

Public Law 96-483
96th Congress

An Act

Oct. 21, 1980
[S. 2725]

To extend certain authorizations in the Clean Water Act, and for other purposes.

Clean Water
Act,
amendment.
Appropriation
authorization.
33 USC 1254.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 104(u) of the Federal Water Pollution Control Act is amended—

(1) in paragraph (1), by inserting after "September 30, 1980," the following: "and not to exceed \$20,697,000 for the fiscal year ending September 30, 1981, and not to exceed \$22,770,000 for the fiscal year ending September 30, 1982,";

(2) in paragraph (2), by striking out "and \$3,000,000 for fiscal year 1980" and by inserting in lieu thereof "\$3,000,000 for fiscal year 1980, \$3,000,000 for fiscal year 1981, and \$3,000,000 for fiscal year 1982"; and

(3) in paragraph (3), by striking out "and \$1,500,000 for fiscal year 1980" and inserting in lieu thereof "\$1,500,000 for fiscal year 1980, \$1,500,000 for fiscal year 1981, and \$1,500,000 for fiscal year 1982".

33 USC 1256.

(b) Section 106(a)(2) of the Federal Water Pollution Control Act is amended by inserting after "1980" a comma and the following: "\$75,000,000 per fiscal year for the fiscal years 1981 and 1982".

33 USC 1262.

(c) Section 112(c) of the Federal Water Pollution Control Act is amended by striking out "and \$7,000,000 for the fiscal year ending September 30, 1980" and inserting in lieu thereof "\$7,000,000 for the fiscal year ending September 30, 1980, \$7,000,000 for the fiscal year ending September 30, 1981, and \$7,000,000 for the fiscal year ending September 30, 1982".

33 USC 1288.

(d) Section 208(f)(3) of the Federal Water Pollution Control Act is amended by inserting after "1980" a comma and the following: "and not to exceed \$100,000,000 per fiscal year for the fiscal years ending September 30, 1981, and September 30, 1982".

(e) Section 208(j)(9) of the Federal Water Pollution Control Act is amended by striking out "and \$400,000,000 for fiscal year 1980" and inserting in lieu thereof "\$400,000,000 for fiscal year 1980, \$100,000,000 for fiscal year 1981, and \$100,000,000 for fiscal year 1982".

33 USC 1324.

(f) Section 314(c)(2) of the Federal Water Pollution Control Act is amended by striking out "and \$60,000,000 for fiscal year 1980" and inserting in lieu thereof "\$60,000,000 for fiscal year 1980, \$30,000,000 for fiscal year 1981, and \$30,000,000 for fiscal year 1982".

33 USC 1376.

(g) Section 517 of the Federal Water Pollution Control Act is amended by striking out "and \$150,000,000 for the fiscal year ending September 30, 1980" and inserting in lieu thereof "\$150,000,000 for the fiscal year ending September 30, 1980, \$150,000,000 for the fiscal year ending September 30, 1981, and \$161,000,000 for the fiscal year ending September 30, 1982".

33 USC 1284.

SEC. 2. (a) Paragraph (1) of subsection (b) of section 204 of the Federal Water Pollution Control Act is amended by striking out

clause (B) in its entirety and striking out “(C)” and inserting in lieu thereof “(B)”.

(b) Subsection (b) of section 204 of the Federal Water Pollution Control Act is amended by striking out paragraph (3) in its entirety and paragraph (6) in its entirety and renumbering paragraphs (4) and (5) as paragraphs (3) and (4), respectively. 33 USC 1284.

(c) The Administrator of the Environmental Protection Agency shall take such action as may be necessary to remove from any grant made under section 201(g)(1) of the Federal Water Pollution Control Act after March 1, 1973, and prior to the date of enactment of this Act, any condition or requirement no longer applicable as a result of the repeals made by subsections (a) and (b) of this section or release any grant recipient of the obligations established by such conditions of other requirement. Grants.
33 USC 1284
note.
33 USC 1281.

(d) Section 201(h) of the Federal Water Pollution Control Act is amended by striking out the last sentence. 33 USC 1281.

