
USDA ENVIRONMENTAL COMPLIANCE

Clean Water Act



Next Section

Sec. 101 [33 USC 1251] Declaration of Goals and Policy

FWPC Sec. 101(a)

"(a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act

FWPC Sec. 101(a)(1)

"(1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;

FWPC Sec. 101(a)(2)

"(2) it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983;

FWPC Sec. 101(a)(3)

"(3) it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited;

FWPC Sec. 101(a)(4)

"(4) it is the national policy that Federal financial assistance be provided to construct publicly owned waste treatment works;

FWPC Sec. 101(a)(5)

"(5) it is the national policy that areawide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each State;

FWPC Sec. 101(a)(6)

"(6) it is the national policy that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants into the navigable waters, waters of the contiguous zone, and the oceans;

FWPC Sec. 101(a)(7)

"(7) it is the national policy that programs for the control of nonpoint sources of pollution be developed and implemented in an expeditious manner so as to enable the goals of this Act to be met

through the control of both point and nonpoint sources of pollution.

[101(a)(7) added by PL 100-41]

FWPC Sec. 101(b)

"(b) It is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, and to consult with the Administrator in the exercise of his authority under this Act. It is the policy of Congress that the States manage the construction grant program under this Act and implement the permit programs under sections 402 and 404 of this Act . It is further the policy of the Congress to support and aid research relating to the prevention, reduction, and elimination of pollution, and to provide Federal technical services and financial aid to State and interstate agencies and municipalities in connection with the prevention, reduction, and elimination of pollution.

FWPC Sec. 101(c)

"(c) It is further the policy of Congress that the President, acting through the Secretary of State and such national and international organizations as he determines appropriate, shall take such action as may be necessary to insure that to the fullest extent possible all foreign countries shall take meaningful action for the prevention, reduction, and elimination of pollution in their waters and in international waters and for the achievement of goals regarding the elimination of discharge of pollutants and the improvement of water quality to at least the same extent as the United States does under its laws.

FWPC Sec. 101(d)

"(d) Except as otherwise expressly provided in this Act, the Administrator of the Environmental Protection Agency (hereinafter in this Act called "Administrator") shall administer this Act.

FWPC Sec. 101(e)

"(e) Public participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program established by the Administrator or any State under this Act shall be provided for, encouraged, and assisted by the Administrator and the States. The Administrator, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes.

FWPC Sec. 101(f)

"(f) It is the national policy that to the maximum extent possible the procedures utilized for implementing this Act shall encourage the drastic minimization of paperwork and interagency decision procedures, and the best use of available manpower and funds, so as to prevent needless duplication and unnecessary delays at all levels of

government.

FWPC Sec. 101(g)

"(g) It is the policy of Congress that the authority of each State to allocate quantities of water within its jurisdiction shall not be superseded, abrogated or otherwise impaired by this Act. It is the further

policy of Congress that nothing in this Act shall be construed to supersede or abrogate rights to quantities of water which have been established by any State. Federal agencies shall co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources.

Sec. 102 [33 USC 1252] Comprehensive Programs for Water Pollution Control

FWPC Sec. 102(a)

"(a) The Administrator shall, after careful investigation, and in cooperation with other Federal agencies, State water pollution control agencies, interstate agencies, and the municipalities and industries involved, prepare or develop comprehensive programs for preventing, reducing, or eliminating the pollution of the navigable waters and ground waters and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for the protection and propagation of fish and aquatic life and wildlife, recreational purposes, and the withdrawal of such waters for public water supply, agricultural, industrial, and other purposes. For the purpose of this section, the Administrator is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

FWPC Sec. 102(b)

"(b) "(1) In the survey of planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

FWPC Sec. 102(b)(2)

"(2) The need for and the value of storage or regulation of streamflow (other than for water quality) including but not limited to navigation, salt water intrusion, recreation, esthetics, and fish and wildlife, shall be determined by the Corps of Engineers, Bureau of Reclamation, or other Federal agencies.

FWPC Sec. 102(b)(3)

"(3) The need for, the value of, and the impact of, storage for water quality control shall be determined by the Administrator, and his views on these matters shall be set forth in any report or presentation to Congress proposing authorization or construction of any reservoir including such storage.

FWPC Sec. 102(b)(4)

"(4) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of regulation of streamflow in a manner which will insure that all project purposes, share equitably in the benefits of multiple-purpose construction.

FWPC Sec. 102(b)(5)

"(5) Costs of regulation of streamflow features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

FWPC Sec. 102(b)(6)

"(6) No license granted by the Federal Power Commission for a hydroelectric power project shall include storage for regulation of stream flow for the purpose of water quality control unless the

Administrator shall recommend its inclusion and such reservoir storage capacity shall not exceed such proportion of the total storage required for the water quality control plan as the drainage area of such reservoir bears to the drainage area of the river basin or basins involved in such water quality control plan.

FWPC Sec. 102(c)

"(c) "(1) The Administrator shall, at the request of the Governor of a State, or a majority of the Governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed three years, which period shall begin after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international interests in the basin or portion thereof involved and is capable of developing an effective, comprehensive water quality control plan for a basin or portion thereof.

FWPC Sec. 102(c)(2)

"(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control plan for the basin or portion thereof which

FWPC Sec. 102(c)(2)(A)

"(A) is consistent with any applicable water quality standards, effluent and other limitations, and thermal discharge regulations established pursuant to current law within the basin;

FWPC Sec. 102(c)(2)(B)

"(B) recommends such treatment works as will provide the most effective and economical means of collection, storage, treatment, and elimination of pollutants and recommends means to encourage both

municipal and industrial use of such works;

FWPC Sec. 102(c)(2)(C)

"(C) recommends maintenance and improvement of water quality within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan; and

FWPC Sec. 102(c)(2)(D)

"(D) as appropriate, is developed in cooperation with, and is consistent with any comprehensive plan prepared by the Water Resources Council, any areawide waste management plans developed pursuant to section 208 of this Act , and any State plan developed pursuant to section 303(e) of this Act.

FWPC Sec. 102(c)(3)

"(3) For the purposes of this subsection the term "basin" includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

FWPC Sec. 102(d)

"(d) The Administrator, after consultation with the States, and River Basin Commissions established under the Water Resources Planning Act, shall submit a report to Congress on or before July 1, 1978, which analyzes the relationship between programs under this Act, and the programs by which State and Federal agencies allocate quantities of water. Such report shall include recommendations concerning the policy in section 101(g) of the Act to improve coordination of efforts to reduce and eliminate pollution in concert with programs for managing water resources.

Sec. 103 [33 USC 1253] Interstate Cooperation and Uniform Laws

FWPC Sec. 103(a)

"(a) The Administrator shall encourage cooperative activities by the States for the prevention, reduction, and elimination of pollution, encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention, reduction, and elimination of pollution; and encourage compacts between States for the prevention and control of pollution.

FWPC Sec. 103(b)

"(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for

FWPC Sec. 103(b)(1)

"(1) cooperative effort and mutual assistance for the prevention and control of pollution and the enforcement of their respective laws relating thereto, and

FWPC Sec. 103(b)(2)

"(2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

Sec. 104 [33 USC 1254] Research, Investigations, Training, and Information

FWPC Sec. 104(a)

"(a) The Administrator shall establish national programs for the prevention, reduction, and elimination of pollution and as part of such programs shall

FWPC Sec. 104(a)(1)

"(1) in cooperation with other Federal, State, and local agencies, conduct and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of pollution;

FWPC Sec. 104(a)(2)

"(2) encourage, cooperate with, and render technical services to pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals, including the general public, in the conduct of activities referred to in paragraph (1) of this subsection;

FWPC Sec. 104(a)(3)

"(3) conduct, in cooperation with State water pollution control agencies and other interested agencies, organizations and persons, public investigations concerning the pollution of any navigable waters, and report on the results of such investigations;

FWPC Sec. 104(a)(4)

"(4) establish advisory committees composed of recognized experts in various aspects of pollution and representatives of the public to assist in the examination and evaluation of research progress and proposals and to avoid duplication of research;

FWPC Sec. 104(a)(5)

"(5) in cooperation with the States, and their political subdivisions, and other Federal agencies establish, equip, and maintain a water quality surveillance system for the purpose of monitoring the quality of the navigable waters and ground waters and the contiguous zone and the oceans and the Administrator shall, to the extent practicable, conduct such surveillance by utilizing the resources of the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the United States Geological Survey, and the Coast Guard, and shall report on such quality in the report required under subsection (a) of section 516; and

[104(a)(5) amended by PL 102-285]

FWPC Sec. 104(a)(6)

"(6) initiate and promote the coordination and acceleration of research designed to develop the most effective practicable tools and techniques for measuring the social and economic costs and benefits of activities which are subject to regulation under this Act; and shall transmit a report on the results of such research to the Congress not later than January 1, 1974.

FWPC Sec. 104(b)

"(b) In carrying out the provisions of subsection (a) of this section the Administrator is authorized to

FWPC Sec. 104(b)(1)

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith,

pertaining to such research and other activities referred to in paragraph (1) of subsection (a);

FWPC Sec. 104(b)(2)

"(2) cooperate with other Federal departments and agencies, State water pollution control agencies, interstate agencies, other public and private agencies, institutions, organizations, industries involved, and individuals, in the preparation and conduct of such research and other activities referred to in paragraph (1) of subsection (a);

FWPC Sec. 104(b)(3)

"(3) make grants to State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals, for purposes stated in paragraph (1) of subsection (a) of this section;

FWPC Sec. 104(b)(4)

"(4) contract with public or private agencies, institutions, organizations, and individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5), referred to in paragraph (1) of subsection (a);

FWPC Sec. 104(b)(5)

"(5) establish and maintain research fellowships at public or nonprofit private educational institutions or research organizations;

FWPC Sec. 104(b)(6)

"(6) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying water quality and other information pertaining to pollution and the prevention, reduction, and elimination thereof; and

FWPC Sec. 104(b)(7)

"(7) develop effective and practical processes, methods, and prototype devices for the prevention, reduction, and elimination of pollution.

FWPC Sec. 104(c)

"(c) In carrying out the provisions of subsection (a) of this section the Administrator shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons caused by pollutants. In order to avoid duplication of effort, the Administrator shall, to the extent practicable, conduct such research in cooperation with and through the facilities of the Secretary of Health, Education, and Welfare.

FWPC Sec. 104(d)

"(d) In carrying out the provisions of this section the Administrator shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary:

FWPC Sec. 104(d)(1)

"(1) Practicable means of treating municipal sewage, and other waterborne wastes to implement the requirements of section 201 of this Act ;

FWPC Sec. 104(d)(2)

"(2) Improved methods and procedures to identify and measure the effects of pollutants including those pollutants created by new technological developments; and

FWPC Sec. 104(d)(3)

"(3) Methods and procedures for evaluating the effects on water quality of augmented streamflows to control pollution not susceptible to other means of prevention, reduction, or elimination.

FWPC Sec. 104(e)

"(e) The Administrator shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention, reduction and elimination of pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out. In conjunction with the development of criteria under section 403 of this Act , the Administrator shall construct the facilities authorized for the National Marine Water Quality Laboratory established under this subsection.

FWPC Sec. 104(f)

"(f) The Administrator shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving pollution problems (including additional waste treatment measures) with respect to such waters.

FWPC Sec. 104(g)

"(g) "(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Administrator shall finance pilot programs, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, on entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Administrator is authorized under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

FWPC Sec. 104(g)(2)

"(2) The Administrator is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, reduction, and elimination of pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

FWPC Sec. 104(g)(3)

"(3) In furtherance of the purposes of this Act, the Administrator is authorized to

FWPC Sec. 104(g)(3)(A)

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

FWPC Sec. 104(g)(3)(B)

"(B) establish and maintain research fellowships in the Environmental Protection Agency with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellows; and

FWPC Sec. 104(g)(3)(C)

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, reduction, and elimination of pollution for personnel of public agencies and other persons with suitable qualifications.

FWPC Sec. 104(g)(4)

"(4) The Administrator shall submit, through the President, a report to the Congress not later than December 31, 1973, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

FWPC Sec. 104(h)

"(h) The Administrator is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for "(A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, reduction, and elimination of pollution in lakes, including the undesirable effects of nutrients and vegetation, and "(B) the construction of publicly owned research facilities for such purpose.

FWPC Sec. 104(i)

"(i) The Administrator, in cooperation with the Secretary of the department in which the Coast Guard

is operating, shall

FWPC Sec. 104(i)(1)

"(1) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention, control, and elimination of oil and hazardous substances pollution;

FWPC Sec. 104(i)(2)

"(2) publish from time to time the results of such activities; and

FWPC Sec. 104(i)(3)

"(3) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used in the control of oil and hazardous substances spills.

"In carrying out this subsection, the Administrator may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

FWPC Sec. 104(j)

"(j) The Secretary of the department in which the Coast Guard is operating shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary of the department in which the Coast Guard is operating shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any regulations established under section 312 of this Act . In carrying out this subsection the Secretary of the department in which the Coast Guard is operating may enter into contracts with, or make grants to, public or private organizations and individuals.

FWPC Sec. 104(k)

"(k) In carrying out the provisions of this section relating to the conduct by the Administrator of demonstration projects and the development of field laboratories and research facilities, the Administrator may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Administrator as the circumstances require.

FWPC Sec. 104(l)

"(l) "(1) The Administrator shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than January 1, 1973, develop and issue to the States for the purpose of carrying out this Act the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall

revise and add to such information whenever necessary to reflect developing scientific knowledge.

FWPC Sec. 104(l)(2)

"(2) The President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct studies and investigations of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit reports, from time to time, on such investigations to Congress together with his recommendations for any necessary legislation.

FWPC Sec. 104(m)

"(m) "(1) The Administrator shall, in an effort to prevent degradation of the environment from the disposal of waste oil, conduct a study of "(A) the generation of used engine, machine, cooling, and similar waste oil, including quantities generated, the nature and quality of such oil, present collecting methods and disposal practices, and alternate uses of such oil; "(B) the long-term, chronic biological effects of the disposal of such waste oil; and "(C) the potential market for such oils, including the economic and legal factors relating to the sale of products made from such oils, the level of subsidy, if any, needed to encourage the purchase by public and private nonprofit agencies of products from such oil, and the practicability of Federal procurement, on a priority basis, of products made from such oil. In conducting such study, the Administrator shall consult with affected industries and other persons.

FWPC Sec. 104(m)(2)

"(2) The Administrator shall report the preliminary results of such study to Congress within six months after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and shall submit a final report to Congress within 18 months after such date of enactment.

FWPC Sec. 104(n)

"(n) "(1) The Administrator shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, encourage contributions to, continuing comprehensive studies of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such studies shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

FWPC Sec. 104(n)(2)

"(2) In conducting such studies, the Administrator shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones; carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones; and identify the problems and areas where further research and study are required.

FWPC Sec. 104(n)(3)

"(3) The Administrator shall submit to Congress, from time to time, reports of the studies authorized by this subsection but at least one such report during any six-year period. Copies of each such report shall be made available to all interested parties, public and private.

FWPC Sec. 104(n)(4)

"(4) For the purpose of this subsection, the term "estuarine zones" means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term "estuary" means all or part of the mouth of a river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

FWPC Sec. 104(o)

"(o) "(1) The Administrator shall conduct research and investigations on devices, systems, incentives, pricing policy, and other methods of reducing the total flow of sewage, including, but not limited to, unnecessary water consumption in order to reduce the requirements for, and the costs of, sewage and waste treatment services. Such research and investigations shall be directed to develop devices, systems, policies, and methods capable of achieving the maximum reduction of unnecessary water consumption.

FWPC Sec. 104(o)(2)

"(2) The Administrator shall report the preliminary results of such studies and investigations to the Congress within one year after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and annually thereafter in the report required under subsection (a) of section 516 . Such report shall include recommendations for any legislation that may be required to provide for the adoption and use of devices, systems, policies, or other methods of reducing water consumption and reducing the total flow of sewage. Such report shall include an estimate of the benefits to be derived from adoption and use of such devices, systems, policies, or other methods and also shall reflect estimates of any increase in private, public, or other cost that would be occasioned thereby.

FWPC Sec. 104(p)

"(p) In carrying out the provisions of subsection (a) of this section the Administrator shall, in cooperation with the Secretary of Agriculture, other Federal agencies, and the States, carry out a comprehensive study and research program to determine new and improved methods and the better application of existing methods of preventing, reducing, and eliminating pollution from agriculture, including the legal, economic, and other implications of the use of such methods.

FWPC Sec. 104(q)

"(q) "(1) The Administrator shall conduct a comprehensive program of research and investigation and pilot project implementation into new and improved methods of preventing reducing, storing, collecting, treating, or otherwise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems.

FWPC Sec. 104(q)(2)

"(2) The Administrator shall conduct a comprehensive program of research and investigation and pilot project implementation into new and improved methods for the collection and treatment of sewage and other liquid wastes combined with the treatment and disposal of solid wastes.

FWPC Sec. 104(q)(3)

"(3) The Administrator shall establish, either within the Environmental Protection Agency, or through contract with an appropriate public or private non-profit organization, a national clearinghouse which shall "(A) receive reports and information resulting from research, demonstrations, and other projects funded under this Act related to paragraph (1) of this subsection and to subsection (e)(2) of section 105; "(B) coordinate and disseminate such reports and information for use by Federal and State agencies, municipalities, institutions, and persons in developing new and improved methods pursuant to this subsection; and "(C) provide for the collection and dissemination of reports and information relevant to this subsection from other Federal and State agencies, institutions, universities, and persons.

FWPC Sec. 104(q)(4)

"(4) Small Flows Clearinghouse. Notwithstanding section 205(d) of this Act, from amounts that are set aside for a fiscal year under section 205(i) of this Act and are not obligated by the end of the 24-month period of availability for such amounts under section 205(d), the Administrator shall make available \$1,000,000 or such unobligated amount, whichever is less, to support a national clearinghouse within the Environmental Protection Agency to collect and disseminate information on small flows of sewage and innovative or alternative wastewater treatment processes and techniques, consistent with paragraph (3) . This paragraph shall apply with respect to amounts set aside under section 205(i) for which the 24-month period of availability referred to in the preceding sentence ends on or after September 30, 1986.

[104(q)(4) added by PL 100-41]

FWPC Sec. 104(r)

"(r) The Administrator is authorized to make grants to colleges and universities to conduct basic research into the structure and function of fresh water aquatic ecosystems, and to improve understanding of the ecological characteristics necessary to the maintenance of the chemical, physical, and biological integrity of freshwater aquatic ecosystems.

FWPC Sec. 104(s)

"(s) The Administrator is authorized to make grants to one or more institutions of higher education (regionally located and to be designated as "River Study Centers") for the purpose of conducting and reporting on interdisciplinary studies on the nature of river systems, including, hydrology, biology, ecology, economics, the relationship between river uses and land uses, and the effects of development within river basins on river systems and on the value of water resources and water related activities. No such grant in any fiscal year shall exceed \$1,000,000.

