

Suspend the Rules and Pass the Bill, H.R. 4470, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
2^D SESSION

H. R. 4470

To amend the Safe Drinking Water Act with respect to the requirements related to lead in drinking water, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. KILDEE (for himself, Mr. UPTON, Mr. CONYERS, Mr. LEVIN, Mrs. MILLER of Michigan, Mr. WALBERG, Mr. AMASH, Mr. BENISHEK, Mr. HUIZENGA of Michigan, Mr. BISHOP of Michigan, Mrs. DINGELL, Mrs. LAWRENCE, Mr. MOOLENAAR, Mr. TROTT, Ms. EDWARDS, Mr. PAYNE, and Mr. RYAN of Ohio) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. ENFORCEMENT OF DRINKING WATER REGULA-**
2 **TIONS.**

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

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

7 (2) in paragraph (1)—

8 (A) in subparagraph (C), by striking
9 “paragraph (2)(E)” and inserting “paragraph
10 (2)(F)”; and

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

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

15 (3) in paragraph (2)—

16 (A) in subparagraph (B), by striking “sub-
17 paragraph (D)” and inserting “subparagraph
18 (E)”;

19 (B) in subparagraph (C)—

20 (i) in the header, by striking “VIOLA-
21 TIONS” and inserting “NOTICE OF VIOLA-
22 TIONS”;

23 (ii) in the matter preceding clause

24 (i)—

25 (I) by inserting “, and each ex-
26 ceedance described in paragraph

1 (1)(D),” after “for each violation”;

2 and

3 (II) by inserting “or exceedance”

4 after “Each notice of violation”;

5 (iii) by inserting “or exceedance”

6 after “the violation” each place it appears;

7 and

8 (iv) in clause (iv)—

9 (I) in subclause (I), by striking

10 “broadcast media” and inserting

11 “media, including broadcast media,”;

12 (II) in subclause (II)—

13 (aa) by striking “in a news-

14 paper of general circulation serv-

15 ing the area” and inserting “for

16 circulation in the affected area,

17 including in a newspaper of gen-

18 eral circulation serving the

19 area,”; and

20 (bb) by striking “or the date

21 of publication of the next issue of

22 the newspaper”; and

23 (III) in subclause (III), by strik-

24 ing “in lieu of notification by means

25 of broadcast media or newspaper”;

1 (C) by redesignating subparagraphs (D)
2 and (E) as subparagraphs (E) and (F), respec-
3 tively; and

4 (D) by inserting after subparagraph (C)
5 the following:

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

16 (4) in paragraph (3)(B)—

17 (A) by striking “subparagraph (A) and”
18 and inserting “subparagraph (A),”; and

19 (B) by striking “subparagraph (C) or (D)
20 of paragraph (2)” and inserting “subparagraph
21 (C) or (E) of paragraph (2), and notices issued
22 by the Administrator with respect to public
23 water systems serving Indian Tribes under sub-
24 paragraph (D) of such paragraph”;

25 (5) in paragraph (4)(B)—

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

3 (B) in clause (iii), by striking “and (IV)”
4 and inserting “(IV) the action level for the con-
5 taminant, and (V)”; and

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

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

8 “(A) STRATEGIC PLAN.—Not later than
9 120 days after the date of enactment of this
10 paragraph, the Administrator shall, in collabo-
11 ration with owners and operators of public
12 water systems and States, establish a strategic
13 plan for how the Administrator, a State with
14 primary enforcement responsibility, and owners
15 and operators of public water systems shall con-
16 duct targeted outreach, education, technical as-
17 sistance, and risk communication to populations
18 affected by lead in a public water system, in-
19 cluding dissemination of information described
20 in subparagraph (C).

21 “(B) EPA INITIATION OF NOTICE.—

22 “(i) FORWARDING OF DATA BY EM-
23 PLOYEE OF EPA.—If the Environmental
24 Protection Agency develops or receives,
25 from a source other than the State or the

1 public water system, data, which meets the
2 requirements of section 1412(b)(3)(A)(ii),
3 indicating that the drinking water of a per-
4 son served by a public water system con-
5 tains a level of lead that exceeds a lead ac-
6 tion level promulgated under section 1412,
7 the Administrator shall require an appro-
8 priate employee of the Agency to forward
9 such data to the owner or operator of the
10 public water system and to the State in
11 which the exceedance occurred within a
12 time period established by the Adminis-
13 trator.

14 “(ii) DISSEMINATION OF INFORMA-
15 TION BY OWNER OR OPERATOR.—If an
16 owner or operator of a public water system
17 receives a notice under clause (i), the
18 owner or operator, within a time period es-
19 tablished by the Administrator, shall dis-
20 seminate to affected persons the informa-
21 tion described in subparagraph (C).

22 “(iii) CONSULTATION.—

23 “(I) DEADLINE.—With respect to
24 an exceedance at the 90th percentile
25 of a lead action level in a regulation

1 promulgated under section 1412, if
2 the owner or operator of the public
3 water system does not disseminate, in
4 the time period established by the Ad-
5 ministrator, the information described
6 in subparagraph (C), as required
7 under clause (ii), not later than 24
8 hours after becoming aware of such
9 failure to disseminate, the Adminis-
10 trator shall consult, within a period
11 not to exceed 24 hours, with the ap-
12 plicable Governor to develop a plan, in
13 accordance with the strategic plan, to
14 disseminate such information to af-
15 fected persons within 24 hours of the
16 end of such consultation period.

17 “(II) DELEGATION.—The Ad-
18 ministrator may only delegate the
19 duty to consult under this clause to
20 an employee of the Environmental
21 Protection Agency who is working in
22 the Office of Water, at the head-
23 quarters of the Agency, at the time of
24 such delegation.

1 “(iv) DISSEMINATION BY ADMINIS-
2 TRATOR.—The Administrator shall, as
3 soon as reasonably possible, disseminate to
4 affected persons the information described
5 subparagraph (C) if—

6 “(I) the Administrator and the
7 applicable Governor do not agree on a
8 plan described in clause (iii)(I) during
9 the consultation period under such
10 clause; or

11 “(II) the applicable Governor
12 does not disseminate the information
13 within 24 hours of the end of such
14 consultation period.

15 “(C) INFORMATION REQUIRED.—Informa-
16 tion required to be disseminated under this
17 paragraph shall include a clear explanation of
18 the exceedance of a lead action level, its poten-
19 tial adverse effects on human health, the steps
20 that the owner or operator of the public water
21 system is taking to correct the exceedance, and
22 the necessity of seeking alternative water sup-
23 plies until the exceedance is corrected.

24 “(6) PRIVACY.—Any notice under this sub-
25 section to the public or an affected person shall pro-

1 tect the privacy of individual customer informa-
2 tion.”.

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

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

7 (1) by amending subsection (a)(2)(A) to read as
8 follows:

9 “(A) IN GENERAL.—

10 “(i) IDENTIFICATION AND NOTICE.—

11 Each owner or operator of a public water
12 system shall identify and provide notice to
13 persons who may be affected by—

14 “(I) lead contamination of their
15 drinking water where such contamina-
16 tion results from—

17 “(aa) the lead content in the
18 construction materials of the
19 public water distribution system;
20 or

21 “(bb) corrosivity of the
22 water supply sufficient to cause
23 leaching of lead; or

24 “(II) an exceedance at the 90th
25 percentile of a lead action level in a

1 regulation promulgated under section
2 1412.

3 “(ii) MANNER AND FORM.—Notice
4 under this paragraph shall be provided in
5 such manner and form as may be reason-
6 ably required by the Administrator. Not-
7 withstanding clause (i)(II), notice under
8 this paragraph shall be provided notwith-
9 standing the absence of a violation of any
10 national drinking water standard.”;

11 (2) in subsection (b)(2)—

12 (A) by striking “The requirements” and
13 inserting the following:

14 “(A) IN GENERAL.—The requirements”;
15 and

16 (B) by adding at the end the following:
17 “Enforcement of such requirements shall be
18 carried out by a State with primary enforce-
19 ment responsibility or the Administrator, as ap-
20 propriate.

21 “(B) NOTIFICATION BY ADMINISTRATOR.—
22 In the case of an exceedance described in sub-
23 section (a)(2)(A)(i)(II), if the public water sys-
24 tem or the State in which the public water sys-
25 tem is located does not notify the persons who

1 may be affected by such exceedance in accord-
2 ance with subsection (a)(2), the Administrator
3 shall notify such persons of such exceedance in
4 accordance with subsection (a)(2), including no-
5 tification of the relevant concentrations of lead.
6 Such notice shall protect the privacy of indi-
7 vidual customer information.”; and
8 (3) by adding at the end the following:

9 “(f) PUBLIC EDUCATION.—

10 “(1) IN GENERAL.—The Administrator shall
11 make information available to the public regarding
12 lead in drinking water, including information regard-
13 ing—

14 “(A) risks associated with lead in drinking
15 water;

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

18 “(C) steps States, public water systems,
19 and consumers can take to reduce the risks of
20 lead; and

21 “(D) the availability of additional re-
22 sources that consumers can use to minimize
23 lead exposure, including information on how to
24 sample for lead in drinking water.

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