

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1920

To amend title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”) to ensure the safety of public water systems, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MARCH 10 (legislative day, FEBRUARY 22), 1994

Mr. DOMENICI (for himself, Mr. BOREN, Mr. HATFIELD, and Mr. NICKLES) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## A BILL

To amend title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”) to ensure the safety of public water systems, 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; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Safe Drinking Water Act Amendments of 1994”.

6 (b) REFERENCES TO TITLE XIV OF THE PUBLIC  
7 HEALTH SERVICE ACT.—Except as otherwise expressly  
8 provided, whenever in this Act an amendment or repeal

1 is expressed in terms of an amendment to, or repeal of,  
2 a section or other provision, the reference shall be consid-  
3 ered to be made to a section or other provision of title  
4 XIV of the Public Health Service Act (commonly known  
5 as the “Safe Drinking Water Act”) (42 U.S.C. 300f et  
6 seq.).

7 **SEC. 2. GOALS.**

8 Part A (42 U.S.C. 300f et seq.) is amended by insert-  
9 ing before section 1401 the following new section:

10 **“SEC. 1400. GOALS.**

11 “The goals of this Act are—

12 “(1) to ensure the quality and safety of drink-  
13 ing water provided to the public by public water sys-  
14 tems; and

15 “(2) to protect the public health from the  
16 threat of disease caused by water-borne contami-  
17 nants.”.

18 **SEC. 3. DEFINITIONS.**

19 Section 1401 (42 U.S.C. 300f) is amended—

20 (1) by striking paragraph (1) and inserting the  
21 following new paragraph:

22 “(1) The term ‘primary drinking water regula-  
23 tion’ means a regulation that—

24 “(A) applies to public water systems;

1           “(B) specifies 1 or more contaminants sub-  
2           ject to regulation under section 1412;

3           “(C) specifies for each contaminant re-  
4           ferred to in subparagraph (B)—

5                   “(i) a maximum contaminant level; or

6                   “(ii) a treatment technique; and

7           “(D) contains criteria and procedures to  
8           ensure a supply of drinking water that depend-  
9           ably complies with each maximum contaminant  
10          level or treatment technique referred to in sub-  
11          paragraph (C), including—

12                   “(i) quality control and testing proce-  
13                  dures to ensure—

14                           “(I) compliance with the level or  
15                           treatment technique; and

16                           “(II) proper operation and main-  
17                           tenance of the public water system;  
18                           and

19                   “(ii) requirements as to—

20                           “(I) the minimum quality of  
21                           water that may be taken into the pub-  
22                           lic water system; and

23                           “(II) siting for new facilities for  
24                           public water systems.”;

1 (2) in paragraph (4), by striking the second  
2 sentence and inserting the following new sentence:

3 “The term includes—

4 “(A) a collection, treatment, storage, or  
5 distribution facility that is under the ownership  
6 of the system and is used primarily in connec-  
7 tion with the system; and

8 “(B) a collection or pretreatment storage  
9 facility that is not under the ownership of the  
10 system and that is used primarily in connection  
11 with the system.”;

12 (3) in paragraph (6), by inserting before the pe-  
13 riod at the end the following: “that is of public  
14 health or welfare concern”;

15 (4) in paragraph (14), by adding at the end the  
16 following new sentence: “The term includes any Na-  
17 tive village, as defined in section 3(c) of the Alaska  
18 Native Claims Settlement Act (43 U.S.C.  
19 1602(c)).”; and

20 (5) by adding at the end the following new  
21 paragraphs:

22 “(15) The term ‘risk reduction benefits and  
23 costs’ means the public health benefits achieved by  
24 changing the regulated level of a contaminant from

1 1 level to another level, taking costs into consider-  
2 ation.

3 “(16) The term ‘community water system’  
4 means a public water system that—

5 “(A) serves at least 15 service connections  
6 used by year-round residents of the area served  
7 by the system; or

8 “(B) regularly serves at least 25 year-  
9 round residents.

10 “(17) The term ‘noncommunity water system’  
11 means a public water system that is not a commu-  
12 nity water system.”.

13 **SEC. 4. NATIONAL DRINKING WATER REGULATIONS.**

14 Section 1412 (42 U.S.C. 300g-1) is amended—

15 (1) in subsection (a)(1), by striking the second  
16 sentence and inserting the following new sentence:  
17 “No regulation referred to in the preceding sentence  
18 shall be required to comply with the standards es-  
19 tablished under subsection (b)(3) unless the regula-  
20 tion is revised to establish a different maximum con-  
21 taminant level (or treatment technique) after the  
22 date of enactment of the Safe Drinking Water Act  
23 Amendments of 1994.”;

24 (2) in paragraph (3), by striking “, (2), or (3)”  
25 each place it appears and inserting “or (2)”;

1           (3) by striking subsection (b) and inserting the  
2 following new subsection:

3           “(b)(1) In the case of a contaminant listed in the ad-  
4 vance notice of proposed rulemaking published at 47 Fed.  
5 Reg. 9352, and at 48 Fed. Reg. 45502, for which a na-  
6 tional primary drinking water regulation has not been is-  
7 sued as of the date of enactment of the Safe Drinking  
8 Water Act Amendments of 1994, the Administrator  
9 shall—

10           “(A) publish maximum contaminant level goals  
11 and issue a national primary drinking water regula-  
12 tion in accordance with paragraph (3) for the con-  
13 taminant if the Administrator finds, based on data  
14 available under section 1445, that the contaminant  
15 occurs in drinking water at a level of public health  
16 concern; and

17           “(B) not later than 18 months after the date  
18 of enactment of the Safe Drinking Water Act  
19 Amendments of 1994, eliminate monitoring, compli-  
20 ance, and enforcement requirements for the contami-  
21 nant if the Administrator finds, based on the data  
22 referred to in subparagraph (A), that the contami-  
23 nant does not occur in drinking water at a level of  
24 public health concern.

1       “(2)(A) Not later than 3 years after the date of en-  
2 actment of the Safe Drinking Water Act Amendments of  
3 1994, and every 5 years thereafter, the Administrator  
4 shall issue maximum contaminant level goals and national  
5 primary drinking water regulations for new contaminants  
6 selected in accordance with this paragraph.

7       “(B) The Administrator shall review the national  
8 drinking water occurrence data base maintained under  
9 section 1445(b). After notice and an opportunity for pub-  
10 lic comment, the Administrator shall assess all occurrence  
11 and public health information available with respect to  
12 each contaminant in the data base.

13       “(C) Based on the assessment under subparagraph  
14 (B), the Administrator shall determine, with respect to  
15 each contaminant listed under section 1445, based on oc-  
16 currence and public health concern, whether—

17               “(i) the issuance of a national primary drinking  
18 water regulation is or is not appropriate; or

19               “(ii) additional health effects or occurrence in-  
20 formation is necessary before a determination under  
21 clause (i) can be made.

22       “(D) For each contaminant with respect to which the  
23 Administrator makes a determination under subparagraph  
24 (C)(i) that the issuance of a national primary drinking  
25 water regulation is not appropriate, the Administrator

1 shall make a determination on the continuation of mon-  
2 itoring under section 1445(a).

3 “(3)(A) Each maximum contaminant level goal estab-  
4 lished under this subsection shall be set at a level—

5 “(i) at which no known or anticipated adverse  
6 effects on human health occur; and

7 “(ii) that allows an adequate margin of safety.

8 “(B) Each national primary drinking water regula-  
9 tion for a contaminant for which a maximum contaminant  
10 level goal is established under this subsection shall specify  
11 a maximum level for the contaminant that is achievable  
12 by public water systems with the use of the best tech-  
13 nology, treatment techniques, and other means, taking  
14 public health risk reduction benefits and cost into consid-  
15 eration, that the Administrator finds are available, after  
16 examination for efficacy under field conditions (and not  
17 solely under laboratory conditions).

18 “(C) In each national primary drinking water regula-  
19 tion, the Administrator shall identify appropriate best  
20 technology treatment techniques (including watershed pro-  
21 tection and pollution prevention) that may be used to meet  
22 applicable maximum contaminant levels under this sub-  
23 section for public water systems that serve—

24 “(i) fewer than 1,000 people;

25 “(ii) between 1,000 and 10,000 people; and



1           “(iii) more than 10,000 people.

