

115TH CONGRESS
1ST SESSION

H. R. 3387

To amend the Safe Drinking Water Act to improve public water systems and enhance compliance with such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2017

Mr. HARPER introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Safe Drinking Water Act to improve public water systems and enhance compliance with such Act, 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 “Drinking Water Sys-
5 tem Improvement Act of 2017”.

6 **SEC. 2. IMPROVED CONSUMER CONFIDENCE REPORTS.**

7 Section 1414(c)(4) of the Safe Drinking Water Act
8 (42 U.S.C. 300g–3(c)(4)) is amended—

1 (1) in the heading for subparagraph (A), by
2 striking “ANNUAL REPORT” and inserting “RE-
3 PORT”;

4 (2) in subparagraph (A), by inserting “, or pro-
5 vide by electronic means,” after “to mail”;

6 (3) in subparagraph (B)—

7 (A) in clause (iv), by striking “the Admin-
8 istrator, and” and inserting “the Administrator,
9 including corrosion control efforts, and”; and

10 (B) by adding at the end the following
11 clause:

12 “(vii) Identification of, if any—

13 “(I) exceedances described in
14 paragraph (1)(D) for which corrective
15 action has been required by the Ad-
16 ministrator or the State (in the case
17 of a State exercising primary enforce-
18 ment responsibility for public water
19 systems) during the monitoring period
20 covered by the consumer confidence
21 report; and

22 “(II) violations that occurred
23 during the monitoring period covered
24 by the consumer confidence report.”;
25 and

(4) by adding at the end the following new subparagraph:

“(F) REVISIONS.—

“(i) UNDERSTANDABILITY AND FREQUENCY.—Not later than 24 months after the Drinking Water System Improvement Act of 2017, the Administrator, in consultation with the parties identified in subparagraph (A), shall issue revisions to the regulations issued under subparagraph (A)—

“(I) to increase—

“(aa) the readability, clarity, and understandability of the information presented in consumer confidence reports; and

“(bb) the accuracy of information presented, and risk communication, in consumer confidence reports; and

“(II) with respect to community water systems that serve 10,000 or more persons, to require each such community water system to provide, by mail, electronic means, or other

1 methods described in clause (ii), a
 2 consumer confidence report to each
 3 customer of the system at least bian-
 4 nually.

5 “(ii) ELECTRONIC DELIVERY.—Any
 6 revision of regulations pursuant to clause
 7 (i) shall allow delivery of consumer con-
 8 fidence reports by methods consistent with
 9 methods described in the memorandum
 10 ‘Safe Drinking Water Act—Consumer
 11 Confidence Report Rule Delivery Options’
 12 issued by the Environmental Protection
 13 Agency on January 3, 2013.”.

14 **SEC. 3. CONTRACTUAL AGREEMENTS.**

15 (a) IN GENERAL.—Section 1414(h)(1) of the Safe
 16 Drinking Water Act (42 U.S.C. 300g–3(h)(1)) is amend-
 17 ed—

18 (1) in subparagraph (B), by striking “or” after
 19 the semicolon;

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

22 (3) by adding at the end the following new sub-
 23 paragraph:

24 “(D) entering into a contractual agreement
 25 for significant management or administrative

1 functions of the system to correct violations
2 identified in the plan.”.

3 (b) TECHNICAL AMENDMENT.—Section 1414(i)(1) of
4 the Safe Drinking Water Act (42 U.S.C. 300g–3(i)(1)) is
5 amended by inserting a comma after “1417”.

6 **SEC. 4. IMPROVED ACCURACY AND AVAILABILITY OF COM-**
7 **PLIANCE MONITORING DATA.**

8 Section 1414 of the Safe Drinking Water Act (42
9 U.S.C. 300g–3) is amended by adding at the end the fol-
10 lowing new subsection:

11 “(j) IMPROVED ACCURACY AND AVAILABILITY OF
12 COMPLIANCE MONITORING DATA.—

13 “(1) STRATEGIC PLAN.—Not later than 1 year
14 after the date of enactment of this subsection, the
15 Administrator, in coordination with States, public
16 water systems, and other interested stakeholders,
17 shall develop and provide to Congress a strategic
18 plan for improving the accuracy and availability of
19 monitoring data collected to demonstrate compliance
20 with national primary drinking water regulations
21 and submitted—

22 “(A) by public water systems to States; or

23 “(B) by States to the Administrator.

