## LEAD SERVICE LINE REPLACEMENTS UNDER THE BIPARTISAN INFRASTRUCTURE LAW

Program Overview with Questions & Answers
May 8, 2025





### BIL LSL Funding Overview

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- The amount of LSL funding that will be available for SFY 2026 is currently unknown.
- New LSL allocations are being developed based on the LCRR required inventories that were submitted last October.
- EPA anticipates sharing the new allocations sometime in May. We will include them in the final SDWLP IUP
- General principles of LSL funding include:
  - 49% of LSL cap grants must be awarded as principal forgiveness (PF) to disadvantaged municipalities or projects in disadvantaged census tracts
  - Remainder of LSL cap grant must be used for set-asides and loans
  - PF cannot be awarded if the loan/set-aside funds are not utilized

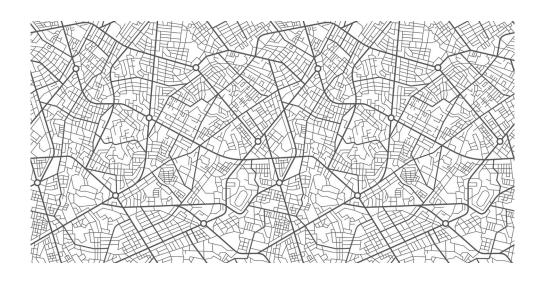
### **LSL Program Basics**

- Applications for SFY 2026 funding due June 30, 2025
- For SFY 2027 funding Intent to Apply due October 31, 2025 (SFY 2027 is the last year of full BIL funding may get some reallocated funds in SFYs 28 & 29)
- Applications for LSL replacement and/or inventory work submitted separately from watermain projects, even if related (can't fund inventory without a capitol component)
- Any municipality can apply (must be a community water system), but PF can only be awarded to disadvantaged municipalities or projects in disadvantaged census tracts
- Galvanized lines that are, or have been, confirmed downstream of lead, brass service lines, & lead goosenecks all considered LSLs
- All property types eligible possible tax implications for non-residential properties



### **Project Scoring**

- Projects will be scored three ways:
  - ➤ LSL specific scoring for ranking projects to allocate PF & loan funds from LSL cap grant (see pgs. 20-21 of draft SDWLP IUP or form 8700-383)
  - ➤ Modified disadvantaged scoring to determine eligible PF % for private side construction & filter costs (see pg. 22 of draft SDWLP IUP)
  - ➤ Regular SDWLP disadvantaged criteria scoring to determine eligible PF % for remaining costs (see pgs. 12-14 of draft SDWLP IUP)



- Weighting of data for projects in multiple disadvantaged census tracts may be done by census tract population or by number of LSLs to be replaced (if by number of LSLs, locations & number of LSLs must be known at time of application)
- Census tract is smallest unit that can be scored (block groups can be used in some circumstances)

### LSL-Specific Scoring (revised from previous years)

### Scores based on:

- Percentage of LSLs in System (5 40 pts)
  - Using data from the LCRR inventories
- Family Poverty Percentage (pts = to poverty %)
- Lowest Quintile Income (0 20 pts)
- Percent of Population Under Age 5 (10 30 pts)
- Lead Sampling Results or Large System Optimization (0 50 pts)
- Whether all remaining LSL will be removed by project (20 pts)
- Municipal Population (tie-breaker only)

### LSL PERF – form 8700-383 – submit with application

 If LSL PERF is not submitted with application, project will receive a priority score of zero



### Disadvantaged Score & Eligible PF Percentage

 Private side PF percent determined using tables 2, 3, 5, & 6 of disadvantaged criteria (No population or population trends)

Points from	<b>Qualified PF</b>
Tables 2, 3, 5, 6	%
0-39	No PF
40-64	25%
65-104	50%
105-134	75%
135-245	100%

- PF for remaining costs uses municipality's disadvantaged score from tables 1-6
- Due to BIL requiring exactly 49% of LSL cap grants to be awarded as PF, an exact % cannot be determined until all applications are received.

### **Allocation of Funds**

- LSL PF for **private** side replacements allocated first, in order of LSL-specific priority score (**construction & filter costs only**) with a **cap of 25% of total PF available**. This is a change from previous years.
  - If any PF remains after the first pass, a second pass will be made, without a cap, in LSL-specific priority order to continue to allocate private side PF.
- If any LSL PF remains after two passes, allocation will move to remaining costs, in order of LSL-specific priority score.
- After all PF allocated, LSL loan funds will be allocated in LSL priority score order.
  - ➤ Loan funds from the LSL cap grant 0.25% interest rate
  - Any loan funding beyond the LSL cap grant at regular SDWLP rates

