

§ 1290. Annual survey

The Administrator shall annually make a survey to determine the efficiency of the operation and maintenance of treatment works constructed with grants made under this chapter, as compared to the efficiency planned at the time the grant was made. The results of such annual survey shall be included in the report required under section 1375(a) of this title.

(June 30, 1948, ch. 758, title II, §210, as added Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 843; amended Pub. L. 105-362, title V, §501(d)(2)(D), Nov. 10, 1998, 112 Stat. 3284; Pub. L. 107-303, title III, §302(b)(1), Nov. 27, 2002, 116 Stat. 2361.)

AMENDMENTS

2002—Pub. L. 107-303 repealed Pub. L. 105-362, §501(d)(2)(D). See 1998 Amendment note below.

1998—Pub. L. 105-362, §501(d)(2)(D), which directed the substitution of “shall be reported to Congress not later than 90 days after the date of convening of each session of Congress” for “shall be included in the report required under section 1375(a) of this title”, was repealed by Pub. L. 107-303. See Effective Date of 2002 Amendment note below.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-303 effective Nov. 10, 1998, and Federal Water Pollution Act (33 U.S.C. 1251 et seq.) to be applied and administered on and after Nov. 27, 2002, as if amendments made by section 501(a)-(d) of Pub. L. 105-362 had not been enacted, see section 302(b) of Pub. L. 107-303, set out as a note under section 1254 of this title.

§ 1291. Sewage collection systems

(a) Existing and new systems

No grant shall be made for a sewage collection system under this subchapter unless such grant (1) is for replacement or major rehabilitation of an existing collection system and is necessary to the total integrity and performance of the waste treatment works servicing such community, or (2) is for a new collection system in an existing community with sufficient existing or planned capacity adequately to treat such collected sewage and is consistent with section 1281 of this title.

(b) Use of population density as test

If the Administrator uses population density as a test for determining the eligibility of a collector sewer for assistance it shall be only for the purpose of evaluating alternatives and determining the needs for such system in relation to ground or surface water quality impact.

(c) Pollutant discharges from separate storm sewer systems

No grant shall be made under this subchapter from funds authorized for any fiscal year during the period beginning October 1, 1977, and ending September 30, 1990, for treatment works for control of pollutant discharges from separate storm sewer systems.

(June 30, 1948, ch. 758, title II, §211, as added Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 843; amended Pub. L. 95-217, §36, Dec. 27, 1977, 91 Stat. 1581; Pub. L. 97-117, §2(b), Dec. 29, 1981, 95 Stat. 1623; Pub. L. 100-4, title II, §206(d), Feb. 4, 1987, 101 Stat. 20.)

AMENDMENTS

1987—Subsec. (c). Pub. L. 100-4 substituted “1990” for “1985”.

1981—Subsec. (c). Pub. L. 97-117 substituted “September 30, 1985” for “September 30, 1982”.

1977—Pub. L. 95-217 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

§ 1292. Definitions

As used in this subchapter—

(1) The term “construction” means any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, field testing of innovative or alternative waste water treatment processes and techniques meeting guidelines promulgated under section 1314(d)(3) of this title, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items.

(2)(A) The term “treatment works” means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 1281 of this title, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and acquisition of the land that will be an integral part of the treatment process (including land used for the storage of treated wastewater in land treatment systems prior to land application) or will be used for ultimate disposal of residues resulting from such treatment and acquisition of other land, and interests in land, that are necessary for construction.

(B) In addition to the definition contained in subparagraph (A) of this paragraph, “treatment works” means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems. Any application for construction grants which includes wholly or in part such methods or systems shall, in accordance with guidelines published by the Administrator pursuant to subparagraph (C) of this paragraph, contain adequate data and analysis demonstrating such proposal to be, over the life of such works, the most cost efficient alternative to comply with sections 1311 or 1312 of this title, or the requirements of section 1281 of this title.

(C) For the purposes of subparagraph (B) of this paragraph, the Administrator shall, within one hundred and eighty days after October 18, 1972, publish and thereafter revise no less often than annually, guidelines for the evaluation of methods, including cost-effective analysis, described in subparagraph (B) of this paragraph.

(3) The term “replacement” as used in this subchapter means those expenditures for obtain-

ing and installing equipment, accessories, or ap-
purtenances during the useful life of the treat-
ment works necessary to maintain the capacity
and performance for which such works are de-
signed and constructed.

(June 30, 1948, ch. 758, title II, §212, as added
Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 844;
amended Pub. L. 95-217, §37, Dec. 27, 1977, 91
Stat. 1581; Pub. L. 97-117, §8(d), Dec. 29, 1981, 95
Stat. 1626; Pub. L. 113-121, title V, §5012(a), June
10, 2014, 128 Stat. 1328.)

AMENDMENTS

2014—Par. (2)(A). Pub. L. 113-121 struck out “any
works, including site” before “acquisition of the land”,
substituted “will be used for ultimate” for “is used for
ultimate”, and inserted “and acquisition of other land,
and interests in land, that are necessary for construc-
tion” before period at end.

1981—Par. (1). Pub. L. 97-117 inserted “field testing of
innovative or alternative waste water treatment pro-
cesses and techniques meeting guidelines promulgated
under section 1314(d)(3) of this title,” after “proce-
dures.”.

1977—Par. (2)(A). Pub. L. 95-217 inserted “(including
land used for the storage of treated wastewater in land
treatment systems prior to land application)” after
“integral part of the treatment process”.

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-121, title V, §5012(c), June 10, 2014, 128
Stat. 1328, provided that: “The amendments made by
this section [amending this section and section 1362 of
this title] shall take effect on October 1, 2014.”

§ 1293. Loan guarantees

(a) State or local obligations issued exclusively to Federal Financing Bank for publicly owned treatment works; determination of eli- gibility of project by Administrator

Subject to the conditions of this section and
to such terms and conditions as the Adminis-
trator determines to be necessary to carry out
the purposes of this subchapter, the Adminis-
trator is authorized to guarantee, and to make
commitments to guarantee, the principal and
interest (including interest accruing between
the date of default and the date of the payment
in full of the guarantee) of any loan, obligation,
or participation therein of any State, municipal-
ity, or intermunicipal or interstate agency is-
sued directly and exclusively to the Federal Fi-
nancing Bank to finance that part of the cost of
any grant-eligible project for the construction
of publicly owned treatment works not paid for
with Federal financial assistance under this sub-
chapter (other than this section), which project
the Administrator has determined to be eligible
for such financial assistance under this sub-
chapter, including, but not limited to, projects
eligible for reimbursement under section 1286 of
this title.

(b) Conditions for issuance

No guarantee, or commitment to make a guar-
antee, may be made pursuant to this section—

(1) unless the Administrator certifies that
the issuing body is unable to obtain on reason-
able terms sufficient credit to finance its ac-
tual needs without such guarantee; and

(2) unless the Administrator determines that
there is a reasonable assurance of repayment

of the loan, obligation, or participation there-
in.

A determination of whether financing is avail-
able at reasonable rates shall be made by the
Secretary of the Treasury with relationship to
the current average yield on outstanding mar-
ketable obligations of municipalities of com-
parable maturity.

(c) Fees for application investigation and issu- ance of commitment guarantee

The Administrator is authorized to charge
reasonable fees for the investigation of an appli-
cation for a guarantee and for the issuance of a
commitment to make a guarantee.

(d) Commitment for repayment

The Administrator, in determining whether
there is a reasonable assurance of repayment,
may require a commitment which would apply
to such repayment. Such commitment may in-
clude, but not be limited to, any funds received
by such grantee from the amounts appropriated
under section 1286 of this title.

(June 30, 1948, ch. 758, title II, §213, as added
Pub. L. 94-558, Oct. 19, 1976, 90 Stat. 2639; amend-
ed Pub. L. 96-483, §2(e), Oct. 21, 1980, 94 Stat.
2361.)

AMENDMENTS

1980—Subsec. (d). Pub. L. 96-483 struck out “(1) all or
any portion of the funds retained by such grantee under
section 1284(b)(3) of this title, and (2)” after “limited
to”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-483 effective Dec. 27, 1977,
see section 2(g) of Pub. L. 96-483, set out as a note under
section 1281 of this title.

§ 1293a. Contained spoil disposal facilities

(a) Construction, operation, and maintenance; period; conditions; requirements

The Secretary of the Army, acting through
the Chief of Engineers, is authorized to con-
struct, operate, and maintain, subject to the
provisions of subsection (c), contained spoil dis-
posal facilities of sufficient capacity for a period
not to exceed ten years, to meet the require-
ments of this section. Before establishing each
such facility, the Secretary of the Army shall
obtain the concurrence of appropriate local gov-
ernments and shall consider the views and rec-
ommendations of the Administrator of the Envi-
ronmental Protection Agency and shall comply
with requirements of section 1171 of this title,
and of the National Environmental Policy Act
of 1969 [42 U.S.C. 4321 et seq.]. Section 401 of this
title shall not apply to any facility authorized
by this section.

(b) Time for establishment; consideration of area needs; requirements

The Secretary of the Army, acting through
the Chief of Engineers, shall establish the con-
tained spoil disposal facilities authorized in sub-
section (a) at the earliest practicable date, tak-
ing into consideration the views and recom-
mendations of the Administrator of the Envi-
ronmental Protection Agency as to those areas
which, in the Administrator’s judgment, are