

or State appropriations that could be used to fully implement the Comprehensive Infrastructure Solution. Alternative 2 includes the four Core Projects (from Alternative 1) and six Supplemental Projects (10 projects in total) and would provide a more comprehensive solution for reducing contaminated transboundary flows. The six Supplemental Projects are Projects E (APTP Phase 2), F (U.S.-side River Diversion to APTP), G (New San Antonio de los Buenos Wastewater Treatment Plant [SABTP]), H (Tijuana Wastewater Treatment Plant Treated Effluent Reuse), I (ITP Treated Effluent Reuse), and J (Trash Boom[s]).

A preferred alternative has not been identified at this time. Descriptions of the alternatives, including descriptions of Core and Supplemental Projects, can be found in the Draft PEIS and on the project website at <https://www.epa.gov/sustainable-water-infrastructure/usmca-tijuana-river-watershed>.

Summary of Expected Impacts: The Proposed Action is expected to have beneficial impacts to public safety and water quality in the Tijuana River watershed and adjacent coastal areas. The Proposed Action covers a large geographic area and would impact a broad range of resource areas, including water resources, geologic resources, the coastal zone, air quality, climate, biological resources, cultural resources, land use, visual resources, solid and hazardous waste, energy, public services and utilities, public health and safety, transportation, noise, socioeconomics, and environmental justice. The impacts to these resources are analyzed in the Draft PEIS.

Anticipated Permits and Authorization: Implementation of the Proposed Action may require Federal authorizations, permits, or consultants pursuant to the Endangered Species Act, Clean Water Act, National Historic Preservation Act, and Coastal Zone Management Act. EPA has initiated engagement with Federal agencies such as the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and U.S. Army Corps of Engineers and is working closely with other binational, State, and local agencies and stakeholders.

Public Comment: EPA and USIBWC have established a 45-day public comment period for the Draft PEIS. The 45-day public comment period will start upon publication of the EPA Notice of Availability (NOA) of Programmatic Environmental Impact Statements in the **Federal Register**. Comments on the Draft PEIS must be received by 5 p.m. Pacific Daylight Time within 45 days after publication of the NOA. EPA and

USIBWC are requesting written comments from Federal, State, and local governments, industry, non-governmental organizations, and the general public on:

- The range of alternatives considered,
- The environmental issues evaluated,
- The submitted alternatives, information, and analyses and the summary thereof, and/or
- Measures to mitigate the environmental consequences of the Proposed Action.

Public comment meetings will be held virtually on July 19, 2022, and July 20, 2022. Consult the “Dates” section above for further information on the public comment meetings. All interested parties are encouraged to attend. Pursuant to 40 CFR 1503.3, comments on the Draft PEIS shall be as specific as possible, may address the adequacy of the Draft PEIS and/or the merits of the alternatives, and shall provide sufficient detail to meaningfully participate and fully inform EPA and USIBWC of the commenter’s position. Commenters should explain the importance of their comments to the consideration of potential impacts and alternatives to the Proposed Action, as well as economic and employment impacts, and other impacts affecting the quality of the human environment. Comments on the submitted alternatives, information, and analyses and summary should be as specific as possible. Comments and objections of any kind shall be raised within the comment period on the Draft PEIS. Commentors should reference the corresponding section or page number of the Draft PEIS; propose specific changes where possible; and include data sources and methodologies supporting any proposed changes.

Estimated Date of Final PEIS Release: Once the public review and comment process is complete, EPA and USIBWC will prepare a Final PEIS and will publish a **Federal Register** notice announcing its public availability. EPA and USIBWC will provide the public with an opportunity to review and comment on the Final PEIS. After EPA and USIBWC consider those comments, EPA and USIBWC will prepare the final ROD and similarly announce its availability. Comments received during the Draft PEIS review period will be made available in the Final PEIS. The

Final PEIS is expected to be released by November 2022.

Martha Guzman Aceves,

Regional Administrator, Environmental Protection Agency Region IX.

