



Sarah Huckabee Sanders  
Governor

# ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205  
agriculture.arkansas.gov  
(501) 225-1598



Wes Ward  
Secretary of Agriculture

I.04

November 14, 2023

Senator Terry Rice, Co-Chair  
Representative Jeff Wardlaw, Co-Chair  
Arkansas Legislative Council

RE: 2024-2025 Biennium Plan of Work for the Arkansas Water, Waste Disposal and Pollution Abatement Facilities General Obligation Bond Program of Act 631 of 2007.

Dear Senator Rice and Representative Wardlaw:

I am providing the 2024-2025 Biennium Plan of Work for the State of Arkansas Water, Waste Disposal and Pollution Abatement Facilities General Obligation Bond Program under Act 631 of 2007.

The Arkansas Natural Resources Commission (Commission) plans to issue a maximum aggregate principal amount of \$60 million in bonds in multiple series of issues under Act 631 of 2007 during the biennium. Through a review of existing bonds, we have concluded that we can issue, if needed, \$60 million in bonds and remain within the current amount of general revenue of \$14.8 million allocated to this program annually.

The 2024-2025 Biennium Plan of Work for the Arkansas Water, Waste Disposal and Pollution Abatement Facilities General Obligation Bond Program under Act 631 of 2007 has been reviewed by the Arkansas Department of Finance and Administration and they have concluded that the proposed bond issue will not work undue hardship upon any agency or program supported from State general revenue under the provisions of the Revenue Stabilization Law. A copy of the letter from Secretary Jim Hudson is included in the attachment.

Ark. Code Ann. § 15-20-1303 requires review by the Joint Budget Committee if the General Assembly is in session, and review by the Legislative Council if the General Assembly is not in session. Upon conclusion of the review by the appropriate committee of the submitted 2024-2025 Biennium Plan of Work, the Legislature's advice to the Governor is requested prior to the issuance of a proclamation authorizing the Commission to proceed with the issuance of bonds.

Respectfully,

Wesley W. Ward  
Secretary of Agriculture  
State of Arkansas



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

**OFFICE OF THE SECRETARY**  
1509 West Seventh Street, Suite 401  
Post Office Box 3278  
Little Rock, Arkansas 72203-3278  
Phone: (501) 682-2242  
Fax: (501) 682-1029  
[www.arkansas.gov/dfa](http://www.arkansas.gov/dfa)

October 9, 2023

Wes Ward, Secretary  
Department of Agriculture  
1 Natural Resources Drive  
Little Rock, AR 72205

Dear Secretary Ward:

As requested, I have reviewed the Arkansas Natural Resources Commission's Plan of Work for the 2024-2025 Biennium, Arkansas Water Waste Disposal and Pollution Abatement Facilities General Obligation Bond Program.

You state in your letter that the Commission plans on issuing a maximum aggregate principal amount of \$60 million in bonds in multiple series over the biennium. The current general revenue allocation per year of \$14.8 million will be sufficient to fund these programs.

I conclude that this bond issue will not work undue hardship upon any agency or program supported from State general revenue under the provisions of the Revenue Stabilization Law. However, under the current economic conditions and general revenue projections for fiscal years 2024 and 2025, any additional expansion 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,

A handwritten signature in blue ink, appearing to be 'J. Hudson', is written over a horizontal line.

Jim Hudson  
Secretary





**NATURAL RESOURCES  
DIVISION**

# Plan of Work – Fiscal Years 2024 and 2025

**Arkansas Water, Waste Disposal and Pollution Abatement Facilities  
General Obligation Bond Program(Act 631 of 2007)**

Adopted: September 20, 2023



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## 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, 2024 and June 30, 2025 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 \$60,000,000.

The Plan has been executed by the Chairman on behalf of the Commission and attested by the Director of the Natural Resources Division, duly authorized thereunto by resolution of the Commission approving the Plan of Work and authorizing its execution, duly adopted the 20th day of September 2023.

