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22-053

June 2022

LB 1014e Section 52: State Fair Grounds Project

The American Rescue Plan Act of 2021 (ARPA) was signed into law by the President on March 11, 2021. The State of Nebraska was allocated \$1.04 billion of Coronavirus State Fiscal Recovery Funds, which in part may be used to make necessary investments in water and sewer infrastructure. In the final rule adopted for implementation of these funds, the U.S. Department of the Treasury aligned the eligible uses of these funds with the wide range of types or categories of projects that would be eligible to receive financial assistance through the Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF). In Nebraska, the SRF programs are administered by Nebraska Department of Environment and Energy (NDEE).

Signed in to law by Governor Pete Ricketts on April 13, 2021, Section 52 of Legislative Bill No. 1014e states that these funds are to be used “...for wastewater and drainage system updates at the state fair grounds, which shall only be used for such purpose”. Wastewater and drainage system updates are eligible for assistance under the CWSRF, and therefore under ARPA, when a project provides a water quality benefit or for measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water.

Who is Eligible: The State Fair Foundation

Funding Available: \$20,000,000

Period of Availability: See requirements below.

Eligible uses of funds:

Any wastewater and drainage system update project that is eligible for assistance under the CWSRF. Descriptions of eligible project uses can be found in the following documents:

- Overview of Clean Water State Revolving Fund Eligibilities – (pages 8 and 13)
https://www.epa.gov/sites/default/files/2016-07/documents/overview_of_cwsrf_eligibilities_may_2016.pdf
- Interpretive Guidance for Certain Amendments in the Water Resources Reform and Development Act to Titles I, II, V and VI of the Federal Water Pollution Control Act – (pages 9-10)
https://www.epa.gov/sites/default/files/2015-04/documents/water_resources_reform_and_development_act_guidance.pdf
- EPA website: What is Green Infrastructure
<https://www.epa.gov/green-infrastructure/what-green-infrastructure>

Application Procedure:

The State Fair Foundation will be required to submit both a:

1. *Site plan*: A plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings and landscaping; and,
2. *Drainage Plan*: A schematic of the proposed area and how it connects to either the city's storm sewer system or discharges to the waters of the state. The plan will include proposed location, grade, direction of flow, elevations, drainage structures and drainage areas.

Those plans must present sufficient information to confirm that the proposed wastewater and drainage system updates meet the allowable eligibility under the CWSRF.

The NDEE will enter into a contract with the State Fair Foundation to provide the authorized grant assistance in the amount of \$20,000,000 in State Fiscal Year 2022-23 authorized in Section 53 of LB1014e. The contract will contain provisions to ensure use of the funds meets the requirements of ARPA noted in the U.S. Department of Treasury State and Local Fiscal Recovery Funds Final Rule ([SLFRF-Final-Rule.pdf \(treasury.gov\)](#)), notably the Compliance and Reporting guidance ([SLFRF Compliance and Reporting Guidance \(treasury.gov\)](#)). Additional information may be found at [SLFRF-Final-Rule-FAQ.pdf \(treasury.gov\)](#).

The project must be completed with approved site and drainage plans, to ensure all state and local laws will be met. Most notably that of the Stormwater Management Plan for Grand Island, NE, required as a designated Municipal Separate Storm Sewer System to prevent harmful pollutants from being discharged into local water bodies from stormwater runoff. Since the project will exceed \$10 million in capital expenditures, written justification shall be made to the U.S. Department of Treasury in accordance with the State and Local Fiscal Recovery Funds Final Rule. As required by ARPA, all work must be under contract for construction by December 31, 2024 and construction completed by December 31, 2026.