

105TH CONGRESS
1ST SESSION

S. 618

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

IN THE SENATE OF THE UNITED STATES

APRIL 17, 1997

Mr. SARBANES introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 1997”.

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) in recent years, the productivity and water
2 quality of the Chesapeake Bay and the tributaries of
3 the Bay have been diminished by pollution, excessive
4 sedimentation, shoreline erosion, the impacts of pop-
5 ulation growth and development in the Chesapeake
6 Bay watershed, 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 have
14 committed as Chesapeake Bay Agreement signato-
15 ries to a comprehensive and 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 Section 117 of the Federal Water Pollution Control
11 Act (33 U.S.C. 1267) is amended to read as follows:

12 “CHESAPEAKE BAY

13 “SEC. 117. (a) DEFINITIONS.—In this section:

14 “(1) CHESAPEAKE BAY AGREEMENT.—The
15 term ‘Chesapeake Bay Agreement’ means the for-
16 mal, voluntary agreements executed to achieve the
17 goal of restoring and protecting the Chesapeake Bay
18 ecosystem and the living resources of the ecosystem
19 and signed by the Chesapeake Executive Council.

20 “(2) CHESAPEAKE BAY PROGRAM.—The term
21 ‘Chesapeake Bay Program’ means the program di-
22 rected by the Chesapeake Executive Council in ac-
23 cordance with the Chesapeake Bay Agreement.

24 “(3) CHESAPEAKE BAY WATERSHED.—The
25 term ‘Chesapeake Bay watershed’ shall have the
26 meaning determined by the Administrator.

1 “(4) CHESAPEAKE EXECUTIVE COUNCIL.—The
2 term ‘Chesapeake Executive Council’ means the sig-
3 natories to the Chesapeake Bay Agreement.

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

7 “(b) CONTINUATION OF CHESAPEAKE BAY PRO-
8 GRAM.—

9 “(1) IN GENERAL.—In cooperation with the
10 Chesapeake Executive Council (and as a member of
11 the Council), the Administrator shall continue the
12 Chesapeake Bay Program.

13 “(2) PROGRAM OFFICE.—The Administrator
14 shall maintain in the Environmental Protection
15 Agency a Chesapeake Bay Program Office. The
16 Chesapeake Bay Program Office shall provide sup-
17 port to the Chesapeake Executive Council by—

18 “(A) implementing and coordinating
19 science, research, modeling, support services,
20 monitoring, data collection, and other activities
21 that support the Chesapeake Bay Program;

22 “(B) developing and making available,
23 through publications, technical assistance, and
24 other appropriate means, information pertain-

1 ing to the environmental quality and living re-
2 sources of the Chesapeake Bay;

3 “(C) in cooperation with appropriate Fed-
4 eral, State, and local authorities, assisting the
5 signatories to the Chesapeake Bay Agreement
6 in developing and implementing specific action
7 plans to carry out the responsibilities of the sig-
8 natories to the Chesapeake Bay Agreement;

9 “(D) coordinating the actions of the Envi-
10 ronmental Protection Agency with the actions
11 of the appropriate officials of other Federal
12 agencies and State and local authorities in de-
13 veloping strategies to—

14 “(i) improve the water quality and liv-
15 ing resources of the Chesapeake Bay; and

16 “(ii) obtain the support of the appro-
17 priate officials of the agencies and authori-
18 ties in achieving the objectives of the
19 Chesapeake Bay Agreement; and

20 “(E) implementing outreach programs for
21 public information, education, and participation
22 to foster stewardship of the resources of the
23 Chesapeake Bay.

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

4 “(d) TECHNICAL ASSISTANCE AND ASSISTANCE
5 GRANTS.—

6 “(1) IN GENERAL.—In consultation with other
7 members of the Chesapeake Executive Council, the
8 Administrator may provide technical assistance, and
9 assistance grants, to nonprofit private organizations
10 and individuals, State and local governments, col-
11 leges, universities, and interstate agencies to carry
12 out this section, subject to such terms and condi-
13 tions as the Administrator considers appropriate.

14 “(2) FEDERAL SHARE.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraph (B), the Federal share of an as-
17 sistance grant provided under paragraph (1)
18 shall be determined by the Administrator in ac-
19 cordance with Environmental Protection Agency
20 guidance.

21 “(B) SMALL WATERSHED GRANTS PRO-
22 GRAM.—The Federal share of an assistance
23 grant provided under paragraph (1) to carry
24 out an implementing activity under subsection
25 (g)(2) shall not exceed 75 percent of eligible

1 project costs, as determined by the Adminis-
2 trator.

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

8 “(4) ADMINISTRATIVE COSTS.—Administrative
9 costs (including salaries, overhead, and indirect costs
10 for services provided and charged against projects
11 supported by funds made available under this sub-
12 section) incurred by a person described in paragraph
13 (1) in carrying out a project under this subsection
14 during a fiscal year shall not exceed 10 percent of
15 the grant made to the person under this subsection
16 for the fiscal year.

17 “(e) IMPLEMENTATION GRANTS.—

18 “(1) IN GENERAL.—If a signatory jurisdiction
19 has approved and committed to implement all or
20 substantially all aspects of the Chesapeake Bay
21 Agreement, on the request of the chief executive of
22 the jurisdiction, the Administrator shall make a
23 grant to the jurisdiction for the purpose of imple-
24 menting the management mechanisms established
25 under the Chesapeake Bay Agreement, subject to

1 such terms and conditions as the Administrator con-
2 siders appropriate.

3 “(2) PROPOSALS.—A signatory jurisdiction de-
4 scribed in paragraph (1) may apply for a grant
5 under this subsection for a fiscal year by submitting
6 to the Administrator a comprehensive proposal to
7 implement management mechanisms established
8 under the Chesapeake Bay Agreement. The proposal
9 shall include—

10 “(A) a description of proposed manage-
11 ment mechanisms that the jurisdiction commits
12 to take within a specified time period, such as
13 reducing or preventing pollution in the Chesa-
14 peake Bay and to meet applicable water quality
15 standards; and

16 “(B) the estimated cost of the actions pro-
17 posed to be taken during the fiscal year.

18 “(3) APPROVAL.—If the Administrator finds
19 that the proposal is consistent with the Chesapeake
20 Bay Agreement and the national goals established
21 under section 101(a), the Administrator may ap-
22 prove the proposal for a fiscal year.

23 “(4) FEDERAL SHARE.—The Federal share of
24 an implementation grant provided under this sub-
25 section shall not exceed 50 percent of the costs of

1 implementing the management mechanisms during
2 the fiscal year.

3 “(5) NON-FEDERAL SHARE.—An implementa-
4 tion grant under this subsection shall be made on
5 the condition that non-Federal sources provide the
6 remainder of the costs of implementing the manage-
7 ment mechanisms during the fiscal year.

8 “(6) ADMINISTRATIVE COSTS.—Administrative
9 costs (including salaries, overhead, and indirect costs
10 for services provided and charged against projects
11 supported by funds made available under this sub-
12 section) incurred by a signatory jurisdiction in car-
13 rying out a project under this subsection during a
14 fiscal year shall not exceed 10 percent of the grant
15 made to the jurisdiction under this subsection for
16 the fiscal year.

17 “(f) COMPLIANCE OF FEDERAL FACILITIES.—

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

24 “(2) COMPLIANCE WITH AGREEMENT.—The
25 head of each Federal agency that owns or occupies

1 real property in the Chesapeake Bay watershed shall
2 ensure that the property, and actions taken by the
3 agency with respect to the property, comply with the
4 Chesapeake Bay Agreement.

5 “(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY,
6 AND RIVER BASIN PROGRAM.—

7 “(1) NUTRIENT AND WATER QUALITY MANAGE-
8 MENT STRATEGIES.—Not later than 1 year after the
9 date of enactment of this subsection, the Adminis-
10 trator, in consultation with other members of the
11 Chesapeake Executive Council, shall ensure that
12 management plans are developed and implementa-
13 tion is begun by signatories to the Chesapeake Bay
14 Agreement for the tributaries of the Chesapeake Bay
15 to achieve and maintain—

16 “(A) the nutrient goals of the Chesapeake
17 Bay Agreement for the quantity of nitrogen and
18 phosphorus entering the main stem Chesapeake
19 Bay;

20 “(B) the water quality requirements nec-
21 essary to restore living resources in both the
22 tributaries and the main stem of the Chesa-
23 peake Bay;

24 “(C) the Chesapeake Bay basinwide toxics
25 reduction and prevention strategy goal of reduc-

1 ing or eliminating the input of chemical con-
2 taminants from all controllable sources to levels
3 that result in no toxic or bioaccumulative im-
4 pact on the living resources that inhabit the
5 Bay or on human health; and

6 “(D) habitat restoration, protection, and
7 enhancement goals established by Chesapeake
8 Bay Agreement signatories for wetlands, forest
9 riparian zones, and other types of habitat asso-
10 ciated with the Chesapeake Bay and the tribu-
11 taries of the Chesapeake Bay.

12 “(2) SMALL WATERSHED GRANTS PROGRAM.—
13 The Administrator, in consultation with other mem-
14 bers of the Chesapeake Executive Council, may offer
15 the technical assistance and assistance grants au-
16 thorized under subsection (d) to local governments
17 and nonprofit private organizations and individuals
18 in the Chesapeake Bay watershed to implement—

19 “(A) cooperative tributary basin strategies
20 that address the Chesapeake Bay’s water qual-
21 ity and living resource needs; or

22 “(B) locally based protection and restora-
23 tion programs or projects within a watershed
24 that complement the tributary basin strategies.

1 “(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not
2 later than January 1, 1999, and each 3 years thereafter,
3 the Administrator, in cooperation with other members of
4 the Chesapeake Executive Council, shall complete a study
5 and submit a comprehensive report to Congress on the re-
6 sults of the study. The study and report shall, at a mini-
7 mum—

8 “(1) assess the commitments and goals of the
9 management strategies established under the Ches-
10 apeake Bay Agreement and the extent to which the
11 commitments and goals are being met;

12 “(2) assess the priority needs required by the
13 management strategies and the extent to which the
14 priority needs are being met;

15 “(3) assess the effects of air pollution deposi-
16 tion on water quality of the Chesapeake Bay;

17 “(4) assess the state of the Chesapeake Bay
18 and its tributaries and related actions of the Ches-
19 apeake Bay Program;

20 “(5) make recommendations for the improved
21 management of the Chesapeake Bay Program; and

22 “(6) provide the report in a format transferable
23 to and usable by other watershed restoration
24 programs.

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$30,000,000 for each of fiscal years 1998 through 2003.”.

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