

SUMMARY OF PUBLIC HEARINGS ON POSSIBLE ADMINISTRATION  
PROPOSALS TO AMEND THE FEDERAL WATER POLLUTION CONTROL  
ACT (P.L. 92-500) AS IT RELATES TO THE MUNICIPAL WASTE  
TREATMENT CONSTRUCTION GRANTS PROGRAM

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Washington, D.C.

July, 1975

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Background

These hearings derived in part from a letter received from the Office of Management and Budget which suggested several issues that could be discussed relative to the municipal construction grants program. The need for such a public discussion was based on two factors: (1) experience with the program gained by all parties in the past few years, and (2) the results of the most recent EPA-State survey which indicated a need under the current law to fund eligible projects in excess of \$350 billion. The magnitude of the indicated need is well beyond the capability of the Federal budget to fund with 75 percent grants in any reasonable future time. The 1972 Amendments authorized, and the Administration has allotted to the States, \$18 billion in construction funds. These grant funds, at the rate of 75 percent Federal funding will support \$24 billion in total eligible costs.

The hearings considered alternative means of funding those projects that are absolutely essential to attaining required treatment levels without negating major water quality objectives of the Act. The hearings related to changes to be made in any

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1/ This is a summary of the oral testimony received by EPA. The statements received for the record which didn't close until July 7, are still being reviewed in detail. A quick review indicates no significant departure from the general tone of comments actually received at the hearings.

future funding that Congress may make available after the current \$18 billion is expended. Any possible amendments emanating from this hearing procedure will not pertain to changing the provisions under which grants are to be made with presently available funds.

Five issues were addressed at the hearings including:

1. a reduction in the Federal share
2. limiting Federal funding of reserve capacity to serve projected growth
3. restricting the types of projects eligible for Federal grant assistance
4. extending the 1977 deadline for publicly-owned treatment works to meet the requirements of Section 301(b) of the Act.
5. delegating a greater portion of program responsibility to the States

The purpose of these hearings was to receive public comment, views, and information on the above five issues. The first four of the five issues were contemplated as possible subjects for an Administration proposal to amend PL 92-500. The information derived from these hearings provided EPA with a better understanding of the issues and their potential impact. Should specific legislative proposals be formally submitted to Congress, the information generated at the hearings will be useful in preparing the required draft environmental impact statement.

For the fifth issue, delegating greater responsibility to the States, EPA has endorsed HR 2175 and HR 6991. These hearings filled the purpose of giving EPA a better understanding of the capacity of the States to accept greater delegation and provided views and information concerning administrative procedures that might be used to accomplish more timely delegation.

Background papers were prepared for the public's use before the hearings as an aid in focusing discussion at the hearings. The discussion papers did not cover all possible alternatives nor did they indicate any predetermined course of action already selected by EPA. In addition to being published in the Federal Register, about 2,300 copies of the papers were distributed to the public. The hearings were announced through the Federal Register, national and regional press releases, industry and environmental newsletters and journals and by other methods.

#### Dates, Locations, Attendance

A series of four public hearings were held: June 9, 1975 (Atlanta, Georgia); June 17, 1975 (Kansas City, Missouri); June 19, 1975 (San Francisco, California); and June 25, 1975 (Washington, D.C.).

Each hearing was conducted by a panel of EPA personnel.

The panelists for each hearing were as follows:

Atlanta: Alvin Alm, Chairman, Assistant Administrator  
for Planning and Management

Jack Ravan, Regional Administrator, Atlanta

Jack Rhett, Deputy Assistant Administrator for  
Water Program Operations

Kansas City: James Agee, Chairman, Assistant Administrator  
for Water and Hazardous Materials

Jerome Svore, Regional Administrator, Kansas City

Jack Rhett, Deputy Assistant Administrator for  
Water Program Operations

San Francisco: James Agee, Chairman

Jack Rhett, Deputy Assistant Administrator for  
Water Program Operations

Paul DeFalco, Jr., Regional Administrator

Washington, D.C.: John Quarles, Chairman, Deputy Administrator

Gerald Hansler, Regional Administrator, New York

James Agee, Assistant Administrator for  
Water and Hazardous Materials

Alvin Alm, Assistant Administrator for  
Planning and Management

Jack Rhett, Deputy Assistant Administrator  
for Water Program Operations

EPA heard testimony from 105 witnesses and received statements  
for the record from an additional 126 people and organizations.

