

103^D CONGRESS
1ST SESSION

H. R. 1720

To amend the Federal Water Pollution Control Act to provide special funding to States for implementation of national estuary conservation and management plans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 1993

Mrs. LOWEY (for herself, Ms. DELAURO, Mr. SHAYS, Mr. BONIOR, Mr. BROWN of California, Mr. CONYERS, Mr. WAXMAN, Mrs. KENNELLY, Ms. PELOSI, Mr. MANTON, Mr. GEJDENSON, Mr. MILLER of California, Mr. HOCHBRUECKNER, Mr. McDERMOTT, Mr. MACHTLEY, Mr. LAUGHLIN, Mr. FROST, Mr. OWENS, Mr. TOWNS, Mrs. MALONEY, Miss COLLINS of Michigan, Mr. DELLUMS, Mr. WELDON, Mr. BACCHUS of Florida, Mr. MARTINEZ, Mr. BERMAN, Mr. RAVENEL, Mr. HASTINGS, Mr. BLACKWELL, Ms. FURSE, Mr. TORRES, Mr. ANDREWS of Maine, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Mr. HINCHEY, Ms. NORTON, Mr. SANDERS, Mr. KREIDLER, Ms. ESHOO, Mr. BEILENSON, Mr. ENGEL, Mr. MARKEY, Mrs. JOHNSON of Connecticut, Mr. NADLER, Mr. FALEOMAVAEGA, Ms. HARMAN, Ms. WATERS, Mr. DICKS, Mr. SERRANO, and Mr. REED) introduced the following bill; which was referred jointly to the Committees on Merchant Marine and Fisheries and Public Works and Transportation

A BILL

To amend the Federal Water Pollution Control Act to provide special funding to States for implementation of national estuary conservation and management plans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “DeLauro-Lowey Water
3 Pollution Control and Estuary Restoration Act”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) The Nation’s estuaries are a vital natural
7 resource to which many regional economies are
8 closely tied.

9 (2) Many of the Nation’s estuaries are under a
10 severe threat from point source pollution and pol-
11 luted run-off (nonpoint source pollution) and from
12 habitat alteration and destruction.

13 (3) Only through expanded investments in
14 waste water treatment and other water and sediment
15 pollution control and prevention efforts can the envi-
16 ronmental and economic values of the Nation’s estu-
17 aries be restored and protected.

18 (4) The National Estuary Program created
19 under the Federal Water Pollution Control Act has
20 significantly advanced the Nation’s understanding of
21 the declining condition of the Nation’s estuaries.

22 (5) The National Estuary Program has also
23 provided precise information about the corrective
24 and preventative measures required to reverse the
25 degradation of water and sediment quality and to

1 halt the alteration and destruction of vital habitat in
2 the Nation's estuaries.

3 (6) The level of funding available to States, mu-
4 nicipalities, and the Environmental Protection Agen-
5 cy for implementation of approved conservation and
6 management plans is inadequate, and additional fi-
7 nancial resources must be provided.

8 (7) Funding for implementation of approved
9 conservation and management plans should be pro-
10 vided under the State revolving loan fund authorized
11 in title VI of the Federal Water Pollution Control
12 Act.

13 (8) Authorization levels for State revolving loan
14 fund capitalization grants should be increased by an
15 amount necessary to ensure the achievement of the
16 goals of the Federal Water Pollution Control Act.

17 (b) PURPOSES.—The purposes of this Act are—

18 (1) to expand and strengthen efforts to combat
19 the serious and growing water and sediment quality
20 problems in estuaries of national significance identi-
21 fied under the Federal Water Pollution Control Act;

22 (2) to provide significant levels of Federal as-
23 sistance to States and municipalities seeking to im-
24 plement comprehensive conservation and manage-
25 ment plans for those estuaries;

1 (3) to reauthorize section 320 of the Federal
2 Water Pollution Control Act in order to improve the
3 development and implementation of comprehensive
4 conservation and management plans for those estu-
5 aries; and

6 (4) to extend and increase Federal support for
7 the State water pollution control revolving fund pro-
8 gram in order to address various water and sediment
9 quality problems in the waters of the United States.

