

111TH CONGRESS
1ST SESSION

H. R. 4202

To establish centers of excellence for green infrastructure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2009

Ms. EDWARDS of Maryland (for herself, Mr. CARNAHAN, and Mr. DRIEHAUS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish centers of excellence for green infrastructure,
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 “Green Infrastructure
5 for Clean Water Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Many water resources in the United States
2 are declining, particularly in urban areas.

3 (2) This decline of water resources is the result
4 of an increase in population, water consumption, and
5 impermeable surfaces, as well as the negative effects
6 of urbanization, commercial and industrial activities,
7 and climate change.

8 (3) An October 2008 study by the National Re-
9 search Council found that some of the benefits of
10 green infrastructure include increased water sup-
11 plies, the creation of green jobs, cost savings, and a
12 reduction of stormwater runoff, surface water dis-
13 charge, stormwater pollution, and stormwater flows.

14 **SEC. 3. CENTERS OF EXCELLENCE FOR GREEN INFRA-**
15 **STRUCTURE.**

16 (a) ESTABLISHMENT OF CENTERS.—

17 (1) IN GENERAL.—The Administrator shall
18 make grants on a competitive basis to eligible insti-
19 tutions to establish and maintain not fewer than 3
20 and not more than 5 centers of excellence for green
21 infrastructure, located throughout the United States.

22 (2) GENERAL OPERATION.—Each center
23 shall—

24 (A) conduct research on green infrastruc-
25 ture that is relevant to the geographic region in

1 which the center is located, including
2 stormwater and sewer overflow reduction, other
3 approaches to water resource enhancement, and
4 other environmental, economic, and social bene-
5 fits;

6 (B) develop manuals and set industry
7 standards on best management practices relat-
8 ing to State, local, and commercial green infra-
9 structure for use by State and local govern-
10 ments and the private sector;

11 (C) provide information about research
12 conducted under subparagraph (A) and manu-
13 als produced under subparagraph (B) to the na-
14 tional electronic clearinghouse center for publi-
15 cation on the Web site created pursuant to sub-
16 section (c) to inform the Federal Government
17 and State and local governments and the pri-
18 vate sector about green infrastructure;

19 (D) provide technical assistance to State
20 and local governments to assist with green in-
21 frastructure projects;

22 (E) collaborate with institutions of higher
23 education and private and public organizations
24 in the geographic region in which the center is

1 located on green infrastructure research and
2 technical assistance projects;

3 (F) assist institutions of higher education,
4 secondary schools, and vocational schools to de-
5 velop green infrastructure curricula;

6 (G) provide training about green infra-
7 structure to institutions of higher education and
8 professional schools;

9 (H) evaluate regulatory and policy issues
10 about green infrastructure; and

11 (I) coordinate with the other centers to
12 avoid duplication of efforts.

13 (b) APPLICATION.—To be eligible to receive a grant
14 under this section, an eligible institution shall prepare and
15 submit to the Administrator an application at such a time,
16 in such form, and containing such information and assur-
17 ances as the Administrator may require.

18 (c) NATIONAL ELECTRONIC CLEARINGHOUSE CEN-
19 TER.—One of the centers established under section (a)(1)
20 shall be designated and known as the “national electronic
21 clearinghouse center” and shall, in addition to its other
22 functions—

23 (1) develop, operate, and maintain a Web site
24 and a public database, containing information relat-
25 ing to green infrastructure; and

1 (2) post information from the centers to the
2 Web site.

3 **SEC. 4. GREEN INFRASTRUCTURE GRANTS.**

4 (a) GRANT AUTHORITY.—The Administrator shall
5 make grants on a competitive basis to eligible entities to
6 carry out green infrastructure projects in accordance with
7 this section.

8 (b) GREEN INFRASTRUCTURE PROJECTS.—

9 (1) PLANNING AND DEVELOPMENT GRANTS.—
10 The Administrator may make planning and develop-
11 ment grants under this section for the following
12 projects:

13 (A) Planning and designing green infra-
14 structure projects, including engineering sur-
15 veys, landscape plans, and implementation
16 plans.

17 (B) Identifying and developing standards
18 and revisions to local zoning, building, or other
19 local codes necessary to accommodate green in-
20 frastructure projects.

21 (C) Identifying and developing fee struc-
22 tures to provide financial support for design, in-
23 stallation, and operations and maintenance of
24 green infrastructure.

1 (D) Developing training and educational
2 materials about green infrastructure for dis-
3 tribution to both those with applicable technical
4 knowledge and the public in general.

5 (E) Developing a green infrastructure
6 portfolio standard program described in section
7 5(e).

8 (2) IMPLEMENTATION GRANTS.—The Adminis-
9 trator may make implementation grants under this
10 section for the following projects:

11 (A) Installing green infrastructure.

12 (B) Monitoring and evaluating the environ-
13 mental, economic, or social benefits of green in-
14 frastructure.

15 (C) Implementing a best practices stand-
16 ard for a green infrastructure program.

