

TITLE VII
WATER POLLUTION CONTROL STATE REVOLVING FUND
CHAPTER 90
CLEAN WATER STATE REVOLVING FUND
SCOPE OF TITLE DEFINITIONS FORMS
[Prior to 12/3/86, Water, Air and Waste Management[900]]

~~567—90.1(455B) Scope of title.~~ The department has jurisdiction over the surface water and groundwater of the state to prevent, abate and control pollution. As a part of that general responsibility, the department and the Iowa finance authority are jointly designated to administer the clean water state revolving fund (CWSRF) pursuant to Iowa Code sections 455B.291 to 455B.299 and the federal Clean Water Act. This chapter provides the definitions and forms in the department's administration of the CWSRF. ~~567—Chapter 91 contains the criteria for rating and ranking water pollution control projects. 567—Chapter 92 contains the general project and program administration rules. 567—Chapter 93 contains rules for the nonpoint source pollution control programs.~~ [ARC 8596B, IAB 3/10/10, effective 4/14/10]

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

~~567—90.2(455B) Definitions, abbreviations, and forms.~~ The following words and terms shall have the following meanings unless the context clearly indicates otherwise.

~~90.2(1) Definitions.~~ The following definitions are applicable for this chapter and ~~567—Chapters 91, 92 and 93.~~ In addition to the definitions and references in ~~567—Chapter 40,~~ the following definitions are applicable to this chapter.

~~"Authority" or "IFA"~~ means the Iowa Finance Authority (IFA) as established by ~~Iowa Code section 33.1~~

Commented [2]: Authority - in Ch. 40.

~~"Cluster systems"~~ means onsite wastewater treatment systems providing treatment for two or more dwellings with a combined flow not to exceed 1,500 gallons per day.

~~"CWA" or "Clean Water Act" or "CWA"~~ means the federal Water Pollution Control Act effective July 1, 2024, of 1972, P.L. 92-500, as amended by the Water Quality Act of 1987, P.L. 100-4, as published in ~~33 U.S.C. §1251 et seq.~~ 1376.

Commented [3]: Moved to after CWSRF.

~~"Commission"~~ means the Iowa department of natural resources environmental protection commission.

Commented [4]: Commission - in Ch. 40.

~~"Comprehensive Nutrient Management Plan" or "CNMP"~~ means a conservation system that is unique to an animal feeding operation (AFO). A CNMP is a grouping of conservation practices and management activities which, when implemented as part of a conservation system, will help to ensure that both production and natural resource protection goals are achieved. A CNMP incorporates practices to use animal manure and organic by-products as beneficial resources. A CNMP addresses natural resource concerns dealing with soil erosion, manure, and organic by-products and their potential impacts on all natural resources including water and air quality, which may derive from an AFO. A CNMP is developed to assist an AFO owner/operator in meeting all applicable local, tribal, state, and federal water quality goals or regulations. For nutrient-impaired stream segments or water bodies, additional management activities or conservation practices may be required by local, tribal, state, or federal water quality goals or regulations. ~~[From proposed Natural Resources Conservation Service Environmental Quality Incentives Program (NRCS EQIP) rules.]~~

~~"CWSRF"~~ means the clean water state revolving fund, also known as the water pollution control works revolving loan fund as defined in ~~Iowa Code section 455B.291.~~

~~"Department" or "DNR"~~ means the Iowa department of natural resources.

Commented [5]: Department - in Ch. 40.

~~"Director"~~ means the director of the Iowa department of natural resources.

Commented [6]: Director - in Ch. 40.

~~"Eligible cost"~~ means the cost of all labor, material, machinery, equipment, loan initiation and service fees, facility planning, design and construction engineering services, legal fees and expenses related to the project; capitalized interest during construction of the project; and construction and rehabilitation of all or part of a project included in the funding request placed on the draft IUP as a fundable project, subject to approval by the commission.

Commented [7]: Eligible cost - in Ch. 40.

~~"Eligible entity"~~ means a person eligible under the provisions of the ~~CWA~~ Clean Water Act, the ~~SDWA~~ Safe Drinking Water Act, and the commission rules to receive loans for projects from either of the revolving loan funds.

~~"Eligible project"~~ means, in the context of ~~the water pollution control WPC~~ facilities, the acquisition,

construction, reconstruction, extension, equipping, improvement, or rehabilitation of any works and facilities useful for the collection, treatment and disposal of sewage and industrial waste in a sanitary manner including treatment works as defined in [Section 212 of the CWA](#) ~~Clean Water Act~~, and including construction and undertaking of NPS WPC projects and related development activities authorized under the CWA. ~~or the implementation and development of management programs established under Sections 319 and 320 of the Clean Water Act, including construction and undertaking of nonpoint source water pollution control projects and related development activities authorized under those Sections. Only projects classified under one of the following needs categories are eligible for loan assistance: I, II, III A, III B, IV A, IV B, V, VI, all subcategories of VII, X and XII. Projects for the primary purpose of speculative growth are considered ineligible.~~

"Energy conservation" means renewable energy construction projects such as wind, solar, etc.

"Facility plan" means a report certified by a professional engineer licensed to practice in Iowa and prepared in conformance with Chapter 14 of the [IWFDS](#) ~~Iowa Wastewater Facilities Design Standards (567 paragraph 64.2(9) "b")~~. This report shall ~~be prepared to~~ include an evaluation of the facility, identify problems, provide alternatives and a recommended solution, outline financing options and project time-line, and address other applicable issues ensuring the viability of the project and the facility to meet project goals and discharge requirements.

~~"Federal cross cutters" means the federal laws and authorities that apply to projects funded through CWSRF.~~

~~"Financial agent" means the entity or entities that have entered into a contract with the department to carry out the financial administration of the nonpoint source set aside programs.~~

~~"Fiscal year" means the state fiscal year starting July 1 and ending June 30.~~

~~"Fundable applicant" means an eligible entity that meets the following criteria:~~

- ~~1. Appears on the state project priority list;~~
- ~~2. Has submitted a complete application for a water pollution control project with eligible costs;~~
- ~~3. Will be in a state of readiness to proceed with construction and use loan payments in a timely manner;~~

~~and~~

~~4. Has been included on the state's intended use plan as a proposed loan recipient or is otherwise eligible as described in 567 paragraph 93.5(1) "e," 93.6(1) "e," or 93.7(1) "e."~~

"Intended use plan" or "IUP" means a plan identifying the intended uses of funds available for loans in the WPCSRF state revolving fund for each fiscal year as described in [Section 606\(c\) of the CWA](#) ~~Clean Water Act~~.

"IWFDS" means the Iowa Wastewater Facilities Design Standards, effective [month] 2025, located on the department's website at www.iowadnr.gov.

"Municipality" means the city, county, sanitary district, state agency, or other governmental corporation or body empowered to provide sewage collection and treatment services, or any combination of two or more such governmental bodies, or corporations acting jointly, in connection with a project.

"Project Needs category" means identified categories of projects which comprise mutually exclusive classes of facilities. Each category and the types of projects included in the category are listed below.

1. Category I. ~~Standard Secondary wastewater treatment. This category includes -~~ wastewater treatment costs necessary to meet the minimum level of treatment defined by the [CWA](#) ~~federal Clean Water Act~~.

2. Category II. ~~Advanced wastewater treatment. This category includes the -~~ wastewater treatment costs necessary to attain a level of treatment that is more stringent than standard secondary treatment or to produce a significant reduction in nonconventional or toxic pollutants present in the treated ~~wastewater treated by a facility~~.

3. Category III-A. Infiltration/inflow (I/I) correction ~~-~~. ~~This category includes costs for correction of sewer system I/infiltration/inflow problems. Infiltration includes controlling the penetration of water into a sanitary or combined sewer system from the ground through defective pipes or manholes. Inflow includes controlling the penetration of water into the system from drains, storm sewers, and other improper entries. This category also includes costs for preliminary sewer system analysis and detailed sewer system evaluation surveys.~~

4. Category III-B. Sewer system replacement/rehabilitation ~~-~~. ~~This category includes costs for the reinforcement or reconstruction of structurally deteriorating sanitary or combined sewers. The corrective actions must be necessary to maintain the structural integrity of the system. Rehabilitation is considered to be extensive repair of existing sewers (collector and interceptor) beyond the scope of normal maintenance programs, when~~

sewers are collapsing or structurally unsound. "Replacement" is defined as the construction of parallel sewer or sewers which perform the function of existing sewers where existing sewers are to be abandoned. Sewer work associated with ~~infiltration/inflow~~ elimination is considered a Category III-A need. Relief sewers do not fall within this category since they are newly constructed sewers with a function beyond that of existing sewers.

