

State of Alabama
Alabama Department of Environmental Management
Clean Water State Revolving Fund (CWSRF) Program



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CWSRF Intended Use Plan



Fiscal Year 2018

TABLE OF CONTENTS

I. INTRODUCTION3

II. PROGRAM GOALS3

A. Short Term Goals:.....3

B. Long Term Goals:.....3

III. SOURCES AND USE OF FUNDS4

IV. WRRDA IMPLEMENTATION.....6

A. Fiscal Sustainability Plans:.....5

B. Architectural and Engineering (A/E) Services Procurement:.....5

C. Cost and Effectiveness Certification:.....5

D. Affordability Criteria:.....5

E. Extended Term Financing:.....6

V. PROJECT SELECTION AND METHODS OF DISTRIBUTION OF FUNDS6

A. Priority List:.....5

B. Additional Subsidization:.....6

C. Green Project Reserve:.....6

D. Prevailing Wages:.....7

E. Inadequate Allocations:.....7

F. Unanticipated and Uncommitted Funds:.....7

G. Project Bypass/Reallotment:.....7

VI. CERTIFICATIONS8

VII. PROGRAM INCOME8

VIII. ESTIMATED CWSRF CAPITALIZATION GRANT SCHEDULES.....9

A. Estimated Grant Draw Schedule:9

B. Estimated Grant Dispersal Schedule:.....9

C. Grant Budget Periods:10

IX. PROJECT LIST11

X. PROJECT DESCRIPTIONS.....12

I. Introduction:

As required by Title VI of the Clean Water Act, each year the Department must prepare an Intended Use Plan (IUP) identifying the projected uses of funds available in its Clean Water State Revolving Fund (CWSRF). This Intended Use Plan (IUP) serves as a basis for the development of the capitalization grant payment schedule.

The State of Alabama will receive an EPA Capitalization Grant of \$17,948,000 from EPA that will be used to provide low interest financial assistance for the CWSRF program. The 20% State matching fund requirement for the capitalization grant is \$3,589,600 and will be fulfilled by an overmatch of State Match Bonds issued in previous years' and a contribution from ADEM State Enforcement Action (see Projected Sources). The capitalization grant funds for the CWSRF and the 20% State matching funds will be distributed as outlined by this plan.

In accordance with the Clean Water Act (CWA) Amendments of 1987, the Department proposes the following plan for the intended use of the CWSRF funds for FY 2018 as required by Section 606(c) of the CWA.

II. Program Goals:

A. Short Term Goals:

1. To provide CWSRF assistance to the extent there are sufficient eligible project applications, not less than 10% of the CWSRF Capitalization Grant for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities. These four categories of projects are the components of the Green Project Reserve.
2. To provide CWSRF loans with additional subsidization in the form of principal forgiveness for not less than 10% of the CWSRF Capitalization Grant. (\$1,794,800)
3. To implement the State's CWSRF in compliance with Title VI of the Clean Water Act and to ensure conformance with Federal crosscutting issues as required by the 1987 Clean Water Act amendments.
4. To ensure compliance with the "first use" requirements which require that CWSRF assistance be available to projects which are members of the National Municipal Policy (NMP) universe; projects which have legally enforceable compliance schedules.
5. To achieve statewide compliance with Federal and State water quality standards, particularly with the NMP as rapidly as possible.
6. To protect the public health and the environment and promote the completion of cost-effective wastewater treatment facilities.

B. Long Term Goals:

1. To maintain the CWSRF program and the fiscal integrity of the fund.
2. To provide a self-perpetuating source of financial assistance for the construction of public wastewater treatment and transport facilities needed to meet water quality standards and provide capacity for future growth.
3. To assure that all Municipal NMP facilities achieve compliance as soon as possible.
4. To assure that all municipal facilities achieve compliance with final effluent limits as soon as possible.

5. To assist in the maintenance of water quality standards wherever such standards are adversely affected by municipal wastewater point sources.

6. To meet public health and environmental needs of those communities with malfunctioning on-site treatment systems that are either identified as a health hazard by the State Health Department or that adversely affect water quality.

The Department shall comply with all of the requirements of the latest Operating Agreement made with EPA, including the assurances contained therein. The Operating Agreement is incorporated by reference.

