

103^D CONGRESS
1ST SESSION

S. 1199

To amend the Federal Water Pollution Control Act to provide for coastal protection, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 1 (legislative day, JUNE 30), 1993

Mr. MITCHELL (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to provide for coastal protection, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Coastal Protection Act of 1993”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Findings.
- Sec. 3. Policy.
- Sec. 4. Coastal environment toxics release assessment.

- Sec. 5. National estuary program.
- Sec. 6. Priority marine waters.
- Sec. 7. National marine water quality education program.
- Sec. 8. Marine sanitation devices.
- Sec. 9. Marine water quality criteria and standards.
- Sec. 10. Ocean discharge criteria.
- Sec. 11. Combined sewer overflow control assistance.
- Sec. 12. Definitions.
- Sec. 13. Federal agency responsibilities.
- Sec. 14. Reports and studies.

1 (c) REFERENCES TO THE FEDERAL WATER POLLU-
2 TION CONTROL ACT.—Whenever in this Act an amend-
3 ment or repeal is expressed in terms of an amendment
4 to, or repeal of, a section or other provision, the reference
5 shall be considered to be made to a section or other provi-
6 sion of the Federal Water Pollution Control Act (33
7 U.S.C. 1251 et seq.), except to the extent otherwise spe-
8 cifically provided.

9 **SEC. 2. FINDINGS.**

10 Congress finds that—

11 (1) the marine and coastal waters of the United
12 States have substantial and direct importance to a
13 large segment of the population of the United
14 States;

15 (2) the marine and coastal waters, including es-
16 tuaries, are vital and productive natural ecosystems;

17 (3) the marine and near coastal waters support
18 commercial and recreational fisheries with an annual
19 value estimated at over \$12,000,000,000 per year;

1 (4) the marine and coastal waters support ex-
2 tensive recreational activities and related support
3 services;

4 (5) the maintenance and protection of the envi-
5 ronmental quality of the marine and coastal waters
6 of the United States is essential to the commercial
7 and recreational activities the waters support;

8 (6) a report by the Office of Technology Assess-
9 ment of Congress found that the overall health of es-
10 tuaries and coastal waters is declining or threatened;

11 (7) recent studies and reports provide evidence
12 that many areas of the marine environment have
13 been degraded or are threatened by sources of pollu-
14 tion, including industrial and municipal waste dis-
15 posal, urban and agricultural runoff, inadequately
16 controlled development, and habitat destruction;

17 (8) studies by the National Oceanic and Atmos-
18 pheric Administration and the Environmental Pro-
19 tection Agency have identified unexpectedly high lev-
20 els of contaminants in a number of coastal areas;

21 (9) the National Estuary Program is success-
22 fully addressing water pollution problems in high
23 priority coastal areas and the program should be ex-
24 panded and strengthened;

1 (10) there is a need to better identify impaired
2 coastal waters and to expand and improve programs
3 for the control of point and nonpoint sources of pol-
4 lution to these waters;

5 (11) ocean discharge criteria need to be used
6 more effectively in issuing permits for discharges to
7 impaired coastal waters;

8 (12) discharges of sewage from vessels can im-
9 pair coastal waters, and controls over the discharges
10 should be improved;

11 (13) there is a need to expand and expedite the
12 process of developing water quality criteria that set
13 enforceable water quality standards for coastal wa-
14 ters; and

15 (14) overflows from combined storm and sani-
16 tary sewers pose a significant threat to water qual-
17 ity, and the Federal Government should provide ad-
18 ditional financial assistance to communities seeking
19 to correct overflow problems.

20 **SEC. 3. POLICY.**

21 It is the policy of the United States to restore, main-
22 tain, and protect the integrity of the marine environment
23 to ensure that the ecological, commercial, and recreational
24 values of these resources are not impaired by pollution.

1 **SEC. 4. COASTAL ENVIRONMENT TOXICS RELEASE ASSESS-**
2 **MENT.**

3 Title III (33 U.S.C. 1311 et seq.) is amended by add-
4 ing at the end the following new section:

5 **“SEC. 321. COASTAL ENVIRONMENT TOXICS RELEASE**
6 **STRATEGY.**

7 “(a) COASTAL ENVIRONMENT TOXICS RELEASE
8 STRATEGY.—Not later than 1 year after the date of enact-
9 ment of this section, the Administrator shall prepare and
10 submit to Congress a coastal environment toxics release
11 strategy (referred to in this section as the ‘strategy’). The
12 strategy shall include a plan developed by the Adminis-
13 trator for using the information from toxic chemical re-
14 lease forms and reports prepared pursuant to section 313
15 of the Emergency Planning and Community Right-To-
16 Know Act of 1986 (42 U.S.C. 11023) to improve pro-
17 grams of the Environmental Protection Agency concerning
18 the coastal environment.

19 “(b) ASSESSMENT.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this section, and annually
22 thereafter, the Administrator shall prepare an as-
23 sessment of the extent and environmental effect of
24 discharges by industrial categories that discharge
25 into marine waters, or to publicly owned treatment
26 works that discharge into marine waters (or both),

1 and that are required to report the discharges pur-
2 suant to the requirements for reporting releases of
3 toxic chemicals under section 313 of the Emergency
4 Planning and Community Right-To-Know Act of
5 1986 (42 U.S.C. 11023).

6 “(2) IDENTIFICATION OF CATEGORIES AND
7 AREAS.—The assessment shall identify the relative
8 contribution of pollutants from industrial categories
9 and the geographical areas that receive the greatest
10 quantities of the discharges.

11 “(3) INCLUSION IN REPORTS.—The assessment
12 prepared under this subsection may be included in
13 a report published pursuant to section 313 of the
14 Emergency Planning and Community Right-To-
15 Know Act of 1986 (42 U.S.C. 11023).

16 “(c) USE OF INFORMATION.—The Administrator
17 shall use information in the assessment prepared under
18 subsection (b) to—

19 “(1) verify information included in permits is-
20 sued by the Administrator or by a State authorized
21 to issue permits under section 402;

22 “(2) improve programs for the control of toxic
23 pollutants;

24 “(3) identify other water quality programs (in-
25 cluding programs established pursuant to sections

1 301, 303, 304, 306, and 307) and adopt measures
2 to ensure that data concerning the discharge of toxic
3 pollutants is incorporated into the programs;

4 “(4) identify pollutants for which water quality
5 criteria have not been published; and

6 “(5) target compliance and enforcement ac-
7 tions.”.

