

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6360

To amend the Federal Water Pollution Control Act to direct the Administrator of the Environmental Protection Agency to carry out activities for the restoration, conservation, and management of Onondaga Lake, New York, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. MAFFEI 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 direct the Administrator of the Environmental Protection Agency to carry out activities for the restoration, conservation, and management of Onondaga Lake, New York, 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 “Onondaga Lake Res-  
5       toration Act”.

1 **SEC. 2. ONONDAGA LAKE, NEW YORK.**

2 (a) RESTORATION, CONSERVATION, AND MANAGE-  
3 MENT ACTIVITIES.—Title I of the Federal Water Pollution  
4 Control Act (33 U.S.C. 1251 et seq.) is amended by add-  
5 ing at the end the following new section:

6 **“SEC. 123. ONONDAGA LAKE, NEW YORK.**

7 “(a) RESTORATION, CONSERVATION, AND MANAGE-  
8 MENT ACTIVITIES.—

9 “(1) ESTABLISHMENT OF ONONDAGA LAKE WA-  
10 TERSHED COUNCIL.—The Administrator shall estab-  
11 lish a council, to be known as the ‘Onondaga Lake  
12 Watershed Council’, to develop a plan, consistent  
13 with subsection (g), for the restoration, conservation,  
14 and management of Onondaga Lake. The plan shall  
15 be known as the ‘Adaptive Management Plan’.

16 “(2) IMPLEMENTATION OF ADAPTIVE MANAGE-  
17 MENT PLAN.—The Administrator shall cooperate  
18 with Federal and State agencies and make grants,  
19 and otherwise make funds available under subsection  
20 (f), to carry out the recommendations of the Adapt-  
21 ive Management Plan. Such recommendations shall  
22 be carried out—

23 “(A) in consultation with the Onondaga  
24 Lake Watershed Council; and

25 “(B) with the participation of the public,  
26 including the Onondaga Nation, Federal, State,

1 and local governmental entities, and all other  
2 entities that may be affected by activities under  
3 this section.

4 “(b) ONONDAGA LAKE WATERSHED COUNCIL.—

5 “(1) DUTIES.—

6 “(A) DEVELOPMENT OF ADAPTIVE MAN-  
7 AGEMENT PLAN.—The Onondaga Lake Water-  
8 shed Council shall develop and (as necessary to  
9 achieve the goals identified under subsection  
10 (c)(1)) periodically revise the Adaptive Manage-  
11 ment Plan in consultation with the Onondaga  
12 Lake Scientific Center.

13 “(B) ESTABLISHMENT OF PROGRAM FOR  
14 PUBLIC PARTICIPATION.—The Onondaga Lake  
15 Watershed Council shall establish and carry out  
16 a comprehensive, inclusive, and ongoing pro-  
17 gram for participation of the public, including  
18 the Onondaga Nation, Federal, State, and local  
19 governmental entities, and all other entities  
20 that may be affected by activities under this  
21 section, in the development and revision of the  
22 Adaptive Management Plan under subpara-  
23 graph (A).

24 “(2) MEMBERSHIP.—

1           “(A) IN GENERAL.—The Onondaga Lake  
2 Watershed Council shall consist of the following  
3 members:

4           “(i) The Administrator.

5           “(ii) The Secretary of the Army.

6           “(iii) The head of any other interested  
7 Federal department or agency, as deter-  
8 mined by the Administrator.

9           “(iv) The Governor of the State of  
10 New York.

11           “(v) A representative designated by  
12 the Onondaga Nation Council of Chiefs.

13           “(vi) A representative designated by  
14 the mayor of the City of Syracuse, New  
15 York.

16           “(vii) A representative designated by  
17 the County Executive of Onondaga County,  
18 New York.

19           “(B) EX OFFICIO MEMBERSHIP.—The On-  
20 ondaga Lake Watershed Council shall consist of  
21 the following ex officio, non-voting members:

22           “(i) The Senators from the State of  
23 New York.

24           “(ii) Each Member of the House of  
25 Representatives whose congressional dis-

1                   trict is located all or partially within the  
2                   Onondaga Lake watershed.

