

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. _____

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. BARRASSO (for himself, Mr. CARPER, Ms. DUCKWORTH, and Mr. CRAMER)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drinking Water Infra-
5 structure Act of 2020”.

6 **SEC. 2. HOST COMMUNITIES.**

7 Section 1433(g) of the Safe Drinking Water Act (42
8 U.S.C. 300i–2(g)) is amended—

9 (1) in paragraph (1)—

10 (A) by striking the period at the end and
11 inserting “; or”;

1 (B) by striking “for the purpose of in-
2 creasing” and inserting the following: “for the
3 purpose of—

4 “(A) increasing”; and

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

6 “(B) increasing the capacity of the com-
7 munity water system to adapt to an increase in
8 population served by the community water sys-
9 tem that is primarily caused by a natural haz-
10 ard or a malevolent act in another community
11 or State.”;

12 (2) in paragraph (5)—

13 (A) in the heading, by striking “SMALL”
14 and inserting “SMALL, RURAL, AND DISADVAN-
15 TAGED”;

16 (B) by striking “a population of less than
17 3,300 persons” and inserting “disadvantaged
18 communities or populations of fewer than
19 10,000 persons”; and

20 (C) by striking “of this section”; and

21 (3) in paragraph (6), by striking “fiscal years
22 2020 and 2021” and inserting “fiscal years 2021
23 and 2022”.

1 **SEC. 3. TECHNICAL ASSISTANCE AND GRANTS FOR EMER-**
2 **GENCIES AFFECTING PUBLIC WATER SYS-**
3 **TEMS.**

4 Section 1442 of the Safe Drinking Water Act (42
5 U.S.C. 300j-1) is amended—

6 (1) in subsection (b), in the first sentence, by
7 inserting “, including a threat to public health re-
8 sulting from contaminants, such as, but not limited
9 to, heightened exposure to lead in drinking water”
10 after “public health”;

11 (2) by striking subsection (d) and inserting the
12 following:

13 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out subsection
15 (b) \$35,000,000 for each of fiscal years 2021 through
16 2024.”;

17 (3) in subsection (e)(5), by striking “2015
18 through 2020” and inserting “2021 through 2024”;

19 (4) by redesignating subsection (f) as sub-
20 section (g); and

21 (5) by inserting after subsection (e) the fol-
22 lowing:

23 “(f) STATE-BASED NONPROFIT ORGANIZATIONS.—
24 The Administrator may provide technical assistance con-
25 sistent with the authority provided under subsection (e)

1 to State-based nonprofit organizations that are governed
2 by community water systems.”.

3 **SEC. 4. DRINKING WATER STATE REVOLVING LOAN FUNDS.**

4 (a) DRINKING WATER RELIEF FOR SMALL, RURAL,
5 AND DISADVANTAGED COMMUNITIES.—Section 1452 of
6 the Safe Drinking Water Act (42 U.S.C. 300j–12) is
7 amended—

8 (1) in subsection (a)—

9 (A) in paragraph (2), by adding at the end
10 the following:

11 “(H) REQUIRED SUBSIDIES FOR PUBLIC
12 WATER SYSTEMS.—

13 “(i) IN GENERAL.—Notwithstanding
14 any other provision of this paragraph and
15 to the extent that there are sufficient ap-
16 plications from public water systems, a
17 State shall use not less than 14 percent of
18 a capitalization grant to the State under
19 this section to provide the additional sub-
20 sidies described in clause (ii) to public
21 water systems if the additional subsidies
22 described in that clause are used—

23 “(I) as initial financing for the
24 public water system; or

1 “(II) to buy, refinance, or re-
2 structure the debt obligations of the
3 public water system, if—

4 “(aa) the debt obligation
5 was incurred on or after the date
6 of enactment of this subpara-
7 graph; or

8 “(bb) for a debt obligation
9 that was incurred before the date
10 of enactment of this subpara-
11 graph—

12 “(AA) the State, with
13 the concurrence of the Ad-
14 ministrator, determines that
15 the additional subsidies de-
16 scribed in clause (ii) would
17 help the public water system
18 address a threat to public
19 health from heightened ex-
20 posure to contaminants (in-
21 cluding lead) in drinking
22 water; or

23 “(BB) before the date
24 of enactment of this sub-
25 paragraph, an emergency

1 has been declared by the
2 President under section 501
3 of the Robert T. Stafford
4 Disaster Relief and Emer-
5 gency Assistance Act (42
6 U.S.C. 5191) or a State
7 emergency declaration has
8 been issued due to a threat
9 to public health, including a
10 threat from heightened ex-
11 posure to lead, in the munic-
12 ipal drinking water supply of
13 the public water system.

14 “(ii) ADDITIONAL SUBSIDIES DE-
15 SCRIBED.—The additional subsidies re-
16 ferred to in clause (i) are—

17 “(I) forgiveness of principal of
18 loans owed to the State loan fund of
19 the State;

20 “(II) negative interest loans;

21 “(III) grants; or

22 “(IV) a combination of the sub-
23 sidies described in subclauses (I)
24 through (III).”; and

1 (B) in paragraph (4)(A), by striking “Dur-
2 ing fiscal years 2019 through 2023, funds” and
3 inserting “Funds”; and

4 (2) in subsection (q), by striking “2016 through
5 2021” and inserting “2021 through 2024”.

6 (b) REMEDIATION OF CONTAMINATION.—Section
7 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–
8 12) is amended—

9 (1) in subsection (a)(2)(G)—

10 (A) in clause (i)—

11 (i) by striking “only”; and

12 (ii) by striking the clause designation
13 and heading and all that follows through
14 “clause (ii),” and inserting the following:

15 “(i) DRINKING WATER.—

16 “(I) IN GENERAL.—Notwith-
17 standing any other provision of law
18 and subject to subclause (II),”;

19 (B) in clause (ii)—

20 (i) in subclause (I)—

21 (I) in the matter preceding item
22 (aa), by striking “amounts described
23 in clause (i)” and inserting “amounts
24 made available to carry out this
25 clause”; and

1 (II) by redesignating items (aa)
2 and (bb) as subitems (AA) and (BB),
3 respectively, and indenting appro-
4 priately;

5 (ii) in subclause (II), by striking
6 “amounts described in clause (i)” and in-
7 serting “amounts made available to carry
8 out this clause”; and

9 (iii) by redesignating subclauses (I)
10 and (II) as items (aa) and (bb), respec-
11 tively, and indenting appropriately;

12 (C) by redesignating clause (ii) as sub-
13 clause (II) and indenting appropriately; and

14 (D) by inserting before clause (iii) the fol-
15 lowing:

16 “(ii) REMEDIATION OF CONTAMINA-
17 TION OF GROUNDWATER.—

18 “(I) DEFINITION OF ELIGIBLE
19 SITE.—In this clause, the term ‘eligi-
20 ble site’ means a site at which an
21 emerging contaminant is present in,
22 or has the potential to enter, a public
23 water system or an underground
24 source of drinking water.

