

115TH CONGRESS
1ST SESSION

H. R. 3906

To establish centers of excellence for innovative stormwater control infrastructure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2017

Mr. HECK (for himself, Mr. KATKO, Mr. KILMER, Mr. HUFFMAN, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. CARTWRIGHT, Mr. DELANEY, Ms. NORTON, Mr. CONNOLLY, Ms. MOORE, Mr. LOWENTHAL, Mr. SMITH of Washington, Mr. CLEAVER, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish centers of excellence for innovative stormwater control infrastructure, 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 “Innovative Stormwater
5 Infrastructure Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) many water resources in the United States
2 are declining, particularly in urban and agricultural
3 areas;

4 (2) the decline of water resources is the result
5 of—

6 (A) an increase in population, water con-
7 sumption, and impermeable surfaces; and

8 (B) the negative effects of urbanization,
9 commercial and industrial activities, and in-
10 creasing and persistent droughts; and

11 (3) an October 2008 study by the National Re-
12 search Council found that some of the benefits of in-
13 novative stormwater control infrastructure include—

14 (A) increased water supplies;

15 (B) the creation of jobs;

16 (C) cost savings; and

17 (D) a reduction of stormwater runoff, sur-
18 face water discharge, stormwater pollution, and
19 stormwater flows to protect and restore natural
20 hydrology, meeting local conditions to the max-
21 imum extent feasible.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) CENTER.—The term “center” means a cen-
5 ter of excellence for innovative stormwater control
6 infrastructure established under section 4(a).

7 (3) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means—

9 (A) a State, tribal, or local government; or

10 (B) a local, regional, or other entity that
11 manages stormwater, drinking water resources,
12 or waste water resources.

13 (4) ELIGIBLE INSTITUTION.—

14 (A) IN GENERAL.—The term “eligible in-
15 stitution” means an institution of higher edu-
16 cation (as defined in section 101 of the Higher
17 Education Act of 1965 (20 U.S.C. 1001)), or a
18 research institution, that has demonstrated ex-
19 cellence in innovative stormwater control infra-
20 structure by—

21 (i) conducting research on innovative
22 stormwater control infrastructure to deter-
23 mine the means by which innovative infra-
24 structure reduces stormwater runoff, en-

hances and protects drinking water sources, and improves water quality;

(ii) developing and disseminating information regarding the means by which an organization can use innovative stormwater control infrastructure;

(iii) providing technical assistance to an organization for an innovative stormwater control infrastructure project;

(iv) developing best practices standards for innovative stormwater control infrastructure;

(v) providing job training relating to innovative stormwater control infrastructure;

(vi) developing course curricula for—

(I) elementary schools (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(II) secondary schools (as defined in that section);

(III) institutions of higher education (as defined in section 101 of

1 the Higher Education Act of 1965 (20
2 U.S.C. 1001)); or

3 (IV) vocational schools;

4 (vii) training students regarding inno-
5 vative stormwater control infrastructure; or

6 (viii) providing information to the
7 Federal Government or State, tribal, and
8 local governments regarding the implemen-
9 tation of innovative stormwater control in-
10 frastructure.

11 (B) ASSOCIATED DEFINITION.—For pur-
12 poses of subparagraph (A), the term “research
13 institution” means an entity that is—

14 (i) described in section 501(c)(3) of
15 the Internal Revenue Code of 1986;

16 (ii) exempt from tax under section
17 501(a) of the Internal Revenue Code of
18 1986; and

19 (iii) organized and operated for re-
20 search purposes.

21 (5) INDIAN TRIBE.—The term “Indian tribe”
22 has the meaning given the term in section 518(h) of
23 the Federal Water Pollution Control Act (33 U.S.C.
24 1377(h)).

25 (6) STATE.—The term “State” means—

1 (A) each of the several States of the
2 United States;

3 (B) the District of Columbia;

4 (C) the Commonwealth of Puerto Rico;

5 (D) Guam;

6 (E) American Samoa;

7 (F) the Commonwealth of the Northern
8 Mariana Islands;

9 (G) the Federated States of Micronesia;

10 (H) the Republic of the Marshall Islands;

11 (I) the Republic of Palau; and

12 (J) the United States Virgin Islands.

13 (7) INNOVATIVE STORMWATER CONTROL INFRA-
14 STRUCTURE.—

15 (A) IN GENERAL.—The term “innovative
16 stormwater control infrastructure” means any
17 green infrastructure stormwater management
18 technique that—

19 (i) uses natural systems or engineered
20 systems that mimic natural processes to
21 infiltrate, evapotranspire, or capture
22 stormwater; and

23 (ii) preserves, enhances, or mimics
24 natural hydrology to protect or restore
25 water quality.

