

[DISCUSSION DRAFT]

115TH CONGRESS
1ST SESSION

H. R. _____

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

M. _____ introduced the 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”.

1 **SEC. 2. CONTRACTUAL AGREEMENTS.**

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

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

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

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(D) entering into a contractual agreement
12 for significant management or administrative
13 functions of the system to correct violations
14 identified in the plan.”.

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

18 **SEC. 3. IMPROVED ACCURACY AND AVAILABILITY OF COM-**
19 **PLIANCE MONITORING DATA.**

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

23 “(j) IMPROVED ACCURACY AND AVAILABILITY OF
24 COMPLIANCE MONITORING DATA.—

25 “(1) STRATEGIC PLAN.—Not later than 1 year
26 after the date of enactment of this subsection, the

1 Administrator, in coordination with States, public
2 water systems, and other interested stakeholders,
3 shall develop and provide to Congress a strategic
4 plan for improving the accuracy and availability of
5 monitoring data collected to demonstrate compliance
6 with national primary drinking water regulations
7 and submitted—

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

9 “(B) by States to the Administrator.

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

13 “(A) in ensuring the accuracy and integ-
14 rity of submitted data described in paragraph
15 (1);

16 “(B) by States and public water systems in
17 implementing an electronic system for submit-
18 ting such data, including the technical and eco-
19 nomic feasibility of implementing such a sys-
20 tem; and

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

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

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

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

7 “(4) CONSULTATION.—In developing the stra-
8 tegic plan under paragraph (1), the Administrator
9 may, as appropriate, consult with States or other
10 Federal agencies that have experience using prac-
11 ticable methods and means to improve the accuracy
12 and availability of submitted data described in such
13 paragraph.”.

14 **SEC. 4. ASSET MANAGEMENT.**

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

17 (1) in subsection (c)(2)—

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

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

22 (C) by adding at the end the following new
23 subparagraph:

24 “(F) a description of how the State will, as
25 appropriate—

1 “(i) encourage development by public
2 water systems of asset management plans
3 that include best practices for asset man-
4 agement; and

5 “(ii) assist, including through the pro-
6 vision of technical assistance, public water
7 systems in training operators or other rel-
8 evant and appropriate persons in imple-
9 menting such asset management plans.”;

10 (2) in subsection (c)(3), by inserting “, includ-
11 ing efforts of the State to encourage development by
12 public water systems of asset management plans and
13 to assist public water systems in training relevant
14 and appropriate persons in implementing such asset
15 management plans” after “public water systems in
16 the State”; and

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

19 “(5) INFORMATION ON ASSET MANAGEMENT
20 PRACTICES.—Not later than 5 years after the date
21 of enactment of this paragraph, and not less often
22 than every 5 years thereafter, the Administrator
23 shall review and, if appropriate, update educational
24 materials, including handbooks, training materials,
25 and technical information, made available by the Ad-

1 administrator to owners, managers, and operators of
2 public water systems, local officials, technical assist-
3 ance providers (including non-profit water associa-
4 tions), and State personnel concerning best practices
5 for asset management strategies that may be used
6 by public water systems.”.

7 **SEC. 5. AUTHORIZATION FOR GRANTS FOR STATE PRO-**
8 **GRAMS.**

9 Section 1443(a)(7) of the Safe Drinking Water Act
10 (42 U.S.C. 300j-2(a)(7)) is amended by striking
11 “\$100,000,000 for each of fiscal years 1997 through
12 2003” and inserting “\$150,000,000 for each of fiscal
13 years 2018 through 2022”.

