DEPARTMENT OF HEALTH

Amendment and Compilation of Chapter 11-65
Hawaii Administrative Rules

OCT 18 2011

SUMMARY

1. §11-65-10, §11-65-11 are amended.

2. Chapter 65 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 65

ENVIRONMENTAL STATE REVOLVING FUNDS

Subchapter 1 General Provisions

§11-65-01 Purpose
§11-65-02 Definitions

Subchapter 2 Clean Water State Revolving Fund

§11-65-03 Fees for CWSRF loans
§11-65-04 Reserved
§11-65-05 CWSRF administrative account
§11-65-06 CWSRF loan default
§11-65-07 Reserved
§11-65-08 Penalty and procedures for CWSRF loan default
§11-65-09 Reserved

Subchapter 3 Drinking Water State Revolving Fund

§11-65-10 Fees for DWSRF loans
§11-65-11 DWSRF administrative account
§11-65-12 DWSRF loan default
§11-65-13 Penalty and procedures for DWSRF loan default

SUBCHAPTER 1
GENERAL PROVISIONS

§11-65-01 Purpose. (a) These rules establish fees for loans and other financial assistance from the water pollution control revolving fund established by section 342D-83, Hawaii Revised Statutes, also known as the clean water state revolving fund or CWSRF. The fees are intended to cover the costs of the activities specified in section 342D-86, HRS. These rules also set penalty procedures in the case of default of loans and other financial assistance from the CWSRF. Other requirements of the CWSRF are contained in federal regulations and 33 United States Code sections 1381 to 1387.

(b) These rules also establish fees for loans and other financial assistance from the drinking water treatment revolving loan fund, also known as the drinking water state revolving fund or DWSRF, established and defined by sections 340E-31 and 340E-35, HRS. These fees are intended to cover the costs of the activities specified in section 340E-39, HRS. These rules also set penalty procedures in the case of default of loans and other financial assistance from the DWSRF. Other requirements of the DWSRF are contained in the federal regulations and 42 United States Code section 300j-12. [Eff 5/5/97; am and comp 6/1/00; am and comp 1/22/02; comp 5/17/03; comp NOV 18 2011] (Auth: HRS §§340E-33(d), 342D-82(a)(4), 342D-86(b)) (Imp: HRS §§340E-31, 340E-32, 340E-33, 340E-35, 340E-36, 340E-39, 342D-81, 342D-82, 342D-83, 342D-84, 342D-86, 33 U.S.C. §§ 1381-1387, 42 U.S.C. §300j-12)

§11-65-02 Definitions. As used in this chapter:

"CWSRF" means the clean water state revolving fund. This refers to the state's water pollution control revolving fund established in section 342D-83, HRS, which is a water pollution control revolving fund under 33 U.S.C. §§ 1381-1387.

"Director" means the director of health or the director's duly authorized agent.

"DWSRF" means the drinking water state revolving fund. This refers to the drinking water treatment revolving loan fund (drinking water fund) defined and established in sections 340E-31 and 340E-35, HRS, which is a drinking water treatment revolving loan fund (state loan fund) under 42 U.S.C. §300j-12.

"Recipient" means the recipient of a CWSRF or DWSRF loan or financial assistance. [Eff 5/5/97; am and comp 6/1/00; am and comp 1/22/02; comp 5/17/03; comp NOV 18 2011] (Auth: HRS §§340E-33(d), 342D-82(a)(4), 342D-86(b)) (Imp: HRS §§340E-31, 340E-32, 340E-33, 340E-35, 340E-36, 340E-39, 342D-81, 342D-82, 342D-83, 342D-84, 342D-86, 33 U.S.C. §§ 1381-1387, 42 U.S.C. §§ 300j-12)

SUBCHAPTER 2
CLEAN WATER STATE REVOLVING FUND

§11-65-03 Fees for CWSRF loans. The director may charge loan fees for any CWSRF loan. The loan fee shall not exceed an annual rate of one percent of the outstanding principal balance of the loan. The fee shall be computed based on, and shall be payable on, the same dates that corresponding repayments of the principal and interest on the loan are due. [Eff 5/5/97; am and comp 6/1/00; comp 1/22/02; comp 5/17/03; comp NOV 18 2011] (Auth: HRS §§342D-82(a)(4), 342D-86(b)) (Imp: HRS §§342D-81, 342D-82, 342D-83, 342D-84, 342D-86, 33 U.S.C. §§ 1381-1387)

§11-65-04 (Reserved)

§11-65-05 CWSRF administrative account. All loan fees and fees for other financial assistance collected shall be deposited into a CWSRF loan fee administrative account. At the end of each fiscal year, any funds within the CWSRF loan fee

administrative account (less encumbrances) in excess of $3 million shall be transferred to the CWSRF repayment accounts to be used for CWSRF loans. [Eff 5/5/97; am and comp 6/1/00; comp 1/22/02; am and comp 5/17/03; comp NOV 18 2011] (Auth: HRS §§342D-82(a)(4), 342D-86(b)) (Imp: HRS §§342D-81, 342D-82, 342D-83, 342D-84, 342D-86, 33 U.S.C. §§ 1381-1387)

