

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1459

To make improvements in the protection of coastal waters, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15 (legislative day, SEPTEMBER 7), 1993

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

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## A BILL

To make improvements in the protection of coastal waters, 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.**

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

### TITLE I—BEACH TESTING AND MONITORING

Sec. 101. Purpose.

Sec. 102. Water quality criteria and standards.

- Sec. 103. Coastal beach water quality monitoring.
- Sec. 104. Study to identify indicators of human-specific pathogens in coastal recreation waters.
- Sec. 105. Grants to States.
- Sec. 106. Definitions.
- Sec. 107. Authorization of appropriations.

#### TITLE II—COASTAL PROTECTION

- Sec. 201. References to the Federal Water Pollution Control Act.
- Sec. 202. Policy.
- Sec. 203. Coastal environment toxics release assessment.
- Sec. 204. National estuary program.
- Sec. 205. Priority marine waters.
- Sec. 206. National marine water quality education program.
- Sec. 207. Marine sanitation devices.
- Sec. 208. Marine water quality criteria and standards.
- Sec. 209. Ocean discharge criteria.
- Sec. 210. Combined sewer overflow control assistance.
- Sec. 211. Definitions.
- Sec. 212. Federal agency responsibilities.
- Sec. 213. Reports and studies.

#### TITLE III—POLLUTION FROM SHIPS

- Sec. 301. Definition of operator.
- Sec. 302. Prevention of pollution from ships.
- Sec. 303. Marine plastic pollution research and control.

### 1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the beaches of the United States are a valu-  
 4 able public resource used for recreation by millions  
 5 of people annually;

6 (2) the beaches of coastal States are hosts to  
 7 many out-of-State and international visitors;

8 (3) tourism in the coastal zone generates bil-  
 9 lions of dollars annually;

10 (4) increased population has contributed to the  
 11 decline in the environmental quality of coastal wa-  
 12 ters;

1           (5) pollution in coastal waters is not restricted  
2           by State and other political boundaries;

3           (6) since each coastal State has its own method  
4           of testing the quality of its coastal recreation waters,  
5           varying degrees of protection are provided to the  
6           public;

7           (7) the adoption of standards by coastal States  
8           for monitoring the quality of coastal recreation wa-  
9           ters, and the posting of signs at beaches notifying  
10          the public during periods when the standards are ex-  
11          ceeded, would enhance public health and safety;

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

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

18          (10) the marine and near coastal waters sup-  
19          port commercial and recreational fisheries, with an  
20          annual value estimated at over \$12,000,000,000 per  
21          year;

22          (11) the marine and coastal waters support ex-  
23          tensive recreational activities and related support  
24          services;

1           (12) the maintenance and protection of the en-  
2           vironmental quality of the marine and coastal waters  
3           of the United States is essential to the commercial  
4           and recreational activities the waters support;

5           (13) a report by the Office of Technology As-  
6           sessment of Congress found that the overall health  
7           of estuaries and coastal waters is declining or  
8           threatened;

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

15          (15) studies by the National Oceanic and At-  
16          mospheric Administration and the Environmental  
17          Protection Agency have identified unexpectedly high  
18          levels of contaminants in a number of coastal areas;

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

23          (17) there is a need to better identify impaired  
24          coastal waters and to expand and improve programs

1 for the control of point and nonpoint sources of pol-  
2 lution to the waters;

3 (18) ocean discharge criteria need to be used  
4 more effectively in issuing permits for discharges to  
5 impaired coastal waters;

6 (19) discharges of sewage from vessels can im-  
7 pair coastal waters, and controls over the discharges  
8 should be improved;

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

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

18 (22) the enforcement by the Coast Guard of the  
19 Act to Prevent Pollution from Ships (33 U.S.C.  
20 1901 et seq.), as amended by this Act, is critical to  
21 the implementation of such Act;

22 (23) the Animal and Plant Health Inspection  
23 Service of the Department of Agriculture (referred  
24 to in this section as "APHIS") has regular contact

1 with vessels that are subject to the requirements of  
2 such Act;

3 (24) minor changes in procedures under such  
4 Act, and improved coordination between APHIS and  
5 the Coast Guard, would provide information to the  
6 Coast Guard that would facilitate the enforcement of  
7 requirements relating to dumping of certain wastes  
8 under such Act;

9 (25) the underutilization of adequate waste re-  
10 ception facilities at ports and terminals worldwide is  
11 largely a result of—

12 (A) inconsistent fee structures at ports and  
13 terminals; and

14 (B) inadequate enforcement of violations of  
15 the dumping requirements referred to in para-  
16 graph (24);

17 (26) although each port or terminal that has re-  
18 ceived certification by the Secretary of Transpor-  
19 tation of the adequacy of the port or terminal to ac-  
20 cept for disposal waste that is regulated under such  
21 Act, there have been reports from officials of vessels  
22 that certain ports and terminals have refused to ac-  
23 cept for disposal certain types of waste; and

24 (27) in light of the situation referred to in  
25 paragraph (26) and other reports of insufficient

1 compliance of ports and terminals with requirements  
2 to accept waste, the enforcement of the certification  
3 of ports and terminals is inadequate.

## 4 **TITLE I—BEACH TESTING AND** 5 **MONITORING**

### 6 **SEC. 101. PURPOSE.**

7 The purpose of this title is to require uniform proce-  
8 dures for beach testing and monitoring to protect public  
9 safety and improve the environmental quality of coastal  
10 recreation waters.

### 11 **SEC. 102. WATER QUALITY CRITERIA AND STANDARDS.**

12 (a) ISSUANCE OF CRITERIA.—Section 304(a) of the  
13 Federal Water Pollution Control Act (33 U.S.C. 1314(a))  
14 is amended by adding at the end the following new para-  
15 graph:

16 “(9) COASTAL RECREATION WATERS.—

17 “(A) IN GENERAL.—Not later than 18  
18 months after the date of enactment of this  
19 paragraph, the Administrator shall, after con-  
20 sulting with the heads of appropriate Federal  
21 agencies, departments and agencies of States,  
22 and other interested persons, issue (and review  
23 and revise from time to time thereafter) water  
24 quality criteria for pathogens in coastal recre-  
25 ation waters. The criteria shall—

1           “(i) be based on the best available sci-  
2           entific information;

3           “(ii) be sufficient to protect public  
4           health and safety in the case of any rea-  
5           sonably anticipated exposure to pollutants  
6           as a result of swimming, bathing, or other  
7           body contact activity; and

8           “(iii) include specific numeric criteria  
9           calculated to reflect public health risks  
10          from short-term increases in pathogens in  
11          coastal recreation waters resulting from  
12          rainfall, malfunctions of wastewater treat-  
13          ment works, and other causes.

14          “(B) COASTAL RECREATION WATERS DE-  
15          FINED.—As used in this paragraph, the term  
16          ‘coastal recreation waters’ means Great Lakes  
17          and marine coastal waters commonly used by  
18          the public for swimming, bathing, or other simi-  
19          lar body contact purposes.”.

20          (b) STANDARDS.—

21                  (1) ADOPTION OF STANDARDS BY STATES.—

22                          (A) IN GENERAL.—Each State shall adopt  
23                          water quality standards for coastal recreation  
24                          waters that, at a minimum, are consistent with  
25                          the criteria published by the Administrator

1 under paragraph (9) of section 304(a) of the  
2 Federal Water Pollution Control Act (33 U.S.C.  
3 1314(a)) (as added by subsection (a)) not later  
4 than 3 years after the date of the publication  
5 of the criteria.

6 (B) DEVELOPMENT OF STANDARDS.—The  
7 water quality standards shall be developed in  
8 accordance with the requirements of section  
9 303(c) of the Federal Water Pollution Control  
10 Act (33 U.S.C. 1313(c)).

11 (C) STATE PROGRAMS.—The State shall  
12 incorporate the standards into all appropriate  
13 programs with respect to which the State incor-  
14 porates water quality standards adopted under  
15 section 303(c) of the Federal Water Pollution  
16 Control Act (33 U.S.C. 1313(c)).

17 (2) FAILURE OF STATES TO ADOPT STAND-  
18 ARDS.—

19 (A) IN GENERAL.—If a State does not  
20 meet the requirements of paragraph (1) by the  
21 date that is 3 years after the date of publica-  
22 tion of the criteria under paragraph (9) of sec-  
23 tion 304(a) of the Federal Water Pollution  
24 Control Act (33 U.S.C. 1314(a)(9)) (as added  
25 by subsection (a)), the Administrator shall issue

1 water quality standards for coastal recreation  
2 waters for the State pursuant to the applicable  
3 provisions of section 303 of the Federal Water  
4 Pollution Control Act (33 U.S.C. 1313).

5 (B) WATER QUALITY STANDARDS.—The  
6 water quality standards issued pursuant to sub-  
7 paragraph (A) for coastal recreation waters  
8 shall be consistent with the criteria published  
9 by the Administrator under paragraph (9) of  
10 section 304(a) of the Federal Water Pollution  
11 Control Act (33 U.S.C. 1314(a)).

12 (C) APPLICATION OF STANDARDS.—The  
13 State shall apply the standards issued pursuant  
14 to subparagraph (A) in carrying out all pro-  
15 grams referred to in paragraph (1)(C).