5. Category IV-A. New collector sewers and appurtenances ~~.- This category includes~~ costs of new pipes used to collect and carry wastewater from a sanitary or industrial wastewater source to an interceptor sewer that will convey the wastewater to a treatment facility. The collection system is considered as those public sewers which have a principal purpose of providing service for individual users in existing residential and commercially developed areas to enable collection of wastewater in a centralized system. Pumping stations, ~~and~~ force mains, and other related appurtenant structures are considered part of the collection system if their primary mechanical function relates to the collection system.

6. Category IV-B. New interceptor sewers and appurtenances ~~.- This category includes~~ costs for constructing new interceptor sewers and pumping stations to convey wastewater from collection sewer systems to a treatment facility or to another interceptor sewer. Relief sewers are included in this category where additional sewer capacity is required to accommodate all wastewater in a separate sewer system to ensure that it is transported to a wastewater treatment plant for adequate treatment, and to prevent public health hazards within the service area. Relief sewers may include parallel sewers. Pumping stations and force mains and other related appurtenant structures are considered in this category if their primary mechanical function relates to the interceptor's principal purpose. Equalization basins are included in this category.

7. Category V. ~~Correction of e~~ Combined sewer overflows (CSO) correction ~~.- This category includes~~ costs to prevent or control the periodic discharges of mixed storm-water and untreated wastewater (CSO ~~combined sewer overflows~~) that occur when the capacity of a sewer system is exceeded during a wet weather event. This category does not include costs for overflow control allocated to flood control, drainage improvement, or the treatment or control of storm-water in separate storm systems.

8. Stormwater management project categories. The following categories include costs to address the described stormwater management program activities.

- Category VI. ~~Stormwater management program~~ Grey infrastructure ~~.- This category includes~~ costs to plan and implement structural and nonstructural measures to control the runoff of water resulting from precipitation (storm-water) with the purpose of improving and protecting water quality. This category includes controlling storm-water pollution from diffuse sources by reducing pollutants ~~in from~~ runoff from commercial and residential areas ~~that are served by the storm sewer~~, detecting and removing illicit discharges and improper disposal into storm sewers, monitoring pollutants in runoff from industrial facilities that flow into municipal separate storm sewer systems, and reducing pollutants in construction site runoff discharged to municipal separate storm sewers.

- Category VI-A. Storm-water conveyance infrastructure ~~.- This category includes costs to address the storm water management program activities associated with the~~ planning, design, and construction ~~costs associated with~~ ~~of~~ conveying storm-water conveyances including ~~via~~ pipes, inlets, roadside ditches, and other similar mechanisms. These costs will be eligible if they are combined with practices described in Category VI-B or VI-C in order to achieve water quality protection or improvement.

- Category VI-B. Storm-water treatment systems ~~.- This category includes costs to address the storm water management program activities associated with the~~ planning, design, and construction ~~costs associated with~~ ~~of~~ stormwater treatment ~~menting storm water with~~ including wet ponds, dry ponds, manufactured devices, and other similar means. These costs will be eligible if these activities are implemented in order to achieve water quality protection or improvement.

- Category VI-C. Green infrastructure ~~.- This category includes costs to address the storm water management program activities associated with the~~ planning, design, and construction ~~costs associated with~~ ~~of~~ low impact development and green infrastructure, such as bioretention, constructed wetlands, permeable pavement, rain gardens, green roofs, cisterns, rain barrels, vegetated swales, ~~or~~ and restoration of riparian buffers and flood plains. Projects in this category can be both publicly owned and privately owned.

- Category VI-D. General storm-water management ~~.- This category includes costs to address the storm water management program activities associated with implementing a storm-water management program, such~~

as ~~g~~Geographic ~~i~~nformation ~~s~~ystems ~~and~~ tracking systems, equipment such as street sweepers and vacuum trucks, storm-water education program startup costs, and storm-water management plan development.

9.13 ~~NPS project categories. The following categories include costs to address NPS project categories with certain activities, as described.~~

- ~~Category VII-A. Nonpoint source (NPS) control: agriculture (cropland).--This category includes costs to address NPS pollution control needs~~ associated with agricultural activities related to croplands, such as plowing, pesticide spraying, irrigation, fertilizing, planting, and harvesting.

- ~~Category VII-B. NPS control: agriculture (animals).--This category includes costs that address NPS pollution control needs~~ associated with agricultural activities related to animal production, such as confined animal facilities, open feedlots, and grazing.

- ~~Category VII-C. NPS control: silviculture.--This category includes costs that address NPS pollution control needs~~ associated with forestry activities such as removal of streamside vegetation, road construction and use, timber harvesting, and mechanical preparation for ~~tree~~the planting of trees.

- ~~Category VII-E. NPS control: groundwater protection (unknown source).--This category includes costs associated with that address groundwater protection NPS pollution control needs~~ such as wellhead and recharge protection activities.

- ~~Category VII-F. NPS control: marinas.--This category includes costs that address NPS pollution control needs associated with boating and marinas, such as poorly flushed waterways, boat maintenance activities, discharge of sewage discharge~~ from boats, and the physical alteration of shoreline, wetlands, and aquatic habitat during the construction and operation of marinas.

- ~~Category VII-G. NPS control: resource extraction.--This category includes costs that address NPS pollution control needs~~ associated with mining and quarrying activities.

- ~~Category VII-H. NPS control: brownfields.--This category includes costs that address NPS pollution control needs~~ associated with abandoned industrial sites which might have residual contamination (brownfields).

- ~~Category VII-I. NPS control: storage tanks.--This category includes costs that address NPS pollution control needs~~ associated with tanks designed to hold gasoline, other petroleum products, or chemicals. The tanks may be located above or below ground level.

- ~~Category VII-J. NPS control: landfills.--This category includes costs that address NPS pollution control needs~~ associated with sanitary landfills.

- ~~Category VII-K. NPS control: hydromodification.--This category includes costs to address the degradation of water resources as a result of altering the hydrological characteristics of noncoastal waters, including channelization and channel modification, dam, and streambank and shoreline erosion. Work involving wetland or riparian area protection or restoration is included in this category.~~

23.10 ~~Category X. Recycled water distribution.--This category includes costs associated with conveyance of treated wastewater that is being reused (recycled water), including associated rehabilitation/replacement needs.~~

11.24 ~~Category XII. Decentralized sewage treatment.--This category includes costs associated with the rehabilitation or replacement of PSDS onsite wastewater treatment systems or clustered (community) systems. This category also includes the treatment portion of other decentralized sewage disposal technologies.~~

"New AFO" means an animal feeding operation that meets at least one of the following criteria:

1. It was constructed after January 1, 2006.
2. Animal production at the site was resumed after being discontinued for at least 12 months.
3. Production facilities were altered in order to house a different animal species than was produced previously.

"Nontraditional project" means a project where the primary purpose of the project is not to protect or improve water quality. A secondary purpose of the project does include water quality improvement or protection.

"NPS" means nonpoint source pollution which does not have a single point of origin and/or is not introduced into a receiving stream from a specific outlet. NPS pollution sources are diffuse and may be a result of runoff, precipitation, atmospheric deposition, drainage, seepage, or hydrological modification.

~~*"Onsite wastewater treatment system," "onsite treatment system" or "onsite system" means the same as "private sewage disposal system" as defined in 567—subrule 69.1(2).*~~

Commented [8]: Onsite system definition has been replaced with PSDS definition.

“POTW” means publicly owned treatment works as defined in [Section 212 of the CWA Clean Water Act](#).

“Private sewage disposal system” or “PSDS” is defined in [567—subrule 69.1\(2\)](#). For the purposes of this chapter, “PSDS” means the same as “onsite wastewater treatment system” or “onsite system.”

“Project completion” means the date the final loan certificate is signed by the recipient.

“Quasi-public agency” means an agency that provides public services and is under private ownership or control.

