

**Calendar No. 412**

103D CONGRESS  
2D SESSION

**S. 2019**

**[Report No. 103-250]**

**A BILL**

To reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

APRIL 14 (legislative day, APRIL 11), 1994

Read twice and placed on the calendar

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## IN THE SENATE OF THE UNITED STATES

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Mr. BAUCUS, from the Committee on Environment and Public Works, reported the following original bill; which was read twice and placed on the calendar

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To reauthorize and amend title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”), 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; TABLE OF CONTENTS; REF-**  
4       **ERENCES.**

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

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 this Act is as follows:

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Findings.
- Sec. 3. State revolving loan funds.
- Sec. 4. National drinking water regulations.
- Sec. 5. Small systems programs.
- Sec. 6. Enforcement of drinking water regulations.
- Sec. 7. Control of lead in drinking water and prohibition on certain return flows.
- Sec. 8. Radon in drinking water.
- Sec. 9. Source water protection programs.
- Sec. 10. Emergency powers.
- Sec. 11. Drinking water research, education, and certification.
- Sec. 12. State drinking water program funding.
- Sec. 13. Information and inspections.
- Sec. 14. Federal agencies.
- Sec. 15. Assessing environmental priorities, costs, and benefits.
- Sec. 16. Other amendments.

3 (c) REFERENCES TO TITLE XIV OF THE PUBLIC  
 4 HEALTH SERVICE ACT.—Except as otherwise expressly  
 5 provided, whenever in this Act an amendment or repeal  
 6 is expressed in terms of an amendment to, or repeal of,  
 7 a section or other provision, the reference shall be consid-  
 8 ered to be made to a section or other provision of title  
 9 XIV of the Public Health Service Act (commonly known  
 10 as the “Safe Drinking Water Act”) (42 U.S.C. 300f et  
 11 seq.).

12 **SEC. 2. FINDINGS.**

13 Congress finds that—

14 (1) safe drinking water is essential to the pro-  
 15 tection of public health;

1           (2) the Federal Government needs to assist  
2 communities in the financing of drinking water  
3 treatment and related projects;

4           (3) small drinking water systems need addi-  
5 tional technical assistance and information from  
6 State and Federal agencies to ensure the provision  
7 of safe and affordable drinking water;

8           (4) the existing process for the assessment and  
9 regulation of additional drinking water contaminants  
10 needs to be improved and revised to provide for  
11 more extensive participation from interested parties  
12 and to strengthen the scientific basis for drinking  
13 water regulations;

14           (5) States play a central role in the implemen-  
15 tation of safe drinking water programs and States  
16 need increased financial resources to ensure the  
17 prompt and effective development and implementa-  
18 tion of drinking water programs; and

19           (6) there is substantial noncompliance with re-  
20 quirements of the Safe Drinking Water Act (42  
21 U.S.C. 300f et seq.) and Federal and State agencies  
22 need more effective authorities to ensure the imple-  
23 mentation of the Act.

1 **SEC. 3. STATE REVOLVING LOAN FUNDS.**

2 (a) ESTABLISHMENT OF STATE LOAN FUNDS.—The  
3 title (42 U.S.C. 300f et seq.) is amended by adding at  
4 the end the following new part:

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

6 “GENERAL AUTHORITY

7 “SEC. 1471. (a) CAPITALIZATION GRANT AGREE-  
8 MENTS.—The Administrator shall offer to enter into an  
9 agreement with each State to make capitalization grants  
10 to the State pursuant to section 1472 (referred to in this  
11 part as ‘capitalization grants’) to establish a drinking  
12 water treatment State revolving loan fund (referred to in  
13 this part as a ‘State loan fund’).

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

17 “(1) the State has established a State loan fund  
18 that complies with the requirements of this part;

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

23 “(3) the State will deposit the capitalization  
24 grants into the State loan fund;

25 “(4) the State will deposit all loan repayments  
26 received, and interest earned on the amounts depos-

1       ited into the State loan fund under this part, into  
2       the State loan fund;

3           “(5) the State will deposit into the State loan  
4       fund an amount equal to at least 20 percent of the  
5       total amount of each payment to be made to the  
6       State on or before the date on which the payment  
7       is made to the State;

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

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

17          “(8) the State has adopted policies and proce-  
18      dures to ensure that loan recipients are reasonably  
19      likely to be able to repay a loan.

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

21          “(1) IN GENERAL.—The authority to establish  
22      assistance priorities and carry out oversight and re-  
23      lated activities (other than financial administration)  
24      with respect to financial assistance provided with  
25      amounts deposited into the State loan fund shall re-

1 main with the State agency that has primary re-  
2 sponsibility for the administration of the State pro-  
3 gram pursuant to section 1413(a), after consultation  
4 with other appropriate State agencies.

5 “(2) FINANCIAL ADMINISTRATION.—A State  
6 may combine the financial administration of the  
7 State loan fund pursuant to this part with the finan-  
8 cial administration of a State water pollution control  
9 revolving fund established by the State pursuant to  
10 title VI of the Federal Water Pollution Control Act  
11 (33 U.S.C. 1381 et seq.) if the Administrator deter-  
12 mines that the grants to be provided to the State  
13 under this part, together with loan repayments and  
14 interest deposited into the State loan fund pursuant  
15 to this part, will be separately accounted for and  
16 used solely for the purposes specified in this part.

17 “(3) TRANSFER OF FUNDS.—

18 “(A) IN GENERAL.—Notwithstanding any  
19 other provision of law, a Governor of a State  
20 may—

21 “(i) reserve up to 50 percent of a cap-  
22 italization grant made pursuant to section  
23 1472 and add the funds reserved to any  
24 funds provided to the State pursuant to

1 section 601 of the Federal Water Pollution  
2 Control Act (33 U.S.C. 1381); and

3 “(ii) reserve up to 50 percent of a  
4 capitalization grant made pursuant to sec-  
5 tion 601 of such Act (33 U.S.C. 1381) and  
6 add the reserved funds to any funds pro-  
7 vided to the State pursuant to section  
8 1472.

9 “(B) STATE MATCH.—Funds reserved pur-  
10 suant to this paragraph shall not be considered  
11 a State match of a capitalization grant required  
12 pursuant to this title or the Federal Water Pol-  
13 lution Control Act (33 U.S.C. 1251 et seq.).

14 “CAPITALIZATION GRANTS

15 “SEC. 1472. (a) GENERAL AUTHORITY.—The Ad-  
16 ministrator may make grants to capitalize State loan  
17 funds to a State that has entered into an agreement pur-  
18 suant to section 1471.

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

20 “(1) IN GENERAL.—Subject to subsection (c)  
21 and paragraph (2), funds made available to carry  
22 out this part shall be allotted to States that have en-  
23 tered into an agreement pursuant to section 1471 in  
24 accordance with—

25 “(A) for each of fiscal years 1994 through  
26 1997, a formula that is the same as the for-



1           mula used to distribute public water system su-  
2           pervision grant funds under section 1443 in fis-  
3           cal year 1994, except that the formula shall be  
4           adjusted to include a minimum proportionate  
5           share for the State of Wyoming; and

6           “(B) for each of fiscal years 1998 through  
7           2000, a formula that allocates to each State the  
8           proportional share of the State needs identified  
9           in the most recent survey conducted pursuant  
10          to section 1475(c), except that the minimum  
11          proportion provided to each State shall be the  
12          same as the minimum proportion provided  
13          under subparagraph (A).

14          “(2) OTHER JURISDICTIONS.—The formula es-  
15          tablished pursuant to paragraph (1) shall reserve a  
16          total of not less than 0.5 percent of the amounts  
17          made available to carry out this part for a fiscal  
18          year for providing direct grants to the jurisdictions,  
19          other than Indian tribes, referred to in subsection  
20          (f).

21          “(c) RESERVATION OF FUNDS FOR INDIAN  
22          TRIBES.—

23          “(1) IN GENERAL.—For each fiscal year, prior  
24          to the allotment of funds made available to carry out  
25          this part, the Administrator shall reserve 1.5 percent

1 of the funds for providing financial assistance to In-  
2 dian tribes pursuant to subsection (f).

3 “(2) USE OF FUNDS.—Funds reserved pursu-  
4 ant to paragraph (1) shall be used to address the  
5 most significant threats to public health associated  
6 with public water systems that serve Indian tribes,  
7 as determined by the Administrator in consultation  
8 with the Commissioner of Indian Affairs.

9 “(3) NEEDS ASSESSMENT.—The Administrator,  
10 in consultation with the Commissioner of Indian Af-  
11 fairs, shall, in accordance with a schedule that is  
12 consistent with the needs surveys conducted pursu-  
13 ant to section 1475(c), prepare surveys and assess  
14 the needs of drinking water treatment facilities to  
15 serve Indian tribes, including an evaluation of the  
16 public water systems that pose the most significant  
17 threats to public health.

18 “(d) TECHNICAL ASSISTANCE FOR SMALL SYS-  
19 TEMS.—

20 “(1) DEFINITIONS.—As used in this subsection:

21 “(A) SMALL SYSTEM.—The term ‘small  
22 system’ means a public water system that  
23 serves a population of 10,000 or less.

24 “(B) TECHNICAL ASSISTANCE.—The term  
25 ‘technical assistance’ means assistance provided

1 by a State to a small system, including assist-  
2 ance to potential loan recipients and assistance  
3 for planning and design related to the develop-  
4 ment and implementation of a source water  
5 protection plan, alternative supplies of drinking  
6 water, restructuring or consolidation of a small  
7 system, and treatment to comply with a na-  
8 tional primary drinking water regulation.

9 “(2) RESERVATION OF FUNDS.—To provide  
10 technical assistance pursuant to this subsection,  
11 each State may reserve from capitalization grants  
12 received in any year an amount that does not exceed  
13 the greater of—

14 “(A) an amount equal to 2 percent of the  
15 amount of the capitalization grants received by  
16 the State pursuant to this section; or

17 “(B) \$300,000.

18 “(e) ALLOTMENT PERIOD.—

19 “(1) PERIOD OF AVAILABILITY FOR FINANCIAL  
20 ASSISTANCE.—

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

1 the fiscal year for which the sums are author-  
2 ized and during the following fiscal year.

3 “(B) FUNDS MADE AVAILABLE FOR FISCAL  
4 YEAR 1994.—The sums allotted to a State pur-  
5 suant to subsection (b) from funds that are  
6 made available by appropriations for fiscal year  
7 1994 shall be available to the State for obliga-  
8 tion during each of fiscal years 1994 through  
9 1996.

10 “(2) REALLOTMENT OF UNOBLIGATED  
11 FUNDS.—Prior to obligating new allotments made  
12 available to the State pursuant to subsection (b),  
13 each State shall obligate funds accumulated from  
14 loan repayments and interest earned on amounts de-  
15 posited in a State loan fund. The amount of any al-  
16 lotment that is not obligated by a State by the last  
17 day of the period of availability established by para-  
18 graph (1) shall be immediately reallocated by the Ad-  
19 ministrator on the basis of the same ratio as is ap-  
20 plicable to sums allotted under subsection (b). None  
21 of the funds reallocated by the Administrator shall be  
22 reallocated to any State that has not obligated all  
23 sums allotted to the State pursuant to this section  
24 during the period that the sums were available for  
25 obligation.

1       “(f) DIRECT GRANTS.—The Administrator is author-  
 2 ized to make grants for the improvement of public water  
 3 systems of Indian tribes, the District of Columbia, the  
 4 United States Virgin Islands, the Commonwealth of the  
 5 Northern Mariana Islands, American Samoa, Guam, and  
 6 the Republic of Palau (pending the entry into full force  
 7 and effect of the Compact of Free Association between the  
 8 United States and the Republic of Palau).

9       “(g) VIABILITY.—Beginning in fiscal year 1998, the  
 10 Administrator shall withhold 50 percent of each capitaliza-  
 11 tion grant made pursuant to this section to a State if the  
 12 Administrator has not approved a viability program pursu-  
 13 ant to section 1418(c) for the State.

14                               “ELIGIBLE ASSISTANCE

15       “SEC. 1473. (a) IN GENERAL.—The amounts depos-  
 16 ited into a State loan fund, including any amounts equal  
 17 to the amounts of loan repayments and interest earned  
 18 on the amounts deposited, may be used by the State to  
 19 carry out projects that are consistent with this section.

20       “(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

21               “(1) IN GENERAL.—The amounts deposited  
 22 into a State loan fund shall be used only for provid-  
 23 ing financial assistance for capital expenditures (ex-  
 24 cluding the cost of land acquisition, unless the cost  
 25 is incurred to acquire land for the construction of a  
 26 treatment facility) for—

1           “(A) capital expenditures for a project that  
2           will facilitate compliance with national primary  
3           drinking water regulations promulgated pursu-  
4           ant to section 1412;

5           “(B) capital expenditures for a project that  
6           will facilitate the consolidation of public water  
7           systems or the use of an alternative source of  
8           water supply;

9           “(C) capital expenditures for a project that  
10          will upgrade a drinking water treatment sys-  
11          tem; and

12          “(D) capital expenditures for the develop-  
13          ment of a public water system to replace private  
14          drinking water supplies if the water poses a sig-  
15          nificant threat to human health.

16          “(2) CONSOLIDATION.—No assistance under  
17          this part shall be provided to a public water system  
18          for a project for which the State determines that  
19          consolidation is appropriate other than assistance for  
20          consolidation.

21          “(c) ELIGIBLE PUBLIC WATER SYSTEMS.—A State  
22          loan fund may provide financial assistance only to commu-  
23          nity water systems and publicly owned and nonprofit  
24          noncommunity water systems.

1       “(d) TYPES OF ASSISTANCE.—Except as otherwise  
2 limited by State law, the amounts deposited into a State  
3 loan fund under this section may be used only—

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

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

8                       “(B) principal and interest payments on  
9 each loan will commence not later than 1 year  
10 after completion of the project for which the  
11 loan was made and each loan will be fully amor-  
12 tized not later than 20 years after the comple-  
13 tion of the project, except that in the case of a  
14 disadvantaged community (as defined in sub-  
15 section (e)(1)), a State may provide an ex-  
16 tended term for a loan, if the extended term—

17                               “(i) terminates not later than the date  
18 that is 30 years after the date of project  
19 completion; and

20                               “(ii) does not exceed the expected de-  
21 sign life of the project;

22                       “(C) the recipient of each loan will estab-  
23 lish a dedicated source of revenue for the repay-  
24 ment of the loan; and

1           “(D) the State loan fund will be credited  
2           with all payments of principal and interest on  
3           each loan;

4           “(2) to buy or refinance the debt obligation of  
5           a municipality or an intermunicipal or interstate  
6           agency within the State at an interest rate that is  
7           less than or equal to the market interest rate in any  
8           case in which a debt obligation is incurred after Oc-  
9           tober 14, 1993, or to refinance a debt obligation for  
10          a project constructed to comply with a regulation es-  
11          tablished pursuant to an amendment to this title  
12          made by the Safe Drinking Water Act Amendments  
13          of 1986 (Public Law 99–339; 100 Stat. 642);

14          “(3) to guarantee, or purchase insurance for, a  
15          local obligation if the guarantee or purchase would  
16          improve credit market access or reduce the interest  
17          rate applicable to the obligation;

18          “(4) as a source of revenue or security for the  
19          payment of principal and interest on revenue or gen-  
20          eral obligation bonds issued by the State if the pro-  
21          ceeds of the sale of the bonds will be deposited into  
22          the State loan fund;

23          “(5) as a source of revenue or security for the  
24          payment of interest on a local obligation; and



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

3           “(e) ASSISTANCE FOR DISADVANTAGED COMMU-  
4 NITIES.—

5           “(1) DEFINITION OF DISADVANTAGED COMMU-  
6 NITY.—As used in this subsection, the term ‘dis-  
7 advantaged community’ means the service area of a  
8 public water system that meets affordability criteria  
9 established after public review and comment by the  
10 State in which the public water system is located.  
11 The Administrator may publish information to assist  
12 States in establishing affordability criteria.

13           “(2) LOAN SUBSIDY.—Notwithstanding sub-  
14 section (d), in any case in which the State makes a  
15 loan pursuant to subsection (d) to a disadvantaged  
16 community or to a community that the State expects  
17 to become a disadvantaged community as the result  
18 of a proposed project, the State may provide such  
19 additional subsidization (including forgiveness of  
20 principal) for projects for the community as nec-  
21 essary to ensure conformity with affordability cri-  
22 teria established by the State.

23           “(3) TOTAL AMOUNT OF SUBSIDIES.—For each  
24 fiscal year, the total amount of loan subsidies made  
25 by a State pursuant to paragraph (2) may not ex-

1       ceed 30 percent of the amount of the capitalization  
2       grant received by the State for the year.

3               “STATE LOAN FUND ADMINISTRATION

4       “SEC. 1474. (a) ADMINISTRATION, TECHNICAL AS-  
5       SISTANCE, AND MANAGEMENT.—

6               “(1) ADMINISTRATION.—Each State that has a  
7       State loan fund is authorized to expend from the  
8       State loan fund a reasonable amount not to exceed  
9       4 percent of the capitalization grant made to the  
10      State, for the costs of the administration of the  
11      State loan fund.

12              “(2) STATE PROGRAM MANAGEMENT ASSIST-  
13      ANCE.—

14              “(A) IN GENERAL.—Each State that has a  
15      loan fund is authorized to expend from the  
16      State loan fund an amount, determined pursu-  
17      ant to this paragraph, to carry out the public  
18      water system supervision program in the State.

19              “(B) LIMITATION.—Amounts expended  
20      pursuant to this paragraph in a fiscal year may  
21      not exceed the amount that is equal to the per-  
22      centage specified in subparagraph (C) of the  
23      amount that is the difference between the grant  
24      funds available to the State in the fiscal year  
25      pursuant to section 1443(a) (including non-  
26      Federal funds matching the grant funds) and

1 the amounts identified in the public water sys-  
2 tem supervision resource model established pur-  
3 suant to section 1443, including State source  
4 water protection programs established pursuant  
5 to section 1429.

6 “(C) PERCENTAGE.—The percentage re-  
7 ferred to in subparagraph (B) shall be—

8 “(i) 50 percent in fiscal year 1995;

9 “(ii) 100 percent in each of fiscal  
10 years 1996, 1997, and 1998; and

11 “(iii) 50 percent in fiscal year 1999.

12 “(D) STATE FUNDS.—Funds may not be  
13 expended pursuant to this paragraph unless the  
14 Administrator determines that—

15 “(i) the amount of State funds sup-  
16 porting the water supply supervision pro-  
17 gram is not less than the amount of State  
18 funds provided in fiscal year 1993; and

19 “(ii) in fiscal year 1999, funding for  
20 the water supply supervision program in  
21 the State (including funding provided pur-  
22 suant to this paragraph) will be at a level  
23 that is no less than the level specified in  
24 the resource model established pursuant to  
25 section 1443.

1 “(b) INTENDED USE PLANS.—

2 “(1) IN GENERAL.—After providing for public  
3 review and comment, each State that has entered  
4 into a capitalization agreement pursuant to this part  
5 shall annually prepare a plan that identifies the in-  
6 tended uses of the amounts available to its State  
7 loan fund.