2           “(4) Notwithstanding paragraph (3), the Adminis-  
3 trator shall issue national primary drinking water regula-  
4 tions for radionuclides, disinfection byproducts, sulfate,  
5 and corrosion byproducts that will be protective of public  
6 health and take into account—

7           “(A) the health benefits to be achieved by re-  
8 ducing the level of the contaminants in drinking  
9 water relative to reducing the level of the contami-  
10 nants in other media;

11           “(B) the availability of technology—

12           “(i) that is effective in removing or other-  
13 wise treating the contaminants under field con-  
14 ditions reflecting a representative range of  
15 water qualities (and not solely under laboratory  
16 conditions); and

17           “(ii) that does not cause significant ad-  
18 verse impacts on—

19           “(I) other elements of drinking water  
20 quality;

21           “(II) other environmental media, in-  
22 cluding impacts related to disposal of  
23 treatment residuals; or

24           “(III) the efficacy of other drinking  
25 water treatment or processes; and

1           “(C) the costs to consumers of the regulation.

2           “(5)(A) Subject to subparagraph (B), each national  
3 primary drinking water regulation that establishes a maxi-  
4 mum contaminant level shall list the technology, treatment  
5 techniques, compliance timeframes, and other means that  
6 the Administrator finds are available for the purpose of  
7 meeting the maximum contaminant level.

8           “(B) A regulation issued under this subsection shall  
9 not require that any specified technology, treatment tech-  
10 nique, compliance timeframe, or other means be used for  
11 the purpose of meeting the maximum contaminant level.

12           “(6)(A)(i) The Administrator may issue a national  
13 primary drinking water regulation that requires the use  
14 of a treatment technique in lieu of establishing a maxi-  
15 mum contaminant level, if the Administrator makes a  
16 finding that it is not economically or technologically fea-  
17 sible to ascertain the level of the contaminant.

18           “(ii) If the Administrator issues a regulation under  
19 clause (i), the Administrator shall—

20           “(I) identify such treatment techniques as will  
21 be protective of public health; and

22           “(II) take into account the factors specified in  
23 paragraphs (3) and (4), as appropriate.

24           “(iii)(I) Subject to subclause (II), a regulation issued  
25 under clause (i) shall specify each treatment technique

1 known to the Administrator that meets the requirements  
2 of this paragraph.

3 “(II) The Administrator may grant a variance from  
4 any specified treatment technique in accordance with sec-  
5 tion 1415(3).

6 “(B)(i) Not later than 18 months after June 19,  
7 1986, the Administrator shall propose and issue national  
8 primary drinking water regulations specifying criteria  
9 under which filtration (including coagulation and sedi-  
10 mentation, as appropriate) is required as a treatment  
11 technique for public water systems supplied by surface  
12 water sources. In issuing the regulations, the Adminis-  
13 trator shall consider the quality of source waters, protec-  
14 tion afforded by watershed management, treatment prac-  
15 tices (such as disinfection and length of water storage),  
16 and other factors relevant to the protection of health.

17 “(ii)(I) In lieu of variances under section 1415, the  
18 Administrator shall specify procedures by which a State  
19 shall determine which public water systems within the ju-  
20 risdiction of the State shall adopt filtration under the cri-  
21 teria of clause (i).

22 “(II) A State may require a public water system to  
23 provide studies or other information to assist in the deter-  
24 mination described in subclause (I).

1       “(III) The procedures referred to in subclause (I)  
2 shall provide notice and an opportunity for a public hear-  
3 ing on the determination described in such subclause.

4       “(IV) If a State determines under this clause that  
5 filtration is required, the State shall prescribe a schedule  
6 for compliance by the public water system with the filtra-  
7 tion requirement. The schedule shall take into account the  
8 time that is reasonably necessary for the public water sys-  
9 tem to plan, design, finance, and construct filtration facili-  
10 ties and make such adjustments to operating practices as  
11 are necessary to achieve compliance with the filtration re-  
12 quirement.

13       “(iii) Not later than 2 years after the Administrator  
14 establishes the criteria and procedures under this subpara-  
15 graph, a State with primary enforcement responsibility for  
16 public water systems under section 1413 shall adopt such  
17 regulations as are necessary to carry out this subpara-  
18 graph. Not later than 1 year after the date of adoption  
19 of the regulations, the State shall make determinations re-  
20 garding filtration for all the public water systems within  
21 the jurisdiction of the State supplied by surface waters.

22       “(iv) If a State does not have primary enforcement  
23 responsibility for public water systems, the Administrator  
24 shall have the same authority to make the determination  
25 described in clause (ii) in the State as the State would

1 have under such clause. A filtration requirement or sched-  
2 ule under this subparagraph shall be treated as if the re-  
3 quirement or schedule were a requirement of a national  
4 primary drinking water regulation.

5 “(7)(A) Not later than 4 years after the date of en-  
6 actment of the Safe Drinking Water Act Amendments of  
7 1994, the Administrator shall propose and issue—

8 “(i) national primary drinking water regula-  
9 tions requiring disinfection as a treatment technique  
10 for all public water systems; and

11 “(ii) a rule specifying criteria that will be used  
12 by the Administrator (or delegated State authorities)  
13 to grant variances from the requirement described in  
14 clause (i) in accordance with paragraphs (1)(B) and  
15 (3) of section 1415.

16 “(B) In carrying out section 1442(g), the Adminis-  
17 trator (or the delegated State authority) shall, if appro-  
18 priate, give special consideration to providing technical as-  
19 sistance to small public water systems in complying with  
20 the regulations issued under this paragraph.

21 “(8)(A)(i) The Administrator shall review each na-  
22 tional primary drinking water regulation issued prior to  
23 the date of enactment of this clause not later than 30  
24 months after the date of enactment.

1       “(ii) If the Administrator determines, based on data  
2 available under section 1445, that a contaminant subject  
3 to regulation does not occur in public water systems at  
4 a level of public health concern, the Administrator shall  
5 eliminate monitoring, compliance, and enforcement re-  
6 quirements from the contaminant regulation.

7       “(iii) In addition to the review under clause (i), the  
8 Administrator shall review each regulation referred to in  
9 clause (i) not later than 5 years after the date of enact-  
10 ment of this clause. If the Administrator determines that  
11 a regulation is not consistent with the factors specified  
12 in paragraph (3) or (4), as appropriate, the Administrator  
13 shall issue a revised regulation in accordance with the fac-  
14 tors.

15       “(B)(i) Each national primary drinking water regula-  
16 tion issued after the date of enactment of this clause shall  
17 include a schedule for periodic review of the regulation.

18       “(ii) Each review referred to in clause (i) shall in-  
19 clude an analysis of new health effects and occurrence  
20 data, and innovations or changes in technology, treatment  
21 techniques, or other activities, that have become available  
22 since the date of issuance of the regulation.

23       “(iii) If the Administrator determines that the con-  
24 taminant subject to regulation no longer occurs in drink-  
25 ing water at a level of public health concern, the Adminis-

1 trator shall eliminate monitoring, compliance, and enforce-  
2 ment requirements from the contaminant regulation.

3 “(iv) If the Administrator determines that the regula-  
4 tion is not consistent with the factors specified in para-  
5 graph (3) or (4), as appropriate, the Administrator shall  
6 issue a revised regulation in accordance with the factors.

7 “(9)(A) Subject to subparagraph (B), a national pri-  
8 mary drinking water regulation issued under this sub-  
9 section (or a revision of the regulation) shall take effect  
10 in accordance with a schedule issued by the Administrator  
11 in the regulation.

12 “(B) Each schedule, including monitoring require-  
13 ments, shall—

14 “(i) be for not less than 2 years; and

15 “(ii) take into account the time that is reason-  
16 ably necessary for public water systems to plan, de-  
17 sign, finance, and construct treatment facilities and  
18 make such adjustments to operating practices as are  
19 necessary to achieve compliance with the regulation.

20 “(C) A regulation issued under subsection (a) shall  
21 be superseded by a regulation issued under this subsection  
22 to the extent provided by the regulation issued under this  
23 subsection.

24 “(10) No national primary drinking water regulation  
25 may require the addition of any substance for preventive

1 health care purposes unrelated to the contamination of  
2 drinking water.”;

3 (4) in subsection (e), by striking the second  
4 sentence and inserting the following new sentence:  
5 “The Board shall respond, as the Board considers  
6 appropriate, and the Administrator shall publish the  
7 findings and recommendations of the Board, if any,  
8 as part of the notice of proposed rulemaking of the  
9 regulation.”; and

10 (5) by adding at the end the following new sub-  
11 section:

12 “(f) The Administrator may utilize negotiated rule-  
13 making procedures provided for under subchapter III of  
14 chapter 5 of title 5, United States Code (commonly known  
15 as the ‘Negotiated Rulemaking Act of 1990’), if the Ad-  
16 ministrator determines that the procedures will facilitate  
17 the issuance of regulations required by this section.”.