“Sponsored project” is defined in [Iowa Code Supplement section 455B.199](#).

“State project priority list” or “PPL” means the list of projects in priority order that may qualify for CWSRF loan assistance. The list is developed in accordance with [567—Chapter 91](#).

90.3(2) Abbreviations. In addition to the abbreviations in [567—Chapter 40](#), the following abbreviations are applicable to this chapter:

<u>Abbreviation</u>	<u>Meaning</u>
AFO	animal feeding operation
BMP	best management practice
EPA	U.S. Environmental Protection Agency
GNS	general nonpoint source
LWQP	livestock water quality linked-deposit program
LWWP	local water protection project linked-deposit program
MMP	manure management plan
NRCS	USDA Natural Resource Conservation Service
NMP	nutrient management plan
OSWAP	onsite wastewater assistance linked-deposit program
SWCD	soil and water conservation district
USDA	U.S. Department of Agriculture
WPC	water pollution control

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

~~567—90.3(455B)-90.2(3) Forms.~~ The following forms are used to apply for assistance and to provide required documentation. All CWSRF forms may be obtained from [the department’s State Revolving Fund section and Department of Natural Resources, 401 SW 7th Street, Suite M, Des Moines, Iowa 50309](#). Forms may also be downloaded from [www.iowasrf.com](#). Recipients of assistance shall ~~also~~ comply with [the applicable requirements of the department’s rules](#).

~~90.3(1) POTW water pollution control project forms.~~

~~a. Application package—Form 542-1320.~~

~~b. Reserved.~~

~~90.3(2) General nonpoint source project forms.~~

~~a. Application form for loan assistance—Form 542-8156.~~

~~b. Reserved.~~

~~90.3(3) Onsite wastewater treatment assistance forms.~~

~~a. Application form for loan assistance—Form 542-8045.~~

~~b. Reserved.~~

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

These rules are intended to implement [Iowa Code sections 455B.291 to 455B.298 and ~~2009 Iowa Code Supplement section 455B.199~~](#)

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

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

[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]

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(455B) Statutory authority, purpose, and general policy.

90.1(1) Statutory authority. 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 by 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 CWA. 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]

90.1(2) 567—91.3(455B) Purpose. The Clean Water Act requires that all uses of CWSRF funds are prioritized. This chapter provides identifies the definitions, forms, general project and program administration rules, criteria for loan eligibility, and 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 selection criteria, methods for selecting projects or programs for loans, and the extent to which these policies must be described in the IUP are required by 40 CFR §35.3150.
[ARC 8596B, IAB 3/10/10, effective 4/14/10]

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.

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.

90.7(1) 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.

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

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

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

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

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

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

Commented [7]: Moved to new 90.14.

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 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
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 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 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 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 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 Use support level of designated uses (score all applicable uses) Class A, Class B, Class C, Class HH	
Aquatics or fish consumption or drinking water	
Fully supported	5
Partially supporting	10
Not supported	15
Not assessed	7
Recreation	
Fully supporting	5
Partially supporting	10
Not supporting	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) ~~Project category type.~~ *For* 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. CSO 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	40
Category VII-E. Groundwater protection (unknown sources)	20
Category VII-F. Marinas	40
Category VII-G. Resource extraction	40
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)Reeveled 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 which address ing 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 Category Type + 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]~~
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~~[Filed ARC 8596B (Notice ARC 8312B, IAB 11/18/09), IAB 3/10/10, effective 4/14/10]~~

CHAPTER 92
CLEAN WATER STATE REVOLVING FUND

~~567—92.1(455B) Statutory authority.~~ The authority for the Iowa department of natural resources to administer the clean water state revolving fund (CWSRF) to assist in the construction of wastewater treatment facilities and water pollution control projects is provided by Iowa Code sections 455B.291 to 455B.299.

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

~~567—92.2(455B) Scope of title.~~ The department has jurisdiction over the surface water and groundwater of the state to prevent, abate and control pollution. As a part of that general responsibility, the department and the Iowa finance authority are jointly delegated the administration of: (1) the clean water state revolving fund (CWSRF) to assist in water pollution prevention and abatement and water quality protection projects pursuant to the Clean Water Act, and (2) the drinking water facilities revolving loan fund (DWSRF) described in 567—Chapter 44. A project must comply with this chapter to be eligible for a CWSRF loan. This chapter provides the general rules of practice for the department's administration of the CWSRF program, including the criteria for loan eligibility, and the general project and program administration rules. Definitions provided in 567—Chapter 90 apply to this chapter.

Commented [2]: Now in new 90.1(1)

Commented [3]: Now in new 90.1(7).

Commented [4]: Now in new 90.1(2) Purpose.

~~Section 603(e) of Title VI of the Clean Water Act allows the use of state revolving funds to assist municipalities to construct publicly owned treatment works and to implement a nonpoint source pollution management plan as provided for in Section 319 of the Clean Water Act. Nonpoint source water quality programs are described in 567—Chapter 93.~~

Commented [5]: Now in new 90.1(2) Purpose.

~~Water pollution control projects that provide the best water quality improvements or protection based on the rating system and are ready to proceed are to be funded. This chapter provides for the general rules of practice for the department's administration of the CWSRF program based on this principle.~~

Commented [6]: Now in new 90.1(7) Project determination.

~~567—92.3 Reserved.~~

~~567—92.4(455B) General policy.~~ Loans of up to 100 percent of the eligible costs of water pollution control projects will be made available pursuant to the requirements of these rules, rules established by the authority, and Title VI of the Clean Water Act.

Commented [7]: Now in 90.1(4), Program funding.

~~90.1(3)92.4(1) Administration.~~ The department, in conjunction with the authority, has been delegated the responsibility of administering the CWSRF program described in this chapter and the DWSRF program described in 567—Chapter 44. The director may coordinate with the authority under the terms of an interagency agreement entered into pursuant to Iowa Code chapter 28E.

The department may enter into agreements with other private, public or quasi-public agencies to assist with the implementation of the CWSRF program.

~~90.1(4)92.4(2) Program funding.~~ The commission shall set funding targets for point source and NPS activities and adjust the fundable project list to ensure that the short- and long-term goals of the IUP are achieved. It is the intent of the commission to reserve a portion of the CWSRF funds to provide for the purpose of making low-interest loans for NPS WPC projects. The amount for each NPS program will be determined in the IUP. Loans of up to 100 percent of the eligible costs of WPC projects will be made available pursuant to these rules, rules established by the authority, and Title VI of the CWA.

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Commented [9]: Moved from old 93.3 Purpose.

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~~92.4(2)92.4(3) Set aside funding.~~ Consistent with the pollution sources identified in the department's nonpoint source management program, set asides will be used to target assistance to nonpoint source activities that are contributors of pollutants to Iowa's waters. Set asides will be used for assisting construction of water pollution control facilities for livestock operations, local water protection projects, onsite wastewater management systems and general nonpoint source projects. The amount for each nonpoint source program will be determined in the intended use plan.

~~90.1(8)92.4(3) Decisions.~~ Decisions of department staff are final unless the recipient files a written petition for review with the director. The petition must be addressed to the director and clearly state the decision in question and the basis for the requested review. The recipient has the right to appeal a decision to the commission pursuant to Iowa Code chapter 17A or to the state court.

~~92.4(4) Reserved.~~

~~90.1(7)92.4(5) Fundable pProject determination.~~ A project must comply with this chapter to be eligible for a CWSRF loan. The department shall use a priority rating system to rate eligible projects for funding. An eligible

Commented [11]: Moved from old 91.3 Purpose and old 92.2 Scope of title.

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~~project may be either a point source project or an NPS project or activity. CWSRF assistance will be available to projects in priority order. Additional rating criteria for NPS activities will be established in the IUP and circumstances for use are described in 90.14(1). Projects or activities qualifying for CWSRF assistance shall be identified in the IUP on the state PPL, developed pursuant to this chapter, and only those projects or activities on the state project priority list developed pursuant to 567 Chapter 91 may be considered fundable. WPC projects that provide the best water quality improvements or protection based on the rating system and are ready to proceed are to be funded. CWSRF assistance will be available to point source projects in priority order. Funding for nonpoint source activities will be established in the intended use plan.~~

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~~90.1(5)92.4(6) State capitalization grant. The CWA Clean Water Act authorizes the Environmental Protection Agency (EPA) to offer capitalization grants to states for use in a revolving fund loan program. A portion of the capitalization grant, as allowed by Title VI of the CWA Clean Water Act, will be used to administer the CWSRF program.~~

~~90.1(6)92.4(7) Federal funding coordination. Projects may use CWSRF funds to complete the financing of projects partially funded by other federal programs, such as Environmental Quality Incentives Program and Community Development Block Grants.~~

~~90.1(9) Public Participation. 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.~~

Commented [17]: Moved from old 91.3 Purpose.