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

10 “(A) a list of the projects to be assisted in  
11 the first fiscal year that begins after the date  
12 of the plan, including a description of the  
13 project, the expected terms of financial assist-  
14 ance, and the size of the community served;

15 “(B) the criteria and methods established  
16 for the distribution of funds;

17 “(C) a description of the financial status of  
18 the State loan fund and the short-term and  
19 long-term goals of the State loan fund;

20 “(D) to the maximum extent practicable, a  
21 description of all projects for which public  
22 water systems sought financial assistance for  
23 the fiscal year and the per household costs for  
24 drinking water for the systems; and

1           “(E) to the maximum extent practicable, a  
2           description of projects expected to be assisted in  
3           the 2 fiscal years following the fiscal year for  
4           which a list was prepared under subparagraph  
5           (A).

6           “(3) USE OF FUNDS.—An intended use plan  
7           shall provide, to the maximum extent practicable,  
8           that priority for the use of funds be given to those  
9           projects that address the most serious risk to human  
10          health and that assist systems most in need on a per  
11          household basis according to State affordability cri-  
12          teria.

13           “STATE LOAN FUND MANAGEMENT

14          “SEC. 1475. (a) IN GENERAL.—Not later than 1 year  
15          after the date of enactment of this part, and annually  
16          thereafter, the Administrator shall conduct such reviews  
17          and audits as the Administrator considers appropriate, or  
18          require each State to have the reviews and audits inde-  
19          pendently conducted, in accordance with the single audit  
20          requirements of chapter 75 of title 31, United States  
21          Code.

22          “(b) STATE REPORTS.—Not later than 1 year after  
23          the date of enactment of this part, and annually there-  
24          after, each State that administers a State loan fund shall  
25          publish and submit to the Administrator a report on the

1 activities of the State under this part, including the find-  
2 ings of the most recent audit of the State loan fund.

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

10 “(1) identify, by State, the needs for projects or  
11 facilities eligible for assistance under this part on  
12 the date of the assessment (other than refinancing  
13 for a project pursuant to section 1473(d)(2));

14 “(2) estimate the needs for eligible facilities  
15 over the 20-year period following the date of the as-  
16 sessment;

17 “(3) identify, by size category, the population  
18 served by public water systems with needs identified  
19 pursuant to paragraph (1); and

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

22 “(d) EVALUATION.—The Administrator shall conduct  
23 an evaluation of the effectiveness of the State loan funds  
24 through fiscal year 1996. The evaluation shall be submit-  
25 ted to Congress at the same time as the President submits

1 to Congress, pursuant to section 1108 of title 31, United  
2 States Code, an appropriations request for fiscal year  
3 1998 relating to the budget of the Environmental Protec-  
4 tion Agency.

5 “ENFORCEMENT

6 “SEC. 1476. The failure or inability of any public  
7 water system to receive funds under this part or any other  
8 loan or grant program, or any delay in obtaining the  
9 funds, shall not alter the obligation of the system to com-  
10 ply in a timely manner with all applicable drinking water  
11 standards and requirements of this title.

12 “LABOR STANDARDS

13 “SEC. 1477. (a) IN GENERAL.—The Administrator  
14 shall take such action as is necessary to ensure that all  
15 laborers and mechanics employed by contractors or sub-  
16 contractors of projects for which financial assistance is  
17 provided under this part (including any assistance derived  
18 from repayments to the State loan fund) shall be paid  
19 wages at rates not less than the prevailing rates for the  
20 same type of work on similar construction in the imme-  
21 diate locality, as determined by the Secretary of Labor in  
22 accordance with the Act entitled ‘An Act relating to the  
23 rate of wages for laborers and mechanics employed on  
24 public buildings of the United States and the District of  
25 Columbia by contractors and subcontractors, and for other

1 purposes’, approved March 3, 1931 (commonly known as  
2 the ‘Davis-Bacon Act’) (40 U.S.C. 276a et seq.).

3 “(b) AUTHORITY AND FUNCTIONS.—With respect to  
4 the labor standards described in subsection (a), the Sec-  
5 retary of Labor shall have the authority and functions set  
6 forth in Reorganization Plan Numbered 14 of 1950 (15  
7 Fed. Reg. 3176) and section 2 of the Act of June 13,  
8 1934 (48 Stat. 948, chapter 482; 40 U.S.C. 276c).

9 “REGULATIONS AND GUIDANCE

10 “SEC. 1478. The Administrator shall publish such  
11 guidance and promulgate such regulations as are nec-  
12 essary to carry out this part, including guidance and regu-  
13 lations to ensure that—

14 “(1) each State commits and expends funds  
15 from State loan funds in accordance with the re-  
16 quirements of this part and applicable Federal and  
17 State laws; and

18 “(2) the States and eligible public water sys-  
19 tems that receive funds under this part use account-  
20 ing, audit, and fiscal procedures that conform to  
21 generally accepted accounting standards.

22 “AUTHORIZATION OF APPROPRIATIONS

23 “SEC. 1479. There are authorized to be appropriated  
24 to the Environmental Protection Agency to carry out this  
25 part \$600,000,000 for fiscal year 1994 and



1 \$1,000,000,000 for each of fiscal years 1995 through  
2 2000.”.

3 (b) DEFINITIONS.—Section 1401 (42 U.S.C. 300f) is  
4 amended—

5 (1) in paragraph (13)—

6 (A) by striking “The” and inserting “(A)  
7 Except as provided in subparagraph (B), the”;  
8 and

9 (B) by adding at the end the following new  
10 subparagraph:

11 “(B) For purposes of part G, the term ‘State’  
12 means each of the 50 States and the Commonwealth  
13 of Puerto Rico.”;

14 (2) in paragraph (14), by adding at the end the  
15 following new sentence: “For purposes of part G, the  
16 term includes any Native village, as defined in sec-  
17 tion 3(c) of the Alaska Native Claims Settlement  
18 Act (43 U.S.C. 1602(c)).”; and

19 (3) by adding at the end the following new  
20 paragraphs:

21 “(15) The term ‘community water system’  
22 means a public water system that—

23 “(A) serves at least 15 service connections  
24 used by year-round residents of the area served  
25 by the system; or

1           “(B) regularly serves at least 25 year-  
2           round residents.

3           “(16) The term ‘noncommunity water system’  
4           means a public water system that is not a commu-  
5           nity water system.”.

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

7           (a) STANDARDS.—Section 1412(b) (42 U.S.C. 300g-  
8           1(b)) is amended by striking “(b)(1)” and all that follows  
9           through the end of paragraph (2) and inserting the follow-  
10          ing:

11          “(b) STANDARD SETTING SCHEDULES AND DEAD-  
12          LINES.—

13               “(1) IN GENERAL.—

14               “(A) GOALS AND REGULATIONS FOR CER-  
15               TAIN CONTAMINANTS.—In the case of those  
16               contaminants listed in the Advance Notice of  
17               Proposed Rulemaking published in volume 47,  
18               Federal Register, page 9352, and in volume 48,  
19               Federal Register, page 45502, the Adminis-  
20               trator shall publish maximum contaminant level  
21               goals and promulgate national primary drinking  
22               water regulations—

23                       “(i) not later than 12 months after  
24                       June 19, 1986, for not less than 9 of the  
25                       listed contaminants;

1                   “(ii) not later than 24 months after  
2                   June 19, 1986, for not less than 40 of the  
3                   listed contaminants; and

4                   “(iii) not later than 36 months after  
5                   June 19, 1986, for the remainder of the  
6                   listed contaminants.

7                   “(B) SUBSTITUTION OF CONTAMINANTS.—  
8                   If the Administrator identifies a drinking water  
9                   contaminant the regulation of which, in the  
10                  judgment of the Administrator, is more likely to  
11                  be protective of public health (taking into ac-  
12                  count the schedule for regulation under sub-  
13                  paragraph (A)), the Administrator may publish  
14                  a maximum contaminant level goal and promul-  
15                  gate a national primary drinking water regula-  
16                  tion for the identified contaminant in lieu of  
17                  regulating the contaminant referred to in such  
18                  subparagraph. There may be no more than 7  
19                  contaminants in subparagraph (A) for which  
20                  substitutions may be made. Regulation of a  
21                  contaminant identified under this subparagraph  
22                  shall be in accordance with the schedule appli-  
23                  cable to the contaminant for which the substi-  
24                  tution is made.

1           “(2) DISINFECTANTS AND DISINFECTION BY-  
2       PRODUCTS.—

3           “(A) PROPOSED GOALS AND REGULA-  
4       TION.—Not later than May 31, 1994, the Ad-  
5       ministrators shall propose maximum contami-  
6       nant level goals or maximum residual disinfect-  
7       ant level goals, and a national primary drinking  
8       water regulation, for disinfectants and disinfec-  
9       tion byproducts (including maximum residual  
10      disinfectant levels). The Administrator shall  
11      also propose an interim enhanced surface water  
12      treatment rule for systems serving a population  
13      of more than 10,000 that includes a maximum  
14      contaminant level goal for cryptosporidium. The  
15      proposed regulation shall be consistent with the  
16      ‘Disinfection and Disinfection Byproducts Ne-  
17      gotiated Rulemaking Committee Agreement’.

18          “(B) STAGE I REGULATION.—Not later  
19      than December 31, 1996, the Administrator  
20      shall, after notice and opportunity for public  
21      comment, publish maximum contaminant level  
22      goals or maximum residual disinfectant level  
23      goals, and promulgate a revised national pri-  
24      mary drinking water regulation for disinfectants  
25      and disinfection byproducts (including maxi-

1       mum residual disinfectant levels) and an in-  
2       terim enhanced surface water treatment rule for  
3       systems serving a population of more than  
4       10,000 for microbial contaminants, including  
5       cryptosporidium.

6       “(C) INFORMATION COLLECTION RULE.—  
7       Not later than July 29, 1994, the Adminis-  
8       trator shall, after notice and opportunity for  
9       comment, promulgate an information collection  
10      rule to obtain information that will facilitate  
11      further revisions to the national primary drink-  
12      ing water regulation for disinfectants and dis-  
13      infection byproducts, including information on  
14      microbial       contaminants       such       as  
15      cryptosporidium.

16      “(D) PROPOSED RULE.—Not later than  
17      June 30, 1997, the Administrator shall propose  
18      a long-term enhanced surface water treatment  
19      rule for all public water systems (including any  
20      appropriate revisions to the interim regulations  
21      for public water systems serving a population of  
22      more than 10,000) promulgated pursuant to  
23      subparagraph (B).

24      “(E) FINAL RULE.—Not later than De-  
25      cember 31, 1998, the Administrator shall pro-

1 mulgate a long-term enhanced surface water  
2 treatment rule for all public water systems (in-  
3 cluding any appropriate revisions to the interim  
4 regulations for public water systems serving a  
5 population of more than 10,000) promulgated  
6 pursuant to subparagraph (B).

7 “(F) STAGE II REGULATION.—Not later  
8 than June 30, 2000, the Administrator shall,  
9 after notice and opportunity for comment, pro-  
10 mulgate a revised national primary drinking  
11 water regulation for disinfectants and disinfec-  
12 tion byproducts taking into account the infor-  
13 mation collected under subparagraph (C). To  
14 the extent practicable, the Administrator shall  
15 develop the revised national primary drinking  
16 water regulation through the negotiated rule-  
17 making procedure provided for under sub-  
18 chapter III of chapter 5 of title 5, United  
19 States Code.”.

20 (b) FILTRATION TECHNOLOGY FOR SMALL SYS-  
21 TEMS.—Section 1412(b)(7)(C) (42 U.S.C. 300g-  
22 1(b)(7)(C) is amended by adding at the end the following  
23 new clause:

24 “(v) FILTRATION TECHNOLOGY FOR  
25 SMALL SYSTEMS.—At the same time as the

1 Administrator proposes a regulation pursu-  
2 ant to paragraph (2)(A), the Administrator  
3 shall propose a regulation that describes  
4 treatment techniques that meet the re-  
5 quirements for filtration pursuant to this  
6 subparagraph and are feasible for commu-  
7 nity water systems serving a population of  
8 3,300 or less and noncommunity water  
9 systems.”.

10 (c) IDENTIFICATION OF CONTAMINANTS FOR LIST-  
11 ING.—Paragraph (3) of section 1412(b) (42 U.S.C. 300g-  
12 1(b)(3)) is amended to read as follows:

13 “(3) IDENTIFICATION OF CONTAMINANTS FOR  
14 LISTING.—

15 “(A) GENERAL AUTHORITY.—The Admin-  
16 istrator shall publish a maximum contaminant  
17 level goal, and promulgate a national primary  
18 drinking water regulation, for each contaminant  
19 (other than a contaminant referred to in para-  
20 graph (1) or (2) for which a national primary  
21 drinking water regulation has been promul-  
22 gated) if, in the judgment of the Administrator,  
23 the contaminant may have an adverse effect on  
24 the health of persons and the contaminant is  
25 known or anticipated to occur in public water

1 systems with a frequency and at levels of public  
2 health concern.

3 “(B) CONTAMINANTS TO BE CONSID-  
4 ERED.—

5 “(i) INITIAL LIST.—Not later than 3  
6 years after the date of enactment of the  
7 Safe Drinking Water Act Amendments of  
8 1994, the Administrator shall publish a list  
9 of not fewer than 15 contaminants that, in  
10 the judgment of the Administrator, present  
11 the greatest public health concern, based  
12 on available information with respect to  
13 the adverse health effects associated with  
14 the contaminants and the known or antici-  
15 pated occurrence of the contaminants in  
16 public water systems.

17 “(ii) SUBSEQUENT LISTS.—Not later  
18 than 5 years after the date of publication  
19 of the initial list under clause (i), and  
20 every 5 years thereafter, the Administrator  
21 shall publish a list of not fewer than 7 ad-  
22 ditional contaminants meeting the criteria  
23 set forth in clause (i).

24 “(iii) COMMENT.—The Administrator  
25 shall seek comment on each of the lists re-



1           quired under clauses (i) and (ii) prior to  
2           publication of each list from officials of  
3           State and local governments, operators of  
4           public water systems, the scientific commu-  
5           nity, and the general public.

6           “(iv) LIST OF CONTAMINANTS.—Each  
7           of the contaminants listed pursuant to  
8           clause (ii) shall be on the list of contami-  
9           nants established pursuant to section  
10          1445(a)(2)(B).

11          “(v) PROPOSED WORK PLANS.—Pro-  
12          posed work plans, including schedules and  
13          milestones, for meeting the requirements of  
14          subparagraphs (C), (D), and (E) shall be  
15          published at the time a list is published  
16          under this subparagraph.

17          “(C) PROPOSED GOAL AND REGULA-  
18          TION.—Not later than 18 months after the date  
19          on which a contaminant has been listed pursu-  
20          ant to subparagraph (B), the Administrator  
21          shall publish a maximum contaminant level  
22          goal, and propose a national primary drinking  
23          water regulation, for the contaminant, unless  
24          the Administrator determines that—

1 “(i) adequate data are not available to  
2 develop the regulation; or

3 “(ii) the contaminant does not meet  
4 the criteria for regulation established in  
5 subparagraph (A).

6 A determination that adequate data are not  
7 available, or that the contaminant does not  
8 meet the criteria for regulation, shall be a final  
9 agency action for purposes of section 1448.

10 “(D) FINAL WORK PLAN FOR INFORMA-  
11 TION.—Not later than 18 months after the date  
12 on which a contaminant is listed pursuant to  
13 subparagraph (B) and for each of the contami-  
14 nants for which a national primary drinking  
15 water regulation is not proposed pursuant to  
16 subparagraph (C)(i), the Administrator shall  
17 publish a final work plan with respect to the  
18 contaminant for collecting information and con-  
19 ducting studies necessary for development of a  
20 national primary drinking water regulation for  
21 the contaminant.

22 “(E) PUBLICATION OF GOAL AND REGULA-  
23 TION OR DETERMINATION.—After the comple-  
24 tion of studies for a contaminant identified in  
25 a work plan under subparagraph (D), but not

1 later than 5 years after a contaminant is first  
2 listed under subparagraph (B), the Adminis-  
3 trator shall publish—

4 “(i) a maximum contaminant level  
5 goal and propose a national primary drink-  
6 ing water regulation for the contaminant;  
7 or

8 “(ii) a determination that the con-  
9 taminant does not meet the criteria for  
10 regulation under subparagraph (A).

11 A determination under clause (ii) shall be a  
12 final agency action for purposes of section  
13 1448.

14 “(F) ISSUANCE OF REGULATIONS.—The  
15 Administrator shall promulgate a national pri-  
16 mary drinking water regulation for each con-  
17 taminant for which a regulation is proposed  
18 under this paragraph not later than 24 months  
19 after the date on which the regulation is pro-  
20 posed.

21 “(G) URGENT THREATS TO PUBLIC  
22 HEALTH.—The Administrator may promulgate  
23 a national primary drinking water regulation  
24 for a contaminant using procedures other than  
25 the procedures specified in subparagraphs (B)

1 through (F) to address an urgent threat to  
2 public health.

3 “(H) MONITORING DATA AND OTHER IN-  
4 FORMATION.—The Administrator may require,  
5 in accordance with section 1445(a)(2), the sub-  
6 mission of monitoring data and other informa-  
7 tion necessary for the development of studies,  
8 work plans, or national primary drinking water  
9 regulations.

10 “(I) NATIONAL DRINKING WATER OCCUR-  
11 RENCE DATA BASE.—

12 “(i) IN GENERAL.—Not later than 3  
13 years after the date of enactment of the  
14 Safe Drinking Water Act Amendments of  
15 1994, the Administrator shall assemble  
16 and maintain a national drinking water oc-  
17 currence data base, using information on  
18 the occurrence of both regulated and un-  
19 regulated contaminants in public water  
20 systems obtained under section 1445(a)  
21 and information from other public and pri-  
22 vate sources.

23 “(ii) USE.—The data shall be used by  
24 the Administrator in making determina-  
25 tions under this section with respect to the

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

3 “(iii) PUBLIC RECOMMENDATIONS.—

4 The Administrator shall periodically solicit  
5 recommendations from the appropriate of-  
6 ficials of the National Academy of  
7 Sciences, and any person may submit rec-  
8 ommendations to the Administrator, with  
9 respect to contaminants that should be in-  
10 cluded in the national drinking water oc-  
11 currence data base, including recommenda-  
12 tions with respect to additional unregu-  
13 lated contaminants that should be listed  
14 under section 1445(a)(2).

15 “(iv) PUBLIC AVAILABILITY.—The in-

16 formation from the data base shall be  
17 available to the public in readily accessible  
18 form.

19 “(v) REGULATED CONTAMINANTS.—

20 With respect to each contaminant for  
21 which a national primary drinking water  
22 regulation has been established, the data  
23 base shall include information on the de-  
24 tection of the contaminant at a quantifi-  
25 able level in public water systems (includ-

1 ing detection of the contaminant at levels  
2 not constituting a violation of the maxi-  
3 mum contaminant level for the contami-  
4 nant).

5 “(vi) UNREGULATED CONTAMI-  
6 NANTS.—With respect to contaminants for  
7 which a national primary drinking water  
8 regulation has not been established, the  
9 data base shall include—

10 “(I) monitoring information col-  
11 lected by public water systems that  
12 serve a population of more than  
13 10,000, as required by the Adminis-  
14 trator under section 1445;

15 “(II) monitoring information col-  
16 lected by the States from a represent-  
17 ative sampling of public water systems  
18 that serve a population of 10,000 or  
19 less; and

20 “(III) other appropriate monitor-  
21 ing information on the occurrence of  
22 the contaminants in public water sys-  
23 tems that is available to the Adminis-  
24 trator.

