

**Water Pollution Control Loan Program (WPCLP)  
Financial Information Checklist and  
Project Financial Requirements**

Loan Applicant: \_\_\_\_\_  
Loan Number: \_\_\_\_\_

Please answer or submit information indicated, as appropriate.

A. Dedicated Source of Revenue

1.  Home Rule       Non-Home Rule
2. Type of loan instrument
  - a.  General Obligation Debt
  - b.  Alternate (double barreled) bonds with property tax levy that pledges an alternate revenue source of \_\_\_\_\_
  - c.  Water     Sewer     Combined System Revenues – Senior Lien
  - d.  Water     Sewer     Combined System Revenues – Subordinate Lien
3. Authority of applicant to issue debt
  - a.  Home rule powers
  - b.  Specific authorizing statute: \_\_\_\_\_ ILCS \_\_\_\_\_
  - c.  Other (specify)
4. Please submit a copy of the certified ordinance authorizing the debt to be incurred, along with existing ordinances if a subordinate lien is proposed. If this is a subordinate lien, the certified ordinance authorizing debt must have provisions for equivalent accounts and coverage.
5. Please submit a signed legal opinion with respect to the validity and enforceability of the applicant's obligations (the bond ordinance) and the absence of conflicts with other agreements, bonds or ordinances.
6. Please submit a detailed demonstration that the dedicated source of revenue will provide adequate revenues to repay the loan in accordance with the terms of the loan agreement, including meeting any covenants and requirements in the loan agreement.

Please complete EITHER Section B. or Section C. below, as appropriate.

B. User Charge System (complete tasks if an Agency approved user charge system IS NOT in place)

1. Please submit a detailed Operation, Maintenance and Replacement (OM&R) budget.
2. Please provide calculations to demonstrate how the rates and surcharges are calculated. The rates should be expressed in cost per unit of usage i.e., per 1,000 gallons, per 100 cubic feet, where appropriate.
3. Please submit copies of certified sewer use and sewer rate ordinances.

C. Supplemental Review (complete tasks if an Agency approved user charge system IS in place)

1. Please provide a statement certifying that the sewer use and sewer rate ordinances originally approved are in place and being enforced. The certification should also address the following questions:
  - a. Is an annual review of the User Charge System and wastewater/other service charges being performed?
  - b. Is the User Charge System generating sufficient revenue to recover the Operation, Maintenance and Replacement (OM&R) Costs?
  - c. Will this project result in substantial changes to the costs for Operation, Maintenance and Replacement?

Include ordinance numbers and effective dates, and please reference any amendments made to the ordinances since their approval.

2. If the project will result in substantial changes in costs for Operation, Maintenance and Replacement, please submit a proposed budget for the first year OM&R costs and a review of wastewater/other service charges, along with necessary revisions to the rate ordinance where appropriate.

D. Tax Exemption Certificate and Agreement

1. Please provide a signed copy of the Tax Exemption Certificate and Agreement. This document can be accessed on the Agency's website at: <http://www.epa.state.il.us/water/forms.html#financial-assistance> or by calling 217/782-2027.

2. Are other entities substantially benefiting (greater than 5%) from the project?

Yes       No

Please submit copies of any applicable service agreement(s) with substantial beneficiaries.

I hereby certify that the above information is, to the best of my knowledge, true and accurate.

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(Authorized Representative)

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(Date)

### **Financial Information Requirements**

Prior to the issuance of a loan agreement, the loan applicant must provide detailed and sufficient information to allow the Agency to determine that, 1) the applicant is financially capable, 2) has pledged a Dedicated Source of Revenue that is adequate to retire the debt and meet any covenants and requirements in the loan agreement, and 3) has established a Sewer Use and User Charge System, where applicable, that will generate adequate revenues to repay the loan and accommodate costs for operation, maintenance and replacement of the facilities to be constructed.

These financial information requirements can generally be accomplished by completing the Financial Information Checklist above, which will necessarily involve the enactment of an ordinance or other legal instrument authorizing the debt to be incurred, and the development and enactment of an ordinance or other legal instrument establishing a User Charge System and Sewer Use System, where applicable. If a User Charge System has been previously approved by the Agency, evidence will be required to assure that the system has been adequately maintained, is being enforced and will continue to produce adequate revenues.

This brief summary of WPCLP loan rules, Agency review procedures, and information that must be submitted for the Agency's review is being provided along with the Financial Information Checklist above to provide guidance for potential loan recipients.

## **Financial Capability**

The Agency will require the loan applicant to demonstrate that it has the legal, financial, managerial and institutional capability to retire the loan and to construct, operate and maintain the project for the life of the facilities to be constructed. The applicant must also demonstrate the ability to meet any covenants contained in the loan agreement.

The Agency's Financial Capability review will be conducted using items submitted as part of the loan application, including our review of the Dedicated Source of Revenue and the User Charge System as detailed below. If the Agency is unable to make a Financial Capability determination based on the loan application, the submission of additional financial data, including audited financial statements, may be required.

## **Dedicated Source of Revenue**

The Agency will require that a specific source(s) of revenue be dedicated and pledged to make the loan repayments. Prior to the Agency's approval of the dedicated source(s) of revenue, the applicant must demonstrate that the pledged revenue source(s) will generate adequate revenues to make loan repayments for the term of the loan. The term of the loan will be specified in the loan agreement, but shall not exceed 20 years from the initiation of operation date contained in the loan agreement. Additional points that must be considered during the development of the dedicated source of revenue are:

- The dedicated source of revenue is usually pledged by the loan applicant in the form of an adopted ordinance that pledges a specific and dedicated source of revenue for repayment of the loan. The adopted ordinance will in most cases pledge a very stable source of revenue, such as revenues of the system, in the form of a revenue bond. General obligation and alternate bond ordinances are also acceptable. The loan applicant will be responsible for meeting all publication requirements, including publication of the Notice of Intent to Borrow Funds and Right to File a Petition, where applicable.
- In the case of revenue bonds, the Agency will require that debt service coverage requirements for the IEPA loan be equal to any outstanding senior debt that is payable from revenues of the system, or from other revenues that are pledged for repayment of the loan. If a sewer service charge is used, the rate ordinance and sewer rate must be adopted prior to first disbursement on the loan. State law requires a 1.25 x coverage test for alternate bonds, and parity revenue bonds must also meet the covenants made to outstanding investors.
- The Agency will require the loan applicant to furnish a legal opinion verifying the legality and acceptability of the ordinance and other elements of the debt instrument selected for repayment of the loan. This opinion will necessarily address the validity and enforceability

of the loan recipient's obligations and the absence of conflicts with other agreements, bonds or ordinances. Retention of bond counsel is optional.

### **User Charge System**

The Agency will require the loan applicant to establish a User Charge System, or alternative revenue collection system that will generate adequate revenues to make loan repayments for the term of the loan and to accommodate costs for operation, maintenance and replacement of the facilities to be constructed. The establishment of a User Charge System is generally accomplished by the development and enactment of an ordinance establishing a Sewer Use and User Charge (Sewer Rate) System to govern terms and charges for use of the system. If alternative revenue sources (not system revenues) will be dedicated to the project, other appropriate legal instruments will be required to secure a revenue stream and ensure debt service on the loan.

If the applicant has a previously approved User Charge System, the Agency will review the system to ascertain that the system was enacted and has been maintained in accordance with the previous approval and that it will continue to produce adequate revenues for the proposed project.