

Questions and Answers on the CWSRF provisions in AWIA Section 4107

Q: What projects are eligible under section 603(c)(12) of the Clean Water Act (CWA)?

A: As amended, the CWA now includes section 603(c)(12), which states that each CWSRF may provide financial assistance:

*(12) to any qualified nonprofit entity, as determined by the Administrator, to provide assistance to an eligible individual (as defined in subsection (j))—
(A) for the repair or replacement of existing individual household decentralized wastewater treatment systems; or
(B) in a case in which an eligible individual resides in a household that could be cost effectively connected to an available publicly owned treatment works, for the connection of the applicable household to such treatment works.*

Projects to provide assistance to an eligible individual for the repair or replacement of household decentralized wastewater treatment systems are eligible. Assistance recipients must be a qualified nonprofit entity. A nonprofit entity is one which has Federal tax-exempt status. Eligible projects include only the repair or replacement of existing systems. Projects to connect an individual household to an available publicly owned treatment works are also eligible, where it is cost effective. Eligible individual is defined in section 603(j) as one who is a member of a household with a combined household income (for the most recent 12-month period for which information is available) equal to not more than 50 percent of the median nonmetropolitan household income for the state in which the household is located, according to the most recent decennial census.

Q: How will EPA address section 4107(b) of AWIA?

A: The AWIA includes the following provision:

*(b) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—
(1) The prevalence throughout the United States of low- and moderate-income households without access to a treatment works; and
(2) The use by States of assistance under section 603(c)(12) of the Federal Water Pollution Control Act.*

A review of the prevalence throughout the United States of low- and moderate-income households without access to treatment works will begin in FY 2020. A new data field will be added to the SRF database to collect information on the use by States of assistance under section 603(c)(12).

Q: Does the addition of section 603(c)(12) change what is eligible under the other eleven eligibilities listed in section 603(c) of the CWA?

A: No. Each of the twelve eligibilities included in section 603(c) of the CWA exists independent of the others. A project is eligible for CWSRF assistance, if it meets the criteria of any one of the twelve CWSRF eligibilities. The section, however, does place emphasis on the important role that qualified nonprofits can play in providing tremendously needed assistance with the repair or replacement of decentralized systems.