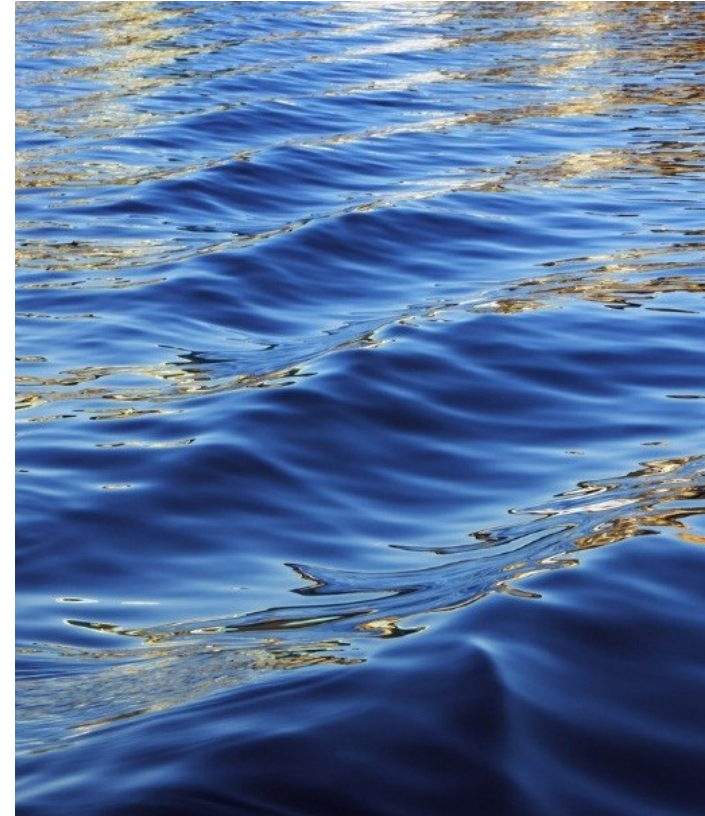




# Water Infrastructure Advisory Council (WIAC) Presentation to JLOSC

March 29, 2022



# WIAC Presentation to JLOSC

## Representing WIAC and supporting agencies (DNREC/DHSS):

- Jeff Bross, Chair, WIAC
- Shawn Garvin, Secretary, DNREC
- Lisa BorinOgden, Deputy Secretary, DNREC
- Greg Pope, Chief of Operations, DNREC-Environmental Finance
- Laura Robbins, Chief of Administration, DNREC-Environmental Finance
- Jamie Mack, Chief, Health Systems Protection
- Sandi Spiegel, Program Administrator, DHSS-DWSRF

## History

- 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 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 (CWAC). In 2014, the CWAC was again amended following to oversee the 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.

## **WIAC Structure**

- The WIAC 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 of the Council shall represent interest and possess expertise in the areas of wastewater, stormwater, agricultural water use, and drinking water infrastructure.
- The WIAC meets quarterly and hold subcommittee meetings prior to meeting. The current subcommittees are finance, wastewater, surface water, and drinking water.
- DNREC and DHSS staff support the operations of the WIAC and the subcommittees.

## Response to JLOSC Recommendations

- **Recommendation #1, Option 1 – Continue the Water Infrastructure Advisory Council.**
- After review and analysis, JLOSC staff recommends option 1, continue the Water Infrastructure Advisory Council, subject to any further recommendations that JLOSC adopts.
  - Continue or Terminate (standard JLOSC recommendation).
  - **Option 1: The Water Infrastructure Advisory Council shall continue, subject to any further recommendations that JLOSC adopts.**
  - - OR -
  - Option 2: The Water Infrastructure Advisory Council is terminated, and the Committee will sponsor legislation to implement this recommendation.
- **DNREC and DHSS concur with recommendation #1, Option 1.**

## Response to JLOSC Recommendations

- **Recommendation #2 – Statute Revisions.**
- JLOSC should consider sponsoring a bill to apply technical corrections to the governing statute of the Water Infrastructure Advisory Council, Chapter 80, Title 29, and using this review as a guide, applying revisions to sections covering topics such as:
  - Define quorum.
  - Subcommittee operations.
  - Updates to reflect recent changes to FOIA regarding virtual meetings.
  - Explore the feasibility of instituting term limits.
- In lieu of codification, DNREC and DHSS believe that the bulk of recommendation #2 can be accomplished by the WIAC establishing by-laws that define quorum, explain subcommittee operations, and reference current FOIA laws regarding virtual meetings. The recommendation regarding term limits would require a code change.
- If the JLOSC insists on a code change to meet the above, DNREC believes that the code should state the WIAC Chair and members can establish subcommittees as necessary, but necessarily prescribe which subcommittees are necessary nor prescribe their operations which can be handled through by-laws.

## **Response to JLOSC Recommendations**

- **Recommendation #3 – Release from Review.**
- Release the Water Infrastructure Advisory Council from review upon enactment of legislation applying technical corrections and changing board composition listed under Recommendations 2.
- DNREC and DHSS believe that the council can be released from review after the establishment of by-laws.

## **WIAC Changes Since Self Report**

- No changes in number of DNREC-DHSS staff that support the WIAC
- One WIAC member has resigned and has been replaced by Governor nomination and Senate confirmation
- Two non-voting WIAC members have been added and confirmed



**Questions?**