10 **SEC. 3. EXTENSION OF WATER POLLUTION CONTROL RE-**
11 **VOLVING LOAN FUND PROGRAM.**

12 (a) ALLOTMENT FORMULA.—Section 604(a) of the
13 Federal Water Pollution Control Act (33 U.S.C. 1383(a))
14 is amended—

15 (1) by striking “Sums authorized” and insert-
16 ing “Except as provided in section 608, sums au-
17 thorized”; and

18 (2) by striking “and 1990” and inserting
19 “through 1999”.

20 (b) FUNDING.—Section 607 of such Act (33 U.S.C.
21 1387) is amended by striking “the following sums:” and
22 all that follows through the end of the section and insert-
23 ing the following: “\$4,000,000,000 for each of the fiscal
24 years 1994 and 1995, and \$5,000,000,000 for each of the
25 fiscal years 1996, 1997, 1998, 1999, and 2000.”.

1 **SEC. 4. FUNDING FOR IMPLEMENTATION OF ESTUARY CON-**
2 **SERVATION AND MANAGEMENT PLANS.**

3 Title VI of the Federal Water Pollution Control Act
4 (33 U.S.C. 1381 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 608. CAPITALIZATION GRANTS TO STATES FOR IM-**
7 **PLEMENTING ESTUARY CONSERVATION AND**
8 **MANAGEMENT PLANS.**

9 “(a) SET-ASIDE FOR IMPLEMENTING APPROVED
10 PLANS.—

11 “(1) SET-ASIDE.—

12 “(A) IN GENERAL.—Of amounts appro-
13 priated under the authority of section 607 for
14 each fiscal year, the applicable percentage
15 under subparagraph (B) shall be used by the
16 Administrator to make capitalization grants
17 under this title to qualified States.

18 “(B) PERCENTAGE.—For purposes of sub-
19 section (A), the applicable percentage is—

20 “(i) 2.5 percent for fiscal year 1994;

21 “(ii) 5 percent for fiscal year 1995;

22 “(iii) 7.5 percent for fiscal year 1996;

23 “(iv) 10 percent for fiscal year 1997;

24 “(v) 12.5 percent for fiscal year 1998;

25 “(vi) 15 percent for fiscal year 1999;

26 and

1 “(vii) 15 percent for fiscal year 2000.

2 “(2) ALLOCATION.—Of amounts required under
3 paragraph (1) to be used for grants to qualified
4 States for a fiscal year, the Administrator shall allo-
5 cate to each qualified State an amount equal to—

6 “(A) the total amounts required under
7 paragraph (1) to be used for such grants for
8 that fiscal year, multiplied by

9 “(B) the percentage specified by the Ad-
10 ministrator for the fiscal year for that State
11 under paragraph (3)(B).

12 “(3) DETERMINATION OF STATE NEEDS.—Not
13 later than 120 days after the date on which all
14 qualified States have submitted under paragraph
15 (4)(A) estimates of the needs of the States for finan-
16 cial assistance for a fiscal year, the Administrator
17 shall—

18 “(A) determine the needs of each qualified
19 State for financing implementation of approved
20 estuary plans in the fiscal year, based on those
21 State estimates; and

22 “(B) submit to the Congress a report de-
23 scribing those needs for all qualified States, in-
24 cluding specifying for each qualified State a
25 percentage for purposes of paragraph (2)(B)

1 representing such needs of the qualified State
2 relative to such needs of all qualified States.

3 “(4) STATE ESTIMATE OF NEEDS.—

4 “(A) SUBMISSION.—Not later than July 1
5 of each year, each qualified State shall submit
6 to the Administrator an estimate of the needs
7 of the State for financial assistance for imple-
8 menting, monitoring, and enforcing approved
9 estuary plans in the next fiscal year. Such esti-
10 mates may be included in a qualified State’s in-
11 tended use plan under section 606(c), and shall
12 maximize economical planning, design, and con-
13 struction.

