

107TH CONGRESS
2D SESSION

H. R. 3996

To amend the Federal Water Pollution Control Act to authorize appropriations for water pollution control research, development, and technology demonstration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2002

Mr. BOEHLERT (for himself and Mr. HALL of Texas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Water Pollution Control Act to authorize appropriations for water pollution control research, development, and technology demonstration, 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 “Water Quality Re-
5 search, Development, and Technology Demonstration
6 Act”.

1 **SEC. 2. AMENDMENT OF FEDERAL WATER POLLUTION CON-**
2 **TROL ACT.**

3 Except as otherwise expressly provided, whenever in
4 this Act an amendment or repeal is expressed in terms
5 of an amendment to, or repeal of, a section or other provi-
6 sion, the reference shall be considered to be made to a
7 section or other provision of the Federal Water Pollution
8 Control Act (33 U.S.C. 1251 et seq.).

9 **SEC. 3. TECHNICAL ASSISTANCE.**

10 (a) TECHNICAL ASSISTANCE FOR RURAL AND SMALL
11 TREATMENT WORKS.—Section 104(b) (33 U.S.C.
12 1254(b)) is amended—

13 (1) by striking “and” at the end of paragraph
14 (6);

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

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

18 “(8) make grants to nonprofit organizations to
19 provide technical assistance to rural and small mu-
20 nicipalities for the purpose of assisting, in consulta-
21 tion with the State in which the assistance is pro-
22 vided, such municipalities to plan, develop, and gain
23 financing for wastewater infrastructure assistance;

24 “(9) make grants to nonprofit organizations to
25 provide technical assistance and training to rural
26 and small publicly owned treatment works and de-

1 centralized wastewater treatment systems to enable
2 such treatment works and systems to protect water
3 quality and achieve and maintain compliance with
4 the requirements of this Act; and

5 “(10) make grants to nonprofit organizations to
6 disseminate information to rural municipalities,
7 small municipalities, and municipalities that meet
8 the affordability criteria established under section
9 603(i)(2) by the State in which the municipality is
10 located with respect to planning, design, construc-
11 tion, and operation of publicly owned treatment
12 works and decentralized wastewater treatment sys-
13 tems.”.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
15 104(u) (33 U.S.C. 1254(u)) is amended—

16 (1) by striking “and (6)” and inserting “(6”;

17 and

18 (2) by inserting before the period at the end the
19 following: “(7) not to exceed \$80,000,000 for fiscal
20 year 2003, \$85,000,000 for fiscal year 2004,
21 \$90,000,000 for fiscal year 2005, \$95,000,000 for
22 fiscal year 2006, and \$100,000,000 for fiscal year
23 2007 for carrying out subsections (b)(3), (b)(8),
24 (b)(9), and (b)(10), except that not less than 20 per-
25 cent of the amounts appropriated pursuant to this

1 paragraph in a fiscal year shall be used for carrying
 2 out subsections (b)(8), (b)(9), and (b)(10)’’.

3 (c) COMPETITIVE PROCEDURES FOR AWARDING
 4 GRANTS.—Section 104 (33 U.S.C. 1254(b)) is amended
 5 by adding at the end the following:

6 “(v) COMPETITIVE PROCEDURES FOR AWARDING
 7 GRANTS.—The Administrator shall establish procedures
 8 that, to the maximum extent practicable, promote com-
 9 petition and openness in the award of grants to nonprofit
 10 private agencies, institutions, and organizations under this
 11 section.”.

12 **SEC. 4. CAPITALIZATION GRANT AGREEMENT ADDITIONAL**
 13 **REQUIREMENT.**

14 Section 602(b) (33 U.S.C. 1382(b)) is amended—

15 (1) by striking “and” at the end of paragraph
 16 (9);

17 (2) by striking the period at the end of para-
 18 graph (10) and inserting a semicolon; and

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

20 “(11) beginning in fiscal year 2004, the State
 21 will include as a condition of providing assistance
 22 under section 603(c)(1) that the recipient of such
 23 assistance study and evaluate the cost and effective-
 24 ness of innovative and alternative processes, mate-
 25 rials, and techniques for carrying out projects and

1 activities eligible for such assistance under section
2 603(c), and select, to the extent practicable, projects
3 and activities that more efficiently use energy and
4 natural and financial resources or provide greater
5 environmental benefits.”.

6 **SEC. 5. ASSISTANCE AND SUBSIDIZATION.**

7 (a) TECHNICAL AND PLANNING ASSISTANCE FOR
8 SMALL SYSTEMS.—Section 603(d) (33 U.S.C. 1383(d)) is
9 amended—

10 (1) by striking “and” at the end of paragraph
11 (6);

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

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

15 “(8) to provide to treatment works, which serve
16 a population of 20,000 or fewer, with technical and
17 planning assistance to improve wastewater treatment
18 plant management and operations; except that such
19 amounts shall not exceed 2 percent of grant awards
20 to such fund under this title.”.

