

paragraph, section 1288 of this title, and any such plan, projected population be determined on the basis of the latest information available from the United States Department of Commerce or from the States as the Administrator, by regulation, determines appropriate.

Subsec. (b)(1). Pub. L. 95-217, §§22(a)(1), (2), 24(c), inserted “(except as otherwise provided in this paragraph)” after “proportionate share” in cl. (A) and “(which such portion, in the discretion of the applicant, may be recovered from industrial users of the total waste treatment system as distinguished from the treatment works for which the grant is made)” in cl. (B) and, at end of existing provisions, inserted sentences under which a dedicated ad valorem tax system is to be deemed the user charge system meeting the requirements of cl. (A) for the residential user class and such small non-residential user classes as defined by the Administrator in cases where an applicant, as of Dec. 27, 1977, uses a system of dedicated ad valorem taxes and the Administrator determines that the applicant has a system of charges which results in the distribution of operation and maintenance costs for treatment works within the applicant’s jurisdiction, to each user class, in proportion to the contribution to the total cost of operation and maintenance of such works by each user class (taking into account total waste water loading of such works, the constituent elements of the wastes, and other appropriate factors), and such applicant is otherwise in compliance with cl. (A) of this paragraph with respect to each industrial user.

Subsec. (b)(3). Pub. L. 95-217, §§23, 24(a), substituted “necessary for the administrative costs associated with the requirement of paragraph (1)(B) of this subsection and future expansion” for “necessary for future expansion” in cl. (B) and, at end of existing provisions, inserted sentence under which, subject to the approval of the Administrator, the following: “Not a grantee that received a grant prior to Dec. 27, 1977, may reduce the amounts required to be paid to such grantee by any industrial user of waste treatment services under such paragraph, if such grantee requires such industrial user to adopt other means of reducing the demand for waste treatment services through reduction in the total flow of sewage or unnecessary water consumption, in proportion to such reduction as determined in accordance with regulations promulgated by the Administrator”.

Subsec. (b)(5), (6). Pub. L. 95-217, §§22(b), 24(b), added pars. (5) and (6).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1987 AMENDMENT

Pub. L. 100-4, title II, §205(d), Feb. 4, 1987, 101 Stat. 18, provided that: “This section [amending this section] shall take effect on the date of the enactment of this Act [Feb. 4, 1987], except that the amendments made by subsections (a) and (b) [amending this section] shall take effect on the last day of the two-year period beginning on such date of enactment.”

##### 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.

##### ELIMINATION OF INAPPLICABLE CONDITIONS OR REQUIREMENTS FROM CERTAIN GRANTS

Pub. L. 96-483, §2(c), Oct. 21, 1980, 94 Stat. 2361, provided that: “The Administrator of the Environmental Protection Agency shall take such action as may be necessary to remove from any grant made under section 201(g)(1) of the Federal Water Pollution Control Act [section 1281(g)(1) of this title] after March 1, 1973, and prior to the date of enactment of this Act [Oct. 21, 1980], any condition or requirement no longer applicable as a result of the repeals made by subsections (a) and (b) of this section [amending subsec. (b) of this section] or release any grant recipient of the obligations established by such conditions or other requirement.”

Section 2(c) of Pub. L. 96-483, set out above, effective Dec. 27, 1977, see section 2(g) of Pub. L. 96-483, set out as an Effective Date of 1980 Amendment note under section 1281 of this title.

#### COST RECOVERY; SUSPENSION OF GRANT REQUIREMENTS THAT INDUSTRIAL USERS MAKE PAYMENTS

Pub. L. 95-217, §75, Dec. 27, 1977, 91 Stat. 1609, as amended by Pub. L. 96-148, §1, Dec. 16, 1979, 93 Stat. 1088; Pub. L. 96-483, §2(f), Oct. 21, 1980, 94 Stat. 2361, directed Administrator of Environmental Protection Agency to study and report to Congress not later than last day of twelfth month which begins after Dec. 27, 1977, cost recovery procedures from industrial users of treatment works to the extent construction costs are attributable to the Federal share of the cost of construction.

