

The people of Colorado have every right to be proud of the Trivetts. On behalf of the people of Colorado, I thank you both, Roy and Judy, for your hard work and service to the Pueblo community. We are all very proud of you.

IN HONOR OF KENNETH E. BROWN

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 26, 2000*

Mr. KUCINICH. Mr. Speaker, I rise today to honor Kenneth E. Brown, a distinguished Ohio entrepreneur a former recipient of the Northern Ohio Live 1999 Award of Achievement for Neighborhood Revitalization.

Since graduating from the Levin College of Urban Affairs in 1989, Kenneth B. Brown founded Progressive Urbana Real Estate. As the broker and president of this self-financed enterprise, he transformed the one-person storefront in Tremont to a 21-agent, six-person staff in a renovated, company-owned building in Ohio City.

Kenneth Brown is being honored with the Alumni Special Achievement Award for his dedication and collaborative work in the Tremont Ridge Project. This undertaking uses the grid of the original 20-foot-wide housing lots plotted just after the Civil War to maintain the historic pedestrian nature of the neighborhood.

there are now 39 homes completed—bungalows and colonials priced between \$130,000 and \$150,000 and featuring elegant 10-foot ceilings, loft balconies, hardwood floors, fireplaces, two-story living rooms, above-ground English-style basements, and rooftop decks. When completed, Tremont Ridge will total 60 units, including townhouses and scattered sites. Kenneth Brown's commitment not only beautifies the city, but also allows neighborhoods to benefit from the project, with homeowners able to apply for interest-free loans to rehabilitates their own homes.

My fellow colleagues, please join me in honoring Kenneth E. Brown for his service to the community in maintaining a beautiful historical site.

#### PERSONAL EXPLANATION

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 26, 2000*

Ms. ROYBAL-ALLARD. Mr. Speaker, due to a family health emergency in Los Angeles, I was not present during the House's consideration of the VA, HUD and Independent Agencies Appropriations Bill, last week. However, I was recorded as voting on an amendment to this bill offered by Mr. COLLINS of Georgia. The mistake was fortunately caught by the diligent staff of the Minority Leader. Nevertheless, members should be aware that although the digital voting system used by the House of Representatives is very reliable, it is not perfect. I have been assured by both the Chairman of the Committee on House Administration and the Clerk's Office that they are thoroughly investigating the incident and that it

does appear to be a true statistical anomaly which is unlikely to occur again. I would like to thank the Chairman and the office of the Clerk for their quick attention to this matter as well as the staff of the Minority leader, who first discovered this error and brought it to the attention of the Clerk. Finally, while I was mistakenly recorded as voting "aye" on the amendment, had I been present, I would have voted "nay".

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

**HON. ROBERT A. BORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 21, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

Mr. BORSKI. Mr. Chairman, I rise to support the Hinchey-Waxman amendment and to express my opposition to the anti-environment provisions contained in the bill and its report.

Mr. Chairman, it seems as though we go down this road every year—fighting riders and report language designed specifically to stop the Environmental Protection Agency from advancing the protection of human health and the environment.

Just a few short weeks ago, the Majority claimed to have adopted a policy of no anti-environmental riders in appropriations bills. Unfortunately for human health and the environment, this is not the case. Instead, the Majority has determined to place anti-environmental provisions in the Committee Report. This amendment is necessary to undo that harm.

Mr. Chairman, I am particularly concerned that the report accompanying this bill would prohibit EPA from removing contaminated sediments from rivers and lakes, even where such removal has been thoroughly studied and is the correct response. Contaminated sediments pose huge risks to human health and the environment.

Mr. Chairman, we all know that there are two sites that drive this issue every year—the Hudson River and Fox River—which are both heavily contaminated with PCBs.

This broad language will stop or delay cleanups not only at these two sites, but also at 26 other sites in 15 states. It is time to stop interfering with EPA protecting human health and the environment, and support the Hinchey-Waxman amendment.

Mr. Chairman, I also am deeply troubled by language in the bill that would prevent EPA from spending any money to advance the process of developing and implementing the program for Total Maximum Daily Loads, or TMDLs.

The TMDL program is the final phase of the Clean Water Act. It is the mechanism by

which we will fulfill the promise made to the American public in 1972 to make the Nation's waters fishable and swimmable.

The opposition to the TMDL rule is badly misguided and fueled by an unwillingness to achieve water quality in a fair and timely manner. The TMDL process is the most effective, most rational, and most defensible way to achieve water quality. Let me describe it.

First, states identify those waters where the water quality standards that the states developed are not being met.

Second, states identify the pollutants that are causing the water quality impairment.

Third, states identify the sources of those pollutants.

Finally, states assign responsibility for reducing those pollutants so that the waters can meet the uses that the states have established.

We have made great improvements in water quality through the treatment of municipal waste and industrial discharges. But these point sources are no longer the greatest source of impairment. Nationally, the greatest problem is nonpoint sources, and now, nearly 30 years after the Clean Water Act, it is time for the states to get all sources of pollution to be part of the solution.

