

110TH CONGRESS
1ST SESSION

H. R. 16

To amend the Federal Water Pollution Control Act to improve and
reauthorize the Chesapeake Bay program.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mr. GILCHREST (for himself, Mr. VAN HOLLEN, Mr. TOM DAVIS of Virginia, Mr. SCOTT of Virginia, Mrs. DRAKE, Mr. HOYER, Mr. CASTLE, Mr. MORAN of Virginia, Mr. PLATTS, Mr. RUPPERSBERGER, Mr. BARTLETT of Maryland, Mr. HOLDEN, Mr. WOLF, Mr. CUMMINGS, Mrs. JO ANN DAVIS of Virginia, Mr. WYNN, Ms. NORTON, Mr. HINCHEY, and Mr. SARBANES) 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
improve and reauthorize the Chesapeake Bay program.

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 “Chesapeake Bay Res-
5 toration Enhancement Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 Section 117(a) of the Federal Water Pollution Con-
8 trol Act (33 U.S.C. 1267(a)) is amended—

1 (1) in paragraph (3) by striking “and its”; and
2 (2) by adding at the end the following:

3 “(7) CHESAPEAKE BAY WATERSHED.—The
4 term ‘Chesapeake Bay watershed’ means the Ches-
5 peake Bay and the area consisting of 36 tributary
6 basins, within the States of Maryland, Virginia,
7 West Virginia, Pennsylvania, Delaware, and New
8 York and the District of Columbia, through which
9 precipitation drains into the Chesapeake Bay.

10 “(8) LOCAL GOVERNMENT ADVISORY COM-
11 MITTEE.—The term ‘Local Government Advisory
12 Committee’ means the committee of the same name
13 formed through the 1987 Chesapeake Bay Agree-
14 ment. The committee may include representative
15 members from all jurisdictions within the Ches-
16 peake Bay watershed.

17 “(9) TRIBUTARY STRATEGY.—The term ‘tribu-
18 tary strategy’ means one of 36 strategies in the
19 Chesapeake Bay watershed that is a State approved,
20 river-specific, cleanup plan that provides best man-
21 agement practice implementation actions that, when
22 taken together, will meet the Chesapeake Bay Agree-
23 ment goal of removing nutrient and sediment im-
24 pairments from the Chesapeake Bay and its tidal
25 tributaries.

1 “(10) TRIBUTARY BASIN.—The term ‘tributary
2 basin’ means an area of land or body of water that
3 drains into any one of 36 Chesapeake Bay tribu-
4 taries or tributary segments and that is managed
5 through tributary strategies under this Act.”.

6 **SEC. 3. IMPLEMENTATION AND MONITORING GRANTS.**

7 (a) IN GENERAL.—Section 117(e)(1) of the Federal
8 Water Pollution Control Act (33 U.S.C. 1267(e)(1)) is
9 amended by striking “approved and committed to imple-
10 ment all or substantially all aspects” and inserting “signed
11 all or the water quality portion”.

12 (b) REPORTING.—Section 117(e)(7) of such Act (33
13 U.S.C. 1267(e)(7)) is amended to read as follows:

14 “(7) REPORTING.—The Administrator shall
15 make available to the public on or before March 31
16 of each year, a document that lists and describes, in
17 the greatest practicable degree of detail all projects
18 completed or underway, and accomplishments of the
19 previous fiscal year, funded by the Federal Govern-
20 ment or by a State government in the Chesapeake
21 Bay watershed that contribute to Chesapeake Bay
22 Agreement goals.”.