**Available Pledge Options for LSL Loans** 

	Water Revenue Pledge	General Obligation Note Pledge	Alternative Revenue Pledge	
	Public Replacements	Public & Private Replacements	Private Replacements Only	
PSC Approval	Not Required for Public Replacements, Required for <u>any</u> private costs	Not Required	Not Required	
Municipal Bond	Non-Taxable if only public costs included	Taxable	Taxable	
Reimbursement Resolution	Required if non-taxable	Not Required	Not Required	
Disbursement at Loan Closing	•		Not Required	
18-month Rule for Reimbursements	Does Apply if non-taxable	Does Not Apply	Does Not Apply	
Loan Term	20 years	10 years but can go up to 20 if requested	12 years	
Mandatory Replacement Ordinance	Not Required	Not Required**	Required*	

<sup>\*</sup> Alternative Revenue Pledge also requires an ordinance creating the loan program

<sup>\*\*</sup> Ordinance may be required in some circumstances

### **Federal Requirements**

### All projects must:

- Pass environmental review screening for all locations
- Solicit for disadvantaged businesses at all levels of contracting or when advertising RFQs
- Comply with Enhancing Public Awareness of SRF Assistance Agreements (signage requirement)
- Comply with Davis-Bacon & Related Acts
  - Required for all municipal contracts & prequalified lists Heavy Wage Determination applies
- Comply with Build America, Buy America (BABA) procurement requirements
  - Projects funded by Financial Assistance Agreements under \$250,000 are exempt under Small Projects Waiver
- Comply with any applicable Federal Equivalency requirements
  - Complete list of equivalency requirements available on our website
  - Includes Single Audit Act & Debarment requirements



### **Contracting Options for LSL Replacements**

### Municipally-bid contract

- Familiar process for most municipalities
- Best way to get a large number of replacements done quickly
- Davis-Bacon always applies Heavy wage determination should be used, even if just replacing private side LSLs

### Prequalified List

- Municipality issues Request for Qualifications (RFQ) to establish the list.
   Needs to include certification that all federal requirements will be followed.
   (BABA & Davis-Bacon)
- DBE solicitation applies to advertising the RFQ
- Good option for smaller municipalities with fewer LSLs or for spot replacements
- Davis-Bacon applies to all property types, regardless of ownership

### **LSL Set-Asides**

- Inventory Technical Assistance DNR has a contract with Jacobs Engineering to provide inventory technical assistance to water systems.
  - Prioritizing small water systems but will be expanding to larger systems
  - Information can be found on this website: <a href="https://dnr.wisconsin.gov/topic/DrinkingWater/LSLTechAssistance.html">https://dnr.wisconsin.gov/topic/DrinkingWater/LSLTechAssistance.html</a>
- Community Outreach Grants DNR is offering grants to municipal water systems with planned or on-going LSL replacements to partner with local community-based organizations to conduct outreach in support of LSL replacements.
  - Application period currently closed but will open again soon
  - Information can be found on this website: https://dnr.wisconsin.gov/topic/DrinkingWater/LSLROutreachGrant.html

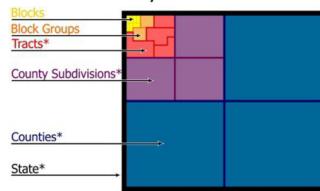
### **Targeted Census Tract Projects**

- One way to score projects is using Census Tracts instead of a municipality's data from the Data Sources webpage
- This can adjust the score in several ways, but it requires more input to determine a project area
- Tracts could be most useful when a municipality wants to focus LSL replacements on the most disadvantaged areas



### **Census Tracts: Overview**

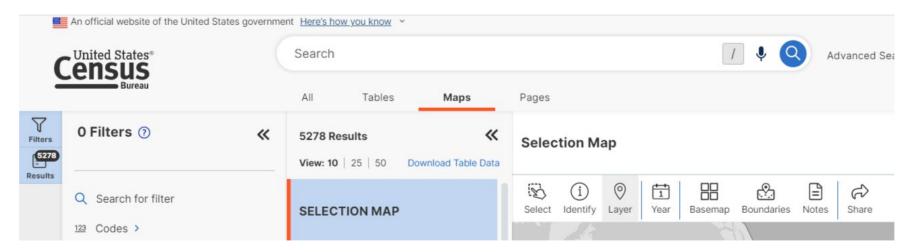
### Census Summary Levels:



- \*Included with Maptitude. Blocks and block groups available separately
- The Census has many levels of data including Tracts
  - Tracts are small, relatively permanent subdivisions of a county
  - Population ranges between 1,200 and 8,000, but the ideal size is around 4,000
  - Census tracts contain both Blocks and Block groups
- We use Tracts because the majority of data for PF scoring is found at the Tract level at the lowest
  - MHI is found at the block group level but requires you to know how many LSLs will be replaced in each block group. <u>Using block group MHI may take a substantial amount of work, please be wary of using it.</u>

## **Finding Your Tracts**

- Census Data website: <a href="https://data.census.gov/advanced">https://data.census.gov/advanced</a>
- Navigate to the Maps tab and select Layer



Select Tracts, and find your municipality



## Finding your Data

 First, make sure you have at least one tract selected. It helps to just use one to get used to the Census at the start.

