

103^D CONGRESS
2^D SESSION

S. 2566

To amend the Federal Water Pollution Control Act to restore State control over the allocation and granting of water rights and FERC control over the licensing of hydroelectric projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30 (legislative day, SEPTEMBER 12), 1994

Mr. WALLOP introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Federal Water Pollution Control Act to restore State control over the allocation and granting of water rights and FERC control over the licensing of hydroelectric projects, 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. (a) Section 101(g) of the Federal Water
4 Pollution Control Act is amended to read as follows:

5 “(g) AUTHORITY OF STATES OVER WATER.—

6 “(1) The authority of each State to allocate
7 quantities of water within its jurisdiction shall not

1 be superseded, abrogated, or otherwise impaired by
2 this Act.

3 “(2) Nothing in this Act shall supersede or ab-
4 rogate rights to quantities of water which have been
5 established by any State. Federal agencies shall co-
6 operate with State and local agencies to develop
7 comprehensive solutions to prevent, reduce, and
8 eliminate pollution in concert with programs for
9 managing water resources.

10 “(3) Nothing in this Act authorizes the regula-
11 tion of quantities of water, or impairs or affects any
12 right or authority of a State with respect to the allo-
13 cation of water (including boundary waters) by such
14 State.

15 “(4) Nothing in this Act authorizes an action
16 which impairs or affects any water right established
17 by State law, an interstate water compact, or a Su-
18 preme Court decree.

19 “(5) Nothing in this Act authorizes an action
20 with respect to other matters, including, but not lim-
21 ited to, aesthetics, not directly related to water qual-
22 ity.”.

23 SEC. 2. (a) Section 401(a)(1) of the Federal Water
24 Pollution Control Act is amended by adding prior to the
25 period in the first sentence the following: “: *Provided,*

1 That any such discharge will comply with narrative and
2 numeric water quality criteria based on designated uses
3 adopted in water quality standards under section 303 of
4 this Act: *Provided further*, That such certification shall not
5 regulate water use or water quantities”.

6 (b) Section 401(d)(1) of the Federal Water Pollution
7 Control Act is amended by adding “narrative or numeric
8 water quality criteria under section 303 (not including
9 water use or water quantities),” prior to “standard of per-
10 formance”, and by adding “related to such limitations, cri-
11 teria or standards” prior to “set forth in such certifi-
12 cation”.

13 SEC. 3. Section 510 of the Federal Water Pollution
14 Control Act is amended—

15 (1) by striking “(1)”;

16 (2) by striking “;” through “States”; and

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

18 “Nothing in this Act authorizes the regulation of
19 quantities of water, or impairs or affects any right
20 or authority of a State with respect to the allocation
21 of water (including boundary waters) by such State.

22 Nothing in this Act authorizes an action which im-
23 pairs or affects any water right established by State
24 law, an interstate water compact, or a Supreme
25 Court decree. Nothing in this Act authorizes an ac-

1 tion with respect to other matters, including, but not
2 limited to, aesthetics, not directly related to water
3 quality.”.

