

Program/Project #: 6

Program/Project Short Name: Lead and Copper Program

## American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recover Fund Project Request and Eligibility Determination

This document is to be completed by the person or persons requesting American Rescue Plan Act of 2021 Coronavirus State and Local Government Fiscal Recovery Fund monies. The request will proceed through the [LOCAL GOVERNMENT NAME HERE]'s review process. The requestor will receive notice if the project is approved, with instructions on how to proceed.

### BASIC INFORMATION AND DESCRIPTION

<b>Program/Project Name:</b>	<b><u>Lead and Copper Program</u></b>
<b>Program/Project Description:</b>	<p>In 1991, EPA published a regulation to control lead and copper in drinking water. This regulation is known as the Lead and Copper Rule (also referred to as the LCR). Since 1991 the LCR has undergone various revisions, with major changes to the rule enacted in 2021. These include:</p> <ul style="list-style-type: none"> <li>• Using science-based testing protocols to find more sources of lead in drinking water.</li> <li>• Establishing a trigger level to jumpstart mitigation earlier and in more communities.</li> <li>• Proactive outreach and public education to inform and encourage stake holders to participate in the program.</li> <li>• Driving more and complete lead service line replacements.</li> <li>• For the first time, requiring testing in schools and childcare facilities.</li> <li>• Requiring water systems to identify and make public the locations of lead service lines</li> </ul> <p>The rule establishes a new threshold of 10 ppb, that when exceeded, requires more and rapid implementation of corrosion control treatment to reduce lead in drinking water. The old rule allowed up to 48 months—four years—to pass in our small towns after a system exceeded the 15 ppb action level before corrosion control was in place. The new rule's trigger level requires systems that already have corrosion control to re-optimize their treatment. It also requires systems that do not have corrosion control to conduct a corrosion control study to identify the best treatment approach. If that system exceeds the action level in the future, the system must install the treatment it identified in its study right away. The 10 ppb trigger level also requires systems to start lead service line replacement programs.</p> <p>Under the new rule, water systems will be required to fully replace at least 3 percent of lead service lines each year when 10 percent of sampling results are above 15 ppb. Under the new rule, systems:</p> <ul style="list-style-type: none"> <li>• Must have a plan in place and must start replacing lines as soon as sample results are above the trigger or action level.</li> <li>• If a sample taken from a home has a result over 15 ppb of lead, the water system must notify occupants of the home within three days</li> <li>• Cannot avoid replacing lead service lines through testing.</li> <li>• Are required to replace the water system-owned portion of a lead service line when a customer chooses to replace their customer-owned portion of the line.</li> <li>• Utilities are required to help identify the source of lead within the home. (Find &amp; Fix) (i.e., identify problems with individual sample sites, pipes, faucets, fixtures, etc.)</li> </ul> <p>Additionally, partial lead service line replacements, which can lead to short term spikes in lead concentrations, will not meet the new requirements. Under the old rule, partial service line replacements were allowed and were common.</p>
<b>Responsible Department:</b>	Utilities
<b>Program/Project Manager Name:</b>	Mickey Thompson
<b>Total Amount Requested:</b>	\$1,400,000
<b>Internal Account Code(s): (assigned by Finance)</b>	<b>230012</b>
<b>Treasury Expenditure Category Level:</b>	<b><u>5 Infrastructure</u></b>
<b>Treasury Expenditure Category:</b>	<b><u>5.12 Drinking water: Trasmission &amp; distribution: lead remediations</u></b>
<b>Location:</b>	Brunswick County

<b>Will project contain Program Income? (i.e., increased rates, expansion projects, sale of equipment, etc.)</b>	No
<b>Will there be additional county funding and post commitment? If yes, explain.</b>	Yes, as a regulated utility, Brunswick County must meet the federal Lead and Copper rules and will need to continue to fund the program after ARPA funds are exhausted. Exact amounts are not known at this time but include employee compensation, fringe benefits, materials and supplies, training and education, direct administrative costs, program manager vehicle, sampling, as well as an increased focus in later years of construction costs associated with actual service line replacement, financing plans, and additional staffing for construction services.

