

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1132

To amend the Federal Water Pollution Control Act to establish requirements and provide assistance to prevent nonpoint sources of water pollution, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1995

Mr. OBERSTAR introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Federal Water Pollution Control Act to establish requirements and provide assistance to prevent nonpoint sources of water pollution, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nonpoint Source  
5 Water Pollution Prevention Act of 1995”.

6 **SEC. 2. POLICY, FINDINGS, AND PURPOSES.**

7 (a) POLICY.—It is the policy of the United States to  
8 consummate the objective set forth in the Federal Water

1 Pollution Control Act to “restore and maintain the chemi-  
2 cal, physical, and biological integrity of the Nation’s wa-  
3 ters”.

4 (b) FINDINGS.—Congress finds the following:

5 (1) While the Federal Water Pollution Control  
6 Act spoke to control of all sources of water pollution,  
7 subsequent legislative and regulatory actions have  
8 concentrated on point sources.

9 (2) United States citizens as Federal and State  
10 taxpayers have spent \$75,000,000,000 to clean up  
11 municipal point sources. Citizens as consumers have  
12 spent \$130,000,000,000 to clean up industrial point  
13 sources. Ninety percent of municipalities, and 95  
14 percent of industry, currently comply with the Fed-  
15 eral Water Pollution Control Act. Despite this costly  
16 sacrifice, and high compliance rate, at least  $\frac{1}{3}$  of  
17 the Nation’s waters have not attained water quality  
18 standards.

19 (3) The major cause of this failure are nonpoint  
20 sources of pollution: the neglected legacy and unfin-  
21 ished agenda set forth in 1972 in the Federal Water  
22 Pollution Control Act.

23 (4) It is time to complete the task set forth in  
24 1972.

1           (5) Nonpoint sources are best addressed on a  
2 watershed basis by State and local and public and  
3 private organizations and by citizens. The Federal  
4 Government is a contributor, and must accept its  
5 share of responsibility, but the prime authority and  
6 most effective means are the province of State and  
7 local entities. The Federal Government's financial,  
8 technical, and human resources must be harnessed  
9 to assist in this effort.

10           (6) The right to private action on private land  
11 is circumscribed by the responsibility not to destroy  
12 natural resources which are the heritage of all Amer-  
13 icans. Pollution of the Nation's waters is not a right,  
14 inviolate; nor is it free. Private pollution imposes  
15 heavy public costs; denies rights, in terms of human  
16 and aquatic health, clean water for industry, and  
17 recreation; and impoverishes the enjoyment of these  
18 rights by future generations.

19           (7) Section 319 of the Federal Water Pollution  
20 Control Act, the Coastal Zone Act Reauthorization  
21 Amendments of 1990, and the water quality pro-  
22 grams of the Department of Agriculture have laid  
23 the basis for and offer the supporting means to con-  
24 trol and prevent nonpoint sources of pollution. Fur-

1       ther legislation and resources are necessary to com-  
2       plete the task in a timely fashion.

3               (8) To the extent the Federal Government con-  
4       tinues to contribute financially to the water pollution  
5       control effort, those resources should be divided be-  
6       tween point and nonpoint sources on a basis com-  
7       mensurate with each aspect of the problem.

8       (c) PURPOSES.—The purposes of this Act are—

9               (1) to prevent where possible, and reduce else-  
10       where, nonpoint sources of pollution which, 2 dec-  
11       ades after enactment of the Federal Water Pollution  
12       Control Act, are the major cause of the degradation  
13       of the Nation's waters;

14              (2) to control and eliminate nonpoint sources of  
15       pollution on Federal lands by creating a Federal  
16       program and placing it directly under the President;

17              (3) to provide State and, to the extent possible,  
18       local government and nongovernmental entities with  
19       the means and responsibility for preventing nonpoint  
20       source pollution within their jurisdictions;

21              (4) to encourage and reward compliance by will-  
22       ing land owners and operators, while assuring that  
23       they will not suffer competitive disadvantages from  
24       those who refuse to comply with sound pollution pre-  
25       vention practices;

1           (5) to enable citizens to participate more di-  
2           rectly in cleansing the Nation's waters by providing  
3           individual land owners and operators and other citi-  
4           zens of a watershed the opportunity to participate in  
5           designing their watershed implementation program  
6           and through establishment of quality-assured citizen  
7           monitoring programs to complement on-going State  
8           monitoring efforts;

9           (6) to address water quality problems on a wa-  
10          tershed basis; and

11          (7) to assure and enhance the health and well-  
12          being of current and future generations of citizens,  
13          business and industry, as well as the natural flow,  
14          habitat structure, and biodiversity of the full range  
15          of aquatic ecosystems.

16           **TITLE I—NONPOINT SOURCE**  
17           **MANAGEMENT PROGRAMS**

18           **SEC. 101. REVISION OF STATE NONPOINT SOURCE MANAGE-**  
19           **MENT PROGRAMS.**

20           Title III of the Federal Water Pollution Control Act  
21           (33 U.S.C. 1311–1330) is amended by adding at the end  
22           the following new section:

1 **“SEC. 321. REVISION OF NONPOINT SOURCE MANAGEMENT**  
2 **PROGRAMS.**

3 “(a) IN GENERAL.—The Governor of each State  
4 shall, in accordance with the requirements of this section,  
5 revise the management program of the State under section  
6 319 for the purpose of achieving, in combination with con-  
7 trols over point sources, full restoration and protection of  
8 each target watershed in the State.

9 “(b) REGULATIONS.—Not later than 1 year after the  
10 date of the enactment of this section, the Administrator  
11 shall issue regulations and guidelines to carry out this sec-  
12 tion.

13 “(c) IDENTIFICATION AND PRIORITIZATION OF TAR-  
14 GET WATERSHEDS; NOTICE TO LAND OWNERS.—Not  
15 later than 180 days after the date of issuance of regula-  
16 tions under subsection (b), the Governor of each State  
17 shall complete the following:

18 “(1) Identify target watersheds in the State.

19 “(2) Prioritize target watersheds in the State  
20 into 5 priority groups (each consisting of approxi-  
21 mately  $\frac{1}{5}$  of the target watersheds) on the basis of  
22 the relative severity of nonpoint source pollution  
23 problems in the target watersheds and other relevant  
24 considerations. In prioritizing such target water-  
25 sheds, the Governor may distribute among the prior-

1       ity groups those watersheds which have been most  
2       severely impacted by nonpoint sources.

3           “(3) Provide notice to land owners and opera-  
4       tors designated by the State pursuant to subsection  
5       (d)(2)(B) in 1st priority group watersheds that such  
6       land owners and operators will be required to imple-  
7       ment site-level programs.