18 **SEC. 5. STATE PRIMARY ENFORCEMENT RESPONSIBILITY.**

19 Section 1413(a) (42 U.S.C. 300g-2(a)) is amended—

20 (1) by striking paragraph (1) and inserting the  
21 following new paragraph:

22 “(1) has adopted drinking water regulations  
23 that are no less stringent than the national primary  
24 drinking water regulations issued by the Adminis-  
25 trator under subsections (a) and (b) of section 1412,



1 by not later than 2 years after the date of issuance  
2 by the Administrator;” and

3 (2) by striking paragraph (4) and inserting the  
4 following new paragraph:

5 “(4) if the State permits variances from the re-  
6 quirements of the drinking water regulations of the  
7 State that meet the requirements of paragraph (1),  
8 permits the variances under conditions and in a  
9 matter that is not less stringent than the conditions  
10 under, and the manner in which, variances may be  
11 granted under section 1415; and”.

12 **SEC. 6. ENFORCEMENT OF DRINKING WATER REGULA-**  
13 **TIONS.**

14 Section 1414 (42 U.S.C. 300g-3) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1)(A), by striking “or  
17 an exemption under section 1416” each place it  
18 appears; and

19 (B) in paragraph (2), by striking “or an  
20 exemption under section 1416(f)” each place it  
21 appears;

22 (2) in subsection (b)—

23 (A) by striking “or exemption”; and

24 (B) by striking “or 1416”;

1           (3) by striking subsection (c) and inserting the  
2 following new subsection:

3           “(c)(1) Each owner or operator of a public water sys-  
4 tem shall give notice to the persons served by the system—

5                 “(A) of any failure on the part of the public  
6 water system to—

7                         “(i) comply with an applicable maximum  
8 contaminant level or treatment technique re-  
9 quirement of, or a testing procedure prescribed  
10 by, a national primary drinking water regula-  
11 tion; or

12                         “(ii) perform monitoring required under  
13 section 1445(a); and

14                 “(B) if the public water system is subject to a  
15 variance granted under section 1415(1) because of  
16 an inability to meet a maximum contaminant level  
17 requirement, of—

18                         “(i) the existence of the variance; and

19                         “(ii) any failure to comply with the re-  
20 quirements of a schedule prescribed pursuant to  
21 the variance.

22           “(2)(A) The Administrator shall by regulation pre-  
23 scribe the frequency for giving notice under this sub-  
24 section.

1       “(B) Subject to subparagraphs (C) and (D), not later  
2 than 15 months after the date of enactment of the Safe  
3 Drinking Water Act Amendments of 1994, the Adminis-  
4 trator shall revise the regulations required under subpara-  
5 graph (A) to provide for different types and frequencies  
6 of notice based on the seriousness of any potential adverse  
7 health effects that may be involved.

8       “(C) Notice of a violation designated by the Adminis-  
9 trator as posing a serious potential adverse health effect  
10 shall be given as soon as practicable, but in no case later  
11 than 14 days after the violation.

12       “(D) Notice of a violation judged to be less serious  
13 than violations described in subparagraph (C) shall be  
14 given not less frequently than annually.

15       “(3) The Administrator shall provide guidance as to  
16 the form, manner, and content of the notices to be used  
17 to provide information as promptly and effectively as prac-  
18 ticable, taking into account both the seriousness of any  
19 potential adverse health effects and the likelihood of reach-  
20 ing all affected persons. Each State, in consultation with  
21 public water systems in the State, shall determine the ac-  
22 tual form, manner, and content of the notices.

23       “(4) The Administrator may require the owner or op-  
24 erator of a public water system to give notice to the per-  
25 sons served by the system of the contaminant level of any

1 unregulated contaminant required to be monitored under  
2 section 1445(a).

3 “(5) A person who violates this subsection or regula-  
4 tions issued under this subsection shall be subject to a  
5 civil penalty in an amount not to exceed \$25,000.”; and

6 (4) in subsection (f)(2), by striking “or exemp-  
7 tion”.

8 **SEC. 7. VARIANCES.**

9 Section 1415 (42 U.S.C. 300g-4) is amended to read  
10 as follows:

11 **“SEC. 1415. VARIANCES.**

12 “Notwithstanding any other provision of this part, a  
13 variance from a national primary drinking water regula-  
14 tion may be granted as follows:

15 “(1) A State that has primary enforcement re-  
16 sponsibility for public water systems under section  
17 1413 may grant 1 or more variances from an appli-  
18 cable national primary drinking water regulation to  
19 1 or more public water systems within the jurisdic-  
20 tion of the State.

21 “(2)(A) A variance may be issued only if—

22 “(i) the State has determined that the  
23 water system cannot afford to install the best  
24 available technology or other technology that  
25 has been identified by the Administrator as ap-

1           appropriate for the system size category to meet  
2           the maximum contaminant level; and

3           “(ii) it is not feasible for the water system  
4           to connect with another source of water that  
5           will meet the standards.

6           “(B) If the State determines that a water sys-  
7           tem is unable to comply with a designated best avail-  
8           able technology, the system shall comply with a best  
9           available affordable technology as designated by the  
10          Administrator. The measures comprising the best  
11          available affordable technology may include require-  
12          ments for public education and notification, and use  
13          of alternative technologies that, while the tech-  
14          nologies cannot bring the contaminant level below  
15          the maximum contaminant level, will not result in an  
16          unreasonable risk to health.

17          “(3) After a variance is issued, the variance  
18          shall be reviewed by the State not less than every 3  
19          years to determine if the conditions for granting the  
20          variance continue to exist. It shall be the responsibil-  
21          ity of the water system to provide documentation to  
22          the State indicating that then current best available  
23          technology for the system size continues to be  
24          unaffordable and that the system continues to be

1       unable to connect with another source of water that  
2       meets the standards.

3           “(4) Before a determination to grant a variance  
4       is made by the State, the State shall provide notice  
5       and an opportunity for a public hearing on the de-  
6       termination. Each State that grants a variance shall  
7       promptly notify the Administrator of the granting of  
8       the variance. The notification shall include the rea-  
9       sons for the variance and the documentation used to  
10      grant the variance.

11          “(5) Not later than 18 months after the date  
12      of enactment of the Safe Drinking Water Act  
13      Amendments of 1994, the Administrator, in con-  
14      sultation with the States, shall develop affordability  
15      guidance. The affordability guidance shall be re-  
16      viewed by the Administrator and the States not less  
17      than every 5 years to determine if changes are need-  
18      ed to the guidance.”.

19   **SEC. 8. EXEMPTIONS.**

20      Section 1416 (42 U.S.C. 300g-5) is repealed.

21   **SEC. 9. RETURN OF WATER.**

22      Part B (42 U.S.C. 300g et seq.) is amended by in-  
23      serting after section 1415 the following new section:

1 **“SEC. 1416. PROHIBITION ON THE RETURN OF WATER TO**  
2 **PUBLIC WATER SYSTEMS.**

3 “(a) IN GENERAL.—

4 “(1) PROHIBITION.—Except as provided in  
5 paragraph (2), notwithstanding any other provision  
6 of law, no treated drinking water may be removed  
7 from a public water system used for any purpose or  
8 routed through a device or pipe outside the public  
9 water system, and returned to the public water sys-  
10 tem.

11 “(2) EXCEPTIONS.—The prohibition in para-  
12 graph (1) shall not apply to a device or pipe totally  
13 within the control of 1 or more public water systems  
14 or to connections between water mains.

15 “(b) STATE ENFORCEMENT.—Subsection (a) shall be  
16 enforced in all States beginning on the date that is 2 years  
17 after the date of enactment of the Safe Drinking Water  
18 Act Amendments of 1994. Each State shall enforce the  
19 subsection through State or local plumbing codes, or such  
20 other means of enforcement as the State determines is ap-  
21 propriate.”.

22 **SEC. 10. TAMPERING.**

23 Subsection (d) of section 1432 (42 U.S.C. 300i–1(d))  
24 is amended to read as follows:

1 “(d) DEFINITION OF TAMPER.—As used in this sec-  
2 tion, the term ‘tamper’ means, with respect to a public  
3 water system—

4 “(1) to introduce a contaminant into the public  
5 water system with the intention of harming persons;

6 “(2) to otherwise interfere with the operation of  
7 the public water system with the intention of harm-  
8 ing persons; or

9 “(3) to inject water that has gone out of the  
10 public water system, back into the system in viola-  
11 tion of section 1416.”.