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

~~567—92.5 Reserved.~~

~~567—92.6(455B) Intended use plan management.~~

~~567—90.3(455B) 92.6(1) Intended use plan IUP preparation.~~

~~90.3(1) a.—Development. The department shall prepare an intended use plan (IUP) at least annually and on a quarterly basis as needed. The IUP will be subject to a public participation hearing and approved by the commission.~~

~~90.3(2) b.—Notification. A public hearing process is included in part of the IUP adoption process to provide opportunity for public participation. A notice is published that in a newspaper of general circulation prior to the public hearing. A general notice is also made to all applicants and interested agencies and organizations. The notice explains the purpose of the IUP and how additional information may be obtained. All materials relating to the IUP will be posted at www.iowasrf.com.~~

~~90.3(3) c.—Comments. Comments regarding the proposed IUP will be accepted during the notice period, at the public hearing, and in writing for five business days following the public hearing. After evaluation of all pertinent comments, the IUP will be revised, if necessary, and recommended for commission approval by the environmental protection commission (EPC). Subsequent approval by the commission EPC will establish the IUP to be used for loan assistance.~~

~~567—90.4(455B) IUP contents, 92.6(2) Contents.—The IUP will identify the anticipated uses of loan funds available for that fiscal year and will include the following information:~~

~~90.4(1) a.—State project priority list PPL. The state project priority list PPL contains the projects and set asides eligible for CWSRF direct loans. The PPL state project priority list will include, for POTW projects, the name of the eligible applicant, any applicable NPDES permit number and the projected amount of loan assistance. For nonpoint source set asides, the IUP will include the name of the program and amount set aside.~~

~~b.—Fundable list. The fundable list includes projects scheduled for loans from funds available during the fiscal year. Projects will be considered in priority order for placement on the fundable list. Subsequent segments of a project which has been awarded financial assistance for Category I and Category II needs will be placed on the fundable list ahead of other new projects whose schedules also would allow funding during the fiscal year. The fundable lists of POTW projects and nonpoint source set asides shall be listed in priority order and shall include the need category(ies) of the projects.~~

~~a. The department will consider the following in developing the list of fundable projects for the IUP intended use plan:~~

- ~~(1) How the project conforms to the short- and long-term goals of the CWSRF;~~
- ~~(2) The priority rating of the POTW project;~~

(3) Whether a POTW project will be ready to proceed on a schedule consistent with time requirements for outlay of funds;

(4) Whether the proposed project addresses the need upon which the eligible entity's priority is based;

(5) The funds available, department priorities, and the department's administrative capacity ~~of the department~~; and

(6) The applicant's conformance to process guidelines provided by the department.

b. The PPL will be reviewed at least annually or quarterly as needed to update schedules and project cost estimates.

90.4(2) Priority for loan assistance. A fundable project must be technically and administratively complete. A community is responsible for complying with the technical procedures for facility planning and preparation of plans and specifications, including department approval of those documents.

90.4(3) Notification of revisions. The department will notify, in writing, all communities that are removed from or placed on an approved fundable list based on revisions.

90.4(4) Special considerations. Exemptions to the point source rating criteria may be considered by the department, and funding variances may be granted by the commission for projects that have unique or unusual circumstances but that do not logically fit into the criteria. The commission may grant interest rate reductions or other favorable loan incentives to applicants that sponsor a project that improves the quality of the water in the watershed where a city water or wastewater facility is located.

e. Contingency list. A contingency list will be included so that POTW projects on the contingency list could become fundable should a fundable project not proceed in a timely manner.

90.4(5) Additional contents. The IUP will also include:

da. Goals. The IUP will include ~~t~~The long- and short-term goals of the CWSRF;

eb. Supported activities. The IUP will include ~~i~~Information on the types of activities to be supported by the CWSRF. The IUP will identify requests for planning and design loans and funds to be directed to ~~the~~NPS programs; ~~set asides to implement Iowa's nonpoint source management program.~~

fc. Assurances. The IUP will include ~~a~~Assurances and specific proposals on how the state intends to meet ~~the~~ requirements of the ~~o~~Operating ~~a~~Agreement between the state of Iowa and the ~~U.S.~~EPA;

gd. Rates, terms and fees. Loan interest rates and terms, interest rates and terms for linked deposit programs, and loan origination fees and servicing fees; ~~and~~ will be established in the IUP.

hg. Amendments. The IUP will include ~~t~~The method to be used by the department if the IUP is amended.

i. Consistency with water quality management plans. Projects must be consistent with any Iowa water quality management plans in order to be considered for inclusion on the state project priority list.

92.6(3) Priority for loan assistance. A fundable project must be technically and administratively complete. A community is responsible for complying with the technical procedures for facility planning and preparation of plans and specifications, including department approval of those documents.

92.6(4) Annual update. The state project priority list will be reviewed at least annually or quarterly as needed to update schedules and project cost estimates.

92.6(5) Notification of revisions. The department will notify, in writing, all communities that are removed from or placed on an approved fundable list based on revisions.

92.6(6) Special considerations. Exemptions to the point source rating criteria may be considered by the department, and funding variances may be granted by the commission for projects that have unique or unusual circumstances but that do not logically fit into the criteria. The commission may grant interest rate reductions or other favorable loan incentives to applicants that sponsor a project that improves the quality of the water in the watershed where a city water or wastewater facility is located.

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

567—~~90.592.7(455B)~~ Point source project procedures.

92.790.5(1) Application forms. An applicant may request an application package from the department. An applicant shall complete the application for placement on the IUP, and shall provide documentation on the project, and submit the application package to the department. Forms may be downloaded obtained from the State Revolving Fund, Iowa Department of Natural Resources, 401 SW 7th Street, Suite M, Des Moines, Iowa 50309. Forms may also be downloaded from www.iowasrf.com.

Commented [18]: New 90.4(1)"b" - moved from old 92.6(4).

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Commented [20]: New 90.4(3) - moved from old 92.6(5).

Commented [21]: New 90.4(4) - moved from old 92.6(6).

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~~90.592.7(2)~~ *General requirements.* ~~In addition to completing the IUP application and providing documentation required in 92.7(1), the applicant must include T~~ the following items must be included in a complete CWSRF application for point source projects:

a. ~~Three copies of the facility plan. The A~~ facility plan that conforms to the IWFDS and is shall be certified by a professional engineer licensed to practice in Iowa ~~and shall be in conformance with Chapter 11 of the Iowa Wastewater Facilities Design Standards (567—paragraph 64.2(9)“b”);~~

- b. A schedule for submission of plans and specifications for the project; and
- c. A project construction schedule.

~~90.592.7(3)~~ *Timing.*

a. ~~All POTW project~~ applications received by the department for eligible projects will be scored given a score using the rating criteria in rule 567—90.7(455B) ~~567—Chapter 91~~ and will be placed on the PPL state project priority list. Applications may be submitted on an ongoing basis and will be reviewed in accordance with the schedule in the IUP.

b. Applications received after ~~the drafting of the IUP~~ is drafted will not be placed on the PPL state project priority list but will be considered for loan assistance when the next IUP is prepared.

~~90.592.7(4)~~ *Project initiation conference.* The department may require an the applicant or their applicant's representative to meet with a location designated by the department. If required, ~~t~~he eligible applicant's official representative (and usually the applicant's consultant) will meet with the department to discuss:

- a. CWSRF program policies, procedures, and guidelines;
- b. Allowable costs;
- c. Wastewater treatment alternatives and technologies;
- d. Environmental impacts and review considerations;
- e. Public participation;
- f. Scheduling; and
- g. Other information as needed.

