

105TH CONGRESS  
1ST SESSION

# H. R. 1188

To amend the Federal Water Pollution Control Act to eliminate certain discharges of chlorine compounds into the navigable waters, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1997

Mr. NADLER (for himself, Mr. BERMAN, Mr. WAXMAN, Ms. NORTON, Mr. SANDERS, Mr. DELLUMS, Mr. HINCHEY, Mr. EVANS, and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Federal Water Pollution Control Act to eliminate certain discharges of chlorine compounds into the navigable waters, 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 “Zero Chlorine Dis-

5       charge Act”.

6       **SEC. 2. ZERO DISCHARGE OF TOXIC PERSISTENT AND BIO-**  
7       **ACCUMULATIVE SUBSTANCES.**

8       (a) FINDINGS.—Congress finds the following:

1           (1) Substances that persist or bioaccumulate, or  
2           both, in the environment build to higher and higher  
3           concentration over time, reaching their greatest lev-  
4           els in the tissues of species high on the food chain,  
5           including humans.

6           (2) Toxic substances that persist or bioaccumu-  
7           late, or both, in the environment are biologically ac-  
8           tive in infinitesimal quantities, causing reproductive  
9           failure, birth defects, developmental impairment,  
10          hormonal disruption, behavioral disorders, immune  
11          suppression, and cancer at low doses, and mixtures  
12          of these substances may cause these effects at even  
13          lower doses.

14          (3) Regulatory approaches that permit even  
15          limited production and discharge of toxic substances  
16          that persist or bioaccumulate, or both, in the envi-  
17          ronment result in the accumulation of these sub-  
18          stances in the environment and food chain over time  
19          and subsequent damage to the health of humans and  
20          other species.

21          (4) The most favored method of preventing the  
22          continued contamination of the environment from  
23          persistent or bioaccumulative toxic substances is to  
24          phaseout their production and use over time and to

1       replace these substances or the processes that  
2       produce them, or both, with safer alternatives.

3           (5) Among the persistent and bioaccumulative  
4       toxic substances of greatest concern are  
5       organochlorines discharged in the production of pulp  
6       and paper as a result of the use of chlorine or any  
7       other chlorinated oxidizing agent in the pulp and  
8       paper manufacturing process.

9           (6) The Great Lakes Water Quality Agreement  
10      between the United States and Canada concludes  
11      that “the discharge of toxic substances in toxic  
12      amounts be prohibited and the discharge of any or  
13      all persistent toxic substances be virtually elimi-  
14      nated”.

15          (7) In the Sixth Biennial Report on Great  
16      Lakes Water Quality, the International Joint Com-  
17      mission on Great Lakes Water Quality concluded as  
18      follows: “The concepts of virtual elimination and  
19      zero discharge are consistent and a clear statement  
20      or direction to take to achieve the Agreement’s pur-  
21      pose. The overall strategy or aim regarding persist-  
22      ent toxic substances is virtual elimination, and the  
23      tactic or method to be used to achieve the aim is  
24      through zero input or discharge of those substances  
25      created as a result of human activity.”.

1 (b) ZERO DISCHARGE OF ORGANOCHLORINE COM-  
2 POUNDS, BYPRODUCTS, AND METABOLITES.—Title III of  
3 the Federal Water Pollution Control Act (33 U.S.C.  
4 1311–1330) is amended by adding at the end the follow-  
5 ing:

6 **“SEC. 321. DISCHARGE OF ORGANOCHLORINE COMPOUNDS,**  
7 **BYPRODUCTS, AND METABOLITES.**

8 “(a) ZERO DISCHARGE.—

9 “(1) REQUIREMENT FOR PULP AND PAPER  
10 MANUFACTURING FACILITIES.—Effective 5 years  
11 after the date of the enactment of this section, each  
12 pulp and paper manufacturing facility shall achieve  
13 zero discharge into the navigable waters of  
14 organochlorine compounds, byproducts, and  
15 metabolites formulated as a result of the use of chlo-  
16 rine or any other chlorinated oxidizing agent in the  
17 pulp and paper manufacturing process.

