[DISCUSSION DRAFT]

111TH CONGRESS  2D SESSION

H. R. _____

To amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of the San Francisco Bay, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SPEIER introduced the following bill; which was referred to the Committee on ________

A BILL

To amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of the San Francisco 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 “San Francisco Bay
5 Improvement Act of 2010”.

March 16, 2010 (5:27 p.m.)
SEC. 2. SAN FRANCISCO BAY.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

“SEC. 123. SAN FRANCISCO BAY.

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

“(1) COMMITTEE.—The term ‘Committee’ means the San Francisco Bay Program Advisory Committee established under subsection (d).

“(2) COMPREHENSIVE PLAN.—The term ‘comprehensive plan’ means the comprehensive conservation and management plan for the San Francisco Bay established under section 320, including any amendments thereto.

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Office, except with respect to subsections (d)(2) and (e).

“(4) OFFICE.—The term ‘Office’ means the San Francisco Bay Program Office established under subsection (b).

“(5) REGIONAL MONITORING PROGRAM.—The term ‘Regional Monitoring Program’ means the program of the San Francisco Estuary Institute established in 1993 by the San Francisco Bay Regional Water Quality Control Board to monitor contamina-
tion in the San Francisco Bay and to provide data
to water quality regulators for effective management
of such Bay.

“(6) SAN FRANCISCO BAY.—The term ‘San
Francisco Bay’ means the areas comprising the San
Francisco Bay as determined by the Director.

“(7) SAN FRANCISCO ESTUARY PARTNER-
SHIP.—The term ‘San Francisco Estuary Partner-
ship’ means the agency established in 1987 under
section 320 to develop and implement a comprehen-
sive conservation and management plan to restore
and maintain the chemical, physical, and biological
integrity of the San Francisco Bay.

“(b) PROGRAM OFFICE.—

“(1) ESTABLISHMENT.—The Administrator
shall establish in the Environmental Protection
Agency a San Francisco Bay Program Office. The
Office shall be located at the headquarters of region
9 of the Environmental Protection Agency.

“(2) APPOINTMENT OF DIRECTOR.—The Ad-
ministrator shall appoint a Director of the Office,
who, by reason of management experience and tech-
ical expertise relating to the San Francisco Bay,
shall be highly qualified to support the development
and implementation of projects, programs, and studies necessary to implement the comprehensive plan.

“(3) Delegation of authority; staffing.—
The Administrator shall delegate to the Director such authority and provide such staff as may be necessary to carry out this section.

“(c) Duties.—

“(1) In general.—In carrying out this section, the Administrator, acting through the Director, shall—

“(A) assist and support the implementation of the comprehensive plan;

“(B) provide funding and make grants for implementation of the comprehensive plan and projects, programs, and studies consistent with the priorities of the comprehensive plan;

“(C) promote innovative methodologies and technologies that are cost-effective and consistent with the identified goals and objectives of the comprehensive plan and Environmental Protection Agency permitting processes;

“(D) coordinate the major functions of the Federal Government related to the implementation of the comprehensive plan, including
projects, programs, and studies with respect to—

“(i) water quality improvement;
“(ii) wetland, riverine, and estuary restoration and protection;
“(iii) nearshore and endangered species recovery; and
“(iv) adaptation to climate change;
“(E) coordinate research and planning projects authorized under this section with the San Francisco Estuary Partnership, Federal departments and agencies, State agencies, local governments, federally recognized Indian tribes, universities, and other public or nonprofit private organizations to advance implementation of the comprehensive plan;
“(F) track progress with respect to meeting the identified goals and objectives of the comprehensive plan by—
“(i) implementing and supporting a project, program, and study monitoring system consistent with the systems used by the San Francisco Estuary Partnership; and
“(ii) coordinating, managing, and reporting environmental data relating to San Francisco Bay in a manner consistent with methodologies utilized by the Regional Monitoring Program, including, to the extent practicable, making such data and reports on such data available to the public, including on the Internet, in a timely fashion; and

“(G) collect and make available to the public, including on the Internet, publications and other forms of information relating to the environmental quality of the San Francisco Bay.

“(2) IMPLEMENTATION METHODS.—The Administrator, acting through the Director, may enter into interagency agreements, make intergovernmental personnel appointments, provide funding, and make grants in carrying out the duties under this subsection.

“(d) SAN FRANCISCO BAY PROGRAM ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Administrator shall establish a San Francisco Bay Program Advisory Committee to provide advice to the Administrator on
the implementation of the identified goals and objectives of the comprehensive plan.

