

**(2) Limitations on use of funds****(A) Small systems**

Of the amounts made available for grants under paragraph (1), to the extent that there are sufficient applications, not less than 15 percent shall be used to make grants to—

(i) eligible entities described in subsection (a)(1)(A) that are owners and operators of publicly owned treatment works that serve fewer than 3,300 people; and

(ii) eligible entities described in subsection (a)(1)(B) that provide the assistance described in that subsection in areas that are served by publicly owned treatment works that serve fewer than 3,300 people.

**(B) Administrative costs**

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, §227, as added Pub. L. 117-58, div. E, title II, §50209, Nov. 15, 2021, 135 Stat. 1167.)

**§ 1302f. Stormwater infrastructure technology****(a) Definitions**

In this section:

**(1) Center**

The term “center” means a center of excellence for stormwater control infrastructure established under subsection (b)(1).

**(2) Eligible entity**

The term “eligible entity” means—

(A) a State, Tribal, or local government;

or  
(B) a local, regional, or other public entity that manages stormwater or wastewater resources or other related water infrastructure.

**(3) Eligible institution**

The term “eligible institution” means an institution of higher education, a research institution, or a nonprofit organization—

(A) that has demonstrated excellence in researching and developing new and emerging stormwater control infrastructure technologies; and

(B) with respect to a nonprofit organization, the core mission of which includes water management, as determined by the Administrator.

**(b) Centers of excellence for stormwater control infrastructure technologies****(1) Establishment of centers****(A) In general**

Subject to the availability of appropriations, the Administrator shall provide grants, on a competitive basis, to eligible institutions to establish and maintain not less than 3, and not more than 5, centers of excellence for new and emerging stormwater control infrastructure technologies, to be located in various regions throughout the United States.

**(B) General operation**

Each center shall—

(i) conduct research on new and emerging stormwater control infrastructure technologies that are relevant to the geographical region in which the center is located, including stormwater and sewer overflow reduction, other approaches to water resource enhancement, alternative funding approaches, and other environmental, economic, and social benefits, with the goal of improving the effectiveness, cost efficiency, and protection of public safety and water quality;

(ii) maintain a listing of—

(I) stormwater control infrastructure needs; and

(II) an analysis of new and emerging stormwater control infrastructure technologies that are available;

(iii) analyze whether additional financial programs for the implementation of new and emerging, but proven, stormwater control infrastructure technologies would be useful;

(iv) provide information regarding research conducted under clause (i) to the national electronic clearinghouse center for publication on the Internet website established under paragraph (3)(B)(i) to provide to the Federal Government and State, Tribal, and local governments and the private sector information regarding new and emerging, but proven, stormwater control infrastructure technologies;

(v) provide technical assistance to State, Tribal, and local governments to assist with the design, construction, operation, and maintenance of stormwater control infrastructure projects that use innovative technologies;

(vi) collaborate with institutions of higher education and private and public organizations, including community-based public-private partnerships and other stakeholders, in the geographical region in which the center is located; and

(vii) coordinate with the other centers to avoid duplication of efforts.

**(2) Application**

To be eligible to receive a grant under this subsection, an eligible institution shall prepare and submit to the Administrator an application at such time, in such form, and containing such information as the Administrator may require.

**(3) National electronic clearinghouse center**

Of the centers established under paragraph (1)(A), 1 shall—

(A) be designated as the “national electronic clearinghouse center”; and

(B) in addition to the other functions of that center—

(i) develop, operate, and maintain an Internet website and a public database that contains information relating to new and emerging, but proven, stormwater control infrastructure technologies; and

(ii) post to the website information from all centers.

**(4) Authorization of appropriations****(A) In general**

There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2022 through 2026.

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

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

**(c) Stormwater control infrastructure project grants****(1) Grant authority**

Subject to the availability of appropriations, the Administrator shall provide grants, on a competitive basis, to eligible entities to carry out stormwater control infrastructure projects that incorporate new and emerging, but proven, stormwater control technologies in accordance with this subsection.

**(2) Stormwater control infrastructure projects****(A) Planning and development grants**

The Administrator may make planning and development grants under this subsection for the following projects:

(i) Planning and designing stormwater control infrastructure projects that incorporate new and emerging, but proven, stormwater control technologies, including engineering surveys, landscape plans, maps, long-term operations and maintenance plans, and implementation plans.

(ii) Identifying and developing standards necessary to accommodate stormwater control infrastructure projects, including those projects that incorporate new and emerging, but proven, stormwater control technologies.

(iii) Identifying and developing fee structures to provide financial support for design, installation, and operations and maintenance of stormwater control infrastructure, including new and emerging, but proven, stormwater control infrastructure technologies.

(iv) Developing approaches for community-based public-private partnerships for the financing and construction of stormwater control infrastructure technologies, including feasibility studies, stakeholder outreach, and needs assessments.

(v) Developing and delivering training and educational materials regarding new and emerging, but proven, stormwater control infrastructure technologies for distribution to—

(I) individuals and entities with applicable technical knowledge; and

(II) the public.

**(B) Implementation grants**

The Administrator may make implementation grants under this subsection for the following projects:

(i) Installing new and emerging, but proven, stormwater control infrastructure technologies.

(ii) Protecting or restoring interconnected networks of natural areas that protect water quality.

(iii) Monitoring and evaluating the environmental, economic, or social benefits of stormwater control infrastructure technologies that incorporate new and emerging, but proven, stormwater control technology.

