

AMENDMENTS

2012—Subsec. (d). Pub. L. 112-237, §1(1), inserted “to pay not more than 75 percent of the costs” after “make grants” in introductory provisions.

Subsec. (f)(1). Pub. L. 112-237, §1(2), substituted “2012 and the amount appropriated for fiscal year 2009 for each of fiscal years 2013 through 2017” for “2011”.

2006—Subsec. (f)(1). Pub. L. 109-392 substituted “2011” for “2005”.

Statutory Notes and Related Subsidiaries

MANAGEMENT CONFERENCE

Pub. L. 110-114, title V, §5084, Nov. 8, 2007, 121 Stat. 1228, provided that: “For purposes of carrying out section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1273), the Lake Pontchartrain, Louisiana, basin stakeholders conference convened by the Environmental Protection Agency, National Oceanic and Atmospheric Administration, and United States Geological Survey on February 25, 2002, shall be treated as being a management conference convened under section 320 of such Act (33 U.S.C. 1330).”

§ 1274. Watershed pilot projects**(a) In general**

The Administrator, in coordination with the States, may provide technical assistance and grants to a municipality or municipal entity to carry out pilot projects relating to the following areas:

(1) Watershed management of wet weather discharges

The management of municipal combined sewer overflows, sanitary sewer overflows, and stormwater discharges, on an integrated watershed or subwatershed basis for the purpose of demonstrating the effectiveness of a unified wet weather approach.

(2) Stormwater best management practices

The control of pollutants from municipal separate storm sewer systems for the purpose of demonstrating and determining controls that are cost-effective and that use innovative technologies to manage, reduce, treat, recapture, or reuse municipal stormwater, including techniques that utilize infiltration, evapotranspiration, and reuse of stormwater onsite.

(3) Watershed partnerships

Efforts of municipalities and property owners to demonstrate cooperative ways to address nonpoint sources of pollution to reduce adverse impacts on water quality.

(4) Integrated water resource plan

The development of an integrated water resource plan for the coordinated management and protection of surface water, ground water, and stormwater resources on a watershed or subwatershed basis to meet the objectives, goals, and policies of this chapter.

(5) Municipality-wide stormwater management planning

The development of a municipality-wide plan that identifies the most effective placement of stormwater technologies and management approaches, to reduce water quality impairments from stormwater on a municipality-wide basis.

(6) Increased resilience of treatment works

Efforts to assess future risks and vulnerabilities of publicly owned treatment works to manmade or natural disasters, including extreme weather events and sea-level rise, and to carry out measures, on a system-wide or area-wide basis, to increase the resiliency of publicly owned treatment works.

(b) Administration

The Administrator, in coordination with the States, shall provide municipalities participating in a pilot project under this section the ability to engage in innovative practices, including the ability to unify separate wet weather control efforts under a single permit.

(c) Report to Congress

Not later than October 1, 2015, the Administrator shall transmit to Congress a report on the results of the pilot projects conducted under this section and their possible application nationwide.

(June 30, 1948, ch. 758, title I, §122, formerly §121, as added Pub. L. 106-554, §1(a)(4) [div. B, title I, §112(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-225; renumbered §122, Pub. L. 109-392, §2, Dec. 12, 2006, 120 Stat. 2703; amended Pub. L. 113-121, title V, §5011, June 10, 2014, 128 Stat. 1327.)

Editorial Notes

AMENDMENTS

2014—Pub. L. 113-121, §5011(1), struck out “Wet weather” before “Watershed” in section catchline.

Subsec. (a). Pub. L. 113-121, §5011(2)(A), in introductory provisions, substituted “to a municipality or municipal entity” for “for treatment works” and struck out “of wet weather discharge control” after “the following areas”.

Subsec. (a)(2). Pub. L. 113-121, §5011(2)(B), substituted “to manage, reduce, treat, recapture, or reuse municipal stormwater, including techniques that utilize infiltration, evapotranspiration, and reuse of stormwater onsite” for “in reducing such pollutants from stormwater discharges”.

Subsec. (a)(3) to (6). Pub. L. 113-121, §5011(2)(C), added pars. (3) to (6).