3                   “(iii) Each member of the New York  
4                   State Legislature whose district is located  
5                   all or partially within the Onondaga Lake  
6                   watershed.

7                   “(iv) Such other members as the Ad-  
8                   ministrator determines appropriate.

9                   “(C) DESIGNEES.—Any member of the  
10                  Onondaga Lake Watershed Council specified in  
11                  clauses (i) through (iv) of subparagraph (A) or  
12                  in subparagraph (B) may appoint a designee to  
13                  serve in place of the member on the Council.

14                  “(3) COMMITTEES.—

15                  “(A) ESTABLISHMENT.—The Onondaga  
16                  Lake Watershed Council shall adopt bylaws  
17                  providing for the establishment of standing  
18                  committees including the following:

19                         “(i) A Public Outreach and Participa-  
20                         tion Committee.

21                         “(ii) A Science and Engineering Com-  
22                         mittee.

23                  “(B) APPOINTMENT.—The Onondaga  
24                  Lake Watershed Council shall appoint members

1 to each committee described in subparagraph  
2 (A).

3 “(c) ADAPTIVE MANAGEMENT PLAN.—

4 “(1) IDENTIFICATION OF GOALS.—The Adapt-  
5 ive Management Plan shall identify measurable goals  
6 for—

7 “(A) the restoration, conservation, and  
8 management of Onondaga Lake; and

9 “(B) compliance with all provisions of law  
10 (except a provision of law described in sub-  
11 section (g)(1)(A)) affecting the restoration and  
12 conservation of Onondaga Lake, including the  
13 water quality standards established for Onon-  
14 daga Lake (including total maximum daily  
15 loads established under section 303(d)(C)) and  
16 the Amended Consent Judgment and all efflu-  
17 ent limitations therein (or otherwise promul-  
18 gated under this Act).

19 “(2) RECOMMENDATION OF STRATEGIES.—To  
20 achieve the goals identified under paragraph (1), the  
21 Adaptive Management Plan shall incorporate and  
22 update the recommendations of the Onondaga Lake  
23 Management Plan to recommend strategies for man-  
24 agement of—

1           “(A) the biological makeup of Onondaga  
2           Lake;

3           “(B) the physical development of Onon-  
4           daga Lake and its surroundings; and

5           “(C) the use of Onondaga Lake for rec-  
6           reational and other purposes.

7           “(3) COORDINATION WITH OTHER ACTIVI-  
8           TIES.—The strategies recommended under para-  
9           graph (2) shall provide for coordination with all  
10          other activities to restore or conserve, or otherwise  
11          affecting the restoration or conservation of, Onon-  
12          daga Lake, including ongoing public participation  
13          activities, monitoring activities, and other activities  
14          carried out under Federal or State law.

15          “(4) ONGOING EVALUATION OF STRATEGIES.—  
16          To evaluate the effectiveness of the strategies rec-  
17          ommended under paragraph (2) in achieving the  
18          goals identified under paragraph (1), the Adaptive  
19          Management Plan shall—

20                 “(A) identify specific monitoring param-  
21                 eters by which to make such evaluation, and  
22                 provide for the periodic revision of the moni-  
23                 toring parameters to achieve such goals;

1           “(B) establish a monitoring program to  
2           measure the monitoring parameters identified  
3           under subparagraph (A); and

4           “(C) provide for the periodic evaluation of  
5           the data collected pursuant to the monitoring  
6           program required by subparagraph (B).

7           “(5) APPROVAL.—The recommendations of the  
8           Adaptive Management Plan shall not be carried out  
9           under subsection (a)(2) before the date on which the  
10          plan is approved by the Administrator and the Gov-  
11          ernor of the State of New York. The Administrator,  
12          after providing an opportunity for public review and  
13          comment, shall approve the plan not later than 120  
14          days after the date of its development under sub-  
15          section (b)(1)(A) if the Adaptive Management Plan  
16          meets the requirements of this section and the Gov-  
17          ernor of the State of New York concurs in such ap-  
18          proval.

19          “(6) EFFECT ON ONONDAGA LAKE MANAGE-  
20          MENT PLAN.—This section shall not be construed to  
21          interfere with any activity carried out under the On-  
22          ondaga Lake Management Plan, or any other activ-  
23          ity affecting the restoration, conservation, or man-  
24          agement of Onondaga Lake, before the date of ap-



1       proval of the Adaptive Management Plan under  
2       paragraph (5).

