

115TH CONGRESS
1ST SESSION

H. R. 1068

To enable needed drinking water standards, reduce lead in drinking water, plan for and address threats from climate change, terrorism, and source water contamination, invest in drinking water infrastructure, increase compliance with drinking water standards, foster greater community right to know about drinking water quality, and promote technological solutions for drinking water challenges.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2017

Mr. PALLONE (for himself, Mr. TONKO, Mr. CÁRDENAS, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BLUMENAUER, Ms. DELAURO, Mrs. DINGELL, Ms. MATSUI, Ms. DEGETTE, and Mr. MCNERNEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To enable needed drinking water standards, reduce lead in drinking water, plan for and address threats from climate change, terrorism, and source water contamination, invest in drinking water infrastructure, increase compliance with drinking water standards, foster greater community right to know about drinking water quality, and promote technological solutions for drinking water challenges.

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; FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Safe Drinking Water Act Amendments of 2017”.

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

Sec. 1. Short title; table of contents; findings.

TITLE I—REGULATING DANGEROUS DRINKING WATER
CONTAMINANTS

Sec. 101. Enabling EPA to set standards for new drinking water contaminants.

Sec. 102. Deadlines for regulations on known dangerous contaminants.

TITLE II—REDUCING LEAD IN DRINKING WATER

Sec. 201. Reducing lead in drinking water.

Sec. 202. Drinking water fountain replacement for schools.

Sec. 203. Aligning definitions of lead free.

Sec. 204. Guidance for schools regarding lead in drinking water.

Sec. 205. School lead pipe replacement program.

Sec. 206. School remedial action program.

TITLE III—CLIMATE RESILIENCY, SECURITY, AND SOURCE
WATER PROTECTION

Sec. 301. Climate resiliency, security, and source water protection planning.

Sec. 302. Regulation of hydraulic fracturing.

Sec. 303. Risks of drought to drinking water.

TITLE IV—AQUA ACT

Sec. 401. Short title.

Sec. 402. Prevailing wages.

Sec. 403. Use of funds.

Sec. 404. Requirements for use of American materials.

Sec. 405. Data on variances, exemptions, and persistent violations.

Sec. 406. Assistance for restructuring.

Sec. 407. Priority and weight of applications.

Sec. 408. Disadvantaged communities.

Sec. 409. Administration of State loan funds.

Sec. 410. State revolving loan funds for American Samoa, Northern Mariana
Islands, Guam, and the Virgin Islands.

Sec. 411. Authorization of appropriations.

Sec. 412. Affordability of new standards.

Sec. 413. Focus on lifecycle costs.

Sec. 414. Best practices for administration of State revolving loan fund pro-
grams.

TITLE V—INCREASING COMPLIANCE AND COMMUNITY RIGHT TO
KNOW

Sec. 501. Streamlining reporting and enforcement.

- Sec. 502. Consolidation.
 Sec. 503. Water violations inventory.
 Sec. 504. Improved consumer confidence reports.

TITLE VI—STUDIES AND TECHNOLOGY

- Sec. 601. Real-time monitoring technology research grants.
 Sec. 602. Presence of pharmaceuticals and personal care products in sources of drinking water.
 Sec. 603. Water loss and leak control technology.

1 (c) FINDINGS.—The Congress finds the following:

2 (1) The Safe Drinking Water Act has not been
 3 substantially amended in more than 20 years, during
 4 which time the challenges facing drinking water sys-
 5 tems and customers have increased dramatically.

6 (2) Climate change, aging infrastructure, lead
 7 contamination, and emerging contaminants threaten
 8 the public health and economic viability of cities and
 9 towns nationwide.

10 (3) The drinking water standard-setting provi-
 11 sions put in place in 1996 have proven unworkable,
 12 preventing the Federal Government from regulating
 13 dangerous contaminants, including perchlorate,
 14 strontium, and volatile organic compounds.

15 (4) Compliance and enforcement with existing
 16 drinking water standards has fallen far short of
 17 what is needed and expected.

18 (5) Increased drinking water investment is
 19 needed to address a crisis in failing infrastructure.

1 **TITLE I—REGULATING DAN-**
2 **GEROUS DRINKING WATER**
3 **CONTAMINANTS**

4 **SEC. 101. ENABLING EPA TO SET STANDARDS FOR NEW**
5 **DRINKING WATER CONTAMINANTS.**

6 (a) IN GENERAL.—Section 1412(b) of the Safe
7 Drinking Water Act (42 U.S.C. 300g–1(b)) is amended—

8 (1) by amending paragraph (1)(A) to read as
9 follows:

10 “(A) GENERAL AUTHORITY.—The Admin-
11 istrator shall publish maximum contaminant
12 level goals and promulgate national primary
13 drinking water regulations for each contami-
14 nant (other than a contaminant for which a na-
15 tional primary drinking water regulation has
16 been promulgated as of the date of enactment
17 of the Safe Drinking Water Act Amendments of
18 2017) which, in the judgment of the Adminis-
19 trator, may have any adverse effect on the
20 health of persons and which is known or antici-
21 pated to occur in public water systems.”;

22 (2) in paragraph (1)(B)(ii)(I)—

23 (A) by striking “every 5 years” and insert-
24 ing “every 3 years”; and

1 (B) by striking “5 contaminants” and in-
2 serting “10 contaminants”;

3 (3) in paragraph (1)(B)(ii)(II)—

4 (A) by striking “on findings that the cri-
5 teria of clauses (i), (ii), and (iii)” and inserting
6 “on a finding that the criteria”; and

7 (B) by striking “Such findings” and in-
8 serting “Such finding”;

9 (4) in paragraph (1)(D)—

10 (A) by striking “paragraph (4)(C), or com-
11 pleting the analysis under paragraph (3)(C),”
12 and inserting “subparagraph (B)(ii)”; and

13 (B) by striking “A determination for any
14 contaminant in accordance with paragraph
15 (4)(C) subject to an interim regulation under
16 this subparagraph shall be issued, and a com-
17 pleted analysis meeting the requirements of
18 paragraph (3)(C) shall be published, not later
19 than 3 years after the date on which the regula-
20 tion is promulgated and the regulation shall be
21 repromulgated, or revised if appropriate, not
22 later than 5 years after that date.”;

23 (5) by amending paragraph (3) to read as fol-
24 lows:

1 “(3) AUTHORIZATION.—There are authorized to
2 be appropriated to the Administrator, acting
3 through the Office of Ground Water and Drinking
4 Water, to conduct studies, assessments, and analyses
5 in support of regulations or the development of
6 methods, \$35,000,000 for each of fiscal years 2018
7 through 2022.”;

8 (6) in paragraph (4), by striking subparagraph
9 (C);

10 (7) by amending paragraph (6) to read as fol-
11 lows:

12 “(6) EXCEPTION FOR STANDARDS WITH NO
13 FEASIBLE TECHNOLOGIES.—

14 “(A) IN GENERAL.—Notwithstanding para-
15 graph (4), if the Administrator determines that
16 there is no feasible technology to meet a max-
17 imum contaminant level, the Administrator
18 may, after notice and opportunity for public
19 comment, promulgate a maximum contaminant
20 level for the contaminant that maximizes health
21 risk reduction benefits and can be met with fea-
22 sible technology.

23 “(B) JUDICIAL REVIEW.—A determination
24 by the Administrator that no feasible tech-
25 nology is available to meet a maximum contami-

1 nant level shall be considered an action per-
2 taining to the establishment of a national pri-
3 mary drinking water regulation and subject to
4 judicial review.”;

5 (8) in paragraph (12)(B)(ii), by inserting “(as
6 in effect on the day before the date of enactment of
7 the Safe Drinking Water Act Amendments of
8 2017)” after “paragraph (3)(B)”;

9 (9) in paragraph (13)(B)(i), by inserting “(as
10 in effect on the day before the date of enactment of
11 the Safe Drinking Water Act Amendments of
12 2017)” after “paragraph (3)”;

13 (10) in paragraph (13)(C), by inserting “(as in
14 effect on the day before the date of enactment of the
15 Safe Drinking Water Act Amendments of 2017)”
16 after “paragraph (3)(C)”.