16 **SEC. 103. COASTAL BEACH WATER QUALITY MONITORING.**

17 Title IV of the Federal Water Pollution Control Act  
18 (33 U.S.C. 1341 et seq.) is amended by adding at the end  
19 the following new section:

20 **“SEC. 406. COASTAL BEACH WATER QUALITY MONITORING.**

21 “(a) IN GENERAL.—Not later than 270 days after  
22 the date of the issuance of water quality criteria for patho-  
23 gens in coastal recreation waters under section 304(a)(9),  
24 the Administrator shall issue regulations specifying meth-  
25 ods to be used by States to monitor coastal recreation wa-

1 ters for compliance with applicable water quality stand-  
2 ards for the waters and protection of the public safety dur-  
3 ing periods of use by the public. The monitoring require-  
4 ments established pursuant to this subsection shall, at a  
5 minimum, specify—

6 “(1) the frequency of monitoring based on the  
7 periods of recreational use of the waters;

8 “(2) the frequency of monitoring based on the  
9 extent and degree of use during the periods;

10 “(3) the frequency of monitoring based on the  
11 proximity of the waters to pollution sources;

12 “(4) methods for detecting short-term increases  
13 in pathogens in the waters; and

14 “(5) the conditions and procedures under which  
15 the Administrator may exempt discrete areas of the  
16 waters from the monitoring requirements of this  
17 subsection, if the Administrator determines that the  
18 exemption will not impair—

19 “(A) compliance with the applicable water  
20 quality standards for the waters; and

21 “(B) the protection of the public safety.

22 “(b) NOTIFICATION REQUIREMENTS.—The regula-  
23 tions issued pursuant to subsection (a) shall require each  
24 State to notify the appropriate officials of local govern-  
25 ments and the public of violations of applicable water qual-

1 ity standards for State coastal recreation waters. Each no-  
2 tification shall include, at a minimum—

3           “(1) prompt communication of the occurrence,  
4           nature, and extent of the violation, to a designated  
5           official of a local government having jurisdiction over  
6           land adjoining the coastal recreation waters for  
7           which the violation is identified; and

8           “(2) the posting of signs, for the period during  
9           which the violation continues, sufficient to give no-  
10          tice to the public of a violation of an applicable  
11          water quality standard for the waters and the poten-  
12          tial risks associated with body contact recreation in  
13          the waters.

14          “(c) FLOATABLE MATERIALS MONITORING PROCE-  
15          DURES.—As soon as practicable after the date of enact-  
16          ment of this section, the Administrator shall—

17               “(1) issue guidance on uniform assessment and  
18               monitoring procedures for floatable materials in  
19               coastal recreation waters; and

20               “(2) specify the conditions under which the  
21               presence of floatable materials constitutes a threat  
22               to public health and safety.

23          “(d) DELEGATION OF RESPONSIBILITY.—A State  
24          may delegate responsibility for the monitoring and posting

1 of coastal recreation waters pursuant to this section to  
2 local government authorities.

3 “(e) REVIEW AND REVISION OF REGULATIONS.—The  
4 Administrator shall review and periodically revise the reg-  
5 ulations issued pursuant to this section.

6 “(f) DEFINITIONS.—As used in this section:

7 “(1) COASTAL RECREATION WATERS.—The  
8 term ‘coastal recreation waters’ means Great Lakes  
9 and marine coastal waters commonly used by the  
10 public for swimming, bathing, or other similar body  
11 contact purposes.

12 “(2) FLOATABLE MATERIALS.—The term ‘float-  
13 able materials’ means any matter that may float or  
14 remain suspended in the water column and includes  
15 plastic, aluminum cans, wood, bottles, and paper  
16 products.”.

17 **SEC. 104. STUDY TO IDENTIFY INDICATORS OF HUMAN-SPE-**  
18 **CIFIC PATHOGENS IN COASTAL RECREATION**  
19 **WATERS.**

20 (a) STUDY.—The Administrator, in cooperation with  
21 the Under Secretary of Commerce for Oceans and Atmos-  
22 phere, shall conduct an ongoing study to provide addi-  
23 tional information to the then current base of knowledge  
24 for use in developing better indicators for directly detect-

1 ing in coastal recreation waters the presence of bacteria  
2 and viruses that are harmful to human health.

3 (b) REPORT.—Not later than 4 years after the date  
4 of enactment of this Act, and periodically thereafter, the  
5 Administrator shall submit to Congress a report describ-  
6 ing the findings of the study under this section. The report  
7 shall include—

8 (1) recommendations concerning the need for  
9 additional numerical limits or conditions and other  
10 actions to improve the quality of coastal recreation  
11 waters;

12 (2) a description of the amounts and types of  
13 floatable materials in coastal waters and on coastal  
14 beaches and of recent trends in the amounts and  
15 types of the floatable materials; and

16 (3) an evaluation of State efforts to carry out  
17 this title and amendments made by this title.

18 **SEC. 105. GRANTS TO STATES.**

19 (a) IN GENERAL.—The Administrator may make a  
20 grant to a State to assist the State in meeting the require-  
21 ments of sections 102 and 103 and the amendments made  
22 by such sections.

23 (b) COST SHARING.—The total amount of grants  
24 awarded to a State under this section for a fiscal year  
25 shall not exceed 50 percent of the cost to the State of

1 carrying out the requirements of sections 102 and 103 and  
2 the amendments made by such sections.

3 **SEC. 106. DEFINITIONS.**

4 As used in this title:

5 (1) ADMINISTRATOR.—The term “Adminis-  
6 trator” means the Administrator of the Environ-  
7 mental Protection Agency.

8 (2) COASTAL RECREATION WATERS.—The term  
9 “coastal recreation waters” means Great Lakes and  
10 marine coastal waters commonly used by the public  
11 for swimming, bathing, or other similar body contact  
12 purposes.

13 (3) FLOATABLE MATERIALS.—The term “float-  
14 able materials” means any matter that may float or  
15 remain suspended in the water column and includes  
16 plastic, aluminum cans, wood, bottles, and paper  
17 products.

18 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to the Envi-  
20 ronmental Protection Agency—

21 (1) to carry out section 105, an amount not to  
22 exceed \$3,000,000 for each of fiscal years 1994 and  
23 1995; and

24 (2) to carry out sections 102 through 104 and  
25 the amendments made by such sections, an amount

1 not to exceed \$1,000,000 for each of fiscal years  
2 1994 and 1995.

## 3 **TITLE II—COASTAL PROTECTION**

### 4 **SEC. 201. REFERENCES TO THE FEDERAL WATER POLLU-** 5 **TION CONTROL ACT.**

6 Whenever in this title an amendment or repeal is ex-  
7 pressed in terms of an amendment to, or repeal of, a sec-  
8 tion or other provision, the reference shall be considered  
9 to be made to a section or other provision of the Federal  
10 Water Pollution Control Act (33 U.S.C. 1251 et seq.), ex-  
11 cept to the extent otherwise specifically provided.

### 12 **SEC. 202. POLICY.**

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

### 17 **SEC. 203. COASTAL ENVIRONMENT TOXICS RELEASE AS-** 18 **SESSMENT.**

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

### 21 **“SEC. 321. COASTAL ENVIRONMENT TOXICS RELEASE** 22 **STRATEGY.**

23 “(a) COASTAL ENVIRONMENT TOXICS RELEASE  
24 STRATEGY.—Not later than 1 year after the date of enact-  
25 ment of this section, the Administrator shall prepare and

1 submit to Congress a coastal environment toxics release  
2 strategy (referred to in this section as the ‘strategy’). The  
3 strategy shall include a plan developed by the Adminis-  
4 trator for using the information from toxic chemical re-  
5 lease forms and reports prepared pursuant to section 313  
6 of the Emergency Planning and Community Right-To-  
7 Know Act of 1986 (42 U.S.C. 11023) to improve pro-  
8 grams of the Environmental Protection Agency concerning  
9 the coastal environment.

10 “(b) ASSESSMENT.—

11 “(1) IN GENERAL.—Not later than 1 year after  
12 the date of enactment of this section, and annually  
13 thereafter, the Administrator shall prepare an as-  
14 sessment of the extent and environmental effect of  
15 discharges by industrial categories that discharge  
16 into marine waters, or to publicly owned treatment  
17 works that discharge into marine waters (or both),  
18 and that are required to report the discharges pur-  
19 suant to the requirements for reporting releases of  
20 toxic chemicals under section 313 of the Emergency  
21 Planning and Community Right-To-Know Act of  
22 1986 (42 U.S.C. 11023).

23 “(2) IDENTIFICATION OF CATEGORIES AND  
24 AREAS.—The assessment shall identify the relative  
25 contribution of pollutants from industrial categories

1 and the geographical areas that receive the greatest  
2 quantities of the discharges.

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

8 “(c) USE OF INFORMATION.—The Administrator  
9 shall use information in the assessment prepared under  
10 subsection (b) to—

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

14 “(2) improve programs for the control of toxic  
15 pollutants;

16 “(3) identify other water quality programs (in-  
17 cluding programs established pursuant to sections  
18 301, 303, 304, 306, and 307) and adopt measures  
19 to ensure that data concerning the discharge of toxic  
20 pollutants is incorporated into the programs;

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

23 “(5) target compliance and enforcement ac-  
24 tions.”.

1 **SEC. 204. NATIONAL ESTUARY PROGRAM.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
3 320(i) (33 U.S.C. 1330(i)) is amended—

4 (1) by striking “, and 1991” and inserting  
5 “1991, 1992, and 1993 and \$25,000,000 for each of  
6 fiscal years 1994 through 2000”; and

7 (2) by striking the last sentence.

