

H.R. 1589: Mr. HOEKSTRA, Mr. SAXTON, and Mr. MCKEON.
 H.R. 1594: Mr. RAMSTAD, Mr. SOLOMON, and Mr. CHRISTENSEN.
 H.J. Res. 79: Mr. BONILLA.
 H. Con. Res. 36: Mr. ZIMMER.
 H. Con. Res. 37: Mr. ZIMMER.
 H. Con. Res. 40: Mr. HOUGHTON, Mr. ACKERMAN, Ms. MCKINNEY, Mr. JEFFERSON, and Mr. JOHNSTON of Florida.
 H. Con. Res. 48: Mr. DEUTSCH, Mr. NEY, Mr. BROWN of Ohio, Mr. LAFALCE, Ms. LOWEY, Mrs. MEYERS of Kansas, Mrs. CLAYTON, and Mr. ACKERMAN.
 H. Con. Res. 59: Mr. BROWN of Ohio.
 H. Res. 23: Mr. BROWN of Ohio.
 H. Res. 24: Mr. MCKEON.
 H. Res. 98: Ms. FURSE, Mr. BUNN of Oregon, and Mr. MARTINEZ.
 H. Res. 99: Ms. FURSE and Mr. BUNN of Oregon.

THURSDAY, MAY 11, 1995 (64)

¶64.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. FOLEY, who laid before the House the following communication:

WASHINGTON, DC,
 May 11, 1995.

I hereby designate the Honorable MARK ADAM FOLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

¶64.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. FOLEY, announced he had examined and approved the Journal of the proceedings of Wednesday, May 10, 1995.
 Pursuant to clause 1, rule I, the Journal was approved.

¶64.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:
 H.R. 956. An Act to establish legal standards and procedures for product liability litigation, and for other purposes.

The message also announced that pursuant to sections 276h-276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mrs. FEINSTEIN as a member of the Senate delegation to the Mexico-United States Interparliamentary Group during the 1st session of the 104th Congress, to be held in Tucson, AZ, May 12-14, 1995.

The message also announced that pursuant to sections 276d-276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. AKAKA as a member of the Senate delegation to the Canada-United States Interparliamentary Group during the 1st session of the 104th Congress, to be held in Huntsville, ON, Canada, May 18-22, 1995.

The message also announced that pursuant to sections 276h-276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. GRASSLEY, Mr. MUR-

KOWSKI, and Mr. GORTON as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the 1st session of the 104th Congress, to be held in Tucson, AZ, May 12-14, 1995.

¶64.4 CLEAN WATER AMENDMENTS

The SPEAKER pro tempore, Mr. FOLEY, pursuant to House Resolution 140 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 961) to amend the Federal Water Pollution Control Act.

Mr. HOBSON, Acting Chairman, assumed the chair; and after some time spent therein,

¶64.5 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. PALLONE:

Strike title IX of the bill (pages 323 through 326).

It was decided in the

Yeas	154
negative	267

¶64.6 [Roll No. 315] AYES—154

Ackerman	Harman	Orton
Andrews	Hastings (FL)	Owens
Barcia	Hinchey	Pallone
Barrett (WI)	Holden	Payne (NJ)
Becerra	Hoyer	Pelosi
Beilenson	Jackson-Lee	Peterson (MN)
Berman	Jacobs	Rahall
Bonior	Jefferson	Rangel
Borski	Johnson (CT)	Reed
Boucher	Johnson (SD)	Reynolds
Brown (CA)	Johnson, E.B.	Richardson
Brown (FL)	Johnston	Rivers
Brown (OH)	Kanjorski	Roukema
Bryant (TX)	Kaptur	Roybal-Allard
Cardin	Kennedy (RI)	Rush
Clay	Kennelly	Sabo
Clayton	Kildee	Sanders
Clement	Klink	Sawyer
Clyburn	LaFalce	Schroeder
Coleman	Lantos	Schumer
Collins (MI)	Lazio	Scott
Condit	Levin	Serrano
Conyers	Lewis (GA)	Shays
Costello	LoBiondo	Skaggs
Coyne	Lofgren	Skelton
DeFazio	Lowey	Slaughter
DeLauro	Luther	Smith (NJ)
Dellums	Maloney	Spratt
Deutsch	Manton	Stark
Dicks	Martinez	Stokes
Dingell	Mascara	Studds
Doggett	Matsui	Stupak
Doyle	McCarthy	Taylor (MS)
Durbin	McDermott	Thompson
Engel	McHale	Torres
Eshoo	McKinney	Torrice
Evans	McNulty	Tucker
Farr	Meehan	Velazquez
Fattah	Meek	Vento
Fazio	Menendez	Visclosky
Fields (LA)	Mfume	Ward
Flake	Miller (CA)	Waters
Foglietta	Mineta	Watt (NC)
Forbes	Minge	Waxman
Ford	Mink	Wise
Frost	Moran	Woolsey
Furse	Morella	Wyden
Gedjenson	Nadler	Wynn
Gephardt	Neal	Yates
Gibbons	Oberstar	Zimmer
Gutierrez	Obey	
Hall (OH)	Oliver	

