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HIF301182

MARKUP OF S. 611, THE GRASSROOTS RURAL AND
SMALL COMMUNITY WATER SYSTEMS ASSISTANCE ACT
WEDNESDAY, OCTOBER 28, 2015
House of Representatives,
Subcommittee on Environment and the Economy,
Committee on Energy and Commerce,
Washington, D.C.

The subcommittee met, pursuant to call, at 12:00 p.m., in
Room 2322 Rayburn House Office Building, Hon. John Shimkus
[chairman of the subcommittee] presiding.

Members present: Representatives Shimkus, Harper,
Whitfield, Pitts, Latta, McKinley, Johnson, Bucshon, Cramer,
Tonko, Schrader, Green, Capps, McNerney, and Pallone (ex
officio).

Staff present: Gary Andres, Staff Director; Will Batson,
Legislative Clerk; Karen Christian, General Counsel; Jerry Couri,
Senior Environmental Policy Advisor; Peter Kielty, Deputy General

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

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Counsel; David McCarthy, Chief Counsel, Environment and Economy; Graham Pittman, Legislative Clerk; Chris Sarley, Policy Coordinator, Environment and Economy; Dan Schneider, Press Secretary; Dylan Vorbach, Legislative Clerk, Commerce, Manufacturing, and Trade; Jessica Wilkerson, Oversight Associate, Oversight and Investigations; and Andy Zach, Counsel, Environment and Economy; Jen Berenholz, Chief Clerk; Jeff Carroll, Staff Director; Jacqueline Cohen, Senior Counsel; Elizabeth Ertel, Deputy Clerk; Rick Kessler, Senior Advisor and Staff Director, Energy and Environment; Alexander Ratner, Policy Analyst; and Tim Robinson, Chief Counsel.

1 Mr. Shimkus. The subcommittee will come to order and the
2 Chair recognizes himself for an opening statement.

3 Today we mark up Senate 611, the Grass Roots Rural and Small
4 Community Water Systems Assistance Act. S. 611 passed the Senate
5 unanimously.

6 The House version is H.R. 2853, which was introduced by our
7 ranking member of the subcommittee, Mr. Tonko, and vice chairman
8 of the subcommittee, Mr. Harper.

9 I congratulate and thank them for their bipartisan work.

10 Safe Drinking Water Act regulations issued by EPA present
11 technical, managerial and physical challenges beyond the capacity
12 of these towns to afford on the same scale as urban centers.

13 Residents of these communities work hard to support their
14 families and their local government but often earning wages below
15 those of their counterparts in the most urbanized areas. Yet,
16 their per customer compliance costs are far higher than in many
17 larger communities.

18 Sometimes it is just a matter of having the ability to keep
19 up with the red tape. The bill before us reauthorizes the EPA's
20 program providing technical assistance to small public water
21 system.

22 S. 611 maintains the existing statutory authorization of \$15
23 million annually including 3 percent for technical assistance to
24 public water systems owned or operated by Indian tribes but
25 extends authorizations through fiscal year 2020.

26 S. 611 also authorized the EPA to provide technical
27 assistance programs to small public water systems through grants
28 or cooperative agreement made to nonprofit organizations.

29 The bill requires preference in awarding grants to nonprofit
30 that are most qualified and experienced and that small water
31 systems find both beneficial and effective, a feature we heard
32 about during our February hearing and again last week.

33 Moving this bill without amendment is important. While the
34 House Appropriations Committee has not provided small water
35 system technical assistance funding for fiscal year 2016, that
36 committee has left open the option that it would reevaluate
37 funding for this matter as part of a later annual budget bill if
38 Congress enacts a fresh authorization.

39 People who live in rural communities deserve every bit of
40 water quality and technical resources that folks who live in the
41 densely populated urban centers do.

42 I urge support for Senate 611 and now recognize my friend,
43 Mr. Tonko, for 5 minutes for an opening statement.

44 Mr. Tonko. Thank you, Mr. Chair, and thank you for convening
45 a subcommittee markup of S. 611, the Grass Roots Rural and Small
46 Community Water Systems Assistance Act.

47 This legislation is a step forward on drinking water. I also
48 want to thank our colleague, Rep. Harper, for introducing H.R.
49 2853, the House companion bill to Sen. Wickers' bill. I am proud
50 to be a cosponsor of that legislation. It is a good bill and I

51 support it.

52 We began the 114th -- excuse me, the technical assistance
53 offered by organizations such as the Rural Community Assistance
54 Partnership and the National Rural Water Association is vital to
55 small and rural water systems across our country.

56 I realize you hope to have this markup moved quickly. We
57 hope not to have the two hearings on e-manifest and low-level
58 nuclear waste immediately preceding this markup.

59 So much for our hopes. However, we do have some amendments
60 to offer. We began the 114th with some important successes.

61 We marked up Representative Latta's bill to authorize a
62 strategic plan for dealing with alga blooms in source waters for
63 drinking water systems. There was bipartisan cooperation on that
64 bill and it received a strong bipartisan endorsement by the House.

65 Working together, we produced a good TSCA reform bill,
66 another bill that received strong bipartisan support when it
67 passed our House.

68 Ultimately, I expect this bill to receive the same strong
69 support. However, as I indicated earlier this week, I and other
70 members of our subcommittee are anxious to tackle other important
71 issues that the subcommittee has not yet addressed. It has been
72 12 years since we last authorized the drinking water programs in
73 our jurisdiction.

74 With S. 611, we are reauthorizing a small but very important
75 program in this area, although I believe the program should be

76 reauthorized at a higher level.

77 We should at least be accounting for 12 years of inflation
78 so the program can deliver the same level of service reliably.
79 And with the growing backlog of water infrastructure needs, we
80 should be doing much more to assist states and their water
81 utilities to reduce that backlog.

82 The drinking water SRF was authorized at \$1 billion back in
83 2003. It is the main source of federal assistance for water
84 utilities. It needs to be reauthorized also and at a higher level
85 than was provided in 2003.

86 Our inaction is also adding to the expenses of state and local
87 governments enforcing increases in water utility rates for our
88 consumers.

89 Across the country, we experience over 700 water main breaks
90 per day, breaks that result in losses of treated water from water
91 systems.

