106TH CONGRESS 2d Session | HOUSE OF REPRESENTATIVES | REPORT 106–560

REAUTHORIZATION OF THE CLEAN LAKES PROGRAM

APRIL 4, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2328]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2328) to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. GRANTS TO STATES

Section 314(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1324(c)(2)) is amended by striking "$50,000,000" the first place it appears and all that follows through "1990" and inserting "$50,000,000 for each of fiscal years 2001 through 2005".

SEC. 2. DEMONSTRATION PROGRAM.

Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) in paragraph (2) by inserting "Otsego Lake, New York; Oneida Lake, New York; Raystown Lake, Pennsylvania; Swan Lake, Itasca County, Minnesota;" after "Sauk Lake, Minnesota;";

(2) in paragraph (3) by striking "By" and inserting "Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; 109 Stat. 734–736), by"; and

(3) in paragraph (4)(B)(i) by striking "$15,000,000" and inserting "$25,000,000".

SUMMARY AND PURPOSE

H.R. 2328, a bill to reauthorize the Clean Lakes Program, was introduced by Representative John Sweeney on June 23, 1999, and

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was referred to the Committee on Transportation and Infrastructure. The purpose of H.R. 2328 is to reauthorize funding for the Clean Lakes program for fiscal year 2001 through fiscal year 2005 and to increase the authorized funding level for the "acidified waters" component of the program.

BACKGROUND AND NEED FOR LEGISLATION

The Clean Lakes Program, established under Section 314 of the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act), provides financial and technical assistance to States to restore publicly owned lakes. This is the primary federal program that puts a national focus and priority on lakes—their monitoring, protection, and management.

Over the last century an array of anthropogenic forces has led to significant water quality impairment in thousands of North American lakes. In recognition of the unique water quality challenges facing our Nation's lakes, Congress included the Clean Lakes Program in the 1972 amendments to the Act. Section 314 contains various state assessment and reporting requirements, a national demonstration program, and an Environmental Protection Agency (EPA) grant program for assistance to States in carrying out projects and program responsibilities.

Since 1976, the Clean Lakes Program has received approximately $145 million for federal grants. The funding authorization for the program expired in fiscal year 1990. EPA has not requested funding for the Clean Lakes Program in recent years and the program has not received appropriations since fiscal year 1995. Through its May 1996 nonpoint source guidance, EPA encouraged states to fund eligible Clean Lakes activities through funds available pursuant to Section 319 (relating to nonpoint source management). Some funds for the Clean Lakes program have been made available through Section 319. Most recently, EPA has encouraged states to set aside a percentage of Section 319 funds for Section 314 activities.

Various public and private organizations involved in lake water quality management have been seeking an increase in funding for the Section 314 program. Over the past two decades, lake restoration techniques have improved dramatically and are viewed by many as an important component of meeting the Clean Water Act's objective of having all our Nation's waters "fishable and swimmable," including the 41 million acres of freshwater lakes. In addition, there is growing concern about the damaging effects of acid rain and acid mine drainage on the Nation's lakes. The project funding needed to address the problems of our Nation's largest and most nationally significant lakes can overwhelm the resources any one state can provide. Separate, adequate, and consistent funding for the Section 314 program is necessary to meet the needs of the states' lake programs.

Many have also viewed the Clean Lakes Program as an excellent opportunity for watershed-based, community-driven projects and activities. Since its inception, the program has been popular with local "grassroots" organizations and citizens. Section 314 offers the opportunity for necessary partnerships among federal, state, and local entities and, unlike Section 319, a focus on both prevention

and remediation of pollution. The framework of the program is also broad enough to help communities address a wide range of issues, including not only nonpoint source runoff but also atmospheric deposition, degraded shoreline, mercury contamination, wetland loss, lake use conflicts, fishery imbalances, invasive species, and other threats to water quality and lake habitat. Many of these problems have proven difficult or impossible to address under Section 319 project guidelines. Separate Clean Lakes Program funding is needed to focus attention and resources on the special needs of the Nation's lakes.

H.R. 2328 responds to these needs by reauthorizing the Clean Lakes Program (at $50 million per year for fiscal years 2001 through 2005) and increasing the funding authorization for the acidified waters projects from $15 million to $25 million.

DISCUSSION OF COMMITTEE BILL AND SECTION-BY-SECTION ANALYSIS

Section 1. Grants to States

This section amends Section 314(c)(2) of the Clean Water Act by authorizing $50 million per year for grants to States to implement the Clean Lakes Program for each of fiscal years 2001 through 2005.