§11-65-06 CWSRF loan default. A loan default occurs when the recipient of a CWSRF loan fails to remit the loan repayments as established in a CWSRF loan agreement, or when a condition specified in a CWSRF loan agreement as a default is met. [Eff 5/5/97; am and comp 6/1/00; comp 1/22/02; comp 5/17/03; comp NOV 18 2011] (Auth: HRS §§342D-82(a)(4), 342D-86(b)) (Imp: HRS §§342D-81, 342D-82, 342D-83, 342D-84, 342D-86, 33 U.S.C. §§ 1381-1387)

§11-65-07 (Reserved)

§11-65-08 Penalty and procedures for CWSRF loan default. (a) Procedures for notice of loan default shall be included in the CWSRF loan agreements.

(b) In the event of a loan default, the director is entitled to collect interest from the recipient on the amount of each overdue repayment at the effective rate of twelve per cent simple interest per year commencing on the first day following the repayment due date and ending on the date the director receives the check or warrant issued by the recipient. [Eff 5/5/97; am and comp 6/1/00; comp 1/22/02; comp 5/17/03; comp NOV 18 2011] (Auth: HRS §§342D-82(a)(4), 342D-86(b)) (Imp: HRS §§342D-81, 342D-82, 342D-83, 342D-84, 342D-86, 33 U.S.C. §§ 1381-1387)

§11-65-09 (Reserved)

SUBCHAPTER 3
DRINKING WATER STATE REVOLVING FUND

§11-65-10 Fees for DWSRF loans. The director may charge loan fees for any DWSRF loan. The loan fee shall not exceed an annual rate of three and twenty-five one hundredths per cent of the outstanding principal balance of the loan. The fee shall be computed based on, and shall be payable on, the same dates that corresponding repayments of the principal and interest on the loan are due. [Eff 6/1/00; comp 1/22/02; comp 5/17/03; am and comp NOV 18 2011] (Auth: HRS §§340E-33(d)) (Imp: HRS §§340E-32, 340E-33, 340E-35, 340E-36, 340E-39, 42 U.S.C. §§ 300j-12)

§11-65-11 DWSRF administrative account. All loan fees and fees for other financial assistance collected for DWSRF loans shall be deposited into a DWSRF loan fee administrative account. At the end of each fiscal year, any funds within the loan fee administrative account (less encumbrances) in excess of $2.0 million shall be transferred to the DWSRF repayment accounts to be used for DWSRF loans. [Eff and comp 6/1/00; comp 1/22/02; comp 5/17/03; am and comp NOV 18 2011] (Auth: HRS §§340E-33(d)) (Imp: HRS §§340E-32, 340E-33, 340E-35, 340E-36, 340E-39, 42 U.S.C. §§ 300j-12)

§11-65-12 DWSRF loan default. A loan default occurs when the recipient of a DWSRF loan fails to remit the loan repayments as established in a DWSRF loan agreement, or when a condition specified in a DWSRF loan agreement as a default is met. [Eff and comp 6/1/00; comp 1/22/02; comp 5/17/03; comp NOV 18 2011] (Auth: HRS §§340E-33(d)) (Imp: HRS §§340E-32, 340E-33, 340E-35, 340E-36, 340E-39, 42 U.S.C. §§ 300j-12)

§11-65-13 Penalty and procedures for DWSRF loan default. (a) Procedures for notice of loan default shall be included in the DWSRF loan agreements.

(b) In the event of a loan default, the director is entitled to collect interest from the recipient on the amount of each overdue repayment at the effective rate of twelve per cent simple interest per year commencing on the first day following the repayment due date and ending on the date the director receives the check or warrant issued by the recipient." [Eff and comp 6/1/00; comp 1/22/02; comp 5/17/03; comp NOV 18 2011] (Auth: HRS §§340E-33(d)) (Imp: HRS §§340E-32, 340E-33, 340E-35, 340E-36, 340E-39, 42 U.S.C. §§ 300j-12)"

Amendments to and compilation of chapter 20 title 65, Hawaii Administrative Rules, on the Summary Page dated OCT 18 2011 were adopted on OCT 18 2011 following a public hearing held on October 6, 2011, after public notice was given statewide in the Honolulu Star Advertiser, Maui News, Hawaii Tribune-Herald, West Hawaii Today and The Garden Island on August 31, 2011.

The rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

LORETTA J. FUDDY, A.C.S.W., M.P.H.
Director of Health

NEIL ABERCROMBIE
Governor
State of Hawaii

Dated: 11-7-11

Filed

APPROVED AS TO FORM:

Deputy Attorney General

LIEUTENA

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LIEUTENANT GOVERNOR'S OFFICE

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