

Union Calendar No. 52

117TH CONGRESS
1ST SESSION

H. R. 3291

[Report No. 117–76]

To amend the Safe Drinking Water Act to provide assistance for States, territories, areas affected by natural disasters, and water systems and schools affected by PFAS or lead, and to require the Environmental Protection Agency to promulgate national primary drinking water regulations for PFAS, microcystin toxin, and 1,4-dioxane, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2021

Mr. TONKO (for himself and Mr. PALLONE) introduced the following bill;
which was referred to the Committee on Energy and Commerce

JUNE 29, 2021

Additional sponsor: Mr. HORSFORD

JUNE 29, 2021

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 18, 2021]

A BILL

To amend the Safe Drinking Water Act to provide assistance for States, territories, areas affected by natural disasters, and water systems and schools affected by PFAS or lead, and to require the Environmental Protection Agency to promulgate national primary drinking water regulations for PFAS, microcystin toxin, and 1,4-dioxane, 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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “As-*
 5 *sistance, Quality, and Affordability Act of 2021”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—INFRASTRUCTURE

- Sec. 101. Drinking water system resilience funding.*
- Sec. 102. Grants for State programs.*
- Sec. 103. American iron and steel products.*
- Sec. 104. Assistance for disadvantaged communities.*
- Sec. 105. Allotments for territories.*
- Sec. 106. Drinking water SRF funding.*
- Sec. 107. Lead service line replacement.*
- Sec. 108. Drinking water assistance to colonias.*
- Sec. 109. PFAS treatment grants.*
- Sec. 110. Voluntary school and child care program lead testing grant program.*
- Sec. 111. Grant program for installation of filtration stations at schools and*
child care programs.
- Sec. 112. Drinking water fountain replacement for schools.*
- Sec. 113. Indian reservation drinking water program.*
- Sec. 114. Assistance for areas affected by natural disasters.*

TITLE II—SAFETY

- Sec. 201. Enabling EPA to set standards for new drinking water contaminants.*
- Sec. 202. National primary drinking water regulations for PFAS.*
- Sec. 203. National primary drinking water regulations for microcystin toxin.*
- Sec. 204. National primary drinking water regulations for 1,4-dioxane.*
- Sec. 205. Elimination of small system variances.*

TITLE III—AFFORDABILITY

- Sec. 301. Emergency relief program.*

TITLE IV—OTHER MATTERS

- Sec. 401. Small urban and rural water system consolidation report.*

1 ***TITLE I—INFRASTRUCTURE***

2 ***SEC. 101. DRINKING WATER SYSTEM RESILIENCE FUNDING.***

3 *Section 1433(g) of the Safe Drinking Water Act (42*
 4 *U.S.C. 300i-2(g)) is amended—*

5 *(1) in paragraph (1), by striking “and 2021”*
 6 *and inserting “through 2031”; and*

7 *(2) in paragraph (6)—*

8 *(A) by striking “25,000,000” and inserting*
 9 *“50,000,000”; and*

10 *(B) by striking “2020 and 2021” and in-*
 11 *serting “2022 through 2031”.*

12 ***SEC. 102. GRANTS FOR STATE PROGRAMS.***

13 *Section 1443(a)(7) of the Safe Drinking Water Act (42*
 14 *U.S.C. 300j-2(a)(7)) is amended by striking “and 2021”*
 15 *and inserting “through 2031”.*

16 ***SEC. 103. AMERICAN IRON AND STEEL PRODUCTS.***

17 *Section 1452(a)(4)(A) of the Safe Drinking Water Act*
 18 *(42 U.S.C. 300j-12(a)(4)(A)) is amended by striking “Dur-*
 19 *ing fiscal years 2019 through 2023, funds” and inserting*
 20 *“Funds”.*

21 ***SEC. 104. ASSISTANCE FOR DISADVANTAGED COMMU-***
 22 ***NITIES.***

23 *Section 1452(d)(2)(A) of the Safe Drinking Water Act*
 24 *(42 U.S.C. 300j-12(d)(2)(A)) is amended by striking “35*
 25 *percent” and inserting “40 percent”.*

1 **SEC. 105. ALLOTMENTS FOR TERRITORIES.**

2 Section 1452(j) of the Safe Drinking Water Act (42
3 U.S.C. 300j–12(j)) is amended by striking “0.33 percent”
4 and inserting “1.5 percent”.

5 **SEC. 106. DRINKING WATER SRF FUNDING.**

6 Section 1452(m)(1) of the Safe Drinking Water Act
7 (42 U.S.C. 300j–12(m)(1)) is amended—

8 (1) in subparagraph (B), by striking “and”;

9 (2) in subparagraph (C), by striking “2021.”
10 and inserting “2021;”; and

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

12 “(D) \$4,140,000,000 for fiscal year 2022;

13 “(E) \$4,800,000,000 for fiscal year 2023;

14 and

15 “(F) \$5,500,000,000 for each of fiscal years

16 2024 through 2031.”.

17 **SEC. 107. LEAD SERVICE LINE REPLACEMENT.**

18 (a) *IN GENERAL.*—Section 1452 of the Safe Drinking
19 Water Act (42 U.S.C. 300j–12) is amended by adding at
20 the end the following:

21 “(u) *LEAD SERVICE LINE REPLACEMENT.*—

22 “(1) *IN GENERAL.*—In addition to the capital-
23 ization grants to eligible States under subsection
24 (a)(1), the Administrator shall offer to enter into
25 agreements with States, Indian Tribes, and the terri-
26 tories described in subsection (j) to make grants, in-

cluding letters of credit, to such States, Indian Tribes,
and territories under this subsection to fund the re-
placement of lead service lines.

