

104TH CONGRESS
2D SESSION

S. 1316

AMENDMENT

In the House of Representatives, U. S.,

July 17, 1996.

Resolved, That the bill from the Senate (S. 1316) entitled “An Act to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”), and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause, and insert:

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Safe*
 3 *Drinking Water Act Amendments of 1996”.*

4 (b) *TABLE OF CONTENTS.*—

Sec. 1. Short title and table of contents.

Sec. 2. References; effective date; disclaimer.

TITLE I—PUBLIC WATER SYSTEMS

Subtitle A—Promulgation of National Primary Drinking Water Regulations

Sec. 101. Selection of additional contaminants.

Sec. 102. Disinfectants and disinfection byproducts.

Sec. 103. Limited alternative to filtration.

Sec. 104. Standard-setting.

Sec. 105. Ground water disinfection.

Sec. 106. Effective date for regulations.

Sec. 107. Risk assessment, management, and communication.

Sec. 108. Radon, arsenic, and sulfate.

Sec. 109. Urgent threats to public health.

Sec. 110. Recycling of filter backwash.

Sec. 111. Treatment technologies for small systems.

*Subtitle B—State Primary Enforcement Responsibility for Public Water
Systems*

Sec. 121. State primacy.

Subtitle C—Notification and Enforcement

Sec. 131. Public notification.

Sec. 132. Enforcement.

Sec. 133. Judicial review

Subtitle D—Exemptions and Variances

Sec. 141. Exemptions.

Sec. 142. Variances.

Subtitle E—Lead Plumbing and Pipes

Sec. 151. Lead plumbing and pipes.

Subtitle F—Capacity Development

Sec. 161. Capacity development.

TITLE II—AMENDMENTS TO PART C

Sec. 201. Source water quality assessment.

Sec. 202. Federal facilities.

*TITLE III—GENERAL PROVISIONS REGARDING SAFE DRINKING
WATER ACT*

- Sec. 301. Operator certification.*
- Sec. 302. Technical assistance.*
- Sec. 303. Public water system supervision program.*
- Sec. 304. Monitoring and information gathering.*
- Sec. 305. Occurrence data base.*
- Sec. 306. Citizens suits.*
- Sec. 307. Whistle blower.*
- Sec. 308. State revolving funds.*
- Sec. 309. Water conservation plan.*

TITLE IV—MISCELLANEOUS

- Sec. 401. Definitions.*
- Sec. 402. Authorization of appropriations.*
- Sec. 403. New York City watershed protection program.*
- Sec. 404. Estrogenic substances screening program.*
- Sec. 405. Reports on programs administered directly by Environmental Protection Agency.*
- Sec. 406. Return flows.*
- Sec. 407. Emergency powers.*
- Sec. 408. Waterborne disease occurrence study.*
- Sec. 409. Drinking water studies.*
- Sec. 410. Bottled drinking water standards.*
- Sec. 411. Clerical amendments.*

*TITLE V—ADDITIONAL ASSISTANCE FOR WATER INFRASTRUCTURE
AND WATERSHEDS*

- Sec. 501. General program.*
- Sec. 502. New York City Watershed, New York.*
- Sec. 503. Rural and Native villages, Alaska.*
- Sec. 504. Acquisition of lands.*
- Sec. 505. Federal share.*
- Sec. 506. Condition on authorizations of appropriations.*
- Sec. 507. Definitions.*

TITLE VI—DRINKING WATER RESEARCH AUTHORIZATION

- Sec. 601. Drinking water research authorization.*
- Sec. 602. Scientific research review.*

1 SEC. 2. REFERENCES; EFFECTIVE DATE; DISCLAIMER.

- 2 (a) REFERENCES TO SAFE DRINKING WATER ACT.—**
- 3 Except as otherwise expressly provided, whenever in this**
- 4 Act an amendment or repeal is expressed in terms of an**
- 5 amendment to, or repeal of, a section or other provision,**
- 6 the reference shall be considered to be made to that section**

1 *or other provision of title XIV of the Public Health Service*
 2 *Act (commonly known as the Safe Drinking Water Act, 42*
 3 *U.S.C. 300f et seq.).*

4 (b) *EFFECTIVE DATE.*—*Except as otherwise specified*
 5 *in this Act or in the amendments made by this Act, this*
 6 *Act and the amendments made by this Act shall take effect*
 7 *on the date of enactment of this Act.*

8 (c) *DISCLAIMER.*—*Nothing in this Act or in any*
 9 *amendments made by this Act to title XIV of the Public*
 10 *Health Service Act (commonly known as the Safe Drinking*
 11 *Water Act) or any other law shall be construed by the Ad-*
 12 *ministrator of the Environmental Protection Agency or the*
 13 *courts as affecting, modifying, expanding, changing, or al-*
 14 *tering—*

15 (1) *the provisions of the Federal Water Pollution*
 16 *Control Act;*

17 (2) *the duties and responsibilities of the Admin-*
 18 *istrator under that Act; or*

19 (3) *the regulation or control of point or nonpoint*
 20 *sources of pollution discharged into waters covered by*
 21 *that Act.*

22 *The Administrator shall identify in the agency's annual*
 23 *budget all funding and full-time equivalents administering*
 24 *such title XIV separately from funding and staffing for the*
 25 *Federal Water Pollution Control Act.*

1 ***TITLE I—PUBLIC WATER***
 2 ***SYSTEMS***
 3 ***Subtitle A—Promulgation of Na-***
 4 ***tional Primary Drinking Water***
 5 ***Regulations***

6 ***SEC. 101. SELECTION OF ADDITIONAL CONTAMINANTS.***

7 (a) *IN GENERAL.*—Section 1412(b)(3) (42 U.S.C.
 8 300g–1(b)(3)) is amended to read as follows:

9 “(3) *REGULATION OF UNREGULATED CONTAMI-*
 10 *NANTS.*—

11 “(A) *LISTING OF CONTAMINANTS FOR CON-*
 12 *SIDERATION.*—(i) *Not later than 18 months after*
 13 *the date of the enactment of the Safe Drinking*
 14 *Water Act Amendments of 1996 and every 5*
 15 *years thereafter, the Administrator, after con-*
 16 *sultation with the scientific community, includ-*
 17 *ing the Science Advisory Board, after notice and*
 18 *opportunity for public comment, and after con-*
 19 *sidering the occurrence data base established*
 20 *under section 1445(g), shall publish a list of con-*
 21 *taminants which, at the time of publication, are*
 22 *not subject to any proposed or promulgated na-*
 23 *tional primary drinking water regulation, which*
 24 *are known or anticipated to occur in public*

1 *water systems, and which may require regula-*
 2 *tion under this title.*

3 *“(ii) The unregulated contaminants consid-*
 4 *ered under clause (i) shall include, but not be*
 5 *limited to, substances referred to in section*
 6 *101(14) of the Comprehensive Environmental*
 7 *Response, Compensation, and Liability Act of*
 8 *1980, and substances registered as pesticides*
 9 *under the Federal Insecticide, Fungicide, and*
 10 *Rodenticide Act.*

11 *“(iii) The Administrator’s decision whether*
 12 *or not to select an unregulated contaminant for*
 13 *a list under this subparagraph shall not be sub-*
 14 *ject to judicial review.*

15 *“(B) DETERMINATION TO REGULATE.—(i)*
 16 *Not later than 5 years after the date of the enact-*
 17 *ment of the Safe Drinking Water Act Amend-*
 18 *ments of 1996, and every 5 years thereafter, the*
 19 *Administrator shall, by rule, for not fewer than*
 20 *5 contaminants included on the list published*
 21 *under subparagraph (A), make determinations of*
 22 *whether or not to regulate such contaminants.*

23 *“(ii) A determination to regulate a con-*
 24 *taminant shall be based on findings that—*

1 “(I) *the contaminant is known to occur*
2 *or there is a substantial likelihood that the*
3 *contaminant will occur in public water sys-*
4 *tems with a frequency and at a level of pub-*
5 *lic health concern; and*

6 “(II) *regulation of such contaminant*
7 *presents a meaningful opportunity for pub-*
8 *lic health risk reduction for persons served*
9 *by public water systems.*

10 *Such findings shall be based on the best available*
11 *public health information, including the occur-*
12 *rence data base established under section*
13 *1445(g).*

14 “(iii) *The Administrator may make a deter-*
15 *mination to regulate a contaminant that does*
16 *not appear on a list under subparagraph (A) if*
17 *the determination to regulate is made pursuant*
18 *to clause (ii).*

19 “(iv) *A determination under this subpara-*
20 *graph not to regulate a contaminant shall be*
21 *considered final agency action and subject to ju-*
22 *dicial review.*

23 “(C) *PRIORITIES.—In selecting unregulated*
24 *contaminants for consideration under subpara-*
25 *graph (B), the Administrator shall select con-*

1 *taminants that present the greatest public health*
2 *concern. The Administrator, in making such se-*
3 *lection, shall take into consideration, among*
4 *other factors of public health concern, the effect*
5 *of such contaminants upon subgroups that com-*
6 *prise a meaningful portion of the general popu-*
7 *lation (such as infants, children, pregnant*
8 *women, the elderly, individuals with a history of*
9 *serious illness, or other subpopulations) that are*
10 *identifiable as being at greater risk of adverse*
11 *health effects due to exposure to contaminants in*
12 *drinking water than the general population.*

13 *“(D) REGULATION.—For each contaminant*
14 *that the Administrator determines to regulate*
15 *under subparagraph (B), the Administrator shall*
16 *promulgate, by rule, maximum contaminant*
17 *level goals and national primary drinking water*
18 *regulations under this subsection. The Adminis-*
19 *trator shall propose the maximum contaminant*
20 *level goal and national primary drinking water*
21 *regulation not later than 24 months after the de-*
22 *termination to regulate under subparagraph (B),*
23 *and may publish such proposed regulation con-*
24 *current with the determination to regulate. The*
25 *Administrator shall promulgate a maximum*

1 *contaminant level goal and national primary*
 2 *drinking water regulation within 18 months*
 3 *after the proposal thereof. The Administrator, by*
 4 *notice in the Federal Register, may extend the*
 5 *deadline for such promulgation for up to 9*
 6 *months.*

7 *“(E) HEALTH ADVISORIES AND OTHER AC-*
 8 *TIONS.—The Administrator may publish health*
 9 *advisories (which are not regulations) or take*
 10 *other appropriate actions for contaminants not*
 11 *subject to any national primary drinking water*
 12 *regulation.”.*

13 *(b) APPLICABILITY OF PRIOR REQUIREMENTS.—The*
 14 *requirements of subparagraphs (C) and (D) of section*
 15 *1412(b)(3) of title XIV of the Public Health Service Act*
 16 *(commonly known as the Safe Drinking Water Act) as in*
 17 *effect before the enactment of this Act, and any obligation*
 18 *to promulgate regulations pursuant to such subparagraphs*
 19 *not promulgated as of the date of enactment of this Act,*
 20 *are superseded by the amendments made by subsection (a)*
 21 *to such subparagraphs (C) and (D).*

22 **SEC. 102. DISINFECTANTS AND DISINFECTION BYPROD-**
 23 **UCTS.**

24 *Section 1412(b)(3) (42 U.S.C. 300g–1(b)(3)) is amend-*
 25 *ed by adding at the end the following subparagraph:*

1 “(F) *DISINFECTANTS AND DISINFECTION*
 2 *BYPRODUCTS.*—

3 “(i) *INFORMATION COLLECTION*
 4 *RULE.*—*Not later than December 31, 1996,*
 5 *the Administrator shall, after notice and*
 6 *opportunity for public comment, promul-*
 7 *gate an information collection rule to obtain*
 8 *information that will facilitate further revi-*
 9 *sions to the national primary drinking*
 10 *water regulation for disinfectants and dis-*
 11 *infection byproducts, including information*
 12 *on microbial contaminants such as*
 13 *cryptosporidium. The Administrator may*
 14 *extend the December 31, 1996, deadline*
 15 *under this clause for up to 180 days if the*
 16 *Administrator determines that progress to-*
 17 *ward approval of an appropriate analytical*
 18 *method to screen for cryptosporidium is suf-*
 19 *ficiently advanced and approval is likely to*
 20 *be completed within the additional time pe-*
 21 *riod.*

22 “(ii) *ADDITIONAL DEADLINES.*—*The*
 23 *time intervals between promulgation of a*
 24 *final information collection rule, an In-*
 25 *terim Enhanced Surface Water Treatment*

1 *Rule, a Final Enhanced Surface Water*
 2 *Treatment Rule, a Stage I Disinfectants*
 3 *and Disinfection Byproducts Rule, and a*
 4 *Stage II Disinfectants and Disinfection By-*
 5 *products Rule shall be in accordance with*
 6 *the schedule published in volume 59, Fed-*
 7 *eral Register, page 6361 (February 10,*
 8 *1994), in table III.13 of the proposed Infor-*
 9 *mation Collection Rule. If a delay occurs*
 10 *with respect to the promulgation of any rule*
 11 *in the timetable established by this subpara-*
 12 *graph, all subsequent rules shall be com-*
 13 *pleted as expeditiously as practicable but no*
 14 *later than a revised date that reflects the in-*
 15 *terval or intervals for the rules in the time-*
 16 *table.”.*

17 **SEC. 103. LIMITED ALTERNATIVE TO FILTRATION.**

18 *Section 1412(b)(7)(C) is amended by adding the fol-*
 19 *lowing after clause (iv):*

20 *“(v) As an additional alternative to*
 21 *the regulations promulgated pursuant to*
 22 *clauses (i) and (iii), including the criteria*
 23 *for avoiding filtration contained in CFR*
 24 *141.71, a State exercising primary enforce-*
 25 *ment responsibility for public water systems*

may, on a case-by-case basis, and after notice and opportunity for public comment, establish treatment requirements as an alternative to filtration in the case of systems having uninhabited, undeveloped watersheds in consolidated ownership, and having control over access to, and activities in, those watersheds, if the State determines (and the Administrator concurs) that the quality of the source water and the alternative treatment requirements established by the State ensure greater removal or inactivation efficiencies of pathogenic organisms for which national primary drinking water regulations have been promulgated or that are of public health concern than would be achieved by the combination of filtration and chlorine disinfection (in compliance with paragraph (8)).”.

SEC. 104. STANDARD-SETTING.

(a) *IN GENERAL.*—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended as follows:

(1) *In paragraph (4)—*

(A) *by striking “(4) Each” and inserting the following:*

1 “(4) *GOALS AND STANDARDS.*—

2 “(A) *MAXIMUM CONTAMINANT LEVEL*
3 *GOALS.—Each*”;

4 *(B) in the last sentence—*

5 *(i) by striking “Each national” and*
6 *inserting the following:*

7 “(B) *MAXIMUM CONTAMINANT LEVELS.*—
8 *Except as provided in paragraphs (5) and (6),*
9 *each national*”; and

10 *(ii) by striking “maximum level” and*
11 *inserting “maximum contaminant level”;*
12 *and*

13 *(C) by adding at the end the following:*

14 “(C) *DETERMINATION.*—*At the time the Ad-*
15 *ministrator proposes a national primary drink-*
16 *ing water regulation under this paragraph, the*
17 *Administrator shall publish a determination as*
18 *to whether the benefits of the maximum contami-*
19 *nant level justify, or do not justify, the costs*
20 *based on the analysis conducted under para-*
21 *graph (12)(C).”.*

22 *(2) By striking “(5) For the” and inserting the*
23 *following:*

24 “(D) *DEFINITION OF FEASIBLE.*—*For the*”.

1 (3) *In the second sentence of paragraph (4)(D)*
 2 *(as so designated), by striking “paragraph (4)” and*
 3 *inserting “this paragraph”.*

4 (4) *By striking “(6) Each national” and insert-*
 5 *ing the following:*

6 “(E) *FEASIBLE TECHNOLOGIES.*—

7 “(i) *Each national*”.

8 (5) *In paragraph (4)(E)(i) (as so designated), by*
 9 *striking “this paragraph” and inserting “this sub-*
 10 *section”.*

11 (6) *By inserting after paragraph (4) (as so*
 12 *amended) the following:*

13 “(5) *ADDITIONAL HEALTH RISK CONSIDER-*
 14 *ATIONS.*—

15 “(A) *IN GENERAL.*—*Notwithstanding para-*
 16 *graph (4), the Administrator may establish a*
 17 *maximum contaminant level for a contaminant*
 18 *at a level other than the feasible level, if the tech-*
 19 *nology, treatment techniques, and other means*
 20 *used to determine the feasible level would result*
 21 *in an increase in the health risk from drinking*
 22 *water by—*

23 “(i) *increasing the concentration of*
 24 *other contaminants in drinking water; or*

1 “(ii) interfering with the efficacy of
 2 drinking water treatment techniques or
 3 processes that are used to comply with other
 4 national primary drinking water regula-
 5 tions.

6 “(B) *ESTABLISHMENT OF LEVEL.*—If the
 7 Administrator establishes a maximum contami-
 8 nant level or levels or requires the use of treat-
 9 ment techniques for any contaminant or con-
 10 taminants pursuant to the authority of this
 11 paragraph—

12 “(i) the level or levels or treatment
 13 techniques shall minimize the overall risk of
 14 adverse health effects by balancing the risk
 15 from the contaminant and the risk from
 16 other contaminants the concentrations of
 17 which may be affected by the use of a treat-
 18 ment technique or process that would be em-
 19 ployed to attain the maximum contaminant
 20 level or levels; and

21 “(ii) the combination of technology,
 22 treatment techniques, or other means re-
 23 quired to meet the level or levels shall not
 24 be more stringent than is feasible (as de-
 25 fined in paragraph (4)(D)).

1 “(6) *ADDITIONAL HEALTH RISK REDUCTION AND*
 2 *COST CONSIDERATIONS.*—

3 “(A) *IN GENERAL.*—*Notwithstanding para-*
 4 *graph (4), if the Administrator determines based*
 5 *on an analysis conducted under paragraph*
 6 *(12)(C) that the benefits of a maximum contami-*
 7 *nant level promulgated in accordance with para-*
 8 *graph (4) would not justify the costs of comply-*
 9 *ing with the level, the Administrator may, after*
 10 *notice and opportunity for public comment, pro-*
 11 *mulgate a maximum contaminant level for the*
 12 *contaminant that maximizes health risk reduc-*
 13 *tion benefits at a cost that is justified by the ben-*
 14 *efits.*

15 “(B) *EXCEPTION.*—*The Administrator shall*
 16 *not use the authority of this paragraph to pro-*
 17 *mulgate a maximum contaminant level for a*
 18 *contaminant, if the benefits of compliance with*
 19 *a national primary drinking water regulation*
 20 *for the contaminant that would be promulgated*
 21 *in accordance with paragraph (4) experienced*
 22 *by—*

23 “(i) *persons served by large public*
 24 *water systems; and*

1 “(ii) persons served by such other sys-
 2 tems as are unlikely, based on information
 3 provided by the States, to receive a variance
 4 under section 1415(e) (relating to small sys-
 5 tem assistance program);
 6 would justify the costs to the systems of comply-
 7 ing with the regulation. This subparagraph shall
 8 not apply if the contaminant is found almost ex-
 9 clusively in small systems (as defined in section
 10 1415(e), relating to small system assistance pro-
 11 gram).

12 “(C) *DISINFECTANTS AND DISINFECTION*
 13 *BYPRODUCTS.*—The Administrator may not use
 14 the authority of this paragraph to establish a
 15 maximum contaminant level in a Stage I or
 16 Stage II national primary drinking water regu-
 17 lation for contaminants that are disinfectants or
 18 disinfection byproducts (as described in para-
 19 graph (3)(F)), or to establish a maximum con-
 20 taminant level or treatment technique require-
 21 ment for the control of cryptosporidium. The au-
 22 thority of this paragraph may be used to estab-
 23 lish regulations for the use of disinfection by sys-
 24 tems relying on ground water sources as required
 25 by paragraph (8).

1 “(D) *JUDICIAL REVIEW.*—A determination
 2 by the Administrator that the benefits of a maxi-
 3 mum contaminant level or treatment require-
 4 ment justify or do not justify the costs of comply-
 5 ing with the level shall be reviewed by the court
 6 pursuant to section 1448 only as part of a re-
 7 view of a final national primary drinking water
 8 regulation that has been promulgated based on
 9 the determination and shall not be set aside by
 10 the court under that section unless the court
 11 finds that the determination is arbitrary and ca-
 12 pricious.”.

13 (b) *DISINFECTANTS AND DISINFECTION BYPROD-*
 14 *UCTS.*—The Administrator of the Environmental Protection
 15 Agency may use the authority of section 1412(b)(5) of the
 16 Public Health Service Act (as amended by this Act) to pro-
 17 mulgate the Stage I and Stage II rules for disinfectants
 18 and disinfection byproducts as proposed in volume 59, *Fed-*
 19 *eral Register*, page 38668 (July 29, 1994). The consider-
 20 ations used in the development of the July 29, 1994, pro-
 21 posed national primary drinking water regulation on Dis-
 22 infection and Disinfection Byproducts shall be treated as
 23 consistent with such section 1412(b)(5) for purposes of such
 24 Stage I and Stage II rules.

1 (c) *REVIEW OF STANDARDS.*—Section 1412(b)(9) (42
2 U.S.C. 300g–1(b)) is amended to read as follows:

3 “(9) *REVIEW AND REVISION.*—The Adminis-
4 trator shall, not less often than every 6 years, review
5 and revise, as appropriate, each national primary
6 drinking water regulation promulgated under this
7 title. Any revision of a national primary drinking
8 water regulation shall be promulgated in accordance
9 with this section, except that each revision shall
10 maintain, or provide for greater, protection of the
11 health of persons.”.

