

# Union Calendar No. 566

106<sup>TH</sup> CONGRESS  
2D SESSION

# H. R. 828

**[Report No. 106-943]**

To amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1999

Mr. BARCIA (for himself, Mr. ROEMER, Mr. TERRY, Mr. FRANK of Massachusetts, Mr. NEY, Mr. MASCARA, Ms. MCCARTHY of Missouri, Mr. ALLEN, Mr. BALDACCI, and Mr. DINGELL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

OCTOBER 6, 2000

Additional sponsors: Mr. MCINTOSH, Mr. RAHALL, Mr. METCALF, Mr. SCOTT, Mr. GOODE, Mr. ROTHMAN, Mr. DICKS, Mr. EVANS, Mr. SANDERS, Mr. GILLMOR, Mr. GOODLATTE, Mr. SHIMKUS, Ms. KAPTUR, Mr. UPTON, Mr. ENGLISH, Mr. BASS, Ms. DANNER, Mr. HOLDEN, Mr. HOEKSTRA, Mr. WU, Mr. KENNEDY of Rhode Island, Mr. WISE, Mr. MATSUI, Ms. KILPATRICK, Mr. SAWYER, Mr. LUCAS of Kentucky, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. NEAL of Massachusetts, Mr. WHITFIELD, Mr. PAYNE, Mr. KLINK, Mr. HOEFFEL, Mr. MCGOVERN, Mr. MOLLOHAN, Mr. MURTHA, Mr. BLILEY, Ms. CARSON, Mr. EHLERS, Mr. WELLER, Mr. BUYER, Mr. FROST, Mr. LEACH, Mr. OWENS, Mr. BATEMAN, Mr. GILMAN, Mr. SOUDER, Mr. MCHUGH, Mr. GILCHREST, Mr. QUINN, Mr. KANJORSKI, Mr. ISAKSON, Mr. CAMP, Mr. PEASE, Mr. OLVER, Mr. MEEHAN, and Mr. BEREUTER

OCTOBER 6, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 24, 1999]

## A BILL

To amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, 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 “Wet Weather Water*  
5 *Quality Act of 2000”.*

6 **SEC. 2. COMBINED SEWER OVERFLOWS.**

7 *Section 402 of the Federal Water Pollution Control Act*  
8 *(33 U.S.C. 1342) is amended by adding at the end the fol-*  
9 *lowing:*

10 *“(q) COMBINED SEWER OVERFLOWS.—*

11 *“(1) REQUIREMENT FOR PERMITS, ORDERS, AND*  
12 *DECREEES.—Each permit, order, or decree issued pur-*  
13 *suant to this Act after the date of enactment of this*  
14 *subsection for a discharge from a municipal combined*  
15 *storm and sanitary sewer shall conform to the Com-*  
16 *bined Sewer Overflow Control Policy signed by the*  
17 *Administrator on April 11, 1994 (in this subsection*

1       referred to as the ‘CSO control policy’), and shall pro-  
 2       vide for the development and implementation of long-  
 3       term control plans to meet applicable water quality  
 4       standards as expeditiously as possible.

5               “(2) *WATER QUALITY AND DESIGNATED USE RE-*  
 6       VIEW GUIDANCE.—Not later than December 31, 2000,  
 7       and after providing notice and opportunity for public  
 8       comment, the Administrator shall issue guidance to  
 9       facilitate the conduct of water quality and designated  
 10      use reviews for municipal combined sewer overflow re-  
 11      ceiving waters.

12              “(3) *REPORT*.—Not later than September 1,  
 13      2001, the Administrator shall transmit to Congress a  
 14      report on the progress made by the Environmental  
 15      Protection Agency, States, and municipalities in im-  
 16      plementing and enforcing the CSO control policy.”.

17   **SEC. 3. WET WEATHER PILOT PROGRAM.**

18       Title I of the Federal Water Pollution Control Act (33  
 19   U.S.C. 1251 et seq.) is amended by adding at the end the  
 20   following:

21   **“SEC. 121. WET WEATHER WATERSHED PILOT PROJECTS.**

22       “(a) *IN GENERAL*.—The Administrator, in coordina-  
 23   tion with the States, may provide technical assistance and  
 24   grants for treatment works to carry out pilot projects relat-  
 25   ing to the following areas of wet weather discharge control:

1           “(1) *WATERSHED MANAGEMENT OF WET WEATH-*  
 2           *ER DISCHARGES.*—*The management of municipal*  
 3           *combined sewer overflows, sanitary sewer overflows,*  
 4           *and stormwater discharges, on an integrated water-*  
 5           *shed or subwatershed basis for the purpose of dem-*  
 6           *onstrating the effectiveness of a unified wet weather*  
 7           *approach.*

