

Appendix A1
CZARA



NPS News-Notes

*The Condition of the Water-Related Environment
The Management and Ecological Restoration of Watersheds
The Control of Nonpoint Sources of Water Pollution*

Two Coastal Nonpoint Pollution Control Guidances Issued: Management Measures and Program Development and Approval

The recently published guidance issued under the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) represents an innovative approach for controlling nonpoint pollution. First, it presents a joint program — state water quality and coastal zone management agencies are to work together to develop and implement coastal nonpoint pollution control programs. These programs are to build upon and integrate existing state and local authorities and expertise. Second, the program will employ initial "technology-based" management measures throughout the coastal management area, to be followed by a more stringent water quality-based approach, where necessary, to address known water quality problems. Finally, the state coastal nonpoint program requires some insurance, in the form of state enforceable policies and mechanisms, that nonpoint source controls are actually implemented. Section 6217, applicable in the 29 states and territories with approved coastal zone management programs, include several of the Great Lakes states. As reported in *News-Notes #26*, EPA and NOAA have made two guidance documents available to assist states and others in meeting the new program requirements. The first document, "Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters," is EPA's technical guidance on ways to reduce or prevent nonpoint pollution in coastal waters. The second document, "Coastal Nonpoint Pollution Control Program — Program Development and Approval Guidance," was developed by EPA and NOAA to provide a road map for states to develop the coastal nonpoint programs required by section 6217 in a timely and resource-efficient manner.

Management Measures Guidance

Congress required EPA, in consultation with NOAA and other federal agencies, to develop guidance specifying the best available, economically achievable, management measures to control nonpoint pollution in coastal waters. The measures reflect the greatest degree of pollutant reduction achievable through the application of best available technology, siting criteria, operating methods, or alternatives.

The guidance includes a chapter for each of five major categories of nonpoint pollution: agriculture, forestry, urban (including new development, septic tanks, roads, bridges, and highways), marinas and recreational boating, and hydromodification. Also included is a chapter describing ways that wetlands and riparian areas can be used to prevent pollution from a variety of sources. Each chapter contains the management measures with which state programs must conform. In addition, each chapter describes management practices that may be used to achieve the measure, activities and locations for which each measure may be suitable, and information on the cost and effectiveness of the measures and/or practices.

The management measures are described in terms of management systems rather than individual BMPs. Many of these systems include actions that reduce the generation of pollutants — a pollution prevention approach — as well as actions to keep pollutants from reaching surface or ground coastal waters. Measures range from traditional activities, such as erosion control, to more comprehensive strategies, such as watershed planning, to help minimize urban runoff.

Agriculture

The primary agricultural nonpoint pollutants are nutrients (particularly nitrogen and phosphorus), sediments, animal wastes, pesticides, and salts. The guidance proposes the following measures:

Sediment/erosion control—The goal of this measure is to minimize the delivery of sediment from agricultural lands to receiving waters. Land owners have a choice of one of two approaches: (1) apply the erosion component of the USDA Conservation Management System through such practices as conservation tillage, strip cropping, contour farming, and terracing or (2) design and install a combination of practices to remove settleable solids and associated pollutants in runoff for all but the larger storms.

Confined animal facility control (e.g., feedlots) measure—The management measure for all new facilities and existing facilities over a certain size is to limit discharges from confined animal facilities to waters of the United States by storing wastewater and runoff caused by all storms up to and including the 25-year, 24-hour frequency storm. For smaller existing facilities, the management measure is to design and implement systems that collect solids, reduce contaminant concentrations, and reduce runoff to minimize the discharge of contaminants in both facility wastewater and runoff caused by all storms up to and including 25-year, 24-hour frequency storms. This measure also specifies management of stored runoff and solids through proper waste utilization and use of disposal methods that minimize impacts to surface/groundwater.

Nutrient management — This measure calls for development and implementation of comprehensive nutrient management plans including a nutrient budget for the crop, identification of the types and amounts of nutrients necessary to produce a crop based on realistic crop yield expectations, and an identification of the environmental hazards of the site.

Pesticide management — This measure is designed to minimize water quality problems by reducing pesticide use, improving the timing and efficiency of application, preventing backflow of pesticides into water supplies, and improving calibration of pesticide spray equipment. A key component of this measure is use of integrated pest management (IPM) strategies.

Livestock grazing — The goal of this measure is to protect sensitive areas including streambanks, wetlands, estuaries, ponds, lake shores, and riparian zones. Protection is to be achieved with improved grazing management that reduces the physical distance and direct loading of animal waste and sediment caused by livestock by restricting livestock access to sensitive areas through a range of options.

Irrigation — This measure promotes an effective irrigation system that delivers necessary quantities of water yet reduces nonpoint pollution to surface waters and groundwater. The measure calls for uniform application of water based on an accurate measurement of crop water needs and the volume of irrigation water applied. The measure also recognizes that conflicting state water laws will take precedence over the measure.

Forestry

The impacts associated with silvicultural activities vary depending on site characteristics, climatic conditions, and the forest practices employed. Pollutants commonly associated with forestry include sediment, nutrients, pesticides, and temperature variations in surface water. The forestry measures include

Preharvest planning — The objective of this measure is to ensure that silvicultural activities, including timber harvesting, site preparation, and associated road construction, are conducted in a way that takes into account potential nonpoint pollution of surface waters. It requires a preharvest planning process to address key aspects of forestry operations relevant to water quality.

Streamside special management areas — This measure establishes areas along surface waters that are managed to protect the adjacent water body, including the protection of trees that shade the water and moderate water temperatures.

Road construction/reconstruction — The purpose of this management measure is to reduce sediment from road construction or reconstruction. This is to be accomplished by following the preharvest plan layouts and designs for the road system, incorporating adequate drainage structures, and properly installing stream crossings.

Other forestry management measures include measures for road management, timber harvesting, site preparation and forest regeneration, fire management, revegetation of disturbed areas, forest chemical management, and wetland forest management.

Urban

Urbanization has many impacts on coastal waters. The major pollutants found in urban runoff include sediment, nutrients, oxygen demanding substances, road salts, heavy metals, petroleum hydrocarbons, pathogenic bacteria, and viruses. The urban measures include a range of preventative and remedial activities.