92 That represents a loss of not only revenue to the water
93 utility but a loss of water to businesses and households.
94 Infrastructure does not repair itself. It does not improve with
95 age.

96 Funding plans, strategic programs of infrastructure repair
97 and replacement costs far less than doing emergency repairs.

98 Yesterday, Mr. Chair, you expressed concern that the
99 authorization for e-manifest expires at the end of 2015 and the
100 Appropriations Committee may decide not to fund programs that do

101 not have a current authorization.

102 Well, if that is the case we have a number of very vulnerable
103 programs. The issues within this subcommittee's jurisdiction
104 are serious and they have significant impacts on communities in
105 every member's district.

106 I know there are budget concerns but we simply cannot cut
107 our way to prosperity. We need to make strategic investments to
108 provide the infrastructure needed to support economic opportunity
109 and we can't afford to clean up contaminated properties and return
110 them to productive use. We can afford to repair and upgrade our
111 water infrastructure and we can afford to manage waste
112 responsibly.

113 In fact, we cannot afford to ignore these needs. You have
114 proven you are willing to work on tough issues through your efforts
115 on issues like nuclear waste disposal and TSCA reform. By
116 comparison, issues like drinking water and brown fields are easy.

117 So S. 611 is a small but very good step forward. I urge my
118 colleagues to support the measure and also state that we should
119 now move on to address the bigger problems.

120 And with that, I yield back.

121 Mr. Shimkus. Gentleman yields back his time.

122 Chair now recognizes the coauthor of the legislation, at
123 least the House version, Mr. Harper from Mississippi, for 5
124 minutes.

125 Mr. Harper. Thank you, Mr. Chairman, and thanks to the

126 ranking member, Mr. Tonko, for his support and cooperation in
127 bringing this matter forward.

128 And I want to thank you, Mr. Chairman, for holding this markup
129 of S. 611, the Grass Roots Rural and Small Community Water Systems
130 Assistance Act.

131 I appreciate the committee's commitment to this issue as we
132 work to reauthorize this important technical assistance language.
133 In a legislative hearing just last week, we heard from rural water
134 professionals about the importance and timeliness of passing S.
135 611.

136 Rural water experts from the Mississippi Rural Water
137 Association and the Rural Community Assistance Partnership Inc.
138 testified to the benefits of S. 611 and, of course, our companion
139 bill, and helped provide insight into the needs of our rural water
140 constituents.

141 This insight will be beneficial as we continue to move
142 forward and to discuss this issue. I believe this gives
143 predictability that is needed and as we know and as is stated in
144 S. 611 90 percent -- more than 90 percent of the community water
145 systems in this country serve the population of less than 10,000
146 individuals.

147 So this is something that we do need to move forward. I know
148 that it was mentioned maybe some concerns about having other
149 hearings but those such as e-manifest and the one that just
150 preceded on low-level radioactive waste are maybe not the most

151 glamorous topics that we are going to hear this year are
152 nevertheless necessary.

153 And I am certainly willing to work with the ranking member
154 to identify programs that perhaps that can be cut or reduced that
155 he thinks are not necessary and try to transfer some of that money
156 to more pressing areas such as this.

157 With that, I yield back.

158 Mr. Shimkus. Gentleman yields back his time.

159 Chair now recognizes the ranking member of the full
160 committee, Mr. Pallone, for 5 minutes.

161 Mr. Pallone. Thank you, Mr. Chairman.

162 Yesterday, the chairman noted that the bill passed the Senate
163 by unanimous consent and suggested that there are no substantive
164 concerns with the legislation.

165 However, I think several serious substantive concerns were
166 raised by Democratic members of the subcommittee at last week's
167 hearing and I hope that we can address those concerns today or
168 at least reach a bipartisan consensus about the potentially
169 ambiguous terminology used in the bill.

170 Such a consensus would address many of the substantive
171 concerns on this side of the aisle and smooth this bill's path
172 into law.

173 I have heard from the majority that the need for this bill
174 is pressing because of the appropriations process. But Democrats
175 have repeatedly offered to work on this legislation for at least

176 8 months and we should not give up on good policy simply because
177 the majority delayed consideration.

178 I would like to mention some of the specific concerns which
179 I raised last week and which could be addressed today. First,
180 the legislation creates a preference for nonprofit that are most
181 qualified and the most experienced.

182 Similar language in past Democratic proposals would have
183 given priority to the most effective organizations. I think
184 these terms are intended to be synonymous and we all agree that
185 the money should go to the most effective organizations.

186 Witnesses at last week's hearing certainly shared that view
187 but the language could be more clear, Mr. Chairman.

188 Second, the bill requires EPA to determine which nonprofits
189 small systems in each state find the most beneficial and this could
190 be interpreted as requiring surveys in each state, an exercise
191 that witnesses at last week's hearing oppose.

192 And third, the bill does not set out specific areas of
193 technical assistance that are eligible for funding, leaving open
194 the possibility that important will go unfunded.

195 Past Democratic proposals have delineated several important
196 areas of technical assistance including source water protection
197 and identifying options for water and energy efficiency.

198 And lastly and very importantly, the bill leaves unaddressed
199 the major challenges facing water systems today. Water systems
200 are facing serious threats from outdated infrastructure, lack of

201 funding, emerging contaminants and extreme weather.

202 We in Congress have continued to underfund infrastructure
203 improvements and have continued to undermine efforts to address
204 climate change. So we should expect these problems to get worse
205 before they get better.

206 Resources are central to any conversation about safe
207 drinking water. Much of our nation's drinking water
208 infrastructure is well beyond its useful life and in desperate
209 need of replacement.

210 But this bill would reauthorize only the small pot of money
211 for technical assistance, not the large pot of money for
212 infrastructure repairs.

213 It is imperative that this subcommittee take on the important
214 task of reauthorizing the drinking water state revolving fund,
215 ensuring that fracking is done safely, ensuring water -- ensuring
216 source water protection, addressing drought and planning for
217 climate change.

218 The majority has so far been unwilling to take up these issues
219 but I don't think they can wait. So I hope that we can have a
220 fruitful discussion of these issues today and in the coming months
221 and I thank the chairman for calling this markup and yield back.

222 Mr. Shimkus. Gentleman yields back his time.

223 The chair reminds members that pursuant to the committee
224 rules, all members' opening statements will be made part of the
225 record.

