

**DRINKING WATER STATE REVOLVING FUND
EMERGING CONTAMINANT
Intended Use Plan
and Project Priority List**

State Fiscal Year 2025

May 22, 2024

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

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1.0 INTRODUCTION

On November 15, 2021, President Biden signed into law the Bipartisan Infrastructure Law (BIL) also referred to as the Infrastructure Investment and Jobs Act of 2021 (IIJA). The BIL appropriates capitalization grants to be administered by the Drinking Water State Revolving Fund (DWSRF) including the Emerging Contaminant (EC) Capitalization Grant. Per the BIL, this grant will be made available to states to apply for on an annual basis for five years.

The Montana Department of Environmental Quality (DEQ) is submitting this DWSRF EC Intended Use Plan (IUP) as part of the EC grant application. For State Fiscal Year (SFY) 2025, the state of Montana is applying for the total amount allotted under the EC grant for Federal Fiscal Years (FFYs) 2023 and 2024 which is \$7,640,000 each grant year or \$15,280,000 total.

The BIL stipulates that states administer the EC grant funds through the existing State Revolving Fund (SRF) programs. DEQ is responsible for the oversight of the SRF program, and their role consists primarily of providing technical expertise while Department of Natural Resources (DNRC) provides financial administration of project loans. The BIL also stipulates that 100% of the EC grant funds be provided as principal forgiveness or grant. Montana will provide the funds as principal forgiveness. Per the Safe Drinking Water Act (SDWA), states must direct at least 25% of the funds to disadvantaged communities or public water systems serving fewer than 25,000 persons.

The DWSRF program will offer loans that will be 100% forgiven for projects that are DWSRF-eligible with the purpose of addressing emerging contaminants in drinking water. Emerging contaminants are defined as any contaminant in any of the Environmental Protection Agency's (EPA's) Contaminant Candidate Lists (CCLs) (i.e., CCLs 1-5) with an emphasis on perfluoroalkyl and polyfluoroalkyl substances (referred to as PFAS). **Section 5** provides a discussion of eligible EC projects and activities that can be funded with the EC grant. If a project is not designed and/or constructed in accordance with all DWSRF EC grant requirements, repayment of the loan according to the bond terms will be required.

Similar to the DWSRF base grant, the EC grant also includes set-aside accounts. Funds from these accounts can be used to administer the EC grant, provide technical assistance to small water systems, conduct source water protection (SWP) activities, and assistance with administration of activities in the Public Water Supply Program (PWSP). Montana does not intend to use the EC grant set-asides this year and will administer the program through the base and supplemental grant administrative set-asides.

This IUP contains the following elements:

- Short and Long-term goals of the program pertaining to ECs.
- EC project priority list, including description and size of community.
- EC eligible systems and projects.
- Description of how the program defines a disadvantaged system for the EC grant.
- Financial status of the EC grant.

For additional information regarding the DWSRF overall programmatic requirements, please refer to the DWSRF IUP dated July 1, 2023, and found on DEQ's website.

1.1 PUBLIC PARTICIPATION

As required, DEQ prepared a draft EC IUP and provided it to the public for review and comment prior to submitting it to EPA as part of its next capitalization grant applications. The draft IUP and public meeting notification were advertised on the DEQ website and in 7 newspapers in the state under legal advertising. As part of the 30-day public comment period, which ended on May 17, 2024, the public meeting was held on May 6, 2024. No comments were received from the public during the 30-day comment period and no one from the public attended the public meeting.

Additionally, pursuant to state law, after public comment and review, DEQ will submit the IUP and a summary of public comments to the Advisory Committee for review, comments, and recommendations.

2.0 EC LONG-TERM GOALS

1. To provide a convenient source of funding for drinking water projects that address ECs that have or could impact the water quality for communities in Montana.

3.0 EC SHORT-TERM GOALS

1. To fund drinking water infrastructure projects that address any contaminant listed in the EPA's CCLs (i.e., CCLs 1-5). Montana anticipates funding at least 5 projects to address these contaminants.
2. To fund projects that promote regionalization and/or achieve consolidation of two or more existing public water supplies, thereby improving water quality. Montana expects to fund two consolidation projects in SFY 2025.

