



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 25 2013

OFFICE OF THE
ADMINISTRATOR

MEMORANDUM

SUBJECT: House Appropriations Subcommittee – Markup of FY 2014 Interior, Environment and Related Agencies Appropriations Bill

FROM: Maryann Froehlich
Acting Chief Financial Officer

A handwritten signature in black ink that reads "Maryann Froehlich".

TO: Gina McCarthy
Administrator

Bob Perciasepe
Deputy Administrator

On July 23, 2013, the House Appropriations Subcommittee on Interior, Environment and Related Agencies considered and reported their FY 2014 Appropriations Bill. The Bill funds the EPA at \$5,519,993 thousand which is \$2,633,007 thousand less than the FY 2014 President's Budget request and \$2,822,953 thousand less than the FY 2013 Enacted budget prior to the effect of sequestration. The House Subcommittee level is \$2,381,111 thousand less than the post sequester FY 2013 Enacted budget.

Attached are two tables showing the House action by Appropriation account, and by the components in the State and Tribal Assistance Grant (STAG) account. In addition to the funding level, there are over 20 legislative riders that targeted the EPA's regulatory authority. I have attached a list of those riders with the full text.

Next Steps: The House Full Committee on Appropriations is scheduled to consider this Bill as early as next week. I will continue to monitor Congressional action and provide updates, as needed, and would be pleased to answer any questions you may have.

Attachments

cc: Assistant Administrators
General Counsel
Inspector General
Chief of Staff
Associate Administrators
Regional Administrators
Deputy Assistant Administrators
Deputy Regional Administrators
Deputy Chiefs of Staff
Deputy Associate Administrators
OCFO Senior Managers

FY 2014 House Subcommittee Markup Resources by Appropriation

(Dollars in Thousands)

Appropriation	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014	FY 2014	FY 2014	FY 2014	FY 2014
	Enacted	Enacted	Sequestration & OMB ATB (0.2%)	Pres Bud	House	House	House	House	House	House
Science & Technology (S&T)	\$785,291	\$743,791	\$783,926	\$636,086	(\$149,205)	-19.00%	(\$147,840)	-18.86%		
Environmental Program & Management (EPM)	\$2,651,440	\$2,511,406	\$2,812,757	\$2,112,220	(\$539,220)	-20.34%	(\$700,537)	-24.91%		
<i>Geographic Programs</i>	\$409,718	\$388,075	\$410,869	\$143,442	(\$266,276)	-64.99%	(\$267,427)	-65.09%		
Inspector General (IG)	\$41,933	\$39,740	\$45,227	\$33,966	(\$7,967)	-19.00%	(\$11,261)	-24.90%		
Building and Facilities (B&F)	\$36,370	\$34,467	\$54,364	\$29,460	(\$6,910)	-19.00%	(\$24,904)	-45.81%		
Oil Spill Response (OII)	\$18,245	\$17,291	\$21,268	\$14,778	(\$3,467)	-19.00%	(\$6,490)	-30.51%		
Hazardous Substance Superfund (SF)	\$1,176,431	\$1,113,268	\$1,180,374	\$1,113,268	(\$63,163)	-5.37%	(\$67,106)	-5.69%		
- <i>Superfund Program</i>	\$1,142,342	\$1,082,118	\$1,145,771	\$1,082,118	(\$60,224)	-5.27%	(\$63,653)	-5.56%		
- <i>Inspector General Transfer</i>	\$10,864	\$9,405	\$11,054	\$9,405	(\$1,459)	-13.43%	(\$1,649)	-14.92%		
- <i>Science & Technology Transfer</i>	\$23,225	\$21,745	\$23,549	\$21,745	(\$1,480)	-6.37%	(\$1,804)	-7.66%		
Leaking Underground Storage Tanks (LUST)	\$104,142	\$98,695	\$99,242	\$84,355	(\$19,787)	-19.00%	(\$14,887)	-15.00%		
State and Tribal Assistance Grants (STAG)	\$3,579,094	\$3,392,446	\$3,153,842	\$1,492,860	(\$2,086,234)	-58.29%	(\$1,660,982)	-52.67%		
<i>E-manifest (new FY14 account)</i>			\$2,000	\$3,000	\$3,000	100.00%	\$1,000	50.00%		
Rescission of Prior Year Funds	(\$50,000)	(\$50,000)	\$0	\$0	\$50,000	-100.00%	\$0	0.00%		
Agency Total	\$8,342,946	\$7,901,104	\$8,153,000	\$5,519,993	(\$2,822,953)	-33.84%	(\$2,633,007)	-32.29%		

