

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

most urgently in need of such facilities and pursuant to the requirements of the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and the Federal Water Pollution Control Act [33 U.S.C. 1251 et seq.].

(c) Written agreement requirement; terms of agreement

Prior to construction of any such facility, the appropriate State or States, interstate agency, municipality, or other appropriate political subdivision of the State shall agree in writing to (1) furnish all lands, easements, and rights-of-way necessary for the construction, operation, and maintenance of the facility; (2) contribute to the United States 25 per centum of the construction costs, such amount to be payable either in cash prior to construction, in installments during construction, or in installments, with interest at a rate to be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due or callable for redemption for fifteen years from date of issue; (3) hold and save the United States free from damages due to construction, operation, and maintenance of the facility; and (4) except as provided in subsection (f), maintain the facility after completion of its use for disposal purposes in a manner satisfactory to the Secretary of the Army.

(d) Waiver of construction costs contribution from non-Federal interests; findings of participation in waste treatment facilities for general geographical area and compliance with water quality standards; waiver of payments in event of written agreement before occurrence of findings

The requirement for appropriate non-Federal interest or interests to furnish an agreement to contribute 25 per centum of the construction costs as set forth in subsection (c) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State or States involved, interstate agency, municipality, and other appropriate political subdivision of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated. In the event such findings occur after the appropriate non-Federal interest or interests have entered into the agreement required by subsection (c), any payments due after the date of such findings as part of the required local contribution of 25 per centum of the construction costs shall be waived by the Secretary of the Army.

(e) Federal payment of costs for disposal of dredged spoil from project

Notwithstanding any other provision of law, all costs of disposal of dredged spoil from the project for the Great Lakes connecting chan-

nels, Michigan, shall be borne by the United States.

(f) Title to lands, easements, and rights-of-way; retention by non-Federal interests; conveyance of facilities; agreement of transferee

The participating non-Federal interest or interests shall retain title to all lands, easements, and rights-of-way furnished by it pursuant to subsection (c). A spoil disposal facility owned by a non-Federal interest or interests may be conveyed to another party only after completion of the facility's use for disposal purposes and after the transferee agrees in writing to use or maintain the facility in a manner which the Secretary of the Army determines to be satisfactory.

(g) Federal licenses or permits; charges; remission of charge

Any spoil disposal facilities constructed under the provisions of this section shall be made available to Federal licensees or permittees upon payment of an appropriate charge for such use. Twenty-five per centum of such charge shall be remitted to the participating non-Federal interest or interests except for those excused from contributing to the construction costs under subsections (d) and (e).

(h) Provisions applicable to Great Lakes and their connecting channels

This section, other than subsection (i), shall be applicable only to the Great Lakes and their connecting channels.

(i) Research, study, and experimentation program relating to dredged spoil extended to navigable waters, etc.; cooperative program; scope of program; utilization of facilities and personnel of Federal agency

The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to extend to all navigable waters, connecting channels, tributary streams, other waters of the United States and waters contiguous to the United States, a comprehensive program of research, study, and experimentation relating to dredged spoil. This program shall be carried out in cooperation with other Federal and State agencies, and shall include, but not be limited to, investigations on the characteristics of dredged spoil, and alternative methods of its disposal. To the extent that such study shall include the effects of such dredge spoil on water quality, the facilities and personnel of the Environmental Protection Agency shall be utilized.

(j) Period for depositing dredged materials

The Secretary of the Army, acting through the Chief of Engineers, is authorized to continue to deposit dredged materials into a contained spoil disposal facility constructed under this section until the Secretary determines that such facility is no longer needed for such purpose or that such facility is completely full.

(k) Study and monitoring program

(1) Study

The Secretary of the Army, acting through the Chief of Engineers, shall conduct a study of the materials disposed of in contained spoil disposal facilities constructed under this sec-

tion for the purpose of determining whether or not toxic pollutants are present in such facilities and for the purpose of determining the concentration levels of each of such pollutants in such facilities.

(2) Report

Not later than 1 year after November 17, 1988, the Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1).

(3) Inspection and monitoring program

The Secretary shall conduct a program to inspect and monitor contained spoil disposal facilities constructed under this section for the purpose of determining whether or not toxic pollutants are leaking from such facilities.

(4) Toxic pollutant defined

For purposes of this subsection, the term “toxic pollutant” means those toxic pollutants referred to in section 1311(b)(2)(C) and 1311(b)(2)(D) of this title and such other pollutants as the Secretary, in consultation with the Administrator of the Environmental Protection Agency, determines are appropriate based on their effects on human health and the environment.

(Pub. L. 91-611, title I, § 123, Dec. 31, 1970, 84 Stat. 1823; Pub. L. 93-251, title I, § 23, Mar. 7, 1974, 88 Stat. 20; Pub. L. 100-676, § 24, Nov. 17, 1988, 102 Stat. 4027.)

REFERENCES IN TEXT

Section 1171 of this title, referred to in subsec. (a), was omitted as superseded.

The National Environmental Policy Act of 1969, referred to in subsecs. (a) and (b), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Federal Water Pollution Control Act, referred to in subsec. (b), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to this chapter (§ 1251 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1165a of this title.

Section was not enacted as a part of the Federal Water Pollution Control Act which comprises this chapter.

AMENDMENTS

1988—Subsec. (j). Pub. L. 100-676, § 24(a), added subsec. (j).

Subsec. (k). Pub. L. 100-676, § 24(b), added subsec. (k).

1974—Subsec. (d). Pub. L. 93-251 inserted provision for waiver of payments in event of a written agreement before occurrence of findings.

GREAT LAKES CONFINED DISPOSAL FACILITIES

Pub. L. 104-303, title V, § 513, Oct. 12, 1996, 110 Stat. 3762, required the Secretary to conduct an assessment of the general conditions of confined disposal facilities in the Great Lakes and to report to Congress on the results of the assessment not later than 3 years after Oct. 12, 1996.

§ 1294. Public information and education on recycling and reuse of wastewater, use of land treatment, and reduction of wastewater volume

The Administrator shall develop and operate within one year of December 27, 1977, a continuing program of public information and education on recycling and reuse of wastewater (including sludge), the use of land treatment, and methods for the reduction of wastewater volume.

(June 30, 1948, ch. 758, title II, § 214, as added Pub. L. 95-217, § 38, Dec. 27, 1977, 91 Stat. 1581.)

§ 1295. Requirements for American materials

Notwithstanding any other provision of law, no grant for which application is made after February 1, 1978, shall be made under this subchapter for any treatment works unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States, substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States will be used in such treatment works. This section shall not apply in any case where the Administrator determines, based upon those factors the Administrator deems relevant, including the available resources of the agency, it to be inconsistent with the public interest (including multilateral government procurement agreements) or the cost to be unreasonable, or if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

(June 30, 1948, ch. 758, title II, § 215, as added Pub. L. 95-217, § 39, Dec. 27, 1977, 91 Stat. 1581.)

§ 1296. Determination of priority of projects

Notwithstanding any other provision of this chapter, the determination of the priority to be given each category of projects for construction of publicly owned treatment works within each State shall be made solely by that State, except that if the Administrator, after a public hearing, determines that a specific project will not result in compliance with the enforceable requirements of this chapter, such project shall be removed from the State's priority list and such State shall submit a revised priority list. These categories shall include, but not be limited to (A) secondary treatment, (B) more stringent treatment, (C) infiltration-in-flow correction, (D) major sewer system rehabilitation, (E) new collector sewers and appurtenances, (F) new interceptors and appurtenances, and (G) correction of combined sewer overflows. Not less than 25 per centum of funds allocated to a State in any fiscal year under this subchapter for construction of publicly owned treatment works in such State shall be obligated for those types of projects referred to in clauses (D), (E), (F), and (G) of this section, if such projects are on such State's priority list for that year and are other-