

106TH CONGRESS
1ST SESSION

H. R. 2720

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mrs. KELLY (for herself and Mrs. TAUSCHER) 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 authorize appropriations for State water pollution control revolving funds, 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; AMENDMENT OF FEDERAL**
4 **WATER POLLUTION CONTROL ACT.**

5 (a) IN GENERAL.—This Act may be cited as the
6 “Clean Water Infrastructure Financing Act of 1999”.

7 (b) AMENDMENT OF FEDERAL WATER POLLUTION
8 CONTROL ACT.—Except as otherwise expressly provided,
9 whenever in this Act an amendment or repeal is expressed

1 in terms of an amendment to, or repeal of, a section or
 2 other provision, the reference shall be considered to be
 3 made to a section or other provision of the Federal Water
 4 Pollution Control Act (33 U.S.C. 1251–1387).

5 **SEC. 2. GENERAL AUTHORITY FOR CAPITALIZATION**
 6 **GRANTS.**

7 Section 601(a) (33 U.S.C. 1381(a)) is amended by
 8 striking “(1) for construction” and all that follows
 9 through the period and inserting “to accomplish the pur-
 10 poses of this Act.”.

11 **SEC. 3. CAPITALIZATION GRANTS AGREEMENTS.**

12 (a) REQUIREMENTS FOR CONSTRUCTION OF TREAT-
 13 MENT WORKS.—Section 602(b)(6) (33 U.S.C.
 14 1382(b)(6)) is amended—

15 (1) by striking “before fiscal year 1995”; and
 16 (2) by striking “201(b)” and all that follows
 17 through “218” and inserting “211”.

18 (b) GUIDANCE FOR SMALL SYSTEMS.—Section 602
 19 (33 U.S.C. 1382) is amended by adding at the end the
 20 following new subsection:

21 “(c) GUIDANCE FOR SMALL SYSTEMS.—

22 “(1) SIMPLIFIED PROCEDURES.—Not later than
 23 1 year after the date of the enactment of this sub-
 24 section, the Administrator shall assist the States in

1 establishing simplified procedures for small systems
2 to obtain assistance under this title.

3 “(2) PUBLICATION OF MANUAL.—Not later
4 than 1 year after the date of the enactment of this
5 subsection, and after providing notice and oppor-
6 tunity for public comment, the Administrator shall
7 publish a manual to assist small systems in obtain-
8 ing assistance under this title and publish in the
9 Federal Register notice of the availability of the
10 manual.

11 “(3) SMALL SYSTEM DEFINED.—For purposes
12 of this title, the term ‘small system’ means a system
13 for which a municipality or intermunicipal, inter-
14 state, or State agency seeks assistance under this
15 title and which serves a population of 20,000 or
16 less.”.

17 **SEC. 4. WATER POLLUTION CONTROL REVOLVING FUNDS.**

18 (a) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Sec-
19 tion 603(c) (33 U.S.C. 1383(c)) is amended to read as
20 follows:

21 “(c) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—

22 “(1) IN GENERAL.—The amounts of funds
23 available to each State water pollution control re-
24 volving fund shall be used only for providing finan-
25 cial assistance to activities which have as a principal

1 benefit the improvement or protection of water qual-
2 ity of navigable waters to a municipality, intermunic-
3 ipal agency, interstate agency, State agency, or
4 other person. Such activities may include the fol-
5 lowing:

6 “(A) Construction of a publicly owned
7 treatment works.

8 “(B) Implementation of lake protection
9 programs and projects under section 314.

10 “(C) Implementation of a management
11 program under section 319.

12 “(D) Implementation of a conservation and
13 management plan under section 320.

14 “(E) Restoration or protection of publicly
15 or privately owned riparian areas, including ac-
16 quisition of property rights.

17 “(F) Implementation of measures to im-
18 prove the efficiency of public water use.

19 “(G) Development and implementation of
20 plans by a public recipient to prevent water pol-
21 lution.

22 “(H) Acquisition of lands necessary to
23 meet any mitigation requirements related to
24 construction of a publicly owned treatment
25 works.

1 “(2) FUND AMOUNTS.—The water pollution
2 control revolving fund of a State shall be established,
3 maintained, and credited with repayments, and the
4 fund balance shall be available in perpetuity for pro-
5 viding financial assistance described in paragraph
6 (1). Fees charged by a State to recipients of such
7 assistance may be deposited in the fund for the sole
8 purpose of financing the cost of administration of
9 this title.”.

