



H.R. 1915, THE WATER QUALITY PROTECTION AND JOB CREATION ACT OF 2021
(DEFazio, NAPOLITANO, FITZPATRICK)

AMENDMENT IN A NATURE OF A SUBSTITUTE
SECTION-BY-SECTION

Section 1. Short Title.

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

Section 2. Wastewater Infrastructure Workforce Investment.

This section requires the Administrator of the U.S. Environmental Protection Agency (*hereinafter 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.

Section 3. Technical Assistance to Rural, Small, and Tribal Communities.

This section authorizes a total of \$500 million over fiscal years 2022 through 2026 for several Clean Water Act (*hereinafter Act*) grant authorities 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.

Section 4. 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 (Section 106 of the Act).

Section 5. 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/security projects.

Section 6. Waiver of Matching Requirement for Grants to the 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.

Section 7. 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. This section 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.

Section 8. 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.

Section 9. 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 statutory treatment standards for emerging contaminants, including PFAS.

Section 10. Household Wastewater Treatment System 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 sewage.

Section 11. 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.

Section 12. 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. This section also requires the Administrator to conduct an annual audit of funds utilized by states for green infrastructure, water or energy efficiency improvements, or other environmentally innovative projects.

Section 13. Indian Tribes.

This section codifies, in the Act, the annual reservation of funds from the Clean Water State Revolving Fund (SRF) (2 percent of annual SRF capitalization grant 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.

Section 14. 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 certain project categories, including 15 percent for projects which address green infrastructure, water or energy efficiency improvements, or other environmentally innovative projects, and 5 percent for projects that increase the resiliency of treatment works to extreme weather, drought, sea level rise, and other impacts of climate change.

Section 15. 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.

Section 16. Allotment of Funds.

This section authorizes states to use a portion of their SRF funding to promote workforce development and utility worker training and education programs.

Section 17. Reservation of Funds for Territories of the United States.

This section codifies the annual reservation of 1.5 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.

Section 18. 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.

Section 19. 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.

Section 20. 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 on the distribution of clean water infrastructure funding directed at the wastewater infrastructure needs of rural, economically disadvantaged, and Tribal communities.

Section 21. 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.