

111TH CONGRESS  
1ST SESSION

# H. R. 4202

To establish centers of excellence for green infrastructure, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2009

Ms. EDWARDS of Maryland (for herself, Mr. CARNAHAN, and Mr. DRIEHAUS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science 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

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## A BILL

To establish centers of excellence for green 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 “Green Infrastructure  
5 for Clean Water Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Many water resources in the United States  
2           are declining, particularly in urban areas.

3           (2) This decline of water resources is the result  
4           of an increase in population, water consumption, and  
5           impermeable surfaces, as well as the negative effects  
6           of urbanization, commercial and industrial activities,  
7           and climate change.

8           (3) An October 2008 study by the National Re-  
9           search Council found that some of the benefits of  
10          green infrastructure include increased water sup-  
11          plies, the creation of green jobs, cost savings, and a  
12          reduction of stormwater runoff, surface water dis-  
13          charge, stormwater pollution, and stormwater flows.

14 **SEC. 3. CENTERS OF EXCELLENCE FOR GREEN INFRA-**  
15 **STRUCTURE.**

16          (a) ESTABLISHMENT OF CENTERS.—

17               (1) IN GENERAL.—The Administrator shall  
18               make grants on a competitive basis to eligible insti-  
19               tutions to establish and maintain not fewer than 3  
20               and not more than 5 centers of excellence for green  
21               infrastructure, located throughout the United States.

22               (2) GENERAL OPERATION.—Each center  
23               shall—

24                       (A) conduct research on green infrastruc-  
25                       ture that is relevant to the geographic region in

1           which the center is located, including  
2           stormwater and sewer overflow reduction, other  
3           approaches to water resource enhancement, and  
4           other environmental, economic, and social bene-  
5           fits;

6           (B) develop manuals and set industry  
7           standards on best management practices relat-  
8           ing to State, local, and commercial green infra-  
9           structure for use by State and local govern-  
10          ments and the private sector;

11          (C) provide information about research  
12          conducted under subparagraph (A) and manu-  
13          als produced under subparagraph (B) to the na-  
14          tional electronic clearinghouse center for publi-  
15          cation on the Web site created pursuant to sub-  
16          section (c) to inform the Federal Government  
17          and State and local governments and the pri-  
18          vate sector about green infrastructure;

19          (D) provide technical assistance to State  
20          and local governments to assist with green in-  
21          frastructure projects;

22          (E) collaborate with institutions of higher  
23          education and private and public organizations  
24          in the geographic region in which the center is

1 located on green infrastructure research and  
2 technical assistance projects;

3 (F) assist institutions of higher education,  
4 secondary schools, and vocational schools to de-  
5 velop green infrastructure curricula;

6 (G) provide training about green infra-  
7 structure to institutions of higher education and  
8 professional schools;

9 (H) evaluate regulatory and policy issues  
10 about green infrastructure; and

11 (I) 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 and assur-  
17 ances as the Administrator may require.

18 (c) NATIONAL ELECTRONIC CLEARINGHOUSE CEN-  
19 TER.—One of the centers established under section (a)(1)  
20 shall be designated and known as the “national electronic  
21 clearinghouse center” and shall, in addition to its other  
22 functions—

23 (1) develop, operate, and maintain a Web site  
24 and a public database, containing information relat-  
25 ing to green infrastructure; and

1           (2) post information from the centers to the  
2       Web site.

3   **SEC. 4. GREEN INFRASTRUCTURE GRANTS.**

4       (a) GRANT AUTHORITY.—The Administrator shall  
5       make grants on a competitive basis to eligible entities to  
6       carry out green infrastructure projects in accordance with  
7       this section.

8       (b) GREEN INFRASTRUCTURE PROJECTS.—

9           (1) PLANNING AND DEVELOPMENT GRANTS.—  
10       The Administrator may make planning and develop-  
11       ment grants under this section for the following  
12       projects:

13           (A) Planning and designing green infra-  
14           structure projects, including engineering sur-  
15           veys, landscape plans, and implementation  
16           plans.

17           (B) Identifying and developing standards  
18           and revisions to local zoning, building, or other  
19           local codes necessary to accommodate green in-  
20           frastructure projects.

21           (C) Identifying and developing fee struc-  
22           tures to provide financial support for design, in-  
23           stallation, and operations and maintenance of  
24           green infrastructure.

1 (D) Developing training and educational  
2 materials about green infrastructure for dis-  
3 tribution to both those with applicable technical  
4 knowledge and the public in general.

5 (E) Developing a green infrastructure  
6 portfolio standard program described in section  
7 5(e).

8 (2) IMPLEMENTATION GRANTS.—The Adminis-  
9 trator may make implementation grants under this  
10 section for the following projects:

11 (A) Installing green infrastructure.

12 (B) Monitoring and evaluating the environ-  
13 mental, economic, or social benefits of green in-  
14 frastructure.

15 (C) Implementing a best practices stand-  
16 ard for a green infrastructure program.

17 (D) Implementing a green infrastructure  
18 portfolio standard program described in section  
19 5(e).