1 “(II) GRANTS.—Notwithstanding
2 any other provision of law and subject
3 to subclause (III), amounts deposited
4 under subsection (t) in a State loan
5 fund established under this section
6 may be used to provide grants to ad-
7 dress contamination of groundwater
8 at an eligible site, with a focus on
9 perfluoroalkyl and polyfluoroalkyl sub-
10 stances.

11 “(III) REQUIREMENTS.—

12 “(aa) PRIORITIES.—In se-
13 lecting the recipient of a grant
14 using amounts made available to
15 carry out this clause, a State
16 shall use the priorities described
17 in subsection (b)(3)(A).

18 “(bb) CLEANUP STAND-
19 ARDS.—Any detection, treatment,
20 and remediation of groundwater
21 carried out using amounts made
22 available to carry out this clause
23 shall be carried out in accordance
24 with applicable State toxicity val-
25 ues, standards, and regulations

1 of the State in which the detec-
2 tion, treatment, or remediation is
3 being carried out.”; and

4 (2) in subsection (t)(2), by striking
5 “\$100,000,000 for each of fiscal years 2020” and
6 inserting “\$300,000,000 for each of fiscal years
7 2021”.

8 **SEC. 5. SOURCE WATER PETITION PROGRAM.**

9 Section 1454 of the Safe Drinking Water Act (42
10 U.S.C. 300j-14) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1)(A), in the matter
13 preceding clause (i), by striking “political sub-
14 division of a State,” and inserting “political
15 subdivision of a State (including a county that
16 is designated by the State to act on behalf of
17 an unincorporated area within that county, with
18 the agreement of that unincorporated area),”;

19 (B) in paragraph (4)(D)(i), by inserting
20 “(including a county that is designated by the
21 State to act on behalf of an unincorporated
22 area within that county)” after “of the State”;
23 and

24 (C) by adding at the end the following:

1 tified using science-based test methods for the
2 removal of contaminants of concern;

3 “(E) investments necessary for providing
4 accurate and current information about—

5 “(i) the need for filtration, filter safe-
6 ty, and proper maintenance practices; and

7 “(ii) the options for replacing lead
8 service lines (as defined section 1459B(a))
9 and removing other sources of lead in
10 water; and

11 “(F) entering into contracts with nonprofit
12 organizations that have water system technical
13 expertise to assist underserved communities.

14 “(3) CONTRACTING PARTIES.—A contract de-
15 scribed in paragraph (2)(F) may be between a non-
16 profit organization described in that paragraph
17 and—

18 “(A) an eligible entity; or

19 “(B) the State of an eligible entity, on be-
20 half of that eligible entity.”;

21 (2) in subsection (c), in the matter preceding
22 paragraph (1), by striking “An eligible entity” and
23 inserting “Except for purposes of subsections (j) and
24 (m), an eligible entity”;

1 (3) in subsection (g)(1), by striking “to pay not
2 less than 45 percent” and inserting “except as pro-
3 vided in subsection (l)(5) and subject to subsection
4 (h), to pay not less than 10 percent”;

5 (4) by striking subsection (h) and inserting the
6 following:

7 “(h) WAIVER.—The Administrator may waive the re-
8 quirement under subsection (g)(1).”;

9 (5) by striking subsection (k) and inserting the
10 following:

11 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out subsections
13 (a) through (j)—

14 “(1) \$60,000,000 for fiscal year 2021; and

15 “(2) \$100,000,000 for each of fiscal years 2022
16 through 2024.”; and

17 (6) in subsection (l)—

18 (A) in paragraph (2)—

19 (i) by striking “The Administrator
20 may” and inserting “The Administrator
21 shall”; and

22 (ii) by striking “fiscal years 2019 and
23 2020” and inserting “fiscal years 2021
24 through 2024”;

1 (B) in paragraph (5), by striking
2 “\$4,000,000 for each of fiscal years 2019 and
3 2020” and inserting “\$10,000,000 for each of
4 fiscal years 2021 through 2024”;

5 (C) by redesignating paragraph (5) as
6 paragraph (6); and

7 (D) by inserting after paragraph (4) the
8 following:

9 “(5) FEDERAL SHARE FOR UNDERSERVED COM-
10 MUNITIES.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), with respect to a program or project
13 that serves an underserved community and is
14 carried out using a grant under this subsection,
15 the Federal share of the cost of the program or
16 project shall be 90 percent.

17 “(B) WAIVER.—The Administrator may
18 increase the Federal share under subparagraph
19 (A)(ii) to 100 percent.”.

20 (b) CONNECTION TO PUBLIC WATER SYSTEMS.—

21 Section 1459A of the Safe Drinking Water Act (42 U.S.C.
22 300j–19a) is amended by adding at the end the following:

23 “(m) CONNECTION TO PUBLIC WATER SYSTEMS.—

24 “(1) DEFINITIONS.—In this subsection:

1 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
2 ble entity’ means—

3 “(i) an owner or operator of a public
4 water system that assists or is seeking to
5 assist eligible individuals with connecting
6 the household of the eligible individual to
7 the public water system; or

8 “(ii) a nonprofit entity that assists or
9 is seeking to assist eligible individuals with
10 the costs associated with connecting the
11 household of the eligible individual to a
12 public water system.

13 “(B) ELIGIBLE INDIVIDUAL.—The term
14 ‘eligible individual’ has the meaning given the
15 term in section 603(j) of the Federal Water
16 Pollution Control Act (33 U.S.C. 1383(j)).

17 “(C) PROGRAM.—The term ‘program’
18 means the competitive grant program estab-
19 lished under paragraph (2).

20 “(2) ESTABLISHMENT.—Subject to the avail-
21 ability of appropriations, the Administrator shall es-
22 tablish a competitive grant program under which the
23 Administrator awards grants to eligible entities to
24 provide funds to assist eligible individuals in cov-
25 ering the costs incurred by the eligible individual in

1 connecting the household of the eligible individual to
2 a public water system.

3 “(3) APPLICATION.—An eligible entity seeking
4 a grant under the program shall submit to the Ad-
5 ministrator an application at such time, in such
6 manner, and containing such information as the Ad-
7 ministrator may require.

8 “(4) VOLUNTARY CONNECTION.—Before pro-
9 viding funds to an eligible individual for the costs
10 described in paragraph (2), an eligible entity shall
11 ensure that—

12 “(A) the eligible individual is voluntarily
13 seeking connection to the public water system;

14 “(B) if the eligible entity is not the owner
15 or operator of the public water system to which
16 the eligible individual seeks to connect, the pub-
17 lic water system to which the eligible individual
18 seeks to connect has agreed to the connection;
19 and

20 “(C) the connection of the household of the
21 eligible individual to the public water system
22 meets all applicable local and State regulations,
23 requirements, and codes.