“(2) COMPOSITION.—The Committee shall consist of the Director and Steering Committee of the San Francisco Estuary Partnership, and representatives of appropriate Federal and State departments and agencies that may affect or implement projects or programs identified in the comprehensive plan. Participation on the Committee shall be voluntary for any individual that is not an employee of the Federal Government.

“(3) CHAIRPERSON.—The Director shall serve as the chairperson of the Committee.

“(4) MEETINGS.—The Committee shall meet at least twice per year—

“(A) to assess the progress of the Office in meeting the identified goals and objectives of the comprehensive plan;

“(B) to identify improvements necessary for meeting the identified goals and objectives of the comprehensive plan; and

“(C) to assess Federal department and agency budget needs with respect to implementing the comprehensive plan.
“(5) COMPENSATION OF MEMBERS.—A member of the Committee shall serve without compensation.

“(6) TRAVEL EXPENSES.—Subject to the availability of appropriations, the Administrator shall reimburse a member of the Committee for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of a Federal agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or the regular place of business of the member in performance of services for the Committee.

“(e) REPORT.—Not later than one year after the date of enactment of this section, and biennially thereafter, the Administrator, in consultation with the Director of the San Francisco Estuary Partnership, shall submit to Congress a report that—

“(1) summarizes progress with respect to implementing the comprehensive plan and achieving the identified goals and objectives described in the comprehensive plan;

“(2) summarizes any modifications to the comprehensive plan made in the 2-year period preceding such report;

“(3) includes specific recommendations for implementation of the comprehensive plan; and
“(4) summarizes the roles and progress of each Federal department or agency that has jurisdiction in the San Francisco Bay with respect to meeting the identified goals and objectives of the comprehensive plan.

“(f) IMPLEMENTATION OF COMPREHENSIVE PLAN.—

“(1) IN GENERAL.—The Administrator, acting through the Director and in consultation with the San Francisco Estuary Partnership, shall carry out projects, programs, and studies to implement the comprehensive plan.

“(2) PRIORITY PROJECTS, PROGRAMS, AND STUDIES.—In carrying out paragraph (1), the Administrator shall give priority to projects, programs, and studies that are identified as priorities by the San Francisco Estuary Partnership in the comprehensive plan.

“(3) GRANTS.—

“(A) IN GENERAL.—The Administrator, acting through the Director, is authorized to make grants for projects, programs, and studies to implement the comprehensive plan.

“(B) ALLOCATIONS.—In making grants under this paragraph, the Administrator shall use—
“(i) 2.5 percent of the funds appropriated for making grants under this paragraph for a fiscal year to make a comprehensive grant to the San Francisco Estuary Partnership to manage implementation of the comprehensive plan; and

“(ii) 97.5 percent of funds appropriated for making grants under this paragraph for a fiscal year to make grants to State and regional water pollution control agencies and entities, including the San Francisco Estuary Partnership, federally recognized Indian tribes, State coastal zone management agencies, local governments, and public or nonprofit private agencies, institutions, or organizations to implement projects, programs, and studies that advance implementation of the comprehensive plan.

“(C) GRANT ELIGIBILITY.—An entity shall be eligible for grants under this paragraph only if grant funds shall be used for projects, programs, and studies that are pursuant to the comprehensive plan.

“(4) FEDERAL SHARE.—
“(A) MANAGEMENT GRANTS.—The Federal share of the cost of management activities carried out using funds from a grant under paragraph (3)(B)(i) shall not exceed 75 percent.

“(B) PROJECT, PROGRAM, AND STUDY GRANTS.—The Federal share of the cost of a project, program, or study carried out using funds from a grant under paragraph (3)(B)(ii) shall not exceed 50 percent.

“(g) ANNUAL BUDGET PLAN.—The President, as part of the annual budget submission of the President under section 1105 of title 31, United States Code, shall submit information regarding each Federal department and agency involved in San Francisco Bay protection and restoration, including—

“(1) a report that displays for each Federal agency—

“(A) the amounts obligated in the preceding fiscal year for protection and restoration projects, programs, and studies relating to the San Francisco Bay; and

“(B) the proposed budget for protection and restoration projects, programs, and studies relating to the San Francisco Bay; and
“(2) a description and assessment of the Federal role in the implementation of the comprehensive plan and the specific role of each Federal department and agency involved in San Francisco Bay protection and restoration, including specific projects, programs, and studies conducted or planned to achieve the identified goals and objectives of the comprehensive plan.

“(h) Authorization of Appropriations.—There is authorized to be appropriated to the Administrator to carry out this section $100,000,000 for each of fiscal years 2011 through 2021. Such sums shall remain available until expended.”.