#### § 1285. Allotment of grant funds

##### (a) Funds for fiscal years during period June 30, 1972, and September 30, 1977; determination of amount

Sums authorized to be appropriated pursuant to section 1287 of this title for each fiscal year beginning after June 30, 1972, and before September 30, 1977, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized, except that the allotment for fiscal year 1973 shall be made not later than 30 days after October 18, 1972. Such sums shall be allotted among the States by the Administrator in accordance with regulations promulgated by him, in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States. For the fiscal years ending June 30, 1973, and June 30, 1974, such ratio shall be determined on the basis of table III of House Public Works Committee Print No. 92-50. For the fiscal year ending June 30, 1975, such ratio shall be determined one-half on the basis of table I of House Public Works Committee Print Numbered 93-28 and one-half on the basis of table II of such print, except that no State shall receive an allotment less than that which it received for the fiscal year ending June 30, 1972, as set forth in table III of such print. Allotments for fiscal years which begin after the fiscal year ending June 30, 1975, shall be made only in accordance with a revised cost estimate made and submitted to Congress in accordance with section 1375(b) of this title and only after such revised cost estimate shall have been approved by law specifically enacted after October 18, 1972.

##### (b) Availability and use of funds allotted for fiscal years during period June 30, 1972, and September 30, 1977; reallocation

(1) Any sums allotted to a State under subsection (a) shall be available for obligation under section 1283 of this title on and after the date of such allotment. Such sums shall continue available for obligation in such State for a period of one year after the close of the fiscal year for which such sums are authorized. Any amounts so allotted which are not obligated by the end of such one-year period shall be immediately reallocated by the Administrator, in accordance with regulations promulgated by him,

generally on the basis of the ratio used in making the last allotment of sums under this section. Such reallocated sums shall be added to the last allotments made to the States. Any sum made available to a State by reallocation under this subsection shall be in addition to any funds otherwise allotted to such State for grants under this subchapter during any fiscal year.

(2) Any sums which have been obligated under section 1283 of this title and which are released by the payment of the final voucher for the project shall be immediately credited to the State to which such sums were last allotted. Such released sums shall be added to the amounts last allotted to such State and shall be immediately available for obligation in the same manner and to the same extent as such last allotment.

**(c) Funds for fiscal years during period October 1, 1977, and September 30, 1981; funds for fiscal years 1982 to 1990; determination of amount**

(1) Sums authorized to be appropriated pursuant to section 1287 of this title for the fiscal years during the period beginning October 1, 1977, and ending September 30, 1981, shall be allotted for each such year by the Administrator not later than the tenth day which begins after December 27, 1977. Notwithstanding any other provision of law, sums authorized for the fiscal years ending September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981, shall be allotted in accordance with table 3 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives.

(2) Sums authorized to be appropriated pursuant to section 1287 of this title for the fiscal years 1982, 1983, 1984, and 1985 shall be allotted for each such year by the Administrator not later than the tenth day which begins after December 29, 1981. Notwithstanding any other provision of law, sums authorized for the fiscal year ending September 30, 1982, shall be allotted in accordance with table 3 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives. Sums authorized for the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986, shall be allotted in accordance with the following table:

States:	Fiscal years 1983 through 1985 <sup>1</sup>
Alabama .....	.011398
Alaska .....	.006101
Arizona .....	.006885
Arkansas .....	.006668
California .....	.072901
Colorado .....	.008154
Connecticut .....	.012487
Delaware .....	.004965
District of Columbia .....	.004965
Florida .....	.034407
Georgia .....	.017234
Hawaii .....	.007895
Idaho .....	.004965
Illinois .....	.046101
Indiana .....	.024566

<sup>1</sup> So in original. Probably should be "1986".

States:	Fiscal years 1983 through 1985 <sup>1</sup>
Iowa .....	.013796
Kansas .....	.009201
Kentucky .....	.012973
Louisiana .....	.011205
Maine .....	.007788
Maryland .....	.024653
Massachusetts .....	.034608
Michigan .....	.043829
Minnesota .....	.018735
Mississippi .....	.009184
Missouri .....	.028257
Montana .....	.004965
Nebraska .....	.005214
Nevada .....	.004965
New Hampshire .....	.010186
New Jersey .....	.041654
New Mexico .....	.004965
New York .....	.113097
North Carolina .....	.018396
North Dakota .....	.004965
Ohio .....	.057383
Oklahoma .....	.008235
Oregon .....	.011515
Pennsylvania .....	.040377
Rhode Island .....	.006750
South Carolina .....	.010442
South Dakota .....	.004965
Tennessee .....	.014807
Texas .....	.038726
Utah .....	.005371
Vermont .....	.004965
Virginia .....	.020861
Washington .....	.017726
West Virginia .....	.015890
Wisconsin .....	.027557
Wyoming .....	.004965
Samoa .....	.000915
Guam .....	.000662
Northern Marianas .....	.000425
Puerto Rico .....	.013295
Pacific Trust Territories .....	.001305
Virgin Islands .....	.000531
United States totals .....	.999996