FY 2014 House Subcommittee Markup
STAG Infrastructure Financing
(Dollars in Thousands)

	FY 2013 Enacted	FY 2013 Enacted & OMB ATB (0.2%)	FY 2014 Pres Bud	FY 2014 House	FY 14 House vs. FY 13 Enacted	FY 14 House vs. FY 14 Pres Bud	FY 14 House vs. FY 14 Pres Bud (%)
State / Tribal Categorical Grant Assistance	\$1,088,813	\$1,032,031	\$1,135,842	\$873,949	(\$214,864)	(\$261,893)	-23.06%
State Revolving Funds	\$2,360,504	\$2,237,408	\$1,912,000	\$600,000	(\$1,760,504)	(\$1,312,000)	-68.62%
Clean Water State Revolving Fund	\$1,451,791	\$1,376,082	\$1,095,000	\$250,000	(\$1,201,791)	(\$845,000)	-77.17%
Drinking Water State Revolving Fund	\$908,713	\$861,326	\$817,000	\$350,000	(\$558,713)	(\$467,000)	-57.16%
Special Needs Projects	\$14,976	\$14,195	\$15,000	\$0	(\$14,976)	(\$15,000)	-100.00%
Mexico Border	\$4,992	\$4,732	\$5,000	\$0	(\$4,992)	(\$5,000)	-100.00%
Alaska Native Villages	\$9,984	\$9,463	\$10,000	\$0	(\$9,984)	(\$10,000)	-100.00%
Diesel Emissions Reduction Grant Program*	\$19,952	\$18,911	\$6,000	\$18,911	(\$1,041)	\$12,911	215.18%
Targeted Airshed Grants	\$0	\$0	\$0	\$0	\$0	\$0	0.00%
Brownfields Projects	\$94,848	\$89,901	\$85,000	\$0	(\$94,848)	(\$85,000)	-100.00%
Specified Infrastructure Grants	\$0	\$0	\$0	\$0	\$0	\$0	0.00%
Infrastructure Assistance Total	\$2,490,280	\$2,360,415	\$2,018,000	\$618,911	(\$1,871,369)	(\$1,399,089)	-69.33%
Total STAG Funding	\$3,579,093	\$3,392,446	\$3,153,842	\$1,492,860	(\$2,086,233)	(\$1,660,982)	-52.67%
Total: STAG + Specified Infrastructure Grant	\$3,579,093	\$3,392,446	\$3,153,842	\$1,492,860	(\$2,086,233)	(\$1,660,982)	-52.67%

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<p>GREENHOUSE GAS METHANE RESTRICTIONS</p>	<p>SEC. 420. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.</p>
<p>GREENHOUSE GAS REPORTING RESTRICTIONS</p>	<p>SEC. 421. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.</p>
<p>WATERS OF THE UNITED STATES</p>	<p>SEC. 435. None of the funds made available in this Act or any other Act making appropriations for the Environmental Protection Agency may be used by the Environmental Protection Agency to develop, adopt, implement, administer, or enforce any change to the regulations and guidance in effect on October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. § 1251, et seq.), including the provisions of the rules dated November 13, 1986 and August 25, 1993, relating to said jurisdiction, and the guidance documents dated January 15, 2003 and December 2, 2008, relating to said jurisdiction.</p>
<p>STREAM BUFFER</p>	<p>SEC. 436. None of the funds made available by this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior.</p>
<p>STORMWATER DISCHARGE</p>	<p>SEC. 437. 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 stormwater discharge program under section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)) 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 (33 U.S.C. 1342(p)(5)). Such study shall include—</p> <ol style="list-style-type: none"> (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

