August 24, 2015

HOUSE TRANSPORTATION AND INFRASTRUCTURE SUBCOMMITTEE REQUESTS COALITION COMMENTS ON DRAFT CLEAN WATER BILL

The House Transportation and Infrastructure Subcommittee on Water Resources and Environment (Democrat staff) has reached out to Clean Water Construction Coalition representatives requesting our review and comment concerning draft legislation that provides 5 year funding for the Clean Water SRF. The draft bill is titled the “Water Quality Protection and Job Creation Act of 2015” and amends the Federal Water Pollution Control Act. The draft measure provides funds to the CWSRF for 5 years. Funding ranges from $2.4 billion in federal fiscal year 2016 to $3 billion in federal fiscal year 2020.

The draft bill is in its early development stages and much more language is expected to be added to the bill. The areas that are bracketed are specific areas that the Subcommittee wishes to receive comments on. Please review the measure and submit your comments to the Coalition office to Helene@utcanj.org by September 7, 2015.

OCTOBER NATIONAL MEETING HAS BEEN SCHEDULED IN CHICAGO

Over the past year Clean Water Construction Coalition representatives have been working with a group of non-Coalition Utility Contractor Associations from the western United States. The group has scheduled a two-day meeting in Chicago to discuss issues facing the industry. Several Coalition members have been participating with this group and plan to attend the meeting. Day one is going to focus on association management related issues such as membership services, dues and non-dues income and other related topics. The second day will focus on regulatory and legislative issues impacting the industry. This is a good opportunity for the members of the Clean Water Construction Coalition to attend and discuss matters with these other associations.

The event is scheduled for October 22 – 23, 2015 with the first meeting starting at 9:00 am on October 22, 2015. A special rate is available by using the Westin Chicago link below.

Lodging
Westin Chicago NW
400 Park Blvd. http://www.westinchicagonorthwest.com/underground
Itasca, IL 60143
(630) 773-4000

Meeting Location
Underground Contractors Association of Illinois
500 Park Blvd. Ste: 154C
Itasca, IL 60143

If you plan to attend, please contact Dennis Hart at (732) 292-4300 or by email at Dennis@utcanj.org
[DISCUSSION DRAFT]
114TH CONGRESS
1ST SESSION
H. R. ______

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. ______ introduced the following bill; which was referred to the Committee on ____________________________

A BILL

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) In General.—This Act may be cited as the “Water Quality Protection and Job Creation Act of 2015”.

(b) Table of Contents.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Federal Water Pollution Control Act.
TITLE I—WATER QUALITY FINANCING

Subtitle A—Technical and Management Assistance

Sec. 101. Technical assistance.
Sec. 102. State management assistance.
Sec. 103. Watershed pilot projects.

Subtitle B—State Water Pollution Control Revolving Funds

Sec. 111. Capitalization grant agreements.
Sec. 112. Water pollution control revolving loan funds.
Sec. 113. State planning assistance.
Sec. 114. Intended use plan.
Sec. 115. Technical assistance.

Subtitle C—Tonnage Duties

Sec. 121. Tonnage duties.

Subtitle D—Innovative Financing Pilot Projects

Sec. 131. Determination of eligibility and project selection.

TITLE II—GRANTS

Sec. 201. Pilot program for alternative water source projects.
Sec. 202. Sewer overflow control grants.

SEC. 2. AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).
TITLE I—WATER QUALITY
FINANCING
Subtitle A—Technical and Management Assistance

SEC. 101. TECHNICAL ASSISTANCE.