17 (b) ADDITIONAL CONFORMING AMENDMENTS.—

18 (1) Section 1459 of the Safe Drinking Water
19 Act (42 U.S.C. 300j–19) is amended—

20 (A) by striking subsection (c); and

21 (B) by redesignating subsection (d) as sub-
22 section (c).

23 (2) Section 1414(c)(5)(B)(i) of the Safe Drink-
24 ing Water Act (42 U.S.C. 300g–3(c)(5)(B)(i)) is

1 amended by striking “that meets the requirements
2 of section 1412(b)(3)(A)(ii)”.

3 **SEC. 102. DEADLINES FOR REGULATIONS ON KNOWN DAN-**
4 **GEROUS CONTAMINANTS.**

5 Section 1412(b)(2) of the Safe Drinking Water Act
6 (42 U.S.C. 300g-1(b)(2)) is amended by adding at the
7 end the following:

8 “(D) LEAD AND COPPER RULE.—

9 “(i) IN GENERAL.—Notwithstanding
10 any other deadline established in this sub-
11 section, not later than 9 months after the
12 date of enactment of the Safe Drinking
13 Water Act Amendments of 2017, the Ad-
14 ministrator shall issue revised national pri-
15 mary drinking water regulations for lead
16 and copper in accordance with this sub-
17 paragraph.

18 “(ii) REQUIREMENTS.—The revised
19 regulations issued under clause (i) shall
20 ensure that—

21 “(I) corrosion controls are re-
22 evaluated anytime source water or
23 treatment is changed;

24 “(II) test results are valid, by
25 prohibiting techniques that artificially

1 lower lead levels, including flushing
2 before samples are taken;

3 “(III) monitoring includes school
4 sites for all public water systems serv-
5 ing schools (as defined in section
6 1461);

7 “(IV) notification of lead prob-
8 lems is clear and effective; and

9 “(V) lead service lines are fully
10 replaced on a set timetable and when-
11 ever contamination is detected.

12 “(iii) SCOPE OF LEAD LINE REPLACE-
13 MENT REQUIREMENTS.—Requirements to
14 replace lead service lines under the revised
15 regulations issued under clause (i) shall ex-
16 tend to all service lines controlled by public
17 water systems, regardless of ownership.

18 “(E) PERCHLORATE.—Notwithstanding
19 any other deadline established in this sub-
20 section, not later than 12 months after the date
21 of enactment of the Safe Drinking Water Act
22 Amendments of 2017, the Administrator shall
23 publish a maximum contaminant level goal and
24 promulgate a national primary drinking water
25 regulation for perchlorate.

1 “(F) PERFLUORINATED COMPOUNDS.—
2 Notwithstanding any other deadline established
3 in this subsection, not later than 2 years after
4 the date of enactment of the Safe Drinking
5 Water Act Amendments of 2017, the Adminis-
6 trator shall publish a maximum contaminant
7 level goal and promulgate a national primary
8 drinking water regulation for perfluorinated
9 compounds.

10 “(G) MICROCYSTIN TOXIN.—Notwith-
11 standing any other deadline established in this
12 subsection, not later than 2 years after the date
13 of enactment of the Safe Drinking Water Act
14 Amendments of 2017, the Administrator shall
15 publish a maximum contaminant level goal and
16 promulgate a national primary drinking water
17 regulation for microcystin toxin.”.

18 **TITLE II—REDUCING LEAD IN** 19 **DRINKING WATER**

20 **SEC. 201. REDUCING LEAD IN DRINKING WATER.**

21 (a) AUTHORIZATION.—Section 1459B(d) of the Safe
22 Drinking Water Act (42 U.S.C. 300j–19b(d)) is amended
23 by striking “\$60,000,000 for each of fiscal years 2017
24 through 2021” and inserting “\$100,000,000 for each of
25 fiscal years 2018 through 2022”.

1 (b) DEFINITION OF LEAD SERVICE LINE.—

2 (1) IN GENERAL.—Section 1401 of the Safe
3 Drinking Water Act (42 U.S.C. 300f) is amended by
4 adding at the end the following:

5 “(17) LEAD SERVICE LINE.—The term ‘lead
6 service line’ means a pipe and its fittings, which are
7 not lead free (as defined in section 1417(d)), that
8 connect the drinking water main to the building
9 inlet.”.

10 (2) CONFORMING AMENDMENT.—Section
11 1459B(a) of the Safe Drinking Water Act (42
12 U.S.C. 300j–19b(a)) is amended by striking para-
13 graph (4).

14 **SEC. 202. DRINKING WATER FOUNTAIN REPLACEMENT FOR**
15 **SCHOOLS.**

16 (a) IN GENERAL.—Part F of the Safe Drinking
17 Water Act (42 U.S.C. 300j–21 et seq.) is amended by add-
18 ing at the end the following:

19 **“SEC. 1465. DRINKING WATER FOUNTAIN REPLACEMENT**
20 **FOR SCHOOLS.**

21 “(a) ESTABLISHMENT.—Not later than 180 days
22 after the date of enactment of this section, the Adminis-
23 trator shall establish a grant program to provide assist-
24 ance to local educational agencies for the replacement of
25 drinking water fountains manufactured prior to 1988.

1 “(b) USE OF FUNDS.—Funds awarded under the
2 grant program—

3 “(1) shall be used to pay the costs of replace-
4 ment of drinking water fountains in schools; and

5 “(2) may be used to pay the costs of monitoring
6 and reporting of lead levels in the drinking water of
7 schools of a local educational agency receiving such
8 funds, as determined appropriate by the Adminis-
9 trator.

10 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 not more than \$5,000,000 for each of fiscal years 2018
13 through 2022.”.

14 (b) DEFINITIONS.—Section 1461(5) of the Safe
15 Drinking Water Act (42 U.S.C. 300j–21(5)) is amended
16 by inserting “or drinking water fountain” after “water
17 cooler” each place it appears.

18 **SEC. 203. ALIGNING DEFINITIONS OF LEAD FREE.**

19 Paragraph (2) of section 1461 of the Safe Drinking
20 Water Act (42 U.S.C. 300j–21(2)) is amended to read as
21 follows:

22 “(2) LEAD FREE.—The term ‘lead free’ has the
23 meaning given such term in section 1417.”.

1 **SEC. 204. GUIDANCE FOR SCHOOLS REGARDING LEAD IN**
2 **DRINKING WATER.**

3 (a) GUIDANCE.—Part F of the Safe Drinking Water
4 Act (42 U.S.C. 300j–21 et seq.), as amended, is further
5 amended by adding at the end the following new section:

6 **“SEC. 1466. GUIDANCE FOR SCHOOLS REGARDING LEAD IN**
7 **DRINKING WATER.**

8 “(a) GUIDANCE ON LEAD MONITORING.—Not later
9 than 180 days after the date of enactment of this section,
10 the Administrator shall publish revised guidance for school
11 officials seeking to reduce exposure to lead from drinking
12 water in schools.

13 “(b) REQUIREMENTS.—The Administrator shall in-
14 clude in the guidance published under subsection (a)—

15 “(1) testing protocols for schools to accurately
16 detect lead contamination in school drinking water
17 and its sources;

18 “(2) recommended actions to reduce or elimi-
19 nate such contamination, including lead service line
20 replacement where needed;

21 “(3) recommendations for maintaining or re-
22 placing drinking water infrastructure, including
23 pipes, pipe fittings, fixtures, solder, drinking water
24 coolers, and drinking water fountains, when plan-
25 ning for or undergoing renovations of school prop-
26 erty; and

1 “(4) recommendations and forms for commu-
2 nicating lead testing results, potential health risks,
3 and response actions to students, staff, parents, and
4 communities.”.

5 (b) CONFORMING AMENDMENT.—Section
6 1464(d)(5)(A)(i) of the Safe Drinking Water Act (42
7 U.S.C. 300j–24(d)(5)(A)(i)) is amended by inserting
8 “published under section 1466” after “successor guid-
9 ance”.

