**Introduction**: Prospective borrowers seeking Water Infrastructure Finance and Innovation Act (WIFIA) credit assistance must complete and submit a letter of interest to the U.S. Environmental Protection Agency (EPA). Based on the information provided in the letter of interest, EPA will invite selected prospective borrowers to submit an application for WIFIA credit assistance. EPA will only select those eligible projects that it expects to proceed to closing.

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**Purpose**: Prospective borrowers submit the letter of interest materials to provide EPA with the necessary information to: 1) validate the eligibility of the prospective borrower and the prospective project; 2) perform a preliminary creditworthiness assessment; 3) perform a preliminary engineering feasibility assessment; and 4) evaluate the project against the selection criteria and identify which projects EPA will invite to submit applications. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Format**: To be considered for WIFIA credit assistance, prospective borrowers must submit a letter of interest that describes: 1) the prospective borrower and the plans for the proposed project(s); 2) the proposed financial plan; 3) the status of the reports and studies required for the project(s); and 4) how the project meets the selection criteria of the WIFIA credit program. Please reference the latest Notice of Funding Availability (NOFA), the WIFIA program handbook, and frequently asked questions (FAQ) available at <http://www.epa.gov/wifia> for additional instructions and information.

Responses to the all questions should be included in this form. Upon completion, the total length of the letter of interest form should not exceed 50 pages, excluding any attachments. Font size should not be smaller than 11 point Calibri.

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**Selection:** Due to the wide variety of projects eligible for WIFIA assistance, in some cases EPA may request additional information to supplement the letter of interest so it may complete its analysis. EPA will invite some eligible prospective borrowers to submit applications based on its selection process.

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**Submission:** Letters of interests must be submitted to EPA by the deadline stated in the Notice of Funding Availability (NOFA). Source documents may be draft or preliminary. Please provide the most recent version available at the time of submission.

The documents may be submitted in two ways:

1. Email the documents as attachments to [wifia@epa.gov](mailto:wifia@epa.gov).
2. Upload the documents to EPA’s SharePoint site. To be granted access to the SharePoint site, prospective borrowers can request access to SharePoint by emailing [wifia@epa.gov](mailto:wifia@epa.gov). Requests to upload documents must be made in advance of the deadline as outlined in the NOFA.

Upon receipt, EPA will provide a confirmation email. If you have questions on completing this letter of interest, please consult the WIFIA website ([www.epa.gov/wifia](http://www.epa.gov/wifia)) or contact the WIFIA program office at [wifia@epa.gov](mailto:wifia@epa.gov).

**Confidential Business Information (CBI):** A prospective borrower may assert a business confidentiality claim covering part or all of the information submitted to EPA as part of its letter of interest, in a manner consistent with 40 C.F.R. 2.203, 41 Fed. Reg. 36902 (Sept. 1, 1976), by placing on (or attaching to) the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. The prospective borrower should also state whether it desires confidential treatment until a certain date or until the occurrence of a certain event.  Information covered by a business confidentiality claim will be disclosed by EPA only to the extent and only by means of the procedures set forth under 40 C.F.R. Part 2, Subpart B.  Information that is not accompanied by a business confidentiality claim when it is received by EPA may be made available to the public by EPA without further notice to the prospective borrower.

More information about CBI is available in the WIFIA program handbook and frequently asked questions (FAQ) available at <http://www.epa.gov/wifia>.

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**Burden:** The public reporting and recordkeeping burden for this collection of information is estimated to average 50 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, included through the use of automated collection techniques to the Director, Regulatory Support Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Warning**: Falsification or misrepresentation of information or failure to file or report information required to be reported may be the basis for denial of financial assistance by EPA. Knowing and willful falsification of information required to be submitted and false statements to a Federal Agency may also subject you to criminal prosecution. See, for example, 18 U.S.C. §1001.

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# **LETTER OF INTEREST**

*Provide the following information in this form or as narrative answers. Narrative answers can reference source documents (include the name of the document and relevant pages or sections). Provide any referenced documents as attachments.*

## **Section A: Prospective Borrower Information**

1. Legal name of prospective borrower:

Click or tap here to enter text.

1. Other names under which the prospective borrower does business:

Click or tap here to enter text.

1. Department and division name:

Click or tap here to enter text.

1. Business street address:

Click or tap here to enter text.

1. Mailing street address (if different from above):

Click or tap here to enter text.

