

## AGENDA ITEM MEMO

**BOARD MEETING DATE:** December 15, 2022

**TO:** Board Members

**THROUGH:** Jeff Walker, Executive Administrator  
Ashley Harden, General Counsel  
Rebecca Trevino, Chief Financial Officer

**FROM:** Jessica Peña, Deputy Executive Administrator  
Mark Wyatt, Director, Program Administration and Reporting  
Alyssa Azari, Manager, Program Administration  
William Alfaro, State Programs Coordinator

**SUBJECT:** Economically Distressed Areas Program (EDAP) Project Priority List

### **ACTION REQUESTED**

Consider approving the Project Priority List that will be incorporated into the Intended Use Plan for the Economically Distressed Areas Program.

### **BACKGROUND**

The program was created in 1989 by the legislature to provide financial assistance for economically disadvantaged areas' infrastructure projects addressing inadequate residential water or wastewater service. Program requirements include: annual median household income (AMHI) not greater than 75 percent of the state-wide level; a determination that current water or wastewater infrastructure is either absent or inadequate to meet minimal state standards; the adoption of appropriate model subdivision rules (MSRs); and the presence of an established residential subdivision on or before June 1, 2005.

Senate Bill 2452 of the 86<sup>th</sup> Legislative session resulted in changes to the EDAP program, including requiring the use of a formal prioritization process to determine funding for eligible projects. In 2019, Texas voters approved a proposition authorizing \$200 million in general obligation bonding authority for the EDAP program. The 87<sup>th</sup> Legislature appropriated funds to support issuance of bonds to provide funding for EDAP projects.

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Brooke T. Paup, Chairwoman | George B. Peyton V, Board Member  
Jeff Walker, Executive Administrator

For the 2022-2023 EDAP funding cycle, the TWDB anticipates funding projects using up to an estimated \$100 million in bonds.

**2022-2023 EDAP FUNDING CYCLE**

On April 11, 2022, TWDB adopted the first Intended Use Plan (IUP) for the EDAP. The IUP outlined programmatic requirements including eligible activities, loan and grant eligibilities, available funding capacity, and prioritization criteria for the 2022-2023 EDAP funding cycle. The TWDB opened a project solicitation period from March 14 through May 13, 2022, during which interested entities submitted Abridged Applications.

Pursuant to 31 Texas Administrative Code (TAC) §363.504, the TWDB completed a prioritization of the projects as outlined in the adopted EDAP IUP. Eligible projects that received priority for financial assistance will be invited to submit a complete application, which will include a detailed financial, legal, engineering, environmental review, and a final eligibility review. Applications will then be presented to the Board for funding consideration.

The TWDB received 44 abridged applications prior to the deadline requesting a total of \$532,363,077. Based on a review of all abridged applications received and follow-up with the applicants, 23 abridged applications are considered eligible for funding under EDAP and have been prioritized, as shown in Attachment 1, for a total EDAP-eligible amount of \$290,101,416.

A list of abridged applications that were considered ineligible after review and follow-up with the applicants, as well as the rationale for each determination, is shown in Attachment 2. Abridged applications may be considered ineligible based on any of the EDAP program requirements - AMHI, absence of or inadequacy of service, MSR status, or meeting the 2005 requirement. EDAP funds are also limited to projects addressing the needs of residential customers and may not be used to fund future growth.

**Prioritization of Eligible Applications Received**

As outlined in the EDAP IUP, the scoring criteria seeks to prioritize residential projects providing first-time service and projects that will resolve public health nuisances and/or violations related to contaminants. The summary of the prioritization points is shown in Table 1.

Table 1: Prioritization Points

<b>Description</b>	<b>Score</b>
First-time service	15 Points
Project resolves public health nuisances and/or violations related to contaminants	10 Points
Previous TWDB financial investment in the project	8 Points
Project addresses non-contaminant violations related to TCEQ minimum requirements for storage capacity or service pressure	3 Points
<b>Maximum Possible:</b>	<b>36 Points</b>

TWDB reviewed the eligible and partially eligible abridged applications and applied scores based on the methodology shown above. Ties were broken in favor of projects serving areas with a lower AMHI, calculated using the 2015-2019 American Community Survey 5-year estimates. Abridged applications were then ranked in order of points received and placed on a draft EDAP prioritization.

**Public Review and Comments**

The draft Project Priority List (PPL) was posted on the TWDB website for public review and comment from November 21 through December 5, 2022. Notice of its availability was sent to all entities that submitted an EDAP abridged application seeking these funds. Nine comments were received and evaluated to determine if any actions or changes to the draft PPL were necessary. Only one change/correction was made (calculated AMHI for the El Paso Water Utilities PSB Montana Vista Collection System project) but this did not impact the PPL ranking. The final PPL ranking remains the same as what was originally published. The public comments received, and the TWDB’s responses, are shown in Attachment 3.

**Implementation**

Should the Board approve the Executive Administrator’s (EA) recommended PPL contained herein, in accordance with the TWDB rules, the EA will establish a February 3, 2023, deadline for the receipt of complete applications for financial assistance.

TWDB will send formal invitation letters to those entities whose projects that ranked within the available funding capacity to submit a complete application. Complete applications will undergo a thorough review comprised of detailed financial, legal, engineering, and environmental information, and includes a final eligibility review.

EDAP funding commitments will consist of a combination of debt obligations and grants, with the grant percentage based on the issuance of a formal nuisance determination by either the TWDB or the Department of State Health Services (DSHS). The preliminary grant calculations shown in Attachment 4 will be updated based on the issuance of any future nuisance determinations - only current nuisance determinations as issued by DSHS are reflected in the attachment at this time. Entities were able to request review in their abridged application for possible issuance of a nuisance determination, and TWDB will work with the DSHS to make any additional determinations prior to Board funding consideration.

The proposed schedule for applications submissions, funding commitments, bond sale, and applicant closings is shown below.

<b>February 3, 2023</b>	<b>Deadline for receipt of complete applications</b>
Summer 2023	Applications presented to Board for consideration
	TWDB Bond Sale
	TWDB Bond Closing
	Recipients begin closing on funds

**RECOMMENDATION**

The Executive Administrator recommends approval of the Project Priority List that will be incorporated into the EDAP IUP.

