



State of Oregon Department of Environmental Quality

Proposed Rule Changes: Affordability Criteria

Clean Water State Revolving Fund 2022 Rulemaking Advisory Committee Meeting 2

August 2022

Affordability Criteria: OAR 340-054-0065 Clean Water State Revolving Fund Loans to Public Agency Borrowers: Loan Types, Terms and Interest Rates		
Program Priority Area: Existing Rule Language	Proposed Change	Reason/Basis for Change (Benefit)
12 (c) Affordability Criteria. DEQ will use the following criteria to determine affordability, with the most weight added to paragraph (c)(A) of this section of the rule: (A) Distressed as calculated by the Oregon Business Development Department's Oregon Distressed Index using the methodology described in OAR 123-024-0031; and (B) Negative population trends as calculated by the annual United States' Census Bureau's American Community Survey.	Replace language with: "Affordability Criteria. Affordability criteria shall be based on income and unemployment data, population trends, and other data determined relevant by the State, including whether the project or activity is to be carried out in an economically distressed area." Affordability criteria metrics for Oregon CWSRF will be published in the Intended Use Plan.	This mirrors language from the Clean Water Act Section 603(i) regarding contents required for affordability criteria. The EPA BIL implementation guidance memo states: "States must include the disadvantaged community definition and the state affordability criteria in the IUP, which provides an opportunity for meaningful public review and comment" (EPA BIL implementation memo, page 26). All state SRF programs in region 10 publish affordability criteria metrics in Intended Use Plan and not in rule EPA supports including affordability criteria in Intended Use Plan, which meets requirements. DEQ leadership supports removing detail from rule and including in IUP as required.