

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1497
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Water Quality Protec-
3 tion and Job Creation Act of 2019”.

**4 SEC. 2. WASTEWATER INFRASTRUCTURE WORKFORCE IN-
5 VESTMENT.**

6 Section 104(g) of the Federal Water Pollution Con-
7 trol Act (33 U.S.C. 1251(g)) is amended—

8 (1) in paragraph (1), by striking “manpower”
9 each place it appears and inserting “workforce”; and

10 (2) by amending paragraph (4) to read as fol-
11 lows—

12 “(4) REPORT TO CONGRESS ON PUBLICLY
13 OWNED TREATMENT WORKS WORKFORCE DEVELOP-
14 MENT.—Not later than 2 years after the date of en-
15 actment of the Water Quality Protection and Job
16 Creation Act of 2019, the Administrator shall sub-
17 mit to the Committee on Transportation and Infra-
18 structure of the House of Representatives and the

1 Committee on Environment and Public Works of the
2 Senate a report containing—

3 “(A) an assessment of the current and fu-
4 ture workforce needs for publicly owned treat-
5 ment works, including an estimate of the num-
6 ber of future positions needed for such treat-
7 ment works and the technical skills and edu-
8 cation needed for such positions;

9 “(B) a summary of actions taken by the
10 Administrator, including Federal investments
11 under this Act, that promote workforce develop-
12 ment to address such needs; and

13 “(C) any recommendations of the Adminis-
14 trator to address such needs.”.

15 **SEC. 3. STATE MANAGEMENT ASSISTANCE.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
17 106(a) of the Federal Water Pollution Control Act (33
18 U.S.C. 1256(a)) is amended—

19 (1) by striking “and” at the end of paragraph
20 (1);

21 (2) by inserting after paragraph (2) the fol-
22 lowing:

23 “(3) such sums as may be necessary for each
24 of fiscal years 1991 through 2020;

25 “(4) \$240,000,000 for fiscal year 2021;

1 “(5) \$250,000,000 for fiscal year 2022;

2 “(6) \$260,000,000 for fiscal year 2023;

3 “(7) \$270,000,000 for fiscal year 2024; and

4 “(8) \$275,000,000 for fiscal year 2025;”.

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

9 **SEC. 4. WATERSHED, WET WEATHER, AND RESILIENCY**
10 **PROJECTS.**

11 (a) INCREASED RESILIENCE OF TREATMENT
12 WORKS.—Section 122(a)(6) of the Federal Water Pollu-
13 tion Control Act (33 U.S.C. 1274(a)(6)) is amended to
14 read as follows:

15 “(6) INCREASED RESILIENCE OF TREATMENT
16 WORKS.—Efforts—

17 “(A) to assess future risks and
18 vulnerabilities of publicly owned treatment
19 works to manmade or natural disasters, includ-
20 ing extreme weather events and sea-level rise;
21 and

22 “(B) to carry out the planning, designing,
23 or constructing of projects, on a systemwide or
24 area-wide basis, to increase the resilience of
25 publicly owned treatment works through—

1 “(i) the conservation of water or the
2 enhancement of water use efficiency;

3 “(ii) the enhancement of wastewater
4 (including stormwater) management by in-
5 creasing watershed preservation and pro-
6 tection, including through—

7 “(I) the use of green infrastruc-
8 ture; or

9 “(II) the reclamation and reuse
10 of wastewater (including stormwater),
11 such as through aquifer recharge
12 zones;

13 “(iii) the modification or relocation of
14 an existing publicly owned treatment works
15 at risk of being significantly impaired or
16 damaged by a manmade or natural dis-
17 aster; or

18 “(iv) the enhancement of energy effi-
19 ciency, or the use or generation of recov-
20 ered or renewable energy, in the manage-
21 ment, treatment, or conveyance of waste-
22 water (including stormwater).”.

23 (b) REQUIREMENTS; AUTHORIZATION OF APPRO-
24 PRIATIONS.—Section 122 of the Federal Water Pollution

1 Control Act (33 U.S.C. 1274) is amended by striking sub-
2 section (c) and inserting the following:

3 “(c) REQUIREMENTS.—The requirements of section
4 608 shall apply to any construction, alteration, mainte-
5 nance, or repair of treatment works receiving a grant
6 under this section.

7 “(d) ASSISTANCE.—The Administrator shall use not
8 less than 15 percent of the amounts appropriated pursu-
9 ant to this section in a fiscal year to provide assistance
10 to municipalities with a population of less than 10,000,
11 to the extent there are sufficient eligible applications.

