

Union Calendar No. 387

116TH CONGRESS
2D SESSION

H. R. 1497

[Report No. 116–484]

To amend the Federal Water Pollution Control Act to reauthorize certain water pollution control programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2019

Mr. DEFAZIO (for himself, Mrs. NAPOLITANO, Mr. YOUNG, and Mr. KATKO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 4, 2020

Additional sponsors: Ms. BROWNLEY of California, Mr. HUFFMAN, Mr. LOWENTHAL, Mr. ROUDA, Mr. CARBAJAL, Mr. COHEN, Mr. LIPINSKI, Mr. LYNCH, Mr. SEAN PATRICK MALONEY of New York, Ms. FINKENAUER, Ms. NORTON, Ms. MOORE, Ms. TITUS, Ms. CRAIG, Mr. MALINOWSKI, Mr. BLUMENAUER, Ms. DEAN, Mr. DESAULNIER, Ms. ESCOBAR, Ms. ESHOO, Mr. GROTHMAN, Mr. HARDER of California, Mr. LAMB, Ms. SLOTKIN, Mr. TAKANO, Mrs. TRAHAN, Mr. WELCH, Mr. LARSEN of Washington, Ms. LEE of California, Ms. ROYBAL-ALLARD, Ms. MUCARSEL-POWELL, Ms. DAVIDS of Kansas, Ms. KUSTER of New Hampshire, Mr. BEYER, Mr. PHILLIPS, Mr. MCADAMS, Mr. RICHMOND, Mr. TRONE, Mr. CASTEN of Illinois, Mr. MORELLE, Ms. KAPTUR, Mr. CASE, Ms. TORRES SMALL of New Mexico, Mr. KILDEE, Ms. WILSON of Florida, Mr. BRINDISI, Ms. TLAIB, Mr. SIRES, Mr. PAYNE, Mrs. AXNE, Mr. KIND, Mr. CARTWRIGHT, Mr. FITZPATRICK, and Mr. MOULTON

SEPTEMBER 4, 2020

Reported with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Federal Water Pollution Control Act to reauthorize certain water pollution control programs, 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 “Water Quality Protec-*
5 *tion and Job Creation Act of 2019”.*

6 **SEC. 2. WASTEWATER INFRASTRUCTURE WORKFORCE IN-**
7 **VESTMENT.**

8 *Section 104(g) of the Federal Water Pollution Control*
9 *Act (33 U.S.C. 1254(g)) is amended—*

10 *(1) in paragraph (1), by striking “manpower”*
11 *each place it appears and inserting “workforce”; and*

12 *(2) by amending paragraph (4) to read as fol-*
13 *lows:*

14 *“(4) REPORT TO CONGRESS ON PUBLICLY OWNED*
15 *TREATMENT WORKS WORKFORCE DEVELOPMENT.—Not*
16 *later than 2 years after the date of enactment of the*
17 *Water Quality Protection and Job Creation Act of*
18 *2019, the Administrator shall submit to the Com-*
19 *mittee on Transportation and Infrastructure of the*
20 *House of Representatives and the Committee on Envi-*
21 *ronment and Public Works of the Senate a report con-*
22 *taining—*

23 *“(A) an assessment of the current and fu-*
24 *ture workforce needs for publicly owned treat-*
25 *ment works, including an estimate of the number*

1 *of future positions needed for such treatment*
2 *works and the technical skills and education*
3 *needed for such positions;*

4 “(B) *a summary of actions taken by the*
5 *Administrator, including Federal investments*
6 *under this Act, that promote workforce develop-*
7 *ment to address such needs; and*

8 “(C) *any recommendations of the Adminis-*
9 *trator to address such needs.”.*

10 **SEC. 3. STATE MANAGEMENT ASSISTANCE.**

11 *(a) AUTHORIZATION OF APPROPRIATIONS.—Section*
12 *106(a) of the Federal Water Pollution Control Act (33*
13 *U.S.C. 1256(a)) is amended—*

14 *(1) by striking “and” at the end of paragraph*
15 *(1); and*

16 *(2) by inserting after paragraph (2) the fol-*
17 *lowing:*

18 *“(3) such sums as may be necessary for each of*
19 *fiscal years 1991 through 2020;*

20 *“(4) \$240,000,000 for fiscal year 2021;*

21 *“(5) \$250,000,000 for fiscal year 2022;*

22 *“(6) \$260,000,000 for fiscal year 2023;*

23 *“(7) \$270,000,000 for fiscal year 2024; and*

24 *“(8) \$275,000,000 for fiscal year 2025;”.*

1 (b) *TECHNICAL AMENDMENT.*—Section 106(e) of the
2 *Federal Water Pollution Control Act (33 U.S.C. 1256(e))*
3 *is amended by striking “Beginning in fiscal year 1974 the”*
4 *and inserting “The”.*

