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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. 2570

To ensure that polluters pay ongoing water treatment costs associated with contamination from perfluoroalkyl and polyfluoroalkyl substances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 8, 2019

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To ensure that polluters pay ongoing water treatment costs associated with contamination from perfluoroalkyl and polyfluoroalkyl substances, 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 “PFAS User Fee Act
5 of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Perfluoroalkyl and polyfluoroalkyl sub-
2 stances have emerged as pervasive contaminants in
3 sources of drinking water and water to be treated by
4 treatment works.

5 (2) Such substances are not naturally occur-
6 ring, but are present in water because of manufac-
7 turing and distribution of PFAS in commerce.

8 (3) Such substances pose serious risks to
9 health, including risks of cancer, reproductive and
10 developmental effects, and effects on the immune
11 system, liver, and kidneys.

12 (4) Because of these risks, regulatory limits
13 continue to be established for PFAS in drinking
14 water and effluent from treatment works.

15 (5) Removing PFAS from water results in sig-
16 nificant ongoing operation and maintenance costs.

17 (6) Those costs are currently borne by commu-
18 nity water systems and treatment works, and in turn
19 by ratepayers.

20 (7) Those costs should rightly be borne by the
21 manufacturers of PFAS, who are using community
22 water systems and treatment works to remove their
23 pollution from the environment.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) AFFECTED FACILITY.—The term “affected
5 facility” means—

6 (A) a community water system that has
7 operation and maintenance costs associated
8 with the removal of PFAS from water of the
9 community water system; or

10 (B) a treatment works that has operation
11 and maintenance costs associated with the re-
12 moval of PFAS from effluent prior to discharge
13 from the treatment works.

14 (3) COMMUNITY WATER SYSTEM.—The term
15 “community water system” has the meaning given
16 that term in section 1401 of the Safe Drinking
17 Water Act (42 U.S.C. 300f).

18 (4) DISADVANTAGED COMMUNITY.—The term
19 “disadvantaged community” has the meaning given
20 that term in section 1452 of the Safe Drinking
21 Water Act (42 U.S.C. 300j–12).

22 (5) MANUFACTURE.—The term “manufacture”
23 has the meaning given that term in section 3 of the
24 Toxic Substances Control Act (15 U.S.C. 2602).

1 (6) PFAS.—The term “PFAS” means a
2 perfluoroalkyl or polyfluoroalkyl substance with at
3 least one fully fluorinated carbon atom.

4 (7) TREATMENT WORKS.—The term “treatment
5 works” has the meaning given that term in section
6 212 of the Federal Water Pollution Control Act (33
7 U.S.C. 1292).

8 **SEC. 4. PFAS MANUFACTURER USER FEE.**

9 (a) IN GENERAL.—The Administrator shall, by rule,
10 establish fees for the manufacture of PFAS, which shall
11 be assessed to each person manufacturing PFAS based
12 on the amount of PFAS manufactured by the person.

13 (b) INITIAL FEE.—Not later than 12 months after
14 the date of enactment of this Act, the Administrator shall
15 establish fees under subsection (a) that are sufficient to
16 ensure the collection of not less than \$2,000,000,000 dol-
17 lars per year.

18 (c) REVIEW AND UPDATE.—Not less frequently than
19 every 2 years, the Administrator shall review the fees es-
20 tablished under subsection (a) and update such fees as
21 necessary to ensure that the fee collections are sufficient
22 to cover at least 25 percent of the operation and mainte-
23 nance costs associated with the removal of PFAS by af-
24 fected facilities.

1 **SEC. 5. PFAS TREATMENT TRUST FUND.**

2 (a) ESTABLISHMENT.—There is established in the
3 Treasury of the United States a trust fund to be known
4 as the “PFAS Treatment Trust Fund”, consisting of such
5 amounts as may be appropriated to such Trust Fund.

6 (b) TRANSFER TO TRUST FUND OF AMOUNTS
7 EQUIVALENT TO USER FEES.—There are hereby appro-
8 priated to the PFAS Treatment Trust Fund amounts
9 equivalent to the fees collected under section 4.

10 (c) EXPENDITURES FROM TRUST FUND.—Amounts
11 in the PFAS Treatment Trust Fund shall be available,
12 without further appropriation, only for purposes of mak-
13 ing expenditures to carry out section 6.

14 **SEC. 6. SUPPORT FOR OPERATION AND MAINTENANCE OF**
15 **COMMUNITY WATER SYSTEMS AND TREAT-**
16 **MENT WORKS.**

17 (a) GRANTS.—The Administrator shall make grants
18 to affected facilities to pay for operation and maintenance
19 costs associated with the removal of PFAS.

20 (b) APPLICATIONS.—

21 (1) GUIDANCE.—Not later than 12 months
22 after the date of enactment of this Act, the Adminis-
23 trator shall publish guidance describing the form
24 and timing for affected facilities to apply for grants
25 under this section.

1 (2) REQUIRED INFORMATION.—The Adminis-
2 trator shall require an affected facility applying for
3 a grant under this section to submit information
4 showing the presence of PFAS in water at the facil-
5 ity.

6 (c) PRIORITY.—The Administrator shall prioritize for
7 funding grants to affected facilities serving disadvantaged
8 communities.