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	<p>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.</p>
<p>LIMITATION ON USE OF FUNDS FOR NATIONAL OCEAN POLICY</p>	<p>SEC. 439. None of the funds made available by this Act may be used to develop, propose, finalize, administer, or implement, the National Ocean Policy developed under Executive Order 13547. Not later than 60 days after the date on which the President’s fiscal year 2015 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate identifying all Federal expenditures in fiscal years 2011, 2012, and 2013, by agency, account, and any pertinent subaccounts, for the development, administration, or implementation of the National Ocean Policy developed under Executive Order 13547. The President’s budget submission for fiscal year 2015 shall identify all such funding proposed for the implementation of such Policy.</p>
<p>USE OF AMERICAN IRON AND STEEL</p>	<p>SEC. 441. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) or made available by a drinking water treatment revolving loan fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C.300j-12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States. (2) In this section, the term “iron and steel products” means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. (b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the “Administrator”) finds that—(1) applying subsection (a) would be inconsistent with the public interest; (2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent. (c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the</p>

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	<p>request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.</p> <p>(d) This section shall be applied in a manner consistent with United States obligations under international agreements.</p> <p>(e) The Administrator may retain up to .25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.(f) This section does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency’s capacity to approve such plans and specifications prior to a project requesting bids, prior to the date of the enactment of this Act.</p>
<p>MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMITTING</p>	<p>SEC. 442. Section 402(p)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)(3)) is amended by adding at the end the following new subparagraph:</p> <p>“(C) LIMITATION.—The Administrator or a State may not require a municipality operating a municipal separate storm sewer system serving a population of less than 100,000 to obtain a permit under this subsection for a discharge that— “(i) is composed entirely of stormwater from a facility that is not owned or operated by the municipality; and “(ii) does not enter into the municipal separate storm sewer system.”.</p>
<p>LEAD TEST KIT</p>	<p>SEC. 443. None of the funds made available by this Act may be used to implement or enforce regulations under subpart E of part 745 of title 40, Code of Federal Regulations (commonly referred to as the “Lead; Renovation, Repair, and Painting Rule”), or any subsequent amendments to such regulations, until the Administrator of the Environmental Protection Agency publicizes Environmental Protection Agency recognition of a commercially available lead test kit that meets both criteria under section 745.88(c) of title 40, Code of Federal Regulations</p>
<p>FINANCIAL ASSURANCE</p>	<p>SEC. 444. None of the funds made available by this Act may be used to develop, propose, finalize, implement, enforce, or administer any regulation that would establish new financial responsibility requirements pursuant to section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (4216 U.S.C. 9608(b)).</p>
<p>GHG NSPS</p>	<p>SEC. 445. None of the funds made available by this Act may be used to develop, issue, implement, or enforce any regulation or guidance under section 111 of the Clean Air Act establishing any standard of performance applicable to the emission of any greenhouse gas by any new or existing source that is an electric utility generating unit.</p>