Next, in the search field, enter the tables you want to use

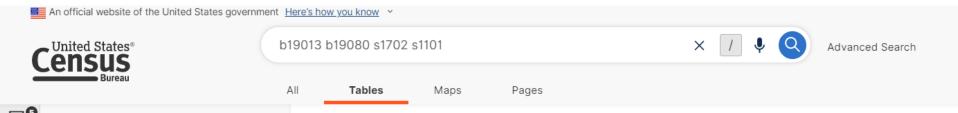
• MHI: B19013

• LQI: B19080

Family Poverty %: S1702

Households: S1101 (only used to calculate a population weight)

- Move over to the Tables tab to review your data!
- Make sure to use the most recent American Community Survey (ACS) 5year data



### Calculating a Score: Single Tract

- The census data you find will help you calculate a score
  - Calculation descriptions are available in the SDW IUPs
  - Other data, such as Unemployment, can be found on our <u>Data Sources page</u>
- Remember that this score is just an estimate, and the program will make a final determination on PF score

## Calculating a Score: Multiple Tracts

- Using multiple tracts is possible, but it requires more work to calculate a score
- You must calculate a population-based weight, either based on the number of LSLs replaced in each tract, or based on population in each tract
  - This is so each tract is given adequate weight in the score.
- Once you have a population weight, you weigh the data and sum it to get a weighted score.



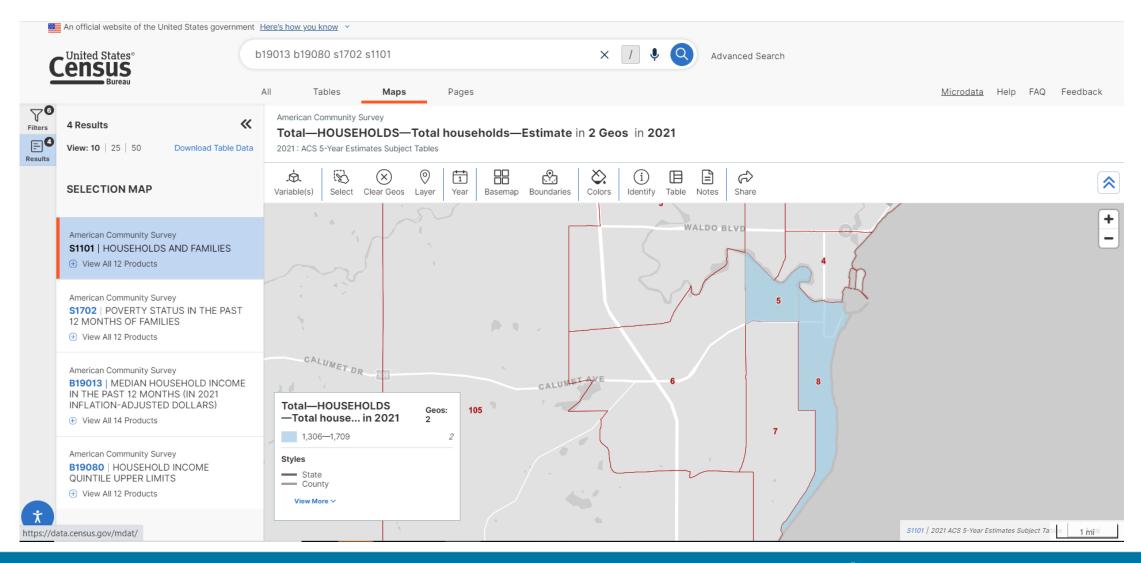
### Example: Manitowoc, WI

- Manitowoc is like many municipalities where some tracts are disadvantaged while others are not.
- Using ACS 2023 5-year data, tract 5 and tract 8 are excellent examples
  - Both of these tracts are disadvantaged and can alter the score
- Link: Manitowoc ACS 2023 5-Year: Tracts 5 and 8 data





## Example: Manitowoc, Census Screenshot



# Example: Manitowoc, Aggregate Data

Private side PF calculation examples

Using Tracts and Household Population					
	Tract 5	Tract 8	Manitowoc	Net	Points
Population	2,875	3,907			
Number of households	1208	1752			
Average household size	2.38	2.23			
MHI	57.93%	88.52%		75.55%	60
>Tract MHI	43,837	66,984			
>WI MHI	75,670	75,670			
Family Poverty %	48.03%	28.63%		36.85%	80
>200% Families	280	284			
>Total Families	583	992			
*County Unemployment			3.03%		0
LQI	72.73%	94.70%		85.39%	0
>Tract LQI	24,595	32,023			
>WI LQI	33,815	33,815			
Population Sum	Tract 3 Weight	<b>Tract 8 Weight</b>		<b>Total Points</b>	140
6,782	42.39%	57.61%		PF %	100%