(3) FISCAL YEARS 1987-1990.—Sums authorized to be appropriated pursuant to section 1287 of this title for the fiscal years 1987, 1988, 1989, and 1990 shall be allotted for each such year by the Administrator not later than the 10th day which begins after February 4, 1987. Sums authorized for such fiscal years shall be allotted in accordance with the following table:

States:	
Alabama .....	.011309
Alaska .....	.006053
Arizona .....	.006831
Arkansas .....	.006616
California .....	.072333
Colorado .....	.008090
Connecticut .....	.012390
Delaware .....	.004965
District of Columbia .....	.004965
Florida .....	.034139
Georgia .....	.017100
Hawaii .....	.007833
Idaho .....	.004965
Illinois .....	.045741
Indiana .....	.024374
Iowa .....	.013688
Kansas .....	.009129
Kentucky .....	.012872
Louisiana .....	.011118
Maine .....	.007829
Maryland .....	.024461
Massachusetts .....	.034338

## States:

Michigan .....	.043487
Minnesota .....	.018589
Mississippi .....	.009112
Missouri .....	.028037
Montana .....	.004965
Nebraska .....	.005173
Nevada .....	.004965
New Hampshire .....	.010107
New Jersey .....	.041329
New Mexico .....	.004965
New York .....	.111632
North Carolina .....	.018253
North Dakota .....	.004965
Ohio .....	.056936
Oklahoma .....	.008171
Oregon .....	.011425
Pennsylvania .....	.040062
Rhode Island .....	.006791
South Carolina .....	.010361
South Dakota .....	.004965
Tennessee .....	.014692
Texas .....	.046226
Utah .....	.005329
Vermont .....	.004965
Virginia .....	.020698
Washington .....	.017588
West Virginia .....	.015766
Wisconsin .....	.027342
Wyoming .....	.004965
American Samoa .....	.000908
Guam .....	.000657
Northern Marianas .....	.000422
Puerto Rico .....	.013191
Pacific Trust Territories .....	.001295
Virgin Islands .....	.000527

**(d) Availability and use of funds; reallocation**

Sums allotted to the States for a fiscal year shall remain available for obligation for the fiscal year for which authorized and for the period of the next succeeding twelve months. The amount of any allotment not obligated by the end of such twenty-four-month period shall be immediately reallocated by the Administrator on the basis of the same ratio as applicable to sums allotted for the then current fiscal year, except that none of the funds reallocated by the Administrator for fiscal year 1978 and for fiscal years thereafter shall be allotted to any State which failed to obligate any of the funds being reallocated. Any sum made available to a State by reallocation under this subsection shall be in addition to any funds otherwise allotted to such State for grants under this subchapter during any fiscal year.

**(e) Minimum allotment; additional appropriations; ratio of amount available**

For the fiscal years 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, and 1990, no State shall receive less than one-half of 1 per centum of the total allotment under subsection (c) of this section, except that in the case of Guam, Virgin Islands, American Samoa, and the Trust Territories not more than thirty-three one-hundredths of 1 per centum in the aggregate shall be allotted to all four of these jurisdictions. For the purpose of carrying out this subsection there are authorized to be appropriated, subject to such amounts as are provided in appropriation Acts, not to exceed \$75,000,000 for each of fiscal years 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, and 1990. If for any fiscal year the amount appropriated

under authority of this subsection is less than the amount necessary to carry out this subsection, the amount each State receives under this subsection for such year shall bear the same ratio to the amount such State would have received under this subsection in such year if the amount necessary to carry it out had been appropriated as the amount appropriated for such year bears to the amount necessary to carry out this subsection for such year.

