

Massachusetts Clean Water Trust
Office of the Treasurer and Receiver - General
Executive Office for Administration and Finance
Department of Environmental Protection



Application for Financial Assistance
Drinking Water State Revolving Fund
Construction Stage

January 2024

Department of Environmental Protection
Bureau of Water Resources
Division of Municipal Services
100 Cambridge Street Suite 900
Boston, Massachusetts 02114

INTRODUCTION

This document contains the instructions, and other information relative to supporting documentation required to be submitted as part of the Application for:

Drinking Water Construction

Applicants should note that neither the filing of an application nor issuance by the Massachusetts Department of Environmental Protection (MassDEP) of a Project Approval Certificate (PAC) constitutes a binding commitment of the Massachusetts Clean Water Trust (Trust) or MassDEP to make a loan and/or award a grant. Binding commitments, subject to the availability of funds, will be issued by the Trust after review of the financial information contained in the application.

Please note that this application is subject to revision.

GENERAL INFORMATION

Please complete all parts of this application on the eSRF Portal.

[State Revolving Fund Applications & Forms | Mass.gov](#)

Use of This Application - This application is to request financial assistance from the Massachusetts Clean Water Trust's State Revolving Fund (SRF) Program for construction of drinking water projects.

General Eligibility - A project must appear on the project priority list of the final approved Massachusetts Drinking Water State Revolving Fund Intended Use Plan and meet the eligibility criteria of the SRF program to be eligible for financial assistance. The Drinking Water SRF eligibility criteria can be found at 310 CMR 45.04 and 45.08 ([310 CMR 45 | Mass.gov](#)) and MassDEP's policy on eligible costs can be found here: [Eligible Project Costs | Mass.gov](#)

These applications are categorized as "IUP Final" Projects.

Deadlines - Please keep in mind three important deadlines. A vote on the local appropriation by the City Council, Town Meeting or Water District must be completed by **June 30, 2024**, and should be scheduled as far in advance of that date as possible. A complete application must be submitted by **October 11, 2024**. Construction must commence within 6 months of issuance of the Project Approval Certificate by MassDEP. For all projects including projects receiving principal forgiveness, construction contracts must be executed by **June 30, 2025**.

These deadlines are not applicable to approved emergency funded projects.

Please Note - With the inclusion of the **Build America Buy America (BABA) Act**, BIL expands domestic sourcing requirements to all drinking water projects being funded with federal capitalization grants. Additionally, per the USEPA, projects that are co-funded by an SRF loan and a Congressionally Directed Spending grant are required to comply with the BABA Act. Starting on **May 14, 2022**, all steel, iron, manufactured products, non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), glass (including optic glass), lumber, and drywall used in infrastructure projects for federal financial assistance programs must be produced in the United States, **unless (i) the SRF borrower has requested and obtained a waiver from the USEPA pertaining to the Project or the Project is otherwise covered by a general applicability waiver; or (ii) the MassDEP has otherwise advised the borrower in writing that the BABA requirement is not applicable to the project; notification will be given prior to the permission to advertise is granted.**

Please see the following links for additional information:

Made in America Office at the Office of Management and Budget (OMB) implementation guidance:

<https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>

USEPA adjustment period waiver for projects that initiated planning design prior to May 14, 2022, a small project applicability waiver for projects with SRF loans of \$250,000 or less, and a De Minimis waiver:

<https://www.epa.gov/cwsrf/build-america-buy-america-baba-approved-waivers>

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GENERAL INFORMATION

USEPA BABA Implementation Procedures for EPA Office of Water Federal Financial Assistance Programs which includes both CWSRF and DWSRF programs on November 3, 2022: <https://www.epa.gov/system/files/documents/2022-11/OW-BABA-Implementation-Procedures-Final-November-2022.pdf>

USEPA issued the Amended Public Interest Waiver for SRF projects that initiated design prior to May 14, 2022, on November 13, 2023: <https://www.epa.gov/system/files/documents/2023-11/epa-amend-srf-design-planning-waiver.pdf>. Original Public Interest Waiver for: [Buy America Build America](#)

PROGRAM CONTACTS

Contact Section Chiefs for your region.