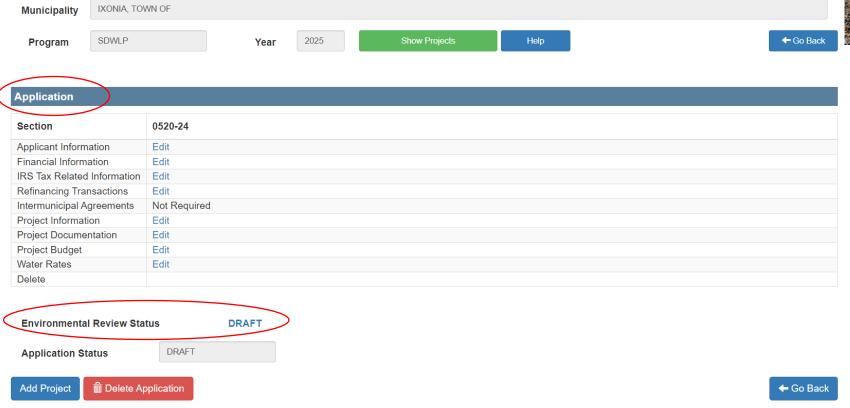
Using City of	Manitowoc	
	Manitowoc	Points
МНІ	82.11%	40
>MHI	62,133	
>WI MHI	75,670	
Family Poverty %	25.09%	40
>200% Families	2,152	
>Total Families	8,576	
*County Unemployment	3.03%	0
LQI	81.96%	0
>LQI	27,715	
>WI LQI	33,815	
	<b>Total Points</b>	80
	PF %	50%

Using Tracts and LSL Replacements					
	Tract 5	Tract 8	Manitowoc	Net	Points
Weighted Population	213	3,618			
Lines replaced per tract	8	100			
Population in tract	2,875	3,907			
МНІ	57.93%	88.52%		86.26%	30
>Tract MHI	43,837	66,984			
>WI MHI	75,670	75,670			
Family Poverty %	48.03%	28.63%		30.07%	50
>200% Families	280	284			
>Total Families	583	992			
*County Unemployment			3.03%		0
LQI	72.73%	94.70%		93.07%	0
>Tract LQI	24,595	32,023			
>WI LQI	33,815	33,815			
"Population" Sum	Tract 3 Weight	Tract 8 Weight		Total points	80
108	7.41%	92.59%		PF %	50%

### **Environmental Review**

SUMMARY

Create a new application (ER automatically added with link)





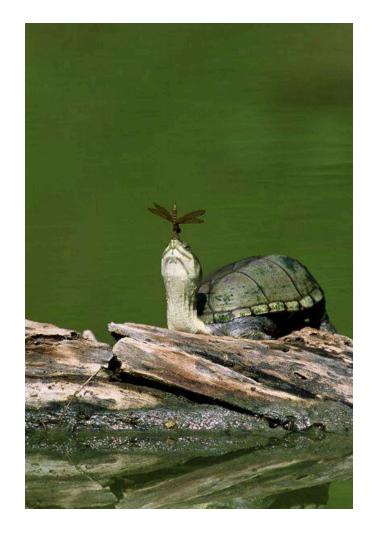


For step-by-step guidance on the Environmental Review Process please visit the SDWLP Environmental Review Guide.

