

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 subparagraph (A) may cover 100 percent of the total cost of the proposed project.

**(3) Requirements**

The requirements of section 1388 of this title shall apply to a project funded with a grant under the program.

**(f) Report**

Not later than 2 years after November 15, 2021, the Administrator shall submit to Congress a report that describes the implementation of the program, which shall include an accounting of all grants awarded under the program, including a description of each grant recipient and each project funded using a grant under the program.

**(g) 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.

**(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, §223, as added Pub. L. 117–58, div. E, title II, §50205, Nov. 15, 2021, 135 Stat. 1162.)

**§ 1302b. Small and medium publicly owned treatment works circuit rider program**

**(a) Establishment**

Subject to the availability of appropriations, not later than 180 days after November 15, 2021, the Administrator shall establish a circuit rider program (referred to in this section as the “circuit rider program”) under which the Administrator shall award grants to qualified nonprofit entities, as determined by the Administrator, to provide assistance to owners and operators of small and medium publicly owned treatment works to carry out the activities described in section 1382(b)(13) of this title.

**(b) Limitation**

A grant provided under the circuit rider program shall be in an amount that is not more than \$75,000.

**(c) Prioritization**

In selecting recipients of grants under the circuit rider program, the Administrator shall give priority to qualified nonprofit entities, as determined by the Administrator, that would serve a community that—

(1) has a history, for not less than the 10 years prior to the award of the grant, of unresolved wastewater issues, stormwater issues, or a combination of wastewater and stormwater issues;

(2) is considered financially distressed;

(3) faces the cumulative burden of stormwater and wastewater overflow issues; or

(4) has previously failed to access Federal technical assistance due to cost-sharing requirements.

**(d) Communication**

Each qualified nonprofit entity that receives funding under this section shall, before using that funding to undertake activities to carry out this section, consult with the State in which the assistance is to be expended or otherwise made available.

**(e) Report**

Not later than 2 years after the date on which the Administrator establishes the circuit rider program, and every 2 years thereafter, the Administrator shall submit to Congress a report describing—

(1) each recipient of a grant under the circuit rider program; and

(2) a summary of the activities carried out under the circuit rider program.

**(f) Authorization of appropriations**

**(1) In general**

There is authorized to be appropriated to carry out this section \$10,000,000 for the period of fiscal years 2022 through 2026.

**(2) Limitation on use of funds**

Of the amounts made available for grants under paragraph (1), not more than 2 percent