NOES—267

Abercrombie	Baesler	Barr
Allard	Baker (CA)	Bartlett
Archer	Baker (LA)	Barton
Armey	Baldacci	Bass
Bachus	Ballenger	Bateman

Bentsen	Gilman	Norwood
Bereuter	Gonzalez	Nussle
Bevill	Goodlatte	Ortiz
Billbray	Goodling	Oxley
Bilirakis	Gordon	Packard
Bishop	Goss	Parker
Bliley	Graham	Pastor
Blute	Green	Paxon
Boehlert	Greenwood	Payne (VA)
Boehner	Gunderson	Petri
Bonilla	Gutknecht	Pickett
Brewster	Hall (TX)	Pombo
Browder	Hamilton	Pomeroy
Brownback	Hancock	Porter
Bryant (TN)	Hansen	Portman
Bunn	Hastert	Poshard
Bunning	Hastings (WA)	Pryce
Burr	Hayes	Quillen
Burton	Hayworth	Quinn
Buyer	Hefley	Radanovich
Callahan	Hefner	Ramstad
Calvert	Heineman	Regula
Camp	Hergert	Riggs
Canady	Hillery	Roberts
Castle	Hilliard	Roemer
Chabot	Hobson	Rohrabacher
Chambliss	Hoekstra	Ros-Lehtinen
Chapman	Hoke	Rose
Chenoweth	Horn	Roth
Christensen	Hostettler	Royce
Chrysler	Houghton	Salmon
Clinger	Hunter	Saxton
Coble	Hutchinson	Scarborough
Coburn	Hyde	Schaefer
Combest	Inglis	Schiff
Cooley	Istook	Seastrand
Cox	Johnson, Sam	Sensenbrenner
Cramer	Jones	Shadegg
Crane	Kasich	Shaw
Crapo	Kelly	Shuster
Cremeans	Kennedy (MA)	Sisisky
Cubin	Kim	Skeem
Cunningham	King	Smith (MI)
Danner	Kingston	Smith (TX)
Davis	Kleccka	Smith (WA)
de la Garza	Klug	Solomon
Deal	Knollenberg	Souder
DeLay	Kolbe	Spence
Diaz-Balart	LaHood	Stearns
Dickey	Largent	Stenholm
Dixon	Latham	Stockman
Dooley	LaTourette	Stump
Doolittle	Laughlin	Talent
Dornan	Leach	Tanner
Dreier	Lewis (CA)	Tate
Duncan	Lewis (KY)	Tauzin
Dunn	Lightfoot	Taylor (NC)
Edwards	Lincoln	Tejeda
Ehlers	Linder	Thomas
Ehrlich	Lipinski	Thornberry
Emerson	Livingston	Thornton
English	Longley	Thurman
Ensign	Lucas	Tiahrt
Everett	Manzullo	Torkildsen
Ewing	Markey	Traficant
Fawell	Martini	Upton
Fields (TX)	McCollum	Volkmer
Filner	McCrery	Vucanovich
Flanagan	McHugh	Waldholtz
Foley	McIntosh	Walker
Fowler	McKeon	Walsh
Fox	Metcalfe	Wamp
Frank (MA)	Meyers	Watts (OK)
Franks (CT)	Mica	Weldon (FL)
Franks (NJ)	Miller (FL)	Weldon (PA)
Frelinghuysen	Molinar	Weller
Frisa	Mollohan	White
Funderburk	Montgomery	Wicker
Galleghy	Moorhead	Williams
Ganske	Myers	Wilson
Gekas	Myrick	Wolf
Gerren	Nethercutt	Young (AK)
Gilchrist	Neumann	Young (FL)
Gillmor	Ney	Zeliff

