

106TH CONGRESS
1ST SESSION

H. R. 3039

To amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 1999

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

A BILL

To amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, 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 “Chesapeake Bay Res-
5 toration Act of 1999”.

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

7 (a) FINDINGS.—Congress finds that—

8 (1) the Chesapeake Bay is a national treasure
9 and a resource of worldwide significance;

18 (4) the cooperative program described in para-
19 graph (3) serves as a national and international
20 model for the management of estuaries; and

1 and subsequent goals and commitments of the
2 Chesapeake Bay Program.

3 (b) PURPOSES.—The purposes of this Act are—

4 (1) to expand and strengthen cooperative ef-
5 forts to restore and protect the Chesapeake Bay;
6 and

7 (2) to achieve the goals established in the
8 Chesapeake Bay Agreement.

9 **SEC. 3. CHESAPEAKE BAY.**

10 The Federal Water Pollution Control Act is amended
11 by striking section 117 (33 U.S.C. 1267) and inserting
12 the following:

13 **“SEC. 117. CHESAPEAKE BAY.**

14 “(a) DEFINITIONS.—In this section, the following
15 definitions apply:

16 “(1) ADMINISTRATIVE COST.—The term ‘ad-
17 ministrative cost’ means the cost of salaries and
18 fringe benefits incurred in administering a grant
19 under this section.

20 “(2) CHESAPEAKE BAY AGREEMENT.—The
21 term ‘Chesapeake Bay Agreement’ means the for-
22 mal, voluntary agreements executed to achieve the
23 goal of restoring and protecting the Chesapeake Bay
24 ecosystem and the living resources of the Chesa-

1 peake Bay ecosystem and signed by the Chesapeake
2 Executive Council.

3 “(3) CHESAPEAKE BAY ECOSYSTEM.—The term
4 ‘Chesapeake Bay ecosystem’ means the ecosystem of
5 the Chesapeake Bay and its watershed.

6 “(4) CHESAPEAKE BAY PROGRAM.—The term
7 ‘Chesapeake Bay Program’ means the program di-
8 rected by the Chesapeake Executive Council in ac-
9 cordance with the Chesapeake Bay Agreement.

10 “(5) CHESAPEAKE EXECUTIVE COUNCIL.—The
11 term ‘Chesapeake Executive Council’ means the sig-
12 natories to the Chesapeake Bay Agreement.

13 “(6) SIGNATORY JURISDICTION.—The term
14 ‘signatory jurisdiction’ means a jurisdiction of a sig-
15 natory to the Chesapeake Bay Agreement.

16 “(b) CONTINUATION OF CHESAPEAKE BAY PRO-
17 GRAM.—

18 “(1) IN GENERAL.—In cooperation with the
19 Chesapeake Executive Council (and as a member of
20 the Council), the Administrator shall continue the
21 Chesapeake Bay Program.

22 “(2) PROGRAM OFFICE.—

23 “(A) IN GENERAL.—The Administrator
24 shall maintain in the Environmental Protection
25 Agency a Chesapeake Bay Program Office.

1 “(B) FUNCTION.—The Chesapeake Bay
2 Program Office shall provide support to the
3 Chesapeake Executive Council by—

4 “(i) implementing and coordinating
5 science, research, modeling, support serv-
6 ices, monitoring, data collection, and other
7 activities that support the Chesapeake Bay
8 Program;

9 “(ii) developing and making available,
10 through publications, technical assistance,
11 and other appropriate means, information
12 pertaining to the environmental quality
13 and living resources of the Chesapeake
14 Bay ecosystem;

15 “(iii) in cooperation with appropriate
16 Federal, State, and local authorities, as-
17 sisting the signatories to the Chesapeake
18 Bay Agreement in developing and imple-
19 menting specific action plans to carry out
20 the responsibilities of the signatories to the
21 Chesapeake Bay Agreement;

22 “(iv) coordinating the actions of the
23 Environmental Protection Agency with the
24 actions of the appropriate officials of other

1 Federal agencies and State and local au-
2 thorities in developing strategies to—

3 “(I) improve the water quality
4 and living resources in the Chesa-
5 peake Bay ecosystem; and

6 “(II) obtain the support of the
7 appropriate officials of the agencies
8 and authorities in achieving the objec-
9 tives of the Chesapeake Bay Agree-
10 ment; and

11 “(v) implementing outreach programs
12 for public information, education, and par-
13 ticipation to foster stewardship of the re-
14 sources of the Chesapeake Bay.

15 “(c) INTERAGENCY AGREEMENTS.—The Adminis-
16 trator may enter into an interagency agreement with a
17 Federal agency to carry out this section.

18 “(d) TECHNICAL ASSISTANCE AND ASSISTANCE
19 GRANTS.—

20 “(1) IN GENERAL.—In cooperation with the
21 Chesapeake Executive Council, the Administrator
22 may provide technical assistance, and assistance
23 grants, to nonprofit organizations, State and local
24 governments, colleges, universities, and interstate
25 agencies to achieve the goals and requirements con-

1 tained in subsection (g)(1), subject to such terms
2 and conditions as the Administrator considers appro-
3 priate.