12 **SEC. 105. GROUND WATER DISINFECTION.**

13 Section 1412(b)(8) (42 U.S.C. 300g–1(b)(8)) is amend-
14 ed by striking the first sentence and inserting the following:
15 “At any time after the end of the 3-year period that begins
16 on the date of enactment of the Safe Drinking Water Act
17 Amendments of 1996, but not later than the date on which
18 the Administrator promulgates a Stage II rulemaking for
19 disinfectants and disinfection byproducts (as described in
20 paragraph (3)(F)(ii)), the Administrator shall also promul-
21 gate national primary drinking water regulations requir-
22 ing disinfection as a treatment technique for all public
23 water systems, including surface water systems and, as nec-
24 essary, ground water systems. After consultation with the
25 States, the Administrator shall (as part of the regulations)

1 *promulgate criteria that the Administrator, or a State that*
 2 *has primary enforcement responsibility under section 1413,*
 3 *shall apply to determine whether disinfection shall be re-*
 4 *quired as a treatment technique for any public water sys-*
 5 *tem served by ground water. A State that has primary en-*
 6 *forcement authority shall develop a plan through which*
 7 *ground water disinfection determinations are made. The*
 8 *plan shall be based on the Administrator's criteria and*
 9 *shall be submitted to the Administrator for approval.”.*

10 **SEC. 106. EFFECTIVE DATE FOR REGULATIONS.**

11 *Section 1412(b)(10) (42 U.S.C. 300g-1(b)(10)) is*
 12 *amended to read as follows:*

13 *“(10) EFFECTIVE DATE.—A national primary*
 14 *drinking water regulation promulgated under this*
 15 *section (and any amendment thereto) shall take effect*
 16 *on the date that is 3 years after the date on which*
 17 *the regulation is promulgated unless the Adminis-*
 18 *trator determines that an earlier date is practicable,*
 19 *except that the Administrator, or a State (in the case*
 20 *of an individual system), may allow up to 2 addi-*
 21 *tional years to comply with a maximum contaminant*
 22 *level or treatment technique if the Administrator or*
 23 *State (in the case of an individual system) determines*
 24 *that additional time is necessary for capital improve-*
 25 *ments.”.*

1 **SEC. 107. RISK ASSESSMENT, MANAGEMENT, AND COMMU-**
 2 **NICATION.**

3 *Section 1412(b) (42 U.S.C. 300g-1(b)) is amended by*
 4 *inserting after paragraph (11) the following:*

5 “(12) *RISK ASSESSMENT, MANAGEMENT AND*
 6 *COMMUNICATION.—*

7 “(A) *USE OF SCIENCE IN DECISIONMAK-*
 8 *ING.—In carrying out this section, and, to the*
 9 *degree that an Agency action is based on science,*
 10 *the Administrator shall use—*

11 “(i) *the best available, peer-reviewed*
 12 *science and supporting studies conducted in*
 13 *accordance with sound and objective sci-*
 14 *entific practices; and*

15 “(ii) *data collected by accepted meth-*
 16 *ods or best available methods (if the reliabil-*
 17 *ity of the method and the nature of the deci-*
 18 *sion justifies use of the data).*

19 “(B) *PUBLIC INFORMATION.—In carrying*
 20 *out this section, the Administrator shall ensure*
 21 *that the presentation of information on public*
 22 *health effects is comprehensive, informative and*
 23 *understandable. The Administrator shall, in a*
 24 *document made available to the public in sup-*
 25 *port of a regulation promulgated under this sec-*
 26 *tion, specify, to the extent practicable—*

1 “(i) each population addressed by any
2 estimate of public health effects;

3 “(ii) the expected risk or central esti-
4 mate of risk for the specific populations;

5 “(iii) each appropriate upper-bound or
6 lower-bound estimate of risk;

7 “(iv) each significant uncertainty
8 identified in the process of the assessment of
9 public health effects and studies that would
10 assist in resolving the uncertainty; and

11 “(v) peer-reviewed studies known to the
12 Administrator that support, are directly
13 relevant to, or fail to support any estimate
14 of public health effects and the methodology
15 used to reconcile inconsistencies in the sci-
16 entific data.

17 “(C) *HEALTH RISK REDUCTION AND COST*
18 *ANALYSIS.*—

19 “(i) *MAXIMUM CONTAMINANT LEV-*
20 *ELS.*—When proposing any national pri-
21 mary drinking water regulation that in-
22 cludes a maximum contaminant level, the
23 Administrator shall, with respect to a maxi-
24 mum contaminant level that is being con-
25 sidered in accordance with paragraph (4)

1 *and each alternative maximum contami-*
2 *nant level that is being considered pursuant*
3 *to paragraph (5) or (6)(A), publish, seek*
4 *public comment on, and use for the pur-*
5 *poses of paragraphs (4), (5), and (6) an*
6 *analysis of:*

7 “(I) Quantifiable and nonquan-

8 *tifiable health risk reduction benefits*
9 *for which there is a factual basis in the*
10 *rulemaking record to conclude that*
11 *such benefits are likely to occur as the*
12 *result of treatment to comply with each*
13 *level.*

14 “(II) Quantifiable and nonquan-

15 *tifiable health risk reduction benefits*
16 *for which there is a factual basis in the*
17 *rulemaking record to conclude that*
18 *such benefits are likely to occur from*
19 *reductions in co-occurring contami-*
20 *nants that may be attributed solely to*
21 *compliance with the maximum con-*
22 *taminant level, excluding benefits re-*
23 *sulting from compliance with other*
24 *proposed or promulgated regulations.*

1 “(III) Quantifiable and nonquan-
2 tifiable costs for which there is a fac-
3 tual basis in the rulemaking record to
4 conclude that such costs are likely to
5 occur solely as a result of compliance
6 with the maximum contaminant level,
7 including monitoring, treatment, and
8 other costs and excluding costs result-
9 ing from compliance with other pro-
10 posed or promulgated regulations.

11 “(IV) The incremental costs and
12 benefits associated with each alter-
13 native maximum contaminant level
14 considered.

15 “(V) The effects of the contami-
16 nant on the general population and on
17 groups within the general population
18 such as infants, children, pregnant
19 women, the elderly, individuals with a
20 history of serious illness, or other sub-
21 populations that are identified as like-
22 ly to be at greater risk of adverse
23 health effects due to exposure to con-
24 taminants in drinking water than the
25 general population.

1 “(VI) *Any increased health risk*
 2 *that may occur as the result of compli-*
 3 *ance, including risks associated with*
 4 *co-occurring contaminants.*

5 “(VII) *Other relevant factors, in-*
 6 *cluding the quality and extent of the*
 7 *information, the uncertainties in the*
 8 *analysis supporting subclauses (I)*
 9 *through (VI), and factors with respect*
 10 *to the degree and nature of the risk.*

11 “(ii) *TREATMENT TECHNIQUES.—When*
 12 *proposing a national primary drinking*
 13 *water regulation that includes a treatment*
 14 *technique in accordance with paragraph*
 15 *(7)(A), the Administrator shall publish and*
 16 *seek public comment on an analysis of the*
 17 *health risk reduction benefits and costs like-*
 18 *ly to be experienced as the result of compli-*
 19 *ance with the treatment technique and al-*
 20 *ternative treatment techniques that are*
 21 *being considered, taking into account, as*
 22 *appropriate, the factors described in clause*
 23 *(i).*

24 “(iii) *APPROACHES TO MEASURE AND*
 25 *VALUE BENEFITS.—The Administrator may*

1 *identify valid approaches for the measure-*
 2 *ment and valuation of benefits under this*
 3 *subparagraph, including approaches to*
 4 *identify consumer willingness to pay for re-*
 5 *ductions in health risks from drinking*
 6 *water contaminants.*

7 “(iv) *AUTHORIZATION.—There are au-*
 8 *thorized to be appropriated to the Adminis-*
 9 *trator, acting through the Office of Ground*
 10 *Water and Drinking Water, to conduct*
 11 *studies, assessments, and analyses in sup-*
 12 *port of regulations or the development of*
 13 *methods, \$35,000,000 for each of fiscal years*
 14 *1996 through 2003.”.*

15 **SEC. 108. RADON, ARSENIC, AND SULFATE.**

16 *Section 1412(b) is amended by inserting after para-*
 17 *graph (12) the following:*

18 “(13) *CERTAIN CONTAMINANTS.—*

19 “(A) *RADON.—Any proposal published by*
 20 *the Administrator before the enactment of the*
 21 *Safe Drinking Water Act Amendments of 1996 to*
 22 *establish a national primary drinking water*
 23 *standard for radon shall be withdrawn by the*
 24 *Administrator. Notwithstanding any provision*
 25 *of any law enacted prior to the enactment of the*

1 *Safe Drinking Water Act Amendments of 1996,*
2 *within 3 years of such date of enactment, the Ad-*
3 *ministrator shall propose and promulgate a na-*
4 *tional primary drinking water regulation for*
5 *radon under this section, as amended by the Safe*
6 *Drinking Water Act Amendments of 1996. In*
7 *undertaking any risk analysis and benefit cost*
8 *analysis in connection with the promulgation of*
9 *such standard, the Administrator shall take into*
10 *account the costs and benefits of control pro-*
11 *grams for radon from other sources.*

12 “(B) *ARSENIC.—(i) Notwithstanding the*
13 *deadlines set forth in paragraph (1), the Admin-*
14 *istrator shall promulgate a national primary*
15 *drinking water regulation for arsenic pursuant*
16 *to this subsection, in accordance with the sched-*
17 *ule established by this paragraph.*

18 “(ii) *Not later than 180 days after the date*
19 *of enactment of this paragraph, the Adminis-*
20 *trator shall develop a comprehensive plan for*
21 *study in support of drinking water rulemaking*
22 *to reduce the uncertainty in assessing health*
23 *risks associated with exposure to low levels of ar-*
24 *senic. In conducting such study, the Adminis-*
25 *trator shall consult with the National Academy*

1 *of Sciences, other Federal agencies, and inter-*
 2 *ested public and private entities.*

3 *“(iii) In carrying out the study plan, the*
 4 *Administrator may enter into cooperative agree-*
 5 *ments with other Federal agencies, State and*
 6 *local governments, and other interested public*
 7 *and private entities.*

8 *“(iv) The Administrator shall propose a na-*
 9 *tional primary drinking water regulation for ar-*
 10 *senic not later than January 1, 2000.*

11 *“(v) Not later than January 1, 2001, after*
 12 *notice and opportunity for public comment, the*
 13 *Administrator shall promulgate a national pri-*
 14 *mary drinking water regulation for arsenic.*

15 *“(vi) There are authorized to be appro-*
 16 *priated \$2,000,000 for each of fiscal years 1997*
 17 *through 2001 for the studies required by this*
 18 *paragraph.*

19 *“(C) SULFATE.—*

20 *“(i) ADDITIONAL STUDY.—Prior to*
 21 *promulgating a national primary drinking*
 22 *water regulation for sulfate, the Adminis-*
 23 *trator and the Director of the Centers for*
 24 *Disease Control and Prevention shall jointly*
 25 *conduct an additional study to establish a*

1 *reliable dose-response relationship for the*
2 *adverse human health effects that may re-*
3 *sult from exposure to sulfate in drinking*
4 *water, including the health effects that may*
5 *be experienced by groups within the general*
6 *population (including infants and travelers)*
7 *that are potentially at greater risk of ad-*
8 *verse health effects as the result of such ex-*
9 *posure. The study shall be conducted in con-*
10 *sultation with interested States, shall be*
11 *based on the best available, peer-reviewed*
12 *science and supporting studies conducted in*
13 *accordance with sound and objective sci-*
14 *entific practices.*

15 “(ii) *PROPOSED AND FINAL RULE.—*
16 *Notwithstanding the deadlines set forth in*
17 *paragraph (1), the Administrator may,*
18 *pursuant to the authorities of this sub-*
19 *section and after notice and opportunity for*
20 *public comment, promulgate a final na-*
21 *tional primary drinking water regulation*
22 *for sulfate. Any such regulation shall in-*
23 *clude requirements for public notification*
24 *and options for the provision of alternative*
25 *water supplies to populations at risk as a*

1 means of complying with the regulation in
 2 lieu of a best available treatment technology
 3 or other means.”.

4 **SEC. 109. URGENT THREATS TO PUBLIC HEALTH.**

5 Section 1412(b) is amended by inserting the following
 6 after paragraph (13):

7 “(14) URGENT THREATS TO PUBLIC HEALTH.—
 8 The Administrator may promulgate an interim na-
 9 tional primary drinking water regulation for a con-
 10 taminant without making a determination for the
 11 contaminant under paragraph (4)(C) or completing
 12 the analysis under paragraph (12)(C) to address an
 13 urgent threat to public health as determined by the
 14 Administrator after consultation with and written re-
 15 sponse to any comments provided by the Secretary of
 16 Health and Human Services, acting through the di-
 17 rector of the Centers for Disease Control and Preven-
 18 tion or the director of the National Institutes of
 19 Health. A determination for any contaminant in ac-
 20 cordance with paragraph (4)(C) subject to an interim
 21 regulation under this subparagraph shall be issued,
 22 and a completed analysis meeting the requirements of
 23 paragraph (12)(C) shall be published, not later than
 24 3 years after the date on which the regulation is pro-
 25 mulgated and the regulation shall be repromulgated,

1 or revised if appropriate, not later than 5 years after
2 that date.”.

3 **SEC. 110. RECYCLING OF FILTER BACKWASH.**

4 Section 1412(b) is amended by adding the following
5 new paragraph after paragraph (14):

6 “(15) *RECYCLING OF FILTER BACKWASH.*—The
7 Administrator shall promulgate a regulation to gov-
8 ern the recycling of filter backwash water within the
9 treatment process of a public water system. The Ad-
10 ministrator shall promulgate such regulation not
11 later than 4 years after the date of the enactment of
12 the Safe Drinking Water Act Amendments of 1996
13 unless such recycling has been addressed by the Ad-
14 ministrator’s ‘enhanced surface water treatment rule’
15 prior to such date.”.

16 **SEC. 111. TREATMENT TECHNOLOGIES FOR SMALL SYS-**
17 **TEMS.**

18 (a) *LIST OF TECHNOLOGIES FOR SMALL SYSTEMS.*—
19 Section 1412(b)(4)(E) (42 U.S.C. 300g–1(b)(4)(E)), is
20 amended by adding at the end the following:

21 “(ii) The Administrator shall include
22 in the list any technology, treatment tech-
23 nique, or other means that is affordable for
24 small public water systems serving—

1 “(I) a population of 10,000 or
2 fewer but more than 3,300;

3 “(II) a population of 3,300 or
4 fewer but more than 500; and

5 “(III) a population of 500 or
6 fewer but more than 25;

7 and that achieves compliance with the max-
8 imum contaminant level or treatment tech-
9 nique, including packaged or modular sys-
10 tems and point-of-entry or point-of-use
11 treatment units. Point-of-entry and point-
12 of-use treatment units shall be owned, con-
13 trolled and maintained by the public water
14 system or by a person under contract with
15 the public water system to ensure proper
16 operation and maintenance and compliance
17 with the maximum contaminant level or
18 treatment technique and equipped with me-
19 chanical warnings to ensure that customers
20 are automatically notified of operational
21 problems. If the American National Stand-
22 ards Institute has issued product standards
23 applicable to a specific type of point-of-
24 entry or point-of-use treatment unit, indi-
25 vidual units of that type shall not be ac-

1 *cepted for compliance with a maximum*
2 *contaminant level or treatment technique*
3 *requirement unless they are independently*
4 *certified in accordance with such standards.*

5 *“(iii) Except as provided in clause (v),*
6 *not later than 2 years after the date of the*
7 *enactment of this clause and after consulta-*
8 *tion with the States, the Administrator*
9 *shall issue a list of technologies that achieve*
10 *compliance with the maximum contaminant*
11 *level or treatment technique for each cat-*
12 *egory of public water systems described in*
13 *subclauses (I), (II), and (III) of clause (ii)*
14 *for each national primary drinking water*
15 *regulation promulgated prior to the date of*
16 *the enactment of this paragraph.*

17 *“(iv) The Administrator may, at any*
18 *time after a national primary drinking*
19 *water regulation has been promulgated,*
20 *supplement the list of technologies describ-*
21 *ing additional or new or innovative treat-*
22 *ment technologies that meet the require-*
23 *ments of this paragraph for categories of*
24 *small public water systems described in sub-*

1 *clauses (I), (II) and (III) of clause (ii) that*
 2 *are subject to the regulation.*

3 *“(v) Within one year after the enact-*
 4 *ment of this clause, the Administrator shall*
 5 *list technologies that meet the surface water*
 6 *treatment rules for each category of public*
 7 *water systems described in subclauses (I),*
 8 *(II), and (III) of clause (ii).”.*

9 *(b) AVAILABILITY OF INFORMATION ON SMALL SYSTEM*
 10 *TECHNOLOGIES.—Section 1445 (42 U.S.C. 300j-4) is*
 11 *amended by adding after subsection (g):*

12 *“(h) AVAILABILITY OF INFORMATION ON SMALL SYS-*
 13 *TEM TECHNOLOGIES.—For purposes of sections*
 14 *1412(b)(4)(E) and 1415(e) (relating to small system assist-*
 15 *ance program), 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 various*
 19 *operating conditions. The Administrator may specify the*
 20 *form, content, and submission date of information to be sub-*
 21 *mitted by manufacturers, States, and other interested per-*
 22 *sons for the purpose of considering the systems and tech-*
 23 *nologies in the development of regulations or guidance*
 24 *under sections 1412(b)(4)(E) and 1415(e).”.*

1 ***Subtitle B—State Primary Enforce-***
 2 ***ment Responsibility for Public***
 3 ***Water Systems***

4 ***SEC. 121. STATE PRIMACY.***

5 (a) *STATE PRIMARY ENFORCEMENT RESPONSIBIL-*
 6 *ITY.—Section 1413 (42 U.S.C. 300g–2) is amended as fol-*
 7 *lows:*

8 (1) *In subsection (a), by amending paragraph*
 9 *(1) to read as follows:*

10 “(1) *has adopted drinking water regulations that*
 11 *are no less stringent than the national primary*
 12 *drinking water regulations promulgated by the Ad-*
 13 *ministrator under subsections (a) and (b) of section*
 14 *1412 not later than 2 years after the date on which*
 15 *the regulations are promulgated by the Adminis-*
 16 *trator, except that the Administrator may provide for*
 17 *an extension of not more than 2 years if, after sub-*
 18 *mission and review of appropriate, adequate docu-*
 19 *mentation from the State, the Administrator deter-*
 20 *mines that the extension is necessary and justified;”.*

21 (2) *By adding at the end the following sub-*
 22 *section:*

23 “(c) *INTERIM PRIMARY ENFORCEMENT AUTHORITY.—*
 24 *A State that has primary enforcement authority under this*
 25 *section with respect to each existing national primary*

1 *drinking water regulation shall be considered to have pri-*
 2 *mary enforcement authority with respect to each new or re-*
 3 *vised national primary drinking water regulation during*
 4 *the period beginning on the effective date of a regulation*
 5 *adopted and submitted by the State with respect to the new*
 6 *or revised national primary drinking water regulation in*
 7 *accordance with subsection (b)(1) and ending at such time*
 8 *as the Administrator makes a determination under sub-*
 9 *section (b)(2)(B) with respect to the regulation.”.*

10 (b) *EMERGENCY PLANS.*—Section 1413(a)(5) is
 11 amended by inserting after “emergency circumstances” the
 12 following: “including earthquakes, floods, hurricanes, and
 13 other natural disasters, as appropriate”.

14 ***Subtitle C—Notification and***
 15 ***Enforcement***

16 ***SEC. 131. PUBLIC NOTIFICATION.***

17 Section 1414(c) (42 U.S.C. 300g–3(c)) is amended to
 18 read as follows:

19 “(c) *NOTICE TO PERSONS SERVED.*—

20 “(1) *IN GENERAL.*—Each owner or operator of a
 21 public water system shall give notice of each of the
 22 following to the persons served by the system:

23 “(A) Notice of any failure on the part of the
 24 public water system to—

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

6 “(ii) *perform monitoring required by*
 7 *section 1445(a).*

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

14 “(i) *the existence of the variance or ex-*
 15 *emption; and*

16 “(ii) *any failure to comply with the re-*
 17 *quirements of any schedule prescribed pur-*
 18 *suant to the variance or exemption.*

19 “(C) *Notice of the concentration level of any*
 20 *unregulated contaminant for which the Adminis-*
 21 *trator has required public notice pursuant to*
 22 *paragraph (2)(E).*

23 “(2) *FORM, MANNER, AND FREQUENCY OF NO-*
 24 *TICE.—*

1 “(A) *IN GENERAL.*—*The Administrator*
 2 *shall, by regulation, and after consultation with*
 3 *the States, prescribe the manner, frequency,*
 4 *form, and content for giving notice under this*
 5 *subsection. The regulations shall—*

6 “(i) *provide for different frequencies of*
 7 *notice based on the differences between vio-*
 8 *lations that are intermittent or infrequent*
 9 *and violations that are continuous or fre-*
 10 *quent; and*

11 “(ii) *take into account the seriousness*
 12 *of any potential adverse health effects that*
 13 *may be involved.*

14 “(B) *STATE REQUIREMENTS.*—

15 “(i) *IN GENERAL.*—*A State may, by*
 16 *rule, establish alternative notification re-*
 17 *quirements—*

18 “(I) *with respect to the form and*
 19 *content of notice given under and in a*
 20 *manner in accordance with subpara-*
 21 *graph (C); and*

22 “(II) *with respect to the form and*
 23 *content of notice given under subpara-*
 24 *graph (D).*

1 “(ii) *CONTENTS.—The alternative re-*
 2 *quirements shall provide the same type and*
 3 *amount of information as required pursu-*
 4 *ant to this subsection and regulations issued*
 5 *under subparagraph (A).*

6 “(iii) *RELATIONSHIP TO SECTION*
 7 *1413.—Nothing in this subparagraph shall*
 8 *be construed or applied to modify the re-*
 9 *quirements of section 1413.*

10 “(C) *VIOLATIONS WITH POTENTIAL TO HAVE*
 11 *SERIOUS ADVERSE EFFECTS ON HUMAN*
 12 *HEALTH.—Regulations issued under subpara-*
 13 *graph (A) shall specify notification procedures*
 14 *for each violation by a public water system that*
 15 *has the potential to have serious adverse effects*
 16 *on human health as a result of short-term expo-*
 17 *sure. Each notice of violation provided under*
 18 *this subparagraph shall—*

19 “(i) *be distributed as soon as prac-*
 20 *ticable after the occurrence of the violation,*
 21 *but not later than 24 hours after the occur-*
 22 *rence of the violation;*

23 “(ii) *provide a clear and readily un-*
 24 *derstandable explanation of—*

25 “(I) *the violation;*

1 “(II) the potential adverse effects
2 on human health;

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

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

9 “(iii) be provided to the Administrator
10 or the head of the State agency that has pri-
11 mary enforcement responsibility under sec-
12 tion 1413 as soon as practicable, but not
13 later than 24 hours after the occurrence of
14 the violation; and

15 “(iv) as required by the State agency
16 in general regulations of the State agency,
17 or on a case-by-case basis after the consulta-
18 tion referred to in clause (iii), considering
19 the health risks involved—

20 “(I) be provided to appropriate
21 broadcast media;

22 “(II) be prominently published in
23 a newspaper of general circulation
24 serving the area not later than 1 day
25 after distribution of a notice pursuant

1 to clause (i) or the date of publication
2 of the next issue of the newspaper; or

3 “(III) be provided by posting or
4 door-to-door notification in lieu of no-
5 tification by means of broadcast media
6 or newspaper.