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated to carry out this section
14 \$110,000,000, to remain available until expended.”.

15 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) WATERSHED PILOT PROJECTS.—Section
17 122 of the Federal Water Pollution Control Act (33
18 U.S.C. 1274) is amended—

19 (A) in the section heading, by striking
20 “**WATERSHED PILOT PROJECTS**” and insert-
21 ing “**WATERSHED, WET WEATHER, AND RE-**
22 **SILIENCY PROJECTS**”; and

23 (B) by striking “pilot” each place it ap-
24 pears.

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

5 **SEC. 5. PILOT PROGRAM FOR ALTERNATIVE WATER**
6 **SOURCE PROJECTS.**

7 (a) SELECTION OF PROJECTS.—Section 220(d) of
8 the Federal Water Pollution Control Act (33 U.S.C.
9 1300(d)) is amended—

10 (1) by amending paragraph (1) to read as fol-
11 lows:

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

17 (2) by striking paragraph (2) and redesignating
18 paragraph (3) as paragraph (2).

19 (b) COMMITTEE RESOLUTION PROCEDURE; ASSIST-
20 ANCE.—Section 220 of the Federal Water Pollution Con-
21 trol Act (33 U.S.C. 1300) is amended by striking sub-
22 section (e) and inserting the following:

23 “(e) ASSISTANCE.—The Administrator shall use not
24 less than 15 percent of the amounts appropriated pursu-
25 ant to this section in a fiscal year to provide assistance

1 to eligible entities for projects designed to serve fewer than
2 10,000 individuals, to the extent there are sufficient eligi-
3 ble applications.”.

4 (c) COST SHARING.—Section 220(g) of the Federal
5 Water Pollution Control Act is amended—

6 (1) by striking “The Federal share” and insert-
7 ing the following:

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

10 (2) by adding at the end the following:

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

19 (d) REQUIREMENTS.—Section 220 of the Federal
20 Water Pollution Control Act is amended by redesignating
21 subsections (i) and (j) as subsections (j) and (k), respec-
22 tively, and inserting after subsection (h) the following:

23 “(i) REQUIREMENTS.—The requirements of section
24 608 shall apply to any construction of an alternative water

1 source project carried out using assistance made available
2 under this section.”.

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

9 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
10 220(k) of the Federal Water Pollution Control Act (as re-
11 designated by subsection (d) of this section) is amended
12 by striking “\$75,000,000 for fiscal years 2002 through
13 2004” and inserting “\$150,000,000”.

14 **SEC. 6. SEWER OVERFLOW AND STORMWATER REUSE MU-**
15 **NICIPAL GRANTS.**

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

18 (1) in subsection (c), by striking “subsection
19 (b),” each place it appears and inserting “this sec-
20 tion,”;

21 (2) in subsection (d)—

22 (A) by striking “The Federal share” and
23 inserting the following:

24 “(1) FEDERAL SHARE.—

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

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

5 “(B) FINANCIALLY DISTRESSED COMMU-
6 NITIES.—The Federal share of the cost of ac-
7 tivities carried out using amounts from a grant
8 made to a financially distressed community
9 under subsection (a) shall be not less than 75
10 percent of the cost.

11 “(2) NON-FEDERAL SHARE.—The non-Federal
12 share”;

13 (3) in subsection (e), by striking “section 513”
14 and inserting “section 513, or the requirements of
15 section 608,”; and

16 (4) in subsection (f)—

17 (A) in paragraph (1), by striking “2020”
18 and inserting “2025”; and

19 (B) by adding at the end the following—

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

1 **SEC. 7. NATIONAL POLLUTANT DISCHARGE ELIMINATION**
2 **SYSTEM.**

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

6 (1) by amending subparagraph (B) to read as
7 follows:

8 “(B) are for fixed terms—

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

11 “(ii) not exceeding 5 years, for a permit
12 not described in clause (i);” and

13 (2) by redesignating subparagraph (D) as sub-
14 paragraph (E), and inserting after subparagraph (C)
15 the following:

16 “(D) do not continue in force beyond the last
17 day of the fixed term, except as provided in sub-
18 section (k)(2); and”.

