

**AUDIT REPORT
OF THE
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY
DRINKING WATER
STATE REVOLVING FUND PROGRAM
JULY 1, 2004 THROUGH JUNE 30, 2005**

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Issued on August 15, 2005

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

TABLE OF CONTENTS

	<u>Page</u>
Background Information Section	
Background	1
Comments Section	
Exit Conference	2
Summary of Comments	3
Comments and Recommendations	4 - 6
Financial Section	
Independent Auditors' Report	7 - 8
Management Discussion and Analysis	9 - 10
Fund Financial Statements:	
Balance Sheet	11
Statement of Revenues, Expenses, and Changes in Net Assets	12
Statement of Cash Flows	13
Notes to Financial Statements	14 - 25
Government Auditing Standards Section	
Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	26 - 27
Report on Compliance and on Internal Control Over Compliance With Requirements Applicable to the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program in Accordance with <i>U.S. Environmental Protection Agency Audit Guide for Clean Water And Drinking Water State Revolving Fund Programs</i>	28 - 30

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

BACKGROUND

The Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program (Program) was established pursuant to the Federal Safe Drinking Water Act of 1996. Neb. Rev. Stat. Sections 71-5314 to 71-5327 created the Drinking Water State Revolving Fund Act. The Federal Safe Drinking Water Act and State statutes established the Drinking Water State Revolving Fund Program to provide loans, at reduced interest rates, to finance the construction of publicly and privately owned drinking water facilities. Instead of making grants to communities that pay for a portion of the building of drinking water facilities, the Program provides for low interest loans to finance the entire cost of qualified projects. The Program provides a flexible financing source which can be used for a variety of projects. Loans made by the Program must be repaid within 20 years, and all repayments, including interest and principal, must be used for the purposes of the Program. Disadvantaged communities have 30 years to repay all loans.

The Program was capitalized by the United States Environmental Protection Agency (EPA) by a series of grants starting in 1997. States are required to provide an additional 20 percent of the Federal capitalization grant as matching funds in order to receive a Federal grant. As of June 30, 2005, the EPA had awarded \$72 million in capitalization grants to the State. The award of this \$72 million required the State to contribute approximately \$15 million in matching funds. The State provided appropriations to contribute \$2.33 million of the funds to meet the State's matching requirement. Additional matching funds were obtained through the issuance of revenue bonds of \$5,530,000 in June of 2000, \$1,815,000 in March of 2001, \$2,000,000 in December of 2002, \$1,700,000 in June of 2003, and \$1,890,000 in September of 2004.

The Program is administered by the Nebraska Department of Environmental Quality (Department) and the Nebraska Health and Human Services System – Regulation & Licensure. The Department's primary activities with regard to the Program include the making of loans for facilities and the management and coordination of the Program. The Nebraska Environmental Quality Council approves the rules and regulations of the Department and the Program's Intended Use Plan. The Nebraska Health and Human Services System – Regulation & Licensure sets the funding priorities.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

EXIT CONFERENCE

An exit conference was held August 12, 2005 with the Department to discuss the results of our examination. Those in attendance for the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program were:

NAME	TITLE
Tom Lamberson	Deputy Director - Administrator
Bart Moore	Budget Officer
Rick Bay	Financial Assistance Section Supervisor

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

SUMMARY OF COMMENTS

During our audit of the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program, we noted certain matters involving the internal control over financial reporting and other operational matters which are presented here. Comments and recommendations are intended to improve the internal control over financial reporting, ensure compliance, or result in operational efficiencies.

1. ***Subrecipient Monitoring:*** A-133 single audit reports from subrecipients have not been reviewed since 2002 and the Department did not have controls in place to ensure all reports had been received.
2. ***Financial Status Reports:*** One of two financial status reports tested did not agree to the Nebraska Information System.
3. ***Reconciliation of Bank Records to the Nebraska Information System:*** The Department of Administrative Services' reconciliation process is still not done in a timely manner and continues to reflect unknown variances.

More detailed information on the above items is provided hereafter. It should be noted this report is critical in nature since it contains only our comments and recommendations on the areas noted for improvement.

Draft copies of this report were furnished to the Department to provide them an opportunity to review the report and to respond to the comments and recommendations included in this report. All formal responses received have been incorporated into this report. Where no response has been included, the Department declined to respond. Responses have been objectively evaluated and recognized, as appropriate, in the report. Responses that indicate corrective action has been taken were not verified at this time but will be verified in the next audit.

We appreciate the cooperation and courtesy extended to our staff during the course of the audit.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

COMMENTS AND RECOMMENDATIONS

1. Subrecipient Monitoring

A pass-through entity is responsible for:

- *Award Identification* – At the time of the award, identifying to the subrecipient the Federal award information (e.g., CFDA title and number, award name, name of Federal agency) and applicable compliance requirements.
- *During-the-Award Monitoring* – Monitoring the subrecipient’s use of Federal awards through site visits or other means to provide reasonable assurance that the subrecipient administers Federal awards in compliance with laws, regulations, and the provisions of contracts or grant agreements and that performance goals are achieved.
- *Subrecipient Audits* – Ensuring required audits are completed within nine months of the end of the subrecipient’s audit period, issuing a management decision on audit findings within six months after receipt of the subrecipient’s audit report, and ensuring that the subrecipient takes timely and appropriate corrective action on all audit findings. In cases of continued inability or willingness of a subrecipient to have the required audits, the pass-through entity shall take appropriate action using sanctions.
- *Pass-Through Entity Impact* – Evaluating the impact of subrecipient activities on the pass-through entity’s ability to comply with applicable Federal regulations.

