

Union Calendar No. 279

115TH CONGRESS
1ST SESSION

H. R. 3387

[Report No. 115-380]

To amend the Safe Drinking Water Act to improve public water systems and enhance compliance with such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2017

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

NOVEMBER 1, 2017

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 25, 2017]

A BILL

To amend the Safe Drinking Water Act to improve public water systems and enhance compliance with such Act, 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 “Drinking Water System*
5 *Improvement Act of 2017”.*

6 **SEC. 2. IMPROVED CONSUMER CONFIDENCE REPORTS.**

7 *Section 1414(c)(4) of the Safe Drinking Water Act (42*
8 *U.S.C. 300g–3(c)(4)) is amended—*

9 (1) *in the heading for subparagraph (A), by*
10 *striking “ANNUAL REPORTS” and inserting “RE-*
11 *PORTS”;*

12 (2) *in subparagraph (A), by inserting “, or pro-*
13 *vide by electronic means,” after “to mail”;*

14 (3) *in subparagraph (B)—*

15 (A) *in clause (iv), by striking “the Admin-*
16 *istrator, and” and inserting “the Administrator,*
17 *including corrosion control efforts, and”;* and

18 (B) *by adding at the end the following*
19 *clause:*

20 *“(vii) Identification of, if any—*

21 *“(I) exceedances described in*
22 *paragraph (1)(D) for which corrective*
23 *action has been required by the Admin-*
24 *istrator or the State (in the case of a*
25 *State exercising primary enforcement*

1 *responsibility for public water systems)*
2 *during the monitoring period covered*
3 *by the consumer confidence report; and*

4 *“(II) violations that occurred dur-*
5 *ing the monitoring period covered by*
6 *the consumer confidence report.”; and*

7 (4) *by adding at the end the following new sub-*
8 *paragraph:*

9 *“(F) REVISIONS.—*

10 *“(i) UNDERSTANDABILITY AND FRE-*
11 *QUENCY.—Not later than 24 months after*
12 *the Drinking Water System Improvement*
13 *Act of 2017, the Administrator, in consulta-*
14 *tion with the parties identified in subpara-*
15 *graph (A), shall issue revisions to the regu-*
16 *lations issued under subparagraph (A)—*

17 *“(I) to increase—*

18 *“(aa) the readability, clarity,*
19 *and understandability of the in-*
20 *formation presented in consumer*
21 *confidence reports; and*

22 *“(bb) the accuracy of infor-*
23 *mation presented, and risk com-*
24 *munication, in consumer con-*
25 *fidence reports; and*

1 “(II) *with respect to community*
2 *water systems that serve 10,000 or*
3 *more persons, to require each such*
4 *community water system to provide, by*
5 *mail, electronic means, or other meth-*
6 *ods described in clause (ii), a consumer*
7 *confidence report to each customer of*
8 *the system at least biannually.*

9 “(ii) *ELECTRONIC DELIVERY.—Any re-*
10 *vision of regulations pursuant to clause (i)*
11 *shall allow delivery of consumer confidence*
12 *reports by methods consistent with methods*
13 *described in the memorandum ‘Safe Drink-*
14 *ing Water Act—Consumer Confidence Report*
15 *Rule Delivery Options’ issued by the Envi-*
16 *ronmental Protection Agency on January 3,*
17 *2013.’”.*

18 **SEC. 3. CONTRACTUAL AGREEMENTS.**

19 (a) *IN GENERAL.—Section 1414(h)(1) of the Safe*
20 *Drinking Water Act (42 U.S.C. 300g-3(h)(1)) is amend-*
21 *ed—*

22 (1) *in subparagraph (B), by striking “or” after*
23 *the semicolon;*

24 (2) *in subparagraph (C), by striking the period*
25 *at the end and inserting “; or”; and*

1 (3) *by adding at the end the following new sub-*
2 *paragraph:*

3 “(D) *entering into a contractual agreement*
4 *for significant management or administrative*
5 *functions of the system to correct violations iden-*
6 *tified in the plan.”.*

7 (b) *TECHNICAL AMENDMENT.—Section 1414(i)(1) of*
8 *the Safe Drinking Water Act (42 U.S.C. 300g–3(i)(1)) is*
9 *amended by inserting a comma after “1417”.*

10 **SEC. 4. CONSOLIDATION.**

11 (a) *MANDATORY ASSESSMENT AND CONSOLIDATION.—*
12 *Subsection (h) of section 1414 of the Safe Drinking Water*
13 *Act (42 U.S.C. 300g–3) is amended by adding at the end*
14 *the following:*

15 “(3) *AUTHORITY FOR MANDATORY ASSESSMENT*
16 *AND MANDATORY CONSOLIDATION.—*

17 “(A) *MANDATORY ASSESSMENT.—A State*
18 *with primary enforcement responsibility or the*
19 *Administrator (if the State does not have pri-*
20 *mary enforcement responsibility) may require*
21 *the owner or operator of a public water system*
22 *to assess options for consolidation, or transfer of*
23 *ownership of the system, as described in para-*
24 *graph (1), if—*

25 “(i) *the public water system—*

1 “(I) has repeatedly violated one or
2 more national primary drinking water
3 regulations and such repeated viola-
4 tions are likely to adversely affect
5 human health; and

6 “(II)(aa) is unable or unwilling
7 to take feasible and affordable actions,
8 as identified by the State with pri-
9 mary enforcement responsibility or the
10 Administrator (if the State does not
11 have primary enforcement responsi-
12 bility), that will result in the public
13 water system complying with the na-
14 tional primary drinking water regula-
15 tions described in subclause (I), includ-
16 ing accessing technical assistance and
17 financial assistance through the State
18 loan fund pursuant to section 1452; or

19 “(bb) has already undertaken ac-
20 tions described in item (aa) without
21 achieving compliance;

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

1 “(iii) such consolidation or transfer
2 could result in greater compliance with na-
3 tional primary drinking water regulations.