8       “(d) REQUIRED REVISIONS.—

9           “(1) IN GENERAL.—The Governor of each  
10      State, for that State or in combination with adjacent  
11      States, shall, not later than 2 years after the date  
12      of issuance of regulations under subsection (b), and  
13      after notice and public comment, prepare and sub-  
14      mit to the Administrator for approval revisions to  
15      the management program of the State.

16          “(2) CONTENTS.—As revised under this sub-  
17      section, the management program of a State shall,  
18      at a minimum, contain the following:

19           “(A) LISTING OF TARGET WATERSHEDS.—

20           A listing of target watersheds in the State by  
21           priority group, as identified pursuant to sub-  
22           section (c).

23           “(B) SITE-LEVEL IMPLEMENTATION PRO-

24           GRAM.—An identification of a program under  
25           which the State will require land owners and

1 operators located in target watersheds to de-  
2 velop and implement site-level programs and  
3 will apply enforceable mechanisms in all cases  
4 in which land owners and operators fail to de-  
5 velop and implement such programs. Such iden-  
6 tification shall include—

7 “(i) a description of methods used by  
8 the State to designate land owners and op-  
9 erators who will be required by the State  
10 to implement site-level programs;

11 “(ii) a description of procedures to be  
12 used by the State to approve or disapprove  
13 site-level programs;

14 “(iii) a description of basic soil tests  
15 and nutrient balance assessments which  
16 the State will require land owners and op-  
17 erators to conduct on agricultural lands to  
18 ensure that crop nutrient availability on  
19 such lands does not exceed levels rec-  
20 ommended by cooperative extension agron-  
21 omy manuals of the Department of Agri-  
22 culture;

23 “(iv) a description of monitoring tech-  
24 niques which will be used by the State to

1 assess the success of site-level programs;  
2 and

3 “(v) a description of enforceable  
4 mechanisms which will be used by the  
5 State to achieve compliance with the re-  
6 quirements of the program.

7 “(C) IDENTIFICATION OF MONITORING  
8 TECHNIQUES.—An identification of monitoring  
9 techniques which will be used by the State to  
10 assess the success of implementation of the  
11 management program. Such monitoring tech-  
12 niques shall include random on-site inspections  
13 and in situ water quality monitoring of most  
14 sensitive native and introduced fish species.

15 “(D) PROCEDURES FOR IDENTIFYING NEW  
16 SOURCES.—Procedures and authority for identi-  
17 fying and preventing new nonpoint sources of  
18 pollution resulting from land use changes. Such  
19 procedures shall be consistent with regulations  
20 issued pursuant to section 304(n).

21 “(E) PROCEDURES FOR ADDING  
22 SOURCES.—Procedures for adding categories  
23 and subcategories of nonpoint sources of pollu-  
24 tion and particular nonpoint sources of pollu-  
25 tion to the categories, subcategories, and

1 nonpoint sources designated under section  
2 319(a)(1)(B) in order to reflect information ob-  
3 tained through monitoring.

4 “(F) WATERSHED IMPLEMENTATION PRO-  
5 GRAM FOR 1ST PRIORITY GROUP WATER-  
6 SHEDS.—A program for implementation of the  
7 management program in 1st priority group wa-  
8 tersheds identified under subsection (c). Such  
9 program shall comply with the requirements for  
10 such program contained in subsection (e).

11 “(G) PROCEDURES FOR ADDING WATER-  
12 SHEDS.—Procedures for adding watersheds to  
13 the target watersheds and priority groups iden-  
14 tified under subsection (c) in order to reflect  
15 changes in water quality standards, changes in  
16 land uses, and information obtained through  
17 monitoring.

18 “(H) RECERTIFICATION.—A recertification  
19 under section 319(b)(2)(D) of the authority of  
20 the State to implement the management pro-  
21 gram, as revised under this subsection, or a  
22 schedule and commitment by the State to seek  
23 such authority.

1           “(I) SOURCES OF ASSISTANCE.—An up-  
2           date of sources and other assistance listed pur-  
3           suant to section 319(b)(2)(E).

4           “(J) OTHER REVISIONS.—Such other revi-  
5           sions as the Administrator may require.

6           “(3) DESIGNATION OF LAND OWNERS AND OP-  
7           ERATORS.—

8           “(A) IN GENERAL.—Except as provided by  
9           subparagraphs (B), (C), and (D), all land own-  
10          ers and operators in target watersheds who con-  
11          duct nonpoint source activities identified under  
12          section 319(a)(1)(B), or who conduct other  
13          nonpoint source activities identified by the  
14          State as causing or contributing to the overall  
15          degradation of a target watershed, shall be des-  
16          ignated to implement site-level programs pursu-  
17          ant to paragraph (2)(B).

18          “(B) LAND OWNERS AND OPERATORS PAR-  
19          TICIPATING IN QUALIFIED PROGRAMS.—

20                 “(i) IN GENERAL.—A land owner or  
21                 operator participating in and complying  
22                 with the requirements of a qualified pro-  
23                 gram shall be treated as having satisfied  
24                 the requirements for implementation of a  
25                 site-level program under paragraph (2)(B)

1 with respect to pollutants and land areas  
2 regulated under the qualified program.

3 “(ii) QUALIFIED PROGRAM DE-  
4 FINED.—For the purposes of clause (i),  
5 the term ‘qualified program’ means any of  
6 the following:

7 “(I) The Conservation Reserve  
8 Program established under section  
9 1231 of the Food Security Act of  
10 1985.

11 “(II) The Agriculture Water  
12 Quality Protection Program estab-  
13 lished under section 1238B of the  
14 Food Security Act of 1985.

15 “(III) The Integrated Farm  
16 Management Program Option estab-  
17 lished under section 1451 of the  
18 Food, Agriculture, Conservation, and  
19 Trade Act of 1990.

20 “(IV) The Organic Certification  
21 Program under title XXI of the Food,  
22 Agriculture, Conservation, and Trade  
23 Act of 1990.

24 “(V) The Coastal Zone Reauthor-  
25 ization Amendments of 1990.

1           “(iii) FINANCIAL ASSISTANCE NOT RE-  
2           QUIRED.—For the purposes of this sub-  
3           paragraph, a land owner or operator shall  
4           be considered to be participating in and  
5           complying with the requirements of a  
6           qualified program, whether or not the land  
7           owner or operator is receiving financial as-  
8           sistance under such program, if the spon-  
9           soring agency provides certification with  
10          respect to such compliance.

11          “(C) EXEMPTIONS FOR CATEGORIES AND  
12          SUBCATEGORIES OF LAND OWNERS AND OPERA-  
13          TORS.—A State may exempt a category or sub-  
14          category of land owners and operators from re-  
15          quirements for implementation of site-level pro-  
16          grams under paragraph (2)(B) if the State de-  
17          termines that such category or subcategory of  
18          land owners and operators does not cause or  
19          contribute significantly to the overall degrada-  
20          tion of the target watershed.

