

567—92.6 (455B) Intended use plan management.**92.6(1) *Intended use plan preparation.***

a. Development. The department shall prepare an intended use plan (IUP) at least annually and on a quarterly basis as needed. The IUP will be subject to a public hearing and approved by the commission.

b. Notification. A public hearing process is part of the IUP adoption process to provide opportunity for public participation. Notice is published in a newspaper of general circulation prior to the public hearing. A general notice is also made to all applicants and interested agencies and organizations. The notice explains the purpose of the IUP and how additional information may be obtained. All materials relating to the IUP will be posted at www.iowasrf.com.

c. Comments. Comments regarding the proposed IUP will be accepted during the notice period, at the public hearing and in writing for five business days following the public hearing. After evaluation of all pertinent comments, the IUP will be revised, if necessary, and recommended for approval by the environmental protection commission. Subsequent approval by the EPC will establish the IUP to be used for loan assistance.

92.6(2) *Contents.* The IUP will identify the anticipated uses of loan funds available for that fiscal year and will include the following:

a. State project priority list. The state project priority list contains the projects and set-asides eligible for CWSRF loans. The state project priority list will include, for POTW projects, the name of the eligible applicant, any applicable NPDES permit number and the projected amount of loan assistance. For nonpoint source set-asides, the IUP will include the name of the program and amount set aside.

b. Fundable list. The fundable list includes projects scheduled for loans from funds available during the fiscal year. Projects will be considered in priority order for placement on the fundable list. Subsequent segments of a project which has been awarded financial assistance for Category I and Category II needs will be placed on the fundable list ahead of other new projects whose schedules also would allow funding during the fiscal year. The fundable lists of POTW projects and nonpoint source set-asides shall be listed in priority order and shall include the need category(ies) of the projects. The department will consider the following in developing the list of fundable projects for the intended use plan:

- (1) How the project conforms to the short- and long-term goals of the CWSRF;
 - (2) The priority rating of the POTW project;
 - (3) Whether a POTW project will be ready to proceed on a schedule consistent with time requirements for outlay of funds;
 - (4) Whether the proposed project addresses the need upon which the eligible entity's priority is based;
 - (5) The funds available, department priorities and the administrative capacity of the department;
- and
- (6) The applicant's conformance to process guidelines provided by the department.

c. Contingency list. A contingency list will be included so that POTW projects on the contingency list could become fundable should a fundable project not proceed in a timely manner.

d. Goals. The IUP will include the long- and short-term goals of the CWSRF.

e. Supported activities. The IUP will include information on the types of activities to be supported by the CWSRF. The IUP will identify requests for planning and design loans and funds to be directed to the nonpoint source set-asides to implement Iowa's nonpoint source management program.

f. Assurances. The IUP will include assurances and specific proposals on how the state intends to meet requirements of the Operating Agreement between the state of Iowa and the U.S. EPA.

g. Rates, terms and fees. Loan interest rates and terms, interest rates and terms for linked deposit programs, and loan origination fees and servicing fees will be established in the IUP.

h. Amendments. The IUP will include the method to be used by the department if the IUP is amended.

i. Consistency with water quality management plans. Projects must be consistent with any Iowa water quality management plans in order to be considered for inclusion on the state project priority list.

92.6(3) Priority for loan assistance. A fundable project must be technically and administratively complete. A community is responsible for complying with the technical procedures for facility planning and preparation of plans and specifications, including department approval of those documents.

92.6(4) Annual update. The state project priority list will be reviewed at least annually or quarterly as needed to update schedules and project cost estimates.

92.6(5) Notification of revisions. The department will notify, in writing, all communities that are removed from or placed on an approved fundable list based on revisions.

92.6(6) Special considerations. Exemptions to the point source rating criteria may be considered by the department, and funding variances may be granted by the commission for projects that have unique or unusual circumstances but that do not logically fit into the criteria. The commission may grant interest rate reductions or other favorable loan incentives to applicants that sponsor a project that improves the quality of the water in the watershed where a city water or wastewater facility is located.

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