## ELIGIBILITY REVIEW

Please select appropriate ARP/CSLFRF Category below and complete the required information. Note that each requested project may only be associated with one of the following categories: 1. Public Health; 2. Negative Economic Impact; 3. Premium Pay; 4. Water, Sewer, Stormwater Infrastructure; 5. Broadband; or 6. Revenue Replacement (Government Services). Please complete all information in the applicable category and attach any required additional justifications and documentation.

<b>1. <u>Public Health</u></b>		
<b>A. Enumerated Uses/ Safe Harbors (Must select one)</b> <input type="checkbox"/> COVID-19 mitigation & prevention* <input type="checkbox"/> Behavioral health care* <input type="checkbox"/> Medical expenses* <input type="checkbox"/> Preventing & responding to violence* <input type="checkbox"/> <b>Not on Enumerated List (Must complete Box B.)</b>		
*See detailed list of enumerated projects in each of these categories on pages 14-16 of the <a href="#">Overview of the Final Rule</a> .		
<b>B. Written Justification (Please provide detailed responses to both these questions if checked "Not on Enumerated List" in Box A)</b> (1) What is the specific negative public health impact or harm experienced by an individual or a class?  (2) How does proposed project address the negative public health impact or harm?		
<b>C. Is the project reasonably designed to benefit the individual or class that experienced a public health impact or harm?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>D. Is the project related and reasonably proportional to the extent and type of public health impact or harm experienced?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>E. Does proposed project involve a capital expenditure between \$1 million and \$10 million?</b>	<input type="checkbox"/> Yes – Proceed to Box F.	<input type="checkbox"/> No – Proceed to Box G.
<b>F. Is proposed project on enumerated list in Box A?</b> <i>*Written justification must include the following elements:</i> <ul style="list-style-type: none"> <li>Describe the harm or need to be addressed;</li> <li>Explain why a capital expenditure is appropriate; and</li> <li>Compare the proposed capital expenditure to at least two alternative capital expenditures and demonstrate why the proposed capital expenditure is superior.</li> </ul>	<input type="checkbox"/> Yes – Record written justification* in file, but not required in Project & Expenditure Reports	<input type="checkbox"/> No – Record written justification* in file and include in Project & Expenditure Reports
<b>G. Does the proposed project involve a capital expenditure of \$10 million or more?</b>	<input type="checkbox"/> Yes – Record written justification* for file and include in Project & Expenditure Reports	<input type="checkbox"/> No – No further action required.
<b>2. <u>Negative Economic Impact</u></b>		
<b>A. Enumerated Beneficiaries (Must select one)</b> <i>*See detailed list of enumerated beneficiaries and income on pages 17 &amp; 19 of the <a href="#">Overview of the Final Rule</a>.</i>		

**Beneficiaries Who Experience Negative Economic Impact from the Pandemic**

- ☐ Low-moderate income households or communities
- ☐ Household that experienced unemployment
- ☐ Households that experienced increased food or housing insecurity
- ☐ Households that qualify for the Children's Health Insurance Program, Childcare Subsidies through the Child Care Development Fund Program, or Medicaid
- ☐ When providing affordable housing programs: households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program
- ☐ When providing services to address lost instructional time in K-12 schools: any student that lost access to in-person instruction for a significant period
- ☐ Small business that experienced decreased revenue or gross receipts, increased costs, financial insecurity, or other financial challenges due to the pandemic
- ☐ Nonprofit the experienced decreased revenue, increased costs, financial insecurity, or other financial challenges due to the pandemic
- ☐ Travel, tourism, hospitality industries
- ☐ Other industry that experienced at least 8% employment loss from pre-pandemic levels or is experiencing comparable or worse economic impacts as national tourism, travel, and hospitality sector
- ☐ Local government

**Beneficiaries Who Experienced Disproportionately Negative Economic Impact from the Pandemic**

- ☐ Low-income households and communities
- ☐ Households residing in a Qualified Census Tract (QCT)
- ☐ Households that qualify for Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. For services to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible.
- ☐ Small businesses operating in a Qualified Census Tract (QCT)
- ☐ Nonprofits operating in a Qualified Census Tract (QCT)

☐ Not on enumerated list (Must complete Box B.)

