
Chapter 5

Key Laws and Associated Programs

Scores of federal and state laws and regulations can and do affect coastal and marine resources management issues. From programs aimed at protecting plants and wildlife, water quality, and ecosystems to those regulating dredge and fill activities, waste disposal, and fishing, these programs address the full range of commercial and recreational uses, preservation and development, and state and federal responsibilities.

This chapter provides a broad overview of key federal laws and programs that affect coastal and marine resources. Appendix A provides additional concise information on other relevant laws and programs.

National Environmental Policy Act

Discussion of U.S. environmental programs at the federal level inevitably focuses on the National Environmental Policy Act (NEPA), the “environmental impact statement” (EIS) statute signed into law on 1 January 1970. Through decades of judicial interpretation and review, NEPA has evolved as one of the United States’ single most important environmental protection laws, and it is a model copied widely throughout the world.

At its heart, NEPA requires preparation of an EIS for major federal actions that significantly affect the environment. This general principle has been broadly interpreted by the judiciary, and it has led to widespread acceptance of the overall impact statement process. The law also authorized the establishment of the Council on Environmental Quality (CEQ) in the Executive Office of the President. The CEQ has primary responsibility for managing the EIS process and for counseling the executive branch on environmental matters.

Sometimes considered the environmental “mouse that roared” because its influence belies its brevity, NEPA is widely regarded by environmental historians and professionals as one of the most critical components of the so-called environmental revolution that was ushered in with its signing by President Richard Nixon at the start of the 1970s.

Clean Water Act

Environmental historians emphasize that a thorough understanding of U.S. water pollution control law should start with the 1899 Rivers and Harbors Act (see appendix A) and the 1924 Oil Pollution Act (OPA). The first Water Pollution Control Act (P.L. 80-845) was enacted in 1948 in light of concerns over typhoid, diarrhea, and dysentery and their effects on beaches and shellfish beds.

In the mid-1950s, and again in the mid-1960s, Congress passed amendments to the Water Pollution Control Act. In 1972, Congress, overriding a presidential veto, passed the Federal Water Pollution Control Act (P.L. 92-500), substantially rewriting and strengthening federal water pollution control authorities.

The 1972 amendments to the Federal Water Pollution Control Act authorized \$18 billion over five years for grants to local communities to build sewage treatment plants. (It was concern over that spending commitment that had prompted President Nixon’s veto, overwhelmingly overridden by the House and Senate.) Importantly, the 1972 amendments also created a national permitting program requiring that dischargers to navigable waters of the United States have a federal- or state-approved permit specifying allowable discharges.

The 1972 amendments stated some laudable—if, in hindsight, somewhat impractical—objectives that all navigable waters of the United States be “fishable and swimmable” by 1983. The amendments also specified a “zero discharge” goal—a goal, not a requirement—by 1985.

Through substantive amendments in 1977 and again in 1987, the Clean Water Act (CWA) and now the Water Quality Act have focused attention on protecting and restoring coastal resources through three programs in particular:

- The National Estuary Program
- The Great Lakes Program
- The Chesapeake Bay Program

Part of the significance of these specific programs is that they illustrate Congress's formal recognition of issues such as population and development pressures—and not just pollution—as critical to coastal resources management.

A discussion of key sections of the law follows.

Section 301(h)

Some municipalities that discharge to marine waters argued that secondary treatment was unnecessary because the larger tides and more substantial currents of the marine environment dilute and disperse effluent more efficiently than freshwater environments. In response, section 301(h) allows for a case-by-case review of treatment requirements for marine dischargers meeting certain requirements.

A 301(h) applicant must demonstrate, among other things, that its discharges will not exceed water quality standards for the pollutant at issue. Discharges to marine waters must not interfere, alone or in combination with pollutants from other sources, with protection of public water supplies or with maintenance of balanced indigenous populations of shellfish, fish, and wildlife. The discharge also must not interfere with allowable recreational activities on the water.

The 1987 Water Quality Act (P.L. 100-4) modified section 301(h), specifying a minimum of primary treatment and adding additional pretreatment requirements for discharges from urban

areas with a population of more than 50,000 people. The 1987 provisions also disallowed waivers of secondary treatment requirements for discharges into stressed saline estuarine waters.

Section 303

Section 303 requires the U.S. Environmental Protection Agency (EPA) to establish water quality criteria guidelines for states to use in preserving designated uses of streams, lakes, and rivers within their borders (for instance, recreation and fishing).

EPA's water quality criteria and effluent guidelines outline levels that could cause a health risk or a significant degradation of the water quality for the specific use designation. EPA and delegated states use the standards to determine effluent limitations and to issue discharge permits under the National Pollutant Discharge Elimination System (NPDES).

The 1972 amendments specified that publicly owned treatment works (POTWs) must upgrade to "secondary treatment," that is, provide biological and chemical treatment processes that go beyond the fine-mesh screens and gravity techniques that characterize primary treatment.

Section 307

Section 307's National Pretreatment Program regulates discharges from industrial facilities to public sewage treatment facilities, as well as from treatment facilities into navigable waters of the United States. The program has two main parts: general pretreatment regulations and national categorical standards.

The general pretreatment regulations apply to discharges to POTWs that might cause a fire or explosion or otherwise impede operation of the POTW. In addition, EPA has the authority to issue technology-based categorical standards for pollutants on an industry-by-industry basis.

Section 312

Section 312 requires EPA to set standards for marine sanitation devices, or on-board boat toilets. The U.S. Coast Guard is charged with enforcing the standards and certifying that the devices meet EPA standards.

Section 319

One of the longest-running public policy issues in the water pollution control field is over controls on “point sources” (such as industrial discharge pipes) versus controls on “nonpoint sources” (such as urban runoff and agricultural fields). The section 319 nonpoint source management program requires states to assess and develop control programs for nonpoint sources. It authorizes EPA to approve state management programs and to provide program implementation grants. EPA and the National Oceanic and Atmospheric Administration (NOAA) jointly implement a parallel program in coastal areas under section 6217 of the Coastal Zone Management Reauthorization Act. Unlike section 319 of CWA, the Coastal Zone Management Reauthorization Act requires states to implement and enforce management measures to reduce nonpoint source pollution.

Section 320

The section 320 National Estuary Program, part of the 1987 amendments, promotes comprehensive planning efforts to help protect nationally significant estuaries deemed to be threatened by pollution, development, or overuse. As of November 1997, 28 estuaries had been officially designated as national estuaries under this program (see table 8).