Attachments:

- 1) Recommended EDAP Project Priority List
- 2) List of Ineligible Abridged Applications
- 3) Response to Public Comments Received
- 4) Preliminary Grant Calculations



### 2022 Abridged Applications - Prioritization Point System Detail

Rank	Abridged Application Number	Entity Name	Project Name	Eligible Project Amount*	Prioritization Score	Prioritization Criteria								Tiebreaker: Project area's AMHI	
						First Time Service (Yes = 15 points, No = 0 points)		Public Health Nuisances and/or Contaminant Violations (Yes = 10 points, No = 0 points)		Previous TWDB Investment (Yes = 8 points, No = 0 points)		Non-Contaminant Violations (Yes = 3 points, No = 0 points)			Tiebreaker - Annual Median Household Income (AMHI) Lowest service area AMHI
						Result	Score	Result	Score	Result	Score	Result	Score		
1	14666	North Alamo WSC	North Alamo WSC North Weslaco EDAP Phase 2	\$ 4,400,000.00	33	Yes	15	Yes	10	Yes	8	No	0	\$ 30,073	
2	14665	North Alamo WSC	North Alamo WSC North Donna EDAP Phase 2	\$ 9,800,000.00	33	Yes	15	Yes	10	Yes	8	No	0	\$ 32,762	
3	14633	Airline Improvement District	Water and Sanitary Sewer Extensions to Lillja Area	\$ 3,598,000.00	33	Yes	15	Yes	10	Yes	8	No	0	\$ 36,819	
4	14642	El Paso Water Utilities PSB	Montana Vista Collection System - Phase II	\$ 25,934,273.00	33	Yes	15	Yes	10	Yes	8	No	0	\$ 37,871	
5	14664	Mission	North Mission EDAP	\$ 8,400,000.00	23	Yes	15	No	0	Yes	8	No	0	\$ 30,668	
6	14660	Maverick County	Maverick County Water/Wastewater Improvements (3) Sites	\$ 23,000,000.00	18	Yes	15	No	0	No	0	Yes	3	\$ 39,625	
7	14668	Presidio County	Presidio County First Service Water and Wastewater Improvements	\$ 12,600,000.00	15	Yes	15	No	0	No	0	No	0	\$ 25,098	
8	14659	Maverick County	Quemado Water Improvement Project	\$ 1,000,000.00	15	Yes	15	No	0	No	0	No	0	\$ 37,500	
9	14639	Brownsville PUB	Praxedis Saldivar and Central Estates Colonias Sanitart Sewer Improvements	\$ 1,536,288.00	15	Yes	15	No	0	No	0	No	0	\$ 38,986	
10	14670	Rio Grande City	W US Highway 83	\$ 8,209,000.00	15	Yes	15	No	0	No	0	No	0	\$ 46,342	
11	14661	Menard	Menard Groundwater Under the Influence Water Treatment Plant Improvements	\$ 3,500,000.00	11	No	0	No	0	Yes	8	Yes	3	\$ 33,542	
12	14663	Military Highway WSC	Southern Cameron County Waterline Rehabilitation	\$ 1,542,100.00	10	No	0	Yes	10	No	0	No	0	\$ 34,028	
13	14654	La Grulla	City of La Grulla Water System Improvements	\$ 8,500,000.00	3	No	0	No	0	No	0	Yes	3	\$ 32,857	
14	14638	Brownsville PUB	Lift Station No. 11 Sanitary Sewer Improvements	\$ 418,803.00	0	No	0	No	0	No	0	No	0	\$ 21,144	
15	14637	Brownsville PUB	Lift Station No. 10 Sanitary Sewer Improvements	\$ 640,679.00	0	No	0	No	0	No	0	No	0	\$ 23,273	
16	14673	Union WSC	Union WSC - Lift Station Relocation	\$ 4,035,000.00	0	No	0	No	0	No	0	No	0	\$ 29,493	
16	14674	Union WSC	Union WSC - WWTP Rehabilitation	\$ 10,479,000.00	0	No	0	No	0	No	0	No	0	\$ 29,493	
17	14672	Siesta Shores WCID	Siesta Shores Water Improvement Project	\$ 500,000.00	0	No	0	No	0	No	0	No	0	\$ 30,023	
18	14671	Rio Grande City	Rio Grande City Water Treatment Plant No 1 Rehabilitation and 12-Inch Waterline	\$ 10,189,550.00	0	No	0	No	0	No	0	No	0	\$ 30,926	
19	14655	La Grulla	City of La Grulla Wastewater System Improvements	\$ 21,000,000.00	0	No	0	No	0	No	0	No	0	\$ 32,857	
20	14634	Brady	City of Brady Water Line Replacement Project	\$ 1,765,000.00	0	No	0	No	0	No	0	No	0	\$ 40,388	
21	14647	Harlingen Water Works System	WWTP and Little Creek Inteceptor System Capacity Improvements	\$ 60,775,383.00	0	No	0	No	0	No	0	No	0	\$ 44,478	
21	14648	Harlingen Water Works System	WWTP and Southeast Inteceptor	\$ 68,278,340.00	0	No	0	No	0	No	0	No	0	\$ 44,478	
				<b>\$ 290,101,416.00</b>											

\*Eligible project amount lists only the portion of requested funding determined to be EDAP-eligible, and may not reflect the full funding request.



