

any treatment works the Administrator shall determine that the facilities plan of which such treatment works are a part constitutes the most economical and cost-effective combination of treatment works over the life of the project to meet the requirements of this chapter, including, but not limited to, consideration of construction costs, operation, maintenance, and replacement costs.

(c) Value engineering review

In furtherance of the policy set forth in subsection (a) of this section, the Administrator shall require value engineering review in connection with any treatment works, prior to approval of any grant for the erection, building, acquisition, alteration, remodeling, improvement, or extension of such treatment works, in any case in which the cost of such erection, building, acquisition, alteration, remodeling, improvement, or extension is projected to be in excess of \$10,000,000. For purposes of this subsection, the term “value engineering review” means a specialized cost control technique which uses a systematic and creative approach to identify and to focus on unnecessarily high cost in a project in order to arrive at a cost saving without sacrificing the reliability or efficiency of the project.

(d) Projects affected

This section applies to projects for waste treatment and management for which no treatment works including a facilities plan for such project have received Federal financial assistance for the preparation of construction plans and specifications under this chapter before December 29, 1981.

(June 30, 1948, ch. 758, title II, §218, as added Pub. L. 97-117, §19, Dec. 29, 1981, 95 Stat. 1630.)

§ 1299. State certification of projects

Whenever the Governor of a State which has been delegated sufficient authority to administer the construction grant program under this subchapter in that State certifies to the Administrator that a grant application meets applicable requirements of Federal and State law for assistance under this subchapter, the Administrator shall approve or disapprove such application within 45 days of the date of receipt of such application. If the Administrator does not approve or disapprove such application within 45 days of receipt, the application shall be deemed approved. If the Administrator disapproves such application the Administrator shall state in writing the reasons for such disapproval. Any grant approved or deemed approved under this section shall be subject to amounts provided in appropriation Acts.

(June 30, 1948, ch. 758, title II, §219, as added Pub. L. 97-117, §20, Dec. 29, 1981, 95 Stat. 1631.)

§ 1300. Pilot program for alternative water source projects

(a) Policy

Nothing in this section shall be construed to affect the application of section 1251(g) of this title and all of the provisions of this section shall be carried out in accordance with the provisions of section 1251(g) of this title.

(b) Definitions

In this section:

(1) Alternative water source project

The term “alternative water source project” means a project designed to provide municipal, industrial, and agricultural water supplies in an environmentally sustainable manner by conserving, managing, reclaiming, or reusing water, wastewater, or stormwater or by treating wastewater or stormwater for groundwater recharge, potable reuse, or other purposes. Such term does not include water treatment or distribution facilities.

(2) Critical water supply needs

The term “critical water supply needs” means existing or reasonably anticipated future water supply needs that cannot be met by existing water supplies, as identified in a comprehensive statewide or regional water supply plan or assessment projected over a planning period of at least 20 years.

(c) Establishment

The Administrator may establish a pilot program to make grants to State, interstate, and intrastate water resource development agencies (including water management districts and water supply authorities), local government agencies, private utilities, and nonprofit entities for alternative water source projects to meet critical water supply needs.

(d) Eligible entity

The Administrator may make grants under this section to an entity only if the entity has authority under State law to develop or provide water for municipal, industrial, and agricultural uses in an area of the State that is experiencing critical water supply needs.

(e) Selection of projects

(1) Limitation

A project that has received construction funds under the reclamation and reuse program conducted under the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.) shall not be eligible for grant assistance under this section.

(2) Geographical distribution

Alternative water source projects selected by the Administrator under this section shall reflect a variety of geographical and environmental conditions.

(f) Uses of grants

Amounts from grants received under this section may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Such amounts may not be used for planning, feasibility studies or for operation, maintenance, replacement, repair, or rehabilitation.

(g) Cost sharing

The Federal share of the eligible costs of an alternative water source project carried out using assistance made available under this section shall not exceed 50 percent.

(h) Reports

On or before September 30, 2004, the Administrator shall transmit to Congress a report on the

results of the pilot program established under this section, including progress made toward meeting the critical water supply needs of the participants in the pilot program.

(i) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

(2) Limitation on use of funds

Of the amounts made available for grants under paragraph (1), not more than 2 percent may be used to pay the administrative costs of the Administrator.