5 **SEC. 4. WATERSHED, WET WEATHER, AND RESILIENCY**
6 **PROJECTS.**

7 (a) *INCREASED RESILIENCE OF TREATMENT*
8 *WORKS.*—Section 122(a)(6) of the *Federal Water Pollution*
9 *Control Act (33 U.S.C. 1274(a)(6)) is amended to read as*
10 *follows:*

11 “(6) *INCREASED RESILIENCE OF TREATMENT*
12 *WORKS.—Efforts—*

13 “(A) *to assess future risks and*
14 *vulnerabilities of publicly owned treatment*
15 *works to manmade or natural disasters, includ-*
16 *ing extreme weather events and sea level rise;*
17 *and*

18 “(B) *to carry out the planning, designing,*
19 *or constructing of projects, on a systemwide or*
20 *areawide basis, to increase the resilience of pub-*
21 *licly owned treatment works through—*

22 “(i) *the conservation of water or the*
23 *enhancement of water use efficiency;*

24 “(ii) *the enhancement of wastewater*
25 *(including stormwater) management by in-*

1 creasing watershed preservation and protec-
2 tion, including through—

3 “(I) the use of green infrastruc-
4 ture; or

5 “(II) the reclamation and reuse of
6 wastewater (including stormwater),
7 such as through aquifer recharge zones;

8 “(iii) the modification or relocation of
9 an existing publicly owned treatment works
10 at risk of being significantly impaired or
11 damaged by a manmade or natural dis-
12 aster; or

13 “(iv) the enhancement of energy effi-
14 ciency, or the use or generation of recovered
15 or renewable energy, in the management,
16 treatment, or conveyance of wastewater (in-
17 cluding stormwater).”.

18 (b) *REQUIREMENTS; AUTHORIZATION OF APPROPRIA-*
19 *TIONS.—Section 122 of the Federal Water Pollution Control*
20 *Act (33 U.S.C. 1274) is amended by striking subsection (c)*
21 *and inserting the following:*

22 “(c) *REQUIREMENTS.—The requirements of section*
23 *608 shall apply to any construction, alteration, mainte-*
24 *nance, or repair of treatment works receiving a grant under*
25 *this section.*

1 “(d) *ASSISTANCE.*—*The Administrator shall use not*
2 *less than 15 percent of the amounts appropriated pursuant*
3 *to this section in a fiscal year to provide assistance to mu-*
4 *nicipalities with a population of less than 10,000, to the*
5 *extent there are sufficient eligible applications.*

6 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
7 *authorized to be appropriated to carry out this section*
8 *\$110,000,000, to remain available until expended.”.*

9 (c) *TECHNICAL AND CONFORMING AMENDMENTS.*—

10 (1) *WATERSHED PILOT PROJECTS.*—*Section 122*
11 *of the Federal Water Pollution Control Act (33 U.S.C.*
12 *1274) is amended—*

13 (A) *in the section heading, by striking “WA-*
14 *TERSHED PILOT PROJECTS” and inserting*
15 *“WATERSHED, WET WEATHER, AND RESIL-*
16 *IENCY PROJECTS”;* and

17 (B) *by striking “pilot” each place it ap-*
18 *pears.*

19 (2) *WATER POLLUTION CONTROL REVOLVING*
20 *LOAN FUNDS.*—*Section 603(c)(7) of the Federal Water*
21 *Pollution Control Act (33 U.S.C. 1383(c)(7)) is*
22 *amended by striking “watershed”.*

1 **SEC. 5. PILOT PROGRAM FOR ALTERNATIVE WATER**
2 **SOURCE PROJECTS.**

3 (a) *SELECTION OF PROJECTS.*—Section 220(d) of the
4 *Federal Water Pollution Control Act (33 U.S.C. 1300(d))*
5 *is amended—*

6 (1) *by amending paragraph (1) to read as fol-*
7 *lows:*

8 “(1) *LIMITATION ON ELIGIBILITY.*—A project
9 *that has received construction funds under the Rec-*
10 *lamation Projects Authorization and Adjustment Act*
11 *of 1992 shall not be eligible for grant assistance under*
12 *this section.”; and*

13 (2) *by striking paragraph (2) and redesignating*
14 *paragraph (3) as paragraph (2).*

