

115TH CONGRESS
1ST SESSION

H. R. 2510

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2017

Mr. DEFazio (for himself, Mr. DUNCAN of Tennessee, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Water Quality Protection and Job Creation Act of
6 2017”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendment of Federal Water Pollution Control Act.

TITLE I—WATER QUALITY FINANCING

Subtitle A—Technical and Management Assistance

- Sec. 101. Technical assistance.
- Sec. 102. State management assistance.
- Sec. 103. Watershed pilot projects.
- Sec. 104. Nonpoint source management programs.

Subtitle B—State Water Pollution Control Revolving Funds

- Sec. 121. Capitalization grant agreements.
- Sec. 122. Water pollution control revolving loan funds.
- Sec. 123. State planning assistance.
- Sec. 124. Intended use plan.
- Sec. 125. Technical assistance.
- Sec. 126. Authorization of appropriations.

TITLE II—ALTERNATIVE WATER SOURCE AND SEWER OVERFLOW AND STORMWATER GRANTS

- Sec. 201. Pilot program for alternative water source projects.
- Sec. 202. Sewer overflow control grants.

1 **SEC. 2. AMENDMENT OF FEDERAL WATER POLLUTION CON-** 2 **TROL ACT.**

3 Except as otherwise expressly provided, whenever in
4 this Act an amendment or repeal is expressed in terms
5 of an amendment to, or repeal of, a section or other provi-
6 sion, the reference shall be considered to be made to a
7 section or other provision of the Federal Water Pollution
8 Control Act (33 U.S.C. 1251 et seq.).

1 **TITLE I—WATER QUALITY**
2 **FINANCING**
3 **Subtitle A—Technical and**
4 **Management Assistance**

5 **SEC. 101. TECHNICAL ASSISTANCE.**

6 (a) TECHNICAL ASSISTANCE FOR RURAL AND SMALL
7 TREATMENT WORKS.—Section 104(b) (33 U.S.C.
8 1254(b)) is amended—

9 (1) by striking “and” at the end of paragraph
10 (6);

11 (2) by striking the period at the end of para-
12 graph (7) and inserting “; and”; and

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

14 “(8) make grants to nonprofit organizations—

15 “(A) to provide technical assistance to
16 rural, small, and tribal municipalities for the
17 purpose of assisting, in consultation with the
18 State in which the assistance is provided, such
19 municipalities and tribal governments in the
20 planning, developing, and acquisition of financ-
21 ing for eligible projects described in section
22 603(c);

23 “(B) to provide technical assistance and
24 training for rural, small, and tribal publicly
25 owned treatment works and decentralized

1 wastewater treatment systems to enable such
2 treatment works and systems to protect water
3 quality and achieve and maintain compliance
4 with the requirements of this Act; and

5 “(C) to disseminate information to rural,
6 small, and tribal municipalities and municipali-
7 ties that meet the affordability criteria estab-
8 lished under section 603(i)(2) by the State in
9 which the municipality is located with respect to
10 planning, design, construction, and operation of
11 publicly owned treatment works and decentral-
12 ized wastewater treatment systems.”.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
14 104(u) (33 U.S.C. 1254(u)) is amended—

15 (1) by striking “and (6)” and inserting “(6)”;

16 and

17 (2) by inserting before the period at the end the
18 following: “; and (7) not to exceed \$100,000,000 for
19 each of fiscal years 2018 through 2022 for carrying
20 out subsections (b)(3), (b)(8), and (g), except that
21 not less than 20 percent of the amounts appro-
22 priated pursuant to this paragraph in a fiscal year
23 shall be used for carrying out subsection (b)(8)”.

1 **SEC. 102. STATE MANAGEMENT ASSISTANCE.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
3 106(a) (33 U.S.C. 1256(a)) is amended—

4 (1) by striking “and” at the end of paragraph
5 (1);

6 (2) by striking the semicolon at the end of
7 paragraph (2) and inserting “; and”; and

8 (3) by inserting after paragraph (2) the fol-
9 lowing:

10 “(3) such sums as may be necessary for each
11 of fiscal years 1991 through 2017, and
12 \$300,000,000 for each of fiscal years 2018 through
13 2022;”.

14 (b) TECHNICAL AMENDMENT.—Section 106(e) (33
15 U.S.C. 1256(e)) is amended by striking “Beginning in fis-
16 cal year 1974 the” and inserting “The”.

