

106TH CONGRESS  
1ST SESSION

# H. R. 3039

To amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 1999

Mr. BATEMAN introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, 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 “Chesapeake Bay Res-  
5 toration Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Chesapeake Bay is a national treasure  
9 and a resource of worldwide significance;

1           (2) over many years, the productivity and water  
2           quality of the Chesapeake Bay and its watershed  
3           were diminished by pollution, excessive sedimenta-  
4           tion, shoreline erosion, the impacts of population  
5           growth and development in the Chesapeake Bay wa-  
6           tershed, and other factors;

7           (3) the Federal Government (acting through  
8           the Administrator of the Environmental Protection  
9           Agency), the Governor of the State of Maryland, the  
10          Governor of the Commonwealth of Virginia, the Gov-  
11          ernor of the Commonwealth of Pennsylvania, the  
12          Chairperson of the Chesapeake Bay Commission,  
13          and the Mayor of the District of Columbia, as  
14          Chesapeake Bay Agreement signatories, have com-  
15          mitted to a comprehensive cooperative program to  
16          achieve improved water quality and improvements in  
17          the productivity of living resources of the Bay;

18          (4) the cooperative program described in para-  
19          graph (3) serves as a national and international  
20          model for the management of estuaries; and

21          (5) there is a need to expand Federal support  
22          for monitoring, management, and restoration activi-  
23          ties in the Chesapeake Bay and the tributaries of  
24          the Bay in order to meet and further the original

1 and subsequent goals and commitments of the  
2 Chesapeake Bay Program.

3 (b) PURPOSES.—The purposes of this Act are—

4 (1) to expand and strengthen cooperative ef-  
5 forts to restore and protect the Chesapeake Bay;  
6 and

7 (2) to achieve the goals established in the  
8 Chesapeake Bay Agreement.

9 **SEC. 3. CHESAPEAKE BAY.**

10 The Federal Water Pollution Control Act is amended  
11 by striking section 117 (33 U.S.C. 1267) and inserting  
12 the following:

13 **“SEC. 117. CHESAPEAKE BAY.**

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

16 “(1) ADMINISTRATIVE COST.—The term ‘ad-  
17 ministrative cost’ means the cost of salaries and  
18 fringe benefits incurred in administering a grant  
19 under this section.

20 “(2) CHESAPEAKE BAY AGREEMENT.—The  
21 term ‘Chesapeake Bay Agreement’ means the for-  
22 mal, voluntary agreements executed to achieve the  
23 goal of restoring and protecting the Chesapeake Bay  
24 ecosystem and the living resources of the Chesa-

1       peake Bay ecosystem and signed by the Chesapeake  
2       Executive Council.

3               “(3) CHESAPEAKE BAY ECOSYSTEM.—The term  
4       ‘Chesapeake Bay ecosystem’ means the ecosystem of  
5       the Chesapeake Bay and its watershed.

6               “(4) CHESAPEAKE BAY PROGRAM.—The term  
7       ‘Chesapeake Bay Program’ means the program di-  
8       rected by the Chesapeake Executive Council in ac-  
9       cordance with the Chesapeake Bay Agreement.

10              “(5) CHESAPEAKE EXECUTIVE COUNCIL.—The  
11       term ‘Chesapeake Executive Council’ means the sig-  
12       natories to the Chesapeake Bay Agreement.

13              “(6) SIGNATORY JURISDICTION.—The term  
14       ‘signatory jurisdiction’ means a jurisdiction of a sig-  
15       natory to the Chesapeake Bay Agreement.

16              “(b) CONTINUATION OF CHESAPEAKE BAY PRO-  
17       GRAM.—

18              “(1) IN GENERAL.—In cooperation with the  
19       Chesapeake Executive Council (and as a member of  
20       the Council), the Administrator shall continue the  
21       Chesapeake Bay Program.

22              “(2) PROGRAM OFFICE.—

23              “(A) IN GENERAL.—The Administrator  
24       shall maintain in the Environmental Protection  
25       Agency a Chesapeake Bay Program Office.

