



NATIONAL ASSOCIATION OF REGIONAL COUNCILS

AMERICAN RECOVERY AND REINVESTMENT ACT

ENVIRONMENT

On Tuesday, February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009, a federal economic recovery package, which intends to stimulate economic growth, sustain and create jobs, improve our nation's infrastructure, and assist States and local governments.

The funding in this Act is set up as an emergency designation to fulfill emergency requirements and needs. Funds from this Act will have no effect on funds from the 2009 Continuing Resolution (PL 110-329) and is in addition to amounts otherwise appropriated for the fiscal year. All funds will be made available for obligation until September 30, 2010 unless otherwise stated.

The law contains provisions important to environmental issues in Division A, the spending/appropriations portion. The provisions most important to regional planning organizations are as follows.

US Department of Agriculture

TOTAL	\$340 million Natural Resources Conservation Service
FUNDING	<ul style="list-style-type: none"> • \$290 million Watershed and Flood Prevention Activities (100% federal; no local match) <ul style="list-style-type: none"> - \$145 million for expenses and to purchase and restore floodplain easements – no more than \$30 million for any one state - Priority of funds given to projects that can be fully funded and completed • \$50 million Watershed Rehabilitation <ul style="list-style-type: none"> - Priority of funds given to projects that can be fully funded and completed
ELIGIBLE RECIPIENTS	<ul style="list-style-type: none"> • States • local governments • Tribes
PROGRAM INFORMATION	<p>The <u>Watershed and Flood Protection program</u> cooperates with States and local agencies to carry out works of improvement for soil conservation and for other purposes including flood prevention; conservation, development, utilization and disposal of water; and conservation and proper utilization of land.</p> <ul style="list-style-type: none"> • For watersheds, resources are given to implement authorized watershed project plans for the purpose of watershed protection; flood mitigation; water quality improvements; soil erosion reduction; rural, municipal and industrial water supply; irrigation water management; sediment control; fish and wildlife enhancement; and wetlands and wetland function creation and restoration. • For flood protection, resources are given to install watershed improvement measures to reduce flood, sedimentation, and erosion damages; further the conservation, development, utilization, and disposal of water; and the conservation and proper utilization of land. <p>The <u>Watershed Rehabilitation Program</u> works with local communities and watershed project sponsors to address public health and safety concerns and potential adverse environmental impacts of aging dams.</p> <ul style="list-style-type: none"> • Typical funding addresses construction, land rights, project administration, and other planning and implementation costs associated with the project.
USDA REQUIREMENTS	<p><u>Watershed and Flood Protection program</u></p> <ul style="list-style-type: none"> • Prioritizing funding for projects that most cost-effectively provide the greatest public safety, flood protection, economic, and environmental benefits. • Looking to complete existing infrastructure projects that have already initiated planning, design, or construction work, and can initiate work as soon as possible. <p><u>Watershed Rehabilitation Program</u></p> <ul style="list-style-type: none"> • Similar requirements to those listed above • Priority to projects that are at greatest risk of failure and present threats to public safety

US Department of Agriculture

TOTAL	\$1.38 billion for Rural Water and Waste Disposal Direct loans and grants to local governments to construct, extend or improve water and waste disposal systems in rural areas and towns.
ELIGIBILITY REQUIREMENTS	<ul style="list-style-type: none"> • Population limitations of 10,000 or less. • Funds are available to public entities such as municipalities, counties, special purpose districts, Indian tribes and non-profit corporations. • Priority is given to public entities, in areas with less than 5,500 people. • Applicants must be unable to obtain funds from other sources at reasonable rates and terms. • Preference will be given to requests which involve the merging of small facilities and those serving low-income communities. • at least 10% allocated to persistent poverty counties
TYPICAL LOAN TERMS	<ul style="list-style-type: none"> • The maximum term for all loans is 40 years; however, no repayment period will exceed state statutes or the useful life of the facility. • Guaranteed loans may be made for the same purpose as direct loans. They are made and serviced by commercial lenders. Guarantees can be made for up to 90 percent of any loss of interest and principal on the loan.
TYPICAL GRANT TERMS	<ul style="list-style-type: none"> • Grants are considered only after a determination is made on the maximum amount of loan the community can afford and still have reasonable user rates. When those and other available funds are not sufficient to complete the project as the Borrower and USDA Rural Development have agreed upon, they may be considered for grant funds. • Applicants will be considered for grant assistance when the debt service portion of the average annual user cost (for users in the service area) exceeds the certain percentages of the median household income (MHI). • Grants may not be in excess of the eligible project development costs or certain percentages of (MHI).

