

Union Calendar No. 299

106TH CONGRESS
2^D SESSION

H. R. 3039

[Report No. 106-550]

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

MARCH 29, 2000

Additional sponsors: Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. PICKETT, Mr. BORSKI, Mr. SISISKY, Mr. EHRLICH, Mr. BLILEY, Mr. WELDON of Pennsylvania, Mr. HOYER, Mr. CARDIN, Mr. HOLDEN, Mr. MORAN of Virginia, Ms. NORTON, Mrs. MORELLA, Mr. GEKAS, and Mr. WYNN

MARCH 29, 2000

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chesapeake Bay Res-
3 toration Act of 1999”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

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

8 (2) over many years, the productivity and water
9 quality of the Chesapeake Bay and its watershed
10 were diminished by pollution, excessive sedimenta-
11 tion, shoreline erosion, the impacts of population
12 growth and development in the Chesapeake Bay wa-
13 tershed, and other factors;

14 (3) the Federal Government (acting through
15 the Administrator of the Environmental Protection
16 Agency), the Governor of the State of Maryland, the
17 Governor of the Commonwealth of Virginia, the Gov-
18 ernor of the Commonwealth of Pennsylvania, the
19 Chairperson of the Chesapeake Bay Commission,
20 and the Mayor of the District of Columbia, as
21 Chesapeake Bay Agreement signatories, have com-
22 mitted to a comprehensive cooperative program to
23 achieve improved water quality and improvements in
24 the productivity of living resources of the Bay;

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

4 (5) there is a need to expand Federal support
5 for monitoring, management, and restoration activi-
6 ties in the Chesapeake Bay and the tributaries of
7 the Bay in order to meet and further the original
8 and subsequent goals and commitments of the
9 Chesapeake Bay Program.

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

11 (1) to expand and strengthen cooperative ef-
12 forts to restore and protect the Chesapeake Bay;
13 and

14 (2) to achieve the goals established in the
15 Chesapeake Bay Agreement.

16 **SEC. 3. CHESAPEAKE BAY.**

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

20 **“SEC. 117. CHESAPEAKE BAY.**

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

23 “(1) ADMINISTRATIVE COST.—The term ‘ad-
24 ministrative cost’ means the cost of salaries and

1 fringe benefits incurred in administering a grant
2 under this section.

3 “(2) CHESAPEAKE BAY AGREEMENT.—The
4 term ‘Chesapeake Bay Agreement’ means the for-
5 mal, voluntary agreements executed to achieve the
6 goal of restoring and protecting the Chesapeake Bay
7 ecosystem and the living resources of the Chesa-
8 peake Bay ecosystem and signed by the Chesapeake
9 Executive Council.

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

13 “(4) CHESAPEAKE BAY PROGRAM.—The term
14 ‘Chesapeake Bay Program’ means the program di-
15 rected by the Chesapeake Executive Council in ac-
16 cordance with the Chesapeake Bay Agreement.

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

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

23 “(b) CONTINUATION OF CHESAPEAKE BAY PRO-
24 GRAM.—

1 “(1) IN GENERAL.—In cooperation with the
2 Chesapeake Executive Council (and as a member of
3 the Council), the Administrator shall continue the
4 Chesapeake Bay Program.

5 “(2) PROGRAM OFFICE.—

6 “(A) IN GENERAL.—The Administrator
7 shall maintain in the Environmental Protection
8 Agency a Chesapeake Bay Program Office.

9 “(B) FUNCTION.—The Chesapeake Bay
10 Program Office shall provide support to the
11 Chesapeake Executive Council by—

12 “(i) implementing and coordinating
13 science, research, modeling, support serv-
14 ices, monitoring, data collection, and other
15 activities that support the Chesapeake Bay
16 Program;

17 “(ii) developing and making available,
18 through publications, technical assistance,
19 and other appropriate means, information
20 pertaining to the environmental quality
21 and living resources of the Chesapeake
22 Bay ecosystem;

23 “(iii) in cooperation with appropriate
24 Federal, State, and local authorities, as-
25 sisting the signatories to the Chesapeake

1 Bay Agreement in developing and imple-
2 menting specific action plans to carry out
3 the responsibilities of the signatories to the
4 Chesapeake Bay Agreement;

5 “(iv) coordinating the actions of the
6 Environmental Protection Agency with the
7 actions of the appropriate officials of other
8 Federal agencies and State and local au-
9 thorities in developing strategies to—

10 “(I) improve the water quality
11 and living resources in the Chesa-
12 peake Bay ecosystem; and

13 “(II) obtain the support of the
14 appropriate officials of the agencies
15 and authorities in achieving the objec-
16 tives of the Chesapeake Bay Agree-
17 ment; and

18 “(v) implementing outreach programs
19 for public information, education, and par-
20 ticipation to foster stewardship of the re-
21 sources of the Chesapeake Bay.