14 “(B) CONSULTATION.—In preparing an es-
15 timate of needs under this paragraph, a quali-
16 fied State shall consult with each management
17 conference that is implementing an approved
18 estuary plan under section 320 and of which
19 the State is a member.

20 “(C) APPROVAL REQUIRED.—A qualified
21 State may not submit an estimate of need
22 under this paragraph unless the estimate is ap-
23 proved by each management conference under
24 section 320 that is implementing an approved

1 estuary plan and of which the State is a
2 member.

3 “(5) FAILURE TO SUBMIT ESTIMATE.—A quali-
4 fied State which does not submit an estimate for a
5 fiscal year in accordance with paragraph (4) shall
6 not be eligible for any allocation under paragraph
7 (2) for that fiscal year.

8 “(b) SEPARATE ACCOUNT.—

9 “(1) ESTABLISHMENT OF ACCOUNT.—A quali-
10 fied State shall establish a separate account in its
11 water pollution control revolving fund established
12 under this title, which shall be known as an ‘Estuary
13 Account’. Amounts of grants to a qualified State
14 under subsection (a) shall be deposited into the
15 Estuary Account established by the State.

16 “(2) USE.—A qualified State may use amounts
17 in its Estuary Account only for providing assistance
18 for the purpose of implementing approved estuary
19 plans that apply to the State.

20 “(c) TYPES OF ASSISTANCE.—

21 “(1) IN GENERAL.—Except as otherwise pro-
22 vided by State law and subject to paragraph (2),
23 amounts in the Estuary Account of a qualified State
24 may be used only for providing the types of assist-
25 ance described in section 603(d).

1 “(2) SPECIAL RULES.—

2 “(A) EXTENDED AMORTIZATION PE-
3 RIOD.—Notwithstanding section 603(d)(1)(A),
4 a loan made by a qualified State with amounts
5 in the Estuary Account of the State may be for
6 a term of not to exceed 40 years or the useful
7 life of any facility constructed with the loan,
8 whichever is less, if the borrower demonstrates
9 to the State that the borrower is experiencing
10 financial hardship.

11 “(B) PRINCIPAL SUBSIDIES.—In addition
12 to the types of assistance authorized by section
13 603(d), a qualified State may use amounts of
14 interest earned on amounts in its Estuary Ac-
15 count to subsidize up to 90 percent of the prin-
16 cipal portion of the amount of debt service of
17 an entity referred to in section 603(c)(1) that,
18 notwithstanding the availability of interest free
19 loans under section 603(d)(1)(A) and extended
20 amortization under paragraph (1), the State de-
21 termines is financially unable to carry out a
22 project that is necessary for the implementation
23 of an approved estuary plan.

24 “(d) STATE MATCHING.—Notwithstanding section
25 602(b)(2), a qualified State shall deposit into its Estuary

1 Account an amount from State funds equal to at least 15
2 percent of amounts deposited into the account in the form
3 of capitalization grants to the State under this section.

4 “(e) DEFINITIONS.—In this section:

5 “(1) APPROVED ESTUARY PLAN.—The term
6 ‘approved estuary plan’ means a comprehensive con-
7 servation and management plan approved by the
8 Administrator under section 320(h).

9 “(2) ESTUARY ACCOUNT.—The term ‘Estuary
10 Account’ means a separate account established by a
11 qualified State under subsection (b) in its water pol-
12 lution control revolving fund.

13 “(3) QUALIFIED STATE.—The term ‘qualified
14 State’ means a State that—

15 “(A) is subject to an approved estuary
16 plan;

17 “(B) has established an estuary account in
18 accordance with subsection (b); and

19 “(C) has fulfilled its responsibilities under
20 section 320 with respect to each management
21 conference under that section of which it is a
22 member.”.