8 **SEC. 5. NATIONAL ESTUARY PROGRAM.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
10 320(i) (33 U.S.C. 1330(i)) is amended—

11 (1) by striking “, and 1991” and inserting
12 “1991, 1992, and 1993 and \$25,000,000 for each of
13 fiscal years 1994 through 2000”; and

14 (2) by striking the last sentence.

15 (b) PRIORITY MARINE WATERS.—Section
16 320(a)(2)(A) (33 U.S.C. 1330(a)(2)(A)) is amended by
17 adding at the end the following new sentence: “Beginning
18 on the date that is 1 year after the date of enactment
19 of this sentence, the Administrator may not convene a
20 management conference pursuant to this section for any
21 estuary that is not listed as a priority marine water under
22 section 304(n).”.

23 (c) FINANCIAL PLAN.—Section 320(b)(5) (33 U.S.C.
24 1330(b)(5)) is amended by inserting before the semicolon
25 the following: “, including a detailed financial plan indicat-

1 ing the anticipated Federal, State, and local funds needed
2 to implement identified corrective actions”.

3 (d) RESEARCH.—Subsection (j) of section 320 (33
4 U.S.C. 1330(j)) is amended to read as follows:

5 “(j) RESEARCH.—

6 “(1) RESEARCH PROGRAM.—The Administrator
7 shall implement a coordinated program of research
8 and monitoring to support the assessment of each
9 estuary for which a management conference is con-
10 vened pursuant to this section.

11 “(2) CONTENT OF PROGRAM.—The research
12 program implemented under this subsection shall in-
13 clude—

14 “(A) a comprehensive program of water
15 and sediment quality monitoring to determine—

16 “(i) variations in pollutant concentra-
17 tions, marine ecology, and other physical
18 or biological environmental parameters
19 that may affect the estuary; and

20 “(ii) the potential and actual effects
21 of alternative management strategies and
22 measures;

23 “(B) a program of ecosystem assessment
24 to assist in the development of—

1 “(i) baseline studies to determine the
2 biological conditions in the estuary and the
3 effects of natural and anthropogenic
4 changes; and

5 “(ii) predictive models that are capa-
6 ble of translating information concerning
7 specific discharges or general pollutant
8 loadings within the estuary into a set of
9 probable effects on biological conditions in
10 the waters of the estuary;

11 “(C) a program of research to identify the
12 movements of nutrients, sediments, and pollut-
13 ants through the estuary and the impact of nu-
14 trients, sediments, and pollutants on water
15 quality and designated or potential uses of the
16 waters of the estuary; and

17 “(D) a program of research to determine
18 the water quality and habitat requirements nec-
19 essary for the attainment and maintenance of
20 designated uses and the continued viability and
21 enhancement of living resources.

22 “(3) COOPERATIVE ACTIVITY.—In implement-
23 ing the research program under this subsection, the
24 Administrator shall cooperate with each affected
25 management conference and State, and the heads of

1 appropriate Federal agencies, including the Under
2 Secretary and the Director of the United States
3 Fish and Wildlife Service.”.

4 (e) REPORT TO CONGRESS.—Section 320 (33 U.S.C.
5 1330) is amended—

6 (1) by redesignating subsection (k) as sub-
7 section (l); and

8 (2) by inserting after subsection (j) the follow-
9 ing new subsection:

10 “(k) REPORTS.—

11 “(1) IN GENERAL.—Not later than 18 months
12 after the date of enactment of this paragraph, and
13 biennially thereafter, the Administrator shall submit
14 to Congress a comprehensive report concerning the
15 activities authorized under this section. The report
16 shall include—

17 “(A) a list of estuaries considered for ac-
18 tion pursuant to this section;

19 “(B) a list and description of the estuaries
20 considered and selected for management con-
21 ferences pursuant to this section;

22 “(C) an evaluation of the research, mon-
23 itoring, and pollution abatement measures im-
24 plemented pursuant to this section;

1 “(D) an assessment and description of
2 each management conference in progress at the
3 time of submission of the report; and

4 “(E) a report on the implementation of
5 conservation and management plans for the es-
6 tuaries.

7 “(2) PRIORITY MARINE WATERS.—The Admin-
8 istrator shall include in each report prepared under
9 this subsection—

10 “(A) a list of the waters listed as priority
11 marine waters under section 304(n);

12 “(B) a description of the measures taken
13 to restore the quality of the waters; and

14 “(C) recommendations concerning addi-
15 tional protective measures for priority marine
16 waters.”.

17 (f) GRANTS.—Section 320(g) (33 U.S.C. 1330(g)) is
18 amended by striking paragraphs (2) through (3) and in-
19 serting the following new paragraphs:

20 “(2) PURPOSES.—A grant awarded under this
21 section may be used to—

22 “(A) support an initial 5-year management
23 conference and the development of a conserva-
24 tion and management plan under this section;
25 and

1 “(B) maintain the operation of the man-
2 agement conference after receiving approval by
3 the Administrator of a conservation and man-
4 agement plan pursuant to subsection (f), and
5 oversee the implementation of the conservation
6 and management plan.

7 “(3) DEVELOPMENT OF CONSERVATION AND
8 MANAGEMENT PLANS.—

9 “(A) IN GENERAL.—The Federal share of
10 a grant awarded under paragraph (2)(A) for a
11 fiscal year shall be—

12 “(i) in an amount not to exceed 75
13 percent of the annual cost of the manage-
14 ment conference referred to in paragraph
15 (2)(A); and

16 “(ii) awarded on the condition that
17 the non-Federal share of the cost of the
18 management conference shall be paid from
19 non-Federal sources.

20 “(B) DURATION.—A person referred to in
21 paragraph (1) (including a State, interstate, or
22 regional agency or entity) may be awarded a
23 grant under paragraph (2)(A) for a period of
24 not to exceed 5 fiscal years.

1 “(4) GRANTS TO MAINTAIN OPERATION OF
2 MANAGEMENT CONFERENCE.—

3 “(A) PROHIBITION.—If, in the judgment
4 of the Administrator, a person referred to in
5 paragraph (1) (including a State, interstate, or
6 regional agency or entity) has—

7 “(i) not received approval by the Ad-
8 ministrator for a conservation and man-
9 agement plan pursuant to subsection (f);
10 or

11 “(ii) failed substantially to implement
12 a conservation and management plan that
13 has been approved pursuant to subsection
14 (f),
15 the Administrator may not award a grant to
16 the person under paragraph (2)(B).

