

[DISCUSSION DRAFT]

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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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”.

1 **SEC. 2. SAN FRANCISCO BAY.**

2 Title I of the Federal Water Pollution Control Act  
3 (33 U.S.C. 1251 et seq.) is amended by adding at the end  
4 the following:

5 **“SEC. 123. SAN FRANCISCO BAY.**

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

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

11 “(2) COMPREHENSIVE PLAN.—The term ‘com-  
12 prehensive plan’ means the comprehensive conserva-  
13 tion and management plan for the San Francisco  
14 Bay established under section 320, including any  
15 amendments thereto.

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

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

22 “(5) REGIONAL MONITORING PROGRAM.—The  
23 term ‘Regional Monitoring Program’ means the pro-  
24 gram of the San Francisco Estuary Institute estab-  
25 lished in 1993 by the San Francisco Bay Regional  
26 Water Quality Control Board to monitor contamina-

1           tion in the San Francisco Bay and to provide data  
2           to water quality regulators for effective management  
3           of such Bay.

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

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

14          “(b) PROGRAM OFFICE.—

15          “(1) ESTABLISHMENT.—The Administrator  
16          shall establish in the Environmental Protection  
17          Agency a San Francisco Bay Program Office. The  
18          Office shall be located at the headquarters of region  
19          9 of the Environmental Protection Agency.

20          “(2) APPOINTMENT OF DIRECTOR.—The Ad-  
21          ministrator shall appoint a Director of the Office,  
22          who, by reason of management experience and tech-  
23          nical expertise relating to the San Francisco Bay,  
24          shall be highly qualified to support the development

1 and implementation of projects, programs, and stud-  
2 ies necessary to implement the comprehensive plan.

3 “(3) DELEGATION OF AUTHORITY; STAFFING.—

4 The Administrator shall delegate to the Director  
5 such authority and provide such staff as may be nec-  
6 essary to carry out this section.

7 “(c) DUTIES.—

8 “(1) IN GENERAL.—In carrying out this sec-  
9 tion, the Administrator, acting through the Director,  
10 shall—

11 “(A) assist and support the implementa-  
12 tion of the comprehensive plan;

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

17 “(C) promote innovative methodologies and  
18 technologies that are cost-effective and con-  
19 sistent with the identified goals and objectives  
20 of the comprehensive plan and Environmental  
21 Protection Agency permitting processes;

22 “(D) coordinate the major functions of the  
23 Federal Government related to the implementa-  
24 tion of the comprehensive plan, including

1 projects, programs, and studies with respect  
2 to—

3 “(i) water quality improvement;

4 “(ii) wetland, riverine, and estuary  
5 restoration and protection;

6 “(iii) nearshore and endangered spe-  
7 cies recovery; and

8 “(iv) adaptation to climate change;

9 “(E) coordinate research and planning  
10 projects authorized under this section with the  
11 San Francisco Estuary Partnership, Federal  
12 departments and agencies, State agencies, local  
13 governments, federally recognized Indian tribes,  
14 universities, and other public or nonprofit pri-  
15 vate organizations to advance implementation of  
16 the comprehensive plan;

17 “(F) track progress with respect to meet-  
18 ing the identified goals and objectives of the  
19 comprehensive plan by—

20 “(i) implementing and supporting a  
21 project, program, and study monitoring  
22 system consistent with the systems used by  
23 the San Francisco Estuary Partnership;  
24 and

1           “(ii) coordinating, managing, and re-  
2           porting environmental data relating to San  
3           Francisco Bay in a manner consistent with  
4           methodologies utilized by the Regional  
5           Monitoring Program, including, to the ex-  
6           tent practicable, making such data and re-  
7           ports on such data available to the public,  
8           including on the Internet, in a timely fash-  
9           ion; and

10           “(G) collect and make available to the pub-  
11           lic, including on the Internet, publications and  
12           other forms of information relating to the envi-  
13           ronmental quality of the San Francisco Bay.

14           “(2) IMPLEMENTATION METHODS.—The Ad-  
15           ministrator, acting through the Director, may enter  
16           into interagency agreements, make intergovern-  
17           mental personnel appointments, provide funding,  
18           and make grants in carrying out the duties under  
19           this subsection.

20           “(d) SAN FRANCISCO BAY PROGRAM ADVISORY COM-  
21           MITTEE.—

22           “(1) IN GENERAL.—The Administrator shall es-  
23           tablish a San Francisco Bay Program Advisory  
24           Committee to provide advice to the Administrator on

1 the implementation of the identified goals and objec-  
2 tives of the comprehensive plan.

