

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

# S. 767

To amend title XIV of the Public Health Service Act (commonly known as 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 SENATE OF THE UNITED STATES

APRIL 2 (legislative day, MARCH 3), 1993

Mr. NICKLES introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title XIV of the Public Health Service Act (commonly known as 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”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 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.

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

#### 9 **SEC. 2. FINDINGS.**

10 Congress finds that—

11 (1)(A) according to the Forum on Environ-  
 12 mental Management of the Environmental Protec-  
 13 tion Agency, the basic problems that motivated pas-  
 14 sage of title XIV of the Public Health Service Act  
 15 (commonly known as the Safe Drinking Water Act)

1 (42 U.S.C. 300f et seq.) as described in House Re-  
2 port No. 93–1185 (ordered to be printed on July 10,  
3 1974, 93d Congress, 2d Session) have been substan-  
4 tially addressed, and it is time for the trans-  
5 formation of the drinking water program into a rou-  
6 tine Federal and State function that ensures—

7 (i) the continued supervision of public  
8 water systems; and

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

12 (B) the number of public water systems under  
13 direct supervision has grown from 25,000 to  
14 220,000;

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

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

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

24 (i) the percentage of public water systems  
25 of communities in full compliance with the bac-

1           teriological monitoring requirements of such  
2           title has grown from 15 percent to 83 percent  
3           (97 percent if compliance within 3 months of  
4           violation notification is included);

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

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

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

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

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

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

1           (3)(A) the concept of relative risk management  
2 has been significantly expanded during the last dec-  
3 ade; and

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

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

11           (A) authorize reliance on risk management  
12 principles in the development of Federal re-  
13 quirements;

14           (B) encourage integration of the water  
15 supply protection program with other local,  
16 State, and Federal health initiatives;

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

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

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

4 (B) 38 States have adopted wellhead protection  
5 programs;

6 (C) the scientific methods needed to support ge-  
7 ographic and locational pollution prevention activi-  
8 ties are available to permit significant expansion of  
9 pollution prevention as a primary means to protect  
10 water supply sources; and

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

13 (i) authorize the exploitation of the meth-  
14 ods referred to in subparagraph (C) or the re-  
15 placement of regulatory approaches with more  
16 effective and lower cost local and State water  
17 supply protection practices; and

18 (ii) require the integration of water supply  
19 protection activities among Federal agencies;

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

1 (B) the Federal water protection authority in  
2 existence on the date of enactment of this Act does  
3 not—

4 (i) encourage the development and use of  
5 these technologies, or

6 (ii) permit Federal, State, and local gov-  
7 ernments to apply cost-efficient mixes of water  
8 treatment techniques to comply with Federal  
9 requirements;

10 (7)(A) the growth in sophistication and cov-  
11 erage of analytical water chemistry has resulted in  
12 the commercial capability to measure the presence  
13 and concentration of trace amounts of hundreds of  
14 natural and man-made materials in drinking water;

15 (B) the annual household cost of monitoring re-  
16 quirements in effect on the date of enactment of this  
17 Act in small public water systems is greater than the  
18 cost of delivering the water in the systems; and

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

1           (8)(A) to fully implement the regulatory pro-  
2           gram in existence on the date of enactment of this  
3           Act, the amount of financial resources needed by the  
4           States is twice the amount available on the date of  
5           enactment of this Act;

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

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

17          (9)(A) State representatives have strongly sup-  
18          ported changes to the authorities in existence on the  
19          date of enactment of this Act that would allow a  
20          greater degree of flexibility to the States in selecting  
21          and funding State health protection priorities; and

22          (B) the authority in existence on the date of en-  
23          actment of this Act provides inadequate discretion to  
24          the Administrator of the Environmental Protection  
25          Agency for evaluating proposed State water supply

1 protection implementation plans, as required for the  
2 maintenance of primary enforcement authority and  
3 receipt of Federal grants.

## 4 **TITLE I—DEFINITIONS**

### 5 **SEC. 101. DEFINITIONS.**

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

7 (1) by striking paragraph (1) and inserting the  
8 following new paragraph:

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

12 “(A) The regulation applies to public water  
13 systems.

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

21 “(C) The regulation specifies, for each con-  
22 taminant, group of contaminants, or represent-  
23 ative indicator contaminant, one or more of the  
24 requirements described in clause (ii) that the  
25 Administrator determines is likely to afford the

1 most cost-effective means of protecting the pub-  
2 lic from unacceptable risks to human health.

3 “(ii) The requirements described in  
4 this clause are—

5 “(I) a maximum contaminant  
6 level;

7 “(II) a drinking water treatment  
8 requirement; and

9 “(III) a drinking water source  
10 protection requirement.

