

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2344

To amend title XIV of the Public Health Service Act (the “Safe Drinking Water Act”) to redirect and extend Federal and State activities to protect public water supplies in the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1993

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

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## A BILL

To amend title XIV of the Public Health Service Act (the “Safe Drinking Water Act”) to redirect and extend Federal and State activities to protect public water supplies in the United States, 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; TABLE OF CONTENTS; REF-**  
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Water Supply Protection Act of 1993”.

7 (b) TABLE OF CONTENTS.—The table of contents of  
8 this Act is as follows:

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Findings.

TITLE I—DEFINITIONS

- Sec. 101. Definitions.

TITLE II—PUBLIC WATER SYSTEMS

- Sec. 201. National primary drinking water regulations.
- Sec. 202. Water supply protection programs.
- Sec. 203. Implementation amendments.

TITLE III—PROTECTION OF UNDERGROUND SOURCE OF DRINKING WATER

- Sec. 301. State programs to establish wellhead protection areas.

TITLE IV—GENERAL PROVISIONS

- Sec. 401. Research, technical assistance, information, training of personnel.
- Sec. 402. Grants for State programs.
- Sec. 403. Records and inspections.
- Sec. 404. Authorization of appropriations.

1           (c) REFERENCES TO THE PUBLIC HEALTH SERVICE  
2 ACT.—Wherever in this Act an amendment or repeal is  
3 expressed in terms of an amendment to, or repeal of, a  
4 section or other provision, the reference shall be consid-  
5 ered to be made to a section or other provision of the  
6 Public Health Service Act (42 U.S.C. 201 et seq.).

7 **SEC. 2. FINDINGS.**

8           Congress finds that—

9                   (1)(A) according to the Forum on Environ-  
10           mental Management of the Environmental Protec-  
11           tion Agency, the basic problems that motivated pas-  
12           sage of title XIV of the Public Health Service Act  
13           (commonly known as the Safe Drinking Water Act)  
14           (42 U.S.C. 300f et seq.) as described in House Re-  
15           port No. 93–1185 (ordered to be printed on July 10,

1 1974, 93d Congress, 2d Session) have been substan-  
2 tially addressed, and it is time for the trans-  
3 formation of the drinking water program into a rou-  
4 tine Federal and State function that ensures—

5 (i) the continued supervision of public  
6 water systems; and

7 (ii) the issuance of additional regulations  
8 to address the discovery of any meaningful  
9 threat to public health;

10 (B) the number of public water systems under  
11 direct supervision has grown from 25,000 to  
12 220,000;

13 (C) the number of drinking water standards  
14 promulgated under title XIV of the Public Health  
15 Service Act (commonly known as the “Safe Drinking  
16 Water Act”) has grown from 11 to 84;

17 (D) the number of States adopting the Federal  
18 standards under such title has grown from 14 to 48;

19 (E) despite a more than three-fold growth in  
20 the number of regulated public water systems of  
21 communities—

22 (i) the percentage of public water systems  
23 of communities in full compliance with the bac-  
24 teriological monitoring requirements of such  
25 title has grown from 15 percent to 83 percent

1 (97 percent if compliance within 3 months of  
2 violation notification is included);

3 (ii) full compliance with the bacteriological  
4 standard under such title is over 91 percent;

5 (iii) full compliance with chemical monitor-  
6 ing requirements under such title has grown  
7 from 10 percent to over 95 percent; and

8 (iv) full compliance with chemical stand-  
9 ards promulgated under such title is over 99  
10 percent;

11 (F) the number of health advisory documents  
12 relating to such title has grown from 15 to over 100;  
13 and

14 (G) State program budgets relating to such title  
15 have grown from \$27,000,000 to over \$81,000,000  
16 in State funds and to \$58,900,000 in Federal  
17 grants;

18 (2) the Federal water supply protection author-  
19 ity in existence on the date of enactment of this Act  
20 does not provide for redirection of program activities  
21 upon recognition of program maturation;

22 (3)(A) the concept of relative risk management  
23 has been significantly expanded during the last  
24 decade; and

1 (B) the ability of the scientific community to  
2 define and rank risks has grown to a point where  
3 local, State, and Federal decisions on how to target  
4 limited health protection resources could be based on  
5 risk management priorities;

6 (4) the Federal water supply authority in exist-  
7 ence on the date of enactment of this Act does not—

8 (A) authorize reliance on risk management  
9 principles in the development of Federal re-  
10 quirements;

11 (B) encourage integration of the water  
12 supply protection program with other local,  
13 State, and Federal health initiatives;

14 (C) authorize regulatory discretion if quan-  
15 tifiable risks in public water supplies fall well  
16 below natural background risks or are de-  
17 minimis in nature; and

18 (D) allow direct local and citizen risk man-  
19 agement decisionmaking for small risks, espe-  
20 cially those with large cost consequences;

21 (5)(A) the state-of-the-art of pollution preven-  
22 tion and protection of water sources has grown sub-  
23 stantially during the last decade;

24 (B) 38 States have adopted wellhead protection  
25 programs;

1 (C) the scientific methods needed to support ge-  
2 ographic and locational pollution prevention activi-  
3 ties are available to permit significant expansion of  
4 pollution prevention as a primary means to protect  
5 water supply sources; and

6 (D) Federal water supply authority in existence  
7 on the date of enactment of this Act does not—

8 (i) authorize the exploitation of the meth-  
9 ods referred to in subparagraph (C) or the re-  
10 placement of regulatory approaches with more  
11 effective and lower cost local and State water  
12 supply protection practices; and

13 (ii) require the integration of water supply  
14 protection activities among Federal agencies;

15 (6)(A) growth in the development and approval  
16 of low-cost small flow water treatment equipment  
17 during the 20-year period preceding the date of en-  
18 actment of this Act has made high quality water  
19 treatment achievable by even the smallest public  
20 water systems; and

21 (B) the Federal water protection authority in  
22 existence on the date of enactment of this Act does  
23 not—

24 (i) encourage the development and use of  
25 these technologies, or

1           (ii) permit Federal, State, and local gov-  
2 ernments to apply cost-efficient mixes of water  
3 treatment techniques to comply with Federal  
4 requirements;

5           (7)(A) the growth in sophistication and cov-  
6 erage of analytical water chemistry has resulted in  
7 the commercial capability to measure the presence  
8 and concentration of trace amounts of hundreds of  
9 natural and man-made materials in drinking water;

10           (B) the annual household cost of monitoring re-  
11 quirements in effect on the date of enactment of this  
12 Act in small public water systems is greater than the  
13 cost of delivering the water in the systems; and

14           (C) the Federal water supply authority in exist-  
15 ence on the date of enactment of this Act does not  
16 provide direction concerning methods to balance the  
17 use of these high-cost analytical techniques against  
18 the need for information concerning the status of  
19 risks to water supplies;

20           (8)(A) to fully implement the regulatory pro-  
21 gram in existence on the date of enactment of this  
22 Act, the amount of financial resources needed by the  
23 States is twice the amount available on the date of  
24 enactment of this Act;

1 (B) the shortfall referred to in subparagraph  
2 (A) is expected to grow to 3 times the level that is  
3 fundable for the fiscal year 1997; and

4 (C) a comparison of remaining unaddressed  
5 water supply risks with risks that could be prevented  
6 by other State funded health programs, such as the  
7 medicaid program under title XIX of the Social Se-  
8 curity Act (42 U.S.C. 1396 et seq.), suggest that in-  
9 vestment in water supply at the cost of other health  
10 care programs is justified only in a minority of  
11 cases; and

12 (9)(A) State representatives have strongly sup-  
13 ported changes to the authorities in existence on the  
14 date of enactment of this Act that would allow a  
15 greater degree of flexibility to the States in selecting  
16 and funding State health protection priorities; and

17 (B) the authority in existence on the date of en-  
18 actment of this Act provides inadequate discretion to  
19 the Administrator of the Environmental Protection  
20 Agency for evaluating proposed State water supply  
21 protection implementation plans, as required for the  
22 maintenance of primary enforcement authority and  
23 receipt of Federal grants.

