

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

# H. R. 376

To establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under the Safe Drinking Water Act, to modify the definition of public water system, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

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

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## A BILL

To establish a moratorium on the promulgation and implementation of certain drinking water regulations promulgated under the Safe Drinking Water Act, to modify the definition of public water system, 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. MORATORIUM ON IMPLEMENTATION.**

4       (a) DEFINITION.—As used in this section:

5               (1) ACT.—The term “Act” means title XIV of  
6       the Public Health Service Act (commonly known as

1 the Safe Drinking Water Act; 42 U.S.C. 300f et  
2 seq.).

3 (2) ADMINISTRATOR.—The term “Adminis-  
4 trator” means the Administrator of the Environ-  
5 mental Protection Agency.

6 (b) MORATORIUM.—Except as provided in subsection  
7 (d), the Administrator may not implement—

8 (1) any national primary drinking water regula-  
9 tion promulgated pursuant to section 1412 of the  
10 Act (42 U.S.C. 300g-1) after December 21, 1989;  
11 or

12 (2) any similar rule or regulation,  
13 until such time as the Administrator meets the applicable  
14 requirements of subsection (c) and authorizing legislation  
15 that extends the authorization with respect to the provi-  
16 sions of the Act is enacted.

17 (c) STUDY AND REPORT.—

18 (1) STUDY.—Not later than 1 year after the  
19 date of enactment of this section, the Administrator  
20 shall conduct a comprehensive study to review—

21 (A) each final regulation that has been  
22 promulgated under the Act as of the date of the  
23 review, and regulatory alternatives to the regu-  
24 lation that reflect a range of levels of safety or

1 direct health benefits (or a combination of  
2 both);

3 (B) for each regulatory alternative de-  
4 scribed in subparagraph (A)—

5 (i) any health effect the regulatory al-  
6 ternative would prevent; and

7 (ii) the system-level incremental cost  
8 of the alternative;

9 (C) in consultation with the Director of the  
10 National Academy of Sciences, the list of con-  
11 taminants listed pursuant to section 1412 of  
12 the Act (42 U.S.C. 300g-1) for the purpose of  
13 considering revisions to the list to take into ac-  
14 count—

15 (i) whether the contaminant is known  
16 (or reasonably anticipated) to cause a sig-  
17 nificant adverse effect on human health;

18 (ii) if the contaminant is not known  
19 (or reasonably anticipated) to cause a sig-  
20 nificant adverse effect on human health,  
21 the risk or safety factors associated with  
22 the maximum contaminant level for the  
23 contaminant under section 1412 of the Act  
24 (including any safety factor associated with

1 relative source contribution and assump-  
2 tions concerning water consumption); and

3 (iii) whether the contaminant is  
4 known to be, or reasonably anticipated to  
5 occur, in public water systems located  
6 within each State and region covered by  
7 the Act;

8 (D) the compliance deadlines under the  
9 Act (to determine whether any revision would  
10 be appropriate);

11 (E) each regulation and proposed regula-  
12 tion described in subsection (b), for the purpose  
13 of determining whether a regulation to apply  
14 exclusively to small public water systems (as de-  
15 termined by the Administrator) would be more  
16 appropriate to address the needs of small com-  
17 munities (as determined by the Administrator);  
18 and

19 (F) the funding needs of States and politi-  
20 cal subdivisions of States to meet the require-  
21 ments of the Act, and recommended alter-  
22 natives to ensure that States and political sub-  
23 divisions of States meet the funding needs.

24 (2) REPORT.—Upon completion of the study  
25 described in paragraph (1), the Administrator shall

1 submit to Congress a written report that documents  
2 the findings of the study and includes recommended  
3 legislative changes to the Act.

4 (d) ISSUANCE OF REGULATIONS.—If the Adminis-  
5 trator, in consultation with the States, and after consider-  
6 ing available resources for managing risks associated with  
7 drinking water, determines that the immediate implemen-  
8 tation or promulgation of a national primary drinking  
9 water regulation under section 1412 of the Act (42 U.S.C.  
10 300g–1), or similar rule or regulation, is justifiable in  
11 order to protect human health, the Administrator shall im-  
12 plement or promulgate the regulation without regard to  
13 subsection (b).

14 **SEC. 2. DEFINITION OF PUBLIC WATER SYSTEM.**

15 Section 1401(4) of title XIV of the Public Health  
16 Service Act (commonly known as the Safe Drinking Water  
17 Act) is amended by adding the following at the end there-  
18 of: “Such term shall not include any system which (i) re-  
19 lies only on surface water supplies, (ii) serves only sea-  
20 sonal rental residences, and (iii) serves 100 or fewer indi-  
21 viduals. For purposes of the preceding sentence, the term  
22 ‘seasonal’ refers to residences occupied less than 6 months  
23 during any calendar year.”.

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