4 “(B) MANDATORY CONSOLIDATION.—After
5 review of an assessment under subparagraph (A),
6 a State with primary enforcement responsibility
7 or the Administrator (if the State does not have
8 primary enforcement responsibility) may require
9 the owner or operator of a public water system
10 that completed such assessment to submit a plan
11 for consolidation, or transfer of ownership of the
12 system, under paragraph (1), and complete the
13 actions required under such plan if—

14 “(i) the owner or operator of the public
15 water system—

16 “(I) has not taken steps to com-
17 plete consolidation;

18 “(II) has not transferred owner-
19 ship of the system; or

20 “(III) was unable to achieve com-
21 pliance after taking the actions de-
22 scribed in clause (i)(II)(aa) of sub-
23 paragraph (A);

24 “(ii) since completing such assessment,
25 the public water system has violated one or

1 *more national primary drinking water reg-*
2 *ulations and such violations are likely to*
3 *adversely affect human health; and*

4 “(iii) *such consolidation or transfer is*
5 *feasible.*”

6 “(4) *FINANCIAL ASSISTANCE.—Notwithstanding*
7 *section 1452(a)(3), a public water system undertaking*
8 *consolidation or transfer of ownership or alternative*
9 *actions to achieve compliance pursuant to this sub-*
10 *section may receive assistance under section 1452 to*
11 *carry out such consolidation, transfer, or alternative*
12 *actions.*”

13 “(5) *PROTECTION OF NONRESPONSIBLE SYS-*
14 *TEM.—*

15 “(A) *IDENTIFICATION OF LIABILITIES.—*

16 “(i) *IN GENERAL.—An owner or oper-*
17 *ator of a public water system submitting a*
18 *plan pursuant to paragraph (3) shall iden-*
19 *tify as part of such plan—*

20 “(I) *any potential liability for*
21 *damages arising from each specific vio-*
22 *lation identified in the plan of which*
23 *the owner or operator is aware; and*

24 “(II) *any funds or other assets*
25 *that are available to satisfy such liabil-*

1 *ity, as of the date of submission of such*
2 *plan, to the public water system that*
3 *committed such violation.*

4 *“(i) INCLUSION.—In carrying out*
5 *clause (i), the owner or operator shall take*
6 *reasonable steps to ensure that all potential*
7 *liabilities for damages arising from each*
8 *specific violation identified in the plan sub-*
9 *mitted pursuant to paragraph (3) are iden-*
10 *tified.*

11 *“(B) RESERVATION OF FUNDS.—A public*
12 *water system that has completed the actions re-*
13 *quired under a plan submitted and approved*
14 *pursuant to paragraph (3) shall not be liable*
15 *under this title for a violation of this title identi-*
16 *fied in the plan, except to the extent to which*
17 *funds or other assets are identified pursuant to*
18 *subparagraph (A)(i)(II) as available to satisfy*
19 *such liability.*

20 *“(6) REGULATIONS.—Not later than 2 years*
21 *after the date of enactment of the Drinking Water*
22 *System Improvement Act of 2017, the Administrator*
23 *shall promulgate regulations to implement para-*
24 *graphs (3), (4), and (5).”.*

1 (b) *RETENTION OF PRIMARY ENFORCEMENT AUTHOR-*
2 *ITY.*—

3 (1) *IN GENERAL.*—Section 1413(a) of the Safe
4 *Drinking Water Act (42 U.S.C. 300g–2(a)) is amend-*
5 *ed—*

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

8 (B) by redesignating paragraph (6) as
9 *paragraph (7); and*

10 (C) by inserting after paragraph (5) the fol-
11 *lowing new paragraph:*

12 “(6) has adopted and is implementing proce-
13 *dures for requiring public water systems to assess op-*
14 *tions for, and complete, consolidation or transfer of*
15 *ownership, in accordance with the regulations issued*
16 *by the Administrator under section 1414(h)(6); and”.*

17 (2) *CONFORMING AMENDMENT.*—Section
18 *1413(b)(1) of the Safe Drinking Water Act (42 U.S.C.*
19 *300g–2(b)(1)) is amended by striking “of paragraphs*
20 *(1), (2), (3), and (4)”.*

21 **SEC. 5. IMPROVED ACCURACY AND AVAILABILITY OF COM-**
22 **PLIANCE MONITORING DATA.**

23 Section 1414 of the Safe Drinking Water Act (42
24 *U.S.C. 300g–3) is amended by adding at the end the fol-*
25 *lowing new subsection:*

1 “(j) *IMPROVED ACCURACY AND AVAILABILITY OF COM-*
2 *PLIANCE MONITORING DATA.*—

3 “(1) *STRATEGIC PLAN.*—*Not later than 1 year*
4 *after the date of enactment of this subsection, the Ad-*
5 *ministrator, in coordination with States, public water*
6 *systems, and other interested stakeholders, shall de-*
7 *velop and provide to Congress a strategic plan for im-*
8 *proving the accuracy and availability of monitoring*
9 *data collected to demonstrate compliance with na-*
10 *tional primary drinking water regulations and sub-*
11 *mitted—*

12 “(A) *by public water systems to States; or*

13 “(B) *by States to the Administrator.*

14 “(2) *EVALUATION.*—*In developing the strategic*
15 *plan under paragraph (1), the Administrator shall*
16 *evaluate any challenges faced—*

17 “(A) *in ensuring the accuracy and integrity*
18 *of submitted data described in paragraph (1);*

19 “(B) *by States and public water systems in*
20 *implementing an electronic system for submit-*
21 *ting such data, including the technical and eco-*
22 *nomically feasible of implementing such a system;*
23 *and*

