

Drinking Water Infrastructure Act of 2020
Section-by-Section

Title: To Amend the Safe Drinking Water Act to reauthorize certain provisions, and for other purposes.

SEC. 1. SHORT TITLE

This section states that this Act may be cited as the “Drinking Water Infrastructure Act of 2020”.

SEC. 2. HOST COMMUNITIES.

This section amends the Safe Drinking Water Act (SDWA) to include Host Cities, cities that as a result of a natural disaster or act of terrorism take on an influx of population, as eligible recipients under the Drinking Water Infrastructure Risk and Resilience Program established in America’s Water Infrastructure Act, PL 115-270 (AWIA).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR EMERGENCIES AFFECTING PUBLIC WATER SYSTEMS.

This section restores an existing authority in Safe Drinking Water Act to ensure that there is a fully authorized fund to provide resources to communities facing drinking water emergencies, such as an intrusion of lead into the drinking water supply. This section reauthorizes the program at \$35 million for each fiscal year 2021 through 2024. This section also reauthorizes the technical assistance to public water systems with emergency concerns from 2021 through 2024 at the current authorization levels of \$15 million for each fiscal year.

SEC. 4. DRINKING WATER STATE REVOLVING LOAN FUND

This section codifies Appropriations language that requires states to use 20% of the Drinking Water State Revolving Funds (DWSRF) for grants, negative interest loans, or to buy, refinance or purchase debt. That number can be increased beyond 20% in the case of an emergency. This gives states a consistent path forward in being able to help communities that are struggling financially to meet or maintain compliance, as well as the flexibility to prioritize funding for projects based on individual state need. This section reauthorizes a provision that allows for up to 2% of the DWSRF to be used for technical assistance from nonprofit organizations to provide assistance to these systems to achieve compliance. This section also makes permanent the American Iron and Steel requirements for the Drinking Water State Revolving Loan Fund, also known as “Buy America.” This section also provides \$300 million in grants to assist in the remediation of contamination from emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.

SEC. 5. SOURCE WATER PETITION PROGRAM

Keyed to: (Discussion Draft) MAZ20349

The section reauthorizes the Source Water Petition Program, which allows owners and operators of community water systems, municipal or local governments and political subdivisions of a state to submit a source water quality protection partnership petition to the state. These petition partnerships are created in order to help affected parties reduce drinking water contaminants, obtain financial or technical assistance, or develop recommendations for the long-term protection of a community water system's source water. This section also amends the program to allow states to designate a county to act on behalf of an unincorporated area, should the unincorporated area chose to enter such a partnership, solely for the purpose of pursuing a source water petition. This program is reauthorized through 2024 at the current funding levels of \$5 million.

SEC. 6. ASSISTANCE FOR SMALL AND DISADVANTAGED COMMUNITIES.

This section expands the existing Assistance for Small and Disadvantaged Communities program to allow for the use of funds to purchase filters that remove contaminants of concern from public drinking water systems and for providing information regarding proper filtration maintenance and options regarding replacing lead service lines or other sources of lead from water systems and technical assistance. Further, the provision changes the required non-federal cost match for the grant to 10% and allows that 10% to be waived at the discretion of the Administrator. This provision extends the authorization of the program from 2022-2024 at \$100 million for each fiscal year.

This section also creates an additional competitive grant program administered by the EPA and distributed to states based on demonstrated high proportions of underserved communities. This grant program is authorized at \$50 million for each fiscal year 2021 through 2024.

This section also reauthorizes the existing Drinking Water Infrastructure Risk and Resiliency program from 2021 through 2024 and increases the program from \$4 million to \$10 million for each fiscal year. This includes a waiveable non-federal share of 10%.

Finally, this section instructs the EPA to create a grant program to provide grants to a utility or nonprofit to voluntarily connect a low-income household to a municipal public drinking water system. This program is authorized at \$20 million for each fiscal year 2021 and 2022.

SEC. 7 LEAD MAPPING PILOT PROGRAM

This provision amends the SDWA to create a pilot program for system operators that know through lead mapping the system has, or is likely to have, at least 30% of service lines contain lead.

