




December 8, 2021

State Water Infrastructure Authority
Department of Environmental Quality
Division of Water Infrastructure




DEQ
NORTH CAROLINA
Department of Environmental Quality

1



Agenda Item B
Approval of
Meeting Minutes

Agenda Item C
Attorney General's Office
Report



DEQ
NORTH CAROLINA
Department of Environmental Quality

2

2



**Agenda Item D
Chair's Remarks**



3

3



**Agenda Item E
Approval of Timing for
Reassessment for
Identification Criterion 1**



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4

Item E – Identification Criterion 1

- **Identification Criterion 1 – LGU control**
 - The need for the LGC to assume financial control of an LGU has been rare and does not occur on a regular or predictable frequency.
 - Division staff and LGC staff have routine quarterly meetings and others as needed to discuss the status of LGUs regarding their water and/or wastewater utility viability.
 - LGC considers recommendations from staff during their meetings.
- **Staff recommendation – The Authority approve consenting to its designation of a distressed LGU upon the LGC approving designation of the LGU as a distressed unit under Identification Criterion 1**

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Agenda Item F Designation of Town of Spring Lake under Identification Criterion 1



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Item F – Town of Spring Lake Designation Status

- Original designation: D3 in April 2021
 - Score of 10 for combined water and wastewater service
- LGC passed resolution “*Impound the Books and Assume Control of the Financial Affairs of the Town of Spring Lake Pursuant to N.C. Gen. Stat. 159-181(c)*” during October meeting
- Designation Criterion 1: LGU under financial control of LGC



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Item F – Town of Spring Lake Designation Status

- D1 versus D3
 - D1 allows for Emergency Operating Grants
 - D1 LGUs have priority, and non-distressed partner eligibility, for funding from VUR
- Staff has reclassified the Town of Spring Lake from D3 (scorecard) to D1 (LGC control)
 - *Note that Item F has been changed from an Action Item to an Informational Item*




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**Agenda Item G
Emergency Operations
Grant for the Town of
Pikeville**




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Item G – Pikeville Emergency Operating Grant (EOG)

- **Town of Pikeville (Wayne County)**
 - Designated under D3 by LGC/SWIA in April 2021 with a score of 19.
 - LGC assumed control of the financial affairs of the Town of Pikeville on April 13, 2021 under NCGS 159-181(c).
 - EOG to fund estimated deficit resulting from acquisition of goods and services required for internal management
 - Estimate assumes that revenues will be sufficient to fund other, typical annual expenses for Town
- **Staff Recommendation – Approve EOG award from the VUR of \$74,700 for the Town of Pikeville**



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Agenda Item H
Request for Approval of
Priority Rating System for
the Viable Utility Reserve
Capital Projects




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Item H - Priority Rating System for Viable Utility Reserve Capital Projects

- Priority Rating System for Capital Projects funded through VUR
- Proposed VUR system same as SRF and SRP system
- Public Review from Oct. 4 – Nov. 1, 2021
- 9 Comments received for consideration
 - Comment letter from Clean Water for North Carolina was sent directly to SWIA members and received after the comment period. Concerns raised in the letter were not specifically listed in the staff report but were addressed in responses to related comments.



12

12

Item H - Priority Rating System for the Viable Utility Reserve Capital Projects

VUR-Eligible Projects (159G-32)

- Physical interconnection and extensions to provide regional service
- Rehabilitate existing infrastructure
- Decentralize into smaller viable parts
- Fund studies (not part of this Priority Rating System)
- Options deemed feasible which result in generating sufficient revenue to provide reliable water or wastewater services.
- Emergency Operations (not part of this Priority Rating System)

13

13

Item H - Priority Rating System for Viable Utility Reserve Capital Projects

Summary of Comments

- Request adding priority to line items that support the provision of reliable water or wastewater services
 - Current priority points for improving reliability in multiple line items
 - VUR limits project type to better assure improved reliability
- Request adding priority to projects that come from Capital Improvement Plans that were developed and implemented as part of asset management plans
 - Additional time to evaluate alternatives and make recommendations is needed
 - Future updates would be made on Priority Rating Systems for all funding programs

14

14

Item H - Priority Rating System for Viable Utility Reserve Capital Projects

Summary of Comments (cont'd)

