

**Responsiveness Summary  
for the  
Federal Fiscal Year 2023 / State Fiscal Year 2025 Draft Documents**

This document provides details regarding comments received and actions taken by Maryland Water Infrastructure Financing Administration (MWIFA) in response to those comments, and any other changes/corrections made by MWIFA to the following draft documents that were available for a 30-day public comment period in accordance with the requirements of the Federal Clean Water Act and the Safe Drinking Water Act:

Project Priority Lists (PPLs) show all applications received in ranked order from highest to lowest score. The two Draft FFY 2023/State FY 2025 PPLs were developed using applications received from potential borrowers through the solicitation efforts undertaken in December 2022 through January 2023 for both the WQRLF and the DWRLF. Projects were rated and ranked based on public health and water quality benefits, consistent with two EPA-approved Project Priority Systems. With the exception of nonpoint source projects, projects for which loan funds are ultimately provided must be consistent with Smart Growth, local land use plans, and County Water and Sewerage plans; additionally, drinking water systems must have the financial, managerial, and technical capacity to maintain Safe Drinking Water Act compliance.

- Draft FFY 2023/State FY 2025 Clean Water PPL
- Draft FFY 2023/State FY 2025 Drinking Water PPL

Water Quality Revolving Loan Fund (WQRLF) Intended Use Plan (IUP) Document and Table 1:

The Draft FFY 2023 WQRLF IUP described how the annual Federal capitalization grant, Bipartisan Infrastructure Law (BIL) Clean Water SRF Supplemental capitalization grant, matching State funds, and “recycled funds” (funds that return to the Revolving Loan Fund for new loans from loan repayments) will be used for the design and construction of water quality capital projects pursuant to Title Six of the Clean Water Act and the Bipartisan Infrastructure Law. A Federal capitalization grant of \$18.143 million has been allotted for the Maryland WQRLF, which must be matched by \$3.6286 million (20%) in State funds. In addition, a BIL Clean Water SRF Supplemental capitalization grant of \$50.413 million has been allotted for the Maryland WQRLF, which must be matched by \$5.0413 million in State funds. Additionally, BIL Clean Water Emerging Contaminant grants for FFY 2022 of \$2.261 million and for FFY 2023 of \$5.143 million (no State match required) were included for qualifying projects. Including other funds (such as loan repayments, investment earnings, and sale of revenue bonds), the total capital funding on the Draft FFY2023 WQRLF IUP Table 1 for projects was \$198,889,000. The Draft FFY 2022 WQRLF Table 1 listed the projects that ranked high enough for FFY 2023 WQRLF consideration.

- Draft FFY 2023 WQRLF IUP Document
- Draft FFY 2023 WQRLF IUP Table 1

Drinking Water Revolving Loan Fund (DWRLF) IUP Document and Table 1: The Draft FFY 2023 DWRLF IUP described how the annual Federal capitalization grant, Bipartisan Infrastructure Law (BIL) Drinking Water SRF Supplemental capitalization grant, BIL Emerging

Contaminants capitalization grant, and BIL Lead Service Line capitalization grant funding, matching State funds, and “recycled funds” (funds that return to the Revolving Loan Fund for new loans from loan repayments) will be used for the design and construction of drinking water capital projects to implement the requirements of the federal Safe Drinking Water Act. An FFY 2023 federal capitalization grant of \$10.260 million, which must be matched by \$2.052 million (20%) in State funds. In addition, a BIL Drinking Water SRF Supplemental capitalization grant of \$43.747 million has been allotted for the Maryland DWRLF, which must be matched by \$4.3747 million in State funds. Additionally, BIL Drinking Water Emerging Contaminants grants for FFY 2022 of \$13.840 million and for FFY 2023 of \$15.874 million, and BIL Drinking Water Lead Service Line grants for FFY 2022 of \$51.934 million and for FFY 2023 of \$28.650 million (no State match required) were included for qualifying projects. Including other funds (such as loan repayments, investment earnings, and sale of revenue bonds), the total capital funding for projects was \$172,541,637. The Draft FFY 2023 DWRLF Table 1 listed the projects that ranked high enough for FFY 2023 DWRLF consideration.