18 “(2) PERMITS.—

19 “(A) COMPLIANCE WITH ZERO DISCHARGE  
20 REQUIREMENT.—Effective 5 years after the  
21 date of the enactment of this section, any per-  
22 mit issued under section 402 by the Adminis-  
23 trator or a State (in the case of a State with  
24 an approved permit program under section  
25 402(b)) to a pulp and paper manufacturing fa-

1 cility that uses chlorine or any other chlorinated  
2 oxidizing agent shall require compliance with  
3 the zero discharge requirement set forth in  
4 paragraph (1).

5 “(B) APPLICABILITY.—Subparagraph (A)  
6 shall apply to any permit issued on, before, or  
7 after the date of the enactment of this section.

8 “(b) SAFE ALTERNATIVES ASSISTANCE.—

9 “(1) EVALUATION OF ALTERNATIVES; RE-  
10 PORT.—Not later than 1 year after the date of the  
11 enactment of this section, the Administrator shall—

12 “(A) evaluate alternatives to the use of  
13 organochlorines in the manufacturing of pulp  
14 and paper; and

15 “(B) publish a report on the transfer of  
16 technology in the pulp and paper industry from  
17 organochlorine to chlorine-free technology as a  
18 model for pollution prevention.

19 “(2) TECHNICAL INFORMATION AND SUP-  
20 PORT.—Not later than 18 months after the date of  
21 the enactment of this section, the Administrator  
22 shall begin providing technical information and sup-  
23 port to assist permit applicants in the use of alter-  
24 natives to organochlorine compounds in the produc-  
25 tion of pulp and paper.

1       “(c) REPORT TO CONGRESS ON ORGANOCHLORINE  
2 ZERO DISCHARGE CANDIDATES.—

3               “(1) STUDY AND REPORT.—The Administrator  
4 shall—

5                       “(A) conduct a study on nonpoint sources  
6 and industrial discharges of organochlorine  
7 compounds and their byproducts and  
8 metabolites into the navigable waters; and

9                       “(B) transmit to Congress a report con-  
10 taining the results of the study not later than  
11 18 months after the date of the enactment of  
12 this section

13               “(2) CONTENTS OF REPORT.—The report to be  
14 transmitted under paragraph (1) shall contain, at a  
15 minimum, the following:

16                       “(A) A listing of all types or categories of  
17 nonpoint sources and industrial discharges of  
18 organochlorine compounds and their byproducts  
19 and metabolites into the navigable waters.

20                       “(B) A listing of the annual quantities of  
21 each organochlorine compound discharged into  
22 the navigable waters nationally and by per-  
23 mitted facility, together with a list of each per-  
24 mitted facility’s location and quantities of com-

1           bined organochlorine compound discharges into  
2           the navigable waters.

3           “(C) Recommendations for achieving a  
4           zero discharge policy for important categories of  
5           organochlorine pollution sources.

6           “(3) ADVISORY PANEL.—

7           “(A) ESTABLISHMENT.—The Adminis-  
8           trator shall convene an advisory panel to assist  
9           the Administrator in developing recommenda-  
10          tions under paragraph (3)(C).

11          “(B) MEMBERSHIP.—The panel shall con-  
12          sist of 15 members, including—

13               “(i) at least 1 independent expert in  
14               each of the fields of public health, occupa-  
15               tional health, technology change, toxics use  
16               reduction, and ecology;

17               “(ii) 2 affected citizens; and

18               “(iii) technical and policy experts  
19               from industry, labor, and public interest  
20               groups and State environmental agencies.

21          “(C) PUBLIC HEARINGS AND COM-  
22          MENTS.—The advisory panel shall conduct pub-  
23          lic hearings and solicit public and expert com-  
24          ments in assisting the Administrator under this  
25          paragraph.

1       “(d) ZERO DISCHARGE DEFINED.—For the purposes  
2 of this section, the term ‘zero discharge’ means absolutely  
3 no output or release, including nonpoint source output or  
4 release, into water. The term ‘zero discharge’ does not  
5 mean a less than detectable output or release.”.

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