10 **SEC. 205. SCHOOL LEAD PIPE REPLACEMENT PROGRAM.**

11 Part F of the Safe Drinking Water Act (42 U.S.C.
12 300j–21 et seq.), as amended, is further amended by add-
13 ing at the end the following new section:

14 **“SEC. 1467. SCHOOL LEAD PIPE REPLACEMENT PROGRAM.**

15 “(a) ELIGIBLE ENTITY.—In this section, the term
16 ‘eligible entity’ means—

17 “(1) a local educational agency; or

18 “(2) a public water system.

19 “(b) GRANT PROGRAM.—

20 “(1) ESTABLISHMENT.—Not later than 180
21 days after the date of enactment of this section, the
22 Administrator shall establish a grant program to as-
23 sist eligible entities in carrying out programs to re-
24 place lead service lines for schools and solder that is

1 not lead free used in the plumbing for schools. Such
2 a program—

3 “(A) shall include replacing lead service
4 lines and solder that is not lead free; and

5 “(B) may include testing, planning, or car-
6 rying out other relevant activities, as deter-
7 mined by the Administrator, to identify the lo-
8 cation and condition of lead service lines and
9 solder that is not lead free.

10 “(2) PRIORITY APPLICATION.—In providing as-
11 sistance under this section, the Administrator shall
12 give priority to proposed programs for schools for
13 which, at any time during the 3-year period pre-
14 ceding the date of submission of an application of
15 the eligible entity, monitoring data has indicated ele-
16 vated lead levels in the school drinking water.

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$50,000,000 for each of fiscal years 2018 through 2022.”.

20 **SEC. 206. SCHOOL REMEDIAL ACTION PROGRAM.**

21 Section 1464(d)(7) of the Safe Drinking Water Act
22 (42 U.S.C. 300j–24(d)) is amended—

23 (1) by striking “\$20,000,000” and inserting
24 “\$100,000,000”; and

1 (2) by striking “2017 through 2021” and in-
2 serting “2018 through 2022”.

3 **TITLE III—CLIMATE RESIL-**
4 **IENCY, SECURITY, AND**
5 **SOURCE WATER PROTECTION**

6 **SEC. 301. CLIMATE RESILIENCY, SECURITY, AND SOURCE**
7 **WATER PROTECTION PLANNING.**

8 Section 1433 of the Safe Drinking Water Act (42
9 U.S.C. 300i–2) is amended to read as follows:

10 **“SEC. 1433. CLIMATE RESILIENCY, SECURITY, AND SOURCE**
11 **WATER PROTECTION.**

12 “(a) SOURCE WATER AND DISTRIBUTION SYSTEM
13 VULNERABILITY ASSESSMENTS.—

14 “(1) IN GENERAL.—Not later than 24 months
15 after the date of enactment of the Safe Drinking
16 Water Act Amendments of 2017, each community
17 water system shall submit to the Administrator
18 source water and distribution system vulnerability
19 assessments.

20 “(2) IDENTIFICATION OF THREATS.—Assess-
21 ments submitted pursuant to paragraph (1) shall
22 identify—

23 “(A) threats to the community water sys-
24 tem’s source water from industrial activity,
25 pipelines and storage tanks, contaminated sites,

1 agricultural activity, and oil and gas explo-
2 ration;

3 “(B) threats to the community water sys-
4 tem’s source water and distribution system
5 from climate change, extreme weather, drought,
6 and temperature changes; and

7 “(C) threats to the community water sys-
8 tem’s source water and distribution system
9 from intentional acts, including intentional con-
10 tamination, sabotage, and theft of any chemical
11 of interest (as designated under Appendix A to
12 part 27 of title 6, Code of Federal Regulations,
13 or any successor thereto).

14 “(3) ASSESSMENT OF ALTERNATIVES.—Assess-
15 ments submitted pursuant to paragraph (1) shall in-
16 clude a comparison of the disinfection methods used
17 by the community water system and reasonably
18 available alternative disinfection methods, including
19 a determination of whether reasonably available al-
20 ternative disinfection methods could reduce the com-
21 munity water system’s vulnerability to the threats
22 identified pursuant to paragraph (2).

23 “(4) PERIODIC REVIEW AND RESUBMISSION.—
24 Each community water system submitting a vulner-
25 ability assessment pursuant to paragraph (1) shall

1 review, revise as necessary, and resubmit such as-
2 sessment not less often than every 5 years.

3 “(5) GUIDANCE.—Not later than one year after
4 the date of enactment of the Safe Drinking Water
5 Act Amendments of 2017, the Administrator shall
6 provide guidance to community water systems for
7 the preparation of vulnerability assessments under
8 this subsection.

9 “(b) SOURCE WATER AND DISTRIBUTION SYSTEM
10 PROTECTION PLANS.—

11 “(1) IN GENERAL.—Not later than 4 years
12 after the date of enactment of the Safe Drinking
13 Water Act Amendments of 2017, each community
14 water system shall submit to the Administrator
15 source water and distribution system protection
16 plans.

17 “(2) MITIGATION OF IDENTIFIED THREATS.—
18 Plans submitted pursuant to paragraph (1) shall
19 identify strategies and resources to mitigate the
20 threats identified in assessments prepared pursuant
21 to subsection (a).

22 “(3) EMERGENCY RESPONSE PLANNING.—
23 Plans submitted pursuant to paragraph (1) shall in-
24 clude specific emergency response plans for the

1 threats identified in assessments prepared pursuant
2 to subsection (a).

3 “(4) PERIODIC REVIEW AND RESUBMISSION.—
4 Each community water system submitting a plan
5 pursuant to paragraph (1) shall review, revise as
6 necessary, and resubmit such plan not less often
7 than every 5 years.

8 “(5) GUIDANCE.—Not later than one year after
9 the date of enactment of the Safe Drinking Water
10 Act Amendments of 2017, the Administrator shall
11 provide guidance to community water systems for
12 the preparation of plans under this subsection.

13 “(c) TECHNICAL ASSISTANCE AND GRANTS.—

14 “(1) IN GENERAL.—The Administrator shall es-
15 tablish and implement a program, to be known as
16 the Drinking Water Infrastructure Resiliency and
17 Sustainability Program, under which the Adminis-
18 trator may award grants in each of fiscal years 2018
19 through 2022 to owners or operators of community
20 water systems for the purpose of increasing the re-
21 siliency or adaptability of the community water sys-
22 tems to threats identified pursuant to subsection (a).

23 “(2) USE OF FUNDS.—As a condition on receipt
24 of a grant under this section, an owner or operator
25 of a community water system shall agree to use the

1 grant funds exclusively to assist in the planning, de-
2 sign, construction, implementation, operation, or
3 maintenance of a program or project consistent with
4 a plan developed pursuant to subsection (b).

5 “(3) PRIORITY.—

6 “(A) WATER SYSTEMS AT GREATEST AND
7 MOST IMMEDIATE RISK.—In selecting grantees
8 under this subsection, the Administrator shall
9 give priority to applicants that are owners or
10 operators of community water systems that are,
11 based on the best available research and data,
12 at the greatest and most immediate risk of fac-
13 ing significant negative impacts due to threats
14 described in subsection (a)(2).

15 “(B) GOALS.—In selecting among appli-
16 cants described in subparagraph (A), the Ad-
17 ministrator shall ensure that, to the maximum
18 extent practicable, the final list of applications
19 funded for each year includes a substantial
20 number that propose to use innovative ap-
21 proaches to meet one or more of the following
22 goals:

23 “(i) Promoting more efficient water
24 use, water conservation, water reuse, or
25 water recycling.

1 “(ii) Using decentralized, low-impact
2 development technologies and non-
3 structural approaches, including practices
4 that use, enhance, or mimic the natural
5 hydrological cycle or protect natural flows.

6 “(iii) Reducing stormwater runoff or
7 flooding by protecting or enhancing nat-
8 ural ecosystem functions.

9 “(iv) Modifying, upgrading, enhanc-
10 ing, or replacing existing community water
11 system infrastructure in response to
12 changing hydrologic conditions.

13 “(v) Improving water quality or quan-
14 tity for agricultural and municipal uses, in-
15 cluding through salinity reduction.

