

105TH CONGRESS
1ST SESSION

H. R. 2207

To amend the Federal Water Pollution Control Act concerning a proposal to construct a deep ocean outfall off the coast of Mayaguez, Puerto Rico.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1997

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

A BILL

To amend the Federal Water Pollution Control Act concerning a proposal to construct a deep ocean outfall off the coast of Mayaguez, Puerto Rico.

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 “Mayaguez, Puerto
5 Rico, Deep Ocean Outfall Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The existing discharge from the Mayaguez
2 publicly owned treatment works is to the stressed
3 waters of Mayaguez Bay, an area containing se-
4 verely degraded coral reefs, and relocation of that
5 discharge to unstressed ocean waters could benefit
6 the marine environment.

7 (2) The Federal Water Pollution Control Act
8 should, consistent with the environmental goals of
9 the Act, be administered with sufficient flexibility to
10 take into consideration the unique characteristics of
11 Mayaguez, Puerto Rico.

12 (3) Scientific evidence suggests that some deep
13 ocean areas off the coastline of Mayaguez, Puerto
14 Rico, might be able to receive a less-than-secondary
15 sewage discharge while still maintaining healthy and
16 diverse marine life.

17 (4) A properly designed and operated deep
18 ocean outfall off the coast of Mayaguez, Puerto
19 Rico, coupled with other pollution reduction activi-
20 ties in the Mayaguez Watershed could help promote
21 the environmental goals of the Federal Water Pollu-
22 tion Control Act without the need for more costly
23 secondary treatment.

24 (5) The owner or operator of the Mayaguez
25 publicly owned treatment works should be afforded

1 an opportunity to make the necessary scientific stud-
2 ies and submit an application proposing use of a
3 deep ocean outfall for review by the Administrator of
4 the Environmental Protection Agency under section
5 301(h) of the Federal Water Pollution Control Act.

6 **SEC. 3. PURPOSE.**

7 The purpose of this Act is to allow the Mayaguez,
8 Puerto Rico, publicly owned treatment works (NPDES
9 permit number PR0023795) to apply for a waiver of the
10 secondary treatment requirements of section 301(b)(1)(B)
11 of the Federal Water Pollution Control Act based upon
12 construction of a deep ocean outfall and compliance with
13 the requirements of section 301(h) of the Federal Water
14 Pollution Control Act and corresponding support for ac-
15 tivities to help protect and restore the Mayaguez Water-
16 shed.

17 **SEC. 4. APPLICATION FOR SECONDARY TREATMENT WAIV-**
18 **ERS FOR MAYAGUEZ, PUERTO RICO, DEEP**
19 **OCEAN OUTFALL.**

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

23 “(q) APPLICATION FOR WAIVERS.—

24 “(1) STUDIES.—Not later than 3 months after
25 the date of the enactment of this subsection, the

1 owner or operator of the Mayaguez, Puerto Rico,
2 publicly owned treatment works may initiate, ex-
3 pand, or continue a study of the marine environment
4 of coastal areas in the Mayaguez area to determine
5 the feasibility of constructing a deep ocean outfall
6 for the Mayaguez treatment works. Such study may
7 recommend one or more technically feasible and en-
8 vironmentally acceptable locations for a deep ocean
9 outfall intended to meet the requirements of sub-
10 section (h). Any such recommendations shall ensure
11 use of a well-designed and operated diffuser that dis-
12 charges into unstressed ocean waters and is situated
13 so as to avoid discharge (or transport of discharged
14 pollutants) to coral reefs, other sensitive marine re-
15 sources or recreational areas, and shorelines.

16 “(2) SECTION 301(h) APPLICATION FOR MAYA-
17 GUEZ, PUERTO RICO.—Notwithstanding subsection
18 (j)(1)(A), not later than 18 months after the date of
19 the enactment of this subsection, an application may
20 be submitted for a modification pursuant to sub-
21 section (h) of the requirements of subsection
22 (b)(1)(B) by the owner or operator of the Mayaguez,
23 Puerto Rico, publicly owned treatment works at a lo-
24 cation recommended in a study conducted pursuant
25 to paragraph (1). Such application shall not be sub-

1 ject to the application revision procedures of subpart
2 G of part 125 of title 40, Code of Federal Regula-
3 tions. No such application may be filed unless and
4 until the applicant has entered into a binding con-
5 sent decree with the United States that includes, at
6 a minimum, the following:

7 “(A) A schedule and milestones to ensure
8 expeditious compliance with the requirements of
9 subsection (b)(1)(B) in the event the requested
10 modification is denied, including interim efflu-
11 ent limits and design activities to be undertaken
12 while the application is pending.

13 “(B) A schedule and interim milestones to
14 ensure expeditious compliance with the require-
15 ments of any modification of subsection
16 (b)(1)(B) in the event the requested modifica-
17 tion is approved.

18 “(C) A commitment by the applicant to
19 contribute not less than \$400,000 to the Maya-
20 guez Watershed Initiative in accordance with
21 such schedules as may be specified in the con-
22 sent decree.

23 “(3) INITIAL DETERMINATION.—On or before
24 the 270th day after the date of submittal of an ap-
25 plication under paragraph (2) that has been deemed

1 complete by the Administrator, the Administrator
2 shall issue to the applicant a tentative determination
3 regarding the requested modification.

4 “(4) FINAL DETERMINATION.—On or before
5 the 270th day after the date of issuance of the ten-
6 tative determination under paragraph (3), the Ad-
7 ministrator shall issue a final determination regard-
8 ing the modification.

9 “(5) EFFECTIVENESS.—If a modification is
10 granted pursuant to an application submitted under
11 this subsection, such modification shall be effective
12 only if the new deepwater ocean outfall is oper-
13 ational on or before the date that is 4½ years after
14 the date of the Administrator’s initial tentative de-
15 termination on the application.

16 “(6) PAYMENT AND USE OF APPLICATION
17 FEE.—At the time an application is submitted under
18 paragraph (2), the applicant shall submit a certified
19 or cashiers check in the amount of \$100,000 payable
20 to ‘Administrator, United States Environmental
21 Protection Agency’. Such funds shall be deposited
22 into a special account of the United States Treasury
23 and shall be available, without further appropriation,
24 for use by the Administrator to defray the costs (in-
25 cluding salaries and benefits, supplies and equip-

1 ment, contractor technical support, and travel) asso-
2 ciated with the review of the application, preparation
3 of determinations on the application, and prepara-
4 tion of related legal or technical documents.
5 Amounts deposited into the special account shall re-
6 main available until expended for use in accordance
7 with this section. Upon completion of the application
8 review process, any amounts remaining in the ac-
9 count may be used by the Administrator to enter
10 into a cooperative agreement or contract, or to pro-
11 vide financial assistance in the form of a grant, to
12 support projects for the environmental enhancement
13 of the Mayaguez Watershed.”.

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