WIFIA Letter of Interest Instructions – Public Entities

A prospective borrower seeking Water Infrastructure Finance and Innovation Act (WIFIA) credit assistance must complete and submit this letter of interest form and provide requested attachments to the U.S. Environmental Protection Agency (EPA) following the instructions in the Notice of Funding Availability (NOFA). In its submittal, the prospective borrower:

1) Describes itself and its proposed project(s);
2) Provides key financial and engineering information and documents; and
3) Explains how the project meets the WIFIA selection criteria.

The prospective borrower should answer all questions in this form. Narrative answers can reference source documents by including the name of the document and relevant pages or sections and providing any referenced documents as attachments. The prospective borrower must sign Sections G and H in the appropriate spaces.

Resources regarding WIFIA program eligibility; completing a letter of interest and application; how loans are selected and closed; as well as post-close expectations are available in the WIFIA program handbook. It is highly recommended to use this document as a companion when developing your letter of interest. For general information about the WIFIA program, consult the WIFIA website (www.epa.gov/wifia). Additional information specific to the current project selection round can be found in the NOFA, and questions may be submitted to the WIFIA program office at wifia@epa.gov.

A prospective borrower may assert a Confidential Business Information (CBI) claim covering part or all of the information submitted to the 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 the 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 the EPA may be made available to the public by the EPA without further notice to the prospective borrower. More information about CBI is available in the WIFIA program handbook.

There is no limit to the number or length of attachments provided. Attachments should be the most recent versions of the documents available at the time of submission and may be draft or preliminary. Attachments must be referenced in the letter of interest form to be considered.

The final letter of interest submission must include:

1) A completed, signed version of this letter of interest form
2) All attachments requested and referenced in the letter of interest form

When finished, the letter of interest form and attachments may be submitted by uploading the documents to the EPA's SharePoint site. To be granted access to the SharePoint site, the prospective borrower should email wifia@epa.gov. After uploading the completed letter of interest form and all attachments, the borrower should email the WIFIA program office at wifia@epa.gov with the subject line: "[NAME OF PROSPECTIVE BORROWER] – [NAME OF PROJECT] – Letter of Interest Submitted".

After the EPA's intake process is complete, it will provide a confirmation email to the contacts listed in Section F.

Burden

The public reporting and recordkeeping burden for this collection of information is estimated to average 60 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, including 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 the 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. Section 1001.

Additional information about the WIFIA program and the letter of interest form is available at https://epa.gov/wifia and by contacting wifia@epa.gov.

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.

Master Agreement Supplement

A Master Agreement provides an overarching credit and legal framework under which multiple loans can be executed as projects are ready. Borrowers seeking WIFIA financing for a combination of projects under a single WIFIA letter of interest may benefit from a Master Agreement when the phasing, cost, scope, schedule, and location of some projects may change as the project develops or when the borrower wishes to finance multiple projects over time that do not share a common purpose. Please see WIFIA's fact sheet on Master Agreements for more information.

Please complete this section ONLY if you intend to pursue a Master Agreement with the WIFIA program. This section provides the WIFIA program with information about your Master Agreement. For the remainder of the Letter of Interest, please focus your responses on the intended first loan of your Master Agreement unless directed otherwise.

1. What is the maximum total WIFIA funding you anticipate seeking under the Master Agreement (in dollars):

   _____

2. Please provide a general description of the purpose of the projects undertaken as part of the Master Agreement. This could be different phases of a large project, funding for a capital improvement plan, or something else.

Section A: Key Loan Information

1. Borrower Name
   a. Legal name of prospective borrower:

   _____

   b. If a different entity is proposed to enter into the WIFIA loan documents on behalf of the borrower, provide the legal name of such:

   _____

2. Borrower department and division name:

   _____

3. Business street address:

   Street Address: _____
   City/State/Zip: _____ ____ _____

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

   Street Address: _____
   City/State/Zip: _____ ____ _____

5. Employer/taxpayer identification number (EIN/TIN):
   _____

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

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

   _____

8. Provide a brief description of the project(s) seeking financing.

9. Describe the purpose of the project(s), including quantitative or qualitative details on public benefits the project will achieve.