Section 402

The section 402 NPDES permitting program generally is considered to be among the most significant provisions of the 1972 amendments. The program makes it illegal for municipal and industrial facilities to discharge pollutants into navigable waters

Table 8
Participants in the National Estuary Program
(as of November 1997)

National Estuary	Year of Entry
Albemarle-Pamlico Sounds, North Carolina	1987
Barataria-Terrebone Estuarine Complex, Louisiana	1990
Barnegat Bay, New Jersey	1995
Buzzards Bay, Massachusetts	1987
Casco Bay, Maine	1990
Charlotte Harbor, Florida	1995
Corpus Christi Bay, Texas	1993
Delaware Estuary in New Jersey, Pennsylvania, and Delaware	1988
Delaware Inland Bays, Delaware	1988
Galveston Bay, Texas	1988
Indian River Lagoon, Florida	1990
Long Island Sound, Connecticut and New York	1987
Lower Columbia River, Oregon and Washington	1995
Maryland Coastal Bays, Maryland (does not include Chesapeake Bay)	1995
Massachusetts Bay, Massachusetts (including Cape Cod Bay and Boston Harbor)	1990
Mobile Bay, Alabama	1995
Morro Bay, California	1995
Narragansett Bay, Rhode Island	1987
New Hampshire Estuaries, New Hampshire	1995
New York-New Jersey Harbor, New York and New Jersey	1988
Peconic Bay, New York	1993
Puget Sound, Washington	1987
San Francisco Bay, California	1987
San Juan Bay, Puerto Rico	1993
Santa Monica Bay, California	1988
Sarasota Bay, Florida	1988
Tampa Bay, Florida	1990
Tillamook Bay, Oregon	1993

Source: EPA 1997

unless they have an authorized permit (issued either by EPA or, more commonly, by a designated state). Dischargers' effluent reports are made public to allow EPA and citizens to review compliance.

Section 403(c)

For discharges to territorial seas, contiguous zones, or oceans, section 403 specifies that EPA consider pollutant effects on human health, marine life, marine ecosystem diversity and productivity, and aesthetic and recreational values.

Section 403(c) ocean discharge criteria require that point source discharges to territorial seas, the contiguous zone, and oceans that are NPDES permitted not “unreasonably degrade the marine environment.” This provision authorizes EPA to assess point source discharge effects on the marine environment and surrounding biological communities. EPA has authority to specify additional effluent limitations or to prohibit the discharge by not issuing a permit.

NPDES permits are not to be issued for discharges into the territorial sea, waters of the contiguous zone, or oceans if they do not comply with EPA ocean discharge guidelines addressing factors such as bioaccumulation, coastal zone management, special aquatic sites, human health effects, and marine water quality criteria.

Section 404

Section 404 of the 1972 amendments established the program to regulate permits for disposal of dredge and fill materials into wetlands and other waters of the United States. The program is jointly administered by EPA and the U.S. Army Corps of Engineers (USACE).

USACE district offices are responsible for reviewing permit applications and issuing or denying permits, subject to guidelines jointly developed with review and approval by EPA. Under section 404(c), EPA has the authority to override a USACE decision to issue a permit or to prohibit or restrict the discharge of dredged or fill material to wetlands. Generally, EPA uses this authority only for the more significant and controversial permit applications.

Areas are classified as wetlands based on three criteria: wetlands vegetation, hydric soils, and hydrology (in the form of flooding or soil saturation). Once an area is identified as a wetland and qualifies under the law as a “water of the United States,” the section 404 permitting program takes effect. The courts generally have interpreted the law to include all waters whose degradation or destruction *could* affect navigable waters and interstate commerce. Thus, “waters of the United States” include wetlands adjacent to interstate rivers and streams and coastal waters.

Courts by and large have interpreted the term “discharge” to include both additions and redeposits into the wetlands or other waters of the United States. Section 404(f)(1) exempts certain discharges from the permit requirement, such as “normal” farming, ranching, and silviculture (forestry) practices, but these exemptions are subject to important caveats and conditions as a result of executive branch and judicial interpretations.

General permits can be issued under section 404(e) on a nationwide, regional, or state level for categories of activities deemed similar in nature and likely to have only minimal environmental impacts. As of 1997, 39 nationwide permits had been issued (not all nationwide permits apply in every state).

The potential for controversy involved with section 404 permitting and its possible effects on development activities is considerable. Regional EPA offices and USACE district offices, along with applicable state agencies, can be valuable resources of information on this program.

Marine Protection, Research, and Sanctuaries Act

Ocean Dumping Act of 1972

Title I of the Marine Protection, Research, and Sanctuaries Act (MPRSA), commonly known as the Ocean Dumping Act, regulates transportation of material for the purpose of dumping it into ocean waters. The act requires U.S.-registered vessels, or any

vessel sailing from a U.S. port, to have a permit before it can lawfully dispose of materials in U.S. coastal waters. In addition, the act serves to implement an international treaty regulating ocean dumping known as the London Convention (see appendix A).

The following are ineligible for ocean dumping permits:

- Radiological, chemical, and biological warfare agents
- High-level radioactive waste
- Medical wastes (added by 1988 amendment to MPRSA)
- Materials that violate applicable water quality standards

Four federal agencies oversee the Ocean Dumping Act: EPA, USACE, NOAA, and the Coast Guard. EPA also designates sites for ocean dumping and performs related research. EPA regulates ocean disposal of substances other than dredged spoils, which are regulated by the USACE. NOAA oversees long-range research on marine environment effects. The Coast Guard is in charge of maintaining surveillance of ocean dumping.

For dredged material, USACE, uses EPA's environmental criteria to make dumping permit decisions, which are subject to EPA review. EPA designates sites for ocean dumping, most of which involves dredged materials removed from the waterway bottoms to maintain navigation channels. Approximately 60 million cubic yards are disposed of in the oceans annually.

Congress amended the MPRSA in 1988 with the Ocean Dumping Ban Act (P.L. 100-688), making ocean dumping of industrial waste and sewage sludge unlawful by 31 December 1991. When the Ocean Dumping Ban Act was first signed in 1988, nine Atlantic seaboard municipalities were actively engaged in ocean dumping—three in New York and six in New Jersey. Collectively, they dumped some 8.7 million wet tons of sludge each year. Each has since met the phaseout dates, and ocean disposal of sewage sludges and of industrial wastes has now officially halted.

Discharges through pipelines or from stationary drilling platforms into estuaries, navigable waters, and territorial seas are regulated under the CWA.

Title III—National Marine Sanctuaries Act

NOAA administers the National Marine Sanctuary Program, established in 1972 by Title III of the Marine Protection, Research, and Sanctuaries Act. NOAA is responsible for preparing EISs and overseeing management plans and public comment. NOAA is also responsible for preserving and protecting marine areas that have special significance based on their “conservation, recreational, ecological, historic, research, educational, or aesthetic qualities.”

NOAA administers a detailed review process of these areas before they can be formally designated as national marine sanctuaries. Areas passing that review are nominated for designation by the secretary of commerce, but Congress can disapprove designations. States with proposed marine sanctuaries in their borders also can disapprove the inclusion of waters within their borders, and because competing interests are involved, the designation process often engenders controversy. As of November 1997, 12 sanctuaries covering nearly 18,000 square miles had been designated (see table 9 and figure 9).