1                   **TITLE I—DEFINITIONS**

2   **SEC. 101. DEFINITIONS.**

3           Section 1401 (42 U.S.C. 300f) is amended—

4                   (1) by striking paragraph (1) and inserting the  
5           following new paragraph:

6                   “(1) The term ‘primary drinking water regula-  
7           tion’ means a regulation that meets the following re-  
8           quirements:

9                           “(A) The regulation applies to public water  
10                   systems.

11                           “(B) The regulation specifies a contami-  
12                   nant (or group of contaminants) in any form  
13                   that is reasonably expected to be found in fin-  
14                   ished water that the Administrator, using real-  
15                   istic assumptions about human consumption,  
16                   determines would pose an unacceptable risk to  
17                   public health or welfare.

18                           “(C)(i) The regulation specifies, for each  
19                   contaminant, group of contaminants, or rep-  
20                   resentative indicator contaminant, one or more  
21                   of the requirements described in clause (ii) that  
22                   the Administrator determines is likely to afford  
23                   the most cost-effective means of protecting the  
24                   public from unacceptable risks to human health.

1           “(ii) The requirements described in this  
2 clause are—

3                   “(I) a maximum contaminant level;

4                   “(II) a drinking water treatment re-  
5 quirement; and

6                   “(III) a drinking water source protec-  
7 tion requirement.

8           “(D) The regulation contains criteria and  
9 procedures to ensure a supply of drinking water  
10 that complies with each applicable maximum  
11 contaminant level or requirement at reasonable  
12 cost, including—

13                   “(i) a vulnerability assessment (if ap-  
14 propriate);

15                   “(ii) procedural and analytical quality  
16 control; and

17                   “(iii) testing and recordkeeping proce-  
18 dures,

19 to ensure compliance with and targeting of the  
20 requirements, and operation and maintenance  
21 of the public water system.”;

22           (2) in paragraph (3), by striking “which is de-  
23 livered” and all that follows through the end of the  
24 paragraph and inserting “that is delivered to the  
25 service line of any user of a public water system.”;

1           (3) in paragraph (6), by inserting before the pe-  
2           riod the following: “of public health or welfare con-  
3           cern”; and

4           (4) by adding at the end the following new  
5           paragraphs:

6           “(15) The term ‘drinking water source protec-  
7           tion requirement’ means a set of criteria to assess  
8           the adequacy of proposed control and management  
9           activities that—

10           “(A) may be used in lieu of, or in conjunc-  
11           tion with, a drinking water treatment require-  
12           ment; and

13           “(B) will sufficiently ensure the protection  
14           of drinking water sources so that finished water  
15           does not pose an unacceptable risk to human  
16           health.

17           “(16) The term ‘drinking water treatment re-  
18           quirement’ means a requirement under a regulation  
19           promulgated by the Administrator under this title  
20           that specifies the use of water treatment equipment.  
21           The term may include any point-of-use or point-of-  
22           entry application that the Administrator determines  
23           to produce water for consumption and normal der-  
24           mal contact that does not pose an unacceptable risk  
25           to public health and welfare.

1           “(17) The term ‘individual lifetime risk’ means  
2 the maximum expected likelihood estimate of risk to  
3 an individual, based on appropriate toxicological  
4 studies and realistic human consumption and expo-  
5 sure assumptions.

6           “(18) The term ‘representative indicator con-  
7 taminant’ means a contaminant—

8                   “(A) that indicates the presence of a group  
9 of contaminants; and

10                   “(B) with respect to which the removal  
11 from water would signal a similar level of re-  
12 moval of the other contaminants in the group.

13           “(19) The term ‘vulnerability assessment’  
14 means a reasonable and accurate assessment of the  
15 vulnerability of a public water system to contamina-  
16 tion.”.

17           **TITLE II—PUBLIC WATER**  
18                   **SYSTEMS**

19           **SEC. 201. NATIONAL PRIMARY DRINKING WATER REGULA-**  
20                   **TIONS.**

21           Title XIV is amended by inserting after section 1411  
22 (42 U.S.C. 300g) the following new section:

1 **“SEC. 1411A. NATIONAL PRIMARY DRINKING WATER REGU-**  
2 **LATIONS.**

3 “(a) IN GENERAL.—If the Administrator determines  
4 that a contaminant (or group of contaminants) is known,  
5 or reasonably anticipated, to occur in drinking water or  
6 a source of drinking water at a level that would, on the  
7 basis of a reasonable assumption concerning human water  
8 consumption and use (in any form), poses an unacceptable  
9 risk to public health or welfare (as defined in subsection  
10 (b)), the Administrator shall promulgate national primary  
11 drinking water regulations consisting of one, or a com-  
12 bination of the following requirements, as determined  
13 under subsection (e):

14 “(1) Maximum contaminant levels.

15 “(2) Drinking water treatment requirements.

16 “(3) Drinking water source protection require-  
17 ments.

18 “(b) ASSESSMENT OF RISK TO HUMAN HEALTH.—

19 “(1) IN GENERAL.—The Administrator shall  
20 determine that a contaminant (or group of contami-  
21 nants) poses an unacceptable risk to public health or  
22 welfare if the Administrator determines that one or  
23 more of the following conditions exist:

24 “(A) The exposure to the contaminant (or  
25 group of contaminants), as determined on the  
26 basis of reasonable exposure assumptions ad-

1           justed (if appropriate) to reflect local or re-  
2           gional patterns of behavior, would reasonably be  
3           expected to result in a waterborne disease, clini-  
4           cal degradation of human health, or a signifi-  
5           cant probability of chronic health risk in the  
6           public served by the public water system.

7           “(B) Risks posed by the contaminant are  
8           no less than natural background risks.

9           “(C) The exposure poses a chronic risk  
10          that is not a de minimus risk (as determined  
11          under paragraph (2)).

12          “(2) DETERMINATION OF DE MINIMUS RISK.—  
13          As used in paragraph (1)(C), a chronic risk shall not  
14          be determined to be a de minimus risk if at least 1  
15          case of clinical health degradation would be expected  
16          to arise in the population served by an affected pub-  
17          lic water system over the 80-year period following  
18          the date of determination of the risk as a result of  
19          exposure to the combined exposure to all contami-  
20          nants regulated under this title that are known to  
21          pose a chronic threat to human health (referred to  
22          in this section as ‘chronic contaminants’) found in  
23          the water of the public water system.