12 **SEC. 11. RESEARCH, TECHNICAL ASSISTANCE, INFORMA-**  
13 **TION, AND TRAINING OF PERSONNEL.**

14 Section 1442 (42 U.S.C. 300j-1) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1), by striking “may”  
17 and by inserting “shall”; and

18 (B) in paragraph (2)(A), by inserting be-  
19 fore the period at the end the following: “and  
20 for other purposes, including—

21 “(i) the development and dissemination of advi-  
22 sory measures to protect against contaminants that  
23 have not been found to occur in drinking water at  
24 levels of public health concern;



1           “(ii) assistance in achieving compliance with the  
2 public notification requirements of section 1414(c);  
3 and

4           “(iii) the development and dissemination of  
5 minimum guidance for the certification of labora-  
6 tories that perform drinking water analyses, and for  
7 the certification of individuals who operate public  
8 water systems, for use by the States in ensuring—

9                   “(I) the validity of monitoring reports by  
10 regulations issued under section 1445; and

11                   “(II) the competence of system opera-  
12 tors.”; and

13           (2) by striking subsection (f) and inserting the  
14 following new subsection:

15           “(f)(1) There are authorized to be appropriated to  
16 carry out this section, other than paragraphs (1) and  
17 (2)(B) of subsection (a) and provisions relating to re-  
18 search—

19                   “(A) \$15,000,000 for fiscal year 1975;

20                   “(B) \$25,000,000 for fiscal year 1976;

21                   “(C) \$35,000,000 for fiscal year 1977;

22                   “(D) \$17,000,000 for each of fiscal years 1978  
23 and 1979;

24                   “(E) \$21,405,000 for fiscal year 1980;

25                   “(F) \$30,000,000 for fiscal year 1981; and

1 “(G) \$35,000,000 for fiscal year 1982.

2 “(2) There are authorized to be appropriated to carry  
 3 out subsection (a)(1) for each of fiscal years 1995 through  
 4 1999 not more than the following amounts:

<b>“Fiscal Year</b>	<b>Amount</b>
1994 .....	\$20,000,000
1995 .....	20,000,000
1996 .....	20,000,000
1997 .....	20,000,000
1998 .....	20,000,000.

5 “(3) There are authorized to be appropriated to carry  
 6 out subsection (a)(2)(B) \$8,000,000 for each of fiscal  
 7 years 1978 through 1982. There are authorized to be ap-  
 8 propriated to carry out subsection (a)(2)(B) for each of  
 9 fiscal years 1987 through 1991 not more than the follow-  
 10 ing amounts:

<b>“Fiscal Year</b>	<b>Amount</b>
1987 .....	\$7,650,000
1988 .....	7,650,000
1989 .....	8,050,000
1990 .....	8,050,000
1991 .....	8,050,000.

11 “(4) There are authorized to be appropriated to carry  
 12 out this section (other than subsection (g), paragraphs (1)  
 13 and (2)(B) of subsection (a), and provisions relating to  
 14 research) for each of fiscal years 1987 through 1991 not  
 15 more than the following amounts:

<b>“Fiscal Year</b>	<b>Amount</b>
1987 .....	\$35,600,000
1988 .....	35,600,000
1989 .....	38,020,000
1990 .....	38,020,000
1991 .....	38,020,000.”.

1 **SEC. 12. GRANTS FOR STATE PROGRAMS.**

2 Section 1443 (42 U.S.C. 300j-2) is amended—

3 (1) in subsection (a)(7), by striking the table  
 4 and inserting the following new table:

<b>“Fiscal Year</b>	<b>Amount</b>
1987 .....	\$37,200,000
1988 .....	37,200,000
1989 .....	40,150,000
1990 .....	40,150,000
1991 .....	40,150,000
1995 .....	100,000,000
1996 .....	125,000,000
1997 .....	150,000,000
1998 .....	150,000,000
1999 .....	150,000,000.”;

5 and

6 (2) in subsection (c)(1)—

7 (A) by striking “and exemptions” both  
 8 places it appears; and

9 (B) by striking “sections 1415 and 1416”  
 10 and inserting “section 1415”.

11 **SEC. 13. RECORDS, OCCURRENCE DATA, AND INSPECTIONS.**

12 Section 1445 (42 U.S.C. 300j-4) is amended to read  
 13 as follows:

14 **“SEC. 1445. RECORDS, OCCURRENCE DATA, AND INSPEC-**  
 15 **TIONS.**

16 **“(a) RECORDS AND MONITORING.—**

17 **“(1) IN GENERAL.—**

18 **“(A) IN GENERAL.—**Each person who is a  
 19 supplier of water, who is or may be otherwise  
 20 subject to a primary drinking water regulation

1 prescribed under section 1412 or to an applica-  
2 ble underground injection control program (as  
3 defined in section 1422(c)), who is or may be  
4 subject to the permit requirement of section  
5 1424 or to an order issued under section 1441,  
6 or who is a grantee, shall establish and main-  
7 tain such records, make such reports, conduct  
8 such monitoring, and provide such information  
9 as the Administrator may reasonably require by  
10 regulation to assist the Administrator in—

11 “(i) establishing regulations under  
12 this title;

13 “(ii) determining whether the person  
14 has acted or is acting in compliance with  
15 this title;

16 “(iii) administering a program of fi-  
17 nancial assistance under this title;

18 “(iv) evaluating the health risks of an  
19 unregulated contaminant; or

20 “(v) advising the public of the risks.

21 “(B) CONSIDERATIONS BY THE ADMINIS-  
22 TRATOR.—In requiring a public water system to  
23 conduct monitoring under this subsection, the  
24 Administrator may take into consideration the

1 system size and the contaminants likely to be  
2 found in the drinking water of the system.

3 “(C) CONSIDERATIONS BY STATES.—Not-  
4 withstanding subparagraph (A), a State with  
5 primary enforcement responsibility under sec-  
6 tion 1413 may otherwise establish, modify, or  
7 eliminate monitoring requirements for a system  
8 or class of systems based on occurrence data  
9 and other information concerning the system or  
10 class of systems that is available to the State.

11 “(2) GENERAL MONITORING PROGRAM FOR UN-  
12 REGULATED CONTAMINANTS.—

13 “(A) ESTABLISHMENT.—Not later than 18  
14 months after the date of enactment of this sub-  
15 paragraph, the Administrator shall issue regula-  
16 tions establishing a monitoring program for un-  
17 regulated contaminants.

18 “(B) FREQUENCY OF MONITORING.—The  
19 regulations shall require monitoring of drinking  
20 water supplied by the public water system and  
21 shall vary the frequency and schedule of mon-  
22 itoring requirements for systems based on the  
23 number of persons served by the system, the  
24 source of supply, and the contaminants likely to  
25 be found. Each system required to conduct

1 monitoring shall conduct the monitoring at  
2 least once every 5 years after the effective date  
3 of the regulations of the Administrator, unless  
4 the Administrator requires more frequent mon-  
5 itoring.

6 “(3) MONITORING PROGRAM FOR CERTAIN UN-  
7 REGULATED CONTAMINANTS.—

8 “(A) IN GENERAL.—Not later than 18  
9 months after the date of enactment of this sub-  
10 paragraph and every 5 years thereafter, the Ad-  
11 ministrator shall issue revised regulations under  
12 paragraph (2) listing not more than 30 unregu-  
13 lated contaminants to be monitored by public  
14 water systems and included in the national  
15 drinking water occurrence data base maintained  
16 pursuant to subsection (b).

17 “(B) MONITORING BY LARGE SYSTEMS.—  
18 A public water system that serves 10,000 or  
19 more people shall conduct monitoring for all  
20 contaminants listed under subparagraph (A).

21 “(C) MONITORING PLAN FOR SMALL SYS-  
22 TEMS.—Each State shall develop a representa-  
23 tive monitoring plan to assess the occurrence of  
24 unregulated contaminants in public water sys-  
25 tems that serve fewer than 10,000 people. The

1 plan shall require monitoring by systems rep-  
2 resentative of different sizes, types, and geo-  
3 graphic locations within the State. The Admin-  
4 istrator shall make available to the States, on  
5 request, laboratory capacity to analyze samples  
6 taken pursuant to the plan.

7 “(4) USE OF MONITORING RESULTS.—Each  
8 public water system that conducts monitoring of un-  
9 regulated contaminants pursuant to this subsection  
10 shall provide the results of the monitoring to the pri-  
11 mary enforcement authority.

12 “(5) PUBLIC NOTIFICATION.—Notification of  
13 the availability of the results of the monitoring pro-  
14 grams required under paragraph (2), and notifica-  
15 tion of the availability of the results of the monitor-  
16 ing program referred to in paragraph (6), shall be  
17 given to the persons served by the system and the  
18 Administrator.

19 “(6) WAIVER OF MONITORING REQUIRE-  
20 MENT.—The Administrator may waive the monitor-  
21 ing requirement under paragraph (2) for a system  
22 that has conducted a monitoring program after Jan-  
23 uary 1, 1983, if the Administrator determines the  
24 program to have been consistent with the regulations  
25 issued under this section.

1           “(7) MONITORING BY VERY SMALL SYSTEMS.—  
2           A system that supplies fewer than 150 service con-  
3           nections shall be treated as complying with this sub-  
4           section if the system provides water samples or the  
5           opportunity for sampling according to rules estab-  
6           lished by the Administrator.