21 (b) ADDITIONAL SUBSIDIZATION.—Section 603 (33
22 U.S.C. 1383) is amended by adding at the end the fol-
23 lowing:

24 “(i) ADDITIONAL SUBSIDIZATION.—

1 “(1) IN GENERAL.—In any case in which a
2 State provides assistance under subsection (d), the
3 State may provide additional subsidization, including
4 forgiveness of principal and negative interest loans,
5 for projects and activities eligible for assistance
6 under section 603(c)(1) to implement innovative and
7 alternative processes, materials, and techniques (in-
8 cluding nonstructural protection of surface waters,
9 new or improved methods of waste treatment, and
10 pollutant trading) that are of a type recommended
11 under paragraph (2) and that may result in cost
12 savings or increased environmental benefit when
13 compared to standard processes, materials, and tech-
14 niques.

15 “(2) SUPPORT FOR INNOVATIVE AND ALTER-
16 NATIVE PROCESSES, MATERIALS, AND TECH-
17 NIQUES.—Based on recommendations of the Water
18 Quality Research Technical Advisory Committee
19 under section 104(a)(3), the Administrator shall an-
20 nually prepare a list and description of innovative
21 and alternative processes, materials, and techniques
22 that the Administrator recommends for additional
23 State subsidization under this subsection.”.

24 **SEC. 6. PROGRAM PLAN.**

25 Section 104 (33 U.S.C. 1254) is amended—

1 (1) in subsection (a)—

2 (A) by redesignating paragraphs (1), (2),
3 (3), (4), (5), and (6) as subparagraphs (A),
4 (B), (C), (D), (E), and (F), respectively; and

5 (B) by moving such subparagraphs 2 ems
6 to the right;

7 (2) by striking the section heading, the section
8 designation, and “(a) The Administrator shall” and
9 inserting the following:

10 **“SEC. 104. RESEARCH, INVESTIGATION, TRAINING, AND IN-**
11 **FORMATION.**

12 “(a) NATIONAL PROGRAMS.—

13 “(1) ESTABLISHMENT.—The Administrator
14 shall”; and

15 (3) by adding at the end of subsection (a) the
16 following:

17 “(2) PROGRAM PLAN.—

18 “(A) IN GENERAL.—Not later than 18
19 months after the date enactment of this sub-
20 paragraph, the Administrator, in cooperation
21 with other Federal, State, and local agencies
22 and nonprofit organizations with expertise in
23 water pollution control research, development,
24 and technology demonstration, shall prepare
25 and transmit to Congress a 5-year program

1 plan to guide water pollution control research,
2 development, and technology demonstration ac-
3 tivities under this Act.

4 “(B) COMMENTS OF ADVISORY COM-
5 MITTEE.—The program plan shall be submitted
6 to the Water Quality Research Technical Advi-
7 sory Committee established under paragraph
8 (3) for review and comment.

9 “(3) WATER QUALITY RESEARCH TECHNICAL
10 ADVISORY COMMITTEE.—

11 “(A) ESTABLISHMENT.—Not later than 12
12 months after the date of enactment of this Act,
13 the Administrator shall establish under para-
14 graph (1)(D) a Water Quality Research Tech-
15 nical Advisory Committee (in this paragraph re-
16 ferred to as the ‘Advisory Committee’).

17 “(B) DUTIES.—The Advisory Committee
18 shall—

19 “(i) advise the Administrator on the
20 development and implementation of the
21 program plan under paragraph (1);

22 “(ii) advise the Administrator annu-
23 ally on priority needs for water pollution
24 control research, development, and tech-
25 nology demonstration under this Act and

resources necessary for meeting such needs;

“(iii) make recommendations annually to the Administrator on types of innovative and alternative processes, materials, and techniques that should be recommended for additional subsidization under section 603(i); and

“(iv) review annually the results of water pollution control research, development, and technology demonstration carried out under this Act in the preceding fiscal year.

“(C) MEMBERSHIP.—The Advisory Committee shall be composed of 7 members appointed by the Administrator after seeking and receiving recommendations from the National Academy of Sciences. Members appointed to the Advisory Committee shall have experience or be technically qualified, by training or knowledge, in water pollution control research, development, and technology demonstration.

“(D) COMPENSATION.—The members of the Advisory Committee shall serve without compensation, but shall receive travel expenses,

1 including per diem in lieu of subsistence, in ac-
2 cordance with sections 5702 and 5703 of title
3 5, United States Code.

4 “(E) MEETINGS.—The Advisory Com-
5 mittee shall meet at least 4 times each year.

6 “(F) TERMINATION.—The Advisory Com-
7 mittee shall terminate 5 years after the date of
8 its establishment.

