



Maryland

Department of
the Environment

**MARYLAND WATER INFRASTRUCTURE FINANCING ADMINISTRATION
DRINKING WATER REVOLVING LOAN FUND PROGRAM
FINAL FEDERAL FISCAL YEAR 2022
INTENDED USE PLAN
JUNE 30, 2022**

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MARYLAND DEPARTMENT OF THE ENVIRONMENT
MARYLAND WATER INFRASTRUCTURE FINANCING ADMINISTRATION

FINAL

**Federal Fiscal Year 2022 Intended Use Plan
Maryland Drinking Water Revolving Loan Fund**

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**MARYLAND DEPARTMENT OF THE ENVIRONMENT
MARYLAND WATER INFRASTRUCTURE FINANCING ADMINISTRATION
FINAL
Federal Fiscal Year 2022 Intended Use Plan
Maryland Drinking Water Revolving Loan Fund**

EXECUTIVE SUMMARY

The Intended Use Plan (IUP) is the document that the Maryland Water Infrastructure Financing Administration (MWIFA) submits to the United States Environmental Protection Agency (EPA) to request the Federal Fiscal Year (FFY) 2022 Capitalization Grant under the Safe Drinking Water Act (SDWA), to be matched with 20% of State bond/general funds, for financing of capital projects from the Maryland Drinking Water Revolving Loan Fund (DWRLF or DWSRF). The Maryland DWSRF was established by amendments to the Maryland Water Quality Financing Administration Act, Title 9, Subtitle 16 of the Environment Article, Annotated Code of Maryland, to provide below market interest rate loans and other subsidies to local governments and eligible private entities for certain eligible drinking water capital improvement projects.

In addition, on November 15, 2021, President Biden signed the Bipartisan Infrastructure Law (BIL), also referred to as the Infrastructure Investments and Jobs Act (IIJA) (Pub. L. 117-58), which provides a Supplemental Base allotment, a Lead Service Line allotment, and an Emerging Contaminants allotment to the Drinking Water SRF Program. This IUP is also the document that MWIFA submits to USEPA to request the FFY 2022 BIL Drinking Water SRF Supplemental Base Capitalization Grant. Separate IUPs will be submitted at a later date for the Lead Service Line allotment and the Emerging Contaminants allotment as projects are identified to utilize these separate funds.

Maryland is making a grant application to receive \$12,837,000 in FFY22 Capitalization Grant, to be matched with \$2,567,400 (20%) in State funds. In addition, Maryland is making a grant application to receive \$32,960,000 in BIL Drinking Water SRF Supplemental Federal Capitalization Grant to be matched with \$3,296,000 (10%) in State funds. Under this IUP, FFY22 Capitalization Grant and BIL supplemental funds of \$33,431,810 or 73% is being allocated towards Drinking Water capital projects. The Federal project funds combined with State general fund/GO bond match, loan repayments, and investment earnings will be used to provide low interest loans and other financial subsidies for eligible DWSRF capital improvements, totaling \$76,755,836. The Maryland Department of the Environment (MDE) Water & Science Administration (WSA) will provide EPA a separate work plan for the use of the three programmatic set-asides (2%, 10%, 15%) totaling \$3,465,990 in DWSRF base and \$8,899,200 in BIL Supplemental.

Figure 1 shows a summary of the Sources and Uses of funds under the FFY 2022 IUP.

Figure 1

Sources:		Uses:	
Federal Cap Grant 22	\$ 12,837,000	Set-Asides (Non-Project Funds)	
State Match @ 20%	\$ 2,567,400	Technical Assistance (up to 2%) BIL & BASE	\$ 915,940
Federal BIL grant	\$ 32,960,000	DWSRF Admin. Expenses (up to 4%)	\$ -
State Match @ 10%	\$ 3,296,000	Drinking Water Program Support (up to 10%) BIL & Base	\$ 4,579,700
Revenue Bonds	\$ (40,000,000)	Local Assistance/State Activities (up to 15%) BIL & Base	\$ 6,869,550
Est. Repayments/Inv earnings	\$ 20,990,000	Subtotal	\$ 12,365,190
Reprogrammed funding	\$ 16,470,626	DWSRF Capital Projects Loans and Grants	\$ 76,755,836
Transfer from CWSRF	\$ 40,000,000		
Total	\$ 89,121,026	Total	\$ 89,121,026

