To amend the Safe Drinking Water Act to provide assistance for States, territories, areas affected by natural disasters, and water systems and schools affected by PFAS or lead, and to require the Environmental Protection Agency to promulgate national primary drinking water regulations for PFAS, microcystin toxin, and 1,4-dioxane, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Assistance, Quality, and Affordability Act of 2021”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLED I—INFRASTRUCTURE

Sec. 101. Drinking water system resilience funding.
Sec. 102. Grants for State programs.
Sec. 103. American iron and steel products.
Sec. 104. Allotments for territories.
Sec. 105. Drinking water SRF funding.
Sec. 106. Lead service line replacement.
Sec. 107. PFAS treatment grants.
Sec. 108. Voluntary school and child care program lead testing grant program.
Sec. 109. Drinking water fountain replacement for schools.
Sec. 110. Indian reservation drinking water program.
Sec. 111. Assistance for areas affected by natural disasters.

TITLED II—SAFETY

Sec. 201. Enabling EPA to set standards for new drinking water contaminants.
Sec. 202. National primary drinking water regulations for PFAS.
Sec. 203. National primary drinking water regulations for microcystin toxin.
Sec. 204. National primary drinking water regulations for 1,4-dioxane.
Sec. 205. Elimination of small system variances.

TITLED III—AFFORDABILITY

Sec. 301. Emergency relief program.

TITLED I—INFRASTRUCTURE

SEC. 101. DRINKING WATER SYSTEM RESILIENCE FUNDING.

Section 1433(g)(6) of the Safe Drinking Water Act (42 U.S.C. 300i–2(g)(6)) is amended—

(1) by striking “25,000,000” and inserting “50,000,000”; and

(2) by striking “2020 and 2021” and inserting “2022 through 2031”.

May 18, 2021 (10:31 a.m.)
SEC. 102. GRANTS FOR STATE PROGRAMS.

Section 1443(a)(7) of the Safe Drinking Water Act (42 U.S.C. 300j–2(a)(7)) is amended by striking “and 2021” and inserting “through 2031”.

SEC. 103. AMERICAN IRON AND STEEL PRODUCTS.

Section 1452(a)(4)(A) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4)(A)) is amended by striking “During fiscal years 2019 through 2023, funds” and inserting “Funds”.

SEC. 104. ALLOTMENTS FOR TERRITORIES.

Section 1452(j) of the Safe Drinking Water Act (42 U.S.C. 300j–12(j)) is amended by striking “0.33 percent” and inserting “1.5 percent”.

SEC. 105. DRINKING WATER SRF FUNDING.

Section 1452(m)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(m)(1)) is amended—

(1) in subparagraph (B), by striking “and”;

(2) in subparagraph (C), by striking “2021.” and inserting “2021;”;

and

(3) by adding at the end the following:

“(D) $4,140,000,000 for fiscal year 2022;

“(E) $4,800,000,000 for fiscal year 2023;

and

“(F) $5,500,000,000 for each of fiscal years 2024 through 2031.”.
SEC. 106. LEAD SERVICE LINE REPLACEMENT.

(a) IN GENERAL.—Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended by adding at the end the following:

“(u) LEAD SERVICE LINE REPLACEMENT.—

“(1) IN GENERAL.—In addition to the capitalization grants to eligible States under subsection (a)(1), the Administrator shall offer to enter into agreements with eligible States, Indian Tribes, and the territories described in subsection (j) to make capitalization grants, including letters of credit, to such States, Indian Tribes, and territories under this subsection to fund the replacement of lead service lines.

“(2) ALLOTMENTS.—

“(A) STATES.—Funds made available under this subsection shall be allotted and reallocated to the extent practicable, to States as if allotted or reallocated under subsection (a)(1) as a capitalization grant under such subsection.

“(B) INDIAN TRIBES.—The Administrator shall set aside 1 1/2 percent of the amounts made available each fiscal year to carry out this subsection to make grants to Indian Tribes.

“(C) OTHER AREAS.—The funds made available under this subsection shall be allotted
to territories described in subsection (j) in accordance with such subsection.