- Request the Division collect data from applicants related to race, color, and national origin of their service population
 - Coordinating with Department Title VI and Environmental Justice Coordinator on supporting Department efforts
- Request adjusting priority to better match tiered enforcement levels used by the Department (NOD vs. NOV)
 - NOD's typically cannot be addressed by construction projects
 - Construction projects that can address NOD or NOV's are very similar, and Division supports equal prioritization

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Item H - Priority Rating System for Viable Utility Reserve Capital Projects

Summary of Comments (cont'd)

- Request consideration for additional priority for projects that better address flood risk vulnerability
 - Resiliency and flood risk receives high prioritization (2 – 8 points)
 - Continue to coordinate with NC office of Recovery and Resiliency (NCOOR) to support State resiliency efforts
- Request prioritization for projects that provide protection to certain Water Classifications found along the coast that may not currently receive additional prioritization
 - Uncommon for applications to document these priority points
 - Additional time needed to evaluate alternatives and make recommendations
 - Future updates would be made on Priority Rating Systems for all funding programs

16

16

Item H - Priority Rating System for Viable Utility Reserve Capital Projects

Summary of Comments (cont'd)

- Request consideration for alternative unemployment indicators
- Raised concerns that unemployment indicators for communities with high retirement populations are not accurately captured
 - Division needs additional time to evaluate alternatives and make recommendations to Priority Rating Systems for all funding programs and affordability criteria
 - Future updates would be made on Priority Rating Systems for all funding programs
- Request consideration for additional priority for regional solutions that utilize public-private partnerships and / or selling systems to private utilities

17

17

Item H – Staff Recommendation

Approve VUR Priority Rating System for capital projects as included in the staff report to match Priority Rating Systems for the SRF and SRP funds




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18



Agenda Item I
Update on Initial Education
Component Training




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Item I – Previous Work

- Scope & delivery mechanism – Approved by SWIA on July 14, 2021
- August 2021 – Survey conducted by DWI to garner initial interest
- September 2021 – Recording sessions by BlueSky for on-demand training
- November 2021 – Emailed LGU contacts for updates, preference for training, etc.



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Item I – Survey for Initial Interest

- 54 of 96 LGUs responded to survey
- Asked for
 - Contact person & participants
 - Interest in on-demand / in-person / hybrid



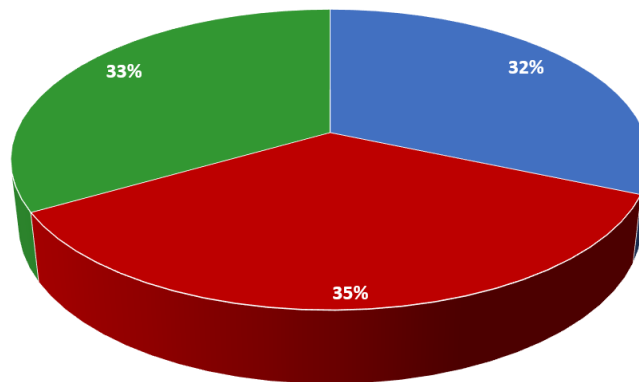
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Item I – Initial Survey Results

Delivery Mechanism by LGU

■ In-Person ■ On-Demand ■ Hybrid



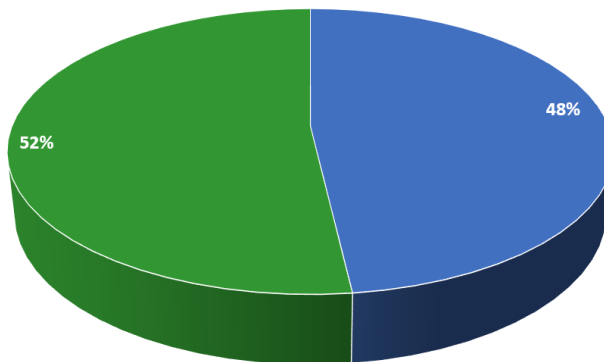
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Item I – Initial Survey Results