226 Are there further opening statements?

227 Seeing none, the chair now calls up Senate 611 and asks the
228 clerk to report.

229 The. Clerk. S. 611, an act, to amend the Safe Drinking Water
230 Act to reauthorize technical assistance to small public water
231 systems and for other purposes.

232 [The Bill S. 611 follows:]

233

234 ***** INSERT 1 *****

235 Mr. Shimkus. Without objection, the first reading of the
236 bill is dispensed with and the bill will be open for amendment
237 at any point, so ordered.

238 Are there any bipartisan amendments to the bill? Seeing
239 none, are there any amendments?

240 The chair recognizes the gentleman from New York.

241 Mr. Tonko. Mr. Chair, I have an amendment at the desk. The
242 clerk will report the amendment.

243 The. Clerk. Sir, which number?

244 Mr. Tonko. Mr. Chair, I ask unanimous consent to have the
245 amendments numbered 1 through 6 considered en bloc.

246 Mr. Shimkus. Without objection, so ordered. So that would
247 be all the amendments there together.

248 The. Clerk. Amendments of S. 611 offered by Mr. Tonko,
249 amendments 1 through 6.

250 [The amendments offered en bloc of Mr. Tonko follow:]

251

252 ***** INSERT 2 *****

253 Mr. Shimkus. Without objection, the reading of the
254 amendment is dispensed with and the gentleman from New York is
255 recognized for 5 minutes in support of his amendment.

256 Mr. Tonko. Thank you, Mr. Chair.

257 These are very simple amendments to clarify several
258 important aspects of the technical assistance programs for small
259 and rural water systems.

260 Small and rural systems have their size and lack of resources
261 in common. However, the witnesses at our hearing talked about
262 the wide range of problems they encounter in their work with
263 different systems.

264 I want to ensure the program provides sufficient flexibility
265 to the assistance providers so they can address the greatest needs
266 of the small systems they serve.

267 I included many of these things in the technical assistance
268 provisions of the bill I introduced at the end of the last
269 Congress.

270 Amendment number one makes a one-word change. It
271 substitutes effective for experienced. It can be experienced
272 though still not be effective. We are not providing more money
273 for this program so I want to ensure that every dollar spent
274 delivers the best possible service.

275 Amendments two, three, four, five and six add several items
276 to the list of activities that can be performed with funding under
277 this program including assistance in identifying threats to

278 source waters -- assistance with increasing water or energy
279 efficiency -- assistance with planning and adaptation for climate
280 change -- assistance with planning and adaptation for drought and
281 assistance with identifying alternative source waters in the
282 event of contamination.

283 Small and rural systems are a feature of every state. The
284 issue of source water protection, protection of both quality and
285 quantity is vitally important to every water utility.

286 It is especially important for small and rural systems. The
287 higher the source water quality, the lower the treatment costs.
288 And for small systems, keeping treatment costs low helps them to
289 keep rates low for their customers.

290 It helps them to avoid purchasing and operating complex
291 expensive treatment technologies. One of the largest expenses
292 for water utilities is energy. It takes considerable energy to
293 move and to treat water. There are opportunities for reducing
294 energy usage in a water treatment system. Technical assistance
295 should include advice on how to conserve energy.

296 Finally, drought and climate change -- there are many small
297 systems located in areas subject to severe storms, flooding, sea
298 level rise and other extreme events that are becoming more
299 frequent and severe due to changes in climate.

300 Rather than waiting until an emergency arises, small system
301 operators should be able to get advice on cost effective ways to
302 make their systems more resilient and less vulnerable to service

303 disruptions due to changes in weather and climate conditions.

304 There are already many areas in the West and Southwest that
305 are experiencing record drought. These conditions impact both
306 the quantity and the quality of source water available to small
307 and rural systems.

308 People living in rural areas need safe drinking water. The
309 technical assistance programs certainly ensure they receive it.

310 Mr. Chair, I would have preferred to make some of these
311 changes in a manager's amendment to the bill. However I would
312 consider withdrawing my in block amendments in exchange for your
313 commitment that our staffs work together on the bill's report to
314 clarify that these topic areas can be addressed through this
315 program.

316 These are not mandates. They are options that can be
317 exercised if a small system operator needs to address these
318 issues.

319 So, Mr. Chair, I ask that, you know, we get a commitment so
320 that I can withdraw the in block amendments.

321 Mr. Shimkus. Would the gentleman yield?

322 Mr. Tonko. Yes, sir.

323 Mr. Shimkus. The -- our concern with the amendment is that
324 it -- because it -- there is two issues. One, any changes to the
325 amendment -- I mean, to the bill itself will then throw it back
326 to the Senate, which we are not sure will pass it and move it to
327 the present as rapidly.

328 The second concern is is that the amendment and the line item
329 of issues diverts already limited scarce money to other programs
330 that in my discussions with the rural water folks is not their
331 most pending need and so it is limiting the pot of money.

332 We will consider, we will engage in conversations. I don't
333 want to make a promise that I can't keep. But we are open to have
334 discussions on how we can discuss this.

335 Mr. Pallone. I would like to say something in support of
336 Mr. Tonko's amendment. If you -- I will yield to Mr. Tonko.

337 Mr. Tonko. No, go ahead.

338 Mr. Pallone. Okay. Let me explain why -- I am not sure that
339 I am next, Mr. Chairman.

340 Mr. Shimkus. Well, Mr. Tonko has 20 seconds left. If you
341 just want to strike the last --

342 Mr. Pallone. No, it is all right. I would rather have my
343 own time.

344 Mr. Shimkus. Right. Mr. Tonko, do you want to yield back?

345 Mr. Tonko. I will yield back.

346 Mr. Shimkus. Gentleman yields back his time. Chair
347 recognizes the ranking member of the full committee, Mr. Pallone,
348 for 5 minutes.

349 Mr. Pallone. I just wanted to strike the last word in
350 support of this amendment.

351 I thank the ranking member of the subcommittee, Mr. Tonko,
352 for his thoughtful amendment which would address the substantive

353 concerns that Democratic members have raised.

354 As I said in my opening statement, my Democratic colleagues
355 and I have substantive concerns with ambiguous language in the
356 bill and this amendment would address those ambiguities.

