

“(D) not more than 8 shall be to eligible entities that own or operate a large water service provider that serves more than 500,000 people; and

“(E) not more than 8 shall be to eligible entities that own or operate a community water system, treatment works, or municipal separate storm sewer system that services a disadvantaged community (consistent with the affordability criteria established by the applicable State under section 1452(d)(3) of the Safe Drinking Water Act (42 U.S.C. 300j-12(d)(3)) or section 603(i)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(i)(2)), as applicable).

“(7) CRITERIA.—In addition to any priority criteria established by the Administrator in response to the findings in the water services needs assessment, in awarding grants under the pilot program, the Administrator shall give priority consideration to eligible entities that—

“(A) serve a disproportionate percentage, as determined by the Administrator, of qualifying households with need, as identified in the water services needs assessment;

“(B) are subject to State or Federal enforcement actions relating to compliance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.); or

“(C) maintain or participate in an existing community assistance program with objectives similar to the objectives of the pilot program, as determined by the Administrator.

“(8) REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—In addition to any other applicable Federal or agency-specific grant reporting requirements, as a condition of receiving a grant under the pilot program, an eligible entity (or a State, on behalf of an eligible entity) shall submit to the Administrator an annual report that summarizes, in a manner determined by the Administrator, the use of grant funds by the eligible entity, including—

“(i) key features of the assistance provided by the eligible entity;

“(ii) sources of funding used to supplement Federal funds; and

“(iii) eligibility criteria.

“(B) PUBLICATION.—The Administrator shall publish each report submitted under subparagraph (A).

“(c) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to each eligible entity, and each State, on behalf of an eligible entity, that receives a grant under the pilot program to support implementation of the program.

“(d) REPORT.—Not later than 2 years after the date on which grant funds are first disbursed to an eligible entity (or a State, on behalf of an eligible entity) under the program, and every year thereafter for the duration of the terms of the grants, the Administrator shall submit to Congress a report on the results of the pilot program.”

§ 300j-19b. Reducing lead in drinking water

(a) Definitions

In this section:

(1) Eligible entity

The term “eligible entity” means—

(A) a community water system;

(B) a water system located in an area governed by an Indian Tribe;

(C) a nontransient noncommunity water system;

(D) a qualified nonprofit organization with experience in lead reduction, as determined by the Administrator; and

(E) a municipality or State, interstate, or intermunicipal agency.

(2) Lead reduction project

(A) In general

The term “lead reduction project” means a project or activity the primary purpose of which is to reduce the concentration of lead in water for human consumption by—

(i) replacement of lead service lines;

(ii) testing, planning, or other relevant activities, as determined by the Administrator, to identify and address conditions (including corrosion control) that contribute to increased concentration of lead in water for human consumption; and

(iii) providing assistance to eligible entities to replace lead service lines, with priority for disadvantaged communities based on the affordability criteria established by the applicable State under section 300j-12(d)(3) of this title, low-income homeowners, and landlords or property owners providing housing to low-income renters.

(B) Limitation

The term “lead reduction project” does not include a partial lead service line replacement if, at the conclusion of the service line replacement, drinking water is delivered to a household through a publicly or privately owned portion of a lead service line.

(3) Low-income

The term “low-income”, with respect to assistance under this section, has such meaning as may be given the term by the Governor of the State in which the eligible entity is located, based upon the affordability criteria established by the State under section 300j-12(d)(3) of this title.

(4) Lead service line

The term “lead service line” means a pipe and its fittings, which are not lead free (as defined in section 300g-6(d) of this title), that connect the drinking water main to the building inlet.

(5) Nontransient noncommunity water system

The term “nontransient noncommunity water system” means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.

(b) Grant program

(1) Establishment

The Administrator shall establish a grant program to provide assistance to eligible entities for lead reduction projects in the United States.

(2) Precondition

As a condition of receipt of assistance under this section, an eligible entity shall take steps to identify—

(A) the source of lead in the public water system that is subject to human consumption; and

(B) the means by which the proposed lead reduction project would meaningfully reduce the concentration of lead in water provided for human consumption by the applicable public water system.