16 “(vi) Providing multiple benefits, in-
17 cluding to water supply enhancement or
18 demand reduction, water quality protection
19 or improvement, increased flood protection,
20 and ecosystem protection or improvement.

21 “(4) COST-SHARING.—

22 “(A) FEDERAL SHARE.—The share of the
23 cost of any activity that is the subject of a
24 grant awarded by the Administrator to the
25 owner or operator of a community water system

1 under this subsection shall not exceed 50 per-
2 cent of the cost of the activity.

3 “(B) CALCULATION OF NON-FEDERAL
4 SHARE.—In calculating the non-Federal share
5 of the cost of an activity proposed by a commu-
6 nity water system in an application submitted
7 under this subsection, the Administrator shall—

8 “(i) include the value of any in-kind
9 services that are integral to the completion
10 of the activity, including reasonable admin-
11 istrative and overhead costs; and

12 “(ii) not include any other amount
13 that the community water system involved
14 receives from the Federal Government.

15 “(5) REPORT TO CONGRESS.—Not later than 3
16 years after the date of the enactment of the Safe
17 Drinking Water Act Amendments of 2017, and
18 every 3 years thereafter, the Administrator shall
19 submit to the Congress a report on progress in im-
20 plementing this subsection, including information on
21 project applications received and funded annually.

22 “(6) AUTHORIZATION OF APPROPRIATIONS.—
23 To carry out this subsection, there are authorized to
24 be appropriated \$50,000,000 for each of fiscal years
25 2018 through 2022.”.

1 **SEC. 302. REGULATION OF HYDRAULIC FRACTURING.**

2 (a) HYDRAULIC FRACTURING.—Section 1421(d)(1)
3 of the Safe Drinking Water Act (42 U.S.C. 300h(d)(1))
4 is amended by striking subparagraph (B) and inserting
5 the following:

6 “(B) includes the underground injection of
7 fluids or propping agents pursuant to hydraulic
8 fracturing operations related to oil, gas, or geo-
9 thermal production activities; but

10 “(C) excludes the underground injection of
11 natural gas for purposes of storage.”.

12 (b) DISCLOSURE OF HYDRAULIC FRACTURING
13 CHEMICALS; MEDICAL EMERGENCIES; PROPRIETARY
14 CHEMICAL FORMULAS.—Section 1421(b) of the Safe
15 Drinking Water Act (42 U.S.C. 300h(b)) is amended by
16 adding at the end the following:

17 “(4)(A) Regulations included under paragraph
18 (1)(C) shall include the following requirements:

19 “(i) A person conducting hydraulic frac-
20 turing operations shall disclose to the State (or
21 the Administrator if the Administrator has pri-
22 mary enforcement responsibility in the State)—

23 “(I) prior to the commencement of
24 any hydraulic fracturing operations at any
25 lease area or portion thereof, a list of
26 chemicals intended for use in any under-

1 ground injection during such operations,
2 including identification of the chemical
3 constituents of mixtures, Chemical Ab-
4 stracts Service numbers for each chemical
5 and constituent, material safety data
6 sheets when available, and the anticipated
7 volume of each chemical; and

8 “(II) not later than 30 days after the
9 end of any hydraulic fracturing operations,
10 the list of chemicals used in each under-
11 ground injection during such operations,
12 including identification of the chemical
13 constituents of mixtures, Chemical Ab-
14 stracts Service numbers for each chemical
15 and constituent, material safety data
16 sheets when available, and the volume of
17 each chemical used.

18 “(ii) The State or the Administrator, as
19 applicable, shall make the disclosure of chemical
20 constituents referred to in clause (i) available to
21 the public, including by posting the information
22 on an appropriate Internet Web site.

23 “(iii) Whenever the State or the Adminis-
24 trator, or a treating physician or nurse, deter-
25 mines that a medical emergency exists and the

1 proprietary chemical formula of a chemical used
2 in hydraulic fracturing operations is necessary
3 for medical treatment, the person conducting
4 the hydraulic fracturing operations shall, upon
5 request, immediately disclose the proprietary
6 chemical formula or the specific chemical iden-
7 tity of a trade secret chemical to the State, the
8 Administrator, or the treating physician or
9 nurse, regardless of whether a written state-
10 ment of need or a confidentiality agreement has
11 been provided. The person conducting the hy-
12 draulic fracturing operations may require a
13 written statement of need and a confidentiality
14 agreement as soon thereafter as circumstances
15 permit.

16 “(B) Subparagraphs (A)(i) and (A)(ii) do not
17 authorize the State (or the Administrator) to require
18 the public disclosure of proprietary chemical for-
19 mulas.”.

20 **SEC. 303. RISKS OF DROUGHT TO DRINKING WATER.**

21 Part E of the Safe Drinking Water Act (42 U.S.C.
22 300j et seq.) is amended by adding at the end the fol-
23 lowing new section:

1 **“SEC. 1459C. DROUGHT RISK ASSESSMENT AND MANAGE-**
2 **MENT.**

3 “(a) STRATEGIC PLAN.—

4 “(1) DEVELOPMENT.—Not later than 90 days
5 after the date of enactment of this section, the Ad-
6 ministrator shall develop and submit to Congress a
7 strategic plan for assessing and managing the risks
8 of drought to drinking water provided by public
9 water systems. The strategic plan shall include steps
10 and timelines to—

11 “(A) evaluate the risks posed by drought
12 to drinking water provided by public water sys-
13 tems;

14 “(B) compile a comprehensive list of the
15 effects of drought on drinking water provided
16 by public water systems which the Adminis-
17 trator determines may have an adverse effect
18 on human health;

19 “(C) summarize—

20 “(i) the known adverse human health
21 effects resulting from the effects of
22 drought on drinking water included on the
23 list established under subparagraph (B);

24 “(ii) factors that cause drought; and

1 “(iii) factors that exacerbate the ef-
2 fects of drought on drinking water pro-
3 vided by public water systems;

4 “(D) with respect to the effects of drought
5 on drinking water included on the list compiled
6 under subparagraph (B), determine whether
7 to—

8 “(i) establish guidance regarding fea-
9 sible analytical methods to quantify such
10 effects; and

11 “(ii) establish guidance regarding the
12 frequency of monitoring necessary to de-
13 tect such effects;

14 “(E) recommend feasible treatment op-
15 tions, including procedures, equipment, and
16 source water protection practices, to mitigate
17 such effects; and

18 “(F) enter into cooperative agreements
19 with, and provide technical assistance to, af-
20 fected States and public water systems, as iden-
21 tified by the Administrator, for the purpose of
22 managing risks associated with the effects of
23 drought on drinking water.

1 “(2) UPDATES.—The Administrator shall, as
2 appropriate, update and submit to Congress the
3 strategic plan developed under paragraph (1).

4 “(b) INFORMATION COORDINATION.—In carrying out
5 this section the Administrator shall—

6 “(1) identify gaps in the Agency’s under-
7 standing of the effects of drought on drinking water
8 provided by public water systems, including—

9 “(A) the human health effects of drought;
10 and

11 “(B) methods and means of testing and
12 monitoring for the effects of drought on source
13 water of, or drinking water provided by, public
14 water systems;

15 “(2) as appropriate, consult with—

16 “(A) other Federal agencies that—

17 “(i) examine or analyze drought; or

18 “(ii) address public health concerns
19 related to drought;

20 “(B) States;

21 “(C) operators of public water systems;

22 “(D) multinational agencies;

23 “(E) foreign governments;

24 “(F) research and academic institutions;

25 and

1 “(G) companies that provide relevant
2 drinking water treatment options; and

3 “(3) assemble and publish information from
4 each Federal agency that has—

5 “(A) examined or analyzed drought; or

6 “(B) addressed public health concerns re-
7 lated to drought.

8 “(c) FEASIBLE.—For purposes of this section, the
9 term ‘feasible’ has the meaning given such term in section
10 1412(b)(4)(D).”.