15 (b) *COMMITTEE RESOLUTION PROCEDURE; ASSIST-*
16 *ANCE.*—Section 220 of the *Federal Water Pollution Control*
17 *Act (33 U.S.C. 1300) is amended by striking subsection (e)*
18 *and inserting the following:*

19 “(e) *ASSISTANCE.*—The Administrator shall use not
20 *less than 15 percent of the amounts appropriated pursuant*
21 *to this section in a fiscal year to provide assistance to eligi-*
22 *ble entities for projects designed to serve fewer than 10,000*
23 *individuals, to the extent there are sufficient eligible appli-*
24 *cations.”.*

1 (c) *COST SHARING.*—Section 220(g) of the Federal
2 *Water Pollution Control Act (33 U.S.C. 1300(g))* is amend-
3 *ed—*

4 (1) *by striking “The Federal share” and insert-*
5 *ing the following:*

6 “(1) *IN GENERAL.*—*Except as provided in para-*
7 *graph (2), the Federal share”;* and

8 (2) *by adding at the end the following:*

9 “(2) *RECLAMATION AND REUSE PROJECTS.*—*For*
10 *an alternative water source project that has received*
11 *funds under the Reclamation Projects Authorization*
12 *and Adjustment Act of 1992 (other than funds re-*
13 *ferred to in subsection (d)(1)), the total Federal share*
14 *of the costs of the project shall not exceed 25 percent*
15 *or \$20,000,000, whichever is less.”.*

16 (d) *REQUIREMENTS.*—Section 220 of the Federal
17 *Water Pollution Control Act (33 U.S.C. 1300)* is amended
18 *by redesignating subsections (i) and (j) as subsections (j)*
19 *and (k), respectively, and inserting after subsection (h) the*
20 *following:*

21 “(i) *REQUIREMENTS.*—*The requirements of section*
22 *608 shall apply to any construction of an alternative water*
23 *source project carried out using assistance made available*
24 *under this section.”.*

1 (e) *DEFINITIONS.*—Section 220(j)(1) of the Federal
 2 *Water Pollution Control Act* (as redesignated by subsection
 3 (d) of this section) is amended by striking “or wastewater
 4 or by treating wastewater” and inserting “, wastewater, or
 5 stormwater or by treating wastewater or stormwater”.

6 (f) *AUTHORIZATION OF APPROPRIATIONS.*—Section
 7 220(k) of the *Federal Water Pollution Control Act* (as reded-
 8 igned by subsection (d) of this section) is amended by
 9 striking “\$75,000,000 for fiscal years 2002 through 2004”
 10 and inserting “\$150,000,000”.

11 **SEC. 6. SEWER OVERFLOW AND STORMWATER REUSE MU-**
 12 **NICIPAL GRANTS.**

13 Section 221 of the *Federal Water Pollution Control Act*
 14 (33 U.S.C. 1301) is amended—

15 (1) in subsection (c), by striking “subsection
 16 (b),” each place it appears and inserting “this sec-
 17 tion,”;

18 (2) in subsection (d)—

19 (A) by striking “The Federal share” and in-
 20 serting the following:

21 “(1) *FEDERAL SHARE.*—

22 “(A) *IN GENERAL.*—Except as provided in
 23 subparagraph (B), the Federal share”; and

24 (B) by striking “The non-Federal share”
 25 and inserting the following:

1 “(B) *FINANCIALLY DISTRESSED COMMU-*
2 *NITIES.—The Federal share of the cost of activi-*
3 *ties carried out using amounts from a grant*
4 *made to a financially distressed community*
5 *under subsection (a) shall be not less than 75*
6 *percent of the cost.*

7 “(2) *NON-FEDERAL SHARE.—The non-Federal*
8 *share*”;

9 (3) *in subsection (e), by striking “section 513”*
10 *and inserting “section 513, or the requirements of sec-*
11 *tion 608,”; and*

12 (4) *in subsection (f)—*

13 (A) *in paragraph (1), by striking “2020”*
14 *and inserting “2025”; and*

15 (B) *by adding at the end the following:*

16 “(3) *ASSISTANCE.—In carrying out subsection*
17 *(a), the Administrator shall ensure that, of the*
18 *amounts granted to municipalities in a State, not less*
19 *than 20 percent is granted to municipalities with a*
20 *population of less than 20,000, to the extent there are*
21 *sufficient eligible applications.”.*

22 **SEC. 7. NATIONAL POLLUTANT DISCHARGE ELIMINATION**
23 **SYSTEM.**

24 (a) *TERMS.—Section 402(b)(1) of the Federal Water*
25 *Pollution Control Act (33 U.S.C. 1342(b)(1)) is amended—*

