

FACT SHEET

Arid West Watersheds Wastewater Grant Program

Background

Arid watersheds are impacted by unique water quality issues different from those water quality issues common to wet weather regions of the United States. These issues include extended drought, ephemeral streams, and extensive use of reclaimed water, stormwater harvesting, and large canal conveyance systems.

State water quality standards and federal requirements often subject local wastewater discharges in arid watersheds to water quality requirements more stringent than for wet weather regions. Those requirements include dissolved oxygen, nutrients, whole effluent toxicity and those associated with ecosystem restoration.

Arid watersheds are characterized by low annual precipitation and high evaporation. This climate category is characteristic of arid or semi-desert areas and of wide regions or continental areas. Climate changes including anthropogenic transformation related to increased concentrations of carbon in the atmosphere are predicted to further reduce natural precipitation.

Arid watersheds are most often wide geographic expanses which are historically and consistently dry through-out much of annual weather cycles for many decades if not centuries. Annual wet periods in such areas are usually seasonal and extremely limited. Water supplies are scarce and are limited to ground water formations; intermittent or effluent dominated streams or rivers; or large constructed reservoirs. Major ground and surface water supplies may be subject to high levels of evaporation and intense competition among communities, states, and regions.

Alternative water supplies become an important regional and national resource. Such supplies can include domestic wastewater treated to high quality levels for aquifer water recharge, reuse on turf and park facilities and or for indirect potable use.

Water quality has long been a national commitment and priority for communities, states and the federal government. More assistance to arid watersheds is necessitated by the increased treatment requirements and costs to achieve stringent water quality standards in arid environments.

Resolution

The Congress has previously authorized grant funding for control of combined sewer overflows across wet weather regions in recognition of the additional requirements for these systems to achieve our national commitment to clean water. The purpose of the draft legislation below is to provide parallel recognition of equally

difficult additional requirements for attainment of water quality goals in arid watersheds and regions.

The suggested legislative vehicle for accomplishing these national policy goals is an amendment to H.R. 3202 - the Water Protection and Reinvestment Act of 2009 - that would establish a Water Protection and Reinvestment Trust Fund. H.R. 3202 was introduced by Congressman Earl Blumenauer on July 15, 2009 and presently includes 14 cosponsors. The draft legislation below would amend H.R. 3202 by adding new sections 411 and 207, and making changes to Section 102.

Amendments to implement the Arid West Watersheds Wastewater grant Program in H.R. 3202

Section 1 of the amendment to H.R. 3202 would add a new Section 411 to H.R. 3202 to authorize grants from the Trust Fund for construction of wastewater conveyance and treatment/reclamation facilities in arid watersheds to meet stringent requirements similar to those for wet weather combined sewer overflow facilities

Section 2 includes amendments to Section 102 of H.R. 3202 that would make available five percent of the funds provided annually by the Water Protection and Reinvestment Trust Fund to be established by H.R. 3202 to the Arid Watersheds Wastewater Control Grant Program. This five percent amount would be reallocated from the 48% for infrastructure funding under the Clean Water Act by reducing such funding to 45%, and from the 35% for infrastructure funding under the Safe Drinking Water Act by reducing that funding amount to 33%. These changes are representative of the relative costs and benefits that would be provided by the construction of wastewater treatment facilities for the augmentation of water supplies.

Section 3 of the amendment would add a new section 207 to H.R. 3202 that would authorize the appropriation of funds from the federal general fund for grants established under the new Section 411.

AMENDMENT

SEC. 1: Title IV of H.R. 3202, is amended by inserting after Section 410 a new Section 411 as follows:

SEC. 411. ARID WEST WATERSHEDS WASTEWATER GRANT PROGRAM.