In SFY 2025, Montana expects to execute 5 new binding commitments, and close 5 loans totaling approximately \$22 million in EC-related drinking water infrastructure projects that will serve a total population of approximately 143,314. (Please see Anticipated Funding List, **Section 7.0**).

Through SFY 2024, Montana's DWSRF fund utilization rate for the EC grant (cumulative loan agreement dollars to the cumulative funds available for projects) was approximately 8% (\$0.6M in loans to \$7.6M available funds). In SFY 2025, we anticipate our pace to be approximately 94% (\$21.8M in expected loans to approximately \$23.3M in funds available for projects).

In SFY 2024, the rate at which DWSRF EC projects progressed as measured by disbursements as a percent of assistance provided was approximately 100% (\$0.6M in disbursements to \$0.6M in loans), above the national average of 85%. In SFY 2025, the DWSRF program intends to maintain this construction pace at or above 90%.

4.0 PROJECT PRIORITY LIST

To develop the DWSRF EC project list, in 2023, DEQ sent surveys to all community and not for profit non-community water systems in Montana asking them to identify projects that would address ECs in their drinking water.

Appendix 2 contains a comprehensive list of public water systems in Montana that have expressed interest in the DWSRF EC funding. It is not anticipated that all the projects in Appendix 2 will use the EC

funds. Some systems expect to proceed with their projects in the near future while others may not be ready for the next few years. In addition, cost information is not always available as some systems may not have completed the financing plans for their projects when they are added to the project list. If the need arises, the IUP can be amended throughout the course of the year to include additional projects.

5.0 EC GRANT ELIGIBLE SYSTEMS AND PROJECTS

The SDWA allows DWSRF assistance to publicly- and privately-owned community water systems and not for profit non-community water systems, other than systems owned by federal agencies. The SDWA requires that loan recipients must demonstrate the technical, financial, and managerial capacity (TFM) to comply with the SDWA and not be in significant noncompliance with any requirement of a national primary drinking water standard or variance. The DEQ and DNRC will assess TFM and compliance in accordance with Chapter One of their Handbook of Procedures after loan applications have been received.

Under the EC grant, ECs are defined as any contaminant in any of the EPA's CCLs (i.e., CCLs 1-5) with an emphasis on PFAS. As provided in BIL, eligible projects and activities include the following (this is not an exhaustive list):

- Costs associated with the construction of a new treatment facility or upgrade to an existing treatment facility that addresses EC(s).
- Development of a new source (i.e., new/replacement well or intake for a public water system) that addresses an EC issue [Note: water rights purchases must still meet the criteria in the Class Deviation for Water Rights].
- Costs for planning and design and associated pre-project costs.
- Infrastructure related to pilot testing for treatment alternatives.
- Creation of a new community water system to address unsafe drinking water provided by individual (i.e., privately-owned) wells or surface water sources.

To be an eligible EC project, the proposed project must result in a significant reduction of the target EC concentration in the water served to customers. If the target EC is PFAS, the proposed project must ensure the water served to customers has a PFAS concentration that is less than 75% of the maximum contaminant limit (MCL) or non-detect depending on the MCL and detection limit for regulated PFAS's or shows a significant reduction in concentration for non-regulated PFAS's. If the target EC is manganese and the initial concentration is above the EPA secondary maximum contaminant level (SMCL), the proposed project must result in a manganese concentration below the SMCL. For all other ECs (including manganese below the SMCL), the proposed project must result in a significant reduction in the target EC in the water served to customers. If the proposed project does not result in a reduction of the target EC concentration in the water served to customers (e.g. proposed project is to optimize existing EC treatment related to a residual waste stream), those projects will be evaluated on a case-by-case basis.

6.0 DISADVANTAGED COMMUNITIES

A community is considered economically disadvantaged when its combined annual water and wastewater or water only system rates are greater than the target rates established by the Montana Department of Commerce. These target rates are consistent with affordability requirements for other state funding agencies in Montana. The water and sewer rates used for this calculation include new and

existing debt service and required coverage, new and existing operation and maintenance charges, and normal depreciation and replacement expenses.

The BIL stipulates that 100% of the EC grant funds be provided as principal forgiveness. Per the Safe Drinking Water Act (SDWA), states must direct at least 25% of these funds to disadvantaged communities or public water systems serving fewer than 25,000 persons.

