

Committee on Transportation and Infrastructure U.S. House of Representatives Washington, DC 20515

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May 17, 2019

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Water Resources and Environment
FROM: Staff, Subcommittee on Water Resources and Environment
RE: Subcommittee Hearing on "Policies, Recommendations, and Impacts of the President's Fiscal Year 2020 Budget Request"

PURPOSE

The Subcommittee on Water Resources and Environment will meet on Wednesday, May 22, 2019, at 10:00 a.m. in the Rayburn House Office Building, Room 2167, to receive testimony related to "Policies, Recommendations, and Impacts of the President's Fiscal Year 2020 Budget Request." The purpose of this hearing is to provide Members with an opportunity to review the U.S. Environmental Protection Agency's (EPA) budget request and the administration's program priorities for fiscal year (FY) 2020. The U.S. Army Corps of Engineers (Corps), the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), the National Oceanic and Atmospheric administration (NOAA), the Saint Lawrence Seaway Development Corporation (SLSDC), the Tennessee Valley Authority (TVA), the U.S. Sector of the International Boundary and Water Commission (IBWC), and the Agency for Toxic Substances and Disease Registry (ATSDR) at the Centers for Disease Control and Prevention will submit written testimony only.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

The administration's FY 2020 budget request for the EPA totals \$6.56 billion, including \$2.77 billion for State and Tribal Assistance Grants, \$2.12 billion for Environmental Programs and Management, and \$1.05 billion for the Hazardous Substance Superfund program. The FY 2020 budget request is \$1.76 billion less than the FY 2019 enacted budget for the EPA.

Summary of FY 2020 Budget Request:

(in millions)

Appropriations Account	FY 2019 Enacted	FY 2020 President's Budget	Diff. of FY 2020 Pres. Budget and FY 2019 Enacted \$ %	
Science and Technology	\$717.7	\$463.0	-\$254.7	-35.5%
Environmental Programs and Management	\$2,597.9	\$2,115.3 ¹	-\$482.6	-18.6%
State and Tribal Assistance Grants	\$3,605.0	\$2,774.6	-\$830.4	-23.0%
Clean Water SRF*	\$1,694.0	\$1,119.7	-\$574.3	-33.9%
Drinking Water SRF*	\$1,164.0	\$863.2	-\$300.8	-25.9%
Water Infrastructure Finance and Innovation Program (WIFIA) Account	\$68.0	\$25.0	-\$43.0	-63.2%
Hazardous Substance Superfund	\$1,159.9	\$1,045.3	-\$114.6	-9.9%
EPA Office of Inspector General	\$41.4	\$38.8	-\$2.6	-6.3%
Other**	\$144.6	\$103.3	-\$41.3	-28.6%
Total	\$8,334.5	\$6,565.3	-\$1,769.2	-21.2%

¹ The President's original FY 2020 budget request was \$1,845,268,000 for Environmental Programs and Management. On May 13, 2019, the President submitted a revised request in the amount of \$2,115,268,000, to provide an additional \$270 million for the Great Lakes Restoration Initiative.

*The sum of these two items does not equal the total for the State and Tribal Assistance Grants (STAG) program. There are other line items included in the STAG program budget.

**This number is the sum of the following EPA line items: Building and Facilities (B&F); Inland Oil Spill Program; Leaking Underground Storage Tanks (LUST); and E-Manifest.

Clean Water

The Committee on Transportation and Infrastructure has jurisdiction over programs aimed at protecting the Nation's surface water quality. EPA, through its own programs and in partnership with States and tribes, seeks to improve water quality in rivers, lakes, and coastal waters through investment in wastewater infrastructure, water quality standards, permitting programs, water quality monitoring, and research, among other activities. EPA's Office of Water operates EPA's water quality protection programs.

Clean Water State Revolving Fund: The FY 2020 budget request provides \$1.11 billion in Federal capitalization grants for the Clean Water State Revolving Fund (Clean Water SRF), which is \$574.31 million less than the FY 2019 enacted level. The Clean Water SRF is the primary Federal vehicle for funding wastewater infrastructure programs throughout the nation. Clean Water SRF funds are used for capitalization grants for State Clean Water programs and infrastructure.

