

**DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED
AGENCIES APPROPRIATIONS ACT, 2006**

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. *Stupak*:

At the end of the bill (before the short title), insert the following:

SEC. __. None of the funds made available in this Act may be used to finalize, issue, implement, or enforce the proposed policy of the Environmental Protection Agency entitled ``National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions'', dated November 3, 2003 (68 Fed. Reg. 63042).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. *Stupak*) and the gentleman from North Carolina (Mr. *Taylor*) each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. *Stupak*).

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

(Mr. STUPAK asked and was given permission to revise and extend his remarks.)

Mr. STUPAK. Mr. Chairman, our amendment would stop the EPA from moving forward with a dangerous proposal that would allow more partially treated sewage into our waterways. This morning the EPA issued a statement saying it will not finalize its current proposal. The EPA has been mulling over this policy change for nearly 2 years.

I am pleased to see that the EPA has now recognized that this policy proposal is bad for our health, bad for our environment, and bad for business. Now Congress needs to seal the deal by passing our amendment to make sure this misguided proposal is gone for good.

Let me clarify something that has been misunderstood. Our amendment will not cost a thing. It will not change a thing. It leaves things just the way they are right now.

Currently, clean water rules say during major wet weather events, sewage treatment plants are allowed to combine the filtered but untreated human sewage with fully treated waste water before discharge, in a process known as ``blending,'' when no other feasible alternative exists.

The EPA's 2003 proposal would weaken current environmental standards by allowing facilities to discharge largely untreated sewage virtually anytime it rains. Our amendment simply stops the EPA from weakening existing environmental standards and requires that sewage be effectively treated to remove the viruses, parasites, and bacteria that make people sick.

I know many of my colleagues are hearing that this amendment will pose astronomical costs on local communities. That is simply not true. This amendment will not cost communities a dime. Our amendment would maintain the current policy. It would not prevent utilities from blending under any of the current allowable legal circumstances. It would merely support current safeguards which do not allow blending when full treatment is feasible. Let me repeat that. Our amendment will not ban blending.

We have a clear policy choice. Should we provide effective treatment for sewage, remove pollutants that poison drinking water sources, close beaches, contaminate shellfish, make people sick, and rob the water of oxygen the fish need to breathe? Or should we allow routine discharges of inadequately treated sewage virtually every time it rains? To ask the question is to answer it. The choice is clear just as it has been under the Clean Water Act for the past 30 years.

Congress needs to send a strong, clear message on behalf of our constituents. We do not want human waste in the water we drink and swim in. As a step in the right direction, vote ``yes" on the bipartisan Stupak/Shaw/Pallone/Miller amendment.

Groups Weighing in Against EPA's Sewage Proposal

American Littoral Society; American Public Health Association; American Shore and Beach Preservation Assoc.; American Rivers; Children's Environmental Health Network; Citizens Campaign for the Environment; Clean Ocean Action; Clean Water Action; Coast Alliance; East Coast Shellfish Growers Association; Earthjustice; US Conference of Catholic Bishops; Environmental Integrity Project; and Coalition on the Environment and Jewish Life.

Lake Michigan Federation; League of Conservation Voters; National Fisheries Management Institute; Natural Resources Defense Council; New York Rivers United; Pacific Shellfish Growers Association; Physicians for Social Responsibility; Riverkeeper, Inc.; Sierra Club; Surfers' Environmental Alliance; Surfrider Foundation; The Ocean Conservancy; US PIRG; and US Conference on Catholic Bishops.

Mr. Chairman, I thank the gentleman for raising this concern and want to clarify this issue for him.

The short answer is ``no."

My amendment would not change the existing requirements for CSO communities, which are outlined in the 1994 CSO Policy and were incorporated in the CWA in 2000.

The CSO policy allows combined sewer systems to bypass secondary treatment when it is not feasible to provide full treatment for sewage.

Bypassing is allowed under the CSO policy as part of a long-term plan to minimize sewer overflows and maximize treatment.

EPA's proposed sewage dumping policy is inconsistent with the 1994 CSO policy because it would allow bypassing full treatment even when it is feasible.

The proposed policy would undercut those communities investing in long-term solutions that are protective of public health, the environment, and downstream economies.

The proposed policy would also allow separate sanitary sewer systems to bypass secondary treatment and discharge largely untreated sewage even if full treatment would be feasible, as it should be under normal operating conditions for most well operated and maintained separate sanitary systems.