24          “(c) STANDARD.—

1           “(1) IN GENERAL.—Each maximum contami-  
2           nant level referred to in subsection (a)(1) shall in-  
3           corporate a reasonable margin of safety, and shall  
4           take into account—

5                   “(A) the significance of ambient exposures  
6                   from drinking water in light of natural back-  
7                   ground risks to health and other exposures to  
8                   the contaminants; and

9                   “(B) the incremental cost of risk-reduction  
10                  in comparison to other health and medical ex-  
11                  penditures of equal or greater national and  
12                  local significance to health care that the Admin-  
13                  istrator determines to be reasonably expected.

14           “(2) REASONABLE MARGIN OF SAFETY.—For  
15           the purposes of this subsection, a reasonable margin  
16           of safety shall be—

17                   “(A) for a risk exhibiting a threshold ef-  
18                   fect, approximately one-tenth the level at which  
19                   there is no observable adverse effect on the  
20                   most sensitive human population (as defined  
21                   and determined by the Administrator);

22                   “(B) for a case in which a level referred to  
23                   in subparagraph (A) is not available, a safety  
24                   factor of approximately 100; and

1           “(C) fully incorporated in any determina-  
2           tion under this subsection for a contaminant  
3           that the Administrator does not expect the ex-  
4           pected to exhibit a threshold effect, if the  
5           standard is established at a level of an individ-  
6           ual lifetime risk of approximately 1 in 10,000.

7           “(3) DE MINIMUS RISKS.—A maximum con-  
8           taminant level referred to subsection (a) shall only  
9           apply to a public water system with respect to which  
10          at least 1 case of clinical health degradation occurs  
11          during the 80-year period beginning on the date of  
12          the promulgation of the maximum contaminant level  
13          in the public served by the system as a result of ex-  
14          posure to the combined exposure to all contaminants  
15          regulated under this title that are known to pose a  
16          chronic threat to human health (referred to in this  
17          section as ‘chronic contaminants’) found in the  
18          water of the public water system.

19          “(d) VULNERABILITY ASSESSMENT.—

20                 “(1) ASSESSMENT.—Each primary drinking  
21          water regulation promulgated pursuant to subsection  
22          (a) that—

23                         “(A) includes a standard for a chronic con-  
24                         taminant; or

1           “(B) requires the application of treatment  
2           or source protection,  
3           may include requirements for a vulnerability assess-  
4           ment.

5           “(2) DRINKING WATER REQUIREMENTS LINKED  
6           TO ASSESSMENT.—Each drinking water requirement  
7           under the national primary drinking water regula-  
8           tions promulgated under subsection (a) shall take  
9           into account a realistic estimation of the vulner-  
10          ability of a public water system to each contaminant  
11          that is the subject of the requirement.

12          “(3) CLASSES OF PUBLIC WATER SYSTEMS VUL-  
13          NERABLE TO RISKS.—The Administrator may de-  
14          clare a class of public water systems vulnerable to  
15          risks. The Administrator shall delegate to each State  
16          with primary enforcement authority under this title  
17          the authority to determine whether a specific public  
18          water system is vulnerable in a case in which site-  
19          by-site judgment is required, or in a case in which  
20          site-specific or State-specific conditions exclude the  
21          public water system from the class.

22          “(e) TECHNOLOGY.—

23          “(1) IN GENERAL.—The national primary  
24          drinking water regulations promulgated pursuant to  
25          subsection (a) shall be based on the use of the best

1 technology, treatment techniques, and other means  
2 that the Administrator determines to be available  
3 after examining the technology, treatment technique,  
4 or other means for efficacy under field conditions  
5 and not solely under laboratory conditions.

6 “(2) APPLICATION OF DRINKING WATER  
7 TREATMENT REQUIREMENTS AND SOURCE PROTEC-  
8 TION.—The Administrator shall require application  
9 of a treatment requirement and source protection re-  
10 quirement promulgated pursuant to paragraphs (2)  
11 and (3), respectively, of subsection (a) and subject  
12 to variances and exemptions, if—

13 “(A) the application of the best available  
14 water treatment technology cannot reduce am-  
15 bient levels of a contaminant that are rep-  
16 resentative of the ambient levels of the contami-  
17 nant in public water systems to the maximum  
18 contaminant level that would otherwise be pro-  
19 mulgated for the contaminant pursuant to sub-  
20 section (a)(1); or

21 “(B) commercially available water quality  
22 analytical methods are not capable of reliable  
23 quantification at the maximum contaminant  
24 level that would otherwise be promulgated at

1 reasonable costs to consumers in all sizes of  
2 public water systems.

3 “(f) INCREMENTAL NET BENEFITS.—

4 “(1) ANALYSIS.—

5 “(A) IN GENERAL.—In promulgating a  
6 regulation pursuant to subsection (a), the Ad-  
7 ministrator shall—

8 “(i) examine the marginal or incre-  
9 mental net benefits of proposed and final  
10 regulatory alternatives; and

11 “(ii) include information on the analy-  
12 sis in a preamble that shall be included  
13 with each proposed regulation and final  
14 regulation.

15 “(B) REQUIREMENTS FOR ANALYSIS.—The  
16 analysis referred to in subparagraph (A) shall  
17 be conducted at—

18 “(i) the national level; and

19 “(ii) for model public water systems  
20 that are representative of the full range of  
21 sizes of public water systems.

22 “(2) VARIANCES AND EXEMPTIONS.—

23 “(A) VARIANCES.—The Administrator  
24 shall include in the national primary drinking  
25 water regulations promulgated under subsection

1 (a) criteria for use by a primary enforcement  
2 agency to grant a routine variance to a public  
3 water system, as authorized by section 1415.

4 “(B) APPLICATION OF CRITERIA.—The cri-  
5 teria referred to in subparagraph (A) may be  
6 used in a case in which—

7 “(i) the level of the individual lifetime  
8 risk with respect to a contaminant exceeds  
9 the applicable maximum containment level,  
10 but remains less than 1 in 1,000; and

11 “(ii) for any exemption issued under  
12 section 1416, the marginal or incremental  
13 cost to a public water system subject to the  
14 exemption is significantly greater than the  
15 sum of the marginal or incremental benefit  
16 to the consumers served by the public  
17 water system.

18 “(C) EXEMPTIONS.—The Administrator  
19 shall include in the national primary drinking  
20 water regulations promulgated under subsection  
21 (a) criteria for use by a primary enforcement  
22 agency to grant a routine exemption to a public  
23 water system, as authorized by section 1416 in  
24 a case described in subparagraph (B)(ii). The  
25 Administrator shall include criteria necessary to

1 determine whether the public water system can  
2 reasonably be expected to comply with the  
3 drinking water regulation, taking into consider-  
4 ation—

5 “(i) financial and economic conditions;

6 or

7 “(ii) risk-management priorities and  
8 inefficiencies.

9 “(g) EFFECTIVE DATE OF REGULATIONS.—Subject  
10 to subsection (l), the Administrator shall determine the  
11 effective date of the national primary drinking water regu-  
12 lations promulgated pursuant to this section, taking into  
13 account the period of time necessary for—

14 “(1) the appropriate officials of public drinking  
15 water systems to plan, design, finance, and build  
16 projects or adjust operating practices; and

17 “(2) States to adopt new regulations.

18 “(h) NO PREVENTIVE HEALTH CARE ADDITIVES.—  
19 No national primary drinking water regulation promul-  
20 gated under subsection (a) may require the addition of any  
21 substance for preventive health care purposes that is not  
22 related to the removal or avoidance of contaminants in  
23 drinking water.

