

114TH CONGRESS
1ST SESSION

H. R. 1093

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

FEBRUARY 26, 2015

Mr. CHABOT (for himself, Ms. FUDGE, Mr. RODNEY DAVIS of Illinois, Mr. WENSTRUP, Mr. SIMPSON, and Mr. DUNCAN of South Carolina) 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 2015”.

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 fewer than 15 municipalities to par-
24 ticipate in the pilot program each fiscal year.

1 (2) ELIGIBILITY OF MUNICIPALITIES.—A mu-
2 nicipality shall be eligible to participate in the pilot
3 program if the municipality—

4 (A) is a National Pollutant Discharge
5 Elimination System permit holder or designee;
6 or

7 (B) is operating under an administrative
8 order, administrative consent agreement, or ju-
9 dicial consent decree to comply with the re-
10 quirements of the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1251 et seq.).

12 (3) FACTORS.—In selecting municipalities
13 under paragraph (1), the Administrator shall—

14 (A) specifically focus on—

15 (i) municipalities that are operating
16 under an administrative order, administra-
17 tive consent agreement, or judicial consent
18 decree to comply with the requirements of
19 the Federal Water Pollution Control Act;

20 (ii) municipalities facing compliance
21 issues under the Federal Water Pollution
22 Control Act, in addition to the municipali-
23 ties described in clause (i); and

24 (iii) municipalities that are affected by
25 affordability constraints in planning and

1 implementing control measures to address
2 wet weather discharges from their waste-
3 water and stormwater facilities; and

4 (B) give priority to eligible municipalities
5 with a history of knowledgeable, detailed, and
6 comprehensive efforts to develop integrated and
7 adaptive clean water management practices,
8 without regard to the status of the municipality
9 in the process of planning or implementing such
10 practices.

11 (d) APPROVAL OF INTEGRATED PLANS.—

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

15 (A) account for the financial capability of
16 the municipality to adequately address the re-
17 quirements of the Federal Water Pollution Con-
18 trol Act that apply to the municipality;

19 (B) prioritize the obligations of the munici-
20 pality under the Federal Water Pollution Con-
21 trol Act according to the most cost-effective and
22 environmentally beneficial outcomes;

23 (C) account for the maintenance, oper-
24 ational, and regulatory obligations of the mu-
25 nicipality; and

1 (D) enable the municipality to implement
2 innovative and flexible approaches to meet the
3 obligations of the municipality under the Fed-
4 eral Water Pollution Control Act.

5 (2) USE OF ADAPTIVE MANAGEMENT AP-
6 PROACHES.—

7 (A) PRIORITY.—In selecting municipalities
8 to participate in the program, the Adminis-
9 trator may give priority to a municipality that
10 is seeking to develop and implement an inte-
11 grated plan that includes adaptive approaches
12 to account for changed or future uncertain cir-
13 cumstances.

14 (B) TYPES OF ADAPTIVE APPROACHES.—
15 Adaptive approaches referred to in subpara-
16 graph (A) include, at a minimum—

17 (i) the use of new innovative technical
18 or institutional approaches; and

19 (ii) the ability to adapt the integrated
20 plan in response to new regulatory require-
21 ments and reductions in financial capa-
22 bility.

23 (3) ADDITIONAL AUTHORITIES.—In carrying
24 out the pilot program, the Administrator may, in full

1 coordination and mutual agreement with a munici-
2 pality selected to participate in the pilot program—

3 (A) extend the allowable national pollutant
4 discharge elimination system permit term under
5 section 402 of the Federal Water Pollution
6 Control Act (33 U.S.C. 1342) to a maximum of
7 25 years, and make corresponding changes to
8 any associated implementation schedule;

9 (B) modify the implementation terms of a
10 consent decree entered into by the municipality
11 with the Administrator pursuant to that Act;
12 and

13 (C) provide additional regulatory flexibility
14 under that Act in approving and implementing
15 an integrated plan that includes adaptive ap-
16 proaches in order to encourage the innovation
17 integral to such approaches.

18 (e) MUNICIPALITY DEFINED.—In this section, the
19 term “municipality” means a county, city, town, township,
20 or subdivision of a State or local government.

21 (f) REPORT TO CONGRESS.—Not later than 1 year
22 after the date of enactment of this Act, and each year
23 thereafter for 5 years, the Administrator shall transmit
24 to Congress a report on the results of the pilot program,
25 including a description of the specific outcomes expected

- 1 to be achieved that will reduce the costs of complying with
- 2 the requirements of the Federal Water Pollution Control
- 3 Act for municipalities participating in the program and
- 4 similarly situated municipalities.

