

111TH CONGRESS
1ST SESSION

H. R. 4029

To amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of Puget Sound, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2009

Mr. DICKS (for himself, Mr. BAIRD, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. McDERMOTT, Mr. INSLEE, and Mr. REICHERT) 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 provide assistance for programs and activities to protect the water quality of Puget Sound, 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 “Puget Sound Recovery
5 Act of 2009”.

1 **SEC. 2. PUGET SOUND.**

2 Title I of the Federal Water Pollution Control Act
3 (33 U.S.C. 1251 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 123. PUGET SOUND.**

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

8 “(1) COMPREHENSIVE PLAN.—The term ‘com-
9 prehensive plan’ means the Puget Sound Action
10 Agenda (the comprehensive conservation and man-
11 agement plan for Puget Sound under section 320),
12 including any amendments thereto.

13 “(2) COUNCIL.—The term ‘Council’ means the
14 Puget Sound Program Advisory Council established
15 under subsection (d).

16 “(3) DIRECTOR.—The term ‘Director’ means
17 the Director of the Office.

18 “(4) OFFICE.—The term ‘Office’ means the
19 Puget Sound Program Office established by sub-
20 section (b).

21 “(5) PUGET SOUND PARTNERSHIP.—The term
22 ‘Puget Sound Partnership’ means the agency of the
23 State of Washington (together with its associated
24 councils, boards, and panels) that was formed under
25 authority of State law for the purpose of protecting
26 and restoring Puget Sound and is designated as the

1 management conference for Puget Sound under sec-
2 tion 320.

3 “(b) PROGRAM OFFICE.—

4 “(1) ESTABLISHMENT.—The Administrator
5 shall establish in the Environmental Protection
6 Agency a Puget Sound Program Office. The Office
7 shall be co-located with the Puget Sound Partner-
8 ship in the State of Washington.

9 “(2) APPOINTMENT OF DIRECTOR.—The Ad-
10 ministrator shall appoint a Director of the Office,
11 who, by reason of management experience and tech-
12 nical expertise relating to Puget Sound, shall be
13 highly qualified to support the development and im-
14 plementation of projects, programs, and studies nec-
15 essary to implement the comprehensive plan.

16 “(3) DELEGATION OF AUTHORITY; STAFFING.—
17 The Administrator shall delegate to the Director
18 such authority and provide such additional staff as
19 may be necessary to carry out this section.

20 “(c) DUTIES.—

21 “(1) IN GENERAL.—In carrying out this sec-
22 tion, the Administrator, acting through the Director,
23 shall—

24 “(A) assist and support the implementa-
25 tion of the comprehensive plan;

1 “(B) provide funding and make grants for
2 implementation of the comprehensive plan and
3 projects, programs, and studies consistent with
4 the priorities of the comprehensive plan;

5 “(C) promote innovative methodologies and
6 technologies that are cost-effective and con-
7 sistent with the identified goals and objectives
8 of the comprehensive plan and Environmental
9 Protection Agency permitting processes;

10 “(D) coordinate the major functions of the
11 Federal Government related to the implementa-
12 tion of the comprehensive plan, including
13 projects, programs, and studies for—

14 “(i) water quality improvements;

15 “(ii) wetland, riverine, and estuary
16 restoration and protection; and

17 “(iii) nearshore and endangered spe-
18 cies recovery;

19 “(E) coordinate the research and planning
20 projects authorized under this section with Fed-
21 eral agencies, State agencies, tribes, univer-
22 sities, and the Puget Sound Partnership’s
23 Science Panel, including conducting or commis-
24 sioning studies considered necessary by the

1 Science Panel for strengthened implementation
2 of the comprehensive plan;

3 “(F) track progress towards meeting the
4 identified goals and objectives of the com-
5 prehensive plan by—

6 “(i) implementing and supporting a
7 project, program, and study monitoring
8 system consistent with the performance
9 management system used by the Puget
10 Sound Partnership; and

11 “(ii) coordinating, managing, and re-
12 porting environmental data related to
13 Puget Sound in a manner consistent with
14 methodologies utilized by the Puget Sound
15 Partnership, including, to the extent prac-
16 ticable, making such data and reports on
17 such data available to the public, including
18 on the Internet, in a timely fashion;

19 “(G) coordinate projects, programs, and
20 studies for the protection of Puget Sound, the
21 Strait of Georgia, and the Strait of Juan de
22 Fuca with Canadian authorities; and

23 “(H) collect and make available to the
24 public, including on the Internet, publications

1 and other forms of information relating to the
2 environmental quality of Puget Sound.

3 “(2) IMPLEMENTATION METHODS.—The Ad-
4 ministrator, acting through the Director, may enter
5 into interagency agreements, make intergovern-
6 mental personnel appointments, provide funding,
7 make grants, and utilize other available methods in
8 carrying out the duties under this subsection.

9 “(d) PUGET SOUND PROGRAM ADVISORY COUN-
10 CIL.—

11 “(1) IN GENERAL.—The Administrator shall es-
12 tablish a Puget Sound Program Advisory Council to
13 provide advice to the Administrator on the imple-
14 mentation of the identified goals and objectives of
15 the comprehensive plan.

16 “(2) COMPOSITION.—The Council shall consist
17 of the following 2 boards:

18 “(A) A Federal agency board consisting of
19 representatives of appropriate Federal agencies
20 that may affect or implement projects or pro-
21 grams identified in the comprehensive plan and
22 the Executive Director of the Puget Sound
23 Partnership. The chairperson of the Federal
24 agency board shall be the Director.