20 (c) APPLICATION.—Except as otherwise provided, to  
21 be eligible to receive a grant under this section, an eligible  
22 entity shall prepare and submit to the Administrator an  
23 application at such time, in such form, and containing  
24 such information and assurances as the Administrator  
25 may require, that includes, where applicable—

1           (1) a description of the green infrastructure  
2       project;

3           (2) a plan for monitoring the impacts of the  
4       green infrastructure project on the water quality and  
5       quantity;

6           (3) an evaluation of other environmental, eco-  
7       nomic, or social benefits of the green infrastructure  
8       project; and

9           (4) a plan for the long-term operation and  
10      maintenance of the green infrastructure project.

11      (d) ADDITIONAL REQUIREMENT FOR GREEN INFRA-  
12      STRUCTURE PORTFOLIO STANDARD PROJECT.—A State  
13      applying for a grant for a green infrastructure portfolio  
14      standard program described in section 5(e) shall prepare  
15      and submit a schedule of increasing minimum percentages  
16      of the annual water to be managed using green infrastruc-  
17      ture under the program.

18      (e) PRIORITY.—In making grants under this section,  
19      the Administrator shall give priority to applications—

20           (1) submitted from a community—

21                (A) that—

22                   (i) has combined storm and sanitary  
23                   sewers in its collection system; or

24                   (ii) is low-income or disadvantaged as  
25                   determined by the Administrator; or

(2) submitted from an eligible entity that will use 10 percent of the grant provided for a low-income or disadvantaged community as determined by the Administrator.

(f) GRANT LIMITATION.—

(1) PLANNING AND DEVELOPMENT GRANT.—

The Administrator may not make a planning and development grant under this section in an amount that exceeds \$200,000. The Administrator may not make planning and development grants of more than \$100,000,000, in the aggregate, in each fiscal year.

(2) IMPLEMENTATION GRANT.—The Adminis-

trator may not make an implementation grant under this section in an amount that exceeds \$3,000,000. The Administrator may not make implementation grants of more than \$200,000,000, in the aggregate, in each fiscal year.

(g) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided under

paragraph (3), the Federal share of a grant provided under this section may not exceed 65 percent of the total project cost.

(2) CREDIT FOR IMPLEMENTATION GRANT.—

The Administrator shall credit toward the non-Federal share of the cost of an implementation project



1 carried out under this section the cost of planning,  
2 design, and construction work completed for the  
3 project with funds other than funds provided under  
4 this Act.

5 (3) EXCEPTION.—The Administrator may waive  
6 the Federal share limitation under paragraph (1) for  
7 an eligible entity that has adequately demonstrated  
8 financial need.

9 **SEC. 5. ENVIRONMENTAL PROTECTION AGENCY GREEN IN-**  
10 **FRASTRUCTURE PROGRAM.**

11 (a) ESTABLISHMENT.—The Administrator shall es-  
12 tablish within the Office of Water of the Agency a green  
13 infrastructure program, the purpose of which is to coordi-  
14 nate and promote the use of green infrastructure and to  
15 integrate green infrastructure into permitting programs.

16 (b) DUTIES.—The Administrator shall carry out the  
17 green infrastructure program by—

18 (1) promoting the use of green infrastructure in  
19 the programs of the Agency; and

20 (2) coordinating efforts to increase the use of  
21 green infrastructure with other Federal agencies,  
22 State and local governments, and the private sector.

23 (c) REGIONAL IMPLEMENTATION OF GREEN INFRA-  
24 STRUCTURE PROGRAM.—The Administrator shall direct  
25 each regional office of the Agency to develop a program

1 to promote and integrate the use of green infrastructure  
2 within the region that includes—

3 (1) a plan for monitoring, financing, and de-  
4 signing the green infrastructure;

5 (2) outreach and training on green infrastruc-  
6 ture implementation for State and local governments  
7 and the private sector; and

8 (3) the incorporation of green infrastructure  
9 into permitting and other regulatory programs,  
10 codes, and ordinance development, including the re-  
11 quirements under consent decrees and settlement  
12 agreements in enforcement actions.

13 (d) GREEN INFRASTRUCTURE COMPLIANCE ASSIST-  
14 ANCE CENTER.—The Administrator shall create a compli-  
15 ance assistance center, including a Web site, to share in-  
16 formation with and provide technical assistance to State  
17 and local governments, the private sector, and the public  
18 about green infrastructure approaches to reducing water  
19 pollution, protecting water resources, complying with reg-  
20 ulatory requirements, and achieving other environmental,  
21 public health, and community goals.

22 (e) GREEN INFRASTRUCTURE PORTFOLIO STAND-  
23 ARD.—The Administrator, in collaboration with State and  
24 local water resource managers, shall establish measurable  
25 goals, to be known as the “green infrastructure portfolio

1 standard”, to increase the percentage of annual water  
2 managed by eligible entities that uses green infrastruc-  
3 ture.

