Public Law 89-753

November 3, 1966
[S. 2947]

AN ACT

To amend the Federal Water Pollution Control Act in order to improve and make more effective certain programs pursuant to such Act.

Clean Water Restoration Act of 1966.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Clean Water Restoration Act of 1966".

TITLE I

70 Stat. 498; 75 Stat. 204; 79 Stat. 903. 33 USC 466a.

SEC. 101. Section 3 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

"(c)(1) The Secretary shall, at the request of the Governor of a State, or a majority of the governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed 3 years, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international, interests in the basin or portion thereof involved and is capable of developing an effective, comprehensive water quality control and abatement plan for a basin.

"(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control and abatement plan for the basin which—

"(A) is consistent with any applicable water quality standards established pursuant to current law within the basin;

"(B) recommends such treatment works and sewer systems as will provide the most effective and economical means of collection, storage, treatment, and purification of wastes and recommends means to encourage both municipal and industrial use of such works and systems; and

"(C) recommends maintenance and improvement of water quality standards within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan.

"Basin."

"(3) For the purposes of this subsection the term 'basin' includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby."

TITLE II

79 Stat. 905. 33 USC 466c-1.

SEC. 201. (a) Section 6 of the Federal Water Pollution Control Act is amended to read as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of—

"(1) assisting in the development of any project which will demonstate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes, or

"(2) assisting in the development of any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement

to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes,

and for the purpose of reports, plans, and specifications in connection therewith.

"(b) The Secretary is authorized to make grants to persons for research and demonstration projects for prevention of pollution of waters by industry including, but not limited to, treatment of industrial waste.

"(c) Federal grants under subsection (a) of this section shall be subject to the following limitations: Limitations.

"(1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary;

"(2) No grant shall be made for any project in an amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Secretary; and

"(3) No grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

"(d) Federal grants under susbection (b) of this section shall be subject to the following limitations:

"(1) No grant shall be made under this section in excess of $1,000,000;

"(2) No grant shall be made for more than 70 per centum of the cost of the project; and

"(3) No grant shall be made for any project unless the Secretary determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry, which method shall have industry-wide application.

"(e) For the purposes of this section there are authorized to be appropriated— Appropriation.

"(1) for the fiscal year ending June 30, 1966, and for each of the next three succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

"(2) for the fiscal year ending June 30, 1967, and for each of the next two succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in clause (2) of subsection (a); and

"(3) for the fiscal year ending June 30, 1967, and for each of the next two succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in subsection (b)."

(b) Section 5 of such Act is amended by adding at the end thereof the following new subsections: Estuarine zones, pollution study 70 Stat. 499; 75 Stat. 205; 79 Stat. 903 33 USC 466c.

"(g)(1) The Secretary shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, a comprehensive study of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such study shall also consider the effect of demographic trends, the exploitation of mineral

resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

"(2) In conducting the above study, the Secretary shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones; carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones; and identify the problems and areas where further research and study are required.

Report to Congress

"(3) The Secretary shall submit to the Congress a final report of the study authorized by this subsection not later than three years after the date of enactment of this subsection. Copies of the report shall be made available to all interested parties, public and private. The report shall include, but not be limited to—

"(A) an analysis of the importance of estuaries to the economic and social well-being of the people of the United States and of the effects of pollution upon the use and enjoyment of such estuaries;

"(B) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the Nation;

"(C) recommendations for a comprehensive national program for the preservation, study, use, and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

Appropriation.

"(4) There is authorized to be appropriated the sum of $1,000,000 per fiscal year for the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, to carry out the purposes of this subsection.

"Estuarine zones."

"(5) For the purpose of this subsection, the term 'estuarine zones' means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term 'estuary' means all or part of the mouth of a navigable or interstate river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

"Estuary."

Appropriation.

"(h) There is authorized to be appropriated to carry out this section, other than subsection (g), not to exceed $60,000,000 for the fiscal year ending June 30, 1968, and $65,000,000 for the fiscal year ending June 30, 1969. Sums so appropriated shall remain available until expended."

75 Stat. 205; 79 Stat. 903. 33 USC 466c.

(c)(1) Subsection (d) of section 5 of the Federal Water Pollution Control Act is amended by striking out "(1)" and by striking out all of paragraph (2) of such subsection.

(2) The amendment made by this subsection shall take effect July 1, 1967.

Program grants. 33 USC 466d.

SEC. 202. (a) Subsection (a) of section 7 of the Federal Water Pollution Control Act is amended by striking out "and for each succeeding fiscal year to and including the fiscal year ending June 30, 1968, $5,000,000" and inserting in lieu thereof "for each succeeding fiscal year to and including the fiscal year ending June 30, 1967, $5,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1971, $10,000,000".

(b) Subsection (a) of section 7 of the Federal Water Pollution Control Act is further amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "including the training of personnel of public agencies."

Construction grants. 70 Stat. 502; 79 Stat. 903. 33 USC 466e.

