

.....
(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To enable needed drinking water standards, reduce lead in drinking water, plan for and address threats from climate change, terrorism, and source water contamination, invest in drinking water infrastructure, increase compliance with drinking water standards, foster greater community right to know about drinking water quality, and promote technological solutions for drinking water challenges.

IN THE HOUSE OF REPRESENTATIVES

Mr. PALLONE introduced the following bill; which was referred to the
Committee on _____

A BILL

To enable needed drinking water standards, reduce lead in drinking water, plan for and address threats from climate change, terrorism, and source water contamination, invest in drinking water infrastructure, increase compliance with drinking water standards, foster greater community right to know about drinking water quality, and promote technological solutions for drinking water challenges.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Safe Drinking Water Act Amendments of 2017”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents; findings.

**TITLE I—REGULATING DANGEROUS DRINKING WATER
CONTAMINANTS**

Sec. 101. Enabling EPA to set standards for new drinking water contaminants.

Sec. 102. Deadlines for regulations on known dangerous contaminants.

TITLE II—REDUCING LEAD IN DRINKING WATER

Sec. 201. Reducing lead in drinking water.

Sec. 202. Drinking water fountain replacement for schools.

Sec. 203. Aligning definitions of lead free.

Sec. 204. Guidance for schools regarding lead in drinking water.

Sec. 205. School lead pipe replacement program.

Sec. 206. School remedial action program.

**TITLE III—CLIMATE RESILIENCY, SECURITY, AND SOURCE
WATER PROTECTION**

Sec. 301. Climate resiliency, security, and source water protection planning.

Sec. 302. Regulation of hydraulic fracturing.

Sec. 303. Risks of drought to drinking water.

TITLE IV—AQUA ACT

Sec. 401. Short title.

Sec. 402. Prevailing wages.

Sec. 403. Use of funds.

Sec. 404. Requirements for use of American materials.

Sec. 405. Data on variances, exemptions, and persistent violations.

Sec. 406. Assistance for restructuring.

Sec. 407. Priority and weight of applications.

Sec. 408. Disadvantaged communities.

Sec. 409. Administration of State loan funds.

Sec. 410. State revolving loan funds for American Samoa, Northern Mariana
Islands, Guam, and the Virgin Islands.

Sec. 411. Authorization of appropriations.

Sec. 412. Affordability of new standards.

Sec. 413. Focus on lifecycle costs.

Sec. 414. Best practices for administration of State revolving loan fund pro-
grams.

**TITLE V—INCREASING COMPLIANCE AND COMMUNITY RIGHT TO
KNOW**

Sec. 501. Streamlining reporting and enforcement.

Sec. 502. Consolidation.
Sec. 503. Water violations inventory.
Sec. 504. Improved consumer confidence reports.

TITLE VI—STUDIES AND TECHNOLOGY

Sec. 601. Real time monitoring technology research grants.
Sec. 602. Presence of pharmaceuticals and personal care products in sources of drinking water.
Sec. 603. Water loss and leak control technology.

1 (c) FINDINGS.—The Congress finds the following:

2 (1) The Safe Drinking Water Act has not been
3 substantially amended in more than 20 years, during
4 which time the challenges facing drinking water sys-
5 tems and customers have increased dramatically.

6 (2) Climate change, aging infrastructure, lead
7 contamination, and emerging contaminants threaten
8 the public health and economic viability of cities and
9 towns nationwide.

10 (3) The drinking water standard-setting provi-
11 sions put in place in 1996 have proven unworkable,
12 preventing the Federal Government from regulating
13 dangerous contaminants, including perchlorate,
14 strontium, and volatile organic compounds.

15 (4) Compliance and enforcement with existing
16 drinking water standards has fallen far short of
17 what is needed and expected.

18 (5) Increased drinking water investment is
19 needed to address a crisis in failing infrastructure.