Mariaelena Giner,

Commissioner (U.S. Section), International Boundary and Water Commission, United States and Mexico United States Section.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 9899–01–OW]

Notice of Funding Availability for Credit Assistance Under WIFIA Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of funding availability.

SUMMARY: In the Further Consolidated Appropriations Act, 2022, signed by the President on March 15, 2022, Congress provided \$58.5 million in budget authority for the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA) program to cover the subsidy required to provide a much larger amount of credit assistance. The U.S. Environmental Protection Agency (EPA) estimates that this budget authority may provide approximately \$5.5 billion in credit assistance and may finance approximately \$11 billion in water infrastructure investment. The purpose of this notice of funding availability (NOFA) is to solicit letters of interest (LOIs) from prospective borrowers seeking credit assistance from EPA under the WIFIA program.

ADDRESSES: Prospective borrowers should submit all LOIs electronically via EPA’s SharePoint site. To be granted access to the SharePoint site, prospective borrowers should contact wifia@epa.gov and request a link to the SharePoint site, where they can securely upload their LOIs and then email wifia@epa.gov once the complete LOI package has been uploaded to the SharePoint site.

EPA will notify prospective borrowers that their LOI has been received via a confirmation email.

Prospective borrowers can access additional information, including the WIFIA program handbook and application materials, on the WIFIA website: <https://www.epa.gov/wifia/>.

SUPPLEMENTARY INFORMATION:

A. Submission and Review of Letters of Interest on a Rolling Basis

EPA is changing the way it accepts LOIs to respond to both market conditions, including cost inflation and supply chain shortages and unparalleled Federal investment through the Infrastructure Investment and Jobs Act and the American Rescue Plan Act. The WIFIA program will be responsive to these conditions by moving to a rolling selection process, whereby LOIs may be submitted by prospective borrowers and received by EPA at any time throughout the year. A rolling selection process allows EPA to provide year-round access to WIFIA funding and quicker selection decisions to prospective borrowers. In addition, under this iterative, rolling selection process, the WIFIA program can provide technical assistance to prospective borrowers that need feedback in order to complete their LOI package. Since LOIs will be evaluated on a first-come, first served basis, EPA encourages LOI submissions at the beginning of the availability period.

B. Funding Availability Period

LOIs may be submitted by prospective borrowers and will be received by EPA on a rolling basis. The LOI submittal period will begin on September 6, 2022 and end on the earlier of (i) the date on which all budget authority made available under this NOFA is committed (notice of such to be provided on the WIFIA website: <https://www.epa.gov/wifia>), and (ii) publication of a subsequent notice ending this LOI submittal period or replacing this NOFA with an updated NOFA.

In addition, EPA reserves the right to make additional awards using FY2022 appropriated funding or funding authority carried over from previous fiscal years, consistent with agency policy and guidance, if additional funding is available after the original selections are made. Any funding authority not obligated in the fiscal year for which it is authorized remains available for obligation in subsequent years.

C. Summary of NOFA and Submission Instructions

EPA will evaluate and select proposed projects described in the LOIs using the selection criteria established in the statute and regulation, and further described in this NOFA as well as the WIFIA program handbook. This NOFA establishes relative weights that will be used in the current LOI submittal period for the selection criteria, explains budgetary scoring factors to determine

budgetary scoring compliance, and outlines the process that prospective borrowers should follow to be considered for WIFIA credit assistance.

For a project to be considered during the availability period, EPA must receive an LOI, via SharePoint, before the end of the availability period. EPA anticipates any future NOFA will include sufficient notice of the end of the period for borrowers to complete LOIs in progress.

When writing an LOI, prospective borrowers should complete the WIFIA LOI form and follow the guidelines contained on the WIFIA program website: <https://www.epa.gov/wifia/wifia-application-materials>. Prospective borrowers should provide the LOI and any attachments as Microsoft Word documents or searchable PDF files, whenever possible, to facilitate EPA's review. Additionally, prospective borrowers should ensure that financial information, including the pro forma financial statement, is in a formula-based Microsoft Excel document. Section VI of this NOFA provides additional details on the LOI's content.