“(2) ALLOTMENTS.—

“(A) STATES.—Funds made available to
carry out this subsection shall be—

“(i) allotted and reallocated to the extent
practicable to States as if allotted or reallo-
ted under subsection (a)(1) as a capitaliza-
tion grant under such subsection; and

“(ii) deposited into the State loan fund
of a State receiving such funds pursuant to
an agreement entered into pursuant to this
subsection.

“(B) INDIAN TRIBES.—The Administrator
shall set aside 1½ percent of the amounts made
available each fiscal year to carry out this sub-
section to make grants to Indian Tribes.

“(C) OTHER AREAS.—Funds made avail-
able to carry out this subsection shall be allotted
to territories described in subsection (j) in ac-
cordance with such subsection.

“(3) GRANTS.—Notwithstanding any other pro-
vision of this section, funds made available under this

1 subsection shall be used only for providing grants for
2 the replacement of lead service lines.

3 “(4) *PRIORITY.*—Each State, Indian Tribe, and
4 territory that has entered into an agreement pursuant
5 to this subsection shall annually prepare a plan that
6 identifies the intended uses of the amounts made
7 available to such State, Indian Tribe, or territory
8 under this subsection, and any such plan shall—

9 “(A) not be required to comply with sub-
10 section (b)(3); and

11 “(B) provide, to the maximum extent prac-
12 ticable, that priority for the use of funds be given
13 to projects that replace lead service lines serving
14 disadvantaged communities and environmental
15 justice communities.

16 “(5) *PLAN FOR REPLACEMENT.*—Each State, In-
17 dian Tribe, and territory that has entered into an
18 agreement pursuant to this subsection shall require
19 each recipient of funds made available pursuant to
20 this subsection to submit to the State, Indian Tribe,
21 or territory a plan to replace all lead service lines in
22 the applicable public water system within 10 years of
23 receiving such funds.

24 “(6) *AMERICAN MADE IRON AND STEEL AND*
25 *PREVAILING WAGES.*—The requirements of paragraphs

1 (4) and (5) of subsection (a) shall apply to any
2 project carried out in whole or in part with funds
3 made available under or pursuant to this subsection.

4 “(7) *LIMITATION.*—

5 “(A) *PROHIBITION ON PARTIAL LINE RE-*
6 *PLACEMENT.*—No funds made available pursuant
7 to this subsection may be used for partial lead
8 service line replacement if, at the conclusion of
9 the service line replacement, drinking water is
10 delivered through a publicly or privately owned
11 portion of a lead service line.

12 “(B) *NO PRIVATE OWNER CONTRIBUTION.*—
13 Any recipient of funds made available pursuant
14 to this subsection for lead service line replace-
15 ment shall offer to replace any privately owned
16 portion of any lead service line with respect to
17 which such funds are used at no cost to the pri-
18 vate owner.

19 “(8) *DISADVANTAGED COMMUNITY ASSIST-*
20 *ANCE.*—All funds made available pursuant to this
21 subsection to fund the replacement of lead service
22 lines may be used to replace lead service lines serving
23 disadvantaged communities.

24 “(9) *STATE CONTRIBUTION NOT REQUIRED.*—No
25 agreement entered into pursuant to paragraph (1)

1 *shall require that a State deposit, at any time, in the*
2 *applicable State loan fund from State moneys any*
3 *contribution in order to receive funds under this sub-*
4 *section.*

5 “(10) *AUTHORIZATION OF APPROPRIATIONS.—*

6 “(A) *IN GENERAL.—There are authorized to*
7 *be appropriated to carry out this subsection*
8 *\$4,500,000,000 for each of fiscal years 2022*
9 *through 2031. Such sums shall remain available*
10 *until expended.*

11 “(B) *ADDITIONAL AMOUNTS.—To the extent*
12 *amounts authorized to be appropriated under*
13 *this subsection in any fiscal year are not appro-*
14 *priated in that fiscal year, such amounts are au-*
15 *thorized to be appropriated in a subsequent fis-*
16 *cal year. Such sums shall remain available until*
17 *expended.*

18 “(11) *DEFINITIONS.—For purposes of this sub-*
19 *section:*

20 “(A) *DISADVANTAGED COMMUNITY.—The*
21 *term ‘disadvantaged community’ has the mean-*
22 *ing given such term in subsection (d)(3).*

23 “(B) *ENVIRONMENTAL JUSTICE COMMU-*
24 *NITY.—The term ‘environmental justice commu-*
25 *nity’ means any population of color, community*

1 *of color, indigenous community, or low-income*
 2 *community that experiences a disproportionate*
 3 *burden of the negative human health and envi-*
 4 *ronmental impacts of pollution or other environ-*
 5 *mental hazards.*

6 “(C) *LEAD SERVICE LINE.*—*The term ‘lead*
 7 *service line’ means a pipe and its fittings, which*
 8 *are not lead free (as defined in section 1417(d)),*
 9 *that connect the drinking water main to the*
 10 *building inlet.”.*

11 (b) *CONFORMING AMENDMENT.*—*Section 1452(m)(1)*
 12 *of the Safe Drinking Water Act (42 U.S.C. 300j–12(m)(1))*
 13 *is amended by striking “(a)(2)(G) and (t)” and inserting*
 14 *“(a)(2)(G), (t), and (u)”.*

15 ***SEC. 108. DRINKING WATER ASSISTANCE TO COLONIAS.***

16 *Section 1456 of the Safe Drinking Water Act (42*
 17 *U.S.C. 300j–16) is amended—*