Section 2. Demonstration program

This section amends Section 314(d) of the Clean Water Act as follows:

Paragraph (2) is amended by adding several lakes to the list of lakes to receive priority consideration for demonstration projects. The lakes added to this list are: Otsego Lake in New York; Oneida Lake in New York; Raystown Lake in Pennsylvania; and Swan Lake in Itasca County, Minnesota.

Otsego Lake in New York is at the headwaters of the Susquehanna River, the largest single freshwater source for the Chesapeake Bay. There is a national effort to clean up the Chesapeake Bay, the success of which is important to the nation. Otsego Lake is physically unique in the Susquehanna River Basin because its size and shape result in high concentrations of oxygen in its deep waters, but conversely allow relatively minor amounts of polluting nutrients to remove that oxygen annually. Otsego Lake is biologically unique in that those deep water oxygen concentrations provide habitat for cold water fisheries (lake trout, Atlantic salmon, brown trout, whitefish and cisco) which are now in jeopardy because of the sustained loss of bottom oxygen each late summer and fall. That same sensitivity to pollutants means that Otsego Lake is very responsive to pollutant removal through management activities.

Oneida Lake in New York is the largest inland lake in the state and home to 74 species of fish. The lake watershed covers five counties and more than 800,000 acres. This lake is experiencing water quality problems and the use of the lake is impaired. There are significant concerns regarding sediment and nutrient runoff to the lake from tributaries, and agricultural and urban land use

trends. In addition, algal blooms, rooted vegetation, and invasive species are problems for this lake.

With a length of 30 miles and covering 8,300 acres, Raystown Lake is the largest lake on Pennsylvania's list of significant lakes. Based on Pennsylvania's assessment of lakes under the Clean Lakes Program, Raystown Lake has been designated a high priority. At present, the lake supports a wide variety of recreational activities and provides significant economic benefits to the region. However, the lake has been identified by Pennsylvania as threatened. This means that, although the lake currently attains all of its designated uses, there are data or assessment information that indicate an existing or potential downward trend in water quality which may impair designated uses if remedial actions are not initiated.

Swan Lake, in Itasca County, Minnesota, is a lake of tremendous regional significance. The lake's watershed covers approximately 100 square miles, including the City of Nashwauk, located northeast of the lake. Swan Lake supports a wide range of recreational activities, including boating and fishing, and provides a significant economic benefit to the region. However, water quality in the lake has diminished over the years due to mining and industrial activities. In addition, because of the poor soils surrounding the lake, the near shores of the lake contain a high density of onsite sewage disposal systems, which have caused further degradation of water quality.

The Committee intends that the Administrator also give priority consideration to Lake George in New York. This lake is subject to a variety of threats, including invasive species and acid rain. In addition, the Committee intends that the Administrator work with the Center for Lakes and Reservoirs at Portland State University in addressing the problems of eutrophication and nonindigenous species management in Ten Mile and Waldo Lakes in Oregon.

Paragraph (3) is amended to prevent the report to Congress on the Clean Lakes demonstration program from expiring under the Federal Reports Elimination and Sunset Act of 1995.

Paragraph (4) is amended to increase the special authorization of financial assistance to States to carry out methods and procedures to mitigate harmful effects of high acidity from acid deposition or acid mine drainage from $15 million to $25 million. The Committee believes there is a growing need to address water quality problems associated with acid rain and acid mine drainage.

HEARINGS AND LEGISLATIVE HISTORY

On October 18, 1999, the Water Resources and Environment Subcommittee held a field hearing in Cooperstown, New York, on "Clean Lakes and Water Quality Management," including H.R. 2328. Testimony was given by the Environmental Protection Agency, the Corps of Engineers, the New York State Department of Environmental Conservation and representatives of lake management, research, and academic organizations and institutions.

COMMITTEE CONSIDERATION

On Wednesday, March 8, 2000, the Water Resources and Environment Subcommittee approved by voice vote, H.R. 2328, with an amendment in the nature of a substitute offered by Rep. Sherwood Boehlert. The substitute amendment (a) adjusted the authorization level for the Clean Lakes program to $50 million annually; (b) added additional lakes to the list of lakes to receive priority consideration for demonstration projects; (c) increased the special authorization of financial assistance to States to mitigate harmful effects of high acidity from acid deposition or acid mine drainage from $15 million to $25 million; and (d) prevented the report to Congress on the Clean Lakes demonstration program from expiring under the Federal Reports Elimination and Sunset Act of 1995.

