

Calendar No. 226

104TH CONGRESS
1ST SESSION

S. 1316

[Report No. 104-169]

A BILL

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

NOVEMBER 7, 1995

Reported with amendments

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 12 (legislative day, OCTOBER 10), 1995

Mr. KEMPTHORNE (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. REID, Mr. KERREY, Mr. DOLE, Mr. DASCHLE, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. INHOFE, Mr. THOMAS, Mr. McCONNELL, Mr. JEFFORDS, Mr. HATCH, Mr. SIMPSON, Mr. DOMENICI, Mr. BURNS, Mr. CRAIG, Mr. BENNETT, Mr. EXON, Mr. CONRAD, Mr. HATFIELD, Mr. LAUTENBERG, and Mr. THURMOND) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

NOVEMBER 7, 1995

Reported by Mr. CHAFEE, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
 2 **ERENCES.**

3 (a) SHORT TITLE.—This Act may be cited as the
 4 “Safe Drinking Water Act Amendments of 1995”.

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

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Findings.
- Sec. 3. State revolving loan funds.
- Sec. 4. Selection of contaminants; schedule.
- Sec. 5. Risk assessment, management, and communication.
- Sec. 6. Standard-setting; review of standards.
- Sec. 7. Arsenic.
- Sec. 8. Radon.
- Sec. 9. Sulfate.
- Sec. 10. Filtration and disinfection.
- Sec. 11. Effective date for regulations.
- Sec. 12. Technology and treatment techniques; technology centers.
- Sec. 13. Variances and exemptions.
- Sec. 14. Small systems; technical assistance.
- Sec. 15. Capacity development; finance centers.
- Sec. 16. Operator and laboratory certification.
- Sec. 17. Source water quality protection partnerships.
- Sec. 18. State primacy; State funding.
- Sec. 19. Monitoring and information gathering.
- Sec. 20. Public notification.
- Sec. 21. Enforcement; judicial review.
- Sec. 22. Federal agencies.
- Sec. 23. Research.
- Sec. 24. Definitions.
- Sec. 25. Ground water protection.
- Sec. 26. Lead plumbing and pipes; return flows.
- Sec. 27. Bottled water.
- Sec. 28. Assessing environmental priorities, costs, and benefits.
- Sec. 29. Other amendments.

7 (c) REFERENCES TO TITLE XIV OF THE PUBLIC
 8 HEALTH SERVICE ACT.—Except as otherwise expressly
 9 provided, whenever in this Act an amendment or repeal
 10 is expressed in terms of an amendment to, or repeal of,
 11 a section or other provision, the reference shall be consid-
 12 ered to be made to a section or other provision of title

1 XIV of the Public Health Service Act (commonly known
2 as the “Safe Drinking Water Act”) (42 U.S.C. 300f et
3 seq.).

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

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

8 (2) because the requirements of title XIV of the
9 Public Health Service Act (commonly known as the
10 “Safe Drinking Water Act”) (42 U.S.C. 300f et
11 seq.) now exceed the financial and technical capacity
12 of some public water systems, especially many small
13 public water systems, the Federal Government needs
14 to provide assistance to communities to help the
15 communities meet Federal drinking water require-
16 ments;

17 (3) the Federal Government commits to take
18 steps to foster and maintain a genuine partnership
19 with the States in the administration and implemen-
20 tation of the Safe Drinking Water Act;

21 (4) States play a central role in the implemen-
22 tation of safe drinking water programs, and States
23 need increased financial resources and appropriate
24 flexibility to ensure the prompt and effective devel-

1 opment and implementation of drinking water pro-
2 grams;

3 (5) the existing process for the assessment and
4 regulation of additional drinking water contaminants
5 needs to be revised and improved to ensure that
6 there is a sound scientific basis for drinking water
7 regulations and that the standards established ad-
8 dress the health risks posed by contaminants;

9 (6) procedures for assessing the health effects
10 of contaminants and establishing drinking water
11 standards should be revised to provide greater op-
12 portunity for public education and participation;

13 (7) in setting priorities with respect to the
14 health risks from drinking water to be addressed
15 and in selecting the appropriate level of regulation
16 for contaminants in drinking water, risk assessment
17 and benefit-cost analysis are important and useful
18 tools for improving the efficiency and effectiveness of
19 drinking water regulations to protect human health;

20 (8) more effective protection of public health re-
21 quires—

22 (A) a Federal commitment to set priorities
23 that will allow scarce Federal, State, and local
24 resources to be targeted toward the drinking

1 water problems of greatest public health con-
2 cern; and

3 (B) maximizing the value of the different
4 and complementary strengths and responsibil-
5 ities of the Federal and State governments in
6 those States that have primary enforcement re-
7 sponsibility for the Safe Drinking Water Act;
8 and

9 (9) compliance with the requirements of the
10 Safe Drinking Water Act continues to be a concern
11 at public water systems experiencing technical and
12 financial limitations, and Federal, State, and local
13 governments need more resources and more effective
14 authority to attain the objectives of the Safe Drink-
15 ing Water Act.

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

17 The title (42 U.S.C. 300f et seq.) is amended by add-
18 ing at the end the following:

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

20 **“GENERAL AUTHORITY**

21 **“SEC. 1471. (a) CAPITALIZATION GRANT AGREE-**
22 **MENTS.—**The Administrator shall offer to enter into an
23 agreement with each State to make capitalization grants
24 to the State pursuant to section 1472 (referred to in this
25 part as ‘capitalization grants’) to establish a drinking

1 water treatment State revolving loan fund (referred to in
2 this part as a 'State loan fund').

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

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

8 “(2) the State loan fund will be administered by
9 an instrumentality of the State that has the powers
10 and authorities that are required to operate the
11 State loan fund in accordance with this part;

12 “(3) the State will deposit the capitalization
13 grants into the State loan fund;

14 “(4) the State will deposit all loan repayments
15 received, and interest earned on the amounts depos-
16 ited into the State loan fund under this part, into
17 the State loan fund;

18 “(5) the State will deposit into the State loan
19 fund an amount equal to at least 20 percent of the
20 total amount of each payment to be made to the
21 State on or before the date on which the payment
22 is made to the State, except as provided in sub-
23 section (c)(4);

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

4 “(7) the State and loan recipients that receive
5 funds that the State makes available from the State
6 loan fund will use accounting procedures that con-
7 form to generally accepted accounting principles, au-
8 diting procedures that conform to chapter 75 of title
9 31, United States Code (commonly known as the
10 ‘Single Audit Act of 1984’), and such fiscal proce-
11 dures as the Administrator may prescribe; and

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

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

16 “(1) IN GENERAL.—The authority to establish
17 assistance priorities for financial assistance provided
18 with amounts deposited into the State loan fund
19 shall reside in the State agency that has primary re-
20 sponsibility for the administration of the State pro-
21 gram under section 1413, after consultation with
22 other appropriate State agencies (as determined by
23 the State).

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

1 State loan fund pursuant to this part with the finan-
2 cial administration of a State water pollution control
3 revolving fund established by the State pursuant to
4 title VI of the Federal Water Pollution Control Act
5 (33 U.S.C. 1381 et seq.), or other State revolving
6 funds providing financing for similar purposes, if the
7 Administrator determines that the grants to be pro-
8 vided to the State under this part, and the loan re-
9 payments and interest deposited into the State loan
10 fund pursuant to this part, will be separately ac-
11 counted for and used solely for the purposes of and
12 in compliance with the requirements of this part.

13 “(3) TRANSFER OF FUNDS.—

14 “(A) IN GENERAL.—Notwithstanding any
15 other provision of law, a Governor of a State
16 may—

17 “(i) reserve up to 50 percent of a cap-
18 italization grant made pursuant to section
19 1472 and add the funds reserved to any
20 funds provided to the State pursuant to
21 section 601 of the Federal Water Pollution
22 Control Act (33 U.S.C. 1381); and

23 “(ii) reserve in any year a dollar
24 amount up to the dollar amount that may
25 be reserved under clause (i) for that year

1 from capitalization grants made pursuant
2 to section 601 of such Act (33 U.S.C.
3 1381) and add the reserved funds to any
4 funds provided to the State pursuant to
5 section 1472.

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

12 “(4) EXTENDED PERIOD.—Notwithstanding
13 subsection (b)(5), a State shall not be required to
14 deposit a State matching amount into the fund prior
15 to the date on which each payment is made for pay-
16 ments from funds appropriated for fiscal years
17 1994, 1995, and 1996, if the matching amounts for
18 the payments are deposited into the State fund prior
19 to September 30, 1998.

20 “CAPITALIZATION GRANTS

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

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

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

6 “(A) for each of fiscal years 1995 through
7 1997, a formula that is the same as the for-
8 mula used to distribute public water system su-
9 pervision grant funds under section 1443 in fis-
10 cal year 1995, except that the minimum propor-
11 tionate share established in the formula shall be
12 1 percent of available funds and the formula
13 shall be adjusted to include a minimum propor-
14 tionate share for the State of Wyoming; and

15 “(B) for fiscal year 1998 and each subse-
16 quent fiscal year, a formula that allocates to
17 each State the proportional share of the State
18 needs identified in the most recent survey con-
19 ducted pursuant to section 1475(c), except that
20 the minimum proportionate share provided to
21 each State shall be the same as the minimum
22 proportionate share provided under subpara-
23 graph (A).

24 “(2) OTHER JURISDICTIONS.—The formula es-
25 tablished pursuant to paragraph (1) shall reserve

1 0.5 percent of the amounts made available to carry
2 out this part for a fiscal year for providing direct
3 grants to the jurisdictions, other than Indian Tribes,
4 referred to in subsection (f).

5 “(c) RESERVATION OF FUNDS FOR INDIAN
6 TRIBES.—

7 “(1) IN GENERAL.—For each fiscal year, prior
8 to the allotment of funds made available to carry out
9 this part, the Administrator shall reserve 1.5 percent
10 of the funds for providing financial assistance to In-
11 dian Tribes pursuant to subsection (f).

12 “(2) USE OF FUNDS.—Funds reserved pursu-
13 ant to paragraph (1) shall be used to address the
14 most significant threats to public health associated
15 with public water systems that serve Indian Tribes,
16 as determined by the Administrator in consultation
17 with the Director of the Indian Health Service *and*
18 *Indian Tribes*.

19 “(3) NEEDS ASSESSMENT.—The Administrator,
20 in consultation with the Director of the Indian
21 Health Service *and Indian Tribes*, shall, in accord-
22 ance with a schedule that is consistent with the
23 needs surveys conducted pursuant to section
24 1475(c), prepare surveys and assess the needs of
25 drinking water treatment facilities to serve Indian

1 Tribes, including an evaluation of the public water
2 systems that pose the most significant threats to
3 public health.

4 “(d) TECHNICAL ASSISTANCE FOR SMALL SYS-
5 TEMS.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) SMALL SYSTEM.—The term ‘small
8 system’ means a public water system that
9 serves a population of 10,000 or fewer.

10 “(B) TECHNICAL ASSISTANCE.—The term
11 ‘technical assistance’ means assistance provided
12 by a State to a small system, including assist-
13 ance to potential loan recipients and assistance
14 for planning and design, development and im-
15 plementation of a source water quality protec-
16 tion partnership program, alternative supplies
17 of drinking water, restructuring or consolida-
18 tion of a small system, and treatment to comply
19 with a national primary drinking water regula-
20 tion.

21 “(2) RESERVATION OF FUNDS.—To provide
22 technical assistance pursuant to this subsection,
23 each State may reserve from capitalization grants
24 received in any year an amount that does not exceed
25 the greater of—

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

4 “(B) \$300,000.

5 “(e) ALLOTMENT PERIOD.—

6 “(1) PERIOD OF AVAILABILITY FOR FINANCIAL
7 ASSISTANCE.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), the sums allotted to a State
10 pursuant to subsection (b) for a fiscal year shall
11 be available to the State for obligation during
12 the fiscal year for which the sums are author-
13 ized and during the following fiscal year.

14 “(B) FUNDS MADE AVAILABLE FOR FISCAL
15 YEARS 1995 AND 1996.—The sums allotted to a
16 State pursuant to subsection (b) from funds
17 that are made available by appropriations for
18 each of fiscal years 1995 and 1996 shall be
19 available to the State for obligation during each
20 of fiscal years 1995 through 1998.

21 “(2) REALLOTMENT OF UNOBLIGATED
22 FUNDS.—Prior to obligating new allotments made
23 available to the State pursuant to subsection (b),
24 each State shall obligate funds accumulated before a
25 date that is 1 year prior to the date of the obligation

1 of a new allotment from loan repayments and inter-
2 est earned on amounts deposited into a State loan
3 fund. The amount of any allotment that is not obli-
4 gated by a State by the last day of the period of
5 availability established by paragraph (1) shall be im-
6 mediately reallotted by the Administrator on the
7 basis of the same ratio as is applicable to sums allot-
8 ted under subsection (b), except that the Adminis-
9 trator may reserve and allocate 10 percent of the re-
10 maining amount for financial assistance to Indian
11 Tribes in addition to the amount allotted under sub-
12 section (c). None of the funds reallotted by the Ad-
13 ministrator shall be reallotted to any State that has
14 not obligated all sums allotted to the State pursuant
15 to this section during the period in which the sums
16 were available for obligation.

17 “(3) ALLOTMENT OF WITHHELD FUNDS.—All
18 funds withheld by the Administrator pursuant to
19 subsection (g) and section 1442(e)(3) shall be allot-
20 ted by the Administrator on the basis of the same
21 ratio as is applicable to funds allotted under sub-
22 section (b). None of the funds allotted by the Ad-
23 ministrator pursuant to this paragraph shall be al-
24 lotted to a State unless the State has met the re-
25 quirements of section 1418(a).

1 “(f) DIRECT GRANTS.—

2 “(1) IN GENERAL.—The Administrator is au-
3 thorized to make grants for the improvement of pub-
4 lic water systems of Indian Tribes, the District of
5 Columbia, the United States Virgin Islands, the
6 Commonwealth of the Northern Mariana Islands,
7 American Samoa, and Guam and, if funds are ap-
8 propriated to carry out this part for fiscal year
9 1995, the Republic of Palau.

10 “(2) ALASKA NATIVE VILLAGES.—In the case of
11 a grant for a project under this subsection in an
12 Alaska Native village, the Administrator is also au-
13 thorized to make grants to the State of Alaska for
14 the benefit of Native villages. An amount not to ex-
15 ceed 4 percent of the grant amount may be used by
16 the State of Alaska for project management.

17 “(g) NEW SYSTEM CAPACITY.—Beginning in fiscal
18 year 1999, the Administrator shall withhold the percent-
19 age prescribed in the following sentence of each capitaliza-
20 tion grant made pursuant to this section to a State unless
21 the State has met the requirements of section 1418(a).
22 The percentage withheld shall be 5 percent for fiscal year
23 1999, 10 percent for fiscal year 2000, and 15 percent for
24 each subsequent fiscal year.

1 “ELIGIBLE ASSISTANCE

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

7 “(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

8 “(1) IN GENERAL.—The amounts deposited
9 into a State loan fund shall be used only for provid-
10 ing financial assistance for capital expenditures and
11 associated costs (but excluding the cost of land ac-
12 quisition unless the cost is incurred to acquire land
13 for the construction of a treatment facility or for a
14 consolidation project) for—

15 “(A) a project that will facilitate compli-
16 ance with national primary drinking water reg-
17 ulations promulgated pursuant to section 1412;

18 “(B) a project that will facilitate the con-
19 solidation of public water systems or the use of
20 an alternative source of water supply;

21 “(C) a project that will upgrade a drinking
22 water treatment system; and

23 “(D) the development of a public water
24 system to replace private drinking water sup-

1 plies if the private water supplies pose a signifi-
2 cant threat to human health.

3 “(2) OPERATOR TRAINING.—Associated costs
4 eligible for assistance under this part include the
5 costs of training and certifying the persons who will
6 operate facilities that receive assistance pursuant to
7 paragraph (1).

8 “(3) LIMITATION.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), no assistance under this
11 part shall be provided to a public water system
12 that—

13 “(i) does not have the technical, man-
14 agerial, and financial capability to ensure
15 compliance with the requirements of this
16 title; and

17 “(ii) has a history of—

18 “(I) past violations of any maxi-
19 mum contaminant level or treatment
20 technique established by a regulation
21 or a variance; or

22 “(II) significant noncompliance
23 with monitoring requirements or any
24 other requirement of a national pri-

1 mary drinking water regulation or
2 variance.

3 “(B) RESTRUCTURING.—A public water
4 system described in subparagraph (A) may re-
5 ceive assistance under this part if—

6 “(i) the owner or operator of the sys-
7 tem agrees to undertake feasible and ap-
8 propriate changes in operations (including
9 ownership, management, accounting, rates,
10 maintenance, consolidation, alternative
11 water supply, or other procedures) if the
12 State determines that such measures are
13 necessary to ensure that the system has
14 the technical, managerial, and financial ca-
15 pability to comply with the requirements of
16 this title over the long term; and

17 “(ii) the use of the assistance will en-
18 sure compliance.

19 “(C) ELIGIBLE PUBLIC WATER SYSTEMS.—A State
20 loan fund, *or the Administrator in the case of direct grants*
21 *under section 1472(f)*, may provide financial assistance
22 only to community water systems, publicly owned water
23 systems (other than systems owned by Federal agencies),
24 and nonprofit noncommunity water systems.

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

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

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

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

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

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

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

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

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

14 “(3) to guarantee, or purchase insurance for, a
15 local obligation (all of the proceeds of which finance
16 a project eligible for assistance under subsection (b))
17 if the guarantee or purchase would improve credit
18 market access or reduce the interest rate applicable
19 to the obligation;

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

1 “(5) as a source of revenue or security for the
2 payment of interest on a local obligation (all of the
3 proceeds of which finance a project eligible for as-
4 sistance under subsection (b)); and

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

7 “(e) ASSISTANCE FOR DISADVANTAGED COMMU-
8 NITIES.—

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

17 “(2) LOAN SUBSIDY.—Notwithstanding sub-
18 section (d), in any case in which the State makes a
19 loan pursuant to subsection (d) to a disadvantaged
20 community or to a community that the State expects
21 to become a disadvantaged community as the result
22 of a proposed project, the State may provide addi-
23 tional subsidization (including forgiveness of prin-
24 cipal).

1 “(3) TOTAL AMOUNT OF SUBSIDIES.—For each
 2 fiscal year, the total amount of loan subsidies made
 3 by a State pursuant to paragraph (2) may not ex-
 4 ceed 30 percent of the amount of the capitalization
 5 grant received by the State for the year.

6 “(f) SOURCE WATER QUALITY PROTECTION AND CA-
 7 PACITY DEVELOPMENT.—

8 “(1) IN GENERAL.—Notwithstanding subsection
 9 (b)(1), a State may—

10 “(A) provide assistance, only in the form
 11 of a loan, to—

12 “(i) any public water system described
 13 in subsection (c) to acquire land or a con-
 14 servation easement *from a willing seller or*
 15 *grantor*, if the purpose of the acquisition is
 16 to protect the source water of the system
 17 from contamination; or

18 “(ii) any community water system de-
 19 scribed in subsection (c) to provide funding
 20 in accordance with section
 21 1419(d)(1)(C)(i);

22 “(B) provide assistance, including technical
 23 and financial assistance, to any public water
 24 system as part of a capacity development strat-

1 egy developed and implemented in accordance
2 with section 1418(c); and

3 “(C) make expenditures from the capital-
4 ization grant of the State for fiscal years 1996
5 and 1997 to delineate and assess source water
6 protection areas in accordance with section
7 1419, except that funds set aside for such ex-
8 penditure shall be obligated within 4 fiscal
9 years.

10 “(2) LIMITATION.—For each fiscal year, the
11 total amount of assistance provided and expendi-
12 tures made by a State under this subsection may not
13 exceed ~~40~~ 15 percent of the amount of the capital-
14 ization grant received by the State for that ~~year~~.
15 ~~year and may not exceed 10 percent of that amount~~
16 ~~for any one of the following activities:~~

17 “(A) To acquire land or conservation ease-
18 ments pursuant to paragraph (1)(A)(i).

19 “(B) To provide funding to implement rec-
20 ommendations of source water quality protection
21 partnerships pursuant to paragraph (1)(A)(ii).

22 “(C) To provide assistance through a capac-
23 ity development strategy pursuant to paragraph
24 (1)(B).

1 “(D) To make expenditures to delineate or
 2 assess source water protection areas pursuant to
 3 paragraph (1)(C).

4 “STATE LOAN FUND ADMINISTRATION

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

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

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

15 “(A) IN GENERAL.—Each State that has a
 16 loan fund is authorized to expend from the an-
 17 nual capitalization grant of the State an
 18 amount, determined pursuant to this para-
 19 graph, to carry out the public water system su-
 20 pervision program under section 1443(a) and
 21 to—

22 “(i) administer, or provide technical
 23 assistance through, source water quality
 24 protection programs, including a partner-
 25 ship program under section 1419; and

1 “(ii) develop and implement a capac-
2 ity development strategy under section
3 1418(c) in the State.

4 “(B) LIMITATION.—Amounts expended by
5 a State pursuant to this paragraph for any fis-
6 cal year may not exceed an amount that is
7 equal to the amount of the grant funds avail-
8 able to the State for that fiscal year under sec-
9 tion 1443(a).

10 “(C) STATE FUNDS.—For any fiscal year,
11 funds may not be expended pursuant to this
12 paragraph unless the Administrator determines
13 that the amount of State funds made available
14 to carry out the public water system supervision
15 program under section 1443(a) for the fiscal
16 year is not less than the amount of State funds
17 made available to carry out the program for fis-
18 cal year 1993.

19 “(b) INTENDED USE PLANS.—

20 “(1) IN GENERAL.—After providing for public
21 review and comment, each State that has entered
22 into a capitalization agreement pursuant to this part
23 shall annually prepare a plan that identifies the in-
24 tended uses of the amounts available to the State
25 loan fund of the State.