Given the heavy load of viruses, parasites, bacteria, toxic chemicals, and other contaminants in sewage, it is critical that sewage treatment plants strive to achieve full treatment, not just discharge poorly treated sewage because it is cheaper to do so.

I also incorporated Mr. **MEEHAN**'s statement relating blending policy to this statement.

Mr. STUPAK. Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

First I all I would like to read a letter from the Assistant Administrator of the Environmental Protection Agency:

``Dear Chairman Taylor:

``This is regarding the November 2003 Draft Blending Policy which addresses the management of peak wet weather flows at municipal wastewater treatment facilities. The draft policy received extensive public comment and has been the subject of considerable ongoing discussion and debate, including being the focus of a recent hearing before the House Subcommittee on Water Resources and Environment.

``Based on our review of all of the information received, we have no intention of finalizing the blending policy as proposed in November 2003. We continue to review policy and regulatory options to manage this issue."

I think this letter is self-explanatory.

Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. *Duncan*), the distinguished chairman of the Subcommittee on Water Resources and Environment.

Mr. DUNCAN. I thank the gentleman for yielding me this time.

Mr. Chairman, the author of this amendment, the gentleman from Michigan (Mr. *Stupak*), is a good man and a good friend of mine and I think he is well intentioned, but I think my colleagues should know that this amendment is opposed by the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the National Rural Water Association, and 38 other national and State water organizations whose job it is to protect the environment and provide communities with clean water.

Let me tell you why these organizations oppose this amendment. Communities all over the country have wastewater treatment plants that are designed and permitted to allow blending during extreme wet weather events. That is only a very small percentage of the time, usually maybe 2 or 3 percent.

These plant designs allow communities to prevent sewer overflows and meet all Clean Water Act standards in a cost-effective way. If blending is prohibited, then cities like Atlanta, Detroit, Cincinnati, Tacoma, Portland, Oregon, Boston and many, many others would have to spend billions of dollars to change their wastewater treatment plant designs, all to deal with extreme wet weather events that occur only once or twice a year. Some individual cities could have to spend as much as \$100 million on this or perhaps even more.

Blending has been mischaracterized as the discharge of raw sewage. This is not true. Here are the facts. During normal dry weather operation of a typical wastewater treatment plant, the wastewater receives three stages of treatment: solids removal, biological treatment, and disinfection. During extreme wet weather events, wastewater flows can exceed the capacity of the biological treatment unit. In those cases a plant then treats it twice. This blending does not mean the discharge of raw sewage into any river or waterway. These flows are recombined and blended with wastewater chemical treatments and so forth and disinfection so that it meets all Clean Water Act water quality and technology-based treatment standards.

This practice is not a bypass around treatment because it is part of the plant's permitted treatment design.

We held a hearing on this. Let me just tell you a few quotes from some of the experts.

One person from the Ohio River Valley Water Sanitation Commission said, "In the case of the Ohio River, without our blending policy more untreated overflows would occur and the water quality impacts of wet weather would be more damaging."

The head of an agency in California said, "With blending, our member communities can provide the maximum clean water treatment possible to unpredictable, exceptionally heavy rains and snowmelt, while still meeting permit limits which are set to protect public health and the environment."

A water executive from Little Rock, Arkansas, said, "Blending protects public utility infrastructure by preventing washout of sensitive biological systems and protects public health and private property."

Another official said, "A prohibition of blending will result in the need for extremely expensive facility upgrades that will not result in any meaningful improvement to water quality or protection of the public health."

If we prohibit blending, it will cause worse environmental trouble than if we allow these experts and these utilities to proceed with it. There is a lot of misunderstanding on this issue. What we should do is we should work with the gentleman from Michigan because what he wants to accomplish and what we want to accomplish is really the same thing. We need to have more work on this before we leap into this very complicated situation.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. *Shaw*), one of the cosponsors of this amendment.

Mr. SHAW. I thank the gentleman for yielding me this time.

Mr. Chairman, I am very pleased to offer this amendment along with my colleagues because the EPA's proposed guidance would hurt water treatment practices already in place in my home State of Florida.

Governor Jeb Bush and the Florida Department of Environmental Protection support this amendment. I am not here to impose any added costs to treatment plants. There is a rumor, as has just been expressed by my friend from Tennessee, that our amendment would cost upwards of \$200 billion in added costs to cities. This is just plain wrong. Our amendment does not impose any new regulations. It simply allows cities and States to maintain their current level of water treatment practices. Florida has a higher level of treatment and should not be forced to step back.

