

May 25, 2000

specifically excluded agricultural storm water discharge from the point source designation, thereby placing discharges from farming, ranching and silviculture operations outside of the reach of the federal permitting program.

In 1987 Congress amended the Clean Water Act to establish a framework within which states could carry out their responsibility to manage nonpoint sources of pollution. It was the intent of Congress at that time to preserve the distinctions between point and nonpoint sources of pollution established in the 1972 Act so that there would be no ambiguity with regard to the role of the state in relation to the federal government.

At no time has Congress granted the federal government an affirmative regulatory role in the management of nonpoint sources of pollution. Neither has Congress granted the EPA the authority to unilaterally change the clear distinctions between point and nonpoint sources of pollution currently established in law.

Upon review of the draft rules proposed by the EPA, it is our view that the agency's proposal exceeds the authority provided by the 1972 Act and the 1987 amendments both in terms of the new regulatory role assumed by the EPA and the designation of silvicultural activities as point sources of pollution. We further believe that while the joint statement issued by the EPA and USDA on May 1, 2000 partially addresses concerns raised by Congress and affected stakeholders regarding the EPA's authority, it does little to overcome this fundamental problem.

#### LACK OF INFORMATION

Over the last 28 years, the Federal government and the states have placed great emphasis on reducing pollution levels from point sources. Both have made significant investments in technologies and scientific methods to measure and control pollution discharges. These investments have paid off as we have seen dramatic decreases in point source pollution over the last two decades.

Recently, both the Federal government and the states have begun to place increasing emphasis on the improvement of programs to reduce pollution from nonpoint sources. Understandably, because of the priority emphasis placed on point sources over the years, the technology and data needed to achieve measurable large-scale reductions on nonpoint source pollution are not yet fully developed.

States, local governments, businesses and landowners are currently poised to voluntarily spend billions of dollars over the next 20 years in an earnest attempt to acquire this technology and data. In order to realize the optimum return on these investments, however, states, local governments and other affected stakeholders must be allowed to operate within the flexible framework established by the 1987 Clean Water Act amendments. This will preserve the ability of the states to develop innovative methods to gather the information upon which sound management objectives can be based and thereafter design programs carefully tailored to meet those objectives.

Unfortunately, EPA's proposed rules move in exactly the opposite direction. By establishing arbitrary deadlines for completing TMDLs, threatening to unilaterally establish TMDLs and load allocations, and imposing

## EXTENSIONS OF REMARKS

mandatory guidelines for best management practices, EPA will force states to act before they have the data needed to act intelligently. In fact, the General Accounting Office has found that few states have the majority of the data needed to comply with the onerous requirements outlined in the EPA's proposed rules. Forcing states to comply with the new regulatory framework required by the EPA at this stage of the process will waste time and money and result in confusion rather than better water quality.

#### PURPOSE OF LEGISLATION

The purpose of the bill we are introducing today is to address the two concerns raised previously, namely, that the EPA lacks both the authority and the information to proceed with the agency's proposed rules.

Our legislation commissions an independent study of the scientific methodologies, programs, and costs associated with the development and implementation of TMDLs. We intend this independent review to provide the EPA, the Secretary of Agriculture and the states a valuable tool with which to develop sound policies for the management of nonpoint sources of pollution. This approach will help remedy the current problems associated with identifying impaired water bodies and establishing TMDL allocations based on anecdotal and otherwise unverifiable data. It will also require EPA to take a more deliberate and thoughtful look at how the agency might better cooperate with states and landowners to improve water quality rather than impose arbitrary standards and guidelines that will achieve uncertain outcomes.

We are also concerned about the workload impact on the conservation agencies that serve private landowners, such as the Natural Resources Conservation Service (NRCS) and local conservation and resource conservation and development districts. Nor do we believe that EPA has adequately reviewed the technical and financial assistance that will be needed to assist landowners under the proposed rules.

Our bill will also underscore both the language and the intent of the Clean Water Act relative to the role of the EPA in managing nonpoint sources of pollution. We believe the law is clear that the EPA has no regulatory role in the management of nonpoint source pollutions. We also maintain the EPA has no authority to unilaterally change the definition of point source pollution to encompass nonpoint sources. The language of our legislation re-emphasizes these points and restricts the EPA from pursuing these unauthorized objectives in a regulatory proceeding.

To summarize, we support the objective of improving the quality of our nation's waters. However, we insist on achieving these objectives within the parameters of the law and using the best available information. The Water Pollution Program Improvement Act of 2000 is designed to help ensure that outcome. We urge our colleagues to support this important legislation.

9451

COMMENDING ISRAEL'S REDE-  
PLOYMENT FROM SOUTHERN  
LEBANON

SPEECH OF

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 24, 2000*

Ms. LEE. Mr. Speaker, I rise today to express my support for Israel's redeployment from Southern Lebanon.

Prime Minister Ehud Barak ensured Israel's compliance with the 1978 United Nations Security Council Resolution 425, which calls on Israel to withdraw its forces from all Lebanese territories. His commitment to redeploy Israeli forces by June 7, 2000 must also be commended.

Prime Minister Barak has shown remarkable leadership in Israel and in his commitment to advance peaceful negotiations with all of her neighbors; I am confident these steps will bring genuine peace to the Middle East. Prime Minister Barak's appeal to the Lebanese President, Emile Lahoud, to use the Israeli withdrawal from south Lebanon as a springboard for peace is a step in the right direction. As these countries move forward in their efforts, it is also extremely important that the American government work to encourage peace in the entire region.

For many years, I have been committed to moving forward to resolve the Arab-Israeli conflict in the spirit of peace. I have stood with great conviction, alongside my constituents, many of whom have close ties, to urge a peaceful resolution to conflicts in the Middle East.

Prime Minister Selim al-Hoss has assured the safety of residents in Southern Lebanon. Lebanon has been a victim of far too much blood shed in recent decades. It now stands in the midst of a crucial transition. Therefore, the physical security guaranteed by all parties must also ensure protection for religious freedom, political independence and liberty. Only under these conditions, will Southern Lebanon be able to fully redevelop its communities and provide its people with the ability to lead fruitful lives.

Again, I offer my support and encourage Prime Minister Barak and President Lahoud to continue on the path of peace and progress.

COMMENDING ISRAEL'S REDE-  
PLOYMENT FROM SOUTHERN  
LEBANON

SPEECH OF

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 24, 2000*

Mr. BONIOR. Mr. Speaker, I am pleased that the government of Israel has followed through on its commitment to withdraw its troops from Southern Lebanon.

This is a step that could end one of the most tragic episodes in the difficult recent history of the Middle East.

I commend the government of Prime Minister Ehud Barak for fulfilling its commitment to