

109TH CONGRESS  
1ST SESSION

# H. R. 1315

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.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2005

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

---

## 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 2005”.

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.”.

○