

108TH CONGRESS  
2D SESSION

# H. R. 4717

To allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2004

Mr. OTTER (for himself, Mr. STENHOLM, Mr. FLAKE, Mr. SIMPSON, Mr. BE-REUTER, Mr. PEARCE, Mr. CANNON, Mr. KOLBE, and Mr. DOOLITTLE) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, 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 “Small Community Op-  
5       tions for Regulatory Equity Act of 2004”.

1 **SEC. 2. EXEMPTION FOR NONPROFIT SMALL PUBLIC**  
2 **WATER SYSTEMS RESPECTING NATURALLY**  
3 **OCCURRING CONTAMINANTS.**

4 The Safe Drinking Water Act (42 U.S.C. 300f et  
5 seq.) is amended by inserting after section 1416 the fol-  
6 lowing:

7 “EXEMPTION FOR NONPROFIT SMALL PUBLIC WATER  
8 SYSTEMS RESPECTING NATURALLY OCCURRING CON-  
9 TAMINANTS

10 “SEC. 1416A. (a) EXEMPTION.—A State exercising  
11 primary enforcement responsibility for public water sys-  
12 tems under section 1413 (or the Administrator in any non-  
13 primacy State) shall exempt any nonprofit small public  
14 water system that submits a request in accordance with  
15 subsection (b) from the requirements of any national pri-  
16 mary drinking water regulation for a naturally occurring  
17 contaminant.

18 “(b) REQUEST.—To seek an exemption under this  
19 section, a nonprofit small public water system—

20 “(1) shall submit a written request to the State  
21 exercising primary enforcement responsibility with  
22 respect to the system (or the Administrator in any  
23 nonprimacy State); and

24 “(2) shall include in such request a finding  
25 under subsection (c).

26 “(c) ECONOMIC FEASIBILITY.—

1           “(1) FINDING.—To seek an exemption under  
2           this section, a nonprofit small public water system  
3           must find that compliance by the system with the  
4           national primary drinking water regulation involved  
5           is not economically feasible.

6           “(2) NO REVIEW.—A finding by a nonprofit  
7           small public water system under this subsection shall  
8           not be subject to judicial or administrative review.

9           “(d) DEFINITIONS.—In this section:

10           “(1) The term ‘naturally occurring contami-  
11           nant’ includes arsenic, radon, radium, uranium, and  
12           any contaminant that is a disinfection byproduct (in-  
13           cluding bromate, chlorite, haloacetic acids, and total  
14           trihalomethanes).

15           “(2) The term ‘small public water system’  
16           means a public water system serving 10,000 or  
17           fewer persons.”.

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