24 “(C) *by users of such electronic systems in*
25 *being able to access such data.*

1 “(3) *FINDINGS AND RECOMMENDATIONS.*—*The*
2 *Administrator shall include in the strategic plan pro-*
3 *vided to Congress under paragraph (1)—*

4 “(A) *a summary of the findings of the eval-*
5 *uation under paragraph (2); and*

6 “(B) *recommendations on practicable, cost-*
7 *effective methods and means that can be em-*
8 *ployed to improve the accuracy and availability*
9 *of submitted data described in paragraph (1).*

10 “(4) *CONSULTATION.*—*In developing the stra-*
11 *tegic plan under paragraph (1), the Administrator*
12 *may, as appropriate, consult with States or other*
13 *Federal agencies that have experience using prac-*
14 *ticable methods and means to improve the accuracy*
15 *and availability of submitted data described in such*
16 *paragraph.”.*

17 **SEC. 6. ASSET MANAGEMENT.**

18 *Section 1420 of the Safe Drinking Water Act (42*
19 *U.S.C. 300g–9) is amended—*

20 (1) *in subsection (c)(2)—*

21 (A) *in subparagraph (D), by striking “;*
22 *and” and inserting a semicolon;*

23 (B) *in subparagraph (E), by striking the*
24 *period at the end and inserting “; and”; and*

1 (C) by adding at the end the following new
2 subparagraph:

3 “(F) a description of how the State will, as
4 appropriate—

5 “(i) encourage development by public
6 water systems of asset management plans
7 that include best practices for asset manage-
8 ment; and

9 “(ii) assist, including through the pro-
10 vision of technical assistance, public water
11 systems in training operators or other rel-
12 evant and appropriate persons in imple-
13 menting such asset management plans.”;

14 (2) in subsection (c)(3), by inserting “, including
15 efforts of the State to encourage development by public
16 water systems of asset management plans and to as-
17 sist public water systems in training relevant and ap-
18 propriate persons in implementing such asset man-
19 agement plans” after “public water systems in the
20 State”; and

21 (3) in subsection (d), by adding at the end the
22 following new paragraph:

23 “(5) INFORMATION ON ASSET MANAGEMENT
24 PRACTICES.—Not later than 5 years after the date of
25 enactment of this paragraph, and not less often than

1 every 5 years thereafter, the Administrator shall re-
 2 view and, if appropriate, update educational mate-
 3 rials, including handbooks, training materials, and
 4 technical information, made available by the Admin-
 5 istrator to owners, managers, and operators of public
 6 water systems, local officials, technical assistance pro-
 7 viders (including nonprofit water associations), and
 8 State personnel concerning best practices for asset
 9 management strategies that may be used by public
 10 water systems.”.

11 **SEC. 7. COMMUNITY WATER SYSTEM RISK AND RESILIENCE.**

12 (a) *IN GENERAL.*—Section 1433 of the Safe Drinking
 13 Water Act (42 U.S.C. 300i–2) is amended to read as follows:

14 **“SEC. 1433. COMMUNITY WATER SYSTEM RISK AND RESIL-**
 15 **IENCE.**

16 **“(a) RISK AND RESILIENCE ASSESSMENTS.**—

17 **“(1) IN GENERAL.**—Each community water sys-
 18 tem serving a population of greater than 3,300 per-
 19 sons shall conduct an assessment of the risks to, and
 20 resilience of, its system. Such an assessment—

21 **“(A) shall include an assessment of—**

22 **“(i) the risk to the system from malev-**
 23 **olent acts and natural hazards;**

24 **“(ii) the resilience of the pipes and**
 25 **constructed conveyances, physical barriers,**

1 *source water, water collection and intake,*
2 *pretreatment, treatment, storage and dis-*
3 *tribution facilities, electronic, computer, or*
4 *other automated systems (including the se-*
5 *curity of such systems) which are utilized*
6 *by the system;*

7 *“(iii) the monitoring practices of the*
8 *system;*

9 *“(iv) the financial infrastructure of the*
10 *system;*

11 *“(v) the use, storage, or handling of*
12 *various chemicals by the system; and*

13 *“(vi) the operation and maintenance of*
14 *the system; and*

15 *“(B) may include an evaluation of capital*
16 *and operational needs for risk and resilience*
17 *management for the system.*

18 *“(2) BASELINE INFORMATION.—The Adminis-*
19 *trator, not later than August 1, 2019, after consulta-*
20 *tion with appropriate departments and agencies of*
21 *the Federal Government and with State and local*
22 *governments, shall provide baseline information on*
23 *malevolent acts of relevance to community water sys-*
24 *tems, which shall include consideration of acts that*
25 *may—*

1 “(A) *substantially disrupt the ability of the*
2 *system to provide a safe and reliable supply of*
3 *drinking water; or*

4 “(B) *otherwise present significant public*
5 *health or economic concerns to the community*
6 *served by the system.*

7 “(3) *CERTIFICATION.—*

8 “(A) *CERTIFICATION.—Each community*
9 *water system described in paragraph (1) shall*
10 *submit to the Administrator a certification that*
11 *the system has conducted an assessment com-*
12 *plying with paragraph (1). Such certification*
13 *shall be made prior to—*

14 “(i) *March 31, 2020, in the case of sys-*
15 *tems serving a population of 100,000 or*
16 *more;*

17 “(ii) *December 31, 2020, in the case of*
18 *systems serving a population of 50,000 or*
19 *more but less than 100,000; and*

20 “(iii) *June 30, 2021, in the case of sys-*
21 *tems serving a population greater than*
22 *3,300 but less than 50,000.*

23 “(B) *REVIEW AND REVISION.—Each com-*
24 *munity water system described in paragraph (1)*
25 *shall review the assessment of such system con-*

