

111TH CONGRESS  
1ST SESSION

# H. R. 1262

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2009

Mr. OBERSTAR (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YOUNG of Alaska, Mrs. TAUSCHER, Mr. BISHOP of New York, Mr. LOBIONDO, Mrs. NAPOLITANO, Mr. ARCURI, Mr. PASCRELL, and Mr. MCNERNEY) 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 authorize appropriations for State water pollution control revolving funds, 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; TABLE OF CONTENTS.**

4 (a) IN GENERAL.—This Act may be cited as the  
5 “Water Quality Investment Act of 2009”.

6 (b) TABLE OF CONTENTS.—

1. Short title; table of contents.
2. Amendment of Federal Water Pollution Control Act.

TITLE I—WATER QUALITY FINANCING

Subtitle A—Technical and Management Assistance

- 1101. Technical assistance.
- 1102. State management assistance.
- 1103. Watershed pilot projects.

Subtitle B—Construction of Treatment Works

- 1201. Sewage collection systems.
- 1202. Treatment works defined.

Subtitle C—State Water Pollution Control Revolving Funds

- 1301. General authority for capitalization grants.
- 1302. Capitalization grant agreements.
- 1303. Water pollution control revolving loan funds.
- 1304. Allotment of funds.
- 1305. Intended use plan.
- 1306. Annual reports.
- 1307. Technical assistance; requirements for use of American materials.
- 1308. Authorization of appropriations.

Subtitle D—General Provisions

- 1401. Definition of treatment works.
- 1402. Funding for Indian programs.

Subtitle E—Tonnage Duties

- 1501. Tonnage duties.

TITLE II—ALTERNATIVE WATER SOURCE PROJECTS

- 2001. Pilot program for alternative water source projects.

TITLE III—SEWER OVERFLOW CONTROL GRANTS

- 3001. Sewer overflow control grants.

TITLE IV—MONITORING, REPORTING, AND PUBLIC NOTIFICATION  
OF SEWER OVERFLOWS

- 4001. Monitoring, reporting, and public notification of sewer overflows.

TITLE V—GREAT LAKES LEGACY REAUTHORIZATION

- 5001. Remediation of sediment contamination in areas of concern.
- 5002. Public information program.
- 5003. Contaminated sediment remediation approaches, technologies, and techniques.

1 **SEC. 2. AMENDMENT OF FEDERAL WATER POLLUTION CON-**  
 2 **TROL ACT.**

3 Except as otherwise expressly provided, whenever in  
 4 this Act an amendment or repeal is expressed in terms  
 5 of an amendment to, or repeal of, a section or other provi-  
 6 sion, the reference shall be considered to be made to a  
 7 section or other provision of the Federal Water Pollution  
 8 Control Act (33 U.S.C. 1251 et seq.).

9 **TITLE I—WATER QUALITY**  
 10 **FINANCING**  
 11 **Subtitle A—Technical and**  
 12 **Management Assistance**

13 **SEC. 1101. TECHNICAL ASSISTANCE.**

14 (a) TECHNICAL ASSISTANCE FOR RURAL AND SMALL  
 15 TREATMENT WORKS.—Section 104(b) (33 U.S.C.  
 16 1254(b)) is amended—

17 (1) by striking “and” at the end of paragraph  
 18 (6);

19 (2) by striking the period at the end of para-  
 20 graph (7) and inserting “; and”; and

21 (3) by adding at the end the following:

22 “(8) make grants to nonprofit organizations—

23 “(A) to provide technical assistance to  
 24 rural and small municipalities for the purpose  
 25 of assisting, in consultation with the State in  
 26 which the assistance is provided, such munici-

1 palities in the planning, developing, and acquisi-  
2 tion of financing for eligible projects described  
3 in section 603(c);

4 “(B) to provide technical assistance and  
5 training for rural and small publicly owned  
6 treatment works and decentralized wastewater  
7 treatment systems to enable such treatment  
8 works and systems to protect water quality and  
9 achieve and maintain compliance with the re-  
10 quirements of this Act; and

11 “(C) to disseminate information to rural  
12 and small municipalities and municipalities that  
13 meet the affordability criteria established under  
14 section 603(i)(2) by the State in which the mu-  
15 nicipality is located with respect to planning,  
16 design, construction, and operation of publicly  
17 owned treatment works and decentralized  
18 wastewater treatment systems.”.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—Section

20 104(u) (33 U.S.C. 1254(u)) is amended—

21 (1) by striking “and (6)” and inserting “(6)”;

22 and

23 (2) by inserting before the period at the end the  
24 following: “; and (7) not to exceed \$100,000,000 for  
25 each of fiscal years 2010 through 2014 for carrying

1 out subsections (b)(3), (b)(8), and (g), except that  
2 not less than 20 percent of the amounts appro-  
3 priated pursuant to this paragraph in a fiscal year  
4 shall be used for carrying out subsection (b)(8)”.

5 (c) SMALL FLOWS CLEARINGHOUSE.—Section  
6 104(q)(4) (33 U.S.C. 1254(q)(4)) is amended—

7 (1) in the first sentence by striking  
8 “\$1,000,000” and inserting “\$3,000,000”; and

9 (2) in the second sentence by striking “1986”  
10 and inserting “2011”.

11 **SEC. 1102. STATE MANAGEMENT ASSISTANCE.**

12 Section 106(a) (33 U.S.C. 1256(a)) is amended—

13 (1) by striking “and” at the end of paragraph  
14 (1);

15 (2) by striking the semicolon at the end of  
16 paragraph (2) and inserting “; and”; and

17 (3) by inserting after paragraph (2) the fol-  
18 lowing:

19 “(3) such sums as may be necessary for each  
20 of fiscal years 1991 through 2009, and  
21 \$300,000,000 for each of fiscal years 2010 through  
22 2014;”.

23 **SEC. 1103. WATERSHED PILOT PROJECTS.**

24 (a) PILOT PROJECTS.—Section 122 (33 U.S.C.  
25 1274) is amended—

1 (1) in the section heading by striking “**WET**  
 2 **WEATHER**”; and

3 (2) in subsection (a)—

4 (A) in the matter preceding paragraph (1)  
 5 by striking “wet weather discharge”;

6 (B) in paragraph (2) by striking “in reduc-  
 7 ing such pollutants” and all that follows before  
 8 the period at the end and inserting “to manage,  
 9 reduce, treat, or reuse municipal stormwater,  
 10 including low-impact development technologies”;  
 11 and

12 (C) by adding at the end the following:

13 “(3) WATERSHED PARTNERSHIPS.—Efforts of  
 14 municipalities and property owners to demonstrate  
 15 cooperative ways to address nonpoint sources of pol-  
 16 lution to reduce adverse impacts on water quality.

