

105TH CONGRESS  
2D SESSION

# H. R. 4047

To authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1998

Mr. DEUTSCH introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys.

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 “Florida Keys Water  
5       Quality Improvements Act of 1998”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) The Florida Keys are a chain of islands lo-  
2           cated adjacent to spectacular, unique, and nationally  
3           significant marine environments, including North  
4           America's only living coral barrier reef ecosystem.

5           (2) Recognizing the national significance of the  
6           Florida Keys marine environment and the compel-  
7           ling national interest in the protection of these re-  
8           sources, Congress passed the Florida Keys National  
9           Marine Sanctuary and Protection Act (104 Stat.  
10          3089–3095) designating the Florida Keys National  
11          Marine Sanctuary.

12          (3) Section 8(a)(1) of such Act directed the Ad-  
13          ministrator and the Governor of the State of Flor-  
14          ida, in consultation with the Secretary of Commerce,  
15          to develop a comprehensive water quality protection  
16          program for the Sanctuary.

17          (4) Section 8(a)(1)(A) of such Act states that  
18          a purpose of such water quality program is to rec-  
19          ommend priority corrective actions and compliance  
20          schedules addressing point and nonpoint sources of  
21          pollution to restore and maintain the chemical, phys-  
22          ical, and biological integrity of the Sanctuary, in-  
23          cluding restoration and maintenance of a balanced,  
24          indigenous population of corals, shellfish, fish and

1 wildlife, and recreational activities in and on the  
2 water.

3 (5) Section 8(d)(2)(A) of such Act provided for  
4 the establishment of the Water Quality Steering  
5 Committee that is co-chaired by the Regional Ad-  
6 ministrator of the Environmental Protection Agency  
7 and a representative of the State of Florida to set  
8 guidance and policy for the development and imple-  
9 mentation of water quality improvement projects.

10 (6) Section 8(d)(2)(C) of such Act provided for  
11 the establishment of a Technical Advisory Commit-  
12 tee comprised of scientists from Federal agencies,  
13 State agencies, academic institutions, private non-  
14 profit organizations, and knowledgeable citizens to  
15 advise the Water Quality Steering Committee.

16 (7) Section 8(a)(1)(B) of such Act states that  
17 another purpose of the water quality protection pro-  
18 gram is to assign responsibilities for the implemen-  
19 tation of the program among the Governor of the  
20 State of Florida, the Secretary of Commerce, and  
21 the Administrator in accordance with applicable  
22 Federal and State laws.

23 (8) Dilapidated and inadequate wastewater  
24 treatment systems and inadequate stormwater man-  
25 agement systems are the largest manmade sources

1 of pollution to the nearshore waters of the Florida  
2 Key's, representing the greatest threat to their na-  
3 tionally significant marine resources.

4 (9) The United States Environmental Protec-  
5 tion Agency, other Federal, State, and local agencies  
6 and citizen stakeholders have identified wastewater  
7 infrastructure improvements as the single most im-  
8 portant investment to improve nearshore water qual-  
9 ity around the Florida Keys. Improvement of  
10 stormwater management in the area of the Florida  
11 keys is also needed to reduce pollutant loadings from  
12 largely uncontrolled stormwater runoff from existing  
13 development.

14 (10) The cost of wastewater improvements nec-  
15 essary to improve nearshore water quality around  
16 the Florida Keys is estimated at between  
17 \$184,000,000 and \$418,000,000, depending on the  
18 percentage reduction in wastewater nutrient loadings  
19 to be achieved and which treatment system or sys-  
20 tems are ultimately selected.

21 (11) The cost of stormwater improvements nec-  
22 essary to reduce such pollutant loadings is estimated  
23 at between \$370,000,000 and \$680,000,000, de-  
24 pending on the percentage reduction in stormwater

1 pollutant loadings to be achieved and which areas  
2 are selected to be retrofitted.

3 (12) The cost of these necessary improvements  
4 represent an insurmountable burden to the 85,000  
5 permanent residents of Monroe County, Florida.

6 (13) It is necessary to change Federal law in  
7 order to carry out the Federal responsibilities identi-  
8 fied under section 8(a)(1)(B) of the Florida Keys  
9 National Marine Sanctuary and Protection Act.

10 (14) It is therefore entirely consistent with the  
11 goals and policies of such Act that Congress author-  
12 ize appropriations to supplement State and local ini-  
13 tiatives to improve water quality in the Florida Keys  
14 marine environment.