“(3) PRIORITY.—Each State that has entered into a capitalization agreement pursuant to this section shall annually prepare a plan that identifies the intended uses of the amounts made available pursuant to this subsection, which shall—

“(A) comply with the requirements of subsection (b)(2); and

“(B) provide, to the maximum extent practicable, that priority for the use of funds be given to projects that replace lead service lines serving disadvantaged communities and environmental justice communities.

“(4) AMERICAN MADE IRON AND STEEL AND PREVAILING WAGES.—The requirements of paragraphs (4) and (5) of subsection (a) shall apply to any project carried out in whole or in part with funds made available under this subsection.

“(5) LIMITATION.—

“(A) Prohibition on partial line replacement.—None of the funds made available under this subsection may be used for partial lead service line replacement if, at the conclusion of the service line replacement, drinking
water is delivered through a publicly or privately owned portion of a lead service line.

“(B) NO PRIVATE OWNER CONTRIBUTION.—Any recipient of funds made available under this subsection shall offer to replace any privately owned portion of the lead service line at no cost to the private owner.

“(6) STATE CONTRIBUTION.—Notwithstanding subsection (e), agreements under paragraph (1) shall not require that the State deposit in the State loan fund from State moneys any contribution before receiving funds pursuant to this subsection.

“(7) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection $4,500,000,000 for each of fiscal years 2022 through 2031. Such sums shall remain available until expended.

“(B) ADDITIONAL AMOUNTS.—To the extent amounts authorized to be appropriated under this subsection in any fiscal year are not appropriated in that fiscal year, such amounts are authorized to be appropriated in a subsequent fiscal year. Such sums shall remain available until expended.
“(8) DEFINITIONS.—For purposes of this sub-
section:

“(A) DISADVANTAGED COMMUNITY.—The
term ‘disadvantaged community’ has the mean-
ing given such term in subsection (d)(3).

“(B) ENVIRONMENTAL JUSTICE COMMU-
nity.—The term ‘environmental justice com-

munity’ means any population of color, commu-
nity of color, indigenous community, or low-in-
come community that experiences a dispropor-
tionate burden of the negative human health
and environmental impacts of pollution or other
environmental hazards.

“(C) LEAD SERVICE LINE.—The term
‘lead service line’ means a pipe and its fittings,
which are not lead free (as defined in section
1417(d)), that connect the drinking water main
to the building inlet.”

(b) CONFORMING AMENDMENT.—Section
1452(m)(1) of the Safe Drinking Water Act (42 U.S.C.
300j–12(m)(1)) is amended by striking “(a)(2)(G) and
(t)” and inserting “(a)(2)(G), (t), and (u)”.
SEC. 107. PFAS TREATMENT GRANTS.

Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following new section:

“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYSTEMS AFFECTED BY PFAS.

“(a) Establishment.—Not later than 180 days after the date of enactment of this section, the Administrator shall establish a program to award grants to affected community water systems to pay for capital costs associated with the implementation of eligible treatment technologies.

“(b) Applications.—

“(1) Guidance.—Not later than 12 months after the date of enactment of this section, the Administrator shall publish guidance describing the form and timing for community water systems to apply for grants under this section.

“(2) Required information.—The Administrator shall require a community water system applying for a grant under this section to submit—

“(A) information showing the presence of a perfluoroalkyl or polyfluoroalkyl substance in water of the community water system; and

“(B) a certification that the treatment technology in use by the community water sys-
tem at the time of application is not sufficient
to remove all detectable amounts of
perfluoroalkyl and polyfluoroalkyl substances.

“(c) LIST OF ELIGIBLE TREATMENT TECHNOLOGIES.—Not later than 150 days after the date of enactment of this section, and every 2 years thereafter, the Administrator shall publish a list of treatment technologies that the Administrator determines are effective at removing all detectable amounts of perfluoroalkyl and polyfluoroalkyl substances from drinking water.

