



# Arkansas Natural Resources Commission



Bruce Holland  
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Asa Hutchinson  
Governor

## MEMORANDUM

TO: Senator Bill Sample, Co Chairman  
Representative David L. Branscum, Co Chairman  
Legislative Council

FROM: J. Ryan Benefield *JB*  
Deputy Director  
Arkansas Natural Resources Commission

SUBJECT: 2018-2019 Biennium Plan of Work for the Arkansas Water, Waste Disposal and  
Pollution Abatement Facilities General Obligation Bond Program of Act 631 of  
2007.

DATE: September 25, 2017

As requested by the Governor's office, I am providing copies of a 2018-2019 Biennium Plan of Work for the State of Arkansas Water, Waste Disposal and Pollution Abatement Facilities General Obligation Bond Program. The Commission plans to issue a maximum aggregate principal amount of \$50 million in bonds in multiple series of issues. Of that \$50 million, a maximum of \$20 million will be used to provide grants or deferred loans. In addition, a summary of the general revenue requirements for the expected grants or deferred loans totaling \$20 million in Bonds is enclosed. These general revenues would be part of the \$14.8 million currently allocated to this program annually.

As required by the Arkansas Water, Waste Disposal and Pollution Abatement Facilities Financing Act of 2007, after receiving the 2018-2019 biennium Plan of Work, upon conclusion of such studies, your advice to the Governor is requested prior to the issuance of a proclamation, authoring the Commission to proceed with the issuance of Bonds.

JRB/DF/vw

Enclosures

cc: Courtney Nance, Governor's Staff



STATE OF ARKANSAS  
**Department of Finance  
and Administration**

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October 17, 2017

Mr. Bruce Holland  
Executive Director, ANRC  
101 East Capitol, Suite 350  
Little Rock, AR 72201

RE: Approval of the Plan of Work for the 2018-2019 Biennium, Arkansas Water, Waste Disposal and Pollution Abatement Facilities General Obligation Bond Program


Dear Mr. Holland:

As requested, I have reviewed the Arkansas Natural Resources Commission's Plan of Work for the 2018-2019 Biennium, Arkansas Water, Waste Disposal and Pollution Abatement Facilities General Obligation Bond Program.

I have analyzed the maximum projected annual amount of general revenue funds required to be set aside from the State general revenues, as such term is defined in the Revenue Stabilization Law of Arkansas, for the payment of debt service requirements in connection with the bonds during either year of the fiscal biennium in which the bonds may be issued, as required by the Arkansas Water, Waste Disposal and Pollution Abatement Facilities Funding Act of 2007.

I conclude that this bond issue will not work undue hardship upon any agency of program supported from State general revenues under the provisions of the Revenue Stabilization Law. However, under the current economic conditions and the general revenue projections for fiscal years 2018 and 2019, any additional expansions of these programs beyond those approved by this letter cannot be sustained. I caution you to not commit to any projects beyond those approved by this letter unless you get prior approval from me.

Sincerely,

  
Larry W. Walther  
Director

cc: Robert Moery, Office of the Governor  
Duncan Baird, DFA Office of Budget

**ARKANSAS**  
**Water, Waste Disposal and Pollution Abatement Facilities**  
**General Obligation Bond Program**

**(ACT 631 OF 2007)**



**PLAN OF WORK**

**FISCAL YEARS ENDING**  
**JUNE 30, 2018 AND JUNE 30, 2019**

Adopted: September 20, 2017

ARKANSAS NATURAL RESOURCES COMMISSION

ARKANSAS  
WATER, WASTE DISPOSAL AND POLLUTION ABATEMENT FACILITIES  
GENERAL OBLIGATION BOND PROGRAM  
(ACT 631 OF 2007)

**PLAN OF WORK**

FOR THE FISCAL YEARS ENDING  
JUNE 30, 2018 AND JUNE 30, 2019

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**ARKANSAS NATURAL RESOURCES COMMISSION**

**ARKANSAS  
WATER, WASTE DISPOSAL AND POLLUTION ABATEMENT FACILITIES  
GENERAL OBLIGATION BOND PROGRAM  
(ACT 631 OF 2007)**

**PLAN OF WORK**

**FOR THE FISCAL YEARS ENDING  
JUNE 30, 2018 AND JUNE 30, 2019**

SECTION I – EXECUTIVE SUMMARY

Act 631 of 2007 (The Arkansas Water, Waste Disposal and Pollution Abatement Facilities Financing Act of 2007) (the “Act”) requires a Plan of Work (the “Plan”) be submitted to and approved by the Governor of the State of Arkansas (the “State”) by the Arkansas Natural Resources Commission (the “Commission”) before any bonds can be issued. The Act requires that the Governor receives the advice of the Legislative Council and confers with the Chief Fiscal Officer of the State about the use of General Revenues to repay these bonds. These bonds will also be repaid from repayments received by the Commission from loans made with these bond proceeds.