11 **TITLE IV—AQUA ACT**

12 **SEC. 401. SHORT TITLE.**

13 This title may be cited as the “Assistance, Quality,
14 and Affordability Act of 2017”.

15 **SEC. 402. PREVAILING WAGES.**

16 Subsection (e) of section 1450 of the Safe Drinking
17 Water Act (42 U.S.C. 300j–9) is amended to read as fol-
18 lows:

19 “(e) LABOR STANDARDS.—

20 “(1) IN GENERAL.—The Administrator shall
21 take such action as the Administrator determines to
22 be necessary to ensure that each laborer and me-
23 chanic employed by a contractor or subcontractor in
24 connection with a construction project financed, in
25 whole or in part, by a grant, loan, loan guarantee,

1 refinancing, or any other form of financial assistance
2 provided under this title (including assistance pro-
3 vided by a State loan fund established under section
4 1452) is paid wages at a rate of not less than the
5 prevailing wages for the same type of work on simi-
6 lar construction in the immediate locality, as deter-
7 mined by the Secretary of Labor in accordance with
8 subchapter IV of chapter 31 of title 40, United
9 States Code.

10 “(2) AUTHORITY OF SECRETARY OF LABOR.—
11 With respect to the labor standards specified in this
12 subsection, the Secretary of Labor shall have the au-
13 thority and functions established in Reorganization
14 Plan Numbered 14 of 1950 (5 U.S.C. App.) and sec-
15 tion 3145 of title 40, United States Code.”.

16 **SEC. 403. USE OF FUNDS.**

17 Section 1452(a)(2)(B) of the Safe Drinking Water
18 Act (42 U.S.C. 300j-12(a)(2)(B)) is amended by striking
19 “(including expenditures for planning, design, and associ-
20 ated preconstruction activities, including activities relating
21 to the siting of the facility, but not” and inserting “(in-
22 cluding expenditures for planning, design, siting, and as-
23 sociated preconstruction activities, for replacing or reha-
24 bilitating aging treatment, storage, or distribution facili-
25 ties of public water systems, or for producing or capturing

1 sustainable energy on site or through the transportation
2 of water through the public water system, but not”.

3 **SEC. 404. REQUIREMENTS FOR USE OF AMERICAN MATE-**
4 **RIALS.**

5 Section 1452(a)(4)(A) of the Safe Drinking Water
6 Act (42 U.S.C. 300j–12(a)) is amended by striking “Dur-
7 ing fiscal year 2017, funds” and inserting “Funds”.

8 **SEC. 405. DATA ON VARIANCES, EXEMPTIONS, AND PER-**
9 **SISTENT VIOLATIONS.**

10 Section 1452(b)(2) of the Safe Drinking Water Act
11 (42 U.S.C. 300j–12(b)(2)) is amended—

12 (1) in subparagraph (B), by striking “and” at
13 the end;

14 (2) in subparagraph (C), by striking the period
15 at the end and inserting “; and”; and

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

17 “(D) a list of all public water systems
18 within the State that have in effect an exemp-
19 tion or variance for any national primary drink-
20 ing water regulation or that are in persistent
21 violation of the requirements for any maximum
22 contaminant level or treatment technique under
23 a national primary drinking water regulation,
24 including identification of—

1 “(i) the national primary drinking
2 water regulation in question for each such
3 exemption, variance, or violation; and

4 “(ii) the date on which the exemption
5 or variance came into effect or the viola-
6 tion began.”.

7 **SEC. 406. ASSISTANCE FOR RESTRUCTURING.**

8 (a) DEFINITION.—Section 1401 of the Safe Drinking
9 Water Act (42 U.S.C. 300f), as amended, is further
10 amended by adding at the end the following:

11 “(18) RESTRUCTURING.—The term ‘restruc-
12 turing’ means changes in operations (including own-
13 ership, management, cooperative partnerships, joint
14 purchasing arrangements, consolidation, and alter-
15 native water supply).”.

16 (b) RESTRUCTURING.—Clause (ii) of section
17 1452(a)(3)(B) (42 U.S.C. 300j–12(a)(3)(B)) is amended
18 by striking “changes in operations (including ownership,
19 management, accounting, rates, maintenance, consolida-
20 tion, alternative water supply, or other procedures)” and
21 inserting “restructuring”.

22 **SEC. 407. PRIORITY AND WEIGHT OF APPLICATIONS.**

23 (a) PRIORITY.—Section 1452(b)(3) of the Safe
24 Drinking Water Act (42 U.S.C. 300j–12(b)(3)) is amend-
25 ed—

1 (1) in subparagraph (A)—

2 (A) in clause (ii), by striking “and” at the
3 end;

4 (B) in clause (iii), by striking the period at
5 the end and inserting “; and”; and

6 (C) by adding at the end the following:

7 “(iv) improve the ability of public
8 water systems to protect human health and
9 comply with the requirements of this title
10 affordably in the future.”;

11 (2) by redesignating subparagraph (B) as sub-
12 paragraph (D);

13 (3) by inserting after subparagraph (A) the fol-
14 lowing:

15 “(B) AFFORDABILITY OF NEW STAND-
16 ARDS.—For any year in which enforcement be-
17 gins for a new national primary drinking water
18 regulation, each State that has entered into a
19 capitalization agreement pursuant to this sec-
20 tion shall evaluate whether capital improve-
21 ments required to meet the regulation are af-
22 fordable for disadvantaged communities (as de-
23 fined in subsection (d)(3)) in the State. If the
24 State finds that such capital improvements do
25 not meet affordability criteria for disadvantaged

1 communities in the State, the State’s intended
2 use plan shall provide that priority for the use
3 of funds for such year be given to public water
4 systems affected by the regulation and serving
5 disadvantaged communities.

6 “(C) WEIGHT GIVEN TO APPLICATIONS.—
7 After determining priority under subparagraphs
8 (A) and (B), an intended use plan shall provide
9 that the State will give greater weight to an ap-
10 plication for assistance if the application con-
11 tains—

12 “(i) a description of measures under-
13 taken by the public water system to im-
14 prove the management and financial sta-
15 bility of the public water system, which
16 may include—

17 “(I) an inventory of assets, in-
18 cluding a description of the condition
19 of the assets;

20 “(II) a schedule for replacement
21 of assets;

22 “(III) an audit of water losses;

23 “(IV) a financing plan that fac-
24 tors in all lifecycle costs indicating
25 sources of revenue from ratepayers,

1 grants, bonds, other loans, and other
2 sources to meet the costs; and

3 “(V) a review of options for re-
4 structuring;

5 “(ii) a demonstration of consistency
6 with State, regional, and municipal water-
7 shed plans;

8 “(iii) a water conservation plan con-
9 sistent with guidelines developed for such
10 plans by the Administrator under section
11 1455(a); and

12 “(iv) a description of measures under-
13 taken by the public water system to im-
14 prove the efficiency of the public water sys-
15 tem or reduce the public water system’s
16 environmental impact, which may in-
17 clude—

18 “(I) water efficiency or conserva-
19 tion, including the rehabilitation or re-
20 placement of existing leaking pipes;

21 “(II) use of reclaimed water;

22 “(III) actions to increase energy
23 efficiency;

24 “(IV) actions to generate or cap-
25 ture sustainable energy on site or

1 through the transportation of water
2 through the public water system;

3 “(V) actions to protect source
4 water;

5 “(VI) actions to mitigate or pre-
6 vent corrosion, including design, selec-
7 tion of materials, selection of coating,
8 and cathodic protection; and

9 “(VII) actions to reduce disinfec-
10 tion byproducts.”; and

11 (4) in subparagraph (D) (as redesignated by
12 paragraph (2)) by striking “periodically” and insert-
13 ing “at least biennially”.

14 (b) GUIDANCE.—Section 1452 of the Safe Drinking
15 Water Act (42 U.S.C. 300j–12) is amended—

16 (1) by redesignating subsection (r) as sub-
17 section (t); and

18 (2) by inserting after subsection (q) the fol-
19 lowing:

20 “(r) SMALL SYSTEM GUIDANCE.—The Administrator
21 may provide guidance and, as appropriate, tools, meth-
22 odologies, or computer software, to assist small public
23 water systems in undertaking measures to improve the
24 management, financial stability, and efficiency of the pub-

1 lic water system or reduce the public water system’s envi-
2 ronmental impact.”.