(See attached list.) Approximately 600 people attended the

hearings. Transcripts were made of each hearing. These along with the statements for the record will be published as a complete set and made available to the public. Inquiries concerning these hearings should be directed to:

Mr. David K. Sabock  
Environmental Protection Agency  
401 "M" Street, S.W. (WH-556)  
Office of Water and Hazardous Materials  
Washington, D.C. 20460

#### REDUCTION OF THE FEDERAL SHARE

The hearing dealt with the issue of whether P.L. 92-500 should be amended to reduce the Federal share for construction grants from the current level of 75 percent to a level as low as 55 percent.

#### Summary of Testimony

At all of the hearings the witnesses were generally opposed to this proposal for several reasons including, in the opinion of the witnesses:

A. The inability of the localities and States to assume any greater financial burden in the construction of POTW's, given the present economic and financial climate. Since local tax revenues are not increasing as fast as demands for them, additional local funding of treatment facilities would necessitate either local tax increases, sewerage rate increases, or cutbacks in other local services. Even under the present grant rate, difficulties are encountered in arranging the financing for many projects.

B. The inequity of lowering the Federal share after some communities have received grants at the 75 percent rate. Thus, reductions would tend to discriminate against those localities who may be ready to proceed but are further down the priority list.

C. "Hedging" on the part of the Federal Government. Is the purpose of the program to attain the goals specified in P.L. 92-500, or is the Federal Government backing away from its previous commitments in the interest of saving money?

Specifically, in many cases, effluent and water quality standards are either set or required by the Federal Government, or are based on the assumption of 75 percent funding, and are higher than are warranted in terms of local or State self-interest. Hence, the Federal Government should, according to the witnesses, continue the 75 percent rate to provide the incentive to attain the standards.

D. The program has started to build momentum--over \$6 of the \$18 billion has been obligated. Since the program is starting to work, it should be kept as stable as possible. Any change in the grant rate would inevitably cause delays in the implementation of long-range programs, and thus in the attainment of the national water quality goals. Some States would have to legislate new grant programs and the priority lists would be shifted due to some municipalities dropping out.

### State Officials

States opposed the reduction. States, like municipalities, are generally in strained financial conditions, and increases in State funding would necessitate either higher taxes or commensurate reduction in other programs. Some States, such as California and New York, have grant programs which could theoretically be expanded; others (Kentucky, Tennessee, Georgia, Florida) have only loan programs. In these States, passage of a grant program is unlikely, and the local financial burden of the grant reduction would be shifted to the municipalities.

### Local Officials

Municipalities were universally opposed to the reduction of the Federal share--almost all of them stressed that their financial conditions were already strained and it was pointed out that the major governmental financial problems are at the local level. Given the constraints on budgets, it is very difficult to ask for, or get support for, new expenditures, and there are also difficulties in marketing large bond issues.

It was stated that reduction in the grant rate would delay programs. In some cases, communities are in the first phase of long-term programs where commitments have been made contingent on a 75 percent rate. It was pointed out that reducing the



grant rate is a drastic proposal when billions of dollars are awaiting obligation because of regulatory requirements.

Several representatives pointed out the need to maintain the grant rate in light of the present requirements, and that if the grant rate is reduced, requirements should be reduced also. For example, one Georgia county official said that the Act has caused considerable expenditure of local funds for projects without direct benefits and without cost-effective evaluation. Another county official from Georgia pointed out that the stringent State effluent requirement was based on 75 percent funding.

Also rejected by the witnesses was the premise that high Federal funding rates result in overdesign of facilities. A spokesman from Painesville, Ohio, said that current overdesign practices result not from the 75 percent rate, but from the long delays in the application process--as long as 10 years from initial application to construction completion. A witness from Fulton County, Georgia, emphasized this saying, "I have never seen a sewer line that was too big."

Some localities, especially Tampa and Hollywood, Florida, expressed interest in a "sliding scale" grant rate for various types of facilities. (See Alternative Approaches below.)

### Professional Groups

With very few exceptions, these witnesses also opposed the reduction for the reasons cited above. They particularly rejected

the notion that a larger local share would lead to greater accountability on the part of the locality and ensure cost-effective design, stressing that facilities were already designed in a responsible and cost-effective manner. They also emphasized need for program stability and warned against procedural delays.

### Environmental Groups

These groups were also opposed, with several exceptions. A few groups proposed alternative reduction schemes (see Alternative Approaches below). They cited the inability of localities to bear the additional financial burdens and the possibilities of delaying achievement of national water quality goals. The Conservation Foundation position was that without funding to provide incentives for communities to meet the high Federal water quality standards, the standards might well be revised downward to levels which require less expensive treatment processes.