NOT VOTING—13

Barrett (NE)	McInnis	Sanford
Bono	Moakley	Towns
Collins (GA)	Murtha	Whitfield
Collins (IL)	Peterson (FL)	
McDade	Rogers	

So the amendment was not agreed to.
 After some further time,

¶64.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the

Whole on the following amendment submitted by Mr. MINETA:

Page 133, strike line 15, and all that follows through line 9 on page 170 and insert the following:

SEC. 322. MUNICIPAL STORMWATER MANAGEMENT PROGRAMS.

(a) STATE PROGRAMS.—Title III (33 U.S.C. 1311 et seq.) is further amended by adding at the end the following new section:

"SEC. 322. MUNICIPAL STORMWATER MANAGEMENT PROGRAMS.

"(a) PURPOSE.—The purpose of this section is to assist States in the development and implementation of municipal stormwater control programs in an expeditious and cost effective manner so as to enable the goals and requirements of this Act to be met in each State no later than 15 years after the date of approval of the municipal stormwater management program of the State. It is recognized that State municipal stormwater management programs need to be built on a foundation that voluntary pollution prevention initiatives represent an approach most likely to succeed in achieving the objectives of this Act.

"(b) STATE ASSESSMENT REPORTS.—

"(1) CONTENTS.—After notice and opportunity for public comment, the Governor of each State, consistent with or as part of the assessment required by section 319, shall prepare and submit to the Administrator for approval, a report which—

"(A) identifies those navigable waters within the State which, without additional action to control pollution from municipal stormwater discharges, cannot reasonably be expected to attain or maintain applicable water quality standards or the goals and requirements of this Act;

"(B) identifies those categories and subcategories of municipal stormwater discharges that add significant pollution to each portion of the navigable waters identified under subparagraph (A) in amounts which contribute to such portion not meeting such water quality standards or such goals and requirements;

"(C) describes the process, including intergovernmental coordination and public participation, for identifying measures to control pollution from each category and subcategory of municipal stormwater discharges identified in subparagraph (B) and to reduce, to the maximum extent practicable, the level of pollution resulting from such discharges; and

"(D) identifies and describes State and local programs for controlling pollution added from municipal stormwater discharges to, and improving the quality of, each such portion of the navigable waters.

"(2) INFORMATION USED IN PREPARATION.—In developing, reviewing, and revising the report required by this subsection, the State—

"(A) may rely upon information developed pursuant to sections 208, 303(e), 304(f), 305(b), 314, 319, 320, and 321 and subsection (h) of this section, information developed from any group stormwater permit application process in effect under section 402(p) of this Act and such other information as the State determines is appropriate; and

"(B) may utilize appropriate elements of the waste treatment management plans developed pursuant to sections 208(b) and 303, to the extent such elements are consistent with and fulfill the requirements of this section.

"(3) REVIEW AND REVISION.—Not later than 18 months after the date of the enactment of the Clean Water Amendments of 1995, and every 5 years thereafter, the State shall review, revise, and submit to the Administrator the report required by this subsection.

"(c) STATE MANAGEMENT PROGRAMS.—

"(1) IN GENERAL.—In substantial consultation with local governments and after notice

and opportunity for public comment, the Governor of each State for the State or in combination with the Governors of adjacent States shall prepare and submit to the Administrator for approval a municipal stormwater management program based on available information which the State proposes to implement in the first 5 fiscal years beginning after the date of submission of such management program for controlling pollution added from municipal stormwater discharges to the navigable waters within the boundaries of the State and improving the quality of such waters.

"(2) SPECIFIC CONTENTS.—Each management program proposed for implementation under this subsection shall include the following:

"(A) IDENTIFICATION OF MODEL MANAGEMENT PRACTICES AND MEASURES.—Identification of the model management practices and measures which will be undertaken to reduce pollutant loadings resulting from municipal stormwater discharges designated under subsection (b)(1)(B), taking into account the impact of the practice and measure on ground water quality.

