

107TH CONGRESS
1ST SESSION

S. 1299

To amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2001

Mr. DOMENICI (for himself, Mrs. CLINTON, Mr. REID, Mrs. BOXER, Ms. MIKULSKI, Mr. BINGAMAN, and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Drinking
5 Water Assistance Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) drinking water standards proposed and in
4 effect as of the date of enactment of this Act will
5 place a large financial burden on many public water
6 systems, especially those public water systems in
7 rural communities serving small populations;

8 (2) the limited scientific, technical, and profes-
9 sional resources available in small communities com-
10 plicate the implementation of regulatory require-
11 ments;

12 (3) small communities often cannot afford to
13 meet water quality standards because of the ex-
14 penses associated with upgrading public water sys-
15 tems and training personnel to operate and maintain
16 the public water systems;

17 (4) small communities do not have a tax base
18 for dealing with the costs of upgrading their public
19 water systems;

20 (5) small communities face high per capita
21 costs in improving drinking water quality;

22 (6) small communities would greatly benefit
23 from a grant program designed to provide funding
24 for water quality projects;

25 (7) as of the date of enactment of this Act,
26 there is no Federal program in effect that ade-

1 quately meets the needs of small, primarily rural
 2 communities with respect to public water systems;
 3 and

4 (8) since new, more protective arsenic drinking
 5 water standards proposed by the Clinton and Bush
 6 administrations, respectively, are expected to be im-
 7 plemented in 2006, the grant program established
 8 by the amendment made by this Act should be im-
 9 plemented in a manner that ensures that the imple-
 10 mentation of those new standards is not delayed.

11 **SEC. 3. ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS.**

12 (a) DEFINITION OF INDIAN TRIBE.—Section
 13 1401(14) of the Safe Drinking Water Act (42 U.S.C.
 14 300f(14)) is amended in the second sentence by striking
 15 “1452,” and inserting “1452 and part G,”.

16 (b) ESTABLISHMENT OF PROGRAM.—The Safe
 17 Drinking Water Act (42 U.S.C. 300f et seq.) is amended
 18 by adding at the end the following:

19 **“PART G—ASSISTANCE FOR SMALL PUBLIC**
 20 **WATER SYSTEMS**

21 **“SEC. 1471. DEFINITIONS.**

22 “In this part:

23 “(1) ELIGIBLE ACTIVITY.—

24 “(A) IN GENERAL.—The term ‘eligible ac-
 25 tivity’ means a project or activity concerning a

1 small public water system that is carried out by
2 an eligible entity to comply with drinking water
3 standards.

4 “(B) INCLUSIONS.—The term ‘eligible ac-
5 tivity’ includes—

6 “(i) obtaining technical assistance;
7 and

8 “(ii) training and certifying operators
9 of small public water systems.

10 “(C) EXCLUSION.—The term ‘eligible ac-
11 tivity’ does not include any project or activity to
12 increase the population served by a small public
13 water system, except to the extent that the Ad-
14 ministrator determines such a project or activ-
15 ity to be necessary to—

16 “(i) achieve compliance with a na-
17 tional primary drinking water regulation;
18 and

19 “(ii) provide a water supply to a pop-
20 ulation that, as of the date of enactment of
21 this part, is not served by a safe public
22 water system.

23 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
24 tity’ means a small public water system that—

1 “(A) is located in a State or an area gov-
 2 erned by an Indian Tribe; and

3 “(B)(i) if located in a State, serves a com-
 4 munity that, under affordability criteria estab-
 5 lished by the State under section 1452(d)(3), is
 6 determined by the State to be—

7 “(I) a disadvantaged community; or

8 “(II) a community that may become a
 9 disadvantaged community as a result of
 10 carrying out an eligible activity; or

11 “(ii) if located in an area governed by an
 12 Indian Tribe, serves a community that is deter-
 13 mined by the Administrator, under affordability
 14 criteria published by the Administrator under
 15 section 1452(d)(3) and in consultation with the
 16 Secretary, to be—

17 “(I) a disadvantaged community; or

18 “(II) a community that the Adminis-
 19 trator expects to become a disadvantaged
 20 community as a result of carrying out an
 21 eligible activity.

22 “(3) PROGRAM.—The term ‘Program’ means
 23 the small public water assistance program estab-
 24 lished under section 1472(a).

1 “(4) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Health and Human Services, acting
3 through the Director of the Indian Health Service.

4 “(5) SMALL PUBLIC WATER SYSTEM.—The
5 term ‘small public water system’ means a public
6 water system (including a community water system
7 and a noncommunity water system) that serves—

8 “(A) a community having a population of
9 not more than 200,000; or

10 “(B) the city of Albuquerque, New Mexico.

11 **“SEC. 1472. SMALL PUBLIC WATER SYSTEM ASSISTANCE**
12 **PROGRAM.**

13 “(a) ESTABLISHMENT.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this part, the Adminis-
16 trator shall establish a program to provide grants to
17 eligible entities for use in carrying out projects and
18 activities to comply with drinking water standards.

19 “(2) PRIORITY.—The Administrator shall
20 award grants under the Program to eligible entities
21 based on—

22 “(A) first, the financial need of the com-
23 munity for the grant assistance, as determined
24 by the Administrator; and

1 “(B) second, with respect to the commu-
 2 nity in which the eligible entity is located, the
 3 per capita cost of complying with drinking
 4 water standards, as determined by the Adminis-
 5 trator.

6 “(b) APPLICATION PROCESS.—

7 “(1) IN GENERAL.—An eligible entity that
 8 seeks to receive a grant under the Program shall
 9 submit to the Administrator, on such form as the
 10 Administrator shall prescribe (not to exceed 3 pages
 11 in length), an application to receive the grant.

12 “(2) COMPONENTS.—The application shall
 13 include—

14 “(A) a description of the eligible activities
 15 for which the grant is needed;

16 “(B) a description of the efforts made by
 17 the eligible entity, as of the date of submission
 18 of the application, to comply with drinking
 19 water standards; and

20 “(C) any other information required to be
 21 included by the Administrator.

22 “(3) REVIEW AND APPROVAL OF APPLICA-
 23 TIONS.—

24 “(A) IN GENERAL.—On receipt of an ap-
 25 plication under paragraph (1), the Adminis-

1 trator shall forward the application to the
2 Council.

3 “(B) APPROVAL OR DISAPPROVAL.—Not
4 later than 90 days after receiving the rec-
5 ommendations of the Council under subsection
6 (e) concerning an application, after taking into
7 consideration the recommendations, the Admin-
8 istrator shall—

9 “(i) approve the application and
10 award a grant to the applicant; or

11 “(ii) disapprove the application.

12 “(C) RESUBMISSION.—If the Adminis-
13 trator disapproves an application under sub-
14 paragraph (B)(ii), the Administrator shall—

15 “(i) inform the applicant in writing of
16 the disapproval (including the reasons for
17 the disapproval); and

18 “(ii) provide to the applicant a dead-
19 line by which the applicant may revise and
20 resubmit the application.

21 “(c) COST SHARING.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), the Federal share of the cost of carrying
24 out an eligible activity using funds from a grant pro-

1 vided under the Program shall not exceed 90 per-
 2 cent.

3 “(2) WAIVER.—The Administrator may waive
 4 the requirement to pay the non-Federal share of the
 5 cost of carrying out an eligible activity using funds
 6 from a grant provided under the Program if the Ad-
 7 ministrator determines that an eligible entity is un-
 8 able to pay, or would experience significant financial
 9 hardship if required to pay, the non-Federal share.

10 “(d) ENFORCEMENT AND IMPLEMENTATION OF
 11 STANDARDS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
 13 the Administrator shall not enforce any standard for
 14 drinking water under this Act (including a regula-
 15 tion promulgated under this Act) against an eligible
 16 entity during the period beginning on the date on
 17 which the eligible entity submits an application for
 18 a grant under the Program and ending, as applica-
 19 ble, on—

20 “(A) the deadline specified in subsection
 21 (b)(3)(C)(ii), if the application is disapproved
 22 and not resubmitted; or

23 “(B) the date that is 3 years after the date
 24 on which the eligible entity receives a grant
 25 under this part, if the application is approved.

1 “(2) ARSENIC STANDARDS.—No standard for
2 arsenic in drinking water promulgated under this
3 Act (including a standard in any regulation promul-
4 gated before the date of enactment of this part)
5 shall be implemented or enforced by the Adminis-
6 trator in any State until the earlier of January 1,
7 2006 or such date as the Administrator certifies to
8 Congress that—

9 “(A) the Program has been implemented
10 in the State; and

11 “(B) the State has made substantial
12 progress, as determined by the Administrator in
13 consultation with the Governor of the State, in
14 complying with drinking water standards under
15 this Act.

16 “(e) ROLE OF COUNCIL.—The Council shall—

17 “(1) review applications for grants from eligible
18 entities received by the Administrator under sub-
19 section (b); and

20 “(2) for each application, recommend to the
21 Administrator whether the application should be ap-
22 proved or disapproved.

1 **“SEC. 1473. AUTHORIZATION OF APPROPRIATIONS.**

2 “There is authorized to be appropriated to carry out
3 this part \$1,900,000,000 for the period of fiscal years
4 2001 through 2006.”.

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