3 **SEC. 408. DISADVANTAGED COMMUNITIES.**

4 (a) ASSISTANCE TO INCREASE COMPLIANCE.—Sec-
5 tion 1452(b)(3) of the Safe Drinking Water Act (42
6 U.S.C. 300j–12(b)(3)), as amended, is further amended
7 by adding at the end the following:

8 “(E) ASSISTANCE TO INCREASE COMPLI-
9 ANCE.—A State’s intended use plan shall pro-
10 vide that, of the funds received by the State
11 through a capitalization grant under this sec-
12 tion for a fiscal year, the State will, to the ex-
13 tent that there are sufficient eligible project ap-
14 plications, reserve not less than 6 percent to be
15 spent on assistance under subsection (d) to
16 public water systems included in the State’s
17 most recent list under paragraph (2)(D).”.

18 (b) ASSISTANCE FOR DISADVANTAGED COMMU-
19 NITIES.—Section 1452(d) of the Safe Drinking Water Act
20 (42 U.S.C. 300j–12(d)) is amended—

21 (1) in paragraph (1), by adding at the end the
22 following: “Such additional subsidization shall di-
23 rectly and primarily benefit such community.”; and

24 (2) in paragraph (3), by inserting “, or portion
25 of a service area,” after “service area”.

1 (c) AFFORDABILITY CRITERIA.—Section 1452(d)(3)
 2 of the Safe Drinking Water Act (42 U.S.C. 300j–
 3 12(d)(3)) is amended by adding at the end: “Each State
 4 that has entered into a capitalization agreement pursuant
 5 to this section shall, in establishing affordability criteria,
 6 consider, solicit public comment on, and include as appro-
 7 priate—

8 “(A) the methods or criteria that the State
 9 will use to identify disadvantaged communities;

10 “(B) a description of the institutional, reg-
 11 ulatory, financial, tax, or legal factors at the
 12 Federal, State, or local level that affect identi-
 13 fied affordability criteria; and

14 “(C) a description of how the State will
 15 use the authorities and resources under this
 16 subsection to assist communities meeting the
 17 identified criteria.”.

18 **SEC. 409. ADMINISTRATION OF STATE LOAN FUNDS.**

19 Section 1452(g) of the Safe Drinking Water Act (42
 20 U.S.C. 300j–12(g)) is amended by adding at the end the
 21 following new paragraph:

22 “(5) TRANSFER OF FUNDS.—

23 “(A) IN GENERAL.—The Governor of a
 24 State may—

1 “(i) reserve for any fiscal year not
2 more than the lesser of—

3 “(I) 33 percent of a capitaliza-
4 tion grant made under this section; or

5 “(II) 33 percent of a capitaliza-
6 tion grant made under section 601 of
7 the Federal Water Pollution Control
8 Act; and

9 “(ii) add the funds so reserved to any
10 funds provided to the State under this sec-
11 tion or section 601 of the Federal Water
12 Pollution Control Act.

13 “(B) STATE MATCHING FUNDS.—Funds
14 reserved under this paragraph shall not be con-
15 sidered for purposes of calculating the amount
16 of a State contribution required by subsection
17 (e) of this section or section 602(b) of the Fed-
18 eral Water Pollution Control Act.”.

19 **SEC. 410. STATE REVOLVING LOAN FUNDS FOR AMERICAN**
20 **SAMOA, NORTHERN MARIANA ISLANDS,**
21 **GUAM, AND THE VIRGIN ISLANDS.**

22 Section 1452(j) of the Safe Drinking Water Act (42
23 U.S.C. 300j–12(j)) is amended by striking “0.33 percent”
24 and inserting “1.5 percent”.

1 **SEC. 411. AUTHORIZATION OF APPROPRIATIONS.**

2 Subsection (m) of section 1452 of the Safe Drinking
3 Water Act (42 U.S.C. 300j-12) is amended to read as
4 follows:

5 “(m) AUTHORIZATION OF APPROPRIATIONS.—

6 “(1) IN GENERAL.—There are authorized to be
7 appropriated to carry out this section—

8 “(A) \$3,130,000,000 for fiscal year 2018;

9 “(B) \$3,600,000,000 for fiscal year 2019;

10 “(C) \$4,140,000,000 for fiscal year 2020;

11 “(D) \$4,800,000,000 for fiscal year 2021;

12 and

13 “(E) \$5,500,000,000 for fiscal year 2022.

14 “(2) AVAILABILITY.—Amounts made available
15 pursuant to this subsection shall remain available
16 until expended.

17 “(3) RESERVATION FOR NEEDS SURVEYS.—Of
18 the amount made available under paragraph (1) to
19 carry out this section for a fiscal year, the Adminis-
20 trator may reserve not more than \$1,000,000 per
21 year to pay the costs of conducting needs surveys
22 under subsection (h).”.

23 **SEC. 412. AFFORDABILITY OF NEW STANDARDS.**

24 (a) TREATMENT TECHNOLOGIES FOR SMALL PUBLIC
25 WATER SYSTEMS.—Clause (ii) of section 1412(b)(4)(E)
26 of the Safe Drinking Water Act (42 U.S.C. 300g-

1 1(b)(4)(E)) is amended by adding at the end the following:
2 “If no technology, treatment technique, or other means
3 is included in a list under this subparagraph for a category
4 of small public water systems, the Administrator shall pe-
5 riodically review the list and supplement it when new tech-
6 nology becomes available.”.

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

9 (1) IN GENERAL.—Subparagraph (E) of section
10 1452(a)(1) of the Safe Drinking Water Act (42
11 U.S.C. 300j–12(a)(1)) is amended—

12 (A) by striking “except that the Adminis-
13 trator may reserve” and inserting “except
14 that—

15 “(i) in any year in which enforcement
16 of a new national primary drinking water
17 regulation begins, the Administrator may
18 use the remaining amount to make grants
19 to States whose public water systems are
20 disproportionately affected by the new reg-
21 ulation for the provision of assistance
22 under subsection (d) to such public water
23 systems;

24 “(ii) the Administrator may reserve”;
25 and

1 (B) by striking “and none of the funds re-
2 allotted” and inserting “; and

3 “(iii) none of the funds reallocated”.

4 (2) ELIMINATION OF CERTAIN PROVISIONS.—

5 (A) Section 1412(b) (42 U.S.C. 300g-
6 1(b)) of the Safe Drinking Water Act is amend-
7 ed by striking paragraph (15).

8 (B) Section 1415 (42 U.S.C. 300g-4) of
9 the Safe Drinking Water Act is amended by
10 striking subsection (e).

11 (3) CONFORMING AMENDMENTS.—

12 (A) Subparagraph (B) of section
13 1414(c)(1) of the Safe Drinking Water Act (42
14 U.S.C. 300g-3(c)(1)(B)) is amended by strik-
15 ing “, (a)(2), or (e)” and inserting “or (a)(2)”.

16 (B) Section 1416(b)(2) of the Safe Drink-
17 ing Water Act (42 U.S.C. 300g-5(b)(2)) is
18 amended by striking subparagraph (D).

19 (C) Section 1445(h) of the Safe Drinking
20 Water Act (42 U.S.C. 300j-4(h)) is amended—

21 (i) by striking “sections
22 1412(b)(4)(E) and 1415(e) (relating to
23 small system variance program” and in-
24 serting “section 1412(b)(4)(E)”; and

1 (ii) by striking “guidance under sec-
2 tions 1412(b)(4)(E) and 1415(e)” and in-
3 serting “guidance under section
4 1412(b)(4)(E)”.

5 **SEC. 413. FOCUS ON LIFECYCLE COSTS.**

6 Section 1412(b)(4) of the Safe Drinking Water Act
7 (42 U.S.C. 300g-1(b)(4)) is amended—

8 (1) in subparagraph (D), by striking “taking
9 cost into consideration” and inserting “taking
10 lifecycle costs, including maintenance, replacement,
11 and avoided costs, into consideration”; and

12 (2) in subparagraph (E)(ii), in the matter pre-
13 ceding subclause (I), by inserting “taking lifecycle
14 costs, including maintenance, replacement, and
15 avoided costs, into consideration,” after “as deter-
16 mined by the Administrator in consultation with the
17 States,”.