10. Requested amount of the WIFIA loan (in dollars). This amount may be no more than 49% of the estimated eligible project costs provided in question A-11 (except for systems that serve a population of 25,000 or less and may request up to 80% of the estimated eligible costs):
    _____

11. Estimated total eligible project costs (in dollars):
    _____

12. Identify the date the prospective borrower will submit an application. (Assume invitations to apply will be issued approximately 4-6 weeks from letter interest submission).
    _____

13. Complete the following table to provide information about the jurisdiction and population served by the system.

Jurisdiction served (municipality, county, etc.)	Total population of the jurisdiction	% of jurisdiction population served by system

    If you serve more jurisdictions than fit on the table, please attach a similar table with the complete list. Provide the filename in the textbox.

    File Name:

14. Total Population Served by System(s): _____

15. Systems that serve populations of under 25,000 may be eligible for up to 80% WIFIA funding. For projects that are funded by a Joint Powers Authority or similar association of multiple systems, that funding can be a provided on a pro-rata basis for any small systems in the group.

    For projects funded by multiple systems, please list each system, its population, and its estimated share of the overall project:

Section B: Technical

Assessing the location and degree of ground disturbance due to your project is a key part of our environmental review process. This section will help us determine this for your project.
You may attach additional documentation as reference, but it may not replace an answer to the question. Please cite any additional references in your response.

1. Please describe where you are in the site selection process and what the timeline is for final site selection for each project component. For projects that do not yet have a site selected, please describe the location of and distance between any potential sites.

2. Present the overall project schedule start and end dates for key milestones in the table below. For WIFIA loans with one project, fill out Row 1. For WIFIA loans with multiple project components, fill out and create as many rows as needed. For project(s) that may only be seeking planning and design costs, please only complete the planning and design columns.

Project Name	Planning Dates	Design Dates	Construction Dates

If your projects do not fit on the table, please include a separate table as an attachment. Provide the file name in the textbox.

File Name:

3. Provide up to two (2) of the latest applicable technical reports for each project component as described in Question A-8. Depending on project development status, this could be a preliminary design/engineering report, basis of design report, master plan, CIP project summary, alternative selection document or facility plan. Design drawings and specification documents are not requested at this time.

Component 1 Name: _____
Document 1: _____
File Name 1: _____

Document 2: _____
File Name 2: _____

Component 2 Name: _____
Document 1: _____
File Name 1: _____

Document 2: _____
File Name 2: _____

Add more lines for additional components if needed. If more than two reports are necessary to describe a project component, please attach a separate document listing the reports and file names.

4. Some projects may have an increased potential for environmental impact. Please check below if any component of your project involves the following:
   - ☐ Construction of a new surface reservoir
   - ☐ New or increased surface water intakes
   - ☐ New effluent discharge
   - ☐ New or increased groundwater withdrawals without equivalent recharge
   - ☐ Large-scale ecosystem restoration projects

If **any** of the components in your project include those activities, please answer questions B-5 and 6 below. If not, you can answer Not Applicable.

5. For any project component(s) identified in Question B-4:
    - List the component name and specify if any federal environmental permits or determinations are required. Examples of such permits include a Clean Water Act Section 404 individual permit for discharge of dredged or fill material, a National Pollutant Discharge Elimination System permit for a new effluent discharge, or a surface or groundwater withdrawal permit or approval is needed.
    - Describe the status of any permit or approval applications, including a timeline for application submission and issuance.
    - Indicate the status of federal environmental cross-cutting authority consultations, such as under the Endangered Species Act and National Historic Preservation Act for any components without a final permit.

6. For any project component(s) identified in Question B-4, identify and provide copies of any federal National Environmental Policy Act documentation or state environmental review process or state 'NEPA-like' documentation. A list of states with NEPA-like statues can be found at https://ceq.doe.gov/laws-regulations/states.html.

   These may include Environmental Impact Statement(s)/Records of Decision (EISs/RODs) or Environmental Assessment(s)/Findings of No Significant Impact (EAs/FONSIs), or state environmental impact report(s) or document(s). If no such reports have been prepared to date, mark N/A in the document field.

Document 1: _____
File Name 1: _____

Document 2: _____
File Name 2: _____

Section C: Borrower Creditworthiness

1. Describe the proposed security (e.g., water utility revenue or general obligation) and lien priority of payment (senior or subordinate to existing debt) for the WIFIA loan.