17 “(4) INTEGRATED WATER RESOURCE PLAN.—  
 18 The development of an integrated water resource  
 19 plan for the coordinated management and protection  
 20 of surface water, ground water, and stormwater re-  
 21 sources on a watershed or subwatershed basis to  
 22 meet the objectives, goals, and policies of this Act.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
 24 122(c)(1) is amended by striking “for fiscal year 2004”

1 and inserting “for each of fiscal years 2004 through  
2 2014”.

3 (c) REPORT TO CONGRESS.—Section 122(d) is  
4 amended by striking “5 years after the date of enactment  
5 of this section” and inserting “October 1, 2011,”.

## 6 **Subtitle B—Construction of** 7 **Treatment Works**

### 8 **SEC. 1201. SEWAGE COLLECTION SYSTEMS.**

9 Section 211 (33 U.S.C. 1291) is amended—

10 (1) by striking the section designation and all  
11 that follows through “(a) No” and inserting the fol-  
12 lowing:

#### 13 **“SEC. 211. SEWAGE COLLECTION SYSTEMS.**

14 **“(a) IN GENERAL.—No”;**

15 (2) in subsection (b) by inserting “POPULATION  
16 DENSITY.—” after “(b)”;

17 (3) by striking subsection (c) and inserting the  
18 following:

19 **“(c) EXCEPTIONS.—**

20 **“(1) REPLACEMENT AND MAJOR REHABILITA-**  
21 **TION.—**Notwithstanding the requirement of sub-  
22 section (a)(1) concerning the existence of a collection  
23 system as a condition of eligibility, a project for re-  
24 placement or major rehabilitation of a collection sys-  
25 tem existing on January 1, 2007, shall be eligible for

1 a grant under this title if the project otherwise  
2 meets the requirements of subsection (a)(1) and  
3 meets the requirement of paragraph (3).

4 “(2) NEW SYSTEMS.—Notwithstanding the re-  
5 quirement of subsection (a)(2) concerning the exist-  
6 ence of a community as a condition of eligibility, a  
7 project for a new collection system to serve a com-  
8 munity existing on January 1, 2007, shall be eligible  
9 for a grant under this title if the project otherwise  
10 meets the requirements of subsection (a)(2) and  
11 meets the requirement of paragraph (3).

12 “(3) REQUIREMENT.—A project meets the re-  
13 quirement of this paragraph if the purpose of the  
14 project is to accomplish the objectives, goals, and  
15 policies of this Act by addressing an adverse envi-  
16 ronmental condition existing on the date of enact-  
17 ment of this paragraph.”.

18 **SEC. 1202. TREATMENT WORKS DEFINED.**

19 Section 212(2)(A) (33 U.S.C. 1292(2)(A)) is amend-  
20 ed—

- 21 (1) by striking “any works, including site”;
- 22 (2) by striking “is used for ultimate” and in-  
23 serting “will be used for ultimate”; and



1           (3) by inserting before the period at the end the  
 2           following: “and acquisition of other lands, and inter-  
 3           ests in lands, which are necessary for construction”.

## 4       **Subtitle C—State Water Pollution** 5       **Control Revolving Funds**

### 6       **SEC. 1301. GENERAL AUTHORITY FOR CAPITALIZATION** 7       **GRANTS.**

8           Section 601(a) (33 U.S.C. 1381(a)) is amended by  
 9           striking “for providing assistance” and all that follows  
 10          through the period at the end and inserting the following:  
 11          “to accomplish the objectives, goals, and policies of this  
 12          Act by providing assistance for projects and activities  
 13          identified in section 603(c).”.

### 14       **SEC. 1302. CAPITALIZATION GRANT AGREEMENTS.**

15          (a) REPORTING INFRASTRUCTURE ASSETS.—Section  
 16          602(b)(9) (33 U.S.C. 1382(b)(9)) is amended by striking  
 17          “standards” and inserting “standards, including stand-  
 18          ards relating to the reporting of infrastructure assets”.

19          (b) ADDITIONAL REQUIREMENTS.—Section 602(b)  
 20          (33 U.S.C. 1382(b)) is amended—

21               (1) in paragraph (6)—

22                       (A) by striking “before fiscal year 1995”;

23                       (B) by striking “funds directly made avail-  
 24                       able by capitalization grants under this title  
 25                       and section 205(m) of this Act” and inserting

1 “assistance made available by a State water  
2 pollution control revolving fund as authorized  
3 under this title, or with assistance made avail-  
4 able under section 205(m), or both,”; and

5 (C) by striking “201(b)” and all that fol-  
6 lows through the term “511(c)(1),” and insert-  
7 ing “211”;

8 (2) by striking “and” at the end of paragraph  
9 (9);

10 (3) by striking the period at the end of para-  
11 graph (10) and inserting a semicolon; and

12 (4) by adding at the end the following:

13 “(11) the State will establish, maintain, invest,  
14 and credit the fund with repayments, such that the  
15 fund balance will be available in perpetuity for pro-  
16 viding financial assistance in accordance with this  
17 title;

18 “(12) any fees charged by the State to recipi-  
19 ents of assistance that are considered program in-  
20 come will be used for the purpose of financing the  
21 cost of administering the fund or financing projects  
22 or activities eligible for assistance from the fund;

23 “(13) beginning in fiscal year 2011, the State  
24 will include as a condition of providing assistance to  
25 a municipality or intermunicipal, interstate, or State

1 agency that the recipient of such assistance certify,  
2 in a manner determined by the Governor of the  
3 State, that the recipient—

4 “(A) has studied and evaluated the cost  
5 and effectiveness of the processes, materials,  
6 techniques, and technologies for carrying out  
7 the proposed project or activity for which assist-  
8 ance is sought under this title, and has selected,  
9 to the extent practicable, a project or activity  
10 that maximizes the potential for efficient water  
11 use, reuse, and conservation, and energy con-  
12 servation, taking into account the cost of con-  
13 structing the project or activity, the cost of op-  
14 erating and maintaining the project or activity  
15 over its life, and the cost of replacing the  
16 project or activity; and

17 “(B) has considered, to the maximum ex-  
18 tent practicable and as determined appropriate  
19 by the recipient, the costs and effectiveness of  
20 other design, management, and financing ap-  
21 proaches for carrying out a project or activity  
22 for which assistance is sought under this title,  
23 taking into account the cost of constructing the  
24 project or activity, the cost of operating and

1 maintaining the project or activity over its life,  
2 and the cost of replacing the project or activity;

3 “(14) the State will use at least 10 percent of  
4 the amount of each capitalization grant received by  
5 the State under this title after September 30, 2010,  
6 to provide assistance to municipalities of fewer than  
7 10,000 individuals that meet the affordability cri-  
8 teria established by the State under section  
9 603(i)(2) for activities included on the State’s pri-  
10 ority list established under section 603(g), to the ex-  
11 tent that there are sufficient applications for such  
12 assistance;

13 “(15) a contract to be carried out using funds  
14 directly made available by a capitalization grant  
15 under this title for program management, construc-  
16 tion management, feasibility studies, preliminary en-  
17 gineering, design, engineering, surveying, mapping,  
18 or architectural related services shall be negotiated  
19 in the same manner as a contract for architectural  
20 and engineering services is negotiated under chapter  
21 11 of title 40, United States Code, or an equivalent  
22 State qualifications-based requirement (as deter-  
23 mined by the Governor of the State); and

24 “(16) the requirements of section 513 will apply  
25 to the construction of treatment works carried out in

1 whole or in part with assistance made available by  
 2 a State water pollution control revolving fund as au-  
 3 thorized under this title, or with assistance made  
 4 available under section 205(m), or both, in the same  
 5 manner as treatment works for which grants are  
 6 made under this Act.”.

