

DIVISION H – WATER QUALITY PROTECTION AND JOB CREATION **ACT OF 2021**

Sec. 12001. Short title.

This section cites the bill as the “Water Quality Protection and Job Creation Act of 2021”.

Sec. 12002. Wastewater infrastructure workforce investment.

This section requires the EPA Administrator (Administrator), in consultation with the Secretary of Labor, to issue a report to Congress on the current and future workforce needs of public wastewater treatment utilities and actions, including federal investments, that can be taken to promote workforce development to address these needs.

Sec. 12003. Technical assistance to rural, small, and Tribal municipalities.

This section authorizes a total of \$500 million over fiscal years 2022 through 2026 for several *Clean Water Act* grant authorities related to research, studies, technical assistance, training, and information under section 104 of the *Act*, of which \$250 million is designated for grants to provide technical assistance to rural, small, and tribal communities in the planning, design, and construction of wastewater facilities and to achieve and maintain compliance with the *Act*.

Sec. 12004. State management assistance.

This section authorizes a total of \$2.5 billion over fiscal years 2022 through 2026 in grants to states for implementing state water quality improvement programs (under Section 106 of the *Act*).

Sec. 12005. Watershed, wet weather, and resiliency projects.

This section amends section 122 of the *Act* to authorize a new grant eligibility for public wastewater utilities to assess and address future risks posed by manmade or natural disasters, including extreme weather events, drought, and sea-level rise, as well as cybersecurity risks. This section authorizes a total of \$1 billion to municipalities to carry out watershed, wet weather, and resiliency and security projects, including measures to reduce cybersecurity vulnerability. This section also ensures the use of American-made iron and steel and reserves a portion of funds to provide assistance to municipalities with a population of less than 10,000 people.

Sec. 12006. Waiver of matching requirement for grants to District of Columbia.

This section waives the requirement for the District of Columbia to provide a non-federal match for wastewater infrastructure grants provided under Title II of the *Act*, aligning the District with treatment of similar funding to U.S. Territories.

Sec. 12007. Pilot program for alternative water source projects.

This section amends section 220 of the *Act* to authorize a total of \$1 billion for grants to carry out alternative water source projects, including projects for groundwater recharge and potable reuse. It also expands the types of projects eligible to receive funding under this authority to include projects that reclaim stormwater, as well as certain projects that may be authorized under the *Reclamation Projects Authorization and Adjustment Act of 1992 (Reclamation Act)*. This section also ensures the use of American-made iron and steel and reserves a portion of funds to provide assistance to municipalities with a population of less than 10,000 people.

Sec. 12008. Sewer overflow and stormwater reuse municipal grants.

This section amends section 221 of the *Act* to authorize a total of \$2 billion over fiscal years 2022 through 2026 in grants for sewer overflow and stormwater reuse projects, as well as provides for a greater federal cost share of projects that serve financially distressed communities. This section also ensures the use of American-made iron and steel and reserves a portion of funds to provide assistance to municipalities with a population of less than 20,000 people.

Sec. 12009. Grants for the treatment of emerging contaminants.

This section authorizes a total of \$1 billion over fiscal years 2022 through 2026 in grants to municipalities for the implementation of *Clean Water Act* treatment standards for emerging contaminants, including per- and polyfluoroalkyl substances (PFAS).

Sec. 12010. Household wastewater grant program.

This section authorizes \$250 million over fiscal years 2022 through 2026 in grants to assist low-income households to install, repair, or replace domestic septic systems, or to attach households with failing septic systems to public sewer systems. This section prioritizes grant funding to those low-income households that currently lack access to sewage treatment technologies, including households that currently use cesspools to capture or store domestic sewage.

Sec. 12011. Smart wastewater infrastructure technology grant program.

This section authorizes \$500 million over fiscal years 2022 through 2026 in grants to municipalities for the modernization of wastewater collection systems and stormwater management technologies.

Sec. 12012. Reports to Congress.

This section directs the Administrator to include in its statutorily required, biennial needs assessment report, an estimate of the costs to implement resiliency and sustainability measures at publicly owned treatment works, as well as conduct a more-detailed assessment of the wastewater infrastructure repair and replacement needs. In addition, this section requires the Administrator to submit an annual report on the use of *Clean Water Act* funds for projects that fall within the green project reserve definition, and on the cost and benefits of such projects, including any potential short- and long-term cost savings to public utilities and any environmental and community benefits of implementing such projects.

Sec. 12013. Indian Tribes.