"(B) IDENTIFICATION OF PROGRAMS AND RESOURCES.—Identification of programs and resources necessary (including, as appropriate, nonregulatory programs or regulatory programs, enforceable policies and mechanisms, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects) to manage municipal stormwater discharges to the degree necessary to provide for reasonable further progress toward the goal of attainment of water quality standards which contain the stormwater criteria established under subsection (h) for designated uses of receiving waters identified under subsection (b)(1)(A) taking into consideration specific watershed conditions, by not later than the last day of the 15-year period beginning on the date of approval of the State program.

"(C) PROGRAM FOR REDUCING POLLUTANT LOADINGS.—A program for municipal stormwater discharges identified under subsection (b)(1)(B) to reduce pollutant loadings from categories and subcategories of municipal stormwater discharges.

"(D) SCHEDULE.—A schedule containing interim goals and milestones for making reasonable progress toward the attainment of standards as set forth in subparagraph (B) established for the designated uses of receiving waters, taking into account specific watershed conditions, which may be demonstrated by one or any combination of improvements in water quality (including biological indicators), documented implementation of voluntary stormwater discharge control measures, or adoption of enforceable stormwater discharge control measures.

"(E) CERTIFICATION OF ADEQUATE AUTHORITY.—

"(i) IN GENERAL.—A certification by the Attorney General of the State or States (or the chief attorney of any State water pollution control agency that has authority under State law to make such certification) that the laws of the State or States, as the case may be, provide adequate authority to implement such management program or, if there is not such adequate authority, a list of such additional authorities as will be necessary to implement such management program.

"(ii) COMMITMENT.—A schedule for seeking, and a commitment by the State or States to seek, such additional authorities as expeditiously as practicable.

"(F) IDENTIFICATION OF FEDERAL FINANCIAL ASSISTANCE PROGRAMS.—An identification of Federal financial assistance programs and Federal development projects for which the State will review individual assistance applications or development projects for their ef-

fect on water quality pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983, to determine whether such assistance applications or development projects would be consistent with the program prepared under this subsection; for the purposes of this subparagraph, identification shall not be limited to the assistance programs or development projects subject to Executive Order 12372 but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the State's municipal stormwater management program.

"(G) MONITORING.—A description of the monitoring of navigable waters or other assessment which will be carried out under the program for the purposes of monitoring and assessing the effectiveness of the program, including the attainment of interim goals and milestones.

"(H) IDENTIFICATION OF CERTAIN INCONSISTENT FEDERAL ACTIVITIES.—An identification of activities on Federal lands in the State that are inconsistent with the State management program.

"(I) IDENTIFICATION OF GOALS AND MILESTONES.—An identification of goals and milestones for progress in attaining water quality standards, including a projected date for attaining such standards as expeditiously as practicable but not later than 15 years after the date of approval of the State program for each of the waters listed pursuant to subsection (b).

"(3) UTILIZATION OF LOCAL AND PRIVATE EXPERTS.—In developing and implementing a management program under this subsection, a State shall, to the maximum extent practicable, involve local public and private agencies and organizations which have expertise in stormwater management.

"(4) DEVELOPMENT ON WATERSHED BASIS.—A State shall, to the maximum extent practicable, develop and implement a stormwater management program under this subsection on a watershed-by-watershed basis within such State.

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) COOPERATION REQUIREMENT.—Any report required by subsection (b) and any management program and report required by subsection (c) shall be developed in cooperation with local, substate, regional, and interstate entities which are responsible for implementing municipal stormwater management programs.

"(2) TIME PERIOD FOR SUBMISSION OF MANAGEMENT PROGRAMS.—Each management program shall be submitted to the Administrator within 30 months of the issuance by the Administrator of the final guidance under subsection (1) and every 5 years thereafter. Each program submission after the initial submission following the date of the enactment of the Clean Water Amendments of 1995 shall include a demonstration of reasonable further progress toward the goal of attaining water quality standards as set forth in subsection (c)(2) established for designated uses of receiving waters taking into account specific watershed conditions by not later than the date referred to in subsection (b)(2)(B), including a documentation of the degree to which the State has achieved the interim goals and milestones contained in the previous program submission. Such demonstration shall take into account the adequacy of Federal funding under this section.