8 (b) PRIORITY MARINE WATERS.—Section  
9 320(a)(2)(A) (33 U.S.C. 1330(a)(2)(A)) is amended by  
10 adding at the end the following new sentence: “Beginning  
11 on the date that is 1 year after the date of enactment  
12 of this sentence, the Administrator may not convene a  
13 management conference pursuant to this section for any  
14 estuary that is not listed as a priority marine water under  
15 section 304(n).”.

16 (c) FINANCIAL PLAN.—Section 320(b)(5) (33 U.S.C.  
17 1330(b)(5)) is amended by inserting before the semicolon  
18 the following: “, including a detailed financial plan indicat-  
19 ing the anticipated Federal, State, and local funds needed  
20 to implement identified corrective actions”.

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

23 “(j) RESEARCH.—

24 “(1) RESEARCH PROGRAM.—The Administrator  
25 shall implement a coordinated program of research  
26 and monitoring to support the assessment of each

1 estuary for which a management conference is con-  
2 vened pursuant to this section.

3 “(2) CONTENT OF PROGRAM.—The research  
4 program implemented under this subsection shall in-  
5 clude—

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

8 “(i) variations in pollutant concentra-  
9 tions, marine ecology, and other physical  
10 or biological environmental parameters  
11 that may affect the estuary; and

12 “(ii) the potential and actual effects  
13 of alternative management strategies and  
14 measures;

15 “(B) a program of ecosystem assessment  
16 to assist in the development of—

17 “(i) baseline studies to determine the  
18 biological conditions in the estuary and the  
19 effects of natural and anthropogenic  
20 changes; and

21 “(ii) predictive models that are capa-  
22 ble of translating information concerning  
23 specific discharges or general pollutant  
24 loadings within the estuary into a set of

1           probable effects on biological conditions in  
2           the waters of the estuary;

3           “(C) a program of research to identify the  
4           movements of nutrients, sediments, and pollut-  
5           ants through the estuary and the impact of nu-  
6           trients, sediments, and pollutants on water  
7           quality and designated or potential uses of the  
8           waters of the estuary; and

9           “(D) a program of research to determine  
10          the water quality and habitat requirements nec-  
11          essary for the attainment and maintenance of  
12          designated uses and the continued viability and  
13          enhancement of living resources.

14          “(3) COOPERATIVE ACTIVITY.—In implement-  
15          ing the research program under this subsection, the  
16          Administrator shall cooperate with each affected  
17          management conference and State, and the heads of  
18          appropriate Federal agencies, including the Under  
19          Secretary and the Director of the United States  
20          Fish and Wildlife Service.”.

21          (e) REPORT TO CONGRESS.—Section 320 (33 U.S.C.  
22 1330) is amended—

23                 (1) by redesignating subsection (k) as sub-  
24                 section (l); and

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

3           “(k) REPORTS.—

4                 “(1) IN GENERAL.—Not later than 18 months  
5           after the date of enactment of this paragraph, and  
6           biennially thereafter, the Administrator shall submit  
7           to Congress a comprehensive report concerning the  
8           activities authorized under this section. The report  
9           shall include—

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

12                   “(B) a list and description of the estuaries  
13                   considered and selected for management con-  
14                   ferences pursuant to this section;

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

18                   “(D) an assessment and description of  
19                   each management conference in progress at the  
20                   time of submission of the report; and

21                   “(E) a report on the implementation of  
22                   conservation and management plans for the es-  
23                   tuaries.

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

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

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

8                   “(C) recommendations concerning addi-  
9           tional protective measures for priority marine  
10          waters.”.

11          (f) GRANTS.—Section 320(g) (33 U.S.C. 1330(g)) is  
12          amended by striking paragraphs (2) and (3) and inserting  
13          the following new paragraphs:

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

16                   “(A) support an initial 5-year management  
17          conference and the development of a conserva-  
18          tion and management plan under this section;  
19          and

20                   “(B) maintain the operation of the man-  
21          agement conference after receiving approval by  
22          the Administrator of a conservation and man-  
23          agement plan pursuant to subsection (f), and  
24          oversee the implementation of the conservation  
25          and management plan.

1           “(3) DEVELOPMENT OF CONSERVATION AND  
2 MANAGEMENT PLANS.—

3           “(A) IN GENERAL.—The Federal share of  
4 a grant awarded under paragraph (2)(A) for a  
5 fiscal year shall be—

6           “(i) in an amount not to exceed 75  
7 percent of the annual cost of the manage-  
8 ment conference referred to in paragraph  
9 (2)(A); and

10           “(ii) awarded on the condition that  
11 the non-Federal share of the cost of the  
12 management conference shall be paid from  
13 non-Federal sources.

14           “(B) DURATION.—A person referred to in  
15 paragraph (1) (including a State, interstate, or  
16 regional agency or entity) may be awarded a  
17 grant under paragraph (2)(A) for a period of  
18 not to exceed 5 fiscal years.

19           “(4) GRANTS TO MAINTAIN OPERATION OF  
20 MANAGEMENT CONFERENCE.—

21           “(A) PROHIBITION.—If, in the judgment  
22 of the Administrator, a person referred to in  
23 paragraph (1) (including a State, interstate, or  
24 regional agency or entity) has—

1           “(i) not received approval by the Ad-  
2           ministrator for a conservation and man-  
3           agement plan pursuant to subsection (f);  
4           or

5           “(ii) failed substantially to implement  
6           a conservation and management plan that  
7           has been approved pursuant to subsection  
8           (f),

9           the Administrator may not award a grant to  
10          the person under paragraph (2)(B).

11          “(B) FEDERAL SHARE.—The Federal  
12          share of a grant awarded under paragraph  
13          (2)(B) for a fiscal year shall be—

14               “(i) in an amount not to exceed 50  
15               percent of the annual costs of the manage-  
16               ment conference; and

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

21          “(C) LIMITATION.—The amount of a grant  
22          awarded under paragraph (2)(B) for any fiscal  
23          year may not exceed an amount equal to 30  
24          percent of the average annual amount of any

1 grants received by the person under paragraph  
2 (2)(A).

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

10 **SEC. 205. PRIORITY MARINE WATERS.**

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

13 “(n) PRIORITY MARINE WATERS.—

14 “(1) IN GENERAL.—The Administrator shall,  
15 not later than 1 year after the date of enactment of  
16 this subsection, and biennially thereafter, identify  
17 and list, pursuant to this subsection, each marine  
18 water that—

19 “(A) does not support the protection and  
20 propagation of a balanced, indigenous popu-  
21 lation of shellfish, fish, and wildlife, and allow  
22 for recreational activities in and on the water;  
23 or

24 “(B) in the judgment of the Administrator,  
25 is not likely to have the capability of ensuring

1 the future protection of a balanced, indigenous  
2 population of shellfish, fish, and wildlife and  
3 allow for recreational activities in and on the  
4 water.

5 “(2) SELECTION.—In selecting a marine water  
6 pursuant to paragraph (1), the Administrator shall  
7 consider—

8 “(A) water quality impairment, including  
9 information provided in the national toxic  
10 chemical inventory established pursuant to sec-  
11 tion 313(j) of the Emergency Planning and  
12 Community Right-To-Know Act of 1986 (42  
13 U.S.C. 11023(j));

14 “(B) the presence of toxic or other con-  
15 taminants in sediment and the potential for mi-  
16 gration of the contamination to water or aquat-  
17 ic organisms;

18 “(C) the condition of aquatic life and relat-  
19 ed habitat, including the presence of threatened  
20 or endangered species;

21 “(D) the likely effect of contaminants on  
22 human health, aquatic life, and related habitat,  
23 recreational and commercial opportunities, and  
24 marine ecological values;

1           “(E) the presence of floatables in the area  
2           that adversely affect commercial and rec-  
3           reational opportunities; and

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

6           “(3) PUBLIC REVIEW.—In listing a marine  
7           water under paragraph (1), the Administrator  
8           shall—

9           “(A) provide for public review and com-  
10          ment; and

11          “(B) consult with appropriate officials of  
12          States and the Under Secretary throughout the  
13          listing process.

14          “(4) DUTIES OF THE ADMINISTRATOR AND  
15          STATES.—

16          “(A) IN GENERAL.—The Administrator (or  
17          a State authorized to issue permits under sec-  
18          tion 402) shall, with respect to waters that have  
19          been listed under this subsection—

20                 “(i) implement the requirements of  
21                 section 403 when issuing or reissuing a  
22                 permit for point source discharges to the  
23                 waters; and

24                 “(ii) notwithstanding any exemption  
25                 established pursuant to section 402(p), not

1 later than 1 year after the listing of a  
2 water under this subsection, issue permits  
3 for industrial and municipal discharges of  
4 stormwater to the water in a manner con-  
5 sistent with section 402(p).