The Department did not obtain all required A-133 reports from subrecipients, review the A-133 reports, or follow-up on findings and related corrective action. The Department has obtained A-133 single audit reports from subrecipients; however, they have not been reviewed since 2002 and controls are not in place to ensure they have received all the reports. The Department does perform on-site and desk reviews to monitor their subrecipients’ annual activity, but does not ensure proper follow-up is conducted on the subrecipients’ A-133 single audit reports. During the fiscal year ended June 30, 2005, 27 subrecipients received \$10,439,222 for the Drinking Water program. Seven of the subrecipients received over \$500,000 each which required an A-133 audit report. The total received for these seven subrecipients was \$7,667,961. This was a prior audit finding.

The Department is not in compliance with subrecipient monitoring requirements and is unable to provide assurance that the subrecipients are in compliance with Federal requirements.

We recommend the Department continue to refine its centralized monitoring procedures and develop a monitoring tool, as well as written policies and procedures, to ensure that all required single audit reports are received and reviewed and appropriate action is taken on any findings noted within time requirements.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

COMMENTS AND RECOMMENDATIONS

(Continued)

1. Subrecipient Monitoring (Concluded)

Department's Response: The Department is implementing procedures to address this issue. Due to the short length of time between audit reports, resolution of this issue was not fully implemented.

2. Financial Status Reports

Sound accounting practice requires supporting documentation agree to the required Federal reports submitted.

One of two financial status reports tested did not agree to the Nebraska Information System (NIS). The financial status report for grant #FS997805-02 for the Federal fiscal year ended September 30, 2004, did not agree to NIS. The cumulative amount reported was accurate but the Federal share was understated and the State share was overstated by \$315,685. This resulted in inaccurate reporting on the financial status reports. This was a prior audit finding.

We recommend the Department ensure the amounts reported on the financial status reports agree to NIS and supporting documentation.

Department's Response: The error will be corrected when the next Financial Status Report is completed.

3. Reconciliation of Bank Records to the Nebraska Information System

Good internal control requires a plan of organization, procedures, and records designed to safeguard assets and provide reliable financial information. Without a timely and complete reconciliation of bank records to the Nebraska Information System (NIS) there is a greater risk of fraud and errors occurring and going undetected.

During the audit of the Comprehensive Annual Financial Report (CAFR) of the State of Nebraska the Auditor of Public Accounts (APA) noted the reconciliation between the State Treasurer's actual bank statements and accounting records, the Nebraska Accounting System (NAS-the previous accounting system before NIS), NIS accounting records, and the related disposition of reconciling items has been an issue for the Department of Administrative Services (DAS) Accounting Division for many years. The APA has reported previous versions of this comment to DAS Accounting Division and in agency examinations for several years. The previous versions noted monthly reconciliations have not been done in a timely manner and reconciliations performed have shown significant unknown variances between the bank records

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

COMMENTS AND RECOMMENDATIONS

(Continued)

3. Reconciliation of Bank Records to the Nebraska Information System (Concluded)

and the accounting records, with the bank being short compared to the accounting records. Although DAS Accounting Division continues to work on correcting the reconciliation of bank records to NIS, the APA continues to note areas where improvement is still needed in the reconciliation process to ensure NIS integrity and operational efficiency. Specifically, the APA noted the status of the reconciliation process as of August 11, 2005 to be as follows:

DAS Accounting Division is making progress in the reconciliation process, but continued progress is needed. We noted their reconciliation process has developed into a very detailed process of analyzing bank activity to activity recorded on NIS to identify reconciling items. DAS Accounting Division has completed their reconciliation process for the months of June and July of 2004. The APA has reviewed these reconciliations. These two months show variances of \$2,944,126 and \$2,932,824, respectively. Again, the reconciliations show the bank being short compared to the accounting records. Per inquiry of management, DAS Accounting Division has started the reconciliation process for various months of the fiscal year ended June 30, 2005, but the process has not yet been completed.

Although DAS Accounting Division has made progress in how the reconciliation process is conducted, the process is still not done in a timely manner and the reconciliation continues to reflect unknown variances. Complete and timely reconciliation procedures between bank records and accounting records provide control over cash and accurate financial information.

The APA recommends DAS Accounting Division continue their reconciliation process, but in a timelier manner, and on at least a monthly basis to ensure all financial information is correct on NIS. We also recommend when a consistent cash variance between the bank records and the accounting records is obtained (based on at least six months of reconciliations) DAS submit their plan for adjusting NIS to the Governor and the Legislature so they may take appropriate action to correct NIS.

This issue is the responsibility of the DAS Accounting Division; however, this issue directly affects all Nebraska State agencies' financial information and must be disclosed in this report.

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NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY DRINKING WATER STATE REVOLVING FUND PROGRAM

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INDEPENDENT AUDITORS' REPORT

Nebraska Department of Environmental Quality
Lincoln, Nebraska

Don Dunlap, CPA
Asst. Deputy Auditor
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We have audited the accompanying financial statements of the business-type activities of the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program (Program), as of and for the year ended June 30, 2005, as listed in the Table of Contents. These financial statements are the responsibility of the Program's management. Our responsibility is to express an opinion on these financial statements based on our audit.

Pat Reding, CPA
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Tim Channer, CPA
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We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe our audit provides a reasonable basis for our opinion.

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As discussed in Note 1, the financial statements present only the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program and are not intended to present fairly the financial position and results of operations of the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program in conformity with accounting principles generally accepted in the United States of America.

Perry Pirsch, JD, MPA
Legal Counsel
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In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the business-type activities of the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program, as of June 30, 2005, and the respective changes in financial position and cash flows thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated August 12, 2005, on our consideration of the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

In accordance with the *U.S. Environmental Protection Agency Audit Guide for Clean Water and Drinking Water State Revolving Fund Programs*, we have also issued our report dated August 12, 2005, on our consideration of the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program's compliance with certain provisions of laws, regulations, and grants.

Our audit was performed for the purpose of forming an opinion on the financial statements of the Program taken as a whole. Management's Discussion and Analysis is presented for purposes of additional analysis and is not a required part of the basic financial statements. The Management's Discussion and Analysis has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we express no opinion on them.

