

117TH CONGRESS
2D SESSION

S. 4279

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.

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.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 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.

(3) ENERGY STAR PROGRAM.—The term “Energy Star program” means the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

(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

1 (B) within a disadvantaged community (as
 2 defined in section 1452(d)(3) of the Safe
 3 Drinking Water Act (42 U.S.C. 300j–
 4 12(d)(3))).

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

9 (6) WATER EFFICIENCY INCENTIVE PRO-
 10 GRAM.—The term “water efficiency incentive pro-
 11 gram” means a program for providing incentives, in-
 12 cluding direct installation services, to residential,
 13 commercial, or industrial customers of a public
 14 water system for the purchase, lease, installation,
 15 use, or implementation, as applicable, of water-effi-
 16 cient upgrades.

17 (7) WATER-EFFICIENT UPGRADE.—

18 (A) IN GENERAL.—The term “water-effi-
 19 cient upgrade” means a product, landscape,
 20 label, process, or service for a residential, com-
 21 mercial, or industrial building, or the landscape
 22 of such a building, that is—

23 (i) rated for water efficiency and per-
 24 formance under the WaterSense program,
 25 the Energy Star program, or such other

1 methodology as determined to be appro-
2 priate by the Administrator; or

3 (ii) otherwise determined by the Ad-
4 ministrator to improve water-use efficiency.

5 (B) INCLUSIONS.—The term “water-effi-
6 cient upgrade” includes—

7 (i) a faucet;

8 (ii) a showerhead;

9 (iii) a dishwasher;

10 (iv) a toilet;

11 (v) a clothes washer;

12 (vi) an irrigation product or service;

13 (vii) advanced metering infrastruc-
14 ture;

15 (viii) a flow monitoring device;

16 (ix) a landscaping or gardening prod-
17 uct, including moisture control or water-
18 enhancing technology;

19 (x) xeriscaping, turf removal, or an-
20 other landscape conversion that reduces
21 water use (except for the installation of ar-
22 tificial turf); and

23 (xi) any other product, landscape,
24 process, or service—

1 (I) certified pursuant to the
 2 WaterSense program; or
 3 (II) otherwise determined by the
 4 Administrator to reduce water use or
 5 water loss, including products rated
 6 for water efficiency and performance
 7 under the Energy Star program.

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

13 (9) WATERSENSE PROGRAM.—The term
 14 “WaterSense program” means the program estab-
 15 lished by section 324B of the Energy Policy and
 16 Conservation Act (42 U.S.C. 6294b).

17 **SEC. 3. WATER EFFICIENCY AND CONSERVATION GRANT**
 18 **PROGRAM.**

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

24 (b) DISTRIBUTION.—In carrying out the grant pro-
 25 gram, the Administrator shall award not less than 50 per-

1 cent of the amounts made available to carry out this sec-
 2 tion in each fiscal year to eligible entities that service an
 3 area that—

4 (1) has been designated as D2 (severe drought)
 5 or greater according to the United States Drought
 6 Monitor for a minimum of 4 weeks during any of the
 7 3 years preceding the date of the grant award; or

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

12 (c) GRANT AMOUNT.—

13 (1) IN GENERAL.—Subject to paragraph (2), a
 14 grant awarded under the grant program shall be in
 15 an amount that is not less than \$250,000.

16 (2) SMALL PUBLIC WATER SYSTEMS.—The Ad-
 17 ministrator may award a grant in an amount that
 18 is less than \$250,000 if the grant is awarded to, or
 19 for the benefit of, a public water system that serves
 20 fewer than 10,000 customers.

21 (d) USE OF FUNDS.—An eligible entity receiving a
 22 grant under the grant program shall—

23 (1) use grant funds to carry out a water effi-
 24 ciency incentive program for customers of a public
 25 water system; or

1 (2) provide grant funds to another eligible enti-
2 ty to carry out a water efficiency incentive program
3 described in paragraph (1).

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

8 (f) COST SHARE.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 the Federal share of the cost of carrying out a water
11 efficiency incentive program using a grant awarded
12 under the grant program shall not exceed 80 per-
13 cent.

14 (2) WAIVER.—The Administrator may increase
15 the Federal share under paragraph (1) to 100 per-
16 cent if the Administrator determines that an eligible
17 entity is unable to pay, or would experience signifi-
18 cant financial hardship if required to pay, the non-
19 Federal share.

