

105TH CONGRESS  
2D SESSION

# S. 2189

To amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements.

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## IN THE SENATE OF THE UNITED STATES

JUNE 18, 1998

Mr. WYDEN (for himself and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements.

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 “Water Conservation  
5 and Quality Incentives Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) in many parts of the United States, water  
2           supplies are insufficient to meet current or expected  
3           future demand during certain times of the year;

4           (2) a number of factors (including growing pop-  
5           ulations, increased demands for food and fiber pro-  
6           duction, and new environmental demands for water)  
7           are placing increased demands on existing water  
8           supply sources;

9           (3) increased water conservation, water quality  
10          enhancement, and more efficient use of water sup-  
11          plies could help meet increased demands on water  
12          sources;

13          (4) in States that recognize rights to conserved  
14          water for persons who conserve it, irrigation suppli-  
15          ers, farmers, ranchers, and other users could gain  
16          rights to use conserved water while also increasing  
17          the quantity of water available for other beneficial  
18          uses by implementing measures to reduce water loss  
19          during transport to, or application on, the fields;

20          (5) reducing the quantity of water lost during  
21          transport to the fields and improving water quality  
22          can help areas better meet changing population and  
23          economic needs; and

24          (6) the role of the Federal Government in help-  
25          ing meet those changing water needs should be to

1 provide financial assistance to help irrigators, farm-  
 2 ers, and ranchers implement practical, cost-effective  
 3 water quality and conservation measures.

4 **SEC. 3. USE OF STATE REVOLVING LOAN FUNDS FOR**  
 5 **WATER CONSERVATION IMPROVEMENTS.**

6 Section 603 of the Federal Water Pollution Control  
 7 Act (33 U.S.C. 1383) is amended—

8 (1) in the first sentence of subsection (c)—

9 (A) by striking “and (3)” and inserting  
 10 “(3)”; and

11 (B) by inserting before the period at the  
 12 end the following: “, (4) for construction of  
 13 water conservation improvements by eligible re-  
 14 cipients under subsection (i)”; and

15 (2) by adding at the end the following:

16 “(i) WATER CONSERVATION IMPROVEMENTS.—

17 “(1) DEFINITION OF ELIGIBLE RECIPIENT.—In  
 18 this subsection, the term ‘eligible recipient’ means a  
 19 municipality, quasi-municipality, municipal corpora-  
 20 tion, special district, conservancy district, irrigation  
 21 district, water users’ association, tribal authority,  
 22 intermunicipal, interstate, or State agency, nonprofit  
 23 private organization, a member of such an associa-  
 24 tion, authority, agency, or organization, or a lending

1 institution, located in a State that has enacted laws  
2 that—

3 “(A) provide a water user who invests in a  
4 water conservation improvement with a right to  
5 use water conserved by the improvement, as al-  
6 lowed by State law;

7 “(B) provide authority to reserve minimum  
8 flows of streams in the State; and

9 “(C) prohibit transactions that adversely  
10 affect existing water rights.

11 “(2) FINANCIAL ASSISTANCE.—A State may  
12 provide financial assistance from its water pollution  
13 control revolving fund to an eligible recipient to con-  
14 struct a water conservation improvement, includ-  
15 ing—

16 “(A) piping or lining of an irrigation canal;

17 “(B) wastewater and tailwater recovery or  
18 recycling;

19 “(C) irrigation scheduling;

20 “(D) water use measurement or metering;

21 “(E) on-field irrigation efficiency improve-  
22 ments; and

23 “(F) any other improvement that the State  
24 determines will provide water conservation ben-  
25 efits.

1           “(3) VOLUNTARY PARTICIPATION.—The partici-  
 2           pation of an eligible recipient in the water conserva-  
 3           tion improvement shall be voluntary.

4           “(4) USE OF CONSERVED WATER.—The quan-  
 5           tity of water conserved through the water conserva-  
 6           tion improvement shall be allocated in accordance  
 7           with applicable State law, including any applicable  
 8           State law requiring a portion of the conserved water  
 9           to be used for instream flow enhancement or other  
 10          conservation purposes.

11          “(5) LIMITATION ON USE FOR IRRIGATED AGRI-  
 12          CULTURE.—Conserved water made available under  
 13          paragraph (4) shall not be used to irrigate land that  
 14          has not previously been irrigated unless the use is  
 15          authorized by State law and will not diminish water  
 16          quality.”.

17 **SEC. 4. USE OF STATE REVOLVING LOAN FUNDS FOR**  
 18 **WATER QUALITY IMPROVEMENTS.**

19          Section 603 of the Federal Water Pollution Control  
 20          Act (33 U.S.C. 1383) (as amended by section 3) is amend-  
 21          ed—

22                 (1) in the first sentence of subsection (c), by in-  
 23                 serting before the period at the end the following: “,  
 24                 and (5) for construction of water quality improve-

1       ments or practices by eligible recipients under sub-  
 2       section (j)”; and

3               (2) by adding at the end the following:

4       “(j) WATER QUALITY IMPROVEMENTS.—

5               “(1) DEFINITION OF ELIGIBLE RECIPIENT.—In  
 6       this subsection, the term ‘eligible recipient’ means a  
 7       municipality, quasi-municipality, municipal corpora-  
 8       tion, special district, conservancy district, irrigation  
 9       district, water users’ association or member of such  
 10      an association, tribal authority, intermunicipal,  
 11      interstate, or State agency, nonprofit private organi-  
 12      zation, or lending institution.

13              “(2) FINANCIAL ASSISTANCE.—A State may  
 14      provide financial assistance from its water pollution  
 15      control revolving fund to an eligible recipient to con-  
 16      struct or establish water quality improvements or  
 17      practices that the State determines will provide  
 18      water quality benefits.

19              “(3) VOLUNTARY PARTICIPATION.—The partici-  
 20      pation of an eligible recipient in the water quality  
 21      improvements or practices shall be voluntary.”.

22   **SEC. 5. CONFORMING AMENDMENTS.**

23       Section 601(a) of the Federal Water Pollution Con-  
 24      trol Act (33 U.S.C. 1381(a)) is amended—

1           (1) by striking “and (3)” and inserting “(3)”;  
2       and  
3           (2) by inserting before the period at the end the  
4       following: “, and (4) for construction of water con-  
5       servation and quality improvements by eligible re-  
6       cipients under subsections (i) and (j) of section  
7       603”.

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