

87-88, §§1(b)-(d), 6(a), (b), 75 Stat. 204, 207; renumbered §9, Oct. 2, 1965, Pub. L. 89-234, §2(a), 79 Stat. 903; 1966 Reorg. Plan No. 2, eff. May 10, 1966, §1(a), (c)(1), (2), 31 F.R. 6857, 80 Stat. 1608, which provided for a Water Pollution Control Advisory Board, was transferred to section 1159 of this title.

Section 466g, acts June 30, 1948, ch. 758, §10, formerly §8, 62 Stat. 1159; July 17, 1952, ch. 927, 66 Stat. 755; July 9, 1956, ch. 518, §1, 70 Stat. 504; July 20, 1961, Pub. L. 87-88, §§1(b), 7, 75 Stat. 204, 207; renumbered §10 and amended Oct. 2, 1965, Pub. L. 89-234, §§2(a), 5, 7(c), (d), 79 Stat. 903, 907, 910; 1966 Reorg. Plan No. 2, eff. May 10, 1966, §1(a), (d)(1), (2), 31 F.R. 6857, 80 Stat. 1608; Nov. 3, 1966, Pub. L. 89-753, title II, §§206-208, 80 Stat. 1250; Apr. 3, 1970, Pub. L. 91-224, title I, §112, 84 Stat. 114, which provided for enforcement measures against pollution of interstate or navigable waters, was transferred to section 1160 of this title.

§ 466g-1. Controversies involving construction or application of interstate compacts and pollution of waters

(a) Jurisdiction of actions by States

The United States district courts shall have original jurisdiction (concurrent with that of the Supreme Court of the United States, and concurrent with that of any other court of the United States or of any State of the United States in matters in which the Supreme Court, or any other court, has original jurisdiction) of any case or controversy—

(1) which involves the construction or application of an interstate compact which (A) in whole or in part relates to the pollution of the waters of an interstate river system or any portion thereof, and (B) expresses the consent of the States signatory to said compact to be sued in a district court in any case or controversy involving the application or construction thereof; and

(2) which involves pollution of the waters of such river system, or any portion thereof, alleged to be in violation of the provisions of said compact; and

(3) in which one or more of the States signatory to said compact is a plaintiff or plaintiffs; and

(4) which is within the judicial power of the United States as set forth in the Constitution of the United States.

(b) Amount in controversy; residence, situs or citizenship; nature, character, or legal status of parties

The district courts shall have original jurisdiction of a case or controversy such as is referred to in subsection (a) of this section, without any requirement, limitation, or regard as to the sum or value of the matter in controversy, or of the place of residence or situs or citizenship, or of the nature, character, or legal status, of any of the proper parties plaintiff or defendant in said case or controversy other than the signatory State or States plaintiff or plaintiffs referred to in paragraph (3) of subsection (a) of this section: *Provided*, That nothing in this section shall be construed as authorizing a State to sue its own citizens in said courts.

(c) Suits between States signatory to interstate compact

The original jurisdiction conferred upon the district courts by this section shall include, but

not be limited to, suits between States signatory to such interstate compact: *Provided*, That nothing in this section shall be construed as authorizing a State to sue another State which is not a signatory to such compact in said courts.

(d) Venue

The venue of such case or controversy shall be as prescribed by law: *Provided*, That in addition thereto, such case or controversy may be brought in in any judicial district in which the acts of pollution complained of, or any portion thereof, occur, regardless of the place or places of residence, or situs, of any of the parties plaintiff or defendant.

(Pub. L. 87-830, §1, Oct. 15, 1962, 76 Stat. 957.)

Statutory Notes and Related Subsidiaries

SEPARABILITY

Pub. L. 87-830, §2, Oct. 15, 1962, 76 Stat. 957, provided that: "If any part or application of this Act [this section] should be declared invalid by a court of competent jurisdiction, said invalidity shall not affect the other parts, or the other applications, of said Act."

§§ 466h to 466l. Transferred

Editorial Notes

CODIFICATION

Sections 466h to 466l of this title were transferred to sections 1171 to 1175 of this title and were subsequently omitted in the general amendment of the Federal Water Pollution Control Act by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816. See section 1251 et seq. of this title.

Section 466h, acts June 30, 1948, ch. 758, §21, formerly §9, 62 Stat. 1160; July 9, 1956, ch. 518, §1, 70 Stat. 506; July 20, 1961, Pub. L. 87-88, §8, 75 Stat. 210; renumbered §11 and amended Oct. 2, 1965, Pub. L. 89-234, §§2(a), 7(e), 79 Stat. 903, 910; 1966 Reorg. Plan No. 2, eff. May 10, 1966, §1(a), 31 F.R. 6857, 80 Stat. 1608; renumbered §21 and amended Apr. 3, 1970, Pub. L. 91-224, title I, §§102, 103, 84 Stat. 91, 107, which provided for cooperation by all Federal agencies in pollution control, was transferred to section 1171 of this title.

