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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mrs. CAPPS introduced the following bill; which was referred to the Committee on _____

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”.

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

7 (a) GRANTS.—Beginning in fiscal year 2010, the Ad-
8 ministrator of the Environmental Protection Agency shall

1 make grants to water systems to assist in planning, de-
2 signing, constructing, implementing, or maintaining any
3 program, strategy, or infrastructure improvement—

4 (1) to conserve water or increase water use effi-
5 ciency;

6 (2) to carry out water metering to measure
7 water efficiency effectiveness of a water efficiency
8 program;

9 (3) to preserve or improve water quality;

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

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

19 (6) to support the adoption and use of ad-
20 vanced water treatment, water supply management,
21 or water demand management technologies or proc-
22 esses (such as those used in water reuse and recy-
23 cling or adaptive conservation pricing) that maintain
24 or increase water supply or improve water quality;

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

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

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

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

18 (2) cite the best available research or data that
19 describes—

20 (A) the risk to the system's water re-
21 sources or infrastructure as a result of ongoing
22 or forecasted changes to the hydrological sys-
23 tem brought about by factors arising from glob-
24 al climate change; and

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

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

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

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

17 (1) give priority to applications that—

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

23 (B) will impact the largest numbers of
24 water users; and

1 (C) will provide the greatest benefit per
2 dollar expended;

3 (2) solicit applications from water systems that
4 are—

5 (A) located in all regions of the United
6 States; and

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

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

12 (d) COST SHARING.—

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

20 (2) CALCULATION OF NON-FEDERAL SHARE.—

21 In calculating the non-Federal share of the cost of
22 a program, strategy, or infrastructure improvement
23 proposed by a water system through an application
24 submitted by the water system under subsection (b),
25 the Administrator shall—

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

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

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

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

19 (f) DEFINITIONS.—In this section:

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

22 (2) The term “water system” means a commu-
23 nity water system as defined in section 1401 of the
24 Safe Drinking Water Act (42 U.S.C. 300f), a treat-
25 ment works as defined in section 212 of the Federal

1 Water Pollution Control Act (33 U.S.C. 1292), a
2 municipal separate storm sewer system (as defined
3 by the Administrator), or a combined sewer system
4 as defined in 402(q) of the Federal Water Pollution
5 Control Act (33 U.S.C.1342(q)).

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