

§ 2335. Coastal aquatic habitat management**(a) In general**

The Secretary may cooperate with the Secretaries of Agriculture and the Interior, the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, other appropriate Federal, State, and local agencies, and affected private entities, in the development of a management strategy to address problems associated with toxic microorganisms and the resulting degradation of ecosystems in the tidal and nontidal wetlands and waters of the United States.

(b) Assistance

As part of the management strategy, the Secretary may provide planning, design, and other technical assistance to each participating State in the development and implementation of non-regulatory measures to mitigate environmental problems and restore aquatic resources.

(c) Cost sharing

The Federal share of the cost of measures undertaken under this section shall not exceed 65 percent.

(d) Operation and maintenance

The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$7,000,000 for the period beginning with fiscal year 2000.

(Pub. L. 106-53, title V, §559, Aug. 17, 1999, 113 Stat. 354.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1999, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

"SECRETARY" DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-53, set out as a note under section 2201 of this title.

§ 2336. Abandoned and inactive noncoal mine restoration**(a) In general**

The Secretary may provide technical, planning, and design assistance to Federal and non-Federal interests for carrying out projects to address water quality problems caused by drainage and related activities from abandoned and inactive noncoal mines.

(b) Specific measures

Assistance provided under subsection (a) of this section may be in support of projects for the purposes of—

- (1) managing drainage from abandoned and inactive noncoal mines;
- (2) restoring and protecting streams, rivers, wetlands, other waterbodies, and riparian areas degraded by drainage from abandoned and inactive noncoal mines; and

(3) demonstrating management practices and innovative and alternative treatment technologies to minimize or eliminate adverse environmental effects associated with drainage from abandoned and inactive noncoal mines.

(c) Non-Federal share

The non-Federal share of the cost of assistance under subsection (a) of this section shall be 50 percent, except that the Federal share with respect to projects located on land owned by the United States shall be 100 percent.

(d) Effect on authority of Secretary of the Interior

Nothing in this section affects the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

(e) Technology database for reclamation of abandoned mines

The Secretary may provide assistance to non-Federal and nonprofit entities to develop, manage, and maintain a database of conventional and innovative, cost-effective technologies for reclamation of abandoned and inactive noncoal mine sites. Such assistance shall be provided through the Rehabilitation of Abandoned Mine Sites Program managed by the Sacramento District Office of the Corps of Engineers.

(f) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$5,000,000.

(Pub. L. 106-53, title V, §560, Aug. 17, 1999, 113 Stat. 354.)

REFERENCES IN TEXT

The Surface Mining Control and Reclamation Act of 1977, referred to in subsec. (d), is Pub. L. 95-87, Aug. 3, 1977, 91 Stat. 445, as amended. Title IV of the Act is classified generally to subchapter IV (§1231 et seq.) of chapter 25 of Title 30, Mineral Lands and Mining. For complete classification of this Act to the Code, see Short Title note set out under section 1201 of Title 30 and Tables.

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CHAPTER 37—ORGANOTIN ANTIFOULING PAINT CONTROL

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§ 2401. Findings; purpose

(a) Findings

The Congress finds the following:

- (1) Antifouling paints containing organotin biocides are used to prevent the build-up of barnacles and other encrusting organisms on vessels.
- (2) Laboratory and field studies show that organotin is very toxic to marine and freshwater organisms at very low levels.
- (3) Vessels that are less than 25 meters in length and are coated with organotin antifouling paint account for a large amount of the organotin released into the aquatic environment.
- (4) The Environmental Protection Agency has determined that concentrations of organotin currently in the waters of the United States may pose unreasonable risks to oysters, clams, fish, and other aquatic life.

(b) Purpose

The purpose of this chapter is to protect the aquatic environment by reducing immediately the quantities of organotin entering the waters of the United States.

(Pub. L. 100-333, § 2, June 16, 1988, 102 Stat. 605.)

EFFECTIVE DATE; USE OF EXISTING STOCKS

Section 12 of Pub. L. 100-333 provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), this Act [enacting this chapter] shall take effect on the date of its enactment [June 16, 1988].

“(b) TERMINATION OF INTERIM PROHIBITION.—Section 5(a) [section 2404(a) of this title] shall remain in effect until a final decision regarding the release of organotin into the aquatic environment by antifouling paints, pursuant to the process initiated by the Administrator’s Position Document 1 dated January 8, 1986—

- “(1) is issued by the Administrator; and
- “(2) takes effect.

“(c) FINAL DECISION DEFINED.—For purposes of subsection (b), a final decision shall be considered to have taken effect upon the date of the expiration of the time for making any appeal with respect to such decision or, in the case of any such appeal, the resolution of such appeal.

“(d) USE OF EXISTING STOCKS.—Notwithstanding the prohibitions contained in sections 4 and 5 [sections 2403 and 2404 of this title], the Administrator, not later than

90 days after the date of the enactment of this Act [June 16, 1988], shall provide reasonable times—

“(1) not to exceed 180 days after the date of the enactment of this Act, for the continued sale, delivery, purchase, and receipt of any antifouling paints containing organotin and organotin additives that exist before the date of the enactment of this Act; and

“(2) not to exceed one year after the date of the enactment of this Act, for the application of any antifouling paints containing organotin and organotin additives that exist before the date of the enactment of this Act.”

SHORT TITLE

Section 1 of Pub. L. 100-333 provided that: “This Act [enacting this chapter] may be cited as the ‘Organotin Antifouling Paint Control Act of 1988’.”

§ 2402. Definitions

For purposes of this chapter:

(1) The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) The term “antifouling paint” means a coating, paint, or treatment that is applied to a vessel to control fresh water or marine fouling organisms.

(3) The term “estuary” means a body of water having an unimpaired connection with open sea, where the sea water is measurably diluted with fresh water derived from land drainage, and such term includes the Chesapeake Bay and estuary-type areas of the Great Lakes.

(4) The term “organotin” means any compound of tin used as a biocide in an antifouling paint.

(5) The term “person” means any individual, and partnership, association, corporation, or organized group of persons whether incorporated or not, or any government entity, including the military.

(6) The term “qualified antifouling paint containing organotin” means an antifouling paint containing organotin that—

(A) is allowed to be used under the terms of the final decision referred to in section 12(c); or

(B) until such final decision takes effect, is certified by the Administrator under section 2405 of this title as having a release rate of not more than 4.0 micrograms per square centimeter per day.

(7) The term “release rate” means the rate at which organotin is released from an antifouling paint over the long term, as determined by the Administrator, using—

(A) the American Society for Testing Materials (ASTM) standard test method which the Environmental Protection Agency required in its July 29, 1986, data call-in notice on tributyltin compounds used in antifouling paints; or

(B) any similar test method specified by the Administrator.

(8) The term “retail” means the transfer of title to tangible personal property other than for resale, after manufacturing or processing.

(9) The term “Secretary” means the Secretary of the Navy.

(10) The term “State” means a State of the United States, the District of Columbia, the