

cluding 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 obtaining and installing equipment, accessories, or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed 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.)

**Editorial Notes**

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 construction” before period at end.

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

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”.

**Statutory Notes and Related Subsidiaries**

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 eligibility of project by Administrator**

Subject to the conditions of this section and to such terms and conditions as the Administrator determines to be necessary to carry out the purposes of this subchapter, the Administrator 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, municipality, or intermunicipal or interstate agency issued directly and exclusively to the Federal Financing 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 subchapter (other than this section), which project the Administrator has determined to be eligible for such financial assistance under this subchapter, 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 guarantee, may be made pursuant to this section—

(1) unless the Administrator certifies that the issuing body is unable to obtain on reasonable terms sufficient credit to finance its actual needs without such guarantee; and

(2) unless the Administrator determines that there is a reasonable assurance of repayment of the loan, obligation, or participation therein.

A determination of whether financing is available at reasonable rates shall be made by the Secretary of the Treasury with relationship to the current average yield on outstanding marketable obligations of municipalities of comparable maturity.

**(c) Fees for application investigation and issuance of commitment guarantee**

The Administrator is authorized to charge reasonable fees for the investigation of an application 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 include, 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; amended Pub. L. 96-483, §2(e), Oct. 21, 1980, 94 Stat. 2361.)

**Editorial Notes**

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”.

**Statutory Notes and Related Subsidiaries**

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-