The Act authorizes a maximum of \$300,000,000 in bonds with a limit of \$60,000,000 in any biennium without prior approval of the legislature for a larger amount. As of June 30, 2017, \$106,500,000 has been issued leaving \$193,500,000 available for future bonds.

The Act limits the amount that can be used to fund irrigation project to \$100,000,000. As of June 30, 2017, \$10,000,000 has been issued leaving \$90,000,000 available for future irrigation projects.

Because these are General Revenue Bonds of the State of Arkansas backed by the full faith and credit of the State, the Commission will not issue any bonds unless it can assure the Governor that the issuance will not cause the current General Revenues allocated to these bonds to be exceeded.

The Commission is asking for authority to issue a maximum of \$50,000,000 during the 2018 – 2019 biennium. The Commission is asking for authority to issue a maximum of \$10,000,000 for irrigation projects.

This Plan shows what might happen during the 2018 – 2019 biennium. It does not indicate that the Commission will issue \$50,000,000 biennium. The Commission will only issue bonds as funds are needed.

SECTION II - INTRODUCTION:

This Plan of Work (the “Plan”) is submitted to the Governor of the State of Arkansas (the “State”) by the Arkansas Natural Resources Commission (the “Commission”) pursuant to the requirements of Act 631 of 2007 (The Arkansas Water, Waste Disposal and Pollution Abatement Facilities Financing Act of 2007) (the “Act”). This Plan sets forth the criteria for selecting the programs and projects, the need for the programs or projects, and the benefits of the projects to

be financed in whole or part under the Arkansas Water, Waste Disposal and Pollution Abatement Facilities General Obligation Bond Program (the "Program") with the proceeds of the proposed sale by the Commission of the State of Arkansas Water, Waste Disposal and Pollution Abatement Facilities General Obligation Bonds (the "Bonds").

In November 2008, the Arkansas voters approved the issuance of the Bonds under the Act. The Act allows the Commission, upon authorization by the Governor, to issue Bonds up to \$300,000,000 in principal amount, of which no more than \$60,000,000 may be issued in any fiscal biennium without approval of the Arkansas General Assembly. There is also a limitation that no more than \$100,000,000 in Bonds will be used to finance irrigation facilities.

Loan projects which the Commission believes will have the greatest likelihood to produce or have revenues sufficient to defray bonded indebtedness will be a priority in the loan selection process. Thus, it is the Commission's belief that after the construction period, the requirement for state general revenues to pay debt service on the portion of the Bonds allocated to loans will be significantly reduced.

Grant and deferred loan projects will be limited to projects the Commission believes will have the greatest likelihood to produce significant water quality or quantity, environmental, economic, health and social benefits to the citizens of Arkansas. Thus, it is the Commission's intent that the requirements for state general revenues to pay debt service on the Bonds allocated to grants and deferred loans will be minimized and grants or deferred loans will be given only when the projects will provide significant benefits to the citizens of Arkansas.

### SECTION III - NEEDS AND BENEFITS:

According to the 2014 Arkansas Water Plan Update, Arkansas water providers will need to spend \$5.74 billion and wastewater providers will need to spend \$3.76 billion to build, maintain, and replace required infrastructure through 2024.

In addition to the traditional water and wastewater projects funded through the Program, there is a growing need to protect our groundwater resources. In particular, the Sparta aquifer which is designated as a critical groundwater aquifer is threatened. The Commission has a history of supporting projects that convert users from groundwater to surface water. The Commission is currently working with two local irrigation districts to provide match funds needed to obtain federal funding of their irrigation projects. Both projects will provide surface water for agricultural purposes and reduce the use of the alluvial and Sparta aquifers.

One of the projects is the Grand Prairie Area Demonstration Project sponsored locally by the White River Regional Irrigation Distribution District. The Grand Prairie Area Demonstration Project is designed to use water from the White River for irrigation of crops. This project has a \$380 million estimated remaining cost.

The second project is the Bayou Meto Irrigation Project sponsored locally by the Bayou Meto Irrigation District. The Bayou Meto Irrigation Project is designed to use water from the Arkansas River for irrigation of crops. This project has a \$590 million estimated remaining cost.