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COST MANUAL UPDATE	SEC. 446. Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall begin development of a seventh edition of the document entitled “EPA Air Pollution Control Cost Manual”. The Administrator shall consult, and seek comment from, State, local, and tribal departments of environmental quality during development of such seventh edition, and provide opportunity for public comment.
COMMENTS ON AIR QUALITY MODELS	SEC. 447. Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall publish in the Federal Register a notice to solicit comment on revising the Agency’s “Guideline on Air Quality Models” under appendix W to part 51 of title 40, Code of Federal Regulations, to allow flexible modeling approaches and to adopt the most recently published version of the CALPUFF modeling system (or portions thereof) as a preferred air quality model under such Guideline.
COOLING TOWERS	SEC. 448. None of the funds made available by this Act or any other Act shall be used to further develop, finalize, implement, or enforce the proposed regulatory requirements issued by the Environmental Protection Agency and published for public comment in the Federal Register on April 20, 2011 (76 Fed. Reg. 22,174); or to develop or enforce any other new regulations or requirements designed to implement section 316(b) of the Federal Water Pollution Control Act (33 U.S.C. 1312 (b)).
SULFURYL FLUORIDE	SEC. 449. None of the funds made available by this Act may be used by the Environmental Protection Agency to prepare and finalize an order under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) that in any way removes, withdraws, revokes, or stays tolerances for the pesticide chemical sulfuranyl fluoride if that final order takes into consideration aggregate or cumulative exposure to other substances related to sulfuranyl fluoride or its metabolites or degradates pursuant to sections 408(b)(2)(A), 408(b)(2)(C), 408(b)(2)(D)(v), and 408(b)(2)(D)(vi) of such Act (21 U.S.C. 346a (b)(2)(A), 346a(b)(2)(C), 346a(b)(2)(D)(v), and 346a (b)(2)(D)(vi)).
PROTECTION OF PERSONAL INFORMATION	SEC. 450. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to compile, publicly disclose, or compel the consent to public disclosure of any personally identifiable information, including the name, physical address, global positioning system coordinates, email address, telephone number, or other location-specific information, of an owner, operator, or employee of any livestock, poultry, or dairy, operation involved in the raising, milking, or finishing of livestock, the raising or finishing of poultry, or the producing or processing of dairy products, unless such personally

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	<p>identifiable information—</p> <p>(1) has been transformed into a statistical or aggregate form at the county level or higher without any such personally identifiable information; or</p> <p>(2) the owner, operator, or employee voluntarily consents to the disclosure of such personally identifiable information.</p>
EMISSION AND FUEL STANDARDS	<p>SEC. 451. None of the funds made available by this Act may be used to finalize, implement, administer, or enforce the proposed rule entitled “Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards” published by the Environmental Protection Agency in the Federal Register on May 21, 2013 (78 Fed. Reg. 29816 et seq.), or any successor or subsequent rule that would require a reduction in the sulfur content of gasoline.</p>
SILVICULTURAL ACTIVITIES	<p>SEC. 452. Section 402(l) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l)) is amended by adding at the end the following: “.—The Administrator shall not, under this section, require a permit for or otherwise regulate, nor shall the Administrator directly or indirectly require any State to require a permit under this section for discharges of stormwater runoff from roads, the construction, use, or maintenance of which are associated with silvicultural activities, or from other silvicultural activities involving nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, or surface drainage.”.</p>
DEFINITION OF FILL MATERIAL	<p>SEC. 456. None of the funds made available in this Act or any other Act making appropriations for the Environmental Protection Agency may be used by the Environmental Protection Agency to develop, adopt, implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms “fill material” or “discharge of fill material” for the purposes of the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.).</p>
FOUNDRIES	<p>SEC. 457. The requirements of subpart UUU of part 60 of title 40, Code of Federal Regulations (or any successor regulations), shall not apply with respect to any foundry or other facilities for metal casting, including the processes of such facilities for reclaiming, using, and reusing industrial sand.</p>
PUBLIC DISCLOSURE	<p>SEC. 458. (a) The Secretary of the Interior, the Administrator of the Environmental Protection Agency, or the Attorney General, as appropriate, shall disclose all of the terms and conditions (including awards, fees, attorney fees, damages, or any other form of compensation) of a settlement and shall post such terms and conditions within 30 days of the settlement on the website of the Office of the Solicitor of the Department of the Interior or the</p>

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	<p>Office of General Counsel of the Environmental Protection Agency, as appropriate, if—</p> <p>(1) the Secretary or the Administrator enters into a settlement with any person; (2) the Department of Justice, on behalf of the Department of the Interior or the Environmental Protection Agency, enters into a settlement with any person; or (3) a judge in any Federal court grants an award or judgment to any person to settle a matter involving the Department of the Interior or the Environmental Protection Agency. (b) This section shall not apply to a settlement involving a claim to the Equal Employment Opportunity Commission, under the Americans with Disabilities Act, or for personal or work-related injury</p>
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