**(f) Omitted****(g) Reservation of funds; State management assistance**

(1) The Administrator is authorized to reserve each fiscal year not to exceed 2 per centum of the amount authorized under section 1287 of this title for purposes of the allotment made to each State under this section on or after October 1, 1977, except in the case of any fiscal year beginning on or after October 1, 1981, and ending before October 1, 1994, in which case the percentage authorized to be reserved shall not exceed 4 per centum.<sup>2</sup> or \$400,000 whichever amount is the greater. Sums so reserved shall be available for making grants to such State under paragraph (2) of this subsection for the same period as sums are available from such allotment under subsection (d) of this section, and any such grant shall be available for obligation only during such period. Any grant made from sums reserved under this subsection which has not been obligated by the end of the period for which available shall be added to the amount last allotted to such State under this section and shall be immediately available for obligation in the same manner and to the same extent as such last allotment. Sums authorized to be reserved by this paragraph shall be in addition to and not in lieu of any other funds which may be authorized to carry out this subsection.

(2) The Administrator is authorized to grant to any State from amounts reserved to such State under this subsection, the reasonable costs of administering any aspects of sections 1281, 1283, 1284, and 1292 of this title the responsibility for administration of which the Administrator has delegated to such State. The Administrator may increase such grant to take into account the reasonable costs of administering an approved program under section 1342 or 1344 of this title, administering a state-wide waste treatment management planning program under section 1288(b)(4) of this title, and managing waste treatment construction grants for small communities.

**(h) Alternate systems for small communities**

The Administrator shall set aside from funds authorized for each fiscal year beginning on or after October 1, 1978, a total (as determined by the Governor of the State) of not less than 4 per cent nor more than 7½ percent of the sums allotted to any State with a rural population of 25 per centum or more of the total population of such State, as determined by the Bureau of the Census. The Administrator may set aside no more than 7½ percent of the sums allotted to any other State for which the Governor requests

<sup>2</sup> So in original. The period probably should be a comma.

such action. Such sums shall be available only for alternatives to conventional sewage treatment works for municipalities having a population of three thousand five hundred or less, or for the highly dispersed sections of larger municipalities, as defined by the Administrator.

**(i) Set-aside for innovative and alternative projects**

Not less than  $\frac{1}{2}$  of 1 percent of funds allotted to a State for each of the fiscal years ending September 30, 1979, through September 30, 1990, under subsection (c) of this section shall be expended only for increasing the Federal share of grants for construction of treatment works utilizing innovative processes and techniques pursuant to section 1282(a)(2) of this title. Including the expenditures authorized by the preceding sentence, a total of 2 percent of the funds allotted to a State for each of the fiscal years ending September 30, 1979, and September 30, 1980, and 3 percent of the funds allotted to a State for the fiscal year ending September 30, 1981, under subsection (c) of this section shall be expended only for increasing grants for construction of treatment works pursuant to section 1282(a)(2) of this title. Including the expenditures authorized by the first sentence of this subsection, a total (as determined by the Governor of the State) of not less than 4 percent nor more than  $7\frac{1}{2}$  percent of the funds allotted to such State under subsection (c) of this section for each of the fiscal years ending September 30, 1982, through September 30, 1990, shall be expended only for increasing the Federal share of grants for construction of treatment works pursuant to section 1282(a)(2) of this title.

**(j) Water quality management plan; reservation of funds for nonpoint source management**

(1) The Administrator shall reserve each fiscal year not to exceed 1 per centum of the sums allotted and available for obligation to each State under this section for each fiscal year beginning on or after October 1, 1981, or \$100,000, whichever amount is the greater.

(2) Such sums shall be used by the Administrator to make grants to the States to carry out water quality management planning, including, but not limited to—

(A) identifying most cost effective and locally acceptable facility and non-point measures to meet and maintain water quality standards;

(B) developing an implementation plan to obtain State and local financial and regulatory commitments to implement measures developed under subparagraph (A);

(C) determining the nature, extent, and causes of water quality problems in various areas of the State and interstate region, and reporting on these annually; and

(D) determining those publicly owned treatment works which should be constructed with assistance under this subchapter, in which areas and in what sequence, taking into account the relative degree of effluent reduction attained, the relative contributions to water quality of other point or nonpoint sources, and the consideration of alternatives to such construction, and implementing section 1313(e) of this title.

(3) In carrying out planning with grants made under paragraph (2) of this subsection, a State shall develop jointly with local, regional, and interstate entities, a plan for carrying out the program and give funding priority to such entities and designated or undesignated public comprehensive planning organizations to carry out the purposes of this subsection. In giving such priority, the State shall allocate at least 40 percent of the amount granted to such State for a fiscal year under paragraph (2) of this subsection to regional public comprehensive planning organizations in such State and appropriate interstate organizations for the development and implementation of the plan described in this paragraph. In any fiscal year for which the Governor, in consultation with such organizations and with the approval of the Administrator, determines that allocation of at least 40 percent of such amount to such organizations will not result in significant participation by such organizations in water quality management planning and not significantly assist in development and implementation of the plan described in this paragraph and achieving the goals of this chapter, the allocation to such organization may be less than 40 percent of such amount.

