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2D SESSION

H. R. 4470

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2016

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Read twice and referred to the Committee on Environment and Public Works

AN ACT

To amend the Safe Drinking Water Act with respect to the requirements related to 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safe Drinking Water
3 Act Improved Compliance Awareness Act”.

4 **SEC. 2. ENFORCEMENT OF DRINKING WATER REGULA-**
5 **TIONS.**

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

8 (1) in the header, by inserting “STATES, THE
9 ADMINISTRATOR, AND” before “PERSONS SERVED”;

10 (2) in paragraph (1)—

11 (A) in subparagraph (C), by striking
12 “paragraph (2)(E)” and inserting “paragraph
13 (2)(F)”; and

14 (B) by adding at the end the following:

15 “(D) Notice of any exceedance at the 90th
16 percentile of a lead action level in a regulation
17 promulgated under section 1412.”;

18 (3) in paragraph (2)—

19 (A) in subparagraph (B), by striking “sub-
20 paragraph (D)” and inserting “subparagraph
21 (E)”;

22 (B) in subparagraph (C)—

23 (i) in the header, by striking “VIOLA-
24 TIONS” and inserting “NOTICE OF VIOLA-
25 TIONS”;

1 (ii) in the matter preceding clause

2 (i)—

3 (I) by inserting “, and each ex-
4 ceedance described in paragraph
5 (1)(D),” after “for each violation”;
6 and

7 (II) by inserting “or exceedance”
8 after “Each notice of violation”;

9 (iii) by inserting “or exceedance”
10 after “the violation” each place it appears;
11 and

12 (iv) in clause (iv)—

13 (I) in subclause (I), by striking
14 “broadcast media” and inserting
15 “media, including broadcast media,”;

16 (II) in subclause (II)—

17 (aa) by striking “in a news-
18 paper of general circulation serv-
19 ing the area” and inserting “for
20 circulation in the affected area,
21 including in a newspaper of gen-
22 eral circulation serving the
23 area,”; and

1 (bb) by striking “or the date
2 of publication of the next issue of
3 the newspaper”; and

4 (III) in subclause (III), by strik-
5 ing “in lieu of notification by means
6 of broadcast media or newspaper”;

7 (C) by redesignating subparagraphs (D)
8 and (E) as subparagraphs (E) and (F), respec-
9 tively; and

10 (D) by inserting after subparagraph (C)
11 the following:

12 “(D) NOTICE BY ADMINISTRATOR.—If,
13 after 24 hours after the Administrator’s notifi-
14 cation under subsection (a)(1)(A), the State
15 with primary enforcement responsibility or the
16 owner or operator of the public water system
17 has not issued a notice that is required under
18 subparagraph (C) for an exceedance described
19 in paragraph (1)(D), the Administrator shall
20 issue such required notice pursuant to this
21 paragraph.”;

22 (4) in paragraph (3)(B)—

23 (A) by striking “subparagraph (A) and”
24 and inserting “subparagraph (A),”; and

1 (B) by striking “subparagraph (C) or (D)
2 of paragraph (2)” and inserting “subparagraph
3 (C) or (E) of paragraph (2), and notices issued
4 by the Administrator with respect to public
5 water systems serving Indian Tribes under sub-
6 paragraph (D) of such paragraph”;

7 (5) in paragraph (4)(B)—

8 (A) in clause (ii), by striking “the terms”
9 and inserting “the terms ‘action level,’”; and

10 (B) in clause (iii), by striking “and (IV)”
11 and inserting “(IV) the action level for the con-
12 taminant, and (V)”;

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

14 “(5) EXCEEDANCE OF SAFE LEAD LEVEL.—

15 “(A) STRATEGIC PLAN.—Not later than
16 120 days after the date of enactment of this
17 paragraph, the Administrator shall, in collabo-
18 ration with owners and operators of public
19 water systems and States, establish a strategic
20 plan for how the Administrator, a State with
21 primary enforcement responsibility, and owners
22 and operators of public water systems shall con-
23 duct targeted outreach, education, technical as-
24 sistance, and risk communication to populations
25 affected by lead in a public water system, in-

1 including dissemination of information described
2 in subparagraph (C).

3 “(B) EPA INITIATION OF NOTICE.—

4 “(i) FORWARDING OF DATA BY EM-
5 PLOYEE OF EPA.—If the Environmental
6 Protection Agency develops or receives,
7 from a source other than the State or the
8 public water system, data, which meets the
9 requirements of section 1412(b)(3)(A)(ii),
10 indicating that the drinking water of a per-
11 son served by a public water system con-
12 tains a level of lead that exceeds a lead ac-
13 tion level promulgated under section 1412,
14 the Administrator shall require an appro-
15 priate employee of the Agency to forward
16 such data to the owner or operator of the
17 public water system and to the State in
18 which the exceedance occurred within a
19 time period established by the Adminis-
20 trator.

21 “(ii) DISSEMINATION OF INFORMA-
22 TION BY OWNER OR OPERATOR.—If an
23 owner or operator of a public water system
24 receives a notice under clause (i), the
25 owner or operator, within a time period es-

1 established by the Administrator, shall dis-
2 seminate to affected persons the informa-
3 tion described in subparagraph (C).

