

Water Infrastructure Advisory Council (WIAC)

Self-Report

151st General Assembly



**JOINT LEGISLATIVE OVERSIGHT
& SUNSET COMMITTEE**

*Respectfully submitted to the
Joint Legislative Oversight and Sunset Committee
August 2021*

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ABOUT JLOSC AND THE REVIEW PROCESS

The Joint Legislative Oversight and Sunset Committee (“JLOSC” or “Committee”) is a bipartisan body comprised of 5 members of the Senate appointed by the President Pro Tempore and 5 members of the House of Representatives appointed by the Speaker of the House.

JLOSC completes periodic reviews of state supported entities such as agencies, commissions, and boards following statutory criteria under [29 Del. Code, Chapter 102](#). The review's purpose is to determine the public need for the entity and whether the entity is effectively performing to meet the need. The goal of the review is to provide strength and support to entities that are providing a State recognized need.

JLOSC performs its duties with support provided by the Division of Research's dedicated and nonpartisan staff. JLOSC staff completes a performance evaluation of the entity under review and submits a Staff Report to JLOSC which includes analysis, key findings, and recommendations. Recommendations are not finalized until reviewed, discussed, and adopted by JLOSC with an affirmative vote of 7 members. In February 2022, JLOSC staff will schedule an in person public hearing for each entity under review to present to the Committee. For additional review information, please visit the Committee's website at <https://legis.delaware.gov/Committee/Sunset>.

ABOUT THIS SELF-REPORT

The JLOSC statute requires the entity under review to supply information and materials to facilitate a legislative oversight and sunset review. Additionally, the entity under review has the burden of showing, through the statutory review criteria, that there is a genuine public need and that the entity is meeting that need.

JLOSC staff supplies each entity under review with a Self-Report template and instructions. All questions appearing in this Self-Report are from the JLOSC staff created *JLOSC Performance Review Questionnaire* ("questionnaire") and are the same for each entity under review. All questions appearing in the questionnaire use statutory review criteria. Throughout the questionnaire, the use of the broad term "board" refers to the entity under review, which may be a board, committee, commission, or council. The entity under review supplies review information by completing this Self-Report and is responsible for its contents and for forwarding all updates or corrections to JLOSC staff in a timely manner during the entire review period.

JLOSC staff will not edit or modify the information received in this Self-Report and only check for completeness and adherence to instructions. JLOSC members will receive completed Self-Reports and updates directly from their staff. The Committee's website will include electronic copies of all Self-Reports and any updates received from entities under review.

JLOSC PERFORMANCE REVIEW QUESTIONNAIRE

SECTION 1: AGENCY HISTORY, PURPOSE, AND FUNCTIONS

Section 1-A. Please provide a summary of your board's history. Highlight any key events.
The Water Infrastructure Advisory Council (WIAC) originally began as the Wastewater Facilities Advisory Council (WFAC). The WFAC was created by HB570 and signed into law on July 7, 1994. The WFAC was created as an advisory body to the Secretary of DNREC and to make recommendations for loans and/or grants from the Delaware Water Pollution Control Revolving Fund (WPCRF), also known as the Delaware Clean Water State Revolving Fund (CWSRF). The WFAC was amended following the Stormwater Task Force to oversee stormwater funding as well. The council was renamed to the Clean Water Advisory Council (WIAC). In 2014, the CWAC was again amended following to oversee the Delaware Safe Drinking Water Revolving Fund or Drinking Water State Revolving Fund (DWSRF). The CWAC was renamed to be the WIAC. Most recently the makeup of the WIAC was amended by HB200, Clean Water for Delaware Act, which was signed into law on July 22, 2021. The WIAC will provide input to the Clean Water Trust Committee on the strategic plan, annual report, and long-term funding plan.

Section 1-B. What are the main functions of this board? Does this board issue any advisory or policy opinions? If so, where can they be found?

The WIAC provides recommendations to the Secretaries of DNREC and DHSS on loans and grants funded by the CWSRF and DWSRF programs. Those advisory recommendations are included in the WIAC minutes.

Section 1-C. What condition(s), situation(s), and/or problem(s) existed prior to the creation of this board that directly led to its creation? Please provide specific examples.

The USEPA began phasing out the legacy constructions grant program and created the CWSRF loan program to replace it. The WFAC was created to provide advise and consent to the Secretary of DNREC on the prioritization of projects in the CWSRF and to make recommendations for approval of loans/or grants.

In 2021, the creation of the Clean Water Trust and the Clean Water Trust Committee requires the WIAC to also provide advice to the Committee.

Section 1-D. To what extent has the existence and functioning of this board alleviated each of these condition(s), situation(s), and/or problem(s)? Please provide specific examples.

The WIAC has approved funding for projects to help Delaware comply with the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). The WIAC prioritizes funding for projects to provide the greatest water quality or public health benefit.

