

111TH CONGRESS
1ST SESSION

H. R. 2969

To authorize the Administrator of the Environmental Protection Agency to establish water system adaptation partnerships.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2009

Mrs. CAPPS (for herself, Ms. MATSUI, Mr. CARNAHAN, Ms. SCHWARTZ, Mrs. NAPOLITANO, Mr. INSLEE, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Administrator of the Environmental Protection Agency to establish water system adaptation partnerships.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Water System Adapta-
5 tion Partnerships Act of 2009”.

1 **SEC. 2. WATER SYSTEM ADAPTATION PARTNERSHIPS.**

2 (a) GRANTS.—Beginning in fiscal year 2010, the Ad-
3 ministrator of the Environmental Protection Agency shall
4 make grants to water systems to assist in planning, de-
5 signing, constructing, implementing, or maintaining any
6 program, strategy, or infrastructure improvement—

7 (1) to conserve water or increase water use effi-
8 ciency;

9 (2) to carry out water metering to measure
10 water efficiency effectiveness of a water efficiency
11 program;

12 (3) to preserve or improve water quality;

13 (4) to enhance water management by increasing
14 source water preservation and protection, or natural
15 or engineered green infrastructure in the manage-
16 ment, conveyance, or treatment of water, waste-
17 water, or stormwater;

18 (5) to increase energy efficiency or the use and
19 generation of renewable energy in the management,
20 conveyance, or treatment of water, wastewater, or
21 stormwater;

22 (6) to support the adoption and use of ad-
23 vanced water treatment, water supply management,
24 or water demand management technologies or proc-
25 esses (such as those used in water reuse and recy-

1 cling or adaptive conservation pricing) that maintain
2 or increase water supply or improve water quality;

3 (7) to complete studies or assessments to
4 project how climate change may impact the future
5 operations and sustainability of the water system; or

6 (8) to carry out any other activity or project to
7 address any ongoing or forecasted, based on the best
8 available research and data, climate-related impact
9 on the water quality or quantity of a region of the
10 United States that increases the resiliency of a
11 water system to the impacts of climate change.

12 (b) APPLICATION.—To be eligible to receive a grant
13 from the Administrator under subsection (a), the owner
14 or operator of a water system shall—

15 (1) submit to the Administrator an application
16 that includes a proposal of the program, strategy, or
17 infrastructure improvement to be planned, designed,
18 constructed, implemented, or maintained by the
19 water system;

20 (2) cite the best available research or data that
21 describes—

22 (A) the risk to the system’s water re-
23 sources or infrastructure as a result of ongoing
24 or forecasted changes to the hydrological sys-

1 tem brought about by factors arising from glob-
2 al climate change; and

3 (B) how the proposed program, strategy,
4 or infrastructure improvement would perform
5 under the anticipated climate conditions;

6 (3) explain how the proposed program, strategy,
7 or infrastructure improvement is expected to in-
8 crease the water system's resiliency to these risks or
9 reduce the water system's direct or indirect green-
10 house gas emissions; and

11 (4) demonstrate the consistency of the program,
12 strategy, or infrastructure improvement with an ap-
13 plicable climate adaptation plan completed and
14 adopted by a State.

15 (c) COMPETITIVE PROCESS.—Each calendar year,
16 the Administrator shall conduct a competitive process to
17 select and fund applications under this section. In carrying
18 out the process, the Administrator shall—

19 (1) give priority to applications that—

20 (A) are submitted by water systems that
21 are, based on the best available research and
22 data, at the greatest and most immediate risk
23 of facing significant climate-related negative im-
24 pacts on water quality or quantity;

1 (B) will impact the largest numbers of
2 water users; and

3 (C) will provide the greatest benefit per
4 dollar expended;

5 (2) solicit applications from water systems that
6 are—

7 (A) located in all regions of the United
8 States; and

9 (B) facing varying risks as a result of cli-
10 mate change; and

11 (3) provide for solicitation and consideration of
12 public input in the development of criteria used in
13 evaluating applications.

14 (d) COST SHARING.—

15 (1) FEDERAL SHARE.—The Federal share of
16 the cost of any program, strategy, or infrastructure
17 improvement that is the subject of a grant awarded
18 by the Administrator to a water system under sub-
19 section (a) shall not exceed, in a single calendar
20 year, 50 percent of the cost of the program, strat-
21 egy, or infrastructure improvement.

22 (2) CALCULATION OF NON-FEDERAL SHARE.—
23 In calculating the non-Federal share of the cost of
24 a program, strategy, or infrastructure improvement
25 proposed by a water system through an application

1 submitted by the water system under subsection (b),
2 the Administrator shall—

3 (A) include the value of any in-kind serv-
4 ices that substantially contributes toward the
5 completion of the program, strategy, or infra-
6 structure improvement, as determined by the
7 Administrator; and

8 (B) not include any other amount that the
9 water system receives from a Federal agency.

10 (e) REGULATIONS.—Not later than 1 year after the
11 date of the enactment of this Act, the Administrator of
12 the Environmental Protection Agency shall promulgate
13 final regulations to carry out this section.

14 (f) REPORT TO CONGRESS.—Not later than 3 years
15 after the date of the enactment of this Act, and every 3
16 years thereafter, the Administrator of the Environmental
17 Protection Agency shall submit to the Congress a report
18 on progress in implementing this section, including infor-
19 mation on project applications received and funded annu-
20 ally.

21 (g) DEFINITIONS.—In this section:

22 (1) The term “Administrator” means the Ad-
23 ministrator of the Environmental Protection Agency.

24 (2) The term “water system” means a commu-
25 nity water system as defined in section 1401 of the

1 Safe Drinking Water Act (42 U.S.C. 300f), a treat-
2 ment works as defined in section 212 of the Federal
3 Water Pollution Control Act (33 U.S.C. 1292), a
4 municipal separate storm sewer system (as defined
5 by the Administrator), or a combined sewer system
6 as defined in 402(q) of the Federal Water Pollution
7 Control Act (33 U.S.C. 1342(q)).

8 (h) AUTHORIZATION OF APPROPRIATIONS.—To carry
9 out this section, there are authorized to be appropriated
10 such sums as may be necessary.

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