17 “(B) FEDERAL SHARE.—The Federal
18 share of a grant awarded under paragraph
19 (2)(B) for a fiscal year shall be—

20 “(i) in an amount not to exceed 50
21 percent of the annual costs of the manage-
22 ment conference; and

23 “(ii) awarded on the condition that
24 the non-Federal share of the cost of the

1 management conference shall be paid from
2 non-Federal sources.

3 “(C) LIMITATION.—The amount of a grant
4 awarded under paragraph (2)(B) for any fiscal
5 year may not exceed an amount equal to 30
6 percent of the average annual amount of any
7 grants received by the person under paragraph
8 (2)(A).

9 “(5) REPORT TO THE ADMINISTRATOR.—Each
10 person who receives a grant under this subsection
11 shall be required, as a condition of receiving the
12 grant, to submit a report to the Administrator, not
13 later than 18 months after receipt of the grant
14 award, describing the progress of the grant recipient
15 in carrying out the purposes of the grant.”.

16 **SEC. 6. PRIORITY MARINE WATERS.**

17 Section 304 (33 U.S.C. 1314) is amended by adding
18 at the end the following new subsection:

19 “(n) PRIORITY MARINE WATERS.—

20 “(1) IN GENERAL.—The Administrator shall,
21 not later than 1 year after the date of enactment of
22 this subsection, and biennially thereafter, identify
23 and list, pursuant to this subsection, each marine
24 water that—

1 “(A) does not support the protection and
2 propagation of a balanced, indigenous popu-
3 lation of shellfish, fish, and wildlife, and allow
4 for recreational activities in and on the water;
5 or

6 “(B) in the judgment of the Administrator,
7 is not likely to have the capability of ensuring
8 the future protection of a balanced, indigenous
9 population of shellfish, fish, and wildlife and
10 allow for recreational activities in and on the
11 water.

12 “(2) SELECTION.—In selecting a marine water
13 pursuant to paragraph (1), the Administrator shall
14 consider—

15 “(A) water quality impairment, including
16 information provided in the national toxic
17 chemical inventory established pursuant to sec-
18 tion 313(j) of the Emergency Planning and
19 Community Right-To-Know Act of 1986 (42
20 U.S.C. 11023(j));

21 “(B) the presence of toxic or other con-
22 taminants in sediment and the potential for mi-
23 gration of the contamination to water or aquat-
24 ic organisms;

1 “(C) the condition of aquatic life and relat-
2 ed habitat, including the presence of threatened
3 or endangered species;

4 “(D) the likely effect of contaminants on
5 human health, aquatic life, and related habitat,
6 recreational and commercial opportunities, and
7 marine ecological values;

8 “(E) the presence of floatables in the area
9 that adversely affect commercial and rec-
10 reational opportunities; and

11 “(F) anticipated total increases in pollu-
12 tion loadings and floatables in the area.

13 “(3) PUBLIC REVIEW.—In listing a marine
14 water under paragraph (1), the Administrator
15 shall—

16 “(A) provide for public review and com-
17 ment; and

18 “(B) consult with appropriate officials of
19 States and the Under Secretary throughout the
20 listing process.

21 “(4) DUTIES OF THE ADMINISTRATOR AND
22 STATES.—

23 “(A) IN GENERAL.—The Administrator (or
24 a State authorized to issue permits under sec-

1 tion 402) shall, with respect to waters that have
2 been listed under this subsection—

3 “(i) implement the requirements of
4 section 403 when issuing or reissuing a
5 permit for point source discharges to the
6 waters; and

7 “(ii) notwithstanding any exemption
8 established pursuant to section 402(p), not
9 later than 1 year after the listing of a
10 water under this subsection, issue permits
11 for industrial and municipal discharges of
12 stormwater to the water in a manner con-
13 sistent with section 402(p).

14 “(B) DUTIES OF THE ADMINISTRATOR.—
15 The Administrator shall, with respect to each
16 water that has been listed under this sub-
17 section—

18 “(i) not later than 180 days after list-
19 ing the water under this subsection, con-
20 sider prohibiting the use of the water as a
21 disposal site or restricting the use of any
22 water designated pursuant to this section
23 as a disposal site;

1 “(ii) not later than 180 days after the
2 listing, prohibit the discharge of sewage
3 from vessels pursuant to section 312(f)(4);

4 “(iii) in the case of a State that does
5 not have an assessment or management
6 program that has been approved by the
7 Administrator under subsection (a) or (b)
8 of section 319, conduct an assessment and
9 develop and implement a management pro-
10 gram for the watershed area of the listed
11 water; and

12 “(iv) require that each publicly owned
13 treatment works that discharges to the
14 listed water and that serves 1 or more sig-
15 nificant industrial user, as defined by the
16 Administrator, shall without regard to the
17 volume of the discharges of or the popu-
18 lation served by the treatment works, de-
19 velop and enforce a program for the
20 pretreatment of industrial wastes pursuant
21 to section 307 as expeditiously as prac-
22 ticable.

23 “(C) DUTIES OF THE STATE.—Each State
24 shall review water quality standards applicable
25 to waters listed under this subsection, and, not

1 later that 3 years after the listing, designate
2 uses and adopt standards for any pollutant for
3 which the Administrator has established criteria
4 pursuant to section 304 if the pollutant is
5 present, or is reasonably likely to be present, in
6 the waters.

7 “(5) RECISSION OF LISTING.—The Adminis-
8 trator may, after consultation with appropriate State
9 officials, and after providing for public review and
10 comment, rescind the listing of a marine water
11 under this subsection if the Administrator deter-
12 mines that—

13 “(A) the environmental quality of the
14 water has been restored;

15 “(B) water quality standards adopted pur-
16 suant to section 303 are attained and will be
17 maintained; and

18 “(C) the water will ensure the protection
19 and propagation of a balanced indigenous popu-
20 lation of fish, shellfish, and wildlife and will
21 provide for recreational activities in and on the
22 water on a continuing basis.”.