"(3) TRANSITION.—

"(A) IN GENERAL.—Permits issued pursuant to section 402(p) for discharges from municipal storm sewers, as in effect on the day before the date of the enactment of this section, shall remain in effect until the effective date of a State municipal stormwater management program under this section. Stormwater dischargers shall continue to

implement any stormwater management practices and measures required under such permits until such practices and measures are modified pursuant to this subparagraph or pursuant to a State municipal stormwater management program. Prior to the effective date of a State municipal stormwater management program, municipal stormwater dischargers may submit for approval proposed revised stormwater management practices and measures to the State, in the case of a State with an approved program under section 402, or the Administrator. Upon notice of approval by the State or the Administrator, the municipal stormwater discharger shall implement the revised stormwater management practices and measures which may be voluntary pollution prevention activities. A municipal stormwater discharger operating under a permit continued in effect under this subparagraph shall not be subject to citizens suits under section 505.

“(B) ANTIBACKSLIDING.—Section 402(o) shall not apply to any activity carried out in accordance with this paragraph.

“(e) APPROVAL OR DISAPPROVAL OF REPORTS OR MANAGEMENT PROGRAMS.—

“(1) DEADLINE.—Subject to paragraph (2), not later than 180 days after the date of submission to the Administrator of any report or revised report or management program under this section, the Administrator shall either approve or disapprove such report or management program, as the case may be. The Administrator may approve a portion of a management program under this subsection. If the Administrator does not disapprove a report, management program, or portion of a management program in such 180-day period, such report, management program, or portion shall be deemed approved for purposes of this section.

“(2) PROCEDURE FOR DISAPPROVAL.—If, after notice and opportunity for public comment and consultation with appropriate Federal and State agencies and other interested persons, the Administrator determines that—

“(A) the proposed management program or any portion thereof does not meet the requirements of subsection (b) of this section or is not likely to satisfy, in whole or in part, the goals and requirements of this Act;

“(B) adequate authority does not exist, or adequate resources are not available, to implement such program or portion; or

“(C) the practices and measures proposed in such program or portion will not result in reasonable progress toward the goal of attainment of applicable water quality standards as set forth in subsection (c)(2) established for designated uses of receiving waters taking into consideration specific watershed conditions as expeditiously as possible but not later than 15 years after approval of a State municipal stormwater management program under this section;

“(2) the Administrator shall within 6 months of the receipt of the proposed program notify the State of any revisions or modifications necessary to obtain approval. The State shall have an additional 6 months to submit its revised management program, and the Administrator shall approve or disapprove such revised program within 3 months of receipt.

“(3) FAILURE OF STATE TO SUBMIT REPORT.—If a Governor of a State does not submit a report or revised report required by subsection (b) within the period specified by subsection (d)(2), the Administrator shall, within 18 months after the date on which such report is required to be submitted under subsection (b), prepare a report for such State which makes the identifications required by paragraphs (1)(A) and (1)(B) of subsection (b). Upon completion of the requirement of the preceding sentence and after notice and opportunity for a comment, the Ad-

ministrator shall report to Congress of the actions of the Administrator under this section.

“(4) FAILURE OF STATE TO SUBMIT MANAGEMENT PROGRAM.—

“(A) PROGRAM MANAGEMENT BY ADMINISTRATOR.—Subject to paragraph (5), if a State fails to submit a management program or revised management program under subsection (c) or the Administrator does not approve such management program, the Administrator shall prepare and implement a management program for controlling pollution added from municipal stormwater discharges to the navigable waters within the State and improving the quality of such waters in accordance with subsection (c).

“(B) NOTICE AND HEARING.—If the Administrator intends to disapprove a program submitted by a State the Administrator shall first notify the Governor of the State, in writing, of the modifications necessary to meet the requirements of this section. The Administrator shall provide adequate public notice and an opportunity for a public hearing for all interested parties.

“(C) STATE REVISION OF ITS PROGRAM.—If, after taking into account the level of funding actually provided as compared with the level authorized, the Administrator determines that a State has failed to demonstrate reasonable further progress toward the attainment of water quality standards as required, the State shall revise its program within 12 months of that determination in a manner sufficient to achieve attainment of applicable water quality standards by the deadline established by this section. If a State fails to make such a program revision or the Administrator does not approve such a revision, the Administrator shall prepare and implement a municipal stormwater management program for the State.