1 (1) *by amending subparagraph (B) to read as*
2 *follows:*

3 “(B) *are for fixed terms—*

4 *“(i) not exceeding 10 years, for a permit*
5 *issued in accordance with subsection (t); and*

6 *“(ii) not exceeding 5 years, for a permit not*
7 *described in clause (i);”;* and

8 (2) *by redesignating subparagraph (D) as sub-*
9 *paragraph (E), and inserting after subparagraph (C)*
10 *the following:*

11 *“(D) do not continue in force beyond the last*
12 *day of the fixed term, except as provided in subsection*
13 *(k)(2); and”.*

14 (b) *REQUIREMENTS.—Section 402 of the Federal*
15 *Water Pollution Control Act (33 U.S.C. 1342) is amend-*
16 *ed—*

17 (1) *in subsection (k)—*

18 (A) *by inserting “(1)” before “Compliance*
19 *with”;*

20 (B) *by striking “of (1)” and inserting “of*
21 *(A)”;*

22 (C) *by striking “or (2)” and inserting “or*
23 *(B)”;* and

24 (D) *by adding at the end the following:*

1 “(2) *PERMIT RENEWAL OR REISSUANCE.*—If a
2 *permittee applies to a State to renew or reissue a per-*
3 *mit under this section, in compliance with the ap-*
4 *proved State permit program under subsection (b),*
5 *and the State does not make a final administrative*
6 *disposition of the application by the last day of the*
7 *term of the permit—*

8 “(A) *not later than 30 days after such last*
9 *day of the term of the permit, the State shall no-*
10 *tify the Administrator, the Committee on Trans-*
11 *portation and Infrastructure of the House of*
12 *Representatives, and the Committee on Environ-*
13 *ment and Public Works of the Senate of such*
14 *failure to make a final administrative disposi-*
15 *tion;*

16 “(B) *if the State does not make a final ad-*
17 *ministrative disposition of the application by the*
18 *date that is 180 days after the last day of the*
19 *term of the permit, the Administrator shall make*
20 *a final administrative disposition of the applica-*
21 *tion not later than 180 days after such date; and*

22 “(C) *the permit shall continue in effect*
23 *until the date on which a final administrative*
24 *disposition of the application is made.”; and*

25 (2) *by adding at the end the following:*

1 “(t) *EXTENDED TERM FOR CERTAIN PERMITS.*—

2 “(1) *IN GENERAL.*—A State with an approved
3 *permit program under subsection (b) may issue a*
4 *permit under this section with a term authorized*
5 *under subsection (b)(1)(B)(i) to an eligible municipi-*
6 *pality for a covered discharge.*

7 “(2) *REVIEW AND MODIFICATION OF PERMIT.*—

8 “(A) *STATE ACTION.*—

9 “(i) *REVIEW.*—Not later than 60 days
10 *after a triggering event occurs with respect*
11 *to a permit issued by a State pursuant to*
12 *this subsection, the State shall review the*
13 *permit and make publicly available a deter-*
14 *mination of whether any modifications to*
15 *the permit are necessary to address the trig-*
16 *gering event.*

17 “(ii) *MODIFICATION.*—Not later than
18 *90 days after making publicly available a*
19 *determination under clause (i) that modi-*
20 *fications to a permit are necessary, the*
21 *State shall make such modifications in ac-*
22 *cordance with the requirements of this sec-*
23 *tion.*

24 “(B) *EPA ACTION.*—

1 “(i) *REVIEW.*—If a State fails to make
2 publicly available a determination by the
3 deadline required under subparagraph (A),
4 the Administrator shall make publicly
5 available such a determination not later
6 than 30 days after such deadline.

7 “(ii) *MODIFICATION.*—If a State fails
8 to modify a permit by the deadline required
9 under subparagraph (A), or if the Adminis-
10 trator makes publicly available under this
11 subparagraph a determination that modi-
12 fications to a permit are necessary, the Ad-
13 ministrators shall make such modifications
14 in accordance with the requirements of this
15 section not later than 90 days after the
16 deadline required under subparagraph (A),
17 or 90 days after the date on which the Ad-
18 ministrators makes publicly available such
19 determination under this subparagraph, as
20 applicable.