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

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

8 “(B) the criteria and methods established
9 for the distribution of funds; and

10 “(C) a description of the financial status of
11 the State loan fund and the short-term and
12 long-term goals of the State loan fund.

13 “(3) USE OF FUNDS.—

14 “(A) IN GENERAL.—An intended use plan
15 shall provide, to the maximum extent prac-
16 ticable, that priority for the use of funds be
17 given to projects that—

18 “(i) address the most serious risk to
19 human health;

20 “(ii) are necessary to ensure compli-
21 ance with the requirements of this title (in-
22 cluding requirements for filtration); and

23 “(iii) assist systems most in need on
24 a per household basis according to State
25 affordability criteria.

1 “(B) LIST OF PROJECTS.—Each State
2 shall, after notice and opportunity for public
3 comment, publish and periodically update a list
4 of projects in the State that are eligible for as-
5 sistance under this part, including the priority
6 assigned to each project and, to the extent
7 known, the expected funding schedule for each
8 project.

9 “STATE LOAN FUND MANAGEMENT

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

18 “(b) STATE REPORTS.—Not later than 2 years after
19 the date of enactment of this part, and every 2 years
20 thereafter, each State that administers a State loan fund
21 shall publish and submit to the Administrator a report on
22 the activities of the State under this part, including the
23 findings of the most recent audit of the State loan fund.

24 “(c) DRINKING WATER NEEDS SURVEY AND ASSESS-
25 MENT.—Not later than 1 year after the date of enactment
26 of this part, and every 4 years thereafter, the Adminis-

1 trator shall submit to Congress a survey and assessment
2 of the needs for facilities in each State eligible for assist-
3 ance under this part. The survey and assessment con-
4 ducted pursuant to this subsection shall—

5 “(1) identify, by State, the needs for projects or
6 facilities owned or controlled by community water
7 systems eligible for assistance under this part on the
8 date of the assessment (other than refinancing for a
9 project pursuant to section 1473(d)(2));

10 “(2) estimate the needs for eligible facilities
11 over the 20-year period following the date of the as-
12 sessment;

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

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

18 “(d) EVALUATION.—The Administrator shall conduct
19 an evaluation of the effectiveness of the State loan funds
20 through fiscal year 1999. The evaluation shall be submit-
21 ted to Congress at the same time as the President submits
22 to Congress, pursuant to section 1108 of title 31, United
23 States Code, an appropriations request for fiscal year
24 2001 relating to the budget of the Environmental Protec-
25 tion Agency.

1 “ENFORCEMENT

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

8 “REGULATIONS AND GUIDANCE

9 “SEC. 1477. The Administrator shall publish such
10 guidance and promulgate such regulations as are nec-
11 essary to carry out this part, including guidance and regu-
12 lations to ensure that—

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

17 “(2) the States and eligible public water sys-
18 tems that receive funds under this part use account-
19 ing procedures that conform to generally accepted
20 accounting principles, auditing procedures that con-
21 form to chapter 75 of title 31, United States Code
22 (commonly known as the ‘Single Audit Act of
23 1984’), and such fiscal procedures as the Adminis-
24 trator may prescribe.

1 “AUTHORIZATION OF APPROPRIATIONS

2 “SEC. 1478. (a) GENERAL AUTHORIZATION.—There
3 are authorized to be appropriated to the Environmental
4 Protection Agency to carry out this part \$600,000,000 for
5 fiscal year 1994 and \$1,000,000,000 for each of fiscal
6 years 1995 through 2003.

7 “(b) HEALTH EFFECTS RESEARCH.—From funds
8 appropriated pursuant to this section for each fiscal year,
9 the Administrator shall reserve \$10,000,000 for health ef-
10 fects research on drinking water contaminants authorized
11 by section 1442. In allocating funds made available under
12 this subsection, the Administrator shall give priority to re-
13 search concerning the health effects of cryptosporidium,
14 disinfection byproducts, and arsenic, and the implementa-
15 tion of a research plan for subpopulations at greater risk
16 of adverse effects pursuant to section 1442(l).

17 “(c) MONITORING FOR UNREGULATED CONTAMI-
18 NANTS.—From funds appropriated pursuant to this sec-
19 tion for each fiscal year beginning with fiscal year 1997,
20 the Administrator shall reserve \$2,000,000 to pay the
21 costs of monitoring for unregulated contaminants under
22 section 1445(a)(2)(D).

23 “(d) SMALL SYSTEM TECHNICAL ASSISTANCE.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 from funds appropriated pursuant to this section for

1 each fiscal year for which the appropriation made
 2 pursuant to subsection (a) exceeds \$800,000,000,
 3 the Administrator shall reserve to carry out section
 4 1442(g) an amount that is equal to any amount by
 5 which the amount made available to carry out sec-
 6 tion 1442(g) is less than the amount referred to in
 7 the third sentence of section 1442(g).

8 “(2) MAXIMUM AMOUNT.—For each fiscal year,
 9 the amount reserved under paragraph (1) shall be
 10 not greater than an amount equal to the lesser of—

11 “(A) 2 percent of the funds appropriated
 12 pursuant to this section for the fiscal year; or

13 “(B) \$10,000,000.”.

14 **SEC. 4. SELECTION OF CONTAMINANTS; SCHEDULE.**

15 (a) STANDARDS.—Section 1412(b) (42 U.S.C. 300g-
 16 1(b)) is amended by striking “(b)(1)” and all that follows
 17 through the end of paragraph (3) and inserting the follow-
 18 ing:

19 “(b) STANDARDS.—

20 “(1) IDENTIFICATION OF CONTAMINANTS FOR
 21 LISTING.—

22 “(A) GENERAL AUTHORITY.—The Admin-
 23 istrator shall publish a maximum contaminant
 24 level goal and promulgate a national primary
 25 drinking water regulation for each contaminant

(other than a contaminant referred to in paragraph (2) for which a national primary drinking water regulation has been promulgated as of the date of enactment of the Safe Drinking Water Act Amendments of 1995) if the Administrator determines, based on adequate data and appropriate peer-reviewed scientific information and an assessment of health risks, conducted in accordance with sound and objective scientific practices, that—

“(i) the contaminant may have an adverse effect on the health of persons; and

“(ii) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern.

“(B) SELECTION AND LISTING OF CONTAMINANTS FOR CONSIDERATION.—

“(i) IN GENERAL.—Not later than July 1, ~~1996~~ 1997, the Administrator (after consultation with the Secretary of Health and Human Services) shall publish and periodically, but not less often than every 5 years, update a list of contami-

1 nants that are known or anticipated to
2 occur in drinking water provided by public
3 water systems and that may warrant regu-
4 lation under this title.

5 “(ii) RESEARCH AND STUDY PLAN.—
6 At such time as a list is published under
7 clause (i), the Administrator shall describe
8 available and needed information and re-
9 search with respect to—

10 “(I) the health effects of the con-
11 taminants;

12 “(II) the occurrence of the con-
13 taminants in drinking water; and

14 “(III) treatment techniques and
15 other means that may be feasible to
16 control the contaminants.

17 “(iii) COMMENT.—The Administrator
18 shall seek comment on each list and any
19 research plan that is published from offi-
20 cials of State and local governments, oper-
21 ators of public water systems, the scientific
22 community, and the general public.

23 “(C) DETERMINATION.—

24 “(i) IN GENERAL.—Except as pro-
25 vided in clause (ii), not later than July 1,

1 2001, and every 5 years thereafter, the
2 Administrator shall take one of the follow-
3 ing actions for not fewer than 5 contami-
4 nants:

5 “(I) Publish a determination that
6 information available to the Adminis-
7 trator does not warrant the issuance
8 of a national primary drinking water
9 regulation.

10 “(II) Publish a determination
11 that a national primary drinking
12 water regulation is warranted based
13 on information available to the Ad-
14 ministrator, and proceed to propose a
15 maximum contaminant level goal and
16 national primary drinking water regu-
17 lation not later than 2 years after the
18 date of publication of the determina-
19 tion.

20 “(III) Propose a maximum con-
21 taminant level goal and national pri-
22 mary drinking water regulation.

23 “(ii) INSUFFICIENT INFORMATION.—
24 If the Administrator determines that avail-
25 able information is insufficient to make a

1 determination for a contaminant under
2 clause (i), the Administrator may publish a
3 determination to continue to study the con-
4 taminant. Not later than 5 years after the
5 Administrator determines that further
6 study is necessary for a contaminant pur-
7 suant to this clause, the Administrator
8 shall make a determination under clause
9 (i).

10 “(iii) ASSESSMENT.—The determina-
11 tions under clause (i) shall be based on an
12 assessment of—

13 “(I) the available scientific
14 knowledge that is consistent with the
15 requirements of paragraph (3)(A) and
16 useful in determining the nature and
17 extent of adverse effects on the health
18 of persons that may occur due to the
19 presence of the contaminant in drink-
20 ing water;

21 “(II) information on the occur-
22 rence of the contaminant in drinking
23 water; and

24 “(III) the treatment technologies,
25 treatment techniques, or other means

1 that may be feasible in reducing the
2 contaminant in drinking water pro-
3 vided by public water systems.

4 “(iv) PRIORITIES.—In making deter-
5 minations under this subparagraph, the
6 Administrator shall give priority to those
7 contaminants not currently regulated that
8 are associated with the most serious ad-
9 verse health effects and that present the
10 greatest potential risk to the health of per-
11 sons due to the presence of the contami-
12 nant in drinking water provided by public
13 water systems.

14 “(v) REVIEW.—Each document set-
15 ting forth the determination for a contami-
16 nant under clause (i) shall be available for
17 public comment ~~before~~ *at such time as* the
18 determination is published.

19 “(vi) JUDICIAL REVIEW.—Determina-
20 tions made by the Administrator pursuant
21 to clause (i)(I) shall be considered final
22 agency actions for the purposes of section
23 1448. No determination under clause (i)(I)
24 shall be set aside by a court pursuant to
25 a review authorized under that section ~~or~~

1 ~~other law~~, unless the court finds that the
2 determination is arbitrary and capricious.

3 “(D) URGENT THREATS TO PUBLIC
4 HEALTH.—The Administrator may promulgate
5 an interim national primary drinking water reg-
6 ulation for a contaminant without listing the
7 contaminant under subparagraph (B) or pub-
8 lishing a determination for the contaminant
9 under subparagraph (C) to address an urgent
10 threat to public health as determined by the
11 Administrator after consultation with and writ-
12 ten response to any comments provided by the
13 Secretary of Health and Human Services, act-
14 ing through the director of the Centers for Dis-
15 ease Control and Prevention or the director of
16 the National Institutes of Health. A determina-
17 tion for any contaminant in accordance with
18 subparagraph (C) subject to an interim regula-
19 tion under this subparagraph shall be issued
20 not later than 3 years after the date on which
21 the regulation is promulgated and the regula-
22 tion shall be repromulgated, or revised if appro-
23 priate, not later than 5 years after that date.

24 “(E) MONITORING DATA AND OTHER IN-
25 FORMATION.—The Administrator may require,

1 in accordance with section 1445(a)(2), the sub-
2 mission of monitoring data and other informa-
3 tion necessary for the development of studies,
4 research plans, or national primary drinking
5 water regulations.

6 “(2) SCHEDULES AND DEADLINES.—

7 “(A) IN GENERAL.—In the case of the con-
8 taminants listed in the Advance Notice of Pro-
9 posed Rulemaking published in volume 47, Fed-
10 eral Register, page 9352, and in volume 48,
11 Federal Register, page 45502, the Adminis-
12 trator shall publish maximum contaminant level
13 goals and promulgate national primary drinking
14 water regulations—

15 “(i) not later than 1 year after June
16 19, 1986, for not fewer than 9 of the listed
17 contaminants;

18 “(ii) not later than 2 years after June
19 19, 1986, for not fewer than 40 of the list-
20 ed contaminants; and

21 “(iii) not later than 3 years after
22 June 19, 1986, for the remainder of the
23 listed contaminants.

24 “(B) SUBSTITUTION OF CONTAMINANTS.—

25 If the Administrator identifies a drinking water

1 contaminant the regulation of which, in the
 2 judgment of the Administrator, is more likely to
 3 be protective of public health (taking into ac-
 4 count the schedule for regulation under sub-
 5 paragraph (A)) than a contaminant referred to
 6 in subparagraph (A), the Administrator may
 7 publish a maximum contaminant level goal and
 8 promulgate a national primary drinking water
 9 regulation for the identified contaminant in lieu
 10 of regulating the contaminant referred to in
 11 subparagraph (A). Substitutions may be made
 12 for not more than 7 contaminants referred to in
 13 subparagraph (A). Regulation of a contaminant
 14 identified under this subparagraph shall be in
 15 accordance with the schedule applicable to the
 16 contaminant for which the substitution is made.

17 “(C) DISINFECTANTS AND DISINFECTION
 18 BYPRODUCTS.—

19 “(i) INFORMATION COLLECTION
 20 RULE.—

21 “(I) IN GENERAL.—Not later
 22 than December 31, 1995, the Admin-
 23 istrator shall, after notice and oppor-
 24 tunity for public comment, promulgate
 25 an information collection rule to ob-

1 tain information that will facilitate
2 further revisions to the national pri-
3 mary drinking water regulation for
4 disinfectants and disinfection byprod-
5 ucts, including information on micro-
6 bial contaminants such as
7 cryptosporidium.

8 “(II) EXTENSION.—The Admin-
9 istrator may extend the deadline
10 under subclause (I) for up to 180
11 days if the Administrator determines
12 that progress toward approval of an
13 appropriate analytical method to
14 screen for cryptosporidium is suffi-
15 ciently advanced and approval is likely
16 to be completed within the additional
17 time period.

18 “(ii) ADDITIONAL DEADLINES.—The
19 time intervals between promulgation of a
20 final information collection rule, an In-
21 terim Enhanced Surface Water Treatment
22 Rule, a Final Enhanced Surface Water
23 Treatment Rule, a Stage I Disinfectants
24 and Disinfection Byproducts Rule, and a
25 Stage II Disinfectants and Disinfection

1 Byproducts Rule shall be in accordance
2 with the schedule published in volume 59,
3 Federal Register, page 6361 (February 10,
4 1994), in table III.13 of the proposed In-
5 formation Collection Rule. If a delay oc-
6 curs with respect to the promulgation of
7 any rule in the timetable established by
8 this subparagraph, all subsequent rules
9 shall be completed as expeditiously as prac-
10 ticable subject to agreement by all the par-
11 ties to the negotiated rulemaking, but no
12 later than a revised date that reflects the
13 interval or intervals for the rules in the
14 timetable.

15 “(D) PRIOR REQUIREMENTS.—The re-
16 quirements of subparagraphs (C) and (D) of
17 section 1412(b)(3) (as in effect before the
18 amendment made by section 4(a) of the Safe
19 Drinking Water Act Amendments of 1995), and
20 any obligation to promulgate regulations pursu-
21 ant to such subparagraphs not promulgated as
22 of the date of enactment of the Safe Drinking
23 Water Act Amendments of 1995, are super-
24 seded by this paragraph and paragraph (1).”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Section 1412(a)(3) (42 U.S.C. 300g–
 2 1(a)(3)) is amended by striking “paragraph (1), (2),
 3 or (3) of subsection (b)” each place it appears and
 4 inserting “paragraph (1) or (2) of subsection (b)”.

5 (2) Section 1415(d) (42 U.S.C. 300g–4(d)) is
 6 amended by striking “section 1412(b)(3)” and in-
 7 serting “section 1412(b)(7)(A)”.

8 **SEC. 5. RISK ASSESSMENT, MANAGEMENT, AND COMMU-**
 9 **NICATION.**

10 Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended
 11 by section 4) is further amended by inserting after para-
 12 graph (2) the following:

13 “(3) RISK ASSESSMENT, MANAGEMENT AND
 14 COMMUNICATION.—

15 “(A) USE OF SCIENCE IN DECISIONMAK-
 16 ING.—In carrying out this title, the Adminis-
 17 trator shall use—

18 “(i) the best available, peer-reviewed
 19 science and supporting studies conducted
 20 in accordance with sound and objective sci-
 21 entific practices; and

22 “(ii) data collected by accepted meth-
 23 ods or best available methods (if the reli-
 24 ability of the method and the nature of the
 25 decision justifies use of the data).

1 “(B) PUBLIC INFORMATION.—In carrying
2 out this section, the Administrator shall ensure
3 that the presentation of information on public
4 health effects is comprehensive, informative and
5 understandable. The Administrator shall, in a
6 document made available to the public in sup-
7 port of a regulation promulgated under this sec-
8 tion, specify, to the extent practicable—

9 “(i) each population addressed by any
10 estimate of public health effects;

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

13 “(iii) each appropriate upper-bound or
14 lower-bound estimate of risk;

15 “(iv) each uncertainty identified in the
16 process of the assessment of public health
17 effects and research that would assist in
18 resolving the uncertainty; and

19 “(v) peer-reviewed studies known to
20 the Administrator that support, are di-
21 rectly relevant to, or fail to support any es-
22 timate of public health effects and the
23 methodology used to reconcile inconsis-
24 tencies in the scientific data.

1 “(C) HEALTH RISK REDUCTION AND COST
2 ANALYSIS.—

3 “(i) MAXIMUM CONTAMINANT LEV-
4 ELS.—Not later than 90 days prior to pro-
5 posing any national primary drinking
6 water regulation that includes a maximum
7 contaminant level, the Administrator shall,
8 with respect to a maximum contaminant
9 level that would be considered in accord-
10 ance with paragraph (4) in a proposed reg-
11 ulation and each alternative maximum con-
12 taminant level that would be considered in
13 a proposed regulation pursuant to para-
14 graph (5) or (6)(A), publish, seek public
15 comment on, and use for the purposes of
16 paragraphs (4), (5), and (6) an analysis
17 of—

18 “(I) the health risk reduction
19 benefits (including non-quantifiable
20 health benefits identified and de-
21 scribed by the Administrator, except
22 that such benefits shall not be used by
23 the Administrator for purposes of de-
24 termining whether a maximum con-
25 taminant level is or is not justified

1 unless there is a factual basis in the
2 rulemaking record to conclude that
3 such benefits are likely to occur) ex-
4 pected as the result of treatment to
5 comply with each level;

6 “(II) the health risk reduction
7 benefits (including non-quantifiable
8 health benefits identified and de-
9 scribed by the Administrator, except
10 that such benefits shall not be used by
11 the Administrator for purposes of de-
12 termining whether a maximum con-
13 taminant level is or is not justified
14 unless there is a factual basis in the
15 rulemaking record to conclude that
16 such benefits are likely to occur) ex-
17 pected from reductions in co-occurring
18 contaminants that may be attributed
19 solely to compliance with the maxi-
20 mum contaminant level, excluding
21 benefits resulting from compliance
22 with other proposed or promulgated
23 regulations;

24 “(III) the costs (including non-
25 quantifiable costs identified and de-

1 scribed by the Administrator, except
2 that such costs shall not be used by
3 the Administrator for purposes of de-
4 termining whether a maximum con-
5 taminant level is or is not justified
6 unless there is a factual basis in the
7 rulemaking record to conclude that
8 such costs are likely to occur) ex-
9 pected solely as a result of compliance
10 with the maximum contaminant level,
11 including monitoring, treatment, and
12 other costs and excluding costs result-
13 ing from compliance with other pro-
14 posed or promulgated regulations;

15 “(IV) the incremental costs and
16 benefits associated with each alter-
17 native maximum contaminant level
18 considered;

19 “(V) the effects of the contami-
20 nant on the general population and on
21 groups within the general population
22 such as infants, children, pregnant
23 women, the elderly, individuals with a
24 history of serious illness, or other sub-
25 populations that are identified as like-

1 ly to be at greater risk of adverse
2 health effects due to exposure to con-
3 taminants in drinking water than the
4 general population;

5 “(VI) any increased health risk
6 that may occur as the result of com-
7 pliance, including risks associated
8 with co-occurring contaminants; and

9 “(VII) other relevant factors, in-
10 cluding the quality and extent of the
11 information, the uncertainties in the
12 analysis supporting subclauses (I)
13 through (VI), and factors with respect
14 to the degree and nature of the risk.

15 “(ii) TREATMENT TECHNIQUES.—Not
16 later than 90 days prior to proposing a na-
17 tional primary drinking water regulation
18 that includes a treatment technique in ac-
19 cordance with paragraph (7)(A), the Ad-
20 ministrator shall publish and seek public
21 comment on an analysis of the health risk
22 reduction benefits and costs likely to be ex-
23 perience as the result of compliance with
24 the treatment technique and alternative
25 treatment techniques that would be consid-

1 ered in a proposed regulation, taking into
2 account, as appropriate, the factors de-
3 scribed in clause (i).

4 “(iii) APPROACHES TO MEASURE AND
5 VALUE BENEFITS.—The Administrator
6 may identify valid approaches for the
7 measurement and valuation of benefits
8 under this subparagraph, including ap-
9 proaches to identify consumer willingness
10 to pay for reductions in health risks from
11 drinking water contaminants.

12 “(iv) FORM OF NOTICE.—Whenever a
13 national primary drinking water regulation
14 is expected to result in compliance costs
15 greater than \$75,000,000 per year, the
16 Administrator shall provide the notice re-
17 quired by clause (i) or (ii) through an ad-
18 vanced notice of proposed rulemaking.

19 “(v) AUTHORIZATION.—There are au-
20 thorized to be appropriated to the Admin-
21 istrator, acting through the Office of
22 Ground Water and Drinking Water, to
23 conduct studies, assessments, and analyses
24 in support of regulations or the develop-

1 ment of methods, \$35,000,000 for each of
2 fiscal years 1996 through 2003.”.