Delivery Mechanism by People

■ # People In-Person ■ # People On-Demand



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Item I – On-Demand Training

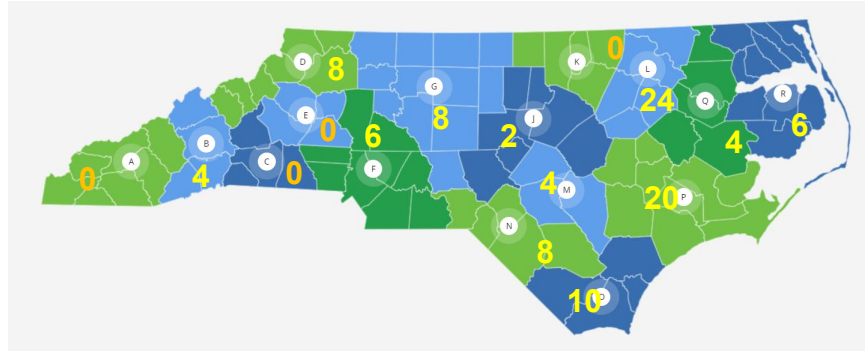
- Basics
 - Introduction / Keynote / 4 modules
 - Quizzes at the end of each module
 - Requirement to attend live webinar in April or May
 - Cost – \$72 + tax per person
- Launch: December 6
- 43 people interested as of December 3



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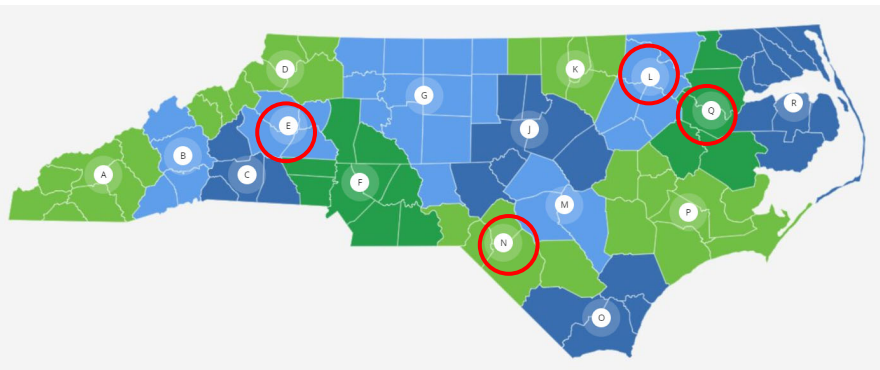
Item I – In-Person Training



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Item I – In-Person Training Potential Venues



WPCOG = 24
LRCOG = 26
UCPCOG = 24
MEC = 30

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26

Item I – In-Person Training

- Basics
 - 6 hours of instruction total
 - Pre- and post-class quiz
 - Cost – free
- Launch – February-April timeframe
- 32 people interested as of December 3



27

27

Item I – Next Steps

- December – Initial round of on-demand trainees begin at their discretion
- January 2022 – Follow up with LGUs who did not respond to initial survey
- February – April 2022 – Complete in-person training
- May 2022 – On-demand training completed
- July 2022 – Update to SWIA



28

28



Agenda Item J Summary of Fall 2021 Application Round



29

29

Item J – Summary of Fall 2021 Application Round

Funding Program	No. Applications ^a	Total Request ^a (\$)	Approximate Amount Available	
Community Development Block Grant - Infrastructure	14	\$21M	CDBG-I Projects: \$152,000 ^b	
Drinking Water Projects	37	\$390M	Drinking Water SRF Loan: \$50 M	State Reserve Appropriation Grant: \$10 M ^b
Wastewater Projects	31	\$512M	Clean Water SRF Loan: \$80 M	
Asset Inventory & Assessment Grants	97	\$16M		
Merger/Regionalization Feasibility Grants	13	\$650,000		
VUR (AIAs)	33	\$8M	VUR \$4.7 M ^c	
Totals^d:	225	\$947 Million	\$144 M	

^a Number includes fall applications as well as reconsiderations
^b CDBG-I funds are limited to funds available from the FFY 2016 and 2017 grants.
^c Viable Utility Reserve Funds must be approved by both the Authority and Local Government Commission. Available funds are non-recurring.
^d A few applicants submitted applications for both CDBG-I and SRF funds, or for both SRF and VUR funds. Totals do not account for duplicate project applications.

