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REPORTS TO CONGRESS—PROVIDING FOR THE CONTINUATION OF FEDERAL WATER POLLUTION CONTROL ACT REPORTS

OCTOBER 14, 1999.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public Works, submitted the following

REPORT

[to accompany S. 1730]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works reports an original bill (S. 1730), to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted, having considered the same, reports favorably thereon and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

The Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66), directed the Administration to submit a report to the Clerk of the House listing unnecessary statutory reporting requirements for Federal agencies. The reporting requirements listed by the Administration will sunset on December, 21, 1999, unless Congress takes action to retain the requirements. While the Environment and Public Works Committee is supportive of efforts to eliminate unnecessary reporting requirements, several of the reports due to be sunsetted are important to policymakers and should be continued.

There are two reports required under the Federal Water Pollution Control Act, also known as the Clean Water Act, that are necessary to develop effective environmental policy. The first report, the National Water Quality Inventory (NWQI), is authorized by section 305 of the Clean Water Act. The second report, the Clean Water Needs Survey (CWNS), is authorized by section 516 of the Clean Water Act. These reports play a critical role in efforts to improve and maintain our Nation's water quality.

The National Water Quality Inventory is a biennial report submitted by the Administrator of the Environment Protection Agency (EPA) to the Congress. The last inventory was submitted in April 1996. Every 2 years, 58 States, American Indian Tribes, Territories, Interstate Water Commissions and the District of Columbia (hereafter referred to as the States) must submit water quality assessment reports to the EPA.

These assessment reports provide information on surface and ground water quality, and programs to assess and restore water quality within the State. The EPA consolidates these reports into the NWQI. The NWQI provides a national summary of the health of our rivers, streams, lakes, ponds, reservoirs, Great Lakes, estuaries, wetlands and ocean shoreline waters. Some of the important information provided by the NWQI is the percentage of water bodies being surveyed, the leading causes of impairment, and the Federal programs in place to protect and restore water quality. The NWQI serves as the primary vehicle for informing the public about general water quality conditions in the United States.

According to the 1996 National Water Quality Inventory, States assessed 53 percent of perennial streams and rivers; 40 percent of lakes, ponds and reservoirs; 72 percent of estuaries; 6 percent of ocean shoreline waters; and 94 percent of the Great Lakes Shoreline. Nutrients were identified as the primary pollutant of concern for lakes and estuaries, and the second leading pollutant of concern for rivers. The leading source of pollutants is runoff from agricultural and urban areas.

The information contained in the NWQI has several important applications. First, the NWQI provides a national perspective on water quality which is crucial to assessing the overall health of the Nation's waters and identifying the greatest threats to water bodies. Second, the NWQI allows policymakers to examine trends in water quality and sources of pollution and assess the effectiveness of pollution control programs. Finally, the EPA relies on data in the NWQI to allocate water pollution control grants under section 106 of the Clean Water Act.

The Clean Water Needs Survey (CWNS) is required by section 205(a) and 516(b) of the Clean Water Act. The CWNS provides a detailed estimate of the capital costs over a 20-year period eligible for funding under the State Revolving Loan Fund (SRF) of the Clean Water Act. Eligible capital costs include publicly owned, municipal wastewater collection and treatment facilities, facilities for the control of combined sewer overflows, activities designed to control stormwater runoff and nonpoint source pollution, and programs designed to protect the nation's estuaries. The survey is divided into seven categories, and a State-by-State breakdown for each category is included. The heart of the CWNS is a data base

containing technical and cost information on approximately 16,000 publicly owned wastewater treatment facilities. Each successive CWNS updates and refines the data base.

Both documented and modeled needs are used in developing the survey. Documented cost estimates included in the CWNS must be associated with facilities eligible for funding under the SRF. All cost estimates for facilities were required to be specific projects designed to prevent or abate a water quality or public health problem. Certain categories of needs, particularly for stormwater and nonpoint source control, are not being adequately reported. EPA has consequently developed modeled estimates for the stormwater programs and selected nonpoint source programs. The Agency ultimately plans to supplant modeled needs with documented needs as better information is developed in the areas of stormwater and nonpoint source control.

The total 1996 documented and modeled needs are estimated to be \$139.5 billion to satisfy all program categories eligible for SRF funding for the design year 2016 population. This total includes \$44 billion for wastewater treatment, \$10.3 billion for upgrading existing wastewater collection systems, \$21.6 billion for new sewer construction, and \$41.7 billion for controlling combined sewer overflows. Additional data contained in the survey allows for a comparison between the needs of small communities and the total needs for the nation. Finally, the 1996 CWNS attempted to model and quantify the needs for stormwater and nonpoint source pollution control measures.