18 (1) *in subsection (a)—*

19 (A) *by redesignating paragraph (2) as*
 20 *paragraph (3); and*

21 (B) *by inserting after paragraph (1) the fol-*
 22 *lowing new paragraph:*

23 “(2) *COVERED ENTITY.*—*The term ‘covered enti-*
 24 *ty’ means each of the following:*

25 “(A) *A border State.*

1 “(B) *A local government with jurisdiction*
 2 *over an eligible community.*”;

3 (2) *in subsection (b), by striking “border State”*
 4 *and inserting “covered entity”;*

5 (3) *in subsection (d), by striking “shall not ex-*
 6 *ceed 50 percent” and inserting “may not be less than*
 7 *80 percent”; and*

8 (4) *in subsection (e)—*

9 (A) *by striking “\$25,000,000” and inserting*
 10 *“\$100,000,000”; and*

11 (B) *by striking “1997 through 1999” and*
 12 *inserting “2022 through 2026”.*

13 **SEC. 109. PFAS TREATMENT GRANTS.**

14 *Part E of the Safe Drinking Water Act (42 U.S.C. 300j*
 15 *et seq.) is amended by adding at the end the following new*
 16 *section:*

17 **“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYS-**
 18 **TEMS AFFECTED BY PFAS.**

19 “(a) *ESTABLISHMENT.—Not later than 180 days after*
 20 *the date of enactment of this section, the Administrator*
 21 *shall establish a program to award grants to affected com-*
 22 *munity water systems to pay for capital costs associated*
 23 *with the implementation of eligible treatment technologies.*

24 “(b) *APPLICATIONS.—*

1 “(1) *GUIDANCE*.—Not later than 12 months after
2 the date of enactment of this section, the Adminis-
3 trator shall publish guidance describing the form and
4 timing for community water systems to apply for
5 grants under this section.

6 “(2) *REQUIRED INFORMATION*.—The Adminis-
7 trator shall require a community water system apply-
8 ing for a grant under this section to submit—

9 “(A) information showing the presence of a
10 perfluoroalkyl or polyfluoroalkyl substance in
11 water of the community water system; and

12 “(B) a certification that the treatment tech-
13 nology in use by the community water system at
14 the time of application is not sufficient to meet
15 all applicable standards, and all applicable
16 health advisories published pursuant to section
17 1412(b)(1)(F), for perfluoroalkyl and
18 polyfluoroalkyl substances.

19 “(c) *LIST OF ELIGIBLE TREATMENT TECH-*
20 *NOLOGIES*.—Not later than 150 days after the date of enact-
21 ment of this section, and every 2 years thereafter, the Ad-
22 ministrator shall publish a list of treatment technologies
23 that the Administrator determines are the most effective at
24 removing perfluoroalkyl and polyfluoroalkyl substances
25 from drinking water.

1 “(d) *PRIORITY FOR FUNDING.*—*In awarding grants*
 2 *under this section, the Administrator shall prioritize an af-*
 3 *ected community water system that—*

4 “(1) *serves a disadvantaged community;*

5 “(2) *will provide at least a 10-percent cost share*
 6 *for the cost of implementing an eligible treatment*
 7 *technology;*

8 “(3) *demonstrates the capacity to maintain the*
 9 *eligible treatment technology to be implemented using*
 10 *the grant; or*

11 “(4) *is located within an area with respect to*
 12 *which the Administrator has published a determina-*
 13 *tion under the first sentence of section 1424(e) relat-*
 14 *ing to an aquifer that is the sole or principal drink-*
 15 *ing water source for the area.*

16 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—

17 “(1) *IN GENERAL.*—*There is authorized to be ap-*
 18 *propriated to carry out this section \$500,000,000 for*
 19 *each of the fiscal years 2022 through 2031.*

20 “(2) *SPECIAL RULE.*—*Of the amounts authorized*
 21 *to be appropriated by paragraph (1), \$25,000,000 are*
 22 *authorized to be appropriated for each of fiscal years*
 23 *2022 and 2023 for grants under subsection (a) to pay*
 24 *for capital costs associated with the implementation*
 25 *of eligible treatment technologies during the period be-*

1 *ginning on October 1, 2014, and ending on the date*
 2 *of enactment of this section.*

3 “(f) *DEFINITIONS.—In this section:*

4 “(1) *AFFECTED COMMUNITY WATER SYSTEM.—*
 5 *The term ‘affected community water system’ means a*
 6 *community water system that is affected by the pres-*
 7 *ence of a perfluoroalkyl or polyfluoroalkyl substance*
 8 *in the water in the community water system.*

9 “(2) *DISADVANTAGED COMMUNITY.—The term*
 10 *‘disadvantaged community’ has the meaning given*
 11 *that term in section 1452.*

12 “(3) *ELIGIBLE TREATMENT TECHNOLOGY.—The*
 13 *term ‘eligible treatment technology’ means a treat-*
 14 *ment technology included on the list published under*
 15 *subsection (c).”.*

16 **SEC. 110. VOLUNTARY SCHOOL AND CHILD CARE PROGRAM**
 17 **LEAD TESTING GRANT PROGRAM.**

18 *Section 1464(d)(8) of the Safe Drinking Water Act (42*
 19 *U.S.C. 300j–24(d)(8)) is amended by striking “and 2021”*
 20 *and inserting “through 2031”.*

1 **SEC. 111. GRANT PROGRAM FOR INSTALLATION OF FILTRA-**
 2 **TION STATIONS AT SCHOOLS AND CHILD**
 3 **CARE PROGRAMS.**