24 “(i) ADMINISTRATIVE PROCEDURES.—The regula-  
25 tions promulgated under subsection (a) shall be promul-

1 gated in accordance with section 553 of title 5, United  
2 States Code, except that the Administrator shall provide  
3 an opportunity for a public hearing prior to the promulga-  
4 tion of the regulations.

5 “(j) CONSULTATION AND ADVICE.—

6 “(1) SECRETARY AND NATIONAL DRINKING  
7 WATER ADVISORY COUNCIL.—In proposing and pro-  
8 mulgating regulations under subsection (a), the Ad-  
9 ministrator shall consult with the Secretary and the  
10 National Drinking Water Advisory Council.

11 “(2) SCIENCE ADVISORY BOARD.—

12 “(A) SOLICITATION OF COMMENTS.—The  
13 Administrator shall request comments from the  
14 Science Advisory Board (established under sec-  
15 tion 8 of the Environmental Research, Develop-  
16 ment, and Demonstration Authorization Act of  
17 1978 (42 U.S.C. 4365)) prior to proposing any  
18 national primary drinking water regulations  
19 under subsection (a).

20 “(B) RESPONSE.—If the Board responds  
21 within a reasonable period of time after a re-  
22 quest referred to in subparagraph (A), the find-  
23 ings and recommendations of the Board shall  
24 be included in the notice that accompanies the

1           proposal for national primary drinking regula-  
2           tions.

3           “(k) REVIEW OF REGULATIONS.—

4           “(1) CONTINUATION OF REGULATIONS.—

5           “(A) IN GENERAL.—Not later than 180  
6           days after the date of enactment of this section,  
7           the Administrator shall review the list of na-  
8           tional primary drinking water regulations in ef-  
9           fect on the date of enactment of this section  
10          and order the continued implementation of reg-  
11          ulations for each contaminant that, as of the  
12          date of enactment of this section, meets the cri-  
13          teria under subsection (a) for the promulgation  
14          of national drinking water regulations on the  
15          basis of the rulemaking record for the contami-  
16          nant in existence on the date of enactment of  
17          this section.

18          “(B) JUDICIAL REVIEW.—An order of the  
19          Administrator under subparagraph (A) shall  
20          not be considered a rulemaking subject to sec-  
21          tion 553 of title 5, United States Code, but  
22          shall be subject to judicial review.

23          “(C) SCOPE OF REVIEW.—A judicial re-  
24          view of an order referred to in subparagraph  
25          (A) shall be limited to whether the rulemaking

1 record of a contaminant reviewed pursuant to  
2 subparagraph (A) is sufficient to support inclu-  
3 sion of the contaminant under the order of the  
4 Administrator.

5 “(2) REGULATIONS NOT SUBJECT TO CONTIN-  
6 UED IMPLEMENTATION ORDER.—Any contaminant  
7 subject to regulation under the national primary  
8 drinking water regulations promulgated under sub-  
9 section (a) that is not regulated under an order au-  
10 thorized in paragraph (1) shall be evaluated by the  
11 Administrator and included under the National  
12 Water Contaminant Health and Aesthetic Quality  
13 Advisory Program established under section  
14 1412(a).

15 “(3) EFFECT OF SAFE DRINKING WATER ACT  
16 AMENDMENTS.—

17 “(A) IN GENERAL.—A regulation that has  
18 been proposed, but not adopted, by the date of  
19 enactment of this section pursuant to this title,  
20 shall be published as part of the national pri-  
21 mary drinking water regulations promulgated  
22 under subsection (a) if the regulation meets the  
23 criteria established in this section.

24 “(B) DEADLINES.—Each statutory and  
25 court ordered deadline for a regulation de-

1           scribed in subparagraph (A) in effect on the  
2           day before the date of enactment of this section  
3           shall remain in effect for the period specified in  
4           the statute or court order, except that the Ad-  
5           ministrators may extend a deadline referred to  
6           in this sentence for a 6-month period beyond  
7           the date specified for the regulation, if a signifi-  
8           cant economic or risk assessment is required to  
9           be carried out under this section.

10       “(l) REVISION OF REGULATIONS.—

11           “(1) IN GENERAL.—The Administrator may re-  
12           vise the national primary drinking water regulations  
13           promulgated under subsection (a), if on completion  
14           of a review under paragraph (2), the Administrator  
15           determines that a change in risk assessments, tech-  
16           nology, treatment techniques, and water source pro-  
17           tection supports revision or expansion of the regula-  
18           tions on the basis of the criteria used to develop the  
19           regulations, as described in this section.

20           “(2) REVIEW OF NEW INFORMATION.—The Ad-  
21           ministrators shall review relevant information con-  
22           cerning risk assessments, technology, treatment  
23           techniques, and water source protection that might  
24           lead to the revision or expansion of the national pri-  
25           mary drinking water regulations not later than 5

1 years after the date of enactment of this section,  
2 and every 5 years thereafter. The Administrator  
3 shall publish the findings of the review in the Fed-  
4 eral Register and, if appropriate, an advance notice  
5 of proposed rulemaking.

6 “(3) PETITIONS FOR DEVELOPMENT OF ADDI-  
7 TIONAL REGULATIONS.—

8 “(A) IN GENERAL.—Not later than 180  
9 days after receipt of a petition for the develop-  
10 ment and promulgation of additional national  
11 primary drinking water regulations, the Admin-  
12 istrator shall publish a response to the petition  
13 in a notice in the Federal Register. The notice  
14 shall—

15 “(i) provide advance notice of pro-  
16 posed rulemaking; or

17 “(ii) state the basis for rejecting the  
18 petition.

19 “(B) FINAL RULEMAKING PROCESS NOT  
20 MANDATORY.—The commencement of a rule-  
21 making process pursuant to a petition shall not  
22 require the promulgation of a final national pri-  
23 mary drinking water regulation if the criteria  
24 for the revision of the national primary drink-

1           ing water regulations described in this section  
2           are not met.”.

3 **SEC. 202. WATER SUPPLY PROTECTION PROGRAMS.**

4           Section 1412 (42 U.S.C. 300g-1) is amended to read  
5 as follows:

6 **“SEC. 1412. WATER SUPPLY PROTECTION PROGRAMS.**

7           “(a) NATIONAL WATER CONTAMINANT ADVISORY  
8 PROGRAM.—

9           “(1) ESTABLISHMENT.—The Administrator  
10 shall establish a National Water Contaminant  
11 Health and Aesthetic Quality Advisory Program (re-  
12 ferred to in this section as the ‘Program’).

13           “(2) DATA REPOSITORY.—In carrying out the  
14 Program, the Administrator shall establish and  
15 maintain a source of information that is easily acces-  
16 sible to any interested person or entity concerning—

17           “(A) contaminants that have been found in  
18 potable water sources, finished water, water  
19 treated by point-of-use and point-of-entry  
20 equipment, and bottled water;

21           “(B) the concentrations at which the con-  
22 taminants have been found;

23           “(C) the health effects and aesthetic char-  
24 acteristics (as determined by the Administrator)

1 of the contaminants at various concentrations;  
2 and

3 “(D) the level of exposure for each con-  
4 taminant (expressed as a concentration) that  
5 the Administrator recommends as conserv-  
6 atively protective to the most sensitive human  
7 population (as defined and determined by the  
8 Administrator) for—

9 “(i) a one-time exposure;

10 “(ii) a short-term exposure of approxi-  
11 mately 1 week;

12 “(iii) a long-term exposure of approxi-  
13 mately 7 years; and

14 “(iv) a lifelong exposure.

