**Section 369.220 Agency Responsibilities under Title VI of the CWA** **and the American Recovery and Reinvestment Act of 2009**

a) The WPCLP shall be established in accordance with the requirements of Title VI prior to the receipt of the capitalization grant for deposit into the WPCLP.

b) The Agency will prepare an Intended Use Plan (IUP) and negotiate an Operating Agreement with the USEPA that will be the basis for the Capitalization Grant Agreement. These documents establish the procedures, activities and assurances for operation of the WPCLP, including, but not limited to, the following:

1) Grant payments will be accepted in accordance with a payment schedule established jointly by the Agency and the USEPA;

2) A listing and description of projects on the Project Priority List to be provided financial assistance and the terms of the financial assistance;

3) Binding commitments for 100 percent of each quarterly federal grant payment must be made by the Agency within one year after the receipt of each payment;

4) Funds as a result of the capitalization grants must first be used to assure maintenance of progress toward compliance with the enforceable deadlines, goals and requirements of the CWA;

5) Loan award and disbursement procedures to document the loan recipient's compliance with Title VI requirements;

6) The loan repayment period cannot exceed 20 years beyond the earlier of the initiation of operation date or the initiation of the loan repayment period;

7) All repayments of loan principal shall be deposited into the WPCLP;

8) Annual reporting to the USEPA on the Agency's progress toward meeting its goals and objectives;

9) An annual audit of the WPCLP in accordance with the auditing procedures of the General Accounting Office (75 USC 31); and

10) The Agency shall act in accordance with the requirements established under the ARRA.