EPA will invite each prospective borrower whose project proposal is selected for continuation in the process to submit a final application. Final applications should be received by EPA within 365 days of the invitation to apply, but EPA may extend the deadline on a case-by-case basis if the LOI schedule signals additional time may be needed.

D. Opportunities To Learn More About the WIFIA Program

EPA will host a series of webinars to provide further information about submitting an LOI. The webinar schedule and registration instructions can be found on the WIFIA program website: www.epa.gov/wifia.

Prospective borrowers with questions about the program or interest in meeting with the WIFIA program staff may send a request to wifia@epa.gov. EPA will meet with all prospective borrowers interested in discussing the program prior to submission of an LOI.

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I. Background

Congress enacted WIFIA as part of the Water Resources Reform and Development Act of 2014 (WRRDA). Codified at 33 U.S.C. 3901–3914, WIFIA authorizes a Federal credit program for water infrastructure projects to be administered by EPA. WIFIA authorizes EPA to provide Federal credit assistance in the form of secured (direct) loans or loan guarantees for eligible water infrastructure projects.

The WIFIA program's mission is to accelerate investment in our nation's water, wastewater, and stormwater infrastructure by providing long-term, low-cost, supplemental credit assistance under customized terms to creditworthy water infrastructure projects of national and regional significance. Additionally, the WIFIA program is implementing four key Administration priorities in this 2022 NOFA:

A. Increasing Investment in Economically-Stressed Communities

EPA encourages the submission of projects that address the ever increasing needs of economically-stressed and disadvantaged communities to ensure they benefit from investments in water infrastructure, and therefore improve the public health and livability of these communities.

B. Making Rapid Progress on Lead Service Line Replacement

Many drinking water systems still have lead service lines. EPA encourages the submission of drinking water infrastructure projects that will help make rapid progress on replacing lead service lines so we can reduce exposure to lead and improve public health.

C. Addressing PFAS and Emerging Contaminants

EPA encourages the submission of projects that focus on reducing people's exposure to perfluoroalkyl and polyfluoroalkyl substances (PFAS) and other emerging contaminants through drinking water and/or projects that help address discharges of emerging contaminants from wastewater and/or stormwater systems.

D. Supporting One Water Innovation and Resilience

One of the defining features of WIFIA is the broad range of eligible projects that EPA can fund to flexibly support priority needs. EPA encourages borrowers to submit applications for water infrastructure projects that are new and innovative in regards to energy efficiency, addressing drought, or reducing water pollution and contaminants. In addition, EPA

encourages the submission of water infrastructure projects that are more resilient to all threats—whether it is natural disasters (*e.g.*, flooding, hurricanes), climate change, or threats such as bioterrorism and cyber-attacks.

II. Program Funding

Congress appropriated \$58.5 million in funding to cover the subsidy cost of providing WIFIA credit assistance. The subsidy cost covers the Federal government's risk that the loan may not be paid back. EPA anticipates that the average subsidy cost for WIFIA-funded projects will be relatively low; therefore, this funding can be leveraged into a much larger amount of credit assistance. EPA estimates that this appropriation will allow the agency to provide approximately \$5.5 billion¹ in long-term, low-cost financing to water infrastructure projects and accelerate approximately \$11 billion in infrastructure investment around the country.

III. Eligibility Requirements

The WIFIA statute and implementing rules set forth eligibility requirements for prospective borrowers, projects, and project costs. The requirements outlined below are described in greater detail in the WIFIA program handbook.

A. Eligible Applicants

Prospective borrowers must be one of the following to be eligible for WIFIA credit assistance:

- (i) A corporation;
- (ii) A partnership;
- (iii) A joint venture;
- (iv) A trust;
- (v) A Federal, state, or local governmental entity, agency, or instrumentality;
- (vi) A tribal government or a consortium of tribal governments; or
- (vii) A state infrastructure financing authority.

