

118TH CONGRESS
1ST SESSION

H. R. 5016

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

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2023

Mr. LEVIN introduced the following bill; which was referred to the Committee on Energy and Commerce

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 2023”.

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.

1 (2) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means any of the following:

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

6 (B) A public water system.

7 (C) A nonprofit organization.

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

12 (4) LOW-INCOME HOUSEHOLD.—The term
13 “low-income household” means a household that
14 meets the income qualifications established under—

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

18 (B) the Low-Income Household Drinking
19 Water and Wastewater Emergency Assistance
20 Program authorized by section 533 of division
21 H of the Consolidated Appropriations Act, 2021
22 (Public Law 116–260; 134 Stat. 1627).

23 (5) PUBLIC WATER SYSTEM.—The term “public
24 water system” has the meaning given the term in

1 section 1401 of the Safe Drinking Water Act (42
2 U.S.C. 300f).

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

11 (7) WATER-EFFICIENT UPGRADE.—

12 (A) IN GENERAL.—The term “water-effi-
13 cient upgrade” means a product, landscape,
14 label, process, or service for a residential, com-
15 mercial, or industrial building, or the landscape
16 of such a building, that is—

17 (i) rated for water efficiency and per-
18 formance under the WaterSense program
19 or the Energy Star program; or

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

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

24 (i) a faucet;

25 (ii) a showerhead;

- 1 (iii) a dishwasher;
- 2 (iv) a toilet;
- 3 (v) a clothes washer;
- 4 (vi) an irrigation product or service;
- 5 (vii) advanced metering infrastruc-
- 6 ture;
- 7 (viii) a flow monitoring device;
- 8 (ix) a landscaping or gardening prod-
- 9 uct, including moisture control or water-
- 10 enhancing technology;
- 11 (x) xeriscaping, turf removal, or an-
- 12 other landscape conversion that reduces
- 13 water use (except for the installation of ar-
- 14 tificial turf); and
- 15 (xi) any other product, landscape,
- 16 process, or service—
- 17 (I) certified pursuant to the
- 18 WaterSense program; or
- 19 (II) otherwise determined by the
- 20 Administrator to reduce water use or
- 21 water loss, including products rated
- 22 for water efficiency and performance
- 23 under the Energy Star program.

24 (8) WATER LOSS CONTROL PROGRAM.—The

25 term “water loss control program” means a program

1 to identify and quantify water uses and losses, im-
2 plement controls to reduce or eliminate losses and
3 leaks, and evaluate the effectiveness of such controls.

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

8 **SEC. 3. WATER EFFICIENCY AND CONSERVATION GRANT**
9 **PROGRAM.**

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

15 (b) DISTRIBUTION.—In carrying out the grant pro-
16 gram, the Administrator shall award not less than 50 per-
17 cent of the amounts made available to carry out this sec-
18 tion in each fiscal year to eligible entities that service an
19 area that—

20 (1) has been designated as D2 (severe drought)
21 or greater according to the United States Drought
22 Monitor for a minimum of 4 weeks during any of the
23 3 years preceding the date of the grant award; or

24 (2) is within a county for which a drought
25 emergency has been declared by the applicable Gov-

1 error at any time during the 3-year period preceding
2 the date of the grant award.

3 (c) GRANT AMOUNT.—

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

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

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

14 (1) use grant funds to carry out a water effi-
15 ciency incentive program for customers of a public
16 water system; or

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

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

24 (f) COST SHARE.—

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

6 (2) WAIVER.—The Administrator may increase
7 the Federal share under paragraph (1) to 100 per-
8 cent if the Administrator determines that an eligible
9 entity is unable to pay, or would experience signifi-
10 cant financial hardship if required to pay, the non-
11 Federal share.

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

17 (h) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—There is authorized to be
19 appropriated to carry out this section \$50,000,000
20 for each of fiscal years 2024 through 2028.

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

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

2 (a) TECHNICAL ASSISTANCE AND GRANT PRO-
3 GRAM.—The Administrator shall establish and carry out
4 a program (referred to in this section as the “pro-
5 gram”)—

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

9 (A) conducted in accordance with the pro-
10 cedures contained in the manual published by
11 the American Water Works Association entitled
12 “M36 Water Audits and Loss Control Pro-
13 grams, Fourth Edition” (or any successor man-
14 ual determined appropriate by the Adminis-
15 trator); and

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

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

20 (A) to implement controls to address real
21 water losses, apparent water losses, or a com-
22 bination of real and apparent water losses that
23 are identified in an audit conducted and vali-
24 dated in accordance with the procedures and
25 criteria described in paragraph (1); and

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

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

7 (1) whether the public water system that would
8 be served by the grants or technical assistance
9 serves a disadvantaged community (as defined in
10 section 1452(d)(3) of the Safe Drinking Water Act
11 (42 U.S.C. 300j–12(d)(3))); and

12 (2) the ability of the public water system that
13 would be served by the grants or technical assist-
14 ance, on completion of an audit conducted and vali-
15 dated in accordance with the procedures and criteria
16 described in subsection (a)(1)—

17 (A) to successfully sustain a water loss
18 control program; and

19 (B) to demonstrate that the water loss
20 control program will reduce real water losses,
21 apparent water losses, or a combination of real
22 and apparent water losses from the public
23 water system.

24 (c) ANNUAL WATER SAVINGS.—The Administrator
25 shall—

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

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

6 (d) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
 8 appropriated to carry out this section \$40,000,000
 9 for each of fiscal years 2024 through 2028, of
 10 which—

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

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

15 (2) ADMINISTRATIVE COSTS.—Of the amounts
 16 made available under paragraph (1) for grants
 17 under the program each fiscal year, the Adminis-
 18 trator may use not more than 4 percent to pay the
 19 administrative costs of making such grants.

20 **SEC. 5. ASSISTANCE FOR WATER EFFICIENT PLUMBING**
 21 **CODE ADOPTION.**

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

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

3 (A) the latest American National Standard
4 published as the “Water Efficiency and Sanita-
5 tion Standard for the Built Environment” or
6 “WE-Stand” (or any successor American Na-
7 tional Standard); or

8 (B) the requirements described in Chapter
9 6 (Water Use Efficiency) of the code published
10 by the International Code Council entitled
11 “2018 International Green Construction Code
12 (IGCC)” (or any successor requirements de-
13 scribed in a code published by the International
14 Code Council); and

15 (2) to implement a plan for the jurisdiction to
16 achieve, within 5 years of the date on which the ju-
17 risdiction receives the grant, compliance with a
18 plumbing code described in paragraph (1) in at least
19 90 percent of new and renovated residential, com-
20 mercial, and industrial buildings, as applicable,
21 which shall include—

22 (A) workforce training;

23 (B) an enforcement program; and

24 (C) a compliance measurement program.

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

6 (1) Workforce training.

7 (2) An enforcement program.

8 (3) A compliance measurement program.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There is authorized to be
11 appropriated to carry out this section \$20,000,000
12 for each of fiscal years 2024 through 2028.

13 (2) ADMINISTRATIVE COSTS.—Of the amounts
14 made available under paragraph (1) for grants
15 under this section each fiscal year, the Adminis-
16 trator may use not more than 4 percent to pay the
17 administrative costs of the Administrator.

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