III. Sources and Use of the Funds:

The Department is expected to fund FY 2018 projects using a combination of interest earnings on the Fund, repayments from direct loans and the EPA Capitalization Grant. Match for the EPA Grant will be fulfilled by overmatch of State Match Bonds issued in previous years' and a contribution from ADEM State Enforcement Action. The estimated sources and uses of funds in the FY 2018 CWSRF program are as follows:

Sources:

2018 EPA CWSRF Cap Grant:	\$17,948,000
Direct Loan Repayments, Interest Earnings and Unobligated Funds:	\$32,888,358
State Match	\$3,589,600
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Total:	\$54,425,958

Uses:

Project Assistance:	\$53,528,600
Administrative Costs (projected):	\$897,358
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Total:	\$54,425,958

Projects on the CWSRF Project List are ranked by their respective priority point rating and may be funded according to availability of funds. Projects that are not funded from the Project List may be funded in subsequent years.

The amount reserved for administrative costs is equal to 1/5 percent per year or the Total New Position (\$448,679,005 as of the most recent audited financial statements).

The rate of cash draws from the federal capitalization grant will be based on dollar-for-dollar draws of direct loan projects. Consistent with EPA policy, draws from the federal grant for these direct loan projects are required to be proportional to the disbursement of state match funds to borrowers for eligible project costs. The State intends to manage its disbursements to borrowers to insure that State funds are spent first in order to ensure that the proportionality requirement is met expeditiously. This technique is necessary to ensure that direct loan borrowers funded from federal capitalization grants are able to receive requisitioned funds in a timely manner. It should be noted that overmatch from previous years' programs will be used to match the grant in addition to the appropriation provided by the State Legislature.

IV. Water Resources Reform and Development Act

The Water Resources Reform and Development Act (WRRDA) was enacted on June 10, 2014 and brought several changes to the CWSRF program.

A. Fiscal Sustainability Plans

The Federal Water Pollution Control Act (FWPCA) Section 603(d)(1)(E) requires a recipient of a loan for a project that involves the repair, replacement, or expansion of a publically owned treatment works to develop and implement a Fiscal Sustainability Plan (FSP) or certify that it has developed and implemented an FSP. This provision applies to all loans for which the loan recipient submitted an application on or after October 1, 2014.

The Alabama CWSRF program provides all assistance by purchasing outstanding debt obligations (bonds) from the borrower, thus this requirement does not apply. The Alabama CWSRF program commonly refers to these bond purchase agreements as “loans”, though they are not loans as defined by EPA.

B. Architectural and Engineering (A/E) Services Procurement

For any capitalization grant awarded after October 1, 2014, the State must ensure that all A/E contracts for projects identified as using funds directly from each year’s capitalization grant (i.e. equivalency projects) comply with the elements of the procurement processes for A/E services as identified in 40 U.S.C. 1101 et seq., or an equivalent State requirement. The Alabama CWSRF requires its recipients to comply with the *September 30, 2014 Alabama CWSRF A/E Procurement Requirements*. The Arab Sewer Board (\$8,275,000), City of Tuscaloosa (\$8,500,000), and City of Tallassee (\$4,795,000) loans will be used as equivalency projects for the 2018 Capitalization Grant.

C. Cost and Effectiveness Certification

Section 602(b)(13) requires that CWSRF recipients certify that the recipient has studied the cost and effectiveness of the project and selected the project that maximizes the potential for efficient water use, reuse, recapture and conservation, and energy conservation. The Alabama CWSRF program is requiring each recipient of CWSRF funding to provide a certification in compliance with 602(b)(13). This certification can be found on page 14 of the CWSRF Loan Application (Form 339 M-2).

D. Additional Subsidy and Affordability

Additional subsidy in the form of principal forgiveness shall be made available in total of the required amount for the States 2018 Capitalization Grant Appropriation or the cap set at 603(i)(3) of the Federal Water Pollution Control Act, whichever is less. Additional subsidy would first be provided to eligible Section 319 projects that include green infrastructure intended to mitigate or prevent storm water pollution. Additional subsidy will also be provided in rank order to projects as determined by the Affordability Measure for Alabama. Each project may receive up to a maximum of 50% of the allowable cost in principal forgiveness or a maximum of \$500,000 until the amount has been allocated.

The Affordability Measure for Alabama will be calculated as the sum of the following:

1. Poverty Rate Value: The poverty rate of the county served by the project minus the statewide poverty rate;
2. Unemployment Rate Value: The unemployment rate of the county minus the statewide unemployment rate.
3. If the statewide population has increased over the two most recent 10-year census estimates, the population trend value shall be 1; if it has decreased the population trend value shall be 2.