### Alternative Approaches

Of the small minority of witnesses who favored reduction of the Federal share, none felt that it should arbitrarily be reduced to a given level; rather, they proposed several alternative reduction schemes based on various other criteria:

a. NRDC stated that the criterion should be the level of Congressional appropriation, and each eligible project specified

in the Needs Survey should get a share of the total on a pro-rata basis. This proposal would appear to lead to an arbitrary grant rate, based on neither financial need nor required incentive.

b. The Mayor of Hopkinsville, Georgia, stated that the 75 percent grant rate for treatment plants and interceptors should be retained, but that for collectors Federal grants should be inversely related to the per capita income of the locality, so that only the poorest group of communities would receive 75 percent.

c. A representative of DeKalb County, Georgia, stated that grant percentages should be based on the amount of pollution abatement that could be obtained (i.e., repairs to a continually overflowing storm sewer should be funded at a higher rate than additions to treatment plants to meet projected growth). A related suggestion was that the 75 percent rate be used for capacity to serve existing population needs, and a 50 percent rate for capacity to serve projected needs--basically an urban suburban differential.

Most of the testimony on this issue dealt with the reasons the grant rate should be retained. However, a recurring theme was the desirability of reducing requirements. The main areas in which spokesmen felt requirements could be reduced without a significant sacrifice in water quality goals were the following:

- A number of people at the San Francisco meeting discussed the savings possible through not having to meet secondary standards for ocean outfalls, although a representative of the Oceanic Society urged caution.

- A few witnesses suggested that secondary treatment processes be permitted, even though EPA secondary standards were not met, so that waste-stabilization ponds and trickling filters not designed to meet current removal rate standards would become acceptable. An engineering representative pointed out that in Georgia, some 200 publicly-owned waste stabilization ponds are expected to be abandoned as a result of EPA's definition of secondary treatment.

#### Discussion Topics

1. Would a reduction in the Federal share make the Federal funds cover more projects and thus result in more total construction?
2. What is the ability of State and local governments to increase their financial participation in the program?

The reaction to these questions is indicated in the previous discussion. In summary, the first question was seldom addressed. The overwhelming concern was with the increased difficulty of financing projects and the instability that a change in the grant rate would introduce. Although the change is not proposed to take place until after the obligations of present funds, many

references were made to the long-term process of obtaining financial commitments among communities and governmental bodies, and the difficulties of increasing revenues under current economic conditions.

3. Would a reduction in the Federal share tend to increase State and local incentives to develop cost-effective projects?
4. Does the 75 percent Federal share of capital construction tend to induce capital intensive projects with low annual operating costs? Would this relative emphasis be affected by lowering the Federal share? What would be the effect on annualized cost?

The prevailing opinion was that the grant rate did not affect the cost-effectiveness of projects or the capital-O&M ratio--municipalities and engineering representatives frequently commented that engineering practices are not sensitive to the municipality's cost share. Moreover, State and EPA reviews encourage careful analyses.

However, it is interesting to note that a number of commentators said that various State standards and local plans were contingent upon 75 percent funding, and that a change in funding rate would entail changes in plans.

5. What would be the effect of varying the grant rate according to different priority projects or features of projects, such as 75 percent for capacity to handle existing population and 50 percent for excess capacity to handle population growth. Another possible combination might be:

Treatment plants and interceptors	75%
Combined sewer overflow	60%
Collector sewers	45%
Storm water discharges	zero

This question was asked at the meetings, rather than in the discussion papers, and hence the reactions were rather indefinite. When the question was discussed, there was tentative approval to the general concept. There were many indications of differences in priorities among the categories, as discussed under Issue 3.

On July 1, 1975, EPA, via a letter to all State agencies, the witnesses, and those people and organizations submitting statements for the record, asked for their reaction to this question. Replies are still being received.

#### LIMITING FEDERAL FUNDING OF RESERVE CAPACITY TO SERVE PROJECTED GROWTH

The hearing dealt with the issue of whether P.L. 92-500 should be amended to limit the amount of reserve capacity of facilities that would be eligible for construction grant assistance.

#### Summary of Testimony

The consensus of opinion in the public hearings on this issue was that the Act should not be amended to limit the amount

of reserve capacity eligible for grant assistance. Most witnesses, especially public officials and consulting engineers, preferred a flexible approach to plant sizing based on case-by-case cost-effective analysis, and said that the Federal government should help fund the total capacity of cost-effective designs.

