

Union Calendar No. 208

104TH CONGRESS
1ST Session

H. R. 2567

[Report No. 104-433]

A BILL

To amend the Federal Water Pollution Control Act relating to standards for constructed water conveyances.

DECEMBER 21, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 1995

Mr. Condit (for himself and Mr. MATSUI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

DECEMBER 21, 1995

Additional sponsors: Mr. FAZIO of California, Mr. EMERSON, Mr. DOOLITTLE, Mr. LAUGHLIN, Mr. STOCKMAN, Mr. DOOLEY, Mr. HAYES, and Mr. HAYWORTH

DECEMBER 21, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 1, 1995]

A BILL

To amend the Federal Water Pollution Control Act relating to standards for constructed water conveyances.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Constructed Water Con-*
3 *veyances Reform Act of 1995”.*

4 **SEC. 2. CONSTRUCTED WATER CONVEYANCES.**

5 *Section 303(c)(2) of the Federal Water Pollution Con-*
6 *trol Act (33 U.S.C. 1313(c)(2)) is amended by adding at*
7 *the end the following:*

8 *“(C) STANDARDS FOR CONSTRUCTED WATER*
9 *CONVEYANCES.—*

10 *“(i) RELEVANT FACTORS.—If a State*
11 *exercises jurisdiction over constructed water*
12 *conveyances in establishing standards under*
13 *this section, the State shall consider any*
14 *water quality impacts resulting from any*
15 *return flow from a constructed water con-*
16 *veyance to navigable waters and the need to*
17 *protect downstream uses and may consider*
18 *the following:*

19 *“(I) The existing and planned*
20 *uses of water transported in a convey-*
21 *ance system.*

22 *“(II) Management practices nec-*
23 *essary to maintain the conveyance sys-*
24 *tem.*

1 “(III) *Any State or regional*
2 *water resources management and water*
3 *conservation plans.*

4 “(IV) *The intended purposes for*
5 *the constructed conveyance.*

6 “(ii) *RELEVANT USES.—If a State*
7 *adopts or reviews water quality standards*
8 *for constructed water conveyances, it shall*
9 *not be required to establish recreational,*
10 *aquatic life, or fish consumption uses for*
11 *such systems if the uses are not existing or*
12 *reasonably foreseeable or the uses interfere*
13 *with the intended purposes of the convey-*
14 *ance system.*

15 “(iii) *STATUTORY CONSTRUCTION.—*
16 *Nothing in this subparagraph shall be con-*
17 *strued to require a State to exercise juris-*
18 *isdiction over constructed water conveyances*
19 *in establishing standards or to prohibit a*
20 *State from considering any relevant factor*
21 *in establishing standards or from establish-*
22 *ing any relevant use.*

23 “(iv) *CONSTRUCTED WATER CONVEY-*
24 *ANCES DEFINED.—In this subparagraph,*
25 *the term ‘constructed water conveyance’*

1 *means a manmade water transport system*
2 *constructed for the purpose of transporting*
3 *water for agricultural purposes or municipi-*
4 *pal and industrial water supply purposes*
5 *in a waterway that is not and never was a*
6 *natural waterway.”.*