

(e) Identification of jurisdictional agencies

With respect to the development of each water resources project, the Secretary shall identify, as soon as practicable, all Federal, State, and local government agencies and Indian tribes that may—

- (1) have jurisdiction over the project;
- (2) be required by law to conduct or issue a review, analysis, or opinion for the project; or
- (3) be required to make a determination on issuing a permit, license, or approval for the project.

(f) State authority

If the coordinated review process is being implemented under this section by the Secretary with respect to the development of a water resources project described in subsection (b) within the boundaries of a State, the State, consistent with State law, may choose to participate in the process and to make subject to the process all State agencies that—

- (1) have jurisdiction over the project;
- (2) are required to conduct or issue a review, analysis, or opinion for the project; or
- (3) are required to make a determination on issuing a permit, license, or approval for the project.

(g) Memorandum of understanding

The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a water resources project between the Secretary, the heads of Federal, State, and local government agencies, Indian tribes identified under subsection (e), and the non-Federal interest for the project.

(h) Effect of failure to meet deadline**(1) Notification**

If the Secretary determines that a Federal, State, or local government agency, Indian tribe, or non-Federal interest that is participating in the coordinated review process under this section with respect to the development of a water resources project has not met a deadline established under subsection (d) for the project, the Secretary shall notify, within 30 days of the date of such determination, the agency, Indian tribe, or non-Federal interest about the failure to meet the deadline.

(2) Agency report

Not later than 30 days after the date of receipt of a notice under paragraph (1), the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved may submit a report to the Secretary, explaining why the agency, Indian tribe, or non-Federal interest did not meet the deadline and what actions it intends to take to complete or issue the required review, analysis, or opinion or determination on issuing a permit, license, or approval.

(3) Report to Congress

Not later than 30 days after the date of receipt of a report under paragraph (2), the Secretary shall compile and submit a report to the Committee on Transportation and Infrastructure of the House of Representatives, the

Committee on Environment and Public Works of the Senate, and the Council on Environmental Quality, describing any deadlines identified in paragraph (1), and any information provided to the Secretary by the Federal, State, or local government agency, Indian tribe, or non-Federal interest involved under paragraph (2).

(i) Limitations

Nothing in this section shall preempt or interfere with—

- (1) any statutory requirement for seeking public comment;
- (2) any power, jurisdiction, or authority that a Federal, State, or local government agency, Indian tribe, or non-Federal interest has with respect to carrying out a water resources project; or
- (3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and the regulations issued by the Council on Environmental Quality to carry out such Act.

(Pub. L. 110–114, title II, §2045, Nov. 8, 2007, 121 Stat. 1103.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsecs. (b) and (i)(3), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110–114, set out as a note under section 2201 of this title.

CHAPTER 37—ORGANOTIN ANTIFOULING PAINT CONTROL**§§ 2401 to 2410. Repealed. Pub. L. 111–281, title X, § 1048, Oct. 15, 2010, 124 Stat. 3032**

Section 2401, Pub. L. 100–333, §2, June 16, 1988, 102 Stat. 605, provided findings and purposes for chapter.

Section 2402, Pub. L. 100–333, §3, June 16, 1988, 102 Stat. 605, provided definitions for chapter.

Section 2403, Pub. L. 100–333, §4, June 16, 1988, 102 Stat. 606, prohibited, with exceptions, application of antifouling paint containing organotin to any vessel less than 25 meters in length.

Section 2404, Pub. L. 100–333, §5, June 16, 1988, 102 Stat. 606, prohibited certain organotin paints and additives.

Section 2405, Pub. L. 100–333, §6, June 16, 1988, 102 Stat. 607, related to certification of antifouling paints containing organotin.

Section 2406, Pub. L. 100–333, §7, June 16, 1988, 102 Stat. 607; Pub. L. 104–106, div. A, title X, §1064(f), Feb. 10, 1996, 110 Stat. 445, related to monitoring and research of ecological effects.

Section 2407, Pub. L. 100–333, §8, June 16, 1988, 102 Stat. 608, provided for alternative antifouling research.

Section 2408, Pub. L. 100–333, §9, June 16, 1988, 102 Stat. 608, related to issuance of a final water quality criteria document.

Section 2409, Pub. L. 100-333, §10, June 16, 1988, 102 Stat. 608, provided for civil and criminal penalties for violations of certain sections of chapter.

Section 2410, Pub. L. 100-333, §11, June 16, 1988, 102 Stat. 608, related to other authorities and State laws.