In previous Congresses and the current Congress, the Subcommittee held numerous hearings on financing water infrastructure projects. The hearings examined how our Nation can bridge the large funding gap that now

exists between wastewater infrastructure needs and current levels of spending, challenges facing low-income communities, and the resiliency needs of our Nation's water infrastructure.

Water Infrastructure Finance and Innovation Act Program (WIFIA): Authorized by the Water Resources Reform and Development Act of 2014, the WIFIA program provides low-interest Federal loans or loan guarantees to eligible entities for a wide range of nationally and regionally significant water and wastewater projects. The FY 2019 authorization level for the WIFIA program is \$50 million. The President's budget request for FY 2020 is \$25 million for the WIFIA program, while the FY 2019 appropriated level was \$68 million.

Environmental Programs and Management: (EPM): This account provides funds for internal programmatic activities. The President's budget request reduces funding for EPM by \$482.6 million (-18.6 percent) from the FY 2019 appropriated level of \$2.59 billion.

Geographic (Regional) Programs: EPA's regional programs provide an opportunity to target regionally specific environmental problems and to work closely with State and local partners. The FY 2020 budget request maintains funding for EPA's Great Lakes Restoration Initiative. However, the Chesapeake Bay Program funding is reduced by \$65.7 million or 90 percent. The administration's FY 2020 budget request also proposes to eliminate funding for the following EPA programs: Gulf of Mexico; Lake Champlain; Long Island Sounds; San Francisco Bay; Puget Sound; and South Florida (Everglades and Florida Keys).

Additionally, the administration proposes to eliminate funding for the National Estuaries Program (section 320 of the Clean Water Act), as well as funding to support EPA efforts in Lake Pontchartrain, Louisiana; the Southeastern New England Estuary; and the Columbia River Basin, Washington and Oregon, in its FY 2020 budget request.

State and Tribal Assistance Grants (STAG): This account provides categorical grants to States and tribes as part of the cooperative partnership between Federal Government, States and tribes. The President's budget request reduces funding for the State and Tribal Assistance Grants account from the FY 2019 appropriated level of \$3.6 billion by \$830.4 million (23.03 percent), including eliminating the following programs: EPA's beach water quality and costal pollution grant program; non-point source water pollution prevention grant program (section 319 of the Clean Water Act); and EPA's Mexico border infrastructure grant program.

The President's budget request provides \$153.6 million in grants to States to establish and maintain State water pollution control programs under section 106 of the Clean Water Act. This is a 33 percent reduction from the FY 2019 appropriated level of \$230.8 million. Section 106 funding is used by individual States to carry out State clean water programs, including Clean Water Act permitting, monitoring, and enforcement. Of this amount, \$141.7 million would be specifically allocated for State grant awards, which is a 33 percent reduction from the FY 2019 appropriated level.

Superfund and Brownfields

Superfund Program: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) established the Superfund program in 1980. EPA's Office of Land and Emergency Management (OLEM) runs the Superfund program. Superfund is the Federal Government's program to clean up the Nation's uncontrolled and/or abandoned hazardous waste sites. The law makes designated responsible parties pay for the hazardous waste cleanups wherever possible and provides for a hazardous substances trust fund, commonly referred to as the Superfund, to pay for remedial cleanups in cases where responsible parties cannot be found or otherwise be held accountable. Superfund is also available for responding to emergency situations involving the

release of hazardous substances. EPA addresses the highest priority sites by listing them on the Superfund National Priorities List (NPL). The administration's FY 2020 budget request provides \$1.04 billion for the Superfund program, a 9.88 percent decrease from the FY 2019 appropriated level of \$1.15 billion.

Brownfields: Brownfields consist of properties for which the expansion, redevelopment, or reuse, may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. These sites can consist, for example, of former industrial properties, gas stations, or dry cleaners. EPA established the Brownfields Initiative in 1995 to better enable the Federal Government, States, and communities to work together to address, cleanup, and reuse brownfields sites. The Small Business Liability Relief and Brownfields Revitalization Act (P. L. 107-118) authorized funding for EPA to award brownfields assessment, cleanup, and revolving loan fund grants, as well as provided limited Superfund liability protections for certain innocent landowners and bona fide prospective purchasers. EPA's OLEM manages the Brownfields program.