1           “(J) PRIOR REQUIREMENTS.—The require-  
 2           ments of subparagraph (C) of this paragraph  
 3           (as it existed before the amendment made by  
 4           section 4(b) of the Safe Drinking Water Act  
 5           Amendments of 1994), and any obligations to  
 6           promulgate regulations not promulgated as of  
 7           the date of enactment of such Act, are super-  
 8           seded by this paragraph and paragraph (2).”.

9           (d) GOALS AND STANDARDS.—Section 1412(b)(4)  
 10          (42 U.S.C. 300g-1(b)(4)) is amended—

11           (1) by striking “(4) Each maximum” and in-  
 12          serting the following:

13           “(4) GOALS AND STANDARDS.—

14           “(A) IN GENERAL.—Each maximum”; and

15           (2) by adding at the end the following new sub-  
 16          paragraphs:

17           “(B) STANDARDS FOR CARCINOGENS.—

18           “(i) Notwithstanding the provisions of  
 19           subparagraph (A), for any contaminant  
 20           that is regulated on the basis of the car-  
 21           cinogenic effects of the contaminant, the  
 22           Administrator shall not establish a maxi-  
 23           mum contaminant level that is more strin-  
 24           gent than the level that is necessary to en-  
 25           sure that lifetime cancer risks resulting

1 from concentrations of the contaminant in  
2 drinking water will not exceed 1 in  
3 1,000,000 considering sensitive subpopula-  
4 tions that can be identified and character-  
5 ized.

6 “(ii) Notwithstanding the provisions  
7 of subparagraph (A), the Administrator  
8 may establish a maximum contaminant  
9 level for a contaminant that is regulated  
10 on the basis of the carcinogenic effects of  
11 the contaminant at a level that is less  
12 stringent than is feasible (as defined in  
13 paragraph (5)), if the Administrator deter-  
14 mines that the less stringent level will—

15 “(I) result in compliance costs  
16 that are substantially less than costs  
17 that would be experienced by public  
18 water systems to comply with the level  
19 that is feasible; and

20 “(II) ensure that lifetime cancer  
21 risks resulting from concentrations of  
22 the contaminant in drinking water are  
23 essentially equivalent to the risks that  
24 would occur at the level that is fea-  
25 sible.



1           “(C) CONSIDERATION OF OTHER HEALTH  
2           EFFECTS.—

3           “(i) Notwithstanding the provisions of  
4           subparagraph (A), the Administrator may  
5           establish a maximum contaminant level for  
6           a contaminant at a level that is less strin-  
7           gent than is feasible if the feasible level  
8           would result in an increase in the overall  
9           health risk from drinking water by—

10           “(I) increasing the concentration  
11           of other contaminants in drinking  
12           water; or

13           “(II) interfering with the efficacy  
14           of drinking water treatment tech-  
15           niques or processes that are used to  
16           comply with other national primary  
17           drinking water regulations.

18           “(ii) If the Administrator establishes  
19           a maximum contaminant level for any con-  
20           taminant pursuant to the authority of this  
21           subparagraph, the level shall minimize the  
22           overall risk of adverse health effects, in-  
23           cluding the risk from the contaminant and  
24           the risk from other contaminants the con-  
25           centrations of which may be affected by

1 the use of treatment techniques and proc-  
2 esses that would be employed to attain the  
3 maximum contaminant level.

4 “(iii) This subparagraph shall not  
5 apply in the case of a national primary  
6 drinking water regulation promulgated  
7 pursuant to paragraph (2).”.

8 (e) MONITORING FOR UNREGULATED CONTAMI-  
9 NANTS.—Section 1445(a) (42 U.S.C. 300j-4(a)) is  
10 amended by striking paragraphs (2) through (8) and in-  
11 serting the following new paragraphs:

12 “(2) MONITORING PROGRAM FOR UNREGU-  
13 LATED CONTAMINANTS.—

14 “(A) ESTABLISHMENT.—The Adminis-  
15 trator shall promulgate regulations establishing  
16 the criteria for a monitoring program for un-  
17 regulated contaminants. The regulations shall  
18 require monitoring of drinking water supplied  
19 by public water systems and shall vary the fre-  
20 quency and schedule for monitoring require-  
21 ments for systems based on the number of per-  
22 sons served by the system, the source of supply,  
23 and the contaminants likely to be found.

24 “(B) MONITORING PROGRAM FOR CERTAIN  
25 UNREGULATED CONTAMINANTS.—

1           “(i) IN GENERAL.—Not later than 3  
2           years after the date of enactment of the  
3           Safe Drinking Water Amendments of  
4           1994, and every 5 years thereafter, the  
5           Administrator shall issue a list pursuant to  
6           subparagraph (A) of not more than 30 un-  
7           regulated contaminants to be monitored by  
8           public water systems and to be included in  
9           the national drinking water data base  
10          maintained pursuant to section  
11          1412(b)(3)(I).

12          “(ii) GOVERNORS’ PETITION.—The  
13          Administrator shall include among the list  
14          of contaminants for which monitoring is  
15          required under section 1445(a)(2) each  
16          contaminant recommended in a petition  
17          signed by the Governor of each of 7 or  
18          more States, unless the Administrator de-  
19          termines that the action would prevent the  
20          listing of other contaminants of a higher  
21          public health concern.

22          “(C) MONITORING BY LARGE SYSTEMS.—A  
23          public water system that serves a population of  
24          more than 10,000 shall conduct monitoring for

1 all contaminants listed under subparagraph  
2 (B).

3 “(D) MONITORING PLAN FOR SMALL AND  
4 MEDIUM SYSTEMS.—Based on the regulations  
5 promulgated by the Administrator, each State  
6 shall develop a representative monitoring plan  
7 to assess the occurrence of unregulated con-  
8 taminants in public water systems that serves a  
9 population of 10,000 or less. The plan shall re-  
10 quire monitoring for systems representative of  
11 different sizes, types, and geographic locations  
12 within the State.

13 “(E) MONITORING RESULTS.—Each public  
14 water system that conducts monitoring of un-  
15 regulated contaminants pursuant to this para-  
16 graph shall provide the results of the monitor-  
17 ing to the primary enforcement authority for  
18 the system.

19 “(F) WAIVER OF MONITORING REQUIRE-  
20 MENT.—The Administrator may waive the re-  
21 quirement for monitoring for a contaminant  
22 under this paragraph in a State, if the State  
23 demonstrates that the criteria for listing the  
24 contaminant do not apply in that State.

1           “(3) AUTHORIZATION OF APPROPRIATIONS.—

2       There are authorized to be appropriated to carry out  
3       this subsection \$15,000,000 for each of fiscal years  
4       1995 through 2000.”.

5       (f) DRINKING WATER STANDARD REVIEW AND COM-  
6       PLIANCE PERIODS.—

7           (1) REVIEW PERIOD.—The first and second  
8       sentences of section 1412(b)(9) (42 U.S.C. 300g-  
9       1(b)(9)) are each amended by striking “3” each  
10      place it appears and inserting “6”.

11          (2) COMPLIANCE PERIOD.—Paragraph (10) of  
12      section 1412(b) (42 U.S.C. 300g-1(b)(10)) is  
13      amended to read as follows:

14          “(10) COMPLIANCE PERIOD.—A national pri-  
15      mary drinking water regulation promulgated under  
16      this section shall take effect on the date that is 3  
17      years after the date on which the regulation is pro-  
18      mulgated unless the Administrator determines that  
19      an earlier date is practicable, except that the Admin-  
20      istrator or, a State in the case of an individual sys-  
21      tem, may allow up to 2 additional years to comply  
22      with a maximum contaminant level or treatment  
23      technique if the Administrator or State determines  
24      that additional time is necessary for capital improve-  
25      ments.”.

1           (3) EXEMPTIONS.—Section 1416 (42 U.S.C.  
2   300g-5) is amended—

3           (A) in subsection (a)(1)—

4               (i) by inserting after “(which may in-  
5               clude economic factors” the following: “,  
6               including qualification of the public water  
7               system as a ‘disadvantaged community’  
8               pursuant to section 1473(e)(1)”; and

9               (ii) by inserting after “treatment tech-  
10              nique requirement,” the following: “or to  
11              implement measures to develop an alter-  
12              native source of water supply or restruc-  
13              ture or consolidate the system,”; and

14          (B) in subsection (b)—

15              (i) in the first sentence of paragraph  
16              (1)—

17                  (I) by inserting after “(A)” the  
18                  following: “(i)”;

19                  (II) by striking “(B)” and insert-  
20                  ing “(ii)”;

21                  (III) by striking the period at the  
22                  end of the sentence and inserting “;  
23                  or”; and

24                  (IV) by inserting after subpara-  
25                  graph (A) (as amended by subclauses

1 (I), (II), and (III)) the following new  
2 subparagraph:

3 “(B) implementation by the public water system  
4 of measures needed to ensure compliance with the  
5 requirements of this title, including development of  
6 an alternative source of water supply or restructur-  
7 ing or consolidation of the system.”; and

8 (ii) in paragraph (2)—

9 (I) by striking “(except as pro-  
10 vided in subparagraph (B))” in sub-  
11 paragraph (A) and all that follows  
12 through “3 years after the date of the  
13 issuance of the exemption if” in sub-  
14 paragraph (B) and inserting the fol-  
15 lowing: “not later than 3 years after  
16 the otherwise applicable compliance  
17 date established in section  
18 1412(b)(10).

19 “(B) No exemption shall be granted unless”;

20 (II) in subparagraph (B)(i), by  
21 striking “within the period of such ex-  
22 emption” and inserting “prior to the  
23 date established pursuant to section  
24 1412(b)(10)”;

1 (III) in subparagraph (B)(ii), by  
2 inserting after “such financial assist-  
3 ance” the following: “or assistance is  
4 identified in an intended use plan de-  
5 veloped by the State pursuant to sec-  
6 tion 1474 and the assistance is rea-  
7 sonably likely to be available within  
8 the period of the exemption”;

9 (IV) in subparagraph (C)—

10 (aa) by striking “500 service  
11 connections” and inserting “a  
12 population of 3,300”; and

13 (bb) by striking “for one or  
14 more additional 2-year periods”  
15 and inserting “for one additional  
16 2-year period”; and

17 (V) by adding at the end the fol-  
18 lowing new subparagraph:

19 “(D) VARIANCES.—A public water system  
20 may not receive an exemption under this section  
21 if the system was granted a variance under sec-  
22 tion 1415(e).”.

23 (g) MONITORING REQUIREMENTS.—



1           (1) ALTERNATIVE MONITORING PROGRAM.—  
2       Section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) is  
3       amended—

4           (A) by designating the first and second  
5       sentences as subparagraphs (A) and (B), re-  
6       spectively; and

7           (B) by adding at the end the following new  
8       subparagraphs:

9           “(C) REVIEW.—The Administrator shall—

10           “(i) not later than 2 years after the  
11       date of enactment of this subparagraph,  
12       review the monitoring requirements for not  
13       less than 12 contaminants identified by the  
14       Administrator; and

15           “(ii) not later than 1 year after the  
16       review, propose any necessary modifica-  
17       tions.

18           “(D) MODIFICATION BY A STATE.—

19           “(i) IN GENERAL.—Each State with  
20       primary enforcement responsibilities may  
21       submit to the Administrator alternative  
22       monitoring requirements that shall be im-  
23       plemented in the State in lieu of monitor-  
24       ing requirements for a particular national

1 primary drinking water regulation, if the  
2 alternative requirements are approved.

3 “(ii) BASIS FOR REDUCED MONITOR-  
4 ING.—Notwithstanding any requirement of  
5 a national primary drinking water regula-  
6 tion established under section 1412(b),  
7 subject to clause (iii), the Administrator  
8 shall approve the modification of monitor-  
9 ing requirements under this subparagraph,  
10 for the purposes of section 1413(a)(2), if—

11 “(I) reduced monitoring fre-  
12 quencies are based on an assessment  
13 of the vulnerability of the source  
14 water of a public water system, in-  
15 cluding hydrogeologic conditions;

16 “(II) reduced monitoring fre-  
17 quencies are based on an assessment  
18 of contaminant use, manufacture,  
19 storage, occurrence, and transport; or

20 “(III) reduced monitoring fre-  
21 quencies for a contaminant that was  
22 regulated based on the carcinogenic  
23 effects of the contaminant in regula-  
24 tions published at 56 Fed. Reg. 3526  
25 on January 30, 1991, and 57 Fed.

1                   Reg. 31776 on July 17, 1992, is  
2                   based on consideration of the lifetime  
3                   cancer risks of the contaminant.

4                   “(iii) ALTERNATIVE MONITORING RE-  
5                   QUIREMENTS.—The Administrator shall  
6                   not approve a modification referred to in  
7                   clause (ii) unless—

8                   “(I) monitoring frequencies for  
9                   public water systems in which a con-  
10                  taminant has been detected during the  
11                  5-year period ending on the date of  
12                  the monitoring are no less frequent  
13                  than the requirements established in a  
14                  national primary drinking water regu-  
15                  lation; and

16                  “(II) the alternative monitoring  
17                  requirements provide adequate mon-  
18                  itoring and reporting information for  
19                  the purposes of enforcement and pro-  
20                  gram oversight.

21                  “(iv) REVIEW OR DISAPPROVAL.—The  
22                  Administrator may at any time review  
23                  State alternative monitoring requirements  
24                  under this subparagraph. The Adminis-  
25                  trator shall disapprove alternative monitor-

ing requirements that fail to meet the requirements of this subparagraph.”.

(2) SMALL SYSTEM MONITORING.—Section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as amended by paragraph (1)(B)) is further amended by adding at the end the following new subparagraph:

“(E) SMALL SYSTEM MONITORING.—With respect to monitoring requirements for contaminants regulated on the basis of the carcinogenic effects of the contaminants, the Administrator or a State that has primary enforcement responsibility pursuant to section 1413(a) may modify the requirements to provide that any public water system that serves a population of 10,000 or less shall not be required to conduct additional quarterly monitoring during any 3-year period for a specific contaminant if monitoring conducted at the beginning of the period for the contaminant fails to detect the presence of the contaminant in the water supplied by the public water system, and the State determines that the contaminant is unlikely to be detected by further monitoring in the period.”.

**SEC. 5. SMALL SYSTEMS PROGRAMS.**

(a) SMALL SYSTEM VARIANCES.—

1           (1) IN GENERAL.—Section 1415 (42 U.S.C.  
2       300g-4) is amended by adding at the end the follow-  
3       ing new subsection:

4       “(e) SMALL SYSTEM VARIANCES.—

5           “(1) IN GENERAL.—The Administrator, or a  
6       State with primary enforcement responsibility for  
7       public water systems under section 1413, may grant  
8       to a public water system serving a population of  
9       10,000 or less (referred to in this subsection as a  
10      ‘small system’) a variance under this subsection for  
11      compliance with a requirement specifying a maxi-  
12      mum contaminant level or treatment technique con-  
13      tained in a national primary drinking water regula-  
14      tion, if the variance meets all the requirements of  
15      this subsection.

16          “(2) AVAILABILITY OF VARIANCES.—A small  
17      system may receive a variance under this subsection  
18      if the system installs, operates, and maintains, in ac-  
19      cordance with guidance or regulations issued by the  
20      Administrator, treatment technology that is feasible  
21      for small systems as determined by the Adminis-  
22      trator pursuant to section 1412(b)(12).

23          “(3) CONDITIONS FOR GRANTING VARIANCES.—  
24      A variance under this subsection shall be available  
25      only to a system—

1           “(A) that, in the judgment of the Adminis-  
2           trator or, if the State has primary enforcement  
3           responsibility under section 1413, the State,  
4           cannot afford to comply with a national pri-  
5           mary drinking water regulation, including com-  
6           pliance through treatment, alternative source  
7           water supply, or restructuring, including con-  
8           solidation; and

9           “(B) for which the Administrator or, if the  
10          State has primary enforcement responsibility  
11          under section 1413, the State determines that  
12          the terms of the variance ensure adequate pro-  
13          tection of human health, considering the quality  
14          of the source water for the system and the re-  
15          moval efficiencies and expected useful life of the  
16          treatment technology required by the variance.

17          “(4) APPLICATIONS.—An application for a vari-  
18          ance for a national primary drinking water regula-  
19          tion under this subsection shall be submitted to the  
20          Administrator or the State not later than the date  
21          that is the later of—

22                 “(A) 3 years after the date of enactment  
23                 of this subsection; or

24                 “(B) 1 year after the compliance date of  
25                 the national primary drinking water regulation

1 as established under section 1412(b)(10) for  
2 which a variance is requested.

3 “(5) VARIANCE REVIEW AND DECISION.—

4 “(A) TIMETABLE.—The Administrator or  
5 the State shall grant or deny a variance not  
6 later than 1 year after the application deadlines  
7 established in paragraph (4).

8 “(B) PENALTY MORATORIUM.—Each pub-  
9 lic water system that submits a timely applica-  
10 tion for a variance under this subsection shall  
11 not be subject to a penalty in an enforcement  
12 action under section 1414 for a violation of a  
13 maximum contaminant level or treatment tech-  
14 nique in the national primary drinking water  
15 regulation with respect to which the variance  
16 application was submitted prior to the date of  
17 a decision to grant or deny the variance.

18 “(6) COMPLIANCE SCHEDULES.—

19 “(A) VARIANCES.—A variance granted  
20 under this subsection shall require compliance  
21 with the conditions of the variance not later  
22 than 3 years after the date on which the vari-  
23 ance is granted, except that the State may  
24 allow up to 2 additional years to comply with  
25 a treatment technique if the State determines

1 that additional time is necessary for capital im-  
2 provements, or to allow for financial assistance  
3 provided pursuant to part G or any other Fed-  
4 eral or State program.

5 “(B) DENIED APPLICATIONS.—If the Ad-  
6 ministrator or a State denies a variance appli-  
7 cation under this subsection, the public water  
8 system shall be in compliance with the require-  
9 ments of the national primary drinking water  
10 regulation for which the variance was requested  
11 not later than 3 years after the date on which  
12 the application is denied, except that the State  
13 may allow up to 2 additional years to comply  
14 with a treatment technique if the State deter-  
15 mines that additional time is necessary for cap-  
16 ital improvements or to allow for financial as-  
17 sistance provided pursuant to part G or any  
18 other Federal or State program.

19 “(7) DURATION OF VARIANCES.—

20 “(A) IN GENERAL.—A State shall review  
21 each variance granted under this subsection not  
22 less often than every 5 years after the compli-  
23 ance date established in the variance to deter-  
24 mine whether the system remains eligible for



1 the variance and is conforming to all conditions  
2 of the variance.

3 “(B) REVOCATION OF VARIANCES.—The  
4 Administrator or, if the State has primary en-  
5 forcement responsibility under section 1413, the  
6 State shall revoke a variance in effect under  
7 this subsection if the Administrator or the  
8 State determines that—

9 “(i) the system is no longer eligible  
10 for a variance;

11 “(ii) the system has failed to comply  
12 with any term or condition of the variance,  
13 other than a reporting or monitoring re-  
14 quirement; or

15 “(iii) the terms of the variance do not  
16 ensure adequate protection of human  
17 health, considering the quality of source  
18 water available to the system and the re-  
19 moval efficiencies and expected useful life  
20 of the treatment technology required by  
21 the variance.