August 12, 2005

Pat Reding, CPA
Assistant Deputy Auditor

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)

This section of the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program's (Program) financial report presents a narrative overview and analysis of the financial activities of the Program for the fiscal year ended June 30, 2005. This analysis has been prepared by management of the Department and is intended to be read with the financial statements and related footnotes that follow this section.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the Program's basic financial statements. The Program's basic financial statements include: 1) Balance Sheet, 2) Statement of Revenues, Expenses, and Changes in Net Assets, 3) Statement of Cash Flows, and 4) Notes to Financial Statements.

The Balance Sheet presents information on all of the Program's assets and liabilities, with the difference between the two reported as net assets.

The Statement of Revenues, Expenses, and Changes in Net Assets presents information showing how the Program's net assets changed during the most recent fiscal year.

The Statement of Cash Flows presents the Program's flows of cash by defined categories. The primary purpose of the Statement of Cash Flows is to provide information about the Program's cash receipts and payments during the year.

The Notes to Financial Statements provide additional information that is essential to a full understanding of the data provided in the financial statements.

ANALYSIS OF BALANCES AND TRANSACTIONS OF ENTERPRISE FUND

Changes in Net Assets

For the fiscal year ended June 30, 2005, net assets of the Program increased by 25%.

	<u>2005</u>	<u>2004</u>
Current Assets	\$ 17,160,634	\$ 15,683,385
Noncurrent Assets	56,194,142	43,951,678
Total Assets	<u>73,354,776</u>	<u>59,635,063</u>
Current Liabilities	945,324	831,588
Noncurrent Liabilities	10,765,000	9,540,000
Total Liabilities	<u>11,710,324</u>	<u>10,371,588</u>
Net Assets		
Restricted	1,197,734	1,077,849
Unrestricted	60,446,718	48,185,626
Total Net Assets	<u>\$ 61,644,452</u>	<u>\$ 49,263,475</u>

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

MANAGEMENT'S DISCUSSION AND ANALYSIS (UNAUDITED)
(Continued)

	<u>2005</u>	<u>2004</u>
Operating Revenues	\$ 2,352,030	\$ 1,850,511
Operating Expenses	<u>3,189,921</u>	<u>2,079,500</u>
Operating Loss	(837,891)	(228,989)
Capital Federal Grants	<u>13,218,868</u>	<u>12,400,109</u>
Change in Net Assets	12,380,977	12,171,120
Net Assets, Beginning of Year	<u>49,263,475</u>	<u>37,092,355</u>
Net Assets, End of Year	<u>\$ 61,644,452</u>	<u>\$ 49,263,475</u>

The most significant changes from the fiscal year ended June 30, 2004 to the fiscal year ended June 30, 2005, include increases in cash in state treasury, deposits held by trustee, loans receivable, bonds payable - long term, and 10% public water supply system expenses.

Cash in state treasury increased by approximately \$1.6 million during the fiscal year. The cities of Paxton and Maywood paid off their loan balances of \$1.6 million during the fiscal year.

Deposits held by trustee increased by approximately \$1.3 million and bonds payable - long term increased by approximately \$1.2 million during the fiscal year as a result of the issuance of \$1.9 million in new bonds in September 2004.

Loans receivable increased by approximately \$11.4 million during the fiscal year. Ten new loans, totaling \$3.6 million, were paid during the fiscal year ended June 30, 2005. Beaver Lake Association, North Platte, and Sidney received \$6.7 million more in loan payments during the fiscal year ended June 30, 2005, than they received during the fiscal year ended June 30, 2004.

The 10% public water supply system expenses increased by approximately \$0.6 million as a result of receiving larger billings from the Health and Human Services System.

See the Notes to Financial Statements for additional discussion of bond issuances and loans receivable.

ECONOMIC OUTLOOK

No conditions were noted that would be expected to have a significant effect on the financial position or results of operations of the Program.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
 DRINKING WATER STATE REVOLVING FUND PROGRAM
BALANCE SHEET
 June 30, 2005

	<u>Enterprise Fund</u>
ASSETS	
CURRENT ASSETS	
Cash & Cash Equivalents:	
Cash in State Treasury (Note 2)	\$ 9,705,161
Deposits Held by Trustee (Note 2)	5,106,583
Loans Receivable - Current (Note 3)	2,348,890
TOTAL CURRENT ASSETS	17,160,634
NON-CURRENT ASSETS	
Loans Receivable (Note 3)	54,896,345
Long Term Investments (Note 2)	1,297,797
TOTAL NON-CURRENT ASSETS	56,194,142
TOTAL ASSETS	\$ 73,354,776
LIABILITIES	
CURRENT LIABILITIES	
Accrued Bond Interest Payable	\$ 280,324
Bonds Payable - Current (Note 4)	665,000
TOTAL CURRENT LIABILITIES	945,324
NON-CURRENT LIABILITIES	
Bonds Payable - Long Term (Note 4)	10,765,000
TOTAL NON-CURRENT LIABILITIES	10,765,000
TOTAL LIABILITIES	11,710,324
NET ASSETS	
Restricted for Bond Payments	1,197,734
Unrestricted	60,446,718
TOTAL NET ASSETS	61,644,452
TOTAL LIABILITIES AND NET ASSETS	\$ 73,354,776

The accompanying notes are an integral part of the financial statements.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
 DRINKING WATER STATE REVOLVING FUND PROGRAM
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET ASSETS
 For the Year Ended June 30, 2005

