

1 is not sufficient laboratory capacity to accommodate
2 the analysis necessary to carry out monitoring re-
3 quired under such paragraph.

4 “(4) AUTHORIZATION OF APPROPRIATIONS.—
5 There are authorized to be appropriated
6 \$15,000,000 in each fiscal to year for which moni-
7 toring is required to be carried out under this sub-
8 section for the Administrator to pay the reasonable
9 cost of such testing and laboratory analysis as are
10 necessary to carry out monitoring required under
11 this subsection.”.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
13 1445(a)(2)(H) of the Safe Drinking Water Act (42 U.S.C.
14 300j-4(a)(2)(H)) is amended by striking “1997 through
15 2003” and inserting “2018 through 2022”.

16 (c) INCLUSION IN DATA BASE.—Section 1445(g)(7)
17 of the Safe Drinking Water Act (42 U.S.C. 300j-4(g)(7))
18 is amended by—

19 (1) striking “and” at the end of subparagraph
20 (B);

21 (2) redesignating subparagraph (C) as subpara-
22 graph (D); and

23 (3) inserting after subparagraph (B) the fol-
24 lowing:

1 “(C) if applicable, monitoring information
2 collected by public water systems pursuant to
3 subsection (j) that is not duplicative of moni-
4 toring information included in the data base
5 under subparagraph (B) or (D); and”.



1 other automated systems (including the se-
2 curity of such systems) which are utilized
3 by the system;

4 “(iii) the monitoring practices of the
5 system;

6 “(iv) the financial infrastructure of
7 the system;

8 “(v) the use, storage, or handling of
9 various chemicals by the system; and

10 “(vi) the operation and maintenance
11 of the system; and

12 “(B) may include an evaluation of capital
13 and operational needs for risk and resilience
14 management for the system.

15 “(2) BASELINE INFORMATION.—The Adminis-
16 trator, not later than August 1, 2019, after con-
17 sultation with appropriate departments and agencies
18 of the Federal Government and with State and local
19 governments, shall provide baseline information on
20 malevolent acts of relevance to community water sys-
21 tems, which shall include consideration of acts that
22 may—

23 “(A) substantially disrupt the ability of the
24 system to provide a safe and reliable supply of
25 drinking water; or

1 “(B) otherwise present significant public
2 health or economic concerns to the community
3 served by the system.

4 “(3) CERTIFICATION.—

5 “(A) CERTIFICATION.—Each community
6 water system described in paragraph (1) shall
7 submit to the Administrator a certification that
8 the system has conducted an assessment com-
9 plying with paragraph (1). Such certification
10 shall be made prior to—

11 “(i) March 31, 2020, in the case of
12 systems serving a population of 100,000 or
13 more;

14 “(ii) December 31, 2020, in the case
15 of systems serving a population of 50,000
16 or more but less than 100,000; and

17 “(iii) June 30, 2021, in the case of
18 systems serving a population greater than
19 3,300 but less than 50,000.

20 “(B) REVIEW AND REVISION.—Each com-
21 munity water system described in paragraph (1)
22 shall review the assessment of such system con-
23 ducted under such paragraph at least once
24 every 5 years after the applicable deadline for
25 submission of its certification under subpara-

1 graph (A) to determine whether such assess-
2 ment should be revised. Upon completion of
3 such a review, the community water system
4 shall submit to the Administrator a certification
5 that the system has reviewed its assessment
6 and, if applicable, revised such assessment.

7 “(4) CONTENTS OF CERTIFICATIONS.—A cer-
8 tification required under paragraph (3) shall contain
9 only—

10 “(A) information that identifies the com-
11 munity water system submitting the certifi-
12 cation;

13 “(B) the date of the certification; and

14 “(C) a statement that the community
15 water system has conducted, reviewed, or re-
16 vised the assessment, as applicable.

17 “(5) PROVISION TO OTHER ENTITIES.—No
18 community water system shall be required under
19 State or local law to provide an assessment de-
20 scribed in this section (or revision thereof) to any
21 State, regional, or local governmental entity solely
22 by reason of the requirement set forth in paragraph
23 (3) that the system submit a certification to the Ad-
24 ministrator.

1 “(b) EMERGENCY RESPONSE PLAN.—Each commu-
2 nity water system serving a population greater than 3,300
3 shall prepare or revise, where necessary, an emergency re-
4 sponse plan that incorporates findings of the assessment
5 conducted under subsection (a) for such system (and any
6 revisions thereto). Each community water system shall
7 certify to the Administrator, as soon as reasonably pos-
8 sible after the date of enactment of the Drinking Water
9 System Improvement Act of 2017, but not later than 6
10 months after completion of the assessment under sub-
11 section (a), that the system has completed such plan. The
12 emergency response plan shall include—

13 “(1) strategies and resources to improve the re-
14 siliance of the system, including the physical and
15 cyber security of the system;

16 “(2) plans and procedures that can be imple-
17 mented, and identification of equipment that can be
18 utilized, in the event of a malevolent act or natural
19 hazard that threatens the ability of the community
20 water system to deliver safe drinking water;

21 “(3) actions, procedures, and equipment which
22 can obviate or significantly lessen the impact of a
23 malevolent act or natural hazard on the public
24 health and the safety and supply of drinking water
25 provided to communities and individuals, including

1 the development of alternative source water options,
2 relocation of water intakes, and construction of flood
3 protection barriers; and

4 “(4) strategies that can be used to aid in the
5 detection of malevolent acts or natural hazards that
6 threaten the security or resilience of the system.

7 “(c) COORDINATION.—Community water systems
8 shall, to the extent possible, coordinate with existing local
9 emergency planning committees established pursuant to
10 the Emergency Planning and Community Right-To-Know
11 Act of 1986 (42 U.S.C. 11001 et seq.) when preparing
12 or revising an assessment or emergency response plan
13 under this section.

14 “(d) RECORD MAINTENANCE.—Each community
15 water system shall maintain a copy of the assessment con-
16 ducted under subsection (a) and the emergency response
17 plan prepared under subsection (b) (including any revised
18 assessment or plan) for 5 years after the date on which
19 a certification of such assessment or plan is submitted to
20 the Administrator under this section.

21 “(e) GUIDANCE TO SMALL PUBLIC WATER SYS-
22 TEMS.—The Administrator shall provide guidance and
23 technical assistance to community water systems serving
24 a population of less than 3,300 persons on how to conduct
25 resilience assessments, prepare emergency response plans,

1 and address threats from malevolent acts and natural haz-
2 ards that threaten to disrupt the provision of safe drinking
3 water or significantly affect the public health or signifi-
4 cantly affect the safety or supply of drinking water pro-
5 vided to communities and individuals.

6 “(f) ALTERNATIVE PREPAREDNESS AND OPER-
7 ATIONAL RESILIENCE PROGRAMS.—

8 “(1) SATISFACTION OF REQUIREMENT.—A
9 community water system that is required to comply
10 with the requirements of subsections (a) and (b)
11 may satisfy such requirements by—

12 “(A) using and complying with technical
13 standards that the Administrator has recog-
14 nized under paragraph (2); and

15 “(B) submitting to the Administrator a
16 certification that the community water system
17 is complying with subparagraph (A).

18 “(2) AUTHORITY TO RECOGNIZE.—Consistent
19 with section 12(d) of the National Technology
20 Transfer and Advancement Act of 1995, the Admin-
21 istrator shall recognize technical standards that are
22 developed or adopted by third-party organizations or
23 voluntary consensus standards bodies that carry out
24 the objectives or activities required by this section as

1 a means of satisfying the requirements under sub-
2 section (a) or (b).

3 “(g) TECHNICAL ASSISTANCE AND GRANTS.—

4 “(1) IN GENERAL.—The Administrator shall es-
5 tablish and implement a program, to be known as
6 the Drinking Water Infrastructure Risk and Resil-
7 ience Program, under which the Administrator may
8 award grants in each of fiscal years 2018 through
9 2022 to owners or operators of community water
10 systems for the purpose of increasing the resilience
11 of such community water systems.

12 “(2) USE OF FUNDS.—As a condition on receipt
13 of a grant under this section, an owner or operator
14 of a community water system shall agree to use the
15 grant funds exclusively to assist in the planning, de-
16 sign, construction, or implementation of a program
17 or project consistent with an emergency response
18 plan prepared pursuant to subsection (b), which may
19 include—

20 “(A) the purchase and installation of
21 equipment for detection of drinking water con-
22 taminants or malevolent acts;

23 “(B) the purchase and installation of fence-
24 ing, gating, lighting, or security cameras;

1 “(C) the tamper-proofing of manhole cov-
2 ers, fire hydrants, and valve boxes;

3 “(D) the purchase and installation of im-
4 proved treatment technologies and equipment to
5 improve the resilience of the system;

6 “(E) improvements to electronic, computer,
7 financial, or other automated systems and re-
8 mote systems;

9 “(F) participation in training programs,
10 and the purchase of training manuals and guid-
11 ance materials, relating to security and resil-
12 ience;

13 “(G) improvements in the use, storage, or
14 handling of chemicals by the community water
15 system;

16 “(H) security screening of employees or
17 contractor support services;

18 “(I) equipment necessary to support emer-
19 gency power or water supply, including standby
20 and mobile sources; and

21 “(J) the development of alternative source
22 water options, relocation of water intakes, and
23 construction of flood protection barriers.

24 “(3) EXCLUSIONS.—A grant under this sub-
25 section may not be used for personnel costs, or for

1 monitoring, operation, or maintenance of facilities,
2 equipment, or systems.

3 “(4) TECHNICAL ASSISTANCE.—For each fiscal
4 year, the Administrator may use not more than
5 \$5,000,000 from the funds made available to carry
6 out this subsection to provide technical assistance to
7 community water systems to assist in responding to
8 and alleviating a vulnerability that would substan-
9 tially disrupt the ability of the system to provide a
10 safe and reliable supply of drinking water (including
11 sources of water for such systems) which the Admin-
12 istrator determines to present an immediate and ur-
13 gent need.

14 “(5) GRANTS FOR SMALL SYSTEMS.—For each
15 fiscal year, the Administrator may use not more
16 than \$10,000,000 from the funds made available to
17 carry out this subsection to make grants to commu-
18 nity water systems serving a population of less than
19 3,300 persons, or nonprofit organizations receiving
20 assistance under section 1442(e), for activities and
21 projects undertaken in accordance with the guidance
22 provided to such systems under subsection (e) of this
23 section.

24 “(6) AUTHORIZATION OF APPROPRIATIONS.—
25 To carry out this subsection, there are authorized to

1 be appropriated \$35,000,000 for each of fiscal years
2 2018 through 2022.

3 “(h) DEFINITIONS.—In this section—

4 “(1) the term ‘resilience’ means the ability of a
5 community water system or an asset of a community
6 water system to adapt to or withstand the effects of
7 a malevolent act or natural hazard without interrup-
8 tion to the asset’s or system’s function, or if the
9 function is interrupted, to rapidly return to a normal
10 operating condition; and

11 “(2) the term ‘natural hazard’ means a natural
12 event that threatens the functioning of a community
13 water system, including an earthquake, tornado,
14 flood, hurricane, wildfire, and hydrologic changes.”.

15 (b) SENSITIVE INFORMATION.—

16 (1) PROTECTION FROM DISCLOSURE.—Informa-
17 tion submitted to the Administrator of the Environ-
18 mental Protection Agency pursuant to section 1433
19 of the Safe Drinking Water Act, as in effect on the
20 day before the date of enactment of the Drinking
21 Water System Improvement Act of 2017, shall be
22 protected from disclosure in accordance with the
23 provisions of such section as in effect on such day.

24 (2) DISPOSAL.—The Administrator, in partner-
25 ship with community water systems (as defined in

1 section 1401 of the Safe Drinking Water Act), shall
2 develop a strategy to, in a time frame determined
3 appropriate by the Administrator, securely and per-
4 manently dispose of, or return to the applicable com-
5 munity water system, any information described in
6 paragraph (1).



1 violations are likely to adversely affect
2 human health; and

3 “(II)(aa) is unable or unwilling
4 to take feasible and affordable ac-
5 tions, as identified by the State with
6 primary enforcement responsibility or
7 the Administrator (if the State does
8 not have primary enforcement respon-
9 sibility), that will result in the public
10 water system complying with the na-
11 tional primary drinking water regula-
12 tions described in subclause (I), in-
13 cluding accessing technical assistance
14 and financial assistance through the
15 State loan fund pursuant to section
16 1452; or

17 “(bb) has already undertaken ac-
18 tions described in item (aa) without
19 achieving compliance;

20 “(ii) such consolidation or transfer is
21 feasible; and

22 “(iii) such consolidation or transfer
23 could result in greater compliance with na-
24 tional primary drinking water regulations.

1 “(B) MANDATORY CONSOLIDATION.—After
2 review of an assessment under subparagraph
3 (A), a State with primary enforcement responsi-
4 bility or the Administrator (if the State does
5 not have primary enforcement responsibility)
6 may require the owner or operator of a public
7 water system that completed such assessment
8 to submit a plan for consolidation, or transfer
9 of ownership of the system, under paragraph
10 (1), and complete the actions required under
11 such plan if—

12 “(i) the owner or operator of the pub-
13 lic water system—

14 “(I) has not taken steps to com-
15 plete consolidation;

16 “(II) has not transferred owner-
17 ship of the system; or

18 “(III) was unable to achieve com-
19 pliance after taking the actions de-
20 scribed in clause (i)(II)(aa) of sub-
21 paragraph (A);

22 “(ii) since completing such assess-
23 ment, the public water system has violated
24 one or more national primary drinking
25 water regulations and such violations are

1 likely to adversely affect human health;
2 and

3 “(iii) such consolidation or transfer is
4 feasible.

5 “(4) FINANCIAL ASSISTANCE.—Notwith-
6 standing section 1452(a)(3), a public water system
7 undertaking consolidation or transfer of ownership
8 or alternative actions to achieve compliance pursuant
9 to this subsection may receive assistance under sec-
10 tion 1452 to carry out such consolidation, transfer,
11 or alternative actions.

12 “(5) PROTECTION OF NON-RESPONSIBLE SYS-
13 TEM.—

14 “(A) IDENTIFICATION OF LIABILITIES.—

15 “(i) IN GENERAL.—An owner or oper-
16 ator of a public water system submitting a
17 plan pursuant to paragraph (3) shall iden-
18 tify as part of such plan—

19 “(I) any potential liability for
20 damages arising from each specific
21 violation identified in the plan of
22 which the owner or operator is aware;
23 and

24 “(II) any funds or other assets
25 that are available to satisfy such li-

1 ability, as of the date of submission of
2 such plan, to the public water system
3 that committed such violation.

4 “(ii) INCLUSION.—In carrying out
5 clause (i), the owner or operator shall take
6 reasonable steps to ensure that all poten-
7 tial liabilities for damages arising from
8 each specific violation identified in the plan
9 submitted pursuant to paragraph (3) are
10 identified.

11 “(B) RESERVATION OF FUNDS.—A public
12 water system that has completed the actions re-
13 quired under a plan submitted and approved
14 pursuant to paragraph (3) shall not be liable
15 under this title for a violation of this title iden-
16 tified in the plan, except to the extent to which
17 funds or other assets are identified pursuant to
18 subparagraph (A)(i)(II) as available to satisfy
19 such liability.

20 “(6) REGULATIONS.—Not later than 2 years
21 after the date of enactment of the Drinking Water
22 System Improvement Act of 2017, the Administrator
23 shall promulgate regulations to implement para-
24 graphs (3), (4), and (5).”.

1 (b) RETENTION OF PRIMARY ENFORCEMENT AU-
2 THORITY.—

3 (1) IN GENERAL.—Section 1413(a) of the Safe
4 Drinking Water Act (42 U.S.C. 300g-2(a)) is
5 amended—

6 (A) in paragraph (5), by striking “; and”
7 and inserting a semicolon;

8 (B) by redesignating paragraph (6) as
9 paragraph (7); and

10 (C) by inserting after paragraph (5) the
11 following new paragraph:

12 “(6) has adopted and is implementing proce-
13 dures for requiring public water systems to assess
14 options for, and complete, consolidation or transfer
15 of ownership, in accordance with the regulations
16 issued by the Administrator under section
17 1414(h)(6); and”.

18 (2) CONFORMING AMENDMENT.—Section
19 1413(b)(1) of the Safe Drinking Water Act (42
20 U.S.C. 300g-2(b)(1)) is amended by striking “of
21 paragraphs (1), (2), (3), and (4)”.