15 “(3) CONSERVATIVELY PROTECTIVE EXPO-  
16 SURES.—

17 “(A) IN GENERAL.—The Administrator  
18 shall consider an exposure as conservatively  
19 protective to the most sensitive human popu-  
20 lation if, after application of a conservative fac-  
21 tor of safety, the Administrator determines that  
22 the exposure is not reasonably expected to pose  
23 a meaningful threat of an adverse effect on  
24 human health. For the purposes of this sub-  
25 section, the Administrator may consider as con-

1 conservatively protective an exposure that is great-  
2 er than a level with no associated risk. The as-  
3 sumption of zero exposure shall not be required  
4 for considering an exposure as conservatively  
5 protective.

6 “(B) LONG-TERM AND LIFELONG EXPO-  
7 SURES.—In determining recommended long-  
8 term and lifelong exposures for contaminants,  
9 the Administrator may rely on information con-  
10 cerning the relative marginal, or incremental  
11 net benefits, of the alternatives for a represent-  
12 ative range of sizes of water systems.

13 “(4) NET BENEFITS.—Information concerning  
14 the net benefits of reducing contamination to rec-  
15 ommended long-term and lifelong levels shall be in-  
16 corporated in the health and aesthetic quality data  
17 repository in a manner that is easily understandable  
18 and facilitates the use by officials of public drinking  
19 water systems and the customers of the systems.

20 “(5) SECONDARY DRINKING WATER REGULA-  
21 TIONS.—

22 “(A) INCORPORATION OF DATA.—The data  
23 repository shall incorporate data associated with  
24 national secondary drinking water regulations  
25 promulgated under this Act that are in effect

1 on the date of enactment of the Water Supply  
2 Protection Act of 1993.

3 “(B) RESCISSION OF SECONDARY REGULA-  
4 TIONS.—On inclusion of the data described in  
5 subparagraph (A) into the repository, the Ad-  
6 ministrator shall publish a notice rescinding the  
7 secondary regulations, including a reference to  
8 the data repository.

9 “(6) PRIMARY DRINKING WATER REGULA-  
10 TIONS.—

11 “(A) INCORPORATION OF DATA.—Not later  
12 than 1 year after the date of enactment of the  
13 Water Supply Protection Act of 1993, the Ad-  
14 ministrator shall incorporate into the data in-  
15 cluded in the data repository, data associated  
16 with national primary drinking water regula-  
17 tions in effect on the date of enactment of such  
18 Act that have not been promulgated as national  
19 primary drinking regulations under section  
20 1411A(a).

21 “(B) REPEAL.—On inclusion of the data  
22 described in subparagraph (A) into the data re-  
23 pository, the Administrator shall publish a no-  
24 tice rescinding the regulations referred to in

1           subparagraph (A). The notice shall include a  
2           reference to the data repository.

3           “(7) ELECTRONIC ACCESS.—

4                 “(A) IN GENERAL.—Subject to subpara-  
5                 graph (B), the data repository may be in the  
6                 form of an electronically accessible database.

7                 “(B) NONELECTRONIC ACCESS.—The Ad-  
8                 ministrators shall ensure the availability of  
9                 nonelectronic access to the data in the data re-  
10                pository that allows reasonable access to the  
11                data by interested persons and entities.

12           “(8) CONTRACTING RESPONSIBILITY.—The Ad-  
13           ministrators may enter into an agreement with a for-  
14           profit or nonprofit entity for the maintenance of the  
15           data repository under this subsection. An agreement  
16           entered into under this paragraph shall be subject to  
17           the following conditions:

18                 “(A) The requirements of this section shall  
19                 be fully satisfied.

20                 “(B) The Administrator or a representa-  
21                 tive of the Administrator shall serve in an advi-  
22                 sory capacity to the entity with regard to mat-  
23                 ters of the data repository.

24           “(9) LIST OF CONTAMINANTS.—

1           “(A) IN GENERAL.—Not later than 1 year  
2 after the date of enactment of the Water Sup-  
3 ply Protection Act of 1993, and every 3 years  
4 thereafter, the Administrator shall identify and  
5 list not less than 15 contaminants that have, or  
6 may have, entered into drinking water or drink-  
7 ing water supply sources for which there is in-  
8 sufficient scientific data to compile the informa-  
9 tion required under paragraph (2).

10           “(B) PUBLICATION.—The list referred to  
11 in subparagraph (A) shall be published in the  
12 Federal Register along with—

13                   “(i) a schedule for data collection and  
14 evaluation; and

15                   “(ii) the amount of funds required for  
16 timely completion of the data collection  
17 and evaluation.

18           “(C) SCHEDULE OF COLLECTION OF  
19 DATA.—The Administrator shall collect and  
20 evaluate the data referred to in subparagraph  
21 (B) not later than 5 years after the date of  
22 publication of the list pursuant to subparagraph  
23 (B), unless the Administrator demonstrates  
24 that the funds authorized for the data collection  
25 and evaluation were insufficient or were not

1           made available during the period specified in  
2           this subparagraph.

3           “(b) NATIONAL WATER TREATMENT TECHNOLOGY  
4 ADVISORY PROGRAM.—

5           “(1) ESTABLISHMENT.—The Administrator  
6 shall establish a National Water Treatment Tech-  
7 nology Advisory Program (referred to in this sub-  
8 section as the ‘Program’).

9           “(2) DATA REPOSITORY.—In carrying out the  
10 Program, the Administrator shall establish and  
11 maintain a source of information that is easily acces-  
12 sible to interested persons and entities concerning—

13           “(A) the nature, efficacy, and cost of com-  
14 mercially available treatment train designs, in-  
15 cluding designs for central, point-of-entry, and  
16 point-of-use treatment that are capable of re-  
17 moving contaminants from drinking water or  
18 preventing the entry into drinking water of con-  
19 taminants from equipment, pipe, valve, faucet,  
20 and fixture materials; and

21           “(B) demonstrations or installations of  
22 representative treatment train applications.

23           “(3) ELECTRONIC ACCESS.—

1           “(A) IN GENERAL.—The data repository  
2 referred to in paragraph (2) may be in the form  
3 of an electronically accessible database.

4           “(B) NONELECTRONIC ACCESS.—The Ad-  
5 ministrator shall ensure the availability of  
6 nonelectronic access to the data in the data re-  
7 pository that allows reasonable access to the  
8 data by interested persons and entities.

9           “(4) CONTRACTING RESPONSIBILITY.—The Ad-  
10 ministrator may enter into an agreement with a for-  
11 profit or nonprofit entity for the maintenance of the  
12 repository. An agreement entered into under this  
13 paragraph shall be subject to the following condi-  
14 tions:

15           “(A) The requirements of this section shall  
16 be fully satisfied.

17           “(B) The Administrator or a representa-  
18 tive of the Administrator shall serve in an advi-  
19 sory capacity to the entity with regard to mat-  
20 ters of the data repository.