24 “(5) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated to carry out

1 the program \$20,000,000 for each of fiscal years
2 2021 and 2022.”.

3 (c) COMPETITIVE GRANT PILOT PROGRAM.—Section
4 1459A of the Safe Drinking Water Act (42 U.S.C. 300j–
5 19a) (as amended by subsection (b)) is amended by adding
6 at the end the following:

7 “(n) STATE COMPETITIVE GRANTS FOR UNDER-
8 SERVED COMMUNITIES.—

9 “(1) IN GENERAL.—In addition to amounts au-
10 thorized to be appropriated under subsection (k),
11 there is authorized to be appropriated to carry out
12 subsections (a) through (j) \$50,000,000 for each of
13 fiscal years 2021 through 2024 in accordance with
14 paragraph (2).

15 “(2) COMPETITIVE GRANTS.—

16 “(A) IN GENERAL.—Notwithstanding any
17 other provision of this section, the Adminis-
18 trator shall distribute amounts made available
19 under paragraph (1) to States through a com-
20 petitive grant program.

21 “(B) APPLICATIONS.—To seek a grant
22 under the competitive grant program under
23 subparagraph (A), a State shall submit to the
24 Administrator an application at such time, in

1 such manner, and containing such information
2 as the Administrator may require.

3 “(C) PRIORITIZATION.—In selecting recipi-
4 ents of grants under the competitive grant pro-
5 gram under subparagraph (A), the Adminis-
6 trator shall give priority to States with a high
7 proportion of underserved communities that
8 meet the condition described in subsection
9 (a)(2)(A).

10 “(3) SAVINGS PROVISION.—Nothing in this
11 paragraph affects the distribution of amounts made
12 available under subsection (k), including any meth-
13 ods used by the Administrator for distribution of
14 amounts made available under that subsection as in
15 effect on the day before the date of enactment of
16 this subsection.”.

17 **SEC. 7. REDUCING LEAD IN DRINKING WATER.**

18 Section 1459B of the Safe Drinking Water Act (42
19 U.S.C. 300j–19b) is amended—

20 (1) in subsection (d)—

21 (A) by inserting “(except for subsection
22 (d))” after “this section”; and

23 (B) by striking “2021” and inserting
24 “2022”;

1 (2) by redesignating subsections (d) and (e) as
2 subsections (e) and (f), respectively; and

3 (3) by inserting after subsection (c) the fol-
4 lowing:

5 “(d) LEAD MAPPING UTILIZATION GRANT PILOT
6 PROGRAM.—

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
9 ble entity’ means a municipality that is served
10 by a community water system or a nontransient
11 noncommunity water system in which not less
12 than 30 percent of the service lines are known,
13 or likely to contain, lead service lines.

14 “(B) PILOT PROGRAM.—The term ‘pilot
15 program’ means the pilot program established
16 under paragraph (2).

17 “(2) ESTABLISHMENT.—The Administrator
18 shall establish a pilot program under which the Ad-
19 ministrator shall provide grants to eligible entities to
20 carry out lead reduction projects that are dem-
21 onstrated to exist based on existing lead mapping of
22 those eligible entities.

23 “(3) SELECTION.—

24 “(A) APPLICATION.—To be eligible to re-
25 ceive a grant under the pilot program, an eligi-

1 ble entity shall submit to the Administrator an
2 application at such time, in such manner, and
3 containing such information as the Adminis-
4 trator may require.

5 “(B) PRIORITIZATION.—In selecting recipi-
6 ents under the pilot program, the Administrator
7 shall give priority to an eligible entity that
8 meets the affordability criteria established by
9 the applicable State.

10 “(4) REPORT.—Not later 2 years after the Ad-
11 ministrators first awards a grant under the pilot pro-
12 gram, the Administrator shall submit to the Com-
13 mittee on Environment and Public Works of the
14 Senate and the Committee on Energy and Com-
15 merce of the House of Representatives a report de-
16 scribing—

17 “(A) the recipients of grants under the
18 pilot program;

19 “(B) the existing lead mapping that was
20 available to recipients of grants under the pilot
21 program; and

22 “(C) how useful and accurate the lead
23 mapping described in subparagraph (B) was in
24 locating lead contaminants of the eligible entity.

1 “(5) AUTHORIZATION OF APPROPRIATIONS.—
2 There is authorized to be appropriated to carry out
3 the pilot program \$10,000,000, to remain available
4 until expended.”.

5 **SEC. 8. OPERATIONAL SUSTAINABILITY OF SMALL PUBLIC**
6 **WATER SYSTEMS.**

7 Part E of the Safe Drinking Water Act (42 U.S.C.
8 300j et seq.) is amended by adding at the end the fol-
9 lowing:

10 **“SEC. 1459E. OPERATIONAL SUSTAINABILITY OF SMALL**
11 **PUBLIC WATER SYSTEMS.**

12 “(a) DEFINITIONS.—In this section:

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

15 “(A) a unit of local government;

16 “(B) a public corporation established by a
17 unit of local government to provide water serv-
18 ice; and

19 “(C) a nonprofit corporation, public trust,
20 or cooperative association that owns or operates
21 a public water system.

22 “(2) OPERATIONAL SUSTAINABILITY.—The
23 term ‘operational sustainability’ means the ability to
24 improve the operation of a small system through the
25 identification and prevention of potable water loss

1 due to leaks, breaks, and other metering or infra-
2 structure failures.

3 “(3) PROGRAM.—The term ‘program’ means
4 the grant program established under subsection (b).

5 “(4) SMALL SYSTEM.—The term ‘small system’
6 means a public water system that—

7 “(A) serves fewer than 10,000 people; and

8 “(B) is owned or operated by—

9 “(i) a unit of local government;

10 “(ii) a public corporation;

11 “(iii) a nonprofit corporation;

12 “(iv) a public trust; or

13 “(v) a cooperative association.

14 “(b) ESTABLISHMENT.—Subject to the availability of
15 appropriations, the Administrator shall establish a pro-
16 gram to award grants to eligible entities for the purpose
17 of improving the operational sustainability of 1 or more
18 small systems.

19 “(c) APPLICATIONS.—To be eligible to receive a grant
20 under the program, an eligible entity shall submit to the
21 Administrator an application at such time, in such man-
22 ner, and containing such information as the Administrator
23 may require, including—

24 “(1) a proposal of the project to be carried out
25 using grant funds under the program;

1 “(2) documentation prepared by the eligible en-
2 tity describing the deficiencies or suspected defi-
3 ciencies in operational sustainability of 1 or more
4 small systems that are to be addressed through the
5 proposed project;

6 “(3) a description of how the proposed project
7 will improve the operational sustainability of 1 or
8 more small systems;

9 “(4) a description of how the improvements de-
10 scribed in paragraph (3) will be maintained beyond
11 the life of the proposed project, including a plan to
12 maintain and update any asset data collected as a
13 result of the proposed project;

14 “(5)(A) if the eligible entity is located in a
15 State that has established a State drinking water
16 treatment revolving loan fund under section 1452, a
17 copy of a written agreement between the eligible en-
18 tity and the State in which the eligible entity agrees
19 to provide a copy of any data collected under the
20 proposed project to the State agency administering
21 the State drinking water treatment revolving loan
22 fund (or a designee); or

23 “(B) if the eligible entity is located in an area
24 other than a State that has established a State
25 drinking water treatment revolving loan fund under

1 section 1452, a copy of a written agreement between
2 the eligible entity and the Administrator in which
3 the eligible entity agrees to provide a copy of any
4 data collected under the proposed project to the Ad-
5 ministrator (or a designee); and

6 “(6) any additional information the Adminis-
7 trator may require.