357 He obviously replaces the word experienced with the much
358 clearer word effective. We heard at last week's hearing that the
359 intent of the provision is to prioritize effective organization
360 so I think this change would make the language more clear without
361 changing the intent.

362 The amendment would also explicitly list important areas of
363 technical assistance to make clear that Congress intends for this
364 money to cover the range of needs of small water systems.

365 Specific areas called out in this amendment include
366 protective source water, increasing water and energy efficiency,
367 adapting for climate change and more.

368 Water systems across this country are in dire straits and
369 climate change will present them with greater and greater
370 challenges. As we reauthorize this funding we should ensure that
371 it will continue to be useful to water systems in the future as
372 they face these challenges.

373 Now, my colleagues on the other side of the aisle might think
374 this amendment is not necessary and I guess we were hoping we could
375 reach agreement here today and in report language that we share
376 the same intent. But I am not getting the impression that that
377 is the case.

378 So let me just say that these are important clarifications
379 for the bill and, again, I thank Mr. Tonko for raising these points
380 and urge my colleagues to support the amendment.

381 Mr. Shimkus. The gentleman yields back his time.

382 Anyone else that seeks time?

383 I would like to strike the last word, then I will yield to
384 -- so I recognize myself for 5 minutes.

385 I want to talk to, first of all, to the ranking member of
386 the full committee. I want to be -- I don't want to be vague.
387 We will try to work on some of the language. But I don't want to
388 make a promise that I just can't keep based upon some of the
389 provisions.

390 So let's give us a try.

391 Mr. Pallone. Will the gentleman yield?

392 Mr. Shimkus. I would.

393 Mr. Pallone. My understanding is Mr. Tonko is simply asking
394 for report language. He is not asking that you adopt the
395 amendment.

396 But my problem, Mr. Chairman, is that you don't seem to be
397 agreeable to report language that would accomplish these goals.
398 You are saying you might be but you are not. Why is there a
399 problem?

400 Since we are all sharing the same goal here why is there a
401 problem with the report language that would achieve the goals of
402 what Mr. Tonko is suggesting?

403 Mr. Shimkus. The -- and reclaiming my time -- we are happy
404 to look at trying to address report language. We want to be
405 careful that we don't jeopardize the passage of this bill and
406 challenges and frustration with the Senate based upon what we may
407 or may not have said. So --

408 Mr. Pallone. If you could yield to me, I mean, that is why
409 we are suggesting the report language because we don't want to
410 have to send it back to the Senate.

411 Again, I -- my having been here so many years -- I won't say
412 how many -- I have never had a situation where because of report
413 language that the bill has to go back to the Senate. That is just
414 expressing the intent of the subcommittee or the committee.

415 Mr. Shimkus. We will do everything we can to try to address
416 some of these issues in the report language.

417 Mr. Tonko. Mr. Chair, will you yield?

418 Mr. Shimkus. I would yield.

419 Mr. Tonko. Just to the concern about, you know, the options
420 here that we are asking for, not mandates, but if a small rural
421 system has a concern that can enable them to be a stronger outcome
422 for the consumers they serve, with technical assistance perhaps
423 with source water, all we are asking is that we not limit options
424 here.

425 It is not a mandate and it is not impacting the money. We
426 are asking that options not be limited and, again, we are asking
427 that consideration be made to include this in the bill's report.

428 Mr. Shimkus. Right, and reclaiming my time. I think the
429 only concern is, and you have rightly raised that it is a limited
430 pot of money. Everybody would like to do more. This is not the
431 venue to do more because of the Senate language and we have
432 broadened the scope so that the real safe drinking water aspects
433 of this can be protected by this advice and counsel and as we expand
434 the opportunity we may lessen the ability for the expertise to
435 go to those needed systems that are really trying to make sure
436 they have safe water to their constituents.

437 We are just trying not to dilute the pot right now. That
438 is kind of the basic --

439 Mr. Tonko. But I think we can -- you know, what we have
440 heard, and if the gentleman would yield again.

441 Mr. Shimkus. I am sorry. I didn't hear you.

442 Mr. Tonko. Mr. Chair, if you would yield.

443 Mr. Shimkus. I will yield.

444 Mr. Tonko. What we heard in testimony was that these are
445 ways to save money to be more efficient, more effective and by
446 limiting options I think that we could cause consequences that
447 are unnecessary.

448 So, again, if we could just include the language in the
449 report, if you can offer the commitment to our side to work on
450 developing that report language I am willing to withdraw my in
451 block amendments.

452 Mr. Shimkus. And reclaiming my time, we are open to

453 considering what language we can include. We want to be very
454 careful of that.

455 We can't -- report language can't amend a bill. I mean, it
456 just gives instructions. So if the report language is opposite
457 or makes, in essence, assumed change to a bill that is not the
458 intent of report language.

459 Mr. Tonko. Well, if the bill passes in the House, it then
460 -- if you will yield again.

461 Mr. Shimkus. I will yield.

462 Mr. Tonko. If the bill passes the House then it goes to the
463 president's desk.

464 Mr. Shimkus. That is correct.

465 Mr. Tonko. So I believe that, you know, we can work amongst
466 the two sides here, between the two sides and amongst all of us,
467 Senate and here, to address that report language. I just don't
468 see why we would limit these options.

469 Mr. Shimkus. I would only restate in my 13 second remaining
470 that we don't want to dilute the pot. There is limited money.
471 It goes for safe drinking water to poor systems that don't have
472 the technical expertise on their own and by expanding it in the
473 case of some of the listed items is problematic for this bill and
474 not a larger bill.

475 And with that, my time is expired.

476 Anyone else seeking time to speak on the amendment?

477 Mr. Pallone. Mr. Chair.

478 Mr. Shimkus. The gentleman from New York is recognized.

479 Mr. Pallone. Why don't we take your offer to work with us
480 between now and report to the full committee and if we believe
481 there is progress made that hopefully will satisfy us.

482 Mr. Shimkus. I'm sorry. Would the gentleman yield?

483 Mr. Pallone. Yes, sir.

484 Mr. Shimkus. I would be happy to make that effort to see
485 what we can do between the two committees and with that we will
486 see where we go from there.

487 Mr. Pallone. Okay. Then I will withdraw my in block
488 amendments in the hope that we can address not limiting options.