## 2022 Abridged Applications - Ineligible Project List

Abridged Application Number	Entity Name	Project Name	County	Requested Funding	Reason for Ineligibility
14635	Brownsville PUB	Brownsville Regional Force Main	Cameron	\$ 19,067,278.00	AMHI of project area does not meet EDAP eligibility; Project scope does not meet EDAP eligibility
14636	Brownsville PUB	Las Flores Colonia Sanitary Sewer Improvements	Cameron	\$ 1,636,905.00	AMHI of project area does not meet EDAP eligibility
14640	Daisetta	Water Well	Liberty	\$ 4,400,000.00	MSRs adopted by City do not meet MSR requirements, revisions required
14641	Derby	Derby Sewer System	Frio	\$ 3,100,000.00	AMHI of project area does not meet EDAP eligibility; Project scope does not meet EDAP eligibility
14643	Fort Davis WSC	Fort Davis WSC Wastewater Treatment Plant Replacement and Expansion	Jeff Davis	\$ 4,500,000.00	AMHI of project area does not meet EDAP eligibility
14644	Harlingen Water Works System	Osborn Trunk Sewer and LS-55 Upgrade	Cameron	\$ 8,627,577.00	AMHI of project area does not meet EDAP eligibility
14645	Harlingen Water Works System	Raw Water Pipeline Upgrade for Downtown WTP Reservoir	Cameron	\$ 10,552,822.00	Project scope does not meet EDAP eligibility
14646	Harlingen Water Works System	WTP Sludge Handling Improvements	Cameron	\$ 500,000.00	Project scope does not meet EDAP eligibility
14649	Hidalgo County Drainage District No. 1	Delta Water Treatment Plant	Hidalgo	\$ 25,759,700.00	Project scope does not meet EDAP eligibility
14650	Hudspeth County WC&ID No. 1	Hudspeth County WC&ID No. 1 Wastewater Treatment Plant Improvements	Hudspeth	\$ 3,500,000.00	Project scope does not meet EDAP eligibility
14651	Hull Fresh Water Supply District	Grinder Pump Replacement	Liberty	\$ 800,000.00	AMHI of project area does not meet EDAP eligibility; Abridged Application withdrawn in review
14652	Hull Fresh Water Supply District	Water Well	Liberty	\$ 1,200,000.00	AMHI of project area does not meet EDAP eligibility; Abridged Application withdrawn in review
14653	Iola	First-Time Wastewater Collection and Treatment System	Grimes	\$ 9,000,000.00	AMHI of project area does not meet EDAP eligibility
14656	La Joya	City of La Joya WTP	Hidalgo	\$ 6,968,000.00	MSRs were not adopted by City prior to Abridged Application deadline
14657	La Joya	City of La Joya WWTP	Hidalgo	\$ 12,789,000.00	MSRs were not adopted by City prior to Abridged Application deadline
14658	Liberty Hill	System Improvements for the City of Liberty Hill's Water System	Williamson	\$ 5,980,000.00	MSRs adopted by County do not meet MSR requirements, revisions required
14662	Mercedes	Capisallo Sanitary Sewer Improvements	Hidalgo	\$ 2,596,887.00	AMHI of project area does not meet EDAP eligibility
14677	Prairie View	First Service Water and Sewer Improvements	Waller	\$ 4,100,000.00	MSRs adopted by City and County do not meet MSR requirements, revisions required
14669	Richland SUD	Cowboy Line Extension	San Saba	\$ 22,480,000.00	AMHI of project area does not meet EDAP eligibility
14675	Von Ormy	Von Ormy Sewer Improvements	Bexar	\$ 21,550,000.00	MSRs were not adopted by City or County prior to Abridged Application deadline
14678	West Texas PFC	Hudspeth County Water Well and RO Plant Project	Hudspeth	\$ 5,835,000.00	Project scope does not meet EDAP eligibility
<b>Total</b>				<b>\$ 174,943,169.00</b>	

## Texas Water Development Board

### Response to Comments on the Draft Economically Distressed Areas Program (EDAP) Project Priority List (PPL)

The following provides a summary of the public comments received during the public comment period from November 21, 2022 to December 5, 2022, the Texas Water Development Board (TWDB) responses, and any applicable changes to the EDAP Project Priority List.

#### **General Comments**

**Comment submitted by:** Laura-Ashley Overdyke, Executive Director, Caddo Lake Institute, Region 2 Flood Planning Member

**Comment Date:** November 28, 2022

#### **Comment:**

Texas has many special species and beautiful locations that multiple state agencies are working to safeguard for future generations. In line with that thinking, to be good stewards of our resources, and coordinate efforts, I am writing in hopes that consideration and points can be awarded in future contracting to ensure alignment with conservation thinking. We hope that green infrastructure projects, those with multiple benefits, can receive special points in the future. We also hope that projects that align with the State Wildlife Action Plan are also given points for that alignment. As the Regional Flood Planning process progresses, I hope that special points can be awarded for being in line with that planning also.

#### **Response:**

The TWDB appreciates receiving the comment. For EDAP, the TWDB will periodically adopt an Intended Use Plan (IUP) to determine the use of funds for a specified application period. Among other elements, it specifies the criteria to be used to prioritize submitted projects. Part of the IUP preparation process includes public comments and recommendations. The current prioritization under consideration is based on an Intended Use Plan adopted on April 11, 2022, after a 30-day public comment period. For any future EDAP IUP that the TWDB proposes for public input, Caddo Lake Institute is encouraged to submit comments on the criteria for prioritizing projects or other topics of interest.

#### **Change:**

None.

**Comment submitted by:** Desi Martinez, M.A.

**Comment Date:** December 5, 2022

**Comment:**

I wish to comment on these 2 items from an economist and "boots on the ground" point of view.

**Background on comments:**

1st, thank you and the 87th Legislature for this much needed program to economically distressed areas.

2nd, the mission of the state program and EDAP Intended Use Plan is good but needs upgrading to meet the cities and rural areas and colonias needs that are actual conditions seen and experienced by the "boots on the ground". There's a demand for rural and colonials in and around cities throughout the state that need to have special provisions to this program to adapt related water and wastewater needs of subdivisions of state and rural supply corporation. For example, the Harlingen Waterworks System (HWWS) provides these essentials services to a large # of low- and moderate-income neighborhoods and rural colonias as list in the Attorney General's Colonia list website. Here are the colonias provided by Cameron County and U.S. Census info in the HWWS regional system.

COLONIA ID	COLONIA NAME	COMM PCT	CITY OR COUNTY (RURAL)	POPULATION
M0310119	PRIMERA	Precinct 4	Primera	3618
M0310075	JUAREZ	Precinct 4	Cameron	609
M0310087	LAS PALMAS	Precinct 4	Cameron	996
M0310035	COMBES	Precinct 4	Combes	4131
M0310056	FRED ADAMS	Precinct 4	Cameron	116

The colonias in Primera and Combes are now annexed and in the city limits and on monitored by the Texas AG Office. The HWWS water and sewer plants and infrastructures provided services 24/7/365. Primera and Combes are served thru wholesale agreements and their small cities are in charge of the delivery networks. There 2 HWWS water plants and 1 bit sewer plant in this service area.

3. These scenarios are all over rural and cities thru-out our vast Texas. All these contribute to Texas having the 9th largest GDP Economy in the world, yet they have the most meager economies. They also have water and sewer systems that are in great demand of rehabilitation to meet standards health and safety standards, as well as provide the main water and sewer processing for colonias.



4. The conditions of these rural and colonias also flood as experienced in Cameron and Willacy Counties during the 2018 2019 Storm Flood Disasters of to 12" of constant rainfall for up to 8-12 hours, thus flooding many sewer manholes and lift stations where the plants infrastructure and equipment are negatively impacted, and infrastructures lifespan are reduced and in need of rehabilitation to maintain a health and safe standard. Residents and businesses experienced flooding in their homes and, several of the poorer neighborhoods and colonias lift stations were flooded. There were reports of families in certain areas having sewer back-up into their toilets in their homes for several days after the storm water receded. I will be visiting some of these families and getting their written testimonials and, hopefully, pictures to send to you.

***Solutions recommended:***

All these Texas cities, rural areas and colonias also contribute to Texas the 9th largest GDP Economy in the world, yet they have the most meager economies and poor living conditions and infrastructure. They also have water and sewer systems that are in great demand of rehabilitation to meet standards health and safety standards, as well as provide the main water and sewer processing for colonias. Here are some boots on the ground recommendations moving forward.