	<u>Enterprise Fund</u>
OPERATING REVENUES:	
Loan Fees Administration (Note 6)	\$ 546,595
Interest on Loans	1,343,286
Interest on Fund Balance - Trustee	102,296
Interest on Fund Balance - Long Term Investment (Note 7)	23,215
Interest on Fund Balance - State Operating Pool (Note 7)	313,673
Miscellaneous Revenue	188
Bond Issue Premium	22,777
TOTAL OPERATING REVENUES	<u>2,352,030</u>
OPERATING EXPENSES:	
4% Administration (Note 9)	473,227
15% Source Water Assessment Program (Note 9)	410,212
2% Technical Assistance to Small Systems (Note 9)	301,882
10% Public Water Supply System (Note 9)	931,181
30% Loan Forgiveness (Note 9)	489,670
Bond Issue Discount Expense	2,711
Cost of Bond Issuance	47,106
Bond Underwriting Fee	23,965
Interest Expense - State Match Bonds (Note 9)	509,967
TOTAL OPERATING EXPENSES	<u>3,189,921</u>
OPERATING LOSS	(837,891)
CAPITAL CONTRIBUTIONS - FEDERAL GRANTS	<u>13,218,868</u>
CHANGE IN NET ASSETS	12,380,977
TOTAL NET ASSETS, BEGINNING OF YEAR	<u>49,263,475</u>
TOTAL NET ASSETS, END OF YEAR	<u><u>\$ 61,644,452</u></u>

The accompanying notes are an integral part of the financial statements.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM
STATEMENT OF CASH FLOWS
For the Year Ended June 30, 2005

	<u>Enterprise Fund</u>
CASH FLOWS FROM OPERATING ACTIVITIES:	
Receipts From Customers	\$ 5,435,093
Interest on Investments	439,184
Payments to Borrowers	(13,466,025)
Payments to Employees and Vendors	(2,146,561)
Loan Forgiveness	(489,670)
Payment to Long Term Investments	(822,095)
Other Receipts	188
Bond Issue	1,838,995
Bond Principal Payments	(565,000)
Bond Interest Payments	(466,173)
NET CASH PROVIDED BY OPERATING ACTIVITIES	(10,242,064)
CASH FLOWS FROM NON-CAPITAL & RELATED FINANCING ACTIVITIES:	
Funds Received From the Environmental Protection Agency	13,230,851
NIS Corrections	(11,983)
NET CASH FROM NON-CAPITAL & RELATED FINANCING ACTIVITIES:	13,218,868
CASH AND CASH EQUIVALENTS, BEGINNING OF YEAR	11,834,940
CASH AND CASH EQUIVALENTS, END OF YEAR	\$ 14,811,744
 RECONCILIATION OF OPERATING GAIN (LOSS) TO NET CASH PROVIDED BY OPERATING ACTIVITIES:	
Operating Loss	\$ (837,891)
ADJUSTMENTS TO RECONCILE OPERATING GAIN (LOSS) TO NET CASH PROVIDED BY OPERATING ACTIVITIES:	
(Increase)/Decrease in Loans Receivable	(9,920,814)
(Increase)/Decrease in Long Term Investment	(822,095)
Increase/(Decrease) in Bonds Payable	1,325,000
Increase/(Decrease) in Accrued Bond Interest Payable	43,795
Increase/(Decrease) in Accounts Payable	(30,059)
NET CASH PROVIDED BY OPERATING ACTIVITIES	\$ (10,242,064)

The accompanying notes are an integral part of the financial statements.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

NOTES TO FINANCIAL STATEMENTS

For the Fiscal Year Ended June 30, 2005

1. Summary of Significant Accounting Policies

- A. Basis of Presentation.** The accompanying financial statements of the Nebraska Department of Environmental Quality (Department) - Drinking Water State Revolving Fund Program (Program) have been prepared in conformance with generally accepted accounting principles (GAAP) as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles.

The financial statements have been prepared primarily from accounts maintained by the State Accounting Administrator of the Department of Administrative Services and the Trustee (Wells Fargo Bank, bwa) for the State match bond accounts.

- B. Reporting Entity.** The Drinking Water State Revolving Fund Program is a program within the Department and is established under and governed by the Safe Drinking Water Act of the Federal Government and the Drinking Water State Revolving Fund Act of the State of Nebraska. The Department is a State agency established under and governed by the laws of the State of Nebraska. As such, the Department is exempt from State and Federal income taxes. The Program's management has also considered all potential component units of the Program for which it is financially accountable, and other organizations which are fiscally dependent on the Program's management, or the significance of their relationship with the Program's management are such that exclusion would be misleading or incomplete. GASB has set forth criteria to be considered in determining financial accountability. These criteria include appointing a voting majority of an organization's governing body and (1) the ability of the Department to impose its will on that organization or (2) the potential for the organization to provide specific financial benefits to, or impose specific financial burdens on, the Department.

As required by generally accepted accounting principles, these financial statements present the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program. No component units were identified. The Program is part of the primary government for the State of Nebraska's reporting entity.

- C. Fund Structure.** The Program's accounts are maintained in accordance with the principles of fund accounting to ensure compliance with limitations and restrictions placed on the use of resources available to it. Under fund accounting,

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

NOTES TO FINANCIAL STATEMENTS

(Continued)

1. Summary of Significant Accounting Policies (Continued)

individual funds are established for the purpose of carrying on activities or attaining objectives in accordance with specific regulations, restrictions, or limitations. Each individual fund is a self-balancing set of accounts recording cash and other financial resources, together with liabilities and residual equities or balances, and changes therein. The Program on the State accounting system includes the following funds as identified in the State Drinking Water State Revolving Fund Act:

- Drinking Water Facilities Fund – General Fund 10000, Federal Funds 48416, 48417, and 48418 and Bond Funds 68480, 68481, 68482, and 68483.
- Drinking Water Administration Fund – Cash Fund 28630.

These funds are used to account for revenues and expenses for loans and administrative expenses of the Program.

The activity of these State of Nebraska funds have been combined and reported as an enterprise fund, which under governmental GAAP is a proprietary fund type. This fund type reflects transactions used to account for those operations that are financed and operated in a manner similar to a private business. The accounting for the Fund's transactions in this manner is a requirement of the Environmental Protection Agency (EPA) as they and the Department have decided that the determination of revenues earned, expenses incurred, and/or net income is necessary to demonstrate the success of the Program and to assure the EPA the Program will be available in perpetuity as intended.

