

116TH CONGRESS  
1ST SESSION

# S. 2636

To amend the Federal Water Pollution Control Act to establish a program to make grants to eligible entities to increase the resilience of publicly owned treatment works to natural hazards, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2019

Mr. CARDIN (for himself and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Federal Water Pollution Control Act to establish a program to make grants to eligible entities to increase the resilience of publicly owned treatment works to natural hazards, 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 “Clean Water Infra-  
5 structure Resilience and Sustainability Act”.

1 **SEC. 2. CLEAN WATER INFRASTRUCTURE RESILIENCY AND**  
 2 **SUSTAINABILITY PROGRAM.**

3 Title II of the Federal Water Pollution Control Act  
 4 (33 U.S.C. 1281 et seq.) is amended by adding at the end  
 5 the following:

6 **“SEC. 222. CLEAN WATER INFRASTRUCTURE RESILIENCY**  
 7 **AND SUSTAINABILITY PROGRAM.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
 10 tity’ means—

11 “(A) a municipality; or

12 “(B) an intermunicipal, interstate, or State  
 13 agency.

14 “(2) NATURAL HAZARD.—The term ‘natural  
 15 hazard’ means a hazard caused by natural forces, in-  
 16 cluding extreme weather events, sea-level rise, and  
 17 extreme drought conditions.

18 “(3) PROGRAM.—The term ‘program’ means  
 19 the clean water infrastructure resilience and sustain-  
 20 ability program established under subsection (b).

21 “(b) ESTABLISHMENT.—The Administrator shall es-  
 22 tablish a clean water infrastructure resilience and sustain-  
 23 ability program under which the Administrator shall  
 24 award grants to eligible entities for the purpose of increas-  
 25 ing the resilience of publicly owned treatment works to a  
 26 natural hazard.

1       “(c) USE OF FUNDS.—An eligible entity that receives  
2 a grant under the program shall use the grant funds for  
3 planning, designing, or constructing projects (on a system-  
4 wide or area-wide basis) that increase the resilience of a  
5 publicly owned treatment works to a natural hazard  
6 through—

7           “(1) the conservation of water;

8           “(2) the enhancement of water use efficiency;

9           “(3) the enhancement of wastewater and  
10 stormwater management by increasing watershed  
11 preservation and protection, including through the  
12 use of—

13           “(A) natural and engineered green infra-  
14 structure; and

15           “(B) reclamation and reuse of wastewater  
16 and stormwater, such as aquifer recharge zones;

17           “(4) the modification or relocation of an exist-  
18 ing publicly owned treatment works that is at risk  
19 of being significantly impaired or damaged by a nat-  
20 ural hazard;

21           “(5) the development and implementation of  
22 projects to increase the resilience of publicly owned  
23 treatment works to a natural hazard; or

24           “(6) the enhancement of energy efficiency or  
25 the use and generation of recovered or renewable en-

1       ergy in the management, treatment, or conveyance  
2       of wastewater or stormwater.

3       “(d) APPLICATION.—To be eligible to receive a grant  
4 under the program, an eligible entity shall submit to the  
5 Administrator an application at such time, in such man-  
6 ner, and containing such information as the Administrator  
7 may require, including—

8               “(1) a proposal of the project to be planned, de-  
9 signed, or constructed using funds under the pro-  
10 gram;

11              “(2) an identification of the natural hazard risk  
12 to be addressed by the proposed project;

13              “(3) documentation prepared by a Federal,  
14 State, regional, or local government agency of the  
15 natural hazard risk of the area where the proposed  
16 project is to be located;

17              “(4) a description of any recent natural hazard  
18 events that have affected the publicly owned treat-  
19 ment works;

20              “(5) a description of how the proposed project  
21 would improve the performance of the publicly  
22 owned treatment works under an anticipated natural  
23 hazard; and

24              “(6) an explanation of how the proposed project  
25 is expected to enhance the resilience of the publicly

1 owned treatment works to an anticipated natural  
2 hazard.

3 “(e) GRANT AMOUNT AND OTHER FEDERAL RE-  
4 QUIREMENTS.—

5 “(1) COST SHARE.—A grant under the program  
6 shall not exceed 75 percent of the total cost of the  
7 proposed project.

8 “(2) REQUIREMENTS.—The requirements of  
9 section 608 shall apply to a project funded with a  
10 grant under the program.

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
12 is authorized to be appropriated to carry out this section  
13 \$5,000,000 for each of fiscal years 2020 through 2024.”.

14 **SEC. 3. DRINKING WATER INFRASTRUCTURE RESILIENCE**  
15 **AND SUSTAINABILITY.**

16 Section 1459A of the Safe Drinking Water Act (42  
17 U.S.C. 300j–19a) is amended—

18 (1) in subsection (c), in the matter preceding  
19 paragraph (1), by inserting “(except for subsection  
20 (l))” after “this section”; and

21 (2) in subsection (l)—

22 (A) in paragraph (2)—

23 (i) by striking “The Administrator  
24 may” and inserting “The Administrator  
25 shall”; and

1 (ii) by striking “fiscal years 2019 and  
2 2020 to eligible entities” and inserting  
3 “fiscal years 2020 through 2024 to com-  
4 munity water systems”;

5 (B) in paragraph (3)—

6 (i) in the matter preceding subpara-  
7 graph (A), by striking “An eligible entity”  
8 and inserting “A community water sys-  
9 tem”; and

10 (ii) in subparagraph (F), by striking  
11 “eligible entity” and inserting “community  
12 water system”;

13 (C) in paragraph (4), by striking “eligible  
14 entity” each place it appears and inserting  
15 “community water system”; and

16 (D) in paragraph (5), by striking  
17 “\$4,000,000 for each of fiscal years 2019 and  
18 2020” and inserting “\$5,000,000 for each of  
19 fiscal years 2020 through 2024”.

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