1. Website:

Click or tap here to enter text.

1. Employer/taxpayer identification number (EIN/TIN):

Click or tap here to enter text.

1. Dun and Bradstreet Data Universal Number System (DUNS) number:

Click or tap here to enter text.

1. Type of entity (check all that apply):

Corporation

Partnership

Joint Venture

Trust

Federal, State, or Local Governmental Entity, Agency, or Instrumentality

Tribal Government or Consortium of Tribal Governments

State Infrastructure Finance Authority

Combination of the Above Entities

1. Describe the organizational structure of the project(s) and attach an organizational chart illustrating this structure. Explain the relationship between the prospective borrower, the project, and other relevant parties. Include individual members or titles of the project team(s) and their past experiences with projects of similar size and scope. If multiple parties are involved in the project’s construction, maintenance, and operation, describe the project’s risk allocation framework.

Click or tap here to enter text.

1. If the prospective borrower is not a public entity or in the case of the prospective borrower being a state infrastructure finance authority, the sub-recipient(s) is not a public entity, is the project(s) publicly sponsored? Please explain.

Click or tap here to enter text.

1. When will the prospective borrower be prepared to submit an application? (Assume invitations to apply will be issued approximately 90 days from the close of the letter interest submission period).

Click or tap here to enter text.

## **Section B: Project Plan**

1. Project name(s) *(for purposes of identification assign a short name to the project(s)):*

Click or tap here to enter text.

1. National Pollutant Discharge Elimination System (NPDES) and/ or Public Water System (PWS) number (if applicable):

Click or tap here to enter text.

1. Project website(s):

Click or tap here to enter text.

1. Provide a brief description of the project(s) (major project scope items such as capacity, diameter and length, treatment components, and other design features):

Click or tap here to enter text.

1. Describe the project’s purpose (including quantitative or qualitative details on public benefits the project(s) will achieve).

Click or tap here to enter text.

1. Describe the location of the project(s). Include a project map, if available, and/or latitude and longitude details.

Click or tap here to enter text.

1. County(s) project(s) will serve:

Click or tap here to enter text.

1. Population served by the project(s):

Click or tap here to enter text.

1. Total population served by system:

Click or tap here to enter text.

1. Type of project delivery method (i.e., design-build, construction manager at-risk, design-bid-build) that is planned for this project(s):

Click or tap here to enter text.

1. Present the overall project schedule in the provided table. Provide the detailed project schedule(s) as an attachment.

|  |  |  |
| --- | --- | --- |
|  | Start Date | End Date |
| Planning | Click or tap to enter a date. | Click or tap to enter a date. |
| Design | Click or tap to enter a date. | Click or tap to enter a date. |
| Permitting | Click or tap to enter a date. | Click or tap to enter a date. |
| Construction | Click or tap to enter a date. | Click or tap to enter a date. |

Provide the estimated financial close date: Click or tap to enter a date.

1. Provide any analysis (i.e. preliminary engineering reports, feasibility studies, preliminary designs, siting studies, project plans, etc.) completed in support of the project(s). List referenced documents below and provide as attachments.

Click or tap here to enter text.

1. Present the findings of any alternatives analysis or business cases conducted, if available. Describe the project alternatives considered and the rationale (i.e., lowest capital cost, greater ease of operation, most reliable, fewest environmental impacts, etc.) for the selected alternative; this description should include the technical, managerial, financial, environmental, operational and local decision making rationale for the selected approach. Provide any referenced documents as attachments.

Click or tap here to enter text.

1. If available, provide a copy of the system master plan or like document and list referenced document below.

Click or tap here to enter text.

1. Briefly discuss any other issues that may affect the development and financing of the project(s), such as community support, pending legislation, permitting, or litigation.

Click or tap here to enter text.

1. Describe the authorizing actions (e.g., local vote, board vote, ordinance) that would need to occur in order to enter into a loan agreement with the WIFIA program.

Click or tap here to enter text.

1. Present the environmental review plan and status of such for the project(s). Describe the status of any additional permits and approvals that the project(s) may require.

Click or tap here to enter text.

1. If applicable, describe community outreach efforts conducted to date and planned for the project(s).

Click or tap here to enter text.