Projects with an Affordability Measure of more than 10.0 are considered unaffordable according to the criteria.

E. Extended Term Financing

Section 603(d)(1)(A) authorizes CWSRF loans to be made for a term not exceeding the lesser of 30 years or the useful life of the project. Borrowers must demonstrate that the useful life of the project is not less than the extended term of the CWSRF loan. At this time, none of the FY 2018 borrowers have requested an extended term, though that could change as their assistance agreements are underwritten.

V. Project Selection and Methods of Distribution of Funds

A. Priority List

In order to be considered for CWSRF assistance, projects must be on or added to the Priority List and have a proposed project schedule that coincides with the availability of CWSRF funds. The CWSRF project list was developed by identifying the priority point rating for each proposed project. The funding of such projects is also subject to the availability of funds. The Arab Sewer Board (\$8,275,000), City of Tuscaloosa (\$8,500,000), and City of Tallassee (\$4,795,000) loans will be used as equivalency projects for the 2018 Capitalization Grant.

B. Additional Subsidization:

Additional subsidy in the form of principal forgiveness shall be made available in total of the required amount of the 2018 Capitalization Grant Appropriation or the cap set at 603(i)(3) of the Federal Water Pollution Control Act, whichever is less. The attached project list attachment includes projects that may receive principal forgiveness based the subsidy criteria. The Department has authority to provide additional subsidization by the Code of Alabama Section 22-34-3(a).

C. Green Project Reserve:

The EPA capitalization grant requires that, to the extent there are sufficient eligible project applications, not less than 10% of funds provided by the 2018 Capitalization Grant for projects must be used for projects that address green infrastructure, water or energy efficiency, or other environmentally innovative activities. These four categories of projects are the components of the Green Project Reserve (GPR). The Department actively solicited for green infrastructure projects for 2018. This solicitation included a notice posted on the ADEM website as well as a notice sent to approximately 1,200 e-mail addresses on the Department's e-mail list. Approximately 100 entities were mailed hard copies. These lists include all incorporated towns and all county governments.

The accompanying project list identifies four projects that have a component for GPR totaling \$2,301,000. The descriptions indicate which type of GPR project it is, whether it is a categorical GPR project, and how much of the project's cost is applicable to GPR. All applicants on the fundable list that have submitted GPR projects that are not categorical will be required by the Department to submit business case models

Final project component costs applicable to GPR may be revised based on final project submittal, final bid amounts or change in GPR determination.

If it subsequently determined there are insufficient projects that meet any GPR requirements on the fundable portions of the priority list, the Department will revise this Intended Use Plan after soliciting a new round of applications. The Department will identify additional qualifying projects and amend its IUP; if changes within this list fall below the minimum objective.

D. Prevailing Wages

Davis-Bacon wage requirements apply for fiscal year 2018 and each fiscal year thereafter and the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by the CWSRF as authorized by title VI of that Act (33 U.S.C. 1381 et seq.). The

Department will include in all loan agreements and procurement contracts terms and conditions requiring compliance with this requirement.

E. Inadequate Allocations:

If the actual federal CWSRF allocations are less than anticipated by the Department in the development of the CWSRF priority list, the Department may find it necessary to reduce their commitments to projects on the priority list. The Department may take formal action to reduce the number of commitments in accordance with subparagraph 3) of this paragraph.

- 1). The Department may redistribute the CWSRF funds allocated to each project.
- 2). The Department may redistribute funds from lower priority projects to higher priority projects.
- 3). The Department may bypass projects on the priority list in accordance with Section H, below.

F. Unanticipated and Uncommitted Funds:

If unanticipated or uncommitted funds become available, the Department may take action to distribute them in accordance with subparagraphs 1-2 of this paragraph:

- 1). The Department may use the unanticipated or uncommitted funds to fund the highest priority project(s) from the priority list.
- 2). The Department may use the unanticipated or uncommitted funds to increase the amount of funds allocated to CWSRF fundable projects or to provide increased assistance to projects which have already received CWSRF assistance.

Additionally, supplemental loans may be made to previous recipients as needed to complete segmented projects or to cover unanticipated cost overruns.

G. Project Bypass/Reallotment:

The Department may bypass any project on the CWSRF priority list that is not, in the Department's opinion, making satisfactory progress in satisfying requirements for CWSRF assistance. Bypassed projects will be removed from the priority list. In determining whether or not a project is making satisfactory progress in satisfying the requirements for CWSRF assistance, the Department shall use the criteria contained in subparagraphs 1-6 of this paragraph. Funds released through project bypass will be considered as uncommitted and available for redistribution in accordance with this section.