B. Eligible Projects

The WIFIA statute authorizes EPA to provide credit assistance for a wide variety of projects. Projects must be one of the following to be eligible for WIFIA credit assistance:

- (i) One or more activities that are eligible 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;

- (ii) One or more activities described in section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2));

- (iii) A project for enhanced energy efficiency in the operation of a public water system or a publicly owned treatment works;

- (iv) 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);

- (v) A brackish or sea water desalination project, including chloride control, a managed aquifer recharge project, a water recycling project, or a project to provide alternative water supplies to reduce aquifer depletion;

- (vi) A project to prevent, reduce, or mitigate the effects of drought, including projects that enhance the resilience of drought-stricken watersheds;

- (vii) Acquisition of real property or an interest in real property—

- (a) If the acquisition is integral to a project described in paragraphs (i) through (v); or

- (b) Pursuant to an existing plan that, in the judgment of the Administrator, would mitigate the environmental impacts of water resources infrastructure projects otherwise eligible for assistance under this section;

- (viii) A combination of projects, each of which is eligible under paragraph (i) or (ii), for which a state infrastructure financing authority submits to the Administrator a single application; or

- (ix) A combination of projects secured by a common security pledge, each of which is eligible under paragraphs (i), (ii), (iii), (iv), (v), (vi), or (vii), for which an eligible entity, or a combination of eligible entities, submits a single application.

C. Eligible Costs

As defined under 33 U.S.C. 3906 and described in the WIFIA program handbook, eligible project costs are costs associated with the following activities:

- (i) 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;

- (ii) Construction, reconstruction, rehabilitation, and replacement activities;

- (iii) 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 33 U.S.C. 3905(8)), construction contingencies, and acquisition of equipment; and

- (iv) Capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction. Capitalized interest on WIFIA credit assistance may not be included as an eligible project cost.

D. Threshold Requirements

For a project to be eligible for WIFIA credit assistance, a project must meet the following criteria:

- (i) The project and obligor shall be creditworthy;

- (ii) A project shall have eligible project costs that are reasonably anticipated to equal or exceed \$20 million, or for a project eligible under paragraph (2) or (3) of 33 U.S.C. 3905 serving a community of not more than 25,000 individuals, project costs that are reasonably anticipated to equal or exceed \$5 million;

- (iii) Project financing shall be repayable, in whole or in part, from state or local taxes, user fees, or other dedicated revenue sources that also secure the senior project obligations of the project; shall include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and may have a lien on revenues subject to any lien securing project obligations;

- (iv) In the case of a project that is undertaken by an entity that is not a state or local government or an agency or instrumentality of a State or local government, or a tribal government or consortium of tribal governments, the project that the entity is undertaking shall be publicly sponsored; and

- (v) The applicant shall have developed an operations and maintenance plan that identifies adequate revenues to operate, maintain, and repair the project during its useful life.

IV. Budgetary Scoring Determination for Non-Federal Projects

To comply with Public Law 116–260, a project selected for WIFIA financing using funding appropriated in FY2022 will be assessed using two initial screening questions and sixteen scoring factors. These questions will help the Office of Management and Budget

¹ This estimated loan volume is provided for reference only. Consistent with the Federal Credit Reform Act of 1990 and the requirements of the Office of Management and Budget, the actual subsidy cost of providing credit assistance is based on individual project characteristics and calculated on a project-by-project basis. Thus, actual lending capacity may vary.

(OMB) determine compliance with budgetary scoring rules, a process that will be conducted in parallel to EPA's LOI evaluation process outlined in this NOFA. The questions may be found in **Federal Register** publication: Water Infrastructure Finance and Innovation Act Program (WIFIA) Criteria Pursuant to Public Law 116–94 (85 FR 39189, June 30, 2020). These questions are also published in the WIFIA program handbook and further information about the scoring process may be referenced therein. EPA encourages project applicants to review the scoring criteria and provide sufficient information in the LOI or as an attachment to the LOI to facilitate EPA and OMB review of the prospective project considering the scoring criteria.

V. Types of Credit Assistance

Under WIFIA, EPA is permitted to provide credit assistance in the form of secured (direct) loans or loan guarantees. Each prospective borrower should list the estimated total capital costs of the project, broken down by activity type and differentiating between eligible project costs and ineligible project costs in the LOI and application.