The President's FY 2020 budget request provides \$110.5 million for EPA's brownfields program, including \$62.0 million in site assessment and cleanup grants (STAG account); \$31.7 million for authorized State brownfields programs (STAG account); and \$16.7 million for EPA's management of the brownfields program (EPM account). Of all the brownfields-related activity included in the President's budget, the account that funds actual, on-the-ground, brownfields site assessment and remediation activities is funded at \$62.0 million, which is down 28 percent (\$25.0 million) from the FY 2019 level. In the 115th Congress, the Brownfields Utilization, Investment, and Local Development Act (P. L. 115-141) included authorization of \$200 million for FY 2020 for this specific purpose.

U.S. ARMY CORPS OF ENGINEERS (CORPS)

The Corps studies, constructs, operates, and maintains water resources development projects for the Nation, usually through cost-shared partnerships with non-federal sponsors. Activities include navigation, flood control, shoreline protection, hydropower, dam safety, water supply, recreation, environmental restoration and protection, and disaster response and recovery.

Summary of FY 2020 Budget Request:

(in millions)

Appropriations Account	FY 2019 Enacted	FY 2020 President's Budget	Diff. of FY 2020 Pres. Budget and FY 2019 Enacted \$%	
Investigations	\$125.0	\$77.0	-\$48.0	-38.4%
Construction	\$2,183.0	\$1,380.7	-\$802.3	-36.8%
Operation and Maintenance	\$3,739.0	\$2,872.0	-\$867.0	-23.2%
Regulatory	\$200.0	\$200.0	\$0.0	0.0%
Expenses	\$193.0	\$187.0	-\$6.0	-3.1%
Office of the Assistant Secretary of the Army	\$5.0	\$5.0	\$0.0	0.0%
Mississippi River and Tributaries (MRT)	\$368.0	\$215.0	-\$153.0	-41.6%
FUSRAP	\$150.0	\$0.0	-\$150.0	-100.0%
Flood Control and Coastal Emergencies (FCCE)	\$35.0	\$27.0	-\$8.0	-22.9%
Total	\$6,998.0	\$ 4,963.7	-\$2,034.3	-29.1%

The water resources development projects and programs of the Corps support vital economic and environmental needs of this nation. These projects provide for continued economic growth, job creation, and economic stability while protecting human lives and property, ensuring reliable waterborne transportation of goods, and restoring valuable natural resources.

The administration's FY 2020 request for the Corps of \$4.9 billion represents a reduction of \$2.0 billion from the FY 2019 appropriations for the agency. These cuts could negatively impact the agency's ability to study, design, and construct new water resources development projects, as well as maintain its existing infrastructure.

Sources of Appropriations for FY 2020:

General Fund	\$3.72 billion
Harbor Maintenance Trust Fund	\$965 million
Special Recreation User Fees	\$54 million

Inland Waterways Trust Fund \$55.5 million

Investigations: The President's budget request provides \$77 million for the Investigations account, which funds studies to determine the need, feasibility, and economic and environmental benefits of, potential water resources projects. The investigations account is used to fund the study of potential projects related to river and harbor navigation, flood control, shore protection, environmental restoration, and related purposes. This account also funds the restudy of authorized projects, miscellaneous investigations, and plans and specifications of projects prior to construction. The President's budget request includes no new Corps study starts. The budget request funds one Preconstruction, Engineering, and Design (PED) and three Dredge Material Management plans to completion.

The President's budget request proposes to transfer \$16.5 million in work previously budgeted in either the Operations and Maintenance or Construction accounts to the Investigations account – meaning that a true comparison of the FY 2019 enacted with the FY 2020 budget request would show a more substantial cut to the funding levels of the account.

Construction: The Construction account provides \$1.38 billion for the construction of Corps projects. The President's budget request includes <u>no new Corps construction starts</u>. The budget request includes four construction projects funded through completion (Melvin Price Lock and Dam, Illinois and Missouri; Charleston Harbor, South Carolina; Mud Mountain, Washington; and Lock & Dam 2, 3, and 4, Monongahela River, Pennsylvania).