- 1). Any project on the CWSRF Priority List may be bypassed if the applicant fails to submit a complete CWSRF application.
- 2). The Department may use individual project schedules developed by the Department to determine whether or not the project is making satisfactory progress during the fiscal year.

- 3). In order to comply with EPA certification restrictions related to equivalency requirements, it may be necessary to bypass projects which have not complied with Title II requirements and other federal authorities.
- 4). Any project on the CWSRF Priority List may be bypassed if the applicant fails to demonstrate the ability to repay the loan.
- 5). To maintain the fiscal integrity of a leveraged loan program or provide funds for new construction, the Department may choose to bypass projects which involve refinancing of existing debt.
- 6): Projects may be removed from the priority list at the request of the applicant or if the Department finds that the project is ineligible for CWSRF assistance.

VI. Certifications:

1. The Department certifies that this IUP will be subject to public review and comment with a public notice period of 30 days.
2. The Department certifies that all wastewater facility projects in this IUP are on the CWSRF Priority List.
3. The Department certifies that it will enter into binding commitments for 120% of each payment under the CWSRF capitalization grant within one (1) year after receipt of each payment.
4. The Department certifies that it will expend all funds in the CWSRF in an expeditious and timely manner.
5. The Department certifies that all wastewater facilities in the state are in compliance with enforceable requirements or are making progress toward meeting those requirements except as specifically noted in the IUP.
6. The Department certifies that all facilities funded by the CWSRF shall complete a NEPA-like environmental review process.
7. The Department certifies that it will comply with all requirements of the 1997 Operating Agreement with EPA.
8. The Department certifies that it will complete a Benefits Assessment worksheet for each loan agreement executed in order to comply with EPA environmental results reporting requirements.

VII. Program Income:

The Alabama Water Pollution Control Authority, with ADEM as its agent, assesses a 0.75% fee annually based on outstanding principal. These fees are collected twice a year when the recipient initiates repayment of the loan. In accordance with *Guidance on Fees Charged by States to Recipients of Clean Water State Revolving Fund Program Assistance*, published October 20, 2005, fees collected from loans sourced from outstanding grants will be used for administration of the SRF fund only. All other fees will be used to implement the Department’s water pollution control program. The Department expects to receive fees during FY 2018 as follows:

Total Program Income	Program Income Collected During Grant Period	Program Income Collected After Grant Period
\$2,524,903.86	\$61,625.00	\$2,463,278.86

The fee receipts from this loan will be deposited into a subfund of the fee account for SRF administrative use only. Program income collected after the grant period will be used to support water quality related programs of the Department's Water and Field Operations Divisions. The Water Division administers the NPDES

program for municipal and industrial sources, pursuant to which publicly owned treatment works (POTWs) and private facilities are permitted to discharge wastewater to surface waters. In addition to permit issuance/re-issuance, other responsibilities include performing inspections, providing compliance assistance, and ensuring an appropriate enforcement response. The Field Operations Division supports the Water Division by conducting compliance sampling inspections and compliance bio-monitoring inspections of POTWs to evaluate compliance with permit requirements. In addition, facility self-monitoring whole effluent toxicity testing reports are submitted and reviewed. The Division also conducts ambient water quality monitoring activities in the vicinity of these facilities to determine the impacts of the wastewater discharges upon ambient water quality.

The budget for the program income collected after the grant period is as follows:

Personnel	\$1,338,994.00
Fringe Benefits	\$535,598.00
Travel	\$12,000.00
Equipment	\$2,500.00
Supplies	\$1,500.00
Contractual	\$0.00
Other	\$0.00
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Total Direct	\$1,890,592.00
Indirect	\$572,686.86
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Total	\$2,463,278.86

VIII. Estimated CWSRF Capitalization Grant Schedules:

A. Estimated Grant Draw Schedule:

Fiscal Year	Quarter	Draw	
2018	1st	10/1/18 - 12/31/18	\$8,974,000
2018	2nd	1/1/19 - 3/31/19	\$8,974,000
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Total			\$17,948,000

A. Estimated Grant Disbursal Schedule:

Fiscal Year	Quarter	Payment	
2018	1st	10/1/18 - 12/31/18	\$8,974,000
2018	2nd	1/1/19 - 3/31/19	\$8,974,000
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Total			\$17,948,000

Payments are defined as increases to the amount of funds available from the federal SRF capitalization grant. This draft payment schedule is based on the State's projection of binding commitments and disbursements from

the SRF to the members of the SRF project list. The disbursement schedule will essentially coincide with the grant payment schedule as ACH draw requests will be processed only upon submittal of payment requests from loan recipients for actual costs incurred. Funds from the ACH will be disbursed to the recipient immediately.

