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Introduced in House (07/25/2017)

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.

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IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2017

Mr. HARPER introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Safe Drinking Water Act to improve public water systems and enhance compliance with such Act, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Drinking Water System Improvement Act of 2017”.

## **SEC. 2. IMPROVED CONSUMER CONFIDENCE REPORTS.**

Section 1414(c)(4) of the Safe Drinking Water Act ([42 U.S.C. 300g-3\(c\)\(4\)](#)) is amended—

(1) in the heading for subparagraph (A), by striking “ANNUAL REPORT” and inserting “REPORT”;

(2) in subparagraph (A), by inserting “, or provide by electronic means,” after “to mail”;

(3) in subparagraph (B)—

(A) in clause (iv), by striking “the Administrator, and” and inserting “the Administrator, including corrosion control efforts, and”;

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

“(vii) Identification of, if any—

“(I) exceedances described in paragraph (1)(D) for which corrective action has been required by the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) during the monitoring period covered by the consumer confidence report; and

“(II) violations that occurred during the monitoring period covered by the consumer confidence report.”;

(4) by adding at the end the following new subparagraph:

“(F) REVISIONS.—

“(i) UNDERSTANDABILITY AND FREQUENCY.—Not later than 24 months after the Drinking Water System Improvement Act of 2017, the Administrator, in consultation with the parties identified in subparagraph (A), shall issue revisions to the regulations issued under subparagraph (A)—

“(I) to increase—

“(aa) the readability, clarity, and understandability of the information presented in consumer confidence reports; and

“(bb) the accuracy of information presented, and risk communication, in consumer confidence reports; and

“(II) with respect to community water systems that serve 10,000 or more persons, to require each such community water system to provide, by mail, electronic means, or other methods described in clause (ii), a consumer confidence report to each customer of the system at least biannually.

“(ii) ELECTRONIC DELIVERY.—Any revision of regulations pursuant to clause (i) shall allow delivery of consumer confidence reports by methods consistent with methods described in the memorandum ‘Safe Drinking Water Act—Consumer Confidence Report Rule Delivery Options’ issued by the Environmental Protection Agency on January 3, 2013.”.

### **SEC. 3. CONTRACTUAL AGREEMENTS.**

(a) IN GENERAL.—Section 1414(h)(1) of the Safe Drinking Water Act ([42 U.S.C. 300g-3\(h\)\(1\)](#)) is amended—

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

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

(3) by adding at the end the following new subparagraph:

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

(b) TECHNICAL AMENDMENT.—Section 1414(i)(1) of the Safe Drinking Water Act ([42 U.S.C. 300g-3\(i\)\(1\)](#)) is amended by inserting a comma after “1417”.

### **SEC. 4. IMPROVED ACCURACY AND AVAILABILITY OF COMPLIANCE MONITORING DATA.**

Section 1414 of the Safe Drinking Water Act ([42 U.S.C. 300g-3](#)) is amended by adding at the end the following new subsection:

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

“(1) STRATEGIC PLAN.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in coordination with States, public water systems, and other interested stakeholders, shall develop and provide to Congress a strategic plan for improving the accuracy and availability of monitoring data collected to demonstrate compliance with national primary drinking water regulations and submitted—

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

“(B) by States to the Administrator.

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

“(A) in ensuring the accuracy and integrity of submitted data described in paragraph (1);

“(B) by States and public water systems in implementing an electronic system for submitting such data, including the technical and economic feasibility of implementing such a system; and

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

“(3) FINDINGS AND RECOMMENDATIONS.—The Administrator shall include in the strategic plan provided to Congress under paragraph (1)—

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

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

“(4) CONSULTATION.—In developing the strategic plan under paragraph (1), the Administrator may, as appropriate, consult with States or other Federal agencies that have experience using practicable methods and means to improve the accuracy and availability of submitted data described in such paragraph.”.

