

**567—44.6(455B) Eligibility.**

**44.6(1) *Eligible systems.*** The following systems are eligible to receive funds from the DWSRF for improvements as listed and defined in the SDWA amendments of 1996 (P.L. 104-182, August 6, 1996).

- a. Community drinking water systems (CWSs).
- b. Nonprofit nontransient noncommunity drinking water systems (NTNCs).
- c. Cities and counties that are PWSs or can become viable new PWSs as a result of this project.
- d. Any other governmental subdivision of the state responsible for a PWS.

**44.6(2) *Ineligible systems and activities.*** The following systems and activities are ineligible to receive funds from the DWSRF.

a. Any applicant that has not adopted and implemented satisfactory department-approved water conservation plans and practices, or demonstrated to the department an ongoing effort to adopt and implement such plans and practices within one calendar year from the date of the loan agreement.

b. Any applicant in significant noncompliance with any applicable primary drinking water regulation, unless the project will return the applicant to compliance.

c. Any applicant lacking viability (an applicant whose system lacks technical, financial, and managerial viability to comply with the SDWA and is nonviable or lacks capacity according to the definition in the SDWA), unless the applicant commits to undertake appropriate changes in operations, including ownership, management accounting, rates, maintenance, consolidation, alternative sources of water supply, or other procedures if the director determines that such changes are necessary to demonstrate viability.

d. Projects and activities deemed ineligible for participation in the DWSRF by the EPA's DWSRF regulations (40 CFR Part 35, Subpart L) or program guidance, or by the department.

**44.6(3) *Certified operator requirement.*** An eligible system must submit to the department the name, certification number, and certification expiration date of the certified operator, pursuant to 567—Chapter 81, in direct responsible charge for the facility operation before receiving a loan. A system without a certified operator shall not receive loan assistance.

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