One Hundred Eleventh Congress
of the
United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday,
the fifth day of January, two thousand and ten

An Act

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

Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,

SECTION 1. FEDERAL RESPONSIBILITY TO PAY FOR STORMWATER
PROGRAMS.

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

"(c) REASONABLE SERVICE CHARGES.—

(1) IN GENERAL.—For the purposes of this Act, reasonable
service charges described in subsection (a) include any reason-
able nondiscriminatory fee, charge, or assessment that is—

(A) based on some fair approximation of the propor-
tionate contribution of the property or facility to
stormwater pollution (in terms of quantities of pollutants,
or volume or rate of stormwater discharge or runoff from
the property or facility); and

(B) used to pay or reimburse the costs associated
with any stormwater management program (whether asso-
ciated with a separate storm sewer system or a sewer
system that manages a combination of stormwater and
sanitary waste), including the full range of programmatic
and structural costs attributable to collecting stormwater,
reducing pollutants in stormwater, and reducing the
volume and rate of stormwater discharge, regardless of
whether that reasonable fee, charge, or assessment is
denominated a tax.

(2) LIMITATION ON ACCOUNTS.—

(A) LIMITATION.—The payment or reimbursement of
any fee, charge, or assessment described in paragraph (1)
shall not be made using funds from any permanent
authorization account in the Treasury.

(B) REIMBURSEMENT OR PAYMENT OBLIGATION OF FED-
ERAL GOVERNMENT.—Each department, agency, or
instrumentality of the executive, legislative, and judicial
branches of the Federal Government, as described in sub-
section (a), shall not be obligated to pay or reimburse
any fee, charge, or assessment described in paragraph (1),
except to the extent and in an amount provided in advance
by any appropriations Act to pay or reimburse the fee, charge, or assessment."

Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.