FWPC Sec. 104(t)

"(t) The Administrator shall, in cooperation with State and Federal agencies and public and private

organizations, conduct continuing comprehensive studies of the effects and methods of control of thermal discharges. In evaluating alternative methods of control the studies shall consider "(1) such data as are available on the latest available technology, economic feasibility including cost-effectiveness analysis, and "(2) the total impact on the environment, considering not only water quality but also air quality, land use, and effective utilization and conservation of fresh water and other natural resources. Such studies shall consider methods of minimizing adverse effects and maximizing beneficial effects of thermal discharges. The results of these studies shall be reported by the Administrator as soon as practicable, but not later than 270 days after enactment of this subsection, and shall be made available to the public and the States, and considered as they become available by the Administrator in carrying out section 316 of this Act and by the States in proposing thermal water quality standards.

FWPC Sec. 104(u)

"(u) There is authorized to be appropriated "(1) not to exceed \$100,000,000 per fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975, not to exceed \$14,039,000 for the fiscal year ending September 30, 1980, not to exceed \$20,697,000 for the fiscal year ending September 30, 1981, not to exceed \$22,770,000 for the fiscal year ending September 30, 1982, such sums as may be necessary for fiscal years 1983 through 1985, and not to exceed \$22,770,000 per fiscal year for each of the fiscal years 1986 through 1990, for carrying out the provisions of this section, other than subsections (g)(1) and (2), (p), (r), and (t), except that such authorizations are not for any research, development, or demonstration activity pursuant to such provisions; "(2) not to exceed \$7,500,000 for fiscal years 1973, 1974, and 1975, \$2,000,000 for fiscal year 1977, \$3,000,000 for fiscal year 1978, \$3,000,000 for fiscal year 1979, \$3,000,000 for fiscal year 1980, \$3,000,000 for fiscal year 1981, \$3,000,000 for fiscal year 1982, such sums as may be necessary for fiscal years 1983 through 1985, and \$3,000,000 per fiscal year for each of the fiscal years 1986 through 1990, for carrying out the provisions of subsection (g)(1); "(3) not to exceed \$2,500,000 for fiscal year 1973, 1974, and 1975, \$1,000,000 for fiscal year 1977, \$1,500,000 for fiscal year 1978, \$1,500,000 for fiscal year 1979, \$1,500,000 for fiscal year 1980, \$1,500,000 for fiscal year 1981, \$1,500,000 for fiscal year 1982, such sums as may be necessary for fiscal years 1983 through 1985, and \$1,500,000 per fiscal year for each of the fiscal years 1986 through 1990, for carrying out the provisions of subsection (g)(2); "(4) not to exceed \$10,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, for carrying out the provisions of subsection (p); "(5) not to exceed \$15,000,000 per fiscal year for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, for carrying out the provisions of subsection (r); and "(6) not to exceed \$10,000,000 per fiscal year for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, for carrying out the provisions of subsection (t).

[104(u) amended by PL 95-576; PL 96-483; PL 100-4]

Sec. 105 [33 USC 1255] Grants for Research and Development

FWPC Sec. 105(a)

"(a) The Administrator is authorized to conduct in the Environmental Protection Agency, and to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of

FWPC Sec. 105(a)(1)

"(1) any project which will demonstrate a new or improved method of preventing, reducing, and eliminating the discharge into any waters of pollutants from sewers which carry storm water or both storm water and pollutants; or

FWPC Sec. 105(a)(2)

"(2) any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes), or new or improved methods of joint treatment systems for municipal and industrial wastes; and to include in such grants such amounts as are necessary for the purpose of reports, plans, and specifications in connection therewith.

FWPC Sec. 105(b)

"(b) The Administrator is authorized to make grants to any State or States or interstate agency to demonstrate, in river basins or portions thereof, advanced treatment and environmental enhancement techniques to control pollution from all sources, within such basins or portions thereof, including nonpoint sources, together with in stream water quality improvement techniques.

FWPC Sec. 105(c)

"(c) In order to carry out the purposes of section 301 of this Act , the Administrator is authorized to "(1) conduct in the Environmental Protection Agency, "(2) make grants to persons, and "(3) enter into contracts with persons, for research and demonstration projects for prevention of pollution of any waters by industry including, but not limited to, the prevention, reduction, and elimination of the discharge of pollutants. No grant shall be made for any project under this subsection unless the Administrator determines that such project will develop or demonstrate a new or improved method of treating industrial wastes or otherwise prevent pollution by industry, which method shall have industrywide application.

FWPC Sec. 105(d)

"(d) In carrying out the provisions of this section, the Administrator shall conduct, on a priority basis, an accelerated effort to develop, refine, and achieve practical application of:

FWPC Sec. 105(d)(1)

"(1) waste management methods applicable to point and nonpoint sources of pollutants to eliminate the discharge of pollutants, including, but not limited to, elimination of runoff of pollutants and the effects of pollutants from in-place or accumulated sources;

FWPC Sec. 105(d)(2)

"(2) advanced waste treatment methods applicable to point and nonpoint sources, including in-place or accumulated sources of pollutants, and methods for reclaiming and recycling water and confining pollutants so they will not migrate to cause water or other environmental pollution; and

FWPC Sec. 105(d)(3)

"(3) improved methods and procedures to identify and measure the effects of pollutants on the chemical, physical, and biological integrity of water, including those pollutants created by new technological developments.

FWPC Sec. 105(e)

"(e) "(1) The Administrator is authorized to "(A) make, in consultation with the Secretary of Agriculture, grants to persons for research and demonstration projects with respect to new and improved methods of preventing, reducing, and eliminating pollution from agriculture, and "(B) disseminate, in cooperation with the Secretary of Agriculture, such information obtained under this subsection, section 104(p), and section 304 as will encourage and enable the adoption of such methods in the agricultural industry.

FWPC Sec. 105(e)(2)

"(2) The Administrator is authorized, "(A) in consultation with other interested Federal agencies, to make grants for demonstration projects with respect to new and improved methods of preventing, reducing, storing, collecting, treating, or otherwise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, community-wide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems, and "(B) in cooperation with other interested Federal and State agencies, to disseminate such information obtained under this subsection as will encourage and enable the adoption of new and improved methods developed pursuant to this subsection.

FWPC Sec. 105(f)

"(f) Federal grants under subsection (a) of this section shall be subject to the following limitations:

FWPC Sec. 105(f)(1)

"(1) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Administrator;

FWPC Sec. 105(f)(2)

"(2) No grant shall be made for any project in an amount exceeding 75 per centum of cost thereof as determined by the Administrator; and

FWPC Sec. 105(f)(3)

"(3) No grant shall be made for any project unless the Administrator determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

FWPC Sec. 105(g)

"(g) Federal grants under subsections (c) and (d) of this section shall not exceed 75 per centum of the cost of the project.

FWPC Sec. 105(h)

"(h) For the purpose of this section there is authorized to be appropriated \$75,000,000 per fiscal year for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975, and from such appropriations at least 10 per centum of the funds actually appropriated in each fiscal year shall be available only for the purposes of subsection (e).

FWPC Sec. 105(i)

"(i) The Administrator is authorized to make grants to a municipality to assist in the costs of operating and maintaining a project which received a grant under this section, section 104 , or section 113 of this Act prior to the date of enactment of this subsection so as to reduce the operation and maintenance costs borne by the recipients of services from such project to costs comparable to those for projects assisted under title II of this Act.

FWPC Sec. 105(j)

"(j) The Administrator is authorized to make a grant to any grantee who received an increased grant pursuant to section 202(a)(2) of this Act. Such grant may pay up to 100 per centum of the costs of technical evaluation of the operation of the treatment works, costs of training of persons (other than employees of the grantee), and costs of disseminating technical information on the operation of the treatment works.

Sec. 106 [33 USC 1256] Grants for Pollution Control Programs

FWPC Sec. 106(a)

"(a) There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section

FWPC Sec. 106(a)(1)

"(1) \$60,000,000 for the fiscal year ending June 30, 1973; and

FWPC Sec. 106(a)(2)

"(2) \$75,000,000 for the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975, \$100,000,000 per fiscal year for the fiscal years 1977, 1978, 1979, 1980, \$75,000,000 per fiscal year for the final years 1981 and 1982, such sums as may be necessary for fiscal years 1983 through 1985, and \$75,000,000 per fiscal year for each of the fiscal years 1986 through 1990; for grants to States and to interstate agencies to assist them in administering programs for the prevention, reduction, and elimination of pollution, including enforcement directly or through appropriate State law enforcement officers or agencies.

[106(a)(2) amended by PL 96-483; PL 100-4]

FWPC Sec. 106(b)

"(b) From the sums appropriated in any fiscal year, the Administrator shall make allotments to the several States and interstate agencies in accordance with regulations promulgated by him on the basis of the extent of the pollution problem in the respective States.

FWPC Sec. 106(c)

"(c) The Administrator is authorized to pay each State and interstate agency each fiscal year either

FWPC Sec. 106(c)(1)

"(1) the allotment of such State or agency for such fiscal year under subsection (b), or

FWPC Sec. 106(c)(2)

"(2) the reasonable costs as determined by the Administrator of developing and carrying out a pollution program by such State or agency during such fiscal year, whichever amount is the lesser.

FWPC Sec. 106(d)

"(d) No grant shall be made under this section to any State or interstate agency for any fiscal year when the expenditure of non-Federal funds by such State or interstate agency during such fiscal year for the recurrent expenses of carrying out its pollution control program are less than the expenditure by such State or interstate agency of non-Federal funds for such recurrent program expenses during the fiscal year ending June 30, 1971.

FWPC Sec. 106(e)

"(e) Beginning in fiscal year 1974 the Administrator shall not make any grant under this section to any State which has not provided or is not carrying out as a part of its program

FWPC Sec. 106(e)(1)

"(1) the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, and to compile and analyze data on (including classification according to eutrophic condition), the quality of navigable waters and to the extent practicable, ground waters including biological monitoring; and provision for annually updating such data and including it in the report required under section 305 of this Act ;

FWPC Sec. 106(e)(2)

"(2) authority comparable to that in section 504 of this Act and adequate contingency plans to implement such authority.

FWPC Sec. 106(f)

"(f) Grants shall be made under this section on condition that

FWPC Sec. 106(f)(1)

"(1) Such State (or interstate agency) filed with the Administrator within one hundred and twenty days after the date of enactment of this section:

FWPC Sec. 106(f)(1)(A)

"(A) a summary report of the current status of the State pollution control program, including the criteria used by the State in determining priority of treatment works; and

FWPC Sec. 106(f)(1)(B)

"(B) such additional information, data, and reports as the Administrator may require.

FWPC Sec. 106(f)(2)

"(2) No federally assumed enforcement as defined in section 309(a)(2) is in effect with respect to such State or interstate agency.

FWPC Sec. 106(f)(3)

"(3) Such State (or interstate agency) submits within one hundred and twenty days after the date of enactment of this section and before October 1 of each year thereafter for the Administrator's approval of its program for the prevention, reduction, and elimination of pollution in accordance with purposes and provisions of this Act in such form and content as the Administrator may prescribe.

[106(f)(3) amended by PL 94-273]

FWPC Sec. 106(g)

"(g) Any sums allotted under subsection (b) in any fiscal year which are not paid shall be reallocated by the Administrator in accordance with regulations promulgated by him.

Sec. 107 [33 USC 1257] Mine Water Pollution Control Demonstrations

FWPC Sec. 107(a)

"(a) The Administrator in cooperation with the Appalachian Regional Commission and other Federal agencies is authorized to conduct, to make grants for, or to contract for, projects to demonstrate comprehensive approaches to the elimination or control of acid or other mine water pollution resulting from active or abandoned mining operations and other environmental pollution affecting water quality within all or part of a watershed or river basin, including siltation from surface mining. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control, and other pollution affecting water quality, including techniques that demonstrate the engineering and economic feasibility and practicality of using sewage sludge materials and other municipal wastes to diminish or prevent pollution affecting water quality from acid, sedimentation, or other pollutants and in such projects to restore affected lands to usefulness for forestry, agriculture, recreation, or other beneficial purposes.

FWPC Sec. 107(b)

"(b) Prior to undertaking any demonstration project under this section in the Appalachian region (as defined in section 403 of the Appalachian Regional Development Act of 1965, as amended), the Appalachian Regional Commission shall determine that such demonstration project is consistent with the objectives of the Appalachian Regional Development Act of 1965, as amended.

FWPC Sec. 107(c)

"(c) The Administrator, in selecting watersheds for the purposes of this section, shall be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

FWPC Sec. 107(d)

"(d) Federal participation in such projects shall be subject to the conditions

FWPC Sec. 107(d)(1)

"(1) that the State shall acquire any land or interests therein necessary for such project; and

FWPC Sec. 107(d)(2)

"(2) that the State shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

FWPC Sec. 107(e)

"(e) There is authorized to be appropriated \$30,000,000 to carry out the provisions of this section, which sum shall be available until expended.

Sec. 108 [33 USC 1258] Pollution Control in Great Lakes

FWPC Sec. 108(a)

"(a) The Administrator, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter, into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other reduction and remedial techniques which will contribute substantially to effective and practical methods of pollution prevention, reduction, or elimination.

FWPC Sec. 108(b)

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Administrator.

FWPC Sec. 108(c)

"(c) There is authorized to be appropriated \$20,000,000 to carry out the provisions of subsections (a) and (b) of this section, which sum shall be available until expended.

FWPC Sec. 108(d)

"(d) "(1) In recognition of the serious conditions which exist in Lake Erie, the Secretary of the Army, acting through the Chief of Engineers, is directed to design and develop a demonstration waste water management program for the rehabilitation and environmental repair of Lake Erie. Prior to the initiation of detailed engineering and design, the program, along with the specific recommendations shall be submitted to the Congress for statutory approval. This authority is in addition to, and not in lieu of, other waste water studies aimed at eliminating pollution emanating from select sources around Lake Erie.

FWPC Sec. 108(d)(2)

"(2) This program is to be developed in cooperation with the Environmental Protection Agency,

other interested departments, agencies, and instrumentalities of the Federal Government, and the States and their political subdivisions. This program shall set forth alternative systems for managing waste water on a regional basis and shall provide local and State governments with a range of choice as to the type of system to be used for the treatment of waste water. These alternative systems shall include both advanced waste treatment technology and land disposal systems including aerated treatment-spray irrigation technology and will also include provisions for the disposal of solid wastes, including sludge. Such program should include measures to control point sources of pollution, area sources of pollution, including acid-mine drainage, urban runoff and rural runoff, and in place sources of pollution, including bottom loads, sludge banks, and polluted harbor dredgings.

FWPC Sec. 108(e)

"(e) There is authorized to be appropriated \$5,000,000 to carry out the provisions of subsection (d) of this section, which sum shall be available until expended.

Sec. 109 [33 USC 1259] Training Grants and Contracts

FWPC Sec. 109(a)

"(a) The Administrator is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works. and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as

FWPC Sec. 109(a)(A)

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works:

FWPC Sec. 109(a)(B)

"(B) training and retraining of faculty members;

FWPC Sec. 109(a)(C)

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

FWPC Sec. 109(a)(D)

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

FWPC Sec. 109(a)(E)

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

FWPC Sec. 109(b)

"(b) (1) The Administrator may pay 100 per centum of any additional cost of construction of treatment works required for a facility to train and upgrade waste treatment works operation and maintenance personnel and for the costs of other State treatment works operator training programs, including mobile training units, classroom rental, specialized instructors, and instructional material.

FWPC Sec. 109(b)(2)

"(2) The Administrator shall make no more than one grant for such additional construction in any State (to serve a group of States, where, in his judgment, efficient training programs require multi-State programs), and shall make such grant after consultation with and approval by the State or States on the basis of "(A) the suitability of such facility for training operation and maintenance personnel for treatment works throughout such State or States; and "(B) a commitment by the State agency or agencies to carry out at such facility a program of training approved by the Administrator. In any case where a grant is made to serve two or more States, the Administrator is authorized to make an additional grant for a supplemental facility in each such State.

FWPC Sec. 109(b)(3)

"(3) The Administrator may make such grant out of the sums allocated to a State under section 205 of this Act , except that in no event shall the Federal cost of any such training facilities exceed \$500,000.

FWPC Sec. 109(b)(4)

"(4) The Administrator may exempt a grant under this section from any requirement under section 204(a)(3) of this Act. Any grantee who received a grant under this section prior to enactment of the Clean Water Act of 1977 shall be eligible to have its grant increased by funds made available under such Act.

Sec. 110 [33 USC 1260] Application for Training Grant or Contract; Allocation of Grants or Contracts

FWPC Sec. 110(1)

"(1) A grant or contract authorized by section 109 may be made only upon application to the Administrator at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it

FWPC Sec. 110(1)(A)

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 109 and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 111;

FWPC Sec. 110(1)(B)

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

FWPC Sec. 110(1)(C)

"(C) provides for making such reports, in such form and containing such information, as the Administrator may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Administrator may find necessary to assure the correctness and verification of such reports.

FWPC Sec. 110(2)

"(2) The Administrator shall allocate grants or contracts under section 109 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purpose of this section.

FWPC Sec. 110(3)

"(3) "(A) Payments under this section may be used in accordance with regulations of the Administrator, and subject to the terms and conditions set forth in an application approved under paragraph (1), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

FWPC Sec. 110(3)(B)

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under paragraph (1).

Sec. 111 [33 USC 1261] Award of Scholarships

FWPC Sec. 111(1)

"(1) The Administrator is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Administrator may determine but not to exceed four academic years.

FWPC Sec. 111(2)

"(2) The Administrator shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and accordance to such plan as will insofar as practicable

FWPC Sec. 111(2)(A)

"(A) provide an equitable distribution of such scholarships throughout the United States; and

FWPC Sec. 111(2)(B)

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and

maintenance of treatment works.

FWPC Sec. 111(3)

"(3) The Administrator shall approve a program of any institution of higher education for the purposes of this section only upon application by the institution and only upon his finding

FWPC Sec. 111(3)(A)

"(A) that such program has a principal objective the education and training of persons in the operation and maintenance of treatment works;

FWPC Sec. 111(3)(B)

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

FWPC Sec. 111(3)(C)

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 110 of this Act ; and

FWPC Sec. 111(3)(D)

"(D) that the application contains satisfactory assurances that "(i) the institution will recommend to the Administrator for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and "(ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

FWPC Sec. 111(4)

"(4) "(A) The Administrator shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

FWPC Sec. 111(4)(B)

"(B) The Administrator shall (in addition to the stipends paid to persons under paragraph (1)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally support programs.

FWPC Sec. 111(5)

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Administrator finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which

such scholarship was awarded in an institution of higher education, and is no engaging in gainful employment other than employment approved by the Administrator by or pursuant to regulation.

FWPC Sec. 111(6)

"(6) The Administrator shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of this course of studies as the Administrator determines appropriate.

Sec. 112 [33 USC 1262] Definitions and Authorizations

FWPC Sec. 112(a)

"(a) As used in sections 109 through 112 of this Act

FWPC Sec. 112(a)(1)

"(1) The term "institution of higher education" means an education institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency of association approved by the Administrator for this purpose. For purposes of this subsection, the Administrator shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

FWPC Sec. 112(a)(2)

"(2) The term "academic year" means an academic year or its equivalent, as determined by the Administrator.

FWPC Sec. 112(b)

"(b) The Administrator shall annually report his activities under section 109 through 112 of this Act , including recommendations for needed revisions in the provisions thereof.

