

109TH CONGRESS
1ST SESSION

H. R. 1315

To allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2005

Mr. OTTER (for himself, Mr. SIMPSON, Mr. FLAKE, Mr. CANNON, and Mr. DOOLITTLE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Community Op-
5 tions for Regulatory Equity Act of 2005”.

1 **SEC. 2. EXEMPTION FOR NONPROFIT SMALL PUBLIC**
2 **WATER SYSTEMS RESPECTING NATURALLY**
3 **OCCURRING CONTAMINANTS.**

4 The Safe Drinking Water Act (42 U.S.C. 300f et
5 seq.) is amended by inserting after section 1416 the fol-
6 lowing:

7 “EXEMPTION FOR NONPROFIT SMALL PUBLIC WATER
8 SYSTEMS RESPECTING NATURALLY OCCURRING CON-
9 TAMINANTS

10 “SEC. 1416A. (a) EXEMPTION.—A State exercising
11 primary enforcement responsibility for public water sys-
12 tems under section 1413 (or the Administrator in any non-
13 primacy State) shall exempt any nonprofit small public
14 water system that submits a request in accordance with
15 subsection (b) from the requirements of any national pri-
16 mary drinking water regulation for a naturally occurring
17 contaminant.

18 “(b) REQUEST.—To seek an exemption under this
19 section, a nonprofit small public water system—

20 “(1) shall submit a written request to the State
21 exercising primary enforcement responsibility with
22 respect to the system (or the Administrator in any
23 nonprimacy State); and

24 “(2) shall include in such request a finding
25 under subsection (c).

26 “(c) ECONOMIC FEASIBILITY.—

1 “(1) FINDING.—To seek an exemption under
2 this section, a nonprofit small public water system
3 must find that compliance by the system with the
4 national primary drinking water regulation involved
5 is not economically feasible.

6 “(2) NO REVIEW.—A finding by a nonprofit
7 small public water system under this subsection shall
8 not be subject to judicial or administrative review.

9 “(d) DEFINITIONS.—In this section:

10 “(1) The term ‘naturally occurring contami-
11 nant’ includes arsenic, radon, radium, uranium, and
12 any contaminant that is a disinfection byproduct (in-
13 cluding bromate, chlorite, haloacetic acids, and total
14 trihalomethanes).

15 “(2) The term ‘small public water system’
16 means a public water system serving 10,000 or
17 fewer persons.”.

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