7 **SEC. 1303. WATER POLLUTION CONTROL REVOLVING LOAN**  
 8 **FUNDS.**

9 (a) PROJECTS AND ACTIVITIES ELIGIBLE FOR AS-  
 10 SISTANCE.—Section 603(c) (33 U.S.C. 1383(c)) is amend-  
 11 ed to read as follows:

12 “(c) PROJECTS AND ACTIVITIES ELIGIBLE FOR AS-  
 13 SISTANCE.—The amounts of funds available to each State  
 14 water pollution control revolving fund shall be used only  
 15 for providing financial assistance—

16 “(1) to any municipality or intermunicipal,  
 17 interstate, or State agency for construction of pub-  
 18 licly owned treatment works;

19 “(2) for the implementation of a management  
 20 program established under section 319;

21 “(3) for development and implementation of a  
 22 conservation and management plan under section  
 23 320;

24 “(4) for the implementation of lake protection  
 25 programs and projects under section 314;

1           “(5) for repair or replacement of decentralized  
2       wastewater treatment systems that treat domestic  
3       sewage;

4           “(6) for measures to manage, reduce, treat, or  
5       reuse       municipal       stormwater,       agricultural  
6       stormwater, and return flows from irrigated agri-  
7       culture;

8           “(7) to any municipality or intermunicipal,  
9       interstate, or State agency for measures to reduce  
10      the demand for publicly owned treatment works ca-  
11      pacity through water conservation, efficiency, or  
12      reuse; and

13          “(8) for the development and implementation of  
14      watershed projects meeting the criteria set forth in  
15      section 122.”.

16      (b)   EXTENDED   REPAYMENT   PERIOD.—Section  
17   603(d)(1) (33 U.S.C. 1383(d)(1)) is amended—

18          (1) in subparagraph (A) by striking “20 years”  
19      and inserting “the lesser of 30 years or the design  
20      life of the project to be financed with the proceeds  
21      of the loan”; and

22          (2) in subparagraph (B) by striking “not later  
23      than 20 years after project completion” and insert-  
24      ing “upon the expiration of the term of the loan”.

1       (c) FISCAL SUSTAINABILITY PLAN.—Section  
2 603(d)(1) (33 U.S.C. 1383(d)(1)) is further amended—

3           (1) by striking “and” at the end of subpara-  
4 graph (C);

5           (2) by inserting “and” at the end of subpara-  
6 graph (D); and

7           (3) by adding at the end the following:

8                   “(E) for any portion of a treatment works  
9 proposed for repair, replacement, or expansion,  
10 and eligible for assistance under section  
11 603(c)(1), the recipient of a loan will develop  
12 and implement a fiscal sustainability plan that  
13 includes—

14                           “(i) an inventory of critical assets  
15 that are a part of that portion of the treat-  
16 ment works;

17                           “(ii) an evaluation of the condition  
18 and performance of inventoried assets or  
19 asset groupings; and

20                           “(iii) a plan for maintaining, repair-  
21 ing, and, as necessary, replacing that por-  
22 tion of the treatment works and a plan for  
23 funding such activities;”.

24       (d) ADMINISTRATIVE EXPENSES.—Section 603(d)(7)  
25 (33 U.S.C. 1383(d)(7)) is amended by inserting before the

1 period at the end the following: “, \$400,000 per year, or  
2  $\frac{1}{5}$  percent per year of the current valuation of the fund,  
3 whichever amount is greatest, plus the amount of any fees  
4 collected by the State for such purpose regardless of the  
5 source”.

6 (e) TECHNICAL AND PLANNING ASSISTANCE FOR  
7 SMALL SYSTEMS.—Section 603(d) (33 U.S.C. 1383(d)) is  
8 amended—

9 (1) by striking “and” at the end of paragraph  
10 (6);

11 (2) by striking the period at the end of para-  
12 graph (7) and inserting a semicolon; and

13 (3) by adding at the end the following:

14 “(8) to provide grants to owners and operators  
15 of treatment works that serve a population of  
16 10,000 or fewer for obtaining technical and planning  
17 assistance and assistance in financial management,  
18 user fee analysis, budgeting, capital improvement  
19 planning, facility operation and maintenance, equip-  
20 ment replacement, repair schedules, and other activi-  
21 ties to improve wastewater treatment plant manage-  
22 ment and operations, except that the total amount  
23 provided by the State in grants under this para-  
24 graph for a fiscal year may not exceed one percent  
25 of the total amount of assistance provided by the



1 State from the fund in the preceding fiscal year, or  
2 2 percent of the total amount received by the State  
3 in capitalization grants under this title in the pre-  
4 ceding fiscal year, whichever amount is greatest; and

5 “(9) to provide grants to owners and operators  
6 of treatment works for conducting an assessment of  
7 the energy and water consumption of the treatment  
8 works, and evaluating potential opportunities for en-  
9 ergy and water conservation through facility oper-  
10 ation and maintenance, equipment replacement, and  
11 projects or activities that promote the efficient use  
12 of energy and water by the treatment works, except  
13 that the total amount provided by the State in  
14 grants under this paragraph for a fiscal year may  
15 not exceed one percent of the total amount of assist-  
16 ance provided by the State from the fund in the pre-  
17 ceding fiscal year, or 2 percent of the total amount  
18 received by the State in capitalization grants under  
19 this title in the preceding fiscal year, whichever  
20 amount is greatest.”.

21 (f) ADDITIONAL SUBSIDIZATION.—Section 603 (33  
22 U.S.C. 1383) is amended by adding at the end the fol-  
23 lowing:

24 “(i) ADDITIONAL SUBSIDIZATION.—

1           “(1) IN GENERAL.—In any case in which a  
2       State provides assistance to a municipality or inter-  
3       municipal, interstate, or State agency under sub-  
4       section (d), the State may provide additional sub-  
5       sidization, including forgiveness of principal and  
6       negative interest loans—

7           “(A) to benefit a municipality that—

8           “(i) meets the State’s affordability  
9       criteria established under paragraph (2);  
10       or

11          “(ii) does not meet the State’s afford-  
12       ability criteria if the recipient—

13           “(I) seeks additional subsidiza-  
14       tion to benefit individual ratepayers in  
15       the residential user rate class;

16           “(II) demonstrates to the State  
17       that such ratepayers will experience a  
18       significant hardship from the increase  
19       in rates necessary to finance the  
20       project or activity for which assistance  
21       is sought; and

22           “(III) ensures, as part of an as-  
23       sistance agreement between the State  
24       and the recipient, that the additional  
25       subsidization provided under this

1 paragraph is directed through a user  
2 charge rate system (or other appro-  
3 priate method) to such ratepayers; or

4 “(B) to implement a process, material,  
5 technique, or technology to address water-effi-  
6 ciency goals, address energy-efficiency goals,  
7 mitigate stormwater runoff, or encourage envi-  
8 ronmentally sensitive project planning, design,  
9 and construction.