1 “(2) EVALUATION.—In developing the strategic
2 plan under paragraph (1), the Administrator shall
3 evaluate any challenges faced—

4 “(A) in ensuring the accuracy and integ-
5 rity of submitted data described in paragraph
6 (1);

7 “(B) by States and public water systems in
8 implementing an electronic system for submit-
9 ting such data, including the technical and eco-
10 nomic feasibility of implementing such a sys-
11 tem; and

12 “(C) by users of such electronic systems in
13 being able to access such data.

14 “(3) FINDINGS AND RECOMMENDATIONS.—The
15 Administrator shall include in the strategic plan pro-
16 vided to Congress under paragraph (1)—

17 “(A) a summary of the findings of the
18 evaluation under paragraph (2); and

19 “(B) recommendations on practicable, cost-
20 effective methods and means that can be em-
21 ployed to improve the accuracy and availability
22 of submitted data described in paragraph (1).

23 “(4) CONSULTATION.—In developing the stra-
24 tegic plan under paragraph (1), the Administrator
25 may, as appropriate, consult with States or other

1 Federal agencies that have experience using prac-
2 ticable methods and means to improve the accuracy
3 and availability of submitted data described in such
4 paragraph.”.

5 **SEC. 5. ASSET MANAGEMENT.**

6 Section 1420 of the Safe Drinking Water Act (42
7 U.S.C. 300g–9) is amended—

8 (1) in subsection (c)(2)—

9 (A) in subparagraph (D), by striking “;
10 and” and inserting a semicolon;

11 (B) in subparagraph (E), by striking the
12 period at the end and inserting “; and”; and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(F) a description of how the State will, as
16 appropriate—

17 “(i) encourage development by public
18 water systems of asset management plans
19 that include best practices for asset man-
20 agement; and

21 “(ii) assist, including through the pro-
22 vision of technical assistance, public water
23 systems in training operators or other rel-
24 evant and appropriate persons in imple-
25 menting such asset management plans.”;

1 (2) in subsection (c)(3), by inserting “, includ-
2 ing efforts of the State to encourage development by
3 public water systems of asset management plans and
4 to assist public water systems in training relevant
5 and appropriate persons in implementing such asset
6 management plans” after “public water systems in
7 the State”; and

8 (3) in subsection (d), by adding at the end the
9 following new paragraph:

10 “(5) INFORMATION ON ASSET MANAGEMENT
11 PRACTICES.—Not later than 5 years after the date
12 of enactment of this paragraph, and not less often
13 than every 5 years thereafter, the Administrator
14 shall review and, if appropriate, update educational
15 materials, including handbooks, training materials,
16 and technical information, made available by the Ad-
17 ministrator to owners, managers, and operators of
18 public water systems, local officials, technical assist-
19 ance providers (including non-profit water associa-
20 tions), and State personnel concerning best practices
21 for asset management strategies that may be used
22 by public water systems.”.

1 **SEC. 6. AUTHORIZATION FOR GRANTS FOR STATE PRO-**
2 **GRAMS.**

3 Section 1443(a)(7) of the Safe Drinking Water Act
4 (42 U.S.C. 300j-2(a)(7)) is amended by striking
5 “\$100,000,000 for each of fiscal years 1997 through
6 2003” and inserting “\$150,000,000 for each of fiscal
7 years 2018 through 2022”.

8 **SEC. 7. STATE REVOLVING LOAN FUNDS.**

9 (a) USE OF FUNDS.—Section 1452(a)(2)(B) of the
10 Safe Drinking Water Act (42 U.S.C. 300j-12(a)(2)(B))
11 is amended by striking “(including expenditures for plan-
12 ning, design, and associated preconstruction activities, in-
13 cluding activities relating to the siting of the facility, but
14 not” and inserting “(including expenditures for planning,
15 design, siting, and associated preconstruction activities, or
16 for replacing or rehabilitating aging treatment, storage,
17 or distribution facilities of public water systems, but not”.

18 (b) AMERICAN IRON AND STEEL PRODUCTS.—Sec-
19 tion 1452(a)(4)(A) of the Safe Drinking Water Act (42
20 U.S.C. 300j-12(a)(4)(A)) is amended by striking “fiscal
21 year 2017” and inserting “fiscal years 2018 through
22 2022”.

23 (c) EVALUATION.—Section 1452(a) of the Safe
24 Drinking Water Act (42 U.S.C. 300j-12(a)) is amended
25 by adding at the end the following:

1 “(5) EVALUATION.—During fiscal years 2018
 2 through 2022, a State may provide financial assist-
 3 ance under this section to a public water system
 4 serving a population of more than 10,000 for an ex-
 5 penditure described in paragraph (2) only if the pub-
 6 lic water system—

7 “(A) considers the cost and effectiveness of
 8 relevant processes, materials, techniques, and
 9 technologies for carrying out the project or ac-
 10 tivity that is the subject of the expenditure; and

11 “(B) certifies to the State, in a form and
 12 manner determined by the State, that the pub-
 13 lic water system has made such consideration.”.

14 (d) PREVAILING WAGES.—Section 1452(a) of the
 15 Safe Drinking Water Act (42 U.S.C. 300j–12(a)) is fur-
 16 ther amended by adding at the end the following:

17 “(6) PREVAILING WAGES.—The requirements of
 18 section 1450(e) shall apply to any construction
 19 project carried out in whole or in part with assist-
 20 ance made available by a drinking water treatment
 21 revolving loan fund.”.

22 (e) ASSISTANCE FOR DISADVANTAGED COMMU-
 23 NITIES.—Section 1452(d)(2) of the Safe Drinking Water
 24 Act (42 U.S.C. 300j–12(d)(2)) is amended to read as fol-
 25 lows:

1 “(2) TOTAL AMOUNT OF SUBSIDIES.—For each
2 fiscal year, of the amount of the capitalization grant
3 received by the State for the year, the total amount
4 of loan subsidies made by a State pursuant to para-
5 graph (1)—

6 “(A) may not exceed 35 percent; and

7 “(B) to the extent that there are sufficient
8 applications for loans to communities described
9 in paragraph (1), may not be less than 6 per-
10 cent.”.

11 (f) TYPES OF ASSISTANCE.—Section 1452(f)(1) of
12 the Safe Drinking Water Act (42 U.S.C. 300j–12(f)(1))
13 is amended—

14 (1) by redesignating subparagraphs (C) and
15 (D) as subparagraphs (D) and (E), respectively;

16 (2) by inserting after subparagraph (B) the fol-
17 lowing new subparagraph:

18 “(C) each loan will be fully amortized not
19 later than 30 years after the completion of the
20 project, except that in the case of a disadvan-
21 taged community (as defined in subsection
22 (d)(3)) a State may provide an extended term
23 for a loan, if the extended term—

1 “(i) terminates not later than the date
2 that is 40 years after the date of project
3 completion; and

4 “(ii) does not exceed the expected de-
5 sign life of the project;”; and

6 (3) in subparagraph (B), by striking “1 year
7 after completion of the project for which the loan
8 was made” and all that follows through “design life
9 of the project;” and inserting “18 months after com-
10 pletion of the project for which the loan was made;”.

11 (g) NEEDS SURVEY.—Section 1452(h) of the Safe
12 Drinking Water Act (42 U.S.C. 300j–12(h)) is amended—

13 (1) by striking “The Administrator” and insert-
14 ing “(1) The Administrator”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(2) Any assessment conducted under paragraph (1)
18 after the date of enactment of the Drinking Water System
19 Improvement Act of 2017 shall include an assessment of
20 costs to replace all lead service lines (as defined in section
21 1459B(a)(4)) of all eligible public water systems in the
22 United States, and such assessment shall describe sepa-
23 rately the costs associated with replacing the portions of
24 such lead service lines that are owned by an eligible public
25 water system and the costs associated with replacing any

1 remaining portions of such lead service lines, to the extent
 2 practicable.”.

3 (h) OTHER AUTHORIZED ACTIVITIES.—Section
 4 1452(k)(1)(C) of the Safe Drinking Water Act (42 U.S.C.
 5 300j–12(k)(1)(C)) is amended by striking “for fiscal years
 6 1996 and 1997 to delineate and assess source water pro-
 7 tection areas in accordance with section 1453” and insert-
 8 ing “to delineate, assess, and update assessments for
 9 source water protection areas in accordance with section
 10 1453”.

11 (i) AUTHORIZATION FOR CAPITALIZATION GRANTS
 12 TO STATES FOR STATE DRINKING WATER TREATMENT
 13 REVOLVING LOAN FUNDS.—Section 1452(m) of the Safe
 14 Drinking Water Act (42 U.S.C. 300j–12(m)) is amend-
 15 ed—

16 (1) by striking the first sentence and inserting
 17 the following:

18 “(1) There are authorized to be appropriated to
 19 carry out the purposes of this section—

20 “(A) \$1,200,000,000 for fiscal year 2018;

21 “(B) \$1,400,000,000 for fiscal year 2019;

22 “(C) \$1,600,000,000 for fiscal year 2020;

23 “(D) \$1,800,000,000 for fiscal year 2021;

24 and

1 “(E) \$2,000,000,000 for fiscal year
2 2022.”;

3 (2) by striking “To the extent amounts author-
4 ized to be” and inserting the following:

5 “(2) To the extent amounts authorized to be”;
6 and

7 (3) by striking “(prior to the fiscal year
8 2004)”.

9 (j) BEST PRACTICES FOR ADMINISTRATION OF
10 STATE REVOLVING LOAN FUNDS.—Section 1452 of the
11 Safe Drinking Water Act (42 U.S.C. 300j–12) is amended
12 by adding after subsection (r) the following:

13 “(s) BEST PRACTICES FOR STATE LOAN FUND AD-
14 MINISTRATION.—The Administrator shall—

15 “(1) collect information from States on admin-
16 istration of State loan funds established pursuant to
17 subsection (a)(1), including—

18 “(A) efforts to streamline the process for
19 applying for assistance through such State loan
20 funds;

21 “(B) programs in place to assist with the
22 completion of applications for assistance
23 through such State loan funds;

24 “(C) incentives provided to public water
25 systems that partner with small public water

1 systems to assist with the application process
2 for assistance through such State loan funds;

3 “(D) practices to ensure that amounts in
4 such State loan funds are used to provide loans,
5 loan guarantees, or other authorized assistance
6 in a timely fashion;

7 “(E) practices that support effective man-
8 agement of such State loan funds;

9 “(F) practices and tools to enhance finan-
10 cial management of such State loan funds; and

11 “(G) key financial measures for use in
12 evaluating State loan fund operations, includ-
13 ing—

14 “(i) measures of lending capacity,
15 such as current assets and current liabil-
16 ities or undisbursed loan assistance liabil-
17 ity; and

18 “(ii) measures of growth or sustain-
19 ability, such as return on net interest;

20 “(2) not later than 3 years after the date of en-
21 actment of the Drinking Water System Improvement
22 Act of 2017, disseminate to the States best practices
23 for administration of such State loan funds, based
24 on the information collected pursuant to this sub-
25 section; and

1 “(3) periodically update such best practices, as
2 appropriate.”.

3 **SEC. 8. AUTHORIZATION FOR SOURCE WATER PETITION**
4 **PROGRAMS.**

5 Section 1454(e) of the Safe Drinking Water Act (42
6 U.S.C. 300j–14(e)) is amended by striking “1997 through
7 2003” and inserting “2018 through 2022”.

8 **SEC. 9. REVIEW OF TECHNOLOGIES.**

9 Part E of the Safe Drinking Water Act (42 U.S.C.
10 300j et seq.) is amended by adding at the end the fol-
11 lowing new section:

12 **“SEC. 1459C. REVIEW OF TECHNOLOGIES.**

13 “(a) REVIEW.—The Administrator, after consultation
14 with appropriate departments and agencies of the Federal
15 Government and with State and local governments, shall
16 review (or enter into contracts or cooperative agreements
17 to provide for a review of) existing and potential methods,
18 means, equipment, and technologies (including review of
19 cost, availability, and efficacy of such methods, means,
20 equipment, and technologies) that—

21 “(1) ensure the physical integrity of community
22 water systems;

23 “(2) prevent, detect, and respond to any con-
24 taminant for which a national primary drinking
25 water regulation has been promulgated in commu-

1 nity water systems and source water for community
2 water systems;

3 “(3) allow for use of alternate drinking water
4 supplies from non-traditional sources; and

5 “(4) facilitate source water assessment and pro-
6 tection.

7 “(b) INCLUSIONS.—The review under subsection (a)
8 shall include review of methods, means, equipment, and
9 technologies—

10 “(1) that are used for corrosion protection, me-
11 tering, leak detection, or protection against water
12 loss;

13 “(2) that are intelligent systems, including
14 hardware, software, or other technology, used to as-
15 sist in protection and detection described in para-
16 graph (1);

17 “(3) that are point of use devices or point of
18 entry devices;

19 “(4) that are physical or electronic systems that
20 monitor, or assist in monitoring, contaminants in
21 drinking water in real-time; and

22 “(5) that allow for the use of non-traditional
23 sources for drinking water, including physical sepa-
24 ration and chemical and biological transformation
25 technologies.

1 “(c) AVAILABILITY.—The Administrator shall make
2 the results of the review under subsection (a) available to
3 the public.

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Administrator to
6 carry out this section \$10,000,000 for fiscal year 2018,
7 which shall remain available until expended.”.

8 **SEC. 10. DRINKING WATER FOUNTAIN REPLACEMENT FOR**
9 **SCHOOLS.**

10 (a) IN GENERAL.—Part F of the Safe Drinking
11 Water Act (42 U.S.C. 300j–21 et seq.) is amended by add-
12 ing at the end the following:

13 **“SEC. 1465. DRINKING WATER FOUNTAIN REPLACEMENT**
14 **FOR SCHOOLS.**

15 “(a) ESTABLISHMENT.—Not later than 1 year after
16 the date of enactment of this section, the Administrator
17 shall establish a grant program to provide assistance to
18 local educational agencies for the replacement of drinking
19 water fountains manufactured prior to 1988.

20 “(b) USE OF FUNDS.—Funds awarded under the
21 grant program—

22 “(1) shall be used to pay the costs of replace-
23 ment of drinking water fountains in schools; and

24 “(2) may be used to pay the costs of monitoring
25 and reporting of lead levels in the drinking water of

1 schools of a local educational agency receiving such
2 funds, as determined appropriate by the Adminis-
3 trator.

4 “(c) PRIORITY.—In awarding funds under the grant
5 program, the Administrator shall give priority to local edu-
6 cational agencies based on economic need.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 not more than \$5,000,000 for each of fiscal years 2018
10 through 2022.”.

11 (b) DEFINITIONS.—Section 1461(5) of the Safe
12 Drinking Water Act (42 U.S.C. 300j–21(5)) is amended
13 by inserting “or drinking water fountain” after “water
14 cooler” each place it appears.

15 **SEC. 11. SOURCE WATER.**

16 (a) ADDRESSING SOURCE WATER USED FOR DRINK-
17 ING WATER.—Section 304 of the Emergency Planning
18 and Community Right-To-Know Act of 1986 (42 U.S.C.
19 11004) is amended—

20 (1) in subsection (b)(1), by striking “State
21 emergency planning commission” and inserting
22 “State emergency response commission”; and

23 (2) by adding at the end the following new sub-
24 section:

1 “(e) ADDRESSING SOURCE WATER USED FOR
2 DRINKING WATER.—

3 “(1) APPLICABLE STATE AGENCY NOTIFICA-
4 TION.—A State emergency response commission
5 shall—

6 “(A) promptly notify the applicable State
7 agency of any release that requires notice under
8 subsection (a);

9 “(B) provide to the applicable State agency
10 the information identified in subsection (b)(2);
11 and

12 “(C) provide to the applicable State agency
13 a written followup emergency notice in accord-
14 ance with subsection (c).

15 “(2) COMMUNITY WATER SYSTEM NOTIFICA-
16 TION.—

17 “(A) IN GENERAL.—An applicable State
18 agency receiving notice of a release under para-
19 graph (1) shall—

20 “(i) promptly forward such notice to
21 any community water system the source
22 waters of which are affected by the release;

23 “(ii) forward to the community water
24 system the information provided under
25 paragraph (1)(B); and

1 “(iii) forward to the community water
2 system the written followup emergency no-
3 tice provided under paragraph (1)(C).

4 “(B) DIRECT NOTIFICATION.—In the case
5 of a State that does not have an applicable
6 State agency, the State emergency response
7 commission shall provide the notices and infor-
8 mation described in paragraph (1) directly to
9 any community water system the source waters
10 of which are affected by a release that requires
11 notice under subsection (a).

12 “(3) DEFINITIONS.—In this subsection:

13 “(A) COMMUNITY WATER SYSTEM.—The
14 term ‘community water system’ has the mean-
15 ing given such term in section 1401(15) of the
16 Safe Drinking Water Act.

17 “(B) APPLICABLE STATE AGENCY.—The
18 term ‘applicable State agency’ means the State
19 agency that has primary responsibility to en-
20 force the requirements of the Safe Drinking
21 Water Act in the State.”.

22 (b) AVAILABILITY TO COMMUNITY WATER SYS-
23 TEMS.—Section 312(e) of the Emergency Planning and
24 Community Right-To-Know Act of 1986 (42 U.S.C.
25 11022(e)) is amended—

1 (1) by striking “State emergency planning com-
2 mission” and inserting “State emergency response
3 commission”; and

4 (2) by adding at the end the following new
5 paragraph:

6 “(4) AVAILABILITY TO COMMUNITY WATER SYS-
7 TEMS.—

8 “(A) IN GENERAL.—An affected commu-
9 nity water system may have access to tier II in-
10 formation by submitting a request to the State
11 emergency response commission or the local
12 emergency planning committee. Upon receipt of
13 a request for tier II information, the State com-
14 mission or local committee shall, pursuant to
15 paragraph (1), request the facility owner or op-
16 erator for the tier II information and make
17 available such information to the affected com-
18 munity water system.

19 “(B) DEFINITION.—In this paragraph, the
20 term ‘affected community water system’ means
21 a community water system (as defined in sec-
22 tion 1401(15) of the Safe Drinking Water Act)
23 that receives supplies of drinking water from a
24 source water area, delineated under section
25 1453 of the Safe Drinking Water Act, in which

1 a facility that is required to prepare and submit
2 an inventory form under subsection (a)(1) is lo-
3 cated.”.

4 **SEC. 12. REPORT ON FEDERAL CROSS-CUTTING REQUIRE-**
5 **MENTS.**

6 (a) REPORT.—Not later than one year after the date
7 of enactment of this Act, the Comptroller General shall
8 submit to Congress a report containing the results of a
9 study, to be conducted in consultation with the Adminis-
10 trator of the Environmental Protection Agency, any State
11 agency that has primary responsibility to enforce the re-
12 quirements of the Safe Drinking Water Act (42 U.S.C.
13 300f et seq.) in a State, and public water systems, to iden-
14 tify demonstrations of compliance with a State or local en-
15 vironmental law that may be substantially equivalent to
16 any demonstration required by the Administrator for com-
17 pliance with a Federal cross-cutting requirement.

18 (b) DEFINITIONS.—In this subsection:

19 (1) FEDERAL CROSS-CUTTING REQUIREMENT.—
20 The term “Federal cross-cutting requirement”
21 means a requirement of a Federal law or regulation,
22 compliance with which is a condition on receipt of a
23 loan or loan guarantee pursuant to section 1452 of
24 the Safe Drinking Water Act (42 U.S.C. 300j–12),
25 that, if applied with respect to projects and activities

1 for which a public water system receives such a loan
2 or loan guarantee, would be substantially equivalent
3 to a requirement of an applicable State or local law.

4 (2) PUBLIC WATER SYSTEM.—The term “public
5 water system” has the meaning given that term in
6 section 1401 of the Safe Drinking Water Act (42
7 U.S.C. 300f).

○