1 *ducted under such paragraph at least once every*
2 *5 years after the applicable deadline for submis-*
3 *sion of its certification under subparagraph (A)*
4 *to determine whether such assessment should be*
5 *revised. Upon completion of such a review, the*
6 *community water system shall submit to the Ad-*
7 *ministrator a certification that the system has*
8 *reviewed its assessment and, if applicable, re-*
9 *vised such assessment.*

10 “(4) *CONTENTS OF CERTIFICATIONS.*—*A certifi-*
11 *cation required under paragraph (3) shall contain*
12 *only—*

13 “(A) *information that identifies the commu-*
14 *nity water system submitting the certification;*

15 “(B) *the date of the certification; and*

16 “(C) *a statement that the community water*
17 *system has conducted, reviewed, or revised the*
18 *assessment, as applicable.*

19 “(5) *PROVISION TO OTHER ENTITIES.*—*No com-*
20 *munity water system shall be required under State or*
21 *local law to provide an assessment described in this*
22 *section (or revision thereof) to any State, regional, or*
23 *local governmental entity solely by reason of the re-*
24 *quirement set forth in paragraph (3) that the system*
25 *submit a certification to the Administrator.*

1 “(b) *EMERGENCY RESPONSE PLAN.*—Each community
2 *water system serving a population greater than 3,300 shall*
3 *prepare or revise, where necessary, an emergency response*
4 *plan that incorporates findings of the assessment conducted*
5 *under subsection (a) for such system (and any revisions*
6 *thereto). Each community water system shall certify to the*
7 *Administrator, as soon as reasonably possible after the date*
8 *of enactment of the Drinking Water System Improvement*
9 *Act of 2017, but not later than 6 months after completion*
10 *of the assessment under subsection (a), that the system has*
11 *completed such plan. The emergency response plan shall in-*
12 *clude—*

13 “(1) *strategies and resources to improve the resil-*
14 *ience of the system, including the physical security*
15 *and cybersecurity of the system;*

16 “(2) *plans and procedures that can be imple-*
17 *mented, and identification of equipment that can be*
18 *utilized, in the event of a malevolent act or natural*
19 *hazard that threatens the ability of the community*
20 *water system to deliver safe drinking water;*

21 “(3) *actions, procedures, and equipment which*
22 *can obviate or significantly lessen the impact of a*
23 *malevolent act or natural hazard on the public health*
24 *and the safety and supply of drinking water provided*
25 *to communities and individuals, including the devel-*

1 *opment of alternative source water options, relocation*
2 *of water intakes, and construction of flood protection*
3 *barriers; and*

4 *“(4) strategies that can be used to aid in the de-*
5 *tection of malevolent acts or natural hazards that*
6 *threaten the security or resilience of the system.*

7 *“(c) COORDINATION.—Community water systems*
8 *shall, to the extent possible, coordinate with existing local*
9 *emergency planning committees established pursuant to the*
10 *Emergency Planning and Community Right-To-Know Act*
11 *of 1986 (42 U.S.C. 11001 et seq.) when preparing or revis-*
12 *ing an assessment or emergency response plan under this*
13 *section.*

14 *“(d) RECORD MAINTENANCE.—Each community water*
15 *system shall maintain a copy of the assessment conducted*
16 *under subsection (a) and the emergency response plan pre-*
17 *pared under subsection (b) (including any revised assess-*
18 *ment or plan) for 5 years after the date on which a certifi-*
19 *cation of such assessment or plan is submitted to the Ad-*
20 *ministrator under this section.*

21 *“(e) GUIDANCE TO SMALL PUBLIC WATER SYS-*
22 *TEMS.—The Administrator shall provide guidance and*
23 *technical assistance to community water systems serving a*
24 *population of less than 3,300 persons on how to conduct*
25 *resilience assessments, prepare emergency response plans,*

1 *and address threats from malevolent acts and natural haz-*
2 *ards that threaten to disrupt the provision of safe drinking*
3 *water or significantly affect the public health or signifi-*
4 *cantly affect the safety or supply of drinking water provided*
5 *to communities and individuals.*

6 “(f) *ALTERNATIVE PREPAREDNESS AND OPERATIONAL*
7 *RESILIENCE PROGRAMS.—*

8 “(1) *SATISFACTION OF REQUIREMENT.—A com-*
9 *munity water system that is required to comply with*
10 *the requirements of subsections (a) and (b) may sat-*
11 *isfy such requirements by—*

12 “(A) *using and complying with technical*
13 *standards that the Administrator has recognized*
14 *under paragraph (2); and*

15 “(B) *submitting to the Administrator a cer-*
16 *tification that the community water system is*
17 *complying with subparagraph (A).*

18 “(2) *AUTHORITY TO RECOGNIZE.—Consistent*
19 *with section 12(d) of the National Technology Trans-*
20 *fer and Advancement Act of 1995, the Administrator*
21 *shall recognize technical standards that are developed*
22 *or adopted by third-party organizations or voluntary*
23 *consensus standards bodies that carry out the objec-*
24 *tives or activities required by this section as a means*

1 of satisfying the requirements under subsection (a) or
2 (b).