~~90.592.7(5)~~ *Review criteria for point source projects.* The department shall review CWSRF applications from eligible applicants and verify the following items:

- a. The project is on the PPL state project priority list;
- b. The applicant has prepared an adequate facility plan report;
- c. The project will be in conformance with any applicable areawide water quality management plans;
- d. The applicant has adopted or will adopt an acceptable user charge system;
- e. The applicant has demonstrated its ability to provide the necessary legal, institutional, managerial, and financial capability to ensure adequate construction, operation and maintenance. If the department has reasonable grounds to believe that an applicant's wastewater treatment facilities are not viable, the department may require the applicant to submit management and financial plans as prescribed in Iowa Code section 455B.174; and
- f. The applicant has provided an acceptable project schedule for project initiation and completion.

~~90.592.7(6)~~ *Allowable and unallowable costs.* Allowable costs shall be limited to those eligible costs deemed necessary, reasonable, and directly related to the efficient completion of the project. Unallowable costs include, but are not limited to, the following:

- a. Cost of service lines and in-house plumbing;
- b. Administrative costs of the recipient;
- c. Purchase of vehicles and tools;
- d. Land purchase and easement or rights-of-way costs, except as authorized under the CWA Clean Water Act;
- e. Pretreatment program development costs, unless required by federal regulations; and
- f. Operation and maintenance costs.

~~90.592.7(7)~~ *Audit and inspection.* The recipient shall provide access at all times for the department, the authority, the state auditor, and the U.S. EPA Office of the Inspector General to all project records and documents for inspection and audit purposes for a period of three years after the date of last loan payment. The same access to the project site(s) shall be provided for inspection purposes.

~~92.7(8)~~ *Cross cutting laws.* ~~Other federal and state statutes and programs may affect a CWSRF project.~~

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

567—90.692.8(455B) Point source project requirements. All wastewater treatment system projects receiving assistance from the CWSRF which entered into binding loan commitments on or after October 1, 1994, and did not initiate construction of the projects in whole or in part prior to October 1, 1994, shall meet the following requirements:

90.692.8(1) Planning. The planning phase of a project consists of those necessary plans and studies ~~that~~ which directly relate to ~~a facility's~~ a facility's needs to comply with enforceable requirements of the ~~CWA~~ CWA Clean Water Act and state statutes. This phase consists of a systematic evaluation of ~~feasible~~ feasible alternatives ~~that are feasible~~ considering the unique demographic, topographic, hydrologic, and institutional characteristics of the planning area. Facilities planning must support selection of the proposed alternative. The planning phase must include the following:

a. Facility plan. The facility plan must contain a description of the proposed project and the complete system of which it is a part. The facility plan must be prepared in accordance with Chapter 1+ of the IWFDS Iowa Wastewater Facilities Design Standards and meet the applicable provisions of this subrule.

b. Environmental review. Loan recipients shall conduct environmental review of projects using procedures in 40 CFR Part 6, September 19, 2007, July 1, 2002, as a part of facility planning. ~~An~~ The applicant should work with the department as early as possible in the facilities planning process to determine if the project qualifies for a categorical exclusion from 40 CFR Part 6 requirements or whether a finding of no significant impact is required. In conjunction with the facility planning process as described in 40 CFR §35.2030(c), December 19, 2014, July 1, 2002, a potential applicant may request formal determination under 40 CFR Part 6. All of 40 CFR Part 6, September 19, 2007, July 1, 2002, pertaining to Procedures for Implementing the Requirements of the Council on Environmental Quality of the National Environmental Policy Act, is hereby adopted by reference and incorporated herein. However, all references to the EPA ~~U.S. Environmental Protection Agency~~ as performing acts or reviews shall be substituted with references to the department for the purposes of this chapter.

90.692.8(2) Point source project design and construction. The project design and construction phase must include all of the following:

a. Recipient capability. The recipient must demonstrate to the department that it has the legal, institutional, managerial, and financial capability to ensure adequate construction, operation and maintenance of treatment works.

b. Disadvantaged business enterprise (DBE). The recipient must comply with the requirements of DBE participation as found in 40 CFR Parts 30, 31, 33, 35 and 40, May 19, 2022, March 26, 2008.

c. Site. When it is necessary to acquire ~~that~~ real property ~~be acquired~~ as part of the project and within the project period, the recipient may be required to submit documentation of the acquisition, including the legal description, the date the property was acquired, and an appraisal report from ~~by~~ a qualified appraiser. If required, submittal to the department shall ~~is to~~ occur prior to contract award.

d. Project changes. Prior to the final loan disbursement, the recipient must submit to the department for approval all modifications to the project, including changes to the plans and specifications and changes in the contract (change orders). The recipient is responsible for any costs or actions necessary should the changes be implemented prior to departmental review and subsequently found to be unapprovable.

e. State inspections. ~~Personnel of the~~ Department ~~personnel~~ shall have the right to examine all construction aspects of the project, including materials and equipment delivered and stored on site for use on the project.

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

These rules are intended to implement Iowa Code sections 455B.291 to 455B.299.

{Filed emergency 9/26/88 — published 10/19/88, effective 9/26/88}

{Filed 7/19/91, Notice 5/15/91 — published 8/7/91, effective 9/11/91}

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{Filed 5/1/98, Notice 2/11/98 — published 5/20/98, effective 6/24/98}

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{Filed 5/24/02, Notice 11/14/01 — published 6/12/02, effective 7/17/02}

{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}

CHAPTER 93
NONPOINT SOURCE POLLUTION CONTROL PROGRAMS

~~567—93.1(455B,466) Statutory authority.~~ The authority for the Iowa department of natural resources to administer the clean water state revolving fund (CWSRF) to assist in the construction of wastewater treatment facilities and water pollution control projects is provided by Iowa Code sections 455B.291 to 455B.299.

~~567—93.2(455B,466) 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 delegated the administration of the CWSRF. Definitions provided in ~~567—Chapter 90~~ apply to this chapter.

~~567—93.3(455B,466) Purpose.~~ Iowa's nonpoint source management plan identifies several sources of nonpoint source pollutants. In addition to assisting publicly owned treatment works, it is the intent of the commission to set aside a portion of the CWSRF for the purpose of making low interest loans for nonpoint source water pollution control projects. ~~Four separate set asides are identified as follows:~~

~~93.3(1) Onsite wastewater treatment and disposal systems set aside.~~ The purpose of this set aside is to assist homeowners to rehabilitate or improve existing onsite wastewater treatment and disposal systems.

~~93.3(2) Livestock water quality facilities set aside.~~ The purpose of the set aside is to assist owners of existing animal feeding operations to meet state and federal requirements or to prevent, minimize or eliminate water pollution. Projects may be selected using the rating and ranking process in ~~567—Chapter 91.~~

~~93.3(3) Local water protection project set aside.~~ The purpose of the set aside is to assist local water protection projects that will provide water quality improvement or protection. Projects may be selected using the rating and ranking process in ~~567—Chapter 91.~~

~~93.3(4) General nonpoint source project assistance set aside.~~ The purpose of the set aside is to assist general nonpoint source projects that will provide water quality improvements or water quality protection. This set aside allows for funding of the water quality protection portion of nontraditional projects. Projects may be selected using the rating and ranking process in ~~567—Chapter 91.~~

~~[ARC 8596B, IAB 3/10/10, effective 4/14/10; ARC 1336C, IAB 2/19/14, effective 3/26/14]~~

~~567—90.10~~~~93.4(455B,466) NPS project procedures—Onsite wastewater system assistance linked-deposit program (OSWAP).~~ The purpose of the OSWAP is to assist homeowners to rehabilitate or improve existing PSDSs.

~~90.10~~~~93.4(1) Eligibility conditions and restrictions~~~~Onsite wastewater system assistance program.~~ Assistance under the ~~OSWAP~~ onsite wastewater treatment system assistance program shall be in the form of low-interest loans made by participating lending institutions through a linked deposit arrangement with the CWSRF. The following eligibility conditions and restrictions apply to such assistance.

a. *Location restrictions.* Assistance is available for the improvement or rehabilitation of PSDSs onsite wastewater treatment systems serving homes that ~~are~~ not have a ~~connect~~ion to a POTW publicly owned treatment works.

b. *County eligibility.* Assistance shall be provided only for systems located in counties that have an environmental health program meeting minimum standards for onsite sewage systems that meets the requirements of ~~567—Chapter 69~~ for PSDSs. The department shall maintain for public record a list of all counties meeting such standards. At a minimum, counties shall must carry out statutory responsibilities as provided in Iowa Code section 455B.172 and as well as provide for the following measures. The department will adopt guidance in cooperation with county boards of health to evaluate the adequacy of county programs.

