

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.

Statutory Notes and Related Subsidiaries

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 of 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.)

Editorial Notes

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 read as follows: “In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2004 through 2008.”

§ 1272. Environmental dredging

(a) Operation and maintenance of navigation projects

Whenever necessary to meet the requirements of the Federal Water Pollution Control Act [33 U.S.C. 1251 et seq.], the Secretary, in consultation with the Administrator of the Environmental Protection Agency, may remove and remediate, as part of operation and maintenance of a navigation project, contaminated sediments outside the boundaries of and adjacent to the navigation channel.

(b) Nonproject specific

(1) In general

The Secretary may remove and remediate contaminated sediments from the navigable waters of the United States for the purpose of environmental enhancement and water quality improvement if such removal and remediation is requested by a non-Federal sponsor and the sponsor agrees to pay 35 percent of the cost of such removal and remediation.

(2) Maximum amount

The Secretary may not expend more than \$50,000,000 in a fiscal year to carry out this subsection.

(c) Joint plan requirement

The Secretary may only remove and remediate contaminated sediments under subsection (b) in accordance with a joint plan developed by the Secretary and interested Federal, State, and local government officials. Such plan must in-

clude an opportunity for public comment, a description of the work to be undertaken, the method to be used for dredged material disposal, the roles and responsibilities of the Secretary and non-Federal sponsors, and identification of sources of funding.

(d) Disposal costs

Costs of disposal of contaminated sediments removed under this section shall be a¹ shared as a cost of construction.

(e) Limitation on statutory construction

Nothing in this section shall be construed to affect the rights and responsibilities of any person under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. 9601 et seq.].

(f) Priority work

In carrying out this section, the Secretary shall give priority to work in the following areas:

- (1) Brooklyn Waterfront, New York.
- (2) Buffalo Harbor and River, New York.
- (3) Ashtabula River, Ohio.
- (4) Mahoning River, Ohio.
- (5) Lower Fox River, Wisconsin.
- (6) Passaic River and Newark Bay, New Jersey.
- (7) Snake Creek, Bixby, Oklahoma.
- (8) Willamette River, Oregon.

(g) Nonprofit entities

Notwithstanding section 1962d-5b of title 42, for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(Pub. L. 101-640, title III, §312, Nov. 28, 1990, 104 Stat. 4639; Pub. L. 104-303, title II, §205, Oct. 12, 1996, 110 Stat. 3679; Pub. L. 106-53, title II, §224, Aug. 17, 1999, 113 Stat. 297; Pub. L. 106-541, title II, §210(a), Dec. 11, 2000, 114 Stat. 2592.)

Editorial Notes

REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in subsec. (a), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to this chapter (§1251 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, referred to in subsec. (e), is Pub. L. 96-510, Dec. 11, 1980, 94 Stat. 2767, as amended, which is classified principally to chapter 103 (§9601 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 9601 of Title 42 and Tables.

CODIFICATION

Section was formerly set out as a note under section 1252 of this title.

Section was enacted as part of the Water Resources Development Act of 1990, and not as part of the Federal Water Pollution Control Act which comprises this chapter.

AMENDMENTS

2000—Subsec. (g). Pub. L. 106-541 added subsec. (g).

¹ So in original. The word “a” probably should not appear.