(June 30, 1948, ch. 758, title II, §220, as added Pub. L. 106-457, title VI, §602, Nov. 7, 2000, 114 Stat. 1975; amended Pub. L. 117-58, div. E, title II, §50203, Nov. 15, 2021, 135 Stat. 1159.)

Editorial Notes

REFERENCES IN TEXT

The Reclamation Projects Authorization and Adjustment Act of 1992, referred to in subsec. (e)(1), is Pub. L. 102-575, Oct. 30, 1992, 106 Stat. 4600. Provisions relating to the reclamation and reuse program are classified generally to section 390h et seq. of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title of 1992 Amendment note set out under section 371 of Title 43 and Tables.

AMENDMENTS

2021—Subsec. (b). Pub. L. 117-58, §50203(6), redesignated subsec. (i) as (b). Former subsec. (b) redesignated (c).

Pub. L. 117-58, §50203(1), substituted “Establishment” for “In general” in heading.

Subsec. (c). Pub. L. 117-58, §50203(6), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 117-58, §50203(6), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (d)(1). Pub. L. 117-58, §50203(2)(A), inserted “construction” before “funds”.

Subsec. (d)(2), (3). Pub. L. 117-58, §50203(2)(B), (C), redesignated par. (3) as (2) and struck out former par. (2) which related to additional consideration regarding the location of a project.

Subsec. (e). Pub. L. 117-58, §50203(6), redesignated subsec. (d) as (e).

Pub. L. 117-58, §50203(3), struck out subsec. (e) which related to committee resolution procedure.

Subsec. (i). Pub. L. 117-58, §50203(6), redesignated subsec. (j) as (i). Former subsec. (i) redesignated (b).

Pub. L. 117-58, §50203(4)(A), struck out “, the following definitions apply” before the semicolon in introductory provisions.

Subsec. (i)(1). Pub. L. 117-58, §50203(4)(B), substituted “water, wastewater, or stormwater or by treating wastewater or stormwater for groundwater recharge, potable reuse, or other purposes” for “water or wastewater or by treating wastewater”.

Subsec. (j). Pub. L. 117-58, §50203(6), redesignated subsec. (j) as (i). Former subsec. (i) redesignated (b).

Pub. L. 117-58, §50203(5), designated existing provisions as par. (1), inserted heading, substituted “\$25,000,000 for each of fiscal years 2022 through 2026, to” for “a total of \$75,000,000 for fiscal years 2002 through 2004. Such sums shall”, and added par. (2).

§ 1301. Sewer overflow and stormwater reuse municipal grants

(a) In general

(1) Grants to States

The Administrator may make grants to States for the purpose of providing grants to a

municipality or municipal entity for planning, design, and construction of—

(A) treatment works to intercept, transport, control, treat, or reuse municipal combined sewer overflows, sanitary sewer overflows, or stormwater;

(B) notification systems to inform the public of combined sewer or sanitary overflows that result in sewage being released into rivers and other waters; and

(C) any other measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water eligible for assistance under section 1383(c) of this title.

(2) Direct municipal grants

Subject to subsection (g), the Administrator may make a direct grant to a municipality or municipal entity for the purposes described in paragraph (1).

(b) Prioritization

In selecting from among municipalities applying for grants under subsection (a), a State or the Administrator shall give priority to an applicant that—

(1) is a municipality that is a financially distressed community under subsection (c);

(2) has implemented or is complying with an implementation schedule for the nine minimum controls specified in the CSO control policy referred to in section 1342(q)(1) of this title and has begun implementing a long-term municipal combined sewer overflow control plan or a separate sanitary sewer overflow control plan;

(3) is requesting a grant for a project that is on a State’s intended use plan pursuant to section 1386(c) of this title; or

(4) is an Alaska Native Village.

(c) Financially distressed community

(1) Definition

In subsection (b), the term “financially distressed community” means a community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

(2) Consideration of impact on water and sewer rates

In determining if a community is a distressed community for the purposes of subsection (b), the State shall consider, among other factors, the extent to which the rate of growth of a community’s tax base has been historically slow such that implementing a plan described in subsection (b)(2) would result in a significant increase in any water or sewer rate charged by the community’s publicly owned wastewater treatment facility.

(3) Information to assist States

The Administrator may publish information to assist States in establishing affordability criteria under paragraph (1).

(d) Cost-sharing

(1) In general

The Federal share of the cost of activities carried out using amounts from a grant made