- D. Basis of Accounting.** The accounting and financial reporting treatment applied to a fund is determined by its measurement focus. An enterprise fund is accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets and all liabilities associated with the operation of the fund are included on the balance sheet. Enterprise fund operating statements present increases (i.e., revenues) and decreases (i.e., expenses) in net total assets.

Enterprise funds utilize the accrual basis of accounting. Under this method, revenues are recorded when earned and expenses are recorded at the time liabilities are incurred.

In reporting the financial activity of its enterprise fund, the Program's management applied all applicable GASB pronouncements as well as the following pronouncements issued on or before November 30, 1989, unless these

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

NOTES TO FINANCIAL STATEMENTS

(Continued)

1. Summary of Significant Accounting Policies (Concluded)

pronouncements conflict with or contradict GASB pronouncements: Financial Accounting Standards Board Statements and Interpretations, Accounting Principles Board Opinion, and Accounting Research Bulletins of the Committee on Accounting Procedures.

E. Cash and Cash Equivalents. Cash in State Treasury and Deposits Held by Trustee are considered cash equivalents due to their liquid nature.

F. Loans Receivables. The State operates the Program as a direct loan program, whereby loans are made to communities. The entire Drinking Water Program is funded, on average, 83.33% from Federal capitalization grants and 16.67% from State matching funds. Loan funds are disbursed to the local agencies as they expend funds for the purposes of the loan. Interest is calculated from the date funds are advanced, and after the final disbursement has been made, the payment schedule identified in the loan agreement is adjusted for the actual amounts disbursed, and accrued interest during the project period. The interest rates on loans range from 2.5% to 4.3% and the terms are between 5 to 20 years. Disadvantaged communities may have up to 30 years to repay. The current loans receivable amount was determined using the amount of principal payment due to the Program at June 30, 2005, which was collectible in fiscal year 2006.

No provisions were made for uncollectible accounts as all loans were current, and management believed all loans would be repaid according to the loan terms. There was a provision for the Program to intercept State aid to a community in default of its loan.

G. Accounts Payable. A cutoff is made on July 31st of each year when determining the amount of accounts payable that exists for the current year. Any information that would change this figure will be disregarded and shown as an expense of the year the payment is made and not when the liability is incurred.

H. Restricted Net Assets. When both restricted and unrestricted resources are available for use, it is the Department's policy to use restricted resources first, then unrestricted resources, as they are needed. Net assets are reported as restricted when they are held in a separate account that can be used to pay debt principal and interest only and cannot be used to pay other current liabilities.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

NOTES TO FINANCIAL STATEMENTS

(Continued)

2. **Cash, Cash Equivalents, and Investments**

Cash in State Treasury. Cash in State Treasury as reported on the balance sheet is under the control of the State Treasurer or other administrative bodies as determined by law. All cash deposited with the State Treasurer is maintained in an operating investment pool. The State Investment Officer invests the deposited cash in short-term securities and other investments. All interest revenue is allocated to the general fund except allocations required by law to be made to other funds. All funds of the Drinking Water State Revolving Fund Program were designated for investment during the fiscal year ended June 30, 2005. Amounts are allocated on a monthly basis based on average balances of all invested funds.

Deposits Held by Trustee. The Nebraska Investment Finance Authority (NIFA) (the "Issuer") issues revenue bonds payable by the Department from certain portions of the fund (see Note 4 Bonds Payable) to provide additional funds to meet the 20% match requirements of the Capitalization Grants. Wells Fargo Bank Iowa, National Association, (Trustee), as trustee, holds these accounts. The Trustee, in accordance with the Bond Indenture, establishes the appropriate accounts and invests the monies. At June 30, 2005, the cash held by the trustee of \$5,106,583, stated at Fair Market Value, was invested in the following:

	<u>Fair Market Value</u>
Cash	\$ 17,914
Money Market Account	4,551,734
Guaranteed Investment Contracts (CDC Funding Corporation)	536,935
Total	<u>\$ 5,106,583</u>

In accordance with GASB Statement No. 3, *Deposits with Financial Institutions, Investments (including Repurchase Agreements), and Reverse Repurchase Agreements*, deposits and investments are to be disclosed as to custodial credit risk. The Deposits Held by Trustee were uninsured and uncollateralized during and at the end of fiscal year 2005. There is no policy regarding custodial credit risk.

Long Term Investments. Goldman Sachs Financial Square Treasury Obligations Fund - Treasury Obligations Fund. The Program's investment policy is governed by the tax regulatory agreement of each bond.

The Net Asset Value of this investment at June 30, 2005 was \$1,297,797. This fund's investment portfolio at June 30, 2005, consisted of 94.5% Repurchase Agreements and 5.5% US Treasury Notes/Bonds. This fund currently has a rating of "AAAm, Aaa" by Standard & Poor's Rating Group and Moody's Investors Service Inc. All investments in this fund are uninsured, but are held in the name of the State of Nebraska.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

NOTES TO FINANCIAL STATEMENTS

(Continued)

2. Cash, Cash Equivalents, and Investments (Concluded)

The minimum investment in this fund is \$10,000,000. As a result of this minimum investment, the investment of the Drinking Water State Revolving Fund, is pooled together with other funds of the State of Nebraska.

The interest earnings from this fund are paid directly to the bond trustee, Wells Fargo, N.A. of Des Moines, Iowa.

Interest Rate Risk is managed by established weighted average maturity targets, implementation of optimum portfolio structures, and conducting rigorous analysis of new securities.

