

106TH CONGRESS
1ST SESSION

S. 1149

To amend the Safe Drinking Water Act to increase consumer confidence in safe drinking water and source water assessments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27, 1999

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

A BILL

To amend the Safe Drinking Water Act to increase consumer confidence in safe drinking water and source water assessments, 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 “Drinking Water Right-
5 to-Know Act of 1999”.

6 **SEC. 2. RADIUM 224 IN DRINKING WATER.**

7 Section 1412(b)(13) of the Safe Drinking Water Act
8 (42 U.S.C. 300g–1(b)(13)) is amended by adding at the
9 end the following:

1 “(H) RADIUM 224 IN DRINKING WATER.—
 2 A national primary drinking water regulation
 3 for radionuclides promulgated under this para-
 4 graph shall require testing drinking water for
 5 the presence of radium 224 not later than 48
 6 hours after taking a sample of the drinking
 7 water.”.

8 **SEC. 3. CONSUMER CONFIDENCE REPORTS BY COMMUNITY**
 9 **WATER SYSTEMS.**

10 Section 1414(c)(4) of the Safe Drinking Water Act
 11 (42 U.S.C. 300g-3(c)(4)) is amended—

12 (1) in subparagraph (A)—

13 (A) by striking “The Administrator” and
 14 inserting the following:

15 “(i) IN GENERAL.—The Adminis-
 16 trator”;

17 (B) in the first sentence—

18 (i) by striking “customer of” and in-
 19 serting “consumer of the drinking water
 20 provided by”; and

21 (ii) by inserting before the period at
 22 the end the following: “that includes a re-
 23 port on the level of each contaminant
 24 that—

1 “(I) may be difficult to detect in
2 finished water; and

3 “(II) may be present at levels
4 that present a public health concern
5 in finished water;”;

6 (C) in the second sentence, by striking
7 “Such regulations shall provide” and inserting
8 the following:

9 “(ii) REGULATIONS.—The regulations
10 shall—

11 “(I) provide”;

12 (D) by striking “contaminant. The regula-
13 tions shall also include” and inserting “con-
14 taminant;

15 “(II) include”;

16 (E) by striking “water. The regulations
17 shall also provide” and inserting “water;

18 “(III) provide”;

19 (F) by striking the period at the end of the
20 subparagraph and inserting “; and”; and

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

22 “(IV) direct public water systems
23 to mail consumer confidence reports
24 to residential consumers and mail con-
25 sumer confidence reports suitable for

1 posting to customers providing water
2 to non-residential consumers, in addi-
3 tion to other methods provided for by
4 the regulations.”;

5 (2) in subparagraph (B), by inserting after
6 clause (vi) the following:

7 “(vii) The requirement that each com-
8 munity water system shall report to con-
9 sumers of drinking water supplied by that
10 community water system—

11 “(I) any detection of a contami-
12 nant described in section
13 1453(a)(2)(D);

14 “(II) any known or potential
15 health effects of each contaminant de-
16 tected in the drinking water, to the
17 maximum level of specificity prac-
18 ticable, including known or potential
19 health effects of each contaminant on
20 children, pregnant women, and other
21 vulnerable subpopulations, as deter-
22 mined by the Administrator;

23 “(III) known or suspected
24 sources of contaminants detected in

1 the drinking water identified by name
 2 and location; and

3 “(IV) information on any health
 4 advisory issued for the contaminant,
 5 including actions that consumers can
 6 take to protect themselves from con-
 7 tamination in the drinking water sup-
 8 plied by the community water sys-
 9 tem.”;

10 (3) in subparagraph (C)—

11 (A) in clause (i), by striking “its cus-
 12 tomers” and inserting “consumers of drinking
 13 water provided by the system”; and

14 (B) in clause (iii), by striking “customers
 15 of” and inserting “consumers of its drinking
 16 water”;

17 (4) in clause (ii) of the second sentence of sub-
 18 paragraph (D), by striking “of its customers” and
 19 inserting “consumer of its drinking water”; and

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

21 “(F) NOTICE OF NEWLY DETECTED CON-
 22 TAMINATION WITH POTENTIAL TO HAVE AD-
 23 VERSE HEALTH EFFECTS.—The procedures
 24 under subparagraph (D) shall specify that a

1 public water system shall provide written notice
2 to each consumer by mail or direct delivery—

3 “(i) as soon as practicable, but not
4 later than 30 days after the date of dis-
5 covery of new contamination or a signifi-
6 cant increase in contamination (as com-
7 pared to the level of contamination re-
8 ported in any previous consumer con-
9 fidence report) by a regulated contaminant
10 that is above the maximum contaminant
11 level goal for that contaminant; or

12 “(ii) as soon as practicable, but not
13 later than 30 days after the date of the
14 discovery of new contamination or the de-
15 tection of a significant increase in contami-
16 nation (as compared to the level of con-
17 tamination reported in any previous con-
18 sumer confidence report) by an unregu-
19 lated contaminant.

