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Association of State and Interstate Water Pollution Control Administrators

Max S. Baucus

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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

SENATOR MAX BAUCUS' ADDRESS TO THE ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS (ASIWPCA) February 18, 1993

Introduction: Meeting the Challenge

Good afternoon. I appreciate the opportunity to join Robbie and other good friends here today.

And I particularly want to thank you for your help on the environmental infrastructure package. Without it, the success we have achieved thus far would not have been possible.

We are meeting at an extraordinary time. Last night, President Clinton challenged all Americans to work together. To break the gridlock. To innovate. And, most of all, to build a bright future for the generations that will follow in our footsteps.

Over the next few months, most of the public debate will be about how these principles apply to the twin goals of reducing the budget deficit and improving the economy.

But these principles also apply, with just as much force, to the goal of protecting the environment.

For the past several years, environmental policymaking was paralyzed by gridlock. EPA fought the Competitiveness Council. Congress fought the Administration. States and municipalities strained beneath the weight of underfunded mandates. Industry groups dug in their heels. And environmental groups went to court.

As a result, with the notable exception of the 1990 Clean Air Act, very little was accomplished.

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In the meantime, we lost wetlands at a rate of more than 300,000 acres a year. We generated mountains of solid and hazardous waste. Some of our most important environmental laws, such as Superfund and the Endangered Species Act, became mired in controversy.

And, as you know better than anyone, we fell short of our goal of making all of America's waters fishable and swimmable.

Today, those of us involved in environmental policymaking face a tough challenge. The American people expect things to change. They expect us to work together. To break the gridlock. To innovate. And to build a future in which our children are blessed with both good jobs and a clean, healthy, environment.

The Committee Agenda

As the new chairman of the Senate Environment & Public Works Committee, I look forward to working with you to meet the challenge.

I believe that we must proceed deliberately. After 12 years of fitful administration at EPA, both the Administration and Congress should pause and take stock. We should think carefully about our objectives and about how best to achieve them.

To this end, the Committee will begin its work with a series of hearings rather than with a flurry of legislation.

The first hearings will be designed to focus on two initiatives that will help us create a "virtuous circle" between the environment and the economy, in which increased environmental protection means more jobs, rather than fewer.

The first initiative is encouraging the development of cutting edge environmental technology. By the year 2000, American companies will spend $150 billion a year on pollution control. Virtually all of this money will be spent on "end of pipe" technology, designed to control pollution after it occurs.

Although pollution control equipment is important, most experts believe that it would wiser to prevent pollution, before it occurs. We can do this by designing new technology, by designing new processes, or by applying existing technology and processes in new ways; all with the goal of using fewer resources and creating less pollution.

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For example, a company in Attleboro, Massachusetts, developed a wastewater treatment system that not only recycles water but also recovers plating materials. The system cut capital costs by one-half and operating costs by three-quarters. After five years, water consumption fell by 99 percent; chemical use fell by 82 percent; and lab costs fell by 87 percent. Instead of generating toxic sludge, the company is recovering valuable metals, and the new technology paid for itself in two years.

And environmental technology creates a great opportunity for American businesses. The Council on Environmental Quality estimates the annual demand for environmental technology is somewhere between $200 and $300 billion and is expanding by as much as 10 percent a year.

Japan, Europe, and other competitors have gotten the message. They are investing heavily in the development of cutting edge environmental technology. We need to match their effort.

How? In the first place, by writing environmental laws that encourage new technologies. By beefing up the federal government's own environmental research efforts. And by creating incentives for environmental innovation.

On February 23, the Committee will begin hearings on environmental technology. Our effort will continue, at both the full committee and subcommittee levels, throughout the year.

The second initiative is strengthening the link between trade policy and environmental policy. The North American Free Trade Agreement is a good example.

If we had ignored the link between trade policy and environmental policy, Americans would have lost more jobs to Mexican pollution havens. We would have suffered the worst of both worlds: fewer jobs and more pollution.

