



## Summary of H.R. 1497, The Water Quality Protection & Job Creation Act of 2019

The House Committee on Transportation and Infrastructure approved the [Water Quality Protection and Job Creation Act](#) and sent the legislation to the full House for consideration. The bill reauthorizes the Clean Water State Revolving Fund (CWSRF) Program and significantly increases the amount of Federal assistance made available to States and communities through the CWSRF to a total \$16.68 billion over five years. The bill includes set-asides to assist small and rural communities in addressing their infrastructure needs, as well as additional permit flexibility to help communities address local water quality challenges.

### Authorizations & Set Asides

The legislation authorizes \$16.68 billion over five years and includes several set-aside provisions directing how state financing programs may spend the monies provided (See details below). These funds would provide low-interest loans and additional loan subsidizations (e.g., principal forgiveness and negative interest loans) to communities for wastewater infrastructure. In addition to the additional funding authorization provided by HR 1497, the legislation includes several key statutory changes that will impact state authorized NPDES programs.

### Statutory Changes Impacting State Authorized NPDES Programs

Section 7 outlines several significant changes to the NPDES program.

#### Permit Renewal/Reissuance

- Amends the Act to require that a state to renew/ reissue a permit and does not renew/reissue the permit by the last day of the permit term (See Sec. 7(a)(2))
  - the state is required to notify Congress and EPA of the failure and
  - if the state does not renew/reissue an expired permit within 180 days after the last day of the permit term, the Administrator of EPA is required no later than 180 days later to renew/reissue the permit
  - It is unclear from the legislative language how a state would get a permit back after EPA renews/reissues the permit pursuant to this section.
- Amends the Act to allow for permits not exceeding 10 years for municipal entities. (See Sec. 7(a)(1)(B)(i-ii)). States with an approved program MAY issue a permit with extended terms to eligible municipal entities. Not available for discharges into impaired waters unless consistent with a TMDL WLA.

#### **10 Year Permit Modification**

- States are required not later than 60 days after a triggering event (See Sec. 7(3)(C)) occurs the state shall review the permit and make publicly available a determination of whether any modifications to a permit are necessary

- Not later than 90 days after making a determination that a modification is necessary, the state shall modify the permit
- If the state fails to make a determination by the deadline the Administrator is required to make a publicly available determination not later than 30 days after such deadline
- If a state fails to modify a permit by within the 90-day deadline, or if the Administrator makes a determination that modifications are necessary, the Administrator is required to modify the permit within 90 days
- A permit modified by the Administrator will be considered a **state authorized permit** and will not affect any other authority or responsibility of the state relating to the permit.

#### Blending, Bypass & Peak Wet Weather

- Requires EPA, within 180 days after enactment, to publish a notice to solicit public comment on the collection of data regarding the capabilities of POTWs to reduce pathogens, and within 18 months initiate collection of data
- Upon completion of data collection, the EPA shall make a determination whether such data support a revision to the secondary treatment standards for pathogens
- EPA is restricted from proposing or finalizing any modifications to section 402 related to wastewater blending, bypass or peak wet weather discharges until the data collection is complete.

#### Other Key Highlights

- Authorizes \$1.125 billion for grants to municipalities to capture, treat, or reuse combined and sanitary sewer overflows or stormwater.
- Authorizes \$1.295 billion over five years for grants for State water pollution control agencies to implement State water pollution control programs.
- Provides \$110 million over five years in grants for innovative ways to address wet weather discharges, to promote stormwater best management practices, to undertake integrated water resource management, and to increase the resiliency of utilities to natural or man-made disasters.
- Authorizes \$150 million in grants over five years for alternative water source projects under section 220 of the Clean Water Act, including projects that reuse wastewater or stormwater to augment the existing sources of water.
- Codifies the Clean Water SRF “green-reserve” – a 15 percent set-aside for green infrastructure projects and projects that provide energy or water efficiency improvements or other environmentally innovative activities.
- Requires utilities to evaluate, and where feasible, implement efforts to increase the efficiency of energy use for wastewater utilities, including efforts to capture and reuse energy produced in the wastewater treatment process (such as methane recapture).
- Requires States to set-aside a minimum of 10 percent of annual Clean Water SRF funds to provide grants to communities with affordability concerns.
- Establishes minimum funding set-asides to address the water infrastructure needs of small and rural communities.

- Requires States to pay a greater Federal share of construction costs to disadvantaged communities participating in EPA's sewer overflow and stormwater grant program.
- Permanently codifies set-aside of Clean Water SRF funds for tribal communities and the U.S. territories.
- Authorizes States to use a portion of their Clean Water SRF funds to promote workforce development and utility worker training and education programs.
- Requires States, as part of their biennial assessment of Clean Water infrastructure needs, to include estimates to address resiliency and climate change.