3       “(d) ONONDAGA LAKE SCIENTIFIC CENTER.—

4             “(1) ESTABLISHMENT.—The Onondaga Lake  
5       Watershed Council shall establish and direct a cen-  
6       ter to be known as the ‘Onondaga Lake Scientific  
7       Center’.

8             “(2) DUTIES.—The Onondaga Lake Scientific  
9       Center shall advise the Onondaga Lake Watershed  
10      Council on—

11             “(A) development of benchmarks to accom-  
12      plish the goals identified under subsection  
13      (c)(1);

14             “(B) implementation of the strategies rec-  
15      ommended under subsection (c)(2);

16             “(C) implementation of the monitoring  
17      program under subsection (c)(4)(B);

18             “(D) establishment of the program for  
19      public participation described in subsection  
20      (b)(1)(B); and

21             “(E) other matters concerning the develop-  
22      ment and implementation of the Adaptive Man-  
23      agement Plan.

24             “(3) MEMBERSHIP.—The Onondaga Lake Sci-  
25      entific Center shall consist of the following members:

1           “(A) The Administrator.

2           “(B) Non-Federal entities appointed by the  
3           Onondaga Lake Watershed Council, including—

4                   “(i) Syracuse University;

5                   “(ii) the State University of New  
6           York College of Environmental Science and  
7           Forestry;

8                   “(iii) the Upstate Freshwater Insti-  
9           tute;

10                   “(iv) the Onondaga Environmental In-  
11           stitute; and

12                   “(v) such other members as the Onon-  
13           daga Lake Watershed Council may deem  
14           appropriate.

15           “(4) REPORTING.—The Onondaga Lake Sci-  
16           entific Center shall submit to the Onondaga Lake  
17           Watershed Council an annual report—

18                   “(A) assessing the effectiveness of the  
19           strategies recommended under subsection (c)(2)  
20           in accomplishing the goals identified under sub-  
21           section (c)(1);

22                   “(B) recommending changes to manage-  
23           ment and monitoring activities to accomplish  
24           the goals identified under subsection (c)(1); and

1                   “(C) recommending means for implementa-  
2                   tion of such changes.

3           “(e) ONONDAGA ENVIRONMENTAL INSTITUTE.—The  
4 Onondaga Environmental Institute, as a condition of re-  
5 ceiving grants under subsection (f)(2), shall provide ad-  
6 ministrative services for the development and implementa-  
7 tion of the Adaptive Management Plan.

8           “(f) FUNDING.—

9                   “(1) IN GENERAL.—The Administrator may  
10 make funds available to members of the Onondaga  
11 Lake Watershed Council and Onondaga Lake Sci-  
12 entific Center to carry out this section.

13                   “(2) GRANTS.—The Administrator, in consulta-  
14 tion with the Onondaga Lake Watershed Council,  
15 may make grants on a noncompetitive basis to the  
16 Governor of the State of New York, the mayor of  
17 the City of Syracuse, New York, the County Execu-  
18 tive of Onondaga County, New York, and members  
19 of the Onondaga Lake Scientific Center described in  
20 subsection (d)(3)(B)—

21                   “(A) to implement the strategies rec-  
22 ommended under section (c)(2);

23                   “(B) for research, surveys, administrative  
24 services, and studies; and

1           “(C) to gather data necessary to carry out  
2           the objectives of this section.

3           “(3) NO RELIEF FROM LIABILITY.—Grants  
4           made under this subsection shall not relieve from li-  
5           ability any person that would otherwise be liable  
6           under Federal or State law for damages, response  
7           costs, natural resource damages, restitution, equi-  
8           table relief, or any other relief.

9           “(4) MATCHING REQUIREMENT.—Federal funds  
10          expended for activities to carry out this section, in-  
11          cluding funds made available under paragraph (1),  
12          grants made under paragraph (2), and funds used  
13          for administrative expenses for such activities under  
14          subsection (i)(2) shall not exceed 65 percent of the  
15          costs of such activities. The non-Federal share of  
16          such costs shall be provided from non-Federal  
17          sources, and may be provided through the provision  
18          of in-kind services.