A. Maximum Amount of WIFIA Credit Assistance

The maximum amount of WIFIA credit assistance to a project is 49 percent of eligible project costs in almost all instances.

B. Exception for Small Communities

Recognizing the need that exists in both small and large communities to invest in infrastructure, Congress stipulated in statute that EPA set aside 15 percent of the budget authority appropriated each year for small communities, defined as systems that serve a population of 25,000 or less. Pursuant to the WIFIA statute, of the funds set aside, any amount not obligated by June 1 of the fiscal year for which budget authority is set aside may be used for any size community. Regardless of whether EPA obligates these funds by June 1 of the fiscal year for which budget authority is set aside, EPA will endeavor to use 15 percent of its budget authority for small communities.

EPA knows that small communities can face extraordinary challenges paying for needed water infrastructure projects. Therefore, EPA is offering small community prospective borrowers the opportunity to request credit assistance up to 80 percent of the eligible project costs. Small community needs represent a disproportionate amount of the overall water

infrastructure needs nationwide. By offering credit assistance up to 80 percent, EPA is making a project's financing simpler and more accessible and reducing transaction costs for small communities, enabling them to finance and implement needed upgrades and improvements to their infrastructure.

VI. Letters of Interest and Applications

Each prospective borrower will be required to submit an LOI and, if invited, an application to EPA to be considered for approval. This section describes the LOI submission and application submission.

A. Letter of Interest (LOI)

Prospective borrowers seeking a WIFIA loan must submit an LOI describing the project fundamentals and addressing the WIFIA selection criteria.

The primary purpose of the LOI is to provide adequate information to EPA to: (i) validate the eligibility of the prospective borrower and the prospective project, (ii) perform a preliminary creditworthiness assessment, (iii) perform a preliminary engineering feasibility assessment, and (iv) evaluate the project against the selection criteria. Based on its review of the information provided in the LOI, EPA will invite prospective borrowers to submit applications for their projects. Prospective borrowers are encouraged to review the WIFIA program handbook to help create the best justification possible for the project and a cohesive and comprehensive LOI submittal.

Prospective borrowers should utilize the LOI form on the WIFIA website and ensure that sufficient detail about the project is provided for EPA's review. EPA will notify a prospective borrower if its project is deemed ineligible as described in Section III of this NOFA or if additional information is needed to assess the LOI package.

Below is guidance on what EPA recommends be included in the LOI.

1. *Key Loan Information.* In this section, the prospective borrower provides a general description of the project, purpose, loan amount, total eligible project costs, application submission date, loan close date, and population information. The prospective borrower also includes information such as its legal name, address, website, Unique Entity ID from *SAM.gov*, and employer/taxpayer identification number.

In the case of a project that is undertaken by an entity that is not a state or local government or an agency or instrumentality of a state or local government, or a tribal government or consortium of tribal governments, the

project that the entity is undertaking must be publicly sponsored. Public sponsorship means that the prospective borrower can demonstrate, to the satisfaction of EPA, 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. A prospective borrower can show support by including a certified letter signed by the approving state, tribal, or municipal department or similar agency; governor, mayor or other similar designated authority; statute or local ordinance; or any other means by which government approval can be evidenced.

2. *Engineering and Credit.* In this section, the prospective borrower provides any technical reports or written information relevant to evaluating the project and a high-level schedule of dates for the project or projects included in the LOI. To evaluate creditworthiness, the prospective borrower provides a credit rating letter that is less than a year old or is actively maintained. If the prospective borrower does not have a current rating letter, the borrower describes how the senior obligations of the project will achieve an investment-grade rating and includes a pro-forma and three years of audited financial statements.

3. *Selection Criteria.* In this section, the prospective borrower describes the potential policy benefits achieved using WIFIA assistance with respect to each of the WIFIA program selection criteria. These criteria and their weights, as applicable, are enumerated in Section VIII of this NOFA and further explained in the WIFIA program handbook.

4. *Contact Information.* In this section, the prospective borrower identifies the point of contact with whom the WIFIA program should communicate regarding the LOI. To complete EPA's evaluation, the WIFIA program staff may contact a prospective borrower regarding specific information in the LOI.