(a) Technical Assistance for Rural and Small Treatment Works.—Section 104(b) (33 U.S.C. 1254(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following:

“(8) make grants to nonprofit organizations—

“(A) to provide technical assistance to rural, small, and tribal municipalities for the purpose of assisting, in consultation with the State in which the assistance is provided, such municipalities and tribal governments in the planning, developing, and acquisition of financing for eligible projects described in section 603(c);

“(B) to provide technical assistance and training for rural, small, and tribal publicly owned treatment works and decentralized
wastewater treatment systems to enable such

treatment works and systems to protect water

quality and achieve and maintain compliance

with the requirements of this Act; and

“(C) to disseminate information to rural,

small, and tribal municipalities and municipali-

ties that meet the affordability criteria estab-

lished under section 603(i)(2) by the State in

which the municipality is located with respect to

planning, design, construction, and operation of

publicly owned treatment works and decentral-

ized wastewater treatment systems.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section

104(u) (33 U.S.C. 1254(u)) is amended—

(1) by striking “and (6)” and inserting “(6)”;

and

(2) by inserting before the period at the end the

following: “; and (7) not to exceed $100,000,000 for

each of fiscal years 2016 through 2020 for carrying

out subsections (b)(3), (b)(8), and (g), except that

not less than 20 percent of the amounts appro-

priated pursuant to this paragraph in a fiscal year

shall be used for carrying out subsection (b)(8)”.


SEC. 102. STATE MANAGEMENT ASSISTANCE.

(a) Authorization of Appropriations.—Section 106(a) (33 U.S.C. 1256(a)) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the semicolon at the end of paragraph (2) and inserting “; and”; and

(3) by inserting after paragraph (2) the following:

“(3) such sums as may be necessary for each of fiscal years 1991 through 2015, and $300,000,000 for each of fiscal years 2016 through 2020;”.

(b) Technical Amendment.—Section 106(e) (33 U.S.C. 1256(e)) is amended by striking “Beginning in fiscal year 1974 the” and inserting “The”.

SEC. 103. WATERSHED PILOT PROJECTS.

The first sentence of section 122(c) is amended to read as follows:

“(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $120,000,000 for each of fiscal years 2016 through 2020.”.
Subtitle B—State Water Pollution Control Revolving Funds

SEC. 111. CAPITALIZATION GRANT AGREEMENTS.

Section 602(b) (33 U.S.C. 1382(b)) is amended—

(1) in paragraph (13)(B)(iii), by striking “; and” and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(15) the State will use at least 15 percent of the amount of each capitalization grant received by the State under this title after September 30, 2015, to provide assistance to municipalities of fewer than 10,000 individuals that meet the affordability criteria established by the State under section 603(i)(2) for projects or activities included on the State’s priority list under section 603(g), to the extent that there are sufficient applications for such assistance.”.

SEC. 112. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

Section 603(d) (33 U.S.C. 1383(d)) is amended—

[(1) by striking “and” at the end of paragraph (6);]
[(2) by striking the period at the end of paragraph (7) and inserting a semicolon; and]

[(3) by adding at the end the following:]

“(8) to provide grants to owners and operators of treatment works that serve a population of 10,000 or fewer for obtaining technical and planning assistance and assistance in financial management, user fee analysis, budgeting, capital improvement planning, facility operation and maintenance, equipment replacement, and other activities to improve wastewater treatment plant management and operations, except that the total amount provided by the State in grants under this paragraph for a fiscal year may not exceed one percent of the total amount of assistance provided by the State from the fund in the preceding fiscal year, or 2 percent of the total amount received by the State in capitalization grants under this title in the preceding fiscal year, whichever amount is greatest; and]

“(9) to provide grants to owners and operators of treatment works for conducting an assessment of the energy and water consumption of the treatment works, and evaluating potential opportunities for energy and water conservation through facility operation and maintenance, equipment replacement, and
projects or activities that promote the efficient use of energy and water by the treatment works, except that the total amount provided by the State in grants under this paragraph for a fiscal year may not exceed one percent of the total amount of assistance provided by the State from the fund in the preceding fiscal year, or 2 percent of the total amount received by the State in capitalization grants under this title in the preceding fiscal year, whichever amount is greatest.”]

[SEC. 113. STATE PLANNING ASSISTANCE.]

Section 604(b) (33 U.S.C. 1384(b)) is amended by striking “1 percent” and inserting “2 percent”.

SEC. 114. INTENDED USE PLAN.