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

22 (1) in subsection (k)—

23 (A) by inserting “(1)” before “Compliance
24 with”;

25 (B) by striking “of (1)” and inserting “of
26 (A)”;

1 (C) by striking “or (2)” and inserting “or
2 (B)”;

3 (D) by adding at the end the following:

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

11 “(A) not later than 30 days after such last
12 day of the term of the permit, the State shall
13 notify the Administrator, the Committee on
14 Transportation and Infrastructure of the House
15 of Representatives, and the Committee on Envi-
16 ronment and Public Works of the Senate of
17 such failure to make a final administrative dis-
18 position;

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

1 “(C) the permit shall continue in effect
2 until the date on which a final administrative
3 disposition of the application is made.”; and

4 (2) by adding at the end the following:

5 “(t) EXTENDED TERM FOR CERTAIN PERMITS.—

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

11 “(2) REVIEW AND MODIFICATION OF PERMIT.—

12 “(A) STATE ACTION.—

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

21 “(ii) MODIFICATION.—Not later than
22 90 days after making publicly available a
23 determination under clause (i) that modi-
24 fications to a permit are necessary, the
25 State shall make such modifications in ac-

1 cordance with the requirements of this sec-
2 tion.

3 “(B) EPA ACTION.—

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

10 “(ii) MODIFICATION.—If a State fails
11 to modify a permit by the deadline re-
12 quired under subparagraph (A), or if the
13 Administrator makes publicly available
14 under this subparagraph a determination
15 that modifications to a permit are nec-
16 essary, the Administrator shall make such
17 modifications in accordance with the re-
18 quirements of this section not later than
19 90 days after the deadline required under
20 subparagraph (A), or 90 days after the
21 date on which the Administrator makes
22 publicly available such determination under
23 this subparagraph, as applicable.

24 “(iii) EFFECT ON STATE AUTHOR-
25 ITY.—A permit modified by the Adminis-

1 trator under clause (ii) shall be considered
2 to be a permit issued by the State for the
3 purposes of permit administration, and
4 such modification shall not affect any
5 other authority or responsibility of the
6 State relating to the permit.

7 “(C) RIGHT OF ACTION.—A determination
8 under this paragraph by a State or the Admin-
9 istrator of whether modifications to a permit
10 are necessary to address a triggering event is a
11 final agency action subject to judicial review in
12 the same manner as a review under section
13 509(b)(1).

14 “(3) DEFINITIONS.—In this subsection:

15 “(A) COVERED DISCHARGE.—The term
16 ‘covered discharge’ means a discharge from a
17 publicly owned treatment works, which consists
18 of municipal sewage treated, recycled, or re-
19 claimed in accordance with this Act (and may
20 include a municipal combined sewer overflow
21 that is in compliance with the requirements of
22 subsection (q))—

23 “(i) into a navigable water that is not
24 identified by the State issuing the permit
25 under section 303(d) as impaired for a pol-

1 lutant specifically addressed by the permit;
2 or

3 “(ii) in the case of a discharge into a
4 navigable water that is so identified, that
5 is subject to, and in compliance with, per-
6 mit limits that are consistent with—

7 “(I) a judicial order or consent
8 decree resolving an enforcement ac-
9 tion related to such discharge under
10 this Act; or

11 “(II) for each such pollutant, any
12 applicable approved total maximum
13 daily load allocation, or, if no such ap-
14 proved allocation exists, any applica-
15 ble water quality standard for the pol-
16 lutant (including any such standard
17 as addressed in an integrated plan in-
18 corporated into a permit under sub-
19 section (s)).

20 “(B) ELIGIBLE MUNICIPALITY.—The term
21 ‘eligible municipality’ means a municipality with
22 a history of compliance with this Act, as deter-
23 mined in accordance with standards established
24 by the Administrator.

1 “(C) TRIGGERING EVENT.—The term ‘trig-
2 gering event’ means, with respect to a permit
3 issued pursuant to this subsection, any of the
4 following that happens after the date on which
5 the permit is issued:

6 “(i) The State receives information
7 that there may be a cause for modification,
8 as identified in section 122.62 of title 40,
9 Code of Federal Regulations (as in effect
10 on the date of enactment of this sub-
11 section), of the permit.

12 “(ii) The State identifies under sec-
13 tion 303(d) the navigable water into which
14 a discharge is permitted pursuant to the
15 permit as impaired for a pollutant known
16 to be present in the discharge.