## **SEC. 5. ASSET MANAGEMENT.**

Section 1420 of the Safe Drinking Water Act ([42 U.S.C. 300g-9](#)) is amended—

(1) in subsection (c)(2)—

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

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

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

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

“(i) encourage development by public water systems of asset management plans that include best practices for asset management; and

“(ii) assist, including through the provision of technical assistance, public water systems in training operators or other relevant and appropriate persons in implementing such asset management plans.”;

(2) in subsection (c)(3), by inserting “, including efforts of the State to encourage development by public water systems of asset management plans and to assist public water systems in training relevant and appropriate persons in implementing such asset management plans” after “public water systems in the State”; and

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

“(5) INFORMATION ON ASSET MANAGEMENT PRACTICES.—Not later than 5 years after the date of enactment of this paragraph, and not less often than every 5 years thereafter, the Administrator shall review and, if appropriate, update educational materials, including handbooks, training materials, and technical information, made available by the Administrator to owners, managers, and operators of public water systems, local officials, technical assistance providers (including non-profit water associations), and State personnel concerning best practices for asset management strategies that may be used by public water systems.”.

## **SEC. 6. AUTHORIZATION FOR GRANTS FOR STATE PROGRAMS.**

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

## **SEC. 7. STATE REVOLVING LOAN FUNDS.**

(a) USE OF FUNDS.—Section 1452(a)(2)(B) of the Safe Drinking Water Act ([42 U.S.C. 300j-12\(a\)\(2\)\(B\)](#)) is amended by striking “(including expenditures for planning, design, and associated preconstruction activities, including activities relating to the siting of the facility, but

not” and inserting “(including expenditures for planning, design, siting, and associated preconstruction activities, or for replacing or rehabilitating aging treatment, storage, or distribution facilities of public water systems, but not”.

(b) AMERICAN IRON AND STEEL PRODUCTS.—Section 1452(a)(4)(A) of the Safe Drinking Water Act ([42 U.S.C. 300j-12\(a\)\(4\)\(A\)](#)) is amended by striking “fiscal year 2017” and inserting “fiscal years 2018 through 2022”.

(c) EVALUATION.—Section 1452(a) of the Safe Drinking Water Act ([42 U.S.C. 300j-12\(a\)](#)) is amended by adding at the end the following:

“(5) EVALUATION.—During fiscal years 2018 through 2022, a State may provide financial assistance under this section to a public water system serving a population of more than 10,000 for an expenditure described in paragraph (2) only if the public water system—

“(A) considers the cost and effectiveness of relevant processes, materials, techniques, and technologies for carrying out the project or activity that is the subject of the expenditure; and

“(B) certifies to the State, in a form and manner determined by the State, that the public water system has made such consideration.”.

(d) PREVAILING WAGES.—Section 1452(a) of the Safe Drinking Water Act ([42 U.S.C. 300j-12\(a\)](#)) is further amended by adding at the end the following:

“(6) PREVAILING WAGES.—The requirements of section 1450(e) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund.”.

(e) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—Section 1452(d)(2) of the Safe Drinking Water Act ([42 U.S.C. 300j-12\(d\)\(2\)](#)) is amended to read as follows:

“(2) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, of the amount of the capitalization grant received by the State for the year, the total amount of loan subsidies made by a State pursuant to paragraph (1)—

“(A) may not exceed 35 percent; and

“(B) to the extent that there are sufficient applications for loans to communities described in paragraph (1), may not be less than 6 percent.”.

(f) TYPES OF ASSISTANCE.—Section 1452(f)(1) of the Safe Drinking Water Act ([42 U.S.C. 300j-12\(f\)\(1\)](#)) is amended—

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

(2) by inserting after subparagraph (B) the following new subparagraph:

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

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

“(ii) does not exceed the expected design life of the project;” and

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

(g) NEEDS SURVEY.—Section 1452(h) of the Safe Drinking Water Act ([42 U.S.C. 300j–12\(h\)](#)) is amended—

(1) by striking “The Administrator ” and inserting “(1) The Administrator”; and

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

“(2) Any assessment conducted under paragraph (1) after the date of enactment of the Drinking Water System Improvement Act of 2017 shall include an assessment of costs to replace all lead service lines (as defined in section 1459B(a)(4)) of all eligible public water systems in the United States, and such assessment shall describe separately the costs associated with replacing the portions of such lead service lines that are owned by an eligible public water system and the costs associated with replacing any remaining portions of such lead service lines, to the extent practicable.”.