(a) INTEGRATED PRIORITY LIST.—Section 603(g) (33 U.S.C. 1383(g)) is amended to read as follows:

“(g) PRIORITY LIST.—

“(1) IN GENERAL.—For fiscal year 2017 and each fiscal year thereafter, a State shall establish or update a list of projects and activities for which assistance is sought from the State’s water pollution control revolving fund. Such projects and activities shall be listed in priority order based on the methodology established under paragraph (2). The State may provide financial assistance from the State’s
water pollution control revolving fund only with re-
spect to a project or activity included on such list. 

In the case of projects and activities eligible for as-
sistance under subsection (c)(2), the State may in-
clude on such list a category or subcategory of 
nonpoint sources of pollution to be addressed.

“(2) Methodology.—

“(A) In general.—Not later than 1 year 
after the date of enactment of this paragraph, 
and after providing notice and opportunity for 
public comment, each State shall establish a 
methodology for developing a priority list under 
paragraph (1).

“(B) Priority for projects and ac-
tivities that achieve greatest water 
quality improvement.—In developing the 
methodology, the State shall seek to achieve the 
greatest degree of water quality improvement, 
taking into consideration—

“(i) the requirements of section 
602(b)(5);

“(ii) whether such water quality im-
provements would be realized without as-
sistance under this title; and
“(iii) whether the proposed projects and activities would address water quality impairments associated with existing treatment works.

“(C) Considerations in selecting projects and activities.—In determining which projects and activities will achieve the greatest degree of water quality improvement, the State shall consider—

“(i) information developed by the State under sections 303(d) and 305(b);

“(ii) the State’s continuing planning process developed under sections 205(j) and 303(e);

“(iii) whether such project or activity may have a beneficial impact related to the purposes identified under section 302(a);

“(iv) the State’s management program developed under section 319; and

“(v) conservation and management plans developed under section 320 with respect to an estuary lying in whole or in part within the State.

“(D) Nonpoint sources.—For categories or subcategories of nonpoint sources of pollu-
tion that a State may include on its priority list under paragraph (1), the State shall consider the cumulative water quality improvements associated with projects or activities carried out pursuant to the listing of such categories or subcategories.

“(E) EXISTING METHODOLOGIES.—If a State has previously developed, after providing notice and an opportunity for public comment, a methodology that meets the requirements of this paragraph, the State may use the methodology for the purposes of this subsection.”.

(b) INTENDED USE PLAN.—Section 606(c) (33 U.S.C. 1386(c)) is amended—

(1) in the matter preceding paragraph (1) by inserting “and publish” after “each State shall annually prepare”;

(2) by striking paragraph (1) and inserting the following:

“(1) the State’s priority list developed under section 603(g);”;

(3) in paragraph (4), by striking “and” at the end;

(4) by striking the period at the end of paragraph (5) and inserting “; and”; and
(5) by adding at the end the following:

“(6) if the State does not fund projects and activities in the order of the priority established under section 603(g), an explanation of why such a change in order is appropriate.”.

(c) TRANSITIONAL PROVISION.—Before completion of a priority list based on a methodology established under section 603(g) of the Federal Water Pollution Control Act (as amended by this section), a State shall continue to comply with the requirements of sections 603(g) and 606(c) of such Act, as in effect on the day before the date of enactment of this Act.

[SEC. 115. TECHNICAL ASSISTANCE.

Section 607 is amended to read as follows:]

[“SEC. 607. TECHNICAL ASSISTANCE.

“(a) SIMPLIFIED PROCEDURES.—Not later than 1 year after the date of enactment of this section, the Administrator shall assist the States in establishing simplified procedures for treatment works to obtain assistance under this title.”]

“(b) PUBLICATION OF MANUAL.—Not later than 2 years after the date of the enactment of this section, and after providing notice and opportunity for public comment, the Administrator shall publish a manual to assist treatment works in obtaining assistance under this title and
publish in the Federal Register notice of the availability
of the manual.]