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

22 “(iv) The Administrator or the State
23 determines that—

24 “(I) a pollutant known to be dis-
25 charged under the permit is directly

1 related to the contamination of a
2 water designated for use as a public
3 water supply source pursuant to sec-
4 tion 303; and

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

8 “(bb) such pollutant is subject to
9 a health advisory published by the Ad-
10 ministrator under section
11 1412(b)(1)(F) of the Safe Drinking
12 Water Act.”.

13 (c) IMPLEMENTATION RULE.—

14 (1) DEADLINE.—Not later than 1 year after
15 the date of enactment of this Act, the Administrator
16 of the Environmental Protection Agency shall pub-
17 lish in the Federal Register a rule to implement the
18 amendments made by this section, including estab-
19 lishing standards for determining a history of com-
20 pliance with the Federal Water Pollution Control
21 Act for purposes of section 402(t) of such Act (as
22 added by this section).

23 (2) CONSULTATION.—In carrying out this sub-
24 section, the Administrator shall consult with rep-
25 resentatives of States, municipalities (as such term

1 is defined in section 502 of the Federal Water Pollu-
2 tion Control Act), and other stakeholders and inter-
3 ested parties.

4 **SEC. 8. REPORTS TO CONGRESS.**

5 Section 516(b)(1) of the Federal Water Pollution
6 Control Act (33 U.S.C. 1375(b)(1)) is amended—

7 (1) by striking “, of the cost of construction”
8 and inserting “, of (i) the cost of construction”; and

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

14 **SEC. 9. INDIAN TRIBES.**

15 Section 518(c) of the Federal Water Pollution Con-
16 trol Act (33 U.S.C. 1377(c)) is amended—

17 (1) by striking paragraphs (1) and (2) and in-
18 serting the following:

19 “(1) IN GENERAL.—For each fiscal year, the
20 Administrator shall reserve, of the funds made avail-
21 able to carry out title VI (before allotments to the
22 States under section 604(a)), the greater of—

23 “(A) 2 percent of such funds; or

24 “(B) \$30,000,000.

25 “(2) USE OF FUNDS.—

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

4 “(i) projects and activities eligible for
5 assistance under section 603(c); and

6 “(ii) training, technical assistance,
7 and educational programs relating to the
8 operation and management of treatment
9 works eligible for assistance pursuant to
10 section 603(c).

11 “(B) LIMITATION.—Not more than of
12 \$2,000,000 of the reserved funds may be used
13 for grants under subparagraph (A)(ii).”; and
14 (2) in paragraph (3)—

15 (A) in the header, by striking “USE OF
16 FUNDS” and inserting “ELIGIBLE ENTITIES”;
17 and

18 (B) by striking “for projects and activities
19 eligible for assistance under section 603(c) to
20 serve” and inserting “to”.

21 **SEC. 10. CAPITALIZATION GRANTS.**

22 Section 602(b) of the Federal Water Pollution Con-
23 trol Act (33 U.S.C. 1382(c)) is amended—

24 (1) in paragraph (13)(B)—

1 (A) in the matter preceding clause (i), by
2 striking “and energy conservation” and insert-
3 ing “and efficient energy use (including through
4 the implementation of technologies to recapture
5 and reuse energy produced in the treatment of
6 wastewater)”; and

7 (B) in clause (iii), by striking “; and” and
8 inserting a semicolon;

9 (2) in paragraph (14), by striking the period at
10 the end and inserting “; and” ; and

11 (3) by adding at the end the following:

12 “(15) to the extent there are sufficient projects
13 or activities eligible for assistance from the fund,
14 with respect to funds for capitalization grants re-
15 ceived by the State under this title and section
16 205(m) in each of fiscal years 2021 through 2025,
17 the State will use not less than 15 percent of such
18 funds for projects to address green infrastructure,
19 water or energy efficiency improvements, or other
20 environmentally innovative activities.”.

21 **SEC. 11. WATER POLLUTION CONTROL REVOLVING LOAN**
22 **FUNDS.**

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

25 (1) in paragraph (1)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “, including forgiveness of prin-
3 cipal and negative interest loans” and inserting
4 “(including in the form of forgiveness of prin-
5 cipal, negative interest loans, or grants)”; and

6 (B) in subparagraph (A)—

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

9 (ii) in clause (ii)(III), by striking “to
10 such ratepayers” and inserting “to help
11 such ratepayers maintain access to waste-
12 water and stormwater treatment services”;
13 and

14 (2) by amending paragraph (3) to read as fol-
15 lows:

16 “(3) SUBSIDIZATION AMOUNTS.—

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

21 “(i) 30 percent of the total amount
22 received by the State in capitalization
23 grants under this title for the fiscal year;
24 or

1 “(ii) the annual average over the pre-
2 vious ten fiscal years of the amounts de-
3 posited by the State in the State water pol-
4 lution control revolving fund from State
5 moneys that exceed the amounts required
6 to be so deposited under section 602(b)(2).

