

114TH CONGRESS
2D SESSION

S. 2535

To provide deadlines for corrosion control treatment steps for lead and copper in drinking water, and other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2016

Mr. BROWN (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide deadlines for corrosion control treatment steps for lead and copper in drinking water, and 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. CORROSION CONTROL TREATMENT STEPS FOR**
4 **LEAD AND COPPER IN DRINKING WATER.**

5 (a) LEAD AND COPPER IN DRINKING WATER.—Sec-
6 tion 1412(b) of the Safe Drinking Water Act (42 U.S.C.
7 300g–1(b)) is amended—

8 (1) by redesignating paragraphs (14) and (15)
9 as paragraphs (15) and (16), respectively;

1 (2) by inserting after paragraph (13) the fol-
 2 lowing:

3 “(14) LEAD AND COPPER IN DRINKING
 4 WATER.—

5 “(A) DEFINITIONS.—In this paragraph:

6 “(i) ACTION LEVEL.—The term ‘ac-
 7 tion level’, with respect to lead or copper,
 8 means the concentration of lead or copper
 9 in water described in section 141.80(c) of
 10 title 40, Code of Federal Regulations (or a
 11 successor regulation).

12 “(ii) MEDIUM WATER SYSTEM.—The
 13 term ‘medium water system’ means a pub-
 14 lic water system that serves—

15 “(I) not fewer than 3,300 per-
 16 sons; and

17 “(II) not more than 50,000 per-
 18 sons.

19 “(iii) OPTIMAL CORROSION CONTROL
 20 TREATMENT.—The term ‘optimal corrosion
 21 control treatment’ means the corrosion
 22 control treatment that—

23 “(I) minimizes the concentration
 24 of lead and copper at the taps of
 25 users; and

1 “(II) ensures that the corrosion
 2 control treatment does not cause the
 3 water system to violate any national
 4 primary drinking water regulation.

5 “(iv) SMALL WATER SYSTEM.—The
 6 term ‘small water system’ means a public
 7 water system that serves not more than
 8 3,300 persons.

9 “(v) STATE AGENCY.—The term
 10 ‘State agency’ means—

11 “(I) the agency of the State or
 12 tribal government that has jurisdic-
 13 tion over a small or medium water
 14 system; or

15 “(II) during any period in which
 16 a State or tribal government does not
 17 have primary enforcement responsi-
 18 bility under section 1413, the applica-
 19 ble Regional Administrator of the
 20 Agency.

21 “(B) CORROSION CONTROL TREATMENT
 22 STEPS AND DEADLINES FOR SMALL AND ME-
 23 DIUM WATER SYSTEMS.—

24 “(i) INITIAL TAP SAMPLING.—Except
 25 as determined by the Administrator, a

1 small or medium water system shall con-
2 duct initial tap sampling in accordance
3 with sections 141.86(d)(1) and 141.87(b)
4 of title 40, Code of Federal Regulations (or
5 successor regulations) until the date on
6 which the small or medium water system—

7 “(I) exceeds the lead or copper
8 action level; or

9 “(II) becomes eligible for reduced
10 monitoring under section 141.86(d)(4)
11 of title 40, Code of Federal Regula-
12 tions (or a successor regulation).

13 “(ii) CORROSION CONTROL TREAT-
14 MENT.—Except as determined by the Ad-
15 ministrator, a small or medium water sys-
16 tem that exceeds a lead or copper action
17 level shall carry out the following corrosion
18 control treatment steps:

19 “(I) WATER SYSTEM REC-
20 OMMENDATION.—Not later than 120
21 days after the last day of the moni-
22 toring period in which the small or
23 medium water system exceeded a lead
24 or copper action level, the small or
25 medium water system shall rec-

1 ommend optimal corrosion control
2 treatment in accordance with section
3 141.82(a) of title 40, Code of Federal
4 Regulations (or a successor regula-
5 tion).

6 “(II) OPTIMAL CONTROL TREAT-
7 MENT DEADLINES.—

8 “(aa) CORROSION CONTROL
9 STUDIES.—

10 “(AA) IN GENERAL.—

11 Not later than 90 days after
12 the last day of the moni-
13 toring period in which the
14 small or medium water sys-
15 tem exceeded a lead or cop-
16 per action level, the State
17 agency may require the
18 small or medium water sys-
19 tem to perform corrosion
20 control studies in accordance
21 with section 141.82(b) of
22 title 40, Code of Federal
23 Regulations (or a successor
24 regulation).