FWPC Sec. 112(c)

"(c) There are authorized to be appropriated \$25,000,000 per fiscal year for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, \$6,000,000 for the fiscal year ending September 30, 1977, \$7,000,000 for the fiscal year ending September 30, 1978, \$7,000,000 for the fiscal year ending September 30, 1979, \$7,000,000 for the fiscal year ending September 30, 1980, \$7,000,000 for the fiscal year ending September 30, 1981, \$7,000,000 for the fiscal year ending September 30, 1982, such sums as may be necessary for fiscal years 1983 through 1985, and \$7,000,00 per fiscal year for each of the fiscal years 1986 through 1990, to carry out sections 109 through 112 of this Act

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[112(c) amended by PL 96-483; PL 100-4]

Sec. 113 [33 USC 1263] Alaska Village Demonstration Projects

FWPC Sec. 113(a)

"(a) The Administrator is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and elimination or control of pollution in those native villages of Alaska without such facilities. Such project shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of pollution for all native villages in such State.

FWPC Sec. 113(b)

"(b) In carrying out this section the Administrator shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

FWPC Sec. 113(c)

"(c) The Administrator shall report to Congress not later than July 1, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

FWPC Sec. 113(d)

"(d) There is authorized to be appropriated not to exceed \$2,000,000 to carry out this section. In addition, there is authorized to be appropriated to carry out this section not to exceed \$200,000 for the fiscal year ending September 30, 1978 and \$220,000 for the fiscal year ending September 30, 1979.

FWPC Sec. 113(e)

"(e) The Administrator is authorized to coordinate with the Secretary of the Department of Health, Education, and Welfare, the Secretary of the Department of Housing and Urban Development, the Secretary of the Department of the Interior, the Secretary of the Department of Agriculture, and the heads of any other departments or agencies he may deem appropriate to conduct a joint study with representatives of the State of Alaska and the appropriate Native organizations (as defined in Public Law 92-203) to develop a comprehensive program for achieving adequate sanitation services in Alaska villages. This study shall be coordinated with the programs and projects authorized by sections 104(q) and 105(e)(2) of this Act. The Administrator shall submit a report of the results of the study, together with appropriate supporting data and such recommendations as he deems desirable, to the Committee on Environment and Public Works of the Senate and to the Committee on Public Works and Transportation of the House of Representatives not later than December 31, 1979. The Administrator shall also submit recommended administrative actions, procedures, and any proposed legislation necessary to implement the recommendations of the study no later than June 30, 1980.

FWPC Sec. 113(f)

"(f) The Administrator is authorized to provide technical, financial and management assistance for operation and maintenance of the demonstration projects constructed under this section, until such time as the recommendations of subsection (e) are implemented.

FWPC Sec. 113(g)

"(g) For the purpose of this section, the term "village" shall mean an incorporated or unincorporated community with a population of ten to six hundred people living within a two-mile radius. The term "sanitation services" shall mean water supply, sewage disposal, solid waste disposal and other services necessary to maintain generally accepted standards of personal hygiene and public health.

Sec. 114 [33 USC 1264] Lake Tahoe Study

FWPC Sec. 114(a)

"(a) The Administrator, in consultation with the Tahoe Regional Planning Agency, the Secretary of Agriculture, other Federal agencies, representatives of State and local governments, and members of the public, shall conduct a thorough and complete study on the adequacy of and need for extending Federal oversight and control in order to preserve the fragile ecology of Lake Tahoe.

FWPC Sec. 114(b)

"(b) Such study shall include an examination of the interrelationships and responsibilities of the various agencies of the Federal Government and State and local governments with a view to establishing the necessity for redefinition of legal and other arrangements between these various governments, and making specific legislative recommendations to Congress. Such study shall consider the effect of various actions in terms of their environmental impact on the Tahoe Basin, treated as an ecosystem.

FWPC Sec. 114(c)

"(c) The Administrator shall report on such study to Congress not later than one year after the date of enactment of this subsection.

FWPC Sec. 114(d)

"(d) There is authorized to be appropriated to carry out this section not to exceed \$500,000.

Sec. 115 [33 USC 1265] In-Place Toxic Pollutants

"The Administrator is directed to identify the location of in-place pollutants with emphasis on toxic pollutants in harbors and navigable waterways and is authorized, acting through the Secretary of the Army, to make contracts for the removal and appropriate disposal of such materials from critical port and harbor areas. There is authorized to be appropriated \$15,000,000 to carry out the provisions of this section, which sum shall be available until expended.

Sec. 116 [33 USC 1266] Hudson River PCB Reclamation Demonstration Project

FWPC Sec. 116(a)

"(a) The Administrator is authorized to enter into contracts and other agreements with the State of New York to carry out a project to demonstrate methods for the selective removal of polychlorinated biphenyls contaminating bottom sediments of the Hudson River, treating such sediments as required, burying such sediments in secure landfills, and installing monitoring systems for such landfills. Such demonstration project shall be for the purpose of determining the feasibility of indefinite storage in secure landfills of toxic substances and of ascertaining the improvement of the rate of recovery of a

toxic contaminated national waterway. No pollutants removed pursuant to this paragraph shall be placed in any landfill unless the Administrator first determines that disposal of the pollutants in such landfill would provide a higher standard of protection of the public health, safety, and welfare than disposal of such pollutants by any other method including, but not limited to, incineration or a chemical destruction process.

FWPC Sec. 116(b)

"(b) The Administrator is authorized to make grants to the State of New York to carry out this section from funds allotted to such State under section 205(a) of this Act, except that the amount of any such grant shall be equal to 75 per centum of the cost of the project and such grant shall be made on condition that non-Federal sources provide the remainder of the cost of such project. The authority of this section shall be available until September 30, 1983. Funds allotted to the State of New York under section 205(a) shall be available under this subsection only to the extent that funds are not available, as determined by the Administrator, to the State of New York for the work authorized by this section under section 115 or 311 of this Act or a comprehensive hazardous substance response and clean up fund. Any funds used under the authority of this subsection shall be deducted from any estimate of the needs of the State of New York prepared under section 616(b) of this Act. The Administrator may not obligate or expend more than \$20,000,000 to carry out this section.

[116 added by PL 96-483]

Sec. 117 [33 USC 1267] Chesapeake Bay

FWPC Sec. 117(a)

"(a) Office. The Administrator shall continue the Chesapeake Bay Program and shall establish and maintain in the Environmental Protection Agency an office, division, or branch of Chesapeake Bay Programs to

FWPC Sec. 117(a)(1)

"(1) collect and make available, through publications and other appropriate means, information pertaining to the environmental quality of the Chesapeake Bay (hereinafter in this subsection referred to as the "Bay");

FWPC Sec. 117(a)(2)

"(2) coordinate Federal and State efforts to improve the water quality of the Bay;

FWPC Sec. 117(a)(3)

"(3) determine the impact of sediment deposition in the Bay and identify the sources, rates, routes, and distribution patterns of such sediment deposition; and

FWPC Sec. 117(a)(4)

"(4) determine the impact of natural and man-induced environmental changes on the living resources of the Bay and the relationships among such changes, with particular emphasis placed on the impact of pollutant loadings of nutrients, chlorine, acid precipitation, dissolved oxygen, and toxic pollutants, including organic chemicals and heavy metals, and with special attention given to the impact of such

changes on striped bass.

FWPC Sec. 117(b)

"(b) Interstate Development Plan Grants.

FWPC Sec. 117(b)(1)

"(1) Authority. The Administrator shall, at the request of the Governor of a State affected by the interstate management plan developed pursuant to the Chesapeake Bay Program (hereinafter in this section referred to as the "plan"), make a grant for the purpose of implementing the management mechanisms contained in the plan if such State has, within 1 year after the date of the enactment of this section, approved and committed to implement all or substantially all aspects of the plan. Such grants shall be made subject to such terms and conditions as the Administrator considers appropriate.

FWPC Sec. 117(b)(2)

"(2) Submission of Proposal. A State or combination of States may elect to avail itself of the benefits of this subsection by submitting to the Administrator a comprehensive proposal to implement management mechanisms contained in the plan which shall include "(A) a description of proposed abatement actions which the State or combination of States commits to take within a specified time period to reduce pollution in the Bay and to meet applicable water quality standards, and "(B) the estimated cost of the abatement actions proposed to be taken during the next fiscal year. If the Administrator finds that such proposal is consistent with the national policies set forth in section 101(a) of this Act and will contribute to the achievement of the national goals set forth in such section, the Administrator shall approve such proposal and shall finance the costs of implementing segments of such proposal.

FWPC Sec. 117(b)(3)

"(3) Federal share. Grants under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms contained in the plan in any fiscal year and shall be made on condition that non-Federal sources provide the remainder of the cost of implementing the management mechanisms contained in the plan during such fiscal year.

FWPC Sec. 117(b)(4)

"(4) Administrative costs. Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects supported by funds made available under this subsection shall not exceed in any one fiscal year 10 percent of the annual Federal grant made to a State under this subsection.

FWPC Sec. 117(c)

"(c) Reports. Any State or combination of States that receives a grant under subsection (b) shall, within 18 months after the date of receipt of such grant and biennially thereafter, report to the Administrator on the progress made in implementing the interstate management plan developed pursuant to the Chesapeake Bay Program. The Administrator shall transmit each such report along with the comments of the administrator on such report to Congress.

FWPC Sec. 117(d)

"(d) Authorization of Appropriations. There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section:

FWPC Sec. 117(d)(1)

"(1) \$3,000,000 per fiscal year for each of the fiscal years 1987, 1988, 1989, and 1990, to carry out subsection (a); and

FWPC Sec. 117(d)(2)

"(2) \$10,000,000 per fiscal year for each of the fiscal years 1987, 1988, 1989, and 1990, for grants to States under subsection (b).

[117 added by PL 100-4]

Sec. 118 [33 USC 1268] Great Lakes

[118 added by PL 100-4; amended by PL 100-688]

FWPC Sec. 118(a)

"(a) Findings, Purpose, and Definitions.

FWPC Sec. 118(a)(1)

"(1) Findings. The Congress finds that

FWPC Sec. 118(a)(1)(A)

"(A) the Great Lakes are a valuable national resource, continuously serving the people of the United States and other nations as an important source of food, fresh water, recreation, beauty, and enjoyment;

FWPC Sec. 118(a)(1)(B)

"(B) the United States should seek to attain the goals embodied in the Great Lakes Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments, with particular emphasis on goals related to toxic pollutants; and

[118(a)(1)(B) amended by PL 100-688]

FWPC Sec. 118(a)(1)(C)

"(C) the Environmental Protection Agency should take the lead in the effort to meet those goals, working with other Federal agencies and State and local authorities.

FWPC Sec. 118(a)(2)

"(2) Purpose. It is the purpose of this section to achieve the goals embodied in the Great Lakes Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments, through improved organization and definition of mission on the part of the Agency, funding of State grants for pollution control in the Great Lakes area, and improved accountability for implementation of such agreement.

[118(a)(2) amended by PL 100-688]

FWPC Sec. 118(a)(3)

"(3) Definitions. For purposes of this section, the term

FWPC Sec. 118(a)(3)(A)

"(A) "Agency" means the Environmental Protection Agency;

FWPC Sec. 118(a)(3)(B)

"(B) "Great Lakes" means Lake Ontario, Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, and Lake Superior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian Border);

FWPC Sec. 118(a)(3)(C)

"(C) "Great Lakes System" means all the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes:

FWPC Sec. 118(a)(3)(D)

"(D) "Program Office" means the Great Lakes National Program Office established by this section;

[118(a)(3)(D) amended by PL 101-596]

FWPC Sec. 118(a)(3)(E)

"(E) "Research Office" means the Great Lakes Research Office established by subsection (d);

[118(a)(3)(E) amended by PL 101-596]

FWPC Sec. 118(a)(3)(F)

"(F) "area of concern" means a geographic area located within the Great Lakes, in which beneficial uses are impaired and which has been officially designated as such under Annex 2 of the Great Lakes Water Quality Agreement;

[118(a)(2)(F) added by PL 101-596]

FWPC Sec. 118(a)(3)(G)

"(G) "Great Lakes States" means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin;

[118(a)(2)(G) added by PL 101-596]

FWPC Sec. 118(a)(3)(H)

"(H) "Great Lakes Water Quality Agreement" means the bilateral agreement, between the United States and Canada which was signed in 1978 and amended by the Protocol of 1987;

[118(a)(2)(H) added by PL 101-596]

FWPC Sec. 118(a)(3)(I)

"(I) "Lakewide Management Plan" means a written document which embodies a systematic and comprehensive ecosystem approach to restoring and protecting the beneficial uses of the open waters of each of the Great Lakes, in accordance with article VI and Annex 2 of the Great Lakes Water Quality Agreement; and

[118(a)(2)(I) added by PL 101-596]

FWPC Sec. 118(a)(3)(J)

"(J) "Remedial Action Plan" means a written document which embodies a systematic and comprehensive ecosystem approach to restoring and protecting the beneficial uses of areas of concern, in accordance with article VI and Annex 2 of the Great Lakes Water Quality Agreement.

[118(a)(2)(J) added by PL 101-596]

FWPC Sec. 118(b)

"(b) Great Lakes National Program Office. The Great Lakes National Program Office (previously established by the Administrator) is hereby established within the Agency. The Program Office shall be headed by a Director who, by reason of management experience and technical expertise relating to the Great Lakes, is highly qualified to direct the development of programs and plans on a variety of Great Lakes issues. The Great Lakes National Program Office shall be located in a Great Lakes State.

FWPC Sec. 118(c)

"(c) Great Lakes Management.

FWPC Sec. 118(c)(1)

"(1) Functions. The Program Office shall

FWPC Sec. 118(c)(1)(A)

"(A) in cooperation with appropriate Federal, State, tribal, and international agencies, and in accordance with section 101(e) of this Act, develop and implement specific action plans to carry out the responsibilities of the United States under the Great Lakes Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments;

[118(c)(1)(A) amended by PL 100-688]

FWPC Sec. 118(c)(1)(B)

"(B) establish a Great Lakes system- wide surveillance network to monitor the water quality of the Great Lakes, with specific emphasis on the monitoring of toxic pollutants;

FWPC Sec. 118(c)(1)(C)

"(C) serve as the liaison with, and provide information to, the Canadian members of the International Joint Commission and the Canadian counterpart to the Agency;

FWPC Sec. 118(c)(1)(D)

"(D) coordinate actions of the Agency (including actions by headquarters and regional offices thereof) aimed at improving Great Lakes water quality; and

FWPC Sec. 118(c)(1)(E)

"(E) coordinate actions of the Agency with the actions of other Federal agencies and State and local authorities, so as to ensure the input of those agencies and authorities in developing water quality strategies and obtain the support of those agencies and authorities in achieving the objectives of such agreement.

[New 118(c)(2)-(5) added and former (2)-(6) redesignated as new

(6)-(10) by PL 101-596]

FWPC Sec. 118(c)(2)

"(2) Great Lakes Water Quality Guidance.

FWPC Sec. 118(c)(2)(A)

"(A) By June 30, 1991, the Administrator, after consultation with the Program Office, shall publish in the Federal Register for public notice and comment proposed water quality guidance for the Great Lakes System. Such guidance shall conform with the objectives and provisions of the Great Lakes Water Quality Agreement, shall be no less restrictive than the provisions of this Act and national water quality criteria and guidance, shall specify numerical limits on pollutants in ambient Great Lakes water to protect human health, aquatic life, and wildlife, and shall provide guidance to the Great Lakes States on minimum water quality standard, antidegradation policies, and implementation procedures for the Great Lakes System.

FWPC Sec. 118(c)(2)(B)

"(B) By June 30, 1992, the Administrator, in consultation with the Program Office, shall publish in the Federal Register, pursuant to this section and the Administrator's authority under this chapter, final water quality guidance for the Great Lakes System.

FWPC Sec. 118(c)(2)(C)

"(C) Within two years after such Great Lakes guidance is published, the Great Lakes States shall adopt water quality standards, antidegradation policies, and implementation procedures for waters within the Great Lakes System which are consistent with such guidance. If a Great Lakes State fails to adopt such standards, policies, and procedures, the Administrator shall promulgate them not later than the end of such two-year period. When reviewing any Great Lakes State's water quality plan, the agency shall consider the extent to which the State has complied with the Great Lakes guidance issued pursuant to this section.

FWPC Sec. 118(c)(3)

"(3) Remedial Action Plans.

FWPC Sec. 118(c)(3)(A)

"(A) For each area of concern for which the United States has agreed to draft a Remedial Action Plan, the Program Office shall ensure that the Great Lakes State in which such area of concern is located

FWPC Sec. 118(c)(3)(A)(i)

"(i) submits a Remedial Action Plan to the Program Office by June 30, 1991;

FWPC Sec. 118(c)(3)(A)(ii)

"(ii) submits such Remedial Action Plan to the International Joint Commission by January 1, 1992;
and

FWPC Sec. 118(c)(3)(A)(iii)

"(iii) includes such Remedial Action Plans within the State's water quality plan by January 1, 1993.

FWPC Sec. 118(c)(3)(B)

"(B) For each area of concern for which Canada has agreed to draft a Remedial Action Plan, the Program Office shall, pursuant to subparagraph (c)(1)(C) of this section, work with Canada to assure the submission of such Remedial Action Plans to the International Joint Commission by June 30, 1991, and to finalize such Remedial Action Plans by January 1, 1993.

FWPC Sec. 118(c)(3)(C)

"(C) For any area of concern designated as such subsequent to the enactment of this Act, the Program Office shall "(i) if the United States has agreed to draft the Remedial Action Plan, ensure that the Great Lakes State in which such area of concern is located submits such Plan to the Program Office within two years of the area's designation, submits it to the International Joint Commission no later than six months after submitting it to the Program Office, and includes such Plan in the State's water quality plan no later than one year after submitting it to the Commission; and "(ii) if Canada has agreed to draft the Remedial Action Plan, work with Canada, pursuant to subparagraph (c)(1)(C) of this section, to ensure the submission of such Plan to the International Joint Commission within two years of the area's designation and the finalization of such Plan no later than eighteen months after submitting it to such Commission.

FWPC Sec. 118(c)(3)(D)

"(D) The Program Office shall compile formal comments on individual Remedial Action Plans made by the International Joint Commission pursuant to section 4(d) of Annex 2 of the Great Lakes Water Quality Agreement and, upon request by a member of the public, shall make such comments available for inspection and copying. The Program Office shall also make available, upon request, formal comments made by the Environmental Protection Agency on individual Remedial Action Plans.

FWPC Sec. 118(c)(4)

"(4) Lakewide Management Plans. The Administrator, in consultation with the Program Office shall

FWPC Sec. 118(c)(4)(A)

"(A) by January 1, 1992, publish in the Federal Register a proposed Lakewide Management Plan for Lake Michigan and solicit public comments;

FWPC Sec. 118(c)(4)(B)

"(B) by January 1, 1993, submit a proposed Lakewide Management Plan for Lake Michigan to the International Joint Commission for review; and

FWPC Sec. 118(c)(4)(C)

"(C) by January 1, 1994, publish in the Federal Register a final Lakewide Management Plan for Lake Michigan and begin implementation. Nothing in this subparagraph shall preclude the simultaneous development of Lakewide Management Plans for the other Great Lakes.