New development management — The new development management measure is intended to mitigate the effects of new development on water quality. This measure specifies that runoff from new development be managed so as to meet two conditions:

- (1) The average annual total suspended solid (TSS) loadings after construction is completed are reduced by 80 percent or are no greater than pre-development loadings; and
- (2) To the extent practicable, post-development peak runoff rate and average volume are maintained at levels that are similar to pre-development levels.

Watershed protection/site development — The purpose of these measures is to encourage comprehensive planning for development on a watershed scale and for small-scale site development as well, including planning and designing to protect sensitive ecological areas, minimize land disturbances, and retain natural drainage and vegetation whenever possible.

Construction erosion and sediment control — A sediment and erosion control plan should be developed and approved prior to land disturbance. This measure applies to construction sites of less than 5 acres. (Sites greater than 5 acres are addressed through NPDES stormwater regulations. See *News-Notes*, #27.)

Construction site chemical control — This measure addresses limiting the application, generation, and migration of chemical contaminants (i.e., petrochemicals, pesticides, nutrients) and providing proper storage and disposal.

Existing development — This measure addresses reduction of pollution loadings from previously developed areas. Watershed management programs should be developed to identify sources, specify appropriate controls (such as retrofitting or the establishment of buffer strips), and provide an implementation schedule.

New onsite sewage disposal systems (e.g., septic tanks) — The measure specifies that new onsite disposal systems (OSDS) are to be designed, installed, and operated properly and to be situated away from open waterbodies and sensitive resources such as wetlands and floodplains. Protective separation between the OSDS and the groundwater table is to be established.

In addition, management measures have been specified for the following: existing onsite disposal systems; pollution prevention; siting roads, highways, and bridges; construction projects for roads, highways, and bridges; construction site chemical control for roads, highways, and bridges; operation and maintenance measure for roads, highways, and bridges; and runoff systems for roads, highways, and bridges.

Marinas

Marinas, by their nature, are located on the water's edge. Pollutants from boats or marina maintenance area runoff are often not buffered. Potential impacts include dissolved oxygen deficiencies and high concentrations of toxic metals in aquatic organisms. In addition, construction of new marinas can lead to destruction of sensitive ecosystems. The marina measures focus on siting, design, and operation.

Marina flushing — The measure requires that marina siting and design allow for maximum flushing of water through the site.

Water quality assessment — This measure specifies that water quality be considered in the siting and design of both new and expanding marinas.

Habitat assessment — Marinas should be designed and located to protect against adverse impacts on shellfish resources and other important habitat areas as designated by local, state, or federal governments.

Stormwater runoff — This measure, which applies to runoff from the marina site only, specifies implementation of runoff control strategies that include the use of pollution prevention activities and the proper design of hull maintenance areas. At least 80 percent of suspended solids must be removed from stormwater runoff coming from hull maintenance areas.

Sewage facilities — To prevent the discharge of sewage directly to coastal waters, new and expanding marinas are to install pumpout, pump station, and restroom facilities where needed.

Additional marina management measures include shoreline stabilization, fueling station design, solid and fish waste management, liquid materials management, petroleum control, boat cleaning, public education, maintenance of sewage facilities, and boat operation.

Hydromodification

Hydromodification activities include channelization and channel modification, dams, and streambank and shoreline erosion. Results of hydromodification frequently include habitat impacts, sedimentation, and temperature impacts. The following are the hydromodification management measures:

Channelization and channel modification — The measure requires physical and chemical characteristics of surface waters to be considered when planning hydromodification activities. A measure for instream and riparian habitat restoration for channelization and channel modification is also included.

Dams — Three management measures for dams relate to construction, operation and maintenance. The measures include an erosion and sediment control measure, a chemical and pollutant control measure, and a measure for the protection of surface water quality and instream and riparian habitat.

Streambank and shoreline erosion — Eroding streambanks and shorelines should be stabilized where streambank and shoreline erosion is a nonpoint source problem. Vegetative measures such as marsh creation and vegetative bank stabilization are the preferred methods.

Wetlands

Wetlands and riparian areas provide a number of benefits including nonpoint pollution control. Changes to hydrology, geochemistry, substrate, or species composition may impair the ability of a wetland or riparian area to function properly. The measures are

Protection of wetlands and riparian areas — The purpose of this measure is to maintain the water quality benefits of wetlands and riparian areas to prevent them from becoming a source of nonpoint pollution.

Restoration of wetlands and riparian areas — This measure promotes the restoration of pre-existing wetland and riparian areas where the restoration of such systems will have a significant nonpoint source pollution abatement function.

Engineered vegetated treatment systems — This measure promotes the development of artificial wetlands or vegetated treatment systems to serve a nonpoint source pollution abatement function.

Program Development and Approval Guidance

The management measures guidance will be implemented through state coastal nonpoint programs. These programs will for the first time bring together the land use management expertise of state coastal zone management agencies and the water quality expertise of the state 319 agencies to address this important water quality problem. States are to build on existing Clean Water Act section 319 nonpoint source management programs and the coastal zone management programs approved under section 306 of the Coastal Zone Management Act.

The program guidance describes requirements for each state program to be approved by EPA and NOAA. States must address such issues as where the program will operate geographically, how the management measures should be selected and implemented, and how the program should be coordinated with other state, local, and federal programs. If EPA and NOAA disapprove of a state program, reductions in that state's 319 and 306 grants will occur.

Geographic scope — Where do the state programs apply?

As directed by section 6217(a), the geographic scope of each state coastal nonpoint program must be sufficient to ensure implementation of management measures to "restore and protect coastal waters." In the guidance, this area is known as the "6217 management area." As required by the statute, NOAA has reviewed the existing state coastal zone management boundaries and has made recommendations to the states on the area necessary to control nonpoint source pollution from land and water uses that have a significant impact on a state's coastal water. A state may respond to this recommendation by either modifying the coastal zone

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boundary to implement NOAA's recommendation or by identifying other state authorities to implement the coastal nonpoint program throughout the 6217 management area. For example, a state may have a forest practices act that ensures implementation of the forestry management measures throughout the 6217 management area. Such state authorities must be networked into the state coastal nonpoint program.

