

106TH CONGRESS  
1ST SESSION

# S. 914

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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 29, 1999

Mr. SMITH of New Hampshire (for himself, Ms. SNOWE, Mr. WARNER, Mr. VOINOVICH, Ms. COLLINS, Mr. ABRAHAM, Mr. ROBB, Mr. HAGEL, and Mr. LUGAR), 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 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 1999”.

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 under this Act for a discharge from a com-  
9 bined storm and sanitary sewer shall conform to the  
10 Combined Sewer Overflow Control Policy signed by  
11 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 under subparagraph (A)  
26 shall include a schedule for compliance,

1 within a period 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 that—

15 “(I) compliance within 15 years  
 16 is not within the economic capability  
 17 of the owner or operator; or

18 “(II) a longer period is otherwise  
 19 appropriate.

20 “(3) WATER QUALITY STANDARDS-DESIGNATED  
 21 USE REVIEW.—

22 “(A) IN GENERAL.—No permit, order, or  
 23 decree issued under this Act should require  
 24 compliance with water quality-based require-  
 25 ments contained in a long-term control plan

1 under the Control Policy referred to in para-  
2 graph (1) unless the Administrator or the  
3 State, as appropriate, has completed the water  
4 quality standards-designated use review process  
5 called for in the Control Policy, including the  
6 adoption of any refinements needed—

7 “(i) to reflect the site-specific wet  
8 weather impact of combined sewer over-  
9 flows; and

10 “(ii) to ensure that the long-term con-  
11 trol plan provides for cost-effective compli-  
12 ance with water quality standards.

13 “(B) INCLUSION OF WATERSHED.—Con-  
14 sideration shall be given to conducting these re-  
15 views on a watershed basis where appropriate.

16 “(C) SAVINGS PROVISION.—Nothing in  
17 this subsection affects the authority to conduct  
18 or scheduling of water quality standard reviews  
19 required under section 303(c).

20 “(4) GUIDANCE.—Not later than March 15,  
21 2000, the Administrator shall develop and publish  
22 for implementation by the States and by regions of  
23 the Environmental Protection Agency, the guidance  
24 document recommended by H. Rept. No. 105–769 at

1       280 (1998) (conference report on H.R. 4194), to fa-  
2       cilitate water quality and designated use reviews.

3           “(5) GRANTS.—

4               “(A) IN GENERAL.—The Administrator  
5       may make grants to any municipality or munic-  
6       ipal entity for planning, design, and construc-  
7       tion of facilities to intercept, transport, control,  
8       or treat combined storm and sanitary sewer  
9       flows.

10          “(B) FEDERAL SHARE.—

11               “(i) IN GENERAL.—The Federal share  
12       of the cost of activities carried out using  
13       amounts from a grant made under sub-  
14       paragraph (A) shall be at least 55 percent  
15       of the cost as determined by the Adminis-  
16       trator.

17               “(ii) NON-FEDERAL SHARE.—The  
18       non-Federal share of the cost may include,  
19       in any amount, public and private funds  
20       and in-kind services.

21          “(C) REPORTS.—Not later than January  
22       1, 2004, and once every 2 years thereafter, the  
23       Administrator shall submit to Congress a report  
24       containing recommended funding levels for the  
25       2 fiscal years following the date of the report

1           for activities relating to combined storm and  
2           sanitary sewer flows described in subparagraph  
3           (A).

4           “(D) AUTHORIZATION OF APPROPRIA-  
5           TIONS.—There are authorized to be appro-  
6           priated to carry out this paragraph, to remain  
7           available until expended—

8                   “(i) \$500,000,000 for fiscal year  
9                   2000;

10                   “(ii) \$750,000,000 for fiscal year  
11                   2001; and

12                   “(iii) \$1,000,000,000 for each of fis-  
13                   cal years 2002 through 2004.”.

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