FWPC Sec. 118(c)(5)

"(5) Spills of Oil and Hazardous Materials. The Program Office, in consultation with the Coast Guard, shall identify areas within the Great Lakes which are likely to experience numerous or voluminous spills of oil or other hazardous materials from land based facilities, vessels, or other sources and, in consultation with the Great Lakes States, shall identify weaknesses in Federal and State programs and systems to prevent and respond to such spills. This information shall be included on at least a biennial basis in the report required by this section.

FWPC Sec. 118(c)(6)

"(6) 5-Year Plan and Program. The Program Office shall develop, in consultation with the States, a five-year plan and program for reducing the amount of nutrients introduced into the Great Lakes. Such program shall incorporate any management program for reducing nutrient runoff from nonpoint sources established under section 319 of this Act and shall include a program for monitoring nutrient runoff into, and ambient levels in, the Great Lakes.

FWPC Sec. 118(c)(7)

"(7) 5-Year Study and Demonstration Projects.

FWPC Sec. 118(c)(7)(A)

"(A) The Program Office shall carry out a five-year study and demonstration projects relating to the control and removal of toxic pollutants in the Great Lakes, with emphasis on the removal of toxic pollutants from bottom sediments. In selecting locations for conducting demonstration projects under this paragraph, priority consideration shall be given to projects at the following locations: Saginaw Bay, Michigan; Sheboygan Harbor, Wisconsin; Grand Calumet River, Indiana; Ashtabula River, Ohio; and Buffalo River, New York.

[118(c)(7) designated as (A) by PL 101-596]

FWPC Sec. 118(c)(7)(B)

"(B) The Program Office shall

FWPC Sec. 118(c)(7)(B)(i)

"(i) by December 31, 1990, complete chemical, physical, and biological assessments of the contaminated sediments at the locations selected for the study and demonstration projects;

FWPC Sec. 118(c)(7)(B)(ii)

"(ii) by December 31, 1990, announce the technologies that will be demonstrated at each location and the numerical standard of protection intended to be achieved at each location;

FWPC Sec. 118(c)(7)(B)(iii)

"(iii) by December 31, 1992, complete full or pilot scale demonstration projects on site at each location of promising technologies to remedy contaminated sediments; and

FWPC Sec. 118(c)(7)(B)(iv)

"(iv) by December 31, 1993, issue a final report to Congress on its findings.

[118(c)(7)(B) added by PL 101-596]

FWPC Sec. 118(c)(7)(C)

"(C) The Administrator, after providing for public review and comment, shall publish information concerning the public health and environmental consequences of contaminants in Great Lakes sediment. Information published pursuant to this subparagraph shall include specific numerical limits to protect health, aquatic life, and wildlife from the bioaccumulation of toxins. The Administrator shall, at a minimum, publish information pursuant to this subparagraph within 2 years of the date of the enactment of this title.

[118(c)(7)(C) added by PL 101-596]

FWPC Sec. 118(c)(8)

"(8) Administrator's Responsibility. The Administrator shall ensure that the Program Office enters into agreements with the various organizational elements of the Agency involved in Great Lakes activities and the appropriate State agencies specifically delineating

FWPC Sec. 118(c)(8)(A)

"(A) the duties and responsibilities of each such element in the Agency with respect to the Great Lakes;

FWPC Sec. 118(c)(8)(B)

"(B) the time periods for carrying out such duties and responsibilities; and

FWPC Sec. 118(c)(8)(C)

"(C) the resources to be committed to such duties and responsibilities.

FWPC Sec. 118(c)(9)

"(9) Budget Item. The Administrator shall, in the Agency's annual budget submission to Congress, include a funding request for the Program Office as a separate budget line item.

FWPC Sec. 118(c)(10)

"(10) Comprehensive Report. Within 90 days after the end of each fiscal year, the Administrator shall submit to Congress a comprehensive report which

FWPC Sec. 118(c)(10)(A)

"(A) describes the achievements in the preceding fiscal year in implementing the Great Lakes Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments, and shows by categories (including judicial enforcement, research, State cooperative efforts, and general administration) the amounts expended on Great Lakes water quality initiatives in such preceding fiscal year;

[118(c)(6)(A) amended by PL 100-688]

FWPC Sec. 118(c)(10)(B)

"(B) describes the progress made in such preceding fiscal year in implementing the system of surveillance of the water quality in the Great Lakes System, including the monitoring of groundwater and sediment, with particular reference to toxic pollutants;

FWPC Sec. 118(c)(10)(C)

"(C) describes the long-term prospects for improving the condition of the Great Lakes; and

FWPC Sec. 118(c)(10)(D)

"(D) provides a comprehensive assessment of the planned efforts to be pursued in the succeeding fiscal year for implementing the Great Lakes Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments, which assessment shall

[118(c)(6)(D) amended by PL 100-688]

FWPC Sec. 118(c)(10)(D)(i)

"(i) show by categories (including judicial enforcement, research, State cooperative efforts, and general administration) the amount anticipated to be expended on Great Lakes water quality initiatives in the fiscal year to which the assessment relates; and

FWPC Sec. 118(c)(10)(D)(ii)

"(ii) include a report of current programs administered by other Federal agencies which make available resources to the Great Lakes water quality management efforts.

FWPC Sec. 118(c)(11)

"(11) Confined Disposal Facilities.

FWPC Sec. 118(c)(11)(A)

"(A) The Administrator, in consultation with the Assistant Secretary of the Army for Civil Works, shall develop and implement, within one year of the date of enactment of this paragraph,

management plans for every Great Lakes confined disposal facility.

FWPC Sec. 118(c)(11)(B)

"(B) The plan shall provide for monitoring of such facilities, including

FWPC Sec. 118(c)(11)(B)(i)

"(i) water quality at the site and in the area of the site;

FWPC Sec. 118(c)(11)(B)(ii)

"(ii) sediment quality at the site and in the area of the site;

FWPC Sec. 118(c)(11)(B)(iii)

"(iii) the diversity, productivity, and stability of aquatic organisms at the site and in the area of the site; and

FWPC Sec. 118(c)(11)(B)(iv)

"(iv) such other conditions as the Administrator deems appropriate.

FWPC Sec. 118(c)(11)(C)

"(C) The plan shall identify the anticipated use and management of the site over the following twenty-year period including the expected termination of dumping at the site, the anticipated need for site management, including pollution control, following the termination of the use of the site.

FWPC Sec. 118(c)(11)(D)

"(D) The plan shall identify a schedule for review and revision of the plan which shall not be less frequent than five years after adoption of the plan and every five years thereafter.

[118(c)(11) added by PL 101-596]

FWPC Sec. 118(d)

"(d) Great Lakes Research.

FWPC Sec. 118(d)(1)

"(1) Establishment of Research Office. There is established within the National Oceanic and Atmospheric Administration the Great Lakes Research Office.

FWPC Sec. 118(d)(2)

"(2) Identification of Issues. The Research Office shall identify issues relating to the Great Lakes resources on which research is needed. The Research Office shall submit a report to Congress on such issues before the end of each fiscal year which shall identify any changes in the Great Lakes system with respect to such issues.

FWPC Sec. 118(d)(3)

"(3) Inventory. The Research Office shall identify and inventory Federal, State, university, and tribal environmental research programs (and, to the extent feasible, those of private organizations and other nations) relating to the Great Lakes system, and shall update that inventory every four years.

FWPC Sec. 118(d)(4)

"(4) Research Exchange. The Research Office shall establish a Great Lakes research exchange for the purpose of facilitating the rapid identification, acquisition, retrieval, dissemination, and use of information concerning research projects which are ongoing or completed and which affect the Great Lakes System.

FWPC Sec. 118(d)(5)

"(5) Research Program. The Research Office shall develop, in cooperation with the Coordination Office, a comprehensive environmental research program and data base for the Great Lakes system. The data base shall include, but not be limited to, data relating to water quality, fisheries, and biota.

FWPC Sec. 118(d)(6)

"(6) Monitoring. The Research Office shall conduct, through the Great Lakes Environmental Research Laboratory, the National Sea Grant College program, other Federal laboratories, and the private sector, appropriate research and monitoring activities which address priority issues and current needs relating to the Great Lakes.

FWPC Sec. 118(d)(7)

"(7) Location. The Research Office shall be located in a Great Lakes State.

FWPC Sec. 118(e)

"(e) Research and Management Coordination.

FWPC Sec. 118(e)(1)

"(1) Joint Plan. Before October 1 of each year, the Program Office and the Research Office shall prepare a joint research plan for the fiscal year which begins in the following calendar year.

FWPC Sec. 118(e)(2)

"(2) Contents of Plan. Each plan prepared under paragraph (1) shall

FWPC Sec. 118(e)(2)(A)

"(A) identify all proposed research dedicated to activities conducted under the Great Lakes Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments;

FWPC Sec. 118(e)(2)(B)

"(B) include the Agency's assessment of priorities for research needed to fulfill the terms of such Agreement; and

FWPC Sec. 118(e)(2)(C)

"(C) identify all proposed research that may be used to develop a comprehensive environmental data base for the Great Lakes System and establish priorities for development of such data base.

FWPC Sec. 118(e)(3)

"(3) Health Research Report.

FWPC Sec. 118(e)(3)(A)

"(A) Not later than September 30, 1994, the Program Office, in consultation with the Research Office, the Agency for Toxic Substances and Disease Registry, and Great Lakes States shall submit to the Congress a report assessing the adverse effects of water pollutants in the Great Lakes System on the health of persons in Great Lakes States and the health of fish, shellfish, and wildlife in the Great Lakes System. In conducting research in support of this report, the Administrator may, where appropriate, provide for research to be conducted under cooperative agreements with Great Lakes States.

FWPC Sec. 118(e)(3)(B)

"(B) There is authorized to be appropriated to the Administrator to carry out this section not to exceed \$3,000,000 for each of fiscal years 1992, 1993, and 1994.

[118(e)(3) added by PL 101-596]

FWPC Sec. 118(f)

"(f) Interagency Cooperation. The head of each department, agency, or other instrumentality of the Federal Government which is engaged in, is concerned with, or has authority over programs relating to research, monitoring, and planning to maintain, enhance, preserve, or rehabilitate the environmental quality and natural resources of the Great Lakes, including the Chief of Engineers of the Army, the Chief of the Soil Conservation Service, the Commandant of the Coast Guard, the Director of the Fish and Wildlife Service, and the Administrator of the National Oceanic and Atmospheric Administration, shall submit an annual report to the Administrator with respect to the activities of that agency or office affecting compliance with the Great Lakes Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments;

[118(f) amended by PL 100-688]

FWPC Sec. 118(g)

"(g) Relationship to Existing Federal and State Laws and International Treaties. Nothing in this section shall be construed to affect the jurisdiction, powers, or prerogatives of any department, agency, or officer of the Federal Government or of any State government, or of any tribe, nor any powers, jurisdiction, or prerogatives of any international body created by treaty with authority relating to the Great Lakes.

FWPC Sec. 118(h)

"(h) Authorizations of Great Lakes Appropriations. There are authorized to be appropriated to the Administrator to carry out this section not to exceed \$ 11,000,000 per fiscal year for the fiscal years

1987, 1988, 1989 and 1990, and \$25,000,000 for fiscal year 1991. Of the amounts appropriated each fiscal year

FWPC Sec. 118(h)(1)

"(1) 40 percent shall be used by the Great Lakes National Program Office on demonstration projects on the feasibility of controlling and removing toxic pollutants;

FWPC Sec. 118(h)(2)

"(2) 37 percent shall be used by the Great Lakes National Program Office for the program of nutrient monitoring; and

FWPC Sec. 118(h)(3)

"(3) 30 percent or \$3,300,000 whichever is the lesser, shall be transferred to the National Oceanic and Atmospheric Administration for use by the Great Lakes Research Office.

[118(h) amended by PL 101-596]

Sec. 119 [33 USC 1269] Long Island Sound

FWPC Sec. 119(a)

"(a) The Administrator shall continue the Management Conference of the Long Island Sound Study (hereinafter referred to as the "Conference") as established pursuant to section 320 of this Act , and shall establish an office (hereinafter referred to as the "Office") to be located on or near Long Island Sound.

FWPC Sec. 119(b)

"(b) Administration and Staffing of Office. The Office shall be headed by a Director, who shall be detailed by the Administrator, following consultation with the Administrators of EPA regions I and II, from among the employees of the Agency who are in civil service. The Administrator shall delegate to the Director such authority and detail such additional staff as may be necessary to carry out the duties of the Director under this section.

FWPC Sec. 119(c)

"(c) Duties of the Office. The Office shall assist the Management Conference of the Long Island Sound Study in carrying out its goals. Specifically, the Office shall

FWPC Sec. 119(c)(1)

"(1) assist and support the implementation of the Comprehensive Conservation and Management Plan for Long Island Sound developed pursuant to section 320 of this Act ;

FWPC Sec. 119(c)(2)

"(2) conduct or commission studies deemed necessary for strengthened implementation of the Comprehensive Conservation and Management Plan including, but not limited to

FWPC Sec. 119(c)(2)(A)

"(A) population growth and the adequacy of wastewater treatment facilities,

FWPC Sec. 119(c)(2)(B)

"(B) the use of biological methods for nutrient removal in sewage treatment plants,

FWPC Sec. 119(c)(2)(C)

"(C) contaminated sediments, and dredging activities,

FWPC Sec. 119(c)(2)(D)

"(D) nonpoint source pollution abatement and land use activities in the Long Island Sound watershed,

FWPC Sec. 119(c)(2)(E)

"(E) wetland protection and restoration,

FWPC Sec. 119(c)(2)(F)

"(F) atmospheric deposition of acidic and other pollutants into Long Island Sound,

FWPC Sec. 119(c)(2)(G)

"(G) water quality requirements to sustain fish, shellfish, and wildlife populations, and the use of indicator species to assess environmental quality,

FWPC Sec. 119(c)(2)(H)

"(H) State water quality programs, for their adequacy pursuant to implementation of the Comprehensive Conservation and Management Plan, and

FWPC Sec. 119(c)(2)(I)

"(I) options for long-term financing of wastewater treatment projects and water pollution control programs.

FWPC Sec. 119(c)(3)

"(3) coordinate the grant, research and planning programs authorized under this section;

FWPC Sec. 119(c)(4)

"(4) coordinate activities and implementation responsibilities with other Federal agencies which have jurisdiction over Long Island Sound and with national and regional marine monitoring and research programs established pursuant to the Marine Protection, Research, and Sanctuaries Act;

FWPC Sec. 119(c)(5)

"(5) provide administrative and technical support to the conference;

FWPC Sec. 119(c)(6)

"(6) collect and make available to the public publications, and other forms of information the conference determines to be appropriate, relating to the environmental quality of Long Island Sound;

FWPC Sec. 119(c)(7)

"(7) not more than two years after the date of the issuance of final Comprehensive Conservation and Management Plan for Long Island Sound under section 320 this Act , and biennially thereafter, issue a report to the Congress which

FWPC Sec. 119(c)(7)(A)

"(A) summarizes the progress made by the States in implementing the Comprehensive Conservation and Management Plan;

FWPC Sec. 119(c)(7)(B)

"(B) summarizes any modifications to the Comprehensive Conservation and Management Plan in the twelve month period immediately preceding such report; and

FWPC Sec. 119(c)(7)(C)

"(C) incorporates specific recommendations concerning the implementation of the Comprehensive Conservation and Management Plan; and

FWPC Sec. 119(c)(8)

"(8) convene conferences and meetings for legislators from State governments and political subdivisions thereof for the purpose of making recommendations for coordinating legislative efforts to facilitate the environmental restoration of Long Island Sound and the implementation of the Comprehensive Conservation and Management Plan.

FWPC Sec. 119(d)

"(d) Grants.

FWPC Sec. 119(d)(1)

"(1) The Administrator is authorized to make grants for projects and studies which will help implement the Long Island Sound Comprehensive Conservation and Management Plan. Special emphasis shall given be to implementation, research and planning, enforcement, and citizen involvement and education.

FWPC Sec. 119(d)(2)

"(2) State, interstate, and regional water pollution control agencies, and other public or nonprofit private agencies, institutions, and organizations held to be eligible for grants pursuant to this subsection.

FWPC Sec. 119(d)(3)

"(3) Citizen involvement and citizen education grants under this subsection shall not exceed 95 per centum of the costs of such work. All other grants under this subsection shall not exceed 50 per centum of the research, studies, or work. All grants shall be made on the condition that the

non-Federal share of such costs are provided from non-Federal sources.

FWPC Sec. 119(e)

"(e) Authorizations.

FWPC Sec. 119(e)(1)

"(1) There is authorized to be appropriated to the Administrator for the implementation of this section, other than subsection (d), such sums as may be necessary for each of the fiscal years 1991 through 1996.

FWPC Sec. 119(e)(2)

"(2) There is authorized to be appropriated to the Administrator for the implementation of subsection (d) not to exceed \$3,000,000 for each of the fiscal years 1991 through 1996.

[119 added by PL 101-596]

Sec. 120 Lake Champlain Management Conference

FWPC Sec. 120(a)

"(a) Establishment. There is established a Lake Champlain Management Conference to develop a comprehensive pollution prevention, control, and restoration plan for Lake Champlain. The Administrator shall convene the management conference within ninety days of the date of enactment of this section.

FWPC Sec. 120(b)

"(b) Membership. The Members of the Management Conference shall be comprised of

FWPC Sec. 120(b)(1)

"(1) the Governors of the States of Vermont and New York;

FWPC Sec. 120(b)(2)

"(2) each interested Federal agency, not to exceed a total of five members;

FWPC Sec. 120(b)(3)

"(3) the Vermont and New York Chairpersons of the Vermont, New York, Quebec Citizens Advisory Committee for the Environmental Management of Lake Champlain;

FWPC Sec. 120(b)(4)

"(4) four representatives of the State legislature of Vermont;

FWPC Sec. 120(b)(5)

"(5) four representatives of the State legislature of New York;

FWPC Sec. 120(b)(6)

"(6) six persons representing local governments having jurisdiction over any land or water within the Lake Champlain basin, as determined appropriate by the Governors; and

FWPC Sec. 120(b)(7)

"(7) eight persons representing affected industries, non-governmental organizations, public and private educational institutions, and the general public, as determined appropriate by the tri-governmental Citizens Advisory Committee for the Environmental Management of Lake Champlain, but not to be current members of the Citizens Advisory Committee.

FWPC Sec. 120(c)

"(c) Technical Advisory Committee.

FWPC Sec. 120(c)(1)

"(1) The Management Conference shall, not later than one hundred and twenty days after the date of enactment of this section, appoint a Technical Advisory Committee.

FWPC Sec. 120(c)(2)

"(2) Such Technical Advisory Committee shall consist of officials of: appropriate departments and agencies of the Federal Government; the State governments of New York and Vermont; and governments of political subdivisions of such States; and public and private research institutions.

FWPC Sec. 120(d)

"(d) Research Program.

FWPC Sec. 120(d)(1)

"(1) The Management Conference shall establish a multi-disciplinary environmental research program for Lake Champlain. Such research program shall be planned and conducted jointly with the Lake Champlain Research Consortium.