21           “(5) HIGHER EDUCATION CURRICULUM.—Not  
22 later than 1 year after the date of enactment of the  
23 Water Supply Protection Act of 1993, the Adminis-  
24 trator shall develop a model curriculum for institu-  
25 tions of higher education (as defined in section

1 1201(a) of the Higher Education Act of 1965 (20  
2 U.S.C. 1141(a)) concerning the design and packag-  
3 ing of small flow treatment trains, including point-  
4 of-use and point-of-entry devices.

5 “(6) ANNUAL COMPETITION.—The Adminis-  
6 trator shall establish an annual competition to iden-  
7 tify and demonstrate innovative solutions to water  
8 treatment problems, especially low-cost solutions for  
9 small water systems. To the extent practicable, the  
10 competition shall be carried out through cooperative  
11 activities between appropriate officials of the Federal  
12 Government and private business concerns.

13 “(c) NATIONAL DRINKING WATER SOURCE PROTEC-  
14 TION MANAGEMENT PRACTICES ADVISORY PROGRAM.—

15 “(1) ESTABLISHMENT.—The Administrator  
16 shall establish a National Drinking Water Source  
17 Protection Management Practices Advisory Program  
18 (referred to in this section as the ‘Program’).

19 “(2) DATA REPOSITORY.—In carrying out the  
20 Program, the Administrator shall establish and  
21 maintain a source of information that is easily acces-  
22 sible to interested persons and entities concerning—

23 “(A) the nature, efficacy, and cost of pollu-  
24 tion prevention, pollution control, and relevant  
25 land-use strategies known, or expected, to pre-

1 vent the contamination of drinking water  
2 sources;

3 “(B) demonstrations or applications of  
4 representative source protection practices; and

5 “(C) recommended source protection and  
6 management practices associated with common  
7 contaminant scenarios (as defined and deter-  
8 mined by the Administrator).

9 “(3) ELECTRONIC ACCESS.—

10 “(A) IN GENERAL.—Subject to subpara-  
11 graph (B), the data repository established  
12 under paragraph (2) may form an electronically  
13 accessible database.

14 “(B) NONELECTRONIC ACCESS.—The Ad-  
15 ministrator shall ensure the availability of  
16 nonelectronic access to the data repository that  
17 allows reasonable access to the data by inter-  
18 ested persons and entities.

19 “(4) CONTRACTING RESPONSIBILITY.—The Ad-  
20 ministrator may enter into an agreement with a for-  
21 profit or nonprofit entity for the maintenance of the  
22 repository. An agreement entered into under this  
23 paragraph shall be subject to the following condi-  
24 tions:

1           “(A) The requirements of this section shall  
2           be fully satisfied.

3           “(B) The Administrator or a representa-  
4           tive of the Administrator shall serve in an advi-  
5           sory capacity to the entity with regard to mat-  
6           ters of the data repository.

7           “(5) HIGHER EDUCATION CURRICULUM.—Not  
8           later than 2 years after the date of enactment of the  
9           Water Supply Protection Act of 1993, the Adminis-  
10          trator shall develop a model curriculum concerning  
11          drinking water source management and protection  
12          for institutions of higher education (as defined in  
13          section 1201(a) of the Higher Education Act of  
14          1965 (20 U.S.C. 1141(a)).

15          “(6) COMPETITION.—The Administrator shall  
16          establish an annual contest to identify and dem-  
17          onstrate innovative solutions to water source protec-  
18          tion problems. To the extent practicable, the contest  
19          shall be jointly sponsored by government and private  
20          business.

21          “(7) EMPLOYEE.—The Administrator may re-  
22          quire a State to, as a condition to maintaining pri-  
23          mary enforcement authority under this title, employ  
24          at least 1 individual who has the responsibility for  
25          carrying out all of the following activities:

1           “(A) Coordinating State and Federal un-  
2           derground sources of drinking water protection  
3           programs in the State.

4           “(B) Maintaining information concerning  
5           the ground water source protection activities  
6           within the State.

7           “(C) Facilitating risk management analy-  
8           sis of the ground water source protection activi-  
9           ties.”.

10 **SEC. 203. IMPLEMENTATION AMENDMENTS.**

11       (a) VARIANCES.—Section 1415 (42 U.S.C. 300g-4)  
12 is amended—

13           (1) in paragraph (1)(A)—

14               (A) by striking “, because of characteris-  
15               tics of the raw water sources which are reason-  
16               ably available to the systems,”;

17               (B) by striking “. A variance may only be  
18               issued to a system after the system’s” and in-  
19               serting the following: “despite reductions that  
20               could reasonably be expected from”; and

21               (C) by striking all after “Before a sched-  
22               ule” and inserting the following: “A schedule  
23               for full compliance shall not be required to be  
24               prepared pursuant to this subparagraph if the

1 risk posed by the contaminant is de minimis.”;  
2 and

3 (2) by striking subparagraph (C) of paragraph  
4 (1) and inserting the following new subparagraph:

5 “(C)(i) Subject to clause (ii), before a variance  
6 proposed to be granted by a State under subpara-  
7 graph (A) or (B) may be granted, the State shall  
8 provide notice and an opportunity for public com-  
9 ment on the proposed variance. The notice may  
10 cover the granting of variances for as many water  
11 systems as the State may have received requests  
12 from during the 1-year period preceding the date of  
13 the notice.

14 “(ii) No notice or hearing shall be required  
15 under this subparagraph if a representative of a  
16 public water system provides documentation that the  
17 public water system is eligible for a variance under  
18 the applicable primary drinking water regulation.  
19 The documentation required, and review conducted,  
20 under this subparagraph shall facilitate an expedi-  
21 tious and inexpensive procedure, with respect to the  
22 activities required for the public water system that  
23 submits an application to the primary enforcement  
24 authority that carries out the processing of the docu-  
25 mentation. An expeditious and inexpensive procedure

1 under this subparagraph may include a procedure by  
2 which the privacy enforcement authority uses a  
3 checklist and a certification of correctness by a li-  
4 censed professional engineer.

5 “(iii) The State may append reasonable condi-  
6 tions to a variance, including additional and afford-  
7 able monitoring requirements or an expiration date  
8 (in the absence of a schedule).

9 “(iv) Each State shall annually notify the Ad-  
10 ministrator of each variance granted under this sec-  
11 tion by the State. The notification shall include the  
12 reason for each variance granted by the State.”.

13 (b) EXEMPTIONS.—Section 1416 (42 U.S.C. 300g-  
14 5) is amended—

15 (1) in subsection (b)(1), by striking “Before a  
16 schedule” and all that follows through the end of the  
17 paragraph;

18 (2) by redesignating paragraphs (2) through  
19 (4) as paragraphs (3) through (5); and

20 (3) by inserting after paragraph (1) the follow-  
21 ing new paragraph:

22 “(2)(A) Subject to subparagraph (B), before an ex-  
23 emption proposed to be granted by a State under sub-  
24 section (a) may be granted, the State shall provide notice  
25 and an opportunity for public comment on the proposed

1 exemption. The notice may cover the granting of exemp-  
2 tions for as many public water systems as the State may  
3 have received requests from during the 1-year period pre-  
4 ceding the date of the notice.

