106TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 106–592

FLORIDA KEYS WATER QUALITY IMPROVEMENTS ACT OF 2000

MAY 2, 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. 673]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 673) to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys, having considered the same, report favorably thereon with an amendment and recommend 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. SHORT TITLE.

This Act may be cited as the "Florida Keys Water Quality Improvements Act of 2000".

SEC. 2. FLORIDA KEYS WATER QUALITY IMPROVEMENTS.

Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 121. FLORIDA KEYS.

"(a) IN GENERAL.—Subject to the requirements of this section, the Administrator may make grants to the Florida Keys Aqueduct Authority and other appropriate public agencies of the State of Florida or Monroe County, Florida, for the planning and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

"(b) CRITERIA FOR PROJECTS.—In applying for a grant for a project under subsection (a), an applicant shall demonstrate that—

"(1) the applicant has completed adequate planning and design activities for the project;

"(2) the applicant has completed a financial plan identifying sources of non-Federal funding for the project;

"(3) the project complies with—

"(A) applicable growth management ordinances of Monroe County, Florida;

"(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

"(C) applicable water quality standards; and

"(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

"(c) CONSIDERATION.—In selecting projects to receive grants under subsection (a), the Administrator shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

"(d) CONSULTATION.—In carrying out this section, the Administrator shall consult with—

"(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

"(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

"(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

"(4) other appropriate State and local government officials.

"(e) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project carried out using amounts from grants made under subsection (a) shall not be less than 25 percent.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section—

"(1) $32,000,000 for fiscal year 2001;

"(2) $31,000,000 for fiscal year 2002; and

"(3) $50,000,000 for each of fiscal years 2003 through 2005.

Such sums shall remain available until expended.".

PURPOSE AND SUMMARY

The purpose of H.R. 673 is to improve water quality in the Florida Keys by authorizing grants for wastewater and stormwater management projects.

BACKGROUND AND NEED FOR LEGISLATION

The Florida Keys are a unique marine environment dependent on clear water with low nutrient levels, and include the only living coral reef barrier ecosystem in North America. The Keys are a chain of approximately 800 independent islands off the coast of southeastern Florida that provide significant commercial and recreational opportunities. As population growth, development and tourism have increased, the waters surrounding the Keys have begun experiencing significant water quality problems, largely caused by elevated nutrient levels.

In 1990, Congress passed the "Florida Keys National Marine Sanctuary and Protection Act" (104 Stat. 3089) creating the 2,800–nautical-square-mile Florida Keys National Marine Sanctuary, which is the second largest in the U.S. This Act, as amended, directed the Environmental Protection Agency (EPA) and the State of Florida to establish a Water Quality Steering Committee for the Florida Keys Sanctuary, and directed the Committee to develop a comprehensive water quality protection program for the Keys. In fulfilling this directive, the Steering Committee identified inadequate wastewater treatment and stormwater management systems as the largest manmade sources of pollution in the nearshore

waters of the Florida Keys threatening the ecosystem's health and viability.

The costs to make the necessary wastewater and stormwater improvements represent an enormous burden to the 85,000 permanent residents of Monroe County, Florida. The estimated cost for the necessary wastewater improvements to improve nearshore water quality in the Florida Keys is between $184 million and $418 million, and the estimated cost for the necessary stormwater management improvements is between $370 million and $680 million.

DISCUSSION OF COMMITTEE BILL AND SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This bill may be cited as the "Florida Keys Water Quality Improvements Act of 2000."

Section 2. Florida Keys

This section amends title I of the Federal Water Pollution Control Act (commonly known as the Clean Water Act) by creating a new Section 121. This section authorizes the Administrator of the EPA to make grants to the Florida Keys Aqueduct Authority and other appropriate public agencies of the State of Florida or within Monroe County, Florida for the planning and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

The Committee recognizes that a number of communities in Monroe County, Florida, have recently incorporated and several other communities are currently considering incorporation. Accordingly, appropriate public agencies of all presently incorporated communities within Monroe County and those that may incorporate in the future shall be considered to be appropriate public agencies and eligible for funding under section 121(a).

To receive a grant, project applicants must demonstrate that they have completed adequate planning and design activities for a project as well as a financial plan identifying sources of non-federal funding. Applicants must also demonstrate that a project complies with applicable growth management ordinances of Monroe County, Florida, applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida, and applicable water quality standards. Finally, a project must be consistent with the master wastewater and stormwater plans for Monroe County, Florida.