17 **SEC. 103. WATERSHED PILOT PROJECTS.**

18 Section 122(c) is amended to read as follows:

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 \$120,000,000 for each of fiscal years 2018 through
22 2022.”.

23 **SEC. 104. NONPOINT SOURCE MANAGEMENT PROGRAMS.**

24 Section 319(j) (33 U.S.C. 1329(j)) is amended by
25 striking “\$70,000,000” and all that follows through “fis-

1 cal year 1991” and inserting “\$200,000,000 for each of
2 fiscal years 2018 through 2022”.

3 **Subtitle B—State Water Pollution** 4 **Control Revolving Funds**

5 **SEC. 121. CAPITALIZATION GRANT AGREEMENTS.**

6 Section 602(b) (33 U.S.C. 1382(b)) is amended—

7 (1) in paragraph (13)(B)(iii), by striking “;
8 and” and 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) the State will use at least 15 percent of
13 the amount of each capitalization grant received by
14 the State under this title after September 30, 2017,
15 to provide assistance to municipalities of fewer than
16 10,000 individuals that meet the affordability cri-
17 teria established by the State under section
18 603(i)(2) for projects or activities included on the
19 State’s priority list under section 603(g), to the ex-
20 tent that there are sufficient applications for such
21 assistance.”.

22 **SEC. 122. WATER POLLUTION CONTROL REVOLVING LOAN** 23 **FUNDS.**

24 Section 603(d) (33 U.S.C. 1383(d)) is amended—

1 (1) by striking “and” at the end of paragraph
2 (6);

3 (2) by striking the period at the end of para-
4 graph (7) and inserting a semicolon; and

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

6 “(8) to provide grants to owners and operators
7 of treatment works that serve a population of
8 10,000 or fewer for obtaining technical and planning
9 assistance and assistance in financial management,
10 user fee analysis, budgeting, capital improvement
11 planning, facility operation and maintenance, equip-
12 ment replacement, and other activities to improve
13 wastewater treatment plant management and oper-
14 ations, except that the total amount provided by the
15 State in grants under this paragraph for a fiscal
16 year may not exceed one percent of the total amount
17 of assistance provided by the State from the fund in
18 the preceding fiscal year, or 2 percent of the total
19 amount received by the State in capitalization grants
20 under this title in the preceding fiscal year, which-
21 ever amount is greatest; and

22 “(9) to provide grants to owners and operators
23 of treatment works for conducting an assessment of
24 the energy and water consumption of the treatment
25 works, and evaluating potential opportunities for en-

1 ergy and water conservation through facility oper-
 2 ation and maintenance, equipment replacement, and
 3 projects or activities that promote the efficient use
 4 of energy and water by the treatment works, except
 5 that the total amount provided by the State in
 6 grants under this paragraph for a fiscal year may
 7 not exceed one percent of the total amount of assist-
 8 ance provided by the State from the fund in the pre-
 9 ceding fiscal year, or 2 percent of the total amount
 10 received by the State in capitalization grants under
 11 this title in the preceding fiscal year, whichever
 12 amount is greatest.”.

13 **SEC. 123. STATE PLANNING ASSISTANCE.**

14 Section 604(b) (33 U.S.C. 1384(b)) is amended by
 15 striking “1 percent” and inserting “2 percent”.

16 **SEC. 124. INTENDED USE PLAN.**

17 (a) INTEGRATED PRIORITY LIST.—Section 603(g)
 18 (33 U.S.C. 1383(g)) is amended to read as follows:

19 “(g) PRIORITY LIST.—

20 “(1) IN GENERAL.—For fiscal year 2019 and
 21 each fiscal year thereafter, a State shall establish or
 22 update a list of projects and activities for which as-
 23 sistance is sought from the State’s water pollution
 24 control revolving fund. Such projects and activities
 25 shall be listed in priority order based on the method-

1 ology established under paragraph (2). The State
2 may provide financial assistance from the State's
3 water pollution control revolving fund only with re-
4 spect to a project or activity included on such list.
5 In the case of projects and activities eligible for as-
6 sistance under subsection (c)(2), the State may in-
7 clude on such list a category or subcategory of
8 nonpoint sources of pollution to be addressed.

9 “(2) METHODOLOGY.—

10 “(A) IN GENERAL.—Not later than 1 year
11 after the date of enactment of this paragraph,
12 and after providing notice and opportunity for
13 public comment, each State shall establish a
14 methodology for developing a priority list under
15 paragraph (1).