Historically, the majority of financing for Arkansas' water, waste disposal and pollution abatement facilities has come from the federal government. The Environmental Protection Agency (the "EPA"), United States Department of Agriculture - Rural Development (the "RD"), formerly Farmers Home Administration, the Economic Development Administration (the "EDA") and the Department of Housing and Urban Development (the "HUD") are important sources of funds for water and wastewater infrastructure construction and rehabilitation. In

recent years, we have seen an increase in funding of these programs as the federal government tried to stimulate the economy through public works projects. More recently, we have seen a desire that the federal deficit be reduced and funding water and wastewater is projected to be significantly reduced.

The combined federal assistance for Arkansas' water, waste disposal and pollution abatement facilities projects from EPA, RD, EDA and HUD in the fiscal years ending June 30, 2018 and June 30, 2019 is projected to be about \$45 million in loans and grants. The limitation on these federal funds is that each federal agency has special requirements placed upon its programs. These conditions include: EPA – funds can only be used to obtain or maintain compliance with federal environmental laws or eliminate a public health threat, RD - communities must have populations under 10,000 and preferably under 5,000, EDA - funds must directly relate to creation or preservation of jobs; and HUD - funds must be directed to low to moderate income families. Although these programs fill real and pressing needs, many essential projects do not meet their requirements.

Even with all the federal assistance and the availability of funds from the commercial bond market, there are several essential water, waste disposal, pollution abatement, drainage and flood control, irrigation and wetlands preservation facilities projects that will not/could not be completed without the availability of the Program funds. Proceeds from the Bonds will provide an opportunity for entities to borrow much needed capital funds with reduced finance costs. The State, through the Commission, can obtain funds at interest rates lower than many of the entities could obtain on their own. The entities save a significant amount in interest costs over the life of their loan.

**SECTION IV - AUTHORITY TO ISSUE:**

Pursuant to the Act, the Commission is authorized to issue the Bonds. The Act allows the Commission, upon authorization by the Governor, to issue Bonds up to \$60,000,000 in any fiscal biennium.

1.	Total Bonds authorized by the Act:	\$ 300,000,000
2.	Bonds previously issued under the Act: *	
	Series 2010A issued on February 9, 2010	\$ 23,000,000
	Series 2010C issued on June 24, 2010	9,500,000
	Series 2012B issued on August 1, 2012	44,000,000
	Series 2014A issued on August 6, 2014	10,000,000
	Series 2017A issued on June 8, 2017	<u>20,000,000</u>
		\$ 106,500,000

\* Note: Refunding Bonds do not count against the Act's overall authorization.

3.	Remaining Bond authorization under the Act:	\$193,500,000
4.	Requested maximum amount of Bonds to be issued in fiscal years ending June 30, 2018 and June 30, 2019:	\$ 50,000,000
5.	Remaining Authorization at the end of the fiscal year ending June 30, 2019 assuming maximum issuance in the fiscal years ending June 30, 2018 and June 30, 2019:	\$143,500,000

Pursuant to the Act, the Commission is limited to issuing \$100,000,000 in Bonds for the purpose of construction of Irrigation projects.

1.	Total Irrigation Bonds authorization by the Act:	\$100,000,000
2.	Irrigation Bonds previously issued under the Act:	\$ 10,000,000
3.	Remaining Irrigation Bonds authorization under the Act:	\$ 90,000,000
4.	Requested maximum amount of Irrigation Bonds To be issued in fiscal years ending June 30, 2018 and June 30, 2019:	\$ 10,000,000
5.	Remaining Authorization for Irrigation Bonds at the end of the fiscal year ending June 30, 2019 assuming maximum issuance in the fiscal years ending June 30, 2018 and June 30, 2019:	\$ 80,000,000

#### SECTION V - PLAN OF ACTION:

It is the intent of the Commission, subject to receiving the approval of the Governor and advice of the Legislative Council, to proceed under this Plan to issue one or more series of Bonds with a total aggregate principal amount not to exceed \$50 million in the fiscal years ending June 30, 2018 and June 30, 2019. The Commission pledges to not issue any bonds if the issuance will cause our use of General Revenues to exceed the amount already approved for use in this program.

The Commission will give primary emphasis in selection of final project applicants to objective selection criteria based on the factors described below. For a variety of reasons, including those mentioned below, one or more of the preliminary projects under consideration might not be selected as a final project for financing with Bond proceeds. The Commission will endeavor to work closely with all applicants in order that as many applicants as possible may qualify.

