

# Jointly Funding Projects Funding Agency Training

March – April 2015

Idaho Department of Commerce  
Idaho Department of Environmental Quality  
USDA-Rural Development  
US Army Corps of Engineers  
Idaho Bond Bank



## Goals & Assumptions

- The goal of this section is to provide some helpful ideas in a chronological format to use when you are involved in a project with multiple funding agencies (although most of these ideas would also apply to projects funded from one source)
- Assumes the Project Engineer has been selected and they starting to complete a Facility Plan or Preliminary Engineering Report (PER) and Environmental Information Document (EID) or Environmental Report (ER)
- Get the Funding Agencies involved as early as possible in the process



# City of American Falls

Before

After



## Get Funding Agencies Involved Early in the Process

- USDA RD – Contact the Area Office serving the Communities area (1 of 4)
- IDEQ – Contact the Regional Office (1 of 6)
- IDOC – Contact Staff serving the Region
- USACE – Contact Boise Outreach Office
- IBB – Contact Boise Office



## Funding the Facility Study / PER and ER / EID

- Are sufficient funds on hand for a grant match?
- If not, can rates be raised?
- IDEQ – Planning Grants (\$250k/year water, \$250k/year sewer – maximum 50%)
- USDA-RD – Predevelopment Planning Grants & Search Grants – ( PPG \$25K/ year % varies), SEARCH \$35-50K/year – up to 100% for very low income systems)
- Construction is not a follow-on requirement
- Make sure to include ER / EID costs
  - An EID is required if RD grant funds are involved



## Completing the PER and ER

- The PER & ER must present all viable alternatives and analyze the non-tangibles, giving the decision makers the information required to make a good decision. The presentation of viable alternatives is a necessary requirement to qualify for construction assistance
  - RD requirement: contain a Life Cycle Cost Analysis (LCCA)
- Must meet requirements of Funding Agency's involved (IDEQ, RD, CDBG, USACE)
- PER and ER must cover all needed improvements, project can be scaled back during the bidding process. If the scope increases, will require additional review and likely an updated EID / ER



## Environmental Report

- Open Bond Market/Idaho Bond Bank
  - The City will still have to comply with ESA, CWA, Wetlands, etc., just not NEPA. “Stand Alone” requirements
- USDA-RD, IDEQ, IDOC & USACE – Details discussed later today. Agencies have agreed to assign a lead agency on jointly funded projects. The lead agency will be the primary contact for completing the environmental. The other funding agency’s have agreed to accept or adopt the lead agency’s environmental (with attachments if necessary)



## Establishing a Basic Funding Package

- A project team needs to be established including elected officials, citizens committee members, Project Engineer, and representatives from each potential Funding Agency
- Can apply for assistance prior to bond election
- In Idaho, elections can only be held in November and May
- Early discussions with funding agencies is vital



## Planning and Educating for the Bond Election

- Be honest and straightforward
- The governing board must be in agreement before moving forward – or it is very difficult
- Prepare accurate information for handouts, power-points, etc.
- Be ready for questions regarding user rates.
- Local officials need to be ready to answer questions. Rely on the Project Engineer or Funding Agency Representatives for technical or funding questions
- RD Area Office Staff is available to attend meetings



## Passing a Bond Election

- The local officials need to be in control
- In public meetings – engineer's should resist the tendency to do most of the talking
- Don't assume the recommended option will "always" be the way the community wants to proceed. Local officials need to decide on which option to pursue after considering input from the affected community
- Use pictures (they can be worth 1000 words)
- Remember – it is the community's project, not the engineers, grant administrator's or the Funding Agency's



# Passing a Bond Election

- Before



- After



# Passing a Bond Election

- Before



- After



## Passing a Bond Election

- Before



- After



## Judicial Confirmation

- Request a Judge to issue a ruling that improvements are ordinary and necessary.
- Recognized by IDEQ
- Recognized by IDOC
- Recognized by the Idaho Bond Bank
- Recognized by Rural Development - Communities that have passed a bond election will receive extra priority points



## Advantages of Joint Funding

- Funding Agencies meet quarterly to review applications and inquiries in-hand
- We communicate as a group to maximize the benefit for the projects in Idaho
- We are committed to actively maximizing the amount of funding available to the state
- Our goal is cooperation, not competition
- If controversy or shortages arise, multiple Funding Agencies can be beneficial



## Advantages of Joint Funding

- Amount of CDBG funding that IDOC is allocated from HUD changes each year but is based on a set formula
- Amount of SRF funding that IDEQ is allocated from EPA changes each year but is based on a set formula
- IDEQ is a revolving loan fund, so depending on repayments, amounts of additional funding will vary from year to year



## Advantages of Joint Funding

- USDA-RD obtains an allocation each year, but also has the ability to compete for additional National Office reserve funds for competitive “regular” projects, plus the ability to request Emergency Community Water Assistance Grants and Native American Set-Aside Grants each year
- USACE – Depends on appropriation (is essentially a special appropriation) each year
  - Bridges the funding gap



## Applying for Funding

- IDEQ-SRF – Requests due each January, draft funding list published in March, final in April/May. Application and funding July 1 through June 30
- IDOC-CDBG – Uses a grant administrator. Application in November, addendum in March, decision by May, funding by June
- USDA-RD – Application anytime, Area Office staff will assist with application, funding usually occurs December through August
- USACE – Pending appropriation, a letter requesting technical assistance



## Completing Engineering Contract

- Required documents depends on Funding Agency
- USDA-RD requires use of EJCDC documents (2013 and 2014) w/ RD attachment
- Fees should be reasonable and consistent with figures used in Funding Agency application process and Facility Plan or PER
- Payment of Engineering Fees prior to bid opening – depends on Funding Agency
- IDOC allows use of EJCDC or AIA documents, however, does require the CDBG Agreement attachment to be part of the contract (if CDBG is paying for engineering)



## Real Estate / Site Control

- Obtaining easements and rights of way (ROW) should be addressed as soon as possible
- ROW & easement issues cause more delays in projects than anything else – and the delays can be years in some cases
- IDOC – CDBG requires for easement acquisition that the Grantee meet the Uniform Acquisition Act
- RD must have ROW & easements completed and certified prior to going out to bid
- USACE – all lands, easements, relocations, ROW and disposal sites are the sponsor's responsibility



## Groundbreaking

- Invite local media and use the opportunity to inform your community that the project is under way to build public support
- Good opportunity to have elected officials visit community. Sometimes they can include the Governor, a Congressman, or nonelected Funding Agency staff
- If RD or USACE funding involved, assistance with public affairs is available for the event



## Effective Construction Management

- Effective construction management requires the active involvement of all parties involved in a project. They include: representatives of the applicant, the design professional(s), representatives from all funding agencies, and if applicable the grant administrator; and are called the “Project Team”
- At all project milestone meetings, it is highly recommended that the entire project team be present in person. If that is not possible, the majority should be present, and the remaining connected via teleconference



## Effective Construction Management Milestone Meetings

- Project Team Meeting – shortly before or at funding approval
- Project Team Meeting – at or shortly after bid opening
- Pre-Construction Conference
- Monthly During Construction
- Substantial Completion
- Final Completion
- Warranty Inspection



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# Environmental Review Program



Spring  
2015



1

## National Environmental Policy Act (1970) (NEPA)

- Introduced two key requirements for Federal Actions
  - Agencies must consider environmental effects
  - Public must be involved in the decision making



2

## Environmental Regulations

- National Environmental Protection Act (NEPA)
- CEQ Regulations
  - 40CFR Part 1500-1508
- Rural Development
  - Environmental Manual (<http://www.rurdev.usda.gov/id/RUSmanuals.htm>)
    - 7 CFR 1794 (RD Regulation 1794)
    - RUS Bulletin 1794A-602
    - NRMG & appendices
- Idaho Department of Environmental Quality (DEQ)
  - Federal Requirements
    - 40 CFR Part 35 (SRF Regulations), Part 6 (NEPA Regulations), Part 25 (Public Involvement)
  - State Requirements
    - IDAPA 58.01.12 (42) – Water Pollution Loan EID Requirements
    - IDAPA 58.01.04 (42) – Wastewater Treatment Facility Grants EID Requirements
    - IDAPA 58.01.20 (42) – Drinking Water Loan EID Requirements
    - IDAPA 58.01.22 (40) – Planning Grants for Drinking Water Facilities EID Requirements
    - State Environmental Review Procedures (Chapter 5 of the Drinking Water Handbook)
    - State Environmental Review Procedures (Chapter 5 of the Wastewater Handbook)
- Idaho Department of Commerce
  - Federal Requirements for the CDBG Program
    - 24 CFR Part 58 (Environmental Review Procedures) Part 570.480 (State CDBG Program)
- U.S. Army Corps of Engineers (USACE)
  - 33 CFR Part 230



3

## Environmental Regulations continued....

- Cross-cutting Federal Authorities
  - DEQ –cross cutting federal authority is through
    - Clean Water Act, Title VI – CWSRF rules 40 CFR §35.3145
    - Safe Drinking Water Act, Section 1452 DWSRF rules, 40 CFR § 35.35.75
    - EPA Guidance - Cross-Cutting Federal Authorities: A Handbook on Their Application in the Clean Water and Drinking Water State Revolving Fund Programs (October 2003).



4

**NEPA**  
instructs federal agencies to thoroughly analyze environmental consequences of their actions in an open and public manner.

**Cross-cutters**  
Apply to all federally funded projects and some apply to non-federally funded projects.

- MBTA (RD)
- CAA
- ESA
- CWA
- CERCLA
- RCRA
- Environmental Justice
  - EO 12898
- EFH
- Cultural Resources
  - NHPA (Sec 106) & AHPA
- NAGPRA
- SDWA
- W & S RIVERS
- Floodplains
  - EO 11988 & amended
- Wetlands
  - EO 11990 & amended
- FPPA

Logos at the bottom: USDA United States Department of Agriculture, Idaho Department of Environmental Quality, IDAHO COMMERCE, and a red square logo with a white castle icon and the number 5.

## RD Environmental Review Levels

- Categorical Exclusion (non-construction)
- CatEx with Report (most common)
- Environmental Assessment (EA) with Report
  - If new discharge or withdrawal, if substantial increase in discharge or withdrawals, or if designed for population growth > 500 EDU's
- Environmental Impact Statement

Logos at the bottom: USDA United States Department of Agriculture, Idaho Department of Environmental Quality, IDAHO COMMERCE, and a red square logo with a white castle icon and the number 6.

## DEQ Environmental Review Levels



- Categorical Exclusion (Cat Ex) – no documentation needed (except letter requesting Cat Ex)
- Cat Ex with Report/Supplemental Information (most common Cat Ex issued)
- Finding of No Significant Impact (FONSI) – requires an Environmental Information Document (EID) (most common). Examples: A new location of discharge or withdrawals, or a substantial increase in discharge or withdrawals, construction of a new system, if designed for population growth exceeding 500 EDU's and the statewide projection by > 25% over next 20 years. Population information can be obtained by the State DEQ office.
- Environmental Impact Statement – water & wastewater projects that have significant impacts to the environment (rare occurrence)



7

## CDBG Environmental Review Levels



- Exempt Activities and Categorical Exclusion, not subject to 24 CFR 58.5 – (administrative, engineering, design, equipment, furnishing)
- Categorical Exclusion, subject to 24 CFR 58.5 - (construction activities creating less than 20% of system/building capacity)
- Environmental Assessment (construction activities creating more than 20% capacity or new construction) Typically leads to a FONSI.
- Environmental Impact Statement



8

## USACE Environmental Review Levels



- Exempt Activities (administrative, engineering, design)
- Categorical Exclusion (equipment, furnishings)
- Finding of No Significant Impact (FONSI) – requires an Environmental Information Document (EID) or Environmental Assessment (EA). (most common)
- USACE must make Sec 7 (ESA) & Sec 106 (NHPA) determinations



9

## Environmental Procedures for Jointly Funded Projects

- Reduces duplication of effort and improves coordination among agencies
- Results in less effort/more efficiency for ER/EID preparer
- Saves \$\$ on publications
- Eliminates multiple agency public comment periods
- Contact all funding agencies involved as soon as possible
- Agencies (DEQ, IDOC, USACE and RD) meet quarterly to discuss jointly funded projects and to decide the lead on developing the ER/EID and completing the EA



10

## Environmental Report (ER) Environmental Information Document (EID) (all agencies can accept an ER/EID)

- Clearly identify and discuss purpose and need for the project
- Describe scope of project & project planning area
- Evaluate environmental impacts of all reasonable alternatives
- Solicit Agency comments to satisfy cross-cutters (USACE, DEQ, SHPO, THPO, USFWS, IDFG, BLM, NRCS, etc.)
- Information must be documented and verifiable
  - Use maps and aerial photos to document findings
  - Include agency response letters
  - Follow through on agency action responses, i.e. archaeological site survey, Biological Assessment or wetlands delineation
- Establish impact area for recommended alternative
  - Boundaries of impact area depends on the features and scope of the project.
- Assess significance of effects
- Establish Mitigation Measures
- Develop DRAFT environmental report simultaneously with the engineering report



## Proposed Project Planning Area (DEQ)

- **Proposed Project Planning Area (PPPA)** is the geographical, jurisdictional or political area identified in the planning document or facility planning study area that is anticipated to be served by the proposed project upon completion and for the life of the project.... The environmentally affected area and the PPPA are not the same, since the former is not defined by jurisdictional or political boundaries.

PPPA is typically the greater of: city limits plus city Area of Impact, or projected service area, plus any outside facilities such as land app sites, wells, storage tanks, etc.



## Area of Potential Effects (DEQ)

- *Area of Potential Effects (APE)* is the geographic area or areas that do not have to be contiguous to the project boundaries and within which the project may cause indirect or direct alterations in the character or use of a property. This includes all direct and reasonably foreseeable indirect effects.

APE is typically conterminous with or larger than the PPPA.

Positive effects (such as from reduced pollutant discharges) should be described in the text, but it is not worth the effort to determine the effective downstream boundary of the APE (it is likely *not* the mouth of the Columbia).



13

## PPPA/APE Example: Hailey WWTP



- All construction will be on WWTP site at far south end of service area (purple)
- Current service area boundary in red
- Service area anticipated to extend northward over life of WWTP improvements
- Improved solids handling reduces trips to landfill, so PPPA & APE extend there
- Reduced pollutant discharge to river



14

## RD APE Definition

- *Area of Potential Effects (APE)* is the geographic area or areas which the project may directly or indirectly effect an environmental resource.
  
- This is the same for USACE



## Commerce APE Definition

*Area of Potential Effect (APE)* – The geographic area within which an undertaking may directly or indirectly cause changes in the character or use of property.



## Purpose and Need of Project

- Describe system deficiencies, violations and health & safety concerns.
- Explain why improvements are required.



## Environmental Resources



- Formally Classified Lands (Parks, Monuments)
- Important Farmland (includes Range Land or Forest Land)



- Floodplains



- Wetlands



- Wild and Scenic Rivers



- Cultural Resources (Historical Properties, Archeological Sites, ground disturbance)
- Biological Resources (Threatened & Endangered Species, Critical Habitat)



## Environmental Resources continued...

- Water Quality (ground water, surface water, sole source aquifer)
- Socio-Economic/Environmental Justice
- Air Quality, Transportation and Odors
- Noise Abatement & Control
- Explosives & Flammable Operations
- Toxic Chemicals & Radioactive Material
- Airport Clear Zones & Accident Potential Zones



## Formally Classified Lands (RD requirement)

- National parks and monuments
- National natural landmarks
- National battlefield park sites
- National historic sites and parks
- Wilderness areas
- Wildlife Refuges
- National lake shores and trails
- State Parks
- Bureau of Land Management administered lands
- National forests and grasslands
- Native American owned lands and leases administered by the BIA



## Prime Farmland



- Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses (the land could be cropland, pastureland, rangeland, forest land, or other land, but not urban built-up land or water). It has the soil quality, growing season, and moisture supply needed to produce, economically, sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.
- Consult with NRCS
- NRCS website (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>)
- Completion of NRCS land conversion worksheet AD-1006 (if improvements will result in conversion of prime farmland); website [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1042434.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1042434.pdf)



21

## Prime Rangeland (RD requirement)

- Rangeland which, because of its soil, climate, topography, vegetation, and location, has the highest quality or value for grazing animals. The (potential) natural vegetation is palatable, nutritious, and available to the kinds of herbivores common to the area.
- Consult with NRCS



22

## Prime Forestland/Timberland

(RD requirement)



- Land that has soil capable of growing wood at the rate of 85 cubic feet or more/acre/year (at culmination of mean annual increment) in natural stands and is not in urban or built-up land uses or water. Generally speaking, this is land currently in forest, but does not exclude qualifying lands that could realistically be returned to forest.
- For National Park Service-managed land, consult with the Park Supervisor for the affected park. See the National Park Service Web Site for National Park locations: <http://www.nps.gov/>
- Consult with the USDA Forest Service, Bureau of Land Management, or National Park Service for assistance in determining if forestland is prime, unique or of statewide importance on land under their respective jurisdictions.
- Consult with USDA Natural Resources Conservation Service (NRCS) for assistance on privately-owned forestlands.



## Floodplains

- Avoid long-term and cumulative adverse impacts associated with the occupancy and modifications of floodplains
- Also avoid direct support of floodplain development wherever there is a practicable alternative
- Consult with FEMA
- If converting floodplain, then for RD must publish Preliminary & Final Notice.
- IDQC will require an 8 step (or possible 5-step – floodplain only) process if the project is not replacement improvements and located in floodplain.
- If DEQ is involved ER/EID preparer should also consult with IDWR Statewide Floodplain Coordinator (Keri Sigman)
- FEMA website (<http://msc.fema.gov>)
- IDWR flood mapping tool (<http://maps.idwr.idaho.gov/floodhazard/Map>)



## Wetlands



- Must avoid permanent conversion of wetlands wherever there is a practicable alternative
- Provide mitigation measures if permanently converting or destroying any wetlands. Also for DEQ, mitigation is required if restoring disturbed wetlands.
- Consult with the USACE
  - If there are questions about wetlands within the proposed project location then as part of agency consultation include pictures of the area specifically identifying the location of the waterline/collection system alignment and/or additional construction.
  - USACE response will direct whether wetland site inspections and/or delineations must be completed by a qualified wetland biologist.
  - USACE response will direct whether 404 permit will be required.
- IDOC requires an 8-step process if the project is not replacement improvements and located in a wetland



## Wetlands continued....



- USACE Permits
  - Can install utility lines through wetlands under the USACE NWP #12 on RD funded projects (NWP's updated in 2012)
    - The following conditions must be met:
      - Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the permanent loss of greater than 1/2 acre of waters of the United States
      - Notification of the USACE is not required unless the utility line within the waters of the United States exceeds 500 ft.
      - Not valid if the line is run parallel to a stream bed
      - Not valid if a Section 10 Permit is required (installation in Navigable waters of the US)
      - The disturbed area must be returned to previous contours
  - If the project will involve construction within a wetland, and the NWP can not be met, then a USACE (404) permit will be required.





## Wild & Scenic Rivers



- Wild and Scenic Rivers Act (16 USC 1271-1287) -- Public Law 90-542, approved October 2, 1968, (82 Stat. 906) establishes a National Wild and Scenic Rivers System and prescribes the methods and standards through which additional rivers may be identified and added to the system.
- The following are listed as wild and scenic in Idaho:
  - [Battle Creek](#), [Big Jacks Creek](#), [Bruneau River](#), [Bruneau River \(West Fork\)](#), [Clearwater River \(Middle Fork\)](#), [Cottonwood Creek](#), [Deep Creek](#), [Dickshooter Creek](#), [Duncan Creek](#), [Jarbridge River](#), [Little Jacks Creek](#), [Owyhee River](#), [Owyhee River \(North Fork\)](#), [Owyhee River \(South Fork\)](#), [Red Canyon](#), [Rapid River](#), [Saint Joe River](#), [Salmon River](#), [Salmon River \(Middle Fork\)](#), [Sheep Creek](#), [Snake River](#), [Wickahoney Creek](#)
- Refer to [www.rivers.gov/idaho.php](http://www.rivers.gov/idaho.php) and [www.rivers.gov/maps/conus.php](http://www.rivers.gov/maps/conus.php)



## Cultural Resources



- Must avoid adverse effects to historic properties that are within the project's area of potential effect (APE)
- General rule: a cultural resource survey will be required if the project will disturb ground that has not previously been disturbed.
- Consult with SHPO or THPO early in process (see map)
- For DEQ projects, DEQ will consult directly with THPOs and non-recognized Tribal Cultural Resource Programs.
  - DEQ section 106 checklist and determination (change in process)
- If project on is on tribal land with a recognized THPO, then no need to consult with the SHPO.
- If SHPO or THPO asks for a cultural resource survey, it should be conducted and submitted for review and response. The SHPO or THPO response to the site survey is submitted as part of the ER/EID.



## Biological Resources

(Threatened & Endangered Species, Critical Habitat)

- Must avoid Adverse impacts to listed plant and animal species and critical habitat
- Obtain the species list for the specific project area (must be updated within 90 days of Environmental approval); mark with the download date
  - DEQ provides current list to consultant along with ESA/EFH Memo
- Will the project have an effect on any listed species or critical habitat
- Agency must determine no effect or enter into either informal or formal consultation with USFWS or NMFS for anadromous species.
- Consult USFWS, Idaho Department of Fish and Game, and NMFS (for anadromous species)
  - DEQ consults directly with USFWS and NMFS
- Applicant prepares a BA if listed species are present in the area and there is a potential for effect, submit to lead environmental agency.
- Biological Assessments must be completed by a qualified professional.

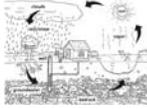


## Essential Fish Habitat (EFH)

Magnuson-Stevens Fishery Conservation and Management Act (MFCMA)

- The Act requires NMFS to work with other Federal agencies to conserve and enhance EFH.
- EFH is specific to ocean going (anadromous) species. In Idaho that includes two species Chinook (spring/fall) and Coho salmon.
- If project “may adversely impact EFH” then consultation must occur with NMFS. NMFS provides EFH conservation recommendations for any action that would adversely affect EFH.
- Agency undertaking the action should make effect determination on EFH.





## Water Quality



- Concerns about surface water, ground water, drinking water supplies and wastewater
- Ground water focus is with Sole Source Aquifers (SSA)
- If project is over a SSA/stream flow source area then it may be necessary to consult with EPA.
  - For DEQ - agency consultation needed with Region 10 Sole Source Coordinator, for projects that meet the following criteria: potential new source of contamination to the sole source/stream flow source area (e.g., new reuse/land application or expansion of land application systems, and rapid infiltration basins)
  - For RD and CDBG if a centralized system is being constructed or modified, no consultation with EPA is required since RD and CDBG have an MOU with EPA.
- Will the project involve the issuance of a new NPDES discharge permit?
- Will project involve issuance of a DEQ Reuse Permit?



## Socio-Economic/Environmental Justice



- Will the project have an affect on the socio-economic conditions of the area? Will the costs and benefits be distributed equitably?
- Will the project have a disproportionately adverse human health or environmental effects on minority and low-income populations?
- Provide the basis for such determinations in the ER/EID
- EJSCREEN – EPA tool to be available to the public in the coming year



## Air Quality, Transportation, Noise & Odor

- Will the project have any adverse or beneficial effects on Air Quality, Noise, Transportation or generation of Odor?
- Document the determination of effect in the ER/EID



## CDBG Additional Standards



- Noise Abatement & Control
- Explosives & Flammable Operations
- Toxic Chemicals & Radioactive Material
- Airport Clear Zones & Accident Potential Zones
- “Other Requirements” Checklist
  - Flood Disaster Protection Act – if project is within a floodplain does the community participate in the National Flood Insurance Program.
  - Airport Runway Clear Zone and Accident Zone – if project to occur in zone ensure future airport plans are not to acquire project site.
  - Coastal Barrier Resource Act – not applicable in Idaho





## CDBG Additional Standards



If Environmental Assessment, it will require additional review, public notices and a 32-day public comment period.

- If determined to not have a significant impact = FONSI – finding of no significant impact.



35

## Agency Process Comparison

	Idaho DEQ – Tier I (EPA federal \$)	USDA RD	IDOC	USACE
<b>Magnuson-Stevens Fishery Conservation and Management Act</b>	<p>If project is located within an EFH area then DEQ will consult with the National Marine Fisheries Service (NMFS). NMFS should provide conservation measures and those should be included in the EID to avoid, minimize, or offset the impact of proposed activities within Salmon EFH. DEQ makes determination of effect.</p>	<p>Report preparer must identify if EFH is within the APE. If so, then send an Agency contact letter to NMFS. Include NMFS response in the report.</p> <p>RD makes determination of effect. If RD cannot make a determination of No Effect then further consultation with NMFS may be required.</p>	<p>Report preparer must identify if EFH is within the APE. If so, then send an Agency contact letter to NMFS. Include NMFS response in the report.</p> <p>Note: Commerce consulting with HUD at this time</p>	<p>Report preparer must identify if EFH is within the APE. If so, then send an Agency contact letter to NMFS. Include NMFS response in the report.</p> <p>USACE makes determination of effect. If USACE cannot make a determination of No Effect then further consultation with NMFS may be required.</p>
<b>Endangered Species Act</b>	<p>Consultation with USFWS and NMFS (for ocean-going fisheries).</p> <p>If an agency (USFWS/NMFS) requests a biological assessment, then it must be completed by applicant, reviewed (by USFWS/NMFS), and included in the EID. In addition, the agency biological opinion will need to be included in the EID.</p> <p>Based on the agency's response DEQ drafts ESA memo of "effect" for incorporation into the environmental document. DEQ makes determination of effect.</p>	<p>Report preparer must pull a current ESA list for the APE. If there is potential for effect to a listed ESA, then send agency contact letter to USFWS and/or NMFS. Include response(s) in the report.</p> <p>RD makes determination of effect. If RD cannot make a determination of No Effect then further consultation with USFWS and/or NMFS may be required.</p>	<p>Report preparer must pull a current ESA list for the APE. If there is potential for effect to a listed ESA, then send agency contact letter to USFWS and/or NMFS. Include response(s) in the report.</p> <p>City or County makes determination of effect. If cannot make a determination of No Effect then further consultation with USFWS and/or NMFS may be required.</p>	<p>Report preparer must pull a current ESA list for the APE. If there is potential for effect to a listed ESA, then send agency contact letter to USFWS and/or NMFS. Include response(s) in the report.</p> <p>USACE makes determination of effect. If USACE cannot make a determination of No Effect then further consultation with USFWS and/or NMFS may be required.</p>



36

	Idaho DEQ – Tier I (EPA federal §)	USDA RD	IDOC	USACE
<b>National Historic Preservation Act (Section 106)</b>	<p>Applicant consults with SHPO unless project is on tribal land with a recognized THPO, then DEQ consults with the THPO.</p> <p>DEQ completes the THPO consultations (federally recognized THPOs and non-recognized tribal cultural resource programs).</p> <p>If SHPO and/or THPO request an archeological survey, applicant will complete it as part of the EID.</p> <p>DEQ should receive a copy of the SHPO/THPO response. DEQ completes the Section 106 Checklist and submits to EID developer for inclusion in the EID. Determination of “effects” is made by DEQ.</p>	<p>Report preparer must send an Agency contact letter to SHPO/THPO, whoever has primacy. Tribes of concern must also be consulted. See Tribal consultation map. If a survey is requested by the SHPO/THPO then one will likely be required by RD.</p> <p>RD makes the determination of effect and communicates this in a letter to SHPO/THPO.</p>	<p>Report preparer must send an Agency contact letter to SHPO/THPO, whoever has primacy. Tribes of concern must also be consulted. See Tribal consultation map. If a survey is requested by the SHPO/THPO then you will likely have to do one.</p> <p>City or County makes the determination of effect.</p>	<p>USACE and/or report preparer must send an Agency contact letter to SHPO/THPO, whoever has primacy. Tribes of concern must also be consulted. See Tribal consultation map. If a survey is requested by the SHPO/THPO then one will likely be required by USACE.</p> <p>USACE makes the determination of effect and communicates this in a letter to SHPO/THPO.</p>
<b>Public Participation</b>	<p>Public meeting and public comment period of alternatives in the FPS. Public comment period if DEQ issues a draft FONSI determination.</p> <p>May require bilingual notification depending on demographics of the community.</p>	<p>Bond election, typically, but not required. Judicial confirmation is acceptable in some cases.</p> <p>If determined to be an EA, then 30 day public comment period, with a FONSI publication upon conclusion.</p> <p>If Categorical Exclusion, no comment period or publications required. (19 projects, 2 EA's in FY14)</p>	<p>If Categorical Exclusion subject to, then one 7-day (10-days if posted) comment period and one 16-day (19-days if posted) comment period.</p> <p>If EA, then one 16-day (19 if posted) and another 16-day (19 if posted).</p>	<p>If USACE is funding any portion of construction, an EA is likely to be required. This typically includes a 30-day public comment period and a FONSI decision upon completion, pending no major comments were received.</p>



United States Department of Agriculture




37



## Public Involvement



Public Involvement for environmental reviews are slightly different for each funding agency:

**USDA-RD**

- Intent to apply for Financial Assistance
  - not part of the environmental process
- Categorical Exclusion
  - no public involvement or publication of legal notice required, unless important Farmland, Wetland, Floodplains or Cultural Resources will be affected.
- Environmental Assessment
  - Publish the Notice of Availability of an Environmental Assessment with a 30 day comment period.
  - Publish Notice of FONSI with a 0-15 day comment period. Typically 0 days.
- Special Public Notices
  - Individual Landowner notices to property owners and lessees adjacent to the proposed site of the selected alternative when there could be a visual intrusion, noise, odor, aerosol, or similar issue.
  - Preliminary Public Notice if *direct* impact to Important Farmland, Wetlands, Floodplains, or adverse affect on Cultural Resources – 30 day comment period
  - Final Public Notice, only in cases where Preliminary is published – 0 days for comment
  - Private party notifications to applicant, owners, guaranteed lenders; if project is in a floodplain.



United States Department of Agriculture




38



## Public Involvement continued...



### DEQ

- Planning document (FP/PER) – The planning document must be technically approved for public comment before completing the public participation process. The public is provided with notification on a public meeting and no less than a 14 day public comment period (depending on complexity of project and/or Association/District requirements) to provide input to authorizing body regarding selection of a preferred alternative. At the end of the comment period and public meeting then the authorizing body makes an official selection.
  - Bilingual outreach maybe required depending on the demographics of the community

### DEQ Environmental Determination Notices

- Cat Ex Issued – Cat Ex is issued and then published one time to announce outcome of environmental process. No comment period.
- FONSI issued – draft FONSI is issued and published with 30 day comment period. Following minimum 30 day comment period, Final FONSI is published.
- Environmental determinations can be found on the DEQ website



## Public Involvement continued...

### CDBG

- Exempt and Categorical Exclusion not subject to 24 CFR 58.5- no publishing or posting requirements
- Categorical Exclusion subject to 24 CFR 58.5
  - if the project can convert to exempt no publishing or posting
  - if the project can not convert to exempt and remains a categorical exclusion will need to publish or post
- Environmental Assessment – will need to publish or post (about 30 days)





## Public Involvement continued...

### USACE

- Categorical Exclusion
  - No public involvement or publication of legal notice required, unless important Farmland, Wetland, Floodplains, Endangered Species or Cultural Resources will be effected.
- Environmental Assessment
  - Publish the Notice of Availability of an Environmental Assessment with a 30 day comment period, may be shortened upon District Commander approval.
    - In certain circumstances, prior public comment periods conducted by other agencies may meet requirements and preclude additional public comment period.



41



## Public Notices



- When publishing environmental notices, the applicant and their consultant should work with the funding agencies to accomplish joint public notices, whenever possible.
  - Identify public notice options based on community
- If comments are received, the agency responds to comments and may request assistance from the applicant and their consultant. The funding agencies will review the response before it is sent to commenters to ensure a FONSI is still appropriate.
- If the project is still deemed controversial, the FONSI comment period may be extended from 30 to 45 days.
- Depending on demographics, notice should be in Spanish or other applicable language.



42

## Q&A Panel



## Feedback & Suggestions



# Water & Wastewater Engineering and Construction

## Agenda

- Engineer Flow Chart
- Interagency Facility Plan template
- Selecting an Engineer
- Owner-Engineer Agreement (EJCDC 2014)
- Open & Free Competition
- Equipment pre-selection
- Construction Contract Documents (front-end, EJCDC 2013)
- Getting from Bid Opening to Notice to Proceed
- Construction Inspections, monthly meetings, pay applications and Change Orders
- Originals Policy
- Q&A Panel



1



## Engineer Flow Chart (RD)

- Provides a roadmap for Engineers working on RD projects in Idaho
- Covers general process with key milestones that must be met from beginning to end
- Available on the RD Website



2

## Engineering Document Names, cont'd

- Rural Development and DEQ assign different meanings to these documents:
  - RD's Environmental Report = DEQ's Environmental Information Document
  - RD doesn't have anything that = DEQ's PER (RD may request a copy of the DEQ PER)
- The Facility Study should follow the "Idaho Interagency Facility Plan" (IIFP) format and is acceptable to both DEQ and Rural Development



3

## DEQ Planning Process

- DEQ Loan/Grant Programs use the term planning document to cover grant eligible reports such as Facility Plans (including IIFPs) and Engineering Reports
- Technical approval of the planning document is followed by public comment, evaluation of an Environmental Information Document (EID) and eventual final environmental determination
- Final approval of the planning document after environmental determination completes planning process



4

## DEQ Planning Process, cont'd

- SRF loan generally starts after planning process complete
- Loans can also cover planning or EID with prior approval
- Preliminary Engineering Report (PER) is a basis-of-design report based on an approved system-wide Facility Planning document and is only required for certain parts of the system prior to submittal of plans and specifications.



5

## Idaho Interagency Facility Plan (DEQ)

- The Idaho-specific version of memo developed by EPA, USDA, HUD and HHS (RUS Bulletin 1780-2)
- Intended to reduce duplication of effort and, to the extent practicable, harmonize agency requirements
- Provides common outline for facility plan
- Replaces former RD Bulletins
  - 1780-2 for Water
  - 1780-3 for Wastewater
  - Available on the RD & DEQ Websites
- Prepare in accordance with DEQ & SRF Rules
  - IDAPA 58.01.08.502 & DW SRF Loan Checklist 5-A
  - IDAPA 58.01.16.410 & WW SRF Loan Checklist 5-A



6

## Facility Plan (FP)

### Items typically missing or incomplete

- Environmental resources in the area not identified
- Existing O&M not identified
- Excessive population projections or development related growth
- Design/Planning data not clearly identified (ADD, MDD, PHD, existing & proposed source capacity, etc.)
- All reasonable alternatives are not analyzed, include “No Action” alternative
- Proposed O&M not identified
- Short-lived assets not identified
- Recommended project scope and cost does not match application for funding
- Excessive and unnecessary phases are proposed
  - SRF may not fund non-water supply or non-wastewater related improvements, such as park restrooms, park facilities, fire stations, etc.
  - SRF and RD may not completely finance projects which include excessive fire flow or growth



7

## Facility Plan (FP)

### Items typically missing or incomplete

- Recommended project is limited and does not cover other needs that could be funded with excess project budget
- Recommended project in the FP does not match ER/EID
- Present worth evaluation incorporating the EPA discount rate is not included
- The available alternative cost analyses requires updating or does not incorporate Davis Bacon wage rates
- Report narrative fails to overview the subjects of cross-connections, system classification, existing and future operator certification requirements; available and proposed contact time and an overview of sanitary survey or NPDES inspection deficiencies not yet corrected
- Report fails to adequately evaluate existing and future peak hour and maximum day plus fire conditions and affirm compliance with minimum pressure requirements.
- A tentative design, bid and construction schedule for the selected alternative is not available.



8

## Facility Plan (FP) Items typically missing or incomplete

- Various calculations, e.g., for lift stations
- Purchase or securing of property
- Components of Finished Water Storage cannot overlap:

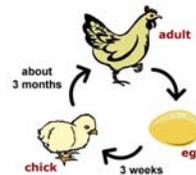
<b>Dead Storage. (Above the overflow)</b>	
<p><b>Operational Storage.</b> Operational storage supplies water when, under normal conditions, the sources are off. This is generally the volume between the pump on and pump off levels.</p>	<p><b>Effective Storage.</b> Effective storage is all storage other than dead storage.</p>
<p><b>Equalization Storage.</b> Storage of finished water in sufficient quantity to compensate for the difference between a water system's maximum pumping capacity (with largest pump out of service) and peak hour demand.</p>	
<p><b>Fire Suppression Storage.</b> The water needed to support fire flow in those systems that provide it.</p>	
<p><b>Standby Storage.</b> Standby storage provides a measure of reliability or safety factor should sources fail or when unusual conditions impose higher than anticipated demands. Normally used for emergency operation, i.e. 8 hours of average day demand if standby power is not provided.</p>	
<b>Dead Storage. (Below outlet or substandard flow and pressure)</b>	



9

## Land Purchases, Leases and Easements

- One of the more difficult parts of a project
- Project sequence is difficult, and may involve:
  - Local P&Z
  - Facility Plan
  - Financing Sources and Methodology
  - Environmental Assessment (NEPA)
  - Negotiation with owner, lender, etc.: contract language is important!
  - Down payment/earnest money
  - Eminent domain (hopefully not!)
- Reimbursable costs (purchase price, amount of land, legal, surveying, Phase I, etc.) depend on the funding program.  
**Consult with your funding agency early!**



10

## “Environmental Assessments” for Property Transfers

### Phase I ESA ≠ NEPA Environmental Assessment

- Phase I Environmental Site Assessment is for ‘Innocent Landowner Defense’ against liability for hazardous substance contamination (required by private lenders but not *normally* by DEQ, CDBG or RD)
- NEPA Environmental Assessment addresses multiple environmental issues and “cross-cutter” regulations for the project, not just land acquisition
- If the property has not been identified, the detailed NEPA assessment has to be done on all candidate properties and areas, which is usually not desirable



11



## Fire Flow



- In Idaho, public water systems that provide fire flow shall be designed to provide maximum day demand plus fire flow.
- Fire flow requirements should be determined by the local fire authority and a written statement from the local fire authority should be provided to the Engineer during development of the facility planning study.
- The local fire authority can reduce the fire flow requirements for small communities where development of full fire flow requirements is impractical (IFC Section B103).
- If a written statement that includes specific fire flow and duration numbers cannot be obtained from the local fire authority; the Engineer can establish required fire flows in accordance with the International Fire Code as adopted by the State Fire Marshal.
- Rural Development's focus is on providing safe drinking water for rural Idaho. As part of upgrading a water system to meet drinking water demands RD can fund system improvements for reasonable fire flow. RD cannot participate in funding a project or any portion thereof for which the agency determines fire flow requirements are unreasonable.



12

## Selecting an Engineer



### Procurement Process

- The funding agencies require that state law be followed when hiring a Design Professional. (Engineer, Architect, Construction Manager)
- Estimated fees more than \$25,000
  - Qualification Based Selection (QBS) process required



13

## QBS Procurement Steps

- Prepare a Request for Proposals (RFP)
  - RFP should identify need and solicit proposals from design professionals to assess and solve need
  - RFP required to indicate proposal will be evaluated on:
    - Capability to Perform Project
    - Relevant Project Experience
    - Qualification of Project Team
    - Project Approach and Schedule
    - Selection Committee Interview (highly recommended)



14

## QBS Procurement Steps continued...

- RFP should outline the Scope of Work
  - Include Studies, surveying, design services, construction services, avoids duplication of effort down the road.
  - Include in the scope of work preparation of the EID/ER
- RFP should indicate solicitation scenario
  - Facilities plan or engineering report, with option, if determined to expand services to design and construction services
  - Specific Project – i.e. – design of water reservoir
  - Pool of Qualified Firms (RFQ)



## QBS Procurement Steps continued...

- Advertise the RFP
  - Publish in newspaper of general circulation at least twice not less than one week apart
  - First publication at least two weeks before proposal submission due date
- Selection Committee (at least 3 people) evaluate based on RFP criteria
- Total scores, identify the highest ranked firm
- Document individual and aggregate scores





## QBS Procurement Steps continued...

- Negotiate with highest ranking firm detailed scope of work, schedule, and fees.
- If unable to reach agreement can then negotiate with 2<sup>nd</sup> highest ranking firm.
- Executing the Design Professional Agreement
  - Local gov't , EJCDC, or AIA forms
  - Must use EJCDC's if RD is funding
  - If CDBG paying for a portion of the services, the agreement must include CDBG Supplemental Agreement



17

## Owner-Engineer Agreement (RD)

- Must use EJCDC E-500 (2014) with RD Idaho Attachment 1
  - RD Attachment 1 modifies the standard agreement
  - Listing of additional insured in Exhibit G under the Owner's policy is not allowed per ICRMP
  - Exhibit I is deleted, no limitation of liability is allowed. Limitations of liability will be governed by the Idaho Constitution. Not allowed by Rural Development nationwide.



18

## Owner-Engineer Agreement, continued

- RD Idaho Attachment 1 is available on the RD Idaho website
- Download RD Idaho Attachment before each project to ensure you have the most recent version, attachment will be updated periodically
- The standard language of the agreement should be used with minimal modifications.
- The Facility Plan must be referenced on page 1 of the Agreement. Do not add additional breakdown of engineering tasks in Exhibit A. The Facility Plan is the Scope of Work, while the agreement describes the services being provided.
- Provide breakdown of Additional Services with line item costs.
- Must certify no other modifications to the documents, other than those identified have been made. Certification is part of RD attachment.



19

## Open & Free Competition (RD)



- Rural Development issued updated Open & Free Competition unnumbered letter in May 2012.
- Engineer must evaluate “or equals” submitted by bidders and contractors, but not subcontractors, suppliers or other third parties. Substitutes do not have to be considered.
- Must allow “or equals” during bidding and after award. Bidder or Contractor must certify there will be no increase to the owner in cost or contract time.
- Only need to list one brand name and include the “or equal” statement in specification.
- No geographic preference, must consider all suitable materials, can't ask contractor to list brand names intended to use, owners can't make up difference to get more expensive design, materials or technology
- Certain equipment can be pre-selected through a competitive RFP process.



20

## Equipment Pre-Selection

- Necessary when pre-selection of major equipment must be predetermined to facilitate design, for example:
  - Membrane treatment systems, oxidation ditch's, SBR, etc.
- There are two processes that meet RD regulations
  - Assignment of Contract (Preferred)
    - RD must now approve contract for equipment procurement
    - List specific line items, locked –in Price and Brand Name in Bid Schedule
  - Owner Supplied
    - RD must approve contract and must include federal language
    - Owner must maintain insurance and properly store equipment
  - DEQ generally requires an attorney opinion affirming compliance with procurement requirements if materials or equipment are not formally procured
- Equipment can only be sole-sourced with a detailed justification from the engineer supported by written documentation. Reasons for sole-sourcing could be the equipment, process or material is only available from one source, certain equipment is required for interchangeability of parts or the material/equipment is the only technically feasible option.



## RD's Original Signatures Policy

- RD only requires Original Signatures on the following documents:
  - Owner-Engineer Agreement (original for Owner)
  - Owner-Contractor Agreement (original for Owner)
- RD does not require Original Signatures on the following documents:
  - Owner-Engineer Agreement Amendments
  - Change Orders
  - Pay Applications



## DEQ's Original Signatures Policy

- DEQ normally requests one copy bearing Original Signatures on the following documents:
  - SRF Loan Award Document
  - Owner-Engineer Agreement, Including Amendment
  - Owner-Contractor Agreement
  - SRF Loan Outlay Request Form
  - Change Orders
- DEQ does not need Original Signatures on the following documents:
  - Contractor Pay Applications and Engineering Invoices
  - Planning and Design Documents including Addendums



23

## Construction Contract Documents

- Also known as "Front-End" documents
- Construction Document list is provided as an outline of documents required
- Must use new 2013 EJCDC with RD Idaho Attachments 2, 3 & 4
- Documents are available on the RD Idaho website
- Download RD Idaho Attachments before each project to ensure you have the most recent version, attachments will be updated periodically
- RD strongly encourages the use of the ISPWC specifications
- RD must review and approve the construction documents prior to advertising for bids. Some regional DEQ offices also require construction documents be approved prior to advertising. The offices which don't, highly recommend this practice so that the best contract price possible be obtained and to ensure construction documents meet minimum state requirements.
- DEQ must review public water supply and wastewater facility construction design documents prior to construction regardless of the anticipated funding plan.



24

## Construction Contract Documents (RD) Format

- RD Idaho Attachments are provided in Word format 
- The Attachments are password protected with track changes turned on .
- All modifications to the EJCDC's and RD Attachments must be done through track changes, so modifications, additions and deletions are clearly identified.
- Engineer must sign the certification in RD Supplementary Conditions that no other changes have been made to the EJCDC or RD Attachments, other than those clearly identified by "track changes".
- IDOC requires CDBG supplement conditions and federal labor standards with applicable D-B wage rate decision. 

## Getting from Bid Opening to Notice to Proceed

### AWARDING the construction contract

- After bids have been opened the Engineer should submit the following documents to the RD Specialist and DEQ Regional Office:
  - Bid Tabulation (include Engineers estimate)
  - Proposal from the low bidder along with bid bond, acknowledgement of addenda and signed certifications
  - Engineer's analysis and recommendation for award
  - Owner's recommendation for award
  - RD Specialist will establish a revised budget & summary of cost
  - DEQ also requires proof of advertisement and certification procurement laws have been followed
- Upon satisfactory review of the AWARD package RD or DEQ will provide the Owner with written concurrence to award the construction contract. **Do Not issue Award without RD's or DEQ's Concurrence.**



## Getting from Bid Opening to Notice to Proceed, continued

### EXECUTION of construction contract



- Upon receipt of RD's concurrence to award the Engineer should compile and submit at least one (1) original and two (2) copies of the bound project manuals to the RD AREA office including the following:
  - Successful Bidders Bid Form, Bid Bond and Notice of Award.
  - EJCDC Construction contracts, executed by the City and Contractor
  - Performance bond, Payment bond and Power-of-Attorney (matching dates)
  - Certificate of Insurance showing the coverage as required by RD's supplementary conditions
  - Executed Certificate of Owner's Attorney
  - EJCDC GC's, RD Supplementary Conditions and technical specifications
- Upon satisfactory review of the contracts RD will sign for concurrence and notify the Engineer and City they can issue Notice to Proceed.



27

## Getting from Bid Opening to Notice to Proceed, continued

### EXECUTION of construction contract



- Upon receipt of DEQ's Authorization to award, the Engineer should compile and submit at least one (1) original submittal package to the regional office and (1) original package to the owner including the following:
  - Successful Bidders Bid Form, Bid Bond and Notice of Award.
  - EJCDC Construction contracts, executed by the City and Contractor
  - Performance bond, Payment bond and Certificate of Insurance
  - Executed Certificate of Owner's Attorney or Supportive Opinion
  - SRF Loan Requested Prior Notice to Proceed Documents, including Form 6-D, 6-G, 6-H, 6-J, 6-L, 6-M, 6-N, 6-O, 6-P, 6-Q, 6-R, 6-S, 6-U, and 6-V
  - Some Regions may also require that Excluded Parties List System (EPLS) debarment statements be provided for the prime contractor, sub-contractors, suppliers and supporting contracts exceeding \$25,000
- Upon satisfactory review of the requested information DEQ will notify the Engineer and the City that Notice to Proceed may be issued.



28

## Liquidated Damages (RD)

- An amount, specified in the construction contract to cover damages incurred by the Owner as a result of the contractor's failure to complete the work within construction duration established in the contract (e.g., engineering, inspection and owner time).
- LD's must be enforced. Not an Owner or Engineer option.
- Contract time can only be extended for non-contractor caused delays.



29

## The Pre-Construction Meeting

- Purpose and intent
- Who attends
- Roles and responsibilities
- Review of RD Pre-Con forms



30

## Pre-Construction Meeting: Purpose

- Discussion of project
  - Who, what, when & where
  - Roles and Responsibilities during construction
  - Contract document requirements (C/O, LD's, Time)
  - Discuss payment procedures
  - ROW and Easements
  - Construction staging areas
  - Safety
  - Labor requirements
  - Final Payment and closeout



31

## The Pre-Construction Meeting: Who Attends

- Owner
- Contractor
- Consulting Engineer
- Funding Agenc(ies)
- Utility Companies
- Permitting Agencies
- Others



32

## Roles & Responsibilities at the meeting

- Engineer
  - Lead meeting and discuss project details
- Agency
  - State Engineer and Specialist should attend to ensure all important information is discussed
  - Review Preconstruction forms
- Owner and Contractor(s)
  - Ask questions
- Utilities
  - Communicate requirements to prevent problems



33

## Pre-Construction Meeting Forms

- Idaho RD Form “Record of Preconstruction Conference” should be used by the applicant. Available on the RD website.
- DEQ Form 9-A, “Preconstruction Checklist”
- DEQ Form 9-B, “Preconstruction Meeting Suggested Agenda”



34

## Construction Inspections, Monthly Meetings, Pay Applications and Change Orders



- Construction Inspections should be combined with monthly meetings and processing of pay applications.
- SRF and USACE require that the Owner include a current Davis Bacon prevailing wage list in contract documents; interview contractor employees pursuant to Department of Labor (DOL) instructions during construction and request wage classification checks from the DOL when needed.
- DEQ only needs one copy of the pay application
- Change orders must be fully executed before they are included on a pay applications to avoid delays.
- Engineers are welcome to contact RD and DEQ if there is concern over whether RD or DEQ will sign/accept the change order as eligible for respective RD or SRF funding.
- USACE funds are typically in the form of reimbursements
  - SF 270, Proof of Payment and Invoice Copy



35



## Clean Water SRF Changes

Water Resources Reform and Development Act of 2014

- “Final” EPA guidance Jan. 6, 2015



36

## Green Project Reserve (DEQ)

Federal law requires part of SRF funds to be spent on:

- Water efficiency
- Energy efficiency
- Green infrastructure (for stormwater management)
- “Environmentally innovative” activities

Applicants committed to include GPR on their projects get extra points when DEQ ranks their Letters of Interest



37

## Green Project Reserve, cont'd (DEQ)

GPR projects must be documented, typically with a succinct business case demonstrating energy or water efficiency or financial return.

Business cases since FY2011 are archived at [www.deq.idaho.gov/water-quality/grants-loans/green-project-reserve.aspx](http://www.deq.idaho.gov/water-quality/grants-loans/green-project-reserve.aspx)



Idaho's is #1 in the nation for GPR as a fraction of total CWSRF grant, and #5 for DWSRF

contact: Kevin Mcneil 373-0452 [kevin.mcneil@deq.idaho.gov](mailto:kevin.mcneil@deq.idaho.gov)



38

## American Iron & Steel Requirement (DEQ)

- Must use iron & steel products produced in U.S.
- Congressional requirement for all DWSRF & WWSRF projects, starting January 17, 2014
- Projects with plans & specs approved before January 17, 2014 are exempted
- EPA can issue waivers if:
  1. Application would be inconsistent with public interest
  2. Products not produced in U.S. in sufficient reasonably available quantities and of satisfactory quality; or
  3. U.S. products would increase *overall* project cost >25%
- EPA guidance and waiver decisions at [water.epa.gov/grants\\_funding/aisrequirement.cfm](http://water.epa.gov/grants_funding/aisrequirement.cfm)



39

## Q&A Panel



40

# Feedback & Suggestions