23 **SEC. 4. FEDERAL FACILITIES AND BUDGET COORDINATION.**

24 Section 117(f) of the Federal Water Pollution Con-
25 trol Act (33 U.S.C. 1267(f)) is amended—

1 (1) in paragraph (1) by inserting “or carries
2 out activities” after “Administrator”;

3 (2) in paragraph (2)—

4 (A) by inserting “or carries out activities”
5 after “real property”; and

6 (B) by striking “and actions taken by the
7 agency with respect to the property,” and in-
8 serting “actions taken by the agency with re-
9 spect to the property, and the activities of the
10 agency”; and

11 (3) by striking paragraph (3) and inserting the
12 following:

13 “(3) ANNUAL BUDGET PLAN.—The President,
14 as part of the annual budget of the United States
15 Government, shall submit information regarding
16 each Federal agency involved in Chesapeake Bay
17 restoration, including—

18 “(A) an interagency crosscut budget that
19 displays the proposed budget for use by each
20 Federal agency in carrying out restoration ac-
21 tivities relating to the Chesapeake Bay for the
22 following fiscal year;

23 “(B) a detailed accounting of all funds re-
24 ceived and obligated by Federal agencies to

1 achieve the goals of the Chesapeake Bay Agree-
2 ment during the preceding fiscal year; and

3 “(C) a description of the Federal role in
4 the Chesapeake Bay Program and the specific
5 role of each agency involved in Chesapeake Bay
6 restoration.”.

7 **SEC. 5. ACHIEVING AND MAINTAINING NUTRIENT AND**
8 **SEDIMENT REDUCTION GOALS.**

9 Section 117 of the Federal Water Pollution Control
10 Act (33 U.S.C. 1267) is amended—

11 (1) by striking subsection (i);

12 (2) by redesignating subsections (g), (h), and
13 (j) as subsections (i), (j), and (k), respectively; and

14 (3) by inserting after subsection (f) the fol-
15 lowing:

16 “(g) ACHIEVING AND MAINTAINING NUTRIENT AND
17 SEDIMENT REDUCTION GOALS.—

18 “(1) EVALUATION.—In transmitting State re-
19 ports under section 305(b)(2), the Administrator
20 shall include a report evaluating activities carried
21 out during the preceding fiscal year (including any
22 practice implemented during the fiscal year), and the
23 overall progress made, in achieving and maintaining
24 nutrient and sediment reduction goals for each trib-
25 utary basin based on monitoring and modeling data.

1 “(2) BASELINE.—The baseline for the report
2 (in this subsection referred to as the ‘baseline’) shall
3 be the tributary load allocation agreement numbered
4 EPA 903–R–03–007, dated December 2003 and en-
5 titled ‘Setting and Allocating the Chesapeake Bay
6 Basin Nutrient and Sediment Loads: The Collabo-
7 rative Process, Technical Tools and Innovative Ap-
8 proaches’.

9 “(3) INCLUSIONS.—The report shall include,
10 for each tributary basin—

11 “(A) an identification of the total alloca-
12 tion of nutrients and sediment under the base-
13 line;

14 “(B) an identification of any reduction or
15 increase in the monitored and modeled quan-
16 tities of nutrients and sediment during the pre-
17 ceding fiscal year, expressed numerically and as
18 a percentage of the reduction or increase;

19 “(C) a list (organized from least to most
20 progress made) that ranks the comparative
21 progress made, based on the percentage of the
22 reduction or increase under subparagraph (B),
23 in each tributary basin toward meeting the an-
24 nual allocation goal of that tributary basin for
25 nutrients and sediment; and

1 “(D) to the maximum extent practicable,
2 an identification of the principal sources of pol-
3 lutants in the tributary basins, including air-
4 borne sources of pollutants.

5 “(4) USE OF DATA; EFFECTS OF DROUGHT AND
6 WET WEATHER CONDITIONS.—In preparing the eval-
7 uation, the Administrator shall—

8 “(A) use monitoring and modeled data and
9 information submitted under subsection (h)(1);
10 and

11 “(B) describe the effects of drought and
12 wet weather conditions on the condition of
13 water quality parameters.

14 “(5) DISTRIBUTION.—The Administrator
15 shall—

16 “(A) submit the report to the Committee
17 on Transportation and Infrastructure of the
18 House of Representatives and the Committee
19 on Environment and Public Works of the Sen-
20 ate; and

21 “(B) make the report available to the pub-
22 lic, including distribution in an electronic for-
23 mat.”.