1           “(B) FUNCTION.—The Chesapeake Bay  
2 Program Office shall provide support to the  
3 Chesapeake Executive Council by—

4           “(i) implementing and coordinating  
5 science, research, modeling, support serv-  
6 ices, monitoring, data collection, and other  
7 activities that support the Chesapeake Bay  
8 Program;

9           “(ii) developing and making available,  
10 through publications, technical assistance,  
11 and other appropriate means, information  
12 pertaining to the environmental quality  
13 and living resources of the Chesapeake  
14 Bay ecosystem;

15           “(iii) in cooperation with appropriate  
16 Federal, State, and local authorities, as-  
17 sisting the signatories to the Chesapeake  
18 Bay Agreement in developing and imple-  
19 menting specific action plans to carry out  
20 the responsibilities of the signatories to the  
21 Chesapeake Bay Agreement;

22           “(iv) coordinating the actions of the  
23 Environmental Protection Agency with the  
24 actions of the appropriate officials of other

1 Federal agencies and State and local au-  
2 thorities in developing strategies to—

3 “(I) improve the water quality  
4 and living resources in the Chesa-  
5 peake Bay ecosystem; and

6 “(II) obtain the support of the  
7 appropriate officials of the agencies  
8 and authorities in achieving the objec-  
9 tives of the Chesapeake Bay Agree-  
10 ment; and

11 “(v) implementing outreach programs  
12 for public information, education, and par-  
13 ticipation to foster stewardship of the re-  
14 sources of the Chesapeake Bay.

15 “(c) INTERAGENCY AGREEMENTS.—The Adminis-  
16 trator may enter into an interagency agreement with a  
17 Federal agency to carry out this section.

18 “(d) TECHNICAL ASSISTANCE AND ASSISTANCE  
19 GRANTS.—

20 “(1) IN GENERAL.—In cooperation with the  
21 Chesapeake Executive Council, the Administrator  
22 may provide technical assistance, and assistance  
23 grants, to nonprofit organizations, State and local  
24 governments, colleges, universities, and interstate  
25 agencies to achieve the goals and requirements con-

1 tained in subsection (g)(1), subject to such terms  
2 and conditions as the Administrator considers appro-  
3 priate.

4 “(2) FEDERAL SHARE.—

5 “(A) IN GENERAL.—Except as provided in  
6 subparagraph (B), the Federal share of an as-  
7 sistance grant provided under paragraph (1)  
8 shall be determined by the Administrator in ac-  
9 cordance with guidance issued by the Adminis-  
10 trator.

11 “(B) SMALL WATERSHED GRANTS PRO-  
12 GRAM.—The Federal share of an assistance  
13 grant provided under paragraph (1) to carry  
14 out an implementing activity under subsection  
15 (g)(2) shall not exceed 75 percent of eligible  
16 project costs, as determined by the Adminis-  
17 trator.

18 “(3) NON-FEDERAL SHARE.—An assistance  
19 grant under paragraph (1) shall be provided on the  
20 condition that non-Federal sources provide the re-  
21 mainder of eligible project costs, as determined by  
22 the Administrator.

23 “(4) ADMINISTRATIVE COSTS.—Administrative  
24 costs shall not exceed 10 percent of the annual grant  
25 award.

1       “(e)     IMPLEMENTATION     AND     MONITORING  
2 GRANTS.—

3           “(1) IN GENERAL.—If a signatory jurisdiction  
4 has approved and committed to implement all or  
5 substantially all aspects of the Chesapeake Bay  
6 Agreement, on the request of the chief executive of  
7 the jurisdiction, the Administrator—

8           “(A) shall make a grant to the jurisdiction  
9 for the purpose of implementing the manage-  
10 ment mechanisms established under the Ches-  
11 peake Bay Agreement, subject to such terms  
12 and conditions as the Administrator considers  
13 appropriate; and

14           “(B) may make a grant to a signatory ju-  
15 risdiction for the purpose of monitoring the  
16 Chesapeake Bay ecosystem.

17       “(2) PROPOSALS.—

18           “(A) IN GENERAL.—A signatory jurisdic-  
19 tion described in paragraph (1) may apply for  
20 a grant under this subsection for a fiscal year  
21 by submitting to the Administrator a com-  
22 prehensive proposal to implement management  
23 mechanisms established under the Chesapeake  
24 Bay Agreement.