Some witnesses acknowledged that excess reserve capacity has been a problem, but others argued that system overloading was a more critical problem. The witnesses were almost all opposed to funding of capacity for backlog only. The idea of funding ten years of growth in treatment plants and roughly 20 years of growth in interceptors and outfalls had more support, especially among witnesses from California. Many persons said that Federal funding of 10 years of growth in treatment plants would be suitable, but that sewers should be funded for 50 years or for the ultimate population.

### State Officials

Almost every state official who testified was opposed to changing the Act with respect to Federal funding of reserve capacity. Most State witnesses preferred general Federal guidance with flexibility. Most said that present practice, including 201 and 208 planning, is sufficient to limit excess capacity. They also said that the extent of Federal participation in a project does not alter local accountability.

Although representatives of Georgia, Florida, Missouri, California and Pennsylvania said that excess reserve capacity had been, or might be, a problem, speakers from Nevada, Georgia, New York, and Virginia said that plants and sewers were not oversized in their States.

The speaker from Nevada said that EPA and the States should focus attention on population projections, sewage flow projections, and cost-effectiveness instead of limiting Federal funding of reserve capacity.

A witness from Pennsylvania said that limiting Federal funding of reserve capacity could lead to local sewer moratoria which can aggravate urban sprawl by encouraging leapfrogging and private development of treatment systems.

California certifies construction grant applications for only ten years of growth in treatment plants and 20 years in interceptors and outfalls. The State Water Resources Control Board provides the population projections for each grantee. A representative of the Board testified that the California plan employs several other methods to limit eligible capacity, including low population growth allowances in critical air quality basins, low allowances for capacity to handle infiltration and inflow, and low allowances for capacity to serve new and second home communities.



### Local Officials

Most of the witnesses representing cities and counties were also opposed to changing the Act with respect to Federal funding of reserve capacity. Most supported the current program.

Opinion was split on whether the present practice allows excess capacity. The speaker from Houston said that overloading, not overdesign, was the problem. However, an environmental analyst from Newark, N.J., testified that EPA policies contribute to sprawl and urban decay by providing capacity for population growth.

Several witnesses from California, including speakers from Orange County and San Diego County, said the State's plan which limits grant assistance to 10 years of growth in treatment plants and 20 years in interceptors was a good middle ground between no funding of growth and funding of unlimited capacity.

At least two speakers representing municipalities said that funding of 10 years of growth in a treatment plant would be sufficient, given that the plants were designed for modular construction, but that 20 years of growth in interceptors was not enough because of large economies-of-scale and the disruption caused by sewer construction.

A councilman from Livermore, California, supported Federal funding of capacity to serve the existing population only.

Most of the witnesses who supported limits on Federal funding of reserve capacity said that such limits should be applied with discretion, taking local conditions into account.

### Professional Groups

None of the professional groups represented at the hearings supported a change in the Act with respect to Federal funding of reserve capacity. With few exceptions, professional engineering groups supported EPA's present program of case-by-case cost-effective analysis and no limits on Federal funding of cost-effective designs.

Speakers from engineering groups in Iowa and Nebraska and from the Association of Metropolitan Sewerage Agencies (AMSA) said that funding of only 10 years of growth in treatment plants might be advisable, given modular construction, but that sewers should be designed and funded for 50 years or for ultimate capacity. Other representatives of professional groups were opposed to limits on Federal funding of capacity on the grounds that limits would cause delays, would contribute to non-cost-effective designs, and would be a poor approach to the broader issue of land use controls.

### Environmental Groups

All of the witnesses from environmental interest groups supported some limits on Federal funding of reserve capacity.

Environmentalists from California approved the State's plan of limiting eligible reserve capacity, especially the feature of the plan which further limits funding of capacity in critical air quality basins. In general, the environmental interest groups were interested in limiting suburban sprawl, which they felt was spurred by funding of reserve capacity.

The speaker from the Natural Resources Defense Council said that the Federal government should not fund plant and sewer capacity needed to serve population growth expected after 1983.

### Alternate Approaches

Several witnesses suggested alternative methods for dealing with the problems implicit in this issue. These problems are cost inefficiencies and secondary environmental impacts associated with provision of too much treatment capacity.

A speaker from the Kentucky Council of Consulting Engineers said that instead of limiting Federal funding of reserve capacity, EPA could review local population projections for technical justification. He also suggested the use of sound local land

use planning coupled with sewer designs to eliminate secondary environmental impacts of sewers.

Another witness said that increased awareness of the need for local initiatives in water pollution control would be valuable. He suggested that the Congress choose a specific objective for nationwide wastewater treatment, provide the funds needed to accomplish that objective, then turn funding of construction over to State and local governments. Such a policy would include a policy of one-time-only Federal grants to communities for any given type of facility.