Subsecs. (c), (d). Pub. L. 113-121, §5011(3)-(5), redesignated subsec. (d) as (c), substituted “October 1, 2015,” for “5 years after December 21, 2000,” and struck out former subsec. (c) which authorized appropriations to carry out this section.

§ 1275. Columbia River Basin Restoration**(a) Definitions**

In this section, the following definitions apply:

(1) Columbia River Basin

The term “Columbia River Basin” means the entire United States portion of the Columbia River watershed.

(2) Estuary Partnership

The term “Estuary Partnership” means the Lower Columbia Estuary Partnership, an entity created by the States of Oregon and Washington and the Environmental Protection Agency under section 1330 of this title.

(3) Estuary Plan**(A) In general**

The term “Estuary Plan” means the Estuary Partnership Comprehensive Conserva-

tion and Management Plan adopted by the Environmental Protection Agency and the Governors of Oregon and Washington on October 20, 1999, under section 1330 of this title.

(B) Inclusion

The term “Estuary Plan” includes any amendments to the plan.

(4) Lower Columbia River Estuary

The term “Lower Columbia River Estuary” means the mainstem Columbia River from the Bonneville Dam to the Pacific Ocean and tidally influenced portions of tributaries to the Columbia River in that region.

(5) Middle and Upper Columbia River Basin

The term “Middle and Upper Columbia River Basin” means the region consisting of the United States portion of the Columbia River Basin above Bonneville Dam.

(6) Program

The term “Program” means the Columbia River Basin Restoration Program established under subsection (b)(1)(A).

(b) Columbia River Basin Restoration Program

(1) Establishment

(A) In general

The Administrator shall establish within the Environmental Protection Agency a Columbia River Basin Restoration Program.

(B) Effect

(i) The establishment of the Program does not modify any legal or regulatory authority or program in effect as of December 16, 2016, including the roles of Federal agencies in the Columbia River Basin.

(ii) This section does not create any new regulatory authority.

(2) Scope of Program

The Program shall consist of a collaborative stakeholder-based program for environmental protection and restoration activities throughout the Columbia River Basin.

(3) Duties

The Administrator shall—

(A) assess trends in water quality, including trends that affect uses of the water of the Columbia River Basin;

(B) collect, characterize, and assess data on water quality to identify possible causes of environmental problems; and

(C) provide grants in accordance with subsection (d) for projects that assist in—

(i) eliminating or reducing pollution;

(ii) cleaning up contaminated sites;

(iii) improving water quality;

(iv) monitoring to evaluate trends;

(v) reducing runoff;

(vi) protecting habitat; or

(vii) promoting citizen engagement or knowledge.

(c) Stakeholder Working Group

(1) Establishment

The Administrator shall establish a Columbia River Basin Restoration Working Group (referred to in this subsection as the “Working Group”).

(2) Membership

(A) In general

Membership in the Working Group shall be on a voluntary basis and any person invited by the Administrator under this subsection may decline membership.

(B) Invited representatives

The Administrator shall invite, at a minimum, representatives of—

(i) each State located in whole or in part in the Columbia River Basin;

(ii) the Governors of each State located in whole or in part in the Columbia River Basin;

(iii) each federally recognized Indian tribe in the Columbia River Basin;

(iv) local governments in the Columbia River Basin;

(v) industries operating in the Columbia River Basin that affect or could affect water quality;

(vi) electric, water, and wastewater utilities operating in the Columbia¹ River Basin;

(vii) private landowners in the Columbia River Basin;

(viii) soil and water conservation districts in the Columbia River Basin;

(ix) nongovernmental organizations that have a presence in the Columbia River Basin;

(x) the general public in the Columbia River Basin; and

(xi) the Estuary Partnership.

(3) Geographic representation

The Working Group shall include representatives from—

(A) each State located in whole or in part in the Columbia River Basin; and

(B) each of the lower, middle, and upper basins of the Columbia River.

(4) Duties and responsibilities

The Working Group shall—

(A) recommend and prioritize projects and actions; and

(B) review the progress and effectiveness of projects and actions implemented.

(5) Lower Columbia River Estuary

(A) Estuary Partnership

The Estuary Partnership shall perform the duties and fulfill the responsibilities of the Working Group described in paragraph (4) as those duties and responsibilities relate to the Lower Columbia River Estuary for such time as the Estuary Partnership is the management conference for the Lower Columbia River National Estuary Program under section 1330 of this title.