(1) Proper ~~s~~Site evaluations to determine the appropriate design and size of PSDSs onsite wastewater treatment systems prior to permitting and installation.

(2) Inspection of PSDSs onsite systems by a qualified inspector at the time of renovation or construction.

(3) Enforcement of existing monitoring requirements, in accordance with rule 567—69.2(455B), for existing, permitted onsite systems with secondary treatment which discharge aboveground, such as those authorized by NPDES General Permit No. 4 in rule 567—64.6(455B).

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(34) Assurance of regular system maintenance and monitoring for the life of the loan ~~for those systems receiving assistance under the onsite wastewater systems assistance program.~~

c. *Eligible project costs.* The amount of assistance available shall be limited to the total costs deemed necessary, reasonable, and directly related to the repair, rehabilitation, or replacement of a PSDS onsite treatment system needed to meet state or local standards for onsite systems. Eligible costs include all costs directly related to the design, permitting and construction of an onsite wastewater treatment system.

d. *Applicant eligibility.* Assistance is limited to applicants who meet the applicable provisions of 567—Chapter 69 and all other local provisions for the siting and construction of PSDS onsite wastewater treatment and disposal systems.

e. *Project eligibility.* Assistance can be provided only for the repair, rehabilitation, or replacement of existing PSDS onsite wastewater treatment and distribution systems. Assistance is not available for new housing. A system serving an equivalent of 16 individuals or more (with an average daily flow of 1500 gallons or more) is considered a public system (requiring permitting by the DNR) and is not eligible under this program.

90.1093.4(2) Applying for assistance.

a. Prior to applying for a loan from a participating lending institution, an eligible individual or entity must demonstrate appropriate permitting ~~receive approval of the proposed improvements~~ from the county in which the PSDS onsite wastewater treatment system is located.

b. Application for assistance ~~project approval~~ shall be made on forms provided by the department or its agent. Forms may also be downloaded from www.iowasrf.com.

ca. ~~County requirements for individual applicants.~~ Applications for assistance ~~County approval forms~~ shall include:

(1) A description of the type and general specifications of the proposed work;

(2) ~~Project cost estimate(s).~~

(3) ~~A proposed construction schedule.~~

b. ~~County requirements for cluster system applicants.~~ County applications for cluster systems using onsite technology must include:

(1) A description, if available, of each participating property owner's current onsite wastewater treatment system, including a discussion of existing and potential problems or failures in the current treatment scheme.

(2) An estimate of the population and number of households to be served; and-

(3) ~~A rationale for the proposed design of the new treatment system.~~

(34) ~~DA~~ descriptions of the system maintenance and monitoring management entity and program.

90.1093.4(3) County review and approval.

a. The county shall review applications to determine if a project ~~the proposed work~~ meets the applicable provisions of 567—Chapter 69 and all other relevant local provisions for the siting and construction of PSDS onsite wastewater treatment and distribution systems.

b. For proposed projects that meet relevant criteria, the county shall issue a permit or certificate. The county permit or certificate shall be accompanied by a cost estimate and proposed construction schedule.

c. A county may deny an application for reasons of noncompliance with applicable state and local criteria. Written notification of the denial shall be provided to the applicant and shall state the reason(s) for denial ~~that the application was denied.~~

90.1093.4(4) Eligible costs. All costs directly related to the design, permitting, construction, and financing of a PSDS the onsite wastewater treatment system are eligible for loans. Eligible costs include the removal of existing structures, such as abandoned septic tanks, earth moving, or any land purchases directly related to proper wastewater treatment.

90.1093.4(5) Ineligible costs. Costs for additional earthwork, reseeding, replanting, or any other aesthetic improvements are not eligible. Maintenance or monitoring costs will not be allowed as part of the loan.

90.1093.4(6) Recipient record-keeping. The loan recipient shall:

a. ~~maintain~~ Maintain adequate records that document all costs associated with the project;

b. The loan recipient shall agree to provide access to these records to the department, the state auditor, the EPA SRF project manager, and the EPA Office of the Inspector General; and ~~at the Environmental Protection~~

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Agency.

~~c. The loan recipient shall r~~etain all project records and documents for inspection and audit purposes for a period of three years from the date of the final loan payment.

~~90.1093.4(7) Site access.~~ The loan recipient shall:

~~a. agree to p~~rovide the department and the administrative authority access to the construction site to verify that the loan was used for the purpose intended and that the constructed works meet applicable state and local environmental requirements and ordinances for ~~PSDSs; and onsite wastewater treatment systems.~~

~~b. The loan recipient also shall agree to p~~rovide access to the onsite system for periodic monitoring by the department and administrative authority, at times mutually agreed upon with the system owner, for the duration of the loan.

~~90.1093.4(8) Priority allocation of funds and IUP intended use plan.~~ The department shall, ~~in the annual IUP~~ on an annual basis, ~~describe~~ prepare a plan describing the amount of funding available for loans under the ~~OSWAP~~ program for the coming state fiscal year. ~~The plan shall also identify those counties qualified to participate in the program and provide an estimate of the loan funds needed in those counties within the coming year. To the extent that the pool of funds available for lending involves funds controlled by Title VI of the federal Clean Water Act, this plan shall be incorporated into the annual intended use plan authorized in 567—Chapter 92.~~

~~90.1093.4(9) Targeted assistance.~~ The department may ~~budget set aside~~ a portion of the annual available funds identified in the IUP for financing ~~PSDSs onsite wastewater treatment systems~~ in targeted areas. Such targeted areas may include impaired watersheds, high-density housing areas, agricultural drainage areas, or other environmentally sensitive or degraded areas where the repair and rehabilitation of ~~PSDSs onsite wastewater treatment systems~~ are needed to preserve and protect water quality. The annual ~~IUP intended use plan~~ shall specify the need for targeted assistance, the areas covered, and the estimate of funds needed to address the water quality problems.

[ARC 8596B, IAB 3/10/10, effective 4/14/10; ARC 1336C, IAB 2/19/14, effective 3/26/14]

~~567—90.1193.5(455B) NPS project procedures—l~~ivestock water quality ~~linked-deposit program (LWQP) facilities requirements.~~ ~~The purpose of the LWQP is to assist owners of existing AFOs to meet state and federal requirements or to prevent, minimize, or eliminate water pollution.~~

~~90.1193.5(1) Eligibility conditions and restrictions; Livestock water quality facilities assistance.~~ Assistance shall be in the form of low-interest loans made by participating lending institutions through a linked deposit arrangement with the CWSRF. ~~The following eligibility conditions and restrictions for participation apply to such assistance.~~

~~a. Eligible project costs.~~ All costs directly related to the design, permitting, construction, and financing of the ~~WPC water pollution control~~ facilities are eligible. The amount of assistance available shall be limited to the total costs deemed necessary, reasonable, and directly related to the facilities required to provide ~~WPC water pollution control~~ as required by the department or to prevent, minimize, or eliminate water pollution.

~~b. Applicant eligibility.~~ Assistance is limited to livestock producers operating ~~animal feeding operations (AFOs)~~ according to federal law. Concentrated ~~AFO animal feeding operations,~~ as defined in ~~40 CFR CRE §Section 122.23,~~ are not eligible.

~~(1) Loans will be made only to livestock producers that are operators of record or have legal control of the property containing the AFO animal feeding operation for the duration of the loan.~~

~~(2) The department has the discretion to deny applications for producers if:~~

~~1. if the department~~ has issued an administrative order to the producer pursuant to ~~Iowa Code section 455B.175.~~

~~2. if the department~~ it notifies the producer in writing of intent to recommend referral or the commission refers the action to the attorney general pursuant to ~~Iowa Code section 455B.175,~~ or

~~3. if the attorney general has commenced legal proceedings against the producer pursuant to Iowa Code section 455B.112.~~

~~c. Eligible projects.~~ The ~~WPC water pollution control~~ facilities considered eligible for assistance include: manure storage structures, solids settling basins, composting facilities and equipment, lagoons (including fencing), portions of feeding floors or loafing areas used for waste collection, water and sediment control basins,

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vegetative filters or buffers, surface water diversion structures, agitation or transfer pumps, dry bedded confinement feeding operation buildings or structures pursuant to ~~the Iowa Code~~ ~~chapter 459B~~ when all or part of an open feedlot is replaced, and other practices shown to improve or protect water quality. Replacement ~~AFO~~ ~~animal feeding operations~~ may be eligible where an existing ~~AFO~~ ~~animal feeding operation~~ is eliminated to prevent a water quality impairment or mitigate a documented impairment. Engineering or technical service fees associated with the aforementioned practices are also eligible. A one-time purchase of attachments integral to the manure management system, such as blades, buckets, choppers, or spreaders, may be eligible at the time that an open feedlot is replaced with a dry bedded confinement building.

d. Funding formula.