Section 466i, acts June 30, 1948, ch. 758, §22, formerly §10, 62 Stat. 1160; July 9, 1956, ch. 518, §1, 70 Stat. 506; July 20, 1961, Pub. L. 87-88, §1(b), (d), (e), 75 Stat. 204; renumbered §12 and amended Oct. 2, 1965, Pub. L. 89-234, §§2(a), 6, 79 Stat. 903, 909; 1966 Reorg. Plan No. 2, eff. May 10, 1966, §1(a), 31 F.R. 6857, 80 Stat. 1608; renumbered §22 and amended Apr. 3, 1970, Pub. L. 91-224, title I, §§102, 104, 84 Stat. 91, 110, which provided for rules and regulations, was transferred to section 1172 of this title.

Section 466j, acts June 30, 1948, ch. 758, §23, formerly §11, 62 Stat. 1161; July 9, 1956, ch. 518, §1, 70 Stat. 506; June 25, 1959, Pub. L. 86-70, §28(b), 73 Stat. 148; July 12, 1960, Pub. L. 86-624, §23(b), 74 Stat. 418; July 20, 1961, Pub. L. 87-88, §9, 75 Stat. 210; renumbered §13, Oct. 2, 1965, Pub. L. 89-234, §2(a), 79 Stat. 903; Nov. 3, 1966, Pub. L. 89-753, title II, §209, 80 Stat. 1251; renumbered §23, Apr. 3, 1970, Pub. L. 91-224, title I, §102, 84 Stat. 91, which related to definitions, was transferred to section 1173 of this title.

Section 466k, act June 30, 1948, ch. 758, §24, formerly §12, as added July 9, 1956, ch. 518, §1, 70 Stat. 506; renumbered §14, Oct. 2, 1965, Pub. L. 89-234, §2(a), 79 Stat. 903; renumbered §24 and amended Apr. 3, 1970, Pub. L. 91-224, title I, §§102, 107, 84 Stat. 91, 113, which related to application of other laws, was transferred to section 1174 of this title.

Section 466l, act June 30, 1948, ch. 758, §26, formerly §16, as added Nov. 3, 1966, Pub. L. 89-753, title II, §210, 80 Stat. 1252; renumbered §26, Apr. 3, 1970, Pub. L.

91-224, title I, §102, 84 Stat. 91, which provided for studies and analysis of costs estimates and reports to Congress, was transferred to section 1175 of this title.

§§ 466m, 466n. Repealed. Pub. L. 91-224, title I, § 102, Apr. 3, 1970, 84 Stat. 91

Section 466m, act June 30, 1948, ch. 758, §17, as added Nov. 3, 1966, Pub. L. 89-753, title II, §210, 80 Stat. 1252, authorized a study by Secretary of the Interior, and a report to Congress not later than July 1, 1967, of the extent of pollution of the navigable waters of the United States from litter and sewage deposited into such waters from watercraft.

Section 466n, act June 30, 1948, ch. 758, §18, as added Nov. 3, 1966, Pub. L. 89-753, title II, §210, 80 Stat. 1252, authorized a study by Secretary of the Interior, and a report to Congress not later than Jan. 30, 1968, relating to incentives, including, but not limited to, tax and other financial incentives, to assist in the construction of industrial anti-pollution facilities.

SUBCHAPTER VII—DAM INSPECTION PROGRAM

§ 467. Definitions

In this subchapter, the following definitions apply:

(1) Administrator

The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) Board

The term “Board” means a National Dam Safety Review Board established under section 467f(f) of this title.

(3) Dam

The term “dam”—

(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

(i) is 25 feet or more in height from—

(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

to the maximum water storage elevation; or

(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

(B) does not include—

(i) a levee; or

(ii) a barrier described in subparagraph

(A) that—

(I) is 6 feet or less in height regardless of storage capacity; or

(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Administrator).

(4) Eligible high hazard potential dam

(A) In general

The term “eligible high hazard potential dam” means a non-Federal dam that—

(i) is located in a State with a State dam safety program;

(ii) is classified as “high hazard potential” by the State dam safety agency in the State in which the dam is located;

(iii) has an emergency action plan that—

(I) is approved by the relevant State dam safety agency; or

(II) is in conformance with State law and pending approval by the relevant State dam safety agency;

(iv) fails to meet minimum dam safety standards of the State in which the dam is located, as determined by the State; and

(v) poses an unacceptable risk to the public, as determined by the Administrator, in consultation with the Board.

(B) Exclusion

The term “eligible high hazard potential dam” does not include—

(i) a licensed hydroelectric dam under a hydropower project with an authorized installed capacity of greater than 1.5 megawatts; or

(ii) a dam built under the authority of the Secretary of Agriculture.

(5) Federal agency

The term “Federal agency” means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

(6) Federal Guidelines for Dam Safety

The term “Federal Guidelines for Dam Safety” means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

(7) FEMA

The term “FEMA” means the Federal Emergency Management Agency.

(8) Hazard reduction

The term “hazard reduction” means the reduction in the potential consequences to life and property of dam failure.

(9) ICODS

The term “ICODS” means the Interagency Committee on Dam Safety established by section 467e of this title.

(10) Eligible subrecipient

The term “eligible subrecipient”, in the case of a project receiving assistance under section 467f-2 of this title, includes—

(A) a governmental organization; and

(B) a nonprofit organization.

(11) Program

The term “Program” means the national dam safety program established under section 467f of this title.

(12) Rehabilitation

The term “rehabilitation” means the repair, replacement, reconstruction, or removal of a