

4/12/05

Significant Changes to the Clean Water Trust Act

In response to comments, several further significant changes have been made from the 1/4/04 draft to the 4/12/05 draft. Technical and other minor changes also have been made.

Generally

- The name of the bill is changed, from the “Water Assistance Trust and Environmental Restoration (WATER) Act” to the “Clean Water Trust Act.” The trust fund is similarly re-named.
- A finding is added (number (4)) regarding homeland security.
- The bill focuses exclusively on wastewater; the drinking water provisions have been deleted.
- The beverage fee is deleted and replaced with a statement that revenue options are being reviewed (page 5, line 21).

Title I. Trust Fund

- The amount of funding for wastewater is increased to \$6 billion/year, of which \$4.5 billion will be grants and \$1.5 billion will be funding of the SRF.
- The appropriation from general revenues into the Trust Fund is eliminated. Accordingly, all grant and SRF money will come from the Trust Fund.

Title II. Amendments to the Clean Water Act

- A provision is added authorizing funding, from the Trust Fund, of state programs under section 106 at \$250 million a year (page 6, line 17).
- The provision authorizing funding for security programs is made into a separate provision, rather than part of the general POTW provision (page 7, line 8).
- The provision regarding septic systems and cesspools is clarified (page 8, line 9).

- The provision regarding water quality monitoring is clarified, to expressly provide that the monitoring must be pursuant to section 305(b)(page 8, line 11).
- Overall funding is as follows:

Grants	\$ 4.5 billion
SRF	\$ 1.5 billion

Technology	\$ 95 million
Utility Management	\$ 5 million
Technical Assistance	\$ 50 million
Research	\$ 50 million
Nonpoint	\$200 million
Critical Regional Waters	\$250 million
States	\$250 million
Fisheries	\$250 million

TOTAL	\$7.15 billion/year
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- A new section 203 is added, to highlight the funding of the traditional SRF (page 8, line 12).
- The name of the grant program is changed to “High Priority Partnerships” (page 8).
- Additional public participation requirements are added to the grant program (pages 9-10).
- A provision is added making Indian Tribes eligible for the grant program (page 10, line 17).
- A provision is added to Critical Regional Waters making clear that decisions about additional waters are to be made by the Administrator (page 14, line 8).

Title III. Technology

- A provision is added setting aside \$20 million, from the technology program, for “green technology,” which is described as “projects that primarily utilize one or more of the following approaches: decentralized or distributed stormwater controls, enhanced decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration.”
- The provision regarding the National Center for Utility Management is modified to make clear that the program will be undertaken by an outside entity rather than EPA (page 18, line 6).

Title IV: Fisheries

- Provisions are added to increase public participation requirements and to require states to provide for judicial review of decisions made under the fisheries program (pages 22-23).
- The fisheries program is expanded to make clear that plans should be developed on a watershed basis, and to provide for the treatment of watersheds in more than one state and for consultation with federal agencies (pages 23-25).
- The language regarding prohibited uses of funds is modified to apply to all roads rather than just public roads (page 30, line 5).
- The savings clause is modified to delete the phrase “except as specifically provided in this section” from paragraph (2)(page 32, line 1), and to expressly provide that the title does not override section 305(b)(page 32, line 2).
- The savings clause is modified to delete the prohibition against “recommending” new requirements (page 32, lines 5-8).