Title V—Beach National Coastal Water Quality Monitoring Program

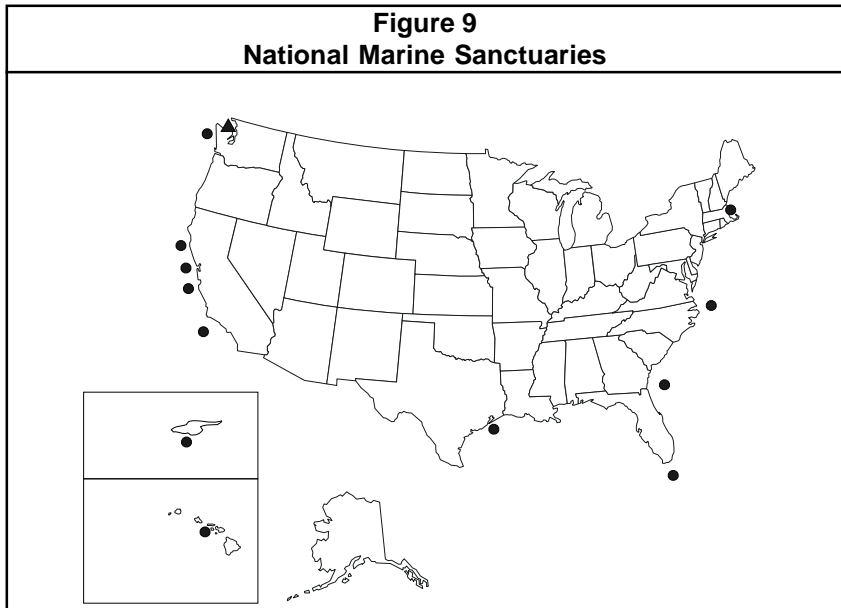
Title V establishes a national coastal water quality monitoring program, which EPA and NOAA administer. The agencies collect and analyze coastal ecosystem environmental data on water quality, living resources, environmental degradation, and long-range trends.

Water Resources Development Act of 1996

The passage of the Water Resources Development Act of 1986 (WRDA 86) marked a milestone in the authorization of future water resources projects, as well as the evolution of overall water

Table 9 National Marine Sanctuaries	
Name of Sanctuary and State	Designation Date
Channel Islands National Marine Sanctuary, California	September 1980
Cordell Bank National Marine Sanctuary, California	May 1989
Fagatele Bay National Marine Sanctuary, American Samoa	April 1986
Florida Keys National Marine Sanctuary, Florida	September 1990
Flower Garden Banks National Marine Sanctuary, Louisiana and Texas	January 1992
Gray's Reef National Marine Sanctuary, Georgia	January 1981
Gulf of the Farallones National Marine Sanctuary, California	January 1981
Hawaiian Islands Humpback Whale National Marine Sanctuary, Hawaii	November 1992
Monitor National Marine Sanctuary, North Carolina	January 1975
Monterey Bay National Marine Sanctuary, California	September 1992
Olympic Coast National Marine Sanctuary, WA	July 1994
The Gary E. Studds Stellwagen Bank National Marine Sanctuary, Massachusetts	November 1992

Source: National Marine Sanctuaries Program (no date)



Source: National Marine Sanctuaries Program (no date)

resources policy and direction in the Civil Works Program administered by USACE. Based upon the agreements established in 1986, the administration and Congress agreed to a standardized method of setting and modifying water resources policy and authorizing water resources projects for study or construction. Since WRDA 86, Water Resources Development Acts have been developed every two years (with the exception of 1994), streamlining the congressional and administrative approval process. These WRDAs provide overall water resources policy and direction such as cost-sharing reforms; environmental and engineering initiatives; planning, construction and operational definitions and criteria; and authorizations for new water resources projects.

An example of the evolution of water resources policy is section 1135 of WRDA 86, which authorized the secretary of the Army to modify existing water resources project structures or their operations for the purpose of environmental improvements in the public interest. This provision was passed in response to Congress's desire to have water resources projects become more environmentally compatible, particularly those constructed years ago. In WRDA 96, section 204 expanded the original authorization to include environmental activities either on or off the project site when it is found the USACE project contributed to the degradation of the environment. This modification was developed because simply modifying structures or operations did not adequately address many of the environmental problems identified.

The most current WRDA was passed in 1996 (P.L. 104-303) and is typical of previous WRDAs in that it provides important cost-sharing reforms, environmental initiatives, and new project authorizations to be undertaken by USACE. The act is summarized in the following paragraphs:

- ***Title I, Water Resources Projects***, authorizes the secretary of the Army to carry out nearly 50 specific water resources development and conservation projects for flood control; storm and hurricane damage prevention and reduction;

environmental restoration and protection; erosion protection; hydropower; water supply; and safety improvements.

- ❑ ***Title II, General Provisions***, provides 37 specific provisions including cost-sharing reforms for flood control, environmental restoration and environmental protection projects, and dredged material disposal facilities. The new nonfederal cost-sharing requirements for flood control and most environmental restoration projects authorized after this act have been increased to 35 percent. This title also makes cost sharing for the construction of dredged material disposal facilities consistent with the cost sharing for commercial navigation operation and maintenance dredging activities. Some of the more significant environmental provisions in this title include (1) section 204, which expands section 1135 of WRDA 86 to include environmental activities either on or off the project site when it is found the USACE project contributed to the degradation of the environment; (2) section 206, which establishes a small-project authority for aquatic ecosystem restoration projects to improve the quality of the environment in the public interest; and (3) section 207, which directs the secretary to select a beneficial use disposal method that is not the least-cost option if the incremental costs are reasonable in relation to the environmental benefits to be achieved.
- ❑ ***Title III, Project Related Provisions***, provides 66 specific project modifications and activities to be conducted by the secretary of the Army via USACE, including additional project purposes, cost-sharing clarifications, and operation and maintenance responsibilities.
- ❑ ***Title IV, Studies***, authorizes the secretary of the Army to conduct 46 water resources studies examining the feasibility of providing water resource projects for flood control, navigation, environmental restoration and protection, and erosion control.

- ❑ ***Title V, Miscellaneous Provisions***, contains 86 provisions dealing with subjects ranging from naming projects to authorizing the secretary of the Army to continue to participate in the Everglades and South Florida Ecosystem Restoration project.
- ❑ ***Title VI, Extension of Expenditure Authority Under the Harbor Maintenance Trust Fund***, amends the Internal Revenue Service code of 1986 to allow the use of the Harbor Maintenance Trust Fund for the operation and maintenance construction of confined disposal facilities.

WRDAs can make a significant contribution to the continued restoration and protection of the nation's coastal resources.