EFFECTIVE DATE; USE OF EXISTING STOCKS

Pub. L. 100-333, §12, June 16, 1988, 102 Stat. 609, which provided that this chapter would take effect on June 16, 1988, and provided for a limited amount of time after that date to sell and use existing stocks of organotin paints and additives, was repealed by Pub. L. 111-281, title X, §1048, Oct. 15, 2010, 124 Stat. 3032.

SHORT TITLE

Pub. L. 100-333, §1, June 16, 1988, 102 Stat. 605, which provided that this chapter could be cited as the "Organotin Antifouling Paint Control Act of 1988", was repealed by Pub. L. 111-281, title X, §1048, Oct. 15, 2010, 124 Stat. 3032.

CHAPTER 38—DUMPING OF MEDICAL WASTE BY PUBLIC VESSELS

Sec.	
2501.	Findings.
2502.	Definitions.
2503.	Prohibition.
2504.	Guidance.

§ 2501. Findings

The Congress finds the following:

(1) The washing ashore of potentially infectious medical wastes from public vessels of the United States may pose serious and widespread risks to public health and to the welfare of coastal communities.

(2) Current Federal law provides inadequate protections against the disposal of such wastes from such vessels into ocean waters.

(3) Operators of such vessels must take immediate action to stop disposing of such wastes into ocean waters.

(Pub. L. 100-688, title III, §3102, Nov. 18, 1988, 102 Stat. 4152.)

SHORT TITLE

Section 3101 of subtitle A [§§3101-3105] of title III of Pub. L. 100-688 provided that: "This subtitle [enacting this chapter] may be cited as the 'United States Public Vessel Medical Waste Anti-Dumping Act of 1988'."

§ 2502. Definitions

For the purposes of this chapter:

(1) Potentially infectious medical waste

The term "potentially infectious medical waste" includes isolation wastes; infectious agents; human blood and blood products; pathological wastes; sharps; body parts; contaminated bedding; surgical wastes; and other disposable medical equipment and material that may pose a risk to the public health, welfare or the marine environment.

(2) Public vessel

The term "public vessel" means a vessel of any type whatsoever (including hydrofoils, air-cushion vehicles, submersibles, floating craft whether propelled or not, and fixed or floating platforms) that is owned, or demise chartered, and operated by the United States Government, and is not engaged in commercial service.

(Pub. L. 100-688, title III, §3103, Nov. 18, 1988, 102 Stat. 4152.)

§ 2503. Prohibition

After 6 months after November 18, 1988, no public vessel shall dispose of potentially infectious medical waste into ocean waters unless—

(1)(A) the health or safety of individuals on board the vessel is threatened; or

(B) during time of war or a declared national emergency;

(2) the waste is disposed of beyond 50 nautical miles from the nearest land; and

(3)(A) in the case of a public vessel which is not a submersible, the waste is sterilized, properly packaged, and sufficiently weighted to prevent the waste from coming ashore after disposal; and

(B) in the case of a public vessel which is a submersible, the waste is properly packaged and sufficiently weighted to prevent the waste from coming ashore after disposal.

(Pub. L. 100-688, title III, §3104, Nov. 18, 1988, 102 Stat. 4152.)

§ 2504. Guidance

Not later than 3 months after November 18, 1988, the Secretary of Defense and the head of each affected agency, in consultation with the Administrator of the Environmental Protection Agency, shall each issue guidance for public vessels under the jurisdiction of their agency regarding implementation of section 2503 of this title.

(Pub. L. 100-688, title III, §3105, Nov. 18, 1988, 102 Stat. 4153.)

CHAPTER 39—SHORE PROTECTION FROM MUNICIPAL OR COMMERCIAL WASTE

SUBCHAPTER I—SHORE PROTECTION

Sec.	
2601.	Definitions.
2602.	Vessel permits and numbers.
2603.	Waste handling practices.
2604.	Suspension, revocation, and injunctions.
2605.	Enforcement.
2606.	Subpena authority.
2607.	Fees.
2608.	Civil penalty procedures.
2609.	Penalties.

SUBCHAPTER II—RELATED PROVISIONS

2621.	Study and recommendations.
2622.	Relation to other laws.
2623.	Authorization of appropriations.

SUBCHAPTER I—SHORE PROTECTION

§ 2601. Definitions

In this chapter—

(1) "Administrator" means the Administrator of the Environmental Protection Agency.

(2) "coastal waters" means—

(A) the territorial sea of the United States;

(B) the Great Lakes and their connecting waters;

(C) the marine and estuarine waters of the United States up to the head of tidal influence; and