

tity), is found by the Administrator or a court of competent jurisdiction to have caused or contributed to contamination that was detected as a result of testing conducted, or treated, with funds provided under this subsection, and such contamination violated a law administered by the Administrator, such person or entity shall, upon issuance of a final judgment or settlement and the exhaustion of all appellate and administrative remedies—

(A) notify the Administrator in writing not later than 30 days after such issuance of a final judgment or settlement and the exhaustion of all appellate and administrative remedies; and

(B) promptly pay the Administrator an amount equal to the amount of such funds.

(k) Authorization of appropriations

There are authorized to be appropriated to carry out subsections (a) through (j) of this section, \$60,000,000 for each of fiscal years 2017 through 2021.

(l) Drinking water infrastructure resilience and sustainability

(1) Resilience and natural hazard

The terms “resilience” and “natural hazard” have the meaning given such terms in section 300i-2(h) of this title.

(2) In general

The Administrator may establish and carry out a program, to be known as the Drinking Water System Infrastructure Resilience and Sustainability Program, under which the Administrator, subject to the availability of appropriations for such purpose, shall award grants in each of fiscal years 2019 and 2020 to eligible entities for the purpose of increasing resilience to natural hazards.

(3) Use of funds

An eligible entity may only use grant funds received under this subsection to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that increases resilience to natural hazards through—

(A) the conservation of water or the enhancement of water use efficiency;

(B) the modification or relocation of existing drinking water system infrastructure made, or that is at risk of being, significantly impaired by natural hazards, including risks to drinking water from flooding;

(C) the design or construction of desalination facilities to serve existing communities;

(D) the enhancement of water supply through the use of watershed management and source water protection;

(E) the enhancement of energy efficiency or the use and generation of renewable energy in the conveyance or treatment of drinking water; or

(F) the development and implementation of measures to increase the resilience of the eligible entity to natural hazards.

(4) Application

To seek a grant under this subsection, the eligible entity shall submit to the Administrator an application that—

(A) includes a proposal of the program or project to be planned, designed, constructed, implemented, operated, or maintained by the eligible entity;

(B) identifies the natural hazard risk to be addressed by the proposed program or project;

(C) provides documentation prepared by a Federal, State, regional, or local government agency of the natural hazard risk to the area where the proposed program or project is to be located;

(D) includes a description of any recent natural hazard events that have affected the applicable water system;

(E) includes a description of how the proposed program or project would improve the performance of the system under the anticipated natural hazards; and

(F) explains how the proposed program or project is expected to enhance the resilience of the system to the anticipated natural hazards.

(5) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection \$4,000,000 for each of fiscal years 2019 and 2020.

(July 1, 1944, ch. 373, title XIV, §1459A, as added Pub. L. 114-322, title II, §2104, Dec. 16, 2016, 130 Stat. 1718; amended Pub. L. 115-270, title II, §2005, Oct. 23, 2018, 132 Stat. 3842.)

AMENDMENTS

2018—Subsec. (j). Pub. L. 115-270, §2005(3), added subsec. (j). Former subsec. (j) redesignated (k).

Subsec. (k). Pub. L. 115-270, §2005(1), (2), redesignated subsec. (j) as (k) and substituted “subsections (a) through (j) of this section” for “this section”.

Subsec. (l). Pub. L. 115-270, §2005(4), added subsec. (l).

§ 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, as determined by the Administrator, servicing a public water system; 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 publicly owned 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 low-income homeowners to replace lead service lines.

(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 an individual provided 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 provide assistance to low-income homeowners to replace the lead service lines of such homeowners.

(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 line.

(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 any publicly owned portion 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) 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);

(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; and

(E) shall demonstrate that the eligible entity has considered other options for reducing the concentration of lead in its drinking water, including an evaluation of options for corrosion control.

(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) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$60,000,000 for each of fiscal years 2017 through 2021.

(e) 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.)

§ 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.

(July 1, 1944, ch. 373, title XIV, §1459C, as added Pub. L. 115-270, title II, §2003, Oct. 23, 2018, 132 Stat. 3841.)

§ 300j-19d. Review of technologies**(a) Review**

The Administrator, after consultation with appropriate departments and agencies of the

Federal Government and with State and local governments, shall review (or enter into contracts or cooperative agreements to provide for a review of) existing and potential methods, means, equipment, and technologies (including review of cost, availability, and efficacy of such methods, means, equipment, and technologies) that—

- (1) ensure the physical integrity of community water systems;
- (2) prevent, detect, and respond to any contaminant for which a national primary drinking water regulation has been promulgated in community water systems and source water for community water systems;
- (3) allow for use of alternate drinking water supplies from nontraditional sources; and
- (4) facilitate source water assessment and protection.

(b) Inclusions

The review under subsection (a) shall include review of methods, means, equipment, and technologies—

- (1) that are used for corrosion protection, metering, leak detection, or protection against water loss;
- (2) that are intelligent systems, including hardware, software, or other technology, used to assist in protection and detection described in paragraph (1);
- (3) that are point-of-use devices or point-of-entry devices;
- (4) that are physical or electronic systems that monitor, or assist in monitoring, contaminants in drinking water in real-time; and
- (5) that allow for the use of nontraditional sources for drinking water, including physical separation and chemical and biological transformation technologies.

(c) Availability

The Administrator shall make the results of the review under subsection (a) available to the public.

(d) Authorization of appropriations

There is authorized to be appropriated to the Administrator to carry out this section \$10,000,000 for fiscal year 2019, which shall remain available until expended.

(July 1, 1944, ch. 373, title XIV, §1459D, as added Pub. L. 115-270, title II, §2017, Oct. 23, 2018, 132 Stat. 3856.)

§ 300j-19e. Water infrastructure and workforce investment**(a) Sense of Congress**

It is the sense of Congress that—

- (1) water and wastewater utilities provide a unique opportunity for access to stable, high-quality careers;
- (2) as water and wastewater utilities make critical investments in infrastructure, water and wastewater utilities can invest in the development of local workers and local small businesses to strengthen communities and ensure a strong pipeline of skilled and diverse workers for today and tomorrow; and
- (3) to further the goal of ensuring a strong pipeline of skilled and diverse workers in the