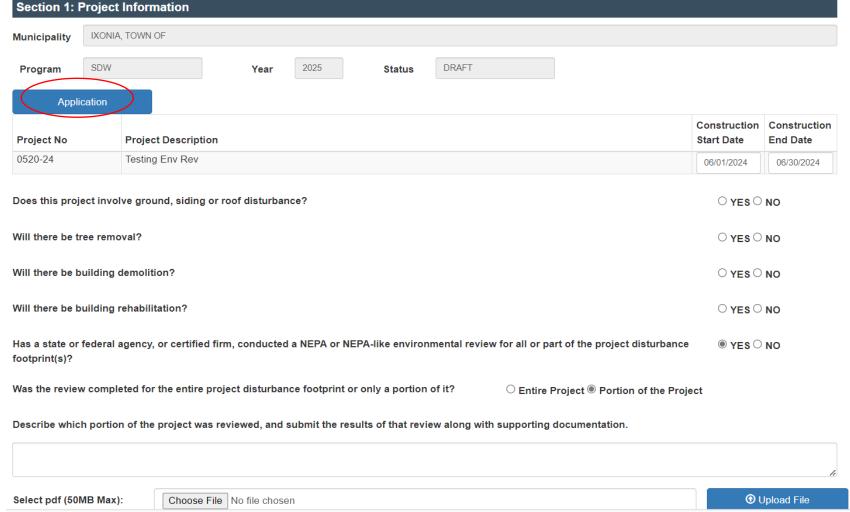
### **Environmental Review**

Or select an existing review to edit





# Environmental Review: Section 1





# Environmental Review: Section 2

### Section 2: Environmental Review

- A. The project(s) type is eligible for a Categorical Exclusion:
  - i. Rehabilitation of existing facilities,
  - ii. Replacement of existing water lines,
  - iii. Construction of ancillary facilities adjacent to or on the same property as existing facilities,
  - iv. Construction of new or minor ancillary facilities adjacent to or on the same property as existing facilities.
- B. The municipality has indicated that all of the following are true:
  - i. Project(s) that did not or are not expected to have a significant adverse effect on the quality of the human environment, individually or cumulatively.
  - ii. Project(s) that did not or are not expected to have a significant adverse effect on any community including minority, low-income, and or any Federally-recognize Indian tribe.
  - iii. Project(s) that did not or are not expected to cause significant public controversy.

#### Review Determination:

- i. Exempt (Categorical Exclusion Type 1:6.204(a)(2)(iii) and/OR(iv).)
- ii. Categorical Exclusion (Categorical Exclusion Type 2:6.204(a)(1).)-No Construction Requirements
- iii. Categorical Exclusion (Categorical Exclusion Type 2:6.204(a)(1).)-Construction Requirements
- iv. 
  Finding of No Significant Impact (FONSI)(Environmental assessments. 6.205)-No Construction Requirements
- v. 
  Finding of No Significant Impact (FONSI)(Environmental assessments. 6.205)-Construction Requirements
- vi. 

  Environmental Impact Statement(EIS) WDNR Environmental Analysis and Sustainability program(EAS)



## Environmental Review: Section 3 Site Information



# Locations Provide the disturbance footprint(s) location. Activity Town Range Section Delete Current Land Use Description: Habitat Description: Total Area (acres): Enter acres

## Environmental Review: Section 4 Biological Resources



**Section 4: Environmental Impact Summary** 

### **Biological Resources**

Required: If you do NHI Public Portal and it comes back with "An ER Review is needed to ensure compliance" send that report to DNRERReview@wi.gov and upload the pdf of the response.



Required: Because this project is federally funded an Information for Planning and Consultation review (IPaC) through the U.S. Fish and Wildlife Service is required to be submitted by the applicant. Please utilize the attached link to complete this action: IPaC: Home (fws.gov).

\* If you checked Yes to Has a state or federal agency or certified firm conducted a NEPA or NEPA-like environmental review in section 1, you may skip the IPaC requirement.

Documentation	Delete
□ NHI Public Portal	
Portal Review #	
☐ Endangered Resource Review	

Endangered Resources Review - Submit the NHI Public Portal Preliminary Assessment Results. NHI portal

Select pdf (50MB Max):

Choose File No file chosen



## Environmental Review: Section 4 Historic Resources







### **Historic Resources**



Documentation

Delete

□ DNR Approval

□ SHPO Approval

Archaeological/Historical Review - Submit a 7.5 minute, 1:24,000 max scale USGS topo map(s) clearly delineating the disturbance footprint(s). Surface Water Data Viewer

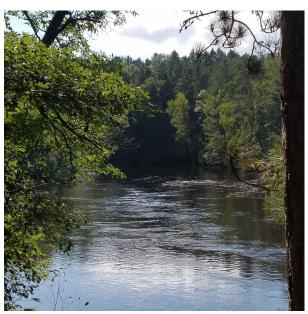
Select pdf (50MB Max):

Choose File No file chosen

① Upload File

## Environmental Review: Section 4 Water Resources





Floodplains/Waterway/Wet	tland		
• •	sects a Waterway or Wetland you may need a permit for your project. Please be aware of this potential requiremen learn more about these permits and how they relate to your project.	t and	+
Documentation		De	elete
☐ Surface Water Data Viewer	Мар		
□ Other			
Submit a wetlands/waterways	map(s) clearly delineating the disturbance footprint(s). Surface Water Data Viewer		
Select pdf (50MB Max):	Choose File No file chosen	① Upload File	
Submit a floodplain map(s) cl	early delineating the disturbance footprint(s). Surface Water Data Viewer		
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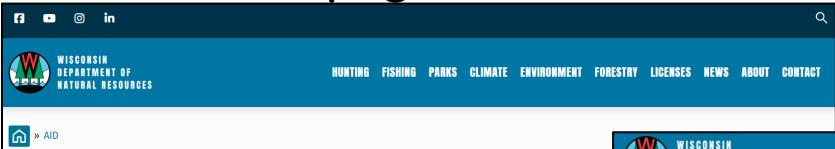
## Environmental Review: Section 4 Other Considerations