7 “(B) MINIMUM.—For each of fiscal years
8 2021 through 2025, to the extent there are suf-
9 ficient applications for additional subsidization
10 under this subsection that meet the criteria
11 under paragraph (1)(A), a State shall use for
12 providing additional subsidization in a fiscal
13 year under this subsection an amount that is
14 not less than 10 percent of the total amount re-
15 ceived by the State in capitalization grants
16 under this title for the fiscal year.”.

17 **SEC. 12. ALLOTMENT OF FUNDS.**

18 (a) FORMULA.—Section 604(a) of the Federal Water
19 Pollution Control Act (33 U.S.C. 1384(a)) is amended by
20 striking “each of fiscal years 1989 and 1990” and insert-
21 ing “each fiscal year”.

22 (b) WASTEWATER INFRASTRUCTURE WORKFORCE
23 DEVELOPMENT.—Section 604 of the Federal Water Pollu-
24 tion Control Act (33 U.S.C. 1384) is amended by adding
25 at the end the following:

1 “(d) WASTEWATER INFRASTRUCTURE WORKFORCE
2 DEVELOPMENT.—A State may reserve each fiscal year up
3 to 1 percent of the sums allotted to the State under this
4 section for the fiscal year to carry out workforce develop-
5 ment, training, and retraining activities described in sec-
6 tion 104(g).”.

7 **SEC. 13. RESERVATION OF FUNDS FOR TERRITORIES OF**
8 **THE UNITED STATES.**

9 Title VI of the Federal Water Pollution Control Act
10 (33 U.S.C. 1381 et seq.) is amended by striking section
11 607 and inserting the following:

12 **“SEC. 607. RESERVATION OF FUNDS FOR TERRITORIES OF**
13 **THE UNITED STATES.**

14 “(a) IN GENERAL.—

15 “(1) RESERVATION.—For each fiscal year, the
16 Administrator shall reserve 1.5 percent of available
17 funds, as calculated in accordance with paragraph
18 (2).

19 “(2) CALCULATION OF AVAILABLE FUNDS.—

20 The amount of available funds shall be calculated by
21 subtracting the amount of any funds reserved under
22 section 518(c) from the amount of funds made avail-
23 able to carry out this title (before allotments to the
24 States under section 604(a)).

1 “(b) USE OF FUNDS.—Funds reserved under this
2 section shall be available only for grants to American
3 Samoa, the Commonwealth of the Northern Mariana Is-
4 lands, Guam, and the Virgin Islands for projects and ac-
5 tivities eligible for assistance under section 603(c).

6 “(c) LIMITATION.—American Samoa, the Common-
7 wealth of the Northern Mariana Islands, Guam, and the
8 Virgin Islands may not receive funds allotted under sec-
9 tion 604(a).”.

10 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

11 Title VI of the Federal Water Pollution Control Act
12 (33 U.S.C. 1381 et seq.) is amended by adding at the end
13 the following:

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

15 “There are authorized to be appropriated to carry out
16 this title the following sums:

17 “(1) \$2,400,000,000 for fiscal year 2021.

18 “(2) \$2,600,000,000 for fiscal year 2022.

19 “(3) \$2,800,000,000 for fiscal year 2023.

20 “(4) \$3,000,000,000 for fiscal year 2024.

21 “(5) \$3,200,000,000 for fiscal year 2025.”.

1 **SEC. 15. TECHNICAL ASSISTANCE BY MUNICIPAL OMBUDS-**
2 **MAN.**

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

6 “(1) technical and planning assistance to sup-
7 port municipalities, including municipalities that are
8 rural, small, and tribal communities, in achieving
9 and maintaining compliance with enforceable dead-
10 lines, goals, and requirements of the Federal Water
11 Pollution Control Act; and”.

12 **SEC. 16. REPORT ON FINANCIAL CAPABILITY OF MUNICI-**
13 **PALITIES.**

14 (a) REVIEW.—The Administrator of the Environ-
15 mental Protection Agency shall conduct a review of exist-
16 ing implementation guidance of the Agency for evaluating
17 the financial resources a municipality has available to im-
18 plement the requirements of the Federal Water Pollution
19 Control Act (33 U.S.C. 1251 et. seq.) to determine wheth-
20 er, and if so, how, such guidance needs to be revised.

