

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

“(A) establish and implement a fisheries resources restoration, development and conservation program, including dedicating a level of hatchery production within the Lake Champlain basin at or above the level that existed immediately preceding the date of enactment of this Act [Nov. 16, 1990]; and

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

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

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

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

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

“(A) controlling sea lampreys and other non-indigenous aquatic animal nuisances;

“(B) improving the health of fishery resources;

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

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

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

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

§ 1271. Sediment survey and monitoring

(a) Survey

(1) In general

The Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Secretary, shall conduct a comprehensive national survey of data regarding aquatic sediment quality in the United States. The Administrator shall compile all existing information on the quantity, chemical and physical composition, and geographic location of pollutants in aquatic sediment, including the probable source of such pollutants and identification of those sediments which are contaminated pursuant to section 501(b)(4).¹

(2) Report

Not later than 24 months after October 31, 1992, the Administrator shall report to the Congress the findings, conclusions, and recommendations of such survey, including recommendations for actions necessary to prevent contamination of aquatic sediments and to control sources of contamination.

¹ See References in Text note below.

(b) Monitoring

(1) In general

The Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Secretary, shall conduct a comprehensive and continuing program to assess aquatic sediment quality. The program conducted pursuant to this subsection shall, at a minimum—

(A) identify the location of pollutants in aquatic sediment;

(B) identify the extent of pollutants in sediment and those sediments which are contaminated pursuant to section 501(b)(4);¹

(C) establish methods and protocols for monitoring the physical, chemical, and biological effects of pollutants in aquatic sediment and of contaminated sediment;

(D) develop a system for the management, storage, and dissemination of data concerning aquatic sediment quality;

(E) provide an assessment of aquatic sediment quality trends over time;

(F) identify locations where pollutants in sediment may pose a threat to the quality of drinking water supplies, fisheries resources, and marine habitats; and

(G) establish a clearing house for information on technology, methods, and practices available for the remediation, decontamination, and control of sediment contamination.

(2) Report

The Administrator shall submit to Congress a report on the findings of the monitoring under paragraph (1) on the date that is 2 years after the date specified in subsection (a)(2) and biennially thereafter.

(Pub. L. 102-580, title V, § 503, Oct. 31, 1992, 106 Stat. 4865.)

REFERENCES IN TEXT

Section 501(b)(4), referred to in subsecs. (a)(1) and (b)(1)(B), means section 501(b)(4) of Pub. L. 102-580, which is set out below.

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1992 and also as part of the National Contaminated Sediment Assessment and Management Act, and not as part of the Federal Water Pollution Control Act which comprises this chapter.

AVAILABILITY OF CONTAMINATED SEDIMENTS INFORMATION

Pub. L. 102-580, title III, § 327, Oct. 31, 1992, 106 Stat. 4851, directed Secretary to conduct national study on information that was currently available on contaminated sediments of surface waters of United States and compile information obtained for the purpose of identifying location and nature of contaminated sediments and, not later than 1 year after Oct. 31, 1992, to transmit to Congress a report on the results of the study.

NATIONAL CONTAMINATED SEDIMENT ASSESSMENT AND MANAGEMENT; SHORT TITLE; DEFINITIONS; TASK FORCE

Pub. L. 102-580, title V, §§ 501, 502, Oct. 31, 1992, 106 Stat. 4864, provided that:

“SEC. 501. SHORT TITLE AND DEFINITIONS.

“(a) SHORT TITLE.—This title [enacting this section, amending sections 1412 to 1416, 1420, and 1421 of this

title, and enacting provisions set out below] may be cited as the ‘National Contaminated Sediment Assessment and Management Act’.

“(b) DEFINITIONS.—For the purposes of sections 502 and 503 of this title [enacting this section and provisions set out below]—

“(1) the term ‘aquatic sediment’ means sediment underlying the navigable waters of the United States;

“(2) the term ‘navigable waters’ has the same meaning as in section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7));

“(3) the term ‘pollutant’ has the same meaning as in section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)); except that such term does not include dredge spoil, rock, sand, or cellar dirt;

“(4) the term ‘contaminated sediment’ means aquatic sediment which—

“(A) contains chemical substances in excess of appropriate geochemical, toxicological or sediment quality criteria or measures; or

“(B) is otherwise considered by the Administrator to pose a threat to human health or the environment; and

“(5) the term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“SEC. 502. NATIONAL CONTAMINATED SEDIMENT TASK FORCE.