21          “(D) EXEMPTIONS FOR SEVERE ECONOMIC  
22          HARDSHIP.—A State may exempt a land owner  
23          or operator from requirements for implementa-  
24          tion of a site-level program under paragraph  
25          (2)(B) if the land owner or operator can dem-

1           onstrate severe economic hardship. Any such  
2           demonstration shall include written loan denials  
3           from at least 2 credit sources, including, in the  
4           case of farm owners and operators, the Farm-  
5           ers Home Administration. Any exception issued  
6           under this subparagraph shall not apply with  
7           respect to requirements to implement low cost  
8           management practices for which major capital  
9           outlays are not required.

10           “(E) ADEQUACY OF COVERAGE.—In grant-  
11           ing exemptions to land owners and operators  
12           under subparagraphs (C) and (D), a State shall  
13           ensure that implementation of management  
14           measures by land owners and operators in the  
15           watershed will be sufficient to achieve full res-  
16           toration and protection of the watershed in the  
17           applicable 8-year period specified in subsection  
18           (e)(2).

19           “(4) SOURCES OF ASSISTANCE.—In providing  
20           notification to land owners and operators who will be  
21           required to implement site-level programs pursuant  
22           to paragraph (2)(B), a State shall specify proce-  
23           dures for obtaining State approval of site-level pro-  
24           grams and shall identify Federal, State, and local  
25           sources of technical assistance, education, and other

1 support for the development and implementation of  
2 such programs.

3 “(5) COOPERATION REQUIREMENT.—Revisions  
4 to the management program of a State to be submit-  
5 ted under paragraph (1) shall be developed in co-  
6 operation with local, substate regional, Federal, and  
7 interstate entities, including local natural resource  
8 conservation districts, as well as with other public  
9 and private entities which have expertise in the con-  
10 trol and prevention of nonpoint sources of pollution.

11 “(6) LIMITATION ON STATUTORY CONSTRUC-  
12 TION.—Nothing in this subsection shall be construed  
13 to preclude a State from adopting or enforcing  
14 stricter standards than those contained in a revised  
15 management program.

16 “(e) WATERSHED IMPLEMENTATION PROGRAMS.—

17 “(1) IN GENERAL.—In addition to the revisions  
18 required under subsection (d), the Governor of each  
19 State shall, in accordance with the schedule estab-  
20 lished by paragraph (6), and after notice and public  
21 comment, submit to the Administrator for approval  
22 a program for implementation of the management  
23 program of the State in each target watershed iden-  
24 tified by the State under subsection (c).

1           “(2) FULL RESTORATION AND PROTECTION.—  
2           It shall be the purpose of each implementation pro-  
3           gram for a target watershed submitted under para-  
4           graph (1) to achieve full restoration and protection  
5           of the watershed before the expiration of the 8-year  
6           period beginning on the date of approval of the im-  
7           plementation program.

8           “(3) WATERSHED MANAGEMENT CON-  
9           FERENCES.—

10           “(A) IN GENERAL.—Each implementation  
11           program for a target watershed submitted  
12           under paragraph (1) shall be developed in con-  
13           sultation with a watershed management con-  
14           ference to be convened by the Governor.

15           “(B) MEMBERSHIP.—In convening a wa-  
16           tershed management conference under this  
17           paragraph, the Governor shall ensure that  
18           members of the conference include representa-  
19           tives of the following:

20                   “(i) Categories and subcategories of  
21                   nonpoint sources.

22                   “(ii) Categories and subcategories of  
23                   point sources, including publicly owned  
24                   treatment works.

1           “(iii) Categories of significant water  
2           users, including public water suppliers.

3           “(iv) Appropriate Federal, State, and  
4           local agencies.

5           “(v) The environmental community.

6           “(vi) The scientific community.

7           “(vii) Tribal councils, in cases in  
8           which target watersheds include tribal  
9           lands.

10          “(viii) Other interested parties.

11          “(C) ROLE OF EXISTING ORGANIZA-  
12          TIONS.—In cases in which there exists a water-  
13          shed council or river basin management com-  
14          mission with a decisionmaking body containing  
15          representatives described in subparagraph (B),  
16          such watershed council or river basin manage-  
17          ment commission may carry out the functions  
18          of a watershed management conference under  
19          this paragraph.

20          “(4) CONTENTS.—Each implementation pro-  
21          gram for a target watershed submitted under para-  
22          graph (1) shall include the following:

23                 “(A) LISTING OF CATEGORIES OF LAND  
24                 OWNERS AND OPERATORS.—A listing of cat-  
25                 egories of land owners and operators designated

1 by the State pursuant to subsection (d)(2)(B)  
2 to implement site-level programs and a descrip-  
3 tion of the relative contribution which each such  
4 category of land owners and operators is ex-  
5 pected to make toward achieving full restoration  
6 and protection.

7 “(B) CERTIFICATION.—A certification  
8 that, on or before the date of submission of the  
9 implementation program, land owners and oper-  
10 ators in categories listed pursuant to subpara-  
11 graph (A) have developed site-level programs,  
12 have received State approval to implement such  
13 site-level programs, and will begin implementa-  
14 tion of such site-level programs immediately  
15 upon approval of the implementation program  
16 and that the State will apply enforceable mech-  
17 anisms in all cases in which land owners and  
18 operators have not complied with such require-  
19 ments.

20 “(C) IDENTIFICATION OF PROGRAMS.—An  
21 identification of all programs which will be car-  
22 ried out by the State to achieve and evaluate  
23 implementation of management measures in the  
24 watershed, including the program required by  
25 subsection (d)(2)(B), any program identified

1           pursuant to section 319(b)(2)(B), and any  
2           monitoring program under section 305(b).

3           “(D) POLITICAL SUBDIVISIONS.—An iden-  
4           tification of political subdivisions and other  
5           public and private entities which will work with  
6           the State to carry out the implementation pro-  
7           gram.

8           “(E) SOURCES OF ASSISTANCE.—Sources  
9           of assistance, other than assistance provided  
10          under section 319, which are available to the  
11          State for carrying out the implementation pro-  
12          gram and the purposes for which such assist-  
13          ance will be used.

14          “(F) ANNUAL MILESTONES.—Annual mile-  
15          stones for achieving full restoration and protec-  
16          tion of the watershed.

17          “(5) SCHEDULE FOR SUBMISSION OF IMPLE-  
18          MENTATION PROGRAMS.—The Governor of each  
19          State shall submit a watershed implementation pro-  
20          gram under paragraph (1) for each target watershed  
21          in a priority group identified under subsection (c) in  
22          accordance with the following schedule:

**“For each target watershed in the following priority group of the State:    An implementation program shall be submitted:**

1st priority group .....           As part of revisions to the State’s management program under subsection (d).

