

America's Water Infrastructure Act of 2018 (S. 3021)

America's Water Infrastructure Act of 2018 (AWIA) makes much-needed investments in water infrastructure systems across the country. It reauthorizes the ongoing work of the U.S. Army Corps of Engineers (Corps) for activities ranging from flood control to ship navigability. The legislation also addresses critical priorities such as: providing clean drinking water, modernizing wastewater infrastructure, funding programs to make water infrastructure more resilient to storms, and farmland irrigation. Also, as the country faces response and recovery from the impact of "monster" Hurricane Florence, this bill gives the Corps new tools to assist in emergency response and post-disaster recovery and clean up, and improve communities' resilience to future storms.

Title I – the Water Resources Development Act of 2018

Title I of AWIA, the Water Resources Development Act of 2018 (WRDA), represents Congress' continued investment in vital American infrastructure through the Corps' Civil Works program. Our ports, inland waterways, locks, and dams are critical water infrastructure that is essential to economic growth, and supports the movement of goods throughout the country and trade beyond our borders. The Corps' vital flood protection and ecosystem restoration programs help protect our communities.

The economic impacts of the Corps' Civil Works program are considerable. Corps projects help to generate \$109.83 billion in net annual economic benefits and produce \$34.16 billion in revenue to the U.S. Treasury.

Prior to 2014, Congress had not passed a WRDA bill in seven years. As a result, many improvements languished while project costs rose and regulatory burdens remained unaddressed. With WRDA 2018, following the successful passage of the 2014 and 2016 laws, Congress is now back on track. The 2018 WRDA bill:

- Authorizes all available Corps projects for water resources development, conservation, and other purposes. This will allow the Corps to begin construction on 12 new water resource development projects, make modifications to other existing projects, and conduct or expedite feasibility studies on more than 65 other water resource development projects. The measure deauthorizes nine previously authorized water projects and requires the Corps to assemble a list worth at least \$4 billion of projects that could be deauthorized by Congress in future WRDA bills to allow resources to be focused on higher priorities.
- Includes key reforms to the Corps' budgeting process to provide greater transparency for both Congress and the public. Mandates that the Corps annually report uncompleted work at all phases of a project's lifecycle. Requires greater transparency and accountability from the Corps requiring the agency to: maintain cost-sharing balance sheets and refund or credit non-Federal interests for overpayments, and engage in local collaboration and information-sharing.
- Requires the Army Corps to consider natural infrastructure alternatives when developing new projects.
- Gives state and local leaders a greater role in prioritizing Army Corps project and allows

local sponsors to provide advanced funds for projects so that work can be initiated faster and stay on schedule.

- Authorizes the Corps to award longer term contracts for the operation and maintenance of harbors and inland harbors to provide cost savings and maximize the use of Federal dollars.
- Authorizes multiple storm damage and emergency response provisions, including a requirement that projects damaged or destroyed by natural disasters, shall be rebuilt to either pre-storm levels or its design level of protection, whichever is greater.
- Directs the Corps, at the request of a community, to extend emergency disaster assistance beyond 30 days for source water contamination.

Title II – Drinking Water System Improvement

AWIA builds on the Safe Water Drinking Act to address the growing need to update America's sorely outdated drinking water infrastructure. By 2020, the average age of the 1.6 million miles of water and sewer pipes in the United States will hit 45 years. There are an estimated 240,000 water main breaks per year in the United States, and, although Congress banned lead water pipes three decades ago, more than 10 million older pipes still remain, posing serious risks to the health and safety of American families. In 2014, the water crisis in Flint, Michigan exposed nearly 100,000 residents to lead in their drinking water – after going undetected for months. Drinking water crises are all too common and cause long-lasting damage to communities across the country. In the first water resources bill following the assistance Congress provided to Flint in 2016,

For drinking water, the bill:

- Re-authorizes, for the first time in 22 years, the Drinking Water State Revolving Loan Fund that provides for needed investments in communities across the country. The bill would also nearly double the size of the program from \$1 billion to \$1.95 billion by 2021.
- Expands the use of the Drinking Water State Revolving Loan Fund to help areas impacted by natural disasters repair damaged drinking water infrastructure and make such infrastructure more resilient to future storms.
- Extends for five years the Buy America requirements of the drinking water state revolving loan fund to ensure American made products are used to construct projects funded through the program.
- Authorizes new technical assistance for small drinking water systems, similar to the circuit rider program.
- Authorizes new unregulated contaminant monitoring to help form the basis for future drinking water regulations.
- Expands the existing \$60 million annual small and disadvantaged communities program to allow communities to test and treat for contamination in water systems and underground sources of drinking water.
- Expands the lead in schools testing program to provide schools with additional assistance to address lead contamination, including the replacement of drinking water fountains.
- Creates a new grant program to provide resources for the development, testing, and deployment of cutting edge drinking water technology.
- Builds on the existing asset management program to help drinking water systems do a better job of maintaining their systems as it ages.

Title III – Energy

Included in the Act are provisions that promote the development of hydropower through closed-loop pump storage, in-conduit projects, and at existing non-powered dams. The legislation also amends the Federal Power Act to authorize the Federal Energy Regulatory Commission to issue preliminary permits to a hydropower construction license applicant for up to four years, and promote the timely rehabilitation and replacement of hydropower infrastructure.

Title IV – Other Matters

Like Title II, Title IV of AWIA meets critical water infrastructure needs. It builds on the Clean Water Act (CWA) to address wastewater infrastructure, which includes 21,000 publicly owned wastewater treatment plants, an estimated 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers nationally. The CWA aims to bring communities into compliance with secondary treatment standards for the discharge of sewage. For sewer infrastructure, the needs are especially urgent for many areas trying to fix the problem of combined sewer overflows and sanitary sewer overflows which contribute pollution to the nation's waterways. These events are often caused by systems that have insufficient capacity to address wet weather conditions, and lack sufficient financing ability to address the problem.

In this title, the Act:

- Authorizes \$550 million for sewer overflow control grants.
- Creates a storm water task force to look at the growing storm water infrastructure needs in America and to make recommendations for updates to these programs.
- Establishes a wastewater technology clearing house to help disseminate information to local levels of government on various forms of infrastructure and types of assistance.
- Establishes a new technical assistance program for small and rural treatment works to help these systems meet the need for regulatory compliance.
- Provides expanded state revolving loan fund assistance to low and moderate income households to address wastewater needs.
- Reauthorizes the Water Infrastructure Financing Authority (WIFIA) and creates a new small projects funding program within WIFIA to help provide needed funding resources to drinking water and wastewater structure.
- Creates a new innovative loan program that will allow states to bundle smaller projects.
- Authorizes the WaterSense program to ensure the highest quality and most environmentally-friendly water technologies are provided to the American consumer.