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## **Section-by-Section of the "Safe Drinking Water Act Amendments of 2016" Committee on Energy and Commerce, Democratic Staff**

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The Safe Drinking Water Act Amendments (SDWA) of 2016 would ensure safer water for communities nationwide. The bill would empower EPA to set needed drinking water standards; require water systems to address risks to their source water from climate change, industrial activity, and terrorism; authorize new investments in lead line replacement, climate resiliency, monitoring technology, and overall drinking water infrastructure; and improve compliance and community right to know.

### **TITLE I: Regulating Dangerous Drinking Water Contaminants**

#### **Section 1. Enabling EPA to Set Standards for Drinking Water Contaminants.**

This section will remove procedural hurdles that have prevented EPA from setting needed drinking water standards and require EPA to make regulatory determinations for 10 potential contaminants every 3 years.

#### **Section 2. Deadlines for Standards on Known Dangerous Contaminants.**

This section sets aggressive deadlines for the completion of four drinking water standards to address risks from lead, perchlorate perfluorinated compounds, and algal toxins. The section identifies several requirements for the final Lead and Copper Rule (LCR) based on recommendations of the National Drinking Water Advisory Council and lessons from the Flint crisis. The LCR revisions will include re-evaluation of corrosion control when source water or treatment is altered, testing technique requirements to ensure valid results, school monitoring, clear and effective communication of lead issues, and lead service line replacement requirements.

### **TITLE II: Reducing Lead in Drinking Water**

#### **Section 1. Lead Line Replacement for Public Water Systems.**

This section authorizes \$100 million for each of five years for a grant program to remove lead service lines controlled by public water systems. Applications would be prioritized for systems that serve an area that has experienced high lead levels in drinking water within the past three years, address vulnerable populations, and include assistance for low-income homeowners. The section also requires EPA to provide guidance for public water systems trying to inventory their lead service lines.

#### **Section 2. Drinking Water Fountain Replacement Program.**

This section authorizes \$5 million for each of five years to schools to replace drinking water fountains that were manufactured prior to 1988. These fountains are likely to contain lead and pose a health risk to students and staff.

#### **Section 3. Aligning Definitions of Lead-Free.**

This section removes potential ambiguity in the definition of "Lead free" for drinking fountains.

#### **Section 4. Guidance to Schools and Child Care Centers.**

This section requires EPA to update guidance to schools and child care centers regarding testing for lead in drinking water, reducing lead levels, planning for lead infrastructure replacement as part of school renovations, and communicating lead testing results, health risks, and response actions to the community.

### **Section 5. Lead Service Line Replacements in Schools.**

This section authorizes \$50 million for each of five years for a grant program to replace lead service lines and solder in schools. The grant program prioritizes schools that have experienced lead level exceedances in the past 3 years.

### **Section 6. School Remedial Action Program.**

This section amends the School Remedial Action Program in Section 1464 of SDWA to correct constitutional problems that have invalidated the program. Under the revised programs, states choosing to institute school lead monitoring programs would be eligible for grants to carry out those programs

## **TITLE III: Climate Resiliency, Security, and Sourcewater Protection**

### **Section 1. Climate Resiliency, Security, and Source Water Protection Planning.**

This section requires drinking water systems assess their vulnerabilities to upstream contamination (from industrial activities, oil and gas production, and other threats), climate change (including extreme weather and drought), and terrorism (including intentional contamination and sabotage). Those water systems will then be required to develop plans to mitigate those vulnerabilities and respond to emergencies. The section requires EPA to provide guidance to systems for both the vulnerability assessments and response plans.

The section also authorizes \$100 million for each of five years to carry out changes identified in the response plans and increase the resiliency of systems to threats from climate change, terrorism, and source water contamination.

### **Section 2. The FRAC Act.**

This section would remove the Halliburton loophole, which exempted hydraulic fracturing from regulation under the Underground Injection Control Program, and require disclosure of the chemicals used in fracking fluids.

### **Section 3. Drought Strategic Plan.**

This section requires the Administrator to develop a strategic plan for assessing and managing the risks of drought to drinking water.

## **TITLE IV: Assistance, Quality, and Affordability Act**

### **Section 2. Prevailing Wages.**

This section requires that laborers and mechanics employed under a project financed with funds from the state revolving funds are paid at a rate not less than the prevailing wage in the area.

### **Section 3. Use of Funds.**

This section amends the list of activities for which funds from the state revolving funds may be used to clarify that preconstruction activities, rehabilitation and replacement of aging infrastructure, and production or capture of sustainable energy are eligible for funding through the revolving funds. This section also codifies the existing practice of using funds for issuance of bonds.

