

110TH CONGRESS  
1ST SESSION

# H. R. 16

To amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay program.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mr. GILCREST (for himself, Mr. VAN HOLLEN, Mr. TOM DAVIS of Virginia, Mr. SCOTT of Virginia, Mrs. DRAKE, Mr. HOYER, Mr. CASTLE, Mr. MORAN of Virginia, Mr. PLATTS, Mr. RUPPERSBERGER, Mr. BARTLETT of Maryland, Mr. HOLDEN, Mr. WOLF, Mr. CUMMINGS, Mrs. JO ANN DAVIS of Virginia, Mr. WYNN, Ms. NORTON, Mr. HINCHEY, and Mr. SARBANES) 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 improve and reauthorize the Chesapeake Bay program.

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 “Chesapeake Bay Res-  
5 toration Enhancement Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 Section 117(a) of the Federal Water Pollution Con-  
8 trol Act (33 U.S.C. 1267(a)) is amended—

1 (1) in paragraph (3) by striking “and its”; and  
2 (2) by adding at the end the following:

3 “(7) CHESAPEAKE BAY WATERSHED.—The  
4 term ‘Chesapeake Bay watershed’ means the Chesapeake  
5 Bay and the area consisting of 36 tributary  
6 basins, within the States of Maryland, Virginia,  
7 West Virginia, Pennsylvania, Delaware, and New  
8 York and the District of Columbia, through which  
9 precipitation drains into the Chesapeake Bay.

10 “(8) LOCAL GOVERNMENT ADVISORY COMMITTEE.—The  
11 term ‘Local Government Advisory Committee’ means the  
12 committee of the same name formed through the 1987  
13 Chesapeake Bay Agreement. The committee may include  
14 representative members from all jurisdictions within the  
15 Chesapeake Bay watershed.  
16

17 “(9) TRIBUTARY STRATEGY.—The term ‘tributary  
18 strategy’ means one of 36 strategies in the  
19 Chesapeake Bay watershed that is a State approved,  
20 river-specific, cleanup plan that provides best  
21 management practice implementation actions that, when  
22 taken together, will meet the Chesapeake Bay Agreement  
23 goal of removing nutrient and sediment impairments  
24 from the Chesapeake Bay and its tidal  
25 tributaries.

1           “(10) TRIBUTARY BASIN.—The term ‘tributary  
2 basin’ means an area of land or body of water that  
3 drains into any one of 36 Chesapeake Bay tribu-  
4 taries or tributary segments and that is managed  
5 through tributary strategies under this Act.”.

6 **SEC. 3. IMPLEMENTATION AND MONITORING GRANTS.**

7           (a) IN GENERAL.—Section 117(e)(1) of the Federal  
8 Water Pollution Control Act (33 U.S.C. 1267(e)(1)) is  
9 amended by striking “approved and committed to imple-  
10 ment all or substantially all aspects” and inserting “signed  
11 all or the water quality portion”.

12           (b) REPORTING.—Section 117(e)(7) of such Act (33  
13 U.S.C. 1267(e)(7)) is amended to read as follows:

14           “(7) REPORTING.—The Administrator shall  
15 make available to the public on or before March 31  
16 of each year, a document that lists and describes, in  
17 the greatest practicable degree of detail all projects  
18 completed or underway, and accomplishments of the  
19 previous fiscal year, funded by the Federal Govern-  
20 ment or by a State government in the Chesapeake  
21 Bay watershed that contribute to Chesapeake Bay  
22 Agreement goals.”.

23 **SEC. 4. FEDERAL FACILITIES AND BUDGET COORDINATION.**

24           Section 117(f) of the Federal Water Pollution Con-  
25 trol Act (33 U.S.C. 1267(f)) is amended—

1 (1) in paragraph (1) by inserting “or carries  
2 out activities” after “Administrator”;

3 (2) in paragraph (2)—

4 (A) by inserting “or carries out activities”  
5 after “real property”; and

6 (B) by striking “and actions taken by the  
7 agency with respect to the property,” and in-  
8 serting “actions taken by the agency with re-  
9 spect to the property, and the activities of the  
10 agency”; and

11 (3) by striking paragraph (3) and inserting the  
12 following:

13 “(3) ANNUAL BUDGET PLAN.—The President,  
14 as part of the annual budget of the United States  
15 Government, shall submit information regarding  
16 each Federal agency involved in Chesapeake Bay  
17 restoration, including—

18 “(A) an interagency crosscut budget that  
19 displays the proposed budget for use by each  
20 Federal agency in carrying out restoration ac-  
21 tivities relating to the Chesapeake Bay for the  
22 following fiscal year;

23 “(B) a detailed accounting of all funds re-  
24 ceived and obligated by Federal agencies to

1           achieve the goals of the Chesapeake Bay Agree-  
2           ment during the preceding fiscal year; and

3                   “(C) a description of the Federal role in  
4           the Chesapeake Bay Program and the specific  
5           role of each agency involved in Chesapeake Bay  
6           restoration.”.

7 **SEC. 5. ACHIEVING AND MAINTAINING NUTRIENT AND**  
8                   **SEDIMENT REDUCTION GOALS.**

9           Section 117 of the Federal Water Pollution Control  
10 Act (33 U.S.C. 1267) is amended—

11                   (1) by striking subsection (i);

12                   (2) by redesignating subsections (g), (h), and  
13           (j) as subsections (i), (j), and (k), respectively; and

14                   (3) by inserting after subsection (f) the fol-  
15           lowing:

16                   “(g) ACHIEVING AND MAINTAINING NUTRIENT AND  
17 SEDIMENT REDUCTION GOALS.—

18                   “(1) EVALUATION.—In transmitting State re-  
19           ports under section 305(b)(2), the Administrator  
20           shall include a report evaluating activities carried  
21           out during the preceding fiscal year (including any  
22           practice implemented during the fiscal year), and the  
23           overall progress made, in achieving and maintaining  
24           nutrient and sediment reduction goals for each trib-  
25           utary basin based on monitoring and modeling data.

1           “(2) BASELINE.—The baseline for the report  
2           (in this subsection referred to as the ‘baseline’) shall  
3           be the tributary load allocation agreement numbered  
4           EPA 903–R–03–007, dated December 2003 and en-  
5           titled ‘Setting and Allocating the Chesapeake Bay  
6           Basin Nutrient and Sediment Loads: The Collabo-  
7           rative Process, Technical Tools and Innovative Ap-  
8           proaches’.

9           “(3) INCLUSIONS.—The report shall include,  
10          for each tributary basin—

11                 “(A) an identification of the total alloca-  
12                 tion of nutrients and sediment under the base-  
13                 line;

14                 “(B) an identification of any reduction or  
15                 increase in the monitored and modeled quan-  
16                 tities of nutrients and sediment during the pre-  
17                 ceding fiscal year, expressed numerically and as  
18                 a percentage of the reduction or increase;

19                 “(C) a list (organized from least to most  
20                 progress made) that ranks the comparative  
21                 progress made, based on the percentage of the  
22                 reduction or increase under subparagraph (B),  
23                 in each tributary basin toward meeting the an-  
24                 nual allocation goal of that tributary basin for  
25                 nutrients and sediment; and

1           “(D) to the maximum extent practicable,  
2           an identification of the principal sources of pol-  
3           lutants in the tributary basins, including air-  
4           borne sources of pollutants.

5           “(4) USE OF DATA; EFFECTS OF DROUGHT AND  
6           WET WEATHER CONDITIONS.—In preparing the eval-  
7           uation, the Administrator shall—

8                   “(A) use monitoring and modeled data and  
9                   information submitted under subsection (h)(1);  
10                  and

11                   “(B) describe the effects of drought and  
12                   wet weather conditions on the condition of  
13                   water quality parameters.

14           “(5) DISTRIBUTION.—The Administrator  
15           shall—

16                   “(A) submit the report to the Committee  
17                   on Transportation and Infrastructure of the  
18                   House of Representatives and the Committee  
19                   on Environment and Public Works of the Sen-  
20                   ate; and

21                   “(B) make the report available to the pub-  
22                   lic, including distribution in an electronic for-  
23                   mat.”.