8           “(2) *STORMWATER BEST MANAGEMENT PRAC-*  
 9           *TICES.*—*The control of pollutants from municipal*  
 10          *separate storm sewer systems for the purpose of dem-*  
 11          *onstrating and determining controls that are cost-ef-*  
 12          *fective and that use innovative technologies in reduc-*  
 13          *ing such pollutants from stormwater discharges.*

14          “(b) *ADMINISTRATION.*—*The Administrator, in coordi-*  
 15          *nation with the States, shall provide municipalities partici-*  
 16          *pating in a pilot project under this section the ability to*  
 17          *engage in innovative practices, including the ability to*  
 18          *unify separate wet weather control efforts under a single*  
 19          *permit.*

20          “(c) *FUNDING.*—

21                 “(1) *IN GENERAL.*—*There is authorized to be ap-*  
 22                 *propriated to carry out this section \$10,000,000 for*  
 23                 *fiscal year 2002, \$15,000,000 for fiscal year 2003,*  
 24                 *and \$20,000,000 for fiscal year 2004. Such funds*  
 25                 *shall remain available until expended.*

1           “(2) *STORMWATER.*—*The Administrator shall*  
 2           *make available not less than 20 percent of amounts*  
 3           *appropriated for a fiscal year pursuant to this sub-*  
 4           *section to carry out the purposes of subsection (a)(2).*

5           “(3) *ADMINISTRATIVE EXPENSES.*—*The Admin-*  
 6           *istrator may retain not to exceed 4 percent of any*  
 7           *amounts appropriated for a fiscal year pursuant to*  
 8           *this subsection for the reasonable and necessary costs*  
 9           *of administering this section.*

10          “(d) *REPORT TO CONGRESS.*—*Not later than 5 years*  
 11          *after the date of enactment of this section, the Adminis-*  
 12          *trator shall transmit to Congress a report on the results*  
 13          *of the pilot projects conducted under this section and their*  
 14          *possible application nationwide.”.*

15       **SEC. 4. SEWER OVERFLOW CONTROL GRANTS.**

16           *Title II of the Federal Water Pollution Control Act (33*  
 17           *U.S.C. 1342 et seq.) is amended by adding at the end the*  
 18           *following:*

19       **“SEC. 220. SEWER OVERFLOW CONTROL GRANTS.**

20           “(a) *IN GENERAL.*—*In any fiscal year in which the*  
 21           *Administrator has available for obligation at least*  
 22           *\$1,200,000,000 for the purposes of section 601—*

23           “(1) *the Administrator may make grants to*  
 24           *States for the purpose of providing grants to a mu-*  
 25           *nicipality or municipal entity for planning, design,*

1        *and construction of treatment works to intercept,*  
 2        *transport, control, or treat municipal combined sewer*  
 3        *overflows and sanitary sewer overflows; and*

4            *“(2) subject to subsection (g), the Administrator*  
 5        *may make a direct grant to a municipality or munic-*  
 6        *ipal entity for the purposes described in paragraph*  
 7        *(1).*

8            *“(b) PRIORITIZATION.—In selecting from among mu-*  
 9        *nicipalities applying for grants under subsection (a), a*  
 10       *State or the Administrator shall give priority to an appli-*  
 11       *cant that—*

12            *“(1) is a municipality that is a financially dis-*  
 13        *tressed community under subsection (c);*

14            *“(2) has implemented or is complying with an*  
 15        *implementation schedule for the 9 minimum controls*  
 16        *specified in the CSO control policy referred to in sec-*  
 17        *tion 402(q)(1) and has begun implementing a long-*  
 18        *term municipal combined sewer overflow control plan*  
 19        *or a separate sanitary sewer overflow control plan; or*

20            *“(3) is requesting a grant for a project that is*  
 21        *on a State’s intended use plan pursuant to section*  
 22        *606(c).*

23            *“(c) FINANCIALLY DISTRESSED COMMUNITY.—*

24            *“(1) DEFINITION.—In subsection (b), the term*  
 25        *‘financially distressed community’ means a commu-*

1        *nity that meets affordability criteria established by*  
2        *the State in which the community is located, if such*  
3        *criteria are developed after public review and com-*  
4        *ment.*

5                *“(2) CONSIDERATION OF IMPACT ON WATER AND*  
6        *SEWER RATES.—In determining if a community is a*  
7        *distressed community for the purposes of subsection*  
8        *(b), the State shall consider, among other factors, the*  
9        *extent to which the rate of growth of a community’s*  
10       *tax base has been historically slow such that imple-*  
11       *menting a plan described in subsection (b)(2) would*  
12       *result in a significant increase in any water or sewer*  
13       *rate charged by the community’s publicly owned*  
14       *wastewater treatment facility.*

15                *“(3) INFORMATION TO ASSIST STATES.—The Ad-*  
16       *ministrator may publish information to assist States*  
17       *in establishing affordability criteria under paragraph*  
18       *(1).*

19                *“(d) COST SHARING.—The Federal share of the cost*  
20       *of activities carried out using amounts from a grant made*  
21       *under subsection (a) shall be not less than 55 percent of*  
22       *the cost. The non-Federal share of the cost may include, in*  
23       *any amount, public and private funds and in-kind services,*  
24       *and may include, notwithstanding section 603(h), financial*

1 assistance, including loans, from a State water pollution  
 2 control revolving fund.

