

**(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 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) of this section in accordance with a joint plan developed by the Secretary and interested Federal, State, and local government officials. Such plan must include 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 a<sup>1</sup> 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.)

## 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).  
 1999—Subsec. (b)(1). Pub. L. 106-53, §224(1)(A), substituted “35 percent” for “50 percent”.  
 Subsec. (b)(2). Pub. L. 106-53, §224(1)(B), substituted “\$50,000,000” for “\$20,000,000”.  
 Subsec. (d). Pub. L. 106-53, §224(2), substituted “shared as a cost of construction” for “non-Federal responsibility”.

<sup>1</sup> So in original. The word “a” probably should not appear.

Subsec. (f)(6) to (8). Pub. L. 106-53, §224(3), added pars. (6) to (8).

1996—Subsec. (a). Pub. L. 104-303, §205(1), inserted “and remediate” after “remove”.

Subsec. (b)(1). Pub. L. 104-303, §205(1), (2)(A), inserted “and remediate” after “remove” and inserted “and remediation” after “removal” in two places.

Subsec. (b)(2). Pub. L. 104-303, §205(2)(B), substituted “\$20,000,000” for “\$10,000,000”.

Subsec. (c). Pub. L. 104-303, §205(1), inserted “and remediate” after “remove”.

Subsec. (f). Pub. L. 104-303, §205(3), added subsec. (f) and struck out heading and text of former subsec. (f). Text read as follows: “This section shall not be effective after the last day of the 5-year period beginning on November 28, 1990; except that the Secretary may complete any project commenced under this section on or before such last day.”

### § 1273. Lake Pontchartrain Basin

#### (a) Establishment of restoration program

The Administrator shall establish within the Environmental Protection Agency the Lake Pontchartrain Basin Restoration Program.

#### (b) Purpose

The purpose of the program shall be to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.

#### (c) Duties

In carrying out the program, the Administrator shall—

(1) provide administrative and technical assistance to a management conference convened for the Basin under section 1330 of this title;

(2) assist and support the activities of the management conference, including the implementation of recommendations of the management conference;

(3) support environmental monitoring of the Basin and research to provide necessary technical and scientific information;

(4) develop a comprehensive research plan to address the technical needs of the program;

(5) coordinate the grant, research, and planning programs authorized under this section; and

(6) collect and make available to the public publications, and other forms of information the management conference determines to be appropriate, relating to the environmental quality of the Basin.

#### (d) Grants

The Administrator may make grants—

(1) for restoration projects and studies recommended by a management conference convened for the Basin under section 1330 of this title; and

(2) for public education projects recommended by the management conference.

#### (e) Definitions

In this section, the following definitions apply:

##### (1) Basin

The term “Basin” means the Lake Pontchartrain Basin, a 5,000 square mile watershed encompassing 16 parishes in the State of Louisiana and 4 counties in the State of Mississippi.

#### (2) Program

The term “program” means the Lake Pontchartrain Basin Restoration Program established under subsection (a) of this section.

#### (f) Authorization of appropriations

##### (1) In general

There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2001 through 2011. Such sums shall remain available until expended.

##### (2) Public education projects

Not more than 15 percent of the amount appropriated pursuant to paragraph (1) in a fiscal year may be expended on grants for public education projects under subsection (d)(2) of this section.

(June 30, 1948, ch. 758, title I, §121, as added Pub. L. 106-457, title V, §502, Nov. 7, 2000, 114 Stat. 1973; amended Pub. L. 109-392, §1, Dec. 12, 2006, 120 Stat. 2703.)

#### PRIOR PROVISIONS

Another section 121 of act June 30, 1948, was renumbered section 122 and is classified to section 1274 of this title.

#### AMENDMENTS

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

#### 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. Wet weather watershed pilot projects

#### (a) In general

The Administrator, in coordination with the States, may provide technical assistance and grants for treatment works to carry out pilot projects relating to the following areas of wet weather discharge control:

##### (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 in reducing such pollutants from stormwater discharges.

#### (b) Administration

The Administrator, in coordination with the States, shall provide municipalities participating in a pilot project under this section the abil-