7           “(8) AUTHORIZATION OF APPROPRIATIONS.—  
8           There are authorized to be appropriated to carry out  
9           this subsection \$30,000,000 for fiscal year 1987, to  
10          remain available until expended.

11          “(b) OCCURRENCE DATA BASE.—

12           “(1) IN GENERAL.—Not later than 2 years  
13           after the date of enactment of the Safe Drinking  
14           Water Act Amendments of 1994, the Administrator  
15           shall assemble and maintain a national drinking  
16           water occurrence data base, using information on  
17           the occurrence of both regulated and unregulated  
18           contaminants in public water systems obtained  
19           under subsection (a), and information from other  
20           public and private sources.

21           “(2) USE OF DATA.—The data in the data base  
22           referred to in paragraph (1) shall be used by the Ad-  
23           ministrator in making any determination under sec-  
24           tion 1412 with respect to the occurrence of a con-



1       taminant in drinking water at a level of public  
2       health concern.

3           “(3) PUBLIC RECOMMENDATIONS.—The Ad-  
4       ministrator shall periodically solicit recommenda-  
5       tions from the appropriate officials of the National  
6       Academy of Sciences, and any person may submit  
7       recommendations to the Administrator, with respect  
8       to contaminants that should be included in the na-  
9       tional drinking water occurrence data base, includ-  
10      ing recommendations with respect to additional un-  
11      regulated contaminants that should be listed in reg-  
12      ulations issued under subsection (a)(3).

13      “(c) ENTRY AND INSPECTION.—

14           “(1) IN GENERAL.—

15               “(A) AUTHORITY OF THE ADMINIS-  
16      TRATOR.—

17                   “(i) IN GENERAL.—Except as pro-  
18                   vided in paragraph (2), the Administrator,  
19                   or a representative of the Administrator  
20                   duly designated by the Administrator,  
21                   upon presenting appropriate credentials  
22                   and a written notice to a supplier of water  
23                   or any other person subject to—

1           “(I) a national primary drinking  
2           water regulation prescribed under sec-  
3           tion 1412;

4           “(II) an applicable underground  
5           injection control program; or

6           “(III) a requirement to conduct  
7           monitoring with respect to an unregu-  
8           lated contaminant pursuant to sub-  
9           section (a),

10           or a person in charge of any of the prop-  
11           erty of the supplier or other person re-  
12           ferred to in subclause (I), (II), or (III),  
13           may enter any establishment, facility, or  
14           other property of the supplier or other per-  
15           son in order to determine whether the sup-  
16           plier or other person has acted or is acting  
17           in compliance with this title.

18           “(ii) PURPOSES OF ENTRY.—An entry  
19           under clause (i) may include—

20           “(I) inspection, at reasonable  
21           times, of records, files, papers, proc-  
22           esses, controls, and facilities; or

23           “(II) the testing of any feature of  
24           a public water system, including the  
25           raw water source of the system.

1           “(B) ACCESS TO RECORDS.—The Adminis-  
2           trator or the Comptroller General of the United  
3           States (or a representative designated by the  
4           Administrator or the Comptroller General) shall  
5           have access for the purpose of audit and exam-  
6           ination to any record, report, or information of  
7           a grantee that is required to be maintained  
8           under subsection (a) or that is pertinent to any  
9           financial assistance under this title.

10           “(2) ENTRY IF STATE HAS PRIMARY ENFORCE-  
11           MENT RESPONSIBILITY.—

12           “(A) REQUIREMENT OF NOTICE.—No  
13           entry may be made under paragraph (1)(A)(i)  
14           to an establishment, facility, or other property  
15           of a supplier of water or other person subject  
16           to a national primary drinking water regulation  
17           if the establishment, facility, or other property  
18           is located in a State that has primary enforce-  
19           ment responsibility for public water systems  
20           under section 1413, unless, before written no-  
21           tice of the entry is made, the Administrator (or  
22           a designee of the Administrator) notifies the  
23           State agency charged with responsibility for  
24           safe drinking water of the reasons for the entry.

1           “(B) SHOWING BY A STATE.—Upon a  
2 showing by the State agency that an entry de-  
3 scribed in subparagraph (A) will be detrimental  
4 to the administration of the program of the  
5 State of primary enforcement responsibility, the  
6 Administrator shall take the showing into con-  
7 sideration in determining whether to make the  
8 entry.

9           “(C) USE OF NOTICE INFORMATION.—No  
10 State agency that receives notice under this  
11 paragraph of an entry proposed to be made  
12 under paragraph (1) may use the information  
13 contained in the notice to inform the person  
14 whose property is proposed to be entered of the  
15 proposed entry. If a State agency so uses the  
16 information, notice to the agency under this  
17 paragraph shall not be required until such time  
18 as the Administrator determines that the agen-  
19 cy has provided the Administrator with satisfac-  
20 tory assurances that the agency will no longer  
21 so use information contained in a notice under  
22 this paragraph.

23           “(d) PENALTY.—A person who fails or refuses to  
24 comply with a requirement of subsection (a) or to allow  
25 the Administrator or the Comptroller General of the Unit-

1 ed States (or a representative of the Administrator or the  
2 Comptroller General) to enter and conduct an audit or in-  
3 spection authorized by subsection (b) shall be subject to  
4 a civil penalty in an amount not to exceed \$25,000.

5 “(e) TRADE SECRETS.—

6 “(1) IN GENERAL.—Subject to paragraph (2),  
7 upon a showing satisfactory to the Administrator by  
8 a person that any information required under this  
9 section from the person, if made public, would di-  
10 vulge a trade secret or secret process of the person,  
11 the Administrator shall consider the information  
12 confidential in accordance with section 1905 of title  
13 18, United States Code. If the applicant fails to  
14 make a showing satisfactory to the Administrator,  
15 the Administrator shall notify the applicant not later  
16 than 30 days before releasing the information to  
17 which the application relates (unless the public  
18 health or safety requires an earlier release of the in-  
19 formation).

20 “(2) DISCLOSURE.—Any information required  
21 under this section—

22 “(A) may be disclosed to any officer, em-  
23 ployee, or authorized representative of the Unit-  
24 ed States concerned with carrying out this title,

1 to a committee of Congress, or when relevant in  
2 a proceeding under this title; and

3 “(B) shall be disclosed as described in sub-  
4 paragraph (A) to the extent that the informa-  
5 tion deals with the level of contaminants in  
6 drinking water.

7 “(3) DEFINITION.—As used in this subsection,  
8 the term ‘information required under this section’  
9 means any paper, book, document, or information,  
10 or any particular part thereof, reported to or other-  
11 wise obtained by the Administrator under this sec-  
12 tion.

13 “(f) DEFINITIONS.—As used in this section:

14 “(1) GRANTEE.—The term ‘grantee’ means a  
15 person who applies for or receives financial assist-  
16 ance, by grant, contract, or loan guarantee, under  
17 this title.

18 “(2) PERSON.—The term ‘person’ includes a  
19 Federal agency.”.

20 **SEC. 14. JUDICIAL REVIEW.**

21 Section 1448(b) (42 U.S.C. 300j-7(b)) is amended—

22 (1) by striking “or exemption” each place it ap-  
23 pears; and

24 (2) in paragraph (1), by striking “or 1416”.

1 **SEC. 15. CITIZEN'S CIVIL ACTION.**

2 Section 1449(b) (42 U.S.C. 300j-8(b)) is amended—

3 (1) in paragraph (1)—

4 (A) in subparagraph (A), by striking “,  
5 or” and inserting a semicolon; and

6 (B) by adding at the end the following new  
7 subparagraph:

8 “(C) against a public water system that is  
9 operating under the terms of—

10 “(i) an administrative compliance  
11 order;

12 “(ii) an administrative consent agree-  
13 ment; or

14 “(iii) a judicial consent decree, and  
15 is in compliance with the terms of the order,  
16 agreement, or decree; or”; and

17 (2) in the third sentence—

18 (A) by striking “or 1416”; and

19 (B) by striking “or exemption”.

20 **SEC. 16. STATE REVOLVING LOAN FUNDS.**

21 Title XIV of the Public Health Service Act (42  
22 U.S.C. 300f et seq.) is amended by adding at the end the  
23 following new part:

1       **“PART G—STATE REVOLVING LOAN FUNDS**

2       **“SEC. 1471. GENERAL AUTHORITY.**

3       “(a) CAPITALIZATION GRANT AGREEMENTS.—The  
4 Administrator shall offer to enter into an agreement with  
5 each State having primacy to make capitalization grants  
6 to the State pursuant to section 1472 (referred to in this  
7 part as ‘capitalization grants’) to establish a drinking  
8 water treatment State revolving loan fund (referred to in  
9 this part as a ‘State loan fund’).

10       “(b) REQUIREMENTS OF AGREEMENTS.—An agree-  
11 ment entered into pursuant to this section shall establish,  
12 to the satisfaction of the Administrator, that—

13               “(1) the State has established a State loan  
14 fund that complies with the requirements of this  
15 part;

16               “(2) the State loan fund will be administered by  
17 an instrumentality of the State that has the powers  
18 and authorities that are required to operate the  
19 State loan fund in accordance with this part;

20               “(3) the State will deposit the capitalization  
21 grants into the State loan fund;

22               “(4) the State will deposit all loan repayments  
23 received, and interest earned on the amounts depos-  
24 ited into the State loan fund under this part, into  
25 the State loan fund;



1           “(5) the State, beginning in fiscal year 1996,  
2 will deposit into the State loan fund an amount  
3 equal to at least 20 percent of the total amount of  
4 each capitalization grant to be made to the State on  
5 or before the date on which the grant is made to the  
6 State;

7           “(6) the State will use funds in the State loan  
8 fund in accordance with an intended use plan pre-  
9 pared pursuant to section 1474(b); and

10           “(7) the State and loan recipients that receive  
11 funds that the State makes available from the State  
12 loan fund will use accounting, audit, and fiscal pro-  
13 cedures that conform to generally accepted account-  
14 ing standards, as determined by the Administrator.

15           “(c) ADMINISTRATION OF STATE LOAN FUNDS.—

16           “(1) IN GENERAL.—The authority to establish  
17 assistance priorities and carry out oversight and re-  
18 lated activities (other than financial administration)  
19 with respect to financial assistance provided with  
20 amounts deposited into the State loan fund shall re-  
21 main with the State agency that has primary re-  
22 sponsibility for the administration of the State pro-  
23 gram pursuant to section 1413(a).

24           “(2) FINANCIAL ADMINISTRATION.—A State  
25 may combine the financial administration of the

1 State loan fund pursuant to this part with the finan-  
2 cial administration of any other revolving loan fund  
3 established by the State if the Administrator deter-  
4 mines that—

5 “(A) the grants to be provided to the State  
6 under this part, together with loan repayments  
7 and interest deposited into the State loan fund  
8 pursuant to this part, will be segregated and  
9 used solely for the purposes specified in this  
10 part; and

11 “(B) the authority to establish assistance  
12 priorities and carry out oversight and related  
13 activities (other than financial administration)  
14 with respect to such assistance remains with  
15 the State agency having primary responsibility  
16 for administration of the State program under  
17 section 1413(a).

18 **“SEC. 1472. CAPITALIZATION GRANTS.**

19 “(a) GENERAL AUTHORITY.—The Administrator  
20 may make grants to capitalize State loan funds to a State  
21 that has entered into an agreement pursuant to section  
22 1471(a).

23 “(b) FORMULA FOR ALLOTMENT OF FUNDS.—

24 “(1) IN GENERAL.—Subject to subsection (c),  
25 funds made available to carry out this part shall be

1 allotted to States that have entered into an agree-  
2 ment pursuant to section 1471(a) in accordance with  
3 a formula that is the same as the formula used to  
4 distribute public water system supervision grant  
5 funds under section 1443 for fiscal year 1994.

6 “(2) OTHER JURISDICTIONS.—Each formula es-  
7 tablished pursuant to paragraph (1) shall reserve  
8 0.5 percent of the amounts made available to carry  
9 out this part for a fiscal year for providing capital-  
10 ization grants to jurisdictions referred to in sub-  
11 section (e), other than Indian tribes.

12 “(c) RESERVATION OF FUNDS.—

13 “(1) INDIAN TRIBES.—

14 “(A) IN GENERAL.—For each fiscal year,  
15 prior to the allotment of funds made available  
16 to carry out this part, the Administrator shall  
17 reserve 1 percent of the funds for providing fi-  
18 nancial assistance to Indian tribes pursuant to  
19 subsection (e).

20 “(B) USE OF FUNDS.—Funds reserved  
21 pursuant to subparagraph (A) shall be used to  
22 address the most significant threats to public  
23 health associated with public water systems  
24 that serve Indian tribes, as determined by the

1 Administrator in consultation with the Commis-  
2 sioner of Indian Affairs.

3 “(C) NEEDS ASSESSMENT.—The Adminis-  
4 trator, in consultation with the Commissioner of  
5 Indian Affairs, shall, in accordance with a  
6 schedule that is consistent with the needs sur-  
7 vey for assessments conducted pursuant to sec-  
8 tion 1475(c), prepare a biennial survey and as-  
9 sess the needs of drinking water treatment fa-  
10 cilities to serve Indian tribes, including an eval-  
11 uation of the public water systems that pose the  
12 most significant threats to public health.

13 “(2) PUBLIC HEALTH EMERGENCIES.—

14 “(A) IN GENERAL.—For each fiscal year,  
15 prior to the allotment of funds made available  
16 to carry out this part pursuant to subsection  
17 (b), the Administrator shall reserve 0.5 percent  
18 of the funds to provide financial assistance to  
19 respond to public health emergencies under sec-  
20 tion 1442(a)(2)(B).

21 “(B) ALLOTMENT OF UNUSED FUNDS.—  
22 On the last day of each fiscal year, the Admin-  
23 istrator shall allot any funds that were reserved  
24 pursuant to subparagraph (A) but were not ex-  
25 pended in the fiscal year to the States on the

1 basis of the same ratio as is applicable to sums  
2 allotted under subsection (b).

3 “(3) RURAL SYSTEM TECHNICAL ASSISTANCE  
4 PROGRAM, AND DRINKING WATER HEALTH EFFECTS  
5 RESEARCH.—For each fiscal year, prior to allotment  
6 of funds made available to carry out this part pursu-  
7 ant to subsection (b), the Administrator shall re-  
8 serve—

9 “(A) \$15,000,000 to carry out the rural  
10 small drinking water systems technical assist-  
11 ance programs of the Environmental Protection  
12 Agency pursuant to section 1442(g); and

13 “(B) \$10,000,000 for drinking water  
14 health effects research carried out under section  
15 1442(a).

16 “(d) ALLOTMENT PERIOD.—

17 “(1) PERIOD OF AVAILABILITY FOR FINANCIAL  
18 ASSISTANCE.—

19 “(A) IN GENERAL.—Except as provided in  
20 subparagraph (B), the sums allotted to a State  
21 pursuant to subsection (b) for a fiscal year shall  
22 be available to the State for obligation during  
23 the fiscal year for which the sums are author-  
24 ized and during the following fiscal year.

1           “(B) FUNDS MADE AVAILABLE FOR FISCAL  
2           YEAR 1994.—The sums allotted to a State pur-  
3           suant to subsection (b) from funds that are  
4           made available by appropriations for fiscal year  
5           1994 shall be available to the State for obliga-  
6           tion during each of fiscal years 1994 through  
7           1996.

8           “(2) REALLOTMENT OF UNOBLIGATED  
9           FUNDS.—The amount of any allotment that is not  
10          obligated by a State by the last day of the period of  
11          availability established by paragraph (1) shall be im-  
12          mediately reallocated by the Administrator on the  
13          basis of the same ratio as is applicable to sums allot-  
14          ted under subsection (b). None of the funds reallot-  
15          ted by the Administrator shall be reallocated to any  
16          State that has not obligated all sums allotted to the  
17          State pursuant to this section during the period that  
18          the sums were available for obligation.

19          “(e) DIRECT GRANTS.—The Administrator is author-  
20          ized to make grants for compliance with this title to Indian  
21          tribes, the District of Columbia, the United States Virgin  
22          Islands, the Commonwealth of the Northern Mariana Is-  
23          lands, American Samoa, Guam, and the Republic of  
24          Palau.

1 **“SEC. 1473. ELIGIBLE ASSISTANCE.**

2 “(a) IN GENERAL.—The amounts deposited into a  
3 State loan fund, including any amounts equal to the  
4 amounts of loan repayments and interest earned on the  
5 amounts deposited, may be used by the State to carry out  
6 projects that are consistent with this section.

7 “(b) USE OF FUNDS.—

8 “(1) IN GENERAL.—The amounts referred to in  
9 subsection (a) shall be used for providing loans or  
10 other financial assistance of any kind that the State  
11 considers appropriate for public water systems. The  
12 financial assistance may be used by a public water  
13 system only for expenditures (not including compli-  
14 ance monitoring, operation, and maintenance ex-  
15 penditures) of a type or category that the Adminis-  
16 trator determines, through guidance, will—

17 “(A) facilitate compliance with national  
18 primary drinking water regulations applicable  
19 to the system under section 1412; or

20 “(B) otherwise significantly further the  
21 health protection objectives of this title.

22 “(2) SYSTEMS THAT SERVE FEWER THAN 10,000  
23 INDIVIDUALS.—15 percent of the amounts credited  
24 to any State loan fund established under this part  
25 for a fiscal year shall be available solely for provid-

1 ing assistance to public water systems that regularly  
2 serve less than 10,000 individuals.

3 “(c) SPECIFIC REQUIREMENTS.—

4 “(1) IN GENERAL.—The Administrator shall  
5 offer to enter into an agreement with a State under  
6 this subsection only if the State has established, to  
7 the satisfaction of the Administrator, that—

8 “(A) the State will deposit all grants re-  
9 ceived from the Administrator under this sub-  
10 section, together with all repayments and inter-  
11 est on the grants, in a drinking water treatment  
12 revolving fund established by the State in ac-  
13 cordance with this subsection; and

14 “(B) the appropriate official of the State  
15 agency with primacy shall have authority to  
16 make determinations for criteria and eligibility  
17 for funding provided to a public water system  
18 from the revolving fund.

19 “(2) PROHIBITION.—

20 “(A) IN GENERAL.—Except as provided in  
21 subparagraph (B), no loan or other financial  
22 assistance may be used by any public water sys-  
23 tem in significant noncompliance of a require-  
24 ment of this title, for any expenditure that  
25 could be avoided or significantly reduced by ap-



1           appropriate consolidation, restructuring, or ob-  
2           taining a new water source.

3           “(B) EXCEPTION.—The assistance re-  
4           ferred to in subparagraph (A) may be provided  
5           for a consolidation, restructuring, or new water  
6           source referred to in such subparagraph.

7           “(d) ELIGIBLE PUBLIC WATER SYSTEMS.—

8           “(1) IN GENERAL.—Except as provided in para-  
9           graph (2), a State loan fund may provide financial  
10          assistance only to community water systems and  
11          public and nonprofit noncommunity water systems.

12          “(2) PRIVATELY OWNED NONCOMMUNITY SYS-  
13          TEMS.—Before providing financial assistance to a  
14          privately owned noncommunity system pursuant to  
15          this paragraph, the State shall ensure that the as-  
16          sistance is secured with an appropriate amount of,  
17          and type of, financial collateral.

18          “(e) TYPES OF ASSISTANCE.—Except as otherwise  
19          limited by State law, the amounts deposited into a State  
20          loan fund under this section may be used only—

21                 “(1) to make loans, on the condition that—

22                         “(A) the interest rate for each loan is less  
23                         than or equal to the market interest rate, in-  
24                         cluding an interest free loan;

1           “(B)(i) the annual principal and interest  
2           payments on each loan will commence not later  
3           than 1 year after the completion of the project  
4           for which the loan was made; and

5           “(ii) each loan will be fully amortized not  
6           later than 30 years after the completion of the  
7           project;

8           “(C) the recipient of each loan will estab-  
9           lish a dedicated source of revenue for the repay-  
10          ment of the loan; and

11          “(D) the State loan fund will be credited  
12          with all payments of principal and interest on  
13          each loan;

14          “(2) to buy or refinance the debt obligation of  
15          a municipality, or other public body created by or  
16          pursuant to State law, or interstate agency within  
17          the State, at an interest rate that is less than or  
18          equal to the market interest rate;

19          “(3) to guarantee, or purchase insurance for, a  
20          local obligation if the guarantee or purchase would  
21          improve credit market access or reduce the interest  
22          rate applicable to the obligation;

23          “(4) as a source of revenue or security for the  
24          payment of principal and interest on revenue or gen-  
25          eral obligation bonds issued by the State if the pro-

1       ceeds of the sale of the bonds will be deposited into  
2       the State loan fund;

3           “(5) as a source of revenue or security for the  
4       payment of interest on a local obligation, if the pay-  
5       ment from the State loan fund does not reduce the  
6       effective interest rate of the obligation by more than  
7       2.5 percentage points; and

8           “(6) to earn interest on the amounts deposited  
9       into the State loan fund.

10       “(f) ASSISTANCE FOR DISADVANTAGED COMMU-  
11       NITIES.—Notwithstanding subsection (d), each State may  
12       forgive repayment of some or all of the principal amount  
13       of a loan or other financial assistance made available from  
14       the State loan fund to any community that the State de-  
15       termines, using criteria developed by the State, is (or will  
16       become) a disadvantaged community. The total amount of  
17       repayments of principal forgiven pursuant to this sub-  
18       section shall be an amount not less than 10 percent and  
19       not more than 20 percent of the capitalization grant allot-  
20       ted to the State pursuant to section 1472.

21       **“SEC. 1474. STATE LOAN FUND ADMINISTRATION.**

22       “(a) ADMINISTRATION, PLANNING, AND TECHNICAL  
23       ASSISTANCE.—Each State that has a State loan fund is  
24       authorized to expend from the State loan fund a reason-  
25       able amount—

1           “(1) not to exceed 5 percent of the capitaliza-  
2           tion grant made to the State, for the costs of the ad-  
3           ministration of the State loan fund; and

4           “(2) not to exceed the greater of—

5                   “(A) \$3,000,000; or

6                   “(B) 10 percent of the capitalization grant  
7           made to the State,

8           for State primacy, technical and financial manage-  
9           ment assistance to public water systems including  
10          requirements for the preparation of ground water  
11          and wellhead protection plans, the implementation of  
12          underground injection control programs, and the op-  
13          eration of small systems monitoring programs and  
14          operator certification programs. The amount (wheth-  
15          er principal or interest of the fund) shall not be sub-  
16          ject to repayment to the fund.

17          “(b) INTENDED USE PLANS.—

18               “(1) IN GENERAL.—Not later than 1 year after  
19               receiving an initial capitalization grant under section  
20               1472, and before receiving any subsequent grant,  
21               each State that enters into a capitalization agree-  
22               ment under this part shall, after providing an oppor-  
23               tunity for public review and comment, prepare a  
24               plan that identifies the intended uses of the amounts  
25               deposited into the State loan fund of the State.

1           “(2) CONTENTS.—An intended use plan shall  
2 include—

3           “(A) a list of the projects to be assisted in  
4 the first fiscal year that begins after the date  
5 of the plan, including a description of the  
6 project, the terms of financial assistance, and  
7 the size of the community served;

8           “(B) a description of all projects for which  
9 a public water system sought financial assist-  
10 ance for the fiscal year and the annual user  
11 charges of the system;

12           “(C) the criteria and methods established  
13 for the distribution of funds;

14           “(D) a description of projects expected to  
15 be assisted in the 2 fiscal years following the  
16 fiscal year for which a list was prepared under  
17 subparagraph (A); and

18           “(E) a description of the financial status  
19 of the State loan fund and the short-term and  
20 long-term goals of the State loan fund.

21           “(3) PRIORITY FOR PROJECT FUNDING.—An  
22 intended use plan shall provide, to the extent prac-  
23 ticable, that priority for the use of funds be given  
24 to public water systems that are in violation of a na-  
25 tional primary drinking water regulation.

1 **“SEC. 1475. STATE LOAN FUND MANAGEMENT.**

2       “(a) IN GENERAL.—Not later than 1 year after the  
3 date of enactment of this part, and annually thereafter,  
4 the Administrator shall conduct such reviews and audits  
5 as the Administrator considers appropriate, or require  
6 each State to have the reviews and audits independently  
7 conducted, in accordance with the single audit require-  
8 ments of chapter 75 of title 31, United States Code.

9       “(b) STATE REPORTS.—Not later than 1 year after  
10 the date of enactment of this part, and annually there-  
11 after, each State that administers a State loan fund shall  
12 publish and submit to the Administrator a report on the  
13 activities of the State under this part, including the find-  
14 ings of the most recent audit of the State loan fund.

15       “(c) DRINKING WATER NEEDS SURVEY AND ASSESS-  
16 MENT.—Not later than 2 years after the date of enact-  
17 ment of this part, and every 4 years thereafter, the Ad-  
18 ministrator shall submit to Congress a survey and assess-  
19 ment of the needs for facilities in each State eligible for  
20 assistance under this part. The survey and assessment  
21 conducted pursuant to this subsection shall—

22               “(1) identify the needs for projects or facilities  
23 eligible for assistance under this part on the date of  
24 the assessment (other than refinancing for a project  
25 pursuant to section 1473(d)(2));

1           “(2) identify the needs for eligible facilities over  
2           the 20-year period following the date of the assess-  
3           ment;

4           “(3) identify the population served by each pub-  
5           lic water system that has a project eligible for assist-  
6           ance; and

7           “(4) include such other information as the Ad-  
8           ministrator determines to be appropriate.

9           “(d) EVALUATION.—The Administrator shall conduct  
10          an evaluation of the effectiveness of the State loan funds  
11          through fiscal year 1996. The evaluation shall be submit-  
12          ted to Congress at the same time as the President submits  
13          to Congress, pursuant to section 1108 of title 31, United  
14          States Code, an appropriations request for fiscal year  
15          1998 relating to the budget of the Environmental Protec-  
16          tion Agency.