7 “(D) WRITTEN NOTICE.—

8 “(i) IN GENERAL.—Regulations issued
9 under subparagraph (A) shall specify notifi-
10 cation procedures for violations other than
11 the violations covered by subparagraph (C).
12 The procedures shall specify that a public
13 water system shall provide written notice to
14 each person served by the system by notice
15 (I) in the first bill (if any) prepared after
16 the date of occurrence of the violation, (II)
17 in an annual report issued not later than
18 1 year after the date of occurrence of the
19 violation, or (III) by mail or direct delivery
20 as soon as practicable, but not later than 1
21 year after the date of occurrence of the vio-
22 lation.

23 “(ii) FORM AND MANNER OF NOTICE.—

24 The Administrator shall prescribe the form
25 and manner of the notice to provide a clear

1 *and readily understandable explanation of*
 2 *the violation, any potential adverse health*
 3 *effects, and the steps that the system is tak-*
 4 *ing to seek alternative water supplies, if*
 5 *any, until the violation is corrected.*

6 “(E) *UNREGULATED CONTAMINANTS.*—*The*
 7 *Administrator may require the owner or opera-*
 8 *tor of a public water system to give notice to the*
 9 *persons served by the system of the concentration*
 10 *levels of an unregulated contaminant required to*
 11 *be monitored under section 1445(a).*

12 “(3) *REPORTS.*—

13 “(A) *ANNUAL REPORT BY STATE.*—

14 “(i) *IN GENERAL.*—*Not later than Jan-*
 15 *uary 1, 1998, and annually thereafter, each*
 16 *State that has primary enforcement respon-*
 17 *sibility under section 1413 shall prepare,*
 18 *make readily available to the public, and*
 19 *submit to the Administrator an annual re-*
 20 *port on violations of national primary*
 21 *drinking water regulations by public water*
 22 *systems in the State, including violations*
 23 *with respect to (I) maximum contaminant*
 24 *levels, (II) treatment requirements, (III)*
 25 *variances and exemptions, and (IV) mon-*

1 *itoring requirements determined to be sig-*
2 *nificant by the Administrator after con-*
3 *sultation with the States.*

4 “(ii) *DISTRIBUTION.*—*The State shall*
5 *publish and distribute summaries of the re-*
6 *port and indicate where the full report is*
7 *available for review.*

8 “(B) *ANNUAL REPORT BY ADMINIS-*
9 *TRATOR.*—*Not later than July 1, 1998, and an-*
10 *nually thereafter, the Administrator shall pre-*
11 *pare and make available to the public an annual*
12 *report summarizing and evaluating reports sub-*
13 *mitted by States pursuant to subparagraph (A)*
14 *and notices submitted by public water systems*
15 *serving Indian Tribes provided to the Adminis-*
16 *trator pursuant to subparagraph (C) or (D) of*
17 *paragraph (2) and making recommendations*
18 *concerning the resources needed to improve com-*
19 *pliance with this title. The report shall include*
20 *information about public water system compli-*
21 *ance on Indian reservations and about enforce-*
22 *ment activities undertaken and financial assist-*
23 *ance provided by the Administrator on Indian*
24 *reservations, and shall make specific rec-*
25 *ommendations concerning the resources needed to*

1 *improve compliance with this title on Indian*
 2 *reservations.*

3 “(4) *CONSUMER CONFIDENCE REPORTS BY COM-*
 4 *MUNITY WATER SYSTEMS.—*

5 “(A) *ANNUAL REPORTS TO CONSUMERS.—*
 6 *The Administrator, in consultation with public*
 7 *water systems, environmental groups, public in-*
 8 *terest groups, risk communication experts, and*
 9 *the States, and other interested parties, shall*
 10 *issue regulations within 24 months after the date*
 11 *of the enactment of this paragraph to require*
 12 *each community water system to mail to each*
 13 *customer of the system at least once annually a*
 14 *report on the level of contaminants in the drink-*
 15 *ing water purveyed by that system (hereinafter*
 16 *in this paragraph referred to as a ‘consumer*
 17 *confidence report’). Such regulations shall pro-*
 18 *vide a brief and plainly worded definition of the*
 19 *terms ‘maximum contaminant level goal’ and*
 20 *‘maximum contaminant level’ and brief state-*
 21 *ments in plain language regarding the health*
 22 *concerns that resulted in regulation of each regu-*
 23 *lated contaminant. The regulations shall also*
 24 *provide for an Environmental Protection Agency*

1 toll-free hot-line that consumers can call for more
2 information and explanation.

3 “(B) CONTENTS OF REPORT.—The
4 consumer confidence reports under this para-
5 graph shall include, but not be limited to, each
6 of the following:

7 “(i) Information on the source of the
8 water purveyed.

9 “(ii) A brief and plainly worded defi-
10 nition of the terms ‘maximum contaminant
11 level goal’ and ‘maximum contaminant
12 level’, as provided in the regulations of the
13 Administrator.

14 “(iii) If any regulated contaminant is
15 detected in the water purveyed by the public
16 water system, a statement setting forth (I)
17 the maximum contaminant level goal, (II)
18 the maximum contaminant level, (III) the
19 level of such contaminant in such water sys-
20 tem, and (IV) for any regulated contami-
21 nant for which there has been a violation of
22 the maximum contaminant level during the
23 year concerned, the brief statement in plain
24 language regarding the health concerns that
25 resulted in regulation of such contaminant,

1 *as provided by the Administrator in regula-*
2 *tions under subparagraph (A).*

3 “(iv) *Information on compliance with*
4 *national primary drinking water regula-*
5 *tions.*

6 “(v) *Information on the levels of un-*
7 *regulated contaminants for which monitor-*
8 *ing is required under section 1445(a)(2)*
9 *(including levels of cryptosporidium and*
10 *radon where States determine they may be*
11 *found).*

12 “(vi) *A statement that more informa-*
13 *tion about contaminants and potential*
14 *health effects can be obtained by calling the*
15 *Environmental Protection Agency hot line.*

16 *A public water system may include such addi-*
17 *tional information as it deems appropriate for*
18 *public education. The Administrator may, for*
19 *not more than 3 regulated contaminants other*
20 *than those referred to in subclause (IV) of clause*
21 *(iii), require a consumer confidence report under*
22 *this paragraph to include the brief statement in*
23 *plain language regarding the health concerns*
24 *that resulted in regulation of the contaminant or*
25 *contaminants concerned, as provided by the Ad-*

1 *ministrator in regulations under subparagraph*
 2 *(A).*

3 “(C) *COVERAGE.—The Governor of a State*
 4 *may determine not to apply the mailing require-*
 5 *ment of subparagraph (A) to a community water*
 6 *system serving fewer than 10,000 persons. Any*
 7 *such system shall—*

8 “(i) *inform its customers that the sys-*
 9 *tem will not be complying with subpara-*
 10 *graph (A),*

11 “(ii) *make information available upon*
 12 *request to the public regarding the quality*
 13 *of the water supplied by such system, and*

14 “(iii) *publish the report referred to in*
 15 *subparagraph (A) annually in one or more*
 16 *local newspapers serving the area in which*
 17 *customers of the system are located.*

18 “(D) *ALTERNATIVE FORM AND CONTENT.—*
 19 *A State exercising primary enforcement respon-*
 20 *sibility may establish, by rule, after notice and*
 21 *public comment, alternative requirements with*
 22 *respect to the form and content of consumer con-*
 23 *fidence reports under this paragraph.”.*

1 **SEC. 132. ENFORCEMENT.**

2 (a) *IN GENERAL.*—Section 1414 (42 U.S.C. 300g–3)
3 *is amended as follows:*

4 (1) *In subsection (a):*

5 (A) *In paragraph (1)(A)(i), by striking*
6 *“any national primary drinking water regula-*
7 *tion in effect under section 1412” and inserting*
8 *“any applicable requirement”, and by striking*
9 *“with such regulation or requirement” in the*
10 *matter following clause (ii) and inserting “with*
11 *the requirement”.*

12 (B) *In paragraph (1)(B), by striking “regu-*
13 *lation or” and inserting “applicable”.*

14 (C) *By amending paragraph (2) to read as*
15 *follows:*

16 “(2) *ENFORCEMENT IN NONPRIMACY STATES.*—

17 “(A) *IN GENERAL.*—*If, on the basis of infor-*
18 *mation available to the Administrator, the Ad-*
19 *ministrator finds, with respect to a period in*
20 *which a State does not have primary enforce-*
21 *ment responsibility for public water systems,*
22 *that a public water system in the State—*

23 *“(i) for which a variance under section*
24 *1415 or an exemption under section 1416 is*
25 *not in effect, does not comply with any ap-*
26 *plicable requirement; or*

1 “(ii) for which a variance under sec-
 2 tion 1415 or an exemption under section
 3 1416 is in effect, does not comply with any
 4 schedule or other requirement imposed pur-
 5 suant to the variance or exemption;
 6 the Administrator shall issue an order under
 7 subsection (g) requiring the public water system
 8 to comply with the requirement, or commence a
 9 civil action under subsection (b).

10 “(B) NOTICE.—If the Administrator takes
 11 any action pursuant to this paragraph, the Ad-
 12 ministrator shall notify an appropriate local
 13 elected official, if any, with jurisdiction over the
 14 public water system of the action prior to the
 15 time that the action is taken.”.

16 (2) In subsection (b), in the first sentence, by
 17 striking “a national primary drinking water regula-
 18 tion” and inserting “any applicable requirement”.

19 (3) In subsection (g):

20 (A) In paragraph (1), by striking “regula-
 21 tion, schedule, or other” each place it appears
 22 and inserting “applicable”.

23 (B) In paragraph (2), by striking “effect
 24 until after notice and opportunity for public
 25 hearing and,” and inserting “effect,”, and by

1 *striking “proposed order” and inserting “order”,*
 2 *in the first sentence and in the second sentence,*
 3 *by striking “proposed to be”.*

4 *(C) In paragraph (3), by striking subpara-*
 5 *graph (B) and inserting the following:*

6 *“(B) In a case in which a civil penalty sought by the*
 7 *Administrator under this paragraph does not exceed \$5,000,*
 8 *the penalty shall be assessed by the Administrator after no-*
 9 *tice and opportunity for a public hearing (unless the person*
 10 *against whom the penalty is assessed requests a hearing on*
 11 *the record in accordance with section 554 of title 5, United*
 12 *States Code). In a case in which a civil penalty sought by*
 13 *the Administrator under this paragraph exceeds \$5,000, but*
 14 *does not exceed \$25,000, the penalty shall be assessed by*
 15 *the Administrator after notice and opportunity for a hear-*
 16 *ing on the record in accordance with section 554 of title*
 17 *5, United States Code.”.*

18 *(D) In paragraph (3)(C), by striking*
 19 *“paragraph exceeds \$5,000” and inserting “sub-*
 20 *section for a violation of an applicable require-*
 21 *ment exceeds \$25,000”.*

22 *(4) By adding at the end the following sub-*
 23 *sections:*

24 *“(h) RELIEF.—*

1 “(1) *IN GENERAL.*—An owner or operator of a
 2 public water system may submit to the State in
 3 which the system is located (if the State has primary
 4 enforcement responsibility under section 1413) or to
 5 the Administrator (if the State does not have primary
 6 enforcement responsibility) a plan (including specific
 7 measures and schedules) for—

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

10 “(B) the consolidation of significant man-
 11 agement and administrative functions of the sys-
 12 tem with 1 or more other systems; or

13 “(C) the transfer of ownership of the system
 14 that may reasonably be expected to improve
 15 drinking water quality.

16 “(2) *CONSEQUENCES OF APPROVAL.*—If the State
 17 or the Administrator approves a plan pursuant to
 18 paragraph (1), no enforcement action shall be taken
 19 pursuant to this part with respect to a specific viola-
 20 tion identified in the approved plan prior to the date
 21 that is the earlier of the date on which consolidation
 22 is completed according to the plan or the date that is
 23 2 years after the plan is approved.

24 “(i) *DEFINITION OF APPLICABLE REQUIREMENT.*—In
 25 this section, the term ‘applicable requirement’ means—

1 “(1) a requirement of section 1412, 1414, 1415,
2 1416, 1417, 1441, or 1445;

3 “(2) a regulation promulgated pursuant to a sec-
4 tion referred to in paragraph (1);

5 “(3) a schedule or requirement imposed pursuant
6 to a section referred to in paragraph (1); and

7 “(4) 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 appli-
11 cable State program approved pursuant to this
12 part.”.

13 (b) *STATE AUTHORITY FOR ADMINISTRATIVE PEN-*
14 *ALTIES.*—Section 1413(a) (42 U.S.C. 300g–2(a)) is amend-
15 *ed as follows:*

16 (1) *In paragraph (4), by striking “and” at the*
17 *end thereof.*

18 (2) *In paragraph (5), by striking the period at*
19 *the end and inserting “; and”.*

20 (3) *By adding at the end the following:*

21 “(6) *has adopted authority for administrative*
22 *penalties (unless the constitution of the State pro-*
23 *hibits the adoption of the authority) in a maximum*
24 *amount—*

1 “(A) in the case of a system serving a popu-
 2 lation of more than 10,000, that is not less than
 3 \$1,000 per day per violation; and

4 “(B) in the case of any other system, that
 5 is adequate to ensure compliance (as determined
 6 by the State);
 7 except that a State may establish a maximum limita-
 8 tion on the total amount of administrative penalties
 9 that may be imposed on a public water system per
 10 violation.”.

11 **SEC. 133. JUDICIAL REVIEW**

12 Section 1448(a) (42 U.S.C. 300j-7(a)) is amended as
 13 follows:

14 (1) In paragraph (2), in the first sentence, by
 15 inserting “final” after “any other”.

16 (2) In the matter after and below paragraph (2):

17 (A) By striking “or issuance of the order”
 18 and inserting “or any other final Agency ac-
 19 tion”.

20 (B) By adding at the end the following: “In
 21 any petition concerning the assessment of a civil
 22 penalty pursuant to section 1414(g)(3)(B), the
 23 petitioner shall simultaneously send a copy of
 24 the complaint by certified mail to the Adminis-
 25 trator and the Attorney General. The court shall

1 *set aside and remand the penalty order if the*
 2 *court finds that there is not substantial evidence*
 3 *in the record to support the finding of a viola-*
 4 *tion or that the assessment of the penalty by the*
 5 *Administrator constitutes an abuse of discre-*
 6 *tion.”.*

7 ***Subtitle D—Exemptions and*** 8 ***Variances***

9 ***SEC. 141. EXEMPTIONS.***

10 *(a) SYSTEMS SERVING FEWER THAN 3,300 PERSONS.—*
 11 *Section 1416 is amended by adding the following at the*
 12 *end thereof:*

13 *“(h) SMALL SYSTEMS.—(1) For public water systems*
 14 *serving fewer than 3,300 persons, the maximum exemption*
 15 *period shall be 4 years if the State is exercising primary*
 16 *enforcement responsibility for public water systems and de-*
 17 *termines that—*

18 *“(A) the public water system cannot meet the*
 19 *maximum contaminant level or install Best Available*
 20 *Affordable Technology (‘BAAT’) due in either case to*
 21 *compelling economic circumstances (taking into con-*
 22 *sideration the availability of financial assistance*
 23 *under section 1452, relating to State Revolving*
 24 *Funds) or other compelling circumstances;*

1 “(B) the public water system could not comply
2 with the maximum contaminant level through the use
3 of alternate water supplies;

4 “(C) the granting of the exemption will provide
5 a drinking water supply that protects public health
6 given the duration of exemption; and

7 “(D) the State has met the requirements of para-
8 graph (2).

9 “(2)(A) Before issuing an exemption under this section
10 or an extension thereof for a small public water system de-
11 scribed in paragraph (1), the State shall—

12 “(i) examine the public water system’s technical,
13 financial, and managerial capability (taking into
14 consideration any available financial assistance) to
15 operate in and maintain compliance with this title,
16 and

17 “(ii) determine if management or restructuring
18 changes (or both) can reasonably be made that will
19 result in compliance with this title or, if compliance
20 cannot be achieved, improve the quality of the drink-
21 ing water.

22 “(B) Management changes referred to in subparagraph
23 (A) may include rate increases, accounting changes, the hir-
24 ing of consultants, the appointment of a technician with
25 expertise in operating such systems, contractual arrange-

1 *ments for a more efficient and capable system for joint oper-*
2 *ation, or other reasonable strategies to improve capacity.*

3 “(C) *Restructuring changes referred to in subpara-*
4 *graph (A) may include ownership change, physical consoli-*
5 *dation with another system, or other measures to otherwise*
6 *improve customer base and gain economies of scale.*

7 “(D) *If the State determines that management or re-*
8 *structuring changes referred to in subparagraph (A) can*
9 *reasonably be made, it shall require such changes and a*
10 *schedule therefore as a condition of the exemption. If the*
11 *State determines to the contrary, the State may still grant*
12 *the exemption. The decision of the State under this subpara-*
13 *graph shall not be subject to review by the Administrator,*
14 *except as provided in subsection (d).*

15 “(3) *Paragraphs (1) and (3) of subsection (a) shall not*
16 *apply to an exemption issued under this subsection. Sub-*
17 *paragraph (B) of subsection (b)(2) shall not apply to an*
18 *exemption issued under this subsection, but any exemption*
19 *granted to such a system may be renewed for additional*
20 *4-year periods upon application of the public water system*
21 *and after a determination that the criteria of paragraphs*
22 *(1) and (2) of this subsection continue to be met.*

23 “(4) *No exemption may be issued under this section*
24 *for microbiological contaminants.”.*

1 (b) *LIMITED ADDITIONAL COMPLIANCE PERIOD.*—At
 2 the end of section 1416(h) insert:

3 “(5)(A) *Notwithstanding this subsection, the State of*
 4 *New York, on a case-by-case basis and after notice and an*
 5 *opportunity of at least 60 days for public comment, may*
 6 *allow an additional period for compliance with the Surface*
 7 *Water Treatment Rule established pursuant to section*
 8 *1412(b)(7)(C) in the case of unfiltered systems in Essex, Co-*
 9 *lumbia, Greene, Dutchess, Rennsselaer, Schoharie, Sara-*
 10 *toga, Washington, and Warren Counties serving a popu-*
 11 *lation of less than 5,000, which meet appropriate disinfec-*
 12 *tion requirements and have adequate watershed protections,*
 13 *so long as the State determines that the public health will*
 14 *be protected during the duration of the additional compli-*
 15 *ance period and the system agrees to implement appro-*
 16 *priate control measures as determined by the State.*

17 “(B) *The additional compliance period referred to in*
 18 *subparagraph (A) shall expire on the earlier of the date 3*
 19 *years after the date on which the Administrator identifies*
 20 *appropriate control technology for the Surface Water Treat-*
 21 *ment Rule for public water systems in the category that*
 22 *includes such system pursuant to section 1412(b)(4)(E) or*
 23 *5 years after the enactment of the Safe Drinking Water Act*
 24 *Amendments of 1996.”.*

1 (c) *TECHNICAL AND CONFORMING AMENDMENTS.—*(1)
 2 *Section 1416(b)(1) is amended by striking “prescribed by*
 3 *a State pursuant to this subsection” and inserting “pre-*
 4 *scribed by a State pursuant to this subsection or subsection*
 5 *(h)”.*

6 (2) *Section 1416(c) is amended by striking “under*
 7 *subsection (a)” and inserting “under this section” and by*
 8 *inserting after “(a)(3)” in the second sentence “or the deter-*
 9 *mination under subsection (h)(1)(C)”.*

10 (3) *Section 1416(d)(1) is amended by striking “3-*
 11 *year” and inserting “4-year” and by amending the first*
 12 *sentence to read as follows: “Not later than 4 years after*
 13 *the date of enactment of the Safe Drinking Water Act*
 14 *Amendments of 1996, the Administrator shall complete a*
 15 *comprehensive review of the exemptions granted (and sched-*
 16 *ules prescribed pursuant thereto) by the States during the*
 17 *4-year period beginning on such date.”.*

18 (4) *Section 1416(b)(2)(C) is repealed.*

19 (d) *SYSTEMS SERVING MORE THAN 3,300 PERSONS.—*
 20 *Section 1416(b)(2)(A)(ii) is amended by striking “12*
 21 *months” and inserting “4 years” and section 1416(b)(2)(B)*
 22 *is amended by striking “3 years after the date of the issu-*
 23 *ance of the exemption” and inserting “4 years after the ex-*
 24 *piration of the initial exemption”.*

1 **SEC. 142. VARIANCES.**

2 (a) *BAAT VARIANCE.*—Section 1415 (42 U.S.C. 300g–
3 4) is amended by adding the following at the end thereof:

4 “(e) *SMALL SYSTEM ASSISTANCE PROGRAM.*—

5 “(1) *BAAT VARIANCES.*—In the case of public
6 water systems serving 3,300 persons or fewer, a vari-
7 ance under this section shall be granted by a State
8 which has primary enforcement responsibility for
9 public water systems allowing the use of Best Avail-
10 able Affordable Technology in lieu of best technology
11 or other means where—

12 “(A) no best technology or other means is
13 listed under section 1412(b)(4)(E) for the appli-
14 cable category of public water systems;

15 “(B) the Administrator has identified
16 BAAT for that contaminant pursuant to para-
17 graph (3); and

18 “(C) the State finds that the conditions in
19 paragraph (4) are met.

20 “(2) *DEFINITION OF BAAT.*—The term ‘Best
21 Available Affordable Technology’ or ‘BAAT’ means
22 the most effective technology or other means for the
23 control of a drinking water contaminant or contami-
24 nants that is available and affordable to systems serv-
25 ing fewer than 3,300 persons.

