

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

# S. 1114

To amend and reauthorize the Federal Water Pollution Control Act, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 15, 1993

Mr. BAUCUS (for himself and Mr. CHAFEE) 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 amend and reauthorize the Federal Water Pollution  
Control Act, and for other purposes.

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

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

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Water Pollution Prevention and Control Act of 1993”.

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

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Findings and purpose.

- Sec. 101. State revolving loan funds.
- Sec. 102. State program grants.
- Sec. 103. General program authorizations.

TITLE II—TOXIC POLLUTION PREVENTION AND CONTROL

- Sec. 201. Point source technology based controls.
- Sec. 202. Water quality criteria and standards.
- Sec. 203. Toxic pollutant phase-out.
- Sec. 204. Pretreatment program.
- Sec. 205. Pollution prevention planning.

TITLE III—WATERSHED PLANNING AND NONPOINT POLLUTION CONTROL

- Sec. 301. Water quality monitoring.
- Sec. 302. Comprehensive watershed management.
- Sec. 303. Impaired waters identification.
- Sec. 304. Nonpoint pollution control.

TITLE IV—MUNICIPAL POLLUTION CONTROL

- Sec. 401. Combined sewer overflows.
- Sec. 402. Stormwater management.
- Sec. 403. Water conservation.

TITLE V—PERMIT PROGRAM AND ENFORCEMENT

- Sec. 501. Permit fees.
- Sec. 502. Permit program modifications.
- Sec. 503. Enforcement.

TITLE VI—PROGRAM MANAGEMENT

- Sec. 601. Technology development.
- Sec. 602. State certification.
- Sec. 603. Reports to Congress.
- Sec. 604. Definitions.
- Sec. 605. Indian programs.
- Sec. 606. Clean water education.
- Sec. 607. National estuary program.

1           (c) REFERENCES TO THE FEDERAL WATER POLLU-  
 2 TION CONTROL ACT.—Whenever in this Act an amend-  
 3 ment or repeal is expressed in terms of an amendment  
 4 to, or repeal of, a section or other provision, the reference  
 5 shall be considered to be made to a section or other provi-  
 6 sion of the Federal Water Pollution Control Act (33

1 U.S.C. 1251 et seq.), except to the extent otherwise spe-  
2 cifically provided.

3 **SEC. 2. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Over the past 20 years, the Federal Water  
6 Pollution Control Act has resulted in great progress  
7 towards achieving the goal Congress established  
8 when Congress enacted such Act in 1972: “to re-  
9 store and maintain the chemical, physical, and bio-  
10 logical integrity of the Nation’s waters”.

11 (2) Despite this progress, significant water pol-  
12 lution problems remain. Thirty percent of the waters  
13 of the United States suffer varying degrees of water  
14 quality impairments, toxic pollutants remain a sig-  
15 nificant threat to aquatic systems and to human  
16 health, and pollution from nonpoint sources accounts  
17 for significant impairments.

18 (3) There is a substantial need for water qual-  
19 ity projects throughout the country. The cost of sew-  
20 age treatment projects is estimated to be  
21 \$80,000,000,000.

22 (4) In order to achieve further progress, addi-  
23 tional resources must be made available to State and  
24 municipal governments, including increased financial

1 assistance for water quality projects and increased  
2 program support through permit fees.

3 (5) Substantial opportunities exist to improve  
4 water pollution control by using new water pollution  
5 control strategies, such as pollution prevention plan-  
6 ning, water conservation, the development of innova-  
7 tive pollution control technology, comprehensive wa-  
8 tershed planning, and programs that protect the  
9 physical and biological properties of aquatic systems.

10 (6) Substantial opportunities exist to improve  
11 water pollution control by improving the operation of  
12 existing programs that apply to toxic pollutants, in-  
13 cluding pollutant criteria and standards, effluent  
14 guidelines, pretreatment standards, and the author-  
15 ity to phase out certain toxic pollutants.

16 (7) Substantial opportunities exist to improve  
17 water pollution control by addressing pollution from  
18 nonpoint sources, such as construction, forestry, and  
19 agriculture, particularly through the use of water-  
20 shed planning, targeted control measures, and finan-  
21 cial assistance.

22 (8) Pollution from overflows from combined  
23 storm and sanitary sewers and from stormwater dis-  
24 charges continues to cause significant water quality  
25 impairments. A long-range strategy for control of

1 these discharges, which recognizes financial con-  
2 straints, is necessary.

3 (9) All dischargers to the waters of the United  
4 States, including Federal agencies, have an obliga-  
5 tion to comply with water quality laws. More can be  
6 done to ensure that enforcement by Federal and  
7 State governments and citizen groups is prompt and  
8 effective.

9 (b) PURPOSE.—The purpose of this Act is to reau-  
10 thorize the Federal Water Pollution Control Act in order  
11 to provide expanded assistance to State governments, ad-  
12 dress remaining water pollution control problems, employ  
13 new pollution control strategies, and improve overall water  
14 program implementation.

## 15 **TITLE I—WATER PROGRAM** 16 **FUNDING**

### 17 **SEC. 101. STATE REVOLVING LOAN FUNDS.**

18 (a) GRANTS TO STATES FOR ESTABLISHMENT OF  
19 REVOLVING FUNDS.—

20 (1) IN GENERAL.—Subsection (a) of section  
21 601 (33 U.S.C. 1381(a)) is amended to read as fol-  
22 lows:

23 “(a) GENERAL AUTHORITY.—Subject to this title,  
24 the Administrator shall make capitalization grants to each

1 State for the purpose of establishing a water pollution con-  
2 trol revolving fund.”.

3 (2) PROJECTS ELIGIBLE FOR ASSISTANCE.—

4 Subsection (c) of section 603 (33 U.S.C. 1383(c)) is  
5 amended to read as follows:

6 “(c) PROJECTS ELIGIBLE FOR ASSISTANCE.—

7 “(1) IN GENERAL.—The funds available to each  
8 State water pollution control revolving fund (re-  
9 ferred to in this section as the ‘fund’) may be used  
10 only for providing assistance, for projects with re-  
11 spect to which the principal purpose is protecting  
12 and improving water quality, to a municipality,  
13 intermunicipal agency, interstate agency, State agen-  
14 cy, or individual, to carry out 1 or more of the fol-  
15 lowing activities:

16 “(A) The construction of a publicly owned  
17 treatment works, as defined in section 212.

18 “(B) Implementing an approved manage-  
19 ment program under section 319.

20 “(C) Implementing an approved conserva-  
21 tion and management plan under section 320.

22 “(D) Implementing a combined stormwater  
23 and sanitary sewer overflow elimination pro-  
24 gram.

1           “(E) Providing assistance to a subsurface  
2 sewage disposal management organization ap-  
3 proved by the Administrator pursuant to sec-  
4 tion 319.

5           “(F) Carrying out projects identified in a  
6 watershed plan prepared pursuant to section  
7 321.

8           “(G) Implementing a Lakewide Manage-  
9 ment Plan or Remedial Action Plan developed  
10 pursuant to section 118.

11           “(H) Implementing a lake protection  
12 project developed pursuant to section 314.

13           “(I) Constructing an animal waste man-  
14 agement facility approved pursuant to section  
15 319.

16           “(2) LIMITATION OF ASSISTANCE.—

17           “(A) DISCHARGE ACTIVITIES.—Assistance  
18 provided under this subsection to an individual  
19 for an activity related to a discharge shall be  
20 limited to an activity not otherwise required by  
21 this or other Federal law.

22           “(B) OTHER ACTIVITIES.—Assistance pro-  
23 vided under this subsection for projects eligible  
24 pursuant to subparagraphs (F) through (I) of  
25 paragraph (1) shall be limited to projects that

1           are consistent with a watershed plan prepared  
2           under section 321.

3           “(3) REVOLVING FUND.—The fund shall be es-  
4           tablished, maintained, and credited with repayments,  
5           and the fund shall be available in perpetuity for as-  
6           sisting eligible projects.

7           “(4) ASSISTANCE FOR CONSTRUCTING PUB-  
8           LICLY OWNED TREATMENT WORKS.—Assistance pro-  
9           vided pursuant to subparagraphs (A) and (D) of  
10          paragraph (1) may include the cost of obtaining any  
11          necessary land, easement, or right-of-way with re-  
12          spect to which the recipient of assistance is not the  
13          owner (at the time of receipt of assistance) that is  
14          directly related to the treatment plant or outfall of  
15          a publicly owned treatment works, except that the  
16          amount provided as assistance may not exceed the  
17          assessed value of the land, easement, or right-of-  
18          way.”.

19          (b) CAPITALIZATION GRANTS.—

20                 (1) SPECIFIC REQUIREMENTS FOR CAPITALIZA-  
21                 TION GRANT AGREEMENTS.—

22                         (A) CAPITALIZATION GRANT AGREE-  
23                         MENTS.—Section 602(b)(6) (33 U.S.C.  
24                         1382(b)(6)) is amended—

1 (i) by striking “1995” and inserting  
2 “2001”;

3 (ii) by striking “201(g)(1),  
4 201(g)(2),”; and

5 (iii) by striking “201(g)(6)”.

6 (B) GRANTS FOR CONSTRUCTION OF  
7 TREATMENT WORKS.—Section 201 (33 U.S.C.  
8 1281) is amended—

9 (i) in subsection (g)(5), by adding at  
10 the end the following new sentence: “Not-  
11 withstanding any other provision of this  
12 paragraph, the Administrator may deem  
13 that the requirements of this paragraph  
14 have been met by a treatment works that  
15 serves 10,000 or fewer individuals if the  
16 treatment works has considered a group of  
17 alternatives described by the Administrator  
18 in guidance documents.”; and

19 (ii) in subsection (o), in the matter  
20 preceding paragraph (1), by inserting after  
21 “assist applicants for grant assistance  
22 under this title” the following: “(except for  
23 any applicant for grant assistance for a  
24 publicly owned treatment works that serves  
25 10,000 or fewer individuals)”.

1 (C) STATE SHARE.—The first sentence of  
2 section 204(b)(1)(A) (33 U.S.C. 1284(b)(1)(A))  
3 is amended by striking “proportionate”.

4 (2) DEDICATED SOURCE.—Section  
5 603(d)(1)(C) (33 U.S.C. 1383(d)(1)(C)) is amended  
6 by inserting “for a project eligible under subpara-  
7 graph (A), (D), or (E) of subsection (c)(1)” after “a  
8 loan”.

9 (3) CONSISTENCY WITH PLANNING REQUIRE-  
10 MENTS.—Section 603(f) (33 U.S.C. 1383(f)) is  
11 amended—

12 (A) by striking “is consistent with” and in-  
13 serting “is not inconsistent with”; and

14 (B) by striking “and 320” and inserting  
15 “320, and 321”.

16 (c) TECHNICAL ASSISTANCE FOR SMALL SYSTEMS.—  
17 Section 602 (33 U.S.C. 1382) is amended—

18 (1) in subsection (b)—

19 (A) in paragraph (2), by inserting “except  
20 as provided in subsection (c),” before “the  
21 State will deposit”; and

22 (B) in paragraph (3), by inserting “except  
23 as provided in subsection (c),” before “the  
24 State will enter”; and

1           (2) by adding at the end the following new sub-  
2 section:

3           “(c) TECHNICAL ASSISTANCE FOR SMALL SYS-  
4 TEMS.—

5           “(1) DEFINITIONS.—As used in this subsection:

6           “(A) SMALL SYSTEM.—The term ‘small  
7 system’ means a publicly owned treatment  
8 works or a subsurface sewage disposal system  
9 that serves 10,000 or fewer individuals.

10           “(B) TECHNICAL ASSISTANCE.—The term  
11 ‘technical assistance’ includes technical and fi-  
12 nancial management assistance provided by a  
13 State to a small system. The term includes as-  
14 sistance provided by a State for the planning  
15 and design of a small system (referred to in  
16 this subsection as ‘facility planning and de-  
17 sign’).

18           “(2) VALUE OF PLANNING AND DESIGN ASSIST-  
19 ANCE.—The value of planning and design assistance  
20 provided to a small system shall be repaid as part  
21 of any loan provided to the small system pursuant  
22 to this title.

23           “(3) TECHNICAL ASSISTANCE.—

24           “(A) IN GENERAL.—

1           “(i) OFFSET.—Subject to subpara-  
2           graphs (B) and (C), each State may re-  
3           duce the amount that would otherwise be  
4           required to be deposited by the State as  
5           State matching funds under subsection  
6           (b)(2) by the amount equal to the value of  
7           technical assistance provided by the State,  
8           from funds made available by the State.

9           “(ii) TREATMENT OF OFFSET WITH  
10          RESPECT TO BINDING COMMITMENTS.—  
11          Each State may reduce the amount of as-  
12          sistance provided in accordance with bind-  
13          ing commitments that would otherwise be  
14          required under subsection (b)(3) by an  
15          amount equal to the value of the offset of  
16          State matching funds made pursuant to  
17          this paragraph.

18          “(B) MAXIMUM OFFSET.—For each State,  
19          the total amount of the offset of State matching  
20          funds made pursuant to this paragraph for a  
21          fiscal year may not exceed the greater of—

22                 “(i) an amount equal to 2 percent of  
23                 the amount of the capitalization grant re-  
24                 ceived by the State pursuant to this sec-  
25                 tion; or

1                   “(ii) \$100,000.

2                   “(C) ASSISTANCE FOR PLANNING AND DE-  
3                   SIGN.—To provide assistance for a small system  
4                   that does not receive a loan under this title, the  
5                   State may use a portion of the amount referred  
6                   to in subparagraph (B) to provide a grant for  
7                   facility planning and design. The amount of the  
8                   grant award may not exceed 50 percent of the  
9                   cost of the facility planning and design.”.

10           (d) ASSISTANCE FOR DISADVANTAGED COMMU-  
11           NITIES.—Subsection (h) of section 603 (33 U.S.C.  
12           1383(h)) is amended to read as follows:

13           “(h) ASSISTANCE FOR DISADVANTAGED COMMU-  
14           NITIES.—

15                   “(1) DISADVANTAGED COMMUNITY DEFINED.  
16           As used in this subsection, the term ‘disadvantaged  
17           community’ means the service area of a publicly  
18           owned treatment works with respect to which the av-  
19           erage annual residential sewage treatment charges  
20           for a user of the treatment works (referred to in this  
21           subsection as ‘average annual residential user  
22           charges’) is an amount greater than 1.5 percent of  
23           the median household income for the service area.

24                   “(2) LOAN FORGIVENESS.—In any case in  
25           which the State makes a loan pursuant to subsection

1 (d)(1) to a disadvantaged community or to a com-  
2 munity that the State expects to become a disadvan-  
3 tagged community, the State may forgive an amount  
4 of the principal of the loan not to exceed the amount  
5 of forgiveness required to ensure that the average  
6 annual residential user charges for the service area  
7 of the publicly owned treatment works that is the  
8 subject of the loan does not exceed 1.5 percent of  
9 the median household income for the service area.

10 “(3) GRANT OR LOAN AMOUNT.—The total  
11 amount of loan forgiveness made by a State pursu-  
12 ant to paragraph (2) to a disadvantaged community  
13 or to a community that the State expects to become  
14 a disadvantaged community may not exceed  
15 \$20,000,000.

16 “(4) TOTAL AMOUNT OF LOAN FORGIVENESS.—  
17 For each fiscal year, the total amount of loan for-  
18 giveness made by a State pursuant to paragraph (2)  
19 may not exceed 20 percent of the amount of the cap-  
20 italization grant received by the State for the year.”.

21 (e) WATER POLLUTION CONTROL REVOLVING LOAN  
22 FUNDS.—

23 (1) GRANTS TO CERTAIN STATES.—Section 603  
24 (42 U.S.C. 1383) is amended by adding at the end  
25 the following new subsection:

1 “(i) ASSISTANCE TO CERTAIN STATES.—

2 “(1) IN GENERAL.—The sums authorized to be  
3 appropriated for capitalization grants under this  
4 title to American Samoa, Guam, the Commonwealth  
5 of the Northern Mariana Islands, the Republic of  
6 Palau (pending ratification of the Compact of Free  
7 Association), the United States Virgin Islands, and  
8 the District of Columbia may be used for construc-  
9 tion grants under title II at the request of the chief  
10 executive of the entity.

11 “(2) REQUIREMENTS FOR PUBLICLY OWNED  
12 TREATMENT WORKS.—

13 “(A) IN GENERAL.—Except as provided in  
14 subparagraph (B), each publicly owned treat-  
15 ment works that receives assistance under this  
16 subsection shall be required to meet the re-  
17 quirements of this Act in the same manner as  
18 is required for each publicly owned treatment  
19 works that receives assistance under title II.

20 “(B) EXCEPTION.—In the case of a pub-  
21 licly owned treatment works in the District of  
22 Columbia, the matching percentage required  
23 under title II shall be 20 percent.”.

24 (2) ADMINISTRATIVE COSTS.—Section  
25 603(d)(7) (33 U.S.C. 1383(d)(7)) is amended by in-

1       serting before the period at the end the following: “,  
2       or, at the request of the State and with the approval  
3       of the Administrator, 1/2 percent of the sum of the  
4       total amount of the capitalization grants made to  
5       the State under this title and funds deposited by the  
6       State from sums made available by the State by ap-  
7       propriations”.

8               (3) RESERVATION OF FUNDS.—The first sen-  
9       tence of section 205(g)(1) (33 U.S.C. 1285(g)(1)) is  
10       amended by striking “ending before October 1,  
11       1994” and inserting “ending before October 1,  
12       1997”.

13       (f) ALLOTMENT OF FUNDS.—

14               (1) IN GENERAL.—Subsection (a) of section  
15       604 (33 U.S.C. 1384(a)) is amended to read as fol-  
16       lows:

17       “(a) ALLOTMENT.—

18               “(1) AMOUNT ALLOTTED IN ACCORDANCE WITH  
19       SECTION 205(c).—

20               “(A) IN GENERAL.—The applicable per-  
21       centage of the amounts made available by ap-  
22       propriation to carry out this section for each of  
23       fiscal years 1995 through 2000 shall be allotted  
24       by the Administrator in accordance with section  
25       205(c).

1           “(B) APPLICABLE PERCENTAGE.—The ap-  
2           plicable percentage referred to in subparagraph  
3           (A) shall be—

4                   “(i) 60 percent for fiscal year 1995;

5                   “(ii) 40 percent for fiscal year 1996;

6                   “(iii) 20 percent for fiscal year 1997;

7           and

8                   “(iv) 0 percent for each of fiscal years  
9                   1998 through 2000.

10           “(2) AMOUNT ALLOTTED IN ACCORDANCE WITH  
11           NEW FORMULAS.—

12                   “(A) GENERAL ALLOTMENT.—

13                   “(i) IN GENERAL.—The applicable  
14                   percentage of the amounts made available  
15                   by appropriation to carry out this section  
16                   for each of fiscal years 1995 through 2000  
17                   shall be allotted by the Administrator in  
18                   accordance with a formula that the Admin-  
19                   istrator shall establish pursuant to this  
20                   subparagraph.

21                   “(ii) APPLICABLE PERCENTAGE.—The  
22                   applicable percentage referred to in clause  
23                   (i) shall be—

24                           “(I) 40 percent for fiscal year  
25                           1995;

1                   “(II) 55 percent for fiscal year  
2 1996;

3                   “(III) 70 percent for fiscal year  
4 1997;

5                   “(IV) 85 percent for fiscal year  
6 1998;

7                   “(V) 80 percent for fiscal year  
8 1999; and

9                   “(VI) 75 percent for fiscal year  
10 2000.

11                   “(iii) FORMULA.—

12                   “(I) IN GENERAL.—Not later  
13 than October 1, 1994, and every 2  
14 years thereafter through October 1,  
15 2000, the Administrator shall, by reg-  
16 ulation, establish a formula for allot-  
17 ting the amounts referred to in clause  
18 (i).

19                   “(II) CRITERIA FOR FORMULA.—  
20 Each formula referred to in clause (i)  
21 shall provide for—

22                   “(aa) the allotment to each  
23 State of an amount that bears  
24 the same ratio to the amounts  
25 made available for allotment

1 under this subparagraph as the  
2 total amount of costs of projects  
3 eligible for assistance under sec-  
4 tion 603(c)(1) for the State bears  
5 to the total amount of costs of  
6 projects eligible for assistance  
7 under section 603(c)(1) for all  
8 States; and

9 “(bb) the adjustment of the  
10 amounts allotted pursuant to  
11 item (aa) to meet the require-  
12 ments of paragraph (3).

13 “(B) ALLOTMENT FOR WATERSHED MAN-  
14 AGEMENT AND PLANNING.—

15 “(i) IN GENERAL.—The applicable  
16 percentage of the amounts made available  
17 by appropriation to carry out this section  
18 for each of fiscal years 1995 through 2000  
19 shall be allotted by the Administrator for  
20 watershed planning and management  
21 under section 321 in accordance with a  
22 formula that the Administrator shall estab-  
23 lish pursuant to this subparagraph.

1           “(ii) APPLICABLE PERCENTAGE.—The  
2 applicable percentage referred to in clause  
3 (i) shall be—

4                   “(I) 5 percent for fiscal year  
5 1996;

6                   “(II) 10 percent for fiscal year  
7 1997;

8                   “(III) 15 percent for fiscal year  
9 1998;

10                   “(IV) 20 percent for fiscal year  
11 1999; and

12                   “(V) 25 percent for fiscal year  
13 2000.

14           “(iii) FORMULA.—

15                   “(I) IN GENERAL.—Not later  
16 than October 1, 1994, and every 2  
17 years thereafter through October 1,  
18 2000, the Administrator shall, by reg-  
19 ulation, establish a formula for allot-  
20 ting the amounts referred to in clause  
21 (i).

22                   “(II) CRITERIA FOR FORMULA.—  
23 Each formula referred to in clause (i)  
24 shall provide for—

1           “(aa) the allotment to each  
2           State of an amount that bears  
3           the same ratio to the amounts  
4           made available for allotment  
5           under this subparagraph as the  
6           total amount of costs of projects  
7           eligible for assistance under sec-  
8           tion 603(c)(1)(F) for the State  
9           bears to the total amount of  
10          costs of projects eligible for as-  
11          sistance under section  
12          603(c)(1)(F) for all States; and

13           “(bb) the adjustment of the  
14          amounts allotted pursuant to  
15          item (aa) to meet the require-  
16          ments of paragraph (3).

17          “(3) MINIMUM ALLOTMENT.—

18           “(A) IN GENERAL.—Except as provided in  
19          subparagraph (B), the minimum percentage  
20          amount of the amounts made available by ap-  
21          propriation to carry out this section for each of  
22          fiscal years 1995 through 2000 allotted to each  
23          of the 50 States shall be  $\frac{1}{2}$  percent.

24           “(B) CERTAIN TERRITORIES.—

1           “(i) IN GENERAL.—A total amount  
2           equal to the amount specified in clause (ii)  
3           shall be allotted among the following:

4                   “(I) American Samoa.

5                   “(II) Guam.

6                   “(III) The Commonwealth of the  
7           Northern Mariana Islands.

8                   “(IV) The Republic of Palau  
9           (pending ratification of the Compact  
10          of Free Association).

11                  “(V) The United States Virgin  
12          Islands.

13                  “(ii) AMOUNT SPECIFIED.—The total  
14          amount allotted pursuant to clause (i) shall  
15          be not less than  $\frac{1}{3}$  percent of the amounts  
16          made available by appropriation to carry  
17          out this section for each of fiscal years  
18          1995 through 2000.”.

19                  (2) PLANNING FUNDS.—Subsection (b) of sec-  
20          tion 604 (33 U.S.C. 1384(b)) is amended to read as  
21          follows:

22                  “(b) RESERVATION OF FUNDS FOR PLANNING.—To  
23          carry out planning under sections 205(j)(2), 303(e), and  
24          321, each State shall reserve for each fiscal year the  
25          greater of—

1           “(1) an amount not to exceed 3 percent of the  
2 funds allotted to the State under this section for the  
3 fiscal year; or

4           “(2) \$250,000.”.

5           (3) USE OF UNOBLIGATED FUNDS.—Section  
6 604(c) (33 U.S.C. 1384(c)) is amended by striking  
7 paragraph (2) and inserting the following new para-  
8 graph:

9           “(2) USE OF UNOBLIGATED FUNDS.—

10           “(A) IN GENERAL.—Any unobligated  
11 amount of any allotment to a State on the last  
12 day of the 2-year period of availability estab-  
13 lished under paragraph (1), shall be deposited  
14 in an unobligated funds account in the Treas-  
15 ury of the United States.

16           “(B) GRANTS.—Amounts in the account  
17 referred to in subparagraph (A) shall be avail-  
18 able to the Administrator to award grants to  
19 fund 100 percent of the cost of a modification  
20 or replacement of any innovative process or  
21 technology funded under title II.

22           “(C) CRITERIA FOR GRANT AWARDS.—The  
23 Administrator may award a grant under this  
24 paragraph on the basis of a finding that the  
25 process or technology has not met design per-

1 formance specifications and has significantly in-  
2 creased capitalization or operation maintenance  
3 costs, unless the failure of the process or tech-  
4 nology to meet the specifications is attributable  
5 to negligence on the part of a person.”.

6 (g) ALTERNATIVE USE OF FUNDS.—Section  
7 602(b)(3) (33 U.S.C. 1382(b)(3)) is amended by striking  
8 “120” and inserting “200”.

9 (h) AUTHORIZATION OF APPROPRIATIONS.—Section  
10 607 (33 U.S.C. 1387) is amended—

11 (1) by striking “There is authorized” and in-  
12 serting “(a) IN GENERAL.—Except as provided in  
13 subsection (b), there are authorized”;

14 (2) in subsection (a) (as so designated)—

15 (A) in paragraph (4), by striking “and” at  
16 the end;

17 (B) in paragraph (5), by striking the pe-  
18 riod at the end and inserting “; and”; and

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

21 “(6) \$2,500,000,000 for each of fiscal years  
22 1995 through 2000.”; and

23 (3) by adding at the end the following new sub-  
24 section:

25 “(b) DEFICIT REDUCTION.—

1           “(1) FISCAL YEARS 1996 THROUGH 1998.—If,  
2           with respect to any of fiscal years 1996 through  
3           1998, the estimate of the on-budget deficit contained  
4           in the most recent mid-session review of the budget  
5           prepared pursuant to section 1106 of title 31, Unit-  
6           ed States Code, does not exceed the on-budget defi-  
7           cit specified for the fiscal year in section 2 of the  
8           conference report to accompany House Concurrent  
9           Resolution 64, setting forth the congressional budget  
10          of the United States Government for fiscal years  
11          1994 through 1998, as passed by the Senate on  
12          April 1, 1993, the amount authorized to be appro-  
13          priated under subsection (a) for the fiscal year shall  
14          be increased by—

15                   “(A) for fiscal year 1996, \$500,000,000;

16                   “(B) for fiscal year 1997, \$1,000,000,000;

17                   and

18                   “(C) for fiscal year 1998, \$1,500,000,000.

19          “(2) FISCAL YEARS 1999 AND 2000.—If, with re-  
20          spect to fiscal year 1999 or 2000, the estimate of  
21          the on-budget deficit contained in the most recent  
22          mid-session review of the budget prepared pursuant  
23          to section 1106 of title 31, United States Code, does  
24          not exceed the estimate for the preceding fiscal year,  
25          the amount authorized to be appropriated under

1 subsection (a) for the fiscal year shall be increased  
2 by—

3 “(A) for fiscal year 1999, \$2,000,000,000;

4 and

5 “(B) for fiscal year 2000,  
6 \$2,500,000,000.”.

7 (i) CONSTRUCTION GRANTS.—

8 (1) AMENDMENTS TO TITLE II.—Title II (33  
9 U.S.C. 1281 et seq.) is amended—

10 (A) in section 205(c)(3) (33 U.S.C.  
11 1285(c)(3))—

12 (i) in the paragraph heading, by strik-  
13 ing “1987–1990” and inserting “1987–2000”;  
14 and

15 (ii) by striking “1987, 1988, 1989,  
16 and 1990” and inserting “1987 through  
17 2000”; and

18 (B) in section 218(c) (33 U.S.C. 1298(c)),  
19 by striking “\$10,000,000” and inserting  
20 “\$20,000,000”.

21 (2) CONSTRUCTION GRANTS.—The matter  
22 under the heading “CONSTRUCTION GRANTS” under  
23 the heading “ENVIRONMENTAL PROTECTION AGEN-  
24 CY” in title III of the Departments of Veterans Af-  
25 fairs and Housing and Urban Development, and

1 Independent Agencies Appropriations Act, 1990  
2 (Public Law 101-144; 103 Stat. 858) is amended by  
3 striking all after “Ware Shoals, South Carolina” and  
4 inserting a period.

5 **SEC. 102. STATE PROGRAM GRANTS.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
7 106(a) (33 U.S.C. 1256(a)) is amended—

8 (1) by inserting after “(a)” the following new  
9 subsection heading: “AUTHORIZATION OF APPRO-  
10 PRIATIONS.—”;

11 (2) in paragraph (1), by striking “and” at the  
12 end;

13 (3) in paragraph (2)—

14 (A) by inserting “and” after “1990;”; and

15 (B) by striking “for grants to States” and  
16 all that follows through the end of the para-  
17 graph; and

18 (4) by adding at the end the following new  
19 paragraphs:

20 “(3) such sums as may be necessary for each  
21 of fiscal years 1991 through 1994; and

22 “(4) \$150,000,000 for each of fiscal years 1995  
23 through 2000.”.