4 *Section 1464 of the Safe Drinking Water Act (42*
 5 *U.S.C. 300j-24) is amended by adding at the end the fol-*
 6 *lowing:*

7 *“(e) GRANT PROGRAM FOR INSTALLATION AND MAIN-*
 8 *TENANCE OF FILTRATION STATIONS.—*

9 *“(1) PROGRAM.—The Administrator shall estab-*
 10 *lish a program to make grants to States to assist local*
 11 *educational agencies in voluntary installation and*
 12 *maintenance of filtration stations at schools and child*
 13 *care programs under the jurisdiction of the local edu-*
 14 *cational agencies.*

15 *“(2) DIRECT GRANTS TO LOCAL EDUCATIONAL*
 16 *AGENCIES.—The Administrator may make a grant*
 17 *described in paragraph (1) directly available to—*

18 *“(A) any local educational agency described*
 19 *in clause (i) or (iii) of subsection (d)(1)(B) lo-*
 20 *cated in a State that does not participate in the*
 21 *program established under paragraph (1); or*

22 *“(B) any local educational agency described*
 23 *in clause (ii) of subsection (d)(1)(B).*

24 *“(3) USE OF FUNDS.—Grants made under the*
 25 *program established under this subsection may be*
 26 *used to pay the costs of—*

1 “(A) *installation and maintenance of filtra-*
2 *tion stations at schools and child care programs;*
3 *and*

4 “(B) *annual testing of drinking water at*
5 *such schools and child care programs following*
6 *the installation of filtration stations.*

7 “(4) *PRIORITY.—In making grants under the*
8 *program established under this subsection, the Admin-*
9 *istrator shall give priority to States and local edu-*
10 *cational agencies that will assist in voluntary instal-*
11 *lation and maintenance of filtration stations at*
12 *schools and child care programs that are in low-in-*
13 *come areas.*

14 “(5) *GUIDANCE.—Not later than 180 days after*
15 *the date of enactment of this subsection, the Adminis-*
16 *trator shall establish guidance to carry out the pro-*
17 *gram established under this subsection.*

18 “(6) *NO PRIOR TESTING REQUIRED.—The pro-*
19 *gram established under this subsection shall not re-*
20 *quire testing for lead contamination in drinking*
21 *water at schools and child care programs prior to*
22 *participation in such program.*

23 “(7) *DEFINITIONS.—In this subsection:*

24 “(A) *CHILD CARE PROGRAM AND LOCAL*
25 *EDUCATIONAL AGENCY.—The terms ‘child care*

1 *program’ and ‘local educational agency’ have the*
2 *meaning given such terms in subsection (d).*

3 “(B) *FILTRATION STATION.*—*The term ‘fil-*
4 *tration station’ means an apparatus that—*

5 *“(i) is connected to building plumbing;*

6 *“(ii) is certified to the latest version of*
7 *NSF/ANSI 53 for lead reduction and NSF/*
8 *ANSI 42 for particulate reduction (Class I)*
9 *by a certification body accredited by the*
10 *American National Standards Institute Na-*
11 *tional Accreditation Board;*

12 *“(iii) has an indicator to show filter*
13 *performance;*

14 *“(iv) can fill bottles or containers for*
15 *water consumption; and*

16 *“(v) allows users to drink directly from*
17 *a stream of flowing water.*

18 “(8) *AUTHORIZATION OF APPROPRIATIONS.*—
19 *There is authorized to be appropriated to carry out*
20 *this subsection \$50,000,000 for each of fiscal years*
21 *2022 through 2031.”.*

1 **SEC. 112. DRINKING WATER FOUNTAIN REPLACEMENT FOR**
 2 **SCHOOLS.**

3 *Section 1465(d) of the Safe Drinking Water Act (42*
 4 *U.S.C. 300j–25(d)) is amended by striking “2021” and in-*
 5 *serting “2031”.*

6 **SEC. 113. INDIAN RESERVATION DRINKING WATER PRO-**
 7 **GRAM.**

8 *Section 2001(d) of America’s Water Infrastructure Act*
 9 *of 2018 (Public Law 115–270) is amended by striking*
 10 *“2022” and inserting “2031”.*

11 **SEC. 114. ASSISTANCE FOR AREAS AFFECTED BY NATURAL**
 12 **DISASTERS.**

13 *Section 2020 of America’s Water Infrastructure Act of*
 14 *2018 (Public Law 115–270) is amended—*

15 *(1) in subsection (b)(1), by striking “subsection*
 16 *(e)(1)” and inserting “subsection (f)(1)”;*

17 *(2) by redesignating subsections (c) through (e)*
 18 *as subsections (d) through (f), respectively;*

19 *(3) by inserting after subsection (b) the fol-*
 20 *lowing:*

21 *“(c) ASSISTANCE FOR TERRITORIES.—The Adminis-*
 22 *trator may use funds made available under subsection (f)(1)*
 23 *to make grants to Guam, the Virgin Islands, American*
 24 *Samoa, and the Northern Mariana Islands for the purposes*
 25 *of providing assistance to eligible systems to restore or in-*

1 *crease compliance with national primary drinking water*
 2 *regulations.”; and*

3 *(4) in subsection (f), as so redesignated—*

4 *(A) in the heading, by striking “STATE RE-*
 5 *VOLVING FUND CAPITALIZATION”; and*

6 *(B) in paragraph (1)—*

7 *(i) in the matter preceding subpara-*
 8 *graph (A), by inserting “and to make*
 9 *grants under subsection (c) of this section,”*
 10 *before “to be available”; and*

