

111TH CONGRESS  
2D SESSION

# H. R. 5670

To require the Administrator of the Environmental Protection Agency to make grants for the improvement of storm water retention basins in the watersheds of estuaries in the National Estuary Program.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2010

Mr. ADLER of New Jersey introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To require the Administrator of the Environmental Protection Agency to make grants for the improvement of storm water retention basins in the watersheds of estuaries in the National Estuary 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. STORM WATER RETENTION BASIN IMPROVE-**  
4       **MENT GRANTS.**

5       (a) AUTHORIZATION.—The Administrator of the En-  
6       vironmental Protection Agency shall make grants on a  
7       competitive basis to eligible entities for improvement of  
8       the pollution control capabilities of storm water retention

1 basins identified by the Administrator under subsection  
2 (b).

3 (b) IDENTIFICATION OF BASINS BY ADMINIS-  
4 TRATOR.—The Administrator shall conduct an evaluation  
5 of each storm water retention basin located in the water-  
6 shed of an estuary for which a comprehensive conservation  
7 and management plan is in effect under section 320 of  
8 the Federal Water Pollution Control Act (33 U.S.C. 1330)  
9 to identify basins whose pollution control capabilities are  
10 in need of improvement in order to attain or maintain in  
11 such estuary the water quality described in subsection  
12 (a)(2)(A) of such section.

13 (c) ELIGIBILITY.—The Administrator may only make  
14 a grant under subsection (a) to an eligible entity that sub-  
15 mits an application at such time, in such form, and includ-  
16 ing such information and assurances as the Administrator  
17 may require, including—

18 (1) a detailed description of the storm water re-  
19 tention basin improvements for which the entity will  
20 use grant funds; and

21 (2) scientific evidence in support of the need for  
22 such improvements, which may include the evidence  
23 that formed the basis of the Administrator’s identi-  
24 fication under subsection (b) of the basin involved.

1 (d) PRIORITY.—In making grants under subsection  
2 (a), the Administrator shall give priority to grant pro-  
3 posals—

4 (1) by eligible entities to improve storm water  
5 retention basins whose pollution control capabilities  
6 are the most deficient and the improvement of which  
7 will result in the greatest increase in water quality  
8 in the estuary involved; and

9 (2) by eligible entities to improve storm water  
10 retention basins for which, prior to the date of the  
11 enactment of this Act, an evaluation of pollution  
12 control capabilities has been conducted as part of  
13 the implementation of a comprehensive conservation  
14 and management plan under section 320 of the Fed-  
15 eral Water Pollution Control Act (33 U.S.C. 1330).

16 (e) USE OF FUNDS.—An eligible entity receiving a  
17 grant under subsection (a) shall use grant funds to carry  
18 out—

19 (1) the storm water retention basin improve-  
20 ments the entity described in its grant application,  
21 as required by subsection (c)(1); and

22 (2) the monitoring and reporting requirements  
23 of subsection (f)(1).

24 (f) MONITORING, REPORTING, AND EVALUATION.—

1           (1) BY ELIGIBLE ENTITIES.—An eligible entity  
2     receiving a grant under subsection (a) shall conduct  
3     such monitoring activities as the Administrator con-  
4     siders necessary to determine if the storm water re-  
5     tention basin improvements for which the entity is  
6     using grant funds are increasing the basin’s pollu-  
7     tion control capabilities. At such times as the Ad-  
8     ministrator may require, the eligible entity shall sub-  
9     mit to the Administrator reports of the data gath-  
10    ered by the monitoring activities.

11          (2) BY ADMINISTRATOR.—The Administrator  
12    shall analyze the data submitted by eligible entities  
13    under paragraph (1) and conduct such additional  
14    monitoring and evaluation of the storm water basin  
15    improvements carried out through grants under sub-  
16    section (a) as the Administrator considers necessary  
17    to determine the most effective methods of improv-  
18    ing storm water basins to increase water quality in  
19    estuaries for which comprehensive conservation and  
20    management plans are in effect under section 320 of  
21    the Federal Water Pollution Control Act (33 U.S.C.  
22    1330).

23          (g) MATCHING REQUIREMENT.—The Administrator  
24    may not make a grant to an eligible entity under sub-  
25    section (a) unless the eligible entity agrees that, with re-

1 spect to the costs to be incurred by the eligible entity in  
2 carrying out the activities for which the grant is awarded,  
3 the eligible entity will make available non-Federal con-  
4 tributions in an amount equal to not less than 20 percent  
5 of the Federal funds provided under the grant.

6 (h) ELIGIBLE ENTITY DEFINED.—The term “eligible  
7 entity” means a State or a political subdivision of a State  
8 that has jurisdiction over all or part of a storm water re-  
9 tention basin identified by the Administrator under sub-  
10 section (b), regardless of whether such basin is publicly  
11 or privately owned.

12 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$20,000,000 for each of the fiscal years 2011 through  
15 2015.

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