21 (b) CONSIDERATIONS.—In conducting the review
22 under subsection (a), the Administrator shall consider—

23 (1) the report by the National Academy of Pub-
24 lic Administration prepared for the Environmental
25 Protection Agency entitled “Developing a New

1 Framework for Community Affordability of Clean
2 Water Services”, dated October 2017;

3 (2) the report developed by the National Envi-
4 ronmental Justice Advisory Council entitled “EPA’s
5 Role in Addressing the Urgent Water Infrastructure
6 Needs of Environmental Justice Communities”,
7 dated August 2018, and made available on the
8 website of the Administrator in March 2019;

9 (3) the report prepared for the American Water
10 Works Association, the National Association of
11 Clean Water Agencies, and the Water Environment
12 Federation entitled “Developing a New Framework
13 for Household Affordability and Financial Capability
14 Assessment in the Water Sector”, dated April 17,
15 2019;

16 (4) the recommendations of the Environmental
17 Financial Advisory Board related to municipal finan-
18 cial capability assessments, prepared at the request
19 of the Administrator; and

20 (5) any other information the Administrator
21 considers appropriate.

22 (c) ENGAGEMENT AND TRANSPARENCY.—In con-
23 ducting the review under subsection (a), the Administrator
24 shall—

1 (1) after providing public notice, consult with,
2 and solicit advice and recommendations from, State
3 and local governmental officials and other stake-
4 holders, including nongovernmental organizations;
5 and

6 (2) ensure transparency in the consultation
7 process.

8 (d) **REPORT.**—Not later than 18 months after the
9 date of enactment of this Act, the Administrator shall sub-
10 mit to the Committee on Transportation and Infrastruc-
11 ture of the House of Representatives and the Committee
12 on Environment and Public Works of the Senate, and
13 make publicly available, a report on the results of the re-
14 view conducted under subsection (a), including any rec-
15 ommendations for revisions to the guidance.

16 **SEC. 17. REVIEW OF SECONDARY TREATMENT TECH-**
17 **NOLOGIES.**

18 (a) **IN GENERAL.**—

19 (1) **DEVELOPMENT OF DATA COLLECTION**
20 **MEANS.**—Not later than 180 days after the date of
21 enactment of this Act, the Administrator of the En-
22 vironmental Protection Agency shall publish in the
23 Federal Register a notice to solicit public comment
24 (including the opportunity for public hearings and
25 listening sessions) on the collection of data regarding

1 the existing capabilities of publicly owned treatment
2 works to reduce the effluent concentration of patho-
3 gens (or pathogen indicators) in the discharge of
4 such treatment works, in order to determine an ap-
5 propriate means to collect such data in a sufficient
6 amount, and of a sufficient quality, to develop a rep-
7 resentational sample of such capabilities.

8 (2) DATA COLLECTION.—Not later than 18
9 months after the date of enactment of this Act, the
10 Administrator shall publish in the Federal Register
11 the data collection means determined appropriate
12 pursuant to paragraph (1) and initiate the collection
13 of data using such means.

14 (3) DETERMINATION ON SECONDARY TREAT-
15 MENT REGULATIONS.—Upon completion of data col-
16 lection pursuant to paragraph (2), the Administrator
17 shall make the data available to the public and make
18 a determination whether such data support a revi-
19 sion to the secondary treatment standard for patho-
20 gens (or pathogen indicators) pursuant to section
21 304(d)(1) of the Federal Water Pollution Control
22 Act.

23 (4) LIMITATION.—The Administrator may not
24 propose or finalize any modifications to requirements
25 pursuant to section 402 of the Federal Water Pollu-

1 tion Control Act related to wastewater blending, by-
2 pass, or peak wet weather discharges from publicly
3 owned treatment works until after the date on which
4 the Administrator makes a determination under
5 paragraph (3).

6 (b) DEFINITIONS.—In this section:

7 (1) BYPASS.—The term “bypass” has the
8 meaning given that term in section 122.41(m) of
9 title 40, Code of Federal Regulations.

10 (2) TREATMENT WORKS.—The term “treatment
11 works” has the meaning given that term in section
12 212 of the Federal Water Pollution Control Act.