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

1 “(d) TECHNICAL ASSISTANCE AND ASSISTANCE
2 GRANTS.—

3 “(1) IN GENERAL.—In cooperation with the
4 Chesapeake Executive Council, the Administrator
5 may provide technical assistance, and assistance
6 grants, to nonprofit organizations, State and local
7 governments, colleges, universities, and interstate
8 agencies to achieve the goals and requirements con-
9 tained in subsection (g)(1), subject to such terms
10 and conditions as the Administrator considers appro-
11 priate.

12 “(2) FEDERAL SHARE.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the Federal share of an as-
15 sistance grant provided under paragraph (1)
16 shall be determined by the Administrator in ac-
17 cordance with guidance issued by the Adminis-
18 trator.

19 “(B) SMALL WATERSHED GRANTS PRO-
20 GRAM.—The Federal share of an assistance
21 grant provided under paragraph (1) to carry
22 out an implementing activity under subsection
23 (g)(2) shall not exceed 75 percent of eligible
24 project costs, as determined by the Adminis-
25 trator.

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

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

9 “(e) IMPLEMENTATION AND MONITORING
10 GRANTS.—

11 “(1) IN GENERAL.—If a signatory jurisdiction
12 has approved and committed to implement all or
13 substantially all aspects of the Chesapeake Bay
14 Agreement, on the request of the chief executive of
15 the jurisdiction, the Administrator—

16 “(A) shall make a grant to the jurisdiction
17 for the purpose of implementing the manage-
18 ment mechanisms established under the Chesa-
19 peake Bay Agreement, subject to such terms
20 and conditions as the Administrator considers
21 appropriate; and

22 “(B) may make a grant to a signatory ju-
23 risdiction for the purpose of monitoring the
24 Chesapeake Bay ecosystem.

25 “(2) PROPOSALS.—

1 “(A) IN GENERAL.—A signatory jurisdic-
2 tion described in paragraph (1) may apply for
3 a grant under this subsection for a fiscal year
4 by submitting to the Administrator a com-
5 prehensive proposal to implement management
6 mechanisms established under the Chesapeake
7 Bay Agreement.

8 “(B) CONTENTS.—A proposal under sub-
9 paragraph (A) shall include—

10 “(i) a description of proposed man-
11 agement mechanisms that the jurisdiction
12 commits to take within a specified time pe-
13 riod, such as reducing or preventing pollu-
14 tion in the Chesapeake Bay and its water-
15 shed or meeting applicable water quality
16 standards or established goals and objec-
17 tives under the Chesapeake Bay Agree-
18 ment; and

19 “(ii) the estimated cost of the actions
20 proposed to be taken during the fiscal
21 year.

22 “(3) APPROVAL.—If the Administrator finds
23 that the proposal is consistent with the Chesapeake
24 Bay Agreement and the national goals established

1 under section 101(a), the Administrator may ap-
2 prove the proposal for an award.

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

7 “(5) NON-FEDERAL SHARE.—An implementa-
8 tion grant under this subsection shall be made on
9 the condition that non-Federal sources provide the
10 remainder of the costs of implementing the manage-
11 ment mechanisms during the fiscal year.

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

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

19 “(A) all projects and activities funded for
20 the fiscal year;

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

23 “(C) the net benefits of projects funded for
24 previous fiscal years.

1 “(f) FEDERAL FACILITIES AND BUDGET COORDINA-
2 TION.—

3 “(1) SUBWATERSHED PLANNING AND RESTORA-
4 TION.—A Federal agency that owns or operates a
5 facility (as defined by the Administrator) within the
6 Chesapeake Bay watershed shall participate in re-
7 gional and subwatershed planning and restoration
8 programs.

9 “(2) COMPLIANCE WITH AGREEMENT.—The
10 head of each Federal agency that owns or occupies
11 real property in the Chesapeake Bay watershed shall
12 ensure that the property, and actions taken by the
13 agency with respect to the property, comply with the
14 Chesapeake Bay Agreement, the Federal Agencies
15 Chesapeake Ecosystem Unified Plan, and any subse-
16 quent agreements and plans.