22 “(8) INELIGIBILITY FOR VARIANCES.—A vari-  
23 ance shall not be available under this subsection  
24 for—

1           “(A) any maximum contaminant level or  
2           treatment technique for a contaminant with re-  
3           spect to which a national primary drinking  
4           water regulation was promulgated prior to Jan-  
5           uary 1, 1986; or

6           “(B) a national primary drinking water  
7           regulation for a microbial contaminant (includ-  
8           ing a bacterium, virus, or other organism) or an  
9           indicator or treatment technique for a microbial  
10          contaminant.

11       “(9) REGULATIONS AND GUIDANCE.—

12           “(A) IN GENERAL.—Not later than 2 years  
13           after the date of enactment of this subsection,  
14           the Administrator shall promulgate regulations  
15           for variances to be granted under this sub-  
16           section. The regulations shall, at a minimum,  
17           specify—

18                   “(i) procedures to be used by the Ad-  
19                   ministrator or a State to grant or deny  
20                   variances, including requirements for noti-  
21                   fying the Administrator and consumers of  
22                   the public water system applying for a  
23                   variance and requirements for a public  
24                   hearing on the variance before the variance  
25                   is granted;

1           “(ii) requirements for the installation  
2           and proper operation of treatment tech-  
3           nology that is feasible for small systems;

4           “(iii) eligibility criteria for a variance  
5           for each national primary drinking water  
6           regulation, including requirements for the  
7           quality of the source water (pursuant to  
8           section 1412(b)(12)(A)) and the financial  
9           and technical capability to operate the  
10          treatment system, including operator train-  
11          ing and certification; and

12          “(iv) information requirements for  
13          variance applications.

14          “(B) AFFORDABILITY CRITERIA.—Not  
15          later than 18 months after the date of enact-  
16          ment of the Safe Drinking Water Act Amend-  
17          ments of 1994, the Administrator, in consulta-  
18          tion with the States, shall publish information  
19          to assist the States in developing affordability  
20          criteria. The affordability criteria shall be re-  
21          viewed by the States not less often than every  
22          5 years to determine if changes are needed to  
23          the criteria.

24          “(10) REVIEW BY THE ADMINISTRATOR.—

1           “(A) IN GENERAL.—The Administrator  
2           shall periodically review State decisions with re-  
3           spect to variances to determine whether the  
4           variances granted by the State comply with the  
5           requirements of this subsection and the regula-  
6           tions promulgated by the Administrator. With  
7           respect to affordability, the determination of  
8           the Administrator shall be limited to whether  
9           the variances granted by the State comply with  
10          the affordability criteria developed by the State.

11          “(B) OBJECTIONS TO VARIANCES.—If any  
12          variance proposed to be granted by a State con-  
13          tains provisions that are determined by the Ad-  
14          ministrator as not in compliance with this sub-  
15          section (including the requirement that a vari-  
16          ance not be granted to a system that can com-  
17          ply with the national primary drinking water  
18          regulations through treatment, an alternative  
19          source of water supply, or restructuring) and  
20          the regulations promulgated by the Adminis-  
21          trator pursuant to paragraph (9), the Adminis-  
22          trator shall object to the granting of the vari-  
23          ance. The State shall respond in writing to each  
24          objection of the Administrator. The State shall

1 not grant the variance until the objections of  
2 the Administrator have been resolved.

3 “(C) NOTICE AND PUBLICATION.—If the  
4 Administrator determines that variances grant-  
5 ed by a State are not in full compliance with af-  
6 fordability criteria developed by the State and  
7 the regulations promulgated by the Adminis-  
8 trator pursuant to paragraph (9), the Adminis-  
9 trator shall notify the State in writing of the  
10 deficiencies and make public the determina-  
11 tion.”.

12 (2) SMALL SYSTEM TREATMENT TECH-  
13 NOLOGIES.—Section 1412(b) (42 U.S.C. 300g–1(b))  
14 is amended by adding at the end the following new  
15 paragraph:

16 “(12) SMALL SYSTEM TREATMENT TECH-  
17 NOLOGIES.—

18 “(A) IN GENERAL.—At the same time as  
19 the Administrator promulgates a national pri-  
20 mary drinking water regulation pursuant to this  
21 section, the Administrator shall issue guidance  
22 or regulations describing a treatment tech-  
23 nology (or technologies) for the contaminant  
24 that is the subject of the regulation that is fea-  
25 sible (as defined in paragraph (5)) for public

1 water systems serving a population of 3,300 or  
2 less. The guidance or regulations shall identify  
3 the effectiveness of the technology, the cost of  
4 the technology, and other factors related to the  
5 use of the technology, including requirements  
6 for the quality of source water to ensure ade-  
7 quate protection of human health, considering  
8 removal efficiencies of the technology, and in-  
9 stallation, and operation and maintenance re-  
10 quirements, for the technology. The Adminis-  
11 trator shall not issue guidance or regulations  
12 for a technology under this paragraph unless  
13 the technology adequately protects human  
14 health, considering the expected useful life of  
15 the technology and the source waters available  
16 to systems for which the technology is consid-  
17 ered feasible.

18 “(B) REGULATIONS AND GUIDANCE.—Not  
19 later than 2 years after the date of enactment  
20 of this paragraph, the Administrator shall issue  
21 guidance or regulations under subparagraph  
22 (A) for each national primary drinking water  
23 regulation promulgated prior to the date of en-  
24 actment of this paragraph for which a variance  
25 may be granted under section 1415(e). The Ad-

1           ministrator may, at any time after a national  
2           primary drinking water regulation has been  
3           promulgated, issue guidance or regulations de-  
4           scribing additional treatment technologies that  
5           meet the requirements of subparagraph (A) for  
6           public water systems serving a population of  
7           3,300 or less that are subject to the regula-  
8           tion.”.

9           (3) AVAILABILITY OF INFORMATION ON SMALL  
10          SYSTEM TECHNOLOGIES.—Section 1445 (42 U.S.C.  
11          300j–4) is amended by adding at the end the follow-  
12          ing new subsection:

13          “(g) AVAILABILITY OF INFORMATION ON SMALL SYS-  
14          TEM TECHNOLOGIES.—For purposes of section  
15          1412(b)(12), the Administrator may request information  
16          on the characteristics of commercially available treatment  
17          systems and technologies, including the effectiveness and  
18          performance of the systems and technologies under var-  
19          ious operating conditions. The Administrator may specify  
20          the form, content, and date by which information shall be  
21          submitted by manufacturers, States, and other interested  
22          persons for the purpose of considering the systems and  
23          technologies in the development of regulations or guidance  
24          under section 1412(b)(12).”.

25          (b) VIABILITY OF PUBLIC WATER SYSTEMS.—

1 (1) STATE PROGRAMS.—Section 1413(a) (42  
2 U.S.C. 300g–2(a)) is amended—

3 (A) by striking “and” at the end of para-  
4 graph (4);

5 (B) by striking the period at the end of  
6 paragraph (5) and inserting a semicolon; and

7 (C) by adding at the end the following new  
8 paragraph:

9 “(6) has adopted and is implementing a drink-  
10 ing water system viability program that meets the  
11 requirements of section 1418;”.

12 (2) SYSTEM VIABILITY.—Part B (42 U.S.C.  
13 300g et seq.) is amended by adding at the end the  
14 following new section:

15 “STATE VIABILITY PROGRAMS

16 “SEC. 1418. (a) IN GENERAL.—Each State exercis-  
17 ing primary enforcement responsibility pursuant to section  
18 1413 shall adopt and implement a State Drinking Water  
19 System Viability Program (referred to in this section as  
20 the ‘State Viability Program’) that ensures the capability  
21 of public water systems in the State to comply with the  
22 requirements of this title.

23 “(b) MINIMUM PROGRAM ELEMENTS.—Not later  
24 than 1 year after the date of enactment of this section,  
25 the Administrator shall issue guidance and criteria for  
26 State Viability Programs to include, at a minimum—



1           “(1) legal authority to ensure that all new pub-  
2       lic water systems commencing operation after Janu-  
3       ary 1, 1997, have the technical and financial capa-  
4       bility to fully comply with existing and anticipated  
5       national primary drinking water regulations and  
6       other requirements of this title;

7           “(2) legal authority to order restructuring (in-  
8       cluding physical consolidation with other systems) of  
9       systems that are in violation of national primary  
10      drinking water regulations or other requirements of  
11      this title and lack the managerial, technical, or fi-  
12      nancial capability to comply with the regulations or  
13      requirements; and

14          “(3) such other criteria and provisions as the  
15      Administrator determines are appropriate.

16      “(c) SUBMISSION AND APPROVAL OF PROGRAMS.—

17          “(1) SUBMISSION.—Not later than 18 months  
18      after guidance is issued pursuant to subsection (b),  
19      each State exercising primary enforcement respon-  
20      sibility pursuant to section 1413 shall submit to the  
21      Administrator a State Viability Program that com-  
22      plies with the guidance.

23          “(2) APPROVAL OR DISAPPROVAL.—The Ad-  
24      ministrator shall approve or disapprove each State  
25      Viability Program not later than 180 days after re-

1        ceipt of the Program. If the Administrator dis-  
2        approves a Program, the Administrator shall notify  
3        the State of the reasons for disapproval in writing  
4        and the State may resubmit the Program as modi-  
5        fied to resolve the objections of the Administrator.

6            “(3) WITHDRAWAL OF APPROVAL.—The Ad-  
7        ministrator may, after notifying a State, withdraw  
8        approval of a State Viability Program, if the State  
9        fails to carry out the Program as provided in this  
10       section.

11          “(d) PENALTY MORATORIUM.—A public water sys-  
12       tem in violation of a requirement specifying a maximum  
13       contaminant level or treatment technique that seeks as-  
14       sistance from a State for restructuring, including physical  
15       consolidation, shall not be subject to a penalty in an en-  
16       forcement action under section 1414 for a violation of the  
17       requirement for a period of 3 years, if the system is meet-  
18       ing the terms and conditions of a State restructuring  
19       order. The extension described in the preceding sentence  
20       shall not apply to a system that applies for assistance after  
21       the date that is 4 years after the date of enactment of  
22       this section.

23          “(e) SYSTEMS IN COMPLIANCE.—Nothing in this sec-  
24       tion requires a State to prohibit the operation of a public  
25       water system that is in compliance with national primary

1 drinking water regulations and other requirements of this  
2 title.”.

3 (c) SMALL WATER SYSTEMS TECHNOLOGY CEN-  
4 TERS.—Section 1442 (42 U.S.C. 300j–1) is amended by  
5 adding at the end the following new subsection:

6 “(h) SMALL PUBLIC WATER SYSTEMS TECHNOLOGY  
7 ASSISTANCE CENTERS.—

8 “(1) GRANT PROGRAM.—The Administrator  
9 shall make grants to institutions of higher learning  
10 to establish and operate not fewer than 5 small pub-  
11 lic water system technology assistance centers in the  
12 United States.

13 “(2) RESPONSIBILITIES OF THE CENTERS.—  
14 The responsibilities of the small public water system  
15 technology assistance centers established under this  
16 subsection shall include the conduct of research,  
17 training, and technical assistance relating to the in-  
18 formation, performance, and technical needs of small  
19 public water systems or public water systems that  
20 serve Indian tribes.

21 “(3) APPLICATIONS.—Any institution of higher  
22 learning interested in receiving a grant under this  
23 subsection shall submit to the Administrator an ap-  
24 plication in such form and containing such informa-  
25 tion as the Administrator may require by regulation.

1           “(4) SELECTION CRITERIA.—The Administrator  
2           shall select recipients of grants under this subsection  
3           on the basis of the following criteria:

4                   “(A) The small public water system tech-  
5                   nology assistance center shall be located in a  
6                   State that is representative of the needs of the  
7                   region in which the State is located for address-  
8                   ing the drinking water needs of rural small  
9                   communities and Indian tribes.

10                   “(B) The grant recipient shall be located  
11                   in a region that has experienced problems with  
12                   rural water supplies.

13                   “(C) There is available to the grant recipi-  
14                   ent for carrying out this subsection dem-  
15                   onstrated expertise in water resources research,  
16                   technical assistance, and training.

17                   “(D) The grant recipient shall have the ca-  
18                   pability to provide leadership in making na-  
19                   tional and regional contributions to the solution  
20                   of both long-range and intermediate rural water  
21                   system technology management problems.

22                   “(E) The grant recipient shall have a dem-  
23                   onstrated interdisciplinary capability with ex-  
24                   pertise in small public water system technology  
25                   management and research.

1           “(F) The grant recipient shall have a dem-  
 2           onstrated capability to disseminate the results  
 3           of small public water system technology re-  
 4           search and training programs through an inter-  
 5           disciplinary continuing education program.

6           “(G) The projects that the grant recipient  
 7           proposes to carry out under the grant are nec-  
 8           essary and appropriate.

9           “(H) The grant recipient has regional sup-  
 10          port beyond the host institution.

11          “(5) CONSORTIA OF STATES.—At least 2 of the  
 12          grants shall be made to consortia of States with low  
 13          population densities. As used in this paragraph, the  
 14          term ‘consortia of States with low population den-  
 15          sities’ means a consortia of States, each State of  
 16          which has an average population density of less than  
 17          12.3 persons per square mile, based on data for  
 18          1993 from the Bureau of the Census.”.

19 **SEC. 6. ENFORCEMENT OF DRINKING WATER REGULA-**  
 20 **TIONS.**

21          (a) IN GENERAL.—Section 1414 (42 U.S.C. 300g-  
 22          3) is amended to read as follows:

23          “ENFORCEMENT OF DRINKING WATER REGULATIONS

24          “SEC. 1414. (a) CIVIL ENFORCEMENT AUTHOR-  
 25          ITY.—If, on the basis of information available to the Ad-  
 26          ministrators, the Administrator finds that a person has vio-

1 lated an applicable requirement, the Administrator shall  
2 notify the person and the State of the finding and shall  
3 issue an order pursuant to subsection (b) requiring the  
4 person to comply with the requirement or shall initiate an  
5 action for the assessment of an administrative penalty  
6 pursuant to subsection (c), or both, or shall initiate a civil  
7 action pursuant to subsection (e).

8 “(b) ADMINISTRATIVE COMPLIANCE ORDERS.—If  
9 the Administrator finds that a person has violated an ap-  
10 plicable requirement, the Administrator may issue a com-  
11 pliance order. A compliance order shall be served by per-  
12 sonal service, state with reasonable specificity the nature  
13 of the violation, and specify a reasonable time for compli-  
14 ance that takes into account the nature of the violation.  
15 If an administrative compliance order is issued to a cor-  
16 poration, a copy of the compliance order shall be served  
17 on any appropriate corporate officer.

18 “(c) ADMINISTRATIVE PENALTY ORDERS.—

19 “(1) IN GENERAL.—If the Administrator finds  
20 that a person has violated an applicable requirement,  
21 the Administrator may issue a penalty order assess-  
22 ing a class I or a class II civil penalty against the  
23 person.

24 “(2) PENALTIES.—

1           “(A) CLASS I.—Except as provided in sub-  
2           section (d), the Administrator may, after notice  
3           and opportunity for hearing (but without regard  
4           to chapters 5 and 7 of title 5, United States  
5           Code), assess a class I civil penalty under para-  
6           graph (1) in an amount not to exceed \$10,000  
7           per day per violation, except that the maximum  
8           amount of a class I civil penalty may not exceed  
9           \$25,000.

10          “(B) CLASS II.—

11           “(i) IN GENERAL.—Except as pro-  
12           vided in subsection (d), the Administrator  
13           may, after notice and opportunity for a  
14           hearing on the record in accordance with  
15           chapters 5 and 7 of title 5, United States  
16           Code, assess a class II civil penalty under  
17           paragraph (1) in an amount not to exceed  
18           \$10,000 per day per violation, except that  
19           the maximum amount of a class II civil  
20           penalty may not exceed \$200,000.

21           “(ii) PUBLIC NOTICE AND OPPOR-  
22           TUNITY TO COMMENT.—Before assessing a  
23           class II civil penalty under clause (i), the  
24           Administrator shall provide public notice  
25           of, and reasonable opportunity to comment

1                   on, the issuance of the order assessing the  
2                   penalty.

3                   “(3) FINALITY OF ORDERS.—An order assess-  
4                   ing a civil penalty under this subsection shall become  
5                   final 30 days after the order is issued, except that  
6                   an order issued upon consent shall become final  
7                   upon issuance.

8                   “(4) ELECTION OF CIVIL PENALTY REMEDY.—  
9                   If a civil penalty is assessed by the Administrator  
10                  for a violation pursuant to this subsection, an addi-  
11                  tional penalty may not be assessed by the Adminis-  
12                  trator or a Federal court pursuant to this section for  
13                  the same violation.

14                  “(5) JUDICIAL REVIEW.—

15                  “(A) IN GENERAL.—A person against  
16                  whom a penalty order is issued under this sub-  
17                  section, except upon consent, or who com-  
18                  mented on the proposed assessment of the pen-  
19                  alty in accordance with paragraph (2)(B)(ii),  
20                  may obtain review of the order in the United  
21                  States District Court for the District of Colum-  
22                  bia or in the district court in the district in  
23                  which the violation is alleged to have occurred  
24                  by filing, during the 30-day period beginning on  
25                  the date the penalty order becomes final, a com-



1           plaint with the court. The person shall simulta-  
2           neously send a copy of the complaint by cer-  
3           tified mail to the Administrator and the Attor-  
4           ney General. The Administrator shall promptly  
5           file in the court a certified copy of the record  
6           on which the order was issued.

7           “(B) STANDARD OF REVIEW.—The court  
8           shall not set aside or remand the order unless  
9           the court finds that there is not substantial evi-  
10          dence in the record, taken as a whole, to sup-  
11          port the finding of a violation or that the as-  
12          sessment of the penalty by the Administrator  
13          constitutes an abuse of discretion. The court  
14          may not impose an additional civil penalty for  
15          a violation that is the subject of the assessment  
16          by the Administrator unless the court finds that  
17          the assessment constitutes an abuse of discre-  
18          tion by the Administrator.

19          “(C) FORUM.—Notwithstanding section  
20          1448(a)(2), a penalty order issued under this  
21          subsection shall be subject to judicial review  
22          only under subparagraph (A).

23          “(6) COLLECTION.—If a person fails to pay an  
24          assessed civil penalty after the order making the as-  
25          sessment has become final, or after a court in an ac-

1       tion brought under paragraph (5) has entered a  
2       final judgment in favor of the Administrator, the  
3       Administrator shall request the Attorney General to  
4       bring a civil action in an appropriate district court  
5       to recover the amount assessed (plus interest at cur-  
6       rently prevailing rates from the date of the final  
7       order or the date of the final judgment, as the case  
8       may be). In the action, the validity, amount, and ap-  
9       propriateness of the penalty shall not be subject to  
10      judicial review. A person who fails to pay on a timely  
11      basis the amount of an assessed civil penalty as de-  
12      scribed in the first sentence of this paragraph shall  
13      be required to pay, in addition to the amount and  
14      interest, attorney fees and costs for collection pro-  
15      ceedings and a quarterly nonpayment penalty for  
16      each quarter during which the failure to pay per-  
17      sists. The nonpayment penalty shall be in an amount  
18      equal to 20 percent of the aggregate amount of the  
19      penalties and nonpayment penalties of the person  
20      that are unpaid as of the beginning of the quarter.

