**Section 664.130 Definitions**

a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act (Act) [415 ILCS 5] and the regulations adopted under that Act.

b) For the purposes of this Part, the following definitions apply:

Addenda − Documents, issued by the loan applicant after advertisement for bids, that modify or interpret the contract documents, drawings and specifications, by additions, deletions, clarifications or corrections.

Agency − Illinois Environmental Protection Agency.

ARRA – American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

Billed Customers − The customers receiving a bill who are responsible for paying for water services.

Binding Commitment − A legal obligation between the Agency and a local government unit or privately owned community water supply to provide financial assistance from the Public Water Supply Loan Program to that local government unit or privately owned community water supply, specifying the terms and schedules under which assistance is provided. The loan agreement will be considered a binding commitment.

Building Cost − The cost of erection of construction contract line items. Building costs do not include preliminary planning, engineering, architectural, legal, fiscal, administrative or contingency costs.

Capitalization Grant − The actual federal funds received by the Agency for deposit into the PWSLP as a result of the capitalization grant agreement with the USEPA.

Capitalization Grant Agreement − The agreement entered into each federal fiscal year between the Agency and the USEPA for the purpose of providing a grant to capitalize the PWSLP and enable the Agency to provide assistance for construction of public water supply facilities.

Change Order − A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

Construction − *Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the public water supply facilities; engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of public water supply facilities, or the inspection or supervision of any of the foregoing items.* [415 ILCS 5/19.2(d)]

Contract Documents − The contract, including but not limited to advertisement for bids, information for bidders, bid, bid bond agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications and addenda.

Dedicated Source of Revenue − The type of security and the basis of legal authorization that are dedicated by legislative enactment or other appropriate authority, along with the applicable revenue source pledged for repayment, and recorded in an account for the purpose of loan repayment to the PWSLP, which is sufficient to repay the principal and interest on the loan.

Design − All administrative, legal and engineering tasks, subsequent to project plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This shall include the following: surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems.

Director − Director of the Illinois Environmental Protection Agency.

Energy Efficiency − The use of improved technologies and practices to reduce the energy consumption of water quality projects, including projects to reduce energy consumption or produce clean energy used by a treatment works.

Environmentally Innovative Projects − Projects that demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal with reduced cost and projects that foster adaptation of water protection programs and practices to climate change.

Fixed Loan Rate – The fixed loan rate shall be 0.00% for loans issued from the funds provided by the ARRA.

Fund − The Water Revolving Fund authorized by 415 ILCS 5/19.3, consisting of the Water Pollution Control Loan Program, the Public Water Supply Loan Program, and the Loan Support Program.

Green Infrastructure − Includes a wide array of practices that manage wet weather to maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater. In the context of PWSLP, green infrastructure consists of site-specific practices, such as green roofs and porous pavement at drinking water utility facilities. In addition to managing rainfall, these green infrastructure technologies can simultaneously provide other benefits such as reducing energy demands.

Health Hazard Determination − A health hazard determination exists when concentrations of regulated contaminants, in a water supply, or concentrations of contaminants not otherwise regulated, exceed health effects standards published in USEPA Health Advisories, or by the Illinois Department of Public Health or Centers for Disease Control and Prevention, or that otherwise pose an immediate threat to public health.

Initiation of Loan Repayment Period − The date in a loan agreement or amendment that establishes the beginning point of the loan repayment period.

Initiation of Operation − The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed and constructed.

Intended Use Plan − *A plan which includes a description of the short and long term goals and objectives of the PWSLP, project categories, terms of financial assistance,* communities and population benefited. [415 ILCS 5/19.2(e)]

Loan Agreement − The contractual agreement between the Agency and the local government unit or privately owned community water supply that contains the terms and conditions governing the loan issued from the PWSLP.

Loan Applicant − A local government unit or privately owned community water supply that has applied for a loan from the PWSLP for construction of public water supply facilities.

Loan Commitment Letter − The letter that is sent by the Agency to the loan applicant that reserves loan funds and identifies the requirements that must be satisfied prior to the execution of the loan agreement.

Loan Procedures − The Procedures for Providing Financial Assistance from the Public Water Supply Loan Program under the American Recovery and Reinvestment Act of 2009.

Loan Recipient − A local government unit or privately owned community water supply that has been provided a loan for construction of public water supply facilities from the PWSLP and that will own and be responsible for the operation and maintenance of the community water supply facility.

Local Government Unit − *A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, public water district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment facilities or public water supply facilities or both.* [415 ILCS 5/19.2(g)]

Maximum Contaminant Level or MCL − The maximum permissible level of a contaminant in water that is delivered to any user of a public water system.

Operating Agreement − The agreement between the Agency and USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of PWSLP.

Principal − All disbursements that will be financed at the time the repayment schedule period begins.

Principal Forgiveness − A portion of the loan amount that does not have to be repaid (is forgiven) upon execution of the loan.

Privately Owned Community Water Supply − *An investor-owned water utility, if under Illinois Commerce Commission regulation and operating as a separate and distinct water utility; a not-for-profit water corporation, if operating specifically as a water utility; and a mutually owned or cooperatively owned community water system, if operating as a separate water utility.*  [415 ILCS 5/19.2]

Project − The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

Project Priority List − An ordered listing of projects developed in accordance with the priority system described in 35 Ill. Adm. Code 663 (Procedures and Requirements for Determining Loan Priorities of Projects in the Public Water Supply Loan Program) that the Agency has determined are eligible to receive financial assistance from the PWSLP.

PWSLP − Public Water Supply Loan Program as authorized by Section 19.2 of the Environmental Protection Act [415 ILCS 5/19.2].

Responsible Bid − A bid that demonstrates the apparent ability of the bidder to successfully meet all the requirements specified in the contract documents. Information required to demonstrate responsibility may be corrected or submitted after bid opening.

Responsive Bid − A bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents, including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for non-responsiveness. Bid defects resulting in a non-responsive bid may not be corrected after the bid opening.

SDWA − The federal Safe Drinking Water Act, as amended (42 USC 300f).

Source of Revenue − The revenues of the system, including accounts receivable and the proceeds that are sufficient to repay the principal on the loan.

Subagreement − A written agreement between the loan recipient and another party and any tier of agreement thereunder to furnish services, supplies or equipment necessary to complete the project for which a loan was provided, including contracts for personal and professional services and purchase orders.

Treatment Technique Requirement − An enforceable procedure developed by USEPA when it is not economically or technologically feasible to ascertain the level of a contaminant. Public water supplies must follow this procedure and treat their drinking water supplies according to USEPA specifications to ensure the contaminant is controlled.

Useful Life − The estimated period during which a public water supply facility is intended to be operable.

USEPA − United States Environmental Protection Agency.

Water Efficiency − The use of improved technologies and practices to deliver equal or better services with less water.