**B. Written Justification (Provide detailed response to this question if proposed beneficiary not on enumerated list in Box A)**

Define the group/class/geographical area that experienced a negative economic impact from the COVID-19 pandemic. Be specific in defining group/class/area and in defining the negative economic impact to the group/class/area. **Provide QCT map.**

**C. Enumerated / Safe Harbor Projects (Must Select One)****Projects for Negatively Economically Impacted**Households & Communities

- ☐ Food assistance & food banks
- ☐ Emergency housing assistance: rental assistance, mortgage assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness
- ☐ Health insurance coverage expansion
- ☐ Benefits for surviving family members of individuals who have died from COVID-19
- ☐ Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newly- employed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses

**Projects for Disproportionately Negatively Economically Impacted**Households & Communities

- ☐ Pay for community health workers to help households access health & social services
- ☐ Remediation of lead paint or other lead hazards
- ☐ Primary care clinics, hospitals, integration of health services into other settings, and other investments in medical equipment & facilities designed to address health disparities
- ☐ Housing vouchers & assistance relocating to neighborhoods with higher economic opportunity
- ☐ Investments in neighborhoods to promote improved health outcomes
- ☐ Improvements to vacant and abandoned properties, including rehabilitation or maintenance, renovation, removal and remediation of environmental contaminants, demolition or deconstruction,

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&amp; development of job and workforce training centers

- ☐ Financial services for the unbanked and underbanked
- ☐ Burials, home repair & home weatherization
- ☐ Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- ☐ Cash assistance
- ☐ Paid sick, medical, and family leave programs
- ☐ Assistance in accessing and applying for public benefits or services
- ☐ Childcare and early learning services, home visiting programs, services for child welfare- involved families and foster youth & childcare facilities
- ☐ Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- ☐ Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing

Small Businesses

- ☐ Loans or grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees, and mortgage, rent, utility, and other operating costs
- ☐ Technical assistance, counseling, or other services to support business planning

Nonprofits

- ☐ Loans or grants to mitigate financial hardship
- ☐ Technical or in-kind assistance or other services that mitigate negative economic impacts of the pandemic

Travel, Tourism, Hospitality Industry

- ☐ Aid to mitigate financial hardship, such as supporting payroll costs, lost pay and benefits for returning employees, support of operations and maintenance of existing equipment and facilities
- ☐ Technical assistance, counseling, or other services to support business planning
- ☐ COVID-19 mitigation and infection prevention measures (see section Public Health)

Local Government

- ☐ Public safety, public health, and human services salaries/benefits, to extent responding to the COVID-19 public health emergency
- ☐ Restoring pre-pandemic employment levels
- ☐ Effective service delivery

greening/vacant lot cleanup &amp; conversion to affordable housing

- ☐ Services to address educational disparities, including assistance to high-poverty school districts & educational and evidence-based services to address student academic, social, emotional, and mental health needs
- ☐ Schools and other educational equipment & facilities

Small Businesses

- ☐ Rehabilitation of commercial properties, storefront improvements & façade improvements
- ☐ Technical assistance, business incubators & grants for start-up or expansion costs for small businesses
- ☐ Support for microbusinesses, including financial, childcare, and transportation costs

☐ Not on enumerated list (Must proceed to Box D.)**D. Written Justification (Provide detailed response to this question if proposed project not on enumerated list in Box C.)**

- (1) What is the specific negative economic impact or harm caused or exacerbated by the pandemic?
- (2) How does the proposed project address the impact or harm?