1 “(3) *IDENTIFICATION OF BAAT.*—(A) *As part of*
2 *each national primary drinking water regulation*
3 *proposed and promulgated after the enactment of the*
4 *Safe Drinking Water Act Amendments of 1996, the*
5 *Administrator shall identify BAAT in any case where*
6 *no ‘best technology or other means’ is listed for a cat-*
7 *egory of public water systems listed under section*
8 *1412(b)(4)(E). No such identified BAAT shall require*
9 *a technology from a specific manufacturer or brand.*
10 *BAAT need not be adequate to achieve the applicable*
11 *maximum contaminant level or treatment technique,*
12 *but shall bring the public water system as close to*
13 *achievement of such maximum contaminant level as*
14 *practical or as close to the level of health protection*
15 *provided by such treatment technique as practical, as*
16 *the case may be. Any technology or other means iden-*
17 *tified as BAAT must be determined by the Adminis-*
18 *trator to be protective of public health. Simulta-*
19 *neously with identification of BAAT, the Adminis-*
20 *trator shall list any assumptions underlying the pub-*
21 *lic health determination referred to in the preceding*
22 *sentence, where such assumptions concern the public*
23 *water system to which the technology may be applied,*
24 *or its source waters. The Administrator shall provide*
25 *the assumptions used in determining affordability,*

1 *taking into consideration the number of persons*
2 *served by such systems. Such listing shall provide as*
3 *much reliable information as practicable on perform-*
4 *ance, effectiveness, limitations, costs, and other rel-*
5 *evant factors in support of such listing, including the*
6 *applicability of BAAT to surface and underground*
7 *waters or both.*

8 *“(B) To the greatest extent possible, within 36*
9 *months after the date of the enactment of the Safe*
10 *Drinking Water Act Amendments of 1996, the Admin-*
11 *istrator shall identify BAAT for all national primary*
12 *drinking water regulations promulgated prior to such*
13 *date of enactment where no best technology or other*
14 *means is listed for a category of public water systems*
15 *under section 1412(b)(4)(E), and where compliance*
16 *by such small systems is not practical. In identifying*
17 *BAAT for such national primary drinking water reg-*
18 *ulations, the Administrator shall give priority to*
19 *evaluation of atrazine, asbestos, selenium,*
20 *pentachlorophenol, antimony, and nickel.*

21 *“(4) CONDITIONS FOR BAAT VARIANCE.—To*
22 *grant a variance under this subsection, the State*
23 *must determine that—*

1 “(A) the public water system cannot install
2 ‘best technology or other means’ because of the
3 system’s small size;

4 “(B) the public water system could not com-
5 ply with the maximum contaminant level
6 through use of alternate water supplies or
7 through management changes or restructuring;

8 “(C) the public water system has the capac-
9 ity to operate and maintain BAAT; and

10 “(D) the circumstances of the public water
11 system are consistent with the public health as-
12 sumptions identified by the Administrator under
13 paragraph (3).

14 “(5) SCHEDULES.—Any variance granted by a
15 State under this subsection shall establish a schedule
16 for the installation and operation of BAAT within a
17 period not to exceed 2 years after the issuance of the
18 variance, except that the State may grant an exten-
19 sion of 1 additional year upon application by the sys-
20 tem. The application shall include a showing of fi-
21 nancial or technical need. Variances under this sub-
22 section shall be for a term not to exceed 5 years (in-
23 cluding the period allowed for installation and oper-
24 ation of BAAT), but may be renewed for such addi-

1 *tional 5-year periods by the State upon a finding*
 2 *that the criteria in paragraph (1) continue to be met.*

3 “(6) *REVIEW.*—*Any review by the Administrator*
 4 *under paragraphs (4) and (5) shall be pursuant to*
 5 *subsection (a)(1)(G)(i).*

6 “(7) *INELIGIBILITY FOR VARIANCES.*—*A variance*
 7 *shall not be available under this subsection for—*

8 “(A) *any maximum contaminant level or*
 9 *treatment technique for a contaminant with re-*
 10 *spect to which a national primary drinking*
 11 *water regulation was promulgated prior to Jan-*
 12 *uary 1, 1986; or*

13 “(B) *a national primary drinking water*
 14 *regulation for a microbial contaminant (includ-*
 15 *ing a bacterium, virus, or other organism) or an*
 16 *indicator or treatment technique for a microbial*
 17 *contaminant.”.*

18 (b) *TECHNICAL AND CONFORMING CHANGES.*—

19 *Section 1415 (42 U.S.C. 300g-4) is amended as fol-*
 20 *lows:*

21 (1) *By striking “best technology, treatment tech-*
 22 *niques, or other means” and “best available tech-*
 23 *nology, treatment techniques or other means” each*
 24 *place such terms appear and inserting in lieu thereof*
 25 *“best technology or other means”.*

1 (2) *By striking the third sentence and by strik-*
 2 *ing “Before a schedule prescribed by a State pursuant*
 3 *to this subparagraph may take effect” and all that*
 4 *follows down to the beginning of the last sentence in*
 5 *subsection (a)(1)(A).*

6 (3) *By amending the first sentence of subsection*
 7 *(a)(1)(C) to read as follows: “Before a variance is is-*
 8 *sued and a schedule is prescribed pursuant to this*
 9 *subsection or subsection (e) by a State, the State shall*
 10 *provide notice and an opportunity for a public hear-*
 11 *ing on the proposed variance and schedule.”.*

12 (4) *By inserting “under this section” before the*
 13 *period at the end of the third sentence of subsection*
 14 *(a)(1)(C).*

15 (5) *By striking “under subparagraph (A)” and*
 16 *inserting “under this section” in subsection (a)(1)(D).*

17 (6) *By striking “that subparagraph” in each*
 18 *place it appears and insert in each such place “this*
 19 *section” in subsection (a)(1)(D).*

20 (7) *By striking the last sentence of subsection*
 21 *(a)(1)(D).*

22 (8) *By striking “3-year” and inserting “5-year”*
 23 *in subsection (a)(1)(F) and by amending the first*
 24 *sentence of such subsection (a)(1)(F) to read as fol-*
 25 *lows: “Not later than 5 years after the enactment of*

1 *the Safe Drinking Water Act Amendments of 1996,*
 2 *the Administrator shall complete a review of the*
 3 *variances granted under this section (and the sched-*
 4 *ules prescribed in connection with such variances).”.*

5 *(9) By striking “subparagraph (A) or (B)” and*
 6 *inserting “this section” in subsection (a)(1)(G)(i).*

7 *(10) By striking “paragraph (1)(B) or (2) of*
 8 *subsection (a)” and inserting “this section” in sub-*
 9 *section (b).*

10 *(11) By striking “subsection (a)” and inserting*
 11 *“this section” in subsection (c).*

12 *(12) By repealing subsection (d).*

13 ***Subtitle E—Lead Plumbing and*** 14 ***Pipes***

15 ***SEC. 151. LEAD PLUMBING AND PIPES.***

16 *Section 1417 (42 U.S.C. 300g-6) is amended as fol-*
 17 *lows:*

18 *(1) In subsection (a)—*

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

21 *“(1) PROHIBITIONS.—*

22 *“(A) IN GENERAL.—No person may use any*
 23 *pipe, any pipe or plumbing fitting or fixture,*
 24 *any solder, or any flux, after June 19, 1986, in*
 25 *the installation or repair of—*

1 “(i) *any public water system; or*
 2 “(ii) *any plumbing in a residential or*
 3 *nonresidential facility providing water for*
 4 *human consumption,*
 5 *that is not lead free (within the meaning of sub-*
 6 *section (d)).*

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

10 (2) *In subsection (a)(2)(A), by inserting “owner*
 11 *or operator of a” after “Each”.*

12 (3) *By adding at the end of subsection (a) the*
 13 *following:*

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 any pipe or plumbing fitting*
 19 *or fixture, that is not lead free, except for a pipe*
 20 *that is used in manufacturing or industrial*
 21 *processing;*

22 “(B) *for any person engaged in the business*
 23 *of selling plumbing supplies, except manufactur-*
 24 *ers, to sell solder or flux that is not lead free; or*

1 “(C) for any person to introduce into com-
 2 merce any solder or flux that is not lead free un-
 3 less the solder or flux bears a prominent label
 4 stating that it is illegal to use the solder or flux
 5 in the installation or repair of any plumbing
 6 providing water for human consumption.”.

7 (4) In subsection (d)—

8 (A) by striking “lead, and” in paragraph
 9 (1) and inserting “lead;”;

10 (B) by striking “lead.” in paragraph (2)
 11 and inserting “lead; and”; and

12 (C) by adding at the end the following:

13 “(3) when used with respect to plumbing fittings
 14 and fixtures, refers to plumbing fittings and fixtures
 15 in compliance with standards established in accord-
 16 ance with subsection (e).”.

17 (5) By adding at the end the following:

18 “(e) *PLUMBING FITTINGS AND FIXTURES.*—

19 “(1) *IN GENERAL.*—The Administrator shall pro-
 20 vide accurate and timely technical information and
 21 assistance to qualified third-party certifiers in the de-
 22 velopment of voluntary standards and testing proto-
 23 cols for the leaching of lead from new plumbing fit-
 24 tings and fixtures that are intended by the manufac-
 25 turer to dispense water for human ingestion.

1 “(2) *STANDARDS.*—

2 “(A) *IN GENERAL.*—*If a voluntary standard*
 3 *for the leaching of lead is not established by the*
 4 *date that is 1 year after the date of enactment*
 5 *of this subsection, the Administrator shall, not*
 6 *later than 2 years after the date of enactment of*
 7 *this subsection, promulgate regulations setting a*
 8 *health-effects-based performance standard estab-*
 9 *lishing maximum leaching levels from new*
 10 *plumbing fittings and fixtures that are intended*
 11 *by the manufacturer to dispense water for*
 12 *human ingestion. The standard shall become ef-*
 13 *fective on the date that is 5 years after the date*
 14 *of promulgation of the standard.*

15 “(B) *ALTERNATIVE REQUIREMENT.*—*If reg-*
 16 *ulations are required to be promulgated under*
 17 *subparagraph (A) and have not been promul-*
 18 *gated by the date that is 5 years after the date*
 19 *of enactment of this subsection, no person may*
 20 *import, manufacture, process, or distribute in*
 21 *commerce a new plumbing fitting or fixture, in-*
 22 *tended by the manufacturer to dispense water for*
 23 *human ingestion, that contains more than 4 per-*
 24 *cent lead by dry weight.”.*

1 ***Subtitle F—Capacity Development***

2 ***SEC. 161. CAPACITY DEVELOPMENT.***

3 *Part B (42 U.S.C. 300g et seq.) is amended by adding*
 4 *at the end the following:*

5 ***“SEC. 1419. CAPACITY DEVELOPMENT.***

6 *“(a) STATE AUTHORITY FOR NEW SYSTEMS.—Each*
 7 *State shall obtain the legal authority or other means to en-*
 8 *sure that all new community water systems and new non-*
 9 *transient, noncommunity water systems commencing oper-*
 10 *ation after October 1, 1999, demonstrate technical, manage-*
 11 *rial, and financial capacity with respect to each national*
 12 *primary drinking water regulation in effect, or likely to*
 13 *be in effect, on the date of commencement of operations.*

14 ***“(b) SYSTEMS IN SIGNIFICANT NONCOMPLIANCE.—***

15 *“(1) LIST.—Beginning not later than 1 year*
 16 *after the date of enactment of this section, each State*
 17 *shall prepare, periodically update, and submit to the*
 18 *Administrator a list of community water systems and*
 19 *nontransient, noncommunity water systems that have*
 20 *a history of significant noncompliance with this title*
 21 *(as defined in guidelines issued prior to the date of*
 22 *enactment of this section or any revisions of the*
 23 *guidelines that have been made in consultation with*
 24 *the States) and, to the extent practicable, the reasons*
 25 *for noncompliance.*

1 “(2) *REPORT.*—Not later than 5 years after the
 2 date of enactment of this section and as part of the
 3 capacity development strategy of the State, each State
 4 shall report to the Administrator on the success of en-
 5 forcement mechanisms and initial capacity develop-
 6 ment efforts in assisting the public water systems list-
 7 ed under paragraph (1) to improve technical, mana-
 8 gerial, and financial capacity.

9 “(c) *CAPACITY DEVELOPMENT STRATEGY.*—

10 “(1) *IN GENERAL.*—Not later than 4 years after
 11 the date of enactment of this section, each State shall
 12 develop and implement a strategy to assist public
 13 water systems in acquiring and maintaining tech-
 14 nical, managerial, and financial capacity.

15 “(2) *CONTENT.*—In preparing the capacity de-
 16 velopment strategy, the State shall consider, solicit
 17 public comment on, and include as appropriate—

18 “(A) the methods or criteria that the State
 19 will use to identify and prioritize the public
 20 water systems most in need of improving tech-
 21 nical, managerial, and financial capacity;

22 “(B) a description of the institutional, regu-
 23 latory, financial, tax, or legal factors at the Fed-
 24 eral, State, or local level that encourage or im-
 25 pair capacity development;

1 “(C) a description of how the State will use
2 the authorities and resources of this title or other
3 means to—

4 “(i) assist public water systems in
5 complying with national primary drinking
6 water regulations;

7 “(ii) encourage the development of
8 partnerships between public water systems
9 to enhance the technical, managerial, and
10 financial capacity of the systems; and

11 “(iii) assist public water systems in
12 the training and certification of operators;

13 “(D) a description of how the State will es-
14 tablish a baseline and measure improvements in
15 capacity with respect to national primary drink-
16 ing water regulations and State drinking water
17 law; and

18 “(E) an identification of the persons that
19 have an interest in and are involved in the de-
20 velopment and implementation of the capacity
21 development strategy (including all appropriate
22 agencies of Federal, State, and local govern-
23 ments, private and nonprofit public water sys-
24 tems, and public water system customers).

1 “(3) *REPORT*.—Not later than 2 years after the
 2 date on which a State first adopts a capacity develop-
 3 ment strategy under this subsection, and every 3
 4 years thereafter, the head of the State agency that has
 5 primary responsibility to carry out this title in the
 6 State shall submit to the Governor a report that shall
 7 also be available to the public on the efficacy of the
 8 strategy and progress made toward improving the
 9 technical, managerial, and financial capacity of pub-
 10 lic water systems in the State.

11 “(4) *REVIEW*.—The decisions of the State under
 12 this section regarding any particular public water
 13 system are not subject to review by the Administrator
 14 and may not serve as the basis for withholding funds
 15 under section 1452(a)(1)(H)(i).

16 “(d) *FEDERAL ASSISTANCE*.—

17 “(1) *IN GENERAL*.—The Administrator shall
 18 support the States in developing capacity develop-
 19 ment strategies.

20 “(2) *INFORMATIONAL ASSISTANCE*.—

21 “(A) *IN GENERAL*.—Not later than 180
 22 days after the date of enactment of this section,
 23 the Administrator shall—

24 “(i) conduct a review of State capacity
 25 development efforts in existence on the date

1 *of enactment of this section and publish in-*
 2 *formation to assist States and public water*
 3 *systems in capacity development efforts; and*

4 “(ii) initiate a partnership with
 5 States, public water systems, and the public
 6 to develop information for States on rec-
 7 ommended operator certification require-
 8 ments.

9 “(B) *PUBLICATION OF INFORMATION.*—*The*
 10 *Administrator shall publish the information de-*
 11 *veloped through the partnership under subpara-*
 12 *graph (A)(ii) not later than 18 months after the*
 13 *date of enactment of this section.*

14 “(3) *PROMULGATION OF DRINKING WATER REGU-*
 15 *LATIONS.*—*In promulgating a national primary*
 16 *drinking water regulation, the Administrator shall*
 17 *include an analysis of the likely effect of compliance*
 18 *with the regulation on the technical, financial, and*
 19 *managerial capacity of public water systems.*

20 “(4) *GUIDANCE FOR NEW SYSTEMS.*—*Not later*
 21 *than 2 years after the date of enactment of this sec-*
 22 *tion, the Administrator shall publish guidance devel-*
 23 *oped in consultation with the States describing legal*
 24 *authorities and other means to ensure that all new*
 25 *community water systems and new nontransient,*

1 *noncommunity water systems demonstrate technical,*
 2 *managerial, and financial capacity with respect to*
 3 *national primary drinking water regulations.”.*

4 ***TITLE II—AMENDMENTS TO***
 5 ***PART C***

6 ***SEC. 201. SOURCE WATER QUALITY ASSESSMENT.***

7 *(a) GUIDELINES AND PROGRAMS.—Section 1428 is*
 8 *amended by adding “**AND SOURCE WATER**” after*
 9 *“**WELLHEAD**” in the section heading and by adding at the*
 10 *end thereof the following:*

11 *“(l) SOURCE WATER ASSESSMENT.—*

12 *“(1) GUIDANCE.—Within 12 months after enact-*
 13 *ment of the Safe Drinking Water Act Amendments of*
 14 *1996, after notice and comment, the Administrator*
 15 *shall publish guidance for States exercising primary*
 16 *enforcement responsibility for public water systems to*
 17 *carry out directly or through delegation (for the pro-*
 18 *tection and benefit of public water systems and for*
 19 *the support of monitoring flexibility) a source water*
 20 *assessment program within the State’s boundaries.*

21 *“(2) PROGRAM REQUIREMENTS.—A source water*
 22 *assessment program under this subsection shall—*

23 *“(A) delineate the boundaries of the assess-*
 24 *ment areas in such State from which one or*
 25 *more public water systems in the State receive*

1 *supplies of drinking water, using all reasonably*
2 *available hydrogeologic information on the*
3 *sources of the supply of drinking water in the*
4 *State and the water flow, recharge, and dis-*
5 *charge and any other reliable information as the*
6 *State deems necessary to adequately determine*
7 *such areas; and*

8 *“(B) identify for contaminants regulated*
9 *under this title for which monitoring is required*
10 *under this title (or any unregulated contami-*
11 *nants selected by the State in its discretion*
12 *which the State, for the purposes of this sub-*
13 *section, has determined may present a threat to*
14 *public health), to the extent practical, the origins*
15 *within each delineated area of such contami-*
16 *nants to determine the susceptibility of the pub-*
17 *lic water systems in the delineated area to such*
18 *contaminants.*

19 *“(3) APPROVAL, IMPLEMENTATION, AND MON-*
20 *ITORING RELIEF.—A State source water assessment*
21 *program under this subsection shall be submitted to*
22 *the Administrator within 18 months after the Admin-*
23 *istrator’s guidance is issued under this subsection and*
24 *shall be deemed approved 9 months after the date of*
25 *such submittal unless the Administrator disapproves*

1 *the program as provided in subsection (c). States*
2 *shall begin implementation of the program imme-*
3 *diately after its approval. The Administrator's ap-*
4 *proval of a State program under this subsection shall*
5 *include a timetable, established in consultation with*
6 *the State, allowing not more than 2 years for comple-*
7 *tion after approval of the program. Public water sys-*
8 *tems seeking monitoring relief in addition to the in-*
9 *terim relief provided under section 1418(a) shall be*
10 *eligible for monitoring relief, consistent with section*
11 *1418(b), upon completion of the assessment in the de-*
12 *lineated source water assessment area or areas con-*
13 *cerned.*

14 “(4) *TIMETABLE.*—*The timetable referred to in*
15 *paragraph (3) shall take into consideration the avail-*
16 *ability to the State of funds under section 1452 (relat-*
17 *ing to State Revolving Funds) for assessments and*
18 *other relevant factors. The Administrator may extend*
19 *any timetable included in a State program approved*
20 *under paragraph (3) to extend the period for comple-*
21 *tion by an additional 18 months. Compliance with*
22 *subsection (g) shall not affect any State permanent*
23 *monitoring flexibility program approved under sec-*
24 *tion 1418(b).*

1 “(5) *DEMONSTRATION PROJECT.*—*The Adminis-*
 2 *trator shall, as soon as practicable, conduct a dem-*
 3 *onstration project, in consultation with other Federal*
 4 *agencies, to demonstrate the most effective and protec-*
 5 *tive means of assessing and protecting source waters*
 6 *serving large metropolitan areas and located on Fed-*
 7 *eral lands.*

8 “(6) *USE OF OTHER PROGRAMS.*—*To avoid du-*
 9 *plication and to encourage efficiency, the program*
 10 *under this section shall, to the extent practicable, be*
 11 *coordinated with other existing programs and mecha-*
 12 *nisms, and may make use of any of the following:*

13 “(A) *Vulnerability assessments, sanitary*
 14 *surveys, and monitoring programs.*

15 “(B) *Delineations or assessments of ground*
 16 *water sources under a State wellhead protection*
 17 *program developed pursuant to this section.*

18 “(C) *Delineations or assessments of surface*
 19 *or ground water sources under a State pesticide*
 20 *management plan developed pursuant to the Pes-*
 21 *ticide and Ground Water State Management*
 22 *Plan Regulation (subparts I and J of part 152*
 23 *of title 40, Code of Federal Regulations), promul-*
 24 *gated under section 3(d) of the Federal Insecti-*

1 *cide, Fungicide, and Rodenticide Act (7 U.S.C.*
 2 *136a(d)).*

3 “(D) *Delineations or assessments of surface*
 4 *water sources under a State watershed initiative*
 5 *or to satisfy the watershed criterion for deter-*
 6 *mining if filtration is required under the Sur-*
 7 *face Water Treatment Rule (section 141.70 of*
 8 *title 40, Code of Federal Regulations).*

9 “(7) *PUBLIC AVAILABILITY.—The State shall*
 10 *make the results of the source water assessments con-*
 11 *ducted under this subsection available to the public.”.*

12 (b) *APPROVAL AND DISAPPROVAL OF STATE PRO-*
 13 *GRAMS.—Section 1428 is amended as follows:*

14 (1) *Amend the first sentence of subsection (c)(1)*
 15 *to read as follows: “If, in the judgment of the Admin-*
 16 *istrator, a State program or portion thereof under*
 17 *subsection (a) is not adequate to protect public water*
 18 *systems as required by subsection (a) or a State pro-*
 19 *gram under subsection (l) or section 1418(b) does not*
 20 *meet the applicable requirements of subsection (l) or*
 21 *section 1418(b), the Administrator shall disapprove*
 22 *such program or portion thereof.”.*

23 (2) *Add after the second sentence of subsection*
 24 *(c)(1) the following: “A State program developed pur-*
 25 *suant to subsection (l) or section 1418(b) shall be*

1 *deemed to meet the applicable requirements of sub-*
 2 *section (l) or section 1418(b) unless the Administrator*
 3 *determines within 9 months of the receipt of the pro-*
 4 *gram that such program (or portion thereof) does not*
 5 *meet such requirements.”.*

6 (3) *In the third sentence of subsection (c)(1) and*
 7 *in subsection (c)(2) strike “is inadequate” and insert*
 8 *“is disapproved”.*

9 (4) *In subsection (b), add the following before the*
 10 *period at the end of the first sentence: “and source*
 11 *water assessment programs under subsection (l)”.*

12 (5) *In subsection (g)—*

13 (A) *insert after “under this section” the fol-*
 14 *lowing: “and the State source water assessment*
 15 *programs under subsection (l) for which the*
 16 *State uses grants under section 1452 (relating to*
 17 *State Revolving Funds)”;* and

18 (B) *strike “Such” in the last sentence and*
 19 *inserting “In the case of wellhead protection pro-*
 20 *grams, such”.*

21 **SEC. 202. FEDERAL FACILITIES.**

22 (a) *IN GENERAL.—Part C (42 U.S.C. 300h et seq.) is*
 23 *amended by adding at the end thereof the following new*
 24 *section:*

1 **“SEC. 1429. FEDERAL FACILITIES.**

2 “(a) *IN GENERAL.*—*Each department, agency, and in-*
3 *strumentality of the executive, legislative, and judicial*
4 *branches of the Federal Government—*

5 “(1) *owning or operating any facility in a well-*
6 *head protection area,*

7 “(2) *engaged in any activity at such facility re-*
8 *sulting, or which may result, in the contamination of*
9 *water supplies in any such area, or*