24 (b) STATE PROGRAM.—Subsection (b) of section 106  
25 (33 U.S.C. 1256(b)) is amended to read as follows:

1       “(b) STATE PROGRAM.—From the sums made avail-  
2 able pursuant to subsection (a), the Administrator shall  
3 make grants to the States and to interstate agencies to  
4 support the administration of comprehensive State water  
5 pollution control programs for the prevention, reduction,  
6 and elimination of water pollution, including enforcement  
7 directly or through appropriate State law enforcement of-  
8 ficers or agencies.”.

9       (c) ALLOTMENTS.—Subsection (c) of section 106 (33  
10 U.S.C. 1256(c)) is amended to read as follows:

11       “(c) ALLOTMENTS.—

12           “(1) IN GENERAL.—Sums made available by  
13 appropriation pursuant to subsection (a) for any fis-  
14 cal year, other than sums reserved pursuant to para-  
15 graph (2), shall be allotted to States and interstate  
16 agencies on the basis of the extent of water pollution  
17 problems in the respective States and the other re-  
18 quirements of this section.

19           “(2) INNOVATIVE PROGRAMS.—Of the sums  
20 made available by appropriation pursuant to sub-  
21 section (a) for any fiscal year, an amount equal to  
22 25 percent of the amount in excess of \$80,000,000  
23 shall be available to the Administrator for making  
24 grants to States for the support of innovative pro-  
25 grams for the control and prevention of water pollu-

1 tion that have potential application to other  
2 States.”.

3 (d) STATE SHARE.—Subsection (d) of section 106  
4 (33 U.S.C. 1256(d)) is amended to read as follows:

5 “(d) STATE SHARE.—

6 “(1) GRANT CONDITION.—A grant made to a  
7 State or interstate agency pursuant to this section  
8 shall be made on the condition that the State or  
9 interstate agency provide from non-Federal funds an  
10 amount determined by multiplying the amount allot-  
11 ted to the State or interstate agency pursuant to  
12 subsection (c) by the applicable percentage specified  
13 in paragraph (2).

14 “(2) APPLICABLE PERCENTAGE.—The applica-  
15 ble percentage referred to in paragraph (1) shall  
16 be—

17 “(A) 30 percent for fiscal year 1995;

18 “(B) 40 percent for fiscal year 1996; and

19 “(C) 50 percent for each fiscal year there-  
20 after.”.

21 (e) EMERGENCY POWERS.—Section 106(e) (33  
22 U.S.C. 1256(e)) is amended—

23 (1) by inserting after “(e)” the following new  
24 subsection heading: “EMERGENCY POWERS.—”; and

1           (2) by striking “program—” and all that fol-  
2           lows through “(2)” and inserting “program”.

3           (f) OTHER AGENCIES.—Section 106 (33 U.S.C.  
4 1256) is amended by adding at the end the following new  
5 subsection:

6           “(h) OTHER AGENCIES.—A State that receives a  
7 grant under this section may reserve an amount equal to  
8 not more than 20 percent of the amount of the grant to  
9 support the participation by substate regional comprehen-  
10 sive planning agencies in water quality planning activities,  
11 including participation by the agencies in the development  
12 and periodic revision of a continuing water quality plan-  
13 ning process pursuant to section 303(e).”.

14           (g) CONFORMING AMENDMENT.—The section head-  
15 ing of section 106 (33 U.S.C. 1256) is amended to read  
16 as follows:

17 **“SEC. 106. GRANTS FOR POLLUTION CONTROL PROGRAM.”.**

18 **SEC. 103. GENERAL PROGRAM AUTHORIZATIONS.**

19           Section 517 (33 U.S.C. 1376) is amended—

20           (1) by striking “and” before “\$135,000,000”;

21           and

22           (2) by inserting before the period at the end the  
23 following: “, such sums as may be necessary for each  
24 of fiscal years 1991 through 1993, \$185,000,000 for  
25 each of fiscal years 1994 and 1995, \$190,000,000

1 for each of fiscal years 1996 and 1997,  
2 \$195,000,000 for each of fiscal years 1998 and  
3 1999, and \$200,000,000 for fiscal year 2000.”.

4 **TITLE II—TOXIC POLLUTION**  
5 **PREVENTION AND CONTROL**

6 **SEC. 201. POINT SOURCE TECHNOLOGY BASED CONTROLS.**

7 (a) EFFLUENT GUIDELINES.—Subsection (b) of sec-  
8 tion 304 (33 U.S.C. 1314(b)) is amended to read as fol-  
9 lows:

10 “(b) EFFLUENT GUIDELINES.—

11 “(1) REQUIREMENTS FOR EFFLUENT GUIDE-  
12 LINES.—The Administrator shall, after notice and  
13 opportunity for public comment, promulgate regula-  
14 tions that establish effluent guidelines applicable to  
15 point sources (other than publicly owned treatment  
16 works) that discharge conventional, nonconventional,  
17 toxic, or other pollutants to navigable waters. In  
18 terms of the quantities of constituents and the  
19 chemical, physical, and biological characteristics of  
20 pollutants, the regulations shall—

21 “(A) reflect the application of the best  
22 available technology economically achievable for  
23 each category or class of sources to which the  
24 effluent guideline applies;

1           “(B) for a determination of the best avail-  
2           able technology economically achievable under  
3           subparagraph (A), rely on, and require, to the  
4           maximum extent practicable, source reduction  
5           measures and practices, including changes in  
6           production processes, products, or raw mate-  
7           rials that reduce, avoid, or eliminate the gen-  
8           eration of toxic or hazardous byproducts, taking  
9           into account any adverse effects on human  
10          health (including the health of workers) and the  
11          environment;

12           “(C) require the elimination of the dis-  
13          charge of pollutants to navigable waters in any  
14          case in which the Administrator finds that the  
15          elimination is technologically and economically  
16          achievable for the category or class of sources  
17          to which the effluent guideline applies;

18           “(D) prohibit or limit the release of pollut-  
19          ants to other environmental media (including  
20          ground water) to the extent that the prohibition  
21          or limitation is technologically and economically  
22          achievable for the category or class of sources  
23          to which the effluent guideline applies; and

24           “(E) prohibit specific control measures or  
25          practices that the Administrator determines are

1           likely to have a significant adverse impact on  
2           any environmental medium.

3           “(2) FACTORS THAT THE ADMINISTRATOR MAY  
4           CONSIDER.—In determining whether any prohibition,  
5           limitation, or requirement is technologically or eco-  
6           nomically achievable for a category or class of  
7           sources, the Administrator may consider, with re-  
8           spect to the category or class—

9                   “(A) the age of the equipment and facili-  
10                  ties involved;

11                   “(B) the process employed;

12                   “(C) the engineering aspects of the appli-  
13                  cation of various types of control techniques  
14                  and process changes (including in-plant source  
15                  reduction measures, in addition to end-of-pipe  
16                  controls);

17                   “(D) the cost of achieving the limitation,  
18                  prohibition, or requirement; and

19                   “(E) other factors that the Administrator  
20                  determines appropriate.”.

21           (b) NEW SOURCE PERFORMANCE STANDARDS.—

22                   (1) IN GENERAL.—Paragraph (1) of section  
23                  306(a) (33 U.S.C. 1316(a)(1)) is amended to read  
24                  as follows:

1       “(1)(A) The term ‘standard of performance’ means  
2 a standard for the control of the discharge of pollutants  
3 that reflects the greatest degree of effluent reduction that  
4 the Administrator determines to be achievable through ap-  
5 plication of the best available demonstrated control tech-  
6 nology, processes, operating methods, or other alter-  
7 natives.

8       “(B) In determining the best available demonstrated  
9 control technology, the Administrator shall—

10           “(i) rely upon and require, to the maximum ex-  
11 tent practicable, source reduction measures and  
12 practices, including changes in production processes,  
13 products, or raw materials, that reduce, avoid, or  
14 eliminate the generation of toxic or hazardous by-  
15 products, taking into account any adverse effects on  
16 human health (including the health of workers) and  
17 the environment;

18           “(ii) eliminate the discharge of pollutants to  
19 navigable waters in any case in which the Adminis-  
20 trator determines that the elimination is techno-  
21 logically and economically achievable for the cat-  
22 egory or class of sources to which the standard  
23 applies;

24           “(iii) prohibit or limit the release of pollutants  
25 to other environmental media (including ground

1 water) to the extent that the prohibition or limita-  
2 tion is technologically and economically achievable  
3 for the category or class of sources to which the  
4 standard applies; and

5 “(iv) prohibit specific control measures or prac-  
6 tices that the Administrator determines are likely to  
7 have a significant adverse impact on any environ-  
8 mental medium.”.

9 (2) STANDARDS.—Section 306 (33 U.S.C.  
10 1316) is amended—

11 (A) in subsection (b)(1)(B), by striking the  
12 last 3 sentences; and

13 (B) by adding at the end the following new  
14 subsection:

15 “(f) Each standard of performance established pursu-  
16 ant to this section (including any revised standard estab-  
17 lished pursuant to this section) shall become effective on  
18 the date of proposal of the standard and shall apply to  
19 all sources for which construction begins after the date  
20 of proposal.”.

21 (c) PRETREATMENT STANDARDS.—

22 (1) IN GENERAL.—Subsection (b) of section  
23 307 (33 U.S.C. 1317(b)) is amended to read as fol-  
24 lows:

25 “(b) PRETREATMENT STANDARDS.—

1           “(1) IN GENERAL.—The Administrator shall,  
2 after notice and opportunity for public comment,  
3 promulgate regulations establishing pretreatment  
4 standards for the introduction of toxic and  
5 nonconventional pollutants into any treatment works  
6 (as defined in section 212) that is publicly owned.  
7 The regulations promulgated under this section  
8 shall—

9           “(A) address each pollutant subject to an  
10 effluent guideline under section 301 or 304 for  
11 sources in the same class or category; and

12           “(B) be established to prevent the dis-  
13 charge of any pollutant through the treatment  
14 works, including pollutants that interfere with,  
15 pass through, or prevent the beneficial reuse of,  
16 or cause or contribute to the contamination of,  
17 sewage sludge, or are otherwise incompatible  
18 with, the treatment works.

19           “(2) REQUIREMENTS FOR PRETREATMENT  
20 STANDARDS.—Each pretreatment standard shall—

21           “(A) reflect the application of the best  
22 available technology economically achievable for  
23 the category or class of sources to which the  
24 standard applies;

1           “(B) in determining the best available  
2           technology economically achievable under sub-  
3           paragraph (A), rely upon and require, to the  
4           maximum extent practicable, source reduction  
5           measures and practices, including changes in  
6           production processes, products, or raw mate-  
7           rials that reduce, avoid, or eliminate the gen-  
8           eration of toxic or hazardous byproducts, taking  
9           into account any adverse effects on human  
10          health (including the health of workers) and the  
11          environment;

12          “(C) provide for the elimination of the in-  
13          troduction of pollutants into any treatment  
14          works in any case in which the Administrator  
15          determines that the elimination is techno-  
16          logically and economically achievable for the  
17          category or class of sources to which the stand-  
18          ard applies;

19          “(D)(i) prohibit or limit the release of pol-  
20          lutants to other environmental media (including  
21          ground water) to the extent that the prohibition  
22          or limitation is technologically or economically  
23          achievable for the category or class of sources  
24          to which the standard applies; and

1           “(ii) prohibit specific control measures or  
2 practices that the Administrator determines are  
3 likely to have a significant adverse impact on  
4 any environmental medium; and

5           “(E) be no less stringent than any effluent  
6 guideline for the pollutants (other than any  
7 conventional pollutant) and the category or  
8 class of sources promulgated under section  
9 304(b).

10          “(3) DESIGNATION OF CATEGORIES.—When  
11 proposing or promulgating any pretreatment stand-  
12 ard under this section, the Administrator shall des-  
13 ignate the category or class of sources to which the  
14 standard shall apply.

15          “(4) STATUTORY CONSTRUCTION.—Nothing in  
16 this subsection is intended to affect any  
17 pretreatment requirement established by the law (in-  
18 cluding any regulation) of a State or a political sub-  
19 division of a State, or a policy of a State or a politi-  
20 cal subdivision of a State, that is more stringent  
21 than any pretreatment standard for a pollutant,  
22 other than a conventional pollutant, established  
23 under this subsection.

24          “(5) COMPLIANCE DATE.—Each pretreatment  
25 standard promulgated under this section shall speci-

1       fy a date for compliance as expeditiously as prac-  
2       ticable, but not later than 3 years after the date on  
3       which the standard is promulgated.”.

4               (2) SIMULTANEOUS PROMULGATION.—Section  
5       307(c) (33 U.S.C. 1317(c)) is amended—

6                   (A) by inserting “STANDARDS RE-  
7                   QUIRED.—” after “(c)”;

8                   (B) by striking “In order to ensure” and  
9                   inserting the following:

10                   “(1) NEW SOURCES.—In order to ensure”; and

11                   (C) by striking the last sentence of the  
12                   subsection and inserting the following new  
13                   paragraph:

14               “(2) REQUIREMENTS FOR PRETREATMENT  
15       STANDARDS.—A pretreatment standard referred to  
16       in paragraph (1) shall—

17                   “(A) comply with the requirements of sub-  
18                   section (b)(1), and may be more stringent than  
19                   a standard promulgated under such subsection  
20                   for existing sources; and

21                   “(B) be no less stringent than any stand-  
22                   ard of performance promulgated under section  
23                   306 for the pollutants (other than conventional  
24                   pollutants) and category or class of sources to  
25                   which the pretreatment standard applies.”.

1 (d) CONFORMING AMENDMENTS.—Section 301(b)  
2 (33 U.S.C. 1311(b)) is amended—

3 (1) in paragraph (1)—

4 (A) in subparagraph (C), by striking “not  
5 later than July 1, 1977” and inserting “as ex-  
6 peditiously as practicable, but not later than 3  
7 years after the date the limitation is issued”;  
8 and

9 (B) by adding after subparagraph (C) the  
10 following new sentence:

11 “A permit issued under section 402 may not contain  
12 a compliance schedule for a limitation referred to in  
13 subparagraph (C) if the compliance schedule is pre-  
14 cluded by any State law (including any regulation)  
15 or if the permit has previously included a limitation  
16 applicable to the pollutant.”;

17 (2) in paragraph (2)—

18 (A) in subparagraph (A), by striking “sec-  
19 tion 304(b)(2) of this Act” both places it ap-  
20 pears and inserting “section 304(b)”;

21 (B) in subparagraphs (C) through (F), by  
22 striking “, and in no case later than March 31,  
23 1989” each place it appears; and

1 (C) in subparagraph (E), by striking “sec-  
2 tion 304(b)(4) of this Act” and inserting “sec-  
3 tion 304(b)”;

4 (3) in paragraph (3)(A), by striking “, and in  
5 no case later than March 31, 1989”.

6 (e) SCHEDULE FOR GUIDELINES AND STANDARDS.—

7 (1) IN GENERAL.—Subsection (d) of section  
8 301 (33 U.S.C. 1311(d)) is amended to read as fol-  
9 lows:

10 “(d) REVISION OF EFFLUENT GUIDELINES.—

11 “(1) IN GENERAL.—Any effluent guideline (and  
12 each related requirement, including any limitation)  
13 required pursuant to subsection (b)(2) or promul-  
14 gated under section 304(b) shall be reviewed in ac-  
15 cordance with the schedule established under section  
16 304(m).

17 “(2) REVISION OF GUIDELINE.—If, in the judg-  
18 ment of the Administrator, there have been signifi-  
19 cant changes in factors pertaining to the guidelines,  
20 including advances in pollution control technology or  
21 source reduction practices, that are likely to achieve  
22 a significant reduction in the toxicity of pollutants  
23 discharged to navigable waters by sources in the cat-  
24 egory or class of sources to which an effluent guide-

1 line applies, the Administrator shall revise the guide-  
2 line.

3 “(3) SIMULTANEOUS REVIEW AND REVISION.—  
4 At the same time as the Administrator reviews or re-  
5 vises an effluent guideline (or related requirement)  
6 pursuant to this subsection, the Administrator shall  
7 review or revise new source performance standards  
8 promulgated pursuant to section 306 and  
9 pretreatment standards for existing sources and new  
10 sources promulgated pursuant to section 307 for  
11 sources in the class or category of sources.”.

12 (2) PLAN FOR REVIEW.—Section 304(m) (33  
13 U.S.C. 1314(m)) is amended—

14 (A) in paragraph (1)—

15 (i) by striking “(1)” and all that fol-  
16 lows through “biennially” and inserting the  
17 following:

18 “(1) PUBLICATION.—Not later than January 1,  
19 1998, and every 5 years”;

20 (ii) in subparagraph (A)—

21 (I) by striking “annual”; and

22 (II) by inserting before the semi-  
23 colon the following: “, new source per-  
24 formance standards promulgated in  
25 accordance with section 306, and

1 pretreatment standards for existing  
2 sources and new sources promulgated  
3 pursuant to section 307”;

4 (iii) in subparagraph (B)—

5 (I) by striking “discharging toxic  
6 or nonconventional pollutants”;

7 (II) by striking “(b)(2)” and in-  
8 serting “(b)”;

9 (III) by striking “section 306”  
10 and inserting “sections 306 and 307”;  
11 and

12 (iv) in subparagraph (C), by striking  
13 “3 years after the publication of the plan”  
14 and inserting “5 years after the publica-  
15 tion of the plan”;

16 (B) by adding at the end the following new  
17 paragraphs:

18 “(3) REVIEW OF INDIRECT DISCHARGE STAND-  
19 ARDS.—

20 “(A) IN GENERAL.—Except as provided in  
21 subparagraph (B), notwithstanding section  
22 301(d) and any other requirement of this sub-  
23 section, the Administrator shall, as part of the  
24 plan required to be developed by the Adminis-  
25 trator pursuant to this subsection by January

1 1, 1998, assess standards for existing sources  
2 and new sources developed pursuant to section  
3 307 and identify, with respect to each standard  
4 applicable to pollutants that do not biodegrade,  
5 any requirements of the standard that are less  
6 stringent than the requirements under this sec-  
7 tion and sections 301 and 306.

8 “(B) EXCEPTION.—Subparagraph (A) may  
9 not apply with respect to a category or sub-  
10 category of industrial sources with respect to  
11 which no facility would be affected by a stand-  
12 ard promulgated pursuant to section 307.

13 “(4) SIMULTANEOUS PUBLICATION.—

14 “(A) IN GENERAL.—Except as provided in  
15 subparagraph (B), notwithstanding any other  
16 provision of this Act, at the same time as the  
17 Administrator promulgates and publishes efflu-  
18 ent guidelines pursuant to section 301 and this  
19 section, the Administrator shall, for each indus-  
20 try that is covered by guidelines promulgated  
21 pursuant to such sections, promulgate and pub-  
22 lish—

23 “(i) standards for new sources pursu-  
24 ant to section 306; and

1           “(ii) pretreatment standards for exist-  
2           ing sources and new sources pursuant to  
3           section 307.

4           “(B) EXCEPTION.—If, with respect to the  
5           pretreatment standards for existing sources re-  
6           ferred to in subparagraph (A)(ii), no facility  
7           would be affected by the standards, the require-  
8           ments of such subparagraph may not apply  
9           with respect to the existing sources.”.

10          (3) CONFORMANCE WITH CONSENT DECREE.—  
11          Nothing in this Act or the amendments made by this  
12          Act is intended to relieve the Administrator of any  
13          requirements or obligations of the Administrator  
14          under the settlement decree in *Natural Resources*  
15          *Defense Council v. Reilly*, Civ. No. 89–2980 (D.D.C.  
16          filed January 25, 1991).”.

17          (f) FEES.—Section 308 (33 U.S.C. 1318) is amended  
18          by adding at the end the following new subsection:

19          “(e) FEES FOR ISSUANCE OF GUIDELINES AND  
20          STANDARDS.—

21                 “(1) IN GENERAL.—The Administrator shall,  
22                 not later than the date of the promulgation or revi-  
23                 sion of any—

1           “(A) effluent limitation or guideline pro-  
2           mulgated under section 301(b) and section  
3           304(b);

4           “(B) new source performance standard  
5           promulgated under section 306; or

6           “(C) pretreatment standard promulgated  
7           under subsections (b) and (c) of section 307,  
8           identify the cost incurred by the Administrator in  
9           developing the guideline or standard.

10          “(2) FEES.—The Administrator shall assess the  
11          owner or operator of any facility with a permit is-  
12          sued pursuant to section 402, or an individual con-  
13          trol mechanism issued under section 307(b), and  
14          regulated by a guideline or standard referred to in  
15          paragraph (1) a fee in an amount equal to a propor-  
16          tional share of the estimated cost referred to in  
17          paragraph (1). The total amount of fees assessed  
18          with respect to a guideline or standard shall be suffi-  
19          cient to offset the full cost of developing and pub-  
20          lishing the guideline or standard.

21          “(3) MODIFICATION OR WAIVER.—The Admin-  
22          istrator may modify or waive an assessment de-  
23          scribed in paragraph (2) on the basis of a finding  
24          that—

1           “(A) a source is a small business, as de-  
2           fined in section 3(a) of the Small Business Act  
3           (15 U.S.C. 632); or

4           “(B) the assessment would pose an unrea-  
5           sonable financial hardship for the source.

6           “(4) OTHER CONDITIONS FOR MODIFICATION.—  
7           The Administrator may modify an assessment de-  
8           scribed in paragraph (2) if the Administrator deter-  
9           mines that the source will demonstrate new or inno-  
10          vative technology.

11          “(5) SPECIAL FUND.—An amount equal to the  
12          amount of assessments collected pursuant to this  
13          subsection shall be placed in a special fund of the  
14          United States Treasury and shall be available with-  
15          out appropriation only to carry out the activities of  
16          the Administrator relating to the development and  
17          promulgation of effluent guidelines, new source per-  
18          formance standards, and pretreatment standards  
19          under this Act.

20          “(6) LIABILITY FOR ASSESSMENT.—

21                 “(A) IN GENERAL.—Any discharger that—

22                         “(i) applies for a permit to operate  
23                         pursuant to an effluent guideline for which  
24                         the Administrator made assessments under  
25                         this subsection; and

1           “(ii) should have paid an assessment  
2           referred to in clause (i),  
3           shall be liable for the assessment at the time  
4           the permit application is filed and shall be sub-  
5           ject to a penalty in an amount equal to not less  
6           than 50 percent of the assessment, plus interest  
7           computed in the same manner as under section  
8           6621(a)(2) of the Internal Revenue Code of  
9           1986 (relating to computation of interest on  
10          underpayment of Federal taxes).

11           “(B) DEPOSIT IN FUND.—An amount  
12          equal to the amount of any assessments, pen-  
13          alties, and interest collected pursuant to this  
14          paragraph shall be placed in the fund estab-  
15          lished under paragraph (5).”.

16 **SEC. 202. WATER QUALITY CRITERIA AND STANDARDS.**

17          (a) CRITERIA DOCUMENTS.—Section 304(a) (33  
18 U.S.C. 1314(a)) is amended—

19           (1) in paragraph (1)(A), by striking the semi-  
20          colon at the end and inserting “and the sediment as-  
21          sociated with the bodies of water; and”;

22           (2) in paragraph (2)—

23           (A) by striking “and” at the end of sub-  
24          paragraphs (B) and (C); and

1 (B) by striking the period at the end of the  
2 paragraph and inserting “; and (E) for toxic  
3 pollutants, on numerical pollutant concentration  
4 criteria that are sufficient to ensure the attain-  
5 ment of designated uses established by a  
6 State.”;

7 (3) in paragraph (4)—

8 (A) by inserting “(A)” after “(4)”;

9 (B) in the first sentence, by striking “fecal  
10 coliform, and pH” and inserting “pathogens or  
11 indicators of pathogens (or both), pH, oil, and  
12 grease”; and

13 (C) by adding at the end the following new  
14 subparagraph:

15 “(B) Not later than 3 years after the date of enact-  
16 ment of this subparagraph, the Administrator shall pub-  
17 lish criteria pursuant to paragraph (1)—

18 “(i) for those pollutants or factors that the Ad-  
19 ministrator determines pose the greatest risk to the  
20 physical, chemical, or biological integrity of waters  
21 from all nonpoint sources; and

22 “(ii) that, on the basis of the potential for im-  
23 proving water quality and enhancing the protection  
24 of aquatic life and wildlife, programmatic needs, or  
25 effectiveness, would provide the greatest benefit in

1 the restoration and protection of the physical, chemi-  
2 cal, and biological integrity of waters, including, at  
3 a minimum, nutrients, suspended solids, and dis-  
4 solved oxygen.”;

5 (4) by striking paragraph (5) and inserting the  
6 following new paragraph:

7 “(5)(A) Not later than 2 years after the date of en-  
8 actment of the Water Pollution Prevention and Control  
9 Act of 1993, and every 5 years thereafter, the Adminis-  
10 trator shall prepare and publish in the Federal Register  
11 a plan for the development of criteria and information pur-  
12 suant to this subsection during the 5-year period begin-  
13 ning on the date of publication of the plan, and, after pro-  
14 viding opportunity for public review and comment, submit  
15 the plan to Congress.

16 “(B) Each plan prepared pursuant to this paragraph  
17 shall identify the relative need for new or revised—

18 “(i) human health criteria;

19 “(ii) aquatic life criteria for fresh waters and  
20 waters of the estuarine zone, the territorial sea, the  
21 contiguous zone, and the ocean;

22 “(iii) sediment quality criteria;

23 “(iv) criteria for pollutants associated with  
24 nonpoint sources of pollution;

1           “(v) criteria for pollutants associated with  
2 lakes;

3           “(vi) ground water criteria;

4           “(vii) biological, physical, and habitat criteria;  
5 and

6           “(viii) ambient toxicity criteria.

7           “(C) Each plan prepared pursuant to this paragraph  
8 shall establish a schedule for the publication of final cri-  
9 teria that the Administrator determines would result in  
10 the greatest benefit to human health and the environment.

11          “(D) The initial plan published pursuant to this para-  
12 graph shall provide for the publication, not later than 4  
13 years after the date of enactment of this subparagraph,  
14 of not fewer than 8 sediment quality criteria (including  
15 criteria for polychlorinated biphenyls and dioxins) that the  
16 Administrator determines would result in the greatest ben-  
17 efit to human health or the environment.”;

18           (5) in paragraph (6), by striking “and annually  
19 thereafter, for purposes of section 301(h) of this  
20 Act” and inserting “and every 5 years thereafter”;  
21 and

22           (6) by adding at the end the following new  
23 paragraphs:

24          “(9) Beginning on the date that is 1 year after the  
25 date of enactment of this paragraph, the Administrator

1 shall, not later than the date of registration or reregistra-  
2 tion of a pesticide pursuant to the Federal Insecticide,  
3 Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.),  
4 require the registrant to provide information sufficient to  
5 publish criteria pursuant to paragraph (1) for the pes-  
6 ticide, unless the Administrator determines, on the basis  
7 of the proposed use of the pesticide, that it is unlikely that  
8 the pesticide or any metabolite of the pesticide will enter  
9 surface water. This paragraph may not apply with respect  
10 to any data submitted for a registration or reregistration  
11 that the Administrator determines was complete on or be-  
12 fore June 1, 1993.

13       “(10) Not later than 1 year after the date of enact-  
14 ment of this paragraph, the Administrator shall establish  
15 a policy to ensure that information necessary to publish  
16 criteria pursuant to this subsection for chemical sub-  
17 stances that are the subject of a premanufacture notice  
18 pursuant to section 5 of the Toxic Substances Control Act  
19 (15 U.S.C. 2604) shall be submitted to the Administrator,  
20 unless the Administrator finds that the chemical sub-  
21 stance—

22               “(A) will not be discharged to navigable waters  
23               or to a publicly owned treatment works; or

24               “(B) will be discharged from a negligible quan-  
25               tity of facilities.”.

1 (b) WATER QUALITY STANDARDS.—Section 303 (33  
2 U.S.C. 1313) is amended—

3 (1) by striking subsections (a) and (b);

4 (2) by redesignating subsection (c) as sub-  
5 section (a);

6 (3) by redesignating subsections (d) through (h)  
7 as subsections (c) through (g); and

8 (4) in subsection (a) (as redesignated by para-  
9 graph (2))—

10 (A) in second sentence of paragraph (1),  
11 by inserting after “Results of such review” the  
12 following: “(including the designated uses for  
13 the navigable waters involved, the water quality  
14 criteria for the waters based on the uses, and  
15 the antidegradation policy of the State)”;

16 (B) in paragraph (2)—

17 (i) in subparagraph (A)—

18 (I) in the second sentence, by in-  
19 serting “and antidegradation policy”  
20 after “designated uses”;

21 (II) in the third sentence, by in-  
22 serting “and sediment” after “en-  
23 hance the quality of water”; and

24 (III) in the fourth sentence, by  
25 striking “their use and value” and in-

1                   serting “the criteria developed under  
2                   section 304(a), the use of the water  
3                   and sediment, and the value”; and

4                   (ii) by adding at the end the following  
5                   new subparagraph:

6           “(C) Not later than 3 years after the date of enact-  
7           ment of this subparagraph, each State shall adopt, as part  
8           of the water quality standards of the State, a methodology  
9           that allows the State to translate a narrative water quality  
10          standard into a specific numeric limit for those pollutants  
11          for which criteria guidance have not been published or for  
12          which the State has not adopted numeric criteria pursuant  
13          to section 304(a). In carrying out the preceding sentence,  
14          the State shall use the provision or methodology for the  
15          pollutants that cause water quality impairments.”;

16                  (C) by striking paragraphs (3) and (4);  
17                  and

18                  (D) by adding at the end the following new  
19                  paragraphs:

20          “(3)(A) Each use designation made under this para-  
21          graph shall apply to the designated water and to the  
22          aquatic sediments of the water.