The CWNS is used by both public and private sectors for planning, policy formulation and evaluation, and program management. Congress relies upon the CWNS to allocate capitalization grants for the SRF program. EPA and the States use the CWNS in planning how to attain and maintain clean water act goals. Local agencies use the CWNS to develop a comprehensive view of the projects and activities necessary to comply with the Clean Water Act. As the SRF program matures, the CWNS will play a critical role in determining the future eligibility and capitalization level for the SRF.

OBJECTIVE OF LEGISLATION

This bill continues to require the Administrator of the Environmental Protection Agency to submit the National Water Quality Inventory and the Clean Water Needs Survey to the Congress.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact of the reported bill. The reported bill will have no regulatory impact. This bill will not have any effect on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that this bill would impose no Federal intergovernmental unfunded mandates on State, local or tribal governments. All of its governmental directives are im-

posed on Federal agencies. The bill does not directly impose any private sector mandates.

LEGISLATIVE HISTORY

On September 29, 1999, the Committee on Environment and Public Works, in a business meeting, considered a draft bill to provide that certain environmental reports shall continue to be required to be submitted to the Congress. During consideration of the bill, Senator Crapo proposed an amendment to add an additional report to the bill. The amendment was agreed to by voice vote. The committee voted, by voice vote, to favorably report the bill, as amended, and then agreed by unanimous consent to file it in the Senate as three separate, original bills. No rollcall votes occurred on the measure.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 13, 1999.

Hon. JOHN H. CHAFEE, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for a bill to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted.

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), who can be reached at 226-2860, and Shelley Finlayson (for the State and local impact), who can be reached at 225-3220.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

A bill to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted, as ordered reported by the Senate Committee on Environment and Public Works on September 29, 1999

This bill would require the Environmental Protection Agency (EPA) to continue to collect biennial water quality inventory reports from the States and provide them to the Congress, and also to conduct a biennial survey of the local needs for funding from clean water State revolving loan funds and to report the results to

the Congress. The requirement to prepare these reports would otherwise end on December 21, 1999. Based on information from EPA, CBO estimates that continuing to produce these reports for the Congress would cost the Federal government about \$2 million annually, subject to the availability of appropriated funds. Because enactment of this bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act. It would extend reporting requirements for States that are conditions of aid or part of States' voluntary participation in Clean Water Act programs. CBO estimates that any resulting costs would be minimal.

The CBO staff contacts for this estimate are Susanne S. Mehlman (for Federal costs), who can be reached at 226–2860, and Shelley Finlayson (for the State and local impact), who can be reached at 225–3220. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, 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:

UNITED STATES CODE—TITLE 33—NAVIGATION AND NAVIGABLE WATERS

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CHAPTER 26—WATER POLLUTION PREVENTION AND CONTROL

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SUBCHAPTER III—STANDARDS AND ENFORCEMENT

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Sec. 1315. State reports on water quality; transmittal to Congress.

(a) * * *

(b)(1) [Each] *Notwithstanding section 3003 of Public Law 104–66 (31 U.S.C. 1113 note; 109 Stat. 734), each State shall prepare and submit to the Administrator by April 1, 1975, and shall bring up to date by April 1, 1976, and biennially thereafter, a report which shall include—*

(A) A description of water quality of all navigable waters in such State during the preceding year, with appropriate supplemental descriptions as shall be required to take into account seasonal, tidal, and other variations, correlated with the quality of water required by the objective of this chapter (as identified by the Administrator pursuant to criteria published under section 1314(a) of this title) and the water quality described in subparagraph (B) of this paragraph;

(B) an analysis of the extent to which all navigable waters of such State provide for the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities in and on the water;

(C) an analysis of the extent to which the elimination of the discharge of pollutants and a level of water quality which provides for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allows recreational activities in and on the water, have been or will be achieved by the requirements of this chapter, together with recommendations as to additional action necessary to achieve such objectives and for what waters such additional action is necessary;

(D) an estimate of (i) the environmental impact, (ii) the economic and social costs necessary to achieve the objective of this chapter in such State, (iii) the economic and social benefits of such achievement, and (iv) an estimate of the date of such achievement; and

(E) a description of the nature and extent of nonpoint sources of pollutants, and recommendations as to the programs which must be undertaken to control each category of such sources, including an estimate of the costs of implementing such programs.

(2) ~~【The】~~ *Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), the Administrator shall transmit such State reports, together with an analysis thereof, to Congress on or before October 1, 1975, and October 1, 1976, and biennially thereafter.*

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