- Important Farmland
- Air Quality
- Socio-Economic Issues
  - EJ Screen currently not available
  - Stay tuned for further guidance
- Public Notice
  - New Environmental Review Public Notices webpage

https://dnr.wisconsin.gov/aid/erpn



## New LSL Webpage - BIL Funded



### BIL-FUNDED LEAD SERVICE LINE REPLACEMENT PROGRAM

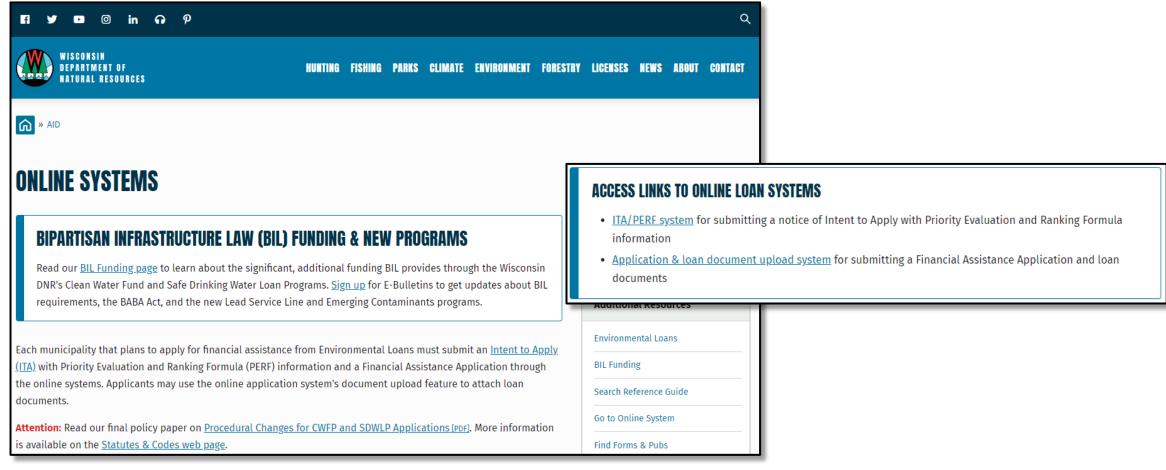
SAFE DRINKING WATER LOAN PROGRAM

The following is a change from the previous <u>Private Lead Service Line Replacement Program</u>, funded by the Water Infrastructure Fund Transfer Act (WIFTA), which provided funding to municipalities to assist in their efforts of replacing lead service lines under the control of private property owners. The current Lead Service Line (LSL) Replacement Program, which is a subprogram of the Safe Drinking Water Loan Program (SDWLP) and is funded by the Bipartisan Infrastructure Law (BIL), provides funding to municipalities for both public and private lead service line replacements and related lead service line inventory work to protect public health.

https://dnr.wisconsin.gov/aid/LSLprogram



## LSL Application



https://dnr.wisconsin.gov/aid/OnlineSubmissions.html

## LSL Application

Application help is available!

https://dnr.wisconsin.gov/aid/OnlineSubmissions.html

### SAFE DRINKING WATER LOAN PROGRAM ONLINE GUIDANCE

You may wish to save or print the help text to view during the online submittal processes:

- SDWLP ITA Help Text [PDF]
- SDWLP Application Help Text [PDF]
- Next Steps after SDWLP ITA [PDF]
- SDWLP Application Process & Contents [PDF]
- SDWLP Deadlines

### LOAN DOCUMENT UPLOADS

Applicants may view all outstanding loan documents and upload those documents in the online application/document upload system. Your DNR project manager will notify you once the loan stage is set-up, then you can begin loading additional documents. You may wish to save or print the following to view during the document upload process:

- Document Upload Screen & Instructions [PDF]
- Document Upload Categories & Types [PDF]