16 “(B) PRIORITY FOR PROJECTS AND AC-
17 TIVITIES THAT ACHIEVE GREATEST WATER
18 QUALITY IMPROVEMENT.—In developing the
19 methodology, the State shall seek to achieve the
20 greatest degree of water quality improvement,
21 taking into consideration—

22 “(i) the requirements of section
23 602(b)(5);

1 “(ii) whether such water quality im-
2 provements would be realized without as-
3 sistance under this title; and

4 “(iii) whether the proposed projects
5 and activities would address water quality
6 impairments associated with existing treat-
7 ment works.

8 “(C) CONSIDERATIONS IN SELECTING
9 PROJECTS AND ACTIVITIES.—In determining
10 which projects and activities will achieve the
11 greatest degree of water quality improvement,
12 the State shall consider—

13 “(i) information developed by the
14 State under sections 303(d) and 305(b);

15 “(ii) the State’s continuing planning
16 process developed under sections 205(j)
17 and 303(e);

18 “(iii) whether such project or activity
19 may have a beneficial impact related to the
20 purposes identified under section 302(a);

21 “(iv) the State’s management pro-
22 gram developed under section 319; and

23 “(v) conservation and management
24 plans developed under section 320 with re-

1 spect to an estuary lying in whole or in
2 part within the State.

3 “(D) NONPOINT SOURCES.—For categories
4 or subcategories of nonpoint sources of pollu-
5 tion that a State may include on its priority list
6 under paragraph (1), the State shall consider
7 the cumulative water quality improvements as-
8 sociated with projects or activities carried out
9 pursuant to the listing of such categories or
10 subcategories.

11 “(E) EXISTING METHODOLOGIES.—If a
12 State has previously developed, after providing
13 notice and an opportunity for public comment,
14 a methodology that meets the requirements of
15 this paragraph, the State may use the method-
16 ology for the purposes of this subsection.”.

17 (b) INTENDED USE PLAN.—Section 606(c) (33
18 U.S.C. 1386(c)) is amended—

19 (1) in the matter preceding paragraph (1) by
20 inserting “and publish” after “each State shall an-
21 nually prepare”;

22 (2) by striking paragraph (1) and inserting the
23 following:

24 “(1) the State’s priority list developed under
25 section 603(g);”;

1 (3) in paragraph (4), by striking “and” at the
2 end;

3 (4) by striking the period at the end of para-
4 graph (5) and inserting “; and”; and

5 (5) by adding at the end the following:

6 “(6) if the State does not fund projects and ac-
7 tivities in the order of the priority established under
8 section 603(g), an explanation of why such a change
9 in order is appropriate.”.

10 (c) **TRANSITIONAL PROVISION.**—Before completion
11 of a priority list based on a methodology established under
12 section 603(g) of the Federal Water Pollution Control Act
13 (as amended by this section), a State shall continue to
14 comply with the requirements of sections 603(g) and
15 606(c) of such Act, as in effect on the day before the date
16 of enactment of this Act.

17 **SEC. 125. TECHNICAL ASSISTANCE.**

18 Section 607 is amended to read as follows:

19 **“SEC. 607. TECHNICAL ASSISTANCE.**

20 “(a) **SIMPLIFIED PROCEDURES.**—Not later than 1
21 year after the date of enactment of this section, the Ad-
22 ministrators shall assist the States in establishing sim-
23 plified procedures for treatment works to obtain assistance
24 under this title.

1 “(b) PUBLICATION OF MANUAL.—Not later than 2
 2 years after the date of the enactment of this section, and
 3 after providing notice and opportunity for public comment,
 4 the Administrator shall publish a manual to assist treat-
 5 ment works in obtaining assistance under this title and
 6 publish in the Federal Register notice of the availability
 7 of the manual.”.

8 **SEC. 126. AUTHORIZATION OF APPROPRIATIONS.**

9 Title VI (33 U.S.C. 1381 et seq.) is amended by add-
 10 ing at the end the following:

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

12 “There is authorized to be appropriated to carry out
 13 the purposes of this title \$4,000,000,000 for each of fiscal
 14 years fiscal year 2018 through 2022.”.

15 **TITLE II—ALTERNATIVE WATER**
 16 **SOURCE AND SEWER OVER-**
 17 **FLOW AND STORMWATER**
 18 **GRANTS**

19 **SEC. 201. PILOT PROGRAM FOR ALTERNATIVE WATER**
 20 **SOURCE PROJECTS.**

21 (a) SELECTION OF PROJECTS.—Section 220(d) (33
 22 U.S.C. 1300(d)) is amended by striking paragraph (2) and
 23 redesignating paragraph (3) as paragraph (2).