Examples:

The WIAC has approved funding to comply with the 1995 DNREC Secretary Order to remove all point source discharges to the Delaware Inland Bays Estuary. The funding allowed the City of Lewes, the City of Rehoboth Beach, and the Town of Millsboro to comply with the order.

Section 1-E. Would the condition(s), situation(s), and/or problem(s) described in question “1-C” above recur or worsen, in the absence of the board?

Without the WIAC, there would be no prioritization process by which the State directs CWSRF and DWSRF to address water quality and drinking water needs.

Section 1-F. Are there any recent condition(s), situation(s), and/or problem(s) that further justify the need for the board's existence?

The signing of HB 200, Clean Water for Delaware Act created a Clean Water Trust and a Clean Water Trust Oversight Committee. The law mandates that the WIAC and the Conservation Districts shall provide outside, technical assistance and advice to the Clean Water Trust Committee.

Section 1-G. Are there any functions of this board that are outdated and no longer needed? If so, please explain and provide examples.

No

SECTION 2: MISSION, GOALS, OBJECTIVES, & AUTHORITY

Section 2-A. What is the mission of this board? Does the enabling legislation accurately reflect the mission?

The Water Infrastructure Advisory Council (the “Council”) shall serve in an advisory capacity to the Secretaries of the Departments of Natural Resources and Environmental Control (“DNREC”), Agriculture (“DDA”), Health and Social Services (“DHSS”), Transportation (“DelDOT”), and Finance (“DOF”) and collectively the (“Secretaries”).

The mission of the WIAC is defined in State Law (29 Del. C. § 8011).

Section 2-B. Please identify and explain the board's goals and objectives, in order of priority.

(1) To evaluate, establish, recommend, and adopt a long-term plan for the public funding of drinking water supply and wastewater facility infrastructure projects that shall cover a period of not less than 6 years. The plan shall be updated and prioritized on an annual basis and incorporated in DNREC’s and DHSS’s annual capital budget requests to the Governor. A copy of the adopted plan shall be submitted to members of the General Assembly on or before November 15 of each year. Additionally, the Council shall submit to the Clean Water Trust Fund Oversight Committee annual advisory recommendations related to wastewater, stormwater and drinking water infrastructure addressing those elements required for inclusion in the strategic plan for clean water as required in § 8082(a) of this title on or before September 15 of each year.

(2) To establish standards and procedures for persons to submit requests for funding the construction, repair, renovation or expansion of water supply and wastewater facilities and to recommend specific grants or loans, or both, in accordance with such standards and procedures using funds authorized for such purposes by act of the General Assembly or funds approved by the Delaware State Clearinghouse Committee. The Council shall develop and recommend projects for the planning, construction, repair, renovation or expansion of water supply and wastewater facilities to be funded in whole or in part by the Delaware Water Pollution Control Revolving Fund, the Drinking Water State Revolving Loan Fund (the “Funds”) and any other source of funding authorized by the General Assembly;

(3) To develop and periodically update a nonbinding comprehensive, statewide water supply and wastewater facilities assessment to be presented in 3 sections, 1 for each county. The Council may retain the services of necessary professionals and may enter into agreements in order to prepare such an assessment. Each of the counties may, at its option, designate a county agency responsible

for preparing the assessment for such county, provided however, that the assessments shall be prepared in a uniform manner pursuant to criteria established by the Council. In the absence of such a designation, the DNREC and DHSS shall be the lead agencies in coordinating preparation of the assessment. The assessment shall include, but not be limited to, a description of the status of existing water supply and wastewater facilities, the current usage thereof, the adequacy of existing water supply and wastewater facilities, projected long range requirements for such facilities, the compatibility of existing land use plans with existing and long-range requirements of water supply and wastewater facilities, and recommendations for improvements to existing facilities;

(4) To recommend affordability standards for water supply and wastewater facility infrastructure projects. Such recommendations shall reflect the goals of establishing fair rates that equitably distribute the costs of water supply and wastewater facilities using public funds based upon usage and relying upon private firms to provide services if it is economical and in the public interest to do so; and

(5) The Council shall review and recommend the payment of administrative and operating expenses of the Council to the DNREC and DHSS.

(6) The Council shall make funding recommendations to the Secretaries of the DNREC and DHSS of drinking water and wastewater infrastructure projects that are “ready to proceed.”

Section 2-C. Please describe the internal performance evaluation system that the board uses to measure the attainment of its goals and objectives.

Currently, there is no internal performance evaluation system.

Section 2-D. Does the board collect any data sets? If so, please identify and explain.

The WIAC conducts periodic needs assessment of wastewater, drinking water, and stormwater facilities in the State. The reports can be found at <https://dnrec.alpha.delaware.gov/environmental-finance/water-infrastructure-advisory-council/>

Section 2-E. Does the board conduct any research? If so, please explain and provide the location of research reports (if produced).

No, the board does not conduct any research.

Section 2-F. Has the State Auditor or any other external organization recently audited and/or evaluated the board or any of its programs? Please identify some of the major conclusions and/or recommendations. Provide links to all reports.

