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.

IN THE SENATE OF THE UNITED STATES

Mrs. Shaheen (for herself, Mr. Schumer, Mr. Carper, Ms. Stabenow, Ms. Hassan, Mr. Reid, 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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Providing Financial Assistance to States for Testing and Treatment Act of
2020” or the “PFAS Testing and Treatment Act of 2020”.

SEC. 2. REMEDIATION OF PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AND OTHER EMERGING CONTAMINANTS IN DRINKING WATER.

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

(1) in subsection (a)(2)(G)—

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

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

(C) by inserting after clause (ii) the following:

“(iii) USE OF FUNDS.—The recipient of a grant using amounts described in clause (i) may use the grant funds for projects and activities that address emerging contaminants, including—

“(I) investments necessary for public water systems and users of underground sources of drinking water to comply with the requirements of this title;
“(II) programs to provide household water quality testing, including testing for unregulated contaminants; and

“(III) other investments and programs to address emerging contaminants.”; and

(2) in subsection (t)—

(A) by striking paragraph (1) and inserting the following:

“(1) DISTRIBUTION.—

“(A) IN GENERAL.—Amounts made available under this subsection shall be allotted to a State as a capitalization grant—

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

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

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

“(B) ALLOTMENT.—The amounts described in subparagraph (A) shall be allotted to a State—
“(i) for each of fiscal years 2021 and 2022, as if allotted under subsection (a)(1)(D); and

“(ii) for each of fiscal years 2023 through 2029, in accordance with the regulations promulgated under subparagraph (C).

“(C) RULEMAKING.—Not later than 2 years after the date of enactment of this subparagraph, the Administrator shall promulgate regulations for the distribution of amounts described in subparagraph (A) among States in a manner that accounts for the prevalence and remedial costs of addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.”; and

(B) in paragraph (2), by striking “this subsection” and all that follows through the period at the end and inserting the following:

“this subsection, to remain available until expended—

“(A) for fiscal year 2020—

“(i) $1,000,000,000; and

“(ii) any additional amount as may be designated by Congress as being for an
emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and “(B) for each of fiscal years 2021 through 2029, $1,000,000,000.”.

SEC. 3. REMEDIATION OF CONTAMINATION OF GROUNDWATER BY PERFLUOROALKYL SUBSTANCES.

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

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

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

“SEC. 520. REMEDIATION OF CONTAMINATION OF GROUNDWATER BY PERFLUOROALKYL SUBSTANCES.

“(a) DEFINITIONS.—In this section:

“(1) CONTAMINATED SITE.—The term ‘contaminated site’ means a site at which groundwater has been contaminated by a covered perfluoroalkyl substance.

“(2) COVERED PERFLUOROALKYL SUBSTANCE.—The term ‘covered perfluoroalkyl substance’ means—
“(A) perfluorooctanoic acid (commonly referred to as ‘PFOA’) (Chemical Abstracts Service No. 335–67–1);

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

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

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

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

“(c) DISTRIBUTION.—

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

“(A) for each of fiscal years 2021 and 2022, in such a manner that the total grant
amount received by a State under this section is equivalent to the ratio that—

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

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

“(B) for each of fiscal years 2023 through 2029, in accordance with the regulations promulgated under paragraph (2).

“(2) Rulemaking.—Not later than 2 years after the date of enactment of this section, the Administrator shall promulgate regulations for the distribution of amounts made available to carry out this section among States in a manner that accounts for the prevalence and remedial costs of addressing contamination of groundwater by covered perfluoroalkyl substances.

“(d) Cleanup Standards.—

“(1) In general.—Any detection, treatment, and remediation of groundwater carried out using a
grant under this section shall be carried out in accordance with—

“(A) if the Administrator has not designated the applicable covered perfluoroalkyl substance as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Draft Deliberative Document prepared by the Administrator entitled ‘Draft Interim Recommendations to Address Groundwater Contaminated with Perfluorooctanoic Acid and Perfluorooctane Sulfonate’ and accepted for interagency review by the Office of Management and Budget on August 31, 2018; and

“(B) if the Administrator has designated the applicable covered perfluoroalkyl substance as a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the requirements of that Act.

“(2) TOTAL DESTRUCTION TECHNOLOGIES.—In addressing the contamination described in subsection (b) using amounts from a grant under this section, States shall give preference to addressing that con-
tamination using total destruction technologies that
create inert byproducts.

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

“(1) for fiscal year 2020—

“(A) $1,000,000,000; and

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

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

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