

Public Law 95-477
95th Congress

An Act

To authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1979, and for other purposes.

Oct. 18, 1978
[H.R. 11302]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Environmental
Research,
Development,
and
Demonstration
Authorization Act
of 1979.

SHORT TITLE

SECTION 1. This Act may be cited as the "Environmental Research, Development, and Demonstration Authorization Act of 1979".

PROGRAM AUTHORIZATIONS

SEC. 2. (a) There are authorized to be appropriated to the Environmental Protection Agency for environmental research, development, and demonstration activities for the fiscal year 1979 for the following activities:

(1) \$82,925,000 for water quality activities authorized under the Federal Water Pollution Control Act of which—

33 USC 1251
note.

(A) \$24,001,000 is for the Health and Ecological Effects program;

(B) \$11,875,000 is for the Industrial Processes program;

(C) \$5,539,000 is for the Monitoring and Technical Support program;

(D) \$12,000,000 for the Public Sector Activities program; and

(E) \$29,510,000 is for the Energy program.

(2) \$11,998,000 for activities authorized under the Federal Insecticide, Fungicide, and Rodenticide Act of which—

7 USC 136 note.

(A) \$10,798,000 is for the Health and Ecological Effects program; and

(B) \$1,200,000 is for the Industrial Processes program.

(3) \$20,150,000 for water supply activities authorized under the Safe Drinking Water Act in the Public Sector Activities program, including groundwater research.

42 USC 300f
note.

(4) \$12,782,000 for toxic substance control activities authorized under the Toxic Substances Control Act of which—

15 USC 2601
note.

(A) \$8,862,000 is for the Health and Ecological Effects program;

(B) \$720,000 is for the Industrial Processes program; and

(C) \$3,200,000 is for the Monitoring and Technical Support program.

(5) \$2,500,000 for radiation activities authorized under the Public Health Act, in the Health and Ecological Effects program.

42 USC 201 note.

(6) \$159,952,000 for air quality activities authorized under the Clean Air Act of which—

42 USC 1857
note.

(A) \$37,414,000 is for the Health and Ecological Effects program;

(B) \$6,000,000 is for the Industrial Processes program;

42 USC 6901
note.

42 USC 4901
note.

Transfer of funds,
restriction.

Pollution control
technologies
demonstrations.
42 USC 4363a.
33 USC 1251
note.

(C) \$16,283,000 is for the Monitoring and Technical Support program; and

(D) \$100,255,000 is for the Energy program.

(7) \$11,912,000 for solid waste activities authorized under the Resource Conservation and Recovery Act in the Public Sector Activities program.

(8) \$4,000,000 for noise control activities authorized under the Noise Control Act of which—

(A) \$2,000,000 is for the Health and Ecological Effects program; and

(B) \$2,000,000 is for the Industrial Processes program.

(9) \$36,285,000 for intermedia activities of which—

(A) \$7,500,000 is for the Health and Ecological Effects program;

(B) \$25,000 is for the Public Sector Activities program;

(C) \$14,900,000 is for the Monitoring and Technical Support program; and

(D) \$13,860,000 is for the Anticipatory Research program.

(b) There is authorized to be appropriated to the Environmental Protection Agency, Office of Research and Development, for the fiscal year 1979, for program management and support, \$23,060,000.

(c) No funds may be transferred from any particular category listed in subsection (a) or (b) to any other category or categories listed in either such subsection if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in subsection (a) or (b) from any other category or categories listed in either such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator of the Environmental Protection Agency or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer involved and the reason therefor; or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(d) (1) The Administrator shall continue to be responsible for conducting and shall continue to conduct full scale demonstrations of energy-related pollution control technologies as necessary in his judgment to fulfill the provisions of the Clean Air Act as amended, the Federal Water Pollution Control Act as amended, and other pertinent pollution control statutes.

(2) Energy-related environmental protection projects which were authorized to be administered by the Environmental Protection Agency in fiscal year 1978 shall not be transferred administratively or through budget amendment to the Department of Energy, nor shall funding for future years for the Environmental Protection Agency for such projects under this Act be reduced as a result of any present or proposed administrative or budget transfer. No action shall be taken through administrative or budgetary means to diminish the ability of the Environmental Protection Agency to initiate such projects.

SPECIAL AUTHORIZATIONS

SEC. 3. (a) (1) There is authorized to be appropriated to the Environmental Protection Agency for the fiscal year 1979, for grants for long-term environmental research programs at universities or other such research institutions, \$7,000,000.