(e) The second sentence of section 213(d) of the Federal Water Pollution Control Act is amended by striking out “(1) all or any portion of the funds retained by such grantee under section 204(b)(3) of this Act, and (2)” . 33 USC 1293.

(f)(1) Section 75(b) of the Federal Water Pollution Control Act of 1977 (91 Stat. 1610) is hereby repealed. 33 USC 1284.
Repeal.

(2) Section 75(d) of the Clean Water Act of 1977 (91 Stat. 1610) is hereby repealed. 33 USC 1284
note.
Repeal.
33 USC 1284
note.

(g) The amendments made by this section shall take effect on December 27, 1977. Effective date.
33 USC 1281
note.

SEC. 3. Section 201 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new subsection: Grants.
33 USC 1281.

“(k) No grant made after November 15, 1981, for a publicly owned treatment works, other than for facility planning and the preparation of construction plans and specifications, shall be used to treat, store, or convey the flow of any industrial user into such treatment works in excess of a flow per day equivalent to fifty thousand gallons per day of sanitary waste. This subsection shall not apply to any project proposed by a grantee which is carrying out an approved project to prepare construction plans and specifications for a facility to treat wastewater, which received its grant approval before May 15, 1980.”

SEC. 4. The Administrator of the Environmental Protection Agency shall study and report to the Congress not later than March 15, 1981, on the effect of the amendment made by section 3 on the construction of publicly owned treatment works, industrial participation in publicly owned treatment works, treatment of industrial discharges, and the appropriate degree of Federal and non-Federal participation in the funding of publicly owned treatment works. Report to Congress.

SEC. 5. Section 206(f)(1) of the Federal Water Pollution Control Act is amended— 33 USC 1286.

(1) by striking out “In any case where all funds allotted to a State under this title have been obligated under section 203 of this Act” and inserting in lieu thereof “In any case where a substantial portion of the funds allotted to a State for the current fiscal year under this title have been obligated under section 201(g), or will be so obligated in a timely manner (as determined by the Administrator)” ; and 33 USC 1283.

(2) by striking out the last sentence thereof and inserting in lieu thereof the following: 33 USC 1281.

“The Administrator may not approve an application under this subsection unless an authorization is in effect for the first fiscal year Applications.

in the period for which the application requests payment and such requested payment for that fiscal year does not exceed the State's expected allotment from such authorization. The Administrator shall not be required to make such requested payment for any fiscal year—

“(A) to the extent that such payment would exceed such State's allotment of the amount appropriated for such fiscal year; and

“(B) unless such payment is for a project which, on the basis of an approved funding priority list of such State, is eligible to receive such payment based on the allotment and appropriation for such fiscal year.

To the extent that sufficient funds are not appropriated to pay the full Federal share with respect to a project for which obligations under the provisions of this subsection have been made, the Administrator shall reduce the Federal share to such amount less than 75 per centum as such appropriations do provide.”

33 USC 1283.

SEC. 6. Section 203(a) of the Federal Water Pollution Control Act is amended (1) by striking out “\$2,000,000” and inserting in lieu thereof “\$4,000,000”, and (2) by striking out “\$3,000,000” and inserting in lieu thereof “\$5,000,000”.

33 USC 1285 note.

SEC. 7. Notwithstanding section 205(d) of the Federal Water Pollution Control Act (33 U.S.C. 1285), sums allotted to the States for the fiscal year 1979 shall remain available for obligation for the fiscal year for which authorized and for the period of the next succeeding twenty-four months. The amount of any allotment not obligated by the end of such thirty-six month period shall be immediately reallocated by the Administrator on the basis of the same ratio as applicable to sums allotted for the then current fiscal year, except that none of the funds reallocated by the Administrator for fiscal year 1979 shall be allotted to any State which failed to obligate any of the funds being reallocated. Any sum made available to a State by reallocation under this section shall be in addition to any funds otherwise allotted to such State for grants under title II of the Federal Water Pollution Control Act during any fiscal year. This section shall take effect on September 30, 1980.

Effective date.