**“For each target watershed in the following priority group of the State: An implementation program shall be submitted:**

2nd priority group .....	Not later than 1½ years after the date of approval of revisions of the State’s management program.
3rd priority group .....	Not later than 2½ years after the date of approval of revisions to the State’s management program.
4th priority group .....	Not later than 3½ years after the date of approval of revisions to the State’s management program.
5th priority group .....	Not later than 4½ years after the date of approval of revisions to the State’s management program.

1           “(6) SCHEDULE FOR NOTIFICATION OF LAND  
 2 OWNERS AND OPERATORS.—The Governor of each  
 3 State shall notify land owners and operators des-  
 4 ignated by the State to implement site-level pro-  
 5 grams pursuant to subsection (d)(2)(B) in accord-  
 6 ance with the following schedule:

**“For each target watershed in the following priority group of the State: Land owners and operators shall be notified:**

1st priority group .....	As provided by subsection (c).
2nd priority group .....	Not later than 6 months after the date of approval of revisions to the State’s management program.
3rd priority group .....	Not later than 1½ years after the date of approval of revisions to the State’s management program.
4th priority group .....	Not later than 2½ years after the date of approval of revisions to the State’s management program.
5th priority group .....	Not later than 3½ years after the date of approval of revisions to the State’s management program.

7           “(f) APPROVAL AND DISAPPROVAL OF PROGRAMS.—

8           “(1) IN GENERAL.—Revisions to the manage-  
 9 ment program of a State under subsection (d) and  
 10 each implementation program for a target watershed

1 under subsection (e) shall be submitted to, and ap-  
2 proved or disapproved by, the Administrator in ac-  
3 cordance with the procedures described in section  
4 319(d).

5 “(2) LOCAL AGENCIES AND ORGANIZATIONS.—  
6 A local public agency or organization shall be eligible  
7 for technical and financial assistance under section  
8 319(e) in any case in which a State fails to submit  
9 revisions to the management program of the State  
10 under subsection (d) (or the Administrator does not  
11 approve such revisions) and in any case in which a  
12 State fails to submit an implementation program for  
13 a target watershed under subsection (e) (or the Ad-  
14 ministrator does not approve such implementation  
15 program).

16 “(3) PREPARATION OF PROGRAMS BY EPA.—  
17 The Administrator shall prepare revisions to the  
18 management program of a State and shall prepare  
19 an implementation program for a target watershed  
20 in a State in any case in which such revisions or im-  
21 plementation program are not prepared by the State  
22 or by a local public agency or organization in the  
23 State in accordance with the requirements of this  
24 section.

1       “(g) ELIGIBILITY FOR GRANTS FOR IMPLEMENTA-  
2 TION OF MANAGEMENT PROGRAMS.—

3           “(1) IN GENERAL.—Except as provided by  
4 paragraph (2), no grant shall be made to a State  
5 under section 319(h) in any fiscal year unless the  
6 Administrator determines that the State in the pre-  
7 vious fiscal year—

8           “(A) complied with all applicable require-  
9 ments contained in this section, including re-  
10 quirements relating to identification and  
11 prioritization of target watersheds, notification  
12 of land owners and operators, submission of re-  
13 vised management programs, submission of im-  
14 plementation programs, use of enforceable  
15 mechanisms, and implementation of additional  
16 management measures; and

17           “(B) made satisfactory progress in meeting  
18 annual milestones for achieving full restoration  
19 and protection of each target watershed in the  
20 State under the implementation program for  
21 such watershed developed under subsection (e).

22           “(2) SPECIAL RULE.—If the Administrator de-  
23 termines under paragraph (1) that a State has met  
24 the requirements described in such paragraph only  
25 with respect to certain watersheds in the State, the

1 Administrator may make a grant to the State under  
2 section 319(h) to assist the State in implementing  
3 its management program in such watersheds.

4 “(3) MONITORING.—The Administrator shall  
5 make determinations regarding satisfactory progress  
6 under paragraph (1)(B) on the basis of certifications  
7 made by each State as to the results of monitoring  
8 activities being conducted by the State.

9 “(h) PENALTIES.—

10 “(1) IN GENERAL.—Immediately upon a deter-  
11 mination by the Administrator under subsection  
12 (g)(1) that a State has not met the requirements of  
13 this section, and until such time as the Adminis-  
14 trator determines otherwise, the following restric-  
15 tions shall apply with respect to the State:

16 “(A) The Administrator or the State (in  
17 the case of an approved permit program under  
18 section 402) shall not approve any application  
19 for a new permit under section 402 and shall  
20 not allow any increase in discharges covered  
21 under existing permits under section 402.

22 “(B) The Secretary of the Army or a State  
23 (in the case of an approved permit program  
24 under section 404) shall not approve any appli-  
25 cation for a new permit under section 404 and

1 shall not allow any increase in discharges cov-  
2 ered under existing permits under section 404.

3 “(2) SPECIAL RULE.—If the Administrator de-  
4 termines under subsection (g)(1) that a State has  
5 met the requirements described in such subsection  
6 with respect to certain watersheds in the State, the  
7 restrictions described in paragraph (1) shall not  
8 apply with respect to such watersheds.

9 “(3) APPLICATION FOR NEW PERMIT DE-  
10 FINED.—For the purposes of this subsection, the  
11 term ‘application for a new permit’ shall not include  
12 an application to renew an existing permit.

13 “(i) ADDITIONAL MEASURES.—If the Governor of a  
14 State determines, upon the expiration of the 8-year period  
15 beginning on the date of approval of an implementation  
16 program for a target watershed submitted under sub-  
17 section (e), that full restoration and protection of the tar-  
18 get watershed has not been achieved, the Governor shall,  
19 in each succeeding 2-year period, take either or both of  
20 the following actions to ensure that full restoration and  
21 protection is achieved before the expiration of the 12-year  
22 period beginning on such date:

23 “(A) Require land owners and operators who  
24 have implemented site-level programs and land own-  
25 ers and operators participating in qualified pro-

1 grams, as defined in subsection (d)(3)(B), in the  
2 target watershed to undertake additional manage-  
3 ment measures under such programs.

4 “(B) Require additional land owners and opera-  
5 tors (including, as necessary, land owners and opera-  
6 tors participating in qualified programs, as defined  
7 in subsection (d)(3)(B)) in the target watershed to  
8 implement site-level programs.

9 “(j) ENFORCEMENT OF WATER QUALITY STAND-  
10 ARDS.—

11 “(1) IN GENERAL.—Except as provided by  
12 paragraph (2), following the expiration of the 8-year  
13 period beginning on the date of approval of an im-  
14 plementation program for a target watershed sub-  
15 mitted under subsection (e) water quality standards  
16 shall be enforceable against nonpoint sources of pol-  
17 lution in such watershed.

