AMENDMENT IN THE NATURE OF A SUBSTITUTE
to H.R. 1497
OFFERED BY M_.

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

This Act may be cited as the “Water Quality Protection and Job Creation Act of 2019”.

2 SEC. 2. WASTEWATER INFRASTRUCTURE WORKFORCE INVESTMENT.

Section 104(g) of the Federal Water Pollution Control Act (33 U.S.C. 1251(g)) is amended—

(1) in paragraph (1), by striking “manpower” each place it appears and inserting “workforce”; and

(2) by amending paragraph (4) to read as follows—

“(4) REPORT TO CONGRESS ON PUBLICLY OWNED TREATMENT WORKS WORKFORCE DEVELOPMENT.—Not later than 2 years after the date of enactment of the Water Quality Protection and Job Creation Act of 2019, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the
Committee on Environment and Public Works of the Senate a report containing—

“(A) an assessment of the current and future workforce needs for publicly owned treatment works, including an estimate of the number of future positions needed for such treatment works and the technical skills and education needed for such positions;

“(B) a summary of actions taken by the Administrator, including Federal investments under this Act, that promote workforce development to address such needs; and

“(C) any recommendations of the Administrator to address such needs.”.

SEC. 3. STATE MANAGEMENT ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 106(a) of the Federal Water Pollution Control Act (33 U.S.C. 1256(a)) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by inserting after paragraph (2) the following:

“(3) such sums as may be necessary for each of fiscal years 1991 through 2020;

“(4) $240,000,000 for fiscal year 2021;
“(5) $250,000,000 for fiscal year 2022;
“(6) $260,000,000 for fiscal year 2023;
“(7) $270,000,000 for fiscal year 2024; and
“(8) $275,000,000 for fiscal year 2025;”.

(b) TECHNICAL AMENDMENT.—Section 106(e) of the Federal Water Pollution Control Act (33 U.S.C. 1256(e)) is amended by striking “Beginning in fiscal year 1974” and inserting “The”.

SEC. 4. WATERSHED, WET WEATHER, AND RESILIENCY PROJECTS.

(a) INCREASED RESILIENCE OF TREATMENT WORKS.—Section 122(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1274(a)(6)) is amended to read as follows:

“(6) INCREASED RESILIENCE OF TREATMENT WORKS.—Efforts—

“(A) to assess future risks and vulnerabilities of publicly owned treatment works to manmade or natural disasters, including extreme weather events and sea-level rise; and

“(B) to carry out the planning, designing, or constructing of projects, on a systemwide or area-wide basis, to increase the resilience of publicly owned treatment works through—
“(i) the conservation of water or the enhancement of water use efficiency;

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

“(I) the use of green infrastructure; or

“(II) the reclamation and reuse of wastewater (including stormwater), such as through aquifer recharge zones;

“(iii) the modification or relocation of an existing publicly owned treatment works at risk of being significantly impaired or damaged by a manmade or natural disaster; or

“(iv) the enhancement of energy efficiency, or the use or generation of recovered or renewable energy, in the management, treatment, or conveyance of wastewater (including stormwater).”.

(b) REQUIREMENTS; AUTHORIZATION OF APPROPRIATIONS.—Section 122 of the Federal Water Pollution
Control Act (33 U.S.C. 1274) is amended by striking subsection (e) and inserting the following:

“(c) REQUIREMENTS.—The requirements of section 608 shall apply to any construction, alteration, maintenance, or repair of treatment works receiving a grant under this section.

“(d) ASSISTANCE.—The Administrator shall use not less than 15 percent of the amounts appropriated pursuant to this section in a fiscal year to provide assistance to municipalities with a population of less than 10,000, to the extent there are sufficient eligible applications.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $110,000,000, to remain available until expended.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) WATERSHED PILOT PROJECTS.—Section 122 of the Federal Water Pollution Control Act (33 U.S.C. 1274) is amended—

(A) in the section heading, by striking “WATERSHED PILOT PROJECTS” and inserting “WATERSHED, WET WEATHER, AND RESILIENCY PROJECTS”; and

(B) by striking “pilot” each place it appears.
(2) WATER POLLUTION CONTROL REVOLVING 
LOAN FUNDS.—Section 603(c)(7) of the Federal 
Water Pollution Control Act (33 U.S.C. 1383(c)(7)) 
is amended by striking “watershed”.