489 Mr. Shimkus. The gentleman withdraws his amendment.

490 The question now -- are there any other amendments to the
491 bill?

492 Seeing none, the question -- oh, there is.

493 Mr. Pallone. Chairman, let me just point out there are
494 several amendments, just so you know.

495 Mr. Shimkus. Oh, I thought there was six in block.

496 Mr. Pallone. No, no. Those -- there are other amendments.

497 Mr. Shimkus. Oh. I was only told there were seven total.

498 Mr. Pallone. All right. I don't know what they told you
499 but I just want you to know there is a few.

500 Mr. Shimkus. There is one -- you can do yours next. Would
501 the gentleman yield?

502 The Clerk. Sir, we have seven amendments at the desk. The

503 six that were considered on block and one that was received.

504 Mr. Shimkus. One more. Is that your understanding? Okay.

505 The chair recognizes the gentleman from Texas to offer his
506 amendment.

507 Mr. Green. That is Green 44. No?

508 The. Clerk. Sir, we don't have that amendment.

509 Mr. Pallone. Let us just take a minute to see. I know there
510 are three or four amendments. I don't know what happened here.

511 If you bear with us, Mr. Chairman.

512 Mr. Shimkus. I don't know why you are under the impression
513 that they were all going to be on block but whatever. Let us take
514 a minute.

515 Will the clerk report?

516 Mr. Green. Mr. Chairman, I reserve a point of order.

517 Mr. Shimkus. A point of order is reserved. A lot of
518 excitement for this committee.

519 The. Clerk. Amendment to S. 611 offered by Mr. Gene Green
520 of Texas.

521 [The amendment of Mr. Green follows:]

522

523 ***** INSERT 3 *****

524 Mr. Shimkus. The point of order is reserved. The gentleman
525 is recognized for 5 minutes in support of his amendment.

526 Mr. Green. Thank you, Mr. Chairman.

527 The amendment I am offering today is a common sense proposal
528 to help deal with one of the newest and fastest growing waste
529 streams in our country -- electronic waste. Create tens of
530 thousands of middle class jobs here in the United States by
531 requiring that American-produced e-waste be recycled and disposed
532 in our country and my amendment is based on legislation I have
533 introduced for the last three Congresses, the Responsible
534 Electronics Recycling Act.

535 E-waste is a product of the millions of discarded computers,
536 TVs, cell phones and other consumer electronics Americans throw
537 away or recycle annually. In 2011, EPA estimated that 3.4 million
538 tons of e-waste is generated in our country each year.

539 The management of used electronics presents a number of
540 significant environmental, health and national security
541 concerns. Much of the e-waste being collected in the United
542 States is being exported to China, India or West Africa where the
543 GAO has determined that most of these receiving companies lack
544 the capacity to safely recycle and dispose of these discarded and
545 used electronics.

546 Although of great concern is the growing recognition of the
547 Department of Defense and our National Security Agencies on the
548 appearance of defective electronic equipment in our nation's

549 weapon systems. Much of this defective electronic equipment
550 originally our own e-waste that was exported to countries like
551 China falsely relabeled and resold to us as newly fully
552 functioning equipment.

553 These problems are occurring because, unlike our European
554 and Japanese friends, the United States does not have a
555 comprehensive national approach for the export of used
556 electronics.

557 My amendment would provide such a comprehensive approach by
558 creating a new section under the Resource Recovery -- Conservation
559 and Recovery Act, RCRA, to prohibit the export of restricted
560 electronic waste to countries outside the OECD or the European
561 Union.

562 While tested and working equipment can still be exported to
563 promote reuse, other consumer electronic equipment, parts and
564 material derived from them that contain toxic chemicals could not
565 be exported in developing nations.

566 The legislation is supported by industry stakeholders,
567 retailers and the environmental community. Again, it is common
568 sense and it will do much to help our economy and the environment.

569 Mr. Chairman, I have asked many times for a hearing on this
570 issue and I would hope that you would consider it is an important
571 issue and I hope the subcommittee will examine this issue in the
572 near future.

573 And with that, Mr. Chairman, I will withdraw my amendment

574 but I would sure like at least a commitment that we will look at
575 this legislation and see if we can have a hearing on it.

576 Mr. Shimkus. Let us talk, Mr. Green.

577 Mr. Green. You and I talk a lot. I understand and I still
578 withdraw the amendment but I think it is something that this
579 Congress -- you could at least have a hearing on it to address
580 -- talk about the issue.

581 Mr. Shimkus. I understand your concern. Appreciate you
582 offering and withdrawing the amendment.

583 Anyone else have an amendment? The gentleman from
584 California is recognized. Do you have an amendment at the desk?

585 Mr. McNerney. Mr. Chairman, I have an amendment at the desk.

586 Mr. Shimkus. Will the clerk report the amendment?

587 The. Clerk. Amendment to S. 611, offered by Mr. McNerney
588 of California.

589 [The amendment of Mr. McNerney follows:]

590

591 ***** INSERT 4 *****

592 Mr. Shimkus. Gentleman is recognized for 5 minutes in
593 support of his amendment.

594 Mr. McNerney. Thank you, Mr. Chairman.

595 Here we are again working on a bipartisan bill that most of
596 us agree is needed but doesn't address the bigger picture facing
597 our nation on water shortages and water infrastructure needs.

598 The Safe Drinking Water Act's mission to protect public
599 health by regulating the nation's public drinking water supply
600 hasn't changed. But the new elements have emerged such as climate
601 change and drought that threaten our water supplies.

602 More and more states including my state of California have
603 been stricken by drought conditions. The result is that water
604 and energy prices increase, agricultural production suffers and
605 access to critical resources becomes more challenging.

606 Even in normal years some areas of California find it
607 difficult to meet demands for water. The state population
608 continues to grow, meaning for families, farms and businesses will
609 rely on regional water supplies for their daily needs. You all
610 have heard the California Water Board, I assume.

611 We must consider all options including technical assistance,
612 strategic planning and managing for drought conditions,
613 investments and new technologies that can better tackle the need
614 to do more with less.

615 My amendment directs the EPA to develop a strategic plan for
616 assessing and managing the risks of drought to drinking water that

617 is provided by public water systems.

618 It also establishes guidance around analytical methods and
619 ways in which to protect drinking water as supplies become limited
620 due to drought conditions.