3 “(g) *TECHNICAL ASSISTANCE AND GRANTS.*—

4 “(1) *IN GENERAL.*—*The Administrator shall es-*
5 *tablish and implement a program, to be known as the*
6 *Drinking Water Infrastructure Risk and Resilience*
7 *Program, under which the Administrator may award*
8 *grants in each of fiscal years 2018 through 2022 to*
9 *owners or operators of community water systems for*
10 *the purpose of increasing the resilience of such com-*
11 *munity water systems.*

12 “(2) *USE OF FUNDS.*—*As a condition on receipt*
13 *of a grant under this section, an owner or operator*
14 *of a community water system shall agree to use the*
15 *grant funds exclusively to assist in the planning, de-*
16 *sign, construction, or implementation of a program or*
17 *project consistent with an emergency response plan*
18 *prepared pursuant to subsection (b), which may in-*
19 *clude—*

20 “(A) *the purchase and installation of equip-*
21 *ment for detection of drinking water contami-*
22 *nants or malevolent acts;*

23 “(B) *the purchase and installation of fenc-*
24 *ing, gating, lighting, or security cameras;*

1 “(C) *the tamper-proofing of manhole covers,*
2 *fire hydrants, and valve boxes;*

3 “(D) *the purchase and installation of im-*
4 *proved treatment technologies and equipment to*
5 *improve the resilience of the system;*

6 “(E) *improvements to electronic, computer,*
7 *financial, or other automated systems and re-*
8 *mote systems;*

9 “(F) *participation in training programs,*
10 *and the purchase of training manuals and guid-*
11 *ance materials, relating to security and resil-*
12 *ience;*

13 “(G) *improvements in the use, storage, or*
14 *handling of chemicals by the community water*
15 *system;*

16 “(H) *security screening of employees or con-*
17 *tractor support services;*

18 “(I) *equipment necessary to support emer-*
19 *gency power or water supply, including standby*
20 *and mobile sources; and*

21 “(J) *the development of alternative source*
22 *water options, relocation of water intakes, and*
23 *construction of flood protection barriers.*

24 “(3) *EXCLUSIONS.—A grant under this sub-*
25 *section may not be used for personnel costs, or for*

1 *monitoring, operation, or maintenance of facilities,*
2 *equipment, or systems.*

3 “(4) *TECHNICAL ASSISTANCE.*—*For each fiscal*
4 *year, the Administrator may use not more than*
5 *\$5,000,000 from the funds made available to carry*
6 *out this subsection to provide technical assistance to*
7 *community water systems to assist in responding to*
8 *and alleviating a vulnerability that would substan-*
9 *tially disrupt the ability of the system to provide a*
10 *safe and reliable supply of drinking water (including*
11 *sources of water for such systems) which the Adminis-*
12 *trator determines to present an immediate and urgent*
13 *need.*

14 “(5) *GRANTS FOR SMALL SYSTEMS.*—*For each*
15 *fiscal year, the Administrator may use not more than*
16 *\$10,000,000 from the funds made available to carry*
17 *out this subsection to make grants to community*
18 *water systems serving a population of less than 3,300*
19 *persons, or nonprofit organizations receiving assist-*
20 *ance under section 1442(e), for activities and projects*
21 *undertaken in accordance with the guidance provided*
22 *to such systems under subsection (e) of this section.*

23 “(6) *AUTHORIZATION OF APPROPRIATIONS.*—*To*
24 *carry out this subsection, there are authorized to be*

1 *appropriated \$35,000,000 for each of fiscal years*
2 *2018 through 2022.*

3 “(h) *DEFINITIONS.—In this section—*

4 “(1) *the term ‘resilience’ means the ability of a*
5 *community water system or an asset of a community*
6 *water system to adapt to or withstand the effects of*
7 *a malevolent act or natural hazard without interrup-*
8 *tion to the asset’s or system’s function, or if the func-*
9 *tion is interrupted, to rapidly return to a normal op-*
10 *erating condition; and*

11 “(2) *the term ‘natural hazard’ means a natural*
12 *event that threatens the functioning of a community*
13 *water system, including an earthquake, tornado,*
14 *flood, hurricane, wildfire, and hydrologic changes.”.*

15 “(b) *SENSITIVE INFORMATION.—*

16 “(1) *PROTECTION FROM DISCLOSURE.—Informa-*
17 *tion submitted to the Administrator of the Environ-*
18 *mental Protection Agency pursuant to section 1433 of*
19 *the Safe Drinking Water Act, as in effect on the day*
20 *before the date of enactment of the Drinking Water*
21 *System Improvement Act of 2017, shall be protected*
22 *from disclosure in accordance with the provisions of*
23 *such section as in effect on such day.*

24 “(2) *DISPOSAL.—The Administrator, in partner-*
25 *ship with community water systems (as defined in*

1 “(B) ensure that only a representative sam-
2 ple of public water systems serving less than
3 3,300 persons are required to monitor.

4 “(2) *EFFECTIVE DATE.*—Paragraph (1) shall
5 take effect 3 years after the date of enactment of this
6 subsection.

7 “(3) *LIMITATION.*—Paragraph (1) shall take ef-
8 fect unless the Administrator determines that there is
9 not sufficient laboratory capacity to accommodate the
10 analysis necessary to carry out monitoring required
11 under such paragraph.

12 “(4) *AUTHORIZATION OF APPROPRIATIONS.*—
13 There are authorized to be appropriated \$15,000,000
14 in each fiscal year for which monitoring is required
15 to be carried out under this subsection for the Admin-
16 istrator to pay the reasonable cost of such testing and
17 laboratory analysis as are necessary to carry out
18 monitoring required under this subsection.”.

19 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
20 1445(a)(2)(H) of the Safe Drinking Water Act (42 U.S.C.
21 300j-4(a)(2)(H)) is amended by striking “1997 through
22 2003” and inserting “2018 through 2022”.

23 (c) *INCLUSION IN DATA BASE.*—Section 1445(g)(7) of
24 the Safe Drinking Water Act (42 U.S.C. 300j-4(g)(7)) is
25 amended by—

1 (1) striking “and” at the end of subparagraph
2 (B);

3 (2) redesignating subparagraph (C) as subpara-
4 graph (D); and

5 (3) inserting after subparagraph (B) the fol-
6 lowing:

7 “(C) if applicable, monitoring information
8 collected by public water systems pursuant to
9 subsection (j) that is not duplicative of moni-
10 toring information included in the data base
11 under subparagraph (B) or (D); and”.