Capital Project Selection

To provide applicants an opportunity to seek DWSRF funding, Financial Assistance Applications for drinking water (drinking water, source, treatment, storage and distribution, green infrastructure, water or energy efficiency and

environmental innovation) capital projects were accepted by MWIFA from December 2021 through January 2022. Table 1 shows the proposed list of projects for inclusion in the FFY 2022 IUP for DWSRF financial assistance, including those projects that are being considered for additional subsidy (loan principal forgiveness, if disadvantaged) based on the assumed federal statutory limitation. These projects were selected from the Project Priority List (PPL) based on their: (1) public health, compliance, sustainability benefits, reliability, and affordability benefits per the project priority ranking/scoring criteria; (2) compliance with technical, managerial, and preliminary financial capacity; and (3) readiness to proceed to construction by December 31, 2023. Drinking water projects that are not included in an MDE-approved County Water and Sewer Plan are ineligible for funding. Drinking water projects that are not consistent with Maryland's Smart Growth/Priority Funding Area (PFA) legislation will need a PFA exception approval prior to loan execution. Before loan execution, projects identified in the IUP will undergo a detailed financial capacity/credit analysis by the MWIFA.

Capital Projects (Project Funds): A total of \$76,755,836 is available for Drinking Water capital projects identified in Table 1. The DWSRF loan terms are outlined below:

Current Interest Rate*	<p>Standard Rate = 50% of Market Rate Disadvantaged Community (DAC) Rate = 25% of Market Rate (Market Interest Rate is defined as the average of the Bond Buyer 11-Bond Index for the month preceding the loan closing).</p> <p>* MDE, by policy, can change the SRF loan interest rate at any time. Interest rates are posted on the MWIFA web site.</p>
Loan Term	Up to 30 Years (up to 40 years for DACs), not to exceed design life
Loan Origination Fee	None
Loan Administrative Fee	5% of the aggregate debt service divided by the number of administrative fee payments over the life of the loan, collected annually. This amounts to approximately a 0.50% (or 50 basis points) increase in the interest rate for a 20-year loan or a 0.35% increase in interest rate for a 30-year loan. The administrative fee is used to help meet program operating expenses. These funds are in addition to any funds provided for DWSRF program expenses from the federal capitalization grant.

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
MARYLAND WATER INFRASTRUCTURE FINANCING ADMINISTRATION
FINAL Federal Fiscal Year 2021 Intended Use Plan
Maryland Drinking Water Revolving Loan Fund**

A. Sources and Uses of Funds

A comprehensive summary of DWSRF Sources and Uses of Funds is as follows:

-	Thru 2021 IUP		2022 IUP	
<u>Sources:</u>				
Federal Capitalization Grants	\$ 333,080,706	a	\$ 12,837,000	
20% State Match	\$ 66,677,200	b	\$ 2,567,400	d
BIL Federal Grant	\$ -		\$ 32,960,000	
10% State Match to BIL Federal Grant	\$ -		\$ 3,296,000	
Federal Stimulus ARRA Grant 08 IUP	\$ 26,832,000			
Funds Transferred from Water Quality SRF	\$ 10,634,580	c	\$ 40,000,000	e
Investment Earnings thru SFY 21 (Cap Reserve)	\$ 12,686,648			
Loan Principal Repayments thru SFY 21	\$ 129,096,891			
Loan Interest Repayments thru SFY 21	\$ 27,026,111			
Subtotal	\$ 606,034,136		\$ 91,660,400	
Estimated Loan Principal Repays (SFYs 22 & 23)	\$ 29,900,000			
Estimated Loan Interest Repayments (SFYs 22 & 23)	\$ 4,900,000			
Estimated Investment Earnings (SFYs 22 & 23)	\$ 170,000			
Estimated Loan Principal (SFY 24)	\$ -		\$ 18,100,000	
Estimated Loan Interest Repayments (SFY 24)	\$ -		\$ 2,800,000	
Estimated Investment Earnings (SFY 24)	\$ -		\$ 90,000	
Reprogrammed (Westernport & Lonaconing)			\$ 16,470,626	
Future Revenue Bonds	\$ 135,000,000		\$ (40,000,000)	
Total Sources	\$ 776,004,136		\$ 89,121,026	
<u>Uses:</u>				
Loan/Grant Agreements Entered as of 06/30/2021	\$ 587,603,976		\$ -	
Pending Loans/grants on IUPs as of 05/31/2022	\$ 92,756,754		\$ 76,755,836	
SFY 22 Net Loan Agreements Entered as of 05/31/2022	\$ 9,181,957		\$ -	
ARRA-Stimulus Administrative Expense	\$ 400,000		\$ -	
Federal Set-asides & In Kind (excludes ARRA & BIL listed sep)	\$ 85,936,339		\$ 3,465,990	
Federal Set-asides- BIL grant	\$ -		\$ 8,899,200	
Total Uses	\$ 775,879,026		\$ 89,121,026	