10 “(3) *owning or operating any public water sys-*
11 *tem,*

12 *shall be subject to, and comply with, all Federal, State,*
13 *interstate, and local requirements, both substantive and*
14 *procedural (including any requirement for permits or re-*
15 *porting or any provisions for injunctive relief and such*
16 *sanctions as may be imposed by a court to enforce such*
17 *relief), respecting the protection of such wellhead areas and*
18 *respecting such public water systems in the same manner*
19 *and to the same extent as any person is subject to such re-*
20 *quirements, including the payment of reasonable service*
21 *charges. The Federal, State, interstate, and local substantive*
22 *and procedural requirements referred to in this subsection*
23 *include, but are not limited to, all administrative orders*
24 *and all civil and administrative penalties and fines, re-*
25 *gardless of whether such penalties or fines are punitive or*
26 *coercive in nature or are imposed for isolated, intermittent,*

1 *or continuing violations. The United States hereby ex-*
 2 *pressly waives any immunity otherwise applicable to the*
 3 *United States with respect to any such substantive or proce-*
 4 *dural requirement (including, but not limited to, any in-*
 5 *junctive relief, administrative order or civil or administra-*
 6 *tive penalty or fine referred to in the preceding sentence,*
 7 *or reasonable service charge). The reasonable service charges*
 8 *referred to in this subsection include, but are not limited*
 9 *to, fees or charges assessed in connection with the processing*
 10 *and issuance of permits, renewal of permits, amendments*
 11 *to permits, review of plans, studies, and other documents,*
 12 *and inspection and monitoring of facilities, as well as any*
 13 *other nondiscriminatory charges that are assessed in con-*
 14 *nection with a Federal, State, interstate, or local regulatory*
 15 *program respecting the protection of wellhead areas or pub-*
 16 *lic water systems. Neither the United States, nor any agent,*
 17 *employee, or officer thereof, shall be immune or exempt from*
 18 *any process or sanction of any State or Federal Court with*
 19 *respect to the enforcement of any such injunctive relief. No*
 20 *agent, employee, or officer of the United States shall be per-*
 21 *sonally liable for any civil penalty under any Federal,*
 22 *State, interstate, or local law concerning the protection of*
 23 *wellhead areas or public water systems with respect to any*
 24 *act or omission within the scope of the official duties of*
 25 *the agent, employee, or officer. An agent, employee, or offi-*

1 *cer of the United States shall be subject to any criminal*
 2 *sanction (including, but not limited to, any fine or impris-*
 3 *onment) under any Federal or State requirement adopted*
 4 *pursuant to this title, but no department, agency, or instru-*
 5 *mentality of the executive, legislative, or judicial branch of*
 6 *the Federal Government shall be subject to any such sanc-*
 7 *tion. The President may exempt any facility of any depart-*
 8 *ment, agency, or instrumentality in the executive branch*
 9 *from compliance with such a requirement if he determines*
 10 *it to be in the paramount interest of the United States to*
 11 *do so. No such exemption shall be granted due to lack of*
 12 *appropriation unless the President shall have specifically*
 13 *requested such appropriation as a part of the budgetary*
 14 *process and the Congress shall have failed to make available*
 15 *such requested appropriation. Any exemption shall be for*
 16 *a period not in excess of 1 year, but additional exemptions*
 17 *may be granted for periods not to exceed 1 year upon the*
 18 *President's making a new determination. The President*
 19 *shall report each January to the Congress all exemptions*
 20 *from the requirements of this section granted during the*
 21 *preceding calendar year, together with his reason for grant-*
 22 *ing each such exemption.*

23 “(b) *ADMINISTRATIVE PENALTY ORDERS.*—

24 “(1) *IN GENERAL.*—*If the Administrator finds*
 25 *that a Federal agency has violated an applicable re-*

1 *quirement under this title, the Administrator may*
2 *issue a penalty order assessing a penalty against the*
3 *Federal agency.*

4 “(2) *PENALTIES.*—*The Administrator may, after*
5 *notice to the agency, assess a civil penalty against the*
6 *agency in an amount not to exceed \$25,000 per day*
7 *per violation.*

8 “(3) *PROCEDURE.*—*Before an administrative*
9 *penalty order issued under this subsection becomes*
10 *final, the Administrator shall provide the agency an*
11 *opportunity to confer with the Administrator and*
12 *shall provide the agency notice and an opportunity*
13 *for a hearing on the record in accordance with chap-*
14 *ters 5 and 7 of title 5, United States Code.*

15 “(4) *PUBLIC REVIEW.*—

16 “(A) *IN GENERAL.*—*Any interested person*
17 *may obtain review of an administrative penalty*
18 *order issued under this subsection. The review*
19 *may be obtained in the United States District*
20 *Court for the District of Columbia or in the*
21 *United States District Court for the district in*
22 *which the violation is alleged to have occurred by*
23 *the filing of a complaint with the court within*
24 *the 30-day period beginning on the date the pen-*
25 *alty order becomes final. The person filing the*

1 *complaint shall simultaneously send a copy of*
 2 *the complaint by certified mail to the Adminis-*
 3 *trator and the Attorney General.*

4 “(B) *RECORD.*—*The Administrator shall*
 5 *promptly file in the court a certified copy of the*
 6 *record on which the order was issued.*

7 “(C) *STANDARD OF REVIEW.*—*The court*
 8 *shall not set aside or remand the order unless the*
 9 *court finds that there is not substantial evidence*
 10 *in the record, taken as a whole, to support the*
 11 *finding of a violation or that the assessment of*
 12 *the penalty by the Administrator constitutes an*
 13 *abuse of discretion.*

14 “(D) *PROHIBITION ON ADDITIONAL PEN-*
 15 *ALTIES.*—*The court may not impose an addi-*
 16 *tional civil penalty for a violation that is subject*
 17 *to the order unless the court finds that the assess-*
 18 *ment constitutes an abuse of discretion by the*
 19 *Administrator.*

20 “(c) *LIMITATION ON STATE USE OF FUNDS COL-*
 21 *LECTED FROM FEDERAL GOVERNMENT.*—*Unless a State*
 22 *law in effect on the date of the enactment of the Safe Drink-*
 23 *ing Water Act Amendments of 1996 or a State constitution*
 24 *requires the funds to be used in a different manner, all*
 25 *funds collected by a State from the Federal Government*

1 *from penalties and fines imposed for violation of any sub-*
 2 *stantive or procedural requirement referred to in subsection*
 3 *(a) shall be used by the State only for projects designed to*
 4 *improve or protect the environment or to defray the costs*
 5 *of environmental protection or enforcement.”.*

6 *(b) CITIZEN ENFORCEMENT.—(1) The first sentence of*
 7 *section 1449(a) (42 U.S.C. 300j–8(a)) is amended—*

8 *(A) in paragraph (1), by striking “, or” and in-*
 9 *serting a semicolon;*

10 *(B) in paragraph (2), by striking the period at*
 11 *the end and inserting “; or”; and*

12 *(C) by adding at the end the following:*

13 *“(3) for the collection of a penalty by the United*
 14 *States Government (and associated costs and interest)*
 15 *against any Federal agency that fails, by the date*
 16 *that is 18 months after the effective date of a final*
 17 *order to pay a penalty assessed by the Administrator*
 18 *under section 1429(b), to pay the penalty.”.*

19 *(2) Subsection (b) of section 1449 (42 U.S.C. 300j–*
 20 *8(b)) is amended, by striking the period at the end of para-*
 21 *graph (2) and inserting “; or” and by adding the following*
 22 *new paragraph after paragraph (2):*

23 *“(3) under subsection (a)(3) prior to 60 days*
 24 *after the plaintiff has given notice of such action to*
 25 *the Attorney General and to the Federal agency.”.*

1 (c) *CONFORMING AMENDMENTS.—Section 1447 (42*
 2 *U.S.C. 300j–6) is amended as follows:*

3 (1) *In subsection (a):*

4 (A) *In the first sentence, by striking “(1)*
 5 *having jurisdiction over any federally owned or*
 6 *maintained public water system or (2)”.*

7 (B) *In the first sentence, by striking out*
 8 *“respecting the provision of safe drinking water*
 9 *and”.*

10 (C) *In the second sentence, by striking*
 11 *“(A)”, “(B)”, and “(C)” and inserting “(1)”,*
 12 *“(2)”, and “(3)”, respectively.*

13 (2) *In subsection (c), by striking “the Safe*
 14 *Drinking Water Amendments of 1977” and inserting*
 15 *“this title” and by striking “this Act” and inserting*
 16 *“this title”.*

17 ***TITLE III—GENERAL PROVI-***
 18 ***SIONS REGARDING SAFE***
 19 ***DRINKING WATER ACT***

20 ***SEC. 301. OPERATOR CERTIFICATION.***

21 *Section 1442 is amended by adding the following after*
 22 *subsection (e):*

23 “(f) *MINIMUM STANDARDS.—(1) Not later than 30*
 24 *months after the date of enactment of the Safe Drinking*
 25 *Water Act Amendments of 1996 and after consultation with*

1 *States exercising primary enforcement responsibility for*
 2 *public water systems, the Administrator shall promulgate*
 3 *regulations specifying minimum standards for certification*
 4 *(and recertification) of the operators of community and*
 5 *nontransient noncommunity public water systems. Such*
 6 *regulations shall take into account existing State programs,*
 7 *the complexity of the system and other factors aimed at pro-*
 8 *viding an effective program at reasonable cost to States and*
 9 *public water systems, taking into account the size of the*
 10 *system.*

11 “(2) *Any State exercising primary enforcement re-*
 12 *sponsibility for public water systems shall adopt and imple-*
 13 *ment, within 2 years after the promulgation of regulations*
 14 *pursuant to paragraph (1), requirements for the certifi-*
 15 *cation of operators of community and nontransient non-*
 16 *community public water systems.*

17 “(3) *For any State exercising primary enforcement re-*
 18 *sponsibility for public water systems which has an operator*
 19 *certification program in effect on the date of the enactment*
 20 *of the Safe Drinking Water Act Amendments of 1996, the*
 21 *regulations under paragraph (1) shall allow the State to*
 22 *enforce such program in lieu of the regulations under para-*
 23 *graph (1) if the State submits the program to the Adminis-*
 24 *trator within 18 months after the promulgation of such reg-*
 25 *ulations unless the Administrator determines (within 9*

1 months after the State submits the program to the Adminis-
 2 trator) that such program is not substantially equivalent
 3 to such regulations. In making this determination, such ex-
 4 isting State programs shall be presumed to be substantially
 5 equivalent to the regulations, notwithstanding program dif-
 6 ferences, based on the size of systems or the quality of source
 7 water, providing State programs meet overall public health
 8 objectives of the regulations. If disapproved the program
 9 may be resubmitted within 6 months after receipt of notice
 10 of disapproval.”.

11 **SEC. 302. TECHNICAL ASSISTANCE.**

12 Section 1442(e) (42 U.S.C. 300j–1(e)), relating to tech-
 13 nical assistance for small systems, is amended to read as
 14 follows:

15 “(e) **TECHNICAL ASSISTANCE.**—The Administrator
 16 may provide technical assistance to small public water sys-
 17 tems to enable such systems to achieve and maintain com-
 18 pliance with applicable national primary drinking water
 19 regulations. Such assistance may include circuit-rider pro-
 20 grams, training, and preliminary engineering evaluations.
 21 There is authorized to be appropriated to the Administrator
 22 to be used for such technical assistance \$15,000,000 for fis-
 23 cal years 1997 through 2003. No portion of any State re-
 24 volving fund established under section 1452 (relating to
 25 State revolving funds) and no portion of any funds made

1 *available under this subsection may be used either directly*
 2 *or indirectly for lobbying expenses. Of the total amount ap-*
 3 *propriated under this subsection, 3 percent shall be used*
 4 *for technical assistance to public water systems owned or*
 5 *operated by Indian tribes.”.*

6 **SEC. 303. PUBLIC WATER SYSTEM SUPERVISION PROGRAM.**

7 *Section 1443(a) (42 U.S.C. 300j-2(a)) is amended as*
 8 *follows:*

9 *(1) Paragraph (7) is amended to read as follows:*

10 *“(7) AUTHORIZATION.—FOR THE PURPOSE of*
 11 *making grants under paragraph (1), there are author-*
 12 *ized to be appropriated \$100,000,000 for each of fiscal*
 13 *years 1997 through 2003.”.*

14 *(2) By adding at the end the following:*

15 *“(8) RESERVATION OF FUNDS BY THE ADMINIS-*
 16 *TRATOR.—If the Administrator assumes the primary*
 17 *enforcement responsibility of a State public water*
 18 *system supervision program, the Administrator may*
 19 *reserve from funds made available pursuant to this*
 20 *subsection, an amount equal to the amount that*
 21 *would otherwise have been provided to the State pur-*
 22 *suant to this subsection. The Administrator shall use*
 23 *the funds reserved pursuant to this paragraph to en-*
 24 *sure the full and effective administration of a public*
 25 *water system supervision program in the State.*

1 “(9) *STATE LOAN FUNDS.*—*For any fiscal year*
 2 *for which the amount made available to the Adminis-*
 3 *trator by appropriations to carry out this subsection*
 4 *is less than the amount that the Administrator deter-*
 5 *mines is necessary to supplement funds made avail-*
 6 *able pursuant to paragraph (8) to ensure the full and*
 7 *effective administration of a public water system su-*
 8 *pervision program in a State, the Administrator may*
 9 *reserve from the funds made available to the State*
 10 *under section 1452 (relating to State revolving funds)*
 11 *an amount that is equal to the amount of the short-*
 12 *fall. This paragraph shall not apply to any State not*
 13 *exercising primary enforcement responsibility for*
 14 *public water systems as of the date of enactment of*
 15 *the Safe Drinking Water Amendments of 1996.”.*

16 **SEC. 304. MONITORING AND INFORMATION GATHERING.**

17 *(a) REVIEW OF EXISTING REQUIREMENTS.*—*Para-*
 18 *graph (1) of section 1445(a) (42 U.S.C. 300j-4(a)(1)) is*
 19 *amended to read as follows:*

20 “(1)(A) *Every person who is subject to any require-*
 21 *ment of this title or who is a grantee, shall establish and*
 22 *maintain such records, make such reports, conduct such*
 23 *monitoring, and provide such information as the Adminis-*
 24 *trator may reasonably require by regulation to assist the*
 25 *Administrator in establishing regulations under this title,*

1 *in determining whether such person has acted or is acting*
 2 *in compliance with this title, in administering any pro-*
 3 *gram of financial assistance under this title, in evaluating*
 4 *the health risks of unregulated contaminants, or in advising*
 5 *the public of such risks. In requiring a public water system*
 6 *to monitor under this subsection, the Administrator may*
 7 *take into consideration the system size and the contami-*
 8 *nants likely to be found in the system's drinking water.*

9 “(B) *Every person who is subject to a national pri-*
 10 *mary drinking water regulation under section 1412 shall*
 11 *provide such information as the Administrator may reason-*
 12 *ably require, after consultation with the State in which such*
 13 *person is located if such State has primary enforcement re-*
 14 *sponsibility for public water systems, on a case-by-case*
 15 *basis, to determine whether such person has acted or is act-*
 16 *ing in compliance with this title.*

17 “(C) *Every person who is subject to a national pri-*
 18 *mary drinking water regulation under section 1412 shall*
 19 *provide such information as the Administrator may reason-*
 20 *ably require to assist the Administrator in establishing reg-*
 21 *ulations under section 1412 of this title, after consultation*
 22 *with States and suppliers of water. The Administrator may*
 23 *not require under this subparagraph the installation of*
 24 *treatment equipment or process changes, the testing of treat-*
 25 *ment technology, or the analysis or processing of monitoring*

1 samples, except where the Administrator provides the fund-
 2 ing for such activities. Before exercising this authority, the
 3 Administrator shall first seek to obtain the information by
 4 voluntary submission.

5 “(D) The Administrator shall not later than 2 years
 6 after the date of enactment of this sentence, after consulta-
 7 tion with public health experts, representatives of the gen-
 8 eral public, and officials of State and local governments,
 9 review the monitoring requirements for not fewer than 12
 10 contaminants identified by the Administrator, and promul-
 11 gate any necessary modifications.”.

12 (b) *MONITORING RELIEF.*—Part B is amended by add-
 13 ing the following new section after section 1417:

14 **“SEC. 1418. MONITORING OF CONTAMINANTS.**

15 “(a) *INTERIM MONITORING RELIEF AUTHORITY.*—(1)
 16 A State exercising primary enforcement responsibility for
 17 public water systems may modify the monitoring require-
 18 ments for any regulated or unregulated contaminants for
 19 which monitoring is required other than microbial contami-
 20 nants (or indicators thereof), disinfectants and disinfection
 21 byproducts or corrosion byproducts for an interim period
 22 to provide that any public water system serving 10,000 per-
 23 sons or fewer shall not be required to conduct additional
 24 quarterly monitoring during an interim relief period for
 25 such contaminants if—

1 “(A) monitoring, conducted at the beginning of
2 the period for the contaminant concerned and cer-
3 tified to the State by the public water system, fails to
4 detect the presence of the contaminant in the ground
5 or surface water supplying the public water system,
6 and

7 “(B) the State, (considering the hydrogeology of
8 the area and other relevant factors), determines in
9 writing that the contaminant is unlikely to be de-
10 tected by further monitoring during such period.

11 “(2) The interim relief period referred to in paragraph
12 (1) shall terminate when permanent monitoring relief is
13 adopted and approved for such State, or at the end of 36
14 months after the enactment of the Safe Drinking Water Act
15 Amendments of 1996, whichever comes first. In order to
16 serve as a basis for interim relief, the monitoring conducted
17 at the beginning of the period must occur at the time deter-
18 mined by the State to be the time of the public water sys-
19 tem’s greatest vulnerability to the contaminant concerned
20 in the relevant ground or surface water, taking into account
21 in the case of pesticides the time of application of the pes-
22 ticide for the source water area and the travel time for the
23 pesticide to reach such waters and taking into account, in
24 the case of other contaminants, seasonality of precipitation
25 and contaminant travel time.

1 “(b) *PERMANENT MONITORING RELIEF AUTHORITY.*—
2 (1) *Each State exercising primary enforcement responsibil-*
3 *ity for public water systems under this title and having*
4 *an approved wellhead protection program and a source*
5 *water assessment program may adopt, in accordance with*
6 *guidance published by the Administrator, and submit to the*
7 *Administrator as provided in section 1428(c), tailored al-*
8 *ternative monitoring requirements for public water systems*
9 *in such State (as an alternative to the monitoring require-*
10 *ments for chemical contaminants set forth in the applicable*
11 *national primary drinking water regulations) where the*
12 *State concludes that (based on data available at the time*
13 *of adoption concerning susceptibility, use, occurrence, well-*
14 *head protection, or from the State’s drinking water source*
15 *water assessment program) such alternative monitoring*
16 *would provide assurance that it complies with the Adminis-*
17 *trator’s guidelines. The State program must be adequate to*
18 *assure compliance with, and enforcement of, applicable na-*
19 *tional primary drinking water regulations. Alternative*
20 *monitoring shall not apply to regulated microbiological*
21 *contaminants (or indicators thereof), disinfectants and dis-*
22 *infection by-products, or corrosion by-products. The preced-*
23 *ing sentence is not intended to limit other authority of the*
24 *Administrator under other provisions of this title to grant*
25 *monitoring flexibility.*

1 “(2)(A) *The Administrator shall issue, after notice and*
2 *comment and at the same time as guidelines are issued for*
3 *source water assessment under section 1428(l), guidelines*
4 *for States to follow in proposing alternative monitoring re-*
5 *quirements under paragraph (1) of this subsection for chem-*
6 *ical contaminants. The Administrator shall publish such*
7 *guidelines in the Federal Register. The guidelines shall as-*
8 *sure that the public health will be protected from drinking*
9 *water contamination. The guidelines shall require that a*
10 *State alternative monitoring program apply on a contami-*
11 *nant-by-contaminant basis and that, to be eligible for such*
12 *alternative monitoring program, a public water system*
13 *must show the State that the contaminant is not present*
14 *in the drinking water supply or, if present, it is reliably*
15 *and consistently below the maximum contaminant level.*

16 “(B) *For purposes of subparagraph (A), the phrase ‘re-*
17 *liably and consistently below the maximum contaminant*
18 *level’ means that, although contaminants have been detected*
19 *in a water supply, the State has sufficient knowledge of the*
20 *contamination source and extent of contamination to pre-*
21 *dict that the maximum contaminant level will not be ex-*
22 *ceeded. In determining that a contaminant is reliably and*
23 *consistently below the maximum contaminant level, States*
24 *shall consider the quality and completeness of data, the*
25 *length of time covered and the volatility or stability of mon-*

1 itoring results during that time, and the proximity of such
 2 results to the maximum contaminant level. Wide variations
 3 in the analytical results, or analytical results close to the
 4 maximum contaminant level, shall not be considered to be
 5 reliably and consistently below the maximum contaminant
 6 level.

7 “(3) The guidelines issued by the Administrator under
 8 paragraph (2) shall require that if, after the monitoring
 9 program is in effect and operating, a contaminant covered
 10 by the alternative monitoring program is detected at levels
 11 at or above the maximum contaminant level or is no longer
 12 reliably or consistently below the maximum contaminant
 13 level, the public water system must either—

14 “(A) demonstrate that the contamination source
 15 has been removed or that other action has been taken
 16 to eliminate the contamination problem, or

17 “(B) test for the detected contaminant pursuant
 18 to the applicable national primary drinking water
 19 regulation.

20 “(c) TREATMENT AS NPDWR.—All monitoring relief
 21 granted by a State to a public water system for a regulated
 22 contaminant under subsection (a) or (b) shall be treated
 23 as part of the national primary drinking water regulation
 24 for that contaminant.

1 “(d) *OTHER MONITORING RELIEF.*—Nothing in this
 2 section shall be construed to affect the authority of the
 3 States under applicable national primary drinking water
 4 regulations to alter monitoring requirements through waiv-
 5 ers or other existing authorities. The Administrator shall
 6 periodically review and, as appropriate, revise such au-
 7 thorities.”.

8 (c) *UNREGULATED CONTAMINANTS.*—Section 1445(a)
 9 (42 U.S.C. 300j–4(a)) is amended by striking paragraphs
 10 (2) through (8) and inserting the following:

11 “(2) *MONITORING PROGRAM FOR UNREGULATED*
 12 *CONTAMINANTS.*—

13 “(A) *ESTABLISHMENT.*—The Administrator
 14 shall promulgate regulations establishing the cri-
 15 teria for a monitoring program for unregulated
 16 contaminants. The regulations shall require
 17 monitoring of drinking water supplied by public
 18 water systems and shall vary the frequency and
 19 schedule for monitoring requirements for systems
 20 based on the number of persons served by the sys-
 21 tem, the source of supply, and the contaminants
 22 likely to be found.