<https://www.mass.gov/lists/state-revolving-fund-applications-forms#contact>

**GUIDANCE AND INSTRUCTIONS TO COMPLETE THE
APPLICATION FOR SRF FINANCIAL ASSISTANCE
DRINKING WATER CONSTRUCTION STAGE**

APPLICANT INFORMATION

1. Local Government Unit (LGU) – (Prefilled from Project Evaluation Form) Any town, city, district, commission, agency, authority, board or other instrumentality of the commonwealth or of any of its political subdivisions, including any regional local governmental unit defined in M.G.L. c. 29C, which is responsible for the ownership or operation of a water pollution abatement project and/or drinking water project and is authorized by a bond act to finance all or any part of the cost thereof through the issue of bonds.

In April of 2022 the Office of Management and Budget (OMB) required federal agencies to transition from collecting DUNS numbers to collecting **Unique Entity IDs (UEI)**. UEIs are assigned by the Federal Government and are used to track the flow of federal funds. MassDEP and the Massachusetts Clean Water Trust recommend SRF loan and grant applicants apply for a UEI at their earliest convenience because if applicants do not have an UEI assigned, disbursements may be delayed until one is issued.

The UEI application and FAQ's can be found on the SAM.gov website, linked here:
<https://sam.gov/content/duns-uei>

Applicant PWSID – (Prefilled from Project Evaluation Form) Public Water Supplier Identification Number
[To view searchable list of Public Water Supplier by name or by ID.](#)

2. Authorized Representative - Provide the name, title, complete mailing address, phone number and email address of the authorized representative. The application must contain a resolution or authorization designating by title the official (Mayor, City or Town Manager, Chairperson of the Board of Sewer Commissioners, Chairperson of the Select Board, etc.) to act as the representative of the applicant to sign for, accept, and take whatever action is necessary relative to the project. In the city form of government, the City Council will generally name the authorized representative. If the community is governed by Town Meeting, then the Town Meeting action will name the appropriate group, such as the Select Board or Board of Public Works. The appropriate governing body will then name the authorized representative. If the authority to file statement names an office, then a certified statement is required specifically identifying the individual currently holding that office. For water districts, provide the requisite authorization of the governing board.

In the event the authorized official is replaced while the project is still active, a revised statement naming the new incumbent and the effective date of appointment must be submitted. On occasion an authorized representative may desire to delegate to another person the authority to also act on their behalf in processing paperwork during the implementation of the project. This is accomplished by having the authorized representative submit a letter advising of this delegation.

3. LGU Project Primary Contact Person (if different from above) – Provide the name, title, mailing address, phone number and email address.

4. Engineering/Consultant Firm, Agency or same as LGU (Prefilled by eSRF Portal)

5. Engineer or Consulting Firm Contact Person – Provide the name, mailing and email address and phone number.

**GUIDANCE AND INSTRUCTIONS TO COMPLETE THE
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PROJECT INFORMATION

SRF ID (Project ID) (Prefilled from Project Evaluation Form) i.e. DWSRF-#####

6. Project Name (Prefilled from Project Evaluation Form)

7. Project Description (Prefilled from Project Evaluation Form)

8. Location – The project’s latitude and longitude in decimal format or radius and location description. If no specified location, please enter the latitude and longitude of the city/town.

FUNDING SOURCES

If this project is receiving funding from another federal, state, or local program outside of the SRF, please enter the amount(s) received.

ASSISTANCE REQUESTED

Project Cost and Schedule – (Prefilled from Project Evaluation Form) Review costs and modify if needed. The application must contain a realistic schedule for the construction project. The amount of financial assistance you are requesting is the calculated Eligible Cost.

PROJECT CONTRACT(S) LIST

The contract number and name, along with the total costs broken down by SRF-eligible and ineligible costs consistent with the MassDEP’s “Policy on Eligible Project Costs”.

<https://www.mass.gov/doc/drinking-water-srf-eligible-project-costs-0/download>

CONTRACT(S) SCHEDULE

Provide the planned dates for the submittal of the plans and specifications, bid advertisement, contract award, contract start and completion. One copy of the final engineering plans and specifications for each contract should be submitted as soon as possible, but no later than the date the application is submitted. Plans and specifications must be consistent with the MassDEP “Guidelines for the Preparation of Plans and Specifications,” and a completed copy of the Plans & Specifications Checklist contained in the Guidelines must be included with the submittal. These documents may be found on the [MassDEP web site at State Revolving Fund Applications & Forms | Mass.gov](#). The comments of all other interested parties, such as MassDEP regional offices, are to be incorporated into the documents along with applicant responses to comments.

