

111TH CONGRESS  
1ST SESSION

# S. 936

To amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

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## IN THE SENATE OF THE UNITED STATES

APRIL 30, 2009

Mr. LAUTENBERG (for himself, Mr. VOINOVICH, Mr. WHITEHOUSE, Mr. MENENDEZ, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

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 “Water Quality Invest-  
5        ment Act of 2009”.

6        **SEC. 2. SEWER OVERFLOW CONTROL GRANTS.**

7        (a) SEWER OVERFLOW CONTROL GRANTS.—Section  
8        221 of the Federal Water Pollution Control Act (33  
9        U.S.C. 1301) is amended—

1           (1) in subsection (a), by striking “IN GEN-  
2           ERAL” and all that follows through “(2) subject to  
3           subsection (g), the Administrator may” and insert-  
4           ing the following:

5           “(a) IN GENERAL.—The Administrator may—

6           “(1) make grants to States for the purpose of  
7           providing grants to a municipality or municipal enti-  
8           ty for planning, design, and construction of treat-  
9           ment works to intercept, transport, control, or treat  
10          municipal combined sewer overflows and sanitary  
11          sewer overflows; and

12          “(2) subject to subsection (g),”; and

13          (2) by striking subsections (e) through (g) and  
14          inserting the following:

15          “(e) ADMINISTRATIVE REQUIREMENTS.—

16          “(1) IN GENERAL.—Subject to paragraph (2), a  
17          project that receives grant assistance under sub-  
18          section (a) shall be carried out subject to the same  
19          requirements as a project that receives assistance  
20          from a State water pollution control revolving fund  
21          established pursuant to title VI.

22          “(2) DETERMINATION OF GOVERNOR.—The re-  
23          quirement described in paragraph (1) shall not apply  
24          to a project that receives grant assistance under  
25          subsection (a) to the extent that the Governor of the

1 State in which the project is located determines that  
 2 a requirement described in title VI is inconsistent  
 3 with the purposes of this section.

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
 5 are authorized to be appropriated to carry out this section,  
 6 to remain available until expended—

7 “(1) \$250,000,000 for fiscal year 2010;

8 “(2) \$300,000,000 for fiscal year 2011;

9 “(3) \$350,000,000 for fiscal year 2012;

10 “(4) \$400,000,000 for fiscal year 2013; and

11 “(5) \$500,000,000 for fiscal year 2014.

12 “(g) ALLOCATION OF FUNDS.—

13 “(1) FISCAL YEARS 2010 AND 2011.—For each  
 14 of fiscal years 2010 and 2011, subject to subsection  
 15 (h), the Administrator shall use the amounts made  
 16 available to carry out this section to provide grants  
 17 to municipalities and municipal entities under sub-  
 18 section (a)(2)—

19 “(A) in accordance with the priority cri-  
 20 teria described in subsection (b); and

21 “(B) with additional priority given to pro-  
 22 posed projects that involve the use of—

23 “(i) nonstructural, low-impact devel-  
 24 opment;

1                   “(ii) water conservation, efficiency, or  
2                   reuse; or

3                   “(iii) other decentralized stormwater  
4                   or wastewater approaches to minimize  
5                   flows into the sewer systems.

6                   “(2) FISCAL YEAR 2012 AND THEREAFTER.—  
7                   For fiscal year 2010 and each fiscal year thereafter,  
8                   subject to subsection (h), the Administrator shall  
9                   use the amounts made available to carry out this  
10                  section to provide grants to States under subsection  
11                  (a)(1) in accordance with a formula that—

12                   “(A) shall be established by the Adminis-  
13                   trator, after providing notice and an oppor-  
14                   tunity for public comment;

15                   “(B) allocates to each State a proportional  
16                   share of the amounts based on the total needs  
17                   of the State for municipal combined sewer over-  
18                   flow controls and sanitary sewer overflow con-  
19                   trols, as identified in the most recent survey—

20                   “(i) conducted under section 210; and

21                   “(ii) included in a report required  
22                   under section 516(b)(1)(B); and

23                   “(C) gives additional grant priority to  
24                   States that propose to carry out projects that  
25                   involve the use of—

1                   “(i) nonstructural, low-impact devel-  
2                   opment;

3                   “(ii) water conservation, efficiency, or  
4                   reuse; or

5                   “(iii) other decentralized stormwater  
6                   or wastewater approaches to minimize  
7                   flows into the sewer systems.”.

8           (b) REPORTS.—Section 221(i) of the Federal Water  
9   Pollution Control Act (33 U.S.C. 1301(i)) is amended in  
10 the first sentence by striking “2003” and inserting  
11 “2010”.

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