^a Total federal grant award through FFY 2021 Capitalization Grant, excluding ARRA & BIL

^b Includes State General Fund/GO Bond Match through FFY/GY2021

^c Funds transferred from Water Quality SRF to DWSRF (prior years).

^d State General Fund/GO Bond Match to FFY 2022 Capitalization Grant

^e Water Quality SRF Special Funds (non-Federal funds) will be transferred to the DWSRF to cover the demands for DWSRF loans in lieu of issuing DW debt

B. Goals of the Maryland Drinking Water Revolving Loan Fund

1. Long-Term Goals

- Achieve and/or Maintain Compliance with Safe Drinking Water Standards - Using the DWSRF project priority rating and ranking system, target financial assistance that will help water systems comply with, maintain, or meet safe drinking water standards, and address public health issues.
- Coordination of Capital & Set-Aside Priorities - Coordinate State priorities under the set-aside work plan (technical assistance, source water protection, and technical, managerial & financial capacity development) to target DWSRF funding to high priority capital projects to achieve objectives consistent with the SDWA.
- Fund Perpetuity and Utilization - To provide low interest rate financing and other subsidies to high priority eligible projects that are ready to proceed within a reasonable time while maintaining a perpetual source of capital funds for future projects. The goal is to achieve a fund utilization rate (loans executed/total funds) of 95% or greater. This is one Program Activity Measure (PAM) under EPA's strategic plan for the DWSRF. The DWSRF could finance approximately \$330 million in additional loans, excluding revenue bond leveraging from capitalization grants (not including 27% - 31% allocated toward set-asides annually), State match, repayments, and investment earnings between FFY 2022 and FFY 2026 IUPs. This is in addition to the \$752 million capacity on existing IUPs (1998 – 2021). This analysis assumes an annual Maryland Federal Capitalization Grant of ~\$19 million per year and BIL Supplemental Grants of ~\$33M per year. The cumulative loan capacity of the DWSRF is projected to reach \$1 billion by FFY 2026.
- Reasonable User Cost - Ensure drinking water projects are constructed and maintained at a reasonable cost for the users of the system. To this end, DWSRF Disadvantaged Community (DAC) Criteria provides additional subsidies, including loan principal forgiveness, while ensuring reasonable water user rates and financial capacity. In addition, MDE will continue to coordinate with other Federal and State financial assistance programs (e.g., USDA Rural Utilities Service, Community Development Block Grant, Federal Special Appropriation grants) that provide approximately \$15 million/year for water/sewerage system improvements in Maryland.
- Financial Capacity and DAC Assistance - As part of the credit/financial analysis of potential borrowers, the MWIFA will continue to provide financial advisory services to system owners on the feasibility of their user rate structure and financial capacity to pay back a loan. The MWIFA financial model forecasts future operating cash flows based on existing/proposed user rates using audited financial statements. The model has been an effective tool to assist communities in developing affordable user rate structures and in determining additional subsidies to DACs.

