


S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

S. 3481To 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 Mr. CARDIN (for himself, Mr. VOINOVICH,
Ms. CANTWELL, Mrs. MURRAY, and Mr. INHOFE)

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.—

9 “(1) IN GENERAL.—For the purposes of this
10 Act, reasonable service charges described in sub-

1 section (a) include any reasonable nondiscriminatory
2 fee, charge, or assessment that is—

3 “(A) based on some fair approximation of
4 the proportionate contribution of the property
5 or facility to stormwater pollution (in terms of
6 quantities of pollutants, or volume or rate of
7 stormwater discharge or runoff from the prop-
8 erty or facility); and

9 “(B) used to pay or reimburse the costs
10 associated with any stormwater management
11 program (whether associated with a separate
12 storm sewer system or a sewer system that
13 manages a combination of stormwater and sani-
14 tary waste), including the full range of pro-
15 grammatic and structural costs attributable to
16 collecting stormwater, reducing pollutants in
17 stormwater, and reducing the volume and rate
18 of stormwater discharge, regardless of whether
19 that reasonable fee, charge, or assessment is de-
20 nominated a tax.

21 “(2) LIMITATION ON ACCOUNTS.—

22 “(A) LIMITATION.—The payment or reim-
23 bursement of any fee, charge, or assessment de-
24 scribed in paragraph (1) shall not be made

1 using funds from any permanent authorization
2 account in the Treasury.

3 “(B) REIMBURSEMENT OR PAYMENT OBLI-
4 GATION OF FEDERAL GOVERNMENT.—Each de-
5 partment, agency, or instrumentality of the ex-
6 ecutive, legislative, and judicial branches of the
7 Federal Government, as described in subsection
8 (a), shall not be obligated to pay or reimburse
9 any fee, charge, or assessment described in
10 paragraph (1), except to the extent and in an
11 amount provided in advance by any appropria-
12 tions Act to pay or reimburse the fee, charge,
13 or assessment.”.