3. Loans Receivable

As of June 30, 2005 the Program had made loans to 89 communities of which 74 had outstanding balances totaling \$57,245,235. The outstanding balances of the ten largest loans, which represent 58.0% of the total loans, were as follows:

City	Outstanding Balance
Sidney	\$ 7,975,000
Blair	6,590,700
North Platte	5,891,369
Beaver Lake Association	3,031,596
North Platte	2,726,596
Kearney	1,894,512
Norfolk	1,362,814
Plattsmouth	1,347,112
Arlington	1,257,324
Tekamah	1,178,882
Total	\$ 33,255,905

4. Bonds Payable

The State has entered into a special financing arrangement with NIFA, an independent instrumentality of the State exercising essential public functions, to provide matching funds for the State's Drinking Water Program. NIFA issues the bonds and the proceeds are held by the Trustee until they are needed by the Program for loan purposes. The Series 2000A, 20001A, 2002A, 2003A and 2004A Bonds are limited obligations of NIFA, payable only from and secured only by the Trust Estate. The Series 2000A, 2001A, 2002A, 2003A and 2004A Bonds are revenue bonds. The Series 2000A, 2001A,

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

NOTES TO FINANCIAL STATEMENTS

(Continued)

4. Bonds Payable (Concluded)

2002A, 2003A and 2004A Bonds shall not constitute a debt, liability, general obligation of the State, or a pledge of the faith and Credit of the State, but are payable solely out of the revenue or money NIFA pledged to the Trust Estate. Neither the faith and credit nor the taxing power of the State is pledged for the payment of the principal of, premium, if any, or the interest on the Series 2000A, 2001A, 2002A, 2003A and 2004A Bonds. The current bonds payable amount was determined using the amount of bond principal to be retired in fiscal year 2005. Bonds payable for the fiscal year ended June 30, 2005, is as follows:

	Beginning Balance	Additions	Retirements	Ending Balance	Current Portion
Bonds Payable	\$10,105,000	\$ 1,890,000	\$ 565,000	\$11,430,000	\$ 665,000

Bonds payable at June 30, 2005, consist of the following:

	Original Issue	Retirements	2005 Balance	Interest Rates	Final Maturity Date
2000A	\$ 5,530,000	\$ 930,000	\$4,600,000	4.8-5.7%	July 1, 2015
2001A	1,815,000	270,000	1,545,000	3.9-5.15%	July 1, 2016
2002A	2,000,000	210,000	1,790,000	1.8-4.6%	Jan. 1, 2017
2003A	1,700,000	95,000	1,605,000	1.3-3.8%	Jan. 1, 2018
2004A	1,890,000	-	1,890,000	1.6-4.26%	July 1, 2019

The 2000A Series Bonds were issued June 29, 2000, the 2001A Series Bonds were issued March 28, 2001, the 2002A Series Bonds were issued December 19, 2002, the 2003A Series Bonds were issued June 19, 2003 and the 2004A Series Bonds were issued September 16, 2004. Bonds mature at various intervals through July 2019. The debt service requirements on bonds maturing in subsequent years are as follows:

Year Ending June 30	Principal	Interest	Total
2006	\$ 665,000	\$ 532,734	\$ 1,197,734
2007	710,000	487,856	1,197,856
2008	735,000	460,266	1,195,266
2009	770,000	430,150	1,200,150
2010-2014	4,405,000	1,600,826	6,005,826
2015-2019	3,980,000	410,395	4,390,395
2020-2025	165,000	3,919	168,919
Total	\$ 11,430,000	\$ 3,926,146	\$ 15,356,146

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

NOTES TO FINANCIAL STATEMENTS

(Continued)

5. Net Assets

Included in the Net Assets is the total amount of capitalization grants drawn from the EPA by the Department. The following summarizes the EPA capitalization grants awarded, drawn, and the remaining balance as of June 30, 2005.

Year	Grant Amount	Amount Drawn	Balance
1997	\$ 12,824,000	\$ 12,686,474	\$ 137,526
1998	7,121,300	7,121,300	-
1999	7,463,800	7,460,805	2,995
2000	7,757,000	7,726,296	30,704
2001	7,789,126	7,705,292	83,834
2002	8,052,500	7,887,897	164,603
2003	8,004,100	7,507,994	496,106
2004	8,303,100	7,493,979	809,121
Totals	<u>\$ 67,314,926</u>	<u>\$ 65,590,037</u>	<u>\$ 1,724,889</u>

The following is a summary of changes in the total contributed capital.

Contributed Capital July 1, 2004	\$ 54,688,022
Contributed During the Year	
Funds Received From EPA	13,230,851
Contributed Capital June 30, 2005	<u>\$ 67,918,873</u>

Also included in the Contributed Capital is a total of all general funds received by the Program from the Legislature of the State of Nebraska. These assets were to be used as match for the Program for the initial capitalization grant received by the State. The State contributed \$1,162,318 and \$1,166,518 in fiscal years ended June 30, 1998 and 1999, respectively.

6. Loan Fees Administration

The reported amount comes from a fee charged to loan recipients each year based on the amount of the loan outstanding. The fee is 1% per annum and is collected semi-annually.

7. Interest on Fund Balance Held by State Treasurer

The reported amount represents the earnings the Program has received from idle funds invested by the Treasurer of the State of Nebraska. Interest is credited on approximately the twenty-fifth day of each subsequent month.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

NOTES TO FINANCIAL STATEMENTS

(Continued)

8. Operating Revenues and Expenses

Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with the Program's principal ongoing operations. The principal operating revenue of the Program is the Loan Fees Administration. Interest revenues are also operating revenues since making loans is the primary purpose of the Program. The principal operating expenses of the Program are administration expenses and loan forgiveness. Interest expenses are also operating expenses since making loans is the primary purpose of the Program.