17          **“SEC. 1476. ENFORCEMENT.**

18          “The failure or inability of any public water system  
19          to receive funds under this part or any other loan or grant  
20          program, or any delay in obtaining the funds, shall not  
21          alter the obligation of the system to comply in a timely  
22          manner with all applicable drinking water standards and  
23          requirements of this Act.

1 **“SEC. 1477. REGULATIONS AND GUIDANCE.**

2 “The Administrator shall publish such guidance and  
3 issue such regulations as are necessary to carry out this  
4 part, including guidance and regulations to ensure that—

5 “(1) each State commits and expends funds  
6 from State loan funds in accordance with the re-  
7 quirements of this part and applicable Federal and  
8 State laws; and

9 “(2) the States and eligible public water sys-  
10 tems that receive funds under this part use account-  
11 ing, auditing, and fiscal procedures that conform to  
12 generally accepted accounting standards.

13 **“SEC. 1478. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated to the Envi-  
15 ronmental Protection Agency to carry out this part  
16 \$600,000,000 for fiscal year 1994 and \$1,000,000,000 for  
17 each of fiscal years 1995 through 2000.”.

18 **SEC. 17. MINORITY COMMUNITY GRANTS FOR COMMU-  
19 NITIES WITH ECONOMIC HARDSHIP.**

20 (a) DEFINITIONS.—As used in this section:

21 (1) MINORITY.—The term “minority” means an  
22 African-American, Hispanic American, Asian Amer-  
23 ican, or Native American.

24 (2) MINORITY COMMUNITY WITH ECONOMIC  
25 HARDSHIP.—The term “minority community with



1 economic hardship” means an unincorporated com-  
2 munity—

3 (A) that, based on the latest census data,  
4 has a minority population in excess of 50 per-  
5 cent of the total population;

6 (B) that is unable to be recognized as an  
7 appropriate political subdivision of the State  
8 that could more effectively access funding for  
9 water and wastewater projects; and

10 (C) for which the State legislature has  
11 made funds available by appropriations to assist  
12 in the payment of an eligible wastewater project  
13 (as described in subsection (c)).

14 (b) IN GENERAL.—The Administrator may make a  
15 grant or provide other financial assistance to 1 or more  
16 minority communities with economic hardship for eligible  
17 wastewater treatment projects, including providing assist-  
18 ance for the construction of facilities and related expenses  
19 to minority communities with economic hardship to—

20 (1) improve the housing stock infrastructure in  
21 the communities; and

22 (2) abate health hazards caused by ground  
23 water contamination from septage in arid areas with  
24 high ground water levels.

1 (c) ELIGIBLE WASTEWATER TREATMENT  
2 PROJECTS.—The eligible wastewater treatment projects  
3 that may receive assistance under this section shall include  
4 innovative technologies, including vacuum systems and  
5 constructed wetlands.

6 (d) FUNDING.—In carrying out this section, the Ad-  
7 ministrator shall use an amount equal to \$20,000,000 of  
8 the funds made available to the Environmental Protection  
9 Agency for use beginning on May 31, 1994, under the  
10 matter under the heading “WATER INFRASTRUCTURE/  
11 STATE REVOLVING FUNDS” under the heading “ENVIRON-  
12 MENTAL PROTECTION AGENCY” in title III of the Depart-  
13 ments of Veterans Affairs and Housing and Urban  
14 Development, and Independent Agencies Appropriations  
15 Act, 1994 (Public Law 103–124; 107 Stat. 1294).

16 **SEC. 18. ASSISTANCE TO COLONIAS.**

17 (a) DEFINITIONS.—As used in this section:

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

21 (2) BORDER STATE.—The term “border State”  
22 means each of the following States:

23 (A) Arizona.

24 (B) California.

25 (C) New Mexico.

1 (D) Texas.

2 (3) CONSTRUCTION.—The term “construction”  
3 has the meaning provided the term under section  
4 212(1) of the Federal Water Pollution Control Act  
5 (33 U.S.C. 1292(1)).

6 (4) ELIGIBLE COMMUNITY.—The term “eligible  
7 community” means a low-income community with  
8 economic hardship that—

9 (A) is commonly referred to as a colonia;

10 (B) is located along the United States-  
11 Mexico border (generally in an unincorporated  
12 area); and

13 (C) lacks basic sanitation facilities such as  
14 safe drinking water, household plumbing, and a  
15 proper sewage disposal system.

16 (5) TREATMENT WORKS.—The term “treatment  
17 works” has the meaning provided the term under  
18 section 212(2) of the Federal Water Pollution Con-  
19 trol Act (33 U.S.C. 1292(2)).

20 (b) PURPOSES.—The purposes of this section are to  
21 protect the economy, public health, environment, and  
22 water quality of the United States-Mexico border area that  
23 is endangered and is being polluted by raw or partially  
24 treated sewage, effluent, and other pollutants.

1 (c) TRANSFERS AND GRANTS TO ALLEVIATE  
2 HEALTH RISK.—

3 (1) IN GENERAL.—

4 (A) ASSISTANCE.—The Administrator is  
5 authorized to transfer funds to another Federal  
6 agency or award grants to any other appro-  
7 priate entity or border State, designated by the  
8 President, to provide assistance to eligible com-  
9 munities for—

10 (i) the conservation, development, use,  
11 and control of water (including the exten-  
12 sion or improvement of a water supply sys-  
13 tem); and

14 (ii) the construction or improvement  
15 of sewers, treatment works for wastewater  
16 treatment, and essential community facili-  
17 ties (including necessary related equip-  
18 ment).

19 (B) USE OF FUNDS.—Each transfer of  
20 funds, and each grant awarded, pursuant to  
21 subparagraph (A) shall be used to provide as-  
22 sistance to 1 (or more) eligible community with  
23 respect to which the residents are subject to a  
24 significant health risk (as determined by the

1 Administrator) attributable to the lack of access  
2 to, or service by, an adequate and affordable—

3 (i) water supply system; or

4 (ii) treatment works for wastewater  
5 treatment.

6 (2) OPERATION AND MAINTENANCE.—To carry  
7 out the purposes referred to in subsection (b), the  
8 Administrator and the head of each other Federal  
9 agency, entity, or border State, designated by the  
10 President pursuant to paragraph (1)(A) are each au-  
11 thorized to operate and maintain a treatment works  
12 or other project that is constructed with funds made  
13 available pursuant to paragraph (1).

14 (3) APPROVAL OF PLANS.—

15 (A) PLANS AND SPECIFICATIONS.—Each  
16 treatment works or other project that is funded  
17 by a transfer or a grant made pursuant to  
18 paragraph (1)(A) shall be constructed in ac-  
19 cordance with plans and specifications devel-  
20 oped by the Administrator or the head of an-  
21 other Federal agency or the appropriate official  
22 of an entity or border State designated by the  
23 President under subparagraph (A), in consulta-  
24 tion with the appropriate official of the affected  
25 border State.

1 (B) APPROVAL BY THE ADMINISTRATOR.—

2 As a condition of carrying out the construction  
3 of a treatment works or other project referred  
4 to in subparagraph (A), the head of the Federal  
5 agency or appropriate official of an entity or  
6 border State shall submit the plans and speci-  
7 fications referred to in paragraph (1) to the Ad-  
8 ministrator for approval.

9 (C) STANDARDS FOR CONSTRUCTION.—

10 The standards for construction applicable to a  
11 treatment works or other project under title II  
12 of the Federal Water Pollution Control Act (33  
13 U.S.C. 1281 et seq.) shall apply to the con-  
14 struction of a treatment works or other project  
15 under this section in the same manner as the  
16 standards apply under such title.

17 (d) FUNDING.—

18 (1) AVAILABLE FUNDS.—The Administrator  
19 shall use such amount of the funds made available  
20 to the Environmental Protection Agency for use be-  
21 ginning on May 31, 1994, under the matter under  
22 the heading “WATER INFRASTRUCTURE/STATE RE-  
23 VOLVING FUNDS” under the heading “ENVIRON-  
24 MENTAL PROTECTION AGENCY” in title III of the  
25 Departments of Veterans Affairs and Housing and

1 Urban Development, and Independent Agencies Ap-  
2 propriations Act, 1994 (Public Law 103-124; 107  
3 Stat. 1294) as is necessary to carry out this section.

4 (2) AUTHORIZATION OF APPROPRIATIONS.—  
5 There are authorized to be appropriated to the Envi-  
6 ronmental Protection Agency to carry out this sec-  
7 tion such sums as may be necessary for fiscal year  
8 1995, and for each fiscal year thereafter.

○

S 1920 IS—2

S 1920 IS—3

S 1920 IS—4

S 1920 IS—5