

73-10c-4.1 Wastewater projects -- Loan criteria and requirements -- Process for approval.

- (1) The Water Quality Board shall review the plans and specifications for a wastewater project before approval of any loan and may condition approval on the availability of loan funds and on assurances that the Water Quality Board considers necessary to ensure that loan funds are used to pay the wastewater project costs and that the wastewater project is completed.
- (2)
 - (a) Each loan shall specify the terms for repayment, with the term, interest rate or rates, including a variable rate, and security as determined by the Water Quality Board.
 - (b) The loan may be evidenced by general obligation or revenue bonds or other obligations of the political subdivision.
 - (c) Loan payments made by a political subdivision shall be deposited in the Water Quality Security Subaccount as described in Section 73-10c-5.
 - (d) The loans are subject to the provisions of Title 63B, Chapter 1b, State Financing Consolidation Act.
- (3) In determining the priority for a wastewater project loan, the Water Quality Board shall consider:
 - (a) the ability of the political subdivision to obtain money for the wastewater project from other sources or to finance the project from its own resources;
 - (b) the ability of the political subdivision to repay the loan;
 - (c) whether or not a good faith effort to secure all or part of the services needed from the private sector of the economy has been made; and
 - (d) whether or not the wastewater project:
 - (i) meets a critical local or state need;
 - (ii) is cost effective;
 - (iii) will protect against present or potential health hazards;
 - (iv) is needed to comply with minimum standards of the federal Water Pollution Control Act, Title 33, Chapter 26, United States Code, or any similar or successor statute;
 - (v) is needed to comply with the minimum standards of Title 19, Chapter 5, Water Quality Act, or any similar or successor statute;
 - (vi) is designed to reduce the pollution of the waters of this state; and
 - (vii) meets any other consideration considered necessary by the Water Quality Board.
- (4) In determining the cost effectiveness of a wastewater project the Water Quality Board shall:
 - (a) require the preparation of a cost-effective analysis of feasible wastewater treatment or conveyance alternatives capable of meeting state and federal water quality and public health requirements;
 - (b) consider monetary costs, including the present worth or equivalent annual value of all capital costs and operation, maintenance, and replacement costs; and
 - (c) ensure that the alternative selected is the most economical means of meeting applicable state and federal wastewater and water quality or public health requirements over the useful life of the facility while recognizing environmental and other nonmonetary considerations.
- (5) A loan may not be made for a wastewater project that is not in the public interest as determined by the Water Quality Board.

Amended by Chapter 382, 2008 General Session