15 **SEC. 3. PURPOSE.**

16 The purpose of this Act is to protect the resources  
17 of the Florida Keys National Marine Sanctuary (as des-  
18 ignated by section 5 of the Florida Keys National Marine  
19 Sanctuary and Protection Act) by providing the Federal  
20 share of funds for projects to replace inadequate waste-  
21 water treatment systems and inadequate stormwater man-  
22 agement systems in Monroe County, Florida. Funds au-  
23 thorized by this Act are to supplement funds committed  
24 by the State of Florida and Monroe County, Florida, for

1 planning and construction of wastewater and stormwater  
2 projects.

3 **SEC. 4. NON-FEDERAL SPONSOR.**

4 To carry out this Act, the Administrator shall make  
5 grants to the Florida Keys Aqueduct Authority, or, in the  
6 judgment of the Administrator, other appropriate agencies  
7 of the State of Florida or Monroe County, Florida.

8 **SEC. 5. AUTHORIZED PROJECTS.**

9 (a) PROJECT CRITERIA.—Projects eligible for fund-  
10 ing through grants under this Act are those that, in the  
11 judgment of the Administrator—

12 (1)(A) replace inadequate wastewater treatment  
13 systems in Monroe County, Florida, including  
14 cesspits and other inadequate onsite disposal sys-  
15 tems; or

16 (B) establish, replace, or improve stormwater  
17 management systems in Monroe County, Florida;

18 (2) will improve water quality in the Florida  
19 Keys National Marine Sanctuary; and

20 (3) are consistent with—

21 (A) applicable growth management ordi-  
22 nances of Monroe County, Florida;

23 (B) applicable agreements between Monroe  
24 County, Florida, and the State of Florida to  
25 manage growth in Monroe County, Florida;

1 (C) the guidance, policies, and resolutions  
2 of the Water Quality Steering Committee;

3 (D) the South Florida Ecosystem Restora-  
4 tion Task Force established by section 528(f) of  
5 the Water Resources Development Act of 1996  
6 (110 Stat. 3771–3773), and the Governors  
7 Commission for a Sustainable South Florida es-  
8 tablished by executive order of the Governor of  
9 the State of Florida; and

10 (E) applicable water quality standards es-  
11 tablished by the Environmental Protection  
12 Agency.

13 (b) PROJECT DESIGNS.—

14 (1) WASTEWATER PROJECTS.—Wastewater  
15 treatment projects eligible for funding under this  
16 Act may include centralized treatment facilities, on-  
17 site disposal systems, mobile pumpout facilities, and  
18 land-based pumpout facilities.

19 (2) STORMWATER PROJECTS.—Stormwater  
20 projects eligible for funding under this Act may in-  
21 clude stormwater systems utilizing the best available  
22 technology approved by the appropriate permitting  
23 agency.

1 **SEC. 6. COST-SHARE REQUIREMENT AND VIABILITY AS-**  
2 **SESSMENT.**

3 The Administrator may grant for a project author-  
4 ized under this Act only if—

5 (1) no less than 25 percent of the total project  
6 cost will be provided by non-Federal interests;

7 (2) the non-Federal sponsor has completed—

8 (A) adequate project planning and design  
9 activities;

10 (B) a financial plan identifying sources of  
11 non-Federal funding for the project; and

12 (C) a complete assessment of project com-  
13 pliance with—

14 (i) the adopted master wastewater or  
15 stormwater plans for Monroe County, Flor-  
16 ida;

17 (ii) applicable growth management or-  
18 dinances of Monroe County, Florida;

19 (iii) applicable Florida State laws,  
20 regulations, and policies; and

21 (iv) applicable agreements between  
22 Monroe County and the State of Florida to  
23 manage growth in Monroe County; and

24 (3) the project will have substantial water qual-  
25 ity benefits relative to other projects that are under  
26 consideration.



1 **SEC. 7. CONSULTATION.**

2 In the implementation of this Act, the Administrator  
3 shall consult the Water Quality Steering Committee and  
4 the appropriate State and local government officials.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated to the Admin-  
7 istrator to carry out this Act \$32,000,000 for the first  
8 fiscal year beginning after the date of the enactment of  
9 this Act, \$31,000,000 for the second fiscal year beginning  
10 after such date of enactment, and \$50,000,000 per fiscal  
11 year for each of the third, fourth, and fifth fiscal years  
12 beginning after such date of enactment of this Act. Such  
13 funds shall remain available until expended.

14 **SEC. 9. DEFINITIONS.**

15 In this Act, the following definitions apply:

16 (1) ADMINISTRATOR.—The term “Adminis-  
17 trator” means the Administrator of the Environ-  
18 mental Protection Agency.

19 (2) WATER QUALITY STEERING COMMITTEE.—  
20 The term “Water Quality Steering Committee”  
21 means the water quality protection program Steering  
22 Committee established under section 8(d)(2)(A) of  
23 the Florida Keys National Marine Sanctuary and  
24 Protection Act.

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