(2) These grants are for the purpose of developing continuing centers for environmental research and training in the engineering, physical, natural, health, and social sciences.

(b) There is authorized to be appropriated to the Environmental Protection Agency for the fiscal year 1979, to implement the study authorized in section 403(d) of the Clean Air Act Amendments of 1977 (Public Law 95-95), \$3,000,000.

(c) (1) There is authorized to be appropriated to the Environmental Protection Agency for the fiscal year 1979, \$1,000,000, and for the fiscal year 1980, \$1,000,000, for a study and report, to be conducted outside the Federal Government, on (A) coordination of the Federal Government's efforts in environmental research, development, and demonstration, and (B) the application of the results of such efforts to environmental problems.

(2) The study shall be conducted under a contract let by the Administrator. Such contract shall (A) be developed in consultation with an interagency advisory committee whose membership includes representatives of the Office of Management and Budget and of all agencies conducting or using the results of environmental research, and (B) provide for an oversight and review role by the National Academy of Sciences.

(3) The study shall conclude with a report to be submitted to the President, the Administrator, and the Congress within two years after the date of the enactment of this Act. The report shall include recommendations for action by the President, the Administrator, other agencies, or the Congress, as may be appropriate.

(4) The report shall not be subject to any prior clearance or review (except as specifically provided in this subsection), nor shall any such prior clearance be a part of the contract let under paragraph (2).

(d) (1) There is authorized to be appropriated to the Environmental Protection Agency, for grants to qualified citizens groups in States and regions, \$3,000,000.

(2) Grants under this subsection may be made for the purpose of supporting and encouraging participation by qualified citizens groups in determining how scientific, technological, and social trends and changes affect the future environment and quality of life of an area, and for setting goals and identifying measures for improvement.

(3) The term "qualified citizens group" shall mean a nonprofit organization of citizens having an area based focus, which is not single-issue oriented and which can demonstrate a prior record of interest and involvement in goal-setting and research concerned with improving the quality of life, including plans to identify, protect and enhance significant natural and cultural resources and the environment.

(4) A citizens group shall be eligible for assistance only if certified by the Governor in consultation with the State legislature as a bona-fide organization entitled to receive Federal assistance to pursue the aims of this program. The group shall further demonstrate its capacity to employ usefully the funds for the purposes of this program and its broad-based representative nature.

Grants.

42 USC 7401

note.

Study and report.

42 USC 4366

note.

Contract.

Submittal to
President,
Administrator,
and Congress.

Grants.

42 USC 4368.

"Qualified
citizens group."

Eligible group
certification.

Annual
recertification
and
reapplication.

(5) After an initial application for assistance under this section has been approved, the Administrator may make grants on an annual basis, on condition that the governor recertify the group and that the applicant submits to the Administrator annually—

(A) an evaluation of the progress made during the previous year in meeting the objectives for which the grant was made;

(B) a description of any changes in the objectives of the activities; and

(C) a description of the proposed activities for the succeeding one year period.

(6) A grant made under this program shall not exceed 75 per centum of the estimated cost of the project or program for which the grant is made, and no group shall receive more than \$50,000 in any one year.

(7) No financial assistance provided under this subsection shall be used to support lobbying or litigation by any recipient group.

OTHER AUTHORIZATIONS

SEC. 4. There is authorized to be appropriated to the Secretary of Commerce for the fiscal year 1979, for use by the National Bureau of Standards—

(1) \$3,000,000 for research in the area of environmental measurement sciences; and

(2) \$2,000,000 to carry out activities authorized in section 5002 of the Resource Conservation and Recovery Act of 1976 (Public Law 94-580).

42 USC 6952.

MISCELLANEOUS REPORTS

Availability to
congressional
committees.
42 USC 4369.

SEC. 5. (a) All reports to or by the Administrator relevant to the Agency's program of research, development, and demonstration shall promptly be made available to the Committee on Science and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate, unless otherwise prohibited by law.

(b) The Administrator shall keep the Committee on Science and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate fully and currently informed with respect to matters falling within or related to the jurisdiction of the committees.

42 USC 5910.

(c) The reports provided for in section 11 of Public Law 93-577 shall be made available to the public for comment, and to the heads of affected agencies for comment and, in the case of recommendations for action, for response.