10 “(2) AFFORDABILITY CRITERIA.—

11 “(A) ESTABLISHMENT.—On or before Sep-  
12 tember 30, 2010, and after providing notice  
13 and an opportunity for public comment, a State  
14 shall establish affordability criteria to assist in  
15 identifying municipalities that would experience  
16 a significant hardship raising the revenue nec-  
17 essary to finance a project or activity eligible  
18 for assistance under section 603(c)(1) if addi-  
19 tional subsidization is not provided. Such cri-  
20 teria shall be based on income data, population  
21 trends, and other data determined relevant by  
22 the State.

23 “(B) EXISTING CRITERIA.—If a State has  
24 previously established, after providing notice  
25 and an opportunity for public comment, afford-

1 ability criteria that meet the requirements of  
2 subparagraph (A), the State may use the cri-  
3 teria for the purposes of this subsection. For  
4 purposes of this Act, any such criteria shall be  
5 treated as affordability criteria established  
6 under this paragraph.

7 “(C) INFORMATION TO ASSIST STATES.—

8 The Administrator may publish information to  
9 assist States in establishing affordability cri-  
10 teria under subparagraph (A).

11 “(3) PRIORITY.—A State may give priority to a  
12 recipient for a project or activity eligible for funding  
13 under section 603(c)(1) if the recipient meets the  
14 State’s affordability criteria.

15 “(4) SET-ASIDE.—

16 “(A) IN GENERAL.—In any fiscal year in  
17 which the Administrator has available for obli-  
18 gation more than \$1,000,000,000 for the pur-  
19 poses of this title, a State shall provide addi-  
20 tional subsidization under this subsection in the  
21 amount specified in subparagraph (B) to eligi-  
22 ble entities described in paragraph (1) for  
23 projects and activities identified in the State’s  
24 intended use plan prepared under section

1           606(c) to the extent that there are sufficient  
2           applications for such assistance.

3           “(B) AMOUNT.—In a fiscal year described  
4           in subparagraph (A), a State shall set-aside for  
5           purposes of subparagraph (A) an amount not  
6           less than 25 percent of the difference be-  
7           tween—

8                   “(i) the total amount that would have  
9                   been allotted to the State under section  
10                  604 for such fiscal year if the amount  
11                  available to the Administrator for obliga-  
12                  tion under this title for such fiscal year  
13                  had been equal to \$1,000,000,000; and

14                  “(ii) the total amount allotted to the  
15                  State under section 604 for such fiscal  
16                  year.

17           “(5) LIMITATION.—The total amount of addi-  
18           tional subsidization provided under this subsection  
19           by a State may not exceed 30 percent of the total  
20           amount of capitalization grants received by the State  
21           under this title in fiscal years beginning after Sep-  
22           tember 30, 2009.”.

23 **SEC. 1304. ALLOTMENT OF FUNDS.**

24           (a) IN GENERAL.—Section 604(a) (33 U.S.C.  
25           1384(a)) is amended to read as follows:

1 “(a) ALLOTMENTS.—

2 “(1) FISCAL YEARS 2010 AND 2011.—Sums ap-  
3 propriated to carry out this title for each of fiscal  
4 years 2010 and 2011 shall be allotted by the Admin-  
5 istrator in accordance with the formula used to allot  
6 sums appropriated to carry out this title for fiscal  
7 year 2009.

8 “(2) FISCAL YEAR 2012 AND THEREAFTER.—  
9 Sums appropriated to carry out this title for fiscal  
10 year 2012 and each fiscal year thereafter shall be al-  
11 lotted by the Administrator as follows:

12 “(A) Amounts that do not exceed  
13 \$1,350,000,000 shall be allotted in accordance  
14 with the formula described in paragraph (1).

15 “(B) Amounts that exceed \$1,350,000,000  
16 shall be allotted in accordance with the formula  
17 developed by the Administrator under sub-  
18 section (d).”.

19 (b) PLANNING ASSISTANCE.—Section 604(b) (33  
20 U.S.C. 1384(b)) is amended by striking “1 percent” and  
21 inserting “2 percent”.

22 (c) FORMULA.—Section 604 (33 U.S.C. 1384) is  
23 amended by adding at the end the following:

24 “(d) FORMULA BASED ON WATER QUALITY  
25 NEEDS.—Not later than September 30, 2011, and after

1 providing notice and an opportunity for public comment,  
 2 the Administrator shall publish an allotment formula  
 3 based on water quality needs in accordance with the most  
 4 recent survey of needs developed by the Administrator  
 5 under section 516(b).”.

6 **SEC. 1305. INTENDED USE PLAN.**

7 (a) INTEGRATED PRIORITY LIST.—Section 603(g)  
 8 (33 U.S.C. 1383(g)) is amended to read as follows:

9 “(g) PRIORITY LIST.—

10 “(1) IN GENERAL.—For fiscal year 2011 and  
 11 each fiscal year thereafter, a State shall establish or  
 12 update a list of projects and activities for which as-  
 13 sistance is sought from the State’s water pollution  
 14 control revolving fund. Such projects and activities  
 15 shall be listed in priority order based on the method-  
 16 ology established under paragraph (2). The State  
 17 may provide financial assistance from the State’s  
 18 water pollution control revolving fund only with re-  
 19 spect to a project or activity included on such list.  
 20 In the case of projects and activities eligible for as-  
 21 sistance under section 603(c)(2), the State may in-  
 22 clude a category or subcategory of nonpoint sources  
 23 of pollution on such list in lieu of a specific project  
 24 or activity.

25 “(2) METHODOLOGY.—

1           “(A) IN GENERAL.—Not later than 1 year  
2           after the date of enactment of this paragraph,  
3           and after providing notice and opportunity for  
4           public comment, each State (acting through the  
5           State’s water quality management agency and  
6           other appropriate agencies of the State) shall  
7           establish a methodology for developing a pri-  
8           ority list under paragraph (1).

9           “(B) PRIORITY FOR PROJECTS AND AC-  
10          TIVITIES THAT ACHIEVE GREATEST WATER  
11          QUALITY IMPROVEMENT.—In developing the  
12          methodology, the State shall seek to achieve the  
13          greatest degree of water quality improvement,  
14          taking into consideration the requirements of  
15          section 602(b)(5) and section 603(i)(3), wheth-  
16          er such water quality improvements would be  
17          realized without assistance under this title, and  
18          whether the proposed projects and activities  
19          would address water quality impairments asso-  
20          ciated with existing treatment works.