18 “(2) EXCEPTIONS.—In the 4-year period follow-  
19 ing the expiration of the 8-year period referred to in  
20 paragraph (1), a land owner or operator complying  
21 with the requirements of—

22 “(A) a permit issued pursuant to section  
23 402,

24 “(B) a site-level program implemented  
25 under this section,

1           “(C) a water quality protection plan imple-  
2           mented under section 1238B of the Food Secu-  
3           rity Act of 1985,

4           “(D) an integrated farm management plan  
5           implemented under section 1451(b)(1)(C) of the  
6           Food, Agriculture, Conservation, and Trade Act  
7           of 1990,

8           “(E) an enforceable coastal nonpoint man-  
9           agement plan approved under section 6217 of  
10          the Coastal Zone Act Reauthorization Amend-  
11          ments of 1990, or

12          “(F) regulations issued pursuant to section  
13          319(o), shall not be subject to any penalty for  
14          violation of water quality standards with respect  
15          to nonpoint source pollutants and land areas  
16          regulated under such requirements.

17          “(k) CONTINUED MONITORING.—Upon achievement  
18          of full restoration and protection of a target watershed  
19          in a State, the Governor shall continue to monitor the wa-  
20          tershed to assure that full restoration and protection is  
21          maintained.

22          “(l) LIMITATION ON STATUTORY CONSTRUCTION.—  
23          Nothing contained in this section shall be construed to  
24          limit the authority or responsibility of the Administrator

1 or a State to develop and enforce total maximum daily  
2 loads under section 303(d).

3 “(m) DEFINITIONS.—For the purposes of this section  
4 and section 319, the following definitions apply:

5 “(1) ENFORCEABLE MECHANISMS.—The term  
6 ‘enforceable mechanisms’ means State and local  
7 measures which are legally binding through constitu-  
8 tional provisions, laws, regulations, local land use  
9 plans, ordinances, judicial or administrative deci-  
10 sions, permits, contracts, or other means by which a  
11 State or political subdivision requires compliance  
12 with the provisions of this section.

13 “(2) FULL RESTORATION AND PROTECTION.—  
14 The term ‘full restoration and protection’ means—

15 “(A) attainment and maintenance of all  
16 applicable water quality standards;

17 “(B) protection and propagation of a bal-  
18 anced, indigenous population of aquatic and  
19 aquatic-dependent species, aquatic ecosystem  
20 biodiversity, and habitat restoration and main-  
21 tenance;

22 “(C) protection of public health;

23 “(D) restoration and maintenance of rec-  
24 reational activities in and on the water; and

1           “(E) protection of underwater sediments  
2           through pollution prevention activities.

3           “(3) INDIGENOUS.—The term ‘indigenous’ in-  
4           cludes established populations of introduced, bene-  
5           ficial species.

6           “(4) MANAGEMENT MEASURES.—The term  
7           ‘management measures’ means economically achiev-  
8           able measures for control of the addition of pollut-  
9           ants from existing and new categories and classes of  
10          nonpoint sources of pollution which reflect the great-  
11          est degree of pollutant reduction achievable through  
12          the application of the best available nonpoint pollu-  
13          tion control methods, technologies, processes, siting  
14          criteria, operating methods, or other alternatives.  
15          Such term shall include—

16               “(A) measures specified in guidance issued  
17               pursuant to section 6217(g) of the Coastal  
18               Zone Act Reauthorization Amendments of  
19               1990;

20               “(B) water quality protection practices  
21               contained in guidance materials for water qual-  
22               ity protection developed pursuant to section  
23               1238D of the Food Security Act of 1985 and  
24               farming operations and practices developed pur-

1 suant to section 1451 of the Food, Agriculture,  
2 Conservation, and Trade Act of 1990; and

3 “(C) other measures or comprehensive  
4 management plans that assure at least as much  
5 water quality protection as the measures and  
6 practices specified in subparagraphs (A) and  
7 (B).

8 “(5) MANAGEMENT PROGRAM.—The term  
9 ‘management program’ means a nonpoint source  
10 management program prepared under section 319.

11 “(6) SITE-LEVEL PROGRAM.—The term ‘site-  
12 level program’ means a program developed by a land  
13 owner or operator under regulations or guidelines is-  
14 sued by a State which provides for the implementa-  
15 tion of management measures by the land owner or  
16 operator. Site-level programs in high-density popu-  
17 lation areas may be developed, as determined by the  
18 State, by a political subdivision of the State. Site-  
19 level programs shall be developed and implemented  
20 to be consistent with, and collectively to enable, the  
21 attainment and maintenance of full restoration and  
22 protection for the watershed.

23 “(7) TARGET WATERSHEDS.—The term ‘target  
24 watersheds’ means all watersheds in a State which  
25 have been identified as being impaired or threatened

1 in whole or in part by nonpoint sources of pollution  
2 under section 319(a)(1), section 304(l), or section  
3 305(b) and all watersheds in the State containing  
4 drinking water supplies vulnerable to use impair-  
5 ment and not otherwise included in such identifica-  
6 tions.”.

7 **SEC. 102. GRANTS.**

8 (a) GRANT PROGRAM.—Section 319(h) of the Fed-  
9 eral Water Pollution Control Act (33 U.S.C. 1329(h)) is  
10 amended—

11 (1) in paragraph (1) by inserting “and for  
12 which the Administrator makes an affirmative deter-  
13 mination under section 321(g),” after the first  
14 comma;

15 (2) in paragraph (2) by striking “, including an  
16 identification” and all that follows before the period;

17 (3) by striking paragraphs (5) and (8) and re-  
18 designating paragraphs (6), (7), (9), (10), (11), and  
19 (12) as paragraphs (5), (6), (7), (8), (9), and (10),  
20 respectively;

21 (4) in paragraph (9), as redesignated, by strik-  
22 ing “(A) its progress” and all that follows before the  
23 period and inserting “its progress in obtaining full  
24 restoration and protection of target watersheds in  
25 the State”; and

1           (5) in paragraph (10), as redesignated, by  
2           striking “10 percent of the amount of the grant in  
3           such year” and inserting “20 percent of the amount  
4           of the grant in such year or \$200,000, whichever  
5           amount is greater, ”.

6           (b) GRANTS FOR PROTECTING GROUNDWATER  
7           QUALITY.—Paragraph (1) of section 319(i) is amended by  
8           inserting “and for which the Administrator makes an af-  
9           firmative determination under section 321(g),” after the  
10          first comma.

11          **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

12          Section 319(j) of the Federal Water Pollution Control  
13          Act (33 U.S.C. 1329(j)) is amended—

14                 (1) by striking “and” after “1990,”; and

15                 (2) by inserting “, and \$500,000,000 per fiscal  
16          year for each of fiscal years 1996, 1997, 1998,  
17          1999, and 2000” after “1991”.