Coastal Zone Management Act of 1972

The Coastal Zone Management Act (CZMA) provides for management of the nation's coastal resources, including the Great Lakes, by balancing economic development with environmental preservation. Its goals are "to preserve, protect, develop, enhance, and restore, where possible, the coastal resources."

The National Estuarine Research Reserves system was created in 1972 with the passage of CZMA. The National Estuarine Research Reserves system protects representative estuarine areas through a partnership between NOAA and state governments. Each estuarine reserve has research, education, and monitoring functions that include researching reserve environments, developing student curricula, and tracking the status and trends in coastal ecosystem health. As of January 1998, 22 estuarine reserves had been designated, encompassing more than 425,000 acres of estuarine waters, wetlands, and uplands.

Coastal Zone Management Program

The federal government encourages states to exercise full authority over their coastal lands and waters. CZMA encourages

states to produce and enforce their own coastal zone management programs consistent with the federal law and its goals. The act was intended primarily to change how federal, state, and local agencies and officials manage coastal resources and allocate them among competing users. Under the law, the federal government provides financial assistance to states that develop coastal zone management programs approved by the secretary of commerce.

Once the state program is accepted, the federal government is responsible for ensuring that federal activities on the coast conform to the state program. States with approved plans may object to federal permits for activities that are inconsistent with the state's coastal zone management plan. This section of the law is called the federal "consistency" requirement. It mandates that federal programs or actions be consistent with state federally approved coastal zone management programs. In some cases, federal activities have clashed with state interests, resulting in appeals to the secretary of commerce. Some issues have gone to court for resolution.

The secretary of commerce, through NOAA, periodically evaluates state program performance, and Department of Commerce can withhold federal funds for states not meeting federal standards. Each state program must provide, at a minimum, for standards that (1) protect natural resources and fish and wildlife, (2) manage coastal development, (3) provide public access to the coast for recreational purposes, and (4) include public and local government participation in coastal management decisionmaking. States must submit coastal zone management programs to NOAA for approval to receive federal funds to implement the programs. The programs designate the boundaries of the coastal zone, prioritize land and water uses, and identify critical areas of concern and legislation concerning the coast. Environmental, economic, social, and cultural aspects of the zone are considered, and the programs and their annual implementation plans must identify problems and propose solutions.

The state coastal zone management programs have included efforts to improve governmental decisionmaking, including

expediting and simplifying permit reviews and improving information resources and public participation. CZMA funds have also helped to establish setback lines and erosion protection efforts, revitalize waterfronts, rebuild fishing piers, protect marshes, improve public access to beaches, clean up beaches, and increase tourism benefits to local communities.

Thirty-five states and territories are eligible to participate in the coastal zone management program, which includes the shoreline of the Great Lakes. By January 1998, 32 states had created approved programs covering more than 98 percent of the country's coastline. Minnesota and Indiana are developing coastal zone management programs. Illinois is not pursuing development of a program.

Coastal Nonpoint Pollution Control Program

In 1990, Congress passed the Coastal Zone Act Reauthorization Amendments, adding a section designed to reduce nonpoint source pollution of coastal waters. Section 6217 requires states that have coastal zone management program to develop and implement coastal nonpoint pollution control programs.

Each state's nonpoint source program must be designed with two tiers. The first tier is to develop technology-based management measures that reflect the best available technology for nonpoint sources. These state measures must be "in conformity with" guidance established by EPA for nonpoint pollution sources.

These first-tier management measures should address certain nonpoint pollution sources, such as agricultural runoff, urban runoff, shoreline erosion, and marinas. Management measures in this first tier should address protection of wetlands, riparian habitats, and treatment systems (e.g., filter strips and constructed wetlands).

If, after applying the management measures in the first tier, a state is unable to meet coastal water quality standards and properly protect certain coastal areas, it next must implement a second tier

of more stringent management measures. State nonpoint source programs must be submitted to NOAA and EPA for review and approval. If a state does not submit a program, a portion of the coastal zone management program funding and funding under section 319 of the CWA is reduced.

Marine Mammal Protection Act of 1972

The Marine Mammal Protection Act (MMPA) of 1972 was reauthorized in 1994 (P.L. 103-238). The act provides for conservation and management of marine mammals under U.S. jurisdiction. It establishes a moratorium on the “taking”—meaning “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill”—of marine mammals. The act also authorizes the collection of animals from the wild for scientific research or public display or to enhance the survival of a species or stock. The 1994 amendments allow the incidental taking of marine mammals “in the course of commercial fishing operations.” However, the amendments now have specific habitat protection provisions that restrict taking activity if it adversely affects species, stock, or habitat (rookeries, mating grounds, or similar areas).

Alaska Native organizations are now eligible for grants to

- (1) collect and analyze data on marine mammal populations;
- (2) monitor the harvest of marine mammals for subsistence use;
- (3) participate in marine mammal research conducted by the federal government, states, academic institutions, and private organizations; and
- (4) develop marine mammal comanagement structures with federal and state agencies.

The Department of Commerce’s National Marine Fisheries Service (NMFS) and the Department of the Interior’s Fish and Wildlife Service (FWS) oversee the law. NMFS is responsible for seals, sea lions, porpoises, and whales, and FWS is responsible for sea otters, polar bears, walruses, dugongs, and manatees.

A Marine Mammal Commission (MMC) established under the law makes recommendations to the commerce and interior secretaries and other federal officials on protecting and conserving marine mammals. The MMC consists of three commissioners, full-time staff, an advisory committee, and a Committee of Scientific Advisors on Marine Mammals (which consists of nine scientists).

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act of 1976 extends federal fishery jurisdiction to 200 miles offshore. The law provides for fishery management authority in affected waters and limits bycatch or “fish which are harvested in a fishery, but which are not sold or kept for personal use” In 1996, the amendments to the act (P.L. 104-297) included preventing overfishing, rebuilding depleted stocks, reducing bycatch, and designating and conserving “essential fish habitat.”

Under the “Magnuson-Stevens Act,” as it is frequently called, the U.S. Department of State, in cooperation with NOAA, negotiates Governing International Fishery Agreements (GIFA) with foreign nations wanting to fish within the 200-mile exclusive economic zone. Those agreements are subject to presidential and congressional review.

Vessels of nations that have a GIFA with the United States may fish in the Magnuson-Stevens 200-mile zone for species managed under the act after they have been issued an allocation of that species and a valid fishing permit. After a GIFA is in force, a foreign nation must submit a permit application to the State Department for each vessel to fish or conduct other operations related to fishing.

The act also establishes eight regional councils charged with preparing fishery management plans for fisheries they determine require active federal management. These plans seek to prevent

overfishing, while allowing for maximum harvesting of fish based upon the best scientific information available. The plans are submitted to the secretary of commerce for approval and implementation.

Amendments to the act require NMFS to describe, identify, conserve, and enhance “essential fish habitat,” defined as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” Fishery management plans are now required to include essential fish habitat provisions.