20 “(G) DEFINITION OF CONSUMER.—In this
21 paragraph, the term ‘consumer’ includes—

22 “(i) a customer of a public water sys-
23 tem; and

24 “(ii) the ultimate consumer of the
25 drinking water.”.

1 **SEC. 4. SOURCE WATER ASSESSMENTS.**

2 (a) IN GENERAL.—Section 1453(a)(2) of the Safe
3 Drinking Water Act (42 U.S.C. 300j–13(a)(2)) is
4 amended—

5 (1) in subparagraph (A), by striking “and” at
6 the end;

7 (2) in subparagraph (B), by striking the period
8 at the end and inserting a semicolon; and

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

10 “(C) assess the susceptibility of each pub-
11 lic water system in the delineated areas to any
12 contaminant that—

13 “(i) is subject to a national primary
14 drinking water regulation promulgated
15 under section 1412;

16 “(ii) is included on a list of unregu-
17 lated contaminants that is published under
18 section 1412(b)(1)(B);

19 “(iii) is the subject of a health advi-
20 sory that has been published by the Ad-
21 ministrator;

22 “(iv) is monitored under the source
23 water assessment program established
24 under this subsection;

25 “(v) is known or suspected to be from
26 a pollution source, including—

1 “(I) a nonpoint source;

2 “(II) a facility subject to the
3 Comprehensive Environmental Re-
4 sponse, Compensation, and Liability
5 Act of 1980 (42 U.S.C. 9601 et seq.);
6 or

7 “(III) a factory or other oper-
8 ating facility that generates, treats,
9 stores, disposes of, or releases a mate-
10 rial regulated or reported under—

11 “(aa) the Federal Water
12 Pollution Control Act (33 U.S.C.
13 1251 et seq.);

14 “(bb) the Solid Waste Dis-
15 posal Act (42 U.S.C. 6901 et
16 seq.);

17 “(cc) the Clean Air Act (42
18 U.S.C. 7401 et seq.); or

19 “(dd) section 313 of the
20 Superfund Amendments and Re-
21 authorization Act of 1986 (42
22 U.S.C. 11023); or

23 “(vi) is monitored by the United
24 States Geological Survey under the Na-
25 tional Water Quality Assessment program;

1 “(D) identify each contaminant described
2 in subparagraph (C) that the State determines
3 presents a threat to public health;

4 “(E) for each assessment under subpara-
5 graph (C), require monitoring for contaminants
6 described in subparagraph (C) if the State de-
7 termines that a contaminant may have been re-
8 leased by a potentially significant source;

9 “(F) identify, with the maximum speci-
10 ficity practicable, known or suspected sources of
11 pollution that may threaten public health;

12 “(G) apply to wellheads, groundwater re-
13 charge areas, watersheds, and other assessment
14 areas determined to be appropriate by the Ad-
15 ministrator; and

16 “(H) be developed, updated, and imple-
17 mented in cooperation with members of the
18 general public that are served by each source
19 water assessment area included in the pro-
20 gram.”.

21 (b) PUBLIC AVAILABILITY.—Section 1453(a)(7) of
22 the Safe Drinking Water Act (42 U.S.C. 300j–13(a)(7))
23 is amended by inserting “and all documentation related
24 to the assessments” after “assessments”.

1 (c) PLANS.—Section 1453(a) of the Safe Drinking
2 Water Act (42 U.S.C. 300j–13(a)) is amended by adding
3 at the end the following:

4 “(8) PLANS.—

5 “(A) INITIAL PLAN.—Not later than 1
6 year after the date of enactment of this para-
7 graph, the State shall submit to the Adminis-
8 trator the plan of the State for carrying out
9 this subsection.

10 “(B) UPDATES.—Not later than 5 years
11 after the date of the initial submission of the
12 plan and every 5 years thereafter, the State
13 shall update, and submit to the Administrator,
14 the plan of the State for carrying out this sub-
15 section.”.

○