18          **SEC. 104. REPORTS.**

19          Section 319(m) of the Federal Water Pollution Con-  
20          trol Act (33 U.S.C. 1329(m)) is amended to read as fol-  
21          lows:

22                 “(m) REPORTS TO CONGRESS.—The Administrator  
23          shall transmit to Congress on the date that is 4 years after  
24          the date of approval of the first watershed implementation  
25          program approved pursuant to section 321(e), and at least

1 once every 4 years thereafter, a report containing an eval-  
2 uation of the progress made by States in obtaining full  
3 restoration and protection of target watersheds.”.

4 **SEC. 105. INDIAN TRIBES.**

5 (a) SET-ASIDE FOR NONPOINT SOURCE PRO-  
6 GRAMS.—The second sentence of section 518(f) of the  
7 Federal Water Pollution Control Act (33 U.S.C. 1377(f))  
8 is amended to read as follows: “Not less than 5 percent  
9 of the amount appropriated for any fiscal year under sec-  
10 tion 319 shall be used to make grants under this sub-  
11 section.”.

12 (b) TECHNICAL CORRECTION.—The third sentence of  
13 section 518(f) of such Act is amended by striking “sub-  
14 section (d)” and inserting “subsection (e)”.

15 **SEC. 106. MANAGEMENT MEASURES FOR NONPOINT**  
16 **SOURCES OF POLLUTION IN NON-COASTAL**  
17 **AREAS.**

18 Not later than 1 year after the date of the enactment  
19 of this Act, the Administrator of the Environmental Pro-  
20 tection Agency shall publish modifications to guidance for  
21 specifying management measures for sources of nonpoint  
22 pollution issued pursuant to section 6217(g) of the Coastal  
23 Zone Act Reauthorization Amendments of 1990 (104  
24 Stat. 1388–317) in order to extend the application of such  
25 guidance to non-coastal areas.

1 **TITLE II—NONPOINT SOURCE**  
2 **PREVENTION ON FEDERAL**  
3 **LANDS**

4 **SEC. 201. REGULATION OF NONPOINT SOURCE POLLUTION**  
5 **ON FEDERAL LANDS.**

6 Section 319 of the Federal Water Pollution Control  
7 Act (33 U.S.C. 1329) is amended by adding at the end  
8 the following new subsection:

9 “(o) FEDERAL LANDS MANAGEMENT PROGRAM.—

10 “(1) REGULATIONS.—Not later than 2 years  
11 after the date of the enactment of this subsection,  
12 the President shall issue regulations for the preven-  
13 tion and control of nonpoint sources of pollution on  
14 all lands owned or managed by the Federal Govern-  
15 ment.

16 “(2) CONTENTS.—Regulations issued under  
17 paragraph (1) shall require random, periodic on-site  
18 and in situ monitoring by the Director of the Geo-  
19 logical Survey and the reporting of the results of  
20 such monitoring to the Administrator. Such regula-  
21 tions shall also require implementation of measures  
22 adequate to attain full restoration and protection of  
23 affected watersheds as soon as practicable but in no  
24 event later than 8 years after the date of issuance  
25 of such regulations. For the purposes of this para-

1 graph, the term ‘full restoration and protection’ has  
2 the meaning given such term in section 321.

3 “(3) EFFECTIVE DATE.—Final regulations is-  
4 sued under paragraph (1) shall take effect not later  
5 than 1 year after the date of issuance of the regula-  
6 tions.

7 “(4) REVISION OF EXISTING LICENSES.—Any  
8 license, permit, contract, special use permit, lease,  
9 agreement, claim, or related operational authority, in  
10 effect before the date of issuance of final regulations  
11 under paragraph (1), between a Federal agency and  
12 any person authorizing activities on Federal lands  
13 shall be revised, as necessary, to comply with the re-  
14 quirements of such regulations.

15 “(5) LIMITATION ON STATUTORY CONSTRUC-  
16 TION.—Nothing in this subsection shall be construed  
17 to limit the authority of a State or the President to  
18 require the implementation of such additional con-  
19 trols over nonpoint sources of pollution on lands  
20 owned or managed by the Federal Government as  
21 may be necessary to protect public health and to at-  
22 tain and maintain water quality standards adopted  
23 pursuant to section 303, antidegradation require-  
24 ments, and other requirements of this Act.”.

1 **SEC. 202. HIGHWAY CONSTRUCTION.**

2 Section 319 of the Federal Water Pollution Control  
3 Act (33 U.S.C. 1329) is further amended by adding at  
4 the end the following new subsection:

5 “(p) HIGHWAY CONSTRUCTION.—

6 “(1) DEVELOPMENT OF MEASURES AND PRAC-  
7 TICES.—The President shall develop and publish  
8 measures and practices to prevent pollution resulting  
9 from federally assisted highway construction projects  
10 and shall promote the implementation of such meas-  
11 ures and practices. Such measures and practices  
12 shall include guidance requiring the location and de-  
13 sign of federally-assisted highways to be fully protec-  
14 tive of water quality and aquatic habitat.

15 “(2) EROSION CONTROL GUIDELINES.—Erosion  
16 control guidelines developed by the Secretary of  
17 Transportation under section 1057 of the Inter-  
18 modal Surface Transportation Efficiency Act of  
19 1991 shall, at a minimum, require the implementa-  
20 tion of the measures and practices developed under  
21 paragraph (1) in the case of any construction project  
22 authorized under chapter 1 of title 23, United States  
23 Code.

24 “(3) APPROVAL OF HIGHWAY PROJECTS.—The  
25 Secretary of Transportation shall not approve under  
26 section 106 of title 23, United States Code, any sur-

1       vey, plan, specification, or estimate for a proposed  
2       highway project unless the Secretary determines that  
3       the project will be constructed in accordance with  
4       the requirements contained in the erosion control  
5       guidelines referred to in paragraph (2).”.

6       **SEC. 203. AGRICULTURAL PROGRAM COORDINATION.**

7       Section 319 of the Federal Water Pollution Control  
8       Act (33 U.S.C. 1329) is further amended by adding at  
9       the end the following new subsection:

10       “(q) AGRICULTURAL PROGRAM COORDINATION.—

11               “(1) REPORT.—Not later than 1 year after the  
12       date of the enactment of this subsection, the Admin-  
13       istrator, in consultation with the Secretary of Agri-  
14       culture, shall transmit to Congress a report on—

15                       “(A) the efficacy of programs to protect  
16       water quality established under sections 1212,  
17       1231, 1237, and 1238B of the Food Security  
18       Act of 1985 and section 1451 of the Food, Ag-  
19       riculture, Conservation, and Trade Act of 1990;  
20       and

21                       “(B) barriers, if any, to prevention and  
22       control of nonpoint sources of pollution created  
23       by programs of the Department of Agriculture.