The disbursement of funds will be in proportion to the amount of state and federal funds provided by the grant and state match. This will be ensured by disbursing all state match funds prior to drawing capitalization grant funds for project disbursements.

C. Capitalization Grant Budget Periods:

2018 EPA CWSRF Capitalization Grant

October 1, 2018 through September 30, 2022

IX. Project Fundable List

County Served	Project Name	NPDES Permit Number(s)	Needs Categories	Priority Point Rank	Assistance Amount	Subsidization Amount (Principal Forgiveness)	* GPR Component Costs	* GPR Type	* GPR Categorical Project	Estimated Construction Start Date	Estimated Project Completion Date
Marshall-Cullman	Arab Sewer Board	AL0056626 AL0020303	I,III-B	135	\$8,275,000					2/1/19	2/1/20
Elmore-Tallapoosa	Tallassee, City of	AL0020486	I,III-B	130	\$4,795,000	\$500,000				9/10/19	12/3/20
Calhoun	Anniston Water Works and Sewer Board	AL0024520	I	120	\$9,610,000					6/1/19	8/1/21
Dale	Midland City, Town of	N/A	III-B	125	\$1,502,000					12/1/18	12/1/19
Baldwin	Spanish Fort, City of	N/A	VI-C	115	\$461,000	\$230,000	\$461,000	Green Infrastructure	Y	5/1/19	9/1/19
Conecuh	Evergreen, City of	AL0047503	I,III-B	105	\$3,800,000	\$500,000	\$1,155,000	Energy Efficiency	Y	5/1/18	2/28/19
Tuscaloosa	Tuscaloosa, City of	AL0022713	V-A	95	\$8,500,000					3/1/19	12/1/20
DeKalb	Fort Payne, City of	AL0023311	I,IV-A	75	\$8,347,000	\$255,000	\$36,000	Energy Efficiency	Y	1/1/19	1/1/20
Franklin	Russellville Water Works and Sewer Board	AL0027987	I	55	\$649,000	\$325,000	\$649,000	Energy Efficiency	Y	6/1/19	12/1/19
Mobile	Saraland, City of	N/A	VI-A	30	\$4,000,000					1/1/19	10/1/19
					\$49,939,000	\$1,810,000	\$2,301,000				

Needs Categories:

- (I) SECONDARY TREATMENT
- (III-B) SEWER REPLACEMENT/REHABILITATION
- (IV-A) NEW COLLECTOR SEWERS AND APPURTENANCES
- (V-A) COMBINED SEWER OVERFLOW CORRECTION- TRADITIONAL INFRASTRUCTURE
- (VI-A) STORMWATER CONVEYANCE INFRASTRUCTURE
- (VI-C) GREEN INFRASTRUCTURE

* Green Project Reserve (GPR) - green infrastructure, water or energy efficiency, or environmentally innovative activities. Actual costs may differ based on Green Infrastructure (see Chapter 4)

X. Project Descriptions

Anniston Choccolocco Creek WWTP Biosolids Improvements and Ft. McClellan WWTP Improvements (Supplemental): The Anniston Water Works & Sewer Board proposes a project to provide wastewater treatment improvements to its wastewater collection system and the Choccolocco Creek and Ft. McClellan Wastewater Treatment Plants (WWTP). Proposed improvements at the Choccolocco Creek WWTP will consist of the replacement of odor control equipment and electrical system improvements. The Ft. McClellan WWTP will receive upgrades to the headworks, aeration basins, clarifiers and disinfection facility to meet regulatory compliance requirements. Various pumping station equipment upgrades will also be performed in the wastewater collection system. Completion of all proposed improvements will provide a more efficient and reliable wastewater treatment system for the Anniston service area by reducing energy and other operational costs while maintaining regulatory compliance.

Arab Wastewater System Improvements: The Arab Sewer Board proposes a project to provide upgrades to the Gilliam Creek WWTP; the Riley Maze WWTP; and the collection system. Proposed improvements will consist of upgrades to the sludge processing and chlorination facilities as well as the installation of more than 48,000 LF of gravity sewer line associated with both WWTPs. The improvements represent a comprehensive corrective action response to a recent Consent Order (issued by The Department) for permit violations. Completion of these improvements will provide increased treatment reliability and effluent flow quality to the local surface waters; resulting in permit compliance.