3 **SEC. 6. STANDARD-SETTING; REVIEW OF STANDARDS.**

4 (a) IN GENERAL.—Section 1412(b) (42 U.S.C.
5 300g-1(b)) is amended—

6 (1) in paragraph (4)—

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

9 “(4) GOALS AND STANDARDS.—

10 “(A) MAXIMUM CONTAMINANT LEVEL
11 GOALS.—Each”;

12 (B) in subparagraph (A) (as so des-
13 ignated), by inserting after the first sentence
14 the following: “The maximum contaminant level
15 goal for contaminants that are known or likely
16 to cause cancer in humans may be set at a level
17 other than zero, if the Administrator deter-
18 mines, based on the best available, peer-re-
19 viewed science, that there is a threshold level
20 below which there is unlikely to be any increase
21 in cancer risk and the Administrator sets the
22 maximum contaminant level goal at that level
23 with an adequate margin of safety.”;

24 (C) in the last sentence—

1 (i) by striking “Each national” and
2 inserting the following:

3 “(B) MAXIMUM CONTAMINANT LEVELS.—
4 Except as provided in paragraphs (5) and (6),
5 each national”; and

6 (ii) by striking “maximum level” and
7 inserting “maximum contaminant level”;
8 and

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

10 “(C) DETERMINATION.—At the time the
11 Administrator proposes a national primary
12 drinking water regulation under this paragraph,
13 the Administrator shall publish a determination
14 as to whether the benefits of the maximum con-
15 taminant level justify, or do not justify, the
16 costs based on the analysis conducted under
17 paragraph (3)(C).”;

18 (2) by striking “(5) For the” and inserting the
19 following:

20 “(D) DEFINITION OF FEASIBLE.—For
21 the”;

22 (3) in the second sentence of paragraph (4)(D)
23 (as so designated), by striking “paragraph (4)” and
24 inserting “this paragraph”;

1 (4) by striking “(6) Each national” and insert-
2 ing the following:

3 “(E) FEASIBLE TECHNOLOGIES.—Each
4 national”;

5 (5) in paragraph (4)(E) (as so designated), by
6 striking “this paragraph” and inserting “this sub-
7 section”; and

8 (6) by inserting after paragraph (4) (as so
9 amended) the following:

10 “(5) ADDITIONAL HEALTH RISK CONSIDER-
11 ATIONS.—

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

20 “(i) increasing the concentration of
21 other contaminants in drinking water; or

22 “(ii) interfering with the efficacy of
23 drinking water treatment techniques or
24 processes that are used to comply with

1 other national primary drinking water reg-
2 ulations.

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

9 “(i) the level or levels or treatment
10 techniques shall minimize the overall risk
11 of adverse health effects by balancing the
12 risk from the contaminant and the risk
13 from other contaminants the concentra-
14 tions of which may be affected by the use
15 of a treatment technique or process that
16 would be employed to attain the maximum
17 contaminant level or levels; and

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

23 “(6) ADDITIONAL HEALTH RISK REDUCTION
24 AND COST CONSIDERATIONS.—

1 “(A) IN GENERAL.—Notwithstanding para-
2 graph (4), if the Administrator determines
3 based on an analysis conducted under para-
4 graph (3)(C) that the benefits of a maximum
5 contaminant level promulgated in accordance
6 with paragraph (4) would not justify the costs
7 of complying with the level, the Administrator
8 may, after notice and opportunity for public
9 comment, promulgate a maximum contaminant
10 level for the contaminant that maximizes health
11 risk reduction benefits at a cost that is justified
12 by the benefits.

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

21 “(i) persons served by large public
22 water systems; and

23 “(ii) persons served by such other sys-
24 tems as are unlikely, based on information

1 provided by the States, to receive a vari-
2 ance under section 1415(e);
3 would justify the costs to the systems of com-
4 plying with the regulation. This subparagraph
5 shall not apply if the contaminant is found al-
6 most exclusively in small systems (as defined in
7 section 1415(e)).

8 “(C) DISINFECTANTS AND DISINFECTION
9 BYPRODUCTS.—The Administrator may not use
10 the authority of this paragraph to establish a
11 maximum contaminant level in a Stage I or
12 Stage II national primary drinking water regu-
13 lation for contaminants that are disinfectants
14 or disinfection byproducts (as described in para-
15 graph (2)), or to establish a maximum contami-
16 nant level or treatment technique requirement
17 for the control of cryptosporidium. The author-
18 ity of this paragraph may be used to establish
19 regulations for the use of disinfection by sys-
20 tems relying on ground water sources as re-
21 quired by paragraph (8).

22 “(D) JUDICIAL REVIEW.—A determination
23 by the Administrator that the benefits of a
24 maximum contaminant level or treatment re-
25 quirement justify or do not justify the costs of

1 complying with the level shall be reviewed by
2 the court pursuant to section 1448 only as part
3 of a review of a final national primary drinking
4 water regulation that has been promulgated
5 based on the determination and shall not be set
6 aside by the court under that section, unless the
7 court finds that the determination is arbitrary
8 and capricious.”.

9 (b) DISINFECTANTS AND DISINFECTION BYPROD-
10 UCTS.—The Administrator of the Environmental Protec-
11 tion Agency may use the authority of section 1412(b)(5)
12 of the Public Health Service Act (as amended by sub-
13 section (a)) to promulgate the Stage I rulemaking for dis-
14 infectants and disinfection byproducts as proposed in vol-
15 ume 59, Federal Register, page 38668 (July 29, 1994).
16 Unless new information warrants a modification of the
17 proposal as provided for in the “Disinfection and Disinfec-
18 tion Byproducts Negotiated Rulemaking Committee
19 Agreement”, nothing in such section shall be construed
20 to require the Administrator to modify the provisions of
21 the rulemaking as proposed.

22 (c) REVIEW OF STANDARDS.—Section 1412(b) (42
23 U.S.C. 300g–1(b)) is amended by striking paragraph (9)
24 and inserting the following:

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

10 **SEC. 7. ARSENIC.**

11 Section 1412(b) (42 U.S.C. 300g-1(b)) is amended
12 by adding at the end the following:

13 “(12) ARSENIC.—

14 “(A) SCHEDULE AND STANDARD.—Not-
15 withstanding paragraph (2), the Administrator
16 shall promulgate a national primary drinking
17 water regulation for arsenic in accordance with
18 the schedule established by this paragraph and
19 pursuant to this subsection.

20 “(B) RESEARCH PLAN.—Not later than
21 180 days after the date of enactment of this
22 paragraph, the Administrator shall develop a
23 comprehensive plan for research in support of
24 drinking water rulemaking to reduce the uncer-
25 tainty in assessing health risks associated with

1 exposure to low levels of arsenic. The Adminis-
2 trator shall consult with the Science Advisory
3 Board established by section 8 of the Environ-
4 mental Research, Development, and Dem-
5 onstration Act of 1978 (42 U.S.C. 4365), other
6 Federal agencies, and interested public and pri-
7 vate entities.

8 “(C) RESEARCH PROJECTS.—The Admin-
9 istrator shall carry out the research plan, tak-
10 ing care to avoid duplication of other research
11 in progress. The Administrator may enter into
12 cooperative research agreements with other
13 Federal agencies, State and local governments,
14 and other interested public and private entities
15 to carry out the research plan.

16 “(D) ASSESSMENT.—Not later than 3½
17 years after the date of enactment of this para-
18 graph, the Administrator shall review the
19 progress of the research to determine whether
20 the health risks associated with exposure to low
21 levels of arsenic are sufficiently well understood
22 to proceed with a national primary drinking
23 water regulation. The Administrator shall con-
24 sult with the Science Advisory Board, other

1 Federal agencies, and other interested public
2 and private entities as part of the review.

3 “(E) PROPOSED REGULATION.—The Ad-
4 ministrator shall propose a national primary
5 drinking water regulation for arsenic not later
6 than January 1, 2000.

7 “(F) FINAL REGULATION.—Not later than
8 January 1, 2001, after notice and opportunity
9 for public comment, the Administrator shall
10 promulgate a national primary drinking water
11 regulation for arsenic.”.

12 **SEC. 8. RADON.**

13 Section 1412(b) (42 U.S.C. 300g-1(b)) (as amended
14 by section 7) is further amended by adding at the end
15 the following:

16 “(13) RADON IN DRINKING WATER.—

17 “(A) REGULATION.—Notwithstanding
18 paragraph (2), not later than 180 days after
19 the date of enactment of this paragraph, the
20 Administrator shall promulgate a national pri-
21 mary drinking water regulation for radon.

22 “(B) MAXIMUM CONTAMINANT LEVEL.—
23 Notwithstanding any other provision of law, the
24 regulation shall provide for a maximum con-

1 taminant level for radon of 3,000 picocuries per
2 liter.

3 “(C) REVISION.—

4 “(i) IN GENERAL.—Subject to clause
5 (ii), a revision to the regulation promul-
6 gated under subparagraph (A) may be
7 made pursuant to this subsection. *The revi-*
8 *sion may include a maximum contaminant*
9 *level less stringent than 3,000 picocuries per*
10 *liter as provided in paragraphs (4) and (9)*
11 *or a maximum contaminant level more*
12 *stringent than 3,000 picocuries per liter as*
13 *provided in clause (ii).*

14 “(ii) MAXIMUM CONTAMINANT
15 LEVEL.—

16 “(I) CRITERIA FOR REVISION.—

17 The Administrator shall not revise the
18 maximum contaminant level for radon
19 to a more stringent level than the
20 level established under subparagraph
21 (B) unless—

22 “(aa) the revision is made to
23 reflect consideration of risks from
24 the ingestion of radon in drinking

1 water and episodic uses of drink-
2 ing water;

3 “(bb) the revision is sup-
4 ported by peer-reviewed scientific
5 studies conducted in accordance
6 with sound and objective sci-
7 entific practices; and

8 “(cc) based on the studies,
9 the National Academy of
10 Sciences and the Science Advi-
11 sory Board, established by sec-
12 tion 8 of the Environmental Re-
13 search, Development, and Dem-
14 onstration Act of 1978 (42
15 U.S.C. 4365), consider a revision
16 of the maximum contaminant
17 level to be appropriate.

18 “(II) AMOUNT OF REVISION.—If
19 the Administrator determines to revise
20 the maximum contaminant level for
21 radon in accordance with subclause
22 (I), the maximum contaminant level
23 shall be revised to a level that is no
24 more stringent than is necessary to
25 reduce risks to human health from

1 radon in drinking water to a level that
2 is equivalent to risks to human health
3 from radon in outdoor air based on
4 the national average concentration of
5 radon in outdoor air.”.

6 **SEC. 9. SULFATE.**

7 Section 1412(b) (42 U.S.C. 300g-1(b)) (as amended
8 by section 8) is further amended by adding at the end
9 the following:

10 “(14) SULFATE.—

11 “(A) IN GENERAL.—In the absence of sci-
12 entific evidence suggesting new or more serious
13 health effects than are suggested by the evi-
14 dence available on the date of enactment of this
15 paragraph, for the purposes of promulgation of
16 a national primary drinking water regulation
17 for sulfate, notwithstanding the requirements of
18 paragraphs (4) and (7), the Administrator shall
19 specify in the regulation—

20 “(i) a requirement for best technology
21 or other means under this subsection; and

22 “(ii) requirements for public notifica-
23 tion and options for the provision of alter-
24 native water supplies to populations at risk

1 as an alternative means of complying with
2 the regulation.

3 “(B) SCHEDULE.—Notwithstanding para-
4 graph (2), the regulation referred to in sub-
5 paragraph (A) shall be promulgated not later
6 than 2 years after the date of enactment of this
7 paragraph.

8 “(C) AUTHORITY.—Paragraph (6) shall
9 apply to the national primary drinking water
10 regulation for sulfate first promulgated after
11 the date of enactment of this paragraph only if
12 the Administrator repropose the national pri-
13 mary drinking water regulation for sulfate after
14 that date based on evidence suggesting new or
15 more serious health effects as described in sub-
16 paragraph (A).

17 “(D) EFFECT ON OTHER LAWS.—

18 “(i) FEDERAL LAWS.—Notwithstand-
19 ing part C, section 311 of the Federal
20 Water Pollution Control Act (33 U.S.C.
21 1321), subtitle C or D of the Solid Waste
22 Disposal Act (42 U.S.C. 6921 et seq.), or
23 section 107 or 121(d) of the Comprehen-
24 sive Environmental Response, Compensa-
25 tion, and Liability Act of 1980 (42 U.S.C.

1 9607 and 9621(d)), no national primary
2 drinking water regulation for sulfate shall
3 be—

4 “(I) used as a standard for deter-
5 mining compliance with any provision
6 of any law other than this subsection;

7 “(II) used as a standard for de-
8 termining appropriate cleanup levels
9 or whether cleanup should be under-
10 taken with respect to any facility or
11 site;

12 “(III) considered to be an appli-
13 cable or relevant and appropriate re-
14 quirement for any such cleanup; or

15 “(IV) used for the purpose of de-
16 fining injury to a natural resource;
17 unless the Administrator, by rule and after
18 notice and opportunity for public comment,
19 determines that the regulation is appro-
20 priate for a use described in subclause (I),
21 (II), (III), or (IV).

22 “(ii) STATE LAWS.—This subpara-
23 graph shall not affect any requirement of
24 State law, including the applicability of
25 any State standard similar to the regula-

tion published under this paragraph as a standard for any cleanup action, compliance action, or natural resource damage action taken pursuant to such a law.”.

SEC. 10. FILTRATION AND DISINFECTION.

(a) FILTRATION TECHNOLOGY FOR SMALL SYSTEMS.—Section 1412(b)(7)(C) (42 U.S.C. 300g-1(b)(7)(C)) is amended by adding at the end the following:

“(v) FILTRATION TECHNOLOGY FOR SMALL SYSTEMS.—At the same time as the Administrator proposes an Interim Enhanced Surface Water Treatment Rule pursuant to paragraph (2)(C)(ii), the Administrator shall propose a regulation that describes treatment techniques that meet the requirements for filtration pursuant to this subparagraph and are feasible for community water systems serving a population of 3,300 or fewer and noncommunity water systems.”.

(b) GROUND WATER DISINFECTION.—The first sentence of section 1412(b)(8) (42 U.S.C. 300g-1(b)(8)) is amended—

(1) by striking “Not later than 36 months after the enactment of the Safe Drinking Water Act

1 Amendments of 1986, the Administrator shall pro-
 2 pose and promulgate” and inserting “~~At the time~~
 3 ~~that~~ *At any time after the end of the 3-year period*
 4 *that begins on the date of enactment of the Safe*
 5 *Drinking Water Act Amendments of 1995 but not*
 6 *later than the date on which the Administrator pro-*
 7 *mulgates a Stage II rulemaking for disinfectants*
 8 *and disinfection byproducts (as described in para-*
 9 *graph (2)), the Administrator shall also promul-*
 10 *gate”*; and

11 (2) by striking the period at the end and insert-
 12 ing the following: “, including surface water systems
 13 and, as necessary, ground water systems. After con-
 14 sultation with the States, the Administrator shall (as
 15 part of the regulations) promulgate criteria that the
 16 Administrator, or a State that has primary enforce-
 17 ment responsibility under section 1413, shall apply
 18 to determine whether disinfection shall be required
 19 as a treatment technique for any public water sys-
 20 tem served by ground water.”.

21 **SEC. 11. EFFECTIVE DATE FOR REGULATIONS.**

22 Section 1412(b) (42 U.S.C. 300g–1(b)) is amended
 23 by striking paragraph (10) and inserting the following:

24 “(10) EFFECTIVE DATE.—A national primary
 25 drinking water regulation promulgated under this

1 section shall take effect on the date that is 3 years
 2 after the date on which the regulation is promul-
 3 gated unless the Administrator determines that an
 4 earlier date is practicable, except that the Adminis-
 5 trator, or a State in the case of an individual sys-
 6 tem, may allow up to 2 additional years to comply
 7 with a maximum contaminant level or treatment
 8 technique if the Administrator or State determines
 9 that additional time is necessary for capital improve-
 10 ments.”.

11 **SEC. 12. TECHNOLOGY AND TREATMENT TECHNIQUES;**
 12 **TECHNOLOGY CENTERS.**

13 (a) SYSTEM TREATMENT TECHNOLOGIES.—Section
 14 1412(b) (42 U.S.C. 300g–1(b)) (as amended by section
 15 9) is further amended by adding at the end the following:

16 “(15) SYSTEM TREATMENT TECHNOLOGIES.—

17 “(A) GUIDANCE OR REGULATIONS.—

18 “(i) IN GENERAL.—At the same time
 19 as the Administrator promulgates a na-
 20 tional primary drinking *water* regulation
 21 pursuant to this section, the Administrator
 22 shall issue guidance or regulations describ-
 23 ing all treatment technologies for the con-
 24 taminant that is the subject of the regula-
 25 tion that are feasible with the use of best

1 technology, treatment techniques, or other
2 means that the Administrator finds, after
3 examination for efficacy under field condi-
4 tions and not solely under laboratory con-
5 ditions, are available taking cost into con-
6 sideration for public water systems serv-
7 ing—

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

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

12 “(III) a population of 500 or
13 fewer but more than 25.

14 “(ii) CONTENTS.—The guidance or
15 regulations shall identify the effectiveness
16 of the technology, the cost of the tech-
17 nology, and other factors related to the use
18 of the technology, including requirements
19 for the quality of source water to ensure
20 adequate protection of human health, con-
21 sidering removal efficiencies of the tech-
22 nology, and installation and operation and
23 maintenance requirements for the tech-
24 nology.

1 “(iii) LIMITATION.—The Adminis-
2 trator shall not issue guidance or regula-
3 tions for a technology under this para-
4 graph unless the technology adequately
5 protects human health, considering the ex-
6 pected useful life of the technology and the
7 source waters available to systems for
8 which the technology is considered to be
9 feasible.

10 “(B) REGULATIONS AND GUIDANCE.—Not
11 later than 2 years after the date of enactment
12 of this paragraph and after consultation with
13 the States, the Administrator shall issue guid-
14 ance or regulations under subparagraph (A) for
15 each national primary drinking water regulation
16 promulgated prior to the date of enactment of
17 this paragraph for which a variance may be
18 granted under section 1415(e). The Adminis-
19 trator may, at any time after a national pri-
20 mary drinking water regulation has been pro-
21 mulgated, issue guidance or regulations describ-
22 ing additional or new or innovative treatment
23 technologies that meet the requirements of sub-
24 paragraph (A) for public water systems de-

1 scribed in subparagraph (A)(i) that are subject
2 to the regulation.

3 “(C) NO SPECIFIED TECHNOLOGY.—A de-
4 scription under subparagraph (A) of the best
5 technology or other means available shall not be
6 considered to require or authorize that the spec-
7 ified technology or other means be used for the
8 purpose of meeting the requirements of any na-
9 tional primary drinking water regulation.”.

10 (b) TECHNOLOGIES AND TREATMENT TECHNIQUES
11 FOR SMALL SYSTEMS.—Section 1412(b)(4)(E) (as
12 amended by section 6(a)) is further amended by adding
13 at the end the following: “The Administrator shall include
14 in the list any technology, treatment technique, or other
15 means that is feasible for small public water systems serv-
16 ing—

17 “(i) a population of 10,000 or fewer
18 but more than 3,300;

19 “(ii) a population of 3,300 or fewer
20 but more than 500; and

21 “(iii) a population of 500 or fewer but
22 more than 25;

23 and that achieves compliance with the maxi-
24 mum contaminant level, including packaged or
25 modular systems and point-of-entry treatment

1 units that are controlled by the public water
2 system to ensure proper operation and mainte-
3 nance and compliance with the maximum con-
4 taminant level and equipped with mechanical
5 warnings to ensure that customers are auto-
6 matically notified of operational problems.”.

7 (c) AVAILABILITY OF INFORMATION ON SMALL SYS-
8 TEM TECHNOLOGIES.—Section 1445 (42 U.S.C. 300j–4)
9 is amended by adding at the end the following:

10 “(g) AVAILABILITY OF INFORMATION ON SMALL SYS-
11 TEM TECHNOLOGIES.—For purposes of paragraphs
12 (4)(E) and (15) of section 1412(b), the Administrator
13 may request information on the characteristics of commer-
14 cially available treatment systems and technologies, in-
15 cluding the effectiveness and performance of the systems
16 and technologies under various operating conditions. The
17 Administrator may specify the form, content, and date by
18 which information shall be submitted by manufacturers,
19 States, and other interested persons for the purpose of
20 considering the systems and technologies in the develop-
21 ment of regulations or guidance under paragraph (4)(E)
22 or (15) of section 1412(b).”.

23 (d) SMALL WATER SYSTEMS TECHNOLOGY CEN-
24 TERS.—Section 1442 (42 U.S.C. 300j–1) is amended by
25 adding at the end the following:

1 “(h) SMALL PUBLIC WATER SYSTEMS TECHNOLOGY
2 ASSISTANCE CENTERS.—

3 “(1) GRANT PROGRAM.—The Administrator is
4 authorized to make grants to institutions of higher
5 learning to establish and operate not fewer than 5
6 small public water system technology assistance cen-
7 ters in the United States.

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

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

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

24 “(A) The small public water system tech-
25 nology assistance center shall be located in a

1 State that is representative of the needs of the
2 region in which the State is located for address-
3 ing the drinking water needs of rural small
4 communities or Indian Tribes.

5 “(B) The grant recipient shall be located
6 in a region that has experienced problems with
7 rural water supplies.

8 “(C) There is available to the grant recipi-
9 ent for carrying out this subsection dem-
10 onstrated expertise in water resources research,
11 technical assistance, and training.

12 “(D) The grant recipient shall have the ca-
13 pability to provide leadership in making na-
14 tional and regional contributions to the solution
15 of both long-range and intermediate-range rural
16 water system technology management problems.