33 USC 1321.

SEC. 8. Section 311(k) of the Federal Water Pollution Control Act is amended—

(1) by inserting “(l)” after “(k)”; and

(2) by adding the following new paragraph at the end thereof:

“(2) The Secretary of Transportation shall notify the Congress whenever the unobligated balance of the fund is less than \$12,000,000, and shall include in such notification a recommendation for a supplemental appropriation relating to the sums that are needed to maintain the fund at the level provided in paragraph (1).”

Congressional notification.

33 USC 1282.

SEC. 9. (a) The first sentence of section 202(a)(1) of the Federal Water Pollution Control Act is amended by striking the period and inserting in lieu thereof a comma and the following: “unless modified to a lower percentage rate uniform throughout a State by the Governor of that State with the concurrence of the Administrator.

Guidelines.

33 USC 1285.

Within ninety days after the enactment of this sentence the Administrator shall issue guidelines for concurrence in any such modification, which shall provide for the consideration of the unobligated balance of sums allocated to the State under section 205 of this Act, the need for assistance under this title in such State, and the availability of State grant assistance to replace the Federal share reduced by such modification. The payment of any such reduced Federal share shall not constitute an obligation on the part of the United States or a claim on the part of any State or grantee to

reimbursement for the portion of the Federal share reduced in any such State.”.

(b) The first sentence of section 202(a)(2) of the Federal Water Pollution Control Act is amended by inserting before the period a comma and the following: “unless modified by the Governor of the State with the concurrence of the Administrator to a percentage rate no less than 15 per centum greater than the modified uniform percentage rate in which the Administrator has concurred pursuant to paragraph (1) of this subsection”.

33 USC 1282.

SEC. 10. Title I of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new section:

“HUDSON RIVER PCB RECLAMATION DEMONSTRATION PROJECT

“SEC. 116. (a) The Administrator is authorized to enter into contracts and other agreements with the State of New York to carry out a project to demonstrate methods for the selective removal of polychlorinated biphenyls contaminating bottom sediments of the Hudson River, treating such sediments as required, burying such sediments in secure landfills, and installing monitoring systems for such landfills. Such demonstration project shall be for the purpose of determining the feasibility of indefinite storage in secure landfills of toxic substances and of ascertaining the improvement of the rate of recovery of a toxic contaminated national waterway. No pollutants removed pursuant to this paragraph shall be placed in any landfill unless the Administrator first determines that disposal of the pollutants in such landfill would provide a higher standard of protection of the public health, safety, and welfare than disposal of such pollutants by any other method including, but not limited to, incineration or a chemical destruction process.

Contracts and agreements.
33 USC 1266.

“(b) The Administrator is authorized to make grants to the State of New York to carry out this section from funds allotted to such State under section 205(a) of this Act, except that the amount of any such grant shall be equal to 75 per centum of the cost of the project and such grant shall be made on condition that non-Federal sources provide the remainder of the cost of such project. The authority of this section shall be available until September 30, 1983. Funds allotted to the State of New York under section 205(a) shall be available under this subsection only to the extent that funds are not available, as determined by the Administrator, to the State of New York for the work authorized by this section under section 115 or 311 of this Act or a comprehensive hazardous substance response and clean up fund. Any funds used under the authority of this subsection shall be deducted from any estimate of the needs of the State of New York prepared under section 616(b) of this Act. The Administrator may not obligate or expend more than \$20,000,000 to carry out this section.”.

Grants.

33 USC 1285.

33 USC 1265,
1321.

SEC. 11. The first sentence of section 205(g)(1) of the Federal Water Pollution Control Act is amended by inserting “of the amount authorized under section 207 of this title for purposes” after “2 per centum”.

33 USC 1285.

SEC. 12. The Administrator of the Environmental Protection Agency is authorized to make grants to States to undertake a demonstration program for the cleanup of State-owned abandoned mines which can be used as hazardous waste disposal sites. The State shall pay 10 per centum of project costs. At a minimum, the Administrator shall undertake projects under such program in the States of Ohio, Illinois, and West Virginia. There are authorized to be

Cleanup grants.
33 USC 1257a.

Appropriation authorization.

