

1 reduce their respective nutrient contributions to the Chesapeake
2 Bay.

3 (2) The Greenbrier River Watershed in southeastern West
4 Virginia which encompasses approximately 1,646 square miles, the
5 majority of which lies within Pocahontas, Greenbrier, Monroe and
6 Summers counties, has been identified as an impaired water body due
7 to excessive levels of fecal coliform and phosphorus entering the
8 Watershed from various sources, including wastewater facilities in
9 West Virginia. To restore the Greenbrier River Watershed, the state
10 agrees to reduce the fecal coliform and phosphorus contributions to
11 the Greenbrier River Watershed.

12 (b) Notwithstanding any other provision of this code to the
13 contrary, the Water Development Authority may issue, in accordance
14 with the provisions of section seventeen of this article,
15 infrastructure lottery revenue bonds payable from the West Virginia
16 infrastructure lottery revenue debt service fund created by section
17 nine of this article and such other sources as may be legally
18 pledged for such purposes other than the West Virginia
19 infrastructure revenue debt service fund created by section
20 seventeen of this article.

21 (c) The council shall direct the Water Development Authority
22 to issue bonds in one or more series when it has approved
23 Chesapeake Bay watershed compliance projects and Greenbrier River
24 watershed compliance projects with an authorized permitted flow of

1 four hundred thousand gallons per day or more. The proceeds of the
2 bonds shall be used solely to pay costs of issuance, fund a debt
3 service reserve account, capitalize interest, pay for security
4 instruments necessary to market the bonds and to make grants to
5 governmental instrumentalities of the state for the construction of
6 approved Chesapeake Bay watershed compliance projects and
7 Greenbrier River watershed compliance projects. To the extent funds
8 are available in the West Virginia Infrastructure Lottery Revenue
9 Debt Service Fund that are not needed for debt service, the council
10 may direct the Water Development Authority to make grants to
11 project sponsors for the design or construction of approved
12 Chesapeake Bay watershed compliance projects and Greenbrier River
13 watershed compliance projects.

14 (d) No later than June 30, 2012, each publicly owned facility with
15 an authorized permitted flow of 400,000 gallons per day or more
16 that is subject to meeting Chesapeake Bay compliance standards or
17 Greenbrier River watershed compliance standards shall submit to the
18 council a ten year projected capital funding plan for Chesapeake
19 Bay watershed compliance projects or Greenbrier River watershed
20 compliance projects, as the case may be, including a general
21 project description, cost estimate and estimated or actual project
22 start date and project completion date, if any. The council shall
23 timely review the submitted capital funding plans and forward
24 approved plans to the Water Development Authority for further

1 processing and implementation pursuant to this article. If the
2 council finds a plan to be incomplete, inadequate or otherwise
3 problematic, it shall return the plan to the applicant with comment
4 on the plan shortcomings. The applicant may then resubmit to
5 council an amended capital funding plan for further consideration
6 pursuant to the terms of this subsection.

7 (e) Upon approval, each proposed Chesapeake Bay watershed
8 compliance project or Greenbrier River watershed compliance
9 project, or portion of a larger project, which portion is dedicated
10 to compliance with nutrient standards, or fecal coliform and
11 phosphorus standards, established for the protection and
12 restoration of the Chesapeake Bay or the Greenbrier River
13 Watershed, as the case may be, shall be eligible for grant funding
14 by funds generated by the infrastructure lottery revenue bonds
15 described in section (b) of this section. At the request of the
16 applicant, the remaining percentage of project funding not
17 otherwise funded by grant under the provisions of this article may
18 be reviewed as a standard project funding application.

19 (f) No later than December 1, 2012, the Water Development
20 Authority shall report to the Joint Committee on Government and
21 Finance the total cost of Chesapeake Bay watershed compliance
22 projects and the Greenbrier River watershed compliance projects and
23 the proposed grant awards for each eligible project. Grant awards

1 shall be of equal ratio among all applicants of the total cost of
2 each eligible project.

3 (g) Eligible projects that have obtained project financing
4 prior to December 31, ~~2011~~ 2012, may apply to the council for
5 funding under the provisions of this section. These applications
6 shall be processed and considered as all other eligible projects,
7 and a grant funding awarded shall, to the extent allowed by law, be
8 dedicated to prepay all or a portion of debt previously incurred by
9 governmental instrumentalities of the state for required Chesapeake
10 Bay nutrient removal projects or Greenbrier River watershed fecal
11 coliform and phosphorus removal projects, subject to the bond
12 covenants and contractual obligations of the borrowing governmental
13 entity. However, any private portion of funding provided by
14 agreement between a political subdivision and one or more private
15 entities, either by direct capital investment or debt service
16 obligation, shall not be eligible for grant funding under the
17 provisions of this article.