I urge my colleagues to vote "yes" on the Stupak-Shaw-Pallone-Miller amendment. A "yes" vote is a vote for safe, clean water.

Mr. STUPAK. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from New Jersey (Mr. *Pallone*), also a cosponsor of our amendment.

Mr. PALLONE. Mr. Chairman, I am also pleased to be a cosponsor of this amendment.

Let me be very clear. This amendment would not ban all blending. In fact, it would have no effect on any currently permitted uses of blending. The Clean Water Act already says you can blend but only during a serious rain event. The EPA's proposed policy change, however, would let sewer operators bypass secondary treatment anytime it rains. That is what really could add a lot more sewage to our waters.

I have been fighting this proposal every step of the way and the EPA has finally said they are not going to do it. However, we must make sure that they do not. I understand that the EPA is now saying they are no longer going to finalize this proposed policy change, but they could change their mind tomorrow.

It should be a very easy vote for Members. We are saying that this is a bad idea. The EPA is now saying it is a bad idea. We are just making sure that the EPA actually does what it says it will do, because, who knows, tomorrow they may change their mind. But I do not want anybody here to think that all blending is going to be banned. You can still do it during a serious rain event, but you should not be allowed to do it anytime you want because that is going to increase tremendously the volume of material that does not have secondary treatment. And you will not have secondary treatment if you allow this policy to go ahead. It will be able to make an exemption anytime you please, and that is the problem. Our waters will get dirty. It will affect our tourism, our shellfish in coastal States around the country. Do not allow it to happen.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Does the gentleman intend his amendment to have any impact on the policies of the EPA regions and States that allow blending today and have issued permits allowing blending?

Mr. STUPAK. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for his question, but our amendment does not intend to have any impact on any of the existing policies of EPA regions and States that allow blending or on any Clean Water Act permit that allows blending. We are saying maintain the status quo.

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, we would accept the gentleman's amendment under that representation.

Mr. Chairman, I reserve the balance of my time.

Mr. STUPAK. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from Florida (Mr. *Miller*), also a coauthor of this amendment.

Mr. MILLER of Florida. I thank my good friend for yielding time.

Mr. Chairman, obviously we are here tonight to talk about just a commonsense issue in regards to this blending issue. I, in fact, have been involved in the construction of and the management of wastewater treatment plants. Blending is used obviously in very high water times and I think that that is an issue that we have heard raised tonight. We are not in any way trying to stop the issue of blending during the storm season, but the fact of the matter is, in 2003 there were more than 18,000 closings or advisories around the United States and that was 5,000 more than ever at any time before. These closings were due to fecal coliform increases in bacterial levels outside of the norm.

The fact of the matter is it does not take a medical degree to understand that this is a health issue for our families and our children that are out there that are actually swimming sometimes in

this waste. In fact, we are looking at the blending of untreated solid free waste with treated sewage. The Clean Water Act already allows for that blending to take place.

As the gentleman from Michigan says, we are not trying to change the last resort issue. What we are trying to do is to set up an issue where we cannot have these wastewater treatment plants continue to dump more less treated or smaller treated wastewater into our waterways.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York (Mrs. *Kelly*).

Mrs. KELLY. Mr. Chairman, I rise in strong support of this amendment offered by my colleagues which will prevent the EPA from finalizing a policy that may increase the risks of waterborne illness and harm our Nation's waterways. Thirty-three years after the passage of the Clean Water Act, the EPA should not be implementing policies which will allow more sewage into our waterways. Such a policy could result in water systems with more pathogens, viruses, bacteria and parasites that make people sick, contaminate our drinking water supplies, harm fish and other aquatic life.

I believe this is a misguided policy. The use of secondary biological treatment to remove bacteria and pathogens from sewage has been in place for decades in order to protect the public from waterborne illnesses, and I believe we must preserve these longstanding standards. Blending waste streams at times other than natural emergencies will result in an unnecessary discharge of harmful contaminants into our waters. We have a responsibility to fully treat all wastewater, and the EPA's proposal to bypass the crucial second treatment step and allow more bacteria into our local water sources is just plain wrong.

We should be focused more on strengthening the federal commitment to water infrastructure, which we all know has been stagnant for many years now.