621 There are currently more the 160,000 public water systems
622 providing water to most all Americans at some time of their lives.

623 Ensuring the best available science and best practices are
624 used when dealing with a drought is common sense and will allow
625 us to better protect our towns when we are forced to manage scarce
626 water resources while protecting public health. We need to
627 continue working on this but at this point for technical reasons
628 I will withdraw the amendment.

629 Mr. Pallone. Mr. McNerney, I would ask you not to withdraw
630 it because I wanted to make a statement.

631 Mr. McNerney. Yes. Okay. I yield back.

632 Mr. Shimkus. Gentleman's time is expired.

633 The chair recognizes the ranking member of the full
634 committee, Mr. Pallone.

635 Mr. Pallone. Thank you, Mr. Chairman.

636 I understand that this amendment will be withdrawn but I did
637 want to stress the importance of it because I think that the
638 problem with S. 611 is, again, it addressed only one small part
639 of the challenges facing water systems across the country and
640 systems of all sizes need more assistance than this bill would
641 provide.

642 And I think it is imperative that we provide guidance to water
643 systems to address climate-related issues and adapt to the
644 challenges presented by drought.

645 Now, Mr. McNerney's amendment would help to address these
646 issues by requiring the EPA to plan for and manage the risks
647 associated with drought. This plan would coordinate efforts and
648 information to assist water systems.

649 Right now, the western United States and the southwestern
650 U.S. are coping with serious drought conditions. We all know
651 that, and they will increase in intensity and frequency in coming
652 years as a result of climate change and these extreme drought
653 events pose an enormous risk to our drinking water supplies.

654 Aquifer levels are dropping. Wells are drying up.
655 Contaminant concentration in wells are increasing, meaning some
656 of them are no longer suitable as drinking water sources, and water
657 systems need consolidated data they can apply information about
658 the available feasible tools and guidance on the best practices
659 for taking defensive and offensive actions against drought.

660 I don't think this subcommittee can continue to ignore major
661 issues that matter to the American public and we should pass this
662 amendment to address the serious drinking water risk associated
663 with drought.

664 So if we can't adopt this amendment -- today obviously it
665 is going to be withdrawn -- I do hope we can work together in the
666 coming months to take on this challenge because I think that

667 providing safe and reliable drinking water is a basic function
668 of government and we have a responsibility to help water systems
669 meet that obligation.

670 I yield back.

671 Mr. Shimkus. Gentleman yields back his time.

672 Is the amendment withdrawn?

673 Mr. McNerney. Yes, Mr. Chairman, I will withdraw the
674 amendment now.

675 Mr. Shimkus. Thank you very much.

676 Anyone else have an amendment?

677 Mr. Tonko. Mr. Chairman, I have an amendment at the desk,
678 amendment number eight.

679 Mr. Shimkus. The clerk will report the amendment.

680 The. Clerk. Amendment to S. 611, offered by Mr. Tonko of
681 New York.

682 [The amendment of Mr. Tonko follows:]

683

684 ***** INSERT 5 *****

685 Mr. Shimkus. Gentleman is recognized for 5 minutes in
686 support of his amendment.

687 Mr. Tonko. Thank you, Mr. Chair.

688 The state revolving loan fund that was established in the
689 Safe Drinking Water Act amendments in 1996 is a major source of
690 funding for drinking water infrastructure and compliance
691 assistance for our water utilities.

692 The SRF has not been reauthorized and its authorization
693 expired in 2003, some 12 years ago. If indeed the appropriations
694 committee decides that programs without a current reauthorization
695 should not receive funding, drinking water systems across the
696 country will be in real trouble and so will the millions of people
697 that rely on them to deliver safe drinking water.

698 We already have a tremendous backlog of infrastructure needs
699 for these systems and states and local governments cannot do this
700 alone. So my amendment provides an extension of the current
701 authorization for the drinking water SRF.

702 At a minimum, we should be reauthorizing the SRF at a level
703 that covers inflation over the past 12 years. That would set
704 authorizing the program at \$1.52 billion and that is what my
705 amendment does.

706 Safe drinking water programs are public health programs.
707 Delivery of safe clean water to homes and businesses is dependent
708 upon infrastructure -- the network of pipes and treatment
709 facilities that carry water from the source to its final

710 destination.

711 One of the most cost effective important things we ever
712 initiated in this country was the disinfection and treatment of
713 drinking water. Jersey City was the first to do it in 1908.
714 Other cities quickly followed. Why?

715 Because water treatment dramatically improved public health
716 by reducing the transmission of infectious diseases that were all
717 too common at the time including cholera and typhoid.

718 In fact, nothing we have done since including the development
719 of penicillin has done more to improve public health and reduce
720 infectious disease than providing safe clean drinking water.

721 For the past 100 years, communities large and small across
722 our country have been able to rely on the delivery of safe drinking
723 water. That is a record we should be very proud of.

724 It is a standard that we must maintain. As I have observed
725 before, one of the most basic characteristics of a modern society
726 is its ability to deliver clean water to every home, business and
727 public building in communities large and small, urban and rural.

728 If we are to extend this excellent 100-year record, we need
729 to address the backlog of infrastructure needs, workforce issues
730 and constraints in maintenance and operating budgets that plague
731 water utilities across our country.

732 Reauthorizing the SRF is the least we should do. The
733 investments we have made in safe drinking water have paid
734 tremendous dividends back to us over the years. But now these

735 systems need attention.

736 Our health and our well being depend on access to safe
737 drinking water. Our economy depends on access to safe drinking
738 water and the added bonuses that the funding to rebuild these
739 systems would simply create jobs.

740 I urge support for my amendment to ensure that we maintain
741 basic support for this essential program by extending the
742 authorization for the drinking water SRF.

743 I will yield back my time, Mr. Chair.

744 Mr. Shimkus. Anyone else wishing to speak on the amendment?
745 The gentleman from New Jersey is recognized for 5 minutes.

746 Mr. Pallone. Thank you, Mr. Chairman.

747 First of all, I appreciate my colleague from New York
748 referencing the progressive nature of New Jersey City. That was
749 pretty good.

750 Mr. Tonko. We love our neighbors.

751 Mr. Pallone. Okay. I just want to support this amendment.
752 Our water infrastructure is in a dangerous state of disrepair.
753 Most of it has been determined to be at or beyond the end of its
754 useful life.