23 **SEC. 7. NATIONAL MARINE WATER QUALITY EDUCATION**
24 **PROGRAM.**

25 Title V (33 U.S.C. 1361 et seq.) is amended—

1 (1) by redesignating section 519 as section 520;

2 and

3 (2) by inserting after section 518 the following

4 new section:

5 **“SEC. 519. NATIONAL MARINE WATER QUALITY EDUCATION**
6 **PROGRAM.**

7 “(a) GENERAL AUTHORITY.—The Administrator
8 shall establish a national program to provide information,
9 education, and technical assistance to owners of marine
10 land.

11 “(b) IDENTIFICATION.—Any owner of marine land
12 may submit to the Administrator an application for par-
13 ticipation in the education program established under this
14 section. Each application submitted under this subsection
15 shall contain basic information, including—

16 “(1) the location and size of the marine land;

17 “(2) the physical characteristics of the marine
18 land;

19 “(3) known wildlife habitat or other significant
20 natural features or characteristics of the marine
21 land; and

22 “(4) proof of ownership of the marine land.

23 “(c) INFORMATION AND EDUCATION.—

24 “(1) IN GENERAL.—The Administrator shall es-
25 tablish and carry out an information and education

1 program to provide owners of marine land with in-
2 formational and educational materials concerning—

3 “(A) land management and related prac-
4 tices to prevent water pollution and protect
5 habitat;

6 “(B) activities and practices to protect and
7 foster the development of aquatic life and wild-
8 life;

9 “(C) measures to preserve and protect sig-
10 nificant natural features of land or significant
11 natural resources;

12 “(D) the activities of Federal agencies (in-
13 cluding departments), State departments and
14 agencies, and political subdivisions of States to
15 protect marine waters, including activities
16 under sections 303, 319, 320, 402, and 404;
17 and

18 “(E) the requirements of Federal law and
19 the laws of States concerning land manage-
20 ment, discharges to water, and other related ac-
21 tivities.

22 “(2) REGION-SPECIFIC INFORMATION.—The
23 Administrator may, as appropriate, adjust the infor-
24 mation required pursuant to this subsection to apply

1 to land within a specific region of the United States
2 or a specific State.

3 “(d) STATE PARTICIPATION.—At the request of a
4 Governor of a State, the Administrator may delegate the
5 operation of an information and education program that
6 meets the requirements of subsection (c) to a State. The
7 cost associated with activities carried out by the State pur-
8 suant to this section shall be eligible for funding under
9 section 106.

10 “(e) MARINE LAND DEFINED.—As used in this sec-
11 tion, the term ‘marine land’ means real property that bor-
12 ders on a marine water.”.

13 **SEC. 8. MARINE SANITATION DEVICES.**

14 (a) PROHIBITION OF DISCHARGE TO DESIGNATED
15 WATERS.—

16 (1) IN GENERAL.—Section 312(f)(3) (33 U.S.C.
17 1322(f)(3)) is amended—

18 (A) by striking “, except that” and all that
19 follows through the end of the paragraph and
20 inserting a period; and

21 (B) by adding at the end the following new
22 sentence: “The State and the Secretary of the
23 Department in which the Coast Guard is oper-
24 ating shall enforce this paragraph.”.

1 (2) SEWAGE.—Paragraph (4)(A) of section
2 312(f) (33 U.S.C. 1322(f)(4)(A)) is amended to
3 read as follows:

4 “(4)(A) In the case of a water listed under section
5 304(n), not later than 18 months after the listing, the Ad-
6 ministrators shall, by regulation, completely prohibit the
7 discharge of sewage (whether treated or untreated) from
8 a vessel into the listed water.”.

9 (3) UNLAWFUL ACTS.—Section 312(h) (33
10 U.S.C 1322(h)) is amended—

11 (A) by striking “and” at the end of para-
12 graph (3);

13 (B) by striking the period at the end of
14 paragraph (4) and inserting a semicolon; and

15 (C) by adding at the end the following new
16 paragraphs:

17 “(5) for any person to discharge sewage
18 (whether treated or untreated) into a water des-
19 ignated pursuant to subsection (f)(4); and

20 “(6) for any person to discharge sewage that
21 has not been treated by a marine sanitation device
22 required under this section.”.

23 (4) CONFORMING AMENDMENT.—Section
24 301(a) (33 U.S.C. 1311(a)) is amended by inserting
25 “312,” after “307,”.

1 (b) CIVIL PENALTIES.—Subsection (j) of section 312
2 (33 U.S.C 1322(j)) is amended to read as follows:

3 “(j)(1) Any person who violates subsection (g) or (h)
4 shall be liable for a civil penalty in an amount not to ex-
5 ceed \$5,000 for each violation. Each violation shall con-
6 stitute a separate offense.

7 “(2) No penalty shall be assessed under this sub-
8 section until the person charged has received notice of the
9 violation and has had an opportunity for a hearing on the
10 charge.

11 “(3) The following shall be considered in a determina-
12 tion of the amount of a penalty under this subsection:

13 “(A) The gravity of the violation.

14 “(B) Any previous violations of the person who
15 is subject to the penalty.

16 “(C) The demonstrated good faith of the person
17 who is subject to the penalty in attempting to
18 achieve rapid compliance after notification of the
19 violation.”.

20 (c) ENFORCEMENT.—Subsection (k) of section 312
21 (33 U.S.C 1322(k)) is amended to read as follows:

22 “(k)(1) The Secretary of the department in which the
23 Coast Guard is operating (referred to in this subsection
24 as the ‘Secretary’) shall carry out the enforcement of this

1 section. The head of another Federal agency may enter
2 into an agreement with the Secretary to—

3 “(A) detail to the Secretary, with or without re-
4 imbursement, law enforcement officers or personnel
5 to assist the Secretary in carrying out this section;
6 and

7 “(B) provide facilities for use by the Secretary
8 in carrying out this section.

9 “(2) All amounts collected by the Secretary or an au-
10 thorized representative of the Secretary under this section
11 shall be deposited into a special fund of the Treasury of
12 the United States to be known as the ‘Vessel Pollution
13 Enforcement Fund’. The fund shall be available for appro-
14 priation to the Coast Guard to carry out the activities re-
15 ferred to in subsection (o).

16 “(3) Subject to the conditions described in paragraph
17 (4), the Administrator may delegate to a State the en-
18 forcement of the prohibitions under paragraphs (4)
19 through (6) of subsection (h).