23          “(B) Not later than 3 years after the date of enact-  
24          ment of paragraph (5), and as part of any subsequent tri-  
25          ennial review of State water quality standards, each State

1 shall report to the Administrator the designated uses of  
2 waters within the State.

3       “(C) On the date that is 5 years after the date of  
4 enactment of paragraph (5), all waters of the United  
5 States for which a use has not been designated shall be  
6 deemed to be designated as fishable and swimmable, un-  
7 less a State establishes an alternative use for the waters.

8       “(4) Any chemical-specific numeric criterion pub-  
9 lished pursuant to section 304(a) for a toxic pollutant  
10 after the date of enactment of paragraph (5) (together  
11 with the appropriate designated use) shall be deemed to  
12 be the applicable standard under this section for all waters  
13 unless a State objects to the application of the criterion  
14 with respect to the waters of the State not later than 120  
15 days after the date of publication of the criterion. If a  
16 State objects to the application of the criterion by the date  
17 specified in the preceding sentence, and the State adopts  
18 a criterion by not later than 3 years after publication of  
19 the criterion, the criterion may not apply with respect to  
20 the State.

21       “(5)(A) For all waters of the State, after the date  
22 of enactment of this paragraph, as expeditiously as prac-  
23 ticable, but not later than 3 years after the date of publi-  
24 cation of the criteria, each State shall adopt pollutant spe-  
25 cific standards for any pollutant for which criteria are

1 published pursuant to section 304(a)(1) the discharge or  
2 presence of which in the affected waters could reasonably  
3 be expected to interfere with those designated uses adopt-  
4 ed by the State, as necessary to support the designated  
5 uses.

6 “(B) A State may waive the obligation to adopt a  
7 standard pursuant to this paragraph for criteria that  
8 apply as standards pursuant to paragraph (4).”.

9 (c) ANTIDegradation.—Section 303 (33 U.S.C.  
10 1313), as amended by subsection (b), is further amended  
11 by inserting after subsection (a) the following new sub-  
12 section:

13 “(b) ANTIDegradation Policy.—

14 “(1) IN GENERAL.—Each State shall develop  
15 and implement a statewide antidegradation policy  
16 and implementation procedures for the policy. The  
17 Administrator shall review and approve or dis-  
18 approve the policy and any revisions to the policy  
19 adopted by each State. Not later than 3 years after  
20 the date of enactment of this paragraph, the Admin-  
21 istrator shall promulgate and implement an  
22 antidegradation policy for each State that does not  
23 have a policy that has been approved by the Admin-  
24 istrator by the date.

1           “(2) ANTIDegradation POLICY IMPLEMENTA-  
2           TION METHODS.—The methods for the implementa-  
3           tion of an antidegradation policy under paragraph  
4           (1) shall, at a minimum, be consistent with the fol-  
5           lowing:

6                   “(A) Existing instream water uses, includ-  
7                   ing any uses occurring on or after November  
8                   28, 1975, and the water and sediment quality  
9                   necessary to protect the existing uses, shall be  
10                  maintained and protected.

11                   “(B)(i) Except as provided in clause (ii), if  
12                   the quality of waters and sediments exceeds lev-  
13                   els necessary to support the protection and  
14                   propagation of a balanced population of fish,  
15                   shellfish, and wildlife, and recreation in and on  
16                   the water, the quality shall be maintained and  
17                   protected.

18                   “(ii) If the State finds, after public notice,  
19                   opportunity for public hearing, and full satisfac-  
20                   tion of the intergovernmental coordination pro-  
21                   visions of the continuing planning process of  
22                   the State, that allowing a reduction in the de-  
23                   gree of water quality or sediment quality is nec-  
24                   essary to accommodate important economic or  
25                   social development in the area in which the wa-

1           ters are located, clause (i) may not apply. In al-  
2           lowing a reduction in the degree of water qual-  
3           ity or sediment quality, the State shall ensure  
4           a degree of water and sediment quality ade-  
5           quate to protect existing uses (as described in  
6           subparagraph (A)), and the State shall en-  
7           sure—

8                   “(I) that all point sources discharging  
9                   to the waters, and each industrial user dis-  
10                  charging to a publicly owned treatment  
11                  works discharging to the waters for which  
12                  the level of water or sediment quality is to  
13                  be reduced, are subject to all applicable re-  
14                  quirements of this Act, including any  
15                  source reduction requirements established  
16                  pursuant to section 301, 304, 306, 307, or  
17                  401; and

18                  “(II) that all nonpoint sources within  
19                  the State that affect or may affect the  
20                  water or sediment quality referred to in  
21                  subclause (I) are subject to enforceable  
22                  best management practices pursuant to  
23                  section 319 that are economically and tech-  
24                  nologically achievable for the sources.

1           “(3) OUTSTANDING NATIONAL RESOURCE WA-  
2           TERS.—

3           “(A) IN GENERAL.—If a high quality  
4           water constitutes an outstanding national re-  
5           source (as described in subparagraph (B)), the  
6           water shall be maintained and protected by the  
7           State.

8           “(B) STATE DESIGNATION OF OUTSTAND-  
9           ING NATIONAL RESOURCE WATERS.—

10           “(i) IN GENERAL.—Not later than 2  
11           years after the date of enactment of this  
12           clause, each State shall designate and im-  
13           plement a program to protect all outstand-  
14           ing national resource waters within the  
15           State.

16           “(ii) OUTSTANDING NATIONAL RE-  
17           SOURCE WATERS.—Except as provided in  
18           clause (iii), the outstanding national re-  
19           source waters shall include all waters with-  
20           in a national park, wildlife refuge, wild and  
21           scenic river system, national forest, wilder-  
22           ness area, national seashore or lakeshore,  
23           or national monument. The State shall also  
24           designate as outstanding national resource  
25           waters those waters of exceptional rec-

1 reational, cultural, or ecological signifi-  
2 cance, including any water that supports a  
3 population of threatened or endangered  
4 species, as identified in the guidance of the  
5 Administrator published pursuant to sub-  
6 paragraph (C).

7 “(iii) DECISION TO DECLINE TO MAKE  
8 A DESIGNATION.—A State may propose  
9 not to designate a specific water as an out-  
10 standing national resource water, and the  
11 Administrator may, after notice and oppor-  
12 tunity for comment, approve the proposal,  
13 if—

14 “(I) the State demonstrates to  
15 the satisfaction of the Administrator  
16 that the continued designation would  
17 result in important social and eco-  
18 nomic harms; and

19 “(II) with respect to waters with-  
20 in Federal lands (if any), the Federal  
21 manager of the lands concurs with the  
22 State proposal.

23 “(C) GUIDANCE.—Not later than 1 year  
24 after the date of enactment of this subpara-  
25 graph, the Administrator shall publish guidance

1 for States to assist in the designation and pro-  
2 tection of outstanding national resource waters  
3 of ecological, cultural, or recreational signifi-  
4 cance.

5 “(D) CONSEQUENCES OF FAILURE TO  
6 DESIGNATE.—If the State fails to make the  
7 designations required under this paragraph by  
8 the date that is 3 years after the date of enact-  
9 ment of this subparagraph, the Administrator  
10 shall make the designations on such date.

11 “(E) STATE ANTIDEGRADATION POLICY.—  
12 Each State antidegradation policy developed  
13 under this subsection shall ensure that each  
14 water of ecological significance designated pur-  
15 suant to the guidance of the Administrator (in-  
16 cluding any water of ecological significance that  
17 may have been designated as an outstanding  
18 national resource water under this paragraph)  
19 meets water and sediment quality standards  
20 that ensure the protection and propagation of a  
21 balanced population of fish, shellfish, and wild-  
22 life, and recreation in and on the water.

23 “(F) CITIZEN PETITION.—The State shall  
24 include in the antidegradation policy of the  
25 State provisions allowing any citizen of the

1 State to petition the State for the designation  
2 of a particular water as an outstanding national  
3 resource water.

4 “(4) ANTIDegradation REVIEW.—In order to  
5 ensure that the antidegradation policy required by  
6 this subsection is not violated, a permitting author-  
7 ity shall conduct an antidegradation review for a  
8 water prior to issuing any permit to a point source  
9 authorizing any new, expanded, or increased dis-  
10 charge of a pollutant to the receiving water.”.

11 (d) MIXING ZONES.—Section 303 (33 U.S.C. 1313),  
12 as amended by subsection (b), is further amended by add-  
13 ing at the end the following new subsection:

14 “(h) MIXING ZONES.—

15 “(1) NATIONAL POLICY.—The Administrator  
16 shall, not later than 2 years after the date of enact-  
17 ment of this paragraph, establish a national policy  
18 concerning the use of mixing zones.

19 “(2) REQUIREMENTS FOR POLICY.—The policy  
20 established under paragraph (1) shall, at a mini-  
21 mum, require that—

22 “(A) no acute toxicity will result from the  
23 allowed dilution;

1           “(B) any area of allowed dilution shall be  
2           as small as possible and be in a shape that fa-  
3           cilitates monitoring;

4           “(C) the area of allowed dilution is cal-  
5           culated on the assumption of water volume at  
6           minimum stream flow for the receiving water;  
7           and

8           “(D) no mixing zone is allowed in waters  
9           designated as outstanding national resource wa-  
10          ters pursuant to subsection (g)(3).

11          “(3) STATE POLICIES.—Not later than 3 years  
12          after the date of enactment of this paragraph, each  
13          State shall incorporate in the water quality stand-  
14          ards issued by the State a mixing zone policy that  
15          is not less stringent than the national policy estab-  
16          lished under this subsection.”.

17          (e) CONFORMING AMENDMENT.—Section 24 of the  
18          Municipal Wastewater Treatment Construction Grant  
19          Amendments of 1981 (33 U.S.C. 1313a) is amended by  
20          striking “303(c)” both places it appears and inserting  
21          “303(a)”.

22          **SEC. 203. TOXIC POLLUTANT PHASE-OUT.**

23          (a) EFFLUENT PROHIBITION.—Section 307(a) (33  
24          U.S.C. 1317(a)) is amended—

1           (1) in paragraph (2), by striking the second  
2 sentence and all that follows through the end of the  
3 paragraph; and

4           (2) by striking paragraphs (3) through (7) and  
5 inserting the following new paragraphs:

6           “(3)(A) Not later than 1 year after the publication  
7 of a list pursuant to paragraph (4), the Administrator  
8 shall, by regulation, prohibit the discharge of any toxic  
9 pollutant listed pursuant to paragraph (4). The regulation  
10 shall apply to any discharges regulated pursuant to section  
11 402 or an industrial user regulated pursuant to subsection  
12 (b).

13           “(B) Each regulation issued pursuant to this para-  
14 graph shall specify acceptable analytical methods and a  
15 compliance level.

16           “(C) The regulation shall provide a process for the  
17 Administrator to adjust a prohibition pursuant to this  
18 paragraph to provide an offset for the amount of a prohib-  
19 ited pollutant in the water supply of the source in a man-  
20 ner consistent with section 129 of title 40, Code of Federal  
21 Regulations (as in effect on October 1, 1993).

22           “(D) The Administrator may exempt a category of  
23 sources from the requirements of this paragraph if the Ad-  
24 ministrator determines that compliance by the category

1 with the requirements of such paragraph is not techno-  
2 logically feasible.

3       “(4) Not later than 2 years after the date of enact-  
4 ment of the Water Pollution Prevention and Control Act  
5 of 1993, and every 5 years thereafter, the Administrator  
6 shall publish proposed regulations listing those pollutants  
7 that the Administrator determines to—

8               “(A) be highly toxic or toxic and highly  
9 bioaccumulative; and

10              “(B) occur in surface water predominately as a  
11 result of discharges.

12       “(5)(A) On receiving a petition from any person, the  
13 Administrator may add a pollutant to the list established  
14 pursuant to paragraph (4). Each person who petitions for  
15 the listing of an additional pollutant pursuant to this para-  
16 graph shall submit to the Administrator sufficient infor-  
17 mation to make a determination under paragraph (4) not  
18 later than 1 year before the date specified in paragraph  
19 (4) for the publication of a list. The Administrator shall  
20 include in a notice in the Federal Register concerning the  
21 establishment of the list the basis for the decision of the  
22 Administrator to list or decline to list a pollutant ad-  
23 dressed in a petition submitted to the Administrator pur-  
24 suant to this paragraph.

1       “(B) If, on receipt of a petition referred to in sub-  
2 paragraph (A), the Administrator determines that the ad-  
3 dition of a pollutant to the list is warranted, but that—

4           “(i) the immediate proposal and timely promul-  
5 gation of a final regulation listing the pollutant in  
6 accordance with this subsection is precluded by other  
7 actions under this subsection concerning the listing  
8 of a pollutant; and

9           “(ii) expeditious progress is being made to list  
10 pollutants pursuant to this subsection, with respect  
11 to which the listing requirements of this subsection  
12 are no longer appropriate,

13 the Administrator shall promptly publish the determina-  
14 tion in the Federal Register, together with a description  
15 and evaluation of the reasons and the data on which the  
16 determination is based.

17       “(6)(A) Each toxic pollutant prohibition established  
18 pursuant to this subsection shall take effect as expedi-  
19 tiously as practicable but not later than 5 years after the  
20 date of promulgation of the regulation establishing a pro-  
21 hibition under this subsection.

22       “(B) If, at the end of the maximum compliance pe-  
23 riod under subparagraph (A), the Administrator deter-  
24 mines for a source or category of sources that—

1           “(i) a prohibited pollutant cannot be eliminated  
2 through the use of alternative substances or proc-  
3 esses; and

4           “(ii) the source is making the maximum use of  
5 available technology,  
6 the Administrator may extend the compliance period for  
7 the source or category of sources for a period of 5 years,  
8 and may on the termination of the period, on the basis  
9 of the criteria referred to in clauses (i) and (ii), extend  
10 the compliance period for the period specified in this sub-  
11 paragraph.”.

12       (b) LISTING PROCESS.—Section 307(a)(1) (33  
13 U.S.C. 1317(a)(1)) is amended—

14           (1) by striking the second sentence and insert-  
15 ing the following new sentence: “The Administrator  
16 is authorized to add or remove from the list any pol-  
17 lutant and shall, not later than 1 year after the date  
18 of enactment of the Water Pollution Prevention and  
19 Control Act of 1993, and not less often than every  
20 5 years thereafter, review and revise the list.”; and

21           (2) in the third sentence, by inserting “poten-  
22 tial for bioaccumulation,” after “degradability,”.

23       (c) REPORT ON DEVELOPMENTAL EFFECTS.—Not  
24 later than 3 years after the date of enactment of this Act,  
25 the Administrator shall submit to Congress a report pro-

1 viding a comprehensive review and assessment of the ef-  
2 fects of pollutants found in navigable waters on the devel-  
3 opment of aquatic species, wildlife, and humans, including  
4 impairments to reproduction, endocrine, and immune sys-  
5 tems caused by the pollutants.

6 **SEC. 204. PRETREATMENT PROGRAM.**

7 (a) PERMIT AUTHORITY.—Section 402(b)(9) (33  
8 U.S.C. 1342(b)(9)) is amended by adding at the end the  
9 following new sentences: “The Administrator (or a State  
10 with authority to approve a pretreatment program under  
11 this Act) may impose requirements on industrial users  
12 that introduce pollutants into publicly owned treatment  
13 works and that are not subject to the requirements of a  
14 pretreatment program that has been approved by the ap-  
15 propriate authority (referred to in this paragraph as an  
16 ‘approved pretreatment program’). The requirements shall  
17 include requirements that are equivalent to the require-  
18 ments that a publicly owned treatment works with an ap-  
19 proved pretreatment program is required to impose pursu-  
20 ant to the regulations issued under this Act, shall include  
21 pretreatment standards, and may reflect best professional  
22 judgment.”.

23 (b) REMOVAL CREDITS.—Section 307(b) (33 U.S.C.  
24 1317(b)), as amended by section 201(c)(1), is further

1 amended by adding at the end the following new para-  
2 graph:

3 “(6) If in the case of any toxic pollutant listed pursu-  
4 ant to subsection (a) introduced by a source into a publicly  
5 owned treatment works—

6 “(A) the treatment by the treatment works re-  
7 sults in the biodegradation of the toxic pollutant, as  
8 determined by the Administrator;

9 “(B) the discharge from the treatment works  
10 does not violate the effluent limitation or standard  
11 that would be applicable to the toxic pollutant if the  
12 pollutant were discharged by the source other than  
13 through a publicly owned treatment works; and

14 “(C) the toxic pollutant does not prevent sludge  
15 use or disposal by the treatment works in accord-  
16 ance with section 405,

17 the pretreatment requirements for the sources actually  
18 discharging the toxic pollutant into the publicly owned  
19 treatment works may be revised by the owner or operator  
20 of the works to reflect the biodegradation of the toxic pol-  
21 lutant by the works.”.

22 (c) DOMESTIC SEWAGE EXCLUSION.—Section 307  
23 (33 U.S.C. 1317) is amended by adding at the end the  
24 following new subsection:

25 “(f) DOMESTIC SEWAGE EXCLUSION.—

1           “(1) IN GENERAL.—Beginning on the date that  
2 is 3 years after the date of enactment of this sub-  
3 section, the term ‘but does not include solid or dis-  
4 solved material in domestic sewage’ may not, for the  
5 purpose of paragraph (27) of section 1004 of the  
6 Solid Waste Disposal Act (42 U.S.C. 6903(27)), be  
7 interpreted, construed, or applied to exclude from  
8 the definition of solid waste under such paragraph  
9 any pollutant introduced by a source into a treat-  
10 ment works (as defined in section 212), unless—

11                   “(A) the pollutant and source are subject  
12 to a pretreatment standard promulgated by the  
13 Administrator under this section and the source  
14 is in compliance with the standard;

15                   “(B)(i) the Administrator has promulgated  
16 a schedule for establishing a pretreatment  
17 standard pursuant to section 304(m) that  
18 would be applicable to the pollutant and source  
19 not later than 5 years after the date of enact-  
20 ment of this subsection and the standard is pro-  
21 mulgated on or before the date established in  
22 the schedule; or

23                   “(ii) the pollutant and source are subject  
24 to a local limit and the local limit for the pollut-  
25 ant and source is equivalent to the best dem-

1           onstrated available treatment technology as de-  
2           termined by the Administrator under section  
3           3004(m) of the Solid Waste Disposal Act (42  
4           U.S.C. 6924(m)) or a pretreatment standard  
5           equivalent to a standard under subsection (b)  
6           or section 402(b)(9).

7           “(2) PROHIBITION ON INTRODUCTION OF HAZ-  
8           ARDOUS WASTE.—It shall be unlawful to introduce  
9           into a publicly owned treatment works any pollutant  
10          that is a hazardous waste. Notwithstanding the pro-  
11          visions of this Act, a publicly owned treatment works  
12          (as defined in section 212) receiving or treating any  
13          hazardous waste shall not be deemed to be generat-  
14          ing, treating, storing, disposing of, or otherwise  
15          managing a hazardous waste for the purposes of this  
16          Act, solely on the basis that any other person has  
17          introduced a hazardous waste into the collection sys-  
18          tem for such publicly owned treatment works.”.

19 **SEC. 205. POLLUTION PREVENTION PLANNING.**

20          Section 308 (33 U.S.C. 1318), as amended by section  
21          201(e), is further amended by adding at the end the fol-  
22          lowing new subsection:

23          “(f) POLLUTION PREVENTION PLANNING.—

24                  “(1) IN GENERAL.—

1           “(A) REGULATIONS.—Not later than 2  
2 years after the date of enactment of this sub-  
3 section, the Administrator shall promulgate reg-  
4 ulations that require a person described in  
5 paragraph (2) who applies for the issuance or  
6 reissuance of a permit pursuant to section 402,  
7 or for a local limit for a significant industrial  
8 user determined under section 307, to submit a  
9 pollution prevention plan to the permitting au-  
10 thority (in the case of a direct discharger), or  
11 the permitting authority of the State for the ap-  
12 propriate publicly owned treatment works (in  
13 the case of a local limit) as a condition of the  
14 issuance or reissuance of the permit or local  
15 limit.

16           “(B) REQUIREMENTS FOR REGULA-  
17 TIONS.—The regulations referred to in subpara-  
18 graph (A) shall identify not fewer than 20 pol-  
19 lutants with respect to which the Administrator  
20 determines that discharge reductions are likely  
21 to result in a benefit to human health or the  
22 environment.

23           “(C) POTENTIAL FOR POLLUTANT REDUC-  
24 TION.—The regulations shall indicate the poten-

1            tial for pollutant reduction within categories or  
2            subcategories of dischargers.

3            “(2) POLLUTION PREVENTION PLANNING RE-  
4            QUIREMENT.—The Administrator shall identify the  
5            persons who are required to comply with paragraph  
6            (1). In identifying the persons, the Administrator  
7            shall provide that, not later than 7 years after the  
8            date of enactment of this subsection, not less than  
9            80 percent of the volume of each pollutant listed  
10           pursuant to paragraph (1)(B) released into waters  
11           at the time of the identification is subject to plans  
12           prepared pursuant to this subsection.

13           “(3) REQUIREMENTS FOR POLLUTION PREVEN-  
14           TION PLANS.—

15           “(A) IN GENERAL.—Each pollution pre-  
16           vention plan prepared pursuant to this sub-  
17           section shall—

18           “(i) address pollutants listed pursuant  
19           to section 307(a) with respect to which the  
20           discharger is required to report under sec-  
21           tion 313 of the Emergency Planning and  
22           Community Right-to-Know Act of 1986  
23           (42 U.S.C. 11023); and

24           “(ii) with respect to a direct dis-  
25           charger, be submitted as part of the appli-

1 cation for the issuance or the reissuance of  
2 a permit under section 402, and with re-  
3 spect to a person subject to a pretreatment  
4 requirement, be submitted to the permit-  
5 ting authority.

6 “(B) MINIMUM REQUIREMENTS FOR  
7 PLAN.—Each pollution prevention plan referred  
8 to in subparagraph (A) shall, at a minimum—

9 “(i) establish goals for pollution pre-  
10 vention (including the reduction in the use  
11 of pollutants, byproduct generation, and  
12 in-process recycling) over the term of a  
13 permit referred to in paragraph (1), or the  
14 period during which a local limit referred  
15 to in paragraph (1) applies;

16 “(ii) address water use efficiency;

17 “(iii) include onsite plans for the at-  
18 tainment of the goals established under  
19 clause (i); and

20 “(iv) provide for annual reports to the  
21 agency that issues a permit concerning  
22 progress toward attainment of the goals  
23 established under clause (i).

24 “(C) GUIDANCE.—Not later than 4 years  
25 after the date of enactment of this subsection,

1 the Administrator shall issue guidance that in-  
2 dicates the range of the potential and dem-  
3 onstrated reduction in pollution under pollution  
4 prevention plans submitted pursuant to this  
5 subsection.

6 “(D) AVAILABILITY OF PLANS.—

7 “(i) IN GENERAL.—The pollution pre-  
8 vention plan for each facility shall be re-  
9 tained at the facility, and, for purposes of  
10 administering this Act, shall be available to  
11 the Administrator, the State in which the  
12 facility is located, and any local govern-  
13 ment agency given authority by the State  
14 to inspect the plans. Any documents and  
15 other records obtained or reviewed may not  
16 be deemed to be public records or docu-  
17 ments.

18 “(ii) AVAILABILITY TO THE PUBLIC.—  
19 The pollution prevention plan summaries  
20 for each facility shall be made available to  
21 the public at the facility during normal  
22 business hours.

23 “(4) REPORT TO CONGRESS.—Not later than 5  
24 years after the date of enactment of this subsection,  
25 the Administrator shall submit a report to Congress

1 that describes the pollutant reductions accomplished  
2 pursuant to plans prepared pursuant to this sub-  
3 section.”.

4 **TITLE III—WATERSHED PLAN-**  
5 **NING AND NONPOINT POLLU-**  
6 **TION CONTROL**

7 **SEC. 301. WATER QUALITY MONITORING.**

8 (a) STATE WATER QUALITY MONITORING PRO-  
9 GRAMS.—Subsection (b) of section 305 (33 U.S.C.  
10 1315(b)) is amended to read as follows:

11 “(b)(1) Each State shall conduct a comprehensive  
12 program to monitor the quality of navigable waters and  
13 aquatic sediment within the State.

14 “(2) Each State monitoring program conducted pur-  
15 suant to this subsection shall, at a minimum—

16 “(A) assess whether the waters of the State (in-  
17 cluding the rivers, lakes, and coastal waters of the  
18 State)—

19 “(i) provide for the protection and propa-  
20 gation of a balanced population of shellfish,  
21 fish, and wildlife; and

22 “(ii) allow for recreation in and on the wa-  
23 ters;

24 “(B) identify waters that do not meet a water  
25 quality standard (including a designated use);

1           “(C) assess the contribution of point and  
2 nonpoint sources to the water pollution problems of  
3 the State referred to in subparagraphs (A) and (B);  
4 and

5           “(D) provide that monitoring activities in the  
6 State be scheduled, to the extent practicable, to pro-  
7 vide for continuous collection of information over  
8 each period that is the subject of a report submitted  
9 pursuant to paragraph (5).

10          “(3) Not later than 2 years after the date of enact-  
11 ment of this paragraph, the Administrator shall promul-  
12 gate regulations that specify minimum requirements for  
13 each State monitoring program conducted pursuant to this  
14 subsection.

15          “(4) Each State monitoring program conducted pur-  
16 suant to this subsection—

17           “(A) shall coordinate the assessment of water  
18 and sediment quality within the State;

19           “(B) in coordinating the assessment referred to  
20 in subparagraph (A), may draw on data from—

21           “(i) the monitoring programs of Federal  
22 agencies;

23           “(ii) the monitoring of dischargers pursu-  
24 ant to section 308; and

25           “(iii) volunteer monitoring programs;

1           “(C) may collect and assess original data that  
2           is necessary to supplement the data sources referred  
3           to in subparagraph (B); and

4           “(D) shall be conducted in coordination and co-  
5           operation with the Water Quality Monitoring Coun-  
6           cil established under subsection (c).

7           “(5)(A) Each State shall prepare for all waters within  
8           the State and submit to the Administrator not later than  
9           August 1, 1995, information on the attainment and main-  
10          tenance of water quality. The information required under  
11          this paragraph shall be updated with information supplied  
12          by the States not less frequently than every 5 years.

13          “(B) The State shall publish a report on the monitor-  
14          ing program, including a compilation of the data, not later  
15          than 5 years after the date of enactment of this para-  
16          graph, and every 5 years thereafter.

17          “(C) Each State shall include in each report referred  
18          to in subparagraph (A) data collected from hydrologic  
19          study units and fixed monitoring stations operated by  
20          Federal agencies.

21          “(6) The Administrator shall ensure that—

22                  “(A) the data provided in the reports submitted  
23                  pursuant to paragraph (5) are maintained in a re-  
24                  pository on a continuous basis by the Environmental  
25                  Protection Agency; and

1           “(B) the repository is updated in a timely fash-  
2           ion.”.

3           (b) WATER QUALITY MONITORING COUNCIL.—Sec-  
4           tion 305 (33 U.S.C. 1315) is amended by adding at the  
5           end the following new subsection:

6           “(c)(1) There is established a Water Quality Monitor-  
7           ing Council (referred to in this subsection as the ‘Coun-  
8           cil’). The Council shall give advice with respect to the co-  
9           ordination of Federal and State water quality monitoring  
10          programs.

11          “(2) The Council shall be composed of—

12           “(A) a representative of the Administrator, who  
13           shall be a cochairperson of the Council;

14           “(B) a representative of the Director of the  
15           United States Geological Survey, who shall be a co-  
16           chairperson of the Council;

17           “(C) 3 representatives of appropriate Federal  
18           agencies appointed by the President (after receiving  
19           recommendations from the Administrator);

20           “(D) 3 representatives of State environmental  
21           protection agencies, appointed by the Administrator;

22           “(E) 3 representatives of the academic commu-  
23           nity, appointed by the Administrator; and

1           “(F) 3 representatives of volunteer water qual-  
2           ity monitoring organizations, appointed by the Ad-  
3           ministrator.

4           “(3) The Council shall, at a minimum—

5           “(A) review and make recommendations regard-  
6           ing the implementation of Federal water and sedi-  
7           ment quality monitoring programs;

8           “(B) review and make recommendations regard-  
9           ing the implementation of State water monitoring  
10          programs pursuant to subsection (b);

11          “(C) recommend consistent quality assurance  
12          standards for monitoring programs implemented  
13          pursuant to this section;

14          “(D) recommend procedures and methods for  
15          statistical analysis of monitoring data; and

16          “(E) assist in the effective coordination of data  
17          management systems.

18          “(4) Members of the Council may not be compensated  
19          for any travel expenses incurred, and may not receive any  
20          compensation, by reason of service on the Council.

21          “(5)(A) Not later than 2 years after the date of en-  
22          actment of this subsection, the President, after consider-  
23          ing the recommendations of the Council, shall submit to  
24          Congress a strategy for the coordinated implementation  
25          of water quality monitoring programs.

1       “(B) The strategy referred to in subparagraph (A)  
2 shall—

3           “(i) review and assess the location and function  
4 of fixed monitoring stations and hydrologic study  
5 units; and

6           “(ii) describe—

7               “(I) the roles and responsibilities of Fed-  
8 eral agencies;

9               “(II) methods of coordination among agen-  
10 cies, including procedures to ensure the imple-  
11 mentation of the strategy;

12               “(III) the anticipated level of resources to  
13 be devoted to monitoring programs by each  
14 agency; and

15               “(IV) measures to ensure that Federal  
16 monitoring programs are responsive to the mon-  
17 itoring needs of States to the fullest extent  
18 practicable.

