

111TH CONGRESS
2D SESSION

H. R. 5635

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2010

Mr. MAFFEI 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 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) is amended by adding at
5 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 for the res-
13 toration, conservation, and management of Onon-
14 daga Lake, to be known as the ‘Adaptive Manage-
15 ment 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 described 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 laws affecting the
10 restoration and conservation of Onondaga Lake,
11 including the water quality standards estab-
12 lished for Onondaga Lake (including total max-
13 imum daily loads established under section
14 303(d)(C)), the Amended Consent Judgment
15 and all effluent limitations therein (or otherwise
16 promulgated under this Act), and the Com-
17 prehensive Environmental Response, Compensa-
18 tion, and Liability Act of 1980 (42 U.S.C. 9601
19 et seq.).

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

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

3 “(B) management of the physical develop-
4 ment of Onondaga Lake and its surroundings;

5 “(C) management of the use of Onondaga
6 Lake for recreational and other purposes; and

7 “(D) coordination of all other activities to
8 restore or conserve, or otherwise affecting the
9 restoration or conservation of, Onondaga Lake.

10 “(3) ONGOING EVALUATION OF STRATEGIES.—

11 To evaluate the effectiveness of the strategies rec-
12 ommended under paragraph (2) in achieving the
13 goals identified under paragraph (1), the Adaptive
14 Management Plan shall—

15 “(A) identify specific monitoring param-
16 eters by which to make such evaluation, and
17 provide for the periodic revision of the moni-
18 toring parameters to achieve such goals;

19 “(B) establish a monitoring program to
20 measure the monitoring parameters identified
21 under subparagraph (A); and

22 “(C) provide for the periodic evaluation of
23 the data collected pursuant to subparagraph
24 (B).

1 “(4) APPROVAL.—The recommendations of the
2 Adaptive Management Plan shall not be carried out
3 under subsection (a)(2) before the date on which the
4 the plan is approved by the Administrator and the
5 Governor of the State of New York. The Adminis-
6 trator, after providing an opportunity for public re-
7 view and comment, shall approve the plan not later
8 than 120 days after the date of its development
9 under subsection (b)(1)(A) if the Adaptive Manage-
10 ment Plan meets the requirements of this section
11 and the Governor of the State of New York concurs
12 in such approval.

13 “(5) EFFECT ON ONONDAGA LAKE MANAGE-
14 MENT PLAN.—This section shall not be construed to
15 interfere with any activity carried out under the On-
16 ondaga Lake Management Plan, or any other activ-
17 ity affecting the restoration, conservation, or man-
18 agement of Onondaga Lake, before the date of ap-
19 proval of the Adaptive Management Plan under
20 paragraph (4).

21 “(d) ONONDAGA LAKE SCIENTIFIC CENTER.—

22 “(1) ESTABLISHMENT.—The Onondaga Lake
23 Watershed Council shall establish and direct a cen-
24 ter to be known as the ‘Onondaga Lake Scientific
25 Center’.

1 “(2) DUTIES.—The Onondaga Lake Scientific
2 Center shall advise the Onondaga Lake Watershed
3 Council on—

4 “(A) development of benchmarks to accom-
5 plish the goals identified under subsection
6 (c)(1);

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

9 “(C) implementaton of the monitoring pro-
10 gram under subsection (c)(3)(B);

11 “(D) establishment of the program for
12 public involvement described in subsection
13 (b)(1)(B); and

14 “(E) other matters concerning the develop-
15 ment and implementation of the Adaptive Man-
16 agement Plan.

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

19 “(A) The Administrator.

20 “(B) Non-Federal entities appointed by the
21 Onondaga Lake Watershed Council, which may
22 include—

23 “(i) Syracuse University;

1 “(ii) the State University of New
2 York College of Environmental Science and
3 Forestry;

4 “(iii) the Upstate Freshwater Insti-
5 tute; and

6 “(iv) the Onondaga Environmental In-
7 stitute.

8 “(4) REPORTING.—The Onondaga Lake Sci-
9 entific Center shall submit to the Onondaga Lake
10 Watershed Council an annual report—

11 “(A) assessing the effectiveness of the
12 strategies recommended under subsection (c)(2)
13 in accomplishing the goals identified under sub-
14 section (c)(1);

15 “(B) recommending changes to manage-
16 ment and monitoring activities to accomplish
17 the goals identified under subsection (c)(1); and

18 “(C) recommending means for implementa-
19 tion of such changes.

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

25 “(f) FUNDING.—

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

5 “(2) GRANTS.—The Administrator, in consulta-
6 tion with the Onondaga Lake Watershed Council,
7 may make grants on a noncompetitive basis to the
8 Governor of the State of New York, the mayor of
9 the City of Syracuse, New York, the County Execu-
10 tive of Onondaga County, New York, and members
11 of the Onondaga Lake Scientific Center described in
12 subsection (d)(3)(B)—

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

15 “(B) for research, surveys, administrative
16 services, and studies; and

17 “(C) to gather data in support of litigation
18 undertaken by the State of New York or the
19 Onondaga Nation to compel cleanup or obtain
20 cleanup and damage costs from parties respon-
21 sible for the pollution of Onondaga Lake.

22 “(3) NO RELIEF FROM LIABILITY.—Grants
23 made under this subsection shall not relieve from li-
24 ability any person that would otherwise be liable
25 under Federal or State law for damages, response

1 costs, natural resource damages, restitution, equi-
2 table relief, or any other relief.

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

13 “(g) DEFINITIONS.—In this section, the following
14 definitions apply:

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

23 “(2) ONONDAGA ENVIRONMENTAL INSTI-
24 TUTE.—The term ‘Onondaga Environmental Insti-
25 tute’ means the not-for-profit corporation established

1 pursuant to section 401(d)(1) of the Great Lakes
2 Critical Programs Act of 1990 (104 Stat. 3010) and
3 section 411(d)(1) of the Water Resources Develop-
4 ment Act of 1990 (104 Stat. 4648).

5 “(3) ONONDAGA LAKE.—The term ‘Onondaga
6 Lake’ means Onondaga Lake, New York, and its
7 watershed.

8 “(4) ONONDAGA LAKE MANAGEMENT PLAN.—
9 The term ‘Onondaga Lake Management Plan’
10 means the plan—

11 “(A) developed pursuant to section
12 401(a)(1) of the Great Lakes Critical Programs
13 Act of 1990 (104 Stat. 3010) and 411(a)(1) of
14 the Water Resources Development Act of 1990
15 (104 Stat. 4648);

16 “(B) modified by the Amended Consent
17 Judgment; and

18 “(C) revised under section 573(c)(1) of the
19 Water Resources Development Act of 1999
20 (113 Stat. 372).

21 “(h) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—There are authorized to be
23 appropriated to the Administrator such sums as may
24 be necessary to carry out this section, to remain
25 available until expended.

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

5 (b) WATER RESOURCES DEVELOPMENT ACT OF
6 1999.—Section 573 of the Water Resources Development
7 Act of 1999 (113 Stat. 372) is repealed.

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