1 “(B) An intergovernmental board con-
2 sisting of the members of the Leadership Coun-
3 cil and the Ecosystem Coordination Board of
4 the Puget Sound Partnership.

5 “(3) MEETINGS.—The Council shall meet at
6 least twice per year—

7 “(A) to assess the progress of the Office in
8 meeting the identified goals and objectives of
9 the comprehensive plan;

10 “(B) to identify improvements for meeting
11 the identified goals and objectives of the com-
12 prehensive plan; and

13 “(C) to assess Federal agency budget
14 needs to implement the comprehensive plan.

15 “(4) COMPENSATION OF MEMBERS.—A member
16 of the Council shall serve without compensation.

17 “(5) TRAVEL EXPENSES.—Subject to the avail-
18 ability of appropriations, the Administrator shall re-
19 imburse a member of the Council for travel ex-
20 penses, including per diem in lieu of subsistence, at
21 rates authorized for an employee of a Federal agen-
22 cy under subchapter I of chapter 57 of title 5,
23 United States Code, while away from home or the
24 regular place of business of the member in perform-
25 ance of services for the Council.

1 “(e) REPORT.—Not later than one year after the date
2 of enactment of this section, and biennially thereafter, the
3 Administrator and the Executive Director of the Puget
4 Sound Partnership, acting jointly, shall submit to Con-
5 gress a report that—

6 “(1) summarizes the progress made in imple-
7 menting the comprehensive plan and progress to-
8 wards achieving the identified goals and objectives
9 described in the comprehensive plan;

10 “(2) summarizes any modifications to the com-
11 prehensive plan made in the period immediately pre-
12 ceding such report;

13 “(3) incorporates specific recommendations con-
14 cerning the implementation of the comprehensive
15 plan; and

16 “(4) summarizes the roles and progress of each
17 Federal agency that has jurisdiction in the Puget
18 Sound watershed towards meeting the identified
19 goals and objectives of the comprehensive plan.

20 “(f) IMPLEMENTATION OF COMPREHENSIVE PLAN.—

21 “(1) IN GENERAL.—The Administrator, acting
22 through the Director and in consultation with the
23 Puget Sound Partnership, shall carry out projects,
24 programs, and studies to implement the comprehen-
25 sive plan.

1 “(2) PRIORITY PROJECTS, PROGRAMS, AND
2 STUDIES.—The Administrator shall give special em-
3 phasis to projects, programs, and studies that are
4 identified as priorities by the Puget Sound Partner-
5 ship in the comprehensive plan.

6 “(3) GRANTS.—

7 “(A) IN GENERAL.—The Administrator,
8 acting through the Director, is authorized to
9 make grants for projects, programs, and studies
10 to implement the comprehensive plan.

11 “(B) ALLOCATIONS.—In making grants
12 under this paragraph, the Administrator shall
13 use—

14 “(i) 50 percent of the funds appro-
15 priated for making grants under this para-
16 graph for a fiscal year to make a com-
17 prehensive grant to the Puget Sound Part-
18 nership to manage implementation of the
19 comprehensive plan and for allocation by
20 the Puget Sound Partnership to projects,
21 programs, and studies prioritized in the
22 comprehensive plan; and

23 “(ii) 50 percent of funds appropriated
24 for making grants under this paragraph
25 for a fiscal year to make grants to State

1 and regional water pollution control agen-
2 cies and entities, federally recognized In-
3 dian tribes, State coastal zone manage-
4 ment agencies, local governments, and
5 other public or nonprofit private agencies,
6 institutions, or organizations to implement
7 specific projects, programs, and studies
8 identified in the comprehensive plan.

9 “(4) FEDERAL SHARE.—

10 “(A) IN GENERAL.—The Federal share of
11 the cost of a project, program, or study carried
12 out under this subsection shall be—

13 “(i) not more than 50 percent of the
14 cost of a project, program or study; or

15 “(ii) up to 100 percent of the cost of
16 a project, program, or study if the project,
17 program, or study is located in or specifi-
18 cally affects a distressed community.

19 “(B) CONTRIBUTIONS FROM NON-FEDERAL
20 SOURCES.—The non-Federal share of costs re-
21 quired under subparagraph (A) shall be pro-
22 vided from non-Federal sources.

23 “(5) DISTRESSED COMMUNITY DEFINED.—In
24 this subsection, the term ‘distressed community’
25 means a community that meets the affordability cri-

1 teria established by the State in which the commu-
2 nity is located, if such criteria is established after
3 public review and comment.

4 “(g) ANNUAL BUDGET PLAN.—The President, as
5 part of the annual budget of the United States Govern-
6 ment, shall submit information regarding each Federal
7 agency involved in Puget Sound protection and restora-
8 tion, including—

9 “(1) an interagency crosscut budget that dis-
10 plays for each Federal agency—

11 “(A) the amounts obligated in the pre-
12 ceding fiscal year for protection and restoration
13 projects, programs, and studies relating to
14 Puget Sound;

15 “(B) the estimated budget for the current
16 fiscal year for protection and restoration
17 projects, programs, and studies relating to
18 Puget Sound; and

19 “(C) the proposed budget for protection
20 and restoration projects, programs, and studies
21 relating to Puget Sound; and

22 “(2) a description and assessment of the Fed-
23 eral role in the implementation of the comprehensive
24 plan and the specific role of each Federal agency in-
25 volved in Puget Sound protection and restoration,

1 including specific projects, programs, and studies
2 conducted or planned to achieve the identified goals
3 and objectives of the comprehensive plan.

4 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to the Administrator to
6 carry out this section \$125,000,000 for each of fiscal
7 years 2011 through 2016. Such sums shall remain avail-
8 able until expended.”.

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