6 “(B) DUTIES OF THE ADMINISTRATOR.—

7 The Administrator shall, with respect to each  
8 water that has been listed under this sub-  
9 section—

10 “(i) not later than 180 days after list-  
11 ing the water under this subsection, con-  
12 sider prohibiting the use of the water as a  
13 disposal site or restricting the use of any  
14 water designated pursuant to this section  
15 as a disposal site;

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

19 “(iii) in the case of a State that does  
20 not have an assessment or management  
21 program that has been approved by the  
22 Administrator under subsection (a) or (b)  
23 of section 319, conduct an assessment and  
24 develop and implement a management pro-

1           gram for the watershed area of the listed  
2           water; and

3           “(iv) require that each publicly owned  
4           treatment works that discharges to the  
5           listed water and that serves 1 (or more)  
6           significant industrial user, as defined by  
7           the Administrator, to develop and enforce,  
8           without regard to the volume of the dis-  
9           charges of or the population served by the  
10          treatment works, a program for the  
11          pretreatment of industrial wastes pursuant  
12          to section 307 as expeditiously as prac-  
13          ticable.

14          “(C) DUTIES OF THE STATE.—Each State  
15          shall review water quality standards applicable  
16          to waters listed under this subsection, and, not  
17          later than 3 years after the listing, designate  
18          uses and adopt standards for any pollutant for  
19          which the Administrator has established criteria  
20          pursuant to section 304 if the pollutant is  
21          present, or is reasonably likely to be present, in  
22          the waters.

23          “(5) RESCISSION OF LISTING.—The Adminis-  
24          trator may, after consultation with appropriate State  
25          officials, and after providing for public review and

1 comment, rescind the listing of a marine water  
2 under this subsection if the Administrator deter-  
3 mines that—

4 “(A) the environmental quality of the  
5 water has been restored;

6 “(B) water quality standards adopted pur-  
7 suant to section 303 are attained and will be  
8 maintained; and

9 “(C) the water will ensure the protection  
10 and propagation of a balanced indigenous popu-  
11 lation of fish, shellfish, and wildlife and will  
12 provide for recreational activities in and on the  
13 water on a continuing basis.”.

14 **SEC. 206. NATIONAL MARINE WATER QUALITY EDUCATION**  
15 **PROGRAM.**

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

17 (1) by redesignating section 519 as section 520;  
18 and

19 (2) by inserting after section 518 the following  
20 new section:

21 **“SEC. 519. NATIONAL MARINE WATER QUALITY EDUCATION**  
22 **PROGRAM.**

23 “(a) GENERAL AUTHORITY.—The Administrator  
24 shall establish a national program to provide information,

1 education, and technical assistance to owners of marine  
2 land.

3 “(b) IDENTIFICATION.—Any owner of marine land  
4 may submit to the Administrator an application for par-  
5 ticipation in the education program established under this  
6 section. Each application submitted under this subsection  
7 shall contain basic information, including—

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

9 “(2) the physical characteristics of the marine  
10 land;

11 “(3) known wildlife habitat or other significant  
12 natural features or characteristics of the marine  
13 land; and

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

15 “(c) INFORMATION AND EDUCATION.—

16 “(1) IN GENERAL.—The Administrator shall es-  
17 tablish and carry out an information and education  
18 program to provide owners of marine land with in-  
19 formational and educational materials concerning—

20 “(A) land management and related prac-  
21 tices to prevent water pollution and protect  
22 habitat;

23 “(B) activities and practices to protect and  
24 foster the development of aquatic life and wild-  
25 life;

1           “(C) measures to preserve and protect sig-  
2           nificant natural features of land or significant  
3           natural resources;

4           “(D) the activities of Federal agencies,  
5           State departments and agencies, and political  
6           subdivisions of States to protect marine waters,  
7           including activities under sections 303, 319,  
8           320, 402, and 404; and

9           “(E) the requirements of Federal law and  
10          the laws of States concerning land manage-  
11          ment, discharges to water, and other related ac-  
12          tivities.

13          “(2) REGION-SPECIFIC INFORMATION.—The  
14          Administrator may, as appropriate, adjust the infor-  
15          mation required pursuant to this subsection to apply  
16          to land within a specific region of the United States  
17          or a specific State.

18          “(d) STATE PARTICIPATION.—At the request of a  
19          Governor of a State, the Administrator may delegate the  
20          operation of an information and education program that  
21          meets the requirements of subsection (c) to a State. The  
22          cost associated with activities carried out by the State pur-  
23          suant to this section shall be eligible for funding under  
24          section 106.

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

4 **SEC. 207. MARINE SANITATION DEVICES.**

5       (a) PROHIBITION OF DISCHARGE TO DESIGNATED  
6 WATERS.—

7           (1) IN GENERAL.—Section 312(f)(3) (33 U.S.C.  
8 1322(f)(3)) is amended—

9                   (A) by striking “, except that” and all that  
10 follows through the end of the paragraph and  
11 inserting a period; and

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

16           (2) SEWAGE.—Paragraph (4)(A) of section  
17 312(f) (33 U.S.C. 1322(f)(4)(A)) is amended to  
18 read as follows:

19           “(4)(A) In the case of a water listed under section  
20 304(n), not later than 18 months after the listing, the Ad-  
21 ministrator shall, by regulation, completely prohibit the  
22 discharge of sewage (whether treated or untreated) from  
23 a vessel into the listed water.”.

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

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

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

5 (C) by adding at the end the following new  
6 paragraphs:

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

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

13 (4) CONFORMING AMENDMENT.—Section  
14 301(a) (33 U.S.C. 1311(a)) is amended by inserting  
15 “312,” after “307,”.

16 (b) CIVIL PENALTIES.—Subsection (j) of section 312  
17 (33 U.S.C. 1322(j)) is amended to read as follows:

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

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

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

3               “(A) The gravity of the violation.

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

6               “(C) The demonstrated good faith of the person  
7 who is subject to the penalty in attempting to  
8 achieve rapid compliance after notification of the  
9 violation.”.

10       (c) ENFORCEMENT.—Subsection (k) of section 312  
11 (33 U.S.C. 1322(k)) is amended to read as follows:

12       “(k)(1) The Secretary of the department in which the  
13 Coast Guard is operating (referred to in this subsection  
14 as the ‘Secretary’) shall carry out the enforcement of this  
15 section. The head of another Federal agency may enter  
16 into an agreement with the Secretary to—

17               “(A) detail to the Secretary, with or without re-  
18 imbursement, law enforcement officers or personnel  
19 to assist the Secretary in carrying out this section;  
20 and

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

23       “(2) All amounts collected by the Secretary or an au-  
24 thorized representative of the Secretary under this section  
25 shall be deposited into a special fund of the Treasury of

1 the United States to be known as the ‘Vessel Pollution  
2 Enforcement Fund’. The fund shall be available for appro-  
3 priation to the Coast Guard to carry out the activities re-  
4 ferred to in subsection (o).

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

9 “(4) The Secretary shall require a State that pro-  
10 poses to carry out the enforcement activities referred to  
11 in paragraph (3) to submit such documentation as the  
12 Secretary considers appropriate to establish that the State  
13 has established a State fund into which amounts equal to  
14 the amounts of penalties from enforcement actions carried  
15 out by the State under paragraph (3) shall be transferred  
16 for use by the State to carry out enforcement activities  
17 under paragraph (3).”.

18 (d) MARINE SANITATION DEVICES.—

19 (1) TECHNOLOGY IMPROVEMENTS.—Section  
20 312(c)(1)(A) (33 U.S.C. 1322(c)(1)(A)) is amended  
21 by adding at the end the following new sentence:  
22 “The standards and regulations referred to in this  
23 subparagraph shall be reviewed and revised to reflect  
24 improvements in technology relating to marine sani-  
25 tation devices not later than 3 years after the date

1 of enactment of this sentence, and every 7 years  
2 thereafter.”.

3 (2) REVIEW.—Section 312(c)(2) (33 U.S.C.  
4 1322(c)(2)) is amended by adding at the end the fol-  
5 lowing new sentences: “Except for a waiver for an  
6 individual vessel, the Secretary of the department in  
7 which the Coast Guard is operating shall review each  
8 waiver of a standard or regulation under this sec-  
9 tion. If the Secretary considers that a revision of the  
10 waiver would be appropriate to take into account  
11 technology relating to marine sanitation devices, the  
12 Secretary shall revise the waiver.”.

13 (3) DEADLINE.—Section 312(b)(1) (33 U.S.C.  
14 1322(b)(1)) is amended by inserting before the pe-  
15 riod at the end the following: “not later than 2 years  
16 after the date of establishment or revision of the  
17 standards”.

18 (e) MARINE SANITATION DEVICE PUMPOUT STA-  
19 TIONS.—

20 (1) COAST GUARD FACILITIES.—Section 312  
21 (33 U.S.C. 1322) is amended by adding at the end  
22 the following new subsection:

23 “(n)(1) Beginning on the date that is 4 years after  
24 the date of enactment of this subsection, the Secretary of  
25 the department in which the Coast Guard is operating

1 shall provide for a public use pumpout station for marine  
2 sanitation devices at each Coast Guard installation.

3 “(2) The Secretary of the department in which the  
4 Coast Guard is operating may, with the concurrence of  
5 the Administrator, waive the requirement under para-  
6 graph (1) if the Coast Guard installation—

7 “(A) is not located adjacent to navigable wa-  
8 ters;

9 “(B) lacks sufficient and appropriate dock ca-  
10 pacity; and

11 “(C) would be substantially prevented from con-  
12 ducting other essential activities.”.

