

HR 3265 IH

111th CONGRESS
1st Session
H. R. 3265

To amend the Federal Water Pollution Control Act to reduce pollution resulting from impervious surfaces within the Chesapeake Bay watershed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

July 20, 2009

Mr. CONNOLLY of Virginia (for himself and Ms. NORTON) 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 reduce pollution resulting from impervious surfaces within the Chesapeake Bay watershed, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Chesapeake Bay Restoration Act of 2009'.

SEC. 2. FINDINGS.

Congress finds the following:

- (1) Between the years 1990 and 2000, the population of the Chesapeake Bay watershed increased 8 percent while impervious surface cover increased 41 percent.

(2) Suburban and urban stormwater runoff is the only major source of pollution in the Chesapeake Bay watershed that is increasing, as pollution from point sources and agriculture is decreasing.

(3) States, local governments, developers, and nonprofit organizations have developed numerous development techniques since the late 1990s, which use infiltration, plants, and stormwater harvesting techniques to retain stormwater and associated sedimentation and nutrient pollutants.

(4) A study by the Environmental Protection Agency of low impact development projects in the United States found that low impact development stormwater management techniques are almost always less expensive than traditional stormwater management techniques.

(5) Local governments throughout the Chesapeake Bay watershed are proactively implementing retention techniques and strict new requirements to reduce stormwater runoff.

(6) The National Academy of Sciences recommends strong new regulations with respect to stormwater runoff and the provision of funding for local stormwater regulation efforts and finds that retention measures that infiltrate, evapotranspire and harvest stormwater are more effective than traditional stormwater management infrastructure at protecting and restoring stable hydrology.

(7) Data from multiple jurisdictions with respect to the health of fish and other organisms living in Chesapeake Bay tributaries suggest a strong negative correlation between impervious surface cover and stream health.

(8) According to the Environmental Protection Agency's Chesapeake Bay Program Office, an average of 100 acres of forest are lost from the Chesapeake Bay watershed every day and forest cover within the watershed has declined from 95 percent to 58 percent.

(9) Forests capture up to 85 percent of airborne nitrogen pollution and infiltrate or evapotranspire between 90 percent and 95 percent of annual rainfall, preventing pollution associated with stormwater runoff.

SEC. 3. REDUCTION OF POLLUTION RESULTING FROM IMPERVIOUS SURFACES.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended--

- (1) by redesignating subsection (j) as subsection (k); and
- (2) by inserting after subsection (i) the following:

^ (j) Reduction of Pollution Resulting From Impervious Surfaces-

^ (1) PERMITS-

^ (A) IN GENERAL- Not later than January 1, 2009, each unit of local government within the Chesapeake Bay watershed that discharges stormwater through a storm sewer system, regardless of storm sewer system ownership and, without regard to the size of the population shall obtain and comply with a permit under section 402(p).

^ (B) REQUIREMENTS- A permit under section 402(p) for a unit of local government within the Chesapeake Bay watershed shall include requirements to ensure that a project to develop land within the jurisdiction of such unit of local government, which affects land that is more than one acre in size and that is less than 5 percent covered by impervious surfaces prior to the project, is carried out in a manner that not less than the volume of the 95th percentile precipitation event shall infiltrate, evapotranspire from, or be harvested and used on such site after the project is completed.

^ (C) DEFINITION OF 95TH PERCENTILE PRECIPITATION EVENT- The 95th percentile precipitation event is the event whose precipitation total is greater than or equal to 95 percent of all 24-hour storm events on an annual basis.

^ (2) GRANT PROGRAM-

^ (A) IN GENERAL- The Administrator is authorized to make grants to a unit of local government with a permit described under paragraph (1).

^ (B) USES- A grant under subparagraph (A) may be used by a unit of local government for the following:

^ (i) Costs associated with complying with such permit.

^ (ii) Costs associated with implementing a project that is designed, constructed, and maintained to meet the relevant performance standard of part (1)(B).

^ (C) MATCHING REQUIREMENT- A grant for costs associated with implementing a low impact

development project may not be in an amount that exceeds 75 percent of such costs.

` (3) ON-SITE RETENTION GUIDANCE- Not later than June 1, 2010, the Administrator shall issue guidance with respect to the implementation of practices that retain stormwater on-site through infiltration, evapotranspiration, or harvesting, to assist entities affected by the permit described under paragraph (1) to meet the requirements of such permit.

` (4) FOREST COVER- Not later than January 1, 2012, the Administrator shall coordinate with the heads of other Federal departments and agencies to develop plans to maximize forest cover on land owned by the Federal Government in the Chesapeake Bay watershed through the preservation of existing forest cover and the development of reforestation plans with respect to land that has been disturbed or developed in the past.

` (5) UNIT OF LOCAL GOVERNMENT DEFINED- In this subsection, the term `unit of local government' means any county, city, or other general purpose political subdivision, including regional authorities of a State with jurisdiction over land use.

` (6) AUTHORIZATION OF APPROPRIATIONS- In addition to amounts authorized to be appropriated or otherwise made available to carry out this section, there is authorized to be appropriated to the Administrator \$1,500,000,000 to carry out this subsection, to remain available until expended.'.

END