Two years after the first grant is awarded, the EPA must submit a report to Congress detailing the recipients of this grant money, what type of lead mapping was used, and how accurate and useful the mapping was in locating the lead contamination. The pilot program is authorized for \$10 million and the funds are to remain available until expended.

SEC. 8. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC WATER SYSTEMS.

This section establishes an operational sustainability program under SDWA for small public water systems. The program is designed to help improve the ability of these systems to respond to water infrastructure failures through asset management of drinking water systems, pumps, wells, valves, treatment systems and other pertinent activities that include, but are not limited to, identification and prevention of potable water loss due to leaks, breaks and other metering or infrastructure failures. This program has a waiveable non-federal share of 10% and is authorized at \$10 million for each of fiscal year 2021 through 2024.

SEC. 9. MIDSIZE DRINKING WATER SYSTEM INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM.

This section creates a program modeled off of section 2005 of AWIA. This section mirrors that EPA grant program for increased resiliency and sustainability for drinking water projects in small and disadvantaged communities, and creates a new program for mid-size systems that serve a population between 10,000-100,000. Funds may be used to conserve water, enhance water-efficiency, create desalination facilities, relocate or renovate existing vulnerable water systems, enhance water supply, and implement measures to increase resiliency due to natural hazards. This program is authorized at \$5 million for each fiscal year 2021 through 2024.

SEC. 10. NEEDS ASSESSMENT FOR NATIONWIDE RURAL AND URBAN LOW-INCOME COMMUNITY WATER ASSISTANCE.

This section requires the Administrator of the EPA, in consultation with relevant stakeholders, to study the prevalence of low-income households in the United States without affordable public drinking water services. This report must include recommendations to increase access to these services and the associated costs of each recommendation. This section authorizes \$5 million to conduct the study.

SEC. 11. LEAD CONTAMINATION IN SCHOOL DRINKING WATER.

This section amends the existing Voluntary School and Childcare Lead Testing Grant Program to make public water systems and eligible nonprofit organizations that service schools and childcare locations eligible grant recipients. The program authorization is extended through fiscal year 2022 at the current funding level of \$25 million annually.

SEC. 12. INDIAN RESERVATION DRINKING WATER PROGRAM.

This section amends the Tribal Drinking Water Program established in AWIA and extends the authorization of the program to fiscal year 2024. It increases the authorization of the pilot program to \$50 million and designates 50% of the funds be used nationally, while the other 50% of the funds must be used to fund thirty projects equally divided between the Missouri River Basin, Upper Rio Grande River Basin and the Columbia River Basin. In addition, two projects in the Missouri River Basin must go to a reservation that serves more than one federally recognized tribe.

SEC. 13. ADVANCED DRINKING WATER TECHNOLOGIES.

This section requires the Administrator of the Environmental Protection Agency to carry out a study, within one year of the date of enactment the bill, to examine the state of existing and emerging technology that enhances or could enhance the treatment, monitoring, affordability, efficiency, and safety of drinking water provided by public water systems.

This section also creates a grant program for public water systems that serve a population of 100,000 or fewer people or a disadvantaged community. The grant program is designed to deploy drinking water infrastructure technology that is new or emerging, but proven, to enhance the treatment, monitoring, affordability, efficiency, and safety of the drinking water provided. There is a waiveable 10% non-federal share and a single grant cannot exceed \$500,000. This program is authorized at \$10 million for each of fiscal year 2021 through 2024.

SEC. 14. DRINKING WATER INFRASTRUCTURE DISCRETIONARY GRANT PROGRAM.

This section creates a new grant program administered by the EPA. This grant program is modeled after the state revolving funds, which are mostly loans. These discretionary grants may be used for expenditures for planning, design, siting, and associated preconstruction activities, or for replacing or rehabilitating aging treatment, storage, or distribution facilities of public water systems, that will facilitate compliance with national primary drinking water regulations or significantly further the health protections. These grants may not be used for monitoring, operation, and maintenance expenditures, and priority is given to public water systems that need help coming into compliance with the Safe Drinking Water Act and to projects that need additional source of funding to achieve completion. This program has a waiveable non-federal share of 20%. No one state may receive more than 20% of the total amount made available each year for this program. This section requires the EPA submit a report to Congress on this program. This program is authorized for \$50 million for each fiscal year 2022 through 2024.