4 **SEC. 6. REPORT TO CONGRESS.**

5 Before the end of fiscal year 2014, the Administrator  
6 shall submit to Congress a report that includes the fol-  
7 lowing:

8 (1) A description of all grants made under this  
9 Act and a detailed description of the projects sup-  
10 ported and their outcomes.

11 (2) A description of the improvements in tech-  
12 nology, environmental benefits, resources conserved,  
13 efficiencies, and other benefits of the projects funded  
14 under this Act.

15 (3) Recommendations on improvements to pro-  
16 mote and support green infrastructure for the cen-  
17 ters, grants, and programs under this Act.

18 (4) A description of the existing challenges con-  
19 cerning the use of green infrastructure.

20 **SEC. 7. DEFINITIONS.**

21 In this Act:

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

1           (2) AGENCY.—The term “Agency” means the  
2     Environmental Protection Agency.

3           (3) CENTER.—The term “center” means a cen-  
4     ter of excellence for green infrastructure established  
5     under section 3(a).

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

8                 (A) a State or local government; or

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

12          (5) ELIGIBLE INSTITUTION.—

13                 (A) IN GENERAL.—The term “eligible in-  
14     stitution” means an institution of higher edu-  
15     cation, or a research institution, that has dem-  
16     onstrated excellence in green infrastructure  
17     by—

18                     (i) conducting research on green in-  
19     frastructure to determine how it reduces  
20     municipal stormwater runoff, enhances and  
21     protects drinking water sources, and im-  
22     proves water quality;

23                     (ii) developing and disseminating in-  
24     formation about how an organization can  
25     use green infrastructure;

1 (iii) providing technical assistance to  
2 an organization for a green infrastructure  
3 project;

4 (iv) developing best practices stand-  
5 ards for green infrastructure;

6 (v) providing job training in green in-  
7 frastructure;

8 (vi) developing course curricula for el-  
9 ementary schools, secondary schools, insti-  
10 tutions of higher education, and vocational  
11 schools;

12 (vii) training students in green infra-  
13 structure; or

14 (viii) providing information to the  
15 Federal Government or State and local  
16 governments about the implementation of  
17 green infrastructure.

18 (B) ADDITIONAL DEFINITIONS.—For pur-  
19 poses of subparagraph (A):

20 (i) ELEMENTARY SCHOOL.—The term  
21 “elementary school” has the meaning given  
22 that term in section 9101 of the Elemen-  
23 tary and Secondary Education Act of 1965  
24 (20 U.S.C. 7801).

1 (ii) INSTITUTION OF HIGHER EDU-  
2 CATION.—The term “institution of higher  
3 education” has the meaning given that  
4 term in section 101 of the Higher Edu-  
5 cation Act of 1965 (20 U.S.C. 1001).

6 (iii) RESEARCH INSTITUTION.—The  
7 term “research institution” means an enti-  
8 ty that is—

9 (I) described in section 501(c)(3)  
10 of the Internal Revenue Code of 1986;

11 (II) exempt from tax under sec-  
12 tion 501(a) of the Internal Revenue  
13 Code of 1986; and

14 (III) organized and operated for  
15 research purposes.

16 (iv) SECONDARY SCHOOL.—The term  
17 “secondary school” has the meaning given  
18 that term in section 9101 of the Elemen-  
19 tary and Secondary Education Act of 1965  
20 (20 U.S.C. 7801).

21 (6) GREEN INFRASTRUCTURE.—The term  
22 “green infrastructure”—

23 (A) means any stormwater management  
24 technique that preserves, restores, enhances, or  
25 mimics natural hydrology;

1 (B) includes methods that promote absorp-  
2 tion, uptake, percolation, evapotranspiration,  
3 and filtration by soil and plant life; or

4 (C) includes the preservation or restoration  
5 of—

6 (i) natural topography, including hills,  
7 plains, ravines, and shorelines;

8 (ii) ecology, including forests, grass-  
9 lands, and deserts;

10 (iii) bodies of water, including lakes,  
11 flood plains, headwaters, and wetlands;  
12 and

13 (iv) native soil characteristics of com-  
14 position, structure, and transmissivity.

15 (7) STATE.—The term “State” means each of  
16 the several States, the District of Columbia, the  
17 Commonwealth of Puerto Rico, the United States  
18 Virgin Islands, Guam, American Samoa, the Com-  
19 monwealth of the Northern Mariana Islands, the  
20 Trust Territory of the Pacific Islands, and any other  
21 territory or possession of the United States.

22 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) CENTERS OF EXCELLENCE FOR GREEN INFRA-  
24 STRUCTURE.—There is authorized to be appropriated to

1 carry out section 3, \$25,000,000 for each of fiscal years  
2 2011 through 2014.

3 (b) GREEN INFRASTRUCTURE GRANTS.—There is  
4 authorized to be appropriated to carry out section 4,  
5 \$300,000,000 for each of fiscal years 2011 through 2014.

6 (c) ENVIRONMENTAL PROTECTION AGENCY GREEN  
7 INFRASTRUCTURE PROGRAM.—There is authorized to be  
8 appropriated to carry out section 5, \$25,000,000 for each  
9 of fiscal years 2011 through 2014.

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