19       “(6)(A) The Administrator, in cooperation with the  
20 Council, shall prepare and submit to Congress, on January  
21 1, 1996, and every 5 years thereafter, a report that—

22           “(i) describes the findings of monitoring pro-  
23 grams conducted pursuant to this section; and

1           “(ii) provides a comprehensive assessment of  
2           conditions and trends in the quality of navigable wa-  
3           ters throughout the United States.

4           “(B) The report referred to in subparagraph (A)  
5           shall also identify needed changes to Federal and State  
6           monitoring programs, including the adequacy of funding  
7           for the accomplishment of the programs provided for in  
8           this section.”.

9           **SEC. 302. COMPREHENSIVE WATERSHED MANAGEMENT.**

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

12          **“SEC. 321. COMPREHENSIVE WATERSHED MANAGEMENT.**

13           “(a) FINDINGS AND PURPOSE.—

14           “(1) FINDINGS.—Congress finds that com-  
15           prehensive watershed management will further the  
16           goals and objectives of this Act by—

17                   “(A) identifying more fully water quality  
18                   impairments and the pollutants, sources, and  
19                   activities causing impairments;

20                   “(B) integrating water protection quality  
21                   efforts under this Act with other natural re-  
22                   source protection efforts, including Federal ef-  
23                   forts to define and protect ecological systems  
24                   (including the waters and the living resources  
25                   supported by the waters);

1           “(C) defining long-term social, economic  
2           and natural resource objectives and the water  
3           quality necessary to attain or maintain the ob-  
4           jectives;

5           “(D) increasing, through citizen participa-  
6           tion in the watershed management process,  
7           public support for improved water quality;

8           “(E) identifying priority water quality  
9           problems that need immediate attention; and

10           “(F) identifying the most cost-effective  
11           measures to achieve the objectives of this Act.

12           “(2) PURPOSE.—The purpose of this section is  
13           to encourage comprehensive watershed management  
14           in maintaining and enhancing water quality, in re-  
15           storing and protecting living resources supported by  
16           the waters, and in ensuring waters of a quality suffi-  
17           cient to meet human needs, including water supply  
18           and recreation.

19           “(b) DESIGNATION OF WATERSHEDS.—

20           “(1) IN GENERAL.—The Governor of a State  
21           may at any time designate waters (including ground  
22           waters) and associated land areas within the State  
23           as a watershed management unit. To the extent  
24           practicable, the boundaries of each watershed man-  
25           agement unit shall be consistent with the

1 hydrological units identified by the United States  
2 Geological Survey of the Department of the Interior  
3 as the most appropriate units for planning purposes.

4 “(2) REQUIREMENTS FOR DESIGNATION.—Each  
5 designation under paragraph (1) shall include an  
6 identification of the waters within the watershed  
7 management unit that are not meeting water or  
8 sediment quality standards (including designated  
9 uses) at the time of the designation. Each designa-  
10 tion under paragraph (1) shall also identify any out-  
11 standing national resource water and sensitive  
12 aquatic or wildlife habitat area within the watershed  
13 management unit that is the subject of the designa-  
14 tion.

15 “(3) WATERSHED MANAGEMENT UNIT.—

16 “(A) IN GENERAL.—Each watershed man-  
17 agement unit referred to in paragraph (1) shall,  
18 to the extent practicable, include the land area  
19 occupied by all sources of pollution that are  
20 causing, or contributing to, an impairment  
21 identified pursuant to paragraph (2).

22 “(B) MULTISTATE UNITS.—Each water-  
23 shed management unit established under this  
24 subsection may include waters and associated  
25 land areas in more than 1 State, if the Gov-

1           errors of the States affected jointly designate  
2           the watershed management unit.

3           “(4) DESIGNATION.—Each designation of a wa-  
4           tershed management unit made pursuant to this  
5           subsection, and each corresponding management en-  
6           tity designated under paragraph (1) or (2) of sub-  
7           section (c), shall be submitted to the Administrator  
8           for approval. The Administrator shall approve the  
9           designation not later than 180 days after the date  
10          of submittal, if the designation meets the require-  
11          ments of this section. If the Administrator dis-  
12          approves the designation, the Administrator shall  
13          notify the State in writing of the reasons for dis-  
14          approval. The State may resubmit the designation  
15          amended to meet the objections of the Adminis-  
16          trator.

17          “(c) MANAGEMENT ENTITY.—

18                 “(1) IN GENERAL.—The Governor of a State  
19                 shall determine the entity responsible for developing  
20                 and implementing a plan for each watershed man-  
21                 agement unit designated under this section. The  
22                 management entity may be an agency of State gov-  
23                 ernment, a local government agency, a substate re-  
24                 gional planning organization, a conservation district  
25                 or other natural resource management district, or

1 any other public or nonprofit entity with the capac-  
2 ity to carry out the responsibilities authorized by  
3 this section, as set forth by the Administrator in the  
4 guidance required under subsection (i).

5 “(2) MULTISTATE MANAGEMENT ENTITY.—If a  
6 watershed management unit is designated to include  
7 land area in more than 1 State, the Governors of the  
8 States affected shall jointly determine the appro-  
9 priate management entity.

10 “(3) ELIGIBILITY FOR ASSISTANCE.—If the Ad-  
11 ministrator determines that the management entity  
12 identified by the Governor has adequate powers to  
13 carry out the responsibilities authorized by this sec-  
14 tion, the entity shall be eligible for assistance under  
15 subsection (f).

16 “(d) WATERSHED MANAGEMENT AND PLANNING AC-  
17 TIVITIES.—Watershed management and planning activi-  
18 ties eligible to receive assistance from the Administrator  
19 under this Act include, with respect to a watershed—

20 “(1) characterizing the waters and land uses of  
21 the watershed management unit (including the exist-  
22 ing, designated, and potential uses of the waters, the  
23 living resources supported by the waters, sensitive  
24 habitats within the watershed, and other natural, so-

1 cial and economic values that may be affected by  
2 water quality within the watershed);

3 “(2) identifying problems related to water qual-  
4 ity within the watershed (including impairments and  
5 threats to the existing, designated, and potential  
6 uses, pollutants of concerns, and sources of pollut-  
7 ants causing threats or impairments);

8 “(3) selecting short-term and long-term goals  
9 for watershed management (including the mainte-  
10 nance or restoration of water quality, sediment qual-  
11 ity, aquatic and wildlife habitat, and living resources  
12 supported by the waters of the watershed);

13 “(4) selecting measures and practices to meet  
14 identified goals (including the allocation of pollutant  
15 load reductions among sources of pollution within  
16 the watershed and the design of remedial actions  
17 necessary to restore uses);

18 “(5) identifying and coordinating specific  
19 projects and activities necessary to reduce pollutant  
20 loadings or to restore water quality or aquatic habi-  
21 tat within the watershed (including identifying Fed-  
22 eral, State, local, and other financial resources need-  
23 ed to support the projects and activities); and

24 “(6) identifying the appropriate institutional ar-  
25 rangements to carry out a plan approved pursuant

1 to subsection (g) and ensuring compliance with  
2 schedules and limits established by the management  
3 process.

4 “(e) PUBLIC PARTICIPATION.—To the maximum ex-  
5 tent practicable, each State shall establish procedures, in-  
6 cluding the establishment of technical and citizens’ advi-  
7 sory committees, to encourage the public to participate in  
8 developing the comprehensive watershed management pro-  
9 gram under this section.

10 “(f) SUPPORT FOR WATERSHED MANAGEMENT AND  
11 PLANNING.—

12 “(1) INTERAGENCY COMMITTEE.—There is es-  
13 tablished an interagency committee to support com-  
14 prehensive watershed management and planning.  
15 The President shall appoint the members of the  
16 committee. The members shall include a representa-  
17 tive from each Federal agency that carries out pro-  
18 grams and activities that may have a significant im-  
19 pact on water quality or other natural resource val-  
20 ues that may be appropriately addressed through  
21 comprehensive watershed management. In appoint-  
22 ing members to the committee, the President may  
23 include such representatives from a State or local  
24 government and individuals from any affected indus-  
25 try, public or private educational institution, and the

1 general public as the Administrator determines ap-  
2 propriate.

3 (2) COMPENSATION.—Members of the Council  
4 may not be compensated for any travel expenses in-  
5 curred, and may not receive any compensation, by  
6 reason of service on the Council.

7 “(3) USE OF OTHER FUNDS UNDER THIS  
8 ACT.—The planning and management activities car-  
9 ried out by a management entity pursuant to this  
10 section may be carried out with funds made avail-  
11 able pursuant to section 106(h), 205(j), 319(e), or  
12 604(b) (or any combination thereof).

13 “(g) APPROVED PLANS.—

14 “(1) IN GENERAL.—The Governor of a State  
15 may submit to the Administrator for approval a  
16 comprehensive watershed management plan devel-  
17 oped pursuant to this section. The Administrator  
18 shall, after notice and opportunity for public com-  
19 ment, approve or disapprove a comprehensive water-  
20 shed management plan submitted by a Governor  
21 pursuant to this subsection. The Administrator shall  
22 approve the plan if the plan satisfies each of the fol-  
23 lowing conditions:

1           “(A) The plan has been developed for a  
2 watershed management unit designated and ap-  
3 proved pursuant to subsection (b).

4           “(B) The entity with responsibility to carry  
5 out the plan has the legal authority and finan-  
6 cial resources to carry out the plan.

7           “(C) Except as provided in subparagraph  
8 (D), if the watershed includes waters that are  
9 not meeting water or sediment quality stand-  
10 ards at the time of submission—

11                   “(i) the plan—

12                           “(I) identifies the pollutants and  
13 sources causing the impairment; and

14                           “(II) demonstrates that the  
15 standards will be attained as expedi-  
16 tiously as practicable, but not later  
17 than 10 years after the date of sub-  
18 mittal of the plan; and

19                           “(III) includes periodic deter-  
20 minations to ensure reasonable fur-  
21 ther progress within the economic ca-  
22 pability of the sources within the wa-  
23 tershed is made toward attaining the  
24 standards; and

1           “(ii) the plan includes a list of  
2           projects and activities necessary to achieve  
3           allocated load reductions consistent with  
4           the requirements of section 303(b), and—

5                   “(I) identifies those projects of  
6                   highest priority; and

7                   “(II) includes milestones for the  
8                   implementation of the projects and ac-  
9                   tivities.

10           “(D) In the case of a watershed with re-  
11           spect to which pollutant loads are attributable  
12           only to point sources the plan demonstrates  
13           that the standards will be attained not later  
14           than 5 years after the date of enactment of this  
15           section and that periodic determinations will be  
16           made to determine that reasonable further  
17           progress within the economic capability of the  
18           sources within the watershed during the period  
19           specified is made.

20           “(E) For those waters in the watershed at-  
21           taining water quality standards at the time of  
22           submission, the plan identifies those projects  
23           and activities necessary to maintain water qual-  
24           ity standards in the future.

1           “(F) Any other condition the Adminis-  
2           trator may establish by guidance or regulation.

3           “(2) PLANNING AND IMPLEMENTATION SCHED-  
4           ULE.—Each plan submitted and approved under this  
5           subsection shall include a planning and implementa-  
6           tion schedule for a period of at least 5 years. The  
7           approval of the Administrator of a plan shall apply  
8           for a period not to exceed 5 years. A revised and up-  
9           dated plan may be submitted prior to the expiration  
10          of the period specified in the preceding sentence for  
11          approval pursuant to the same conditions and re-  
12          quirements that apply to any initial plan for a wa-  
13          tershed that is approved pursuant to this subsection.

14          “(3) DELEGATION OF AUTHORITY.—

15                 “(A) IN GENERAL.—The Administrator  
16                 may delegate to a State the authority to ap-  
17                 prove watershed plans under this subsection,  
18                 if—

19                         “(i) the State submits a program to  
20                         the Administrator that is no less stringent  
21                         than the guidance issued under subsection  
22                         (i); and

23                         “(ii) the Administrator approves the  
24                         State program and the Administrator peri-  
25                         odically reviews State decisions to approve

1           specific watershed plans to determine  
2           whether the plans comply with the require-  
3           ments of this subsection and the guidance  
4           issued by the Administrator.

5           “(B) REVOCATION.—If at any time after  
6           delegating authority to a State pursuant to sub-  
7           paragraph (A), the Administrator determines  
8           that a State is not meeting a requirement re-  
9           ferred to in such subparagraph, the Adminis-  
10          trator may revoke the delegation.

11          “(h) INCENTIVES FOR WATERSHED PLANNING.—

12           “(1) PROJECTS AND ACTIVITIES.—Projects and  
13           activities identified in an approved plan as necessary  
14           for attainment and maintenance of water and sedi-  
15           ment quality standards applicable to the waters  
16           within the watershed management unit, and not oth-  
17           erwise required by this or other Federal law, shall—

18                   “(A) be eligible for funding under section  
19                   603(c)(1)(F);

20                   “(B) be included in any needs assessment  
21                   conducted pursuant to section 516; and

22                   “(C) be eligible for funding under section  
23                   604(a)(2)(C).

24          “(2) ACTIVITIES OF FEDERAL AGENCIES.—

1           “(A) IN GENERAL.—Each activity of a  
2 Federal agency that affects land use, water  
3 quality, or the natural resources within a water-  
4 shed planning unit for which a plan has been  
5 approved pursuant to subsection (g) shall be  
6 carried out in a manner that is consistent with  
7 the policies established in the plan.

8           “(B) EXEMPTION.—Notwithstanding sub-  
9 paragraph (A), the President may exempt a  
10 Federal agency activity from the requirements  
11 of a plan approved under subsection (g) if the  
12 President determines that it is in the para-  
13 mount interest of the United States to exempt  
14 the Federal agency.

15           “(3) LIMITATION.—

16           “(A) IN GENERAL.—Notwithstanding sec-  
17 tion 301(b)(1)(C), and subject to the require-  
18 ments of section 402(o), the Administrator or a  
19 State may issue a permit to a point source that  
20 includes a limitation for a pollutant to be dis-  
21 charged by the source to a specific portion of a  
22 navigable water that does not ensure attain-  
23 ment and maintenance of water quality stand-  
24 ards (alone, or in combination with, limitations

1 issued for other point sources discharging to  
2 the water), if—

3 “(i) the water is part of a watershed  
4 management unit for which a plan has  
5 been approved under subsection (g); and

6 “(ii) the plan includes enforceable re-  
7 quirements that have been imposed under  
8 State or local law for nonpoint source pol-  
9 lution load reductions that, in combination  
10 with the limitations established for point  
11 sources, provide for the attainment and  
12 maintenance of water quality standards for  
13 the waters prior to expiration of the plan.

14 “(B) EXTENSION OF TERM.—Notwith-  
15 standing section 402(b)(1)(B), the Adminis-  
16 trator or a State is authorized to grant an ex-  
17 tension of the term of any permit issued pursu-  
18 ant to section 402 for a period not to exceed 4  
19 years after the date of enactment of this section  
20 for any source—

21 “(i) that is located in an area that is  
22 designated as a watershed planning unit;  
23 and

24 “(ii) for which the Governor of the  
25 State indicates to the Administrator in

1 writing, prior to the expiration date of the  
2 permit (as in effect on the date of enact-  
3 ment of this section), an intention to pre-  
4 pare and submit a watershed management  
5 plan for approval under subsection (g).

6 “(4) EXTENSION FOR APPROVED PLAN.—Not-  
7 withstanding section 402(b)(1)(B), the term of a  
8 permit issued to a point source under section 402  
9 may be extended to be a term of 10 years for any  
10 point source located in a watershed management  
11 unit for which a plan has been approved under sub-  
12 section (g), if the plan provides for the attainment  
13 and maintenance of water quality standards (includ-  
14 ing designated uses) in waters affected by the dis-  
15 charge from the point source that is the subject of  
16 the permit for the entire term of the permit subject  
17 to the extension. Notwithstanding the preceding sen-  
18 tence, any permit issued pursuant to this section  
19 shall be renewed and revised as necessary to attain  
20 and maintain water quality standards if at any time  
21 during the term of the permit the waters affected by  
22 the discharge do not meet water quality standards.

23 “(i) GUIDANCE.—Not later than 18 months after the  
24 date of enactment of this section, the Administrator shall  
25 issue guidance for the comprehensive watershed manage-

1 ment and planning under this section that specifies mini-  
2 mum requirements for watershed designation, legal au-  
3 thorities and financial resources for management entities,  
4 public participation, and elements necessary for approval  
5 of a watershed management plan pursuant to subsection  
6 (g).

7 “(j) STATE WATER LAW.—Nothing in this section is  
8 intended to amend, supersede, or abrogate any right to  
9 a quantity of water that has been established by any inter-  
10 state water compact, Supreme Court decree, State water  
11 law, or any requirement imposed, or right provided under,  
12 any Federal or State environmental or public health law.”.

13 **SEC. 303. IMPAIRED WATERS IDENTIFICATION.**

14 Subsection (a) of section 319 (33 U.S.C. 1329(a)) is  
15 amended to read as follows:

16 “(a) IMPAIRED WATERS.—

17 “(1) IMPAIRED WATERS.—

18 “(A) IN GENERAL.—Not later than 2 years  
19 after the date of enactment of clause (i), each  
20 State shall submit to the Administrator a list of  
21 waters within the State that cannot, without  
22 additional action to control nonpoint sources of  
23 pollution, reasonably be anticipated to attain or  
24 maintain—

1           “(i) water quality standards for the  
2           waters; or

3           “(ii) a water quality that will ensure  
4           the protection of public health and public  
5           water supplies, and the protection and  
6           propagation of a balanced population of  
7           shellfish, fish, and wildlife and allow for  
8           recreational activities in and on the water.

9           “(B) CONTENTS OF LIST.—A list submit-  
10          ted pursuant to this paragraph shall include, at  
11          a minimum, waters listed pursuant to sections  
12          304(l)(1)(A) and 319(a)(1)(A) for which indi-  
13          vidual control strategies have been promulgated,  
14          unless the State demonstrates that the waters  
15          do not meet the listing criteria referred to in  
16          subparagraph (A).

17          “(C) ADDITIONS TO LIST.—

18                 “(i) ACTION BY A STATE.—A State  
19                 may add to the list submitted to the Ad-  
20                 ministrator pursuant to subparagraph (A)  
21                 any waters within the State that the State  
22                 determines to be—

23                         “(I) threatened with impairment;  
24                         or

1                   “(II) an outstanding national re-  
2                   source water, as designated pursuant  
3                   to section 303(g).

4                   “(ii) ACTION BY THE ADMINIS-  
5                   TRATOR.—The Administrator may add a  
6                   water to a list submitted by a State, or ex-  
7                   pand an area identified pursuant to sub-  
8                   paragraph (E) if the water meets the list-  
9                   ing criteria referred to in subparagraph  
10                  (A).

11                  “(D) FAILURE BY STATE.—In any case in  
12                  which a State fails to submit a list pursuant to  
13                  this paragraph by the date specified in subpara-  
14                  graph (A), the Administrator shall carry out  
15                  the requirements of this paragraph not later  
16                  than 1 year after the date specified.

17                  “(E) DELINEATION OF WATERSHED.—The  
18                  list prepared pursuant to this paragraph shall  
19                  include a delineation of the land area within the  
20                  State of the watershed of a listed water. The  
21                  delineated area shall include all sources of pol-  
22                  lution within the State that cause, or contribute  
23                  to, the impairment of the water quality of the  
24                  water. In any case in which the watershed areas  
25                  of individual impaired waters overlap, a State

1           may combine waters to form a single watershed  
2           area for the purposes of the inclusion of the wa-  
3           tershed area on the list prepared pursuant to  
4           subparagraph (A).

5           “(F) PUBLIC REVIEW AND COMMENT.—  
6           Each State shall provide an opportunity for  
7           public review and comment on the list prepared  
8           pursuant to this paragraph and shall, at a mini-  
9           mum, hold at least 1 public hearing concerning  
10          the list not later than 60 days prior to submit-  
11          tal of the list to the Administrator.

12          “(G) PETITION.—Any person may submit  
13          to the State in which the person resides a peti-  
14          tion for the listing of a water pursuant to this  
15          paragraph. In any case in which a petition es-  
16          tablishes that a water meets the listing criteria  
17          referred to in subparagraph (A), or in the case  
18          of a petition for listing pursuant to paragraph  
19          (4) if the waters meet the requirements of para-  
20          graph (4), the State shall add the waters to the  
21          list prepared pursuant to subparagraph (A).

22          “(H) APPROVAL BY ADMINISTRATOR.—  
23          The Administrator shall review each list re-  
24          quired to be prepared pursuant to this para-  
25          graph not later than 90 days after receipt of

1 the list. If the Administrator finds that the list  
2 is consistent with the requirements of this sub-  
3 section, the Administrator shall, after notice  
4 and opportunity for public comment, approve  
5 the list. The approval or disapproval by the Ad-  
6 ministrator of a list shall constitute final agency  
7 action for the purposes of section 509. The  
8 court shall not set aside or reward a decision to  
9 list a water unless the court decides, on the  
10 basis of the rulemaking record, that the deci-  
11 sion was arbitrary and capricious, or otherwise  
12 in violation of law.

13 “(2) REASSESSMENT OF IMPAIRED WATERS.—  
14 Not later than 7 years after the date of enactment  
15 of subparagraph (A), and every 5 years thereafter,  
16 each State shall submit to the Administrator a list  
17 of waters and a description of watershed areas of  
18 the waters in a manner consistent with the proce-  
19 dures for listing a watershed under paragraph (1).  
20 The list shall also include waters that fail to meet—

21 “(A) biological monitoring regulations es-  
22 tablished pursuant to the information published  
23 pursuant to section 304(a)(8); or

1           “(B) standards for pollutants adopted pur-  
2           suant to section 303 associated with nonpoint  
3           sources.”.

4 **SEC. 304. NONPOINT POLLUTION CONTROL.**

5           (a) MANAGEMENT PROGRAM REVISION.—Section  
6 319 (33 U.S.C. 1329) is amended—

7           (1) in subsection (b)—

8           (A) in paragraph (1)—

9           (i) by inserting before “The Governor  
10           of each State” the following new sentence:  
11           “Not later than 30 months after the date  
12           of enactment of the Water Pollution Pre-  
13           vention and Control Act of 1993, the Gov-  
14           ernor of each State shall prepare and sub-  
15           mit to the Administrator a revised man-  
16           agement program.”; and

17           (ii) by adding at the end of the para-  
18           graph the following new sentence: “Each  
19           management program prepared under this  
20           subsection shall be consistent with the  
21           guidance developed under subsection (c).”;

22           (B) in paragraph (2)—

23           (i) in subparagraph (A), by striking  
24           “paragraph (1)(B),” and all that follows  
25           through the end of the subparagraph and

1 inserting the following: “subsection  
2 (c)(2)(A), except that the State may ex-  
3 empt a category of sources on the basis of  
4 a demonstration to the Administrator that  
5 the category of sources does not cause im-  
6 pairment to the waters within the State.”;

7 (ii) in subparagraph (B), by adding at  
8 the end the following new sentence: “Ex-  
9 cept for categories, subcategories, or  
10 sources addressed pursuant to subsection  
11 (f), the programs and management prac-  
12 tices shall be consistent with guidance pub-  
13 lished pursuant to subsection (c).”;

14 (iii) by striking subparagraph (C) and  
15 inserting the following new subparagraph:

16 “(C) A schedule containing annual mile-  
17 stones for the implementation of management  
18 measures as expeditiously as practicable but not  
19 later than 3 years after the date of approval of  
20 the program for new sources”;

21 (iv) by redesignating subparagraphs  
22 (E) and (F) as subparagraphs (F) and  
23 (G), respectively; and

24 (v) by inserting after subparagraph  
25 (D) the following new subparagraph:

1           “(E) For any source in a category or class  
2 of sources listed in guidance developed under  
3 subsection (c) that is also in the watershed de-  
4 linedated under section 319(a)(1)—

5           “(i) the implementation of manage-  
6 ment measures as expeditiously as prac-  
7 ticable, but not later than 3 years after the  
8 date of approval of the program; or

9           “(ii) the development of site-specific  
10 water quality plans pursuant to subsection  
11 (f) as expeditiously as practicable, but not  
12 later than 3 years after the date of ap-  
13 proval of the program, including appro-  
14 priate agreements with the Secretary of  
15 Agriculture or appropriate State agencies  
16 for the development of each plan.”;

17           (C) by striking paragraph (3) and insert-  
18 ing the following new paragraph:

19           “(3) REVISION OF PLANS.—

20           “(A) IN GENERAL.—Not later than 7 years  
21 after the date of enactment of the Water Pollu-  
22 tion Prevention and Control Act of 1993, each  
23 State shall review and revise the plan developed  
24 pursuant to paragraph (2) in a manner consist-  
25 ent with the requirements of this section.

1           “(B) SITE-SPECIFIC WATER QUALITY  
2 PLANS.—Each plan submitted pursuant to this  
3 paragraph may provide for the implementation  
4 of site-specific water quality plans pursuant to  
5 paragraph (2)(E)(ii) only if the plan is for a  
6 source within the watershed area of an im-  
7 paired water with respect to which the Adminis-  
8 trator has approved a watershed plan pursuant  
9 to section 321.

10           “(C) ENFORCEMENT.—Each plan devel-  
11 oped pursuant to this paragraph shall provide  
12 for the necessary legal authority to ensure the  
13 implementation of management measures for  
14 existing sources and new sources and measures  
15 required under plans developed under a pro-  
16 gram referred to in subsection (b). The legal  
17 authority shall include, at a minimum, the au-  
18 thority to seek injunctive relief for the failure to  
19 implement a measure referred to in the preced-  
20 ing sentence.

21           “(D) FAILURE TO SUBMIT PLAN.—If a  
22 State fails to submit a plan pursuant to this  
23 paragraph, or the Administrator does not ap-  
24 prove the plan, not later than 1 year after the  
25 deadline for the submittal of the plan to the

1 Administrator, or 1 year after the Adminis-  
2 trator disapproves the plan, the Administrator  
3 shall publish a regulation providing for the im-  
4 plementation of enforceable minimum control  
5 measures for categories of sources in the State  
6 that is consistent with this subsection. The Ad-  
7 ministrator may use the sums allocated to the  
8 State under subsection (h) to implement the  
9 regulation (including making grants to substate  
10 agencies approved by the Administrator pursu-  
11 ant to subsection (e)).”;

12 (D) by striking paragraph (4) and insert-  
13 ing the following new paragraph:

14 “(4) PUBLIC AND AGENCY INVOLVEMENT.—In  
15 developing and implementing a management pro-  
16 gram under this subsection, a State shall provide for  
17 public review and comment and shall cooperate with  
18 local, State, and interstate entities.”; and

19 (E) by adding at the end the following new  
20 paragraphs:

21 “(5) ECONOMIC CAPABILITY.—A State may,  
22 with the approval of the Administrator, adopt alter-  
23 native requirements with respect to a specific  
24 nonpoint source of pollution based on a showing by

1 the owner or operator of the source that the modi-  
2 fied requirements will—

3 “(A) represent the maximum use of man-  
4 agement measures and practices within the eco-  
5 nomic capability of the owner or operator; and

6 “(B) result in reasonable further progress  
7 toward elimination of pollution.

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

9 “(A) EXISTING SOURCE.—The term ‘exist-  
10 ing source’ means any nonpoint source, cat-  
11 egory, or subcategory of sources that is not a  
12 new source.

13 “(B) NEW SOURCE.—The term ‘new  
14 source’ means any source, category, or sub-  
15 category of sources that is described in one of  
16 the following clauses:

17 “(i) The development or significant  
18 redevelopment of a commercial or residen-  
19 tial site of 5 or more acres that is not sub-  
20 ject to a stormwater permit issued under  
21 section 402(p).

22 “(ii) The construction or significant  
23 reconstruction of a road, highway, or  
24 bridge that is not subject to a stormwater  
25 permit issued under section 402(p).

1           “(iii) The harvesting of timber or the  
2           construction of a forest road.

3           “(iv) The construction or significant  
4           expansion of an animal feeding operation  
5           that is not subject to a permit issued  
6           under section 402.

7           “(v) A category or subcategory of new  
8           sources established by the Administrator  
9           under subsection (c).

10           “(vi) A source, category, or sub-  
11           category of sources designated as a new  
12           source by a State.”;

13           (2) by striking subsection (c) and inserting the  
14           following new subsection:

15           “(c) NATIONAL PROGRAM GUIDANCE.—

16           “(1) IN GENERAL.—The Administrator, in con-  
17           sultation with the heads of other Federal agencies,  
18           shall publish guidance that specifies elements of  
19           nonpoint pollution management programs.

20           “(2) GUIDANCE CONTENTS.—The guidance  
21           published under this subsection shall include, at a  
22           minimum—

23           “(A) a description of categories and  
24           subcategories of sources of nonpoint pollution;

1           “(B) management measures appropriate to  
2 each category or subcategory of source identi-  
3 fied in subparagraph (A), including a descrip-  
4 tion of each method or practice, structural or  
5 nonstructural control, and operation and main-  
6 tenance procedure, that constitutes each meas-  
7 ure;

8           “(C) program implementation criteria ap-  
9 propriate to ensure the implementation of man-  
10 agement measures;

11           “(D) methods to estimate reductions in  
12 nonpoint pollution loads necessary to attain and  
13 maintain water quality and sediment quality  
14 standards and achieve the goals and require-  
15 ments of this Act; and

16           “(E) any necessary monitoring to assess  
17 over time the success of management measures  
18 in reducing nonpoint pollution loads and im-  
19 proving water quality.

