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105TH CONGRESS
1ST SESSION

H. R. 1188

To amend the Federal Water Pollution Control Act to eliminate certain discharges of chlorine compounds into the navigable waters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1997

Mr. NADLER (for himself, Mr. BERMAN, Mr. WAXMAN, Ms. NORTON, Mr. SANDERS, Mr. DELLUMS, Mr. HINCHEY, Mr. EVANS, and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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A BILL

To amend the Federal Water Pollution Control Act to eliminate certain discharges of chlorine compounds into the navigable waters, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Zero Chlorine Discharge Act''.

SEC. 2. ZERO DISCHARGE OF TOXIC PERSISTENT AND BIOACCUMULATIVE SUBSTANCES.

(a) FINDINGS.—Congress finds the following:

(1) Substances that persist or bioaccumulate, or both, in the environment build to higher and higher concentration over time, reaching their greatest levels in the tissues of species high on the food chain, including humans.

(2) Toxic substances that persist or bioaccumulate, or both, in the environment are biologically active in infinitesimal quantities, causing reproductive failure, birth defects, developmental impairment, hormonal disruption, behavioral disorders, immune suppression, and cancer at low doses, and mixtures of these substances may cause these effects at even lower doses.

(3) Regulatory approaches that permit even limited production and discharge of toxic substances that persist or bioaccumulate, or both, in the environment result in the accumulation of these substances in the environment and food chain over time and subsequent damage to the health of humans and other species.

(4) The most favored method of preventing the continued contamination of the environment from persistent or bioaccumulative toxic substances is to phaseout their production and use over time and to

replace these substances or the processes that produce them, or both, with safer alternatives.

(5) Among the persistent and bioaccumulative toxic substances of greatest concern are organochlorines discharged in the production of pulp and paper as a result of the use of chlorine or any other chlorinated oxidizing agent in the pulp and paper manufacturing process.

(6) The Great Lakes Water Quality Agreement between the United States and Canada concludes that ''the discharge of toxic substances in toxic amounts be prohibited and the discharge of any or all persistent toxic substances be virtually eliminated''.

(7) In the Sixth Biennial Report on Great Lakes Water Quality, the International Joint Commission on Great Lakes Water Quality concluded as follows: ''The concepts of virtual elimination and zero discharge are consistent and a clear statement or direction to take to achieve the Agreement's purpose. The overall strategy or aim regarding persistent toxic substances is virtual elimination, and the tactic or method to be used to achieve the aim is through zero input or discharge of those substances created as a result of human activity.''.

(b) ZERO DISCHARGE OF ORGANOCHLORINE COMPOUNDS, BYPRODUCTS, AND METABOLITES.—Title III of the Federal Water Pollution Control Act (33 U.S.C. 1311–1330) is amended by adding at the end the following:

"SEC. 321. DISCHARGE OF ORGANOCHLORINE COMPOUNDS, BYPRODUCTS, AND METABOLITES.

''(a) ZERO DISCHARGE.—

''(1) REQUIREMENT FOR PULP AND PAPER MANUFACTURING FACILITIES.—Effective 5 years after the date of the enactment of this section, each pulp and paper manufacturing facility shall achieve zero discharge into the navigable waters of organochlorine compounds, byproducts, and metabolites formulated as a result of the use of chlorine or any other chlorinated oxidizing agent in the pulp and paper manufacturing process.

''(2) PERMITS.—

''(A) COMPLIANCE WITH ZERO DISCHARGE REQUIREMENT.—Effective 5 years after the date of the enactment of this section, any permit issued under section 402 by the Administrator or a State (in the case of a State with an approved permit program under section 402(b)) to a pulp and paper manufacturing fa-

cility that uses chlorine or any other chlorinated oxidizing agent shall require compliance with the zero discharge requirement set forth in paragraph (1).

''(B) APPLICABILITY.—Subparagraph (A) shall apply to any permit issued on, before, or after the date of the enactment of this section.

''(b) SAFE ALTERNATIVES ASSISTANCE.—

''(1) EVALUATION OF ALTERNATIVES; REPORT.—Not later than 1 year after the date of the enactment of this section, the Administrator shall—

''(A) evaluate alternatives to the use of organochlorines in the manufacturing of pulp and paper; and

''(B) publish a report on the transfer of technology in the pulp and paper industry from organochlorine to chlorine-free technology as a model for pollution prevention.

''(2) TECHNICAL INFORMATION AND SUPPORT.—Not later than 18 months after the date of the enactment of this section, the Administrator shall begin providing technical information and support to assist permit applicants in the use of alternatives to organochlorine compounds in the production of pulp and paper.

''(c) REPORT TO CONGRESS ON ORGANOCHLORINE ZERO DISCHARGE CANDIDATES.—

''(1) STUDY AND REPORT.—The Administrator shall—

''(A) conduct a study on nonpoint sources and industrial discharges of organochlorine compounds and their byproducts and metabolites into the navigable waters; and

''(B) transmit to Congress a report containing the results of the study not later than 18 months after the date of the enactment of this section

''(2) CONTENTS OF REPORT.—The report to be transmitted under paragraph (1) shall contain, at a minimum, the following:

''(A) A listing of all types or categories of nonpoint sources and industrial discharges of organochlorine compounds and their byproducts and metabolites into the navigable waters.

''(B) A listing of the annual quantities of each organochlorine compound discharged into the navigable waters nationally and by permitted facility, together with a list of each permitted facility's location and quantities of com-

bined organochlorine compound discharges into the navigable waters.

''(C) Recommendations for achieving a zero discharge policy for important categories of organochlorine pollution sources.

''(3) ADVISORY PANEL.—

''(A) ESTABLISHMENT.—The Administrator shall convene an advisory panel to assist the Administrator in developing recommendations under paragraph (3)(C).

''(B) MEMBERSHIP.—The panel shall consist of 15 members, including—

''(i) at least 1 independent expert in each of the fields of public health, occupational health, technology change, toxics use reduction, and ecology;

''(ii) 2 affected citizens; and

''(iii) technical and policy experts from industry, labor, and public interest groups and State environmental agencies.

''(C) PUBLIC HEARINGS AND COMMENTS.—The advisory panel shall conduct public hearings and solicit public and expert comments in assisting the Administrator under this paragraph.

''(d) ZERO DISCHARGE DEFINED.—For the purposes of this section, the term 'zero discharge' means absolutely no output or release, including nonpoint source output or release, into water. The term 'zero discharge' does not mean a less than detectable output or release.''.

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