13 (2) FINANCIAL ASSISTANCE.—

14 (A) GENERAL AUTHORITY FOR CAPITAL-  
15 IZATION GRANTS TO STATES.—Section 601(a)  
16 (33 U.S.C. 1381(a)) is amended—

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

19 (ii) by inserting before the period at  
20 the end the following: “, and (4) for imple-  
21 menting a marine sanitation pumpout sta-  
22 tion plan approved pursuant to section  
23 5603(c) of the Clean Vessel Act of 1992  
24 (Public Law 102–587; 33 U.S.C. 1322  
25 note)”.

1 (B) WATER POLLUTION CONTROL REVOLV-  
2 ING FUNDS.—The first sentence of section  
3 603(c) (33 U.S.C. 1383(c)) is amended—

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

6 (ii) by inserting before the period at  
7 the end the following: “, and (4) for imple-  
8 menting a marine sanitation pumpout sta-  
9 tion plan approved pursuant to section  
10 5603(c) of the Clean Vessel Act of 1992  
11 (Public Law 102–587; 33 U.S.C. 1322  
12 note)”.

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

16 “(o) The Secretary of the department in which the  
17 Coast Guard is operating, in consultation with the Admin-  
18 istrator, shall implement a comprehensive program of in-  
19 formation and education to—

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

22 “(2) foster an increased understanding of the  
23 importance of water quality and methods of prevent-  
24 ing water pollution.”.

1 (g) DEFINITIONS.—Section 312(a) (33 U.S.C.  
2 1322(a)) is amended—

3 (1) in paragraph (1), by inserting “applicable”  
4 after “promulgation of”;

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

7 (3) by adding at the end the following new  
8 paragraph:

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

13 **SEC. 208. MARINE WATER QUALITY CRITERIA AND STAND-**  
14 **ARDS.**

15 (a) MARINE WATER QUALITY CRITERIA.—Section  
16 304(a) (33 U.S.C. 1314(a)), as amended by section  
17 102(a), is further amended—

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

21 (2) by adding at the end the following new  
22 paragraphs:

23 “(10)(A) Not later than 1 year after the date of en-  
24 actment of this paragraph, the Administrator shall submit  
25 to Congress a 5-year plan and schedule for the develop-

1 ment, review, and revision of criteria for pollutants found  
2 in marine waters.

3 “(B) The plan shall—

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

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

8 “(C) The Administrator shall consult with the Under  
9 Secretary and the Governor of each interested State in  
10 developing the plan. In addition, the Administrator shall  
11 take into consideration—

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

16 “(ii) the marine environment toxics release in-  
17 ventory assessment prepared pursuant to section  
18 321.

19 “(11)(A)(i) In the case of a pollutant for which cri-  
20 teria and information under subsection (a) have not been  
21 published, any person may petition the Administrator to  
22 develop and publish criteria applicable to marine waters  
23 for the pollutant pursuant to subsection (a). The Adminis-  
24 tration shall approve the petition if the pollutant poses a

1 significant threat to the quality of marine waters, human  
2 health, or the environment.

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

7 “(B) If the Administrator fails to publish notice of  
8 a decision to approve or deny a petition under this para-  
9 graph, the petition shall be deemed to have been approved.  
10 If the Administrator approves a petition pursuant to this  
11 paragraph, the Administrator shall, as expeditiously as  
12 practicable, and in a manner consistent with the plan de-  
13 veloped under this subsection, publish criteria and infor-  
14 mation for the pollutant pursuant to this section.

15 “(12) In the case of a pollutant for which aquatic  
16 life criteria have been published on the date of enactment  
17 of this paragraph, the Administrator shall, not later than  
18 3 years after the date of enactment of this paragraph, re-  
19 vise the criteria and publish the revisions of the criteria,  
20 if the Administrator determines the revisions to be nec-  
21 essary to ensure that the criteria address marine waters.

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

1 (b) MARINE WATER QUALITY STANDARDS.—

2 (1) IN GENERAL.—Section 303 (33 U.S.C.  
3 1313) is amended—

4 (A) by redesignating subsection (h) as sub-  
5 section (i); and

6 (B) by inserting after subsection (g) the  
7 following new subsection:

8 “(h)(1) Not later than 3 years after the date of enact-  
9 ment of this paragraph, each State that borders on marine  
10 waters shall establish standards for marine water quality,  
11 including designated uses for the waters and numerical  
12 criteria to protect the uses, for any pollutant for which  
13 information is published pursuant to section 304(a).

14 “(2) Not later than 3 years after the date of publica-  
15 tion of criteria and information pursuant to section  
16 304(a), each State that borders on marine waters shall  
17 establish numerical water quality standards, based on the  
18 criteria and information, that are adequate to ensure the  
19 attainment of the uses identified in paragraph (1).

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

24 “(4) The Administrator shall promulgate water qual-  
25 ity standards for marine waters that are not under the

1 control of any State that shall ensure the protection and  
2 propagation of a balanced, indigenous population of fish,  
3 shellfish, and wildlife and provide for recreation in and  
4 on the waters.”.

5 (2) CONFORMING AMENDMENT.—Section  
6 302(a) (33 U.S.C. 1312(a)) is amended by inserting  
7 “or section 303(i)” after “section 304(l)”.

8 **SEC. 209. OCEAN DISCHARGE CRITERIA.**

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

12 “(a) No permit shall be issued under section 402 for  
13 a discharge into the territorial sea, the waters of the con-  
14 tiguous zone, the oceans, or any water listed under section  
15 304(n), if the Administrator finds, on the basis of assess-  
16 ment of the criteria established in subsections (c) and (d),  
17 that the discharge may reasonably be expected to pre-  
18 vent—

19 “(1) the protection and propagation of a bal-  
20 anced, indigenous population of shellfish, fish, and  
21 wildlife and recreational activity in and on the water;  
22 or

23 “(2) the attainment of standards established  
24 pursuant to section 303.”.

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

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

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

7 (3) by adding at the end the following new sub-  
8 paragraph:

9 “(H) methods, procedures, and requirements  
10 for biological testing that shall, at a minimum, re-  
11 quire that any reference site be substantially free of  
12 contamination.”.

13 (c) LIMITATION OF REGULATIONS.—Section  
14 403(c)(2) (33 U.S.C. 1343(c)(2)) is amended by adding  
15 at the end the following new sentence: “Any exemption  
16 in a regulation to the limitations of this paragraph is  
17 deemed null and void.”.

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

21 “(d)(1) In assessing the effects of a proposed dis-  
22 charge to marine waters, the Administrator shall take into  
23 consideration, in addition to the criteria established pursu-  
24 ant to subsection (c), a demonstration of the need to dis-  
25 charge by the permit applicant. As a condition of receiving

1 a permit, an applicant shall be required to make full use  
2 of measures, processes, methods, systems, or techniques  
3 to completely eliminate the discharge or minimize the  
4 quantity of pollutants discharged through process  
5 changes, substitution of material, enclosure of systems, or  
6 other modifications.

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

10 “(A) pollution prevention methods; and

11 “(B) the expectations of the Administrator with  
12 regard to the demonstrations required by paragraph  
13 (1).”.

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

17 **SEC. 210. COMBINED SEWER OVERFLOW CONTROL ASSIST-**  
18 **ANCE.**

19 (a) IN GENERAL.—The Secretary of the Army (re-  
20 ferred to in this section as the “Secretary”), acting  
21 through the Chief of Engineers of the Department of the  
22 Army, is authorized to enter into local cooperation agree-  
23 ments to provide financial assistance to a local government  
24 for the construction of facilities for the control of over-

1 flows from combined storm and sanitary sewers to marine  
2 waters.

3 (b) PROJECT IDENTIFICATION.—

4 (1) APPLICATION.—Any municipality with a  
5 plan for the control of combined sewer overflows to  
6 marine waters that has been approved by the Ad-  
7 ministrator of the Environmental Protection Agency  
8 (referred to in this section as the “Administrator”)  
9 as consistent with requirements of the combined  
10 sewer overflow policy published by the Administrator  
11 at 58 Fed. Reg. 4994, on January 19, 1993, may  
12 submit to the Secretary an application for assistance  
13 under this section.

14 (2) REVIEW OF APPLICATION.—The Secretary  
15 shall, with the cooperation and concurrence of the  
16 Administrator, review the applications submitted  
17 pursuant to paragraph (1) and rank the applica-  
18 tions. In ranking the applications, the Secretary  
19 shall give equal weight to—

20 (A) the potential for the project to protect  
21 public health and the environment; and

22 (B) the financial burden on a community  
23 as a result of the high costs of the project or  
24 the lack of alternative local, State, or Federal  
25 funding sources.

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

8           (c) PROJECT ASSISTANCE.—

9           (1) NON-FEDERAL SHARE.—Except as provided  
10          in paragraph (3), the non-Federal sponsor of a  
11          project that receives assistance under this subsection  
12          shall provide a non-Federal share in an amount  
13          equal to not less than 25 percent of the costs of the  
14          project.

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

23          (3) OPERATION AND MAINTENANCE COSTS.—  
24          The non-Federal share of the operation and mainte-

1 nance costs of a project assisted pursuant to this  
2 section shall be 100 percent.

3 (d) PLANNING REQUIREMENTS.—

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

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

11 (B) will not result in the violation of any  
12 provision of such Act.

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

25 (e) DISCRETION OF GOVERNOR FOR LOAN.—

1           (1) IN GENERAL.—Not fewer than 90 days be-  
2 fore the finalization of a local cooperation agreement  
3 pursuant to this section, the Secretary shall notify  
4 the Governor of the State in which a local govern-  
5 ment expected to receive assistance pursuant to this  
6 section is located.