On Thursday, March 16, 2000, the Committee on Transportation and Infrastructure met in open session and approved by voice vote a motion to report the bill as amended.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no rollcall votes in the Committee.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2328.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the

following cost estimate for H.R. 2328 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 2328—A bill to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes program

Summary: H.R. 2328 would reauthorize the Clean Lakes program and authorize an appropriation of $50 million for each of fiscal years 2001 through 2005 for the Environmental Protection Agency (EPA) to provide financial and technical assistance to states in restoring publicly owned lakes. The bill also would authorize a one-time appropriation of $25 million for grants to states to study the effects of acid rain and mine drainage. CBO estimates that implementing this legislation over the next five years would increase discretionary spending by $239 million. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 2328 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. The bill would authorize funding to continue providing grants to states to carry out activities already mandated under the Clean Lakes program.

Estimated cost to the Federal Government: For purposes of this estimate, CBO assumes that the amounts authorized will be appropriated for each fiscal year and that outlays will occur at rates similar to those of past appropriations for EPA activities associated with the Clean Lakes program. The estimated impact of the H.R. 2328 is shown in the following table. The costs of legislation fall within budget function 300 (natural resources and the environment).

	By fiscal year, in millions of dollars—				
	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated authorization level [1]	75	50	50	50	50
Estimated outlays	38	48	52	51	50

[1] The Clean Lakes program has not received an appropriation since 1994.

Pay-as-you-go considerations: None.

Intergovernmental or private-sector impact: H.R. 2328 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The bill would authorize funding to continue providing grants to states to carry out activities already mandated under the Clean Lakes program.

Estimate prepared by: Federal costs: Susanne S. Mehlman; Impact on State, local, and tribal governments: Theresa Gullo; Impact on the private sector: Jean Wooster.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104–4.)

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104–1.)

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 314 OF THE FEDERAL WATER POLLUTION CONTROL ACT

CLEAN LAKES

SEC. 314. (a) * * *

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(c)(1) * * *

(2) There is authorized to be appropriated [$50,000,000 for the fiscal year ending June 30, 1973; $100,000,000 for the fiscal year 1974; $150,000,000 for the fiscal year 1975, $50,000,000 for fiscal year 1977, $60,000,000 for fiscal year 1978, $60,000,000 for fiscal year 1979, $60,000,000 for fiscal year 1980, $30,000,000 for fiscal year 1981, $30,000,000 for fiscal year 1982, such sums as may be necessary for fiscal years 1983 through 1985, and $30,000,000 per fiscal year for each of the fiscal years 1986 through 1990] *$50,000,000 for each of fiscal years 2001 through 2005* for grants to States under subsection (b) of this section which such sums shall remain available until expended. The Administrator shall provide

for an equitable distribution of such sums to the States with approved methods and procedures under subsection (a) of this section.

(d) DEMONSTRATION PROGRAM.—

(1) * * *

(2) GEOGRAPHICAL REQUIREMENTS.—Demonstration projects authorized by this subsection shall be undertaken to reflect a variety of geographical and environmental conditions. As a priority, the Administrator shall undertake demonstration projects at Lake Champlain, New York and Vermont; Lake Houston, Texas; Beaver Lake, Arkansas; Greenwood Lake and Belcher Creek, New Jersey; Deal Lake, New Jersey; Alcyon Lake, New Jersey; Gorton's Pond, Rhode Island; Lake Washington, Rhode Island; Lake Bomoseen, Vermont; Sauk Lake, Minnesota; *Otsego Lake, New York; Oneida Lake, New York; Raystown Lake, Pennsylvania; Swan Lake, Itasca County, Minnesota;* and Lake Worth, Texas.

(3) REPORTS.—**[**By**]** *Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note; 109 Stat. 734–736), by* January 1, 1997, and January 1 of every odd-numbered year thereafter, the Administrator shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate on work undertaken pursuant to this subsection. Upon completion of the program authorized by this subsection, the Administrator shall submit to such committees a final report on the results of such program, along with recommendations for further measures to improve the water quality of the Nation's lakes.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) * * *

(B) SPECIAL AUTHORIZATIONS.—

(i) AMOUNT.—There is authorized to be appropriated to carry out subsection (b) with respect to subsection (a)(1)(D) not to exceed **[**$15,000,000**]** *$25,000,000* for fiscal years beginning after September 30, 1986, to remain available until expended.

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