SEC. 203. (a) Subsection (b) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

"(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant

to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made unless the grantee agrees to pay the remaining cost; (4) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (5) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; (6) the percentage limitation of 30 per centum imposed by clause (2) of this subsection shall be increased to a maximum of 40 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 30 per centum of the estimated reasonable cost (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation; (7) the percentage limitations imposed by clause (2) of this subsection shall be increased to a maximum of 50 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 25 per centum of the estimated reasonable costs (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation and if enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters.

70 Stat. 499; 79 Stat. 903. 33 USC 466d.

79 Stat. 903, 907. 33 USC 466g.

(b) The amendment made by subsection (a) of this section shall take effect July 1, 1967.

Effective date.

SEC. 204. The next to the last sentence of subsection (c) of section 8 of the Federal Water Pollution Control Act is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year ending prior to July 1, 1971, shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be con-

75 Stat. 206; 79 Stat. 903. 33 USC 466e.

strued to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project."

79 Stat. 903, 907. 33 USC 466e.

SEC. 205. Subsection (d) of section 8 of the Federal Water Pollution Control Act is amended by striking out "and $150,000,000 for the fiscal year ending June 30, 1967." and inserting in lieu thereof the following: "$150,000,000 for the fiscal year ending June 30, 1967; $450,000,000 for the fiscal year ending June 30, 1968; $700,000,000 for the fiscal year ending June 30, 1969; $1,000,000,000 for the fiscal year ending June 30, 1970; and $1,250,000,000 for the fiscal year ending June 30, 1971."

Enforcement provisions. 70 Stat. 504; 79 Stat. 903, 907. 33 USC 466g.

SEC. 206. Section 10(d) of the Federal Water Pollution Control Act is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting immediately after paragraph (1) the following new paragraph:

"(2) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) of this section which endangers the health or welfare of persons in a foreign country is occurring, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State in which such discharge or discharges originate and to the interstate water pollution control agency, if any, and shall call promptly a conference of such agency or agencies, if he believes that such pollution is occurring in sufficient quantity to warrant such action. The Secretary, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State water pollution control agency. This paragraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention and control of water pollution occurring in that country as is given that country by this paragraph. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of water pollution in waters covered by those treaties."

36 Stat. 2448.

SEC. 207. Section 10(d)(3) of the Federal Water Pollution Control Act (as redesignated by this Act) is amended by inserting after the first sentence thereof the following: "In addition, it shall be the responsibility of the chairman of the conference to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference."

SEC. 208. (a) Section 10 of the Federal Water Pollution Control Act is further amended by adding at the end thereof the following new subsection:

"(k)(1) At the request of a majority of the conferees in any conference called under this section the Secretary is authorized to request any person whose alleged activities result in discharges causing or contributing to water pollution, to file with him a report (in such form as may be prescribed in regulations promulgated by him) based on existing data, furnishing such information as may reasonably be requested as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

62 Stat. 791.

"(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by regulations for filing the same, and such failure shall continue for thirty days after notice of such default, such person may, by order of a majority of the conferees, be subject to a forfeiture of $100 for each and every day of the continuance of such failure which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

"(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures."

(b) Subsection (f) of section 10 of the Federal Water Pollution Control Act is amended (1) by striking out "(f)" and inserting in lieu thereof "(f)(1)", (2) by inserting immediately after the third sentence thereof the following: "It shall be the responsibility of the Hearing Board to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the Hearing Board.", and (3) by adding at the end thereof the following new paragraphs:

75 Stat. 208; 79 Stat 903, 907. 33 USC 466g.

"(2) In connection with any hearing called under this section the Secretary is authorized to require any person whose alleged activities result in discharges causing or contributing to water pollution to file with him, in such form as he may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

62 Stat. 791.

"(3) If any person required to file any report under paragraph (2) of this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forefeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this paragraph and he shall have authority to determine the facts upon all such applications.

"(4) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures."

SEC. 209. Paragraph (f) of section 13 of the Federal Water Pollution Control Act is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and an Indian tribe or an authorized Indian tribal organization."

70 Stat. 506; 79 Stat. 903. 33 USC 466j.

70 Stat. 507; 79 Stat. 903. 33 USC 466 note. Cost estimates.

SEC. 210. The Federal Water Pollution Control Act, as amended, is amended by renumbering existing section 16 as section 19 and by adding immediately after section 15 the following new sections:

"SEC. 16. (a) In order to provide the basis for evaluating programs authorized by this Act, the development of new programs, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1968, the Secretary, in cooperation with State water pollution control agencies and other water pollution control planning agencies, shall make a detailed estimate of the cost of carrying out the provisions of this Act; a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain such water quality standards as established pursuant to this Act or applicable State law. The Secretary shall submit such detailed estimate and such comprehensive study of such cost for the five-year period beginning July 1, 1968, to the Congress no later than January 10, 1968, such study to be updated each year thereafter.

Report to Congress.

Personnel requirements.

"(b) The Secretary shall also make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted pursuant to this Act and other programs for the same purpose as this Act, and (2) means of using existing Federal training programs to train such personnel. He shall report the results of such investigation and study to the President and the Congress not later than July 1, 1967.

Report to President and Congress.

