

109TH CONGRESS  
1ST SESSION

**H. R. 2684**

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2005

Mrs. KELLY (for herself and Mrs. TAUSCHER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

# A BILL

To amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, 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; AMENDMENT OF FEDERAL  
4 WATER POLLUTION CONTROL ACT.

5 (a) IN GENERAL.—This Act may be cited as the  
6 “Clean Water Infrastructure Financing Act of 2005”.

7 (b) AMENDMENT OF FEDERAL WATER POLLUTION  
8 CONTROL ACT.—Except as otherwise expressly provided,  
9 whenever in this Act an amendment or repeal is expressed

1 in terms of an amendment to, or repeal of, a section or  
2 other provision, the reference shall be considered to be  
3 made to a section or other provision of the Federal Water  
4 Pollution Control Act (33 U.S.C. 1251 et seq.).

5 **SEC. 2. GENERAL AUTHORITY FOR CAPITALIZATION**  
6 **GRANTS.**

7 Section 601(a) (33 U.S.C. 1381(a)) is amended by  
8 striking “(1) for construction” and all that follows  
9 through the period and inserting “to accomplish the pur-  
10 poses of this Act.”.

11 **SEC. 3. CAPITALIZATION GRANTS AGREEMENTS.**

12 (a) REQUIREMENTS FOR CONSTRUCTION OF TREAT-  
13 MENT WORKS.—Section 602(b)(6) (33 U.S.C.  
14 1382(b)(6)) is amended to read as follows:

15 “(6) treatment works eligible under section  
16 603(c)(1) of this Act constructed in whole or in part  
17 with funds made available by a State water pollution  
18 control revolving fund under this title and section  
19 205(m) of this Act will meet the requirements of  
20 section 513 of this Act in the same manner as treat-  
21 ment works constructed with assistance under title  
22 II of this Act;”.

23 (b) ARCHITECTURAL AND ENGINEERING CON-  
24 TRACTS.—Section 602(b) (33 U.S.C. 1382(b)) is amend-  
25 ed—

1 (1) by striking “and” at the end of paragraph  
2 (9);

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

6       “(11) the State will require that each contract  
7       and subcontract for program management, construc-  
8       tion management, planning studies, feasibility stud-  
9       ies, architectural services, preliminary engineering,  
10      design, engineering, surveying, mapping, and related  
11      services entered into using amounts from the fund  
12      will be awarded in the same way that a contract for  
13      architectural and engineering services is awarded  
14      under chapter 11 of title 40, United States Code, or  
15      an equivalent qualifications-based requirement pre-  
16      scribed by the State, except that such an award shall  
17      not be construed as conferring a proprietary interest  
18      upon the United States.”.

19 (c) GUIDANCE FOR SMALL SYSTEMS.—Section 602  
20 (33 U.S.C. 1382) is amended by adding at the end the  
21 following:

## 22 (c) GUIDANCE FOR SMALL SYSTEMS.—

23               “(1) SIMPLIFIED PROCEDURES.—Not later than  
24               1 year after the date of enactment of this sub-  
25               section, the Administrator shall assist the States in

1 establishing simplified procedures for small systems  
2 to obtain assistance under this title.

3       “(2) PUBLICATION OF MANUAL.—Not later  
4 than 1 year after the date of enactment of this sub-  
5 section, and after providing notice and opportunity  
6 for public comment, the Administrator shall publish  
7 a manual to assist small systems in obtaining assist-  
8 ance under this title and publish in the Federal Reg-  
9 ister notice of the availability of the manual.

10       “(3) SMALL SYSTEM DEFINED.—For purposes  
11 of this title, the term ‘small system’ means a system  
12 for which a municipality or intermunicipal, inter-  
13 state, or State agency seeks assistance under this  
14 title and which serves a population of 10,000 or  
15 less.”.