12 **SEC. 10. STATE REVOLVING LOAN FUNDS.**

13 (a) *USE OF FUNDS.*—Section 1452(a)(2)(B) of the
14 *Safe Drinking Water Act* (42 U.S.C. 300j–12(a)(2)(B)) is
15 amended by striking “(including expenditures for planning,
16 design, and associated preconstruction activities, including
17 activities relating to the siting of the facility, but not” and
18 inserting “(including expenditures for planning, design,
19 siting, and associated preconstruction activities, or for re-
20 placing or rehabilitating aging treatment, storage, or dis-
21 tribution facilities of public water systems, but not”.

22 (b) *AMERICAN IRON AND STEEL PRODUCTS.*—Section
23 1452(a)(4)(A) of the *Safe Drinking Water Act* (42 U.S.C.
24 300j–12(a)(4)(A)) is amended by striking “fiscal year
25 2017” and inserting “fiscal years 2018 through 2022”.

1 (c) *EVALUATION.*—Section 1452(a) of the Safe Drink-
2 *ing Water Act (42 U.S.C. 300j–12(a)) is amended by add-*
3 *ing at the end the following:*

4 “(5) *EVALUATION.*—During fiscal years 2018
5 *through 2022, a State may provide financial assist-*
6 *ance under this section to a public water system serv-*
7 *ing a population of more than 10,000 for an expendi-*
8 *ture described in paragraph (2) only if the public*
9 *water system—*

10 “(A) *considers the cost and effectiveness of*
11 *relevant processes, materials, techniques, and*
12 *technologies for carrying out the project or activ-*
13 *ity that is the subject of the expenditure; and*

14 “(B) *certifies to the State, in a form and*
15 *manner determined by the State, that the public*
16 *water system has made such consideration.”.*

17 (d) *PREVAILING WAGES.*—Section 1452(a) of the Safe
18 *Drinking Water Act (42 U.S.C. 300j–12(a)) is further*
19 *amended by adding at the end the following:*

20 “(6) *PREVAILING WAGES.*—The requirements of
21 *section 1450(e) shall apply to any construction*
22 *project carried out in whole or in part with assist-*
23 *ance made available by a drinking water treatment*
24 *revolving loan fund.”.*

1 (e) *ASSISTANCE FOR DISADVANTAGED COMMU-*
2 *NITIES.—Section 1452(d)(2) of the Safe Drinking Water*
3 *Act (42 U.S.C. 300j–12(d)(2)) is amended to read as fol-*
4 *lows:*

5 “(2) *TOTAL AMOUNT OF SUBSIDIES.—For each*
6 *fiscal year, of the amount of the capitalization grant*
7 *received by the State for the year, the total amount*
8 *of loan subsidies made by a State pursuant to para-*
9 *graph (1)—*

10 “(A) *may not exceed 35 percent; and*

11 “(B) *to the extent that there are sufficient*
12 *applications for loans to communities described*
13 *in paragraph (1), may not be less than 6 per-*
14 *cent.”.*

15 (f) *TYPES OF ASSISTANCE.—Section 1452(f)(1) of the*
16 *Safe Drinking Water Act (42 U.S.C. 300j–12(f)(1)) is*
17 *amended—*

18 (1) *by redesignating subparagraphs (C) and (D)*
19 *as subparagraphs (D) and (E), respectively;*

20 (2) *by inserting after subparagraph (B) the fol-*
21 *lowing new subparagraph:*

22 “(C) *each loan will be fully amortized not*
23 *later than 30 years after the completion of the*
24 *project, except that in the case of a disadvan-*
25 *tagged community (as defined in subsection*

1 (d)(3)) a State may provide an extended term
2 for a loan, if the extended term—

3 “(i) terminates not later than the date
4 that is 40 years after the date of project
5 completion; and

6 “(ii) does not exceed the expected de-
7 sign life of the project;”; and

8 (3) in subparagraph (B), by striking “1 year
9 after completion of the project for which the loan was
10 made” and all that follows through “design life of the
11 project;” and inserting “18 months after completion
12 of the project for which the loan was made;”.

13 (g) *NEEDS SURVEY*.—Section 1452(h) of the Safe
14 Drinking Water Act (42 U.S.C. 300j–12(h)) is amended—

15 (1) by striking “The Administrator” and insert-
16 ing “(1) The Administrator”; and

17 (2) by adding at the end the following new para-
18 graph:

19 “(2) Any assessment conducted under paragraph (1)
20 after the date of enactment of the Drinking Water System
21 Improvement Act of 2017 shall include an assessment of
22 costs to replace all lead service lines (as defined in section
23 1459B(a)(4)) of all eligible public water systems in the
24 United States, and such assessment shall describe separately
25 the costs associated with replacing the portions of such lead

1 *service lines that are owned by an eligible public water sys-*
 2 *tem and the costs associated with replacing any remaining*
 3 *portions of such lead service lines, to the extent prac-*
 4 *ticable.”.*

5 (h) *OTHER AUTHORIZED ACTIVITIES.*—Section
 6 *1452(k)(1)(C) of the Safe Drinking Water Act (42 U.S.C.*
 7 *300j–12(k)(1)(C)) is amended by striking “for fiscal years*
 8 *1996 and 1997 to delineate and assess source water protec-*
 9 *tion areas in accordance with section 1453” and inserting*
 10 *“to delineate, assess, and update assessments for source*
 11 *water protection areas in accordance with section 1453”.*

12 (i) *AUTHORIZATION FOR CAPITALIZATION GRANTS TO*
 13 *STATES FOR STATE DRINKING WATER TREATMENT RE-*
 14 *VOLVING LOAN FUNDS.*—Section *1452(m) of the Safe*
 15 *Drinking Water Act (42 U.S.C. 300j–12(m)) is amended—*