5. *Certifications.* In this section, the prospective borrower certifies that it will abide by all applicable laws and regulations, if selected to receive funding.

6. *SRF Notification.* In this section, the prospective borrower acknowledges that EPA will notify the state infrastructure financing authority in the state in which the project is located that it submitted an LOI and provide the submitted LOI and source documents to that authority. The prospective borrower may opt out of having its LOI and source documents shared.

B. Application

After EPA concludes its evaluation of a complete LOI package, a selection committee will invite the prospective borrower to apply based on review and scoring, as applicable, of the selection criteria and satisfaction of the eligibility requirements, while taking into consideration geographic and project diversity. The selection committee may choose to combine multiple LOIs or separate projects from a prospective borrower based on the creditworthiness review and may offer an alternative amount of WIFIA assistance than requested in the LOI.

An invitation to apply for WIFIA credit assistance does not guarantee EPA's approval, which remains subject to a project's continued eligibility, including creditworthiness, the successful negotiation of terms acceptable to EPA, and the availability of funds at the time at which all necessary recommendations and evaluations have been completed. However, the purpose of EPA's LOI review is to pre-screen prospective borrowers to the extent practicable. It is expected that EPA will only invite prospective borrowers to apply if it anticipates that those prospective borrowers are able to obtain WIFIA credit assistance. Detailed information needs for the application are listed in the application form and described in the WIFIA program handbook.

VII. Fees

There is no fee to submit an LOI. For information about application and post-closing costs, please refer to the WIFIA fee rule, Fees for Water Infrastructure Project Applications under WIFIA, 40 CFR 35.10080.

VIII. Selection Criteria

This section specifies the criteria and process that EPA will use to evaluate LOIs and award applications for WIFIA assistance.

The selection criteria described below incorporate statutory eligibility requirements, supplemented by the WIFIA regulations at 40 CFR 35.10055, and by the Administration priorities identified in Section I of this document. EPA's priorities reflect water sector challenges that require innovative tools to assist local governments in managing and adapting to our most pressing public health and environmental challenges. These priorities are reflected in the scoring methodology of the selection criteria below, described in greater detail in the WIFIA program handbook.

The WIFIA selection criteria are divided into three categories: Project

Readiness, Borrower Creditworthiness and Project Impact. Each LOI will be evaluated for the extent to which the project satisfies the criteria listed below for each category. To satisfy the overall category review, it is not necessary to satisfy all of the criteria for each category. For the Project Impact category, WIFIA staff will score LOIs based on the points indicated below. All projects that satisfy category level review for all three categories will be selected for funding, assuming sufficient funds are still available. The criteria are as follows:

Project Readiness:

(i) The readiness of the project to proceed toward development, including a demonstration by the obligor 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 under [WIFIA]. 33 U.S.C. 3907(b)(2)(J); and 40 CFR 35.10055(a)(9).

(ii) Preliminary engineering feasibility analysis. 33 U.S.C. 3907(a)(2); 33 U.S.C. 3907(a)(6); 40 CFR 35.10015(c); and 40 CFR 35.10045(a).

Borrower Creditworthiness:

(i) 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. 33 U.S.C. 3907(b)(2)(C); and 40 CFR 35.10055(a)(2).

(ii) The extent to which the project financing plan includes public or private financing in addition to assistance under [WIFIA]. 33 U.S.C. 3907(b)(2)(B); and 40 CFR 35.10055(a)(10).

(iii) The extent to which assistance under [WIFIA] reduces the contribution of Federal assistance to the project. 33 U.S.C. 3907(b)(2)(K); and 40 CFR 35.10055(a)(11).

(iv) The amount of budget authority required to fund the Federal credit instrument made available under [WIFIA]. 33 U.S.C. 3907(b)(2)(E).

(v) Preliminary creditworthiness assessment analysis. 33 U.S.C. 3907(a)(1); 40 CFR 35.10015(c); 40 CFR 35.10045(a)(1); 40 CFR 35.10045(a)(4); and 40 CFR 35.10045(b).