30

30



**Agenda Item K
Hendersonville DWSRF
Project Loan Increase
Request**




31

31

Item K- Hendersonville Increase Request

- February 2017: Authority awarded Hendersonville \$14,124,000 in DWSRF
- Hendersonville worked to reduce costs
 - Removed Mills River Intake from scope
 - Negotiated with apparent low bidders
 - Went to bid three times



32

32

Item K- Hendersonville Increase Request

- Costs remain higher than budget
 - Material / supply shortages
 - Labor shortages
 - Active construction / few bidders
- Hendersonville requests an increase of \$9,390,035 to \$23,514,035
- Staff recommend approval
 - Does not reduce current funding below advertised funding availability
 - Does not impact projections for future rounds from the DWSRF



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Agenda Item K – Staff Recommendation

Approve Hendersonville's request to increase its repayable DWSRF loan of \$14,124,000 by \$9,390,035 to \$23,514,035



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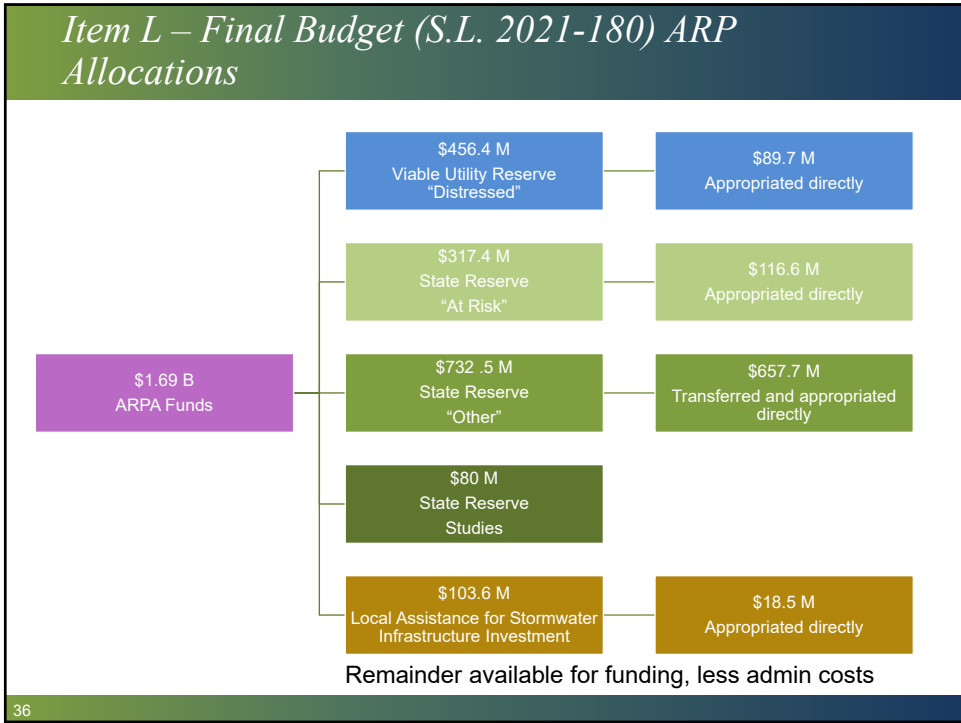


Agenda Item L Timeline and Plans to Award and Administer State Fiscal Recovery Funds



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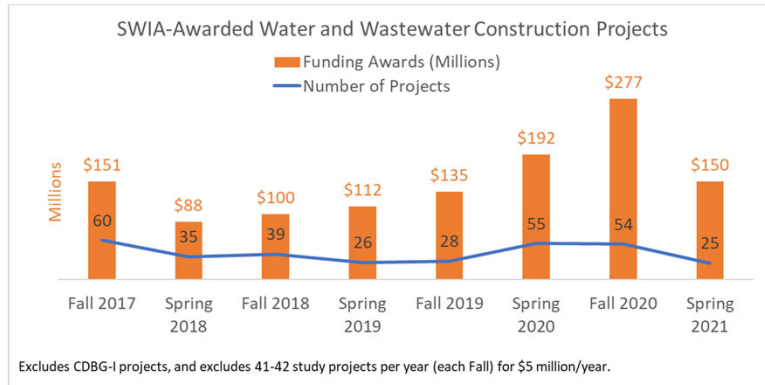
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Item L – Summary of Funding Last 4 Years (not including CDBG-I Program)

Total over last 4 years: \$1.2 billion construction (322 projects) + \$20 million planning (166 projects)



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Item L – Project Requirements (Federal and State)

- Projects must be SRF eligible
- VUR funds limited to:
 - Rehab and replacement
 - Regionalization
 - Decentralization
 - Studies
 - Other projects demonstrating long-term viability
- State Reserve funds for project construction grants and planning grants for public water and wastewater systems
- Funds must be spent by Dec. 31, 2026



