



COMMITTEE ON  
**TRANSPORTATION  
& INFRASTRUCTURE**

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## The Wastewater Infrastructure Improvement Act Of 2021

### Section-by-Section Summary

#### Section 1. Short Title

This section cites the bill as the “*Wastewater Infrastructure Improvement Act of 2021.*”

#### Section 2. Wastewater Infrastructure Workforce Investment

This section of the bill modifies Section 104(g) of the *Clean Water Act* to require the Administrator of the EPA 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. State Management Assistance

This section of the bill reauthorizes section 106 of the *Clean Water Act* for the EPA to provide grants to States to assist them in implementing State water quality improvement programs. The bill authorizes \$1.295B over 5 years with levels at \$240M for fiscal year (FY) 2022, \$250M for FY 2023, \$260M for FY 2024, \$270M for FY 2025, and \$275M for FY 2026.

#### Section 4. Watershed, Wet Weather, and Resiliency Projects

This section of the bill amends section 122 of the *Clean Water Act* to authorize new grant eligibility for public wastewater utilities to assess and address future risks posed by manmade or natural disasters. Additionally, this section sets aside funding (not less than 15 percent) to assist small and rural communities. The bill authorizes \$110M total, available until expended.

#### Section 5. Pilot Program for Alternative Water Source Projects

This section of the bill amends section 220 of the *Clean Water Act* to expand the types of projects eligible to receive funding under this authority to include projects that reclaim or recycle wastewater and stormwater, as well as certain projects that may be authorized under the *Reclamation Projects Authorization and Adjustment Act of 1992* (P.L. 102-575). Additionally, this section sets aside funding (not less than 15 percent) to assist small and rural communities. The bill authorizes \$150M total, available until expended.

### **Section 6. Sewer Overflow and Stormwater Reuse Municipal Grants**

Section 221 of the *Clean Water Act* authorizes EPA grants to States for planning, design, and construction of sewer overflow and stormwater management projects for municipalities. This section of the bill extends the current authorization of appropriations (\$225M annually) for 5 years, for a total of \$1.125B over 5 years. Additionally, it sets aside funding (not less than 20 percent) to assist small and rural communities and adjusts the cost share for financially distressed communities.

### **Section 7. National Pollutant Discharge Elimination System (NPDES)**

This section of the bill amends section 402 of the *Clean Water Act* to authorize States to issue NPDES permits for certain discharges to States and municipalities for up to 10 years in duration. Current law limits the duration of an NPDES permit to 5 years. Longer term permits would help accommodate permits containing long term control plans that frequently exceed 5 years, and modern wastewater treatment technologies which often involve substantial planning and investment of capital, with construction terms that stretch out beyond the existing 5-year permit term horizon.

### **Section 8. Reports to Congress**

This section of the bill amends section 516 of the *Clean Water Act* to direct the EPA to include, in this statutorily required, biennial infrastructure needs assessment survey and report (known as the “Clean Watersheds Needs Survey”), an estimate of the costs to implement resiliency and sustainability measures at publicly owned treatment works.

### **Section 9. Indian Tribes**

This section of the bill amends Section 518 of the *Clean Water Act*, to codify provisions from annual Congressional appropriations legislation, which direct how the EPA is to use the annual reservation of funds from the Clean Water State Revolving Fund (CWSRF) for grants for projects and technical assistance to Indian Tribes, Reservations, and Alaska Native Villages.

### **Section 10. Capitalization Grants**

This section of the bill amends section 602 of the *Clean Water Act* to require utilities that utilize the CWSRF to consider modifications that promote efficient energy use at the utility. The section also requires that not less than 10 percent of the annual capitalization grant be used for projects or activities to improve the resiliency (including water and energy efficiency) of treatment works, or to implement environmentally innovative activities, such as green infrastructure.

### **Section 11. Water Pollution Control Revolving Loan Funds**

This section of the bill amends section 603 of the *Clean Water Act* to authorize the use of grants as an eligible means of providing State assistance, and directs States for the next five fiscal years to utilize a minimum of 10 percent, and up to 30 percent, of their annual CWSRF funding to provide additional subsidization to municipalities that use CWSRF funds. The section also allows, but does not mandate, States: (1) to use up to 2 percent of their allotted CWSRF funds to provide technical assistance to small and rural communities in the State; and (2) to set aside

up to 0.5 percent of CWSRF funds for helping them fund the statutorily required, biennial infrastructure needs assessment survey and report.

**Section 12. Allotment of Funds**

This section of the bill amends section 604 of the *Clean Water Act* to authorize States to use, for the next five fiscal years, up to 0.5 percent of their annual CWSRF capitalization grant to promote workforce development and utility worker training and education programs using existing *Clean Water Act* authorities. The section also requires the EPA to submit a report to Congress after three years that assesses the utilization and effectiveness of such funding.

**Section 13. Reservation of Funds for Territories of the United States**

This section of the bill codifies, in Title VI of the *Clean Water Act*, provisions from annual Congressional appropriations legislation, which set an annual 1.5 percent reservation of CWSRF funds for U.S. territories, and authorizes the U.S. territories to use this funding for projects and activities eligible under section 603(c) of the *Clean Water Act*.

**Section 14. Authorization of Appropriations**

This section of the bill reauthorizes the CWSRF program, including authorizing a total of \$14.0B in funding for the CWSRF program for 5 years - \$2.4B for FY 2022, \$2.6B for FY 2023, \$2.8B for FY 2024, \$3.0B for FY 2025, and \$3.2B for FY 2026.

**Section 15. Technical Assistance by Municipal Ombudsman**

This section of the bill amends Section 4 of the *Water Infrastructure Improvement Act* (P.L. 115-436) to modify the existing authority for the EPA to establish a Municipal Ombudsman Office within the agency to include assistance to rural, small, and tribal communities. This section clarifies that the EPA's Municipal Ombudsman Office is authorized to provide technical and planning assistance to small, rural, and tribal communities to achieve and maintain compliance with the requirements of the *Clean Water Act*.