1 “(BB) DEADLINE.—

2 Not later than 1 year after
3 the date on which the State
4 agency requires that the cor-
5 rosion control studies de-
6 scribed in subitem (AA) be
7 conducted, the small or me-
8 dium water system shall
9 complete the corrosion con-
10 trol studies in accordance
11 with section 141.82(c) of
12 title 40, Code of Federal
13 Regulations (or a successor
14 regulation).

15 “(bb) DESIGNATION BY THE
16 STATE.—If the State agency does
17 not require the small or medium
18 water system to perform the cor-
19 rosion control studies described
20 in item (aa), not later than 90
21 days after the last day of the
22 monitoring period in which the
23 small or medium water system
24 exceeded the lead or copper ac-
25 tion level, the State agency shall

1 designate optimal control treat-
2 ment in accordance with section
3 141.82(d) of title 40, Code of
4 Federal Regulations (or a suc-
5 cessor regulation).

6 “(cc) INSTALLATION.—Not
7 later than 1 year after the date
8 on which the State agency des-
9 ignates optimal control treatment
10 described in item (bb), the small
11 or medium water system shall in-
12 stall the optimal corrosion control
13 treatment in accordance with sec-
14 tion 141.82(e) of title 40, Code
15 of Federal Regulations (or a suc-
16 cessor regulation).

17 “(III) FOLLOW-UP SAMPLING.—
18 Not later than 2 years after the date
19 on which a State agency designates
20 optimal control treatment described in
21 subclause (II)(bb), the small or me-
22 dium water system shall complete fol-
23 low-up sampling in accordance with
24 sections 141.86(d)(2) and 141.87(c)

1 of title 40, Code of Federal Regula-
2 tions (or successor regulations).

3 “(IV) REVIEW.—Not later than
4 180 days after the date on which a
5 small or medium water system com-
6 pletes the follow-up sampling de-
7 scribed in subclause (III), the State
8 agency shall—

9 “(aa) review the installation
10 of optimal control treatment in
11 the small or medium water sys-
12 tem; and

13 “(bb) designate optimal
14 water quality control parameters
15 in accordance with section
16 141.82(f) of title 40, Code of
17 Federal Regulations (or a suc-
18 cessor regulation).

19 “(V) COMPLIANCE AND TAP SAM-
20 PLING.—Following the review con-
21 ducted under subclause (IV), the
22 small or medium water system shall—

23 “(aa) operate in compliance
24 with the State agency-designated
25 optimal water quality control pa-

1 rameters in accordance with sec-
 2 tion 141.82(g) of title 40, Code
 3 of Federal Regulations (or a suc-
 4 cessor regulation); and

5 “(bb) continue to conduct
 6 tap sampling in accordance with
 7 sections 141.86(d)(3) and
 8 141.87(d) of title 40, Code of
 9 Federal Regulations (or successor
 10 regulations).”.

11 (b) CONFORMING AMENDMENTS.—Section 1415(e)
 12 of the Safe Drinking Water Act (42 U.S.C. 300g–4(e))
 13 is amended—

14 (1) in paragraph (2)(A), by striking
 15 “1412(b)(15)” and inserting “1412(b)(16)”; and

16 (2) in paragraph (7)(A)—

17 (A) in clause (ii), by striking
 18 “1412(b)(15)” and inserting “1412(b)(16)”;
 19 and

20 (B) in clause (iii), by striking
 21 “1412(b)(15)(A)” and inserting
 22 “1412(b)(16)(A)”.

1 **SEC. 2. DISCLOSURE OF PUBLIC HEALTH THREATS FROM**
 2 **LEAD EXPOSURE; SHORT-TERM REMEDY.**

3 (a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section
 4 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–
 5 3(c)) is amended—

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

8 “(D) Notice of any exceedance of a lead
 9 action level or any other prescribed level of lead
 10 in a regulation issued under section 1412, in-
 11 cluding the concentrations of lead found in a
 12 monitoring activity or any other level of lead
 13 determined by the Administrator to warrant no-
 14 tice, either on a case-specific or more general
 15 basis.”;

16 (2) in paragraph (2)—

17 (A) by redesignating subparagraphs (D)
 18 and (E) as subparagraphs (E) and (F), respec-
 19 tively; and

20 (B) by inserting after subparagraph (C)
 21 the following:

22 “(D) EXCEEDANCE OF LEAD ACTION
 23 LEVEL.—Regulations issued under subpara-
 24 graph (A) shall specify notification procedures
 25 for an exceedance of a lead action level or any

1 other prescribed level of lead in a regulation
2 issued under section 1412.”;

3 (3) by redesignating paragraphs (3) and (4) as
4 paragraphs (5) and (6), respectively; and

5 (4) by inserting after paragraph (2) the fol-
6 lowing:

7 “(3) NOTIFICATION OF THE PUBLIC RELATING
8 TO LEAD.—

9 “(A) EXCEEDANCE OF LEAD ACTION
10 LEVEL.—Not later than 15 days after the date
11 of being notified by the primary agency of an
12 exceedance of a lead action level or any other
13 prescribed level of lead in a regulation issued
14 under section 1412, including the concentra-
15 tions of lead found in a monitoring activity or
16 any other level of lead determined by the Ad-
17 ministrator to warrant notice, either on a case-
18 specific or more general basis, the Adminis-
19 trator shall notify the public of the concentra-
20 tions of lead found in the monitoring activity
21 conducted by the public water system if the
22 public water system or the State does not notify
23 the public of the concentrations of lead found in
24 a monitoring activity.

25 “(B) RESULTS OF LEAD MONITORING.—

1 “(i) IN GENERAL.—The Administrator
 2 may provide notice of any result of lead
 3 monitoring conducted by a public water
 4 system to—

5 “(I) any person that is served by
 6 the public water system; or

7 “(II) the local or State health de-
 8 partment of a locality or State in
 9 which the public water system is lo-
 10 cated.

11 “(ii) FORM OF NOTICE.—The Admin-
 12 istrator may provide the notice described
 13 in clause (i) by—

14 “(I) press release; or

15 “(II) other form of communica-
 16 tion, including local media.

17 “(4) SHORT-TERM REMEDY FOR LEAD IN
 18 DRINKING WATER.—

19 “(A) IN GENERAL.—In the case of an ex-
 20 ceedance of a lead action level or any other pre-
 21 scribed level of lead in a regulation issued
 22 under section 1412, including the concentra-
 23 tions of lead found in a monitoring activity or
 24 any other level of lead determined by the Ad-
 25 ministrator to warrant notice under paragraph

(3), not later than 7 days after the date on which notice is provided to the public under paragraph (3), the State that has primary enforcement responsibility under section 1413 shall provide a short-term remedy, including bottled water or a water filtration system, to each affected household.

“(B) NONPRIMARY STATES.—In a State in which the State does not have primary enforcement responsibility under section 1413, the public water system shall provide the short-term remedy described in subparagraph (A).”.

(b) CONFORMING AMENDMENTS.—Section 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–3(c)) is amended—

(1) in paragraph (1)(C), by striking “paragraph (2)(E)” and inserting “paragraph (2)(F)”;

(2) in paragraph (2)(B)(i)(II), by striking “subparagraph (D)” and inserting “subparagraph (E)”;

and

(3) in paragraph (3)(B), in the first sentence, by striking “(D)” and inserting “(E)”.

1 **SEC. 3. CONSUMER CONFIDENCE REPORTS.**

2 Paragraph (6) of section 1414(c) of the Safe Drink-
3 ing Water Act (as redesignated by section 2(a)(3)) is
4 amended—

5 (1) in subparagraph (A)—

6 (A) in the first sentence, by striking “The
7 Administrator” and inserting the following:

8 “(i) REGULATIONS.—

9 “(I) IN GENERAL.—The Admin-
10 istrator”;

11 (B) in the second sentence, by striking
12 “Such regulations shall provide a” and insert-
13 ing the following:

14 “(II) INFORMATION ON REGU-
15 LATED CONTAMINANTS.—The regula-
16 tions described in subclause (I) shall
17 contain the following:

18 “(aa) DEFINITIONS AND
19 STATEMENTS.—A”;

20 (C) in the third sentence, by striking “The
21 regulations shall also include a” and inserting
22 the following:

23 “(bb) CONTAMINANTS IN
24 DRINKING WATER.—A”;

1 (D) in the fourth sentence, by striking
 2 “The regulations shall also provide” and insert-
 3 ing the following:

4 “(cc) TOLL-FREE HOT-
 5 LINE.—A provision”; and

6 (E) by adding at the end the following:

7 “(ii) POSTING ON WEBSITE.—Each
 8 State water regulatory authority shall post
 9 the annual consumer confidence report of
 10 each community water system on the
 11 website of the State regulatory agency.”;

12 (2) in subparagraph (B), by inserting after
 13 clause (vi) the following:

14 “(vii) An educational statement about
 15 lead in drinking water in accordance with
 16 section 141.154 of title 40, Code of Fed-
 17 eral Regulations (or a successor regula-
 18 tion).”.

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