SEC. 5. PILOT PROGRAM FOR ALTERNATIVE WATER 
SOURCE PROJECTS.

(a) SELECTION OF PROJECTS.—Section 220(d) of 
the Federal Water Pollution Control Act (33 U.S.C. 
1300(d)) is amended—

(1) by amending paragraph (1) to read as fol-

lows:

“(1) LIMITATION ON ELIGIBILITY.—A project 
that has received construction funds under the Recl-
amation Projects Authorization and Adjustment Act 
of 1992 Act shall not be eligible for grant assistance 
under this section.”; and

(2) by striking paragraph (2) and redesignating 
paragraph (3) as paragraph (2).

(b) COMMITTEE RESOLUTION PROCEDURE; ASSIST-
ANCE.—Section 220 of the Federal Water Pollution Con-
trol Act (33 U.S.C. 1300) is amended by striking sub-
section (e) and inserting the following:

“(e) ASSISTANCE.—The Administrator shall use not 
less than 15 percent of the amounts appropriated pursuant 
to this section in a fiscal year to provide assistance
to eligible entities for projects designed to serve fewer than
10,000 individuals, to the extent there are sufficient eligi-
ble applications.”.

c) Cost Sharing.—Section 220(g) of the Federal
Water Pollution Control Act is amended—

(1) by striking “The Federal share” and insert-
ing the following:

“(1) IN GENERAL.—Except as provided in para-
graph (2), the Federal share”; and

(2) by adding at the end the following:

“(2) RECLAMATION AND REUSE PROJECTS.—
For an alternative water source project that has re-
ceived funds under the Reclamation Projects Author-
ization and Adjustment Act of 1992 (other than
funds referred to in subsection (d)(1)), the total
Federal share of the costs of the project shall not
exceed 25 percent or $20,000,000, whichever is
less.”.

d) Requirements.—Section 220 of the Federal
Water Pollution Control Act is amended by redesignating
subsections (i) and (j) as subsections (j) and (k), respec-
tively, and inserting after subsection (h) the following:

“(i) REQUIREMENTS.—The requirements of section
608 shall apply to any construction of an alternative water
source project carried out using assistance made available under this section.’’

(c) DEFINITIONS.—Section 220(j)(1) of the Federal Water Pollution Control Act (as redesignated by subsection (d) of this section) is amended by striking “or wastewater or by treating wastewater” and inserting “, wastewater, or stormwater or by treating wastewater or stormwater”.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 220(k) of the Federal Water Pollution Control Act (as redesignated by subsection (d) of this section) is amended by striking “$75,000,000 for fiscal years 2002 through 2004” and inserting “$150,000,000”.

SEC. 6. SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS.

Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) is amended—

(1) in subsection (c), by striking “subsection (b),” each place it appears and inserting “this section,”;

(2) in subsection (d)—

(A) by striking “The Federal share” and inserting the following:

“(1) FEDERAL SHARE.—
“(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share”; and

(B) by striking “The non-Federal share” and inserting the following:

“(B) FINANCIALLY DISTRESSED COMMUNITIES.—The Federal share of the cost of activities carried out using amounts from a grant made to a financially distressed community under subsection (a) shall be not less than 75 percent of the cost.