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<b>E. Is the project reasonably designed to benefit the individual or class that experienced a public health impact or harm?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>F. Is the project related and reasonably proportional to the extent and type of public health impact or harm experienced?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>G. Does proposed project involve a capital expenditure between \$1 million and \$10 million?</b>	<input type="checkbox"/> Yes – Proceed to H.	<input type="checkbox"/> No – Go to Box I.
<b>H. Is proposed project on enumerated list in Box C?</b> <i>*Written justification must include the following elements:</i> <ul style="list-style-type: none"> <li>Describe the harm or need to be addressed;</li> <li>Explain why a capital expenditure is appropriate; and</li> <li>Compare the proposed capital expenditure to at least two alternative capital expenditures and demonstrate why the proposed capital expenditure is superior.</li> </ul>	<input type="checkbox"/> Yes – Record written justification* for file, but not required in Project & Expenditure Reports	<input type="checkbox"/> No – Record written justification* for file and include in Project & Expenditure Reports
<b>I. Does the proposed project involve a capital expenditure of \$10 million or more?</b>	<input type="checkbox"/> Yes – Record written justification* for file and include in Project & Expenditure Reports	<input type="checkbox"/> No – No further action needed

**3. Premium Pay**

Please provide description of project and attach any necessary documentation. Must conform with requirements in 31 CFR 35.6(c). (More details on this expenditure category are available [here](#).)

**4. Water, Sewer, Stormwater Infrastructure**

Please provide description of project and attach any necessary documentation. Must conform with requirements in 31 CFR 35.6(e)(1).

The Lead and Copper Program will address lead in drinking water and provide household water quality testing that are within the scope of the programs the EPA is authorized to establish under the Safe Drinking Water Act including, but not limited to, staffing of the program, development of a lead service line inventory, public outreach, provision of water filters, testing, lead service line replacement, corrosion control, financial assistance programs, and ongoing management of the inventory and program.

In the case of lead service line replacement projects, the full length of the service line shall be replaced and not only a partial portion of the service line.

Choose eligible EPA Program from drop-down box below:

DWSRF-Transmission and Distribution

**5. Broadband Infrastructure**

Please provide description of project and attach any necessary documentation. Must conform with requirements in 31 CFR 35.6(e)(2).

**6. Revenue Loss**

This portion of ARP/CSLFRF funds may be used for the provision of government services. Please provide description of project and attach any necessary documentation. Note that water, sewer, stormwater, and broadband projects may be funded in this category, without having to meet all of the criteria specified in the other categories.

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## Program Administration Information

Proposed Project Budget, delineated by Cost Item for Allowable Cost Review

U.G. Provisions	Cost Items	Estimated Amount	Necessary/ Reasonable	% Allocable	Required Documentation (as applicable to each project)
<a href="#">200.430</a>	Compensation	250,000	Yes	100%	Effort Certification forms for reporting, payroll records, pay schedule, timesheets (non-exempt)
<a href="#">200.431</a>	Fringe Benefits	100,000	Yes	100%	Written benefits policy
<a href="#">200.475</a>	Travel	20,000	Yes	100%	
<a href="#">200.439</a>	Equipment & Other Capital	50,000	Yes	100%	Additional justification for capital projects over \$1M, COI documentation, procurement documentation, property management
<a href="#">200.453</a>	Materials & Supplies	20,000	Yes	100%	Procurement documentation
200.318 & 200.92	Contractual Services & Subawards	550,000	Yes	100%	<b>Consultant \$490K, Sampling \$60k</b> Sub/Contractor Classification Checklist, Agreements, COI, risk assessment, monitoring plan, procurement documentation
<a href="#">200.459</a>	Consultants / Professional Services	380,000	Yes	100%	Agreements, COI documentation, procurement documentation
<a href="#">200.465</a>	Occupancy (Rent & Utilities)				Agreements, COI documentation, procurement documentation, program income
<a href="#">200.471</a>	Telecommunications				
<a href="#">200.473</a>	Training & Education	5,000	Yes	100%	
<a href="#">200.413 (c)</a>	Direct Administrative Costs	25,000	Yes	100%	<b>Accounting, Grant Administration</b> Effort Certification forms for reporting, payroll records, pay schedule, timesheets (non-exempt)
	Add'l Cost Item		Choose an item.		
	Add'l Cost Item		Choose an item.		
<b>Total Project Budget</b>		<b>1,400,000</b>			

## Administrative Classification

<b>Administration Type</b>	<input checked="" type="checkbox"/> In-House	<input checked="" type="checkbox"/> Contractor/Vendor	<input type="checkbox"/> Sub-Recipient/Subaward
<a href="#">If Contractor/Vendor or Sub-recipient, has this been verified using the Classification Checklist?</a>		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Program Sub-Recipient and/or Contractor List:

Name	Tax ID #	Completion of Classification Checklist?	Contractor or Sub-Recipient	DUNS #/UEI	Date checked SAM.gov
		Choose an item.	Choose an item.		
		Choose an item.	Choose an item.		
		Choose an item.	Choose an item.		