The Construction account funds two new line items at \$150 million each:

- Innovative Funding Partnerships
- Water Resources Reform and Development Act (WRRDA) 2014 Section 1043 pilot program for non-federal construction of federal projects. *Note: The authority for this program expires in June 2019.*

The Construction account does not fund Section 1122, beneficial use of dredge material, nor does it fund the Corps' implementation of its WIFIA authority.

Operation and Maintenance (O&M): The President's budget request allocates \$2.87 billion to the O&M account.

Harbor Maintenance Trust Fund (HMTF): The President's budget request for FY 2020 proposes to transfer \$965 million from the Trust Fund to the Corps for commercial navigation operation and maintenance activities. This level is significantly less than the target appropriations for FY 2020 outlined in WRRDA 2014. For FY 2020, the target HMTF appropriation is \$1.5 billion – the greater of 80 percent of the total level of harbor maintenance taxes collected in FY 2019 (est. \$1.782 billion) or 103 percent of the FY 2019 appropriations from the Trust Fund (\$1.4 billion), as provided in the Energy and Water Development and Related Agencies Appropriations bill, 2019 (P. L. 115-244).

Mississippi River and Tributaries (MR&T): For MR&T projects, the President's budget request includes \$215 million for ongoing construction, operation and maintenance, and investigation activities.

Flood Control and Coastal Emergencies (FCCE): The President's budget request includes \$27 million for preparedness for floods, hurricanes, and other natural disasters. The funding in the budget will support emergency operations in response to such natural disasters, including advance measure, flood fighting, providing potable water, and the repair of certain flood and storm damage reduction activities.

Formerly Utilized Sites Remedial Action Program (FUSRAP): The President's budget includes no funding for FURSAP and proposes to transfer financial responsibility for these sites back to the Department of Energy. NOTE: The Department of Energy budget request includes \$141 million for management of the FUSRAP program.

Inland Waterways Trust Fund (IWTF): The President's budget request estimates that \$106 million will be collected into the IWTF from the existing \$0.29 per gallon diesel fuel tax in the coming fiscal year, but the budget request utilizes only \$55.5 million for inland projects in FY 2020. The budget request could have an adverse impact on the scheduling and completion of projects on the inland waterways, which are typically funded 50 percent from the Trust Fund and 50 percent from general revenues.

Like previous Presidential budgets, the FY 2020 request proposes a new, undefined, user fee to collect an additional \$178 million for the IWTF, but does not provide a justification for this new user fee, nor does it propose to spend down the new funds collected. If the President's budget request was fully implemented, the IWTF would carry a balance of \$354 million at the end of FY 2020.

Washington Aqueduct: The President's budget request again proposes to authorize the Federal Government to sell the Washington Aqueduct, the water supply system for the District of Columbia, Arlington County, Virginia, the City of Falls Church, Virginia, and part of Fairfax County, Virginia. This project is currently owned and maintained by the Corps.

Veteran's Curation Program and Collections Management: The President's budget proposal includes \$5.025 million for the Veteran's Curation Program, which provides rehabilitation and training for veterans using the archaeological collections of the Corps.

NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

Summary of FY 2020 Budget Request:

(in millions)

Appropriations Account	FY 2019 Enacted	FY 2020 President's Budget	Diff. of FY 2020 I and FY 2019] \$	0
Watershed and Flood Prevention Operations	\$200.0	\$50.0	-\$150.0	-75.0%
Watershed Rehabilitation Program	\$10.0	0	-\$10.0	100.0%
Total	\$210.0	\$50.0	-\$160.0	-76.2%

The NRCS of the Department of Agriculture is authorized to give technical and financial help to local organizations planning and carrying out watershed projects for flood protection, agricultural water management, recreation, municipal and industrial water supply, and wildlife enhancement.

The Watershed and Flood Prevention Program, which includes the Small Watershed Operations Program (P.L. 83-566) and the Flood Prevention and Watershed Protection Program (P.L. 78-534), provide Federal resources

both for technical and financial assistance of flood prevention and watershed projects on private land for the conservation, development, utilization, and disposal of water, and for the reduction of sediment and erosion damages.