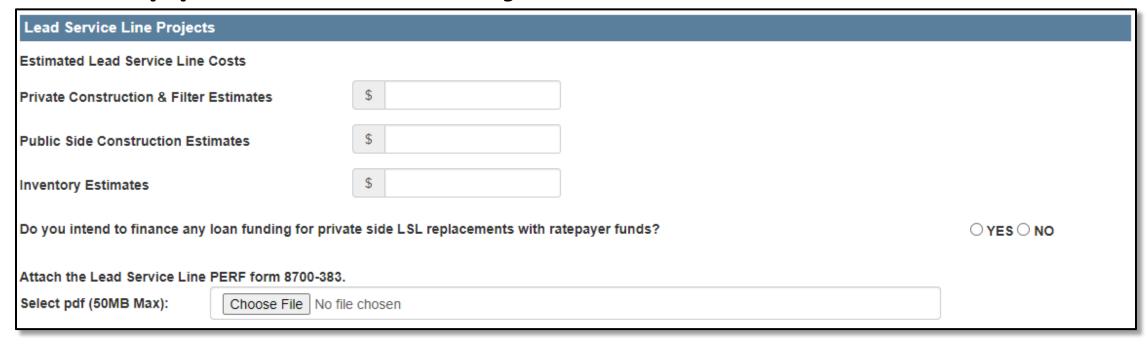


## LSL Application – Project Info



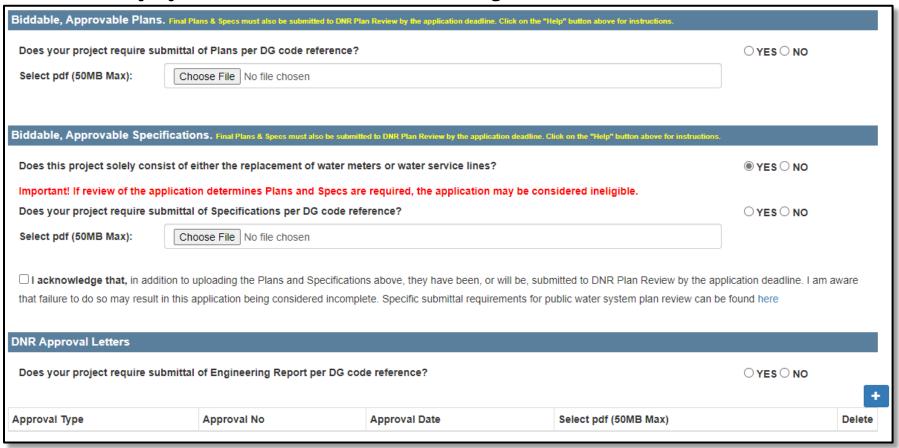


### LSL Application – Project Info



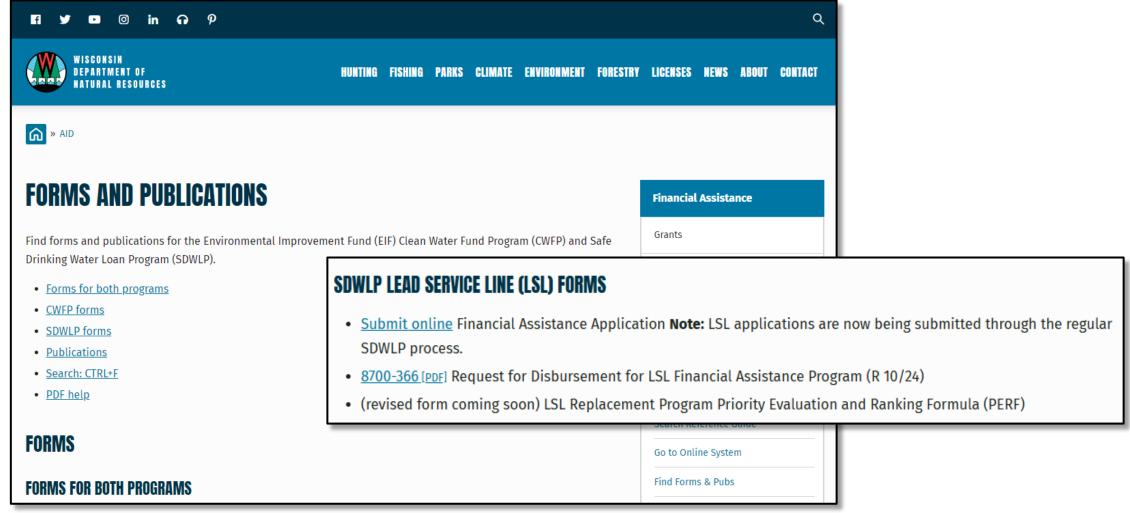
- PF Allocation will first be applied to the private side of a service line
- Have a plan for loan funds that could be applied to private side replacements
- The LSL PERF form is required for Applications to be considered complete.

### LSL Application – Project Docs



### Questions about Plan and Spec Approvals?

- Review Submittal
   Requirements by Project
   Type:
   <a href="https://dnr.wisconsin.gov/topic/DrinkingWater/Plan">https://dnr.wisconsin.gov/topic/DrinkingWater/Plan</a>
   ReviewGuidelines.html
- Review Public Water
   System Plan Review:
   https://dnr.wisconsin.gov/topic/DrinkingWater/Plan Review.html
- Ask the folks who review plans and specifications:
   <u>DNRPublicWaterPlanReview@wisconsin.gov</u>



https://dnr.wisconsin.gov/aid/documents/EIF/Forms/forms.html

Section I: Contact Information					
Indicate the legal name of the municipality that will undertake the project and the municipality's Unique Entity ID. Provide contact information for the individual who completed the form.					
Municipality Name		Municipality's Unique Entity ID (UEI)			
Person Completing Form					
Name	Affiliation				
Phone No. (include area code)	Email				
Section II: Project Description					
This project includes (indicate all that apply):					
Private LSL Replacements Public LSL Replacements	ements	Inventory work			
Indicate how the project should be scored:  Output  Description  Score entire municipality  Score designated census tract(s)					
Will the submitted project result in the complete removal of all lead service lines in your municipality?   Yes No lf yes, please attach your detailed plan for removing all LSLs.					