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

25 (h) AUTHORIZATION OF APPROPRIATIONS.—

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

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

9 **SEC. 4. SUSTAINABLE WATER LOSS CONTROL PROGRAM.**

10 (a) TECHNICAL ASSISTANCE AND GRANT PRO-
 11 GRAM.—The Administrator shall establish and carry out
 12 a program (referred to in this section as the “pro-
 13 gram”)—

14 (1) to make grants and provide technical assist-
 15 ance to eligible entities to perform annual audits of
 16 public water systems that are—

17 (A) conducted in accordance with the pro-
 18 cedures contained in the manual published by
 19 the American Water Works Association entitled
 20 “M36 Water Audits and Loss Control Pro-
 21 grams, Fourth Edition” (or any successor man-
 22 ual determined appropriate by the Adminis-
 23 trator); and

24 (B) validated under such criteria as may
 25 be specified by the Administrator; and

1 (2) to make grants and provide technical assist-
2 ance to eligible entities—

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

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

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

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

19 (2) the ability of the public water system that
20 would be served by the grants or technical assist-
21 ance, on completion of an audit conducted and vali-
22 dated in accordance with the procedures and criteria
23 described in subsection (a)(1)—

24 (A) to successfully sustain a water loss
25 control program; and

1 (B) to demonstrate that the water loss
2 control program will reduce real losses, appar-
3 ent losses, or a combination of real and appar-
4 ent losses in the public water system.

5 (c) ANNUAL WATER SAVINGS.—The Administrator
6 shall—

7 (1) annually compile, by Environmental Protec-
8 tion Agency region, information on the amount of
9 water savings achieved pursuant to this section; and

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

12 (d) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There is authorized to be
14 appropriated to carry out this section \$40,000,000
15 for each of fiscal years 2023 through 2028, of
16 which—

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

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

21 (2) ADMINISTRATIVE COSTS.—Of the amounts
22 made available under paragraph (1) for grants
23 under the program each fiscal year, the Adminis-
24 trator may use not more than 4 percent to pay the
25 administrative costs of the Administrator.

1 **SEC. 5. ASSISTANCE FOR WATER EFFICIENT PLUMBING**

2 **CODE ADOPTION.**

3 (a) WATER EFFICIENT PLUMBING CODES.—The Ad-
4 ministrator shall establish a program to make grants to
5 States, Tribal governments, and units of local government
6 that have authority to adopt plumbing codes—

7 (1) to adopt plumbing codes that meet or ex-
8 ceed—

9 (A) the latest American National Standard
10 published as the “Water Efficiency and Sanita-
11 tion Standard for the Built Environment” or
12 “WE–Stand” (or any successor American Na-
13 tional Standard); or

14 (B) the requirements described in Chapter
15 6 (Water Use Efficiency) of the code published
16 by the International Code Council entitled
17 “2018 International Green Construction Code
18 (IGCC)” (or any successor requirements de-
19 scribed in a code published by the International
20 Code Council); and

21 (2) to implement a plan for the jurisdiction to
22 achieve, within 5 years of the date on which the ju-
23 risdiction receives the grant, compliance with a
24 plumbing code described in paragraph (1) in at least
25 90 percent of new and renovated residential, com-

1 mercial, and industrial buildings, as applicable,
2 which shall include—

- 3 (A) workforce training;
- 4 (B) an enforcement program; and
- 5 (C) a compliance measurement program.

6 (b) SUBGRANT AUTHORITY.—A State that has adopt-
7 ed a plumbing code described in subsection (a)(1) may use
8 funds from a grant under this section to make subgrants
9 to relevant Tribal or local agencies to implement the
10 plumbing code through 1 or more of the following:

- 11 (1) Workforce training.
- 12 (2) An enforcement program.
- 13 (3) A compliance measurement program.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—There is authorized to be
16 appropriated to carry out this section \$20,000,000
17 for each of fiscal years 2023 through 2028.

18 (2) ADMINISTRATIVE COSTS.—Of the amounts
19 made available under paragraph (1) for grants
20 under this section each fiscal year, the Adminis-
21 trator may use not more than 4 percent to pay the
22 administrative costs of the Administrator.

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