In selecting projects to receive grant assistance, the Administrator shall consider whether a project will have substantial water quality benefits relative to other projects under consideration. The Administrator also shall consult with the following entities: the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act, as amended (106 Stat. 5054); the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773); the Commission on the Everglades established by executive order

of the Governor of the State of Florida; and, other appropriate state and local government officials.

The non-federal cost-share for projects carried out under this bill shall not be less than 25 percent.

Finally, this bill authorizes the following amounts to be appropriated to the Administrator and to remain available until expended: $32 million for fiscal year 2001, $31 million for fiscal year 2002, and $50 million for each of fiscal years 2003 through 2005.

HEARINGS

On July 13, 1999, the Water Resources and Environment Subcommittee held a hearing on H.R. 673 and several other coastal and estuary bills. Testimony was given by, among others, Representative Deutsch (FL), Representative Ros-Lehtinen (FL), and Representative Shaw (FL). In addition, testimony was given by Mr. Michael Davis of the U.S. Army Corps of Engineers, Ms. Dana Minerva of the EPA, and Ms. Sally Yozell of the National Oceanic and Atmospheric Administration, as well as representatives of coastal states and several environmental organizations.

COMMITTEE CONSIDERATION

On April 5, 2000 the Subcommittee on Water Resources and Environment adopted an amendment in the nature of a substitute and favorably reported the amended bill by voice vote. The amendment made technical changes and redrafted the bill as an amendment to the Clean Water Act, rather than as a free-standing provision.

On April 11, 2000, the Committee on Transportation and Infrastructure adopted H.R. 673, as amended by the Subcommittee, and ordered the bill reported to the House by voice vote.

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 roll call 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 recorded votes taken in connection with ordering H.R. 673 reported.

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. 673.

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. 673 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 18, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 673, the Florida Keys Water Quality Improvements Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman (for federal costs), and Victoria Heid Hall (for the state and local impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 673—Florida Keys Water Quality Improvements Act of 2000

Summary: H.R. 673 would authorize appropriations of $213 million over the 2001–2005 period for a new grant program for projects in the Florida Keys. Under this bill, the Environmental Protection Agency (EPA) would provide grants to the Florida Keys Aqueduct Authority and other public agencies for projects associated with improving the water quality in the Florida Keys National Marine Sanctuary. CBO estimates that implementing this legislation would cost $93 million over the next five years, assuming appropriation of the authorized amounts.

The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 673 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.

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 for EPA activities associated with water quality improvement programs. The estimated budgetary impact of H.R. 673 is shown in the following table. The costs of this 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					
Authorization level	32	31	50	50	50
Estimated outlays	2	6	17	29	39

Pay-as-you-go-considerations: None.

Intergovernmental and private-sector impact: H.R. 673 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Implementing this bill would benefit the state of Florida and some local governments by authorizing federal grants to improve water quality in the Florida Keys National Marine Sanctuary. Any costs to match federal grant funds would be incurred voluntarily.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Victoria Heid Hall. Impact on the Private Sector: Jean Wooster.

Estimate approved by: Robert A. Sunshine, 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 (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

SECTION 121 OF THE FEDERAL WATER POLLUTION CONTROL ACT

SEC. 121. FLORIDA KEYS.

(a) IN GENERAL.—Subject to the requirements of this section, the Administrator may make grants to the Florida Keys Aqueduct Authority and other appropriate public agencies of the State of Florida or Monroe County, Florida, for the planning and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

(b) CRITERIA FOR PROJECTS.—In applying for a grant for a project under subsection (a), an applicant shall demonstrate that—

(1) the applicant has completed adequate planning and design activities for the project;

(2) the applicant has completed a financial plan identifying sources of non-Federal funding for the project;

(3) the project complies with—

(A) applicable growth management ordinances of Monroe County, Florida;

(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

(C) applicable water quality standards; and

(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

(c) CONSIDERATION.—In selecting projects to receive grants under subsection (a), the Administrator shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

(d) CONSULTATION.—In carrying out this section, the Administrator shall consult with—

(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

(4) other appropriate State and local government officials.

(e) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project carried out using amounts from grants made under subsection (a) shall not be less than 25 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section—

(1) $32,000,000 for fiscal year 2001;

(2) $31,000,000 for fiscal year 2002; and

(3) $50,000,000 for each of fiscal years 2003 through 2005. Such sums shall remain available until expended.

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