38

38

Item L – Timeline and Plans to Award and Administer State Fiscal Recovery Funds

- ~ \$754 M in funds to be awarded in addition to regular SRF and SRP funds
- Priority Rating Systems and funding processes are in place
 - Except for Priority Rating System for Local Assistance for Stormwater Infrastructure Investment funds
- Division plans to take administration plan for public review



39

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Item L – Timeline and Plans to Award and Administer State Fiscal Recovery Funds

- Phase I(a) – Projects appropriated in the budget
 - 126 projects (\$840 M)
 - No SWIA actions needed
 - Recipients have been contacted and funding process begun
 - Formal request for funding and description of project(s)
 - Bid and design material submitted August 2022
 - Execute construction contract(s) May 2023



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Item L – Timeline and Plans to Award and Administer State Fiscal Recovery Funds

- **Distressed communities**
 - Current 95 local government units have been designated by SWIA and LGC
 - April 2022 - Evaluation of distressed criteria and potential designation of Criteria 3



41

41

Item L – Timeline and Plans to Award and Administer State Fiscal Recovery Funds

- **At-Risk Communities (for public review)**
 - Assessment Criterion score 6 or greater (and not designated as distressed) and meet 3 of 5 LGU indicators, or,
 - Service population less than 2,000 and meet 3 of 5 LGU indicators.
 - Currently 169 local government units meet these criteria, excluding Distressed utilities



42

42

*Item L – Timeline and Plans to Award and Administer
State Fiscal Recovery Funds*

- **At-Risk Communities (for public review) (cont'd)**
 - April 2022 – Evaluation of distressed criteria.
 - Other local government units can also have projects that qualify for “at-risk” community consideration if the project:
 - Is primarily to connect residences in disadvantaged underserved areas within or adjacent to existing service area to water and/or wastewater utility.
 - Covers cost of connecting to the home (incl. connection fees)
 - Disadvantaged underserved areas to be defined



43

43

*Item L – Timeline and Plans to Award and
Administer State Fiscal Recovery Funds*

- **Phase I(b) – Replace existing SRF-awarded loans for distressed utilities’ projects with funds from the VUR**
 - Cannot replace debt, so eligibility limited to projects not yet under construction
 - ~ 32 distressed system projects with ~\$44 M loans
 - Additional projects will be identified with Fall 2021 awards
 - Recipients would need to accept the change in funding
 - SWIA and LGC action on or after February 2022
- **Phase I(c) – Up to \$2,000 per distressed LGU for training expenses (SWIA and LGC action required)**



44

44

Item L – Timeline and Plans to Award and Administer State Fiscal Recovery Funds

- Phase II – Competitive Funding for Water and Wastewater Project Funds, Not including Stormwater
 - Advertise funds (~\$675 M)
 - 1st round of applications due May 2, 2022
 - Awards as early as July 2022
 - Future rounds to be used for remaining funds
 - Priority Rating Systems in place for Spring 2022 funding round (May 2nd applications)
 - Next Priority Rating System updates scheduled for Spring 2022
 - Effective Fall 2022 and Spring 2023



45

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Item L – Timeline and Plans to Award and Administer State Fiscal Recovery Funds

- Phase II – Competitive Funding for Water and Wastewater Project Funds, Not Including Stormwater (cont'd)
 - Initial awards up to \$15 M per applicant
 - Additional funds provided in \$5 M increments in priority order until funds are exhausted
 - Initial funding limits include direct appropriations (earmarks) and any loans replaced in Phase I(b).
 - Any remaining funds would be available for future rounds (September 2022, April 2023)



46

46

Item L – Timeline and Plans to Award and Administer State Fiscal Recovery Funds

- Phase III – Stormwater Infrastructure Fund Development
 - New DEQ special fund: “Local Assistance for Stormwater Infrastructure Investments Fund”
 - DWI to develop funding program
 - Match funding process to existing programs
 - Develop Stormwater Priority Rating System (construction and study grants)
 - Public review in Spring 2022
 - Authority approval July 2022
 - Advertise stormwater funds (~\$82 M) for Fall 2022 round
 - 1st round of applications due September 30, 2022
 - Awards as early as February 2023
 - Future rounds to be used for any remaining funds