21           “(7) SUBPOENAS.—The Administrator, in con-  
22      nection with administrative proceedings brought  
23      under this subsection or in connection with inves-  
24      tigations conducted pursuant to this part, may issue  
25      subpoenas for the attendance and testimony of wit-

1 nesses and subpoenas duces tecum, and may request  
2 the Attorney General to bring an action to enforce  
3 any subpoena under this part. The district courts  
4 shall have jurisdiction to enforce the subpoenas and  
5 impose sanctions.

6 “(d) FEDERAL FACILITIES.—

7 “(1) MAXIMUM PENALTY AMOUNTS.—The  
8 amount of a civil penalty assessed against a Federal  
9 agency may exceed the maximum amounts described  
10 in subsection (c)(2), but may not exceed \$25,000 per  
11 day per violation.

12 “(2) PROCEDURE.—Before a civil penalty order  
13 or administrative compliance order issued pursuant  
14 to this section applicable to a Federal agency  
15 becomes final, the Administrator shall provide the  
16 agency an opportunity to confer with the Adminis-  
17 trator and shall provide the agency notice and an  
18 opportunity for a hearing on the record in accord-  
19 ance with chapters 5 and 7 of title 5, United States  
20 Code.

21 “(3) PUBLIC REVIEW.—Any interested person  
22 may obtain review of a civil penalty order issued  
23 pursuant to this subsection to a Federal agency. The  
24 review shall be in accordance with the procedures

1 provided under subsection (c)(5) for persons against  
2 whom a penalty order is issued under subsection (c).

3 “(e) CIVIL ACTIONS.—

4 “(1) IN GENERAL.—If the Administrator finds  
5 that a person has violated an applicable requirement  
6 or has failed to comply with an order issued under  
7 subsection (b) or section 1431, the Administrator  
8 may commence a civil action pursuant to this sub-  
9 section for appropriate relief, including a permanent  
10 or temporary injunction.

11 “(2) JURISDICTION.—An action under this sub-  
12 section may be brought in the district court of the  
13 United States for the district in which the defendant  
14 is located, resides, or is doing business. The court  
15 shall have jurisdiction to restrain any applicable vio-  
16 lation and to require compliance with a requirement  
17 referred to in paragraph (1). The court may enter  
18 such judgment as the protection of public health  
19 requires.

20 “(3) PENALTIES.—A person who has violated  
21 an applicable requirement or has failed to comply  
22 with any order issued under subsection (b) or sec-  
23 tion 1431 shall be subject to a civil judicial penalty  
24 in an amount not to exceed \$25,000 per day for  
25 each violation.

1       “(f) PENALTY FACTORS.—In determining the  
2 amount of a civil penalty assessed pursuant to this section,  
3 the Administrator or court shall consider the seriousness  
4 of each violation, the economic benefit (if any) resulting  
5 from the violation, any history of similar violations includ-  
6 ing violations that are not part of the current action, any  
7 good faith efforts to comply with applicable requirements  
8 before the initiation of the civil action, the size of the sys-  
9 tem, the economic impact of the penalty on the violator,  
10 and such other matters as justice may require.

11       “(g) EFFECT OF ENFORCEMENT ACTION.—Nothing  
12 in this section limits the authority of the Administrator  
13 to take enforcement action against a person under any  
14 other provision or affects the obligation of a person to  
15 comply with an applicable requirement or an order issued  
16 by the Administrator pursuant to this title (except an  
17 order superseding a previous order issued under sub-  
18 section (b)).

19       “(h) DEFINITION OF APPLICABLE REQUIREMENT.—  
20 As used in this section, the term ‘applicable requirement’  
21 means—

22               “(1) a requirement of section 1412, 1415,  
23               1416, 1417, 1432, 1441, 1445, 1447, 1463, 1464,  
24               or 1471;

1           “(2) a regulation promulgated pursuant to a  
2 section referred to in paragraph (1);

3           “(3) a schedule or requirement imposed pursu-  
4 ant to a section referred to in paragraph (1);

5           “(4) a duty to allow access under section  
6 1445(b); and

7           “(5) a requirement of, or permit issued, under  
8 an applicable State program for which the Adminis-  
9 trator has made a determination that the require-  
10 ments of section 1413 have been satisfied, or an ap-  
11 plicable State program approved pursuant to this  
12 part.

13       “(i) VARIANCES AND EXEMPTIONS.—For purposes of  
14 this section, compliance with the requirements of a vari-  
15 ance granted pursuant to section 1415 or an exemption  
16 issued pursuant to section 1416 for any national primary  
17 drinking water regulation shall be considered compliance  
18 with the regulation during the term of the variance or  
19 exemption.

20       “(j) CONSOLIDATION INCENTIVE.—

21           “(1) IN GENERAL.—An owner or operator of a  
22 public water system may submit to the State in  
23 which the system is located (if the State has primary  
24 enforcement responsibility pursuant to section 1413)  
25 or to the Administrator (if the State does not have

1 primary enforcement responsibility) a plan (includ-  
2 ing specific measures and schedules) for—

3 “(A) the physical consolidation of the sys-  
4 tem with 1 or more other systems;

5 “(B) the consolidation of significant man-  
6 agement and administrative functions of the  
7 system with 1 or more other systems; or

8 “(C) the transfer of ownership of the sys-  
9 tem to a private entity that may reasonably be  
10 expected to improve drinking water quality.

11 “(2) CONSEQUENCES OF APPROVAL.—If the  
12 State or the Administrator approves a plan pursuant  
13 to paragraph (1) no enforcement action shall be  
14 taken pursuant to this part and with respect to a  
15 specific violation identified in the approved plan  
16 prior to the date that is the earlier of the date that  
17 consolidation is completed according to the plan or  
18 the date that is 2 years after the plan is approved.

19 “(k) NOTICE OF PUBLIC WATER SYSTEM TO PER-  
20 SONS SERVED.—

21 “(1) IN GENERAL.—Each owner or operator of  
22 a public water system shall give notice to the per-  
23 sons served by the system—

24 “(A) of any failure on the part of the pub-  
25 lic water system to—

1 “(i) comply with an applicable maxi-  
2 mum contaminant level or treatment tech-  
3 nique requirement of, or a testing proce-  
4 dure prescribed by, a national primary  
5 drinking water regulation; or

6 “(ii) perform monitoring required by  
7 section 1445(a); and

8 “(B) if the public water system is subject  
9 to a variance granted under section  
10 1415(a)(1)(A), 1415(a)(2), or 1415(e) for an  
11 inability to meet a maximum contaminant level  
12 requirement or is subject to an exemption  
13 granted under section 1416, of—

14 “(i) the existence of the variance or  
15 exemption; and

16 “(ii) any failure to comply with the  
17 requirements of any schedule prescribed  
18 pursuant to the variance or exemption.

19 “(2) FORM, MANNER, AND FREQUENCY OF NO-  
20 TICE.—

21 “(A) IN GENERAL.—The Administrator  
22 shall, by regulation, prescribe the form, man-  
23 ner, and frequency for giving notice under this  
24 subsection.



1           “(B) VIOLATIONS WITH POTENTIAL TO  
2 CAUSE SERIOUS ADVERSE EFFECTS ON HUMAN  
3 HEALTH.—Regulations promulgated under this  
4 subsection shall specify notification procedures  
5 for each violation that has the potential to  
6 cause serious adverse effects on human health.  
7 Each notice of a violation provided under this  
8 subparagraph shall—

9           “(i) be distributed as soon as prac-  
10 ticable after the violation, but not later  
11 than 24 hours after the violation;

12           “(ii) be provided to appropriate broad-  
13 cast media;

14           “(iii) be published in a newspaper of  
15 general circulation serving the area not  
16 later than 1 day after the distribution of a  
17 notice pursuant to clause (i), or the date of  
18 publication of the next issue of the news-  
19 paper;

20           “(iv) provide a clear and readily un-  
21 derstandable explanation of—

22           “(I) the violation;

23           “(II) any potential adverse ef-  
24 fects on human health;

1                   “(III) the steps that the public  
2                   water system is taking to correct the  
3                   violation; and

4                   “(IV) the necessity of seeking al-  
5                   ternative water supplies until the vio-  
6                   lation is corrected; and

7                   “(v) be provided to the State agency  
8                   that has primary enforcement responsibil-  
9                   ity pursuant to section 1413 and to the  
10                  Administrator.

11                 “(C) OTHER VIOLATIONS.—Notice of viola-  
12                 tions other than violations identified under sub-  
13                 paragraph (B) shall be—

14                 “(i) provided not less frequently than  
15                 annually and published in a newspaper of  
16                 general circulation serving the area; and

17                 “(ii) provided to the State agency that  
18                 has primary enforcement responsibility  
19                 pursuant to section 1413 and to the Ad-  
20                 ministrator.

21                 “(D) ANNUAL REPORT BY STATE.—Not  
22                 later than January 1, 1996, and annually there-  
23                 after, each State that has primary enforcement  
24                 responsibility pursuant to section 1413 shall  
25                 publish an annual report on public water sys-

1           tem compliance in the State and submit the re-  
2           port to the Administrator.

3           “(E) ANNUAL REPORT BY ADMINIS-  
4           TRATOR.—Not later than July 1, 1996, and an-  
5           nually thereafter, the Administrator shall sub-  
6           mit to Congress an annual report summarizing  
7           and evaluating reports submitted by States pur-  
8           suant to subparagraph (D) and making rec-  
9           ommendations concerning the resources needed  
10          to improve compliance with this title.

11          “(I) NOTICE OF NONCOMPLIANCE WITH SECONDARY  
12          DRINKING WATER REGULATIONS.—Whenever, on the  
13          basis of information available to the Administrator, the  
14          Administrator finds that within a reasonable time after  
15          national secondary drinking water regulations have been  
16          promulgated, 1 or more public water systems in a State  
17          do not comply with the secondary regulations, and that  
18          the noncompliance appears to result from a failure of the  
19          State to take reasonable action to ensure that public water  
20          systems throughout the State meet the secondary regula-  
21          tions, the Administrator shall so notify the State.

22          “(m) STATE AUTHORITY TO ADOPT OR ENFORCE  
23          LAWS OR REGULATIONS.—Nothing in this title shall di-  
24          minish any authority of a State or political subdivision to  
25          adopt or enforce any law or regulation respecting drinking

1 water regulations or public water systems, but no such law  
 2 or regulation shall relieve any person of any requirement  
 3 otherwise applicable under this title.”.

4 (b) STATE AUTHORITY FOR ADMINISTRATIVE PEN-  
 5 ALTIES.—Section 1413(a) (42 U.S.C. 300g-2(a)) (as  
 6 amended by section 5(b)(1)) is further amended by adding  
 7 at the end the following new paragraph:

8 “(7) has adopted authority for administrative  
 9 penalties comparable to the authority in section  
 10 1414(c); and”.

11 **SEC. 7. CONTROL OF LEAD IN DRINKING WATER AND PRO-**  
 12 **HIBITION ON CERTAIN RETURN FLOWS.**

13 (a) FITTINGS AND FIXTURES.—Section 1417 (42  
 14 U.S.C. 300g-6) is amended—

15 (1) in subsection (a)—

16 (A) by striking paragraph (1) and insert-  
 17 ing the following new paragraph:

18 “(1) PROHIBITIONS.—

19 “(A) IN GENERAL.—No person may use  
 20 any pipe, pipe or plumbing fitting or fixture,  
 21 solder, or flux, after June 19, 1986, in the in-  
 22 stallation or repair of—

23 “(i) any public water system; or

1           “(ii) any plumbing in a residential or  
2           nonresidential facility providing water for  
3           human consumption,  
4           that is not lead free (within the meaning of  
5           subsections (d) and (e)(4)).

6           “(B) LEADED JOINTS.—Subparagraph (A)  
7           shall not apply to leaded joints necessary for  
8           the repair of cast iron pipes.”;

9           (B) in paragraph (2)(A), by inserting after  
10          “Each” the following: “owner or operator of a”;  
11          and

12          (C) by adding at the end the following new  
13          paragraph:

14          “(3) UNLAWFUL ACTS.—Effective 2 years after  
15          the date of enactment of this paragraph, it shall be  
16          unlawful—

17               “(A) for any person to introduce into com-  
18               merce any pipe or pipe or plumbing fitting or  
19               fixture that is not lead free;

20               “(B) for any person engaged in the busi-  
21               ness of selling plumbing supplies to sell solder  
22               or flux that is not lead free; or

23               “(C) for any person to introduce into com-  
24               merce any solder or flux that is not lead free  
25               unless the solder or flux bears a prominent

1 label stating that it is illegal to use the solder  
2 or flux in the installation or repair of any  
3 plumbing providing water for human consump-  
4 tion.”;

5 (2) in subsection (d)—

6 (A) by striking “For” and inserting “Ex-  
7 cept as provided in subsection (e)(4), for”; and

8 (B) in paragraph (2), by striking “pipe fit-  
9 tings” each place it appears and inserting “pipe  
10 and plumbing fittings and fixtures”; and

11 (3) by adding at the end the following new sub-  
12 sections:

13 “(e) PLUMBING FITTINGS AND FIXTURES.—

14 “(1) IN GENERAL.—The Administrator shall  
15 provide accurate and timely technical information  
16 and assistance to qualified third-party certifiers in  
17 the development of voluntary standards and testing  
18 protocols for the leaching of lead from new plumbing  
19 fittings and fixtures that are intended by the manu-  
20 facturer to dispense water for human ingestion.

21 “(2) STANDARDS.—

22 “(A) IN GENERAL.—If a voluntary stand-  
23 ard for the leaching of lead is not established  
24 by the date that is 1 year after the date of en-  
25 actment of this subsection, the Administrator

1 shall, not later than 2 years after the date of  
2 enactment of this subsection, promulgate regu-  
3 lations setting a health-effects-based perform-  
4 ance standard establishing maximum leaching  
5 levels from new plumbing fittings and fixtures  
6 that are intended by the manufacturer to dis-  
7 pense water for human ingestion. The standard  
8 shall become effective on the date that is 5  
9 years after the date of promulgation of the  
10 standard.

11 “(B) ALTERNATIVE REQUIREMENT.—If  
12 regulations are required to be promulgated  
13 under subparagraph (A) and have not been pro-  
14 mulgated by the date that is 5 years after the  
15 date of enactment of this subsection, no person  
16 may import, manufacture, process, or distribute  
17 in commerce a new plumbing fitting or fixture,  
18 intended by the manufacturer to dispense water  
19 for human ingestion, that contains more than 4  
20 percent lead by dry weight.

21 “(f) RETURN FLOWS.—No person may remove water  
22 from a public water system through a pipe or device out-  
23 side the public water system and return water to the pub-  
24 lic water system unless the pipe or device is totally within  
25 the control of 1 or more public water systems.”.

1 (b) RECORDS AND INSPECTIONS.—Subparagraph (A)  
 2 of section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as des-  
 3 ignated by section 4(g)(1)(A)) is amended by striking  
 4 “Every person” and all that follows through “is a grant-  
 5 ee,” and inserting “Every person who is subject to any  
 6 requirement of this title or who is a grantee”.

7 **SEC. 8. RADON IN DRINKING WATER.**

8 Part B (42 U.S.C. 300g et seq.) (as amended by sec-  
 9 tion 5(b)(2)) is further amended by adding at the end the  
 10 following new section:

11 “RADON IN DRINKING WATER

12 “SEC. 1419. (a) REGULATIONS FOR RADON IN  
 13 DRINKING WATER.—Notwithstanding any other provision  
 14 of this title or any other Federal law, not later than 1  
 15 year after the date of enactment of this section, the Ad-  
 16 ministrator shall promulgate national primary drinking  
 17 water regulations for radon.

18 “(b) RADON STANDARD.—

19 “(1) MAXIMUM CONTAMINANT LEVEL.—The  
 20 regulations promulgated pursuant to subsection (a)  
 21 shall specify a maximum contaminant level goal and  
 22 a maximum contaminant level determined pursuant  
 23 to section 1412(b).

24 “(2) ALTERNATIVE CONTAMINANT LEVEL.—  
 25 Notwithstanding the requirements of section



1 1412(b), the regulations promulgated pursuant to  
2 subsection (a) shall—

3 “(A) specify an alternative contaminant  
4 level at which the health risk is equivalent to  
5 the health risk associated with the national av-  
6 erage radon level in outdoor air, taking into  
7 consideration risks from—

8 “(i) inhalation; and

9 “(ii) ingestion of radon in drinking  
10 water and episodic uses of drinking water,  
11 if the National Academy of Sciences con-  
12 siders it appropriate to include the risks  
13 referred to in this clause;

14 “(B) specify a period of compliance of 3  
15 years; and

16 “(C) require compliance pursuant to para-  
17 graph (3).

18 “(3) ALTERNATIVE COMPLIANCE PROGRAMS.—

19 A public water system may comply with the alter-  
20 native contaminant level specified in paragraph (2)  
21 in lieu of the maximum contaminant level estab-  
22 lished pursuant to paragraph (1) if the system is—

23 “(A) located in a State that is implement-  
24 ing a program to reduce radon in indoor air or  
25 is receiving State grant assistance for the pro-

1           gram pursuant to section 306 of the Toxic Sub-  
2           stances Control Act (15 U.S.C. 2666); or

3           “(B) implementing a service area alter-  
4           native compliance program pursuant to sub-  
5           section (c).

6           “(c) SERVICE AREA ALTERNATIVE COMPLIANCE  
7           PROGRAM.—

8           “(1) IN GENERAL.

9           “(A) SUBMITTAL OF PROGRAM.—The ap-  
10          propriate official of a public water system that  
11          proposes to carry out an alternative compliance  
12          program shall submit a program to the State  
13          agency that has primary enforcement respon-  
14          sibility pursuant to section 1413 or another ap-  
15          propriate State agency designated by the Gov-  
16          ernor.

17          “(B) PUBLIC REVIEW AND COMMENT.—  
18          The appropriate official of the public water sys-  
19          tem shall provide opportunity for public review  
20          and comment on the program prior to the sub-  
21          mittal of the program to the State pursuant to  
22          subparagraph (A) and shall provide to the State  
23          a summary of public comments concerning the  
24          program.

25          “(C) REVIEW BY STATE.—

1           “(i) IN GENERAL.—Not later than  
2           180 days after the date of submittal of the  
3           program, the appropriate official of the  
4           State shall review and approve the pro-  
5           gram if the program is consistent with the  
6           requirements of this section.

7           “(ii) REVIEW BY ADMINISTRATOR.—  
8           The Administrator shall, at the request of  
9           a State, review and approve a program  
10          submitted to the State pursuant to this  
11          subparagraph.

12          “(2) EDUCATIONAL MATERIAL.—Each alter-  
13          native compliance program referred to in paragraph  
14          (1)(A) shall provide for the distribution to each resi-  
15          dential customer, not later than 1 year after the ap-  
16          proval by the State of the program and every 5  
17          years thereafter, educational material concerning  
18          radon.

19          “(3) TESTING FOR RADON IN INDOOR AIR.—

20                 “(A) IN GENERAL.—Each alternative com-  
21                 pliance program referred to in paragraph  
22                 (1)(A) shall provide for testing of radon in in-  
23                 door air (or evidence that the resident declined  
24                 to have the residence tested) in not less than 50  
25                 percent of the residences of residential cus-

1           tomers served by the public water system as ex-  
2           peditiously as practicable, but not later than 5  
3           years after the date of approval of an alter-  
4           native compliance program pursuant to this  
5           subsection.