21 “(iii) *EFFECT ON STATE AUTHOR-*
22 *ITY.*—A permit modified by the Adminis-
23 trator under clause (ii) shall be considered
24 to be a permit issued by the State for the
25 purposes of permit administration, and

1 *such modification shall not affect any other*
2 *authority or responsibility of the State re-*
3 *lating to the permit.*

4 “(C) *RIGHT OF ACTION.*—*A determination*
5 *under this paragraph by a State or the Adminis-*
6 *trator of whether modifications to a permit are*
7 *necessary to address a triggering event is a final*
8 *agency action subject to judicial review in the*
9 *same manner as a review under section*
10 *509(b)(1).*

11 “(3) *DEFINITIONS.*—*In this subsection:*

12 “(A) *COVERED DISCHARGE.*—*The term ‘cov-*
13 *ered discharge’ means a discharge from a pub-*
14 *licly owned treatment works, which consists of*
15 *municipal sewage treated, recycled, or reclaimed*
16 *in accordance with this Act (and may include a*
17 *municipal combined sewer overflow that is in*
18 *compliance with the requirements of subsection*
19 *(q))—*

20 “(i) *into a navigable water that is not*
21 *identified by the State issuing the permit*
22 *under section 303(d) as impaired for a pol-*
23 *lutant specifically addressed by the permit;*
24 *or*

1 “(ii) in the case of a discharge into a
2 navigable water that is so identified, that is
3 subject to, and in compliance with, permit
4 limits that are consistent with—

5 “(I) a judicial order or consent
6 decree resolving an enforcement action
7 related to such discharge under this
8 Act; or

9 “(II) for each such pollutant, any
10 applicable approved total maximum
11 daily load allocation, or, if no such ap-
12 proved allocation exists, any applicable
13 water quality standard for the pollut-
14 ant (including any such standard as
15 addressed in an integrated plan incor-
16 porated into a permit under subsection
17 (s)).

18 “(B) *ELIGIBLE MUNICIPALITY*.—The term
19 ‘eligible municipality’ means a municipality
20 with a history of compliance with this Act, as
21 determined in accordance with standards estab-
22 lished by the Administrator.

23 “(C) *TRIGGERING EVENT*.—The term ‘trig-
24 gering event’ means, with respect to a permit
25 issued pursuant to this subsection, any of the fol-

1 *lowing that happens after the date on which the*
2 *permit is issued:*

3 “(i) *The State receives information*
4 *that there may be a cause for modification,*
5 *as identified in section 122.62 of title 40,*
6 *Code of Federal Regulations (as in effect on*
7 *the date of enactment of this subsection), of*
8 *the permit.*

9 “(ii) *The State identifies under section*
10 *303(d) the navigable water into which a*
11 *discharge is permitted pursuant to the per-*
12 *mit as impaired for a pollutant known to*
13 *be present in the discharge.*

14 “(iii) *The Administrator approves a*
15 *new or modified total maximum daily load*
16 *that applies with respect to a pollutant*
17 *known to be present in a discharge per-*
18 *mitted pursuant to the permit.*

19 “(iv) *The Administrator or the State*
20 *determines that—*

21 “(I) *a pollutant known to be dis-*
22 *charged under the permit is directly*
23 *related to the contamination of a water*
24 *designated for use as a public water*

1 *supply source pursuant to section 303;*
2 *and*

3 “*(II)(aa) the discharge of such*
4 *pollutant is related to a violation of an*
5 *applicable water quality standard; or*

6 “*(bb) such pollutant is subject to*
7 *a health advisory published by the Ad-*
8 *ministrator under section*
9 *1412(b)(1)(F) of the Safe Drinking*
10 *Water Act.”.*

11 *(c) IMPLEMENTATION RULE.—*

12 *(1) DEADLINE.—Not later than 1 year after the*
13 *date of enactment of this Act, the Administrator of the*
14 *Environmental Protection Agency shall publish in the*
15 *Federal Register a rule to implement the amendments*
16 *made by this section, including establishing standards*
17 *for determining a history of compliance with the Fed-*
18 *eral Water Pollution Control Act for purposes of sec-*
19 *tion 402(t) of such Act (as added by this section).*

20 *(2) CONSULTATION.—In carrying out this sub-*
21 *section, the Administrator shall consult with rep-*
22 *resentatives of States, municipalities (as such term is*
23 *defined in section 502 of the Federal Water Pollution*
24 *Control Act), and other stakeholders and interested*
25 *parties.*

1 **SEC. 8. REPORTS TO CONGRESS.**

2 *Section 516(b)(1) of the Federal Water Pollution Con-*
3 *trol Act (33 U.S.C. 1375(b)(1)) is amended—*

4 *(1) by striking “, of the cost of construction” and*
5 *inserting “, of (i) the cost of construction”; and*

6 *(2) by striking “each of the States;” and insert-*
7 *ing “each of the States, and (ii) the costs to imple-*
8 *ment measures necessary to address the resilience and*
9 *sustainability of publicly owned treatment works to*
10 *manmade or natural disasters;”.*