FWPC Sec. 120(e)

"(e) Pollution Prevention, Control, and Restoration Plan.

FWPC Sec. 120(e)(1)

"(1) Not later than three years after the date of the enactment of this section, the Management Conference shall publish a pollution prevention, control, and restoration plan (hereafter in this section referred to as the "Plan") for Lake Champlain.

FWPC Sec. 120(e)(2)

"(2) The Plan developed pursuant to this section shall

FWPC Sec. 120(e)(2)(A)

"(A) identify corrective actions and compliance schedules addressing point and nonpoint sources of pollution necessary to restore and maintain the chemical, physical, and biological integrity of water

quality, a balanced, indigenous population of shellfish, fish and wildlife, recreational, and economic activities in and on the lake;

FWPC Sec. 120(e)(2)(B)

"(B) incorporate environmental management concepts and programs established in State and Federal plans and programs in effect at the time of the development of such plan;

FWPC Sec. 120(e)(2)(C)

"(C) clarify the duties of Federal and State agencies in pollution prevention and control activities, and to the extent allowable by law, suggest a timetable for adoption by the appropriate Federal and State agencies to accomplish such duties within a reasonable period of time;

FWPC Sec. 120(e)(2)(D)

"(D) describe the methods and schedules for funding of programs, activities, and projects identified in the Plan, including the use of Federal funds and other sources of funds; and

FWPC Sec. 120(e)(2)(E)

"(E) include a strategy for pollution prevention and control that includes the promotion of pollution prevention and management practices to reduce the amount of pollution generated in the Lake Champlain basin.

FWPC Sec. 120(e)(3)

"(3) The Administrator, in cooperation with the Management Conference, shall provide for public review and comment on the draft Plan. At a minimum, the Management Conference shall conduct one public meeting to hear comments on the draft plan in the State of New York and one such meeting in the State of Vermont.

FWPC Sec. 120(e)(4)

"(4) Not less than one hundred and twenty days after the publication of the Plan required pursuant to this section, the Administrator shall approve such plan if the plan meets the requirements of this section and the Governors of the States of New York and Vermont concur.

FWPC Sec. 120(e)(5)

"(5) Upon approval of the plan, such plan shall be deemed to be an approved management program for the purposes of section 319(h) of this Act and such plan shall be deemed to be an approved comprehensive conservation and management plan pursuant to section 320 of this Act .

FWPC Sec. 120(f)

"(f) Grant Assistance.

FWPC Sec. 120(f)(1)

"(1) The Administrator may, in consultation with the Management Conference, make grants to State, interstate, and regional water pollution control agencies, and public or nonprofit agencies, institutions, and organizations.

FWPC Sec. 120(f)(2)

"(2) Grants under this subsection shall be made for assisting research, surveys, studies, and modeling and technical and supporting work necessary for the development of the Plan and for retaining expert consultants in support of litigation undertaken by the State of New York and the State of Vermont to compel cleanup or obtain cleanup damage costs from persons responsible for pollution of Lake Champlain.

FWPC Sec. 120(f)(3)

"(3) The amount of grants to any person under this subsection for a fiscal year shall not exceed 75 per centum of the costs of such research, survey, study and work and shall be made available on the condition that non-Federal share of such costs are provided from

non-Federal sources.

FWPC Sec. 120(f)(4)

"(4) The Administrator may establish such requirements for the administration of grants as he determines to be appropriate.

FWPC Sec. 120(g)

"(g) Definition. For the purposes of this section, the term "Lake Champlain drainage basin" means all or part of Clinton, Franklin, Warren, Essex, and Washington counties in the State of New York and all or part of Franklin, Grand Isle, Chittenden, Addison, Rutland, Lamoille, Orange, Washington, Orleans, and Caledonia counties in Vermont, that contain all of the streams, rivers, lakes, and other bodies of water, including wetlands, that drain into Lake Champlain.

FWPC Sec. 120(h)

"(h) Statutory Interpretation. Nothing in this section shall be construed so as to affect the jurisdiction or powers of

FWPC Sec. 120(h)(1)

"(1) any department or agency of the Federal Government or any

State government; or

FWPC Sec. 120(h)(2)

"(2) any international organization or entity related to Lake Champlain created by treaty or memorandum to which the United States is a signatory.

FWPC Sec. 120(i)

"(i) Authorization. There are authorized to be appropriated to the Environmental Protection Agency to carry out this section \$2,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995.

[120 added by PL 101-596]

Additional Provisions

[Section 304 of PL 101-596 did not amend the Federal Water Pollution Control Act directly, but has some impact on its implementation. Those provisions follow.]

Sec. 304 Federal Program Coordination

"(a) Designation of Lake Champlain as a Special Project Area Under the Agricultural Conservation Program.

"(1) In General. Notwithstanding any other provision of law, the Lake Champlain basin, as defined under section 120(h) of the Federal Water Pollution Control Act, shall be designated by the Secretary of Agriculture as special project area under the Agricultural Conservation Program established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

"(2) Technical Assistance Reimbursement. To carry out the purposes of this subsection, the technical assistance reimbursement from the Agricultural Stabilization and Conservation Service authorized under the Soil Conservation and Domestic Allotment Act, shall be increased from 5 per centum to 10 per centum.

"(3) Comprehensive Agricultural Monitoring. The Secretary, in consultation with the Management Conference and appropriate State and Federal agencies, shall develop a comprehensive agricultural monitoring and evaluation network for all major drainages within the Lake Champlain basin.

"(4) Allocation of Funds. In allocating funds under this subsection, the Secretary of Agriculture shall consult with the Management Conference established under section 120 of the Federal Water Pollution Control Act and to the extent allowable by law, allocate funds to those agricultural enterprises located at sites that the Management Conference determines to be priority sites, on the basis of a concern for ensuring implementation of point source pollution controls throughout the Lake Champlain basin.

"(b) Cooperation of the United States Geological Survey of the Department of the Interior. For the purpose of enhancing and expanding basic data collection and monitoring in operation in the Lake Champlain basin, as defined under section 120 of the Federal Water Pollution Control Act, the Secretary of the Interior, acting through the heads of water resources divisions of the New York and New England districts of the United States Geological Survey, shall

"(1) in cooperation with appropriate universities and private research institutions, and the appropriate officials of the appropriate departments and agencies of the States of New York and Vermont, develop an integrated geographic information system of the Lake Champlain basin;

"(2) convert all partial recording sites in the Lake Champlain basin to continuous monitoring stations with full gauging capabilities and status; and

"(3) establish such additional continuous monitoring station sites in the Lake Champlain basin as are necessary to carry out basic data collection and monitoring, as defined by the Secretary of the Interior, including groundwater mapping, and water quality and sediment data collection.

"(c) Cooperation of the United States Fish and Wildlife Service of The Department of the Interior.

"(1) Resource Conservation Program. The Secretary of the Interior, acting through the United States

Fish and Wildlife Service, in cooperation with the Lake Champlain Fish and Wildlife Management Cooperative and the Management Conference established pursuant to this subsection shall

"(A) establish and implement a fisheries resources restoration, development and conservation program, including dedicating a level of hatchery production within the Lake Champlain basin at or above the level that existed immediately preceding the date of enactment of this Act; and

"(B) conduct a wildlife species and habitat assessment survey in the Lake Champlain basin, including

"(i) a survey of Federal threatened and endangered species, listed or proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), New York State and State of Vermont threatened and endangered species and other species of special concern, migratory nongame species of management concern, and national resources plan species;

"(ii) a survey of wildlife habitats such as islands, wetlands, and riparian areas; and

"(iii) a survey of migratory bird populations breeding, migrating and wintering within the Lake Champlain basin.

"(2) To accomplish the purposes of paragraph (1), the Director of the United States Fish and Wildlife Service is authorized to carry out activities related to

"(A) controlling sea lampreys and other nonindigenous aquatic animal nuisances;

"(B) improving the health of fishery resources;

"(C) conducting investigations about and assessing the status of fishery resources, and disseminating that information to all interested parties; and

"(D) conducting and periodically updating a survey of the fishery resources and their habitats and food chains in the Lake Champlain

basin.

"(d) Authorizations.

"(1) There is authorized to be appropriated to the Department of Agriculture \$2,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out subsection (a) of this section.

"(2) There is authorized to be appropriated to the Department of Interior \$1,000,000 for each of fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out subsections (b) and (c) of this section .

Sec. 201 [33 USC 1281] Purpose

FWPC Sec. 201(a)

"(a) It is the purpose of this title to require and to assist the development and implementation of waste treatment management plans and practices which will achieve the goals of this Act.

FWPC Sec. 201(b)

"(b) Waste treatment management plans and practices shall provide for the application of the best

practicable waste treatment technology before any discharge into receiving waters, including reclaiming and recycling of water, and confined disposal of pollutants so they will not migrate to cause water or other environmental pollution and shall provide for consideration of advanced waste treatment techniques.

FWPC Sec. 201(c)

"(c) To the extent practicable, waste treatment management shall be on an areawide basis and provide control or treatment of all point and nonpoint sources of pollution, including in place or accumulated pollution sources.

FWPC Sec. 201(d)

"(d) The Administrator shall encourage waste treatment management which results in the construction of revenue producing facilities providing for

FWPC Sec. 201(d)(1)

"(1) the recycling of potential sewage pollutants through the production of agriculture, silviculture, or aquaculture products, or any combination thereof;

FWPC Sec. 201(d)(2)

"(2) the confined and contained disposal of pollutants not recycled;

FWPC Sec. 201(d)(3)

"(3) the reclamation of wastewater; and

FWPC Sec. 201(d)(4)

"(4) the ultimate disposal of sludge in a manner that will not result in environmental hazards.

FWPC Sec. 201(e)

"(e) The Administrator shall encourage waste treatment management which results in integrating facilities for sewage treatment and recycling with facilities to treat, dispose of, or utilize other industrial and municipal wastes, including but not limited to solid waste and waste heat and thermal discharges. Such integrated facilities shall be designed and operated to produce revenues in excess of capital and operation and maintenance costs and such revenues shall be used by the designated regional management agency to aid in financing other environmental improvement programs.

FWPC Sec. 201(f)

"(f) The Administrator shall encourage waste treatment management which combines "open space" and recreational considerations with such management.

FWPC Sec. 201(g)

"(g) "(1) The Administrator is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of publicly owned treatment works. On and after October 1, 1984, grants under this title shall be made only for projects for secondary treatment or more stringent treatment, or any cost effective alternative thereto, new interceptors and appurtenances, and

infiltration-in-flow correction., Notwithstanding the preceding sentences, the Administrator may make grants on and after October 1, 1984, for "(A) any project within the definition set forth in section 212(2) of this Act, other than for a project referred to in the preceding sentence, and "(B) any purpose for which a grant may be made under sections 319(h) and (i) of this Act (including any innovative and alternative approaches for the control of nonpoint sources of pollution), except that not more than 20 per centum (as determined by the Governor of the State) of the amount allotted to a State under section 205 of this Act for any fiscal year shall be obligated in such State under authority of this sentence.

[201(g)(1) revised by PL 97-117; amended by PL 100-4]

FWPC Sec. 201(g)(2)

"(2) The Administrator shall not make grants from funds authorized for any fiscal year beginning after June 30, 1974, to any State, municipality, or intermunicipal or interstate agency for the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works unless the grant applicant has satisfactorily demonstrated to the Administrator that

FWPC Sec. 201(g)(2)(A)

"(A) alternative waste management techniques have been studied and evaluated and the works proposed for grant assistance will provide for the application of the best practicable waste treatment technology over the life of the works consistent with the purposes of this title;

FWPC Sec. 201(g)(2)(B)

"(B) as appropriate, the works proposed for grant assistance will take into account and allow to the extent practicable the application of technology at a later date which will provide for the reclaiming or recycling of water or otherwise eliminate the discharge of pollutants.

FWPC Sec. 201(g)(3)

"(3) The Administrator shall not approve any grant after July 1, 1973, for treatment works under this section unless the applicant shows to the satisfaction of the Administrator that each sewer collection system discharging into such treatment works is not subject to excessive infiltration.

FWPC Sec. 201(g)(4)

"(4) The Administrator is authorized to make grants to applicants for treatment works grants under this section for such sewer system evaluation studies as may be necessary to carry out the requirements of paragraph (3) of this subsection. Such grants shall be made in accordance with rules and regulations promulgated by the Administrator. Initial rules and regulations shall be promulgated under this paragraph not later than 120 days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972.

FWPC Sec. 201(g)(5)

"(5) The Administrator shall not make grants from funds authorized for any fiscal year beginning after September 30, 1978, to any State, municipality, or intermunicipal or interstate agency for the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works unless the grant applicant has satisfactorily demonstrated to the Administrator that innovative and

alternative wastewater treatment processes and techniques which provide for the reclaiming and reuse of water, otherwise eliminate the discharge of pollutants, and utilize recycling techniques, land treatment, new or improved methods of waste treatment management for municipal and industrial waste (discharged into municipal systems) and the confined disposal of pollutants, so that pollutants will not migrate to cause water or other environmental pollution, have been fully studied and evaluated by the applicant taking into account section 201(d) of this Act and taking into account and allowing to the extent practicable the more efficient use of energy and resources.

FWPC Sec. 201(g)(6)

"(6) The Administrator shall not make grants from funds authorized for any fiscal year beginning after September 30, 1978, to any State, municipality, or intermunicipal or interstate agency for the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works unless the grant applicant has satisfactorily demonstrated to the Administrator that the applicant has analyzed the potential recreation and open space opportunities in the planning of the proposed treatment works.

FWPC Sec. 201(h)

"(h) A grant may be made under this section to construct a privately owned treatment works serving one or more principal residences or small commercial establishments constructed prior to, and inhabited on the date of enactment of this subsection where the Administrator finds that

FWPC Sec. 201(h)(1)

"(1) a public body otherwise eligible for a grant under subsection (g) of this section has applied on behalf of a number of such units and certified that public ownership such works is not feasible;

FWPC Sec. 201(h)(2)

"(2) such public body has entered into an agreement with the Administrator which guarantees that such treatment works will be properly operated and maintained and will comply with all other requirements of section 204 of this Act and includes a system of charges to assure that each recipient of waste treatment services under such a grant will pay its proportionate share of the cost of operation and maintenance (including replacement); and

FWPC Sec. 201(h)(3)

"(3) the total cost and environmental impact of providing waste treatment services to such residences or commercial establishments will be less than the cost of providing a system of collection and central treatment of such wastes.

FWPC Sec. 201(i)

"(i) The Administrator shall encourage waste treatment management methods, processes, and techniques which will reduce total energy requirements.

FWPC Sec. 201(j)

"(j) The Administrator is authorized to make a grant for any treatment works utilizing processes and techniques meeting the guidelines promulgated under section 304(d)(3) of this Act , if the Administrator determines it is in the public interest and if in the cost effectiveness study made of the

construction grant application for the purpose of evaluating alternative treatment works, the life cycle cost of the treatment works for which the grant is to be made does not exceed the life cycle cost of the most effective alternative by more than 15 per centum.

FWPC Sec. 201(k)

"(k) No grant made after November 15, 1981, for a publicly owned treatment works, other than for facility planning and the preparation of construction plans and specifications, shall be used to treat, store, or convey the flow of any industrial user into such treatment works in excess of a flow per day equivalent to fifty thousand gallons per day of sanitary waste. This subsection shall not apply to any project proposed by a grantee which is carrying out an approved project to prepare construction plans and specifications for a facility to treat wastewater, which received its grant approval before May 15, 1980. This subsection shall not be in effect after November 15, 1981.

[201(k) added by PL 96-483; amended by PL 97-117]

FWPC Sec. 201(l)

"(l) "(1) After the date of enactment of this subsection, Federal grants shall not be made for the purpose of providing assistance solely for facility plans, or plans, specifications, and estimates for any proposed project for the construction of treatment works. In the event that the proposed project receives a grant under this section for construction, the Administrator shall make an allowance in such grant for non-Federal funds expended during the facility planning and advanced engineering and design phase at the prevailing Federal share under section 202(a) of this Act , based on the percentage of total project costs which the Administrator determines is the general experience for such projects.

FWPC Sec. 201(l)(2)

"(2) "(A) Each State shall use a portion of the funds allotted to such State each fiscal year, but not to exceed 10 per centum of such funds, to advance to potential grant applicants under this title the costs of facility planning or the preparation of plans, specifications, and estimates.

FWPC Sec. 201(l)(2)(B)

"(B) Such an advance shall be limited to the allowance for such costs which the Administrator establishes under paragraph (1) of this subsection, and shall be provided only to a potential grant applicant which is a small community and which in the judgment of the State would otherwise be unable to prepare a request for a grant for construction costs under this section.

FWPC Sec. 201(l)(2)(C)

"(C) In the event a grant for construction costs is made under this section for a project for which an advance has been made under this paragraph, the Administrator shall reduce the amount of such grant by the allowance established under paragraph (1) of this subsection. In the event no such grant is made, the State is authorized to seek repayment of such advance on such terms and conditions as it may determine.

[201(l) added by PL 97-117]

FWPC Sec. 201(m)

"(m) "(1) Notwithstanding any other provisions of this title, the Administrator is authorized to make a grant from any funds otherwise allotted to the State of California under section 205 of this Act to the project (and in the amount) specified in Order WQG 81-1 of the California State Water Resources Control Board.

FWPC Sec. 201(m)(2)

"(2) Notwithstanding any other provisions of this Act, the Administrator shall make a grant from any funds otherwise allotted to the State of California to the city of Eureka, California, in connection with project numbered C-06-2772, for the purchase of one hundred and thirty nine acres of property as environmental mitigation for siting of the proposed treatment plant.

FWPC Sec. 201(m)(3)

"(3) Notwithstanding any other provision of this Act, the Administrator shall make a grant from any funds otherwise allotted to the State of California to the city of San Diego, California, in connection with that city's aquaculture sewage process (total resources recover: system) as an innovative and alternative waste treatment process.

[201(m) added by PL 97-117]

FWPC Sec. 201(n)

"(n) "(1) On and after October 1, 1984, upon the request of the Governor of an affected State, the Administrator is authorized to use funds available to such State under section 205 to address water quality problems due to the impacts of discharges from combined storm water and sanitary sewer overflows, which are not otherwise eligible under this subsection, were correction of such discharges is a major priority for such State.

FWPC Sec. 201(n)(2)

"(2) Beginning fiscal year 1983, the Administrator shall have available \$200,000,000 per fiscal year in addition to those funds authorized in section 207 of this Act to be utilized 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, not otherwise eligible under this subsection. Such sums may be used as deemed appropriate by the Administrator as provided in paragraphs (1) and (2) of this subsection, upon the request of and demonstration of water quality benefits by the Governor of an affected State.

[201(n) added by PL 97-117]

FWPC Sec. 201(o)

"(o) The Administrator shall encourage and assist applicants for grant assistance under this title to develop and file with the Administrator a capital financing plan which, at a minimum

FWPC Sec. 201(o)(1)

"(1) projects the future requirements for waste treatment services within the applicant's jurisdiction for a period of no less than ten years;

FWPC Sec. 201(o)(2)

"(2) projects the nature, extent, timing, and costs of future expansion and reconstruction of treatment works which will be necessary to satisfy the applicant's projected future requirements for waste treatment services; and

FWPC Sec. 201(o)(3)

"(3) sets forth with specificity the manner in which the applicant intends to finance such future expansion and reconstruction.