Fort Payne WWTP Upgrades & Collection System Extension: The City of Fort Payne has proposed a project to provide upgrades to the Fort Payne WWTP and wastewater collection system. Proposed improvements to the treatment facility include replacement of the existing filtration system with upgrades to various components of the screw pump stations for improved wastewater conveyance. A new operations building is also proposed to provide sufficient office space for personnel as well as house a new testing laboratory and various electrical control systems. The treatment facility's remote monitoring system will also be equipped with a telephone notification system for emergency alert capability. The City's gravity collection system will be extended to serve the Terrapin Hills community and existing wastewater pump stations will be upgraded with remote monitoring equipment for status monitoring and emergency alerts. Completion of the proposed improvements will provide a more efficient, reliable wastewater treatment system for the City. Moreover, this project will provide an authorized wastewater discharge alternative for the Terrapin Hills community and satisfy current litigation and regulatory compliance requirements with The Department.

Tallassee Wastewater Infrastructure Improvements: The City of Tallassee has proposed to construct a new wastewater treatment plant and rehabilitate key infrastructure in the sanitary sewer collection system. Rehabilitation of infrastructure will include a full investigation of the current in-situ infrastructure conditions of both piping and manholes as well as specific improvements to 17,050 linear feet of sanitary sewer piping and manholes. The new wastewater treatment plant will give the City of Tallassee a long term solution to meeting current NPDES permit limits.

Spanish Fort Wakefield Canal Restoration: The City of Spanish Fort proposes restoration and improvements to the existing Wakefield Canal. Wakefield Canal is a naturally occurring drainage canal north of Wakefield Drive which flows as outfall to Boggy Branch which in turn flows into Bay Minette Creek. Bay Minette Creek is listed as a 303d impaired stream segment. Proposed improvements will utilize a step down conveyance system, erosion control mats and grass pavers, and reinforced concrete block mats in reestablishing bank vegetation and re-stabilizing eroded slopes. The improvements will enhance aquatic habitat while alleviating the excessive sediment erosion and debris accumulation currently exhibited within the canal.

Tuscaloosa Sewer Improvements: The City of Tuscaloosa has proposed to repair existing Lift Stations 10 and 11 in order to reduce Sanitary Sewer Overflows (SSOs) during rain events. An equalization basin may be constructed for this project. The City also proposes to build an equalization basin for Lift Station 21 to reduce SSOs during rain events. Alternate projects to repair Air Release Valves (ARVs) along the Mercedes Sewer Force Main, upgrades to Lift Station 3, and repairs to the 39th Street sewer lines. Completion of these projects will result in fewer SSOs and an improvement in compliance.

Russellville Wastewater Treatment Upgrade: The Russellville Water and Sewer Board have proposed to replace the current UV disinfection system with a new, more energy efficient system. The result of the project will be continued disinfection of the wastewater effluent with reduced electricity usage and lower operation costs.

Midland City Sanitary Sewer Rehabilitation: Midland City has proposed several action items in an effort to completely rehabilitate the town's failing sanitary sewer system. The proposed project includes: an assessment of the entire collection and transmission pipe system, mapping of any issues within the system, lining of pipes where appropriate, pipe replacement when necessary, rehabilitation of manholes, and replacement of service lateral connections where the seals have been compromised. This rehabilitation project will alleviate water tightness issues within the system and prevent any outside infiltration from surface and groundwater.

Saraland Drainage Infrastructure Improvements: The City of Saraland has proposed improvements to two existing drainage area infrastructure systems, First and Second Avenues and Craig Drive. The improvements will consist of pipeline installation and natural draining enhancements to effectively accommodate 25-year storm events.

Evergreen Wastewater Treatment Plant Upgrade: The City of Evergreen proposes to upgrade the wastewater treatment plant to provide additional treatment. Improvements include rehabilitating the inside of the lagoon dikes, replacement of aerators with energy efficient aerators, addition of a dissolved air flotation unit for effluent treatment, cleaning primary cells, replacement of lagoon inlet piping, and replacing inlet pump station with an energy efficient pump station. Completion of these improvements will enable the treatment plant to meet the current NPDES permit requirements and eliminate the violations which have been occurring, provide more efficient treatment, prevent deterioration of the lagoon dikes, and improve the quality of the effluent.