#### Discussion Topics

1. Why should the Federal taxpayers' funds be used to subsidize the cost of growth in particular communities, as is now the case?

Many witnesses felt that it is important to design cost-effective systems and that local governments need a high level of Federal participation in the cost of cost-effective designs. These witnesses said limiting Federal financing of reserve capacity is similar to reducing the Federal share, and said local governments have great difficulty raising local matching funds even under the current program.

Those witnesses who supported limitations on Federal funding of reserve capacity were, in fact, opposed to subsidizing growth in particular communities.

2. For a given level of Federal funds, would a limitation in funding for future population result in the funding of more projects?

A few witnesses said that a reduction of this type in the level of Federal participation would allow more projects to be funded. However, many witnesses said that such a reduction would place a financial burden on local governments and cause delays in the construction grants program. Such delays would nullify the fund-spreading effect.

3. If Federal assistance were limited to serving only existing population, would this enhance or detract from the authority of local governments to manage land use?

On the basis of the testimony, this type of limitation would neither enhance nor detract from local land use authority. One witness testified that sewer moratoria in one area cause leapfrogging development and environmental degradation in another area. Local land use legislation in conjunction with local wastewater management planning would be useful, another witness said.

4. Does the construction of excess capacity for population growth tend to force higher user charges, and ultimately higher taxes and inducements for development of subdivisions, etc.?

Several witnesses said that population projections tend to be self-fulfilling. But the construction of excess capacity for population growth would not necessarily force higher user charges. As one witness testified, the opposite could be true

when new development is spurred by the project, bringing more users into the service area and driving down the average user charge.

#### RESTRICTING THE TYPES OF PROJECTS ELIGIBLE FOR GRANT ASSISTANCE

The hearing dealt with the issue of whether P.L. 92-500 should be amended to restrict the types of projects eligible for construction grants funding.

#### Summary of Testimony

Most of the testimony rejected any reduction in current eligibilities, arguing that any change would be highly arbitrary and would: (a) distort cost-effectiveness analysis toward eligible facilities; (b) discriminate against particular areas of the country; and (c) reduce the likelihood of achieving the goals of the Act. On the other hand, there was some support for eliminating collector sewer eligibility and maintenance-type work such as infiltration/inflow correction. Several advocates of such restriction, however, favored retaining statutory eligibility and relying on administration of the program to preclude EPA funding of all but the most necessary facilities of this type which could not be locally-financed.

### State Officials

State officials tended to emphasize two points: (1) many needed facilities were beyond local financial capability, and a reduction or elimination in Federal grants would preclude construction of such facilities; and, (2) priority systems developed by the States were the proper way to insure wise choice in construction of facilities. Representatives of Georgia, Nebraska and Virginia, among others, stated that their priority systems had strictly limited funding for facilities other than treatment plants and interceptors.

For the most part, State officials specifically encouraged retention of eligibility for rehabilitation and for infiltration/inflow correction when these were shown to be cost-effective. Representatives of Florida, Nevada and Wisconsin, among others, made this comment.

Representatives of such States as Georgia, Nebraska, Texas, New York, New Jersey and Pennsylvania stated specifically that collector systems should remain eligible, as these were a considerable need for financial assistance in certain municipalities. A representative of Virginia indicated that assistance for collector systems is targeted to areas where public health problems have manifested themselves as a result of individual disposal systems. None of those testifying suggested what specific criteria might be used to limit EPA funding of collectors.

On the other hand, witnesses for Florida, Wisconsin and Nevada raised some support for a statutory elimination of collector eligibility. A representative of the State of Missouri suggested that if EPA were serious about eliminating collector eligibility, it should insure that other Federal or State assistance programs were available and adequate.

There was also support, from such States as Virginia, Nevada and Wisconsin, for eliminating stormwater treatment and control from eligibility, at least within the Title II grant program. An official from Guam, however, insisted that stormwater was perhaps that island's major water pollution problem. He recommended that stormwater facilities remain eligible.

#### Local Officials

Local officials stressed wide variability across the nation in pollution problems and in types of needed facilities in arguing for continuing the current eligibility structure. One person asserted that any restriction would be "crippling", while another said reductions would place an "unbearable burden" on local governments in meeting the goals of the Act. Several officials noted that a change in eligibilities would severely limit or preclude construction of certain facilities even when they were the most cost effective. Several speakers argued



that is eligibilities were restricted, water pollution control requirements of local governments should similarly be reduced.