Mr. Chairman, while the TMDL process may be complicated in its execution, it is the most fair and efficient way to clean up the Nation's waters. The TMDL rule is not a perfect rule. Many have criticized it, including some in the environmental community. However, the majority of the environmental community supports going forward. The Association of Metropolitan Sewerage Agencies supports going forward. I am attaching letters that demonstrate this support. I hope that EPA does in fact move forward, and that the harmful language in the bill is eliminated.

Mr. Chairman, I urge support for the Hinchey-Waxman amendment and submit the following communications for the RECORD.

JUNE 19, 2000,

*U.S. House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE. On behalf of the organizations listed below, we are writing to you in strong opposition to an anti-environmental rider on the FY 2001 VA-HUD appropriations bill regarding the Clean Water Act's TMDL program, which may go to the House floor as early as today. Our organizations have consistently opposed all anti-environmental riders, and we urge you to oppose this and other such anti-environmental riders on appropriations bills this year.

The section of the VA-HUD Sub-Committee report, under EPA-Environmental Programs and Management, attempts to use a rider to interfere with EPA's rulemaking process and guidance on the Clean Water Act. Total Maximum Daily Loads (TMDLs) are part of the Clean Water Act's strategy for attaining and maintaining water quality standards in polluted waters. They require that states identify all sources of pollution that impair the uses of waterbodies, such as drinking, swimming or aquatic habitat. Once identified, the TMDL process is a way to ensure that responsibility for reducing the pollution is fairly allocated. The conservation community considers this rider an attack on a key opportunity under the Clean Water Act to clean up our nation's waterways. Furthermore, we have serious concerns about Congress' interference with the rulemaking process with a rider.

Moreover, Committee report language encourages EPA to revoke a Clean Water Act guidance document issued by the agency's

Region IX related in part to the TMDL program that is deemed by the Committee to be too "stringent" for the business community. The Committee's intervention on behalf of polluters and the States to prevent a strong TMDL program by discouraging regional offices from adopting guidance to implement the law is an anti-environmental attack on the Clean Water Act. The Region IX guidance at issue is a clarification of long-standing Clean Water Act legal requirements.

The provision of the proposed TMDL rule which has generated the most controversy is the silviculture provision. In response to industry and congressional concerns, the U.S. EPA last week announced that the TMDL rule that is expected to be finalized this summer will not include this provision.

We believe the TMDL program of the Clean Water Act offers the best opportunity to clean up our nation's polluted waters comprehensively and equitably. We urge you to uphold the interests of the Clean Water Act and the value of the TMDL program by opposing this rider.

Sincerely,

Elizabeth McEvoy, Center for Marine Conservation.

Ted Morton, American Oceans Campaign.

Daniel Rosenberg, Natural Resources Defense Council.

Paul Schwartz, Clean Water Action.

Steve Moyer, Trout Unlimited.

Rick Parrish, Southern Environmental Law Center.

Ann Mills, American Rivers.

Jackie Savitz, Coast Alliance.

Norma Grier, NW Coalition for Alts to Pesticides.

Jim Rogers, Friends of Elk River.

Jennifer Schemm, Grand Ronde Resource Council.

Steve Huddleston, Central Oregon Forest Issues Committee.

Mick Garvin, Many Rivers Group, Sierra Club.

James Johnston, Cascadia Wildlands Project.

Asante Riverwind, Blue Mountains Biodiversity Project.

Mettie Whipple, Eel River Watershed Association, Ltd.

Bill Marlett, Oregon Natural Desert Association.

Elizabeth E. Stokey, Organization for the Assabet River.

Pepper Trail, Rogue Valley Audubon Society.

Ed Himlan, Massachusetts Watershed Coalition.

James S. Lyon, National Wildlife Federation.

Nina Bell, Northwest Environmental Advocates.

David Anderson, Chesapeake Bay Foundation.

Barry Carter, Blue Mountain Native Forest Alliance.

Daniel Hall, American Lands.

Bruce Wishart, People for Puget Sound.

Ric Bailey, Hells Canyon Preservation Council.

Mary Scurlock, Pacific Rivers Council.

Francis Eatherington, Umpqua Watersheds, Inc.

Hillary Abraham, Oregon Environmental Council.

Karen Beesley, Nurse Practitioner.

John Kart, Audubon Society of Portland.

Mr. Benson, Association of Northwest Steelheaders.

Maria Van Dusen, Massachusetts Riverways Program.

Glen Spain, Pacific Coast Federation of Fishermen's Associations.

Pine duBois, Jones River Watershed Association.

Michael Toomey, Friends of Douglas State Forest.

Ellen Mass, Friends of Alewife Reservation.

#### ASSOCIATION OF

METROPOLITAN SEWERAGE AGENCIES,

Washington, DC, June 16, 2000.

Re municipalities support EPA's revised TMDL program.

Hon. ROBERT A. BORSKI,

House of Representatives,

Washington, DC.