Endangered Species Act

The 1973 Endangered Species Act (ESA) was enacted to protect endangered or threatened species. The act is administered by the Department of Commerce through NMFS and the Department of the Interior through FWS. These departments also designate critical habitat for listed species.

The law prohibits taking, importing, exporting, selling, transporting, or possessing any illegally acquired species listed as endangered. The exceptions are for scientific research or species enhancement, which requires a permit.

The FWS and NMFS are required to make a public list of all threatened species and review it every five years to determine if any species can be removed or changed in status. The agencies must prepare recovery plans for listed species. The law authorizes civil and criminal penalties and gives federal and state agencies enforcement authority. (See chapter 4, table 7, for a list of marine endangered species.)

National Invasive Species Act of 1996

The National Invasive Species Act calls for more widespread efforts to prevent the introduction and spread of nonindigenous or “nuisance” species into U.S. waters via the ballast waters of

commercial vessels. The act reauthorizes and amends the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. Its key provisions are to examine attributes and patterns of nonindigenous species invasions and the effectiveness of ballast management. It also stipulates that the Department of Transportation issue guidelines to control zebra mussels and other aquatic nuisance species introduced by recreational activities. EPA is authorized to fund research grants to identify methods for controlling the spread of invading species.

Oil Pollution Act of 1990

The *Exxon Valdez* oil spill in Alaska's Prince William Sound in March 1989 has had a profound effect on environmental management and policy issues. In response to the extensive media coverage and public interest attending the spill, Congress in 1990 enacted the Oil Pollution Act of 1990 (OPA).

The law combines various oil spill response mechanisms from the CWA, the Deepwater Port Act of 1974, the Trans-Alaska Pipeline Act, and the Outer Continental Shelf Lands Act, among others. It seeks to harmonize these federal laws with state laws, international conventions, and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, or Superfund).

The act addresses oil discharges to navigable waters and shorelines. It requires that emergency response plans be prepared that detail steps to be taken in the event of a spill. OPA raises liability limits in cases involving gross negligence or willful misconduct and expands cleanup and economic damage collections. The act creates an Oil Spill Liability Trust Fund to pay for removal costs and damages if the government is unable to collect cleanup costs from the liable party. In 1996, OPA amendments (P.L. 104-324) revised the financial responsibility requirements for offshore facilities and provided for the payment of interim, short-term damages.

The law authorizes the federal government to order or conduct removal actions, strengthens prevention control requirements for vessels and facilities, and provides for tougher criminal penalties and higher civil penalties for spills. The law also imposes tighter standards and reviews for licensing of tank vessel personnel, making it easier to suspend, revoke, or terminate such licenses. The 1996 amendments expand research and training on oil discharge removal.

The law requires the phasing out of single-hulled tank vessels. By the year 2015, all tankers in U.S. waters must have double hulls. All new (and some existing) oil tankers and barges operating in U.S. waters are required to have double hulls. New vessels of less than 5,000 gross tons, such as inland barges, must have some form of double containment, though not necessarily double hulls.

OPA also provides for emergency response planning. It mandates the Coast Guard to establish a National Response Unit and smaller response units for each of the 10 Coast Guard districts to coordinate equipment used in spill cleanup. The law requires EPA and the Coast Guard to oversee creation of contingency plans for specific areas to deal with worst-case-scenario oil spills.

The National Contingency Plan (NCP), a series of regulations under the act, provides a method of ranking waste sites for inventory and cleanup. In addition, the NCP suggests techniques for cleanup and coordinates intergovernmental cleanup activities. States play an active role in developing contingency plans, including natural resource recovery plans.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund)

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) established the Superfund program and trust fund. This program provides for cleanup and emergency response for hazardous substances released into the

environment, as well as the cleanup of inactive hazardous waste disposal sites. EPA administers the Superfund program and is responsible for adding hazardous wastes sites to the National Priorities List. A site must be on this list to receive money from the trust fund for long-term (nonemergency) cleanup.

The basic purpose of this statute is to respond to past releases of hazardous substances into the air, water, or land. However, the OPA handles petroleum and oil spills. EPA can order responsible parties to take appropriate removal and remedial actions. If responsible parties do not respond, EPA can use federal funds to perform the necessary work and then recover expenses through litigation. If no “potentially responsible party” (PRP) exists or can be located, the cleanup funds come from the Superfund trust fund.

EPA investigates spill and contamination reports and determines PRPs, penalties, and liability assessments. The Coast Guard is the lead agency for coastal spills and monitors or supervises these cleanups. The Coast Guard is usually the first agency contacted about a marine spill, and it is responsible for notifying other federal, state, and local agencies. The Coast Guard also supports regional and national emergency response teams and develops and maintains chemical assessment databases.

Table 10
Key Federal Authorities and Programs

U.S. Department of Agriculture (USDA)

Scope	Legislative Authority	Major Programs/Activities
Surface water pollution due to agriculture runoff (mitigation of adverse effects of land management activities)	<p>Department of Agriculture Organic Act 16 U.S.C. 500 <i>et seq.</i></p> <p>Water Quality Initiative Food, Agriculture, Conservation, and Trade Act of 1990</p> <p>Federal Agriculture Improvement and Reform Act of 1996</p>	<ul style="list-style-type: none"> • Promotes nonpoint source contaminants research • Establishes Habitat Modification Program • Establishes Point Source Contamination Program to investigate chemicals in bottom sediment • Promotes watershed projects to enhance water quality • Establishes Watershed Protection and Flood Prevention Program • Establishes Rural Abandoned Mine Program • Establishes Environmental Quality Incentives • Establishes Conservation Farm Option
Wetlands protection	<p>Water Bank Act (P.L. 91-559) 16 U.S.C. 1301-11, 150 & 03</p> <p>Food Security Act of 1985 (P.L. 99-196) 16 U.S.C. 3801 <i>et seq.</i></p> <p>Food, Agriculture, Conservation, and Trade Act of 1990</p> <p>Federal Agriculture Improvement and Reform Act of 1996</p>	<ul style="list-style-type: none"> • Preserves, restores, and improves wetlands • Avoids conservation assessments • Establishes Wetlands Conservation Program • Establishes Conservation Compliance Program • Establishes Conservation Reserve Program • Establishes Sodbuster Program • Establishes Swampbuster Program • Establishes Wetlands Reserve Program • Establishes Wildlife Habitat Incentives Program