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

16 “(i) a vulnerability assessment (if ap-  
17 propriate);

18 “(ii) procedural and analytical quality  
19 control; and

20 “(iii) testing and recordkeeping proce-  
21 dures,

22 to ensure compliance with and targeting of the  
23 requirements, and operation and maintenance  
24 of the public water system.”;

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

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

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

10           “(15) The term ‘drinking water source protec-  
11           tion requirement’ means a set of criteria to assess  
12           the adequacy of proposed control and management  
13           activities that—

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

17                   “(B) will sufficiently ensure the protection  
18                   of drinking water sources so that finished water  
19                   does not pose an unacceptable risk to human  
20                   health.

21           “(16) The term ‘drinking water treatment re-  
22           quirement’ means a requirement under a regulation  
23           promulgated by the Administrator under this title  
24           that specifies the use of water treatment equipment.

25           The term may include any point-of-use or point-of-

1 entry application that the Administrator determines  
2 to produce water for consumption and normal der-  
3 mal contact that does not pose an unacceptable risk  
4 to public health and welfare.

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

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

12 “(A) that indicates the presence of a group  
13 of contaminants; and

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

17 “(19) The term ‘vulnerability assessment’  
18 means a reasonable and accurate assessment of the  
19 vulnerability of a public water system to contamina-  
20 tion.”.

1           **TITLE II—PUBLIC WATER**  
2                           **SYSTEMS**

3   **SEC. 201. NATIONAL PRIMARY DRINKING WATER REGULA-**  
4                           **TIONS.**

5           Title XIV is amended by inserting after section 1411  
6 (42 U.S.C. 300g) the following new section:

7   **“SEC. 1411A. NATIONAL PRIMARY DRINKING WATER REGU-**  
8                           **LATIONS.**

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

20                   “(1) Maximum contaminant levels.

21                   “(2) Drinking water treatment requirements.

22                   “(3) Drinking water source protection require-  
23                   ments.

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

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

6           “(A) The exposure to the contaminant (or  
7 group of contaminants), as determined on the  
8 basis of reasonable exposure assumptions ad-  
9 justed (if appropriate) to reflect local or re-  
10 gional patterns of behavior, would reasonably be  
11 expected to result in a waterborne disease, clini-  
12 cal degradation of human health, or a signifi-  
13 cant probability of chronic health risk in the  
14 public served by the public water system.

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

17           “(C) The exposure poses a chronic risk  
18 that is not a de minimus risk (as determined  
19 under paragraph (2)).

20           “(2) DETERMINATION OF DE MINIMUS RISK.—  
21 As used in paragraph (1)(C), a chronic risk shall not  
22 be determined to be a de minimus risk if at least 1  
23 case of clinical health degradation would be expected  
24 to arise in the population served by an affected pub-  
25 lic water system over the 80-year period following

1 the date of determination of the risk as a result of  
2 exposure to the combined exposure to all contami-  
3 nants regulated under this title that are known to  
4 pose a chronic threat to human health (referred to  
5 in this section as ‘chronic contaminants’) found in  
6 the water of the public water system.

7 “(c) STANDARD.—

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

12 “(A) the significance of ambient exposures  
13 from drinking water in light of natural back-  
14 ground risks to health and other exposures to  
15 the contaminants; and

16 “(B) the incremental cost of risk-reduction  
17 in comparison to other health and medical ex-  
18 penditures of equal or greater national and  
19 local significance to health care that the Admin-  
20 istrator determines to be reasonably expected.

21 “(2) REASONABLE MARGIN OF SAFETY.—For  
22 the purposes of this subsection, a reasonable margin  
23 of safety shall be—

24 “(A) for a risk exhibiting a threshold ef-  
25 fect, approximately one-tenth the level at which

1           there is no observable adverse effect on the  
2           most sensitive human population (as defined  
3           and determined by the Administrator);

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

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

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

25          “(d) VULNERABILITY ASSESSMENT.—

1           “(1) ASSESSMENT.—Each primary drinking  
2 water regulation promulgated pursuant to subsection  
3 (a) that—

4                   “(A) includes a standard for a chronic con-  
5 taminant; or

6                   “(B) requires the application of treatment  
7 or source protection,  
8 may include requirements for a vulnerability assess-  
9 ment.

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

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

1 site-specific or State-specific conditions exclude the  
2 public water system from the class.

3 “(e) TECHNOLOGY.—

4 “(1) IN GENERAL.—The national primary  
5 drinking water regulations promulgated pursuant to  
6 subsection (a) shall be based on the use of the best  
7 technology, treatment techniques, and other means  
8 that the Administrator determines to be available  
9 after examining the technology, treatment technique,  
10 or other means for efficacy under field conditions  
11 and not solely under laboratory conditions.