17 (D) Implementing a green infrastructure
18 portfolio standard program described in section
19 5(e).

20 (c) APPLICATION.—Except as otherwise provided, to
21 be eligible to receive a grant under this section, an eligible
22 entity shall prepare and submit to the Administrator an
23 application at such time, in such form, and containing
24 such information and assurances as the Administrator
25 may require, that includes, where applicable—

1 (1) a description of the green infrastructure
2 project;

3 (2) a plan for monitoring the impacts of the
4 green infrastructure project on the water quality and
5 quantity;

6 (3) an evaluation of other environmental, eco-
7 nomic, or social benefits of the green infrastructure
8 project; and

9 (4) a plan for the long-term operation and
10 maintenance of the green infrastructure project.

11 (d) ADDITIONAL REQUIREMENT FOR GREEN INFRA-
12 STRUCTURE PORTFOLIO STANDARD PROJECT.—A State
13 applying for a grant for a green infrastructure portfolio
14 standard program described in section 5(e) shall prepare
15 and submit a schedule of increasing minimum percentages
16 of the annual water to be managed using green infrastruc-
17 ture under the program.

18 (e) PRIORITY.—In making grants under this section,
19 the Administrator shall give priority to applications—

20 (1) submitted from a community—

21 (A) that—

22 (i) has combined storm and sanitary
23 sewers in its collection system; or

24 (ii) is low-income or disadvantaged as
25 determined by the Administrator; or

(2) submitted from an eligible entity that will use 10 percent of the grant provided for a low-income or disadvantaged community as determined by the Administrator.

(f) GRANT LIMITATION.—

(1) PLANNING AND DEVELOPMENT GRANT.—

The Administrator may not make a planning and development grant under this section in an amount that exceeds \$200,000. The Administrator may not make planning and development grants of more than \$100,000,000, in the aggregate, in each fiscal year.

(2) IMPLEMENTATION GRANT.—The Adminis-

trator may not make an implementation grant under this section in an amount that exceeds \$3,000,000. The Administrator may not make implementation grants of more than \$200,000,000, in the aggregate, in each fiscal year.

(g) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided under

paragraph (3), the Federal share of a grant provided under this section may not exceed 65 percent of the total project cost.

(2) CREDIT FOR IMPLEMENTATION GRANT.—

The Administrator shall credit toward the non-Federal share of the cost of an implementation project

1 carried out under this section the cost of planning,
2 design, and construction work completed for the
3 project with funds other than funds provided under
4 this Act.

5 (3) EXCEPTION.—The Administrator may waive
6 the Federal share limitation under paragraph (1) for
7 an eligible entity that has adequately demonstrated
8 financial need.

9 **SEC. 5. ENVIRONMENTAL PROTECTION AGENCY GREEN IN-**
10 **FRASTRUCTURE PROGRAM.**

11 (a) ESTABLISHMENT.—The Administrator shall es-
12 tablish within the Office of Water of the Agency a green
13 infrastructure program, the purpose of which is to coordi-
14 nate and promote the use of green infrastructure and to
15 integrate green infrastructure into permitting programs.

16 (b) DUTIES.—The Administrator shall carry out the
17 green infrastructure program by—

18 (1) promoting the use of green infrastructure in
19 the programs of the Agency; and

20 (2) coordinating efforts to increase the use of
21 green infrastructure with other Federal agencies,
22 State and local governments, and the private sector.

23 (c) REGIONAL IMPLEMENTATION OF GREEN INFRA-
24 STRUCTURE PROGRAM.—The Administrator shall direct
25 each regional office of the Agency to develop a program

1 to promote and integrate the use of green infrastructure
2 within the region that includes—

3 (1) a plan for monitoring, financing, and de-
4 signing the green infrastructure;

5 (2) outreach and training on green infrastruc-
6 ture implementation for State and local governments
7 and the private sector; and

8 (3) the incorporation of green infrastructure
9 into permitting and other regulatory programs,
10 codes, and ordinance development, including the re-
11 quirements under consent decrees and settlement
12 agreements in enforcement actions.

13 (d) GREEN INFRASTRUCTURE COMPLIANCE ASSIST-
14 ANCE CENTER.—The Administrator shall create a compli-
15 ance assistance center, including a Web site, to share in-
16 formation with and provide technical assistance to State
17 and local governments, the private sector, and the public
18 about green infrastructure approaches to reducing water
19 pollution, protecting water resources, complying with reg-
20 ulatory requirements, and achieving other environmental,
21 public health, and community goals.

22 (e) GREEN INFRASTRUCTURE PORTFOLIO STAND-
23 ARD.—The Administrator, in collaboration with State and
24 local water resource managers, shall establish measurable
25 goals, to be known as the “green infrastructure portfolio

1 standard”, to increase the percentage of annual water
2 managed by eligible entities that uses green infrastruc-
3 ture.

4 **SEC. 6. REPORT TO CONGRESS.**

5 Before the end of fiscal year 2014, the Administrator
6 shall submit to Congress a report that includes the fol-
7 lowing:

8 (1) A description of all grants made under this
9 Act and a detailed description of the projects sup-
10 ported and their outcomes.