### **Section 4. Requirements for Use of American Materials.**

This section requires that water systems purchase iron and steel that have been produced in the United States for use in projects funded through the Safe Drinking Water Act State Revolving Fund (“SRF”), unless the required goods are not produced in the United States or the purchase of other goods is in the public interest.

### **Section 5. Data on Variances, Exemptions, and Persistent Violations.**

This section amends the list of items that must be included by states in their Intended Use Plans, so that EPA can use information about noncompliance in evaluating whether a state plan will serve the priorities of the SRF.

#### **Section 6. Definition of Restructuring.**

This section adds a new definition to the SDWA.

#### **Section 7. Weight of Applications.**

This section adds sustainability to the list of priorities for the use of SRF funds to support projects that increase a system's ability to provide safe, affordable water for years to come. This section also establishes a system for giving greater weight to applications from systems that have taken measures to improve their management and financial stability, efficiency, and environmental impact.

Additionally, and separate from the overall priority scheme, this section makes clear that SRF funds should be available for systems serving disadvantaged communities and facing unaffordable capital costs to come into compliance with a new national primary drinking water standard.

#### **Section 8. Disadvantaged Communities.**

This section amends the disadvantaged community provisions of SDWA to require states with a demonstrated need to provide assistance through the disadvantaged community provisions of SDWA and to allow public water systems whose service areas include a disadvantaged portion to qualify for assistance.

#### **Section 9. Administration of State Loan Funds.**

This section increases the portion of SRF funds which states may use for administration of their SRF programs and codifies the current practice of allowing states to transfer a portion of funds between the Drinking Water and Clean Water State Revolving Funds.

#### **Section 10. State Loan Funds for American Samoa, Northern Mariana Islands, Guam, and the Virgin Islands.**

This section increases the portion of SRF funds which may be reserved by the Administrator for infrastructure projects in the Territories from 0.33 percent to 1.5 percent of the fund.

#### **Section 11. Authorization of Appropriations.**

This section authorizes appropriations for fiscal years 2017 through 2021 at increasing levels.

#### **Section 12. Affordability of New Standards.**

This section requires EPA to regularly update and supplement the list of technologies that are affordable for different classes of systems to drive innovation and provide information for small systems.

Also under this section, a state that finds that a new drinking water standard poses affordability issues for disadvantaged communities in that state will be required to prioritize projects for those systems under the SRF. Any state which is disproportionately affected by a new standard will be eligible, under this section, for additional funds from the SRF program to ensure that prioritizing projects for the new system does not limit funding for other projects. This additional assistance would replace the current small system variance mechanism, which has never been used.

#### **Section 13. Focus on Lifecycle Costs.**

This section will require the Administrator to look at the lifecycle costs, including maintenance, replacement, and avoided costs, in determining what technologies are feasible for new standards.

#### **Section 14. Best Practices for Administration of State Revolving Loan Fund Programs.**

This section requires the Administrator to collect and disseminate information on best practices for administration of state revolving loan fund programs, including efforts to streamline the process of applying for loans and techniques to ensure that obligated balances are liquidated in a timely fashion.

## **TITLE V: Increasing Compliance and Community Right to Know**

### **Section 1. Consolidations.**

This section authorizes programs at EPA, and States with primary enforcement authority, to require water systems that have repeatedly failed to comply with drinking water standards to assess options for consolidation. This section also makes clear that consolidation activities under those programs are eligible for SRF funds. To protect the customers of compliant water systems that consolidate with non-compliant systems, the section provides some liability protection to such compliant systems.

### **Section 2. Electronic Reporting and Enforcement.**

This section amends several provisions of the SDWA to adapt affordability considerations for new standards to reflect lessons learned since the 1996 amendments. In promulgating new standards, the Administrator will now be required to regularly update and supplement the list of technologies that are affordable for different classes of systems to drive innovation and provide information for small systems.

### **Section 3. Drinking Water Violation Inventory.**

This section requires EPA to create and share all reported water quality data on a public website that can be searched by zip code and is cross-referenced to census data.

## **TITLE VI: Research**

### **Section 1. Development of Real-time Monitoring Technology.**

This section authorizes research grants to spur the development of real-time monitoring technology for drinking water.

### **Section 2. Presence of Pharmaceuticals and Personal Care Products in Sources of Drinking Water.**

This section requires the Administrator to study the presence of pharmaceuticals and personal care products in sources of drinking water.

### **Section 3. Water Loss and Leak Control Technology.**

This section requires the Administrator to develop criteria and establish a voluntary certification program for effective water loss and leak control technology to allow water systems to make informed purchasing decisions.