8 “(d) USE OF FUNDS.—An eligible entity that receives
9 a grant under the program shall use the grant funds to
10 carry out projects that improve the operational sustain-
11 ability of 1 or more small systems through—

12 “(1) the development of a detailed asset inven-
13 tory, which may include drinking water sources,
14 wells, storage, valves, treatment systems, distribu-
15 tion lines, hydrants, pumps, controls, and other es-
16 sential infrastructure;

17 “(2) the development of an infrastructure asset
18 map, including a map that uses technology such
19 as—

20 “(A) geographic information system soft-
21 ware; and

22 “(B) global positioning system software;

23 “(3) the deployment of leak detection tech-
24 nology;

25 “(4) the deployment of metering technology;

1 “(5) training in asset management strategies,
2 techniques, and technologies appropriate staff em-
3 ployed by—

4 “(A) the eligible entity; or

5 “(B) the small systems for which the grant
6 was received; and

7 “(6) the development or deployment of other
8 strategies, techniques, or technologies that the Ad-
9 ministrator may determine to be appropriate under
10 the program.

11 “(e) COST SHARE.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 the Federal share of the cost of a project carried out
14 using a grant under the program shall be 90 percent
15 of the total cost of the project.

16 “(2) WAIVER.—The Administrator may in-
17 crease the Federal share under paragraph (1) to 100
18 percent.

19 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 \$10,000,000 for each of fiscal years 2021 through 2024.”.

1 **SEC. 9. MIDSIZE DRINKING WATER SYSTEM INFRASTRUC-**
2 **TURE RESILIENCE AND SUSTAINABILITY**
3 **PROGRAM.**

4 Part E of the Safe Drinking Water Act (42 U.S.C.
5 300j et seq.) (as amended by section 8) is amended by
6 adding at the end the following:

7 **“SEC. 1459F. MIDSIZE DRINKING WATER SYSTEM INFRA-**
8 **STRUCTURE RESILIENCE AND SUSTAIN-**
9 **ABILITY PROGRAM.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
12 tity’ means a public water system that serves a com-
13 munity with a population of—

14 “(A) greater than 10,000; and

15 “(B) fewer than 100,000.

16 “(2) NATURAL HAZARD; RESILIENCE.—The
17 terms ‘resilience’ and ‘natural hazard’ have the
18 meanings given those terms in section 1433(h).

19 “(3) RESILIENCE AND SUSTAINABILITY PRO-
20 GRAM.—The term ‘resilience and sustainability pro-
21 gram’ means the Midsize Drinking Water System
22 Infrastructure Resilience and Sustainability Pro-
23 gram established under subsection (b).

24 “(b) ESTABLISHMENT.—The Administrator shall es-
25 tablish and carry out a program, to be known as the
26 ‘Midsize Drinking Water System Infrastructure Resilience

1 and Sustainability Program’, under which the Adminis-
2 trator, subject to the availability of appropriations for the
3 resilience and sustainability program, shall award grants
4 to eligible entities for the purpose of increasing resilience
5 to natural hazards.

6 “(c) USE OF FUNDS.—An eligible entity may only
7 use grant funds received under the resilience and sustain-
8 ability program to assist in the planning, design, construc-
9 tion, implementation, operation, or maintenance of a pro-
10 gram or project that increases resilience to natural haz-
11 ards through—

12 “(1) the conservation of water or the enhance-
13 ment of water-use efficiency;

14 “(2) the modification or relocation of existing
15 drinking water system infrastructure made, or that
16 is at risk of being, significantly impaired by natural
17 hazards, including risks to drinking water from
18 flooding;

19 “(3) the design or construction of new or modi-
20 fied desalination facilities to serve existing commu-
21 nities;

22 “(4) the enhancement of water supply through
23 the use of watershed management and source water
24 protection;

1 “(5) the enhancement of energy efficiency or
2 the use and generation of renewable energy in the
3 conveyance or treatment of drinking water; or

4 “(6) the development and implementation of
5 measures to increase the resilience of the eligible en-
6 tity to natural hazards.

7 “(d) APPLICATION.—To seek a grant under the resil-
8 ience and sustainability program, an eligible entity shall
9 submit to the Administrator an application at such time,
10 in such manner, and containing such information as the
11 Administrator may require, including—

12 “(1) a proposal of the program or project to be
13 planned, designed, constructed, implemented, oper-
14 ated, or maintained by the eligible entity;

15 “(2) an identification of the natural hazard risk
16 to be addressed by the proposed program or project;

17 “(3) documentation prepared by a Federal,
18 State, regional, or local government agency of the
19 natural hazard risk to the area where the proposed
20 program or project is to be located;

21 “(4) a description of any recent natural hazard
22 events that have affected the community water sys-
23 tem of the eligible entity;

24 “(5) a description of how the proposed program
25 or project would improve the performance of the

1 community water system of the eligible entity under
2 the anticipated natural hazards; and

3 “(6) an explanation of how the proposed pro-
4 gram or project is expected to enhance the resilience
5 of the community water system of the eligible entity
6 to the anticipated natural hazards.

7 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
8 is authorized to be appropriated to carry out the resilience
9 and sustainability program \$10,000,000 for each of fiscal
10 years 2021 through 2024.”.

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

14 Part E of the Safe Drinking Water Act (42 U.S.C.
15 300j et seq.) (as amended by section 9) is amended by
16 adding at the end the following:

17 **“SEC. 1459G. NEEDS ASSESSMENT FOR NATIONWIDE RURAL**
18 **AND URBAN LOW-INCOME COMMUNITY**
19 **WATER ASSISTANCE.**

20 “(a) DEFINITION OF LOW-INCOME HOUSEHOLD.—In
21 this section, the term ‘low-income household’ means a
22 household that has an income that, as determined by the
23 State in which the household is located, does not exceed
24 the greater of—

1 “(1) an amount equal to 150 percent of the
2 poverty level of that State; and

3 “(2) an amount equal to 60 percent of the
4 State median income for that State.

