



Legislative News

August 1992

House Holds Hearing on Constructed Wetlands as Wastewater Treatment Alternative

The Subcommittee on Investigations and Oversight of the House Committee on Public Works and Transportation held a hearing on Tuesday, August 4 to discuss wetlands and other alternative technologies as a way of meeting the wastewater needs of small communities and rural areas. Mike Cook, Director of the Office of Wastewater Enforcement and Compliance (OWEC), testifying on behalf of EPA, stated that constructed wetlands are one of the many promising alternative technologies these communities might use to meet their wastewater needs. Compared with more traditional technologies, constructed wetlands offer lower capital, maintenance, and operating costs. EPA is aware of approximately 70 constructed wetlands serving municipalities at present. Cook explained that there is presently insufficient data to develop performance and design standards for these systems; however, EPA's Office of Research and Development is supporting research in this area.

Key issues raised during the hearing included: "Should the term 'constructed wetlands' be avoided given that it might be confused with natural wetlands?, To what extent should constructed wetlands be regulated?, What are the technical limitations of these systems?, and Are there institutional barriers and disincentives that preclude use of constructed wetlands and other alternative technologies?" (Contact: Nathaniel Stevens, 260-5048).

Association of Metropolitan Sewerage Agencies Drafts Watershed Management Bill

The Association of Metropolitan Sewerage Agencies (AMSA) has recently drafted and circulated for comment "The Comprehensive Watershed Management Act of 1992". As currently drafted, the bill would require Governors to designate one or more watersheds — degraded or pristine waters — for priority treatment. Watershed management plans, developed by a watershed management commission, would be developed to: 1) identify pollutants of concern, 2) survey the watershed, 3) identify and rank priority pollutants and sources of concern, and 4) develop minimum standards of operation (MSO) for each pollutant source of concern, including publicly-owned wastewater treatment plants, industrial dischargers, stormwater dischargers, combined sewer overflows, agricultural runoff and drains, and silvicultural runoff.

The bill would require that state water quality standards be consistent with the priorities identified in the watershed plan, and would require that in making recommendations to the state, the watershed management commission must take into account the technical and economic capabilities of priority sources, and the net environmental benefits expected to be achieved by attainment of water quality that is sufficient to achieve previously designated uses. The bill would also allow NPDES permittees to petition their permitting authority to revise their compliance schedules. Where it is determined that

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Appropriation Updates

EPA (OWOW Programs)

EPA Appropriations bills have been passed by the House and Senate Appropriations Committees, and will move to the floor following the August recess. With regard to OWOW-related programs, the Senate bill includes \$24 million for nonpoint source management grants and \$15 million to provide funding for activities to restore or protect water quality in 13 different sites around the country. The House would provide \$63.5 million for nonpoint source grants and has added on \$19 million for various programs or site-specific projects. Language providing \$500,000 for a National Academy of Sciences study of wetlands, included in the House-passed bill (see July OWOW Legislative News), was deleted in the Senate bill. (Contact: John Ettinger, 260-9113).

Agriculture

The 1993 Agriculture Appropriations bill signed by the President on August 14 reduces or eliminates funding for two agricultural programs that remove critical areas from cultivation—the Conservation Reserve Program (CRP) and the Wetlands Reserve Program (WRP). Under the CRP farmers agree to take highly erodible croplands out of production for 10 years in exchange for government rental payments. The WRP is an easement-based pilot program established under the 1990 farm bill to restore prior converted or farmed wetlands to full function and value. The appropriation provides \$1.3 billion for the CRP in FY 1993, down \$33 million, and requires that no new leases be issued. No funding is provided for the WRP.

The bill increases funding for the Water Quality Incentives Program to \$15 million, up from \$6.75 million in FY 1992. Authorized in the 1990 Farm Bill, this program provides financial assistance for farmers in water quality impaired areas to voluntarily adopt nutrient and pest manage-

ment practices. The program is targeted to those areas where nonpoint source impacts are known to be a problem, such as areas identified under Section 319 of the CWA. Funding for the Small Watershed Program was also increased to \$228 million, up \$23 million from FY 1992. (Contact: Sandy Germann, 260-6418).

