

117TH CONGRESS
1ST SESSION

H. R. 3218

To amend the Federal Water Pollution Control Act to reauthorize certain water pollution control programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2021

Mr. ROUZER (for himself, Mr. GRAVES of Missouri, and Mr. YOUNG) 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 reauthorize certain water pollution control programs, 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.**

4 This Act may be cited as the “Wastewater Infrastruc-
5 ture Improvement Act of 2021”.

6 **SEC. 2. WASTEWATER INFRASTRUCTURE WORKFORCE IN-**
7 **VESTMENT.**

8 Section 104(g) of the Federal Water Pollution Con-
9 trol Act (33 U.S.C. 1254(g)) is amended—

1 (1) in paragraph (1), by striking “manpower”
2 each place it appears and inserting “workforce”; and
3 (2) by amending paragraph (4) to read as fol-
4 lows:

5 “(4) REPORT TO CONGRESS ON PUBLICLY
6 OWNED TREATMENT WORKS WORKFORCE DEVELOP-
7 MENT.—Not later than 2 years after the date of en-
8 actment of the Wastewater Infrastructure Improve-
9 ment Act of 2021, the Administrator shall submit to
10 the Committee on Transportation and Infrastructure
11 of the House of Representatives and the Committee
12 on Environment and Public Works of the Senate a
13 report containing—

14 “(A) an assessment of the current and fu-
15 ture workforce needs for publicly owned treat-
16 ment works, including an estimate of the num-
17 ber of future positions needed for such treat-
18 ment works and the technical skills and edu-
19 cation needed for such positions;

20 “(B) a summary of actions taken by the
21 Administrator, including Federal investments
22 under this Act, that promote workforce develop-
23 ment to address such needs; and

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

1 **SEC. 3. STATE MANAGEMENT ASSISTANCE.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
3 106(a) of the Federal Water Pollution Control Act (33
4 U.S.C. 1256(a)) is amended—

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

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

9 “(3) such sums as may be necessary for each
10 of fiscal years 1991 through 2021;

11 “(4) \$240,000,000 for fiscal year 2022;

12 “(5) \$250,000,000 for fiscal year 2023;

13 “(6) \$260,000,000 for fiscal year 2024;

14 “(7) \$270,000,000 for fiscal year 2025; and

15 “(8) \$275,000,000 for fiscal year 2026;”.

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

20 **SEC. 4. WATERSHED, WET WEATHER, AND RESILIENCY**
21 **PROJECTS.**

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

1 “(6) INCREASED RESILIENCE OF TREATMENT
2 WORKS.—Efforts—

3 “(A) to assess future risks and
4 vulnerabilities of publicly owned treatment
5 works to manmade or natural disasters, includ-
6 ing extreme weather events and sea level rise;
7 and

8 “(B) to carry out the planning, designing,
9 or constructing of projects, on a systemwide or
10 areawide basis, to increase the resilience of pub-
11 licly owned treatment works through—

12 “(i) the conservation of water or the
13 enhancement of water use efficiency;

14 “(ii) the enhancement of wastewater
15 (including stormwater) management by in-
16 creasing watershed preservation and pro-
17 tection, including through—

18 “(I) the use of green infrastruc-
19 ture; or

20 “(II) the reclamation and reuse
21 of wastewater (including stormwater),
22 such as through aquifer recharge
23 zones;

24 “(iii) the modification or relocation of
25 an existing publicly owned treatment works

1 at risk of being significantly impaired or
2 damaged by a manmade or natural dis-
3 aster; or

4 “(iv) the enhancement of energy effi-
5 ciency, or the use or generation of recov-
6 ered or renewable energy, in the manage-
7 ment, treatment, or conveyance of waste-
8 water (including stormwater).”.

9 (b) REQUIREMENTS; AUTHORIZATION OF APPRO-
10 PRIATIONS.—Section 122 of the Federal Water Pollution
11 Control Act (33 U.S.C. 1274) is amended by striking sub-
12 section (c) and inserting the following:

13 “(c) REQUIREMENTS.—The requirements of section
14 608 shall apply to any construction, alteration, mainte-
15 nance, or repair of treatment works receiving a grant
16 under this section.

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

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 \$110,000,000, to remain available until expended.”.

25 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) WATERSHED PILOT PROJECTS.—Section
 2 122 of the Federal Water Pollution Control Act (33
 3 U.S.C. 1274) is amended—

4 (A) in the section heading, by striking
 5 “**WATERSHED PILOT PROJECTS**” and insert-
 6 ing “**WATERSHED, WET WEATHER, AND RE-**
 7 **SILIENCY PROJECTS**”; and

8 (B) by striking “pilot” each place it ap-
 9 pears.