(iv) Implementing a best practices standard for stormwater control infrastructure programs.

**(3) Application**

Except as otherwise provided in this section, to be eligible to receive a grant under this subsection, an eligible entity shall prepare and submit to the Administrator an application at such time, in such form, and containing such information as the Administrator may require, including, as applicable—

(A) a description of the stormwater control infrastructure project that incorporates new and emerging, but proven, technologies;

(B) a plan for monitoring the impacts and pollutant load reductions associated with the stormwater control infrastructure project on the water quality and quantity;

(C) an evaluation of other environmental, economic, and social benefits of the stormwater control infrastructure project; and

(D) a plan for the long-term operation and maintenance of the stormwater control infrastructure project and a tracking system, such as asset management practices.

**(4) Priority**

In making grants under this subsection, the Administrator shall give priority to applications submitted on behalf of—

(A) a community that—

(i) has municipal combined storm and sanitary sewers in the collection system of the community; or

(ii) is a small, rural, or disadvantaged community, as determined by the Administrator; or

(B) an eligible entity that will use not less than 15 percent of the grant to provide service to a small, rural, or disadvantaged community, as determined by the Administrator.

**(5) Maximum amounts****(A) Planning and development grants****(i) Single grant**

The amount of a single planning and development grant provided under this subsection shall be not more than \$200,000.

**(ii) Aggregate amount**

The total amount of all planning and development grants provided under this subsection for a fiscal year shall be not more than  $\frac{1}{3}$  of the total amount made available to carry out this subsection.

**(B) Implementation grants****(i) Single grant**

The amount of a single implementation grant provided under this subsection shall be not more than \$2,000,000.

**(ii) Aggregate amount**

The total amount of all implementation grants provided under this subsection for a fiscal year shall be not more than  $\frac{2}{3}$  of the total amount made available to carry out this subsection.

**(6) Federal share****(A) In general**

Except as provided in subparagraph (C), the Federal share of a grant provided under this subsection shall not exceed 80 percent of the total project cost.

**(B) Credit for implementation grants**

The Administrator shall credit toward the non-Federal share of the cost of an implementation project carried out under this subsection the cost of planning, design, and construction work completed for the project using funds other than funds provided under this section.

**(C) Exception**

The Administrator may waive the Federal share limitation under subparagraph (A) for an eligible entity that has adequately demonstrated financial need.

**(d) Report to Congress**

Not later than 2 years after the date on which the Administrator first awards a grant under this section, the Administrator shall submit to Congress a report that includes, with respect to the period covered by the report—

- (1) a description of all grants provided under this section;
- (2) a detailed description of—
  - (A) the projects supported by those grants; and
  - (B) the outcomes of those projects;
- (3) a description of the improvements in technology, environmental benefits, resources conserved, efficiencies, and other benefits of the projects funded under this section;
- (4) recommendations for improvements to promote and support new and emerging, but proven, stormwater control infrastructure, including research into new and emerging technologies, for the centers, grants, and activities under this section; and
- (5) a description of existing challenges concerning the use of new and emerging, but proven, stormwater control infrastructure.

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

There is authorized to be appropriated to carry out this section (except for subsection (b)) \$10,000,000 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.

(Pub. L. 117–58, div. E, title II, §50217, Nov. 15, 2021, 135 Stat. 1175.)

**Editorial Notes****CODIFICATION**

Section was enacted as part of the Drinking Water and Wastewater Infrastructure Act of 2021 and also as part of the Infrastructure Investment and Jobs Act, and not as part of the Federal Water Pollution Control Act which comprises this chapter.

**Statutory Notes and Related Subsidiaries****“ADMINISTRATOR” DEFINED**

Administrator means the Administrator of the Environmental Protection Agency, see section 50002 of Pub. L. 117–58, set out as a note under section 300j–18a of Title 42, The Public Health and Welfare.

**SUBCHAPTER III—STANDARDS AND ENFORCEMENT****§ 1311. Effluent limitations****(a) Illegality of pollutant discharges except in compliance with law**

Except as in compliance with this section and sections 1312, 1316, 1317, 1328, 1342, and 1344 of this title, the discharge of any pollutant by any person shall be unlawful.

**(b) Timetable for achievement of objectives**

In order to carry out the objective of this chapter there shall be achieved—

- (1)(A) not later than July 1, 1977, effluent limitations for point sources, other than publicly owned treatment works, (i) which shall require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 1314(b) of this title, or (ii) in the case of a discharge into a publicly owned treatment works which meets the requirements of subparagraph (B) of this paragraph, which shall require compliance with any applicable pretreatment requirements and any requirements under section 1317 of this title; and
- (B) for publicly owned treatment works in existence on July 1, 1977, or approved pursuant to section 1283 of this title prior to June 30, 1974 (for which construction must be completed within four years of approval), effluent limitations based upon secondary treatment as defined by the Administrator pursuant to section 1314(d)(1) of this title; or,

(C) not later than July 1, 1977, any more stringent limitation, including those necessary to meet water quality standards, treatment standards, or schedules of compliance, established pursuant to any State law or regulations (under authority preserved by section 1370 of this title) or any other Federal law or regulation, or required to implement any applicable water quality standard established pursuant to this chapter.

(2)(A) for pollutants identified in subparagraphs (C), (D), and (F) of this paragraph, effluent limitations for categories and classes of point sources, other than publicly owned treatment works, which (i) shall require application of the best available technology economically achievable for such category or class, which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as de-