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**GUIDANCE AND INSTRUCTIONS TO COMPLETE THE
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ASSISTANCE REQUESTED

SUMMARY OF COSTS

Construction Contingency shall be 10-percent of the estimated pre-bid construction contract costs. The contingency will be reduced to 5-percent of the actual bid amounts.

Construction Services include the costs of bidding, general supervision, resident engineering, testing of materials, as-built plans, operations and maintenance manual, and start-up supervision.

Design (Other) - costs are considered an eligible item for PFAS remediation design only. MassDEP may limit the SRF loan for PFAS design projects to 10% of the total estimated construction cost of the remedy.

Police - Traffic Details should be based on a traffic management plan that includes a detailed breakdown of the man-hour requirements to implement. The traffic management plan should be developed in conjunction with the local community's traffic management officer. MassDEP reserves the right to require that the traffic management plan be certified by the appropriate police official should the estimated needs appear to be excessive. **(Note that costs for police details are considered an administrative cost of the LGU and are not to be included in the bid items of the construction contract.)**

In addition to the above requirements for police details, the LGU is required to comply with 701 CMR 7.00 Use of Road Flaggers and Police Details on Public Works Projects. These regulations identify when road flaggers or police details shall be used and also require the preparation of a construction zone safety plan. The regulations and other guidelines can be found on the MassDOT web site at [Massachusetts Department of Transportation | Mass.gov](https://www.mass.gov/info-details/massdot-traffic-management-plan). Both police details and road flaggers are eligible costs within the SRF program.

ENVIRONMENTAL BENEFITS

The General Accountability Office (GAO) and the EPA require reporting of the anticipated environmental benefits of SRF funded projects. <https://www.epa.gov/dwsrf> Please answer questions as applicable.

**GUIDANCE AND INSTRUCTIONS TO COMPLETE THE
APPLICATION FOR SRF FINANCIAL ASSISTANCE
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REQUIRED DOCUMENTS

Part I – Applicant Information and Certification

AUTHORITY TO FILE

Refer to APPLICANT INFORMATION section for definitions of Local Government Unit (LGU) and Authorized Representative. ([Sample Form](#))

CERTIFYING STATEMENT FOR THE AUTHORITY TO FILE

Statement must be certified by submitting a separate certifying statement along with a copy of the resolution or authorization designating by title the official (Mayor, City or Town Manager, Chairperson of the Board of Sewer Commissioners, Chairperson of the Select Board, etc.) to act as the representative of the applicant for whatever action is necessary relative to the project. The Certifying Statement shall name the individual currently holding that title. The statement shall be signed by the town or city clerk, and an impression of the entity's official seal affixed. If the entity is not a municipality, a notary may be used. ([Sample Form](#))

ENTERPRISE ACCOUNT CERTIFICATION

The applicant must provide the Enterprise Account Certification for additional subsidies as noted in the current year Intended Use Plan. ([Sample Enterprise Account Certification](#))

SRF FINANCIAL ASSISTANCE APPLICATION FOR DRINKING WATER CONSTRUCTION PROJECT

This application needs to be signed by the authorized representative.

USER CHARGE SYSTEM

The applicant must have a user charge system in place that is adequate and is being enforced. If no user charge system has been put in place, it must be developed and in effect by the time the treatment works are placed in operation.

**GUIDANCE AND INSTRUCTIONS TO COMPLETE THE
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REQUIRED DOCUMENTS

Part II – Project Information

BASIC DESIGN DATA

A detailed copy of the basic design data for the drinking water facilities must be included.

DISPLACEMENT OF PERSONS OR BUSINESSES

The application must state whether this project has caused, or will cause, the displacement of any individual, family business, or farm as required by the Uniform Relocation and Real Property Assistance Policies Act of 1970 (PL 91- 646).

EMERGENT CONTAMINATES

If this project [addresses emergent contaminates this form](#) is required to be filled out.

