

116TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to authorize additional assistance to address pollution from perfluoroalkyl and polyfluoroalkyl substances and other emerging contaminants, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mrs. SHAHEEN (for herself, Mr. SCHUMER, Mr. CARPER, Ms. STABENOW, Ms. HASSAN, Mr. REED, Mr. PETERS, Mr. MARKEY, Mr. WHITEHOUSE, Mr. BOOKER, Ms. WARREN, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. CASEY, Ms. HARRIS, Mr. DURBIN, Mr. COONS, Ms. DUCKWORTH, Mrs. GILLIBRAND, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to authorize additional assistance to address pollution from perfluoroalkyl and polyfluoroalkyl substances and other emerging contaminants, and for other purposes.

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 “Providing Financial  
5 Assistance to States for Testing and Treatment Act of

1 2020” or the “PFAS Testing and Treatment Act of  
2 2020”.

3 **SEC. 2. REMEDIATION OF PERFLUOROALKYL AND**  
4 **POLYFLUORALKYL SUBSTANCES AND OTHER**  
5 **EMERGING CONTAMINANTS IN DRINKING**  
6 **WATER.**

7 Section 1452 of the Safe Drinking Water Act (42  
8 U.S.C. 300j-12) is amended—

9 (1) in subsection (a)(2)(G)—

10 (A) in clause (i), by striking “clause (ii)”  
11 and inserting “clauses (ii) and (iii)”;

12 (B) by redesignating clause (iii) as clause  
13 (iv); and

14 (C) by inserting after clause (ii) the fol-  
15 lowing:

16 “(iii) USE OF FUNDS.—The recipient  
17 of a grant using amounts described in  
18 clause (i) may use the grant funds for  
19 projects and activities that address emerg-  
20 ing contaminants, including—

21 “(I) investments necessary for  
22 public water systems and users of un-  
23 derground sources of drinking water  
24 to comply with the requirements of  
25 this title;

1                   “(II) programs to provide house-  
2                   hold water quality testing, including  
3                   testing for unregulated contaminants;  
4                   and

5                   “(III) other investments and pro-  
6                   grams to address emerging contami-  
7                   nants.”; and

8                   (2) in subsection (t)—

9                   (A) by striking paragraph (1) and insert-  
10                  ing the following:

11                  “(1) DISTRIBUTION.—

12                  “(A) IN GENERAL.—Amounts made avail-  
13                  able under this subsection shall be allotted to a  
14                  State as a capitalization grant—

15                  “(i) in accordance with subparagraph  
16                  (B);

17                  “(ii) for deposit into the State loan  
18                  fund of the State; and

19                  “(iii) for the purposes described in  
20                  subsection (a)(2)(G).

21                  “(B) ALLOTMENT.—The amounts de-  
22                  scribed in subparagraph (A) shall be allotted to  
23                  a State—

1 “(i) for each of fiscal years 2021 and  
2 2022, as if allotted under subsection  
3 (a)(1)(D); and

4 “(ii) for each of fiscal years 2023  
5 through 2029, in accordance with the reg-  
6 ulations promulgated under subparagraph  
7 (C).

8 “(C) RULEMAKING.—Not later than 2  
9 years after the date of enactment of this sub-  
10 paragraph, the Administrator shall promulgate  
11 regulations for the distribution of amounts de-  
12 scribed in subparagraph (A) among States in a  
13 manner that accounts for the prevalence and re-  
14 medial costs of addressing emerging contami-  
15 nants, with a focus on perfluoroalkyl and  
16 polyfluoroalkyl substances.”; and

17 (B) in paragraph (2), by striking “this  
18 subsection” and all that follows through the pe-  
19 riod at the end and inserting the following:  
20 “this subsection, to remain available until ex-  
21 pended—

22 “(A) for fiscal year 2020—

23 “(i) \$1,000,000,000; and

24 “(ii) any additional amount as may be  
25 designated by Congress as being for an

1 emergency requirement pursuant to section  
2 251(b)(2)(A)(i) of the Balanced Budget  
3 and Emergency Deficit Control Act of  
4 1985 (2 U.S.C. 901(b)(2)(A)(i)); and  
5 “(B) for each of fiscal years 2021 through  
6 2029, \$1,000,000,000.”.

7 **SEC. 3. REMEDIATION OF CONTAMINATION OF GROUND-**  
8 **WATER BY PERFLUOROALKYL SUBSTANCES.**

9 Title V of the Federal Water Pollution Control Act  
10 is amended—

11 (1) by redesignating section 520 (33 U.S.C.  
12 1251 note) as section 521; and

13 (2) by inserting after section 519 (33 U.S.C.  
14 1377a) the following:

15 **“SEC. 520. REMEDIATION OF CONTAMINATION OF GROUND-**  
16 **WATER BY PERFLUOROALKYL SUBSTANCES.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) CONTAMINATED SITE.—The term ‘con-  
19 taminated site’ means a site at which groundwater  
20 has been contaminated by a covered perfluoroalkyl  
21 substance.

