

Editorial Notes**AMENDMENTS**

2021—Subsec. (a)(1)(B), (C). Pub. L. 117–58, § 50204(1), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (d). Pub. L. 117–58, § 50204(2), designated first sentence as par. (1) and inserted heading, designated second sentence as par. (3), inserted heading, and substituted “The applicable non-Federal share of the cost under this subsection” for “The non-Federal share of the cost”, and added par. (2).

Subsec. (f)(1). Pub. L. 117–58, § 50204(3)(A), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “There is authorized to be appropriated to carry out this section \$225,000,000 for each of fiscal years 2019 through 2020.”

Subsec. (f)(2). Pub. L. 117–58, § 50204(3)(B), designated existing provisions as subpar. (A), inserted heading, and added subpar. (B).

Subsec. (i). Pub. L. 117–58, § 50204(4)(B), (D), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (i)(1). Pub. L. 117–58, § 50204(A)–(C), designated first and second sentences as subpars. (A) and (B), respectively, and inserted headings; in subpar. (A), substituted “containing—” for “containing”, redesignated remaining provisions as cl. (i), and added cl. (ii); and, in subpar. (B), substituted “The funding levels recommended under subparagraph (A)(i)” for “The recommended funding levels”.

2018—Pub. L. 115–270, § 4106(1), substituted “Sewer overflow and stormwater reuse municipal grants” for “Sewer overflow control grants” in section catchline.

Subsec. (a). Pub. L. 115–270, § 4106(2), amended subsec. (a) generally. Prior to amendment, subsec. (a) related to purposes for making sewer overflow control grants to States, municipalities, and municipal entities.

Subsec. (e). Pub. L. 115–270, § 4106(3), amended subsec. (e) generally. Prior to amendment, text read as follows: “If a project receives grant assistance under subsection (a) and loan assistance from a State water pollution control revolving fund and the loan assistance is for 15 percent or more of the cost of the project, the project may be administered in accordance with State water pollution control revolving fund administrative reporting requirements for the purposes of streamlining such requirements.”

Subsec. (f). Pub. L. 115–270, § 4106(4), amended subsec. (f) generally. Prior to amendment, text read as follows: “There is authorized to be appropriated to carry out this section \$750,000,000 for each of fiscal years 2002 and 2003. Such sums shall remain available until expended.”

Subsec. (g). Pub. L. 115–270, § 4106(5), amended subsec. (g) generally. Prior to amendment, subsec. (g) related to allocation of funds.

Statutory Notes and Related Subsidiaries**INFORMATION ON CSOS AND SSOS**

Pub. L. 106–554, § 1(a)(4) [div. B, title I, § 112(d)], Dec. 21, 2000, 114 Stat. 2763, 2763A–227, provided that:

“(1) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act [Dec. 21, 2000], the Administrator of the Environmental Protection Agency shall transmit to Congress a report summarizing—

“(A) the extent of the human health and environmental impacts caused by municipal combined sewer overflows and sanitary sewer overflows, including the location of discharges causing such impacts, the volume of pollutants discharged, and the constituents discharged;

“(B) the resources spent by municipalities to address these impacts; and

“(C) an evaluation of the technologies used by municipalities to address these impacts.

“(2) TECHNOLOGY CLEARINGHOUSE.—After transmitting a report under paragraph (1), the Administrator shall

maintain a clearinghouse of cost-effective and efficient technologies for addressing human health and environmental impacts due to municipal combined sewer overflows and sanitary sewer overflows.”

§ 1302. Wastewater efficiency grant pilot program**(a) Establishment**

Subject to the availability of appropriations, the Administrator shall establish a wastewater efficiency grant pilot program (referred to in this section as the “pilot program”) to award grants to owners or operators of publicly owned treatment works to carry out projects that create or improve waste-to-energy systems.

(b) Selection**(1) Applications**

To be eligible to receive a grant under the pilot program, an owner or operator of a treatment works shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(2) Number of recipients

The Administrator shall select not more than 15 recipients of grants under the pilot program from applications submitted under paragraph (1).