19          “(g) RELATIONSHIP TO OTHER LAWS.—

20          “(1) NO EFFECT ON FEDERAL OR STATE LAW  
21          OR RESPONSIBILITIES ASSIGNED THEREUNDER.—

22          This section shall not be construed to alter, modify,  
23          or otherwise affect any other provision of Federal or  
24          State law or any responsibility assigned thereunder,  
25          including—

1           “(A) a provision of law (including a provi-  
2           sion of the Comprehensive Environmental Re-  
3           sponse, Compensation, and Liability Act of  
4           1980 (42 U.S.C. 9601 et seq.) or the New York  
5           State Environmental Conservation Law) that  
6           requires, and assigns responsibility for, the per-  
7           formance of cleanup activities (including re-  
8           sponse and removal activities) or other activities  
9           affecting the restoration or conservation of On-  
10          ondaga Lake; and

11           “(B) the responsibility assigned under a  
12          provision of law described in subparagraph (A).

13          “(2) NO EFFECT ON EXISTING LIABILITIES.—  
14          This section shall not be construed to create or en-  
15          large any liability that any party may have for nat-  
16          ural resource damages under any provision of law.

17          “(h) DEFINITIONS.—In this section:

18           “(1) AMENDED CONSENT JUDGMENT.—The  
19           term ‘Amended Consent Judgment’ means the  
20           Amended Consent Judgment entered January 20,  
21           1998, in the case of ‘Atlantic States Legal Founda-  
22           tion v. The Onondaga County Department of Drain-  
23           age and Sanitation’, Civil Action No. 88–CV–0066,  
24           in the United States District Court for the Northern  
25           District of New York, as amended.

1           “(2) ONONDAGA ENVIRONMENTAL INSTI-  
2           TUTE.—The term ‘Onondaga Environmental Insti-  
3           tute’ means the not-for-profit corporation established  
4           pursuant to section 401(d)(1) of the Great Lakes  
5           Critical Programs Act of 1990 (Public Law 101–  
6           596; 104 Stat. 3010) and section 411(d)(1) of the  
7           Water Resources Development Act of 1990 (Public  
8           Law 101–640; 104 Stat. 4648).

9           “(3) ONONDAGA LAKE.—The term ‘Onondaga  
10           Lake’ means Onondaga Lake, New York, and its  
11           watershed.

12           “(4) ONONDAGA LAKE MANAGEMENT PLAN.—  
13           The term ‘Onondaga Lake Management Plan’  
14           means the plan—

15                   “(A) developed pursuant to section  
16                   401(a)(1) of the Great Lakes Critical Programs  
17                   Act of 1990 (Public Law 101–596; 104 Stat.  
18                   3010) and 411(a)(1) of the Water Resources  
19                   Development Act of 1990 (Public Law 101–  
20                   640; 104 Stat. 4648);

21                   “(B) modified by the Amended Consent  
22                   Judgment; and

23                   “(C) revised under section 573(c)(1) of the  
24                   Water Resources Development Act of 1999  
25                   (Public Law 106–53; 113 Stat. 372), as in ef-

1           fect before the date of the enactment of this  
2           Act.

3           “(i) AUTHORIZATION OF APPROPRIATIONS.—

4           “(1) IN GENERAL.—There are authorized to be  
5           appropriated to the Administrator to carry out this  
6           section \$10,000,000 each fiscal year. Amounts so  
7           appropriated shall remain available until expended.

8           “(2) ADMINISTRATIVE EXPENSES.—The Ad-  
9           ministrator may use amounts appropriated under  
10          paragraph (1) for administrative expenses associated  
11          with carrying out this section.”.

12          (b) WATER RESOURCES DEVELOPMENT ACT OF  
13          1999.—Section 573 of the Water Resources Development  
14          Act of 1999 (Public Law 106–53; 113 Stat. 372) is re-  
15          pealed. Such section 573, as in effect on the day before  
16          the date of the enactment of this Act, shall continue to  
17          apply to amounts appropriated before such date and made  
18          available to carry out such section.

○