Implementation of management measures

State programs must include management measures "in conformity" with those specified in EPA's management measure guidance. In general, the presumption is that states will implement all the management measures for the source categories (e.g., agriculture, forestry) specified in EPA's management measures guidance throughout their 6217 management area. However, states have the opportunity to exclude certain nonpoint source categories or subcategories in limited situations. States may exclude certain sources if they can demonstrate either (1) the source is neither present nor reasonably anticipated in an area, or (2) that sources do not, individually or cumulatively, present significant adverse effects to living resources or human health. Exclusions will likely need to be demonstrated on a watershed or local basis.

States will also have some flexibility adopting either the measure specified in EPA's guidance or an alternative measure to better meet local conditions. However, states must demonstrate that alternative measures are as effective as EPA measures in controlling coastal nonpoint pollution.

Coastal nonpoint programs must also provide information on how the state will implement the measure. States will need to ensure the implementation of management measures through the use of enforceable policies and mechanisms. These can range from traditional regulatory activities to innovative incentive programs. Incentive programs must be backed by state authorities to ensure implementation of the management measures.

Other program requirements

In addition to implementing the technology-based management measures specified in EPA's guidance document, states must also describe their process for implementing additional management measures needed to attain or maintain water quality standards or designated uses in coastal waters. These additional management measures will be determined by the states.

States are expected to provide technical assistance to local governments in implementing the additional measures. Opportunities for public participation throughout the development and implementation of state coastal nonpoint programs are also required.

Schedule

States have until July 1995 to submit programs to EPA and NOAA for review and approval. The federal agencies have until January 1996 to review the programs. Once approval is granted, the states have three years (until January 1999) to implement the technology-based management measures. EPA and NOAA have provided a two-year monitoring period (until January 2001) for states to assess the effectiveness of the measures. States then have an additional three years (until January 2004) to implement additional measures where necessary to attain or maintain water quality standards.

EPA and NOAA are committed to the successful implementation of CZARA. The agencies welcome questions on the program and will continue to provide programmatic and technical assistance during the development of state coastal nonpoint programs to states, local governments, and other interested parties.

Congress passed section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (codified as 16 USC s. 1455b) to give special protection to coastal waters in light of increasing beach closures, shellfish harvesting prohibitions, and the loss of biological productivity.

For more information or for copies of the documents, contact NPS Control Branch, WH-553, U.S. EPA, 401 M St., SW, Washington, DC 20460. The management measures are also available on the NPS BBS. See page 24 for more information.

[The management measures guidance (EPA 840-B-92-002) and the program development and approval guidance may be ordered free from EPIC, 11029 Kenwood Road, Bldg. 5, Cincinnati, OH 45242. For further information, contact Stuart Tuller at EPA, (202) 260-7112; or Marcella Jansen at NOAA, (202) 606-4181.]

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PL 92-500 §319

(c) Notwithstanding any other provision of this Act, any point source of a discharge having a thermal component, the modification of which point source is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and which, as modified, meets effluent limitations established under section 301 or, if more stringent, effluent limitations established under section 303 and which effluent limitations will assure protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in or on the water into which the discharge is made, shall not be subject to any more stringent effluent limitation with respect to the thermal component of its discharge during a ten year period beginning on the date of completion of such modification or during the period of depreciation or amortization of such facility for the purpose of section 167 (or both) of the Internal Revenue Code of 1954, whichever period ends first.

FINANCING STUDY

SEC. 317. (a) The Administrator shall continue to investigate and study the feasibility of alternate methods of financing the cost of preventing, controlling and abating pollution as directed in the Water Quality Improvement Act of 1970 (Public Law 91-224), including, but not limited to, the feasibility of establishing a pollution abatement trust fund. The results of such investigation and study shall be reported to the Congress not later than two years after enactment of this title, together with recommendations of the Administrator for financing the programs for preventing, controlling and abating pollution for the fiscal years beginning after fiscal year 1976, including any necessary legislation.

(b) There is authorized to be appropriated for use in carrying out this section, not to exceed \$1,000,000.

AQUACULTURE

SEC. 318. (a) The Administrator is authorized, after public hearings, to permit the discharge of a specific pollutant or pollutants under controlled conditions associated with an approved aquaculture project under Federal or State supervision pursuant to section 402 of this Act.

(b) The Administrator shall by regulation establish any procedures and guidelines which the Administrator deems necessary to carry out this section. Such regulations shall require the application to such discharge of each criterion, factor, procedure, and requirement applicable to a permit issued under section 402 of this title, as the Administrator determines necessary to carry out the objective of this Act.

(c) Each State desiring to administer its own permit program within its jurisdiction for discharge of a specific pollutant or pollutants under controlled conditions associated with an approved aquaculture project may do so if upon submission of such program the Administrator determines such program is adequate to carry out the objective of this Act.

SEC. 319. NONPOINT SOURCE MANAGEMENT PROGRAMS.

(a) STATE ASSESSMENT REPORTS. —

(1) **CONTENTS.**—*The Governor of each State shall, after notice and opportunity for public comment, prepare and submit to the Administrator for approval, a report which—*

(A) *identifies those navigable waters within the State which, without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain applicable water quality standards or the goals and requirements of this Act;*

(B) *identifies those categories and subcategories of nonpoint sources or, where appropriate, particular nonpoint sources which add significant pollution to each portion of the navigable waters identified under subparagraph (A) in amounts which contribute to such portion not meeting such water quality standards or such goals and requirements;*

(C) *describes the process, including intergovernmental coordination and public participation, for identifying best management practices and measures to control each category and subcategory of nonpoint sources and, where appropriate, particular nonpoint sources identified under subparagraph (B) and to reduce, to the maximum extent practicable, the level of pollution resulting from such category, subcategory, or source; and*

(D) *identifies and describes State and local programs for controlling pollution added from nonpoint sources to, and improving the quality of, each such portion of the navigable waters, including but not limited to those programs which are receiving Federal assistance under subsections (h) and (i).*

(2) **INFORMATION USED IN PREPARATION.**—*In developing the report required by this section, the State (A) may rely upon information developed pursuant to sections 208, 303(e), 304(f), 305(b), and 314, and other information as appropriate, and (B) may utilize appropriate elements of the waste treatment management plans developed pursuant to sections 208(b) and 303, to the extent such elements are consistent with and fulfill the requirements of this section.*

(b) **STATE MANAGEMENT PROGRAMS.**—

(1) **IN GENERAL.**—*The Governor of each State, for that State or in combination with adjacent States, shall, after notice and opportunity for public comment, prepare and submit to the Administrator for approval a management program which such State proposes to implement in the first four fiscal years beginning after the date of submission of such management program for controlling pollution added from nonpoint sources to the navigable waters within the State and improving the quality of such waters.*

(2) **SPECIFIC CONTENTS.**—*Each management program proposed for implementation under this subsection shall include each of the following:*

(A) *An identification of the best management practices and measures which will be undertaken to reduce pollutant loadings resulting from each category, subcategory, or particular nonpoint source designated under paragraph (1)(B).*

taking into account the impact of the practice on ground water quality.