1. The existing EDAP applications priority ranking system, i.e., categories and points system should have 2 components. Category 1 which includes applications that have septic tanks and are a health nuisance as smell and contaminating the soils as was reported by the El Pas News on the El Paso Collection System \$26 Million (rounded) Phase II application. Category 2 shall include all those other applications that are in economically depressed rural areas and cities, including colonias, that are in need in financial assistance for water and sewer projects to bring their systems up to date to provide for state health standards and safety living requirements. Priority in this category will be loans and grants to applicants having urgent needs resulting from fire or flooding or other unforeseen natural disaster and projects that will upgrade populated poverty area neighborhoods and colonias incorporated into rural cities or other city utility systems.

2. During this 88th Legislative Session the State House Appropriations Committee, the EDAP funding should be at level of \$300 Million per year for the next 3 years to the TWDB-Economically Disadvantaged Assistance Program to accelerate needed action and assistance rural areas, rural utility non-profit corporations and cities facilitating colonias water and sewer services. All program activities and EDAP Intended Use Plan will unilaterally coordinated with the Texas State Flood Intended Use Plan and their respective administrative teams, as well as the Attorney General Office-Colonias.

Thank you for your dedicated work for all Texans and our great State of Texas. I and others will be submitting the above initiatives to our Governor, Attorney General, and Speaker of House soon through our elected officials.

**Response:**

The TWDB appreciates receiving the comment. For EDAP the TWDB will periodically adopt an Intended Use Plan (IUP) to determine the use of funds for a specified application period. Among other elements, it specifies the structure and method of determining the financial assistance provided and the criteria to be used to prioritize submitted projects. Part of the IUP preparation process includes public comments and recommendations. The current prioritization under consideration is based on an Intended Use Plan adopted on April 11, 2022, after a 30-day public comment period. For any future EDAP IUP that the TWDB proposes for public input, you are encouraged to submit comments on the structure and method of determining the financial assistance provided and methods of prioritizing projects.

**Change:**

None.

## **Abridged Application Comments**

### **City of Daisetta – Abridged Application #14640**

**Comment submitted by:** Brandon Davis, City Attorney, City of Daisetta

**Comment Date:** December 5, 2022

#### **Comment:**

My name is Brandon Davis, and I am the city attorney for the City of Daisetta, Texas. The City recently made me aware that its Abridged Application was considered ineligible for funding through EDAP because of concerns with their subdivision ordinance. At this time, I respectfully ask that you reconsider Daisetta's eligibility based on the fact that I believe the city's subdivision ordinance materially complied with the state-promulgated Model Subdivision Rules ("MSR"). I reviewed the letter prepared by Joe Reynolds that outlined the differences and issues with the City of Daisetta's subdivision ordinance, and I would like to discuss the various points mentioned in the letter.

1. Section 1.11 of the City's subdivision ordinance allows for variances in certain situations. It is my understanding that the city's ordinance may allow for more variances than the MSR. However, please note that section 211.009 of the Texas Local Government Code allows cities to grant variances in certain situations. The variance process laid out in section 1.11 of the City's ordinance complies with chapter 211 and chapter 212 of the Texas Local Government Code regarding variances. However, if needed, the City can revise its ordinance to limit variances to the situations spelled out in the MSR.
2. Mr. Reynolds' letter states that the city's subdivision ordinance needs to include a sentence in section 1.12(a)(3) stating that lots of five acres or less are presumed to be intended for residential purposes. I do not feel that this statement is necessary because the City's ordinance is more restrictive. The City's subdivision ordinance requires residential and commercial lots to all follow the same regulations for subdivision development. In fact, the City's ordinance is more restrictive than required in the MSR because it also regulates commercial properties. If the City's ordinance treats both commercial and residential lots the same, I do not believe that the reference to residential purposes is necessary. However, please note that the City will gladly amend its ordinance if deemed necessary to comply with the MSR.
3. Mr. Reynolds' letter states that the City's ordinance needs to include language stating that subdivided land can't be sold or conveyed until the subdivider: (1) has received approval of a final plat of the tract; and (2) has filed and recorded a legally approved plat with the county clerk. Please note that this language is already included in the City of Daisetta's subdivision ordinance in section

- l.12(a)(2). Therefore, I do not believe this needs to be added in order to comply with the MSR because it already exists.
4. Mr. Reynolds' letter states that the City must remove the automatic approval process from section 3.04(h)(3) of its subdivision ordinance. Under this section of the ordinance a subdivision plat is deemed approved if the council fails to take action on the plat within thirty (30) days. The letter states that this clause does not comply with the MSR. However, section 212.009 of the Texas Local Government Code governs municipal subdivision regulations in Texas. Section 212.009(a) of the Texas Local Government Code states, "LGC 212.009 (a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date the plan or plat is filed. A plan or plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091." Texas law clearly states that subdivisions are deemed approved if the City fails to take action on them within thirty (30) days. The City of Daisetta's ordinance simply complies with Texas law. Therefore, this section of the ordinance should not preclude the City of Daisetta from being eligible for the grant. However, the City can amend its ordinance to remove the automatic approval. However, please note that the automatic approval will still exist under Texas law even if it isn't included in the ordinance.
  5. Mr. Reynolds' letter states that section 3.05 of the City's ordinance does not provide for a final engineering report as required by Section 364.52. However, section 3.05 (b)(7) of the City's subdivision ordinance states, "The short form plat shall meet all of the requirements for a final plat in section 3.04." Therefore, the requirements in section 3.04 also apply to the short form plat. Sections 3.04(±)(3) and 3.04(±)(5) require final engineering reports. The city's requirement that short form plats must comply with 3.04 makes it so that engineering reports are required in the city's subdivision ordinance. Therefore, the requirement to add the language regarding final engineering reports to section 3.05 should not apply.
  6. Mr. Reynolds' letter stated that section 3.06 needed to include language regarding final engineering reports. Section 3.06 states that a minor plat must meet all requirements of a short form plat. As mentioned above, the short form plat requires a final engineering report. Therefore, the minor plat must also have a final engineering report as specified in sections 3.05 and 3.04. The City's ordinance currently provides for approval of a minor plat by the building official. It is my understanding that the MSR requires final approval by the City Council. Even though the subdivision ordinance allowed for approval of minor plats by the building official, the City has never followed that process. A subdivision in

Daisetta has never been approved by the Building Official. The City will gladly amend its ordinance to require approval take place by the City Council in the future for minor plats.