24               “(2) CONTENTS.—The report to be transmitted  
25       under paragraph (1) shall, at a minimum, contain—

1           “(A) an estimate of reductions and antici-  
2           pated reductions in water pollution from agri-  
3           culture;

4           “(B) a description of participation in the  
5           programs referred to in paragraph (1)(A), in-  
6           cluding the number and acreage of farms en-  
7           rolled in the programs;

8           “(C) recommendations for legislative and  
9           administrative reforms to improve the effective-  
10          ness of the programs referred to in paragraph  
11          (1)(A); and

12          “(D) recommendations for legislative and  
13          administrative reforms to remove any barriers  
14          described in paragraph (1)(B).”.

15 **TITLE III—WATER QUALITY**  
16 **CRITERIA; STANDARDS;**  
17 **ANTIDEGRADATION; NEW**  
18 **SOURCES**

19 **SEC. 301. WATER QUALITY CRITERIA FOR EFFECTS OF**  
20 **NONPOINT SOURCE POLLUTION.**

21       (a) REVISION OF CRITERIA AND INFORMATION.—  
22 Section 304(a) of the Federal Water Pollution Control Act  
23 (33 U.S.C. 1314) is amended by adding at the end the  
24 following new paragraph:

1           “(9) REVISION OF CRITERIA AND INFORMA-  
2           TION.—

3           “(A) IN GENERAL.—Not later than 3 years  
4           after the date of the enactment of this para-  
5           graph, and at least once every 3 years there-  
6           after, the Administrator shall revise criteria and  
7           information developed under paragraphs (1)  
8           and (2) in accordance with this paragraph and  
9           publish such revisions.

10          “(B) REQUIREMENTS.—In making revi-  
11          sions under subparagraph (A), the Adminis-  
12          trator shall—

13                 “(i) consider the factors necessary to  
14                 restore and maintain the chemical, phys-  
15                 ical, and biological integrity of water bod-  
16                 ies;

17                 “(ii) consider the factors necessary to  
18                 assure the protection and propagation of a  
19                 balanced, indigenous population of aquatic  
20                 and aquatic-dependent species, aquatic eco-  
21                 system biodiversity, and habitat mainte-  
22                 nance and provide for protection of public  
23                 health and for recreational activities in and  
24                 on the water;

1           “(iii) identify numerical pollutant con-  
2           centration limits, where applicable, and  
3           other numeric criteria for varying types of  
4           waters which are sufficient to assure at-  
5           tainment of all factors specified in clause  
6           (ii); and

7           “(iv) identify numerical pollutant con-  
8           centration limits (including, as appro-  
9           priate, a limit of zero) and other numerical  
10          criteria appropriate for varying types of re-  
11          ceiving waters which are sufficient to as-  
12          sure attainment of uses established by the  
13          State.

14          “(C) USE OF BIOLOGICAL MONITORING  
15          AND ASSESSMENT METHODS.—In addition to  
16          establishing a pollutant concentration limit in  
17          accordance with subparagraph (B), or as an al-  
18          ternative to establishing such a limit where a  
19          pollutant concentration limit is not yet avail-  
20          able, the Administrator may establish a biologi-  
21          cal monitoring and assessment method for a  
22          pollutant or nonpoint source effect if the meth-  
23          od includes an objective and enforceable limit  
24          expressed in numerical terms. Biocriteria shall

1 supplement and shall not supersede other cri-  
2 teria, including numerical criteria.”.

3 (b) INFORMATION ON PROTECTION OF WATER SUP-  
4 PLIES.—

5 (1) CONTENT.—Section 304(a)(5)(A) of such  
6 Act (33 U.S.C. 1314(a)(5)(A)) is amended by strik-  
7 ing “for the protection of public water supplies” and  
8 all that follows before the period and inserting “for  
9 the protection of current and potential water sup-  
10 plies and the protection and propagation of a bal-  
11 anced, indigenous population of aquatic and aquatic-  
12 dependent species, aquatic biodiversity, and habitat  
13 maintenance and to allow for protection of public  
14 health and to allow for recreational activities in and  
15 on the water”.

16 (2) REVISIONS.—The Administrator shall revise  
17 information published pursuant to section  
18 304(a)(5)(A) of such Act in accordance with the  
19 amendment made by paragraph (1).

20 (c) WATER QUALITY CRITERIA.—Section 304(a) of  
21 such Act (33 U.S.C. 1314(a)) is amended by adding at  
22 the end the following new paragraph:

23 “(10) WATER QUALITY CRITERIA PRIORITY.—  
24 In developing and publishing criteria for water qual-  
25 ity under paragraph (1), and in making revisions to

1 such criteria under paragraph (9), the Administrator  
2 shall give priority to those chemical, physical, and  
3 biological parameters associated with degradation of  
4 water quality by nonpoint sources of pollution, in-  
5 cluding—

6 “(A) total nitrogen, total phosphorus, and  
7 other pollutants producing eutrophication ef-  
8 fects in waterbodies;

9 “(B) pesticides in use in the United  
10 States;

11 “(C) average annual sediment loads into  
12 waterbodies that will prevent harmful effects on  
13 aquatic life and habitat from all sources of sedi-  
14 ment, including agricultural, silvicultural, and  
15 construction site runoff;

16 “(D) parameters defining the physical  
17 structure of healthy aquatic habitat, including  
18 natural streambed formations, streambank and  
19 channel structure, and riparian vegetation;

20 “(E) parameters defining the protection,  
21 improvement, and maintenance of flow regime  
22 criteria for urban and urbanizing streams, in-  
23 cluding flow regimes (including peak discharge  
24 levels) and limits on the frequency of erosive  
25 bankfull flooding events; and

1           “(F) any pollutant listed pursuant to sec-  
2           tion 307(a)(1) for which no criteria are pub-  
3           lished.”.

4 **SEC. 302. WATER QUALITY STANDARDS.**

5           (a) NUMERICAL CRITERIA FOR NONPOINT  
6 SOURCES.—Section 303(c)(2)(B) of the Federal Water  
7 Pollution Control Act (33 U.S.C. 1313(c)(2)(B)) is  
8 amended—

9           (1) in the first sentence by inserting “and all  
10          nonpoint source pollutants” after “section 307(a)(1)  
11          of this Act”; and

12          (2) by striking the second sentence and insert-  
13          ing the following: “Such criteria shall be specific nu-  
14          merical criteria for such toxic and nonpoint source  
15          pollutants, including physical and hydrological pa-  
16          rameters.”.

17          (b) REQUIREMENT FOR WATER QUALITY STAND-  
18 ARDS PROMULGATED BY EPA.—Section 303(c)(4) of such  
19 Act is amended by adding at the end the following: “Any  
20 water quality standard promulgated under this paragraph  
21 shall be at least as protective as the criteria for water  
22 quality developed under section 304(a)(1).”.