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

14 **SEC. 5. PILOT PROGRAM FOR ALTERNATIVE WATER**
 15 **SOURCE PROJECTS.**

16 (a) SELECTION OF PROJECTS.—Section 220(d) of
 17 the Federal Water Pollution Control Act (33 U.S.C.
 18 1300(d)) is amended—

19 (1) by amending paragraph (1) to read as fol-
 20 lows:

21 “(1) LIMITATION ON ELIGIBILITY.—A project
 22 that has received construction funds under the Rec-
 23 lamation Projects Authorization and Adjustment Act
 24 of 1992 shall not be eligible for grant assistance
 25 under this section.”; and

1 (2) by striking paragraph (2) and redesignating
2 paragraph (3) as paragraph (2).

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

7 “(e) 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 eligible entities for projects designed to serve fewer than
11 10,000 individuals, to the extent there are sufficient eligi-
12 ble applications.”.

13 (c) COST SHARING.—Section 220(g) of the Federal
14 Water Pollution Control Act (33 U.S.C. 1300(g)) is
15 amended—

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

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

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

21 “(2) RECLAMATION AND REUSE PROJECTS.—
22 For an alternative water source project that has re-
23 ceived funds under the Reclamation Projects Author-
24 ization and Adjustment Act of 1992 (other than
25 funds referred to in subsection (d)(1)), the total

1 Federal share of the costs of the project shall not
2 exceed 25 percent or \$20,000,000, whichever is
3 less.”.

4 (d) REQUIREMENTS.—Section 220 of the Federal
5 Water Pollution Control Act (33 U.S.C. 1300) is amended
6 by redesignating subsections (i) and (j) as subsections (j)
7 and (k), respectively, and inserting after subsection (h) the
8 following:

9 “(i) REQUIREMENTS.—The requirements of section
10 608 shall apply to any construction of an alternative water
11 source project carried out using assistance made available
12 under this section.”.

13 (e) DEFINITIONS.—Section 220(j)(1) of the Federal
14 Water Pollution Control Act (as redesignated by sub-
15 section (d) of this section) is amended by striking “or
16 wastewater or by treating wastewater” and inserting “,
17 wastewater, or stormwater or by treating wastewater or
18 stormwater”.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
20 220(k) of the Federal Water Pollution Control Act (as re-
21 designated by subsection (d) of this section) is amended
22 by striking “\$75,000,000 for fiscal years 2002 through
23 2004” and inserting “\$150,000,000”.

1 **SEC. 6. SEWER OVERFLOW AND STORMWATER REUSE MU-**
2 **NICIPAL GRANTS.**

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

5 (1) in subsection (c), by striking “subsection
6 (b),” each place it appears and inserting “this sec-
7 tion,”;

8 (2) in subsection (d)—

9 (A) by striking “The Federal share” and
10 inserting the following:

11 “(1) FEDERAL SHARE.—

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

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

16 “(B) FINANCIALLY DISTRESSED COMMU-
17 NITIES.—The Federal share of the cost of ac-
18 tivities carried out using amounts from a grant
19 made to a financially distressed community
20 under subsection (a) shall be not less than 75
21 percent of the cost.

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

24 (3) in subsection (e), by striking “section 513”
25 and inserting “section 513, or the requirements of
26 section 608,”; and

1 (4) in subsection (f)—

2 (A) in paragraph (1), by striking “2020”
3 and inserting “2026”; and

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

5 “(3) ASSISTANCE.—In carrying out subsection
6 (a), the Administrator shall ensure that, of the
7 amounts granted to municipalities in a State, not
8 less than 20 percent is granted to municipalities
9 with a population of less than 20,000, to the extent
10 there are sufficient eligible applications.”.

11 **SEC. 7. NATIONAL POLLUTANT DISCHARGE ELIMINATION**
12 **SYSTEM PERMIT TERM.**

13 Section 402(b)(1)(B) of the Federal Water Pollution
14 Control Act (33 U.S.C. 1342(b)(1)(B)) is amended to read
15 as follows:

16 “(B) are for fixed terms—

17 “(i) not exceeding 10 years, for a permit
18 issued to a State or municipality; and

19 “(ii) not exceeding 5 years, for a permit
20 issued to any person not described in clause (i);
21 and”.

22 **SEC. 8. REPORTS TO CONGRESS.**

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

1 (1) by striking “, of the cost of construction”
 2 and inserting “, of (i) the cost of construction”; and
 3 (2) by striking “each of the States;” and insert-
 4 ing “each of the States, and (ii) the costs to imple-
 5 ment measures necessary to address the resilience
 6 and sustainability of publicly owned treatment works
 7 to manmade or natural disasters;”.

8 **SEC. 9. INDIAN TRIBES.**

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

11 (1) by striking paragraphs (1) and (2) and in-
 12 serting the following:

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

17 “(A) 2 percent of such funds; or

18 “(B) \$30,000,000.

19 “(2) USE OF FUNDS.—

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

23 “(i) projects and activities eligible for
 24 assistance under section 603(c); and

1 “(ii) training, technical assistance,
 2 and educational programs relating to the
 3 operation and management of treatment
 4 works eligible for assistance pursuant to
 5 section 603(c).