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

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

22           (f) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to carry out this section,  
24 to remain available until expended, for each of fiscal years  
25 1994 through 2000, such sums as may be necessary.

1 **SEC. 211. DEFINITIONS.**

2 (a) NEW DEFINITIONS.—Section 502 (33 U.S.C.  
3 1362) is amended by adding at the end the following new  
4 paragraphs:

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

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

12 “(23) The term ‘Federal agency’ means any depart-  
13 ment, agency, or other instrumentality of the Federal Gov-  
14 ernment and any independent agency or establishment of  
15 the Federal Government, including any government cor-  
16 poration of the Federal Government.

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

19 “(25) The term ‘marine water’ means any estuary,  
20 water of the estuarine zone, any other water seaward of  
21 the historic height of tidal influence, the territorial sea,  
22 the contiguous zone, and the ocean.

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

1 (b) EXISTING DEFINITIONS.—

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

5 (2) ESTUARY AND ESTUARINE ZONE.—Section  
6 320 (33 U.S.C. 1330), as amended by section  
7 204(e)(1), is further amended by striking subsection  
8 (l).

9 **SEC. 212. FEDERAL AGENCY RESPONSIBILITIES.**

10 Title V (33 U.S.C. 1361 et seq.), as amended by sec-  
11 tion 206(b), is further amended—

12 (1) by redesignating section 520 as section 521;  
13 and

14 (2) by inserting after section 519 the following  
15 new section:

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

17 **“(a) STUDY OF FEDERAL AGENCY PROGRAMS.—**

18 **“(1) IN GENERAL.—**The Administrator, in con-  
19 sultation with the Under Secretary, shall, with re-  
20 spect to each Federal agency, conduct a comprehen-  
21 sive study of the policies, programs, and activities  
22 that may result in degradation of marine waters.

23 **“(2) REPORT.—**

24 **“(A) IN GENERAL.—**Not later than 2 years  
25 after the date of enactment of this section, the

1 Administrator shall submit to Congress a report  
2 that includes—

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

5 “(ii) recommendations to reduce deg-  
6 radation of marine waters resulting from  
7 policies, programs, and activities of Fed-  
8 eral agencies.

9 “(B) CONTENTS OF REPORT.—The report  
10 shall include—

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

16 “(ii) a detailed analysis of the impacts  
17 of each policy, program, and activity re-  
18 ferred to in clause (i) on the degradation  
19 of marine waters;

20 “(iii) proposed changes in each policy,  
21 program, and activity referred to in clause  
22 (i) to minimize the impacts referred to in  
23 clause (ii);

24 “(iv) suggested actions to be taken by  
25 other Federal agencies or State depart-

1           ments or agencies to better coordinate the  
2           policies, programs, and activities that  
3           cause degradation of marine waters; and

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

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

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

19                   “(1) minimize the degradation of marine wa-  
20           ters; and

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

24                           “(A) acquiring, managing, and disposing of  
25           Federal lands and facilities;

1           “(B) providing construction and improve-  
2           ments undertaken by the Federal Government  
3           and providing Federal assistance (including fi-  
4           nancial assistance) for construction and im-  
5           provements; and

6           “(C) conducting activities and programs  
7           affecting the marine waters.

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

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

24          **SEC. 213. REPORTS AND STUDIES.**

25          (a) HEALTH IMPACTS STUDY.—

1           (1) IN GENERAL.—The Administrator of the  
2 National Oceanic and Atmospheric Administration of  
3 the Department of Commerce (referred to in this  
4 section as the “Under Secretary”), in collaboration  
5 with the Administrator of the Environmental Protec-  
6 tion Agency (referred to in this section as the “Ad-  
7 ministrator”) and the Secretary of Health and  
8 Human Services, shall conduct a study to determine  
9 the nature of any relationship between the incidence  
10 of human illness and—

11                   (A) pollutants in the marine environment;

12                   and

13                   (B) shellfish consumption.

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

22           (b) ECONOMIC IMPACT STUDY.—Not later than 1  
23 year after the date of enactment of this Act, the Under  
24 Secretary, in consultation with the Administrator, the ap-  
25 propriate officials of State and local governments, com-

1 mercial and recreational fishermen, and other interested  
2 persons, shall submit to Congress a study that identifies,  
3 evaluates, and quantifies the economic impacts of degrada-  
4 tion in the quality of marine waters (including degradation  
5 attributable to floatables (as defined in section 502(25)  
6 of the Federal Water Pollution Control Act, as added by  
7 section 211(a)).

8 (c) ALGAL BLOOM STUDY.—

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

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

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

24 (e) IDENTIFICATION OF UNREGULATED CONTAMI-  
25 NANTS.—

1 (1) IN GENERAL.—The Administrator shall con-  
2 duct such research and monitoring as the Adminis-  
3 trator determines to be necessary to identify unregu-  
4 lated pollutants in marine waters that are not ad-  
5 dressed in a guideline, criteria, standard, or require-  
6 ment developed pursuant to title III of the Federal  
7 Water Pollution Control Act (33 U.S.C. 1251 et  
8 seq.).

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

12 (A) identifies unregulated pollutants in  
13 marine waters; and

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

## 19 **TITLE III—POLLUTION FROM** 20 **SHIPS**

### 21 **SEC. 301. DEFINITION OF OPERATOR.**

22 (a) IN GENERAL.—Subparagraph (b) of section  
23 2(a)(5) of the Act to Prevent Pollution from Ships (33  
24 U.S.C. 1901(a)(5)(B)) is amended by striking “except the  
25 owner” and all that follows through the end of the sub-

1 paragraph and inserting the following: “who by law, lease,  
2 contract, or other arrangement, provides a berth at a port  
3 or terminal or other mooring arrangement for the vessel  
4 to transfer cargo to or from shore;”.

5 (b) TECHNICAL AMENDMENTS.—Section 6 of such  
6 Act (33 U.S.C. 1905) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by striking “a per-  
9 son in charge” and inserting “an operator”;  
10 and

11 (B) in paragraph (2), by striking “Persons  
12 in charge” and inserting “Operators”; and

13 (2) in subsection (c)(2), by striking “person in  
14 charge” and inserting “operator”.

15 **SEC. 302. PREVENTION OF POLLUTION FROM SHIPS.**

16 (a) IN GENERAL.—Section 6 of the Act to Prevent  
17 Pollution from Ships (33 U.S.C. 1905) is amended—

18 (1) in subsection (c)—

19 (A) in paragraph (2)—

20 (i) by striking “(2) If” and inserting  
21 the following: “(2)(A) Subject to subpara-  
22 graph (B), if”; and

23 (ii) by adding at the end the following  
24 new subparagraph:

1       “(B) The Secretary may issue a certificate attesting  
2 to the adequacy of reception facilities under this para-  
3 graph only if, prior to the issuance of the certificate, the  
4 Secretary conducts an onsite inspection of the reception  
5 facilities of the port or terminal that is the subject of the  
6 certificate.”; and

7               (B) in paragraph (3), by striking subpara-  
8 graph (A) and inserting the following new sub-  
9 paragraph:

10       “(A) is valid for the 5-year period beginning on  
11 the date of issuance of the certificate, except that  
12 if—

13               “(i) the charge for operation of the port or  
14 terminal is transferred to a person or entity  
15 other than the person or entity that is the oper-  
16 ator on the date of issuance of the certificate—

17               “(I) the certificate shall expire on the  
18 date that is 30 days after the date of the  
19 transfer; and

20               “(II) the new operator shall be re-  
21 quired to submit an application for a cer-  
22 tificate before a certificate may be issued  
23 for the port or terminal; or

1           “(ii) the certificate is suspended or revoked  
2           by the Secretary, the certificate shall cease to  
3           be valid; and”;

4           (2) by striking subsection (d) and inserting the  
5           following new subsection:

6           “(d)(1) The Secretary shall maintain a list of ports  
7           or terminals with respect to which a certificate issued  
8           under this section—

9           “(A) is in effect; or

10          “(B) has been revoked or suspended.

11          “(2) The Secretary shall make the list referred to in  
12          paragraph (1) available to the general public.”;

13          (3) in subsection (e)—

14                 (A) in paragraph (1), by striking “Except  
15                 in the case” and inserting “Except as provided  
16                 in paragraph (3) and in the case”;

17                 (B) in paragraph (2), by striking “The  
18                 Secretary” and inserting “Except as provided  
19                 in paragraph (3), the Secretary”; and

20                 (C) by adding at the end the following new  
21                 paragraph:

22                 “(3)(A) Not later than 180 days after the date of  
23                 enactment of this paragraph, the Secretary shall, by regu-  
24                 lation, establish a procedure by which the Secretary of the  
25                 department in which the Coast Guard is operating may

1 assess a civil penalty against the operator of the port or  
2 terminal in lieu of denying entry to a ship, or to a terminal  
3 or facility pursuant to paragraph (1) or (2).

4 “(B) The amount of a penalty referred to in subpara-  
5 graph (A) shall not exceed the maximum amount allowable  
6 per day of violation that the Secretary of the department  
7 in which the Coast Guard is operating may assess under  
8 this Act.

