

**Editorial Notes****PRIOR PROVISIONS**

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

**AMENDMENTS**

2022—Subsec. (c)(7). Pub. L. 117-263, § 8501(c)(1)(A), added par. (7).

Subsec. (d)(1). Pub. L. 117-263, § 8501(c)(1)(B), substituted “identified in the comprehensive conservation and management plan approved for the Basin under section 1330 of this title” for “recommended by a management conference convened for the Basin under section 1330 of this title”.

Subsec. (e)(1). Pub. L. 117-263, § 8501(c)(2), substituted “10,000 square mile” for “5,000 square mile”.

Subsec. (f)(3). Pub. L. 117-263, § 8501(c)(3), added par. (3).

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 Conservation 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 Columbia 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

<sup>1</sup> So in original. Probably should be “Columbia”.

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 responsibilities 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, or Indian Tribe and the appropriate research center that receive funds under that subsection shall establish a formal research relationship for the purpose of coordinating efforts under this section.

**(c) Authorization of appropriations**

There is authorized to be appropriated to the Administrator to carry out this section \$5,000,000 for each of fiscal years 2022 through 2026.

(June 30, 1948, ch. 758, title I, §124, as added Pub. L. 117-58, div. E, title II, §50222, Nov. 15, 2021, 135 Stat. 1181.)

**§ 1276a. San Francisco Bay restoration grant program****(a) Definitions**

In this section:

**(1) Estuary Partnership**

The term “Estuary Partnership” means the San Francisco Estuary Partnership, designated as the management conference for the San Francisco Bay under section 1330 of this title.

**(2) San Francisco Bay Plan**

The term “San Francisco Bay Plan” means—

(A) until the date of the completion of the plan developed by the Director under subsection (d), the comprehensive conservation and management plan approved under section 1330 of this title for the San Francisco Bay estuary; and

(B) on and after the date of the completion of the plan developed by the Director under subsection (d), the plan developed by the Director under subsection (d).

**(b) Program Office****(1) Establishment**

The Administrator shall establish in the Environmental Protection Agency a San Francisco Bay Program Office. The Office shall be located at the headquarters of Region 9 of the Environmental Protection Agency.

**(2) Appointment of Director**

The Administrator shall appoint a Director of the Office, who shall have management experience and technical expertise relating to

the San Francisco Bay and be highly qualified to direct the development and implementation of projects, activities, and studies necessary to implement the San Francisco Bay Plan.

**(3) Delegation of authority; staffing**

The Administrator shall delegate to the Director such authority and provide such staff as may be necessary to carry out this section.

**(c) Annual priority list****(1) In general**

After providing public notice, the Director shall annually compile a priority list, consistent with the San Francisco Bay Plan, identifying and prioritizing the projects, activities, and studies to be carried out with amounts made available under subsection (e).

**(2) Inclusions**

The annual priority list compiled under paragraph (1) shall include the following:

(A) Projects, activities, and studies, including restoration projects and habitat improvement for fish, waterfowl, and wildlife, that advance the goals and objectives of the San Francisco Bay Plan, for—

(i) water quality improvement, including the reduction of marine litter;

(ii) wetland, riverine, and estuary restoration and protection;

(iii) nearshore and endangered species recovery; and

(iv) adaptation to climate change.

(B) Information on the projects, activities, and studies specified under subparagraph (A), including—

(i) the identity of each entity receiving assistance pursuant to subsection (e); and

(ii) a description of the communities to be served.

(C) The criteria and methods established by the Director for identification of projects, activities, and studies to be included on the annual priority list.

**(3) Consultation**

In compiling the annual priority list under paragraph (1), the Director shall consult with, and consider the recommendations of—

(A) the Estuary Partnership;

(B) the State of California and affected local governments in the San Francisco Bay estuary watershed;

(C) the San Francisco Bay Restoration Authority; and

(D) any other relevant stakeholder involved with the protection and restoration of the San Francisco Bay estuary that the Director determines to be appropriate.

**(d) San Francisco Bay Plan****(1) In general**

Not later than 5 years after December 23, 2022, the Director, in conjunction with the Estuary Partnership, shall review and revise the comprehensive conservation and management plan approved under section 1330 of this title for the San Francisco Bay estuary to develop a plan to guide the projects, activities, and studies of the Office to address the restoration and protection of the San Francisco Bay.