This section codifies in the *Act* the annual set-aside of funds from the Clean Water SRF (two percent of annual Clean Water SRF capitalization grants or \$30 million, whichever is greater) for projects, training, technical assistance, or education for Indian tribes, reservations, and Alaskan Native Villages.

This section also authorizes an additional \$2.5 billion in grant assistance to address the backlog of wastewater infrastructure projects on Tribal lands. Funds appropriated pursuant to this authority should be awarded in the same manner, and subject to the same conditions, as funds awarded to address tribal wastewater infrastructure needs through the Clean Water SRF and section 518 of the *Act*.

Sec. 12014. Capitalization grants.

This section amends section 602 of the *Act* to: (1) require utilities that utilize the Clean Water SRF to consider modifications that promote efficient energy use at the utility (such as technologies that

capture and reuse methane produced in the treatment of wastewater); and (2) require a minimum of 20 percent of Clean Water SRF capitalization grants be directed towards projects which address green infrastructure, water or energy efficiency improvements, or other environmentally innovative projects, as well as projects that increase the resiliency of treatment works to extreme weather, drought, sea level rise, and other impacts of climate change.

Sec. 12015. Water pollution control revolving loan funds.

This section includes grants as eligible state assistance and directs states to utilize a minimum of 20 percent and a maximum of 50 percent of their annual Clean Water SRF funding to provide additional subsidization (including grants) to municipalities that use SRF funds. This section also clarifies that Clean Water SRF funding can be used by utilities to address cybersecurity vulnerabilities at wastewater treatment operations.

Sec. 12016. Allotment of funds.

This section authorizes states to use up to one percent of their annual Clean Water SRF capitalization grants to promote workforce development and utility worker training and education programs.

Sec. 12017. Reservation of funds for territories of the United States.

This section codifies the annual reservation of one-and-a-half percent of Clean Water SRF funding for the U.S. Territories, and authorizes the U.S. Territories to use this funding for projects and activities eligible under section 603(c) of the *Act*.

Sec. 12018. Authorization of appropriations.

This section provides a total of \$40 billion in funding authorizations for the Clean Water SRF program for fiscal years 2022 through 2026.

Sec. 12019. Technical assistance by municipal ombudsman.

This section amends the existing authority for EPA to establish a Municipal Ombudsman Office within the agency to include assistance to rural, small, and tribal communities.

Sec. 12020. Report on wastewater infrastructure funding for rural, economically disadvantaged, and Tribal communities.

This section directs the Administrator to initiate a study, and issue a report to Congress not later than two years after the date of enactment of this section, on the distribution of clean water infrastructure funding directed at the wastewater infrastructure needs of rural, economically disadvantaged, and Tribal communities.

Sec. 12021. Water Reuse Interagency Working Group.

This section directs the Administrator to establish a Water Reuse Interagency Working Group to develop and coordinate actions and resources to encourage greater reuse of water, including through implementation of the 2020 National Water Reuse Action Plan, and to submit to Congress, not less frequently than every two years, a report on the activities and findings of the working group.

DIVISION I – ASSISTANCE, QUALITY, AND AFFORDABILITY ACT OF
2021

Title I—Infrastructure

Sec. 13101. Drinking water system resilience funding.

Increases and extends the authorization for the Drinking Water System Resilience Funding program.

Sec. 13102. Grants for State Programs.

Increases and extends the authorization for Public Water System Supervision (PWSS) grants to states.

Sec. 13103. American iron and steel products.

Makes permanent existing requirements for projects receiving funds through the Drinking Water State Revolving Fund (SRF) to purchase American-made iron and steel products.

Sec. 13104. Assistance for disadvantaged communities.

Increases the percent of Drinking Water SRF funds a state can use to provide additional assistance to disadvantaged community water systems from 35 percent to 40 percent.

Sec. 13105. Allotments for territories.

Increases the allotment of Drinking Water SRF funding reserved for the territories from 0.33 percent to 1.5 percent of the aggregate amount available.

Sec. 13106. Drinking water SRF funding.

Increases and extends the Drinking Water SRF authorization to \$52.94 billion over FY 2022-2031.

Sec. 13107. Lead service line replacement.

Authorizes \$4.5 billion per year from FY 2022-2031 to replace lead service lines with priority for replacing lines in disadvantaged and environmental justice communities.

Sec. 13108. Drinking water assistance to colonias.

Authorizes \$100 million per year from FY 2022-2026 for drinking water assistance to colonias.

