To increase efficiency and conservation in public water systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19 (legislative day, MAY 17), 2022

Mr. PADILLA introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To increase efficiency and conservation in public water systems, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Efficiency, Con-
servation, and Sustainability Act of 2022”.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Adminis-

trator” means the Administrator of the Environ-

mental Protection Agency.
(2) ELIGIBLE ENTITY.—The term “eligible entity” means any of the following:

(A) A State, local, or Tribal government, or any special-purpose unit of such a government (including a municipal water authority).

(B) A public water system.

(C) A nonprofit organization.


(4) LOW-INCOME HOUSEHOLD.—The term “low-income household” includes a household that is—

(A) eligible to receive payments under—

(i) section 2605(b)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(2)); or

(ii) the Low-Income Household Drinking Water and Wastewater Emergency Assistance Program authorized by section 533 of division H of the Consolidated Appropriations Act, 2021 (Public Law 116–260; 134 Stat. 1627); or
(B) within a disadvantaged community (as defined in section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j-12(d)(3))).

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

(6) WATER EFFICIENCY INCENTIVE PROGRAM.—The term “water efficiency incentive program” means a program for providing incentives, including direct installation services, to residential, commercial, or industrial customers of a public water system for the purchase, lease, installation, use, or implementation, as applicable, of water-efficient upgrades.

(7) WATER-EFFICIENT UPGRADE.—
(A) IN GENERAL.—The term “water-efficient upgrade” means a product, landscape, label, process, or service for a residential, commercial, or industrial building, or the landscape of such a building, that is—

(i) rated for water efficiency and performance under the WaterSense program, the Energy Star program, or such other
methodology as determined to be appropriate by the Administrator; or

(ii) otherwise determined by the Administrator to improve water-use efficiency.

(B) INCLUSIONS.—The term “water-efficient upgrade” includes—

(i) a faucet;

(ii) a showerhead;

(iii) a dishwasher;

(iv) a toilet;

(v) a clothes washer;

(vi) an irrigation product or service;

(vii) advanced metering infrastructure;

(viii) a flow monitoring device;

(ix) a landscaping or gardening product, including moisture control or water-enhancing technology;

(x) xeriscaping, turf removal, or another landscape conversion that reduces water use (except for the installation of artificial turf); and

(xi) any other product, landscape, process, or service—
(I) certified pursuant to the WaterSense program; or

(II) otherwise determined by the Administrator to reduce water use or water loss, including products rated for water efficiency and performance under the Energy Star program.

(8) WATER LOSS CONTROL PROGRAM.—The term “water loss control program” means a program to identify and quantify water uses and losses, implement controls to reduce or eliminate losses and leaks, and evaluate the effectiveness of such controls.

(9) WATERSENSE PROGRAM.—The term “WaterSense program” means the program established by section 324B of the Energy Policy and Conservation Act (42 U.S.C. 6294b).

SEC. 3. WATER EFFICIENCY AND CONSERVATION GRANT PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a program to award grants to eligible entities that have established water efficiency incentive programs to carry out those water efficiency incentive programs (referred to in this section as the “grant program”).

(b) DISTRIBUTION.—In carrying out the grant program, the Administrator shall award not less than 50 per-
cent of the amounts made available to carry out this section in each fiscal year to eligible entities that service an area that—

(1) has been designated as D2 (severe drought) or greater according to the United States Drought Monitor for a minimum of 4 weeks during any of the 3 years preceding the date of the grant award; or

(2) is within a county for which a drought emergency has been declared by the applicable Governor at any time during the 3-year period preceding the date of the grant award.

(c) Grant Amount.—

(1) In general.—Subject to paragraph (2), a grant awarded under the grant program shall be in an amount that is not less than $250,000.

(2) Small public water systems.—The Administrator may award a grant in an amount that is less than $250,000 if the grant is awarded to, or for the benefit of, a public water system that serves fewer than 10,000 customers.

(d) Use of Funds.—An eligible entity receiving a grant under the grant program shall—

(1) use grant funds to carry out a water efficiency incentive program for customers of a public water system; or
(2) provide grant funds to another eligible entity to carry out a water efficiency incentive program described in paragraph (1).

(e) MINIMUM REQUIREMENT.—An eligible entity receiving a grant under the grant program shall use not less than 40 percent of the amount of the grant to provide water-efficient upgrades to low-income households.