1 (B) INCLUSIONS.—The term “innovative
2 stormwater control infrastructure” includes—

3 (i) methods that promote absorption,
4 uptake, percolation, evapotranspiration,
5 and filtration by soil and plant life; and

6 (ii) the preservation or restoration
7 of—

8 (I) natural topography, including
9 hills, plains, ravines, and shorelines;

10 (II) interconnected networks of
11 natural land that protect essential ec-
12 ological functions critical for water
13 quality;

14 (III) ecological function, includ-
15 ing forests, grasslands, and deserts;

16 (IV) bodies of water, including
17 lakes, flood plains, headwaters, and
18 wetlands; and

19 (V) native soil characteristics of
20 composition, structure, and transmis-
21 sivity.

22 **SEC. 4. CENTERS OF EXCELLENCE FOR INNOVATIVE**
23 **STORMWATER CONTROL INFRASTRUCTURE.**

24 (a) ESTABLISHMENT OF CENTERS.—

1 (1) IN GENERAL.—The Administrator shall pro-
2 vide grants, on a competitive basis, to eligible insti-
3 tutions to establish and maintain not less than
4 three, and not more than five, centers of excellence
5 for innovative stormwater control infrastructure, to
6 be located in various regions throughout the United
7 States.

8 (2) GENERAL OPERATION.—Each center
9 shall—

10 (A) conduct research on innovative storm-
11 water control infrastructure that is relevant to
12 the geographical region in which the center is
13 located, including stormwater and sewer over-
14 flow reduction, other approaches to water re-
15 source enhancement, and other environmental,
16 economic, and social benefits;

17 (B) develop manuals and establish industry
18 standards on best management practices relat-
19 ing to State, tribal, local, and commercial inno-
20 vative stormwater control infrastructure for use
21 by State, tribal, and local governments and the
22 private sector;

23 (C) develop and administer testing and
24 evaluation protocols to measure and verify the

1 performance of stormwater infrastructure prod-
2 ucts and practices;

3 (D) provide information regarding research
4 conducted under subparagraph (A), manuals
5 developed under subparagraph (B), and testing
6 and evaluation performed under subparagraph
7 (C) to the national electronic clearinghouse cen-
8 ter for publication on the Internet website es-
9 tablished under subsection (c) to provide to the
10 Federal Government and State, tribal, and local
11 governments and the private sector information
12 regarding innovative stormwater control infra-
13 structure;

14 (E) provide technical assistance to State,
15 tribal, and local governments to assist with the
16 construction, operation, and maintenance of in-
17 novative stormwater control infrastructure
18 projects;

19 (F) collaborate with institutions of higher
20 education and private and public organizations
21 in the geographical region in which the center
22 is located on innovative stormwater control in-
23 frastructure research and technical assistance
24 projects;

1 (G) assist institutions of higher education,
2 secondary schools, and vocational schools to de-
3 velop innovative stormwater control infrastruc-
4 ture curricula;

5 (H) provide training regarding innovative
6 stormwater control infrastructure to institutions
7 of higher education and professional schools;

8 (I) evaluate regulatory and policy issues
9 relating to innovative stormwater control infra-
10 structure; and

11 (J) coordinate with the other centers to
12 avoid duplication of efforts.

13 (b) APPLICATION.—To be eligible to receive a grant
14 under this section, an eligible institution shall prepare and
15 submit to the Administrator an application at such a time,
16 in such form, and containing such information as the Ad-
17 ministrator may require.

18 (c) NATIONAL ELECTRONIC CLEARINGHOUSE CEN-
19 TER.—Of the centers established under subsection (a)(1),
20 one shall—

21 (1) be designated as the “national electronic
22 clearinghouse center”; and

23 (2) in addition to the other functions of that
24 center—

1 (A) develop, operate, and maintain an
2 Internet website and a public database that
3 contain information relating to innovative
4 stormwater control infrastructure; and

5 (B) post to the website information from
6 all centers.

7 **SEC. 5. INNOVATIVE STORMWATER CONTROL INFRASTRUC-**
8 **TURE PROJECT GRANTS.**

9 (a) GRANT AUTHORITY.—The Administrator shall
10 provide grants, on a competitive basis, to eligible entities
11 to carry out innovative stormwater control infrastructure
12 projects in accordance with this section.

