

AMENDMENTS

1996—Subsec. (c)(2)(D). Pub. L. 104-324, §1108, inserted “, and the Center for Marine Training and Safety in Galveston, Texas” before semicolon at end.

Subsec. (c)(6). Pub. L. 104-332, §2(h)(1), made technical amendment to Pub. L. 104-646, §4002(1). See 1990 Amendment note below.

Subsec. (c)(9). Pub. L. 104-324, §1102(c)(2), inserted “until the authorization for funding under section 2736(b) of this title expires” before period at end.

Subsec. (f). Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §4002(2). See 1990 Amendment note below.

1990—Subsec. (c)(6). Pub. L. 101-537, §2002(1), and Pub. L. 101-646, §4002(1), as amended by Pub. L. 104-332, §2(h)(1), made substantially identical amendments, substituting “4” for “3” and inserting cl. (D).

Subsec. (f). Pub. L. 101-537, §2002(2), and Pub. L. 101-646, §4002(2), as amended by Pub. L. 104-332, amended subsec. (f) identically, substituting “\$22,000,000” for “\$21,250,000” in introductory provisions and “\$3,000,000” for “\$2,250,000” in par. (2).

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a)(3) of this section delegated to Secretary of Transportation by section 8(h) of Ex. Ord. No. 12777, Oct. 18, 1991, 56 F.R. 54769, set out as a note under section 1321 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2731 of this title.

CHAPTER 41—NATIONAL COASTAL MONITORING

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1914 of this title.

§ 2801. Purposes

The purposes of this chapter are to—

- (1) establish a comprehensive national program for consistent monitoring of the Nation's coastal ecosystems;
- (2) establish long-term water quality assessment and monitoring programs for high priority coastal waters that will enhance the ability of Federal, State, and local authorities to develop and implement effective remedial programs for those waters;
- (3) establish a system for reviewing and evaluating the scientific, analytical, and technological means that are available for monitoring the environmental quality of coastal ecosystems;
- (4) establish methods for identifying uniform indicators of coastal ecosystem quality;
- (5) provide for periodic, comprehensive reports to Congress concerning the quality of the Nation's coastal ecosystems;

(6) establish a coastal environment information program to distribute coastal monitoring information;

(7) provide state¹ programs authorized under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) with information necessary to design land use plans and coastal zone regulations that will contribute to the protection of coastal ecosystems; and

(8) provide certain water pollution control programs authorized under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) with information necessary to design and implement effective coastal water pollution controls.

(Pub. L. 92-532, title V, §501, as added Pub. L. 102-567, title V, §501, Oct. 29, 1992, 106 Stat. 4293.)

REFERENCES IN TEXT

The Coastal Zone Management Act of 1972, referred to in par. (7), is title III of Pub. L. 89-454 as added by Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1280, as amended, which is classified generally to chapter 33 (§1451 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of Title 16 and Tables.

The Federal Water Pollution Control Act, referred to in par. (8), 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 chapter 26 (§1251 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

SHORT TITLE

Title V of Pub. L. 92-532, which comprises this chapter, is popularly known as the “National Coastal Monitoring Act”.

§ 2802. Definitions

For the purposes of this chapter, the term—

(1) “Administrator” means the Administrator of the Environmental Protection Agency;

(2) “coastal ecosystem” means a system of interacting biological, chemical, and physical components throughout the water column, water surface, and benthic environment of coastal waters;

(3) “coastal water quality” means the physical, chemical and biological parameters that relate to the health and integrity of coastal ecosystems;

(4) “coastal water quality monitoring” means a continuing program of measurement, analysis, and synthesis to identify and quantify coastal water quality conditions and trends to provide a technical basis for decisionmaking;

(5) “coastal waters” means waters of the Great Lakes, including their connecting waters and those portions of rivers, streams, and other bodies of water having unimpaired connection with the open sea up to the head of tidal influence, including wetlands, intertidal areas, bays, harbors, and lagoons, including waters of the territorial sea of the United States and the contiguous zone”;¹ and

¹ So in original. Probably should be capitalized.

¹ So in original. The closing quotation marks preceding the semicolon probably should not appear.

(6) “Under Secretary” means Under Secretary of Commerce for Oceans and Atmosphere.