Energy and Water

An Energy and Water Appropriations bill passed by the Senate includes provisions that would impact the Section 404 regulatory program. In its report, the Senate Appropriations Committee expressed concern over the practicable alternatives test adopted by the Corps of Engineers (COE) in a February 1990 Memorandum of Agreement with EPA, and “urged the COE to abandon the test and use instead its traditional public interest test until a different test is adopted pursuant to notice and public comment.” In addition, responding to concerns about the Section 404 program “diminishing the value of private property, with resultant loss in State and local revenues...”, the Committee included language directing the COE to conduct a study by March 1, 1993 on: 1) the percent of privately-owned property, by state, covered by the 1987 guidelines, the 1989 manual, and any subsequent proposal, 2) the extent to which the designation as Federal jurisdictional wetlands has diminished the value of such property, 3) the impact of such diminishment on state and local property taxes, and federal revenues, 4) the percentage of Federal jurisdictional wetlands privately held by persons owning 20 acres or less, and 5) which lands held by the Resolution Trust Corporation and other Federal agencies designated as Federal jurisdictional wetlands have experienced a diminution in value, the extent of this diminution, and the impact on the diminution on the level of appropriated funds required by these agencies. These issues will be part of the debate when the House and Senate convene a conference on the appropriation bill following the August recess. (Contact: Suzanne Schwartz, 260-8447)

House Committee Approves National Rivers Inventory Bill

On August 12, the House Interior and Insular Affairs Committee approved a bill that would require the Department of the Interior (DOI) to join with states in developing a national inventory of the nation's rivers. The bill, H.R. 5001, would require DOI to assess the health of rivers and update that assessment every five years. It would also establish a centralized geographic information system containing data relating to recreational values, fish and wildlife, water quality and water supply values. Representative Kostmayer (D-PA), author of the bill, stated, "The information and monitoring network that would be established under this bill would aid our attempts to save endangered species, would help steer hydropower away from critical fish and wildlife habitat, and would more readily enable states to protect unique recreational resources." The legislation is expected to move to the House floor following the August recess. (Contact: Sandy Germann, 260-6418).

UNCED Follow-Up

Administrator Reilly has testified before the House Foreign Affairs and Merchant Marine Committees and the Senate Foreign Affairs Committee on activities EPA has planned to follow-up on commitments made at the United Nations Conference on Environment and Development (UNCED). Explaining the consequences that inadequate water supplies have on human lives in developing countries, Reilly described the Office of Water's efforts to promote low-cost, low-energy demanding systems based on an evaluation of site-specific water and wastewater infrastructure needs. For example, he stated that we will continue to examine opportunities to apply natural wastewater treatment systems, such as constructed wetlands, as a way of meeting the sewage treatment needs in developing countries.

OWOW is leading the Agency's efforts to follow up on two coastal and marine initiatives which received mention in UNCED's Agenda 21, the conference action plan. First, together with OWEC and the Office of International Activities (OIA), OWOW is exploring the development of an International Revolving Fund. The fund would provide loans to developing countries and municipalities to finance the construction of low-cost wastewater treatment facilities that will protect coastal and marine waters. Secondly, he stated that we will continue to examine opportunities to apply natural wastewater treatment systems, such as constructed wetlands, as a way of meeting the sewage treatment needs in developing countries.

Contaminated Sediments and Auburn Dam Expected to Be Key Issues During WRDA Floor Debate

The House and Senate Appropriations Committees have each passed bills authorizing the Water Resources Development Act (WRDA) of 1992. Two major issues are unresolved and likely to be raised when the bills come to the floor — provisions on contaminated sediments and funding for the Auburn dam on the American River in California.

The Senate bill, S.2734, contains provisions that would affect the existing scheme of managing contaminated sediments (see July issue, OWOW Legislative News). Senate staff are developing new language which appears to be more compatible with existing EPA and COE programs and may be offered during the Senate floor debate. (Contact: John Lishman, 260-8448).

Both the House and Senate committees deleted funding for the Auburn Dam project. The dam would complete a previously begun project and provide flood control for the Sacramento Valley. Two proposals have been offered for the project, one with federal funding and one without. Each

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"Legislative News" is a regular newsletter of the Office of Wetlands, Oceans, and Watersheds (OWOW). Its purpose is to provide an overview of those legislative issues and actions that are particularly relevant to OWOW programs. Any comments regarding its content should be directed to Sandy Germann of OWOW at (202) 260-7166.

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of the proposals is opposed by environmentalists who assert that less-costly alternatives are available. While funding for the project was deleted from both bills, it is anticipated that compromise language will be worked out and offered when the bill goes to the House floor for a vote. (Contact: Sandy Seig-Ross, 260-9914).

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compliance schedules are not consistent with the priorities identified in the watershed management plan, and the level of resources required to meet that schedule is inconsistent with the expected environmental benefits, the permitting authority would be allowed to grant the modifications.

A revised bill, reflecting comments received to date, is expected in September. (Contact: Sandy Germann, 260-6418).

Legislative Conference Being Held

The Association of Metropolitan Sewerage Agencies will be hosting a legislative conference, entitled "Meeting the Challenges of the 103rd Congress...Will A Changing Congress Bring Changing Priorities?" The conference will be held September 14 - 15 in Washington, D.C. For more information, call (202) 833-AMSA.

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