(3) Priority application

In providing grants under this subsection, the Administrator shall give priority to an eligible entity that—

(A) the Administrator determines, based on affordability criteria established by the State under section 300j-12(d)(3) of this title, to be a disadvantaged community; and

(B) proposes to—

(i) carry out a lead reduction project at a public water system or nontransient noncommunity water system that has exceeded the lead action level established by the Administrator under section 300g-1 of this title at any time during the 3-year period preceding the date of submission of the application of the eligible entity; or

(ii) address lead levels in water for human consumption at a school, daycare, or other facility that primarily serves children or other vulnerable human subpopulation described in section 300j-18(a)(1) of this title.

(4) Cost sharing**(A) In general**

Subject to subparagraph (B), the non-Federal share of the total cost of a project funded by a grant under this subsection shall be not less than 20 percent.

(B) Waiver

The Administrator may reduce or eliminate the non-Federal share under subparagraph (A) for reasons of affordability, as the Administrator determines to be appropriate.

(5) Low-income assistance**(A) In general**

Subject to subparagraph (B), an eligible entity may use a grant provided under this subsection to replace lead service lines, with first priority given to assisting disadvantaged communities based on the affordability criteria established by the applicable State under section 300j-12(d)(3) of this title, low-income homeowners, and landlords or property owners providing housing to low-income renters.

(B) Limitation

The amount of a grant provided to a low-income homeowner under this paragraph shall not exceed the standard cost of replacement of the privately owned portion of the lead service lines.

(6) Special consideration for lead service line replacement

In carrying out lead service line replacement using a grant under this subsection, an eligible entity—

(A) shall notify customers of the replacement of the lead service line;

(B) may, in the case of a homeowner who is not low-income, offer to replace the privately owned portion of the lead service line at the cost of replacement for that homeowner's property;

(C) shall, in the case of a low-income homeowner, and may, for other homeowners, offer to replace the privately owned portion

of the lead service line at no cost to the homeowner;

(D) shall notify each customer that a planned replacement of any publicly owned portion of a lead service line that is funded by a grant made under this subsection will not be carried out unless the customer agrees to the simultaneous replacement of the privately owned portion of the lead service line;

(E) shall demonstrate that the eligible entity has considered feasible alternatives for reducing the concentration of lead in drinking water, such as corrosion control; and

(F) shall notify the State of any planned replacement of lead service lines under this program and coordinate, where practicable, with other relevant infrastructure projects.

(c) Limitation on use of funds

Not more than 4 percent of funds made available for grants under this section may be used to pay the administrative costs of the Administrator.

(d) Lead inventorying utilization grant pilot program**(1) Definitions**

In this subsection:

(A) Eligible entity

The term “eligible entity” means a municipality that is served by a community water system or a nontransient noncommunity water system in which not less than 30 percent of the service lines are known, or suspected, to contain lead, based on available data, information, or resources, including existing lead inventorying.

(B) Pilot program

The term “pilot program” means the pilot program established under paragraph (2).

(2) Establishment

The Administrator shall establish a pilot program under which the Administrator shall provide grants to eligible entities to carry out lead reduction projects that are demonstrated to exist or are suspected to exist, based on available data, information, or resources, including existing lead inventorying of those eligible entities.

(3) Selection**(A) Application**

To be eligible to receive a grant under the pilot 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.

(B) Prioritization

In selecting recipients under the pilot program, the Administrator shall give priority to—

(i) an eligible entity that meets the affordability criteria of the applicable State established under section 300j-12(d)(3) of this title; and

(ii) an eligible entity that is located in an area other than a State that has estab-

lished affordability criteria under section 300j-12(d)(3) of this title.

(4) Report

Not later 2 years after the Administrator first awards a grant under the pilot program, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing—

(A) the recipients of grants under the pilot program;

(B) the existing lead inventorying that was available to recipients of grants under the pilot program; and

(C) how useful and accurate the lead inventorying described in subparagraph (B) was in locating lead service lines of the eligible entity.

(5) Authorization of appropriations

There is authorized to be appropriated to carry out the pilot program \$10,000,000, to remain available until expended.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section (except for subsection (d)) \$100,000,000 for each of fiscal years 2022 through 2026.

(f) Savings clause

Nothing in this section affects whether a public water system is responsible for the replacement of a lead service line that is—

(1) subject to the control of the public water system; and

(2) located on private property.

(July 1, 1944, ch. 373, title XIV, § 1459B, as added Pub. L. 114-322, title II, § 2105, Dec. 16, 2016, 130 Stat. 1720; amended Pub. L. 117-58, div. E, title I, § 50105, Nov. 15, 2021, 135 Stat. 1140.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a)(1)(D). Pub. L. 117-58, § 50105(1)(A), added subpar. (D) and struck out former subpar. (D) which read as follows: “a qualified nonprofit organization, as determined by the Administrator, servicing a public water system; and”.

Subsec. (a)(2)(A)(i). Pub. L. 117-58, § 50105(1)(B)(i), struck out “publicly owned” before “lead”.

Subsec. (a)(2)(A)(iii). Pub. L. 117-58, § 50105(1)(B)(ii), added cl. (iii) and struck out former cl. (iii) which read as follows: “providing assistance to low-income homeowners to replace lead service lines.”

Subsec. (a)(3). Pub. L. 117-58, § 50105(1)(C), struck out “an individual provided” before “assistance”.

Subsec. (b)(5)(A). Pub. L. 117-58, § 50105(2)(A)(i), substituted “to replace lead service lines, with first priority given to assisting disadvantaged communities based on the affordability criteria established by the applicable State under section 300j-12(d)(3) of this title, low-income homeowners, and landlords or property owners providing housing to low-income renters.” for “to provide assistance to low-income homeowners to replace the lead service lines of such homeowners.”

Subsec. (b)(5)(B). Pub. L. 117-58, § 50105(2)(A)(ii), substituted “lines” for “line”.

Subsec. (b)(6)(A). Pub. L. 117-58, § 50105(2)(B)(i), struck out “any publicly owned portion of” before “the lead”.

Subsec. (b)(6)(C). Pub. L. 117-58, § 50105(2)(B)(ii), substituted “shall, in the case of a low-income homeowner,

and may, for other homeowners, offer to replace the privately owned portion of the lead service line at no cost to the homeowner;” for “may, in the case of a low-income homeowner, offer to replace the privately owned portion of the lead service line at a cost that is equal to the difference between—

“(i) the cost of replacement; and

“(ii) the amount of assistance available to the low-income homeowner under paragraph (5);”.

Subsec. (b)(6)(E). Pub. L. 117-58, § 50105(2)(B)(iv), substituted “feasible alternatives for reducing the concentration of lead in drinking water, such as corrosion control; and” for “other options for reducing the concentration of lead in its drinking water, including an evaluation of options for corrosion control.”

Subsec. (b)(6)(F). Pub. L. 117-58, § 50105(2)(B)(iii), (v), added subpar. (F).

Subsec. (d). Pub. L. 117-58, § 50105(4), (5), added subsec. (d) and redesignated former subsec. (d) as (e).

Pub. L. 117-58, § 50105(3), substituted “this section (except for subsection (d)) \$100,000,000 for each of fiscal years 2022 through 2026” for “this section \$60,000,000 for each of fiscal years 2017 through 2021”.

Subsecs. (e), (f). Pub. L. 117-58, § 50105(4), redesignated subsecs. (d) and (e) as (e) and (f), respectively.

§ 300j-19c. Study on intractable water systems

(a) Definition of intractable water system

In this section, the term “intractable water system” means a community water system or a noncommunity water system—

(1) that serves fewer than 1,000 individuals;

(2) the owner or operator of which—

(A) is unable or unwilling to provide safe and adequate service to those individuals;

(B) has abandoned or effectively abandoned the community water system or noncommunity water system, as applicable;

(C) has defaulted on a financial obligation relating to the community water system or noncommunity water system, as applicable; or

(D) fails to maintain the facilities of the community water system or noncommunity water system, as applicable, in a manner so as to prevent a potential public health hazard; and

(3) that is, as of October 23, 2018—

(A) in significant noncompliance with this chapter or any regulation promulgated pursuant to this chapter; or

(B) listed as having a history of significant noncompliance with this subchapter pursuant to section 300g-9(b)(1) of this title.

(b) Study required

(1) In general

Not later than 2 years after October 23, 2018, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Health and Human Services, shall complete a study that—

(A) identifies intractable water systems; and

(B) describes barriers to delivery of potable water to individuals served by an intractable water system.

(2) Report to Congress

Not later than 2 years after October 23, 2018, the Administrator shall submit to Congress a report describing findings and recommendations based on the study under this subsection.