It is our plan to:

1. Make financial assistance available for one or more of the following types of projects, in accordance with the Act: water; waste disposal; pollution abatement; drainage and flood control; irrigation; wetlands preservation and other environmental projects. Bond proceeds will also be applied to pay those costs and expenses allowed by the Act, including without limitation, project administration costs of the Program and issuance costs of the Bonds. The type of project financial assistance may vary from grants or loans, taxable or tax exempt, fixed or variable rates, interim or permanent loans in accordance with the Act;
2. Apply a portion of the Bond proceeds to meet the required state match for federal grant programs or other state approved programs that benefit the public in accordance with the Act;
3. Fund the administrative costs of the Program. The Commission will provide the resources needed to:
  - a. Assess the funding needs of each project;
  - b. Provide rate and financial capability analysis to determine financial capability of each applicant and the type of assistance to be provided;
  - c. Provide financial, technical and managerial assistance to each applicant;



- d. Determine if the project will be financed in whole or part;
- e. Monitor the project's compliance with all applicable federal and state laws, Commission regulations and transactional documents; and
- f. Monitor the Program's portfolio to ensure timely debt service payments.

#### SECTION VI - PRELIMINARY PROJECT EVALUATION AND SELECTION CRITERIA:

Bonds issued and projects funded will conform to the requirements of the Act. To this end, the following threshold selection criteria will be used in evaluation and selection of projects:

1. **KNOWN HEALTH NEED** - Reflects presence of documented health hazards, water source inadequacy, potability problems, treatment or disposal inadequacy, system failures, etc.
2. **SPECIAL PRIORITY** - Special consideration may be given based upon the urgency of need for the project and the presence or absence of other alternatives.
3. **FINANCIAL LEVERAGING** - This item will reward applicants with other sources of funds (i.e., local, federal, private, etc.).
4. **COST PER CUSTOMER** - Lower cost per customer would improve project standing.
5. **DISADVANTAGED AREA** - Areas with high incidence of low income, unemployment, or elderly persons would receive special consideration.
6. **ABILITY TO PROCEED** - The project's ability to meet program requirements and immediately proceed into the construction phase.
7. **RESOURCE USE** - Priority will be given to projects that result in an improvement of identified water quality problems, aid in use attainment, minimize impacts on or protect extraordinary water resources, protect or create wetlands, change to a less stressed resource (i.e. changing from ground water to surface supply), protect life and property from flooding or drainage problems, provide water for beneficial agricultural uses, or provide a more efficient use of resources (i.e., supplying water on a regional basis)
8. **TYPE OF PROJECT** - Specific types of projects would determine the ranking on this item (i.e., new users might rank higher than fire protection or treatment capacity for future growth).
9. **ECONOMIC DEVELOPMENT** - Projects that meet the goals of the State or local Economic Development plans.

#### **Procedure for Selection of Projects:**

The Commission must receive an application to consider a project for funding from the Program. The application will provide the information needed to determine the type and amount of funding offered from the Program. Information to be contained in all applications will include: detailed descriptions of service areas, work to be performed, construction cost estimates, estimates of operation and maintenance expenses, project revenues or other sources of repayments and estimated benefits to accrue from the projects. This will allow any loan provided to be closed and repayment to begin and reduce the draw on State general revenues.

The Commission believes it is desirable to evaluate the various projects in an objective method using common standards to consider a multitude of different types of projects in communities of widely varying sizes, economic and environmental circumstances. It is the Commission's intent

to consider each project individually and to make final selections based upon the applicant's needs and ability to repay the assistance provided.

The Commission intends to achieve a broad distribution of the available Bond proceeds throughout the State, not only to reduce the risk of local economic problems, but also to attain an equitable distribution of funds.

#### SECTION VII - PRELIMINARY LIST OF PROJECTS UNDER CONSIDERATION:

Included in Exhibit A are potential projects that have shown an interest in obtaining financing under the Program. It is not mandatory that a project listed in Exhibit A be funded, since the Commission is aware that other well qualified and deserving water, waste disposal, pollution abatement, drainage and flood control, irrigation, wetlands preservation and other environmental projects meeting the Commission's standards may be presented to the Commission at a later date.

The following grant or deferred loan projects have been identified by the Commission staff for possible funding during the fiscal years ending June 30, 2018 and June 30, 2019:

1. The Clean Water Revolving Loan Fund (Match):

The Clean Water Revolving Loan Fund expects to receive a total of \$20 million from the federal government during the biennium. The State is required to provide \$4 million in State funds. These funds would be raised by selling tax-exempt bonds with a ten-year repayment schedule. The expected interest rate is 2%. The General Revenues needed each year are expected to be \$450,000.

2. The Drinking Water State Revolving Fund (Match):

The Drinking Water State Revolving Fund expects to receive a total of \$28 million from the federal government during the biennium. The State is required to provide \$6 million in State funds. These funds would be raised by selling tax-exempt bonds with a ten-year repayment schedule. The expected interest rate is 2%. The General Revenues needed each year are expected to be \$700,000.