(d) For the purpose of assisting the Department of Energy in planning and assigning priorities in research development and demonstration activities related to environmental control technologies, the Administrator shall actively make available to the Department all information on research activities and results of research programs of the Environmental Protection Agency.

STAFF MANAGEMENT

EPA employees,
appointments for
educational
programs.
42 USC 4361c.

SEC. 6. (a)(1) The Administrator is authorized to select and appoint up to 75 full-time permanent staff members in the Office of Research and Development to pursue full-time educational programs for the purpose of (A) securing an advanced degree or (B) securing

academic training, for the purpose of making a career change in order to better carry out the Agency's research mission.

(2) The Administrator shall select and appoint staff members for these assignments according to rules and criteria promulgated by him. The Agency may continue to pay the salary and benefits of the appointees as well as reasonable and appropriate relocation expenses and tuition.

Salaries and expenses.

(3) The term of each appointment shall be for up to one year, with a single renewal of up to one year in appropriate cases at the discretion of the Administrator.

Term.

(4) Staff members appointed to this program shall not count against any Agency personnel ceiling during the term of their appointment.

(b) (1) The Administrator is authorized to appoint up to 25 Post-doctoral Research Fellows in accordance with the provisions of section 213.3102(aa) of title 5 of the Code of Federal Regulations.

(2) Persons holding these appointments shall not count against any personnel ceiling of the Agency.

(c) (1) The Administrator is authorized and encouraged to utilize research associates from outside the Federal Government in conducting the research, development, and demonstration programs of the Agency.

(2) These persons shall be selected and shall serve according to rules and criteria promulgated by the Administrator.

(d) For all programs in this section, the Administrator shall place special emphasis on providing opportunities for education and training of women and minority groups.

REUSE OF WASTEWATERS

SEC. 7. (a) (1) Section 5(a) (2) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (Public Law 95-155) is amended by inserting "agricultural use or" immediately after "reuse of wastewaters for drinking and".

(2) This subsection shall become effective October 1, 1978.

42 USC 300j-3a.
42 USC 300j-3a note.

(b) (1) Not later than nine months after the date of enactment of this Act, the Administrator shall promulgate guidelines establishing supplemental standards or treatment technique requirements for microbiological, viral, radiological, organic, and inorganic contaminants, which guidelines shall be conditions, as provided in paragraph (2), of any grant for a demonstration project for water reclamation, recycling, and reuse funded under section 5 of Public Law 95-155 or under section 1444(a) (2) of the Public Health Service Act, where such project involves direct human consumption of treated wastewater. Such guidelines shall provide for sufficient control of each such contaminant, such that in the Administrator's judgment, no adverse effects on the health of persons may reasonably be anticipated to occur, allowing an adequate margin of safety.

Contaminant standards or treatment techniques, guidelines.
42 USC 300j-3b.

(2) A grant referred to in paragraph (1) for a project which involves direct human consumption of treated wastewater may be awarded on or after the date of promulgation of guidelines under this subsection only if the applicant demonstrates to the satisfaction of the Administrator that the project—

Grant awards, criteria.

(A) will comply with all national primary drinking water regulations under section 1412 of the Public Health Service Act;

42 USC 300g-1.

(B) will comply with all guidelines under this subsection; and

(C) will in other respects provide safe drinking water.

Any such grant awarded before the date of promulgation of such guidelines shall be conditioned on the applicant's agreement to comply to the maximum feasible extent with such guidelines as expeditiously as practicable following the date of promulgation thereof.

(3) Guidelines under this subsection may, in the discretion of the Administrator—

42 USC 300j-3a.

(A) be nationally and uniformly applicable to all projects funded under section 5 of Public Law 95-155 or section 1442(a)

(2) of the Public Health Service Act;

(B) vary for different classes or categories of such projects (as determined by the Administrator);

(C) be established and applicable on a project-by-project basis;

or

(D) any combination of the above.

(4) Nothing in this subsection shall be construed to prohibit or delay the award of any grant referred to in paragraph (1) prior to the date of promulgation of such guidelines.

(c) There is authorized to be appropriated to the Administrator for the fiscal year 1979, for purposes of section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1978, \$15,000,000.

Approved October 18, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-985 (Comm. on Science and Technology) and No. 95-1593 (Comm. of Conference).

SENATE REPORT No. 95-877 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 124 (1978):

Apr. 27, considered and passed House.

May 26, considered and passed Senate, amended.

Sept. 26, Senate agreed to conference report.

Oct. 4, House agreed to conference report.