17 “(E) The grant recipient shall have a dem-
18 onstrated interdisciplinary capability with ex-
19 pertise in small public water system technology
20 management and research.

21 “(F) The grant recipient shall have a dem-
22 onstrated capability to disseminate the results
23 of small public water system technology re-
24 search and training programs through an inter-
25 disciplinary continuing education program.

1 “(G) The projects that the grant recipient
2 proposes to carry out under the grant are nec-
3 essary and appropriate.

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

6 “(I) The grant recipient shall include the
7 participation of water resources research insti-
8 tutes established under section 104 of the
9 Water Resources Research Act of 1984 (42
10 U.S.C. 10303).

11 “(5) ALASKA.—For purposes of this subsection,
12 the State of Alaska shall be considered to be a re-
13 gion.

14 “(6) CONSORTIA OF STATES.—At least 2 of the
15 grants under this subsection shall be made to con-
16 sortia of States with low population densities. In this
17 paragraph, the term ‘consortium of States with low
18 population densities’ means a consortium of States,
19 each State of which has an average population den-
20 sity of less than 12.3 persons per square mile, based
21 on data for 1993 from the Bureau of the Census.

22 “(7) ADDITIONAL CONSIDERATIONS.—At least
23 one center established under this subsection shall
24 focus primarily on the development and evaluation of
25 new technologies and new combinations of existing

1 technologies that are likely to provide more reliable
 2 or lower cost options for providing safe drinking
 3 water. This center shall be located in a geographic
 4 region of the country with a high density of small
 5 systems, at a university with an established record
 6 of developing and piloting small treatment tech-
 7 nologies in cooperation with industry, States, com-
 8 munities, and water system associations.

9 “(8) AUTHORIZATION OF APPROPRIATIONS.—
 10 There are authorized to be appropriated to make
 11 grants under this subsection \$10,000,000 for each
 12 of fiscal years 1995 through 2003.”.

13 **SEC. 13. VARIANCES AND EXEMPTIONS.**

14 (a) TECHNOLOGY AND TREATMENT TECHNIQUES
 15 FOR SYSTEMS ISSUED VARIANCES.—The second sentence
 16 of section 1415(a)(1)(A) (42 U.S.C. 300g-4(a)(1)(A)) is
 17 amended—

18 (1) by striking “only be issued to a system after
 19 the system’s application of” and inserting “be issued
 20 to a system on condition that the system install”;
 21 and

22 (2) by inserting before the period at the end the
 23 following: “, and based upon an evaluation satisfac-
 24 tory to the State that indicates that alternative

1 sources of water are not reasonably available to the
2 system”.

3 (b) EXEMPTIONS.—Section 1416 (42 U.S.C. 300g–
4 5) is amended—

5 (1) in subsection (a)(1)—

6 (A) by inserting after “(which may include
7 economic factors” the following: “, including
8 qualification of the public water system as a
9 system serving a disadvantaged community pur-
10 suant to section 1473(e)(1)”;

11 (B) by inserting after “treatment tech-
12 nique requirement,” the following: “or to imple-
13 ment measures to develop an alternative source
14 of water supply,”;

15 (2) in subsection (b)(1)(A)—

16 (A) by striking “(including increments of
17 progress)” and inserting “(including increments
18 of progress or measures to develop an alter-
19 native source of water supply)”;

20 (B) by striking “requirement and treat-
21 ment” and inserting “requirement or treat-
22 ment”;

23 (3) in subsection (b)(2)—

24 (A) by striking “(except as provided in
25 subparagraph (B))” in subparagraph (A) and

1 all that follows through “3 years after the date
2 of the issuance of the exemption if” in subpara-
3 graph (B) and inserting the following: “not
4 later than 3 years after the otherwise applicable
5 compliance date established in section
6 1412(b)(10).

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

8 (B) in subparagraph (B)(i), by striking
9 “within the period of such exemption” and in-
10 sserting “prior to the date established pursuant
11 to section 1412(b)(10)”;

12 (C) in subparagraph (B)(ii), by inserting
13 after “such financial assistance” the following:
14 “or assistance pursuant to part G, or any other
15 Federal or State program is reasonably likely to
16 be available within the period of the exemp-
17 tion”;

18 (D) in subparagraph (C)—

19 (i) by striking “500 service connec-
20 tions” and inserting “a population of
21 3,300”; and

22 (ii) by inserting “, but not to exceed
23 a total of 6 years,” after “for one or more
24 additional 2-year periods”; and

25 (E) by adding at the end the following:

1 “(D) LIMITATION.—A public water system may not
2 receive an exemption under this section if the system was
3 granted a variance under section 1415(e).”.

4 **SEC. 14. SMALL SYSTEMS; TECHNICAL ASSISTANCE.**

5 (a) SMALL SYSTEM VARIANCES.—Section 1415 (42
6 U.S.C. 300g-4) is amended by adding at the end the fol-
7 lowing:

8 “(e) SMALL SYSTEM VARIANCES.—

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

20 “(2) AVAILABILITY OF VARIANCES.—A small
21 system may receive a variance under this subsection
22 if the system installs, operates, and maintains, in ac-
23 cordance with guidance or regulations issued by the
24 Administrator, treatment technology that is feasible

1 for small systems as determined by the Adminis-
2 trator pursuant to section 1412(b)(15).

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

6 “(A) that cannot afford to comply, in ac-
7 cordance with affordability criteria established
8 by the Administrator (or the State in the case
9 of a State that has primary enforcement re-
10 sponsibility under section 1413), with a na-
11 tional primary drinking water regulation, in-
12 cluding compliance through—

13 “(i) treatment;

14 “(ii) alternative source of water sup-
15 ply; or

16 “(iii) restructuring or consolidation
17 (unless the Administrator (or the State in
18 the case of a State that has primary en-
19 forcement responsibility under section
20 1413) makes a written determination that
21 restructuring or consolidation is not fea-
22 sible or appropriate based on other speci-
23 fied public policy considerations); and

24 “(B) for which the Administrator (or the
25 State in the case of a State that has primary

1 enforcement responsibility under section 1413)
2 determines that the terms of the variance en-
3 sure adequate protection of human health, con-
4 sidering the quality of the source water for the
5 system and the removal efficiencies and ex-
6 pected useful life of the treatment technology
7 required by the variance.

8 “(4) APPLICATIONS.—An application for a vari-
9 ance for a national primary drinking water regula-
10 tion under this subsection shall be submitted to the
11 Administrator (or the State in the case of a State
12 that has primary enforcement responsibility under
13 section 1413) not later than the date that is the
14 later of—

15 “(A) 3 years after the date of enactment
16 of this subsection; or

17 “(B) 1 year after the compliance date of
18 the national primary drinking water regulation
19 as established under section 1412(b)(10) for
20 which a variance is requested.

21 “(5) VARIANCE REVIEW AND DECISION.—

22 “(A) TIMETABLE.—The Administrator (or
23 the State in the case of a State that has pri-
24 mary enforcement responsibility under section
25 1413) shall grant or deny a variance not later

1 than 1 year after the date of receipt of the ap-
2 plication.

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

13 “(6) COMPLIANCE SCHEDULES.—

14 “(A) VARIANCES.—A variance granted
15 under this subsection shall require compliance
16 with the conditions of the variance not later
17 than 3 years after the date on which the vari-
18 ance is granted, except that the Administrator
19 (or the State in the case of a State that has
20 primary enforcement responsibility under sec-
21 tion 1413) may allow up to 2 additional years
22 to comply with a treatment technique, secure an
23 alternative source of water, or restructure if the
24 Administrator (or the State) determines that
25 additional time is necessary for capital improve-

1 ments, or to allow for financial assistance pro-
2 vided pursuant to part G or any other Federal
3 or State program.

4 “(B) DENIED APPLICATIONS.—If the Ad-
5 ministrator (or the State in the case of a State
6 that has primary enforcement responsibility
7 under section 1413) denies a variance applica-
8 tion under this subsection, the public water sys-
9 tem shall come into compliance with the re-
10 quirements of the national primary drinking
11 water regulation for which the variance was re-
12 quested not later than 4 years after the date on
13 which the national primary drinking water reg-
14 ulation was promulgated.

15 “(7) DURATION OF VARIANCES.—

16 “(A) IN GENERAL.—The Administrator (or
17 the State in the case of a State that has pri-
18 mary enforcement responsibility under section
19 1413) shall review each variance granted under
20 this subsection not less often than every 5 years
21 after the compliance date established in the
22 variance to determine whether the system re-
23 mains eligible for the variance and is conform-
24 ing to each condition of the variance.

1 “(B) REVOCATION OF VARIANCES.—The
2 Administrator (or the State in the case of a
3 State that has primary enforcement responsibil-
4 ity under section 1413) shall revoke a variance
5 in effect under this subsection if the Adminis-
6 trator (or the State) determines that—

7 “(i) the system is no longer eligible
8 for a variance;

9 “(ii) the system has failed to comply
10 with any term or condition of the variance,
11 other than a reporting or monitoring re-
12 quirement, unless the failure is caused by
13 circumstances outside the control of the
14 system; or

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

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

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

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

11 “(9) REGULATIONS AND GUIDANCE.—

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

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

1 “(ii) requirements for the installation
2 and proper operation of treatment tech-
3 nology that is feasible (pursuant to section
4 1412(b)(15)) for small systems and the fi-
5 nancial and technical capability to operate
6 the treatment system, including operator
7 training and certification;

8 “(iii) eligibility criteria for a variance
9 for each national primary drinking water
10 regulation, including requirements for the
11 quality of the source water (pursuant to
12 section 1412(b)(15)(A)); and

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

15 “(B) AFFORDABILITY CRITERIA.—Not
16 later than 18 months after the date of enact-
17 ment of the Safe Drinking Water Act Amend-
18 ments of 1995, the Administrator, in consulta-
19 tion with the States and the Rural Utilities
20 Service of the Department of Agriculture, shall
21 publish information to assist the States in de-
22 veloping affordability criteria. The affordability
23 criteria shall be reviewed by the States not less
24 often than every 5 years to determine if
25 changes are needed to the criteria.

1 “(10) REVIEW BY THE ADMINISTRATOR.—

2 “(A) IN GENERAL.—The Administrator
3 shall periodically review the program of each
4 State that has primary enforcement responsibility for public water systems under section 1413
5 with respect to variances to determine whether
6 the variances granted by the State comply with
7 the requirements of this subsection. With respect to affordability, the determination of the
8 Administrator shall be limited to whether the
9 variances granted by the State comply with the
10 affordability criteria developed by the State.
11

12 “(B) NOTICE AND PUBLICATION.—If the
13 Administrator determines that variances granted by a State are not in compliance with affordability
14 criteria developed by the State and the
15 requirements of this subsection, the Administrator shall notify the State in writing of the
16 deficiencies and make public the determination.
17

18 “(C) OBJECTIONS TO VARIANCES.—

19 “(i) BY THE ADMINISTRATOR.—The
20 Administrator may review and object to
21 any variance proposed to be granted by a
22 State, if the objection is communicated to
23 the State not later than 90 days after the
24
25

1 State proposes to grant the variance. If the
2 Administrator objects to the granting of a
3 variance, the Administrator shall notify the
4 State in writing of each basis for the objec-
5 tion and propose a modification to the
6 variance to resolve the concerns of the Ad-
7 ministrator. The State shall make the rec-
8 ommended modification or respond in writ-
9 ing to each objection. If the State issues
10 the variance without resolving the concerns
11 of the Administrator, the Administrator
12 may overturn the State decision to grant
13 the variance if the Administrator deter-
14 mines that the State decision does not
15 comply with this subsection.

16 “(ii) PETITION BY CONSUMERS.—Not
17 later than 30 days after a State with pri-
18 mary enforcement responsibility for public
19 water systems under section 1413 proposes
20 to grant a variance for a public water sys-
21 tem, any person served by the system may
22 petition the Administrator to object to the
23 granting of a variance. The Administrator
24 shall respond to the petition not later than
25 60 days after the receipt of the petition.

1 The State shall not grant the variance dur-
2 ing the 60-day period. The petition shall be
3 based on comments made by the petitioner
4 during public review of the variance by the
5 State.”.

6 (b) TECHNICAL ASSISTANCE.—Section 1442(g) (42
7 U.S.C. 300j-1(g)) is amended—

8 (1) in the second sentence, by inserting “and
9 multi-State regional technical assistance” after “‘cir-
10 cuit-rider’ ”; and

11 (2) by striking the third sentence and inserting
12 the following: “The Administrator shall ensure that
13 funds made available for technical assistance pursu-
14 ant to this subsection are allocated among the States
15 equally. Each nonprofit organization receiving assist-
16 ance under this subsection shall consult with the
17 State in which the assistance is to be expended or
18 otherwise made available before using the assistance
19 to undertake activities to carry out this subsection.
20 There are authorized to be appropriated to carry out
21 this subsection \$15,000,000 for each of fiscal years
22 1992 through 2003.”.

23 **SEC. 15. CAPACITY DEVELOPMENT; FINANCE CENTERS.**

24 Part B (42 U.S.C. 300g et seq.) is amended by add-
25 ing at the end the following:

1 “CAPACITY DEVELOPMENT

2 “SEC. 1418. (a) STATE AUTHORITY FOR NEW SYS-
3 TEMS.—Each State shall obtain the legal authority or
4 other means to ensure that all new community water sys-
5 tems and new nontransient, noncommunity water systems
6 commencing operation after October 1, 1998, demonstrate
7 technical, managerial, and financial capacity with respect
8 to each national primary drinking water regulation in ef-
9 fect, or likely to be in effect, on the date of commencement
10 of operations.

11 “(b) SYSTEMS IN SIGNIFICANT NONCOMPLIANCE.—

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

23 “(2) REPORT.—Not later than 5 years after the
24 date of enactment of this section and as part of the
25 capacity development strategy of the State, each

1 State shall report to the Administrator on the suc-
2 cess of enforcement mechanisms and initial capacity
3 development efforts in assisting the public water sys-
4 tems listed under paragraph (1) to improve tech-
5 nical, managerial, and financial capacity.

6 “(c) CAPACITY DEVELOPMENT STRATEGY.—

7 “(1) IN GENERAL.—Not later than 4 years
8 after the date of enactment of this section, each
9 State shall develop and implement a strategy to as-
10 sist public water systems in acquiring and maintain-
11 ing technical, managerial, and financial capacity.

12 “(2) CONTENT.—In preparing the capacity de-
13 velopment strategy, the State shall consider, solicit
14 public comment on, and include as appropriate—

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

19 “(B) a description of the institutional, reg-
20 ulatory, financial, tax, or legal factors at the
21 Federal, State, or local level that encourage or
22 impair capacity development;

23 “(C) a description of how the State will
24 use the authorities and resources of this title or
25 other means to—

1 “(i) assist public water systems in
2 complying with national primary drinking
3 water regulations;

4 “(ii) encourage the development of
5 partnerships between public water systems
6 to enhance the technical, managerial, and
7 financial capacity of the systems; and

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

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

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

22 “(3) REPORT.—Not later than 2 years after the
23 date on which a State first adopts a capacity devel-
24 opment strategy under this subsection, and every 3
25 years thereafter, the head of the State agency that

1 has primary responsibility to carry out this title in
2 the State shall submit to the Governor a report that
3 shall also be available to the public on the efficacy
4 of the strategy and progress made toward improving
5 the technical, managerial, and financial capacity of
6 public water systems in the State.

7 “(d) FEDERAL ASSISTANCE.—

8 “(1) IN GENERAL.—The Administrator shall
9 support the States in developing capacity develop-
10 ment strategies.

11 “(2) INFORMATIONAL ASSISTANCE.—

12 “(A) IN GENERAL.—Not later than 180
13 days after the date of enactment of this section,
14 the Administrator shall—

15 “(i) conduct a review of State capacity
16 development efforts in existence on the
17 date of enactment of this section and pub-
18 lish information to assist States and public
19 water systems in capacity development ef-
20 forts; and

21 “(ii) initiate a partnership with
22 States, public water systems, and the pub-
23 lic to develop information for States on
24 recommended operator certification re-
25 quirements.

1 “(B) PUBLICATION OF INFORMATION.—

2 The Administrator shall publish the information
3 developed through the partnership under sub-
4 paragraph (A)(ii) not later than 18 months
5 after the date of enactment of this section.

6 “(3) VARIANCES AND EXEMPTIONS.—Based on
7 information obtained under subsection (c)(2)(B), the
8 Administrator shall, as appropriate, modify regula-
9 tions concerning variances and exemptions for small
10 public water systems to ensure flexibility in the use
11 of the variances and exemptions. Nothing in this
12 paragraph shall be interpreted, construed, or applied
13 to affect or alter the requirements of section 1415
14 or 1416.

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

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

1 community water systems and new nontransient,
2 noncommunity water systems demonstrate technical,
3 managerial, and financial capacity with respect to
4 national primary drinking water regulations.

5 “(e) ENVIRONMENTAL FINANCE CENTERS.—

6 “(1) IN GENERAL.—The Administrator shall
7 support the network of university-based Environ-
8 mental Finance Centers in providing training and
9 technical assistance to State and local officials in de-
10 veloping capacity of public water systems.

11 “(2) NATIONAL CAPACITY DEVELOPMENT
12 CLEARINGHOUSE.—Within the Environmental Fi-
13 nance Center network in existence on the date of en-
14 actment of this section, the Administrator shall es-
15 tablish a national public water systems capacity de-
16 velopment clearinghouse to receive, coordinate, and
17 disseminate research and reports on projects funded
18 under this title and from other sources with respect
19 to developing, improving, and maintaining technical,
20 financial, and managerial capacity at public water
21 systems to Federal and State agencies, universities,
22 water suppliers, and other interested persons.

23 “(3) CAPACITY DEVELOPMENT TECHNIQUES.—

1 “(A) IN GENERAL.—The Environmental
2 Finance Centers shall develop and test manage-
3 rial, financial, and institutional techniques—

4 “(i) to ensure that new public water
5 systems have the technical, managerial,
6 and financial capacity before commencing
7 operation;

8 “(ii) to identify public water systems
9 in need of capacity development; and

10 “(iii) to bring public water systems
11 with a history of significant noncompliance
12 with national primary drinking water regu-
13 lations into compliance.

14 “(B) TECHNIQUES.—The techniques may
15 include capacity assessment methodologies,
16 manual and computer-based public water sys-
17 tem rate models and capital planning models,
18 public water system consolidation procedures,
19 and regionalization models.

20 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out subsection
22 (e) \$2,500,000 for each of fiscal years 1995 through
23 2003.”.

1 **SEC. 16. OPERATOR AND LABORATORY CERTIFICATION.**

2 Section 1442 (42 U.S.C. 300j-1) is amended by in-
3 serting after subsection (d) the following:

4 “(e) CERTIFICATION OF OPERATORS AND LABORA-
5 TORIES.—

6 “(1) REQUIREMENT.—Beginning 3 years after
7 the date of enactment of the Safe Drinking Water
8 Act Amendments of 1995—

9 “(A) no assistance may be provided to a
10 public water system under part G unless the
11 system has entered into an enforceable commit-
12 ment with the State providing that any person
13 who operates the system will be trained and
14 certified according to requirements established
15 by the Administrator or the State (in the case
16 of a State with primary enforcement respon-
17 sibility under section 1413) not later than the
18 date of completion of the capital project for
19 which the assistance is provided; and

20 “(B) a public water system that has re-
21 ceived assistance under part G may be operated
22 only by a person who has been trained and cer-
23 tified according to requirements established by
24 the Administrator or the State (in the case of
25 a State with primary enforcement responsibility
26 under section 1413).

1 “(2) GUIDELINES.—Not later than 18 months
2 after the date of enactment of the Safe Drinking
3 Water Act Amendments of 1995 and after consulta-
4 tion with the States, the Administrator shall publish
5 information to assist States in carrying out para-
6 graph (1). In the case of a State with primary en-
7 forcement responsibility under section 1413 *or any*
8 *other State that has established a training program*
9 *that is consistent with the guidance issued under this*
10 *paragraph*, the authority to prescribe the appro-
11 priate level of training for certification for all sys-
12 tems shall be solely the responsibility of the State.
13 The guidance issued under this paragraph shall also
14 include information to assist States in certifying lab-
15 oratories engaged in testing for the purpose of com-
16 pliance with sections 1445 and 1401(1).

17 “(3) NONCOMPLIANCE.—If a public water sys-
18 tem in a State is not operated in accordance with
19 paragraph (1), the Administrator is authorized to
20 withhold from funds that would otherwise be allo-
21 cated to the State under section 1472 or require the
22 repayment of an amount equal to the amount of any
23 assistance under part G provided to the public water
24 system.”.

1 **SEC. 17. SOURCE WATER QUALITY PROTECTION PARTNER-**
 2 **SHIPS.**

3 Part B (42 U.S.C. 300g et seq.) (as amended by sec-
 4 tion 15) is further amended by adding at the end the fol-
 5 lowing:

6 “SOURCE WATER QUALITY PROTECTION PARTNERSHIP
 7 PROGRAM

8 “SEC. 1419. (a) SOURCE WATER AREA DELINEA-
 9 TIONS.—Except as provided in subsection (c), not later
 10 than 5 years after the date of enactment of this section,
 11 and after an opportunity for public comment, each State
 12 shall—

13 “(1) delineate (directly or through delegation)
 14 the source water protection areas for community
 15 water systems in the State using hydrogeologic in-
 16 formation considered to be reasonably available and
 17 appropriate by the State; and

18 “(2) conduct, to the extent practicable, vulner-
 19 ability assessments in source water areas determined
 20 to be a priority by the State, including, to the extent
 21 practicable, identification of risks in source water
 22 protection areas to drinking water.

