

108TH CONGRESS  
2D SESSION

# S. 2717

To amend the Safe Drinking Water Act to exempt nonprofit small public water systems from certain drinking water standards relating to naturally occurring contaminants.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 2004

Mr. NELSON of Nebraska (for himself, Mr. CRAIG, and Mr. DOMENICI) 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 the Safe Drinking Water Act to exempt nonprofit small public water systems from certain drinking water standards relating to naturally occurring contaminants.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Rural Community Ar-  
5       senic Relief Act”.

1 **SEC. 2. EXEMPTION FOR NONPROFIT SMALL PUBLIC**  
 2 **WATER SYSTEMS FROM STANDARDS RELAT-**  
 3 **ING TO NATURALLY OCCURRING CONTAMI-**  
 4 **NANTS.**

5 The Safe Drinking Water Act is amended by insert-  
 6 ing after section 1416 (42 U.S.C. 300g-5) the following:

7 **“SEC. 1416A. EXEMPTION FOR NONPROFIT SMALL PUBLIC**  
 8 **WATER SYSTEMS FROM STANDARDS RELAT-**  
 9 **ING TO NATURALLY OCCURRING CONTAMI-**  
 10 **NANTS.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) LOW-INCOME FAMILY.—The term ‘low-in-  
 13 come family’ means a family the total annual income  
 14 of which does not exceed the poverty line.

15 “(2) NATURALLY OCCURRING CONTAMINANT.—  
 16 The term ‘naturally occurring contaminant’ in-  
 17 cludes—

18 “(A) arsenic;

19 “(B) radon;

20 “(C) radium; and

21 “(D) uranium.

22 “(3) NONPROFIT SMALL PUBLIC WATER SYS-  
 23 TEM.—The term ‘nonprofit small public water sys-  
 24 tem’ means a nonprofit public water system (includ-  
 25 ing a local government) that serves 10,000 or fewer  
 26 individuals.

1           “(4) POVERTY LINE.—The term ‘poverty line’  
2           has the meaning given the term in section 673 of the  
3           Community Services Block Grant Act (42 U.S.C.  
4           9902).

5           “(b) EXEMPTION.—A State exercising primary en-  
6           forcement responsibility for public water systems under  
7           section 1413 (or the Administrator, with respect to any  
8           nonprimacy State) shall exempt any nonprofit small public  
9           water system that submits a request in accordance with  
10          subsection (c) from the requirements of any national pri-  
11          mary drinking water regulation for a naturally occurring  
12          contaminant.

13          “(c) APPLICATION.—To be eligible for an exemption  
14          from a national primary drinking water regulation under  
15          this section, a nonprofit small public water system shall  
16          submit a written application to the State exercising pri-  
17          mary enforcement responsibility with respect to the system  
18          (or the Administrator, with respect to any nonprimacy  
19          State) demonstrating that compliance by the nonprofit  
20          small public water system with the national drinking water  
21          regulation—

22                 “(1) is not economically feasible;

23                 “(2) has a disproportionate and adverse impact  
24                 on low-income families;

1           “(3) is substantially impeded by limited access  
2 of the nonprofit small public water system to innova-  
3 tive and affordable technology; or

4           “(4) is not necessary, based on the fact that  
5 drinking water provided by the nonprofit small pub-  
6 lic water system does not pose an unreasonable  
7 health risk.

8           “(d) ALTERNATIVE REQUIREMENT.—A nonprofit  
9 small public water system that receives an exemption for  
10 arsenic under this section shall comply with a standard  
11 of arsenic in drinking water provided by the nonprofit  
12 small public water system of—

13           “(1) not later than January 1, 2006, not more  
14 than 50 parts per billion;

15           “(2) not later than January 1, 2009, not more  
16 than 35 parts per billion;

17           “(3) not later than January 1, 2011, not more  
18 than 30 parts per billion;

19           “(4) not later than January 1, 2013, not more  
20 than 20 parts per billion; and

21           “(5) not later than January 1, 2015, not more  
22 than 10 parts per billion.”.

23 **SEC. 3. UNIVERSITY-BASED ARSENIC RESEARCH CONSOR-**  
24 **TIUM.**

25           (a) DEFINITIONS.—In this section:

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

4           (2) CONSORTIUM.—The term “Consortium”  
5           means the university-based arsenic research Consor-  
6           tium established under subsection (b)(1).

7           (b) CONSORTIUM.—

8           (1) ESTABLISHMENT.—The Administrator shall  
9           establish a university-based arsenic research Consor-  
10          tium.

11          (2) MEMBERSHIP.—The Consortium shall be  
12          comprised of the following members:

13                (A) The University of Nebraska at Lin-  
14                coln.

15                (B) The University of Nebraska Medical  
16                Center.

17                (C) The University of New Mexico.

18                (D) The University of Texas.

19                (E) Johns Hopkins University School of  
20                Public Health.

21                (F) Georgetown University Medical School.

22          (c) DUTIES OF THE CONSORTIUM.—The Consortium  
23          shall—

24                (1) conduct reviews and analyses, and carry out  
25                health effects studies, using United States morbidity

1 data relating to low levels of arsenic commonly  
2 found in States;

3 (2) assess studies on arsenic in drinking water,  
4 as adjusted by the Administrator, carried out in—

5 (A) Millard County, Utah;

6 (B) Inner Mongolia, China; and

7 (C) southwest Taiwan;

8 (3) develop recommendations on which levels of  
9 arsenic in drinking water constitute unreasonable  
10 risks to public health, and which levels should be  
11 considered to be protective of public health, under  
12 the Safe Drinking Water Act (42 U.S.C. 300f et  
13 seq.); and

14 (4) conduct reviews and analyses of, and carry  
15 out health effects studies on, all forms of cancer,  
16 cardiovascular disease, diabetes, and vascular tox-  
17 icity.

18 (d) GRANT PROGRAM.—

19 (1) IN GENERAL.—The Administrator may pro-  
20 vide grants to the Consortium for use in carrying  
21 out the duties of the Consortium under subsection  
22 (c).

23 (2) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to carry out  
25 this subsection \$4,000,000 for fiscal year 2005.

1           (e) REPORT OF ADMINISTRATOR.—Not later than 1  
2 year after the date of enactment of this Act, and annually  
3 thereafter, the Administrator shall submit to Congress a  
4 report that describes the findings and recommendations  
5 of the Consortium for the year covered by the report.

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