1           “(B) CONTENTS.—A proposal under sub-  
2           paragraph (A) shall include—

3                   “(i) a description of proposed man-  
4                   agement mechanisms that the jurisdiction  
5                   commits to take within a specified time pe-  
6                   riod, such as reducing or preventing pollu-  
7                   tion in the Chesapeake Bay and its water-  
8                   shed or meeting applicable water quality  
9                   standards or established goals and objec-  
10                  tives under the Chesapeake Bay Agree-  
11                  ment; and

12                   “(ii) the estimated cost of the actions  
13                   proposed to be taken during the fiscal  
14                   year.

15           “(3) APPROVAL.—If the Administrator finds  
16           that the proposal is consistent with the Chesapeake  
17           Bay Agreement and the national goals established  
18           under section 101(a), the Administrator may ap-  
19           prove the proposal for an award.

20           “(4) FEDERAL SHARE.—The Federal share of  
21           an implementation grant under this subsection shall  
22           not exceed 50 percent of the cost of implementing  
23           the management mechanisms during the fiscal year.

24           “(5) NON-FEDERAL SHARE.—An implementa-  
25           tion grant under this subsection shall be made on

1 the condition that non-Federal sources provide the  
2 remainder of the costs of implementing the manage-  
3 ment mechanisms during the fiscal year.

4 “(6) ADMINISTRATIVE COSTS.—Administrative  
5 costs shall not exceed 10 percent of the annual grant  
6 award.

7 “(7) REPORTING.—On or before October 1 of  
8 each fiscal year, the Administrator shall make avail-  
9 able to the public a document that lists and de-  
10 scribes, in the greatest practicable degree of detail—

11 “(A) all projects and activities funded for  
12 the fiscal year;

13 “(B) the goals and objectives of projects  
14 funded for the previous fiscal year; and

15 “(C) the net benefits of projects funded for  
16 previous fiscal years.

17 “(f) FEDERAL FACILITIES AND BUDGET COORDINA-  
18 TION.—

19 “(1) SUBWATERSHED PLANNING AND RESTORA-  
20 TION.—A Federal agency that owns or operates a  
21 facility (as defined by the Administrator) within the  
22 Chesapeake Bay watershed shall participate in re-  
23 gional and subwatershed planning and restoration  
24 programs.

1           “(2) COMPLIANCE WITH AGREEMENT.—The  
2 head of each Federal agency that owns or occupies  
3 real property in the Chesapeake Bay watershed shall  
4 ensure that the property, and actions taken by the  
5 agency with respect to the property, comply with the  
6 Chesapeake Bay Agreement, the Federal Agencies  
7 Chesapeake Ecosystem Unified Plan, and any subse-  
8 quent agreements and plans.

9           “(3) BUDGET COORDINATION.—

10           “(A) IN GENERAL.—As part of the annual  
11 budget submission of each Federal agency with  
12 projects or grants related to restoration, plan-  
13 ning, monitoring, or scientific investigation of  
14 the Chesapeake Bay ecosystem, the head of the  
15 agency shall submit to the President a report  
16 that describes plans for the expenditure of the  
17 funds under this section.

18           “(B) DISCLOSURE TO THE COUNCIL.—The  
19 head of each agency referred to in subpara-  
20 graph (A) shall disclose the report under that  
21 subparagraph with the Chesapeake Executive  
22 Council as appropriate.

23           “(g) CHESAPEAKE BAY PROGRAM.—

24           “(1) MANAGEMENT STRATEGIES.—The Admin-  
25 istrator, in coordination with other members of the

1 Chesapeake Executive Council, shall ensure that  
2 management plans are developed and implementa-  
3 tion is begun by signatories to the Chesapeake Bay  
4 Agreement to achieve—

5 “(A) the nutrient goals of the Chesapeake  
6 Bay Agreement for the quantity of nitrogen and  
7 phosphorus entering the Chesapeake Bay and  
8 its watershed;

9 “(B) the water quality requirements nec-  
10 essary to restore living resources in the Chesa-  
11 peake Bay ecosystem;