“(5) LOCAL MANAGEMENT PROGRAMS; TECHNICAL ASSISTANCE.—If a State fails to submit a management program under subsection (c) or the Administrator does not approve such a management program, a local public agency or organization which has expertise in, and authority to, control water pollution resulting from municipal stormwater sources in any area of such State which the Administrator determines is of sufficient geographic size may, with approval of such State, request the Administrator to provide, and the Administrator shall provide, technical assistance to such agency or organization in developing for such area a management program which is described in subsection (c) and can be approved pursuant to this subsection. After development of such management program, such agency or organization shall submit such management program to the Administrator for approval.

“(f) INTERSTATE MANAGEMENT CONFERENCE.—

“(1) CONVENING OF CONFERENCE; NOTIFICATION; PURPOSE.—

“(A) CONVENING OF CONFERENCE.—If any portion of the navigable waters in any State which is implementing a management program approved under this section is not meeting applicable water quality standards or the goals and requirements of this Act as a result, in whole or in part, of pollution from stormwater in another State, such State may petition the Administrator to convene, and the Administrator shall convene, a management conference of all States which contribute significant pollution resulting from stormwater to such portion.

“(B) NOTIFICATION.—If, on the basis of information available, the Administrator determines that a State is not meeting applicable water quality standards or the goals and requirements of this Act as a result, in whole or in part, of significant pollution from stormwater in another State, the Administrator shall notify such States.

“(C) TIME LIMIT.—The Administrator may convene a management conference under this paragraph not later than 180 days after giving such notification under subparagraph (B), whether or not the State which is not meeting such standards requests such conference.

“(D) PURPOSE.—The purpose of the conference shall be to develop an agreement among the States to reduce the level of pollution resulting from stormwater in the portion of the navigable waters and to improve the water quality of such portion.

“(E) PROTECTION OF WATER RIGHTS.—Nothing in the agreement shall supersede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees, or State water laws.

“(F) LIMITATIONS.—This subsection shall not apply to any pollution which is subject to the Colorado River Basin Salinity Control Act. The requirement that the Administrator convene a management conference shall not be subject to the provisions of section 505 of this Act.

“(2) STATE MANAGEMENT PROGRAM REQUIREMENT.—To the extent that the States reach agreement through such conference, the management programs of the States which are parties to such agreements and which contribute significant pollution to the navigable waters or portions thereof not meeting applicable water quality standards or goals and requirements of this Act will be revised to reflect such agreement. Such management programs shall be consistent with Federal and State law.

“(g) GRANTS FOR STORMWATER RESEARCH.—

“(1) IN GENERAL.—To determine the most cost-effective and technologically feasible means of improving the quality of the navigable waters and to develop the criteria required pursuant to subsection (g), the Administrator shall establish an initiative through which the Administrator shall fund State and local demonstration programs and research to—

“(A) identify adverse impacts of stormwater discharges on receiving waters;

“(B) identify the pollutants in stormwater which cause impact; and

“(C) test innovative approaches to address the impacts of source controls and model management practices and measures for runoff from municipal storm sewers.

Persons conducting demonstration programs and research funded under this subsection shall also take into account the physical nature of episodic stormwater flows, the varying pollutants in stormwater, the actual risk the flows pose to the designated beneficial uses, and the ability of natural ecosystems to accept temporary stormwater events.

“(2) AWARD OF FUNDS.—The Administrator shall award the demonstration and research program funds taking into account regional and population variations.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection \$20,000,000 per fiscal year for fiscal years 1996 through 2000. Such sums shall remain available until expended.

“(h) DEVELOPMENT OF STORMWATER CRITERIA.—

“(1) IN GENERAL.—To reflect the episodic character of stormwater which results in significant variances in the volume, hydraulics, hydrology, and pollutant load associated with stormwater discharges, the Administrator shall establish, as an element of the water quality standards established for the designated uses of the navigable waters, stormwater criteria which protect the navigable waters from impairment of the designated beneficial uses caused by stormwater discharges. The criteria shall be technologically and financially feasible and may in-

clude performance standards, guidelines, guidance, and model management practices and measures and treatment requirements, as appropriate, and as identified in subsection (g)(1).