11 **SEC. 9. INDIAN TRIBES.**

12 *Section 518(c) of the Federal Water Pollution Control*
13 *Act (33 U.S.C. 1377(c)) is amended—*

14 *(1) by striking paragraphs (1) and (2) and in-*
15 *serting the following:*

16 *“(1) IN GENERAL.—For each fiscal year, the Ad-*
17 *ministrator shall reserve, of the funds made available*
18 *to carry out title VI (before allotments to the States*
19 *under section 604(a)), the greater of—*

20 *“(A) 2 percent of such funds; or*

21 *“(B) \$30,000,000.*

22 *“(2) USE OF FUNDS.—*

23 *“(A) GRANTS.—Funds reserved under this*
24 *subsection shall be available only for grants to*
25 *entities described in paragraph (3) for—*

1 “(i) projects and activities eligible for
2 assistance under section 603(c); and

3 “(ii) training, technical assistance,
4 and educational programs relating to the
5 operation and management of treatment
6 works eligible for assistance pursuant to sec-
7 tion 603(c).

8 “(B) *LIMITATION.*—Not more than
9 \$2,000,000 of the reserved funds may be used for
10 grants under subparagraph (A)(ii).”; and

11 (2) in paragraph (3)—

12 (A) in the header, by striking “USE OF
13 FUNDS” and inserting “ELIGIBLE ENTITIES”;
14 and

15 (B) by striking “for projects and activities
16 eligible for assistance under section 603(c) to
17 serve” and inserting “to”.

18 **SEC. 10. CAPITALIZATION GRANTS.**

19 Section 602(b) of the Federal Water Pollution Control
20 Act (33 U.S.C. 1382(b)) is amended—

21 (1) in paragraph (13)(B)—

22 (A) in the matter preceding clause (i), by
23 striking “and energy conservation” and insert-
24 ing “and efficient energy use (including through
25 the implementation of technologies to recapture

1 *and reuse energy produced in the treatment of*
2 *wastewater)”; and*

3 *(B) in clause (iii), by striking “; and” and*
4 *inserting a semicolon;*

5 *(2) in paragraph (14), by striking the period at*
6 *the end and inserting “; and” ; and*

7 *(3) by adding at the end the following:*

8 *“(15) to the extent there are sufficient projects or*
9 *activities eligible for assistance from the fund, with*
10 *respect to funds for capitalization grants received by*
11 *the State under this title and section 205(m) in each*
12 *of fiscal years 2021 through 2025, the State will use*
13 *not less than 15 percent of such funds for projects to*
14 *address green infrastructure, water or energy effi-*
15 *ciency improvements, or other environmentally inno-*
16 *vative activities.”.*

17 **SEC. 11. WATER POLLUTION CONTROL REVOLVING LOAN**
18 **FUNDS.**

19 *Section 603(i) of the Federal Water Pollution Control*
20 *Act (33 U.S.C. 1383(i)) is amended—*

21 *(1) in paragraph (1)—*

22 *(A) in the matter preceding subparagraph*
23 *(A), by striking “, including forgiveness of prin-*
24 *cipal and negative interest loans” and inserting*

1 “(including in the form of forgiveness of prin-
2 cipal, negative interest loans, or grants)”;

3 (B) in subparagraph (A)—

4 (i) in the matter preceding clause (i),
5 by striking “in assistance”; and

6 (ii) in clause (ii)(III), by striking “to
7 such ratepayers” and inserting “to help
8 such ratepayers maintain access to waste-
9 water and stormwater treatment services”;

10 and

11 (2) by amending paragraph (3) to read as fol-
12 lows:

13 “(3) *SUBSIDIZATION AMOUNTS.*—

14 “(A) *IN GENERAL.*—A State may use for
15 providing additional subsidization in a fiscal
16 year under this subsection an amount that does
17 not exceed the greater of—

18 “(i) 30 percent of the total amount re-
19 ceived by the State in capitalization grants
20 under this title for the fiscal year; or

21 “(ii) the annual average over the pre-
22 vious 10 fiscal years of the amounts depos-
23 ited by the State in the State water pollu-
24 tion control revolving fund from State mon-

1 *ys that exceed the amounts required to be*
2 *so deposited under section 602(b)(2).*

3 *“(B) MINIMUM.—For each of fiscal years*
4 *2021 through 2025, to the extent there are suffi-*
5 *cient applications for additional subsidization*
6 *under this subsection that meet the criteria*
7 *under paragraph (1)(A), a State shall use for*
8 *providing additional subsidization in a fiscal*
9 *year under this subsection an amount that is not*
10 *less than 10 percent of the total amount received*
11 *by the State in capitalization grants under this*
12 *title for the fiscal year.”.*