17 “(3) BUDGET COORDINATION.—

18 “(A) IN GENERAL.—As part of the annual
19 budget submission of each Federal agency with
20 projects or grants related to restoration, plan-
21 ning, monitoring, or scientific investigation of
22 the Chesapeake Bay ecosystem, the head of the
23 agency shall submit to the President a report
24 that describes plans for the expenditure of the
25 funds under this section.

1 “(B) DISCLOSURE TO THE COUNCIL.—The
2 head of each agency referred to in subpara-
3 graph (A) shall disclose the report under that
4 subparagraph with the Chesapeake Executive
5 Council as appropriate.

6 “(g) CHESAPEAKE BAY PROGRAM.—

7 “(1) MANAGEMENT STRATEGIES.—The Admin-
8 istrator, in coordination with other members of the
9 Chesapeake Executive Council, shall ensure that
10 management plans are developed and implementa-
11 tion is begun by signatories to the Chesapeake Bay
12 Agreement to achieve—

13 “(A) the nutrient goals of the Chesapeake
14 Bay Agreement for the quantity of nitrogen and
15 phosphorus entering the Chesapeake Bay and
16 its watershed;

17 “(B) the water quality requirements nec-
18 essary to restore living resources in the Chesa-
19 peake Bay ecosystem;

20 “(C) the Chesapeake Bay Basinwide Tox-
21 ins Reduction and Prevention Strategy goal of
22 reducing or eliminating the input of chemical
23 contaminants from all controllable sources to
24 levels that result in no toxic or bioaccumulative

1 impact on the living resources of the Chesapeake Bay ecosystem or on human health;

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3 “(D) habitat restoration, protection, creation, and enhancement goals established by
4 Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

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9 “(E) the restoration, protection, creation, and enhancement goals established by the
10 Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake
11 Bay ecosystem.

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14 “(2) SMALL WATERSHED GRANTS PROGRAM.—
15 The Administrator, in cooperation with the Chesapeake Executive Council, shall—

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17 “(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

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19
20 “(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to
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22
23
24 implement—

1 “(i) cooperative tributary basin strate-
2 gies that address the water quality and liv-
3 ing resource needs in the Chesapeake Bay
4 ecosystem; and

5 “(ii) locally based protection and res-
6 toration programs or projects within a wa-
7 tershed that complement the tributary
8 basin strategies, including the creation,
9 restoration, protection, or enhancement of
10 habitat associated with the Chesapeake
11 Bay ecosystem.

12 “(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

13 “(1) IN GENERAL.—Not later than April 22,
14 2000, and every 5 years thereafter, the Adminis-
15 trator, in coordination with the Chesapeake Execu-
16 tive Council, shall complete a study and submit to
17 Congress a comprehensive report on the results of
18 the study.

19 “(2) REQUIREMENTS.—The study and report
20 shall—

21 “(A) assess the state of the Chesapeake
22 Bay ecosystem;

23 “(B) compare the current state of the
24 Chesapeake Bay ecosystem with its state in
25 1975, 1985, and 1995;

1 “(C) assess the effectiveness of manage-
2 ment strategies being implemented on the date
3 of enactment of this section and the extent to
4 which the priority needs are being met;

5 “(D) make recommendations for the im-
6 proved management of the Chesapeake Bay
7 Program either by strengthening strategies
8 being implemented on the date of enactment of
9 this section or by adopting new strategies; and

10 “(E) be presented in such a format as to
11 be readily transferable to and usable by other
12 watershed restoration programs.

13 “(i) SPECIAL STUDY OF LIVING RESOURCE RE-
14 SPONSE.—

15 “(1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this section, the Ad-
17 ministrator shall commence a 5-year special study
18 with full participation of the scientific community of
19 the Chesapeake Bay to establish and expand under-
20 standing of the response of the living resources of
21 the Chesapeake Bay ecosystem to improvements in
22 water quality that have resulted from investments
23 made through the Chesapeake Bay Program.

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

1 “(A) determine the current status and
2 trends of living resources, including grasses,
3 benthos, phytoplankton, zooplankton, fish, and
4 shellfish;

5 “(B) establish to the extent practicable the
6 rates of recovery of the living resources in re-
7 sponse to improved water quality condition;

8 “(C) evaluate and assess interactions of
9 species, with particular attention to the impact
10 of changes within and among trophic levels; and

11 “(D) recommend management actions to
12 optimize the return of a healthy and balanced
13 ecosystem in response to improvements in the
14 quality and character of the waters of the
15 Chesapeake Bay.

16 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section
18 \$30,000,000 for each of fiscal years 2000 through 2005.”.

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