Watercraft pollution study.

"SEC. 17. The Secretary of the Interior shall, in consultation with the Secretary of the Army, the Secretary of the department in which the Coast Guard is operating, the Secretary of Health, Education, and Welfare, and the Secretary of Commerce, conduct a full and complete investigation and study of the extent of the pollution of all navigable waters of the United States from litter and sewage discharged, dumped, or otherwise deposited into such waters from watercraft using such waters, and methods of abating either in whole or in part such pollution. The Secretary shall submit a report of such investigation to Congress, together with his recommendations for any necessary legislation, not later than July 1, 1967.

Report to Congress.

Incentive assistance to industries.

"SEC. 18. The Secretary of the Interior shall conduct a full and complete investigation and study of methods for providing incentives designed to assist in the construction of facilities and works by industry designed to reduce or abate water pollution. Such study shall include, but not be limited to, the possible use of tax incentives as well as other methods of financial assistance. In carrying out this study the Secretary shall consult with the Secretary of the Treasury as well as the head of any other appropriate department or agency of the Federal Government. The Secretary shall report the results of such investigation and study, together with his recommendations, to the Congress not later than January 30, 1968."

Report to Congress.

Oil Pollution Act, 1924, revision.

SEC. 211. (a) The Oil Pollution Act, 1924 (43 Stat. 604; 33 U.S.C. 431 et seq.), is amended to read as follows: "That this Act may be cited as the 'Oil Pollution Act, 1924'

Definitions

"SEC. 2. When used in this Act, unless the context otherwise requires—

"(1) 'oil' means oil of any kind or in any form, including fuel oil, sludge, and oil refuse;

"(2) 'person' means an individual, company, partnership, corporation, or association; any owner, operator, master, officer, or employee of a vessel; and any officer, agent or employee of the United States;

"(3) 'discharge' means any grossly negligent, or willful spilling, leaking, pumping, pouring, emitting, or emptying of oil;

"(4) 'navigable waters of the United States' means all portions of the sea within the territorial jurisdiction of the United States, and all inland waters navigable in fact; and

"(5) 'Secretary' means the Secretary of the Interior.

Prohibitions.

"SEC. 3. (a) Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary as hereinafter authorized, it is unlawful for any person to discharge or permit the discharge from any boat or vessel of oil by any method, means, or manner into or upon the navigable waters of the United States, and adjoining shorelines of the United States.

"(b) Any person discharging or permitting the discharge of oil from any boat or vessel, into or upon the navigable waters of the United States shall remove the same from the navigable waters of the United States, and adjoining shorelines immediately. If such person fails to do so, the Secretary may remove the oil or may arrange for its removal, and such person shall be liable to the United States, in addition to the penalties prescribed in section 4 of this Act, for all costs and expenses reasonably incurred by the Secretary in removing the oil from the navigable waters of the United States, and adjoining shorelines of the United States. These costs and expenses shall constitute a lien on such boat or vessel which may be recovered in proceedings by libel in rem.

"(c) The Secretary may prescribe regulations which—

"(1) permit the discharge of oil from boats or vessels in such quantities under such conditions, and at such times and places as in his opinion will not be deleterious to health or marine life or a menace to navigation, or dangerous to persons or property engaged in commerce on navigable waters of the United States; and

"(2) relate to the removal or cost of removal, or both, of oil from the navigable waters of the United States, and adjoining shorelines of the United States.

Penalties.

"SEC. 4. (a) Any person who violates section 3(a) of this Act shall, upon conviction thereof, be punished by a fine not exceeding $2,500, or by imprisonment not exceeding one year, or by both such fine and imprisonment for each offense.

"(b) Any boat or vessel other than a boat or vessel owned and operated by the United States from which oil is discharged in violation of section 3(a) of this Act shall be liable for a penalty of not more than $10,000. Clearance of a boat or vessel liable for this penalty from a port of the United States may be withheld until the penalty is paid. The penalty shall constitute a lien on such boat or vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which such boat or vessel may be.

"SEC. 5. The Commandant of the Coast Guard may, subject to the provisions of section 4450 of the Revised Statutes, as amended (46 U.S.C. 239), suspend or revoke a license issued to the master or other licensed officer of any boat or vessel found violating the provisions of section 3 of this Act.

Enforcement provisions.

"SEC. 6. In the administration of this Act the Secretary may, with the consent of the Commandant of the Coast Guard or the Secretary of the Army, make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed by the Coast Guard or the Department of the Army, respectively, for the preservation and protection of navigable waters of the United States. For the better enforcement of the provisions of this Act, the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary of the Army, and persons employed by the Secretary, and officers of the Customs and Coast Guard of the United States shall have the power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of such provisions, except that no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid persons. Whenever any arrest is made under the provisions of this Act the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

"SEC. 7. This Act shall be in addition to other laws for the preservation and protection of navigable waters of the United States and shall not be construed as repealing, modifying, or in any manner affecting the provisions of such laws."

Effective date.

(b) The amendment made by subsection (a) of this section shall take effect on the thirtieth day which begins after the date of enactment of this Act.

Approved November 3, 1966.