18 **SEC. 414. BEST PRACTICES FOR ADMINISTRATION OF**
19 **STATE REVOLVING LOAN FUND PROGRAMS.**

20 Section 1452 of the Safe Drinking Water Act (42
21 U.S.C. 300j-12) is amended by inserting after subsection
22 (r), as added by section 407(b), the following:

23 “(s) BEST PRACTICES FOR PROGRAM ADMINISTRA-
24 TION.—The Administrator shall—

1 “(1) collect information from States on admin-
2 istration of State programs with respect to State
3 loan funds, including—

4 “(A) efforts to streamline the process for
5 applying for assistance through such programs;

6 “(B) programs in place to assist with the
7 completion of application forms;

8 “(C) incentives provided to systems that
9 partner with small public water systems for the
10 application process; and

11 “(D) techniques to ensure that obligated
12 balances are liquidated in a timely fashion;

13 “(2) not later than 3 years after the date of en-
14 actment of the Assistance, Quality, and Affordability
15 Act of 2017, disseminate to the States’ best prac-
16 tices for administration of such programs, based on
17 the information collected pursuant to this sub-
18 section; and

19 “(3) periodically update such best practices, as
20 appropriate.”.

21 **TITLE V—INCREASING COMPLI-**
22 **ANCE AND COMMUNITY**
23 **RIGHT TO KNOW**

24 **SEC. 501. STREAMLINING REPORTING AND ENFORCEMENT.**

25 (a) ENFORCEMENT.—

1 (1) ADVICE AND TECHNICAL ASSISTANCE.—
2 Section 1414(a)(1) of the Safe Drinking Water Act
3 (42 U.S.C. 300g-3(a)(1)) is amended—

4 (A) in subparagraph (A), in the matter fol-
5 lowing clause (ii), by striking “and provide such
6 advice and technical assistance to such State
7 and public water system as may be appropriate
8 to bring the system into compliance with the re-
9 quirement by the earliest feasible time”; and

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

11 “(C) At any time after providing notice of a violation
12 to a State and public water system under subparagraph
13 (A), the Administrator may provide such advice and tech-
14 nical assistance to such State and public water system as
15 may be appropriate to bring the system into compliance
16 with the requirement by the earliest feasible time. In de-
17 ciding whether the provision of advice or technical assist-
18 ance is appropriate, the Administrator may consider the
19 potential for the violation to result in serious adverse ef-
20 fects to human health, whether the violation has occurred
21 continuously or frequently, and the effectiveness of past
22 technical assistance efforts.”.

23 (2) ADDITIONAL INSPECTIONS.—

1 (A) IN GENERAL.—Section 1414 of the
2 Safe Drinking Water Act (42 U.S.C. 300g–3) is
3 amended—

4 (i) by redesignating subsections (d)
5 through (i) as subsections (e) through (j),
6 respectively; and

7 (ii) by inserting after subsection (c)
8 the following:

9 “(d) ADDITIONAL INSPECTIONS FOLLOWING VIOLA-
10 TIONS.—

11 “(1) IN GENERAL.—The Administrator shall,
12 by regulation, and after consultation with the States,
13 prescribe the number, frequency, and type of addi-
14 tional inspections to follow any violation requiring
15 notice under subsection (c). Regulations under this
16 subsection shall—

17 “(A) take into account—

18 “(i) differences between violations
19 that are intermittent or infrequent and vio-
20 lations that are continuous or frequent;

21 “(ii) the seriousness of any potential
22 adverse health effects that may be in-
23 volved; and

24 “(iii) the number and severity of past
25 violations by the public water system; and

1 “(B) specify procedures for inspections fol-
2 lowing a violation by a public water system that
3 has the potential to have serious adverse effects
4 on human health as a result of short-term expo-
5 sure.

6 “(2) STATE PRIMARY ENFORCEMENT RESPONSI-
7 BILITY.—Nothing in this subsection shall be con-
8 strued or applied to modify the requirements of sec-
9 tion 1413.”.

10 (B) CONFORMING AMENDMENTS.—

11 (i) Subsections (a)(1)(B), (a)(2)(A),
12 and (b) of section 1414 of the Safe Drink-
13 ing Water Act (42 U.S.C. 300g–3) are
14 amended by striking “subsection (g)” each
15 place it appears and inserting “subsection
16 (h)”.

17 (ii) Section 1448(a) of the Safe
18 Drinking Water Act (42 U.S.C. 300j–7(a))
19 is amended by striking “1414(g)(3)(B)”
20 and inserting “1414(h)(3)(B)”.

21 (b) ELECTRONIC REPORTING OF COMPLIANCE MONI-
22 TORING DATA TO THE ADMINISTRATOR.—

23 (1) REQUIREMENT.—Section 1414 of the Safe
24 Drinking Water Act (42 U.S.C. 300g–3), as amend-

1 ed, is further amended by adding at the end the fol-
2 lowing:

3 “(k) ELECTRONIC REPORTING OF COMPLIANCE
4 MONITORING DATA TO THE ADMINISTRATOR.—The Ad-
5 ministrator shall by rule establish requirements for—

6 “(1) electronic submission by public water sys-
7 tems of all compliance monitoring data—

8 “(A) to the Administrator; or

9 “(B) with respect to public water systems
10 in a State which has primary enforcement re-
11 sponsibility under section 1413, to such State;
12 and

13 “(2) electronic submission to the Administrator
14 by each State which has primary enforcement re-
15 sponsibility under section 1413 of all compliance
16 monitoring data submitted to such State by public
17 water systems pursuant to paragraph (1)(B).”.

18 (2) FINAL RULE.—Not later than 12 months
19 after the date of the enactment of this Act, the Ad-
20 ministrator of the Environmental Protection Agency
21 shall issue a final rule to carry out section 1414(k)
22 of the Safe Drinking Water Act, as added by para-
23 graph (1).

1 **SEC. 502. CONSOLIDATION.**

2 (a) MANDATORY ASSESSMENT AND CONSOLIDA-
3 TION.—Subsection (i) of section 1414 of the Safe Drink-
4 ing Water Act (42 U.S.C. 300g-3), as redesignated by
5 section 501(a)(2), is amended by adding at the end the
6 following:

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

9 “(A) MANDATORY ASSESSMENT.—A State
10 with primary enforcement responsibility or the
11 Administrator (if the State does not have pri-
12 mary enforcement responsibility) may require
13 the owner or operator of a public water system
14 to assess options for consolidation, or transfer
15 of ownership of the system, as described in
16 paragraph (1), if—

17 “(i) the public water system has re-
18 peatedly failed to comply with one or more
19 national primary drinking water regula-
20 tions;

21 “(ii) such consolidation or transfer is
22 feasible; and

23 “(iii) such consolidation or transfer
24 could result in greater compliance with na-
25 tional primary drinking water regulations.

1 “(B) MANDATORY CONSOLIDATION.—A
2 State with primary enforcement responsibility
3 or the Administrator (if the State does not have
4 primary enforcement responsibility) may require
5 the owner or operator of a public water system
6 to submit a plan for consolidation, or transfer
7 of ownership of the system, as described in
8 paragraph (1), and complete the actions re-
9 quired under such plan if—

10 “(i) the owner or operator of the pub-
11 lic water system completed the assessment
12 required under paragraph (A), but did not
13 complete consolidation or transfer of own-
14 ership;

15 “(ii) since completing such assess-
16 ment, the public water system has failed to
17 comply with one or more national primary
18 drinking water regulations; and

19 “(iii) such consolidation or transfer is
20 feasible.

21 “(C) REGULATIONS.—Not later than 2
22 years after the date of enactment of the Safe
23 Drinking Water Act Amendments of 2017, the
24 Administrator shall promulgate regulations to
25 implement this paragraph.

1 “(4) FINANCIAL ASSISTANCE.—Notwith-
2 standing section 1452(a)(3), public water systems
3 undertaking consolidation or transfer of ownership
4 pursuant to this section may receive assistance
5 under section 1452 to carry out such consolidation
6 or transfer.

