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CHAFEE, BOND, JEFFORDS PROPOSE PERMANENT FIX FOR STORM WATER FUNDING

WASHINGTON, DC – U.S. Senators Lincoln Chafee (R-RI), Kit Bond (R-MO) and James Jeffords (I-VT) today proposed legislation that would permanently enable states like Rhode Island, Vermont and Missouri to continue to use federal money to help fund state storm water runoff control programs, which are mandated under the Clean Water Act.

Senator Chafee introduced this legislation in response to requests from the Rhode Island Department of Environmental Management and the New England Interstate Water Pollution Control Commission.

“The Phase II Storm Water Program is an important step toward protecting our nation’s waters from storm water discharges, and moves toward an integrated approach for preventing, controlling and reducing pollution entering our waters,” Senator Chafee said today. “The legislation introduced today provides critical flexibility to states and municipalities as they continue to struggle financially with coming into compliance under the Phase II Program,” Chafee continued.

Senator Jeffords, the ranking member of the Senate Environment and Public Works Committee said, "In our efforts to make our nation’s water cleaner, non-point sources of pollution remain our next major hurdle. Storm water runoff is one area where we can make an immediate difference in the amount of pollution reaching our waters with an investment in best management practices and control techniques. We need to make more resources available to communities working hard to reduce the impact of storm water runoff on water quality. This legislation will ensure that smaller communities required to comply with the storm water regulations will continue to have access to grant funds under the Clean Water Act."

CHAFEE, BOND, JEFFORDS PROPOSE PERMANENT FIX FOR STORM WATER FUNDING (continued)

The legislation permanently addresses whether funds provided to states through section 319 of the Clean Water Act may be used for the purposes of developing and implementing the Phase II Storm Water Rule that went into effect in March of 2003. Last year, the Senate approved and the President signed into law the Great Lakes and Lake Champlain Act of 2002, which contained a provision providing a one year fix, during fiscal year 2003, for states to retain maximum flexibility in utilizing 319 funding for addressing their storm water concerns.

The issue is significant because the Phase II rule regulates storm water discharges, which have historically been treated as nonpoint sources, as if they are point sources under the National Pollutant Discharge Elimination System (NPDES) Program. Although the Clean Water Act appears silent on the eligibility of 319 funding to address stormwater issues now falling under the NPDES program, the Environmental Protection Agency has thus far determined that 319 funding may not be used for the Phase II program. As a result, it is possible that state nonpoint source control programs, which have been funded by 319 monies in the past, may have to find new funding sources even as storm water requirements are increased. This legislation provides maximum flexibility for states to use Section 319 funds for storm water problems.

The Phase II storm water rule, which was published December 8, 1999, requires most communities to obtain NPDES permits for municipal separate storm sewer systems, and construction sites between one and five acres. If states are not allowed to use 319 monies for urban storm water programs, highly urbanized states like Rhode Island will likely be hardest hit.

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