

111TH CONGRESS
2^D SESSION

H. R. 6393

To allow certain 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

SEPTEMBER 29, 2010

Mr. YOUNG of Alaska (for himself and Mr. SIMPSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To allow certain 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 2010”.

1 **SEC. 2. EXEMPTION FOR NONPROFIT AND MUNICIPAL**
2 **SMALL PUBLIC WATER SYSTEMS RESPECT-**
3 **ING NATURALLY OCCURRING CONTAMI-**
4 **NANTS.**

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

8 “EXEMPTION FOR NONPROFIT AND MUNICIPAL SMALL
9 PUBLIC WATER SYSTEMS RESPECTING NATURALLY
10 OCCURRING CONTAMINANTS

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

19 “(b) REQUEST.—To seek an exemption under this
20 section, a nonprofit or municipal small public water sys-
21 tem—

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

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

3 “(c) ECONOMIC FEASIBILITY.—

4 “(1) FINDING.—To seek an exemption under
5 this section, a nonprofit or municipal small public
6 water system must find that compliance by the sys-
7 tem with the national primary drinking water regu-
8 lation involved is not economically feasible.

9 “(2) NO REVIEW.—A finding by a nonprofit or
10 municipal small public water system under this sub-
11 section shall not be subject to judicial or administra-
12 tive review.

13 “(d) DEFINITIONS.—In this section:

14 “(1) The term ‘municipal’, with respect to a
15 small public water system, means owned or operated
16 by a municipality.

17 “(2) The term ‘naturally occurring contami-
18 nant’ includes arsenic, radon, radium, uranium, any
19 microbial pathogen (including *Cryptosporidium* and
20 *Giardia lamblia*), and any contaminant that is a dis-
21 infection byproduct (including bromate, chlorite,
22 haloacetic acids, and total trihalomethanes).

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

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