23 “(b) ALTERNATIVE DELINEATIONS AND VULNER-
 24 ABILITY ASSESSMENTS.—For the purposes of satisfying
 25 the requirements of subsection (a), a State may use delin-
 26 eations and vulnerability assessments conducted for—

1 “(1) ground water sources under a State well-
2 head protection program developed pursuant to sec-
3 tion 1428;

4 “(2) surface or ground water sources under a
5 State pesticide management plan developed pursuant
6 to the Pesticide and Ground Water State Manage-
7 ment Plan Regulation (subparts I and J of part 152
8 of title 40, Code of Federal Regulations), promul-
9 gated under section 3(d) of the Federal Insecticide,
10 Fungicide, and Rodenticide Act (7 U.S.C. 136a(d));
11 or

12 “(3) surface water sources under a State water-
13 shed initiative or to satisfy the watershed criterion
14 for determining if filtration is required under the
15 Surface Water Treatment Rule (section 141.70 of
16 title 40, Code of Federal Regulations).

17 “(c) FUNDING.—To carry out the delineations and
18 assessments described in subsection (a), a State may use
19 funds made available for that purpose pursuant to section
20 1473(f). If funds available under that section are insuffi-
21 cient to meet the minimum requirements of subsection (a),
22 the State shall establish a priority-based schedule for the
23 delineations and assessments within available resources.

24 “(d) PETITION PROGRAM.—

25 “(1) IN GENERAL.—

1 “(A) ESTABLISHMENT.—A State may es-
2 tablish a program under which an owner or op-
3 erator of a community water system in the
4 State, or a municipal or local government or po-
5 litical subdivision of a government in the State,
6 may submit a source water quality protection
7 partnership petition to the State requesting
8 that the State assist in the local development of
9 a voluntary, incentive-based partnership, among
10 the owner, operator, or government and other
11 persons likely to be affected by the rec-
12 ommendations of the partnership, to—

13 “(i) reduce the presence in drinking
14 water of contaminants that may be ad-
15 dressed by a petition by considering the
16 origins of the contaminants, including to
17 the maximum extent practicable the spe-
18 cific activities that affect the drinking
19 water supply of a community;

20 “(ii) obtain financial or technical as-
21 sistance necessary to facilitate establish-
22 ment of a partnership, or to develop and
23 implement recommendations of a partner-
24 ship for the protection of source water to
25 assist in the provision of drinking water

1 that complies with national primary drink-
2 ing water regulations with respect to con-
3 taminants addressed by a petition; and

4 “(iii) develop recommendations re-
5 garding voluntary and incentive-based
6 strategies for the long-term protection of
7 the source water of community water sys-
8 tems.

9 “(B) STATE DETERMINATION.—Not later
10 than 1 year after the date of enactment of this
11 section, each State shall provide public notice
12 and solicit public comment on the question of
13 whether to develop a source water quality pro-
14 tection partnership petition program in the
15 State, and publicly announce the determination
16 of the State thereafter. If so requested by any
17 public water system or local governmental en-
18 tity, prior to making the determination, the
19 State shall hold at least one public hearing to
20 assess the level of interest in the State for de-
21 velopment and implementation of a State source
22 water quality partnership petition program.

23 “(C) FUNDING.—Each State may—

24 “(i) use funds set aside pursuant to
25 section 1473(f) by the State to carry out

1 a program described in subparagraph (A),
2 including assistance to voluntary local
3 partnerships for the development and im-
4 plementation of partnership recommenda-
5 tions for the protection of ~~source water~~,
6 *source water such as* source water quality
7 assessment, contingency plans, and dem-
8 onstration projects for partners within a
9 source water area delineated under sub-
10 section (a); and

11 “(ii) provide assistance in response to
12 a petition submitted under this subsection
13 using funds referred to in subsections
14 (e)(2)(B) and (g).

15 “(2) OBJECTIVES.—The objectives of a petition
16 submitted under this subsection shall be to—

17 “(A) facilitate the local development of vol-
18 untary, incentive-based partnerships among
19 owners and operators of community water sys-
20 tems, governments, and other persons in source
21 water areas; and

22 “(B) obtain assistance from the State in
23 directing or redirecting resources under Federal
24 or State water quality programs to implement
25 the recommendations of the partnerships to ad-

1 dress the origins of drinking water contami-
2 nants that may be addressed by a petition (in-
3 cluding to the maximum extent practicable the
4 specific activities) that affect the drinking water
5 supply of a community.

6 “(3) CONTAMINANTS ADDRESSED BY A PETI-
7 TION.—A petition submitted to a State under this
8 section may address only those contaminants—

9 “(A) that are pathogenic organisms for
10 which a national primary drinking water regula-
11 tion has been established or is required under
12 section 1412(b)(2)(C); or

13 “(B) for which a national primary drinking
14 water regulation has been promulgated or pro-
15 posed and—

16 “(i) that are detected in the commu-
17 nity water system for which the petition is
18 submitted at levels above the maximum
19 contaminant level; or

20 “(ii) that are detected by adequate
21 monitoring methods at levels that are not
22 reliably and consistently below the maxi-
23 mum contaminant level.

24 “(4) CONTENTS.—A petition submitted under
25 this subsection shall, at a minimum—

1 “(A) include a delineation of the source
2 water area in the State that is the subject of
3 the petition;

4 “(B) identify, to the maximum extent
5 practicable, the origins of the drinking water
6 contaminants that may be addressed by a peti-
7 tion (including to the maximum extent prac-
8 ticable the specific activities contributing to the
9 presence of the contaminants) in the source
10 water area delineated under subparagraph (A);

11 “(C) identify any deficiencies in informa-
12 tion that will impair the development of rec-
13 ommendations by the voluntary local partner-
14 ship to address drinking water contaminants
15 that may be addressed by a petition;

16 “(D) specify the efforts made to establish
17 the voluntary local partnership and obtain the
18 participation of—

19 “(i) the municipal or local government
20 or other political subdivision of the State
21 with jurisdiction over the source water area
22 delineated under subparagraph (A); and

23 “(ii) each person in the source water
24 area delineated under subparagraph (A)—

1 “(I) who is likely to be affected
2 by recommendations of the voluntary
3 local partnership; and

4 “(II) whose participation is es-
5 sential to the success of the partner-
6 ship;

7 “(E) outline how the voluntary local part-
8 nership has or will, during development and im-
9 plementation of recommendations of the vol-
10 untary local partnership, identify, recognize and
11 take into account any voluntary or other activi-
12 ties already being undertaken by persons in the
13 source water area delineated under subpara-
14 graph (A) under Federal or State law to reduce
15 the likelihood that contaminants will occur in
16 drinking water at levels of public health con-
17 cern; and

18 “(F) specify the technical, financial, or
19 other assistance that the voluntary local part-
20 nership requests of the State to develop the
21 partnership or to implement recommendations
22 of the partnership.

23 “(e) APPROVAL OR DISAPPROVAL OF PETITIONS.—

24 “(1) IN GENERAL.—After providing notice and
25 an opportunity for public comment on a petition

1 submitted under subsection (d), the State shall ap-
2 prove or disapprove the petition, in whole or in part,
3 not later than 120 days after the date of submission
4 of the petition.

5 “(2) APPROVAL.—The State may approve a pe-
6 tition if the petition meets the requirements estab-
7 lished under subsection (d). The notice of approval
8 shall, at a minimum, include—

9 “(A) an identification of technical, finan-
10 cial, or other assistance that the State will pro-
11 vide to assist in addressing the drinking water
12 contaminants that may be addressed by a peti-
13 tion based on—

14 “(i) the relative priority of the public
15 health concern identified in the petition
16 with respect to the other water quality
17 needs identified by the State;

18 “(ii) any necessary coordination that
19 the State will perform of the program es-
20 tablished under this section with programs
21 implemented or planned by other States
22 under this section; and

23 “(iii) funds available (including funds
24 available from a State revolving loan fund
25 established under title VI of the Federal

1 Water Pollution Control Act (33 U.S.C.
2 1381 et seq.) or part G and the appro-
3 priate distribution of the funds to assist in
4 implementing the recommendations of the
5 partnership;

6 “(B) a description of technical or financial
7 assistance pursuant to Federal and State pro-
8 grams that is available to assist in implement-
9 ing recommendations of the partnership in the
10 petition, including—

11 “(i) any program established under
12 the Federal Water Pollution Control Act
13 (33 U.S.C. 1251 et seq.);

14 “(ii) the program established under
15 section 6217 of the Coastal Zone Act Re-
16 authorization Amendments of 1990 (16
17 U.S.C. 1455b);

18 “(iii) the agricultural water quality
19 protection program established under chap-
20 ter 2 of subtitle D of title XII of the Food
21 Security Act of 1985 (16 U.S.C. 3838 et
22 seq.);

23 “(iv) the sole source aquifer protection
24 program established under section 1427;

1 “(v) the community wellhead protec-
 2 tion program established under section
 3 1428;

4 “(vi) any pesticide or ground water
 5 management plan; and

6 “(vii) *any voluntary agricultural re-*
 7 *source management plan or voluntary whole*
 8 *farm or whole ranch management plan de-*
 9 *veloped and implemented under a process*
 10 *established by the Secretary of Agriculture;*
 11 *and*

12 ~~“(vii)~~ “(viii) any abandoned well clo-
 13 sure program; and

14 “(C) a description of activities that will be
 15 undertaken to coordinate Federal and State
 16 programs to respond to the petition.

17 “(3) DISAPPROVAL.—If the State disapproves a
 18 petition submitted under subsection (d), the State
 19 shall notify the entity submitting the petition in
 20 writing of the reasons for disapproval. A petition
 21 may be resubmitted at any time if—

22 “(A) new information becomes available;

23 “(B) conditions affecting the source water
 24 that is the subject of the petition change; or

1 “(C) modifications are made in the type of
2 assistance being requested.

3 “(f) ELIGIBILITY FOR WATER QUALITY PROTECTION
4 ASSISTANCE.—A sole source aquifer plan developed under
5 section 1427, a wellhead protection plan developed under
6 section 1428, and a source water quality protection meas-
7 ure assisted in response to a petition submitted under sub-
8 section (d) shall be eligible for assistance under the Fed-
9 eral Water Pollution Control Act (33 U.S.C. 1251 et seq.),
10 including assistance provided under section 319 and title
11 VI of such Act (33 U.S.C. 1329 and 1381 et seq.), if the
12 project, measure, or practice would be eligible for assist-
13 ance under such Act. In the case of funds made available
14 under such section 319 to assist a source water quality
15 protection measure in response to a petition submitted
16 under subsection (d), the funds may be used only for a
17 measure that addresses nonpoint source pollution.

18 “(g) GRANTS TO SUPPORT STATE PROGRAMS.—

19 “(1) IN GENERAL.—The Administrator may
20 make a grant to each State that establishes a pro-
21 gram under this section that is approved under
22 paragraph (2). The amount of each grant shall not
23 exceed 50 percent of the cost of administering the
24 program for the year in which the grant is available.

1 “(2) APPROVAL.—In order to receive grant as-
2 sistance under this subsection, a State shall submit
3 to the Administrator for approval a plan for a source
4 water quality protection partnership program that is
5 consistent with the guidance published under para-
6 graph (3). The Administrator shall approve the plan
7 if the plan is consistent with the guidance published
8 under paragraph (3).

9 “(3) GUIDANCE.—

10 “(A) IN GENERAL.—Not later than 1 year
11 after the date of enactment of this section, the
12 Administrator, *in consultation with the States*,
13 shall publish guidance to assist—

14 “(i) States in the development of a
15 source water quality protection partnership
16 program; and

17 “(ii) municipal or local governments
18 or political subdivisions of the governments
19 and community water systems in the devel-
20 opment of source water quality protection
21 partnerships and in the assessment of
22 source water quality.

23 “(B) CONTENTS OF THE GUIDANCE.—The
24 guidance shall, at a minimum—

1 “(i) recommend procedures for the ap-
2 proval or disapproval by a State of a peti-
3 tion submitted under subsection (d);

4 “(ii) recommend procedures for the
5 submission of petitions developed under
6 subsection (d);

7 “(iii) recommend criteria for the de-
8 ~~lineation~~ *assessment* of source water areas
9 within a State;

10 “(iv) describe technical or financial
11 assistance pursuant to Federal and State
12 programs that is available to address the
13 contamination of sources of drinking water
14 and to develop and respond to petitions
15 submitted under subsection (d); and

16 “(v) specify actions taken by the Ad-
17 ministrator to ensure the coordination of
18 the programs referred to in clause (iv) with
19 the goals and objectives of this title to the
20 maximum extent practicable.

21 “(4) AUTHORIZATION OF APPROPRIATIONS.—

22 There are authorized to be appropriated to carry out
23 this subsection such sums as are necessary for fiscal
24 years 1995 through 2003. Each State with a plan
25 for a program approved under paragraph (2) shall

1 receive an equitable portion of the funds available
 2 for any fiscal year.

3 “(h) STATUTORY CONSTRUCTION.—Nothing in this
 4 section—

5 “(1)(A) creates or conveys new authority to a
 6 State, political subdivision of a State, or community
 7 water system for any new regulatory measure; or

8 “(B) limits any ~~existing~~ authority of a State,
 9 political subdivision, or community water system; or

10 “(2) precludes a community water system, mu-
 11 nicipal or local government, or political subdivision
 12 of a government from locally developing and carry-
 13 ing out a voluntary, incentive-based, source water
 14 quality protection partnership to address the origins
 15 of drinking water contaminants of public health con-
 16 cern.”.

17 **SEC. 18. STATE PRIMACY; STATE FUNDING.**

18 (a) STATE PRIMARY ENFORCEMENT RESPONSIBIL-
 19 ITY.—Section 1413 (42 U.S.C. 300g-2) is amended—

20 (1) in subsection (a), by striking paragraph (1)
 21 and inserting the following:

22 “(1) has adopted drinking water regulations
 23 that are no less stringent than the national primary
 24 drinking water regulations promulgated by the Ad-
 25 ministrator under section 1412 not later than 2

1 years after the date on which the regulations are
2 promulgated by the Administrator;” and

3 (2) by adding at the end the following:

4 “(c) INTERIM PRIMARY ENFORCEMENT AUTHOR-
5 ITY.—A State that has primary enforcement authority
6 under this section with respect to each existing national
7 primary drinking water regulation shall be considered to
8 have primary enforcement authority with respect to each
9 new or revised national primary drinking water regulation
10 during the period beginning on the effective date of a reg-
11 ulation adopted and submitted by the State with respect
12 to the new or revised national primary drinking water reg-
13 ulation in accordance with subsection (b)(1) and ending
14 at such time as the Administrator makes a determination
15 under subsection (b)(2) with respect to the regulation.”.

16 (b) PUBLIC WATER SYSTEM SUPERVISION PRO-
17 GRAM.—Section 1443(a) (42 U.S.C. 300j-2(a)) is amend-
18 ed—

19 (1) in paragraph (3)—

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

22 “(3) AMOUNT OF GRANT.—

23 “(A) IN GENERAL.—A grant”; and

24 (B) by adding at the end the following:

1 “(B) DETERMINATION OF COSTS.—To de-
2 termine the costs of a grant recipient pursuant
3 to this paragraph, the Administrator shall, in
4 cooperation with the States and not later than
5 180 days after the date of enactment of this
6 subparagraph, establish a resource model for
7 the public water system supervision program
8 and review and revise the model as necessary.

9 “(C) STATE COST ADJUSTMENTS.—The
10 Administrator shall revise cost estimates used
11 in the resource model for any particular State
12 to reflect costs more likely to be experienced in
13 that State, if—

14 “(i) the State requests the modifica-
15 tion; and

16 “(ii) the revised estimates ensure full
17 and effective administration of the public
18 water system supervision program in the
19 State and the revised estimates do not
20 overstate the resources needed to admin-
21 ister the program.”;

22 (2) in paragraph (7), by adding at the end a
23 period and the following:

24 “For the purpose of making grants under paragraph (1),
25 there are authorized to be appropriated such sums as are

1 necessary for each of fiscal years 1992 and 1993 and
2 \$100,000,000 for each of fiscal years 1994 through
3 2003.”; and

4 (3) by adding at the end the following:

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

17 “(9) STATE LOAN FUNDS.—

18 “(A) RESERVATION OF FUNDS.—For any
19 fiscal year for which the amount made available
20 to the Administrator by appropriations to carry
21 out this subsection is less than the amount that
22 the Administrator determines is necessary to
23 supplement funds made available pursuant to
24 paragraph (8) to ensure the full and effective
25 administration of a public water system super-

vision program in a State (based on the resource model developed under paragraph (3)(B)), the Administrator may reserve from the funds made available to the State under section 1472 an amount that is equal to the amount of the shortfall.

“(B) DUTY OF ADMINISTRATOR.—If the Administrator reserves funds from the allocation of a State under subparagraph (A), the Administrator shall carry out in the State—

“(i) each of the activities that would be required of the State if the State had primary enforcement authority under section 1413; and

“(ii) each of the activities required of the State by this title, other than part C, but not made a condition of the authority.”.

SEC. 19. MONITORING AND INFORMATION GATHERING.

(a) REGULATED CONTAMINANTS.—

(1) REVIEW OF EXISTING REQUIREMENTS.—

Section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) is amended—

1 (A) by designating the first and second
2 sentences as subparagraphs (A) and (B), re-
3 spectively; and

4 (B) by adding at the end the following:

5 “(C) REVIEW.—The Administrator shall
6 not later than 2 years after the date of enact-
7 ment of this subparagraph, after consultation
8 with public health experts, representatives of
9 the general public, and officials of State and
10 local governments, review the monitoring re-
11 quirements for not fewer than 12 contaminants
12 identified by the Administrator, and promulgate
13 any necessary modifications.”.

14 (2) ALTERNATIVE MONITORING PROGRAMS.—

15 Section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as
16 amended by paragraph (1)(B)) is further amended
17 by adding at the end the following:

18 “(D) STATE-ESTABLISHED REQUIRE-
19 MENTS.—

20 “(i) IN GENERAL.—Each State with
21 primary enforcement responsibility under
22 section 1413 may, by rule, establish alter-
23 native monitoring requirements for any na-
24 tional primary drinking water regulation,
25 other than a regulation applicable to a mi-

1 crobial contaminant (or an indicator of a
2 microbial contaminant). The alternative
3 monitoring requirements established by a
4 State under this clause may not take effect
5 for any national primary drinking water
6 regulation until after completion of at least
7 1 full cycle of monitoring in the State sat-
8 isfying the requirements of paragraphs (1)
9 and (2) of section 1413(a). The alternative
10 monitoring requirements may be applicable
11 to public water systems or classes of public
12 water systems identified by the State, in
13 lieu of the monitoring requirements that
14 would otherwise be applicable under the
15 regulation, if the alternative monitoring re-
16 quirements—

17 “(I) are based on use of the best
18 available science conducted in accord-
19 ance with sound and objective sci-
20 entific practices and data collected by
21 accepted methods;

22 “(II) are based on the potential
23 for the contaminant to occur in the
24 source water based on use patterns
25 and other relevant characteristics of

1 the contaminant or the systems sub-
2 ject to the requirements;

3 “(III) in the case of a public
4 water system or class of public water
5 systems in which a contaminant has
6 been detected at quantifiable levels
7 that are not reliably and consistently
8 below the maximum contaminant
9 level, include monitoring frequencies
10 that are not less frequent than the
11 frequencies required in the national
12 primary drinking water regulation for
13 the contaminant for a period of 5
14 years after the detection; and

15 “(IV) in the case of each con-
16 taminant formed in the distribution
17 system, are not applicable to public
18 water systems for which treatment is
19 necessary to comply with the national
20 primary drinking water regulation.

21 “(ii) COMPLIANCE AND ENFORCE-
22 MENT.—The alternative monitoring re-
23 quirements established by the State shall
24 be adequate to ensure compliance with,
25 and enforcement of, each national primary

1 drinking water regulation. The State may
2 review and update the alternative monitor-
3 ing requirements as necessary.

4 “(iii) APPLICATION OF SECTION
5 1413.—

6 “(I) IN GENERAL.—Each State
7 establishing alternative monitoring re-
8 quirements under this subparagraph
9 shall submit the rule to the Adminis-
10 trator as provided in section
11 1413(b)(1). Any requirements for a
12 State to provide information support-
13 ing a submission shall be defined only
14 in consultation with the States, and
15 shall address only such information as
16 is necessary to make a decision to ap-
17 prove or disapprove an alternative
18 monitoring rule in accordance with
19 the following sentence. The Adminis-
20 trator shall approve an alternative
21 monitoring rule submitted under this
22 clause for the purposes of section
23 1413, unless the Administrator deter-
24 mines in writing that the State rule
25 for alternative monitoring does not

1 ensure compliance with, and enforce-
2 ment of, the national primary drink-
3 ing water regulation for the contami-
4 nant or contaminants to which the
5 rule applies.

6 “(II) EXCEPTIONS.—The re-
7 quirements of section 1413(a)(1) that
8 a rule be no less stringent than the
9 national primary drinking water regu-
10 lation for the contaminant or contami-
11 nants to which the rule applies shall
12 not apply to the decision of the Ad-
13 ministrator to approve or disapprove a
14 rule submitted under this clause. Not-
15 withstanding the requirements of sec-
16 tion 1413(b)(2), the Administrator
17 shall approve or disapprove a rule
18 submitted under this clause within
19 180 days of submission. In the ab-
20 sence of a determination to disapprove
21 a rule made by the Administrator
22 within 180 days, the rule shall be
23 deemed to be approved under section
24 1413(b)(2).

1 “(III) ADDITIONAL CONSIDER-
2 ATIONS.—A State shall be considered
3 to have primary enforcement author-
4 ity with regard to an alternative mon-
5 itoring rule, and the rule shall be ef-
6 fective, on a date (determined by the
7 State) any time on or after submis-
8 sion of the rule, consistent with sec-
9 tion 1413(c). A decision by the Ad-
10 ministrator to disapprove an alter-
11 native monitoring rule under section
12 1413 or to withdraw the authority of
13 the State to carry out the rule under
14 clause (iv) may not be the basis for
15 withdrawing primary enforcement re-
16 sponsibility for a national primary
17 drinking water regulation or regula-
18 tions from the State under section
19 1413.