“(c) COMPLIANCE CRITERIA.—At the request of any
State, the Administrator, after providing notice and an op-
portunity for public comment, shall assist in the develop-
ment of criteria for a State to determine compliance with
the conditions of funding assistance established under sec-
tions 602(b)(13) and 603(d)(1)(E).”.

[SEC. 116. AUTHORIZATION OF APPROPRIATIONS.
Title VI (33 U.S.C. 1381 et seq.) is amended by add-
ing at the end the following:]

“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.
““There is authorized to be appropriated to carry out
the purposes of this title the following sums:

““(1) $2,400,000,000 for fiscal year 2016.”
““(2) $2,700,000,000 for fiscal year 2017.”
““(3) $2,800,000,000 for fiscal year 2018.”
““(4) $2,900,000,000 for fiscal year 2019.”
““(5) $3,000,000,000 for fiscal year 2020.”.”

Subtitle C—Tonnage Duties

SEC. 121. TONNAGE DUTIES.
(a) IN GENERAL.—Section 60301 of title 46, United
States Code, is amended by striking subsections (a) and
(b) and inserting the following:

“(a) LOWER RATE.—
“(1) IMPOSITION OF DUTY.—A duty is imposed at the rate described in paragraph (2) at each entry in a port of the United States of—

“(A) a vessel entering from a foreign port or place in North America, Central America, the West Indies Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering the Caribbean Sea; or

“(B) a vessel returning to the same port or place in the United States from which it departed, and not entering the United States from another port or place, except—

“(i) a vessel of the United States;

“(ii) a recreational vessel (as defined in section 2101 of this title); or

“(iii) a barge.

“(2) RATE.—The rate referred to in paragraph (1) shall be—

[(“(A) 9.0 cents per ton (but not more than a total of 45 cents per ton per year) for fiscal years 2016 through 2025; and]

[(“(B) 2 cents per ton (but not more than a total of 10 cents per ton per year) for each fiscal year thereafter.]]

“(b) HIGHER RATE.—
“(1) IMPOSITION OF DUTY.—A duty is imposed at the rate described in paragraph (2) on a vessel at each entry in a port of the United States from a foreign port or place not named in subsection (a)(1).

“(2) RATE.—The rate referred to in paragraph (1) shall be—

[(“(A) 27 cents per ton (but not more than a total of $1.35 per ton per year) for fiscal years 2016 through 2025; and]

[(“(B) 6 cents per ton (but not more than a total of 30 cents per ton per year) for each fiscal year thereafter.”).]

(b) CONFORMING AMENDMENTS.—Such title is further amended—

(1) by striking the heading for subtitle VI and inserting the following:

“Subtitle VI—Clearance and Tonnage Duties”;

(2) in the heading for chapter 603, by striking “TAXES” and inserting “DUTIES”;

(3) in the headings of sections in chapter 603, by striking “taxes” each place it appears and inserting “duties”;
(4) in the heading for subsection (a) of section 60303, by striking “TAX” and inserting “DUTY”;

(5) in the text of sections in chapter 603, by striking “taxes” each place it appears and inserting “duties”; and

(6) in the text of sections in chapter 603, by striking “tax” each place it appears and inserting “duty”.

(e) CLERICAL AMENDMENTS.—Such title is further amended—

(1) in the title analysis by striking the item relating to subtitle VI and inserting the following:

“VI. CLEARANCE AND TONNAGE DUTIES ....................... 60101”;

(2) in the analysis for subtitle VI by striking the item relating to chapter 603 and inserting the following:

“603. Tonnage Duties and Light Money ................................................. 60301”;

and

(3) in the analysis for chapter 603—

(A) by striking the items relating to sections 60301 and 60302 and inserting the following:

“60301. Regular tonnage duties.
“60302. Special tonnage duties.”;

and
(B) by striking the item relating to section 60304 and inserting the following:

“60304. Presidential suspension of tonnage duties and light money.”.

Subtitle D—Innovative Financing Pilot Projects

SEC. 131. DETERMINATION OF ELIGIBILITY AND PROJECT SELECTION.