11 *(ii) in subparagraph (A), by inserting*
 12 *“or subsection (c), as applicable” after “sub-*
 13 *section (b)(1)”.*

14 ***TITLE II—SAFETY***

15 ***SEC. 201. ENABLING EPA TO SET STANDARDS FOR NEW*** 16 ***DRINKING WATER CONTAMINANTS.***

17 *(a) IN GENERAL.—Section 1412(b)(6) of the Safe*
 18 *Drinking Water Act (42 U.S.C. 300g–1(b)(6)) is repealed.*

19 *(b) CONFORMING AMENDMENTS.—Section 1412(b) of*
 20 *the Safe Drinking Water Act (42 U.S.C. 300g–1(b)) is*
 21 *amended—*

22 *(1) in paragraph (3)(C)(i)—*

23 *(A) by striking “paragraph (5) or (6)(A)”*
 24 *and inserting “paragraph (5)”; and*

1 (B) by striking “paragraphs (4), (5), and
 2 (6)” and inserting “paragraphs (4) and (5”;
 3 and

4 (2) in paragraph (4)(B), by striking “para-
 5 graphs (5) and (6)” and inserting “paragraph (5)”.

6 **SEC. 202. NATIONAL PRIMARY DRINKING WATER REGULA-**
 7 **TIONS FOR PFAS.**

8 Section 1412(b) of the Safe Drinking Water Act (42
 9 U.S.C. 300g–1(b)) is amended by adding at the end the fol-
 10 lowing:

11 “(16) *PERFLUOROALKYL AND POLYFLUOROALKYL*
 12 *SUBSTANCES.*—

13 “(A) *IN GENERAL.*—Not later than 2 years
 14 after the date of enactment of this paragraph, the
 15 Administrator shall, after notice and oppor-
 16 tunity for public comment, promulgate a na-
 17 tional primary drinking water regulation for
 18 perfluoroalkyl and polyfluoroalkyl substances,
 19 which shall, at a minimum, include standards
 20 for—

21 “(i) perfluorooctanoic acid (commonly
 22 referred to as ‘PFOA’); and

23 “(ii) perfluorooctane sulfonic acid
 24 (commonly referred to as ‘PFOS’).

25 “(B) *ALTERNATIVE PROCEDURES.*—

1 “(i) *IN GENERAL.*—Not later than 1
2 year after the validation by the Adminis-
3 trator of an equally effective quality control
4 and testing procedure to ensure compliance
5 with the national primary drinking water
6 regulation promulgated under subpara-
7 graph (A) to measure the levels described in
8 clause (ii) or other methods to detect and
9 monitor perfluoroalkyl and polyfluoroalkyl
10 substances in drinking water, the Adminis-
11 trator shall add the procedure or method as
12 an alternative to the quality control and
13 testing procedure described in such national
14 primary drinking water regulation by pub-
15 lishing the procedure or method in the *Fed-*
16 *eral Register* in accordance with section
17 1401(1)(D).

18 “(ii) *LEVELS DESCRIBED.*—The levels
19 referred to in clause (i) are—

20 “(I) the level of a perfluoroalkyl
21 or polyfluoroalkyl substance;

22 “(II) the total levels of
23 perfluoroalkyl and polyfluoroalkyl sub-
24 stances; and

1 “(III) the total levels of organic
2 fluorine.

3 “(C) INCLUSIONS.—The Administrator may
4 include a perfluoroalkyl or polyfluoroalkyl sub-
5 stance or class of perfluoroalkyl or
6 polyfluoroalkyl substances on—

7 “(i) the list of contaminants for con-
8 sideration of regulation under paragraph
9 (1)(B)(i), in accordance with such para-
10 graph; and

11 “(ii) the list of unregulated contami-
12 nants to be monitored under section
13 1445(a)(2)(B)(i), in accordance with such
14 section.

15 “(D) MONITORING.—When establishing
16 monitoring requirements for public water sys-
17 tems as part of a national primary drinking
18 water regulation under subparagraph (A) or sub-
19 paragraph (G)(ii), the Administrator shall tailor
20 the monitoring requirements for public water
21 systems that do not detect or are reliably and
22 consistently below the maximum contaminant
23 level (as defined in section 1418(b)(2)(B)) for the
24 perfluoroalkyl or polyfluoroalkyl substance or
25 class of perfluoroalkyl or polyfluoroalkyl sub-

stances subject to the national primary drinking water regulation.

“(E) *HEALTH PROTECTION.*—The national primary drinking water regulation promulgated under subparagraph (A) shall be protective of the health of subpopulations at greater risk, as described in section 1458.

“(F) *HEALTH RISK REDUCTION AND COST ANALYSIS.*—In meeting the requirements of paragraph (3)(C), the Administrator may rely on information available to the Administrator with respect to one or more specific perfluoroalkyl or polyfluoroalkyl substances to extrapolate reasoned conclusions regarding the health risks and effects of a class of perfluoroalkyl or polyfluoroalkyl substances of which the specific perfluoroalkyl or polyfluoroalkyl substances are a part.