24 (b) COMMITTEE RESOLUTION PROCEDURE.—Section
 25 220 (33 U.S.C. 1300(e)) is amended by striking sub-

1 section (e) and redesignating subsections (f) through (j)
 2 as subsections (e) through (i), respectively.

3 (c) DEFINITIONS.—Section 220(h)(1) (as redesignig-
 4 nated by subsection (c) of this section) is amended by
 5 striking “or wastewater or by treating wastewater” and
 6 inserting “, wastewater, or stormwater or by treating
 7 wastewater or stormwater”.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
 9 220(i) (as redesignated by subsection (c) of this section)
 10 is amended by striking “\$75,000,000 for fiscal years 2002
 11 through 2004” and inserting “\$75,000,000 for each of fis-
 12 cal years 2018 through 2022”.

13 **SEC. 202. SEWER OVERFLOW CONTROL GRANTS.**

14 Section 221 (33 U.S.C. 1301) is amended—

15 (1) by amending the section heading to read as
 16 follows: “**SEWER OVERFLOW AND STORMWATER**
 17 **REUSE MUNICIPAL GRANTS**”;

18 (2) by amending subsection (a) to read as fol-
 19 lows:

20 “(a) IN GENERAL.—

21 “(1) GRANTS TO STATES.—The Administrator
 22 may make grants to States for the purpose of pro-
 23 viding grants to a municipality or municipal entity
 24 for planning, design, and construction of treatment
 25 works to intercept, transport, control, treat, or reuse

1 municipal combined sewer overflows, sanitary sewer
2 overflows, or stormwater.

3 “(2) DIRECT MUNICIPAL GRANTS.—Subject to
4 subsection (g), the Administrator may make a direct
5 grant to a municipality or municipal entity for the
6 purposes described in paragraph (1).”;

7 (3) by amending subsection (e) to read as fol-
8 lows:

9 “(e) ADMINISTRATIVE REQUIREMENTS.—A project
10 that receives assistance under this section shall be carried
11 out subject to the same requirements as a project that
12 receives assistance from a State water pollution control
13 revolving fund under title VI, except to the extent that
14 the Governor of the State in which the project is located
15 determines that a requirement of title VI is inconsistent
16 with the purposes of this section. For the purposes of this
17 subsection, a Governor may not determine that the re-
18 quirements of title VI relating to the application of section
19 513 are inconsistent with the purposes of this section.”;

20 (4) by amending subsection (f) to read as fol-
21 lows:

22 “(f) AUTHORIZATION OF APPROPRIATIONS.—

23 “(1) IN GENERAL.—There is authorized to be
24 appropriated to carry out this section \$500,000,000
25 for each of fiscal years 2018 through 2022.

1 “(2) MINIMUM ALLOCATIONS.—To the extent
2 there are sufficient eligible project applications, the
3 Administrator shall ensure that a State uses not less
4 than 20 percent of the amount of the grants made
5 to the State under subsection (a) in a fiscal year to
6 carry out projects to intercept, transport, control,
7 treat, or reuse municipal combined sewer overflows,
8 sanitary sewer overflows, or stormwater through the
9 use of green infrastructure, water and energy effi-
10 ciency improvements, and other environmentally in-
11 novative activities.”; and

12 (5) by amending subsection (g) to read as fol-
13 lows:

14 “(g) ALLOCATION OF FUNDS.—

15 “(1) FISCAL YEAR 2018.—Subject to subsection
16 (h), the Administrator shall use the amounts appro-
17 priated to carry out this section for fiscal year 2018
18 for making grants to municipalities and municipal
19 entities under subsection (a)(2) in accordance with
20 the criteria set forth in subsection (b).

21 “(2) FISCAL YEAR 2019 AND THEREAFTER.—

22 Subject to subsection (h), the Administrator shall
23 use the amounts appropriated to carry out this sec-
24 tion for fiscal year 2019 and each fiscal year there-
25 after for making grants to States under subsection

1 (a)(1) in accordance with a formula to be established
2 by the Administrator, after providing notice and an
3 opportunity for public comment, that allocates to
4 each State a proportional share of such amounts
5 based on the total needs of the State for municipal
6 combined sewer overflow controls, sanitary sewer
7 overflow controls, and stormwater identified in the
8 most recent survey conducted pursuant to section
9 516 and any other information the Administrator
10 considers appropriate.”.

○