

AMENDMENT TO HR 2454

OFFERED BY MRS. CAPPS OF CALIFORNIA

At the end of title IV, add the following (and replace the blanks in the subtitle and section enumerators with appropriate enumerators and revise the bill's table of contents accordingly):

1 **Subtitle _____—Water System**
2 **Adaptation Partnerships**

3 **SEC. ____ . WATER SYSTEM ADAPTATION PARTNERSHIPS.**

4 (a) **GRANTS.**—Beginning in fiscal year 2010, the Ad-
5 ministrator shall make grants to the owner or operator
6 of a water system to address any ongoing or forecasted,
7 based on the best available research and data, climate-re-
8 lated impact on the water quality or quantity of a region
9 of the United States that increases the resiliency of such
10 system to the impacts of climate change.

11 (b) **ELIGIBLE USES.**—In carrying out this section,
12 the Administrator shall make grants to assist in the plan-
13 ning, design, construction, implementation, or mainte-
14 nance of any program or strategy, or the planning, design,
15 or construction of an infrastructure improvement—

16 (1) to conserve water or increase water use effi-
17 ciency;

1 (2) to carry out water metering to measure
2 water efficiency effectiveness of a water efficiency
3 program;

4 (3) to preserve or improve water quality, includ-
5 ing measures to manage, reduce, treat, or reuse mu-
6 nicipal stormwater;

7 (4) to enhance water management by increasing
8 water preservation and protection, including through
9 the use of natural or engineered green infrastructure
10 in the management, conveyance, or treatment of
11 water, wastewater, or stormwater;

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

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

22 (7) to complete studies or assessments to
23 project how climate change may impact the future
24 operations and sustainability of the water system.

1 (c) APPLICATION.—To be eligible to receive a grant
2 from the Administrator under subsection (a), the owner
3 or operator of a water system shall—

4 (1) submit to the Administrator an application
5 that includes a proposal of the program, strategy, or
6 infrastructure improvement to be planned, designed,
7 constructed, implemented, or maintained by the
8 water system;

9 (2) cite the best available research or data that
10 demonstrates—

11 (A) the risk to the system's water re-
12 sources or infrastructure as a result of ongoing
13 or forecasted changes to the hydrological sys-
14 tem brought about by factors arising from cli-
15 mate change; and

16 (B) how the proposed program, strategy,
17 or infrastructure improvement would perform
18 under the anticipated climate conditions;

19 (3) explain how the proposed program, strategy,
20 or infrastructure improvement is expected to in-
21 crease the water system's resiliency to these risks or
22 reduce the water system's direct or indirect green-
23 house gas emissions; and

24 (4) demonstrate the consistency of the program,
25 strategy, or infrastructure improvement with an ap-

1 proved State and tribal climate adaptation plan de-
2 veloped under section 453 of this Act.

3 (d) COMPETITIVE PROCESS.—Each calendar year,
4 the Administrator shall conduct a competitive process to
5 select and fund applications under this section. In carrying
6 out the process, the Administrator shall—

7 (1) prioritize funding of applications that—

8 (A) are submitted by the owner or operator
9 of a water system that are, based on the best
10 available research and data, at the greatest and
11 most immediate risk of facing significant cli-
12 mate-related negative impacts on water quality
13 or quantity;

14 (B) will impact the largest numbers of
15 water users; and

16 (C) will provide the greatest benefit per
17 dollar expended;

18 (2) solicit applications from water systems that
19 are—

20 (A) located in all regions of the United
21 States; and

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

1 (3) provide for solicitation and consideration of
2 public input in the development of criteria used in
3 evaluating applications.

4 (e) COST SHARING.—

5 (1) FEDERAL SHARE.—The Federal share of
6 the cost of any program, strategy, or infrastructure
7 improvement that is the subject of a grant awarded
8 by the Administrator to a water system under sub-
9 section (a) shall not exceed 50 percent of the cost
10 of the program, strategy, or infrastructure improve-
11 ment.

12 (2) CALCULATION OF NON-FEDERAL SHARE.—
13 In calculating the non-Federal share of the cost of
14 a program, strategy, or infrastructure improvement
15 proposed by a water system through an application
16 submitted by the water system under subsection (c),
17 the Administrator shall—

18 (A) include the value of any in-kind serv-
19 ices that are integral to the completion of the
20 program, strategy, or infrastructure improve-
21 ment, as determined by the Administrator; and

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

24 (f) LABOR STANDARDS.—All laborers and mechanics
25 employed on infrastructure improvements funded directly

1 by or assisted in whole or in part by this section shall
2 be paid wages at rates not less than those prevailing for
3 the same type of work on similar construction in the im-
4 mediate locality as determined by the Secretary of Labor
5 in accordance with subchapter IV, chapter 31, part A of
6 subtitle II of title 40, United States Code. The Secretary
7 of Labor shall have, with respect to the labor standards
8 specified in this subsection, the authority and functions
9 set forth in Reorganization Plan Numbered 14 of 1950
10 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title
11 40, United States Code.

12 (g) REGULATIONS.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date of the enactment of this Act, the Adminis-
15 trator shall promulgate final regulations to carry out
16 this section.

17 (2) SPECIAL RULE FOR THE CONSTRUCTION OF
18 TREATMENT WORKS.—In carrying out this sub-
19 section, the Administrator shall incorporate all rel-
20 evant and appropriate requirements of title VI of the
21 Federal Water Pollution Control Act (33 U.S.C.
22 1381 et seq) applicable to the construction of treat-
23 ment works that are carried out under this section.

24 (h) REPORT TO CONGRESS.—Not later than 3 years
25 after the date of the enactment of this Act, and every 3

1 years thereafter, the Administrator shall submit to the
2 Congress a report on progress in implementing this sec-
3 tion, including information on project applications received
4 and funded annually.

5 (i) DEFINITIONS.—In this section:

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

8 (2) The term “water system” means a commu-
9 nity water system as defined in section 1401 of the
10 Safe Drinking Water Act (42 U.S.C. 300f), or a
11 publicly owned treatment works as defined in section
12 212 of the Federal Water Pollution Control Act (33
13 U.S.C. 1292).

14 (j) AUTHORIZATION OF APPROPRIATIONS.—To carry
15 out this section, there is authorized to be appropriated
16 \$200,000,000 for each of the fiscal years 2010 through
17 2014.