20           “(3) PUBLICATION OF GUIDANCE.—Not later  
21 than 90 days after the date of enactment of this  
22 paragraph, the Administrator shall publish proposed  
23 guidance pursuant to this subsection, and the Ad-  
24 ministrator shall publish final guidance not later  
25 than 180 days after such date of enactment.

1           “(4) REVIEW.—The Administrator shall provide  
2 the heads of interested Federal agencies, States, and  
3 other interested persons with an opportunity to pro-  
4 vide written comments on proposed guidance under  
5 this subsection.

6           “(5) REGIONAL VARIATION.—The Adminis-  
7 trator may, on the recommendation of an adminis-  
8 trator of a regional office of the Environmental Pro-  
9 tection Agency, modify management measures pur-  
10 suant to paragraph (2)(B) to reflect special condi-  
11 tions in the region under the jurisdiction of the ad-  
12 ministrator of the regional office. The modification  
13 shall apply to each State in the region.

14           “(6) DEFINITIONS.—As used in this subsection:

15           “(A) MANAGEMENT MEASURES.—The term  
16 ‘management measures’ means economically  
17 achievable measures for the control of the addi-  
18 tion of pollutants from existing sources and new  
19 sources (as defined in subsection (b)(6)) that  
20 reflect the greatest degree of pollutant reduc-  
21 tion achievable through the application of the  
22 best available nonpoint pollution control prac-  
23 tices, technologies, processes, siting criteria, op-  
24 erating methods, or other alternatives.

1           “(B) PROGRAM IMPLEMENTATION CRI-  
2           TERIA.—The term ‘program implementation  
3           criteria’ means specified characteristics of a  
4           program that will result in the effective and re-  
5           liable implementation of management measures  
6           and the maintenance of the management meas-  
7           ures over the long-term. In establishing the cri-  
8           teria, the Administrator shall consider any pro-  
9           grams in effect that have been demonstrated by  
10          1 or more States to be effective and reliable  
11          means of ensuring the implementation and  
12          maintenance of a management measure. The  
13          term shall include appropriate State statutes,  
14          county or municipal ordinances, financial assist-  
15          ance programs, and related enforceable authori-  
16          ties.”;

17          (3) in subsection (d)—

18                 (A) in paragraph (1)—

19                         (i) in the first sentence, by striking  
20                         “report or” both places it appears; and

21                         (ii) in the third sentence, by striking  
22                         “report, management program,” both  
23                         places it appears, and inserting “manage-  
24                         ment program”;

25                 (B) in paragraph (2)—

1 (i) in subparagraph (A), by striking  
2 “(b)(2)” and inserting “(b)”;

3 (ii) in subparagraph (C), by striking  
4 “sufficiently expeditious” and inserting  
5 “consistent with the guidance referred to  
6 in subsection (c)”;

7 (iii) in subparagraph (D), by inserting  
8 before “adequate to reduce the level of pol-  
9 lution in navigable waters” the following  
10 “consistent with the guidance referred to  
11 in subsection (c), or otherwise not”;

12 (C) by striking paragraph (3) and insert-  
13 ing the following new paragraph:

14 “(3) GRANT ADJUSTMENT AND REALLOCATION  
15 OF FUNDS.—

16 “(A) GRANT ADJUSTMENT—Beginning  
17 with fiscal year 1998, and for each fiscal year  
18 thereafter, no grant funds available to a State  
19 under this section shall be awarded to a State  
20 without a management program that has been  
21 approved by the Administrator pursuant to sub-  
22 section (b).

23 “(B) REALLOCATION OF FUNDS.—Begin-  
24 ning with fiscal year 1998, and for each fiscal  
25 year thereafter, in the case of a State that does

1 not have a management program that has been  
2 approved by the Administrator under subsection  
3 (b), the Administrator shall reserve a propor-  
4 tionate share for the State of the amount of the  
5 grant awarded pursuant to subsection (h) for  
6 the preceding fiscal year. The Administrator  
7 shall first allocate an amount of the amount re-  
8 served among local management programs with-  
9 in the State that have been approved pursuant  
10 to subsection (e) in such amounts as the Ad-  
11 ministrator determines to be appropriate. Any  
12 funds that the Administrator does not allocate  
13 in accordance with the preceding sentence to  
14 support programs approved pursuant to sub-  
15 section (e), shall be made available to States  
16 that have a program approved by the Adminis-  
17 trator under subsection (b).”; and

18 (4) in the first sentence of subsection (e), by  
19 striking “, with the approval of such State,”.

20 (b) GRANT ASSISTANCE.—Section 319 (33 U.S.C.  
21 1329) is amended—

22 (1) in subsection (h)—

23 (A) by striking paragraph (5) and insert-  
24 ing the following new paragraph:

25 “(5) ALLOTMENT OF GRANT FUNDS.—

1           “(A) IN GENERAL.—From the sums appro-  
2           priated in any fiscal year, the Administrator  
3           shall allocate funds in accordance with such fac-  
4           tors as the Administrator considers appropriate.

5           “(B) RESERVATION OF FUNDS.—For fiscal  
6           years 1996 and 1997, prior to the allotment of  
7           funds pursuant to subparagraph (A), the Ad-  
8           ministrators shall reserve an amount equal to 50  
9           percent of the funds available for allotment for  
10          the fiscal year for allotment to States on the  
11          basis of the ratio of the number of acres of wa-  
12          tershed areas of waters listed pursuant to sub-  
13          section (a) in the State to the total number of  
14          acres of watershed areas of waters listed pursu-  
15          ant to such section.

16          “(C) ALLOTMENT.—Beginning with fiscal  
17          year 1998, and for each fiscal year thereafter,  
18          prior to allotting funds pursuant to subpara-  
19          graph (A), the Administrator shall reserve an  
20          amount equal to 50 percent of the funds avail-  
21          able for allotment to States on the basis of the  
22          estimate of the cost of implementing site-spe-  
23          cific water quality plans prepared pursuant to  
24          subsection (f) within the watershed area of a  
25          water with respect to which the Administrator

1 has approved a watershed plan pursuant to sec-  
2 tion 321.”;

3 (B) in paragraph (6), in the first sentence,  
4 by inserting before the period at the end the  
5 following: “, and shall remain available for the  
6 following fiscal year;”;

7 (C) by striking paragraph (7) and insert-  
8 ing the following new paragraph:

9 “(7) LIMITATION ON USE OF FUNDS.—

10 “(A) IN GENERAL.— Each State may use  
11 funds from a grant made pursuant to this sec-  
12 tion to provide financial assistance to a person  
13 only to the extent that the assistance is related  
14 to the—

15 “(i) cost of a demonstration project;

16 “(ii) incentive grant; or

17 “(iii) land acquisition or conservation  
18 easement.

19 “(B) LIMITATION ON INCENTIVE  
20 GRANTS.—An incentive grant may be made only  
21 if—

22 “(i) no other source of Federal assist-  
23 ance is available to implement the meas-  
24 ure;

1           “(ii) the amount of funding for a  
2 project provided pursuant to this sub-  
3 section does not exceed 50 percent of the  
4 cost of the project, and the difference be-  
5 tween the amount of the funding provided  
6 pursuant to this subsection and the cost of  
7 the project is paid from non-Federal  
8 sources;

9           “(iii) the amount of the grant does  
10 not exceed \$5,000 per year;

11           “(iv) the Administrator determines be-  
12 fore awarding the grant that the measure  
13 assisted by the grant has a design life in  
14 excess of 5 years;

15           “(v) in making the grants available,  
16 the State will give highest priority to areas  
17 identified by the State under subsection  
18 (a);

19           “(vi) in making the grants available,  
20 the State will give highest priority to per-  
21 sons with the greatest financial need; and

22           “(vii) not more than 50 percent of all  
23 funds made available to a State under this  
24 section shall be available for incentive  
25 grants.

1           “(C) LIMITATION ON LAND ACQUISITION  
2           AND INCENTIVE GRANTS.—A land acquisition  
3           or conservation easement may be funded under  
4           this paragraph only if—

5                   “(i) in the case of conservation ease-  
6                   ment, the conservation easement is consist-  
7                   ent with a site-specific control plan; and

8                   “(ii) the amount of funds used for the  
9                   purposes specified in this subparagraph  
10                  does not exceed an amount equal to 30  
11                  percent of the total amount of funds made  
12                  available as grants to a State under this  
13                  subsection.

14           “(D) INCENTIVE GRANT DEFINED.—As  
15           used in this paragraph, the term ‘incentive  
16           grant’ means a grant to an individual to imple-  
17           ment a site-specific water quality plan devel-  
18           oped pursuant to subsection (f).”;

19                   (D) in paragraph (12), by inserting “and  
20                   incentive grants” after “demonstration  
21                   projects”; and

22                   (E) by adding at the end the following new  
23                   paragraph:

24                   “(13) FAILURE TO IMPLEMENT.—If the Admin-  
25                   istrator determines that a State has substantially

1 failed to implement a plan, or develop site-specific  
 2 water quality plans, the Administrator shall withhold  
 3 not less than 25 percent, and not more than 50 per-  
 4 cent, of the funds that would otherwise have been  
 5 available to the State pursuant to this subsection.  
 6 The amount of funds withheld pursuant to this  
 7 paragraph shall be allocated to States with a pro-  
 8 gram approved by the Administrator pursuant to  
 9 subsection (b) and local management programs with-  
 10 in the States that have been approved pursuant to  
 11 subsection (e).”; and

12 (2) in subsection (j), by inserting after the first  
 13 sentence the following new sentence: “There are au-  
 14 thorized to be appropriated to carry out subsection  
 15 (h) an amount not to exceed \$300,000,000 for fiscal  
 16 year 1995, \$500,000,000 for each of fiscal years  
 17 1996 through 1998, and \$600,000,000 for each of  
 18 fiscal years 1999 and 2000.”.

19 (c) SITE-SPECIFIC WATER QUALITY PLANS.—Sub-  
 20 section (f) of section 319 (33 U.S.C. 1329(f)) is amended  
 21 to read as follows:

22 “(f) SITE-SPECIFIC WATER QUALITY PLANS.—

23 “(1) IN GENERAL.—

24 “(A) SITE-SPECIFIC WATER QUALITY  
 25 PLANS.—Each source, including an agricultural

1 source, that is located in the watershed area of  
2 a water listed pursuant to subsection (a)(1)  
3 may implement a site-specific water quality  
4 plan in lieu of implementing management meas-  
5 ures, as described in subsection (c).

6 “(B) Each plan developed pursuant to this  
7 subsection shall be approved by the appropriate  
8 official of a Federal agency or State agency, as  
9 specified in the plan developed under subsection  
10 (b). With respect to agricultural sources that  
11 implement a plan referred to in the preceding  
12 sentence, the Secretary of Agriculture shall as-  
13 sist the States in the development and imple-  
14 mentation of the plans to the fullest extent  
15 practicable.

16 “(2) REQUIREMENTS FOR PLAN.—

17 “(A) IN GENERAL.—Each plan developed  
18 pursuant to this subsection shall—

19 “(i) provide for the implementation of  
20 management measures that are appro-  
21 priate to the site, economically achievable  
22 by the owner or operator of the source,  
23 and will reduce water pollution;

1           “(ii) recognize and incorporate appro-  
2           priate management measures in place at  
3           the site at the time the plan is developed;

4           “(iii) establish schedules for the im-  
5           plementation of management measures as  
6           expeditiously as practicable, but not later  
7           than 3 years after the date of initiation of  
8           the plan;

9           “(iv) provide for a periodic assessment  
10          of the implementation of the plan and the  
11          effect of management measures; and

12          “(v) terminate on the date that is 5  
13          years after the date of initiation of the  
14          plan.

15          “(B) MAINTENANCE.—After an initial plan  
16          has been prepared pursuant to this subsection,  
17          each subsequent plan prepared pursuant to this  
18          subsection shall provide for the maintenance of  
19          appropriate measures that have been incor-  
20          porated in a preceding plan, unless the appro-  
21          priate official determines that a measure is no  
22          longer necessary to maintain water quality  
23          standards.

24          “(3) HANDBOOK.—Not later than 18 months  
25          after the date of enactment of this paragraph, and

1 as appropriate thereafter, the Administrator, in con-  
2 sultation with the Secretary of Agriculture and the  
3 heads of other appropriate Federal agencies and the  
4 States, shall publish a handbook to assist the devel-  
5 opment of plans for agricultural sources pursuant to  
6 this subsection.

7 “(4) EFFECT OF CONSERVATION COMPLIANCE  
8 PLAN.—

9 “(A) IN GENERAL.—Any agricultural  
10 source required to have a plan prepared pursu-  
11 ant to this subsection that has satisfied a con-  
12 servation compliance plan developed pursuant  
13 to subtitle B of title 12 of the Food Security  
14 Act of 1985 (16 U.S.C. 3830 et seq.) shall be  
15 deemed to satisfy the requirement of paragraph  
16 (1) until the date specified in subsection (a)(3).

17 “(B) SUBSEQUENT PERIOD.—After the  
18 date specified in subsection (a)(3), a conserva-  
19 tion compliance plan that meets the applicable  
20 requirements of a comprehensive watershed  
21 management plan developed under section 321  
22 shall be deemed to satisfy the requirements of  
23 paragraph (1).”.

24 (d) FEDERAL PROGRAM COORDINATION.—

25 (1) AGRICULTURAL COST-SHARE PROGRAMS.—

1 (A) AMENDMENTS TO THE SOIL CON-  
2 SERVATION AND DOMESTIC ALLOTMENT ACT.—

3 (i) PREVENTION OF SOIL EROSION.—

4 The first sentence of section 7(a) of the  
5 Soil Conservation and Domestic Allotment  
6 Act (16 U.S.C. 590g(a)) is amended by in-  
7 serting “, giving priority consideration to  
8 watersheds of waters identified pursuant to  
9 section 319(a) of the Federal Water Pollu-  
10 tion Control Act (33 U.S.C. 1329(a))” be-  
11 fore the period.

12 (ii) PRIORITY FOR CERTAIN WATER-  
13 SHEDS.—The fourth undesignated para-  
14 graph of section 8(b) of the Soil Conserva-  
15 tion and Domestic Allotment Act (16  
16 U.S.C. 590h(b)) is amended by inserting  
17 before the comma at the end of subpara-  
18 graph (D) the following: “, giving priority  
19 consideration to watersheds of waters iden-  
20 tified pursuant to section 319(a) of the  
21 Federal Water Pollution Control Act (33  
22 U.S.C. 1329(a))”.

23 (B) AGRICULTURAL WATER QUALITY PRO-  
24 TECTION PROGRAM.—Section 1238C(a) of the

1 Food Security Act of 1985 (16 U.S.C.  
2 3838c(a)) is amended—

3 (i) in paragraph (7), by striking “or”  
4 at the end;

5 (ii) in paragraph (8), by striking the  
6 period at the end and inserting “; or”; and

7 (iii) by adding at the end the follow-  
8 ing new paragraph:

9 “(9) the watershed of a water identified pursu-  
10 ant to section 319(a) of the Federal Water Pollution  
11 Control Act (33 U.S.C. 1329(a)).”.

12 (C) ENVIRONMENTAL EASEMENT PRO-  
13 GRAM.—Section 1239(b)(1) of the Food Secu-  
14 rity Act of 1985 (16 U.S.C. 3839(b)(1)) is  
15 amended—

16 (i) in subparagraph (B), by striking  
17 “or” at the end;

18 (ii) in subparagraph (C), by striking  
19 the period at the end and inserting “; or”;  
20 and

21 (iii) by adding at the end the follow-  
22 ing new subparagraph:

23 “(D) is located within the watershed of a  
24 water identified pursuant to section 319(a) of

1 the Federal Water Pollution Control Act (33  
2 U.S.C. 1329(a)).”.

3 (D) CONSERVATION PRIORITY AREAS.—  
4 Section 1231(f)(1) of the Food Security Act of  
5 1985 (16 U.S.C. 3831(f)(1)) is amended by  
6 adding at the end the following new sentence:  
7 “The Secretary shall designate watershed areas  
8 of waters identified pursuant to section 319(a)  
9 of the Federal Water Pollution Control Act (33  
10 U.S.C. 1329(a)) as conservation priority  
11 areas.”.

12 (2) CONSERVATION RESERVE PROGRAM.—Sec-  
13 tion 319(k) (33 U.S.C. 1329(k)) is amended—

14 (A) by striking “The Administrator shall  
15 transmit” and inserting the following:

16 “(1) IN GENERAL.—The Administrator shall  
17 transmit”; and

18 (B) by adding at the end the following new  
19 paragraphs:

20 “(2) AGRICULTURAL PROGRAM COORDINA-  
21 TION.—

22 “(A) IN GENERAL.—The Administrator  
23 shall provide technical assistance to the Sec-  
24 retary of Agriculture with respect to utilizing  
25 the authorities of the Secretary to reduce agri-

1 cultural and related sources of nonpoint source  
2 pollution in a manner consistent with subtitle D  
3 of title XII of the Food Security Act of 1985  
4 (16 U.S.C. 3830 et seq.).

5 “(B) IDENTIFICATION OF LANDS.—Not  
6 later than 1 year after the date of enactment of  
7 this paragraph, and annually thereafter, the  
8 Administrator shall identify, on the basis of the  
9 assessment reports submitted by the States and  
10 approved by the Administrator under subsection  
11 (a) (or developed by the Administrator for the  
12 States pursuant to subsections (a), (d), and (e))  
13 and such other information as is available to  
14 the Administrator, those lands that, if enrolled  
15 in the conservation reserve program of the De-  
16 partment of Agriculture, would contribute to  
17 the protection of the environment by reducing  
18 nonpoint source pollution. If appropriate, the  
19 lands identified may include lands that are not  
20 erodible but that pose an off-farm environ-  
21 mental threat, as determined pursuant to sec-  
22 tion 1231(c)(2) of the Food Security Act of  
23 1985 (16 U.S.C. 3831(c)(2)).

24 “(C) PROVISION OF LIST TO SECRETARY  
25 OF AGRICULTURE.—The Administrator shall

1 furnish the list of the lands identified pursuant  
2 to subparagraph (B) to the Secretary of Agri-  
3 culture to assist the Secretary in establishing  
4 priorities for expenditures under the conserva-  
5 tion reserve program and shall make the list  
6 available to the States and to the public.

7 “(D) RESPONSE TO LIST.—Not later than  
8 180 days after receiving the list referred to in  
9 subparagraph (C), the Secretary shall provide  
10 the Administrator with a report that describes  
11 the actions the Secretary will take to respond to  
12 the list. The Secretary shall provide a detailed  
13 explanation of any recommendation of the Ad-  
14 ministrator that the Secretary will not imple-  
15 ment.”.

16 (3) FEDERAL LANDS AND HIGHWAYS.—Sub-  
17 section (j) of section 319 (33 U.S.C. 1329(j)) is  
18 amended to read as follows:

19 “(j) FEDERAL LANDS AND HIGHWAYS.—

20 “(1) FEDERAL LANDS.—

21 “(A) IN GENERAL.—The President shall  
22 direct the heads of appropriate Federal agencies  
23 that own or manage land to implement regula-  
24 tions that shall take effect not later than the  
25 date of enactment of this paragraph, to ensure

1 the implementation of appropriate measures to  
2 control nonpoint sources of water pollution, in-  
3 cluding, at a minimum—

4 “(i) management measures identified  
5 pursuant to subsection (c) for new sources;  
6 and

7 “(ii) for a watershed area of a water  
8 identified pursuant to subsection (a), the  
9 implementation of management measures  
10 identified pursuant to subsection (c) or the  
11 implementation of a site-specific water  
12 quality plan pursuant to subsection (f).

13 “(B) SCHEDULES; EFFECTIVE DATE.—

14 “(i) SCHEDULES.—Each schedule for  
15 the development of management measures  
16 and site-specific water quality plans, and  
17 each schedule for the implementation of  
18 the measures or plans, shall be consistent  
19 with any schedule established by a State  
20 under a program established by the State  
21 pursuant to subsection (b).

22 “(ii) EFFECTIVE DATE.—The require-  
23 ments of this paragraph shall take effect  
24 on a date specified by the President, but

1           not later than 3 years after the date of en-  
2           actment of this paragraph.

3           “(C) AUTHORITIES.—Any license, permit,  
4           contract, special use permit, lease, agreement,  
5           claim, or related operational authority between  
6           a Federal agency and any person authorizing  
7           activities on Federal lands in effect on the day  
8           before the date specified in subparagraph  
9           (B)(ii) may remain in effect for the term of the  
10          authority or a period of 5 years (beginning on  
11          the date specified in subparagraph (B)(ii)),  
12          whichever is less.

13          “(D) STATUTORY CONSTRUCTION.—Noth-  
14          ing in this paragraph is intended to limit or  
15          constrain the authority of a State or the Ad-  
16          ministrator to require the implementation of  
17          such additional controls over nonpoint sources  
18          of pollution on Federal lands as may be nec-  
19          essary to attain and maintain standards adopt-  
20          ed pursuant to section 303 or other require-  
21          ments of this Act.

22          “(2) HIGHWAY CONSTRUCTION.—

23          “(A) IN GENERAL.—The Administrator, in  
24          cooperation with the Secretary of Transpor-  
25          tation, shall develop measures and practices to

1 prevent water pollution resulting from highway  
2 construction and promote the implementation of  
3 the measures and practices.

4 “(B) CERTAIN PROJECTS.—The guidelines  
5 developed by the Secretary of Transportation  
6 pursuant to section 1057 of the Intermodal  
7 Surface Transportation Efficiency Act of 1991  
8 (Public Law 102–240; 105 Stat. 2002) shall, at  
9 a minimum, require the implementation of man-  
10 agement measures specified under subsection  
11 (c) in the case of any construction project fund-  
12 ed in whole or in part under title I of such Act.  
13 The Secretary shall withhold funds for any  
14 project referred to in the preceding sentence  
15 unless the Secretary determines that the project  
16 will comply with the guidelines.”.

17 (e) ANIMAL WASTE MANAGEMENT FACILITIES.—  
18 Section 319 (33 U.S.C. 1329) is amended by adding at  
19 the end the following new subsection:

20 “(o) ANIMAL WASTE MANAGEMENT FACILITIES.—

21 “(1) IN GENERAL.—Not later than 2 years  
22 after the date of enactment of this paragraph, the  
23 Administrator, in consultation with the Secretary of  
24 Agriculture, shall publish guidelines for the design of

1 animal waste management facilities. The guidelines  
2 shall include—

3 “(A) general standards concerning the  
4 proper design of facilities;

5 “(B) minimum elements of plans for con-  
6 struction of facilities at a specific site;

7 “(C) specifications concerning minimum  
8 construction standards; and

9 “(D) such other requirements and informa-  
10 tion as, in the judgment of the Administrator,  
11 are necessary and appropriate.

12 “(2) PLAN.—Any person may submit to the  
13 Administrator (or in the case of a State with a plan  
14 approved by the Administrator under subsection (d),  
15 the State) a plan for the construction of an animal  
16 waste management facility. Each plan shall—

17 “(A) be consistent with the guidelines de-  
18 veloped pursuant to paragraph (1) and sub-  
19 section (c); and

20 “(B) include an estimate of the total cost  
21 for the construction of the facility.

22 “(3) PLAN APPROVAL.—The Administrator,  
23 with the concurrence of the Secretary of Agriculture,  
24 shall review and approve or disapprove any plan for  
25 the construction of an animal waste management fa-

1 cility submitted pursuant to this subsection. Upon  
2 approval of a plan, the facility shall be eligible for  
3 assistance under title VI.

4 “(4) TECHNICAL ASSISTANCE.—The Secretary  
5 of Agriculture may provide technical assistance to  
6 persons concerning the design of animal waste man-  
7 agement facilities. The assistance may include the  
8 design of facilities to account for site-specific condi-  
9 tions and the integration of the facilities into related  
10 agricultural activities.

11 “(5) DEFINITION.—As used in this subsection,  
12 the term ‘animal waste management facility’ means  
13 a facility for the storage, treatment, or disposal of  
14 animal waste.”.

15 (f) SUBSURFACE SEWAGE DISPOSAL.—Section 319  
16 (33 U.S.C. 1329), as amended by subsection (e), is further  
17 amended by adding at the end the following new sub-  
18 section:

19 “(p) SUBSURFACE SEWAGE DISPOSAL.—

20 “(1) IN GENERAL.—Not later than 2 years  
21 after the date of enactment of this subsection, the  
22 Administrator shall publish guidelines for the design,  
23 operation, and management of publicly owned sub-  
24 surface sewage organizations.

1           “(2) OPERATION AND MANAGEMENT STAND-  
2           ARDS.—The guidelines published pursuant to this  
3           subsection shall provide such standards of operation  
4           and management as the Administrator determines to  
5           be necessary to ensure that subsurface sewage dis-  
6           posal units operated by an organization referred to  
7           in paragraph (1) will provide treatment adequate to  
8           protect water quality .

9           “(3) CONTENTS OF GUIDELINES.—At a mini-  
10          mum, the guidelines published pursuant to this sub-  
11          section shall—

12                 “(A) specify standards for the design and  
13                 location of new subsurface sewage disposal sys-  
14                 tems;

15                 “(B) specify maintenance requirements  
16                 and schedules for existing systems (existing at  
17                 the time of publication of the guidelines);

18                 “(C) establish financial management and  
19                 control practices, including a requirement for a  
20                 user charge sufficient to ensure the effective op-  
21                 eration of each system;

22                 “(D) require appropriate provision for  
23                 management or disposal of waste material for  
24                 systems; and

1           “(E) address such other matters as the  
2           Administrator determines to be appropriate.

3           “(4) PLAN.—Beginning on the date that is 2  
4           years after the date of enactment of this subsection,  
5           any person may submit to the Administrator (or in  
6           the case of a State with a plan approved under sub-  
7           section (d), the State) a plan for the establishment  
8           of a subsurface sewage disposal organization pursu-  
9           ant to this subsection.

10           “(5) APPROVAL OF PLAN.—The Administrator,  
11           with the concurrence of the State, shall approve the  
12           plan if the Administrator determines that the plan  
13           meets the requirements of this subsection. Upon ap-  
14           proval of the plan, the organization shall be eligible  
15           for assistance pursuant to title VI.”.

16           (g) STATE WATER LAW.—Section 319 (33 U.S.C.  
17 1329), as amended by subsection (f), is further amended  
18 by adding at the end the following new subsection:

19           “(q) STATE WATER LAW.—Nothing in this section  
20 is intended to supersede, abrogate, or otherwise impair the  
21 right of any State to allocate quantity of water within the  
22 State.”.

1           **TITLE IV—MUNICIPAL**  
2           **POLLUTION CONTROL**

3   **SEC. 401. COMBINED SEWER OVERFLOWS.**

4           Section 402 (33 U.S.C. 1342), as amended by section  
5 205(b), is further amended by adding at the end the fol-  
6 lowing new subsection:

7           “(r) COMBINED SEWER OVERFLOWS.—

8                 “(1) REQUIREMENT FOR PERMITS.—Each per-  
9 mit issued pursuant to this section for a discharge  
10 from a combined storm and sanitary sewer shall con-  
11 form with the combined sewer overflow control policy  
12 published by the Administrator at 58 Fed. Reg.  
13 4994 (January 19, 1993).

14                 “(2) TERM OF PERMIT.—Notwithstanding any  
15 compliance schedule under section 301(b), or any  
16 permit limitation under section 402(b)(1)(B), the  
17 Administrator may issue a permit pursuant to this  
18 section for a discharge from a combined storm and  
19 sanitary sewer, that includes a schedule for compli-  
20 ance with a long-term control plan under the control  
21 policy referred to in paragraph (1) for a term not  
22 to exceed 15 years. Notwithstanding the compliance  
23 deadline specified in the preceding sentence, the Ad-  
24 ministrator may, on request of an owner or operator  
25 of a combined storm and sanitary sewer, extend the

1 period of compliance beyond the date specified if the  
2 Administrator determines that compliance by the  
3 date is not within the economic capability of the  
4 owner or operator, or if the Administrator deter-  
5 mines that an extension is otherwise appropriate.

6 “(3) BACTERIA.—A permitting authority may  
7 not issue a permit under paragraph (2) unless, after  
8 the date of enactment of this subsection—

9 “(A) the Administrator has reviewed and  
10 approved the water quality standards for bac-  
11 teria adopted by the State in which the dis-  
12 charger is located; or

13 “(B) the criteria are published in the water  
14 quality criteria for bacteria published by the  
15 Administrator as described in 51 Fed. Reg.  
16 8012 (March 7, 1986).”.