14 **SEC. 6. STATE REVOLVING LOAN FUNDS.**

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

24 (b) AMERICAN IRON AND STEEL PRODUCTS.—Sec-
25 tion 1452(a)(4)(A) of the Safe Drinking Water Act (42

1 U.S.C. 300j–12(a)(4)(A)) is amended by striking “fiscal
2 year 2017” and inserting “fiscal years 2018 through
3 2022”.

4 (c) EVALUATION.—Section 1452(a) of the Safe
5 Drinking Water Act (42 U.S.C. 300j–12(a)) is amended
6 by adding at the end the following:

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

13 “(A) considers the costs and effectiveness
14 of relevant processes, materials, techniques, and
15 technologies for carrying out the project or ac-
16 tivity that is the subject of the expenditure; and

17 “(B) certifies to the Governor of the appli-
18 cable State, in a form and manner determined
19 by the Governor, that the public water system
20 has made such consideration.”.

21 (d) ASSISTANCE FOR DISADVANTAGED COMMU-
22 NITIES.—Section 1452(d)(2) of the Safe Drinking Water
23 Act (42 U.S.C. 300j–12(d)(2)) is amended by striking
24 “30” and inserting “35”.

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

4 (1) by redesignating subparagraphs (C) and
5 (D) as subparagraphs (D) and (E), respectively;

6 (2) by inserting after subparagraph (B) the fol-
7 lowing new subparagraph:

8 “(C) each loan will be fully amortized not
9 later than 30 years after the completion of the
10 project, except that in the case of a disadvan-
11 taged community (as defined in subsection
12 (d)(3)) a State may provide an extended term
13 for a loan, if the extended term—

14 “(i) terminates not later than the date
15 that is 40 years after the date of project
16 completion; and

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

19 (3) in subparagraph (B), by striking “1 year
20 after completion of the project for which the loan
21 was made” and all that follows through “design life
22 of the project;” and inserting “18 months after com-
23 pletion of the project for which the loan was made;”.

24 (f) OTHER AUTHORIZED ACTIVITIES.—Section
25 1452(k)(1)(C) of the Safe Drinking Water Act (42 U.S.C.

1 300j–12(k)(1)(C)) is amended by striking “for fiscal years
2 1996 and 1997 to delineate and assess source water pro-
3 tection areas in accordance with section 1453” and insert-
4 ing “to delineate, assess, and update assessments for
5 source water protection areas in accordance with section
6 1453”.

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

12 (1) by striking the first sentence and inserting
13 the following:

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

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

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

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

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

20 and

21 “(E) \$2,000,000,000 for fiscal year
22 2022.”;

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

1 “(2) To the extent amounts authorized to be”;

2 and

3 (3) by striking “(prior to the fiscal year
4 2004)”.

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

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

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

14 “(A) efforts to streamline the process for
15 applying for assistance through such State loan
16 funds;

17 “(B) programs in place to assist with the
18 completion of applications for assistance
19 through such State loan funds;

20 “(C) incentives provided to public water
21 systems that partner with small public water
22 systems to assist with the application process
23 for assistance through such State loan funds;

24 “(D) practices to ensure that amounts in
25 such State loan funds are used to provide loans,

1 loan guarantees, or other authorized assistance
2 in a timely fashion;

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

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

7 “(G) key financial measures for use in
8 evaluating State loan fund operations, includ-
9 ing—

10 “(i) measures of lending capacity,
11 such as current assets and current liabil-
12 ities or undisbursed loan assistance liabil-
13 ity; and

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

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

22 “(3) periodically update such best practices, as
23 appropriate.”.

24 (i) DEMONSTRATION OF COMPLIANCE WITH FED-
25 ERAL CROSS-CUTTING REQUIREMENTS.—Section 1452 of

1 the Safe Drinking Water Act (42 U.S.C. 300j–12) is fur-
2 ther amended by adding at the end the following new sub-
3 section:

4 “(t) DEMONSTRATION OF COMPLIANCE WITH FED-
5 ERAL CROSS-CUTTING REQUIREMENTS.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision of law, if the Administrator determines
8 that a demonstration of compliance with a State or
9 local environmental law is substantially equivalent to
10 any demonstration required by the Administrator for
11 compliance with a Federal cross-cutting require-
12 ment, the Administrator may accept the demonstra-
13 tion of compliance with such State or local law as
14 demonstration of compliance with the Federal cross-
15 cutting requirement.

