

An aerial, black and white photograph of the Chicago skyline, showing a dense cluster of skyscrapers and buildings along the city's grid. The Lake Michigan shoreline is visible on the right side of the image.

**CROKE FAIRCHILD
DUARTE & BERES**

WIFIA Loans

March 12, 2025

About Croke Fairchild

Croke Fairchild Duarte & Beres LLC, founded in 2019, is a growing, corporate, public finance, securities, and litigation law firm founded on decades of experience at some of the best firms in the country.

We aim to form a true partnership with our clients with a focus on their long-term success. We have served as general counsel to innovative companies, government agencies and non-profits.

Importantly, Croke Fairchild is a certified Women's Business Enterprise by the Women's Business Development Center-Midwest, a regional certifying partner of the Women's Business Enterprise National Council (WBENC) and a member of the National Association of Minority and Women Owned Law Firms (NAMWOLF)..



Old School Values.
Innovative Thinking.

We are transforming the law firm experience and returning it to a place where the strength of client relationships defines our success. Our clients have a trusted partner who practices both old school values and innovative thinking.

WIFIA - Overview

The Water Infrastructure Finance and Innovation Act (WIFIA), enacted by Congress in 2014, offers low-cost, long-term federal loans to support major improvements in the nation's drinking water and wastewater systems. It also funds water resource projects related to flood control and navigation.

WIFIA can cover up to 49% of eligible project costs for projects valued at \$20 million or more. The interest rates for WIFIA loans are based on long-term U.S. Treasury rates.

WIFIA & Other Financing Sources

- WIFIA loans may be combined with Illinois Clean Water State Revolving Fund (CWSRF) Program financing, including Water Pollution Control Loans, municipal bonds, and grants.
- Financing larger projects through WIFIA frees up CWSRF funding for smaller projects

Project Types

- WIFIA can be used to support projects eligible for CWSRF in addition to those not eligible for CWSRF, such as acquiring real property, mitigating the effects of drought, desalinating brackish water, and providing alternative water supplies to reduce aquifer depletion.
- As of 2024, both WIFIA and CWSRF have made it a priority to select projects that remediate emerging contaminants, such as per- and polyfluoroalkyl substances (PFAS).

Greater Flexibility

- WIFIA offers greater flexibility than CWSRF.
- WIFIA borrowers may enter into a master agreement for multiple WIFIA loans to support a combination of projects, or they may submit multiple projects for a single loan if they are secured by the same source. This is beneficial when project details are subject to change or projects may need to be added, dropped, or swapped.
- CWSRF does not provide this option.

Disbursements

- WIFIA is a cost-reimbursement loan, meaning Interest does not accrue until the borrower draws on the loan and only accrues on the amount disbursed. Borrowers are not required to draw down the entire loan, only what is needed, and can do so according to their schedule (i.e. all at once, monthly, etc.).
- CWSRF loans will be disbursed after the loan recipient submits a complete payment request based on costs evidenced by invoices and certification the prevailing wage is being paid. Any change orders in the general scope of work performed by a contractor must be submitted to the Illinois EPA. Failure to timely submit this notice may result in disallowance of the loan for the costs incurred.

Repayments

- WIFIA offers favorable repayment terms. Borrowers may take a second look at more favorable interest rates prior to the first loan draw down. The final maturity date is 35 years after the date of completion of the project or the useful life of the project, whichever is earlier. Loan repayments must begin no later than five years after the project is completed and, after project completion, may be pre-paid at any time. WIFIA borrowers can request changes to the amortization schedule and defer principal payment with capitalized interest.
- CWSRF loans must be repaid within 30 years beyond the initiation of operation date, 30 years beyond the initiation of the loan repayment period, or the projected useful life of the project to be financed with proceeds of the loan, whichever is less. The Illinois EPA may impose a loan repayment period that is less than this.

Loan Cap

- The Illinois EPA imposes a cap on CWSRF funds. For example, the Water Pollution Control Loan is capped at \$153,090,140 for 2025.
- There is no maximum dollar amount for a WIFIA loan, however the loan cannot exceed 49% of eligible project costs.

Application Process

- WIFIA and CWSRF have markedly different application processes.
- The U.S. EPA requires WIFIA applicants to submit a letter of interest that will be reviewed and scored. High-scoring projects will be invited to apply for the loan and selected to negotiate the loan terms.
- WIFIA loans can be disbursed much faster than CWSRF loans.



CROKE FAIRCHILD
DUARTE & BERES

Our Team – Selected Bios

Jim Durkin – Partner



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Jim advises local governments on economic development and public finance matters. He is also an experienced commercial litigator and conducts internal investigations for private and public entities.