12 “(2) APPLICATION OF DRINKING WATER  
13 TREATMENT REQUIREMENTS AND SOURCE PROTEC-  
14 TION.—The Administrator shall require application  
15 of a treatment requirement and source protection re-  
16 quirement promulgated pursuant to paragraphs (2)  
17 and (3), respectively, of subsection (a) and subject  
18 to variances and exemptions, if—

19 “(A) the application of the best available  
20 water treatment technology cannot reduce am-  
21 bient levels of a contaminant that are rep-  
22 resentative of the ambient levels of the contami-  
23 nant in public water systems to the maximum  
24 contaminant level that would otherwise be pro-

1 promulgated for the contaminant pursuant to sub-  
2 section (a)(1); or

3 “(B) commercially available water quality  
4 analytical methods are not capable of reliable  
5 quantification at the maximum contaminant  
6 level that would otherwise be promulgated at  
7 reasonable costs to consumers in all sizes of  
8 public water systems.

9 “(f) INCREMENTAL NET BENEFITS.—

10 “(1) ANALYSIS.—

11 “(A) IN GENERAL.—In promulgating a  
12 regulation pursuant to subsection (a), the Ad-  
13 ministrator shall—

14 “(i) examine the marginal or incre-  
15 mental net benefits of proposed and final  
16 regulatory alternatives; and

17 “(ii) include information on the analy-  
18 sis in a preamble that shall be included  
19 with each proposed regulation and final  
20 regulation.

21 “(B) REQUIREMENTS FOR ANALYSIS.—The  
22 analysis referred to in subparagraph (A) shall  
23 be conducted at—

24 “(i) the national level; and

1           “(ii) for model public water systems  
2           that are representative of the full range of  
3           sizes of public water systems.

4           “(2) VARIANCES AND EXEMPTIONS.—

5           “(A) VARIANCES.—The Administrator  
6           shall include in the national primary drinking  
7           water regulations promulgated under subsection  
8           (a) criteria for use by a primary enforcement  
9           agency to grant a routine variance to a public  
10          water system, as authorized by section 1415.

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

14                 “(i) the level of the individual lifetime  
15                 risk with respect to a contaminant exceeds  
16                 the applicable maximum containment level,  
17                 but remains less than 1 in 1,000; and

18                 “(ii) for any exemption issued under  
19                 section 1416, the marginal or incremental  
20                 cost to a public water system subject to the  
21                 exemption is significantly greater than the  
22                 sum of the marginal or incremental benefit  
23                 to the consumers served by the public  
24                 water system.

1           “(C) EXEMPTIONS.—The Administrator  
2 shall include in the national primary drinking  
3 water regulations promulgated under subsection  
4 (a) criteria for use by a primary enforcement  
5 agency to grant a routine exemption to a public  
6 water system, as authorized by section 1416 in  
7 a case described in subparagraph (B)(ii). The  
8 Administrator shall include criteria necessary to  
9 determine whether the public water system can  
10 reasonably be expected to comply with the  
11 drinking water regulation, taking into consider-  
12 ation—

13                   “(i) financial and economic conditions;

14                   or

15                   “(ii) risk-management priorities and  
16 inefficiencies.

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

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

25                   “(2) States to adopt new regulations.

1       “(h) NO PREVENTATIVE HEALTH CARE ADDI-  
2 TIVES.—No national primary drinking water regulation  
3 promulgated under subsection (a) may require the addi-  
4 tion of any substance for preventive health care purposes  
5 that is not related to the removal or avoidance of contami-  
6 nants in drinking water.

7       “(i) ADMINISTRATIVE PROCEDURES.—The regula-  
8 tions promulgated under subsection (a) shall be promul-  
9 gated in accordance with section 553 of title 5, United  
10 States Code, except that the Administrator shall provide  
11 an opportunity for a public hearing prior to the promulga-  
12 tion of the regulations.

13       “(j) CONSULTATION AND ADVICE.—

14               “(1) SECRETARY AND NATIONAL DRINKING  
15 WATER ADVISORY COUNCIL.—In proposing and pro-  
16 mulgating regulations under subsection (a), the Ad-  
17 ministrator shall consult with the Secretary and the  
18 National Drinking Water Advisory Council.

19               “(2) SCIENCE ADVISORY BOARD.—

20                       “(A) SOLICITATION OF COMMENTS.—The  
21 Administrator shall request comments from the  
22 Science Advisory Board (established under sec-  
23 tion 8 of the Environmental Research, Develop-  
24 ment, and Demonstration Authorization Act of  
25 1978 (42 U.S.C. 4365)) prior to proposing any

1 national primary drinking water regulations  
2 under subsection (a).

3 “(B) RESPONSE.—If the Board responds  
4 within a reasonable period of time after a re-  
5 quest referred to in subparagraph (A), the find-  
6 ings and recommendations of the Board shall  
7 be included in the notice that accompanies the  
8 proposal for national primary drinking regula-  
9 tions.