“(G) *REGULATION OF ADDITIONAL SUBSTANCES.*—

“(i) *DETERMINATION.*—The Administrator shall make a determination under paragraph (1)(A), using the criteria described in clauses (i) through (iii) of that paragraph, whether to include a

1 *perfluoroalkyl or polyfluoroalkyl substance*
2 *or class of perfluoroalkyl or polyfluoroalkyl*
3 *substances in the national primary drink-*
4 *ing water regulation under subparagraph*
5 *(A) not later than 18 months after the later*
6 *of—*

7 “(I) the date on which the
8 *perfluoroalkyl or polyfluoroalkyl sub-*
9 *stance or class of perfluoroalkyl or*
10 *polyfluoroalkyl substances is listed on*
11 *the list of contaminants for consider-*
12 *ation of regulation under paragraph*
13 *(1)(B)(i); and*

14 “(II) the date on which—

15 “(aa) the Administrator has
16 *received the results of monitoring*
17 *under section 1445(a)(2)(B) for*
18 *the perfluoroalkyl or*
19 *polyfluoroalkyl substance or class*
20 *of perfluoroalkyl or*
21 *polyfluoroalkyl substances; or*

22 “(bb) the Administrator has
23 *received reliable water data or*
24 *water monitoring surveys for the*
25 *perfluoroalkyl or polyfluoroalkyl*

1 substance or class of
2 perfluoroalkyl or polyfluoroalkyl
3 substances from a Federal or
4 State agency that the Adminis-
5 trator determines to be of a qual-
6 ity sufficient to make a deter-
7 mination under paragraph
8 (1)(A).

9 “(ii) *PRIMARY DRINKING WATER REGU-*
10 *LATIONS.*—

11 “(I) *IN GENERAL.*—For each
12 perfluoroalkyl or polyfluoroalkyl sub-
13 stance or class of perfluoroalkyl or
14 polyfluoroalkyl substances that the Ad-
15 ministrator determines to regulate
16 under clause (i), the Administrator—

17 “(aa) not later than 18
18 months after the date on which
19 the Administrator makes the de-
20 termination, shall propose a na-
21 tional primary drinking water
22 regulation for the perfluoroalkyl
23 or polyfluoroalkyl substance or
24 class of perfluoroalkyl or
25 polyfluoroalkyl substances; and

1 “(bb) may publish the pro-
2 posed national primary drinking
3 water regulation described in item
4 (aa) concurrently with the publi-
5 cation of the determination to reg-
6 ulate the perfluoroalkyl or
7 polyfluoroalkyl substance or class
8 of perfluoroalkyl or
9 polyfluoroalkyl substances.

10 “(II) DEADLINE.—

11 “(aa) IN GENERAL.—Not
12 later than 1 year after the date on
13 which the Administrator publishes
14 a proposed national primary
15 drinking water regulation under
16 clause (i)(I) and subject to item
17 (bb), the Administrator shall take
18 final action on the proposed na-
19 tional primary drinking water
20 regulation.

21 “(bb) EXTENSION.—The Ad-
22 ministrator, on publication of no-
23 tice in the Federal Register, may
24 extend the deadline under item
25 (aa) by not more than 6 months.

1 “(H) *HEALTH ADVISORY.*—

2 “(i) *IN GENERAL.*—*Subject to clause*
3 *(ii), the Administrator shall publish a*
4 *health advisory under paragraph (1)(F) for*
5 *a perfluoroalkyl or polyfluoroalkyl substance*
6 *or class of perfluoroalkyl or polyfluoroalkyl*
7 *substances not subject to a national pri-*
8 *mary drinking water regulation not later*
9 *than 1 year after the later of—*

10 “(I) *the date on which the Admin-*
11 *istrator finalizes a toxicity value for*
12 *the perfluoroalkyl or polyfluoroalkyl*
13 *substance or class of perfluoroalkyl or*
14 *polyfluoroalkyl substances; and*

15 “(II) *the date on which the Ad-*
16 *ministrator validates an effective qual-*
17 *ity control and testing procedure for*
18 *the perfluoroalkyl or polyfluoroalkyl*
19 *substance or class of perfluoroalkyl or*
20 *polyfluoroalkyl substances.*

21 “(ii) *WAIVER.*—*The Administrator*
22 *may waive the requirements of clause (i)*
23 *with respect to a perfluoroalkyl or*
24 *polyfluoroalkyl substance or class of*
25 *perfluoroalkyl and polyfluoroalkyl sub-*

1 *stances if the Administrator determines that*
 2 *there is a substantial likelihood that the*
 3 *perfluoroalkyl or polyfluoroalkyl substance*
 4 *or class of perfluoroalkyl or polyfluoroalkyl*
 5 *substances will not occur in drinking water*
 6 *with sufficient frequency to justify the pub-*
 7 *lication of a health advisory, and publishes*
 8 *such determination, including the informa-*
 9 *tion and analysis used, and basis for, such*
 10 *determination, in the Federal Register.”.*

11 **SEC. 203. NATIONAL PRIMARY DRINKING WATER REGULA-**
 12 **TIONS FOR MICROCYSTIN TOXIN.**

13 *Section 1412(b) of the Safe Drinking Water Act (42*
 14 *U.S.C. 300g–1(b)) is further amended by adding at the end*
 15 *the following:*

16 “(17) *MICROCYSTIN TOXIN.*—

17 “(A) *IN GENERAL.*—Notwithstanding any
 18 *other deadline established in this subsection, not*
 19 *later than 2 years after the date of enactment of*
 20 *the Assistance, Quality, and Affordability Act of*
 21 *2021, the Administrator shall publish a max-*
 22 *imum contaminant level goal and promulgate a*
 23 *national primary drinking water regulation for*
 24 *microcystin toxin.*

1 “(B) *HEALTH PROTECTION.*—*The max-*
 2 *imum contaminant level goal and national pri-*
 3 *mary drinking water regulation promulgated*
 4 *under subparagraph (A) shall be protective of the*
 5 *health of subpopulations at greater risk, as de-*
 6 *scribed in section 1458.”.*

