

105TH CONGRESS
2D SESSION

H. R. 4242

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1998

Mr. BARCIA (for himself, Mr. NEY, Mr. FRANK of Massachusetts, Mr. SCOTT, Mr. CHRISTENSEN, Mr. BALDACCI, and Mr. ALLEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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 “Combined Sewer Over-
5 flow Control and Partnership Act of 1998”.

1 **SEC. 2. COMBINED SEWER OVERFLOWS.**

2 Section 402 of the Federal Water Pollution Control
3 Act (33 U.S.C. 1342) is amended by adding at the end
4 the following:

5 “(q) COMBINED SEWER OVERFLOWS.—

6 “(1) REQUIREMENT FOR PERMITS, ORDERS,
7 AND DECREES.—Each permit, order, or decree
8 issued pursuant to this Act for a discharge from a
9 combined storm and sanitary sewer shall conform to
10 the Combined Sewer Overflow Control Policy signed
11 by the Administrator on April 11, 1994.

12 “(2) TERM OF PERMIT, ORDER, OR DECREE.—

13 “(A) AUTHORITY TO ISSUE.—Notwith-
14 standing any schedule for compliance author-
15 ized by section 301(b), or any permit limitation
16 authorized by subsection (b)(1)(B) of this sec-
17 tion, the Administrator or the State (in the case
18 of a State with a program approved under sub-
19 section (b)) may issue or execute a permit,
20 order, or decree consistent with this section for
21 a discharge from a combined storm and sani-
22 tary sewer.

23 “(B) SCHEDULE FOR COMPLIANCE.—

24 “(i) IN GENERAL.—A permit, order,
25 or decree issued pursuant to subparagraph
26 (A) shall include a schedule for compliance,

1 within a period of not to exceed 15 years,
2 with a long-term control plan under the
3 Control Policy referred to in paragraph
4 (1).

5 “(ii) EXCEPTION.—Notwithstanding
6 clause (i), a compliance schedule of longer
7 than 15 years may be granted if the owner
8 or operator demonstrates to the satisfac-
9 tion of the Administrator or the State, as
10 appropriate, reasonable further progress
11 towards compliance with a long-term plan
12 under the Control Policy and if the Admin-
13 istrator or the State, as appropriate, deter-
14 mines—

15 “(I) that compliance within 15
16 years is not within the economic capa-
17 bility of the owner or operator; or

18 “(II) that a longer period is oth-
19 erwise appropriate.

20 “(3) SAVINGS CLAUSE.—Any administrative or
21 judicial decree or order issued before the date of en-
22 actment of this subsection establishing any deadline,
23 schedule, or timetable for the construction of treat-
24 ment works for control of any discharge from a mu-
25 nicipal combined sewer system may, at the request

1 of the municipal owner or operator, be modified to
2 extend any such deadline, schedule, or timetable to
3 conform with the requirements of paragraph (2).

4 “(4) WATER QUALITY STANDARDS-DESIGNATED
5 USE REVIEW.—No permit, order, or decree issued
6 pursuant to this Act shall require compliance with
7 water quality based requirements contained in a
8 long-term control plan under the Control Policy re-
9 ferred to in paragraph (1) unless the Administrator
10 or the State, as appropriate, has completed the
11 water quality standards-designated use review proc-
12 ess called for in the Control Policy, including the
13 adoption of any refinements needed to reflect the
14 site-specific wet weather impacts of combined sewer
15 overflows and to ensure that the long-term control
16 plan provides for cost-effective compliance with
17 water quality standards. Consideration shall be given
18 to conducting these reviews on a watershed basis
19 where appropriate. Nothing in this subsection may
20 be construed to affect either the authority to con-
21 duct or scheduling of water quality standard reviews
22 required under section 303(c).

23 “(5) GRANTS.—

24 “(A) IN GENERAL.—The Administrator
25 may make grants to any municipality or munic-

1 ipal entity for planning, design, and construc-
2 tion of facilities to intercept, transport, control,
3 or treat combined storm and sanitary sewer
4 flows.

5 “(B) FEDERAL SHARE.—The Federal
6 share of the cost of activities carried out using
7 amounts from a grant made under subpara-
8 graph (A) shall be at least 55 percent of the
9 cost. The non-Federal share of the cost may in-
10 clude, in any amount, public and private funds
11 and in-kind services.

12 “(C) AUTHORIZATION OF APPROPRIA-
13 TIONS.—There is authorized to be appropriated
14 to carry out this paragraph \$500,000,000 for
15 fiscal year 1999, \$750,000,000 for fiscal year
16 2000, and \$1,000,000,000 for fiscal year 2001.
17 Such sums shall remain available until ex-
18 pended.

19 “(D) REPORTS.—On or before January 1,
20 2001, and once every 2 years thereafter, the
21 Administrator shall transmit to Congress a re-
22 port containing recommended funding levels for
23 the 2 fiscal years following the date of the re-
24 port for activities relating to combined storm

- 1 and sanitary sewer flows described in subpara-
- 2 graph (A).”.