Department of the Army, U.S. Army Corps of Engineers

Scope	Legislative Authority	Major Programs/Activities
Wetlands	Clean Water Act (P.L. 92-500) Coastal Wetlands Planning, Protection, and Restoration Act	Regulates section 404 dredged and fill materials permits (jointly implemented with EPA) Exercises authority to create wetlands across the United States and specifically in Louisiana
Environmental restoration	Water Resources Development Act	<ul style="list-style-type: none"> • Modifies existing projects on or off project site or operations for environmental improvement (section 1135 (1986)) • Authorizes development projects for environmental purposes (section 704 (1986)) • Authorizes the use of dredged material for beneficial uses (section 204 (1992)) • Authorizes environmental dredging as part of the operations and maintenance of federal navigation projects and in nonproject-specific waters of the United States (section 205 (1996)) • Authorizes small aquatic ecosystem restoration projects to improve the quality of the environment if they are cost-effective and in the public interest (section 206 (1996))
Environmental protection	Water Resources Development Act of 1990	Authorizes protection of the environment as a major mission of the USACE (section 306)
Wetlands conservation	Water Resources Development Act of 1976 (P.L. 94-587) 42 U.S.C. 1962d-5f	Authorizes the use of dredged material for wetlands creation (section 150)
Avoiding obstructions to navigation	River and Harbors Appropriation Act of 1899, 33 U.S.C. 401	Regulates construction activities in and adjoining navigable waters that alter the course, condition, location, or capacity of such waters

Department of the Army, U.S. Army Corps of Engineers

Scope	Legislative Authority	Major Programs/Activities
Regulation of ocean dumping of dredged materials	Marine Protection, Research, and Sanctuaries Act (P.L. 92-532) 33 U.S.C 1401 <i>et seq.</i>	Authorizes the USACE to issue ocean dumping permits subject to environmental criteria (section 103)
Fish and wildlife mitigation	Water Resources Development Act of 1986 (P.L. 99-622), 33 U.S.C. 2201-2283 Fish and Wildlife Coordination Act of 1958 (P.L. 85-624), 16 U.S.C. 661-666c.	Mitigates fish and wildlife losses associated with authorized water resources projects, including the acquisition of lands or interests in lands (section 906) Provides for consultation with FWS and mitigates and enhances fish and wildlife resources
Navigable waters	Rivers and Harbors Act of 1899 Section 10 and 13	Authorizes USACE to issue navigable water structure permits
Nonindigenous aquatic species	National Invasive Species Act (P.L. 104-332)	<ul style="list-style-type: none"> • Establishes a broad, federal program to prevent the introduction of and to control introduced aquatic nuisance species • Authorizes EPA to award research grants for controlling the spread of invading species (jointly administered with EPA, NOAA, FWS, USACE, and U.S. Coast Guard)

**U.S. Department of Commerce,
National Oceanic and Atmospheric Administration**

Scope	Legislative Authority	Major Programs/Activities
Marine mammals	<p>Marine Mammal Protection Act of 1972 (P.L. 92-522) 16 U.S.C. 1361 <i>et seq.</i></p> <p>Fur Seal Act of 1966 (P.L. 89-702) 16 U.S.C. 1151 <i>et seq.</i></p> <p>Whale Conservation and Protection Study Act (P.L. 94-532)</p>	<p>Prohibits or strictly regulates the direct or indirect taking or importation of marine mammals</p> <p>Prohibits the taking of fur seals on lands or waters under U.S. jurisdiction</p> <p>Authorized a study of whales in coastal areas in the late 1970s</p>
Anadromous fish	<p>Anadromous Fish Conservation Act of 1965 (P.L. 89-304) 16 U.S.C. 757a-757g</p> <p>Salmon and Steelhead Conservation and Enhancement Act (P.L. 96-561) 16 U.S.C. 3301-3371</p> <p>Atlantic Striped Bass Conservation Act (P.L. 89-304) 16 U.S.C. 757g</p> <p>Federal Paver Act (P.L. 95-617) 16 U.S.C. 791a <i>et seq.</i></p>	<p>Conserves, develops, and enhances anadromous fishery resources</p> <p>Manages and enhances salmon and steelhead stocks jointly with the Department of the Interior</p> <p>Evaluates population status and determines need for a moratorium on takes</p> <ul style="list-style-type: none"> • Protects, mitigates damages to, and enhances fish (including habitat and spawning grounds) • Prescribes fishways for nonfederal hydropower projects
Great Lakes Research	<p>Clean Water Act (P.L. 92-500) 33 U.S.C. 1268</p>	<p>Establishes a Great Lakes National Program Office</p>

**U.S. Department of Commerce,
National Oceanic and Atmospheric Administration**

Scope	Legislative Authority	Major Programs/Activities
Threatened and endangered species and their critical habitats	Endangered Species Act of 1973 (P.L. 93-205) 16 U.S.C. 1531 <i>et seq.</i>	Ensures that any action authorized, funded, or carried out by any federal agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in habitat destruction or modification critical to such species
Marine fisheries	Magnuson-Stevens Fishery Conservation and Management Act (P.L. 104-297) 16 U.S.C. 1801 <i>et seq.</i> Interjurisdictional Fisheries Act (P.L. 99-659) 16 U.S.C. 4101-4107 North Pacific Fisheries Act of 1954 (P.L. 85-114) 16 U.S.C. 1021 <i>et seq.</i> North Pacific Halibut Act of 1982 16 U.S.C. 773 <i>et seq.</i>	Conserves and manages fish stocks throughout a 200-mile U.S. Fishery Conservation Zone by developing fishery management plans and designating essential fish habitat Promotes and encourages the management of interjurisdictional fishery resources Enforces International Convention for the High Seas Fisheries of the North Pacific Ocean Enforces the convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea
Marine sanctuaries	Marine Protection, Research, and Sanctuaries Act (Title III) (P.L. 104-283) 16 U.S.C. 1431 <i>et seq.</i>	Manages designated marine areas that are special due to their natural or human-use values through the National Marine Sanctuary Program
Deep seabed minerals	Deep Seabed Hard Minerals Resources Act (P.L. 96-283)	Licenses consortia to mine hard minerals beyond the continental shelf
Ocean thermal energy	Ocean Thermal Energy Conversion Act (P.L. 96-326)	Licenses the construction and operation of ocean thermal energy conversion plants
Nonindigenous aquatic species	National Invasive Species Act (P.L. 104-332)	<ul style="list-style-type: none"> Establishes a broad, federal program to prevent the introduction of and to control introduced aquatic nuisance species Authorizes EPA to award research grants for controlling the spread of invading species (jointly administered with EPA, NOAA, FWS, USACE, and U.S. Coast Guard)

**U.S. Department of Commerce,
National Oceanic and Atmospheric Administration**

Scope	Legislative Authority	Major Programs/Activities
Coastal zone management	Coastal Zone Management Act of 1972 (P.L. 104-150) 16 U.S.C. 1451 <i>et seq.</i>	<ul style="list-style-type: none"> • Manages coastal zone management grants • Reviews and approves state coastal zone management plans • Provides federal consistency determination • Reviews state performance • Manages National Estuarine Research Reserve System • Oversees coastal nonpoint source pollution control program (6217 provisions—1990 Reauthorization Amendments) • Encourages state/federal partnership programs to provide for sustainable development of coastal areas, conservation of coastal resources through coastal zone management programs, and establishment of biogeographically representative estuarine areas as national estuarine research reserves for long-term research and education
Nonpoint source pollution	Coastal Zone Act Reauthorization Amendments of 1990 (P.L. 101-508) 16 U.S.C. 1455b	Establishes Coast Nonpoint Pollution Control Program (jointly implemented with EPA)

