

104TH CONGRESS
1ST SESSION

S. 1316

AN ACT

To reauthorize and amend title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”), and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Safe Drinking Water Act Amendments of 1995”.

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.
- Sec. 3. State revolving loan funds.
- Sec. 4. Selection of contaminants; schedule.
- Sec. 5. Risk assessment, management, and communication.
- Sec. 6. Standard-setting; review of standards.
- Sec. 7. Arsenic.
- Sec. 8. Radon.
- Sec. 9. Sulfate.
- Sec. 10. Filtration and disinfection.
- Sec. 11. Effective date for regulations.
- Sec. 12. Technology and treatment techniques; technology centers.
- Sec. 13. Variances and exemptions.
- Sec. 14. Small systems; technical assistance.
- Sec. 15. Capacity development; finance centers.
- Sec. 16. Operator and laboratory certification.
- Sec. 17. Source water quality protection partnerships.
- Sec. 18. State primacy; State funding.
- Sec. 19. Monitoring and information gathering.
- Sec. 20. Public notification.
- Sec. 21. Enforcement; judicial review.
- Sec. 22. Federal agencies.
- Sec. 23. Research.
- Sec. 24. Definitions.
- Sec. 25. Watershed and ground water protection.
- Sec. 26. Lead plumbing and pipes; return flows.
- Sec. 27. Bottled water.
- Sec. 28. Other amendments.

3 (c) REFERENCES TO TITLE XIV OF THE PUBLIC
 4 HEALTH SERVICE ACT.—Except as otherwise expressly
 5 provided, whenever in this Act an amendment or repeal
 6 is expressed in terms of an amendment to, or repeal of,
 7 a section or other provision, the reference shall be consid-
 8 ered to be made to a section or other provision of title
 9 XIV of the Public Health Service Act (commonly known
 10 as the “Safe Drinking Water Act”) (42 U.S.C. 300f et
 11 seq.).

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) safe drinking water is essential to the pro-
4 tection of public health;

5 (2) because the requirements of title XIV of the
6 Public Health Service Act (commonly known as the
7 “Safe Drinking Water Act”) (42 U.S.C. 300f et
8 seq.) now exceed the financial and technical capacity
9 of some public water systems, especially many small
10 public water systems, the Federal Government needs
11 to provide assistance to communities to help the
12 communities meet Federal drinking water require-
13 ments;

14 (3) the Federal Government commits to take
15 steps to foster and maintain a genuine partnership
16 with the States in the administration and implemen-
17 tation of the Safe Drinking Water Act;

18 (4) States play a central role in the implemen-
19 tation of safe drinking water programs, and States
20 need increased financial resources and appropriate
21 flexibility to ensure the prompt and effective devel-
22 opment and implementation of drinking water pro-
23 grams;

24 (5) the existing process for the assessment and
25 regulation of additional drinking water contaminants
26 needs to be revised and improved to ensure that

1 there is a sound scientific basis for drinking water
2 regulations and that the standards established ad-
3 dress the health risks posed by contaminants;

4 (6) procedures for assessing the health effects
5 of contaminants and establishing drinking water
6 standards should be revised to provide greater op-
7 portunity for public education and participation;

8 (7) in setting priorities with respect to the
9 health risks from drinking water to be addressed
10 and in selecting the appropriate level of regulation
11 for contaminants in drinking water, risk assessment
12 and benefit-cost analysis are important and useful
13 tools for improving the efficiency and effectiveness of
14 drinking water regulations to protect human health;

15 (8) more effective protection of public health re-
16 quires—

17 (A) a Federal commitment to set priorities
18 that will allow scarce Federal, State, and local
19 resources to be targeted toward the drinking
20 water problems of greatest public health con-
21 cern; and

22 (B) maximizing the value of the different
23 and complementary strengths and responsibil-
24 ities of the Federal and State governments in
25 those States that have primary enforcement re-

1 sponsibility for the Safe Drinking Water Act;
2 and

3 (9) compliance with the requirements of the
4 Safe Drinking Water Act continues to be a concern
5 at public water systems experiencing technical and
6 financial limitations, and Federal, State, and local
7 governments need more resources and more effective
8 authority to attain the objectives of the Safe Drink-
9 ing Water Act.

10 **SEC. 3. STATE REVOLVING LOAN FUNDS.**

11 The title (42 U.S.C. 300f et seq.) is amended by add-
12 ing at the end the following:

13 **“PART G—STATE REVOLVING LOAN FUNDS**

14 **“GENERAL AUTHORITY**

15 **“SEC. 1471. (a) CAPITALIZATION GRANT AGREE-**
16 **MENTS.—**The Administrator shall offer to enter into an
17 agreement with each State to make capitalization grants
18 to the State pursuant to section 1472 (referred to in this
19 part as ‘capitalization grants’) to establish a drinking
20 water treatment State revolving loan fund (referred to in
21 this part as a ‘State loan fund’).

22 **“(b) REQUIREMENTS OF AGREEMENTS.—**An agree-
23 ment entered into pursuant to this section shall establish,
24 to the satisfaction of the Administrator, that—

1 “(1) the State has established a State loan fund
2 that complies with the requirements of this part;

3 “(2) the State loan fund will be administered by
4 an instrumentality of the State that has the powers
5 and authorities that are required to operate the
6 State loan fund in accordance with this part;

7 “(3) the State will deposit the capitalization
8 grants into the State loan fund;

9 “(4) the State will deposit all loan repayments
10 received, and interest earned on the amounts depos-
11 ited into the State loan fund under this part, into
12 the State loan fund;

13 “(5) the State will deposit into the State loan
14 fund an amount equal to at least 20 percent of the
15 total amount of each payment to be made to the
16 State on or before the date on which the payment
17 is made to the State, except as provided in sub-
18 section (c)(4);

19 “(6) the State will use funds in the State loan
20 fund in accordance with an intended use plan pre-
21 pared pursuant to section 1474(b);

22 “(7) the State and loan recipients that receive
23 funds that the State makes available from the State
24 loan fund will use accounting procedures that con-
25 form to generally accepted accounting principles, au-

1 diting procedures that conform to chapter 75 of title
 2 31, United States Code (commonly known as the
 3 ‘Single Audit Act of 1984’), and such fiscal proce-
 4 dures as the Administrator may prescribe; and

5 “(8) the State has adopted policies and proce-
 6 dures to ensure that loan recipients are reasonably
 7 likely to be able to repay a loan.

8 “(c) ADMINISTRATION OF STATE LOAN FUNDS.—

9 “(1) IN GENERAL.—The authority to establish
 10 assistance priorities for financial assistance provided
 11 with amounts deposited into the State loan fund
 12 shall reside in the State agency that has primary re-
 13 sponsibility for the administration of the State pro-
 14 gram under section 1413, after consultation with
 15 other appropriate State agencies (as determined by
 16 the State): *Provided further*, That in nonprimacy
 17 States, the Governor shall determine which State
 18 agency will have the authority to establish assistance
 19 priorities for financial assistance provided with
 20 amounts deposited into the State loan fund.

21 “(2) FINANCIAL ADMINISTRATION.—A State
 22 may combine the financial administration of the
 23 State loan fund pursuant to this part with the finan-
 24 cial administration of a State water pollution control
 25 revolving fund established by the State pursuant to

1 title VI of the Federal Water Pollution Control Act
 2 (33 U.S.C. 1381 et seq.), or other State revolving
 3 funds providing financing for similar purposes, if the
 4 Administrator determines that the grants to be pro-
 5 vided to the State under this part, and the loan re-
 6 payments and interest deposited into the State loan
 7 fund pursuant to this part, will be separately ac-
 8 counted for and used solely for the purposes of and
 9 in compliance with the requirements of this part.

10 “(3) TRANSFER OF FUNDS.—

11 “(A) IN GENERAL.—Notwithstanding any
 12 other provision of law, a Governor of a State
 13 may—

14 “(i) reserve up to 50 percent of a cap-
 15 italization grant made pursuant to section
 16 1472 and add the funds reserved to any
 17 funds provided to the State pursuant to
 18 section 601 of the Federal Water Pollution
 19 Control Act (33 U.S.C. 1381); and

20 “(ii) reserve in any year a dollar
 21 amount up to the dollar amount that may
 22 be reserved under clause (i) for that year
 23 from capitalization grants made pursuant
 24 to section 601 of such Act (33 U.S.C.
 25 1381) and add the reserved funds to any

1 funds provided to the State pursuant to
2 section 1472.

3 “(B) STATE MATCH.—Funds reserved pur-
4 suant to this paragraph shall not be considered
5 to be a State match of a capitalization grant re-
6 quired pursuant to this title or the Federal
7 Water Pollution Control Act (33 U.S.C. 1251
8 et seq.).

9 “(4) EXTENDED PERIOD.—Notwithstanding
10 subsection (b)(5), a State shall not be required to
11 deposit a State matching amount into the fund prior
12 to the date on which each payment is made for pay-
13 ments from funds appropriated for fiscal years
14 1994, 1995, and 1996, if the matching amounts for
15 the payments are deposited into the State fund prior
16 to September 30, 1998.

17 “CAPITALIZATION GRANTS

18 “SEC. 1472. (a) GENERAL AUTHORITY.—The Ad-
19 ministrator may make grants to capitalize State loan
20 funds to a State that has entered into an agreement pur-
21 suant to section 1471.

22 “(b) FORMULA FOR ALLOTMENT OF FUNDS.—

23 “(1) IN GENERAL.—Subject to subsection (c)
24 and paragraph (2), funds made available to carry
25 out this part shall be allotted to States that have en-

1 tered into an agreement pursuant to section 1471 in
2 accordance with—

3 “(A) for each of fiscal years 1995 through
4 1997, a formula that is the same as the for-
5 mula used to distribute public water system su-
6 pervision grant funds under section 1443 in fis-
7 cal year 1995, except that the minimum propor-
8 tionate share established in the formula shall be
9 1 percent of available funds and the formula
10 shall be adjusted to include a minimum propor-
11 tionate share for the State of Wyoming; and

12 “(B) for fiscal year 1998 and each subse-
13 quent fiscal year, a formula that allocates to
14 each State the proportional share of the State
15 needs identified in the most recent survey con-
16 ducted pursuant to section 1475(c), except that
17 the minimum proportionate share provided to
18 each State shall be the same as the minimum
19 proportionate share provided under subpara-
20 graph (A).

21 “(2) OTHER JURISDICTIONS.—The formula es-
22 tablished pursuant to paragraph (1) shall reserve
23 0.5 percent of the amounts made available to carry
24 out this part for a fiscal year for providing direct

1 grants to the jurisdictions, other than Indian Tribes,
2 referred to in subsection (f).

3 “(c) RESERVATION OF FUNDS FOR INDIAN
4 TRIBES.—

5 “(1) IN GENERAL.—For each fiscal year, prior
6 to the allotment of funds made available to carry out
7 this part, the Administrator shall reserve 1.5 percent
8 of the funds for providing financial assistance to In-
9 dian Tribes pursuant to subsection (f).

10 “(2) USE OF FUNDS.—Funds reserved pursu-
11 ant to paragraph (1) shall be used to address the
12 most significant threats to public health associated
13 with public water systems that serve Indian Tribes,
14 as determined by the Administrator in consultation
15 with the Director of the Indian Health Service and
16 Indian Tribes.

17 “(3) NEEDS ASSESSMENT.—The Administrator,
18 in consultation with the Director of the Indian
19 Health Service and Indian Tribes, shall, in accord-
20 ance with a schedule that is consistent with the
21 needs surveys conducted pursuant to section
22 1475(c), prepare surveys and assess the needs of
23 drinking water treatment facilities to serve Indian
24 Tribes, including an evaluation of the public water

1 systems that pose the most significant threats to
2 public health.

3 “(d) TECHNICAL ASSISTANCE FOR SMALL SYS-
4 TEMS.—

5 “(1) DEFINITIONS.—In this subsection:

6 “(A) SMALL SYSTEM.—The term ‘small
7 system’ means a public water system that
8 serves a population of 10,000 or fewer.

9 “(B) TECHNICAL ASSISTANCE.—The term
10 ‘technical assistance’ means assistance provided
11 by a State to a small system, including assist-
12 ance to potential loan recipients and assistance
13 for planning and design, development and im-
14 plementation of a source water quality protec-
15 tion partnership program, alternative supplies
16 of drinking water, restructuring or consolida-
17 tion of a small system, and treatment to comply
18 with a national primary drinking water regula-
19 tion.

20 “(2) RESERVATION OF FUNDS.—To provide
21 technical assistance pursuant to this subsection,
22 each State may reserve from capitalization grants
23 received in any year an amount that does not exceed
24 the greater of—

1 “(A) an amount equal to 2 percent of the
2 amount of the capitalization grants received by
3 the State pursuant to this section; or

4 “(B) \$300,000.

5 “(e) ALLOTMENT PERIOD.—

6 “(1) PERIOD OF AVAILABILITY FOR FINANCIAL
7 ASSISTANCE.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), the sums allotted to a State
10 pursuant to subsection (b) for a fiscal year shall
11 be available to the State for obligation during
12 the fiscal year for which the sums are author-
13 ized and during the following fiscal year.

14 “(B) FUNDS MADE AVAILABLE FOR FISCAL
15 YEARS 1995 AND 1996.—The sums allotted to a
16 State pursuant to subsection (b) from funds
17 that are made available by appropriations for
18 each of fiscal years 1995 and 1996 shall be
19 available to the State for obligation during each
20 of fiscal years 1995 through 1998.

21 “(2) REALLOTMENT OF UNOBLIGATED
22 FUNDS.—Prior to obligating new allotments made
23 available to the State pursuant to subsection (b),
24 each State shall obligate funds accumulated before a
25 date that is 1 year prior to the date of the obligation

1 of a new allotment from loan repayments and inter-
2 est earned on amounts deposited into a State loan
3 fund. The amount of any allotment that is not obli-
4 gated by a State by the last day of the period of
5 availability established by paragraph (1) shall be im-
6 mediately reallocated by the Administrator on the
7 basis of the same ratio as is applicable to sums allot-
8 ted under subsection (b), except that the Adminis-
9 trator may reserve and allocate 10 percent of the re-
10 maining amount for financial assistance to Indian
11 Tribes in addition to the amount allotted under sub-
12 section (c). None of the funds reallocated by the Ad-
13 ministrator shall be reallocated to any State that has
14 not obligated all sums allotted to the State pursuant
15 to this section during the period in which the sums
16 were available for obligation.

17 “(3) ALLOTMENT OF WITHHELD FUNDS.—All
18 funds withheld by the Administrator pursuant to
19 subsection (g) and section 1442(e)(3) shall be allot-
20 ted by the Administrator on the basis of the same
21 ratio as is applicable to funds allotted under sub-
22 section (b). None of the funds allotted by the Ad-
23 ministrator pursuant to this paragraph shall be al-
24 lotted to a State unless the State has met the re-
25 quirements of section 1418(a).

1 “(f) DIRECT GRANTS.—

2 “(1) IN GENERAL.—The Administrator is au-
3 thorized to make grants for the improvement of pub-
4 lic water systems of Indian Tribes, the District of
5 Columbia, the United States Virgin Islands, the
6 Commonwealth of the Northern Mariana Islands,
7 American Samoa, and Guam and, if funds are ap-
8 propriated to carry out this part for fiscal year
9 1995, the Republic of Palau.

10 “(2) ALASKA NATIVE VILLAGES.—In the case of
11 a grant for a project under this subsection in an
12 Alaska Native village, the Administrator is also au-
13 thorized to make grants to the State of Alaska for
14 the benefit of Native villages. An amount not to ex-
15 ceed 4 percent of the grant amount may be used by
16 the State of Alaska for project management.

17 “(g) NEW SYSTEM CAPACITY.—Beginning in fiscal
18 year 1999, the Administrator shall withhold the percent-
19 age prescribed in the following sentence of each capitaliza-
20 tion grant made pursuant to this section to a State unless
21 the State has met the requirements of section 1418(a).
22 The percentage withheld shall be 5 percent for fiscal year
23 1999, 10 percent for fiscal year 2000, and 15 percent for
24 each subsequent fiscal year.

1 “ELIGIBLE ASSISTANCE

2 “SEC. 1473. (a) IN GENERAL.—The amounts depos-
3 ited into a State loan fund, including any amounts equal
4 to the amounts of loan repayments and interest earned
5 on the amounts deposited, may be used by the State to
6 carry out projects that are consistent with this section.

7 “(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—

8 “(1) IN GENERAL.—The amounts deposited
9 into a State loan fund shall be used only for provid-
10 ing financial assistance for capital expenditures and
11 associated costs (but excluding the cost of land ac-
12 quisition unless the cost is incurred to acquire land
13 for the construction of a treatment facility or for a
14 consolidation project) for—

15 “(A) a project that will facilitate compli-
16 ance with national primary drinking water reg-
17 ulations promulgated pursuant to section 1412;

18 “(B) a project that will facilitate the con-
19 solidation of public water systems or the use of
20 an alternative source of water supply;

21 “(C) a project that will upgrade a drinking
22 water treatment system; and

23 “(D) the development of a public water
24 system to replace private drinking water sup-

1 plies if the private water supplies pose a signifi-
2 cant threat to human health.

3 “(2) OPERATOR TRAINING.—Associated costs
4 eligible for assistance under this part include the
5 costs of training and certifying the persons who will
6 operate facilities that receive assistance pursuant to
7 paragraph (1).

8 “(3) LIMITATION.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), no assistance under this
11 part shall be provided to a public water system
12 that—

13 “(i) does not have the technical, man-
14 agerial, and financial capability to ensure
15 compliance with the requirements of this
16 title; and

17 “(ii) has a history of—

18 “(I) past violations of any maxi-
19 mum contaminant level or treatment
20 technique established by a regulation
21 or a variance; or

22 “(II) significant noncompliance
23 with monitoring requirements or any
24 other requirement of a national pri-

1 mary drinking water regulation or
2 variance.

3 “(B) RESTRUCTURING.—A public water
4 system described in subparagraph (A) may re-
5 ceive assistance under this part if—

6 “(i) the owner or operator of the sys-
7 tem agrees to undertake feasible and ap-
8 propriate changes in operations (including
9 ownership, management, accounting, rates,
10 maintenance, consolidation, alternative
11 water supply, or other procedures) if the
12 State determines that such measures are
13 necessary to ensure that the system has
14 the technical, managerial, and financial ca-
15 pability to comply with the requirements of
16 this title over the long term; and

17 “(ii) the use of the assistance will en-
18 sure compliance.

19 “(c) ELIGIBLE PUBLIC WATER SYSTEMS.—A State
20 loan fund, or the Administrator in the case of direct
21 grants under section 1472(f), may provide financial assist-
22 ance only to community water systems, publicly owned
23 water systems (other than systems owned by Federal
24 agencies), and nonprofit noncommunity water systems.

1 “(d) TYPES OF ASSISTANCE.—Except as otherwise
 2 limited by State law, the amounts deposited into a State
 3 loan fund under this section may be used only—

4 “(1) to make loans, on the condition that—

5 “(A) the interest rate for each loan is less
 6 than or equal to the market interest rate, in-
 7 cluding an interest free loan;

8 “(B) principal and interest payments on
 9 each loan will commence not later than 1 year
 10 after completion of the project for which the
 11 loan was made, and each loan will be fully am-
 12 ortized not later than 20 years after the com-
 13 pletion of the project, except that in the case of
 14 a disadvantaged community (as defined in sub-
 15 section (e)(1)), a State may provide an ex-
 16 tended term for a loan, if the extended term—

17 “(i) terminates not later than the date
 18 that is 30 years after the date of project
 19 completion; and

20 “(ii) does not exceed the expected de-
 21 sign life of the project;

22 “(C) the recipient of each loan will estab-
 23 lish a dedicated source of revenue (or, in the
 24 case of a privately-owned system, demonstrate

1 that there is adequate security) for the repay-
2 ment of the loan; and

3 “(D) the State loan fund will be credited
4 with all payments of principal and interest on
5 each loan;

6 “(2) to buy or refinance the debt obligation of
7 a municipality or an intermunicipal or interstate
8 agency within the State at an interest rate that is
9 less than or equal to the market interest rate in any
10 case in which a debt obligation is incurred after Oc-
11 tober 14, 1993, or to refinance a debt obligation for
12 a project constructed to comply with a regulation es-
13 tablished pursuant to an amendment to this title
14 made by the Safe Drinking Water Act Amendments
15 of 1986 (Public Law 99–339; 100 Stat. 642);

16 “(3) to guarantee, or purchase insurance for, a
17 local obligation (all of the proceeds of which finance
18 a project eligible for assistance under subsection (b))
19 if the guarantee or purchase would improve credit
20 market access or reduce the interest rate applicable
21 to the obligation;

22 “(4) as a source of revenue or security for the
23 payment of principal and interest on revenue or gen-
24 eral obligation bonds issued by the State if the pro-

1 ceeds of the sale of the bonds will be deposited into
2 the State loan fund; and

3 “(5) to earn interest on the amounts deposited
4 into the State loan fund.

5 “(e) ASSISTANCE FOR DISADVANTAGED COMMU-
6 NITIES.—

7 “(1) DEFINITION OF DISADVANTAGED COMMU-
8 NITY.—In this subsection, the term ‘disadvantaged
9 community’ means the service area of a public water
10 system that meets affordability criteria established
11 after public review and comment by the State in
12 which the public water system is located. The Ad-
13 ministrator may publish information to assist States
14 in establishing affordability criteria.

15 “(2) LOAN SUBSIDY.—Notwithstanding sub-
16 section (d), in any case in which the State makes a
17 loan pursuant to subsection (d) to a disadvantaged
18 community or to a community that the State expects
19 to become a disadvantaged community as the result
20 of a proposed project, the State may provide addi-
21 tional subsidization (including forgiveness of prin-
22 cipal).

23 “(3) TOTAL AMOUNT OF SUBSIDIES.—For each
24 fiscal year, the total amount of loan subsidies made
25 by a State pursuant to paragraph (2) may not ex-

1 ceed 30 percent of the amount of the capitalization
2 grant received by the State for the year.

3 “(f) SOURCE WATER QUALITY PROTECTION AND CA-
4 PACITY DEVELOPMENT.—

5 “(1) IN GENERAL.—Notwithstanding subsection
6 (b)(1), a State may—

7 “(A) provide assistance, only in the form
8 of a loan, to—

9 “(i) any public water system described
10 in subsection (c) to acquire land or a con-
11 servations easement from a willing seller or
12 grantor, if the purpose of the acquisition is
13 to protect the source water of the system
14 from contamination; or

15 “(ii) any community water system de-
16 scribed in subsection (c) to provide funding
17 in accordance with section
18 1419(d)(1)(C)(i);

19 “(B) provide assistance, including technical
20 and financial assistance, to any public water
21 system as part of a capacity development strat-
22 egy developed and implemented in accordance
23 with section 1418(c); and

24 “(C) make expenditures from the capital-
25 ization grant of the State for fiscal years 1996

1 and 1997 to delineate and assess source water
2 protection areas in accordance with section
3 1419, except that funds set aside for such ex-
4 penditure shall be obligated within 4 fiscal
5 years.

6 “(2) LIMITATION.—For each fiscal year, the
7 total amount of assistance provided and expendi-
8 tures made by a State under this subsection may not
9 exceed 15 percent of the amount of the capitaliza-
10 tion grant received by the State for that year and
11 may not exceed 10 percent of that amount for any
12 one of the following activities:

13 “(A) To acquire land or conservation ease-
14 ments pursuant to paragraph (1)(A)(i).

15 “(B) To provide funding to implement rec-
16 ommendations of source water quality protec-
17 tion partnerships pursuant to paragraph
18 (1)(A)(ii).

19 “(C) To provide assistance through a ca-
20 pacity development strategy pursuant to para-
21 graph (1)(B).

22 “(D) To make expenditures to delineate or
23 assess source water protection areas pursuant
24 to paragraph (1)(C).

1 “STATE LOAN FUND ADMINISTRATION

2 “SEC. 1474. (a) ADMINISTRATION, TECHNICAL AS-
3 SISTANCE, AND MANAGEMENT.—

4 “(1) ADMINISTRATION.—Each State that has a
5 State loan fund is authorized to expend from the an-
6 nual capitalization grant of the State a reasonable
7 amount, not to exceed 4 percent of the capitalization
8 grant made to the State, for the costs of the admin-
9 istration of the State loan fund.

10 “(2) STATE PROGRAM MANAGEMENT ASSIST-
11 ANCE.—

12 “(A) IN GENERAL.—Each State that has a
13 loan fund is authorized to expend from the an-
14 nual capitalization grant of the State an
15 amount, determined pursuant to this para-
16 graph, to carry out the public water system su-
17 pervision program under section 1443(a) and
18 to—

19 “(i) administer, or provide technical
20 assistance through, source water quality
21 protection programs, including a partner-
22 ship program under section 1419; and

23 “(ii) develop and implement a capac-
24 ity development strategy under section
25 1418(c) in the State.

1 “(B) LIMITATION.—Amounts expended by
2 a State pursuant to this paragraph for any fis-
3 cal year may not exceed an amount that is
4 equal to the amount of the grant funds avail-
5 able to the State for that fiscal year under sec-
6 tion 1443(a).

7 “(C) STATE FUNDS.—For any fiscal year,
8 funds may not be expended pursuant to this
9 paragraph unless the Administrator determines
10 that the amount of State funds made available
11 to carry out the public water system supervision
12 program under section 1443(a) for the fiscal
13 year is not less than the amount of State funds
14 made available to carry out the program for fis-
15 cal year 1993.