The Watershed Rehabilitation Program provides financial and technical assistance to communities for planning and financing the rehabilitation of federally constructed flood prevention dams that have reached the end of their design lives. As in the FY 2019 proposal, the administration proposes to eliminate funding for the Rehabilitation Program.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

Summary of FY 2020 Budget Request:

(in millions)

Appropriations Account	FY 2019 Enacted	FY 2020 President's Budget	Diff. of FY 2020 Pres. Budge and FY2019 Enacted \$%	
National Ocean Service	\$ 581.5	\$ 369.7	-\$ 211.8	-36.1%
Office of Oceanic and Atmospheric Research	\$ 525.0	\$ 309.1	-\$ 215.9	-41.1%
Total ¹	\$ 1,106.6	\$ 678.8	-\$438.3	-39.6%

 $\overline{}^{1}$ Table totals the discretionary funding for NOA and OOAR, and does not highlight accounts outside the jurisdiction of the Committee on Transportation and Infrastructure

The Subcommittee has jurisdiction over various NOAA programs and activities, including responsibilities under the Clean Water Act, the Coastal Zone Management Act Reauthorization Amendments (P.L. 101-508), the Marine Protection, Research and Sanctuaries Act (P.L. 100-688), Superfund (P.L. 99-499), the Oil Pollution Act (P.L. 101-380), the Nonindigenous Aquatic Nuisance Prevention and Control Act (P.L. 104-332), the Harmful Algal Bloom and Hypoxia Research and Control Act (P.L. 105-383), and the Estuary Habitat Restoration and Partnership Act of 2000 (P.L. 105-457). The Subcommittee's jurisdictional interest in the National Ocean Service (NOS) includes coastal water pollution and natural resource damages.

The President's FY 2020 budget requests \$309.1 million for discretionary funding for the Office of Oceanic and Atmospheric Research, \$215.9 million less than the FY 2019 enacted level of \$525 million.

The President's FY 2020 budget requests \$369.7 million for discretionary funding for the NOS, \$211.8 million less than the FY 2019 enacted level of \$581.5 million. The National Coastal Zone Management (CZM) Program is part of the NOS. The FY 2020 request includes the elimination of the following programs:

• **Coastal Management Grants (-\$75.5 million)** within the CZM Program. These grants support actions of States and other grantees authorized under the Coastal Zone Management Act (CZMA). Some of this work supports section 6217 of the Coastal Zone Reauthorization Amendments Act for controlling coastal non-point pollution. The CZM Program is a voluntary partnership between the Federal government and coastal, Great Lakes states, and territories to address coastal issues.

- National Centers for Coastal Ocean Service (NCCOS) (-\$23.6 million). This program funds harmful algal bloom, hypoxia, and pathogen research, prevention, and forecasting; habitat and species forecasting; and marine aquaculture siting science activities.
- NCCOS Competitive Research Funding Support for Ecological Threats (-\$18,000). The NCCOS competitive research program provides grants to academic institutions to conduct ecological research that advances NOAA's missions including for algal blooms.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION (SLSDC)

Summary of FY 2020 Budget Request:

(in millions)

	FY 2019 Enacted	FY 2020 President's Budget	Diff. of FY 2020 and FY 2	0
Total	\$36.0	\$28.0	-\$8.0	-22.0%

The St. Lawrence Seaway is a 328 nautical-mile deep-draft waterway between the Port of Montreal and Lake Erie. It connects the Great Lakes with the Atlantic Ocean via the lower St. Lawrence River. The Seaway includes a network of 15 locks and connecting channels located in Canada and the United States. Thirteen of the locks belong to Canada and the remaining two locks, located in Massena, New York, belong to the United States.

The U.S. portion of the Seaway was authorized in 1954, and is operated by the SLSDC, an agency within the DOT. The Canadian portion of the Seaway is operated by the St. Lawrence Seaway Management Corporation, a private corporation established in the 1990s and owned by the nine largest Canadian users of the Seaway.