4 “(iii) CONSULTATION.—

5 “(I) DEADLINE.—With respect to
6 an exceedance at the 90th percentile
7 of a lead action level in a regulation
8 promulgated under section 1412, if
9 the owner or operator of the public
10 water system does not disseminate, in
11 the time period established by the Ad-
12 ministrator, the information described
13 in subparagraph (C), as required
14 under clause (ii), not later than 24
15 hours after becoming aware of such
16 failure to disseminate, the Adminis-
17 trator shall consult, within a period
18 not to exceed 24 hours, with the ap-
19 plicable Governor to develop a plan, in
20 accordance with the strategic plan, to
21 disseminate such information to af-
22 fected persons within 24 hours of the
23 end of such consultation period.

24 “(II) DELEGATION.—The Ad-
25 ministrator may only delegate the

1 duty to consult under this clause to
2 an employee of the Environmental
3 Protection Agency who is working in
4 the Office of Water, at the head-
5 quarters of the Agency, at the time of
6 such delegation.

7 “(iv) DISSEMINATION BY ADMINIS-
8 TRATOR.—The Administrator shall, as
9 soon as reasonably possible, disseminate to
10 affected persons the information described
11 subparagraph (C) if—

12 “(I) the Administrator and the
13 applicable Governor do not agree on a
14 plan described in clause (iii)(I) during
15 the consultation period under such
16 clause; or

17 “(II) the applicable Governor
18 does not disseminate the information
19 within 24 hours of the end of such
20 consultation period.

21 “(C) INFORMATION REQUIRED.—Informa-
22 tion required to be disseminated under this
23 paragraph shall include a clear explanation of
24 the exceedance of a lead action level, its poten-
25 tial adverse effects on human health, the steps

1 that the owner or operator of the public water
2 system is taking to correct the exceedance, and
3 the necessity of seeking alternative water sup-
4 plies until the exceedance is corrected.

5 “(6) PRIVACY.—Any notice under this sub-
6 section to the public or an affected person shall pro-
7 tect the privacy of individual customer informa-
8 tion.”.

9 **SEC. 3. PROHIBITION ON USE OF LEAD PIPES, SOLDER,**
10 **AND FLUX.**

11 Section 1417 of the Safe Drinking Water Act (42
12 U.S.C. 300g-6) is amended—

13 (1) by amending subsection (a)(2)(A) to read as
14 follows:

15 “(A) IN GENERAL.—

16 “(i) IDENTIFICATION AND NOTICE.—
17 Each owner or operator of a public water
18 system shall identify and provide notice to
19 persons who may be affected by—

20 “(I) lead contamination of their
21 drinking water where such contamina-
22 tion results from—

23 “(aa) the lead content in the
24 construction materials of the

1 public water distribution system;
2 or

3 “(bb) corrosivity of the
4 water supply sufficient to cause
5 leaching of lead; or

6 “(II) an exceedance at the 90th
7 percentile of a lead action level in a
8 regulation promulgated under section
9 1412.

10 “(ii) MANNER AND FORM.—Notice
11 under this paragraph shall be provided in
12 such manner and form as may be reason-
13 ably required by the Administrator. Not-
14 withstanding clause (i)(II), notice under
15 this paragraph shall be provided notwith-
16 standing the absence of a violation of any
17 national drinking water standard.”;

18 (2) in subsection (b)(2)—

19 (A) by striking “The requirements” and
20 inserting the following:

21 “(A) IN GENERAL.—The requirements”;

22 and

23 (B) by adding at the end the following:

24 “Enforcement of such requirements shall be
25 carried out by a State with primary enforce-

1 ment responsibility or the Administrator, as ap-
2 propriate.

3 “(B) NOTIFICATION BY ADMINISTRATOR.—

4 In the case of an exceedance described in sub-
5 section (a)(2)(A)(i)(II), if the public water sys-
6 tem or the State in which the public water sys-
7 tem is located does not notify the persons who
8 may be affected by such exceedance in accord-
9 ance with subsection (a)(2), the Administrator
10 shall notify such persons of such exceedance in
11 accordance with subsection (a)(2), including no-
12 tification of the relevant concentrations of lead.
13 Such notice shall protect the privacy of indi-
14 vidual customer information.”; and

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

16 “(f) PUBLIC EDUCATION.—

17 “(1) IN GENERAL.—The Administrator shall
18 make information available to the public regarding
19 lead in drinking water, including information regard-
20 ing—

21 “(A) risks associated with lead in drinking
22 water;

23 “(B) the likelihood that drinking water in
24 a residence may contain lead;

1 “(C) steps States, public water systems,
2 and consumers can take to reduce the risks of
3 lead; and

4 “(D) the availability of additional re-
5 sources that consumers can use to minimize
6 lead exposure, including information on how to
7 sample for lead in drinking water.

8 “(2) VULNERABLE POPULATIONS.—In making
9 information available to the public under this sub-
10 section, the Administrator shall carry out targeted
11 outreach strategies that focus on educating groups
12 within the general population that may be at greater
13 risk than the general population of adverse health
14 effects from exposure to lead in drinking water.”.

Passed the House of Representatives February 10,
2016.

Attest:

KAREN L. HAAS,

Clerk.