10 “(k) REVIEW OF REGULATIONS.—

11 “(1) CONTINUATION OF REGULATIONS.—

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

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

6           “(C) SCOPE OF REVIEW.—A judicial re-  
7 view of an order referred to in subparagraph  
8 (A) shall be limited to whether the rulemaking  
9 record of a contaminant reviewed pursuant to  
10 subparagraph (A) is sufficient to support inclu-  
11 sion of the contaminant under the order of the  
12 Administrator.

13           “(2) REGULATIONS NOT SUBJECT TO CONTIN-  
14 UED IMPLEMENTATION ORDER.—Any contaminant  
15 subject to regulation under the national primary  
16 drinking water regulations promulgated under sub-  
17 section (a) that is not regulated under an order au-  
18 thorized in paragraph (1) shall be evaluated by the  
19 Administrator and included under the National  
20 Water Contaminant Health and Aesthetic Quality  
21 Advisory Program established under section  
22 1412(a).

23           “(3) EFFECT OF SAFE DRINKING WATER ACT  
24 AMENDMENTS.—

1           “(A) IN GENERAL.—A regulation that has  
2           been proposed, but not adopted, by the date of  
3           enactment of this section pursuant to this title,  
4           shall be published as part of the national pri-  
5           mary drinking water regulations promulgated  
6           under subsection (a) if the regulation meets the  
7           criteria established in this section.

8           “(B) DEADLINES.—Each statutory and  
9           court ordered deadline for a regulation de-  
10          scribed in subparagraph (A) in effect on the  
11          day before the date of enactment of this section  
12          shall remain in effect for the period specified in  
13          the statute or court order, except that the Ad-  
14          ministrator may extend a deadline referred to  
15          in this sentence for a 6-month period beyond  
16          the date specified for the regulation, if a signifi-  
17          cant economic or risk assessment is required to  
18          be carried out under this section.

19          “(I) REVISION OF REGULATIONS.—

20                 “(1) IN GENERAL.—The Administrator may re-  
21                 vise the national primary drinking water regulations  
22                 promulgated under subsection (a), if on completion  
23                 of a review under paragraph (2), the Administrator  
24                 determines that a change in risk assessments, tech-  
25                 nology, treatment techniques, and water source pro-

1       tection supports revision or expansion of the regula-  
2       tions on the basis of the criteria used to develop the  
3       regulations, as described in this section.

4           “(2) REVIEW OF NEW INFORMATION.—The Ad-  
5       ministrator shall review relevant information con-  
6       cerning risk assessments, technology, treatment  
7       techniques, and water source protection that might  
8       lead to the revision or expansion of the national pri-  
9       mary drinking water regulations not later than 5  
10      years after the date of enactment of this section,  
11      and every 5 years thereafter. The Administrator  
12      shall publish the findings of the review in the Fed-  
13      eral Register and, if appropriate, an advance notice  
14      of proposed rulemaking.

15           “(3) PETITIONS FOR DEVELOPMENT OF ADDI-  
16      TIONAL REGULATIONS.—

17           “(A) IN GENERAL.—Not later than 180  
18      days after receipt of a petition for the develop-  
19      ment and promulgation of additional national  
20      primary drinking water regulations, the Admin-  
21      istrator shall publish a response to the petition  
22      in a notice in the Federal Register. The notice  
23      shall—

24           “(i) provide advance notice of pro-  
25      posed rulemaking; or

1                   “(ii) state the basis for rejecting the  
2                   petition.

3                   “(B) FINAL RULEMAKING PROCESS NOT  
4                   MANDATORY.—The commencement of a rule-  
5                   making process pursuant to a petition shall not  
6                   require the promulgation of a final national pri-  
7                   mary drinking water regulation if the criteria  
8                   for the revision of the national primary drink-  
9                   ing water regulations described in this section  
10                  are not met.”.

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

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

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

15                  “(a) NATIONAL WATER CONTAMINANT ADVISORY  
16 PROGRAM.—

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

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

1           “(A) contaminants that have been found in  
2           potable water sources, finished water, water  
3           treated by point-of-use and point-of-entry  
4           equipment, and bottled water;

5           “(B) the concentrations at which the con-  
6           taminants have been found;

7           “(C) the health effects and aesthetic char-  
8           acteristics (as determined by the Administrator)  
9           of the contaminants at various concentrations;  
10          and

11          “(D) the level of exposure for each con-  
12          taminant (expressed as a concentration) that  
13          the Administrator recommends as conserv-  
14          atively protective to the most sensitive human  
15          population (as defined and determined by the  
16          Administrator) for—

17                  “(i) a one-time exposure;

18                  “(ii) a short-term exposure of approxi-  
19                  mately 1 week;

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

22                  “(iv) a lifelong exposure.