1. Indicate if the project is located in, close to, or could impact the 100-year floodplain.

Located in 100-year floodplain

Close to 100-year floodplain

Could impact 100-year floodplain

None of the Above

## **Section C: Project Operations and Maintenance Plan**

1. Provide the estimated useful life of the project(s) and describe the underlying assumptions. In determining the useful life of the project(s), please consider the useful economic life of the asset(s) to be financed.

Click or tap here to enter text.

1. Provide the project(s)’s operation and maintenance plan, including sources of revenue to finance those activities, any performance guarantees, and major maintenance reserves. A preliminary or draft plan is acceptable.

Click or tap here to enter text.

1. Describe any contractual arrangements that may impact the operation of the project(s).

Click or tap here to enter text.

## **Section D: Financing Plan**

1. Estimated total eligible project costs (in dollars):

Click or tap here to enter text.

1. Requested amount of the WIFIA loan (in dollars):

Click or tap here to enter text.

1. Provide a sources and uses of funds table for the construction period(s), including the proposed WIFIA assistance. Note any ineligible project costs. More information about eligible costs is available in the [WIFIA program handbook](https://www.epa.gov/wifia).

|  |  |
| --- | --- |
| Sources Category | Estimated Dollar Value |
| 1. WIFIA Loan | Click or tap here to enter text. |
| 2. Revenue Bonds | Click or tap here to enter text. |
| 3. SRF Loan | Click or tap here to enter text. |
| 4. Borrower Cash | Click or tap here to enter text. |
| 5. Other (please specify) Click or tap here to enter text. | Click or tap here to enter text. |
| 6. Other (please specify) Click or tap here to enter text. | Click or tap here to enter text. |
| **TOTAL SOURCES** | Click or tap here to enter text. |
| Uses Category | Estimated Cost |
| 1.  Construction | Click or tap here to enter text. |
| 2.  Design | Click or tap here to enter text. |
| 3.  Planning | Click or tap here to enter text. |
| 4.  Land Acquisition | Click or tap here to enter text. |
| 5.  Other Capital Costs | Click or tap here to enter text. |
| 6.  Contingency | Click or tap here to enter text. |
| 7.  Total Capital Costs | Click or tap here to enter text. |
| 8. Other (please specify) Click or tap here to enter text. | Click or tap here to enter text. |
| 8. Other (please specify) Click or tap here to enter text. | Click or tap here to enter text. |
| 9. Ineligible Costs (if applicable) | Click or tap here to enter text. |
| **TOTAL USES** | Click or tap here to enter text. |

1. Provide a narrative describing the project(s) plan of finance. This should include a discussion of the proposed financial structure and any existing ratings on the security pledged for repayment of the WIFIA loan (if available) or a description of how the senior debt obligations will garner an investment-grade rating(s). Note availability and credit terms of other project funding sources. Include any preliminary revenue projections and explain underlying assumptions.

If the prospective borrower is a pool of eligible borrowers and projects, discuss the existing ratings and repayment schedules of the underlying borrowers and attach supporting documentation as available. Confirm that there will be a single revenue pledge securing the WIFIA debt.

Click or tap here to enter text.

1. Describe the proposed credit terms of the WIFIA assistance including the security pledge, the lien position, maturity date (term), and amortization structure (e.g. straight-line or sculpted). State whether the WIFIA loan will be issued on a senior or subordinate lien.

Click or tap here to enter text.

1. Describe the prospective borrower’s financial condition.

Click or tap here to enter text.

1. Provide the year-end audited financial statement for the past three years, as available as an attachment. Provide the financial statement filenames in the textbox.

Click or tap here to enter text.

1. Attach a financial pro forma which presents key revenue, expense, and debt repayment assumptions for the revenue pledged to repay the WIFIA loan through the final maturity of the proposed WIFIA debt, including up to three years of historical data, as available. The pro forma should be provided in an editable Microsoft Excel format, not in PDF or "values" format. The pro forma should include at a minimum the following:
   1. Sources of revenue
   2. Operations and maintenance expenses
   3. Dedicated source(s) of repayment
   4. Capital expenditures
   5. Debt service payments and reserve transfers, broken down by funding source and including the WIFIA credit assistance
   6. Projected debt service coverage ratios for total existing debt and the WIFIA debt
   7. The project’s or system’s debt balances broken down by funding sources
   8. Equity distributions, if applicable

If available, include sensitivity projections for pessimistic, base and optimistic cases. A sample financial pro forma is available at <https://www.epa.gov/wifia/wifia-application-materials-and-resources>. Provide the financial pro forma filename in the textbox.