“(a) ESTABLISHMENT.—There is established a National Contaminated Sediment Task Force (hereinafter referred to in this section as the ‘Task Force’). The Task Force shall—

“(1) advise the Administrator and the Secretary in the implementation of this title;

“(2) review and comment on reports concerning aquatic sediment quality and the extent and seriousness of aquatic sediment contamination throughout the Nation;

“(3) review and comment on programs for the research and development of aquatic sediment restoration methods, practices, and technologies;

“(4) review and comment on the selection of pollutants for development of aquatic sediment criteria and the schedule for the development of such criteria;

“(5) advise appropriate officials in the development of guidelines for restoration of contaminated sediment;

“(6) make recommendations to appropriate officials concerning practices and measures—

“(A) to prevent the contamination of aquatic sediments; and

“(B) to control sources of sediment contamination; and

“(7) review and assess the means and methods for locating and constructing permanent, cost-effective long-term disposal sites for the disposal of dredged material that is not suitable for ocean dumping (as determined under the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) [also 16 U.S.C. 1431 et seq., 1447 et seq.; 33 U.S.C. 2801 et seq.]).

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The membership of the Task Force shall include 1 representative of each of the following:

“(A) The Administrator.

“(B) The Secretary.

“(C) The National Oceanic and Atmospheric Administration.

“(D) The United States Fish and Wildlife Service.

“(E) The Geological Survey [now United States Geological Survey].

“(F) The Department of Agriculture.

“(2) ADDITIONAL MEMBERS.—Additional members of the Task Force shall be jointly selected by the Administrator and the Secretary, and shall include—

“(A) not more than 3 representatives of States;

“(B) not more than 3 representatives of ports, agriculture, and manufacturing; and

“(C) not more than 3 representatives of public interest organizations with a demonstrated interest in aquatic sediment contamination.

“(3) COCHAIRMEN.—The Administrator and the Secretary shall serve as cochairmen of the Task Force.

“(4) CLERICAL AND TECHNICAL ASSISTANCE.—Such clerical and technical assistance as may be necessary to discharge the duties of the Task Force shall be provided by the personnel of the Environmental Protection Agency and the Army Corps of Engineers.

“(5) COMPENSATION FOR ADDITIONAL MEMBERS.—The additional members of the Task Force selected under paragraph (2) shall, while attending meetings or conferences of the Task Force, be compensated at a rate to be fixed by the cochairmen, but not to exceed the daily equivalent of the base rate of pay in effect for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Task Force. While away from their homes or regular places of business in the performance of services for the Task Force, such members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

“(c) REPORT.—Within 2 years after the date of the enactment of this Act [Oct. 31, 1992], the Task Force shall submit to Congress a report stating the findings and recommendations of the Task Force.”

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 102-580, title V, §509(b), Oct. 31, 1992, 106 Stat. 4870, provided that: “There is authorized to be appropriated to the Administrator to carry out sections 502 and 503 [enacting this section and provisions set out above] such sums as may be necessary.”

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 3 of Pub. L. 102-580, set out as a note under section 2201 of this title.

§ 1271a. Research and development program

(a) In general

In coordination with other Federal, State, and local officials, the Administrator of the Environmental Protection Agency may conduct research on the development and use of innovative approaches, technologies, and techniques for the remediation of sediment contamination in areas of concern that are located wholly or partially in the United States.

(b) Authorization of appropriations

(1) In general

In addition to any amounts authorized under other provisions of law, there is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2004 through 2010.

(2) Availability

Funds appropriated under paragraph (1) shall remain available until expended.

(Pub. L. 107-303, title I, §106, Nov. 27, 2002, 116 Stat. 2358; Pub. L. 110-365, §4, Oct. 8, 2008, 122 Stat. 4023.)

CODIFICATION

Section was enacted as part of the Great Lakes Legacy Act of 2002, and also as part of the Great Lakes and Lake Champlain Act of 2002, and not as part of the Federal Water Pollution Control Act which comprises this chapter.

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-365 added par. (1) and struck out former par. (1). Prior to amendment, text