21          “(C) CONSIDERATIONS IN SELECTING  
22          PROJECTS AND ACTIVITIES.—In determining  
23          which projects and activities will achieve the  
24          greatest degree of water quality improvement,  
25          the State shall consider—



1 “(i) information developed by the  
2 State under sections 303(d) and 305(b);

3 “(ii) the State’s continuing planning  
4 process developed under section 303(e);

5 “(iii) the State’s management pro-  
6 gram developed under section 319; and

7 “(iv) conservation and management  
8 plans developed under section 320.

9 “(D) NONPOINT SOURCES.—For categories  
10 or subcategories of nonpoint sources of pollu-  
11 tion that a State may include on its priority list  
12 under paragraph (1), the State shall consider  
13 the cumulative water quality improvements as-  
14 sociated with projects or activities in such cat-  
15 egories or subcategories.

16 “(E) EXISTING METHODOLOGIES.—If a  
17 State has previously developed, after providing  
18 notice and an opportunity for public comment,  
19 a methodology that meets the requirements of  
20 this paragraph, the State may use the method-  
21 ology for the purposes of this subsection.”.

22 (b) INTENDED USE PLAN.—Section 606(c) (33  
23 U.S.C. 1386(c)) is amended—

24 (1) in the matter preceding paragraph (1) by  
25 striking “each State shall annually prepare” and in-

1       serting “each State (acting through the State’s  
 2       water quality management agency and other appro-  
 3       priate agencies of the State) shall annually prepare  
 4       and publish”;

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

7               “(1) the State’s priority list developed under  
 8       section 603(g);”;

9               (3) in paragraph (4)—

10              (A) by striking “and (6)” and inserting

11              “(6), (15), and (17)”; and

12              (B) by striking “and” at the end;

13              (4) by striking the period at the end of para-  
 14       graph (5) and inserting “; and”; and

15              (5) by adding at the end the following:

16              “(6) if the State does not fund projects and ac-  
 17       tivities in the order of the priority established under  
 18       section 603(g), an explanation of why such a change  
 19       in order is appropriate.”.

20       (c) TRANSITIONAL PROVISION.—Before completion  
 21       of a priority list based on a methodology established under  
 22       section 603(g) of the Federal Water Pollution Control Act  
 23       (as amended by this section), a State shall continue to  
 24       comply with the requirements of sections 603(g) and

1 606(c) of such Act, as in effect on the day before the date  
2 of enactment of this Act.

3 **SEC. 1306. ANNUAL REPORTS.**

4 Section 606(d) (33 U.S.C. 1386(d)) is amended by  
5 inserting “the eligible purpose under section 603(c) for  
6 which the assistance is provided,” after “loan amounts,”.

7 **SEC. 1307. TECHNICAL ASSISTANCE; REQUIREMENTS FOR**  
8 **USE OF AMERICAN MATERIALS.**

9 Title VI (33 U.S.C. 1381 et seq.) is amended—

10 (1) by redesignating section 607 as section 609;

11 and

12 (2) by inserting after section 606 the following:

13 **“SEC. 607. TECHNICAL ASSISTANCE.**

14 “(a) **SIMPLIFIED PROCEDURES.**—Not later than 1  
15 year after the date of enactment of this section, the Ad-  
16 ministrator shall assist the States in establishing sim-  
17 plified procedures for treatment works to obtain assistance  
18 under this title.

19 “(b) **PUBLICATION OF MANUAL.**—Not later than 2  
20 years after the date of the enactment of this section, and  
21 after providing notice and opportunity for public comment,  
22 the Administrator shall publish a manual to assist treat-  
23 ment works in obtaining assistance under this title and  
24 publish in the Federal Register notice of the availability  
25 of the manual.

1       “(c) COMPLIANCE CRITERIA.—At the request of any  
2 State, the Administrator, after providing notice and an op-  
3 portunity for public comment, shall assist in the develop-  
4 ment of criteria for a State to determine compliance with  
5 the conditions of funding assistance established under sec-  
6 tions 602(b)(13) and 603(d)(1)(E).

7       **“SEC. 608. REQUIREMENTS FOR USE OF AMERICAN MATE-**  
8                               **RIALS.**

9       “(a) IN GENERAL.—Notwithstanding any other pro-  
10 vision of law, none of the funds made available by a State  
11 water pollution control revolving fund as authorized under  
12 this title may be used for the construction of treatment  
13 works unless the steel, iron, and manufactured goods used  
14 in such treatment works are produced in the United  
15 States.

16       “(b) EXCEPTIONS.—Subsection (a) shall not apply in  
17 any case in which the Administrator (in consultation with  
18 the Governor of the State) finds that—

19               “(1) applying subsection (a) would be incon-  
20 sistent with the public interest;

21               “(2) steel, iron, and manufactured goods are  
22 not produced in the United States in sufficient and  
23 reasonably available quantities and of a satisfactory  
24 quality; or

1 “(3) inclusion of steel, iron, and manufactured  
 2 goods produced in the United States will increase  
 3 the cost of the overall project by more than 25 per-  
 4 cent.

5 “(c) PUBLIC NOTIFICATION AND WRITTEN JUS-  
 6 TIFICATION FOR WAIVER.—If the Administrator deter-  
 7 mines that it is necessary to waive the application of sub-  
 8 section (a) based on a finding under subsection (b), the  
 9 Administrator shall—

10 “(1) not less than 15 days prior to waiving ap-  
 11 plication of subsection (a), provide public notice and  
 12 the opportunity to comment on the Administrator’s  
 13 intent to issue such waiver; and

14 “(2) upon issuing such waiver, publish in the  
 15 Federal Register a detailed written justification as  
 16 to why the provision is being waived.

17 “(d) CONSISTENCY WITH INTERNATIONAL AGREE-  
 18 MENTS.—This section shall be applied in a manner con-  
 19 sistent with United States obligations under international  
 20 agreements.”.

21 **SEC. 1308. AUTHORIZATION OF APPROPRIATIONS.**

22 Section 609 (as redesignated by section 1307 of this  
 23 Act) is amended by striking paragraphs (1) through (5)  
 24 and inserting the following:

25 “(1) \$2,400,000,000 for fiscal year 2010;

- 1 “(2) \$2,700,000,000 for fiscal year 2011;  
 2 “(3) \$2,800,000,000 for fiscal year 2012;  
 3 “(4) \$2,900,000,000 for fiscal year 2013; and  
 4 “(5) \$3,000,000,000 for fiscal year 2014.”.