16 “(b) INTENDED USE PLANS.—

17 “(1) IN GENERAL.—After providing for public
18 review and comment, each State that has entered
19 into a capitalization agreement pursuant to this part
20 shall annually prepare a plan that identifies the in-
21 tended uses of the amounts available to the State
22 loan fund of the State.

23 “(2) CONTENTS.—An intended use plan shall
24 include—

1 “(A) a list of the projects to be assisted in
 2 the first fiscal year that begins after the date
 3 of the plan, including a description of the
 4 project, the expected terms of financial assist-
 5 ance, and the size of the community served;

6 “(B) the criteria and methods established
 7 for the distribution of funds; and

8 “(C) a description of the financial status of
 9 the State loan fund and the short-term and
 10 long-term goals of the State loan fund.

11 “(3) USE OF FUNDS.—

12 “(A) IN GENERAL.—An intended use plan
 13 shall provide, to the maximum extent prac-
 14 ticable, that priority for the use of funds be
 15 given to projects that—

16 “(i) address the most serious risk to
 17 human health;

18 “(ii) are necessary to ensure compli-
 19 ance with the requirements of this title (in-
 20 cluding requirements for filtration); and

21 “(iii) assist systems most in need on
 22 a per household basis according to State
 23 affordability criteria.

24 “(B) LIST OF PROJECTS.—Each State
 25 shall, after notice and opportunity for public

1 comment, publish and periodically update a list
2 of projects in the State that are eligible for as-
3 sistance under this part, including the priority
4 assigned to each project and, to the extent
5 known, the expected funding schedule for each
6 project.

7 “STATE LOAN FUND MANAGEMENT

8 “SEC. 1475. (a) IN GENERAL.—Not later than 1 year
9 after the date of enactment of this part, and annually
10 thereafter, the Administrator shall conduct such reviews
11 and audits as the Administrator considers appropriate, or
12 require each State to have the reviews and audits inde-
13 pendently conducted, in accordance with the single audit
14 requirements of chapter 75 of title 31, United States
15 Code.

16 “(b) STATE REPORTS.—Not later than 2 years after
17 the date of enactment of this part, and every 2 years
18 thereafter, each State that administers a State loan fund
19 shall publish and submit to the Administrator a report on
20 the activities of the State under this part, including the
21 findings of the most recent audit of the State loan fund.

22 “(c) DRINKING WATER NEEDS SURVEY AND ASSESS-
23 MENT.—Not later than 1 year after the date of enactment
24 of this part, and every 4 years thereafter, the Adminis-
25 trator shall submit to Congress a survey and assessment
26 of the needs for facilities in each State eligible for assist-

1 ance under this part (including, in the case of the State
2 of Alaska, the needs of Native villages (as defined in sec-
3 tion 3(c) of the Alaska Native Claims Settlement Act (43
4 U.S.C. 1602 (c))). The survey and assessment conducted
5 pursuant to this subsection shall—

6 “(1) identify, by State, the needs for projects or
7 facilities owned or controlled by community water
8 systems eligible for assistance under this part on the
9 date of the assessment (other than refinancing for a
10 project pursuant to section 1473(d)(2));

11 “(2) estimate the needs for eligible facilities
12 over the 20-year period following the date of the as-
13 sessment;

14 “(3) identify, by size category, the population
15 served by public water systems with needs identified
16 pursuant to paragraph (1); and

17 “(4) include such other information as the Ad-
18 ministrator determines to be appropriate.

19 “(d) EVALUATION.—The Administrator shall conduct
20 an evaluation of the effectiveness of the State loan funds
21 through fiscal year 1999. The evaluation shall be submit-
22 ted to Congress at the same time as the President submits
23 to Congress, pursuant to section 1108 of title 31, United
24 States Code, an appropriations request for fiscal year

1 2001 relating to the budget of the Environmental Protec-
2 tion Agency.

3 “ENFORCEMENT

4 “SEC. 1476. The failure or inability of any public
5 water system to receive funds under this part or any other
6 loan or grant program, or any delay in obtaining the
7 funds, shall not alter the obligation of the system to com-
8 ply in a timely manner with all applicable drinking water
9 standards and requirements of this title.

10 “REGULATIONS AND GUIDANCE

11 “SEC. 1477. The Administrator shall publish such
12 guidance and promulgate such regulations as are nec-
13 essary to carry out this part, including guidance and regu-
14 lations to ensure that—

15 “(1) each State commits and expends funds
16 from the State loan fund in accordance with the re-
17 quirements of this part and applicable Federal and
18 State laws; and

19 “(2) the States and eligible public water sys-
20 tems that receive funds under this part use account-
21 ing procedures that conform to generally accepted
22 accounting principles, auditing procedures that con-
23 form to chapter 75 of title 31, United States Code
24 (commonly known as the ‘Single Audit Act of
25 1984’), and such fiscal procedures as the Adminis-
26 trator may prescribe.

1 “AUTHORIZATION OF APPROPRIATIONS

2 “SEC. 1478. (a) GENERAL AUTHORIZATION.—There
3 are authorized to be appropriated to the Environmental
4 Protection Agency to carry out this part \$600,000,000 for
5 fiscal year 1994 and \$1,000,000,000 for each of fiscal
6 years 1995 through 2003.

7 “(b) HEALTH EFFECTS RESEARCH.—From funds
8 appropriated pursuant to this section for each fiscal year,
9 the Administrator shall reserve \$10,000,000 for health ef-
10 fects research on drinking water contaminants authorized
11 by section 1442. In allocating funds made available under
12 this subsection, the Administrator shall give priority to re-
13 search concerning the health effects of cryptosporidium,
14 disinfection byproducts, and arsenic, and the implementa-
15 tion of a research plan for subpopulations at greater risk
16 of adverse effects pursuant to section 1442(l).

17 “(c) MONITORING FOR UNREGULATED CONTAMI-
18 NANTS.—From funds appropriated pursuant to this sec-
19 tion for each fiscal year beginning with fiscal year 1997,
20 the Administrator shall reserve \$2,000,000 to pay the
21 costs of monitoring for unregulated contaminants under
22 section 1445(a)(2)(D).

23 “(d) SMALL SYSTEM TECHNICAL ASSISTANCE.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 from funds appropriated pursuant to this section for

1 each fiscal year for which the appropriation made
 2 pursuant to subsection (a) exceeds \$800,000,000,
 3 the Administrator shall reserve to carry out section
 4 1442(g) an amount that is equal to any amount by
 5 which the amount made available to carry out sec-
 6 tion 1442(g) is less than the amount referred to in
 7 the third sentence of section 1442(g).

8 “(2) MAXIMUM AMOUNT.—For each fiscal year,
 9 the amount reserved under paragraph (1) shall be
 10 not greater than an amount equal to the lesser of—

11 “(A) 2 percent of the funds appropriated
 12 pursuant to this section for the fiscal year; or

13 “(B) \$10,000,000.”.

14 **SEC. 4. SELECTION OF CONTAMINANTS; SCHEDULE.**

15 (a) STANDARDS.—Section 1412(b) (42 U.S.C. 300g–
 16 1(b)) is amended by striking “(b)(1)” and all that follows
 17 through the end of paragraph (3) and inserting the follow-
 18 ing:

19 “(b) STANDARDS.—

20 “(1) IDENTIFICATION OF CONTAMINANTS FOR
 21 LISTING.—

22 “(A) GENERAL AUTHORITY.—The Admin-
 23 istrator shall publish a maximum contaminant
 24 level goal and promulgate a national primary
 25 drinking water regulation for each contaminant

(other than a contaminant referred to in paragraph (2) for which a national primary drinking water regulation has been promulgated as of the date of enactment of the Safe Drinking Water Act Amendments of 1995) if the Administrator determines, based on adequate data and appropriate peer-reviewed scientific information and an assessment of health risks, conducted in accordance with sound and objective scientific practices, that—

“(i) the contaminant may have an adverse effect on the health of persons; and

“(ii) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern.

“(B) SELECTION AND LISTING OF CONTAMINANTS FOR CONSIDERATION.—

“(i) IN GENERAL.—Not later than July 1, 1997, the Administrator (after consultation with the Secretary of Health and Human Services) shall publish and periodically, but not less often than every 5 years, update a list of contaminants that are

1 known or anticipated to occur in drinking
2 water provided by public water systems
3 and that may warrant regulation under
4 this title.

5 “(ii) RESEARCH AND STUDY PLAN.—
6 At such time as a list is published under
7 clause (i), the Administrator shall describe
8 available and needed information and re-
9 search with respect to—

10 “(I) the health effects of the con-
11 taminants;

12 “(II) the occurrence of the con-
13 taminants in drinking water; and

14 “(III) treatment techniques and
15 other means that may be feasible to
16 control the contaminants.

17 “(iii) COMMENT.—The Administrator
18 shall seek comment on each list and any
19 research plan that is published from offi-
20 cials of State and local governments, oper-
21 ators of public water systems, the scientific
22 community, and the general public.

23 “(C) DETERMINATION.—

24 “(i) IN GENERAL.—Except as pro-
25 vided in clause (ii), not later than July 1,

2001, and every 5 years thereafter, the Administrator shall take one of the following actions for not fewer than 5 contaminants:

“(I) Publish a determination that information available to the Administrator does not warrant the issuance of a national primary drinking water regulation.

“(II) Publish a determination that a national primary drinking water regulation is warranted based on information available to the Administrator, and proceed to propose a maximum contaminant level goal and national primary drinking water regulation not later than 2 years after the date of publication of the determination.

“(III) Propose a maximum contaminant level goal and national primary drinking water regulation.

“(ii) INSUFFICIENT INFORMATION.—
If the Administrator determines that available information is insufficient to make a

1 determination for a contaminant under
2 clause (i), the Administrator may publish a
3 determination to continue to study the con-
4 taminant. Not later than 5 years after the
5 Administrator determines that further
6 study is necessary for a contaminant pur-
7 suant to this clause, the Administrator
8 shall make a determination under clause
9 (i).

10 “(iii) ASSESSMENT.—The determina-
11 tions under clause (i) shall be based on an
12 assessment of—

13 “(I) the available scientific
14 knowledge that is consistent with the
15 requirements of paragraph (3)(A) and
16 useful in determining the nature and
17 extent of adverse effects on the health
18 of persons that may occur due to the
19 presence of the contaminant in drink-
20 ing water;

21 “(II) information on the occur-
22 rence of the contaminant in drinking
23 water; and

24 “(III) the treatment technologies,
25 treatment techniques, or other means

1 that may be feasible in reducing the
2 contaminant in drinking water pro-
3 vided by public water systems.

4 “(iv) PRIORITIES.—In making deter-
5 minations under this subparagraph, the
6 Administrator shall give priority to those
7 contaminants not currently regulated that
8 are associated with the most serious ad-
9 verse health effects and that present the
10 greatest potential risk to the health of per-
11 sons due to the presence of the contami-
12 nant in drinking water provided by public
13 water systems.

14 “(v) REVIEW.—Each document set-
15 ting forth the determination for a contami-
16 nant under clause (i) shall be available for
17 public comment at such time as the deter-
18 mination is published.

19 “(vi) JUDICIAL REVIEW.—Determina-
20 tions made by the Administrator pursuant
21 to clause (i)(I) shall be considered final
22 agency actions for the purposes of section
23 1448. No determination under clause (i)(I)
24 shall be set aside by a court pursuant to
25 a review authorized under that section, un-

1 less the court finds that the determination
2 is arbitrary and capricious.

3 “(D) URGENT THREATS TO PUBLIC
4 HEALTH.—The Administrator may promulgate
5 an interim national primary drinking water reg-
6 ulation for a contaminant without listing the
7 contaminant under subparagraph (B) or pub-
8 lishing a determination for the contaminant
9 under subparagraph (C) to address an urgent
10 threat to public health as determined by the
11 Administrator after consultation with and writ-
12 ten response to any comments provided by the
13 Secretary of Health and Human Services, act-
14 ing through the director of the Centers for Dis-
15 ease Control and Prevention or the director of
16 the National Institutes of Health. A determina-
17 tion for any contaminant in accordance with
18 subparagraph (C) subject to an interim regula-
19 tion under this subparagraph shall be issued
20 not later than 3 years after the date on which
21 the regulation is promulgated and the regula-
22 tion shall be repromulgated, or revised if appro-
23 priate, not later than 5 years after that date.

24 “(E) MONITORING DATA AND OTHER IN-
25 FORMATION.—The Administrator may require,

1 in accordance with section 1445(a)(2), the sub-
2 mission of monitoring data and other informa-
3 tion necessary for the development of studies,
4 research plans, or national primary drinking
5 water regulations.

6 “(2) SCHEDULES AND DEADLINES.—

7 “(A) IN GENERAL.—In the case of the con-
8 taminants listed in the Advance Notice of Pro-
9 posed Rulemaking published in volume 47, Fed-
10 eral Register, page 9352, and in volume 48,
11 Federal Register, page 45502, the Adminis-
12 trator shall publish maximum contaminant level
13 goals and promulgate national primary drinking
14 water regulations—

15 “(i) not later than 1 year after June
16 19, 1986, for not fewer than 9 of the listed
17 contaminants;

18 “(ii) not later than 2 years after June
19 19, 1986, for not fewer than 40 of the list-
20 ed contaminants; and

21 “(iii) not later than 3 years after
22 June 19, 1986, for the remainder of the
23 listed contaminants.

24 “(B) SUBSTITUTION OF CONTAMINANTS.—

25 If the Administrator identifies a drinking water

contaminant the regulation of which, in the judgment of the Administrator, is more likely to be protective of public health (taking into account the schedule for regulation under subparagraph (A)) than a contaminant referred to in subparagraph (A), the Administrator may publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for the identified contaminant in lieu of regulating the contaminant referred to in subparagraph (A). Substitutions may be made for not more than 7 contaminants referred to in subparagraph (A). Regulation of a contaminant identified under this subparagraph shall be in accordance with the schedule applicable to the contaminant for which the substitution is made.

“(C) DISINFECTANTS AND DISINFECTION BYPRODUCTS.—

“(i) INFORMATION COLLECTION RULE.—

“(I) IN GENERAL.—Not later than December 31, 1995, the Administrator shall, after notice and opportunity for public comment, promulgate an information collection rule to ob-

tain information that will facilitate further revisions to the national primary drinking water regulation for disinfectants and disinfection byproducts, including information on microbial contaminants such as cryptosporidium.

“(II) EXTENSION.—The Administrator may extend the deadline under subclause (I) for up to 180 days if the Administrator determines that progress toward approval of an appropriate analytical method to screen for cryptosporidium is sufficiently advanced and approval is likely to be completed within the additional time period.

“(ii) ADDITIONAL DEADLINES.—The time intervals between promulgation of a final information collection rule, an Interim Enhanced Surface Water Treatment Rule, a Final Enhanced Surface Water Treatment Rule, a Stage I Disinfectants and Disinfection Byproducts Rule, and a Stage II Disinfectants and Disinfection

1 Byproducts Rule shall be in accordance
2 with the schedule published in volume 59,
3 Federal Register, page 6361 (February 10,
4 1994), in table III.13 of the proposed In-
5 formation Collection Rule. If a delay oc-
6 curs with respect to the promulgation of
7 any rule in the timetable established by
8 this subparagraph, all subsequent rules
9 shall be completed as expeditiously as prac-
10 ticable subject to agreement by all the par-
11 ties to the negotiated rulemaking, but no
12 later than a revised date that reflects the
13 interval or intervals for the rules in the
14 timetable.

15 “(D) PRIOR REQUIREMENTS.—The re-
16 quirements of subparagraphs (C) and (D) of
17 section 1412(b)(3) (as in effect before the
18 amendment made by section 4(a) of the Safe
19 Drinking Water Act Amendments of 1995), and
20 any obligation to promulgate regulations pursu-
21 ant to such subparagraphs not promulgated as
22 of the date of enactment of the Safe Drinking
23 Water Act Amendments of 1995, are super-
24 seded by this paragraph and paragraph (1).”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Section 1412(a)(3) (42 U.S.C. 300g–
 2 1(a)(3)) is amended by striking “paragraph (1), (2),
 3 or (3) of subsection (b)” each place it appears and
 4 inserting “paragraph (1) or (2) of subsection (b)”.

5 (2) Section 1415(d) (42 U.S.C. 300g–4(d)) is
 6 amended by striking “section 1412(b)(3)” and in-
 7 serting “section 1412(b)(7)(A)”.

8 **SEC. 5. RISK ASSESSMENT, MANAGEMENT, AND COMMU-**
 9 **NICATION.**

10 Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended
 11 by section 4) is further amended by inserting after para-
 12 graph (2) the following:

13 “(3) RISK ASSESSMENT, MANAGEMENT AND
 14 COMMUNICATION.—

15 “(A) USE OF SCIENCE IN DECISIONMAK-
 16 ING.—In carrying out this section, and, to the
 17 degree that an Agency action is based on
 18 science in carrying out this title, the Adminis-
 19 trator shall use—

20 “(i) the best available, peer-reviewed
 21 science and supporting studies conducted
 22 in accordance with sound and objective sci-
 23 entific practices; and

24 “(ii) data collected by accepted meth-
 25 ods or best available methods (if the reli-

1 ability of the method and the nature of the
2 decision justifies use of the data).

3 “(B) PUBLIC INFORMATION.—In carrying
4 out this section, the Administrator shall ensure
5 that the presentation of information on public
6 health effects is comprehensive, informative and
7 understandable. The Administrator shall, in a
8 document made available to the public in sup-
9 port of a regulation promulgated under this sec-
10 tion, specify, to the extent practicable—

11 “(i) each population addressed by any
12 estimate of public health effects;

13 “(ii) the expected risk or central esti-
14 mate of risk for the specific populations;

15 “(iii) each appropriate upper-bound or
16 lower-bound estimate of risk;

17 “(iv) each uncertainty identified in the
18 process of the assessment of public health
19 effects and research that would assist in
20 resolving the uncertainty; and

21 “(v) peer-reviewed studies known to
22 the Administrator that support, are di-
23 rectly relevant to, or fail to support any es-
24 timate of public health effects and the

1 methodology used to reconcile inconsis-
2 tencies in the scientific data.

3 “(C) HEALTH RISK REDUCTION AND COST
4 ANALYSIS.—

5 “(i) MAXIMUM CONTAMINANT LEV-
6 ELS.—Not later than 90 days prior to pro-
7 posing any national primary drinking
8 water regulation that includes a maximum
9 contaminant level, the Administrator shall,
10 with respect to a maximum contaminant
11 level that would be considered in accord-
12 ance with paragraph (4) in a proposed reg-
13 ulation and each alternative maximum con-
14 taminant level that would be considered in
15 a proposed regulation pursuant to para-
16 graph (5) or (6)(A), publish, seek public
17 comment on, and use for the purposes of
18 paragraphs (4), (5), and (6) an analysis
19 of—

20 “(I) the health risk reduction
21 benefits (including non-quantifiable
22 health benefits identified and de-
23 scribed by the Administrator, except
24 that such benefits shall not be used by
25 the Administrator for purposes of de-

1 termining whether a maximum con-
2 taminant level is or is not justified
3 unless there is a factual basis in the
4 rulemaking record to conclude that
5 such benefits are likely to occur) ex-
6 pected as the result of treatment to
7 comply with each level;

8 “(II) the health risk reduction
9 benefits (including non-quantifiable
10 health benefits identified and de-
11 scribed by the Administrator, except
12 that such benefits shall not be used by
13 the Administrator for purposes of de-
14 termining whether a maximum con-
15 taminant level is or is not justified
16 unless there is a factual basis in the
17 rulemaking record to conclude that
18 such benefits are likely to occur) ex-
19 pected from reductions in co-occurring
20 contaminants that may be attributed
21 solely to compliance with the maxi-
22 mum contaminant level, excluding
23 benefits resulting from compliance
24 with other proposed or promulgated
25 regulations;

1 “(III) the costs (including non-
2 quantifiable costs identified and de-
3 scribed by the Administrator, except
4 that such costs shall not be used by
5 the Administrator for purposes of de-
6 termining whether a maximum con-
7 taminant level is or is not justified
8 unless there is a factual basis in the
9 rulemaking record to conclude that
10 such costs are likely to occur) ex-
11 pected solely as a result of compliance
12 with the maximum contaminant level,
13 including monitoring, treatment, and
14 other costs and excluding costs result-
15 ing from compliance with other pro-
16 posed or promulgated regulations;

17 “(IV) the incremental costs and
18 benefits associated with each alter-
19 native maximum contaminant level
20 considered;

21 “(V) the effects of the contami-
22 nant on the general population and on
23 groups within the general population
24 such as infants, children, pregnant
25 women, the elderly, individuals with a

1 history of serious illness, or other sub-
2 populations that are identified as like-
3 ly to be at greater risk of adverse
4 health effects due to exposure to con-
5 taminants in drinking water than the
6 general population;

7 “(VI) any increased health risk
8 that may occur as the result of com-
9 pliance, including risks associated
10 with co-occurring contaminants; and

11 “(VII) other relevant factors, in-
12 cluding the quality and extent of the
13 information, the uncertainties in the
14 analysis supporting subclauses (I)
15 through (VI), and factors with respect
16 to the degree and nature of the risk.

17 “(ii) TREATMENT TECHNIQUES.—Not
18 later than 90 days prior to proposing a na-
19 tional primary drinking water regulation
20 that includes a treatment technique in ac-
21 cordance with paragraph (7)(A), the Ad-
22 ministrator shall publish and seek public
23 comment on an analysis of the health risk
24 reduction benefits and costs likely to be ex-
25 perience as the result of compliance with

1 the treatment technique and alternative
2 treatment techniques that would be consid-
3 ered in a proposed regulation, taking into
4 account, as appropriate, the factors de-
5 scribed in clause (i).

6 “(iii) APPROACHES TO MEASURE AND
7 VALUE BENEFITS.—The Administrator
8 may identify valid approaches for the
9 measurement and valuation of benefits
10 under this subparagraph, including ap-
11 proaches to identify consumer willingness
12 to pay for reductions in health risks from
13 drinking water contaminants.

14 “(iv) FORM OF NOTICE.—Whenever a
15 national primary drinking water regulation
16 is expected to result in compliance costs
17 greater than \$75,000,000 per year, the
18 Administrator shall provide the notice re-
19 quired by clause (i) or (ii) through an ad-
20 vanced notice of proposed rulemaking.

21 “(v) AUTHORIZATION.—There are au-
22 thorized to be appropriated to the Admin-
23 istrator, acting through the Office of
24 Ground Water and Drinking Water, to
25 conduct studies, assessments, and analyses

1 in support of regulations or the develop-
 2 ment of methods, \$35,000,000 for each of
 3 fiscal years 1996 through 2003.”.

4 **SEC. 6. STANDARD-SETTING; REVIEW OF STANDARDS.**

5 (a) IN GENERAL.—Section 1412(b) (42 U.S.C.
 6 300g-1(b)) is amended—

7 (1) in paragraph (4)—

8 (A) by striking “(4) Each” and inserting
 9 the following:

10 “(4) GOALS AND STANDARDS.—

11 “(A) MAXIMUM CONTAMINANT LEVEL
 12 GOALS.—Each”;

13 (B) in subparagraph (A) (as so des-
 14 ignated), by inserting after the first sentence
 15 the following: “The maximum contaminant level
 16 goal for contaminants that are known or likely
 17 to cause cancer in humans may be set at a level
 18 other than zero, if the Administrator deter-
 19 mines, based on the best available, peer-re-
 20 viewed science, that there is a threshold level
 21 below which there is unlikely to be any increase
 22 in cancer risk and the Administrator sets the
 23 maximum contaminant level goal at that level
 24 with an adequate margin of safety.”;

25 (C) in the last sentence—

1 (i) by striking “Each national” and
 2 inserting the following:

3 “(B) MAXIMUM CONTAMINANT LEVELS.—
 4 Except as provided in paragraphs (5) and (6),
 5 each national”; and

6 (ii) by striking “maximum level” and
 7 inserting “maximum contaminant level”;
 8 and

9 (D) by adding at the end the following:

10 “(C) DETERMINATION.—At the time the
 11 Administrator proposes a national primary
 12 drinking water regulation under this paragraph,
 13 the Administrator shall publish a determination
 14 as to whether the benefits of the maximum con-
 15 taminant level justify, or do not justify, the
 16 costs based on the analysis conducted under
 17 paragraph (3)(C).”;

18 (2) by striking “(5) For the” and inserting the
 19 following:

20 “(D) DEFINITION OF FEASIBLE.—For
 21 the”;

22 (3) in the second sentence of paragraph (4)(D)
 23 (as so designated), by striking “paragraph (4)” and
 24 inserting “this paragraph”;

1 (4) by striking “(6) Each national” and insert-
2 ing the following:

3 “(E) FEASIBLE TECHNOLOGIES.—Each
4 national”;

5 (5) in paragraph (4)(E) (as so designated), by
6 striking “this paragraph” and inserting “this sub-
7 section”; and

8 (6) by inserting after paragraph (4) (as so
9 amended) the following:

10 “(5) ADDITIONAL HEALTH RISK CONSIDER-
11 ATIONS.—

12 “(A) IN GENERAL.—Notwithstanding para-
13 graph (4), the Administrator may establish a
14 maximum contaminant level for a contaminant
15 at a level other than the feasible level, if the
16 technology, treatment techniques, and other
17 means used to determine the feasible level
18 would result in an increase in the health risk
19 from drinking water by—

20 “(i) increasing the concentration of
21 other contaminants in drinking water; or

22 “(ii) interfering with the efficacy of
23 drinking water treatment techniques or
24 processes that are used to comply with

1 other national primary drinking water reg-
2 ulations.