13 (b) INNOVATIVE STORMWATER CONTROL INFRA-
14 STRUCTURE PROJECTS.—

15 (1) PLANNING AND DEVELOPMENT GRANTS.—
16 The Administrator may make planning and develop-
17 ment grants under this section for the following
18 projects:

19 (A) Planning and designing innovative
20 stormwater control infrastructure projects, in-
21 cluding engineering surveys, landscape plans,
22 maps, and implementation plans.

23 (B) Identifying and developing standards
24 and revisions to local zoning, building, or other

1 local codes necessary to accommodate innova-
2 tive stormwater control infrastructure projects.

3 (C) Identifying and developing fee struc-
4 tures to provide financial support for design, in-
5 stallation, and operations and maintenance of
6 innovative stormwater control infrastructure.

7 (D) Developing training and educational
8 materials regarding innovative stormwater con-
9 trol infrastructure for distribution to—

10 (i) individuals and entities with appli-
11 cable technical knowledge; and

12 (ii) the public.

13 (E) Developing an innovative stormwater
14 control infrastructure portfolio standard pro-
15 gram described in section 6(e).

16 (2) IMPLEMENTATION GRANTS.—The Adminis-
17 trator may make implementation grants under this
18 section for the following projects:

19 (A) Installing innovative stormwater con-
20 trol infrastructure.

21 (B) Protecting or restoring interconnected
22 networks of natural areas that protect water
23 quality.

1 (C) Monitoring and evaluating the environ-
2 mental, economic, or social benefits of innova-
3 tive stormwater control infrastructure.

4 (D) Implementing a best practices stand-
5 ard for an innovative stormwater control infra-
6 structure program.

7 (E) Implementing an innovative stormwa-
8 ter control infrastructure portfolio standard
9 program described in section 6(e).

10 (c) APPLICATION.—Except as otherwise provided in
11 this Act, to be eligible to receive a grant under this section,
12 an eligible entity shall prepare and submit to the Adminis-
13 trator an application at such time, in such form, and con-
14 taining such information as the Administrator may re-
15 quire, including, as applicable—

16 (1) a description of the innovative stormwater
17 control infrastructure project;

18 (2) a plan for monitoring the impacts of the in-
19 novative stormwater control infrastructure project
20 on the water quality and quantity;

21 (3) an evaluation of other environmental, eco-
22 nomic, and social benefits of the innovative stormwa-
23 ter control infrastructure project; and

1 (4) a plan for the long-term operation and
2 maintenance of the innovative stormwater control in-
3 frastructure project.

4 (d) ADDITIONAL REQUIREMENT FOR INNOVATIVE
5 STORMWATER CONTROL INFRASTRUCTURE PORTFOLIO
6 STANDARD PROJECT.—In addition to an application
7 under subsection (c), a State or Indian tribe applying for
8 a grant for an innovative stormwater control infrastruc-
9 ture portfolio standard program described in section 6(e)
10 shall prepare and submit to the Administrator a schedule
11 of increasing minimum percentages of the annual water
12 to be managed using innovative stormwater control infra-
13 structure under the program.

14 (e) PRIORITY.—In making grants under this section,
15 the Administrator shall give priority to applications sub-
16 mitted on behalf of—

17 (1) a community that—

18 (A) has combined storm and sanitary sew-
19 ers in the collection system of the community;
20 or

21 (B) is a low-income or disadvantaged com-
22 munity, as determined by the Administrator; or

23 (2) an eligible entity that will use not less than
24 10 percent of the grant to provide service to a low-

1 income or disadvantaged community, as determined
2 by the Administrator.

3 (f) MAXIMUM AMOUNTS.—

4 (1) PLANNING AND DEVELOPMENT GRANTS.—

5 (A) SINGLE GRANT.—The amount of a sin-
6 gle planning and development grant provided
7 under this section shall be not more than
8 \$200,000.

9 (B) AGGREGATE AMOUNT.—The total
10 amount of all planning and development grants
11 provided under this section for a fiscal year
12 shall be not more than $\frac{1}{3}$ of the total amount
13 made available to carry out this section.

14 (2) IMPLEMENTATION GRANTS.—

15 (A) SINGLE GRANT.—The amount of a sin-
16 gle implementation grant provided under this
17 section shall be not more than \$3,000,000.

18 (B) AGGREGATE AMOUNT.—The total
19 amount of all implementation grants provided
20 under this section for a fiscal year shall be not
21 more than $\frac{2}{3}$ of the total amount made avail-
22 able to carry out this section.

23 (g) FEDERAL SHARE.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (3), the Federal share of a grant provided

1 under this section shall not exceed 65 percent of the
2 total project cost.