**U.S. Department of Health and Human Services,
U.S. Food and Drug Administration**

Scope	Legislative Authority	Major Programs/Activities
Fish and shellfish market safety	Federal Food, Drug, and Cosmetic Act 21 U.S.C. 301-392	<ul style="list-style-type: none"> • Sets standards of quality for foods, including seafood • Sets “action levels” and “tolerances” for unavoidable contaminants in foods, including seafood
Interstate safety	Public Health Service Act 42 U.S.C. 201 <i>et seq.</i>	<ul style="list-style-type: none"> • Provides federal assistance to states to prevent the interstate transmission of disease • Establishes Interstate Shellfish Sanitation Program
Anadromous fish conservation	Anadromous Fish Conservation Act (P.L. 89-304) 16 U.S.C. 7571	Provides enforcement actions to eliminate or reduce polluting substances detrimental to fish and wildlife in interstate or navigable waters

U.S. Department of the Interior, U.S. Fish and Wildlife Service

Scope	Legislative Authority	Major Programs/Activities
Water quality	Clean Water Act (P.L. 92-500) 33 U.S.C. 1285	Promotes development of best management practices as part of its water control programs
Oil spill response	Oil Pollution Act of 1990 as amended (P.L. 104-324)	Assesses natural resource damages and enhances capabilities for oil spill response
Land and water conservation	Land and Water Conservation Fund Act (P.L. 88-578) 16 U.S.C. 4601-4 -11	Establishes a fund to acquire land or waters, or interests in land or waters, to promote outdoor recreation opportunities
Coastal barrier islands	Coastal Barrier Improvement Act of 1990 (P.L. 101-591) 16 U.S.C. 3501-3510	<ul style="list-style-type: none"> Establishes coastal barrier resources system Regulates growth of undeveloped coastal barriers and associated aquatic habitats Restricts federally subsidized development of underdeveloped coastal barriers
Threatened and endangered species and their critical habitat	Endangered Species Act of 1973 (P.L. 93-205) 16 U.S.C. 1531-1543	Ensures that any action authorized, funded, or carried out by any federal agency should not be likely to jeopardize continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat critical to such species
Estuarine areas	Estuary Protection Act (P.L. 90-454) 16 U.S.C. 1221 <i>et seq.</i>	Conserves estuarine areas
Wetlands conservation	North American Wetlands Conservation Act (P.L. 101-233) Coastal Wetlands Planning, Protection, and Restoration Act of 1990, Title III (P.L. 101-646) 16 U.S.C. 3951 <i>et seq.</i>	<ul style="list-style-type: none"> Funds the purchase of critical wetlands in the United States, Canada, and Mexico Matches funds for wetlands conservation projects in North America Encourages wetlands conservation and planning in U.S. coastal areas Provides state grants for wetlands conservation
Marine mammals	Marine Mammal Protection Act of 1972 (P.L. 92-522)	Prohibits or strictly regulates direct or indirect taking or importation of marine mammals

U.S. Department of the Interior, U.S. Fish and Wildlife Service

Scope	Legislative Authority	Major Programs/Activities
Migratory birds	<p>Migratory Bird Hunting and Conservation Stamp Act (P.L. 85-585)</p> <p>Migratory Bird Conservation Act (P.L. 87-812) 16 U.S.C. 715-715s</p> <p>Migratory Bird Treaty Act (P.L. 86-732) 16 U.S.C. 701-711</p>	<p>Uses hunting stamp funds to acquire bird refuges and waterfowl production areas</p> <p>Acquires areas to manage and protect migratory birds</p> <p>Prohibits the taking of migratory birds protected under treaties with Great Britain, Mexico, and Japan</p>
Fish and wildlife conservation	<p>Fish and Wildlife Coordination Act of 1958 (P.L. 85-624) 16 U.S.C. 661- 666c</p> <p>Fish and Wildlife Conservation Act 2901 <i>et seq.</i></p> <p>Fish Restoration and Management Projects Act (P.L. 91-503) 16 U.S.C. 777-7771</p> <p>National Wildlife Refuge System Improvement Act of 1997</p> <p>Federal Water Project Recreation Act (P.L. 94-576) 16 U.S.C. 460</p> <p>Fish and Wildlife Act of 1956, as amended 16 U.S.C 742a-j</p> <p>Great Lakes Fish and Wildlife Restoration Act of 1990 (P.L. 101-537) 16 U.S.C. 941</p>	<p>Provides consultation when a federal agency or federal permittee proposes to modify a body of water</p> <p>Promotes conservation and promotion of nongame fish and wildlife and their habitats, including providing grants to states</p> <p>Funds state programs to restore and manage fishery resources</p> <p>Formally establishes conservation programs and allows restoration of habitats for fish, wildlife, and plants</p> <p>Provides federal funds to enhance fish and wildlife and acquire land for these same purposes in conjunction with federal water development projects</p> <p>Establishes a comprehensive national fish, shellfish, and wildlife resources policy emphasizing commercial fishing industry (transfers responsibilities from FWS to NOAA for commercial and marine sportfish, except for the Great Lakes)</p> <ul style="list-style-type: none"> • Develops restoration strategies for Great Lakes fish and wildlife • Provides for planning, development, and maintenance of fish and wildlife on military lands

U.S. Department of the Interior, U.S. Fish and Wildlife Service

Scope	Legislative Authority	Major Programs/Activities
Fish and wildlife conservation, continued	Sikes Act (P.L. 86-797) 16 U.S.C. 670a-o	Provides cooperation with the Department of Defense in planning, developing, and maintaining fish and wildlife resources on military reservations throughout the United States
Nonindigenous aquatic species	National Invasive Species Act (P.L. 104-332)	<ul style="list-style-type: none"> • Establishes a broad, federal program to prevent the introduction of and to control introduced aquatic nuisance species • Authorizes EPA to award research grants for controlling the spread of invading species (jointly administered with EPA, NOAA, FWS, USACE, and U.S. Coast Guard)
Anadromous fish	<p>Anadromous Fish Conservation Act of 1965 (P.L. 89-304)</p> <p>Atlantic Striped Bass Conservation Act</p> <p>New England Fishery Resources Restoration Act of 1990 (P.L. 101-593)</p> <p>Klamath River Basin Fish Resources Restoration Act (P.L. 99-552)</p> <p>Trinity River Basin Fish and Wildlife Restoration (P.L. 98-541)</p> <p>Mitchell Act (16 U.S.C. 755-757)</p>	<p>Conserves, develops, and enhances anadromous fishery resources</p> <p>Evaluates the population status and determines the need for a moratorium on takes</p> <p>Establishes cooperative programs to restore and maintain nationally significant and interjurisdictional fishes of New England river systems</p> <p>Establishes a 20-year program to restore and maintain anadromous fish population of the Klamath River Basin</p> <p>Restores fish and wildlife populations damaged as a result of the construction of Trinity Dam</p> <p>Funds salmon smolt production in national fish hatcheries in the Columbia River Basin</p>
Anadromous fish and wetlands in California	Omnibus Water Reclamation Act of 1992, Title 34	Provides an opportunity for restoring anadromous fish and wetlands in conjunction with Bureau of Reclamation projects