3 “(B) ESTABLISHMENT OF LEVEL.—If the
4 Administrator establishes a maximum contami-
5 nant level or levels or requires the use of treat-
6 ment techniques for any contaminant or con-
7 taminants pursuant to the authority of this
8 paragraph—

9 “(i) the level or levels or treatment
10 techniques shall minimize the overall risk
11 of adverse health effects by balancing the
12 risk from the contaminant and the risk
13 from other contaminants the concentra-
14 tions of which may be affected by the use
15 of a treatment technique or process that
16 would be employed to attain the maximum
17 contaminant level or levels; and

18 “(ii) the combination of technology,
19 treatment techniques, or other means re-
20 quired to meet the level or levels shall not
21 be more stringent than is feasible (as de-
22 fined in paragraph (4)(D)).

23 “(6) ADDITIONAL HEALTH RISK REDUCTION
24 AND COST CONSIDERATIONS.—

1 “(A) IN GENERAL.—Notwithstanding para-
2 graph (4), if the Administrator determines
3 based on an analysis conducted under para-
4 graph (3)(C) that the benefits of a maximum
5 contaminant level promulgated in accordance
6 with paragraph (4) would not justify the costs
7 of complying with the level, the Administrator
8 may, after notice and opportunity for public
9 comment, promulgate a maximum contaminant
10 level for the contaminant that maximizes health
11 risk reduction benefits at a cost that is justified
12 by the benefits.

13 “(B) EXCEPTION.—The Administrator
14 shall not use the authority of this paragraph to
15 promulgate a maximum contaminant level for a
16 contaminant, if the benefits of compliance with
17 a national primary drinking water regulation
18 for the contaminant that would be promulgated
19 in accordance with paragraph (4) experienced
20 by—

21 “(i) persons served by large public
22 water systems; and

23 “(ii) persons served by such other sys-
24 tems as are unlikely, based on information

1 provided by the States, to receive a vari-
2 ance under section 1415(e);
3 would justify the costs to the systems of com-
4 plying with the regulation. This subparagraph
5 shall not apply if the contaminant is found al-
6 most exclusively in small systems (as defined in
7 section 1415(e)).

8 “(C) DISINFECTANTS AND DISINFECTION
9 BYPRODUCTS.—The Administrator may not use
10 the authority of this paragraph to establish a
11 maximum contaminant level in a Stage I or
12 Stage II national primary drinking water regu-
13 lation for contaminants that are disinfectants
14 or disinfection byproducts (as described in para-
15 graph (2)), or to establish a maximum contami-
16 nant level or treatment technique requirement
17 for the control of cryptosporidium. The author-
18 ity of this paragraph may be used to establish
19 regulations for the use of disinfection by sys-
20 tems relying on ground water sources as re-
21 quired by paragraph (8).

22 “(D) JUDICIAL REVIEW.—A determination
23 by the Administrator that the benefits of a
24 maximum contaminant level or treatment re-
25 quirement justify or do not justify the costs of

1 complying with the level shall be reviewed by
2 the court pursuant to section 1448 only as part
3 of a review of a final national primary drinking
4 water regulation that has been promulgated
5 based on the determination and shall not be set
6 aside by the court under that section, unless the
7 court finds that the determination is arbitrary
8 and capricious.”.

9 (b) DISINFECTANTS AND DISINFECTION BYPROD-
10 UCTS.—The Administrator of the Environmental Protec-
11 tion Agency may use the authority of section 1412(b)(5)
12 of the Public Health Service Act (as amended by sub-
13 section (a)) to promulgate the Stage I rulemaking for dis-
14 infectants and disinfection byproducts as proposed in vol-
15 ume 59, Federal Register, page 38668 (July 29, 1994).
16 Unless new information warrants a modification of the
17 proposal as provided for in the “Disinfection and Disinfec-
18 tion Byproducts Negotiated Rulemaking Committee
19 Agreement”, nothing in such section shall be construed
20 to require the Administrator to modify the provisions of
21 the rulemaking as proposed.

22 (c) REVIEW OF STANDARDS.—Section 1412(b) (42
23 U.S.C. 300g–1(b)) is amended by striking paragraph (9)
24 and inserting the following:

1 “(9) REVIEW AND REVISION.—The Adminis-
 2 trator shall, not less often than every 6 years, review
 3 and revise, as appropriate, each national primary
 4 drinking water regulation promulgated under this
 5 title. Any revision of a national primary drinking
 6 water regulation shall be promulgated in accordance
 7 with this section, except that each revision shall
 8 maintain or provide for greater protection of the
 9 health of persons.”.

10 **SEC. 7. ARSENIC.**

11 Section 1412(b) (42 U.S.C. 300g–1(b)) is amended
 12 by adding at the end the following:

13 “(12) ARSENIC.—

14 “(A) SCHEDULE AND STANDARD.—Not-
 15 withstanding paragraph (2), the Administrator
 16 shall promulgate a national primary drinking
 17 water regulation for arsenic in accordance with
 18 the schedule established by this paragraph and
 19 pursuant to this subsection.

20 “(B) RESEARCH PLAN.—Not later than
 21 180 days after the date of enactment of this
 22 paragraph, the Administrator shall develop a
 23 comprehensive plan for research in support of
 24 drinking water rulemaking to reduce the uncer-
 25 tainty in assessing health risks associated with

1 exposure to low levels of arsenic. The Adminis-
2 trator shall consult with the Science Advisory
3 Board established by section 8 of the Environ-
4 mental Research, Development, and Dem-
5 onstration Act of 1978 (42 U.S.C. 4365), other
6 Federal agencies, and interested public and pri-
7 vate entities.

8 “(C) RESEARCH PROJECTS.—The Admin-
9 istrator shall carry out the research plan, tak-
10 ing care to avoid duplication of other research
11 in progress. The Administrator may enter into
12 cooperative research agreements with other
13 Federal agencies, State and local governments,
14 and other interested public and private entities
15 to carry out the research plan.

16 “(D) ASSESSMENT.—Not later than 3½
17 years after the date of enactment of this para-
18 graph, the Administrator shall review the
19 progress of the research to determine whether
20 the health risks associated with exposure to low
21 levels of arsenic are sufficiently well understood
22 to proceed with a national primary drinking
23 water regulation. The Administrator shall con-
24 sult with the Science Advisory Board, other

1 Federal agencies, and other interested public
2 and private entities as part of the review.

3 “(E) PROPOSED REGULATION.—The Ad-
4 ministrator shall propose a national primary
5 drinking water regulation for arsenic not later
6 than January 1, 2000.

7 “(F) FINAL REGULATION.—Not later than
8 January 1, 2001, after notice and opportunity
9 for public comment, the Administrator shall
10 promulgate a national primary drinking water
11 regulation for arsenic.”.

12 **SEC. 8. RADON.**

13 Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended
14 by section 7) is further amended by adding at the end
15 the following:

16 “(13) RADON IN DRINKING WATER.—

17 “(A) REGULATION.—Notwithstanding
18 paragraph (2), not later than 180 days after
19 the date of enactment of this paragraph, the
20 Administrator shall promulgate a national pri-
21 mary drinking water regulation for radon.

22 “(B) MAXIMUM CONTAMINANT LEVEL.—
23 Notwithstanding any other provision of law, the
24 regulation shall provide for a maximum con-

1 taminant level for radon of 3,000 picocuries per
2 liter.

3 “(C) REVISION.—

4 “(i) IN GENERAL.—Subject to clause
5 (ii), a revision to the regulation promul-
6 gated under subparagraph (A) may be
7 made pursuant to this subsection. The re-
8 vision may include a maximum contami-
9 nant level less stringent than 3,000
10 picocuries per liter as provided in para-
11 graphs (4) and (9) or a maximum contami-
12 nant level more stringent than 3,000
13 picocuries per liter as provided in clause
14 (ii).

15 “(ii) MAXIMUM CONTAMINANT
16 LEVEL.—

17 “(I) CRITERIA FOR REVISION.—

18 The Administrator shall not revise the
19 maximum contaminant level for radon
20 to a more stringent level than the
21 level established under subparagraph
22 (B) unless—

23 “(aa) the revision is made to
24 reflect consideration of risks from
25 the ingestion of radon in drinking

1 water and episodic uses of drink-
2 ing water;

3 “(bb) the revision is sup-
4 ported by peer-reviewed scientific
5 studies conducted in accordance
6 with sound and objective sci-
7 entific practices; and

8 “(cc) based on the studies,
9 the National Academy of
10 Sciences and the Science Advi-
11 sory Board, established by sec-
12 tion 8 of the Environmental Re-
13 search, Development, and Dem-
14 onstration Act of 1978 (42
15 U.S.C. 4365), consider a revision
16 of the maximum contaminant
17 level to be appropriate.

18 “(II) AMOUNT OF REVISION.—If
19 the Administrator determines to revise
20 the maximum contaminant level for
21 radon in accordance with subclause
22 (I), the maximum contaminant level
23 shall be revised to a level that is no
24 more stringent than is necessary to
25 reduce risks to human health from

1 radon in drinking water to a level that
2 is equivalent to risks to human health
3 from radon in outdoor air based on
4 the national average concentration of
5 radon in outdoor air.”.

6 **SEC. 9. SULFATE.**

7 Section 1412(b) (42 U.S.C. 300g–1(b)) (as amended
8 by section 8) is further amended by adding at the end
9 the following:

10 “(14) SULFATE.—

11 “(A) ADDITIONAL RESEARCH.—Prior to
12 promulgating a national primary drinking water
13 regulation for sulfate the Administrator and the
14 Director of the Centers for Disease Control
15 shall jointly conduct additional research to es-
16 tablish a reliable dose-response relationship for
17 the adverse health effects that may result from
18 exposure to sulfate in drinking water, including
19 the health effects that may be experienced by
20 groups within the general population (including
21 infants and travelers) that are potentially at
22 greater risk of adverse health effects as the re-
23 sult of such exposure. The research shall be
24 conducted in consultation with interested
25 States, shall be based on the best available,

1 peer-reviewed science and supporting studies
2 conducted in accordance with sound and objec-
3 tive scientific practices and shall be completed
4 not later than 30 months after the date of en-
5 actment of this paragraph.

6 “(B) PROPOSED AND FINAL RULE.—Prior
7 to promulgating a national primary drinking
8 water regulation for sulfate and after consulta-
9 tion with interested States, the Administrator
10 shall publish a notice of proposed rulemaking
11 that shall supersede the proposal published in
12 December, 1994. For purposes of the proposed
13 and final rule, the Administrator may specify in
14 the regulation requirements for public notifica-
15 tion and options for the provision of alternative
16 water supplies to populations at risk as a
17 means of complying with the regulation in lieu
18 of a best available treatment technology or
19 other means. The Administrator shall, pursuant
20 to the authorities of this subsection and after
21 notice and opportunity for public comment, pro-
22 mulgate a final national primary drinking water
23 regulation for sulfate not later than 48 months
24 after the date of enactment of this paragraph.

25 “(C) EFFECT ON OTHER LAWS.—

1 “(i) FEDERAL LAWS.—Notwithstand-
2 ing part C, section 311 of the Federal
3 Water Pollution Control Act (33 U.S.C.
4 1321), subtitle C or D of the Solid Waste
5 Disposal Act (42 U.S.C. 6921 et seq.), or
6 section 107 or 121(d) of the Comprehen-
7 sive Environmental Response, Compensa-
8 tion, and Liability Act of 1980 (42 U.S.C.
9 9607 and 9621(d)), no national primary
10 drinking water regulation for sulfate shall
11 be—

12 “(I) used as a standard for deter-
13 mining compliance with any provision
14 of any law other than this subsection;

15 “(II) used as a standard for de-
16 termining appropriate cleanup levels
17 or whether cleanup should be under-
18 taken with respect to any facility or
19 site;

20 “(III) considered to be an appli-
21 cable or relevant and appropriate re-
22 quirement for any such cleanup; or

23 “(IV) used for the purpose of de-
24 fining injury to a natural resource;

1 unless the Administrator, by rule and after
 2 notice and opportunity for public comment,
 3 determines that the regulation is appro-
 4 priate for a use described in subclause (I),
 5 (II), (III), or (IV).

6 “(ii) STATE LAWS.—This subpara-
 7 graph shall not affect any requirement of
 8 State law, including the applicability of
 9 any State standard similar to the regula-
 10 tion published under this paragraph as a
 11 standard for any cleanup action, compli-
 12 ance action, or natural resource damage
 13 action taken pursuant to such a law.”.

14 **SEC. 10. FILTRATION AND DISINFECTION.**

15 (a) FILTRATION CRITERIA.—Section
 16 1412(b)(7)(C)(i) is amended by adding at the end thereof
 17 the following: “Not later than 18 months after the date
 18 of enactment of the Safe Drinking Water Act Amend-
 19 ments of 1995, the Administrator shall amend the criteria
 20 issued under this clause to provide that a State exercising
 21 primary enforcement responsibility for public water sys-
 22 tems may, on a case-by-case basis, establish treatment re-
 23 quirements as an alternative to filtration in the case of
 24 systems having uninhabited, undeveloped watersheds in
 25 consolidated ownership, and having control over access to,

1 and activities in, those watersheds, if the State determines
2 (and the Administrator concurs) that the quality of the
3 source water and the alternative treatment requirements
4 established by the State ensure significantly greater re-
5 moval efficiencies of pathogenic organisms for which na-
6 tional primary drinking water regulations have been pro-
7 mulgated or that are of public health concern than would
8 be achieved by the combination of filtration and chlorine
9 disinfection (in compliance with this paragraph and para-
10 graph (8)).”.

11 (b) FILTRATION TECHNOLOGY FOR SMALL SYS-
12 TEMS.—Section 1412(b)(7)(C) (42 U.S.C. 300g-
13 1(b)(7)(C)) is amended by adding at the end the following:

14 “(v) FILTRATION TECHNOLOGY FOR
15 SMALL SYSTEMS.—At the same time as the
16 Administrator proposes an Interim En-
17 hanced Surface Water Treatment Rule
18 pursuant to paragraph (2)(C)(ii), the Ad-
19 ministrator shall propose a regulation that
20 describes treatment techniques that meet
21 the requirements for filtration pursuant to
22 this subparagraph and are feasible for
23 community water systems serving a popu-
24 lation of 3,300 or fewer and noncommunity
25 water systems.”.

1 (c) GROUND WATER DISINFECTION.—The first sen-
2 tence of section 1412(b)(8) (42 U.S.C. 300g-1(b)(8)) is
3 amended—

4 (1) by striking “Not later than 36 months after
5 the enactment of the Safe Drinking Water Act
6 Amendments of 1986, the Administrator shall pro-
7 pose and promulgate” and inserting “At any time
8 after the end of the 3-year period that begins on the
9 date of enactment of the Safe Drinking Water Act
10 Amendments of 1995 but not later than the date on
11 which the Administrator promulgates a Stage II
12 rulemaking for disinfectants and disinfection byprod-
13 ucts (as described in paragraph (2)), the Adminis-
14 trator shall also promulgate”; and

15 (2) by striking the period at the end and insert-
16 ing the following: “, including surface water systems
17 and, as necessary, ground water systems. After con-
18 sultation with the States, the Administrator shall (as
19 part of the regulations) promulgate criteria that the
20 Administrator, or a State that has primary enforce-
21 ment responsibility under section 1413, shall apply
22 to determine whether disinfection shall be required
23 as a treatment technique for any public water sys-
24 tem served by ground water.”.

1 **SEC. 11. EFFECTIVE DATE FOR REGULATIONS.**

2 Section 1412(b) (42 U.S.C. 300g–1(b)) is amended
3 by striking paragraph (10) and inserting the following:

4 “(10) **EFFECTIVE DATE.**—A national primary
5 drinking water regulation promulgated under this
6 section shall take effect on the date that is 3 years
7 after the date on which the regulation is promul-
8 gated unless the Administrator determines that an
9 earlier date is practicable, except that the Adminis-
10 trator, or a State in the case of an individual sys-
11 tem, may allow up to 2 additional years to comply
12 with a maximum contaminant level or treatment
13 technique if the Administrator or State determines
14 that additional time is necessary for capital improve-
15 ments.”.

16 **SEC. 12. TECHNOLOGY AND TREATMENT TECHNIQUES;**
17 **TECHNOLOGY CENTERS.**

18 (a) **SYSTEM TREATMENT TECHNOLOGIES.**—Section
19 1412(b) (42 U.S.C. 300g–1(b)) (as amended by section
20 9) is further amended by adding at the end the following:

21 “(15) **SYSTEM TREATMENT TECHNOLOGIES.**—
22 “(A) **GUIDANCE OR REGULATIONS.**—
23 “(i) **IN GENERAL.**—At the same time
24 as the Administrator promulgates a na-
25 tional primary drinking water regulation
26 pursuant to this section, the Administrator

1 shall issue guidance or regulations describ-
2 ing all treatment technologies for the con-
3 taminant that is the subject of the regula-
4 tion that are feasible with the use of best
5 technology, treatment techniques, or other
6 means that the Administrator finds, after
7 examination for efficacy under field condi-
8 tions and not solely under laboratory con-
9 ditions, are available taking cost into con-
10 sideration for public water systems serv-
11 ing—

12 “(I) a population of 10,000 or
13 fewer but more than 3,300;

14 “(II) a population of 3,300 or
15 fewer but more than 500; and

16 “(III) a population of 500 or
17 fewer but more than 25.

18 “(ii) CONTENTS.—The guidance or
19 regulations shall identify the effectiveness
20 of the technology, the cost of the tech-
21 nology, and other factors related to the use
22 of the technology, including requirements
23 for the quality of source water to ensure
24 adequate protection of human health, con-
25 sidering removal efficiencies of the tech-

1 nology, and installation and operation and
2 maintenance requirements for the tech-
3 nology.

4 “(iii) LIMITATION.—The Adminis-
5 trator shall not issue guidance or regula-
6 tions for a technology under this para-
7 graph unless the technology adequately
8 protects human health, considering the ex-
9 pected useful life of the technology and the
10 source waters available to systems for
11 which the technology is considered to be
12 feasible.

13 “(B) REGULATIONS AND GUIDANCE.—Not
14 later than 2 years after the date of enactment
15 of this paragraph and after consultation with
16 the States, the Administrator shall issue guid-
17 ance or regulations under subparagraph (A) for
18 each national primary drinking water regulation
19 promulgated prior to the date of enactment of
20 this paragraph for which a variance may be
21 granted under section 1415(e). The Adminis-
22 trator may, at any time after a national pri-
23 mary drinking water regulation has been pro-
24 mulgated, issue guidance or regulations describ-
25 ing additional or new or innovative treatment

1 technologies that meet the requirements of sub-
2 paragraph (A) for public water systems de-
3 scribed in subparagraph (A)(i) that are subject
4 to the regulation.

5 “(C) NO SPECIFIED TECHNOLOGY.—A de-
6 scription under subparagraph (A) of the best
7 technology or other means available shall not be
8 considered to require or authorize that the spec-
9 ified technology or other means be used for the
10 purpose of meeting the requirements of any na-
11 tional primary drinking water regulation.”.

12 (b) TECHNOLOGIES AND TREATMENT TECHNIQUES
13 FOR SMALL SYSTEMS.—Section 1412(b)(4)(E) (as
14 amended by section 6(a)) is further amended by adding
15 at the end the following: “The Administrator shall include
16 in the list any technology, treatment technique, or other
17 means that is feasible for small public water systems serv-
18 ing—

19 “(i) a population of 10,000 or fewer
20 but more than 3,300;

21 “(ii) a population of 3,300 or fewer
22 but more than 500; and

23 “(iii) a population of 500 or fewer but
24 more than 25;

1 and that achieves compliance with the maxi-
2 mum contaminant level or treatment technique,
3 including packaged or modular systems and
4 point-of-entry or point-of-use treatment units
5 that are owned, controlled and maintained by
6 the public water system or by a person under
7 contract with the public water system to ensure
8 proper operation and maintenance and compli-
9 ance with the maximum contaminant level and
10 equipped with mechanical warnings to ensure
11 that customers are automatically notified of
12 operational problems. The Administrator shall
13 not include in the list any point-of-use treat-
14 ment technology, treatment technique, or other
15 means to achieve compliance with a maximum
16 contaminant level or treatment technique re-
17 quirement for a microbial contaminant (or an
18 indicator of a microbial contaminant). If the
19 American National Standards Institute has is-
20 sued product standards applicable to a specific
21 type of point-of-entry or point-of-use treatment
22 device, individual units of that type shall not be
23 accepted for compliance with a maximum con-
24 taminant level or treatment technique require-

1 ment unless they are independently certified in
2 accordance with such standards.”.

3 (c) AVAILABILITY OF INFORMATION ON SMALL SYS-
4 TEM TECHNOLOGIES.—Section 1445 (42 U.S.C. 300j–4)
5 is amended by adding at the end the following:

6 “(g) AVAILABILITY OF INFORMATION ON SMALL SYS-
7 TEM TECHNOLOGIES.—For purposes of paragraphs
8 (4)(E) and (15) of section 1412(b), the Administrator
9 may request information on the characteristics of commer-
10 cially available treatment systems and technologies, in-
11 cluding the effectiveness and performance of the systems
12 and technologies under various operating conditions. The
13 Administrator may specify the form, content, and date by
14 which information shall be submitted by manufacturers,
15 States, and other interested persons for the purpose of
16 considering the systems and technologies in the develop-
17 ment of regulations or guidance under paragraph (4)(E)
18 or (15) of section 1412(b).”.

19 (d) SMALL WATER SYSTEMS TECHNOLOGY CEN-
20 TERS.—Section 1442 (42 U.S.C. 300j–1) is amended by
21 adding at the end the following:

22 “(h) SMALL PUBLIC WATER SYSTEMS TECHNOLOGY
23 ASSISTANCE CENTERS.—

24 “(1) GRANT PROGRAM.—The Administrator is
25 authorized to make grants to institutions of higher

1 learning to establish and operate not fewer than 5
2 small public water system technology assistance cen-
3 ters in the United States.

4 “(2) RESPONSIBILITIES OF THE CENTERS.—

5 The responsibilities of the small public water system
6 technology assistance centers established under this
7 subsection shall include the conduct of research,
8 training, and technical assistance relating to the in-
9 formation, performance, and technical needs of small
10 public water systems or public water systems that
11 serve Indian Tribes.

12 “(3) APPLICATIONS.—Any institution of higher

13 learning interested in receiving a grant under this
14 subsection shall submit to the Administrator an ap-
15 plication in such form and containing such informa-
16 tion as the Administrator may require by regulation.

17 “(4) SELECTION CRITERIA.—The Administrator

18 shall select recipients of grants under this subsection
19 on the basis of the following criteria:

20 “(A) The small public water system tech-

21 nology assistance center shall be located in a
22 State that is representative of the needs of the
23 region in which the State is located for address-
24 ing the drinking water needs of rural small
25 communities or Indian Tribes.

1 “(B) The grant recipient shall be located
2 in a region that has experienced problems with
3 rural water supplies.

4 “(C) There is available to the grant recipi-
5 ent for carrying out this subsection dem-
6 onstrated expertise in water resources research,
7 technical assistance, and training.

8 “(D) The grant recipient shall have the ca-
9 pability to provide leadership in making na-
10 tional and regional contributions to the solution
11 of both long-range and intermediate-range rural
12 water system technology management problems.

13 “(E) The grant recipient shall have a dem-
14 onstrated interdisciplinary capability with ex-
15 pertise in small public water system technology
16 management and research.

17 “(F) The grant recipient shall have a dem-
18 onstrated capability to disseminate the results
19 of small public water system technology re-
20 search and training programs through an inter-
21 disciplinary continuing education program.

22 “(G) The projects that the grant recipient
23 proposes to carry out under the grant are nec-
24 essary and appropriate.

1 “(H) The grant recipient has regional sup-
2 port beyond the host institution.

3 “(I) The grant recipient shall include the
4 participation of water resources research insti-
5 tutes established under section 104 of the
6 Water Resources Research Act of 1984 (42
7 U.S.C. 10303).

8 “(5) ALASKA.—For purposes of this subsection,
9 the State of Alaska shall be considered to be a re-
10 gion.

11 “(6) CONSORTIA OF STATES.—At least 2 of the
12 grants under this subsection shall be made to con-
13 sortia of States with low population densities. In this
14 paragraph, the term ‘consortium of States with low
15 population densities’ means a consortium of States,
16 each State of which has an average population den-
17 sity of less than 12.3 persons per square mile, based
18 on data for 1993 from the Bureau of the Census.

19 “(7) ADDITIONAL CONSIDERATIONS.—At least
20 one center established under this subsection shall
21 focus primarily on the development and evaluation of
22 new technologies and new combinations of existing
23 technologies that are likely to provide more reliable
24 or lower cost options for providing safe drinking
25 water. This center shall be located in a geographic

1 region of the country with a high density of small
 2 systems, at a university with an established record
 3 of developing and piloting small treatment tech-
 4 nologies in cooperation with industry, States, com-
 5 munities, and water system associations.

6 “(8) AUTHORIZATION OF APPROPRIATIONS.—

7 There are authorized to be appropriated to make
 8 grants under this subsection \$10,000,000 for each
 9 of fiscal years 1995 through 2003.”.

