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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

To authorize the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States.

IN THE HOUSE OF REPRESENTATIVES

Mr. CARBAJAL introduced the following bill; which was referred to the
Committee on _____

A BILL

To authorize the Administrator of the Environmental Protection Agency to establish a program of awarding grants to owners or operators of water systems to increase resiliency or adaptability of the systems to any ongoing or forecasted changes to the hydrologic conditions of a region of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Water Infrastructure
3 Resiliency and Sustainability Act of 2018”.

4 **SEC. 2. WATER INFRASTRUCTURE RESILIENCY AND SUS-**
5 **TAINABILITY.**

6 (a) DEFINITIONS.—In this section:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Environ-
9 mental Protection Agency.

10 (2) HYDROLOGIC CONDITIONS.—The term “hy-
11 drologic conditions” means the quality, quantity, or
12 reliability of the water resources of a region of the
13 United States.

14 (3) OWNER OR OPERATOR OF A WATER SYS-
15 TEM.—

16 (A) IN GENERAL.—The term “owner or
17 operator of a water system” means an entity
18 (including a regional, State, interstate, Tribal,
19 local, municipal, intermunicipal, or private enti-
20 ty) that owns or operates a water system.

21 (B) INCLUSION.—The term “owner or op-
22 erator of a water system” includes—

23 (i) a non-Federal entity that has oper-
24 ational responsibilities for a federally, trib-
25 ally, or State-owned water system; and

1 (ii) an entity established by an agree-
2 ment between—

3 (I) an entity that owns or oper-
4 ates a water system; and

5 (II) at least one other entity.

6 (4) WATER SYSTEM.—The term “water sys-
7 tem” means—

8 (A) a community water system (as defined
9 in section 1401 of the Safe Drinking Water Act
10 (42 U.S.C. 300f));

11 (B) a treatment works (as defined in sec-
12 tion 212 of the Federal Water Pollution Control
13 Act (33 U.S.C. 1292)), including a municipal
14 separate storm sewer system (as such term is
15 used in the Federal Water Pollution Control
16 Act (33 U.S.C. 1251 et seq.));

17 (C) a decentralized wastewater treatment
18 system for domestic sewage;

19 (D) a groundwater storage and replenish-
20 ment system;

21 (E) a system for conservation of water or
22 for transport and delivery of water for irriga-
23 tion; or

24 (F) a natural or engineered system that
25 manages floodwaters.

1 (b) PROGRAM.—The Administrator shall establish
2 and implement a program, to be known as the Water In-
3 frastructure Resiliency and Sustainability Program, under
4 which the Administrator awards grants in each of fiscal
5 years 2018 through 2022 to owners or operators of water
6 systems for the purpose of increasing the resiliency or
7 adaptability of the systems to any ongoing or forecasted
8 changes (based on the best available research and data)
9 to the hydrologic conditions of a region of the United
10 States.

11 (c) USE OF FUNDS.—As a condition on receipt of a
12 grant under this section, an owner or operator of a water
13 system shall agree to use the grant funds exclusively to
14 assist in the planning, design, construction, implementa-
15 tion, operation, or maintenance of a program or project
16 that meets the purpose described in subsection (b) by—

17 (1) conserving water or enhancing water use ef-
18 ficiency, including through the use of water metering
19 and electronic sensing and control systems to meas-
20 ure the effectiveness of a water efficiency program;

21 (2) modifying or relocating existing water sys-
22 tem infrastructure made or projected to be signifi-
23 cantly impaired by changing hydrologic conditions;

24 (3) preserving or improving water quality, in-
25 cluding through measures to manage, reduce, treat,

1 or reuse municipal stormwater, wastewater, or
2 drinking water;

3 (4) investigating, designing, or constructing
4 groundwater remediation, recycled water, or desali-
5 nation facilities or systems to serve existing commu-
6 nities;

7 (5) enhancing water management by increasing
8 watershed preservation and protection, including
9 through the use of natural or engineered green in-
10 frastructure in the management, conveyance, or
11 treatment of water, wastewater, or stormwater;

12 (6) enhancing energy efficiency or the use and
13 generation of renewable energy in the management,
14 conveyance, or treatment of water, wastewater, or
15 stormwater;

16 (7) supporting the adoption and use of ad-
17 vanced water treatment, water supply management
18 (such as reservoir reoperation and water banking),
19 or water demand management technologies, projects,
20 or processes (such as water reuse and recycling,
21 adaptive conservation pricing, and groundwater
22 banking) that maintain or increase water supply or
23 improve water quality;

24 (8) modifying or replacing existing systems or
25 constructing new systems for existing communities

1 or land currently in agricultural production to im-
2 prove water supply, reliability, storage, or convey-
3 ance;