12 “(C) the Chesapeake Bay Basinwide Tox-  
13 ins Reduction and Prevention Strategy goal of  
14 reducing or eliminating the input of chemical  
15 contaminants from all controllable sources to  
16 levels that result in no toxic or bioaccumulative  
17 impact on the living resources of the Chesa-  
18 peake Bay ecosystem or on human health;

19 “(D) habitat restoration, protection, cre-  
20 ation, and enhancement goals established by  
21 Chesapeake Bay Agreement signatories for wet-  
22 lands, riparian forests, and other types of habi-  
23 tat associated with the Chesapeake Bay eco-  
24 system; and

1           “(E) the restoration, protection, creation,  
2           and enhancement goals established by the  
3           Chesapeake Bay Agreement signatories for liv-  
4           ing resources associated with the Chesapeake  
5           Bay ecosystem.

6           “(2) SMALL WATERSHED GRANTS PROGRAM.—  
7           The Administrator, in cooperation with the Chesa-  
8           peake Executive Council, shall—

9           “(A) establish a small watershed grants  
10           program as part of the Chesapeake Bay Pro-  
11           gram; and

12           “(B) offer technical assistance and assist-  
13           ance grants under subsection (d) to local gov-  
14           ernments and nonprofit organizations and indi-  
15           viduals in the Chesapeake Bay region to  
16           implement—

17           “(i) cooperative tributary basin strate-  
18           gies that address the water quality and liv-  
19           ing resource needs in the Chesapeake Bay  
20           ecosystem; and

21           “(ii) locally based protection and res-  
22           toration programs or projects within a wa-  
23           tershed that complement the tributary  
24           basin strategies, including the creation,  
25           restoration, protection, or enhancement of

1           habitat associated with the Chesapeake  
2           Bay ecosystem.

3           “(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

4           “(1) IN GENERAL.—Not later than April 22,  
5           2000, and every 5 years thereafter, the Adminis-  
6           trator, in coordination with the Chesapeake Execu-  
7           tive Council, shall complete a study and submit to  
8           Congress a comprehensive report on the results of  
9           the study.

10          “(2) REQUIREMENTS.—The study and report  
11          shall—

12                 “(A) assess the state of the Chesapeake  
13                 Bay ecosystem;

14                 “(B) compare the current state of the  
15                 Chesapeake Bay ecosystem with its state in  
16                 1975, 1985, and 1995;

17                 “(C) assess the effectiveness of manage-  
18                 ment strategies being implemented on the date  
19                 of enactment of this section and the extent to  
20                 which the priority needs are being met;

21                 “(D) make recommendations for the im-  
22                 proved management of the Chesapeake Bay  
23                 Program either by strengthening strategies  
24                 being implemented on the date of enactment of  
25                 this section or by adopting new strategies; and

1           “(E) be presented in such a format as to  
2           be readily transferable to and usable by other  
3           watershed restoration programs.

4           “(i) SPECIAL STUDY OF LIVING RESOURCE RE-  
5           SPONSE.—

6           “(1) IN GENERAL.—Not later than 180 days  
7           after the date of enactment of this section, the Ad-  
8           ministrator shall commence a 5-year special study  
9           with full participation of the scientific community of  
10          the Chesapeake Bay to establish and expand under-  
11          standing of the response of the living resources of  
12          the Chesapeake Bay ecosystem to improvements in  
13          water quality that have resulted from investments  
14          made through the Chesapeake Bay Program.

15          “(2) REQUIREMENTS.—The study shall—

16                 “(A) determine the current status and  
17                 trends of living resources, including grasses,  
18                 benthos, phytoplankton, zooplankton, fish, and  
19                 shellfish;

20                 “(B) establish to the extent practicable the  
21                 rates of recovery of the living resources in re-  
22                 sponse to improved water quality condition;

23                 “(C) evaluate and assess interactions of  
24                 species, with particular attention to the impact  
25                 of changes within and among trophic levels; and

1           “(D) recommend management actions to  
2           optimize the return of a healthy and balanced  
3           ecosystem in response to improvements in the  
4           quality and character of the waters of the  
5           Chesapeake Bay.

6           “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
7           is authorized to be appropriated to carry out this section  
8           \$30,000,000 for each of fiscal years 2000 through 2005.”.

○