

Section 566, as revised (WRDAs 1996, 1999, 2022)

SOUTHEASTERN PENNSYLVANIA AND LOWER DELAWARE RIVER BASIN

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a pilot program for providing environmental assistance to non-Federal interests in southeastern Pennsylvania and the Lower Delaware River Basin.

(b) **FORM OF ASSISTANCE.**—Assistance under this section may be in the form of design and construction assistance for water related environmental infrastructure and resource protection and development projects in southeastern Pennsylvania and the Lower Delaware River Basin, including projects for wastewater treatment and related facilities (including sewer overflow infrastructure improvements and other stormwater management), water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) **LOCAL COOPERATION AGREEMENTS.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with such assistance.

(2) **REQUIREMENTS.**—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) **PLAN.**—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) **LEGAL AND INSTITUTIONAL STRUCTURES.**—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) **COST SHARING.**—

(A) **IN GENERAL.**—Total project costs under each local cooperation agreement entered into under this subsection shall be shared at 75 percent Federal and 25 percent non Federal. The Federal share may be in the form of grants or reimbursements of project costs.

(B) **CREDIT FOR DESIGN WORK.**—The non-Federal interest shall receive credit for the reasonable costs of design work completed by such interest prior to entering into a local cooperation agreement with the Secretary for a project. The credit for such design work shall not exceed 6 percent of the total construction costs of the project.

(C) **CREDIT FOR INTEREST.**—In the event of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of a project's cost.

(D) **LANDS, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.**— The non-Federal interest shall receive credit for lands, easements, rights-of-way, and relocations toward its share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of such project on publicly owned or controlled lands), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section shall be construed as waiving, limiting, or otherwise affecting the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether or not such program should be implemented on a national basis.

(g) AREAS DEFINED.—In this section:

(1) LOWER DELAWARE RIVER BASIN.—The term ‘Lower Delaware River Basin’ means the Schuylkill Valley, Upper Estuary, Lower Estuary, and Delaware Bay subwatersheds of the Delaware River Basin in the Commonwealth of Pennsylvania and the States of New Jersey and Delaware.

(2) SOUTHEASTERN PENNSYLVANIA.—The term ‘southeastern Pennsylvania’ means Philadelphia, Bucks, Chester, Delaware, and Montgomery Counties, Pennsylvania.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$50,000,000 to provide assistance under this section to non-Federal interests in southeastern Pennsylvania, and \$20,000,000 to provide assistance under this section to non-Federal interests in the Lower Delaware River Basin.