



washington dc update

July 8, 2011

FY12 House Interior Environment Appropriations Bill

Another element of the “Big Three” issues WESTCAS is dealing with came into clearer focus today with the release of the draft of the FY12 Interior and Environment Appropriations bill. This is the vehicle that funds Department of Interior programs such as the US Fish and Wildlife Service and the USEPA. In addition to substantial cuts in spending, a press release that accompanied the bill notes: “In addition, the legislation unveiled today also includes several provisions aimed at reining in out-of-control federal bureaucracies and overly burdensome regulations that harm American businesses and hinder economic activity.”

Some of the funding highlights include:

- US Fish and Wildlife Service’s budget was reduced by \$315 million, a cut of 21% over FY11 funding levels.
- USEPA’s budget was cut \$1.5 billion or 18% below the FY11 funding level and 20% below the President’s funding request.
- This is \$488 million below the FY06 funding level.
- The Clean and Safe Drinking Water SRF program is funded at \$1.518 billion as opposed to an FY11 funding level of \$2.485 billion represent a cut of \$967 million.
- EPA’s personnel level is capped at the 2010 level which is the lowest since 1992.

We have attached a summary sheet that will allow you to review some of these highlights. There were also two significant policy riders with regard to EPA funding. The first provides that no funds may be used to support EPA’s Clean Water Guidance that is currently in an extended comment period until July 31st:

“Waters of the United States. Section 435. None of the funds made available by this Act or any subsequent Act making appropriations for the Environmental Protection Agency may be used by the Environmental Protection Agency to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008 pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act.”

And then there is this on Stormwater Discharge:

“None of the funds made available by this Act or any other Act may be expended for the development, adoption, implementation, or enforcement of regulations or guidance that would expand the Federal storm water discharge program under section 402(p) of the Federal Water Pollution Control Act to post-construction commercial or residential properties until 90 days after the Administrator of the Environmental Protection Agency submits to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate the study of stormwater discharges required under section 402(p)(5) of such Act. Such study shall include:

- (1) A thorough review and analysis of potential regulatory options under the stormwater program.
- (2) The program’s anticipated costs (including to the Environmental Protection Agency, States, and potentially regulated entities) and benefits; and
- (3) A numerical identification of both relative cost effectiveness among the options and the anticipated water quality enhancements that would result from each option.

Summary & Take-Away .

Cuts plus!

Major cuts in the EPA and USFWS budgets were part of the draft FY12 Interior and Environment Approp Bill revealed today. An attached summary sheet provides the highlights.

Take-Away

The agency budget cuts reached 20% compared to FY11 levels; the SRF programs were cut by \$967 million. Policy riders include no funds to support CWA Guidance or to expand the federal stormwater program under Section 402(p) until a full report by EPA is submitted to Congress.