

(S. B. 843)

(No. 193)

(Approved December 26, 1997)

AN ACT

To add subsections 13, 14, 15 and 16 to Section 2; add a new Section 11; and renumber Sections 11 and 12 as Sections 12 and 13, respectively, of Act No. 5 of July 21, 1977, as amended, known as an "Act to Protect the Purity of Drinking Water of Puerto Rico"; redesignate Section 15-A as Section 15-B; and to add a new Section 15B to Act No. 9 of June 18, 1970, as amended, known as the "Environmental Public Policy Act" in order to authorize the Department of Health to administer the Drinking Water State Revolving Fund of Puerto Rico, (DWSRF, for its English acronym), established under Act No. 44 of June 21, 1988, as amended, pursuant to the provisions stipulated in Title 1 of the 1996 amendments to the Safe Drinking Water Act; provide for the administration of said fund by the Department of Health; and to grant the Environmental Quality Board the authority to participate and assist the Department of Health in the administration of the "DWSRF" pursuant to the provisions of Title 1 of the Safe Drinking Water Act, as amended.

STATEMENT OF MOTIVES

In August 1996, the Safe Drinking Water Act was amended with the purpose of strengthening protection of drinking water at the national level, promote the efficient use of the financial resources and to facilitate compliance with the federal drinking water regulations. Said Act provides funds through the establishment of a "Drinking Water State Revolving Fund of Puerto Rico", for the water systems of each state. In particular, the "Fund" provides the necessary financial assistance to the eligible community water systems, to the nonprofit noncommunity systems, the systems owned by federal agencies and the public water systems. The purpose of the assistance is to contribute to the financing of the cost of the infrastructure to achieve and maintain compliance with the Drinking Water Act, ensuring the effective maintenance of the drinking water supplies.

The Drinking Water State Revolving Fund of Puerto Rico was created through the 1997 amendments to Act No. 44 of June 21, 1988, as amended. This Act shall grant the Department of Health of Puerto Rico the authority to administer said Fund and to the Environmental Quality Board so that it may participate in its administration. In fact, the amendments allow that the Federal Government be asked for assistance through the Capitalization Donations.

The approval of this Act is necessary so that the Department of Health can continue its primary responsibility to watch over the health of the people of Puerto Rico, protect the purity of drinking water and comply with the federal drinking water regulations.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsections (13), (14), (15) and (16) are hereby added to Section 2 of Act No. 5 of July 21, 1977, as amended, to read as follows:

"Section 2.- Definitions.-

The following terms and phrases shall have the meaning indicated hereinbelow:

(1)...

(13)"Drinking Water State Revolving Fund of Puerto Rico" shall mean the "Drinking Water State Revolving Fund of Puerto Rico", created pursuant to Act No. 44 of June 21, 1988, as amended, and which shall be constituted independently and separately from any other fund of the Commonwealth of Puerto Rico, pursuant to the provisions of law and for the exclusive purposes established by Title 1 of the Safe Drinking Water Act, as amended.

(14)"Safe Drinking Water Act" shall mean the Federal Safe Drinking Water Act, P.L. 104-182, as amended, including the regulations promulgated under said Act.

(15)"Environmental Quality Board", shall mean the Environmental Quality Board of Puerto Rico, created by Act No. 9 of June 18, 1970, as amended.

(16)"Authority" means the Infrastructure Financing Authority of Puerto Rico, created by Act No. 44 of June 21, 1988, as amended.

Section 2.- A new Section 11 is hereby added to Act No. 5 of July 21, 1977, as amended, to read as follows:

Section 11.- Drinking Water State Revolving Fund of Puerto Rico.-

The Drinking Water State Revolving Fund of Puerto Rico, created pursuant to Act No. 44 of June 21, 1988, as amended, shall be constituted independently and separately from any other fund or resources of the Commonwealth of Puerto Rico, pursuant to the provisions of, and for the exclusive purposes established by Title I of the Safe Drinking Water Act.

