

114TH CONGRESS  
2D SESSION

# H. R. 6170

To amend the Safe Drinking Water Act with respect to the consolidation of public water systems, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2016

Mr. GARAMENDI introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Safe Drinking Water Act with respect to the consolidation of public water systems, 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. CONSOLIDATION.**

4 (a) MANDATORY ASSESSMENT AND CONSOLIDA-  
5 TION.—Subsection (h) of section 1414 of the Safe Drink-  
6 ing Water Act (42 U.S.C. 300g–3) is amended by adding  
7 at the end the following:

8 “(3) AUTHORITY FOR MANDATORY ASSESSMENT  
9 AND MANDATORY CONSOLIDATION.—

1           “(A) MANDATORY ASSESSMENT.—A State  
2 with primary enforcement responsibility or the  
3 Administrator (if the State does not have pri-  
4 mary enforcement responsibility) may require  
5 the owner or operator of a public water system  
6 to assess options for consolidation, or transfer  
7 of ownership of the system, as described in  
8 paragraph (1), if—

9           “(i) the public water system has re-  
10 peatedly failed to comply with one or more  
11 national primary drinking water regula-  
12 tions;

13           “(ii) such consolidation or transfer is  
14 feasible; and

15           “(iii) such consolidation or transfer  
16 could result in greater compliance with na-  
17 tional primary drinking water regulations.

18           “(B) MANDATORY CONSOLIDATION.—A  
19 State with primary enforcement responsibility  
20 or the Administrator (if the State does not have  
21 primary enforcement responsibility) may require  
22 the owner or operator of a public water system  
23 to submit a plan for consolidation, or transfer  
24 of ownership of the system, as described in

1 paragraph (1), and complete the actions re-  
2 quired under such plan if—

3 “(i) the owner or operator of the pub-  
4 lic water system completed the assessment  
5 required under paragraph (A), but did not  
6 complete consolidation or transfer of own-  
7 ership;

8 “(ii) since completing such assess-  
9 ment, the public water system has failed to  
10 comply with one or more national primary  
11 drinking water regulations; and

12 “(iii) such consolidation or transfer is  
13 feasible.

14 “(C) REGULATIONS.—Not later than 2  
15 years after the date of enactment of this para-  
16 graph, the Administrator shall promulgate reg-  
17 ulations to implement this paragraph.

18 “(4) FINANCIAL ASSISTANCE.—Notwith-  
19 standing section 1452(a)(3), public water systems  
20 undertaking consolidation or transfer of ownership  
21 pursuant to this section may receive assistance  
22 under section 1452 to carry out such consolidation  
23 or transfer.

24 “(5) PROTECTION OF NON-RESPONSIBLE SYS-  
25 TEM.—

1           “(A) IDENTIFICATION OF LIABILITIES.—

2           An owner or operator of a public water system  
3           submitting a plan pursuant to this section shall  
4           identify as part of such plan—

5                   “(i) any potential liability for damages  
6                   arising from each specific violation identi-  
7                   fied in the plan of which the owner or op-  
8                   erator is aware or should be aware; and

9                   “(ii) any funds or other assets avail-  
10                  able to satisfy such liability that are avail-  
11                  able, as of the date of submission of such  
12                  plan, to the public water system that com-  
13                  mitted such violation.

14           “(B) RESERVATION OF FUNDS.—A public  
15           water system that has completed consolidation  
16           with another public water system pursuant to a  
17           plan approved or required pursuant to this sec-  
18           tion shall not be liable in a civil action for any  
19           damages arising from a specific violation identi-  
20           fied in such plan, except to the extent to which  
21           funds or other assets are identified pursuant to  
22           subparagraph (A)(ii) as available to satisfy such  
23           liability.”.

24           (b) RETENTION OF PRIMARY ENFORCEMENT AU-  
25           THORITY.—

1           (1) IN GENERAL.—Section 1413(a) of the Safe  
2 Drinking Water Act (42 U.S.C. 300g–2(a)) is  
3 amended—

4           (A) in paragraph (5), by striking “; and”  
5 and inserting a semicolon;

6           (B) by redesignating paragraph (6) as  
7 paragraph (7); and

8           (C) by inserting after paragraph (5) the  
9 following new paragraph:

10           “(6) has adopted and is implementing proce-  
11 dures for requiring public water systems to assess  
12 options for, and complete, consolidation or transfer  
13 of ownership, in accordance with the regulations  
14 issued by the Administrator to implement section  
15 1414(i)(3); and”.

16           (2) CONFORMING AMENDMENT.—Section  
17 1413(b)(1) of the Safe Drinking Water Act (42  
18 U.S.C. 300g–2(b)(1)) is amended by striking “of  
19 paragraphs (1), (2), (3), and (4)”.

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