US Department of Defense - Army Corps of Engineers

FUNDING	\$25 million Investigations <ul style="list-style-type: none"> • used “only for programs that receive fund in Acts making appropriations for Energy and Water Development” • projects must be able to be completed • no reprogramming restrictions and no new starts
FUNDING	\$2 billion Construction <ul style="list-style-type: none"> • No less than \$200 million for environmental infrastructure, water-related environmental infrastructure and resource protection and development projects - i.e. Water Supply and Storage, Treatment and Distribution Systems and, Waste Water Treatment Systems including Treatment Plants. • not less than \$200 million shall be for water-related environmental infrastructure assistance • funding cannot be costshared with the Inland Waterways Trust Fund • projects generally assist local efforts and address local needs
FUNDING	\$2.075 billion Operation and Maintenance
FUNDING	\$25 million Regulatory Program
FUNDING	\$375 million Mississippi River and Tributaries
GENERAL REQUIREMENTS	<ul style="list-style-type: none"> • Programs, projects, or activities must be obligated/executed quickly • Programs, projects, or activities that will result in high, immediate employment • Programs, projects, or activities that have little schedule risk • Programs, projects, or activities that will be executed by contract or direct hire of temporary labor • Programs, projects, or activities that will complete either a project phase, a project, or will provide a useful service that does not require additional funding

U.S. Department of Interior

TOTAL	\$1 billion Bureau of Reclamation Water and Related Resources treatment facilities
FUNDING	<ul style="list-style-type: none"> not less than \$126 million for water reclamation and reuse projects authorized under Title XVI (PL 102-575) funds used for projects that can be completed within these funding amounts and not create budgetary obligations in future fiscal years \$50 million may be transferred to Department of Interior for projects authorized by the Central Utah Project Completion Act \$50 million may be transferred to projects authorized by the California Bay-Delta Restoration Act Not less than \$600 million shall be used for rural water projects and spent primarily on water intake and treatment facilities not less than \$10 million shall be used for a bureau-wide inspection of canals program in urbanized areas
INTERIOR REQUIREMENTS	<ul style="list-style-type: none"> Secretary of Interior shall submit a quarterly report to House and Senate Appropriations Committees detailing the allocation, obligation and expenditures of these funds, beginning no later than 45 days after enactment Programs, projects, or activities that can be obligated/executed quickly Programs, projects, or activities that will result in high, immediate employment Programs, projects, or activities that have little schedule risk Programs, projects, or activities that will be executed by contract or direct hire of temporary labor Programs, projects, or activities that will complete either a project phase, a project, or will provide a useful service that does not require additional funding
PROGRAM INFORMATION	<ul style="list-style-type: none"> Reclamation is a contemporary water management agency with a Strategic Plan outlining numerous programs, initiatives and activities that will help the Western States, Native American Tribes and others meet new water needs and balance the multitude of competing uses of water in the West. They assist in meeting the increasing water demands of the West while protecting the environment and the public's investment in these structures. Activities include water delivery obligations, water conservation, water recycling and reuse, and developing partnerships with our customers, states, and Native American Tribes, and in finding ways to bring together the variety of interests to address the competing needs for limited water resources.

U.S. Environmental Protection Agency

TOTAL	\$600 million Hazardous Substance Superfund Remedial Program
PROGRAM INFORMATION	<ul style="list-style-type: none"> Superfund is the name given to the environmental program established to address abandoned hazardous waste sites. Grant funding to allow the EPA to clean up such sites and to compel responsible parties to perform cleanups or reimburse the government for EPA-lead cleanups.
TOTAL	\$200 million Leaking Underground Storage Tank Trust Fund Program
PROGRAM INFORMATION	<ul style="list-style-type: none"> provides money for overseeing and enforcing corrective action taken by a responsible party, who is the owner or operator of the leaking underground storage tank. provides money for cleanups at underground storage tank sites where the owner or operator is unknown, unwilling, or unable to respond, or which require emergency action. Generally, to receive money, a state must enter into a cooperative agreement with the federal government to spend the money for its intended purpose. Trust Fund money is divided among EPA regional offices based on a formula that uses state data.