17 **SEC. 402. STORMWATER MANAGEMENT.**

18 Section 402(p) (33 U.S.C. 1342(p)) is amended—

19 (1) by striking paragraph (1);

20 (2) by redesignating paragraph (2) as para-  
21 graph (1);

22 (3) in paragraph (1) (as so redesignated)—

23 (A) by striking the matter preceding sub-  
24 paragraph (A) and inserting the following:

1           “(1) IN GENERAL.—A permit issued under this  
2 section shall be required for each of the following  
3 discharges composed entirely of stormwater.”; and

4           (B) by adding at the end the following new  
5 subparagraph:

6           “(F) A discharge from a municipal sepa-  
7 rate storm sewer system serving a population of  
8 fewer than 100,000 individuals covered by a  
9 permit issued under subparagraph (C) or (D)  
10 that is located in an urbanized area (as des-  
11 ignated by the Bureau of the Census of the De-  
12 partment of Commerce), except that the re-  
13 quirements of this subparagraph shall apply be-  
14 ginning on the date of the first reissuance of a  
15 permit for a discharge under subparagraph (C)  
16 or (D) for the same urbanized area that occurs  
17 after the date that is 3 years after the date of  
18 enactment of this subparagraph.”;

19           (4) by inserting after paragraph (1) (as so re-  
20 designated) the following new paragraph:

21           “(2) OTHER STORMWATER DISCHARGES.—Ex-  
22 cept as provided in paragraph (1)(E), the Adminis-  
23 trator (or the State, in the case of a State with the  
24 authority to issue permits under this section) may

1 not require a permit under this section for a dis-  
2 charge composed entirely of stormwater if—

3 “(A) the discharge is from a municipal  
4 separate storm sewer system serving a popu-  
5 lation of fewer than 100,000 individuals that is  
6 not located in an urbanized area (as designated  
7 by the Bureau of the Census of the Department  
8 of Commerce) covered by a permit issued under  
9 subparagraph (C) or (D) of paragraph (1);

10 “(B) the discharge is from a construction  
11 activity that disturbs an area of less than 5  
12 acres, except that a discharge from a construc-  
13 tion activity that disturbs an area of greater  
14 than 1 acre and less than 5 acres in an urban-  
15 ized area (as designated by the Bureau of the  
16 Census of the Department of Commerce) sub-  
17 ject to permit requirements under subparagraph  
18 (C), (D), or (F) of paragraph (1) shall be re-  
19 quired to have a permit if a State or local  
20 stormwater management program does not im-  
21 pose controls on the discharge; or

22 “(C) the discharge is from a gasoline sta-  
23 tion, except that a discharge from a gasoline  
24 station in an urbanized area (as designated by  
25 the Bureau of the Census of the Department of

1 Commerce) subject to permit requirements  
2 under subparagraph (C), (D), or (F) of para-  
3 graph (1) shall be required to have a permit if  
4 a State or local stormwater management pro-  
5 gram does not impose controls on the dis-  
6 charge.”;

7 (5) in paragraph (3), by adding at the end the  
8 following new subparagraph:

9 “(C) MAXIMUM EXTENT PRACTICABLE DE-  
10 FINED.—

11 “(i) IN GENERAL.—For the purposes  
12 of subparagraph (B)(iii) and permits is-  
13 sued not later than 2 years after the date  
14 of enactment of this subparagraph, the  
15 term ‘maximum extent practicable’ means  
16 applying management measures, as defined  
17 in section 6217(g)(5) of the Coastal Zone  
18 Act Reauthorization Amendments of 1990  
19 (16 U.S.C. 1455b(g)(5)), in the manner  
20 prescribed in guidance issued pursuant to  
21 such section.

22 “(ii) EXPANDED DEFINITION.—For  
23 the purposes specified in clause (i), after  
24 the date that is 2 years after the date of  
25 enactment of this subparagraph, the term

1           ‘maximum extent practicable’ has the  
2           meaning provided in clause (i), except that  
3           the term also includes applying other ap-  
4           propriate management measures in a man-  
5           ner prescribed by the Administrator in  
6           guidance. The Administrator shall issue  
7           the guidance not later than 2 years after  
8           the date of enactment of this subpara-  
9           graph.”;

10           (6) in paragraph (4), by striking “(2)” each  
11           place it appears and inserting “(1)”; and

12           (7) by striking paragraphs (5) and (6) and in-  
13           serting the following new paragraphs:

14           “(5) MONITORING AND REPORTING REQUIRE-  
15           MENTS.—Each municipality subject to the require-  
16           ments of this subsection shall be subject to—

17                   “(A) monitoring requirements for the qual-  
18                   ity of receiving waters; and

19                   “(B) reporting requirements for the imple-  
20                   mentation of management measures.

21           “(6) REVISED MUNICIPAL PERMITS.—

22                   “(A) IN GENERAL.—Not later than 5 years  
23                   after the initial date of issuance of a permit  
24                   under paragraph (4), the Administrator (or the  
25                   State, in the case of a State with the authority

1 to issue permits under this section) shall review  
2 each permit issued under such paragraph and  
3 include in each reissued permit management  
4 measures that ensure the attainment and main-  
5 tenance of water quality standards and the re-  
6 quirements of the guidance referred to in para-  
7 graph (3)(C).

8 “(B) WAIVER.—With respect to a permit  
9 issued under this paragraph, during the term of  
10 the permit, the Administrator may not require  
11 compliance with a numeric effluent limitation or  
12 a water quality standard.

13 “(7) DELAYED COMPLIANCE.—During the 10-  
14 year period beginning on the date of enactment of  
15 this paragraph, the Administrator (or the State, in  
16 the case of a State with the authority to issue per-  
17 mits under this section) may not require, in a permit  
18 issued under this subsection, compliance with a  
19 numeric effluent limitation or a water quality stand-  
20 ard directly, except as reflected in management  
21 measures required under paragraph (6)(A).

22 “(8) NATIONAL SOURCE CONTROLS.—

23 “(A) IN GENERAL.—The Administrator  
24 shall—

1           “(i) identify and assess the relative  
2           degree of contribution of pollutants to  
3           stormwater from various sources (including  
4           household products, motor vehicles, and  
5           other sources); and

6           “(ii) assess the availability and cost of  
7           alternatives and substitutes for the pollut-  
8           ants identified pursuant to clause (i).

9           “(B) SUBSTITUTIONS OR REDUCTIONS.—  
10          In any case in which the Administrator deter-  
11          mines that—

12           “(i) a pollutant found in stormwater  
13           causes or contributes to a significant im-  
14           pairment in water quality or a significant  
15           violation of water quality standards as a  
16           result of a discharge of the pollutant in  
17           stormwater; and

18           “(ii) a reasonably available and eco-  
19           nomically achievable alternative or sub-  
20           stitute to the pollutant, or the source asso-  
21           ciated with the pollutant, is available,

22          the Administrator may, by regulation, require  
23          each manufacturer of the pollutant or source of  
24          the pollutant to implement a phased substi-  
25          tution or reduction in the manufacture of the

1 pollutant or source in accordance with a sched-  
2 ule that takes into account the cost of the sub-  
3 stitution or reduction.

4 “(C) REPORT.—Not later than 2 years  
5 after the date of enactment of this paragraph,  
6 and biennially thereafter, the Administrator  
7 shall submit a report to Congress that describes  
8 the implementation of this paragraph.”.

9 **SEC. 403. WATER CONSERVATION.**

10 Section 113 (33 U.S.C. 1263) is amended to read as  
11 follows:

12 **“SEC. 113. WATER CONSERVATION.**

13 “(a) INTERGOVERNMENTAL COORDINATION.—

14 “(1) IN GENERAL.—The Environmental Protec-  
15 tion Agency shall be the primary coordinator for all  
16 policies of the Federal Government related to munic-  
17 ipal, commercial, residential, and industrial water  
18 conservation.

19 “(2) CONSULTATION WITH AGENCY HEADS.—

20 To carry out this section, the Secretary of the Army,  
21 acting through the Chief of Engineers of the Army  
22 Corps of Engineers, shall, to the greatest extent  
23 practicable, consult with the heads of other Federal  
24 agencies that participate in water resource planning,  
25 development, and management.

1           “(3) CONSULTATION WITH OTHER OFFI-  
2           CIALS.—To carry out this section, the Secretary of  
3           the Army, acting through the Chief of Engineers of  
4           the Army Corps of Engineers, shall, to the greatest  
5           extent practicable, consult with appropriate officials  
6           of State and local governments, educational institu-  
7           tions, trade associations, scientific organizations,  
8           businesses, and other organizations with expertise  
9           and experience with respect to water conservation.

10          “(b) TECHNICAL ASSISTANCE TO STATES AND MU-  
11          NICIPALITIES.—

12                 “(1) IN GENERAL.—The Secretary of the Army,  
13                 acting through the Chief of Engineers of the Army  
14                 Corps of Engineers, acting alone or through a con-  
15                 tracting party, is authorized to provide technical as-  
16                 sistance to States, public and private water utilities,  
17                 local governmental entities, and other appropriate  
18                 public agencies and authorities with respect to—

19                         “(A) conducting a promotional and edu-  
20                         cational campaign to encourage consumers to  
21                         use water more efficiently;

22                         “(B) implementing financial or other in-  
23                         centives for users of water to conserve water,  
24                         including universal metering of water users and

1 the reform of water rates to promote conserva-  
2 tion;

3 “(C) detecting and correcting leaks in  
4 water distribution and collection systems;

5 “(D) promoting, distributing, and install-  
6 ing water-saving technologies, fixtures, or  
7 equipment for users of water;

8 “(E) incorporating water-saving tech-  
9 nologies into building codes and standards;

10 “(F) establishing coordinated regional  
11 management of water and sewer systems;

12 “(G) auditing water use;

13 “(H) reclaiming, recycling, and reusing  
14 wastewater;

15 “(I) promoting water-efficient vegetative  
16 cover and landscaping; and

17 “(J) otherwise achieving beneficial reduc-  
18 tions in water use or water loss.

19 “(2) DUTIES OF THE SECRETARY OF THE  
20 ARMY.—

21 “(A) IN GENERAL.—The Secretary of the  
22 Army, acting through the Chief of Engineers of  
23 the Army Corps of Engineers, shall, on a regu-  
24 lar basis, make available information to poten-  
25 tial recipients of the assistance referred to in

1 paragraph (1) concerning the programs, offer-  
2 ings, and activities of Federal agencies with re-  
3 spect to water conservation.

4 “(B) CONSULTATION.—In order to better  
5 target limited resources to potential recipients,  
6 the Secretary of the Army, acting through the  
7 Chief of Engineers of the Army Corps of Engi-  
8 neers, shall consult, on a regular basis, with the  
9 heads of other Federal water resources develop-  
10 ment agencies to determine which States, areas,  
11 water utilities, and municipalities are experienc-  
12 ing water capacity shortfalls or will likely expe-  
13 rience the shortfalls.

14 “(3) MODEL WATER CONSERVATION PRO-  
15 GRAMS.—The Secretary of the Army, acting through  
16 the Chief of Engineers of the Army Corps of Engi-  
17 neers, shall develop, update, maintain, and dissemi-  
18 nate a series of model water conservation programs  
19 for States, water utilities, and municipalities.

20 “(4) REQUESTS FOR STUDY.—

21 “(A) IN GENERAL.—Any water utility or  
22 municipality may request the Secretary of the  
23 Army, acting through the Chief of Engineers of  
24 the Army Corps of Engineers, to—

1           “(i) undertake a study of the feasibil-  
2           ity, impacts, costs, and benefits of then  
3           current and potential water conservation  
4           activities; and

5           “(ii) recommend actions for beneficial  
6           reductions in water use or loss.

7           “(B) PRIORITIES.—The Secretary of the  
8           Army, acting through the Chief of Engineers of  
9           the Army Corps of Engineers, shall give priority  
10          to the water conservation studies referred to in  
11          subparagraph (A) on the basis of the potential  
12          for—

13           “(i) protection of the environment;  
14          and

15           “(ii) reducing costs to Federal, State,  
16          and local governments for water supply  
17          and wastewater treatment facilities.

18          “(C) AMOUNT OF ASSISTANCE.—The  
19          amount of Federal funds for a water conserva-  
20          tion study under this subsection of any State,  
21          water utility, or municipality serving more than  
22          5,000 individuals shall be not less than 50 per-  
23          cent of the cost of the study. The Secretary of  
24          the Army, acting through the Chief of Engi-  
25          neers of the Army Corps of Engineers, may

1 waive the 50 percent matching requirement for  
2 a water utility or municipality that serves a  
3 population of fewer than 5,000 individuals.

4 “(5) REVIEWS.—

5 “(A) IN GENERAL.—The Secretary of the  
6 Army, acting through the Chief of Engineers of  
7 the Army Corps of Engineers, shall collect in-  
8 formation concerning water conservation  
9 projects, including projects assisted under para-  
10 graph (4), and make the information widely  
11 available to the public in a timely manner.

12 “(B) REQUIREMENTS FOR REVIEWS.—The  
13 reviews shall—

14 “(i) evaluate the effectiveness of var-  
15 ious water conservation measures; and

16 “(ii) provide information to assist the  
17 Secretary in providing technical assistance.

18 “(c) TECHNICAL ASSISTANCE TO BUSINESSES AND  
19 INSTITUTIONS.—The Secretary of the Army, acting  
20 through the Chief of Engineers of the Army Corps of En-  
21 gineers, may provide assistance that is comparable to the  
22 assistance provided under subsection (b) to businesses and  
23 other persons. The Federal cost of the assistance shall be  
24 fully reimbursed by the recipient of the assistance.

1       “(d) NATIONAL CLEARINGHOUSE ON WATER CON-  
2       SERVATION.—

3               “(1) IN GENERAL.—The Administrator shall es-  
4       tablish a national clearinghouse on water conserva-  
5       tion (referred to in this subsection as the ‘clearing-  
6       house’) to—

7               “(A) collect, analyze, and disseminate in-  
8       formation on water conservation technologies  
9       and practices; and

10              “(B) promote the widespread adoption of  
11       the technologies and practices referred to in  
12       subparagraph (A) by public and private water  
13       utilities, and commercial, industrial, and resi-  
14       dential consumers.

15              “(2) REQUIREMENTS FOR INFORMATION.—The  
16       information referred to in paragraph (1) shall in-  
17       clude information referred to in, and information ob-  
18       tained under, subsections (b) and (c).

19              “(3) COLLECTION OF INFORMATION.—The  
20       clearinghouse shall collect reliable water conservation  
21       information. On request, the Administrator shall  
22       provide the information to Federal agencies, States,  
23       local governments, other appropriate public agencies  
24       and authorities, nonprofit institutions and organiza-  
25       tions, businesses and industries, researchers, private

1 individuals, and other persons and entities in a posi-  
 2 tion to derive or increase the public benefits offered  
 3 by the technologies, methods, and practices related  
 4 to water conservation described in this subsection.

5 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 6 are authorized to be appropriated to carry out this section  
 7 an amount not to exceed \$10,000,000 for each of fiscal  
 8 years 1994 through 2000, of which not less than \$500,000  
 9 for each fiscal year are authorized to be appropriated to  
 10 the Environmental Protection Agency to carry out sub-  
 11 section (d).”.

## 12 **TITLE V—PERMIT PROGRAM** 13 **AND ENFORCEMENT**

### 14 **SEC. 501. PERMIT FEES.**

15 (a) IN GENERAL.—Section 402 (33 U.S.C. 1342), as  
 16 amended by section 401, is further amended by adding  
 17 at the end the following new subsection:

18 “(s) PERMIT FEES.—

19 “(1) IN GENERAL.—

20 “(A) MODIFICATION.—

21 “(i) IN GENERAL.—Not later than 2  
 22 years after the date of enactment of this  
 23 subsection, or the applicable date specified  
 24 in clause (ii), the Governor of each State  
 25 that administers a permit program under

1 subsection (b) shall submit to the Adminis-  
2 trator, for approval, a modification of the  
3 permit program of the State that includes  
4 a requirement under State law that—

5 “(I) the owner or operator of cer-  
6 tain point sources (as determined by  
7 the State) subject to the requirement  
8 to obtain a permit under this section  
9 or a permit for the disposal of sewage  
10 sludge under section 405; and

11 “(II) an industrial user of a pub-  
12 licly owned treatment works subject to  
13 a Federal or State permit, or equiva-  
14 lent individual control mechanism,  
15 concerning the pretreatment of toxic  
16 or nonconventional pollutants for in-  
17 troduction into the treatment works,  
18 pay an annual fee (or the equivalent, over  
19 another specified period of time).

20 “(ii) EXTENSION.—If a State has a  
21 legislature that is not scheduled to meet in  
22 a legislative session in which legislation to  
23 carry out this subparagraph may be en-  
24 acted by the date specified in clause (i),  
25 the State shall carry out the requirements

1 of clause (i) not later than the date of ad-  
2 journalment of the first regular legislative  
3 session of a State in which legislation to  
4 carry out this subsection may be consid-  
5 ered.

6 “(B) ACCUMULATED AMOUNT OF FEES.—  
7 The total amount collected as fees for any year  
8 in a State shall be a sufficient amount to cover  
9 not less than 60 percent of the costs of develop-  
10 ing and administering point source elements of  
11 the water quality program, and the costs of de-  
12 veloping and administering sewage sludge dis-  
13 posal and pretreatment programs, of the State,  
14 including the costs of—

15 “(i) reviewing and acting upon appli-  
16 cations for permits;

17 “(ii) implementing and enforcing the  
18 terms and conditions of permits or equiva-  
19 lent individual control mechanisms (exclud-  
20 ing any court costs);

21 “(iii) effluent and ambient water qual-  
22 ity monitoring;

23 “(iv) preparing generally applicable  
24 regulations or guidance, including water  
25 quality standards;

1           “(v) modeling, planning, analyses, and  
2           demonstrations;

3           “(vi) preparing and maintaining pub-  
4           lic information systems concerning effluent  
5           limitations, discharges, compliance, and  
6           water quality; and

7           “(vii) evaluating the performance of  
8           laboratories that analyze monitoring sam-  
9           ples (including laboratory inspections, lab-  
10          oratory audits, and quality assurance).

11          “(2) USE OF FEES.—

12           “(A) IN GENERAL.—Each fee required to  
13           be collected by a State under this subsection  
14           shall be used only to support the water quality  
15           programs of the State.

16           “(B) RESTRICTION ON USE.—Except as  
17           provided in subparagraph (C), the fees collected  
18           pursuant to this subsection may not be used to  
19           provide State matching funds for Federal funds  
20           made available to the State pursuant to section  
21           106.

22           “(C) USE FOR MATCHING FUNDS.—A  
23           State may use any amount collected by the  
24           State as fees pursuant to this subsection in ex-  
25           cess of the minimum amount specified in para-

1 graph (1)(B) to provide matching funds for  
2 Federal funds made available to the State pur-  
3 suant to section 106.

4 “(3) FEDERAL FEE PROGRAM.—

5 “(A) FEDERAL PROGRAM OF FEE ASSESS-  
6 MENT.—Not later than 3 years after the date  
7 of enactment of this subsection, the Adminis-  
8 trator shall establish a Federal program for the  
9 collection of fees under this subsection.

10 “(B) CONDITIONS THAT REQUIRE IMPLE-  
11 MENTATION OF FEDERAL PROGRAM.—If the  
12 Administrator, upon review of the permit modi-  
13 fications submitted by a State pursuant to  
14 paragraph (1), or upon conducting a subse-  
15 quent review pursuant to subparagraph (C), de-  
16 termines that—

17 “(i) the fee provisions under the modi-  
18 fied permit program submitted by a State  
19 to the Administrator for approval pursuant  
20 to paragraph (1) do not meet the require-  
21 ments of this subsection;

22 “(ii) a State is not adequately admin-  
23 istering or enforcing a fee system referred  
24 to in paragraph (1) that has been approved  
25 by the Administrator; or

1           “(iii) a State does not have the au-  
2           thority to administer a permit program  
3           pursuant to subsection (b),  
4           the Administrator shall, not later than 3 years  
5           after the date of enactment of this subsection,  
6           or with respect to a finding described in clause  
7           (ii) not later than 180 days after making the  
8           finding, assess and collect fees from sources re-  
9           ferred to in paragraph (1) pursuant to the pro-  
10          gram referred to in subparagraph (A).

11           “(C) REVIEW BY ADMINISTRATOR.—The  
12          Administrator may, at any time after approving  
13          the modifications of the permit program of a  
14          State under paragraph (1), review the fees as-  
15          sessed by the State pursuant to the modifica-  
16          tions. The Administrator shall review the fees  
17          assessed by the State not later than 5 years  
18          after the date of approval of the modifications,  
19          and not less frequently than every 5 years  
20          thereafter.

21           “(D) SUBSEQUENT ESTABLISHMENT OF  
22          STATE PROGRAM.—At any time after the Ad-  
23          ministrator implements a program to assess  
24          fees pursuant to subparagraph (A), if the Ad-  
25          ministrator determines that a State program to

1 assess fees meets the requirements of this sub-  
2 section and the State has adequate authority to  
3 assess the fees, the Administrator may approve  
4 the State program and terminate the applica-  
5 tion of the Federal program to the State.

6 “(E) FEDERAL WATER POLLUTION CON-  
7 TROL PERMIT FUND.—

8 “(i) ESTABLISHMENT.—There is es-  
9 tablished in the United States Treasury a  
10 Federal Water Pollution Control Permit  
11 Fund (referred to in this subparagraph as  
12 the ‘Fund’).

13 “(ii) SOURCE AND USE.—All fees col-  
14 lected by the Administrator (plus any  
15 amount of interest and penalty collected by  
16 the Administrator pursuant to section  
17 309(g)) and any interest earned from the  
18 investment of the Fund shall be deposited  
19 in the Fund, and shall be available, with-  
20 out fiscal limitation, to carry out the ac-  
21 tivities for which the fees are collected (as  
22 described in paragraph (1)(B)).

23 “(iii) INVESTMENT OF FUND.—It  
24 shall be the duty of the Secretary of the  
25 Treasury to invest such portion of the

1 Fund as the Secretary determines is not  
2 required to meet the then current with-  
3 drawals of the Fund. The investment may  
4 be made only in interest-bearing obliga-  
5 tions of the United States or in obligations  
6 guaranteed as to both principal and inter-  
7 est by the United States. For the purpose  
8 referred to in the preceding sentence, the  
9 obligations may be acquired—

10 “(I) on original issue at the issue  
11 price; or

12 “(II) by purchase of outstanding  
13 obligations at the market price.

14 “(iv) PAYMENTS FROM FUND.—The  
15 Secretary of the Treasury is authorized  
16 and directed to pay out of any funds avail-  
17 able in the Fund any expenses incurred by  
18 the Federal Government in carrying out  
19 the activities specified in clause (ii). None  
20 of the funds deposited into the Fund shall  
21 be available for any purpose other than  
22 making payments authorized under the  
23 preceding sentence.”.

1 (b) PENALTIES.—Section 309(g) (33 U.S.C.  
2 1319(g)) is amended by adding at the end the following  
3 new paragraph:

4 “(12) OTHER PENALTIES.—Any point source  
5 that fails to pay a fee lawfully imposed by the Ad-  
6 ministrator under section 402(s) shall be liable to  
7 the United States for payment of an amount equal  
8 to the sum of—

9 “(A) the amount of the fee;

10 “(B) a penalty in an amount equal to 50  
11 percent of the amount of the fee; and

12 “(C) interest on the amount of the fee  
13 computed in accordance with section 6621(a)(2)  
14 of the Internal Revenue Code of 1986.”.

15 **SEC. 502. PERMIT PROGRAM MODIFICATIONS.**

16 (a) PERMIT MANAGEMENT.—

17 (1) IN GENERAL.—Section 402(b) (33 U.S.C.  
18 1342(b)) is amended by adding at the end the fol-  
19 lowing new paragraphs:

20 “(10) To ensure that, beginning on the date that is  
21 1 year after the date of enactment of this paragraph, in  
22 the case of a new discharge into navigable waters resulting  
23 from the construction of a new facility, the applicant ap-  
24 plies for a permit under this section prior to the com-  
25 mencement of construction of the facility.

1       “(11) To ensure that each person issued a permit  
2 under this section who has received assistance under sec-  
3 tion 201(g)(1) or section 603(c)(1) is in compliance with  
4 the requirements of section 204(b).”.

5           (2) SYSTEM OF CHARGES.—The first sentence  
6 of section 204(b)(1) (33 U.S.C. 1284(b)(1)) is  
7 amended by striking “the Administrator shall not  
8 approve any grant for any treatment works under  
9 section 201(g)(1) after March 1, 1973, unless he  
10 shall first have determined that the applicant (A)  
11 has adopted or will adopt” and inserting “the Ad-  
12 ministrator may not approve a grant for any recipi-  
13 ent of assistance under section 201(g)(1) or  
14 603(c)(1)(A) unless the applicant (A) has adopted or  
15 will adopt”.

16       (b) PERMIT REVISION AND RENEWAL.—Section  
17 402(b)(1)(C) (33 U.S.C. 1342(b)(1)(C)) is amended—

18           (1) in clause (iii), by adding “and” at the end;

19       and

20           (2) by adding at the end the following new  
21 clause:

22                   “(iv) the promulgation, after the date of is-  
23 suance of the permit, of any new or revised ef-  
24 fluent guideline or standard pursuant to section  
25 303, or any applicable regulation;”.

1 (c) FEDERAL PROGRAM OVERSIGHT.—Section  
2 402(d) (33 U.S.C. 1342(d)) is amended—

3 (1) in paragraph (4)—

4 (A) by striking “on request of the State,”  
5 and all that follows through “If” and inserting  
6 “and if”;

7 (B) by striking “within 30 days” and all  
8 that follows through “of such objection” and in-  
9 serting “within 180 days after such objection”;  
10 and

11 (C) by adding at the end the following new  
12 sentence: “In any case in which the Adminis-  
13 trator exercises waiver authority, the Adminis-  
14 trator shall make reasonable efforts to periodi-  
15 cally review the waiver.”; and

16 (2) by adding at the end the following new  
17 paragraphs:

18 “(5) In any case in which the appropriate official of  
19 a State permit program approved by the Administrator  
20 pursuant to subsection (b) fails, during the 180-day period  
21 beginning on the date of expiration of a permit for a dis-  
22 charge, to propose to reissue a permit for the discharge,  
23 the Administrator may issue a permit for the discharge.

24 “(6) The Administrator may, by regulation require  
25 that each permit issued be reviewed and revised to include

1 an effluent limitation based on a new or revised effluent  
2 guideline or standard, or any other applicable regulation.”.

3 (d) JUDICIAL REVIEW.—

4 (1) IN GENERAL.—Section 402(b)(3) (33  
5 U.S.C. 1342(b)(3)) is amended by striking the semi-  
6 colon at the end and inserting “and an opportunity  
7 for judicial review of a final permit action under this  
8 section in a State court by the applicant, any person  
9 who participated in the public comment process, and  
10 any other person who could obtain judicial review of  
11 the action under any applicable law;”.

12 (2) SANCTION.—Section 402(d), as amended by  
13 subsection (c)(2), is further amended by adding at  
14 the end the following new paragraph:

15 “(7) If a State with a program approved under sub-  
16 section (b) fails to modify a State program pursuant to  
17 the requirements of subsection (b)(3) by the date that is  
18 3 years after the date of enactment of this paragraph, the  
19 Administrator shall withhold an amount equal to 10 per-  
20 cent of the amount that would otherwise be allotted to the  
21 State under section 106 for the fiscal year that begins  
22 after the decision of the Administrator to withhold the  
23 amount.”.

24 (e) BIOLOGICAL ASSESSMENT.—

1           (1) IN GENERAL.—Subsection (e) of section  
2           402 (33 U.S.C. 1342(e)) is amended to read as fol-  
3           lows:

4           “(e)(1)(A) The Administrator may, in cooperation  
5           with the Governor of a State and in cooperation with the  
6           heads of the United States Fish and Wildlife Service of  
7           the Department of the Interior and the National Marine  
8           Fisheries Service of the Department of Commerce, iden-  
9           tify sensitive aquatic systems in the State that support  
10          valuable biological resources, including threatened or en-  
11          dangered species.

12          “(B) The Administrator shall publish a description  
13          of the areas identified pursuant to subparagraph (A) in  
14          the Federal Register.

15          “(2) Beginning on the date that is 1 year after the  
16          date of enactment of this paragraph, before a final permit  
17          under this section may be issued for a discharge to waters  
18          identified pursuant to paragraph (1), the head of—

19                 “(A) the United States Fish and Wildlife Serv-  
20                 ice of the Department of the Interior; or

21                 “(B) the National Marine Fisheries Service of  
22                 the Department of Commerce,

23          whichever is appropriate, shall be required to review and  
24          comment on a draft permit prepared pursuant to this sub-  
25          section not later than 30 days after receipt of the draft

1 permit. The Administrator shall promulgate such regula-  
2 tions as are necessary to carry out this paragraph.”.

3 (2) BIOLOGICAL DISCHARGE CRITERIA.—Sec-  
4 tion 403 (33 U.S.C. 1343) is amended—

5 (A) by striking the section heading and in-  
6 serting the following new heading:

7 “BIOLOGICAL DISCHARGE CRITERIA”;

8 (B) by striking subsection (a) and insert-  
9 ing the following new subsection:

10 “(a) No permit shall be issued under section 402 for  
11 a discharge into the territorial sea, the waters of the con-  
12 tiguous zone, the oceans, or any waters identified pursu-  
13 ant to section 402(e)(1)(A) if, on the basis of an assess-  
14 ment of the criteria referred to in subsection (c), the dis-  
15 charge can reasonably be expected to prevent the protec-  
16 tion and propagation of a balanced population of shellfish,  
17 fish, and wildlife.”; and

18 (C) in subsection (c)(1)—

19 (i) in the matter preceding subpara-  
20 graph (A)—

21 (I) by striking “Act (and from  
22 time to time promulgate)” and insert-  
23 ing the following: “the Water Pollu-  
24 tion Prevention and Control Act of  
25 1993, and biennially thereafter, pub-  
26 lish”; and

1 (II) by striking “and the  
2 oceans,” and inserting the following:  
3 “the oceans, or any waters identified  
4 pursuant to section 402(e)(1)(A),”;  
5 (ii) in subparagraph (B), by striking  
6 “marine” and inserting “aquatic”; and  
7 (iii) in subparagraph (G), by inserting  
8 “or other waters” after “oceans”.

9 (f) PERMIT APPLICATION REQUIREMENTS.—Section  
10 402(a) (33 U.S.C. 1342(a)) is amended by adding at the  
11 end the following new paragraph:

12 “(6) Not later than 2 years after the date of  
13 enactment of this paragraph, the Administrator shall  
14 promulgate regulations to update the application for  
15 a permit under this section for municipal and indus-  
16 trial dischargers to require the applicant to more  
17 fully characterize the nature of the discharge of ef-  
18 fluent and the contributions of the effluent to receiv-  
19 ing waters.”.