“(2) NON-FEDERAL SHARE.—The non-Federal share”;

(3) in subsection (e), by striking “section 513” and inserting “section 513, or the requirements of section 608,”; and

(4) in subsection (f)—

(A) in paragraph (1), by striking “2020” and inserting “2025”; and

(B) by adding at the end the following—

“(3) ASSISTANCE.—In carrying out subsection (a), the Administrator shall ensure that, of the amounts granted to municipalities in a State, not less than 20 percent is granted to municipalities with a population of less than 20,000, to the extent there are sufficient eligible applications.”.
SEC. 7. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

(a) TERMS.—Section 402(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)(1)(B)) is amended—

(1) by amending subparagraph (B) to read as follows:

“(B) are for fixed terms—

“(i) not exceeding 10 years, for a permit issued in accordance with subsection (t); and

“(ii) not exceeding 5 years, for a permit not described in clause (i);”;

and

(2) by redesignating subparagraph (D) as subparagraph (E), and inserting after subparagraph (C) the following:

“(D) do not continue in force beyond the last day of the fixed term, except as provided in subsection (k)(2); and”.

(b) REQUIREMENTS.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended—

(1) in subsection (k)—

(A) by inserting “(1)” before “Compliance with”;

(B) by striking “of (1)” and inserting “of (A)”;


(C) by striking “or (2)” and inserting “or (B)”; and

(D) by adding at the end the following:

“(2) PERMIT RENEWAL OR REISSUANCE.—If a permittee applies to a State to renew or reissue a permit under this section, in compliance with the approved State permit program under subsection (b), and the State does not make a final administrative disposition of the application by the last day of the term of the permit—

“(A) not later than 30 days after such last day of the term of the permit, the State shall notify the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate of such failure to make a final administrative disposition;

“(B) if the State does not make a final administrative disposition of the application by the date that is 180 days after the last day of the term of the permit, the Administrator shall make a final administrative disposition of the application not later than 180 days after such date; and
“(C) the permit shall continue in effect until the date on which a final administrative disposition of the application is made.”; and

(2) by adding at the end the following:

“(t) EXTENDED TERM FOR CERTAIN PERMITS.—

“(1) IN GENERAL.—A State with an approved permit program under subsection (b) may issue a permit under this section with a term authorized under subsection (b)(1)(B)(i) to an eligible municipality for a covered discharge.

“(2) REVIEW AND MODIFICATION OF PERMIT.—

“(A) STATE ACTION.—

“(i) REVIEW.—Not later than 60 days after a triggering event occurs with respect to a permit issued by a State pursuant to this subsection, the State shall review the permit and make publicly available a determination of whether any modifications to the permit are necessary to address the triggering event.

“(ii) MODIFICATION.—Not later than 90 days after making publicly available a determination under clause (i) that modifications to a permit are necessary, the State shall make such modifications in ac-
cordance with the requirements of this section.

“(B) EPA ACTION.—

“(i) REVIEW.—If a State fails to make publicly available a determination by the deadline required under subparagraph (A), the Administrator shall make publicly available such a determination not later than 30 days after such deadline.

“(ii) MODIFICATION.—If a State fails to modify a permit by the deadline required under subparagraph (A), or if the Administrator makes publicly available under this subparagraph a determination that modifications to a permit are necessary, the Administrator shall make such modifications in accordance with the requirements of this section not later than 90 days after the deadline required under subparagraph (A), or 90 days after the date on which the Administrator makes publicly available such determination under this subparagraph, as applicable.

“(iii) EFFECT ON STATE AUTHORITY.—A permit modified by the Adminis-
tractor under clause (ii) shall be considered
to be a permit issued by the State for the
purposes of permit administration, and
such modification shall not affect any
other authority or responsibility of the
State relating to the permit.

“(C) RIGHT OF ACTION.—A determination
under this paragraph by a State or the Admin-
istrator of whether modifications to a permit
are necessary to address a triggering event is a
final agency action subject to judicial review in
the same manner as a review under section
509(b)(1).

“(3) DEFINITIONS.—In this subsection:

“(A) COVERED DISCHARGE.—The term
‘covered discharge’ means a discharge from a
publicly owned treatment works, which consists
of municipal sewage treated, recycled, or re-
claimed in accordance with this Act (and may
include a municipal combined sewer overflow
that is in compliance with the requirements of
subsection (q))—

“(i) into a navigable water that is not
identified by the State issuing the permit
under section 303(d) as impaired for a pol-
lutan specifically addressed by the permit;

or

“(ii) in the case of a discharge into a navigable water that is so identified, that is subject to, and in compliance with, permit limits that are consistent with—

“(I) a judicial order or consent decree resolving an enforcement action related to such discharge under this Act; or

“(II) for each such pollutant, any applicable approved total maximum daily load allocation, or, if no such approved allocation exists, any applicable water quality standard for the pollutant (including any such standard as addressed in an integrated plan incorporated into a permit under subsection (s)).

“(B) ELIGIBLE MUNICIPALITY.—The term ‘eligible municipality’ means a municipality with a history of compliance with this Act, as determined in accordance with standards established by the Administrator.
“(C) TRIGGERING EVENT.—The term ‘triggering event’ means, with respect to a permit issued pursuant to this subsection, any of the following that happens after the date on which the permit is issued:

“(i) The State receives information that there may be a cause for modification, as identified in section 122.62 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subsection), of the permit.

“(ii) The State identifies under section 303(d) the navigable water into which a discharge is permitted pursuant to the permit as impaired for a pollutant known to be present in the discharge.

“(iii) The Administrator approves a new or modified total maximum daily load that applies with respect to a pollutant known to be present in a discharge permitted pursuant to the permit.

“(iv) The Administrator or the State determines that—

“(I) a pollutant known to be discharged under the permit is directly
related to the contamination of a water designated for use as a public water supply source pursuant to section 303; and

“(II)(aa) the discharge of such pollutant is related to a violation of an applicable water quality standard; or

“(bb) such pollutant is subject to a health advisory published by the Administrator under section 1412(b)(1)(F) of the Safe Drinking Water Act.”.

(e) IMPLEMENTATION RULE.—

(1) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall publish in the Federal Register a rule to implement the amendments made by this section, including establishing standards for determining a history of compliance with the Federal Water Pollution Control Act for purposes of section 402(t) of such Act (as added by this section).

(2) CONSULTATION.—In carrying out this subsection, the Administrator shall consult with representatives of States, municipalities (as such term
is defined in section 502 of the Federal Water Pollution Control Act), and other stakeholders and interested parties.

SEC. 8. REPORTS TO CONGRESS.

Section 516(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1375(b)(1)) is amended—

(1) by striking “, of the cost of construction” and inserting “, of (i) the cost of construction”; and

(2) by striking “each of the States;” and inserting “each of the States, and (ii) the costs to implement measures necessary to address the resilience and sustainability of publicly owned treatment works to manmade or natural disasters;”.

SEC. 9. INDIAN TRIBES.

Section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—For each fiscal year, the Administrator shall reserve, of the funds made available to carry out title VI (before allotments to the States under section 604(a)), the greater of—

“(A) 2 percent of such funds; or

“(B) $30,000,000.

“(2) USE OF FUNDS.—
“(A) GRANTS.—Funds reserved under this subsection shall be available only for grants to entities described in paragraph (3) for—

“(i) projects and activities eligible for assistance under section 603(c); and

“(ii) training, technical assistance, and educational programs relating to the operation and management of treatment works eligible for assistance pursuant to section 603(c).

“(B) LIMITATION.—Not more than of $2,000,000 of the reserved funds may be used for grants under subparagraph (A)(ii).”; and

(2) in paragraph (3)—

(A) in the header, by striking “USE OF FUNDS” and inserting “ELIGIBLE ENTITIES”; and

(B) by striking “for projects and activities eligible for assistance under section 603(c) to serve” and inserting “to”.

SEC. 10. CAPITALIZATION GRANTS.

Section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1382(c)) is amended—

(1) in paragraph (13)(B)—
(A) in the matter preceding clause (i), by striking “and energy conservation” and inserting “and efficient energy use (including through the implementation of technologies to recapture and reuse energy produced in the treatment of wastewater)”;

(B) in clause (iii), by striking “; and” and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(15) to the extent there are sufficient projects or activities eligible for assistance from the fund, with respect to funds for capitalization grants received by the State under this title and section 205(m) in each of fiscal years 2021 through 2025, the State will use not less than 15 percent of such funds for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities.”.

SEC. 11. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

Section 603(i) of the Federal Water Pollution Control Act (33 U.S.C. 1383(i)) is amended—

(1) in paragraph (1)—
(A) in the matter preceding subparagraph (A), by striking ‘‘, including forgiveness of principal and negative interest loans’’ and inserting ‘‘(including in the form of forgiveness of principal, negative interest loans, or grants)’’; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ‘‘in assistance’’; and

(ii) in clause (ii)(III), by striking ‘‘to such ratepayers’’ and inserting ‘‘to help such ratepayers maintain access to wastewater and stormwater treatment services’’;

and

(2) by amending paragraph (3) to read as follows:

‘‘(3) SUBSIDIZATION AMOUNTS.—

‘‘(A) IN GENERAL.—A State may use for providing additional subsidization in a fiscal year under this subsection an amount that does not exceed the greater of—

‘‘(i) 30 percent of the total amount received by the State in capitalization grants under this title for the fiscal year; or
“(ii) the annual average over the previous ten fiscal years of the amounts deposited by the State in the State water pollution control revolving fund from State moneys that exceed the amounts required to be so deposited under section 602(b)(2).

“(B) Minimum.—For each of fiscal years 2021 through 2025, to the extent there are sufficient applications for additional subsidization under this subsection that meet the criteria under paragraph (1)(A), a State shall use for providing additional subsidization in a fiscal year under this subsection an amount that is not less than 10 percent of the total amount received by the State in capitalization grants under this title for the fiscal year.”.

SEC. 12. ALLOTMENT OF FUNDS.

(a) Formula.—Section 604(a) of the Federal Water Pollution Control Act (33 U.S.C. 1384(a)) is amended by striking “each of fiscal years 1989 and 1990” and inserting “each fiscal year”.

(b) Wastewater Infrastructure Workforce Development.—Section 604 of the Federal Water Pollution Control Act (33 U.S.C. 1384) is amended by adding at the end the following:
“(d) WASTEWATER INFRASTRUCTURE WORKFORCE DEVELOPMENT.—A State may reserve each fiscal year up to 1 percent of the sums allotted to the State under this section for the fiscal year to carry out workforce development, training, and retraining activities described in section 104(g).”.

SEC. 13. RESERVATION OF FUNDS FOR TERRITORIES OF THE UNITED STATES.

Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) is amended by striking section 607 and inserting the following:

“SEC. 607. RESERVATION OF FUNDS FOR TERRITORIES OF THE UNITED STATES.

“(a) IN GENERAL.—

“(1) RESERVATION.—For each fiscal year, the Administrator shall reserve 1.5 percent of available funds, as calculated in accordance with paragraph (2).

“(2) CALCULATION OF AVAILABLE FUNDS.—

The amount of available funds shall be calculated by subtracting the amount of any funds reserved under section 518(c) from the amount of funds made available to carry out this title (before allotments to the States under section 604(a)).
“(b) USE OF FUNDS.—Funds reserved under this section shall be available only for grants to American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands for projects and activities eligible for assistance under section 603(c).

“(c) LIMITATION.—American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands may not receive funds allotted under section 604(a).”.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) is amended by adding at the end the following:

“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title the following sums:

“(1) $2,400,000,000 for fiscal year 2021.

“(2) $2,600,000,000 for fiscal year 2022.

“(3) $2,800,000,000 for fiscal year 2023.

“(4) $3,000,000,000 for fiscal year 2024.

“(5) $3,200,000,000 for fiscal year 2025.”.
SEC. 15. TECHNICAL ASSISTANCE BY MUNICIPAL OMBUDSMAN.

Section 4(b)(1) of the Water Infrastructure Improvement Act (42 U.S.C. 4370j(b)(1)) is amended to read as follows:

“(1) technical and planning assistance to support municipalities, including municipalities that are rural, small, and tribal communities, in achieving and maintaining compliance with enforceable deadlines, goals, and requirements of the Federal Water Pollution Control Act; and”.

SEC. 16. REPORT ON FINANCIAL CAPABILITY OF MUNICIPALITIES.

(a) REVIEW.—The Administrator of the Environmental Protection Agency shall conduct a review of existing implementation guidance of the Agency for evaluating the financial resources a municipality has available to implement the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.) to determine whether, and if so, how, such guidance needs to be revised.

(b) CONSIDERATIONS.—In conducting the review under subsection (a), the Administrator shall consider—

(1) the report by the National Academy of Public Administration prepared for the Environmental Protection Agency entitled “Developing a New
Framework for Community Affordability of Clean Water Services”, dated October 2017;

(2) the report developed by the National Environmental Justice Advisory Council entitled “EPA’s Role in Addressing the Urgent Water Infrastructure Needs of Environmental Justice Communities”, dated August 2018, and made available on the website of the Administrator in March 2019;

(3) the report prepared for the American Water Works Association, the National Association of Clean Water Agencies, and the Water Environment Federation entitled “Developing a New Framework for Household Affordability and Financial Capability Assessment in the Water Sector”, dated April 17, 2019;

(4) the recommendations of the Environmental Financial Advisory Board related to municipal financial capability assessments, prepared at the request of the Administrator; and

(5) any other information the Administrator considers appropriate.

(c) ENGAGEMENT AND TRANSPARENCY.—In conducting the review under subsection (a), the Administrator shall—
(1) after providing public notice, consult with, and solicit advice and recommendations from, State and local governmental officials and other stakeholders, including nongovernmental organizations; and

(2) ensure transparency in the consultation process.

(d) Report.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, and make publicly available, a report on the results of the review conducted under subsection (a), including any recommendations for revisions to the guidance.

SEC. 17. REVIEW OF SECONDARY TREATMENT TECHNOLOGIES.

(a) IN GENERAL.—

(1) DEVELOPMENT OF DATA COLLECTION MEANS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall publish in the Federal Register a notice to solicit public comment (including the opportunity for public hearings and listening sessions) on the collection of data regarding
the existing capabilities of publicly owned treatment
works to reduce the effluent concentration of patho-
gens (or pathogen indicators) in the discharge of
such treatment works, in order to determine an ap-
propriate means to collect such data in a sufficient
amount, and of a sufficient quality, to develop a rep-
resentational sample of such capabilities.

(2) DATA COLLECTION.—Not later than 18
months after the date of enactment of this Act, the
Administrator shall publish in the Federal Register
the data collection means determined appropriate
pursuant to paragraph (1) and initiate the collection
of data using such means.

(3) DETERMINATION ON SECONDARY TREAT-
MENT REGULATIONS.—Upon completion of data col-
lection pursuant to paragraph (2), the Administrator
shall make the data available to the public and make
a determination whether such data support a revi-
sion to the secondary treatment standard for patho-
gens (or pathogen indicators) pursuant to section
304(d)(1) of the Federal Water Pollution Control
Act.

(4) LIMITATION.—The Administrator may not
propose or finalize any modifications to requirements
pursuant to section 402 of the Federal Water Pollu-
tion Control Act related to wastewater blending, bypass, or peak wet weather discharges from publicly owned treatment works until after the date on which the Administrator makes a determination under paragraph (3).

(b) DEFINITIONS.—In this section:

(1) BYPASS.—The term “bypass” has the meaning given that term in section 122.41(m) of title 40, Code of Federal Regulations.

(2) TREATMENT WORKS.—The term “treatment works” has the meaning given that term in section 212 of the Federal Water Pollution Control Act.