“(d) PRIORITY FOR FUNDING.—In awarding grants under this section, the Administrator shall prioritize affected community water systems that—

“(1) serve a disadvantaged community;

“(2) will provide at least a 10-percent cost share for the cost of implementing an eligible treatment technology; or

“(3) demonstrate the capacity to maintain the eligible treatment technology to be implemented using the grant.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section not more than $500,000,000 for each of the fiscal years 2022 through 2031.
“(2) SPECIAL RULE.—Of the amounts authorized to be appropriated by paragraph (1), $25,000,000 are authorized to be appropriated for each of fiscal years 2022 and 2023 for grants under subsection (a) to pay for capital costs associated with the implementation of eligible treatment technologies during the period beginning on October 1, 2014, and ending on the date of enactment of this section.

“(f) DEFINITIONS.—In this section:

“(1) AFFECTED COMMUNITY WATER SYSTEM.—The term ‘affected community water system’ means a community water system that is affected by the presence of a perfluoroalkyl or polyfluoroalkyl substance in the water in the community water system.

“(2) DISADVANTAGED COMMUNITY.—The term ‘disadvantaged community’ has the meaning given that term in section 1452.

“(3) ELIGIBLE TREATMENT TECHNOLOGY.—The term ‘eligible treatment technology’ means a treatment technology included on the list published under subsection (c).”
SEC. 108. VOLUNTARY SCHOOL AND CHILD CARE PROGRAM

LEAD TESTING GRANT PROGRAM.

Section 1464(d)(8) of the Safe Drinking Water Act (42 U.S.C. 300j–24(d)(8)) is amended by striking “and 2021” and inserting “through 2031”.

SEC. 109. DRINKING WATER FOUNTAIN REPLACEMENT FOR SCHOOLS.

Section 1465(d) of the Safe Drinking Water Act (42 U.S.C. 300j–25(d)) is amended by striking “2021” and inserting “2031”.

SEC. 110. INDIAN RESERVATION DRINKING WATER PROGRAM.

Section 2001(d) of America’s Water Infrastructure Act of 2018 (Public Law 115–270) is amended by striking “2022” and inserting “2031”.

SEC. 111. ASSISTANCE FOR AREAS AFFECTED BY NATURAL DISASTERS.

Section 2020 of America’s Water Infrastructure Act of 2018 (Public Law 115–270) is amended—

(1) in subsection (b)(1), by striking “subsection (e)(1)” and inserting “subsection (f)(1)”; (2) by redesignating subsections (e) through (e) as subsections (d) through (f), respectively; (3) by inserting after subsection (b) the following:
“(c) ASSISTANCE FOR TERRITORIES.—The Administrator may use funds made available under subsection (f)(1) to make grants to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands for the purposes of providing assistance to eligible systems to restore or increase compliance with national primary drinking water regulations.”; and

(4) in subsection (f), as so redesignated—

(A) in the heading, by striking “STATE REVOLVING FUND CAPITALIZATION”; and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “and to make grants under subsection (c) of this section,” before “to be available”; and

(ii) in subparagraph (A), by inserting “or subsection (c), as applicable” after “subsection (b)(1)”.

TITLE II—SAFETY

SEC. 201. ENABLING EPA TO SET STANDARDS FOR NEW DRINKING WATER CONTAMINANTS.

Section 1412(b)(6) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(6)) is repealed.
SEC. 202. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR PFAS.

Section 1412(b) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)) is amended by adding at the end the following:

“(16) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall, after notice and opportunity for public comment, promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include standards for—

“(i) perfluorooctanoic acid (commonly referred to as ‘PFOA’); and

“(ii) perfluorooctane sulfonic acid (commonly referred to as ‘PFOS’).

“(B) ALTERNATIVE PROCEDURES.—

“(i) IN GENERAL.—Not later than 1 year after the validation by the Administrator of an equally effective quality control and testing procedure to ensure compliance with the national primary drinking water regulation promulgated under sub-
paragraph (A) to measure the levels described in clause (ii) or other methods to detect and monitor perfluoroalkyl and polyfluoroalkyl substances in drinking water, the Administrator shall add the procedure or method as an alternative to the quality control and testing procedure described in such national primary drinking water regulation by publishing the procedure or method in the Federal Register in accordance with section 1401(1)(D).

