



SPONSOR: Rep. Heffernan & Sen. McDowell  
Reps. Brady, Cooke, Gray, Smyk; Sens. Ennis, Lopez,  
Pettyjohn, Wilson

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 119

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO QUALIFIED AGENCIES  
AUTHORIZED TO RECEIVE GRANTS FROM THE DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL.

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

1           Section 1. Amend § 8003, Title 29 of the Delaware Code by making deletions as shown by strike through and  
2           insertions as shown by underline as follows:

3           § 8003 Powers, duties and functions of the Secretary.

4           The Secretary may:

5           (11) The Secretary is empowered to administer and distribute funds in the form of grants to qualified agencies  
6           for the construction of treatment works from such funds as may be appropriated from time to time for this purpose.

7           a. *Definitions:*

8           4. "Qualified agency" shall mean any legally incorporated town or city, Levy Courts or other  
9           governments of the counties, state agencies, non-profit corporations providing water or wastewater services as  
10          a regulated utility pursuant to a certificate of public convenience and necessity granted by the Public Service  
11          Commission, and sewer districts authorized by law and organized to provide publicly owned and operated  
12          treatment works.

13          6. "Treatment works" shall mean any device and system used in the storage, treatment, recycling and  
14          reclamation of municipal sewage, domestic wastewater as defined in Chapter 60 of Title 7, or industrial  
15          wastes of a liquid nature, or necessary to recycle or reuse water at the most economical cost over the estimated  
16          life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power  
17          and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and  
18          alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units  
19          and clear well facilities and improvements to exclude or minimize inflow and infiltration.

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

22 a. *Definitions:*

23 4. "Person" shall mean any individual, trust, firm, joint stock company, federal agency, corporation  
24 (including a government corporation), partnership, state, municipality, commission, political subdivision of a  
25 state or any interstate body. For purposes of this subsection, the term municipality includes a non-profit  
26 corporation providing water or wastewater services as a regulated utility pursuant to a certificate of public  
27 convenience and necessity granted by the Public Service Commission.

SYNOPSIS

The bill expands the qualified agencies authorized to receive grants approved by the Water Infrastructure Advisory Council to include non-profit corporations, such as the Diamond State Sustainability Corporation ("DSSC"), approved by Public Service Commission as a regulated water or wastewater utility. As a regulated utility, the DSSC assists low and moderate income residents and communities in rural areas of Delaware by acquiring and improving community-owned water and wastewater systems, many of which are aging or at risk of failure, and providing service pursuant to Commission-approved rates. This bill also expands the definition of "treatment works" to include "domestic wastewater" projects in order to allow for grants for community septic and sewage system upgrades.