2. Provide an existing credit rating that is less than a year old or is actively maintained. The rating should be on the same security and lien as the proposed WIFIA loan, as described in C-1. **The proposed security and lien listed in C-1 must match the credit rating (C-2) or pro forma (C-3) provided.** Credit rating is:

   ☐ Attached
   ☐ Not Available

   Amount of outstanding debt on the proposed security: _____

3. If credit rating "Not Available" in Question C-2, provide a financial pro forma along with two years of audited financial statements. For newly established entities, please provide audited financial statements of the largest member.

   The pro forma should include key assumptions, such as revenues, expenses, and debt repayment for the revenue pledged to repay the WIFIA loan. The pro-forma should cover a sufficient period of time to understand the impact the proposed financing will have on the applicant's balance sheet going forward. Typically, this is anywhere from 10 years to the life of the loan.

   The file should be provided in an editable Microsoft Excel format, not in PDF or "values" format. A sample pro forma can be found on our website along with additional guidance in the WIFIA program handbook.

   File Name: _____

4. Provide a sources and uses of funds table for the project, including the entire proposed WIFIA loan. The WIFIA Program Sources and Uses User Guide has additional information on what costs should be included on each line. Information about eligible costs is available in the WIFIA program handbook.

Sources Category	Estimated Dollar Value
1. WIFIA Loan (cannot exceed 49% of eligible costs)	
2. Bonds	
3. SRF Loan	
4. Borrower Cash	
5. Other Federal Sources (please specify)	
6. Other Non-Federal Sources (please specify)	
TOTAL SOURCES	
Uses Category	Estimated Cost
1. Planning	
2. Design	
3. Construction [a]	
4. Project Management [b]	
5. Land Acquisition	
6. Additional Contingency [c]	
7. **Total Capital Costs**	
8. Financing Costs	
9. Other (please specify)	
10. Other (please specify)	
TOTAL USES	

[a] Construction costs, including construction contingency.

[b] Costs related to the management and oversight of the project, not factored elsewhere.

[c] Additional cost factors (separate from the construction contingency included in the estimated cost for Construction) that contribute to your total capital costs. This may include adjustments to market conditions or additional project contingency considerations.

Section D: Selection Criteria

For each question answered yes, provide a response to explain how the project seeking the WIFIA loan achieves the stated result. When applicable, reference attachments. Responses to these questions will allow the WIFIA program to evaluate the project in relation to the selection criteria outlined in the NOFA. If the Letter of Interest contains multiple projects, include information about any of the projects that would fit the selection criteria.

1. Explain how this project will support economic growth, including construction and post-construction jobs.

2. What, if any, voluntary procedures do you have in place to promote domestic preference for products being used to construct the project?

3. Will the project support international commerce?

☐ Yes ☐ No

If yes, explain how.

4. Explain how the project will protect human health and/or the environment, including drinking water protection, source water protection, water quality, and water quantity.

5. Does the project protect the system, project specific asset, or community from extreme weather events such temperature, storms, drought, floods, or sea level rise? Discuss the extent to which planning addressed changes in future frequency of such events.

☐ Yes ☐ No

If yes, explain how.

6. Does the project serve a population in a region impacted by significant energy exploration, development, or production areas?

☐ Yes ☐ No

If yes, explain how.

7. Does the project protect water resources with exceptional recreational value or ecological importance?

☐ Yes ☐ No

If yes, identify the water resources, why it has exceptional recreational value or ecological importance, and describe how the project protects it.

8. Is the project identified as a municipal, regional, state, or multistate priority?

☐ Yes ☐ No

If yes, attach the relevant document and write in the textbox the filename and relevant section(s) or page(s).

9. Is the project designed to address an existing compliance issue or maintain compliance?

☐ Yes ☐ No

If yes, identify the compliance issues(s). Explain how and to what extent the project addresses it.

10. Does the project reduce exposure to lead or emerging contaminants within a drinking water or wastewater system?

☐ Yes ☐ No

If yes, explain how.

11. Does this project include costs for implementing cybersecurity measures, including SCADA?

☐ Yes ☐ No

If yes, please describe these measures and associated costs.