U.S. Environmental Protection Agency

TOTAL	\$6.4 billion State and Tribal Assistance Grants
FUNDING	<ul style="list-style-type: none"> • \$4 billion for the Clean Water State Revolving Fund capitalization grants (CWSRF) • \$2 billion for the Drinking Water State Revolving Fund capitalization grants (DWSRF)
FUNDING REQUIREMENTS	<ul style="list-style-type: none"> • 1% for management and oversight • Funds are not subject to matching or cost sharing • Projects must be under contract or construction within 12 months of enactment of bill (2/17/2010) or funding will be redistributed • Priority for projects on state priority list and are ready to go to construction within 12 months (2/17/2010) • State shall use no less than 50% of capitalization grants for additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of • No less than 20% of funds shall address green infrastructure, water or energy efficiency improvements or other environmentally innovative activities • Up to 1.5% of funds from CWSRF is reserved for tribal grants and that up to 4% of tribal set-asides must be transferred to the Indian Health Service to support management and oversight of projects • No funds can be used for the purchase of land easements • Funds may be used to buy, refinance or restructure debt obligations of eligible recipients only where such debt was incurred on or after 10/1/2008 • Funds are available until 9/30/2011
PROGRAM INFORMATION	<p><u>CWSRF</u></p> <ul style="list-style-type: none"> • funds water quality protection projects for wastewater treatment, nonpoint source pollution control, and watershed and estuary management • Money flows through States to local communities for eligible recipients: communities, individuals, citizens' groups, and non-profit organizations • Eligible nonpoint source projects include virtually any activity that a state has identified in its nonpoint source management plan, including projects to control runoff from agricultural land; conservation tillage and other projects to address soil erosion; development of streambank buffer zones; and wetlands protection and restoration. • Estuary management projects may include any of the activities above, as well as restocking fish, restoration of wildlife habitat, provision of marine sewage pump-out facilities, and others. • Generally, funding can be used for the planning, design, and construction of publicly owned wastewater treatment facilities or to build or rehabilitate sewer collection systems. Urban wet weather flow control activities, including stormwater and sanitary and combined sewer control measures. <p><u>DWSRF</u></p> <ul style="list-style-type: none"> • funds to drinking water systems to finance infrastructure improvements. • emphasizes providing funds to small and disadvantaged communities and to programs that encourage pollution prevention as a tool for ensuring safe drinking water. • Publicly and privately owned community water systems and non-profit non-community water systems are eligible for funding • Eligible projects include installation and replacement of failing treatment facilities, eligible storage facilities and transmission and distribution systems. Projects to consolidate water supplies may also be eligible. • Generally, States must provide a minimum of 15% of the available funds for loans to small communities. • Generally, State has the option of providing up to 30% of the grant awarded to the State to provide additional assistance to these State-defined disadvantaged communities.
EPA REQUIREMENTS	<ul style="list-style-type: none"> • Within 30 days each agency receiving funds shall submit a general plan for expenditure to House and Senate Appropriations Committees • Within 90 days each agency receiving funds shall submit to the Committees a report containing detailed project level information associated with the plan submitted previously

U.S. Environmental Protection Agency

TOTAL	\$6.4 billion State and Tribal Assistance Grants <i>continued</i>
FUNDING	\$100 million for brownfields
FUNDING REQUIREMENTS	<ul style="list-style-type: none"> • Up to 3.5% may be reserved for management and oversight • No funds are subject to cost share requirements • Funds are available until 9/30/2011
PROGRAM INFORMATION	<ul style="list-style-type: none"> • There are 3 types of brownfields grants: assessment, environmental cleanup, and revolving loan funds. • Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields.
ELIGIBLE RECIPIENTS	<ul style="list-style-type: none"> • general purpose unit of local government (including COGs) • non-profit organization
EPA REQUIREMENTS	<ul style="list-style-type: none"> • Within 30 days each agency receiving funds shall submit a general plan for expenditure to House and Senate Appropriations Committees • Within 90 days each agency receiving funds shall submit to the Committees a report containing detailed project level information associated with the plan submitted previously
FUNDING	\$300 million Diesel Emission Reduction Act grants
FUNDING REQUIREMENTS	<ul style="list-style-type: none"> • Up to 2% may be reserved for management and oversight • No funds are subject to cost share requirements • Approximately 70% of the funding will be distributed by diesel collaboratives affiliated with EPA regional offices through a competitive grant application process • remaining 30% going to fund state retrofit programs. • Requests for applications will be issued in late Feb/early March and may only be open for 30 days. • Although 50% of the funds must go to public fleets, this includes independently-operated private fleets under contract to a public entity. Private entities must apply in partnership with either a government or non-profit organization. • Projects which provide the most cost-effective reductions, affect the greatest number of people, and leverage additional resources will be given priority. • Funds are available until 9/30/2011
PROGRAM INFORMATION	<ul style="list-style-type: none"> • reduce diesel emissions by helping to offset the cost for retrofitting heavy-duty vehicles such as motorcoaches with clean diesel technology. • Retrofits are defined broadly, including any one of retrofit's 5 Rs (refueling with cleaner fuel; rebuilding with engine upgrades; repowering with new engines; retrofitting with the addition of emissions control technologies; and replacing vehicles with new ones).
EPA REQUIREMENTS	<ul style="list-style-type: none"> • Within 30 days each agency receiving funds shall submit a general plan for expenditure to House and Senate Appropriations Committees • Within 90 days each agency receiving funds shall submit to the Committees a report containing detailed project level information associated with the plan submitted previously