9. Operating Expenses

The Operating Expenses of the Drinking Water State Revolving Fund Program are classified, for financial reporting purposes, into seven categories. There are four set-aside activities established under Section 1452 of the Safe Drinking Water Act. The four set-aside activities are:

- 15% Source Water Assessment Program
- 4% Administration
- 2% Technical Assistance to Small Systems
- 10% Public Water Supply System

All are required to be federally funded. State match dollars can only be used for the purpose of providing loans to owners of Public Water Supply Systems. The other categories of expenses are 30% Loan Forgiveness, Interest Expense-State Match Bonds, and Cost of Bond Issuance.

Following is an explanation of each category:

15% Source Water Assessment Program

Identified in federal regulations as local assistance and other state programs, the State may use up to 15% of the capitalization grant amount for specified uses as follows:

- Assistance to a public water system to acquire land or a conservation easement for source water protection purposes;
- Assistance to a community water system to implement voluntary, incentive-based source water quality protection measures;
- Provide funding to delineate and assess source water protection areas;
- To support the establishment and implementation of wellhead protection programs;
- To provide funding to a Public Water System to implement a technical and/or financial assistance under the capacity development strategy.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

NOTES TO FINANCIAL STATEMENTS

(Continued)

9. Operating Expenses (Continued)

4% Administration

A state may use up to 4 percent of the funds allotted to it for the reasonable costs of administering the program, and providing technical assistance. These costs may include such activities as issuing debt; start up costs; audit costs; financial management; legal consulting fees; development of IUP (Intended Use Plan) and priority ranking system; development of affordability criteria; and costs of support services provided by other state agencies. If the state does not obligate the entire four-percent for administrative costs in one year, it can bank the excess balance and use it for administrative costs in later years.

2% Technical Assistance to Small Systems

A state may use up to 2 percent of its allotment to provide technical assistance to public water systems serving 10,000 people or less. If the state does not use the entire 2 percent for these activities against a given allotment, it can bank the excess balance and use it for the same activities in later years. A state may use these funds to support a technical assistance team or to contract with outside organizations to provide technical assistance.

10% Public Water Supply System

A state may use up to 10 percent of its allotment to:

- Administer the state Public Water Supply System program;
- Administer or provide technical assistance through source water protection programs, which includes the Class V portion of the Underground Injection Control Program;
- Develop and implement a capacity development strategy; and
- Develop and implement an operator certification program.

30% Loan Forgiveness

The amount of expenses reported as Loan Forgiveness is the amount the State forgave loans to Communities meeting the definition “disadvantaged” or, which the State expects the Community to become disadvantaged as a result of the project. The amount of these subsidies during a particular fiscal year’s capitalization grant cannot exceed 30 percent of the amount of the capitalization grant for that year.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

NOTES TO FINANCIAL STATEMENTS

(Continued)

9. Operating Expenses (Concluded)

The Nebraska Department of Health and Human Services is provided funding under the following set-asides: Administrative, Public Water Supply System, and Small Systems Technical Assistance. A Memorandum of Understanding was entered into between the Department and the Department of Health and Human Services to provide support of the Program.

Interest Expense-State Match Bonds

The amount of interest paid to bond holders at the time bond principal was retired during the fiscal year.

10. State Employee's Retirement Plan (Plan)

The single-employer plan became effective by statute on January 1, 1964. Prior to January 1, 2003 the plan consisted of a defined contribution plan that covered State employees. Effective January 1, 2003, a cash balance benefit was added to the State Employees Retirement Act. The cash balance benefit is a type of defined benefit plan. Each member employed and participating in the retirement system prior to January 1, 2003, elected to either continue participation in the defined contribution benefit or begin participation in the cash balance benefit. The defined contribution benefit is closed to new entrants. All new members of the Plan on and after January 1, 2003, become members of the cash balance benefit. The benefits and funding policy of the Plan is established and can only be amended by the Nebraska Legislature.

All permanent full-time employees who have 12 continuous months of service are required to begin participation in the retirement system. All permanent full-time or permanent part-time employees who have 12 months of service within a five-year period, and who have attained the age of 20, may exercise the option to begin participation in the retirement system.

Contribution. Each member contributes 4.33% of his or her monthly compensation until \$864 has been contributed and 4.8% of pay for the rest of the calendar year. The Department matches the member's contribution at a rate of 156%. The employee's and employer's contributions are kept in separate accounts.

The employee's account is fully vested. The employer's account is vested 100% after a total of three years of participation in the system, including the twelve-month eligibility period or credit for participation in another governmental plan prior to actual contribution to the Plan.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

NOTES TO FINANCIAL STATEMENTS

(Continued)

10. **State Employee's Retirement Plan (Plan)** (Concluded)

Defined Contribution Benefit. Upon attainment of age 55, regardless of service, the retirement allowance shall be equal to the sum of the employee and employer account. Members have several forms of payment available, including withdrawals, deferrals, annuities, or a combination of these.

Cash Balance Benefit. Upon attainment of age 55, regardless of service, the retirement allowance shall be equal to the accumulated employee and employer cash balance accounts, including interest credits, annuitized for payment in the normal form. The normal form of payment is a single life annuity with five year certain, payable monthly. Members will have the option to convert their member cash balance account to a monthly annuity with built in cost-of-living adjustments of 2.5% annually. Also available are additional forms of payment allowed under the Plan which are actuarially equivalent to the normal form, including the option of lump-sum or partial lump-sum.

For the fiscal year ended June 30, 2005 the Drinking Water State Revolving Fund Program's employees contributed \$12,199 and the Department contributed \$19,031 for these employees. A separate plan report is issued and can be obtained from the Nebraska Public Employees Retirement System. This report contains full pension-related disclosures.