“(2) INFORMATION TO BE USED IN DEVELOPMENT.—The stormwater discharge criteria to be established under this subsection—

“(A) shall be developed from—

“(i) the findings and conclusions of the demonstration programs and research conducted under subsection (g);

“(ii) the findings and conclusions of the research and monitoring activities of stormwater dischargers performed in compliance with permit requirements of this Act; and

“(iii) other relevant information, including information submitted to the Administrator under the industrial group permit application process in effect under section 402 of this Act;

“(B) shall be developed in consultation with persons with expertise in the management of stormwater (including officials of State and local government, industrial and commercial stormwater dischargers, and public interest groups); and

“(C) shall be established as an element of the water quality standards that are developed and implemented under this Act by not later than December 31, 2008.

“(i) COLLECTION OF INFORMATION.—The Administrator shall collect and make available, through publications and other appropriate means, information pertaining to model management practices and measures and implementation methods, including, but not limited to—

“(1) information concerning the costs and relative efficiencies of model management practices and measures for reducing pollution from stormwater discharges; and

“(2) available data concerning the relationship between water quality and implementation of various management practices to control pollution from stormwater discharges.

“(j) REPORTS OF ADMINISTRATOR.—

“(1) BIENNIAL REPORTS.—Not later than January 1, 1996, and biennially thereafter, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report for the preceding fiscal year on the activities and programs implemented under this section and the progress made in reducing pollution in the navigable waters resulting from stormwater discharges and improving the quality of such waters.

“(2) CONTENTS.—Each report submitted under paragraph (1), at a minimum shall—

“(A) describe the management programs being implemented by the States by types of affected navigable waters, categories and subcategories of stormwater discharges, and types of measures being implemented;

“(B) describe the experiences of the States in adhering to schedules and implementing the measures under subsection (c);

“(C) describe the amount and purpose of grants awarded pursuant to subsection (g);

“(D) identify, to the extent that information is available, the progress made in reducing pollutant loads and improving water quality in the navigable waters;

“(E) indicate what further actions need to be taken to attain and maintain in those navigable waters (i) applicable water quality standards, and (ii) the goals and requirements of this Act;

“(F) include recommendations of the Administrator concerning future programs (including enforcement programs) for controlling pollution from stormwater; and

“(G) identify the activities and programs of departments, agencies, and instrumental-

ities of the United States that are inconsistent with the municipal stormwater management programs implemented by the States under this section and recommended modifications so that such activities and programs are consistent with and assist the States in implementation of such management programs.

“(k) GUIDANCE ON MODEL STORMWATER MANAGEMENT PRACTICES AND MEASURES.—

“(1) IN GENERAL.—The Administrator, in consultation with appropriate Federal, State, and local departments and agencies, and after providing notice and opportunity for public comment, shall publish guidance to identify model management practices and measures which may be undertaken, at the discretion of the State or appropriate entity, under a management program established pursuant to this section. In preparing such guidance, the Administrator shall consider integration of a municipal stormwater management program of a State with, and the relationship of such program to, the nonpoint source management program of the State under section 319.

“(2) PUBLICATION.—The Administrator shall publish proposed guidance under this subsection not later than 6 months after the date of the enactment of this subsection and shall publish final guidance under this subsection not later than 18 months after such date of enactment. The Administrator shall periodically review and revise the final guidance upon adequate notice and opportunity for public comment at least once every 3 years after its publication.

“(3) MODEL MANAGEMENT PRACTICES AND MEASURES DEFINED.—For the purposes of this subsection, the term “model management practices and measures” means economically achievable measures for the control of pollutants from stormwater discharges which reflect the most cost-effective degree of pollutant reduction achievable through the application of the best available practices, technologies, processes, siting criteria, operating methods, or other alternatives.

“(l) ENFORCEMENT WITH RESPECT TO MUNICIPAL STORMWATER DISCHARGERS VIOLATING STATE MANAGEMENT PROGRAMS.—Municipal stormwater dischargers that do not comply with State management program requirements under subsection (c) are subject to applicable enforcement actions under sections 309 and 505 of this Act.

“(m) ENTRY AND INSPECTION.—In order to carry out the objectives of this section, an authorized representative of a State, upon presentation of his or her credentials, shall have a right of entry to, upon, or through any property at which a stormwater discharge or records required to be maintained under the State municipal stormwater management program are located.