47

47

Item L – Timeline and Plans to Award and Administer State Fiscal Recovery Funds

- Dec. 2021 - Division releases State Fiscal Recovery Funds Administration Plan for public review
 - Comments due early January 2022
- Jan./Feb. 2022 – DEQ finalizes State Fiscal Recovery Funds Administration Plan
 - Announces funds and opens applications
 - SWIA awards Fall 2021 funds (non-ARPA)
- Feb. or April 2022
 - SWIA and LGC award VUR funds to replace existing loans, for distressed [Phase I(b)]
 - SWIA awards training grants for distressed LGUs [Phase I(c)]

48

48

Item L – Timeline and Plans to Award and Administer State Fiscal Recovery Funds

- May 2, 2022 – 1st round of water/wastewater/study grant applications due
- July 2022 - SWIA awards Spring 2022 funds
 - Regular SRF
 - ARPA (Phase II)



49

49

Item L – Timeline and Plans to Award and Administer State Fiscal Recovery Funds

- Jan. - July 2022
 - SWIA develops Stormwater Priority Rating System and reviews water/wastewater Priority Rating System
 - DWI opens stormwater applications
- Sept. 30, 2022 – Applications due
- February 2023
 - SWIA awards Fall 2022 funds
 - Regular SRP, SRF, VUR, and CDBG-I funds as available
 - Stormwater Infrastructure Funds (Phase III)
 - Any remaining Phase II funds



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Agenda Item M
Stormwater Funding and the
Need for a Stormwater
Funding Committee




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Item M – Establishment of Stormwater Infrastructure Fund

- **Stormwater Infrastructure Fund Development**
 - New DEQ special fund: “Local Assistance for Stormwater Infrastructure Investments Fund”
 - Fund to provide grants for projects that will improve or create infrastructure for controlling stormwater quantity and quality.
 - Eligible entities
 - City or County with documented stormwater quality or quantity issue and would experience hardship raising the revenue necessary to finance stormwater management activities
 - COG or nonprofit entity that partners with City or County.



52

52

Item M – Types of Stormwater Grants

- Construction grants (limit \$15 M)
 - Develop and implement a new stormwater utility or stormwater control measure
 - Rehabilitation of existing stormwater control measures
 - Retrofitting existing stormwater conveyances
 - Installation of innovative technologies or nature-based solutions.
- Planning grants (limit \$500,000)
 - Research or investigative studies, alternative analyses, preparation of engineering concept plans or engineering designs, or similar activities to determine best solutions for the entity's stormwater quality or quantity issue
 - Engineer and permit the solutions
- Allows for nature-based solutions where feasible

53

53

Item M – Role of SWIA in Awarding Stormwater Funds

SWIA currently awards stormwater quality projects through the CWSRF and Wastewater Reserve



54

54

Item M – Role of SWIA in Awarding Stormwater Funds

§159G-71 State Water Infrastructure Authority; powers and duties:

- (1) After reviewing the recommendations for grants and loans submitted to it by the Division, to determine the rank of applications and to select the applications that are eligible to receive grants and loans, consistent with federal law.
- (2) To establish priorities for making loans and grants under this Chapter, consistent with federal law.
- (4) To develop guidelines for making loans and grants under this Chapter, consistent with federal law.
- (6) To assess and make recommendations on the role of the State in the development and funding of wastewater, drinking water, and stormwater infrastructure in the State.
- (9) To review the application of management practices in wastewater, drinking water, and stormwater utilities and to determine the best practices.

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Item M – Proposed Timeline

- December 8, 2021
 - Establish the Stormwater Funding Committee
- January – July 2022
 - Stormwater Funding Committee develop Stormwater Priority Rating System (construction and study grants)
 - Public review in Spring 2022
 - SWIA review and approval in July 2022
- July – September 2022
 - Advertise stormwater funds (~\$82 M) for Fall 2022 round
- 1st round of applications due September 30, 2022
- Awards as early as February 2023
- Subsequent rounds to be used for remaining funds

56

56



Agenda Item N
Potential Use of CWSRF for
Funding of Onsite Wastewater
Systems



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57

Item N – CWSRF Onsite Wastewater Funding Pilot Study

Background

- DWI and DHHS Onsite Wastewater program support efforts to
 - Scale up efforts to support decentralized wastewater treatment (e.g. on-site septic systems)
 - Complement existing efforts being undertaken by other financial assistance programs such as U.S. Department of Agriculture grants administered through the Southeast Rural Community Assistance Program (SERCAP).
 - Direct funding for decentralized projects to areas of the state that need it most by engaging North Carolina counties and non-profits operating in the region.