9 “(C) If the port or terminal remains in violation of  
10 an applicable requirement of a regulation referred to in  
11 paragraph (1) or (2) on the date that is 30 days after  
12 the date on which the Secretary initially determines that  
13 a port or terminal is in violation of an applicable require-  
14 ment of a regulation, the Secretary shall revoke the certifi-  
15 cate of the port or terminal.”;

16 (4) in subsection (f)—

17 (A) by inserting “(1)” before “The Sec-  
18 retary”; and

19 (B) by adding at the end the following new  
20 paragraph:

21 “(2)(A) Not later than 1 year after the date of enact-  
22 ment of this paragraph, the Secretary shall promulgate  
23 regulations that require the operator of each port or termi-  
24 nal that is subject to any requirement of the MARPOL  
25 Protocol relating to reception facilities to post a placard

1 in a location that can easily be seen by port and terminal  
2 users. The placard shall state, at a minimum, that a user  
3 of a reception facility of the port or terminal should report  
4 to the Secretary any inadequacy of the reception facility.

5 “(B) The Secretary shall promulgate regulations to  
6 carry out this section, including specifications for the plac-  
7 ards referred to in subparagraph (A).

8 “(C) The Secretary shall make available to the gen-  
9 eral public any report received by the Secretary under this  
10 paragraph.”; and

11 (5) by adding at the end the following new sub-  
12 section:

13 “(g) The Secretary shall—

14 “(1) establish a program to ensure that the  
15 owner, operator, or person in charge of each port or  
16 terminal that is not required to apply for a certifi-  
17 cate under this section makes available a reception  
18 facility that meets the requirements for reception fa-  
19 cilities under the regulations promulgated under  
20 subsection (a)(2); and

21 “(2) not later than 2 years after the date of en-  
22 actment of this subsection, and every 2 years there-  
23 after, provide a report to Congress on Coast Guard  
24 activities regarding the ports and terminals de-  
25 scribed in paragraph (1).”.

1 (b) REFUSE RECORD BOOKS; WASTE MANAGEMENT  
2 PLANS; NOTIFICATION OF CREW AND PASSENGERS.—  
3 Section 4(b) of such Act (33 U.S.C. 1903(b)) is amend-  
4 ed—

5 (1) in paragraph (2), by striking subparagraph  
6 (A) and inserting the following new subparagraph:

7 “(A) not later than 1 year after the date of en-  
8 actment of the Coastal Waters Improvement Act of  
9 1993, issue regulations that require each vessel to—

10 “(i) maintain refuse records (either as part  
11 of the log book of the vessel or in a separate  
12 record book);

13 “(ii) establish shipboard waste manage-  
14 ment plans; and

15 “(iii) display a placard and conduct a  
16 briefing that notifies the crew and passengers  
17 of the vessel of the requirements of Annex V of  
18 the Convention.”; and

19 (2) by adding at the end the following new  
20 paragraph:

21 “(3)(A) The Secretary of Agriculture, acting through  
22 the Administrator of the Animal and Plant Health Inspec-  
23 tion Service, shall assist the Secretary in carrying out the  
24 enforcement of this Act.

1       “(B) The Secretary of Agriculture, in coordination  
2 with the Secretary, shall review and revise boarding proce-  
3 dures of the Animal and Plant Health Inspection Service  
4 to improve the enforcement of this Act.

5       “(C) The review and revision of the boarding proce-  
6 dures referred to in subparagraph (B) shall include—

7           “(i) a revision of any boarding forms used by  
8 the Secretary (including adding questions) to provide  
9 information in sufficient detail to enable the Sec-  
10 retary to adequately enforce this Act;

11          “(ii) the coordination of efforts of inspectors of  
12 the Animal and Plant Health Inspection Service to  
13 facilitate the tracking of vessels suspected to be in  
14 violation of this Act from port to port;

15          “(iii) the coordination of the inspection activi-  
16 ties of the Animal and Plant Health Inspection  
17 Service with the animal and plant inspection activi-  
18 ties of the Coast Guard, to ensure that any violation  
19 of this Act may be easily determined, and that an  
20 appropriate penalty is assessed for the violation; and

21          “(iv) methods for using inspectors of the Ani-  
22 mal and Plant Health Inspection Service to deter-  
23 mine compliance with the regulations promulgated  
24 under section 6(a)(2).”.

1 (c) SIZE AND USE.—Section 3(a) of such Act (33  
2 U.S.C. 1902(a)) is amended—

3 (1) in paragraph (3), by striking “and” at the  
4 end;

5 (2) in paragraph (4), by striking the period at  
6 the end and inserting “; and”; and

7 (3) by adding at the end the following new  
8 paragraph:

9 “(5) with respect to subparagraph (A) of sub-  
10 section (a) of section 4—

11 “(A) to—

12 “(i) manned oceangoing United States  
13 ships of 40 feet or more in length that are  
14 engaged in commerce and are documented  
15 under the laws of the United States or  
16 numbered by a State; and

17 “(ii) a manned fixed or floating plat-  
18 form subject to the jurisdiction of the  
19 United States, or operated under the au-  
20 thority of the United States, wherever lo-  
21 cated; and

22 “(B) to any other ship, of a size and use  
23 specified by the Secretary, while in navigable  
24 waters of the United States, except while  
25 transiting in innocent passage and not enroute

1 to a place in the United States or a territory,  
2 possession, or protectorate of the United  
3 States.”.

4 (d) PENALTIES FOR VIOLATIONS.—Section 9 of such  
5 Act (33 U.S.C. 1908) is amended—

6 (1) by redesignating subsections (c) through (f)  
7 as subsections (d) through (g), respectively;

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

10 “(c)(1) If an appropriate official of the Coast Guard  
11 determines that a vessel does not comply with a require-  
12 ment established under section 4 relating to the mainte-  
13 nance of refuse records, the posting of a placard, the brief-  
14 ing of a crew and passengers, or the implementation of  
15 a waste management plan, the official may issue a citation  
16 for the violation that requires a civil penalty, in an amount  
17 determined pursuant to this section, to be payable not  
18 later than 30 days after the issuance of the citation, unless  
19 by such date, the recipient of the citation submits a writ-  
20 ten request for a hearing on the assessment of the civil  
21 penalty pursuant to the citation.

22 “(2) A citation for a violation that requires a civil  
23 penalty may be issued by the appropriate Coast Guard of-  
24 ficial if, on the inspection of a vessel, an appropriate offi-  
25 cial of the Coast Guard determines that—

1           “(A) the person in charge of the vessel has no  
2 receipts documenting—

3           “(i) the disposal of garbage; or

4           “(ii) in any case in which an incinerator is  
5 on board the vessel, receipts documenting the  
6 disposal of plastic residue, if any, from the in-  
7 cinerator;

8           “(B) there is no incinerator on board the vessel;  
9 or

10           “(C) the quantity of plastic waste materials on  
11 board the vessel is too small with respect to the  
12 quantity of plastic waste materials estimated to have  
13 been generated on board the vessel (on the basis of  
14 documentation from the last legal disposal of plastic  
15 waste materials from the vessel).

16           “(3) Not later than 30 days after the issuance of a  
17 citation pursuant to paragraph (2), the recipient of the  
18 citation shall either—

19           “(A) pay the amount of the civil penalty; or

20           “(B) submit a written request for a hearing on  
21 the assessment of the civil penalty.

22           “(4) The Secretary shall consult with the Secretary  
23 of Agriculture to ensure that the record in a log book of  
24 the disposal of waste materials alone may not, for the pur-

1 poses of this subsection, constitute proof of legal disposal  
2 of waste materials.”; and

3 (3) in subsection (g), as redesignated by para-  
4 graph (1)—

5 (A) by inserting “(1)” before “Notwith-  
6 standing”;

7 (B) in paragraph (1), as designated by  
8 subparagraph (A), by striking “or (d)” and in-  
9 serting “or (e)”;

10 (C) by adding at the end the following new  
11 paragraphs:

12 “(2) If the Secretary of the department in which the  
13 Coast Guard is operating—

14 “(A) conducts an investigation and refers a  
15 matter pursuant to paragraph (2), to the appro-  
16 priate official of a foreign country that is a party to  
17 the MARPOL Protocol relating to a violation or sus-  
18 pected violation of an owner, operator, or person in  
19 charge of a vessel that is registered in the foreign  
20 country of a requirement of the MARPOL Protocol;  
21 and

22 “(B) the official of the foreign country does not  
23 provide a response that the Secretary determines ap-  
24 propriate,

25 paragraph (3) shall apply.

1       “(3) If the conditions referred to in subparagraphs  
2 (A) and (B) of paragraph (2) are met, the Secretary of  
3 the Treasury, on the request of the Secretary of the de-  
4 partment in which the Coast Guard is operating, may with  
5 respect to the vessel referred to in paragraph (2) refuse  
6 or revoke—

7               “(A) the clearance required under section 4197  
8 of the Revised Statutes (46 U.S.C. App. 91);

9               “(B) a permit to proceed under section 4367 of  
10 the Revised Statutes (46 U.S.C. App. 313); and

11               “(C) a permit to depart (as required under sec-  
12 tion 443 of the Tariff Act of 1930 (19 U.S.C.  
13 1443)),

14 whichever is applicable.

15       “(4) The Secretary of the department in which the  
16 Coast Guard is operating shall, not later than 1 year after  
17 the date of enactment of this paragraph, and annually  
18 thereafter, publish a list of any referral described in para-  
19 graph (2) including, with respect to each referral—

20               “(A) the date of transmittal; and

21               “(B) the date and nature of any response by  
22 the appropriate official of the foreign country to  
23 whom the referral is sent.”.

