

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