58

58

CWSRF to Address Decentralized Wastewater Needs in North Carolina



NC DEPARTMENT OF
HEALTH AND HUMAN SERVICES
Division of Public Health

Jon Fowlkes, REHS
Sushama Pradhan, PhD
Steven Berkowitz, PE



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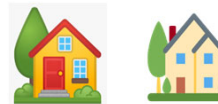
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Wastewater Infrastructure

Centralized sewer system
Decentralized wastewater systems (septic systems)



About 1 in 4 Americans use septic systems for their household wastewater treatment and disposal.



About 1 in 2 North Carolinians use septic systems for their household wastewater treatment and disposal.

Due to the hidden, **"out of sight, out of mind"** nature of these infrastructures, policy makers tend to forget the important roles these systems have in the growth of the state.

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Snapshot of NC Septic System Concerns

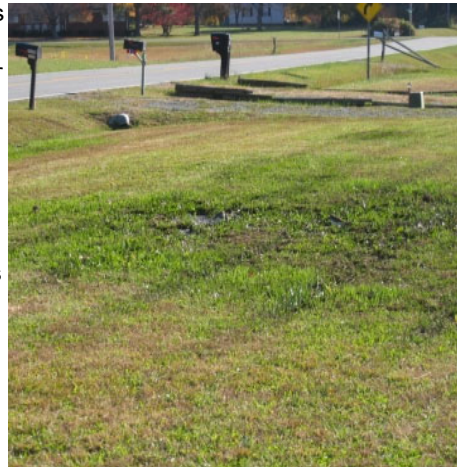
- Third highest number of homes served by septic systems in United States (1990 census)
- Highest number of new septic system installations across the United States (NESC 2015 report)
- Nearly 2.17M (2019) septic systems are serving about 50% of the state's population to treat and dispose of household wastewater
- Dependence on septic systems has remained relatively constant for 20+ years
- Septic systems are utilized in all 100 counties
- Septic system use in NC counties ranges from 14% to 93%
- Approximately 800,000 septic systems have been installed since 1990 (about 27,600 systems/year)

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Septic System Malfunctions

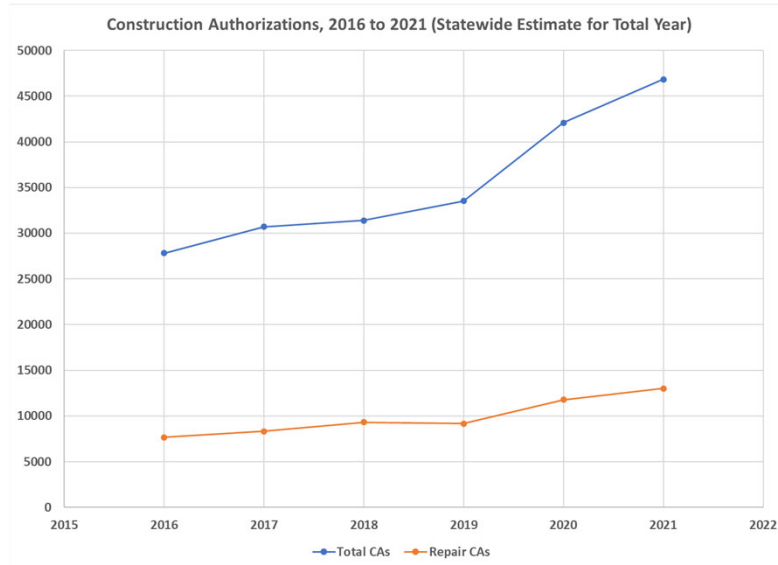
- Average lifespan of a septic system is about 15 to 40 years (US EPA).
- In NC, ~89% of the systems are older than 15 years and 63% of systems are older than 30 years.
- As systems age, system malfunction rates are expected to increase.
- Septic system failure rate in North Carolina is 6-10%.
- About 30% of the system installations (2010 to 2019) were to repair failing systems.
- Malfunctioning systems can pose a significant threat to public health, surface water, and groundwater quality.



