

113TH CONGRESS
1ST SESSION

H. R. 2707

To direct the Administrator of the Environmental Protection Agency to carry out a pilot program to work with municipalities that are seeking to develop and implement integrated plans to meet their wastewater and stormwater obligations under the Federal Water Pollution Control Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2013

Mr. CHABOT (for himself, Mr. SIMPSON, and Mr. GRAVES of Missouri) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Administrator of the Environmental Protection Agency to carry out a pilot program to work with municipalities that are seeking to develop and implement integrated plans to meet their wastewater and stormwater obligations under the Federal Water Pollution Control Act, 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 “Clean Water Compli-
5 ance and Ratepayer Affordability Act of 2013”.

1 **SEC. 2. INTEGRATED MUNICIPAL STORMWATER AND**
2 **WASTEWATER APPROACH FRAMEWORK.**

3 (a) IN GENERAL.—In the first 5 fiscal years begin-
4 ning after the date of enactment of this Act, the Adminis-
5 trator of the Environmental Protection Agency, in coordi-
6 nation with appropriate State, local, and regional authori-
7 ties, shall carry out a pilot program under which the Ad-
8 ministrator shall work cooperatively with and facilitate the
9 efforts of municipalities to develop and implement inte-
10 grated plans to meet their wastewater and stormwater ob-
11 ligations under the Federal Water Pollution Control Act
12 (33 U.S.C. 1251 et seq.) in a more cost-effective and flexi-
13 ble manner.

14 (b) FRAMEWORK.—The Administrator shall carry out
15 the pilot program in a manner that is consistent with the
16 Integrated Municipal Stormwater and Wastewater Ap-
17 proach Framework issued by the Environmental Protec-
18 tion Agency, dated May 2012.

19 (c) SELECTION OF MUNICIPALITIES.—

20 (1) IN GENERAL.—The Administrator, in con-
21 sultation with States that have approved National
22 Pollutant Discharge Elimination System programs,
23 shall select not less than 15 municipalities to partici-
24 pate in the pilot program.

25 (2) FACTORS.—In selecting the municipalities,
26 the Administrator shall—

1 (A) specifically focus on—

2 (i) municipalities that are operating
3 under an administrative order, administra-
4 tive consent agreement, or judicial consent
5 decree to comply with the requirements of
6 the Federal Water Pollution Control Act;

7 (ii) other municipalities facing compli-
8 ance issues under the Federal Water Pollu-
9 tion Control Act, in addition to the munici-
10 palities described in clause (i); and

11 (iii) municipalities that are affected by
12 affordability constraints in planning and
13 implementing control measures to address
14 wet weather discharges from their waste-
15 water and stormwater facilities; and

16 (B) give priority to municipalities with a
17 history of knowledgeable, detailed, and com-
18 prehensive efforts to develop integrated and
19 adaptive clean water management practices,
20 without regard to the status of the municipality
21 in the process of planning or implementing such
22 practices.

23 (d) APPROVAL OF INTEGRATED PLANS.—

1 (1) IN GENERAL.—In approving the integrated
2 plan of a municipality under the pilot program, the
3 Administrator shall—

4 (A) account for the financial capability of
5 the municipality to adequately address the re-
6 quirements of the Federal Water Pollution Con-
7 trol Act that apply to the municipality;

8 (B) prioritize the obligations of the munici-
9 pality under the Federal Water Pollution Con-
10 trol Act according to the most cost-effective and
11 environmentally beneficial outcomes;

12 (C) account for the maintenance, oper-
13 ational, and regulatory obligations of the mu-
14 nicipality; and

15 (D) enable the municipality to implement
16 innovative and flexible approaches to meet the
17 obligations of the municipality under the Fed-
18 eral Water Pollution Control Act.

19 (2) USE OF ADAPTIVE MANAGEMENT AP-
20 PROACHES.—

21 (A) PRIORITY.—In selecting municipalities
22 to participate in the program, the Adminis-
23 trator may give priority to a municipality that
24 is seeking to develop and implement an inte-
25 grated plan that includes adaptive approaches

1 to account for changed or future uncertain cir-
2 cumstances.

3 (B) TYPES OF ADAPTIVE APPROACHES.—

4 Adaptive approaches referred to in subpara-
5 graph (A) include, at a minimum—

6 (i) the use of new innovative technical
7 or institutional approaches; and

8 (ii) the ability to adapt the integrated
9 plan in response to new regulatory require-
10 ments and reductions in financial capa-
11 bility.

12 (3) ADDITIONAL AUTHORITIES.—In carrying
13 out the pilot program, the Administrator may, in full
14 coordination and mutual agreement with a munici-
15 pality selected to participate in the pilot program—

16 (A) extend the allowable national pollutant
17 discharge elimination system permit term under
18 section 402 of the Federal Water Pollution
19 Control Act (33 U.S.C. 1342) to a maximum of
20 25 years, and make corresponding changes to
21 any associated implementation schedule;

22 (B) modify the implementation terms of a
23 consent decree entered into by the municipality
24 with the Administrator pursuant to that Act;
25 and

1 (C) provide additional regulatory flexibility
2 under the Federal Water Pollution Control Act
3 in approving and implementing an integrated
4 plan that includes adaptive approaches in order
5 to encourage the innovation integral to such ap-
6 proaches.

7 (e) REPORT TO CONGRESS.—Not later than 1 year
8 after the date of enactment of this Act, and each year
9 thereafter for 5 years, the Administrator shall transmit
10 to Congress a report on the results of the pilot program,
11 including a description of the specific outcomes expected
12 to be achieved that will reduce the costs of complying with
13 the requirements of the Federal Water Pollution Control
14 Act for municipalities participating in the program and
15 similarly situated municipalities.

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