The Department Health is hereby authorized to administer the Drinking Water State Revolving Fund of Puerto Rico pursuant to the provisions of Title 1 of the Safe Drinking Water Act, and in order to do so, without it being understood as a limitation, it may request, accept and receive all those existing capitalization donations, to enter or execute agreements

on capitalization donations, with the Federal Environmental Protection Agency (EPA, for its English acronym), and receive the matching of funds from the Commonwealth of Puerto Rico required under Title I of the Safe Drinking Water Act, to deposit said donations and the matching of funds in the Drinking Water State Revolving Fund of Puerto Rico and do any other things required by the Federal Safe Drinking Water Act, with respect to the administration of the Drinking Water State Revolving Fund of Puerto Rico with regard to the provisions of any agreement signed by the Department of Health, the Authority, and the Environmental Quality Board. The Department may contract any individual or entity to carry out any of its responsibilities established in this Section."

Section 3.- Sections 11 and 12 are hereby renumbered as Sections 12 and 13, respectively, of Act No. 5 of July 21, 1977, as amended.

Section 4.- Section 15-A is redesignated as Section 15A of Act No. 9 of June 18, 1970, as amended, to read as follows:

"Section 15A.- Administration of the Water Pollution Control Revolving Fund of Puerto Rico.-
..."

Section 5.- A new Section 15B is hereby added to Act No. 9 of June 18, 1970, as amended, to read as follows:

"Section 15B.- Administration of the Drinking Water State Revolving Fund of Puerto Rico.-
The Environmental Quality Board is hereby authorized to participate and assist the Department of Health in the administration of the Drinking Water State Revolving Fund of Puerto Rico created by virtue of Act No. 44 of June 21, 1966, as amended, and as required by Title I of the Federal Safe Drinking Water Act, P.L. 104-182, as amended.

The Environmental Quality Board may receive from the Department of Health capitalization donations under said Act, receive the matching of funds from the Commonwealth of Puerto Rico required under Title I of the Safe Drinking Water Act, to use them in any manner allowed by said Act, conduct and/or evaluate environmental studies pursuant to Title I of the Safe Drinking Water Act and Section 4(c) of this Act, do any other things required by the Safe Drinking Water Act with respect to the administration of the Drinking Water State Revolving Fund of Puerto Rico, and according to the terms of any agreement signed by the Authority, the Department of Health and the Environmental Quality Board.

The Board may contract any person to carry out its responsibilities established under this Section."

Section 6.- Any provision of law or part thereof in conflict with what is herein provided is hereby repealed.

Section 7.- This Act shall take effect immediately after its approval.

February 12, 1998

José A. Figueroa-Lugo, Director of the Office of Legislative Services of the Legislature of Puerto Rico, hereby certifies to the Secretary of State that he has duly compared the English and Spanish texts of Act No. 193 (S.B.843) of the 2nd Session of the 13th Legislature of Puerto Rico, entitled:

AN ACT to add subsections 13, 14, 15 and 16 to Section 2; add a new Section 11; and renumber Sections 11 and 12 as Sections 12 and 13, respectively, of Act No. 5 of July 21, 1977, as amended, known as an "Act to Protect the Purity of Drinking Water of Puerto Rico"; redesignate Section 15-A as Section 15-B; and to add a new Section 15B to Act No. 9 of June 18, 1970, as amended, known as the "Environmental Public Policy Act" in order to authorize the Department of Health to administer the Drinking Water State Revolving Fund of Puerto Rico, (DWSRF, for its English acronym), established under Act No. 44 of June 21, 1988, as amended, pursuant to the provisions stipulated in Title 1 of the 1996 amendments to the Safe Drinking Water Act; provide for the administration of said fund by the Department of Health; and to grant the Environmental Quality Board the authority to participate and assist the Department of Health in the administration of the "DWSRF" pursuant to the provisions of Title 1 of the Safe Drinking Water Act, as amended,

and finds the same are complete, true and correct versions of each other.

José A. Figueroa-Lugo