Project Impact:

(i) 5 points: 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. 33 U.S.C.

3907(b)(2)(A); and 40 CFR 35.10055(a)(1).

(ii) 25 points: 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, including Priority 3: 33 U.S.C. 3907(b)(2)(F); 40 CFR 35.10055(a)(4); and 40 CFR 35.10055(a)(5).

(iii) 5 points: The extent to which the project serves regions with significant energy exploration, development, or production areas: 33 U.S.C. 3907(b)(2)(G); and 40 CFR 35.10055(a)(6).

(iv) 5 points: 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 water sources; (3) significant flood risk; (4) water resource challenges identified in existing regional, state, or multistate agreements; or (5) water resources with exceptional recreational value or ecological importance. 33 U.S.C. 3907(b)(2)(H); 40 CFR 35.10055(a)(7).

(v) 5 points: The extent to which the project addresses identified municipal, state, or regional priorities. 33 U.S.C. 3907(b)(2)(I); 40 CFR 35.10055(a)(8).

(vi) 5 points: 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. 40 CFR 35.10055(a)(12).

(vii) 25 points: The extent to which the project serves economically stressed communities, or pockets of economically stressed rate payers within otherwise non-economically stressed communities, including Priority 1. 40 CFR 35.10055(a)(13).

(viii) 25 points: The extent to which the project reduces exposure to lead in the nation's drinking water systems or addresses emergent contaminants, including Priority 2. 40 CFR 35.10055(b).

(ix) 25 points: The extent to which the project uses new or innovative approaches, including Priority 4. 33 U.S.C. 3907(b)(2)(D); 40 CFR 35.10055(a)(3).

In addition to the selection criteria, EPA is required by 33 U.S.C. 3902(a) to "ensure a diversity of project types and geographical locations."

The scoring scales and guidance used to evaluate each project against the selection criteria are available in the WIFIA program handbook. Prospective borrowers considering WIFIA should

review the WIFIA program handbook and discuss how the project addresses each of the selection criteria in the LOI submission.

IX. Federal Requirements

All projects receiving WIFIA assistance must comply with the applicable Federal requirements including (but not limited to) those listed below. Compliance with Federal requirements is not required for submitting a letter of interest, being invited to apply for a WIFIA loan, or submitting an application. The WIFIA program will review selected projects for compliance with Federal requirements once they have submitted an application. Additional information about Federal compliance requirements, including WIFIA's BABAA waiver and the *WIFIA Borrower Guide to Federal Requirements*, is available at <https://www.epa.gov/wifia/wifia-federal-compliance-requirements>.

(i) Build America, Buy America Act, Public Law 117–58, § 70911–70917;

(ii) American Iron and Steel Requirement, 33 U.S.C. 3914, <https://www.epa.gov/cwsrf/state-revolving-fund-american-iron-and-steel-ais-requirement>;

(iii) Labor Standards, 33 U.S.C. 1372, <https://www.dol.gov/whd/govcontracts/dbra.htm>;

(iv) National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, <https://www.epa.gov/nepa>;

(v) Floodplain Management, Executive Order 11988, 42 FR 26951, May 24, 1977, <https://www.archives.gov/federal-register/codification/executive-order/11988.html>;

(vi) Archeological and Historic Preservation Act, 16 U.S.C. 469–469c, <https://www.nps.gov/archeology/tools/laws/ahpa.htm>;

(vii) Clean Air Act, 42 U.S.C. 7401 *et seq.*, <https://www.epa.gov/clean-air-act-overview>;

(viii) Clean Water Act, 33 U.S.C. 1251 *et seq.*, <https://www.epa.gov/aboutepa/about-office-water>;

(ix) Coastal Barrier Resources Act, 16 U.S.C. 3501 *et seq.*, <https://www.fws.gov/program/coastal-barrier-resources-act>;

(x) Coastal Zone Management Act, 16 U.S.C. 1451 *et seq.*, <https://coast.noaa.gov/czm/about/>;