7.0 ANTICIPATED FUNDING LIST

Table 1 contains those projects that the DWSRF program anticipates will be funded with the FFY 2023 or FFY 2024 EC grant funds for SFY 2025. This list represents those projects most likely to proceed, starting from the highest ranked projects on the comprehensive priority list (see discussion of ranking criteria in **Appendix 1**). Based on the stipulations provided in the BIL, principal forgiveness will be applied to all projects funded by the EC grant.

Table 1. DWSRF Projects Anticipated to Receive FFY 2023 or FFY 2024 EC Grant Funding for SFY 2025

Priority Rank	Project	Project Information	SRF Cost
1	Kalispell	EC addressed: PFAS Project: Drill two new wells to replace two wells with detected PFAS. Disadvantaged: Yes Population: 28,450	\$10,861,482
2	Shawmut Deadman Basin WD	EC addressed: sulfate Project: Distribution system for water district residents on private wells. The source of water will come from Central Montana Regional Water Authority. Disadvantaged: Yes Population: 238	\$2,640,325
4	Billings (Meadowlark Water System)	EC addressed: manganese Project: Transmission main to connect the Meadowlark Water System (privately owned) to the City of Billings as the system's sources (wells) contain high concentrations of manganese. Disadvantaged: No Population: 114,000	\$1,947,900
8	Clearview Heights WD	EC addressed: manganese Project: Transmission main to connect District to City of Polson. Disadvantaged: No Population: 35	\$1,000,000

Priority Rank	Project	Project Information	SRF Cost
9	Circle	EC addressed: sodium Project: Improvements to waste stream of treatment process used to remove high sodium and other TDS from the raw water. Disadvantaged: Yes Population: 591	\$5,383,000
	TOTAL		\$21,832,707

8.0 SUMMARY OF RANKING CRITERIA FOR DWSRF EC PRIORITY LIST

When developing Montana’s project priority list ranking criteria for EC grant funds, factors including prioritizing certain ECs, disadvantaged community status, readiness to proceed, and consolidation of two or more systems were considered.

Regarding prioritizing certain ECs, while states have the flexibility to use EC funds for projects that address a contaminant on the CCLs, the BIL makes it clear that the Congressional intent of these funds is to focus on PFAS-related projects. As such, projects with sources containing PFAS received the highest points for this criterion. An emphasis was also placed on projects to address manganese. This was based on sample results from an on-going state-wide sample collection effort of regulated drinking water sources that determined that several sources in Montana exceed the EPA’s manganese health advisory (HA) of 0.3 mg/L. In addition, the State of Montana has issued a health-based guideline for manganese of 0.1 mg/L for children ages 6 years and under. Consideration was also given to ECs with exceedances of an established SMCL, health advisory, or state-specific standard. Finally, points were given for ECs that don’t meet any of the first three categories. Note, a project only received points for one of the four categories under the EC Priority Type criterion, whichever resulted in the highest points (e.g., a system with manganese above the SMCL and sulfate above the SMCL in their source water only received points for manganese above the SMCL).

Since one of the BILs key priorities is to increase water infrastructure investments in disadvantaged communities, projects for communities that are considered disadvantaged were awarded points to give those communities preference for the EC funds.

Due to the principal forgiveness component and the finite nature of the EC funds (the BIL funds are limited to 5 years or until FFY 2026), a high demand for EC funds is anticipated. Therefore, readiness to proceed was included in the ranking criteria and points were awarded to EC projects that have DEQ-approved plans and specifications or are likely to begin construction within the next 18 months.

Consolidation of systems to address water quality and/or TFM issues has been a long-standing goal of the DWSRF program and, therefore, was considered when ranking EC projects.

A summary of the ranking criteria and scoring is listed below. Details regarding scoring criteria as well as project priority list bypass procedures can be found in **Appendix 1**.