Fortunately, we have the opportunity to strengthen the link between trade policy and environmental policy, so that both jobs and the environment are protected.

Over the next few weeks, I will be working with the Administration to develop an appropriate mechanism for enforcing environmental commitments under NAFTA. But we can't stop there. We also must move ahead and negotiate an "Green Round" trade agreement that establishes an international code of fair environmental practices.

In addition to these two initiatives, the Committee will take stock by carefully reviewing the current state of environmental regulation.

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In our "taking stock" hearings, we will review current laws and regulations to learn what has worked, what has not worked, and why. We also will review what I call "Green Federalism,"--the relationship between the Federal government and the states. The effective implementation of federal environmental laws depends on a major commitment by the states; in fairness, this commitment should be a two-way street.

These initial hearings will, I believe, lay a solid foundation for the Committee as we turn to our legislative agenda.

Improving the Clean Water Act

That agenda is heavy. Five major environmental laws are due for reauthorization: the Clean Water Act, the Safe Drinking Water Act, the Resource Conservation and Recovery Act, the Endangered Species Act, and Superfund. To handle this agenda, we have reorganized the subcommittee system, so that the workload can be allocated evenly.

As full Committee chairman and sponsor of last year's bill, I plan to play an active role in the Clean Water Act debate. However, Senator Bob Graham of Florida will chair the subcommittee with jurisdiction over the Clean Water Act and will take the lead in developing a reauthorization bill over the next few months.

As you know, Senator Graham has a strong commitment to the environment and to water quality. He also has a deep interest in the mechanics of programs and a good practical sense of how to make things work.

Senator Chafee will serve as the Ranking Republican on both the full Committee and the Graham Subcommittee, continuing his long record of leadership on water pollution issues.

The Clean Water Act reauthorization debate will not be easy. In fact, it will implicate virtually all of the key issues that will confront policymakers as we enter a new era of environmental protection:

- how to encourage the development of environmental technology;
- how to shift from end-of-the-pipe controls to pollution prevention;
- how to improve the relationship between the federal and state governments;

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- and how to move beyond the control of traditional "point sources" to address pollution emanating from many diffuse sources.

Specific Issues: Funding

More specifically, three issues are likely to dominate the debate: funding, pollution prevention, and the control of nonpoint sources.

As far as funding is concerned, we must be sensitive to diverse needs. Sewage treatment remains the largest need. But we must to do more to assist in the control of nonpoint sources. And we must consider allowing States to use loan funds for projects mandated by the Safe Drinking Water Act.

In addition, we must establish the clear goal of returning to the pre-1980 funding level of about $5 billion per year. Obviously, as the President said last night, our short term priority must be deficit reduction. But, during the Clean Water requthorization debate, we can make the case for increased funding in the long term.

Finally, we must address the problems faced by small communities, where economies of scale often drive user charges sky-high.

Let's face it. These changes will cost money. But there is a critical difference between money that is wasted and money that is invested. What we're talking about here is money that is invested. And it will do more than just provide environmental and health benefits. It will create jobs. But perhaps more importantly, it will provide a long term economic benefit.

And if there is one notion that we all must get into our heads, it is thinking, and acting, for the long term.

Specific Issues: Toxic Pollution Prevention

The same is true when it comes to reducing toxic pollution. There is mounting evidence that even low levels of toxic discharges result in serious harm over the long term. For example, recent studies in the Great Lakes indicate that toxic water pollutants contribute to developmental effects in wildlife and humans and may pose a serious long-term threat.

A first step in responding to this challenge is to strengthen effluent guidelines and water quality standards. We need to expand the scope of effluent guidelines to cover more

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industries. And we must consider expanding water quality criteria and standards to cover additional pollutants.

But we must also think creatively about ways to supplement our existing controls over toxic pollutants. For example, we must press industries and municipalities to think beyond end of the pipe treatment and begin to prevent pollution in the first place.

Some already are doing so, through cost-effective process changes, materials substitution, and other measures.