7. Section 4.01 (h) of the City's subdivision ordinance allows the City Council to defer or waive the provision of water or wastewater services under certain conditions. The purpose of the section was to discuss situations where water or wastewater services were not readily available. To date, the City Council has not approved a subdivision with deferred or waived provision of water. The City Council will gladly remove this section from their ordinance if it is required under the MSR.
8. Mr. Reynolds' letter stated that Sections 5.05(b) and 5.06(c) and (e) need to include a reference to the bonding provision from Section 4.01. Section 5.05(b)(2) of the City's subdivision ordinance currently states that the City may require performance or cash bonds. However, in order to better comply with the MSR the City Council will amend its ordinance to mirror the language from 4.01 for the three sections mentioned above.
9. Mr. Reynolds' letter states that the City needs to include language in its ordinance limiting one single family detached dwelling per lot. However, section 5.02(e) of the City's subdivision ordinance already contains similar language. Section 5.02(e) states the following, "Only one (1) residential unit shall be allowed on any lot within the city's limits. Multiple residential units shall not be allowed on a single lot." I believe that the City of Daisetta's subdivision ordinance already complies with this section of the MSR. However, the City Council can amend its ordinance to add language requiring that the same statement must be on all deeds and contracts for deed for real estate sold within the subdivision. The absence of this language from the current ordinance shouldn't prohibit the city from receiving the grant. As a matter of practice, it is unlikely that the city would be able to regulate the deed language in the future because city ordinances are not typically reviewed prior to deed drafting.

The City of Daisetta's city council adopted a very detailed and comprehensive subdivision ordinance in an attempt to regulate and control growth moving into the city. The city's ordinance is much more restrictive than the MSR. The City's subdivision ordinance was prepared to ensure good and safe growth in the future. Since adoption of the City's subdivision ordinance in March 2022 the City Council has not received one application for a subdivision approval. Therefore, any differences between the MSR and the City's subdivision ordinance have had no impact on development within the City of Daisetta. I respectfully ask that you reconsider your ruling on the City's grant eligibility based on the subdivision ordinance.

**Response:**

The TWDB appreciates the comments. The TWDB Office of General Counsel (OGC), provided the following detailed response on the MSR requirements associated with the EDAP program:

*Comments Related to Model Subdivision Rule Adoption*

*Cities generally are guided by Tex. Loc. Gov't Code subtitle A, especially Ch. 212, when adopting subdivision and development regulations. When a city adopts the MSRs, it then must consider the provisions in Tex. Water Code § 16.343 and 31 Tex. Admin. Code ch. 364.*

*Multiple statutes on the same subject are interpreted according to the Canons of Construction found in Tex. Gov't Code § 311.026. One of these rules provides that the more specific statute controls over the more general.*

*The MSR provisions are specific and limited. They are specific to the provision of water and wastewater services, which must be provided or secured before plat approval. They are limited to a consideration of tracts that are subdivided into lots of five acres or less for residential purposes. They require that such developments be limited to one single-family dwelling per lot. Finally, the MSRs provide that subdivided land cannot be sold or conveyed until the final plat has been approved and recorded. Because of those specific limitations, the rules for such developments must be explicit to ensure that they do not get rolled into and confused with considerations of commercial properties or developments with provision for multi-family units.*

*Thus, a city's subdivision regulations may appear thorough and strict yet not meet the standards of the MSRs because they do not specifically address such residential developments as a subset of development regulation issues.*

*With regard to the specific comments made by Daisetta regarding the review of its subdivision regulations (the City's ordinance):*

- 1. The analysis notes that the only variance in the MSRs relates to lots in place but not platted or recorded before 1989. More variances are allowed in chapters 211 and 212 of the Local Government Code. But in this instance, the specific controls the general. When the MSRs are adopted, then the MSRs control in the limited situation of approving a tract subdivided into lots of five acres or less for residential purposes as described above. In all other situations, the City may apply whatever variances are allowed by law.*
- 2. The City notes in its comments that the City's ordinance treats both commercial and residential lots the same. But they are not the same. The MSRs do not apply to commercial or industrial properties. Provision is made for multi-family properties to the extent that water and wastewater services be provided that are appropriate to a multi-family development. Thus, the MSRs are more restrictive in terms of application. The analysis asked that a statement be included to the effect that lots of five acres or less are presumed to be intended for residential purposes unless otherwise noted on the plat or engineering*

*report. This makes the intent of the developer clear and determines where the developer needs to fulfill the other requirements of residential subdivision development. The necessary language is included in section 364.11 of the MSRs.*

- 3. The analysis asked the City to include language limiting when subdivided land can be sold or conveyed. The City responded that such language is already included in the City's ordinance in section 1.12(a)(2). We agree. The analysis was looking for it in another context. But based on the language in section 1.12(a)(2), other language does not need to be added to comply with the MSRs.*
- 4. The analysis stated that the City must remove the automatic approval process from section 3.04(h)(3) of the ordinance. The City responded that the automatic approval process is in Tex. Loc. Gov't Code § 212.009. Therefore, the provision simply complies with Texas law. Section 212.009 is a general provision that applies to all municipalities that establish subdivision regulations. When a city adopts the MSRs, it then is governed in its regulations by the provisions of the MSRs for the specific purposes described above. The MSRs contain no provision for automatic approval. To allow such approval would defeat the purpose of the Model Rules as enacted by the Legislature because residential developments that do not comply with the Model Rules could be approved if the City Council simply fails to act. In addition, what the analysis requests would limit availability of the automatic approval only in the specific instance of a plat involving tracts subdivided into lots of five acres or less for residential purposes. Automatic approval would still exist for other plats for other forms of development.*
- 5. The analysis noted that section 3.05 of the City's ordinance does not provide for a final engineering report as required by Section 364.52 of the MSRs. The City states that Section 3.05 requires that the short form plat meet all the requirements for a final plat found in section 3.04. The question, then, is whether section 3.04(f)(5) contains a sufficient statement of the information required by the MSRs. Section 3.04(f)(5) provides that the final plan must contain: 1) plans and specification for water, sewer, paving, and drainage prepared by a registered engineer; 2) existing sewers, water mains, culverts, or other underground structures; 3) a letter from the servicing utility companies; 4) all drainage ways; and 5) copies of the deed restrictions. The MSRs require: 1) a description of the method for providing water and sewer service; 2) a statement that the cost of meters and other necessary connection equipment, water rights, and any fees have been paid and that services are available to each lot; and 3) a statement that prohibits more than one single-family detached dwelling to be located on each lot. With the addition of a reference to single-family detached dwellings, in appropriate plat applications, the Section 3.04(f)(5) requirements are sufficient. As section 3.05 references 3.04, it too would be sufficient.*

6. *The analysis provides that, while section 3.06 of the City's ordinance provides for approval of a minor plat by the subdivision coordinator and the building official, approval by the City Council should be the final step in the approval process under the MSRs. The City takes exception to this position, noting that the City has never followed that process. It also notes that the minor plat must also have a final engineering report as specified in sections 3.05 and 3.04. As noted above, then, once the reference to single-family detached dwellings is added to the requirements of section 3.04(f)(5), the provision will comply with the statutory requirement in Water Code § 16.343(d), and the issue with the requirements in the minor report is resolved.*

*The assertion that the City has never followed the minor plat process does not mean that it may not in the future. As with the question of variances, the option for a minor plat approval does not have to be removed, only limited to plats that do not address lots of five acres or less intended for residential use by single-family units.*

7. *The analysis states that section 4.01(h) of the City's ordinance appears to allow the City Council to defer or waive the provision of water or wastewater services under certain conditions. The purpose, according to the City's comments, was to have time to discuss situations where water or wastewater services were not readily available. The City further notes that the City Council has so far not approved a subdivision with deferred or waived provision of water. The MSRs require that water and wastewater services be installed before final plat approval. A deferral, and not a waiver, would only be appropriate if a bond sufficient to cover installation of such services were provided by the developer. The MSRs provide three means of providing service: 1) connection to an existing public utility; 2) creation of a utility or centralized source for providing service to the subdivision; or 3) drilling wells on individual lots. Those options should cover any situation. If none do, then the developer can provide a security to cover the cost of service once a method has been determined. As discussed above, compliance with the MSRs would simply entail excluding plats that address lots of five acres or less intended for residential use by single-family units from the waiver provision*
8. *The analysis noted that sections 5.05(b), and 5.06(c) and (e), need to include a reference to the bonding provision from section 4.01. The City notes that section 5.05(b)(2) of the City's ordinance currently states that the City may require performance or cash bonds. Section 4.01(a)(1), relating to completion of subdivision improvements, provides for a performance bond, irrevocable letter of credit, or other security agreement which guarantees that all public improvements shall be constructed in accordance with the plat. This provision complies with the MSR requirement for a bond sufficient to pay for water and wastewater line, installation of individual septic systems, or drilling of individual private wells, depending on the method for providing utility service.*



*Section 5.05(b), relating to individual wells and central water systems, is not explicit about the responsibility for provision of water service through individual wells and central water systems. The analysis asks that, in situations covered by the MSRs, it be made clear that the developer, and not the individual homeowner, has a financial responsibility to secure the costs of such systems if they are not installed at the time of the plat approval. The same is true of sections 5.06(c) and (e) regarding the provision of sewerage systems with either a central sewerage system or individual disposal systems.*

9. *The analysis states that the City needs to include language in its ordinance limiting one single family detached dwelling per lot. The City notes that section 5.02(e) of the City's ordinance already contains similar language. This section does comply with the MSRs. But the statement in the analysis is made in the context of the documentation on the final plat and on all deeds and contracts for deed for property sold within the subdivision—a statement the final plat should contain. This is a specific requirement in the MSRs that could be met by adding to section 5.02(e) the statement that this limitation must be included on the plat and on all deeds and contracts for deed.*

*There is no question that the City of Daisetta adopted a very detailed and comprehensive subdivision ordinance to regulate and control growth moving into the city. But the City's ordinance is not necessarily more restrictive than the MSRs. The City's ordinance is designed to regulate all growth and development in the City. The MSRs, as crafted in 31 Tex. Admin. Code ch. 364, provide specific criteria for assuring that an adequate supply of safe drinking water and adequate safe sewer facilities are available to residential areas in accordance with state standards and the legislative mandates in Tex. Water Code § 16.343. These are the standards against which local subdivision regulations are reviewed with regard to regulating residential subdivision development.*

The TWDB appreciates the efforts made to adopt MSRs, however given the revisions needed to meet the MSR requirements of the EDAP program, no changes in eligibility status can be made at this time.

**Change:**

None.

## **City of Daisetta – Abridged Application #14640**

**Comment submitted by:** Emerson Glen Barnhill, Chief Building Official and Administrator of Codes, City of Daisetta

**Comment Date:** December 5, 2022

### **Comment:**

Hello, my name is Emerson Glen Barnhill. I represent the City of Daisetta as the Chief Building Official and the Administrator of Codes for the City. Upon reading your response to our request, I confess that I am somewhat disturbed. The City Of Daisetta has in place a subdivision ordinance that covers the development of any Subdivision in the City. It has been placed into the City Codes in order to address potential problems that may develop. As the Administrator of the ordinance, I find that this subdivision ordinance is similar to all of the cities where I have worked including cities in which I was the Development Director. So I want to go on record as opposing the decision that was made and seeking redress of this decision.

### **Response:**

The TWDB appreciates receiving the comment, and the effort undertaken by the City of Daisetta to adopt MSRs. Please see the detailed response given in the comment above for more information on the EDAP MSR requirements.

### **Change:**

None.

## **City of Daisetta – Abridged Application #14640**

**Comment submitted by:** Cindy Burchfield, City Councilwoman Position 1, City of Daisetta  
**Comment Date:** December 5, 2022

### **Comment:**

I would like to vehemently contest the decision regarding the Daisetta application, which stated we were ineligible for scoring/ranking due to our city failing to adopt the MSR rules prior to submitting our application. We did, in fact, adopt MSR rules two months prior to submitting our application. I have provided a copy of the ordinance we adopted regarding MSRs. We have also hired a code enforcement officer, to oversee these rules.

In the correspondence we received in the days following this decision, I learned that it is TWDB belief that our set of rules do not “align” with the TWDB rules, and I must strongly disagree. Our rules are in fact much more strict, and I believe that the things called in to question, are all located within our ordinance.

I would like to offer a few facts, to help you see from a different perspective. Our city, is in fact the very essence of what would be labeled an “economically disadvantaged area”, and as such, we would like the equal opportunity to access this funding, just as other economically disadvantaged areas should. Our city is roughly one square mile, with no red lights, no developments, no subdivisions, neither old or new, and no 5 acre tracts of land. The very issue that TWDB seems to have with our MSRs, which relate to the development of 5 acre tracts, to be subdivided, is a nonissue in our city, because its not possible. This is a very small city, with no room for development of any kind. The entire city is already divided and developed in residential lots already, with a development in the future being an impossibility.

The entire EDAP program was created for entities that have a large low to moderate income population to address critical infrastructure issues without putting an overwhelming financial burden on those low income citizens. To offer a program that is affordable.

My point, On the application, it is stated that “model subdivision rules must be adopted and enforced at the time of the application being submitted”. We have complied with that rule, just as it was stated. We adopted model subdivision rules two months prior to the application, and have provided a copy of that to show that we obeyed the rule.

We had an attorney put those model subdivision rules together. I don’t believe we should be deemed ineligible for doing exactly what we were told to do.

Another point: We are under violation with TCEQ due to not being able to provide enough gallons per minute to each home, and about to face enforcement action, yet we are doing our very best to get a water well drilled, only to be turned away over something as minute as the wording of our ordinance. No one specified it needed to match word for word.

Last point: This program was created to HELP economically distressed areas. Not to point out every real and imagined flaw, and find minute details to disqualify.

I believe anyone can look at our rules and see that we followed instruction as it was given. I ask that the ineligibility determination be reversed, and that our application be ranked and scored, along with everyone else.

Our city meets every eligibility factor for this program, as far as economic disadvantage, and we have not had a dependable water source in nearly six years.

I thank you for judging this application fairly, and for your time and attention to this matter.

**Response:**

The TWDB appreciates receiving the comment, and the effort undertaken by the City of Daisetta to adopt MSRs. Please see the detailed response given in the comment above for more information on the EDAP MSR requirements.

**Change:**

None.

## **El Paso Water Utilities – Abridged Application #14642**

**Comment submitted by:** John E. Balliew, P.E., President and CEO, El Paso Water Utilities  
**Comment Date:** December 5, 2022

### **Comment:**

El Paso Water, the municipal water utility serving El Paso, Texas, appreciates the opportunity to comment on the Texas Water Development Board's Project Prioritization for the 2022 Economically Distressed Areas Program. EPWater has been a long-time proponent of this program and has strongly advocated for its continued funding.

EPWater's project to provide the Montana Vista - Phase 2 with first-time wastewater service was ranked the fourth priority project but was tied in scoring with the first, second and third place projects. for first-time service, public health nuisance and/or contaminant violations, previous TWDB investment, and non-contaminant violations.

### **Average Median Household Income Concerns**

The tiebreaker that put Montana Vista in fourth place was the Area Median. Household Income, which is listed at \$41,194, which is above the other three highest ranked projects. However, I would like to suggest that the Montana Vista community likely falls at the lower end of the broader Census Tract AH MI. As support, I would like to point to the Montana Vista Elementary School data, available publicly at multiple websites, including this one: [https://www.greatschools.org/texas/el-paso/1393-Montana-Vista-Elementary-School/#Low-income\\_students](https://www.greatschools.org/texas/el-paso/1393-Montana-Vista-Elementary-School/#Low-income_students)

Here are some key details that show hardship within this community:

- 94% of students are eligible for free lunches. (Children from families with incomes at or below 130% of the Federal poverty level are eligible for free meals.)
- 17% of students have disabilities.
- 60% are students learning English.

Please take these additional factors in consideration when considering the economic distress of this community.

### **Beneficiary numbers**

We were disappointed to see that the number of homes and/or residents benefitting from the service was not factored into the scoring and would like to see that factored into the final scoring. The Montana Vista Phase 2 project area has 775 homes (2,616 residents) that are to benefit and receive first time wastewater service if this project is funded.

### **Potential other supplemental funding**

We realize that the project cost reflects significant inflation over the previous design estimates. This is consistent with supply chain and inflation impacts that we are seeing on all our capital projects. However, we wanted to bring to your attention that we have also

applied for funding under the Border Environment Infrastructure Fund through the North American Development Bank (NADBank) and the U.S. Environmental Protection Agency (EPA). This application remains in a pending status, although we have received encouraging feedback that keeps us optimistic that we will get some limited funding. Ideally, the Montana Vista Phase 2 project could receive three-way funding from TWDB, NADBank/EPA and EPWater.

### **Closing**

Thank you for your attention to our comments. If you have any questions regarding this correspondence or if EPWater can be of assistance in some other way, please contact me or Lisa Rosendorf.

### **Response:**

The TWDB appreciates receiving the comments.

### Annual Median Household Income (AMHI)

As specified in the EDAP Intended Use Plan (IUP), the project service area's AMHI was used to break scoring ties in favor of the project service area with the lowest AMHI. In making this determination, the IUP required the use of the 2019 American Community Survey (ACS) 5-Year Estimates data, and no further data sources or additional factors may be taken into consideration.

However, upon review of the calculated AMHI in this response, the TWDB did notice that the AMHI of \$41,194 used for this project scoring was entered incorrectly. The original review resulted in a calculated AMHI of \$37,871 and this value should have been used for the project scoring. We have updated the project prioritization list using the correct AMHI; however, this change does not impact the project scoring or ranking.

### Beneficiary Numbers

While the number of homes benefitting from the proposed project was not a specific prioritization criterion in the adopted EDAP IUP, the weighted average AMHI calculation used in eligibility determinations and as a tiebreaker for scoring purposes does consider the number of households in each benefitting geographic area. For more information on the calculation, please see the EDAP IUP on our website at

<http://www.twdb.texas.gov/financial/programs/EDAP/doc/EDAP%20IUP-3-14-2022.pdf>

For any future EDAP IUP that TWDB proposes for public input, El Paso Water Utilities is encouraged to submit comments on the criteria for prioritizing projects.

### Potential Other Supplemental Funding

The TWDB appreciates the update on other potential supplemental funding. Please continue to coordinate with your Regional Project Development team manager, Jesse Milonovich, as the EDAP funding process continues. Jesse can be reached at (512) 463-8657 or [jesse.milonovich@twdb.texas.gov](mailto:jesse.milonovich@twdb.texas.gov).

**Change:**

AMHI of the proposed project area adjusted from \$41,194 to \$37,871 based on review of AMHI calculation. No change to scoring or ranking.

**La Grulla – Abridged Application #14654**

**Comment submitted by:** Kirby Young, GIT, Funding Specialist, Garver

**Comment Date:** December 5, 2022

**Comment:**

We would like to request that the scores for the prioritization criteria categories of Public Health Nuisances and/or Contaminant Violations and Non-Contaminant Violations be checked according to the supporting documentation that was submitted with the City’s EDAP Application showing their current active violations.

**Response:**

The TWDB appreciates receiving the comment. The TWDB reviewed the supporting documentation submitted with the EDAP Abridged Application, including the list of enforcement actions pulled from the Texas Commission on Environmental Quality Central Registry Query. Based on the information provided, it does not appear any contaminant violations are included in the listed active enforcement actions and no points will be awarded for this category.

However, three (3) points were awarded in the original scoring for non-contaminant violations, based on the capacity and minimum pressure violations noted in the listed enforcement actions. No further points can be awarded for this category.

**Change:**

None.



**La Grulla – Abridged Application #14655**

**Comment submitted by:** Kirby Young, GIT, Funding Specialist, Garver

**Comment Date:** December 5, 2022

**Comment:**

We would like to request that the scores for the prioritization criteria categories of Public Health Nuisances and/or Contaminant Violations and Non-Contaminant Violations be checked according to the supporting documentation that was submitted with the City’s EDAP Application showing their current active violations.

**Response:**

The TWDB appreciates receiving the comment. The TWDB reviewed the supporting documentation submitted with the EDAP Abridged Application, including the Texas Commission on Environmental Quality Central Registry Queries for compliance history, commissioner’s actions, and investigations. Based on the information provided, it does not appear any contaminant or non-contaminant violations or active enforcement actions are listed, and no points can be awarded for this category.

**Change:**

None.

## **City of Mercedes – Abridged Application #14662**

**Comment submitted by:** Jessica Campos, Funding Specialist/Project Manager, Border Affairs

**Comment Date:** December 5, 2022

### **Comment:**

Please see attached revision to our original application wherein we have clarified the project description and provided the supporting calculation used in determining the weighted average method for calculating the AMHI for the service area. We would respectfully request that EDAP review our comments and reconsider our application/project's eligibility and be placed on the project prioritization list.

Please review attached and note that we have not modified any of the previously submitted supporting attachments. We are available should EDAP have any questions moving forward.

*Revised Abridged Application with additional information attached to comment.*

### **Response:**

The TWDB appreciates receiving the comment. During the application eligibility review process, the TWDB contacted entities directly to clarify information submitted on the Abridged Application or request additional supporting documentation that would allow the TWDB to confirm eligibility criteria. The TWDB contacted the City of Mercedes requesting supporting documentation showing the census geographical areas used for Annual Median Household Income (AMHI) calculation of the proposed project area. The City's response and supporting documentation, provided on October 26, 2022, confirmed the same project area as stated in the Abridged Application and a single census block group.

The TWDB verified project service area AMHI for all projects using data from the 2019 American Community Survey (ACS) 5-Year Estimates and a weighted average methodology as specific in the EDAP Intended Use Plan (IUP). The TWDB calculated the project service area AMHI for the City of Mercedes using the proposed project area as described in the Abridged Application and as confirmed by the City during the eligibility review process.

Subsection 363.504(c) of the EDAP program rules requires applicants to submit a complete and accurate abridged application by the date specified by the Board. With that date having passed and the eligibility review complete, we are unable to consider the additional project service area information submitted during the public comment process. This is done to create consistency during the TWDB review and equality throughout the rating process for all entities, and to ensure that other eligible projects can move forward without delay.

### **Change:**

None.

## 2022 Abridged Applications - Preliminary Grant Calculations



**Preliminary Grant Calculations Based on Issuance of Public Health Nuisance Determinations\***

Issued: up to 70% grant per project  
Not Issued: not to exceed 50% grant per project

Rank	Abridged Application Number	Entity Name	Project Name	Eligible Project Amount	Nuisance Determination Status	Preliminary Grant Percentage
1	14666	North Alamo WSC	North Alamo WSC North Weslaco EDAP Phase 2	\$ 4,400,000.00	Issued	70%
2	14665	North Alamo WSC	North Alamo WSC North Donna EDAP Phase 2	\$ 9,800,000.00	Not Issued	50%
3	14633	Airline Improvement District	Water and Sanitary Sewer Extensions to Lillja Area	\$ 3,598,000.00	Not Issued	50%
4	14642	El Paso Water Utilities PSB	Montana Vista Collection System - Phase II	\$ 25,934,273.00	Issued	70%
5	14664	Mission	North Mission EDAP	\$ 8,400,000.00	Not Issued	50%
6	14660	Maverick County	Maverick County Water/Wastewater Improvements (3) Sites	\$ 23,000,000.00	Not Issued	50%
7	14668	Presidio County	Presidio County First Service Water and Wastewater Improvements	\$ 12,600,000.00	Not Issued	50%
8	14659	Maverick County	Quemado Water Improvement Project	\$ 1,000,000.00	Not Issued	50%
9	14639	Brownsville PUB	Praxedis Saldivar and Central Estates Colonias Sanitart Sewer Improvements	\$ 1,536,288.00	Not Issued	50%
10	14670	Rio Grande City	W US Highway 83	\$ 8,209,000.00	Not Issued	50%
11	14661	Menard	Menard Groundwater Under the Influence Water Treatment Plant Improvements	\$ 3,500,000.00	Not Issued	50%
12	14663	Military Highway WSC	Southern Cameron County Waterline Rehabilitation	\$ 1,542,100.00	Not Issued	50%
13	14654	La Grulla	City of La Grulla Water System Improvements	\$ 8,500,000.00	Not Issued	50%
14	14638	Brownsville PUB	Lift Station No. 11 Sanitary Sewer Improvements	\$ 418,803.00	Not Issued	50%
15	14637	Brownsville PUB	Lift Station No. 10 Sanitary Sewer Improvements	\$ 640,679.00	Not Issued	50%
16	14673	Union WSC	Union WSC - Lift Station Relocation	\$ 4,035,000.00	Not Issued	50%
16	14674	Union WSC	Union WSC - WWTP Rehabilitation	\$ 10,479,000.00	Not Issued	50%
17	14672	Siesta Shores WCID	Siesta Shores Water Improvement Project	\$ 500,000.00	Not Issued	50%
18	14671	Rio Grande City	Rio Grande City Water Treatment Plant No 1 Rehabilitation and 12-Inch Waterline	\$ 10,189,550.00	Not Issued	50%
19	14655	La Grulla	City of La Grulla Wastewater System Improvements	\$ 21,000,000.00	Not Issued	50%
20	14634	Brady	City of Brady Water Line Replacement Project	\$ 1,765,000.00	Not Issued	50%
21	14647	Harlingen Water Works System	WWTP and Little Creek Inteceptor System Capacity Improvements	\$ 60,775,383.00	Not Issued	50%
21	14648	Harlingen Water Works System	WWTP and Southeast Inteceptor	\$ 68,278,340.00	Not Issued	50%
				<b>\$ 290,101,416.00</b>		

*\*Preliminary grant calculations are based upon nuisance determinations issued at time of Abridged Application. It does not reflect any future nuisance determinations requested within the Abridged Application, to be issued by TWDB or DSHS prior to funding commitments. The portion of TWDB funding not provided by a grant must be provided as an EDAP loan.*