

113TH CONGRESS
2^D SESSION

H. R. 4739

To provide assistance to communities affected by total maximum daily loads established by the Administrator of the Environmental Protection Agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2014

Mr. REED (for himself and Mr. MURPHY of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To provide assistance to communities affected by total maximum daily loads established by the Administrator of the Environmental Protection Agency, 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 “Impaired Waters Im-
5 provement Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the following definitions apply:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) COVERED TMDL.—The term “covered
5 TMDL” means a total maximum daily load for ni-
6 trogen, phosphorus, or sediment established under
7 section 303(d) of the Federal Water Pollution Con-
8 trol Act (33 U.S.C. 1313(d)).

9 (3) COVERED TMDL JURISDICTION.—

10 (A) IN GENERAL.—The term “covered
11 TMDL jurisdiction” means a geographic area
12 that is subject to a covered TMDL.

13 (B) INCLUSION OF CHESAPEAKE BAY.—
14 The term “covered TMDL jurisdiction” in-
15 cludes the geographic area subject to total max-
16 imum daily load for pollutants for the Ches-
17 apeake Bay and its tidal tributaries established
18 by the Administrator on December 29, 2010,
19 and noticed at 76 Fed. Reg. 549 (January 5,
20 2011).

21 (4) PUBLICLY OWNED STORMWATER MANAGE-
22 MENT PRACTICES.—The term “publicly owned
23 stormwater management practices” means tech-
24 niques for managing and treating rainwater runoff
25 that are the responsibility of the public sector, in-

1 cluding, and by order of preference, practices
2 which—

3 (A) utilize or mimic natural infiltration of
4 rainwater into the ground;

5 (B) hold and treat runoff by allowing plant
6 materials to take up pollutants; and

7 (C) capture runoff and hold it for a period
8 of time sufficient to allow pollutants to settle
9 out or evaporate, and which substantially re-
10 duce the volume of runoff in local waters during
11 peak runoff periods.

12 (5) TREATMENT WORKS.—The term “treatment
13 works” has the meaning given the term in section
14 212 of the Federal Water Pollution Control Act (33
15 U.S.C. 1292).

16 **SEC. 3. GRANTS TO ASSIST COVERED TMDL JURISDIC-**
17 **TIONS.**

18 (a) IN GENERAL.—The Administrator of the Envi-
19 ronmental Protection Agency may make grants to the
20 owner or operator of—

21 (1) a publicly owned treatment works serving a
22 covered TMDL jurisdiction;

23 (2) publicly owned storm water management
24 practices serving a covered TMDL jurisdiction; or

1 (3) a privately owned farm implementing meth-
2 ods to reduce discharges of nitrogen, phosphorus, or
3 sediment in a covered TMDL jurisdiction.

4 (b) APPLICATIONS.—

5 (1) IN GENERAL.—To be eligible for a grant
6 under this section, an owner or operator referred to
7 in subsection (a) shall submit to the Administrator
8 an application at such time, in such form, and con-
9 taining such information as the Administrator may
10 require.

11 (2) REQUIRED INFORMATION.—The application,
12 at a minimum, shall contain a description of how the
13 amounts of the grant will be used to assist the appli-
14 cant in meeting a covered TMDL.

15 (c) AWARD OF GRANTS.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 the Administrator shall award grants to applicants
18 under this section on a competitive basis.

19 (2) CONSIDERATIONS.—In awarding grants to
20 applicants under this section, the Administrator
21 shall consider—

22 (A) the demonstrated need of the applicant
23 for the grant; and

24 (B) with respect to the project to be fund-
25 ed using the grant—

1 (i) the effectiveness of any tech-
2 nologies that will be used;

3 (ii) the ecological sensitivity of the ge-
4 ographic area involved; and

5 (iii) whether the use of existing facili-
6 ties, if any, will be maximized.

7 (d) USE OF GRANTS.—

8 (1) IN GENERAL.—A recipient of a grant under
9 this section shall use the amounts of the grant to
10 implement methods to reduce discharges of nitrogen,
11 phosphorus, and sediment—

12 (A) using proven technology and practices;

13 or

14 (B) using an innovative practice, subject to
15 a determination by the Administrator that the
16 innovative practice is reasonably expected to re-
17 duce the discharges.

18 (2) GRANTS TO FARMS.—

19 (A) ENGINEERING OR CONSULTATION
20 WORK FOR WATER STORAGE PROJECTS.—In the
21 case of a grant made to an owner or operator
22 referred to in subsection (a)(3), amounts of the
23 grant may be used for engineering or consulta-
24 tion work in designing a water storage project
25 if—

1 (i) the project complies with the limi-
2 tation in paragraph (3); and

3 (ii) the project is completed within 5
4 years of the date of receipt of the grant.

5 (B) REPAYMENT OF CERTAIN GRANT
6 AMOUNTS.—The Administrator shall require re-
7 payment of a grant made to carry out a project
8 described in subparagraph (A) if the project is
9 not completed within 5 years of the date of re-
10 ceipt of the grant.

11 (3) LIMITATION.—A recipient of a grant under
12 this section may not use the amounts of the grant—

13 (A) to pay the salary of any individual who
14 is employed by the recipient as of the date of
15 receipt of the grant; or

16 (B) to pay the salary of any individual
17 hired by the recipient after that date unless—

18 (i) the individual is an expert in the
19 field of reducing discharges from treatment
20 works; and

21 (ii) the recipient can demonstrate, to
22 the satisfaction of the Administrator, that
23 the individual will assist in meeting a cov-
24 ered TMDL.

1 (e) GRANT AMOUNT.—The Administrator may not
2 make grants under this section to a grant recipient in an
3 amount that exceeds \$2,000,000 in a fiscal year.

4 (f) FEDERAL SHARE.—The Federal share of the cost
5 of a program or activity carried out using amounts from
6 a grant received under this section may not exceed two-
7 thirds of the cost of the program or activity.

8 **SEC. 4. IMPAIRED WATERS IMPROVEMENT FUND.**

9 (a) INCREASE IN CIVIL PENALTIES.—

10 (1) IN GENERAL.—The Administrator shall pre-
11 scribe by regulation an increase in the amount of a
12 civil penalty assessed for a violation of the Federal
13 Water Pollution Control Act (33 U.S.C. 1251 et
14 seq.).

15 (2) AMOUNT OF INCREASE.—The amount of
16 the increase shall be 5 percent of the civil penalty
17 amount determined under that Act for the violation.

18 (3) APPLICABILITY.—The regulations shall
19 apply the increased civil penalty amount only to vio-
20 lations occurring after the date of enactment of this
21 Act.

22 (b) ESTABLISHMENT OF IMPAIRED WATERS IM-
23 PROVEMENT FUND.—

1 (1) IN GENERAL.—There is established in the
2 Treasury of the United States a trust fund to be
3 known as the Impaired Waters Improvement Fund.

4 (2) TRANSFER TO FUND.—There are hereby
5 appropriated to the Impaired Waters Improvement
6 Fund for each of fiscal years 2015 through 2019
7 amounts equivalent to amounts received in the
8 Treasury that are attributable to increases in civil
9 penalty amounts assessed pursuant to subsection (a)
10 or \$100,000,000, whichever is less.

11 (3) EXPENDITURES.—Amounts in the Impaired
12 Waters Improvement Fund shall be available, as
13 provided in appropriations Acts, for making expendi-
14 tures to carry out section 3.

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