In addition, we need to review one of the original authorities of the Clean Water Act which never achieved its full potential -- the authority to sunset pollutants that pose special threats to water quality, wildlife and human health.

Specific Issues: Nonpoint Sources

Solving our funding and toxic water pollution control problems will be difficult, but the most significant challenge will be the control of diffuse, or nonpoint, sources of pollution.

Last year, Senator Muskie told our Committee that we now face "more complex, subtle, and politically challenging problems" than we did during previous reauthorization debates.

The control of nonpoint sources is the best example. True, nonpoint sources account for more than half of the remaining water pollution problem. But we're not talking about the traditional straight pipe discharge from an factory or city. We're talking about millions of independent decisions by developers, construction companies, farmers, ranchers, and even homeowners which, taken together, have a significant effect on water quality.

We cannot inflexibly apply traditional pollution control methods to this problem. Instead, we need to take a creative, cooperative, approach that gets the job done and assures that everyone involved does his or her fair share.

It's too early to predict precisely what approach the Committee will take to nonpoint pollution. But I believe that our approach should incorporate three general themes.

First, we should build on the State programs that you have developed. Some programs are comprehensive and have resulted in steady progress. Others, frankly, could be much better. We need to help States improve their programs wherever possible.

At the same time, we need to give you the resources to do the job, including

substantially increased funding for program management and for implementing control measures. I am pleased that the President is proposing to significantly increase the appropriation for nonpoint programs. But we need to go even further.

Finally, we need to be sensitive to the special challenges posed by agricultural sources. We need to focus our attention and our resources on areas where agricultural sources contribute to identified water quality impairment. And we need to work cooperatively with individual farmers to address their individual problems.

Other Issues

The three major issues of funding, toxics, and nonpoint pollution will demand much of our attention. But other important issues will arise:

- the need to provide a stable and reliable funding base;
- the difficult problems associated with both stormwater discharges and combined sewer overflows;
- improving the pretreatment program.
- and considering geographic or watershed approaches wherever appropriate.

In addition, we are likely to see a wide range of proposals from other Senators. I expect that, at a minimum, we will see legislation addressing the Great Lakes, the Gulf of Mexico, Long Island Sound, Chesapeake Bay, wetlands, clean lakes, water conservation, beach quality, the Mexico border, and State certification of Federal projects.

Conclusion

It's an imposing list. And, as my experience last Congress taught me, Clean Water legislation can become almost overwhelmingly complex. So, as we begin the long debate, we should remind ourselves why we're doing it.

The Clean Water Act is our fundamental environmental law. After all, the Refuse Act of 1899, which made it illegal to dump garbage in interstate waters, was the first federal environmental law. And the Federal Water Pollution Control Act of 1972 remains, along with the Clean Air Act, one of the two pillars of federal environmental law.

But there's something more. Each of us understands, instinctively, that our ability to

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protect our rivers, lakes, and coastal waters is a fundamental test of our stewardship of the environment.

I'm sure that, when all is said and done, that's what motivates you. That's what motivated the New Englanders, like Senator Muskie, Senator Chafee, and Senator Mitchell, who led the Committee's water resource protection efforts in the past.

And that's what motivates us in the West. In a different way, perhaps, because there's so much less water. But the message of a clear-running stream is just as powerful as the message of pounding surf.

This point was best made by Norman McClean in his book, A River Runs Through It. It's a simple book about many complex things, like family, God, the West, and, of course, fly fishing. Near the end are these lines:

> In the Arctic half-light of the canyon, all existence fades to a being with my soul. And memories. And the sounds of the Big Blackfoot River. And a four-count rhythm. And the hope that a fish will rise.
> Eventually, all things merge into one, and a river runs through it.

My friends, these words remind us of the challenge. If we work hard, and we work together, we can make a difference. Then, our children, and our grandchildren, can enjoy the Big Blackfoot and every other river in the land--like Norman McClean did a century before them.

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