ARKANSAS NATURAL RESOURCES COMMISSION

By: Will Brewer

Will Brewer  
Chairman

ATTEST:

Chris Colclasure

Chris Colclasure  
Director

## **SECTION I – INTRODUCTION**

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, 2023, \$196,500,000 has been issued leaving \$103,500,000 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, 2023, \$50,000,000 has been issued leaving \$50,000,000 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 \$60,000,000 during the 2024 – 2025 biennium. The Commission is requesting authority to issue up to \$35,000,000 for irrigation projects, if needed. This Plan shows what may happen during the 2024 – 2025 biennium. It does not indicate that the Commission will issue \$60,000,000 during the biennium. The Commission will only issue bonds as funds are needed.

## **SECTION II - 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.

The 2015 Drinking Water Infrastructure Needs Survey (6th Report to Congress) of Arkansas’ public water systems was conducted jointly by the Environmental Protection Agency and the Arkansas Department of Health. It projected Arkansas’ current water needs to be over \$7.3 billion. Adequate supplies of pure potable water are essential for health, quality of life and economic development.

The 2012 Environmental Protection Agency’s Clean Watershed Needs Survey (Report to Congress, Jan 2016) shows that Arkansas has a total of \$715 million in water quality improvement needs. Adequate



waste disposal and pollution abatement facilities and programs are essential for health, quality of life and economic development.

The 2021 Arkansas American Rescue Plan Act of 2021 needs survey demonstrated a need more than \$5.3 billion for water, wastewater, stormwater, irrigation, floodplain management, dam/levee, and non-point source pollution reduction projects.

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: the Grand Prairie Area Demonstration Project and the Bayou Meto Irrigation Project. Both projects will provide surface water for agricultural purposes and reduce the use of the alluvial and Sparta aquifers.

The Grand Prairie Area Demonstration Project sponsored locally by the White River Regional Irrigation Distribution District is one of two large irrigation projects under construction. The Grand Prairie Area Demonstration Project is designed to use water from the White River for crop irrigation. When fully constructed, the project will provide an estimated 247,000 acres with irrigation water. This project has a total cost of approximately \$550 million and is being constructed in partnership with the Arkansas Natural Resources Commission, Arkansas Department of Agriculture-Natural Resources Division, U.S. Army Corps of Engineers, and U.S. Department of Agriculture – Natural Resources Conservation Service.

The second project is the Bayou Meto Irrigation Project sponsored locally by the Bayou Meto Water Management District. The Bayou Meto Irrigation Project is designed to use water from the Arkansas River for crop irrigation. When fully constructed, the project has the potential to irrigate 265,000 acres. Total cost of construction is estimated at \$762 million. Partners include the Arkansas Natural Resources Commission, Arkansas Department of Agriculture-Natural Resources Division, U.S. Army Corps of Engineers, and U.S. Department of Agriculture – Natural Resources Conservation Service and the Arkansas Game and Fish Commission.

Historically, most 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"). These are all 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 has worked to stimulate the economy and improve infrastructure throughout the country through public works projects.

The combined federal assistance for Arkansas's water, waste disposal and pollution abatement facilities projects from EPA, RD, EDA and HUD in the fiscal years ending June 30, 2024 and June 30, 2025 is projected to be over \$100 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: 1) EPA funds can only be used to obtain or maintain compliance with federal environmental laws or eliminate a public health threat; 2) RD communities must have populations under 10,000 and preferably under 5,000; 3) EDA funds must directly relate to creation or preservation of jobs; and 4) 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 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 III - 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: *	
a. Series 2010A issued on February 9, 2010	\$ 23,000,000
b. Series 2010C issued on June 24, 2010	\$ 9,500,000
c. Series 2012B issued on August 1, 2012	\$ 44,000,000
d. Series 2014A issued on August 6, 2014	\$ 10,000,000
e. Series 2017A issued on June 8, 2017	\$ 20,000,000
f. Series 2019 issued on June 19, 2019	\$ 30,000,000
g. Series 2022B issued on April 14, 2022	\$ 17,000,000
h. Series 2023 issued on June 28, 2023	<u>\$ 43,000,000</u>
	\$196,500,000
3. Remaining Bond authorization under the Act:	\$103,500,000
4. Requested maximum amount of Bonds to be issued in fiscal years ending June 30, 2024	



and June 30, 2025:	\$ 60,000,000
5. Remaining Authorization at the end of the fiscal year ending June 30, 2025 assuming maximum issuance in the fiscal years ending June 30, 2024 and June 30, 2025:	\$ 43,500,000