The auditor has not audited the WIAC. However, the auditor has audited the CWSRF and DWSRF programs. These audits are performed annually and have had no significant findings.

Links to the audits:

<https://auditor.delaware.gov/wp-content/uploads/sites/40/2020/12/CWSRF-6.30.20-Audit.pdf>
<https://auditor.delaware.gov/wp-content/uploads/sites/40/2020/12/DrinkingWater2020.pdf>

Section 2-G. In general, how do other states carry out similar functions?

Other states have similar advisory councils or review boards. Some states have quasi-state infrastructure banks that have a board of directors.

Section 2-H. Are your board's functions similar or overlapping of other state or federal entities? If so, discuss how the board coordinates its services with other state or federal entities sharing similar objectives. Please explain why the functions are best placed within this board or why you feel they should be placed elsewhere.

There are similar wastewater and drinking water financing programs under the USDA Rural Development office. The WIAC has no oversight over the federal funding. Staff to the WIAC regularly coordinates joint-funding opportunities with USDA.

SECTION 3: ACCOMPLISHMENTS

Section 3-A. List and briefly explain the board's most significant accomplishments.

Many projects funded by the CWSRF program have received national recognition under the EPA Performance and Innovation in the SRF Creating Environmental Success (PISCES) Award program:

- Lewes – Wastewater Treatment Plant Upgrade
- Kent County – Renewable Energy Park
- DNREC Parks and Waste and Hazardous Substances – NVF Yorklyn Site Remediation and Wetland Project
- Wilmington – Renewable Energy Biosolids Facility
- Rehoboth Beach – Wastewater Treatment Plant Upgrade and Ocean Outfall Project
- Wilmington – South Wilmington Wetlands Park

SECTION 4: CHALLENGES

Section 4-A. List and briefly explain 3 to 4 challenges the board is currently facing. Current supply chain issues, cost of construction materials, and labor shortages for wastewater and drinking water infrastructure projects

- Funding and implementing sewer and water projects for underserved communities
- Lack of repayment stream for storm water projects

SECTION 5: OPPORTUNITIES FOR IMPROVEMENT

Section 5-A. List and briefly explain several opportunities for improvements. Please prioritize.

Term limits for WIAC members.

Section 5-B. In the past 5 years, have you recommended any changes to the Legislature, Governor's Office, or other State entity to improve the board's operations? If so, please explain and provide the outcome or current status? The Council's operation changed as a result of legislation to expand the role of the board. DNREC and DHSS played an integral part in providing input for the legislation which was approved with the passing of HB200 in 2021.

SECTION 6: COMPOSITION & STAFFING

Membership:

Section 6-A. How is board membership defined? Please explain and provide the section(s). Examples include statute, regulations, or by-laws.

Membership is defined by statute (29 Del. C. § 8011):

The Council shall be composed of 16 members appointed by the Governor with the advice and consent of the Senate. The Governor shall appoint a chairperson. Members of the Council shall serve for up to 3 years excluding the Chairperson who shall serve at the pleasure of the Governor. Members shall be appointed for staggered terms so that no more than 4 members' terms expire in

any calendar year. There shall be at least 1 member who is a resident of New Castle County, 1 member who is a resident of Kent County, 1 member who is a resident of Sussex County, and 1 member who is a resident of the City of Wilmington. Members of the Council shall represent interest and possess expertise in the areas of wastewater, stormwater, agricultural water use, and drinking water infrastructure. Members may include, but not be limited to representatives from local government, public health, agriculture, and financial management, and 3 members representing nonprofit environmental organizations, 1 of whom may represent an environmental justice organization. No more than 9 members shall be affiliated with any 1 major political party. The Governor shall appoint a member representing the water utilities, the president of 1 of the conservation districts, and a member of the Farm Bureau, all of whom shall serve as nonvoting members of the Council, and at the pleasure of the Governor. The nonvoting members may provide annual recommendations to the Council relating to stormwater, drainage, flood protection, resource and conservation development projects, agricultural and conservation cost share, cover crops, conservation reserve enhancement, and tax ditches.

The new, nonvoting members have not been appointed yet.

Section 6-B. Are there special qualifications for board membership?

Members of the Council shall represent interest and possess expertise in the areas of wastewater, stormwater, agricultural water use, and drinking water infrastructure.

Section 6-C. Who has member appointment authority? Where is this defined?

The Council shall be composed of 16 members appointed by the Governor with the advice and consent of the Senate. The Governor shall appoint a chairperson. Members of the Council shall serve for up to 3 years excluding the Chairperson who shall serve at the pleasure of the Governor. Defined by statute.

Section 6-D. What is the designated term of office for board members? Where is this defined?

Members of the Council shall serve for up to 3 years excluding the Chairperson who shall serve at the pleasure of the Governor. Defined by statute.