3. Bayou Meto Irrigation District and White River Regional Irrigation Distribution District

At this time, the amount needed by either or both of these irrigation projects is unknown. The total aggregate principal amount will not exceed \$10 million requested for irrigation projects under the Act in the fiscal years ending June 30, 2018 and June 30, 2019. These funds for the irrigation projects would be raised by selling taxable bonds with a 10-year repayment schedule. The expected interest rate is 3%. The maximum annual General Revenue needs would be \$1.67 million.

The following loan project has been identified by the Commission staff for possible funding during the fiscal years ending June 30, 2018 and June 30, 2019:

Arkadelphia (Shandong Sun Paper Industry Plant):

Arkadelphia has inquired about the use of the Program to fund the process water plant that would be owned by Arkadelphia or similar public entity and used to provide process water to the Shandong Sun Paper Industry plant. This will be a loan and loan repayments will be used to make the bond payments.

SECTION VIII - PROCEDURES FOR TIMING AND SIZING THE BOND ISSUES:

When issuing each series of Bonds, the Commission will consult with its staff, financial advisor and bond counsel in evaluating when, what type, and size of issue. The evaluation will include, but not be limited to, the following items:

1. SUFFICIENT BOND AUTHORIZATION REMAINING UNDER THE ACT:  
The total principal amount of Bonds to be issued during the fiscal years ending June 30, 2018 and June 30, 2019 will not exceed \$50,000,000. Any funds made available to Irrigation projects will be included in this amount.
2. SUFFICIENT ISSUE SIZE, TIMING AND TYPE OF ISSUE, AND LOAN DEMAND:  
Evaluate the issuance cost effectiveness, interest rate trends, and urgency of project need for health and other reasons, and availability of other acceptable projects.
3. PROJECTED STATE GENERAL REVENUE IMPACT:
  - a. The Commission will attempt to set origination points and/or the borrowers' interest rates at a level where the projected total loan repayments equal or exceed the total debt service on the Bonds allocated to loans.
  - b. At least once a year, notify the Chief Fiscal Officer of the State for compliance with Revenue Stabilization Law of Arkansas.
  - c. Annually notify the Chief Fiscal Officer of the State of the annual amount of general revenue funds required to be set aside from the State general revenues.

SECTION IX - RECOMMENDATION:

Because of the demonstrated need for further development of water, waste disposal and pollution abatement facilities, and other environmental projects statewide, and the benefits to accrue from the availability of funding through the Program described herein, the Commission hereby requests the Governor approve this Plan, and as soon as practicable after receiving the advice of the Legislative Council and conferring with the Chief Fiscal Officer of the State in the matter, issue a Proclamation authorizing the issuance by the Commission during the fiscal years ending June 30, 2018 and June 30, 2019 of one or more series of State of Arkansas Water, Waste Disposal and Pollution Abatement Facilities General Obligation Bonds in the maximum aggregate principal amount of \$50,000,000. The Plan has been executed by the Chairman on behalf of the Commission and attested by its Executive Director and Secretary, duly authorized thereunto by resolution of the Commission approving the Plan of Work and authorizing its execution, duly adopted the 20th day of September, 2017.

ARKANSAS NATURAL  
RESOURCES COMMISSION

By: \_\_\_\_\_

Don Richardson  
Chairman

ATTEST: \_\_\_\_\_

Bruce Holland  
Secretary-Executive Director

**EXHIBIT A**

**ARKANSAS WATER, WASTE DISPOSAL AND POLLUTION ABATEMENT  
FACILITIES GENERAL OBLIGATION BOND PROGRAM**

**POTENTIAL PROJECTS FOR THE FISCAL YEARS ENDING  
JUNE 30, 2018 AND JUNE 30, 2019**

*As of 9/20/2017*

<b>APPLICANT</b>	<b>TOTAL PRINCIPAL</b>
<b>Projects with ANRC Funding Commitments:</b>	
Bayou Meto Irrigation District	\$ 25,000,000
White River Irrigation District	<u>17,969,064</u>
<b>SUBTOTAL</b>	<b>\$42,969,064</b>
<b>Projects without ANRC Funding Commitments:</b>	
CWRLF & DWSRF State Match	\$10,000,000
Arkadelphia (Shandong Sun Paper Industry Plant)	<u>30,000,000</u>
<b>SUBTOTAL</b>	<b>\$40,000,000</b>
<b>TOTAL</b>	<b><u><u>\$82,969,064</u></u></b>