Click or tap here to enter text.

1. Has the prospective borrower consulted with the applicable State Revolving Fund (SRF) program to procure SRF funding? If so, indicate whether it is applying for the SRF funding and where it is in the application process.

Click or tap here to enter text.

## **Section E: Selection Criteria**

*For each selection criterion, provide a response explaining the extent to which the project seeking the WIFIA loan relates to the criterion. When applicable, reference attachments. Detailed definitions for each selection criteria are provided in the WIFIA program handbook available at* [*www.epa.gov/wifia*](http://www.epa.gov/wifia)*.*

1. **National or regional significance:** Describe the extent to which the project is nationally or regionally significant, with respect to the generation of economic and public benefits, such as (1) the reduction of flood risk; (2) the improvement of water quality and quantity, including aquifer recharge; (3) the protection of drinking water, including source water protection; and (4) the support of international commerce.

Click or tap here to enter text.

1. **New or innovative approaches:** Describe the extent to which the project uses new or innovative approaches.

Click or tap here to enter text.

1. **Protection against extreme weather events:** Describe the extent to which the project (1) protects against extreme weather events, such as floods or hurricanes, or (2) helps maintain or protect the environment.

Click or tap here to enter text.

1. **Serves energy exploration or production areas:** Describe the extent to which a project serves regions with significant energy exploration, development, or production areas.

Click or tap here to enter text.

1. **Serves regions with water resource challenges:** Describe the extent to which a project serves regions with significant water resource challenges, including the need to address (1) water quality concerns in areas of regional, national, or international significance; (2) water quantity concerns related to groundwater, surface water, or other resources; (3) significant flood risk; (4) water resource challenges identified in existing regional, state, or multistate agreements; and (5) water resources with exceptional recreational value or ecological importance.

Click or tap here to enter text.

1. **Addresses identified priorities:** Describe the extent to which the project addresses identified municipal, state, or regional priorities.

Click or tap here to enter text.

1. **Repair, rehabilitation, or replacement:** Describe the extent to which the project addresses needs for repair, rehabilitation or replacement of a treatment works, community water system, or aging water distribution or wastewater collection system.

Click or tap here to enter text.

1. **Economically stressed communities:** Describe the extent to which the project serves economically stressed communities, or pockets of economically stressed rate payers within otherwise non- economically stressed communities.

Click or tap here to enter text.

1. **Reduces exposure to lead:** Describe the extent to which the project reduces exposure to lead in the nation’s drinking water systems or ensures continuous compliance with contaminant limits.

Click or tap here to enter text.

1. **Readiness to proceed:** Describe the readiness of the project to proceed toward development, including a demonstration by the prospective borrower that there is a reasonable expectation that the contracting process for construction of the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project.

Click or tap here to enter text.

1. **Enables project to proceed earlier:** Describe the likelihood that assistance under WIFIA would enable the project to proceed at an earlier date than the project would otherwise be able to proceed.

Click or tap here to enter text.

1. **Financing plan:** Describe the extent to which the project financing plan includes public or private financing in addition to assistance under WIFIA.

Click or tap here to enter text.

1. **Reduction of Federal assistance:** Describe the extent to which assistance under WIFIA reduces the contribution of Federal assistance to the project.

Click or tap here to enter text.

## **Section F: Contact Information**

1. Primary point of contact

Name: Click or tap here to enter text.

Title: Click or tap here to enter text.

Organization: Click or tap here to enter text.

Street Address: Click or tap here to enter text.

City/State/Zip: Click or tap here to enter text.

Phone: Click or tap here to enter text.

E-mail: Click or tap here to enter text.

1. Secondary point of contact

Name: Click or tap here to enter text.

Title: Click or tap here to enter text.

Organization: Click or tap here to enter text.

Street Address: Click or tap here to enter text.

City/State/Zip: Click or tap here to enter text.

Phone: Click or tap here to enter text.

E-mail: Click or tap here to enter text.