23          “(3) CONSERVATIVELY PROTECTIVE EXPO-  
24          SURES.—

1           “(A) IN GENERAL.—The Administrator  
2 shall consider an exposure as conservatively  
3 protective to the most sensitive human popu-  
4 lation if, after application of a conservative fac-  
5 tor of safety, the Administrator determines that  
6 the exposure is not reasonably expected to pose  
7 a meaningful threat of an adverse effect on  
8 human health. For the purposes of this sub-  
9 section, the Administrator may consider as con-  
10 servatively protective an exposure that is great-  
11 er than a level with no associated risk. The as-  
12 sumption of zero exposure shall not be required  
13 for considering an exposure as conservatively  
14 protective.

15           “(B) LONG-TERM AND LIFELONG EXPO-  
16 SURES.—In determining recommended long-  
17 term and lifelong exposures for contaminants,  
18 the Administrator may rely on information con-  
19 cerning the relative marginal, or incremental  
20 net benefits, of the alternatives for a represent-  
21 ative range of sizes of water systems.

22           “(4) NET BENEFITS.—Information concerning  
23 the net benefits of reducing contamination to rec-  
24 ommended long-term and lifelong levels shall be in-  
25 corporated in the health and aesthetic quality data

1 repository in a manner that is easily understandable  
2 and facilitates the use by officials of public drinking  
3 water systems and the customers of the systems.

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

6 “(A) INCORPORATION OF DATA.—The data  
7 repository shall incorporate data associated with  
8 national secondary drinking water regulations  
9 promulgated under this Act that are in effect  
10 on the date of enactment of the Water Supply  
11 Protection Act of 1993.

12 “(B) RESCISSION OF SECONDARY REGULA-  
13 TIONS.—On inclusion of the data described in  
14 subparagraph (A) into the repository, the Ad-  
15 ministrator shall publish a notice rescinding the  
16 secondary regulations, including a reference to  
17 the data repository.

18 “(6) PRIMARY DRINKING WATER REGULA-  
19 TIONS.—

20 “(A) INCORPORATION OF DATA.—Not later  
21 than 1 year after the date of enactment of the  
22 Water Supply Protection Act of 1993, the Ad-  
23 ministrator shall incorporate into the data in-  
24 cluded in the data repository, data associated  
25 with national primary drinking water regula-

1 tions in effect on the date of enactment of such  
2 Act that have not been promulgated as national  
3 primary drinking regulations under section  
4 1411A(a).

5 “(B) REPEAL.—On inclusion of the data  
6 described in subparagraph (A) into the data re-  
7 pository, the Administrator shall publish a no-  
8 tice rescinding the regulations referred to in  
9 subparagraph (A). The notice shall include a  
10 reference to the data repository.

11 “(7) ELECTRONIC ACCESS.—

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

15 “(B) NONELECTRONIC ACCESS.—The Ad-  
16 ministrator shall ensure the availability of  
17 nonelectronic access to the data in the data re-  
18 pository that allows reasonable access to the  
19 data by interested persons and entities.

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

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           “(9) LIST OF CONTAMINANTS.—

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

17           “(B) PUBLICATION.—The list referred to  
18 in subparagraph (A) shall be published in the  
19 Federal Register along with—

20                   “(i) a schedule for data collection and  
21 evaluation; and

22                   “(ii) the amount of funds required for  
23 timely completion of the data collection  
24 and evaluation.

1           “(C) SCHEDULE OF COLLECTION OF  
2 DATA.—The Administrator shall collect and  
3 evaluate the data referred to in subparagraph  
4 (B) not later than 5 years after the date of  
5 publication of the list pursuant to subparagraph  
6 (B), unless the Administrator demonstrates  
7 that the funds authorized for the data collection  
8 and evaluation were insufficient or were not  
9 made available during the period specified in  
10 this subparagraph.

11           “(b) NATIONAL WATER TREATMENT TECHNOLOGY  
12 ADVISORY PROGRAM.—

13           “(1) ESTABLISHMENT.—The Administrator  
14 shall establish a National Water Treatment Tech-  
15 nology Advisory Program (referred to in this sub-  
16 section as the ‘Program’).

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

21           “(A) the nature, efficacy, and cost of com-  
22 mercially available treatment train designs, in-  
23 cluding designs for central, point-of-entry, and  
24 point-of-use treatment that are capable of re-  
25 moving contaminants from drinking water or

1 preventing the entry into drinking water of con-  
2 taminants from equipment, pipe, valve, faucet,  
3 and fixture materials; and

4 “(B) demonstrations or installations of  
5 representative treatment train applications.

6 “(3) ELECTRONIC ACCESS.—

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

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

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

21 “(A) The requirements of this section shall  
22 be fully satisfied.

23 “(B) The Administrator or a representa-  
24 tive of the Administrator shall serve in an advi-

1           sory capacity to the entity with regard to mat-  
2           ters of the data repository.