20 “(iv) OVERSIGHT BY THE ADMINIS-
21 TRATOR.—The Administrator shall review,
22 not less often than every 5 years, any al-
23 ternative monitoring requirements estab-
24 lished by a State under clause (i) to deter-
25 mine whether the requirements are ade-

1 quate to ensure compliance with, and en-
2 forcement of, national primary drinking
3 water regulations. If the Administrator de-
4 termines that the alternative monitoring
5 requirements of a State are inadequate
6 with respect to a contaminant, and after
7 providing the State with an opportunity to
8 respond to the determination of the Ad-
9 ministrator and to correct any inadequa-
10 cies, the Administrator may withdraw the
11 authority of the State to carry out the al-
12 ternative monitoring requirements with re-
13 spect to the contaminant. If the Adminis-
14 trator withdraws the authority, the mon-
15 itoring requirements contained in the na-
16 tional primary drinking water regulation
17 for the contaminant shall apply to public
18 water systems in the State.

19 “(v) NONPRIMACY STATES.—The Gov-
20 ernor of any State that does not have pri-
21 mary enforcement responsibility under sec-
22 tion 1413 on the date of enactment of this
23 clause may submit to the Administrator a
24 request that the Administrator modify the
25 monitoring requirements established by the

1 Administrator and applicable to public
2 water systems in that State. After con-
3 sultation with the Governor, the Adminis-
4 trator shall modify the requirements for
5 public water systems in that State if the
6 request of the Governor is in accordance
7 with each of the requirements of this sub-
8 paragraph that apply to alternative mon-
9 itoring requirements established by States
10 that have primary enforcement responsibil-
11 ity. A decision by the Administrator to ap-
12 prove a request under this clause shall be
13 for a period of 3 years and may subse-
14 quently be extended for periods of 5 years.

15 “(vi) GUIDANCE.—The Administrator
16 shall issue guidance in consultation with
17 the States that States may use to develop
18 State-established requirements pursuant to
19 this subparagraph and subparagraph (E).
20 The guidance shall identify options for al-
21 ternative monitoring designs that meet the
22 criteria identified in clause (i) and the re-
23 quirements of clause (ii).”.

24 (3) SMALL SYSTEM MONITORING.—Section
25 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as amended

1 by paragraph (2)) is further amended by adding at
2 the end the following:

3 “(E) SMALL SYSTEM MONITORING.—The
4 Administrator or a State that has primary en-
5 forcement responsibility under section 1413
6 may modify the monitoring requirements for
7 any contaminant, other than a microbial con-
8 taminant or an indicator of a microbial con-
9 taminant, a contaminant regulated on the basis
10 of an acute health effect, or a contaminant
11 formed in the treatment process or in the dis-
12 tribution system, to provide that any public
13 water system that serves a population of 10,000
14 or fewer shall not be required to conduct addi-
15 tional quarterly monitoring during any 3-year
16 period for a specific contaminant if monitoring
17 conducted at the beginning of the period for the
18 contaminant fails to detect the presence of the
19 contaminant in the water supplied by the public
20 water system, and the Administrator or the
21 State determines that the contaminant is un-
22 likely to be detected by further monitoring in
23 the period.”.

1 (b) UNREGULATED CONTAMINANTS.—Section
2 1445(a) (42 U.S.C. 300j-4(a)) is amended by striking
3 paragraphs (2) through (8) and inserting the following:

4 “(2) MONITORING PROGRAM FOR UNREGU-
5 LATED CONTAMINANTS.—

6 “(A) ESTABLISHMENT.—The Adminis-
7 trator shall promulgate regulations establishing
8 the criteria for a monitoring program for un-
9 regulated contaminants. The regulations shall
10 require monitoring of drinking water supplied
11 by public water systems and shall vary the fre-
12 quency and schedule for monitoring require-
13 ments for systems based on the number of per-
14 sons served by the system, the source of supply,
15 and the contaminants likely to be found.

16 “(B) MONITORING PROGRAM FOR CERTAIN
17 UNREGULATED CONTAMINANTS.—

18 “(i) INITIAL LIST.—Not later than 3
19 years after the date of enactment of the
20 Safe Drinking Water Amendments of 1995
21 and every 5 years thereafter, the Adminis-
22 trator shall issue a list pursuant to sub-
23 paragraph (A) of not more than 20 un-
24 regulated contaminants to be monitored by
25 public water systems and to be included in

1 the national drinking water occurrence
2 data base maintained pursuant to para-
3 graph (3).

4 “(ii) GOVERNORS’ PETITION.—The
5 Administrator shall include among the list
6 of contaminants for which monitoring is
7 required under this paragraph each con-
8 taminant recommended in a petition signed
9 by the Governor of each of 7 or more
10 States, unless the Administrator deter-
11 mines that the action would prevent the
12 listing of other contaminants of a higher
13 public health concern.

14 “(C) MONITORING BY LARGE SYSTEMS.—A
15 public water system that serves a population of
16 more than 10,000 shall conduct monitoring for
17 all contaminants listed under subparagraph
18 (B).

19 “(D) MONITORING PLAN FOR SMALL AND
20 MEDIUM SYSTEMS.—

21 “(i) IN GENERAL.—Based on the reg-
22 ulations promulgated by the Administrator,
23 each State shall develop a representative
24 monitoring plan to assess the occurrence of
25 unregulated contaminants in public water

1 systems that serve a population of 10,000
2 or fewer. The plan shall require monitoring
3 for systems representative of different
4 sizes, types, and geographic locations in
5 the State.

6 “(ii) GRANTS FOR SMALL SYSTEM
7 COSTS.—From funds reserved under sec-
8 tion 1478(c), the Administrator shall pay
9 the reasonable cost of such testing and lab-
10 oratory analysis as are necessary to carry
11 out monitoring under the plan.

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

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

24 “(G) ANALYTICAL METHODS.—The State
25 may use screening methods approved by the

1 Administrator under subsection (h) in lieu of
2 monitoring for particular contaminants under
3 this paragraph.

4 “(H) AUTHORIZATION OF APPROPRIA-
5 TIONS.—There are authorized to be appro-
6 priated to carry out this paragraph
7 \$10,000,000 for each of fiscal years 1995
8 through 2003.”.

9 (c) NATIONAL DRINKING WATER OCCURRENCE
10 DATABASE.—Section 1445(a) (42 U.S.C. 300j-4(a)) (as
11 amended by subsection (b)) is further amended by adding
12 at the end the following:

13 “(3) NATIONAL DRINKING WATER OCCURRENCE
14 DATABASE.—

15 “(A) IN GENERAL.—Not later than 3 years
16 after the date of enactment of the Safe Drink-
17 ing Water Act Amendments of 1995, the Ad-
18 ministrator shall assemble and maintain a na-
19 tional drinking water occurrence data base,
20 using information on the occurrence of both
21 regulated and unregulated contaminants in
22 public water systems obtained under paragraph
23 (2) and reliable information from other public
24 and private sources.

1 “(B) USE.—The data shall be used by the
2 Administrator in making determinations under
3 section 1412(b)(1) with respect to the occur-
4 rence of a contaminant in drinking water at a
5 level of public health concern.

6 “(C) PUBLIC RECOMMENDATIONS.—The
7 Administrator shall periodically solicit rec-
8 ommendations from the appropriate officials of
9 the National Academy of Sciences and the
10 States, and any person may submit rec-
11 ommendations to the Administrator, with re-
12 spect to contaminants that should be included
13 in the national drinking water occurrence data
14 base, including recommendations with respect
15 to additional unregulated contaminants that
16 should be listed under paragraph (2). Any rec-
17 ommendation submitted under this clause shall
18 be accompanied by reasonable documentation
19 that—

20 “(i) the contaminant occurs or is like-
21 ly to occur in drinking water; and

22 “(ii) the contaminant poses a risk to
23 public health.

1 “(D) PUBLIC AVAILABILITY.—The infor-
2 mation from the data base shall be available to
3 the public in readily accessible form.

4 “(E) REGULATED CONTAMINANTS.—With
5 respect to each contaminant for which a na-
6 tional primary drinking water regulation has
7 been established, the data base shall include in-
8 formation on the detection of the contaminant
9 at a quantifiable level in public water systems
10 (including detection of the contaminant at levels
11 not constituting a violation of the maximum
12 contaminant level for the contaminant).

13 “(F) UNREGULATED CONTAMINANTS.—
14 With respect to contaminants for which a na-
15 tional primary drinking water regulation has
16 not been established, the data base shall in-
17 clude—

18 “(i) monitoring information collected
19 by public water systems that serve a popu-
20 lation of more than 10,000, as required by
21 the Administrator under paragraph (2);

22 “(ii) monitoring information collected
23 by the States from a representative sam-
24 pling of public water systems that serve a
25 population of 10,000 or fewer; and

1 “(iii) other reliable and appropriate
2 monitoring information on the occurrence
3 of the contaminants in public water sys-
4 tems that is available to the Adminis-
5 trator.”.

6 (d) INFORMATION.—

7 (1) MONITORING AND TESTING AUTHORITY.—

8 Subparagraph (A) of section 1445(a)(1) (42 U.S.C.
9 300j-4(a)(1)) (as designated by subsection
10 (a)(1)(A)) is amended—

11 (A) by inserting “by accepted methods”
12 after “conduct such monitoring”; and

13 (B) by striking “such information as the
14 Administrator may reasonably require” and all
15 that follows through the period at the end and
16 inserting the following: “such information as
17 the Administrator may reasonably require—

18 “(i) to assist the Administrator in establishing
19 regulations under this title or to assist the Adminis-
20 trator in determining, on a case-by-case basis,
21 whether the person has acted or is acting in compli-
22 ance with this title; and

23 “(ii) by regulation to assist the Administrator
24 in determining compliance with national primary
25 drinking water regulations promulgated under sec-

1 tion 1412 or in administering any program of finan-
2 cial assistance under this title.

3 If the Administrator is requiring monitoring for purposes
4 of testing new or alternative methods, the Administrator
5 may require the use of other than accepted methods.”.

6 (2) SCREENING METHODS.—Section 1445 (42
7 U.S.C. 300j-4) (as amended by section 12(c)) is fur-
8 ther amended by adding at the end the following:

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

14 **SEC. 20. PUBLIC NOTIFICATION.**

15 Section 1414 (42 U.S.C. 300g-3) is amended by
16 striking subsection (c) and inserting the following:

17 “(c) NOTICE TO PERSONS SERVED.—

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

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

23 “(i) comply with an applicable maxi-
24 mum contaminant level or treatment tech-
25 nique requirement of, or a testing proce-

1 dure prescribed by, a national primary
2 drinking water regulation; or

3 “(ii) perform monitoring required by
4 section 1445(a);

5 “(B) if the public water system is subject
6 to a variance granted under section
7 1415(a)(1)(A), 1415(a)(2), or 1415(e) for an
8 inability to meet a maximum contaminant level
9 requirement or is subject to an exemption
10 granted under section 1416, of—

11 “(i) the existence of the variance or
12 exemption; and

13 “(ii) any failure to comply with the
14 requirements of any schedule prescribed
15 pursuant to the variance or exemption; and

16 “(C) of the concentration level of any un-
17 regulated contaminant for which the Adminis-
18 trator has required public notice pursuant to
19 paragraph (2)(E).

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

22 “(A) IN GENERAL.—The Administrator
23 shall, by regulation, and after consultation with
24 the States, prescribe the manner, frequency,

1 form, and content for giving notice under this
2 subsection. The regulations shall—

3 “(i) provide for different frequencies
4 of notice based on the differences between
5 violations that are intermittent or infre-
6 quent and violations that are continuous or
7 frequent; and

8 “(ii) take into account the seriousness
9 of any potential adverse health effects that
10 may be involved.

11 “(B) STATE REQUIREMENTS.—

12 “(i) IN GENERAL.—A State may, by
13 rule, establish alternative notification re-
14 quirements—

15 “(I) with respect to the form and
16 content of notice given under and in a
17 manner in accordance with subpara-
18 graph (C); and

19 “(II) with respect to the form
20 and content of notice given under sub-
21 paragraph (D).

22 “(ii) CONTENTS.—The alternative re-
23 quirements shall provide the same type and
24 amount of information as required pursu-

1 ant to this subsection and regulations is-
2 sued under subparagraph (A).

3 “(iii) RELATIONSHIP TO SECTION
4 1413.—Nothing in this subparagraph shall
5 be construed or applied to modify the re-
6 quirements of section 1413.

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

16 “(i) be distributed as soon as prac-
17 ticable after the occurrence of the viola-
18 tion, but not later than 24 hours after the
19 occurrence of the violation;

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

22 “(I) the violation;

23 “(II) the potential adverse effects
24 on human health;

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

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

7 “(iii) be provided to the Administrator
8 or the head of the State agency that has
9 primary enforcement responsibility under
10 section 1413 as soon as practicable, but
11 not later than 24 hours after the occur-
12 rence of the violation; and

13 “(iv) as required by the State agency
14 in general regulations of the State agency,
15 or on a case-by-case basis after the con-
16 sultation referred to in clause (iii), consid-
17 ering the health risks involved—

18 “(I) be provided to appropriate
19 broadcast media;

20 “(II) be prominently published in
21 a newspaper of general circulation
22 serving the area not later than 1 day
23 after distribution of a notice pursuant
24 to clause (i) or the date of publication
25 of the next issue of the newspaper; or

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

5 “(D) WRITTEN NOTICE.—

6 “(i) IN GENERAL.—Regulations issued
7 under subparagraph (A) shall specify noti-
8 fication procedures for violations other
9 than the violations covered by subpara-
10 graph (C). The procedures shall specify
11 that a public water system shall provide
12 written notice to each person served by the
13 system by notice—

14 “(I) in the first bill (if any) pre-
15 pared after the date of occurrence of
16 the violation;

17 “(II) in an annual report issued
18 not later than 1 year after the date of
19 occurrence of the violation; or

20 “(III) by mail or direct delivery
21 as soon as practicable, but not later
22 than 1 year after the date of occur-
23 rence of the violation.

24 “(ii) FORM AND MANNER OF NO-
25 TICE.—The Administrator shall prescribe

1 the form and manner of the notice to pro-
2 vide a clear and readily understandable ex-
3 planation of—

4 “(I) the violation;

5 “(II) any potential adverse health
6 effects; and

7 “(III) the steps that the system
8 is taking to seek alternative water
9 supplies, if any, until the violation is
10 corrected.

11 “(E) UNREGULATED CONTAMINANTS.—

12 The Administrator may require the owner or
13 operator of a public water system to give notice
14 to the persons served by the system of the con-
15 centration levels of an unregulated contaminant
16 required to be monitored under section 1445(a).

17 “(3) REPORTS.—

18 “(A) ANNUAL REPORT BY STATE.—

19 “(i) IN GENERAL.—Not later than
20 January 1, 1997, and annually thereafter,
21 each State that has primary enforcement
22 responsibility under section 1413 shall pre-
23 pare, make readily available to the public,
24 and submit to the Administrator an annual
25 report on violations of national primary

1 drinking water regulations by public water
2 systems in the State, including violations
3 with respect to—

4 “(I) maximum contaminant lev-
5 els;

6 “(II) treatment requirements;

7 “(III) variances and exemptions;

8 and

9 “(IV) monitoring requirements
10 determined to be significant by the
11 Administrator after consultation with
12 the States.

13 “(ii) DISTRIBUTION.—The State shall
14 publish and distribute summaries of the re-
15 port and indicate where the full report is
16 available for review.

17 “(B) ANNUAL REPORT BY ADMINIS-
18 TRATOR.—Not later than July 1, 1997, and an-
19 nually thereafter, the Administrator shall pre-
20 pare and make available to the public an annual
21 report summarizing and evaluating reports sub-
22 mitted by States pursuant to subparagraph (A)
23 and notices submitted by public water systems
24 serving Indian Tribes provided to the Adminis-
25 trator pursuant to subparagraph (C) or (D) of

1 paragraph (2) and making recommendations
2 concerning the resources needed to improve
3 compliance with this title. The report shall in-
4 clude information about public water system
5 compliance on Indian reservations and about
6 enforcement activities undertaken and financial
7 assistance provided by the Administrator on In-
8 dian reservations, and shall make specific rec-
9 ommendations concerning the resources needed
10 to improve compliance with this title on Indian
11 reservations.”.

12 **SEC. 21. ENFORCEMENT; JUDICIAL REVIEW.**

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

15 (1) in subsection (a)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A)—

18 (I) in clause (i), by striking “any
19 national primary drinking water regu-
20 lation in effect under section 1412”
21 and inserting “any applicable require-
22 ment”; and

23 (II) by striking “with such regu-
24 lation or requirement” and inserting
25 “with the requirement”; and

1 (ii) in subparagraph (B), by striking
2 “regulation or” and inserting “applicable”;
3 and

4 (B) by striking paragraph (2) and insert-
5 ing the following:

6 “(2) ENFORCEMENT IN NONPRIMACY
7 STATES.—

8 “(A) IN GENERAL.—If, on the basis of in-
9 formation available to the Administrator, the
10 Administrator finds, with respect to a period in
11 which a State does not have primary enforce-
12 ment responsibility for public water systems,
13 that a public water system in the State—

14 “(i) for which a variance under sec-
15 tion 1415 or an exemption under section
16 1416 is not in effect, does not comply with
17 any applicable requirement; or

18 “(ii) for which a variance under sec-
19 tion 1415 or an exemption under section
20 1416 is in effect, does not comply with any
21 schedule or other requirement imposed
22 pursuant to the variance or exemption;
23 the Administrator shall issue an order under
24 subsection (g) requiring the public water system

1 to comply with the requirement, or commence a
2 civil action under subsection (b).

3 “(B) NOTICE.—If the Administrator takes
4 any action pursuant to this paragraph, the Ad-
5 ministrator shall notify an appropriate local
6 elected official, if any, with jurisdiction over the
7 public water system of the action prior to the
8 time that the action is taken.”;

9 (2) in the first sentence of subsection (b), by
10 striking “a national primary drinking water regula-
11 tion” and inserting “any applicable requirement”;

12 (3) in subsection (g)—

13 (A) in paragraph (1), by striking “regula-
14 tion, schedule, or other” each place it appears
15 and inserting “applicable”;

16 (B) in paragraph (2)—

17 (i) in the first sentence—

18 (I) by striking “effect until after
19 notice and opportunity for public
20 hearing and,” and inserting “effect,”;
21 and

22 (II) by striking “proposed order”
23 and inserting “order”; and

24 (ii) in the second sentence, by striking
25 “proposed to be”; and

1 (C) in paragraph (3)—

2 (i) by striking subparagraph (B) and
3 inserting the following:

4 “(B) EFFECT OF PENALTY AMOUNTS.—In
5 a case in which a civil penalty sought by the
6 Administrator under this paragraph does not
7 exceed \$5,000, the penalty shall be assessed by
8 the Administrator after notice and opportunity
9 for a public hearing (unless the person against
10 whom the penalty is assessed requests a hearing
11 on the record in accordance with section 554 of
12 title 5, United States Code). In a case in which
13 a civil penalty sought by the Administrator
14 under this paragraph exceeds \$5,000, but does
15 not exceed \$25,000, the penalty shall be as-
16 sessed by the Administrator after notice and
17 opportunity for a hearing on the record in ac-
18 cordance with section 554 of title 5, United
19 States Code.”; and

20 (ii) in subparagraph (C), by striking
21 “paragraph exceeds \$5,000” and inserting
22 “subsection for a violation of an applicable
23 requirement exceeds \$25,000”; and

24 (4) by adding at the end the following:

25 “(h) CONSOLIDATION INCENTIVE.—

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 pri-
6 mary enforcement responsibility) a plan (including
7 specific 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
12 system with 1 or more other systems; or

13 “(C) the transfer of ownership of the sys-
14 tem that may reasonably be expected to im-
15 prove drinking water quality.

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

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

1 “(1) a requirement of section 1412, 1414,
 2 1415, 1416, 1417, 1441, ~~1442, 1445, 1447, 1463,~~
 3 ~~1464, or 1471;~~ *or 1445;*

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

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

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

14 (b) STATE AUTHORITY FOR ADMINISTRATIVE PEN-
 15 ALTIES.—Section 1413(a) (42 U.S.C. 300g-2(a)) is
 16 amended—

17 (1) by striking “and” at the end of paragraph
 18 (4);

19 (2) by striking the period at the end of para-
 20 graph (5) and inserting “; and”; and

21 (3) by adding at the end the following:

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

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

4 “(B) in the case of any other system, that
 5 is adequate to ensure compliance (as deter-
 6 mined 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 (c) JUDICIAL REVIEW.—Section 1448(a) (42 U.S.C.
 12 300j-7(a)) is amended—

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

15 (2) in the second sentence, by striking “or issu-
 16 ance of the order” and inserting “or any other final
 17 Agency action”; and

18 (3) by adding at the end the following “In any
 19 petition concerning the assessment of a civil penalty
 20 pursuant to section 1414(g)(3)(B), the petitioner
 21 shall simultaneously send a copy of the complaint by
 22 certified mail to the Administrator and the Attorney
 23 General. The court shall set aside ~~or~~ *and* remand
 24 the penalty order if the court finds that there is not
 25 substantial evidence in the record to support the

1 finding of a violation or that the assessment of the
2 penalty by the Administrator constitutes an abuse of
3 discretion.”.

4 **SEC. 22. FEDERAL AGENCIES.**

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

7 “(a) COMPLIANCE.—

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

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

1 punitive or coercive in nature or are imposed for iso-
2 lated, intermittent, or continuing violations.

