

114TH CONGRESS  
2D SESSION

# H. R. 4470

To amend the Safe Drinking Water Act with respect to the requirements related to lead in drinking water, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2016

Mr. KILDEE (for himself, Mr. UPTON, Mr. CONYERS, Mr. LEVIN, Mrs. MILLER of Michigan, Mr. WALBERG, Mr. AMASH, Mr. BENISHEK, Mr. HUIZENGA of Michigan, Mr. BISHOP of Michigan, Mrs. DINGELL, Mrs. LAWRENCE, Mr. MOOLENAAR, Mr. TROTT, Mr. RYAN of Ohio, Mr. PAYNE, and Ms. EDWARDS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Safe Drinking Water Act with respect to the requirements related to lead in drinking water, 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.**

4 This Act may be cited as the “Safe Drinking Water  
5 Act Improved Compliance Awareness Act”.

1 **SEC. 2. ENFORCEMENT OF DRINKING WATER REGULA-**  
2 **TIONS.**

3 Section 1414(c) of the Safe Drinking Water Act (42  
4 U.S.C. 300g-3(c)) is amended—

5 (1) in the header, by inserting “STATES, THE  
6 ADMINISTRATOR, AND” before “PERSONS SERVED”;

7 (2) in paragraph (1), by adding at the end the  
8 following:

9 “(D) Notice of any exceedance of a lead  
10 action level or any other enforceable maximum  
11 level of lead in a regulation issued under section  
12 1412, which shall protect the privacy of indi-  
13 vidual customer information.”;

14 (3) in paragraph (2)—

15 (A) in subparagraph (C)—

16 (i) in the header, by striking “VIOLA-  
17 TIONS” and inserting “NOTICE OF VIOLA-  
18 TIONS”; and

19 (ii) in clause (iv)—

20 (I) in subclause (I), by striking  
21 “broadcast”;

22 (II) in subclause (II), by striking  
23 “in a newspaper of general circulation  
24 serving the area” and inserting “for  
25 circulation in the affected area”; and

1 (III) in subclause (III), by strik-  
2 ing “in lieu of notification by means  
3 of broadcast media or newspaper”;

4 (B) by redesignating subparagraphs (D)  
5 and (E) as subparagraphs (E) and (F), respec-  
6 tively; and

7 (C) by inserting after subparagraph (C)  
8 the following:

9 “(D) NOTICE BY ADMINISTRATOR.—If,  
10 after 24 hours after the Administrator’s notifi-  
11 cation under subsection (a)(1)(A), the State  
12 with primary enforcement responsibility or the  
13 owner or operator of the public water system,  
14 with regard to a notice required under subpara-  
15 graph (C), has not issued a notice for a viola-  
16 tion of a national primary drinking water regu-  
17 lation with significant potential to have serious  
18 adverse effects on human health as a result of  
19 acute exposure, the Administrator shall issue  
20 such required notice pursuant to this para-  
21 graph.”;

22 (4) in paragraph (4)(B)(ii), by striking “the  
23 terms” and inserting “the terms ‘action level’”; and

24 (5) by adding at the end the following:

25 “(5) EXCEEDANCE OF SAFE LEAD LEVEL.—

1           “(A) STRATEGIC PLAN.—Not later than  
2           120 days after the date of enactment of this  
3           paragraph, the Administrator shall, in collabo-  
4           ration with owners and operators of public  
5           water systems and States, establish a strategic  
6           plan for how the Administrator, a State with  
7           primary enforcement responsibility, and owners  
8           and operators of public water systems shall con-  
9           duct targeted outreach, education, technical as-  
10          sistance, and risk communication to populations  
11          affected by lead in a public water system, in-  
12          cluding dissemination of information described  
13          in subparagraph (C).

14           “(B) EPA INITIATION OF NOTICE.—

15           “(i) FORWARDING OF DATA BY EM-  
16           PLOYEE OF EPA.—If an employee of the  
17           Environmental Protection Agency develops  
18           or receives data, which meets the require-  
19           ments of section 1412(b)(3)(A), indicating  
20           that the drinking water of a person served  
21           by a public water system contains a level  
22           of lead that exceeds a lead action level or  
23           other enforceable maximum level of lead in  
24           a regulation promulgated under section  
25           1412, the employee shall forward such

1 data to the owner or operator of the public  
2 water system in which the exceedance oc-  
3 curred.

4 “(ii) DISSEMINATION OF INFORMA-  
5 TION BY OWNER OR OPERATOR.—If an  
6 owner or operator of a public water system  
7 receives a notice under clause (i), the  
8 owner or operator, within a time period es-  
9 tablished by the Administrator, shall dis-  
10 seminate the information described in sub-  
11 paragraph (C).