## 5 **Subtitle D—General Provisions**

### 6 **SEC. 1401. DEFINITION OF TREATMENT WORKS.**

7 Section 502 (33 U.S.C. 1362) is amended by adding  
 8 at the end the following:

9 “(26) TREATMENT WORKS.—The term ‘treat-  
 10 ment works’ has the meaning given that term in sec-  
 11 tion 212.”.

### 12 **SEC. 1402. FUNDING FOR INDIAN PROGRAMS.**

13 Section 518(c) (33 U.S.C. 1377) is amended—

14 (1) by striking “The Administrator” and insert-  
 15 ing the following:

16 “(1) FISCAL YEARS 1987–2008.—The Adminis-  
 17 trator”;

18 (2) in paragraph (1) (as so designated)—

19 (A) by inserting “and ending before Octo-  
 20 ber 1, 2008,” after “1986,”; and

21 (B) by striking the second sentence; and

22 (3) by adding at the end the following:

23 “(2) FISCAL YEAR 2009 AND THEREAFTER.—

24 For fiscal year 2009 and each fiscal year thereafter,  
 25 the Administrator shall reserve, before allotments to

1 the States under section 604(a), not less than 0.5  
 2 percent and not more than 1.5 percent of the funds  
 3 made available to carry out title VI.

4 “(3) USE OF FUNDS.—Funds reserved under  
 5 this subsection shall be available only for grants for  
 6 projects and activities eligible for assistance under  
 7 section 603(c) to serve—

8 “(A) Indian tribes (as defined in section  
 9 518(h));

10 “(B) former Indian reservations in Okla-  
 11 homa (as determined by the Secretary of the  
 12 Interior); and

13 “(C) Native villages (as defined in section  
 14 3 of the Alaska Native Claims Settlement Act  
 15 (43 U.S.C. 1602)).”.

## 16 **Subtitle E—Tonnage Duties**

### 17 **SEC. 1501. TONNAGE DUTIES.**

18 (a) IN GENERAL.—Section 60301 of title 46, United  
 19 State Code, is amended—

20 (1) in the section heading by striking “**taxes**”  
 21 and inserting “**duties**”;

22 (2) by amending subsections (a) and (b) to read  
 23 as follows:

24 “(a) LOWER RATE.—

1           “(1) IMPOSITION OF DUTY.—A duty is imposed  
2           at the rate described in paragraph (2) at each entry  
3           in a port of the United States of—

4                   “(A) a vessel entering from a foreign port  
5                   or place in North America, Central America,  
6                   the West Indies Islands, the Bahama Islands,  
7                   the Bermuda Islands, or the coast of South  
8                   America bordering the Caribbean Sea; or

9                   “(B) a vessel returning to the same port or  
10                  place in the United States from which it de-  
11                  parted, and not entering the United States  
12                  from another port or place, except—

13                           “(i) a vessel of the United States;

14                           “(ii) a recreational vessel (as defined  
15                           in section 2101 of this title); or

16                           “(iii) a barge.

17           “(2) RATE.—The rate referred to in paragraph  
18           (1) shall be—

19                   “(A) 4.5 cents per ton (but not more than  
20                   a total of 22.5 cents per ton per year) for fiscal  
21                   years 2006 through 2009;

22                   “(B) 9.0 cents per ton (but not more than  
23                   a total of 45 cents per ton per year) for fiscal  
24                   years 2010 through 2019; and



1 “(C) 2 cents per ton (but not more than  
 2 a total of 10 cents per ton per year) for each  
 3 fiscal year thereafter.

4 “(b) HIGHER RATE.—

5 “(1) IMPOSITION OF DUTY.—A duty is imposed  
 6 at the rate described in paragraph (2) on a vessel  
 7 at each entry in a port of the United States from  
 8 a foreign port or place not named in subsection  
 9 (a)(1).

10 “(2) RATE.—The rate referred to in paragraph  
 11 (1) shall be—

12 “(A) 13.5 cents per ton (but not more  
 13 than a total of 67.5 cents per ton per year) for  
 14 fiscal years 2006 through 2009;

15 “(B) 27 cents per ton (but not more than  
 16 a total of \$1.35 per ton per year) for fiscal  
 17 years 2010 through 2019; and

18 “(C) 6 cents per ton (but not more than  
 19 a total of 30 cents per ton per year) for each  
 20 fiscal year thereafter.”; and

21 (3) in subsection (c) by striking “taxes” and in-  
 22 serting “duties”.

23 (b) LIABILITY IN REM.—Chapter 603 of title 46,  
 24 United States Code, is amended by adding at the end the  
 25 following:

1 **“§ 60313. Liability in rem for costs**

2 “A vessel is liable in rem for any amount due under  
3 this chapter for that vessel and may be proceeded against  
4 for that liability in the United States district court for  
5 any district in which the vessel may be found.”.

6 (c) CONFORMING AMENDMENTS.—Such title is fur-  
7 ther amended—

8 (1) by striking the heading for subtitle VI and  
9 inserting the following:

10 **“Subtitle VI—Clearance and**  
11 **Tonnage Duties”;**

12 (2) in the headings of sections in chapter 603,  
13 by striking “**taxes**” each place it appears and in-  
14 serting “**duties**”;

15 (3) in the heading for subsection (a) of section  
16 60303, by striking “TAX” and inserting “DUTY”;

17 (4) in the text of sections in chapter 603, by  
18 striking “taxes” each place it appears and inserting  
19 “duties”; and

20 (5) in the text of sections in chapter 603, by  
21 striking “tax” each place it appears and inserting  
22 “duty”.

23 (d) CLERICAL AMENDMENTS.—Such title is further  
24 amended—

1 (1) in the title analysis by striking the item re-  
 2 lating to subtitle VI and inserting the following:

“**VI. CLEARANCE AND TONNAGE DUTIES** .....**60101**”;

3 and

4 (2) in the analysis for chapter 603—

5 (A) by striking the items relating to sec-  
 6 tions 60301 and 60302 and inserting the fol-  
 7 lowing:

“60301. Regular tonnage duties.  
 “60302. Special tonnage duties.”;

8 (B) by striking the item relating to section  
 9 60304 and inserting the following:

“60304. Presidential suspension of tonnage duties and light money.”;

10 and

11 (C) by adding at the end the following:

“60313. Liability in rem for costs.”.

## 12 **TITLE II—ALTERNATIVE WATER** 13 **SOURCE PROJECTS**

### 14 **SEC. 2001. PILOT PROGRAM FOR ALTERNATIVE WATER** 15 **SOURCE PROJECTS.**

16 (a) SELECTION OF PROJECTS.—Section 220(d)(2)  
 17 (33 U.S.C. 1300(d)(2)) is amended by inserting before the  
 18 period at the end the following: “or whether the project  
 19 is located in an area which is served by a public water  
 20 system serving 10,000 individuals or fewer”.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
 22 220(j) (33 U.S.C. 1300(j)) is amended by striking

1 “\$75,000,000 for fiscal years 2002 through 2004” and  
 2 inserting “\$50,000,000 for each of fiscal years 2010  
 3 through 2014”.