(4) All activities undertaken under this subsection shall be in coordination with other related provisions of this chapter.

(5) NONPOINT SOURCE RESERVATION.—In addition to the sums reserved under paragraph (1), the Administrator shall reserve each fiscal year for each State 1 percent of the sums allotted and available for obligation to such State under this section for each fiscal year beginning on or after October 1, 1986, or \$100,000, whichever is greater, for the purpose of carrying out section 1329 of this title. Sums so reserved in a State in any fiscal year for which such State does not request the use of such sums, to the extent such sums exceed \$100,000, may be used by such State for other purposes under this subchapter.

**(k) New York City Convention Center**

The Administrator shall allot to the State of New York from sums authorized to be appropriated for the fiscal year ending September 30, 1982, an amount necessary to pay the entire cost of conveying sewage from the Convention Center of the city of New York to the Newtown sewage treatment plant, Brooklyn-Queens area, New York. The amount allotted under this subsection shall be in addition to and not in lieu of any other amounts authorized to be allotted to such State under this chapter.

**(l) Marine estuary reservation**

**(1) Reservation of funds**

**(A) General rule**

Prior to making allotments among the States under subsection (c) of this section, the Administrator shall reserve funds from sums appropriated pursuant to section 1287 of this title for each fiscal year beginning after September 30, 1986.

**(B) Fiscal years 1987 and 1988**

For each of fiscal years 1987 and 1988 the reservation shall be 1 percent of the sums appropriated pursuant to section 1287 of this title for such fiscal year.

**(C) Fiscal years 1989 and 1990**

For each of fiscal years 1989 and 1990 the reservation shall be 1½ percent of the funds appropriated pursuant to section 1287 of this title for such fiscal year.

**(2) Use of funds**

Of the sums reserved under this subsection, two-thirds shall be available to address water quality problems of marine bays and estuaries subject to lower levels of water quality due to the impacts of discharges from combined storm water and sanitary sewer overflows from adjacent urban complexes, and one-third shall be available for the implementation of section 1330 of this title, relating to the national estuary program.

**(3) Period of availability**

Sums reserved under this subsection shall be subject to the period of availability for obligation established by subsection (d) of this section.

**(4) Treatment of certain body of water**

For purposes of this section and section 1281(n) of this title, Newark Bay, New Jersey, and the portion of the Passaic River up to Little Falls, in the vicinity of Beatties Dam, shall be treated as a marine bay and estuary.

**(m) Discretionary deposits into State water pollution control revolving funds****(1) From construction grant allotments**

In addition to any amounts deposited in a water pollution control revolving fund established by a State under subchapter VI, upon request of the Governor of such State, the Administrator shall make available to the State for deposit, as capitalization grants, in such fund in any fiscal year beginning after September 30, 1986, such portion of the amounts allotted to such State under this section for such fiscal year as the Governor considers appropriate; except that (A) in fiscal year 1987, such deposit may not exceed 50 percent of the amounts allotted to such State under this section for such fiscal year, and (B) in fiscal year 1988, such deposit may not exceed 75 percent of the amounts allotted to such State under this section for this fiscal year.

**(2) Notice requirement**

The Governor of a State may make a request under paragraph (1) for a deposit into the water pollution control revolving fund of such State—

(A) in fiscal year 1987 only if no later than 90 days after February 4, 1987, and

(B) in each fiscal year thereafter only if 90 days before the first day of such fiscal year,

the State provides notice of its intent to make such deposit.

**(3) Exception**

Sums reserved under section 1285(j) of this title shall not be available for obligation under this subsection.

(June 30, 1948, ch. 758, title II, §205, as added Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 837; amended Pub. L. 93-243, §1, Jan. 2, 1974, 87 Stat.