10 (b) EXTENDED REPAYMENT PERIOD FOR DISADVAN-
11 TAGED COMMUNITIES.—Section 603(d)(1) (33 U.S.C.
12 1383(d)(1)) is amended—

13 (1) in subparagraph (A) by inserting after “20
14 years” the following: “or, in the case of a disadvan-
15 taged community, the lesser of 40 years or the ex-
16 pected life of the project to be financed with the pro-
17 ceeds of the loan”; and

18 (2) in subparagraph (B) by striking “not later
19 than 20 years after project completion” and insert-
20 ing “upon the expiration of the term of the loan”.

21 (c) LOAN GUARANTEES FOR INNOVATIVE TECH-
22 NOLOGY.—Section 603(d)(5) (33 U.S.C. 1383(d)(5)) is
23 amended to read as follows:

24 “(5) to provide loan guarantees for—

1 “(A) similar revolving funds established by
 2 municipalities or intermunicipal agencies; and
 3 “(B) developing and implementing innova-
 4 tive technologies.”.

5 (d) ADMINISTRATIVE EXPENSES.—Section 603(d)(7)
 6 (33 U.S.C. 1383(d)(7)) is amended by inserting before the
 7 period at the end the following: “or \$400,000 per year
 8 or ½ percent per year of the current valuation of such
 9 fund, whichever is greater, plus the amount of any fees
 10 collected by the State for such purpose under subsection
 11 (c)(2)”.

12 (e) TECHNICAL AND PLANNING ASSISTANCE FOR
 13 SMALL SYSTEMS.—Section 603(d) (33 U.S.C. 1383(d)) is
 14 amended—

15 (1) by striking “and” at the end of paragraph
 16 (6);

17 (2) by striking the period at the end of para-
 18 graph (7) and inserting “; and”; and

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

20 “(8) to provide to small systems technical and
 21 planning assistance and assistance in financial man-
 22 agement, user fee analysis, budgeting, capital im-
 23 provement planning, facility operation and mainte-
 24 nance, repair schedules, and other activities to im-
 25 prove wastewater treatment plant operations; except

1 that such amounts shall not exceed 2 percent of all
2 grant awards to such fund under this title.”.

3 (f) CONSISTENCY WITH PLANNING REQUIRE-
4 MENTS.—Section 603(f) (33 U.S.C. 1383(f)) is amended
5 by striking “is consistent” and inserting “is not incon-
6 sistent”.

7 (g) CONSTRUCTION ASSISTANCE.—Section 603(g)
8 (33 U.S.C. 1383(g)) is amended to read as follows:

9 “(g) CONSTRUCTION ASSISTANCE.—

10 “(1) PRIORITY LIST REQUIREMENT.—The State
11 may provide financial assistance from its water pol-
12 lution control revolving fund with respect to a
13 project for construction of a publicly owned treat-
14 ment works only if such project is on the State’s pri-
15 ority list under section 216 of this Act without re-
16 gard to the rank of such project on the State’s pri-
17 ority list.

18 “(2) ELIGIBILITY OF CERTAIN TREATMENT
19 WORKS.—A treatment works shall be treated as a
20 publicly owned treatment works for purposes of sub-
21 section (c) if the treatment works, without regard to
22 ownership, would be considered a publicly owned
23 treatment works and is principally treating munic-
24 ipal waste water or domestic sewage.”.

1 (h) INTEREST RATES.—Section 603 is amended by
2 adding at the end the following:

3 “(i) INTEREST RATES.—In any case in which a State
4 makes a loan pursuant to subsection (d)(1) to a disadvan-
5 tagged community, the State may charge a negative inter-
6 est rate of not to exceed 2 percent to reduce the unpaid
7 principal of the loan. The aggregate amount of all such
8 negative interest rate loans the State makes in a fiscal
9 year shall not exceed 20 percent of the aggregate amount
10 of all loans made by the State from its revolving loan fund
11 in such fiscal year.

12 “(j) DISADVANTAGED COMMUNITY DEFINED.—In
13 this section, the term ‘disadvantaged community’ means
14 the service area of a publicly owned treatment works with
15 respect to which the average annual residential sewage
16 treatment charges for a user of the treatment works meet
17 affordability criteria established by the State in which the
18 treatment works is located (after providing for public re-
19 view and comment) in accordance with guidelines to be
20 established by the Administrator, in cooperation with the
21 States.”.

22 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 607 (33 U.S.C. 1387) is amended by striking
24 “the following sums:” and all that follows through the pe-
25 riod at the end of paragraph (5) and inserting

1 “\$3,000,000,000 for each of fiscal years 2000 through
2 2004.”.

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