1 **SEC. 6. ACTIONS BY STATES.**

2 Section 117 of the Federal Water Pollution Control  
3 Act (33 U.S.C. 1267) (as amended by section 5 of this  
4 Act) is further amended by inserting after subsection (g)  
5 the following:

6 “(h) ACTIONS BY STATES.—

7 “(1) SUBMISSION OF INFORMATION.—Not later  
8 than January 31 of each year, each of the States of  
9 Delaware, Maryland, New York, Pennsylvania, Vir-  
10 ginia, and West Virginia and the District of Colum-  
11 bia shall submit to the Administrator information  
12 describing, for each tributary basin located in the  
13 State or District of Columbia, for the preceding fis-  
14 cal year—

15 “(A) the levels of nutrients and sediment  
16 contamination in the basin;

17 “(B) the principal sources of nutrients and  
18 sediment in the basin, by category;

19 “(C) for each category of pollutant source,  
20 the technologies and practices used to achieve  
21 reductions, including levels of best management  
22 practices implementation and sewage treatment  
23 plant upgrades;

24 “(D) any Federal or State funding used to  
25 implement a technology or practice described in  
26 subparagraph (C); and

1           “(E) all projects completed or underway,  
2           and accomplishments of the previous fiscal year,  
3           funded by the Federal Government, the State,  
4           or the District of Columbia in the Chesapeake  
5           Bay watershed that contribute to Chesapeake  
6           Bay Agreement goals.

7           “(2) FAILURE TO ACT.—The Administrator  
8           may not make a grant to a State under this section  
9           if the State fails to submit information in accord-  
10          ance with paragraph (1).”.

11 **SEC. 7. CHESAPEAKE BAY PROGRAM.**

12          (a) IN GENERAL.—Section 117(i) of the Federal  
13 Water Pollution Control Act (as redesignated by section  
14 5(2) of this Act) is amended—

15           (1) in paragraph (1)—

16           (A) by inserting “tributary strategies and”  
17           after “ensure that”;

18           (B) by striking “and implementation is  
19           begun” and inserting “, approved, and imple-  
20           mented”; and

21           (C) by inserting “all or the water quality  
22           portion of” after “signatories to”;

23          (2) in paragraph (1)(A) by striking “and its”;  
24          and

1           (3) by striking paragraph (2) and inserting the  
2 following:

3           “(2) LOCAL GOVERNMENT INVOLVEMENT.—

4                   “(A) MEASURABLE GOALS.—The Adminis-  
5 trator shall request the Local Government Advi-  
6 sory Committee to prepare, in coordination with  
7 the Chesapeake Executive Council, and submit  
8 to the Administrator, within one year of the  
9 date of enactment of the Chesapeake Bay Res-  
10 toration Enhancement Act of 2007, a report de-  
11 scribing measurable goals for local governments  
12 to achieve by 2010 toward Chesapeake Bay  
13 Agreement nutrient and sediment reduction  
14 goals and associated funding needs.

15                   “(B) CONSIDERATION OF PRIORITIES.—In  
16 preparing information for the annual budget  
17 under subsection (f), the President, in consulta-  
18 tion with the States, shall consider priorities for  
19 funding needs recommended by the Local Gov-  
20 ernment Advisory Committee.

21           “(3) IMPLEMENTATION ASSISTANCE PRO-  
22 GRAM.—

23                   “(A) ESTABLISHMENT.—The Adminis-  
24 trator, in cooperation with the Chesapeake Ex-  
25 ecutive Council, shall establish an implementa-

1           tion assistance program to support tributary  
2           strategies and other projects toward achieve-  
3           ment of Chesapeake Bay Agreement goals.

4           “(B) SMALL WATERSHED GRANTS.—

5           “(i) IN GENERAL.—In carrying out  
6           the program, the Administrator shall pro-  
7           vide technical assistance and assistance  
8           grants under subsection (d) to local gov-  
9           ernments and nonprofit organizations, in-  
10          cluding academic institutions, to imple-  
11          ment tributary strategies and other cooper-  
12          ative, locally based protection and restora-  
13          tion programs or projects within a tribu-  
14          tary basin that complement the tributary  
15          strategy for such basin, including—

16               “(I) measures to improve water  
17               quality for the purpose of making  
18               progress toward Chesapeake Bay  
19               Agreement goals; and

20               “(II) measures for the creation,  
21               restoration, protection, or enhance-  
22               ment of habitat associated with the  
23               Chesapeake Bay ecosystem.