“(n) LIMITATION ON DISCHARGES REGULATED UNDER WATERSHED MANAGEMENT PROGRAM.—Municipal stormwater discharges regulated under section 321 in a manner consistent with this section shall not be subject to this section.”

(b) CONFORMING AMENDMENTS TO INDUSTRIAL STORMWATER DISCHARGE PROGRAM.—Section 402(p) (33 U.S.C 1342(p)) is amended—

(1) in the subsection heading by striking “MUNICIPAL AND”;

(2) in paragraph (1) by striking “1994” and inserting “2001”;

(3) by adding at the end of the paragraph (1) the following: “This subsection does not apply to municipal stormwater discharges which are covered by section 322.”;

(4) in paragraph (2) by striking subparagraphs (C) and (D) and by redesignating subparagraph (E) as subparagraph (C);

(5) in paragraph (3)—
(A) by striking the heading for subparagraph (A);

(B) by moving the text of subparagraph (A) after the paragraph heading; and

(C) by striking subparagraph (B);

(6) in paragraph (4)—

(A) by striking the heading for subparagraph (A);

(B) by moving the text of subparagraph (A) after the paragraph heading;

(C) by striking “and (2)(C)”;

(D) by striking subparagraph (B);

(7) by striking paragraph (5);

(8) by redesignating paragraph (6) as paragraph (5); and

(9) in paragraph (5) as so redesignated—

(A) by striking “1993” and inserting “2000”;

and
(B) by inserting after “paragraph (2)” the following: “and other than municipal stormwater discharges”.

(c) DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

“(25) The term ‘stormwater’ means runoff from rain, snow melt, or any other precipitation-generated surface runoff.

“(26) The term ‘stormwater discharge’ means a discharge from any conveyance which is used for the collecting and conveying of stormwater to navigable waters and which is associated with a municipal storm sewer system or industrial, commercial, oil, gas, or mining activities or construction activities.”

It was decided in the { Yeas 159
negative } Nays 258

¶64.8 [Roll No. 316] AYES—159

Abercrombie	Gutierrez	Olver
Ackerman	Hamilton	Owens
Andrews	Harman	Pallone
Baesler	Hastings (FL)	Pastor
Barrett (WI)	Hefner	Payne (NJ)
Becerra	Hinchey	Pelosi
Beilenson	Holden	Peterson (MN)
Bentsen	Hoyer	Pomeroy
Berman	Jackson-Lee	Rahall
Boehlert	Jacobs	Reed
Bonior	Jefferson	Reynolds
Borski	Johnson (CT)	Richardson
Boucher	Johnson, E. B.	Rivers
Brown (CA)	Johnston	Roemer
Brown (OH)	Kanjorski	Ros-Lehtinen
Bryant (TX)	Kaptur	Roybal-Allard
Cardin	Kennedy (MA)	Rush
Clay	Kennedy (RI)	Sabo
Clayton	Kennelly	Sanders
Clyburn	Kildee	Sawyer
Collins (MI)	Kleczka	Schroeder
Conyers	Klink	Schumer
Coyne	LaFalce	Scott
Deal	Lantos	Serrano
DeFazio	Levin	Shays
DeLauro	Lewis (GA)	Skaggs
Dellums	Lipinski	Slaughter
Deutsch	Lofgren	Stark
Dicks	Lowe	Stokes
Dingell	Luther	Studds
Dixon	Maloney	Stupak
Doggett	Manton	Thompson
Durbin	Markey	Thurman
Engel	Martinez	Torres
Eshoo	Mascara	Torricelli
Evans	Matsui	Tucker
Farr	McCarthy	Velazquez
Fattah	McDermott	Vento
Fazio	McHale	Visclosky
Fields (LA)	McKinney	Volkmer
Filner	Meek	Walsh
Flake	Menendez	Ward
Foglietta	Mfume	Waters
Forbes	Miller (CA)	Watt (NC)
Ford	Mineta	Waxman
Frost	Minge	Williams
Furse	Mink	Wilson
Gejdenson	Moran	Wise
Gephardt	Morella	Woolsey
Gibbons	Nadler	Wyden
Gilchrest	Neal	Wynn
Gilman	Oberstar	Yates
Green	Obey	Zimmer

NOES—258

Allard	Bachus	Ballenger
Archer	Baker (CA)	Barcia
Arney	Baker (LA)	Barr