While spokesmen favored the present priority system as a means of allocating available funds among projects within States, some criticized any "national standard priority system" as "unworkable." Without considerable Federal financial support, a Nashville, Tennessee, official argued, local governments' priorities would shift away from treatment and control of present flows and overflows toward acquisition of a broader revenue base through extension of collector systems.

Those few speakers who specifically addressed the categories of infiltration/inflow correction and sewer rehabilitation generally urged that they remain eligible as at present.

Many of the comments from local officials related to collectors of wet weather overflows from combined sewers. Opinion was divided on eligibility for both types of facilities. Wet-weather-related water pollution problems are critical, one of California's local officials testified. Elimination of eligibility, another said, would have a "disastrous effect" on cities with combined sewers. Local officials from Tennessee and Kentucky stated that without Federal financial assistance their combined overflow problems would not be corrected. One official, however, testified that costs of overflow treatment and control are enormous, while the benefits are negligible,

and thus considerable restriction of funding this category might be warranted. An official for a Missouri municipal sewer district recommended a lower grant rate for treatment of combined overflows and no grant for separation of a combined sewer system.

With regard to collector sewers, many local officials testified that elimination of eligibility was acceptable, particularly if other grant programs would be utilized. Those who favored eliminating collectors made several points: (1) collectors should be a local responsibility; (2) there is adequate local incentive to install collectors when they are needed; (3) cities which have always locally-financed collection systems consider it inequitable for other similar cities to receive grants; (4) director cost-to-service relationships, benefits to property value, and special financing mechanisms make it much easier to charge residents the costs of collectors than of other pollution-control facilities.

One speaker recommended lowering the grant rate for collectors to 33 percent. Another official asserted that if EPA were interested in eliminating collector eligibility, it should be done in the very near future, since many communities delayed needed investment in hopes of receiving a grant.

### Professional Groups

Most witnesses for engineering firms or societies urged continuation of present eligibilities, and reliance on cost-effectiveness analysis for selection of the best means to solve particular water pollution problems. The tone of comments generally was that "diverse problems need diverse solutions" and "different projects meet goals by different means." The Water Pollution Control Federation representative stated that flexibility in eligibility was needed to allow the program to be tailored to different State and local needs.

"Intelligent cost-effectiveness analysis is a proper device for determining funding," one speaker asserted. Another person argued that the present range of eligibilities was most cost-effective because "all alternatives are funded alike." A representative of the National Society of Professional Engineers said that denying aid for one or more elements in a pollution control systems would in some cases encourage the grant recipient to take action other than that most cost-effective. Local officials favor elements eligible over those not eligible, one person suggested, despite possible relative ineffectiveness of eligible elements.

Speakers praised the current priority list system as "rational and efficient" and as "a good management philosophy."

Among comments supporting a limit on eligibilities, several of the persons testifying favored a reduction in share or elimination of eligibility for stormwater treatment and/or control. One such speaker also favored elimination of eligibility for correction of combined overflow problems in order to allow an "orderly" funding program. Another person who specifically addressed eligibility for collector sewers said there was a need for Federal financial assistance for such facilities in some areas.

#### Environmental Groups

Not all of the environmental groups that testified addressed themselves to the question of eligibilities. Among the groups who appeared, opinion was divided but tended to oppose restrictions in eligibility. Speakers opposing restrictions included those representing the National Resources Defense Council, the Georgia Fish and Wildlife Federation, the Conservation Foundation, and the San Francisco Bay Oceanic Society.

A spokesman for the California chapter of Friends of the Earth, however, said a restriction to categories I, II, and IVB "sounds reasonable." Arguing the Federal assistance should not be for "frills" or to make up for "local mismanagement," a spokesman for the California chapter of the Sierra Club said that infiltration/inflow correction, sewer rehabilitation, and

separation of combined sewers should be a local responsibility. Interceptors and collectors, he added, should be eligible for Federal assistance when they were part of a regional system.

A representative of the Georgia Fish and Wildlife Federation said that while all current categories should remain eligible, allocations among States should be made only the basis of needs for categories I, II, and IVB.

The Morris County (New Jersey) Conservation Coalition, which said that a broad range of options should be kept open for funding, nevertheless took the position that some stormwater problems should be dealt with "before the fact" to minimize recourse to capital-intensive construction techniques.

#### Alternative Approaches

1. Make allocations to States only on basis of needs in categories I, II, and IVB, but let States set own project priorities with current eligibilities.