Sec. 13109. PFAS treatment grants.

Establishes a grant program under the Safe Drinking Water Act (SDWA) to aid water utilities to pay capital costs associated with treatment for PFAS.

Sec. 13110. Voluntary school and child care program lead testing grant program.

Extends the authorization for voluntary school and child care program lead testing under SDWA Section 1464.

Sec. 13111. Grant program for installation of filtration stations at schools and child care programs.

Directs the EPA Administrator to establish a grant program to provide assistance to schools to install and maintain filtration systems. Authorizes \$50 million per year from FY 2022-2031.

Sec. 13112. Drinking water fountain replacement for schools.

Extends the authorization for the grant program under Section 1465 of SDWA to replace school drinking water fountains that may contain lead.

Sec. 13113. Indian reservation drinking water program.

Extends the authorization for the Indian Reservation Drinking Water program created under America's Water Infrastructure Act (AWIA).

Sec. 13114. Assistance for areas affected by natural disasters.

Extends the authorization for a program created under AWIA to encourage the extension of drinking water service into underserved areas affected by natural disasters and clarifies that the territories are eligible for the program.

Title II—Safety

Sec. 13201. Enabling EPA to set standards for new drinking water contaminants.

Repeals section 1412(b)(6) of SDWA, which authorizes EPA to set national primary drinking water standards at levels that are weaker than what is feasible, to ensure that new drinking water standards are as close to maximum contaminant level goals as feasible.

Sec. 13202. National primary drinking water regulations for PFAS.

Directs the EPA Administrator to promulgate a national primary drinking water regulation for per- and polyfluoroalkyl substances (PFAS) that protects the health of vulnerable and disproportionately exposed subpopulations. The standard will include, at a minimum, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS).

Sec. 13203. National primary drinking water regulations for microcystin toxin.

Requires the EPA Administrator to publish a maximum contaminant level goal (MCLG) and promulgate a national primary drinking water regulation for microcystin toxin that protects the health of vulnerable and disproportionately exposed subpopulations.

Sec. 13204. National primary drinking water regulations for 1,4-dioxane.

Directs the EPA Administrator to publish a MCLG and promulgate a national primary drinking water regulation for 1,4-dioxane that protects the health of vulnerable and disproportionately exposed subpopulations.

Sec. 13205. Elimination of small system variances.

Eliminates small system variances authorized under 1415(e) of SDWA, which allow for the establishment of weaker drinking water standards for small systems.

Title III—Affordability

Sec. 13301. Emergency relief program.

Directs the EPA Administrator to establish a residential emergency relief program to provide grants to public water systems for the purpose of reducing or eliminating customer debt. The section requires any water system receiving funds to halt all water shutoffs for non-payment for a period of five years after receipt of those funds. This section authorizes \$4 billion for the program to remain available until expended. Up to four percent shall be available for administrative expenses and up to

five percent available for costs associated with reconnecting or restoring water service, including plumbing repairs and pipe flushing as needed for eligible residential customers. This section also requires reporting from the EPA Administrator on distribution of the funds.

Sec. 13302. Low-income drinking water assistance program.

Directs the EPA Administrator to establish a Federal low-income drinking water assistance program to award grants to eligible entities to develop and implement local drinking water access programs to assist low-income households in maintaining access to affordable drinking water. Municipal water systems and states would administer the programs, pursuant to EPA grants. Also directs the EPA Administrator to provide technical assistance to grant recipients and submit a report to Congress, not later than two years after funds are dispersed, on the results of the program. Authorizes \$4 billion to remain available until expended for this section.

Sec. 13303. Low-income wastewater assistance program.

Directs the EPA Administrator to establish a Federal low-income wastewater assistance program to award grants to eligible entities to develop and implement local wastewater access programs to assist low-income households in maintaining access to affordable wastewater services, including municipal stormwater services. The grant program is designed in a similar fashion to the grant program in section 13302. Authorizes \$4 billion to remain available until expended for this section.

Sec. 13304. Needs assessment for nationwide rural and urban low-income community water assistance program.

Directs the EPA Administrator to conduct a needs assessment for nationwide rural and urban low-income community water assistance program. In addition, the EPA Administrator will submit a report to Congress, not later than one year after enactment, describing the results of the study.

Title IV—Other Matters

Sec. 13401. Small urban and rural water system consolidation.

Requires the Government Accountability Office (GAO) to identify factors that lead small water systems serving environmental justice communities to become financially distressed.