1 (e) SHIP INSPECTIONS; REPORTS TO SECRETARY.—  
2 Section 8(c) of such Act (33 U.S.C. 1907(c)) is amended  
3 by adding at the end the following new paragraphs:

4 “(3)(A) The Secretary shall make available to the  
5 public a toll-free telephone number for reporting violations  
6 of the MARPOL Protocol and this Act.

7 “(B) In carrying out this paragraph, the Secretary  
8 may—

9 (i) enter into a cooperative agreement with the  
10 appropriate official of the National Response Center  
11 to use the telephone reporting service of the Center  
12 to provide for the reporting of the violations referred  
13 to in the previous sentence under the telephone re-  
14 porting service; or

15 (ii) establish a separate telephone reporting  
16 system.

17 “(C) The Secretary shall report to Congress annually  
18 on the effectiveness of the toll-free telephone reporting  
19 system. Each report shall include—

20 (i) the number and types of referral calls re-  
21 lated to Annex V of the MARPOL Protocol received;  
22 and

23 (ii) information regarding any investigations  
24 conducted and enforcement actions taken in re-  
25 sponse to a call described in clause (i).



1 (1) in paragraph (1)—

2 (A) in the matter preceding subparagraph  
3 (A), by striking “for a period of at least 3  
4 years,”;

5 (B) in subparagraph (C), by striking  
6 “and” at the end;

7 (C) in subparagraph (D), by striking the  
8 period at the end and inserting “; and”; and

9 (D) by adding at the end the following new  
10 subparagraph:

11 “(E) the requirements under this Act and  
12 the Act to Prevent Pollution from Ships (33  
13 U.S.C. 1901 et seq.) with respect to vessels and  
14 ports, and the authority of citizens to report  
15 violations of this Act and the Act to Prevent  
16 Pollution from Ships (33 U.S.C. 1901 et  
17 seq.).”; and

18 (2) by striking paragraph (2) and inserting the  
19 following new paragraph:

20 “(2) AUTHORIZED ACTIVITIES.—

21 “(A) PUBLIC OUTREACH PROGRAM.—A  
22 public outreach program under paragraph (1)  
23 may include—

24 “(i) developing and implementing a  
25 voluntary boaters’ pledge program;

1           “(ii) workshops with interested  
2 groups;

3           “(iii) public service announcements;

4           “(iv) distribution of leaflets and post-  
5 ers; and

6           “(v) any other means appropriate to  
7 educating the public.

8           “(B) CONSULTATION.—In developing out-  
9 reach initiatives targeted at the interested  
10 groups that are subject to the requirements of  
11 this title and the Act to Prevent Pollution from  
12 Ships (33 U.S.C. 1901 et seq.), the Secretary  
13 of the department in which the Coast Guard is  
14 operating, in consultation with the Secretary of  
15 Commerce, acting through the Administrator of  
16 the National Oceanic and Atmospheric Admin-  
17 istration, and the Administrator of the Environ-  
18 mental Protection Agency, shall consult with—

19           “(i) the heads of State agencies re-  
20 sponsible for implementing State boating  
21 laws; and

22           “(ii) the heads of other enforcement  
23 agencies that regulate boaters or commer-  
24 cial fishermen.

1           “(C) GRANTS.—To carry out this section,  
2           the Secretary of the department in which the  
3           Coast Guard is operating, the Secretary of  
4           Commerce, and the Administrator of the Envi-  
5           ronmental Protection Agency are authorized to  
6           award grants, enter into cooperative agree-  
7           ments, and provide other financial assistance to  
8           eligible recipients.”.

9           (c) MISCELLANEOUS PROVISIONS.—

10           (1) IN GENERAL.—The Marine Plastic Pollu-  
11           tion Research and Control Act of 1987 is amended  
12           by adding at the end the following new subtitle:

13           **“Subtitle D—Miscellaneous**  
14           **Provisions**

15           **“SEC. 2401. APPLICABILITY OF WHISTLE BLOWER PROVI-**  
16           **SIONS.**

17           “Section 2302 of title 5, United States Code, shall  
18           apply to any employee of the Department of Transpor-  
19           tation, the Department of Defense, or the Department of  
20           Agriculture, as described in subsection (a)(2)(B) of such  
21           section, who carries out any requirement of this Act or  
22           the Act to Prevent Pollution from Ships (33 U.S.C. 1901  
23           et seq.).

1 **“SEC. 2402. REPORTS TO CONGRESS.**

2 “If the Secretary of the department in which the  
3 Coast Guard is operating fails to meet a deadline specified  
4 in this Act or the Act to Prevent Pollution from Ships  
5 (33 U.S.C. 1901 et seq.), the Secretary shall submit a  
6 written report to Congress that explains the reasons for  
7 the failure.

8 **“SEC. 2403. FEES.**

9 “(a) PROHIBITION.—Notwithstanding any other pro-  
10 vision of law, a port or terminal, or a hauler that contracts  
11 with a port or terminal, shall be prohibited from charging  
12 a vessel a separate fee for the disposal of waste that is  
13 not regulated by the Secretary of Agriculture pursuant to  
14 the authority granted to the Secretary to carry out the  
15 functions of the Animal and Plant Health Inspection Serv-  
16 ice.

17 “(b) CONDITION FOR CERTIFICATION.—The Sec-  
18 retary of the department in which the Coast Guard is op-  
19 erating, shall require as a condition of a certificate issued  
20 pursuant to section 6 of the Act to Prevent Pollution from  
21 Ships (33 U.S.C. 1905) that the holder of the certificate  
22 meet the requirements of subsection (a).

23 **“SEC. 2404. SENSE OF CONGRESS REGARDING INSURANCE.**

24 “It is the sense of Congress that—

25 “(1) certain insurance policies or rules of pro-  
26 tection and indemnity clubs that provide insurance

1 for shippers should not provide for the payment of  
2 a penalty under the Act to Prevent Pollution from  
3 Ships (33 U.S.C. 1901 et seq.); and

4 “(2) the Secretary of the department in which  
5 the Coast Guard is operating, acting through the  
6 Commandant of the Coast Guard, should consult  
7 with the International Maritime Organization to  
8 seek to establish international standards prohibiting  
9 the issuance of a contract of insurance for the sale  
10 of a policy that would provide for the payment of  
11 any penalty under the Act to Prevent Pollution from  
12 Ships (33 U.S.C. 1901 et seq.) or under a law of a  
13 foreign country that is a signatory of the MARPOL  
14 Protocol to carry out the MARPOL Protocol.

15 **“SEC. 2405. NOTICE OF ARRIVAL.**

16 “The owner, master, agent, or person in charge of  
17 a vessel shall include in the notice of arrival required to  
18 be submitted to the Captain of the Port of the port or  
19 place of destination pursuant to the Ports and Waterways  
20 Safety Act (33 U.S.C. 1221 et seq.) information concern-  
21 ing the intention of the owner, master, or person in charge  
22 of the vessel with respect to the disposal of onboard waste  
23 at the port or place of destination.

1 **“SEC. 2406. COORDINATION.**

2 “(a) ESTABLISHMENT OF MARINE DEBRIS COORDI-  
3 NATING COMMITTEE.—The Administrator of the Environ-  
4 mental Protection Agency shall establish a Marine Debris  
5 Coordinating Committee (referred to in this section as the  
6 ‘Committee’).

7 “(b) MEMBERSHIP.—The Committee shall be com-  
8 prised of a representative from—

9 “(1) the Environmental Protection Agency, who  
10 shall serve as the Chairperson of the Committee;

11 “(2) the National Oceanic and Atmospheric Ad-  
12 ministration;

13 “(3) the United States Coast Guard;

14 “(4) the United States Navy; and

15 “(5) such other Federal agencies as the Admin-  
16 istrator of the Environmental Protection Agency de-  
17 termines appropriate.

18 “(c) MEETINGS.—The Committee shall meet at least  
19 twice a year to provide a forum to ensure the coordination  
20 of national and international research, monitoring, edu-  
21 cation, and regulatory actions addressing the persistent  
22 marine debris problem.

23 **“SEC. 2407. MONITORING.**

24 “The Administrator of the Environmental Protection  
25 Agency, in cooperation with the Secretary of Commerce,  
26 acting through the Administrator of the National Oceanic

1 and Atmospheric Administration, shall utilize the marine  
 2 debris data derived under title V of the Marine Protection,  
 3 Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801  
 4 et seq.) to assist the United States Coast Guard in assess-  
 5 ing the effectiveness of this Act.”.

6 (2) AMENDMENTS TO TABLE OF CONTENTS.—  
 7 The table of contents in section 2 of the United  
 8 States-Japan Fishery Agreement Approval Act of  
 9 1987 (101 Stat. 1458) is amended by adding at the  
 10 end of the items relating to title II of such Act the  
 11 following new items:

“Subtitle D—Miscellaneous Provisions

- “Sec. 2401. Applicability of whistle blower provisions.
- “Sec. 2402. Reports to Congress.
- “Sec. 2403. Fees.
- “Sec. 2404. Sense of Congress regarding insurance.
- “Sec. 2405. Notice of arrival.
- “Sec. 2406. Coordination.
- “Sec. 2407. Monitoring.”.

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S 1459 IS—3

S 1459 IS—4

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