“(ii) LEVELS DESCRIBED.—The levels referred to in clause (i) are—

“(I) the level of a perfluoroalkyl or polyfluoroalkyl substance;

“(II) the total levels of perfluoroalkyl and polyfluoroalkyl substances; and

“(III) the total levels of organic fluorine.

“(C) INCLUSIONS.—The Administrator may include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances on—
“(i) the list of contaminants for consideration of regulation under paragraph (1)(B)(i), in accordance with such paragraph; and

“(ii) the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i), in accordance with such section.

“(D) MONITORING.—When establishing monitoring requirements for public water systems as part of a national primary drinking water regulation under subparagraph (A) or subparagraph (G)(ii), the Administrator shall tailor the monitoring requirements for public water systems that do not detect or are reliably and consistently below the maximum contaminant level (as defined in section 1418(b)(2)(B)) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances subject to the national primary drinking water regulation.

“(E) HEALTH PROTECTION.—The national primary drinking water regulation promulgated under subparagraph (A) shall be protective of
the health of subpopulations at greater risk, as described in section 1458.

“(F) HEALTH RISK REDUCTION AND COST ANALYSIS.—In meeting the requirements of paragraph (3)(C), the Administrator may rely on information available to the Administrator with respect to one or more specific perfluoroalkyl or polyfluoroalkyl substances to extrapolate reasoned conclusions regarding the health risks and effects of a class of perfluoroalkyl or polyfluoroalkyl substances of which the specific perfluoroalkyl or polyfluoroalkyl substances are a part.

“(G) REGULATION OF ADDITIONAL SUBSTANCES.—

“(i) DETERMINATION.—The Administrator shall make a determination under paragraph (1)(A), using the criteria described in clauses (i) through (iii) of that paragraph, whether to include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances in the national primary drinking water regulation under subparagraph
(A) not later than 18 months after the later of—

“(I) the date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is listed on the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

“(II) the date on which—

“(aa) the Administrator has received the results of monitoring under section 1445(a)(2)(B) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; or

“(bb) the Administrator has received reliable water data or water monitoring surveys for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances from a Federal or State agency that the Adminis-
trator determines to be of a qual-
ity sufficient to make a deter-
mination under paragraph
(1)(A).

“(ii) PRIMARY DRINKING WATER REG-
ULATIONS.—

“(I) IN GENERAL.—For each
perfluoroalkyl or polyfluoroalkyl sub-
stance or class of perfluoroalkyl or
polyfluoroalkyl substances that the
Administrator determines to regulate
under clause (i), the Administrator—

“(aa) not later than 18
months after the date on which
the Administrator makes the de-
termination, shall propose a na-
tional primary drinking water
regulation for the perfluoroalkyl
or polyfluoroalkyl substance or
class of perfluoroalkyl or
polyfluoroalkyl substances; and

“(bb) may publish the pro-
posed national primary drinking
water regulation described in
item (aa) concurrently with the
publication of the determination
to regulate the perfluoroalkyl or
polyfluoroalkyl substance or class
of perfluoroalkyl or
polyfluoroalkyl substances.

“(II) DEADLINE.—

“(aa) In general.—Not
later than 1 year after the date
on which the Administrator pub-
ishes a proposed national pri-
mary drinking water regulation
under clause (i)(I) and subject to
item (bb), the Administrator
shall take final action on the pro-
posed national primary drinking
water regulation.

“(bb) Extension.—The
Administrator, on publication of
notice in the Federal Register,
may extend the deadline under
item (aa) by not more than 6
months.

“(H) Health Advisory.—

“(i) In general.—Subject to clause
(ii), the Administrator shall publish a
health advisory under paragraph (1)(F) for a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not subject to a national primary drinking water regulation not later than 1 year after the later of—

“(I) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(II) the date on which the Administrator validates an effective quality control and testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

“(ii) WAIVER.—The Administrator may waive the requirements of clause (i) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl and polyfluoroalkyl substances if the Administrator determines that there is a substantial likelihood that
the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances will not occur in drinking water with sufficient frequency to justify the publication of a health advisory, and publishes such determination, including the information and analysis used, and basis for, such determination, in the Federal Register.’’.

SEC. 203. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR MICROCYSTIN TOXIN.

Section 1412(b) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)) is further amended by adding at the end the following:

“(17) MICROCYSTIN TOXIN.—

“(A) IN GENERAL.—Notwithstanding any other deadline established in this subsection, not later than 2 years after the date of enactment of the Assistance, Quality, and Affordability Act of 2021, the Administrator shall publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for microcystin toxin.

“(B) HEALTH PROTECTION.—The maximum contaminant level goal and national pri-
mary drinking water regulation promulgated under subparagraph (A) shall be protective of the health of subpopulations at greater risk, as described in section 1458.”.

SEC. 204. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR 1,4-DIOXANE.

Section 1412(b) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)) is further amended by adding at the end the following:

“(18) 1,4–DIOXANE.—

“(A) IN GENERAL.—Notwithstanding any other deadline established in this subsection, not later than 2 years after the date of enactment of the Assistance, Quality, and Affordability Act of 2021, the Administrator shall publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for 1,4–dioxane.

“(B) HEALTH PROTECTION.—The maximum contaminant level goal and national primary drinking water regulation promulgated under subparagraph (A) shall be protective of the health of subpopulations at greater risk, as described in section 1458.”.
SEC. 205. ELIMINATION OF SMALL SYSTEM VARIANCES.

(a) SMALL SYSTEM VARIANCES.—Section 1415 (42 U.S.C. 300g–4) of the Safe Drinking Water Act is amended by striking subsection (e).

(b) CONFORMING AMENDMENTS.—

(1) Section 1414(c)(1)(B) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)(1)(B)) is amended by striking “, (a)(2), or (e)” and inserting “or (a)(2)”.

(2) Section 1416(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300g–5(b)(2)) is amended by striking subparagraph (D).

(3) Section 1445(h) of the Safe Drinking Water Act (42 U.S.C. 300j–4(h)) is amended—

(A) by striking “sections 1412(b)(4)(E) and 1415(e) (relating to small system variance program)” and inserting “section 1412(b)(4)(E)”;

(B) by striking “guidance under sections 1412(b)(4)(E) and 1415(e)” and inserting “guidance under section 1412(b)(4)(E)”.

TITLE III—AFFORDABILITY

SEC. 301. EMERGENCY RELIEF PROGRAM.

Part F of the Safe Drinking Water Act (42 U.S.C. 300j–21 et seq.) is amended by adding at the end the following new section:
“SEC. 1466. EMERGENCY RELIEF PROGRAM.

“(a) Emergency Relief Program.—The Administrator shall establish and carry out a residential emergency relief program to provide payments to public water systems to reimburse such public water systems for providing forgiveness of arrearages and fees incurred by eligible residential customers before the date of enactment of this section to help such eligible residential customers retain water service.

“(b) Conditions.—To receive funds under this section, a public water system shall agree to—

“(1) except as provided in paragraph (2), use such funds to forgive all arrearages and fees relating to nonpayment or arrearages incurred by eligible residential customers before the date of enactment of this section;

“(2) if forgiveness of all arrearages and fees described in paragraph (1) is not possible given the amount of funds received, use such funds to reduce such arrearages and fees for each eligible residential customer by, to the extent practicable, a consistent percentage;

“(3) take no action that negatively affects the credit score of an eligible residential customer, or pursue any type of collection action against such eligible residential customer, during the 5-year period
that begins on the date on which the public water
system receives such funds; and

“(4) not disconnect or interrupt the service of
any eligible residential customer as a result of non-
payment or arrearages during such 5-year period.

“(c) ELIGIBLE CUSTOMERS.—To be eligible for for-
giveness or reduction of arrearages and fees pursuant to
the program established under subsection (a), a residential
customer of a public water system shall have accrued new
arrearages on or after March 1, 2020.

“(d) ADMINISTRATIVE EXPENSES.—The Adminis-
trator may authorize—

“(1) States to implement the program estab-
lished under subsection (a); and

“(2) a State implementing such program to use
up to 4 percent of funds made available to carry out
such program in such State for administrative ex-
penses.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There
is authorized to be appropriated to carry out this section
$4,000,000,000, to remain available until expended.”.