22 “(2) COVERED PERFLUOROALKYL SUB-  
23 STANCE.—The term ‘covered perfluoroalkyl sub-  
24 stance’ means—

1           “(A) perfluorooctanoic acid (commonly re-  
2           ferred to as ‘PFOA’) (Chemical Abstracts Serv-  
3           ice No. 335–67–1);

4           “(B) the salts associated with the chemical  
5           described in subparagraph (A) (Chemical Ab-  
6           stracts Service Nos. 3825–26–1, 335–95–5, and  
7           68141–02–6);

8           “(C) perfluorooctane sulfonic acid or  
9           sulfonate (commonly referred to as ‘PFOS’)  
10          (Chemical Abstracts Service No. 1763–23–1);  
11          and

12          “(D) the salts associated with the chemical  
13          described in subparagraph (C) (Chemical Ab-  
14          stracts Service Nos. 2795–39–3, 29457–72–5,  
15          56773–42–3, 29081–56–9, and 70225–14–8).

16          “(b) ESTABLISHMENT.—Subject to subsections (c)  
17          and (d), the Administrator shall provide grants to States  
18          to address contamination of groundwater by covered  
19          perfluoroalkyl substances at contaminated sites.

20          “(c) DISTRIBUTION.—

21                 “(1) IN GENERAL.—The Administrator shall  
22                 ensure that funds made available to carry out this  
23                 section are distributed to each State—

24                         “(A) for each of fiscal years 2021 and  
25                         2022, in such a manner that the total grant

1 amount received by a State under this section  
2 is equivalent to the ratio that—

3 “(i) the amount of the capitalization  
4 grant under title VI to the State in the  
5 last fiscal year in which capitalization  
6 grants were made; bears to

7 “(ii) the amount of capitalization  
8 grants under title VI to all States in the  
9 last fiscal year in which capitalization  
10 grants were made; and

11 “(B) for each of fiscal years 2023 through  
12 2029, in accordance with the regulations pro-  
13 mulgated under paragraph (2).

14 “(2) RULEMAKING.—Not later than 2 years  
15 after the date of enactment of this section, the Ad-  
16 ministrator shall promulgate regulations for the dis-  
17 tribution of amounts made available to carry out  
18 this section among States in a manner that accounts  
19 for the prevalence and remedial costs of addressing  
20 contamination of groundwater by covered  
21 perfluoroalkyl substances.

22 “(d) CLEANUP STANDARDS.—

23 “(1) IN GENERAL.—Any detection, treatment,  
24 and remediation of groundwater carried out using a

1 grant under this section shall be carried out in ac-  
2 cordance with—

3 “(A) if the Administrator has not des-  
4 igned the applicable covered perfluoroalkyl  
5 substance as a hazardous substance under the  
6 Comprehensive Environmental Response, Com-  
7 pensation, and Liability Act of 1980 (42 U.S.C.  
8 9601 et seq.), the Draft Deliberative Document  
9 prepared by the Administrator entitled ‘Draft  
10 Interim Recommendations to Address Ground-  
11 water Contaminated with Perfluorootanoic Acid  
12 and Perfluorooctane Sulfonate’ and accepted  
13 for interagency review by the Office of Manage-  
14 ment and Budget on August 31, 2018; and

15 “(B) if the Administrator has designated  
16 the applicable covered perfluoroalkyl substance  
17 as a hazardous substance under the Com-  
18 prehensive Environmental Response, Compensa-  
19 tion, and Liability Act of 1980 (42 U.S.C. 9601  
20 et seq.), the requirements of that Act.

21 “(2) TOTAL DESTRUCTION TECHNOLOGIES.—In  
22 addressing the contamination described in subsection  
23 (b) using amounts from a grant under this section,  
24 States shall give preference to addressing that con-

1       tamination using total destruction technologies that  
2       create inert byproducts.

3       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to carry out this sec-  
5 tion—

6               “(1) for fiscal year 2020—

7                       “(A) \$1,000,000,000; and

8                       “(B) any additional amount as may be  
9 designated by Congress as being for an emer-  
10 gency requirement pursuant to section  
11 251(b)(2)(A)(i) of the Balanced Budget and  
12 Emergency Deficit Control Act of 1985 (2  
13 U.S.C. 901(b)(2)(A)(i)); and

14               “(2) for each of fiscal years 2021 through  
15 2029, \$1,000,000,000.

16       “(f) TERMINATION OF AUTHORITY.—The authority  
17 provided by this section terminates on September 30,  
18 2029.”.