7 “(5) PROTECTION OF NON-RESPONSIBLE SYS-
8 TEM.—

9 “(A) IDENTIFICATION OF LIABILITIES.—
10 An owner or operator of a public water system
11 submitting a plan pursuant to this section shall
12 identify as part of such plan—

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

17 “(ii) any funds or other assets avail-
18 able to satisfy such liability that are avail-
19 able, as of the date of submission of such
20 plan, to the public water system that com-
21 mitted such violation.

22 “(B) RESERVATION OF FUNDS.—A public
23 water system that has completed consolidation
24 with another public water system pursuant to a
25 plan approved or required pursuant to this sec-

1 tion shall not be liable in a civil action for any
2 damages arising from a specific violation identi-
3 fied in such plan, except to the extent to which
4 funds or other assets are identified pursuant to
5 subparagraph (A)(ii) as available to satisfy such
6 liability.”.

7 (b) RETENTION OF PRIMARY ENFORCEMENT AU-
8 THORITY.—

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

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

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

16 (C) by inserting after paragraph (5) the
17 following new paragraph:

18 “(6) has adopted and is implementing proce-
19 dures for requiring public water systems to assess
20 options for, and complete, consolidation or transfer
21 of ownership, in accordance with the regulations
22 issued by the Administrator to implement section
23 1414(i)(3); and”.

24 (2) CONFORMING AMENDMENT.—Section
25 1413(b)(1) of the Safe Drinking Water Act (42

1 U.S.C. 300g–2(b)(1)) is amended by striking “of
2 paragraphs (1), (2), (3), and (4)”.

3 **SEC. 503. WATER VIOLATIONS INVENTORY.**

4 Section 1414 of the Safe Drinking Water Act (42
5 U.S.C. 300g–3), as amended, is further amended by add-
6 ing at the end the following new subsection:

7 “(1) EPA MANAGEMENT OF DATA.—

8 “(1) ESTABLISHMENT OF INVENTORY.—Not
9 later than one year after the date of enactment of
10 the Safe Drinking Water Act Amendments of 2017,
11 the Administrator shall establish and maintain in a
12 computer data base an inventory based on data sub-
13 mitted to the Administrator under this section re-
14 garding violations and exceedances. The Adminis-
15 trator shall make these data publicly accessible and
16 searchable by zip code and county, and available in
17 appropriate languages.

18 “(2) REPORT ON HOT SPOTS AND DISPROPOR-
19 TIONATE IMPACTS.—Not later than 2 years after the
20 date of enactment of the Safe Drinking Water Act
21 Amendments of 2017, and annually thereafter, the
22 Administrator shall submit to the Committee on En-
23 ergy and Commerce of the House of Representatives
24 and the Committee on Environment and Public
25 Works of the Senate a report on any dispropor-

1 tionate impacts on communities of particular demo-
2 graphic categories as shown by the data in the in-
3 ventory under paragraph (1).”.

4 **SEC. 504. IMPROVED CONSUMER CONFIDENCE REPORTS.**

5 Section 1414(c)(4) of the Safe Drinking Water Act
6 (42 U.S.C. 300g-3(c)(4)) is amended by adding at the end
7 the following new subparagraph:

8 “(F) REVISIONS.—Not later than 24
9 months after the date of enactment of the Safe
10 Drinking Water Act Amendments of 2017, the
11 Administrator, in consultation with the groups
12 identified in subparagraph (A), shall promul-
13 gate revisions to the regulations issued pursu-
14 ant to subparagraph (A) to increase the effec-
15 tiveness and understandability of consumer con-
16 fidence reports.”.

17 **TITLE VI—STUDIES AND**
18 **TECHNOLOGY**

19 **SEC. 601. REAL-TIME MONITORING TECHNOLOGY RE-**
20 **SEARCH GRANTS.**

21 (a) GRANT PROGRAM.—Not later than 1 year after
22 the date of enactment of this Act, the Administrator of
23 the Environmental Protection Agency shall establish a
24 grant program to provide funds to projects to develop
25 technology for real-time monitoring of drinking water con-

1 taminants. Grants awarded under this section shall be
2 awarded on a competitive basis after solicitation and eval-
3 uation of proposals.

4 (b) PROJECTS.—Projects eligible for funding under
5 the grant program established under this section include
6 projects for the—

7 (1) development of new hardware and tech-
8 nology, or improvement of existing hardware or tech-
9 nology, that monitors contaminants in drinking
10 water in real time; and

11 (2) development of software that assists in real-
12 time monitoring of contaminants in drinking water.

13 (c) REPORT TO CONGRESS.—Not later than 3 years
14 after the date of enactment of this Act, the Administrator
15 shall submit to the Committee on Energy and Commerce
16 of the House of Representatives and the Committee on
17 Environment and Public Works of the Senate a report de-
18 scribing the projects funded under the grant program es-
19 tablished under this section and the technology that has
20 been developed as a result of such projects.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated \$10,000,000 for fiscal
23 year 2018 to carry out this section, which shall remain
24 available until expended.

1 **SEC. 602. PRESENCE OF PHARMACEUTICALS AND PER-**
2 **SONAL CARE PRODUCTS IN SOURCES OF**
3 **DRINKING WATER.**

4 Subsection (a) of section 1442 of the Safe Drinking
5 Water Act (42 U.S.C. 300j-1) is amended by adding at
6 the end the following:

7 “(11) PRESENCE OF PHARMACEUTICALS AND PER-
8 SONAL CARE PRODUCTS IN SOURCES OF DRINKING
9 WATER.—

10 “(A) STUDY.—The Administrator shall carry
11 out a study on the presence of pharmaceuticals and
12 personal care products in sources of drinking water,
13 which shall—

14 “(i) identify pharmaceuticals and personal
15 care products that have been detected in
16 sources of drinking water and the levels at
17 which such pharmaceuticals and personal care
18 products have been detected;

19 “(ii) identify the sources of pharma-
20 ceuticals and personal care products in sources
21 of drinking water, including point sources and
22 nonpoint sources of pharmaceutical and per-
23 sonal care products;

24 “(iii) identify the effects of such pharma-
25 ceuticals and personal care products on hu-

1 mans, the environment, and the safety of drink-
2 ing water; and

3 “(iv) identify methods to control, limit,
4 treat, or prevent the presence of such personal
5 care pharmaceuticals and products.

6 “(B) CONSULTATION.—The Administrator shall
7 conduct the study described in subparagraph (A) in
8 consultation with the Secretary of Health and
9 Human Services (acting through the Commissioner
10 of Food and Drugs), the Director of the United
11 States Geological Survey, the heads of other appro-
12 priate Federal agencies (including the National In-
13 stitute of Environmental Health Sciences), and other
14 interested stakeholders (including manufacturers of
15 pharmaceuticals and personal care products and
16 consumer groups and advocates).

17 “(C) REPORT.—Not later than 4 years after
18 the date of the enactment of this paragraph, the Ad-
19 ministrator shall submit to the Congress a report on
20 the results of the study carried out under this para-
21 graph.

22 “(D) DEFINITIONS.—In this paragraph:

23 “(i) The term ‘personal care product’ has
24 the meaning given the term ‘cosmetic’ in section

1 201 of the Federal Food, Drug, and Cosmetic
2 Act.

3 “(ii) The term ‘pharmaceutical’ has the
4 meaning given the term ‘drug’ in section 201 of
5 the Federal Food, Drug, and Cosmetic Act.”.

6 **SEC. 603. WATER LOSS AND LEAK CONTROL TECHNOLOGY.**

7 Part E of the Safe Drinking Water Act (42 U.S.C.
8 300j et seq.), as amended, is further amended by adding
9 at the end the following:

10 **“SEC. 1459D. WATER LOSS AND LEAK CONTROL TECH-**
11 **NOLOGY.**

12 “The Administrator shall—

13 “(1) not later than 5 years after the date of en-
14 actment of this section, develop criteria for effective
15 water loss and leak control technology to be used by
16 public water systems; and

17 “(2) implement a program through which a
18 manufacturer of such technology may apply, on a
19 voluntary basis, for certification of compliance with
20 such criteria.”.

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