1 **SEC. 5. DISCRETIONARY GRANTS FOR IMPLEMENTATION**
2 **OF ESTUARY CONSERVATION AND MANAGE-**
3 **MENT PLANS.**

4 (a) IN GENERAL.—Section 320 of the Federal Water
5 Pollution Control Act (33 U.S.C. 1330) is amended by re-
6 designating subsection (k) as subsection (l) and by insert-
7 ing after subsection (j) the following new subsection:

8 “(k) GRANTS FOR IMPLEMENTATION OF CONSERVA-
9 TION AND MANAGEMENT PLANS.—

10 “(1) IN GENERAL.—The Administrator shall
11 make grants to State, interstate, and regional water
12 pollution control agencies and entities, State coastal
13 zone management agencies, interstate agencies,
14 other public or nonprofit agencies, institutions, orga-
15 nizations, Indian tribes, and individuals for imple-
16 mentation of conservation and management plans
17 approved under this section.

18 “(2) PURPOSES.—Grants under this subsection,
19 shall be made to assist in aspects of implementation
20 of such plans which involve innovative technology,
21 research and development, education, pollution pre-
22 vention, comprehensive land use planning, and other
23 activities not generally funded by the State under
24 this title.

25 “(3) FEDERAL SHARE.—The amount of grants
26 to any person (including a State, interstate, or re-

1 regional agency or entity) under this subsection for a
2 fiscal year shall not exceed 75 percent of the cost of
3 implementation of such plans.

4 “(4) AUTHORIZATION OF APPROPRIATIONS.—
5 There is authorized to be appropriated to the Ad-
6 ministrator to carry out this subsection not to ex-
7 ceed \$50,000,000 per fiscal year for each of fiscal
8 years 1994 through 2000.”.

9 (b) FUNDING FOR INTERIM ACTIONS.—Section
10 320(g)(2) of such Act (33 U.S.C. 1330(g)(2)) is amended
11 by inserting before the period the following: “, and for ap-
12 propriate interim actions that are adopted by the manage-
13 ment conference and approved in accordance with sub-
14 section (h) to protect the water and sediment quality of
15 the estuary that is the subject of such a plan”.

16 (c) GRANT REPORTING.—Section 320(h) of such Act
17 (33 U.S.C. 1330(h)) is amended by striking “subsection
18 (g)” and inserting “subsection (i) and that receives a
19 grant under subsection (m)”.

20 (d) CONFORMING AMENDMENT.—Section 320(g) of
21 such Act (33 U.S.C. 1330(g)) is amended by inserting
22 “DEVELOPMENT” before “GRANTS.—”.

1 **SEC. 6. EXTENSION OF CONSERVATION AND MANAGEMENT**
2 **PLAN DEVELOPMENT GRANT PROGRAM.**

3 Section 320(i) of the Federal Water Pollution Control
4 Act (33 U.S.C. 1330(i)) is amended—

5 (1) by inserting “and \$28,000,000 per fiscal
6 year for each of fiscal years 1992 through 2000”
7 after “and 1991”; and

8 (2) by inserting “for fiscal years 1987 through
9 1991, and \$8,000,000 per fiscal year of the sums
10 authorized to be appropriated under this subsection
11 for fiscal years 1992 through 2000,” before “to the
12 Administrator of the National”.

13 **SEC. 7. NATIONAL ESTUARY PROGRAM IMPROVEMENT.**

14 (a) **MANAGEMENT PLANS.**—Section 320(b) of the
15 Federal Water Pollution Control Act (33 U.S.C. 1330(b))
16 is amended—

17 (1) by striking the matter preceding paragraph
18 (1) and inserting the following:

19 “(b) **PURPOSES OF CONFERENCE.**—The purpose of
20 any management conference convened with respect to an
21 estuary under this section shall be to ensure, through a
22 comprehensive planning process, full coordination and full
23 implementation of the requirements of sections 303,
24 304(l), 305(b), 319, 402 and 404 of this Act and the
25 Coastal Zone Management Act of 1972, and to identify,
26 plan, and ensure implementation of additional measures