DEAR REPRESENTATIVE BORSKI: In August 1999, EPA released proposed regulatory revisions to clarify and redefine the current regulatory requirements for establishing Total Maximum Daily Loads (TMDLs) under the Clean Water Act (CWA) §303(d). Recognizing that the proposed rule has undergone some significant changes in the past year, the Association of Metropolitan Sewerage Agencies (AMSA) supports EPA's efforts to revise the existing TMDL program, as well as its schedule for finalizing the revisions by June 30, 2000.

AMSA anticipates that the final rule will be a major improvement over the existing TMDL program, which has traditionally focused solely on controlling point sources, i.e., municipalities and industry, rather than developing comprehensive solutions to the nation's water quality problems. During the past 30 years, point sources of water pollution—wastewater treatment plants, industry, and others—have met the challenges of the Clean Water Act to achieve our national clean water goals. The investment in wastewater treatment has revived America's rivers and streams, and the nation has experienced a dramatic resurgence in water quality. However, according to the U.S. Environmental Protection Agency (EPA) 40 percent of our waters remain polluted—largely by nonpoint source pollution. The situation will not improve until we include all sources in the cleanup equation.

EPA's revised rule is expected to encourage the development of implementation plans for TMDLs that provide a "reasonable assurance" that all sources of pollution, point and nonpoint, will be addressed as part of a cleanup plan. Development of implementation plans will ensure that the regulated community and the public have an opportunity to review and understand how the regulatory agencies will respond to local water quality problems. Implementation plans will also help to ensure that municipalities, which hold many of the nation's existing discharge permits, are not forced to remove increasingly minimal amounts of pollutants from their discharge at significant expense, while the major pollution contributions from uncontrolled sources remain unaddressed. Implementation plans, while requiring extra time and resources to develop, will encourage holistic solutions that will meet water quality goals, and will likely save billions of dollars nationwide by ensuring proper expenditure of limited local resources.

In addition to ensuring more involvement from all sources of pollution, EPA's revised rule is also expected to improve the existing TMDL program in several other areas including:

Improved ability for the regulated community and the public to review decisions by state and federal regulatory agencies to include or exclude waters on TMDL lists—Currently, this lack of protocol has led to the listing of many impaired waters based upon outdated or very limited data, with very little ability for public input or review. Requirements to develop and follow these protocols will help to ensure that TMDLs are properly developed using technically-based, scientific approaches, which are supported by data of adequate quality and quantity.

Allowing new or expanded discharges on impaired waters—Current regulations at 40 CFR Part 122.4 effectively prohibit new discharges to impaired waters during TMDL development. EPA's revised proposal should provide more flexibility for new dischargers, or the expansion of existing discharges during the 8 to 15-year TMDL development process by allowing new or increased discharges where adjustments in source controls will result in reasonable progress toward environmental improvements. Given that 40,000 waters are currently on EPA's impaired water list, this flexibility is critical if we are to allow for the continued economic viability and growth of our nation.

Providing more realistic deadlines—The existing TMDL program is currently being driven by the courts, with extremely ambitious schedules and deadlines for developing and implementing TMDLs. These deadlines will likely result in poorly developed TMDLs based on little or inadequate data, or grossly simplified TMDLs that fail to address costly implementation issues. EPA's revised rules are expected to allow up to 15 years to develop TMDLs, which will provide a more realistic timeframe to develop and analyze the necessary data needed to properly develop adequate TMDLs.

While AMSA still has some concerns with EPA's revised rule, we do believe that the program revisions will provide greater clarity concerning the roles and responsibilities of all stakeholders in the TMDL process, and would make significant improvements in our efforts to improve the nation's water quality. We therefore urge you to oppose any legislative efforts that may interfere with EPA's ability to issue and implement its comprehensive TMDL program revisions.

If AMSA's staff or member POTWs in your home state can assist you in any way, please call me at (202) 833-4653. Thank you for your consideration of our request.

Sincerely,

KEN KIRK,  
Executive Director.

IN HONOR OF EMILY LIPOVAN  
HOLAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Emily Lipovan Holan, a distinguished Ohio entrepreneur and former recipient of the Northern Ohio Live 1999 Award of Achievement for Neighborhood Revitalization.

Emily Holan holds a 1990 bachelor of arts degree in real estate development, city planning and architectural design from Levin College. As the executive director of Tremont West Development Corporation, she has overseen four multi-million dollar real estate developments and has spearheaded marketing and publicity efforts for Tremont. Her other achievements included being listed in Crain's Cleveland Business 40 Under 40.

Emily Holan is being honored with the Alumni Special Achievement Award for her dedication and collaborative work in the Tremont Ridge Project. This undertaking uses the grid of the original 20-foot-wide housing lots plotted just after the Civil War to maintain the historic pedestrian nature of the neighborhood.

There are now 39 homes completed—bungalows and colonials priced between \$130,000 and \$150,000 and featuring elegant 10-foot