1 **SEC. 6. ACTIONS BY STATES.**

2 Section 117 of the Federal Water Pollution Control
3 Act (33 U.S.C. 1267) (as amended by section 5 of this
4 Act) is further amended by inserting after subsection (g)
5 the following:

6 “(h) ACTIONS BY STATES.—

7 “(1) SUBMISSION OF INFORMATION.—Not later
8 than January 31 of each year, each of the States of
9 Delaware, Maryland, New York, Pennsylvania, Vir-
10 ginia, and West Virginia and the District of Colum-
11 bia shall submit to the Administrator information
12 describing, for each tributary basin located in the
13 State or District of Columbia, for the preceding fis-
14 cal year—

15 “(A) the levels of nutrients and sediment
16 contamination in the basin;

17 “(B) the principal sources of nutrients and
18 sediment in the basin, by category;

19 “(C) for each category of pollutant source,
20 the technologies and practices used to achieve
21 reductions, including levels of best management
22 practices implementation and sewage treatment
23 plant upgrades;

24 “(D) any Federal or State funding used to
25 implement a technology or practice described in
26 subparagraph (C); and

1 “(E) all projects completed or underway,
2 and accomplishments of the previous fiscal year,
3 funded by the Federal Government, the State,
4 or the District of Columbia in the Chesapeake
5 Bay watershed that contribute to Chesapeake
6 Bay Agreement goals.

7 “(2) FAILURE TO ACT.—The Administrator
8 may not make a grant to a State under this section
9 if the State fails to submit information in accord-
10 ance with paragraph (1).”.

11 **SEC. 7. CHESAPEAKE BAY PROGRAM.**

12 (a) IN GENERAL.—Section 117(i) of the Federal
13 Water Pollution Control Act (as redesignated by section
14 5(2) of this Act) is amended—

15 (1) in paragraph (1)—

16 (A) by inserting “tributary strategies and”
17 after “ensure that”;

18 (B) by striking “and implementation is
19 begun” and inserting “, approved, and imple-
20 mented”; and

21 (C) by inserting “all or the water quality
22 portion of” after “signatories to”;

23 (2) in paragraph (1)(A) by striking “and its”;
24 and

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

3 “(2) LOCAL GOVERNMENT INVOLVEMENT.—

4 “(A) MEASURABLE GOALS.—The Adminis-
5 trator shall request the Local Government Advi-
6 sory Committee to prepare, in coordination with
7 the Chesapeake Executive Council, and submit
8 to the Administrator, within one year of the
9 date of enactment of the Chesapeake Bay Res-
10 toration Enhancement Act of 2007, a report de-
11 scribing measurable goals for local governments
12 to achieve by 2010 toward Chesapeake Bay
13 Agreement nutrient and sediment reduction
14 goals and associated funding needs.

15 “(B) CONSIDERATION OF PRIORITIES.—In
16 preparing information for the annual budget
17 under subsection (f), the President, in consulta-
18 tion with the States, shall consider priorities for
19 funding needs recommended by the Local Gov-
20 ernment Advisory Committee.

21 “(3) IMPLEMENTATION ASSISTANCE PRO-
22 GRAM.—

23 “(A) ESTABLISHMENT.—The Adminis-
24 trator, in cooperation with the Chesapeake Ex-
25 ecutive Council, shall establish an implementa-

tion assistance program to support tributary strategies and other projects toward achievement of Chesapeake Bay Agreement goals.

“(B) SMALL WATERSHED GRANTS.—

“(i) IN GENERAL.—In carrying out the program, the Administrator shall provide technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations, including academic institutions, to implement tributary strategies and other cooperative, locally based protection and restoration programs or projects within a tributary basin that complement the tributary strategy for such basin, including—

“(I) measures to improve water quality for the purpose of making progress toward Chesapeake Bay Agreement goals; and

“(II) measures for the creation, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.