4 “(2) FEDERAL SHARE.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), the Federal share of an as-
7 sistance grant provided under paragraph (1)
8 shall be determined by the Administrator in ac-
9 cordance with guidance issued by the Adminis-
10 trator.

11 “(B) SMALL WATERSHED GRANTS PRO-
12 GRAM.—The Federal share of an assistance
13 grant provided under paragraph (1) to carry
14 out an implementing activity under subsection
15 (g)(2) shall not exceed 75 percent of eligible
16 project costs, as determined by the Adminis-
17 trator.

18 “(3) NON-FEDERAL SHARE.—An assistance
19 grant under paragraph (1) shall be provided on the
20 condition that non-Federal sources provide the re-
21 mainder of eligible project costs, as determined by
22 the Administrator.

23 "(4) ADMINISTRATIVE COSTS.—Administrative
24 costs shall not exceed 10 percent of the annual grant
25 award.

1 “(e) IMPLEMENTATION AND MONITORING

2 GRANTS.—

3 “(1) IN GENERAL.—If a signatory jurisdiction
4 has approved and committed to implement all or
5 substantially all aspects of the Chesapeake Bay
6 Agreement, on the request of the chief executive of
7 the jurisdiction, the Administrator—8 “(A) shall make a grant to the jurisdiction
9 for the purpose of implementing the manage-
10 ment mechanisms established under the Chesa-
11 peake Bay Agreement, subject to such terms
12 and conditions as the Administrator considers
13 appropriate; and14 “(B) may make a grant to a signatory ju-
15 risdiction for the purpose of monitoring the
16 Chesapeake Bay ecosystem.

17 “(2) PROPOSALS.—

18 “(A) IN GENERAL.—A signatory jurisdic-
19 tion described in paragraph (1) may apply for
20 a grant under this subsection for a fiscal year
21 by submitting to the Administrator a com-
22 prehensive proposal to implement management
23 mechanisms established under the Chesapeake
24 Bay Agreement.

1 “(B) CONTENTS.—A proposal under sub-
2 paragraph (A) shall include—

3 “(i) a description of proposed man-
4 agement mechanisms that the jurisdiction
5 commits to take within a specified time pe-
6 riod, such as reducing or preventing pollu-
7 tion in the Chesapeake Bay and its water-
8 shed or meeting applicable water quality
9 standards or established goals and objec-
10 tives under the Chesapeake Bay Agree-
11 ment; and

12 “(ii) the estimated cost of the actions
13 proposed to be taken during the fiscal
14 year.

15 “(3) APPROVAL.—If the Administrator finds
16 that the proposal is consistent with the Chesapeake
17 Bay Agreement and the national goals established
18 under section 101(a), the Administrator may ap-
19 prove the proposal for an award.

20 “(4) FEDERAL SHARE.—The Federal share of
21 an implementation grant under this subsection shall
22 not exceed 50 percent of the cost of implementing
23 the management mechanisms during the fiscal year.

24 “(5) NON-FEDERAL SHARE.—An implemen-
25 tation grant under this subsection shall be made on

1 the condition that non-Federal sources provide the
2 remainder of the costs of implementing the manage-
3 ment mechanisms during the fiscal year.

4 “(6) ADMINISTRATIVE COSTS.—Administrative
5 costs shall not exceed 10 percent of the annual grant
6 award.

7 “(7) REPORTING.—On or before October 1 of
8 each fiscal year, the Administrator shall make avail-
9 able to the public a document that lists and de-
10 scribes, in the greatest practicable degree of detail—

11 “(A) all projects and activities funded for
12 the fiscal year;

13 “(B) the goals and objectives of projects
14 funded for the previous fiscal year; and

15 “(C) the net benefits of projects funded for
16 previous fiscal years.

17 “(f) FEDERAL FACILITIES AND BUDGET COORDINA-
18 TION.—

19 “(1) SUBWATERSHED PLANNING AND RESTORA-
20 TION.—A Federal agency that owns or operates a
21 facility (as defined by the Administrator) within the
22 Chesapeake Bay watershed shall participate in re-
23 gional and subwatershed planning and restoration
24 programs.

1 “(2) COMPLIANCE WITH AGREEMENT.—The
2 head of each Federal agency that owns or occupies
3 real property in the Chesapeake Bay watershed shall
4 ensure that the property, and actions taken by the
5 agency with respect to the property, comply with the
6 Chesapeake Bay Agreement, the Federal Agencies
7 Chesapeake Ecosystem Unified Plan, and any subse-
8 quent agreements and plans.

