

108TH CONGRESS
1ST SESSION

S. 1880

To establish the Special Blue Ribbon Commission on Chesapeake Bay
Nutrient Pollution Control Financing.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2003

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ALLEN, and
Mr. SANTORUM) introduced the following bill; which was read twice and
referred to the Committee on Environment and Public Works

A BILL

To establish the Special Blue Ribbon Commission on
Chesapeake Bay Nutrient Pollution Control Financing.

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 “Special Blue Ribbon
5 Commission on Chesapeake Bay Nutrient Pollution Con-
6 trol Financing Act”.

7 **SEC. 2. PURPOSE.**

8 The purpose of this Act is to establish a commission
9 to oversee development of a comprehensive plan to—

1 (1) remove the Chesapeake Bay from the Envi-
2 ronmental Protection Agency listing of impaired wa-
3 terways by the year 2010;

4 (2) reduce the sediment and nutrient loadings
5 to the Chesapeake Bay to meet the water quality
6 goals of the Chesapeake 2000 Agreement;

7 (3)(A) identify the availability of Federal, state,
8 and local financial resources to achieve the reduction
9 of sediment and nutrient loadings to the Chesapeake
10 Bay; and

11 (B) recommend the allocation of those financial
12 resources; and

13 (4) identify the private and public partnerships
14 that may be established to provide resources to the
15 effort to reduce sediment and nutrient loadings to
16 the Chesapeake Bay.

17 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

18 (a) ESTABLISHMENT.—Not later than 60 days after
19 the date of enactment of this Act, the Administrator of
20 the Environmental Protection Agency shall establish a
21 commission to be known as the “Special Blue Ribbon
22 Commission on Chesapeake Bay Nutrient Pollution Con-
23 trol Financing” (referred to in this Act as the “Commis-
24 sion”).

25 (b) MEMBERSHIP.—

1 (1) MEMBERS.—The Commission shall be com-
2 posed of 21 members, including—

3 (A) each of the signatories to the Ches-
4 peake Bay Agreement;

5 (B) each of the governors of the States of
6 Delaware, New York, and West Virginia or
7 their designees; and

8 (C) not later than 60 days after the date
9 of enactment of this Act, 12 members ap-
10 pointed by the Administrator of the Environ-
11 mental Protection Agency, in consultation with
12 the other members of the Executive Council of
13 the Chesapeake Bay program, that—

14 (i) include at least 3 members rep-
15 resenting local governments in Maryland,
16 Pennsylvania, and Virginia;

17 (ii) include, from the Chesapeake Bay
18 watershed, at least—

19 (I) 1 member from an academic,
20 technical, or scientific institution;

21 (II) 1 member from the business
22 community;

23 (III) 1 member from the agricul-
24 tural community; and

1 (IV) 1 member from environ-
2 mental organizations; and

3 (iii) are balanced by area of expertise
4 and balanced geographically, to the extent
5 consistent with maintaining the highest
6 level of expertise on the Commission.

7 (2) CHAIRPERSON.—The members of the Com-
8 mission shall elect a chairperson from among the
9 members of the Commission.

10 (c) MEETINGS.—

11 (1) IN GENERAL.—The Commission shall meet
12 at the call of the Chairperson.

13 (2) PUBLIC MEETINGS.—Any meetings of the
14 Commission shall be open to the public.

15 (3) NOTICE.—Notice of each meeting of the
16 Commission shall be published in media outlets of
17 the Chesapeake Bay watershed area in advance of
18 the meeting.

19 (4) RECORDKEEPING.—Minutes of any meet-
20 ings of the Commission shall be kept by the Com-
21 mission.

22 (5) INITIAL MEETING.—Not later than 30 days
23 after the date on which all members of the Commis-
24 sion have been appointed, the Commission shall hold
25 the initial meeting of the Commission.

1 (6) REQUIRED MEETINGS.—The Commission
2 shall hold not less than 1 meeting in each of—

3 (A) Virginia;

4 (B) Maryland; and

5 (C) Pennsylvania.