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## Key Project Dates

Due Date	Task Type	Task Description	Status
October 16, 2024	Project Task	Develop & implement program. Report status.	Not Started
October 16, 2024	Project Task	Lead & Copper Service Database	Not Started
December 31, 2026	Period of Performance	Maintain database. Find & replace lead services	Not Started

## Certification

I certify that I have reviewed the ARP Policy (link), [Final Rule](#), [Final Rule Overview](#) and [ARP Compliance and Reporting Guidance and Requirements](#) and understand the responsibilities as project manager in providing detailed documentation, maintaining proper monitoring and compliance and submitting complete quarterly reporting packages in a timely manner to ensure deadlines are met. **CERTIFY** ☒

Reports on all projects (including subawards) are due to US Treasury within 30 calendar days after the end of each calendar quarter. Departments will be required to submit detailed reporting requirements to Finance for review to meet quarterly deadline. ARP funds may be used to cover eligible costs incurred during the period of March 3, 2021 - December 31, 2024. Obligations incurred by December 31, 2024 must be expended by December 31, 2026.

**ALL projects will have to be defended to the US Treasury in reporting.**

## ARPA Committee to Complete

## PROHIBITIONS VERIFICATION:

By checking these boxes, the ARPA Committee attests that the statements are true.

- ☐ Project does not contravene the statutory purpose of ARP, including program, service, or capital expenditure that includes a term or condition that undermines efforts to stop the spread of COVID-19
- ☐ No Conflict of Interest

- ☐ Complies with all state and federal laws and local ordinance
- ☐ No pension fund deposit
- ☐ No borrowings or debt service
- ☐ No financial reserves

## Uniform Guidance Compliance Requirements:

By checking these boxes, the ARPA Committee attests that the statements are true.

- ☒ Financial Management Compliance (adopted grant project ordinance; accounting system that tracks obligations and expenditures by project and provides comparison to budgeted amounts; appropriate journal entries completed and documented)
- ☒ Internal Controls (adopt and routinely monitor internal controls related to all financial processes for receiving, managing, obligating, and expending the federal award funds)
- ☒ Civil Rights Compliance (policy adopted and implemented)
- ☒ Eligible Project Documentation (policy adopted and this worksheet completed and approved according to the policy)
- ☒ Allowable Cost / Cost Principles Compliance (policy adopted and this worksheet completed and approved according to the policy)
- ☒ UG Procurement Compliance (only if applicable; policy adopted and implemented)
- ☒ UG Property Management Compliance (only if applicable; policy adopted and implemented)
- ☒ Program Income Compliance (only if applicable; policy adopted and implemented)
- ☒ Subaward Compliance (only if applicable; policy adopted and implemented)

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## Legal to Complete

### STATE LAW AUTHORITY:

130A-315 compliance with public water system standards for lead and copper

### ARP ELIGIBILITY (Final Rule):

35 CFR 35 at 126-127 projects to identify and remediate lead in water, including line replacement. Expenses in connection with EPA Lead and Copper rule.

## Signature Approvals



Requester/Department Head (Email Approval Accepted)

6/8/2022


Date



Designated ARP Funding Manager (Email Approval Accepted)

6/8/2022

Date



Legal

6/8/2022


Date



Director of Finance

6/8/2022

Date



County Manager

6/9/2022

Date

Provide signed copy of ARPA Project Eligibility Determination and Documentation Template to ARPA Committee at [ARPA.Committee@brunswickcountync.gov](mailto:ARPA.Committee@brunswickcountync.gov) for review and approval.

Once approved, all projects require an agenda item for BOCC approval. ARP Committee MUST approve project template prior to agenda item being completed.



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