2. Short-Term Goals/FFY2022 IUP Operating Goals

CAPITAL PROJECTS

- Utility Sustainability - To provide low-cost capital financing for existing facility (fix-it-first) upgrades for drinking water system improvements necessary to achieve or maintain SDWA compliance. The FFY 2022 IUP funding list identifies several such projects. Fiscal solvency includes reliable and dedicated sources of revenue for the debt service on capital improvements and the cost of operations and maintenance. Projects that support sustainable elements, such as asset management, or projects that support green infrastructure, such as water/energy efficiency, are awarded sustainability points on the project rating system.
- Additional Subsidization and Eligible Recipients – There are two distinct and additive additional subsidy authorities regarding the 2022 capitalization grant: 1) the Congressional Additional Subsidy as authorized by the 2022 appropriation requires states to provide 14% of the capitalization grant as subsidy (e.g., loan principal forgiveness) to any DWSRF-eligible recipient and 2) the SDWA Disadvantaged Community Subsidization Amounts as authorized by the SDWA requires the DWSRF provide additional subsidies in the amount no less than 12% of the capitalization grant and no more than 35% of the capitalization grant.

Additional subsidies are provided to DAC applicants in priority ranking order and readiness to proceed to construction until the statutory limit is reached. It has been MWIFA's policy that loan principal forgiveness not exceed \$1.5 million per project and/or applicant; however, the Administration reserves the right to provide additional subsidy, should circumstances warrant. DAC projects are eligible to receive up to 50% of the DWSRF financing as loan principal forgiveness. In 2015, the DAC eligibility criteria was revised to make it consistent with Water Quality SRF program as follows:

1. Water user rate per year per Equivalent Dwelling Unit (EDU) > 1% of Community Median Household Income (MHI); or
2. Project is physically located and benefits an MDE-approved Environmental Benefit District; or
3. Project is physically located and benefits a community with MHI less than 70% of State MHI; or
4. Project is physically located and benefits a community in a Maryland County (including Baltimore City) with a high unemployment rate (upper 33rd percentile); or
5. Project is physically located and benefits a community in a Maryland County (including Baltimore City) where the U.S. Census data shows a declining population.

In addition to above criteria, if the statutory limit for additional subsidy has not been reached, up to 25% of the loan amount as loan principal forgiveness may also be provided to projects in priority ranking order with readiness to proceed where the water user rate would increase by more than 20% to achieve financial capacity as determined by MDE.

C. Project Selection and Fund Activities under the FFY 2022 IUP

Financial Assistance Applications for drinking water projects were solicited by MWIFA in December 2021 through January 2022 from local governments and private water system owners. These applications were rated and ranked based on Drinking Water Project Priority Rating/Ranking Criteria and identified in the Maryland PPL for Federal FFY 2022 and State FY 2024 Drinking Water Funds (Appendix A). The PPL was used to select projects for the FFY 2022 IUP, based on their priority ranking, applicant's interest in DWSRF loan, and readiness to proceed to construction by December 2023 (unless specifically requesting a planning/design phase loan). Projects that are not consistent with the State's smart growth/priority funding area legislation or have technical/managerial/financial capacity concerns will be allocated funding only after any outstanding issues have been resolved (assuming available DWSRF funding capacity), unless the DWSRF funding allocation will address the technical/managerial/financial capacity issue.

The FFY 2022 IUP includes \$76,755,836 in project funding. Below is a summary of the sources and uses of funds:

Sources:		Uses:	
Federal Cap Grant 22	\$ 12,837,000	Set-Asides (Non-Project Funds)	
State Match @ 20%	\$ 2,567,400	Technical Assistance (up to 2%) BIL & BASE	\$ 915,940
Federal BIL grant	\$ 32,960,000	DWSRF Admin. Expenses (up to 4%)	\$ -
State Match @ 10%	\$ 3,296,000	Drinking Water Program Support (up to 10%) BIL & Base	\$ 4,579,700
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Total	\$ 89,121,026	Total	\$ 89,121,026

Capital Projects (Project Funds)

Table 1 shows funding for DWSRF projects totaling \$76,755,836. The SDWA specifies that a minimum of 15% of all dollars (capitalization grant, State match, repayments, bond proceeds, investment earnings, transferred funds from WQSRF to DWSRF) credited to the DWSRF project fund, shall be used to provide assistance to small systems. The project list includes \$34,978,836 (46%) for small systems.

