

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.**

**S. 3481**

To amend the Federal Water Pollution Control Act to clarify  
Federal responsibility for stormwater pollution.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT In the Nature of a Substitute intended to be  
proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. FEDERAL RESPONSIBILITY TO PAY FOR**  
4 **STORMWATER PROGRAMS.**

5 Section 313 of the Federal Water Pollution Control  
6 Act (33 U.S.C. 1323) is amended by adding at the end  
7 the following:

8 “(c) REASONABLE SERVICE CHARGES.—Reasonable  
9 service charges described in subsection (a) include any  
10 reasonable nondiscriminatory fee, charge, or assessment  
11 that is—

1           “(1) based on some fair approximation of the  
2           proportionate contribution of the property or facility  
3           to stormwater pollution (in terms of quantities of  
4           pollutants, or volume or rate of stormwater dis-  
5           charge or runoff from the property or facility); and  
6           “(2) used to pay or reimburse the costs associ-  
7           ated with any stormwater management program  
8           (whether associated with a separate storm sewer sys-  
9           tem or a sewer system that manages a combination  
10          of stormwater and sanitary waste), including the full  
11          range of programmatic and structural costs attrib-  
12          utable to collecting stormwater, reducing pollutants  
13          in stormwater, and reducing the volume and rate of  
14          stormwater discharge, regardless of whether that  
15          reasonable fee, charge, or assessment is denominated  
16          a tax.”.