U.S. Department of Energy

TOTAL	\$16.8 billion for Energy Efficiency and Renewable Energy
FUNDING	<p>\$3.2 billion Energy Efficiency & Conservation Block Grants (EECBG)</p> <ul style="list-style-type: none"> • \$2.8 billion available through the formula allocation – <ul style="list-style-type: none"> - 68% allocated to local governments - 28% allocated to states - 2% allocated to Indian tribes - 2% for competitive grants • \$400 million through competitive grants • overall intent is to assist in implementing strategies in reducing fossil fuel emissions and promote energy efficiency • Up to 0.5% of each amount appropriation may be used for expenses of management and oversight of programs, grants and activities funded • Funds set aside shall remain available for obligation until 9/30/2012
ELIGIBLE RECIPIENTS	<ul style="list-style-type: none"> • local governments (68% of funding) <ul style="list-style-type: none"> - Every city with a population of 35,000 or more - Every county with a population of 200,000 or more - Each state (including Puerto Rico) is guaranteed to have at least its 10 largest cities and 10 largest counties eligible for formula grants, regardless of population • states <ul style="list-style-type: none"> - Each state is required to pass through at least 60 % of it funding share to cities and counties not receiving direct formula funding - Each state decides how to award these funds among these cities and counties • Indian tribes
ELIGIBLE PROGRAMS	EECBG can be used for energy conservation, bike paths and pedestrian walkways, replacing street lights with more energy efficient technology; smart growth planning and zoning; etc.
APPLICANT REQUIREMENTS	<ul style="list-style-type: none"> • The Department of Energy (DOE) will issue guidelines for application. • DOE has indicated the guidelines will be released shortly. In the meantime, the DOE suggests that entities who plan to apply for these funds start a registration process that may take upwards of 21 days. The process is as follows: <ul style="list-style-type: none"> - Step 1: Request a DUNS Number at http://fedgov.dnb.com/webform/displayHomePage.do - Step 2: Register with the Central Contractor Registry (CCR) at: http://www.ccr.gov/. - Step 3: E-Business Point of Contact registers at: https://www.fedconnect.net/FedConnect/. - Only after the registration process is completed, can an eligible grant recipient submit an application for funding. Application website is: https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf
FUNDING	<p>\$5 billion for Weatherization Assistance Program</p> <ul style="list-style-type: none"> • Up to 0.5% of may be used for management and oversight • Funds set aside shall remain available for obligation until 9/30/2012
ELIGIBLE RECIPIENTS	<ul style="list-style-type: none"> • States • Subrecipients <ul style="list-style-type: none"> - Community Action Agencies - Nonprofits - COGs - Units of local government
PROGRAM INFORMATION	<ul style="list-style-type: none"> • Weatherization Assistance Program enables low-income families to permanently reduce their energy bills by making their homes more energy efficient through the installation of weatherization materials and education. The weatherization work consists of caulking; weather-stripping; adding ceiling, wall, and floor insulation; patching holes in the building envelopes; and tune-up, repair or replacement of energy inefficient heating and cooling systems. • DOE reserves funds on a national level for national training and technical assistance activities that benefit all states. DOE also allocates specific funding to states for training and technical assistance activities at both the state and local levels. The remaining funds are distributed to states as program allocations. • Local funding flows through a local weatherization agency, which may be a COG.

U.S. Environmental Protection Agency

FUNDING	<p>\$3.4 billion for State Energy Program</p> <ul style="list-style-type: none"> • to promote the conservation of energy and reduce the rate of growth of energy demand • Up to 0.5% of each amount appropriation may be used for expenses of management and oversight of programs, grants and activities funded • Funds set aside shall remain available for obligation until 9/30/12
FUNDING REQUIREMENTS	<p>For the Secretary of Energy to make grants only if the Governor of state:</p> <ul style="list-style-type: none"> • ensures that state or applicable units of local government have the authority to adopt building codes that will improve energy efficiency • extent to which the state will prioritize the grants toward funding energy efficiency and renewable energy programs, including building retrofits • no state match is necessary • no limitation on using funding for equipment purchases or installation of equipment and materials
TOTAL	<p>\$4.5 billion for smart-grid related activities, including work to modernize the electric grid, enhance security and reliability, perform energy storage research, development, demonstration and deployment.</p> <ul style="list-style-type: none"> • Up to 0.5% of each amount appropriation may be used for expenses of management and oversight of programs, grants and activities funded • Funds set aside shall remain available for obligation until 9/30/12
FUNDING	<p>Includes:</p> <ul style="list-style-type: none"> • \$100 million for worker training activities • \$80 million for development of regional transmission plans
TOTAL	<p>\$483 million for Non-Defense Environmental Clean up</p> <ul style="list-style-type: none"> • Up to 0.5% of each amount appropriation may be used for expenses of management and oversight of programs, grants and activities funded • Funds set aside shall remain available for obligation until 9/30/12