

***** This Entity Eligibility Certification Form MUST be included in the Application Package for Stormwater Funding from LASII *****

**Local Assistance for Stormwater Infrastructure Investments (LASII) Fund
Entity Eligibility Certification Form (Stormwater Eligibility Form)**

North Carolina General Assembly Session Law 2021-180 Section 12.14 established the Local Assistance for Stormwater Infrastructure Investments (LASII) fund to provide grants to eligible entities for projects that will improve or create infrastructure for controlling stormwater quantity and quality. Section 12.14.(d) defines an eligible entity as: “a city¹ or county that (i) documents in a form and manner as the Department may specify a stormwater quality or quantity issue and (ii) demonstrates that it would experience a significant hardship raising the revenue necessary to finance stormwater management activities within its jurisdiction based on income and unemployment data, population trends, and any other data determined relevant by the Department. A regional council of government created pursuant to Part 2 of Article 20 of Chapter 160A of the General Statutes or a nonprofit entity is also an eligible entity under this section if the regional council of government or nonprofit entity partners with a city or county.”

An applicant seeking grant funding from LASII for a stormwater construction project, stormwater planning grant, or to develop and implement a new stormwater utility must document the following items on this LASII Entity Eligibility Certification Form. Failure to adequately document the following items or to certify and include this form in the application package will result in the application being considered ineligible for funding.

1. Document a Stormwater Quality or Stormwater Quantity Issue

(Required by Session Law 2021-180 Section 12.14.(d)(i))

- A. Provide a narrative that describes the stormwater quality issue and/or stormwater quantity issue, based on historic or projected precipitation, and how the proposed project will be used to address the issue.

Stormwater from H. H. Beam Elementary, Lowell Elementary, McAdenville Elementary, and Page Elementary Schools in Gaston County is currently contributing to water quality and water quantity issues beyond school property due to a lack of Stormwater Control Measures. The outfalls discharge runoff from approximately 6.0 acres of impervious area and 4.7 acres of pervious area across the four schools. Erosion gullies and scouring beyond the outfall have occurred at each school. Due to the age of the schools, stormwater control measures were not required when they were constructed. Three of the four schools discharge to waters that are impaired for turbidity. Discharge from Lowell Elementary and McAdenville Elementary flow to the South Fork Catawba River and Page Elementary discharges toward the mainstem of the Catawba River. H. H. Beam is also within a disadvantaged area and stormwater from it is transporting sediment onto an NCDOT road. Four bioretention cells have been proposed at the schools, one bioretention cell at each site.

The bioretention cells would provide nature-based solutions to the stormwater issues at each school. The sandy media and vegetation in these depressions use infiltration, absorption, and plant uptake to peak flows and treat the stormwater as it flows from the property. Gaston County Schools also currently maintains bioretention cells, so they are familiar with the maintenance involved with these stormwater control measures. Additionally, concerns of citizens over the turbidity in the South Fork Catawba River have led to the formation of the South Fork River

¹ “City” means municipality and includes cities, towns, and villages.

Health Committee which is comprised of local municipalities, other non-profits, and for-profit users of the South Fork River. Installing these control measures will benefit not just the schools, but the citizens that live downstream and the ones that utilize the South Fork and mainstem of the Catawba River for recreation.

B. Provide a map and/or narrative that identifies the location of the stormwater quality and/or stormwater quantity issue. The map and/or narrative must show or describe the watershed upstream of the location, and if possible, identify the acreage, percentage of impervious area and land use cover in the watershed upstream of the location. If providing a map, attach the map to this Certification Form.

Maps from Gaston County GIS illustrating the location of the bioretention cells are included.

H. H. Beam Elementary: Bioretention Cell

- Impervious Drainage Area: 1.28 Acres
- Pervious Drainage Area: 0.79 Acres
- Developed (Current) Curve Number: 84 (open space, buildings, and asphalt)
- Predeveloped Curve Number: 58 (meadow)

Lowell Elementary: Bioretention Cell

- Impervious Drainage Area: 1.40 Acres
- Pervious Drainage Area: 1.50 Acres
- Developed (Current) Curve Number: 79 (open space, buildings, and asphalt)
- Predeveloped Curve Number: 55 (woods)

McAdenville Elementary: Bioretention Cell

- Impervious Drainage Area: 1.36 Acres
- Pervious Drainage Area: 4.80 Acres
- Developed (Current) Curve Number: 68 (open space, buildings, asphalt, woods)
- Predeveloped Curve Number: 62 (open space, 1000 sf building)

Page Elementary: Bioretention Cell

- Impervious Drainage Area: 2.38 Acres
- Pervious Drainage Area: 0.40 Acres
- Developed (Current) Curve Number: 93 (open space, buildings, asphalt)
- Predeveloped Curve Number: 55 (woods)

- C. If available, provide photographs of the stormwater quality and/or stormwater quantity issue and identification of the amount of rainfall that caused the issue, based on the nearest reliable rain gauge, news articles about the issue, or other information that clearly demonstrates the issue. Attach this information to this Certification Form, if available.

AND

2. Demonstrate that the Applicant would Experience a Significant Hardship raising the Revenue Necessary to Finance Stormwater Management Activities within its Jurisdiction. (Required by Session Law 2021-180 Section 12.14.(d)(ii))

Select the method to demonstrate significant hardship below:

- ☒ Applicant Will Rely on Item 2.A: LGU Indicators or Benefits to Disadvantaged Areas,

OR

- ☐ Applicant Will Rely on Item 2.B: Develop and Implement a New Stormwater Utility

- **Item 2.A: For applications for Stormwater Construction (LASII) and Stormwater Planning Grants (LASII).** Does not apply to applications to Develop and Implement a New Stormwater Utility.

An applicant must demonstrate eligibility by meeting either of the two criteria below (Criterion 1 or Criterion 2):

Criterion 1: At least one (1) of the five (5) five Local Government Unit (LGU) Indicators for the applicant are worse than the state benchmarks shown in the table below. The values for the LGU Indicators for all municipalities and counties in North Carolina are provided in tables on the [Division application webpage](#).

Local Government Unit Indicator		State Benchmarks for Fall 2022 Applications	Enter Value of Local Government Unit Indicator of Applicant ^{2,3}
1. Population Change	< =	4.5%	4.9%
2. Poverty Rate	> =	14.0%	13.6%
3. Median Household Income	< =	\$56,642	\$53,474
4. Unemployment Rate	> =	7.1%	7.8%
5. Per Capita Appraised Value of Property	< =	\$125,015	\$91,349

OR

Criterion 2: The City or County as a whole does not meet Criterion 1 but is applying for stormwater projects that primarily benefit disadvantaged areas within the City's or County's jurisdiction. To be eligible, 75 percent or more of the project construction costs (as delineated in the Project Budget) must be used to directly benefit disadvantaged areas.

Disadvantaged areas may be subsections or pockets of a City's or County's jurisdiction, rather than the entire City or County. For instance, disadvantaged areas may be census block groups that meet qualifying characteristics. The targeted project area will be determined a "disadvantaged area" based on factors that shall include:

- Median household income, poverty rates, per capita appraised property values of property, and/or employment rates of the targeted project area,
- Additional factors that may qualify the targeted project area as disadvantaged, such as but not limited to demographic, historical, cultural, linguistic, socioeconomic stressors, or cost-of-living stressors may also be considered.

Use of federal or state-generated maps to demonstrate that a targeted project area is disadvantaged is encouraged. For instance, using screenshots or printouts of NC DEQ's [Community Mapping System](#), labeling and identifying on the map the targeted project area overlapping "Potentially Underserved Block Groups" and/or "Tribal Boundaries" that appear on the online map as shaded areas (these are considered disadvantaged areas).

² If two or more eligible applicants are working together on the proposed project and the collaboration is necessary in order to accomplish the construction project or to accomplish the goals of the study, enter the LGU Indicator values for the most distressed of the municipalities or counties.

³ Please use the Local Government Unit Parameters (which supplies values for population change, poverty rate, median household income, unemployment rate, and property valuation per capita for all cities and counties in North Carolina) available on the [Division application webpage](#).

For Criterion 2, the proposed project is not required to be located *within* a disadvantaged area, but the project *must result in* water quality improvements within the disadvantaged area and/or reduce water quantity impacts within the disadvantaged area. Over 75 percent of the project's construction costs must be used to provide these benefits to the disadvantaged areas to qualify under Criterion 2.

For Criterion 2, to document that the direct beneficiaries of the project are disadvantaged, provide:

- A. A narrative, with or without a map, describing the project location, areas in which project benefits are anticipated, and disadvantaged area(s).
- Example Map Documentation: Screenshots or printouts of NC DEQ's [Community Mapping System](#), or similar federal or state-generated map, with project location and areas in which project benefits are anticipated overlayed on top of Potentially Underserved Block Groups and/or Tribal Boundaries. Attach screenshots or printouts of maps to this Certification Form.
 - Narrative Documentation: Narrative must sufficiently describe disadvantaged factors of the areas where the project benefits will accrue, including median household income, poverty rates, per capita appraised property values of property, and/or employment rates of the targeted project area. Additional factors that may qualify the benefiting areas as disadvantaged, such as but not limited to demographic, historical, cultural, linguistic, socioeconomic stressors, or cost-of-living stressors.

B. For Criterion 2, demonstrate that 75 percent or more of the project's construction cost (as shown in the Project Budget) will be used to benefit disadvantaged areas. Complete the Project Budget in the application and clearly label and shown costs that benefit disadvantaged areas separately from other costs.

In this Certification Form, provide the following summary:

Cost Estimated in the Project Budget	Division Funding Requested (Total, from Project Budget)	Portion that Benefits Disadvantaged Areas	Portion that Does Not Benefit Disadvantaged Areas
<u>Construction Costs</u>			
Comprehensive Grading			
Storm Drainage and Structures			
Landscaping			
<i>Contingency (10% of construction costs):</i>			
<i>Construction Subtotal:</i>			

C. For Criterion 2, provide a description of how the proposed project will reduce the impact(s) of the described stormwater quality issue and/or stormwater quantity issue within the disadvantaged area. **If the proposed project will address both stormwater quality and stormwater quantity issues, provide a separate description for each issue.**

- **Item 2.B: For applications to Develop and Implement a New Stormwater Utility (LASII).** Does not apply to applications for stormwater construction and stormwater planning grants.

If the city or county does not have a stormwater utility with a Stormwater Enterprise Fund and the project purpose described in Part 1.A of this Entity Eligibility Certification Form is to develop and implement a new Stormwater Utility, the city or county will have met the requirement to demonstrate that there is a significant hardship in raising the revenue necessary to finance stormwater management activities within its jurisdiction. The grant amount for which a city or county will be eligible will be capped at different levels based on the number of LGU Indicators (from Criterion 1) that are worse than the state benchmarks.

For Item 2.B, include a Resolution by the Governing Body stating that the city or county does not currently have a Stormwater Utility with a Stormwater Enterprise Fund, but will develop and implement a stormwater utility and Stormwater Enterprise Fund during the project. See the [Division's application webpage](#) for a template resolution. The resolution must be included as part of the application package. Please also attach it to this Certification Form, or provide a statement here that the Resolution for Developing and Implementing a Stormwater Utility with a Stormwater Enterprise Fund is included with the application package.

AND, IF APPLICABLE

- 3. Documentation that the Applicant is a Regional Council of Government created pursuant to Part 2 of Article 20 of Chapter 160A of the North Carolina General Statutes or the Applicant is a Nonprofit Entity, and that the Regional Council of Government or Nonprofit Entity is Partnering with an Eligible City or County.**

If applicable, provide the following information below:

- A. Name and address of regional council of government or nonprofit entity
- B. Name, title, and contact information for the person with the entity named above that will be the primary contact for this project
- C. Name, title, and contact information for the person with the eligible city or county that will be the primary contact for this project
- D. Copy of the executed instrument used to establish the partnership arrangement between the entity named above and the eligible city or county

Certification by Authorized Representative

The above statements and all attached exhibits are hereby made part of this LASII Entity Eligibility Certification Form, and the undersigned representative of the Applicant certifies that the information in this Form and the statements and exhibits are true, correct, and complete to the best of his/her knowledge and belief.

LASII Entity Eligibility Certification Form Signature

Please Note: Original signatures are required for each Certification Form

SIGNATURE OF AUTHORIZED REPRESENTATIVE

Kim S. Eagle

County Manager

TYPED NAME

TYPED TITLE

DATE