16 (1) *by striking the first sentence and inserting*
 17 *the following:*

18 “(1) *There are authorized to be appropriated to*
 19 *carry out the purposes of this section—*

20 “(A) *\$1,200,000,000 for fiscal year 2018;*

21 “(B) *\$1,400,000,000 for fiscal year 2019;*

22 “(C) *\$1,600,000,000 for fiscal year 2020;*

23 “(D) *\$1,800,000,000 for fiscal year 2021;*

24 *and*

25 “(E) *\$2,000,000,000 for fiscal year 2022.”;*

1 (2) *by striking “To the extent amounts author-*
2 *ized to be” and inserting the following:*

3 “(2) *To the extent amounts authorized to be*”;
4 *and*

5 (3) *by striking “(prior to the fiscal year 2004)”.*

6 (j) *BEST PRACTICES FOR ADMINISTRATION OF STATE*
7 *REVOLVING LOAN FUNDS.—Section 1452 of the Safe Drink-*
8 *ing Water Act (42 U.S.C. 300j–12) is amended by adding*
9 *after subsection (r) the following:*

10 “(s) *BEST PRACTICES FOR STATE LOAN FUND ADMIN-*
11 *ISTRATION.—The Administrator shall—*

12 “(1) *collect information from States on adminis-*
13 *tration of State loan funds established pursuant to*
14 *subsection (a)(1), including—*

15 “(A) *efforts to streamline the process for ap-*
16 *plying for assistance through such State loan*
17 *funds;*

18 “(B) *programs in place to assist with the*
19 *completion of applications for assistance through*
20 *such State loan funds;*

21 “(C) *incentives provided to public water*
22 *systems that partner with small public water*
23 *systems to assist with the application process for*
24 *assistance through such State loan funds;*

1 “(D) practices to ensure that amounts in
2 such State loan funds are used to provide loans,
3 loan guarantees, or other authorized assistance
4 in a timely fashion;

5 “(E) practices that support effective man-
6 agement of such State loan funds;

7 “(F) practices and tools to enhance finan-
8 cial management of such State loan funds; and

9 “(G) key financial measures for use in eval-
10 uating State loan fund operations, including—

11 “(i) measures of lending capacity, such
12 as current assets and current liabilities or
13 undisbursed loan assistance liability; and

14 “(ii) measures of growth or sustain-
15 ability, such as return on net interest;

16 “(2) not later than 3 years after the date of en-
17 actment of the Drinking Water System Improvement
18 Act of 2017, disseminate to the States best practices
19 for administration of such State loan funds, based on
20 the information collected pursuant to this subsection;
21 and

22 “(3) periodically update such best practices, as
23 appropriate.”.

1 **SEC. 11. AUTHORIZATION FOR SOURCE WATER PETITION**
2 **PROGRAMS.**

3 *Section 1454(e) of the Safe Drinking Water Act (42*
4 *U.S.C. 300j–14(e)) is amended by striking “1997 through*
5 *2003” and inserting “2018 through 2022”.*

6 **SEC. 12. REVIEW OF TECHNOLOGIES.**

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

10 **“SEC. 1459C. REVIEW OF TECHNOLOGIES.**

11 *“(a) REVIEW.—The Administrator, after consultation*
12 *with appropriate departments and agencies of the Federal*
13 *Government and with State and local governments, shall*
14 *review (or enter into contracts or cooperative agreements*
15 *to provide for a review of) existing and potential methods,*
16 *means, equipment, and technologies (including review of*
17 *cost, availability, and efficacy of such methods, means,*
18 *equipment, and technologies) that—*

19 *“(1) ensure the physical integrity of community*
20 *water systems;*

21 *“(2) prevent, detect, and respond to any con-*
22 *taminant for which a national primary drinking*
23 *water regulation has been promulgated in community*
24 *water systems and source water for community water*
25 *systems;*

1 “(3) allow for use of alternate drinking water
2 supplies from nontraditional sources; and

3 “(4) facilitate source water assessment and pro-
4 tection.

5 “(b) *INCLUSIONS.*—The review under subsection (a)
6 shall include review of methods, means, equipment, and
7 technologies—

8 “(1) that are used for corrosion protection, me-
9 tering, leak detection, or protection against water loss;

10 “(2) that are intelligent systems, including hard-
11 ware, software, or other technology, used to assist in
12 protection and detection described in paragraph (1);

13 “(3) that are point-of-use devices or point-of-
14 entry devices;

15 “(4) that are physical or electronic systems that
16 monitor, or assist in monitoring, contaminants in
17 drinking water in real-time; and

18 “(5) that allow for the use of nontraditional
19 sources for drinking water, including physical separa-
20 tion and chemical and biological transformation tech-
21 nologies.

22 “(c) *AVAILABILITY.*—The Administrator shall make
23 the results of the review under subsection (a) available to
24 the public.