1 necessary to achieve compliance with water quality stand-
2 ards and to protect existing and designated uses of coastal
3 waters. To achieve these purposes a management con-
4 ference shall:”;

5 (2) by redesignating paragraphs (1) through
6 (7) in order as paragraphs (2), (3), (4), (6), (8),
7 (10), and (11);

8 (3) by inserting before paragraph (2), as so re-
9 designated, the following new paragraph:

10 “(1) conduct within one year after the conven-
11 ing of the conference a literature survey to identify
12 existing information on the environmental health of
13 the estuary;”;

14 (4) by inserting after paragraph (4), as so re-
15 designated, the following:

16 “(5) identify within 3 years after the convening
17 of the conference the major environmental problems
18 and priorities that the comprehensive conservation
19 and management plan will address;”;

20 (5) in paragraph (6), as so redesignated, by in-
21 sserting “, within 5 years after the date on which the
22 management conference is convened and in accord-
23 ance with the applicable guidance document pub-
24 lished under subsection (e),” after “plan”;

1 (6) in paragraph (6), as so redesignated, by in-
2 serting “(including policies enforceable under State
3 law)” after “actions”;

4 (7) by inserting after paragraph (6), as so re-
5 designated, the following:

6 “(7) submit to the Administrator in the first
7 year following the convening of the conference, an
8 initial 5-year budget for the development of the con-
9 servation and management plan, and revise such
10 budget on an annual basis;”;

11 (8) by inserting after paragraph (8), as so re-
12 designated, the following:

13 “(9) conduct an analysis, within 3 years after
14 the convening of the conference, of any changes to
15 State statutory authority that will be required to im-
16 plement the conservation and management plan, and
17 update such analysis on an annual basis there-
18 after;”;

19 (9) in paragraph (10), as so redesignated, by
20 striking “and” after the semicolon;

21 (10) in paragraph (11), as so redesignated, by
22 striking the period and inserting a semicolon;

23 (11) by inserting after paragraph (11), as so
24 redesignated, the following:

1 “(12) identify all Federal activities (including
2 development projects, financial assistance programs,
3 and licensing and permitting activities) that may af-
4 fect the requirements and objectives of the conserva-
5 tion and management plan developed under this sec-
6 tion, and ensure the coordinated implementation of
7 the plan with respect to those activities;

8 “(13) identify all pollutants and water bodies
9 for which development of maximum daily loads are
10 necessary pursuant to section 303, and establish a
11 schedule whereby all such total maximum daily loads
12 and wasteload and load allocations shall be com-
13 pleted within 5 years of approval of a conservation
14 and management plan pursuant to this section;

15 “(14) ensure that all permits issued under sec-
16 tion 402 are current for significant dischargers with-
17 in an estuary subject to a conservation and manage-
18 ment plan, and that, if multiple dischargers affect a
19 single segment of such estuary, the dischargers are
20 placed on simultaneous permit issuance schedules to
21 allow for efficient wasteload allocation;

22 “(15) ensure that if an estuary subject to a
23 conservation and management plan is affected by
24 combined sewer overflows, development and imple-
25 mentation of a combined sewer overflow abatement

1 plan is included in the conservation and manage-
2 ment plan; and

3 “(16) identify portions of the conservation and
4 management plan developed under this section which
5 should be included in a State coastal zone manage-
6 ment program approved under section 306(c) of the
7 Coastal Zone Management Act of 1972 and make
8 appropriate recommendations to the Governor and
9 the Under Secretary for that inclusion.”; and

10 (12) in the matter following paragraph (15) (as
11 such paragraph is added by this subsection) by
12 striking “paragraph (7)” and inserting “paragraph
13 (10)”.

