

109TH CONGRESS
1ST SESSION

S. 41

To amend the Safe Drinking Water Act to exempt nonprofit small public water systems from certain drinking water standards relating to naturally occurring contaminants.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. NELSON of Nebraska (for himself, Mr. DOMENICI, and Mr. CRAIG) 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 exempt nonprofit small public water systems from certain drinking water standards relating to naturally occurring contaminants.

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 “Rural Community Ar-
5 senic Relief Act”.

1 **SEC. 2. EXEMPTION FOR NONPROFIT SMALL PUBLIC**
 2 **WATER SYSTEMS FROM STANDARDS RELAT-**
 3 **ING TO NATURALLY OCCURRING CONTAMI-**
 4 **NANTS.**

5 The Safe Drinking Water Act is amended by insert-
 6 ing after section 1416 (42 U.S.C. 300g-5) the following:

7 **“SEC. 1416A. EXEMPTION FOR NONPROFIT SMALL PUBLIC**
 8 **WATER SYSTEMS FROM STANDARDS RELAT-**
 9 **ING TO NATURALLY OCCURRING CONTAMI-**
 10 **NANTS.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) LOW-INCOME FAMILY.—The term ‘low-in-
 13 come family’ means a family the total annual income
 14 of which does not exceed the poverty line.

15 “(2) NATURALLY OCCURRING CONTAMINANT.—
 16 The term ‘naturally occurring contaminant’ in-
 17 cludes—

18 “(A) arsenic;

19 “(B) radon;

20 “(C) radium; and

21 “(D) uranium.

22 “(3) NONPROFIT SMALL PUBLIC WATER SYS-
 23 TEM.—The term ‘nonprofit small public water sys-
 24 tem’ means a nonprofit public water system (includ-
 25 ing a local government) that serves 10,000 or fewer
 26 individuals.

1 “(4) POVERTY LINE.—The term ‘poverty line’
2 has the meaning given the term in section 673 of the
3 Community Services Block Grant Act (42 U.S.C.
4 9902).

5 “(b) EXEMPTION.—A State exercising primary en-
6 forcement responsibility for public water systems under
7 section 1413 (or the Administrator, with respect to any
8 nonprimacy State) shall exempt any nonprofit small public
9 water system that submits a request in accordance with
10 subsection (c) from the requirements of any national pri-
11 mary drinking water regulation for a naturally occurring
12 contaminant.

13 “(c) APPLICATION.—To be eligible for an exemption
14 from a national primary drinking water regulation under
15 this section, a nonprofit small public water system shall
16 submit a written application to the State exercising pri-
17 mary enforcement responsibility with respect to the system
18 (or the Administrator, with respect to any nonprimacy
19 State) demonstrating that compliance by the nonprofit
20 small public water system with the national drinking water
21 regulation—

22 “(1) is not economically feasible;

23 “(2) has a disproportionate and adverse impact
24 on low-income families;

1 “(3) is substantially impeded by limited access
2 of the nonprofit small public water system to innova-
3 tive and affordable technology; or

4 “(4) is not necessary, based on the fact that
5 drinking water provided by the nonprofit small pub-
6 lic water system does not pose an unreasonable
7 health risk.

8 “(d) ALTERNATIVE REQUIREMENT.—A nonprofit
9 small public water system that receives an exemption for
10 arsenic under this section shall comply with a standard
11 of arsenic in drinking water provided by the nonprofit
12 small public water system of—

13 “(1) not later than January 1, 2007, not more
14 than 50 parts per billion;

15 “(2) not later than January 1, 2010, not more
16 than 35 parts per billion;

17 “(3) not later than January 1, 2012, not more
18 than 30 parts per billion;

19 “(4) not later than January 1, 2014, not more
20 than 20 parts per billion; and

21 “(5) not later than January 1, 2016, not more
22 than 10 parts per billion.”.

23 **SEC. 3. UNIVERSITY-BASED ARSENIC RESEARCH CONSOR-**
24 **TIUM.**

25 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) CONSORTIUM.—The term “Consortium”
5 means the university-based arsenic research Consor-
6 tium established under subsection (b)(1).

7 (b) CONSORTIUM.—

8 (1) ESTABLISHMENT.—The Administrator shall
9 establish a university-based arsenic research Consor-
10 tium.

11 (2) MEMBERSHIP.—The Consortium shall be
12 comprised of the following members:

13 (A) The University of Nebraska at Lin-
14 coln.

15 (B) The University of Nebraska Medical
16 Center.

17 (C) The University of New Mexico.

18 (D) The University of Texas.

19 (E) Johns Hopkins University School of
20 Public Health.

21 (F) Georgetown University Medical School.

22 (c) DUTIES OF THE CONSORTIUM.—The Consortium
23 shall—

24 (1) conduct reviews and analyses, and carry out
25 health effects studies, using United States morbidity

1 data relating to low levels of arsenic commonly
2 found in States;

3 (2) assess studies on arsenic in drinking water,
4 as adjusted by the Administrator, carried out in—

5 (A) Millard County, Utah;

6 (B) Inner Mongolia, China; and

7 (C) southwest Taiwan;

8 (3) develop recommendations on which levels of
9 arsenic in drinking water constitute unreasonable
10 risks to public health, and which levels should be
11 considered to be protective of public health, under
12 the Safe Drinking Water Act (42 U.S.C. 300f et
13 seq.); and

14 (4) conduct reviews and analyses of, and carry
15 out health effects studies on, all forms of cancer,
16 cardiovascular disease, diabetes, and vascular tox-
17 icity.

18 (d) GRANT PROGRAM.—

19 (1) IN GENERAL.—The Administrator may pro-
20 vide grants to the Consortium for use in carrying
21 out the duties of the Consortium under subsection
22 (c).

23 (2) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to carry out
25 this subsection \$4,000,000 for fiscal year 2006.

1 (e) REPORT OF ADMINISTRATOR.—Not later than 1
2 year after the date of enactment of this Act, and annually
3 thereafter, the Administrator shall submit to Congress a
4 report that describes the findings and recommendations
5 of the Consortium for the year covered by the report.

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