1 **SEC. 303. FEDERAL ANTIDegradation REQUIREMENTS.**

2 Section 303 of the Federal Water Pollution Control  
3 Act (33 U.S.C. 1313) is amended by adding at the end  
4 the following new subsection:

5 “(i) ANTIDegradation REQUIREMENTS.—

6 “(1) REGULATIONS.—The Administrator shall  
7 issue regulations which—

8 “(A) extend antidegradation policies and  
9 plans that are protective of existing water qual-  
10 ity and existing in-stream uses to apply to new  
11 and existing sources of nonpoint source pollu-  
12 tion in the same manner and to the same extent  
13 that such policies and plans apply to point  
14 sources of pollution; and

15 “(B) extend antidegradation policies and  
16 plans that are protective of both high quality  
17 waters and outstanding national resource wa-  
18 ters to apply to land use changes resulting in  
19 new or increased nonpoint source pollution to  
20 the same extent that such policies and plans  
21 apply to point sources of pollution.

22 “(2) DEADLINES.—The Administrator shall—

23 “(A) issue proposed regulations under  
24 paragraph (1) not later than 9 months after the  
25 date of the enactment of this subsection; and

1           “(B) issue final regulations under para-  
2           graph (1) not later than 12 months after the  
3           date of the enactment of this subsection.”.

4 **SEC. 304. IDENTIFICATION OF NEW NONPOINT SOURCES OF**  
5 **POLLUTION.**

6           Section 304 of the Federal Water Pollution Control  
7 Act (33 U.S.C. 1314) is amended by adding at the end  
8 the following new subsection:

9           “(n) IDENTIFICATION OF NEW NONPOINT SOURCES  
10 OF POLLUTION.—

11           “(1) GUIDANCE AND PROCEDURES.—Not later  
12 than 1 year after the date of the enactment of this  
13 subsection, the Administrator shall issue guidance  
14 and adopt procedures—

15           “(A) for identifying and recording new  
16 land disturbances and alterations (including al-  
17 terations and disturbances identified pursuant  
18 to subsection (f)) which may generate, promote,  
19 or increase pollution from nonpoint sources;  
20 and

21           “(B) for ensuring that any new land dis-  
22 turbances or alterations do not cause contraven-  
23 tion of any applicable water quality or sediment  
24 standard.

1           “(2) CONTENTS.—The guidance to be issued  
2 under paragraph (1) shall contain—

3           “(A) requirements which ensure that in  
4 cases in which land use changes result in new  
5 sources of water pollution or in increased loads  
6 of pollution from existing sources, land owners  
7 and operators will (i) notify the State prior to  
8 such land use changes, and (ii) install and im-  
9 plement in full at the time of the land use  
10 changes enhanced management measures ap-  
11 propriate to the land use category;

12           “(B) requirements applicable to both pub-  
13 licly and privately owned lands which ensure  
14 that an antidegradation review will be con-  
15 ducted concerning residual nonpoint sources of  
16 pollution that can be anticipated even after in-  
17 stallation and implementation of enhanced man-  
18 agement measures pursuant to subparagraph  
19 (A); and

20           “(C) provisions specifying that failure to  
21 fully implement such management measures at  
22 the time of the land use changes will constitute  
23 a violation of the State’s management program  
24 under section 319, as revised pursuant to sec-  
25 tion 321.

1           “(3) LAND DISTURBANCES AND ALTERATIONS  
2           DEFINED.—For the purposes of this subsection, the  
3           term ‘land disturbances and alterations’ shall not in-  
4           clude disturbances and alterations attributed to nor-  
5           mal farming and ranching activities such as plowing,  
6           seeding, cultivating, or harvesting for the production  
7           of food and fiber.

8           “(4) ENHANCED MANAGEMENT MEASURES DE-  
9           FINED.—For the purposes of this subsection, the  
10          term ‘enhanced management measures’ means meas-  
11          ures designed to prevent generation of runoff, incor-  
12          porating siting, design, and land use management  
13          and resource extraction criteria that reflect the most  
14          water-quality-sensitive practices available for the  
15          land use in question within the economic capacity of  
16          the land owner or operator.”.

17       **TITLE IV—CITIZEN WATERSHED**  
18       **MONITORING PROGRAM**

19       **SEC. 401. CITIZEN WATERSHED MONITORING PROGRAM.**

20          Section 305 of the Federal Water Pollution Control  
21       Act (33 U.S.C. 1315) is amended by adding at the end  
22       the following new subsection:

23          “(c) CITIZEN WATERSHED MONITORING PRO-  
24       GRAM.—

1           “(1) IN GENERAL.—Each State shall establish  
2           and carry out a citizen watershed monitoring pro-  
3           gram in accordance with the requirements of this  
4           subsection.

5           “(2) IMPLEMENTATION.—A State may carry  
6           out a citizen watershed monitoring program either  
7           directly or by entering into cooperative agreements  
8           or contracts with appropriate organizations, includ-  
9           ing educational institutions.

10          “(3) PARTICIPATION.—Water quality monitor-  
11          ing under a citizen watershed monitoring program  
12          under paragraph (1) shall be conducted by program  
13          participants with appropriate qualifications and  
14          training. Program participants may include stu-  
15          dents, farmers, local labor organizations, natural re-  
16          source conservation districts, environmental groups,  
17          and other interested persons.

18          “(4) TRAINING.—A citizen watershed monitor-  
19          ing program under paragraph (1) shall provide for  
20          the training and evaluation of all program partici-  
21          pants. Such training and evaluation shall be carried  
22          out as a continuing component of the program in  
23          order to ensure the reliability of data collected under  
24          the program.

1           “(5) QUALITY ASSURANCE.—In conducting a  
2 citizen watershed monitoring program under para-  
3 graph (1), a State shall use quality assurance con-  
4 trol procedures described in guidance on planning  
5 and implementing volunteer monitoring programs is-  
6 sued by the Environmental Protection Agency or  
7 equivalent procedures developed by the State.

8           “(6) USE OF DATA.—Data obtained under a  
9 citizen watershed monitoring program under para-  
10 graph (1) shall be used to obtain information re-  
11 quired under subparagraphs (A) and (E) of sub-  
12 section (b)(1) and to develop and implement  
13 nonpoint source management programs under sec-  
14 tion 319, as revised pursuant to section 321.

15           “(7) AVAILABILITY OF DATA.—A State shall  
16 make the data collected under a citizen watershed  
17 monitoring program under paragraph (1) available  
18 for public review.

19           “(8) FUNDING.—A State shall use 5 percent of  
20 the amount made available to the State under sec-  
21 tion 319(h) in any fiscal year beginning after the  
22 date of the enactment of this subsection or \$100,000  
23 (whichever amount is greater for such fiscal year) to  
24 carry out this subsection.”.

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