(1) Loans for water quality projects for facilities being expanded by an increase in the animal unit capacity shall be funded according to the following formula:

Existing animal unit capacity/new animal unit capacity × total eligible project cost × 1.5 = maximum linked deposit amount

Example: 450 AUC / 900 AUC × \$500,000 × 1.5 = \$375,000

Example: 300 AUC / 600 AUC × \$300,000 × 1.5 = \$225,000

Example: 50 AUC / 900 AUC × \$500,000 × 1.5 = \$41,666

(2) If existing areas in open feedlots are kept open where some pens are replaced and the operation is expanded through the addition of a dry bedded confinement feeding operation building, the remaining open lot areas must comply with ~~567—65.101(459A)~~.

~~90.1193.5(2)~~ *Applying for assistance.* Application for project approval shall be made on forms provided by the department or its agent. Forms may ~~also~~ be downloaded from www.iowasrf.com.

~~90.1193.5(3)~~ *Project review and approval.*

~~a.~~ *Prior to receiving assistance, the a* ~~Applications~~ ~~nt~~ shall ~~be~~ ~~submitted~~ ~~an~~ ~~application~~ to the local ~~soil and water conservation district~~ ~~SWCD~~. The ~~local SWCD~~ ~~district~~ will evaluate the application, provide an estimated cost, and certify that the practice is eligible and compatible with state water quality goals.

~~b.~~ All practices must comply with ~~567—Chapter 65~~ and shall be constructed to applicable USDA ~~Natural Resource Conservation Service (NRCS)~~ standards. NRCS staff or another technical service provider shall attest that the practice will be constructed to these specifications and standards.

~~90.1193.5(4)~~ *Project Duration of the project.* The project is to be maintained, kept in place, or operated as proposed for the life of the loan. If an open lot is closed and replaced with an eligible replacement facility, the department or ~~its~~ ~~department's~~ agent shall place a restrictive covenant that prohibits the operation of an open feedlot at the ~~replacement~~ ~~site~~ ~~being~~ ~~replaced~~ for the life of the loan. The site or portion of the site that may not house animals shall be defined by the local ~~SWCD~~ ~~soil and water conservation district~~.

~~90.1193.5(5)~~ *Manure management plan (MMP) required.* The livestock producer shall have ~~an MMP~~ ~~a~~ ~~manure management plan~~ that ~~meets~~ ~~fits~~ the requirements of ~~567—65.17(459)~~, a nutrient management plan ~~NMP~~ as defined in ~~567—65.112(459A)~~, or a comprehensive ~~NMP (CNMP)~~ ~~nutrient management plan~~ ~~as~~ ~~defined~~ ~~by~~ ~~the~~ ~~NRCS~~, to be eligible for the loan or, as part of the loan, develop ~~an MMP~~ ~~manure management plan~~, ~~NMP~~ ~~nutrient management plan~~, or ~~CNMP~~ ~~comprehensive nutrient management plan~~.

~~a.~~ Costs for development of ~~an MMP~~ ~~manure management plan~~, ~~NMP~~ ~~nutrient management plan~~, or ~~CNMP~~ ~~comprehensive nutrient management plan~~ are eligible costs.

~~b.~~ Costs for updating ~~an MMP~~ ~~manure management plan~~, ~~NMP~~ ~~nutrient management plan~~, or ~~CNMP~~ ~~comprehensive nutrient management plan~~ are eligible costs if required for the implementation of a water quality project financed through the ~~LWQP~~ ~~livestock water quality facilities program~~.

~~90.1193.5(6)~~ *Ineligible costs.* Costs for development of a new AFO ~~as defined in 567—90.2(455B)~~ are ineligible. Other ineligible costs include but are not limited to ~~the following~~:

~~a.~~ ~~e~~ ~~Costs~~ ~~for~~ ~~water~~ ~~pollution~~ ~~control~~ ~~facilities~~, ~~including~~ ~~the~~ ~~design~~, ~~permitting~~, ~~construction~~ or ~~financing~~, ~~that~~ ~~of~~ ~~WPC~~ ~~facilities~~ ~~that~~ ~~would~~ ~~allow~~ ~~for~~ ~~an~~ ~~AFO~~ ~~the~~ ~~animal~~ ~~feeding~~ ~~operation~~ to expand and become a concentrated ~~AFO~~ ~~animal feeding operation~~;

~~b.~~ ~~e~~ ~~Costs~~ ~~for~~ ~~the~~ ~~purchase~~ ~~of~~ ~~land~~ ~~to~~ ~~be~~ ~~used~~ ~~for~~ ~~application~~ ~~of~~ ~~wastewater~~ ~~or~~ ~~manure~~;

~~c.~~ ~~e~~ ~~Costs~~ ~~for~~ ~~operation~~ ~~and~~ ~~maintenance~~ ~~costs~~; and

~~d.~~ ~~e~~ ~~Costs~~ ~~for~~ ~~refinancing~~ ~~costs~~ ~~for~~ ~~WPC~~ ~~water~~ ~~pollution~~ ~~control~~ ~~facilities~~ ~~constructed~~ ~~prior~~ ~~to~~ ~~approval~~ ~~by~~

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the department or ~~its~~the department's agent.

~~90.1193-5(7)~~ **Recipient record-keeping.** The loan recipient shall:

~~a. #~~Maintain adequate records that document all costs associated with the project;

~~b. The loan recipient shall agree to p~~Provide access to these records to the department, the state auditor, the EPA SRF project manager, and the ~~EPA~~ Office of the Inspector General; ~~and at the Environmental Protection Agency.~~

~~c. The loan recipient shall r~~Retain all project records and documents for inspection and audit purposes for a period of three years from the date of the final loan payment.

~~90.1193-5(8)~~ **Site access.** The livestock producer shall:

~~a. agree to p~~Provide the department and ~~its~~the department's agent access to the construction site to verify that the loan was used for the purpose intended and that the construction work meets the applicable state and federal requirements for ~~AFOs; and animal feeding operations.~~

~~b. The livestock producer also shall agree to p~~Provide the department and ~~its~~the department's agent periodic access to the ~~AFO animal feeding operation~~, pursuant to ~~the~~ biosecurity requirements in ~~567—~~paragraph ~~65.113(9) "b."~~ for the duration of the loan to ensure that the constructed facility is being operated and maintained as designed.

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

~~567—90.1293-6(455B)~~ **NPS project procedures—Local water protection project linked-deposit program (LWPP) requirements.** ~~The purpose of the LWPP is to assist landowners with local water protection projects that will provide water quality improvement or protection.~~

~~90.1293-6(1)~~ **Local water protection project assistance—Eligibility conditions and restrictions.** Assistance under the CWSRF shall be in the form of low-interest loans made by participating lending institutions through a linked deposit arrangement with the CWSRF. ~~The following eligibility conditions and restrictions for participation apply to such assistance.~~

~~a. Eligible project costs.~~ The amount of assistance available shall be limited to the total costs deemed necessary, reasonable, and directly related to the practices required to provide water quality improvements.

~~b. Applicant eligibility.~~ Assistance is available to any person who ~~is an owner of record~~owns or has legal control over land that needs local water protection projects installed to control runoff of sediments, nutrients, pesticides or other ~~NPS~~nonpoint source pollutants into waters of the state. ~~Loans will be made only to persons who are owners of record or persons who have legal control of the property where the local water protection projects are to be installed.~~

~~c. Eligible practices.~~ The ~~LWPP projects~~local water protection practices that are considered eligible include, but are not limited to, contour buffer strips, diversion, fence, field border, field windbreak, filter strips, grade stabilization structure, grassed waterway, pasture and hayland planting, planned grazing system, pond, riparian forest and vegetative buffers, sediment basin, terrace, underground outlet with secondary water quality treatment, waste management system, water and sediment control basin, stream bank stabilization and restoration, and other practices that are shown to improve or protect water quality.