I plan soon on reintroducing my bill, the Clean Water Infrastructure Financing Act, which will authorize funding levels in the Clean Water State Revolving Fund which better reflect the considerable depth of our Nation's wastewater infrastructure needs.

I urge strong support for this amendment because we must invest in effective sewage treatment to help ensure that our constituents are protected from health hazards. Effective sewage treatment will reduce the risk of waterborne illness and protect public health.

Again, I thank my colleagues Mr. **STUPAK**, Mr. **SHAW**, Mr. **MILLER** and Mr. **PALLONE** for offering this important amendment and urge strong support from my colleagues.

I would also like to thank my colleagues Mr. **TAYLOR** and Mr. **DICKS** and their staff for their hard work with the difficult task of putting this bill together.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. *Ginny Brown-Waite*) who supports the amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the gentleman from North Carolina for agreeing to this amendment.

Mr. Chairman, water is one of the most precious resources Floridians possess. Representing several of the State's largest water reserves, protecting the quality and availability of our water has always been a top priority.

Unfortunately, the EPA is proposing this dumping rule that would damage the integrity of America's water. The proposed rule which they now have said that they are not going to implement was not a very well thought out one. The blended wastewater concept would then be discharged into our waterways. The consequences of this strategy could be very dire. Certainly in a State like Florida where we have more than our share of heavy rains during rainy season, and you can be darn sure we are going to have a lot of hurricanes again, it would be virtually playing Russian roulette every time that citizens would be drinking tap water.

I cannot in good conscience allow the rule to go forward and have that communicated to the EPA. I am very delighted that today a letter did come from them that they are not going forward with this. But keeping it in the legislation is very wise policy.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. *Fitzpatrick*) who has been helping us on this amendment.

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, I rise tonight in strong support of the Stupak amendment to the Interior appropriations bill. This amendment will stop the EPA's ill-advised proposal to allow treatment plants to dump untreated sewage into our Nation's waterways.

Mr. Chairman, the EPA's proposed change is just plain a bad idea. In fact, just this morning as we have heard, the EPA recognized just how bad an idea it was and announced that it was reconsidering its proposal. It is a bad idea to permit our water to contain bacteria, viruses, parasites and intestinal worms

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capable of causing cholera, hepatitis, gastroenteritis and dysentery. The EPA steps backward when it advocates for polluters to discharge half-way-treated sewage into our Nation's waters. Notwithstanding today's EPA decision to reconsider its proposed policy change, it remains necessary to pass this amendment.

I urge my colleagues to vote in favor of the amendment and ensure that the EPA does not change its mind again and attempt to impose an imprudent sewage blending policy on America at some point in the future.

Mr. STUPAK. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. *Kirk*) who has been very helpful on this amendment.

Mr. KIRK. Mr. Chairman, I thank the gentleman for yielding time. I want to really applaud the gentleman from Michigan for putting together a truly bipartisan amendment that not only put together a broad coalition of Members in this House, including the chairman of the subcommittee, who has accepted the amendment, to stop this blending regulation.

We all saw when Milwaukee dumped over 4 billion gallons of sewage into Lake Michigan just last year and an incredible rise in the number of beach closings along the Illinois shoreline: Nine in Glencoe, 12 in Wilmette, 34 in Winnetka, a rising tide of dirty water that would have been increased with this.

But what this bipartisan amendment has done is it has backed down the EPA. Thanks to his work and Members on both sides of this aisle, the EPA has largely accepted what this amendment would have already laid out and have stopped this regulation. It is going to listen to the Congress on environmental protection, and I really want to thank my subcommittee chairman for accepting this amendment.

The Acting CHAIRMAN (Mr. *Foley*). The time of the gentleman from Michigan (Mr. *Stupak*) has expired. The gentleman from North Carolina (Mr. *Taylor*) has 4 minutes remaining.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. STUPAK. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the chairman for yielding to me.

Can the chairman clarify that the intent of our amendment is to ensure that all EPA regions and all the permits that are written will comply with the current Clean Water Act rules and safeguards? Is that his intent also?

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, it is my understanding, but I would like to talk with the gentleman. This is a new area, a new part of the committee, and I would like to work with him as we go on with the bill toward conference. But that is my understanding.

