

115TH CONGRESS
1ST SESSION

S. _____

To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to include provisions relating to drinking water and wastewater infrastructure, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to include provisions relating to drinking water and wastewater infrastructure, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 **[“_____ Act of 2017”].**

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 101. Sense of Congress on appropriations levels.
 Sec. 102. Other authorized activities.
 Sec. 103. Negotiation of contracts.
 Sec. 104. WaterSense program.

TITLE II—WASTEWATER INFRASTRUCTURE

- Sec. 201. Sewer overflow control grants.

1 **TITLE I—DRINKING WATER**
 2 **INFRASTRUCTURE**

3 **SEC. 101. SENSE OF CONGRESS ON APPROPRIATIONS LEV-**
 4 **ELS.**

5 It is the sense of Congress that Congress should pro-
 6 vide robust funding of capitalization grants to States to
 7 fund those States’ drinking water treatment revolving loan
 8 funds established under section 1452 of the Safe Drinking
 9 Water Act (42 U.S.C. 300j–12) and the State water pollu-
 10 tion control revolving funds established under title VI of
 11 the Federal Water Pollution Control Act (33 U.S.C. 1381
 12 et seq.).

13 **SEC. 102. OTHER AUTHORIZED ACTIVITIES.**

14 Section 1452(k) of the Safe Drinking Water Act (42
 15 U.S.C. 300j–12(k)) is amended—

16 (1) in paragraph (1)(D), by inserting “and the
 17 implementation of plans to protect source water
 18 identified in a source water assessment under sec-
 19 tion 1453” before the period at the end; and

20 (2) in paragraph (2)(E), by inserting “and im-
 21 plement plans to protect source water identified in

1 a source water assessment under section 1453” after
2 “wellhead protection programs”.

3 **SEC. 103. NEGOTIATION OF CONTRACTS.**

4 Section 1452 of the Safe Drinking Water Act (42
5 U.S.C. 300j–12) is amended by adding at the end the fol-
6 lowing:

7 “(s) NEGOTIATION OF CONTRACTS.—For commu-
8 nities with populations of more than 10,000 individuals,
9 a contract to be carried out using funds directly made
10 available by a capitalization grant under this section for
11 program management, construction management, feasi-
12 bility studies, preliminary engineering, design, engineer-
13 ing, surveying, mapping, or architectural or related serv-
14 ices shall be negotiated in the same manner as—

15 “(1) a contract for architectural and engineer-
16 ing services is negotiated under chapter 11 of title
17 40, United States Code; or

18 “(2) an equivalent State qualifications-based re-
19 quirement (as determined by the Governor of the
20 State).”.

21 **SEC. 104. WATERSENSE PROGRAM.**

22 The Safe Drinking Water Act (42 U.S.C. 300j et
23 seq.) is amended by adding after Part F the following:

1 **“PART G—ADDITIONAL PROVISIONS**

2 **“SEC. 1471. WATERSENSE PROGRAM.**

3 “(a) ESTABLISHMENT OF WATERSENSE PRO-
4 GRAM.—

5 “(1) IN GENERAL.—There is established within
6 the Agency a voluntary WaterSense program to
7 identify and promote water-efficient products, build-
8 ings, landscapes, facilities, processes, and services
9 that, through voluntary labeling of, or other forms
10 of communications regarding, products, buildings,
11 landscapes, facilities, processes, and services while
12 meeting strict performance criteria, sensibly—

13 “(A) reduce water use;

14 “(B) reduce the strain on public and com-
15 munity water systems and wastewater and
16 stormwater infrastructure;

17 “(C) conserve energy used to pump, heat,
18 transport, and treat water; and

19 “(D) preserve water resources for future
20 generations.

21 “(2) INCLUSIONS.—The Administrator shall,
22 consistent with this section, identify water-efficient
23 products, buildings, landscapes, facilities, processes,
24 and services, including categories such as—

25 “(A) irrigation technologies and services;

26 “(B) point-of-use water treatment devices;

1 “(C) plumbing products;

2 “(D) reuse and recycling technologies;

3 “(E) landscaping and gardening products,
4 including moisture control or water enhancing
5 technologies;

6 “(F) xeriscaping and other landscape con-
7 versions that reduce water use;

8 “(G) whole house humidifiers; and

9 “(H) water-efficient buildings or facilities.

10 “(b) DUTIES.—The Administrator, coordinating as
11 appropriate with the Secretary of Energy, shall—

12 “(1) establish—

13 “(A) a WaterSense label to be used for
14 items meeting the certification criteria estab-
15 lished in accordance with this section; and

16 “(B) the procedure, including the methods
17 and means, and criteria by which an item may
18 be certified to display the WaterSense label;

19 “(2) enhance public awareness regarding the
20 WaterSense label through outreach, education, and
21 other means;

22 “(3) preserve the integrity of the WaterSense
23 label by—

24 “(A) establishing and maintaining feasible
25 performance criteria so that products, build-

1 ings, landscapes, facilities, processes, and serv-
2 ices labeled with the WaterSense label perform
3 as well or better than less water-efficient coun-
4 terparts;

5 “(B) overseeing WaterSense certifications
6 made by third parties;

7 “(C) as determined appropriate by the Ad-
8 ministrators, using testing protocols, from the
9 appropriate, applicable, and relevant consensus
10 standards, for the purpose of determining
11 standards compliance; and

12 “(D) auditing the use of the WaterSense
13 label in the marketplace and preventing cases of
14 misuse; and