## 4 **TITLE III—SEWER OVERFLOW** 5 **CONTROL GRANTS**

### 6 **SEC. 3001. SEWER OVERFLOW CONTROL GRANTS.**

7 (a) ADMINISTRATIVE REQUIREMENTS.—Section  
 8 221(e) (33 U.S.C. 1301(e)) is amended to read as follows:  
 9 “(e) ADMINISTRATIVE REQUIREMENTS.—A project  
 10 that receives assistance under this section shall be carried  
 11 out subject to the same requirements as a project that  
 12 receives assistance from a State water pollution control  
 13 revolving fund under title VI, except to the extent that  
 14 the Governor of the State in which the project is located  
 15 determines that a requirement of title VI is inconsistent  
 16 with the purposes of this section.”.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—The first  
 18 sentence of section 221(f) (33 U.S.C. 1301(f)) is amended  
 19 by striking “this section \$750,000,000” and all that fol-  
 20 lows through the period at the end and inserting “this sec-  
 21 tion \$250,000,000 for fiscal year 2010, \$300,000,000 for  
 22 fiscal year 2011, \$350,000,000 for fiscal year 2012,  
 23 \$400,000,000 for fiscal year 2013, and \$500,000,000 for  
 24 fiscal year 2014.”.

1 (c) ALLOCATION OF FUNDS.—Section 221(g) of such  
2 Act (33 U.S.C. 1301(g)) is amended to read as follows:

3 “(g) ALLOCATION OF FUNDS.—

4 “(1) FISCAL YEAR 2010.—Subject to subsection  
5 (h), the Administrator shall use the amounts appro-  
6 priated to carry out this section for fiscal year 2010  
7 for making grants to municipalities and municipal  
8 entities under subsection (a)(2) in accordance with  
9 the criteria set forth in subsection (b).

10 “(2) FISCAL YEAR 2011 AND THEREAFTER.—

11 Subject to subsection (h), the Administrator shall  
12 use the amounts appropriated to carry out this sec-  
13 tion for fiscal year 2011 and each fiscal year there-  
14 after for making grants to States under subsection  
15 (a)(1) in accordance with a formula to be established  
16 by the Administrator, after providing notice and an  
17 opportunity for public comment, that allocates to  
18 each State a proportional share of such amounts  
19 based on the total needs of the State for municipal  
20 combined sewer overflow controls and sanitary sewer  
21 overflow controls identified in the most recent survey  
22 conducted pursuant to section 516.”.

23 (d) REPORTS.—The first sentence of section 221(i)  
24 (33 U.S.C. 1301(i)) is amended by striking “2003” and  
25 inserting “2012”.

1 **TITLE IV—MONITORING, RE-**  
2 **PORTING, AND PUBLIC NOTI-**  
3 **FICATION OF SEWER OVER-**  
4 **FLWS**

5 **SEC. 4001. MONITORING, REPORTING, AND PUBLIC NOTIFI-**  
6 **CATION OF SEWER OVERFLOWS.**

7 Section 402 (33 U.S.C. 1342) is amended by adding  
8 at the end the following:

9 “(r) SEWER OVERFLOW MONITORING, REPORTING,  
10 AND NOTIFICATIONS.—

11 “(1) GENERAL REQUIREMENTS.—After the last  
12 day of the 180-day period beginning on the date on  
13 which regulations are issued under paragraph (4), a  
14 permit issued, renewed, or modified under this sec-  
15 tion by the Administrator or the State, as the case  
16 may be, for a publicly owned treatment works shall  
17 require, at a minimum, beginning on the date of the  
18 issuance, modification, or renewal, that the owner or  
19 operator of the treatment works—

20 “(A) institute and utilize a feasible meth-  
21 odology, technology, or management program  
22 for monitoring sewer overflows to alert the  
23 owner or operator to the occurrence of a sewer  
24 overflow in a timely manner;

1           “(B) in the case of a sewer overflow that  
2           has the potential to affect human health, notify  
3           the public of the overflow as soon as practicable  
4           but not later than 24 hours after the time the  
5           owner or operator knows of the overflow;

6           “(C) in the case of a sewer overflow that  
7           may imminently and substantially endanger  
8           human health, notify public health authorities  
9           and other affected entities, such as public water  
10          systems, of the overflow immediately after the  
11          owner or operator knows of the overflow;

12          “(D) report each sewer overflow on its dis-  
13          charge monitoring report to the Administrator  
14          or the State, as the case may be, by describ-  
15          ing—

16                 “(i) the magnitude, duration, and sus-  
17                 pected cause of the overflow;

18                 “(ii) the steps taken or planned to re-  
19                 duce, eliminate, or prevent recurrence of  
20                 the overflow; and

21                 “(iii) the steps taken or planned to  
22                 mitigate the impact of the overflow; and

23          “(E) annually report to the Administrator  
24          or the State, as the case may be, the total num-

1           ber of sewer overflows in a calendar year, in-  
2           cluding—

3                   “(i) the details of how much waste-  
4                   water was released per incident;

5                   “(ii) the duration of each sewer over-  
6                   flow;

7                   “(iii) the location of the overflow and  
8                   any potentially affected receiving waters;

9                   “(iv) the responses taken to clean up  
10                  the overflow; and

11                  “(v) the actions taken to mitigate im-  
12                  pacts and avoid further sewer overflows at  
13                  the site.

14           “(2) EXCEPTIONS.—

15                   “(A) NOTIFICATION REQUIREMENTS.—The  
16                   notification requirements of paragraphs (1)(B)  
17                   and (1)(C) shall not apply to a sewer overflow  
18                   that is a wastewater backup into a single-family  
19                   residence.

20                   “(B) REPORTING REQUIREMENTS.—The  
21                   reporting requirements of paragraphs (1)(D)  
22                   and (1)(E) shall not apply to a sewer overflow  
23                   that is a release of wastewater that occurs in  
24                   the course of maintenance of the treatment  
25                   works, is managed consistently with the treat-



1           ment works’ best management practices, and is  
2           intended to prevent sewer overflows.

3           “(3) REPORT TO EPA.—Each State shall pro-  
4           vide to the Administrator annually a summary of  
5           sewer overflows that occurred in the State.

6           “(4) RULEMAKING BY EPA.—Not later than one  
7           year after the date of enactment of this subsection,  
8           the Administrator, after providing notice and an op-  
9           portunity for public comment, shall issue regulations  
10          to implement this subsection, including regulations  
11          to—

12               “(A) establish a set of criteria to guide the  
13              owner or operator of a publicly owned treat-  
14              ment works in—

15                   “(i) assessing whether a sewer over-  
16                  flow has the potential to affect human  
17                  health or may imminently and substan-  
18                  tially endanger human health; and

19                   “(ii) developing communication meas-  
20                  ures that are sufficient to give notice  
21                  under paragraphs (1)(B) and (1)(C); and

22               “(B) define the terms ‘feasible’ and ‘time-  
23              ly’ as such terms apply to paragraph (1)(A), in-  
24              cluding site specific conditions.