(h) OTHER AUTHORIZED ACTIVITIES.—Section 1452(k)(1)(C) of the Safe Drinking Water Act ([42 U.S.C. 300j–12\(k\)\(1\)\(C\)](#)) is amended by striking “for fiscal years 1996 and 1997 to delineate and assess source water protection areas in accordance with section 1453” and inserting “to delineate, assess, and update assessments for source water protection areas in accordance with section 1453”.

(i) AUTHORIZATION FOR CAPITALIZATION GRANTS TO STATES FOR STATE DRINKING WATER TREATMENT REVOLVING LOAN FUNDS.—Section 1452(m) of the Safe Drinking Water Act ([42 U.S.C. 300j–12\(m\)](#)) is amended—

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

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

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

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

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

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

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

(2) by striking “To the extent amounts authorized to be” and inserting the following:

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

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

(j) **BEST PRACTICES FOR ADMINISTRATION OF STATE REVOLVING LOAN FUNDS.**—Section 1452 of the Safe Drinking Water Act ([42 U.S.C. 300j-12](#)) is amended by adding after subsection (r) the following:

“(s) **BEST PRACTICES FOR STATE LOAN FUND ADMINISTRATION.**—The Administrator shall—

“(1) collect information from States on administration of State loan funds established pursuant to subsection (a)(1), including—

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

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

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

“(D) practices to ensure that amounts in such State loan funds are used to provide loans, loan guarantees, or other authorized assistance in a timely fashion;

“(E) practices that support effective management of such State loan funds;

“(F) practices and tools to enhance financial management of such State loan funds; and

“(G) key financial measures for use in evaluating State loan fund operations, including—

“(i) measures of lending capacity, such as current assets and current liabilities or undisbursed loan assistance liability; and

“(ii) measures of growth or sustainability, such as return on net interest;

“(2) not later than 3 years after the date of enactment of the Drinking Water System Improvement Act of 2017, disseminate to the States best practices for administration of such State loan funds, based on the information collected pursuant to this subsection; and

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

## **SEC. 8. AUTHORIZATION FOR SOURCE WATER PETITION PROGRAMS.**

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

## **SEC. 9. REVIEW OF TECHNOLOGIES.**

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

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

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

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

“(2) prevent, detect, and respond to any contaminant for which a national primary drinking water regulation has been promulgated in community water systems and source water for community water systems;

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

“(4) facilitate source water assessment and protection.

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

“(1) that are used for corrosion protection, metering, leak detection, or protection against water loss;

“(2) that are intelligent systems, including hardware, software, or other technology, used to assist in protection and detection described in paragraph (1);

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

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

“(5) that allow for the use of non-traditional sources for drinking water, including physical separation and chemical and biological transformation technologies.

“(c) AVAILABILITY.—The Administrator shall make the results of the review under subsection (a) available to the public.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section \$10,000,000 for fiscal year 2018, which shall remain available until expended.”.

## **SEC. 10. DRINKING WATER FOUNTAIN REPLACEMENT FOR SCHOOLS.**

(a) IN GENERAL.—Part F of the Safe Drinking Water Act ([42 U.S.C. 300j–21](#) et seq.) is amended by adding at the end the following:

### **“SEC. 1465. DRINKING WATER FOUNTAIN REPLACEMENT FOR SCHOOLS.**

“(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this section, the Administrator 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 replacement of drinking water fountains in schools; and

“(2) may be used to pay the costs of monitoring and reporting of lead levels in the drinking water of schools of a local educational agency receiving such funds, as determined appropriate by the Administrator.

“(c) PRIORITY.—In awarding funds under the grant program, the Administrator shall give priority to local educational agencies based on economic need.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than \$5,000,000 for each of fiscal years 2018 through 2022.”.