(B) An identification of programs (including, as appropriate, nonregulatory or regulatory programs for enforcement, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects) to achieve implementation of the best management practices by the categories, subcategories, and particular nonpoint sources designated under subparagraph (A).

(C) A schedule containing annual milestones for (i) utilization of the program implementation methods identified in subparagraph (B), and (ii) implementation of the best management practices identified in subparagraph (A) by the categories, subcategories, or particular nonpoint sources designated under paragraph (1)(B). Such schedule shall provide for utilization of the best management practices at the earliest practicable date.

(D) A certification of the attorney general of the State or States (or the chief attorney of any State water pollution control agency which has independent legal counsel) that the laws of the State or States, as the case may be, provide adequate authority to implement such management program or, if there is not such adequate authority, a list of such additional authorities as will be necessary to implement such management program. A schedule and commitment by the State or States to seek such additional authorities as expeditiously as practicable.

(E) Sources of Federal and other assistance and funding (other than assistance provided under subsections (h) and (i)) which will be available in each of such fiscal years for supporting implementation of such practices and measures and the purposes for which such assistance will be used in each of such fiscal years.

(F) An identification of Federal financial assistance programs and Federal development projects for which the State will review individual assistance applications or development projects for their effect on water quality pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983, to determine whether such assistance applications or development projects would be consistent with the program prepared under this subsection; for the purposes of this subparagraph, identification shall not be limited to the assistance programs or development projects subject to Executive Order 12372 but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the State's nonpoint source pollution management program.

(3) UTILIZATION OF LOCAL AND PRIVATE EXPERTS.—In developing and implementing a management program under this subsection, a State shall, to the maximum extent practicable, involve local public and private agencies and organizations which have expertise in control of nonpoint sources of pollution.

(4) *DEVELOPMENT ON WATERSHED BASIS.*—A State shall, to the maximum extent practicable, develop and implement a management program under this subsection on a watershed-by-watershed basis within such State.

(c) *ADMINISTRATIVE PROVISIONS.*—

(1) *COOPERATION REQUIREMENT.*—Any report required by subsection (a) and any management program and report required by subsection (b) shall be developed in cooperation with local, substate regional, and interstate entities which are actively planning for the implementation of nonpoint source pollution controls and have either been certified by the Administrator in accordance with section 208, have worked jointly with the State on water quality management planning under section 205(j), or have been designated by the State legislative body or Governor as water quality management planning agencies for their geographic areas.

(2) *TIME PERIOD FOR SUBMISSION OF REPORTS AND MANAGEMENT PROGRAMS.*—Each report and management program shall be submitted to the Administrator during the 18-month period beginning on the date of the enactment of this section.

(d) *APPROVAL OR DISAPPROVAL OF REPORTS AND MANAGEMENT PROGRAMS.*—

(1) *DEADLINE.*—Subject to paragraph (2), not later than 180 days after the date of submission to the Administrator of any report or management program under this section (other than subsections (h), (i), and (k)), the Administrator shall either approve or disapprove such report or management program, as the case may be. The Administrator may approve a portion of a management program under this subsection. If the Administrator does not disapprove a report, management program, or portion of a management program in such 180-day period, such report, management program, or portion shall be deemed approved for purposes of this section.

(2) *PROCEDURE FOR DISAPPROVAL.*—If, after notice and opportunity for public comment and consultation with appropriate Federal and State agencies and other interested persons, the Administrator determines that—

(A) the proposed management program or any portion thereof does not meet the requirements of subsection (b)(2) of this section or is not likely to satisfy, in whole or in part, the goals and requirements of this Act;

(B) adequate authority does not exist, or adequate resources are not available, to implement such program or portion;

(C) the schedule for implementing such program or portion is not sufficiently expeditious; or

(D) the practices and measures proposed in such program or portion are not adequate to reduce the level of pollution in navigable waters in the State resulting from nonpoint sources and to improve the quality of navigable waters in the State;

the Administrator shall within 6 months of the receipt of the proposed program notify the State of any revisions or modifications necessary to obtain approval. The State shall thereupon

have an additional 3 months to submit its revised management program and the Administrator shall approve or disapprove such revised program within three months of receipt.

(3) **FAILURE OF STATE TO SUBMIT REPORT.**—If a Governor of a State does not submit the report required by subsection (a) within the period specified by subsection (c)(2), the Administrator shall, within 30 months after the date of the enactment of this section, prepare a report for such State which makes the identifications required by paragraphs (1)(A) and (1)(B) of subsection (a). Upon completion of the requirement of the preceding sentence and after notice and opportunity for comment, the Administrator shall report to Congress on his actions pursuant to this section.

(e) **LOCAL MANAGEMENT PROGRAMS; TECHNICAL ASSISTANCE.**—If a State fails to submit a management program under subsection (b) or the Administrator does not approve such a management program, a local public agency or organization which has expertise in, and authority to, control water pollution resulting from nonpoint sources in any area of such State which the Administrator determines is of sufficient geographic size may, with approval of such State, request the Administrator to provide, and the Administrator shall provide, technical assistance to such agency or organization in developing for such area a management program which is described in subsection (b) and can be approved pursuant to subsection (d). After development of such management program, such agency or organization shall submit such management program to the Administrator for approval. If the Administrator approves such management program, such agency or organization shall be eligible to receive financial assistance under subsection (h) for implementation of such management program as if such agency or organization were a State for which a report submitted under subsection (a) and a management program submitted under subsection (b) were approved under this section. Such financial assistance shall be subject to the same terms and conditions as assistance provided to a State under subsection (h).