13 **SEC. 12. ALLOTMENT OF FUNDS.**

14 *(a) FORMULA.—Section 604(a) of the Federal Water*
15 *Pollution Control Act (33 U.S.C. 1384(a)) is amended by*
16 *striking “each of fiscal years 1989 and 1990” and inserting*
17 *“each fiscal year”.*

18 *(b) WASTEWATER INFRASTRUCTURE WORKFORCE DE-*
19 *VELOPMENT.—Section 604 of the Federal Water Pollution*
20 *Control Act (33 U.S.C. 1384) is amended by adding at the*
21 *end the following:*

22 *“(d) WASTEWATER INFRASTRUCTURE WORKFORCE*
23 *DEVELOPMENT.—A State may reserve each fiscal year up*
24 *to 1 percent of the sums allotted to the State under this*
25 *section for the fiscal year to carry out workforce develop-*

1 ment, training, and retraining activities described in sec-
2 tion 104(g).”.

3 **SEC. 13. RESERVATION OF FUNDS FOR TERRITORIES OF**
4 **THE UNITED STATES.**

5 *Title VI of the Federal Water Pollution Control Act*
6 *(33 U.S.C. 1381 et seq.) is amended by striking section 607*
7 *and inserting the following:*

8 **“SEC. 607. RESERVATION OF FUNDS FOR TERRITORIES OF**
9 **THE UNITED STATES.**

10 *“(a) IN GENERAL.—*

11 *“(1) RESERVATION.—For each fiscal year, the*
12 *Administrator shall reserve 1.5 percent of available*
13 *funds, as calculated in accordance with paragraph*
14 *(2).*

15 *“(2) CALCULATION OF AVAILABLE FUNDS.—The*
16 *amount of available funds shall be calculated by sub-*
17 *tracting the amount of any funds reserved under sec-*
18 *tion 518(c) from the amount of funds made available*
19 *to carry out this title (before allotments to the States*
20 *under section 604(a)).*

21 *“(b) USE OF FUNDS.—Funds reserved under this sec-*
22 *tion shall be available only for grants to American Samoa,*
23 *the Commonwealth of the Northern Mariana Islands,*
24 *Guam, and the Virgin Islands for projects and activities*
25 *eligible for assistance under section 603(c).*

1 “(c) *LIMITATION.—American Samoa, the Common-*
2 *wealth of the Northern Mariana Islands, Guam, and the*
3 *Virgin Islands may not receive funds allotted under section*
4 *604(a).”.*

5 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

6 *Title VI of the Federal Water Pollution Control Act*
7 *(33 U.S.C. 1381 et seq.) is amended by adding at the end*
8 *the following:*

9 **“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

10 *“There are authorized to be appropriated to carry out*
11 *this title the following sums:*

12 “(1) \$2,400,000,000 for fiscal year 2021.

13 “(2) \$2,600,000,000 for fiscal year 2022.

14 “(3) \$2,800,000,000 for fiscal year 2023.

15 “(4) \$3,000,000,000 for fiscal year 2024.

16 “(5) \$3,200,000,000 for fiscal year 2025.”.

17 **SEC. 15. TECHNICAL ASSISTANCE BY MUNICIPAL OMBUDS-**
18 **MAN.**

19 *Section 4(b)(1) of the Water Infrastructure Improve-*
20 *ment Act (42 U.S.C. 4370j(b)(1)) is amended to read as*
21 *follows:*

22 “(1) *technical and planning assistance to sup-*
23 *port municipalities, including municipalities that are*
24 *rural, small, and tribal communities, in achieving*
25 *and maintaining compliance with enforceable dead-*

1 *lines, goals, and requirements of the Federal Water*
2 *Pollution Control Act; and”.*

3 **SEC. 16. REPORT ON FINANCIAL CAPABILITY OF MUNICI-**
4 **PALITIES.**

5 (a) *REVIEW.*—*The Administrator of the Environ-*
6 *mental Protection Agency shall conduct a review of existing*
7 *implementation guidance of the Agency for evaluating the*
8 *financial resources a municipality has available to imple-*
9 *ment the requirements of the Federal Water Pollution Con-*
10 *trol Act to determine whether, and if so, how, such guidance*
11 *needs to be revised.*

12 (b) *CONSIDERATIONS.*—*In conducting the review*
13 *under subsection (a), the Administrator shall consider—*