3 (2) CREDIT FOR IMPLEMENTATION GRANTS.—

4 The Administrator shall credit toward the non-Fed-
5 eral share of the cost of an implementation project
6 carried out under this section the cost of planning,
7 design, and construction work completed for the
8 project using funds other than funds provided under
9 this Act.

10 (3) EXCEPTION.—The Administrator may waive
11 the Federal share limitation under paragraph (1) for
12 an eligible entity that has adequately demonstrated
13 financial need.

14 **SEC. 6. ENVIRONMENTAL PROTECTION AGENCY INNOVA-**
15 **TIVE STORMWATER CONTROL INFRASTRUC-**
16 **TURE PROMOTION.**

17 (a) IN GENERAL.—The Administrator shall ensure
18 that the Office of Water, the Office of Enforcement and
19 Compliance, the Office of Research and Development, and
20 the Office of Policy of the Environmental Protection Agen-
21 cy promote the use of innovative stormwater control infra-
22 structure in and coordinate the integration of innovative
23 stormwater control infrastructure into permitting pro-
24 grams, planning efforts, research, technical assistance,
25 and funding guidance.

1 (b) DUTIES.—The Administrator shall ensure that
2 the Office of Water—

3 (1) promotes the use of innovative stormwater
4 control infrastructure in the programs of the Envi-
5 ronmental Protection Agency;

6 (2) supports establishing public-private partner-
7 ships and other innovative financing mechanisms in
8 the implementation of innovative stormwater control
9 infrastructure; and

10 (3) coordinates efforts to increase the use of in-
11 novative stormwater control infrastructure with—

12 (A) other Federal departments and agen-
13 cies;

14 (B) State, tribal, and local governments;
15 and

16 (C) the private sector.

17 (c) REGIONAL INNOVATIVE STORMWATER CONTROL
18 INFRASTRUCTURE PROMOTION.—The Administrator shall
19 direct each regional office of the Environmental Protection
20 Agency, as appropriate based on local factors, to promote
21 and integrate the use of innovative stormwater control in-
22 frastructure within the region that includes—

23 (1) a plan for monitoring, financing, mapping,
24 and designing the innovative stormwater control in-
25 frastructure;

1 (2) outreach and training regarding innovative
2 stormwater control infrastructure implementation
3 for State, tribal, and local governments, tribal com-
4 munities, and the private sector; and

5 (3) the incorporation of innovative stormwater
6 control infrastructure into permitting and other reg-
7 ulatory programs, codes, and ordinance development,
8 including the requirements under consent decrees
9 and settlement agreements in enforcement actions.

10 (d) INNOVATIVE STORMWATER CONTROL INFRA-
11 STRUCTURE INFORMATION-SHARING.—The Administrator
12 shall promote innovative stormwater control infrastructure
13 information-sharing, including through an Internet
14 website, to share information with, and provide technical
15 assistance to, State, tribal, and local governments, tribal
16 communities, the private sector, and the public regarding
17 innovative stormwater control infrastructure approaches
18 for—

19 (1) reducing water pollution;

20 (2) protecting water resources;

21 (3) complying with regulatory requirements;

22 and

23 (4) achieving other environmental, public
24 health, and community goals.

1 (e) INNOVATIVE STORMWATER CONTROL INFRA-
2 STRUCTURE PORTFOLIO STANDARD.—The Administrator,
3 in collaboration with State, tribal, and local water resource
4 managers, shall establish voluntary measurable goals, to
5 be known as the “innovative stormwater control infra-
6 structure portfolio standard”, to increase the percentage
7 of annual water managed by eligible entities that use inno-
8 vative stormwater control infrastructure.

9 **SEC. 7. REPORT TO CONGRESS.**

10 Not later than September 30, 2019, the Adminis-
11 trator shall submit to Congress a report that includes,
12 with respect to the period covered by the report—

13 (1) a description of all grants provided under
14 this Act;

15 (2) a detailed description of—

16 (A) the projects supported by those grants;

17 and

18 (B) the outcomes of those projects;

19 (3) a description of the improvements in tech-
20 nology, environmental benefits, resources conserved,
21 efficiencies, and other benefits of the projects funded
22 under this Act;

23 (4) recommendations for improvements to pro-
24 mote and support innovative stormwater control in-

1 frastructure for the centers, grants, and activities
2 under this Act; and

3 (5) a description of existing challenges con-
4 cerning the use of innovative stormwater control in-
5 frastructure.

6 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to carry out
8 this Act such sums as are necessary for each of fiscal
9 years 2018 through 2023.

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