U.S. Department of the Interior, Minerals Management Service

Scope	Legislative Authority	Major Programs/Activities
Outer continental shelf	Outer Continental Shelf Lands Act	Manages the outer continental shelf, including leasing to private companies for oil and gas exploration and development

U.S. Department of Transportation

Scope	Legislative Authority	Major Programs/Activities
Marine life conservation and wetland protection and restoration	Reefs for Marine Life Conservation (P.L. 92-402)	Uses obsolete ships as artificial reefs to conserve marine life
	National Fishing Enhancement Act of 1964 (P.L. 98-623)	<ul style="list-style-type: none"> • Establishes fishery agreements with Iceland and the European Economic Community • Requires artificial reef construction to enhance fishery resources
	Intermodal Surface Transportation Efficiency Act (P.L. 102-240) Pending Reauthorization	Allows state transportation agencies to contribute highway funds to wetland conservation and mitigation efforts and wetland mitigation banks
	Oil Pollution Act of 1990, as amended (P.L. 104-324)	<ul style="list-style-type: none"> • Addresses oil discharges to navigable waters and shorelines • Raises liability limits in cases of gross negligence or willful misconduct • Expands cleanup and economic damage collections
	Rivers and Harbors Act of 1899	<ul style="list-style-type: none"> • Enhances transportation activities • Responds to marine pollution
	Act to Prevent Pollution from Ships, as amended (P.L. 104-324)	Controls discharges of operational wastes from ships
	Ports and Waterways Safety Act of 1972, as amended (P.L. 104-324)	<ul style="list-style-type: none"> • Finances cleanup operations from federal trust fund • Develops new preventative and contingency planning requirements for oil pollution

U.S. Department of Transportation

Scope	Legislative Authority	Major Programs/Activities
Marine life conservation and wetland protection and restoration, continued	<p>Federal Water Pollution Control Act of 1972</p> <p>Department of Transportation Act</p> <p>Airport and Airway Improvement Act, as amended</p> <p>Hazardous Materials Transportation and Uniform Safety Act and Hazardous Materials Transportation Act</p>	<ul style="list-style-type: none"> • Promulgates and enforces comprehensive pollution prevention regulations for shipboard and waterfront facilities • Requires all transportation-related, onshore facilities (tank trucks, rail cars, and pipelines) to have response plans and discharge removal equipment for responding to oil spills <p>Provides that the Department of Transportation may approve the use of a publicly owned park, recreation area, wildlife or waterfowl refuge, or any historic site only if there is no feasible alternative and if all possible planning to minimize harm is done (Section 4(f))</p> <p>Provides that grants for airport development may not be approved unless certain conditions and environmental standards are met</p> <ul style="list-style-type: none"> • Regulates transportation of hazardous materials • Imposes standards on states for setting hazardous materials transportation routes • Trains local officials on response to hazardous materials transportation incidents
Nonindigenous aquatic species	National Invasive Species Act (P.L. 104-332)	<ul style="list-style-type: none"> • Establishes a broad, federal program to prevent the introduction of and to control introduced aquatic nuisance species • Authorizes EPA to award research grants for controlling the spread of invading species (jointly administered with EPA, NOAA, FWS, USACE, and U.S. Coast Guard)

U.S. Environmental Protection Agency (EPA)

Scope	Legislative Authority	Major Programs/Activities
Water quality	Clean Water Act (P.L. 92-500) 33 U.S.C. 1251 <i>et seq.</i>	<ul style="list-style-type: none"> • Establishes National Estuary Program • Establishes discharge permits (NPDES) program • Establishes oil and hazardous substance spill programs • Establishes toxic (priority) pollutant and pretreatment programs • Establishes ocean discharge criteria • Establishes nonpoint source control program • Establishes Chesapeake Bay Program • Regulates combined sewer overflow in estuaries • Establishes individual control strategies for toxic pollutants • Develops contaminated sediment strategy • Establishes Gulf of Mexico Program • Establishes Great Lakes Program • Authorizes dredged and fill material permits for wetlands (jointly implemented with the USACE) (section 404) • Authorizes secondary treatment waivers • Regulates vessel sewage discharge
Ocean dumping	Marine Protection, Research, and Sanctuaries Act (P.L. 92-532) 33 U.S.C. 1401 <i>et seq.</i>	<ul style="list-style-type: none"> • Establishes environmental criteria to evaluate permit applications • Designates ocean dumpsites for dredged material • Reviews USACE permits for dredged material ocean dumping

U.S. Environmental Protection Agency (EPA)

Scope	Legislative Authority	Major Programs/Activities
New hazardous chemical substances and mixtures	Toxic Substances Control Act (P.L. 94-469) 15 U.S.C. 2601	<ul style="list-style-type: none"> • Regulates the introduction of new hazardous chemical substances and mixtures • Maintains health and environmental data on toxic substances • Avoids unreasonable risk of injury to health and environment
Pesticides	Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 92-516) 7 U.S.C. 136 <i>et seq.</i>	<ul style="list-style-type: none"> • Allows EPA to deny or cancel registrations of pesticides whose use would/does cause fish contamination • Collects data on pesticides that may be causing fish contamination • Sets "action levels" or "tolerances" for unavoidable pesticide contaminants in fish and shellfish
Coastal litter and pollution	Shore Protection Act of 1988 (P.L. 100-688) 33 U.S.C. 1401 <i>et seq.</i>	Regulates waste-handling practices by waste sources, vessels, and receiving facilities to minimize deposition of waste into coastal waters
Nonpoint source pollution	Coastal Zone Act Reauthorization Amendments of 1990 (P.L. 101-508) 16 U.S.C. 1455b	Establishes Coast Nonpoint Pollution Control Program (jointly implemented with NOAA)
Environmental impacts of proposed federal activities	National Environmental Policy Act	Requires submission of environmental impact statement for all major federal actions that may significantly affect the quality of the human environment
Nonindigenous aquatic species	National Invasive Species Act (P.L. 104-332)	<ul style="list-style-type: none"> • Establishes a broad, federal program to prevent the introduction of and to control introduced aquatic nuisance species • Authorizes EPA to award research grants for controlling the spread of invading species (jointly administered with EPA, NOAA, FWS, USACE, and U.S. Coast Guard)