20 (g) WATERBODY AND EFFLUENT ASSESSMENT.—

21 (1) BIOLOGICAL MONITORING METHODS.—Sec-  
22 tion 304(a)(8) (33 U.S.C. 1314(a)(8)) is amended  
23 by adding at the end the following new sentence:  
24 “Not later than 3 years after the date of enactment  
25 of the Water Pollution Prevention and Control Act

1 of 1993, the Administrator shall publish regulations  
2 that establish biological monitoring methods, prac-  
3 tices, and protocols, including measurements suitable  
4 for establishing the biological condition of  
5 waterbodies.”.

6 (2) WHOLE EFFLUENT TOXICITY.—Section  
7 402(a)(2) (33 U.S.C. 1342(a)(2)) is amended—

8 (A) by inserting “(A)” before “The Admin-  
9 istrator”; and

10 (B) by adding at the end the following new  
11 subparagraph:

12 “(B) Not later than 2 years after the date of enact-  
13 ment of this subparagraph, the Administrator shall pub-  
14 lish regulations that provide for—

15 “(i) the establishment of a quantitative basis  
16 for determining acute and chronic whole effluent  
17 toxicity; and

18 “(ii) the inclusion of numerical effluent limita-  
19 tions for whole effluent toxicity in a permit for any  
20 discharge that the Administrator determines is likely  
21 to exhibit toxicity.”.

22 (h) INNOVATIVE PRODUCTION PROCESSES AND  
23 TECHNOLOGY.—Subsection (k) of section 301 (33 U.S.C.  
24 1311(k)) is amended to read as follows:

1       “(k) INNOVATIVE PRODUCTION PROCESSES AND  
2 TECHNOLOGY.—

3           “(1) IN GENERAL.—The Administrator (or the  
4 State, in the case of a State with the authority to  
5 issue permits under section 402) may, with the con-  
6 sent of the State in which a source is located and  
7 after notice and opportunity for comment, tempo-  
8 rarily waive any permit limitation applicable to a  
9 point source that is in a permit issued under section  
10 402 and that has been established pursuant to sub-  
11 paragraph (A) or (E) of subsection (b)(2) for the  
12 purpose of encouraging the development and testing  
13 of an innovative production process or pollution con-  
14 trol technology that will—

15           “(A) result in an effluent reduction signifi-  
16 cantly greater than that required by the limita-  
17 tion otherwise applicable;

18           “(B) promote the national goal of eliminat-  
19 ing the discharge of all pollutants; or

20           “(C) result in significantly lower costs than  
21 processes and technologies that the Adminis-  
22 trator has determined to be the best economi-  
23 cally achievable for the source.

1           “(2) WAIVER.—A waiver referred to in para-  
2 graph (1) shall include alternative limitations appli-  
3 cable during the temporary waiver period that—

4           “(A) ensure that water quality standards  
5 applicable to the waters receiving any discharge  
6 from the source are not exceeded; and

7           “(B) provide for the protection of human  
8 health and the environment.

9           “(3) REQUIREMENTS FOR WAIVER.—The Ad-  
10 ministrator may only grant a waiver under this sub-  
11 section if the Administrator finds that—

12           “(A) the innovative process or technology  
13 that is the subject of the waiver has not been  
14 adequately demonstrated;

15           “(B) the innovative process or technology  
16 has not previously failed to operate effectively  
17 or to meet any limitation otherwise applicable;  
18 and

19           “(C) the owner of the source will conduct  
20 such tests and monitoring during the period of  
21 the waiver as are necessary to ensure that the  
22 alternative limitations established pursuant to  
23 paragraph (2) are not exceeded.

24           “(4) PERIOD OF WAIVER.—

1           “(A) IN GENERAL.—The period of the  
2 waiver shall not exceed the period necessary to  
3 determine whether the innovative process or  
4 technology would, in commercial operation,  
5 meet the limitations referred to in paragraph  
6 (1) that would otherwise apply to the source  
7 that is the subject of the waiver. The period  
8 may not exceed 90 days, unless the Adminis-  
9 trator extends the period for an additional 90-  
10 day period.

11           “(B) TERMINATION.—The Administrator  
12 or the State in which the source is located may  
13 at any time terminate the waiver granted under  
14 this subsection, if the Administrator or the  
15 State determines that the innovative process or  
16 technology—

17                   “(i) has failed to achieve an effluent  
18 reduction at least equivalent to the reduc-  
19 tion required by a limitation referred to in  
20 paragraph (1) that would otherwise apply;  
21 or

22                   “(ii) has exceeded any limitation in  
23 the waiver established pursuant to para-  
24 graph (2).

1           “(5) NUMBER OF WAIVERS.—The number of  
2           waivers granted under this subsection for a specific  
3           production process or pollution control technology  
4           may not exceed the number necessary to dem-  
5           onstrate the effectiveness of the process or tech-  
6           nology in meeting the objectives specified in para-  
7           graph (1). No waiver granted under this section  
8           shall apply to any limitation in a permit that is not  
9           directly related to the operation and testing of the  
10          innovative process or technology.”.

11 **SEC. 503. ENFORCEMENT.**

12          (a) CITIZEN ENFORCEMENT.—Section 505 (33  
13 U.S.C. 1365) is amended—

14           (1) in subsection (a)(1), by inserting “to have  
15           violated (if there is evidence that the alleged viola-  
16           tion has been repeated) or” before “to be in viola-  
17           tion”;

18           (2) in subsection (b)(1)(A), by inserting “or has  
19           occurred,” after “occurs,”;

20           (3) in subsection (f)(6), by inserting “, or has  
21           been in effect,” after “in effect”; and

22           (4) in subsection (g), by striking “is” and in-  
23           serting “has been, is”.

24          (b) PENALTIES AND COMPENSATION.—

25           (1) BENEFICIAL USE.—

1 (A) CIVIL PENALTIES.—Section 309(d)  
2 (33 U.S.C. 1319(d)) is amended—

3 (i) by striking “(d) Any person” and  
4 inserting the following:

5 “(d) CIVIL PENALTIES.—

6 “(1) IN GENERAL.—Any person”; and

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

9 “(2) BENEFICIAL USE.—Notwithstanding any  
10 other provision of law (including subchapter III of  
11 chapter 7 of title 31, United States Code, and chap-  
12 ter 128 of title 28, United States Code), each dis-  
13 trict court may order that all or a portion of a civil  
14 penalty referred to in paragraph (1) be used for a  
15 beneficial project to enhance public health or the en-  
16 vironment by restoring or otherwise improving, in a  
17 manner consistent with this Act, the water quality,  
18 wildlife, or habitat of the waterbody in which the  
19 violation occurred.”.

20 (B) CITIZENS SUITS.—Section 505(a) (33  
21 U.S.C. 1365(a)) is amended by adding at the  
22 end the following new sentences: “Notwith-  
23 standing any other provision of law (including  
24 subchapter III of chapter 7 of title 31, United  
25 States Code, and chapter 123 of title 28, Unit-

1 ed States Code), each district court may order  
2 that, in any action under this subsection to  
3 apply a civil penalty, all or a portion of the civil  
4 penalty be used for a beneficial project to en-  
5 hance public health or the environment by re-  
6 storing or otherwise improving, in a manner  
7 consistent with this Act, the water quality, wild-  
8 life, or habitat of the waterbody in which the  
9 violation occurred.”.

10 (C) CRIMINAL FINES.—Section 309(c) (33  
11 U.S.C. 1319(c)) is amended by adding at the  
12 end the following new paragraph:

13 “(8) BENEFICIAL USE.—Notwithstanding any  
14 other provision of law (including subchapter III of  
15 chapter 7 of title 31, United States Code, and chap-  
16 ter 123 of title 28, United States Code) each court  
17 that imposes a fine pursuant to this subsection may  
18 order that all or a portion of the fine be used for  
19 a beneficial project to enhance public health or the  
20 environment by restoring or otherwise improving, in  
21 a manner consistent with this Act, the water quality,  
22 wildlife, or the habitat of the waterbody in which the  
23 violation occurred.”.

24 (2) RESTORATION OF DAMAGED NATURAL RE-  
25 SOURCES.—

1 (A) IN GENERAL.—Section 309(b) (33  
2 U.S.C. 1319(b)) is amended—

3 (i) in the second sentence, by insert-  
4 ing, “, to order the defendant to take such  
5 other action as may be necessary, including  
6 the restoration of natural resources dam-  
7 aged or destroyed as a result of the viola-  
8 tion,” after “such violation”; and

9 (ii) by inserting after the second sen-  
10 tence the following new sentence: “The  
11 maximum cost of any restoration under the  
12 preceding sentence that a responsible per-  
13 son may be obligated to pay to carry out  
14 the order may not exceed the maximum  
15 amount of a civil penalty that may be as-  
16 sessed against the responsible person in a  
17 civil action commenced pursuant to this  
18 subsection.”.

19 (B) CITIZENS SUITS.—Section 505(a) (33  
20 U.S.C. 1365(a)), as amended by paragraph  
21 (1)(B), is further amended—

22 (i) in the second sentence, by insert-  
23 ing “or to order any responsible person to  
24 take such other action as may be nec-  
25 essary, including the restoration of natural

1 resources damaged or destroyed as a result  
2 of the violation,” after “as the case may  
3 be,”; and

4 (ii) by inserting after the second sen-  
5 tence the following new sentence: “The  
6 maximum cost of any restoration under the  
7 preceding sentence that a responsible per-  
8 son may be obligated to pay to carry out  
9 the order may not exceed the maximum  
10 amount of a civil penalty that may be as-  
11 sessed against the responsible person in a  
12 civil action commenced pursuant to this  
13 subsection.”.

14 (3) PRETREATMENT REQUIREMENTS.—

15 (A) IN GENERAL.—Section 505(f)(4) (33  
16 U.S.C. 1365(f)(4)) is amended by inserting “,  
17 pretreatment requirement,” after “effluent  
18 standard”.

19 (B) STATE ENFORCEMENT.—Section  
20 309(a)(1) (33 U.S.C. 1319(a)(1)) is amended  
21 by inserting “any requirement imposed under a  
22 pretreatment program approved under sub-  
23 section (a)(3) or (b)(8) of section 402, or any  
24 local limit imposed under section 402(b)(9),”  
25 after “under section 402 or 404 of this Act,”.

1 (C) ENFORCEMENT BY THE ADMINIS-  
2 TRATOR.—Section 309(a)(3) (33 U.S.C.  
3 1319(a)(3)) is amended by inserting “or any re-  
4 quirement imposed under a pretreatment pro-  
5 gram approved under subsection (a)(3) or  
6 (b)(8) of section 402 or any local limit imposed  
7 under section 402(b)(9),” after “section 404 of  
8 this Act by a State,”.

9 (D) ADMINISTRATIVE PENALTIES.—Sec-  
10 tion 309(g)(1)(A) (33 U.S.C. 1319(g)(1)(A)) is  
11 amended by inserting “or any requirement im-  
12 posed under a pretreatment program approved  
13 under subsection (a)(3) or (b)(8) of section 402  
14 or any local limit imposed under section  
15 402(b)(9),” after “section 404 by a State,”.

16 (E) NOTICE TO PUBLICLY OWNED TREAT-  
17 MENT WORKS OF NOTIFICATION.—The first  
18 sentence of section 309(a)(4) (33 U.S.C.  
19 1319(a)(4)) is amended by striking “and other  
20 affected States” and inserting “, other affected  
21 States, and any publicly owned treatment works  
22 receiving wastewater from the violation”.

23 (4) FIELD CITATION PROGRAM.—Section  
24 309(g), as amended by section 501(b), (33 U.S.C.  
25 1319(g)) is further amended—

1 (A) by redesignating paragraphs (7)  
2 through (12) as paragraphs (8) through (13),  
3 respectively; and

4 (B) by inserting after paragraph (6) the  
5 following new paragraph:

6 “(7) FIELD CITATION PROGRAM.—

7 “(A) AUTHORITY TO IMPLEMENT PRO-  
8 GRAM.—The Administrator may establish, by  
9 regulation, a field citation program under which  
10 field citations for minor violations may be is-  
11 sued by officers or employees designated by the  
12 Administrator. The field citations issued pursu-  
13 ant to this authority shall not be subject to the  
14 public notice requirements of paragraph (4), or  
15 any other requirement for advance public notifi-  
16 cation.

17 “(B) AMOUNT OF PENALTY.—A civil pen-  
18 alty assessed under this paragraph may not ex-  
19 ceed \$5,000 per day for each violation, and a  
20 total of \$25,000 for the violation.

21 “(C) ELECTION.—Any person to whom a  
22 field citation is assessed may, within a reason-  
23 able time as prescribed by the Administrator  
24 through regulation, elect to pay the penalty as-  
25 sessment or to request a hearing on the field ci-

1           tation. If a request for a hearing is not made  
2           within the time specified in the regulation, the  
3           penalty assessment in the field citation shall be  
4           final.

5           “(D) HEARING.—A hearing under this  
6           paragraph may not be subject to section 554 or  
7           556 of title 5, but shall provide a reasonable op-  
8           portunity to be heard and to present evidence.

9           “(E) EFFECT ON FUTURE ENFORCE-  
10          MENT.—Payment of a civil penalty required by  
11          a field citation may not be a defense to further  
12          enforcement by the United States or a State.”.

13          (5) OFFSETTING PENALTIES.—

14                (A) CIVIL PENALTIES.—The second sen-  
15                tence of paragraph (1) of section 309(d) (33  
16                U.S.C. 1319(d)), as designated by paragraph  
17                (1)(A)(i), is amended by inserting “any penalty  
18                previously imposed by a court or administrative  
19                agency for the same violation,” after “the viola-  
20                tor,”.

21                (B) EXEMPTION FROM CERTAIN LIMITA-  
22                TIONS.—Section 309(g)(6)(B) (33 U.S.C.  
23                1319(g)(6)(B)) is amended—

24                        (i) in clause (i), by inserting “or an  
25                        action under a State law comparable to

1           this subsection” after “an action under  
2           this subsection”; and

3           (ii) in clause (ii), by inserting “or an  
4           action under a State law comparable to  
5           this subsection,” after “an action under  
6           this subsection”.

7           (6) ECONOMIC BENEFIT.—Section 309(g) (33  
8           U.S.C. 1319(g)), as amended by section 501(b) and  
9           paragraph (4)(A), is further amended—

10           (A) by redesignating paragraph (13) as  
11           paragraph (14); and

12           (B) by inserting after paragraph (12) the  
13           following new paragraph:

14           “(13) STATE CONSIDERATION OF ECONOMIC  
15           BENEFIT.—

16           “(A) ESTABLISHMENT AND APPLICATION  
17           OF POLICY.—Each State that has in effect a  
18           State law that has any comparable civil enforce-  
19           ment authority (whether administrative or judi-  
20           cial) to those authorities under this section  
21           shall develop and apply an economic benefit pol-  
22           icy to be used in determining the amount of any  
23           penalty assessed against a violator. The policy  
24           shall ensure consideration of the amount of eco-

1            nomic benefit resulting from the violation that  
2            is the subject of the penalty.

3            “(B) AUTHORITY OF ADMINISTRATOR.—In  
4            addition to other circumstances giving rise to  
5            enforcement proceedings under this Act, the  
6            Administrator may commence enforcement pro-  
7            ceedings under this section against a violator  
8            that is the subject of an action under State law  
9            that has comparable requirements to this sub-  
10          section if the State does not establish and apply  
11          an economic benefit policy to be used in deter-  
12          mining the amount of any penalty assessed  
13          against a violator under the comparable provi-  
14          sion of State law.”.

15          (7) STATE ADMINISTRATIVE ENFORCEMENT.—

16                (A) IN GENERAL.—Section 402 (33 U.S.C.  
17                1342), as amended by section 501(a), is further  
18                amended by adding at the end the following  
19                new subsection:

20                “(t) WITHHOLDING WATER POLLUTION CONTROL  
21                ASSISTANCE.—

22                        “(1) IN GENERAL.—Beginning on the date that  
23                        is 3 years after the date of enactment of this sub-  
24                        section, the Administrator is authorized to withhold  
25                        from a State with an approved program under sub-

1 section (b), an amount not to exceed 25 percent of  
2 the amount of funds allocated for any fiscal year to  
3 the State under section 106, if the Administrator de-  
4 termines that the State does not have adequate au-  
5 thority to abate violations of—

6 “(A) permits issued under section 402; and

7 “(B) pretreatment requirements applicable  
8 to industrial users of publicly owned treatment  
9 works.

10 “(2) ADEQUATE AUTHORITY.—For purposes of  
11 paragraph (1), in order to demonstrate adequate au-  
12 thority, a State shall, at a minimum, demonstrate  
13 the authority to recover an administrative civil pen-  
14 alty in a maximum amount of not less than \$10,000  
15 per day for each violation referred to in paragraph  
16 (1).

17 “(3) AMOUNTS WITHHELD.—The Administrator  
18 shall make available any amounts withheld under  
19 paragraph (1) to States with an approved program  
20 under subsection (b).”.

21 (B) ABATEMENT.—Section 402(b) (33  
22 U.S.C. 1342(b)) is amended by striking para-  
23 graph (7) and inserting the following new para-  
24 graph:

1       “(7) To abate violations of the permit or the permit  
2 program by—

3           “(A) the imposition of administrative penalties  
4 (in a manner comparable to section 309(g));

5           “(B) the imposition of criminal penalties; or

6           “(C) other means of enforcement that the State  
7 is able to demonstrate to be as effective as the  
8 means described in this paragraph.”.

9           (8) FEDERAL PROCUREMENT.—Subsection (a)  
10 of section 508 (33 U.S.C. 1368(a)) is amended to  
11 read as follows:

12       “(a)(1)(A) No Federal agency may enter into any  
13 contract, grant, or loan that is to be performed, in whole  
14 or in part, using any facility owned, leased, operated, or  
15 supervised, at the time of the violation, by any person who  
16 has been convicted of an offense under section 309(c),  
17 407, or 411 or under section 10 of the Act entitled ‘An  
18 Act making appropriations for the construction, repair,  
19 and preservation of certain public works on rivers and har-  
20 bors, and for other purposes’, approved March 3, 1899  
21 (33 U.S.C. 403) (commonly known as the ‘River and Har-  
22 bor Act of 1899’).

23       “(B) With respect to a person described in subpara-  
24 graph (A), a prohibition under such subparagraph shall—

1           “(i) continue for a period of not less than 1  
2           year following the date of conviction as determined  
3           by the Administrator;

4           “(ii) affect each facility owned or operated by  
5           the person that the Administrator determines has  
6           given rise to the conviction; and

7           “(iii) continue until the Administrator, in the  
8           sole discretion of the Administrator, certifies that  
9           the conditions giving rise to the conviction have been  
10          corrected.

11          “(C) Each applicant who seeks to participate in a  
12          Federal contract, grant, or loan shall disclose any convic-  
13          tion described in subparagraph (A) to each appropriate  
14          Federal agency.

15          “(2)(A) No Federal agency may enter into any con-  
16          tract for the procurement of a good, material, or service  
17          with any person who has been found liable for civil pen-  
18          alties, or who has entered into any consent order or decree  
19          under section 309(d) admitting to violations that may be  
20          subject to the assessment of a civil penalty under section  
21          309(d), as a result of 3 or more separate enforcement ac-  
22          tions instituted under section 309(d) within a period of  
23          less than 5 consecutive years, if the Administrator deter-  
24          mines that the contract is to be performed at a facility—

1           “(i) at which the violations that resulted in the  
2           determination of liability or admission of liability in  
3           any enforcement action under section 309(d) oc-  
4           curred; and

5           “(ii) that is owned, leased, or supervised by the  
6           person who was found to be responsible or admitted  
7           liability for any violation that was the subject of an  
8           enforcement action under section 309(d).

9           “(B) With respect to a person described in subpara-  
10          graph (A), a prohibition under such subparagraph shall—

11           “(i) continue for a period of not less than 1  
12           year from the date determined by the Administrator  
13           to be the final and effective date of the third en-  
14           forcement action occurring within the 5-year period  
15           referred to in subparagraph (A);

16           “(ii) affect each facility that the Administrator  
17           determines has given rise to the enforcement actions  
18           under section 309(d); and

19           “(iii) continue until the Administrator, in the  
20           sole discretion of the Administrator, certifies that  
21           the conditions giving rise to the violations for which  
22           liability under section 309(d) has been imposed or  
23           admitted in the enforcement actions under subpara-  
24           graph (A) have been corrected.”.

1           (9) ADMINISTRATIVE PENALTIES.—Section  
2           309(g)(2)(B) (33 U.S.C. 1319(g)(2)(B)) is amended  
3           by striking “\$125,000” and inserting “\$200,000”.

4           (c) FEDERAL FACILITIES.—

5           (1) IN GENERAL.—Section 313(a) (33 U.S.C.  
6           1323(a)) is amended—

7           (A) in the first sentence—

8           (i) by striking “(1)” and inserting  
9           “(A)”; and

10           (ii) by striking “(2)” and inserting  
11           “(B)”;

12           (B) by designating the first and second  
13           sentences as paragraphs (1) and (2), respec-  
14           tively;

15           (C) by striking the third sentence;

16           (D) by designating the fourth sentence as  
17           paragraph (7);

18           (E) by striking the fifth sentence;

19           (F) by designating the sixth through elev-  
20           enth sentences as paragraph (8);

21           (G) by inserting after paragraph (2) (as  
22           designated by subparagraph (B)) the following  
23           new paragraphs:

24           “(3) The Federal, State, interstate, and local sub-  
25           stantive and procedural requirements, administrative au-

1 thority, and process and sanctions referred to in this sec-  
2 tion shall include—

3           “(A) any administrative order; and

4           “(B) any civil or administrative penalty or fine  
5           (without regard to whether the penalty or fine is pu-  
6           nitive or coercive in nature or is imposed for one or  
7           more isolated, intermittent, or continuing violations).

8           “(4) The United States hereby expressly waives any  
9 immunity otherwise applicable to the United States with  
10 respect to the substantive and procedural requirements,  
11 administrative authority, and process and sanctions re-  
12 ferred to in paragraph (2) (including any injunctive relief,  
13 administrative order, civil or administrative penalty re-  
14 ferred to in paragraph (3)(B), or reasonable service  
15 charge).

16           “(5) A reasonable service charge referred to in para-  
17 graph (4) includes any fee or charge assessed in connec-  
18 tion with—

19           “(A) the processing and issuance of a permit;

20           “(B) the renewal of a permit;

21           “(C) an amendment to a permit;

22           “(D) the review of a plan, study, or other docu-  
23           ment;

24           “(E) the inspection and monitoring of a facility;

25           and

1           “(F) any other nondiscriminatory charge,  
2 that is assessed in connection with a Federal, State, inter-  
3 state, or local water pollution program.

4           “(6)(A) No agent, employee, or officer of the United  
5 States shall be personally liable for any civil penalty under  
6 any Federal, State, interstate, or local water pollution law  
7 with respect to any act or omission within the official du-  
8 ties of the agent, employee, or officer.

9           “(B) An agent, employee, or officer of the United  
10 States shall be subject to a criminal sanction (including  
11 a fine or imprisonment) under a Federal or State water  
12 pollution law, except that no department, agency, or in-  
13 strumentality of the executive, legislative, or judicial  
14 branch of the Federal Government shall be subject to a  
15 criminal sanction referred to in this subparagraph.”; and

16           (H) in paragraph (7) (as designated by  
17 subparagraph (D)), by striking “28 U.S.C.  
18 1441 et seq.” and inserting “chapter 89 of title  
19 28, United States Code”.

20           (2) DEFINITION OF PERSON.—Section 502(5)  
21 (33 U.S.C. 1362(5)) is amended by striking “or any  
22 interstate body” and inserting “any interstate body,  
23 or any department, agency, or instrumentality of the  
24 United States”.

1           (3) CIVIL PENALTY.—Section 311(a)(7) (33  
2 U.S.C. 1321(a)(7)) is amended by striking “and a  
3 partnership” and inserting “partnership, or any de-  
4 partment, agency or instrumentality of the United  
5 States”.

6           (4) COMPLIANCE ORDERS.—Section 309 (33  
7 U.S.C. 1319) is amended by adding at the end the  
8 following new subsection:

9           “(h) COMPLIANCE ORDERS FOR FEDERAL FACILITY  
10 ENFORCEMENT.—

11           “(1) IN GENERAL.—

12           “(A) AUTHORIZATION.—If on the basis of  
13 any information available—

14           “(i) to the Administrator, the Admin-  
15 istrator determines that any department,  
16 agency, or instrumentality of the United  
17 States has violated or is in violation of sec-  
18 tion 301, 302, 306, 307, 308, 311, 318, or  
19 405, or has violated or is in violation of  
20 any permit condition or limitation imple-  
21 menting any of such sections in a permit  
22 issued under section 402 by the Adminis-  
23 trator or by a State, or in a permit issued  
24 under section 404 by a State, or any re-  
25 quirement imposed under a pretreatment

1 program approved under subsection (a)(3)  
2 or (b)(8) of section 402;

3 “(ii) to the Secretary of the Army, the  
4 Secretary of the Army determines that any  
5 department, agency, or instrumentality of  
6 the United States has violated or is in vio-  
7 lation of any condition or limitation in a  
8 permit issued under section 404; or

9 “(iii) to the Secretary of the Depart-  
10 ment in which the Coast Guard is operat-  
11 ing, the Secretary determines that any de-  
12 partment, agency, or instrumentality of the  
13 United States has violated section 311 or  
14 any regulation implementing such section,  
15 the Administrator or Secretary, as applicable,  
16 may issue an order to assess a civil or adminis-  
17 trative penalty for any past or current violation,  
18 requiring compliance immediately or within a  
19 specified time period, or both.

20 “(B) CONTENTS OF ORDER.—

21 “(i) IN GENERAL.—Any order issued  
22 pursuant to this subsection—

23 “(I) by the Administrator, may  
24 include a suspension or revocation of  
25 any permit issued by the Adminis-

1           trator or a State under section 402 or  
2           404;

3           “(II) by the Secretary of the  
4           Army, may include a suspension or  
5           revocation of any permit issued by the  
6           Secretary of the Army or a State  
7           under section 404; and

8           “(III) shall state with reasonable  
9           specificity the nature of the violation.

10          “(ii) MAXIMUM PENALTY AMOUNT.—  
11          Any penalty assessed in an order issued  
12          pursuant to this subsection may not exceed  
13          \$25,000 per day for each violation.

14          “(2) PUBLIC HEARING.—

15          “(A) IN GENERAL.—Any order issued pur-  
16          suant to this subsection shall become final un-  
17          less, not later than 30 days after the order is  
18          served, the Federal department, agency, or in-  
19          strumentality of the United States named in  
20          the order requests a public hearing. If the re-  
21          quest is made, the Administrator or Secretary,  
22          as applicable, shall promptly conduct a public  
23          hearing.

24          “(B) SUBPOENAS AND DISCOVERY.—In  
25          connection with any proceeding under this sub-

1 section, the Administrator or the Secretary  
2 may—

3 “(i) issue a subpoena for the attend-  
4 ance and testimony of a witness or the  
5 production of a relevant paper, book, or  
6 document; and

7 “(ii) promulgate rules for discovery  
8 procedures.

9 “(3) VIOLATION OF ORDERS.—If a violator fails  
10 to take corrective action within the period specified  
11 in an order issued under this subsection—

12 “(A) the Administrator or Secretary, as  
13 applicable, may assess a civil penalty of not  
14 more than \$25,000 for each day of continued  
15 noncompliance with the order; and

16 “(B)(i) the Administrator may suspend or  
17 revoke the permit issued pursuant to section  
18 402 or 404 that is the subject of the order,  
19 without regard to whether the permit is issued  
20 by the Administrator or a State; and

21 “(ii) the Secretary of the Army may sus-  
22 pend or revoke the permit issued pursuant to  
23 section 404, without regard to whether the per-  
24 mit is issued by the Secretary of the Army or  
25 a State.

1           “(4) DETERMINING AMOUNT OF PENALTY.—In  
2 determining the amount of any penalty assessed  
3 under this subsection, the Administrator or Sec-  
4 retary, as applicable, shall consider—

5                   “(A) the seriousness of each violation;

6                   “(B) the economic benefit or savings (if  
7 any) to the violator resulting from each viola-  
8 tion;

9                   “(C) any history of the violations;

10                  “(D) any good-faith efforts to avoid non-  
11 compliance or to comply with applicable require-  
12 ments;

13                  “(E) failure, prior to the violation, to es-  
14 tablish and implement a program or other orga-  
15 nized effort to achieve and maintain compliance  
16 with environmental laws (including regulations);  
17 and

18                  “(F) such other matters in mitigation and  
19 aggravation as justice may require.”.

20           (d) EMERGENCY POWERS.—Section 504 (33 U.S.C.  
21 1364) is amended—

22                   (1) in subsection (a)—

23                           (A) by inserting after “(a)” the following  
24 new subsection heading: “IN GENERAL.—”;

1 (B) by striking “is presenting” and insert-  
2 ing “may present”;

3 (C) by inserting “, whether actual or  
4 threatened,” after “substantial endangerment”;  
5 and

6 (D) by striking “may bring suit” and in-  
7 serting the following: “or to the environment,  
8 the Administrator may—

9 “(1) issue such orders, or take such action, as  
10 may be necessary to protect public health or welfare  
11 or the environment; and

12 “(2) bring suit on behalf of the United States  
13 in a district court of the United States of appro-  
14 priate jurisdiction against any person who causes or  
15 contributes to the alleged pollution or threat of pol-  
16 lution to—

17 “(A) immediately restrain the person from  
18 discharging or threatening to discharge each  
19 pollutant causing or contributing to the pollu-  
20 tion;

21 “(B) order the person to take such other  
22 action as may be necessary; or

23 “(C) take action under both subparagraphs  
24 (A) and (B).”; and

1           (2) by adding at the end the following new sub-  
2           section:

3           “(b) ADDITIONAL ACTION.—The Administrator may  
4           take additional action under this section, including issuing  
5           such orders as may be necessary to protect public health  
6           or welfare or the environment.”.