(f) **TECHNICAL ASSISTANCE FOR STATES.**—Upon request of a State, the Administrator may provide technical assistance to such State in developing a management program approved under subsection (b) for those portions of the navigable waters requested by such State.

(g) **INTERSTATE MANAGEMENT CONFERENCE.**—

(1) **CONVENING OF CONFERENCE; NOTIFICATION; PURPOSE.**—If any portion of the navigable waters in any State which is implementing a management program approved under this section is not meeting applicable water quality standards or the goals and requirements of this Act as a result, in whole or in part, of pollution from nonpoint sources in another State, such State may petition the Administrator to convene, and the Administrator shall convene, a management conference of all States which contribute significant pollution resulting from nonpoint sources to such portion. If, on the basis of information available, the Administrator determines that a State is not meeting applicable water quality standards or the goals and requirements of this Act as a result, in whole or in part, of significant pollution from nonpoint sources in another State, the Administrator shall

notify such States. The Administrator may convene a management conference under this paragraph not later than 180 days after giving such notification, whether or not the State which is not meeting such standards requests such conference. The purpose of such conference shall be to develop an agreement among such States to reduce the level of pollution in such portion resulting from nonpoint sources and to improve the water quality of such portion. Nothing in such agreement shall supersede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees, or State water laws. This subsection shall not apply to any pollution which is subject to the Colorado River Basin Salinity Control Act. The requirement that the Administrator convene a management conference shall not be subject to the provisions of section 505 of this Act.

(2) **STATE MANAGEMENT PROGRAM REQUIREMENT.**—To the extent that the States reach agreement through such conference, the management programs of the States which are parties to such agreements and which contribute significant pollution to the navigable waters or portions thereof not meeting applicable water quality standards or goals and requirements of this Act will be revised to reflect such agreement. Such management programs shall be consistent with Federal and State law.

(h) **GRANT PROGRAM.**—

(1) **GRANTS FOR IMPLEMENTATION OF MANAGEMENT PROGRAMS.**—Upon application of a State for which a report submitted under subsection (a) and a management program submitted under subsection (b) is approved under this section, the Administrator shall make grants, subject to such terms and conditions as the Administrator considers appropriate, under this subsection to such State for the purpose of assisting the State in implementing such management program. Funds reserved pursuant to section 205(j)(5) of this Act may be used to develop and implement such management program.

(2) **APPLICATIONS.**—An application for a grant under this subsection in any fiscal year shall be in such form and shall contain such other information as the Administrator may require, including an identification and description of the best management practices and measures which the State proposes to assist, encourage, or require in such year with the Federal assistance to be provided under the grant.

(3) **FEDERAL SHARE.**—The Federal share of the cost of each management program implemented with Federal assistance under this subsection in any fiscal year shall not exceed 60 percent of the cost incurred by the State in implementing such management program and shall be made on condition that the non-Federal share is provided from non-Federal sources.

(4) **LIMITATION ON GRANT AMOUNTS.**—Notwithstanding any other provision of this subsection, not more than 15 percent of the amount appropriated to carry out this subsection may be used to make grants to any one State, including any grants to any local public agency or organization with authority to control pollution from nonpoint sources in any area of such State.

(5) **PRIORITY FOR EFFECTIVE MECHANISMS.**—For each fiscal year beginning after September 30, 1987, the Administrator may give priority in making grants under this subsection, and shall give consideration in determining the Federal share of any such grant, to States which have implemented or are proposing to implement management programs which will—

(A) control particularly difficult or serious nonpoint source pollution problems, including, but not limited to, problems resulting from mining activities;

(B) implement innovative methods or practices for controlling nonpoint sources of pollution, including regulatory programs where the Administrator deems appropriate;

(C) control interstate nonpoint source pollution problems;

or

(D) carry out ground water quality protection activities which the Administrator determines are part of a comprehensive nonpoint source pollution control program, including research, planning, ground water assessments, demonstration programs, enforcement, technical assistance, education, and training to protect ground water quality from nonpoint sources of pollution.

(6) **AVAILABILITY FOR OBLIGATION.**—The funds granted to each State pursuant to this subsection in a fiscal year shall remain available for obligation by such State for the fiscal year for which appropriated. The amount of any such funds not obligated by the end of such fiscal year shall be available to the Administrator for granting to other States under this subsection in the next fiscal year.

(7) **LIMITATION ON USE OF FUNDS.**—States may use funds from grants made pursuant to this section for financial assistance to persons only to the extent that such assistance is related to the costs of demonstration projects.

(8) **SATISFACTORY PROGRESS.**—No grant may be made under this subsection in any fiscal year to a State which in the preceding fiscal year received a grant under this subsection unless the Administrator determines that such State made satisfactory progress in such preceding fiscal year in meeting the schedule specified by such State under subsection (b)(2).

(9) **MAINTENANCE OF EFFORT.**—No grant may be made to a State under this subsection in any fiscal year unless such State enters into such agreements with the Administrator as the Administrator may require to ensure that such State will maintain its aggregate expenditures from all other sources for programs for controlling pollution added to the navigable waters in such State from nonpoint sources and improving the quality of such waters at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this subsection.

(10) **REQUEST FOR INFORMATION.**—The Administrator may request such information, data, and reports as he considers necessary to make the determination of continuing eligibility for grants under this section.

(11) **REPORTING AND OTHER REQUIREMENTS.**—Each State shall report to the Administrator on an annual basis concerning (A)

its progress in meeting the schedule of milestones submitted pursuant to subsection (b)(2)(C) of this section, and (B) to the extent that appropriate information is available, reductions in nonpoint source pollutant loading and improvements in water quality for those navigable waters or watersheds within the State which were identified pursuant to subsection (a)(1)(A) of this section resulting from implementation of the management program.

(12) **LIMITATION ON ADMINISTRATIVE COSTS.**—For purposes of this subsection, administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against activities and programs carried out with a grant under this subsection shall not exceed in any fiscal year 10 percent of the amount of the grant in such year, except that costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs shall not be subject to this limitation.