(xi) Endangered Species Act, 16 U.S.C. 1531 *et seq.*, <https://www.fws.gov/endangered/>;

(xii) Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Executive Order 12898, 59 FR 7629, February 16, 1994, <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>;

www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf;

(xiii) Protection of Wetlands, Executive Order 11990, 42 FR 26961, May 25, 1977, as amended by Executive Order 12608, 52 FR 34617, September 14, 1987, <https://www.epa.gov/cwa-404>;

(xiv) Farmland Protection Policy Act, 7 U.S.C. 4201 *et seq.*, https://www.nrcs.usda.gov/wps/portal/nrcs/detail/?cid=nrcs143_008275;

(xv) Fish and Wildlife Coordination Act, 16 U.S.C. 661–666c, as amended, <https://www.fws.gov/>;

(xvi) Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, <https://www.fisheries.noaa.gov/resource/document/magnuson-stevens-fishery-conservation-and-management-act>;

(xvii) National Historic Preservation Act, 16 U.S.C. 470 *et seq.*, <https://www.nps.gov/archeology/tools/laws/NHPA.htm>;

(xviii) Safe Drinking Water Act, 42 U.S.C. 300f *et seq.*, <https://www.epa.gov/ground-water-and-drinking-water>;

(xix) Wild and Scenic Rivers Act, 16 U.S.C. 1271 *et seq.*, <https://rivers.gov/>;

(xx) Debarment and Suspension, Executive Order 12549, 51 FR 6370, February 18, 1986, <https://www.archives.gov/federal-register/codification/executive-order/12549.html>;

(xxi) Demonstration Cities and Metropolitan Development Act, 42 U.S.C. 3301 *et seq.*, as amended, and Executive Order 12372, 47 FR 30959, July 14, 1982, http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning;

(xxii) New Restrictions on Lobbying, 31 U.S.C. 1352, <https://www.epa.gov/grants/lobbying-and-litigation-information-federal-grants-cooperative-agreements-contracts-and-loans>;

(xxiii) Prohibitions relating to violations of the Clean Water Act or Clean Air Act with respect to Federal contracts, grants, or loans under 42 U.S.C. 7606 and 33 U.S.C. 1368, and Executive Order 11738, 38 FR 25161, September 12, 1973, <https://www.archives.gov/federal-register/codification/executive-order/11738.html>;

(xxiv) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 *et seq.*, <https://www.gpo.gov/fdsys/pkg/FR-2005-01-04/pdf/05-6.pdf>;

(xxv) Age Discrimination Act, 42 U.S.C. 6101 *et seq.*, <https://www.eeoc.gov/laws/statutes/adea.cfm>;

(xxvi) Equal Employment Opportunity, Executive Order 11246, 30

FR 12319, September 28, 1965, https://www.dol.gov/ofccp/regs/compliance/ca_11246.htm;

(xxvii) Section 13 of the Clean Water Act, Public Law 92–500, codified in 42 U.S.C. 1251, <https://www.epa.gov/ocr/external-civil-rights-compliance-office-title-vi>;

(xxviii) Section 504 of the Rehabilitation Act, 29 U.S.C. 794, supplemented by Executive Orders 11914, 41 FR 17871, April 29, 1976 and 11250, 30 FR 13003, October 13, 1965, <https://www.epa.gov/ocr/section-504-rehabilitation-act-1973#:-:text=No%20otherwise%20qualified%20individual%20with,activity%20receiving%20Federal%20financial%20assistance>;

(xxix) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, <https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice>; and

(xxx) Participation by Disadvantaged Business Enterprises in Procurement under the Environmental Protection Agency Financial Assistance Agreements, 73 FR 15904, March 26, 2008, <https://www.epa.gov/resources-small-businesses>.

Detailed information about some of these requirements is outlined in the WIFIA program handbook and *WIFIA Borrower Guide to Federal Requirements*. Further information can be found at the links above.

Authority: 33 U.S.C. 3901–3914; 40 CFR part 35.

Michael S. Regan,
Administrator.

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Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS) Filed June 6, 2022 10 a.m. EST Through June 13, 2022 10 a.m. EST Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

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