3 “(e) *ADMINISTRATIVE REPORTING REQUIREMENTS.*—  
 4 If a project receives grant assistance under subsection (a)  
 5 and loan assistance from a State water pollution control  
 6 revolving fund and the loan assistance is for 15 percent or  
 7 more of the cost of the project, the project may be adminis-  
 8 tered in accordance with State water pollution control re-  
 9 volving fund administrative reporting requirements for the  
 10 purposes of streamlining such requirements.

11 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—There is  
 12 authorized to be appropriated to carry out this section  
 13 \$750,000,000 for each of fiscal years 2002 and 2003. Such  
 14 sums shall remain available until expended.

15 “(g) *ALLOCATION OF FUNDS.*—

16 “(1) *FISCAL YEAR 2002.*—Subject to subsection  
 17 (h), the Administrator shall use the amounts appro-  
 18 priated to carry out this section for fiscal year 2002  
 19 for making grants to municipalities and municipal  
 20 entities under subsection (a)(2), in accordance with  
 21 the criteria set forth in subsection (b).

22 “(2) *FISCAL YEAR 2003.*—Subject to subsection  
 23 (h), the Administrator shall use the amounts appro-  
 24 priated to carry out this section for fiscal year 2003  
 25 as follows:



1           “(A) Not to exceed \$250,000,000 for making  
2           grants to municipalities and municipal entities  
3           under subsection (a)(2), in accordance with the  
4           criteria set forth in subsection (b).

5           “(B) All remaining amounts for making  
6           grants to States under subsection (a)(1), in ac-  
7           cordance with a formula to be established by the  
8           Administrator, after providing notice and an op-  
9           portunity for public comment, that allocates to  
10          each State a proportional share of such amounts  
11          based on the total needs of the State for munic-  
12          ipal combined sewer overflow controls and sani-  
13          tary sewer overflow controls identified in the  
14          most recent survey conducted pursuant to section  
15          516(b)(1).

16          “(h) ADMINISTRATIVE EXPENSES.—Of the amounts  
17          appropriated to carry out this section for each fiscal year—

18               “(1) the Administrator may retain an amount  
19               not to exceed 1 percent for the reasonable and nec-  
20               essary costs of administering this section; and

21               “(2) the Administrator, or a State, may retain  
22               an amount not to exceed 4 percent of any grant made  
23               to a municipality or municipal entity under sub-  
24               section (a), for the reasonable and necessary costs of  
25               administering the grant.

1       “(i) *REPORTS.*—Not later than December 31, 2003,  
 2       and periodically thereafter, the Administrator shall trans-  
 3       mit to Congress a report containing recommended funding  
 4       levels for grants under this section. The recommended fund-  
 5       ing levels shall be sufficient to ensure the continued expedi-  
 6       tious implementation of municipal combined sewer overflow  
 7       and sanitary sewer overflow controls nationwide.”.

8       **SEC. 5. INFORMATION ON CSOS AND SSOS.**

9       (a) *REPORT TO CONGRESS.*—Not later than 3 years  
 10      after the date of enactment of this Act, the Administrator  
 11      of the Environmental Protection Agency shall transmit to  
 12      Congress a report summarizing—

13               (1) *the extent of the human health and environ-*  
 14               *mental impacts caused by municipal combined sewer*  
 15               *overflows and sanitary sewer overflows, including the*  
 16               *location of discharges causing such impacts, the vol-*  
 17               *ume of pollutants discharged, and the constituents*  
 18               *discharged;*

19               (2) *the resources spent by municipalities to ad-*  
 20               *dress these impacts; and*

21               (3) *an evaluation of the technologies used by mu-*  
 22               *nicipalities to address these impacts.*

23      (b) *TECHNOLOGY CLEARINGHOUSE.*—After transmit-  
 24      ting a report under subsection (a), the Administrator shall  
 25      maintain a clearinghouse of cost-effective and efficient tech-

- 1 *nologies for addressing human health and environmental*
- 2 *impacts due to municipal combined sewer overflows and*
- 3 *sanitary sewer overflows.*

**Union Calendar No. 566**

106TH CONGRESS  
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**H. R. 828**

**[Report No. 106-943]**

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