14 (b) FISHERIES AND WILDLIFE.—

15 (1) MEMBERS OF CONFERENCE.—Section
16 320(c) of the Federal Water Pollution Control Act
17 (33 U.S.C. 1330(c)) is amended—

18 (A) in paragraph (3) by inserting “includ-
19 ing those Federal agencies with responsibility
20 for conserving and protecting living resources
21 including fish, shellfish, and wildlife,” after
22 “Federal agency,”; and

23 (B) in paragraph (5) by inserting “includ-
24 ing the agricultural industry,” after “indus-
25 tries,”.

1 (2) RESEARCH.—Section 320(j)(2) of the Fed-
2 eral Water Pollution Control Act (33 U.S.C.
3 1330(j)(2)) is amended by inserting “and the Direc-
4 tor of the United States Fish and Wildlife Service”
5 after “Administration”.

6 (c) PARTICIPATION OF MUNICIPALITIES.—Section
7 320(c)(4) of the Federal Water Pollution Control Act (33
8 U.S.C. 1330(c)(4)) is amended by striking “local govern-
9 ments” and inserting “municipalities”.

10 (d) PARTICIPATION OF ENVIRONMENTAL ORGANIZA-
11 TIONS.—Section 320(c)(5) of the Federal Water Pollution
12 Control Act (33 U.S.C. 1330(c)(5)) is amended by insert-
13 ing “, including environmental organizations” after “the
14 general public”.

15 (e) DUTIES OF MEMBERS OF CONFERENCE.—Sec-
16 tion 320 of the Federal Water Pollution Control Act (33
17 U.S.C. 1330) is amended—

18 (1) by redesignating subsection (d) through (l)
19 in order as subsection (f), (g), (h), (i), (j), (k), (l),
20 (m), and (n); and

21 (2) by inserting after subsection (c) the follow-
22 ing:

23 “(d) DUTIES OF MEMBERS.—

24 “(1) ADMINISTRATOR.—

1 “(A) IN GENERAL.—The Administrator
2 shall provide necessary levels of funding and
3 staff resources to carry out the functions of the
4 Administrator related to the development, ap-
5 proval, implementation, and monitoring of a
6 conservation and management plan under this
7 section and of approved interim measures.

8 “(B) ANALYSIS OF FEDERAL NEEDS.—Not
9 later than 120 days after the date of the enact-
10 ment of this subsection, the Comptroller Gen-
11 eral of the United States shall submit to the
12 Congress and to the Administrator an analysis
13 of the needs of the Environmental Protection
14 Agency for additional personnel and administra-
15 tive resources necessary to fully carry out its
16 duties under this section. Such analysis shall
17 include recommendations regarding necessary
18 additional authorizations and appropriations.

19 “(C) POLICY AND TECHNICAL LIAISON.—
20 The Administrator or his or her designee shall,
21 among other functions performed with respect
22 to management conferences, serve as policy and
23 technical liaison for all participants in manage-
24 ment conferences.

1 “(2) UNDER SECRETARY.—The Under Sec-
2 retary of Commerce for Oceans and Atmosphere
3 shall provide the necessary levels of funding and
4 staff resources to carry out the functions of the
5 Under Secretary under this section, and shall coordi-
6 nate the activities of the Under Secretary with each
7 management conference convened under this section.

8 “(e) GUIDANCE DOCUMENT.—

9 “(1) IN GENERAL.—Not later than 9 months
10 after the date of the enactment of this subsection,
11 the Administrator shall issue a guidance document
12 which establishes requirements for—

13 “(A) management conferences to follow in
14 developing, approving, implementing, and mon-
15 itoring conservation and management plans;
16 and

17 “(B) approving and implementing interim
18 actions to protect the water quality of the estu-
19 ary for which a conservation and management
20 plan is developed.

21 “(2) PUBLICATION OF PROPOSED DOCU-
22 MENT.—The Administrator shall publish a proposed
23 guidance document under this subsection by not
24 later than 6 months after the date of the enactment
25 of this subsection.”.