(b) DEFINITIONS.—Section 1461(5) of the Safe Drinking Water Act ([42 U.S.C. 300j-21\(5\)](#)) is amended by inserting “or drinking water fountain” after “water cooler” each place it appears.

## **SEC. 11. SOURCE WATER.**

(a) ADDRESSING SOURCE WATER USED FOR DRINKING WATER.—Section 304 of the Emergency Planning and Community Right-To-Know Act of 1986 ([42 U.S.C. 11004](#)) is amended—

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

(2) by adding at the end the following new subsection:

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

“(1) APPLICABLE STATE AGENCY NOTIFICATION.—A State emergency response commission shall—

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

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

“(C) provide to the applicable State agency a written followup emergency notice in accordance with subsection (c).

“(2) COMMUNITY WATER SYSTEM NOTIFICATION.—

“(A) IN GENERAL.—An applicable State agency receiving notice of a release under paragraph (1) shall—

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

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

“(iii) forward to the community water system the written followup emergency notice provided under paragraph (1)(C).

“(B) DIRECT NOTIFICATION.—In the case of a State that does not have an applicable State agency, the State emergency response commission shall provide the notices and information described in paragraph (1) directly to any community water system the source waters of which are affected by a release that requires notice under subsection (a).

“(3) DEFINITIONS.—In this subsection:

“(A) COMMUNITY WATER SYSTEM.—The term ‘community water system’ has the meaning given such term in section 1401(15) of the Safe Drinking Water Act.

“(B) APPLICABLE STATE AGENCY.—The term ‘applicable State agency’ means the State agency that has primary responsibility to enforce the requirements of the Safe Drinking Water Act in the State.”.

(b) AVAILABILITY TO COMMUNITY WATER SYSTEMS.—Section 312(e) of the Emergency Planning and Community Right-To-Know Act of 1986 ([42 U.S.C. 11022\(e\)](#)) is amended—

(1) by striking “State emergency planning commission” and inserting “State emergency response commission”; and

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

“(4) AVAILABILITY TO COMMUNITY WATER SYSTEMS.—

“(A) IN GENERAL.—An affected community water system may have access to tier II information by submitting a request to the State emergency response

commission or the local emergency planning committee. Upon receipt of a request for tier II information, the State commission or local committee shall, pursuant to paragraph (1), request the facility owner or operator for the tier II information and make available such information to the affected community water system.

“(B) DEFINITION.—In this paragraph, the term ‘affected community water system’ means a community water system (as defined in section 1401(15) of the Safe Drinking Water Act) that receives supplies of drinking water from a source water area, delineated under section 1453 of the Safe Drinking Water Act, in which a facility that is required to prepare and submit an inventory form under subsection (a)(1) is located.”.

## **SEC. 12. REPORT ON FEDERAL CROSS-CUTTING REQUIREMENTS.**

(a) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of a study, to be conducted in consultation with the Administrator of the Environmental Protection Agency, any State agency that has primary responsibility to enforce the requirements of the Safe Drinking Water Act ([42 U.S.C. 300f](#) et seq.) in a State, and public water systems, to identify demonstrations of compliance with a State or local environmental law that may be substantially equivalent to any demonstration required by the Administrator for compliance with a Federal cross-cutting requirement.

(b) DEFINITIONS.—In this subsection:

(1) FEDERAL CROSS-CUTTING REQUIREMENT.—The term “Federal cross-cutting requirement” means a requirement of a Federal law or regulation, compliance with which is a condition on receipt of a loan or loan guarantee pursuant to section 1452 of the Safe Drinking Water Act ([42 U.S.C. 300j-12](#)), that, if applied with respect to projects and activities for which a public water system receives such a loan or loan guarantee, would be substantially equivalent to a requirement of an applicable State or local law.

(2) PUBLIC WATER SYSTEM.—The term “public water system” has the meaning given that term in section 1401 of the Safe Drinking Water Act ([42 U.S.C. 300f](#)).