(c) Use of funds**(1) In general**

Subject to paragraph (2), a recipient of a grant under the pilot program may use grant funds for—

- (A) sludge collection;
- (B) installation of anaerobic digesters;
- (C) methane capture;
- (D) methane transfer;
- (E) facility upgrades and retrofits necessary to create or improve waste-to-energy systems; and
- (F) other new and emerging, but proven, technologies that transform waste to energy.

(2) Limitation

A grant to a recipient under the pilot program shall be not more than \$4,000,000.

(d) Reports**(1) Report to the Administrator**

Not later than 2 years after receiving a grant under the pilot program and each year thereafter for which amounts are made available for the pilot program under subsection (e), the recipient of the grant shall submit to the Administrator a report describing the impact of that project on the communities within 3 miles of the treatment works.

(2) Report to Congress

Not later than 1 year after first awarding grants under the pilot program and each year thereafter for which amounts are made available for the pilot program under subsection (e), the Administrator shall submit to Congress a report describing—

(A) the applications received by the Administrator for grants under the pilot program; and

(B) the projects for which grants were awarded under the pilot program.

(e) Authorization of appropriations**(1) In general**

There is authorized to be appropriated to carry out the pilot program \$20,000,000 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, §222, as added Pub. L. 117-58, div. E, title II, §50202, Nov. 15, 2021, 135 Stat. 1158.)

§ 1302a. Clean water infrastructure resiliency and sustainability program**(a) Definitions**

In this section:

(1) Eligible entity

The term “eligible entity” means—

(A) a municipality; or

(B) an intermunicipal, interstate, or State agency.

(2) Natural hazard

The term “natural hazard” means a hazard caused by natural forces, including extreme weather events, sea-level rise, and extreme drought conditions.

(3) Program

The term “program” means the clean water infrastructure resilience and sustainability program established under subsection (b).

(b) Establishment

Subject to the availability of appropriations, the Administrator shall establish a clean water infrastructure resilience and sustainability program under which the Administrator shall award grants to eligible entities for the purpose of increasing the resilience of publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities.

(c) Use of funds

An eligible entity that receives a grant under the program shall use the grant funds for planning, designing, or constructing projects (on a system-wide or area-wide basis) that increase the resilience of a publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities through—

(1) the conservation of water;

(2) the enhancement of water use efficiency;

(3) the enhancement of wastewater and stormwater management by increasing watershed preservation and protection, including through the use of—

(A) natural and engineered green infrastructure; and

(B) reclamation and reuse of wastewater and stormwater, such as aquifer recharge zones;

(4) the modification or relocation of an existing publicly owned treatment works, conveyance, or discharge system component that is at risk of being significantly impaired or damaged by a natural hazard;

(5) the development and implementation of projects to increase the resilience of publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities, as applicable; or

(6) the enhancement of energy efficiency or the use and generation of recovered or renewable energy in the management, treatment, or conveyance of wastewater or stormwater.

(d) Application

To be eligible to receive a grant under the program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require, including—

(1) a proposal of the project to be planned, designed, or constructed using funds under the program;

(2) an identification of the natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerability, as applicable, to be addressed by the proposed project;

(3) documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerability, as applicable, of the area where the proposed project is to be located;

(4) a description of any recent natural hazard risk of the area where the proposed project is to be located or potential cybersecurity vulnerabilities that have affected the publicly owned treatment works;

(5) a description of how the proposed project would improve the performance of the publicly owned treatment works under an anticipated natural hazard or natural hazard risk of the area where the proposed project is to be located or a potential cybersecurity vulnerability, as applicable; and

(6) an explanation of how the proposed project is expected to enhance the resilience of the publicly owned treatment works to a natural hazard risk of the area where the proposed project is to be located or a potential cybersecurity vulnerability, as applicable.

(e) Grant amount and other Federal requirements**(1) Cost share**

Except as provided in paragraph (2), a grant under the program shall not exceed 75 percent of the total cost of the proposed project.

(2) Exception**(A) In general**

Except as provided in subparagraph (B), a grant under the program shall not exceed 90 percent of the total cost of the proposed project if the project serves a community that—

(i) has a population of fewer than 10,000 individuals; or

(ii) meets the affordability criteria established by the State in which the community is located under section 1383(i)(2) of this title.

(B) Waiver

At the discretion of the Administrator, a grant for a project described in subpara-