[201(o) added by PL 97-117]

FWPC Sec. 201(p)

"(p) Time Limit on Resolving Certain Disputes. In any case in which a dispute arises with respect to the awarding of a contract for construction of treatment works by a grantee of funds under this title and a party to such dispute files an appeal with the Administrator under this title for resolution of such dispute, the Administrator shall make a final decision on such appeal within 90 days of the filing of such appeal.

[201(p) added by PL 100-4]

Sec. 202 [33 USC 1282] Federal Share

FWPC Sec. 202(a)

"(a) "(1) The amount of any grant for treatment works made under this Act from funds authorized for any fiscal year beginning after June 30, 1971, and ending before October 1, 1984, shall be 75 per centum of the cost of construction thereof (as approved by the Administrator), and for any fiscal year beginning on or after October 1, 1984, shall be 55 per centum of the cost of construction thereof (as approved by the Administrator), unless modified to a lower percentage rate uniform throughout a State by the Governor of that State with the concurrence of the Administrator. Within ninety days after the enactment of this sentence the Administrator shall issue guidelines for concurrence in any such modification, which shall provide for the consideration of the unobligated balance of sums allocated to the State under section 205 of this Act , the need for assistance under this title in such State, and the availability of State grant assistance to replace the Federal share reduced by such modification. The payment of any such reduced Federal share shall not constitute an obligation on the part of the United States or a claim on the part of any State or grantee to reimbursement for the portion of the Federal share reduced in any such State. Any grant (other than for reimbursement) made prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 from any funds authorized for any fiscal year beginning after June 30, 1971, shall, upon the request of the applicant, be increased to the applicable percentage under this section. Notwithstanding the first sentence of this paragraph, in any case where a primary, secondary, or advanced waste treatment facility or its related interceptors or a project for infiltration-in-flow correction has received a grant for erection, building, acquisition, alteration, remodeling, improvement, extension, or correction before October 1, 1984, all segments and phases of such facility, interceptors, and project for infiltration-in-flow correction shall be eligible for grants at 75 per centum of the cost of construction thereof for any grant made pursuant to a State obligation which obligation occurred before October 1, 1990. Notwithstanding the first sentence of this paragraph, in the case of a project for which an application for a grant under this title has been made to the Administrator before October 1, 1984, and which project is under judicial injunction on such date prohibiting its construction, such project

shall be eligible for grants at 75 percent of the cost of construction thereof. Notwithstanding the first sentence of this paragraph, in the case of the Wyoming Valley Sanitary Authority project mandated by judicial order under a proceeding begun prior to October 1, 1984, and a project for wastewater treatment for Altoona, Pennsylvania, such projects shall be eligible for grants at 75 percent of the cost of construction thereof.

[202(a)(1) amended by PL 96-483; PL 97-117; PL 100-4]

FWPC Sec. 202(a)(2)

"(2) The amount of any grant made after September 30, 1978, and before October 1, 1981, for any eligible treatment works or significant portion thereof utilizing innovative or alternative wastewater treatment processes and techniques referred to in section 201(g)(5) shall be 85 per centum of the cost of construction thereof unless modified by the Governor of the State with the concurrence of the Administrator to a percentage rate no less than is percentum greater than the modified uniform percentage rate in which the Administrator has concurred pursuant to paragraph (1) of this subsection. The amount of any grant made after September 30, 1981, for any eligible treatment works or unit processes and techniques thereof utilizing innovative or alternative wastewater treatment processes and techniques referred to in section 201(g)(5) shall be a percentage of the cost of construction thereof equal to 20 per centum greater than the percentage in effect under paragraph (1) of this subsection for such works or unit processes and techniques, but in no event greater than 85 per centum of the cost of construction thereof. No grant shall be made under this paragraph for construction of a treatment works in any State unless the proportion of the State contribution to the non-Federal share of construction costs for all treatment works in such State receiving a grant under this paragraph is the same as or greater than the proportion of the State contribution (if any) to the non-Federal share of construction costs for all treatment works receiving grants in such State under paragraph (1) of this subsection.

[202(a)(2) amended by PL 96-483; PL 97-117]

FWPC Sec. 202(a)(3)

"(3) In addition to any grant made pursuant to paragraph (2) of this subsection, the Administrator is authorized to make a grant to fund all of the costs of the modification or replacement of any facilities constructed with a grant made pursuant to paragraph (2) if the Administrator finds that such facilities have not met design performance specifications unless such failure is attributable to negligence on the part of any person and if such failure has significantly increased capital or operating and maintenance expenditures. In addition, the Administrator is authorized to make a grant to fund all of the costs of the modification or replacement of biodisc equipment (rotating biological contractors) in any publicly owned treatment works if the Administrator finds that such equipment has failed to meet design performance specifications, unless such failure is attributable to negligence on the part of any person, and if such failure has significantly increased capital or operating and maintenance expenditures.

[202(a)(3) amended by PL 100-4]

FWPC Sec. 202(a)(4)

"(4) For the purposes of this section, the term "eligible treatment works" means those treatment works in each State which meet the requirements of section 201(g)(5) of this Act and which can be

fully funded from funds available for such purpose in such State.

[202(a)(4) amended by PL 117]

FWPC Sec. 202(b)

"(b) The amount of the grant for any project approved by the Administrator after January 1, 1971, and before July 1, 1971, for the construction of treatment works, the actual erection, building or acquisition of which was not commenced prior to July 1, 1971, shall, upon the request of the applicant, be increased to the applicable percentage under subsection (a) of this section for grants for treatment works from funds for fiscal years beginning after June 30, 1971, with respect to the cost of such actual erection, building, or acquisition. Such increased amount shall be paid from any funds allocated to the State in which the treatment works is located without regard to the fiscal year for which such funds were authorized. Such increased amount shall be paid for such project only if

FWPC Sec. 202(b)(1)

"(1) a sewage collection system that is a part of the same total waste treatment system as the treatment works for which such grant was approved is under construction or is to be constructed for use in conjunction with such treatment works, and if the cost of such sewage collection system exceeds the cost of such treatment works, and

FWPC Sec. 202(b)(2)

"(2) the State water pollution control agency or other appropriate State authority certifies that the quantity of available ground water will be insufficient, inadequate, or unsuitable for public use, including the ecological preservation and recreational use of surface water bodies, unless effluents from publicly owned treatment works after adequate treatment are returned to the ground water consistent with acceptable technological standards.

Sec. 203 [33 USC 1283] Plans, Specifications, Estimates, and Payments

FWPC Sec. 203(a)

"(a) "(1) Each applicant for a grant shall submit to the Administrator for his approval, plans, specifications, and estimates for each proposed project for the construction of treatment works for which a grant is applied for under section 201(g)(1) from funds allotted to the State under section 205 and which otherwise meets the requirements of this Act. The Administrator shall act upon such plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such plans, specifications, and estimates shall be deemed a contractual obligation of the United States for the payment of its proportional contribution to such project.

[203(a) amended by PL 96-483; (a)(1) designated by PL 100-4]

FWPC Sec. 203(a)(2)

"(2) Agreement on Eligible Costs.

FWPC Sec. 203(a)(2)(A)

"(A) Limitation on Modifications. Before taking final action on any plans, specifications, and estimates submitted under this subsection after the 60th day following the date of the enactment of

the Water Quality Act of 1987, the Administrator shall enter into a written agreement with the applicant which establishes and specifies which items of the proposed project are eligible for Federal payments under this section. The Administrator may not later modify such eligibility determinations unless they are found to have been made in violation of applicable Federal statutes and regulations.

FWPC Sec. 203(a)(2)(B)

"(B) Limitation on Effect. Eligibility determinations under this paragraph shall not preclude the Administrator from auditing a project pursuant to section 501 of this Act , or other authority, or from withholding or recovering Federal funds for costs which are found to be unreasonable, unsupported by adequate documentation, or otherwise unallowable under applicable Federal cost principles, or which are incurred on a project which fails to meet the design specifications or effluent limitations contained in the grant agreement and permit pursuant to section 402 of this Act for such project.

[203(a)(2) added by PL 100-4]

FWPC Sec. 203(a)(3)

"(3) In the case of a treatment works that has an estimated total cost of \$8,000,000 or less (as determined by the Administrator), and the population of the applicant municipality is twenty-five thousand or less (according to the most recent United States census), upon completion of an approved facility plan, a single grant may be awarded for the combined Federal share of the cost of preparing construction plans and specifications, and the building and erection of the treatment works.

[203(a)(3) designated by PL 100-4]

FWPC Sec. 203(b)

"(b) The Administrator shall, from time to time as the work progresses, make payments to the recipient of a grant for costs of construction incurred on a project. These payments shall at no time exceed the Federal share of the cost of construction incurred to the date of the voucher covering such payment plus the Federal share of the value of the materials which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the project.

FWPC Sec. 203(c)

"(c) After completion of a project and approval of the final voucher by the Administrator, he shall pay out of the appropriate sums the unpaid balance of the Federal share payable on account of such project.

FWPC Sec. 203(d)

"(d) Nothing in this Act shall be construed to require, or to authorize the Administrator to require, that grants under this Act for construction of treatment works be made only for projects which are operable units usable for sewage collection, transportation, storage, waste treatment, or for similar purposes without additional construction.

FWPC Sec. 203(e)

"(e) At the request of a grantee under this title, the Administrator is authorized to provide technical and legal assistance in the administration and enforcement of any contract in connection with treatment works assisted under this title, and to intervene in any civil action involving the

enforcement of such a contract.

FWPC Sec. 203(f)

"(f) Design/Build Projects.

FWPC Sec. 203(f)(1)

"(1) Agreement. Consistent with State law, an applicant who proposes to construct waste water treatment works may enter into an agreement with the Administrator under this subsection providing for the preparation of construction plans and specifications and the erection of such treatment works, in lieu of proceeding under the other provisions of this section.

FWPC Sec. 203(f)(2)

"(2) Limitation on Projects. Agreements under this subsection shall be limited to projects under an approved facility plan which projects are

FWPC Sec. 203(f)(2)(A)

"(A) treatment works that have an estimated total cost of \$8,000,000 or less; and

FWPC Sec. 203(f)(2)(B)

"(B) any of the following types of waste water treatment systems: aerated lagoons, trickling filters, stabilization ponds, land application systems, sand filters, and subsurface disposal systems.

FWPC Sec. 203(f)(3)

"(3) Required Terms. An agreement entered into under this subsection shall

FWPC Sec. 203(f)(3)(A)

"(A) set forth an amount agreed to as the maximum Federal contribution to the project, based upon a competitively bid document of basic design data and applicable standard construction specifications and a determination of the federally eligible costs of the project at the applicable Federal share under section 202 of this Act ;

FWPC Sec. 203(f)(3)(B)

"(B) set forth dates for the start and completion of construction of the treatment works by the applicant and a schedule of payments of the Federal contribution to the project:

FWPC Sec. 203(f)(3)(C)

"(C) contain assurances by the applicant that "(I) engineering and management assistance will be provided to manage the project; "(ii) the proposed treatment works will be an operable unit and will meet all the requirements of this title; and "(iii) not later than I year after the date specified as the date of completion of construction of the treatment works, the treatment works will be operating so as to meet the requirements of any applicable permit for such treatment works under section 402 of this Act ;

FWPC Sec. 203(f)(3)(D)

"(D) require the applicant to obtain a bond from the contractor in an amount determined necessary by the Administrator to protect the Federal interest in the project; and

FWPC Sec. 203(f)(3)(E)

"(E) contain such other terms and conditions as are necessary to assure compliance with this title (except as provided in paragraph (4) of this subsection).

FWPC Sec. 203(f)(4)

"(4) Limitation on Application. Sub sections (a), (b) , and (c) of this sections shall not apply to grants made pursuant to this subsection.

FWPC Sec. 203(f)(5)

"(5) Reservation to Assure Compliance. The Administrator shall reserve a portion of the grant to assure contract compliance until final project approval as defined by the Administrator. If the amount agreed to under paragraph (3)(A) exceeds the cost of designing and constructing the treatment works, the Administrator shall reallocate the amount of the excess to the State in which such treatment works are located for the fiscal year in which such audit is completed.

FWPC Sec. 203(f)(6)

"(6) Limitation on Obligations. The Administrator shall not obligate more than 20 percent of the amount allotted to a State for a fiscal year under section 205 of this Act for grants pursuant to this subsection.

FWPC Sec. 203(f)(7)

"(7) Allowance. The Administrator shall determine an allowance for facilities planning for projects constructed under this subsection in accordance with section 201(l).

FWPC Sec. 203(f)(8)

"(8) Limitation on Federal Contributions. In no event shall the Federal contribution for the cost of preparing construction plans and specifications and the building and erection of treatment works pursuant to this subsection exceed the amount agreed upon under paragraph (3).

FWPC Sec. 203(f)(9)

"(9) Recovery Action. In any case in which the recipient of a grant made pursuant to this subsection does not comply with the terms of the agreement entered into under paragraph (3), the Administrator is authorized to take such action as may be necessary to recover the amount of the Federal contribution to the project.

FWPC Sec. 203(f)(10)

"(10) Prevention of Double Benefits. A recipient of a grant made pursuant to this subsection shall not be eligible for any other grants under this title for the same project.

[203(f) added by PL 100-4]

Sec. 204 [33 USC 1284] Limitations and Conditions

FWPC Sec. 204(a)

"(a) Before approving grants for any project for any treatment works under section 201(g)(1) the Administrator shall determine

FWPC Sec. 204(a)(1)

"(1) that any required areawide waste treatment management plan under section 208 of this Act "(A) is being implemented for such area and the proposed treatment works are included in such plan, or "(B) is being developed for such area and reasonable progress is being made toward its implementation and the proposed treatment works will be included in such plan;

[204(a)(1) revised by PL 100-4]

FWPC Sec. 204(a)(2)

"(2) that

FWPC Sec. 204(a)(2)(A)

"(A) the State in which the project is to be located "(I) is implementing any required plan under section 303(e) of this Act and the proposed treatment works are in conformity with such plan, or "(ii) is developing such a plan and the proposed treatment works will be in conformity with such plan, and

FWPC Sec. 204(a)(2)(B)

"(B) such State is in compliance with section 305(b) of this Act;

[204(a)(2) revised by PL 100-4]

FWPC Sec. 204(a)(3)

"(3) that such works have been certified by the appropriate State water pollution control agency as entitled to priority over such other works in the State in accordance with any applicable State plan under section 303(e) of this Act, except that any priority list developed pursuant to section 303(e)(3)(H) may be modified by such State in accordance with regulations promulgated by the Administrator to give higher priority for grants for the Federal share of the cost of preparing construction drawings and specifications for any treatment works utilizing processes and techniques meeting the guidelines promulgated under section 304(d)(3) of this Act and for grants for the combined Federal share of the cost of preparing construction drawings and specifications and the building and erection of any treatment works meeting the requirements of the next to the last sentence of section 203(a) of this Act which utilizes processes and techniques meeting the guidelines promulgated under section 304(d)(3) of this Act;

FWPC Sec. 204(a)(4)

"(4) that the applicant proposing to construct such works agrees to pay the non- Federal costs of such works and has made adequate provisions satisfactory to the Administrator for assuring proper and efficient operation, including the employment of trained management and operations personnel, and

the maintenance of such works in accordance with a plan of operation approved by the State water pollution control agency or, as appropriate, the interstate agency, after construction thereof;

FWPC Sec. 204(a)(5)

"(5) that the size and capacity of such works relate directly to the needs to be served by such works, including sufficient reserve capacity. The amount of reserve capacity provided shall be approved by the Administrator on the basis of a comparison of the cost of constructing such reserves as a part of the works to be funded and the anticipated cost of providing expanded capacity at a date when such capacity will be required after taking into account, in accordance with regulations promulgated by the Administrator, efforts to reduce total flow of sewage and unnecessary water consumption. The amount of reserve capacity eligible for a grant under this title shall be determined by the Administrator taking into account the projected population and associated commercial and industrial establishments within the jurisdiction of the applicant to be served by such treatment works as identified in an approved facilities plan, an areawide plan under section 208 ; or an applicable municipal master plan of development. For the purpose of this paragraph, section 208 , and any such plan, projected population shall 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. Beginning October 1, 1984, no grant shall be made under this title to construct that portion of any treatment works providing reserve capacity in excess of existing needs (including existing needs of residential, commercial, industrial, and other users) on the date of approval of a grant for the erection, building, acquisition, alteration, remodeling, improvement, or extension of a project for secondary treatment or more stringent treatment or new interceptors and appurtenances, except that in no event shall reserve capacity of a facility and its related interceptors to which this subsection applies be in excess of existing needs on October 1, 1990. In any case in which an applicant proposes to provide reserve capacity greater than that eligible for Federal financial assistance under this title, the incremental costs of the additional reserve capacity shall be paid by the applicant;

[204(a)(5) amended by PL 97-117]

FWPC Sec. 204(a)(6)

"(6) that no specification for bids in connection with such works shall be written in such a manner as to contain proprietary, exclusionary, or discriminatory requirements other than those based upon performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment. When in the judgment of the grantee, it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and in doing so the grantee need not establish the existence of any source other than the brand or source so named.

[204(a)(6) amended by PL 97-117]

FWPC Sec. 204(b)

"(b) "(1) Notwithstanding any other provision of this title, the Administrator shall not approve any grant for any treatment works under section 201(g)(1) after March 1, 1973, unless he shall first have determined that the applicant "(A) has adopted or will adopt a system of charges to assure that each recipient of waste treatment services within the applicant's jurisdiction, as determined by the

Administrator, will pay its proportionate share (except as otherwise provided in this paragraph) of the costs of operation and maintenance (including replacement) of any waste treatment services provided by the applicant; and "(B) has legal, institutional, managerial, and financial capability to insure adequate construction, operation, and maintenance of treatment works throughout the applicant's jurisdiction, as determined by the Administrator. In any case where an applicant which, as of the date of enactment of this sentence, 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 waste, and other appropriate factors) and such applicant is otherwise in compliance with clause (A) of this paragraph with respect to each industrial user, then such dedicated ad valorem tax system shall be deemed to be the user charge system meeting the requirements of clause (A) of this paragraph for the residential user class and such small non-residential user classes as defined by the Administrator. In defining small non-residential users, the Administrator shall consider the volume of wastes discharged into the treatment works by such users and the constituent elements of such wastes as well as such other factors as he deems appropriate. A system of user charges which imposes a lower charge for low-income residential users (as defined by the Administrator) shall be deemed to be a user charge system meeting the requirements of clause (A) of this paragraph if the Administrator determines that such system was adopted after public notice and hearing.

[204(b)(1) amended by PL 96-483; PL 100-4]

FWPC Sec. 204(b)(2)

"(2) The Administrator shall, within one hundred and eighty days after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, and after consultation with appropriate State, interstate, municipal, and intermunicipal agencies, issue guidelines applicable to payment of waste treatment costs by industrial and nonindustrial recipients of waste treatment services which shall establish "(A) classes of users of such services, including categories of industrial users; "(B) criteria against which to determine the adequacy of charges imposed on classes and categories of users reflecting all factors that influence the cost of waste treatment, including strength, volume, and delivery flow rate characteristics of waste; and "(C) model systems and rates of user charges typical of various treatment works serving municipal-industrial communities.

