

110TH CONGRESS
2D SESSION

S. 3196

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 SENATE OF THE UNITED STATES

JUNE 25, 2008

Ms. CANTWELL (for herself and Mrs. MURRAY) introduced the following bill;
which was read twice and referred to

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 2008”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Puget Sound, as the Nation's second largest
2 estuary, is a cornerstone of the Pacific Northwest's
3 regional identity and at the heart of the region's
4 prosperity, supporting a thriving natural resource
5 and marine industry.

6 (2) The water quality of Puget Sound is in de-
7 cline, with areas of deadly low oxygen and increasing
8 toxic pollutants. Resident species such as salmon
9 and orcas are endangered.

10 (3) The declining health of Puget Sound threat-
11 ens the economic and environmental vitality of the
12 Pacific Northwest.

13 (4) The Governor of the State of Washington
14 has taken steps to combat the decline of Puget
15 Sound at the State government level.

16 (5) The Federal Government should now match
17 the efforts of the State of Washington. The Environ-
18 mental Protection Agency should take the lead at
19 the Federal level to create a comprehensive recovery
20 package for Puget Sound, in coordination with the
21 comprehensive conservation and management plan
22 for Puget Sound, and should establish a Puget
23 Sound office in the State of Washington. Other Fed-
24 eral agencies to be involved should include the
25 United States Fish and Wildlife Service, the Na-

1 tional Park Service, the United States Geological
 2 Survey, the Forest Service, the Natural Resources
 3 Conservation Service, the Corps of Engineers, and
 4 the Departments of Commerce, Defense, Homeland
 5 Security, and Transportation.

6 (6) The Puget Sound recovery plan efforts
 7 should be listed in the President’s annual budget
 8 and should serve as a model of the use of science
 9 and efficient coordination between Federal, tribal,
 10 State, regional, and local efforts with an emphasis
 11 on monitoring, assessment, and reaching demon-
 12 strable goals.

13 (7) Canada should join in this enhanced effort,
 14 given that Puget Sound and the Georgia Straits are
 15 the same waterway.

16 **SEC. 3. PUGET SOUND.**

17 Title I of the Federal Water Pollution Control Act
 18 (33 U.S.C. 1251 et seq.) is amended by adding at the end
 19 the following:

20 **“SEC. 123. PUGET SOUND.**

21 **“(a) PROGRAM OFFICE.—**

22 **“(1) ESTABLISHMENT.—**The Administrator
 23 shall establish in the Environmental Protection
 24 Agency a Puget Sound Program Office (in this sec-
 25 tion referred to as the ‘Office’).

1 “(2) APPOINTMENT OF DIRECTOR.—The Office
 2 shall be headed by a Director who, by reason of
 3 management experience and technical expertise re-
 4 lating to Puget Sound, is highly qualified to direct
 5 the development of programs and plans on a variety
 6 of issues relating to Puget Sound. The Office shall
 7 be located in the State of Washington.

8 “(3) DELEGATION OF AUTHORITY; STAFFING.—
 9 The Administrator shall delegate to the Director
 10 such authority, and provide such additional staff, as
 11 may be necessary to carry out the duties of the Di-
 12 rector under this section.

13 “(b) DUTIES OF DIRECTOR.—

14 “(1) IN GENERAL.—The Director shall assist
 15 the management conference convened for Puget
 16 Sound under section 320 (in this section referred to
 17 as the ‘Conference’) in carrying out its goals.

18 “(2) SPECIFIC DUTIES.—In carrying out para-
 19 graph (1), the Director shall—

20 “(A) assist and support the implementa-
 21 tion of the comprehensive conservation and
 22 management plan developed by the Conference
 23 pursuant to section 320 (in this section referred
 24 to as the ‘Comprehensive Plan’), including ef-
 25 forts to establish, within the process for grant-

1 ing watershed general permits, a system for
2 promoting innovative methodologies and tech-
3 nologies that are cost-effective and consistent
4 with the goals of the Comprehensive Plan;

5 “(B) to the extent practicable, coordinate
6 the major functions of the Federal Government
7 related to the implementation of the Com-
8 prehensive Plan, including programs and activi-
9 ties for water quality improvements, wetland
10 and estuary restoration and protection, endan-
11 gered species recovery, and research and studies
12 commissioned under this Act;

13 “(C) conduct or commission studies and
14 research considered necessary for strengthened
15 implementation of the Comprehensive Plan, in-
16 cluding studies and research described in para-
17 graph (3);

18 “(D) coordinate and manage environ-
19 mental data related to Puget Sound;

20 “(E) coordinate the grant, research, and
21 planning programs authorized under this sec-
22 tion;

23 “(F) coordinate activities for the protection
24 of Puget Sound and the Georgia Straits with
25 Canadian authorities;

“(G) coordinate activities and implementation responsibilities, including activities under species recovery plans, through cooperation with other Federal agencies that have jurisdiction in the Puget Sound watershed;

“(H) collect and make available to the public publications, and other forms of information the Conference determines to be appropriate, relating to the environmental quality of Puget Sound; and

“(I) biennially issue a report to Congress that—

“(i) summarizes the progress made in implementing the Comprehensive Plan;

“(ii) summarizes any modifications to the Comprehensive Plan in the 12-month period immediately preceding such report; and

“(iii) incorporates specific recommendations concerning the implementation of the Comprehensive Plan.