2. Lower the grant rate for certain types of projects, particularly stormwater.

3. Make legal and engineering fees ineligible project costs. The present regulations dealing with these items result in project delays too long to make the amounts in question worth inclusion in the grant program.

4. Institute a separate grant program for stormwater treatment and/or control, rely on 208 planning to determine project eligibility.

#### Discussion Topics

1. Since collector sewer construction has been a traditional local responsibility, and since Federal assistance for sewer construction is now available through the Farmers Home Administration and the HUD block grant program, why should EPA continue to provide assistance for sewer construction?

A number of persons commented that collectors should not be funded through the Title II grant program although several speakers added that EPA did not now fund collectors even though they were eligible under the Act. Speakers favoring elimination of eligibility stressed that financing collectors has historically been the responsibility of local governments, and officials encountered relatively little resistance from residents in paying the full cost of local residents in bearing the full cost of collectors. One or two persons referred to the need for a strong Farmers' Home Administration type assistance program for financially hard-pressed communities; no one referred specifically to utilization of the HUD program as a source of collector funding.

Other speakers, however, said EPA should continue to provide assistance for collectors because alternative sources of funding

were inadequate in some cases. By retaining the flexibility to fund collectors, these speakers tended to argue, EPA would insure more rapid progress in the water pollution control program.

2. For a given level of Federal funding, what types of projects are of highest priority for pollution abatement?

Very few speakers answered this question directly. Most of those who answered it implicitly, however, tended to discredit the attempt to generalize. Several people recommended that treatment plants, interceptors, major rehabilitation and correction of combined sewer overflows specifically remain eligible. A Tampa, Florida, official suggested priorities roughly in the following order: sewage treatment plants; interceptor sewers; collector sewers; correction of combined sewer overflows; and stormwater treatment and control. But he cautioned, "I can see . . . that may not work for every State."

Wet-weather-related problems were generally accorded lowest priority, although in certain States these problems were a major concern and spokesmen argued that facilities to correct such problems should be high priority items. Collector sewers were accorded high priority only where they were needed to replace failing septic tanks.

3. Is it inequitable to provide Federal assistance for combined sewer overflow and stormwater projects in some communities before meeting secondary treatment needs in others?

No one indicated such a perceived inequity among communities within the same State. Indeed, much of the testimony supported a strong State role in apportioning funds among its communities according to its perception of greatest needs, regardless of the type of facility that might meet that need.

However, a number of those persons who testified complained that the most recent Congressional allocation of funds among States was inequitable, tending to reward those States which cited high needs for correction of combined sewer overflows or treatment and/or control of stormwaters. The suggested correction for this inequity was not statutory elimination of eligibility for these facilities, but rather allocation of funds among States only on the basis of needs for facilities in categories I, II, and IVB of the 1974 Needs Survey.

4. Would a restriction of project eligibilities result in a greater local incentive for non-structural pollution control techniques (in contrast with capital intensive), as might be provided by 208 planning?

Virtually no one addressed this question explicitly or implicitly. Several speakers suggested "broadening" eligibilities, but not specifically to non-structural alternatives. One person said municipalities undertake most pollution control activities because "they are required to do so," coupled with the fact that financial assistance is available for required actions. If this is true, elimination of eligibility itself would accomplish



little in the way of encouraging non-structural techniques. Another person said stormwater should be handled "before the fact", presumably by a management strategy, but did not link such handling to any incentive in the current grant program.

#### EXTENDING THE 1977 DATE FOR THE PUBLICLY-OWNED TREATMENT WORKS TO ACHIEVE COMPLIANCE WITH SECTION 301 OF THE ACT

The hearing dealt with the issue of whether P.L. 92-500 should be amended to extend the date by which publicly-owned treatment works are to achieve compliance with requirements of Section 301 of the statute.

#### Summary of Testimony

Widespread support was expressed for this amendment. The principal factor identified as responsible for a need to extend the July 1, 1977 treatment deadline was the unavailability of Federal funds when needed for construction or because of an inadequate projection of needs which has resulted in insufficient funding. One witness quoted the National Water Quality Commission as estimating a need for \$105 billion to achieve secondary treatment requirements of the Act.

Another factor frequently mentioned was the delay caused by the lead time needs associated with the design and construction of large facilities. Mention was also made of the time consuming requirements EPA has developed for the approval of grant applications.

Response at the hearings emphasized three options: (1) a case-by-case extension of the July 1, 1977 requirements of the law based upon funding capabilities; (2) an across-the-board extension of the deadline - time generally ranging from two to five years; and (3) the elimination of the July 1, 1977 deadline for municipalities with compliance required for the 1983 statutory deadlines instead.