- (a) **IN GENERAL.** – The Administrator is authorized and directed to make grants to –
- (1) A municipality or group of municipalities for planning, design, and construction of treatment works to control and improve discharges to groundwater and surface water in arid watersheds; and
 - (2) A State for the purpose of providing grants to a municipality for planning, design and construction of treatment works for the purposes described in paragraph (1).
- (b) **DEFINITIONS** –
- (1) For purposes of this Section, the term “municipality” means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of this Act as defined by Section 501(4) of the Federal Water Pollution Control Act of 1972, , as amended (33 U.S.C. 1251 et seq.)
 - (2) For purposes of this Section, the term “arid watershed” means a hydrological area with ephemeral and effluent dependant streams located chiefly in the arid and semi-arid western United States including portions of the states of Arizona, New Mexico, Utah, Nevada, California, Colorado, Oregon, Washington, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Idaho, Montana, and Wyoming.
- (c) **PRIORITIZATION.** – In selecting from among municipalities or group of municipalities applying for grants under subsection (a), the Administrator or a State shall give priority to an applicant that –
- (1) Owns wastewater conveyance and treatment facilities;
 - (2) Directly or through groundwater recharge and recovery supplies treated effluent to a municipality, federal agency, or Indian tribe;
 - (3) Is requesting a grant to research, develop and conduct a full-scale demonstration of alternative or advanced treatment technologies or the production of a renewable sources of energy for all or some of the treatment process;

- (4) Is requesting a grant to mitigate or adapt to the effects of global climate change on water in arid watersheds including water conservation, efficiency and reuse; or
 - (5) Is requesting a grant for such project that is on a State's intended use plan pursuant to section 606(c).
- (d) ALLOCATION OF FUNDS. –
- (1) Fiscal year 2011. – Subject to section 411(c) of this Act, the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2011 for making grants to municipalities under (a)(1), in accordance with the prioritization criteria set forth in subsection (b).
 - (2) Fiscal years 2012 through 2015. Subject to subsection (f), the Administrator shall use the amounts appropriated to carry out this section for fiscal years 2012 through 2015 as follows:
 - (A) Not to exceed \$350,000,000 for making direct grants to municipalities under subsection (a) (1), in accordance with the criteria set forth in subsection (b).
 - (B) All remaining amounts for making grants to States under subsection (a)(2) in accordance with a formula to be established by the Administrator, after providing notice and an opportunity for public comment, that allocates to each State containing arid watersheds a proportional share of such amounts based on the total needs of the State for treatment works for the purposes described in subsection (a) identified in the most recent survey conducted pursuant to section 516(b)(1) or in a similar survey conducted by the Administrator.
- (e) COST-SHARING. – For the grant made under subsection (a):
- (1) The Federal share of the cost of planning, design and construction using amounts from a grant shall be not less than 55 percent of the cost.
 - (2) The non-Federal share of the cost may include, in any amount, public and private funds and in-kind services, and may include notwithstanding section 603(h), financial assistance, including loans, from a State water pollution control revolving fund.
- (f) ADMINISTRATIVE EXPENSES. – Of the amounts appropriated to carry out this section for each fiscal year—
- (1) The Administrator may retain an amount not to exceed 1.2 percent for the reasonable and necessary costs of administering this section; and
 - (2) The Administrator, or a State, may retain an amount not to exceed 4 percent of any grant made to a municipality under subsection (a), for the reasonable and necessary costs of administering the grant.

- (g) **REPORTS.** Not later than December 31, 2012, and biennially thereafter, the Administrator shall transmit to Congress a report on the implementation of this section by the Administrator and by the States receiving grants under this section.

SEC. 2. Title I of H.R. 3202, is amended as follows:

- (a) Section 102 (a)(3) of H.R. 3202 is amended to add a new paragraph (I) at the end thereof as follows:
 - (I) 0.5 percent for making grants under section 411 (relating to the Arid Watersheds Wastewater Control Grant Program).
- (b) **CONFORMING AMENDMENTS:**
 - (1) Section 102(a)(1)(A) of H.R. 3202 is amended by striking “48”, and inserting in lieu thereof: “45”.
 - (2) Section 102(a)(2)(A) of H.R. 3202 is amended by striking “35”, and inserting in lieu thereof “33”.

SEC. 3. Title II of H.R. 3202, is amended to add a new Section 207 as follows:

Section 207. Authorization. -- There is authorized to be appropriated to carry out Section 411 of this Act the following amounts to remain available until expended:

- (1) \$500,000,000 for fiscal year 2011;
- (2) \$600,000,000 for fiscal year 2012;
- (3) \$750,000,000 for fiscal year 2013;
- (4) \$750,000,000 for fiscal year 2014; and
- (5) \$750,000,000 for fiscal year 2015.