6 **SEC. 4. DUTIES.**

7 (a) IN GENERAL.—The Commission shall oversee de-
8 velopment of a comprehensive implementation plan to ad-
9 dress—

10 (1) the funding needs for reducing, by not later
11 than 2010, nutrient pollution loads in the Chesa-
12 peake Bay to a level sufficient to comply with the
13 nutrient and sediment reduction goals of the Chesa-
14 peake 2000 Agreement;

15 (2) the appropriate responsibilities of the Fed-
16 eral Government and State and local governments—

17 (A) in financing—

18 (i) sewage treatment plant upgrades;

19 (ii) agricultural and other nonpoint
20 source runoff controls; and

21 (iii) urban stormwater management;

22 and

23 (B) in adopting, or facilitating the adop-
24 tion of, an appropriate variety of financial in-

1 centives and regulatory measures to achieve
2 that goal; and

3 (3) opportunities for enhancing the role of the
4 private sector in financial support for the restoration
5 of the Chesapeake Bay, either directly or through
6 public-private partnerships.

7 (b) REPORT.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date on which the Commission is established, the
10 Commission shall submit to the President and Con-
11 gress a report that contains—

12 (A) a detailed statement of the findings
13 and conclusions of the Commission, including
14 recommendations of the Commission for admin-
15 istrative or legislative actions at the Federal,
16 State, and local levels that are necessary and
17 expedient to implement the comprehensive plan
18 described in section 4(a) to restore the water
19 quality of the Chesapeake Bay; and

20 (B) a summary of the public comments re-
21 ceived in accordance with the notice in para-
22 graph (2).

23 (2) NOTICE AND PUBLIC COMMENT.—Before
24 submitting the report in paragraph (1), the Commis-
25 sion shall publish in appropriate publications a no-

1 tice that a draft report is available for public review
 2 and comment.

3 **SEC. 5. POWERS.**

4 (a) INFORMATION FROM FEDERAL AGENCIES.—

5 (1) IN GENERAL.—The Commission may secure
 6 directly from a Federal agency such information as
 7 the Commission considers necessary to carry out this
 8 Act.

9 (2) PROVISION OF INFORMATION.—On request
 10 of the Chairperson of the Commission, the head of
 11 the agency shall provide the information to the Com-
 12 mission.

13 (b) MULTIDISCIPLINARY SCIENCE AND TECHNICAL
 14 ADVISORY PANEL.—

15 (1) IN GENERAL.—To assist the Commission in
 16 carrying out the duties of the Commission under
 17 section 4, the Commission may establish a multi-
 18 disciplinary science and technical advisory panel
 19 composed of members appointed by the Commission
 20 that are experts in—

21 (A) the science and technology of—

22 (i) water quality improvement; or

23 (ii) sediment and nutrient removal;

24 and

25 (B) public financing.

1 (2) USE OF BEST AVAILABLE DATA.—The
 2 science advisory panel shall ensure that the scientific
 3 information considered by the Commission is based
 4 on the best available scientific, technical, and public
 5 financing data.

6 (c) CONTRACTS.—The Commission may, subject to
 7 the availability of appropriations, enter into such contracts
 8 as are necessary to carry out the duties of the Commis-
 9 sion.

10 (d) STAFF.—

11 (1) IN GENERAL.—The Chairperson of the
 12 Commission may, without regard to the civil service
 13 laws (including regulations), appoint and terminate
 14 an executive director and such other additional per-
 15 sonnel as are necessary to enable the Commission to
 16 perform the duties of the Commission.

17 (2) CONFIRMATION OF EXECUTIVE DIREC-
 18 TOR.—The employment of an executive director shall
 19 be subject to confirmation by the Commission.

20 **SEC. 6. TERMINATION OF COMMISSION.**

21 The Commission shall terminate 30 days after the
 22 date on which the Commission submits the final report
 23 of the Commission under section 4(b)(1).

○