5       “(B) No notice or hearing shall be required under  
6 this subparagraph if a representative of a public water  
7 system provides documentation that the public water sys-  
8 tem is eligible for an exemption under the applicable pri-  
9 mary drinking water regulation. The documentation re-  
10 quired, and review conducted, under this subparagraph  
11 shall facilitate an expeditious and inexpensive procedure,  
12 with respect to the activities required for the public water  
13 system that submits an application to the primary enforce-  
14 ment authority that carries out the processing of the docu-  
15 mentation. An expeditious and inexpensive procedure  
16 under this subparagraph may include a procedure by  
17 which the privacy enforcement authority uses a checklist  
18 and a certification of correctness by a licensed professional  
19 engineer.

20       “(C) The State may append reasonable conditions to  
21 an exemption, including additional and affordable mon-  
22 itoring requirements or an expiration date (in the absence  
23 of a schedule).

24       “(D) Each State shall annually notify the Adminis-  
25 trator of each exemption granted under this section by the

1 State. The notification shall contain the reason for each  
2 exemption granted by the State.”; and

3 (4) in subsection (b)(2), by striking subpara-  
4 graph (C) and inserting the following new subpara-  
5 graph:

6 “(C) An exemption granted to a public water system  
7 under clause (i) or (ii) of subparagraph (B) may be re-  
8 newed for one or more additional 2-year periods if the  
9 Administrator determines that—

10 “(i) the public water system—

11 “(I) serves 500 or less service connections;

12 and

13 “(II) needs financial assistance for the  
14 necessary improvements; and

15 “(ii) the appropriate official of the public water  
16 system—

17 “(I) establishes that the official is taking  
18 all practicable steps to meet the requirements of  
19 subparagraph (B); or

20 “(II) installs effective point-of-use devices  
21 and demonstrates, to the satisfaction of the  
22 Administrator, that—

23 “(aa) the devices are adequately oper-  
24 ated and maintained; and

1           “(bb) the flow resulting from the ac-  
2           tual use of the devices constitutes an ap-  
3           propriate percentage of expected ingested  
4           water at the installation site.”.

5           (c) PUBLIC NOTIFICATION.—Section 1414(c) (42  
6 U.S.C. 300g-3(c)) is amended by striking all after “The  
7 Administrator shall by regulation” through the end of the  
8 subsection, and inserting the following:

9           “Not later than 18 months after the date of enactment  
10 of the Water Supply Protection Act of 1993, the Adminis-  
11 trator shall revise the regulations promulgated under sec-  
12 tion 1414(c)(2) to provide for notice pursuant to sub-  
13 section (a).

14           “(d)(1) Notice of a violation of the maximum con-  
15 taminant level or of any other violation resulting in an  
16 unacceptable level of risk to public health and welfare shall  
17 be given as soon as is practicable after the violation oc-  
18 curs, in a manner selected by the public water system and  
19 approved by the State.

20           “(2) Notice of all other violations of any requirement  
21 of this title shall be provided in an annual report in such  
22 form, and in such manner as the State may determine  
23 pursuant to paragraph (3).

24           “(3) The Administrator shall provide model language  
25 for inclusion in each notice issued pursuant to this sub-

1 section, but the form and content of the notice shall be  
2 determined by the public water system with the approval  
3 of the State.”.

4 (d) CITIZEN SUITS.—Section 1449(b)(1) (42 U.S.C.  
5 300j–8(b)(1)) is amended—

6 (1) by striking “or” at the end of subparagraph  
7 (A); and

8 (2) by adding at the end the following new sub-  
9 paragraph:

10 “(C) if the water system is under an ad-  
11 ministrative compliance order, or an adminis-  
12 trative or judicial consent decree, and is in com-  
13 pliance with the terms of the order or decree;”.

14 (e) TAMPERING.—Section 1432(d) (42 U.S.C.  
15 300i–1) is amended—

16 (1) in paragraph (1), by striking “or”;

17 (2) by redesignating paragraph (2) as para-  
18 graph (3); and

19 (3) by inserting after paragraph (1) the follow-  
20 ing new paragraph:

21 “(2) to introduce a contaminant into the dis-  
22 tribution system, by means of reinjection of delivered  
23 water, that would pose an unacceptable risk to pub-  
24 lic health or welfare; or”.

1 (f) LABORATORY AND OPERATOR CERTIFICATION.—  
2 The Public Health Service Act (42 U.S.C. 201 et seq.)  
3 is amended by adding at the end the following new section:

4 **“SEC. 1452. LABORATORY AND OPERATOR CERTIFICATION.**

5 “(a) WATER SYSTEM OPERATORS.—

6 “(1) IN GENERAL.—After consultation with  
7 representatives of the States, the Administrator shall  
8 prescribe such regulations as are necessary or appro-  
9 priate to ensure the national certification of public  
10 water system operators.

11 “(2) CERTIFICATION.—

12 “(A) ADMINISTRATION.—The Adminis-  
13 trator may authorize the national certification  
14 program under this subsection to be adminis-  
15 tered by a for-profit or nonprofit entity if the  
16 Administrator or a representative of the Admin-  
17 istrator serves in an advisory capacity to the  
18 entity with respect to matters of certification.

19 “(B) STATE CERTIFICATION.—An individ-  
20 ual certified under the national certification  
21 program shall be deemed to be certified in each  
22 State with primary enforcement authority.

23 “(b) ANALYTICAL LABORATORIES.—

24 “(1) IN GENERAL.—The Administrator shall  
25 prescribe such regulations as are necessary or appro-

1        piate to ensure national certification of analytical  
2        laboratories.

3            “(2) ADMINISTRATION.—The Administrator  
4        may authorize the national certification program  
5        under this subsection to be administered by a for-  
6        profit or nonprofit entity if the Administrator or a  
7        representative of the Administrator serves in an ad-  
8        visory capacity to the entity with respect to matters  
9        of certification.

10           “(3) ACCEPTANCE OF MONITORING RESULTS.—  
11        Analytical monitoring results provided by a labora-  
12        tory that receives certification under the national  
13        certification program under this subsection shall, for  
14        the purposes of this title, be considered acceptable  
15        for purposes of determining compliance.

16           “(4) PRIMARY ENFORCEMENT AUTHORITY.—A  
17        State that seeks to maintain primary enforcement  
18        authority under this title may list any nationally cer-  
19        tified laboratory as the analytical resource of the  
20        State for purposes of the primacy enforcement au-  
21        thority of the State.”.

1 **TITLE III—PROTECTION OF UN-**  
2 **DERGROUND SOURCES OF**  
3 **DRINKING WATER**

4 **SEC. 301. STATE PROGRAMS TO ESTABLISH WELLHEAD**  
5 **PROTECTION AREAS.**

6 Section 1428(d) (42 U.S.C. 300h-7(d)) is amend-  
7 ed—

8 (1) by striking “(d) FEDERAL ASSISTANCE.—  
9 After the date” and inserting the following:

10 “(d) FEDERAL ASSISTANCE.—

11 “(1) IN GENERAL.—After the date”; and

12 (2) by adding at the end the following new  
13 paragraph:

14 “(2) GROUND WATER PROTECTION SOURCE CO-  
15 ORDINATOR.—Not later than 1 year after the initi-  
16 ation of a program under section 1412(f), funds  
17 made available under this section shall be distributed  
18 only to a State that establishes and fills a position  
19 for a ground water protection source coordinator.”.

