

104TH CONGRESS
1ST SESSION

H. R. 1400

To amend the Clean Water Act to eliminate certain discharges of chlorine compounds into navigable waters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 1995

Mr. RICHARDSON (for himself, Mr. NADLER, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BERMAN, Mr. BONIOR, Mr. BROWN of California, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. HINCHEY, Mr. MARTINEZ, Mr. McDERMOTT, Ms. MCKINNEY, Mr. PALLONE, Ms. PELOSI, Mr. ROMERO-BARCELÓ, Ms. ROYBAL-ALLARD, Mr. SABO, Mrs. SCHROEDER, Mr. SERRANO, Mr. TORRES, Mr. VELÁZQUEZ, Mr. VENTO, Mr. WAXMAN, Ms. WOOLSEY, and Mr. YATES) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Clean Water Act to eliminate certain discharges of chlorine compounds into navigable waters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chlorine Zero Dis-
5 charge Act of 1995”.

1 **SEC. 2. ZERO DISCHARGE OF TOXIC PERSISTENT AND**
2 **BIOACCUMULATIVE SUBSTANCES.**

3 (a) FINDINGS.—The Congress finds that—

4 (1) substances that persist and/or
5 bioaccumulate in the environment, build to higher
6 and higher concentration over time, reaching their
7 greatest levels in the tissues of species high on the
8 food chain, including humans;

9 (2) toxic substances that persist and/or
10 bioaccumulate in the environment are biologically ac-
11 tive in infinitesimal quantities, causing reproductive
12 failure, birth defects, developmental impairment,
13 hormonal disruption, behavioral disorders, immune
14 suppression, and cancer at low doses, and mixtures
15 of these substances may cause these effects at even
16 lower doses;

17 (3) regulatory approaches that permit even lim-
18 ited production and discharge of toxic substances
19 that persist and/or bioaccumulate result in the accu-
20 mulation of these substances in the environment and
21 food chain over time and subsequent damage to the
22 health of humans and other species;

23 (4) the most favored method of preventing the
24 continued contamination of the environment from
25 persistent or bioaccumulative toxic substances is to
26 phaseout their production and/or use over time and

1 replace these substances or the processes that
2 produce them, or both, with safer alternatives;

3 (5) among the persistent and/or
4 bioaccumulative toxic substances of greatest concern
5 are organochlorines discharged in the production of
6 pulp and paper as a result of the use of chlorine or
7 any other chlorinated oxidizing agents in the pulp
8 and paper manufacturing process;

9 (6) the Great Lakes Water Quality Agreement
10 between the United States and Canada concludes
11 that “the discharge of toxic substances in toxic
12 amounts be prohibited and the discharge of any or
13 all persistent toxic substances be virtually elimi-
14 nated”; and

15 (7) in the Sixth Biennial Report on Great
16 Lakes Water Quality, the International Joint Com-
17 mission on Great Lakes Water Quality concluded
18 that “the concepts of virtual elimination and zero
19 discharge are consistent and a clear statement or di-
20 rection to take to achieve the Agreement’s purpose.
21 The overall strategy or aim regarding persistent
22 toxic substances is virtual elimination, and the tactic
23 or method to be used to achieve the aim is through
24 zero input or discharge of those substances created
25 as a result of human activity.

1 (b) ZERO DISCHARGE OF ORGANOCHLORINE COM-
2 POUNDS, BYPRODUCTS, OR METABOLITES.—Title III of
3 the Federal Water Pollution Control Act is amended by
4 redesignating section 519 as section 520 and by inserting
5 the following after section 518:

6 **“SEC. 519. DISCHARGE OF ORGANOCHLORINE COMPOUNDS,**
7 **BYPRODUCTS, OR METABOLITES.**

8 “(a) ZERO DISCHARGE.—(1) Effective 5 years after
9 the enactment of this section, each pulp and paper manu-
10 facturing facility shall achieve zero discharge into water
11 of organochlorine compounds, byproducts, or metabolites
12 formulated as a result of the use of chlorine or any other
13 chlorinated oxidizing agent in the pulp and paper manu-
14 facturing process.

15 “(2) Effective 5 years after enactment of this section,
16 all existing and new permits under this Act for paper and
17 pulp mills which use chlorine or any other chlorinated oxi-
18 dizing agent shall require compliance with the zero dis-
19 charge requirement set forth in paragraph (1).

20 “(b) SAFE ALTERNATIVES ASSISTANCE.—Within one
21 year after the enactment of this section, the Administrator
22 shall evaluate alternatives to the use of organochlorines
23 in the manufacturing of pulp and paper, and shall publish
24 a report on the transfer of technology in the pulp and
25 paper industry from organochlorine to chlorine-free tech-

1 nology as a model for pollution prevention. Within 18
2 months after the enactment of this section, the Agency
3 shall begin providing technical information and support to
4 assist permit applicants in the use of alternatives to
5 organochlorine compounds in the production of pulp and
6 paper.

7 “(c) REPORT TO CONGRESS ON ORGANOCHLORINE
8 ZERO DISCHARGE CANDIDATES.—Within 18 months after
9 the enactment of this section, the Administrator shall
10 complete a report to Congress on nonpoint sources and
11 industrial discharges of organochlorine compounds and
12 their byproducts and metabolites into water. The report
13 shall include a listing of all types or categories of nonpoint
14 sources and industrial organochlorine discharges into
15 water and their byproducts and metabolites. The report
16 shall also include a listing of the annual quantities of each
17 organochlorine compound discharged into water nationally
18 and by permitted facility, together with a list of each per-
19 mitted facility’s location and quantities of combined
20 organochlorine compound discharges into water. The re-
21 port shall contain recommendations for achieving a zero
22 discharge policy for important categories of organochlorine
23 pollution sources. In order to develop such recommenda-
24 tions, the Administrator shall convene an advisory panel.
25 The advisory panel shall conduct public hearings and so-

1 licit public and expert comment. The panel shall consist
2 of 15 members, including at least 1 independent expert
3 in each of the fields of public health, occupational health,
4 technology change, toxics use reduction, and ecology, 2 af-
5 fected citizens, and technical and policy experts from in-
6 dustry, labor, public interest groups, and State environ-
7 mental agencies.

8 “(d) DEFINITION.—For the purposes of this section,
9 the term ‘zero discharge’ means absolutely no output or
10 release, including nonpoint source output or release, into
11 water. The term ‘zero discharge’ does not mean a less than
12 detectable output or release.”.

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