(B) Designation

If the Estuary Partnership ceases to be the management conference for the Lower Columbia River National Estuary Program under section 1330 of this title, the Administrator may designate the new management conference to assume the duties and respon-

¹ So in original. Probably should be “Columbia”.

sibilities of the Working Group described in paragraph (4) as those duties and responsibilities relate to the Lower Columbia River Estuary.

(C) Incorporation

If the Estuary Partnership is removed from the National Estuary Program, the duties and responsibilities for the lower 146 miles of the Columbia River pursuant to this section shall be incorporated into the duties of the Working Group.

(d) Grants

(1) In general

The Administrator shall establish a voluntary, competitive Columbia River Basin program to provide grants to State governments, tribal governments, regional water pollution control agencies and entities, local government entities, nongovernmental entities, or soil and water conservation districts to develop or implement projects authorized under this section for the purpose of environmental protection and restoration activities throughout the Columbia River Basin.

(2) Federal share

(A) In general

Except as provided in subparagraph (B), the Federal share of the cost of any project or activity carried out using funds from a grant provided to any person (including a State, tribal, or local government or interstate or regional agency) under this subsection for a fiscal year—

- (i) shall not exceed 75 percent of the total cost of the project or activity; and
- (ii) shall be made on condition that the non-Federal share of such total cost shall be provided from non-Federal sources.

(B) Exceptions

With respect to cost-sharing for a grant provided under this subsection—

- (i) a tribal government may use Federal funds for the non-Federal share; and
- (ii) the Administrator may increase the Federal share under such circumstances as the Administrator determines to be appropriate.

(3) Allocation

In making grants using funds appropriated to carry out this section, the Administrator shall—

- (A) provide not less than 25 percent of the funds to make grants for projects, programs, and studies in the Lower Columbia River Estuary;
- (B) provide not less than 25 percent of the funds to make grants for projects, programs, and studies in the Middle and Upper Columbia River Basin, including the Snake River Basin; and
- (C) retain not more than 5 percent of the funds for the Environmental Protection Agency for purposes of implementing this section.

(4) Reporting

(A) In general

Each grant recipient under this subsection shall submit to the Administrator reports on

progress being made in achieving the purposes of this section.

(B) Requirements

The Administrator shall establish requirements and timelines for recipients of grants under this subsection to report on progress made in achieving the purposes of this section.

(5) Relationship to other funding

(A) In general

Nothing in this subsection limits the eligibility of the Estuary Partnership to receive funding under section 1330(g) of this title.

(B) Limitation

None of the funds made available under this subsection may be used for the administration of a management conference under section 1330 of this title.

(6) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection \$30,000,000 for each of fiscal years 2020 and 2021.

(e) Annual budget plan

The President, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, shall submit information regarding each Federal agency involved in protection and restoration of the Columbia River Basin, including an interagency crosscut budget that displays for each Federal agency—

- (1) the amounts obligated for the preceding fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin;
- (2) the estimated budget for the current fiscal year for protection and restoration projects, programs, and studies relating to the Columbia River Basin; and
- (3) the proposed budget for protection and restoration projects, programs, and studies relating to the Columbia River Basin.

(June 30, 1948, ch. 758, title I, §123, as added Pub. L. 114-322, title IV, §5010, Dec. 16, 2016, 130 Stat. 1898; amended Pub. L. 115-270, title IV, §4105, Oct. 23, 2018, 132 Stat. 3875.)

Editorial Notes

AMENDMENTS

2018—Subsec. (d)(6). Pub. L. 115-270 added par. (6).

§ 1276. Enhanced aquifer use and recharge

(a) In general

Subject to the availability of appropriations, the Administrator shall provide funding to carry out groundwater research on enhanced aquifer use and recharge in support of sole-source aquifers, of which—

- (1) not less than 50 percent shall be used to provide 1 grant to a State, unit of local government, or Indian Tribe to carry out activities that would directly support that research; and
- (2) the remainder shall be provided to 1 appropriate research center.

(b) Coordination

As a condition of accepting funds under subsection (a), the State, unit of local government,