9 “(4) REPORTS TO CONGRESS.—Not later than
10 1 year after the date of enactment of the Water
11 Quality Research, Development, and Technology
12 Demonstration Act, and annually thereafter, the Ad-
13 ministrator shall transmit to Congress a report on
14 the status and results to date of the implementation
15 of the program plan prepared under paragraph (2).
16 Each report shall include the comments of the
17 Water Quality Research Technical Advisory Com-
18 mittee under paragraphs (2) and (3).”.

19 **SEC. 7. TECHNOLOGY DEMONSTRATION PROGRAM FOR**
20 **WATER QUALITY ENHANCEMENT AND MAN-**
21 **AGEMENT.**

22 Title I of the Act (33 U.S.C. 1251 et seq.) is
23 amended—

1 (1) by redesignating the second section 121 (re-
2 lating to wet weather watershed pilot projects) as
3 section 122; and

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

5 **“SEC. 123. TECHNOLOGY DEMONSTRATION PROGRAM FOR**
6 **WATER QUALITY ENHANCEMENT AND MAN-**
7 **AGEMENT.**

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—As soon as practicable
10 after the date of enactment of this section, the Ad-
11 ministrator shall establish a nationwide demonstra-
12 tion program to—

13 “(A) promote innovations in technology
14 and alternative approaches to water quality
15 management; and

16 “(B) reduce costs to municipalities in-
17 curred in complying with this Act.

18 “(2) SCOPE.—The demonstration program shall
19 consist of 10 projects per year, to be carried out in
20 municipalities selected by the Administrator under
21 subsection (b).

22 “(b) SELECTION OF MUNICIPALITIES.—

23 “(1) APPLICATION.—A municipality that seeks
24 to be selected to participate in the demonstration

1 program shall submit to the Administrator a plan
2 that—

3 “(A) is developed in coordination with—

4 “(i) the Water Quality Research
5 Technical Advisory Committee established
6 under section 104(a)(3);

7 “(ii) the agency of the State having
8 jurisdiction over water quality; and

9 “(iii) interested stakeholders;

10 “(B) describes adverse water quality im-
11 pacts specific to surrounding ecosystems;

12 “(C) includes a strategy under which the
13 municipality, through participation in the dem-
14 onstration program, could effectively address
15 those impacts and achieve the same water qual-
16 ity goals as those goals that could be achieved
17 using more traditional methods or are man-
18 dated under this Act; and

19 “(D) includes a schedule for achieving the
20 goals of the municipality.

21 “(2) TYPES OF PROJECTS.—In carrying out the
22 demonstration program, the Administrator may se-
23 lect projects which have the potential to advance in-
24 novative or alternative approaches to addressing—

25 “(A) excessive nutrient growth;

- 1 “(B) water reclamation and reuse;
- 2 “(C) nonpoint source water pollution;
- 3 “(D) sanitary overflows;
- 4 “(E) combined sewer overflows;
- 5 “(F) problems with naturally-occurring
- 6 constituents of concern; or
- 7 “(G) problems with erosion and excess
- 8 sediment.

9 “(3) RESPONSIBILITIES OF ADMINISTRATOR.—
10 In selecting municipalities under this subsection, the
11 Administrator shall—

12 “(A) ensure, to the maximum extent
13 practicable—

14 “(i) the inclusion in the demonstration
15 program of projects which reflect a broad
16 geographic distribution and nontraditional
17 approaches (including low-impact develop-
18 ment technologies) used for the projects;
19 and

20 “(ii) that each category of project de-
21 scribed in paragraph (2) is adequately rep-
22 resented;

23 “(B) give higher priority to projects that
24 address multiple problems and are regionally
25 applicable;

1 “(C) ensure, to the maximum extent prac-
2 ticable, that at least 1 small community having
3 a population of 10,000 or less receives a grant
4 each year; and

5 “(D) ensure that, for each fiscal year, no
6 municipality receives more than 25 percent of
7 the total amount of funds made available for
8 the fiscal year to provide grants under this sec-
9 tion.

10 “(4) COST SHARING.—The non-Federal share
11 of the cost of a project carried out under this section
12 shall be at least 20 percent.

13 “(c) REPORTS.—

14 “(1) REPORTS FROM MUNICIPALITIES.—A mu-
15 nicipality that is selected for participation in the
16 demonstration program shall submit to the Adminis-
17 trator, on the date of completion of a project of the
18 municipality and on each of the dates that is 1, 2,
19 and 3 years after that date, a report that describes
20 the effectiveness of the project.

21 “(2) REPORTS TO CONGRESS.—Not later than
22 2 years after the date of enactment of this section,
23 and every 2 years thereafter, the Administrator shall
24 compile, and submit to Congress, a report that de-

1 scribes the status and results of the demonstration
2 program.

3 “(d) INCORPORATION OF RESULTS AND INFORMA-
4 TION.—To the maximum extent practicable, the Adminis-
5 trator shall incorporate the results of, and information ob-
6 tained from, successful projects under this section into
7 programs administered by the Administrator.

8 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated to carry out this section
10 \$20,000,000 for each of fiscal years 2003 through 2007.”.

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