5 “(b) STUDY; REPORT.—

6 “(1) IN GENERAL.—Subject to the availability
7 of appropriations, not later than 2 years after the
8 date of enactment of this section, the Administrator
9 shall conduct, and submit to Congress a report de-
10 scribing the results of, a study regarding the preva-
11 lence throughout the United States of low-income
12 households, including low-income renters, that do
13 not have access to affordable public drinking water
14 services to meet household needs.

15 “(2) INCLUSIONS.—The report under para-
16 graph (1) shall include—

17 “(A) recommendations of the Adminis-
18 trator regarding the best methods to increase
19 access to affordable and reliable drinking water
20 services;

21 “(B) a description of the cost of each
22 method described in subparagraph (A); and

23 “(C) with respect to the development of
24 the report, a consultation with all relevant
25 stakeholders.

1 care programs under the jurisdiction
2 of those local educational agencies,
3 and qualified nonprofit organizations”
4 before “in voluntary”;

5 (II) by striking the period at the
6 end and inserting “; and”;

7 (III) by striking “grants avail-
8 able to States” and inserting the fol-
9 lowing: “grants available to—
10 “(i) States”; and

11 (IV) by adding at the end the fol-
12 lowing:

13 “(ii) tribal consortia to assist tribal
14 education agencies (as defined in section 3
15 of the National Environmental Education
16 Act (20 U.S.C. 5502) in voluntary testing
17 for lead contamination in drinking water at
18 schools and child care programs under the
19 jurisdiction of the tribal education agen-
20 cy.”;

21 (ii) in subparagraph (B)—

22 (I) in clause (i), by striking “or”
23 at the end;

1 (II) in clause (ii), by striking the
2 period at the end and inserting a
3 semicolon; and

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

6 “(iii) any public water system that is
7 located in a State that does not participate
8 in the voluntary grant program established
9 under subparagraph (A) that—

10 “(I) assists schools or child care
11 programs in lead testing; or

12 “(II) provides technical assist-
13 ance to schools or child care programs
14 in carrying out lead testing; or

15 “(iv) a qualified nonprofit organiza-
16 tion, as determined by the Administrator.”;

17 (B) in paragraphs (3), (5), (6), and (7), by
18 striking “State or local educational agency”
19 each place it appears and inserting “State, local
20 educational agency, public water system, tribal
21 consortium, or qualified nonprofit organiza-
22 tion”;

23 (C) in paragraph (4), by striking “States
24 and local educational agencies” and inserting
25 “States, local educational agencies, public water

1 systems, tribal consortia, and qualified non-
2 profit organizations”;

3 (D) in paragraph (6)—

4 (i) in the matter preceding subpara-
5 graph (A), by inserting “, public water sys-
6 tem, tribal consortium, or qualified non-
7 profit organization” after “each local edu-
8 cational agency”;

9 (ii) in subparagraph (A)(ii), by insert-
10 ing “or tribal” after “applicable State”;
11 and

12 (iii) in subparagraph (B)(i), by insert-
13 ing “applicable” before “local educational
14 agency”; and

15 (E) in paragraph (8), by striking “2020
16 and 2021” and inserting “2021 and 2022”.

17 **SEC. 12. INDIAN RESERVATION DRINKING WATER PRO-**
18 **GRAM.**

19 Section 2001 of the America’s Water Infrastructure
20 Act of 2018 (42 U.S.C. 300j–3e note; Public Law 115–
21 270) is amended—

22 (1) in subsection (a)—

23 (A) in the matter preceding paragraph (1),
24 by striking “Subject to the availability of appro-
25 priations, the Administrator of the Environ-

1 mental Protection Agency” and inserting “The
2 Administrator of the Environmental Protection
3 Agency (referred to in this section as the ‘Ad-
4 ministrators’)”; and

5 (B) by striking “to implement” in the mat-
6 ter preceding paragraph (1) and all that follows
7 through the period at the end of paragraph (2)
8 and inserting “to implement eligible projects
9 described in subsection (b).”;

10 (2) by redesignating subsection (d) as sub-
11 section (e);

12 (3) by striking subsection (c) and inserting the
13 following:

14 “(c) REQUIRED PROJECTS.—

15 “(1) IN GENERAL.—If sufficient applications
16 exist, of the funds made available to carry out this
17 section, the Administrator shall use 50 percent to
18 carry out—

19 “(A) 10 eligible projects described in sub-
20 section (b) that are within the Upper Missouri
21 River Basin;

22 “(B) 10 eligible projects described in sub-
23 section (b) that are within the Upper Rio
24 Grande Basin; and

1 “(C) 10 eligible projects described in sub-
2 section (b) that are within the Columbia River
3 Basin.

4 “(2) REQUIREMENT.—In carrying out para-
5 graph (1)(A), the Administrator shall select not
6 fewer than 2 eligible projects for a reservation that
7 serves more than 1 federally recognized Indian
8 Tribe.

9 “(d) FEDERAL SHARE.—The Federal share of the
10 cost of a project carried out under this section shall be
11 100 percent.”; and

12 (4) in subsection (e) (as so redesignated)—

13 (A) by striking “There is” and inserting
14 “There are”;

15 (B) by striking “subsection (a)
16 \$20,000,000” and inserting the following: “sub-
17 section (a)—

18 “(1) \$20,000,000”;

19 (C) in paragraph (1) (as so designated), by
20 striking “2022.” and inserting “2020; and”;
21 and

22 (D) by adding at the end the following:

23 “(2) \$50,000,000 for each of fiscal years 2021
24 through 2024.”.

1 **SEC. 13. ADVANCED DRINKING WATER TECHNOLOGIES.**

2 (a) STUDY.—

3 (1) IN GENERAL.—Subject to the availability of
4 appropriations, not later than 1 year after the date
5 of enactment of this Act, the Administrator of the
6 Environmental Protection Agency (referred to in
7 this section as the “Administrator”) shall carry out
8 a study that examines the state of existing and po-
9 tential future technology that enhances or could en-
10 hance the treatment, monitoring, affordability, effi-
11 ciency, and safety of drinking water provided by a
12 public water system (as defined in section 1401 of
13 the Safe Drinking Water Act (42 U.S.C. 300f)).

14 (2) REPORT.—The Administrator shall submit
15 to the Committee on Environment and Public Works
16 of the Senate and the Committee on Energy and
17 Commerce of the House of Representatives a report
18 that describes the results of the study under para-
19 graph (1).

20 (b) ADVANCED DRINKING WATER TECHNOLOGY
21 GRANT PROGRAM.—

22 (1) DEFINITIONS.—In this subsection:

23 (A) ELIGIBLE ENTITY.—The term “eligible
24 entity” means the owner or operator of a public
25 water system that—

26 (i) serves—

1 (I) a population of not more than
2 100,000 people; or

3 (II) an underserved community;
4 and

5 (ii) has plans to identify or has identi-
6 fied opportunities in the operations of the
7 public water system to employ new or
8 emerging, yet proven, technologies, as de-
9 termined by the Administrator, that en-
10 hance treatment, monitoring, affordability,
11 efficiency, or safety of the drinking water
12 provided by the public water system, in-
13 cluding technologies not identified in the
14 study conducted under subsection (a)(1).