Mr. STUPAK. Mr. Chairman, if the gentleman will continue to yield, with the understanding, and it is certainly our understanding, that all EPA regions and all permits that are written must comply with the Clean Water Act rules and safeguards, and that is the only thing we are trying to do here. We are not trying to change anything. So with the assurances from the chairman that he will make sure that that is what we are going to do and we have some time to clarify this even further, we will not ask for a recorded vote. We accept his courtesy that he will accept our amendment and make it a part of the bill, and we look forward to working with him on this and other related matters.

I want to thank the gentleman from Tennessee (Mr. *Duncan*) also for his work in this area, along with the gentleman from Washington (Mr. *Dicks*) and the Members on our side.

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, I appreciate the gentleman's activity. We will work with him.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, at this point I had intended to offer an amendment to the Stupak amendment because I am certainly in support of the content. But given the agreement that has been reached between the two parties, there is no need for me to offer that amendment.

I would simply observe, however, that I hope we do not kid ourselves. It is very good that this amendment is being adopted, but it again illustrates the need for, in fact, increasing, rather than reducing, the amount of money that we put into the Clean Water Revolving Fund, and I would hope that we would remember this as the bill goes through the system because we can avoid controversies such as this. We can avoid putting EPA into a position of even considering such an outlandish regulation if we are providing much more by way of financial help to the communities so that they will not be concerned about stiffening EPA regulations to protect public health.

Mr. MEEHAN. Mr. Chairman, I move to strike the last word.

Mr. MEEHAN. Mr. Chairman, I rise to applaud my good friend, the gentleman from Michigan, for his commitment to protecting public health and the environment.

Over the last century, the nation's wastewater infrastructure has resulted in enormous strides in improving public health.

I represent the Merrimack Valley region of Massachusetts.

The Merrimack River was once among the most polluted waterways in the nation.

Moreover, the northeast is ridden with outmoded sewer infrastructure that is designed to overflow into public waterways.

During heavy weather, these combined sewer systems steer raw, untreated sewage into rivers like the Merrimack, and bays such as Casco bay in Maine.

The challenge to control cso's has been both of technical and financial feasibility.

Some treatment plants use a blending bypass during periods of heavy weather so that cso's receive some treatment rather than none at all.

In economically-distressed communities such as Lawrence, Haverhill, and Lowell that have combined sewer systems, it is not currently possible to provide full treatment for all sewage during wet weather.

I seek assurance from the gentleman from Michigan that his amendment would not prohibit cso communities from blending if it is authorized by their permits in accordance with the Clean Water Act.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support for the Stupak/Shaw anti-sewage dumping amendment. Each year, 850 billion gallons of contaminated sewage poisons lakes, rivers, and oceans each year. Discharging inadequately treated sewage into our waterways harms the environment, our constituents' health, and even our economic growth. By permitting ``blending" during standard weather systems, we are providing our citizens with a false sense of security that we are furnishing them with safe conditions. When the secondary treatment of sewage water is sidestepped, the citizens face exposure to viruses, parasites, bacteria, and toxic chemicals that can cause Hepatitis A and Giardia. Further, this puts small children, the elderly, and those already vulnerable by other illnesses with additional life threatening conditions. Not only is health at risk, but the economy. Many industries work from lake and ocean commodities. Subsequently, blended sewage in the water would destroy much of their viable product. In my own district, in the heart of Chicago, routine blending will inhibit my constituents' use of the lakefront beaches, harm our water industries, and make the drinking water dangerous and even deadly.

These devastating and misguided decisions will damage not only the current, and already failing situation, but also our long term solutions. By allowing routine blending, it will only increase the concentration of the contaminant in our environment. Other solutions must be considered. For example, constructing additional facilities to hold sewage until it is fully treated can transfer some of the overflow problem. Therefore, I urge my fellow colleagues to prohibit these policies from being changed. With our continued efforts, we can continue to provide a healthy and productive environment for our citizens.

Ms. WOOLSEY. Mr. Chairman, how much farther are we going to have to roll back the clock before we realize the harm that we are doing to our environment? Do we have to get to the point of rivers catching on fire again?

The EPA, the agency that is supposed to be protecting our environment, is attempting to turn back the clock by releasing a new policy that will increase waterborne diseases and deaths.

This latest EPA policy to allow sewage treatment plants to routinely divert untreated sewage into our rivers and oceans, where we get our water and where we swim is not something that appeals to me.

Instead of turning back the clock and allowing sewage to flow freely in our rivers, we must increase our investment in upgrading wastewater treatment plants. Ironically, this bill actually decreases the amount of federal funding for upgrading wastewater treatment plants.

It is time that we started moving forward and not backward on protecting our rivers and our oceans. I urge all of my colleagues to join me in supporting this important amendment.

Mr. PASCARELL. Mr. Chairman, our communities are on the front lines in their attempts to meet the requirements of the Clean Water Act.

Hundreds of billions of dollars are needed to meet real and pressing needs, and the federal government is not paying its fair share.

As a former Mayor and lifelong resident of Paterson, NJ, I can personally attest that our cities are struggling to make ends meet. The money to make any wastewater upgrades must come from somewhere, and the Congress needs to step up to plate.

The funding levels in this bill reflect almost a half billion dollars in cuts to the Clean Water State Revolving Fund over the past two years. My state of New Jersey will have lost \$20 million alone.

EPA's state and tribal assistance grant program is also slashed by almost half a billion dollars.

Enacting these cuts and ignoring these needs undermines our ability to treat sewage, particularly during wet weather events.

It is important that we have uniform clean water regulations across our nation. I do believe that our communities need a thoughtful blending policy.

However, the November 2003 policy the EPA has proposed is not the right one at this time. If the Stupak Amendment comes to a vote, I will support it.

The EPA can do better, and the Congress should demand better.

But all sides need to be pragmatic. It is imperative that common ground can be found to develop a solution we can all live with.

A limiting amendment which stops work on the blending issue will not benefit our environment and it will not benefit the public health.

It will certainly not benefit communities and public water utilities trying to do the best they can with the limited resources they have available.

I would like to thank my friend from Michigan for bringing this amendment to the House floor. He is truly a champion in our quest for clean water and should be commended for his work protecting the Great Lakes.

I would also like to thank my Chairman of the Water Resources Subcommittee, Mr. **DUNCAN**. He is also a champion for clean water, and a leader in our quest to provide assistance to local communities for their treatment systems.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the amendment.

The amendment offered by my colleague from Michigan would prohibit the Environmental Protection Agency from spending any of the funds provided by this bill to finalize any new policy related to sewage blending.

Mr. Chairman, when EPA proposed to issue a new policy document on sewage blending, I was concerned that it could cause an increase in the frequency of blending by those communities that current use the practice, and an increase in the number of communities that use the practice. That is why I thought the policy was flawed. I do not believe that there currently is enough information available to EPA and state permit writers to know that any increase in the use of blending is protective of human health and the environment. That is why I believe that issuing a policy that could increase the use of blending is wrong.

Sewage blending is the practice of taking partially treated wastewater, mixing it with fully treated wastewater, and then relying on the dilution to meet discharge limits. I do not believe that sewage blending is what was intended when the secondary treatment requirements for publicly owned treatment works were put in place by Congress in 1972.

Congress intended that all domestic sewage receive a minimum of secondary treatment, and greater levels of treatment where water quality demanded it. Since sewage blending is a process that is used only during periods of high flows, then the question presents itself as to whether blending complies with the secondary treatment requirements. Even the proponents of blending acknowledge that blending is used only in limited high flow circumstances--at all other times the sewage otherwise receives full secondary treatment

The current, acknowledged limitations on the use of blending lead to the question--if blending constitutes secondary treatment, then why is it not acceptable all the time, or if it does not constitute secondary treatment, why is it allowed at all?

Recently, the EPA Assistant Administrator for Water acknowledged, ``the heart and soul of the Clean Water Act, is that dilution is not the solution to pollution, that you need to treat the sewage. Blending isn't the solution. It's a short-term fix. [EPA] want[s] to make sure that it only occurs in the very limited, narrow circumstances and that it meets all requirements in their Clean Water Act permit, and that water quality standards downstream are also maintained."

Mr. Chairman, increasing the use of blending is not an acceptable long-term solution to meeting secondary treatment requirements. I support the amendment to bring the expanded use of blending policy to a halt.

Mr. TAYLOR of North Carolina. Mr. Chairman, I raise a point of order. We have an agreement. I do not think we can strike the last word when we have a time agreement.

Would the chairman rule on that and inform me?

The Acting CHAIRMAN. Under the order of the House of earlier today, only the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Interior, Environment, and Related Agencies may offer a pro forma amendment to a pending amendment.

The question is on the amendment offered by the gentleman from Michigan (Mr. *Stupak*).

The amendment was agreed to.