## **Section G: Certifications**

*Please sign in the appropriate space and submit a scanned version of the signature page to EPA with your electronic Letter of Interest submission.*

1. *National Environmental Policy Act:* The prospective borrower acknowledges that any project receiving credit assistance under this program must comply with all provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
2. *American Iron and Steel:* The prospective borrower acknowledges that any project receiving credit assistance under this program for the construction, alteration, maintenance, or repair of a project may only use iron and steel products produced in the United States and must comply with all applicable guidance.
3. *Prevailing Wages*: The prospective borrower acknowledges that all laborers and mechanics employed by contractors or subcontractors on projects receiving credit assistance under this program shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with sections 3141-3144, 3146, and 3147 of Title 40 (Davis-Bacon wage rules).
4. *Lobbying:* Section 1352 of Title 31, United States Code provides that none of the funds appropriated by any Act of Congress may be expended by a recipient of a contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, or an employee of a Member of Congress in connection with the award or making of a Federal contract, grant, loan, or cooperative agreement or the modification thereof. The EPA interprets this provision to include the use of appropriated funds to influence or attempt to influence the selection for assistance under the WIFIA program.

WIFIA prospective borrowers must file a declaration: (a) with the submission of an application for WIFIA credit assistance; (b) upon receipt of WIFIA credit assistance (unless the information contained in the declaration accompanying the WIFIA application has not materially changed); and (c) at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the information contained in any declaration previously filed in connection with the WIFIA credit assistance.

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

1. *Debarment:* The undersigned further certifies that it is not currently, nor has it been in the preceding three years: 1) debarred, suspended, or declared ineligible from participating in any Federal program; 2) formally proposed for debarment, with a final determination still pending; 3) voluntarily excluded from participation in a Federal transaction; or 4) indicted, convicted, or had a civil judgment rendered against it for any of the offenses listed in the Regulations Governing Debarment and Suspension (Governmentwide Nonprocurement Debarment and Suspension Regulations: 2 C.F.R. Part 180 and Part 1532.
2. *Default/Delinquency:* The undersigned further certifies that neither it nor any of its subsidiaries or affiliates are currently in default or delinquent on any debt or loans provided or guaranteed by the Federal Government.
3. *Other Federal Requirements*: The prospective borrower acknowledges that it must comply with all other federal statutes and regulations, as applicable. A non-exhaustive list of federal cross-cutting statutes and regulations can be found at: www.epa.gov/wifia.
4. *Signature:* By submitting this letter of interest, the undersigned certifies that the facts stated and the certifications and representations made in this letter of interest are true, to the best of the prospective borrower’s knowledge and belief after due inquiry, and that the prospective borrower has not omitted any material facts. The undersigned is an authorized representative of the prospective borrower.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Signed: Click or tap to enter a date.

Name: Click or tap here to enter text.

Title: Click or tap here to enter text.

Organization: Click or tap here to enter text.

Street Address: Click or tap here to enter text.

City/State/Zip: Click or tap here to enter text.

Phone: Click or tap here to enter text.

E-mail: Click or tap here to enter text.

## **Section H: Notification of State Infrastructure Financing Authority**

*Please sign in the appropriate space and submit a scanned version of the signature page to EPA with your electronic Letter of Interest submission.*

By submitting this letter of interest, the undersigned acknowledges that EPA will (1) notify the appropriate State infrastructure financing authority in the State in which the project is located that the prospective borrower submitted this letter of interest; and (2) provide the submitted letter of interest and all source documents to that State infrastructure financing authority.

Prospective borrowers that do not want their letter of interest and source documents shared with the State infrastructure financing authority in the state in which the project is located may opt out by initialing here \_\_\_\_\_\_\_\_\_\_\_\_\_.

If a prospective borrower opts out of sharing a letter of interest, EPA will still notify the State infrastructure financing authority within 30 days of receiving a letter of interest.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: Click or tap here to enter text.

Date Signed: Click or tap to enter a date.