FEDERAL FLOOD RISK MANAGEMENT STANDARD (FFRMS)

Executive Order (EO) 14030, Climate-Related Financial Risk reinstates EO 13690. This action reestablishes the Federal Flood Risk Management Standard (FFRMS) to increase the resilience of infrastructure for flooding events caused by climate disasters. The new standard is effective in fiscal year 2022 and beyond for the SRF capitalization grants (including the Bipartisan Infrastructure Law Funding). The FFRMS applies to actions where federal funds are used for new construction, substantial improvement (i.e., projects worth more than 50% of the market value or replacement cost of the facility), or to address substantial damage to structures and facilities.

FLOOD INSURANCE PARTICIPATION

If the project involves structures within a flood hazard area, the applicant must furnish evidence that it is either participating in the flood insurance program or a letter of intent that it will obtain the required insurance both during construction and for the useful life of the project.

Insurable structures are defined as being \$10,000 or more in value and are new or reconstructed surface structures that are walled and roofed, such as a pump station or treatment plant control building. Facilities such as sewers, which are not likely to be damaged by flooding, are not eligible for insurance.

LAND TITLE/EASEMENTS

The applicant must demonstrate that all required land, easements, or real property have been obtained, bona fide options taken, or condemnation proceedings initiated. An attorney must prepare a document certifying the ownership or easement rights to all property. ([Sample Certificate of Title to Project Site](#))

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REQUIRED DOCUMENTS

Part II – Project Information

LOCAL APPROPRIATION

The applicant must demonstrate that sufficient funds are available to cover the total (both eligible and ineligible) project costs. This is accomplished by means of a vote of Town Meeting, City Council, Water Supply District, or other designated body, as appropriate. Local bond counsel should be consulted for exact language depending on whether the applicant uses general obligation or revenue obligation borrowing.

Important points to remember include:

The applicant may borrow from the Massachusetts Clean Water Trust in accordance with Chapter 29c, as amended, of the Massachusetts General Laws. The resolution must be certified. It must denote who can act on behalf of the applicant to file for and accept financing. It must specifically state what project or type of project is being authorized, such as treatment plant, transmission and distribution, storage, etc.

MAP OF PROJECT

Each application must be accompanied by a project map, denoting the water pollution abatement facilities and/or the site plan of the water treatment plant, surface, or ground water sources. It should delineate:

- (a) Jurisdictional Boundaries.
- (b) Existing versus proposed facilities.

USEFUL LIFE CERTIFICATE

The applicant must provide the useful Life Certificate for each contract.

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REQUIRED DOCUMENTS

Part III – Plans and Specifications Information

Plans and specifications must be submitted no later than the application due date, and the loan application is not complete until they have been submitted. Plans and Specifications for more than one contract can be uploaded individually, please use file names that accurately describe the contents of the file.

PLANS

PLANS AND SPECIFICATIONS CHECKLIST ([Plan and Specification Preparation Package](#))

SPECIFICATIONS

**GUIDANCE AND INSTRUCTIONS TO COMPLETE THE
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REQUIRED DOCUMENTS

Part IV – Permits/Approvals/Agreements

CONSTRUCTION PERMITS/ORDER OF CONDITIONS/CERTIFICATES/ LICENSES

If applicable, the following construction permits must be filed and documented in the loan application.

Permits/Approvals/Agreements for more than one contract can be uploaded individually, please use file names that accurately describe the contents of the file.

COASTAL ZONE MANAGEMENT (CZM) CONSISTENCY CERTIFICATE

The issuance of federal permits for activities located within the coastal zone or affecting this zone requires that the applicant obtain a certification that the activities are consistent with the state coastal zone policy. For further guidance: [Massachusetts Office of Coastal Zone Management \(CZM\) | Mass.gov](#)

INTEGRATED WATER RESOURCE MANAGEMENT PLAN (IWRMP)

Include a copy of MassDEP's letter approving the IWRMP or PER. As provided by 310 CMR 45.09 ([310 CMR 45.00: The Drinking Water State Revolving Fund | Mass.gov](#)), every DWSRF project must be the result of an approved PER.

INTERMUNICIPAL AGREEMENTS (IMA)

If the project will serve two or more municipalities, or one municipality's project must connect to another's water system, the applicant must submit an executed Inter-municipal Agreement or another legally binding document covering financing, construction, and operation of the proposed treatment works.