FWPC Sec. 204(b)(3)

"(3) Approval by the Administrator of a grant to an interstate agency established by interstate compact for any treatment works shall satisfy any other requirement that such works be authorized by Act of Congress.

[Former 204(b)(3) repealed and (4) redesignated as (3) by PL 96-483]

FWPC Sec. 204(b)(4)

"(4) A system of charges which meets the requirement of clause (A) of paragraph (1) of this subsection may be based on something other than metering the sewage or water supply flow of residential recipients of waste treatment services, including ad valorem taxes. If the system of charges is based on something other than metering the Administrator shall require "(A) the applicant

to establish a system by which maintenance of the treatment works; and "(B) the applicant to establish a procedure under which the residential user will be notified as to that portion of his total payment which will be allocated to the costs of the waste treatment services.

[Former 204(b)(5) redesignated as (4) and 204(b)(6) repealed by PL 96-483]

FWPC Sec. 204(c)

"(c) The next to the last sentence of paragraph (5) of subsection (a) of this section shall not apply in any case where a primary, secondary, or advanced waste treatment facility or its related interceptors has received a grant for erection, building, acquisition, alteration, remodeling, improvement, or extension before October 1, 1984, and all segments and phases of such facility and interceptors shall be funded based on a 20- year reserve capacity in the case of such facility and a 20-year reserve capacity in the case of such interceptors, except that, if a grant for such interceptors has been approved prior to the date of enactment of the Municipal Wastewater Treatment Construction Grant Amendments of 1981, such interceptors shall be funded based on the approved reserve capacity not to exceed 40 years.

[204(c) added by PL 97-117]

FWPC Sec. 204(d)

"(d) "(1) A grant for the construction of treatment works under this title shall provide that the engineer or engineering firm supervising construction or providing architect engineering services during construction shall continue its relationship to the grant applicant for a period of one year after the completion of construction and initial operation of such treatment works. During such period such engineer or engineering firm shall supervise operation of the treatment works, train operating personnel, and prepare curricula and training material for operating personnel. Costs associated with the implementation of this paragraph shall be eligible for Federal assistance in accordance with this title.

FWPC Sec. 204(d)(2)

"(2) On the date one year after the completion of construction and initial operation of such treatment works, the owner and operator of such treatment works shall certify to the Administrator whether or not such treatment works meet the design specifications and effluent limitations contained in the grant agreement and permit pursuant to section 402 of the Act for such works. If the owner and operator of such treatment works cannot certify that such treatment works meet such design specifications and effluent limitations, any failure to meet such design specifications and effluent limitations shall be corrected in a timely manner, to allow such affirmative certification, at other than Federal expense.

FWPC Sec. 204(d)(3)

"(3) Nothing in this section shall be construed to prohibit a grantee under this title from requiring more assurances, guarantees, or indemnity or other contractual requirements from any party to a contract pertaining to a project assisted under this title, than those provided under this subsection.

[204(d) added by PL 97-117]

Sec. 205 [33 USC 1285] Allotment

FWPC Sec. 205(a)

"(a) Sums authorized to be appropriated pursuant to section 207 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 the date of enactment of the Federal Water Pollution Control Act amendments of 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 the 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 516(b) of this Act and only after such revised cost estimate shall have been approved by law specifically enacted hereafter.

FWPC Sec. 205(b)

"(b) "(1) Any sums allotted to a State under subsection (a) shall be available for obligation under section 203 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 amount 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 title during any fiscal year.

FWPC Sec. 205(b)(2)

"(2) Any sums which have been obligated under section 203 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.

FWPC Sec. 205(c)

"(c) "(1) Sums authorized to be appropriated pursuant to section 207 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 the date of enactment of the Clean Water Act of 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.

FWPC Sec. 205(c)(2)

"(2) Sums authorized to be appropriated pursuant to section 207 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 the date of enactment of the Municipal Wastewater Treatment Construction Grant Amendments of 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

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

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 .399996

[205(c)(2) added by PL 97-117; amended by PL 100-4]

FWPC Sec. 205(c)(3)

"(3) Fiscal years 1987-1990. Sums authorized to be appropriated pursuant to section 207 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 the date of the enactment of this paragraph. 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

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 .056936

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

[205(c)(3) added by PL 100-4]

FWPC Sec. 205(d)

"(d) 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 title during any fiscal year.

FWPC Sec. 205(e)

"(e) 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 on 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.

[205(e) amended by PL 97-117; PL 100-4]

FWPC Sec. 205(f)

"(f) Notwithstanding any other provision of this section, sums made available between January 1, 1975, and March 1, 1975, by the Administrator for obligation shall be available for obligation until September 30, 1978.

FWPC Sec. 205(g)

"(g) "(1) The Administrator is authorized to reserve each fiscal year not to exceed 2 percentum of the amount authorized under section 207 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 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.

[205(g)(1) amended by PL 96-483; PL 97-117; PL 100-4]

FWPC Sec. 205(g)(2)

"(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 201 , 203 , 204 , and 212 of this Act 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 402 or 404 , administering a statewide waste treatment management planning program under section 208(b)(4), and managing waste treatment construction grants for small communities.

FWPC Sec. 205(h)

"(h) 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 percent 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 of the sums allotted to any other State for which the Governor requests 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.

[205(h) amended by PL 100-4]

FWPC Sec. 205(i)

"(i) Set-Aside for Innovative and Alternative Projects. Not less than ½ 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 202(a)(2) of this Act. 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 for each of the fiscal years ending September 30, 1982, through September 30, 1990, shall be expended only for increasing grants for construction of treatment works pursuant to section 202(a)(2) of this Act. 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 7½ 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 202(a)(2) of this Act.

[205(i) amended by PL 97-117; PL 100-4]

FWPC Sec. 205(j)

"(j) "(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.

[205(j) added by PL 97-117]

FWPC Sec. 205(j)(2)

"(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

FWPC Sec. 205(j)(2)(A)

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

FWPC Sec. 205(j)(2)(B)

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

FWPC Sec. 205(j)(2)(C)

"(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

FWPC Sec. 205(j)(2)(D)

"(D) determining those publicly owned treatment works which should be constructed with assistance under this title, 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 303(e) of this Act.

FWPC Sec. 205(j)(3)

"(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 Act, the allocation to such organization may be less than 40 percent of such amount.

[205(j)(3) amended by PL 100-4]

FWPC Sec. 205(j)(4)

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

FWPC Sec. 205(j)(5)

"(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 319 of this Act . 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 title.

[205(j)(5) added by PL 100-4]

FWPC Sec. 205(k)

"(k) 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 Act.

[205(k) added by PL 97-117]

FWPC Sec. 205(l)

"(l) Marine Estuary Reservation.

FWPC Sec. 205(l)(1)

"(1) Reservation of Funds.

FWPC Sec. 205(l)(1)(A)

"(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 207 for each fiscal year beginning after September 30, 1986.

FWPC Sec. 205(l)(1)(B)

"(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 207 for such fiscal year.

FWPC Sec. 205(l)(1)(C)

"(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 207 for such fiscal year.

FWPC Sec. 205(l)(2)

"(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 320 of this Act , relating to the national estuary program.

FWPC Sec. 205(l)(3)

"(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.

FWPC Sec. 205(l)(4)

"(4) Treatment of Certain Body of Water. For purposes of this section and section 201(n), 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.

[205(l) added by PL 100-4]

FWPC Sec. 205(m)

"(m) Discretionary Deposits Into State Water Pollution Control Revolving Funds.

FWPC Sec. 205(m)(1)

"(1) From Construction Grant Allotments. In addition to any amounts deposited in a water pollution control revolving fund established by a State under title 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.

FWPC Sec. 205(m)(2)

"(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

FWPC Sec. 205(m)(2)(A)

"(A) in fiscal year 1987 only if no later than 90 days after the date of the enactment of this subsection, and

FWPC Sec. 205(m)(2)(B)

"(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.

FWPC Sec. 205(m)(3)

"(3) Exception. Sums reserved under section 205(j) of this Act shall not be available for obligation under this subsection.

[205(m) added by PL 100-4]

Sec. 206 [33 USC 1286] Reimbursement and Advanced Construction

FWPC Sec. 206(a)

"(a) 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 8 of this Act 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 8 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 8(f) of the Federal Water Pollution Control Act as in effect immediately prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 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.

FWPC Sec. 206(b)

"(b) 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 8 of this Act prior to the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 but which was constructed without assistance under such section 8 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.

FWPC Sec. 206(c)

"(c) No publicly owned treatment works shall receive any payment or reimbursement under subsection (a) or (b) of this section unless an application for such assistance is filed with the Administrator within the one year period which begins on the date of enactment of the Federal Water Pollution Control Act Amendments of 1972. Any application filed within such one year period may be revised from time to time, as may be necessary.

FWPC Sec. 206(d)

"(d) The Administrator shall allocate to each qualified project under subsection (a) of this section each fiscal year for which funds are appropriated under subsection (e) of this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such year bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of such appropriations. The Administrator shall allocate to each qualified project under subsection (b) of this section each fiscal year for which funds are appropriated under subsection (e) of this section an amount which bears the same ratio to the unpaid balance of the reimbursement due such project as the total of such funds for such years bears to the total unpaid balance of reimbursement due all such approved projects on the date of enactment of such appropriation.

FWPC Sec. 206(e)

"(e) There is authorized to be appropriated to carry out subsection (a) of this section not to exceed \$2,600,000,000 and to carry out subsection (b) of this section, not to exceed \$750,000,000. The authorizations contained in this subsection shall be the sole source of funds for reimbursements authorized by this section.

FWPC Sec. 206(f)

"(f) "(1) In any case where a substantial portion of the funds allotted to a State for the current fiscal

year under this title have been obligated under section 201(g), or will be so obligated in a timely manner (as determined by the Administrator), and there is construction of any treatment work project without the aid of Federal funds and in accordance with all procedures and all requirements applicable to treatment works projects, except those procedures and requirements which limit construction of projects to those constructed with the aid of previously allotted Federal funds, the Administrator, upon his approval of an application made under this subsection therefor, is authorized to pay the Federal share of the cost of construction of such project when additional funds are allotted to the State under this title if prior to the construction of the project the Administrator approves plans, specifications, and estimates therefore in the same manner as other treatment works projects. The Administrator may not approve an application under this subsection unless an authorization is in effect for the first fiscal year in the period for which the application requests payment and such requested payment for that fiscal year does not exceed the State's expected allotment from such authorization. The Administrator shall not be required to make such requested payment for any fiscal year

FWPC Sec. 206(f)(1)(A)

"(A) to the extent that such payment would exceed such State's allotment of the amount appropriated for such fiscal year; and

FWPC Sec. 206(f)(1)(B)

"(B) unless such payment is for a project which, on the basis of an approved funding priority list of such State, is eligible to receive such payment based on the allotment and appropriation for such fiscal year. To the extent that sufficient funds are not appropriated to pay the full Federal share with respect to a project for which obligations under the provisions of this subsection have been made, the Administrator shall reduce the Federal share to such amount less than 75 percentum as such appropriations do provide.

[206 (f)(1) amended by PL 96-483]

FWPC Sec. 206(f)(2)

"(2) In determining the allotment for any fiscal year under this title, any treatment works project constructed in accordance with this section and without the aid of Federal funds shall not be considered completed until an application under the provisions of this subsection with respect to such project has been approved by the Administrator, or the availability of funds from which this project is eligible for reimbursement has expired, whichever first occurs.

Sec. 207 [33 USC 1287] Authorization

"There is authorized to be appropriated to carry out this title, other than sections 206(e), 208 and 209 , for the fiscal year ending June 30, 1973, not to exceed \$5,000,000,000, for the fiscal year ending June 30, 1974, not to exceed \$6,000,000,000, and for the fiscal year ending June 30, 1975, not to exceed \$7,000,000,000, and, subject to such amounts as are provided in appropriation Acts, for the fiscal year ending September 30, 1977, \$1,000,000,000 for the fiscal year ending September 30, 1978, \$4,500,000,000 and for the fiscal years ending September 30, 1979, September 30, 1980, not to exceed \$5,000,000,000; for the fiscal year ending September 30, 1981, not to exceed \$2,548,837,000; and for the fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985, not to exceed \$2,400,000,000 per fiscal year; and for each of the

fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, not to exceed \$2,400,000,000; and for each of the fiscal years ending September 30, 1989, and September 30, 1990, not to exceed \$1,200,000,000.

[207 amended by PL 97-35; PL 97-117; PL 100-4]

Sec. 208 [33 USC 1288] Areawide Waste Treatment Management

FWPC Sec. 208(a)

"(a) For the purpose of encouraging and facilitating the development and implementation of area wide waste treatment management plans

FWPC Sec. 208(a)(1)

"(1) The Administrator, within ninety days after the date of enactment of this Act and after consultation with appropriate Federal, State, and local authorities, shall by regulation publish guidelines for the identification of those areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems.

FWPC Sec. 208(a)(2)

"(2) The Governor of each State, within sixty days after publication of the guidelines issued pursuant to paragraph (1) of this subsection, shall identify each area within the State which, as a result of urban-industrial concentrations or other factors, has substantial water quality control problems. Not later than one hundred and twenty days following such identification and after consultation with appropriate elected and other officials of local governments having jurisdiction in such areas, the Governor shall designate "(A) the boundaries of each such area, and "(B) a single representative organization, including elected officials from local governments or their designees, capable of developing effective area wide waste treatment management plans for such area. The Governor may in the same manner at any later time identify any additional area (or modify an existing area) for which he determines areawide waste treatment management to be appropriate, designate the boundaries of such area, and designate an organization capable of developing effective areawide waste treatment management plans for such area.

FWPC Sec. 208(a)(3)

"(3) With respect to any area which, pursuant to the guidelines published under paragraph (1) of this subsection, is located in two or more States, the Governors of the respective States shall consult and cooperate in carrying out the provisions of paragraph (2), with a view toward designating the boundaries of the interstate area having common water quality control problems and for which areawide waste treatment management plans would be most effective, and toward designating, within one hundred and eighty days after publication of guidelines issued pursuant to paragraph (1) of this subsection, of a single representative organization capable of developing effective areawide waste treatment management plans for such area.

FWPC Sec. 208(a)(4)

"(4) If a Governor does not act, either by designating or determining not to make a designation under paragraph (2) of this subsection, within the time required by such paragraph, or if, in the case of an interstate area, the Governors of the States involved do not designate a planning organization within

the time required by paragraph (3) of this subsection , the chief elected officials of local governments within an area may by agreement designate "(A) the boundaries for such an area, and "(B) a single representative organization including elected officials from such local governments, or their designees, capable of developing an areawide waste treatment management plan for such area.

FWPC Sec. 208(a)(5)

"(5) Existing regional agencies may be designated under paragraphs (2), (3), and (4) of this subsection.

FWPC Sec. 208(a)(6)

"(6) The State shall act as a planning agency for all portions of such State which are not designated under paragraphs (2), (3), or (4) of this subsection.

FWPC Sec. 208(a)(7)

"(7) Designations under this subsection shall be subject to the approval of the Administrator.

FWPC Sec. 208(b)

"(b) "(1) "(A) Not later than one year after the date of designation of any organization under subsection (a) of this section such organization shall have in operation a continuing areawide waste treatment management planning process consistent with section 201 of this Act . Plans prepared in accordance with this process shall contain alternatives for waste treatment management, and be applicable to all wastes generated within the area involved. The initial plan prepared in accordance with such process shall be certified by the Governor and submitted to the Administrator not later than two years after the planning process is in operation.

FWPC Sec. 208(b)(1)(B)

"(B) For any agency designated after 1975 under subsection (a) of this section and for all portions of a State for which the State is required to act as the planning agency in accordance with subsection (a)(6) , the initial plan prepared in accordance with such process shall be certified by the Governor and submitted to the Administrator not later than three years after the receipt of the initial grant award authorized under subsection (f) of this section.

FWPC Sec. 208(b)(2)

"(2) Any plan prepared under such process shall include, but not be limited to

FWPC Sec. 208(b)(2)(A)

"(A) the identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of the area over a twenty-year period, annually updated (including an analysis of alternative waste treatment systems), including any requirements for the acquisition of land for treatment purposes; the necessary waste water collection and urban storm water runoff systems; and a program to provide the necessary financial arrangements for the development of such treatment works, and an identification of open space and recreation opportunities that can be expected to result from improved water quality, including consideration of potential use of lands associated with treatment works and increased access to water-based recreation;

FWPC Sec. 208(b)(2)(B)

"(B) the establishment of construction priorities for such treatment works and time schedules for the initiation and completion of all treatment works;

FWPC Sec. 208(b)(2)(C)

"(C) the establishment of a regulatory program to

FWPC Sec. 208(b)(2)(C)(i)

"(i) implement the waste treatment management requirements of section 201(c),

FWPC Sec. 208(b)(2)(C)(ii)

"(ii) regulate the location, modification, and construction of any facilities within such area which may result in any discharge in such area, and

FWPC Sec. 208(b)(2)(C)(iii)

"(iii) assure that any industrial or commercial waste discharged into any treatment works in such area meet applicable pretreatment requirements;

FWPC Sec. 208(b)(2)(D)

"(D) the identification of those agencies necessary to construct, operate, and maintain all facilities required by the plan and otherwise to carry out the plan;

FWPC Sec. 208(b)(2)(E)

"(E) the identification of the measures necessary to carry out the plan (including financing), the period of time necessary to carry out the plan, the costs of carrying out the plan within such time, and the economic, social, and environmental impact of carrying out the plan within such time;

FWPC Sec. 208(b)(2)(F)

"(F) a process to "(i) identify, if appropriate, agriculturally and silviculturally related nonpoint sources of pollution, including return flows from irrigated agriculture, and their cumulative effects, runoff from manure disposal areas, and from land used for livestock and crop production, and "(ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

FWPC Sec. 208(b)(2)(G)

"(G) a process of "(i) identify, if appropriate, mine-related sources of pollution including new, current, and abandoned surface and underground mine runoff, and "(ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

FWPC Sec. 208(b)(2)(H)

"(H) a process to "(i) identify construction activity related sources of pollution, and "(ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;

FWPC Sec. 208(b)(2)(I)

"(I) a process to "(i) identify, if appropriate, salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, ground water extraction, and diversion, and "(ii) set forth procedures and methods to control such intrusion to the extent feasible where such procedures and methods are otherwise a part of the waste treatment management plan;

FWPC Sec. 208(b)(2)(J)

"(J) a process to control the disposition of all residual waste generated in such area which could affect water quality; and

FWPC Sec. 208(b)(2)(K)

"(K) a process to control the disposal of pollutants on land or in subsurface excavations within such area to protect ground and surface water quality.

FWPC Sec. 208(b)(3)

"(3) Areawide waste treatment management plans shall be certified annually by the Governor or his designee (or Governors or their designees, where more than one State is involved) as being consistent with applicable basin plans and such areawide waste treatment management plans shall be submitted to the Administrator for his approval.