3           “(5) HIGHER EDUCATION CURRICULUM.—Not  
4           later than 1 year after the date of enactment of the  
5           Water Supply Protection Act of 1993, the Adminis-  
6           trator shall develop a model curriculum for institu-  
7           tions of higher education (as defined in section  
8           1201(a) of the Higher Education Act of 1965 (20  
9           U.S.C. 1141(a)) concerning the design and packag-  
10          ing of small flow treatment trains, including point-  
11          of-use and point-of-entry devices.

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

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

22          “(1) ESTABLISHMENT.—The Administrator  
23          shall establish a National Drinking Water Source  
24          Protection Management Practices Advisory Program  
25          (referred to in this section as the ‘Program’).

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

5           “(A) the nature, efficacy, and cost of pollu-  
6 tion prevention, pollution control, and relevant  
7 land-use strategies known, or expected, to pre-  
8 vent the contamination of drinking water  
9 sources;

10           “(B) demonstrations or applications of  
11 representative source protection practices; and

12           “(C) recommended source protection and  
13 management practices associated with common  
14 contaminant scenarios (as defined and deter-  
15 mined by the Administrator).

16           “(3) ELECTRONIC ACCESS.—

17           “(A) IN GENERAL.—Subject to subpara-  
18 graph (B), the data repository established  
19 under paragraph (2) may form an electronically  
20 accessible database.

21           “(B) NONELECTRONIC ACCESS.—The Ad-  
22 ministrator shall ensure the availability of  
23 nonelectronic access to the data repository that  
24 allows reasonable access to the data by inter-  
25 ested persons and entities.

1           “(4) CONTRACTING RESPONSIBILITY.—The Ad-  
2           ministrators may enter into an agreement with a for-  
3           profit or nonprofit entity for the maintenance of the  
4           repository. An agreement entered into under this  
5           paragraph shall be subject to the following condi-  
6           tions:

7                   “(A) The requirements of this section shall  
8                   be fully satisfied.

9                   “(B) The Administrator or a representa-  
10                  tive of the Administrator shall serve in an advi-  
11                  sory capacity to the entity with regard to mat-  
12                  ters of the data repository.

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

21           “(6) COMPETITION.—The Administrator shall  
22           establish an annual contest to identify and dem-  
23           onstrate innovative solutions to water source protec-  
24           tion problems. To the extent practicable, the contest

1 shall be jointly sponsored by government and private  
2 business.

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

8 “(A) Coordinating State and Federal un-  
9 derground sources of drinking water protection  
10 programs in the State.

11 “(B) Maintaining information concerning  
12 the ground water source protection activities  
13 within the State.

14 “(C) Facilitating risk management analy-  
15 sis of the ground water source protection activi-  
16 ties.”.

17 **SEC. 203. IMPLEMENTATION AMENDMENTS.**

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

20 (1) in paragraph (1)(A)—

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

24 (B) by striking “. A variance may only be  
25 issued to a system after the system’s” and in-

1           serting the following: “despite reductions that  
2           could reasonably be expected from”; and

3           (C) by striking all after “Before a sched-  
4           ule” and inserting the following: “A schedule  
5           for full compliance shall not be required to be  
6           prepared pursuant to this subparagraph if the  
7           risk posed by the contaminant is de minimis.”;  
8           and

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

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

20          “(ii) No notice or hearing shall be required  
21          under this subparagraph if a representative of a  
22          public water system provides documentation that the  
23          public water system is eligible for a variance under  
24          the applicable primary drinking water regulation.  
25          The documentation required, and review conducted,

1 under this subparagraph shall facilitate an expedi-  
2 tious and inexpensive procedure, with respect to the  
3 activities required for the public water system that  
4 submits an application to the primary enforcement  
5 authority that carries out the processing of the docu-  
6 mentation. An expeditious and inexpensive procedure  
7 under this subparagraph may include a procedure by  
8 which the primary enforcement authority uses a  
9 checklist and a certification of correctness by a li-  
10 censed professional engineer.

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

15 “(iv) Each State shall annually notify the Ad-  
16 ministrator of each variance granted under this sec-  
17 tion by the State. The notification shall include the  
18 reason for each variance granted by the State.”.

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

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

24 (2) by redesignating paragraphs (2) through  
25 (4) as paragraphs (3) through (5); and

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

3           “(2)(A) Subject to subparagraph (B), before an ex-  
4           emption proposed to be granted by a State under sub-  
5           section (a) may be granted, the State shall provide notice  
6           and an opportunity for public comment on the proposed  
7           exemption. The notice may cover the granting of exemp-  
8           tions for as many public water systems as the State may  
9           have received requests from during the 1-year period pre-  
10          ceding the date of the notice.

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

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

5       “(D) Each State shall annually notify the Adminis-  
6 trator of each exemption granted under this section by the  
7 State. The notification shall contain the reason for each  
8 exemption granted by the State.”; and

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

12       “(C) An exemption granted to a public water system  
13 under clause (i) or (ii) of subparagraph (B) may be re-  
14 newed for one or more additional 2-year periods if the Ad-  
15 ministrator determines that—

16           “(i) the public water system—

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

18           and

19               “(II) needs financial assistance for the  
20 necessary improvements; and

21           “(ii) the appropriate official of the public water  
22 system—

23               “(I) establishes that the official is taking  
24 all practicable steps to meet the requirements of  
25 subparagraph (B); or

1           “(II) installs effective point-of-use devices  
2           and demonstrates, to the satisfaction of the  
3           Administrator, that—

4                   “(aa) the devices are adequately oper-  
5                   ated and maintained; and

6                   “(bb) the flow resulting from the ac-  
7                   tual use of the devices constitutes an ap-  
8                   propriate percentage of expected ingested  
9                   water at the installation site.”.

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

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

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

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

5       “(3) The Administrator shall provide model language  
6 for inclusion in each notice issued pursuant to this sub-  
7 section, but the form and content of the notice shall be  
8 determined by the public water system with the approval  
9 of the State.”.

10       (d) CITIZEN SUITS.—Section 1449(b)(1) (42 U.S.C.  
11 300j–8(b)(1)) is amended—

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

14           (2) by adding at the end the following new sub-  
15 paragraph:

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

20       (e) TAMPERING.—Section 1432(d) (42 U.S.C.  
21 300i–1) is amended—

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

23           (2) by redesignating paragraph (2) as para-  
24 graph (3); and

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

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

7           (f) LABORATORY AND OPERATOR CERTIFICATION.—  
8           The Public Health Service Act (42 U.S.C. 201 et seq.)  
9           is amended by adding at the end the following new section:  
10          “**SEC. 1452. LABORATORY AND OPERATOR CERTIFICATION.**

11          “(a) WATER SYSTEM OPERATORS.—

12                 “(1) IN GENERAL.—After consultation with  
13                 representatives of the States, the Administrator shall  
14                 prescribe such regulations as are necessary or appro-  
15                 priate to ensure the national certification of public  
16                 water system operators.

17                 “(2) CERTIFICATION.—

18                         “(A) ADMINISTRATION.—The Adminis-  
19                         trator may authorize the national certification  
20                         program under this subsection to be adminis-  
21                         tered by a for-profit or nonprofit entity if the  
22                         Administrator or a representative of the Admin-  
23                         istrator serves in an advisory capacity to the  
24                         entity with respect to matters of certification.

1           “(B) STATE CERTIFICATION.—An individ-  
2           ual certified under the national certification  
3           program shall be deemed to be certified in each  
4           State with primary enforcement authority.

5           “(b) ANALYTICAL LABORATORIES.—

6           “(1) IN GENERAL.—The Administrator shall  
7           prescribe such regulations as are necessary or appro-  
8           priate to ensure national certification of analytical  
9           laboratories.

10          “(2) ADMINISTRATION.—The Administrator  
11          may authorize the national certification program  
12          under this subsection to be administered by a for-  
13          profit or nonprofit entity if the Administrator or a  
14          representative of the Administrator serves in an ad-  
15          visory capacity to the entity with respect to matters  
16          of certification.

17          “(3) ACCEPTANCE OF MONITORING RESULTS.—  
18          Analytical monitoring results provided by a labora-  
19          tory that receives certification under the national  
20          certification program under this subsection shall, for  
21          the purposes of this title, be considered acceptable  
22          for purposes of determining compliance.

23          “(4) PRIMARY ENFORCEMENT AUTHORITY.—A  
24          State that seeks to maintain primary enforcement  
25          authority under this title may list any nationally cer-

1       tified laboratory as the analytical resource of the  
2       State for purposes of the primacy enforcement au-  
3       thority of the State.”.

4       **TITLE III—PROTECTION OF UN-**  
5       **DERGROUND       SOURCES       OF**  
6       **DRINKING WATER**

7       **SEC. 301. STATE PROGRAMS TO ESTABLISH WELLHEAD**  
8               **PROTECTION AREAS.**

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

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

13       “(d) FEDERAL ASSISTANCE.—

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

15               (2) by adding at the end the following new  
16   paragraph:

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

1                   **TITLE IV—GENERAL**  
2                   **PROVISIONS**

3 **SEC. 401. RESEARCH, TECHNICAL ASSISTANCE, INFORMA-**  
4                   **TION, TRAINING OF PERSONNEL.**

5           (a) ESTABLISHMENT OF TRAINING PROGRAMS.—

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

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

8           (1);

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

11           (3) by adding at the end the following new  
12 paragraphs:

13           “(3) establish a public-private partnership to  
14 demonstrate low-cost small flow water treatment  
15 technologies that can be used by very small public  
16 water systems (as defined and determined by the  
17 Administrator) to meet primary drinking water  
18 standards, or recommended long-term and lifelong  
19 acceptable exposure levels; and

20           “(4) in conjunction with States and water treat-  
21 ment equipment manufacturers, develop means to  
22 speed and simplify State approvals of low-cost small  
23 flow water treatment technologies available to very  
24 small public water systems seeking to meet drinking

1 water standards, or recommended acceptable expo-  
2 sure levels.”.

3 (b) POTABLE WATER.—Section 1442 (42 U.S.C.  
4 300j-1) is amended by adding at the end the following  
5 new subsections:

6 “(h) The Administrator, with the assistance of the  
7 Assistant Secretary of the Interior for the Fish and Wild-  
8 life Service, and the Assistant Secretary of Agriculture re-  
9 sponsible for pesticide and farming practices associated  
10 with the protection of potable ground water sources, shall  
11 submit to Congress an annual report concerning specific  
12 steps taken in the preceding year to coordinate potable  
13 ground water protection.

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

24 “(j)(1) The Administrator may—

1           “(A) establish a national technical assistance  
2           program for rural public water and small public  
3           water systems that may be implemented by a non-  
4           profit entity; and

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

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

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

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

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

13           (a) PUBLIC WATER SYSTEMS SUPERVISION PRO-  
14           GRAM.—Paragraph (7) of section 1443(a) (42 U.S.C.  
15           300j-2(a)(7)) is amended to read as follows:

16           “(7) For the purpose of making grants under para-  
17           graph (1) there are authorized to be appropriated  
18           \$50,000,000 for fiscal year 1994, \$45,000,000 for fiscal  
19           year 1995, \$40,000,000 for fiscal year 1996, and  
20           \$35,000,000 for fiscal year 1997.”.

21           (b) UNDERGROUND WATER SOURCE PROTECTION  
22           PROGRAM.—Paragraph (5) of section 1443(b) (42 U.S.C.  
23           300j-2(b)(5)) is amended to read as follows:

24           “(5) For the purpose of making grants under para-  
25           graph (1) there are authorized to be appropriated

1 \$11,000,000 for fiscal year 1994, \$11,000,000 for fiscal  
2 year 1995, \$12,000,000 for fiscal year 1996, and  
3 \$13,000,000 for fiscal year 1997.”.

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

6 (1) by redesignating subsection (c) as sub-  
7 section (e); and

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

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

12 “(2) For the purpose of making grants under para-  
13 graph (1) there are authorized to be appropriated  
14 \$2,500,000 for each of fiscal years 1994 through 1997.

15 “(d)(1) The Administrator is authorized to make  
16 grants to States to adopt uniform data repository, collec-  
17 tion, and reporting systems for a water supply supervision  
18 program developed jointly by the Administration and the  
19 State.

20 “(2) For the purpose of making grants under para-  
21 graph (1) there are authorized to be appropriated  
22 \$3,000,000 for grants for hardware and commercial soft-  
23 ware.

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

4       “(B) For the purpose of the maintenance of the uni-  
5 form data system, there are authorized to be appropriated  
6 \$500,000 for each of fiscal years 1994 through 1997.”.

7 **SEC. 403. RECORDS AND INSPECTIONS.**

8       Section 1445(a)(2) (42 U.S.C. 300j-4(a)(2)) is  
9 amended by adding at the end the following new sentence:  
10 “The Administrator shall suspend regulations requiring  
11 monitoring for unregulated contaminants in existence on  
12 the date of enactment of this section until the regulations  
13 are modified to ensure—

14               “(A) the annual household cost of monitoring is  
15 reasonable in light of other needs for other health  
16 protection of families served by a public water sys-  
17 tem;

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

20               “(C) the use of indicator analytical methods,  
21 screening methods, and low-cost multiple analytical  
22 methods are fully exploited; and

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

1 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

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

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

5 “(a) DRINKING WATER PROGRAM.—In addition to  
6 any amounts otherwise authorized to be appropriated to  
7 carry out the drinking water programs established under  
8 this title, there are authorized to be appropriated  
9 \$18,000,000 for fiscal years 1994 and 1995, \$16,000,000  
10 for fiscal year 1996, and \$14,000,000 for fiscal year 1997.

11 “(b) WATER SUPPLY PROTECTION PROGRAM.—In  
12 addition to any amounts otherwise authorized to be appro-  
13 priated to carry out the water supply protection program  
14 established under this title, there are authorized to be ap-  
15 propriated \$22,000,000 for each of fiscal years 1994 and  
16 1995 and \$25,000,000 for each of fiscal years 1996 and  
17 1997.

18 “(c) ENFORCEMENT.—In addition to any amounts  
19 otherwise authorized to be appropriated to enforce this  
20 title, there are authorized to be appropriated \$6,500,000  
21 for fiscal year 1994, \$5,000,000 for each of fiscal years  
22 1995 and 1996, and \$4,500,000 for fiscal year 1997.’’.

○

S 767 IS—2

S 767 IS—3

S 767 IS—4