20 “(4) The Secretary shall require a State that pro-
21 poses to carry out the enforcement activities referred to
22 in paragraph (3) to submit such documentation as the
23 Secretary considers appropriate to establish that the State
24 has established a State fund into which amounts equal to
25 the amounts of penalties from enforcement actions carried

1 out by the State under paragraph (3) shall be transferred
2 for use by the State to carry out enforcement activities
3 under paragraph (3).”.

4 (d) MARINE SANITATION DEVICES.—

5 (1) TECHNOLOGY IMPROVEMENTS.—Section
6 312(c)(1)(A) (33 U.S.C 1322(c)(1)(A)) is amended
7 by adding at the end the following new sentence:
8 “The standards and regulations referred to in this
9 subparagraph shall be reviewed and revised to reflect
10 improvements in technology relating to marine sani-
11 tation devices not later than 3 years after the date
12 of enactment of this sentence, and every 7 years
13 thereafter.”.

14 (2) REVIEW.—Section 312(c)(2) (33 U.S.C
15 1322(c)(2)) is amended by adding at the end the fol-
16 lowing new sentences: “Except for a waiver for an
17 individual vessel, the Secretary of the department in
18 which the Coast Guard is operating shall review each
19 waiver of a standard or regulation under this sec-
20 tion. If the Secretary considers that a revision of the
21 waiver would be appropriate to take into account
22 technology relating to marine sanitation devices, the
23 Secretary shall revise the waiver.”.

24 (3) DEADLINE.—Section 312(b)(1) (33 U.S.C
25 1322(b)(1)) is amended by inserting before the pe-

1 riod at the end the following: “not later than 2 years
2 after the date of establishment or revision of the
3 standards”.

4 (e) MARINE SANITATION DEVICE PUMPOUT STA-
5 TIONS.—

6 (1) FINANCIAL ASSISTANCE.—

7 (A) GENERAL AUTHORITY FOR CAPITAL-
8 IZATION GRANTS TO STATES.—Section 601(a)
9 (33 U.S.C. 1381(a)) is amended—

10 (i) in paragraph (2), by striking
11 “and” at the end; and

12 (ii) by inserting before the period at
13 the end the following: “, and (4) for imple-
14 menting a marine sanitation pumpout sta-
15 tion plan approved pursuant to section
16 5603(c) of the Clean Vessel Act of 1992
17 (Public Law 102–587; 33 U.S.C. 1322
18 note)”.

19 (B) WATER POLLUTION CONTROL REVOLV-
20 ING FUNDS.—The first sentence of section
21 603(c) (33 U.S.C. 1383(c)) is amended—

22 (i) in paragraph (2), by striking
23 “and” at the end; and

24 (ii) by inserting before the period at
25 the end the following: “, and (4) for imple-

1 menting a marine sanitation pumpout sta-
2 tion plan approved pursuant to section
3 5603(c) of the Clean Vessel Act of 1992
4 (Public Law 102–587; 33 U.S.C. 1322
5 note)”.

6 (f) EDUCATION.—Section 312 (33 U.S.C 1322), as
7 amended by subsection (e), is further amended by adding
8 at the end the following new subsection:

9 “(o) The Secretary of the department in which the
10 Coast Guard is operating, in consultation with the Admin-
11 istrator, shall implement a comprehensive program of in-
12 formation and education to—

13 “(1) encourage compliance with the require-
14 ments of this section; and

15 “(2) foster an increased understanding of the
16 importance of water quality and methods of prevent-
17 ing water pollution.”.

18 (g) DEFINITIONS.—Section 312(a) (33 U.S.C
19 1322(a)) is amended—

20 (1) in paragraph (1), by inserting “applicable”
21 after “promulgation of”;

22 (2) by striking the period at the end of para-
23 graph (11) and inserting a semicolon; and

24 (3) by adding at the end the following new
25 paragraph:

1 “(12) ‘pumpout station’ has the same meaning
2 as is provided the term in section 5608(6) of the
3 Clean Vessel Act of 1992 (Public Law 102–587; 33
4 U.S.C. 1322 note).”.

5 **SEC. 9. MARINE WATER QUALITY CRITERIA AND STAND-**
6 **ARDS.**

7 (a) MARINE WATER QUALITY CRITERIA.—Section
8 304(a) (33 U.S.C. 1314(a)) is amended—

9 (1) in paragraph (1), by inserting after “water
10 quality” the following: “, including criteria for ma-
11 rine water quality,”; and

12 (2) by adding at the end the following new
13 paragraphs:

14 “(9)(A) Not later than 1 year after the date of enact-
15 ment of this paragraph, the Administrator shall submit
16 to Congress a 5-year plan and schedule for the develop-
17 ment, review, and revision of criteria for pollutants found
18 in marine waters.

19 “(B) The plan shall—

20 “(i) ensure that criteria for the pollutants are
21 published as expeditiously as practicable; and

22 “(ii) give priority to pollutants that pose the
23 greatest threat to the marine environment.

24 “(C) The Administrator shall consult with the Under
25 Secretary and the Governor of each interested State in

1 developing the plan. In addition, the Administrator shall
2 take into consideration—

3 “(i) the toxic pollutants identified in lists, sub-
4 mitted pursuant to subsection (l), of navigable wa-
5 ters for which a State does not expect the applicable
6 standard will be met; and

7 “(ii) the marine environment toxics release in-
8 ventory assessment prepared pursuant to section
9 321.

10 “(10)(A)(i) In the case of a pollutant for which cri-
11 teria and information under subsection (a) have not been
12 published, any person may petition the Administrator to
13 develop and publish criteria for the pollutant pursuant to
14 subsection (a) that are applicable to marine waters. The
15 Administration shall approve the petition if the pollutant
16 poses a significant threat to the quality of marine waters,
17 human health, or the environment.

18 “(ii) Not later than 180 days after receiving the peti-
19 tion, the Administrator shall approve or deny the petition
20 and publish a notice in the Federal Register of the ap-
21 proval or denial.

22 “(B) If the Administrator fails to publish notice of
23 a decision to approve or deny a petition under this para-
24 graph, the petition shall be deemed to have been approved.
25 If the Administrator approves a petition pursuant to this

1 paragraph, the Administrator shall, as expeditiously as
2 practicable, and in a manner consistent with the plan de-
3 veloped under this subsection, publish criteria and infor-
4 mation for the pollutant pursuant to this section.

5 “(11) In the case of a pollutant for which aquatic
6 life criteria have been published on the date of enactment
7 of this paragraph, the Administrator shall, not later than
8 3 years after the date of enactment of this paragraph, re-
9 vise the criteria and publish the revisions of the criteria,
10 if the Administrator determines the revisions to be nec-
11 essary to ensure that the criteria address marine waters.

12 “(12) After the date of enactment of this paragraph,
13 the Administrator shall require that any criteria and infor-
14 mation published pursuant to this subsection shall address
15 marine waters.”.

16 (b) MARINE WATER QUALITY STANDARDS.—

17 (1) IN GENERAL.—Section 303 (33 U.S.C.
18 1313) is amended—

19 (A) by redesignating subsection (h) as sub-
20 section (i); and

21 (B) by inserting after subsection (g) the
22 following new subsection:

23 “(h)(1) Not later than 3 years after the date of enact-
24 ment of this paragraph, each State that borders on marine
25 waters shall establish standards for marine water quality,

1 including designated uses for the waters and numerical
2 criteria to protect the uses, for any pollutant for which
3 information is published pursuant to section 304(a).

4 “(2) Not later than 3 years after the date of publica-
5 tion of criteria and information pursuant to section
6 304(a), each State that borders on marine waters shall
7 establish numerical water quality standards, based on the
8 criteria and information, that are adequate to ensure the
9 attainment of the uses identified in paragraph (1).

10 “(3) If a State fails to comply with paragraph (1)
11 or (2), the Administrator shall establish numerical water
12 quality standards not later than 1 year after the date on
13 which the State was to establish the standards.

14 “(4) The Administrator shall promulgate water qual-
15 ity standards for marine waters that are not under the
16 control of any State that shall ensure the protection and
17 propagation of a balanced, indigenous population of fish,
18 shellfish, and wildlife and provide for recreation in and
19 on the waters.”.

20 (2) CONFORMING AMENDMENT.—Section
21 302(a) (33 U.S.C. 1312(a)) is amended by inserting
22 “or section 303(i)” after “section 304(l)”.

1 **SEC. 10. OCEAN DISCHARGE CRITERIA.**

2 (a) CLARIFICATION OF SCOPE.—Subsection (a) of
3 section 403 (33 U.S.C. 1343(a)) is amended to read as
4 follows:

5 “(a) No permit shall be issued under section 402 for
6 a discharge into the territorial sea, the waters of the con-
7 tiguous zone, the oceans, or any water listed under section
8 304(n), if the Administrator finds, on the basis of assess-
9 ment of the criteria established in subsections (c) and (d),
10 that the discharge may reasonably be expected to pre-
11 vent—

12 “(1) the protection and propagation of a bal-
13 anced, indigenous population of shellfish, fish, and
14 wildlife and recreational activity in and on the water;
15 or

16 “(2) the attainment of standards established
17 pursuant to section 303.”.

18 (b) BIOLOGICAL TESTING.—Section 403(c)(1) (33
19 U.S.C. 1343(c)(1)) is amended—

20 (1) in subparagraph (F), by striking “and” at
21 the end;

22 (2) in subparagraph (G), by striking the period
23 at the end and inserting “; and”; and

24 (3) by adding at the end the following new sub-
25 paragraph:

1 “(H) methods, procedures, and requirements
2 for biological testing that shall, at a minimum, re-
3 quire that any reference site be substantially free of
4 contamination.”.

5 (c) LIMITATION OF REGULATIONS.—Section
6 403(c)(2) (33 U.S.C. 1343(c)(2)) is amended by adding
7 at the end the following new sentence: “Any exemption
8 in a regulation to the limitations of this paragraph is
9 deemed null and void.”.

10 (d) POLLUTION PREVENTION.—Section 403 (33
11 U.S.C. 1343) is amended by adding at the end the follow-
12 ing new subsection:

13 “(d)(1) In assessing the effects of a proposed dis-
14 charge to marine waters, the Administrator shall take into
15 consideration, in addition to the criteria established pursu-
16 ant to subsection (c), a demonstration of the need to dis-
17 charge by the permit applicant. As a condition of receiving
18 a permit, an applicant shall be required to make full use
19 of measures, processes, methods, systems, or techniques
20 to completely eliminate the discharge or minimize the
21 quantity of pollutants discharged through process
22 changes, substitution of material, enclosure of systems, or
23 other modifications.

1 “(2) Not later than 1 year after the date of enact-
2 ment of this paragraph, the Administrator shall publish
3 a guidance that describes—

4 “(A) pollution prevention methods; and

5 “(B) the expectations of the Administrator with
6 regard to the demonstrations required by paragraph
7 (1).”.

8 (e) CONFORMING AMENDMENT.—Section 301(a) (33
9 U.S.C. 1311(a)) is amended by inserting “403,” before
10 “and 404.”.

11 **SEC. 11. COMBINED SEWER OVERFLOW CONTROL ASSIST-**
12 **ANCE.**

13 (a) IN GENERAL.—The Secretary of the Army (re-
14 ferred to in this section as the “Secretary”), acting
15 through the Chief of Engineers of the Department of the
16 Army, is authorized to enter into local cooperation agree-
17 ments to provide financial assistance to a local government
18 for the construction of facilities for the control of over-
19 flows from combined storm and sanitary sewers to marine
20 waters.

21 (b) PROJECT IDENTIFICATION.—

22 (1) APPLICATION.—Any municipality with a
23 plan for the control of combined sewer overflows to
24 marine waters that has been approved by the Ad-
25 ministrator of the Environmental Protection Agency

1 (referred to in this section as the “Administrator”)
2 as consistent with requirements of the combined
3 sewer overflow policy published by the Administrator
4 at 58 Fed. Reg. 4994, on January 19, 1993, may
5 submit to the Secretary an application for assistance
6 under this section.

7 (2) REVIEW OF APPLICATION.—The Secretary
8 shall, with the cooperation and concurrence of the
9 Administrator, review the applications submitted
10 pursuant to paragraph (1) and rank the applica-
11 tions. In ranking the applications, the Secretary
12 shall give equal weight to—

13 (A) the potential for the project to protect
14 public health and the environment; and

15 (B) the financial burden on a community
16 as a result of the high costs of the project or
17 the lack of alternative local, State, or Federal
18 funding sources.

19 (3) PRIORITY.—Notwithstanding paragraph
20 (2), the Secretary shall give priority to any applica-
21 tion made pursuant to paragraph (1) that would im-
22 plement the recommendations of a comprehensive
23 conservation and management plan approved by the
24 Administrator pursuant to section 320 of the Fed-
25 eral Water Pollution Control Act (33 U.S.C. 1330).

1 (c) PROJECT ASSISTANCE.—

2 (1) NON-FEDERAL SHARE.—Except as provided
3 in paragraph (3), the non-Federal sponsor of a
4 project that receives assistance under this subsection
5 shall provide a non-Federal share in an amount
6 equal to not less than 25 percent of the costs of the
7 project.

8 (2) CREDIT FOR CERTAIN NONMONETARY CON-
9 TRIBUTIONS.—An amount equal to the value of any
10 land, easement, right-of-way, or reallocation pro-
11 vided for the project by a non-Federal sponsor shall
12 be credited to the non-Federal share referred to in
13 paragraph (1), except that any amount credited pur-
14 suant to this paragraph may not exceed 25 percent
15 of the costs of the project.

16 (3) OPERATION AND MAINTENANCE COSTS.—
17 The non-Federal share of the operation and mainte-
18 nance costs of a project assisted pursuant to this
19 section shall be 100 percent.

20 (d) PLANNING REQUIREMENTS.—

21 (1) IN GENERAL.—The Secretary may not enter
22 into a local cooperation agreement under this section
23 unless the Secretary, in consultation with the Ad-
24 ministrator, has determined that the project—

1 (A) is consistent with plans developed pur-
2 suant to the Federal Water Pollution Control
3 Act (33 U.S.C. 1251 et seq.); and

4 (B) will not result in the violation of any
5 provision of such Act.

6 (2) REVIEW.—The Secretary, in cooperation
7 with the Administrator, shall review each application
8 submitted pursuant to subsection (b) to determine
9 whether the project that is the subject of the appli-
10 cation will achieve such controls of combined sewer
11 overflows as are required under applicable require-
12 ments of law at the lowest possible cost. The Sec-
13 retary may not enter into a local cooperation agree-
14 ment under this section unless the Secretary has de-
15 termined pursuant to this paragraph that the cost of
16 the project that is the subject of the agreement is
17 the lowest possible cost.

18 (e) DISCRETION OF GOVERNOR FOR LOAN.—

19 (1) IN GENERAL.—Not fewer than 90 days be-
20 fore the finalization of a local cooperation agreement
21 pursuant to this section, the Secretary shall notify
22 the Governor of the State in which a local govern-
23 ment expected to receive assistance pursuant to this
24 section is located.

1 (2) REQUEST BY GOVERNOR.—Not later than
2 30 days after receipt of a notification pursuant to
3 paragraph (1), a Governor may request that the Sec-
4 retary provide, pursuant to this section, a loan to
5 the local government that is the subject of the notifi-
6 cation, and, after receiving the request, the Sec-
7 retary shall provide assistance under this section as
8 a loan.

9 (3) REPAYMENTS.—The repayment of a loan
10 made pursuant to paragraph (2) shall be made in a
11 manner consistent with title VI of the Federal Water
12 Pollution Control Act (33 U.S.C. 1381 et seq.), and
13 amounts equal to the amounts of repayments shall
14 be deposited into the revolving fund established by
15 the State pursuant to such title.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section,
18 to remain available until expended, for each of fiscal years
19 1994 through 2000, such sums as may be necessary.

20 **SEC. 12. DEFINITIONS.**

21 (a) NEW DEFINITIONS.—Section 502 (33 U.S.C.
22 1362) is amended by adding at the end the following new
23 paragraphs:

24 “(21) The term ‘Administrator’ means the Adminis-
25 trator of the Environmental Protection Agency.

1 “(22) The terms ‘estuarine zone’ and ‘estuary’ have
2 the meaning provided the terms in section 104(n)(4), ex-
3 cept that the terms shall also include associated aquatic
4 ecosystems and the tributaries that drain into the estuary
5 up to the historic head of tidal influence.

6 “(23) The term ‘Federal agency’ means any depart-
7 ment, agency, or other instrumentality of the Federal Gov-
8 ernment and any independent agency or establishment of
9 the Federal Government, including any government cor-
10 poration of the Federal Government.

11 “(24) The term ‘floatable’ means marine debris that
12 floats or remains suspended in the water column.

13 “(25) The term ‘marine water’ means any estuary,
14 water of the estuarine zone, any other water seaward of
15 the historic height of tidal influence, the territorial sea,
16 the contiguous zone, and the ocean.

17 “(26) The term ‘Under Secretary’ means the Under
18 Secretary of Commerce for Oceans and Atmosphere who
19 serves as the Administrator of the National Oceanic and
20 Atmospheric Administration.”.

21 (b) EXISTING DEFINITIONS.—

22 (1) TERRITORIAL SEAS.—Section 502(8) (33
23 U.S.C. 1362(8)) is amended by striking “three” and
24 inserting “12”.

1 (2) ESTUARY AND ESTUARINE ZONE.—Section
2 320 (33 U.S.C. 1330), as amended by section 5(e),
3 is further amended by striking subsection (l).

4 **SEC. 13. FEDERAL AGENCY RESPONSIBILITIES.**

5 Title V (33 U.S.C. 1361 et seq.), as amended by sec-
6 tion 7(b), is further amended—

7 (1) by redesignating section 520 as section 521;
8 and

9 (2) by inserting after section 519 the following
10 new section:

11 **“SEC. 520. FEDERAL AGENCY RESPONSIBILITIES.**

12 “(a) STUDY OF FEDERAL AGENCY PROGRAMS.—

13 “(1) IN GENERAL.—The Administrator, in con-
14 sultation with the Under Secretary, shall, with re-
15 spect to each Federal agency, conduct a comprehen-
16 sive study of the policies, programs, and activities
17 that may result in degradation of marine waters.