14 (1) *the report by the National Academy of Public*
15 *Administration prepared for the Environmental Pro-*
16 *tection Agency entitled “Developing a New Frame-*
17 *work for Community Affordability of Clean Water*
18 *Services”, dated October 2017;*

19 (2) *the report developed by the National Envi-*
20 *ronmental Justice Advisory Council entitled “EPA’s*
21 *Role in Addressing the Urgent Water Infrastructure*
22 *Needs of Environmental Justice Communities”, dated*
23 *August 2018, and made available on the website of*
24 *the Administrator in March 2019;*

1 (3) *the report prepared for the American Water*
2 *Works Association, the National Association of Clean*
3 *Water Agencies, and the Water Environment Federa-*
4 *tion entitled “Developing a New Framework for*
5 *Household Affordability and Financial Capability*
6 *Assessment in the Water Sector”, dated April 17,*
7 *2019;*

8 (4) *the recommendations of the Environmental*
9 *Financial Advisory Board related to municipal fi-*
10 *nancial capability assessments, prepared at the re-*
11 *quest of the Administrator; and*

12 (5) *any other information the Administrator*
13 *considers appropriate.*

14 (c) *ENGAGEMENT AND TRANSPARENCY.—In con-*
15 *ducting the review under subsection (a), the Administrator*
16 *shall—*

17 (1) *after providing public notice, consult with,*
18 *and solicit advice and recommendations from, State*
19 *and local governmental officials and other stake-*
20 *holders, including nongovernmental organizations;*
21 *and*

22 (2) *ensure transparency in the consultation proc-*
23 *ess.*

24 (d) *REPORT.—Not later than 18 months after the date*
25 *of enactment of this Act, the Administrator shall submit*

1 *to the Committee on Transportation and Infrastructure of*
2 *the House of Representatives and the Committee on Envi-*
3 *ronment and Public Works of the Senate, and make publicly*
4 *available, a report on the results of the review conducted*
5 *under subsection (a), including any recommendations for*
6 *revisions to the guidance.*

7 **SEC. 17. REVIEW OF SECONDARY TREATMENT TECH-**
8 **NOLOGIES.**

9 *(a) IN GENERAL.—*

10 *(1) DEVELOPMENT OF DATA COLLECTION*
11 *MEANS.—Not later than 180 days after the date of en-*
12 *actment of this Act, the Administrator of the Envi-*
13 *ronmental Protection Agency shall publish in the Fed-*
14 *eral Register a notice to solicit public comment (in-*
15 *cluding the opportunity for public hearings and lis-*
16 *tening sessions) on the collection of data regarding the*
17 *existing capabilities of publicly owned treatment*
18 *works to reduce the effluent concentration of patho-*
19 *gens (or pathogen indicators) in the discharge of such*
20 *treatment works, in order to determine an appro-*
21 *priate means to collect such data in a sufficient*
22 *amount, and of a sufficient quality, to develop a rep-*
23 *resentational sample of such capabilities.*

24 *(2) DATA COLLECTION.—Not later than 18*
25 *months after the date of enactment of this Act, the*

1 Administrator shall publish in the Federal Register
2 the data collection means determined appropriate
3 pursuant to paragraph (1) and initiate the collection
4 of data using such means.

5 (3) DETERMINATION ON SECONDARY TREATMENT
6 REGULATIONS.—Upon completion of data collection
7 pursuant to paragraph (2), the Administrator shall
8 make the data available to the public and make a de-
9 termination whether such data support a revision to
10 the secondary treatment standard for pathogens (or
11 pathogen indicators) pursuant to section 304(d)(1) of
12 the Federal Water Pollution Control Act.

13 (4) LIMITATION.—The Administrator may not
14 propose or finalize any modifications to requirements
15 pursuant to section 402 of the Federal Water Pollu-
16 tion Control Act related to wastewater blending, by-
17 pass, or peak wet weather discharges from publicly
18 owned treatment works until after the date on which
19 the Administrator makes a determination under
20 paragraph (3).

21 (b) DEFINITIONS.—In this section:

22 (1) BYPASS.—The term “bypass” has the mean-
23 ing given that term in section 122.41(m) of title 40,
24 Code of Federal Regulations.

1 (2) *TREATMENT WORKS.*—*The term “treatment*
2 *works” has the meaning given that term in section*
3 *212 of the Federal Water Pollution Control Act.*

Union Calendar No. 387

116TH CONGRESS
2^D Session

H. R. 1497

[Report No. 116-484]

A BILL

To amend the Federal Water Pollution Control Act to reauthorize certain water pollution control programs, and for other purposes.

SEPTEMBER 4, 2020

Reported with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed