(Original Signature of Member)

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

Mr.	HARPER introduced	the f	following	bill;	which	was	referred	to	the
	Committee on _								

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) ' (1 1 1' (1 1 1 (A) 1
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

1	(4) by adding at the end the following new sub-
2	paragraph:
3	"(F) Revisions.—
4	"(i) Understandability and fre-
5	QUENCY.—Not later than 24 months after
6	the Drinking Water System Improvement
7	Act of 2017, the Administrator, in con-
8	sultation with the parties identified in sub-
9	paragraph (A), shall issue revisions to the
10	regulations issued under subparagraph
11	(A)—
12	"(I) to increase—
13	"(aa) the readability, clarity,
14	and understandability of the in-
15	formation presented in consumer
16	confidence reports; and
17	"(bb) the accuracy of infor-
18	mation presented, and risk com-
19	munication, in consumer con-
20	fidence reports; and
21	"(II) with respect to community
22	water systems that serve 10,000 or
23	more persons, to require each such
24	community water system to provide,
25	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 Con-
11	fidence 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	lie 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	the date of enactment of this section, the Administrator shall establish a grant program to provide assistance to
	shall establish a grant program to provide assistance to
18	shall establish a grant program to provide assistance to local educational agencies for the replacement of drinking
18 19	shall establish a grant program to provide assistance to local educational agencies for the replacement of drinking water fountains manufactured prior to 1988.
18 19 20	shall establish a grant program to provide assistance to local educational agencies for the replacement of drinking water fountains manufactured prior to 1988. "(b) USE OF FUNDS.—Funds awarded under the
18 19 20 21	shall establish a grant program to provide assistance to local educational agencies for the replacement of drinking water fountains manufactured prior to 1988. "(b) USE OF FUNDS.—Funds awarded under the grant program—
18 19 20 21 22	shall establish a grant program to provide assistance to local educational agencies for the replacement of drinking water fountains manufactured prior to 1988. "(b) USE OF FUNDS.—Funds awarded under the grant program— "(1) shall be used to pay the costs of replace-

	19
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).