**16 SEC. 4. WATER POLLUTION CONTROL REVOLVING FUNDS.**

17       (a) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—Sec-  
18 tion 603(c) (33 U.S.C. 1383(c)) is amended to read as  
19 follows:

20       “(c) ACTIVITIES ELIGIBLE FOR ASSISTANCE.—

21       “(1) IN GENERAL.—The amounts of funds  
22 available to each State water pollution control re-  
23 volving fund shall be used only for providing finan-  
24 cial assistance to activities that have as a principal  
25 benefit the improvement or protection of water qual-

1       ity of navigable waters to a municipality, intermunicipal agency, interstate agency, State agency, or other person. Such activities may include the following:

5               “(A) Construction of a publicly owned treatment works.

7               “(B) Implementation of lake protection programs and projects under section 314.

9               “(C) Implementation of a management program under section 319.

11               “(D) Implementation of a conservation and management plan under section 320.

13               “(E) Restoration or protection of publicly or privately owned riparian areas, including acquisition of property rights.

16               “(F) Implementation of measures to promote beneficial reuse of wastewater.

18               “(G) Development and implementation of plans by a public recipient to prevent water pollution.

21               “(H) Acquisition of lands necessary to meet any mitigation requirements related to construction of a publicly owned treatment works.

1                   “(I) Implementation of measures to en-  
2                   hance the security of publicly owned treatment  
3                   works.

4                   “(J) Replacement and rehabilitation of  
5                   treatment works to intercept, transport, control,  
6                   or treat municipal combined sewer overflows  
7                   and sanitary sewer overflows.

8                   “(2) FUND AMOUNTS.—The water pollution  
9                   control revolving fund of a State shall be established,  
10                   maintained, and credited with repayments, and the  
11                   fund balance shall be available in perpetuity for pro-  
12                   viding financial assistance described in paragraph  
13                   (1). Fees charged by a State to recipients of such  
14                   assistance may be deposited in the fund for the sole  
15                   purpose of financing the cost of administration of  
16                   this title.”.

17                   (b) LOAN GUARANTEES.—Section 603(d)(5) (33  
18 U.S.C. 1383(d)(5)) is amended to read as follows:

19                   “(5) to provide loan guarantees for—  
20                   “(A) similar revolving funds established by  
21                   municipalities or intermunicipal agencies; and  
22                   “(B) developing and implementing innova-  
23                   tive technologies.”.

24                   (c) ADMINISTRATIVE EXPENSES.—Section 603(d)(7)  
25 (33 U.S.C. 1383(d)(7)) is amended by inserting before the

1 period at the end the following: “or \$400,000 per year  
2 or ½ percent per year of the current valuation of such  
3 fund, whichever is greater, plus the amount of any fees  
4 collected by the State for such purpose under subsection  
5 (c)(2)”.  
6

6 (d) TECHNICAL AND PLANNING ASSISTANCE FOR  
7 SMALL SYSTEMS.—Section 603(d) (33 U.S.C. 1383(d)) is  
8 amended—

9 (1) by striking “and” at the end of paragraph  
10 (6);

11 (2) by striking the period at the end of para-  
12 graph (7) and inserting a semicolon; and

13 (3) by adding at the end the following:

14 “(8) to provide to small systems technical and  
15 planning assistance and assistance in financial man-  
16 agement, user fee analysis, budgeting, capital im-  
17 provement planning, facility operation and mainte-  
18 nance, repair schedules, and other activities to im-  
19 prove wastewater treatment plant operations, except  
20 that such amounts shall not exceed 2 percent of all  
21 grant awards to such fund under this title; and”.

22 (e) GRANTS TO FINANCIALLY DISTRESSED COMMU-  
23 NITIES.—Section 603(d) (33 U.S.C. 1383(d)) is further  
24 amended by adding at the end the following:

1               “(9) to make grants to financially distressed  
2       communities in the State in the amounts specified in  
3       subsection (i).”.

4       (f) CONSISTENCY WITH PLANNING REQUIRE-  
5       MENTS.—Section 603(f) (33 U.S.C. 1383(f)) is amended  
6       by striking “is consistent” and inserting “is not incon-  
7       sistent”.

8       (g) CONSTRUCTION ASSISTANCE.—Section 603(g)  
9       (33 U.S.C. 1383(g)) is amended to read as follows:

10      “(g) CONSTRUCTION ASSISTANCE.—

11       “(1) PRIORITY LIST REQUIREMENT.—The State  
12       may provide financial assistance from its water pol-  
13       lution control revolving fund with respect to a  
14       project for construction of a publicly owned treat-  
15       ment works only if such project is on the State’s pri-  
16       ority list under section 216 of this Act without re-  
17       gard to the rank of such project on the State’s pri-  
18       ority list.

19       “(2) ELIGIBILITY OF CERTAIN TREATMENT  
20       WORKS.—A treatment works shall be treated as a  
21       publicly owned treatment works for purposes of sub-  
22       section (c) if the treatment works, without regard to  
23       ownership, would be considered a publicly owned  
24       treatment works and is principally treating munic-  
25       ipal waste water or domestic sewage.”.

1       (h) FINANCIALLY DISTRESSED COMMUNITIES.—Section 603 is amended by adding at the end the following:

3       “(i) FINANCIALLY DISTRESSED COMMUNITIES.—

4       “(1) GRANTS.—

5           “(A) IN GENERAL.—In any fiscal year in which the Administrator has available for obligation more than \$1,400,000,000 for the purposes of this title, a State shall make grants to financially distressed communities in the State in an amount equal to 25 percent of the difference between—

12           “(i) the total amount that would have been allotted to the State under section 604 for such fiscal year if the amount available to the Administrator for obligation under this title for such fiscal year had been equal to \$1,400,000,000; and

18           “(ii) the total amount allotted to the State under section 604 for such fiscal year.

21           “(B) PERIOD OF AVAILABILITY.—Notwithstanding section 604(c), amounts to be used by a State under this paragraph for making grants to financially distressed communities shall remain available to the State until expended.

1                   “(C) CERTIFICATION.—A State may make  
2                   a grant to a financially distressed community  
3                   under this paragraph only if the community  
4                   certifies to the State that the amounts of the  
5                   grant will be used to improve water quality.

6                   “(2) PRIORITY FOR LOANS.—A State may give  
7                   priority to a financially distressed community in  
8                   making loans from its water pollution control revolv-  
9                   ing fund.

10                  “(3) FINANCIALLY DISTRESSED COMMUNITY  
11                  DEFINED.—In this section, the term ‘financially dis-  
12                  tressed community’ means any community that  
13                  meets affordability criteria established by the State  
14                  in which the treatment works is located, if such cri-  
15                  teria are developed after public review and comment.

16                  “(4) INFORMATION TO ASSIST STATES.—The  
17                  Administrator may publish information to assist  
18                  States in establishing affordability criteria under  
19                  paragraph (3).”.

20 **SEC. 5. ASSET MANAGEMENT.**

21                  Title VI (33 U.S.C. 1381 et seq.) is amended—

22                   (1) by redesignating section 607 as section 608;  
23                   and

24                   (2) by inserting after section 606 the following:

1 **“SEC. 607. ASSET MANAGEMENT.**

2       “(a) IN GENERAL.—The Administrator shall provide  
3 technical and financial assistance to owners and operators  
4 of publicly-owned treatment works for the following activi-  
5 ties:

6           “(1) Performing an inventory of critical treat-  
7 ment works assets.

8           “(2) Evaluating the condition and performance  
9 of inventoried assets or asset groupings.

10           “(3) Developing a plan for maintaining, repair-  
11 ing, and replacing treatment works and for funding  
12 such activities.

13           “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
14 is authorized to be appropriated to carry out this section  
15 \$10,000,000 for each of fiscal years 2006 through 2010.  
16 Such sums shall remain available until expended.”.

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

18       Section 608, as redesignated by section 5 of this Act,  
19 is amended by striking paragraphs (1) through (5) and  
20 inserting the following:

21           “(1) \$3,000,000,000 for fiscal year 2006;

22           “(2) \$4,000,000,000 for fiscal year 2007;

23           “(3) \$5,000,000,000 for fiscal year 2008;

24           “(4) \$6,000,000,000 for fiscal year 2009; and

25           “(5) \$7,000,000,000 for fiscal year 2010.”.