(f) COST SHARE.—

(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of carrying out a water efficiency incentive program using a grant awarded under the grant program shall not exceed 80 percent.

(2) WAIVER.—The Administrator may increase the Federal share under paragraph (1) to 100 percent if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

(g) SUPPLEMENT, NOT SUPPLANT.—Amounts provided under a grant under the grant program shall be used to supplement, and not supplant, other Federal, State, local, or Tribal funds made available to carry out water efficiency incentive programs.

(h) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2023 through 2028.

(2) ADMINISTRATIVE COSTS.—Of the amounts made available under paragraph (1) for grants under the grant program each fiscal year, the Administrator may use not more than 4 percent to pay the administrative costs of the Administrator.

SEC. 4. SUSTAINABLE WATER LOSS CONTROL PROGRAM.

(a) TECHNICAL ASSISTANCE AND GRANT PROGRAM.—The Administrator shall establish and carry out a program (referred to in this section as the “program”)—

(1) to make grants and provide technical assistance to eligible entities to perform annual audits of public water systems that are—

(A) conducted in accordance with the procedures contained in the manual published by the American Water Works Association entitled “M36 Water Audits and Loss Control Programs, Fourth Edition” (or any successor manual determined appropriate by the Administrator); and

(B) validated under such criteria as may be specified by the Administrator; and
(2) to make grants and provide technical assistance to eligible entities—

(A) to implement controls to address real losses, apparent losses, or a combination of real and apparent losses that are identified in an audit conducted and validated in accordance with the procedures and criteria described in paragraph (1); and

(B) to help public water systems that have conducted and validated such an audit establish water loss control programs.

(b) CRITERIA.—In selecting eligible entities to receive grants and technical assistance under the program, the Administrator shall consider—

(1) the percentage of customers of the public water system that would be served by the grants or technical assistance that are low-income households;

and

(2) the ability of the public water system that would be served by the grants or technical assistance, on completion of an audit conducted and validated in accordance with the procedures and criteria described in subsection (a)(1)—

(A) to successfully sustain a water loss control program; and
(B) to demonstrate that the water loss control program will reduce real losses, apparent losses, or a combination of real and apparent losses in the public water system.

(c) Annual Water Savings.—The Administrator shall—

(1) annually compile, by Environmental Protection Agency region, information on the amount of water savings achieved pursuant to this section; and

(2) publish on the website of the Administrator the information compiled under paragraph (1).

(d) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2023 through 2028, of which—

(A) $20,000,000 each fiscal year shall be used to carry out subsection (a)(1); and

(B) $20,000,000 each fiscal year shall be used to carry out subsection (a)(2).

(2) Administrative Costs.—Of the amounts made available under paragraph (1) for grants under the program each fiscal year, the Administrator may use not more than 4 percent to pay the administrative costs of the Administrator.
SEC. 5. ASSISTANCE FOR WATER EFFICIENT PLUMBING CODE ADOPTION.

(a) Water Efficient Plumbing Codes.—The Administrator shall establish a program to make grants to States, Tribal governments, and units of local government that have authority to adopt plumbing codes—

(1) to adopt plumbing codes that meet or exceed—

(A) the latest American National Standard published as the “Water Efficiency and Sanitation Standard for the Built Environment” or “WE–Stand” (or any successor American National Standard); or

(B) the requirements described in Chapter 6 (Water Use Efficiency) of the code published by the International Code Council entitled “2018 International Green Construction Code (IGCC)” (or any successor requirements described in a code published by the International Code Council); and

(2) to implement a plan for the jurisdiction to achieve, within 5 years of the date on which the jurisdiction receives the grant, compliance with a plumbing code described in paragraph (1) in at least 90 percent of new and renovated residential, com-
commercial, and industrial buildings, as applicable, which shall include—

(A) workforce training;

(B) an enforcement program; and

(C) a compliance measurement program.

(b) Subgrant Authority.—A State that has adopted a plumbing code described in subsection (a)(1) may use funds from a grant under this section to make subgrants to relevant Tribal or local agencies to implement the plumbing code through 1 or more of the following:

(1) Workforce training.

(2) An enforcement program.

(3) A compliance measurement program.

(c) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2023 through 2028.

(2) Administrative costs.—Of the amounts made available under paragraph (1) for grants under this section each fiscal year, the Administrator may use not more than 4 percent to pay the administrative costs of the Administrator.