- UEI will be replaced with Project Number
- Project can be scored by Entire Municipality or designated census tract(s)
  - Can be different from ITA
  - If using census tract option, tell us the census tract(s) or your project will be scored as entire municipality
- Currently working on updates to LSL PERF form (8700-383)

Section II: Project Description					
This project includes (indicate all that apply):					
☑ Private LSL Replacements    ☑ Public LSL Replacements    ☑ Inventory work					
Number of Private LSL Replacements					
Number of Public LSL Replacements					
Indicate how the project should be scored:  Score entire municipality  Score designated census tract(s)					
If submitting a project in more than one census tract, should the census tract data be weighted by population or by number of LSLs					
being replaced?   Weight score by census tract population   Weight score by number of LSLs to be replaced					
Census Tract Number Number of LSLs					
+					
Will the submitted project result in the complete removal of all lead service lines in your municipality?   No					
If yes, please attach your detailed plan for removing all LSLs.					

- New fields open up when selections are made
  - Number of Private and Public LSL Replacements must be applicable to the project, not the system overall
  - If selecting 'Weight score by number of LSLs to be replaced', make sure to enter the LSLs per census tract as it relates to the project, not the overall system
- Attach plan when project results in complete removal of LSLs from municipality

- Section III discusses the criteria used for evaluation
- There is no data input required for this page, it is for informational purposes only

### Section III: Priority Evaluation and Ranking Criteria Detail

### Description of the Criteria Used in Ranking

Points will be awarded according to the guidelines below as described in the LSL Amendment to the SDWLP Intended Use Plan. The most recent data available for the municipality or project census tract(s) at the time of the Application submission deadline will be used. If submitting a project targeted to a designated census tract(s), all ACS-derived data will be scored at the census tract level.

### No information needs to be entered in this section

- Percentage of Lead Service Lines in System: Using data from the inventories required by the Lead and Copper Rule Revisions (LCRR), the percentage of service lines that are lead or galvanized-requiring-replacements (GRR) in a municipality's water system, will generate as follows:
  - Less than 10% lead or GRR service lines = 5 points
  - 10% to less than 20% lead or GRR service lines = 10 points
  - 20% to less than 30% lead or GRR service lines = 20 points
  - 30% to less than 40% lead or GRR service lines = 30 points
  - 40% or greater lead or GRR service lines = 40 points
- ▶ Family Poverty Percentage: Using data from the American Community Survey (ACS), the percent of a municipality's population below 200% of the federal poverty level will generate points equal to the percentage, adjusted to the nearest whole number. This criterion uses 5-year estimates from the American Community Survey, table ID S1702 from data.census.gov.

### LSL Disbursement Requests (8700-366)

https://dnr.wisconsin.gov/aid/documents/EIF/Forms/forms.html

1. Municipality	2. Project Number	3. Request Number 4. Type of Request		
		Partial Final		
Section 1: Payment Information				
Disbursement worksheet must be completed and invoices must be attached for all costs.	This Claim	For DNR Use Only Adjustments Claim Amount Paid		
Force Account				
Interim Financing	Section 4: LSL Replace	ement Reporting		
Preliminary Design/Engineering	Material Type:			
Engineering/Construction Management		mber of Lead Service Line Replacements		
Construction/Equipment		mber of Galvanized Iron/Steel Line Replacements		
Miscellaneous Costs		mber of Other (Pre-approved by DNR)		
Closing Costs	If Other Service Lines R	If Other Service Lines Replaced, please indicate material type:		
Total Requested				
	Property Type:			
	Nui	mber of Residential Replacements		
	Nui	mber of School/Daycare Replacements		
	Nui	mber of Other than Residential/School/Daycare Replacements		
	O			
	Ownership Type:			
	Nui	mber of Private Service Line Replacements		
	Nui	mber of Public Service Line Replacements		

## LSL Disbursement Request Worksheet

PF Allo	cated for Private-Side Costs		\$					
PF Allo	cated for Remaining Costs	\$		\$		\$		
Date of Invoice	Payee	Invoice Identify Invoice Number (Private vs Utility)		Total Invoice Amount				
				\$ -				
				\$ -				
				\$ -				

ĺ	Budget Categories (Requesting EIF funds for incurred eligible costs)											
ı			Preliminary	Land or	Engineering/							
ı			Design/	Easement	Construction	Construction/ Equipment						
	Force Account	Interim Financing	Engineering	Acquisition	Management	Private	Utility	Misc. Costs	Closing Costs			
ı												

- This worksheet is paired with the disbursement request form and is required for a complete disbursement request
- Custom for each project PM will issue worksheet to municipality

O'Include Dollar			
Amount	Source	PF Estir	nate
		\$	-
		\$	-
		\$	-

## Questions?



## CONNECT WITH US











