

106TH CONGRESS
1ST SESSION

H. R. 673

To authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1999

Mr. DEUTSCH (for himself and Mr. SHAW) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys.

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 “Florida Keys Water
5 Quality Improvements Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Florida Keys are a chain of islands lo-
2 cated adjacent to spectacular, unique, and nationally
3 significant marine environments, including North
4 America’s only living coral barrier reef ecosystem.

5 (2) Recognizing the national significance of the
6 Florida Keys marine environment and its linkage
7 with the greater South Florida ecosystem, Congress
8 passed the Florida Keys National Marine Sanctuary
9 and Protection Act (104 Stat. 3089–3095) designat-
10 ing the Florida Keys National Marine Sanctuary.

11 (3) Section 8(a)(1) of such Act directed the Ad-
12 ministrator and the Governor of the State of Flor-
13 ida, in consultation with the Secretary of Commerce,
14 to develop a comprehensive water quality protection
15 program for the Sanctuary.

16 (4) Section 8(a)(1)(A) of such Act states that
17 a purpose of such water quality program is to rec-
18 ommend priority corrective actions and compliance
19 schedules addressing point and nonpoint sources of
20 pollution to restore and maintain the chemical, phys-
21 ical, and biological integrity of the Sanctuary, in-
22 cluding restoration and maintenance of a balanced,
23 indigenous population of corals, shellfish, fish and
24 wildlife, and recreational activities in and on the
25 water.

1 (5) Section 8(d)(2)(A) of such Act provided for
2 the establishment of the Water Quality Steering
3 Committee that is co-chaired by the Regional Ad-
4 ministrator of the Environmental Protection Agency
5 and a representative of the State of Florida to set
6 guidance and policy for the development and imple-
7 mentation of water quality improvement projects.

8 (6) Section 8(d)(2)(C) of such Act provided for
9 the establishment of a Technical Advisory Commit-
10 tee comprised of scientists from Federal agencies,
11 State agencies, academic institutions, private non-
12 profit organizations, and knowledgeable citizens to
13 advise the Water Quality Steering Committee.

14 (7) Section 8(a)(1)(B) of such Act states that
15 another purpose of the water quality protection pro-
16 gram is to assign responsibilities for the implemen-
17 tation of the program among the Governor of the
18 State of Florida, the Secretary of Commerce, and
19 the Administrator in accordance with applicable
20 Federal and State laws.

21 (8) Dilapidated and inadequate wastewater
22 treatment systems and inadequate stormwater man-
23 agement systems are the largest manmade sources
24 of pollution to the nearshore waters of the Florida

1 Key's, representing the greatest threat to their na-
2 tionally significant marine resources.

3 (9) The United States Environmental Protec-
4 tion Agency, other Federal, State, and local agencies
5 and citizen stakeholders have identified wastewater
6 infrastructure improvements as the single most im-
7 portant investment to improve nearshore water qual-
8 ity around the Florida Keys. Improvement of
9 stormwater management in the area of the Florida
10 keys is also needed to reduce pollutant loadings from
11 largely uncontrolled stormwater runoff from existing
12 development.

13 (10) The cost of wastewater improvements nec-
14 essary to improve nearshore water quality around
15 the Florida Keys is estimated at between
16 \$184,000,000 and \$418,000,000, depending on the
17 percentage reduction in wastewater nutrient loadings
18 to be achieved and which treatment system or sys-
19 tems are ultimately selected.

20 (11) The cost of stormwater improvements nec-
21 essary to reduce such pollutant loadings is estimated
22 at between \$370,000,000 and \$680,000,000, de-
23 pending on the percentage reduction in stormwater
24 pollutant loadings to be achieved and which areas
25 are selected to be retrofitted.

1 (12) The cost of these necessary improvements
2 represent an insurmountable burden to the 85,000
3 permanent residents of Monroe County, Florida.

4 (13) It is necessary to change Federal law in
5 order to carry out the Federal responsibilities identi-
6 fied under section 8(a)(1)(B) of the Florida Keys
7 National Marine Sanctuary and Protection Act.

8 (14) It is therefore entirely consistent with the
9 goals and policies of such Act that Congress author-
10 ize appropriations to supplement State and local ini-
11 tiatives to improve water quality in the Florida Keys
12 marine environment.