“(ii) PRIORITY.—In selecting projects to receive grants under clause (i), the Ad-

1 ministrator shall give priority to projects
2 led by or partnered with local governments.

3 “(C) CAPACITY BUILDING PROGRAM.—In
4 carrying out the program, the Administrator, in
5 cooperation with the Administrator of the Na-
6 tional Oceanic and Atmospheric Administration,
7 shall provide capacity building assistance, in-
8 cluding technical and financial assistance, to
9 enhance the technical and environmental plan-
10 ning capabilities of local governments to carry
11 out protection and restoration programs or
12 projects within a tributary basin.

13 “(D) TARGETED WATERSHED GRANTS.—
14 In carrying out the program, the Administrator
15 shall provide technical assistance and assistance
16 grants to implement tributary strategies that
17 accelerate the quantifiable reduction of
18 nonpoint source nutrient and sediment pollution
19 through innovative, sustainable, and cost-effec-
20 tive strategies.

21 “(4) PERMIT LIMITATIONS.—Until such time
22 that an applicable total maximum daily load is es-
23 tablished under section 303(d), the applicable load
24 allocation in the tributary strategy for any discharge
25 for which a permit is required by section 301 and

1 issued under section 402 in the Chesapeake Bay wa-
 2 tershed shall be incorporated into the permit for the
 3 discharge so that the applicable load allocation for
 4 the discharge is attained and maintained.”.

5 (b) CONFORMING AMENDMENTS.—Section 117 of
 6 such Act (33 U.S.C. 1267) is amended—

7 (1) in subsection (d)(2)(B)—

8 (A) by striking “SMALL WATERSHED
 9 GRANTS PROGRAM” and inserting “IMPLEMEN-
 10 TATION ASSISTANCE PROGRAM”;

11 (B) by striking “implementing”; and

12 (C) by striking “(g)(2)” and inserting
 13 “(i)(3)”; and

14 (2) in subsection (e)(2)(B)(i) by striking “and
 15 its”.

16 **SEC. 8. STUDY OF CHESAPEAKE BAY PROGRAM.**

17 Section 117(j) of the Federal Water Pollution Control
 18 Act (as redesignated by section 5(2) of this Act) is amend-
 19 ed—

20 (1) in paragraph (2)(B) by striking “and 1995”
 21 and inserting “1995, and 2005”; and

22 (2) in paragraph (2)(C)—

23 (A) by inserting “tributary strategies and”
 24 before “management strategies”; and

1 (B) by striking “on the date of enactment
2 of this section”.

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 117(k) of the Federal Water Pollution Con-
5 trol Act (as redesignated by section 5(2) of this Act) is
6 amended to read as follows:

7 “(k) AUTHORIZATION OF APPROPRIATIONS.—

8 “(1) IN GENERAL.—There is authorized to be
9 appropriated \$30,000,000 for each of fiscal years
10 2008 through 2012 to carry out this section (other
11 than subsection (i)(3)).

12 “(2) IMPLEMENTATION ASSISTANCE PRO-
13 GRAM.—

14 “(A) SMALL WATERSHED GRANTS; CAPAC-
15 ITY BUILDING PROGRAM.—There is authorized
16 to be appropriated \$10,000,000 for each of fis-
17 cal years 2008 through 2012 to carry out sub-
18 sections (i)(3)(B) and (i)(3)(C). Of such
19 funds—

20 “(i) 30 percent per fiscal year shall be
21 used to carry out subsection (i)(3)(B); and

22 “(ii) 70 percent per fiscal year shall
23 be used to carry out subsection (i)(3)(C).

24 “(B) TARGETED WATERSHED GRANTS.—

25 There is authorized to be appropriated

1 \$10,000,000 for each of fiscal years 2008
2 through 2012 to carry out subsection (i)(3)(D).
3 “(3) PERIOD OF AVAILABILITY.—Funds appro-
4 priated to carry out this section shall remain avail-
5 able until expended.”.

○