

NEVADA PRIORITY SYSTEM FOR
DISTRIBUTION OF STATE WATER POLLUTION CONTROL
REVOLVING LOAN FUNDS

SECTION I. GENERAL POLICY

State revolving loan funds for the construction of municipal wastewater treatment works and pollution control projects are made available to Nevada communities pursuant to the Federal Clean Water Act. These funds are not sufficient to satisfy all of the State's wastewater treatment needs. With this constraint, the limited funds must be used in a manner consistent with the water quality and public health goals of the State in order to ensure maximum public benefit. The priority system described herein reflects the policies of the Department of Conservation and Natural Resources, Nevada Division of Environmental Protection (NDEP) regarding the utilization of the SRF, and is structured to support the following goals:

Elimination of surface and groundwater pollution within the State.

Protection of the health of the people of the State from the threat created by the inadequate treatment, collection and improper disposal of municipal wastewater and wastewater from non-point sources.

Attainment of water quality standards adopted by the State Environmental Commission to protect designated beneficial uses.

Operation of the SRF program in such a manner so as to impose the minimal possible financial burden on municipalities and other entities eligible for loans from the SRF.

The primary purpose of the priority system is to describe how staff of NDEP will evaluate projects in Nevada in terms of the above goals. Projects are placed in a priority class and given a priority value, as is described in Section V. The product of this evaluation is a project priority list which will be formally adopted by NDEP following a public hearing.

SECTION II. DEFINITIONS

As used in the Nevada Priority System:

- A. "Enforceable Requirements of the Act" means provisions of the Federal Clean Water Act which, if violated by a wastewater treatment facility, could result in an administrative or judicial enforcement action.

- B. "EPA" means the United States Environmental Protection Agency.
- C. "Fiscal Year" refers to the federal fiscal year, October 1 through September 30.
- D. "Pollution Control Project" means any eligible component of the management programs established pursuant to the Federal Act. The term "pollution control project" is synonymous with the term "non-point source control project" as that term is used in the Federal Act.
- E. State Revolving Loan Fund (SRF) means a State fund established to provide loans and other forms of financial assistance to municipalities for the purpose of constructing wastewater treatment works.
- F. "Treatment Works" means a device or system for the conveyance, storage, treatment, recycling, reclamation or disposal of municipal sewage.
- G. "Water Quality Standard" means a standard established in regulation by the State of Nevada prescribing specific allowable limits of constituents in surface water.

SECTION III. SPECIFIC POLICIES

A. Adoption of Priority List and Public Participation

Each year NDEP will prepare a project priority list.

Prior to the beginning of each funding period, NDEP will conduct a survey of proposed wastewater treatment works within the State. A form (Attachment #1) for each proposed project is completed by eligible loan applicants. The form provides a description, justification, estimated cost, and implementation schedule for the project. Utilizing this information and other data obtained from the discharge permit program, water quality management plans, municipal compliance plans, local district health officials and other sources, the proposed projects are classified and ranked to form the state project priority list.

NDEP will conduct a public hearing on the proposed priority list in order to solicit public comment and encourage public participation. No later than 15 days prior to the hearing, copies of the priority list and priority system will be distributed to all parties which have expressed an interest in receiving such information, and will also be made available at NDEP's office in Carson City. No later than 30 days prior to the public hearing, notice of the hearing shall be published in newspapers statewide.

The Administrator of NDEP or his designee will act as hearing officer, and will consider all testimony presented at the public hearing or in writing prior to the public hearing. Based upon the testimony, NDEP may modify the proposed list prior to adoption. The adopted list and a public comment summary will be submitted to EPA, as an attachment to the annual Intended Use Plan.

B. Additions, Modification, Bypass and Removal

NDEP may adjust the priority list at its option (in accordance with NAC 445.42138).

Any change to the priority list that affects the funding or priority of any project on the priority list shall be made only after written notice has been given to all affected parties, a public hearing if required has been held, and a period of 10 working days has elapsed after the date of such notice or hearing.

C. Reserves

- 1) An amount not to exceed 4 percent of the capitalization grant may be reserved to provide funds for the administration of the SRF program.
- 2) Not less than \$100,000 nor more than 1% of the State's annual allotment shall be reserved to develop and implement a non-point source management program. (in accordance with 33 U.S.C ~1384(b))

Up to 20 percent of Nevada's annual allotment may be used for major sewer system rehabilitation and/or new collector sewers and appurtenances.