“(3) STUDIES AND RESEARCH.—Areas for studies and research under paragraph (2)(C) shall include—

1 “(A) population growth and the adequacy
2 of wastewater treatment facilities and on-site
3 septic systems;

4 “(B) the use of physical, chemical, and bi-
5 ological methods for nutrient removal in sewage
6 treatment plants;

7 “(C) contaminated sediments and dredging
8 activities;

9 “(D) nonpoint source pollution abatement,
10 including pollution from stormwater discharges,
11 and land use activities in the Puget Sound wa-
12 tershed;

13 “(E) wetland, riparian, and near shore
14 protection and restoration;

15 “(F) flood abatement and floodplain res-
16 toration techniques;

17 “(G) the impacts of forest and agricultural
18 practices on the health of Puget Sound;

19 “(H) atmospheric deposition of pollutants
20 into the Puget Sound watershed;

21 “(I) water quality requirements to sustain
22 fish, shellfish, and wildlife populations, and the
23 use of indicator species to assess environmental
24 quality;

1 “(J) State water quality programs, for
2 their adequacy pursuant to implementation of
3 the Comprehensive Plan;

4 “(K) options for long-term financing of
5 wastewater treatment projects and water pollu-
6 tion control programs;

7 “(L) water usage and efficiency;

8 “(M) toxic pollutants; and

9 “(N) such other areas as the Director con-
10 siders appropriate.

11 “(4) IMPLEMENTATION METHODS.—The Direc-
12 tor may enter into interagency agreements, make
13 intergovernmental personnel appointments, and uti-
14 lize other available methods in carrying out the Di-
15 rector’s duties under this subsection.

16 “(c) GRANTS TO IMPLEMENT COMPREHENSIVE
17 PLAN.—

18 “(1) IN GENERAL.—The Administrator may
19 make grants to eligible recipients for projects and
20 studies that will help implement the Comprehensive
21 Plan.

22 “(2) ELIGIBLE ACTIVITIES.—Projects and stud-
23 ies eligible for assistance under this subsection in-
24 clude planning, research, modeling, construction,
25 monitoring, implementation, citizen involvement and

1 education, and such other activities as the Adminis-
 2 trator considers appropriate.

3 “(3) FEDERAL SHARE.—The Federal share of
 4 the cost of a project or study receiving grant assist-
 5 ance under this subsection shall not exceed 50 per-
 6 cent of the cost of the project or study.

7 “(4) ELIGIBLE RECIPIENT DEFINED.—In this
 8 subsection, the term ‘eligible recipient’ means a
 9 State, interstate, tribal, regional, or local water pol-
 10 lution control agency or other public or nonprofit
 11 private agency, institution, or organization.

12 “(d) GRANTS FOR PROJECTS TO ADDRESS SEWAGE
 13 AND STORMWATER DISCHARGES.—

14 “(1) IN GENERAL.—The Administrator may
 15 make grants to eligible recipients for projects to ad-
 16 dress sewage and stormwater discharges into the
 17 Puget Sound watershed.

18 “(2) ELIGIBLE PROJECTS.—Projects eligible for
 19 assistance under this subsection include demonstra-
 20 tion and research projects that provide treatment
 21 for, or that minimize, sewage or stormwater dis-
 22 charges using one or more approaches, including de-
 23 centralized or distributed stormwater controls, de-
 24 centralized wastewater treatment, low-impact devel-

1 opment practices, conservation easements, stream
2 buffers, and wetlands restoration.

3 “(3) AWARD OF GRANTS.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), the Administrator shall award
6 grants under this subsection on a competitive
7 basis.

8 “(B) DISTRESSED COMMUNITIES.—In
9 awarding grants under this subsection, the Ad-
10 ministrator may give priority to a project lo-
11 cated in a distressed community.

12 “(4) FEDERAL SHARE.—

13 “(A) IN GENERAL.—Subject to subpara-
14 graph (B), the Federal share of the cost of a
15 project receiving grant assistance under this
16 subsection shall not exceed 75 percent of the
17 cost of the project.

18 “(B) DISTRESSED COMMUNITIES.—The
19 Federal share of the cost of a project receiving
20 grant assistance under this subsection shall not
21 exceed 100 percent of the cost of the project if
22 the project is located in a distressed commu-
23 nity.

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

1 “(A) ELIGIBLE RECIPIENT.—The term ‘eli-
 2 gible recipient’ means a State, interstate, tribal,
 3 regional, or local water pollution control agency
 4 or other public or nonprofit private agency, in-
 5 stitution, or organization.

6 “(B) DISTRESSED COMMUNITY.—The term
 7 ‘distressed community’ means a community
 8 that meets affordability criteria established by
 9 the State in which the community is located, if
 10 such criteria are developed after public review
 11 and comment.

12 “(e) ANNUAL BUDGET PLAN.—

13 “(1) IN GENERAL.—The President, as part of
 14 the annual budget of the United States Government,
 15 shall submit information regarding each Federal
 16 agency involved in Puget Sound protection and res-
 17 toration, including—

18 “(A) an interagency crosscut budget that
 19 displays for each Federal agency—

20 “(i) amounts obligated in the pre-
 21 ceding fiscal year for protection and res-
 22 toration activities relating to Puget Sound;

23 “(ii) the estimated budget for the cur-
 24 rent fiscal year for protection and restora-
 25 tion activities relating to Puget Sound; and

1 “(iii) the proposed budget for protec-
2 tion and restoration activities relating to
3 Puget Sound; and

4 “(B) a description of the Federal role in
5 the Puget Sound Program and the specific role
6 of each agency involved in Puget Sound protec-
7 tion and restoration, including specific activities
8 conducted or planned to achieve the goals of the
9 Comprehensive Plan.

10 “(2) COORDINATION WITH THE CON-
11 FERENCE.—In carrying out this subsection, the
12 President, to the extent practical, shall coordinate
13 reporting, data collection, and planning activities
14 with the Conference.

15 “(f) AUTHORIZATIONS.—There are authorized to be
16 appropriated to the Administrator to carry out this section
17 such sums as may be necessary for each of fiscal years
18 2009 through 2013.”.

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