The President's budget request for the SLSDC from the Harbor Maintenance Trust Fund (HMTF) is \$28 million. This will fund the daily operations and maintenance of the U.S. portion of the St. Lawrence Seaway (\$20 million), as well as projects supporting the Seaway's ten-year Asset Renewal Program (\$8 million). Operational, maintenance, and capital asset renewal needs for the U.S. portion of the St. Lawrence Seaway are derived from appropriations from the HMTF, and revenues from other sources.

TENNESSEE VALLEY AUTHORITY (TVA)

Summary of FY 2020 Budget Request:

The TVA is the nation's largest government-owned wholesale power producer established by the Tennessee Valley Authority Act (16 U.S.C. 831) in 1933. TVA supplies power to nearly ten million people over an 80,000 square mile service area covering Tennessee, and parts of Mississippi, Alabama, Georgia, North Carolina, Virginia, and Kentucky. In addition, TVA's non-power program responsibilities include the multi-purpose management of land and water resources throughout the Tennessee Valley.

The President's budget request proposes to authorize the Federal Government to sell the transmission assets of TVA. TVA operates and maintains over 16,000 circuit-miles of high voltage transmission lines and 510 substations/switching stations.

Initially, Federal appropriations funded all TVA operations. Direct federal funding for the TVA power program ended in 1959, and appropriations for TVA's environmental stewardship and economic development activities were phased out by 1999. TVA currently receives no Federal appropriations, but operates and maintains its assets through commercial and residential rates, and the authority to issue Federally-secured bonds.

UNITED STATES SECTOR OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION (IBWC)

Summary of	FY 2020 Budget Request	:
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(in millions)

Appropriations Account	FY 2019 Enacted	FY 2020 President's Budget	Diff. of FY 2020 and FY \$	0
Salaries and Expenses	\$48.1	\$48.2	\$0.036	0.1%
Construction	\$29.4	\$26.0	-\$3.4	-11.4%
Total	\$77.5	\$74.2	-\$3.3	-11.3%

First established in 1889, the IBWC has responsibility for implementing the boundary and water treaties between the United States and Mexico, and settling issues that may arise along the 1,952 mile common border. The IBWC is an international body, composed of a United States sector and Mexico sector, each headed by an Engineer-Commissioner appointed by the respective President. The United States sector of the IBWC receives its policy guidance from the U.S. Department of State and the Mexico sector of the IBWC receives its policy guidance from Mexico's Secretariat of Foreign Relations. The U.S. IBWC is headquartered in El Paso, Texas, and the Mexico IBWC has its headquarters in Ciudad Juarez, Chihuahua.

The administration's FY 2020 request for U.S. IBWC Salaries and Expenses is \$48.17 million, which is an increase of \$36,000 over the FY 2019 enacted amount. The administration's request for U.S. IBWC construction activities is \$26.0 million, which is a decrease of \$3.36 million (-11.42 percent) from FY 2019 levels.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY (ATSDR)

Summary of FY 2020 Budget Request:

(in millions)

	FY 2019 Enacted	FY 2020 President's Budget	Diff. of FY 2020 Pres FY 2019 \$	0
Total	\$74.7	\$62.0	-\$12.7	-17.0%

The ATSDR is the Nation's public health agency for chemical safety. The agency's mission is to use the best science, take responsive action, and provide trustworthy health information to prevent and mitigate harmful exposures and related disease.

ATSDR was created by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (P.L. 96-510), more commonly known as the Superfund law, and was formally organized in 1985.

Under its CERCLA mandate, the agency's work falls into four functional areas: (1) protecting the public from hazardous exposures; (2) increasing knowledge about toxic substances; (3) educating health care providers and the public about toxic chemicals; and (4) maintaining health registries. In recent years, ATSDR has focused on pathways of potential exposure to toxic chemicals, including food, water, air, and consumer goods.

The administration's FY 2020 budget request for ATSDR is \$62.0 million, which is \$12.69 million less than the FY 2019 appropriations for the agency.

WITNESSES

Benita Best-Wong Principal Deputy Assistant Administrator Office of Water U.S. Environmental Protection Agency

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Acting Assistant Administrator Office of Land and Emergency Management U.S. Environmental Protection Agency