3 “(3) LIMITED WAIVER OF SOVEREIGN IMMUN-
4 NITY.—The United States expressly waives any im-
5 munity otherwise applicable to the United States
6 with respect to any requirement, administrative au-
7 thority, or process or sanction referred to in para-
8 graph (2) (including any injunctive relief, adminis-
9 trative order, or civil or administrative penalty or
10 fine referred to in paragraph (2), or reasonable serv-
11 ice charge). The reasonable service charge referred
12 to in the preceding sentence includes—

13 “(A) a fee or charge assessed in connection
14 with the processing, issuance, renewal, or
15 amendment of a permit, variance, or exemption,
16 review of a plan, study, or other document, or
17 inspection or monitoring of a facility; and

18 “(B) any other nondiscriminatory charge
19 that is assessed in connection with a Federal,
20 State, interstate, or local safe drinking water
21 regulatory program.

22 “(4) CIVIL PENALTIES.—No agent, employee,
23 or officer of the United States shall be personally
24 liable for any civil penalty under this subsection with

1 respect to any act or omission within the scope of
2 the official duties of the agent, employee, or officer.

3 “(5) CRIMINAL SANCTIONS.—An agent, em-
4 ployee, or officer of the United States may be sub-
5 ject to a criminal sanction under a State, interstate,
6 or local law concerning the provision of drinking
7 water or underground injection. No department,
8 agency, or instrumentality of the executive, legisla-
9 tive, or judicial branch of the Federal Government
10 shall be subject to a sanction referred to in the pre-
11 ceding sentence.

12 “(b) WAIVER OF COMPLIANCE.—

13 “(1) IN GENERAL.—The President may waive
14 compliance with subsection (a) by any department,
15 agency, or instrumentality in the executive branch if
16 the President determines waiving compliance with
17 such subsection to be in the paramount interest of
18 the United States.

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

1 “(3) PERIOD OF WAIVER.—A waiver under this
2 subsection shall be for a period of not to exceed 1
3 year, but an additional waiver may be granted for a
4 period of not to exceed 1 year on the termination of
5 a waiver if the President reviews the waiver and
6 makes a determination that it is in the paramount
7 interest of the United States to grant an additional
8 waiver.

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

14 (b) ADMINISTRATIVE PENALTY ORDERS.—Section
15 1447 (42 U.S.C. 300j-6) is amended by adding at the end
16 the following:

17 “(d) ADMINISTRATIVE PENALTY ORDERS.—

18 “(1) IN GENERAL.—If the Administrator finds
19 that a Federal agency has violated an applicable re-
20 quirement under this title, the Administrator may
21 issue a penalty order assessing a penalty against the
22 Federal agency.

23 “(2) PENALTIES.—The Administrator may,
24 after notice to the agency, assess a civil penalty

1 against the agency in an amount not to exceed
2 \$25,000 per day per violation.

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

10 “(4) PUBLIC REVIEW.—

11 “(A) IN GENERAL.—Any interested person
12 may obtain review of an administrative penalty
13 order issued under this subsection. The review
14 may be obtained in the United States District
15 Court for the District of Columbia or in the
16 United States District Court for the district in
17 which the violation is alleged to have occurred
18 by the filing of a complaint with the court with-
19 in the 30-day period beginning on the date the
20 penalty order becomes final. The person filing
21 the complaint shall simultaneously send a copy
22 of the complaint by certified mail to the Admin-
23 istrator and the Attorney General.

1 “(B) RECORD.—The Administrator shall
2 promptly file in the court a certified copy of the
3 record on which the order was issued.

4 “(C) STANDARD OF REVIEW.—The court
5 shall not set aside or remand the order unless
6 the court finds that there is not substantial evi-
7 dence in the record, taken as a whole, to sup-
8 port the finding of a violation or that the as-
9 sessment of the penalty by the Administrator
10 constitutes an abuse of discretion.

11 “(D) PROHIBITION ON ADDITIONAL PEN-
12 ALTIES.—The court may not impose an addi-
13 tional civil penalty for a violation that is subject
14 to the order unless the court finds that the as-
15 sessment constitutes an abuse of discretion by
16 the Administrator.”.

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

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

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

23 (3) by adding at the end the following:

24 “(3) for the collection of a penalty (and associ-
25 ated costs and interest) against any Federal agency

1 that fails, by the date that is 1 year after the effec-
 2 tive date of a final order to pay a penalty assessed
 3 by the Administrator under section 1447(d), to pay
 4 the penalty.”.

5 (d) WASHINGTON AQUEDUCT.—Section 1447 (42
 6 U.S.C. 300j–6) (as amended by subsection (b)) is further
 7 amended by adding at the end the following:

8 “(e) WASHINGTON AQUEDUCT.—The Washington
 9 Aqueduct Authority, the Army Corps of Engineers, and
 10 the Secretary of the Army shall not pass the cost of any
 11 penalty assessed under this title on to any customer, user,
 12 or other purchaser of drinking water from the Washington
 13 Aqueduct system, including finished water from the
 14 Dalecarlia or McMillan treatment plant.”.

15 **SEC. 23. RESEARCH.**

16 Section 1442 (42 U.S.C. 300j–1) (as amended by sec-
 17 tion 12(d)) is further amended—

18 (1) by redesignating paragraph (3) of sub-
 19 section (b) as paragraph (3) of subsection (d) and
 20 moving such paragraph to appear after paragraph
 21 (2) of subsection (d);

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

23 (3) by redesignating subparagraph (B) of sub-
 24 section (a)(2) as subsection (b) and moving such
 25 subsection to appear after subsection (a);

1 (4) in subsection (a)—

2 (A) by striking paragraph (2) (as so
3 amended) and inserting the following:

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

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

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

17 (B) by striking paragraph (3);

18 (C) by redesignating paragraph (11) as
19 paragraph (3) and moving such paragraph to
20 appear before paragraph (4); and

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

22 “(11) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to the Ad-
24 ministrator to carry out research authorized by this
25 section \$25,000,000 for each of fiscal years 1994

1 through 2003, of which \$4,000,000 shall be avail-
2 able for each fiscal year for research on the health
3 effects of arsenic in drinking water.”;

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

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

7 (B) by adding at the end the following:

8 “There are authorized to be appropriated to
9 carry out this subsection \$8,000,000 for each of
10 fiscal years 1995 through 2003.”;

11 (6) in the first sentence of subsection (c), by
12 striking “eighteen months after the date of enact-
13 ment of this subsection” and inserting “2 years
14 after the date of enactment of the Safe Drinking
15 Water Act Amendments of 1995, and every 5 years
16 thereafter”;

17 (7) in subsection (d) (as amended by paragraph
18 (1))—

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

21 (B) in paragraph (2), by striking the pe-
22 riod at the end and inserting a semicolon;

23 (C) in paragraph (3), by striking the pe-
24 riod at the end and inserting “; and”;

1 (D) by inserting after paragraph (3) the
2 following:

3 “(4) develop and maintain a system for fore-
4 casting the supply of, and demand for, various pro-
5 fessional occupational categories and other occupa-
6 tional categories needed for the protection and treat-
7 ment of drinking water in each region of the United
8 States.”; and

9 (E) by adding at the end the following:

10 “There are authorized to be appropriated to
11 carry out this subsection \$10,000,000 for each
12 of fiscal years 1994 through 2003.”; and

13 (8) by adding at the end the following:

14 “(i) BIOLOGICAL MECHANISMS.—In carrying out this
15 section, the Administrator shall conduct studies to—

16 “(1) understand the mechanisms by which
17 chemical contaminants are absorbed, distributed,
18 metabolized, and eliminated from the human body,
19 so as to develop more accurate physiologically based
20 models of the phenomena;

21 “(2) understand the effects of contaminants
22 and the mechanisms by which the contaminants
23 cause adverse effects (especially noncancer and in-
24 fectionous effects) and the variations in the effects
25 among humans, especially subpopulations at greater

1 risk of adverse effects, and between test animals and
2 humans; and

3 “(3) develop new approaches to the study of
4 complex mixtures, such as mixtures found in drink-
5 ing water, especially to determine the prospects for
6 synergistic or antagonistic interactions that may af-
7 fect the shape of the dose-response relationship of
8 the individual chemicals and microbes, and to exam-
9 ine noncancer endpoints and infectious diseases, and
10 susceptible individuals and subpopulations.

11 “(j) RESEARCH PRIORITIES.—To establish long-term
12 priorities for research under this section, the Adminis-
13 trator shall develop, and periodically update, an integrated
14 risk characterization strategy for drinking water quality.
15 The strategy shall identify unmet needs, priorities for
16 study, and needed improvements in the scientific basis for
17 activities carried out under this title. The initial strategy
18 shall be made available to the public not later than 3 years
19 after the date of enactment of this subsection.

20 “(k) RESEARCH PLAN FOR HARMFUL SUBSTANCES
21 IN DRINKING WATER.—

22 “(1) DEVELOPMENT OF PLAN.—The Adminis-
23 trator shall—

24 “(A) not later than 180 days after the date
25 of enactment of this subsection, after consulta-

tion with the Secretary of Health and Human Services, the Secretary of Agriculture, and, *as appropriate*, the heads of other Federal agencies, develop a research plan to support the development and implementation of the most current version of the—

“(i) enhanced surface water treatment rule (~~announced at 59 Fed. Reg. 6332 (February 10, 1994)~~ *59 Fed. Reg. 38832 (July 29, 1994)*);

“(ii) disinfectant and disinfection by-products rule (Stage 2) (~~announced at 59 Fed. Reg. 6332 (February 10, 1994)~~ *59 Fed. Reg. 38668 (July 29, 1994)*); and

“(iii) ground water disinfection rule (availability of draft summary announced at 57 Fed. Reg. 33960 (July 31, 1992)); and

“(B) carry out the research plan, after consultation and appropriate coordination with the Secretary of Agriculture and the heads of other Federal agencies.

“(2) CONTENTS OF PLAN.—

“(A) IN GENERAL.—The research plan shall include, at a minimum—

1 “(i) an identification and character-
2 ization of new disinfection byproducts asso-
3 ciated with the use of different disinfect-
4 ants;

5 “(ii) toxicological studies and, if war-
6 ranted, epidemiological studies to deter-
7 mine what levels of exposure from dis-
8 infectants and disinfection byproducts, if
9 any, may be associated with developmental
10 and birth defects and other potential toxic
11 end points;

12 “(iii) toxicological studies and, if war-
13 ranted, epidemiological studies to quantify
14 the carcinogenic potential from exposure to
15 disinfection byproducts resulting from dif-
16 ferent disinfectants;

17 “(iv) the development of practical an-
18 alytical methods for detecting and enumer-
19 ating microbial contaminants, including
20 giardia, cryptosporidium, and viruses;

21 “(v) the development of reliable, effi-
22 cient, and economical methods to deter-
23 mine the viability of individual
24 cryptosporidium oocysts;

1 “(vi) the development of dose-response
2 curves for pathogens, including
3 cryptosporidium and the Norwalk virus;

4 “(vii) the development of indicators
5 that define treatment effectiveness for
6 pathogens and disinfection byproducts; and

7 “(viii) bench, pilot, and full-scale
8 studies and demonstration projects to
9 evaluate optimized conventional treatment,
10 ozone, granular activated carbon, and
11 membrane technology for controlling
12 pathogens (including cryptosporidium) and
13 disinfection byproducts.

14 “(B) RISK DEFINITION STRATEGY.—The
15 research plan shall include a strategy for deter-
16 mining the risks and estimated extent of dis-
17 ease resulting from pathogens, disinfectants,
18 and disinfection byproducts in drinking water,
19 and the costs and removal efficiencies associ-
20 ated with various control methods for patho-
21 gens, disinfectants, and disinfection byproducts.

22 “(3) IMPLEMENTATION OF PLAN.—In carrying
23 out the research plan, the Administrator shall use
24 the most cost-effective mechanisms available, includ-

1 ing coordination of research with, and use of match-
2 ing funds from, institutions and utilities.

3 “(4) AUTHORIZATION OF APPROPRIATIONS.—
4 There are authorized to be appropriated to carry out
5 this subsection \$12,500,000 for each of fiscal years
6 1997 through 2003.

7 “(l) SUBPOPULATIONS AT GREATER RISK.—

8 “(1) RESEARCH PLAN.—The Administrator
9 shall conduct a continuing program of peer-reviewed
10 research to identify groups within the general popu-
11 lation that may be at greater risk than the general
12 population of adverse health effects from exposure to
13 contaminants in drinking water. Not later than 1
14 year after the date of enactment of this subsection,
15 the Administrator shall develop and implement a re-
16 search plan to establish whether and to what degree
17 infants, children, pregnant women, the elderly, indi-
18 viduals with a history of serious illness, or other sub-
19 populations that can be identified and characterized
20 are likely to experience elevated health risks, includ-
21 ing risks of cancer, from contaminants in drinking
22 water.

23 “(2) CONTENTS OF PLAN.—To the extent ap-
24 propriate, the research shall be—

1 “(A) integrated into the health effects re-
2 search plan carried out by the Administrator to
3 support the regulation of specific contaminants
4 under this Act; and

5 “(B) designed to identify—

6 “(i) the nature and extent of the ele-
7 vated health risks, if any;

8 “(ii) the groups likely to experience
9 the elevated health risks;

10 “(iii) biological mechanisms and other
11 factors that may contribute to elevated
12 health risks for groups within the general
13 population;

14 “(iv) the degree of variability of the
15 health risks to the groups from the health
16 risks to the general population;

17 “(v) the threshold, if any, at which
18 the elevated health risks for a specific con-
19 taminant occur; and

20 “(vi) the probability of the exposure
21 to the contaminants by the identified
22 group.

23 “(3) REPORT.—Not later than 4 years after the
24 date of enactment of this subsection and periodically
25 thereafter as new and significant information be-

1 comes available, the Administrator shall report to
2 Congress on the results of the research.

3 “(4) USE OF RESEARCH.—In characterizing the
4 health effects of drinking water contaminants under
5 this Act, the Administrator shall consider all rel-
6 evant factors, including the results of research under
7 this subsection, the margin of safety for variability
8 in the general population, and sound scientific prac-
9 tices (including the 1993 and 1994 reports of the
10 National Academy of Sciences) regarding subpopula-
11 tions at greater risk for adverse health effects.”.

12 **SEC. 24. DEFINITIONS.**

13 (a) IN GENERAL.—Section 1401 (42 U.S.C. 300f) is
14 amended—

15 (1) in paragraph (1)—

16 (A) in subparagraph (D), by inserting “ac-
17 cepted methods for” before “quality control”;
18 and

19 (B) by adding at the end the following:

20 “At any time after promulgation of a regulation re-
21 ferred to in this paragraph, the Administrator may
22 add equally effective quality control and testing pro-
23 cedures by guidance published in the Federal Reg-
24 ister. The procedures shall be treated as an alter-

1 native for public water systems to the quality control
 2 and testing procedures listed in the regulation.”;

3 (2) in paragraph (13)—

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

7 (B) by adding at the end the following:

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

11 (3) in paragraph (14), by adding at the end the
 12 following: “For purposes of part G, the term in-
 13 cludes any Native village (as defined in section 3(c)
 14 of the Alaska Native Claims Settlement Act (43
 15 U.S.C. 1602(c))).”; and

16 (4) by adding at the end the following:

17 “~~(15) The~~ (15) *COMMUNITY WATER SYSTEM*.—
 18 *The* term ‘community water system’ means a public
 19 water system that—

20 “(A) serves at least 15 service connections
 21 used by year-round residents of the area served
 22 by the system; or

23 “(B) regularly serves at least 25 year-
 24 round residents.

1 ~~“(16) The~~ (16) *NONCOMMUNITY WATER SYS-*
 2 *TEM.*—*The* term ‘noncommunity water system’
 3 means a public water system that is not a commu-
 4 nity water system.”.

5 (b) PUBLIC WATER SYSTEM.—

6 (1) IN GENERAL.—Section 1401(4) (42 U.S.C.
 7 300f(4)) is amended—

8 (A) in the first sentence, by striking
 9 “piped water for human consumption” and in-
 10 serting “water for human consumption through
 11 pipes or other constructed conveyances”;

12 (B) by redesignating subparagraphs (A)
 13 and (B) as clauses (i) and (ii), respectively;

14 (C) by striking “(4) The” and inserting
 15 the following:

16 “(4) PUBLIC WATER SYSTEM.—

17 “(A) IN GENERAL.—The”; and

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

19 “(B) CONNECTIONS.—

20 “(i) RESIDENTIAL USE.—

21 “(I) IN GENERAL.—A connection
 22 described in subclause (II) shall not
 23 be considered to be a connection for
 24 determining whether the system is a

1 public water system under this title,
2 if—

3 “(aa) the Administrator or
4 the State (in the case of a State
5 exercising primary enforcement
6 responsibility for public water
7 systems) determines that alter-
8 native water to achieve the equiv-
9 alent level of public health pro-
10 tection provided by the applicable
11 national primary drinking water
12 regulation is provided for resi-
13 dential or similar uses for drink-
14 ing and cooking; or

15 “(bb) the Administrator or
16 the State (in the case of a State
17 exercising primary enforcement
18 responsibility for public water
19 systems) determines that the
20 water provided for residential or
21 similar uses for drinking and
22 cooking is centrally treated or
23 treated at the point of entry by
24 the provider, a pass-through en-
25 tity, or the user to achieve the

1 equivalent level of protection pro-
2 vided by the applicable national
3 primary drinking water regula-
4 tions.

5 “(II) CONNECTIONS.—A connec-
6 tion referred to in this subclause is a
7 connection to a water system that
8 conveys water by a means other than
9 a pipe principally for 1 or more pur-
10 poses other than residential use
11 (which other purposes include irriga-
12 tion, stock watering, industrial use, or
13 municipal source water prior to treat-
14 ment)—

15 “(aa) for a residential use
16 (consisting of drinking, bathing,
17 cooking, or other similar use); or

18 “(bb) to a facility for a use
19 similar to a residential use.

20 “(ii) IRRIGATION DISTRICTS.—An irri-
21 gation district in existence prior to May
22 18, 1994, that provides primarily agricul-
23 tural service through a piped water system
24 with only incidental residential use shall
25 not be considered to be a public water sys-

1 tem if the system and the residential users
2 of the system comply with subclauses (I)
3 and (II) of clause (i).”.

4 (2) EFFECTIVE DATE.—The amendments made
5 by paragraph (1) shall take effect 1 year after the
6 date of enactment of this Act.

7 **SEC. 25. GROUND WATER PROTECTION.**

8 (a) STATE GROUND WATER PROTECTION GRANTS.—
9 Section 1443 (42 U.S.C. 300j-2) is amended—

10 (1) by redesignating subsection (c) as sub-
11 section (d); and

12 (2) by inserting after subsection (b) the follow-
13 ing:

14 “(c) STATE GROUND WATER PROTECTION
15 GRANTS.—

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

21 “(2) GUIDANCE.—Not later than 1 year after
22 the date of enactment of the Safe Drinking Water
23 Act Amendments of 1995, and annually thereafter,
24 the Administrator shall publish guidance that estab-
25 lishes procedures for application for State ground

1 water protection program assistance and that identi-
2 fies key elements of State ground water protection
3 programs.

4 “(3) CONDITIONS OF GRANTS.—

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

15 “(B) INNOVATIVE PROGRAM GRANTS.—

16 The Administrator may also award a grant pur-
17 suant to this paragraph for innovative programs
18 proposed by a State for the prevention of
19 ground water contamination.

20 “(C) ALLOCATION OF FUNDS.—The Ad-

21 ministrator shall, at a minimum, ensure that,
22 for each fiscal year, not less than 1 percent of
23 funds made available to the Administrator by
24 appropriations to carry out this subsection are
25 allocated to each State that submits an applica-

1 tion that is approved by the Administrator pur-
2 suant to this subsection.

3 “(D) LIMITATION ON GRANTS.—No grant
4 awarded by the Administrator may be used for
5 a project to remediate ground water contamina-
6 tion.

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

15 “(5) AMOUNT OF GRANTS.—The amount of a
16 grant awarded pursuant to paragraph (1) shall not
17 exceed 50 percent of the eligible costs of carrying
18 out the ground water protection program that is the
19 subject of the grant (as determined by the Adminis-
20 trator) for the 1-year period beginning on the date
21 that the grant is awarded. The State shall pay a
22 State share to cover the costs of the ground water
23 protection program from State funds in an amount
24 that is not less than 50 percent of the cost of con-
25 ducting the program.

1 “(6) EVALUATIONS AND REPORTS.—Not later
 2 than 3 years after the date of enactment of the Safe
 3 Drinking Water Act Amendments of 1995, and
 4 every 3 years thereafter, the Administrator shall
 5 evaluate the State ground water protection programs
 6 that are the subject of grants awarded pursuant to
 7 this subsection and report to Congress on the status
 8 of ground water quality in the United States and the
 9 effectiveness of State programs for ground water
 10 protection.

11 “(7) AUTHORIZATION OF APPROPRIATIONS.—
 12 There are authorized to be appropriated to carry out
 13 this subsection \$20,000,000 for each of fiscal years
 14 1995 through 2003.”.

15 (b) CRITICAL AQUIFER PROTECTION.—Section 1427
 16 (42 U.S.C. 300h–6) is amended—

17 (1) in subsection (b)(1), by striking “not later
 18 than 24 months after the enactment of the Safe
 19 Drinking Water Act Amendments of 1986”; and

20 (2) in the first sentence of subsection (n), by
 21 adding at the end the following:

“1992–2003 20,000,000.”.

22 (c) WELLHEAD PROTECTION AREAS.—Section
 23 1428(k) (42 U.S.C. 300h–7(k)) is amended by adding at
 24 the end the following:

“1992–2003 35,000,000.”.

1 (d) UNDERGROUND INJECTION CONTROL GRANT.—
 2 Section 1443(b)(5) (42 U.S.C. 300j-2(b)(5)) is amended
 3 by adding at the end the following:

“1992–2003 20,850,000.”.