Funding by Type of Project: The primary objective of the SDWA is to protect public health by providing safe and adequate drinking water through source water protection, treatment, storage and distribution. Accordingly, the FFY

2022 IUP identifies 0% for treatment, 71% for transmission/distribution, 18% for finished water storage and 10% for other.

Subsidies for Disadvantaged Communities: There are two distinct and additive additional subsidy authorities regarding the 2022 capitalization grant: 1) the Congressional Additional Subsidy as authorized by the 2022 appropriation requires states to provide 14% (\$1,797,180) of the capitalization grant as subsidy (e.g., loan principal forgiveness) to any DWSRF-eligible recipient and 2) the SDWA Disadvantaged Community Subsidization Amounts as authorized by the SDWA requires the DWSRF provide additional subsidies in the amount no less than 12% (\$1,540,440) of the capitalization grant and no more than 35% (\$4,492,950) of capitalization grant. In addition, the BIL Drinking Water SRF supplemental Federal Capitalization Grant requires 49% (\$16,150,400) to be provided as additional subsidy. Table 1 identifies borrowers that may qualify as Disadvantaged; however, the extent of subsidy provided (e.g., lower interest rate, up to 40-year loan term, loan principal forgiveness) is determined based on the DAC Criteria described in Section B-2, above. The FFY 2022 IUP (Table 1) identifies \$3,953,766 (or 31%) of the capitalization grant in additional subsidies in the form of loan principal forgiveness, \$3,953,766 (or 31%) of SWDA-DAC principal forgiveness, and \$16,150,400 (or 49%) of BIL Drinking Water supplemental as loan principal forgiveness.

Program Income (Non Federal)

The MWIFA charges loan fees equal to 5% of annual debt service, which are used for administrative expenses in addition to the 4% of federal capitalization grant set-aside. The details related to the program income revenue and expenses are provided each year in the annual report. During State FY 2022, MWQFA estimates the fee revenues to be ~\$900,000.

D. Project Scope of Work/Public Health Benefits – FFY 2022 IUP Projects

The following are examples of the types of projects selected for financial assistance in the FFY2022 IUP.

Winchester Road Water Line Replacement (rank 4/97 points) in Allegany County includes replacing approximately 15,000 linear feet of aging and failing water transmission main along the Winchester Road area of LaVale. Replacing the water transmission main will ensure continued service of potable water to residents of LaVale, Maryland. The project is needed because a Preliminary Engineer's Report documented forty-four (44) water main failures that have occurred within this area over the past several years and demonstrates the need to replace the water line. Replacing the existing water line will eliminate the health and safety risks the LaVale residents are currently exposed to due to water line failures.

Emmitsburg North Seton Avenue Water Line Replacement (rank 8/90 points) in Frederick County replaces a total of 1,584 linear feet (LF) of deteriorating 6-inch and 4-inch unlined cast iron piping along North Seton Avenue with a new 8-inch ductile iron pipe. The proposed water line replacement project is needed to assist a non-compliant system in receiving water pressure compliance and to resolve water quality complaints. The North Seton Avenue water line is an estimated 92-year-old cast iron line that supplies water to the northern section of Town. The line has lead and oakum joints and severe tuberculation that is causing a reduced pipe diameter and brown tinted water when the tubercules become dislodged during higher forced flows. This project will be completed in conjunction with a green street upgrade that will add stormwater infrastructure such as permeable concrete, bio filters for stormwater runoff, bioretention planters, native trees and green drainage inlets as the street is being repaired after the water line is replaced.

Town of Grantsville Chestnut Ridge Water System (rank 13/80 points) in Garrett County includes constructing a water system to serve the Chestnut Ridge area consisting of a PRV connection between the existing Grantsville system and the new Chestnut Ridge system, a 12" main waterline, new water treatment plant to treat groundwater, new well, and new 470,000-gallon tank. Chestnut Ridge is an area adjacent to the Town of Grantsville that is currently not served by public water. Properties within the area have experienced issues with their wells due to salt from Rt. 40 and other causes.