(i) **GRANTS FOR PROTECTING GROUNDWATER QUALITY.**—

(1) **ELIGIBLE APPLICANTS AND ACTIVITIES.**—Upon application of a State for which a report submitted under subsection (a) and a plan submitted under subsection (b) is approved under this section, the Administrator shall make grants under this subsection to such State for the purpose of assisting such State in carrying out groundwater quality protection activities which the Administrator determines will advance the State toward implementation of a comprehensive nonpoint source pollution control program. Such activities shall include, but not be limited to, research, planning, groundwater assessments, demonstration programs, enforcement, technical assistance, education and training to protect the quality of groundwater and to prevent contamination of groundwater from nonpoint sources of pollution.

(2) **APPLICATIONS.**—An application for a grant under this subsection shall be in such form and shall contain such information as the Administrator may require.

(3) **FEDERAL SHARE; MAXIMUM AMOUNT.**—The Federal share of the cost of assisting a State in carrying out groundwater protection activities in any fiscal year under this subsection shall be 50 percent of the costs incurred by the State in carrying out such activities, except that the maximum amount of Federal assistance which any State may receive under this subsection in any fiscal year shall not exceed \$150,000.

(4) **REPORT.**—The Administrator shall include in each report transmitted under subsection (m) a report on the activities and programs implemented under this subsection during the preceding fiscal year.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out subsections (h) and (i) not to exceed \$70,000,000 for fiscal year 1988, \$100,000,000 per fiscal year for each of fiscal years 1989 and 1990, and \$130,000,000 for fiscal year 1991; except that for each of such fiscal years not to exceed \$7,500,000 may be made available to carry out subsection (i). Sums appropriated pursuant to this subsection shall remain available until expended.

(k) CONSISTENCY OF OTHER PROGRAMS AND PROJECTS WITH MANAGEMENT PROGRAMS.—The Administrator shall transmit to the Office of Management and Budget and the appropriate Federal departments and agencies a list of those assistance programs and development projects identified by each State under subsection (b)(2)(F) for which individual assistance applications and projects will be reviewed pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983. Beginning not later than sixty days after receiving notification by the Administrator, each Federal department and agency shall modify existing regulations to allow States to review individual development projects and assistance applications under the identified Federal assistance programs and shall accommodate, according to the requirements and definitions of Executive Order 12372, as in effect on September 17, 1983, the concerns of the State regarding the consistency of such applications or projects with the State nonpoint source pollution management program.

(l) COLLECTION OF INFORMATION.—The Administrator shall collect and make available, through publications and other appropriate means, information pertaining to management practices and implementation methods, including, but not limited to, (1) information concerning the costs and relative efficiencies of best management practices for reducing nonpoint source pollution; and (2) available data concerning the relationship between water quality and implementation of various management practices to control nonpoint sources of pollution.

(m) REPORTS OF ADMINISTRATOR.—

(1) ANNUAL REPORTS.—Not later than January 1, 1988, and each January 1 thereafter, the Administrator shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report for the preceding fiscal year on the activities and programs implemented under this section and the progress made in reducing pollution in the navigable waters resulting from nonpoint sources and improving the quality of such waters.

(2) FINAL REPORT.—Not later than January 1, 1990, the Administrator shall transmit to Congress a final report on the activities carried out under this section. Such report, at a minimum, shall—

(A) describe the management programs being implemented by the States by types and amount of affected navigable waters, categories and subcategories of nonpoint sources, and types of best management practices being implemented;

(B) describe the experiences of the States in adhering to schedules and implementing best management practices;

(C) describe the amount and purpose of grants awarded pursuant to subsections (h) and (i) of this section;

(D) identify, to the extent that information is available, the progress made in reducing pollutant loads and improving water quality in the navigable waters;

(E) indicate what further actions need to be taken to attain and maintain in those navigable waters (i) applica-

ble water quality standards, and (ii) the goals and requirements of this Act;

(F) include recommendations of the Administrator concerning future programs (including enforcement programs) for controlling pollution from nonpoint sources; and

(G) identify the activities and programs of departments, agencies, and instrumentalities of the United States which are inconsistent with the management programs submitted by the States and recommend modifications so that such activities and programs are consistent with and assist the States in implementation of such management programs.

(n) **SET ASIDE FOR ADMINISTRATIVE PERSONNEL.**—Not less than 5 percent of the funds appropriated pursuant to subsection (j) for any fiscal year shall be available to the Administrator to maintain personnel levels at the Environmental Protection Agency at levels which are adequate to carry out this section in such year.

SEC. 320. NATIONAL ESTUARY PROGRAM.

(a) **MANAGEMENT CONFERENCE.**—

(1) **NOMINATION OF ESTUARIES.**—The Governor of any State may nominate to the Administrator an estuary lying in whole or in part within the State as an estuary of national significance and request a management conference to develop a comprehensive management plan for the estuary. The nomination shall document the need for the conference, the likelihood of success, and information relating to the factors in paragraph (2).

(2) **CONVENING OF CONFERENCE.**—

(A) **IN GENERAL.**—In any case where the Administrator determines, on his own initiative or upon nomination of a State under paragraph (1), that the attainment or maintenance of that water quality in an estuary which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on the water, requires the control of point and nonpoint sources of pollution to supplement existing controls of pollution in more than one State, the Administrator shall select such estuary and convene a management conference.

(B) **PRIORITY CONSIDERATION.**—The Administrator shall give priority consideration under this section to Long Island Sound, New York and Connecticut; Narragansett Bay, Rhode Island; Buzzards Bay, Massachusetts; Puget Sound, Washington; New York-New Jersey Harbor, New York and New Jersey; Delaware Bay, Delaware and New Jersey; Delaware Inland Bays, Delaware; Albemarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; and Galveston Bay, Texas.

(3) **BOUNDARY DISPUTE EXCEPTION.**—In any case in which a boundary between two States passes through an estuary and such boundary is disputed and is the subject of an action in any court, the Administrator shall not convene a management

Appendix A3
EPA Guidance Manual For
Stormwater Permit Applications
Preface -- WPCF 1991

PREFACE

Water quality problems have occupied an increasingly prominent role in the public's awareness and in environmental legislation over the past several decades. Since 1956, the trend in water pollution control legislation has been toward greater Federal authority in setting and enforcing discharge standards. In 1972, Congress passed significant amendments to the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act or CWA) which provide that the discharge of any pollutant to navigable waters of the United States from a point source is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit.