Jim previously served as an assistant Illinois attorney general and as an assistant Cook County state's attorney, serving as a felony trial prosecutor and as a special prosecutor in the Narcotics Bureau. In 2002, he was the Republican nominee for the U.S. Senate for the state of Illinois. From 2013 to 2023, he was the minority leader in the Illinois House of Representatives. In December 2008, Jim served as the ranking Republican for the Illinois House of Representatives Impeachment Committee regarding Governor Blagojevich. In 2012, Jim served as Illinois House of Representatives manager for the removal of Rep. Derrick Smith from the Illinois House of Representatives, following Smith's federal bribery indictment.

Jim has been active in Illinois state politics for more than 25 years, having served as state representative in the Illinois House of Representatives first for the 44th District and the 82nd District. He was also the Illinois chair for the late Sen. John McCain's presidential campaigns in 2000 and 2008.

Amongst his many accomplishments, Jim passed a first of its kind law in the United States, which bans the use of deception during interrogations of juvenile defendants. Jim negotiated the final form of this law with the Northwestern University Center on Wrongful Convictions and the University of Illinois Innocence Project. Jim's efforts were reflected in his receiving the 2021 Defender of the Innocent Award.

Jim was also able to negotiate insurance coverage for continuous glucose monitors and lifting the cap on blood sugar test strip for low-income Medicaid residents. This process took place outside of the legislative arena through negotiations with the Illinois Department of Health and Human Services.

In 2021, Jim worked in a bi-partisan manner to negotiate and pass Governor J.B. Pritzker's first budget and the largest public works program in Illinois history.

Jim serves on various boards for Misericordia-Heart of Mercy Home, Giant Steps School for Autism, and JDRF Illinois. He is a member of the 100 Club of Chicago, which supports the families of fallen first responders. He is also a former member of the John Marshall Law School Board of Trustees and the Chicago Bar Association Board of Managers.

Mary Hanahan – Senior Government Relations Director & Counsel



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Mary is an experienced legal and legislative professional with a proven track record of working with legislators, state agencies, and diverse stakeholders to shape impactful public policy.

Before joining Point of Difference Strategies, Mary served as Deputy General Counsel to Illinois Senate President Don Harmon and the Illinois Senate Democratic Caucus. In this capacity, she played a pivotal role in negotiating, drafting, and analyzing high-stakes legislation, including the Climate and Equitable Jobs Act (CEJA), reproductive and gender-affirming health care policies, and amending the Biometric Information Privacy Act. Mary also represented legislators in efforts to amend Illinois' energy, utility, liquor, gaming, and employment laws.

As lead counsel to the Senate Executive Committee, the Energy & Public Utilities Committee, and the Senate Democratic members of the Joint Committee on Administrative Rules, Mary provided strategic guidance on legislative matters and complex policy issues. Her earlier work also included staffing the Senate Revenue and Pensions Committees, as well as COVID-19 working groups focused on energy and unemployment insurance.

Lisa Duarte - Partner



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Selected as Chicago Magazine's Top 50 Most Powerful Chicagoans in 2024, Lisa Duarte has spent her career at the intersection of law and government. Prior to joining CROKE FAIRCHILD DUARTE & BERES as Partner, Lisa served as the First Assistant Deputy Governor for Budget & Economy in the JB Pritzker Administration in Illinois. In this role, Lisa oversaw 17 agencies involving budget, economy, economic development, and regulation and more than 170 boards and commissions.

During her tenure Lisa led on some of the Administration's top legislative initiatives, including negotiating passage of the first gaming bill in over a decade, the passing of two balanced and bi-partisan budgets, the consolidation of more than 650 police and fire pension systems, and legislation that reduced taxes and regulatory burdens on businesses and created tax incentives for economic investments and growth. Lisa served as the primary point of contact for the business community, and executed the Administration's priorities, including the Governor's vision of broad diversification of boards, commissions, and the overall state workforce. She also coordinated regular business recruitment calls from the Governor to companies looking to relocate or expand. Lisa also spearheaded the pursuit to secure Illinois as the relocation site for the New York Stock Exchange's primary servers.

Lisa played a lead role in the State of Illinois' response to the COVID-19 pandemic. From the original stay-at-home order of March 2020 through the distribution of the first vaccines, Lisa worked diligently to advocate for the needs of businesses and the economy while protecting the health and welfare of the residents of the State. Lisa was intimately involved in the identification of essential and non-essential businesses, the Restore Illinois Plan, as well as the tiered mitigation approach to restart the economy. Lisa's agencies oversaw the distribution of more than \$1B of CARES Act money.

Prior to joining the Pritzker administration, Lisa was a Partner in the Government Affairs practice group at a boutique Chicago law firm, where she served a diverse client base on a broad set of legislative and regulatory issues in Illinois, Chicago, and Cook County. Lisa also worked with the City of Chicago Mayor's Office where she served as Legislative Counsel to former Mayor Rahm Emanuel representing the City of Chicago before the Illinois General Assembly, state agencies, and executive offices. She then advanced to the dual role of Chief of Staff to former Deputy Mayor Steve Koch and Chief of Staff to the Mayor's Economic Council.