- Draft FFY 2023 DWRLF IUP Document
- Draft FFY 2023 DWRLF IUP Table 1

The aforementioned draft documents, notice of the 30-day public comment period, and instructions for submitting comments were posted on MWIFA’s webpage from June 28, 2023 thru the close of business on July 28, 2023. Also on June 28, 2023, MWIFA sent a notification email and the draft documents to a contact list of over 1,000 individuals, including applicants who submitted an FFY 2023/State FY 2025 Financial Assistance Application. MWIFA did not hold a public hearing.

### Comments Received

The Department received the following comments during the comment period:

1. Jennifer Merritt, City of Crisfield Grant Administrator, indicated that the amount listed in the Draft FFY 2023/State FY 2025 Drinking Water PPL for the Crisfield Lead Service Line Inventory project (rank 104/35 points) shows Crisfield applying for \$431,636, whereas the application indicated a request for \$80,000.

MWIFA Response: MWIFA thanks Ms. Merritt for identifying a data entry error, which has been corrected from \$431,636 to \$80,000. The project had been scored based on the correct dollars; therefore, no change was made to the score or the rank of this project.

2. Thomas Devilbiss, Town of Hampstead Project Consultant, asked for clarification regarding the funding being provided to the Hampstead PFAS Treatment/Centralization Project (rank 3/115 points).

MWIFA Response: MWIFA explained that funding intended for the project is from two programs: (1) BIL PFAS/EC is Drinking Water Bipartisan Infrastructure Law Emerging Contaminants funding and is 100% principal forgiveness via states to public water systems for projects with a primary purpose to address emerging contaminants in

drinking water, including PFAS; and (2) EC-SDC stands for “Emerging Contaminants in Small or Disadvantaged Communities” and is a federal subgrant via states to public water systems in small or disadvantaged communities to address emerging contaminants, including PFAS.

3. Mark Schweitzer, Director of Frederick County Water and Sewer Utilities, asked why two separate projects, Briercrest Apartments (rank 4/105 points) and Springview and Gilbert Mobile Home Parks (rank 5/100 points) are shown on the Draft FFY 2023/State FY 2025 Drinking Water PPL as Private and Public, respectively. Both projects should be identified the same way, since they both connect privately owned water systems to public water systems in the vicinity.

MWIFA Response: MWIFA thanks Mr. Schweitzer for pointing out this inconsistency. Both projects were corrected to be shown as “public” on the final PPL, since both projects would result in connection to a public system.

4. Katherine McAllister, GMB Engineering on behalf of Worcester County Riddle Farm Elevated Tank Rehab (rank 35/70 points) & Mystic Harbour WTP Rehab (rank 39/70 points), inquired as to why they did not qualify for funding since no explanation appeared in the comments column of the Draft FFY 2023 DWRLF IUP Table 1

MWIFA Response: MWIFA explained that there was an unprecedented demand for funding this year. Both projects were eligible for Drinking Water State Revolving Fund (DWSRF) Loan and Bipartisan Infrastructure Law (BIL) General Loan funding, but total funding available was not sufficient to fund all eligible projects. The lowest ranked projects able to be funded with DWSRF ranked 29, and with BIL General Loan ranked 14.

5. Robert Resele, Town Manager for the Town of Rock Hall, and Elizabeth Hussein, Technical Assistance Provider from Maryland Rural Development Corporation, requested a meeting to discuss the ranking of two CW projects they had submitted – Rock Hall Emergency Sewer Main Repair (rank 74/20 points), Rock Hall Pump Station #1, #2 and #3 Replacement (rank 79/20 points); and one DW project they had submitted - Rock Hall Lead Service Line Inventory (rank 96/35 points).

MWIFA Response: MWIFA explained that applicants requested an unprecedented total of \$1.38 billion dollars of water quality projects this year. The lowest ranked project we were able to fund with available funding was project ranked 36. In drinking water, applicants requested a total of \$705 million in projects. The lowest ranked project we were able to fund with available funding was project ranked 92.

6. Susan Stephenson, Director for Federal Business Development for the Chesapeake Conservancy, requested that the Chesapeake Conservancy assume the role of the applicant for the MD Land Trust – Rapid Response Revolving Loan Fund for Water Quality Program originally submitted by Forever Maryland. Ms. Stephenson provided additional information and revisions to the original application regarding expected

nutrient reductions, as well as Ms. letters of support from David Lillard, Executive Director of the Catoctin Land Trust; Ribert Deford, Chair of the Baltimore County Land Trust Alliance; Sarah Knebel, Executive Director of the Scenic Rivers Land Trust; Katie Lautar, Executive Director of Baltimore Greenspace; and Phyllis Joris, Executive Director of Neighbor Space.

MWIFA Response: Based on the additional nutrient reduction information, MWIFA revised the score for the application to 45 points and added this project to the Final CW IUP Table 1 as rank 37/45 points for \$5,000,000 WQRLF base loan. MWIFA thanks the Chesapeake Conservancy for their additional information and assumption of role as applicant for this project and this program.

7. Brad Rogers, Executive Director of the South Baltimore Gateway Partnership (SBGP), provided documentation for the organization to be the recipient of Bay Restoration Fund grant, Comprehensive Flood Risk Management grant, and WQSRF loan funding. MDE's attorneys recommended that Baltimore City serve as the grantee for the funding. Subsequently, Matthew Garbark, Director of the Mayor's Office of Infrastructure Development, indicated that Baltimore City will serve as grantee for grants applied for by SBGP.

MWIFA Response: MWIFA thanks the South Baltimore Gateway Partnership and Baltimore City for their cooperation in providing an avenue for this project to be funded. The final documents reflect this change as "Mayor and City Council of Baltimore for South Baltimore Gateway Partnership" on the Final CW IUP Table 1 and as "Mayor and City Council of Baltimore for SBGP" on the Final CW PPL.

Changes Made Subsequent to the Public Comment Period (other than those specified above in "Comments Received")

1. Due to the addition of \$5,000,000 WQRLF Base Loan for the MD Land Trust – WQ Rapid Response Revolving Loan Fund Program project, the Final FFY2023 WQRLF IUP Table 1 total for projects is now \$203,889,000; the Sources and Uses section in the Final FFY2023 WQRLF IUP and Final FFY2023 WQRLF IUP Table 1 were updated accordingly.
2. In response to a review comment from EPA Region 3, the Anne Arundel County Thermal Processing Demonstration Facility (CW0056/25) has been identified in the final FFY2023 WQRLF documents as a green project.
3. In response to a review comment from EPA Region 3, the Windmill Pump Station Relocation & Forcemain Project (CW0026/25) has been identified in the final FFY2023 WQRLF documents as a green project.
4. In response to a review comment from EPA Region 3, additional information regarding "partial set-asides" has been added to the DWRLF IUP.

## Attachments

Comments received by email from Jennifer Merritt, Thomas Devilbiss, Mark Schweitzer, Katherine McAllister, Robert Resele and Elizabeth Hussein, Susan Stephenson, Ann Jones, Robert Deford, David Lillard, Katherine Lauter, Phyllis Jorvis, Brad Rogers, and Matthew Garbark are attached to this Responsiveness Summary.

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Copies of all records pertaining to this public process are available at the offices of MDE, 1800 Washington Blvd., Baltimore, Maryland 21230. Inquiries may be made to Elaine Dietz at [elaine.dietz@maryland.gov](mailto:elaine.dietz@maryland.gov).