

116TH CONGRESS
2D SESSION

S. 3480

To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to authorize additional assistance to address pollution from perfluoroalkyl and polyfluoroalkyl substances and other emerging contaminants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2020

Mrs. SHAHEEN (for herself, Mr. SCHUMER, Mr. CARPER, Ms. STABENOW, Ms. HASSAN, Mr. REED, Mr. PETERS, Mr. MARKEY, Mr. WHITEHOUSE, Mr. BOOKER, Ms. WARREN, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. CASEY, Ms. HARRIS, Mr. DURBIN, Mr. COONS, Ms. DUCKWORTH, Mrs. GILLIBRAND, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to authorize additional assistance to address pollution from perfluoroalkyl and polyfluoroalkyl substances and other emerging contaminants, 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 “Providing Financial
5 Assistance to States for Testing and Treatment Act of

1 2020” or the “PFAS Testing and Treatment Act of
2 2020”.

3 **SEC. 2. REMEDIATION OF PERFLUOROALKYL AND POLY-**
4 **FLUOROALKYL SUBSTANCES AND OTHER**
5 **EMERGING CONTAMINANTS IN DRINKING**
6 **WATER.**

7 Section 1452 of the Safe Drinking Water Act (42
8 U.S.C. 300j–12) is amended—

9 (1) in subsection (a)(2)(G)—

10 (A) in clause (i), by striking “clause (ii)”
11 and inserting “clauses (ii) and (iii)”;

12 (B) by redesignating clause (iii) as clause
13 (iv); and

14 (C) by inserting after clause (ii) the fol-
15 lowing:

16 “(iii) USE OF FUNDS.—The recipient
17 of a grant using amounts described in
18 clause (i) may use the grant funds for
19 projects and activities that address emerg-
20 ing contaminants, including—

21 “(I) investments necessary for
22 public water systems and users of un-
23 derground sources of drinking water
24 to comply with the requirements of
25 this title;

1 “(II) programs to provide house-
 2 hold water quality testing, including
 3 testing for unregulated contaminants;
 4 and

5 “(III) other investments and pro-
 6 grams to address emerging contami-
 7 nants.”; and

8 (2) in subsection (t)—

9 (A) by striking paragraph (1) and insert-
 10 ing the following:

11 “(1) DISTRIBUTION.—

12 “(A) IN GENERAL.—Amounts made avail-
 13 able under this subsection shall be allotted to a
 14 State as a capitalization grant—

15 “(i) in accordance with subparagraph
 16 (B);

17 “(ii) for deposit into the State loan
 18 fund of the State; and

19 “(iii) for the purposes described in
 20 subsection (a)(2)(G).

21 “(B) ALLOTMENT.—The amounts de-
 22 scribed in subparagraph (A) shall be allotted to
 23 a State—

1 “(i) for each of fiscal years 2021 and
 2 2022, as if allotted under subsection
 3 (a)(1)(D); and

4 “(ii) for each of fiscal years 2023
 5 through 2029, in accordance with the reg-
 6 ulations promulgated under subparagraph
 7 (C).

8 “(C) RULEMAKING.—Not later than 2
 9 years after the date of enactment of this sub-
 10 paragraph, the Administrator shall promulgate
 11 regulations for the distribution of amounts de-
 12 scribed in subparagraph (A) among States in a
 13 manner that accounts for the prevalence and re-
 14 medial costs of addressing emerging contami-
 15 nants, with a focus on perfluoroalkyl and poly-
 16 fluoroalkyl substances.”; and

17 (B) in paragraph (2), by striking “this
 18 subsection” and all that follows through the pe-
 19 riod at the end and inserting the following:
 20 “this subsection, to remain available until ex-
 21 pended—

22 “(A) for fiscal year 2020—

23 “(i) \$1,000,000,000; and

24 “(ii) any additional amount as may be
 25 designated by Congress as being for an

1 emergency requirement pursuant to section
 2 251(b)(2)(A)(i) of the Balanced Budget
 3 and Emergency Deficit Control Act of
 4 1985 (2 U.S.C. 901(b)(2)(A)(i)); and
 5 “(B) for each of fiscal years 2021 through
 6 2029, \$1,000,000,000.”.