1069; Pub. L. 95-217, §§25, 26(a), 27, 28, Dec. 27, 1977, 91 Stat. 1574, 1575; Pub. L. 96-483, §11, Oct. 21, 1980, 94 Stat. 2363; Pub. L. 97-117, §§8(c), 13-16, Dec. 29, 1981, 95 Stat. 1625, 1627-1629; Pub. L. 100-4, title II, §§206(a)-(c), 207-210, 212(b), title III, §316(d), Feb. 4, 1987, 101 Stat. 19-21, 27, 60; Pub. L. 105-362, title V, §501(d)(2)(C), Nov. 10, 1998, 112 Stat. 3284; Pub. L. 107-303, title III, §302(b)(1), Nov. 27, 2002, 116 Stat. 2361.)

**Editorial Notes****CODIFICATION**

Subsec. (f) provided that sums made available for obligation between Jan. 1, 1975, and Mar. 1, 1975, be available for obligation until Sept. 30, 1978.

**AMENDMENTS**

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

1998—Subsec. (a). Pub. L. 105-362, §501(d)(2)(C), which directed the substitution of “section 1375 of this title” for “section 1375(b) of this title” in last sentence, was repealed by Pub. L. 107-303. See Effective Date of 2002 Amendment note below.

1987—Subsec. (c)(2). Pub. L. 100-4, §206(a)(1), substituted “September 30, 1985, and September 30, 1986” for “and September 30, 1985”.

Subsec. (c)(3). Pub. L. 100-4, §206(a)(2), added par. (3).

Subsec. (e). Pub. L. 100-4, §206(b), substituted “1985, 1986, 1987, 1988, 1989, and 1990” for “and 1985” in two places.

Subsec. (g)(1). Pub. L. 100-4, §206(c), substituted “October 1, 1994” for “October 1, 1985”.

Subsec. (h). Pub. L. 100-4, §207, substituted “a total (as determined by the Governor of the State) of not less than 4 percent nor more than 7½ percent” for “four per centum” and “7½ per cent” for “four per centum”.

Subsec. (i). Pub. L. 100-4, §208, amended subsec. (i) generally. Prior to amendment, subsec. (i) read as follows: “Not less than one-half of one per centum of funds allotted to a State for each of the fiscal years ending September 30, 1979, September 30, 1980, September 30, 1981, September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985, under subsection (a) of this section shall be expended only for increasing the Federal share of grants for construction of treatment works utilizing innovative processes and techniques pursuant to section 1282(a)(2) of this title. Including the expenditures authorized by the preceding sentence, a total of two per centum of the funds allotted to a State for each of the fiscal years ending September 30, 1979, and September 30, 1980, and 3 per centum of the funds allotted to a State for the fiscal year ending September 30, 1981, under subsection (a) of this section shall be expended only for increasing grants for construction of treatment works from 75 per centum to 85 per centum pursuant to section 1282(a)(2) of this title. Including the expenditures authorized by the first sentence of this subsection, a total (as determined by the Governor of the State) of not less than 4 per centum nor more than 7½ per centum of the funds allotted to such State for any fiscal year beginning after September 30, 1981, under subsection (c) of this section shall be expended only for increasing the Federal share of grants for construction of treatment works pursuant to section 1282(a)(2) of this title.”

Subsec. (j)(3). Pub. L. 100-4, §209, inserted provision directing State to allocate at least 40 percent of amount granted under par. (2) to regional public comprehensive planning organizations and appropriate interstate organizations for development and implementation of plan, with exception for less than 40 percent allocation in certain circumstances.

Subsec. (j)(5). Pub. L. 100-4, §316(d), added par. (5).

Subsec. (l). Pub. L. 100-4, §210, added subsec. (l).

Subsec. (m). Pub. L. 100-4, §212(b), added subsec. (m).

1981—Subsec. (c). Pub. L. 97-117, §13(a), designated existing provision as par. (1) and added par. (2).

Subsec. (e). Pub. L. 97-117, §13(b), substituted “1981, 1982, 1983, 1984, and 1985” for “and 1981” in two places.

Subsec. (g)(1). Pub. L. 97-117, §14, inserted “except in the case of any fiscal year beginning on or after October 1, 1981, and ending before October 1, 1985, in which case the percentage authorized to be reserved shall not exceed 4 per centum.” after “October 1, 1977,” and provision that sums authorized to be reserved be in addition to and not in lieu of any other funds which may be authorized to carry out this subsection.