755 Every time EPA has assessed our drinking water
756 infrastructure need, the need has gone up significantly and
757 industry estimates are even higher.

758 The American Water Works Association has estimated that it
759 will take more than a trillion dollar investment in water

760 infrastructure over the next 25 years to sustain delivery of clean
761 and safe water and time and again we have heard testimony that
762 greater investment in drinking water infrastructure is
763 desperately needed.

764 Just last week at the Environment Subcommittee's hearing on
765 this bill we heard that any incremental increase in infrastructure
766 funding would help water systems and we have heard from the
767 majority that programs with expired authorizations are in danger
768 of going unfunded.

769 We simply can't allow that to happen for the drinking water
770 state revolving fund and we can't keep taking clean water for
771 granted.

772 So I just would say, Mr. Chairman, that providing the
773 American people with safe drinking water is a fundamental duty
774 of the government and we can't do that without investing in our
775 infrastructure.

776 This amendment is an important step towards helping public
777 water systems continue to deliver safe affordable drinking water
778 to the American people. I hope we can work together on this issue
779 and I urge my colleagues to support this amendment.

780 I yield to the gentleman from New York. I know you probably
781 want to --

782 Mr. Tonko. Yes, thank you, Mr. Pallone.

783 Mr. Chair, I will withdraw the amendment for purposes of
784 technical concern and appreciate the support echoed by

785 Representative Pallone.

786 Mr. Shimkus. The amendment is withdrawn and I appreciate
787 the member doing that for the -- obviously, the consistency of
788 the bill that we moving at this time.

789 Is there any other amendments?

790 The gentlelady from California -- for what purpose do you
791 rise?

792 Ms. Capps. I do have an amendment at the desk, Mr. Chairman.

793 Mr. Shimkus. Will the clerk report the amendment?

794 The. Clerk. Amendment to S. 611, offered by Ms. Capps of
795 California.

796 [The amendment of Mr. Capps follows:]

797

798 ***** INSERT 6 *****

799 Mr. Shimkus. The gentlelady is recognized for 5 minutes in
800 support of our amendment.

801 Ms. Capps. Thank you, Mr. Chairman.

802 Ensuring that everyone has access to secure reliable water
803 systems, of course, is of paramount importance and should be a
804 top priority in Congress and that means we should consider water
805 as it applies to all communities across this country.

806 Furthermore, while we clearly must consider the provision
807 of water, it is also important to support water-related services
808 including wastewater treatment, storm water management plans
809 under both current and changing future conditions.

810 Changing climatic and hydraulic conditions across the
811 country are already impacting water and water services'
812 availability and these changes are only predicted to intensify
813 in the future.

814 Climate change is a reality and to ignore it is both unwise
815 and irresponsible. We are experiencing changing conditions
816 today. Reservoirs are drying up and floods are overwhelming
817 storm systems.

818 Coastal areas are being threatened by sea level rise and salt
819 water intrusion. Threats to safe drinking water are diverse and
820 serious and we have a responsibility to help communities mitigate
821 them.

822 We must be prepared. We can either choose to invest in our
823 water infrastructure proactively or we can spend very much more

824 down the road when the repairs are more costly and that is why
825 I am offering this amendment, which is identical to my Water
826 Infrastructure Resiliency and Sustainability Act.

827 My amendment simply would help ensure our local drinking
828 water, waste water and storm water operators have the resources
829 they need to plan and implement projects to adapt their
830 infrastructure to changing hydrological conditions. This
831 shouldn't be a partisan issue.

832 These threats do not differentiate between rural communities
833 and urban ones or between Democratic and Republican districts,
834 and that is why my amendment is supported by a very broad group
835 of stakeholders including the Association of Metropolitan Water
836 Agencies, American Public Works Association, National
837 Association of Water Companies and the National Association of
838 Clean Water Agencies.

839 When it comes to basic needs of course water is at the top
840 of their list. Access to clean and reliable water is not a luxury.
841 It is a fundamental right. My amendment recognizes our
842 responsibility as policy makers to help protect this right for
843 all of our constituents.

844 Ignoring the problem is not going to make it go away. Like
845 it or not, we know that climate and hydrological conditions are
846 changing. We owe it to our constituents to respect the science
847 and do everything we can to make sure they have safe water to drink,
848 adequate waste water treatment and appropriate storm water

849 management now and in the future.

850 This amendment would strengthen the underlying bill by
851 ensuring that we are not only considering the availability of
852 water under current conditions but that we are adequately prepared
853 to respond to water availability changes now and in the future.

854 This amendment provides a much needed forward-looking
855 approach to water infrastructure and I urge my colleagues to
856 support it, and I yield back.

857 Mr. Pallone. Could I ask you to yield me your time
858 remaining?

859 Ms. Capps. I would be happy to yield to my colleague.

860 Mr. Pallone. Thank you.

861 I just want to urge support for this amendment. Again, it
862 addresses the climate change issue, which is one of the most
863 pressing issues of our time and water systems are on the front
864 lines of the battle to mitigate its effects.

865 And drought, extreme weather, storm surge and higher
866 temperatures all affect the ability of water systems to continue
867 to deliver safe and reliable drinking water.

868 Water systems may need to move intakes, change treatment
869 techniques, develop procedures to address harmful alga blooms and
870 more and we can't expect water systems to meet these challenges
871 without guidance and assistance.

872 Water systems already face \$384 billion in infrastructure
873 costs over the next 20 years and the effects of climate change

874 could dramatically increase those costs. The American people are
875 relying on us to work on the most important and pervasive issues
876 affecting their lives and instead the majority wants to work on
877 the smallest parts of a massive issue and call that success.

878 And I don't think, Mr. Chairman, we can afford to react to
879 these issues any longer. We need to be proactive in protecting
880 our nation's water supply. And so I think this amendment is very
881 important.

882 I yield back to the gentlewoman.

883 Mr. Shimkus. Does the gentlelady yield back her time?

884 Ms. Capps. I yield back my time.

885 Mr. Shimkus. Does the gentlelady -- considering
886 withdrawing the amendment?

887 Ms. Capps. I will consider withdrawing the amendment.

888 Mr. Shimkus. Is there any other debate on the amendment?

889 I will recognize myself for 5 minutes. Again, I appreciate
890 the comments from my colleagues on these water issues.

