
Class A3 waters	50 45
Class C waters	40
Class B (CW1) waters	50
Class B (CW2) waters	30
Class B (WW1) & HH waters	30
Class HH	30
Class B (WW2) waters	25
Class B (WW3) waters	20
Class B (LW) waters	35

90.7(2) ~~b.~~ *Water quality of receiving waters.* This category addresses the water quality ~~of water~~ in the receiving stream and whether or not the water has been designated as impaired for one or more ~~some~~ uses. Points will be awarded for both A and B in the table below and then totaled for this category.

a. Bodies of water that are impaired by pollutants and probable pollutant source categories for the impairments are identified ~~in~~ as the CWA Section 303(d) list of waters in the integrated report of impaired waters status. ~~The Section 303(d) list of waters also identifies probable pollutant source categories for these impairments.~~ Projects ~~that~~ primarily impacting these waters will be ~~are~~ awarded points if the water body that receives or could receive the wastewater discharge is included on the Section 303(d) list and the probable pollutant source is a point source.

b. Waters are also identified in the CWA Section 305(b) report on their use attainment status. Projects ~~that~~ primarily impacting these waters are awarded points depending on the use impairment identified for the water body that receives or could receive the wastewater discharge. If no use impairment is identified, indicating the water was not assessed, the partially supported status points will be awarded. ~~Points will be awarded for both A and B in of the table below and then totaled for this category.~~

Indication of Water Quality	Points
A. Integrated Report overall category (score only overall category)	
4a, 4b, 4c, 4d, or 5a	15
5b or 5p	10
5p4c or 4d	5
B. Section 305(b) status <u>Use support level of designated uses (score all applicable uses) Class A, Class B, Class C, Class HH</u>	
Aquatics or fish consumption or drinking water	
Fully supported ing	5
Partially supporting ing	10
Not supported ing	15
Not assessed	7
Recreation	
Fully supporting ing	5
Partially supporting ing	10
Not supporting ing	15

Not-assessed

7

90.7(3)e— *Protection of groundwater resources.* This category considers the use of the aquifer affected by the project.

Groundwater Category	Points
Wellhead protection area for public water supply	40
Unconfined aquifer that serves as a drinking water source	20
Other groundwater protection	10

90.7(4)d— *Project category type.* ~~For~~ In this category, points are provided based on the project's type of project and its relative level of the impact on public health and the environment. Points will be awarded only for the primary project category type.

Centralized Wastewater Treatment Project Category/Project Type	Points
Category I. Secondary wastewater treatment	40
Category II. Advanced wastewater treatment	50
Category III-A. Infiltration/inflow correction	30
Category III-B. Sewer replacement/rehabilitation	30
Category IV-A. New collector sewers and appurtenances	10
Category IV-B. New interceptor sewers and appurtenances	20
Category V. Combined sewer overflow correction	40
Stormwater Project Category	
Category VI. Storm water conveyance treatment systems and green infrastructure	30
Category VI-A. Grey infrastructure - only projects where sanitary sewer or treatment require it	30
Category VII-A. Agriculture (cropland)	30
Category VII-B. Agriculture (animals)	50
Category VII-C. Silviculture	10
Category VII-E. Groundwater protection (unknown sources)	20
Category VII-F. Marinas	10
Category VII-G. Resource extraction	10
Category VII-H. Brownfields	30
Category VII-I. Storage tanks	20
Category VII-J. Landfills	30
Category VII-K. Hydromodification	40
Conservation Project Category	
Category X. Water conservation (water reuse) Reevaled water distribution	10
Category XII. Decentralized sewage treatment	40
Other Category	
Energy conservation (renewable energy) - solar, wind, etc.	10
Refinance of existing projects that meet CWSRF eligibility criteria	5

90.7(5)e— *Project purpose.* ~~For~~ In this category, points are awarded based on the project's purpose and expected outcome of the project. Points will be awarded only for the primary purpose.

Project Purpose	Points
Allows facility to meet new water quality standards	50
Protects or restores the physical, chemical, and biological integrity of water resources at a specific site	50
Reduces the loading of a parameter that has been identified as an impairment to the receiving water or watershed as identified through the total maximum daily load (TMDL) process	40
Provides regional consolidation in wastewater treatment or system management	30
Brings facility into compliance with a National Pollution Discharge Elimination System (NPDES) permit or other administrative or judicial enforcement action as may be required by the department or <u>the U.S. Environmental Protection Agency (EPA)</u>	25
Eliminates or remediates a source of groundwater pollution	20
Meets existing or reasonable future needs of the community in order to maintain compliance with an NPDES permit	15
Provides operational reliability improvements, apart from projects <u>which</u> <u>addressing</u> compliance and enforcement	10

90.7(6) f.—*Total points.* Total points are calculated using the following formula:

Total Points = Use Classification + Water Quality or Groundwater Protection + Project CategoryType + Project Purpose

90.7(7) g.—*Tiebreaker.* ~~Several~~Two or more projects may receive the same total points on the fundable list. If sufficient ~~state revolving~~ loan funds are not available to fund the projects, ties will be broken by determining which project has the highest score in each category in the following order:

- | | |
|--|---------|
| Use Classification of Receiving Streams | Highest |
| Water Quality of Receiving Streams (a+b) | ↕ |
| Groundwater Protection | |
| Project <u>Category</u> Type | ↕ |
| Project Purpose | |

91.8(2) Reserved.

[ARC 8596B, IAB 3/10/10, effective 4/14/10]

~~567—91.9(455B) Livestock water quality facilities priority rating criteria system.~~ Rescinded IAB 3/10/10, effective 4/14/10.

~~567—91.10(455B) Local water protection projects rating system.~~ Rescinded IAB 3/10/10, effective 4/14/10.

~~567—91.11(455B) General nonpoint source projects rating system.~~ Rescinded IAB 3/10/10, effective 4/14/10.

These rules are intended to implement Iowa Code sections 455B.291 to 455B.298.

567—90.8 and 90.9(455B) Reserved.

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]

[Filed emergency after Notice 1/27/84, Notices 7/20/83, 11/9/83—published 2/15/84, effective 2/15/84]

[Filed 6/29/84, Notice 3/14/84—published 7/18/84, effective 10/1/84]

[Filed 5/24/86, Notice 2/12/86—published 5/21/86, effective 6/30/86]

[Filed emergency 11/14/86—published 12/3/86, effective 12/3/86]

[Filed 1/22/88, Notice 11/18/87—published 2/10/88, effective 3/16/88]

[Filed 9/29/89, Notice 8/9/89—published 10/18/89, effective 11/22/89]

[Filed 7/19/91, Notice 5/15/91—published 8/7/91, effective 9/11/91]

[Filed 9/25/03, Notice 7/9/03—published 10/15/03, effective 11/19/03]

[Filed 2/24/06, Notice 12/21/05—published 3/15/06, effective 4/19/06]

[Filed ARC 8596B (Notice ARC 8312B, IAB 11/18/09), IAB 3/10/10, effective 4/14/10]