

105TH CONGRESS
2D SESSION

H. R. 2207

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 1998

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To amend the Federal Water Pollution Control Act concern-
ing a proposal to construct a deep ocean outfall off
the coast of Mayaguez, Puerto Rico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Coastal Pollution Re-
3 duction Act of 1997”.

4 **SEC. 2. MAYAGUEZ, PUERTO RICO.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The existing discharge from the Mayaguez
8 publicly owned treatment works is to the stressed
9 waters of Mayaguez Bay, an area containing se-
10 verely degraded coral reefs, and relocation of that
11 discharge to unstressed ocean waters could benefit
12 the marine environment.

13 (2) The Federal Water Pollution Control Act
14 should, consistent with the environmental goals of
15 the Act, be administered with sufficient flexibility to
16 take into consideration the unique characteristics of
17 Mayaguez, Puerto Rico.

18 (3) Some deep ocean areas off the coastline of
19 Mayaguez, Puerto Rico, might be able to receive a
20 less-than-secondary sewage discharge while still
21 maintaining healthy and diverse marine life.

22 (4) A properly designed and operated deep
23 ocean outfall off the coast of Mayaguez, Puerto
24 Rico, coupled with other pollution reduction activi-
25 ties in the Mayaguez Watershed could facilitate com-
26 pliance with the requirements and purposes of the

1 Federal Water Pollution Control Act without the
2 need for more costly treatment.

3 (5) The owner or operator of the Mayaguez
4 publicly owned treatment works should be afforded
5 an opportunity to make the necessary scientific stud-
6 ies and submit an application proposing use of a
7 deep ocean outfall for review by the Administrator of
8 the Environmental Protection Agency under section
9 301(h) of the Federal Water Pollution Control Act.

10 (b) APPLICATION FOR SECONDARY TREATMENT
11 WAIVER FOR MAYAGUEZ, PUERTO RICO, DEEP OCEAN
12 OUTFALL.—Section 301 of the Federal Water Pollution
13 Control Act (33 U.S.C. 1311) is amended by adding at
14 the end the following:

15 “(q) APPLICATION FOR WAIVER.—

16 “(1) STUDY.—In order to be eligible to apply
17 for a waiver under this section, the owner or opera-
18 tor of the Mayaguez, Puerto Rico, publicly owned
19 treatment works shall transmit to the Administrator
20 a report on the results of a study of the marine envi-
21 ronment of coastal areas in the Mayaguez area to
22 determine the feasibility of constructing a deep
23 ocean outfall for the Mayaguez treatment works. In
24 conducting the study, the owner or operator shall
25 consider variations in the currents, tidal movement,

1 and other hydrological and geological characteristics
2 at any proposed outfall location. Such study may
3 recommend one or more technically feasible and en-
4 vironmentally acceptable locations for a deep ocean
5 outfall intended to meet the requirements of sub-
6 section (h). Such study may be initiated, expanded,
7 or continued not later than 3 months after the date
8 of the enactment of this subsection.

9 “(2) SECTION 301(h) APPLICATION FOR MAYA-
10 GUEZ, PUERTO RICO.—Notwithstanding subsection
11 (j)(1)(A), not later than 18 months after the date of
12 the enactment of this subsection, an application may
13 be submitted for a modification pursuant to sub-
14 section (h) of the requirements of subsection
15 (b)(1)(B) by the owner or operator of the Mayaguez,
16 Puerto Rico, publicly owned treatment works at a lo-
17 cation recommended in a study conducted pursuant
18 to paragraph (1). Such application shall not be sub-
19 ject to the application revision procedures of section
20 125.59(d) of title 40, Code of Federal Regulations.
21 No such application may be filed unless and until
22 the applicant has entered into a binding consent de-
23 cree with the United States that includes, at a mini-
24 mum, the following:

1 “(A) A schedule and milestones to ensure
2 expeditious compliance with the requirements of
3 subsection (b)(1)(B) in the event the requested
4 modification is denied, including interim efflu-
5 ent limits and design activities to be undertaken
6 while the application is pending.

7 “(B) A schedule and interim milestones to
8 ensure expeditious compliance with the require-
9 ments of any modification of subsection
10 (b)(1)(B) in the event the requested modifica-
11 tion is approved.

12 “(C) A commitment by the applicant to
13 contribute not less than \$400,000 to the Maya-
14 guez Watershed Initiative in accordance with
15 such schedules as may be specified in the con-
16 sent decree.

17 “(3) INITIAL DETERMINATION.—On or before
18 the 270th day after the date of submittal of an ap-
19 plication under paragraph (2) that has been deemed
20 complete by the Administrator, the Administrator
21 shall issue to the applicant a tentative determination
22 regarding the requested modification.

23 “(4) FINAL DETERMINATION.—On or before
24 the 270th day after the date of issuance of the ten-
25 tative determination under paragraph (3), the Ad-

1 administrator shall issue a final determination regard-
2 ing the modification.

3 “(5) ADDITIONAL CONDITION.—The Adminis-
4 trator may not grant a modification pursuant to an
5 application submitted under this subsection unless
6 the Administrator determines that the new deep
7 water ocean outfall will use a well-designed and op-
8 erated diffuser that discharges into unstressed ocean
9 waters and is situated so as to avoid discharge (or
10 transport of discharged pollutants) to coral reefs,
11 other sensitive marine resources or recreational
12 areas, and shorelines.

13 “(6) EFFECTIVENESS.—If a modification is
14 granted pursuant to an application submitted under
15 this subsection, such modification shall be effective
16 only if the new deepwater ocean outfall is oper-
17 ational on or before the date that is 4½ years after
18 the date of the Administrator’s initial tentative de-
19 termination on the application.”.

20 **SEC. 3. NATIONAL ESTUARY PROGRAM.**

21 (a) GRANTS FOR COMPREHENSIVE CONSERVATION
22 AND MANAGEMENT PLANS.—Section 320(g)(2) of the
23 Federal Water Pollution Control Act (33 U.S.C.
24 1330(g)(2)) is amended by inserting “and implementa-
25 tion” after “development”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 320(i) of such Act (33 U.S.C. 1330(i)) is amended by
3 striking “1987” and all that follows through “1991” and
4 inserting the following: “1987 through 1991, such sums
5 as may be necessary for fiscal years 1992 through 1997,
6 and \$20,000,000 for fiscal year 1998”.

Passed the House of Representatives November 13,
1997.

Attest:

ROBIN H. CARLE,
Clerk.