10 **SEC. 13. VARIANCES AND EXEMPTIONS.**

11 (a) TECHNOLOGY AND TREATMENT TECHNIQUES
 12 FOR SYSTEMS ISSUED VARIANCES.—The second sentence
 13 of section 1415(a)(1)(A) (42 U.S.C. 300g-4(a)(1)(A)) is
 14 amended—

15 (1) by striking “only be issued to a system after
 16 the system’s application of” and inserting “be issued
 17 to a system on condition that the system install”;
 18 and

19 (2) by inserting before the period at the end the
 20 following: “, and based upon an evaluation satisfac-
 21 tory to the State that indicates that alternative
 22 sources of water are not reasonably available to the
 23 system”.

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

1 (1) in subsection (a)(1)—

2 (A) by inserting after “(which may include
3 economic factors” the following: “, including
4 qualification of the public water system as a
5 system serving a disadvantaged community pur-
6 suant to section 1473(e)(1)”; and

7 (B) by inserting after “treatment tech-
8 nique requirement,” the following: “or to imple-
9 ment measures to develop an alternative source
10 of water supply,”;

11 (2) in subsection (b)(1)(A)—

12 (A) by striking “(including increments of
13 progress)” and inserting “(including increments
14 of progress or measures to develop an alter-
15 native source of water supply)”; and

16 (B) by striking “requirement and treat-
17 ment” and inserting “requirement or treat-
18 ment”; and

19 (3) in subsection (b)(2)—

20 (A) by striking “(except as provided in
21 subparagraph (B))” in subparagraph (A) and
22 all that follows through “3 years after the date
23 of the issuance of the exemption if” in subpara-
24 graph (B) and inserting the following: “not
25 later than 3 years after the otherwise applicable

1 compliance date established in section
2 1412(b)(10).

3 “(B) No exemption shall be granted unless”;

4 (B) in subparagraph (B)(i), by striking
5 “within the period of such exemption” and in-
6 serting “prior to the date established pursuant
7 to section 1412(b)(10)”;

8 (C) in subparagraph (B)(ii), by inserting
9 after “such financial assistance” the following:
10 “or assistance pursuant to part G, or any other
11 Federal or State program is reasonably likely to
12 be available within the period of the exemp-
13 tion”;

14 (D) in subparagraph (C)—

15 (i) by striking “500 service connec-
16 tions” and inserting “a population of
17 3,300”; and

18 (ii) by inserting “, but not to exceed
19 a total of 6 years,” after “for one or more
20 additional 2-year periods”; and

21 (E) by adding at the end the following:

22 “(D) LIMITATION.—A public water system may not
23 receive an exemption under this section if the system was
24 granted a variance under section 1415(e).”.

1 **SEC. 14. SMALL SYSTEMS; TECHNICAL ASSISTANCE.**

2 (a) SMALL SYSTEM VARIANCES.—Section 1415 (42
3 U.S.C. 300g–4) is amended by adding at the end the fol-
4 lowing:

5 “(e) SMALL SYSTEM VARIANCES.—

6 “(1) IN GENERAL.—The Administrator (or a
7 State with primary enforcement responsibility for
8 public water systems under section 1413) may grant
9 to a public water system serving a population of
10 10,000 or fewer (referred to in this subsection as a
11 ‘small system’) a variance under this subsection for
12 compliance with a requirement specifying a maxi-
13 mum contaminant level or treatment technique con-
14 tained in a national primary drinking water regula-
15 tion, if the variance meets each requirement of this
16 subsection.

17 “(2) AVAILABILITY OF VARIANCES.—A small
18 system may receive a variance under this subsection
19 if the system installs, operates, and maintains, in ac-
20 cordance with guidance or regulations issued by the
21 Administrator, treatment technology that is feasible
22 for small systems as determined by the Adminis-
23 trator pursuant to section 1412(b)(15).

24 “(3) CONDITIONS FOR GRANTING VARIANCES.—
25 A variance under this subsection shall be available
26 only to a system—

1 “(A) that cannot afford to comply, in ac-
2 cordance with affordability criteria established
3 by the Administrator (or the State in the case
4 of a State that has primary enforcement re-
5 sponsibility under section 1413), with a na-
6 tional primary drinking water regulation, in-
7 cluding compliance through—

8 “(i) treatment;

9 “(ii) alternative source of water sup-
10 ply; or

11 “(iii) restructuring or consolidation
12 (unless the Administrator (or the State in
13 the case of a State that has primary en-
14 forcement responsibility under section
15 1413) makes a written determination that
16 restructuring or consolidation is not fea-
17 sible or appropriate based on other speci-
18 fied public policy considerations); and

19 “(B) for which the Administrator (or the
20 State in the case of a State that has primary
21 enforcement responsibility under section 1413)
22 determines that the terms of the variance en-
23 sure adequate protection of human health, con-
24 sidering the quality of the source water for the
25 system and the removal efficiencies and ex-

1 pected useful life of the treatment technology
2 required by the variance.

3 “(4) APPLICATIONS.—An application for a vari-
4 ance for a national primary drinking water regula-
5 tion under this subsection shall be submitted to the
6 Administrator (or the State in the case of a State
7 that has primary enforcement responsibility under
8 section 1413) not later than the date that is the
9 later of—

10 “(A) 3 years after the date of enactment
11 of this subsection; or

12 “(B) 1 year after the compliance date of
13 the national primary drinking water regulation
14 as established under section 1412(b)(10) for
15 which a variance is requested.

16 “(5) VARIANCE REVIEW AND DECISION.—

17 “(A) TIMETABLE.—The Administrator (or
18 the State in the case of a State that has pri-
19 mary enforcement responsibility under section
20 1413) shall grant or deny a variance not later
21 than 1 year after the date of receipt of the ap-
22 plication.

23 “(B) PENALTY MORATORIUM.—Each pub-
24 lic water system that submits a timely applica-
25 tion for a variance under this subsection shall

1 not be subject to a penalty in an enforcement
2 action under section 1414 for a violation of a
3 maximum contaminant level or treatment tech-
4 nique in the national primary drinking water
5 regulation with respect to which the variance
6 application was submitted prior to the date of
7 a decision to grant or deny the variance.

8 “(6) COMPLIANCE SCHEDULES.—

9 “(A) VARIANCES.—A variance granted
10 under this subsection shall require compliance
11 with the conditions of the variance not later
12 than 3 years after the date on which the vari-
13 ance is granted, except that the Administrator
14 (or the State in the case of a State that has
15 primary enforcement responsibility under sec-
16 tion 1413) may allow up to 2 additional years
17 to comply with a treatment technique, secure an
18 alternative source of water, or restructure if the
19 Administrator (or the State) determines that
20 additional time is necessary for capital improve-
21 ments, or to allow for financial assistance pro-
22 vided pursuant to part G or any other Federal
23 or State program.

24 “(B) DENIED APPLICATIONS.—If the Ad-
25 ministrator (or the State in the case of a State

1 that has primary enforcement responsibility
2 under section 1413) denies a variance applica-
3 tion under this subsection, the public water sys-
4 tem shall come into compliance with the re-
5 quirements of the national primary drinking
6 water regulation for which the variance was re-
7 quested not later than 4 years after the date on
8 which the national primary drinking water reg-
9 ulation was promulgated.

10 “(7) DURATION OF VARIANCES.—

11 “(A) IN GENERAL.—The Administrator (or
12 the State in the case of a State that has pri-
13 mary enforcement responsibility under section
14 1413) shall review each variance granted under
15 this subsection not less often than every 5 years
16 after the compliance date established in the
17 variance to determine whether the system re-
18 mains eligible for the variance and is conform-
19 ing to each condition of the variance.

20 “(B) REVOCATION OF VARIANCES.—The
21 Administrator (or the State in the case of a
22 State that has primary enforcement responsibil-
23 ity under section 1413) shall revoke a variance
24 in effect under this subsection if the Adminis-
25 trator (or the State) determines that—

1 “(i) the system is no longer eligible
2 for a variance;

3 “(ii) the system has failed to comply
4 with any term or condition of the variance,
5 other than a reporting or monitoring re-
6 quirement, unless the failure is caused by
7 circumstances outside the control of the
8 system; or

9 “(iii) the terms of the variance do not
10 ensure adequate protection of human
11 health, considering the quality of source
12 water available to the system and the re-
13 moval efficiencies and expected useful life
14 of the treatment technology required by
15 the variance.

16 “(8) INELIGIBILITY FOR VARIANCES.—A vari-
17 ance shall not be available under this subsection
18 for—

19 “(A) any maximum contaminant level or
20 treatment technique for a contaminant with re-
21 spect to which a national primary drinking
22 water regulation was promulgated prior to Jan-
23 uary 1, 1986; or

24 “(B) a national primary drinking water
25 regulation for a microbial contaminant (includ-

1 ing a bacterium, virus, or other organism) or an
2 indicator or treatment technique for a microbial
3 contaminant.

4 “(9) REGULATIONS AND GUIDANCE.—

5 “(A) IN GENERAL.—Not later than 2 years
6 after the date of enactment of this subsection
7 and in consultation with the States, the Admin-
8 istrator shall promulgate regulations for
9 variances to be granted under this subsection.

10 The regulations shall, at a minimum, specify—

11 “(i) procedures to be used by the Ad-
12 ministrator or a State to grant or deny
13 variances, including requirements for noti-
14 fying the Administrator and consumers of
15 the public water system applying for a
16 variance and requirements for a public
17 hearing on the variance before the variance
18 is granted;

19 “(ii) requirements for the installation
20 and proper operation of treatment tech-
21 nology that is feasible (pursuant to section
22 1412(b)(15)) for small systems and the fi-
23 nancial and technical capability to operate
24 the treatment system, including operator
25 training and certification;

1 “(iii) eligibility criteria for a variance
2 for each national primary drinking water
3 regulation, including requirements for the
4 quality of the source water (pursuant to
5 section 1412(b)(15)(A)); and

6 “(iv) information requirements for
7 variance applications.

8 “(B) AFFORDABILITY CRITERIA.—Not
9 later than 18 months after the date of enact-
10 ment of the Safe Drinking Water Act Amend-
11 ments of 1995, the Administrator, in consulta-
12 tion with the States and the Rural Utilities
13 Service of the Department of Agriculture, shall
14 publish information to assist the States in de-
15 veloping affordability criteria. The affordability
16 criteria shall be reviewed by the States not less
17 often than every 5 years to determine if
18 changes are needed to the criteria.

19 “(10) REVIEW BY THE ADMINISTRATOR.—

20 “(A) IN GENERAL.—The Administrator
21 shall periodically review the program of each
22 State that has primary enforcement responsibil-
23 ity for public water systems under section 1413
24 with respect to variances to determine whether
25 the variances granted by the State comply with

1 the requirements of this subsection. With re-
2 spect to affordability, the determination of the
3 Administrator shall be limited to whether the
4 variances granted by the State comply with the
5 affordability criteria developed by the State.

6 “(B) NOTICE AND PUBLICATION.—If the
7 Administrator determines that variances grant-
8 ed by a State are not in compliance with afford-
9 ability criteria developed by the State and the
10 requirements of this subsection, the Adminis-
11 trator shall notify the State in writing of the
12 deficiencies and make public the determination.

13 “(C) OBJECTIONS TO VARIANCES.—

14 “(i) BY THE ADMINISTRATOR.—The
15 Administrator may review and object to
16 any variance proposed to be granted by a
17 State, if the objection is communicated to
18 the State not later than 90 days after the
19 State proposes to grant the variance. If the
20 Administrator objects to the granting of a
21 variance, the Administrator shall notify the
22 State in writing of each basis for the objec-
23 tion and propose a modification to the
24 variance to resolve the concerns of the Ad-
25 ministrator. The State shall make the rec-

ommended modification or respond in writing to each objection. If the State issues the variance without resolving the concerns of the Administrator, the Administrator may overturn the State decision to grant the variance if the Administrator determines that the State decision does not comply with this subsection.

“(ii) PETITION BY CONSUMERS.—Not later than 30 days after a State with primary enforcement responsibility for public water systems under section 1413 proposes to grant a variance for a public water system, any person served by the system may petition the Administrator to object to the granting of a variance. The Administrator shall respond to the petition not later than 60 days after the receipt of the petition. The State shall not grant the variance during the 60-day period. The petition shall be based on comments made by the petitioner during public review of the variance by the State.”.

(b) TECHNICAL ASSISTANCE.—Section 1442(g) (42

U.S.C. 300j–1(g)) is amended—

1 (1) in the second sentence, by inserting “and
 2 multi-State regional technical assistance” after “‘cir-
 3 cuit-rider’ ”; and

4 (2) by striking the third sentence and inserting
 5 the following: “The Administrator shall ensure that
 6 funds made available for technical assistance pursu-
 7 ant to this subsection are allocated among the States
 8 equally. Each nonprofit organization receiving assist-
 9 ance under this subsection shall consult with the
 10 State in which the assistance is to be expended or
 11 otherwise made available before using the assistance
 12 to undertake activities to carry out this subsection.
 13 There are authorized to be appropriated to carry out
 14 this subsection \$15,000,000 for each of fiscal years
 15 1992 through 2003.”.

16 **SEC. 15. CAPACITY DEVELOPMENT; FINANCE CENTERS.**

17 Part B (42 U.S.C. 300g et seq.) is amended by add-
 18 ing at the end the following:

19 “CAPACITY DEVELOPMENT

20 “SEC. 1418. (a) STATE AUTHORITY FOR NEW SYS-
 21 TEMS.—Each State shall obtain the legal authority or
 22 other means to ensure that all new community water sys-
 23 tems and new nontransient, noncommunity water systems
 24 commencing operation after October 1, 1998, demonstrate
 25 technical, managerial, and financial capacity with respect
 26 to each national primary drinking water regulation in ef-

1 fect, or likely to be in effect, on the date of commencement
2 of operations.

3 “(b) SYSTEMS IN SIGNIFICANT NONCOMPLIANCE.—

4 “(1) LIST.—Beginning not later than 1 year
5 after the date of enactment of this section, each
6 State shall prepare, periodically update, and submit
7 to the Administrator a list of community water sys-
8 tems and nontransient, noncommunity water sys-
9 tems that have a history of significant noncompli-
10 ance with this title (as defined in guidelines issued
11 prior to the date of enactment of this section or any
12 revisions of the guidelines that have been made in
13 consultation with the States) and, to the extent
14 practicable, the reasons for noncompliance.

15 “(2) REPORT.—Not later than 5 years after the
16 date of enactment of this section and as part of the
17 capacity development strategy of the State, each
18 State shall report to the Administrator on the suc-
19 cess of enforcement mechanisms and initial capacity
20 development efforts in assisting the public water sys-
21 tems listed under paragraph (1) to improve tech-
22 nical, managerial, and financial capacity.

23 “(c) CAPACITY DEVELOPMENT STRATEGY.—

24 “(1) IN GENERAL.—Not later than 4 years
25 after the date of enactment of this section, each

1 State shall develop and implement a strategy to as-
2 sist public water systems in acquiring and maintain-
3 ing technical, managerial, and financial capacity.

4 “(2) CONTENT.—In preparing the capacity de-
5 velopment strategy, the State shall consider, solicit
6 public comment on, and include as appropriate—

7 “(A) the methods or criteria that the State
8 will use to identify and prioritize the public
9 water systems most in need of improving tech-
10 nical, managerial, and financial capacity;

11 “(B) a description of the institutional, reg-
12 ulatory, financial, tax, or legal factors at the
13 Federal, State, or local level that encourage or
14 impair capacity development;

15 “(C) a description of how the State will
16 use the authorities and resources of this title or
17 other means to—

18 “(i) assist public water systems in
19 complying with national primary drinking
20 water regulations;

21 “(ii) encourage the development of
22 partnerships between public water systems
23 to enhance the technical, managerial, and
24 financial capacity of the systems; and

1 “(iii) assist public water systems in
2 the training and certification of operators;

3 “(D) a description of how the State will es-
4 tablish a baseline and measure improvements in
5 capacity with respect to national primary drink-
6 ing water regulations and State drinking water
7 law; and

8 “(E) an identification of the persons that
9 have an interest in and are involved in the de-
10 velopment and implementation of the capacity
11 development strategy (including all appropriate
12 agencies of Federal, State, and local govern-
13 ments, private and nonprofit public water sys-
14 tems, and public water system customers).

15 “(3) REPORT.—Not later than 2 years after the
16 date on which a State first adopts a capacity devel-
17 opment strategy under this subsection, and every 3
18 years thereafter, the head of the State agency that
19 has primary responsibility to carry out this title in
20 the State shall submit to the Governor a report that
21 shall also be available to the public on the efficacy
22 of the strategy and progress made toward improving
23 the technical, managerial, and financial capacity of
24 public water systems in the State.

25 “(d) FEDERAL ASSISTANCE.—

1 “(1) IN GENERAL.—The Administrator shall
2 support the States in developing capacity develop-
3 ment strategies.

4 “(2) INFORMATIONAL ASSISTANCE.—

5 “(A) IN GENERAL.—Not later than 180
6 days after the date of enactment of this section,
7 the Administrator shall—

8 “(i) conduct a review of State capacity
9 development efforts in existence on the
10 date of enactment of this section and pub-
11 lish information to assist States and public
12 water systems in capacity development ef-
13 forts; and

14 “(ii) initiate a partnership with
15 States, public water systems, and the pub-
16 lic to develop information for States on
17 recommended operator certification re-
18 quirements.

19 “(B) PUBLICATION OF INFORMATION.—

20 The Administrator shall publish the information
21 developed through the partnership under sub-
22 paragraph (A)(ii) not later than 18 months
23 after the date of enactment of this section.

24 “(3) VARIANCES AND EXEMPTIONS.—Based on
25 information obtained under subsection (c)(2)(B), the

1 Administrator shall, as appropriate, modify regula-
2 tions concerning variances and exemptions for small
3 public water systems to ensure flexibility in the use
4 of the variances and exemptions. Nothing in this
5 paragraph shall be interpreted, construed, or applied
6 to affect or alter the requirements of section 1415
7 or 1416.

8 “(4) PROMULGATION OF DRINKING WATER
9 REGULATIONS.—In promulgating a national primary
10 drinking water regulation, the Administrator shall
11 include an analysis of the likely effect of compliance
12 with the regulation on the technical, financial, and
13 managerial capacity of public water systems.

14 “(5) GUIDANCE FOR NEW SYSTEMS.—Not later
15 than 2 years after the date of enactment of this sec-
16 tion, the Administrator shall publish guidance devel-
17 oped in consultation with the States describing legal
18 authorities and other means to ensure that all new
19 community water systems and new nontransient,
20 noncommunity water systems demonstrate technical,
21 managerial, and financial capacity with respect to
22 national primary drinking water regulations.

23 “(e) ENVIRONMENTAL FINANCE CENTERS.—

24 “(1) IN GENERAL.—The Administrator shall
25 support the network of university-based Environ-

mental Finance Centers in providing training and technical assistance to State and local officials in developing capacity of public water systems.

“(2) NATIONAL CAPACITY DEVELOPMENT CLEARINGHOUSE.—Within the Environmental Finance Center network in existence on the date of enactment of this section, the Administrator shall establish a national public water systems capacity development clearinghouse to receive, coordinate, and disseminate research and reports on projects funded under this title and from other sources with respect to developing, improving, and maintaining technical, financial, and managerial capacity at public water systems to Federal and State agencies, universities, water suppliers, and other interested persons.

“(3) CAPACITY DEVELOPMENT TECHNIQUES.—

“(A) IN GENERAL.—The Environmental Finance Centers shall develop and test managerial, financial, and institutional techniques—

“(i) to ensure that new public water systems have the technical, managerial, and financial capacity before commencing operation;

“(ii) to identify public water systems in need of capacity development; and

1 “(iii) to bring public water systems
 2 with a history of significant noncompliance
 3 with national primary drinking water regu-
 4 lations into compliance.

5 “(B) TECHNIQUES.—The techniques may
 6 include capacity assessment methodologies,
 7 manual and computer-based public water sys-
 8 tem rate models and capital planning models,
 9 public water system consolidation procedures,
 10 and regionalization models.

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated to carry out subsection
 13 (e) \$2,500,000 for each of fiscal years 1995 through
 14 2003.”.

15 **SEC. 16. OPERATOR AND LABORATORY CERTIFICATION.**

16 Section 1442 (42 U.S.C. 300j–1) is amended by in-
 17 serting after subsection (d) the following:

18 “(e) CERTIFICATION OF OPERATORS AND LABORA-
 19 TORIES.—

20 “(1) REQUIREMENT.—Beginning 3 years after
 21 the date of enactment of the Safe Drinking Water
 22 Act Amendments of 1995—

23 “(A) no assistance may be provided to a
 24 public water system under part G unless the
 25 system has entered into an enforceable commit-

1 ment with the State providing that any person
2 who operates the system will be trained and
3 certified according to requirements established
4 by the Administrator or the State (in the case
5 of a State with primary enforcement respon-
6 sibility under section 1413) not later than the
7 date of completion of the capital project for
8 which the assistance is provided; and

9 “(B) a public water system that has re-
10 ceived assistance under part G may be operated
11 only by a person who has been trained and cer-
12 tified according to requirements established by
13 the Administrator or the State (in the case of
14 a State with primary enforcement responsibility
15 under section 1413).

16 “(2) GUIDELINES.—Not later than 18 months
17 after the date of enactment of the Safe Drinking
18 Water Act Amendments of 1995 and after consulta-
19 tion with the States, the Administrator shall publish
20 information to assist States in carrying out para-
21 graph (1). In the case of a State with primary en-
22 forcement responsibility under section 1413 or any
23 other State that has established a training program
24 that is consistent with the guidance issued under
25 this paragraph, the authority to prescribe the appro-

15 SEC. 17. SOURCE WATER QUALITY PROTECTION PARTNER-
16 SHIPS.

20 “SOURCE WATER QUALITY PROTECTION PARTNERSHIP
21 PROGRAM

22 “SEC. 1419. (a) SOURCE WATER AREA DELINEA-
23 TIONS.—Except as provided in subsection (c), not later
24 than 5 years after the date of enactment of this section,
25 and after an opportunity for public comment, each State
26 shall—

1 “(1) delineate (directly or through delegation)
2 the source water protection areas for community
3 water systems in the State using hydrogeologic in-
4 formation considered to be reasonably available and
5 appropriate by the State; and

6 “(2) conduct, to the extent practicable, vulner-
7 ability assessments in source water areas determined
8 to be a priority by the State, including, to the extent
9 practicable, identification of risks in source water
10 protection areas to drinking water.

11 “(b) ALTERNATIVE DELINEATIONS AND VULNER-
12 ABILITY ASSESSMENTS.—For the purposes of satisfying
13 the requirements of subsection (a), a State may use delin-
14 eations and vulnerability assessments conducted for—

15 “(1) ground water sources under a State well-
16 head protection program developed pursuant to sec-
17 tion 1428;

18 “(2) surface or ground water sources under a
19 State pesticide management plan developed pursuant
20 to the Pesticide and Ground Water State Manage-
21 ment Plan Regulation (subparts I and J of part 152
22 of title 40, Code of Federal Regulations), promul-
23 gated under section 3(d) of the Federal Insecticide,
24 Fungicide, and Rodenticide Act (7 U.S.C. 136a(d));
25 or

1 “(3) surface water sources under a State water-
2 shed initiative or to satisfy the watershed criterion
3 for determining if filtration is required under the
4 Surface Water Treatment Rule (section 141.70 of
5 title 40, Code of Federal Regulations).

6 “(c) FUNDING.—To carry out the delineations and
7 assessments described in subsection (a), a State may use
8 funds made available for that purpose pursuant to section
9 1473(f). If funds available under that section are insuffi-
10 cient to meet the minimum requirements of subsection (a),
11 the State shall establish a priority-based schedule for the
12 delineations and assessments within available resources.

13 “(d) PETITION PROGRAM.—

14 “(1) IN GENERAL.—

15 “(A) ESTABLISHMENT.—A State may es-
16 tablish a program under which an owner or op-
17 erator of a community water system in the
18 State, or a municipal or local government or po-
19 litical subdivision of a government in the State,
20 may submit a source water quality protection
21 partnership petition to the State requesting
22 that the State assist in the local development of
23 a voluntary, incentive-based partnership, among
24 the owner, operator, or government and other

1 persons likely to be affected by the rec-
2 ommendations of the partnership, to—

3 “(i) reduce the presence in drinking
4 water of contaminants that may be ad-
5 dressed by a petition by considering the
6 origins of the contaminants, including to
7 the maximum extent practicable the spe-
8 cific activities that affect the drinking
9 water supply of a community;

10 “(ii) obtain financial or technical as-
11 sistance necessary to facilitate establish-
12 ment of a partnership, or to develop and
13 implement recommendations of a partner-
14 ship for the protection of source water to
15 assist in the provision of drinking water
16 that complies with national primary drink-
17 ing water regulations with respect to con-
18 taminants addressed by a petition; and

19 “(iii) develop recommendations re-
20 garding voluntary and incentive-based
21 strategies for the long-term protection of
22 the source water of community water sys-
23 tems.

24 “(B) STATE DETERMINATION.—Not later
25 than 1 year after the date of enactment of this

1 section, each State shall provide public notice
2 and solicit public comment on the question of
3 whether to develop a source water quality pro-
4 tection partnership petition program in the
5 State, and publicly announce the determination
6 of the State thereafter. If so requested by any
7 public water system or local governmental en-
8 tity, prior to making the determination, the
9 State shall hold at least one public hearing to
10 assess the level of interest in the State for de-
11 velopment and implementation of a State source
12 water quality partnership petition program.