(Pub. L. 92-532, title V, § 502, as added Pub. L. 102-567, title V, § 501, Oct. 29, 1992, 106 Stat. 4294.)

TERRITORIAL SEA AND CONTIGUOUS ZONE OF UNITED STATES

For extension of territorial sea and contiguous zone of United States, see Proc. No. 5928 and Proc. No. 7219, respectively, set out as notes under section 1331 of Title 43, Public Lands.

§ 2803. Comprehensive Coastal Water Quality Monitoring Program

(a) Authority; joint implementation

(1) The Administrator and the Under Secretary, in conjunction with other Federal, State, and local authorities, shall jointly develop and implement a program for the long-term collection, assimilation, and analysis of scientific data designed to measure the environmental quality of the Nation's coastal ecosystems pursuant to this section. Monitoring conducted pursuant to this section shall be coordinated with relevant monitoring programs conducted by the Administrator, Under Secretary, and other Federal, State, and local authorities.

(2) Primary leadership for the monitoring program activities conducted by the Environmental Protection Agency pursuant to this section shall be located at the Environmental Research Laboratory in Narragansett, Rhode Island.

(b) Program elements

The Comprehensive Coastal Water Quality Monitoring Program shall include, but not be limited to—

(1) identification and analysis of the status of environmental quality in the Nation's coastal ecosystems, including but not limited to, assessment of—

(A) ambient water quality, including contaminant levels in relation to criteria and standards issued pursuant to title III or¹ the Federal Water Pollution Control Act (33 U.S.C. 1311 et seq.);

(B) benthic environmental quality, including analysis of contaminant levels in sediments in relation to criteria and standards issued pursuant to title III of the Federal Water Pollution Control Act (33 U.S.C. 1311 et seq.); and

(C) health and quality of living resources.²

(2) identification of sources of environmental degradation affecting the Nation's coastal ecosystems;

(3) assessment of the impact of governmental programs and management strategies and measures designed to abate or prevent the environmental degradation of the Nation's coastal ecosystems;

(4) assessment of the accumulation of floatables along coastal shorelines;

(5) analysis of expected short-term and long-term trends in the environmental quality of the Nation's coastal ecosystems; and

(6) the development and implementation of intensive coastal water quality monitoring programs in accordance with subsection (d) of this section.

(c) Monitoring guidelines and protocols

(1) Guidelines

Not later than 18 months after October 29, 1992, the Administrator and the Under Secretary shall jointly issue coastal water quality monitoring guidelines to assist in the development and implementation of coastal water quality monitoring programs. The guidelines shall—

(A) provide an appropriate degree of uniformity among the coastal water quality monitoring methods and data while preserving the flexibility of monitoring programs to address specific needs;

(B) establish scientifically valid monitoring methods that will—

(i) provide simplified methods to survey and assess the water quality and ecological health of coastal waters;

(ii) identify and quantify through more intensive efforts the severity of existing or anticipated problems in selected coastal waters;

(iii) identify and quantify sources of pollution that cause or contribute to those problems, including point and nonpoint sources; and

(iv) evaluate over time the effectiveness of efforts to reduce or eliminate pollution from those sources;

(C) provide for data compatibility to enable data to be efficiently stored and shared by various users; and

(D) identify appropriate physical, chemical, and biological indicators of the health and quality of coastal ecosystems.

(2) Technical protocols

Guidelines issued under paragraph (1) shall include protocols for—

(A) designing statistically valid coastal water quality monitoring networks and monitoring surveys, including assessment of the accumulation of floatables.²

(B) sampling and analysis, including appropriate physical and chemical parameters, living resource parameters, and sediment analysis techniques; and

(C) quality control, quality assessment, and data consistency and management.

(3) Periodic review

The Administrator and the Under Secretary shall periodically review the guidelines and protocols issued under this subsection to evaluate their effectiveness, the degree to which they continue to answer program objectives and provide an appropriate degree of uniformity while taking local conditions into account, and any need to modify or supplement them with new guidelines and protocols, as needed.

(4) Discharge permit data

The Administrator or a State permitting authority shall ensure that compliance monitoring conducted pursuant to section 402(a)(2) of

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

² So in original. The period probably should be a semicolon.