The requirement may be waived if:

- (a) Evidence of historic relationships for other services between the parties exist; or
- (b) The financial strength of the applicant is adequate to continue the project, even if one of the proposed communities fails to participate.

LEGISLATION (IF NEEDED)

There are several instances where special legislation from the Massachusetts General Court could be required prior to the initiation of construction. Examples include:

- (a) Construction in dedicated conservation land, including parkland;
- (b) Construction by one community within the municipal boundaries of another;
- (c) Formation of a local governmental unit district.
- (d) Easements for construction in state owned land.

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REQUIRED DOCUMENTS

Part IV – Permits/Approvals/Agreements

LOCAL CONSERVATION COMMISSION ORDER OF CONDITIONS – Under Chapter 131 Section 40, the applicant must file a notice of intent with the local conservation commission if construction is to occur within 100 feet of wetlands or floodplains. Note that both natural and man-made coastal dunes are included within the definition of wetlands.

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY (MBTA)/Railroad LICENSE – A license is required if the project will impact property owned by the MBTA, Amtrak, CSX, Pan Am or similar railroad. The appropriate entity should be contacted for further information.

MASSACHUSETTS DEPARTMENT OF CONSERVATION & RECREATION (DCR) PERMIT – A permit must be obtained from the Agency for any project that crosses or does any type of work within areas managed by DCR.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION (MassDOT) PERMIT – A permit must be obtained from the regional MassDOT office for any project that crosses or does any type of work within the boundaries of a state highway.

MASSACHUSETTS ENVIRONMENTAL POLICY ACT (MEPA) COMPLIANCE

Prior to the award of financial assistance, an Environmental Notification Form (ENF) must be filed with the MEPA Unit of the Executive Office of Energy and Environmental Affairs (EOEEA) if the project exceeds the review thresholds contained in: [301 CMR 11.00: MEPA regulations | Mass.gov](#)

After a review period, the Secretary of EOEEA will decide whether an Environmental Impact Report (EIR) is required or not. If not, then the project can proceed, subject to any conditions that MEPA may place on the project. If an EIR is required, it must be completed by the proponent and submitted to the Secretary for an additional public comment period. Once the comment period has expired, the Secretary will render a decision on the final EIR. If it is found acceptable, and once the 60-day legal challenge period expires, the project can then proceed. The application must contain documentation that the requirements of MEPA have been satisfied.

MASSACHUSETTS HISTORICAL COMMISSION (MHC) APPROVAL

A construction loan cannot be made until all work required by the Massachusetts Historical Commission (MHC) has been completed and approved by them in accordance with 950 CMR 71.00. The loan may be conditioned, in some instances, to require recovery of archaeological material during construction when a sensitive area will be affected, and no reasonable alternative is available. Documentation that the requirements of MHC have been met must be included with the application.

MassDEP DIVISION OF AIR QUALITY PERMIT – Any proposed new or modified source of air contaminants, such as carbon monoxide, hydrocarbons, nitrogen oxides, sulfur dioxide, particulate matter, volatile organic compounds, and any pollutant covered by the National Emission Standards for Hazardous Air Pollutants promulgated by EPA, must be approved. For further guidance: [310 CMR 7.00: Air Pollution Control | Mass.gov](#)

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REQUIRED DOCUMENTS

Part IV – Permits/Approvals/Agreements

MassDEP DRINKING WATER PROGRAM PERMIT

Prior to the award of financial assistance, the applicant must obtain all MassDEP Drinking Water Program permits and approvals applicable to the proposed project.

MassDEP WATERWAYS (Chapter 91 Permit) – A Chapter 91 Permit must be obtained for the construction of any structure or the filling of land, the driving of piles, or the making of excavations, in, over, or upon the waters below the high-water mark of any tidal areas or in or over any great pond or any river or stream. In addition, a permit is also required if it is proposed to either dredge in the tidal areas or dispose of any dredged material therein. For further guidance: [310 CMR 9.00: The Massachusetts Waterways Regulation | Mass.gov](#)

PROJECT EVALUATION REPORT (PER)

Include a copy of MassDEP’s letter approving the IWRMP or PER. As provided by 310 CMR 45.09 ([310 CMR 45.00: The Drinking Water State Revolving Fund | Mass.gov](#)), every DWSRF project must be the result of an approved PER.