(a) REPEAL OF LIMITATION.—Section 5028(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3907(a)) is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(b) CONFORMING AMENDMENTS.—Section 5034(b)(2) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3913(b)(2)) is amended—

(1) by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as paragraphs (A) and (B), respectively; and

(2) in subparagraph (B), as so redesignated, by striking “subparagraphs (A) and (B)” and inserting “subparagraph (A)”.

TITLE II—[GRANTS]

SEC. 201. PILOT PROGRAM FOR ALTERNATIVE WATER SOURCE PROJECTS.

(a) IN GENERAL.—Section 220(b) (33 U.S.C. 1300(b)) is amended to read as follows:
“(b) IN GENERAL.—The Administrator may establish a pilot program to make grants to State, interstate, and intrastate water resource development agencies (including water management districts and water supply authorities), and local government agencies for alternative water source projects to meet critical water supply needs.”.

(b) SELECTION OF PROJECTS.—Section 220(d) (33 U.S.C. 1300(d)) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) COMMITTEE RESOLUTION PROCEDURE.—Section 220 (33 U.S.C. 1300(e)) is amended by striking subsection (e) and redesignating subsections (f) through (j) as subsections (e) through (i), respectively.

(d) DEFINITIONS.—Section 220(h)(1) (as redesignated by subsection (c) of this section) is amended by striking “or wastewater or by treating wastewater” and inserting “, wastewater, or stormwater or by treating wastewater or stormwater”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 220(i) (as redesignated by subsection (c) of this section) is amended by striking “$75,000,000 for fiscal years 2002 through 2004” and inserting “$50,000,000 for each of fiscal years 2016 through 2020”.

SEC. 202. SEWER OVERFLOW CONTROL GRANTS.

Section 221 (33 U.S.C. 1301) is amended—

(1) by amending the section heading to read as follows: “SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS”;

(2) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—

“(1) GRANTS TO STATES.—The Administrator may make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, design, and construction of treatment works to intercept, transport, control, treat, or reuse municipal combined sewer overflows, sanitary sewer overflows, or stormwater.

“(2) DIRECT MUNICIPAL GRANTS.—Subject to subsection (g), the Administrator may make a direct grant to a municipality or municipal entity for the purposes described in paragraph (1).”;

(3) by amending subsection (e) to read as follows:

“(e) ADMINISTRATIVE REQUIREMENTS.—A project that receives assistance under this section shall be carried out subject to the same requirements as a project that receives assistance from a State water pollution control revolving fund under title VI, except to the extent that...
the Governor of the State in which the project is located determines that a requirement of title VI is inconsistent with the purposes of this section. For the purposes of this subsection, a Governor may not determine that the requirements of title VI relating to the application of section 513 are inconsistent with the purposes of this section.”;

(4) by amending subsection (f) to read as follows:

“(f) Authorization of Appropriations.—

“(1) In general.—There is authorized to be appropriated to carry out this section $500,000,000 for each of fiscal years 2016 through 2020.

“(2) Minimum allocations.—To the extent there are sufficient eligible project applications, the Administrator shall ensure that a State uses not less than 20 percent of the amount of the grants made to the State under subsection (a) in a fiscal year to carry out projects to intercept, transport, control, treat, or reuse municipal combined sewer overflows, sanitary sewer overflows, or stormwater through the use of green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities.”; and

(5) by amending subsection (g) to read as follows:
“(g) ALLOCATION OF FUNDS.—

“(1) FISCAL YEAR 2016.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2016 for making grants to municipalities and municipal entities under subsection (a)(2) in accordance with the criteria set forth in subsection (b).

“(2) FISCAL YEAR 2017 AND THEREAFTER.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2017 and each fiscal year thereafter for making grants to States under subsection (a)(1) in accordance with a formula to be established by the Administrator, after providing notice and an opportunity for public comment, that allocates to each State a proportional share of such amounts based on the total needs of the State for municipal combined sewer overflow controls, sanitary sewer overflow controls, and stormwater identified in the most recent survey conducted pursuant to section 516 and any other information the Administrator considers appropriate.”.