FWPC Sec. 208(b)(4)

"(4) "(A) Whenever the Governor of any State determines (and notifies the Administrator) that consistency with a statewide regulatory program under section 303 so requires, the requirements of clauses (F) through (K) of paragraph (2) of this subsection shall be developed and submitted by the Governor to the Administrator for approval for application to a class or category of activity throughout each State.

FWPC Sec. 208(b)(4)(B)

"(B) Any program submitted under subparagraph (A) of this paragraph which, in whole or in part, is to control the discharge or other placement of dredged or fill material into the navigable waters shall include the following:

FWPC Sec. 208(b)(4)(B)(i)

"(i) A consultation process which includes the State agency with primary jurisdiction over fish and wildlife resources.

FWPC Sec. 208(b)(4)(B)(ii)

"(ii) A process to identify and manage the discharge or other placement of dredged or fill material which adversely affects navigable waters, which shall complement and be coordinated with a State program under section 404 conducted pursuant to this Act.

FWPC Sec. 208(b)(4)(B)(iii)

"(iii) A process to assure that any activity conducted pursuant to a best management practice will comply with the guidelines established under section 404(b)(1), and sections 307 and 403 of this Act

FWPC Sec. 208(b)(4)(B)(iv)

"(iv) A process to assure that any activity conducted pursuant to a best management practice can be terminated or modified for cause including, but not limited to, the following:

FWPC Sec. 208(b)(4)(B)(iv)(I)

"(I) violation of any condition of the best management practice;

FWPC Sec. 208(b)(4)(B)(iv)(II)

"(II) change in any activity that requires either a temporary or permanent reduction or elimination of the discharge pursuant to the best management practice.

FWPC Sec. 208(b)(4)(B)(v)

"(v) A process to assure continued coordination with Federal and Federal-State water-related planning and reviewing processes, including the National Wetlands Inventory.

FWPC Sec. 208(b)(4)(C)

"(C) If the Governor of a State obtains approval from the Administrator of a statewide regulatory program which meets the requirements of subparagraph (B) of this paragraph and if such State is administering a permit program under section 404 of this Act, no person shall be required to obtain an individual permit pursuant to such section, or to comply with a general permit issued pursuant to such section, with respect to any appropriate activity within such State for which a best management practice has been approved by the Administrator under the program approved by the Administrator pursuant to this paragraph.

FWPC Sec. 208(b)(4)(D)

"(D) "(i) Whenever the Administrator determines after public hearing that a State is not administering a program approved under this section in accordance with the requirements of this section, the Administrator shall so notify the State, and if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such program. The Administrator shall not withdraw approval of any such program unless he shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

FWPC Sec. 208(b)(4)(D)(ii)

"(ii) In the case of a State with a program submitted and approved under this paragraph, the Administrator shall withdraw approval of such program under this subparagraph only for a substantial failure of the State to administer its program in accordance with the requirements of this paragraph.

FWPC Sec. 208(c)

"(c) "(1) The Governor of each State, in consultation with the planning agency designated under

subsection (a) of this section, at the time a plan is submitted to the Administrator, shall designate one or more waste treatment management agencies (which may be an existing or newly created local, regional or State agency or potential subdivision) for each area designated under subsection (a) of this section and submit such designations to the Administrator.

FWPC Sec. 208(c)(2)

"(2) The Administrator shall accept any such designation, unless, within 120 days of such designation, he finds that the designated management agency (or agencies) does not have adequate authority

FWPC Sec. 208(c)(2)(A)

"(A) to carry out appropriate portions of an areawide waste treatment management plan developed under subsection (b) of this section;

FWPC Sec. 208(c)(2)(B)

"(B) to manage effectively waste treatment works and related facilities serving such area in conformance with any plan required by subsection (b) of this section;

FWPC Sec. 208(c)(2)(C)

"(C) directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to subsection (b) of this section;

FWPC Sec. 208(c)(2)(D)

"(D) to accept and utilize grants, or other funds from any source, for waste treatment management purposes;

FWPC Sec. 208(c)(2)(E)

"(E) to raise revenues, including the assessment of waste treatment charges;

FWPC Sec. 208(c)(2)(F)

"(F) to incur short- and long-term indebtedness;

FWPC Sec. 208(c)(2)(G)

"(G) to assure in implementation of an areawide waste treatment management plan that each participating community pays its proportionate share of treatment costs;

FWPC Sec. 208(c)(2)(H)

"(H) to refuse to receive any wastes from any municipality or subdivision thereof, which does not comply with any provisions of an approved plan under this section applicable to such area; and

FWPC Sec. 208(c)(2)(I)

"(I) to accept for treatment industrial wastes.

FWPC Sec. 208(d)

"(d) After a waste treatment management agency having the authority required by subsection (c) has been designated under such subsection for an area and a plan for such area has been approved under subsection (b) of this section , the Administrator shall not make any grant for construction of a publicly owned treatment works under section 201(g)(1) within such area except to such designated agency and for works in conformity with such plan.

FWPC Sec. 208(e)

"(e) No permit under section 402 of this Act shall be issued for any point source which is in conflict with a plan approved pursuant to subsection (b) of this section.

FWPC Sec. 208(f)

"(f) "(1) The Administrator shall make grants to any agency designated under subsection (a) of this section for payment of the reasonable costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

FWPC Sec. 208(f)(2)

"(2) For the two-year period beginning on the date the first grant is made under paragraph (1) of this subsection to an agency, if such first grant is made before October 1, 1977, the amount of each such grant to such agency shall be 100 per centum of the costs of developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section, and thereafter the amount granted to such agency shall not exceed 75 per centum of such costs in each succeeding one-year period. In the case of any other grant made to an agency under such paragraph (1) of this subsection, the amount of such grant shall not exceed 75 per centum of the costs of developing and operating a continuing areawide waste treatment management planning process in any year.

FWPC Sec. 208(f)(3)

"(3) Each applicant for a grant under this subsection shall submit to the Administrator for his approval each proposal for which a grant is applied for under this subsection. The Administrator shall act upon such proposal as soon as practicable after it has been submitted, and his approval of that proposal shall be deemed a contractual obligation of the United States for the payment of its contribution to such proposal, subject to such amounts as are provided in appropriation Acts. There is authorized to be appropriated to carry out this subsection not to exceed \$50,000,000 for the fiscal year ending June 30, 1973, not to exceed \$100,000,000 for the fiscal year ending June 30, 1974, not to exceed \$150,000,000 per fiscal year for the fiscal years ending June 30, 1975, September 30, 1977, September 30, 1978, September 30, 1979, and September 30, 1980, not to exceed \$100,000,000 per fiscal year for the fiscal years ending September 30, 1981, and September 30, 1982, and such sums as may be necessary for fiscal years 1983 through 1990.

[208(f)(3) amended by PL 96-483; PL 100-4]

FWPC Sec. 208(g)

"(g) The Administrator is authorized, upon request of the Governor or the designated planning agency, and without reimbursement, to consult with, and provide technical assistance to, any agency

designated under subsection (a) of this section in the development of areawide waste treatment management plans under subsection (b) of this section.

FWPC Sec. 208(h)

"(h) "(1) The Secretary of the Army, acting through the Chief of Engineers, in cooperation with the Administrator is authorized and directed, upon request of the Governor or the designated planning organization, to consult with, and provide technical assistance to, any agency designated under subsection (a) of this section in developing and operating a continuing areawide waste treatment management planning process under subsection (b) of this section.

FWPC Sec. 208(h)(2)

"(2) There is authorized to be appropriated to the Secretary of the Army, to carry out this subsection, not to exceed \$50,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974.

FWPC Sec. 208(i)

"(i) "(1) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall, upon request of the Governor of a State, and without reimbursement, provide technical assistance to such State in developing a statewide program for submission to the Administrator under subsection (b)(4)(B) of this section and in implementing such program after its approval.

FWPC Sec. 208(i)(2)

"(2) There is authorized to be appropriated to the Secretary of the Interior \$6,000,000 to complete the National Wetlands Inventory of the United States, by December 31, 1981, and to provide information from such Inventory to States as it becomes available to assist such States in the development and operation of programs under this Act.

FWPC Sec. 208(j)

"(j) "(1) The Secretary of Agriculture, with the concurrence of the Administrator, and acting through the Soil Conservation Service and such other agencies of the Department of Agriculture as the Secretary may designate, is authorized and directed to establish and administer a program to enter into contracts of not less than five years nor more than ten years with owners and operators having control of rural land for the purpose of installing and maintaining measures incorporating best management practices to control nonpoint source pollution for improved water quality in those States or areas for which the Administrator has approved a plan under subsection (b) of this section where the practices to which the contracts apply are certified by the management agency designated under subsection (c)(1) of this section to be consistent with such plans and will result in improved water quality. Such contracts may be entered into during the period ending not later than September 31, 1988. Under such contracts the land owner or operator shall agree

FWPC Sec. 208(j)(1)(i)

"(i) to effectuate a plan approved by a soil conservation district, where one exists, under this section for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary;

FWPC Sec. 208(j)(1)(ii)

"(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments and grants received thereunder, with interest, upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil conservation district where one exists, and the Administrator, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

FWPC Sec. 208(j)(1)(iii)

"(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder, with interest, unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

FWPC Sec. 208(j)(1)(iv)

"(iv) not to adopt any practice specified by the Secretary on the advice of the Administrator in the contract as a practice which would tend to defeat the purposes of the contract;

FWPC Sec. 208(j)(1)(v)

"(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

FWPC Sec. 208(j)(2)

"(2) In return for such agreement by the landowner or operator the Secretary shall agree to provide technical assistance and share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest and which are approved for cost sharing by the agency designated to implement the plan developed under subsection (b) of this section. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the installation of the water quality management practices and measures under the contract, but not to exceed 50 per centum of the total cost of the measures set forth in the contract; except the Secretary may increase the matching cost share where he determines that "(1) the main benefits to be derived from the measures are related to improving off-site water quality, and "(2) the matching share requirement would place a burden on the landowner which would probably prevent him from participating in the program.

FWPC Sec. 208(j)(3)

"(3) The Secretary may terminate any contract with a landowner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other conservation, land use, or water

quality programs.

FWPC Sec. 208(j)(4)

"(4) In providing assistance under this subsection the Secretary will give priority to those areas and sources that have the most significant effect upon water quality. Additional investigations or plans may be made, where necessary, to supplement approved water quality management plans, in order to determine priorities.

FWPC Sec. 208(j)(5)

"(5) The Secretary shall, where practicable, enter into agreements with soil conservation districts, State soil and water conservation agencies, or State water quality agencies to administer all or part of the program established in this subsection under regulations developed by the Secretary. Such agreements shall provide for the submission of such reports as the Secretary deems necessary, and for payment by the United States of such portion of the costs incurred in the administration of the program as the Secretary may deem appropriate.

FWPC Sec. 208(j)(6)

"(6) The contracts under this subsection shall be entered into only in areas where the management agency designated under subsection (c)(1) of this section assures an adequate level of participation by owners and operators having control of rural land in such areas. Within such areas the local soil conservation district, where one exists, together with the Secretary of Agriculture, will determine the priority of assistance among individual landowners and operators to assure that the most critical water quality problems are addressed.

FWPC Sec. 208(j)(7)

"(7) The Secretary, in consultation with the Administrator and subject to section 304(k) of this Act, shall, not later than September 30, 1978, promulgate regulations for carrying out this subsection and for support and cooperation with other Federal and non-Federal agencies for implementation of this subsection.

FWPC Sec. 208(j)(8)

"(8) This program shall not be used to authorize or finance projects that would otherwise be eligible for assistance under the terms of Public Law 83-566.

FWPC Sec. 208(j)(9)

"(9) There are hereby authorized to be appropriated to the Secretary of Agriculture \$200,000,000 for fiscal year 1979, \$400,000,000 for fiscal year 1980, \$100,000,000 for fiscal year 1981, \$100,000,000 for fiscal year 1982, and such sums as may be necessary for fiscal years 1983 through 1990, to carry out this subsection. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other public law.

[208(j)(9) amended by PL 96-483; PL 100-4]

Sec. 209 [33 USC 1289] Basin Planning

FWPC Sec. 209(a)

"(a) The President, acting through the Water Resources Council, shall, as soon as practicable, prepare a Level B plan under the Water Resources Planning Act for all basins in the United States. All such plans shall be completed not later than January 1, 1980, except that priority in the preparation of such plans shall be given to those basins and portions thereof which are within those areas designated under paragraphs (2), (3), and (4) of subsection (a) of section 208 of this Act.

FWPC Sec. 209(b)

"(b) The President, acting through the Water Resources Council, shall report annually to Congress on progress being made in carrying out this section. The first such report shall be submitted not later than January 31, 1973.

FWPC Sec. 209(c)

"(c) There is authorized to be appropriated to carry out this section not to exceed \$200,000,000.

Sec. 210 [33 USC 1290] Annual Survey

"The Administrator shall annually make a survey to determine the efficiency of the operation and maintenance of treatment works constructed with grants made under this Act, as compared to the efficiency planned at the time the grant was made. The results of such annual survey shall be included in the report required under section 516(a) of this Act.

Sec. 211 [33 USC 1291] Sewage Collection Systems

FWPC Sec. 211(a)

"(a) No grant shall be made for a sewage collection system under this title unless such grant "(1) is for replacement or major rehabilitation of an existing collection system and is necessary to the total integrity and performance of the waste treatment works servicing such community, or "(2) is for a new collection system in an existing community with sufficient existing or planned capacity adequately to treat such collected sewage and is consistent with section 201 of this Act.

FWPC Sec. 211(b)

"(b) If the Administrator uses population density as a test for determining the eligibility of a collector sewer for assistance it shall be only for the purpose of evaluating alternatives and determining the needs for such system in relation to ground or surface water quality impact.

FWPC Sec. 211(c)

"(c) No grant shall be made under this title from funds authorized for any fiscal year during the period beginning October 1, 1977, and ending September 30, 1990, for treatment works for control of pollutant discharges from separate storm sewer systems.

[211(c) amended by PL 97-117; PL 100-4]

Sec. 212 [33 USC 1292] Definitions

"As used in this title

FWPC Sec. 212(1)

"(1) The term "construction" means any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, field testing of innovative or alternative waste water treatment processes and techniques meeting guidelines promulgated under section 304(d)(3) of this Act , or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items.

[212(1) amended by PL 97-117]

FWPC Sec. 212(2)

"(2) "(A) The term "treatment works" means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of this act , or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, out-fall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process (including land use for the storage of treated wastewater in land treatment systems prior to land application) or is used for ultimate disposal of residues resulting from such treatment.

FWPC Sec. 212(2)(B)

"(B) In addition to the definition contained in subparagraph (A) of this paragraph , treatment works" means any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including 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 301 or 302 of this act , or the requirements of section 201 of this act .

FWPC Sec. 212(2)(C)

"(C) For the purposes of subparagraph (B) of this paragraph, the Administrator shall, within one hundred and eighty days after the date of enactment of this title, 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.

FWPC Sec. 212(3)

"(3) The term "replacement" as used in this title 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.

Sec. 213 [33 USC 1293] Loan Guarantees for Construction of Treatment Works

FWPC Sec. 213(a)

"(a) 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 title, 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 title (other than this section), which project the Administrator has determined to be eligible for such financial assistance under this title, including, but not limited to, projects eligible for reimbursement under section 206 of this title .

FWPC Sec. 213(b)

"(b) No guarantee, or commitment to make a guarantee, may be made pursuant to this section

FWPC Sec. 213(b)(1)

"(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

FWPC Sec. 213(b)(2)

"(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.

FWPC Sec. 213(c)

"(c) 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.

FWPC Sec. 213(d)

"(d) 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 206 of this act .

[213(d) amended by PL 96-483]

Sec. 214 [33 USC 1294] Public Information

"The Administrator shall develop and operate within one year of the date of enactment of this section, 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.

Sec. 215 [33 USC 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 title 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 factor 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, material, 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.

Sec. 216 [33 USC 1296] Determination of Priority

"Notwithstanding any other provision of this Act, 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 Act, 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 title 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 otherwise eligible for funding in that fiscal year. It is the policy of Congress that projects for wastewater treatment and management undertaken with Federal financial assistance under this Act by any State, municipality, or intermunicipal or interstate agency shall be projects which, in the estimation of the State, are designed to achieve optimum water quality management, consistent with the public health and water quality goals and requirements of the Act.

[216 amended by PL 97-117]

Sec. 217 [33 USC 1297] Cost-Effectiveness Guidelines

"Any guidelines for cost-effectiveness analysis published by the Administrator under this title shall provide for the identification and selection of cost effective alternatives to comply with the objective and goals of this Act and sections 201(b), 201(d), 201(g)(2)(A) , and 301(b)(2)(B) of this Act.

Sec. 218 [33 USC 1298] Cost-Effectiveness

FWPC Sec. 218(a)

"(a) It is the policy of Congress that a project for waste treatment and management undertaken with Federal financial assistance under this Act by any State, municipality, or intermunicipal or interstate agency shall be considered as an overall waste treatment system for waste treatment and management, and shall be that system which constitutes the most economical and cost-effective combination of devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of this Act , or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, out-fall sewers, sewage collection systems, pumping power, and other equipment, and their appurtenances; extension, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process (including land use for the storage of treated wastewater in land treatment systems prior to land application) or which is used for ultimate disposal of residues resulting from such treatment; water efficiency measures and devices; and any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems; to meet the requirements of this Act.

FWPC Sec. 218(b)

"(b) In accordance with the policy set forth in subsection (a) of this section, before the Administrator approves any grant to any State, municipality, or inter municipal or interstate agency for the erection, building, acquisition, alteration, remodeling, improvement, or extension of any treatment works the Administrator shall determine that the facilities plan of which such treatment works are a part constitutes the most economical and cost- effective combination of treatment works over the life of the project to meet the requirements of this Act, including, but not limited to, consideration of construction costs, operation, maintenance, and replacement costs.

FWPC Sec. 218(c)

"(c) In furtherance of the policy set forth in subsection (a) of this section, the Administrator shall require value engineering review in connection with any treatment works, prior to approval of any grant for the erection, building, acquisition, alteration, remodeling, improvement, or extension of such treatment works, in any case in which the cost of such erection, building, acquisition, alteration, remodeling, improvement, or extension is projected to be in excess of \$10,000,000. For purposes of this subsection, the term "value engineering review" means a specialized cost control technique which uses a systematic and creative approach to identify and to focus on unnecessarily high cost in a project in order to arrive at a cost saving without sacrificing the reliability or efficiency of the project.

FWPC Sec. 218(d)

"(d) This section applies to projects for waste treatment and management for which no treatment works including a facilities plan for such project have received Federal financial assistance for the preparation of construction plans and specifications under this Act before the date of enactment of this section.

[218 added by PL 97-117]

Sec. 219 [33 USC 1299] State Certification of Projects

"Whenever the Governor of a State which has been delegated sufficient authority to administer the construction grant program under this title in that State certifies to the Administrator that a grant application meets applicable requirements of Federal and State law for assistance under this title, the Administrator shall approve or disapprove such application within 45 days of the date of receipt of such application. If the Administrator does not approve or disapprove such application within 45 days of receipt, the application shall be deemed approved. If the Administrator disapproves such application the Administrator shall state in writing the reasons for such disapproval. Any grant approved or deemed approved under this section shall be subject to amounts provided in appropriation Acts.

[219 added by PL 97-117]