15 “(4) not more than 6 years after adoption or
16 major revision of any WaterSense specification, re-
17 view and, if appropriate, revise the specification to
18 achieve additional water savings;

19 “(5) in revising a WaterSense specification—

20 “(A) provide reasonable notice to inter-
21 ested parties and the public of any changes, in-
22 cluding effective dates, and an explanation of
23 the changes;

24 “(B) solicit comments from interested par-
25 ties and the public prior to any changes;

1 “(C) as appropriate, respond to comments
2 submitted by interested parties and the public;
3 and

4 “(D) provide an appropriate transition
5 time prior to the applicable effective date of any
6 changes, taking into account the timing nec-
7 essary for the manufacture, marketing, train-
8 ing, and distribution of the specific water-effi-
9 cient product, building, landscape, process, or
10 service category being addressed; and

11 “(6) not later than December 31, 2018, con-
12 sider for review and revision any WaterSense speci-
13 fication adopted before January 1, 2012.

14 “(c) TRANSPARENCY.—The Administrator shall, to
15 the maximum extent practicable and not less than annu-
16 ally, regularly estimate and make available to the public
17 the production and relative market shares and savings of
18 water, energy, and capital costs of water, wastewater, and
19 stormwater attributable to the use of WaterSense-labeled
20 products, buildings, landscapes, facilities, processes, and
21 services.

22 “(d) DISTINCTION OF AUTHORITIES.—In setting or
23 maintaining specifications for Energy Star pursuant to
24 section 324A of the Energy Policy and Conservation Act
25 (42 U.S.C. 6294a), and WaterSense under this section,

1 the Secretary of Energy and Administrator shall coordi-
2 nate to prevent duplicative or conflicting requirements
3 among the respective programs.

4 “(e) NO WARRANTY.—A WaterSense label shall not
5 create an express or implied warranty.”.

6 **TITLE II—WASTEWATER** 7 **INFRASTRUCTURE**

8 **SEC. 201. SEWER OVERFLOW CONTROL GRANTS.**

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

11 (1) in subsection (a), by striking the subsection
12 designation and heading and all that follows through
13 “subject to subsection (g), the Administrator may”
14 in paragraph (2) and inserting the following:

15 “(a) AUTHORITY.—The Administrator may—

16 “(1) make grants to States for the purpose of
17 providing grants to a municipality or municipal enti-
18 ty for planning, designing, and constructing—

19 “(A) treatment works to intercept, trans-
20 port, control, or treat municipal combined sewer
21 overflows and sanitary sewer overflows; and

22 “(B) measures to manage, reduce, treat, or
23 recapture stormwater or subsurface drainage
24 water; and

25 “(2) subject to subsection (g),”;

1 (2) in subsection (b)—

2 (A) in paragraph (1), by striking the semi-
3 colon at the end and inserting “; or”;

4 (B) by striking paragraphs (2) and (3);
5 and

6 (C) by redesignating paragraph (4) as
7 paragraph (2);

8 (3) by striking subsections (e) through (g) and
9 inserting the following:

10 “(e) ADMINISTRATIVE REQUIREMENTS.—

11 “(1) IN GENERAL.—Subject to paragraph (2), a
12 project that receives grant assistance under sub-
13 section (a) shall be carried out subject to the same
14 requirements as a project that receives assistance
15 from a State water pollution control revolving fund
16 established pursuant to title VI.

17 “(2) DETERMINATION OF GOVERNOR.—The re-
18 quirement described in paragraph (1) shall not apply
19 to a project that receives grant assistance under
20 subsection (a) to the extent that the Governor of the
21 State in which the project is located determines that
22 a requirement described in title VI is inconsistent
23 with the purposes of this section.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section,
3 to remain available until expended—

4 【“(1) \$250,000,000 for fiscal year 2017;】

5 【“(2) \$300,000,000 for fiscal year 2018;】

6 【“(3) \$350,000,000 for fiscal year 2019;】

7 【“(4) \$400,000,000 for fiscal year 2020; and】

8 【“(5) \$500,000,000 for fiscal year 2021.】

9 “(g) ALLOCATION OF FUNDS.—

10 “(1) FISCAL YEAR 【2017 AND 2018】.—For each
11 of fiscal years 【2017 and 2018】, subject to sub-
12 section (h), the Administrator shall use the amounts
13 made available to carry out this section to provide
14 grants to municipalities and municipal entities under
15 subsection (a)(2)—

16 “(A) in accordance with the priority cri-
17 teria described in subsection (b); and

18 “(B) with additional priority given to pro-
19 posed projects that involve the use of—

20 “(i) nonstructural, low-impact devel-
21 opment;

22 “(ii) water conservation, efficiency, or
23 reuse; or

1 “(iii) other decentralized stormwater
2 or wastewater approaches to minimize
3 flows into the sewer systems.

4 “(2) FISCAL YEAR **[2019]** AND THEREAFTER.—
5 For fiscal year **[2019]** and each fiscal year there-
6 after, subject to subsection (h), the Administrator
7 shall use the amounts made available to carry out
8 this section to provide grants to States under sub-
9 section (a)(1) in accordance with a formula that—

10 “(A) shall be established by the Adminis-
11 trator, after providing notice and an oppor-
12 tunity for public comment; and

13 “(B) allocates to each State a proportional
14 share of the amounts based on the total needs
15 of the State for municipal combined sewer over-
16 flow controls and sanitary sewer overflow con-
17 trols, as identified in the most recent survey—

18 “(i) conducted under section 210; and

19 “(ii) included in a report required
20 under section 516(b)(1).”; and

21 (4) by striking subsection (i).