13 **SEC. 3. PURPOSE.**

14 The purpose of this Act is to protect the resources
15 of the Florida Keys National Marine Sanctuary (as des-
16 igned by section 5 of the Florida Keys National Marine
17 Sanctuary and Protection Act) by providing the Federal
18 share of funds for projects to replace inadequate waste-
19 water treatment systems and inadequate stormwater man-
20 agement systems in Monroe County, Florida. Funds au-
21 thorized by this Act are to supplement funds committed
22 by the State of Florida and Monroe County, Florida, for
23 planning and construction of wastewater and stormwater
24 projects.

1 **SEC. 4. NON-FEDERAL SPONSOR.**

2 To carry out this Act, the Administrator shall make
3 grants to the Florida Keys Aqueduct Authority, or, in the
4 judgment of the Administrator, other appropriate agencies
5 of the State of Florida or Monroe County, Florida.

6 **SEC. 5. AUTHORIZED PROJECTS.**

7 (a) PROJECT CRITERIA.—Projects eligible for fund-
8 ing through grants under this Act are those that, in the
9 judgment of the Administrator—

10 (1)(A) replace inadequate wastewater treatment
11 systems in Monroe County, Florida, including
12 cesspits and other inadequate onsite disposal sys-
13 tems; or

14 (B) establish, replace, or improve stormwater
15 management systems in Monroe County, Florida;

16 (2) will improve water quality in the Florida
17 Keys National Marine Sanctuary; and

18 (3) are consistent with—

19 (A) applicable growth management ordi-
20 nances of Monroe County, Florida;

21 (B) applicable agreements between Monroe
22 County, Florida, and the State of Florida to
23 manage growth in Monroe County, Florida;

24 (C) the guidance, policies, and resolutions
25 of the Water Quality Steering Committee;

1 (D) the South Florida Ecosystem Restora-
2 tion Task Force established by section 528(f) of
3 the Water Resources Development Act of 1996
4 (110 Stat. 3771–3773), and the Governors
5 Commission for a Sustainable South Florida es-
6 tablished by executive order of the Governor of
7 the State of Florida; and

8 (E) applicable water quality standards es-
9 tablished by the Environmental Protection
10 Agency.

11 (b) PROJECT DESIGNS.—

12 (1) WASTEWATER PROJECTS.—Wastewater
13 treatment projects eligible for funding under this
14 Act may include centralized treatment facilities, on-
15 site disposal systems, mobile pumpout facilities, and
16 land-based pumpout facilities.

17 (2) STORMWATER PROJECTS.—Stormwater
18 projects eligible for funding under this Act may in-
19 clude stormwater systems utilizing the best available
20 technology approved by the appropriate permitting
21 agency.

22 **SEC. 6. COST-SHARE REQUIREMENT AND VIABILITY AS-**
23 **SESSMENT.**

24 The Administrator may make a grant for a project
25 authorized under this Act only if—

1 (1) no less than 25 percent of the total project
2 cost will be provided by non-Federal interests;

3 (2) the non-Federal sponsor has completed—

4 (A) adequate project planning and design
5 activities;

6 (B) a financial plan identifying sources of
7 non-Federal funding for the project; and

8 (C) a complete assessment of project com-
9 pliance with—

10 (i) the adopted master wastewater or
11 stormwater plans for Monroe County, Flor-
12 ida;

13 (ii) applicable growth management or-
14 dinances of Monroe County, Florida;

15 (iii) applicable Florida State laws,
16 regulations, and policies; and

17 (iv) applicable agreements between
18 Monroe County and the State of Florida to
19 manage growth in Monroe County; and

20 (3) the project will have substantial water qual-
21 ity benefits relative to other projects that are under
22 consideration.

1 **SEC. 7. CONSULTATION.**

2 In the implementation of this Act, the Administrator
3 shall consult the Water Quality Steering Committee and
4 the appropriate State and local government officials.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated to the Admin-
7 istrator to carry out this Act \$32,000,000 for the first
8 fiscal year beginning after the date of the enactment of
9 this Act, \$31,000,000 for the second fiscal year beginning
10 after such date of enactment, and \$50,000,000 per fiscal
11 year for each of the third, fourth, and fifth fiscal years
12 beginning after such date of enactment of this Act. Such
13 funds shall remain available until expended.

14 **SEC. 9. DEFINITIONS.**

15 In this Act, the following definitions apply:

16 (1) ADMINISTRATOR.—The term “Adminis-
17 trator” means the Administrator of the Environ-
18 mental Protection Agency.

19 (2) WATER QUALITY STEERING COMMITTEE.—
20 The term “Water Quality Steering Committee”
21 means the water quality protection program Steering
22 Committee established under section 8(d)(2)(A) of
23 the Florida Keys National Marine Sanctuary and
24 Protection Act.

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