STATE/FEDERAL [Crosscutters Memorandum](#) PERMITS – Depending upon the project, other permits may be required.

U.S. ARMY CORPS OF ENGINEERS 404 PERMIT – An Army Corps of Engineers Section 404 Permit is required if a structure is to be located in, or if excavation, discharge of dredged or fill material will be performed in waters of the United States. For projects, this may involve the excavation and backfilling associated with lines crossing a waterway or wetland, outfall pipes, and any fill material (including riprap) used for bank stabilization or any fill associated with treatment facilities.

WATER QUALITY CERTIFICATE – Any project requiring a federal or state license or permit to conduct activities which may result in a discharge to waters of the United States must be evaluated for compliance with applicable effluent limitations and water quality standards, during the construction and subsequent operation of the proposed facility. State certification must be obtained before a license or permit may be issued. Such activities include NPDES regulated discharges, dredge and fill operations, and the construction of structures in water. For further guidance: [314 CMR 9: 401 Water Quality Certification | Mass.gov](#)

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REQUIRED DOCUMENTS

Part V – Professional Services Agreements Requirements

The application must contain draft agreements for all professional services which clearly outline the duties and responsibilities of the applicant and its consultants.

DETAILED FEE BREAKDOWN

All fees shall be broken out by task (shop drawings, resident services, start-up, etc.), job category (vice president, project engineer, draftsman, etc.), and cost.

DISADVANTAGED BUSINESS ENTERPRISE

Applicants receiving assistance must make positive efforts to use disadvantaged minority and women owned businesses for professional services. Such efforts should achieve a goal of 4.2% participation for disadvantaged minority business (D/MBE) and 4.5% participation for disadvantaged women owned business (D/WBE) but, at a minimum, should allow these sources the maximum feasible opportunity to compete for sub-agreements to be performed using state trust monies. ([DBE Participation Forms for Professional Services Contracts](#))

PLAN OF OPERATION

Prior to the award of financial assistance for water pollution abatement facilities, a preliminary plan of operation must be approved by MassDEP. By the 50% stage of construction, a final plan must be completed and approved. For further guidance on this issue, please contact the appropriate MassDEP program manager.

POST-CONSTRUCTION SERVICES

For facilities, the applicant must notify MassDEP in writing of the actual date of initiation of operation. During the first year following initiation of operations, the applicant will monitor the performance of the facilities. One year after initiation of operations, the applicant shall submit a report to MassDEP outlining whether the project meets performance standards.

PROFESSIONAL SERVICES AGREEMENT - MODEL SUBAGREEMENT CLAUSES

The provisions within this [reference file](#) are to be made a part of all professional services agreements.

PROVISION FOR OPERATION AND MAINTENANCE (O&M) PROGRAM

The applicant must clearly demonstrate that it has the capability to properly operate and maintain the water treatment facilities. To this end, an operation and maintenance manual (O&M) must be prepared for all water treatment plants and major pumping stations which describes the equipment, develops staffing requirements, and outlines the procedures necessary to keep the facilities operating in an optimum fashion. A provision for the preparation of an O&M manual should appear in the Professional Services Agreement.

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REQUIRED DOCUMENTS

Part V – Professional Services Agreements Requirements

START-UP SERVICES

For facilities, the Professional Services Agreement must provide for start-up services during the first year following the initiation of operation. The extent of the services will vary depending on the size and complexity of the project and on the capabilities of the existing or proposed plant personnel. For further guidance on this issue, please contact the appropriate MassDEP program manager.

STATEMENT OF TAX COMPLIANCE - CHAPTER 233

A statement must be signed by the consultant engineer for the project that states that the engineering/consulting firm is in compliance with Massachusetts tax laws. ([Sample Statement of Tax Certification](#))

SUBCONTRACTS

All subcontractors shall be listed with a description of the tasks/ type of the project work they will perform. All lower tier subcontracts more than \$25,000 must be submitted in draft form with the application along with a detailed fee breakdown. The subcontracts must incorporate the Model Sub-agreement Clauses.