891 This is a Senate bill that if altered then pushes it back
892 to the Senate for consideration and probably passage. There is
893 a time frame here with the appropriation bill still being in flux
894 that this technical assistance is really doable if we move the
895 Senate bill unamended and we think it will get to the president's
896 desk and with the appropriation process being -- maybe come to
897 some type of conclusion technical assistance should be able to
898 hopefully flow to the -- based upon the, and I will admit, small

899 criteria of what we can do with the amendment.

900 So I would hope that the gentlelady would reconsider.

901 Ms. Capps. With this encouragement, I will withdraw. But
902 I also want to underscore the fact that I believe many of us believe
903 we need to look at water from a more holistic perspective.

904 I do withdraw the amendment.

905 Mr. Shimkus. Your comment is noted. Thank you very much.

906 Is there any other amendment?

907 The gentleman from New Jersey.

908 Mr. Pallone. I have an amendment at the desk and this would
909 be our last amendment, Mr. Chairman.

910 Mr. Shimkus. The clerk will report the amendment.

911 Mr. Bucshon. Mr. Chairman. Mr. Chairman, I reserve a point
912 of order.

913 Mr. Shimkus. The point of order is reserved by the gentleman
914 from Indiana and the clerk will report.

915 The Clerk. Amendment to S. 611, offered by Mr. Pallone of
916 New Jersey.

917 [The amendment of Mr. Pallone follows:]

918

919 ***** INSERT 7 *****

920 Mr. Shimkus. The gentleman is recognized for 5 minutes in
921 support of his amendment.

922 Mr. Pallone. Thank you, Mr. Chairman.

923 I would like to offer this amendment to reauthorize the brown
924 fields program at EPA. As we heard yesterday and today, this
925 markup is needed because the program with an expired authorization
926 may go unfunded.

927 The authorization for the brown fields program is also
928 expired and funding for the program was cut by House appropriators
929 this year.

930 In fiscal year 2015, EPA received \$80 million for the brown
931 fields program, \$5 million lower than the requested funding level.
932 For fiscal year 2016, the president's budget recommends an
933 additional \$30 million for a total of \$110 million.

934 However, the appropriators have recommended only \$75 for the
935 brown fields program even lower than the funding level enacted
936 in fiscal year 2015.

937 And the brown fields program has historically received
938 bipartisan support. Actually was signed in the first year of the
939 second President Bush's administration and Paul -- now I am
940 forgetting -- Paul Gilmore and I were the sponsors of it in the
941 House and we even had a signing ceremony with the president in
942 Pennsylvania that I remember.

943 So it was bipartisan. It promotes job growth. It protects
944 the environment and safeguards the health of our communities.

945 In fact, the Transportation Infrastructure Committee, which
946 shares jurisdiction over the program, has been working on a
947 bipartisan basis on reauthorization.

948 By any measure, the EPA brown fields program has been an
949 invaluable tool successfully cleaning contaminated sites while
950 also supporting responsible growth and revitalization of existing
951 communities.

952 Brown fields investments are working, creating vibrant new
953 community places and replacing lost jobs and taxes on sites where
954 closed industrial plants have left a legacy of blight and
955 contamination and this reauthorization would expand upon that
956 success.

957 My amendment would raise the authorization level to begin
958 to address the backlog of eligible contaminated sites. It would
959 increase cleanup grant amounts to reflect inflation and allow
960 funds to go to big projects. It would encourage tie ins between
961 brown fields, sustainable development and renewable energy
962 projects.

963 It would address eligibility barriers for nonprofits and
964 local governments and clarify the liability of local governments
965 in foreclosure acquisitions and it would establish multipurpose
966 brown field grants.

967 It would also offer greater assistance to small and rural
968 communities in keeping with the spirit of the underlying bill.
969 Small and rural communities need more than just technical

970 assistance for drinking water.

971 If we are concerned about expired authorizations we should
972 incorporate this authorization to the bill and I urge my
973 colleagues on the other side of the aisle to support
974 reauthorization of the brown fields program to work with me and
975 my Democratic colleagues to strengthen this program.

976 Obviously, we are not going to do this today but I hope we
977 can turn to it in coming months and I guess I am disappointed that,
978 you know, we haven't been able to address this.

979 So I would like, you know, before I say anything further,
980 if you would like to comment on this I would appreciate it.

981 Mr. Shimkus. Would the gentleman yield?

982 Mr. Pallone. Yield to the chairman.

983 Mr. Shimkus. Thank you very much. This gives me a good
984 opportunity to kind of just review what the subcommittee has done
985 so far, you know, with the alga bloom bill signed into law.

986 We have got the coal ash bill that might be inserted somewhere
987 in the final process of this year. TSCA is moving forward. We
988 have had numerous hearings on nuclear policy, which we will wrap
989 up into a bill.

990 You have given us another long laundry list of hearings that
991 we should have and consider and I look forward to doing that. We
992 will be a very busy subcommittee.

993 Mr. Pallone. All right.

994 Well, what about brown fields? Can we --

995 Mr. Shimkus. I would love the discussion of brown fields.

996 Mr. Pallone. Okay. All right.

997 Thanks again and, again, you know, I want to stress that,
998 and I already made the point, but, you know, when -- this was always
999 a very bipartisan issue.

1000 I remember taking it up with Paul Gilmore and we worked with
1001 the EPA then under a Republican administration. So it is not
1002 something that should be perceived as partisan and I don't think
1003 you see it that way.

1004 So thank you. With that, I will withdraw the amendment.

1005 Mr. Shimkus. The gentleman withdraws the amendment. Is
1006 there any other amendments to be considered?

1007 Seeing none, the question now occurs on forwarding Senate
1008 611 to the full committee. All those in favor, say aye.

1009 (Vote was taken.)

1010 Those opposed, no. The ayes appear to have it. The ayes
1011 have it. The bill is agreed to.

1012 Without objection, staff is authorized to make technical and
1013 conforming changes to the legislation approved by the
1014 subcommittee today. So ordered.

1015 The subcommittee stands adjourned and I thank my friends for
1016 their attendance.

1017 [Whereupon, the committee adjourned 1:16 p.m.]