# **KEY DEFINITIONS**

1. *Administrator* means the Administrator of EPA.
2. *Applicant* means the entity submitting the application for WIFIA credit assistance. Only prospective borrowers that are invited to submit a WIFIA application become applicants. The following entities are eligible to receive credit assistance: a corporation, a partnership, a joint venture, a trust, a Federal, State, or local government, a tribal government or consortium of tribal governments, and a State infrastructure financing authority.
3. *Community water system* has the meaning given the term in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f).
4. *Credit assistance* means a secured loan or loan guarantee under WIFIA.
5. *Credit agreement* means a contractual agreement between EPA and the prospective borrower (and the lender, if applicable) that formalizes the terms and conditions established in the term sheet (or conditional term sheet) and authorizes the execution of a secured loan or loan guarantee.
6. *Eligible project costs* mean amounts, substantially all of which are paid by, or for the account of, an prospective borrower in connection with a project, including the cost of:
   1. Development-phase activities, including planning, feasibility analysis (including any related analysis necessary to carry out an eligible project), revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;
   2. Construction, reconstruction, rehabilitation, and replacement activities;
   3. The acquisition of real property or an interest in real property (including water rights, land relating to the project, and improvements to land), environmental mitigation (including acquisitions pursuant to section 33 U.S.C. §3905(7)), construction contingencies, and acquisition of equipment; and
   4. Capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.
7. *Federal credit instrument* means a secured loan or loan guarantee authorized to be made available under WIFIA with respect to a project.
8. *Investment-grade rating* means a rating category of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a nationally recognized statistical rating organization (NRSRO) to project obligations offered into the capital markets.
9. *Iron and steel products* means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.
10. *Nationally Recognized Statistical Rating Organization (NRSRO)* means a credit rating agency identified and registered by the Office of Credit Ratings in the Securities and Exchange Commission.
11. *Project* means:
    1. 1 or more activities that are [eligible](https://www.epa.gov/cwsrf/learn-about-clean-water-state-revolving-fund-cwsrf#eligibilities) for assistance under section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)), notwithstanding the public ownership requirement under paragraph (1) of that subsection.
    2. 1 or more [activities](https://www.epa.gov/drinkingwatersrf/dwsrf-eligibilities) described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)).
    3. A project for enhanced energy efficiency in the operation of a public water system or a publicly owned treatment works.
    4. A project for repair, rehabilitation, or replacement of a treatment works, community water system, or aging water distribution or waste collection facility (including a facility that serves a population or community of an Indian reservation).
    5. A brackish or sea water desalination project including chloride control.
    6. A managed aquifer recharge project, a water recycling project, or projects to provide alternative water supplies to reduce aquifer depletion.
    7. Acquisition of real property or an interest in real property—
       1. If the acquisition is integral to a project described in paragraphs (1) through (5); or
       2. Pursuant to an existing plan that, in the judgment of the Administrator or the Secretary, as applicable, would mitigate the environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section.
    8. A project to prevent, reduce, or mitigate the effects of drought, including projects that enhance the resilience of drought-stricken watersheds.
    9. A combination of projects, each of which is eligible under paragraph (1) or (2), for which a State infrastructure financing authority submits to the Administrator a single application.
    10. A combination of projects secured by a common security pledge, each of which is eligible under paragraph (1), (2), (3), (4), (5), (6), or (7), for which an eligible entity, or a combination of eligible entities, submits a single application.
12. *Prospective borrowe*r means an entity that is contemplating or is in the process of undertaking the WIFIA application process, or an entity that has undertaken these activities on behalf of another entity. The following entities are eligible to receive credit assistance: a corporation, a partnership, a joint venture, a trust, a Federal, State, or local government, a tribal government or consortium of tribal governments, and a State infrastructure financing authority. Prospective borrowers become applicants when they are invited to apply for WIFIA credit assistance.
13. *Public entity* means:
    1. a Federal, State, or local Governmental entity, agency, or instrumentality; or
    2. a Tribal Government or consortium of Tribal Governments.
14. *Publicly sponsored* means the prospective borrower can demonstrate, to the satisfaction of the Administrator that it has consulted with the affected State, local or Tribal Government in which the project is located, or is otherwise affected by the project, and that such government supports the proposed project. Support can be shown by a certified letter signed by the approving municipal department or similar agency, mayor or other similar designated authority, local ordinance, or any other means by which local government approval can be evidenced.
15. *Small Community* means a community with a population of no more than 25,000 individuals.
16. *State* means any one of the fifty states, the District of Columbia, Puerto Rico, or any other territory or possession of the United States.
17. *State infrastructure financing authority* means the State entity established or designated by the Governor of a State to receive a capitalization grant provided by, or otherwise carry out the requirements of, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et. seq.) or section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12).
18. *Term sheet* means a contractual agreement between EPA and the project sponsor (and the lender, if applicable) that sets forth the key business terms and conditions of a Federal credit instrument. Execution of this document represents a legal obligation of budget authority.
19. *Treatment works* has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).
20. *WIFIA* means the Water Infrastructure Finance and Innovation Act of 2014, Pub. L. 113-121, 128 Stat, 1332, codified at 33 U.S.C. §§ 3901-3914.