Efforts to improve water quality under the NPDES program have traditionally focused on reducing pollutants in discharges of industrial process wastewater and municipal sewage. At the onset of the program in 1972, industrial process discharges and municipal sewage outfalls were easily identified as being responsible for poor, often drastically degraded water quality conditions. However, as pollution control measures were developed for these discharges, it became evident that more diffuse sources (occurring over a wide area) of water pollution were also major causes of water quality problems. The growing awareness of the magnitude of these diffuse sources of water pollution has only occurred in the past two decades.

For years, many environmental lawmakers and much of the public alike assumed that runoff from urban (and suburban) areas was essentially "clean" water. However, during the past 20 years or so, this view has changed. We now recognize that rainfall picks up a multitude of pollutants as a result of falling on and draining off streets and parking lots; construction and industrial sites; and mining, logging, and agricultural areas. The pollutants are dissolved into and are carried off by the runoff as it drains from these surfaces and areas. Through natural processes or manmade systems, the runoff is

channeled into and transported by gravity and flows through a wide variety of drainage features. The runoff then scours accumulated pollutants out of gutters, catchbasins, storm sewers, and drainage channels. The runoff (and accumulated pollutants) eventually ends up in surface water bodies such as creeks, rivers, estuaries, bays, and oceans.

Many recent studies have shown that runoff from urban and industrial areas typically contains significant quantities of the same general types of pollutants that are found in wastewaters and industrial discharges and often causes similar water quality problems. These pollutants include heavy metals (e.g., chromium, cadmium, copper, lead, mercury, nickel, zinc), pesticides, herbicides, and synthetic organic compounds such as fuels, waste oils, solvents, lubricants, and grease. These pollutants can (and do) cause problems for both human health and the aquatic ecosystems supported by the diverse receiving water bodies.

Comprehensive and reliable assessments of water quality are extremely difficult to perform and verify. However, several national-scale assessments have been made. For the purposes of these assessments, runoff from urban and industrial areas has been considered as a diffuse source or "nonpoint" source of pollution. Legally, however, most urban runoff is discharged through conveyances such as separate storm sewers or other conveyances which are point sources under the CWA and are, therefore, subject to the NPDES program.

To provide a better understanding of the nature of storm water runoff from residential, commercial, and light industrial areas, EPA provided funding and guidance to the Nationwide Urban Runoff Program (NURP), which was conducted from 1978 through 1983. The NURP study provided insight on what can be considered background levels of pollutants for urban runoff. However, NURP concluded that the quality of urban runoff can be adversely impacted by several sources of pollutants that were not directly evaluated in the study, including illicit connections, construction and industrial site runoff, and illegal dumping.

Other studies have shown that many storm sewers contain illicit discharges of non-storm water, and that large amounts of wastes, particularly used oils, are improperly disposed of in storm sewers. Removal of these discharges presents opportunities for dramatic improvements in the quality of storm water discharges.

More recently, the EPA performed a general assessment of water quality based on biennial reports submitted by the States. In a document entitled "National Water Quality Inventory, 1988 Report to Congress," it was reported that pollution from diffuse or nonpoint sources such as runoff from urban areas and industrial sites was cited as the leading cause of water quality impairment in 37 states.

As a result of these studies, it became clear that the point source discharge of urban runoff would have to be regulated in some manner. The appropriate means of regulating storm water point sources within the NPDES program has been a matter of serious concern since implementation of the NPDES program in 1972. Each attempt to devise a workable program has been the focus of substantial controversy, in view of the large number of storm water sources, the nature of storm water runoff, and the realities of program priorities and resources.

EPA promulgated its first storm water regulations in 1973. Since that time, the history of the storm water permit application rulemaking has been long and complex. While EPA was evaluating the appropriate means to regulate storm water discharges, Congress was examining the storm water issue in the course of the reauthorization of the CWA. The CWA was amended on February 4, 1987, when Congress passed the Water Quality Act of 1987 (WQA).

The central provision of the WQA which governs storm water discharges is Section 405. Section 405 of the WQA added a new subsection "p" to existing Section 402 of the CWA. Section 402(p) of the CWA adopted a phased approach to control pollutants in storm water discharges. It established phased permit application requirements, permit issuance deadlines, and permit compliance conditions for different categories of storm water discharges.

Section 402(p) of the CWA requires the EPA to establish final regulations governing storm water discharge permit application requirements under the NPDES program. The permit application requirements pertain to storm water discharges associated with industrial activity; discharges from large municipal separate storm water systems (systems serving a population of 250,000 or more); and discharges from medium municipal separate storm water systems (systems serving a population of 100,000 or more, but less than 250,000). In response to this requirement, the EPA published in the November 16, 1990, Federal Register the regulations for NPDES permit application requirements for the above-mentioned storm water discharges. This manual provides guidance to the cities in how to fulfill these requirements for a municipal application.

Appendix A4
PL 92-500 §313

district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

FEDERAL FACILITIES POLLUTION CONTROL

SEC. 313. (a) Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants, and each officer, agent, or employee thereof in the performance of his official duties, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution in the same manner, and to the same extent as any nongovernmental entity including the payment of reasonable service charges. The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits and any other requirement, whatsoever), (B) to the exercise of any Federal, State, or local administrative authority, and (C) to any process and sanction, whether enforced in Federal, State, or local courts or in any other manner. This subsection shall apply notwithstanding any immunity of such agencies, officers agents, or employees under any law or rule of law. Nothing in this section shall be construed to prevent any department, agency, or instrumentality of the Federal Government, or any officer, agent, or employee thereof in the performance of his official duties, from removing to the appropriate Federal district court any proceeding to which the department, agency, or instrumentality or officer, agent or employee thereof this subject pursuant to this section, and any such proceeding may be removed in accordance with 28 U.S.C. 1441 et seq. No officer, agent, or employee of the United States shall be personally liable for any civil penalty arising from the performance of his official duties, for which he is not otherwise liable, and the United States shall be liable only for those civil penalties arising under Federal law or imposed by a State or local court to enforce an order or the process of such court. The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with any such a requirement if he determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from the requirements of section 306 or 307 of this Act. No such exemptions shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of

not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting such exemption. In addition to any such exemption of a particular effluent source, the President may, if he determines it to be in the paramount interest of the United States to do so, issue regulations exempting from compliance with the requirements of this section any weaponry, equipment, aircraft, vessels, vehicles, or other classes or categories of property, and access to such property, which are owned or operated by the Armed Forces of the United States (including the Coast Guard) or by the National Guard of any State and which are uniquely military in nature. The President shall reconsider the need for such regulations at three-year intervals.