11. **Contingencies and Commitments**

Risk Management. The Department is exposed to various risks of loss related to torts, theft of, damage to, and destruction of assets, errors and omissions, injuries to employees, and natural disasters. The Department, as part of the primary government for the State, participates in the State's risk management program. The Nebraska Department of Administrative Services (DAS) Division of Risk Management is responsible for maintaining the insurance and self-insurance programs for the State with the exception of the health and life insurance programs which are maintained by the DAS Personnel Division. The State has chosen to purchase insurance for:

- A. Motor vehicle liability, which is insured for the first \$5 million of exposure per accident with a self-insured retention of \$300,000 per accident, except for accidents involving vehicular pursuit which have a \$1,000,000 self-insured retention per accident. Insurance is also purchased for medical payments, physical damage, and uninsured and underinsured motorists with various limits and deductibles. State agencies have the option to purchase coverage for physical damage to vehicles.
- B. Health care and life insurance for eligible employees.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM

NOTES TO FINANCIAL STATEMENTS

(Continued)

11. Contingencies and Commitments (Concluded)

- C. Crime coverage, with a limit of \$1 million for each loss, and a \$25,000 self-insured retention per incident.
- D. Real and personal property on a blanket basis for losses up to \$100,000,000, with a self-insured retention of \$200,000 per loss occurrence. Newly acquired properties are covered up to \$1,000,000 for 60 days or until the value of the property is reported to the insurance company. The perils of flood and earthquake are covered up to \$10,000,000. Acts of terrorism are covered up to \$2,500,000 aggregate per year. State agencies have the option to purchase building contents and inland marine coverage.

No settlements exceeded commercial insurance coverage in any of the past three fiscal years. Health care insurance is funded in the Compensation Insurance Trust Fund through a combination of employee and State contributions. Workers' compensation is also funded in the Workers' Compensation Internal Service Fund through assessments on each agency based on total agency payroll and past experience. Tort claims, theft of, damage to, or destruction of assets, errors and omissions, and natural disasters would be funded through the State General Fund or by individual agency assessments as directed by the Legislature, unless covered by purchased insurance. No amounts for estimated claims have been reported in the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund's financial statements.

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NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY DRINKING WATER STATE REVOLVING FUND PROGRAM **REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

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We have audited the financial statements of the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program as of and for the year ended June 30, 2005, and have issued our report thereon dated August 12, 2005. The Independent Auditors' Report was modified to emphasize the financial statements present only the funds of the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

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Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide an opinion on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statements. A reportable condition is described in the Comments Section of the report as Comment Number 3 (Reconciliation of Bank Records to the Nebraska Information System).

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A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we believe the reportable condition described above is not a material weakness.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of the Program, the appropriate Federal and regulatory agencies. However, this report is a matter of public record and its distribution is not limited.

Pat Reding, CPA
Assistant Deputy Auditor

August 12, 2005

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**NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM
REPORT ON COMPLIANCE AND ON INTERNAL CONTROL
OVER COMPLIANCE WITH REQUIREMENTS APPLICABLE TO
THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND PROGRAM
IN ACCORDANCE WITH *U.S. ENVIRONMENTAL PROTECTION
AGENCY AUDIT GUIDE FOR CLEAN WATER AND DRINKING
WATER STATE REVOLVING FUND PROGRAMS***

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We have audited the compliance of the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program with the types of compliance requirements described in the *U.S. Environmental Protection Agency Audit Guide for Clean Water and Drinking Water State Revolving Fund Programs* that were applicable for the year ended June 30, 2005. We audited the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program’s compliance with requirements governing: Allowability for Specific Activities, Allowable Costs/Cost Principles, Cash Management, State Matching, Period of Availability of Funds and Binding Commitments, Program Income, Reporting, Subrecipient Monitoring, and Special Tests and Provisions. Compliance with these requirements is the responsibility of the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program’s management. Our responsibility is to express an opinion on the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program’s compliance based on our audit.

Compliance

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the *U.S. Environmental Protection Agency Audit Guide for Clean Water and Drinking Water State Revolving Fund Programs*. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with

the types of compliance requirements referred to above that could have a direct and material effect on the Program occurred. An audit includes examining, on a test basis, evidence about the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program’s compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination of the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program’s compliance with those requirements.

The Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program did not comply with the compliance requirements as described in the Comments Section of our report as Comment Number 1 (Subrecipient Monitoring) and Comment Number 2 (Financial Status Reports). Compliance with such requirements is necessary, in our opinion, for the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program to comply with requirements applicable to the Federal program.

In our opinion, because of the effects of the noncompliance described in the preceding paragraph, the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program did not comply, in all material respects, with the requirements referred to above that are applicable to the Program for the fiscal year ended June 30, 2005.

Internal Control Over Compliance

The management of the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program is responsible for establishing and maintaining effective internal control over compliance with the requirements of laws, regulations, contracts, and grants. In planning and performing our audit, we considered the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program’s internal control over compliance with requirements that could have a direct and material effect in order to determine our auditing procedures for the purpose of expressing an opinion on compliance and to test and report on the internal control over compliance.

We noted certain matters involving the internal control over compliance and its operation that we consider to be reportable conditions. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over compliance that, in our judgment, could adversely affect the Nebraska Department of Environmental Quality – Drinking Water State Revolving Fund Program’s ability to administer the Federal program in accordance with the applicable requirements of laws, regulations, contracts, and grants. Reportable conditions are described in the Comments Section of the report as Comment Number 1 (Subrecipient Monitoring) and Comment Number 2 (Financial Status Reports).

A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that noncompliance with the applicable requirements of laws, regulations, contracts, and grants caused by error or fraud that would be material in relation to the Federal program being audited may occur and not be detected within a timely period by employees in the normal course of performing their

assigned functions. Our consideration of the internal control over compliance would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, of the reportable conditions described above, we consider Comment Number 1 (Subrecipient Monitoring) and Comment Number 2 (Financial Status Reports) to be material weaknesses.

This report is intended solely for the information and use of the Program, the federal awarding agencies, and citizens of the State of Nebraska, and is not intended to be and should not be used by anyone other than these specified parties. However, this report is a matter of public record and its distribution is not limited.

Pat Reding, CPA

Assistant Deputy Auditor

August 12, 2005