Approximately a third of the participants favored the extension of the July 1, 1977 secondary treatment requirements without indicating a preference for any given extension procedure. An insignificant number of participants were either not affected by a deadline extension or were against an extension under any circumstances for equity or environmental reasons. Another insignificant number of participants favored eliminating the July 1, 1977 compliance deadline while enforcing the 1983 compliance deadline of the Act. The remaining participants indicated support of specific procedural options. Public agencies strongly favored a case-by-case extension of the deadline as did industry and professional groups. In most cases the extension was to be based upon the availability of funding (not limited to Federal grants) and good faith efforts of the facility. Environmental groups were evenly divided between a case-by-case extension of the deadline and an across-the-board extension of the deadline. However, environmental groups were generally

against an explicit funding link for compliance and supported instead a judgment based upon the facilities' good faith efforts to comply, taking the construction grants delay into consideration as well.

### Related Topics

Other topics related to or affected by this amendment were introduced at the hearings. The issue of reimbursement was one. If an applicant commences construction prior to a Step III grant award, the applicant cannot be reimbursed for such costs. This limitation has aggravated construction delays, so it was felt, by some witnesses, that the law's restriction should be amended to allow for reimbursement of construction costs.

Another suggestion was made to amend the secondary treatment regulations and make them responsive to different types of facilities as well as local conditions. It was also recommended that water quality standards should be the determining factor of compliance, with secondary treatment required only in those cases where water quality standards have been violated.

The question of what factors should be taken into consideration when granting a compliance extension to a facility was also discussed at the hearings. In addition to funding and good faith efforts some individuals believed that if funding

of current eligibilities was to be modified, the treatment deadline should reflect the change. Also, environmental groups felt that the extension should be justified by the discharger.

An interesting point was raised by a consultant supporting the extension of the July 1, 1977 treatment deadline for municipalities. Apparently, municipal pollution abatement has not been as effective as industrial pollution abatement, even when taking into consideration rates of financial expenditure. One reason for this is because the current funding system provides an incentive to build very large and complicated POTW's which over estimate needs and are essentially inefficient when dealing with current loads. Another is that EPA criteria excludes some waste treatment systems which may, in some cases, be more effective in improving water quality than those currently accepted by our regulations. Essentially the consultant recommended that the law's requirements be delayed to allow for the efficient design and construction of facilities based on a technically reasonable analysis of the needs of the community.

#### Professional Groups

The issue of industrial compliance was also raised at the hearings. Industrial representatives questioned EPA policy regarding those industrial facilities which were going to or

are currently discharging into a municipal facility and the municipal facility is granted a compliance extension - current EPA policy requires industrial facilities to comply with prescribed treatment requirements by July 1, 1977, including pre-treatment requirements. Industrial groups wanted to be granted an extension commensurate to the municipal extension. Witnesses for the industrial groups felt they were subject to similar economic and technological pressures as were the municipalities, notwithstanding Federal support of municipal construction. Furthermore, many industrial facilities which contemplate using offsite joint treatment systems are dependent upon the successful construction of municipal plants to complete their treatment requirements. These industrial facilities do not want to be required to construct a treatment plant to be only utilized for a short time while awaiting construction of a POTW.

#### DELEGATING A GREATER PORTION OF THE MANAGEMENT OF THE CONSTRUCTION GRANTS PROGRAM TO THE STATES

##### Summary of Testimony

The record strongly supports greater delegation of program responsibility to the states but only with the recognition that States need additional funding and manpower and that delegation should be done in such a way as not to slow down the program.

Several witnesses encouraged EPA to take quick action on establishing the guidelines for greater delegation, in anticipation of the passage of enabling legislation.

In response to questions from the panel, States indicated that they would need a relatively short time to assume greater program responsibility--perhaps 3-12 months. The record also shows that support was widespread for the concept of phasing-in of State responsibility concurrent with the availability of State resources.

## APPENDIX

THE FOLLOWING LISTS INCLUDE THE NAMES OF THE WITNESSES APPEARING AT EACH HEARING PLUS THE STATEMENTS RECEIVED FOR THE RECORD. ALTHOUGH THE RECORD OFFICIALLY CLOSED ON JULY 7, 1975, ANY STATEMENTS RECEIVED BY THE ENVIRONMENTAL PROTECTION AGENCY AT ITS WASHINGTON, D.C. HEADQUARTERS BY JULY 15, 1975, HAVE BEEN INCLUDED.

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