9 “(3) BUDGET COORDINATION.—

10 “(A) IN GENERAL.—As part of the annual
11 budget submission of each Federal agency with
12 projects or grants related to restoration, plan-
13 ning, monitoring, or scientific investigation of
14 the Chesapeake Bay ecosystem, the head of the
15 agency shall submit to the President a report
16 that describes plans for the expenditure of the
17 funds under this section.

18 “(B) DISCLOSURE TO THE COUNCIL.—The
19 head of each agency referred to in subpara-
20 graph (A) shall disclose the report under that
21 subparagraph with the Chesapeake Executive
22 Council as appropriate.

23 “(g) CHESAPEAKE BAY PROGRAM.—

24 “(1) MANAGEMENT STRATEGIES.—The Admin-
25 istrator, in coordination with other members of the

1 Chesapeake Executive Council, shall ensure that
2 management plans are developed and implementa-
3 tion is begun by signatories to the Chesapeake Bay
4 Agreement to achieve—

5 “(A) the nutrient goals of the Chesapeake
6 Bay Agreement for the quantity of nitrogen and
7 phosphorus entering the Chesapeake Bay and
8 its watershed;

9 “(B) the water quality requirements nec-
10 essary to restore living resources in the Chesa-
11 peake Bay ecosystem;

12 “(C) the Chesapeake Bay Basinwide Tox-
13 ins Reduction and Prevention Strategy goal of
14 reducing or eliminating the input of chemical
15 contaminants from all controllable sources to
16 levels that result in no toxic or bioaccumulative
17 impact on the living resources of the Chesa-
18 peake Bay ecosystem or on human health;

19 “(D) habitat restoration, protection, cre-
20 ation, and enhancement goals established by
21 Chesapeake Bay Agreement signatories for wet-
22 lands, riparian forests, and other types of habi-
23 tation associated with the Chesapeake Bay eco-
24 system; and

1 “(E) the restoration, protection, creation,
2 and enhancement goals established by the
3 Chesapeake Bay Agreement signatories for liv-
4 ing resources associated with the Chesapeake
5 Bay ecosystem.

6 “(2) SMALL WATERSHED GRANTS PROGRAM.—
7 The Administrator, in cooperation with the Chesa-
8 peake Executive Council, shall—

9 “(A) establish a small watershed grants
10 program as part of the Chesapeake Bay Pro-
11 gram; and

12 “(B) offer technical assistance and assist-
13 ance grants under subsection (d) to local gov-
14 ernments and nonprofit organizations and indi-
15 viduals in the Chesapeake Bay region to
16 implement—

17 “(i) cooperative tributary basin strate-
18 gies that address the water quality and liv-
19 ing resource needs in the Chesapeake Bay
20 ecosystem; and

21 “(ii) locally based protection and res-
22 toration programs or projects within a wa-
23 tershed that complement the tributary
24 basin strategies, including the creation,
25 restoration, protection, or enhancement of

1 habitat associated with the Chesapeake
2 Bay ecosystem.

“(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

4 “(1) IN GENERAL.—Not later than April 22,
5 2000, and every 5 years thereafter, the Adminis-
6 trator, in coordination with the Chesapeake Execu-
7 tive Council, shall complete a study and submit to
8 Congress a comprehensive report on the results of
9 the study.

10 “(2) REQUIREMENTS.—The study and report
11 shall—

12 “(A) assess the state of the Chesapeake
13 Bay ecosystem;

14 “(B) compare the current state of the
15 Chesapeake Bay ecosystem with its state in
16 1975, 1985, and 1995;

21 “(D) make recommendations for the im-
22 proved management of the Chesapeake Bay
23 Program either by strengthening strategies
24 being implemented on the date of enactment of
25 this section or by adopting new strategies; and

1 “(E) be presented in such a format as to
2 be readily transferable to and usable by other
3 watershed restoration programs.

4 “(i) SPECIAL STUDY OF LIVING RESOURCE RE-
5 SPONSE.—

6 “(1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this section, the Ad-
8 ministrator shall commence a 5-year special study
9 with full participation of the scientific community of
10 the Chesapeake Bay to establish and expand under-
11 standing of the response of the living resources of
12 the Chesapeake Bay ecosystem to improvements in
13 water quality that have resulted from investments
14 made through the Chesapeake Bay Program.

15 “(2) REQUIREMENTS.—The study shall—

16 “(A) determine the current status and
17 trends of living resources, including grasses,
18 benthos, phytoplankton, zooplankton, fish, and
19 shellfish;

20 “(B) establish to the extent practicable the
21 rates of recovery of the living resources in re-
22 sponse to improved water quality condition;

23 “(C) evaluate and assess interactions of
24 species, with particular attention to the impact
25 of changes within and among trophic levels; and

1 “(D) recommend management actions to
2 optimize the return of a healthy and balanced
3 ecosystem in response to improvements in the
4 quality and character of the waters of the
5 Chesapeake Bay.

6 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to carry out this section
8 \$30,000,000 for each of fiscal years 2000 through 2005.”.

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