Subsec. (i). Pub. L. 97-117, §8(c), substituted “September 30, 1981, September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985” for “and September 30, 1981”, struck out “from 75 per centum to 85 per centum” after “innovative processes and techniques”, and inserted provision that including the expenditures authorized by the first sentence of this subsection, a total, as determined by the State Governor, of not less than 4 per centum nor more than 7½ per centum of the funds allotted to such State for any fiscal year beginning after Sept. 30, 1981, under subsec. (c) of this section be expended only for increasing the Federal share of grants for construction of treatment works pursuant to section 1282(a)(2) of this title.

Subsecs. (j), (k). Pub. L. 97-117, §§15, 16, added subsecs. (j) and (k).

1980—Subsec. (g)(1). Pub. L. 96-483 inserted “of the amount authorized under section 1287 of this title for purposes” after “2 per centum”.

1977—Subsec. (a). Pub. L. 95-217, §25(a), substituted “each fiscal year beginning after June 30, 1972, and before September 30, 1977” for “each fiscal year beginning after June 30, 1972”.

Subsecs. (c) to (f). Pub. L. 95-217, §25(b), added subsecs. (c) to (f).

Subsecs. (g) to (i). Pub. L. 95-217, §§26(a), 27, 28, added subsecs. (g) to (i).

1974—Subsec. (a). Pub. L. 93-243 inserted provisions that for the fiscal year ending June 30, 1975, the ratio shall be determined one-half on the basis of table I of House Public Works Committee Print Numbered 93-28 and one-half on the basis of table II of such print, except that no State shall receive an allotment less than that which it received for the fiscal year ending June 30, 1972, as set forth in table III of such print and substituted “June 30, 1975” for “June 30, 1974” in sentence beginning “Allotments for fiscal years”.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

##### 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.

##### AVAILABILITY OF ALLOTTED SUMS IN SUBSEQUENT YEARS; REALLOTMENT OF UNOBLIGATED SUMS

Pub. L. 96-483, §7, Oct. 21, 1980, 94 Stat. 2362, provided that: “Notwithstanding section 205(d) of the Federal Water Pollution Control Act (33 U.S.C. 1285), sums allotted to the States for the fiscal year 1979 shall remain available for obligation for the fiscal year for which authorized and for the period of the next succeeding twenty-four months. The amount of any allotment not obligated by the end of such thirty-six month period shall be immediately reallocated by the Administrator on the basis of the same ratio as applicable to sums allotted

for the then current fiscal year, except that none of the funds reallocated by the Administrator for fiscal year 1979 shall be allotted to any State which failed to obligate any of the funds being reallocated. Any sum made available to a State by reallocation under this section shall be in addition to any funds otherwise allotted to such State for grants under title II of the Federal Water Pollution Control Act [this subchapter] during any fiscal year. This section shall take effect on September 30, 1980.”

#### Executive Documents

##### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

#### § 1286. Reimbursement and advanced construction

##### (a) Publicly owned treatment works construction initiated after June 30, 1966, but before July 1, 1973; reimbursement formula

Any publicly owned treatment works in a State on which construction was initiated after June 30, 1966, but before July 1, 1973, which was approved by the appropriate State water pollution control agency and which the Administrator finds meets the requirements of section 1158 of this title in effect at the time of the initiation of construction shall be reimbursed a total amount equal to the difference between the amount of Federal financial assistance, if any, received under such section 1158 of this title for such project and 50 per centum of the cost of such project, or 55 per centum of the project cost where the Administrator also determines that such treatment works was constructed in conformity with a comprehensive metropolitan treatment plan as described in section 1158(f) of this title as in effect immediately prior to October 18, 1972. Nothing in this subsection shall result in any such works receiving Federal grants from all sources in excess of 80 per centum of the cost of such project.

##### (b) Publicly owned treatment works construction initiated between June 30, 1956, and June 30, 1966; reimbursement formula

Any publicly owned treatment works constructed with or eligible for Federal financial assistance under this Act in a State between June 30, 1956, and June 30, 1966, which was approved by the State water pollution control agency and which the Administrator finds meets the requirements of section 1158 of this title prior to October 18, 1972 but which was constructed without assistance under such section 1158 of this title or which received such assistance in an amount less than 30 per centum of the cost of such project shall qualify for payments and reimbursement of State or local funds used for such project from sums allocated to such State under this section in an amount which shall not exceed the difference between the amount of such assistance, if any, received for such project and 30 per centum of the cost of such project.

##### (c) Application for reimbursement

No publicly owned treatment works shall receive any payment or reimbursement under sub-