Franklin Avenue Well Replacement (rank 21/65 points) in Worcester County includes a test well on the existing well site, and the replacement of the existing Franklin Avenue potable water well, Well #2 in the Town of Berlin water system. The existing well was constructed in 1964 and has outlived its useful life. The Town of Berlin currently has three wells drilled spread throughout the Town, each within the same aquifer formation at similar depths. These three wells alternate operation to provide a redundant water supply and minimize aquifer drawdown. The proposed replacement well will be designed as a replacement of the exiting Well #2 and will

operate in conjunction with the existing wells #1 and #3. The proposed Well #2 will be drilled on the same property as the existing #2 well, utilizing the existing treatment, storage, and distribution systems. The Town's largest production well, Well #1, has no backup power source, and in the event of a loss of power the Town must rely on the two smaller wells, #2 and #3. Providing a new replacement well for Well #2 will provide redundancy and increase reliability of the Town of Berlin's water system.

E. Minority Business Enterprises/Women's Business Enterprises (M/WBE) Participation

The EPA and MDE negotiated fair share goals for FFYs 2019, 2020, and 2021 based on the Maryland Department of Transportation 2018 disparity/availability study. Based on these negotiations, MDE set goals of 22% MBE and 16% WBE for the "construction" category (total 38% M/WBE), an increase of 4% over the 34% goal applicable for the previous three-year period. While EPA suspended the requirement for fair share negotiations via RAIN-2019-G10 in October 2019, MDE has elected to keep these previously negotiated percentages in place to serve as aspirational goals on DWSRF projects.

These goals will be applicable to all projects financed using DWSRF (loans, loan principal forgiveness). MDE provides DWSRF applicants an "Insert" for inclusion in procurement/bid documents, which outlines the M/WBE (%) goals and the affirmative/positive steps necessary to show a good faith effort consistent with federal regulations under 40 CFR Part 33. Failure to meet the M/WBE goals does not preclude the use of the SRF, as long as the good faith efforts can be demonstrated and documented. It is important that the loan recipients and their prime contractors undertake the necessary affirmative/positive steps to assure that M/WBE firms are afforded the opportunity to participate in SRF projects. All subcontractors selected to participate on the project are also subject to these Good Faith Efforts requirements when further subcontracting or dividing a scope of work. M/WBE Program details and forms are available on MDE's web site at <http://mde.maryland.gov/programs/Water/WQFA/Pages/mwbe.aspx>.

F. Assurances

The Department agrees to comply with the Federal program requirements as outlined in the Operating Agreement between EPA and MDE, amended as of April 2014, and further updated as of February 2016.

G. Binding Commitments

The projected binding commitments will occur at or around construction start date indicated for each project in Table 1.

H. Public Review of the Draft FFY 2022 IUP

The 30-day public comment period started June 30, 2022. On that date, an email was sent to all applicants who submitted Financial Assistance Applications (and others), informing them of the availability of the Draft IUP/PPL attached to the email. The interested parties list includes representatives from state and local government, environmental consultants/engineers, community groups, neighborhood associations, environmental organizations, etc. Additionally, MWIFA provided an email notification to the following Maryland Commissions/Committees to share with their membership and interested parties' lists: the Commission on Environmental Justice and Sustainable Communities, the Children's Environmental Health and Protection Advisory Council, and the Bay Restoration Fund Advisory Committee. MWIFA will also share the draft IUP with the Maryland General Assembly. Public comments were received through July 30, 2022, and the comment period closed on that date. MWIFA was available to answer any questions that arose during the comment period to ensure the public fully understands what is being proposed in the IUP. MWIFA tried to be as responsive as possible regarding any comments or concerns raised during the public comment period. The Public Hearing Responsiveness Summary and all comments received are being shared with EPA as Appendix C to this document. The Responsiveness Summary indicates what action MDE took on comments submitted.