

114TH CONGRESS  
1ST SESSION

# H. R. 1093

To direct the Administrator of the Environmental Protection Agency to carry out a pilot program to work with municipalities that are seeking to develop and implement integrated plans to meet their wastewater and stormwater obligations under the Federal Water Pollution Control Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2015

Mr. CHABOT (for himself, Ms. FUDGE, Mr. RODNEY DAVIS of Illinois, Mr. WENSTRUP, Mr. SIMPSON, and Mr. DUNCAN of South Carolina) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To direct the Administrator of the Environmental Protection Agency to carry out a pilot program to work with municipalities that are seeking to develop and implement integrated plans to meet their wastewater and stormwater obligations under the Federal Water Pollution Control Act, and for other purposes.

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 “Clean Water Compli-  
5 ance and Ratepayer Affordability Act of 2015”.

1 **SEC. 2. INTEGRATED MUNICIPAL STORMWATER AND**  
2 **WASTEWATER APPROACH FRAMEWORK.**

3 (a) **IN GENERAL.**—In the first 5 fiscal years begin-  
4 ning after the date of enactment of this Act, the Adminis-  
5 trator of the Environmental Protection Agency, in coordi-  
6 nation with appropriate State, local, and regional authori-  
7 ties, shall carry out a pilot program under which the Ad-  
8 ministrator shall work cooperatively with and facilitate the  
9 efforts of municipalities to develop and implement inte-  
10 grated plans to meet their wastewater and stormwater ob-  
11 ligations under the Federal Water Pollution Control Act  
12 (33 U.S.C. 1251 et seq.) in a more cost-effective and flexi-  
13 ble manner.

14 (b) **FRAMEWORK.**—The Administrator shall carry out  
15 the pilot program in a manner that is consistent with the  
16 Integrated Municipal Stormwater and Wastewater Ap-  
17 proach Framework issued by the Environmental Protec-  
18 tion Agency, dated May 2012.

19 (c) **SELECTION OF MUNICIPALITIES.**—

20 (1) **IN GENERAL.**—The Administrator, in con-  
21 sultation with States that have approved National  
22 Pollutant Discharge Elimination System programs,  
23 shall select not fewer than 15 municipalities to par-  
24 ticipate in the pilot program each fiscal year.

1           (2) ELIGIBILITY OF MUNICIPALITIES.—A mu-  
2           nicipality shall be eligible to participate in the pilot  
3           program if the municipality—

4                   (A) is a National Pollutant Discharge  
5           Elimination System permit holder or designee;  
6           or

7                   (B) is operating under an administrative  
8           order, administrative consent agreement, or ju-  
9           dicial consent decree to comply with the re-  
10          quirements of the Federal Water Pollution Con-  
11          trol Act (33 U.S.C. 1251 et seq.).

12          (3) FACTORS.—In selecting municipalities  
13          under paragraph (1), the Administrator shall—

14                   (A) specifically focus on—

15                           (i) municipalities that are operating  
16                           under an administrative order, administra-  
17                           tive consent agreement, or judicial consent  
18                           decree to comply with the requirements of  
19                           the Federal Water Pollution Control Act;

20                           (ii) municipalities facing compliance  
21                           issues under the Federal Water Pollution  
22                           Control Act, in addition to the municipali-  
23                           ties described in clause (i); and

24                           (iii) municipalities that are affected by  
25                           affordability constraints in planning and

1 implementing control measures to address  
2 wet weather discharges from their waste-  
3 water and stormwater facilities; and

4 (B) give priority to eligible municipalities  
5 with a history of knowledgeable, detailed, and  
6 comprehensive efforts to develop integrated and  
7 adaptive clean water management practices,  
8 without regard to the status of the municipality  
9 in the process of planning or implementing such  
10 practices.

11 (d) APPROVAL OF INTEGRATED PLANS.—

12 (1) IN GENERAL.—In approving the integrated  
13 plan of a municipality under the pilot program, the  
14 Administrator shall—

15 (A) account for the financial capability of  
16 the municipality to adequately address the re-  
17 quirements of the Federal Water Pollution Con-  
18 trol Act that apply to the municipality;

19 (B) prioritize the obligations of the munici-  
20 pality under the Federal Water Pollution Con-  
21 trol Act according to the most cost-effective and  
22 environmentally beneficial outcomes;

23 (C) account for the maintenance, oper-  
24 ational, and regulatory obligations of the mu-  
25 nicipality; and

1 (D) enable the municipality to implement  
2 innovative and flexible approaches to meet the  
3 obligations of the municipality under the Fed-  
4 eral Water Pollution Control Act.

5 (2) USE OF ADAPTIVE MANAGEMENT AP-  
6 PROACHES.—

7 (A) PRIORITY.—In selecting municipalities  
8 to participate in the program, the Adminis-  
9 trator may give priority to a municipality that  
10 is seeking to develop and implement an inte-  
11 grated plan that includes adaptive approaches  
12 to account for changed or future uncertain cir-  
13 cumstances.

14 (B) TYPES OF ADAPTIVE APPROACHES.—  
15 Adaptive approaches referred to in subpara-  
16 graph (A) include, at a minimum—

17 (i) the use of new innovative technical  
18 or institutional approaches; and

19 (ii) the ability to adapt the integrated  
20 plan in response to new regulatory require-  
21 ments and reductions in financial capa-  
22 bility.

23 (3) ADDITIONAL AUTHORITIES.—In carrying  
24 out the pilot program, the Administrator may, in full

1 coordination and mutual agreement with a municipi-  
2 pality selected to participate in the pilot program—

3 (A) extend the allowable national pollutant  
4 discharge elimination system permit term under  
5 section 402 of the Federal Water Pollution  
6 Control Act (33 U.S.C. 1342) to a maximum of  
7 25 years, and make corresponding changes to  
8 any associated implementation schedule;

9 (B) modify the implementation terms of a  
10 consent decree entered into by the municipality  
11 with the Administrator pursuant to that Act;  
12 and

13 (C) provide additional regulatory flexibility  
14 under that Act in approving and implementing  
15 an integrated plan that includes adaptive ap-  
16 proaches in order to encourage the innovation  
17 integral to such approaches.

18 (e) MUNICIPALITY DEFINED.—In this section, the  
19 term “municipality” means a county, city, town, township,  
20 or subdivision of a State or local government.

21 (f) REPORT TO CONGRESS.—Not later than 1 year  
22 after the date of enactment of this Act, and each year  
23 thereafter for 5 years, the Administrator shall transmit  
24 to Congress a report on the results of the pilot program,  
25 including a description of the specific outcomes expected

- 1 to be achieved that will reduce the costs of complying with
- 2 the requirements of the Federal Water Pollution Control
- 3 Act for municipalities participating in the program and
- 4 similarly situated municipalities.