1 (f) MANAGEMENT CONFERENCES.—Section 320(g)
2 of the Federal Water Pollution Control Act, as redesignig-
3 nated by subsection (c)(1), is amended to read as follows:

4 “(g) PERIOD OF CONFERENCE.—A management con-
5 ference convened under this section shall be convened for
6 a period of at least 5 years. Upon approval of a plan under
7 subsection (h), the Administrator shall, for purposes of
8 implementing the plan, extend a conference for an addi-
9 tional 5 years if the affected Governor or Governors con-
10 cur in the extension and the extension is necessary to meet
11 the requirements of this section and section 608.”.

12 (g) APPROVAL AND IMPLEMENTATION OF CONSERVA-
13 TION AND MANAGEMENT PLANS; PUBLIC REVIEW AND
14 COMMENT.—Section 320(h) of the Federal Water Pollu-
15 tion Control Act, as redesignated by subsection (c)(1), is
16 amended to read as follows:

17 “(h) APPROVAL AND IMPLEMENTATION OF PLANS
18 AND INTERIM ACTIONS.—

19 “(1) APPROVAL OF PLANS.—Not later than 120
20 days after the date of the completion of a conserva-
21 tion and management plan and after providing for
22 public review and comment, the Administrator shall
23 approve such plan if—

24 “(A) it complies with any applicable guid-
25 ance document published under subsection (c);

1 “(B) it meets the requirements of this sec-
2 tion;

3 “(C) it specifies the implementation re-
4 sponsibilities, including funding responsibilities
5 and implementation schedules, of the Federal
6 Government and of State and local governments
7 that participated in the development of the
8 plan;

9 “(D) the affected Governor or Governors
10 concur; and

11 “(E) the affected Governor or Governors
12 certify that they have the authority to under-
13 take the actions called for in the plan.

14 “(2) APPROVAL OF INTERIM ACTIONS.—The
15 Administrator shall approve an interim action to
16 protect the water quality of an estuary for which a
17 conservation and management plan is being devel-
18 oped if it meets the requirements set forth in para-
19 graph (1)(A) through (D).

20 “(3) PUBLIC REVIEW AND COMMENT.—The Ad-
21 ministrator shall, before approving a conservation
22 and management plan, publish in the Federal Reg-
23 ister a draft of the plan and provide an opportunity
24 for public review and comment on the plan.

1 “(4) IMPLEMENTATION.—Upon approval of a
2 conservation and management plan or interim ac-
3 tions under this section, the Administrator, as a
4 nondiscretionary duty, shall ensure that the Federal
5 responsibilities and commitments under the plan or
6 interim action are complied with and implemented in
7 accordance with the guidance document. The Admin-
8 istrator, in conjunction with and with the assistance
9 of the management conference, shall—

10 “(A) provide assistance to the management
11 conference, including administrative and tech-
12 nical assistance, for implementation of the plan
13 or interim action;

14 “(B) coordinate Federal programs nec-
15 essary for implementing the plan or interim
16 action;

17 “(C) make recommendations to the man-
18 agement conference on enforcement and tech-
19 nical assistance activities necessary to ensure
20 compliance with and implementation of the plan
21 or interim action;

22 “(D) collect and make available to the pub-
23 lic, publications and other forms of information
24 relating to implementation of the plan or in-
25 terim action; and

1 “(E) make grants under the authority pro-
2 vided by this title.

3 “(5) FUNDING.—Funds authorized to be appro-
4 priated under titles II and VI, section 319, and this
5 section may be used in accordance with the applica-
6 ble requirements of this Act to assist States with the
7 implementation of such conservation and manage-
8 ment plans. Funds authorized to be appropriated
9 under section 319 and this section may also be used
10 in accordance with the applicable requirements of
11 this Act to assist States with the implementation of
12 such interim actions.

13 “(6) CONSISTENCY.—Upon approval of a con-
14 servation and management plan or interim action
15 under this section, each Federal agency activity
16 identified pursuant to subsection (b)(10), with re-
17 spect to such plan or interim action shall be con-
18 ducted in a manner which is consistent with the
19 enforceable requirement of the plan or interim
20 action.”.

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