7           (e) ADMINISTRATIVE AMENDMENTS.—

8           (1) REQUIREMENT FOR CONSULTATION ON AD-  
9           MINISTRATIVE ORDERS.—Section 309(g) (33 U.S.C.  
10          1319(g)), as amended by section 501(b) and sub-  
11          sections (b)(4)(A) and (b)(6)(A), is further amend-  
12          ed—

13                   (A) by redesignating paragraph (14) as  
14                   paragraph (15); and

15                   (B) by inserting after paragraph (13) the  
16                   following new paragraph:

17           “(14) CONSULTATION.—The failure of the Ad-  
18           ministrator to consult with a State concerning a vio-  
19           lation of an order pursuant to paragraph (1) may  
20           not constitute a defense in any action to assess a  
21           civil penalty under this subsection and may not in-  
22           validate the assessment of any penalty under this  
23           subsection.”.

1           (2) EFFECT OF STATE ENFORCEMENT AC-  
2 TIONS.—Section 309(g)(6)(A) (33 U.S.C.  
3 1319(g)(6)(A)) is amended—

4           (A) in clause (i), by adding “or” at the  
5 end;

6           (B) by striking clause (ii);

7           (C) by redesignating clause (iii) as clause  
8 (ii); and

9           (D) in clause (ii) (as so redesignated)—

10           (i) by striking “, the Secretary, or the  
11 State” and inserting “or the Secretary”;

12           and

13           (ii) by striking “or such comparable  
14 State law, as the case may be,”.

15           (3) SINGLE OPERATIONAL UPSETS.—

16           (A) CRIMINAL PENALTIES.—Section  
17 309(c) (33 U.S.C. 1319(c)), as amended by  
18 subsection (b)(1)(C), is further amended—

19           (i) by striking paragraph (5); and

20           (ii) by redesignating paragraphs (6),  
21 (7), and (8) as paragraphs (5), (6), and  
22 (7), respectively.

23           (B) CIVIL PENALTIES.—Paragraph (1) of  
24 section 309(d) (33 U.S.C. 1319(d)), as des-  
25 ignated by subsection (b)(1)(A)(i), is amended

1 by striking “For purposes of this subsection, a  
2 single operational upset which leads to simulta-  
3 neous violations of more than one pollutant pa-  
4 rameter shall be treated as a single violation.”.

5 (C) ADMINISTRATIVE PENALTIES.—Section  
6 309(g)(3) (33 U.S.C. 1319(g)(3)) is amended  
7 by striking “For purposes of this subsection, a  
8 single operational upset which leads to simulta-  
9 neous violations of more than one pollutant pa-  
10 rameter shall be treated as a single violation.”.

11 (4) OBTAINING INFORMATION.—

12 (A) IN GENERAL.—Subsection (a) of sec-  
13 tion 308 (33 U.S.C. 1318(a)) is amended to  
14 read as follows:

15 “(a) IN GENERAL.—

16 “(1) DUTIES OF THE ADMINISTRATOR.—When-  
17 ever the Administrator is required to carry out the  
18 objective of this Act (as described in section 101(a)),  
19 including—

20 “(A) developing or assisting in the develop-  
21 ment of an effluent limitation, or other limita-  
22 tion, prohibition, or effluent standard,  
23 pretreatment standard, or standard of perform-  
24 ance under this Act;

1           “(B) determining whether any person is in  
2 violation of an effluent limitation, or other limi-  
3 tation, prohibition, effluent standard,  
4 pretreatment standard, or standard of perform-  
5 ance, or is causing or contributing to the  
6 exceedance of a water quality standard, under  
7 this Act;

8           “(C) a requirement established under this  
9 section; or

10           “(D) carrying out sections 305, 311, 402,  
11 404 (relating to State permit programs), 405,  
12 and 504,

13 the Administrator may require a person subject to a  
14 requirement of this Act to meet the requirements of  
15 paragraph (2) relating to the provision of informa-  
16 tion to the Administrator if the Administrator deter-  
17 mines that the information is relevant to the imple-  
18 mentation of this Act.

19           “(2) REQUIREMENTS.—In each case described  
20 in paragraph (1), the Administrator may require a  
21 person subject to a requirement of this Act to—

22           “(A) establish and maintain such records;

23           “(B) make such reports;

1           “(C) install, use, and maintain such mon-  
2           itoring equipment or methods (including, if ap-  
3           propriate, biological monitoring methods);

4           “(D) sample such effluents and affected  
5           receiving waters (in accordance with such meth-  
6           ods, at such locations, at such intervals, and in  
7           such manner as the Administrator shall pre-  
8           scribe;

9           “(E) provide data necessary to support the  
10          development of water quality criteria for a pol-  
11          lutant present in the discharge of the owner or  
12          operator; and

13          “(F) provide such other information,  
14          as the Administrator may reasonably require.

15          “(3) INSPECTION.—The Administrator or an  
16          authorized representative of the Administrator (in-  
17          cluding an authorized contractor acting as a rep-  
18          resentative of the Administrator) on presentation of  
19          the credentials of the Administrator or representa-  
20          tive—

21                 “(A) shall have a right of entry to, upon,  
22                 or through any premises in which an effluent  
23                 source is located or in which any records re-  
24                 quired to be maintained under paragraph (2)  
25                 are located; and

1           “(B) may at reasonable times have access  
2 to and copy any records, inspect any monitoring  
3 equipment or method required under paragraph  
4 (2), and sample any effluents that the owner or  
5 operator of the source is required to sample  
6 under such paragraph.”.

7           (B) TECHNICAL AMENDMENTS.—Section  
8 308 (33 U.S.C. 1318) is amended—

9           (i) in subsection (b), by inserting  
10 “RECORDS; REPORTS; INFORMATION.—”  
11 after “(b)”; and

12           (ii) in subsection (c), by inserting  
13 “PROCEDURES.—” after “(c)”.

14           (5) SUBPOENAS.—The first sentence of section  
15 509(a)(1) (33 U.S.C. 1369(a)(1)) is amended by in-  
16 sserting “or any enforcement activity under this Act”  
17 after “section 507(e) of this Act”.

18           (f) TECHNICAL AMENDMENT.—Section 309(g)(2)  
19 (33 U.S.C. 1319(g)(2)) is amended—

20           (1) in subparagraph (A), by inserting “day for  
21 each” after “exceed \$10,000 per”; and

22           (2) in the first sentence of subparagraph (B),  
23 by striking “for each day during which the violation  
24 continues” and inserting “for each violation”.

1                   **TITLE VI—PROGRAM**  
2                   **MANAGEMENT**

3   **SEC. 601. TECHNOLOGY DEVELOPMENT.**

4       Section 105 (33 U.S.C. 1255) is amended to read as  
5 follows:

6   **“SEC. 105. TECHNOLOGY DEVELOPMENT.**

7       “(a) IN GENERAL.—The Administrator shall estab-  
8 lish a program to develop and demonstrate practices,  
9 methods, technologies, or processes that may be effective  
10 in the prevention and control of sources or potential  
11 sources of water pollution.

12       “(b) GRANT ASSISTANCE.—

13           “(1) IN GENERAL.—The Administrator may  
14 provide grants to public agencies and authorities and  
15 nonprofit organizations and institutions, and enter  
16 into cooperative agreements or contracts with other  
17 persons, to develop or demonstrate water pollution  
18 prevention and control practices, methods, tech-  
19 nologies, or processes.

20           “(2) REQUIREMENTS FOR DEMONSTRATION  
21 PROJECTS.—The Administrator may provide assist-  
22 ance for a demonstration project under this sub-  
23 section only if—

24           “(A) the demonstration project will serve  
25 to demonstrate a new or significantly improved

1 practice, method, technology, or process, or the  
2 feasibility and cost effectiveness of a practice,  
3 method, technology, or process that exists at  
4 the time of the demonstration, but is unproven;

5 “(B) the demonstration project will not du-  
6 plicate any other Federal, State, local, or com-  
7 mercial effort to demonstrate the practice,  
8 method, technology, or process;

9 “(C) the demonstration project meets the  
10 requirements of this section and serves the pur-  
11 poses of this Act;

12 “(D) the demonstration of the practice,  
13 technology, or process will comply with all other  
14 laws (including regulations) for the protection  
15 of human health and welfare and the environ-  
16 ment; and

17 “(E)(i) in the case of a contract or cooper-  
18 ative agreement, the practice, method, tech-  
19 nology, or process would not be adequately  
20 demonstrated by State, local, or private per-  
21 sons; or

22 “(ii) in the case of an application for fi-  
23 nancial assistance by a grant, the practice,  
24 method, technology, or process is not likely to

1 receive adequate financial assistance from other  
2 sources.

3 “(3) REQUIREMENTS FOR DEMONSTRATION  
4 PROGRAM.—The demonstration program established  
5 under this subsection shall include—

6 “(A) solicitations for demonstration  
7 projects by the Administrator;

8 “(B) the selection of suitable demonstra-  
9 tion projects from among proposed demonstra-  
10 tion projects;

11 “(C) the supervision of the demonstration  
12 projects;

13 “(D) the evaluation of the results of the  
14 demonstration projects; and

15 “(E) the dissemination of information con-  
16 cerning the effectiveness and feasibility of the  
17 practices, methods, technologies, and processes  
18 that are proven to be effective under the dem-  
19 onstration projects.

20 “(4) SOLICITATIONS.—

21 “(A) IN GENERAL.—Not later than 1 year  
22 after the date of enactment of this paragraph,  
23 and not less frequently than annually there-  
24 after, the Administrator shall publish a sollicita-  
25 tion notice for proposals to demonstrate, by

1           prototype or at full-scale, practices, methods,  
2           technologies, and processes that are (or may be)  
3           effective in controlling sources or potential  
4           sources of water pollution.

5           “(B) CONTENTS OF SOLICITATION NO-  
6           TICE.—The solicitation notice shall prescribe  
7           the information to be included in the proposal,  
8           including technical and economic information  
9           derived from the research and development ef-  
10          forts of the applicant, and other information  
11          sufficient to allow the Administrator to assess  
12          the potential effectiveness and feasibility of the  
13          practice, method, technology, or process that is  
14          the subject of the demonstration project.

15          “(5) APPLICATION.—Any person may submit  
16          an application to the Administrator in response to a  
17          solicitation under paragraph (4). The application  
18          shall contain a proposed demonstration plan setting  
19          forth how and when the project is to be carried out  
20          and such other information as the Administrator  
21          may require.

22          “(6) SELECTION OF DEMONSTRATION  
23          PROJECTS.—In selecting practices, methods, tech-  
24          nologies, and processes to be demonstrated, the Ad-

1 administrator shall evaluate each project according to  
2 the following criteria:

3 “(A) The potential for the proposed prac-  
4 tice, method, technology, or process to effec-  
5 tively control sources or potential sources of  
6 pollutants that present risks to human health.

7 “(B) The potential for the practice, meth-  
8 od, technology, or process to contribute to the  
9 advancement of pollution control with respect to  
10 an industry for which an effluent guideline is  
11 published pursuant to section 304.

12 “(C) The potential for the practice, meth-  
13 od, technology, or process to effectively prevent  
14 the discharge of pollutants that present risks to  
15 human health and the environment.

16 “(D) The potential for the practice, meth-  
17 od, technology, or process to contribute to the  
18 advancement of the treatment of sewage or the  
19 management of sewage sludge.

20 “(E) The potential for the practice, meth-  
21 od, technology, or process to contribute to re-  
22 ductions of pollution associated with nonpoint  
23 sources of pollution.

1           “(F) The capability of the applicant to  
2 successfully complete the demonstration project  
3 as described in the application.

4           “(G) The likelihood that the demonstrated  
5 practice, method, technology, or process could  
6 be applied in other locations and under other  
7 circumstances to control sources or potential  
8 sources of pollutants (taking into consideration  
9 the cost, effectiveness, and technological fea-  
10 sibility of the practice).

11           “(H) The extent of financial support from  
12 the applicant to accomplish the demonstration  
13 as described in the application.

14           “(I) The capability of the applicant to dis-  
15 seminate the results of the demonstration or  
16 otherwise make the benefits of the practice,  
17 method, technology, or process widely available  
18 to the public in a timely manner.

19           “(7) APPROVAL OF APPLICATIONS.—The Ad-  
20 ministrator shall approve or disapprove an applica-  
21 tion for a project under this subsection in an expedi-  
22 tious manner. In the case of a disapproval of an ap-  
23 plication for a project, the Administrator shall notify  
24 the applicant of the reasons for the disapproval.

1           “(8) AGREEMENT.—Each applicant selected to  
2           conduct a demonstration project under this sub-  
3           section shall be required, as a condition of receiving  
4           funds made available pursuant to this subsection, to  
5           enter into an agreement with the Administrator to  
6           provide for monitoring, testing procedures, quality  
7           control, and such other measurements necessary to  
8           evaluate the results of demonstration projects or fa-  
9           cilities intended to control sources or potential  
10          sources of contaminants.

11           “(9) FEDERAL SHARE.—

12           “(A) IN GENERAL.—Except as provided in  
13           subparagraph (B), the Federal share for a dem-  
14           onstration project under this section shall not  
15           exceed 75 percent of the total cost of the  
16           project.

17           “(B) CERTAIN BASIC RESEARCH.—In any  
18           case in which the Administrator determines  
19           that a research project under this subsection is  
20           basic research that would not otherwise be un-  
21           dertaken, the Administrator may award a grant  
22           for the research project under this subsection  
23           with respect to which the Federal share may  
24           equal 100 percent of the total cost of the  
25           project.

1       “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Environmental  
3 Protection Agency to carry out this section \$20,000,000  
4 for each of fiscal years 1994 through 2000.”.

5 **SEC. 602. STATE CERTIFICATION.**

6       The first sentence of section 401(a)(1) (33 U.S.C.  
7 1341(a)(1)) is amended by inserting before the period the  
8 following: “and that any such activity will comply with  
9 water quality standards adopted under section 303 and  
10 allow for the protection, attainment, and maintenance of  
11 designated uses included in the standards”.

12 **SEC. 603. REPORTS TO CONGRESS.**

13       (a) CLEAN WATER REPORT.—Subsections (a)  
14 through (c) of section 516 (33 U.S.C. 1375 (a) through  
15 (c), respectively) are amended to read as follows:

16       “(a) CLEAN WATER REPORT.—

17               “(1) IN GENERAL.—On January 1 of the year  
18 following the date of enactment of subparagraph  
19 (A), and every 2 years thereafter, the Administrator  
20 shall submit to Congress a report on measures taken  
21 toward the implementation of the goals and objec-  
22 tives of this Act, including—

23                       “(A) a summary of the results achieved in  
24                       the field of water pollution control research,

1 demonstrations, experiments, studies, and relat-  
2 ed matters;

3 “(B) a summary of the status of tech-  
4 nology-based water pollution controls;

5 “(C) a summary of the development of pol-  
6 lutant criteria documents and the adoption of  
7 water quality and sediment quality standards;

8 “(D) an assessment of progress in the de-  
9 velopment of effluent limitations pursuant to  
10 sections 301, 304, 306, and 307;

11 “(E) a description of State nonpoint  
12 source pollution control programs;

13 “(F) an assessment of the progress in the  
14 identification of and development of programs  
15 for water quality problem areas, including—

16 “(i) the national estuary program es-  
17 tablished under section 320;

18 “(ii) the Great Lakes program estab-  
19 lished under section 118;

20 “(iii) the Chesapeake Bay program es-  
21 tablished under section 117;

22 “(iv) other programs that the Admin-  
23 istrator considers appropriate; and

1           “(v) other estuaries and rivers for  
2           which management conferences are being  
3           conducted;

4           “(G) a description of alternative require-  
5           ments for effluent discharges established under  
6           section 301 or 307 (including any alternative  
7           requirement established under section 301(b)(2)  
8           or 307(b) on the basis of fundamentally dif-  
9           ferent factors (as described in section 301(d));

10          “(H) a description of activities relating to  
11          wastewater treatment operator training and  
12          certification;

13          “(I)(i) an identification and assessment of  
14          noncompliance with the enforceable require-  
15          ments of this Act (including an assessment of  
16          noncompliance by Federal facilities); and

17          “(ii) a description of all enforcement ac-  
18          tions pending or completed under this Act dur-  
19          ing the 2-year period immediately preceding the  
20          date of the report; and

21          “(J) recommendations concerning improve-  
22          ments to the water quality programs authorized  
23          by this Act.

24          “(2) CONSULTATION BY ADMINISTRATOR.—The  
25          Administrator shall consult with the heads of State

1 agencies in the development of the report required  
2 under this subsection.

3 “(b) WATER QUALITY INFRASTRUCTURE NEEDS AS-  
4 SESSMENT.—

5 “(1) IN GENERAL.—The Administrator shall  
6 conduct a comprehensive assessment of the cost of  
7 construction of public facilities needed to accomplish  
8 the water quality goals of this Act.

9 “(2) CONTENTS OF ASSESSMENT.—The assess-  
10 ment under this subsection shall, at a minimum, de-  
11 scribe—

12 “(A) on a national basis, and for each  
13 State, the cost of construction for the rehabili-  
14 tation, replacement, and upgrading of publicly  
15 owned treatment works in existence during the  
16 calendar year that is 2 years before the date of  
17 the report, including an estimate of the portion  
18 of the costs associated with meeting the en-  
19 forceable requirements of this Act;

20 “(B) on a national basis, and for each  
21 State the cost of construction of expanded or  
22 new publicly owned treatment works, including  
23 an estimate of the portion of the costs associ-  
24 ated with meeting the requirements of this Act;

1           “(C) the cost of implementing plans for  
2 the elimination of combined stormwater and  
3 sanitary sewer overflows developed pursuant to  
4 section 406, including any additional treatment  
5 needed to ensure compliance with water quality  
6 standards;

7           “(D) the portion of the costs described in  
8 subparagraphs (A), (B), and (C) associated  
9 with treatment works serving fewer than 2,500  
10 individuals;

11           “(E) the cost to Federal, State, and local  
12 governments and agricultural producers of the  
13 construction of measures to control nonpoint  
14 sources of pollution implemented in accordance  
15 with programs developed pursuant to section  
16 319;

17           “(F) the cost of construction of measures  
18 and facilities required to comply with permits  
19 for the control of municipal discharges of  
20 stormwater;

21           “(G) the cost of implementation of con-  
22 servation and management plans approved pur-  
23 suant to section 320(f);

1           “(H) the cost of implementation of  
2           Lakewide Management Plans and Remedial Ac-  
3           tion Plans developed pursuant to section 118;

4           “(I) the cost of implementation of clean  
5           lakes projects pursuant to section 314; and

6           “(J) the cost of implementation of water-  
7           shed management plans approved by the Ad-  
8           ministrators pursuant to section 321.

9           “(3) SUBMISSION OF ASSESSMENT.—Not later  
10          than 4 years after the date of enactment of this  
11          paragraph, and every 4 years thereafter, the Admin-  
12          istrator shall submit the assessment required under  
13          this subsection to Congress.

14          “(c) RESERVED.”.

15          (b) ELIMINATION OF OTHER REPORTS.—

16                 (1) DEVICES FOR FLOW REDUCTION.—Section  
17                 104(a)(5) (33 U.S.C. 1254(a)(5)) is amended by  
18                 striking “, and shall report on such quality in the  
19                 report required under subsection (a) of section 516”.

20                 (2) CHESAPEAKE BAY.—Section 117 (33  
21                 U.S.C. 1267) is amended—

22                         (A) by striking subsection (c); and

23                         (B) by redesignating subsection (d) as sub-  
24                         section (c).

1           (3) GREAT LAKES.—Section 118(c) (33 U.S.C.  
2 1268(c)) is amended—

3                   (A) by striking paragraph (10); and

4                   (B) by redesignating paragraph (11) as  
5 paragraph (10).

6           (4) OPERATION OF PUBLICLY OWNED TREAT-  
7 MENT WORKS.—Title II (33 U.S.C. 1281 et seq.) is  
8 amended by striking section 210 and inserting “Sec-  
9 tion 210. RESERVED.”.

10           (5) ALTERNATIVE DISCHARGE REQUIRE-  
11 MENTS.—Section 301(n) (33 U.S.C. 1311(n)) is  
12 amended by striking paragraph (8).

13           (6) CONDITION OF LAKES.—Section 314 (33  
14 U.S.C. 1324) is amended—

15                   (A) in subsection (a)—

16                           (i) by striking paragraph (3); and

17                           (ii) by redesignating paragraph (4) as  
18 paragraph (3); and

19                   (B) in subsection (b)—

20                           (i) by striking paragraph (3); and

21                           (ii) by redesignating paragraph (4) as  
22 paragraph (3).

23           (7) STATUS OF NONPOINT PROGRAMS.—Section  
24 319(m) (33 U.S.C. 1329(m)) is amended by striking  
25 “(m) REPORTS OF ADMINISTRATOR.—” and all that

1 follows through “(2) FINAL REPORT.—Not later  
2 than” and inserting the following:

3 “(m) FINAL REPORT OF THE ADMINISTRATOR.—Not  
4 later than”.

5 (8) ESTUARINE RESEARCH AND MONITORING.—  
6 Section 320(j) (33 U.S.C. 1330(j)) is amended—

7 (A) by striking paragraph (2);

8 (B) by striking “(j) RESEARCH.—” and all  
9 that follows through “In order to” and insert-  
10 ing the following:

11 “(j) RESEARCH.—In order to”;

12 (C) by striking “(A) a long-term program”  
13 and inserting the following:

14 “(1) a long-term program”;

15 (D) by striking subparagraph (B) and in-  
16 serting the following new paragraph:

17 “(2) a program of ecosystem assessment assist-  
18 ing in the development of—

19 “(A) baseline studies that determine the  
20 state of estuarine zones and the effects of natu-  
21 ral and anthropogenic changes; and

22 “(B) predictive models capable of translat-  
23 ing information on specific discharges or gen-  
24 eral pollutant loadings within estuarine zones  
25 into a set of probable effects on the zones;”;

1 (E) by striking “(C) a comprehensive” and  
2 inserting the following:

3 “(3) a comprehensive”; and

4 (F) by striking “(D) a program” and in-  
5 serting the following:

6 “(4) a program”.

7 (9) FEDERAL PROCUREMENT.—Section 508 (33  
8 U.S.C. 1368) is amended by striking subsection (e).

9 **SEC. 604. DEFINITIONS.**

10 (a) DEFINITION OF POINT SOURCE.—Section  
11 502(14) (33 U.S.C. 1362(14)) is amended by adding at  
12 the end the following new sentence: “The term shall in-  
13 clude a landfill leachate collection system.”.

14 (b) CONFORMING AMENDMENT.—Section 507 of the  
15 Water Quality Act of 1987 (33 U.S.C. 1362 note) is re-  
16 pealed.

17 **SEC. 605. INDIAN PROGRAMS.**

18 (a) SEWAGE TREATMENT.—Section 518(c) (33  
19 U.S.C. 1377(c)) is amended—

20 (1) by striking “one-half of one percent of the  
21 sums appropriated under section 207” and inserting  
22 “1 percent of the sums appropriated under section  
23 607”; and

24 (2) by adding at the end the following new sen-  
25 tence: “The Administrator shall provide the funds

1 reserved under this subsection directly to Indian  
2 tribes and may make a grant in an amount not to  
3 exceed 100 percent of the cost of a project that is  
4 the subject of the grant. In making a grant under  
5 this subsection, the Administrator shall give priority  
6 to projects that address the most significant public  
7 health and environmental pollution problems, as de-  
8 termined by a needs assessment conducted under  
9 paragraph (2).”.

10 (b) NONPOINT POLLUTION CONTROL.—Section  
11 518(f) (33 U.S.C. 1377(f)) is amended—

12 (1) in the second sentence, by striking “one-  
13 third” and inserting “one-half”;

14 (2) in the third sentence, by striking “(d)” and  
15 inserting “(e)”; and

16 (3) by adding at the end the following new sen-  
17 tence: “Notwithstanding section 319(h)(3), the Ad-  
18 ministrator may make a grant under this subsection  
19 in an amount not to exceed 100 percent of the cost  
20 of the project that is the subject of the grant.”.

21 (c) REVOLVING LOAN FUNDS.—Section 603(c)(1)  
22 (33 U.S.C. 1383(c)(1)), as amended by section 101(a)(2),  
23 is further amended by inserting “Indian tribe,” after  
24 “State agency”.

1 **SEC. 606. CLEAN WATER EDUCATION.**

2 (a) IN GENERAL.—Title V (33 U.S.C. 1361 et seq.)  
3 is amended—

4 (1) by redesignating section 519 as section 520;  
5 and

6 (2) by inserting after section 518 the following  
7 new section:

8 **“SEC. 519. CLEAN WATER EDUCATION.**

9 “(a) AUTHORITY.—

10 “(1) IN GENERAL.—The Administrator shall es-  
11 tablish a national program of education and infor-  
12 mation to increase public awareness concerning  
13 water quality.

14 “(2) EMPLOYEES TO IMPLEMENT PROGRAM.—  
15 The Administrator shall ensure that for each fiscal  
16 year, not fewer than—

17 “(A) 5 full-time equivalent employees are  
18 assigned on a full-time basis to carry out this  
19 section; and

20 “(B) 1 full-time equivalent employee is as-  
21 signed on a full-time basis to carry out this sec-  
22 tion in each regional office.

23 “(b) VOLUNTEER PROGRAMS.—

24 “(1) IN GENERAL.—The Administrator, in co-  
25 operation with the States, shall foster and provide  
26 guidance for volunteer citizen programs for the as-

1        assessment, oversight, and protection of individual  
2        waterbodies.

3            “(2) HANDBOOK.—Not later than 2 years after  
4        date of enactment of this subsection, the Adminis-  
5        trator shall publish a handbook and other related in-  
6        formational materials with respect to the organiza-  
7        tion, management, functions, and activities of volun-  
8        teer citizen programs under this subsection.

9            “(3) VOLUNTEER CITIZEN PROGRAMS.—Not  
10       later than 3 years after the date of enactment of  
11       this subsection, and biennially thereafter, each State  
12       shall provide to the Administrator a list of volunteer  
13       citizen programs and the waterbody served by each  
14       program included in the list. Not later than 180  
15       days after receiving the State lists required to be  
16       submitted pursuant to this paragraph, the Adminis-  
17       trator shall publish a national list of volunteer citi-  
18       zen programs that includes the information in the  
19       State lists.

20            “(4) FEDERAL ENFORCEMENT.—In the case of  
21       any action taken pursuant to subsection (c) or (d)  
22       of section 309, an appropriate Federal official shall  
23       advise the court of any volunteer citizen program  
24       listed pursuant to paragraph (3) for the waterbody  
25       associated with the violation.

1 “(c) AWARDS.—

2 “(1) IN GENERAL.—The Administrator shall  
3 implement a program to provide official recognition  
4 of the Federal Government to industrial organiza-  
5 tions, political subdivisions of States, and volunteer  
6 citizen programs that have demonstrated an out-  
7 standing commitment to the prevention and control  
8 of water pollution.

9 “(2) SELECTION BY REGIONAL ADMINISTRA-  
10 TORS.—Each regional administrator of the Environ-  
11 mental Protection Agency shall select not more than  
12 3 industrial organizations, 3 political subdivisions,  
13 and 3 volunteer citizen programs within the region  
14 under the jurisdiction of the regional administrator  
15 for an award under this subsection for each fiscal  
16 year.

17 “(3) SELECTION BY ADMINISTRATOR.—The Ad-  
18 ministrator shall select from the organizations, polit-  
19 ical subdivisions, and volunteer programs that re-  
20 ceive awards pursuant to paragraph (2) not more  
21 than 3 industrial organizations, 3 political subdivi-  
22 sions, and 3 volunteer programs to receive national  
23 awards.

24 “(4) FORM OF AWARD.—The Administrator  
25 shall award a certificate or plaque of suitable design

1 to each industrial organization, political subdivision,  
2 or volunteer program that receives an award under  
3 this subsection.

4 “(5) NOTICE AND PUBLICATION.—The Presi-  
5 dent, the Governor of the appropriate State, the  
6 Speaker of the House of Representatives, and the  
7 President pro tempore of the Senate shall be notified  
8 of each award under this subsection by the Adminis-  
9 trator, and the awarding of the recognition shall be  
10 published in the Federal Register.”.

11 (b) TECHNICAL CORRECTIONS.—

12 (1) Section 104(c) (33 U.S.C. 1254(c)) is  
13 amended by striking “Health, Education, and Wel-  
14 fare” and inserting “Health and Human Services”.

15 (2) Section 501 (33 U.S.C. 1361) is amended—

16 (A) by striking subsection (e); and

17 (B) by redesignating subsection (f) as sub-  
18 section (e).

19 **SEC. 607. NATIONAL ESTUARY PROGRAM.**

20 Section 320 (33 U.S.C. 1130) is amended—

21 (1) in subsection (g)(2), by inserting “and im-  
22 plementation” after “development”; and

23 (2) in subsection (i), by striking “1987, 1988,  
24 1989, 1990, and 1991” and inserting “1987  
25 through 2000”.



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