1           “(5) APPROVAL OF STATE NOTIFICATION PRO-  
2       GRAMS.—

3           “(A) REQUESTS FOR APPROVAL.—

4                   “(i) IN GENERAL.—After the date of  
5                   issuance of regulations under paragraph  
6                   (4), a State may submit to the Adminis-  
7                   trator evidence that the State has in place  
8                   a legally enforceable notification program  
9                   that is substantially equivalent to or ex-  
10                  ceeds the requirements of paragraphs  
11                  (1)(B) and (1)(C).

12                  “(ii) PROGRAM REVIEW AND AUTHOR-  
13                  IZATION.—If the evidence submitted by a  
14                  State under clause (i) shows the notifica-  
15                  tion program of the State to be substan-  
16                  tially equivalent to or exceeds the require-  
17                  ments of paragraphs (1)(B) and (1)(C),  
18                  the Administrator shall authorize the State  
19                  to carry out such program instead of the  
20                  requirements of paragraphs (1)(B) and  
21                  (1)(C).

22                  “(iii) FACTORS FOR DETERMINING  
23                  SUBSTANTIAL EQUIVALENCY.—In carrying  
24                  out a review of a State notification pro-  
25                  gram under clause (ii), the Administrator

1 shall take into account the scope of sewer  
2 overflows for which notification is required,  
3 the length of time during which notifica-  
4 tion must be made, the scope of persons  
5 who must be notified of sewer overflows,  
6 the scope of enforcement activities ensur-  
7 ing that notifications of sewer overflows  
8 are made, and such other factors as the  
9 Administrator considers appropriate.

10 “(B) REVIEW PERIOD.—If a State submits  
11 evidence with respect to a notification program  
12 under subparagraph (A)(i) on or before the last  
13 day of the 30-day period beginning on the date  
14 of issuance of regulations under paragraph (4),  
15 the requirements of paragraphs (1)(B) and  
16 (1)(C) shall not begin to apply to a publicly  
17 owned treatment works located in the State  
18 until the date on which the Administrator com-  
19 pletes a review of the notification program  
20 under subparagraph (A)(ii).

21 “(C) WITHDRAWAL OF AUTHORIZATION.—  
22 If the Administrator, after conducting a public  
23 hearing, determines that a State is not admin-  
24 istering and enforcing a State notification pro-  
25 gram authorized under subparagraph (A)(ii) in

1           accordance with the requirements of this para-  
2           graph, the Administrator shall so notify the  
3           State and, if appropriate corrective action is not  
4           taken within a reasonable time, not to exceed  
5           90 days, the Administrator shall withdraw au-  
6           thorization of such program and enforce the re-  
7           quirements of paragraphs (1)(B) and (1)(C)  
8           with respect to the State.

9           “(6) SPECIAL RULES CONCERNING APPLICA-  
10          TION OF NOTIFICATION REQUIREMENTS.—After the  
11          last day of the 30-day period beginning on the date  
12          of issuance of regulations under paragraph (4), the  
13          requirements of paragraphs (1)(B) and (1)(C)  
14          shall—

15                 “(A) apply to the owner or operator of a  
16                 publicly owned treatment works and be subject  
17                 to enforcement under section 309, and

18                 “(B) supersede any notification require-  
19                 ments contained in a permit issued under this  
20                 section for the treatment works to the extent  
21                 that the notification requirements are less strin-  
22                 gent than the notification requirements of para-  
23                 graphs (1)(B) and (1)(C),

1       until such date as a permit is issued, renewed, or  
2       modified under this section for the treatment works  
3       in accordance with paragraph (1).

4               “(7) DEFINITIONS.—In this subsection, the fol-  
5       lowing definitions apply:

6               “(A) SANITARY SEWER OVERFLOW.—The  
7       term ‘sanitary sewer overflow’ means an over-  
8       flow, spill, release, or diversion of wastewater  
9       from a sanitary sewer system. Such term does  
10      not include municipal combined sewer overflows  
11      or other discharges from the combined portion  
12      of a municipal combined storm and sanitary  
13      sewer system and does not include wastewater  
14      backups into buildings caused by a blockage or  
15      other malfunction of a building lateral that is  
16      privately owned. Such term includes overflows  
17      or releases of wastewater that reach waters of  
18      the United States, overflows or releases of  
19      wastewater in the United States that do not  
20      reach waters of the United States, and waste-  
21      water backups into buildings that are caused by  
22      blockages or flow conditions in a sanitary sewer  
23      other than a building lateral.

1           “(B) SEWER OVERFLOW.—The term  
2           ‘sewer overflow’ means a sanitary sewer over-  
3           flow or a municipal combined sewer overflow.

4           “(C) SINGLE-FAMILY RESIDENCE.—The  
5           term ‘single-family residence’ means an indi-  
6           vidual dwelling unit, including an apartment,  
7           condominium, house, or dormitory. Such term  
8           does not include the common areas of a multi-  
9           dwelling structure.”.

## 10   **TITLE V—GREAT LAKES LEGACY** 11   **REAUTHORIZATION**

### 12   **SEC. 5001. REMEDIATION OF SEDIMENT CONTAMINATION** 13   **IN AREAS OF CONCERN.**

14       Section 118(c)(12)(H) of the Federal Water Pollu-  
15   tion Control Act (33 U.S.C. 1268(c)(12)(H)) is amended  
16   by striking clause (i) and inserting the following:

17           “(i) IN GENERAL.—In addition to  
18           other amounts authorized under this sec-  
19           tion, there is authorized to be appropriated  
20           to carry out this paragraph—

21                   “(I) \$50,000,000 for each of the  
22                   fiscal years 2004 through 2009; and

23                   “(II) \$150,000,000 for each of  
24                   the fiscal years 2010 through 2014.”.

1 **SEC. 5002. PUBLIC INFORMATION PROGRAM.**

2 Section 118(c)(13)(B) (33 U.S.C. 1268(c)(13)(B)) is  
3 amended by striking “2010” and inserting “2014”.

4 **SEC. 5003. CONTAMINATED SEDIMENT REMEDIATION AP-**  
5 **PROACHES, TECHNOLOGIES, AND TECH-**  
6 **NIQUES.**

7 Section 106(b) of the Great Lakes Legacy Act of  
8 2002 (33 U.S.C. 1271a(b)) is amended by striking para-  
9 graph (1) and inserting the following:

10 “(1) IN GENERAL.—In addition to amounts au-  
11 thorized under other laws, there is authorized to be  
12 appropriated to carry out this section—

13 “(A) \$3,000,000 for each of the fiscal  
14 years 2004 through 2009; and

15 “(B) \$5,000,000 for each of the fiscal  
16 years 2010 through 2014.”.

○