11 (2) A description of the improvements in tech-
12 nology, environmental benefits, resources conserved,
13 efficiencies, and other benefits of the projects funded
14 under this Act.

15 (3) Recommendations on improvements to pro-
16 mote and support green infrastructure for the cen-
17 ters, grants, and programs under this Act.

18 (4) A description of the existing challenges con-
19 cerning the use of green infrastructure.

20 **SEC. 7. DEFINITIONS.**

21 In this Act:

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

1 (2) AGENCY.—The term “Agency” means the
2 Environmental Protection Agency.

3 (3) CENTER.—The term “center” means a cen-
4 ter of excellence for green infrastructure established
5 under section 3(a).

6 (4) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” means—

8 (A) a State or local government; or

9 (B) a local, regional, or other entity that
10 manages stormwater, water resources, or waste
11 water resources.

12 (5) ELIGIBLE INSTITUTION.—

13 (A) IN GENERAL.—The term “eligible in-
14 stitution” means an institution of higher edu-
15 cation, or a research institution, that has dem-
16 onstrated excellence in green infrastructure
17 by—

18 (i) conducting research on green in-
19 frastructure to determine how it reduces
20 municipal stormwater runoff, enhances and
21 protects drinking water sources, and im-
22 proves water quality;

23 (ii) developing and disseminating in-
24 formation about how an organization can
25 use green infrastructure;

1 (iii) providing technical assistance to
2 an organization for a green infrastructure
3 project;

4 (iv) developing best practices stand-
5 ards for green infrastructure;

6 (v) providing job training in green in-
7 frastructure;

8 (vi) developing course curricula for el-
9 ementary schools, secondary schools, insti-
10 tutions of higher education, and vocational
11 schools;

12 (vii) training students in green infra-
13 structure; or

14 (viii) providing information to the
15 Federal Government or State and local
16 governments about the implementation of
17 green infrastructure.

18 (B) ADDITIONAL DEFINITIONS.—For pur-
19 poses of subparagraph (A):

20 (i) ELEMENTARY SCHOOL.—The term
21 “elementary school” has the meaning given
22 that term in section 9101 of the Elemen-
23 tary and Secondary Education Act of 1965
24 (20 U.S.C. 7801).

1 (ii) INSTITUTION OF HIGHER EDU-
 2 CATION.—The term “institution of higher
 3 education” has the meaning given that
 4 term in section 101 of the Higher Edu-
 5 cation Act of 1965 (20 U.S.C. 1001).

6 (iii) RESEARCH INSTITUTION.—The
 7 term “research institution” means an enti-
 8 ty that is—

9 (I) described in section 501(c)(3)
 10 of the Internal Revenue Code of 1986;

11 (II) exempt from tax under sec-
 12 tion 501(a) of the Internal Revenue
 13 Code of 1986; and

14 (III) organized and operated for
 15 research purposes.

16 (iv) SECONDARY SCHOOL.—The term
 17 “secondary school” has the meaning given
 18 that term in section 9101 of the Elemen-
 19 tary and Secondary Education Act of 1965
 20 (20 U.S.C. 7801).

21 (6) GREEN INFRASTRUCTURE.—The term
 22 “green infrastructure”—

23 (A) means any stormwater management
 24 technique that preserves, restores, enhances, or
 25 mimics natural hydrology;

1 (B) includes methods that promote absorp-
2 tion, uptake, percolation, evapotranspiration,
3 and filtration by soil and plant life; or

4 (C) includes the preservation or restoration
5 of—

6 (i) natural topography, including hills,
7 plains, ravines, and shorelines;

8 (ii) ecology, including forests, grass-
9 lands, and deserts;

10 (iii) bodies of water, including lakes,
11 flood plains, headwaters, and wetlands;
12 and

13 (iv) native soil characteristics of com-
14 position, structure, and transmissivity.

15 (7) STATE.—The term “State” means each of
16 the several States, the District of Columbia, the
17 Commonwealth of Puerto Rico, the United States
18 Virgin Islands, Guam, American Samoa, the Com-
19 monwealth of the Northern Mariana Islands, the
20 Trust Territory of the Pacific Islands, and any other
21 territory or possession of the United States.

22 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) CENTERS OF EXCELLENCE FOR GREEN INFRA-
24 STRUCTURE.—There is authorized to be appropriated to

1 carry out section 3, \$25,000,000 for each of fiscal years
2 2011 through 2014.

3 (b) GREEN INFRASTRUCTURE GRANTS.—There is
4 authorized to be appropriated to carry out section 4,
5 \$300,000,000 for each of fiscal years 2011 through 2014.

6 (c) ENVIRONMENTAL PROTECTION AGENCY GREEN
7 INFRASTRUCTURE PROGRAM.—There is authorized to be
8 appropriated to carry out section 5, \$25,000,000 for each
9 of fiscal years 2011 through 2014.

○