7 **SEC. 204. NATIONAL PRIMARY DRINKING WATER REGULA-**
 8 **TIONS FOR 1,4-DIOXANE.**

9 *Section 1412(b) of the Safe Drinking Water Act (42*
 10 *U.S.C. 300g–1(b)) is further amended by adding at the end*
 11 *the following:*

12 “(18) *1,4-DIOXANE.*—

13 “(A) *IN GENERAL.*—*Notwithstanding any*
 14 *other deadline established in this subsection, not*
 15 *later than 2 years after the date of enactment of*
 16 *the Assistance, Quality, and Affordability Act of*
 17 *2021, the Administrator shall publish a max-*
 18 *imum contaminant level goal and promulgate a*
 19 *national primary drinking water regulation for*
 20 *1,4-dioxane.*

21 “(B) *HEALTH PROTECTION.*—*The max-*
 22 *imum contaminant level goal and national pri-*
 23 *mary drinking water regulation promulgated*
 24 *under subparagraph (A) shall be protective of the*

1 *health of subpopulations at greater risk, as de-*
 2 *scribed in section 1458.”.*

3 **SEC. 205. ELIMINATION OF SMALL SYSTEM VARIANCES.**

4 *(a) SMALL SYSTEM VARIANCES.—Section 1415 (42*
 5 *U.S.C. 300g–4) of the Safe Drinking Water Act is amended*
 6 *by striking subsection (e).*

7 *(b) CONFORMING AMENDMENTS.—*

8 *(1) Section 1412(b)(15) of the Safe Drinking*
 9 *Water Act (42 U.S.C. 300g–1(b)(15)) is amended by*
 10 *striking subparagraph (D).*

11 *(2) Section 1414(c)(1)(B) of the Safe Drinking*
 12 *Water Act (42 U.S.C. 300g–3(c)(1)(B)) is amended by*
 13 *striking “, (a)(2), or (e)” and inserting “or (a)(2)”.*

14 *(3) Section 1416(b)(2) of the Safe Drinking*
 15 *Water Act (42 U.S.C. 300g–5(b)(2)) is amended by*
 16 *striking subparagraph (D).*

17 *(4) Section 1445(h) of the Safe Drinking Water*
 18 *Act (42 U.S.C. 300j–4(h)) is amended—*

19 *(A) by striking “sections 1412(b)(4)(E) and*
 20 *1415(e) (relating to small system variance pro-*
 21 *gram)” and inserting “section 1412(b)(4)(E)”;*
 22 *and*

23 *(B) by striking “guidance under sections*
 24 *1412(b)(4)(E) and 1415(e)” and inserting “guid-*
 25 *ance under section 1412(b)(4)(E)”.*

1 ***TITLE III—AFFORDABILITY***

2 ***SEC. 301. EMERGENCY RELIEF PROGRAM.***

3 *Part F of the Safe Drinking Water Act (42 U.S.C.*
 4 *300j–21 et seq.) is amended by adding at the end the fol-*
 5 *lowing new section:*

6 ***“SEC. 1466. EMERGENCY RELIEF PROGRAM.***

7 *“(a) EMERGENCY RELIEF PROGRAM.—The Adminis-*
 8 *trator shall establish and carry out a residential emergency*
 9 *relief program to provide payments to public water systems*
 10 *to reimburse such public water systems for providing for-*
 11 *giveness of arrearages and fees incurred by eligible residen-*
 12 *tial customers before the date of enactment of this section*
 13 *to help such eligible residential customers retain, or recon-*
 14 *nect or restore, water service.*

15 *“(b) CONDITIONS.—To receive funds under this sec-*
 16 *tion, a public water system shall agree to—*

17 *“(1) except as otherwise provided in this section,*
 18 *use such funds to forgive all arrearages and fees relat-*
 19 *ing to nonpayment or arrearages incurred by eligible*
 20 *residential customers before the date of enactment of*
 21 *this section;*

22 *“(2) if forgiveness of all arrearages and fees de-*
 23 *scribed in paragraph (1) is not possible given the*
 24 *amount of funds received, except as otherwise pro-*
 25 *vided in this section, use such funds to reduce such*

1 *arrearages and fees for each eligible residential cus-*
 2 *tomers by, to the extent practicable, a consistent per-*
 3 *centage;*

4 *“(3) take no action that negatively affects the*
 5 *credit score of an eligible residential customer, or pur-*
 6 *sue any type of collection action against such eligible*
 7 *residential customer, during the 5-year period that*
 8 *begins on the date on which the public water system*
 9 *receives such funds;*

10 *“(4) not disconnect or interrupt the service of*
 11 *any eligible residential customer as a result of non-*
 12 *payment or arrears during such 5-year period;*
 13 *and*

14 *“(5) provide to the Administrator such informa-*
 15 *tion as the Administrator determines appropriate.*

16 *“(c) ELIGIBLE CUSTOMERS.—To be eligible for forgive-*
 17 *ness or reduction of arrears and fees pursuant to the*
 18 *program established under subsection (a), a residential cus-*
 19 *tomers of a public water system shall have accrued new ar-*
 20 *rears on or after March 1, 2020.*

21 *“(d) RECONNECTION EXPENSES.—The Administrator,*
 22 *or a State that is, pursuant to subsection (e), implementing*
 23 *the program established under subsection (a), may author-*
 24 *ize a public water system receiving funds under this section*
 25 *to use up to 5 percent of such funds for expenses relating*

1 *to reconnecting or restoring water service, including ex-*
 2 *penses relating to plumbing repairs and pipe flushing, as*
 3 *needed, for eligible residential customers.*