15 (B) PROGRAM.—The term “program”
16 means the competitive grant program estab-
17 lished under paragraph (2).

18 (C) PUBLIC WATER SYSTEM.—The term
19 “public water system” has the meaning given
20 the term in section 1401 of the Safe Drinking
21 Water Act (42 U.S.C. 300f).

22 (D) UNDERSERVED COMMUNITY.—The
23 term “underserved community” means a polit-
24 ical subdivision of a State that, as determined

1 by the Administrator, has an inadequate system
2 for obtaining drinking water.

3 (2) ESTABLISHMENT.—The Administrator shall
4 establish a competitive grant program under which
5 the Administrator shall award grants to eligible enti-
6 ties for the purpose of deploying technologies de-
7 scribed in paragraph (1)(A)(ii).

8 (3) REQUIREMENTS.—

9 (A) APPLICATIONS.—To be eligible to re-
10 ceive a grant under the program, an eligible en-
11 tity shall submit to the Administrator an appli-
12 cation at such time, in such manner, and con-
13 taining such information as the Administrator
14 may require.

15 (B) LIMITATION.—A grant provided under
16 the program shall be in an amount that is not
17 more than \$500,000.

18 (C) FEDERAL SHARE.—

19 (i) IN GENERAL.—Subject to clause
20 (ii), the Federal share of the cost of a
21 project carried out using a grant under the
22 program shall not exceed 90 percent of the
23 total cost of the project.

1 (ii) WAIVER.—The Administrator may
2 increase the Federal share under clause (i)
3 to 100 percent.

4 (4) REPORT.—Not later than 1 year after the
5 date on which Administrator first awards a grant
6 under the program, and annually thereafter, the Ad-
7 ministrator shall submit to Congress a report de-
8 scribing—

9 (A) each recipient of a grant under the
10 program during the previous 1-year period; and

11 (B) a summary of the activities carried out
12 using grants awarded under the program.

13 (5) FUNDING.—

14 (A) AUTHORIZATION OF APPROPRIA-
15 TIONS.—There is authorized to be appropriated
16 to carry out the program \$10,000,000 for each
17 of fiscal years 2021 through 2024, to remain
18 available until expended.

19 (B) ADMINISTRATIVE COSTS.—Not more
20 than 2 percent of the amount made available
21 for a fiscal year under subparagraph (A) to
22 carry out the program may be used by the Ad-
23 ministrator for the administrative costs of car-
24 rying out the program.

1 **SEC. 14. DRINKING WATER INFRASTRUCTURE DISCRE-**
2 **TIONARY GRANT PROGRAM.**

3 (a) **ESTABLISHMENT.**—Not later than 1 year after
4 the date of enactment of this Act, the Administrator of
5 the Environmental Protection Agency (referred to in this
6 section as the “Administrator”) shall establish a drinking
7 water discretionary grant program (referred to in this sec-
8 tion as the “program”) to provide grants, on a competitive
9 basis, to eligible entities described in subsection (b) for
10 investments in drinking water infrastructure projects.

11 (b) **ELIGIBLE ENTITIES.**—An entity eligible to re-
12 ceive a grant under the program is—

13 (1) a State, interstate, intermunicipal, or local
14 governmental entity, agency, or instrumentality;

15 (2) a Tribal government or consortium of Trib-
16 al governments;

17 (3) a State infrastructure financing authority;
18 and

19 (4) a community water system or nonprofit
20 noncommunity water system (as those terms are de-
21 fined in section 1401 of the Safe Drinking Water
22 Act (42 U.S.C. 300f)).

23 (c) **ELIGIBLE PROJECTS.**—

24 (1) **IN GENERAL.**—A project eligible to be car-
25 ried out with funds under the program includes—

1 (A) 1 or more activities described in sub-
2 paragraphs (B) through (E) of section
3 1452(a)(2) of the Safe Drinking Water Act (42
4 U.S.C. 300j–12(a)(2));

5 (B) a program or project described in sec-
6 tion 1459A(l)(3) of the Safe Drinking Water
7 Act (42 U.S.C. 300j–19a(l)(3)); and

8 (C) any other drinking water infrastruc-
9 ture project that the Administrator determines
10 to appropriate.

11 (2) OTHER FEDERAL FUNDS.—Notwithstanding
12 any other provision of law, a project otherwise eligi-
13 ble under paragraph (1) shall not be ineligible for
14 funding because the project also received assist-
15 ance—

16 (A) from a State drinking water treatment
17 revolving loan fund established under section
18 1452 of the Safe Drinking Water Act (42
19 U.S.C. 300j–12);

20 (B) from a State water pollution control
21 revolving fund established under title VI of the
22 Federal Water Pollution Control Act (33 U.S.C.
23 1381 et seq.); or

1 (C) under the Water Infrastructure Fi-
2 nance and Innovation Act of 2014 (33 U.S.C.
3 3901 et seq.).

4 (d) APPLICATION.—

5 (1) IN GENERAL.—To be eligible to receive a
6 grant under the program, an eligible entity shall
7 submit to the Administrator an application in such
8 manner and containing such information as the Ad-
9 ministrator may require.

10 (2) BUNDLING OF PROJECTS.—An eligible enti-
11 ty may include more than 1 project in a single appli-
12 cation.

13 (3) DEADLINE.—An application shall be sub-
14 mitted to the Administrator not later than 180 days
15 after the date on which the notice of funding oppor-
16 tunity and the selection criteria are issued under
17 subsection (e)(1)(B).

18 (e) SELECTION.—

19 (1) CRITERIA.—

20 (A) IN GENERAL.—The Administrator
21 shall establish criteria in accordance with this
22 subsection to use in selecting projects to receive
23 a grant under the program.

24 (B) PUBLICATION.—Not later than 90
25 days after the date on which funds are made

1 available to carry out the program for each fis-
2 cal year, the Administrator shall—

3 (i) issue a notice of funding oppor-
4 tunity for the program; and

5 (ii) include in the notice the selection
6 criteria established under subparagraph
7 (A).

8 (2) PRIORITY.—In selecting projects to receive
9 a grant under the program, the Administrator shall
10 give priority to projects—

11 (A) for which a Federal grant would assist
12 in completing an overall financing package for
13 the project; and

14 (B) that would help bring public water sys-
15 tems (as defined in section 1401 of the Safe
16 Drinking Water Act (42 U.S.C. 300f)) into
17 compliance with the Safe Drinking Water Act
18 (42 U.S.C. 300f et seq.).

19 (3) GEOGRAPHICAL DISTRIBUTION.—For each
20 fiscal year, in providing grants under the program,
21 the Administrator shall ensure that the funds are
22 distributed—

23 (A) on an equitable geographical basis; and

24 (B) in a manner that balances the needs of
25 urban, suburban, and rural communities.

1 (4) DEADLINE.—Not later than 18 months
2 after the date on which funds are made available to
3 carry out the program for each fiscal year, the Ad-
4 ministrator shall select projects to receive grants
5 under the program.

6 (f) REQUIREMENTS.—

7 (1) TOTAL STATE LIMIT.—For each fiscal year,
8 the total amount provided under the program for
9 projects in a single State shall not exceed 20 percent
10 of the total amount made available to carry out the
11 program.

12 (2) NON-FEDERAL SHARE.—

13 (A) IN GENERAL.—The non-Federal share
14 of the cost of a project carried out with a grant
15 under the program shall be not less than 20
16 percent.

17 (B) OTHER FEDERAL SOURCES.—An eligi-
18 ble entity receiving a grant under the program
19 may use funds provided from other Federal
20 sources to meet the non-Federal share require-
21 ment under subparagraph (A).

22 (g) REGULATIONS.—The Administrator may promul-
23 gate such regulations as may be necessary to carry out
24 this section.

1 (h) LABOR STANDARDS.—Notwithstanding any other
2 provision of law, the Administrator may not provide a
3 grant under the program for a project unless the project
4 meets the requirements described in section 1450(e) of the
5 Safe Drinking Water Act (42 U.S.C. 300j–9(e)).

6 (i) REPORTS.—Not later than 2 years after the date
7 of enactment of this Act, the Administrator shall submit
8 to Congress and make publicly available a report on the
9 implementation of the program.

10 (j) FUNDING.—

11 (1) AUTHORIZATION OF APPROPRIATIONS.—

12 There is authorized to be appropriated to carry out
13 this section \$50,000,000 for each of fiscal years
14 2022 through 2024.

15 (2) AVAILABILITY.—Funds made available to
16 carry out this section shall be available until ex-
17 pended.

18 (3) ADMINISTRATIVE COSTS.—Not more than 2
19 percent of the amount made available for a fiscal
20 year under paragraph (1) may be used by the Ad-
21 ministrator for the administrative costs of carrying
22 out the program.

23 **SEC. 15. DRINKING WATER INFRASTRUCTURE GRANTS.**

24 (a) IN GENERAL.—The Administrator of the Envi-
25 ronmental Protection Agency may provide competitive

1 grants to units of local government, including units of
2 local government that own treatment works (as defined
3 in section 212 of the Federal Water Pollution Control Act
4 (33 U.S.C. 1292)), Indian tribes (as defined in section 4
5 of the Indian Self-Determination and Education Assist-
6 ance Act (25 U.S.C. 5304)), and public water systems (as
7 defined in section 1401 of the Safe Drinking Water Act
8 (42 U.S.C. 300f)), as applicable, to support improvements
9 in reducing and removing plastic waste and post-consumer
10 materials, including microplastics and microfibers, from
11 drinking water, including planning, design, construction,
12 technical assistance, and planning support for operational
13 adjustments.

14 (b) APPLICATIONS.—To be eligible to receive a grant
15 under subsection (a), an applicant shall submit to the Ad-
16 ministrator of the Environmental Protection Agency an
17 application at such time, in such manner, and containing
18 such information as the Administrator of the Environ-
19 mental Protection Agency may require.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 there is authorized to be appropriated to carry out
23 this section \$10,000,000 for each of fiscal years
24 2021 through 2025.

25 (2) NO IMPACT ON OTHER FEDERAL FUNDS.—

1 (A) IN GENERAL.—No funds shall be made
2 available under paragraph (1) to carry out this
3 section in a fiscal year if the total amount made
4 available to carry out the programs described in
5 subparagraph (B) for that fiscal year is less
6 than the total amount made available to carry
7 out the programs described in subparagraph
8 (B) for fiscal year 2019.

9 (B) PROGRAMS DESCRIBED.—The pro-
10 grams referred to in subparagraph (A) are—

11 (i) State drinking water treatment re-
12 volving loan funds established under sec-
13 tion 1452 of the Safe Drinking Water Act
14 (42 U.S.C. 300j–12);

15 (ii) programs for assistance for small
16 and disadvantaged communities under sub-
17 sections (a) through (j) of section 1459A
18 of the Safe Drinking Water Act (42 U.S.C.
19 300j–19a); and

20 (iii) State water pollution control re-
21 volving funds established under title VI of
22 the Federal Water Pollution Control Act
23 (33 U.S.C. 1381 et seq.).

1 **SEC. 16. PERFLUOROALKYL AND POLYFLUOROALKYL SUB-**
2 **STANCES.**

3 (a) NATIONAL PRIMARY DRINKING WATER REGULA-
4 TIONS FOR PFAS.—Section 1412(b) of the Safe Drinking
5 Water Act (42 U.S.C. 300g–1(b)) is amended by adding
6 at the end the following:

7 “(16) PERFLUOROALKYL AND
8 POLYFLUOROALKYL SUBSTANCES.—

9 “(A) IN GENERAL.—Not later than 2 years
10 after the date of enactment of this paragraph,
11 the Administrator shall, after notice and oppor-
12 tunity for public comment, promulgate a na-
13 tional primary drinking water regulation for
14 perfluoroalkyl and polyfluoroalkyl substances,
15 which shall, at a minimum, include standards
16 for—

17 “(i) perfluorooctanoic acid (commonly
18 referred to as ‘PFOA’); and

19 “(ii) perfluorooctane sulfonic acid
20 (commonly referred to as ‘PFOS’).

21 “(B) ALTERNATIVE PROCEDURES.—

22 “(i) IN GENERAL.—Not later than 1
23 year after the validation by the Adminis-
24 trator of an equally effective quality con-
25 trol and testing procedure to ensure com-
26 pliance with the national primary drinking

1 water regulation promulgated under sub-
2 paragraph (A) to measure the levels de-
3 scribed in clause (ii) or other methods to
4 detect and monitor perfluoroalkyl and
5 polyfluoroalkyl substances in drinking
6 water, the Administrator shall add the pro-
7 cedure or method as an alternative to the
8 quality control and testing procedure de-
9 scribed in such national primary drinking
10 water regulation by publishing the proce-
11 dure or method in the Federal Register in
12 accordance with section 1401(1)(D).

13 “(ii) LEVELS DESCRIBED.—The levels
14 referred to in clause (i) are—

15 “(I) the level of a perfluoroalkyl
16 or polyfluoroalkyl substance;

17 “(II) the total levels of
18 perfluoroalkyl and polyfluoroalkyl sub-
19 stances; and

20 “(III) the total levels of organic
21 fluorine.

22 “(C) INCLUSIONS.—The Administrator
23 may include a perfluoroalkyl or polyfluoroalkyl
24 substance or class of perfluoroalkyl or
25 polyfluoroalkyl substances on—

1 “(i) the list of contaminants for con-
2 sideration of regulation under paragraph
3 (1)(B)(i), in accordance with such para-
4 graph; and

5 “(ii) the list of unregulated contami-
6 nants to be monitored under section
7 1445(a)(2)(B)(i), in accordance with such
8 section.

9 “(D) MONITORING.—When establishing
10 monitoring requirements for public water sys-
11 tems as part of a national primary drinking
12 water regulation under subparagraph (A) or
13 subparagraph (F)(ii), the Administrator shall
14 tailor the monitoring requirements for public
15 water systems that do not detect or are reliably
16 and consistently below the maximum contami-
17 nant level (as defined in section 1418(b)(2)(B))
18 for the perfluoroalkyl or polyfluoroalkyl sub-
19 stance or class of perfluoroalkyl or
20 polyfluoroalkyl substances subject to the na-
21 tional primary drinking water regulation.

22 “(E) HEALTH RISK REDUCTION AND COST
23 ANALYSIS.—In meeting the requirements of
24 paragraph (3)(C), the Administrator may rely
25 on information available to the Administrator

1 with respect to 1 or more specific perfluoroalkyl
2 or polyfluoroalkyl substances to extrapolate rea-
3 soned conclusions regarding the health risks
4 and effects of a class of perfluoroalkyl or
5 polyfluoroalkyl substances of which the specific
6 perfluoroalkyl or polyfluoroalkyl substances are
7 a part.

8 “(F) REGULATION OF ADDITIONAL SUB-
9 STANCES.—

10 “(i) DETERMINATION.—The Adminis-
11 trator shall make a determination under
12 paragraph (1)(A), using the criteria de-
13 scribed in clauses (i) through (iii) of that
14 paragraph, whether to include a
15 perfluoroalkyl or polyfluoroalkyl substance
16 or class of perfluoroalkyl or polyfluoroalkyl
17 substances in the national primary drink-
18 ing water regulation under subparagraph
19 (A) not later than 18 months after the
20 later of—

21 “(I) the date on which the
22 perfluoroalkyl or polyfluoroalkyl sub-
23 stance or class of perfluoroalkyl or
24 polyfluoroalkyl substances is listed on
25 the list of contaminants for consider-

1 ation of regulation under paragraph
2 (1)(B)(i); and

3 “(II) the date on which—

4 “(aa) the Administrator has
5 received the results of monitoring
6 under section 1445(a)(2)(B) for
7 the perfluoroalkyl or
8 polyfluoroalkyl substance or class
9 of perfluoroalkyl or
10 polyfluoroalkyl substances; or

11 “(bb) the Administrator has
12 received reliable water data or
13 water monitoring surveys for the
14 perfluoroalkyl or polyfluoroalkyl
15 substance or class of
16 perfluoroalkyl or polyfluoroalkyl
17 substances from a Federal or
18 State agency that the Adminis-
19 trator determines to be of a qual-
20 ity sufficient to make a deter-
21 mination under paragraph
22 (1)(A).

23 “(ii) PRIMARY DRINKING WATER REG-
24 ULATIONS.—

1 “(I) IN GENERAL.—For each
2 perfluoroalkyl or polyfluoroalkyl sub-
3 stance or class of perfluoroalkyl or
4 polyfluoroalkyl substances that the
5 Administrator determines to regulate
6 under clause (i), the Administrator—

7 “(aa) not later than 18
8 months after the date on which
9 the Administrator makes the de-
10 termination, shall propose a na-
11 tional primary drinking water
12 regulation for the perfluoroalkyl
13 or polyfluoroalkyl substance or
14 class of perfluoroalkyl or
15 polyfluoroalkyl substances; and

16 “(bb) may publish the pro-
17 posed national primary drinking
18 water regulation described in
19 item (aa) concurrently with the
20 publication of the determination
21 to regulate the perfluoroalkyl or
22 polyfluoroalkyl substance or class
23 of perfluoroalkyl or
24 polyfluoroalkyl substances.

25 “(II) DEADLINE.—

1 “(aa) IN GENERAL.—Not
2 later than 1 year after the date
3 on which the Administrator pub-
4 lishes a proposed national pri-
5 mary drinking water regulation
6 under clause (i)(I) and subject to
7 item (bb), the Administrator
8 shall take final action on the pro-
9 posed national primary drinking
10 water regulation.

11 “(bb) EXTENSION.—The
12 Administrator, on publication of
13 notice in the Federal Register,
14 may extend the deadline under
15 item (aa) by not more than 6
16 months.

17 “(G) HEALTH ADVISORY.—

18 “(i) IN GENERAL.—Subject to clause
19 (ii), the Administrator shall publish a
20 health advisory under paragraph (1)(F) for
21 a perfluoroalkyl or polyfluoroalkyl sub-
22 stance or class of perfluoroalkyl or
23 polyfluoroalkyl substances not subject to a
24 national primary drinking water regulation
25 not later than 1 year after the later of—

1 “(I) the date on which the Ad-
2 ministrator finalizes a toxicity value
3 for the perfluoroalkyl or
4 polyfluoroalkyl substance or class of
5 perfluoroalkyl or polyfluoroalkyl sub-
6 stances; and

7 “(II) the date on which the Ad-
8 ministrator validates an effective qual-
9 ity control and testing procedure for
10 the perfluoroalkyl or polyfluoroalkyl
11 substance or class of perfluoroalkyl or
12 polyfluoroalkyl substances.

13 “(ii) WAIVER.—The Administrator
14 may waive the requirements of clause (i)
15 with respect to a perfluoroalkyl or
16 polyfluoroalkyl substance or class of
17 perfluoroalkyl and polyfluoroalkyl sub-
18 stances if the Administrator determines
19 that there is a substantial likelihood that
20 the perfluoroalkyl or polyfluoroalkyl sub-
21 stance or class of perfluoroalkyl or
22 polyfluoroalkyl substances will not occur in
23 drinking water with sufficient frequency to
24 justify the publication of a health advisory,
25 and publishes such determination, includ-

1 ing the information and analysis used, and
2 basis for, such determination, in the Fed-
3 eral Register.”.

4 (b) ENFORCEMENT.—Notwithstanding any other
5 provision of law, the Administrator of the Environmental
6 Protection Agency (referred to in this subsection as the
7 “Administrator”) may not impose financial penalties for
8 the violation of a national primary drinking water regula-
9 tion (as defined in section 1401 of the Safe Drinking
10 Water Act (42 U.S.C. 300f)) with respect to a
11 perfluoroalkyl or polyfluoroalkyl substance or class of
12 perfluoroalkyl or polyfluoroalkyl substances for which a
13 national primary drinking water regulation has been pro-
14 mulgated under subparagraph (A) or (F) of paragraph
15 (16) of section 1412(b) of the Safe Drinking Water Act
16 (42 U.S.C. 300g–1(b)) earlier than the date that is 5
17 years after the date on which the Administrator promul-
18 gates the national primary drinking water regulation.