Summary of Ranking Criteria for DWSRF Priority List

1. EC Priority Type

- a. PFAS - 60 points
 - b. Manganese above SMCL of 0.05 mg/L – 40 points
 - c. EC other than manganese above SMCL, HA, or state-specified standard – 10 points
 - d. Known EC if no other EC priority type category applies – 5 points
2. Disadvantaged Community Status - 30 points
 3. Readiness to Proceed – 30 points
 4. Construction of a regional public water supply (PWS) that would serve two or more existing PWSs - 10 points

9.0 EC GRANT FINANCIAL STATUS

Unlike the base and supplemental capitalization grants, the BIL waives the requirement in section 1452(e) of the SDWA to provide state match for the EC grant. As such, states are not required to match the federal funds with state funds and the total funds available to Montana for EC projects and associated activities is solely based on the amount of the FFY 2023 and FFY 2024 EC grants which is \$15,280,000. In addition, the BIL stipulates that 100% of the EC grant funds be provided as principal forgiveness or grants. Montana will provide the funds as principal forgiveness. **Table 2** shows the funding status for the EC grant.

Table 2. DWSRF EC Grant Funding Status

	Projected thru SFY 2024	Projected for SFY 2025	Total
SOURCE OF FUNDS			
Federal Capitalization Grants	\$7,555,000	\$15,280,000	
Set-Asides	(\$0)	(\$0)	
Total to Loan Fund	\$7,555,000	\$15,280,000	\$22,835,000
<i>Other Funding Sources</i>			
Transfers from WPCSRF	\$459,000	\$0	\$459,000
Total Source of Funds	\$8,014,000	\$15,280,000	\$23,294,000
USE OF FUNDS			
<i>Loans Executed</i>			
Direct Loans	\$577,000		\$577,000
Transfer to WPCSRF	\$0	\$0	\$0
Total Uses			\$577,000
Funds Available for Loan			\$22,717,000
<i>Projected IUP Loans</i>			
Direct Loans (SFY 2023)		\$21,832,707	\$21,832,707
Projected Balance Remaining			\$884,293

10.0 TRANSFER OF FUNDS BETWEEN THE WPCSRF AND THE DWSRF

At the Governor’s discretion, a state may transfer up to 33% of its DWSRF capitalization grant to the Water Pollution Control State Revolving Fund (WPCSRF) or an equal amount from the WPCSRF to the DWSRF. Transfers could not occur until at least 1 year after receipt of the first capitalization grant, which was June 30, 1999. This transfer authority was effective through FFY 2001. One-year extensions of this

transfer authority were granted through Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriation Bill until the FFY 2006 appropriation bill, when the transfer provision was authorized indefinitely.

For the BIL EC grant funds, the 33% statutory ceiling is calculated based on a given year’s DWSRF EC grant allotment. In other words, the transfer amount between the two programs cannot exceed 33% of the current federal fiscal year’s DWSRF grant amount. **Table 3** summarizes transfers to date, and funds still available for transfer for the EC grant.

Table 3. Amounts Available to Transfer between SRF Programs for the EC Grant

FFY	Transaction Description	Banked Transfer Ceiling	Transferred from WPCSRF to DWSRF	Transferred from DWSRF to WPCSRF	DWSRF Funds Available for Transfer	WPCSRF Funds Available for Transfer
2022	DW Grant Award	\$2,493,150		---	\$2,493,150	\$2,493,150
2022	Transfer		\$459,000	---	\$2,952,150	\$2,034,150
2023	DW Grant Award	\$5,014,350		---	\$5,473,350	\$4,555,350
2024	DW Grant Award	\$7,535,550		---	\$7,994,550	\$7,076,550
Total			\$459,000	\$0		

11.0 ASSURANCES

As outlined in the Operating Agreement between the Montana DEQ, DNRC, and EPA, Montana will assure compliance with the SDWA, and all associated state and federal regulations related to the DWSRF program including:

- Environmental Reviews - Montana will conduct an environmental review and a determination will be executed and distributed using a state process in accordance with 40 CFR Part 35.3580 and Montana Code Annotated (MCA) 75-6-224(1)(g). Montana will follow EPA-approved, National Environmental Policy Act (NEPA)-like procedures in conjunction with such environmental reviews.
- Timely expenditures – As required by Section 1452(g)(3) of the SDWA, the MCA 75-6-204 (2)(e) denotes that Montana will expend all funds in the revolving fund in an expeditious and timely manner.
- Federal Cross-cutters – In accordance with 40 CFR 35.550 (o), Montana will comply with all applicable Federal cross-cutting authorities in existence at the time the loan recipient receives a binding commitment.
- Capacity Development Strategies – Per Section 1452(a)(3) of the SDWA and MCA 75-6-212(2)(c)(i), funds can’t be used to provide assistance to a PWS that does not have the financial, managerial, and technical capability to ensure compliance with the requirements of the SDWA. As such, Montana will ensure that funds are provided to systems that have the technical, managerial, and financial capability to ensure compliance.