4 “(e) *ADMINISTRATIVE EXPENSES.—The Administrator*
 5 *may authorize—*

6 “(1) *States to implement the program established*
 7 *under subsection (a); and*

8 “(2) *a State implementing such program to use*
 9 *up to 4 percent of funds made available to carry out*
 10 *such program in such State for administrative ex-*
 11 *penses.*

12 “(f) *SUBMISSIONS TO CONGRESS.—Not later than 180*
 13 *days after the date of enactment of this section, and every*
 14 *other month thereafter until all amounts made available*
 15 *under this section are expended, the Administrator shall*
 16 *submit to the Committee on Energy and Commerce of the*
 17 *House of Representatives and the Committee on Environ-*
 18 *ment and Public Works of the Senate a report that de-*
 19 *scribes—*

20 “(1) *each public water system that received a*
 21 *payment under or pursuant to this section;*

22 “(2) *the total amount of each payment provided*
 23 *under or pursuant to this section;*

24 “(3) *for each public water system receiving a*
 25 *payment under or pursuant to this section—*

1 “(A) the amount of arrearages and fees for-
2 given or reduced;

3 “(B) the number of eligible residential cus-
4 tomers benefitting from forgiveness or reduction
5 of arrearages and fees under this section;

6 “(C) the amount of arrearages and fees of
7 customers described in subparagraph (B) in-
8 curred before the date of enactment of this section
9 that remain outstanding;

10 “(D) the number of eligible residential cus-
11 tomers that did not benefit from forgiveness or
12 reduction of arrearages and fees under this sec-
13 tion; and

14 “(E) the amount of arrearages and fees of
15 customers described in subparagraph (D) in-
16 curred before the date of enactment of this section
17 that remain outstanding; and

18 “(4) a summary of any other information pro-
19 vided to the Administrator by public water systems
20 that receive a payment pursuant to this section.

21 “(g) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$4,000,000,000, to remain available until expended.”.

TITLE IV—OTHER MATTERS

SEC. 401. SMALL URBAN AND RURAL WATER SYSTEM CONSOLIDATION REPORT.

(a) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on issues relating to the potential for consolidation of distressed small water systems.

(2) INCLUSIONS.—The report submitted under paragraph (1) shall include—

(A) information on—

(i) the amount of debt of covered small water systems;

(ii) whether the budgets of covered small water systems are balanced;

(iii) the degree to which covered small water systems defer infrastructure improvements;

(iv) the degree to which covered small water systems are not in compliance with applicable Federal and State water quality standards;

1 (v) how rates charged by covered small
2 water systems for service relate to the costs
3 for maintenance of, and improvements to,
4 such systems; and

5 (vi) how the management, financial,
6 and technical capacity of covered small
7 water systems affects the ability of such sys-
8 tems to provide service at affordable rates;

9 (B) an evaluation of—

10 (i) whether covered small water system
11 infrastructure is failing, resulting in a tem-
12 porary or permanent loss of essential func-
13 tions or services; and

14 (ii) how to prevent covered small water
15 systems from becoming distressed small
16 water systems;

17 (C) policy recommendations for how Con-
18 gress may support the consolidation of distressed
19 small water systems; and

20 (D) best practices and guidelines the Ad-
21 ministrator of the Environmental Protection
22 Agency may use to assist State and local govern-
23 ments with facilitating the consolidation of dis-
24 tressed small water systems.

25 (b) *DEFINITIONS.*—In this section:

1 (1) *CONSOLIDATION*.—The term “consolidation”
 2 means, with respect to a public water system, any of
 3 the actions described in subparagraphs (A) through
 4 (D) of section 1414(h)(1) of the Safe Drinking Water
 5 Act (42 U.S.C. 300g–3(h)(1)).

6 (2) *COVERED SMALL WATER SYSTEM*.—The term
 7 “covered small water system” means a public water
 8 system that serves—

9 (A) fewer than 50,000 individuals; and

10 (B) a disadvantaged community or an envi-
 11 ronmental justice community.

12 (3) *DISADVANTAGED COMMUNITY*.—The term
 13 “disadvantaged community” has the meaning given
 14 such term in section 1452(d)(3) of the Safe Drinking
 15 Water Act (42 U.S.C. 300j–12(d)(3)).

16 (4) *DISTRESSED SMALL WATER SYSTEM*.—The
 17 term “distressed small water system” means a covered
 18 small water system—

19 (A) that is unable to carry out necessary
 20 maintenance of, and improvements to, such sys-
 21 tem in order to—

22 (i) comply with applicable Federal and
 23 State water quality standards; or

1 (ii) provide reliable and affordable
2 service to customers while complying with
3 such water quality standards; and

4 (B) with respect to which consolidation may
5 be necessary to address the issues described in
6 subparagraph (A).

7 (5) *ENVIRONMENTAL JUSTICE COMMUNITY*.—The
8 term “environmental justice community” has the
9 meaning given such term in section 1452(u)(11) of
10 the Safe Drinking Water Act.

11 (6) *PUBLIC WATER SYSTEM*.—The term “public
12 water system” has the meaning given such term in
13 section 1401 of the Safe Drinking Water Act (42
14 U.S.C. 300f).

Union Calendar No. 52

117TH CONGRESS
1ST Session

H. R. 3291

[Report No. 117-76]

A BILL

To amend the Safe Drinking Water Act to provide assistance for States, territories, areas affected by natural disasters, and water systems and schools affected by PFAS or lead, and to require the Environmental Protection Agency to promulgate national primary drinking water regulations for PFAS, microcystin toxin, and 1,4-dioxane, and for other purposes.

JUNE 29, 2021

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed