

116TH CONGRESS
1ST SESSION

S. 1613

To amend the Safe Drinking Water Act to update and modernize the reporting requirements for contaminants, including lead, in drinking water, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2019

Mr. MARKEY (for himself, Mr. CARPER, Ms. BALDWIN, Ms. HARRIS, Ms. SMITH, Mr. SANDERS, Mr. WHITEHOUSE, Mr. VAN HOLLEN, Mr. CARDIN, Ms. DUCKWORTH, Mr. MERKLEY, Mr. BOOKER, and Mrs. GILLIBRAND) 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 update and modernize the reporting requirements for contaminants, including lead, in drinking water, 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 “Contaminant and Lead
5 Electronic Accounting and Reporting Requirements for
6 (CLEAR) Drinking Water Act of 2019”.

1 **SEC. 2. ASSISTANCE FOR SMALL AND DISADVANTAGED**
 2 **COMMUNITIES.**

3 Section 1459A of the Safe Drinking Water Act (42
 4 U.S.C. 300j–19a) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (2)—

7 (i) in subparagraph (B), by redesignig-
 8 nating clauses (i) through (iii) as sub-
 9 clauses (I) through (III), respectively, and
 10 indenting appropriately; and

11 (ii) by redesignating subparagraphs
 12 (A) and (B) as clauses (i) and (ii), respec-
 13 tively, and indenting appropriately;

14 (B) by redesignating paragraphs (1) and
 15 (2) as subparagraphs (A) and (B), respectively,
 16 and indenting appropriately; and

17 (C) by striking the subsection designation
 18 and heading and all that follows through “this
 19 section:” and inserting the following:

20 “(a) **DEFINITIONS.**—In this section:

21 “(1) **DISADVANTAGED COMMUNITY.**—The term
 22 ‘disadvantaged community’ has the meaning given
 23 the term in section 1452(d)(3).

24 “(2) **UNDERSERVED COMMUNITY.**—”;

25 (2) in subsection (b)(2)—

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

3 (B) in subparagraph (C), by striking the
4 period at the end and inserting a semicolon;
5 and

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

7 “(D) the purchase of filters certified by the
8 National Sanitation Foundation and the Water
9 Quality Association for the removal of contami-
10 nants of concern in the public water system;

11 “(E) providing accurate and current infor-
12 mation about—

13 “(i) the need for filtration, filter safe-
14 ty, and proper maintenance practices; and

15 “(ii) options for replacing lead service
16 lines (as defined in section 1459B(a)) and
17 removing other sources of lead in water;

18 “(F) entering into contracts with nonprofit
19 organizations with water system technical ex-
20 pertise, as determined by the Administrator, to
21 assist disadvantaged communities that are in
22 significant noncompliance with this Act with
23 asset management and mapping activities, if
24 those contracts use not greater than 2 percent

1 of the funds awarded by a grant under this sec-
 2 tion; and

3 “(G) any other project or activity the Ad-
 4 ministrator determines to be necessary and in
 5 furtherance of the purpose of assisting public
 6 water systems in meeting the requirements of
 7 this title.”; and

8 (3) by striking subsection (k) and inserting the
 9 following:

10 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
 11 are authorized to be appropriated to carry out subsections
 12 (a) through (j) of this section—

13 “(1) \$230,000,000 for fiscal year 2020; and

14 “(2) \$300,000,000 for each of fiscal years 2021
 15 through 2024.”.

16 **SEC. 3. DRINKING WATER QUALITY IMPROVEMENT FOR MI-**
 17 **NORITY, TRIBAL, AND LOW-INCOME COMMU-**
 18 **NITIES.**

19 (a) COMMUNITY PARTNERSHIP.—The Administrator
 20 of the Environmental Protection Agency (referred to in
 21 this section as the “Administrator”) may make grants to
 22 community organizations that represent, operate in, or
 23 serve a minority, Tribal, or low-income community, as de-
 24 termined by the Administrator, to educate the residents
 25 of the community on—

1 (1) contaminants in drinking water that may
2 have an adverse effect on human health; and

3 (2) assistance that the Administrator may pro-
4 vide to residents to identify and address a drinking
5 water contaminant that may have an adverse effect
6 on human health.

7 (b) PUBLIC INTEREST SCIENCE PARTNERSHIPS.—
8 The Administrator may create a partnership with an aca-
9 demic or research institution, including another Federal
10 agency, to conduct or promote science that serves the pub-
11 lic interest by sharing data or costs or engaging in any
12 other activity of mutual benefit—

13 (1) to identify—

14 (A) any contaminant in drinking water
15 that may have an adverse effect on human
16 health; and

17 (B) a significant public health crisis caused
18 by any violation or contamination that—

19 (i) has the potential to have a serious
20 adverse effect on human health that re-
21 quires notice under section 1414(c)(2)(C)
22 of the Safe Drinking Water Act (42 U.S.C.
23 300g–3(c)(2)(C)); or

24 (ii) may present an imminent and
25 substantial endangerment to the health of

1 persons (within the meaning of section
 2 1431(a) of the Safe Drinking Water Act
 3 (42 U.S.C. 300i(a))); and

4 (2) to measure the risk that a minority, Tribal,
 5 or low-income community faces from contaminants
 6 in drinking water that may have an adverse effect
 7 on human health.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 9 are authorized to be appropriated for the period of fiscal
 10 years 2020 through 2024—

11 (1) to carry out subsection (a), \$5,000,000; and
 12 (2) to carry out subsection (b), \$10,000,000.

13 **SEC. 4. COMPLIANCE AND INSPECTIONS OF PUBLIC WATER**
 14 **SUPPLIES.**

15 (a) REPORTING NONCOMPLIANCE.—Section
 16 1452(b)(2) of the Safe Drinking Water Act (42 U.S.C.
 17 300j–12(b)(2)) is amended—

18 (1) in subparagraph (B), by striking “and” at
 19 the end;

20 (2) in subparagraph (C), by striking the period
 21 at the end and inserting “; and”; and

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

23 “(D) a list that includes—

24 “(i) any public water system in the
 25 State that—

1 “(I) has in effect an exemption
 2 or variance for any national primary
 3 drinking water regulation;

4 “(II) is in persistent violation of
 5 any requirement for a maximum con-
 6 taminant level or treatment technique
 7 under a national primary drinking
 8 water regulation; or

9 “(III) the State or Administrator
 10 determines may present an imminent
 11 and substantial endangerment to the
 12 health of persons (within the meaning
 13 of section 1431(a));

14 “(ii) the relevant national primary
 15 drinking regulation for the exemption,
 16 variance, or violation; and

17 “(iii)(I) the effective date of the ex-
 18 emption or variance; or

19 “(II) the date on which the persistent
 20 violation began.”.

21 (b) ADVICE AND TECHNICAL ASSISTANCE.—Section
 22 1414(a)(1) of the Safe Drinking Water Act (42 U.S.C.
 23 300g–3(a)(1)) is amended—

24 (1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “Whenever” and inserting “The Administrator shall notify the State and the public water system of noncompliance by the public water system if”;

(B) in clause (ii), by striking “pursuant thereto,” and inserting “in accordance with that variance or exemption.”; and

(C) by striking the undesignated matter following clause (ii); and

(2) by adding at the end the following:

“(C) ADVICE AND TECHNICAL ASSISTANCE.—

“(i) IN GENERAL.—After providing notice of noncompliance to the State and the public water system under subparagraph (A), the Administrator may provide such advice and technical assistance to the State and public water system as the Administrator determines appropriate to bring the public water system into compliance with the variance or exemption by the earliest date feasible.

“(ii) CONSIDERATIONS.—In making a determination to provide advice and tech-

1 nical assistance under clause (i), the Ad-
 2 ministrator may consider—

3 “(I) the potential for the non-
 4 compliance to result in a serious ad-
 5 verse effect to human health;

6 “(II) whether the noncompliance
 7 has occurred continuously or fre-
 8 quently; and

9 “(III) the effectiveness of any
 10 past technical assistance effort.”.

11 (c) ADDITIONAL INSPECTIONS.—Section 1414 of the
 12 Safe Drinking Water Act (42 U.S.C. 300g–3) is amend-
 13 ed—

14 (1) by redesignating subsections (d) through (j)
 15 as subsections (e) through (k), respectively; and

16 (2) by inserting after subsection (c) the fol-
 17 lowing:

18 “(d) ADDITIONAL INSPECTIONS AFTER A VIOLA-
 19 TION.—

20 “(1) IN GENERAL.—After consultation with the
 21 States, the Administrator shall, by regulation, pre-
 22 scribe the number, frequency, and type of additional
 23 inspections that shall be carried out after any viola-
 24 tion that requires notice under subsection (c).

1 “(2) REGULATIONS.—The regulations issued
2 under paragraph (1) shall—

3 “(A) take into account—

4 “(i) the difference between—

5 “(I) intermittent or infrequent
6 violations; and

7 “(II) continuous or frequent vio-
8 lations;

9 “(ii) the seriousness of any potential
10 adverse health effect that may be related
11 to a violation; and

12 “(iii) the number and severity of a
13 past violation by a public water system;
14 and

15 “(B) specify the procedure for an inspec-
16 tion after a violation by a public water system
17 that has the potential to cause a serious adverse
18 effect on human health due to short-term expo-
19 sure to a contaminant.”.

20 (3) CONFORMING AMENDMENTS.—

21 (A) Section 1414 of the Safe Drinking
22 Water Act (42 U.S.C. 300g–3) is amended—

23 (i) in subsection (a)—

1 (I) in paragraph (1)(B), by strik-
 2 ing “subsection (g)” and inserting
 3 “subsection (h)”; and

4 (II) in paragraph (2)(A), in the
 5 undesignated matter following clause
 6 (ii), by striking “subsection (g)” and
 7 inserting “subsection (h)”; and

8 (ii) in subsection (b), in the matter
 9 preceding paragraph (1), by striking “sub-
 10 section (g)” and inserting “subsection
 11 (h)”.

12 (B) Section 1448(a) of the Safe Drinking
 13 Water Act (42 U.S.C. 300j–7(a)) is amended in
 14 the third sentence of the undesignated matter
 15 following paragraph (2) by striking “section
 16 1414(g)(3)(B)” and inserting “section
 17 1414(h)(3)(B)”.

18 **SEC. 5. ELECTRONIC REPORTING OF TEST RESULTS.**

19 Section 1414 of the Safe Drinking Water Act (42
 20 U.S.C. 300g–3) (as amended by section 4(c)(1)) is amend-
 21 ed by adding at the end the following:

22 “(l) ELECTRONIC REPORTING OF COMPLIANCE MON-
 23 ITORING DATA.—Not later than 1 year after the date of
 24 enactment of this subsection, the Administrator shall issue

1 a final rule that establishes requirements for electronic
 2 submission—

3 “(1) by public water systems of all compliance
 4 monitoring data—

5 “(A) to the Administrator; or

6 “(B) with respect to a public water system
 7 in a State that has primary enforcement re-
 8 sponsibility under section 1413, to that State;
 9 and

10 “(2) by each State that has primary enforce-
 11 ment responsibility under section 1413 to the Ad-
 12 ministrator of all compliance monitoring data sub-
 13 mitted by a public water system to the State under
 14 paragraph (1)(B).”.

15 **SEC. 6. NOTIFICATION TO THE CENTERS FOR DISEASE**
 16 **CONTROL AND PREVENTION AND STATE**
 17 **HEALTH AGENCIES.**

18 Section 1414(c)(2)(C) of the Safe Drinking Water
 19 Act (42 U.S.C. 300g-3(c)(2)(C)) is amended—

20 (1) in clause (iii)—

21 (A) by striking “Administrator and” and
 22 inserting “Administrator, the Director of the
 23 Centers for Disease Control and Prevention,
 24 and”;

1 (B) by inserting “and the appropriate
 2 State and county health agencies” after “as ap-
 3 plicable,”;

4 (C) by striking “and” at the end;
 5 (2) by redesignating clause (iv) as clause (v);

6 and

7 (3) by inserting after clause (iii) the following:

8 “(iv) be provided to each person
 9 served by the public water system—

10 “(I) in the first billing statement
 11 that the public water system prepares
 12 after the date on which the violation
 13 occurs; and

14 “(II) in a manner consistent with
 15 clause (ii); and”.

16 **SEC. 7. NO IMPACT ON OTHER FEDERAL FUNDING.**

17 Except for existing funds made available to carry out
 18 subsections (a) through (j) of section 1459A of the Safe
 19 Drinking Water Act (42 U.S.C. 300j–19a), no funds shall
 20 be made available—

21 (1) to carry out this Act or the amendments
 22 made by this Act if the total amount made available
 23 for a fiscal year for the State drinking water treat-
 24 ment revolving loan funds established under section
 25 1452 of the Safe Drinking Water Act (42 U.S.C.

1 300j–12) is less than the total amount made avail-
2 able for those funds for fiscal year 2019; and
3 (2) to carry out this Act or the amendments
4 made by this Act (other than the amendment made
5 by section 2(3)) if the total amount made available
6 for a fiscal year for assistance for small and dis-
7 advantaged communities under subsections (a)
8 through (j) of section 1459A of the Safe Drinking
9 Water Act (42 U.S.C. 300j–19a) is less than the
10 total amount made available for that assistance for
11 fiscal year 2019.

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