Section 6-E. How many members currently serve on this board? Are there any vacancies? If so, indicate the length of time each vacancy has existed and the reasons why. Has the board or support staff advised the Governor's Office or appointing authority of the vacancies?

There are currently 13 members on the WIAC. The only vacancies include the 3 nonvoting members which were created by HB 200 which became law in August 2021.

Section 6-F. Can this board create subcommittees or task forces? If "yes" please address the following questions:

- 1. Describe the process and site the board document (statute, regulations, or by-laws) that permits this.** The former Chairperson, Joseph Corrado, created the current subcommittee system in 2006. They were created by the action of the Chair.
- 2. Provide a brief history on how many have been created in the past 5 years, and indicate where meeting documents can be found.** No subcommittees have been created in the last 5 years. Agendas for subcommittees are located on the public meeting calendar. Minutes of the subcommittees are maintained by staff.
- 3. If final reports were issued, please provide their location.** N/A
- 4. If there are current subcommittees or task forces currently meeting and conducting business; include information on membership, duties, and where meeting documents can be found.** Currently, there are 4 subcommittees: Finance, Wastewater, Drinking Water, and Surface Water. Staff maintains meeting documents.

Section 6-G. Include a current membership roster with this Self-Report. This is a separate request from the list of supporting documents included in the Self-Report instructions. This current membership roster must indicate the following for each member:

- First and last name, and their city and state of residence.
- Position held (i.e., Chair, President, Co-Chair, Secretary, etc.).
- Professional or public member.
- Their profession or occupation.
- Original appointment date, expiration date, and number of terms served.

Member's Name and City and State of residence.	Position Held	Professional or Public Member	Profession or Occupation	Original Appointment Date	Appointment Expiration Date	Number of Terms Served
Jeffrey M. Bross, Wilmington , DE	Chair	Professional	Consultant Engineer	March 14, 2002; Appointed as Chair June 10, 2015	Serves at Pleasure of the Governor	5 as Member
Hans M. Medlarz, Milford, DE	Vice-Chair	Professional	County Engineer	May 17, 2007	June 28, 2021	5
Eugene S. Dvornick, Jr., Milton, DE	Member	Professional	Town Manager	April 2, 2009	April 21, 2024	5
Jeff Flynn, Wilmington, DE	Member	Professional	Director of Economic Development	June 28, 2010	March 20, 2022	4
David B. Baker, Milton, DE	Member	Public	Retired	June 13, 2012	April 21, 2024	4
Jennifer A. Adkins, Wilmington, DE	Member	Professional	Director, Non-Profit	June 13, 2012	April 21, 2024	4
Richard A. Duncan, Sr., Selbyville, DE	Member	Professional	Executive Director, Non-Profit	June 30, 2013	April 21, 2023	4
Charles D. Anderson, Seaford, DE	Member	Professional	City Manager	June 30, 2013	June 5, 2021	3
Desmond A. Baker, Wilmington, DE	Member	Professional	Consultant Engineer	March 28, 2018	April 21, 2024	2
Robert L. Stickels, Wilmington, DE	Member	Professional	General Manager	March 14, 2018	March 14, 2022	2
Carolann D. Wicks, Townsend, DE	Member	Professional	Consultant Engineer	June 6, 2018	April 21, 2024	2

J. Michael Riemann, Camden-Wyoming, DE	Member	Professional	Consultant Engineer	June 5, 2019	Exp: June 5, 2022	1
Victoria K. Petrone, Wilmington, DE	Member	Professional	Attorney	June 5, 2019	June 5, 2022	1

Meeting Frequency:

Section 6-H. How frequent are meetings held? Is meeting frequency defined anywhere such as the statute or by-laws? If so, provide document name and section information.

Presently, meetings are held bi-monthly. Frequency is not defined by statute.

Section 6-I. Can the board hold special or emergency meetings? If so, describe the protocol involved in requesting and holding a special or emergency meeting.

Yes. The WIAC has not held a special or emergency meeting. The process to request or hold a special emergency meeting is not defined in code.

Meeting Order and Quorum:

Section 6-J. For meeting order, does the board follow Mason's Manual of Legislative Procedure or Roberts' Rules of Order? Is this defined in statute, regulation, or by-laws?

The WIAC follows Roberts' Rules of Order. This is not defined by statute

Section 6-K. How is meeting quorum defined and where is the definition located?

Roberts' Rules define quorum as a majority of the membership. The statute reads: The Council shall adopt all motions and approve the 6-year water supply and wastewater infrastructure plan, the assessment, and recommendations for loans or grants only by a majority vote of the entire voting membership of the Council.

Member Removal:

Section 6-L. Is there a mechanism for member removal? If so, how are members removed and who has the authority to remove a member? Using the process described, has there ever been an instance of member removal, and if so, briefly describe the nature of events that led to the member removal.

No, there is no mechanism for removal and no member has ever been removed.

Member Compensation:

Section 6-M. Are board members compensated? If so, how are they compensated?