3 “(2) COMPOSITION.—The Committee shall con-  
4 sist of the Director and Steering Committee of the  
5 San Francisco Estuary Partnership, and representa-  
6 tives of appropriate Federal and State departments  
7 and agencies that may affect or implement projects  
8 or programs identified in the comprehensive plan.  
9 Participation on the Committee shall be voluntary  
10 for any individual that is not an employee of the  
11 Federal Government.

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

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

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

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

22 “(C) to assess Federal department and  
23 agency budget needs with respect to imple-  
24 menting the comprehensive plan.

1           “(5) COMPENSATION OF MEMBERS.—A member  
2 of the Committee shall serve without compensation.

3           “(6) TRAVEL EXPENSES.—Subject to the avail-  
4 ability of appropriations, the Administrator shall re-  
5 imburse a member of the Committee for travel ex-  
6 penses, including per diem in lieu of subsistence, at  
7 rates authorized for an employee of a Federal agen-  
8 cy under subchapter I of chapter 57 of title 5,  
9 United States Code, while away from home or the  
10 regular place of business of the member in perform-  
11 ance of services for the Committee.

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

17           “(1) summarizes progress with respect to imple-  
18 menting the comprehensive plan and achieving the  
19 identified goals and objectives described in the com-  
20 prehensive plan;

21           “(2) summarizes any modifications to the com-  
22 prehensive plan made in the 2-year period preceding  
23 such report;

24           “(3) includes specific recommendations for im-  
25 plementation of the comprehensive plan; and



1           “(4) summarizes the roles and progress of each  
2           Federal department or agency that has jurisdiction  
3           in the San Francisco Bay with respect to meeting  
4           the identified goals and objectives of the comprehen-  
5           sive plan.

6           “(f) IMPLEMENTATION OF COMPREHENSIVE PLAN.—

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

12          “(2) PRIORITY PROJECTS, PROGRAMS, AND  
13          STUDIES.—In carrying out paragraph (1), the Ad-  
14          ministrator shall give priority to projects, programs,  
15          and studies that are identified as priorities by the  
16          San Francisco Estuary Partnership in the com-  
17          prehensive plan.

18          “(3) GRANTS.—

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

23                 “(B) ALLOCATIONS.—In making grants  
24                 under this paragraph, the Administrator shall  
25                 use—

1           “(i) 2.5 percent of the funds appro-  
2           priated for making grants under this para-  
3           graph for a fiscal year to make a com-  
4           prehensive grant to the San Francisco Es-  
5           tuary Partnership to manage implementa-  
6           tion of the comprehensive plan; and

7           “(ii) 97.5 percent of funds appro-  
8           priated for making grants under this para-  
9           graph for a fiscal year to make grants to  
10          State and regional water pollution control  
11          agencies and entities, including the San  
12          Francisco Estuary Partnership, federally  
13          recognized Indian tribes, State coastal zone  
14          management agencies, local governments,  
15          and public or nonprofit private agencies,  
16          institutions, or organizations to implement  
17          projects, programs, and studies that ad-  
18          vance implementation of the comprehensive  
19          plan.

20          “(C) GRANT ELIGIBILITY.—An entity shall  
21          be eligible for grants under this paragraph only  
22          if grant funds shall be used for projects, pro-  
23          grams, and studies that are pursuant to the  
24          comprehensive plan.

25          “(4) FEDERAL SHARE.—

1           “(A) MANAGEMENT GRANTS.—The Fed-  
2           eral share of the cost of management activities  
3           carried out using funds from a grant under  
4           paragraph (3)(B)(i) shall not exceed 75 per-  
5           cent.

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

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

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

19                         “(A) the amounts obligated in the pre-  
20                         ceding fiscal year for protection and restoration  
21                         projects, programs, and studies relating to the  
22                         San Francisco Bay; and

23                         “(B) the proposed budget for protection  
24                         and restoration projects, programs, and studies  
25                         relating to the San Francisco Bay; and

1           “(2) a description and assessment of the Fed-  
2           eral role in the implementation of the comprehensive  
3           plan and the specific role of each Federal depart-  
4           ment and agency involved in San Francisco Bay pro-  
5           tection and restoration, including specific projects,  
6           programs, and studies conducted or planned to  
7           achieve the identified goals and objectives of the  
8           comprehensive plan.

9           “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
10          is authorized to be appropriated to the Administrator to  
11          carry out this section \$100,000,000 for each of fiscal  
12          years 2011 through 2021. Such sums shall remain avail-  
13          able until expended.”.