SECTION IV. PRIORITY CLASSES

The determination of project priority is a two-step process. Projects are grouped into broad classes in order to establish relative priorities under the provisions of the Clean Water Act. Projects in each class are then ranked in priority order in accordance with the ranking formulas described in Section V.

Class A Treatment works or pollution control projects necessary to eliminate documented public health hazards in unsewered communities as evidenced by a finding of violation which has been issued in writing by the public health authority having jurisdiction over the area and by an official action which has been taken to halt or restrict construction of individual sewerage disposal systems, eliminate or restrict the discharge from a non-point source or treatment works necessary to eliminate documented public health hazards in sewerred communities where existing facilities have exceeded their useful life and have deteriorated to the point that a public health hazard exists.

Class B Treatment works or pollution control projects necessary to correct existing surface water quality standards violations. Violations must be documented by instream water quality data and have resulted in a notification of water quality standards violations being issued by NDEP to the municipal discharger or to the person(s) responsible for the non-point source discharge.

Class C Treatment works necessary to correct violations of discharge permit limitations.

Permit limit violations must be documented by discharge monitoring reports or NDEP compliance monitoring, with a resultant notice of violation and administrative order issued by NDEP.

Class D Treatment works or pollution control projects necessary to eliminate and/or prevent interference with an existing beneficial use of groundwater where it has been determined that such an interference exists.

Class E Treatment works necessary to increase capacity or reliability, or provide a degree of treatment beyond that required by water quality standards or permit requirements, in order to reclaim and reuse wastewater or to otherwise provide for treatment works or pollution control projects to sustain compliance with water quality standards or maintain beneficial uses.

Class F Interceptors in sewered communities, pumping stations, infiltration inflow correction and sewer system rehabilitation.

Class G Projects which provide wastewater treatment and collection in existing ancyroid communities where no public health hazards or water standards violations have been demonstrated or to provide wastewater collection systems to ancyroid portions of sewered communities.

Class H All other treatment works or pollution control projects

SECTION V.

Projects shall be ranked within the Priority Classes in accordance with a numerical score derived from the following formulas:

Classes A, F and G: $PV = \log \text{ population served} + R$

Classes B and C: $PV = VF + WQF + R$

Class D: $PV = GW + R$

Class E: $PV = D + C + E + R$

Class H: $PV = R$

PV is the point value assigned to each project.

VF which applies only to Class B and C projects, is a violation factor based upon the highest existing beneficial use for which a stream is utilized. The numerical value for VF is determined from Table II.

WQF is a water quality factor, which applies only to Class B & C projects. The numerical value of WQF is based on the segment to which a treatment plant discharges or which is affected by the discharge from a non-point source and is determined from Table 1.

GW is a groundwater factor and is determined the following manner:

Treatment works or pollution control projects that are necessary to:

Eliminate an existing Contamination of groundwater used for drinking water. 10 points

Eliminate an existing contamination of ground water used for purpose other than drinking water. 5 points

Prevent potential contamination of groundwater used for drinking water. 3 points

R is readiness factor. The numerical score for this factor is determined in the following manner.

Plans and Specifications approved by NDEP (this includes everything needed to bid the project). 10 points

Facility Plan approved by NDEP final plans and specifications to be completed within six months. 7 points

Facility Plan approved by NDEP 5 points

A Revolving Loan Fund Project Priority List Information Form has been submitted 1 point

D is a factor related to the elimination of a direct discharge to surface waters or groundwater (irrigation with effluent, wetlands enhancement, other forms of reuse) - The numerical factor is 10 points.

C is a factor related to projects which increase treatment plant capacity. Point values are determined in the following manner.

Existing or Committed Flow 0 to 50% Permitted capacity 0 points

Existing or Committed Flows 50% to 85%
Permitted capacity

5 points

Existing or Committed Flow over 85%
or permitted capacity

10 points

E is a factor related to projects which improve treatment efficiency, treatment plant reliability or to provide a higher level of treatment than required by the discharge permit. The point value for E is 7 points

In order for a project to receive a loan during a funding period the project must be ready to receive a loan payment at the time of loan award.