(b)(1) The Administrator shall coordinate with the head of each department, agency, or instrumentality of the Federal Government having jurisdiction over any property or facility utilizing federally owned wastewater facilities to develop a program of cooperation for utilizing wastewater control systems utilizing those innovative treatment processes and techniques for which guidelines have been promulgated under section 304(d)(3). Such program shall include an inventory of property and facilities which could utilize such processes and techniques.

(2) Construction shall not be initiated for facilities for treatment of wastewater at any Federal property or facility after September 30, 1979, if alternative methods for wastewater treatment at such property or facility utilizing innovative treatment processes and techniques, including but not limited to methods utilizing recycle and reuse techniques and land treatment are not utilized, unless the life cycle cost of the alternative treatment works exceeds the life cycle cost of the most cost effective alternative by more than 15 per centum. The Administrator may waive the application of this paragraph in any case where the Administrator determines it to be in the public interest, or that compliance with this paragraph would interfere with the orderly compliance with conditions of a permit issued pursuant to section 402 of this Act.

CLEAN LAKES

SEC. 314. [(a) Each State shall prepare or establish, and submit to the Administrator for his approval—

[(1) an identification and classification according to eutrophic condition of all publicly owned fresh water lakes in such State;

[(2) procedures, processes, and methods (including land use requirements), to control sources of pollution of such lakes; and

[(3) methods and procedures, in conjunction with appropriate Federal agencies, to restore the quality of such lakes.]

(a) *ESTABLISHMENT AND SCOPE OF PROGRAM.*—

(1) *STATE PROGRAM REQUIREMENTS.*—*Each State on a biennial basis shall prepare and submit to the Administrator for his approval—*

(A) *an identification and classification according to eutrophic condition of all publicly owned lakes in such State:*

Appendix A5
HB 2215

67th OREGON LEGISLATIVE ASSEMBLY--1993 Regular Session

B-Engrossed House Bill 2215

Ordered by the Senate July 9
Including House Amendments dated April 19 and Senate Amendments
dated July 9

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor
Barbara Roberts for Strategic Water Management Group)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Encourages formation of voluntary partnerships among local, state and federal interests for watershed management. Allows creation of local watershed councils. Directs Strategic Water Management Group to assist in creation of pilot watershed action programs using August 11, 1992, report as framework and guide.

Requires Strategic Water Management Group to report annually on implementation of program to appropriate legislative committee. Requires report on pilot projects to 1997 Legislative Assembly.

Sunset December 31, 1997.

A BILL FOR AN ACT

- 1
2 Relating to coordinated watershed management.
3 Be It Enacted by the People of the State of Oregon:
4 **SECTION 1. (1) The Legislative Assembly finds that:**
5 (a) The long term protection of the water resources of this state, including sustainable
6 watershed functions, is an essential component of Oregon's environmental and economic
7 stability and growth;
8 (b) Each watershed in Oregon is unique, requiring different management techniques and
9 programs;
10 (c) Management techniques and programs for the protection and enhancement of
11 watersheds can be most effective and efficient when voluntarily initiated at the local level;
12 (d) Cooperative partnerships between affected private individuals, interested citizens and
13 representatives of local, state and federal agencies may improve opportunities to achieve the
14 protection, enhancement and restoration of the state's watersheds; and
15 (e) The establishment of such cooperative partnerships should be encouraged by local
16 individuals, local organizations and representatives of state agencies.
17 **(2) The Legislative Assembly declares that:**
18 (a) Voluntary programs initiated at the local level to protect and enhance the quality and
19 stability of watersheds are a high priority of the state and should be encouraged;
20 (b) State agencies are encouraged to respond cooperatively to local watershed protection
21 and enhancement efforts and coordinate their respective activities with other state agencies
22 and affected federal agencies to the greatest degree possible; and
23 (c) State agencies responding to local watershed protection and enhancement efforts are
24 encouraged to foster local watershed planning, protection and enhancement efforts before

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted.
New sections are in boldfaced type.

1 initiating respective action within a watershed.

2 SECTION 2. The Strategic Water Management Group, in cooperation with the Governor's
3 Watershed Enhancement Board, shall initiate a watershed management program using as a
4 framework and guide the report titled "Proposal: A Watershed Management Strategy for
5 Oregon, Final Report and Recommendations of the Strategic Water Management Group
6 Policy Work Group" and dated August 11, 1992. The program shall include pilot watershed
7 council projects. The pilot projects shall focus state resources on the achievement of
8 sustainable watershed health within the selected basins.

9 SECTION 3. Local government bodies are encouraged to form voluntary local watershed
10 councils in other watersheds following the process described in the report titled "Proposal:
11 A Watershed Management Strategy for Oregon, Final Report and Recommendations of the
12 Strategic Water Management Group Policy Work Group" and dated August 11, 1992. The
13 Strategic Water Management Group is authorized to work cooperatively with any local
14 watershed council that may be formed. Requests from local watershed councils for state
15 assistance shall be evaluated on the basis of whether the requesting organization reflects the
16 interests of the affected watershed and the potential to protect and enhance the quality of
17 the watershed in question.

18 SECTION 4. (1) The Strategic Water Management Group shall report annually to the
19 appropriate legislative committee on the implementation of the management program under
20 section 2 of this Act. The report shall include but need not be limited to:

21 (a) An explanation of the effectiveness and workability of the partnership process de-
22 scribed in the report referred to in section 2 of this Act;

23 (b) A description of any modifications to the process that have been instituted as part
24 of the pilot projects; and

25 (c) Recommendations concerning the need for future legislative action.

26 (2) On or before January 1, 1997, the Strategic Water Management Group shall submit a
27 report on the pilot projects undertaken under section 2 of this Act to the Sixty-ninth Legis-
28 lative Assembly.

29 SECTION 5. Sections 1 to 4 of this Act are repealed on December 31, 1997.
30