For EC projects, if the project is not designed and/or constructed in accordance with DWSRF requirements, repayment of the loan according to the terms of the bond will be required.

12.0 SET-ASIDES

States are given flexibility to set aside specified amounts of the EC grant for specific purposes outlined in the BIL including for administration of the grant. Montana will not be taking set-asides from the EC grant and will instead use administrative set-aside funds from the DWSRF base and supplemental grants for administration of EC projects. However, Montana reserves the authority to utilize all unused set-asides in the future. The reserve amounts are shown in Table 4.

Table 4. State DWSRF Set-Aside Activity for the EC Grant

Set-Aside		Through FFY 2023 Grant	FFY 2024 Set-Aside (for SFY 2025)	% of 2023 Grant	Total	Reserved Authority (FFY)	Reserved Authority Applied to Previous Grants (FFY)	Total Remaining Authority Reserved
4% Administration		0	0	0%	0	302,200 (2022) 305,600 (2023) 305,600 (2024)	-	913,400
10% State Program	Public Water Supply Supervision	0	0	0%	0	755,500 (2022) 764,000 (2023) 764,000 (2024)	-	2,283,500
	Source Water Protection	0	0	0%	0	-	-	-
	Capacity Development	0	0	0%	0	-	-	-
	Operator Certification	0	0	0%	0	-	-	-
<i>Subtotal</i>		<i>0</i>	<i>0</i>	<i>0%</i>	<i>0</i>			
2% Small System Technical Assistance		0	0	0%	0	151,100 (2022) 152,800 (2023) 152,800 (2024)	-	456,700
15% Local Assistance	Loan Assistance for SWP				0	-	-	-
	Capacity Development	0	0	0%	0	-	-	-
	Source Water Assessment	-	-	-	0	-	-	-
	Wellhead Protection	0	0	0%	0	-	-	-
Total		\$0	\$0	0%	\$0	\$3,653,600	\$0	\$3,653,600

APPENDIX 1: RANKING CRITERIA FOR DWSRF PRIORITY LIST AND BYPASS PROCEDURES

Ranking Criteria for DWSRF Priority List

1. EC Priority Type

a. PFAS - 60 points

In describing eligible uses of the EC grant funds, the BIL specifically states that the funds shall be used to address ECs with a focus on PFAS. To align with the Congressional intent of these funds, projects that address PFAS will receive 60 points.

b. Manganese above secondary standard of 0.05 mg/L - 40 points

Manganese is a known contaminant in many of Montana's drinking water sources. In 1979, EPA established a secondary standard (i.e., SMCL) for manganese of 0.05 mg/L citing aesthetic and corrosion-related issues. In 2004, the EPA established a health advisory (HA) limit for manganese of 0.3 mg/L and cited health effects related to the nervous system with specific concerns regarding potential neurological effects. In 2021, the State of Montana issued guidance regarding manganese setting a health-based guideline of 0.1 mg/L for children ages 6 and under. Based upon this history, projects to address drinking water sources that have manganese concentrations above the secondary standard of 0.05 mg/L will receive 40 points.

c. Emerging contaminants, other than manganese, that exceed the secondary standard, health advisory, or state-specific standard - 10 points

Maximum points are awarded if the EC (CCLs 1 - 5) being addressed by the project (other than manganese) has a concentration above the secondary standard (i.e., SMCL), health advisory, or state-specific standard, as applicable.

d. Known emerging contaminant - 5 points

A project that is addressing an EC (CCLs 1 – 5) that does not fall into any of the other EC Priority Type categories above will receive 5 points.

2. Disadvantaged Community Status – 30 points

Maximum points are awarded to a community if the community, or a specific area in the community where construction for the project is taking place, meets the state criteria for being disadvantaged as discussed in Section 6.0.