~~90.1293-6(2)~~ **Applying for assistance.** Application for project approval shall be made on forms provided by the department or its agent. Forms may ~~also~~ be downloaded from www.iowasrf.com.

~~90.1293-6(3)~~ **Project review and approval.**

~~a. Prior to receiving assistance, the a~~Applications ~~ant~~ shall ~~be~~ submitted ~~an application~~ to the local ~~soil and water conservation district~~SWCD. The local ~~SWCD~~soil and water conservation district ~~shall~~will evaluate the application, provide an estimated cost, and certify that the practice is compatible with state water quality goals.

~~b. All practices shall be constructed to meet NRCS standards and specifications. The NRCS or another technical service provider shall attest that the practice will be constructed to these specifications and standards.~~

~~90.1293-6(4)~~ **Project Duration-of-the-project.** The project is to be maintained, kept in place, or operated as proposed for the life span of the practice, but in no case for less than the life of the loan.

~~90.1293-6(5)~~ **Eligible costs.** All costs directly related to the implementation of ~~LWPPs~~local water protection projects approved in the memorandum of project approval are eligible costs.

~~90.1293-6(6)~~ **Ineligible costs.** Ineligible costs include costs for overbuilding a practice beyond what is required to maintain or improve water quality and costs for the purchase of land.

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~~90.1293.6~~(7) *Site access.* The applicant shall ~~agree to~~ provide the department or ~~its~~ the department's agent access to the project site to verify that the loan was used for the purpose intended.

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

567—90.13(455B) NPS project procedures-stormwater linked-deposit program. The purpose of this program is to assist private landowners with the construction of stormwater BMPs that will provide water quality improvement or protection.

90.13(1) Eligibility conditions and restrictions. Assistance under the CWSRF shall be in the form of low-interest loans made by participating lending institutions through a linked deposit arrangement with the CWSRF.

a. Eligible project costs. The amount of assistance available shall be limited to the total costs deemed necessary, reasonable, and directly related to the practices required to provide water quality improvements.

b. Applicant eligibility. Assistance is available to any person who is an owner of record or has legal control over land that needs stormwater BMPs installed to control runoff of sediments, nutrients, pesticides, or other NPS pollutants.

c. Eligible practices. Eligible practices include but are not limited to grade stabilization structure, grassed waterway, stormwater wetland, native landscaping, soil quality restoration, riparian forest and vegetative buffers, sediment basin, underground outlet with water quality treatment, stream bank stabilization, bioretention cell, greenroof, and other practices that are shown to improve or protect water quality.

90.13(2) Applying for assistance. Application for project approval shall be made on forms provided by the department or its agent. Forms may be downloaded from www.iowasrf.com.

90.13(3) Project review and approval.

a. Applications shall be submitted to the local SWCD. The local SWCD will evaluate the application, provide an estimated cost, and certify that the practice is compatible with state water quality goals.

b. It is recommended that all practices be constructed to meet Iowa Stormwater Management Manual or NRCS standards and specifications as posted on the department's website at www.iowadnr.gov and the NRCS website at www.nrcs.usda.gov, respectively, as of September 1, 2024. The NRCS or another technical service provider shall attest that the practice is designed to these specifications and standards, or shall attest that the practice is based on these standards and designed with sound engineering principles.

90.13(4) Project duration. The project is to be maintained, kept in place or operated as proposed for the life span of the practice, but in no case for less than the life of the loan.

90.13(5) Eligible costs. All costs directly related to and necessary for the implementation of the stormwater BMP approved in the memorandum of project approval are eligible costs.

90.13(6) Ineligible costs. Ineligible costs include costs for overbuilding a practice beyond what is required to maintain or improve water quality and costs for the purchase of land.

90.13(7) Site access. The applicant shall provide the department or its agent access to the project site to verify that the loan was used for the purpose intended.

567—90.1493.7(455B) NPS project procedures-General nonpoint source project-GNS loan program. The purpose of this program is to assist projects that will provide water quality improvements or water quality protection. This program allows for funding of the water quality protection portion of nontraditional projects

90.14(1) Project Ranking. Projects and activities under NPS project categories VI-B through D, VII-A through K, and XII will all receive a total score of five when placed on the PPL. Once 90 percent of the NPS program funds have been allocated, additional NPS project scoring criteria published in the IUP will be used to rank NPS projects for funding and placement on the PPL. Until that time, the loan assistance is based on a first-come, first-funded concept.

~~90.1493.7(21)~~ *General nonpoint source assistance* **90.14(2) Eligibility conditions and restrictions.** Assistance under the CWSRF ~~general nonpoint source (GNS) program~~ set aside shall be in the form of low-interest loans made directly or by participating lending institutions through a linked deposit or participation arrangement with the CWSRF. The following eligibility conditions and restrictions for participation apply to such assistance.

a. Eligible project costs. The amount of assistance available shall be limited to the total costs deemed necessary, reasonable, and directly related to the facilities or practices required to provide water quality improvements, restoration, or protection. Participation in nontraditional projects where the primary purpose is

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not water quality protection or improvement will be limited to the portion of the project that is directly related to water quality improvement, restoration, or protection.

b. *Applicant eligibility.* Assistance is available to projects for which facilities are needed to protect, restore, or improve water quality from ~~NPS nonpoint source~~ pollution. Only applicants that are owners of record of the property or have long-term control of the property where the project is to be implemented are eligible. In applications where the ~~WPC water pollution control~~ project is a plan or document that will direct water quality protection or improvement efforts, loans will be made to applicants that have the capacity and capability of implementing the plan and repaying the loan.

c. *Project-Eligible projects.* Eligible projects include, but are not limited to, practices to address ~~NPS nonpoint source~~ pollution control needs associated with stormwater treatment and green infrastructure, silviculture, groundwater protection, marinas, resource extraction, brownfield remediation, aboveground and underground storage tanks, sanitary landfills, hydromodification, and watershed planning. Nontraditional ~~NPS nonpoint source~~ projects that may have a water quality protection or improvement component include, but are not limited to, bird sanctuaries and wildlife enhancement projects, vegetative plants, sediment removal and other lake restoration practices, ~~wetland mitigation bank~~ and education programs.

~~90.1493.7(3)~~ *Applying for assistance.* ~~Applications for stormwater and green infrastructure projects shall be submitted to local soil and water conservation districts. Applications for other GNS projects approval shall be made submitted to the department on forms provided by the department at State Revolving Fund, Iowa Department of Natural Resources, 401 SW 7th Street, Suite M, Des Moines, Iowa 50309. Forms may also be downloaded from www.iowasrf.com. Application forms will be provided by the department.~~ Applications shall include an explanation of how the water quality will be protected, improved, or restored by the proposed project. Applications ~~may be submitted on an ongoing~~ will be accepted on a continuous basis ~~and will be reviewed in accordance with the schedule in the IUP.~~

~~90.1493.7(4)~~ *Project review and approval.* The department will evaluate eligibility and project design and provide the applicant a memorandum of approval for the proposed ~~WPC water pollution control~~ project. ~~The department will earmark the set aside funds for the water pollution control projects to be funded.~~

~~90.1493.7(5)~~ *Eligible costs.* All costs directly related to the implementation of the project approved in the memorandum of approval are eligible costs.

~~90.1493.7(6)~~ *Ineligible costs.* Costs for livestock water quality facilities are not eligible under this ~~program set aside~~ and are provided for in ~~rule 567—90.1193.5(455B)~~. Costs for the purchase of land are not eligible costs unless specifically approved by the commission.

~~90.1493.7(7)~~ *Site access.* The recipient shall ~~agree to~~ provide the department and ~~its~~ the department's agent access to the project site to verify that the loan was used for the purpose intended.

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

These rules are intended to implement **Iowa Code sections 455B.199, 455B.291 to 455B.299, 466.8 and 466.9.**

[Filed emergency 10/26/01—published 11/14/01, effective 10/26/01]

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