62

62

North Carolina OSWW Permitting



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63

Septic System Malfunctions

- Septic system repairs can be expensive
- Few funding programs are currently available to assist homeowners
- CWSRF funds have generally not been used to address on-site and decentralized system needs in the state
- North Carolina statute currently precludes the CWSRF from directly loaning to private and non-profit entities
- 23 states already utilize CWSRF: For example:
 - Washington and Oregon: Craft 3 Loan Program
 - Delaware: Septic Loan Rehabilitation Program
 - Ohio: Home Sewage Treatment System Program

64

64

Proposal to EPA Office of Wastewater Management

RFP for technical assistance in establishing financing programs for NPS or decentralized projects through the CWSRF program (April 2020)

Proposal from OSWP Branch was one of the two proposals selected (June 2020)

Proposal goal: Technical assistance to develop a funding protocol to use CWSRF to replace and/or repair of on-site and decentralized systems

DWTS Pilot project area of interest: Economically distressed rural area with geographically dispersed population

DWTS Pilot project participants: OSWPB, DEQ, EPA HQ, and EPA's CWSRF contractor, Northbridge Environmental Management Consultants

65

65

DWTS Pilot Project Update

- Northbridge Environmental Management Consultants developed funding program structures for the pilot program
- OSWP Branch and DEQ chose to pursue the bifurcated funding approach
- Agreed to pursue Pilot Project ("double-pass through") as first step
- Consider statutory changes to allow other service organizations to apply to the CWSRF onsite funding program directly
- Partners of the Pilot Project: DEQ, SERCAP, and Halifax County
- Halifax County: Tier 1 county, poverty rate 27%, population 50,838, housing on septic 49% (2019)

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Item N – CWSRF Onsite Wastewater Funding Pilot Study

- Based on NC statutes and existing SRF funding programs the Division agrees that a pass-through lending program is the most feasible approach to consider.
- A partner organization serves as a bridge connecting CWSRF funding to the loan recipient
 - The partner must be eligible for CWSRF funds
 - The partner is responsible for all repayments to the CWSRF program



67

67

Item N – CWSRF Onsite Wastewater Funding Pilot Study

- The partner administers the pass-through loan to individuals
 - Develops eligibility and priority systems (Framework approved by DWI)
 - Evaluates, approves, and services loans.
 - Many eligible CWSRF recipients do not have the interest or capacity to manage individual loans
 - Recipients can utilize third-party service provider to administer the individual loans.
 - SERCAP is shown in this example.



68

68

Item N – CWSRF Onsite Wastewater Funding Pilot Study

- Reimbursement Process
 - As the property owner incurs costs, they request it from the Recipient.
 - Recipient request reimbursement from CWSRF program.
 - Recipient can cover costs to bridge timeframe between reimbursement request and payment.



69

69

Item N – CWSRF Onsite Wastewater Funding Pilot Study

- Repayment Process
 - Similarly, the property owner repays the loan to the recipient on an established amortization schedule
 - The recipient repays the CWSRF on their own amortization schedule.
- A third-party service provider can support the recipient in both reimbursement and repayment processes.
- There is no direct contact between the property owner and the CWSRF.



70

Item N – Why DWI and SWIA Should Consider Onsite Wastewater Funding

- Large percent of NC served by systems currently not prioritized or readily eligible for financial support through SRF program
- Documented compliance concerns for aging onsite wastewater systems
- Supports providing funding to disadvantaged systems
- Ties well to Viable Utility program
 - Supports decentralization options
 - Supports connection of failed onsite systems to available collection systems by funding connection fees
 - Another funding opportunity to meet long-term needs of NC citizens

71

71

Item N – Potential Next Steps Schedule

- Establish program requirements
 - Loan conditions (DWI and LGC consideration)
 - CWSRF and recipient
 - Recipient and homeowner
 - Minimum eligibility requirements (onsite system)
 - Minimum priority considerations (onsite system)
- Consider additional subsidy
 - Reduced or 0% interest to recipient
 - Principal Forgiveness to recipient
 - Consider recipient affordability
 - Consider individual homeowner or recipient affordability
 - Principal Forgiveness to cover connection costs to larger collection system
 - Remaining loan to properly close existing system

72

72

Item N – Potential Next Steps Schedule

Potential Schedule

- February or April 2022 – Updated Priority Rating System and Intended Use Plan to public review
- July 2022 – SWIA approves priority rating systems and programmatic changes
- August 2022 – Submit updated Intended Use Plan to EPA
- September 30, 2022 – Fall applications due



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Agenda Item O Informal Comments from the Public




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74



**Agenda Item P
Remarks by Authority
Members, Chair and
Counsel**



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**THE NEXT AUTHORITY MEETING WILL BE HELD ON
February 9, 2022
*Green Square Training Room (Raleigh)***



76

76