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

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:	
a. Series 2017A issued on June 8, 2017	\$ 10,000,000
b. Series 2019 issued on June 19, 2019	\$ 10,000,000
c. Series 2023 issued on June 28, 2023	<u>\$ 30,000,000</u>
	\$ 50,000,000
3. Remaining Irrigation Bonds authorization under the Act:	\$ 50,000,000
4. Requested maximum amount of Irrigation Bonds To be issued in fiscal years ending June 30, 2024 and June 30, 2025:	\$ 35,000,000
5. Remaining Authorization for Irrigation Bonds at the end of the fiscal year ending June 30, 2025 assuming maximum issuance in the fiscal years ending June 30, 2024 and June 30, 2025:	\$ 15,000,000

\*\*Total of Bonds issued will not exceed \$60,000,000 combined.

## SECTION IV - 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 \$60 million in the fiscal years ending June 30, 2024 and June 30, 2025. 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 may 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 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. A portion of the Bond proceeds will be applied to meet the required state match for federal grant programs or other state approved programs that benefit the public in accordance with the Act and to fund the administrative costs of the program. The Natural Resources Division 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 V - 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:

- **KNOWN HEALTH NEED** Reflects presence of documented health hazards, water source inadequacy, potability problems, treatment or disposal inadequacy, system failures, etc.
- **SPECIAL PRIORITY** Special consideration may be given based upon the urgency of need for the project and the presence or absence of other alternatives.
- **FINANCIAL LEVERAGING** This item will reward applicants with other sources of funds (i.e., local, federal, private, etc.).
- **COST PER CUSTOMER** Lower cost per customer would improve project standing.



- **DISADVANTAGED AREA** Areas with high incidence of low income, unemployment, or elderly persons would receive special consideration.
- **ABILITY TO PROCEED** The project's ability to meet program requirements and immediately proceed into the construction phase.
- **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).
- **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).
- **ECONOMIC DEVELOPMENT** – Projects that meet the goals of the State or local Economic Development plans.

## **SECTION VI - 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:**

The following potential projects have shown an interest in obtaining financing under the Program. It is not mandatory that a project listed below to 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, 2024 and June 30, 2025:

1.     The Clean Water Revolving Loan Fund (Match):  
The Clean Water Revolving Loan Fund estimates receiving a total of \$46 million from the United States Environmental Protection Agency during the biennium. The State is required to provide an estimated \$9.2 million in State funds.
2.     The Drinking Water State Revolving Fund (Match):  
The Drinking Water State Revolving Fund estimates receiving a total of \$206 million from the United States Environmental Protection Agency during the biennium. The State is required to provide an estimated \$18.4 million in State funds.
3.     Bayou Meto Water Management District  
At this time, the amount needed is unknown. The total aggregate principal amount will not exceed \$35 million requested for irrigation projects under the Act in the fiscal years ending June 30, 2024 and June 30, 2025.
4.     White River Regional Irrigation Distribution District  
At this time, the amount needed is unknown. The total aggregate principal amount will not exceed \$35 million requested for irrigation projects under the Act in the fiscal years ending June 30, 2024 and June 30, 2025.
5.     Mountain Home  
The City of Mountain Home needs up to \$8 Million to replace and upgrade existing equipment at their wastewater treatment plant.

The annual General Revenue needs are estimated between \$4.12 and \$8.6 million assuming the sale of \$60,000,000 of taxable bonds with a repayment schedule of not less than 10 years and not more than 30 years with rates estimated between 5% and 7%. As older bonds are paid off, the additional bonds can be paid and not exceed the General Revenue allocated to the program.

## **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, 2024 and June 30, 2025 will not exceed \$60,000,000. 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:**  
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. At least once a year, notify the Chief Fiscal Officer of the State for compliance with Revenue Stabilization Law of Arkansas. 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.