24           “(ii) PRIORITY.—In selecting projects  
25           to receive grants under clause (i), the Ad-

1            administrator shall give priority to projects  
2            led by or partnered with local governments.

3            “(C) CAPACITY BUILDING PROGRAM.—In  
4            carrying out the program, the Administrator, in  
5            cooperation with the Administrator of the Na-  
6            tional Oceanic and Atmospheric Administration,  
7            shall provide capacity building assistance, in-  
8            cluding technical and financial assistance, to  
9            enhance the technical and environmental plan-  
10          ning capabilities of local governments to carry  
11          out protection and restoration programs or  
12          projects within a tributary basin.

13          “(D) TARGETED WATERSHED GRANTS.—  
14          In carrying out the program, the Administrator  
15          shall provide technical assistance and assistance  
16          grants to implement tributary strategies that  
17          accelerate the quantifiable reduction of  
18          nonpoint source nutrient and sediment pollution  
19          through innovative, sustainable, and cost-effec-  
20          tive strategies.

21          “(4) PERMIT LIMITATIONS.—Until such time  
22          that an applicable total maximum daily load is es-  
23          tablished under section 303(d), the applicable load  
24          allocation in the tributary strategy for any discharge  
25          for which a permit is required by section 301 and

1 issued under section 402 in the Chesapeake Bay wa-  
2 tershed shall be incorporated into the permit for the  
3 discharge so that the applicable load allocation for  
4 the discharge is attained and maintained.”.

5 (b) CONFORMING AMENDMENTS.—Section 117 of  
6 such Act (33 U.S.C. 1267) is amended—

7 (1) in subsection (d)(2)(B)—

8 (A) by striking “SMALL WATERSHED  
9 GRANTS PROGRAM” and inserting “IMPLEMEN-  
10 TATION ASSISTANCE PROGRAM”;

11 (B) by striking “implementing”; and

12 (C) by striking “(g)(2)” and inserting  
13 “(i)(3)”; and

14 (2) in subsection (e)(2)(B)(i) by striking “and  
15 its”.

16 **SEC. 8. STUDY OF CHESAPEAKE BAY PROGRAM.**

17 Section 117(j) of the Federal Water Pollution Control  
18 Act (as redesignated by section 5(2) of this Act) is amend-  
19 ed—

20 (1) in paragraph (2)(B) by striking “and 1995”  
21 and inserting “1995, and 2005”; and

22 (2) in paragraph (2)(C)—

23 (A) by inserting “tributary strategies and”  
24 before “management strategies”; and

1 (B) by striking “on the date of enactment  
2 of this section”.

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 117(k) of the Federal Water Pollution Con-  
5 trol Act (as redesignated by section 5(2) of this Act) is  
6 amended to read as follows:

7 “(k) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There is authorized to be  
9 appropriated \$30,000,000 for each of fiscal years  
10 2008 through 2012 to carry out this section (other  
11 than subsection (i)(3)).

12 “(2) IMPLEMENTATION ASSISTANCE PRO-  
13 GRAM.—

14 “(A) SMALL WATERSHED GRANTS; CAPAC-  
15 ITY BUILDING PROGRAM.—There is authorized  
16 to be appropriated \$10,000,000 for each of fis-  
17 cal years 2008 through 2012 to carry out sub-  
18 sections (i)(3)(B) and (i)(3)(C). Of such  
19 funds—

20 “(i) 30 percent per fiscal year shall be  
21 used to carry out subsection (i)(3)(B); and

22 “(ii) 70 percent per fiscal year shall  
23 be used to carry out subsection (i)(3)(C).

24 “(B) TARGETED WATERSHED GRANTS.—  
25 There is authorized to be appropriated

1           \$10,000,000 for each of fiscal years 2008  
2           through 2012 to carry out subsection (i)(3)(D).

3           “(3) PERIOD OF AVAILABILITY.—Funds appro-  
4           priated to carry out this section shall remain avail-  
5           able until expended.”.

○