6 “(B) LIMITATION.—Not more than
 7 \$2,000,000 of the reserved funds may be used
 8 for grants under subparagraph (A)(ii).”; and
 9 (2) in paragraph (3)—

10 (A) in the header, by striking “USE OF
 11 FUNDS” and inserting “ELIGIBLE ENTITIES”;
 12 and

13 (B) by striking “for projects and activities
 14 eligible for assistance under section 603(c) to
 15 serve” and inserting “to”.

16 **SEC. 10. CAPITALIZATION GRANTS.**

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

19 (1) in paragraph (13)(B)—

20 (A) in the matter preceding clause (i), by
 21 striking “and energy conservation” and insert-
 22 ing “and efficient energy use (such as through
 23 the implementation of technologies to recapture
 24 and reuse energy produced in the treatment of
 25 wastewater)”; and

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

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

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

6 “(15) to the extent there are sufficient applica-
7 tions for projects or activities that are eligible for as-
8 sistance from the fund and are consistent with the
9 State’s intended use plan under section 606(c), and
10 with respect to which the applicant meets the min-
11 imum financial requirements to qualify for assist-
12 ance under this title, the State will use not less than
13 10 percent of the funds received by the State in cap-
14 italization grants under this title in a fiscal year for
15 projects or activities, or components thereof, to im-
16 prove the resiliency, including water and energy effi-
17 ciency, of treatment works, or to implement environ-
18 mentally innovative activities such as green infra-
19 structure.”.

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

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

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

15 “(3) SUBSIDIZATION AMOUNTS.—

16 “(A) IN GENERAL.—A State may use for
 17 providing additional subsidization in a fiscal
 18 year under this subsection an amount that does
 19 not exceed 30 percent of the total amount re-
 20 ceived by the State in capitalization grants
 21 under this title for the fiscal year.

22 “(B) MINIMUM.—For each of fiscal years
 23 2022 through 2026, to the extent there are suf-
 24 ficient applications for additional subsidization
 25 under this subsection that meet the criteria

1 under paragraph (1)(A), a State shall use for
2 providing additional subsidization in a fiscal
3 year under this subsection an amount that is
4 not less than 10 percent of the total amount re-
5 ceived by the State in capitalization grants
6 under this title for the fiscal year.”; and

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

8 “(k) ADDITIONAL USE OF FUNDS.—

9 “(1) TECHNICAL ASSISTANCE.—A State may
10 use for providing technical assistance to publicly
11 owned treatment works serving 10,000 or fewer indi-
12 viduals in the State an amount that does not exceed
13 2 percent of the total amount allotted to the State
14 under this title for each fiscal year.

15 “(2) NEEDS SURVEY.—A State may use for ac-
16 tivities associated with the Clean Watershed Needs
17 Survey conducted pursuant to section 516(b), in-
18 cluding data collection, an amount that does not ex-
19 ceed 0.5 percent of the total amount allotted to the
20 State under this title for each fiscal year.”.

21 **SEC. 12. ALLOTMENT OF FUNDS.**

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

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

5 “(d) WASTEWATER INFRASTRUCTURE WORKFORCE
6 DEVELOPMENT.—

7 “(1) IN GENERAL.—In each of fiscal years
8 2022 through 2026, a State may reserve up to 0.5
9 percent of the sums allotted to the State under this
10 section for the fiscal year to carry out workforce de-
11 velopment, training, and retraining activities de-
12 scribed in section 104(g).

13 “(2) REPORT TO CONGRESS.—Not later than 3
14 years after the date of enactment of this subsection,
15 the Administrator shall submit to the Committee on
16 Transportation and Infrastructure of the House of
17 Representatives and the Committee on Environment
18 and Public Works of the Senate a report con-
19 taining—

20 “(A) a list of the States that reserved and
21 used funds under paragraph (1);

22 “(B) a summary of the amounts of such
23 funds so used by such States;

24 “(C) an identification and assessment of
25 the types of efforts of such States, and the ef-

fectiveness of such efforts, in promoting and accomplishing workforce development, training, and retraining, including the number of treatment works operators who are certified pursuant to such efforts; and

“(D) any recommendations of the Administrator regarding how States may improve the effective use of such funds.”.

SEC. 13. RESERVATION OF FUNDS FOR TERRITORIES OF THE UNITED STATES.

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

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

“(a) IN GENERAL.—

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

“(2) CALCULATION OF AVAILABLE FUNDS.—

The amount of available funds shall be calculated by subtracting the amount of any funds reserved under section 518(c) from the amount of funds made avail-

1 able to carry out this title (before allotments to the
2 States under section 604(a)).

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

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

12 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

13 Title VI of the Federal Water Pollution Control Act
14 (33 U.S.C. 1381 et seq.) is amended by adding at the end
15 the following:

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

17 “There are authorized to be appropriated to carry out
18 this title the following sums:

19 “(1) \$2,400,000,000 for fiscal year 2022.

20 “(2) \$2,600,000,000 for fiscal year 2023.

21 “(3) \$2,800,000,000 for fiscal year 2024.

22 “(4) \$3,000,000,000 for fiscal year 2025.

23 “(5) \$3,200,000,000 for fiscal year 2026.”.

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”.

○