6           “(B) REQUIREMENT FOR TESTING.—Test-  
7           ing for radon in indoor air conducted pursuant  
8           to this paragraph shall be conducted by a per-  
9           son certified as proficient in conducting testing  
10          for radon in air by the Administrator.

11          “(4) RADON NEW CONSTRUCTION STAND-  
12          ARDS.—Each program developed pursuant to this  
13          subsection shall include the adoption, prior to ap-  
14          proval of the program, of enforceable mechanisms  
15          requiring compliance with radon new home construc-  
16          tion standards established by the Administrator pur-  
17          suant to section 304 of the Toxic Substances Con-  
18          trol Act (15 U.S.C. 2664) for each new home to be  
19          served by the public water system that is the subject  
20          of the program beginning on the date that is 2 years  
21          after the date of adoption of the mechanisms.

22          “(5) ASSESSMENT AND EVALUATION.—

23          “(A) SUBMITTAL OF ASSESSMENTS.—Each  
24          public water system with a program approved  
25          by a State pursuant to this subsection shall re-

1 port on program implementation to the State  
2 not later than 5 years after the date of approval  
3 of the program, and every 5 years thereafter.

4 “(B) PROGRAM DISAPPROVAL.—In any  
5 case in which a State or the Administrator de-  
6 termines that a public water system has not  
7 fully complied with the requirements of this  
8 subsection, the State or the Administrator  
9 shall—

10 “(i) notify the public water system of  
11 the determination; and

12 “(ii) disapprove the alternative com-  
13 pliance program not later than 1 year after  
14 providing notice pursuant to clause (i), un-  
15 less the system takes sufficient corrective  
16 action.

17 “(C) COMPLIANCE.—A public water sys-  
18 tem for which an alternative compliance pro-  
19 gram is disapproved shall comply with the max-  
20 imum contaminant level for radon (as deter-  
21 mined by the regulations promulgated under  
22 subsection (a)) not later than 3 years after the  
23 date of disapproval by the Administrator or the  
24 State.

1           “(6) ROLE OF STATE.—A State may assume  
2           some or all of the responsibilities of carrying out an  
3           alternative compliance program approved pursuant  
4           to this subsection.

5           “(d) REPORT.—

6           “(1) IN GENERAL.—Not later than 7 years  
7           after the date of enactment of this section, the Ad-  
8           ministrator shall submit a report to Congress that  
9           assesses and evaluates the implementation of the  
10          regulations promulgated pursuant to subsection (a).

11          “(2) CONTENTS OF REPORT.—The report  
12          shall—

13               “(A) identify the number of public water  
14               systems that are in violation of a maximum  
15               contaminant level or alternative contaminant  
16               level established pursuant to the regulations;

17               “(B) identify the number of programs of  
18               public water systems approved by a State pur-  
19               suant to this subsection and the number of  
20               States receiving grant assistance under section  
21               306 of the Toxic Substances Control Act (15  
22               U.S.C. 2666);

23               “(C) evaluate the implementation of the  
24               public water system and State programs; and

1           “(D) estimate the overall change in radon  
2           exposure attained as a result of alternative  
3           compliance programs and State radon pro-  
4           grams.

5           “(e) RESIDENTIAL CUSTOMER DEFINED.—As used  
6           in this section, the term ‘residential customer’ means a  
7           customer of a public water system that occupies a resi-  
8           dence other than an apartment located above the first  
9           story of a building.”.

10   **SEC. 9. SOURCE WATER PROTECTION PROGRAMS.**

11           (a) SOURCE WATER PROTECTION.—Part C (42  
12   U.S.C. 300h et seq.) is amended—

13                 (1) in the part heading, by striking “UNDER-  
14           GROUND”; and

15                 (2) by adding at the end the following new sec-  
16           tion:

17                         “SOURCE WATER PROTECTION

18           “SEC. 1429. (a) STATE PROGRAMS.—Not later than  
19   2 years after the date of enactment of this section, the  
20   Governor of each State shall adopt and submit to the Ad-  
21   ministrators for approval pursuant to subsection (d) a  
22   source water protection program. The program shall, at  
23   a minimum—

24                         “(1) establish procedures for the approval of  
25           source water protection plans developed pursuant to  
26           subsection (b), sole source aquifer plans developed

1       pursuant to section 1427, and wellhead protection  
2       plans developed pursuant to section 1428;

3           “(2) designate a State agency with the author-  
4       ity and expertise to implement measures and prac-  
5       tices to protect source waters (including on a State-  
6       wide basis), conduct delineations of source water  
7       protection areas, and develop plans for community  
8       water systems that request the plans or that the  
9       State considers necessary;

10          “(3) provide financial and technical assistance  
11       to community water systems or other planning enti-  
12       ties for the delineation of source water protection  
13       areas and the development and implementation of  
14       source water protection plans;

15          “(4) describe a program of technical and finan-  
16       cial assistance, education, training, monitoring, dem-  
17       onstration projects, and enforcement that is avail-  
18       able to restore and protect source water and may be  
19       implemented by State agencies and by source water  
20       protection plans;

21          “(5) provide for such coordination of pollution  
22       control and water protection requirements under  
23       State and local law and such enforcement of the re-  
24       quirements as are necessary to carry out approved  
25       source water protection plans; and



1           “(6) ensure that community water systems with  
2           approved plans are notified of any State action, in-  
3           cluding the issuance or renewal of any permit or li-  
4           cense, that may affect the quality of the source  
5           water available to the system.

6           “(b) SOURCE WATER PROTECTION PLANS.—After a  
7           State source water protection program is approved under  
8           subsection (d), any community water system, State or  
9           local government agency, or planning entity (including any  
10          interstate or regional planning agency) may submit a  
11          source water protection plan developed pursuant to this  
12          subsection, a sole source aquifer plan developed pursuant  
13          to section 1427, or a wellhead protection plan developed  
14          pursuant to section 1428 to the State for approval. The  
15          State shall approve or disapprove the plan in an expedi-  
16          tious manner. The State shall not approve a plan unless  
17          the plan meets each requirement established by the Ad-  
18          ministrators in guidance issued under subsection (c) and  
19          each of the following requirements:

20               “(1) GOAL.—The objective of the source water  
21               protection plan shall be to restore and protect the  
22               quality of the water available to a community water  
23               system that is used for drinking water.

24               “(2) DELINEATION.—The plan shall include a  
25               delineation of the source water supply protection

1 area in the State consistent with guidance for delin-  
2 eations issued by the Administrator under subsection  
3 (c).

4 “(3) ASSESSMENT.—The plan shall include an  
5 assessment of the current quality of the source  
6 water used by the community water system, includ-  
7 ing the results of tests for regulated and unregulated  
8 contaminants, consistent with the guidance issued by  
9 the Administrator under subsection (c).

10 “(4) IDENTIFICATION OF POLLUTION  
11 SOURCES.—The plan shall identify each source of  
12 water pollution (or category of sources) within the  
13 protection area that may contribute to the contami-  
14 nation of water used for drinking water. If contami-  
15 nants have been detected at quantifiable levels in the  
16 source water of the community water system, the  
17 plan shall, to the extent practicable, identify the spe-  
18 cific sources of pollution releasing those contami-  
19 nants.

20 “(5) PUBLIC EDUCATION.—The plan shall in-  
21 clude provisions for public education to inform the  
22 customers of the community water system of con-  
23 tamination within the source water supply protection  
24 area and the measures being taken to protect water  
25 quality.

1           “(6) CONTINGENCY PLANNING.—The plan shall  
2 include contingency plans to avoid contamination  
3 problems from unexpected events (including flood-  
4 ing) and for the location and provision of alternate  
5 drinking water supplies in the event of contamina-  
6 tion.

7           “(7) POLLUTION PREVENTION MEASURES.—  
8 The plan shall describe measures and practices nec-  
9 essary to control existing or new sources of pollution  
10 that may contribute contaminants to source water  
11 used for drinking water.

12           “(8) IMPLEMENTATION.—The plan shall in-  
13 clude a schedule for the implementation of the meas-  
14 ures and practices referred to in paragraph (7) and  
15 assurances that the appropriate State or local agen-  
16 cy has available to the agency such legal authority  
17 as is necessary to provide for the implementation of  
18 the measures and practices and that the State or  
19 local agency has the financial capability to imple-  
20 ment measures and practices consistent with the  
21 schedule established pursuant to this paragraph.

22           “(c) GUIDANCE.—

23           “(1) IN GENERAL.—Not later than 1 year after  
24 the date of enactment of this section, the Adminis-  
25 trator shall publish guidance to assist States and

1 community water systems in the development and  
2 implementation of source water protection programs,  
3 sole source aquifer plans developed pursuant to sec-  
4 tion 1427, and wellhead protection plans developed  
5 pursuant to section 1428.

6 “(2) CONTENTS OF GUIDANCE.—The guidance  
7 may—

8 “(A) establish criteria for the delineation  
9 of source water protection areas within a State;

10 “(B) describe measures and practices ap-  
11 plicable to various sources or categories of  
12 sources that contribute contaminants to source  
13 waters used for drinking water;

14 “(C) provide for alternative monitoring re-  
15 quirements for regulated contaminants for com-  
16 munity water systems with approved plans that  
17 are being implemented; and

18 “(D) describe sources of funding available  
19 to develop and implement source water protec-  
20 tion plans.

21 “(3) PUBLIC PARTICIPATION.—The guidance  
22 shall establish procedures for public participation in  
23 the development of programs and plans under this  
24 section, including notice and an opportunity for com-  
25 ment on State programs prior to the time the pro-

1       grams are submitted for approval and a public hear-  
2       ing on source water protection plans conducted in  
3       the area that will be subject to the plan.

4       “(d) APPROVAL OF STATE PROGRAM.—

5           “(1) IN GENERAL.—The Administrator shall  
6       approve or disapprove each State source water pro-  
7       tection program submitted under this section not  
8       later than 180 days after receipt of the program.  
9       The Administrator shall approve a State program  
10      that meets each of the requirements of this section  
11      and the guidance issued under subsection (c). If the  
12      Administrator disapproves a State program, the Ad-  
13      ministrator shall notify the State in writing of the  
14      reasons for disapproval. The State may resubmit the  
15      program as amended to resolve the objections of the  
16      Administrator.

17           “(2) CAPITALIZATION GRANT.—Beginning in  
18      fiscal year 1998, and each fiscal year thereafter, the  
19      Administrator shall withhold 50 percent of each cap-  
20      italization grant made to a State pursuant to part  
21      G if the Administrator has not approved a State  
22      source water protection program for the State under  
23      this section.

24           “(3) REVIEW.—The Administrator shall peri-  
25      odically, but not less often than every 5 years, re-

1 view State source water protection programs that  
2 have been approved under this subsection to deter-  
3 mine whether the State is carrying out the program  
4 in accordance with requirements of this section and  
5 the guidance of the Administrator. The Adminis-  
6 trator shall withdraw approval of a State source  
7 water protection program upon completion of the re-  
8 view, if the program is not in compliance with the  
9 requirements of this section or if the State is not  
10 considering and approving source water protection  
11 plans submitted by, or on behalf of, community  
12 water systems in a timely manner.

13 “(e) INCENTIVES FOR SOURCE WATER PROTECTION  
14 PLANS.—

15 “(1) ELIGIBILITY FOR POLLUTION CONTROL  
16 ASSISTANCE.—Projects, measures, and practices  
17 identified in source water protection plans, sole  
18 source aquifer plans developed pursuant to section  
19 1427, and wellhead protection plans developed pur-  
20 suant to section 1428 that have been approved  
21 under a State source water protection program ap-  
22 proved under subsection (d) shall be eligible for as-  
23 sistance under the Federal Water Pollution Control  
24 Act (33 U.S.C. 1251 et seq.), including assistance  
25 provided under section 319 and title VI of such Act

1 (33 U.S.C. 1329 and 1381 et seq.), in the same  
2 manner as a project, measure, or practice identified  
3 in a State plan under such section 319 is eligible for  
4 assistance under such Act.

5 “(2) REDUCED MONITORING REQUIREMENTS.—

6 A plan meeting any requirements established by the  
7 Administrator in guidance issued under subsection  
8 (c)(2)(D) may provide, upon approval by the State,  
9 for alternative monitoring requirements for contami-  
10 nants addressed by the plan to be applicable to the  
11 community water system for which the plan was pre-  
12 pared in lieu of requirements that would otherwise  
13 apply under national primary drinking water regula-  
14 tions. Any proposal for alternative monitoring re-  
15 quirements shall identify specific pollution preven-  
16 tion or control measures to be implemented that  
17 allow for an alternative monitoring requirement.

18 “(3) ACTIVITIES INVOLVING FEDERAL AGEN-

19 CIES.—In the case of a water supply protection area  
20 within a State for which a source water protection  
21 plan is approved pursuant to this section, each activ-  
22 ity or development project carried out by a Federal  
23 agency within the area shall be carried out in a  
24 manner that is, to the maximum extent practicable,

1 consistent with the plan approved pursuant to this  
2 section.”.

3 (b) CRITICAL AQUIFER PROTECTION.—Section 1427  
4 (42 U.S.C. 300h-6) is amended—

5 (1) by striking subsections (a) and (b) and in-  
6 serting the following new subsections:

7 “(a) PURPOSE.—The purpose of this section is to  
8 support and assist the establishment of programs for the  
9 protection of critical aquifer protection areas.

10 “(b) DEFINITION OF CRITICAL AQUIFER PROTEC-  
11 TION AREA.—As used in this section, the term ‘critical  
12 aquifer protection area’ means an area that contains  
13 ground water that—

14 “(1) is the principal source of supply to a pub-  
15 lic water system;

16 “(2) if contaminated, would create a significant  
17 hazard to public health; and

18 “(3) satisfies the criteria established pursuant  
19 to subsection (d).”;

20 (2) in subsection (c)—

21 (A) in the first sentence—

22 (i) by striking “State,”;

23 (ii) by striking “the Administrator”  
24 and inserting “a State with a program ap-  
25 proved pursuant to section 1429”; and



1 (iii) by striking “selection of such  
 2 area for a demonstration program” and in-  
 3 serting “approval of an application for the  
 4 designation of the area”; and

5 (B) by striking the last sentence; and

6 (3) in the first sentence of subsection (n), by  
 7 adding at the end the following:

“1992–2000 .....20,000,000.”.

8 (c) WELLHEAD PROTECTION AREAS.—

9 (1) APPLICATIONS.—Section 1428(a) (42  
 10 U.S.C. 300h–7(a)) is amended by striking “shall,  
 11 within 3 years of the date of enactment of the Safe  
 12 Drinking Water Act Amendments of 1986,” and in-  
 13 serting “may”.

14 (2) AUTHORIZATION OF APPROPRIATIONS.—  
 15 Section 1428(k) (42 U.S.C. 300h–7(k)) is amended  
 16 by adding at the end the following:

“1992–2000 .....35,000,000.”.

## 17 **SEC. 10. EMERGENCY POWERS.**

18 Section 1431 (42 U.S.C. 300i) is amended—

19 (1) in subsection (a)—

20 (A) by striking “(a)”;

21 (B) in the first sentence, by striking “and  
 22 that appropriate State and local authorities  
 23 have not acted to protect the health of such  
 24 persons” and inserting “and upon providing

1 concurrent notice to appropriate State and local  
2 officials”;

3 (C) by striking the second sentence; and

4 (D) in the last sentence, by inserting “or  
5 to restore or protect the public water system or  
6 underground source of drinking water” after  
7 “(including travelers)”;

8 (2) by striking subsection (b).

9 **SEC. 11. DRINKING WATER RESEARCH, EDUCATION, AND**  
10 **CERTIFICATION.**

11 (a) IN GENERAL.—Section 1442 (42 U.S.C. 300j–1)  
12 (as amended by section 5(c)) is further amended—

13 (1) by redesignating paragraph (3) of sub-  
14 section (b) as paragraph (3) of subsection (d) and  
15 moving such paragraph to appear after paragraph  
16 (2) of subsection (d);

17 (2) by striking subsection (b) (as so amended);

18 (3) by redesignating subparagraph (B) of sub-  
19 section (a)(2) as subsection (b) and moving such  
20 subsection to appear after subsection (a);

21 (4) in subsection (a)—

22 (A) by striking paragraph (2) (as so  
23 amended) and inserting the following new para-  
24 graph:

1           “(2) INFORMATION AND RESEARCH FACILI-  
 2 TIES.—In carrying out this title, the Administrator  
 3 is authorized to—

4           “(A) collect and make available informa-  
 5 tion pertaining to research, investigations, and  
 6 demonstrations with respect to providing a de-  
 7 pendably safe supply of drinking water, to-  
 8 gether with appropriate recommendations in  
 9 connection with the information; and

10           “(B) make available research facilities of  
 11 the Agency to appropriate public authorities, in-  
 12 stitutions, and individuals engaged in studies  
 13 and research relating to this title.”; and

14           (B) by adding at the end the following new  
 15 paragraph:

16           “(12) AUTHORIZATION OF APPROPRIATIONS.—  
 17 There are authorized to be appropriated to carry out  
 18 this subsection and subsection (h) \$25,000,000 for  
 19 each of fiscal years 1994 through 2000.”;

20           (5) in subsection (b) (as so amended)—

21           (A) by striking “subparagraph” each place  
 22 it appears and inserting “subsection”; and

23           (B) by adding at the end the following new  
 24 sentence: “There are authorized to be appro-

1           pried to carry out this subsection \$8,000,000  
2           for each of fiscal years 1995 through 2000.”;

3           (6) in the first sentence of subsection (c), by  
4           striking “eighteen months after the date of enact-  
5           ment of this subsection” and inserting “2 years  
6           after the date of enactment of the Safe Drinking  
7           Water Act Amendments of 1994, and every 5 years  
8           thereafter”;

9           (7) in subsection (d) (as amended by paragraph  
10          (1))—

11           (A) in paragraph (1), by striking “, and”  
12           at the end and inserting a semicolon;

13           (B) in paragraph (2), by striking the pe-  
14           riod at the end and inserting “; and”;

15           (C) by adding after paragraph (3) (as re-  
16           designated by paragraph (1)) the following new  
17           paragraph:

18           “(4) develop and maintain a system for fore-  
19           casting the supply of, and demand for, various pro-  
20           fessional occupational categories and other occupa-  
21           tional categories needed for the protection and treat-  
22           ment of drinking water in each region of the United  
23           States.”; and

24           (D) by adding at the end the following new  
25           sentence: “There are authorized to be appro-

1           pried to carry out this subsection  
2           \$10,000,000 for each of fiscal years 1994  
3           through 2000.”;

4           (8) by striking subsection (e) and inserting the  
5           following new subsection:

6           “(e) CERTIFICATION OF OPERATORS AND LABORA-  
7           TORIES.—

8           “(1) REQUIREMENT.—The principal operator of  
9           a public water system and any laboratory conducting  
10          tests pursuant to this title, and such additional per-  
11          sonnel as may be designated by the Administrator,  
12          shall be required to be certified as proficient pursu-  
13          ant to this section by a State or the Administrator.