20 **TITLE IV—GENERAL**  
21 **PROVISIONS**

22 **SEC. 401. RESEARCH, TECHNICAL ASSISTANCE, INFORMA-**  
23 **TION, TRAINING OF PERSONNEL.**

24 (a) ESTABLISHMENT OF TRAINING PROGRAMS.—

25 Section 1442(d) (42 U.S.C. 300j-1(d)) is amended—

1 (1) by striking “and” at the end of paragraph  
2 (1);

3 (2) by striking the period at the end of para-  
4 graph (2) and inserting “; and”; and

5 (3) by adding at the end the following new  
6 paragraphs:

7 “(3) establish a public-private partnership to  
8 demonstrate low-cost small flow water treatment  
9 technologies that can be used by very small public  
10 water systems (as defined and determined by the  
11 Administrator) to meet primary drinking water  
12 standards, or recommended long-term and lifelong  
13 acceptable exposure levels; and

14 “(4) in conjunction with States and water treat-  
15 ment equipment manufacturers, develop means to  
16 speed and simplify State approvals of low-cost small  
17 flow water treatment technologies available to very  
18 small public water systems seeking to meet drinking  
19 water standards, or recommended acceptable expo-  
20 sure levels.”.

21 (b) POTABLE WATER.—Section 1442 (42 U.S.C.  
22 300j-1) is amended by adding at the end the following  
23 new subsections:

24 “(h) The Administrator, with the assistance of the  
25 Assistant Secretary of the Interior for the Fish and Wild-

1 life Service, and the Assistant Secretary of Agriculture re-  
2 sponsible for pesticide and farming practices associated  
3 with the protection of potable ground water sources, shall  
4 submit to Congress an annual report concerning specific  
5 steps taken in the preceding year to coordinate potable  
6 ground water protection.

7 “(i) Not later than 2 years after the date of enact-  
8 ment of this subsection, the Administrator shall submit  
9 to Congress a report, with recommendations on the alter-  
10 native forms of Federal legislation that could simplify and  
11 speed the cost-effective consolidation of small public water  
12 systems, including simplified and rapid means to condemn  
13 for acquisition purposes, small public water systems with  
14 respect to which the appropriate officials are unable or  
15 unwilling to comply with national drinking water regula-  
16 tions.

17 “(j)(1) The Administrator may—

18 “(A) establish a national technical assistance  
19 program for rural public water and small public  
20 water systems that may be implemented by a non-  
21 profit entity; and

22 “(B) may award grants to carry out the pro-  
23 gram referred to in subparagraph (A).

24 “(2) There are authorized to be appropriated, to  
25 carry out paragraph (1)—

1           “(A) \$4,000,000 for fiscal year 1994; and

2           “(B) \$5,000,000 for each of fiscal years 1995  
3 through 1997.”.

4 **SEC. 402. GRANTS FOR STATE PROGRAMS.**

5           (a) PUBLIC WATER SYSTEMS SUPERVISION PRO-  
6 GRAM.—Paragraph (7) of section 1443(a) (42 U.S.C.  
7 300j-2(a)(7)) is amended to read as follows:

8           “(7) For the purpose of making grants under para-  
9 graph (1) there are authorized to be appropriated  
10 \$50,000,000 for fiscal year 1994, \$45,000,000 for fiscal  
11 year 1995, \$40,000,000 for fiscal year 1996, and  
12 \$35,000,000 for fiscal year 1997.”.

13           (b) UNDERGROUND WATER SOURCE PROTECTION  
14 PROGRAM.—Paragraph (5) of section 1443(b) (42 U.S.C.  
15 300j-2(b)(5)) is amended to read as follows:

16           “(5) For the purpose of making grants under para-  
17 graph (1) there are authorized to be appropriated  
18 \$11,000,000 for fiscal year 1994, \$11,000,000 for fiscal  
19 year 1995, \$12,000,000 for fiscal year 1996, and  
20 \$13,000,000 for fiscal year 1997.”.

21           (c) UNIFORM DATA SYSTEM.—Section 1443 (42  
22 U.S.C. 300j-2) is amended—

23           (1) by redesignating subsection (c) as sub-  
24 section (e); and

1           (2) by inserting after subsection (b) the follow-  
2           ing new subsections:

3           “(c)(1) The Administrator is authorized to make  
4           grants to States to carry out section 1412(c).

5           “(2) For the purpose of making grants under para-  
6           graph (1) there are authorized to be appropriated  
7           \$2,500,000 for each of fiscal years 1994 through 1997.

8           “(d)(1) The Administrator is authorized to make  
9           grants to States to adopt uniform data repository, collec-  
10          tion, and reporting systems for a water supply supervision  
11          program developed jointly by the Administration and the  
12          State.

13          “(2) For the purpose of making grants under para-  
14          graph (1) there are authorized to be appropriated  
15          \$3,000,000 for grants for hardware and commercial soft-  
16          ware.

17          “(3)(A) For the purpose of the development of the  
18          uniform data system authorized under paragraph (1)  
19          there are authorized to be appropriated \$2,000,000.

20          “(B) For the purpose of the maintenance of the uni-  
21          form data system, there are authorized to be appropriated  
22          \$500,000 for each of fiscal years 1994 through 1997.”.

23          **SEC. 403. RECORDS AND INSPECTIONS.**

24          Section 1445(a)(2) (42 U.S.C. 300j-4(a)(2)) is  
25          amended by adding at the end the following new sentence:

1 “The Administrator shall suspend regulations requiring  
2 monitoring for unregulated contaminants in existence on  
3 the date of enactment of this section until the regulations  
4 are modified to ensure—

5           “(A) the annual household cost of monitoring is  
6 reasonable in light of other needs for other health  
7 protection of families served by a public water sys-  
8 tem;

9           “(B) the requirements reflect one-time sampling  
10 and the maximum use of pooled samples;

11           “(C) the use of indicator analytical methods,  
12 screening methods, and low-cost multiple analytical  
13 methods are fully exploited; and

14           “(D) liberal exceptions are provided for cases in  
15 which the probability of contamination is low.”.

16 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

17 Part B of title XIV (42 U.S.C. 300g et seq.) is  
18 amended by adding at the end the following new section:

19 **“SEC. 1418. AUTHORIZATION OF APPROPRIATIONS.**

20           “(a) DRINKING WATER PROGRAM.—In addition to  
21 any amounts otherwise authorized to be appropriated to  
22 carry out the drinking water programs established under  
23 this title, there are authorized to be appropriated  
24 \$18,000,000 for fiscal years 1994 and 1995, \$16,000,000  
25 for fiscal year 1996, and \$14,000,000 for fiscal year 1997.

1       “(b) WATER SUPPLY PROTECTION PROGRAM.—In  
2 addition to any amounts otherwise authorized to be appro-  
3 priated to carry out the water supply protection program  
4 established under this title, there are authorized to be ap-  
5 propriated \$22,000,000 for each of fiscal years 1994 and  
6 1995 and \$25,000,000 for each of fiscal years 1996 and  
7 1997.

8       “(c) ENFORCEMENT.—In addition to any amounts  
9 otherwise authorized to be appropriated to enforce this  
10 title, there are authorized to be appropriated \$6,500,000  
11 for fiscal year 1994, \$5,000,000 for each of fiscal years  
12 1995 and 1996, and \$4,500,000 for fiscal year 1997.”.

○

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