Members of the Council shall serve without compensation except that they shall be reimbursed for reasonable and necessary expenses incidental to their duties as members of the Council. Presently, WIAC members are only compensated for their mileage to meetings.

Member Training and Handling Conflicts of Interest:

Section 6-N. Are board members offered any special training opportunities? Is training required or voluntary?

All new members are provided orientation training by staff.

Section 6-O. Has a Deputy Attorney General ("DAG") reviewed the provisions of the Public Integrity Act with board members to ensure that they are complying with the provisions in the law? If so, what is the frequency of this review?

No

Section 6-P. Please explain how board members avoid conflicts of interest.

All WIAC members have signed a conflict of interest document that was prepared by a Deputy Attorney General. In the course of WIAC business, Council members recuse themselves from all voting and discussion on items that they may have an interest in.

Section 6-Q. Has the Public Integrity Commission (“PIC”) provided training or clarification to board members or issued any advisory opinions on board activities? If so, please explain the details. Provide a link to the information or attach relevant information to this report.

No

Support Staff:

Section 6-R. Is there dedicated support staff *directly* assisting the board? If so, what state agency or entity supplies the support staff? Yes, DNREC and DHSS provide staff to assist the WIAC.

- If this question is applicable answer all questions in this section.
- If not applicable, state that no support staff exists for question Section 6-R and explain how board duties are divided among members, skip to questions Section 6-Y and Section 6-Z below.

Section 6-S. How many employees are employed by the state agency or entity supplying support staff? (skip if not applicable)

DNREC – Environmental Finance Section - 13 employees.

DHSS – Public Health – Health System Protection – 32 employees

Section 6-T. Does the state agency or entity supplying support staff offer internships? If so, do interns provide support services to the board? (skip if not applicable)

N/A

Section 6-U. What is the size of the support staff *directly* assisting the board? How many are merit, appointed, exempt, temporary, casual seasonal, or contract employees? For contact employees indicate who holds the employment contract. Highlight support staff responsibilities, indicate who performs each and the percent of staff time spent on each responsibility. (skip if not applicable)

DNREC – 9 staff (7 merit, 2 contractual-Kent Conservation District)

Chief of Operations – WIAC CWSRF program support – 50% of time

Chief of Administration – WIAC CWSRF and DWSRF financial support – 50%

Fiscal Management Analysts (2) – WIAC CWSRF and DWSRF financial support - 35%

Engineers (3) – WIAC CWSRF program support – 35%

Admin Specialist – WIAC CWSRF and DWSRF admin support – 50%

Fiscal Management Analyst (Contractual) – WIAC CWSRF and DWSRF financial support – 25%

Planner (Contractual) – WIAC CWSRF program support – 50%

DHSS – 4 staff (all merit)

DWSRF Program Administrator – WIAC DWSRF program support - 50%

Fiscal Management Analyst – WIAC DWSRF financial support – 25%

Engineer – WIAC DWSRF program support – 50%

Environmental Health Specialist – WIAC DWSRF program support – 50%

Section 6-V. Who supervises the support staff *directly* assisting the board? (skip if not applicable)

DNREC- Environmental Finance: Eric Dawson, Chief Operating Officer; Greg Pope, Chief of Operations; Laura Robbins, Chief of Administration

DHSS – Division of Public Health: Jamie Mack, HSP Section Chief; Sandi Spiegel, DWSRF Administrator

Section 6-W. How is the support staff *directly* assisting the board recruited and hired? Is there an orientation session for new hires? (skip if not applicable)

Through the State of Delaware's normal hiring system. Human Resources has an onboarding program for new hires. There is internal orientation for new hires.

Section 6-X. What training opportunities are available to support staff *directly* assisting the board? (skip if not applicable)

EPA Region 3 provides SRF 101 training EPA Grant trainings.

Section 6-Y. Is the effectiveness of the board hindered by a lack of staff assistance or dedicated support staff? Please explain. What steps, if any, have been taken to address any staffing issues? (all entities under review answer this question)

Yes, staffing shortages can hinder the work of the WIAC. Insufficient staffing levels would result in cancellation of WIAC meetings. Both DNREC and DHSS have made significant strides in filling vacant staff positions to support the WIAC.

Section 6-Z. Please identify, list, and briefly describe any executive orders, interagency agreements, management directives, administrative circulars, or like documents that directly impact the functioning of the board. (all entities under review answer this question)

There is a MOA between DNREC, DHSS, and Finance outlining the coordination between the agencies regarding the administration of the CWSRF and DWSRF. The MOA states DNREC and DHSS: Shall coordinate and jointly support the administrative, technical, and financial staffing needs of the Water Infrastructure Advisory Council.

SECTION 7: FREEDOM OF INFORMATION ACT (“FOIA”) COMPLIANCE

Section 7-A. How does the board respond to FOIA requests?

FOIA requests regarding the WIAC would come through the supporting state agencies.

Section 7-B. When and where are the meeting agendas posted?

Agendas are posted on the State of Delaware public meeting calendar.

Section 7-C. Are meeting minutes regularly transcribed? When and where can the public obtain copies of meeting minutes?

Meeting minutes are prepared and placed on the public meeting calendar once approved.

Section 7-D. Are meetings recorded? If so, indicate whether it's an audio or video recording and is the recording posted online for the public? If the recordings are not posted online, are instructions provided to the public on how to request recordings?

The WIAC meetings are audio recorded. The recordings are maintained by staff and would be made available upon request.

Section 7-E. Within the past 3 calendar years, has the agency conducted executive sessions or other closed meetings? If yes, please indicate the date of each and the nature of the meeting. Are minutes of executive sessions or other closed meetings available to the public?

No

Section 7-F. Has the agency ever received any complaints that they were violating FOIA? If so, please list and include the result of the hearing or the review.

No

SECTION 8: ADMINISTRATIVE PROCEDURES ACT COMPLIANCE

Section 8-A. Does the board promulgate rules or regulations in accordance with the Administrative Procedures Act?

No

Section 8-B. Has a DAG assigned to this board reviewed the current rules and regulations for compliance with the governing statute?

No

Section 8-C. Is the board considering any changes to its current rules and regulations?

No

If "yes" please address the following questions:

1. What is the status and nature of the planned changes?

n/a

2. Have the proposed changes been reviewed and approved by the agency's Deputy Attorney General?

n/a

3. Have the proposed changes and the public hearing date been published in the Register of Regulations?

n/a

SECTION 9: COMPLAINT AND DISCIPLINARY PROCESS

Section 9-A. Please describe in detail the complaint process utilized to resolve disputes between the board and the public, including how complaints are filed, who investigates complaints, and how long investigations proceed.

Currently, there is not a complaint process.

Section 9-B. What are some of the most common complaints received by the board? Please identify where the complaints originate (i.e., public, media, Attorney General's Office, consumer groups, etc.).

We are not aware of any complaints received by the WIAC.

Section 9-C. Have any complaints been filed with the Attorney General's Office? If so, have they been resolved?

No

Section 9-D. Are there any Delaware Attorney General's Opinions that affect the functioning of the board? If so, please provide the date and number.

No

Section 9-E. Are there any recent judicial decisions (state or federal) that directly affect the functioning of the board?

No

Section 9-F. What specific disciplinary actions were taken by the board as a result of complaint investigations? (i.e., license revocation, license suspension, formal reprimand, penalty, etc.).

None

Section 9-G. Please describe in detail the process utilized for determining appropriate disciplinary actions taken against individuals licensed, employed, or monitored by the board. Include the appeals process, if applicable.

N/A

Section 9-H. If applicable, provide the following complaint data for calendar years 2018, 2019, 2020, and 2021 (to date): N/A

	Calendar Year 2018	Calendar Year 2019	Calendar Year 2020	Current Calendar Year 2021
Total Number of Complaints Received by the Board				
Total Number of Complaints Investigated				
Total Number of Complaints Found Valid				
Total Number of Complaints Forwarded to the Attorney General				
Total Number of Complaints Resulting in Disciplinary Action				

SECTION 10: PRIOR JLOSC REVIEW

Section 10-A. Has JLOSC previously reviewed this board? If so, provide the year(s) of review and list all JLOSC final recommendations, indicate whether the board is complying or non-compliant with each recommendation, and explain all areas of non-compliance.

No

SECTION 11: PUBLIC INFORMATION

Section 11-A. How does your board communicate information with the public? Does your board use a website and/or social media platform(s)? If so, please list each method of communication and supply the applicable web address, handle, or username.

Communication is to the public is made via the Council's website, DNREC public notices, and the State public meeting calendars.

The WIAC has a website <https://dnrec.alpha.delaware.gov/environmental-finance/water-infrastructure-advisory-council/> The Council does not use social media.

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Section 11-B. What information or educational resources are made available to the public relating to the board's activities? Examples include newsletters, guidelines, rules and regulations, policy briefs, or other similar documents. Please indicate the method and frequency of distribution for each and identify the target group(s).

DNREC and DHSS hold bi-annual workshops to explain the funding programs and the WIAC process for soliciting wastewater and drinking water projects.

Section 11-C. Does your board actively engage with the public and solicit feedback? If so, please explain. If the board has conducted surveys, please list all surveys conducted within the past 5 years and indicate where the public can find survey results.

Not formally. The WIAC has conducted wastewater, drinking water, and stormwater water needs assessments. Those surveys can be found at <https://dnrec.alpha.delaware.gov/environmental-finance/water-infrastructure-advisory-council/>.

Additionally, all WIAC meetings allow for public comment.

Section 11-D. Does your board have by-laws? If so, are they available for the public (include location) and what was the last date of revision?

No, the board does not have by-laws.

Section 11-E. Please complete the following 3 charts (add or delete cells as needed) with the most current information regarding interest groups, national organizations, and industry or trade publications as described in each chart heading.

Interest Groups (Groups affected by board actions or represent others served by or affected by board actions)		
Group or Association Name/Contact Person	Internet Address	Phone Number
Delaware Manufactured Home Owners Association	https://dmhoa.org/	(302) 945-2122
Delaware League of Local Governments	https://dllg.delaware.gov/	(302) 678-0991

National Organizations or other State Entities (that serve as an information clearinghouse or regularly interact with the board)		
Group or Association Name/Contact Person	Internet Address	Phone Number
Delaware Rural Water Association	https://drwa.org/	(302) 424-3792
Delaware Nature Society	https://www.delawarenaturesociety.org/	(302) 239-2334
Delaware Center for the Inland Bays	https://www.inlandbays.org/	(302) 226-8105
Partnership for the Delaware Estuary	https://delawareestuary.org/	(302) 232-5824 or (302) 655-4990

Industry or Trade Publications		
Group or Association Name/Contact Person	Internet Address	Phone Number
N/A		

SECTION 12: ENACTED LEGISLATION IMPACTING THE AGENCY

Section 12-A. Did legislation establish the board? If so, what year and by what legislative bill was the agency established? Yes, legislation established the board originally under HB570 which was signed into law on 7/7/1994.

Section 12-B. Please list all legislative bills and other acts that have made substantive amendments to the board's enabling legislation. Please indicate the bill number and date of enactment for each. The Water Infrastructure Advisory Council (WIAC) originally began as the Wastewater Facilities Advisory Council (WFAC).

- The WFAC was created by HB570 and signed into law on July 7, 1994.
- The WFAC was created as an advisory body to the Secretary of DNREC and to make recommendations for loans and/or grants from the Delaware Water Pollution Control Revolving Fund (WPCRF), also known as the Delaware Clean Water State Revolving Fund (CWSRF).
- The WFAC was amended following the Stormwater Task Force to oversee stormwater funding as well.
- The council was renamed to the Clean Water Advisory Council (WIAC).
- In 2014, the CWAC was again amended following to oversee the Delaware Safe Drinking Water Revolving Fund or Drinking Water State Revolving Fund (DWSRF).
- The CWAC was renamed to be the WIAC.
- Most recently the makeup of the WIAC was amended by HB200, Clean Water for Delaware Act, which was signed into law on July 22, 2021.

Section 12-C. Please identify, list, and briefly describe any federal laws or regulations that guide or otherwise directly affect the functions, responsibilities, and operations of the board.

Clean Water Act, Safe Drinking Water Act

SECTION 13: PENDING & PROPOSED LEGISLATION

Section 13-A. Please list any currently proposed legislation (state and federal) that, if passed, will directly impact the functions or operations of the board. Please indicate any bills that the board is supporting or opposed.

None

SECTION 14: FISCAL INFORMATION

Section 14-A. Complete the following chart to provide the board's actual revenue for FY19 and FY20 and budgeted revenue for FY21. Also indicate the source of funds (i.e., general fund, federal funds, special funds, etc.). The WIAC is an advisory body and does not receive funds.

Revenue:

Fiscal Year	Source of Funds	Amount
FY21 (budgeted)		
	General Funds	\$0.00
	Federal Funds	\$0.00
	Special Funds	\$0.00
	TOTAL:	\$0.00
FY20 (actual)		
	General Funds	\$0.00
	Federal Funds	\$0.00
	Special Funds	\$0.00
	TOTAL:	\$0.00
FY19 (actual)		

General Funds	\$0.00
Federal Funds	\$0.00
Special Funds	\$0.00
TOTAL:	\$0.00

Section 14-B. If the board receives federal funds, including grants, please indicate the following:

- **Total amount of federal funds.**
- **Type of federal fund.**
- **State/Federal Match Ratio.**
- **State Share of Dollars.**
- **Federal Share of Dollars.**

Section 14-C. Does the board collect any fees or fines? Provide information on any fines or fees collected by the agency: The WIAC is an advisory body and does not collect fees or fines.

Description of Fine or Fee	Current Fine or Fee \$\$	Number of Persons or Entities Paying Fine or Fee	Fine or Fee Revenue \$\$	Where is the Fine or Fee Revenue Deposited? (i.e., general fund, special fund)

Section 14-D. Has the board conducted a financial analysis to determine if the current fees are sufficient to cover the cost of the administrative activity related to each? Do the current fees or fines need to be updated or revised? Please explain, indicating whether the fees or charges can be changed directly by the agency or if legislative approval is required.

N/A

Section 14-E. Complete the following chart to provide the board's actual expenditures for FY19 and FY20 and budgeted expenditures for FY21. Also indicate the source of expenditures (i.e., general fund, federal fund, special fund, etc.). N/A

Expenditures:

Fiscal Year	Source of Funds	Amount
FY21 (budgeted)		
General Funds	\$0.00	
Federal Funds	\$0.00	
Special Funds	\$0.00	
TOTAL:	\$0.00	
FY20 (actual)		
General Funds	\$0.00	
Federal Funds	\$0.00	
Special Funds	\$0.00	
TOTAL:	\$0.00	
FY19 (actual)		
General Funds	\$0.00	
Federal Funds	\$0.00	
Special Funds	\$0.00	

TOTAL:	\$0.00
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Section 14-F. Provide a detailed breakdown of FY21 budgeted expenses. N/A

Breakdown of FY21 budgeted expenses:

Section 14-G. Within the last three fiscal years, have there been any external factors that have positively or negatively impacted the agency's revenue or expenditures?

N/A

SECTION 15: LICENSING PROCESS

Section 15 of the Self-Report may not be applicable. This section will apply if your board reviews applications and/or issues licenses. If you are not sure please contact JLOSC staff.

- If this section is applicable, answer all questions in Section 15.
 - If this section is not applicable, write below that your board does not review applications or issue licenses, and then skip to Section 16.

The WIAC does not review applications or issue licenses.

Section 15-A. Please list each of the licenses, certificates, or approval notices issued by the board and include the following information:

- Indicate how many are currently licensed, and whether an individual or institution receives the license.
 - Standard date of and requirements for renewal.
 - Criteria for determining qualifications for licensure.
 - Period for which a license is valid.

Section 15-B. Please provide the following data for each license, certificate, or approval notice issued by the board during calendar years 2018, 2019, 2020, and 2021 (to date). Include additional charts, if necessary:

Name of license issued by the board: _____

	# of License Applications Received	# of License Applications Approved	# of Licenses Issued	# of Licenses Rejected	# of Licenses Revoked
Calendar Year 2018	0	0	0	0	0
Calendar Year 2019	0	0	0	0	0
Calendar Year 2020	0	0	0	0	0
Current Calendar Year 2021 (to date)					

Name of license issued by the board: _____

	# of License Applications Received	# of License Applications Approved	# of Licenses Issued	# of Licenses Rejected	# of Licenses Revoked
Calendar Year 2018	0	0	0	0	0
Calendar Year 2019	0	0	0	0	0
Calendar Year 2020	0	0	0	0	0
Current Calendar Year 2021 (to date)					

Section 15-C. Do licenses issued by this board have reciprocity or endorsement agreements with Delaware? If so, provide a list of all states and jurisdictions that have licensing reciprocity or endorsement agreements with Delaware. Indicate if the board requires a signed agreement or endorsement from another state or jurisdiction before a Delaware license is issued?

Application Fees:

Section 15-D. Are any application fees collected by the board? If so, complete the chart below.

Fee Type	Application Fee
Fee Type	\$0

	\$0
	\$0
	\$0
	\$0

Section 15-E. If application fees are collected, when are fees due? Where are fees deposited? What happens if the fee is not paid? Are there any reduced fee options?

Section 15-F. If application fees are collected, has the board conducted a financial analysis to determine if the current application fees are sufficient to cover the cost of processing applications? Do the current application fees need to be updated or revised? Please explain, indicating whether the application fees can be changed directly by the agency or if legislative approval is required.

Application Process:

Section 15-G: Describe the application review process. Include where applications are obtained. Who reviews applications? How are applicants informed of decisions?

Examinations:

Section 15-H. If there is an examination requirement to obtain a license, address the following questions:

1. Is the examination written, oral, or both?
2. Is a standardized national examination used?
3. Who develops and scores the exam?
4. Are all aspects of the examination validated?
5. Who administers the exam, where is it administered, and how often is the exam given?
6. During each of the previous three calendar years, how many persons sat for an exam, and of those, how many successfully passed?

SECTION 16: RECONSIDERATION, APPEAL, SANCTIONS, REVOCATION

Reconsideration:

Section 16-A: Is there a process for application or board decision reconsideration (a process prior to a formal appeal, sometimes referred to as an administrative reconsideration)? This could also apply to reconsidering budget decisions made by the board. If so, please explain.

N/A

Appeal:

Section 16-B: Can an applicant, group, or individual appeal a board decision? If so, explain the process for appeal.

N/A

Sanctions:

Section 16-C: Can the board issue sanctions? If so, explain the sanction process.

N/A

Revocation:

Section 16-D: Does the board have a revocation process? If so, explain the process.

N/A

SECTION 17: SELF-REPORT AUTHOR(S)

Section 17-A: Include all Self-Report author(s) and contact information below.

- All Self-Report author(s) listed below certify the information supplied in this Self-Report is correct to the best of their ability.
 - Reminder to entity under review: Any updates or corrections to Self-Report contents and entity information must be submitted to JLOSC staff in a timely manner during the entire period of review.

Greg Pope, Chief of Operations, DNREC Environmental Finance

Laura Robbins, Chief of Administration, DNREC Environmental Finance

Section 17-B: This Self-Report was submitted to JLOSC staff on: October 19, 2021

APPENDICES