1 “(c) *PRIORITY.*—*In awarding funds under the grant*
2 *program, the Administrator shall give priority to local edu-*
3 *cational agencies based on economic need.*

4 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
5 *are authorized to be appropriated to carry out this section*
6 *not more than \$5,000,000 for each of fiscal years 2018*
7 *through 2022.”.*

8 (b) *DEFINITIONS.*—*Section 1461(5) of the Safe Drink-*
9 *ing Water Act (42 U.S.C. 300j–21(5)) is amended by insert-*
10 *ing “or drinking water fountain” after “water cooler” each*
11 *place it appears.*

12 **SEC. 14. SOURCE WATER.**

13 (a) *ADDRESSING SOURCE WATER USED FOR DRINK-*
14 *ING WATER.*—*Section 304 of the Emergency Planning and*
15 *Community Right-To-Know Act of 1986 (42 U.S.C. 11004)*
16 *is amended—*

17 (1) *in subsection (b)(1), by striking “State emer-*
18 *gency planning commission” and inserting “State*
19 *emergency response commission”; and*

20 (2) *by adding at the end the following new sub-*
21 *section:*

22 “(e) *ADDRESSING SOURCE WATER USED FOR DRINK-*
23 *ING WATER.*—

1 “(1) *APPLICABLE STATE AGENCY NOTIFICA-*
2 *TION.—A State emergency response commission*
3 *shall—*

4 “(A) *promptly notify the applicable State*
5 *agency of any release that requires notice under*
6 *subsection (a);*

7 “(B) *provide to the applicable State agency*
8 *the information identified in subsection (b)(2);*
9 *and*

10 “(C) *provide to the applicable State agency*
11 *a written followup emergency notice in accord-*
12 *ance with subsection (c).*

13 “(2) *COMMUNITY WATER SYSTEM NOTIFICA-*
14 *TION.—*

15 “(A) *IN GENERAL.—An applicable State*
16 *agency receiving notice of a release under para-*
17 *graph (1) shall—*

18 “(i) *promptly forward such notice to*
19 *any community water system the source*
20 *waters of which are affected by the release;*

21 “(ii) *forward to the community water*
22 *system the information provided under*
23 *paragraph (1)(B); and*

1 “(iii) forward to the community water
2 system the written followup emergency no-
3 tice provided under paragraph (1)(C).

4 “(B) *DIRECT NOTIFICATION.*—In the case of
5 a State that does not have an applicable State
6 agency, the State emergency response commission
7 shall provide the notices and information de-
8 scribed in paragraph (1) directly to any commu-
9 nity water system the source waters of which are
10 affected by a release that requires notice under
11 subsection (a).

12 “(3) *DEFINITIONS.*—In this subsection:

13 “(A) *COMMUNITY WATER SYSTEM.*—The
14 term ‘community water system’ has the meaning
15 given such term in section 1401(15) of the Safe
16 Drinking Water Act.

17 “(B) *APPLICABLE STATE AGENCY.*—The
18 term ‘applicable State agency’ means the State
19 agency that has primary responsibility to enforce
20 the requirements of the Safe Drinking Water Act
21 in the State.”.

22 (b) *AVAILABILITY TO COMMUNITY WATER SYSTEMS.*—
23 Section 312(e) of the Emergency Planning and Community
24 Right-To-Know Act of 1986 (42 U.S.C. 11022(e)) is amend-
25 ed—

1 (1) *in paragraph (1), by striking “State emer-*
2 *gency planning commission” and inserting “State*
3 *emergency response commission”;* and

4 (2) *by adding at the end the following new para-*
5 *graph:*

6 “(4) *AVAILABILITY TO COMMUNITY WATER SYS-*
7 *TEMS.—*

8 “(A) *IN GENERAL.—An affected community*
9 *water system may have access to tier II informa-*
10 *tion by submitting a request to the State emer-*
11 *gency response commission or the local emer-*
12 *gency planning committee. Upon receipt of a re-*
13 *quest for tier II information, the State commis-*
14 *sion or local committee shall, pursuant to para-*
15 *graph (1), request the facility owner or operator*
16 *for the tier II information and make available*
17 *such information to the affected community*
18 *water system.*

19 “(B) *DEFINITION.—In this paragraph, the*
20 *term ‘affected community water system’ means a*
21 *community water system (as defined in section*
22 *1401(15) of the Safe Drinking Water Act) that*
23 *receives supplies of drinking water from a source*
24 *water area, delineated under section 1453 of the*
25 *Safe Drinking Water Act, in which a facility*

1 *that is required to prepare and submit an inven-*
2 *tory form under subsection (a)(1) is located.”.*

3 **SEC. 15. REPORT ON FEDERAL CROSS-CUTTING REQUIRE-**
4 **MENTS.**

5 *(a) REPORT.—Not later than one year after the date*
6 *of enactment of this Act, the Comptroller General shall sub-*
7 *mit to Congress a report containing the results of a study,*
8 *to be conducted in consultation with the Administrator of*
9 *the Environmental Protection Agency, any State agency*
10 *that has primary responsibility to enforce the requirements*
11 *of the Safe Drinking Water Act (42 U.S.C. 300f et seq.)*
12 *in a State, and public water systems, to identify demonstra-*
13 *tions of compliance with a State or local environmental law*
14 *that may be substantially equivalent to any demonstration*
15 *required by the Administrator for compliance with a Fed-*
16 *eral cross-cutting requirement.*

17 *(b) DEFINITIONS.—In this subsection:*

18 *(1) FEDERAL CROSS-CUTTING REQUIREMENT.—*
19 *The term “Federal cross-cutting requirement” means*
20 *a requirement of a Federal law or regulation, compli-*
21 *ance with which is a condition on receipt of a loan*
22 *or loan guarantee pursuant to section 1452 of the*
23 *Safe Drinking Water Act (42 U.S.C. 300j–12), that,*
24 *if applied with respect to projects and activities for*
25 *which a public water system receives such a loan or*

1 *loan guarantee, would be substantially equivalent to*
2 *a requirement of an applicable State or local law.*

3 (2) *PUBLIC WATER SYSTEM.—The term “public*
4 *water system” has the meaning given that term in*
5 *section 1401 of the Safe Drinking Water Act (42*
6 *U.S.C. 300f).*

Union Calendar No. 279

115TH CONGRESS
1ST Session

H. R. 3387

[Report No. 115-380]

A BILL

To amend the Safe Drinking Water Act to improve public water systems and enhance compliance with such Act, and for other purposes.

NOVEMBER 1, 2017

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed