WEST VIRGINIA CODE: §22-36-2

§22-36-2. Designation of Department of Environmental Protection as state instrumentality; rules; small systems; disadvantaged communities.

(a) The Department of Environmental Protection shall act as the instrumentality that is hereby empowered to enter into capitalization agreements with the United States Environmental Protection Agency, to accept capitalization grant awards made under the federal Safe Drinking Water Act, and to direct the administration and management of the West Virginia Drinking Water Treatment Revolving Fund created in this article in accordance with the requirements of federal law.

(b) The Department of Environmental Protection shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq*. of this code for the purpose of effecting the administration of the provisions of this article. The rules shall include, but are not limited to, establishing requirements for: (1) Capacity development; (2) environmental review; (3) disadvantaged community designation; (4) receipt and disbursement of fund moneys; and (5) establishment of a Drinking Water Treatment Revolving Fund program to direct the financial management of the fund to water systems and establish the interest rates and repayment terms of the loans.

(c) Two percent of the annual federal capitalization grants made to this state shall be utilized to provide technical assistance services for small systems to assist those systems in maintaining compliance with the federal Safe Drinking Water Act. The Department of Environmental Protection shall enter into contracts to provide technical assistance services for small systems with such non-profit organizations that: (1) Have a membership that represents at least 25 percent of the small systems of this state; and (2) have at least five years' experience in providing on-site technical assistance to small systems.

(d) The Department of Environmental Protection shall, in accordance with the provisions of the federal Safe Drinking Water Act, establish a program for loan subsidies to disadvantaged communities. Thirty percent of the annual federal capitalization grants made to this state shall be dedicated to the funding of projects for disadvantaged communities.

WV Legislature