

104TH CONGRESS
2D SESSION

H. R. 3299

To amend the Federal Water Pollution Control Act to allow certain States, including the territories of the United States, to apply for waivers from secondary treatment requirements for certain ocean discharges, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1996

Mr. ROMERO-BARCELÓ (for himself and Mr. UNDERWOOD) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to allow certain States, including the territories of the United States, to apply for waivers from secondary treatment requirements for certain ocean discharges, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deep Water Outfall
5 Treatment Systems Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) States that are insular areas, including the
2 territories of the United States, have geographical,
3 geological, and marine characteristics and island en-
4 vironments.

5 (2) The Federal Water Pollution Control Act
6 should, consistent with the environmental goals of
7 the Act, be administered with sufficient flexibility to
8 take into consideration the unique characteristics of
9 such States.

10 (3) Scientific evidence has demonstrated that
11 some deep water outfall water treatment systems
12 can protect marine environments as effectively as
13 secondary waste water treatment systems.

14 (4) Deep water outfalls can promote the envi-
15 ronmental goals of the Federal Water Pollution Con-
16 trol Act more cost effectively than secondary treat-
17 ment.

18 (5) The existing secondary treatment require-
19 ments of the Federal Water Pollution Control Act
20 have yet to be fulfilled because of the
21 unreasonableness of some provisions as applied to
22 the States referred to in paragraph (1).

23 (6) Such States should be provided the oppor-
24 tunity to apply for a secondary treatment waiver for
25 new or proposed deep water outfalls under the exist-

1 ing standards of the Federal Water Pollution Con-
2 trol Act.

3 **SEC. 3. PURPOSE.**

4 The purpose of this Act is to allow certain States,
5 including each territory of the United States, to apply for
6 a waiver under section 301(h) of the Federal Water Pollu-
7 tion Control Act that would allow the State to construct
8 deep water outfalls and to meet the effluent standards of
9 the Federal Water Pollution Control Act more effectively,
10 efficiently, and expeditiously.

11 **SEC. 4. WAIVERS FOR DEEP WATER OUTFALLS IN ELIGIBLE**
12 **STATES.**

13 Section 301 of the Federal Water Pollution Control
14 Act (33 U.S.C. 1311) is amended by adding at the end
15 the following:

16 “(q) WAIVERS FOR DEEP WATER OUTFALLS IN ELI-
17 GIBLE STATES.—

18 “(1) STUDIES.—Not later than 3 months after
19 the date of the enactment of this subsection, an eli-
20 gible State may initiate, expand, or continue a study
21 of the marine environment of coastal areas to deter-
22 mine the feasibility of constructing a deep water
23 outfall for any of the publicly owned treatment
24 works in the eligible State that, on such date of en-
25 actment, uses primary treatments and is not exempt

1 from the requirements of subsection (b)(1)(B). Such
2 study may recommend one or more technically fea-
3 sible locations for a deep water outfall that would
4 have beneficial effects on the marine environment.

5 “(2) APPLICATION FOR MODIFICATION.—Not-
6 withstanding subsection (j)(1)(A), not later than 18
7 months after the date of the enactment of this sub-
8 section, an application may be submitted for a modi-
9 fication pursuant to subsection (h) of the require-
10 ments of subsection (b)(1)(B) by the owner of a
11 publicly owned treatment works in an eligible State
12 at a location recommended in a study conducted
13 pursuant to paragraph (1).

14 “(3) INITIAL DETERMINATION.—On or before
15 the 90th day after the date of submittal of an appli-
16 cation for a modification under paragraph (2), the
17 Administrator shall issue to the applicant a draft
18 initial determination regarding the modification.

19 “(4) FINAL DETERMINATION.—On or before
20 the 270th day after the date of submittal of an ap-
21 plication for a modification under paragraph (2), the
22 Administrator shall issue a final determination re-
23 garding the modification.

24 “(5) EFFECTIVENESS.—If a modification is
25 granted pursuant to an application submitted under

1 this subsection, such modification shall be effective
2 only if the new deepwater outfall is operational on
3 or before the date that is 5 years after the date of
4 the enactment of this subsection. In all other as-
5 pects, such modification shall be effective for the pe-
6 riod applicable to all modifications granted under
7 subsection (h).

8 “(6) PENDING APPLICATIONS.—The require-
9 ments of subsection (b)(1)(B) shall not apply to the
10 owner or operator of a publicly owned treatment
11 works in an eligible State that has submitted an ap-
12 plication for a modification under paragraph (2)
13 during the period beginning on the date of submis-
14 sion of the application and ending on the date of a
15 final determination under paragraph (4).

16 “(7) DEFINITIONS.—In this subsection, the fol-
17 lowing definitions apply:

18 “(A) ELIGIBLE STATE.—The term ‘eligible
19 State’ means a State that is an insular area
20 and includes each territory of the United
21 States.

22 “(B) TERRITORY OF THE UNITED
23 STATES.—The term ‘territory of the United
24 States’ means all territories and possessions of
25 the United States, including the Commonwealth

1 of Puerto Rico, the Virgin Islands, Guam,
2 American Samoa, and the Northern Mariana
3 Islands.”.

○