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

1 “(i) *INITIAL LIST.*—Not later than 3
 2 years after the date of enactment of the Safe
 3 Drinking Water Amendments of 1996 and
 4 every 5 years thereafter, the Administrator
 5 shall issue a list pursuant to subparagraph
 6 (A) of not more than 40 unregulated con-
 7 taminants to be monitored by public water
 8 systems and to be included in the national
 9 drinking water occurrence data base main-
 10 tained pursuant to subsection (g).

11 “(ii) *GOVERNORS’ PETITION.*—The Ad-
 12 ministrator shall include among the list of
 13 contaminants for which monitoring is re-
 14 quired under this paragraph each contami-
 15 nant recommended in a petition signed by
 16 the Governor of each of 7 or more States,
 17 unless the Administrator determines that
 18 the action would prevent the listing of other
 19 contaminants of a higher public health con-
 20 cern.

21 “(C) *MONITORING PLAN FOR SMALL AND*
 22 *MEDIUM SYSTEMS.*—

23 “(i) *IN GENERAL.*—Based on the regu-
 24 lations promulgated by the Administrator,
 25 each State shall develop a representative

1 *monitoring plan to assess the occurrence of*
 2 *unregulated contaminants in public water*
 3 *systems that serve a population of 10,000 or*
 4 *fewer. The plan shall require monitoring for*
 5 *systems representative of different sizes,*
 6 *types, and geographic locations in the State.*

7 “(ii) GRANTS FOR SMALL SYSTEM
 8 COSTS.—From funds appropriated under
 9 subparagraph (H), the Administrator shall
 10 *pay the reasonable cost of such testing and*
 11 *laboratory analysis as are necessary to*
 12 *carry out monitoring under the plan.*

13 “(D) 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 monitoring*
 17 *to the primary enforcement authority for the sys-*
 18 *tem.*

19 “(E) NOTIFICATION.—Notification of the
 20 *availability of the results of monitoring pro-*
 21 *grams required under paragraph (2)(A) shall be*
 22 *given to the persons served by the system and the*
 23 *Administrator.*

24 “(F) WAIVER OF MONITORING REQUIRE-
 25 MENT.—The Administrator shall waive the re-

quirement for monitoring for a contaminant under this paragraph in a State, if the State demonstrates that the criteria for listing the contaminant do not apply in that State.

“(G) ANALYTICAL METHODS.—The State may use screening methods approved by the Administrator under subsection (i) in lieu of monitoring for particular contaminants under this paragraph.

“(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph \$10,000,000 for each of the fiscal years 1997 through 2003.”.

(d) SCREENING METHODS.—Section 1445 (42 U.S.C. 300j–4) is amended by adding the following after subsection (h):

“(i) SCREENING METHODS.—The Administrator shall review new analytical methods to screen for regulated contaminants and may approve such methods as are more accurate or cost-effective than established reference methods for use in compliance monitoring.”.

SEC. 305. OCCURRENCE DATA BASE.

Section 1445 is amended by adding the following new subsection after subsection (f):

1 “(g) *NATIONAL DRINKING WATER OCCURRENCE DATA*
 2 *BASE.*—

3 “(1) *IN GENERAL.*—Not later than 3 years after
 4 the date of enactment of the Safe Drinking Water Act
 5 Amendments of 1996, the Administrator shall assem-
 6 ble and maintain a national drinking water occur-
 7 rence data base, using information on the occurrence
 8 of both regulated and unregulated contaminants in
 9 public water systems obtained under subsection
 10 (a)(1)(A) or subsection (a)(2) and reliable informa-
 11 tion from other public and private sources.

12 “(2) *PUBLIC INPUT.*—In establishing the occur-
 13 rence data base, the Administrator shall solicit rec-
 14 ommendations from the Science Advisory Board, the
 15 States, and other interested parties concerning the de-
 16 velopment and maintenance of a national drinking
 17 water occurrence data base, including such issues as
 18 the structure and design of the data base, data input
 19 parameters and requirements, and the use and inter-
 20 pretation of data.

21 “(3) *USE.*—The data shall be used by the Ad-
 22 ministrator in making determinations under section
 23 1412(b)(3) with respect to the occurrence of a con-
 24 taminant in drinking water at a level of public health
 25 concern.

1 “(4) *PUBLIC RECOMMENDATIONS.*—*The Admin-*
 2 *istrator shall periodically solicit recommendations*
 3 *from the appropriate officials of the National Acad-*
 4 *emy of Sciences and the States, and any person may*
 5 *submit recommendations to the Administrator, with*
 6 *respect to contaminants that should be included in the*
 7 *national drinking water occurrence data base, includ-*
 8 *ing recommendations with respect to additional un-*
 9 *regulated contaminants that should be listed under*
 10 *subsection (a)(2). Any recommendation submitted*
 11 *under this clause shall be accompanied by reasonable*
 12 *documentation that—*

13 “(A) *the contaminant occurs or is likely to*
 14 *occur in drinking water; and*

15 “(B) *the contaminant poses a risk to public*
 16 *health.*

17 “(5) *PUBLIC AVAILABILITY.*—*The information*
 18 *from the data base shall be available to the public in*
 19 *readily accessible form.*

20 “(6) *REGULATED CONTAMINANTS.*—*With respect*
 21 *to each contaminant for which a national primary*
 22 *drinking water regulation has been established, the*
 23 *data base shall include information on the detection*
 24 *of the contaminant at a quantifiable level in public*
 25 *water systems (including detection of the contaminant*

1 *at levels not constituting a violation of the maximum*
 2 *contaminant level for the contaminant).*

3 “(7) *UNREGULATED CONTAMINANTS.*—*With re-*
 4 *spect to contaminants for which a national primary*
 5 *drinking water regulation has not been established,*
 6 *the data base shall include—*

7 “(A) *monitoring information collected by*
 8 *public water systems that serve a population of*
 9 *more than 3,300, as required by the Adminis-*
 10 *trator under subsection (a);*

11 “(B) *monitoring information collected by*
 12 *the States from a representative sampling of*
 13 *public water systems that serve a population of*
 14 *3,300 or fewer; and*

15 “(C) *other reliable and appropriate mon-*
 16 *itoring information on the occurrence of the con-*
 17 *taminants in public water systems that is avail-*
 18 *able to the Administrator.”.*

19 **SEC. 306. CITIZENS SUITS.**

20 *Section 1449 (42 U.S.C. 300j-8) is amended by insert-*
 21 *ing “, or a State” after “prosecuting a civil action in a*
 22 *court of the United States” in subsection (b)(1)(B).*

23 **SEC. 307. WHISTLE BLOWER.**

24 “(a) *WHISTLE BLOWER.*—*Section 1450(i) is amended*
 25 *as follows:*

1 (1) Amend paragraph (2)(A) by striking “30
2 days” and inserting “180 days” and by inserting be-
3 fore the period at the end “and the Environmental
4 Protection Agency”.

5 (2) Amend paragraph (2)(B)(i) by inserting be-
6 fore the last sentence the following: “Upon conclusion
7 of such hearing and the issuance of a recommended
8 decision that the complaint has merit, the Secretary
9 shall issue a preliminary order providing the relief
10 prescribed in clause (ii), but may not order compen-
11 satory damages pending a final order.”.

12 (3) Amend paragraph (2)(B)(ii) by inserting
13 “and” before “(III)” and by striking “compensatory
14 damages, and (IV) where appropriate, exemplary
15 damages” and inserting “and the Secretary may
16 order such person to provide compensatory damages
17 to the complainant”.

18 (4) Redesignate paragraphs (3), (4), (5), and (6)
19 as paragraphs (4), (5), (6), and (7), respectively, and
20 insert after paragraph (2) the following:

21 “(3)(A) The Secretary shall dismiss a complaint filed
22 under paragraph (1), and shall not conduct the investiga-
23 tion required under paragraph (2), unless the complainant
24 has made a prima facie showing that any behavior de-
25 scribed in subparagraphs (A) through (C) of paragraph (1)

1 *was a contributing factor in the unfavorable personnel ac-*
 2 *tion alleged in the complaint.*

3 “(B) Notwithstanding a finding by the Secretary that
 4 the complaint has made the showing required by paragraph
 5 (1)(A), no investigation required under paragraph (2) shall
 6 be conducted if the employer demonstrates, by clear and
 7 convincing evidence, that it would have taken the same un-
 8 favorable personnel action in the absence of such behavior.

9 “(C) The Secretary may determine that a violation of
 10 paragraph (1) has occurred only if the complainant has
 11 demonstrated that any behavior described in subparagraphs
 12 (A) through (C) of paragraph (1) was a contributing factor
 13 in the unfavorable personnel action alleged in the com-
 14 plaint.

15 “(D) Relief may not be ordered under paragraph (2)
 16 if the employer demonstrates clear and convincing evidence
 17 that it would have taken the same unfavorable personnel
 18 action in the absence of such behavior.”.

19 (5) *Add at the end the following:*

20 “(8) This subsection may not be construed to expand,
 21 diminish, or otherwise affect any right otherwise available
 22 to an employee under Federal or State law to reduce the
 23 employee’s discharge or other discriminatory action taken
 24 by the employer against the employee. The provisions of this

1 subsection shall be prominently posted in any place of em-
 2 ployment to which this subsection applies.”.

3 (b) *EFFECTIVE DATE.*—The amendments made by sub-
 4 section (a) shall apply to claims filed under section 1450(i)
 5 of the Public Health Service Act on or after the date of the
 6 enactment of this Act.

7 **SEC. 308. STATE REVOLVING FUNDS.**

8 Part E (42 U.S.C. 300j et seq.) is amended by adding
 9 the following new section after section 1451:

10 **“SEC. 1452. STATE REVOLVING FUNDS.**

11 “(a) *GENERAL AUTHORITY.*—

12 “(1) *GRANTS TO STATES TO ESTABLISH REVOLV-*
 13 *ING FUNDS.*—(A) The Administrator shall enter into
 14 agreements with eligible States to make capitalization
 15 grants, including letters of credit, to the States under
 16 this subsection solely to further the health protection
 17 objectives of this title, promote the efficient use of
 18 fund resources, and for such other purposes as are
 19 specified in this title.

20 “(B) To be eligible to receive a capitalization
 21 grant under this section, a State shall establish a
 22 drinking water treatment revolving loan fund and
 23 comply with the other requirements of this section.

24 “(C) Such a grant to a State shall be deposited
 25 in the drinking water treatment revolving fund estab-

1 lished by the State, except as otherwise provided in
 2 this section and in other provisions of this title. No
 3 funds authorized by other provisions of this title to be
 4 used for other purposes specified in this title shall be
 5 deposited in any State revolving fund.

6 “(D) Such a grant to a State shall be available
 7 to the State for obligation during the fiscal year for
 8 which the funds are authorized and during the follow-
 9 ing fiscal year, except that grants made available
 10 from funds provided in Public Law 103–327, Public
 11 Law 103–124, and Public Law 104–134 shall be
 12 available for obligation during each of the fiscal years
 13 1997 and 1998.

14 “(E) Except as otherwise provided in this sec-
 15 tion, funds made available to carry out this part shall
 16 be allotted to States that have entered into an agree-
 17 ment pursuant to this section in accordance with—

18 “(i) for each of fiscal years 1995 through
 19 1997, a formula that is the same as the formula
 20 used to distribute public water system super-
 21 vision grant funds under section 1443 in fiscal
 22 year 1995, except that the minimum propor-
 23 tionate share established in the formula shall be
 24 1 percent of available funds and the formula

1 *shall be adjusted to include a minimum propor-*
2 *tionate share for the State of Wyoming; and*

3 *“(ii) for fiscal year 1998 and each subse-*
4 *quent fiscal year, a formula that allocates to*
5 *each State the proportional share of the State*
6 *needs identified in the most recent survey con-*
7 *ducted pursuant to section 1452(h), except that*
8 *the minimum proportionate share provided to*
9 *each State shall be the same as the minimum*
10 *proportionate share provided under clause (i).*

11 *“(F) Such grants not obligated by the last day*
12 *of the period for which the grants are available shall*
13 *be reallocated according to the appropriate criteria set*
14 *forth in subparagraph (E).*

15 *“(G) The State allotment for a State not exercis-*
16 *ing primary enforcement responsibility for public*
17 *water systems shall not be deposited in any such fund*
18 *but shall be allotted by the Administrator as follows:*
19 *20 percent of such allotment shall be available to the*
20 *Administrator as needed to exercise primary enforce-*
21 *ment responsibility under this title in such State and*
22 *the remainder shall be reallocated to States exercising*
23 *primary enforcement responsibility for public water*
24 *systems for deposit in such funds. Whenever the Ad-*
25 *ministrator makes a final determination pursuant to*

1 *section 1413(b) that the requirements of section*
2 *1413(a) are no longer being met by a State, addi-*
3 *tional grants for such State under this title shall be*
4 *immediately terminated by the Administrator. This*
5 *subparagraph shall not apply to any State not exer-*
6 *cising primary enforcement responsibility for public*
7 *water systems as of the date of enactment of the Safe*
8 *Drinking Water Act Amendments of 1996.*

9 *“(H)(i) Beginning in fiscal year 1999, the Ad-*
10 *ministrator shall withhold 20 percent of each capital-*
11 *ization grant made pursuant to this section to a State*
12 *if the State has not met the requirements of section*
13 *1419 (relating to capacity development).*

14 *“(ii) The Administrator shall withhold 20 per-*
15 *cent of each capitalization grant made pursuant to*
16 *this section if the State has not met the requirements*
17 *of subsection (f) of section 1442 (relating to operator*
18 *certification).*

19 *“(iii) All funds withheld by the Administrator*
20 *pursuant to clause (i) shall be reallocated by the Ad-*
21 *ministrator on the basis of the same ratio as is appli-*
22 *cable to funds allotted under subparagraph (E). None*
23 *of the funds reallocated by the Administrator pursuant*
24 *to this paragraph shall be allotted to a State unless*

1 *the State has met the requirements of section 1419*
2 *(relating to capacity development).*

3 “(iv) *All funds withheld by the Administrator*
4 *pursuant to clause (ii) shall be reallocated by the Ad-*
5 *ministrator on the basis of the same ratio as applica-*
6 *ble to funds allotted under subparagraph (E). None of*
7 *the funds reallocated by the Administrator pursuant to*
8 *this paragraph shall be allotted to a State unless the*
9 *State has met the requirements of subsection (f) of sec-*
10 *tion 1442 (relating to operator certification).*

11 “(2) *USE OF FUNDS.—Except as otherwise au-*
12 *thorized by this title, amounts deposited in such re-*
13 *volving funds, including loan repayments and interest*
14 *earned on such amounts, shall be used only for pro-*
15 *viding loans, loan guarantees, or as a source of re-*
16 *serve and security for leveraged loans, the proceeds of*
17 *which are deposited in a State revolving fund estab-*
18 *lished under paragraph (1), or other financial assist-*
19 *ance authorized under this section to community*
20 *water systems and nonprofit noncommunity water*
21 *systems, other than systems owned by Federal agen-*
22 *cies. Such financial assistance may be used by a pub-*
23 *lic water system only for expenditures (not including*
24 *monitoring, operation, and maintenance expendi-*
25 *tures) of a type or category which the Administrator*

1 *has determined, through guidance, will facilitate com-*
 2 *pliance with national primary drinking water regu-*
 3 *lations applicable to such system under section 1412*
 4 *or otherwise significantly further the health protection*
 5 *objectives of this title. Such funds may also be used*
 6 *to provide loans to a system referred to in section*
 7 *1401(4)(B) for the purpose of providing the treatment*
 8 *described in section 1401(4)(B)(i)(III). Such funds*
 9 *shall not be used for the acquisition of real property*
 10 *or interests therein, unless such acquisition is integral*
 11 *to a project authorized by this paragraph and the*
 12 *purchase is from a willing seller. Of the amount cred-*
 13 *ited to any revolving fund established under this sec-*
 14 *tion in any fiscal year, 15 percent shall be available*
 15 *solely for providing loan assistance to public water*
 16 *systems which regularly serve fewer than 10,000 per-*
 17 *sons.*

18 “(3) *LIMITATION.*—

19 “(A) *IN GENERAL.*—*Except as provided in*
 20 *subparagraph (B), no assistance under this part*
 21 *shall be provided to a public water system*
 22 *that—*

23 “(i) *does not have the technical, mana-*
 24 *gerial, and financial capability to ensure*

1 *compliance with the requirements of this*
 2 *title; or*

3 “(ii) *is in significant noncompliance*
 4 *with any requirement of a national pri-*
 5 *mary drinking water regulation or vari-*
 6 *ance.*

7 “(B) *RESTRUCTURING.*—A public water
 8 *system described in subparagraph (A) may re-*
 9 *ceive assistance under this part if—*

10 “(i) *the owner or operator of the sys-*
 11 *tem agrees to undertake feasible and appro-*
 12 *priate changes in operations (including*
 13 *ownership, management, accounting, rates,*
 14 *maintenance, consolidation, alternative*
 15 *water supply, or other procedures) if the*
 16 *State determines that such measures are*
 17 *necessary to ensure that the system has the*
 18 *technical, managerial, and financial capa-*
 19 *bility to comply with the requirements of*
 20 *this title over the long term; and*

21 “(ii) *the use of the assistance will en-*
 22 *sure compliance.*

23 “(b) *INTENDED USE PLANS.*—

24 “(1) *IN GENERAL.*—After providing for public
 25 *review and comment, each State that has entered into*

1 *a capitalization agreement pursuant to this part shall*
 2 *annually prepare a plan that identifies the intended*
 3 *uses of the amounts available to the State loan fund*
 4 *of the State.*

5 “(2) *CONTENTS.—An intended use plan shall in-*
 6 *clude—*

7 “(A) *a list of the projects to be assisted in*
 8 *the first fiscal year that begins after the date of*
 9 *the plan, including a description of the project,*
 10 *the expected terms of financial assistance, and*
 11 *the size of the community served;*

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

14 “(C) *a description of the financial status of*
 15 *the State loan fund and the short-term and long-*
 16 *term goals of the State loan fund.*

17 “(3) *USE OF FUNDS.—*

18 “(A) *IN GENERAL.—An intended use plan*
 19 *shall provide, to the maximum extent prac-*
 20 *ticable, that priority for the use of funds be given*
 21 *to projects that—*

22 “(i) *address the most serious risk to*
 23 *human health;*

1 “(ii) are necessary to ensure compli-
 2 ance with the requirements of this title (in-
 3 cluding requirements for filtration); and

4 “(iii) assist systems most in need on a
 5 per household basis according to State af-
 6 fordability criteria.

7 “(B) *LIST OF PROJECTS.*—Each State shall,
 8 after notice and opportunity for public comment,
 9 publish and periodically update a list of projects
 10 in the State that are eligible for assistance under
 11 this part, including the priority assigned to each
 12 project and, to the extent known, the expected
 13 funding schedule for each project.

14 “(c) *FUND MANAGEMENT.*—Each State revolving fund
 15 under this section shall be established, maintained, and
 16 credited with repayments and interest. The fund corpus
 17 shall be available in perpetuity for providing financial as-
 18 sistance under this section. To the extent amounts in each
 19 such fund are not required for current obligation or expend-
 20 iture, such amounts shall be invested in interest bearing
 21 obligations.

22 “(d) *ASSISTANCE FOR DISADVANTAGED COMMU-*
 23 *NITIES.*—

24 “(1) *LOAN SUBSIDY.*—Notwithstanding any
 25 other provision of this section, in any case in which

1 *the State makes a loan pursuant to subsection (a)(2)*
 2 *to a disadvantaged community or to a community*
 3 *that the State expects to become a disadvantaged com-*
 4 *munity as the result of a proposed project, the State*
 5 *may provide additional subsidization (including for-*
 6 *giveness of principal).*

7 “(2) *TOTAL AMOUNT OF SUBSIDIES.—For each*
 8 *fiscal year, the total amount of loan subsidies made*
 9 *by a State pursuant to paragraph (1) may not exceed*
 10 *30 percent of the amount of the capitalization grant*
 11 *received by the State for the year.*

12 “(3) *DEFINITION OF DISADVANTAGED COMMU-*
 13 *NITY.—In this subsection, the term ‘disadvantaged*
 14 *community’ means the service area of a public water*
 15 *system that meets affordability criteria established*
 16 *after public review and comment by the State in*
 17 *which the public water system is located. The Admin-*
 18 *istrator may publish information to assist States in*
 19 *establishing affordability criteria.*

20 “(e) *STATE CONTRIBUTION.—Each agreement under*
 21 *subsection (a) shall require that the State deposit in the*
 22 *State revolving fund from State moneys an amount equal*
 23 *to at least 20 percent of the total amount of the grant to*
 24 *be made to the State on or before the date on which the*
 25 *grant payment is made to the State, except that a State*

1 *shall not be required to deposit such amount into the fund*
 2 *prior to the date on which each grant payment is made*
 3 *for fiscal years 1994, 1995, 1996, and 1997 if such State*
 4 *deposits the State contribution amount into the State fund*
 5 *prior to September 30, 1998.*

6 “(f) *COMBINED FINANCIAL ADMINISTRATION.*—Not-
 7 *withstanding subsection (c), a State may (as a convenience*
 8 *and to avoid unnecessary administrative costs) combine, in*
 9 *accordance with State law, the financial administration of*
 10 *a revolving fund established under this section with the fi-*
 11 *nancial administration of any other revolving fund estab-*
 12 *lished by the State if otherwise not prohibited by the law*
 13 *under which such revolving fund was established and if the*
 14 *Administrator determines that—*

15 “(1) *the grants under this section, together with*
 16 *loan repayments and interest, will be separately ac-*
 17 *counted for and used solely for the purposes specified*
 18 *in this section; and*

19 “(2) *the authority to establish assistance prior-*
 20 *ities and carry out oversight and related activities*
 21 *(other than financial administration) with respect to*
 22 *such assistance remains with the State agency having*
 23 *primary responsibility for administration of the State*
 24 *program under section 1413.*

1 “(g) *ADMINISTRATION.*—(1) *Each State may annually*
 2 *use up to 4 percent of the funds allotted to the State under*
 3 *this section to cover the reasonable costs of administration*
 4 *of the programs under this section, including the recovery*
 5 *of reasonable costs expended to establish such a fund which*
 6 *are incurred after the date of enactment of this section, and*
 7 *to provide technical assistance to public water systems*
 8 *within the State. For fiscal year 1995 and each fiscal year*
 9 *thereafter, each State with primary enforcement respon-*
 10 *sibility for public water systems within that State may use*
 11 *up to an additional 10 percent of the funds allotted to the*
 12 *State under this section—*

13 “(A) *for public water system supervision pro-*
 14 *grams which receive grants under section 1443(a);*

15 “(B) *to administer or provide technical assist-*
 16 *ance through source water protection programs;*

17 “(C) *to develop and implement a capacity devel-*
 18 *opment strategy under section 1419(c); and*

19 “(D) *for an operator certification program for*
 20 *purposes of meeting the requirements of section*
 21 *1442(f),*

22 *if the State matches such expenditures with at least an*
 23 *equal amount of State funds. At least half of such match*
 24 *must be additional to the amount expended by the State*
 25 *for public water supervision in fiscal year 1993. An addi-*

1 *tional 1 percent of the funds annually allotted to the State*
 2 *under this section shall be used by each State to provide*
 3 *technical assistance to public water systems in such State.*
 4 *Funds utilized under section 1452(g)(1)(B) shall not be*
 5 *used for enforcement actions or for purposes which do not*
 6 *facilitate compliance with national primary drinking*
 7 *water regulations or otherwise significantly further the*
 8 *health protection objectives of this title.*

9 “(2) *The Administrator shall publish such guidance*
 10 *and promulgate such regulations as may be necessary to*
 11 *carry out the provisions of this section, including—*

12 “(A) *provisions to ensure that each State com-*
 13 *mits and expends funds allotted to the State under*
 14 *this section as efficiently as possible in accordance*
 15 *with this title and applicable State laws,*

16 “(B) *guidance to prevent waste, fraud, and*
 17 *abuse, and*

18 “(C) *guidance to avoid the use of funds made*
 19 *available under this section to finance the expansion*
 20 *of any public water system in anticipation of future*
 21 *population growth.*

22 *Such guidance and regulations shall also insure that the*
 23 *States, and public water systems receiving assistance under*
 24 *this section, use accounting, audit, and fiscal procedures*
 25 *that conform to generally accepted accounting standards.*

1 “(3) *Each State administering a revolving fund and*
 2 *assistance program under this subsection shall publish and*
 3 *submit to the Administrator a report every 2 years on its*
 4 *activities under this subsection, including the findings of*
 5 *the most recent audit of the fund and the entire State allot-*
 6 *ment. The Administrator shall periodically audit all revolv-*
 7 *ing funds established by, and all other amounts allotted to,*
 8 *the States pursuant to this subsection in accordance with*
 9 *procedures established by the Comptroller General.*

10 “(h) *NEEDS SURVEY.—The Administrator shall con-*
 11 *duct an assessment of water system capital improvements*
 12 *needs of all eligible public water systems in the United*
 13 *States and submit a report to the Congress containing the*
 14 *results of such assessment within 180 days after the date*
 15 *of the enactment of the Safe Drinking Water Act Amend-*
 16 *ments of 1996 and every 4 years thereafter.*

17 “(i) *INDIAN TRIBES.—1½ percent of the amounts ap-*
 18 *propriated annually to carry out this section may be used*
 19 *by the Administrator to make grants to Indian Tribes and*
 20 *Alaskan Native Villages which are not otherwise eligible to*
 21 *receive either grants from the Administrator under this sec-*
 22 *tion or assistance from State revolving funds established*
 23 *under this section. Such grants may only be used for ex-*
 24 *penditures by such tribes and villages for public water sys-*
 25 *tem expenditures referred to in subsection (a)(2).*

1 “(j) *OTHER AREAS.*—Of the funds annually available
 2 under this section for grants to States, the Administrator
 3 shall make allotments in accordance with section 1443(a)(4)
 4 for the District of Columbia, the Virgin Islands, the Com-
 5 monwealth of the Northern Mariana Islands, American
 6 Samoa, Guam, and the Republic of Palau. The grants allot-
 7 ted as provided in this subsection may be provided by the
 8 Administrator to the governments of such areas, to public
 9 water systems in such areas, or to both, to be used for the
 10 public water system expenditures referred to in subsection
 11 (a)(2). Such grants shall not be deposited in revolving
 12 funds. The total allotment of grants under this section for
 13 all areas described in this paragraph in any fiscal year
 14 shall not exceed 1 percent of the aggregate amount made
 15 available to carry out this section in that fiscal year.

16 “(k) *SET-ASIDES.*—

17 “(1) *IN GENERAL.*—Notwithstanding subsection
 18 (a)(2), a State may take each of the following actions:

19 “(A) Provide assistance, only in the form of
 20 a loan to one or both of the following:

21 “(i) Any public water system described
 22 in subsection (a)(2) to acquire land or a
 23 conservation easement from a willing seller
 24 or grantor, if the purpose of the acquisition
 25 is to protect the source water of the system

1 *from contamination and to ensure compli-*
2 *ance with national primary drinking water*
3 *regulations.*

4 “(ii) *Any community water system to*
5 *implement local, voluntary source water*
6 *protection measures to protect source water*
7 *in areas delineated pursuant to section*
8 *1428(l), in order to facilitate compliance*
9 *with national primary drinking water reg-*
10 *ulations applicable to such system under*
11 *section 1412 or otherwise significantly fur-*
12 *ther the health protection objectives of this*
13 *title. Funds authorized under this clause*
14 *may be used to fund only voluntary, incen-*
15 *tive-based mechanisms.*

16 “(B) *Provide assistance, including technical*
17 *and financial assistance, to any public water*
18 *system as part of a capacity development strat-*
19 *egy developed and implemented in accordance*
20 *with section 1419(c).*

21 “(C) *Make expenditures from the capitaliza-*
22 *tion grant of the State for fiscal years 1996 and*
23 *1997 to delineate and assess source water protec-*
24 *tion areas in accordance with section 1428(l), ex-*

1 *cept that funds set aside for such expenditure*
 2 *shall be obligated within 4 fiscal years.*

3 “(D) *Make expenditures from the fund for*
 4 *the establishment and implementation of well-*
 5 *head protection programs under section 1428.*

6 “(2) *LIMITATION.—For each fiscal year, the total*
 7 *amount of assistance provided and expenditures made*
 8 *by a State under this subsection may not exceed 15*
 9 *percent of the amount of the capitalization grant re-*
 10 *ceived by the State for that year and may not exceed*
 11 *10 percent of that amount for any one of the following*
 12 *activities:*

13 “(A) *To acquire land or conservation ease-*
 14 *ments pursuant to paragraph (1)(A)(i).*

15 “(B) *To provide funding to implement vol-*
 16 *untary, incentive-based source water quality pro-*
 17 *tection measures pursuant to paragraph*
 18 *(1)(A)(ii).*

19 “(C) *To provide assistance through a capac-*
 20 *ity development strategy pursuant to paragraph*
 21 *(1)(B).*

22 “(D) *To make expenditures to delineate or*
 23 *assess source water protection areas pursuant to*
 24 *paragraph (1)(C).*

1 “(E) *To make expenditures to establish and*
 2 *implement wellhead protection programs pursu-*
 3 *ant to paragraph (1)(D).*

4 “(3) *STATUTORY CONSTRUCTION.—Nothing in*
 5 *this section creates or conveys any new authority to*
 6 *a State, political subdivision of a State, or commu-*
 7 *nity water system for any new regulatory measure, or*
 8 *limits any authority of a State, political subdivision*
 9 *of a State or community water system.*

10 “(l) *SAVINGS.—The failure or inability of any public*
 11 *water system to receive funds under this section or any*
 12 *other loan or grant program, or any delay in obtaining*
 13 *the funds, shall not alter the obligation of the system to com-*
 14 *ply in a timely manner with all applicable drinking water*
 15 *standards and requirements of this title.*

16 “(m) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 17 *authorized to be appropriated to carry out the purposes of*
 18 *this section \$599,000,000 for the fiscal year 1994 and*
 19 *\$1,000,000,000 for each of the fiscal years 1995 through*
 20 *2003. Sums shall remain available until expended.*

21 “(n) *HEALTH EFFECTS STUDIES.—From funds ap-*
 22 *propriated pursuant to this section for each fiscal year, the*
 23 *Administrator shall reserve \$10,000,000 for health effects*
 24 *studies on drinking water contaminants authorized by the*
 25 *Safe Drinking Water Act Amendments of 1996. In allocat-*

1 *ing funds made available under this subsection, the Admin-*
2 *istrator shall give priority to studies concerning the health*
3 *effects of cryptosporidium, disinfection byproducts, and ar-*
4 *senic, and the implementation of a plan for studies of sub-*
5 *populations at greater risk of adverse effects.*

6 “(o) *DEMONSTRATION PROJECT FOR STATE OF VIR-*
7 *GINIA.—Notwithstanding the other provisions of this sub-*
8 *section limiting the use of funds deposited in a State revolv-*
9 *ing fund from any State allotment, the State of Virginia*
10 *may, as a single demonstration and with the approval of*
11 *the Virginia General Assembly and the Administrator, con-*
12 *duct a program to demonstrate alternative approaches to*
13 *intergovernmental coordination to assist in the financing*
14 *of new drinking water facilities in the following rural com-*
15 *munities in southwestern Virginia where none exists on the*
16 *date of the enactment of the Safe Drinking Water Act*
17 *Amendments of 1996 and where such communities are expe-*
18 *riencing economic hardship: Lee County, Wise County,*
19 *Scott County, Dickenson County, Russell County, Bu-*
20 *chanan County, Tazewell County, and the city of Norton,*
21 *Virginia. The funds allotted to that State and deposited in*
22 *the State revolving fund may be loaned to a regional endow-*
23 *ment fund for the purpose set forth in this paragraph under*
24 *a plan to be approved by the Administrator. The plan may*

1 *include an advisory group that includes representatives of*
 2 *such counties.*

3 “(p) *SMALL SYSTEM TECHNICAL ASSISTANCE.—The*
 4 *Administrator may reserve up to 2 percent of the total*
 5 *funds appropriated pursuant to subsection (m) for each of*
 6 *the fiscal years 1997 through 2003 to carry out the provi-*
 7 *sions of section 1442(e), relating to technical assistance for*
 8 *small systems.”.*

9 **SEC. 309. WATER CONSERVATION PLAN.**

10 *Part E is amended by adding at the end the following:*

11 **“SEC. 1453. WATER CONSERVATION PLAN.**

12 “(a) *GUIDELINES.—Not later than 2 years after the*
 13 *date of the enactment of the Safe Drinking Water Act*
 14 *Amendments of 1996, the Administrator shall publish in*
 15 *the Federal Register guidelines for water conservation plans*
 16 *for public water systems serving fewer than 3,300 persons,*
 17 *public water systems serving between 3,300 and 10,000 per-*
 18 *sons, and public water systems serving more than 10,000*
 19 *persons, taking into consideration such factors as water*
 20 *availability and climate.*

21 “(b) *SRF LOANS OR GRANTS.—Within 1 year after*
 22 *publication of the guidelines under subsection (a), a State*
 23 *exercising primary enforcement responsibility for public*
 24 *water systems may require a public water system, as a con-*
 25 *dition of receiving a loan or grant from a State revolving*

1 *fund under section 1452, to submit with its application for*
 2 *such loan or grant a water conservation plan consistent*
 3 *with such guidelines.”.*

4 ***TITLE IV—MISCELLANEOUS***

5 ***SEC. 401. DEFINITIONS.***

6 (a) *ALTERNATIVE QUALITY CONTROL AND TESTING*
 7 *PROCEDURES.—Section 1401(1)(D) (42 U.S.C. 300f(1)(D))*
 8 *is amended by adding the following at the end thereof: “At*
 9 *any time after promulgation of a regulation referred to in*
 10 *this paragraph, the Administrator may add equally effec-*
 11 *tive quality control and testing procedures by guidance pub-*
 12 *lished in the Federal Register. Such procedures shall be*
 13 *treated as an alternative for public water systems to the*
 14 *quality control and testing procedures listed in the regula-*
 15 *tion.”.*

16 (b) *PUBLIC WATER SYSTEM.—*

17 (1) *IN GENERAL.—Section 1401(4) (42 U.S.C.*
 18 *300f(4)) is amended—*

19 (A) *in the first sentence, by striking “piped*
 20 *water for human consumption” and inserting*
 21 *“water for human consumption through pipes or*
 22 *other constructed conveyances”;*

23 (B) *by redesignating subparagraphs (A)*
 24 *and (B) as clauses (i) and (ii), respectively;*

1 (C) by striking “(4) The” and inserting the
2 following:

3 “(4) PUBLIC WATER SYSTEM.—

4 “(A) IN GENERAL.—The”; and

5 (D) by adding at the end the following:

6 “(B) CONNECTIONS.—

7 “(i) IN GENERAL.—For purposes of
8 subparagraph (A), a connection to a system
9 that delivers water by a constructed convey-
10 ance other than a pipe shall not be consid-
11 ered a connection, if—

12 “(I) the water is used exclusively
13 for purposes other than residential uses
14 (consisting of drinking, bathing, and
15 cooking, or other similar uses);

16 “(II) the Administrator or the
17 State (in the case of a State exercising
18 primary enforcement responsibility for
19 public water systems) determines that
20 alternative water to achieve the equiva-
21 lent level of public health protection
22 provided by the applicable national
23 primary drinking water regulation is
24 provided for residential or similar uses
25 for drinking, cooking, and bathing; or

1 “(III) *the Administrator or the*
 2 *State (in the case of a State exercising*
 3 *primary enforcement responsibility for*
 4 *public water systems) determines that*
 5 *the water provided for residential or*
 6 *similar uses for drinking, cooking, and*
 7 *bathing is centrally treated or treated*
 8 *at the point of entry by the provider,*
 9 *a pass-through entity, or the user to*
 10 *achieve the equivalent level of protec-*
 11 *tion provided by the applicable na-*
 12 *tional primary drinking water regula-*
 13 *tions.*

14 “(ii) *IRRIGATION DISTRICTS.—An irri-*
 15 *gation district in existence prior to May 18,*
 16 *1994, that provides primarily agricultural*
 17 *service through a piped water system with*
 18 *only incidental residential or similar use*
 19 *shall not be considered to be a public water*
 20 *system if the system or the residential or*
 21 *similar users of the system comply with*
 22 *subclause (II) or (III) of clause (i).*

23 “(C) *TRANSITION PERIOD.—A water sup-*
 24 *plier that would be a public water system only*
 25 *as a result of modifications made to this para-*

graph by the Safe Drinking Water Act Amendments of 1996 shall not be considered a public water system for purposes of the Act until the date that is two years after the date of enactment of this subparagraph. If a water supplier does not serve 15 service connections (as defined in subparagraphs (A) and (B)) or 25 people at any time after the conclusion of the two-year period, the water supplier shall not be considered a public water system.”.

(2) GAO STUDY.—The Comptroller General of the United States shall undertake a study to—

(A) ascertain the numbers and locations of individuals and households relying for their residential water needs, including drinking, bathing, and cooking (or other similar uses) on irrigation water systems, mining water systems, industrial water systems or other water systems covered by section 1401(4)(B) of the Safe Drinking Water Act that are not public water systems subject to the Safe Drinking Water Act;

(B) determine the sources and costs and affordability (to users and systems) of water used by such populations for their residential water needs; and

1 (C) review State and water system compli-
 2 ance with the exclusion provisions of section
 3 1401(4)(B) of such Act.

4 The Comptroller General shall submit a report to the
 5 Congress within 3 years after the enactment of this
 6 Act containing the results of such study.

7 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) *GENERAL*.—Part A (42 U.S.C. 300f) is amended
 9 by adding the following new section after section 1401:

10 **“SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated such sums
 12 as may be necessary to carry out the provisions of this title
 13 for the first 7 fiscal years following the enactment of the
 14 Safe Drinking Water Act Amendments of 1996. With the
 15 exception of biomedical research, nothing in this Act shall
 16 affect or modify any authorization for research and develop-
 17 ment under this Act or any other provision of law.”.

18 (b) *CRITICAL AQUIFER PROTECTION*.—Section 1427
 19 (42 U.S.C. 300h–6) is amended as follows:

20 (1) Subsection (b)(1) is amended by striking
 21 “not later than 24 months after the enactment of the
 22 Safe Drinking Water Act Amendments of 1986”.

23 (2) The table in subsection (m) is amended by
 24 adding at the end the following:

“1992–2003 15,000,000.”.

4 (d) UNDERGROUND INJECTION CONTROL GRANT.—The
5 table in section 1443(b)(5) (42 U.S.C. 300j-2(b)(5)) is
6 amended by adding at the end the following:

7 *SEC. 403. NEW YORK CITY WATERSHED PROTECTION PRO-*
8 *GRAM.*

11 “(d) NEW YORK CITY WATERSHED PROTECTION PRO-
12 GRAM.—

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1 *Administrator, the State of New York shall give prior-*
 2 *ity to monitoring projects that have undergone peer*
 3 *review.*

4 “(2) *REPORT.*—Not later than 5 years after the
 5 *date on which the Administrator first provides assist-*
 6 *ance pursuant to this paragraph, the Governor of the*
 7 *State of New York shall submit a report to the Ad-*
 8 *ministrator on the results of projects assisted.*

9 “(3) *MATCHING REQUIREMENTS.*—Federal assist-
 10 *ance provided under this subsection shall not exceed*
 11 *35 percent of the total cost of the protection program*
 12 *being carried out for any particular watershed or*
 13 *ground water recharge area.*

14 “(4) *AUTHORIZATION.*—There are authorized to
 15 *be appropriated to the Administrator to carry out*
 16 *this subsection for each of fiscal years 1997 through*
 17 *2003 \$8,000,000 for each of such fiscal years for the*
 18 *purpose of providing assistance to the State of New*
 19 *York to carry out paragraph (1).”.*

20 **SEC. 404. ESTROGENIC SUBSTANCES SCREENING PRO-**
 21 **GRAM.**

22 *Part F is amended by adding the following at the end*
 23 *thereof:*

1 **“SEC. 1466. ESTROGENIC SUBSTANCES SCREENING PRO-**
 2 **GRAM.**

3 “(a) *DEVELOPMENT.*—Not later than 2 years after the
 4 date of enactment of this section, the Administrator shall
 5 develop a screening program, using appropriate validated
 6 test systems and other scientifically relevant information,
 7 to determine whether certain substances may have an effect
 8 in humans that is similar to an effect produced by a natu-
 9 rally occurring estrogen, or such other endocrine effect as
 10 the Administrator may designate.

11 “(b) *IMPLEMENTATION.*—Not later than 3 years after
 12 the date of enactment of this section, after obtaining public
 13 comment and review of the screening program described in
 14 subsection (a) by the scientific advisory panel established
 15 under section 25(d) of the Act of June 25, 1947 (chapter
 16 125) or the Science Advisory Board established by section
 17 8 of the Environmental Research, Development, and Dem-
 18 onstration Act of 1978 (42 U.S.C. 4365), the Administrator
 19 shall implement the program.

20 “(c) *SUBSTANCES.*—In carrying out the screening pro-
 21 gram described in subsection (a), the Administrator—

22 “(1) shall provide for the testing of all active and
 23 inert ingredients used in products described in section
 24 103(e) of the Comprehensive Environmental Response,
 25 Compensation, and Liability Act of 1980 (42 U.S.C.

1 9603(e)) that may be found in sources of drinking
2 water, and

3 “(2) may provide for the testing of any other
4 substance that may be found in sources of drinking
5 water if the Administrator determines that a substan-
6 tial population may be exposed to such substance.

7 “(d) *EXEMPTION*.—Notwithstanding subsection (c), the
8 Administrator may, by order, exempt from the requirements
9 of this section a biologic substance or other substance if the
10 Administrator determines that the substance is anticipated
11 not to produce any effect in humans similar to an effect
12 produced by a naturally occurring estrogen.

13 “(e) *COLLECTION OF INFORMATION*.—

14 “(1) *IN GENERAL*.—The Administrator shall
15 issue an order to a person that registers, manufac-
16 tures, or imports a substance for which testing is re-
17 quired under this subsection to conduct testing in ac-
18 cordance with the screening program described in sub-
19 section (a), and submit information obtained from the
20 testing to the Administrator, within a reasonable time
21 period that the Administrator determines is sufficient
22 for the generation of the information.

23 “(2) *PROCEDURES*.—To the extent practicable
24 the Administrator shall minimize duplicative testing
25 of the same substance for the same endocrine effect,

1 *develop, as appropriate, procedures for fair and equi-*
 2 *table sharing of test costs, and develop, as necessary,*
 3 *procedures for handling of confidential business infor-*
 4 *mation.*

5 “(3) *FAILURE OF REGISTRANTS TO SUBMIT IN-*
 6 *FORMATION.—*

7 “(A) *SUSPENSION.—If a person required to*
 8 *register a substance referred to in subsection*
 9 *(c)(1) fails to comply with an order under para-*
 10 *graph (1) of this subsection, the Administrator*
 11 *shall issue a notice of intent to suspend the sale*
 12 *or distribution of the substance by the person.*
 13 *Any suspension proposed under this paragraph*
 14 *shall become final at the end of the 30-day pe-*
 15 *riod beginning on the date that the person re-*
 16 *ceives the notice of intent to suspend, unless dur-*
 17 *ing that period a person adversely affected by the*
 18 *notice requests a hearing or the Administrator*
 19 *determines that the person referred to in para-*
 20 *graph (1) has complied fully with this sub-*
 21 *section.*

22 “(B) *HEARING.—If a person requests a*
 23 *hearing under subparagraph (A), the hearing*
 24 *shall be conducted in accordance with section*
 25 *554 of title 5, United States Code. The only mat-*

1 *ter for resolution at the hearing shall be whether*
2 *the person has failed to comply with an order*
3 *under paragraph (1) of this subsection. A deci-*
4 *sion by the Administrator after completion of a*
5 *hearing shall be considered to be a final agency*
6 *action.*

7 *“(C) TERMINATION OF SUSPENSIONS.—The*
8 *Administrator shall terminate a suspension*
9 *under this paragraph issued with respect to a*
10 *person if the Administrator determines that the*
11 *person has complied fully with this subsection.*

12 *“(4) NONCOMPLIANCE BY OTHER PERSONS.—*
13 *Any person (other than a person referred to in para-*
14 *graph (3)) who fails to comply with an order under*
15 *paragraph (1) shall be liable for the same penalties*
16 *and sanctions as are provided under section 16 of the*
17 *Toxic Substances Control Act (15 U.S.C. 2601 and*
18 *following) in the case of a violation referred to in that*
19 *section. Such penalties and sanctions shall be assessed*
20 *and imposed in the same manner as provided in such*
21 *section 16.*

22 *“(f) AGENCY ACTION.—In the case of any substance*
23 *that is found, as a result of testing and evaluation under*
24 *this section, to have an endocrine effect on humans, the Ad-*
25 *ministrator shall, as appropriate, take action under such*

1 *statutory authority as is available to the Administrator, in-*
2 *cluding consideration under other sections of this Act, as*
3 *is necessary to ensure the protection of public health.*

4 “(g) *REPORT TO CONGRESS.*—*Not later than 4 years*
5 *after the date of enactment of this section, the Adminis-*
6 *trator shall prepare and submit to Congress a report con-*
7 *taining—*

8 “(1) *the findings of the Administrator resulting*
9 *from the screening program described in subsection*
10 *(a);*

11 “(2) *recommendations for further testing needed*
12 *to evaluate the impact on human health of the sub-*
13 *stances tested under the screening program; and*

14 “(3) *recommendations for any further actions*
15 *(including any action described in subsection (f)) that*
16 *the Administrator determines are appropriate based*
17 *on the findings.*

18 “(h) *SAVINGS CLAUSE.*—*Nothing in this section shall*
19 *be construed to amend or modify the provisions of the Toxic*
20 *Substances Control Act or the Federal Insecticide, Fun-*
21 *gicide, and Rodenticide Act.”.*

1 **SEC. 405. REPORTS ON PROGRAMS ADMINISTERED DI-**
 2 **RECTLY BY ENVIRONMENTAL PROTECTION**
 3 **AGENCY.**

4 *For States and Indian Tribes in which the Adminis-*
 5 *trator of the Environmental Protection Agency has revoked*
 6 *primary enforcement responsibility under part B of title*
 7 *XIV of the Public Health Service Act (which title is com-*
 8 *monly known as the Safe Drinking Water Act) or is other-*
 9 *wise administering such title, the Administrator shall pro-*
 10 *vide every 2 years, a report to Congress on the implementa-*
 11 *tion by the Administrator of all applicable requirements of*
 12 *that title in such States.*

13 **SEC. 406. RETURN FLOWS.**

14 *Section 3013 of Public Law 102-486 (42 U.S.C.*
 15 *13551) shall not apply to drinking water supplied by a*
 16 *public water system regulated under title XIV of the Public*
 17 *Health Service Act (the Safe Drinking Water Act).*

18 **SEC. 407. EMERGENCY POWERS.**

19 *Section 1431(b) is amended by striking out “\$5,000”*
 20 *and inserting in lieu thereof “\$15,000”.*

21 **SEC. 408. WATERBORNE DISEASE OCCURRENCE STUDY.**

22 *(a) SYSTEM.—The Director of the Centers for Disease*
 23 *Control and Prevention, and the Administrator of the Envi-*
 24 *ronmental Protection Agency, shall jointly establish—*

25 *(1) within 2 years after the date of enactment of*
 26 *this Act, pilot waterborne disease occurrence studies*

1 *for at least 5 major United States communities or*
2 *public water systems; and*

3 *(2) within 5 years after the date of enactment of*
4 *this Act, a report on the findings of the pilot studies,*
5 *and a national estimate of waterborne disease occur-*
6 *rence.*

7 *(b) TRAINING AND EDUCATION.—The Director and Ad-*
8 *ministrator shall jointly establish a national health care*
9 *provider training and public education campaign to inform*
10 *both the professional health care provider community and*
11 *the general public about waterborne disease and the symp-*
12 *toms that may be caused by infectious agents, including mi-*
13 *crobial contaminants. In developing such a campaign, they*
14 *shall seek comment from interested groups and individuals,*
15 *including scientists, physicians, State and local govern-*
16 *ments, environmental groups, public water systems, and*
17 *vulnerable populations.*

18 *(c) FUNDING.—There are authorized to be appro-*
19 *priated for each of the fiscal years 1997 through 2001,*
20 *\$3,000,000 to carry out this section. To the extent funds*
21 *under this section are not fully appropriated, the Adminis-*
22 *trator may use not more than \$2,000,000 of the funds from*
23 *amounts reserved under section 1452(n) for health effects*
24 *studies for purposes of this section. The Administrator may*

1 *transfer a portion of such funds to the Centers for Disease*
2 *Control and Prevention for such purposes.*

3 **SEC. 409. DRINKING WATER STUDIES.**

4 (a) *SUBPOPULATIONS AT GREATER RISK.*—*The Ad-*
5 *ministrator of the Environmental Protection Agency shall*
6 *conduct a continuing program of studies to identify groups*
7 *within the general population that are at greater risk than*
8 *the general population of adverse health effects from expo-*
9 *sure to contaminants in drinking water. The study shall*
10 *examine whether and to what degree infants, children, preg-*
11 *nant women, the elderly, individuals with a history of seri-*
12 *ous illness, or other subpopulations that can be identified*
13 *and characterized are likely to experience elevated health*
14 *risks, including risks of cancer, from contaminants in*
15 *drinking water.*

16 (b) *BIOLOGICAL MECHANISMS.*—*The Administrator*
17 *shall conduct studies to—*

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

23 (2) *understand the effects of contaminants and*
24 *the biomedical mechanisms by which the contami-*
25 *nants cause adverse effects (especially noncancer and*

1 *infectious effects) and the variations in the effects*
 2 *among humans, especially subpopulations at greater*
 3 *risk of adverse effects, and between test animals and*
 4 *humans; and*

5 *(3) develop new approaches to the study of com-*
 6 *plex mixtures, such as mixtures found in drinking*
 7 *water, especially to determine the prospects for syner-*
 8 *gistic or antagonistic interactions that may affect the*
 9 *shape of the dose-response relationship of the individ-*
 10 *ual chemicals and microbes, and to examine noncan-*
 11 *cer endpoints and infectious diseases, and susceptible*
 12 *individuals and subpopulations.*

13 *(c) STUDIES ON HARMFUL SUBSTANCES IN DRINKING*
 14 *WATER.—*

15 *(1) DEVELOPMENT OF STUDIES.—The Adminis-*
 16 *trator shall, after consultation with the Secretary of*
 17 *Health and Human Services, the Secretary of Agri-*
 18 *culture, and, as appropriate, the heads of other Fed-*
 19 *eral agencies, conduct the studies described in para-*
 20 *graph (2) to support the development and implemen-*
 21 *tation of the most current version of each of the fol-*
 22 *lowing:*

23 *(A) Enhanced surface water treatment rule*
 24 *(59 Fed. Reg. 38832 (July 29, 1994)).*

1 (B) *Disinfectant and disinfection byprod-*
 2 *ucts rule (59 Fed. Reg. 38668 (July 29, 1994)).*

3 (C) *Ground water disinfection rule (avail-*
 4 *ability of draft summary announced at (57 Fed.*
 5 *Reg. 33960; July 31, 1992)).*

6 (2) *CONTENTS OF STUDIES.—The studies re-*
 7 *quired by paragraph (1) shall include, at a mini-*
 8 *mum, each of the following:*

9 (A) *Toxicological studies and, if warranted,*
 10 *epidemiological studies to determine what levels*
 11 *of exposure from disinfectants and disinfection*
 12 *byproducts, if any, may be associated with devel-*
 13 *opmental and birth defects and other potential*
 14 *toxic end points.*

15 (B) *Toxicological studies and, if warranted,*
 16 *epidemiological studies to quantify the carcino-*
 17 *genic potential from exposure to disinfection by-*
 18 *products resulting from different disinfectants.*

19 (C) *The development of dose-response curves*
 20 *for pathogens, including cryptosporidium and*
 21 *the Norwalk virus.*

22 (3) *AUTHORIZATION OF APPROPRIATIONS.—*
 23 *There are authorized to be appropriated to carry out*
 24 *this subsection \$12,500,000 for each of fiscal years*
 25 *1997 through 2003.*

1 **SEC. 410. BOTTLED DRINKING WATER STANDARDS.**

2 *Section 410 of the Federal Food, Drug, and Cosmetic*
3 *Act (21 U.S.C. 349) is amended as follows:*

4 *(1) By striking “Whenever” and inserting “(a)*
5 *Except as provided in subsection (b), whenever”.*

6 *(2) By adding at the end thereof the following*
7 *new subsection:*

8 *“(b)(1) Not later than 180 days before the effective date*
9 *of a national primary drinking water regulation promul-*
10 *gated by the Administrator of the Environmental Protec-*
11 *tion Agency for a contaminant under section 1412 of the*
12 *Public Health Service Act (42 U.S.C. 300g–1), the Sec-*
13 *retary shall promulgate a standard of quality regulation*
14 *under this subsection for that contaminant in bottled water*
15 *or make a finding that such a regulation is not necessary*
16 *to protect the public health because the contaminant is con-*
17 *tained in water in public water systems (as defined under*
18 *section 1401(4) of such Act (42 U.S.C. 300f(4))) but not*
19 *in water used for bottled drinking water. The effective date*
20 *for any such standard of quality regulation shall be the*
21 *same as the effective date for such national primary drink-*
22 *ing water regulation, except for any standard of quality*
23 *of regulation promulgated by the Secretary before the date*
24 *of enactment of the Safe Drinking Water Act Amendments*
25 *of 1996 for which (as of such date of enactment) an effective*
26 *date had not been established. In the case of a standard*

1 of quality regulation to which such exception applies, the
2 Secretary shall promulgate monitoring requirements for the
3 contaminants covered by the regulation not later than 2
4 years after such date of enactment. Such monitoring re-
5 quirements shall become effective not later than 180 days
6 after the date on which the monitoring requirements are
7 promulgated.

8 “(2) A regulation issued by the Secretary as provided
9 in this subsection shall include any monitoring require-
10 ments that the Secretary determines appropriate for bottled
11 water.

12 “(3) A regulation issued by the Secretary as provided
13 in this subsection shall require the following:

14 “(A) In the case of contaminants for which a
15 maximum contaminant level is established in a na-
16 tional primary drinking water regulation under sec-
17 tion 1412 of the Public Health Service Act, the regu-
18 lation under this subsection shall establish a maxi-
19 mum contaminant level for the contaminant in bot-
20 tled water which is no less stringent than the maxi-
21 mum contaminant level provided in the national pri-
22 mary drinking water regulation.

23 “(B) In the case of contaminants for which a
24 treatment technique is established in a national pri-
25 mary drinking water regulation under section 1412 of

1 *the Public Health Service Act, the regulation under*
2 *this subsection shall require that bottled water be sub-*
3 *ject to requirements no less protective of the public*
4 *health than those applicable to water provided by*
5 *public water systems using the treatment technique*
6 *required by the national primary drinking water reg-*
7 *ulation.*

8 “(4)(A) *If the Secretary does not promulgate a regula-*
9 *tion under this subsection within the period described in*
10 *paragraph (1), the national primary drinking water regu-*
11 *lation referred to in paragraph (1) shall be considered, as*
12 *of the date on which the Secretary is required to establish*
13 *a regulation under paragraph (1), as the regulation appli-*
14 *cable under this subsection to bottled water.*

15 “(B) *In the case of a national primary drinking water*
16 *regulation that pursuant to subparagraph (A) is considered*
17 *to be a standard of quality regulation, the Secretary shall,*
18 *not later than the applicable date referred to in such sub-*
19 *paragraph, publish in the Federal Register a notice—*

20 “(i) *specifying the contents of such regulation,*
21 *including monitoring requirements, and*

22 “(ii) *providing that for purposes of this para-*
23 *graph the effective date for such regulation is the*
24 *same as the effective date for the regulation for pur-*
25 *poses of title XIV of the Public Health Service Act (or,*

1 *if the exception under paragraph (1) applies to the*
 2 *regulation, that the effective date for the regulation is*
 3 *not later than 2 years and 180 days after the date of*
 4 *the enactment of the Safe Drinking Water Act*
 5 *Amendments of 1996).”.*

6 **SEC. 411. CLERICAL AMENDMENTS.**

7 (a) *PART B.—Part B (42 U.S.C. 300g and following)*
 8 *is amended as follows:*

9 (1) *In section 1412(b)(2)(C) by striking “para-*
 10 *graph (3)(a)” and inserting “paragraph (3)(A)”.*

11 (2) *In section 1412(b)(8) strike “1442(g)” and*
 12 *insert “1442(e)”.*

13 (3) *In section 1415(a)(1)(A) by inserting “the”*
 14 *before “time the variance is granted”.*

15 (b) *PART C.—Part C (42 U.S.C. 300h and following)*
 16 *is amended as follows:*

17 (1) *In section 1421(b)(3)(B)(i) by striking*
 18 *“number or States” and inserting “number of*
 19 *States”.*

20 (2) *In section 1427(k) by striking “this sub-*
 21 *section” and inserting “this section”.*

22 (c) *PART E.—Section 1441(f) (42 U.S.C. 300j(f)) is*
 23 *amended by inserting a period at the end.*

1 (d) *SECTION 1465(b).*—*Section 1465(b) (42 U.S.C.*
 2 *300j–25) is amended by striking “as by” and inserting*
 3 *“by”.*

4 (e) *SHORT TITLE.*—*Section 1 of Public Law 93-523*
 5 *(88 Stat. 1600) is amended by inserting “of 1974” after*
 6 *“Act” the second place it appears and title XIV of the Pub-*
 7 *lic Health Service Act is amended by inserting the following*
 8 *immediately before part A:*

9 **“SEC. 1400. SHORT TITLE AND TABLE OF CONTENTS.**

10 “(a) *SHORT TITLE.*—*This title may be cited as the*
 11 *‘Safe Drinking Water Act’.*

12 “(b) *TABLE OF CONTENTS.*—

“TITLE XIV—SAFETY OF PUBLIC WATER SYSTEMS

“Sec. 1400. Short title and table of contents.

“PART A—DEFINITIONS

“Sec. 1401. Definitions.

“Sec. 1402. Authorization of appropriations.

“PART B—PUBLIC WATER SYSTEMS

“Sec. 1411. Coverage.

“Sec. 1412. National drinking water regulations.

“Sec. 1413. State primary enforcement responsibility.

“Sec. 1414. Enforcement of drinking water regulations.

“Sec. 1415. Variances

“Sec. 1416. Exemptions.

“Sec. 1417. Prohibition on use of lead pipes, solder, and flux.

“Sec. 1418. Monitoring of contaminants.

“Sec. 1419. Capacity development.

“PART C—PROTECTION OF UNDERGROUND SOURCES OF DRINKING WATER

“Sec. 1421. Regulations for State programs.

“Sec. 1422. State primary enforcement responsibility.

“Sec. 1423. Enforcement of program.

“Sec. 1424. Interim regulation of underground injections.

“Sec. 1425. Optional demonstration by States relating to oil or natural gas.

“Sec. 1426. Regulation of State programs.

“Sec. 1427. Sole source aquifer demonstration program.

“Sec. 1428. State programs to establish wellhead and source water protection areas.

“Sec. 1429. Federal facilities.

“PART D—EMERGENCY POWERS

“Sec. 1431. Emergency powers.

“Sec. 1432. Tampering with public water systems.

“PART E—GENERAL PROVISIONS

“Sec. 1441. Assurance of availability of adequate supplies of chemicals necessary for treatment of water.

“Sec. 1442. Research, technical assistance, information, training of personnel.

“Sec. 1443. Grants for State programs.

“Sec. 1444. Special study and demonstration project grants; guaranteed loans.

“Sec. 1445. Records and inspections.

“Sec. 1446. National Drinking Water Advisory Council.

“Sec. 1447. Federal agencies.

“Sec. 1448. Judicial review.

“Sec. 1449. Citizen’s civil action.

“Sec. 1450. General provisions.

“Sec. 1451. Indian tribes.

“Sec. 1452. State revolving funds.

“Sec. 1453. Water conservation plan.

“PART F—ADDITIONAL REQUIREMENTS TO REGULATE THE SAFETY OF DRINKING WATER

“Sec. 1461. Definitions.

“Sec. 1462. Recall of drinking water coolers with lead-lined tanks.

“Sec. 1463. Drinking water coolers containing lead.

“Sec. 1464. Lead contamination in school drinking water.

“Sec. 1465. Federal assistance for State programs regarding lead contamination in school drinking water.

“Sec. 1466. Estrogenic substances screening program.”.

1 TITLE V—ADDITIONAL ASSIST-
2 ANCE FOR WATER INFRA-
3 STRUCTURE AND WATER-
4 SHEDS

5 SEC. 501. GENERAL PROGRAM.

6 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—*The*
7 Administrator may provide technical and financial assist-
8 ance in the form of grants to States (1) for the construction,
9 rehabilitation, and improvement of water supply systems,

1 *and (2) consistent with nonpoint source management pro-*
 2 *grams established under section 319 of the Federal Water*
 3 *Pollution Control Act, for source water quality protection*
 4 *programs to address pollutants in navigable waters for the*
 5 *purpose of making such waters usable by water supply sys-*
 6 *tems.*

7 (b) *LIMITATION.*—*Not more than 30 percent of the*
 8 *amounts appropriated to carry out this section in a fiscal*
 9 *year may be used for source water quality protection pro-*
 10 *grams described in subsection (a)(2).*

11 (c) *CONDITION.*—*As a condition to receiving assistance*
 12 *under this section, a State shall ensure that such assistance*
 13 *is carried out in the most cost-effective manner, as deter-*
 14 *mined by the State.*

15 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 16 *authorized to be appropriated to carry out this section*
 17 *\$50,000,000 for each of fiscal years 1996 through 2003.*
 18 *Such sums shall remain available until expended.*

19 **SEC. 502. NEW YORK CITY WATERSHED, NEW YORK.**

20 (a) *IN GENERAL.*—*The Administrator may provide*
 21 *technical and financial assistance in the form of grants for*
 22 *a source water quality protection program described in sec-*
 23 *tion 501 for the New York City Watershed in the State of*
 24 *New York.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 2 *authorized to be appropriated to carry out this section*
 3 *\$8,000,000 for each of fiscal years 1996 through 2003. Such*
 4 *sums shall remain available until expended.*

5 **SEC. 503. RURAL AND NATIVE VILLAGES, ALASKA.**

6 (a) *IN GENERAL.*—*The Administrator may provide*
 7 *technical and financial assistance in the form of grants to*
 8 *the State of Alaska for the benefit of rural and Alaska Na-*
 9 *tive villages for the development and construction of water*
 10 *systems to improve conditions in such villages and to pro-*
 11 *vide technical assistance relating to construction and oper-*
 12 *ation of such systems.*

13 (b) *CONSULTATION.*—*The Administrator shall consult*
 14 *the State of Alaska on methods of prioritizing the allocation*
 15 *of grants made to such State under this section.*

16 (c) *ADMINISTRATIVE EXPENSES.*—*The State of Alaska*
 17 *may use not to exceed 4 percent of the amount granted to*
 18 *such State under this section for administrative expenses*
 19 *necessary to carry out the activities for which the grant is*
 20 *made.*

21 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 22 *authorized to be appropriated to carry out this section*
 23 *\$25,000,000. Such sums shall remain available until ex-*
 24 *pended.*

1 **SEC. 504. ACQUISITION OF LANDS.**

2 *Assistance provided with funds made available under*
 3 *this title may be used for the acquisition of lands and other*
 4 *interests in lands; however, nothing in this title authorizes*
 5 *the acquisition of lands or other interests in lands from*
 6 *other than willing sellers.*

7 **SEC. 505. FEDERAL SHARE.**

8 *The Federal share of the cost of activities for which*
 9 *grants are made under this title shall be 50 percent.*

10 **SEC. 506. CONDITION ON AUTHORIZATIONS OF APPROPRIA-**
 11 **TIONS.**

12 *An authorization of appropriations under this title*
 13 *shall be in effect for a fiscal year only if at least 75 percent*
 14 *of the total amount of funds authorized to be appropriated*
 15 *for such fiscal year by section 308 are appropriated.*

16 **SEC. 507. DEFINITIONS.**

17 *In this title, the following definitions apply:*

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

21 (2) *STATE.—The term “State” means a State,*
 22 *the District of Columbia, the Commonwealth of Puer-*
 23 *to Rico, the Virgin Islands, Guam, American Samoa,*
 24 *the Commonwealth of the Northern Mariana Islands,*
 25 *and the Trust Territory of the Pacific Islands.*

1 (3) *WATER SUPPLY SYSTEM.*—*The term “water*
 2 *supply system” means a system for the provision to*
 3 *the public of piped water for human consumption if*
 4 *such system has at least 15 service connections or reg-*
 5 *ularly serves at least 25 individuals and a draw and*
 6 *fill system for the provision to the public of water for*
 7 *human consumption. Such term does not include a*
 8 *for-profit system that has fewer than 15 service con-*
 9 *nections used by year-round residents of the area*
 10 *served by the system or a for-profit system that regu-*
 11 *larly serves fewer than 25 year-round residents and*
 12 *does not include a system owned by a Federal agency.*
 13 *Such term includes (A) any collection, treatment,*
 14 *storage, and distribution facilities under control of*
 15 *the operator of such system and used primarily in*
 16 *connection with such system, and (B) any collection*
 17 *or pretreatment facilities not under such control that*
 18 *are used primarily in connection with such system.*

19 ***TITLE VI—DRINKING WATER***
 20 ***RESEARCH AUTHORIZATION***

21 ***SEC. 601. DRINKING WATER RESEARCH AUTHORIZATION.***

22 *There are authorized to be appropriated to the Admin-*
 23 *istrator of the Environmental Protection Agency, in addi-*
 24 *tion to—*

1 (1) amounts authorized for research under sec-
 2 tion 1412(b)(13) of the Safe Drinking Water Act (title
 3 XIV of the Public Health Service Act);

4 (2) amounts authorized for research under sec-
 5 tion 409 of the Safe Drinking Water Act Amendments
 6 of 1996; and

7 (3) \$10,000,000 from funds appropriated pursu-
 8 ant to this section 1452(n) of the Safe Drinking
 9 Water Act (title XIV of the Public Health Service
 10 Act),

11 such sums as may be necessary for drinking water research
 12 for fiscal years 1997 through 2003. The annual total of the
 13 sums referred to in this section shall not exceed \$26,593,000.

14 **SEC. 602. SCIENTIFIC RESEARCH REVIEW.**

15 (a) *IN GENERAL.*—The Administrator shall assign to
 16 the Assistant Administrator for Research and Development
 17 (in this section referred to as the “Assistant Adminis-
 18 trator”) the duties of—

19 (1) developing a strategic plan for drinking
 20 water research activities throughout the Environ-
 21 mental Protection Agency (in this section referred to
 22 as the “Agency”);

23 (2) integrating that strategic plan into ongoing
 24 Agency planning activities; and

1 (3) *reviewing all Agency drinking water research*
2 *to ensure the research—*

3 (A) *is of high quality; and*

4 (B) *does not duplicate any other research*
5 *being conducted by the Agency.*

6 (b) *REPORT.—The Assistant Administrator shall*
7 *transmit annually to the Administrator and to the Commit-*
8 *tees on Commerce and Science of the House of Representa-*
9 *tives and the Committee on Environment and Public Works*
10 *of the Senate a report detailing—*

11 (1) *all Agency drinking water research the As-*
12 *stant Administrator finds is not of sufficiently high*
13 *quality; and*

14 (2) *all Agency drinking water research the As-*
15 *stant Administrator finds duplicates other Agency*
16 *research.*

Attest:

Clerk.