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## CHAPTER 291

### FORMERLY

### HOUSE BILL NO. 721

AN ACT TO AMEND CHAPTER 80, TITLE 29, DELAWARE CODE TO EMPOWER THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL TO ESTABLISH AND ADMINISTER A STATE REVOLVING LOAN PROGRAM FOR WASTEWATER TREATMENT AND DISPOSAL FACILITIES AND OTHER QUALIFYING PROJECTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 8003, Chapter 80, Title 29, Delaware Code by renumbering existing subsection "(12)" to subsection "(13)" and substituting a new subsection "(12)" to read as follows:

"(12) The Secretary is empowered to administer a state revolving loan program in accordance with the requirements set forth in Title VI of the federal Water Pollution Control Act.

#### a. Definitions

1. 'Delaware Water Pollution Control Revolving Fund' shall mean the special fund created pursuant to this subsection.
2. 'Department' shall mean the Department of Natural Resources and Environmental Control.
3. 'Federal Water Pollution Control Act' shall mean the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq and regulations promulgated thereunder.
4. 'Person' shall mean any individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, state, municipality, commission, political subdivision of a state or any interstate body.
5. 'Secretary' shall mean the Secretary of the Department of Natural Resources and Environmental Control.

#### b. Delaware Water Pollution Control Revolving Fund:

There is hereby established a 'Delaware Water Pollution Control Revolving Fund' as contemplated by and to be administered pursuant to Title VI of the Federal Water Pollution Control Act. All federal capitalization grants received pursuant to the Federal Water Pollution Control Act; any state reallocations of federal construction grants funds pursuant to the Federal Water Pollution Control Act; all required matching state funds and all loan repayments received by the state pursuant to any loan agreement made under the Delaware Water Pollution Control Revolving Fund, shall be credited to the Delaware Water Pollution Control Revolving Fund. In addition, all proceeds of obligations issued by the state and supported by a pledge or other interest in the funds in the Delaware Water Pollution Control Revolving Fund, shall be held in or for such Fund. The Delaware Water Pollution Control Revolving Fund shall be deemed to be a special fund and shall be approved by the governor for the following purposes:

1. to accept and retain the funds and revenues specified herein;
2. to make loans to eligible persons for qualifying purposes under the Federal Water Pollution Control Act;
3. to buy or refinance debt obligations of eligible persons for qualifying purposes under the Federal Water Pollution Control Act;
4. to guarantee or purchase insurance for obligations of eligible persons for qualifying purposes under the Federal Water Pollution Control Act;
5. to make loans to eligible persons to implement a nonpoint source pollution control management program under the Federal Water Pollution Control Act;
6. to make loans to eligible persons to implement an estuary conservation and management program under the Federal Water Pollution Control Act;
7. to be a source of revenue or security for the payment of principal and interest on revenue bonds of the state if the proceeds of the sale of such bonds will be deposited in the Delaware Water Pollution Control Revolving Fund;
8. to earn interest on amounts on deposit in such fund;
9. to finance the reasonable costs incurred by the state in the administration of the Delaware Water Pollution Control Revolving Fund as permitted under the Federal Water Pollution Control Act;
10. to accomplish any other allowable purpose under the Federal Water Pollution Control Act

The Department is designated as the administering agency of the Delaware Water Pollution Control Revolving Fund and shall have such powers necessary to administer such fund including, but not limited to, the power to enter into capitalization grant agreements with the Environmental Protection Agency, the power to accept capitalization grant awards made under the Federal Water Pollution Control Act and the power to manage and make loans from the Fund in accordance with

the requirements of the Federal Water Protection Control Act. The Department shall take all actions necessary to secure for the State the benefits of Title VI of the Federal Water Pollution Control Act.

c. Standards and Procedures.

Before making any loan from the Delaware Revolving Loan fund, the Department shall specify:

1. standards for the eligibility of borrowers and the type of projects to be financed with loans,
2. procedures for the preparation, review and approval of the 'project priority' list which must contain those projects for which financial assistance is sought,
3. procedures for submitting applications for financial assistance and procedures for Department approval of such applications,
4. procedures for completing an environmental review of projects pursuant to subsection (d) of this §8003,
5. conditions for financial assistance,
6. other relevant criteria, standards or procedures.

d. The Secretary shall conduct an environmental review of projects otherwise qualifying under this subsection which shall be sufficiently consistent with the provisions for environmental review established under 40 CFR, Part 6., and the Secretary's environmental review standards and procedures established in Title 7.

Approved July 2, 1990.