12. Will the project implement new or innovative technology(ies), such as water recycling or desalination?

☐ Yes ☐ No

If yes, explain how.

13. Will the project use new or innovative approaches to plan, design, manage, and/or implement the project?

☐ Yes ☐ No

If yes, explain how.

14. WIFIA funding would do which of the following? Check all that apply.

- ☐ Delay the project development schedule
- ☐ Have no impact on the project development schedule
- ☐ Accelerate the project development schedule
- ☐ Allow you to implement other high priority projects sooner than anticipated
- ☐ Be the only funding option that would all the project to be implemented

15. Will WIFIA financing reduce the contribution of Federal assistance to the project?

☐ Yes ☐ No

Section E: Federal Assets

The EPA is required to ensure that projects are not considered federal assets for purposes of the Federal Credit Reform Act. Please see https://www.regulations.gov/document/EPA_FRDOC_0001-25613 for further details. To help the WIFIA program complete the information it must submit to the Office of Management and Budget for a determination, please answer the following questions.

1. Is the project authorized by Congress for construction by the Army Corps of Engineers or the Bureau of Reclamation?

☐ Yes ☐ No
If yes, please explain.

2. Was the facility at which construction will take place originally built by the Federal Government?

☐ Yes ☐ No
If yes, please explain.

3. Please describe any direct relationship the project has to the Federal Government. Examples may include a significant Federal user (such as a military base) of the facility or Federal operation of adjoining facilities.

4. Please describe the percentage of pledged revenue coming from any Federal users listed above.

Section F: Contact Information

1. Primary point of contact

Name: _____ _____ _____
Title: _____
Organization: _____
Street Address: _____
City/State/Zip: _____ ____ _____
Phone: _____
E-mail: _____

2. Secondary point of contact

Name: _____ _____ _____
Title: _____
Organization: _____
Street Address: _____
City/State/Zip: _____ ____ _____
Phone: _____
E-mail: _____

Section G: Certifications

Please sign at the end of Section G before submitting.

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. Section 4321, et seq.) and that the EPA will not approve a loan for a project until a final agency determination, such as a Categorical Exclusion, Finding of No Significant Impact, or a Record of Decision, has been issued.
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. *Buy America Preference*: 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 domestic iron/steel, manufactured produces and construction materials produced or manufactured in the United States and must comply with all applicable guidance.
4. *National Historic Preservation Act:* The applicant acknowledges that any project receiving credit assistance under this program must comply with all provisions of the National Historic Preservation Act as amended (54 U.S.C. Section 300101, et seq.).
5. *Endangered Species Act:* The applicant acknowledges that any project receiving credit assistance under this program must comply with all provisions of the Endangered Species Act (16 U.S.C. Sections 1531, et seq.).
6. *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).
7. *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 applicant, 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 applicant 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.

8. *Debarment:* The undersigned further certifies that the applicant has fully complied with its verification obligations under 2 C.F.R. Part 180 and confirms that, to its knowledge, neither applicant nor any of its principals (as defined in 2 C.F.R. Part 180.995 and Part 1532.995)
   a) is debarred, suspended or voluntarily excluded from participating in any Federal programs, Government contracts, procurement or non-procurement matters;
   b) is present indicted for or otherwise criminally or civilly charged by a governmental authority with commission of 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); or

c) has, within the three (3) year period preceding the date of the application,
   i. has been convicted for or had a civil judgment rendered against the applicant for any of the above-mentioned offenses within such period or
   ii. had any public transactions (Federal, state, or local) terminated for cause or default.

9. *Default/Delinquency:* The undersigned further certifies that neither the applicant 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.
10. *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 https://www.epa.gov/wifia/wifia-federal-compliance-requirements.
11. *Signature:* By submitting this letter of interest, the undersigned certifies on behalf of the applicant 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: _____

Name: _____ _____ _____
Title: _____
Organization: _____
Street Address: _____
City/State/Zip: _____ ____ _____
Phone: _____
E-mail: _____

Section H: Notification of State Infrastructure Financing Authority

Please sign at the end of Section H before submitting.

By submitting this letter of interest, the undersigned acknowledges that the 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, the EPA will still notify the State infrastructure financing authority within 30 days of receiving a letter of interest.

Signature: _____

Name: _____ _____

Date Signed: _____