12 “(iii) CONSULTATION.—

13 “(I) DEADLINE.—Not later than  
14 24 hours after becoming aware that  
15 an owner or operator of a public  
16 water system has not disseminated  
17 the information described in subpara-  
18 graph (C) in the time period estab-  
19 lished by the Administrator as re-  
20 quired under clause (ii), the Adminis-  
21 trator shall consult, for a period not  
22 to exceed 24 hours, with the applica-  
23 ble Governor to develop a plan, in ac-  
24 cordance with the strategic plan, to  
25 make such information available to af-

1           affected persons within 24 hours of the  
2           end of such consultation period.

3           “(II) DELEGATION.—The Ad-  
4           ministrator may only delegate the  
5           duty to consult under this clause to  
6           an employee of the Environmental  
7           Protection Agency who is working in  
8           the Office of Water, at the head-  
9           quarters of the Agency, at the time of  
10          such delegation.

11          “(iv) DISSEMINATION BY ADMINIS-  
12          TRATOR.—The Administrator shall dis-  
13          seminate the information described sub-  
14          paragraph (C) if—

15                 “(I) the Administrator and the  
16                 applicable Governor do not agree on a  
17                 plan described in clause (iii)(I) during  
18                 the consultation period under such  
19                 clause; or

20                 “(II) the applicable Governor  
21                 does not disseminate the information  
22                 within 24 hours of the end of such  
23                 consultation period.

24          “(C) INFORMATION REQUIRED.—Informa-  
25          tion required to be disclosed under this para-

1 graph shall include a clear explanation of the  
2 exceedance of a lead action level or other en-  
3 forceable maximum level of lead in a regulation  
4 promulgated under section 1412, its potential  
5 adverse effects on human health, the steps that  
6 the owner or operator of the public water sys-  
7 tem is taking to correct the exceedance, and  
8 whether it is advisable for persons served by the  
9 public water system to seek alternative water  
10 supplies.”.

11 **SEC. 3. PROHIBITION ON USE OF LEAD PIPES, SOLDER,**  
12 **AND FLUX.**

13 Section 1417 of the Safe Drinking Water Act (42  
14 U.S.C. 300g-6) is amended—

15 (1) by amending subsection (a)(2)(A) to read as  
16 follows:

17 “(A) IN GENERAL.—

18 “(i) IDENTIFICATION AND NOTICE.—

19 Each owner or operator of a public water  
20 system shall identify and provide notice to  
21 persons who may be affected by—

22 “(I) lead contamination of their  
23 drinking water where such contamina-  
24 tion results from—

1                   “(aa) the lead content in the  
2                   construction materials of the  
3                   public water distribution system;  
4                   or

5                   “(bb) corrosivity of the  
6                   water supply sufficient to cause  
7                   leaching of lead; or

8                   “(II) an exceedance, in their  
9                   drinking water, of a lead action level  
10                  or any other enforceable maximum  
11                  level of lead in a regulation issued  
12                  under section 1412.

13                  “(ii) MANNER AND FORM.—Notice  
14                  under this paragraph shall be provided in  
15                  such manner and form as may be reason-  
16                  ably required by the Administrator. Not-  
17                  withstanding clause (i)(II), notice under  
18                  this paragraph shall be provided notwith-  
19                  standing the absence of a violation of any  
20                  national drinking water standard.”; and

21                  (2) in subsection (b)(2)—

22                         (A) by striking “The requirements” and  
23                         inserting the following:

24                                 “(A) IN GENERAL.—The requirements”;



1 (B) by adding at the end the following:  
2 “Enforcement of these requirements shall be  
3 carried out by a State with primary enforce-  
4 ment responsibility or the Administrator, as ap-  
5 propriate.

6 “(B) NOTIFICATION BY ADMINISTRATOR.—  
7 In the case of a violation described in sub-  
8 section (a)(2)(A)(i)(II), if the public water sys-  
9 tem or the State in which the public water sys-  
10 tem is located does not notify the public of the  
11 violation in accordance with subsection (a)(2),  
12 the Administrator shall notify the public of such  
13 violation in accordance with subsection (a)(2),  
14 including the relevant concentrations of lead.  
15 Such notice shall protect the privacy of indi-  
16 vidual customer information.”; and

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

18 “(f) PUBLIC EDUCATION.—

19 “(1) IN GENERAL.—The Administrator shall  
20 make information available to the public regarding  
21 lead in drinking water, including information regard-  
22 ing—

23 “(A) risks associated with lead in drinking  
24 water;

1           “(B) the likelihood that drinking water in  
2 a residence may contain lead;

3           “(C) steps States, water utilities, and con-  
4 sumers can take to reduce the risks of lead; and

5           “(D) the availability of additional re-  
6 sources that consumers can use to minimize  
7 lead exposure, including information on how to  
8 sample for lead in drinking water.

9           “(2) VULNERABLE POPULATIONS.—In making  
10 information available to the public under this sub-  
11 section, the Administrator shall carry out targeted  
12 outreach strategies that focus on educating groups  
13 within the general population that may be at greater  
14 risk than the general population of adverse health  
15 effects from exposure to lead in drinking water.”.

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