Prior to the Emanuel administration, she practiced law at a small business services firm where she focused on employment law, commercial litigation, construction law, and zoning and land use.

Michael Schierl - Partner



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Michael is a recognized leader in the non-profit financial community for his work developing sophisticated “evergreen” conduit bond financing structures with embedded shelf-offering capabilities that enable the funding of high-impact projects often viewed as beyond the reach of non-profit organizations. Mr. Schierl’s life’s work is to help his non-profit clients create new “financial ecosystems” that integrate finance (borrowing) and balance sheet philanthropy (structured and planned giving) in order to fund mission-critical initiatives and new business units.

Michael began his career with Dewey Ballantine (New York), where he worked for five years as an associate in the bond finance and the M&A practice groups. After moving to Chicago, he founded Immaculata Law Firm, where he developed a national bond practice, with a client base consisting of Catholic dioceses, parishes, schools and universities and other NFP organizations. In 2024, Michael combined his firm, Immaculata Law Firm, with Croke Fairchild.

Michael’s “total funding” solution approach to bond structure design draws from Mr. Schierl’s unique experience in several disparate worlds: (1) bond financing techniques from his experience practicing law with Dewey Ballantine and Immaculata Law Firm; (2) balance sheet philanthropy techniques utilized by leading foundations and universities; and (3) business startup experience from Mr. Schierl’s experience as an entrepreneur as a founder and/or advisor of several for-profit and non-profit startups.

A graduate of Harvard Law School and the University of Notre Dame (’84 Great Books Program), Mr. Schierl has practiced law for over 30 years. Mr. Schierl is a licensed member of the Bar in Illinois, New York and Wisconsin. He is consecrated to Our Lady and a member of the Militia Immaculata, founded by St. Maximilian Kolbe. Mr. Schierl serves on the Advisory Board of the Fitzgerald Institute for Real Estate at the University of Notre Dame. He resides in LaGrange Park, IL with his wife, Valerie. They have five adult children, with three children currently in college.

Randall Kulat - Counsel



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With more than 40 years of experience in all types of complex financial transactions, Randy focuses his practice on all aspects of tax-exempt finance, banking, and secured lending matters. Randy has served as bond counsel, underwriter's counsel, issuer's counsel, disclosure counsel, borrower's counsel, trustee counsel, credit facility provider counsel, and bond purchaser's counsel in many areas of public finance, including private activity bonds, Section 501(c)(3) revenue bonds, special service area financings, tax increment finance, water revenue, pension obligation, general obligation, and alternate revenue financings.

Randy has been involved in both fixed and variable rate bond transactions, taxable and tax-exempt bonds, and private sale as well as public offerings of bond issues for state and local development authorities, counties, and municipalities. His bond experience includes bonds issued by municipalities and other governmental entities in Illinois, Tennessee, Florida, Indiana, Wisconsin, South Carolina, New Hampshire, Pennsylvania, and Delaware.

Randy also has represented national and regional lenders in a variety of loan transactions, including commercial, construction, industrial, and residential real estate development loans, asset-based loans, and other corporate loans. He assists lenders in the workout and restructuring of troubled loans and loan sales. Randy represents borrowers on large loan transactions and acts as local Illinois counsel on multistate transactions. In this capacity, he negotiates complex loan documents and prepares borrower's counsel opinions. Randy has represented developers and lenders in special service area and tax increment financings.

Julie Rhoades - Partner



With deep experience in highly sophisticated tax matters drawn from her years at Kirkland & Ellis and Winston & Strawn, Julie focuses her practice on tax issues in connection with the formation and operation of investment funds, and has advised on the formation of funds of up to over \$2 billion. Julie also represents clients on tax issues in domestic and cross-border mergers and acquisitions and other corporate transactions.

Fund managers and key executives in various industries (including technology, financial services, healthcare, automotive, and cannabis) look to Julie for advice on transaction structure and the tax aspects of purchase agreements, operating agreements, and related documents. Julie also has significant experience in counseling tax-exempt organizations, ranging from newly formed public charities to well-established elder care and university organizations, on formation, conflict of interest, and operational issues.

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Samantha Nunez - Associate



Prior to joining Croke Fairchild, Samantha spent over a decade working for the Metropolitan Water Reclamation District of Greater Chicago issuing municipal bonds where she worked with bond counsel and financial advisors to facilitate municipal and green bond issuances and reviewed Bond Issue Notification Act documents, underwriting, arbitrage, tax and disclosure legal documents. She has assisted in the preparation of official statements, conflict of interest documents, and municipal bond closing documents. Additionally, she oversaw post-issuance compliance with the Municipal Securities Rulemaking Board and the Security Exchange Commission.

Samantha also has experience litigating civil matters in both state and federal court, including bench trials and settlements.

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