18 “(2) REPORT.—

19 “(A) IN GENERAL.—Not later than 2 years
20 after the date of enactment of this section, the
21 Administrator shall submit to Congress a report
22 that includes—

23 “(i) a summary of the findings of the
24 study referred to in paragraph (1); and

1 “(ii) recommendations to reduce deg-
2 radation of marine waters resulting from
3 policies, programs, and activities of Fed-
4 eral agencies.

5 “(B) CONTENTS OF REPORT.—The report
6 shall include—

7 “(i) a comprehensive listing, with re-
8 spect to each Federal agency, of the poli-
9 cies, programs, and activities that, under
10 the study, are considered to cause degrada-
11 tion of marine waters;

12 “(ii) a detailed analysis of the impacts
13 of each policy, program, and activity re-
14 ferred to in clause (i) on the degradation
15 of marine waters;

16 “(iii) proposed changes in each policy,
17 program, and activity referred to in clause
18 (i) to minimize the impacts referred to in
19 clause (ii);

20 “(iv) suggested actions to be taken by
21 other Federal agencies or State depart-
22 ments or agencies to better coordinate the
23 policies, programs, and activities that
24 cause degradation of marine waters; and

1 “(v) specific recommendations for fur-
2 ther legislative actions that the Adminis-
3 trator considers to be necessary to bring
4 each policy, program, and activity referred
5 to in clause (i) into conformance with the
6 policy of this Act.

7 “(3) PUBLIC COMMENT.—In conducting the
8 study, the Administrator shall consult with States
9 and the public concerning methods by which the
10 policies, programs, and activities of Federal agencies
11 may be implemented to reduce degradation in ma-
12 rine waters.

13 “(b) LEADERSHIP OF FEDERAL AGENCIES.—The
14 head of each Federal agency shall provide leadership and
15 take action to the extent provided by law to—

16 “(1) minimize the degradation of marine wa-
17 ters; and

18 “(2) restore and preserve the natural and bene-
19 ficial values served by marine waters in carrying out
20 the responsibilities of the Federal agency for—

21 “(A) acquiring, managing, and disposing of
22 Federal lands and facilities;

23 “(B) providing construction and improve-
24 ments undertaken by the Federal Government
25 and providing Federal assistance (including fi-

1 nancial assistance) for construction and im-
2 provements; and

3 “(C) conducting activities and programs
4 affecting the marine waters.

5 “(c) RESPONSIBILITIES OF FEDERAL AGENCIES—In
6 carrying out the activities described in subsection (b), the
7 head of each Federal agency shall be required to evaluate
8 the potential effects of any action on marine waters and
9 to ensure that the planning programs and budget requests
10 of the Federal agency reflect the policies of this Act.

11 “(d) ALTERNATIVES AND MITIGATION.—If the head
12 of a Federal agency makes a determination to, or proposes
13 to, conduct, support, or allow an action that may affect
14 marine waters, the head of the Federal agency shall con-
15 sider alternative actions to avoid adverse effects on marine
16 waters. If the head of the Federal agency finds that there
17 is no practicable alternative that is consistent with the
18 law, the head of the Federal agency shall modify the ac-
19 tion, to the extent consistent with law, to minimize poten-
20 tial adverse effects on marine waters.”.

21 **SEC. 14. REPORTS AND STUDIES.**

22 (a) HEALTH IMPACTS STUDY.—

23 (1) IN GENERAL.—The Administrator of the
24 National Oceanic and Atmospheric Administration of
25 the Department of Commerce (referred to in this

1 section as the “Under Secretary”), in collaboration
2 with the Administrator of the Environmental Protec-
3 tion Agency (referred to in this section as the “Ad-
4 ministrator”) and the Secretary of Health and
5 Human Services, shall conduct a study to determine
6 the nature of any relationship between the incidence
7 of human illness and—

8 (A) pollutants in the marine environment;

9 and

10 (B) shellfish consumption.

11 (2) REPORT.—Not later than 2 years after the
12 date of enactment of this Act, the Under Secretary
13 shall submit a report describing the findings of the
14 study to the Committee on Environment and Public
15 Works of the Senate, and the Committee on Public
16 Works and Transportation and the Committee on
17 Merchant Marine and Fisheries of the House of
18 Representatives.

19 (b) ECONOMIC IMPACT STUDY.—Not later than 1
20 year after the date of enactment of this Act, the Under
21 Secretary, in consultation with the Administrator, the ap-
22 propriate officials of State and local governments, com-
23 mercial and recreational fisherman, and other interested
24 persons, shall submit to Congress a study that identifies,
25 evaluates, and quantifies the economic impacts of degrada-

1 tion in the quality of marine waters (including degradation
2 attributable to floatables (as defined in section 502(25)
3 of the Federal Water Pollution Control Act, as added by
4 section 12(a))).

5 (c) ALGAL BLOOM STUDY.—

6 (1) IN GENERAL.—The Under Secretary shall
7 conduct a study of the impact that enhanced nitro-
8 gen levels in marine waters may have on stimulating
9 toxic algal blooms.

10 (2) REPORT.—Not later than 2 years after the
11 date of enactment of this Act, the Administrator
12 shall submit a report to Congress on the findings of
13 the study.

14 (d) RESEARCH OF MICROORGANISMS.—Not later
15 than 2 years after the date of enactment of this Act, the
16 Administrator shall submit to Congress a report on the
17 potential use of microorganisms to degrade pollutants (in-
18 cluding organic material and chemical pollutants) in mu-
19 nicipal or industrial wastes before and after disposal in
20 the marine environment.

21 (e) IDENTIFICATION OF UNREGULATED CONTAMI-
22 NANTS.—

23 (1) IN GENERAL.—The Administrator shall con-
24 duct such research and monitoring as the Adminis-
25 trator determines to be necessary to identify unregu-

1 lated pollutants in marine waters that are not ad-
2 dressed in a guideline, criteria, standard, or require-
3 ment developed pursuant to title III of the Federal
4 Water Pollution Control Act (33 U.S.C. 1251 et
5 seq.).

6 (2) REPORT.—Not later than 1 year after the
7 date of enactment of this Act, the Administrator
8 shall submit to Congress a report that—

9 (A) identifies unregulated pollutants in
10 marine waters; and

11 (B) provides a plan that includes specific
12 actions and recommendations for establishing
13 controls over the pollutants through the pollu-
14 tion control authorities of the Federal Water
15 Pollution Control Act (33 U.S.C. 1251 et seq.).

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