14          “(2) EFFECTIVE DATE.—The requirement re-  
15          ferred to in paragraph (1) shall become effective on  
16          the date that is 4 years after the date of enactment  
17          of the Safe Drinking Water Act Amendments of  
18          1994.

19          “(3) REGULATIONS.—Not later than 2 years  
20          after the date of enactment of the Safe Drinking  
21          Water Act Amendments of 1994, the Administrator  
22          shall publish regulations specifying minimum stand-  
23          ards for certification of the proficiency of operators  
24          and other appropriate personnel by a State pursuant  
25          to this subsection.”;

1 (9) in subsection (g)—

2 (A) in the second sentence, by inserting  
3 “and multi-State regional technical assistance”  
4 after “‘circuit rider’”; and

5 (B) in the third sentence, by striking  
6 “1987 through 1991” and inserting “1994  
7 through 2000”; and

8 (10) by adding at the end the following new  
9 subsection:

10 “(i) RESEARCH.—

11 “(1) IN GENERAL.—In conducting research  
12 under this section, the Administrator shall conduct  
13 studies to—

14 “(A) determine the levels and national dis-  
15 tributions of contaminants in drinking water  
16 that have adverse effects on human populations;

17 “(B) develop more reliable and cost-effec-  
18 tive monitoring methods to identify and charac-  
19 terize drinking water contaminants;

20 “(C) determine the diseases drinking water  
21 contaminants likely cause;

22 “(D) identify other sources of exposure  
23 that exist for the hazardous agents found in  
24 drinking water and whether drinking water is a

1 major or minor contributor to the overall expo-  
2 sure to the hazardous agents;

3 “(E) develop improved technologies and al-  
4 ternative strategies for treating water, particu-  
5 larly for small systems, that emphasize risk re-  
6 duction; and

7 “(F) evaluate the relative risks, costs, and  
8 benefits of each strategy to provide safe drink-  
9 ing water to citizens of the United States.

10 “(2) RISK ASSESSMENT RESEARCH.—In carry-  
11 ing out paragraph (1), the Administrator shall con-  
12 duct research necessary to—

13 “(A) develop a more accurate, coordinated  
14 national data base on the occurrence of con-  
15 taminants (including chemicals, microbes, and  
16 radiologics) in drinking water, as well as in air,  
17 food, and other media;

18 “(B) understand the mechanisms by which  
19 chemical contaminants are absorbed, distrib-  
20 uted, metabolized, and eliminated from the  
21 human body, so as to develop more accurate  
22 physiologically based models of the phenomena;

23 “(C) understand the effects of contami-  
24 nants referred to in subparagraph (A) and the  
25 mechanisms by which the contaminants cause

1 adverse effects (especially noncancer and infec-  
2 tious effects) and the variations in the effects  
3 among humans, especially sensitive subpopula-  
4 tions, and from test animals to humans;

5 “(D) develop new tools, such as  
6 biomarkers, to allow epidemiological studies of  
7 higher resolution so as to confirm the pre-  
8 dictions of health hazards to humans that are  
9 derived from animal studies; and

10 “(E) develop new approaches to the study  
11 of complex mixtures, such as mixtures found in  
12 drinking water, especially to determine the  
13 prospects for synergistic or antagonistic inter-  
14 actions that may affect the shape of the dose-  
15 response relationship of the individual chemicals  
16 and microbes, and to examine noncancer  
17 endpoints and infectious diseases, and suscep-  
18 tible individuals and subpopulations.

19 “(3) STUDIES.—In carrying out paragraph (1),  
20 the Administrator shall—

21 “(A) conduct studies on the relative risks  
22 of alternative disinfectants and the byproducts  
23 of the disinfectants;

24 “(B) conduct studies on the microorga-  
25 nisms that occur in drinking water and surveys



1 to identify highly susceptible populations that  
2 are at greater risk of disease because of the  
3 microorganisms found in drinking water;

4 “(C) conduct social science studies to bet-  
5 ter evaluate how to weigh and analyze compet-  
6 ing risks, such as risks associated with chemical  
7 exposures versus microbial exposures in drink-  
8 ing water;

9 “(D) establish a national data base that  
10 describes the occurrences of the synthetic or-  
11 ganic chemicals found in drinking water, and  
12 conduct studies to identify the relative contribu-  
13 tions of the chemicals from poor quality source  
14 water, highly treated wastewaters considered  
15 for direct reuse, treatment processes, and mate-  
16 rials used in plumbing or distribution systems;

17 “(E) conduct studies on inorganic and syn-  
18 thetic organic chemicals to evaluate the effects  
19 of treatment processes, such as coagulation and  
20 chemical oxidation, on the level and toxic effects  
21 of chemicals in drinking water and the potential  
22 risks associated with the disposal of sludges and  
23 other wastes resulting from drinking water  
24 treatment; and

1           “(F) develop microbial models to predict  
2           the impact of waterborne microorganisms on  
3           community health, assess the costs and benefits  
4           of control strategies, evaluate competing risks,  
5           and develop and implement risk management  
6           decisions.

7           “(4) PRIORITIZATION.—Congress finds that re-  
8           search conducted under this section will be costly  
9           and will require years to achieve. In light of the  
10          costs, a high priority for research under this section  
11          should be placed on any substance in drinking water  
12          that meets the following criteria:

13               “(A) The concentrations at which the sub-  
14               stance is commonly found in drinking water are  
15               sufficiently high to suggest that the substance  
16               may significantly impact the public health as  
17               judged by then current risk assessments.

18               “(B) There is significant concern over the  
19               accuracy of then current assessments.

20               “(C) Viable and compelling hypotheses can  
21               be proposed concerning potential mechanisms of  
22               action that are amenable to testing.

23               “(D) Measurement of the substance and,  
24               in the case of a chemical, the important

1 metabolites of the substance, in the body is fea-  
2 sible.

3 “(E) There is significant concern over the  
4 substance such that there is a need to develop  
5 methods to measure the substance or the im-  
6 portant metabolites of the substance, or both.

7 “(F) Regulation has the potential of im-  
8 posing adverse impacts on public health, such  
9 as dictating the use of a water treatment proc-  
10 ess that is less well proven or potentially more  
11 toxic than the process in use.

12 “(5) RISK CHARACTERIZATION AND RISK MAN-  
13 AGEMENT.—

14 “(A) IN GENERAL.—The Administrator  
15 shall develop an integrated risk characterization  
16 strategy for drinking water quality.

17 “(B) DEADLINES.—The strategy shall  
18 be—

19 “(i) submitted to Congress not later  
20 than 1 year after the date of enactment of  
21 this subsection; and

22 “(ii) revised every 3 years thereafter.

23 “(C) PURPOSES.—The strategy shall—

24 “(i) define the policy of the Adminis-  
25 trator for drinking water protection;

1 “(ii) describe the plans of the Admin-  
2 istrator to conduct research, over the 12-  
3 to 15-year period beginning on the date of  
4 the submission or revision, to resolve the  
5 uncertainties about drinking water risks;

6 “(iii) identify unmet needs, priorities  
7 for study, how the results of the studies  
8 may be used to better understand the risks  
9 of drinking water exposures for near-term  
10 decisionmaking, and to improve the sci-  
11 entific basis for decisionmaking over time;  
12 and

13 “(iv) address the uncertainties that  
14 will likely remain even after the research is  
15 completed and what the uncertainties  
16 imply for decisionmaking by the Adminis-  
17 trator and for communicating the decisions  
18 to the public and Congress.”.

19 (b) STATE CERTIFICATION OF OPERATORS AND LAB-  
20 ORATORIES.—Section 1413(a) (42 U.S.C. 300g-2(a)) (as  
21 amended by section 6(b)) is further amended by adding  
22 at the end the following new paragraph:

23 “(8) has adopted requirements for the certifi-  
24 cation of operators of public water systems and lab-

1 oratories conducting tests pursuant to this title con-  
2 sistent with section 1442(e).”.

3 **SEC. 12. STATE DRINKING WATER PROGRAM FUNDING.**

4 (a) PUBLIC WATER SYSTEM SUPERVISION PRO-  
5 GRAM.—Section 1443(a) (42 U.S.C. 300j-2(a)) is amend-  
6 ed—

7 (1) in paragraph (3)—

8 (A) by striking “(3) A grant” and insert-  
9 ing the following:

10 “(3) AMOUNT OF GRANT.—

11 “(A) IN GENERAL.—A grant”; and

12 (B) by adding at the end the following new  
13 subparagraph:

14 “(B) DETERMINATION OF COSTS.—In  
15 order to determine the costs of a grant recipient  
16 pursuant to this paragraph, the Administrator  
17 shall, in cooperation with the States and not  
18 later than 60 days after the date of enactment  
19 of this subparagraph, establish a resource  
20 model for the public water system supervision  
21 program and review and revise the model as  
22 necessary.”;

23 (2) in paragraph (7), by adding at the end a  
24 period and the following new flush sentence: “For  
25 the purpose of making grants under paragraph (1),

1       there are authorized to be appropriated such sums  
2       as are necessary for each of fiscal years 1992 and  
3       1993 and \$100,000,000 for each of fiscal years  
4       1994 through 2000.”; and

5               (3) by adding at the end the following new  
6       paragraphs:

7               “(8) RESERVATION OF FUNDS BY THE ADMIN-  
8       ISTRATOR.—If the Administrator assumes the pri-  
9       mary enforcement responsibility of a State water  
10      system supervision program, the Administrator may  
11      reserve from funds made available pursuant to this  
12      subsection, an amount equal to the amount that  
13      would otherwise have been provided to the State  
14      pursuant to this subsection. The Administrator shall  
15      use the funds reserved pursuant to this paragraph to  
16      ensure the full and effective administration of a pub-  
17      lic water system supervision program in the State.

18              “(9) STATE LOAN FUNDS.—

19                      “(A) IN GENERAL.—In addition to  
20                      amounts made available pursuant to paragraph  
21                      (8), the Administrator may use the amount re-  
22                      served pursuant to subparagraph (B) for the  
23                      administration of the public water system su-  
24                      pervision program of States in which the Ad-  
25                      ministrator implements the program.

1           “(B) RESERVATION OF FUNDS.—For any  
2           fiscal year for which the amounts made avail-  
3           able to the Administrator by appropriation are  
4           less than the amount the Administrator deter-  
5           mines is needed to supplement funds made  
6           available pursuant to paragraph (8) and ensure  
7           the full and effective administration of a public  
8           water system supervision program in a State,  
9           the Administrator may reserve from funds  
10          made available to the State pursuant to section  
11          1479 the difference between the amounts.”.

12          (b) STATE GROUND WATER PROTECTION GRANTS.—  
13          Section 1443 (42 U.S.C. 300j-2) is amended—

14                (1) by redesignating subsection (c) as sub-  
15                section (d); and

16                (2) by inserting after subsection (b) the follow-  
17                ing new subsection:

18          “(c) STATE GROUND WATER PROTECTION  
19          GRANTS.—

20                “(1) IN GENERAL.—The Administrator may  
21                make a grant to a State for the development and im-  
22                plementation of a State program to ensure the co-  
23                ordinated and comprehensive protection of ground  
24                water resources within the State.

1           “(2) GUIDANCE.—Not later than 1 year after  
2       the date of enactment of the Safe Drinking Water  
3       Act Amendments of 1994, and annually thereafter,  
4       the Administrator shall publish guidance that estab-  
5       lishes procedures for application for State ground  
6       water protection program assistance and that identi-  
7       fies key elements of State ground water protection  
8       programs.

9           “(3) CONDITIONS OF GRANTS.—

10           “(A) IN GENERAL.—The Administrator  
11       shall award grants to States that submit an ap-  
12       plication that is approved by the Administrator.  
13       The Administrator shall determine the amount  
14       of a grant awarded pursuant to this paragraph  
15       on the basis of an assessment of the extent of  
16       ground water resources in the State and the  
17       likelihood that awarding the grant will result in  
18       sustained and reliable protection of ground  
19       water quality.

20           “(B) INNOVATIVE PROGRAM GRANTS.—  
21       The Administrator may also award a grant pur-  
22       suant to this paragraph for innovative programs  
23       proposed by a State for the prevention of  
24       ground water contamination.



1           “(C) ALLOCATION OF FUNDS.—The Ad-  
2           ministrators shall, at a minimum, ensure that,  
3           for each fiscal year, not less than 1 percent of  
4           funds made available to the Administrator by  
5           appropriations to carry out this subsection are  
6           allocated to each State that submits an applica-  
7           tion that is approved by the Administrator pur-  
8           suant to this subsection.

9           “(D) LIMITATION ON GRANTS.—No grant  
10          awarded by the Administrator may be used for  
11          a project to remediate ground water contamina-  
12          tion.

13          “(4) COORDINATION WITH OTHER GRANT PRO-  
14          GRAMS.—The awarding of grants by the Adminis-  
15          trator pursuant to this subsection shall be coordi-  
16          nated with the awarding of grants pursuant to sec-  
17          tion 319(i) of the Federal Water Pollution Control  
18          Act (33 U.S.C. 1329(i)) and the awarding of other  
19          Federal grant assistance that provides funding for  
20          programs related to ground water protection.

21          “(5) AMOUNT OF GRANTS.—The amount of a  
22          grant awarded pursuant to paragraph (1) shall not  
23          exceed 50 percent of the eligible costs of carrying  
24          out the ground water protection program that is the  
25          subject of the grant (as determined by the Adminis-

1       trator) for the 1-year period beginning on the date  
2       that the grant is awarded. The State shall pay a  
3       State share to cover the costs of the ground water  
4       protection program from State funds in an amount  
5       that is not less than 50 percent of the cost of con-  
6       ducting the program.

7           “(6) EVALUATIONS AND REPORTS.—Not later  
8       than 3 years after the date of enactment of the Safe  
9       Drinking Water Act Amendments of 1994, and  
10      every 3 years thereafter, the Administrator shall  
11      evaluate the State ground water protection programs  
12      that are the subject of grants awarded pursuant to  
13      this subsection and report to Congress on the status  
14      of ground water quality in the United States and the  
15      effectiveness of State programs for ground water  
16      protection.

17          “(7) AUTHORIZATION OF APPROPRIATIONS.—  
18      There are authorized to be appropriated to the Envi-  
19      ronmental Protection Agency to carry out this sub-  
20      section \$20,000,000 for each of fiscal years 1995  
21      through 2000.”.

22   **SEC. 13. INFORMATION AND INSPECTIONS.**

23      (a) INFORMATION GATHERING.—Subparagraph (A)  
24      of section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as des-  
25      ignated by section 4(g)(1)(A)) is amended by striking

1 “such information as the Administrator may reasonably  
2 require” and all that follows through the period at the end  
3 and inserting the following: “such information as the Ad-  
4 ministrator may reasonably require—

5 “(i) to assist the Administrator in establishing  
6 regulations under this title or to assist the Adminis-  
7 trator in determining, on a case-by-case basis,  
8 whether the person has acted or is acting in compli-  
9 ance with this title; and

10 “(ii) by regulation to assist the Administrator  
11 in determining compliance with national primary  
12 drinking water regulations promulgated under sec-  
13 tion 1412 or in administering any program of finan-  
14 cial assistance under this title.”.

15 (b) INSPECTIONS.—Subsections (b) and (c) of section  
16 1445 (42 U.S.C. 300j–4) are amended to read as follows:

17 “(b) INSPECTIONS.—

18 “(1) IN GENERAL.—The Administrator, or the  
19 authorized representative of the Administrator (in-  
20 cluding an authorized contractor acting as a rep-  
21 resentative of the Administrator), on presentation of  
22 appropriate credentials to any person who is or may  
23 be subject to—

24 “(A) a national primary drinking water  
25 regulation prescribed pursuant to section 1412;

1           “(B) an applicable underground injection  
2 control program;

3           “(C) any requirement to monitor an un-  
4 regulated contaminant pursuant to subsection  
5 (a); or

6           “(D) any other requirement of this title,  
7 or to a person in charge of any of the property of  
8 a person referred to in subparagraph (A), (B), (C),  
9 or (D) (or the senior employee present at the site),  
10 is authorized to enter any establishment, facility, or  
11 other property of a person referred to in subpara-  
12 graph (A), (B), (C), or (D).

13           “(2) PURPOSES OF INSPECTIONS.—The Admin-  
14 istrator or an authorized representative of the Ad-  
15 ministrator may enter an establishment, facility, or  
16 other property pursuant to paragraph (1)—

17           “(A) in order to determine whether a per-  
18 son has acted or is acting in compliance with  
19 this title, including for this purpose, inspecting,  
20 at reasonable times, records, files, papers, proc-  
21 esses, controls, and facilities; or

22           “(B) in order to test any feature of a pub-  
23 lic water system, including the raw water source  
24 of the system.

1           “(3) ACCESS TO RECORDS.—The Administrator  
2           or the Comptroller General of the United States (or  
3           any authorized representative designated by the Ad-  
4           ministrator or the Comptroller General of the United  
5           States) shall have access for the purpose of audit  
6           and examination to any record, report, or informa-  
7           tion of a person or grantee that—

8                   “(A) is required to be maintained under  
9                   subsection (a); or

10                   “(B) is pertinent to any financial assist-  
11                   ance provided pursuant to this title.

12           “(c) COMPLIANCE.—Any person, who is subject to  
13           any requirement of this title (including a person that the  
14           Administrator determines may be subject to a requirement  
15           of this title), shall—

16                   “(1) comply with the requirements of subsection  
17                   (a);

18                   “(2) allow the Administrator or the authorized  
19                   representative of the Administrator to enter and  
20                   make determinations and test and take samples pur-  
21                   suant to paragraphs (1) and (2) of subsection (b);  
22                   and

23                   “(3) allow the Administrator, the Comptroller  
24                   General of the United States, or an authorized rep-  
25                   resentative of the Administrator or the Comptroller

1 General of the United States, to have access to,  
2 audit, and examine records, reports, and information  
3 pursuant to subsection (b)(3).”.

4 **SEC. 14. FEDERAL AGENCIES.**

5 (a) IN GENERAL.—Subsections (a) and (b) of section  
6 1447 (42 U.S.C. 300j–6) are amended to read as follows:

7 “(a) COMPLIANCE.—

8 “(1) IN GENERAL.—Each Federal agency shall  
9 be subject to, and comply with, all Federal, State,  
10 interstate, and local substantive and procedural re-  
11 quirements, administrative authorities, and process  
12 and sanctions concerning the provision of safe drink-  
13 ing water in the same manner, and to the same ex-  
14 tent, as any nongovernmental entity is subject to,  
15 and shall comply with, the requirements, authorities,  
16 and process and sanctions.

17 “(2) ADMINISTRATIVE ORDERS AND PEN-  
18 ALTIES.—The Federal, State, interstate, and local  
19 substantive and procedural requirements, adminis-  
20 trative authorities, and process and sanctions re-  
21 ferred to in paragraph (1) include all administrative  
22 orders and all civil and administrative penalties or  
23 fines, regardless of whether the penalties or fines are  
24 punitive or coercive in nature or are imposed for iso-  
25 lated, intermittent, or continuing violations.

1           “(3) LIMITED WAIVER OF SOVEREIGN IMMUN-  
2           NITY.—The United States expressly waives any im-  
3           munity otherwise applicable to the United States  
4           with respect to any requirement, administrative au-  
5           thority, or process or sanction referred to in para-  
6           graph (2) (including any injunctive relief, adminis-  
7           trative order, or civil or administrative penalty or  
8           fine referred to in paragraph (2), or reasonable serv-  
9           ice charge). The reasonable service charge referred  
10          to in the preceding sentence includes a fee or charge  
11          assessed in connection with the processing, issuance,  
12          renewal, or amendment of a permit, variance, or ex-  
13          emption, review of a plan, study, or other document,  
14          or inspection or monitoring of a facility, as well as  
15          any other nondiscriminatory charge that is assessed  
16          in connection with a Federal, State, interstate, or  
17          local safe drinking water regulatory program.

18          “(4) CIVIL PENALTIES.—No agent, employee,  
19          or officer of the United States shall be personally  
20          liable for any civil penalty under this subsection with  
21          respect to any act or omission within the scope of  
22          the official duties of the agent, employee, or officer.

23          “(5) CRIMINAL SANCTIONS.—An agent, em-  
24          ployee, or officer of the United States may be sub-  
25          ject to a criminal sanction under a State, interstate,

1 or local law concerning the provision of drinking  
2 water. No department, agency, or instrumentality of  
3 the executive, legislative, or judicial branch of the  
4 Federal Government shall be subject to a sanction  
5 referred to in the preceding sentence.

6 “(b) WAIVER OF COMPLIANCE.—

7 “(1) IN GENERAL.—The President may waive  
8 compliance with subsection (a) by any department,  
9 agency, or instrumentality in the executive branch if  
10 the President determines waiving compliance with  
11 such subsection to be in the paramount interest of  
12 the United States.

13 “(2) WAIVERS DUE TO LACK OF APPROPRIA-  
14 TIONS.—No waiver described in paragraph (1) shall  
15 be granted due to the lack of an appropriation un-  
16 less the President has specifically requested the ap-  
17 propriation as part of the budgetary process and  
18 Congress has failed to make available the requested  
19 appropriation.

20 “(3) PERIOD OF WAIVER.—A waiver under this  
21 subsection shall be for a period of not to exceed 1  
22 year, but an additional waiver may be granted for a  
23 period of not to exceed 1 year on the termination of  
24 a waiver if the President reviews the waiver and  
25 makes a determination that it is in the paramount



1 interest of the United States to grant an additional  
2 waiver.

3 “(4) REPORT.—Not later than January 31 of  
4 each year, the President shall report to Congress on  
5 each waiver granted pursuant to this subsection dur-  
6 ing the preceding calendar year, together with the  
7 reason for granting the waiver.”.

8 (b) CITIZEN ENFORCEMENT.—The first sentence of  
9 section 1449(a) (42 U.S.C. 300j-8(a)) is amended—

10 (1) in paragraph (1), by striking “, or” and in-  
11 serting a semicolon;

12 (2) in paragraph (2), by striking the period at  
13 the end and inserting “; or”; and

14 (3) by adding at the end the following new  
15 paragraph:

16 “(3) for the collection of a penalty (and associ-  
17 ated costs and interest) against any Federal agency  
18 that fails, by the date that is 1 year after the effec-  
19 tive date of a final order to pay a penalty assessed  
20 by the Administrator pursuant to section 1414(c), to  
21 pay the penalty.”.

22 (c) CONFORMING AMENDMENTS.—Subsection (c) of  
23 section 1447 (42 U.S.C. 300j-6(c)) is amended—

24 (1) by striking “(c)(1)” and inserting the fol-  
25 lowing:

1 “(c) INDIANS.—

2 “(1) INDIAN LANDS.—”; and

3 (2) in paragraph (2), by striking “(2) For” and  
4 inserting the following:

5 “(2) DEFINITION OF FEDERAL AGENCY.—For”.

6 **SEC. 15. ASSESSING ENVIRONMENTAL PRIORITIES, COSTS,**  
7 **AND BENEFITS.**

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

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

12 (2) ADVERSE EFFECT ON HUMAN HEALTH.—  
13 The term “adverse effect on human health” includes  
14 any increase in the rate of death or serious illness,  
15 including disease, cancer, birth defects, reproductive  
16 dysfunction, developmental effects (including effects  
17 on the endocrine and nervous systems), and other  
18 impairments in bodily functions.

19 (3) RISK.—The term “risk” means the likeli-  
20 hood of an occurrence of an adverse effect on human  
21 health, the environment, or public welfare.

22 (4) SOURCE OF POLLUTION.—The term “source  
23 of pollution” means a category or class of facilities  
24 or activities that alter the chemical, physical, or bio-  
25 logical character of the natural environment.

1 (b) FINDINGS.—Congress finds that—

2 (1) cost-benefit analysis and risk assessment  
3 are useful but imperfect tools that serve to enhance  
4 the information available in developing environ-  
5 mental regulations and programs;

6 (2) cost-benefit analysis and risk assessment  
7 can also serve as useful tools in setting priorities  
8 and evaluating the success of environmental protec-  
9 tion programs;

10 (3) cost and risk are not the only factors that  
11 need to be considered in evaluating environmental  
12 programs as other factors, including values and eq-  
13 uity, must also be considered;

14 (4) current methods for valuing ecological re-  
15 sources and assessing intergenerational effects of  
16 sources of pollution need further development before  
17 integrated rankings of sources of pollution based on  
18 the factors referred to in paragraph (3) can be used  
19 with high levels of confidence;

20 (5) methods to assess and describe the risks of  
21 adverse human health effects, other than cancer,  
22 need further development before integrated rankings  
23 of sources of pollution based on the risk to human  
24 health can be used with high levels of confidence;

1           (6) periodic reports by the Administrator on the  
2 costs and benefits of regulations promulgated under  
3 Federal environmental laws, and other Federal ac-  
4 tions with impacts on human health, the environ-  
5 ment, or public welfare, will provide Congress and  
6 the general public with a better understanding of—

7           (A) national environmental priorities; and

8           (B) expenditures being made to achieve re-  
9 ductions in risk to human health, the environ-  
10 ment, and public welfare; and

11          (7) periodic reports by the Administrator on the  
12 costs and benefits of environmental regulations will  
13 also—

14           (A) provide Congress and the general pub-  
15 lic with a better understanding of the strengths,  
16 weaknesses, and uncertainties of cost-benefit  
17 analysis and risk assessment and the research  
18 needed to reduce major uncertainties; and

19           (B) assist Congress and the general public  
20 in evaluating environmental protection regula-  
21 tions and programs, and other Federal actions  
22 with impacts on human health, the environ-  
23 ment, or public welfare, to determine the extent  
24 to which the regulations, programs, and actions

1 adequately and fairly protect affected segments  
2 of society.

3 (c) REPORT ON ENVIRONMENTAL PRIORITIES,  
4 COSTS, AND BENEFITS.—

5 (1) RANKING.—

6 (A) IN GENERAL.—The Administrator  
7 shall identify and, taking into account available  
8 data, to the extent practicable, rank sources of  
9 pollution with respect to the relative degree of  
10 risk of adverse effects on human health, the en-  
11 vironment, and public welfare.

12 (B) METHOD OF RANKING.—In carrying  
13 out the rankings under subparagraph (A), the  
14 Administrator shall—

15 (i) rank the sources of pollution con-  
16 sidering the extent and duration of the  
17 risk; and

18 (ii) take into account broad societal  
19 values, including the role of natural re-  
20 sources in sustaining economic activity into  
21 the future.

22 (2) EVALUATION OF REGULATORY AND OTHER  
23 COSTS.—In addition to carrying out the rankings  
24 under paragraph (1), the Administrator shall evalu-  
25 ate—

1 (A) the private and public costs associated  
2 with each source of pollution and the costs and  
3 benefits of complying with regulations designed  
4 to protect against risks associated with the  
5 sources of pollution; and

6 (B) the private and public costs and bene-  
7 fits associated with other Federal actions with  
8 impacts on human health, the environment, or  
9 public welfare, including direct development  
10 projects, grant and loan programs to support  
11 infrastructure construction and repair, and per-  
12 mits, licenses, and leases to use natural re-  
13 sources or to release pollution to the environ-  
14 ment, and other similar actions.

15 (3) RISK REDUCTION OPPORTUNITIES.—In as-  
16 sessing risks, costs, and benefits as provided in  
17 paragraphs (1) and (2), the Administrator shall also  
18 identify reasonable opportunities to achieve signifi-  
19 cant risk reduction through modifications in environ-  
20 mental regulations and programs and other Federal  
21 actions with impacts on human health, the environ-  
22 ment, or public welfare.

23 (4) UNCERTAINTIES.—In evaluating the risks  
24 referred to in paragraphs (1) and (2), the Adminis-  
25 trator shall—

1 (A) identify the major uncertainties associ-  
2 ated with the risks;

3 (B) explain the meaning of the uncertain-  
4 ties in terms of interpreting the ranking and  
5 evaluation; and

6 (C) determine—

7 (i) the type and nature of research  
8 that would likely reduce the uncertainties;  
9 and

10 (ii) the cost of conducting the re-  
11 search.

12 (5) CONSIDERATION OF BENEFITS.—In carry-  
13 ing out this section, the Administrator shall consider  
14 and, to the extent practicable, estimate the monetary  
15 value, and such other values as the Administrator  
16 determines to be appropriate, of the benefits associ-  
17 ated with reducing risk to human health and the en-  
18 vironment, including—

19 (A) avoiding premature mortality;

20 (B) avoiding cancer and noncancer dis-  
21 eases that reduce the quality of life;

22 (C) preserving biological diversity and the  
23 sustainability of ecological resources;

24 (D) maintaining an aesthetically pleasing  
25 environment;

1 (E) valuing services performed by  
2 ecosystems (such as flood mitigation, provision  
3 of food or material, or regulating the chemistry  
4 of the air or water) that, if lost or degraded,  
5 would have to be replaced by technology;

6 (F) avoiding other risks identified by the  
7 Administrator; and

8 (G) considering the benefits even if it is  
9 not possible to estimate the monetary value of  
10 the benefits in exact terms.

11 (6) REPORTS.—

12 (A) PRELIMINARY REPORT.—Not later  
13 than 1 year after the date of enactment of this  
14 Act, the Administrator shall report to Congress  
15 on the sources of pollution and other Federal  
16 actions that the Administrator will address, and  
17 the approaches and methodology the Adminis-  
18 trator will use, in carrying out the rankings and  
19 evaluations under this section. The report shall  
20 also include an evaluation by the Administrator  
21 of the need for the development of methodolo-  
22 gies to carry out the ranking.

23 (B) PERIODIC REPORT.—

24 (i) IN GENERAL.—On completion of  
25 the ranking and evaluations conducted by



1 the Administrator under this section, but  
2 not later than 3 years after the date of en-  
3 actment of this Act, and every 3 years  
4 thereafter, the Administrator shall report  
5 the findings of the rankings and evalua-  
6 tions to Congress and make the report  
7 available to the general public.

8 (ii) EVALUATION OF RISKS.—Each  
9 periodic report prepared pursuant to this  
10 subparagraph shall, to the extent prac-  
11 ticable, evaluate risk management deci-  
12 sions under Federal environmental laws,  
13 including title XIV of the Public Health  
14 Service Act (commonly known as the “Safe  
15 Drinking Water Act”) (42 U.S.C. 300f et  
16 seq.), that present inherent and unavoi-  
17 dable choices between competing risks, in-  
18 cluding risks of controlling microbial ver-  
19 sus disinfection contaminants in drinking  
20 water. Each periodic report shall address  
21 the policy of the Administrator concerning  
22 the most appropriate methods of weighing  
23 and analyzing the risks, and shall incor-  
24 porate information concerning—

1 (I) the severity and certainty of  
2 any adverse effect on human health,  
3 the environment, or public welfare;

4 (II) whether the effect is imme-  
5 diate or delayed;

6 (III) whether the burden associ-  
7 ated with the adverse effect is borne  
8 disproportionately by a segment of the  
9 general population or spread evenly  
10 across the general population; and

11 (IV) whether a threatened ad-  
12 verse effect can be eliminated or rem-  
13 edied by the use of an alternative  
14 technology or a protection mechanism.

15 (d) IMPLEMENTATION.—In carrying out this section,  
16 the Administrator shall—

17 (1) consult with the appropriate officials of  
18 other Federal agencies and State and local govern-  
19 ments, members of the academic community, rep-  
20 resentatives of regulated businesses and industry,  
21 representatives of citizen groups, and other knowl-  
22 edgeable individuals to develop, evaluate, and inter-  
23 pret scientific and economic information;

1           (2) make available to the general public the in-  
2           formation on which rankings and evaluations under  
3           this section are based; and

4           (3) establish methods for determining costs and  
5           benefits of environmental regulations and other Fed-  
6           eral actions, including the valuation of natural re-  
7           sources and intergenerational costs and benefits, by  
8           rule after notice and opportunity for public com-  
9           ment.

10          (e) REVIEW BY THE SCIENCE ADVISORY BOARD.—  
11       Before the Administrator submits a report prepared under  
12       this section to Congress, the Science Advisory Board, es-  
13       tablished by section 8 of the Environmental Research, De-  
14       velopment, and Demonstration Act of 1978 (42 U.S.C.  
15       4365), shall conduct a technical review of the report in  
16       a public session.

17       **SEC. 16. OTHER AMENDMENTS.**

18          (a) DEFINITION OF PUBLIC WATER SYSTEM.—The  
19       first sentence of section 1401(4) (42 U.S.C. 300f(4)) is  
20       amended by striking “piped water” and inserting “water  
21       through pipes or other conveyances and”.

22          (b) STATE PRIMARY ENFORCEMENT RESPONSIBIL-  
23       ITY.—Section 1413(a) (42 U.S.C. 300g–2(a)) is amended  
24       by striking paragraph (1) and inserting the following new  
25       paragraph:

1           “(1) has adopted drinking water regulations  
2           that are no less stringent than the national primary  
3           drinking water regulations promulgated by the Ad-  
4           ministrator under section 1412 not later than 2  
5           years after the date on which the regulations are  
6           promulgated by the Administrator;”.

7           (c) JUDICIAL REVIEW.—Section 1448(a) (42 U.S.C.  
8           300j-7(a)) is amended—

9                   (1) in paragraph (2) of the first sentence, by  
10           inserting “final” after “any other”; and

11                   (2) in the second sentence, by striking “or issu-  
12           ance of the order” and inserting “or any other final  
13           Agency action”.

14           (d) ANNUAL REPORT.—Section 1450 (42 U.S.C.  
15           300j-9) is amended by striking subsection (h).

16           (e) REPORT TO CONGRESS ON PRIVATE DRINKING  
17           WATER.—Section 1450 (42 U.S.C. 300j-9) (as amended  
18           by subsection (d)) is further amended by inserting after  
19           subsection (g) the following new subsection:

20                   “(h) REPORT TO CONGRESS ON PRIVATE DRINKING  
21           WATER.—The Administrator shall conduct a study to de-  
22           termine the extent and seriousness of contamination of  
23           private sources of drinking water that are not regulated  
24           under this title. Not later than 3 years after the date of  
25           enactment of the Safe Drinking Water Act Amendments

1 of 1994, the Administrator shall submit to Congress a re-  
2 port that includes the findings of the study and rec-  
3 ommendations by the Administrator concerning responses  
4 to any problems identified under the study. In designing  
5 and conducting the study, including consideration of re-  
6 search design, methodology, and conclusions and rec-  
7 ommendations, the Administrator shall consult with ex-  
8 perts outside the Agency, including scientists,  
9 hydrogeologists, well contractors and suppliers, and other  
10 individuals knowledgeable in ground water protection and  
11 remediation.”.

12 (f) CAPITAL IMPROVEMENTS AT WASHINGTON AQUE-  
13 DUCT.—Notwithstanding any other provision of law—

14 (1) the Chief of Engineers of the Army Corps  
15 of Engineers may borrow from the Federal Financ-  
16 ing Bank such amounts as the Chief determines are  
17 necessary to finance capital improvements at the  
18 Washington Aqueduct;

19 (2) upon request of the Chief, the Board of Di-  
20 rectors of the Federal Financing Bank shall make  
21 loans to the Chief for the purpose described in para-  
22 graph (1); and

23 (3) any amounts borrowed by the Chief under  
24 this subsection shall be repaid by the users of the  
25 Washington Aqueduct over such period of time, and

1 shall be subject to such other terms and conditions,  
2 as the Board determines to be appropriate.

3 (g) SHORT TITLE.—

4 (1) IN GENERAL.—The title (42 U.S.C. 1401 et  
5 seq.) is amended by inserting after the title heading  
6 the following new section:

7 “SHORT TITLE

8 “SEC. 1400. This title may be cited as the ‘Safe  
9 Drinking Water Act’.”.

10 (2) CONFORMING AMENDMENT.—Section 1 of  
11 Public Law 93–523 (88 Stat. 1660) is amended by  
12 inserting “of 1974” after “Water Act”.

13 (h) TECHNICAL AMENDMENTS TO SECTION HEAD-  
14 INGS.—

15 (1) The section heading and subsection designa-  
16 tion of subsection (a) of section 1417 (42 U.S.C.  
17 300g–6) are amended to read as follows:

18 “PROHIBITION ON USE OF LEAD PIPES, SOLDER, AND

19 FLUX, AND ON CERTAIN RETURN FLOWS

20 “SEC. 1417. (a)”.

21 (2) The section heading and subsection designa-  
22 tion of subsection (a) of section 1426 (42 U.S.C.  
23 300h–5) are amended to read as follows:

24 “REGULATION OF STATE PROGRAMS

25 “SEC. 1426. (a)”.

1           (3) The section heading and subsection designa-  
2           tion of subsection (a) of section 1427 (42 U.S.C.  
3           300h-6) are amended to read as follows:

4           “SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM  
5           “SEC. 1427. (a)”.

6           (4) The section heading and subsection designa-  
7           tion of subsection (a) of section 1428 (42 U.S.C.  
8           300h-7) are amended to read as follows:

9           “STATE PROGRAMS TO ESTABLISH WELLHEAD  
10                                   PROTECTION AREAS  
11           “SEC. 1428. (a)”.

12           (5) The section heading and subsection designa-  
13           tion of subsection (a) of section 1432 (42 U.S.C.  
14           300i-1) are amended to read as follows:

15           “TAMPERING WITH PUBLIC WATER SYSTEMS  
16           “SEC. 1432. (a)”.

17           (6) The section heading and subsection designa-  
18           tion of subsection (a) of section 1451 (42 U.S.C.  
19           300j-11) are amended to read as follows:

20                                   “INDIAN TRIBES  
21           “SEC. 1451. (a)”.

22           (7) The section heading and first word of sec-  
23           tion 1461 (42 U.S.C. 300j-21) are amended to read  
24           as follows:

25                                   “DEFINITIONS  
26           “SEC. 1461. As”.

6           “SEC. 1462. For”.

10 “DRINKING WATER COOLERS CONTAINING LEAD  
11 “SEC. 1463. (a)”.

15       “LEAD CONTAMINATION IN SCHOOL DRINKING WATER  
16       “SEC. 1464. (a)”.

20 “FEDERAL ASSISTANCE FOR STATE PROGRAMS REGARD-  
21 ING LEAD CONTAMINATION IN SCHOOL DRINKING  
22 WATER

S 2019 PCS—2

S 2019 PCS—3

S 2019 PCS—4



S 2019 PCS—5

S 2019 PCS—6

S 2019 PCS—7

S 2019 PCS—8

S 2019 PCS—9

S 2019 PCS—10