7 **SEC. 3. REMEDIATION OF CONTAMINATION OF GROUND-**
 8 **WATER BY PERFLUOROALKYL SUBSTANCES.**

9 Title V of the Federal Water Pollution Control Act
 10 is amended—

11 (1) by redesignating section 520 (33 U.S.C.
 12 1251 note) as section 521; and

13 (2) by inserting after section 519 (33 U.S.C.
 14 1377a) the following:

15 **“SEC. 520. REMEDIATION OF CONTAMINATION OF GROUND-**
 16 **WATER BY PERFLUOROALKYL SUBSTANCES.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) CONTAMINATED SITE.—The term ‘con-
 19 taminated site’ means a site at which groundwater
 20 has been contaminated by a covered perfluoroalkyl
 21 substance.

22 “(2) COVERED PERFLUOROALKYL SUB-
 23 STANCE.—The term ‘covered perfluoroalkyl sub-
 24 stance’ means—

“(A) perfluorooctanoic acid (commonly referred to as ‘PFOA’) (Chemical Abstracts Service No. 335–67–1);

“(B) the salts associated with the chemical described in subparagraph (A) (Chemical Abstracts Service Nos. 3825–26–1, 335–95–5, and 68141–02–6);

“(C) perfluorooctane sulfonic acid or sulfonate (commonly referred to as ‘PFOS’) (Chemical Abstracts Service No. 1763–23–1); and

“(D) the salts associated with the chemical described in subparagraph (C) (Chemical Abstracts Service Nos. 2795–39–3, 29457–72–5, 56773–42–3, 29081–56–9, and 70225–14–8).

“(b) ESTABLISHMENT.—Subject to subsections (c) and (d), the Administrator shall provide grants to States to address contamination of groundwater by covered perfluoroalkyl substances at contaminated sites.

“(c) DISTRIBUTION.—

“(1) IN GENERAL.—The Administrator shall ensure that funds made available to carry out this section are distributed to each State—

“(A) for each of fiscal years 2021 and 2022, in such a manner that the total grant

1 amount received by a State under this section
2 is equivalent to the ratio that—

3 “(i) the amount of the capitalization
4 grant under title VI to the State in the
5 last fiscal year in which capitalization
6 grants were made; bears to

7 “(ii) the amount of capitalization
8 grants under title VI to all States in the
9 last fiscal year in which capitalization
10 grants were made; and

11 “(B) for each of fiscal years 2023 through
12 2029, in accordance with the regulations pro-
13 mulgated under paragraph (2).

14 “(2) RULEMAKING.—Not later than 2 years
15 after the date of enactment of this section, the Ad-
16 ministrator shall promulgate regulations for the dis-
17 tribution of amounts made available to carry out
18 this section among States in a manner that accounts
19 for the prevalence and remedial costs of addressing
20 contamination of groundwater by covered perfluoro-
21 alkyl substances.

22 “(d) CLEANUP STANDARDS.—

23 “(1) IN GENERAL.—Any detection, treatment,
24 and remediation of groundwater carried out using a

1 grant under this section shall be carried out in ac-
2 cordance with—

3 “(A) if the Administrator has not des-
4 ignated the applicable covered perfluoroalkyl
5 substance as a hazardous substance under the
6 Comprehensive Environmental Response, Com-
7 pensation, and Liability Act of 1980 (42 U.S.C.
8 9601 et seq.), the Draft Deliberative Document
9 prepared by the Administrator entitled ‘Draft
10 Interim Recommendations to Address Ground-
11 water Contaminated with Perfluorootanoic Acid
12 and Perfluorooctane Sulfonate’ and accepted
13 for interagency review by the Office of Manage-
14 ment and Budget on August 31, 2018; and

15 “(B) if the Administrator has designated
16 the applicable covered perfluoroalkyl substance
17 as a hazardous substance under the Com-
18 prehensive Environmental Response, Compensa-
19 tion, and Liability Act of 1980 (42 U.S.C. 9601
20 et seq.), the requirements of that Act.

21 “(2) TOTAL DESTRUCTION TECHNOLOGIES.—In
22 addressing the contamination described in subsection
23 (b) using amounts from a grant under this section,
24 States shall give preference to addressing that con-

1 tamination using total destruction technologies that
 2 create inert byproducts.

3 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to carry out this sec-
 5 tion—

6 “(1) for fiscal year 2020—

7 “(A) \$1,000,000,000; and

8 “(B) any additional amount as may be
 9 designated by Congress as being for an emer-
 10 gency requirement pursuant to section
 11 251(b)(2)(A)(i) of the Balanced Budget and
 12 Emergency Deficit Control Act of 1985 (2
 13 U.S.C. 901(b)(2)(A)(i)); and

14 “(2) for each of fiscal years 2021 through
 15 2029, \$1,000,000,000.

16 “(f) TERMINATION OF AUTHORITY.—The authority
 17 provided by this section terminates on September 30,
 18 2029.”.

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