

TITLE 33 - NAVIGATION AND NAVIGABLE WATERS
CHAPTER 26 - WATER POLLUTION PREVENTION AND CONTROL
SUBCHAPTER VI - STATE WATER POLLUTION CONTROL REVOLVING FUNDS

§ 1382. Capitalization grant agreements

(a) General rule

To receive a capitalization grant with funds made available under this subchapter and section 1285 (m) of this title, a State shall enter into an agreement with the Administrator which shall include but not be limited to the specifications set forth in subsection (b) of this section.

(b) Specific requirements

The Administrator shall enter into an agreement under this section with a State only after the State has established to the satisfaction of the Administrator that—

- (1) the State will accept grant payments with funds to be made available under this subchapter and section 1285 (m) of this title in accordance with a payment schedule established jointly by the Administrator under section 1381 (b) of this title and will deposit all such payments in the water pollution control revolving fund established by the State in accordance with this subchapter;
- (2) the State will deposit in the fund from State moneys an amount equal to at least 20 percent of the total amount of all capitalization grants which will be made to the State with funds to be made available under this subchapter and section 1285 (m) of this title on or before the date on which each quarterly grant payment will be made to the State under this subchapter;
- (3) the State will enter into binding commitments to provide assistance in accordance with the requirements of this subchapter in an amount equal to 120 percent of the amount of each such grant payment within 1 year after the receipt of such grant payment;
- (4) all funds in the fund will be expended in an expeditious and timely manner;
- (5) all funds in the fund as a result of capitalization grants under this subchapter and section 1285 (m) of this title will first be used to assure maintenance of progress, as determined by the Governor of the State, toward compliance with enforceable deadlines, goals, and requirements of this chapter, including the municipal compliance deadline;
- (6) treatment works eligible under section 1383 (c)(1) of this title which will be constructed in whole or in part before fiscal year 1995 with funds directly made available by capitalization grants under this subchapter and section 1285 (m) of this title will meet the requirements of, or otherwise be treated (as determined by the Governor of the State) under sections 1281 (b), 1281 (g)(1), 1281 (g)(2), 1281 (g)(3), 1281 (g)(5), 1281 (g)(6), 1281 (n)(1), 1281 (o), 1284 (a)(1), 1284 (a)(2), 1284 (b)(1), 1284 (d)(2), 1291, 1298, 1371 (c)(1), and 1372 of this title in the same manner as treatment works constructed with assistance under subchapter II of this chapter;
- (7) in addition to complying with the requirements of this subchapter, the State will commit or expend each quarterly grant payment which it will receive under this subchapter in accordance with laws and procedures applicable to the commitment or expenditure of revenues of the State;
- (8) in carrying out the requirements of section 1386 of this title, the State will use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards;
- (9) the State will require as a condition of making a loan or providing other assistance, as described in section 1383 (d) of this title, from the fund that the recipient of such assistance will maintain project accounts in accordance with generally accepted government accounting standards; and
- (10) the State will make annual reports to the Administrator on the actual use of funds in accordance with section 1386 (d) of this title.

(June 30, 1948, ch. 758, title VI, § 602, as added Pub. L. 100–4, title II, § 212(a), Feb. 4, 1987, 101 Stat. 22.)