4 (9) supporting practices and projects, such as
5 improved irrigation systems, water banking and
6 other forms of water transactions, groundwater re-
7 charge, stormwater capture, groundwater conjunc-
8 tive use, and reuse or recycling of drainage water,
9 to improve water quality or promote more efficient
10 water use on land currently in agricultural produc-
11 tion;

12 (10) reducing flood damage, risk, and vulner-
13 ability by—

14 (A) restoring floodplains, wetlands, and
15 uplands integral to flood management, protec-
16 tion, prevention, and response;

17 (B) modifying levees, floodwalls, and other
18 structures to reduce risks associated with rising
19 sea levels or to facilitate reconnection of rivers
20 to floodplains, reduce flood stage height, and
21 reduce damage to properties and populations;

22 (C) providing for acquisition and easement
23 of flood-prone lands and properties in order to
24 reduce damage to property and risk to popu-
25 lations; or

1 (D) promoting land use planning that pre-
2 vents future floodplain development;

3 (11) carrying out studies or assessments to
4 project how changing hydrologic conditions may im-
5 pact the future operations and sustainability of
6 water systems; or

7 (12) developing and implementing measures to
8 increase the resilience of water systems and regional
9 and hydrological basins to rapid hydrologic change
10 or a natural disaster.

11 (d) APPLICATION.—To seek a grant under this sec-
12 tion, the owner or operator of a water system shall submit
13 to the Administrator an application that—

14 (1) includes a proposal of the program or
15 project to be planned, designed, constructed, imple-
16 mented, operated, or maintained by the water sys-
17 tem;

18 (2) cites the best available research or data that
19 demonstrate—

20 (A) the risk to the water resources or in-
21 frastructure of the water system as a result of
22 ongoing or forecasted changes to the
23 hydrological system of a region, including rising
24 sea levels and changes in precipitation patterns;
25 and

1 (B) how the proposed program or project
2 would perform under the anticipated hydrologic
3 conditions; and

4 (3) explains how the proposed program or
5 project is expected—

6 (A) to enhance the resiliency of the water
7 system to the anticipated hydrologic conditions;
8 or

9 (B) to increase efficiency in the use of en-
10 ergy or water of the water system.

11 (e) PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.—

12 (1) IN GENERAL.—If an applicant for a grant
13 under this section is not a State or local govern-
14 ment, an agency or instrumentality of a State or
15 local government, or a Tribal government or consor-
16 tium of Tribal governments, the program or project
17 to be planned, designed, constructed, implemented,
18 operated, or maintained through the grant shall be
19 publicly sponsored.

20 (2) PUBLIC SPONSORSHIP.—For purposes of
21 this subsection, a program or project shall be consid-
22 ered to be publicly sponsored if the grantee dem-
23 onstrates, to the satisfaction of the Administrator,
24 that—

1 (A) the grantee has consulted with the af-
2 fected State, local, or tribal government in
3 which the program or project is located, or that
4 is otherwise affected by the program or project;
5 and

6 (B) such government supports the program
7 or project.

8 (f) PRIORITY; DIVERSITY OF PROJECT TYPES.—In
9 selecting grantees under this section, the Administrator
10 shall—

11 (1) give priority to owners or operators of water
12 systems—

13 (A) that are, based on the best available
14 research and data, at the greatest and most im-
15 mediate risk of facing significant negative im-
16 pacts due to changing hydrologic conditions;
17 and

18 (B) whose proposed projects would most
19 effectively deliver long-term solutions to those
20 risks; and

21 (2) ensure that grants are awarded each fiscal
22 year for a diverse range of programs and projects
23 described in paragraphs (1) through (12) of sub-
24 section (c).

25 (g) COST-SHARING.—

1 (1) FEDERAL SHARE.—The share of the cost of
2 any program or project that is the subject of a grant
3 awarded by the Administrator to the owner or oper-
4 ator of a water system under subsection (b) paid
5 through funds distributed under this section shall
6 not exceed 75 percent of the cost of the program or
7 project.

8 (2) CALCULATION OF NON-FEDERAL SHARE.—
9 In calculating the non-Federal share of the cost of
10 a program or project proposed by a water system in
11 an application submitted under subsection (d), the
12 Administrator shall—

13 (A) include the value of any in-kind serv-
14 ices that are integral to the completion of the
15 program or project, including reasonable admin-
16 istrative and overhead costs; and

17 (B) not include any other amount that the
18 water system involved receives from the Federal
19 Government.

20 (h) REPORT TO CONGRESS.—Not later than 3 years
21 after the date of the enactment of this Act, and every 3
22 years thereafter, the Administrator shall submit to the
23 Congress a report on progress in implementing this sec-
24 tion, including information on project applications received
25 and funded annually.

1 (i) AUTHORIZATION OF APPROPRIATIONS.—To carry
2 out this section, there is authorized to be appropriated
3 \$50,000,000 for each of fiscal years 2018 through 2022.