3. Readiness to Proceed – 30 points

Maximum points are awarded if the project plans and specifications have been approved by DEQ or the project is scheduled to start within the next 18 months.

4. Construction of a regional public water supply that would serve two or more existing public water supplies - 10 points.

Regionalization would increase the technical, managerial and/or financial capacity of the overall system and would result in some improvement to public health when ECs are addressed.

DWSRF Priority List Bypass Procedures

If it is determined by DEQ that a project or projects are not ready to proceed or that the project sponsors have chosen not to use the DWSRF funds, other projects may be funded in an order different from that indicated on the priority list. If DEQ chooses to bypass higher ranked projects, it should follow the bypass procedure.

The bypass procedure is as follows:

1. DEQ shall notify all projects which are ranked higher than the proposed project on the DWSRF priority list unless it is known that a higher project will not be using DWSRF funds.
2. The notified water systems shall have 15 calendar days to respond with any objections they may have to the funding of the lower ranked project.
3. DEQ shall address, within a reasonable time period, any objections received.

Emergency Bypass Procedures

If DEQ determines that immediate attention to an unanticipated failure is required to protect public health, a project may be funded with DWSRF funds whether the project is on the DWSRF priority list. DEQ will not be required to solicit comments from other projects on the priority list regarding emergency funding.

APPENDIX 2: DWSRF EC COMPREHENSIVE PROJECT LIST—SFY 2024 AND SFY 2025

Numeric PPL Ranking Report

<i>Rank No.</i>	<i>Total Points</i>	<i>Project Name</i>	<i>Description</i>	<i>Amount</i>	<i>Population</i>
1	120	Kalispell	New wells or treatment to address PFAS	\$10,861,482	28450
2	80	Shawmut-Deadman's Basin WD	New distribution system to connect to CMRWA trunkline to address sulfate.	\$2,640,325	238
3	80	Ryegate	New transmission main to connect Ryegate to the CMRWA water system to address manganese.	\$7,492,000	223
4	80	Billings connection to Meadowlark	Transmission main to connect Meadowlark Mobile Home Park to the City of Billings to address manganese.	\$1,947,900	114000
5	70	Malta	Treat for manganese at each well source.	\$3,403,600	2090
6	70	Power-Teton WSD	Manganese treatment for new horizontal wells.	\$1,890,000	171
7	70	Hysham	Treatment to address manganese.	\$3,799,000	269
8	70	Clearview Heights WD	Transmission main to connect District to City of Polson to address manganese.	\$1,000,000	35
9	65	Circle	Optimize RO process by installing a second pass RO system to reduce waste stream volume. Improvements to Lagoon holding waste stream volume. EC - Sodium.	\$5,383,000	591
10	50	Middle Musselshell WD	New distribution system to connect to CMRWA trunkline to address manganese.	\$3,594,060	90
11	40	Huntley	New wells or treatment to address manganese.	\$3,493,500	414
<i>Total of All Amounts:</i>				\$45,504,867	

APPENDIX 3: GLOSSARY OF ACRONYMS AND INITIALIZATIONS

Acronym	Definition
BIL	Bipartisan Infrastructure Law
CCL	Contaminant Candidate List
DEQ	Department of Environmental Quality (Montana)
DNRC	Department of Natural Resources and Conservation (Montana)
DW	Drinking Water
DWSRF	Drinking Water State Revolving Fund
EC	Emerging Contaminant
EPA	Environmental Protection Agency (U.S.)
FFY	Federal Fiscal Year (begins October 1 and ends September 30)
IIJA	Infrastructure Investment and Jobs Act of 2021
IUP	Intended Use Plan
HA	Health Advisory
MCA	Montana Code Annotated
MHI	Median Household Income
NEPA	National Environmental Policy Act
PWS	Public Water Supply
PWSP	Public Water Supply Program
PWSS	Public Water Supply Supervision
RAN	Revenue Anticipation Note
SCADA	System Control and Data Acquisition
SDWA	Safe Drinking Water Act
SFY	State Fiscal Year (begins July 1 and ends June 30)
SMCL	Secondary Maximum Contaminant Level
SRF	State Revolving Fund
SWP	Source Water Protection
TFM	Technical, Financial, and Managerial Capacity
WPCSRF	Water Pollution Control State Revolving Fund