4 (e) REPORT TO CONGRESS ON PRIVATE DRINKING
 5 WATER.—Section 1450 (42 U.S.C. 300j-9) is amended by
 6 striking subsection (h) and inserting the following:

7 “(h) REPORT TO CONGRESS ON PRIVATE DRINKING
 8 WATER.—The Administrator shall conduct a study to de-
 9 termine the extent and seriousness of contamination of
 10 private sources of drinking water that are not regulated
 11 under this title. Not later than 3 years after the date of
 12 enactment of the Safe Drinking Water Act Amendments
 13 of 1995, the Administrator shall submit to Congress a re-
 14 port that includes the findings of the study and rec-
 15 ommendations by the Administrator concerning responses
 16 to any problems identified under the study. In designing
 17 and conducting the study, including consideration of re-
 18 search design, methodology, and conclusions and rec-
 19 ommendations, the Administrator shall consult with ex-
 20 perts outside the Agency, including scientists,
 21 hydrogeologists, well contractors and suppliers, and other
 22 individuals knowledgeable in ground water protection and
 23 remediation.”.

24 (f) NATIONAL CENTER FOR GROUND WATER RE-
 25 SEARCH.—The Administrator of the Environmental Pro-

1 tection Agency, acting through the Robert S. Kerr Envi-
 2 ronmental Research Laboratory, is authorized to reestab-
 3 lish a partnership between the Laboratory and the Na-
 4 tional Center for Ground Water Research, a university
 5 consortium, to conduct research, training, and technology
 6 transfer for ground water quality protection and restora-
 7 tion.

8 **SEC. 26. LEAD PLUMBING AND PIPES; RETURN FLOWS.**

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

11 (1) in subsection (a)—

12 (A) by striking paragraph (1) and insert-
 13 ing the following:

14 “(1) PROHIBITIONS.—

15 “(A) IN GENERAL.—No person may use
 16 any pipe, any pipe or plumbing fitting or fix-
 17 ture, any solder, or any flux, after June 19,
 18 1986, in the installation or repair of—

19 “(i) any public water system; or

20 “(ii) any plumbing in a residential or
 21 nonresidential facility providing water for
 22 human consumption,
 23 that is not lead free (within the meaning of
 24 subsection (d)).

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

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

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

8 “(3) UNLAWFUL ACTS.—Effective 2 years after
9 the date of enactment of this paragraph, it shall be
10 unlawful—

11 “(A) for any person to introduce into com-
12 merce any pipe, or any pipe or plumbing fitting
13 or fixture, that is not lead free, except for a
14 pipe that is used in manufacturing or industrial
15 processing;

16 “(B) for any person engaged in the busi-
17 ness of selling plumbing supplies, except manu-
18 facturers, to sell solder or flux that is not lead
19 free; or

20 “(C) for any person to introduce into com-
21 merce any solder or flux that is not lead free
22 unless the solder or flux bears a prominent
23 label stating that it is illegal to use the solder
24 or flux in the installation or repair of any

1 plumbing providing water for human consump-
2 tion.”;

3 (2) in subsection (d)—

4 (A) in paragraph (1), by striking “lead,
5 and” and inserting “lead;”;

6 (B) in paragraph (2), by striking “lead.”
7 and inserting “lead; and”; and

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

9 “(3) when used with respect to plumbing fit-
10 tings and fixtures, refers to plumbing fittings and
11 fixtures in compliance with standards established in
12 accordance with subsection (e).”; and

13 (3) by adding at the end the following:

14 “(e) PLUMBING FITTINGS AND FIXTURES.—

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

22 “(2) STANDARDS.—

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

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

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

22 (b) WATER RETURN FLOWS.—Section 3013 of Pub-
23 lic Law 102–486 (42 U.S.C. 13551) is repealed.

24 (c) RECORDS AND INSPECTIONS.—Subparagraph (A)
25 of section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as des-

1 ignated by section 19(a)(1)(A)) is amended by striking
2 “Every person” and all that follows through “is a grant-
3 ee,” and inserting “Every person who is subject to any
4 requirement of this title or who is a grantee”.

5 **SEC. 27. BOTTLED WATER.**

6 Section 410 of the Federal Food, Drug, and Cosmetic
7 Act (21 U.S.C. 349) is amended—

8 (1) by striking “Whenever” and inserting “(a)
9 Except as provided in subsection (b), whenever”;
10 and

11 (2) by adding at the end the following:

12 “(b)(1) After the Administrator of the Environmental
13 Protection Agency publishes a proposed maximum con-
14 taminant level, but not later than 180 days after the Ad-
15 ministrator of the Environmental Protection Agency pub-
16 lishes a final maximum contaminant level, for a contami-
17 nant under section 1412 of the Public Health Service Act
18 (42 U.S.C. 300g-1), the Secretary, after public notice and
19 comment, shall issue a regulation that establishes a qual-
20 ity level for the contaminant in bottled water or make a
21 finding that a regulation is not necessary to protect the
22 public health because the contaminant is contained in
23 water in the public water systems (as defined under sec-
24 tion 1401(4) of such Act (42 U.S.C. 300f(4)) and not in
25 water used for bottled drinking water. *In the case of any*

1 *contaminant for which a national primary drinking water*
2 *regulation was promulgated before the date of enactment*
3 *of the Safe Drinking Water Act Amendments of 1995, the*
4 *Secretary shall issue the regulation or make the finding re-*
5 *quired by this paragraph not later than 1 year after that*
6 *date.*

7 “(2) The regulation shall include any monitoring re-
8 quirements that the Secretary determines to be appro-
9 priate for bottled water.

10 “(3) The regulation—

11 “(A) shall require that the quality level for the
12 contaminant in bottled water be as stringent as the
13 maximum contaminant level for the contaminant
14 published by the Administrator of the Environ-
15 mental Protection Agency; and

16 “(B) may require that the quality level be more
17 stringent than the maximum contaminant level if
18 necessary to provide ample public health protection
19 under this Act.

20 “(4)(A) If the Secretary fails to establish a regulation
21 within the 180-day period described in paragraph (1), the
22 regulation with respect to the final maximum contaminant
23 level published by the Administrator of the Environmental
24 Protection Agency (as described in such paragraph) shall
25 be considered, as of the date on which the Secretary is

1 required to establish a regulation under paragraph (1), as
2 the final regulation for the establishment of the quality
3 level for a contaminant required under paragraph (1) for
4 the purpose of establishing or amending a bottled water
5 quality level standard with respect to the contaminant.

6 “(B) Not later than 30 days after the end of the 180-
7 day period described in paragraph (1), the Secretary shall,
8 with respect to a maximum contaminant level that is con-
9 sidered as a quality level under subparagraph (A), publish
10 a notice in the Federal Register that sets forth the quality
11 level and appropriate monitoring requirements required
12 under paragraphs (1) and (2) and that provides that the
13 quality level standard and requirements shall take effect
14 on the date on which the final regulation of the maximum
15 contaminant level takes effect.”.

16 **SEC. 28. ASSESSING ENVIRONMENTAL PRIORITIES, COSTS,**
17 **AND BENEFITS.**

18 (a) DEFINITIONS.—In this section:

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

22 (2) ADVERSE EFFECT ON HUMAN HEALTH.—
23 The term “adverse effect on human health” includes
24 any increase in the rate of death or serious illness,
25 including disease, cancer, birth defects, reproductive

1 dysfunction, developmental effects (including effects
2 on the endocrine and nervous systems), and other
3 impairments in bodily functions.

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

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

11 (b) FINDINGS.—Congress finds that—

12 (1) cost-benefit analysis and risk assessment
13 are useful but imperfect tools that serve to enhance
14 the information available in developing environ-
15 mental regulations and programs;

16 (2) cost-benefit analysis and risk assessment
17 can also serve as useful tools in setting priorities
18 and evaluating the success of environmental protec-
19 tion programs;

20 (3) cost and risk are not the only factors that
21 need to be considered in evaluating environmental
22 programs, as other factors, including values and eq-
23 uity, must also be considered;

1 (4) cost-benefit analysis and risk assessment
2 should be presented with a clear statement of the
3 uncertainties in the analysis or assessment;

4 (5) current methods for valuing ecological re-
5 sources and assessing intergenerational effects of
6 sources of pollution need further development before
7 integrated rankings of sources of pollution based on
8 the factors referred to in paragraph (3) can be used
9 with high levels of confidence;

10 (6) methods to assess and describe the risks of
11 adverse human health effects, other than cancer,
12 need further development before integrated rankings
13 of sources of pollution based on the risk to human
14 health can be used with high levels of confidence;

15 (7) periodic reports by the Administrator on the
16 costs and benefits of regulations promulgated under
17 Federal environmental laws, and other Federal ac-
18 tions with impacts on human health, the environ-
19 ment, or public welfare, will provide Congress and
20 the general public with a better understanding of—

21 (A) national environmental priorities; and

22 (B) expenditures being made to achieve re-
23 ductions in risk to human health, the environ-
24 ment, and public welfare; and

1 (8) periodic reports by the Administrator on the
2 costs and benefits of environmental regulations will
3 also—

4 (A) provide Congress and the general pub-
5 lic with a better understanding of the strengths,
6 weaknesses, and uncertainties of cost-benefit
7 analysis and risk assessment and the research
8 needed to reduce major uncertainties; and

9 (B) assist Congress and the general public
10 in evaluating environmental protection regula-
11 tions and programs, and other Federal actions
12 with impacts on human health, the environ-
13 ment, or public welfare, to determine the extent
14 to which the regulations, programs, and actions
15 adequately and fairly protect affected segments
16 of society.

17 (c) REPORT ON ENVIRONMENTAL PRIORITIES,
18 COSTS, AND BENEFITS.—

19 (1) RANKING.—

20 (A) IN GENERAL.—The Administrator
21 shall identify and, taking into account available
22 data (to the extent practicable), rank sources of
23 pollution with respect to the relative degree of
24 risk of adverse effects on human health, the en-
25 vironment, and public welfare.

1 (B) METHOD OF RANKING.—In carrying
2 out the rankings under subparagraph (A), the
3 Administrator shall—

4 (i) rank the sources of pollution con-
5 sidering the extent and duration of the
6 risk; and

7 (ii) take into account broad societal
8 values, including the role of natural re-
9 sources in sustaining economic activity into
10 the future.

11 (2) EVALUATION OF REGULATORY AND OTHER
12 COSTS.—In addition to carrying out the rankings
13 under paragraph (1), the Administrator shall esti-
14 mate the private and public costs associated with
15 each source of pollution and the costs and benefits
16 of complying with regulations designed to protect
17 against risks associated with the sources of pollu-
18 tion.

19 (3) EVALUATION OF OTHER FEDERAL AC-
20 TIONS.—In addition to carrying out the require-
21 ments of paragraphs (1) and (2), the Administrator
22 shall estimate the private and public costs and bene-
23 fits associated with major Federal actions selected
24 by the Administrator that have the most significant
25 impact on human health or the environment, includ-

1 ing direct development projects, grant and loan pro-
2 grams to support infrastructure construction and re-
3 pair, and permits, licenses, and leases to use natural
4 resources or to release pollution to the environment,
5 and other similar actions.

6 (4) RISK REDUCTION OPPORTUNITIES.—In as-
7 sessing risks, costs, and benefits as provided in
8 paragraphs (1) and (2), the Administrator shall also
9 identify reasonable opportunities to achieve signifi-
10 cant risk reduction through modifications in environ-
11 mental regulations and programs and other Federal
12 actions with impacts on human health, the environ-
13 ment, or public welfare.

14 (5) UNCERTAINTIES.—In evaluating the risks
15 referred to in paragraphs (1) and (2), the Adminis-
16 trator shall—

17 (A) identify the major uncertainties associ-
18 ated with the risks;

19 (B) explain the meaning of the uncertain-
20 ties in terms of interpreting the ranking and
21 evaluation; and

22 (C) determine—

23 (i) the type and nature of research
24 that would likely reduce the uncertainties;
25 and

1 (ii) the cost of conducting the re-
2 search.

3 (6) CONSIDERATION OF BENEFITS.—In carry-
4 ing out this section, the Administrator shall consider
5 and, to the extent practicable, estimate the monetary
6 value, and such other values as the Administrator
7 determines to be appropriate, of the benefits associ-
8 ated with reducing risk to human health and the en-
9 vironment, including—

10 (A) avoiding premature mortality;

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

13 (C) preserving biological diversity and the
14 sustainability of ecological resources;

15 (D) maintaining an aesthetically pleasing
16 environment;

17 (E) valuing services performed by
18 ecosystems (such as flood mitigation, provision
19 of food or material, or regulating the chemistry
20 of the air or water) that, if lost or degraded,
21 would have to be replaced by technology;

22 (F) avoiding other risks identified by the
23 Administrator; and

1 (G) considering the benefits even if it is
2 not possible to estimate the monetary value of
3 the benefits in exact terms.

4 (7) REPORTS.—

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

16 (B) PERIODIC REPORT.—

17 (i) IN GENERAL.—On completion of
18 the ranking and evaluations conducted by
19 the Administrator under this section, but
20 not later than 3 years after the date of en-
21 actment of this Act, and every 3 years
22 thereafter, the Administrator shall report
23 the findings of the rankings and evalua-
24 tions to Congress and make the report
25 available to the general public.

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

18 (I) the severity and certainty of
19 any adverse effect on human health,
20 the environment, or public welfare;

21 (II) whether the effect is imme-
22 diate or delayed;

23 (III) whether the burden associ-
24 ated with the adverse effect is borne
25 disproportionately by a segment of the

1 general population or spread evenly
2 across the general population; and

3 (IV) whether a threatened ad-
4 verse effect can be eliminated or rem-
5 edied by the use of an alternative
6 technology or a protection mechanism.

7 (d) IMPLEMENTATION.—In carrying out this section,
8 the Administrator shall—

9 (1) consult with the appropriate officials of
10 other Federal agencies and State and local govern-
11 ments, members of the academic community, rep-
12 resentatives of regulated businesses and industry,
13 representatives of citizen groups, and other knowl-
14 edgeable individuals to develop, evaluate, and inter-
15 pret scientific and economic information;

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

19 (3) establish, not later than 2 years after the
20 date of enactment of this Act, methods for determin-
21 ing costs and benefits of environmental regulations
22 and other Federal actions, including the valuation of
23 natural resources and intergenerational costs and
24 benefits, by rule after notice and opportunity for
25 public comment.

1 (e) REVIEW BY THE SCIENCE ADVISORY BOARD.—
2 Before the Administrator submits a report prepared under
3 this section to Congress, the Science Advisory Board, es-
4 tablished by section 8 of the Environmental Research, De-
5 velopment, and Demonstration Act of 1978 (42 U.S.C.
6 4365), shall conduct a technical review of the report in
7 a public session.

8 **SEC. 29. OTHER AMENDMENTS.**

9 (a) CAPITAL IMPROVEMENTS FOR THE WASHINGTON
10 AQUEDUCT.—

11 (1) AUTHORIZATIONS.—

12 (A) AUTHORIZATION OF MODERNIZA-
13 TION.—Subject to approval in, and in such
14 amounts as may be provided in appropriations
15 Acts, the Chief of Engineers of the Army Corps
16 of Engineers is authorized to modernize the
17 Washington Aqueduct.

18 (B) AUTHORIZATION OF APPROPRIA-
19 TIONS.—There is authorized to be appropriated
20 to the Army Corps of Engineers borrowing au-
21 thority in amounts sufficient to cover the full
22 costs of modernizing the Washington Aqueduct.
23 The borrowing authority shall be provided by
24 the Secretary of the Treasury, under such
25 terms and conditions as are established by the

1 Secretary of the Treasury, after a series of con-
2 tracts with each public water supply customer
3 has been entered into under paragraph (2).

4 (2) CONTRACTS WITH PUBLIC WATER SUPPLY
5 CUSTOMERS.—

6 (A) CONTRACTS TO REPAY CORPS DEBT.—

7 To the extent provided in appropriations Acts,
8 and in accordance with subparagraphs (B) and
9 (C), the Chief of Engineers of the Army Corps
10 of Engineers is authorized to enter into a series
11 of contracts with each public water supply cus-
12 tomer under which the customer commits to
13 repay a pro-rata share of the principal and in-
14 terest owed by the Army Corps of Engineers to
15 the Secretary of the Treasury under paragraph
16 (1). Under each of the contracts, the customer
17 that enters into the contract shall commit to
18 pay any additional amount necessary to fully
19 offset the risk of default on the contract.

20 (B) OFFSETTING OF RISK OF DEFAULT.—

21 Each contract under subparagraph (A) shall in-
22 clude such additional terms and conditions as
23 the Secretary of the Treasury may require so
24 that the value to the Government of the con-
25 tracts is estimated to be equal to the

1 obligational authority used by the Army Corps
2 of Engineers for modernizing the Washington
3 Aqueduct at the time that each series of con-
4 tracts is entered into.

5 (C) OTHER CONDITIONS.—Each contract
6 entered into under subparagraph (A) shall—

7 (i) provide that the public water sup-
8 ply customer pledges future income from
9 fees assessed to operate and maintain the
10 Washington Aqueduct;

11 (ii) provide the United States priority
12 over all other creditors; and

13 (iii) include other conditions that the
14 Secretary of the Treasury determines to be
15 appropriate.

16 (3) BORROWING AUTHORITY.—Subject to an
17 appropriation under paragraph (1)(B) and after en-
18 tering into a series of contracts under paragraph
19 (2), the Secretary, acting through the Chief of Engi-
20 neers of the Army Corps of Engineers, shall seek
21 borrowing authority from the Secretary of the
22 Treasury under paragraph (1)(B).

23 (4) DEFINITIONS.—In this subsection:

24 (A) PUBLIC WATER SUPPLY CUSTOMER.—

25 The term “public water supply customer”

1 means the District of Columbia, the county of
2 Arlington, Virginia, and the city of Falls
3 Church, Virginia.

4 (B) VALUE TO THE GOVERNMENT.—The
5 term “value to the Government” means the net
6 present value of a contract under paragraph (2)
7 calculated under the rules set forth in subpara-
8 graphs (A) and (B) of section 502(5) of the
9 Congressional Budget Act of 1974 (2 U.S.C.
10 661a(5)), excluding section 502(5)(B)(i) of
11 such Act, as though the contracts provided for
12 the repayment of direct loans to the public
13 water supply customers.

14 (C) WASHINGTON AQUEDUCT.—The term
15 “Washington Aqueduct” means the water sup-
16 ply system of treatment plants, raw water in-
17 takes, conduits, reservoirs, transmission mains,
18 and pumping stations owned by the Federal
19 Government located in the metropolitan Wash-
20 ington, District of Columbia, area.

21 (b) DRINKING WATER ADVISORY COUNCIL.—The
22 second sentence of section 1446(a) (42 U.S.C. 300j-6(a))
23 is amended by inserting before the period at the end the
24 following: “, of which two such members shall be associ-
25 ated with small, rural public water systems”.

1 (c) SHORT TITLE.—

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

5 “SHORT TITLE

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

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

11 (d) TECHNICAL AMENDMENTS TO SECTION HEAD-
12 INGS.—

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

16 “PROHIBITION ON USE OF LEAD PIPES, FITTINGS,
17 SOLDER, AND FLUX

18 “SEC. 1417. (a)”.

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

22 “REGULATION OF STATE PROGRAMS
23 “SEC. 1426. (a)”.

24 (3) The section heading and subsection designa-
25 tion of subsection (a) of section 1427 (42 U.S.C.
26 300h–6) are amended to read as follows:

1 “SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM
2 “SEC. 1427. (a)”.

3 (4) The section heading and subsection designa-
4 tion of subsection (a) of section 1428 (42 U.S.C.
5 300h-7) are amended to read as follows:

6 “STATE PROGRAMS TO ESTABLISH WELLHEAD
7 PROTECTION AREAS

8 “SEC. 1428. (a)”.

9 (5) The section heading and subsection designa-
10 tion of subsection (a) of section 1432 (42 U.S.C.
11 300i-1) are amended to read as follows:

12 “TAMPERING WITH PUBLIC WATER SYSTEMS

13 “SEC. 1432. (a)”.

14 (6) The section heading and subsection designa-
15 tion of subsection (a) of section 1451 (42 U.S.C.
16 300j-11) are amended to read as follows:

17 “INDIAN TRIBES

18 “SEC. 1451. (a)”.

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

22 “DEFINITIONS

23 “SEC. 1461. As”.

24 (8) The section heading and first word of sec-
25 tion 1462 (42 U.S.C. 300j-22) are amended to read
26 as follows:

1 “RECALL OF DRINKING WATER COOLERS WITH LEAD-
 2 LINED TANKS

3 “SEC. 1462. For”.

4 (9) The section heading and subsection designa-
 5 tion of subsection (a) of section 1463 (42 U.S.C.
 6 300j-23) are amended to read as follows:

7 “DRINKING WATER COOLERS CONTAINING LEAD
 8 “SEC. 1463. (a)”.

9 (10) The section heading and subsection des-
 10 ignation of subsection (a) of section 1464 (42 U.S.C.
 11 300j-24) are amended to read as follows:

12 “LEAD CONTAMINATION IN SCHOOL DRINKING WATER
 13 “SEC. 1464. (a)”.

14 (11) The section heading and subsection des-
 15 ignation of subsection (a) of section 1465 (42 U.S.C.
 16 300j-25) are amended to read as follows:

17 “FEDERAL ASSISTANCE FOR STATE PROGRAMS REGARD-
 18 ING LEAD CONTAMINATION IN SCHOOL DRINKING
 19 WATER

20 “SEC. 1465. (a)”.

S 1316 RS—2

S 1316 RS—3

S 1316 RS—4

S 1316 RS—5

S 1316 RS—6

S 1316 RS—7

S 1316 RS——8

S 1316 RS——9

S 1316 RS——10

S 1316 RS——11

S 1316 RS——12