16 “(2) DEFINITION.—In this subsection, the term
17 ‘Federal cross-cutting requirement’ means a require-
18 ment of a Federal law or regulation, compliance with
19 which is a condition on receipt of a loan or loan
20 guarantee pursuant to this section, that, if applied
21 with respect to projects and activities for which a
22 public water system receives such a loan or loan
23 guarantee, would be substantially equivalent to a re-
24 quirement of an applicable State or local law.”.

1 **SEC. 7. AUTHORIZATION FOR SOURCE WATER PETITION**
2 **PROGRAMS.**

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

6 **SEC. 8. REVIEW OF TECHNOLOGIES.**

7 Part E of the Safe Drinking Water Act (42 U.S.C.
8 300j et seq.) is amended by adding at the end the fol-
9 lowing new section:

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

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

19 “(1) ensure the physical integrity of community
20 water systems;

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

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

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

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

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

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

15 “(3) that are point of use devices or point of
16 entry devices;

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

20 “(5) that allow for the use of non-traditional
21 sources for drinking water, including physical sepa-
22 ration and chemical and biological transformation
23 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. 9. SOURCE WATER.**

9 (a) ADDRESSING SOURCE WATER USED FOR DRINK-
10 ING WATER.—Section 304 of the Emergency Planning
11 and Community Right-To-Know Act of 1986 (42 U.S.C.
12 11004) is amended—

13 (1) in subsection (b)(1), by striking “State
14 emergency planning commission” and inserting
15 “State emergency response commission”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(e) ADDRESSING SOURCE WATER USED FOR
19 DRINKING WATER.—

20 “(1) APPLICABLE STATE AGENCY NOTIFICA-
21 TION.—A State emergency response commission
22 shall—

23 “(A) promptly notify the applicable State
24 agency of any release that requires notice under
25 subsection (a);

1 “(B) provide to the applicable State agency
2 the information identified in subsection (b)(2);
3 and

4 “(C) provide to the applicable State agency
5 a written followup emergency notice in accord-
6 ance with subsection (c).

7 “(2) COMMUNITY WATER SYSTEM NOTIFICA-
8 TION.—

9 “(A) IN GENERAL.—An applicable State
10 agency receiving notice of a release under para-
11 graph (1) shall—

12 “(i) promptly forward such notice to
13 any community water system the source
14 waters of which are affected by the release;

15 “(ii) forward to the community water
16 system the information provided under
17 paragraph (1)(B); and

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

21 “(B) DIRECT NOTIFICATION.—In the case
22 of a State that does not have an applicable
23 State agency, the State emergency response
24 commission shall provide the notices and infor-
25 mation described in paragraph (1) directly to

1 any community water system the source waters
2 of which are affected by a release that requires
3 notice under subsection (a).

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

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

9 “(B) APPLICABLE STATE AGENCY.—The
10 term ‘applicable State agency’ means the State
11 agency that has primary responsibility to en-
12 force the requirements of the Safe Drinking
13 Water Act in the State.”.

14 (b) AVAILABILITY TO COMMUNITY WATER SYS-
15 TEMS.—Section 312(e) of the Emergency Planning and
16 Community Right-To-Know Act of 1986 (42 U.S.C.
17 11022(e)) is amended—

18 (1) by striking “State emergency planning com-
19 mission” and inserting “State emergency response
20 commission”; and

21 (2) by adding at the end the following new
22 paragraph:

23 “(4) AVAILABILITY TO COMMUNITY WATER SYS-
24 TEMS.—

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

12 “(B) DEFINITION.—In this paragraph, the
13 term ‘affected community water system’ means
14 a community water system (as defined in sec-
15 tion 1401(15) of the Safe Drinking Water Act)
16 that receives supplies of drinking water from a
17 source water area, delineated under section
18 1453 of the Safe Drinking Water Act, in which
19 a facility that is required to prepare and submit
20 an inventory form under subsection (a)(1) is lo-
21 cated.”.