13 “(C) FUNDING.—Each State may—

14 “(i) use funds set aside pursuant to
15 section 1473(f) by the State to carry out
16 a program described in subparagraph (A),
17 including assistance to voluntary local
18 partnerships for the development and im-
19 plementation of partnership recommenda-
20 tions for the protection of source water
21 such as source water quality assessment,
22 contingency plans, and demonstration
23 projects for partners within a source water
24 area delineated under subsection (a); and

1 “(ii) provide assistance in response to
2 a petition submitted under this subsection
3 using funds referred to in subsections
4 (e)(2)(B) and (g).

5 “(2) OBJECTIVES.—The objectives of a petition
6 submitted under this subsection shall be to—

7 “(A) facilitate the local development of vol-
8 untary, incentive-based partnerships among
9 owners and operators of community water sys-
10 tems, governments, and other persons in source
11 water areas; and

12 “(B) obtain assistance from the State in
13 directing or redirecting resources under Federal
14 or State water quality programs to implement
15 the recommendations of the partnerships to ad-
16 dress the origins of drinking water contami-
17 nants that may be addressed by a petition (in-
18 cluding to the maximum extent practicable the
19 specific activities) that affect the drinking water
20 supply of a community.

21 “(3) CONTAMINANTS ADDRESSED BY A PETI-
22 TION.—A petition submitted to a State under this
23 section may address only those contaminants—

24 “(A) that are pathogenic organisms for
25 which a national primary drinking water regula-

tion has been established or is required under
section 1412(b)(2)(C); or

“(B) for which a national primary drinking
water regulation has been promulgated or pro-
posed and—

“(i) that are detected in the commu-
nity water system for which the petition is
submitted at levels above the maximum
contaminant level; or

“(ii) that are detected by adequate
monitoring methods at levels that are not
reliably and consistently below the maxi-
mum contaminant level.

“(4) CONTENTS.—A petition submitted under
this subsection shall, at a minimum—

“(A) include a delineation of the source
water area in the State that is the subject of
the petition;

“(B) identify, to the maximum extent
practicable, the origins of the drinking water
contaminants that may be addressed by a peti-
tion (including to the maximum extent prac-
ticable the specific activities contributing to the
presence of the contaminants) in the source
water area delineated under subparagraph (A);

1 “(C) identify any deficiencies in informa-
2 tion that will impair the development of rec-
3 ommendations by the voluntary local partner-
4 ship to address drinking water contaminants
5 that may be addressed by a petition;

6 “(D) specify the efforts made to establish
7 the voluntary local partnership and obtain the
8 participation of—

9 “(i) the municipal or local government
10 or other political subdivision of the State
11 with jurisdiction over the source water area
12 delineated under subparagraph (A); and

13 “(ii) each person in the source water
14 area delineated under subparagraph (A)—

15 “(I) who is likely to be affected
16 by recommendations of the voluntary
17 local partnership; and

18 “(II) whose participation is es-
19 sential to the success of the partner-
20 ship;

21 “(E) outline how the voluntary local part-
22 nership has or will, during development and im-
23 plementation of recommendations of the vol-
24 untary local partnership, identify, recognize and
25 take into account any voluntary or other activi-

ties already being undertaken by persons in the source water area delineated under subparagraph (A) under Federal or State law to reduce the likelihood that contaminants will occur in drinking water at levels of public health concern; and

“(F) specify the technical, financial, or other assistance that the voluntary local partnership requests of the State to develop the partnership or to implement recommendations of the partnership.

“(e) APPROVAL OR DISAPPROVAL OF PETITIONS.—

“(1) IN GENERAL.—After providing notice and an opportunity for public comment on a petition submitted under subsection (d), the State shall approve or disapprove the petition, in whole or in part, not later than 120 days after the date of submission of the petition.

“(2) APPROVAL.—The State may approve a petition if the petition meets the requirements established under subsection (d). The notice of approval shall, at a minimum, include—

“(A) an identification of technical, financial, or other assistance that the State will provide to assist in addressing the drinking water

1 contaminants that may be addressed by a peti-
2 tion based on—

3 “(i) the relative priority of the public
4 health concern identified in the petition
5 with respect to the other water quality
6 needs identified by the State;

7 “(ii) any necessary coordination that
8 the State will perform of the program es-
9 tablished under this section with programs
10 implemented or planned by other States
11 under this section; and

12 “(iii) funds available (including funds
13 available from a State revolving loan fund
14 established under title VI of the Federal
15 Water Pollution Control Act (33 U.S.C.
16 1381 et seq.) or part G and the appro-
17 priate distribution of the funds to assist in
18 implementing the recommendations of the
19 partnership;

20 “(B) a description of technical or financial
21 assistance pursuant to Federal and State pro-
22 grams that is available to assist in implement-
23 ing recommendations of the partnership in the
24 petition, including—

1 “(i) any program established under
2 the Federal Water Pollution Control Act
3 (33 U.S.C. 1251 et seq.);

4 “(ii) the program established under
5 section 6217 of the Coastal Zone Act Re-
6 authorization Amendments of 1990 (16
7 U.S.C. 1455b);

8 “(iii) the agricultural water quality
9 protection program established under chap-
10 ter 2 of subtitle D of title XII of the Food
11 Security Act of 1985 (16 U.S.C. 3838 et
12 seq.);

13 “(iv) the sole source aquifer protection
14 program established under section 1427;

15 “(v) the community wellhead protec-
16 tion program established under section
17 1428;

18 “(vi) any pesticide or ground water
19 management plan;

20 “(vii) any voluntary agricultural re-
21 source management plan or voluntary
22 whole farm or whole ranch management
23 plan developed and implemented under a
24 process established by the Secretary of Ag-
25 riculture; and

1 “(viii) any abandoned well closure
2 program; and

3 “(C) a description of activities that will be
4 undertaken to coordinate Federal and State
5 programs to respond to the petition.

6 “(3) DISAPPROVAL.—If the State disapproves a
7 petition submitted under subsection (d), the State
8 shall notify the entity submitting the petition in
9 writing of the reasons for disapproval. A petition
10 may be resubmitted at any time if—

11 “(A) new information becomes available;

12 “(B) conditions affecting the source water
13 that is the subject of the petition change; or

14 “(C) modifications are made in the type of
15 assistance being requested.

16 “(f) ELIGIBILITY FOR WATER QUALITY PROTECTION
17 ASSISTANCE.—A sole source aquifer plan developed under
18 section 1427, a wellhead protection plan developed under
19 section 1428, and a source water quality protection meas-
20 ure assisted in response to a petition submitted under sub-
21 section (d) shall be eligible for assistance under the Fed-
22 eral Water Pollution Control Act (33 U.S.C. 1251 et seq.),
23 including assistance provided under section 319 and title
24 VI of such Act (33 U.S.C. 1329 and 1381 et seq.), if the
25 project, measure, or practice would be eligible for assist-

1 ance under such Act. In the case of funds made available
2 under such section 319 to assist a source water quality
3 protection measure in response to a petition submitted
4 under subsection (d), the funds may be used only for a
5 measure that addresses nonpoint source pollution.

6 “(g) GRANTS TO SUPPORT STATE PROGRAMS.—

7 “(1) IN GENERAL.—The Administrator may
8 make a grant to each State that establishes a pro-
9 gram under this section that is approved under
10 paragraph (2). The amount of each grant shall not
11 exceed 50 percent of the cost of administering the
12 program for the year in which the grant is available.

13 “(2) APPROVAL.—In order to receive grant as-
14 sistance under this subsection, a State shall submit
15 to the Administrator for approval a plan for a source
16 water quality protection partnership program that is
17 consistent with the guidance published under para-
18 graph (3). The Administrator shall approve the plan
19 if the plan is consistent with the guidance published
20 under paragraph (3).

21 “(3) GUIDANCE.—

22 “(A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this section, the
24 Administrator, in consultation with the States,
25 shall publish guidance to assist—

1 “(i) States in the development of a
2 source water quality protection partnership
3 program; and

4 “(ii) municipal or local governments
5 or political subdivisions of the governments
6 and community water systems in the devel-
7 opment of source water quality protection
8 partnerships and in the assessment of
9 source water quality.

10 “(B) CONTENTS OF THE GUIDANCE.—The
11 guidance shall, at a minimum—

12 “(i) recommend procedures for the ap-
13 proval or disapproval by a State of a peti-
14 tion submitted under subsection (d);

15 “(ii) recommend procedures for the
16 submission of petitions developed under
17 subsection (d);

18 “(iii) recommend criteria for the as-
19 sessment of source water areas within a
20 State;

21 “(iv) describe technical or financial
22 assistance pursuant to Federal and State
23 programs that is available to address the
24 contamination of sources of drinking water

1 and to develop and respond to petitions
 2 submitted under subsection (d); and

3 “(v) specify actions taken by the Ad-
 4 ministrator to ensure the coordination of
 5 the programs referred to in clause (iv) with
 6 the goals and objectives of this title to the
 7 maximum extent practicable.

8 “(4) AUTHORIZATION OF APPROPRIATIONS.—

9 There are authorized to be appropriated to carry out
 10 this subsection such sums as are necessary for fiscal
 11 years 1995 through 2003. Each State with a plan
 12 for a program approved under paragraph (2) shall
 13 receive an equitable portion of the funds available
 14 for any fiscal year.

15 “(h) STATUTORY CONSTRUCTION.—Nothing in this
 16 section—

17 “(1)(A) creates or conveys new authority to a
 18 State, political subdivision of a State, or community
 19 water system for any new regulatory measure; or

20 “(B) limits any authority of a State, political
 21 subdivision, or community water system; or

22 “(2) precludes a community water system, mu-
 23 nicipal or local government, or political subdivision
 24 of a government from locally developing and carry-
 25 ing out a voluntary, incentive-based, source water

1 quality protection partnership to address the origins
2 of drinking water contaminants of public health con-
3 cern.”.

4 **SEC. 18. STATE PRIMACY; STATE FUNDING.**

5 (a) STATE PRIMARY ENFORCEMENT RESPONSIBIL-
6 ITY.—Section 1413 (42 U.S.C. 300g–2) is amended—

7 (1) in subsection (a), by striking paragraph (1)
8 and inserting the following:

9 “(1) has adopted drinking water regulations
10 that are no less stringent than the national primary
11 drinking water regulations promulgated by the Ad-
12 ministrator under section 1412 not later than 2
13 years after the date on which the regulations are
14 promulgated by the Administrator except that the
15 Administrator may provide for an extension of not
16 more than 2 years if, after submission and review of
17 appropriate, adequate documentation from the State,
18 the Administrator determines that the extension is
19 necessary and justified;” and

20 (2) by adding at the end the following:

21 “(c) INTERIM PRIMARY ENFORCEMENT AUTHOR-
22 ITY.—A State that has primary enforcement authority
23 under this section with respect to each existing national
24 primary drinking water regulation shall be considered to
25 have primary enforcement authority with respect to each

1 new or revised national primary drinking water regulation
 2 during the period beginning on the effective date of a reg-
 3 ulation adopted and submitted by the State with respect
 4 to the new or revised national primary drinking water reg-
 5 ulation in accordance with subsection (b)(1) and ending
 6 at such time as the Administrator makes a determination
 7 under subsection (b)(2) with respect to the regulation.”.

8 (b) PUBLIC WATER SYSTEM SUPERVISION PRO-
 9 GRAM.—Section 1443(a) (42 U.S.C. 300j-2(a)) is amend-
 10 ed—

11 (1) in paragraph (3)—

12 (A) by striking “(3) A grant” and insert-
 13 ing the following:

14 “(3) AMOUNT OF GRANT.—

15 “(A) IN GENERAL.—A grant”; and

16 (B) by adding at the end the following:

17 “(B) DETERMINATION OF COSTS.—To de-
 18 termine the costs of a grant recipient pursuant
 19 to this paragraph, the Administrator shall, in
 20 cooperation with the States and not later than
 21 180 days after the date of enactment of this
 22 subparagraph, establish a resource model for
 23 the public water system supervision program
 24 and review and revise the model as necessary.

1 “(C) STATE COST ADJUSTMENTS.—The
2 Administrator shall revise cost estimates used
3 in the resource model for any particular State
4 to reflect costs more likely to be experienced in
5 that State, if—

6 “(i) the State requests the modifica-
7 tion; and

8 “(ii) the revised estimates ensure full
9 and effective administration of the public
10 water system supervision program in the
11 State and the revised estimates do not
12 overstate the resources needed to admin-
13 ister the program.”;

14 (2) in paragraph (7), by adding at the end a
15 period and the following:

16 “For the purpose of making grants under paragraph (1),
17 there are authorized to be appropriated such sums as are
18 necessary for each of fiscal years 1992 and 1993 and
19 \$100,000,000 for each of fiscal years 1994 through
20 2003.”; and

21 (3) by adding at the end the following:

22 “(8) RESERVATION OF FUNDS BY THE ADMIN-
23 ISTATOR.—If the Administrator assumes the pri-
24 mary enforcement responsibility of a State public
25 water system supervision program, the Adminis-

1 trator may reserve from funds made available pursu-
2 ant to this subsection, an amount equal to the
3 amount that would otherwise have been provided to
4 the State pursuant to this subsection. The Adminis-
5 trator shall use the funds reserved pursuant to this
6 paragraph to ensure the full and effective adminis-
7 tration of a public water system supervision program
8 in the State.

9 “(9) STATE LOAN FUNDS.—

10 “(A) RESERVATION OF FUNDS.—For any
11 fiscal year for which the amount made available
12 to the Administrator by appropriations to carry
13 out this subsection is less than the amount that
14 the Administrator determines is necessary to
15 supplement funds made available pursuant to
16 paragraph (8) to ensure the full and effective
17 administration of a public water system super-
18 vision program in a State (based on the re-
19 source model developed under paragraph
20 (3)(B)), the Administrator may reserve from
21 the funds made available to the State under
22 section 1472 an amount that is equal to the
23 amount of the shortfall.

24 “(B) DUTY OF ADMINISTRATOR.—If the
25 Administrator reserves funds from the alloca-

1 tion of a State under subparagraph (A), the
2 Administrator shall carry out in the State—

3 “(i) each of the activities that would
4 be required of the State if the State had
5 primary enforcement authority under sec-
6 tion 1413; and

7 “(ii) each of the activities required of
8 the State by this title, other than part C,
9 but not made a condition of the author-
10 ity.”.

11 **SEC. 19. MONITORING AND INFORMATION GATHERING.**

12 (a) REGULATED CONTAMINANTS.—

13 (1) REVIEW OF EXISTING REQUIREMENTS.—

14 Section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) is
15 amended—

16 (A) by designating the first and second
17 sentences as subparagraphs (A) and (B), re-
18 spectively; and

19 (B) by adding at the end the following:

20 “(C) REVIEW.—The Administrator shall
21 not later than 2 years after the date of enact-
22 ment of this subparagraph, after consultation
23 with public health experts, representatives of
24 the general public, and officials of State and
25 local governments, review the monitoring re-

1 quirements for not fewer than 12 contaminants
 2 identified by the Administrator, and promulgate
 3 any necessary modifications.”.

4 (2) ALTERNATIVE MONITORING PROGRAMS.—
 5 Section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) (as
 6 amended by paragraph (1)(B)) is further amended
 7 by adding at the end the following:

8 “(D) STATE-ESTABLISHED REQUIRE-
 9 MENTS.—

10 “(i) IN GENERAL.—Each State with
 11 primary enforcement responsibility under
 12 section 1413 may, by rule, establish alter-
 13 native monitoring requirements for any na-
 14 tional primary drinking water regulation,
 15 other than a regulation applicable to a mi-
 16 crobial contaminant (or an indicator of a
 17 microbial contaminant). The alternative
 18 monitoring requirements established by a
 19 State under this clause may not take effect
 20 for any national primary drinking water
 21 regulation until after completion of at least
 22 1 full cycle of monitoring in the State sat-
 23 isfying the requirements of paragraphs (1)
 24 and (2) of section 1413(a). The alternative
 25 monitoring requirements may be applicable

1 to public water systems or classes of public
2 water systems identified by the State, in
3 lieu of the monitoring requirements that
4 would otherwise be applicable under the
5 regulation, if the alternative monitoring re-
6 quirements—

7 “(I) are based on use of the best
8 available science conducted in accord-
9 ance with sound and objective sci-
10 entific practices and data collected by
11 accepted methods;

12 “(II) are based on the potential
13 for the contaminant to occur in the
14 source water based on use patterns
15 and other relevant characteristics of
16 the contaminant or the systems sub-
17 ject to the requirements;

18 “(III) in the case of a public
19 water system or class of public water
20 systems in which a contaminant has
21 been detected at quantifiable levels
22 that are not reliably and consistently
23 below the maximum contaminant
24 level, include monitoring frequencies
25 that are not less frequent than the

1 frequencies required in the national
2 primary drinking water regulation for
3 the contaminant for a period of 5
4 years after the detection; and

5 “(IV) in the case of each con-
6 taminant formed in the distribution
7 system, are not applicable to public
8 water systems for which treatment is
9 necessary to comply with the national
10 primary drinking water regulation.

11 “(ii) COMPLIANCE AND ENFORCE-
12 MENT.—The alternative monitoring re-
13 quirements established by the State shall
14 be adequate to ensure compliance with,
15 and enforcement of, each national primary
16 drinking water regulation. The State may
17 review and update the alternative monitor-
18 ing requirements as necessary.

19 “(iii) APPLICATION OF SECTION
20 1413.—

21 “(I) IN GENERAL.—Each State
22 establishing alternative monitoring re-
23 quirements under this subparagraph
24 shall submit the rule to the Adminis-
25 trator as provided in section

1 1413(b)(1). Any requirements for a
2 State to provide information support-
3 ing a submission shall be defined only
4 in consultation with the States, and
5 shall address only such information as
6 is necessary to make a decision to ap-
7 prove or disapprove an alternative
8 monitoring rule in accordance with
9 the following sentence. The Adminis-
10 trator shall approve an alternative
11 monitoring rule submitted under this
12 clause for the purposes of section
13 1413, unless the Administrator deter-
14 mines in writing that the State rule
15 for alternative monitoring does not
16 ensure compliance with, and enforce-
17 ment of, the national primary drink-
18 ing water regulation for the contami-
19 nant or contaminants to which the
20 rule applies.

21 “(II) EXCEPTIONS.—The re-
22 quirements of section 1413(a)(1) that
23 a rule be no less stringent than the
24 national primary drinking water regu-
25 lation for the contaminant or contami-

1 nants to which the rule applies shall
2 not apply to the decision of the Ad-
3 ministrator to approve or disapprove a
4 rule submitted under this clause. Not-
5 withstanding the requirements of sec-
6 tion 1413(b)(2), the Administrator
7 shall approve or disapprove a rule
8 submitted under this clause within
9 180 days of submission. In the ab-
10 sence of a determination to disapprove
11 a rule made by the Administrator
12 within 180 days, the rule shall be
13 deemed to be approved under section
14 1413(b)(2).

15 “(III) ADDITIONAL CONSIDER-
16 ATIONS.—A State shall be considered
17 to have primary enforcement author-
18 ity with regard to an alternative mon-
19 itoring rule, and the rule shall be ef-
20 fective, on a date (determined by the
21 State) any time on or after submis-
22 sion of the rule, consistent with sec-
23 tion 1413(e). A decision by the Ad-
24 ministrator to disapprove an alter-
25 native monitoring rule under section

1 1413 or to withdraw the authority of
2 the State to carry out the rule under
3 clause (iv) may not be the basis for
4 withdrawing primary enforcement re-
5 sponsibility for a national primary
6 drinking water regulation or regula-
7 tions from the State under section
8 1413.

9 “(iv) OVERSIGHT BY THE ADMINIS-
10 TRATOR.—The Administrator shall review,
11 not less often than every 5 years, any al-
12 ternative monitoring requirements estab-
13 lished by a State under clause (i) to deter-
14 mine whether the requirements are ade-
15 quate to ensure compliance with, and en-
16 forcement of, national primary drinking
17 water regulations. If the Administrator de-
18 termines that the alternative monitoring
19 requirements of a State are inadequate
20 with respect to a contaminant, and after
21 providing the State with an opportunity to
22 respond to the determination of the Ad-
23 ministrator and to correct any inadequa-
24 cies, the Administrator may withdraw the
25 authority of the State to carry out the al-

1 ternative monitoring requirements with re-
2 spect to the contaminant. If the Adminis-
3 trator withdraws the authority, the mon-
4 itoring requirements contained in the na-
5 tional primary drinking water regulation
6 for the contaminant shall apply to public
7 water systems in the State.

8 “(v) NONPRIMACY STATES.—The Gov-
9 ernor of any State that does not have pri-
10 mary enforcement responsibility under sec-
11 tion 1413 on the date of enactment of this
12 clause may submit to the Administrator a
13 request that the Administrator modify the
14 monitoring requirements established by the
15 Administrator and applicable to public
16 water systems in that State. After con-
17 sultation with the Governor, the Adminis-
18 trator shall modify the requirements for
19 public water systems in that State if the
20 request of the Governor is in accordance
21 with each of the requirements of this sub-
22 paragraph that apply to alternative mon-
23 itoring requirements established by States
24 that have primary enforcement responsibil-
25 ity. A decision by the Administrator to ap-

1 prove a request under this clause shall be
2 for a period of 3 years and may subse-
3 quently be extended for periods of 5 years.

4 “(vi) GUIDANCE.—The Administrator
5 shall issue guidance in consultation with
6 the States that States may use to develop
7 State-established requirements pursuant to
8 this subparagraph and subparagraph (E).
9 The guidance shall identify options for al-
10 ternative monitoring designs that meet the
11 criteria identified in clause (i) and the re-
12 quirements of clause (ii).”.

13 (3) SMALL SYSTEM MONITORING.—Section
14 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as amended
15 by paragraph (2)) is further amended by adding at
16 the end the following:

17 “(E) SMALL SYSTEM MONITORING.—The
18 Administrator or a State that has primary en-
19 forcement responsibility under section 1413
20 may modify the monitoring requirements for
21 any contaminant, other than a microbial con-
22 taminant or an indicator of a microbial con-
23 taminant, a contaminant regulated on the basis
24 of an acute health effect, or a contaminant
25 formed in the treatment process or in the dis-

1 tribution system, to provide that any public
 2 water system that serves a population of 10,000
 3 or fewer shall not be required to conduct addi-
 4 tional quarterly monitoring during any 3-year
 5 period for a specific contaminant if monitoring
 6 conducted at the beginning of the period for the
 7 contaminant fails to detect the presence of the
 8 contaminant in the water supplied by the public
 9 water system, and the Administrator or the
 10 State determines that the contaminant is un-
 11 likely to be detected by further monitoring in
 12 the period.”.

13 (b) UNREGULATED CONTAMINANTS.—Section
 14 1445(a) (42 U.S.C. 300j–4(a)) is amended by striking
 15 paragraphs (2) through (8) and inserting the following:

16 “(2) MONITORING PROGRAM FOR UNREGU-
 17 LATED CONTAMINANTS.—

18 “(A) ESTABLISHMENT.—The Adminis-
 19 trator shall promulgate regulations establishing
 20 the criteria for a monitoring program for un-
 21 regulated contaminants. The regulations shall
 22 require monitoring of drinking water supplied
 23 by public water systems and shall vary the fre-
 24 quency and schedule for monitoring require-
 25 ments for systems based on the number of per-

1 sons served by the system, the source of supply,
2 and the contaminants likely to be found.

3 “(B) MONITORING PROGRAM FOR CERTAIN
4 UNREGULATED CONTAMINANTS.—

5 “(i) INITIAL LIST.—Not later than 3
6 years after the date of enactment of the
7 Safe Drinking Water Amendments of 1995
8 and every 5 years thereafter, the Adminis-
9 trator shall issue a list pursuant to sub-
10 paragraph (A) of not more than 20 un-
11 regulated contaminants to be monitored by
12 public water systems and to be included in
13 the national drinking water occurrence
14 data base maintained pursuant to para-
15 graph (3).

16 “(ii) GOVERNORS’ PETITION.—The
17 Administrator shall include among the list
18 of contaminants for which monitoring is
19 required under this paragraph each con-
20 taminant recommended in a petition signed
21 by the Governor of each of 7 or more
22 States, unless the Administrator deter-
23 mines that the action would prevent the
24 listing of other contaminants of a higher
25 public health concern.

1 “(C) MONITORING BY LARGE SYSTEMS.—A
2 public water system that serves a population of
3 more than 10,000 shall conduct monitoring for
4 all contaminants listed under subparagraph
5 (B).

6 “(D) MONITORING PLAN FOR SMALL AND
7 MEDIUM SYSTEMS.—

8 “(i) IN GENERAL.—Based on the reg-
9 ulations promulgated by the Administrator,
10 each State shall develop a representative
11 monitoring plan to assess the occurrence of
12 unregulated contaminants in public water
13 systems that serve a population of 10,000
14 or fewer. The plan shall require monitoring
15 for systems representative of different
16 sizes, types, and geographic locations in
17 the State.

18 “(ii) GRANTS FOR SMALL SYSTEM
19 COSTS.—From funds reserved under sec-
20 tion 1478(c), the Administrator shall pay
21 the reasonable cost of such testing and lab-
22 oratory analysis as are necessary to carry
23 out monitoring under the plan.

24 “(E) MONITORING RESULTS.—Each public
25 water system that conducts monitoring of un-

1 regulated contaminants pursuant to this para-
2 graph shall provide the results of the monitor-
3 ing to the primary enforcement authority for
4 the system.

5 “(F) WAIVER OF MONITORING REQUIRE-
6 MENT.—The Administrator shall waive the re-
7 quirement for monitoring for a contaminant
8 under this paragraph in a State, if the State
9 demonstrates that the criteria for listing the
10 contaminant do not apply in that State.

11 “(G) ANALYTICAL METHODS.—The State
12 may use screening methods approved by the
13 Administrator under subsection (h) in lieu of
14 monitoring for particular contaminants under
15 this paragraph.

16 “(H) AUTHORIZATION OF APPROPRIA-
17 TIONS.—There are authorized to be appro-
18 priated to carry out this paragraph
19 \$10,000,000 for each of fiscal years 1995
20 through 2003.”.

21 (c) NATIONAL DRINKING WATER OCCURRENCE
22 DATABASE.—Section 1445(a) (42 U.S.C. 300j-4(a)) (as
23 amended by subsection (b)) is further amended by adding
24 at the end the following:

1 “(3) NATIONAL DRINKING WATER OCCURRENCE
2 DATABASE.—

3 “(A) IN GENERAL.—Not later than 3 years
4 after the date of enactment of the Safe Drink-
5 ing Water Act Amendments of 1995, the Ad-
6 ministrator shall assemble and maintain a na-
7 tional drinking water occurrence data base,
8 using information on the occurrence of both
9 regulated and unregulated contaminants in
10 public water systems obtained under paragraph
11 (2) and reliable information from other public
12 and private sources.

13 “(B) USE.—The data shall be used by the
14 Administrator in making determinations under
15 section 1412(b)(1) with respect to the occur-
16 rence of a contaminant in drinking water at a
17 level of public health concern.

18 “(C) PUBLIC RECOMMENDATIONS.—The
19 Administrator shall periodically solicit rec-
20 ommendations from the appropriate officials of
21 the National Academy of Sciences and the
22 States, and any person may submit rec-
23 ommendations to the Administrator, with re-
24 spect to contaminants that should be included
25 in the national drinking water occurrence data

1 base, including recommendations with respect
2 to additional unregulated contaminants that
3 should be listed under paragraph (2). Any rec-
4 ommendation submitted under this clause shall
5 be accompanied by reasonable documentation
6 that—

7 “(i) the contaminant occurs or is like-
8 ly to occur in drinking water; and

9 “(ii) the contaminant poses a risk to
10 public health.

11 “(D) PUBLIC AVAILABILITY.—The infor-
12 mation from the data base shall be available to
13 the public in readily accessible form.

14 “(E) REGULATED CONTAMINANTS.—With
15 respect to each contaminant for which a na-
16 tional primary drinking water regulation has
17 been established, the data base shall include in-
18 formation on the detection of the contaminant
19 at a quantifiable level in public water systems
20 (including detection of the contaminant at levels
21 not constituting a violation of the maximum
22 contaminant level for the contaminant).

23 “(F) UNREGULATED CONTAMINANTS.—
24 With respect to contaminants for which a na-
25 tional primary drinking water regulation has

1 not been established, the data base shall in-
 2 clude—

3 “(i) monitoring information collected
 4 by public water systems that serve a popu-
 5 lation of more than 10,000, as required by
 6 the Administrator under paragraph (2);

7 “(ii) monitoring information collected
 8 by the States from a representative sam-
 9 pling of public water systems that serve a
 10 population of 10,000 or fewer; and

11 “(iii) other reliable and appropriate
 12 monitoring information on the occurrence
 13 of the contaminants in public water sys-
 14 tems that is available to the Adminis-
 15 trator.”.

16 (d) INFORMATION.—

17 (1) MONITORING AND TESTING AUTHORITY.—
 18 Subparagraph (A) of section 1445(a)(1) (42 U.S.C.
 19 300j-4(a)(1)) (as designated by subsection
 20 (a)(1)(A)) is amended—

21 (A) by inserting “by accepted methods”
 22 after “conduct such monitoring”; and

23 (B) by striking “such information as the
 24 Administrator may reasonably require” and all
 25 that follows through the period at the end and

1 inserting the following: “such information as
2 the Administrator may reasonably require—

3 “(i) to assist the Administrator in establishing
4 regulations under this title or to assist the Adminis-
5 trator in determining, on a case-by-case basis,
6 whether the person has acted or is acting in compli-
7 ance with this title; and

8 “(ii) by regulation to assist the Administrator
9 in determining compliance with national primary
10 drinking water regulations promulgated under sec-
11 tion 1412 or in administering any program of finan-
12 cial assistance under this title.

13 If the Administrator is requiring monitoring for purposes
14 of testing new or alternative methods, the Administrator
15 may require the use of other than accepted methods. In-
16 formation requirements imposed by the Administrator
17 pursuant to the authority of this subparagraph that re-
18 quire monitoring, the establishment or maintenance of
19 records or reporting, by a substantial number of public
20 water systems (determined in the sole discretion of the Ad-
21 ministrator), shall be established by regulation as provided
22 in clause (ii).”.

23 (2) SCREENING METHODS.—Section 1445 (42
24 U.S.C. 300j–4) (as amended by section 12(c)) is fur-
25 ther amended by adding at the end the following:

1 “(h) SCREENING METHODS.—The Administrator
 2 shall review new analytical methods to screen for regulated
 3 contaminants and may approve such methods as are more
 4 accurate or cost-effective than established reference meth-
 5 ods for use in compliance monitoring.”.

6 **SEC. 20. PUBLIC NOTIFICATION.**

7 Section 1414 (42 U.S.C. 300g-3) is amended by
 8 striking subsection (c) and inserting the following:

9 “(c) NOTICE TO PERSONS SERVED.—

10 “(1) IN GENERAL.—Each owner or operator of
 11 a public water system shall give notice to the per-
 12 sons served by the system—

13 “(A) of any failure on the part of the pub-
 14 lic water system to—

15 “(i) comply with an applicable maxi-
 16 mum contaminant level or treatment tech-
 17 nique requirement of, or a testing proce-
 18 dure prescribed by, a national primary
 19 drinking water regulation; or

20 “(ii) perform monitoring required by
 21 section 1445(a);

22 “(B) if the public water system is subject
 23 to a variance granted under section
 24 1415(a)(1)(A), 1415(a)(2), or 1415(e) for an
 25 inability to meet a maximum contaminant level

1 requirement or is subject to an exemption
2 granted under section 1416, of—

3 “(i) the existence of the variance or
4 exemption; and

5 “(ii) any failure to comply with the
6 requirements of any schedule prescribed
7 pursuant to the variance or exemption; and

8 “(C) of the concentration level of any un-
9 regulated contaminant for which the Adminis-
10 trator has required public notice pursuant to
11 paragraph (2)(E).

12 “(2) FORM, MANNER, AND FREQUENCY OF NO-
13 TICE.—

14 “(A) IN GENERAL.—The Administrator
15 shall, by regulation, and after consultation with
16 the States, prescribe the manner, frequency,
17 form, and content for giving notice under this
18 subsection. The regulations shall—

19 “(i) provide for different frequencies
20 of notice based on the differences between
21 violations that are intermittent or infre-
22 quent and violations that are continuous or
23 frequent; and

1 “(ii) take into account the seriousness
2 of any potential adverse health effects that
3 may be involved.

4 “(B) STATE REQUIREMENTS.—

5 “(i) IN GENERAL.—A State may, by
6 rule, establish alternative notification re-
7 quirements—

8 “(I) with respect to the form and
9 content of notice given under and in a
10 manner in accordance with subpara-
11 graph (C); and

12 “(II) with respect to the form
13 and content of notice given under sub-
14 paragraph (D).

15 “(ii) CONTENTS.—The alternative re-
16 quirements shall provide the same type and
17 amount of information as required pursu-
18 ant to this subsection and regulations is-
19 sued under subparagraph (A).

20 “(iii) RELATIONSHIP TO SECTION
21 1413.—Nothing in this subparagraph shall
22 be construed or applied to modify the re-
23 quirements of section 1413.

24 “(C) VIOLATIONS WITH POTENTIAL TO
25 HAVE SERIOUS ADVERSE EFFECTS ON HUMAN

1 HEALTH.—Regulations issued under subpara-
2 graph (A) shall specify notification procedures
3 for each violation by a public water system that
4 has the potential to have serious adverse effects
5 on human health as a result of short-term expo-
6 sure. Each notice of violation provided under
7 this subparagraph shall—

8 “(i) be distributed as soon as prac-
9 ticable after the occurrence of the viola-
10 tion, but not later than 24 hours after the
11 occurrence of the violation;

12 “(ii) provide a clear and readily un-
13 derstandable explanation of—

14 “(I) the violation;

15 “(II) the potential adverse effects
16 on human health;

17 “(III) the steps that the public
18 water system is taking to correct the
19 violation; and

20 “(IV) the necessity of seeking al-
21 ternative water supplies until the vio-
22 lation is corrected;

23 “(iii) be provided to the Administrator
24 or the head of the State agency that has
25 primary enforcement responsibility under

1 section 1413 as soon as practicable, but
2 not later than 24 hours after the occur-
3 rence of the violation; and

4 “(iv) as required by the State agency
5 in general regulations of the State agency,
6 or on a case-by-case basis after the con-
7 sultation referred to in clause (iii), consid-
8 ering the health risks involved—

9 “(I) be provided to appropriate
10 broadcast media;

11 “(II) be prominently published in
12 a newspaper of general circulation
13 serving the area not later than 1 day
14 after distribution of a notice pursuant
15 to clause (i) or the date of publication
16 of the next issue of the newspaper; or

17 “(III) be provided by posting or
18 door-to-door notification in lieu of no-
19 tification by means of broadcast
20 media or newspaper.

21 “(D) WRITTEN NOTICE.—

22 “(i) IN GENERAL.—Regulations issued
23 under subparagraph (A) shall specify noti-
24 fication procedures for violations other
25 than the violations covered by subpara-

1 graph (C). The procedures shall specify
2 that a public water system shall provide
3 written notice to each person served by the
4 system by notice—

5 “(I) in the first bill (if any) pre-
6 pared after the date of occurrence of
7 the violation;

8 “(II) in an annual report issued
9 not later than 1 year after the date of
10 occurrence of the violation; or

11 “(III) by mail or direct delivery
12 as soon as practicable, but not later
13 than 1 year after the date of occur-
14 rence of the violation.

15 “(ii) FORM AND MANNER OF NO-
16 TICE.—The Administrator shall prescribe
17 the form and manner of the notice to pro-
18 vide a clear and readily understandable ex-
19 planation of—

20 “(I) the violation;

21 “(II) any potential adverse health
22 effects; and

23 “(III) the steps that the system
24 is taking to seek alternative water

1 supplies, if any, until the violation is
2 corrected.

3 “(E) UNREGULATED CONTAMINANTS.—

4 The Administrator may require the owner or
5 operator of a public water system to give notice
6 to the persons served by the system of the con-
7 centration levels of an unregulated contaminant
8 required to be monitored under section 1445(a).

9 “(3) REPORTS.—

10 “(A) ANNUAL REPORT BY STATE.—

11 “(i) IN GENERAL.—Not later than
12 January 1, 1997, and annually thereafter,
13 each State that has primary enforcement
14 responsibility under section 1413 shall pre-
15 pare, make readily available to the public,
16 and submit to the Administrator an annual
17 report on violations of national primary
18 drinking water regulations by public water
19 systems in the State, including violations
20 with respect to—

21 “(I) maximum contaminant lev-
22 els;

23 “(II) treatment requirements;

24 “(III) variances and exemptions;

25 and

1 “(IV) monitoring requirements
2 determined to be significant by the
3 Administrator after consultation with
4 the States.

5 “(ii) DISTRIBUTION.—The State shall
6 publish and distribute summaries of the re-
7 port and indicate where the full report is
8 available for review.

9 “(B) ANNUAL REPORT BY ADMINIS-
10 TRATOR.—Not later than July 1, 1997, and an-
11 nually thereafter, the Administrator shall pre-
12 pare and make available to the public an annual
13 report summarizing and evaluating reports sub-
14 mitted by States pursuant to subparagraph (A)
15 and notices submitted by public water systems
16 serving Indian Tribes provided to the Adminis-
17 trator pursuant to subparagraph (C) or (D) of
18 paragraph (2) and making recommendations
19 concerning the resources needed to improve
20 compliance with this title. The report shall in-
21 clude information about public water system
22 compliance on Indian reservations and about
23 enforcement activities undertaken and financial
24 assistance provided by the Administrator on In-
25 dian reservations, and shall make specific rec-

1 ommendations concerning the resources needed
 2 to improve compliance with this title on Indian
 3 reservations.”.

4 **SEC. 21. ENFORCEMENT; JUDICIAL REVIEW.**

5 (a) IN GENERAL.—Section 1414 (42 U.S.C. 300g–
 6 3) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (A)—

10 (I) in clause (i), by striking “any
 11 national primary drinking water regu-
 12 lation in effect under section 1412”
 13 and inserting “any applicable require-
 14 ment”; and

15 (II) by striking “with such regu-
 16 lation or requirement” and inserting
 17 “with the requirement”; and

18 (ii) in subparagraph (B), by striking
 19 “regulation or” and inserting “applicable”;
 20 and

21 (B) by striking paragraph (2) and insert-
 22 ing the following:

23 “(2) ENFORCEMENT IN NONPRIMACY
 24 STATES.—

1 “(A) IN GENERAL.—If, on the basis of in-
2 formation available to the Administrator, the
3 Administrator finds, with respect to a period in
4 which a State does not have primary enforce-
5 ment responsibility for public water systems,
6 that a public water system in the State—

7 “(i) for which a variance under sec-
8 tion 1415 or an exemption under section
9 1416 is not in effect, does not comply with
10 any applicable requirement; or

11 “(ii) for which a variance under sec-
12 tion 1415 or an exemption under section
13 1416 is in effect, does not comply with any
14 schedule or other requirement imposed
15 pursuant to the variance or exemption;
16 the Administrator shall issue an order under
17 subsection (g) requiring the public water system
18 to comply with the requirement, or commence a
19 civil action under subsection (b).

20 “(B) NOTICE.—If the Administrator takes
21 any action pursuant to this paragraph, the Ad-
22 ministrator shall notify an appropriate local
23 elected official, if any, with jurisdiction over the
24 public water system of the action prior to the
25 time that the action is taken.”;

1 (2) in the first sentence of subsection (b), by
2 striking “a national primary drinking water regula-
3 tion” and inserting “any applicable requirement”;

4 (3) in subsection (g)—

5 (A) in paragraph (1), by striking “regula-
6 tion, schedule, or other” each place it appears
7 and inserting “applicable”;

8 (B) in paragraph (2)—

9 (i) in the first sentence—

10 (I) by striking “effect until after
11 notice and opportunity for public
12 hearing and,” and inserting “effect,”;
13 and

14 (II) by striking “proposed order”
15 and inserting “order”; and

16 (ii) in the second sentence, by striking
17 “proposed to be”; and

18 (C) in paragraph (3)—

19 (i) by striking subparagraph (B) and
20 inserting the following:

21 “(B) EFFECT OF PENALTY AMOUNTS.—In
22 a case in which a civil penalty sought by the
23 Administrator under this paragraph does not
24 exceed \$5,000, the penalty shall be assessed by
25 the Administrator after notice and opportunity

1 for a public hearing (unless the person against
2 whom the penalty is assessed requests a hearing
3 on the record in accordance with section 554 of
4 title 5, United States Code). In a case in which
5 a civil penalty sought by the Administrator
6 under this paragraph exceeds \$5,000, but does
7 not exceed \$25,000, the penalty shall be as-
8 sessed by the Administrator after notice and
9 opportunity for a hearing on the record in ac-
10 cordance with section 554 of title 5, United
11 States Code.”; and

12 (ii) in subparagraph (C), by striking
13 “paragraph exceeds \$5,000” and inserting
14 “subsection for a violation of an applicable
15 requirement exceeds \$25,000”; and

16 (4) by adding at the end the following:

17 “(h) CONSOLIDATION INCENTIVE.—

18 “(1) IN GENERAL.—An owner or operator of a
19 public water system may submit to the State in
20 which the system is located (if the State has primary
21 enforcement responsibility under section 1413) or to
22 the Administrator (if the State does not have pri-
23 mary enforcement responsibility) a plan (including
24 specific measures and schedules) for—

1 “(A) the physical consolidation of the sys-
2 tem with 1 or more other systems;

3 “(B) the consolidation of significant man-
4 agement and administrative functions of the
5 system with 1 or more other systems; or

6 “(C) the transfer of ownership of the sys-
7 tem that may reasonably be expected to im-
8 prove drinking water quality.

9 “(2) CONSEQUENCES OF APPROVAL.—If the
10 State or the Administrator approves a plan pursuant
11 to paragraph (1), no enforcement action shall be
12 taken pursuant to this part with respect to a specific
13 violation identified in the approved plan prior to the
14 date that is the earlier of the date on which consoli-
15 dation is completed according to the plan or the date
16 that is 2 years after the plan is approved.

17 “(i) DEFINITION OF APPLICABLE REQUIREMENT.—
18 In this section, the term ‘applicable requirement’ means—

19 “(1) a requirement of section 1412, 1414,
20 1415, 1416, 1417, 1441, or 1445;

21 “(2) a regulation promulgated pursuant to a
22 section referred to in paragraph (1);

23 “(3) a schedule or requirement imposed pursu-
24 ant to a section referred to in paragraph (1); and

1 “(4) a requirement of, or permit issued under,
 2 an applicable State program for which the Adminis-
 3 trator has made a determination that the require-
 4 ments of section 1413 have been satisfied, or an ap-
 5 plicable State program approved pursuant to this
 6 part.”.

7 (b) STATE AUTHORITY FOR ADMINISTRATIVE PEN-
 8 ALTIES.—Section 1413(a) (42 U.S.C. 300g-2(a)) is
 9 amended—

10 (1) by striking “and” at the end of paragraph
 11 (4);

12 (2) by striking the period at the end of para-
 13 graph (5) and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(6) has adopted authority for administrative
 16 penalties (unless the constitution of the State pro-
 17 hibits the adoption of the authority) in a maximum
 18 amount—

19 “(A) in the case of a system serving a pop-
 20 ulation of more than 10,000, that is not less
 21 than \$1,000 per day per violation; and

22 “(B) in the case of any other system, that
 23 is adequate to ensure compliance (as deter-
 24 mined by the State);

1 except that a State may establish a maximum limita-
2 tion on the total amount of administrative penalties
3 that may be imposed on a public water system per
4 violation.”.

5 (c) JUDICIAL REVIEW.—Section 1448(a) (42 U.S.C.
6 300j–7(a)) is amended—

7 (1) in paragraph (2) of the first sentence, by
8 inserting “final” after “any other”;

9 (2) in the second sentence, by striking “or issu-
10 ance of the order” and inserting “or any other final
11 Agency action”; and

12 (3) by adding at the end the following “In any
13 petition concerning the assessment of a civil penalty
14 pursuant to section 1414(g)(3)(B), the petitioner
15 shall simultaneously send a copy of the complaint by
16 certified mail to the Administrator and the Attorney
17 General. The court shall set aside and remand the
18 penalty order if the court finds that there is not sub-
19 stantial evidence in the record to support the finding
20 of a violation or that the assessment of the penalty
21 by the Administrator constitutes an abuse of discre-
22 tion.”.

23 **SEC. 22. FEDERAL AGENCIES.**

24 (a) IN GENERAL.—Subsections (a) and (b) of section
25 1447 (42 U.S.C. 300j–6) are amended to read as follows:

1 “(a) COMPLIANCE.—

2 “(1) IN GENERAL.—Each Federal agency shall
3 be subject to, and comply with, all Federal, State,
4 interstate, and local substantive and procedural re-
5 quirements, administrative authorities, and process
6 and sanctions concerning the provision of safe drink-
7 ing water or underground injection in the same
8 manner, and to the same extent, as any nongovern-
9 mental entity is subject to, and shall comply with,
10 the requirements, authorities, and process and sanc-
11 tions.

12 “(2) ADMINISTRATIVE ORDERS AND PEN-
13 ALTIES.—The Federal, State, interstate, and local
14 substantive and procedural requirements, adminis-
15 trative authorities, and process and sanctions re-
16 ferred to in paragraph (1) include all administrative
17 orders and all civil and administrative penalties or
18 fines, regardless of whether the penalties or fines are
19 punitive or coercive in nature or are imposed for iso-
20 lated, intermittent, or continuing violations.

21 “(3) LIMITED WAIVER OF SOVEREIGN IMMU-
22 NITY.—The United States expressly waives any im-
23 munity otherwise applicable to the United States
24 with respect to any requirement, administrative au-
25 thority, or process or sanction referred to in para-

graph (2) (including any injunctive relief, administrative order, or civil or administrative penalty or fine referred to in paragraph (2), or reasonable service charge). The reasonable service charge referred to in the preceding sentence includes—

“(A) a fee or charge assessed in connection with the processing, issuance, renewal, or amendment of a permit, variance, or exemption, review of a plan, study, or other document, or inspection or monitoring of a facility; and

“(B) any other nondiscriminatory charge that is assessed in connection with a Federal, State, interstate, or local safe drinking water regulatory program.

“(4) CIVIL PENALTIES.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under this subsection with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

“(5) CRIMINAL SANCTIONS.—An agent, employee, or officer of the United States may be subject to a criminal sanction under a State, interstate, or local law concerning the provision of drinking water or underground injection. No department, agency, or instrumentality of the executive, legisla-

1 tive, or judicial branch of the Federal Government
2 shall be subject to a sanction referred to in the pre-
3 ceding sentence.

4 “(b) WAIVER OF COMPLIANCE.—

5 “(1) IN GENERAL.—The President may waive
6 compliance with subsection (a) by any department,
7 agency, or instrumentality in the executive branch if
8 the President determines waiving compliance with
9 such subsection to be in the paramount interest of
10 the United States.

11 “(2) WAIVERS DUE TO LACK OF APPROPRIA-
12 TIONS.—No waiver described in paragraph (1) shall
13 be granted due to the lack of an appropriation un-
14 less the President has specifically requested the ap-
15 propriation as part of the budgetary process and
16 Congress has failed to make available the requested
17 appropriation.

18 “(3) PERIOD OF WAIVER.—A waiver under this
19 subsection shall be for a period of not to exceed 1
20 year, but an additional waiver may be granted for a
21 period of not to exceed 1 year on the termination of
22 a waiver if the President reviews the waiver and
23 makes a determination that it is in the paramount
24 interest of the United States to grant an additional
25 waiver.

1 “(4) REPORT.—Not later than January 31 of
2 each year, the President shall report to Congress on
3 each waiver granted pursuant to this subsection dur-
4 ing the preceding calendar year, together with the
5 reason for granting the waiver.”.

6 (b) ADMINISTRATIVE PENALTY ORDERS.—Section
7 1447 (42 U.S.C. 300j–6) is amended by adding at the end
8 the following:

9 “(d) ADMINISTRATIVE PENALTY ORDERS.—

10 “(1) IN GENERAL.—If the Administrator finds
11 that a Federal agency has violated an applicable re-
12 quirement under this title, the Administrator may
13 issue a penalty order assessing a penalty against the
14 Federal agency.

15 “(2) PENALTIES.—The Administrator may,
16 after notice to the agency, assess a civil penalty
17 against the agency in an amount not to exceed
18 \$25,000 per day per violation.

19 “(3) PROCEDURE.—Before an administrative
20 penalty order issued under this subsection becomes
21 final, the Administrator shall provide the agency an
22 opportunity to confer with the Administrator and
23 shall provide the agency notice and an opportunity
24 for a hearing on the record in accordance with chap-
25 ters 5 and 7 of title 5, United States Code.

1 “(4) PUBLIC REVIEW.—

2 “(A) IN GENERAL.—Any interested person
3 may obtain review of an administrative penalty
4 order issued under this subsection. The review
5 may be obtained in the United States District
6 Court for the District of Columbia or in the
7 United States District Court for the district in
8 which the violation is alleged to have occurred
9 by the filing of a complaint with the court with-
10 in the 30-day period beginning on the date the
11 penalty order becomes final. The person filing
12 the complaint shall simultaneously send a copy
13 of the complaint by certified mail to the Admin-
14 istrator and the Attorney General.

15 “(B) RECORD.—The Administrator shall
16 promptly file in the court a certified copy of the
17 record on which the order was issued.

18 “(C) STANDARD OF REVIEW.—The court
19 shall not set aside or remand the order unless
20 the court finds that there is not substantial evi-
21 dence in the record, taken as a whole, to sup-
22 port the finding of a violation or that the as-
23 sessment of the penalty by the Administrator
24 constitutes an abuse of discretion.

1 “(D) PROHIBITION ON ADDITIONAL PEN-
 2 ALTIES.—The court may not impose an addi-
 3 tional civil penalty for a violation that is subject
 4 to the order unless the court finds that the as-
 5 sessment constitutes an abuse of discretion by
 6 the Administrator.”.

7 (c) CITIZEN ENFORCEMENT.—The first sentence of
 8 section 1449(a) (42 U.S.C. 300j–8(a)) is amended—

9 (1) in paragraph (1), by striking “, or” and in-
 10 serting a semicolon;

11 (2) in paragraph (2), by striking the period at
 12 the end and inserting “; or”; and

13 (3) by adding at the end the following:

14 “(3) for the collection of a penalty (and associ-
 15 ated costs and interest) against any Federal agency
 16 that fails, by the date that is 1 year after the effec-
 17 tive date of a final order to pay a penalty assessed
 18 by the Administrator under section 1447(d), to pay
 19 the penalty.”.

20 (d) WASHINGTON AQUEDUCT.—Section 1447 (42
 21 U.S.C. 300j–6) (as amended by subsection (b)) is further
 22 amended by adding at the end the following:

23 “(e) WASHINGTON AQUEDUCT.—The Washington
 24 Aqueduct Authority, the Army Corps of Engineers, and
 25 the Secretary of the Army shall not pass the cost of any

1 penalty assessed under this title on to any customer, user,
 2 or other purchaser of drinking water from the Washington
 3 Aqueduct system, including finished water from the
 4 Dalecarlia or McMillan treatment plant.”.

5 **SEC. 23. RESEARCH.**

6 Section 1442 (42 U.S.C. 300j–1) (as amended by sec-
 7 tion 12(d)) is further amended—

8 (1) by redesignating paragraph (3) of sub-
 9 section (b) as paragraph (3) of subsection (d) and
 10 moving such paragraph to appear after paragraph
 11 (2) of subsection (d);

12 (2) by striking subsection (b) (as so amended);

13 (3) by redesignating subparagraph (B) of sub-
 14 section (a)(2) as subsection (b) and moving such
 15 subsection to appear after subsection (a);

16 (4) in subsection (a)—

17 (A) by striking paragraph (2) (as so
 18 amended) and inserting the following:

19 “(2) INFORMATION AND RESEARCH FACILI-
 20 TIES.—In carrying out this title, the Administrator
 21 is authorized to—

22 “(A) collect and make available informa-
 23 tion pertaining to research, investigations, and
 24 demonstrations with respect to providing a de-
 25 pendably safe supply of drinking water, to-

1 gether with appropriate recommendations in
2 connection with the information; and

3 “(B) make available research facilities of
4 the Agency to appropriate public authorities, in-
5 stitutions, and individuals engaged in studies
6 and research relating to this title.”;

7 (B) by striking paragraph (3);

8 (C) by redesignating paragraph (11) as
9 paragraph (3) and moving such paragraph to
10 appear before paragraph (4); and

11 (D) by adding at the end the following:

12 “(11) AUTHORIZATION OF APPROPRIATIONS.—

13 There are authorized to be appropriated to the Ad-
14 ministrator to carry out research authorized by this
15 section \$25,000,000 for each of fiscal years 1994
16 through 2003, of which \$4,000,000 shall be avail-
17 able for each fiscal year for research on the health
18 effects of arsenic in drinking water.”;

19 (5) in subsection (b) (as so amended)—

20 (A) by striking “subparagraph” each place
21 it appears and inserting “subsection”; and

22 (B) by adding at the end the following:

23 “There are authorized to be appropriated to
24 carry out this subsection \$8,000,000 for each of
25 fiscal years 1995 through 2003.”;

1 (6) in the first sentence of subsection (c), by
2 striking “eighteen months after the date of enact-
3 ment of this subsection” and inserting “2 years
4 after the date of enactment of the Safe Drinking
5 Water Act Amendments of 1995, and every 5 years
6 thereafter”;

7 (7) in subsection (d) (as amended by paragraph
8 (1))—

9 (A) in paragraph (1), by striking “, and”
10 at the end and inserting a semicolon;

11 (B) in paragraph (2), by striking the pe-
12 riod at the end and inserting a semicolon;

13 (C) in paragraph (3), by striking the pe-
14 riod at the end and inserting “; and”;

15 (D) by inserting after paragraph (3) the
16 following:

17 “(4) develop and maintain a system for fore-
18 casting the supply of, and demand for, various pro-
19 fessional occupational categories and other occupa-
20 tional categories needed for the protection and treat-
21 ment of drinking water in each region of the United
22 States.”; and

23 (E) by adding at the end the following:

24 “There are authorized to be appropriated to

1 carry out this subsection \$10,000,000 for each
2 of fiscal years 1994 through 2003.”; and

3 (8) by adding at the end the following:

4 “(i) BIOLOGICAL MECHANISMS.—In carrying out this
5 section, the Administrator shall conduct studies to—

6 “(1) understand the mechanisms by which
7 chemical contaminants are absorbed, distributed,
8 metabolized, and eliminated from the human body,
9 so as to develop more accurate physiologically based
10 models of the phenomena;

11 “(2) understand the effects of contaminants
12 and the mechanisms by which the contaminants
13 cause adverse effects (especially noncancer and in-
14 fectionous effects) and the variations in the effects
15 among humans, especially subpopulations at greater
16 risk of adverse effects, and between test animals and
17 humans; and

18 “(3) develop new approaches to the study of
19 complex mixtures, such as mixtures found in drink-
20 ing water, especially to determine the prospects for
21 synergistic or antagonistic interactions that may af-
22 fect the shape of the dose-response relationship of
23 the individual chemicals and microbes, and to exam-
24 ine noncancer endpoints and infectious diseases, and
25 susceptible individuals and subpopulations.

1 “(j) RESEARCH PRIORITIES.—To establish long-term
2 priorities for research under this section, the Adminis-
3 trator shall develop, and periodically update, an integrated
4 risk characterization strategy for drinking water quality.
5 The strategy shall identify unmet needs, priorities for
6 study, and needed improvements in the scientific basis for
7 activities carried out under this title. The initial strategy
8 shall be made available to the public not later than 3 years
9 after the date of enactment of this subsection.

10 “(k) RESEARCH PLAN FOR HARMFUL SUBSTANCES
11 IN DRINKING WATER.—

12 “(1) DEVELOPMENT OF PLAN.—The Adminis-
13 trator shall—

14 “(A) not later than 180 days after the date
15 of enactment of this subsection, after consulta-
16 tion with the Secretary of Health and Human
17 Services, the Secretary of Agriculture, and, as
18 appropriate, the heads of other Federal agen-
19 cies, develop a research plan to support the de-
20 velopment and implementation of the most cur-
21 rent version of the—

22 “(i) enhanced surface water treatment
23 rule (59 Fed. Reg. 38832 (July 29,
24 1994));

1 “(ii) disinfectant and disinfection by-
2 products rule (Stage 2) (59 Fed. Reg.
3 38668 (July 29, 1994)); and

4 “(iii) ground water disinfection rule
5 (availability of draft summary announced
6 at 57 Fed. Reg. 33960 (July 31, 1992));
7 and

8 “(B) carry out the research plan, after
9 consultation and appropriate coordination with
10 the Secretary of Agriculture and the heads of
11 other Federal agencies.

12 “(2) CONTENTS OF PLAN.—

13 “(A) IN GENERAL.—The research plan
14 shall include, at a minimum—

15 “(i) an identification and character-
16 ization of new disinfection byproducts asso-
17 ciated with the use of different disinfect-
18 ants;

19 “(ii) toxicological studies and, if war-
20 ranted, epidemiological studies to deter-
21 mine what levels of exposure from dis-
22 infectants and disinfection byproducts, if
23 any, may be associated with developmental
24 and birth defects and other potential toxic
25 end points;

1 “(iii) toxicological studies and, if war-
2 ranted, epidemiological studies to quantify
3 the carcinogenic potential from exposure to
4 disinfection byproducts resulting from dif-
5 ferent disinfectants;

6 “(iv) the development of practical an-
7 alytical methods for detecting and enumer-
8 ating microbial contaminants, including
9 giardia, cryptosporidium, and viruses;

10 “(v) the development of reliable, effi-
11 cient, and economical methods to deter-
12 mine the viability of individual
13 cryptosporidium oocysts;

14 “(vi) the development of dose-response
15 curves for pathogens, including
16 cryptosporidium and the Norwalk virus;

17 “(vii) the development of indicators
18 that define treatment effectiveness for
19 pathogens and disinfection byproducts; and

20 “(viii) bench, pilot, and full-scale
21 studies and demonstration projects to
22 evaluate optimized conventional treatment,
23 ozone, granular activated carbon, and
24 membrane technology for controlling

1 pathogens (including cryptosporidium) and
2 disinfection byproducts.

3 “(B) RISK DEFINITION STRATEGY.—The
4 research plan shall include a strategy for deter-
5 mining the risks and estimated extent of dis-
6 ease resulting from pathogens, disinfectants,
7 and disinfection byproducts in drinking water,
8 and the costs and removal efficiencies associ-
9 ated with various control methods for patho-
10 gens, disinfectants, and disinfection byproducts.

11 “(3) IMPLEMENTATION OF PLAN.—In carrying
12 out the research plan, the Administrator shall use
13 the most cost-effective mechanisms available, includ-
14 ing coordination of research with, and use of match-
15 ing funds from, institutions and utilities.

16 “(4) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated to carry out
18 this subsection \$12,500,000 for each of fiscal years
19 1997 through 2003.

20 “(I) SUBPOPULATIONS AT GREATER RISK.—

21 “(1) RESEARCH PLAN.—The Administrator
22 shall conduct a continuing program of peer-reviewed
23 research to identify groups within the general popu-
24 lation that may be at greater risk than the general
25 population of adverse health effects from exposure to

1 contaminants in drinking water. Not later than 1
2 year after the date of enactment of this subsection,
3 the Administrator shall develop and implement a re-
4 search plan to establish whether and to what degree
5 infants, children, pregnant women, the elderly, indi-
6 viduals with a history of serious illness, or other sub-
7 populations that can be identified and characterized
8 are likely to experience elevated health risks, includ-
9 ing risks of cancer, from contaminants in drinking
10 water.

11 “(2) CONTENTS OF PLAN.—To the extent ap-
12 propriate, the research shall be—

13 “(A) integrated into the health effects re-
14 search plan carried out by the Administrator to
15 support the regulation of specific contaminants
16 under this Act; and

17 “(B) designed to identify—

18 “(i) the nature and extent of the ele-
19 vated health risks, if any;

20 “(ii) the groups likely to experience
21 the elevated health risks;

22 “(iii) biological mechanisms and other
23 factors that may contribute to elevated
24 health risks for groups within the general
25 population;

1 “(iv) the degree of variability of the
2 health risks to the groups from the health
3 risks to the general population;

4 “(v) the threshold, if any, at which
5 the elevated health risks for a specific con-
6 taminant occur; and

7 “(vi) the probability of the exposure
8 to the contaminants by the identified
9 group.

10 “(3) REPORT.—Not later than 4 years after the
11 date of enactment of this subsection and periodically
12 thereafter as new and significant information be-
13 comes available, the Administrator shall report to
14 Congress on the results of the research.

15 “(4) USE OF RESEARCH.—In characterizing the
16 health effects of drinking water contaminants under
17 this Act, the Administrator shall consider all rel-
18 evant factors, including the results of research under
19 this subsection, the margin of safety for variability
20 in the general population, and sound scientific prac-
21 tices (including the 1993 and 1994 reports of the
22 National Academy of Sciences) regarding subpopula-
23 tions at greater risk for adverse health effects.”.

1 **SEC. 24. DEFINITIONS.**

2 (a) IN GENERAL.—Section 1401 (42 U.S.C. 300f) is
3 amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (D), by inserting “ac-
6 cepted methods for” before “quality control”;
7 and

8 (B) by adding at the end the following:

9 “At any time after promulgation of a regulation re-
10 ferred to in this paragraph, the Administrator may
11 add equally effective quality control and testing pro-
12 cedures by guidance published in the Federal Reg-
13 ister. The procedures shall be treated as an alter-
14 native for public water systems to the quality control
15 and testing procedures listed in the regulation.”;

16 (2) in paragraph (13)—

17 (A) by striking “The” and inserting “(A)
18 Except as provided in subparagraph (B), the”;
19 and

20 (B) by adding at the end the following:

21 “(B) For purposes of part G, the term ‘State’
22 means each of the 50 States and the Commonwealth
23 of Puerto Rico.”;

24 (3) in paragraph (14), by adding at the end the
25 following: “For purposes of part G, the term in-
26 cludes any Native village (as defined in section 3(c)

1 of the Alaska Native Claims Settlement Act (43
2 U.S.C. 1602(c)).”; and

3 (4) by adding at the end the following:

4 “(15) COMMUNITY WATER SYSTEM.—The term
5 ‘community water system’ means a public water sys-
6 tem that—

7 “(A) serves at least 15 service connections
8 used by year-round residents of the area served
9 by the system; or

10 “(B) regularly serves at least 25 year-
11 round residents.

12 “(16) NONCOMMUNITY WATER SYSTEM.—The
13 term ‘noncommunity water system’ means a public
14 water system that is not a community water sys-
15 tem.”.

16 (b) PUBLIC WATER SYSTEM.—

17 (1) IN GENERAL.—Section 1401(4) (42 U.S.C.
18 300f(4)) is amended—

19 (A) in the first sentence, by striking
20 “piped water for human consumption” and in-
21 serting “water for human consumption through
22 pipes or other constructed conveyances”;

23 (B) by redesignating subparagraphs (A)
24 and (B) as clauses (i) and (ii), respectively;

1 (C) by striking “(4) The” and inserting
2 the following:

3 “(4) PUBLIC WATER SYSTEM.—

4 “(A) IN GENERAL.—The”; and

5 (D) by adding at the end the following:

6 “(B) CONNECTIONS.—

7 “(i) IN GENERAL.—For purposes of
8 subparagraph (A), a connection to a sys-
9 tem that delivers water by a constructed
10 conveyance other than a pipe shall not be
11 considered a connection, if—

12 “(I) the water is used exclusively
13 for purposes other than residential
14 uses (consisting of drinking, bathing,
15 and cooking, or other similar uses);

16 “(II) the Administrator or the
17 State (in the case of a State exercis-
18 ing primary enforcement responsibility
19 for public water systems) determines
20 that alternative water to achieve the
21 equivalent level of public health pro-
22 tection provided by the applicable na-
23 tional primary drinking water regula-
24 tion is provided for residential or simi-
25 lar uses for drinking and cooking; or

1 “(III) the Administrator or the
2 State (in the case of a State exercis-
3 ing primary enforcement responsibility
4 for public water systems) determines
5 that the water provided for residential
6 or similar uses for drinking and cook-
7 ing is centrally treated or treated at
8 the point of entry by the provider, a
9 pass-through entity, or the user to
10 achieve the equivalent level of protec-
11 tion provided by the applicable na-
12 tional primary drinking water regula-
13 tions.

14 “(ii) IRRIGATION DISTRICTS.—An irri-
15 gation district in existence prior to May
16 18, 1994, that provides primarily agricul-
17 tural service through a piped water system
18 with only incidental residential use shall
19 not be considered to be a public water sys-
20 tem if the system or the residential users
21 of the system comply with subclause (II)
22 or (III) of clause (i).

23 “(C) TRANSITION PERIOD.—A water sup-
24 plier that would be a public water system only
25 as a result of modifications made to this para-

1 graph by the Safe Drinking Water Act Amend-
 2 ments of 1995 shall not be considered a public
 3 water system for purposes of the Act until the
 4 date that is two years after the date of enact-
 5 ment of this subparagraph, if during such two-
 6 year period the water supplier complies with the
 7 monitoring requirements of the Surface Water
 8 Treatment Rule and no indicator of microbial
 9 contamination is exceeded during that period. If
 10 a water supplier does not serve 15 service con-
 11 nections (as defined in subparagraphs (A) and
 12 (B)) or 25 people at any time after the conclu-
 13 sion of the two-year period, the water supplier
 14 shall not be considered a public water system.”.

15 **SEC. 25. WATERSHED AND GROUND WATER PROTECTION.**

16 (a) STATE GROUND WATER PROTECTION GRANTS.—
 17 Section 1443 (42 U.S.C. 300j-2) is amended—

18 (1) by redesignating subsection (c) as sub-
 19 section (d); and

20 (2) by inserting after subsection (b) the follow-
 21 ing:

22 “(c) STATE GROUND WATER PROTECTION
 23 GRANTS.—

24 “(1) IN GENERAL.—The Administrator may
 25 make a grant to a State for the development and im-

1 plementation of a State program to ensure the co-
2 ordinated and comprehensive protection of ground
3 water resources within the State.

4 “(2) GUIDANCE.—Not later than 1 year after
5 the date of enactment of the Safe Drinking Water
6 Act Amendments of 1995, and annually thereafter,
7 the Administrator shall publish guidance that estab-
8 lishes procedures for application for State ground
9 water protection program assistance and that identi-
10 fies key elements of State ground water protection
11 programs.

12 “(3) CONDITIONS OF GRANTS.—

13 “(A) IN GENERAL.—The Administrator
14 shall award grants to States that submit an ap-
15 plication that is approved by the Administrator.
16 The Administrator shall determine the amount
17 of a grant awarded pursuant to this paragraph
18 on the basis of an assessment of the extent of
19 ground water resources in the State and the
20 likelihood that awarding the grant will result in
21 sustained and reliable protection of ground
22 water quality.

23 “(B) INNOVATIVE PROGRAM GRANTS.—

24 The Administrator may also award a grant pur-
25 suant to this paragraph for innovative programs

1 proposed by a State for the prevention of
2 ground water contamination.

3 “(C) ALLOCATION OF FUNDS.—The Ad-
4 ministrators shall, at a minimum, ensure that,
5 for each fiscal year, not less than 1 percent of
6 funds made available to the Administrator by
7 appropriations to carry out this subsection are
8 allocated to each State that submits an applica-
9 tion that is approved by the Administrator pur-
10 suant to this subsection.

11 “(D) LIMITATION ON GRANTS.—No grant
12 awarded by the Administrator may be used for
13 a project to remediate ground water contamina-
14 tion.

15 “(4) COORDINATION WITH OTHER GRANT PRO-
16 GRAMS.—The awarding of grants by the Adminis-
17 trator pursuant to this subsection shall be coordi-
18 nated with the awarding of grants pursuant to sec-
19 tion 319(i) of the Federal Water Pollution Control
20 Act (33 U.S.C. 1329(i)) and the awarding of other
21 Federal grant assistance that provides funding for
22 programs related to ground water protection.

23 “(5) AMOUNT OF GRANTS.—The amount of a
24 grant awarded pursuant to paragraph (1) shall not
25 exceed 50 percent of the eligible costs of carrying

1 out the ground water protection program that is the
2 subject of the grant (as determined by the Adminis-
3 trator) for the 1-year period beginning on the date
4 that the grant is awarded. The State shall pay a
5 State share to cover the costs of the ground water
6 protection program from State funds in an amount
7 that is not less than 50 percent of the cost of con-
8 ducting the program.

9 “(6) EVALUATIONS AND REPORTS.—Not later
10 than 3 years after the date of enactment of the Safe
11 Drinking Water Act Amendments of 1995, and
12 every 3 years thereafter, the Administrator shall
13 evaluate the State ground water protection programs
14 that are the subject of grants awarded pursuant to
15 this subsection and report to Congress on the status
16 of ground water quality in the United States and the
17 effectiveness of State programs for ground water
18 protection.

19 “(7) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to carry out
21 this subsection \$20,000,000 for each of fiscal years
22 1995 through 2003.”.

23 (b) CRITICAL AQUIFER PROTECTION.—Section 1427
24 (42 U.S.C. 300h–6) is amended—

1 (1) in subsection (b)(1), by striking “not later
2 than 24 months after the enactment of the Safe
3 Drinking Water Act Amendments of 1986”; and

4 (2) in the first sentence of subsection (n), by
5 adding at the end the following:

“1992–2003 15,000,000.”.

6 (c) WELLHEAD PROTECTION AREAS.—Section
7 1428(k) (42 U.S.C. 300h–7(k)) is amended by adding at
8 the end the following:

“1992–2003 30,000,000.”.

9 (d) UNDERGROUND INJECTION CONTROL GRANT.—
10 Section 1443(b)(5) (42 U.S.C. 300j–2(b)(5)) is amended
11 by adding at the end the following:

“1992–2003 15,000,000.”.

12 (e) REPORT TO CONGRESS ON PRIVATE DRINKING
13 WATER.—Section 1450 (42 U.S.C. 300j–9) is amended by
14 striking subsection (h) and inserting the following:

15 “(h) REPORT TO CONGRESS ON PRIVATE DRINKING
16 WATER.—The Administrator shall conduct a study to de-
17 termine the extent and seriousness of contamination of
18 private sources of drinking water that are not regulated
19 under this title. Not later than 3 years after the date of
20 enactment of the Safe Drinking Water Act Amendments
21 of 1995, the Administrator shall submit to Congress a re-
22 port that includes the findings of the study and rec-
23 ommendations by the Administrator concerning responses

1 to any problems identified under the study. In designing
2 and conducting the study, including consideration of re-
3 search design, methodology, and conclusions and rec-
4 ommendations, the Administrator shall consult with ex-
5 perts outside the Agency, including scientists,
6 hydrogeologists, well contractors and suppliers, and other
7 individuals knowledgeable in ground water protection and
8 remediation.”.

9 (f) NATIONAL CENTER FOR GROUND WATER RE-
10 SEARCH.—The Administrator of the Environmental Pro-
11 tection Agency, acting through the Robert S. Kerr Envi-
12 ronmental Research Laboratory, is authorized to reestab-
13 lish a partnership between the Laboratory and the Na-
14 tional Center for Ground Water Research, a university
15 consortium, to conduct research, training, and technology
16 transfer for ground water quality protection and restora-
17 tion.

18 (g) WATERSHED PROTECTION DEMONSTRATION
19 PROGRAM.—

20 (1) The heading of section 1443 (42 U.S.C.) is
21 amended to read as follows:

22 **“Grants for State and local programs”**

23 (2) Section 1443 (42 U.S.C.) is amended by
24 adding at the end thereof the following:

1 “(e) WATERSHED PROTECTION DEMONSTRATION
2 PROGRAM.—

3 “(1) IN GENERAL.—

4 “(A) ASSISTANCE FOR DEMONSTRATION
5 PROJECTS.—The Administrator is authorized to
6 provide technical and financial assistance to
7 units of State or local government for projects
8 that demonstrate and assess innovative and en-
9 hanced methods and practices to develop and
10 implement watershed protection programs in-
11 cluding methods and practices that protect both
12 surface and ground water. In selecting projects
13 for assistance under this subsection, the Admin-
14 istrator shall give priority to projects that are
15 carried out to satisfy criteria published under
16 section 1412(b)(7)(C) or that are identified
17 through programs developed and implemented
18 pursuant to section 1428.

19 “(B) MATCHING REQUIREMENTS.—Fed-
20 eral assistance provided under this subsection
21 shall not exceed 35 percent of the total cost of
22 the protection program being carried out for
23 any particular watershed or ground water re-
24 charge area.

1 “(2) NEW YORK CITY WATERSHED PROTEC-
2 TION PROGRAM.—

3 “(A) IN GENERAL.—Pursuant to the au-
4 thority of paragraph (1), the Administrator is
5 authorized to provide financial assistance to the
6 State of New York for demonstration projects
7 implemented as part of the watershed program
8 for the protection and enhancement of the qual-
9 ity of source waters of the New York City water
10 supply system. Demonstration projects which
11 shall be eligible for financial assistance shall be
12 certified to the Administrator by the State of
13 New York as satisfying the purposes of this
14 subsection and shall include those projects that
15 demonstrate, assess, or provide for comprehen-
16 sive monitoring, surveillance, and research with
17 respect to the efficacy of phosphorus offsets or
18 trading, wastewater diversion, septic system
19 siting and maintenance, innovative or enhanced
20 wastewater treatment technologies, innovative
21 methodologies for the control of storm water
22 runoff, urban, agricultural, and forestry best
23 management practices for controlling nonpoint
24 source pollution, operator training, compliance
25 surveillance and that establish watershed or

1 basin-wide coordinating, planning or governing
 2 organizations. In certifying projects to the Ad-
 3 ministrator, the State of New York shall give
 4 priority to these monitoring and research
 5 projects that have undergone peer review.

6 “(B) REPORT.—Not later than 5 years
 7 after the date on which the Administrator first
 8 provides assistance pursuant to this paragraph,
 9 the Governor of the State of New York shall
 10 submit a report to the Administrator on the re-
 11 sults of projects assisted.

12 “(3) AUTHORIZATION.—There are authorized to
 13 be appropriated to the Administrator such sums as
 14 are necessary to carry out this subsection for each
 15 of fiscal years 1997 through 2003 including
 16 \$15,000,000 for each of such fiscal years for the
 17 purpose of providing assistance to the State of New
 18 York to carry out paragraph (2).”.

19 **SEC. 26. LEAD PLUMBING AND PIPES; RETURN FLOWS.**

20 (a) FITTINGS AND FIXTURES.—Section 1417 (42
 21 U.S.C. 300g–6) is amended—

22 (1) in subsection (a)—

23 (A) by striking paragraph (1) and insert-
 24 ing the following:

25 “(1) PROHIBITIONS.—

1 “(A) IN GENERAL.—No person may use
2 any pipe, any pipe or plumbing fitting or fix-
3 ture, any solder, or any flux, after June 19,
4 1986, in the installation or repair of—

5 “(i) any public water system; or

6 “(ii) any plumbing in a residential or
7 nonresidential facility providing water for
8 human consumption,
9 that is not lead free (within the meaning of
10 subsection (d)).

11 “(B) LEADED JOINTS.—Subparagraph (A)
12 shall not apply to leaded joints necessary for
13 the repair of cast iron pipes.”;

14 (B) in paragraph (2)(A), by inserting after
15 “Each” the following: “owner or operator of a”;
16 and

17 (C) by adding at the end the following:

18 “(3) UNLAWFUL ACTS.—Effective 2 years after
19 the date of enactment of this paragraph, it shall be
20 unlawful—

21 “(A) for any person to introduce into com-
22 merce any pipe, or any pipe or plumbing fitting
23 or fixture, that is not lead free, except for a
24 pipe that is used in manufacturing or industrial
25 processing;

1 “(B) for any person engaged in the busi-
 2 ness of selling plumbing supplies, except manu-
 3 facturers, to sell solder or flux that is not lead
 4 free; or

5 “(C) for any person to introduce into com-
 6 merce any solder or flux that is not lead free
 7 unless the solder or flux bears a prominent
 8 label stating that it is illegal to use the solder
 9 or flux in the installation or repair of any
 10 plumbing providing water for human consump-
 11 tion.”;

12 (2) in subsection (d)—

13 (A) in paragraph (1), by striking “lead,
 14 and” and inserting “lead;”;

15 (B) in paragraph (2), by striking “lead.”
 16 and inserting “lead; and”; and

17 (C) by adding at the end the following:

18 “(3) when used with respect to plumbing fit-
 19 tings and fixtures, refers to plumbing fittings and
 20 fixtures in compliance with standards established in
 21 accordance with subsection (e).”; and

22 (3) by adding at the end the following:

23 “(e) PLUMBING FITTINGS AND FIXTURES.—

24 “(1) IN GENERAL.—The Administrator shall
 25 provide accurate and timely technical information

1 and assistance to qualified third-party certifiers in
2 the development of voluntary standards and testing
3 protocols for the leaching of lead from new plumbing
4 fittings and fixtures that are intended by the manu-
5 facturer to dispense water for human ingestion.

6 “(2) STANDARDS.—

7 “(A) IN GENERAL.—If a voluntary stand-
8 ard for the leaching of lead is not established
9 by the date that is 1 year after the date of en-
10 actment of this subsection, the Administrator
11 shall, not later than 2 years after the date of
12 enactment of this subsection, promulgate regu-
13 lations setting a health-effects-based perform-
14 ance standard establishing maximum leaching
15 levels from new plumbing fittings and fixtures
16 that are intended by the manufacturer to dis-
17 pense water for human ingestion. The standard
18 shall become effective on the date that is 5
19 years after the date of promulgation of the
20 standard.

21 “(B) ALTERNATIVE REQUIREMENT.—If
22 regulations are required to be promulgated
23 under subparagraph (A) and have not been pro-
24 mulgated by the date that is 5 years after the
25 date of enactment of this subsection, no person

1 may import, manufacture, process, or distribute
 2 in commerce a new plumbing fitting or fixture,
 3 intended by the manufacturer to dispense water
 4 for human ingestion, that contains more than 4
 5 percent lead by dry weight.”.

6 (b) WATER RETURN FLOWS.—Section 3013 of Pub-
 7 lic Law 102–486 (42 U.S.C. 13551) is repealed.

8 (c) RECORDS AND INSPECTIONS.—Subparagraph (A)
 9 of section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) (as des-
 10 ignated by section 19(a)(1)(A)) is amended by striking
 11 “Every person” and all that follows through “is a grant-
 12 ee,” and inserting “Every person who is subject to any
 13 requirement of this title or who is a grantee”.

14 **SEC. 27. BOTTLED WATER.**

15 Section 410 of the Federal Food, Drug, and Cosmetic
 16 Act (21 U.S.C. 349) is amended—

17 (1) by striking “Whenever” and inserting “(a)
 18 Except as provided in subsection (b), whenever”;
 19 and

20 (2) by adding at the end the following:

21 “(b)(1) After the Administrator of the Environmental
 22 Protection Agency publishes a proposed maximum con-
 23 taminant level, but not later than 180 days after the Ad-
 24 ministrator of the Environmental Protection Agency pub-
 25 lishes a final maximum contaminant level, for a contami-

1 nant under section 1412 of the Public Health Service Act
2 (42 U.S.C. 300g-1), the Secretary, after public notice and
3 comment, shall issue a regulation that establishes a qual-
4 ity level for the contaminant in bottled water or make a
5 finding that a regulation is not necessary to protect the
6 public health because the contaminant is contained in
7 water in the public water systems (as defined under sec-
8 tion 1401(4) of such Act (42 U.S.C. 300f(4)) and not in
9 water used for bottled drinking water. In the case of any
10 contaminant for which a national primary drinking water
11 regulation was promulgated before the date of enactment
12 of the Safe Drinking Water Act Amendments of 1995, the
13 Secretary shall issue the regulation or make the finding
14 required by this paragraph not later than 1 year after that
15 date.

16 “(2) The regulation shall include any monitoring re-
17 quirements that the Secretary determines to be appro-
18 priate for bottled water.

19 “(3) The regulation—

20 “(A) shall require that the quality level for the
21 contaminant in bottled water be as stringent as the
22 maximum contaminant level for the contaminant
23 published by the Administrator of the Environ-
24 mental Protection Agency; and

1 “(B) may require that the quality level be more
2 stringent than the maximum contaminant level if
3 necessary to provide ample public health protection
4 under this Act.

5 “(4)(A) If the Secretary fails to establish a regulation
6 within the period described in paragraph (1), the regula-
7 tion with respect to the final maximum contaminant level
8 published by the Administrator of the Environmental Pro-
9 tection Agency (as described in such paragraph) shall be
10 considered, as of the date on which the Secretary is re-
11 quired to establish a regulation under paragraph (1), as
12 the final regulation for the establishment of the quality
13 level for a contaminant required under paragraph (1) for
14 the purpose of establishing or amending a bottled water
15 quality level standard with respect to the contaminant.

16 “(B) Not later than 30 days after the end of the pe-
17 riod described in paragraph (1), the Secretary shall, with
18 respect to a maximum contaminant level that is considered
19 as a quality level under subparagraph (A), publish a notice
20 in the Federal Register that sets forth the quality level
21 and appropriate monitoring requirements required under
22 paragraphs (1) and (2) and that provides that the quality
23 level standard and requirements shall take effect on the
24 date on which the final regulation of the maximum con-
25 taminant level takes effect or 18 months after the notice

1 is issued pursuant to this subparagraph, whichever is
2 later.”.

3 **SEC. 28. OTHER AMENDMENTS.**

4 (a) CAPITAL IMPROVEMENTS FOR THE WASHINGTON
5 AQUEDUCT.—

6 (1) AUTHORIZATIONS.—

7 (A) AUTHORIZATION OF MODERNIZA-
8 TION.—Subject to approval in, and in such
9 amounts as may be provided in appropriations
10 Acts, the Chief of Engineers of the Army Corps
11 of Engineers is authorized to modernize the
12 Washington Aqueduct.

13 (B) AUTHORIZATION OF APPROPRIA-
14 TIONS.—There is authorized to be appropriated
15 to the Army Corps of Engineers borrowing au-
16 thority in amounts sufficient to cover the full
17 costs of modernizing the Washington Aqueduct.
18 The borrowing authority shall be provided by
19 the Secretary of the Treasury, under such
20 terms and conditions as are established by the
21 Secretary of the Treasury, after a series of con-
22 tracts with each public water supply customer
23 has been entered into under paragraph (2).

24 (2) CONTRACTS WITH PUBLIC WATER SUPPLY
25 CUSTOMERS.—

(A) CONTRACTS TO REPAY CORPS DEBT.—

To the extent provided in appropriations Acts, and in accordance with subparagraphs (B) and (C), the Chief of Engineers of the Army Corps of Engineers is authorized to enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share of the principal and interest owed by the Army Corps of Engineers to the Secretary of the Treasury under paragraph (1). Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(B) OFFSETTING OF RISK OF DEFAULT.—

Each contract under subparagraph (A) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

1 (C) OTHER CONDITIONS.—Each contract
2 entered into under subparagraph (A) shall—

3 (i) provide that the public water sup-
4 ply customer pledges future income from
5 fees assessed to operate and maintain the
6 Washington Aqueduct;

7 (ii) provide the United States priority
8 over all other creditors; and

9 (iii) include other conditions that the
10 Secretary of the Treasury determines to be
11 appropriate.

12 (3) BORROWING AUTHORITY.—Subject to an
13 appropriation under paragraph (1)(B) and after en-
14 tering into a series of contracts under paragraph
15 (2), the Secretary, acting through the Chief of Engi-
16 neers of the Army Corps of Engineers, shall seek
17 borrowing authority from the Secretary of the
18 Treasury under paragraph (1)(B).

19 (4) DEFINITIONS.—In this subsection:

20 (A) PUBLIC WATER SUPPLY CUSTOMER.—

21 The term “public water supply customer”
22 means the District of Columbia, the county of
23 Arlington, Virginia, and the city of Falls
24 Church, Virginia.

1 (B) VALUE TO THE GOVERNMENT.—The
2 term “value to the Government” means the net
3 present value of a contract under paragraph (2)
4 calculated under the rules set forth in subpara-
5 graphs (A) and (B) of section 502(5) of the
6 Congressional Budget Act of 1974 (2 U.S.C.
7 661a(5)), excluding section 502(5)(B)(i) of
8 such Act, as though the contracts provided for
9 the repayment of direct loans to the public
10 water supply customers.

11 (C) WASHINGTON AQUEDUCT.—The term
12 “Washington Aqueduct” means the water sup-
13 ply system of treatment plants, raw water in-
14 takes, conduits, reservoirs, transmission mains,
15 and pumping stations owned by the Federal
16 Government located in the metropolitan Wash-
17 ington, District of Columbia, area.

18 (b) DRINKING WATER ADVISORY COUNCIL.—The
19 second sentence of section 1446(a) (42 U.S.C. 300j–6(a))
20 is amended by inserting before the period at the end the
21 following: “, of which two such members shall be associ-
22 ated with small, rural public water systems”.

23 (c) SHORT TITLE.—

1 (1) IN GENERAL.—The title (42 U.S.C. 1401 et
2 seq.) is amended by inserting after the title heading
3 the following:

4 “SHORT TITLE

5 “SEC. 1400. This title may be cited as the ‘Safe
6 Drinking Water Act’.”.

7 (2) CONFORMING AMENDMENT.—Section 1 of
8 Public Law 93–523 (88 Stat. 1660) is amended by
9 inserting “of 1974” after “Water Act”.

10 (d) TECHNICAL AMENDMENTS TO SECTION HEAD-
11 INGS.—

12 (1) The section heading and subsection designa-
13 tion of subsection (a) of section 1417 (42 U.S.C.
14 300g–6) are amended to read as follows:

15 “PROHIBITION ON USE OF LEAD PIPES, FITTINGS,

16 SOLDER, AND FLUX

17 “SEC. 1417. (a)”.

18 (2) The section heading and subsection designa-
19 tion of subsection (a) of section 1426 (42 U.S.C.
20 300h–5) are amended to read as follows:

21 “REGULATION OF STATE PROGRAMS

22 “SEC. 1426. (a)”.

23 (3) The section heading and subsection designa-
24 tion of subsection (a) of section 1427 (42 U.S.C.
25 300h–6) are amended to read as follows:

1 “SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM
 2 “SEC. 1427. (a)”.

3 (4) The section heading and subsection designa-
 4 tion of subsection (a) of section 1428 (42 U.S.C.
 5 300h-7) are amended to read as follows:

6 “STATE PROGRAMS TO ESTABLISH WELLHEAD
 7 PROTECTION AREAS

8 “SEC. 1428. (a)”.

9 (5) The section heading and subsection designa-
 10 tion of subsection (a) of section 1432 (42 U.S.C.
 11 300i-1) are amended to read as follows:

12 “TAMPERING WITH PUBLIC WATER SYSTEMS

13 “SEC. 1432. (a)”.

14 (6) The section heading and subsection designa-
 15 tion of subsection (a) of section 1451 (42 U.S.C.
 16 300j-11) are amended to read as follows:

17 “INDIAN TRIBES

18 “SEC. 1451. (a)”.

19 (7) The section heading and first word of sec-
 20 tion 1461 (42 U.S.C. 300j-21) are amended to read
 21 as follows:

22 “DEFINITIONS

23 “SEC. 1461. As”.

24 (8) The section heading and first word of sec-
 25 tion 1462 (42 U.S.C. 300j-22) are amended to read
 26 as follows:

1 “RECALL OF DRINKING WATER COOLERS WITH LEAD-
 2 LINED TANKS

3 “SEC. 1462. For”.

4 (9) The section heading and subsection designa-
 5 tion of subsection (a) of section 1463 (42 U.S.C.
 6 300j-23) are amended to read as follows:

7 “DRINKING WATER COOLERS CONTAINING LEAD
 8 “SEC. 1463. (a)”.

9 (10) The section heading and subsection des-
 10 ignation of subsection (a) of section 1464 (42 U.S.C.
 11 300j-24) are amended to read as follows:

12 “LEAD CONTAMINATION IN SCHOOL DRINKING WATER
 13 “SEC. 1464. (a)”.

14 (11) The section heading and subsection des-
 15 ignation of subsection (a) of section 1465 (42 U.S.C.
 16 300j-25) are amended to read as follows:

17 “FEDERAL ASSISTANCE FOR STATE PROGRAMS REGARD-
 18 ING LEAD CONTAMINATION IN SCHOOL DRINKING
 19 WATER
 20 “SEC. 1465. (a)”.

21 (e) PREVENTION AND CONTROL OF ZEBRA MUSSEL
 22 INFESTATION OF LAKE CHAMPLAIN.—

23 (1) FINDINGS.—Section 1002(a) of the
 24 Nonindigenous Aquatic Nuisance Prevention and
 25 Control Act of 1990 (16 U.S.C. 4701(a)) is amend-
 26 ed—

1 (A) by striking “and” at the end of para-
2 graph (3);

3 (B) by striking the period at the end of
4 paragraph (4) and inserting “; and”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(5) the zebra mussel was discovered on Lake
8 Champlain during 1993 and the opportunity exists
9 to act quickly to establish zebra mussel controls be-
10 fore Lake Champlain is further infested and man-
11 agement costs escalate.”.

12 (2) EX OFFICIO MEMBERS OF AQUATIC NUI-
13 SANCE SPECIES TASK FORCE.—Section 1201(c) of
14 such Act (16 U.S.C. 4721(c)) is amended by insert-
15 ing “, the Lake Champlain Basin Program,” after
16 “Great Lakes Commission”.

17 (3) AQUATIC NUISANCE SPECIES PROGRAM.—
18 Subsections (b)(6) and (i)(1) of section 1202 of such
19 Act (16 U.S.C. 4722) is amended by inserting “,
20 Lake Champlain,” after “Great Lakes” each place it
21 appears.

22 (4) AUTHORIZATION OF APPROPRIATIONS.—
23 Section 1301(b) of such Act (16 U.S.C. 4741(b)) is
24 amended—

1 (A) in paragraph (3), by inserting “, and
 2 the Lake Champlain Research Consortium,”
 3 after “Laboratory”; and

4 (B) in paragraph (4)(A)—

5 (i) by inserting after “(33 U.S.C.
 6 1121 et seq.)” the following: “and grants
 7 to colleges for the benefit of agriculture
 8 and the mechanic arts referred to in the
 9 first section of the Act of August 30, 1890
 10 (26 Stat 417, chapter 841; 7 U.S.C.
 11 322)”; and

12 (ii) by inserting “and the Lake Cham-
 13 plain basin” after “Great Lakes region”.

14 (f) SOUTHWEST CENTER FOR ENVIRONMENTAL RE-
 15 SEARCH AND POLICY.—

16 (1) ESTABLISHMENT OF CENTER.—The Admin-
 17 istrator of the Environmental Protection Agency
 18 shall take such action as may be necessary to estab-
 19 lish the Southwest Center for Environmental Re-
 20 search and Policy (hereinafter referred to as “the
 21 Center”).

22 (2) MEMBERS OF THE CENTER.—The Center
 23 shall consist of a consortium of American and Mexi-
 24 can universities, including New Mexico State Univer-
 25 sity; the University of Utah; the University of Texas

1 at El Paso; San Diego State University; Arizona
2 State University; and four educational institutions in
3 Mexico.

4 (3) FUNCTIONS.—Among its functions, the
5 Center shall—

6 (A) conduct research and development pro-
7 grams, projects and activities, including train-
8 ing and community service, on United States-
9 Mexico border environmental issues, with par-
10 ticular emphasis on water quality and safe
11 drinking water;

12 (B) provide objective, independent assist-
13 ance to the EPA and other Federal, State and
14 local agencies involved in environmental policy,
15 research, training and enforcement, including
16 matters affecting water quality and safe drink-
17 ing water throughout the southwest border re-
18 gion of the United States; and

19 (C) help to coordinate and facilitate the
20 improvement of environmental policies and pro-
21 grams between the United States and Mexico,
22 including water quality and safe drinking water
23 policies and programs.

24 (4) AUTHORIZATION OF APPROPRIATIONS.—

25 There are authorized to be appropriated to the Ad-

1 administrator \$10,000,000 for each of the fiscal years
2 1996 through 2003 to carry out the programs,
3 projects and activities of the Center. Funds made
4 available pursuant to this paragraph shall be distrib-
5 uted by the Administrator to the university members
6 of the Center located in the United States.

7 (g) ESTROGENIC SUBSTANCES SCREENING PRO-
8 GRAM.—

9 (1) DEVELOPMENT.—Not later than 1 year
10 after the date of enactment of this subsection, the
11 Administrator shall develop a screening program,
12 using appropriate validated test systems, to deter-
13 mine whether certain substances may have an effect
14 in humans that is similar to an effect produced by
15 a naturally occurring estrogen, or such other endo-
16 crine effect as the Administrator may designate.

17 (2) IMPLEMENTATION.—Not later than 2 years
18 after the date of enactment of this subsection, after
19 obtaining review of the screening program described
20 in paragraph 1 by the scientific advisory panel es-
21 tablished under section 25(d) of the Act of June 25,
22 1947 (chapter 125), and the Science Advisory Board
23 established by section 8 of the Environmental Re-
24 search, Development, and Demonstration Act of

1 1978 (42 U.S.C. 4365), the Administrator shall im-
2 plement the program.

3 (3) SUBSTANCES.—In carrying out the screen-
4 ing program described in paragraph (1), the Admin-
5 istrator shall provide for the testing of all active and
6 inert ingredients used in products described in sec-
7 tion 103(e) of the Comprehensive Environmental Re-
8 sponse, Compensation, and Liability Act of 1980 (42
9 U.S.C. 9603(e)), and may provide for the testing of
10 any other substance if the Administrator determines
11 that a widespread population may be exposed to the
12 substance.

13 (4) EXEMPTION.—Notwithstanding paragraph
14 (3), the Administrator may, by regulation, exempt
15 from the requirements of this subsection a biologic
16 substance or other substance if the Administrator
17 determines that the substance does not have any ef-
18 fect in humans similar to an effect produced by a
19 naturally occurring estrogen.

20 (5) COLLECTION OF INFORMATION.—

21 (A) IN GENERAL.—The Administrator
22 shall issue an order to a person that manufac-
23 tures a substance for which testing is required
24 under this subsection to conduct testing in ac-
25 cordance with the screening program described

1 in paragraph (1), and submit information ob-
2 tained from the testing to the Administrator,
3 within a time period that the Administrator de-
4 termines is sufficient for the generation of the
5 information.

6 (B) FAILURE TO SUBMIT INFORMATION.—

7 (i) SUSPENSION.—If a person referred
8 to in subparagraph (A) fails to submit the
9 information required under such subpara-
10 graph within the time period established by
11 the order, the Administrator shall issue a
12 notice of intent to suspend the sale or dis-
13 tribution of the substance by the person.
14 Any suspension proposed under this sub-
15 paragraph shall become final at the end of
16 the 30-day period beginning on the date
17 that the person receives the notice of in-
18 tent to suspend, unless during that period
19 a person adversely affected by the notice
20 requests a hearing or the Administrator
21 determines that the person referred to in
22 subparagraph (A) has complied fully with
23 this paragraph.

24 (ii) HEARING.—If a person requests a
25 hearing under clause (i), the hearing shall

1 be conducted in accordance with section
2 554 of title 5, United States Code. The
3 only matter for resolution at the hearing
4 shall be whether the person has failed to
5 submit information required under this
6 paragraph. A decision by the Adminis-
7 trator after completion of a hearing shall
8 be considered to be a final agency action.

9 (iii) TERMINATION OF SUSPEN-
10 SIONS.—The Administrator shall terminate
11 a suspension under this subparagraph is-
12 sued with respect to a person if the Ad-
13 ministrator determines that the person has
14 complied fully with this paragraph.

15 (6) AGENCY ACTION.—In the case of any sub-
16 stance that is found to have a potential adverse ef-
17 fect on humans as a result of testing and evaluation
18 under this subsection, the Administrator shall take
19 such action, including appropriate regulatory action
20 by rule or by order under statutory authority avail-
21 able to the Administrator, as is necessary to ensure
22 the protection of public health.

23 (7) REPORT TO CONGRESS.—Not later than 4
24 years after the date of enactment of this subsection,

1 the Administrator shall prepare and submit to Con-
2 gress a report containing—

3 (A) the findings of the Administrator re-
4 sulting from the screening program described in
5 paragraph (1);

6 (B) recommendations for further testing
7 and research needed to evaluate the impact on
8 human health of the substances tested under
9 the screening program; and

10 (C) recommendations for any further ac-
11 tions (including any action described in para-
12 graph (6)) that the Administrator determines
13 are appropriate based on the findings.

14 (h) GRANTS TO ALASKA TO IMPROVE SANITATION IN
15 RURAL AND NATIVE VILLAGES.—

16 (1) IN GENERAL.—The Administrator of the
17 Environmental Protection Agency may make grants
18 to the State of Alaska for the benefit of rural and
19 Native villages in Alaska to pay the Federal share
20 of the cost of—

21 (A) the development and construction of
22 water and wastewater systems to improve the
23 health and sanitation conditions in the villages;
24 and

1 (B) training, technical assistance, and edu-
2 cational programs relating to the operation and
3 management of sanitation services in rural and
4 Native villages.

5 (2) FEDERAL SHARE.—The Federal share of
6 the cost of the activities described in paragraph (1)
7 shall be 50 percent.

8 (3) ADMINISTRATIVE EXPENSES.—The State of
9 Alaska may use an amount not to exceed 4 percent
10 of any grant made available under this subsection
11 for administrative expenses necessary to carry out
12 the activities described in paragraph (1).

13 (4) CONSULTATION WITH THE STATE OF ALAS-
14 KA.—The Administrator shall consult with the State
15 of Alaska on a method of prioritizing the allocation
16 of grants under paragraph (1) according to the
17 needs of, and relative health and sanitation condi-
18 tions in, each eligible village.

19 (5) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated such sums
21 as are necessary for each of the fiscal years 1996
22 through 2003 to carry out this subsection.

23 (i) ASSISTANCE TO COLONIAS.—

24 (1) DEFINITIONS.—As used in this sub-
25 section—

1 (A) ELIGIBLE COMMUNITY.—The term “el-
2 igible community” means a low-income commu-
3 nity with economic hardship that—

4 (i) is commonly referred to as a
5 colonia;

6 (ii) is located along the United States-
7 Mexico border (generally in an unincor-
8 porated area); and

9 (iii) lacks basic sanitation facilities
10 such as a safe drinking water supply,
11 household plumbing, and a proper sewage
12 disposal system.

13 (B) BORDER STATE.—The term “border
14 State” means Arizona, California, New Mexico
15 and Texas.

16 (C) TREATMENT WORKS.—The term
17 “treatment works” has the meaning provided in
18 section 212(2) of the Federal Water Pollution
19 Control Act (33 U.S.C. 1292(2)).

20 (2) GRANTS TO ALLEVIATE HEALTH RISKS.—
21 The Administrator of the Environmental Protection
22 Agency and the heads of other appropriate Federal
23 agencies are authorized to award grants to any ap-
24 propriate entity or border State to provide assistance
25 to eligible communities for—

1 (A) the conservation, development, use and
2 control (including the extension or improvement
3 of a water distribution system) of water for the
4 purpose of supplying drinking water; and

5 (B) the construction or improvement of
6 sewers and treatment works for wastewater
7 treatment.

8 (3) USE OF FUNDS.—Each grant awarded pur-
9 suant to paragraph (2) shall be used to provide as-
10 sistance to one or more eligible community with re-
11 spect to which the residents are subject to a signifi-
12 cant health risk (as determined by the Administrator
13 or the head of the Federal agency making the grant)
14 attributable to the lack of access to an adequate and
15 affordable drinking water supply system or treat-
16 ment works for wastewater.

17 (4) OPERATION AND MAINTENANCE.—The Ad-
18 ministrator and the heads of other appropriate Fed-
19 eral agencies, other entities or border States are au-
20 thorized to use funds appropriated pursuant to this
21 subsection to operate and maintain a treatment
22 works or other project that is constructed with funds
23 made available pursuant to this subsection.

24 (5) PLANS AND SPECIFICATIONS.—Each treat-
25 ment works or other project that is funded by a

1 grant awarded pursuant to this subsection shall be
2 constructed in accordance with plans and specifica-
3 tions approved by the Administrator, the head of the
4 Federal agency making the grant, or the border
5 State in which the eligible community is located. The
6 standards for construction applicable to a treatment
7 works or other project eligible for assistance under
8 title II of the Federal Water Pollution Control Act
9 (33 U.S.C. 1281 et seq.) shall apply to the construc-
10 tion of a treatment works or project under this sub-
11 section in the same manner as the standards apply
12 under such title.

13 (6) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to carry out
15 this subsection such sums as may be necessary for
16 fiscal years 1996 through 2003.

Passed the Senate November 29, 1995.

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

S. 1316

AN ACT

To reauthorize and amend title XIV of the Public Health Service Act (commonly known as the “Safe Drinking Water Act”), and for other purposes.

S 1316 ES—2
S 1316 ES—3
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