1 **TITLE I—REGULATING DAN-**
2 **GEROUS DRINKING WATER**
3 **CONTAMINANTS**

4 **SEC. 101. ENABLING EPA TO SET STANDARDS FOR NEW**
5 **DRINKING WATER CONTAMINANTS.**

6 (a) IN GENERAL.—Section 1412(b) of the Safe
7 Drinking Water Act (42 U.S.C. 300g–1(b)) is amended—

8 (1) by amending paragraph (1)(A) to read as
9 follows:

10 “(A) GENERAL AUTHORITY.—The Admin-
11 istrator shall publish maximum contaminant
12 level goals and promulgate national primary
13 drinking water regulations for each contami-
14 nant (other than a contaminant for which a na-
15 tional primary drinking water regulation has
16 been promulgated as of the date of enactment
17 of the Safe Drinking Water Act Amendments of
18 2017) which, in the judgement of the Adminis-
19 trator, may have any adverse effect on the
20 health of persons and which is known or antici-
21 pated to occur in public water systems.”;

22 (2) in paragraph (1)(B)(ii)(I)—

23 (A) by striking “every 5 years” and insert-
24 ing “every 3 years”; and

1 (B) by striking “5 contaminants” and in-
2 serting “10 contaminants”;

3 (3) in paragraph (1)(B)(ii)(II)—

4 (A) by striking “on findings that the cri-
5 teria of clauses (i), (ii), and (iii)” and inserting
6 “on a finding that the criteria”; and

7 (B) by striking “Such findings” and in-
8 serting “Such finding”;

9 (4) in paragraph (1)(D)—

10 (A) by striking “paragraph (4)(C), or com-
11 pleting the analysis under paragraph (3)(C),”
12 and inserting “subparagraph (B)(ii)”; and

13 (B) by striking “A determination for any
14 contaminant in accordance with paragraph
15 (4)(C) subject to an interim regulation under
16 this subparagraph shall be issued, and a com-
17 pleted analysis meeting the requirements of
18 paragraph (3)(C) shall be published, not later
19 than 3 years after the date on which the regula-
20 tion is promulgated and the regulation shall be
21 repromulgated, or revised if appropriate, not
22 later than 5 years after that date.”;

23 (5) by amending paragraph (3) to read as fol-
24 lows:

1 “(3) AUTHORIZATION.—There are authorized to
2 be appropriated to the Administrator, acting
3 through the Office of Ground Water and Drinking
4 Water, to conduct studies, assessments, and analyses
5 in support of regulations or the development of
6 methods, \$35,000,000 for each of fiscal years 2018
7 through 2022.”;

8 (6) in paragraph (4), by striking subparagraph
9 (C);

10 (7) by amending paragraph (6) to read as fol-
11 lows:

12 “(6) EXCEPTION FOR STANDARDS WITH NO
13 FEASIBLE TECHNOLOGIES.—

14 “(A) IN GENERAL.—Notwithstanding para-
15 graph (4), if the Administrator determines that
16 there is no feasible technology to meet a max-
17 imum contaminant level, the Administrator
18 may, after notice and opportunity for public
19 comment, promulgate a maximum contaminant
20 level for the contaminant that maximizes health
21 risk reduction benefits and can be met with fea-
22 sible technology.

23 “(B) JUDICIAL REVIEW.—A determination
24 by the Administrator that no feasible tech-
25 nology is available to meet a maximum contami-

1 nant level shall be considered an action per-
2 taining to the establishment of a national pri-
3 mary drinking water regulation and subject to
4 judicial review.”;

5 (8) in paragraph (12)(B)(ii), by inserting “(as
6 in effect on the day before the date of enactment of
7 the Safe Drinking Water Act Amendments of
8 2017)” after “paragraph (3)(B)”;

9 (9) in paragraph (13)(B)(i), by inserting “(as
10 in effect on the day before the date of enactment of
11 the Safe Drinking Water Act Amendments of
12 2017)” after “paragraph (3)”;

13 (10) in paragraph (13)(C), by inserting “(as in
14 effect on the day before the date of enactment of the
15 Safe Drinking Water Act Amendments of 2017)”
16 after “paragraph (3)(C)”.

17 (b) ADDITIONAL CONFORMING AMENDMENTS.—

18 (1) Section 1459 of the Safe Drinking Water
19 Act (42 U.S.C. 300j–19) is amended—

20 (A) by striking subsection (c); and

21 (B) by redesignating subsection (d) as sub-
22 section (c).

23 (2) Section 1414(c)(5)(B)(i) of the Safe Drink-
24 ing Water Act (42 U.S.C. 300g–3(c)(5)(B)(i)) is

1 amended by striking “that meets the requirements
2 of section 1412(b)(3)(A)(ii)”.

3 **SEC. 102. DEADLINES FOR REGULATIONS ON KNOWN DAN-**
4 **GEROUS CONTAMINANTS.**

5 Section 1412(b)(2) of the Safe Drinking Water Act
6 (42 U.S.C. 300g-1(b)(2)) is amended by adding at the
7 end the following:

8 “(D) LEAD AND COPPER RULE.—

9 “(i) IN GENERAL.—Notwithstanding
10 any other deadline established in this sub-
11 section, not later than 9 months after the
12 date of enactment of the Safe Drinking
13 Water Act Amendments of 2017, the Ad-
14 ministrator shall issue revised national pri-
15 mary drinking water regulations for lead
16 and copper in accordance with this sub-
17 paragraph.

18 “(ii) REQUIREMENTS.—The revised
19 regulations issued under clause (i) shall
20 ensure that—

21 “(I) corrosion controls are re-
22 evaluated anytime source water or
23 treatment is changed;

24 “(II) test results are valid, by
25 prohibiting techniques that artificially

1 lower lead levels, including flushing
2 before samples are taken;

3 “(III) monitoring includes school
4 sites for all public water systems serv-
5 ing schools (as defined in section
6 1461);

7 “(IV) notification of lead prob-
8 lems is clear and effective; and

9 “(V) lead service lines are fully
10 replaced on a set timetable and when-
11 ever contamination is detected.

12 “(iii) SCOPE OF LEAD LINE REPLACE-
13 MENT REQUIREMENTS.—Requirements to
14 replace lead service lines under the revised
15 regulations issued under clause (i) shall ex-
16 tend to all service lines controlled by public
17 water systems, regardless of ownership.

18 “(E) PERCHLORATE.—Notwithstanding
19 any other deadline established in this sub-
20 section, not later than 12 months after the date
21 of enactment of the Safe Drinking Water Act
22 Amendments of 2017, the Administrator shall
23 publish a maximum contaminant level goal and
24 promulgate a national primary drinking water
25 regulation for perchlorate.

1 “(F) PERFLUORINATED COMPOUNDS.—
2 Notwithstanding any other deadline established
3 in this subsection, not later than 2 years after
4 the date of enactment of the Safe Drinking
5 Water Act Amendments of 2017, the Adminis-
6 trator shall publish a maximum contaminant
7 level goal and promulgate a national primary
8 drinking water regulation for perfluorinated
9 compounds.

10 “(G) MICROCYSTIN TOXIN.—Notwith-
11 standing any other deadline established in this
12 subsection, not later than 2 years after the date
13 of enactment of the Safe Drinking Water Act
14 Amendments of 2017, the Administrator shall
15 publish a maximum contaminant level goal and
16 promulgate a national primary drinking water
17 regulation for microcystin toxin.”.

18 **TITLE II—REDUCING LEAD IN** 19 **DRINKING WATER**

20 **SEC. 201. REDUCING LEAD IN DRINKING WATER.**

21 (a) AUTHORIZATION.—Section 1459B(d) of the Safe
22 Drinking Water Act (42 U.S.C. 300j-19b(d)) is amended
23 by striking “\$60,000,000 for each of fiscal years 2017
24 through 2021” and inserting “\$100,000,000 for each of
25 fiscal years 2018 through 2022”.

1 (b) DEFINITION OF LEAD SERVICE LINE.—

2 (1) IN GENERAL.—Section 1401 of the Safe
3 Drinking Water Act (42 U.S.C. 300f) is amended by
4 adding at the end the following:

5 “(17) LEAD SERVICE LINE.—The term ‘lead
6 service line’ means a pipe and its fittings, which are
7 not lead free (as defined in section 1417(d)), that
8 connect the drinking water main to the building
9 inlet.”.

10 (2) CONFORMING AMENDMENT.—Section
11 1459B(a) of the Safe Drinking Water Act (42
12 U.S.C. 300j–19b(a)) is amended by striking para-
13 graph (4).

14 **SEC. 202. DRINKING WATER FOUNTAIN REPLACEMENT FOR**
15 **SCHOOLS.**

16 (a) IN GENERAL.—Part F of the Safe Drinking
17 Water Act (42 U.S.C. 300j–21 et seq.) is amended by add-
18 ing at the end the following:

19 **“SEC. 1465. DRINKING WATER FOUNTAIN REPLACEMENT**
20 **FOR SCHOOLS.**

21 “(a) ESTABLISHMENT.—Not later than 180 days
22 after the date of enactment of this section, the Adminis-
23 trator shall establish a grant program to provide assist-
24 ance to local educational agencies for the replacement of
25 drinking water fountains manufactured prior to 1988.

1 “(b) USE OF FUNDS.—Funds awarded under the
2 grant program—

3 “(1) shall be used to pay the costs of replace-
4 ment of drinking water fountains in schools; and

5 “(2) may be used to pay the costs of monitoring
6 and reporting of lead levels in the drinking water of
7 schools of a local educational agency receiving such
8 funds, as determined appropriate by the Adminis-
9 trator.

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

14 (b) DEFINITIONS.—Section 1461(5) of the Safe
15 Drinking Water Act (42 U.S.C. 300j–21(5)) is amended
16 by inserting “or drinking water fountain” after “water
17 cooler” each place it appears.

18 **SEC. 203. ALIGNING DEFINITIONS OF LEAD FREE.**

19 Paragraph (2) of section 1461 of the Safe Drinking
20 Water Act (42 U.S.C. 300j–21(2)) is amended to read as
21 follows:

22 “(2) LEAD FREE.—The term ‘lead free’ has the
23 meaning given such term in section 1417.”.

1 **SEC. 204. GUIDANCE FOR SCHOOLS REGARDING LEAD IN**
2 **DRINKING WATER.**

3 (a) GUIDANCE.—Part F of the Safe Drinking Water
4 Act (42 U.S.C. 300j–21 et seq.), as amended, is further
5 amended by adding at the end the following new section:

6 **“SEC. 1466. GUIDANCE FOR SCHOOLS REGARDING LEAD IN**
7 **DRINKING WATER.**

8 “(a) GUIDANCE ON LEAD MONITORING.—Not later
9 than 180 days after the date of enactment of this section,
10 the Administrator shall publish revised guidance for school
11 officials seeking to reduce exposure to lead from drinking
12 water in schools.

13 “(b) REQUIREMENTS.—The Administrator shall in-
14 clude in the guidance published under subsection (a)—

15 “(1) testing protocols for schools to accurately
16 detect lead contamination in school drinking water
17 and its sources;

18 “(2) recommended actions to reduce or elimi-
19 nate such contamination, including lead service line
20 replacement where needed;

21 “(3) recommendations for maintaining or re-
22 placing drinking water infrastructure, including
23 pipes, pipe fittings, fixtures, solder, drinking water
24 coolers, and drinking water fountains, when plan-
25 ning for or undergoing renovations of school prop-
26 erty; and

1 “(4) recommendations and forms for commu-
2 nicating lead testing results, potential health risks,
3 and response actions to students, staff, parents, and
4 communities.”.

5 (b) CONFORMING AMENDMENT.—Section
6 1464(d)(5)(A)(i) of the Safe Drinking Water Act (42
7 U.S.C. 300j–24(d)(5)(A)(i)) is amended by inserting
8 “published under section 1466” after “successor guid-
9 ance”.

10 **SEC. 205. SCHOOL LEAD PIPE REPLACEMENT PROGRAM.**

11 Part F of the Safe Drinking Water Act (42 U.S.C.
12 300j–21 et seq.), as amended, is further amended by add-
13 ing at the end the following new section:

14 **“SEC. 1467. SCHOOL LEAD PIPE REPLACEMENT PROGRAM.**

15 “(a) ELIGIBLE ENTITY.—In this section, the term
16 ‘eligible entity’ means—

17 “(1) a local educational agency; or

18 “(2) a public water system.

19 “(b) GRANT PROGRAM.—

20 “(1) ESTABLISHMENT.—Not later than 180
21 days after the date of enactment of this section, the
22 Administrator shall establish a grant program to as-
23 sist eligible entities in carrying out programs to re-
24 place lead service lines for schools and solder that is

1 not lead free used in the plumbing for schools. Such
2 a program—

3 “(A) shall include replacing lead service
4 lines and solder that is not lead free; and

5 “(B) may include testing, planning, or car-
6 rying out other relevant activities, as deter-
7 mined by the Administrator, to identify the lo-
8 cation and condition of lead service lines and
9 solder that is not lead free.

10 “(2) PRIORITY APPLICATION.—In providing as-
11 sistance under this section, the Administrator shall
12 give priority to proposed programs for schools for
13 which, at any time during the 3-year period pre-
14 ceding the date of submission of an application of
15 the eligible entity, monitoring data has indicated ele-
16 vated lead levels in the school drinking water.

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$50,000,000 for each of fiscal years 2018 through 2022.”.

20 **SEC. 206. SCHOOL REMEDIAL ACTION PROGRAM.**

21 Section 1464(d)(7) of the Safe Drinking Water Act
22 (42 U.S.C. 300j–24(d)) is amended—

23 (1) by striking “\$20,000,000” and inserting
24 “\$100,000,000”; and

1 (2) by striking “2017 through 2021” and in-
2 serting “2018 through 2022”.

3 **TITLE III—CLIMATE RESIL-**
4 **IENCY, SECURITY, AND**
5 **SOURCE WATER PROTECTION**

6 **SEC. 301. CLIMATE RESILIENCY, SECURITY, AND SOURCE**
7 **WATER PROTECTION PLANNING.**

8 Section 1433 of the Safe Drinking Water Act (42
9 U.S.C. 300i–2) is amended to read as follows:

10 **“SEC. 1433. CLIMATE RESILIENCY, SECURITY, AND SOURCE**
11 **WATER PROTECTION.**

12 “(a) SOURCE WATER AND DISTRIBUTION SYSTEM
13 VULNERABILITY ASSESSMENTS.—

14 “(1) IN GENERAL.—Not later than 24 months
15 after the date of enactment of the Safe Drinking
16 Water Act Amendments of 2017, each community
17 water system shall submit to the Administrator
18 source water and distribution system vulnerability
19 assessments.

20 “(2) IDENTIFICATION OF THREATS.—Assess-
21 ments submitted pursuant to paragraph (1) shall
22 identify—

23 “(A) threats to the community water sys-
24 tem’s source water from industrial activity,
25 pipelines and storage tanks, contaminated sites,

1 agricultural activity, and oil and gas explo-
2 ration;

3 “(B) threats to the community water sys-
4 tem’s source water and distribution system
5 from climate change, extreme weather, drought,
6 and temperature changes; and

7 “(C) threats to the community water sys-
8 tem’s source water and distribution system
9 from intentional acts, including intentional con-
10 tamination, sabotage, and theft of any chemical
11 of interest (as designated under Appendix A to
12 part 27 of title 6, Code of Federal Regulations,
13 or any successor thereto).

14 “(3) ASSESSMENT OF ALTERNATIVES.—Assess-
15 ments submitted pursuant to paragraph (1) shall in-
16 clude a comparison of the disinfection methods used
17 by the community water system and reasonably
18 available alternative disinfection methods, including
19 a determination of whether reasonably available al-
20 ternative disinfection methods could reduce the com-
21 munity water system’s vulnerability to the threats
22 identified pursuant to paragraph (2).

23 “(4) PERIODIC REVIEW AND RESUBMISSION.—
24 Each community water system submitting a vulner-
25 ability assessment pursuant to paragraph (1) shall

1 review, revise as necessary, and resubmit such as-
2 sessment not less often than every 5 years.

3 “(5) GUIDANCE.—Not later than one year after
4 the date of enactment of the Safe Drinking Water
5 Act Amendments of 2017, the Administrator shall
6 provide guidance to community water systems for
7 the preparation of vulnerability assessments under
8 this subsection.

9 “(b) SOURCE WATER AND DISTRIBUTION SYSTEM
10 PROTECTION PLANS.—

11 “(1) IN GENERAL.—Not later than 4 years
12 after the date of enactment of the Safe Drinking
13 Water Act Amendments of 2017, each community
14 water system shall submit to the Administrator
15 source water and distribution system protection
16 plans.

17 “(2) MITIGATION OF IDENTIFIED THREATS.—
18 Plans submitted pursuant to paragraph (1) shall
19 identify strategies and resources to mitigate the
20 threats identified in assessments prepared pursuant
21 to subsection (a).

22 “(3) EMERGENCY RESPONSE PLANNING.—
23 Plans submitted pursuant to paragraph (1) shall in-
24 clude specific emergency response plans for the

1 threats identified in assessments prepared pursuant
2 to subsection (a).

3 “(4) PERIODIC REVIEW AND RESUBMISSION.—
4 Each community water system submitting a plan
5 pursuant to paragraph (1) shall review, revise as
6 necessary, and resubmit such plan not less often
7 than every 5 years.

8 “(5) GUIDANCE.—Not later than one year after
9 the date of enactment of the Safe Drinking Water
10 Act Amendments of 2017, the Administrator shall
11 provide guidance to community water systems for
12 the preparation of plans under this subsection.

13 “(c) TECHNICAL ASSISTANCE AND GRANTS.—

14 “(1) IN GENERAL.—The Administrator shall es-
15 tablish and implement a program, to be known as
16 the Drinking Water Infrastructure Resiliency and
17 Sustainability Program, under which the Adminis-
18 trator may award grants in each of fiscal years 2018
19 through 2022 to owners or operators of community
20 water systems for the purpose of increasing the re-
21 siliency or adaptability of the community water sys-
22 tems to threats identified pursuant to subsection (a).

23 “(2) USE OF FUNDS.—As a condition on receipt
24 of a grant under this section, an owner or operator
25 of a community water system shall agree to use the

1 grant funds exclusively to assist in the planning, de-
2 sign, construction, implementation, operation, or
3 maintenance of a program or project consistent with
4 a plan developed pursuant to subsection (b).

5 “(3) PRIORITY.—

6 “(A) WATER SYSTEMS AT GREATEST AND
7 MOST IMMEDIATE RISK.—In selecting grantees
8 under this subsection, the Administrator shall
9 give priority to applicants that are owners or
10 operators of community water systems that are,
11 based on the best available research and data,
12 at the greatest and most immediate risk of fac-
13 ing significant negative impacts due to threats
14 described in subsection (a)(2).

15 “(B) GOALS.—In selecting among appli-
16 cants described in subparagraph (A), the Ad-
17 ministrator shall ensure that, to the maximum
18 extent practicable, the final list of applications
19 funded for each year includes a substantial
20 number that propose to use innovative ap-
21 proaches to meet one or more of the following
22 goals:

23 “(i) Promoting more efficient water
24 use, water conservation, water reuse, or
25 water recycling.

1 “(ii) Using decentralized, low-impact
2 development technologies and non-
3 structural approaches, including practices
4 that use, enhance, or mimic the natural
5 hydrological cycle or protect natural flows.

6 “(iii) Reducing stormwater runoff or
7 flooding by protecting or enhancing nat-
8 ural ecosystem functions.

9 “(iv) Modifying, upgrading, enhanc-
10 ing, or replacing existing community water
11 system infrastructure in response to
12 changing hydrologic conditions.

13 “(v) Improving water quality or quan-
14 tity for agricultural and municipal uses, in-
15 cluding through salinity reduction.

16 “(vi) Providing multiple benefits, in-
17 cluding to water supply enhancement or
18 demand reduction, water quality protection
19 or improvement, increased flood protection,
20 and ecosystem protection or improvement.

21 “(4) COST-SHARING.—

22 “(A) FEDERAL SHARE.—The share of the
23 cost of any activity that is the subject of a
24 grant awarded by the Administrator to the
25 owner or operator of a community water system

1 under this subsection shall not exceed 50 per-
2 cent of the cost of the activity.

3 “(B) CALCULATION OF NON-FEDERAL
4 SHARE.—In calculating the non-Federal share
5 of the cost of an activity proposed by a commu-
6 nity water system in an application submitted
7 under this subsection, the Administrator shall—

8 “(i) include the value of any in-kind
9 services that are integral to the completion
10 of the activity, including reasonable admin-
11 istrative and overhead costs; and

12 “(ii) not include any other amount
13 that the community water system involved
14 receives from the Federal Government.

15 “(5) REPORT TO CONGRESS.—Not later than 3
16 years after the date of the enactment of the Safe
17 Drinking Water Act Amendments of 2017, and
18 every 3 years thereafter, the Administrator shall
19 submit to the Congress a report on progress in im-
20 plementing this subsection, including information on
21 project applications received and funded annually.

22 “(6) AUTHORIZATION OF APPROPRIATIONS.—
23 To carry out this subsection, there are authorized to
24 be appropriated \$50,000,000 for each of fiscal years
25 2018 through 2022.”.

1 **SEC. 302. REGULATION OF HYDRAULIC FRACTURING.**

2 (a) HYDRAULIC FRACTURING.—Section 1421(d)(1)
3 of the Safe Drinking Water Act (42 U.S.C. 300h(d)(1))
4 is amended by striking subparagraph (B) and inserting
5 the following:

6 “(B) includes the underground injection of
7 fluids or propping agents pursuant to hydraulic
8 fracturing operations related to oil, gas, or geo-
9 thermal production activities; but

10 “(C) excludes the underground injection of
11 natural gas for purposes of storage.”.

12 (b) DISCLOSURE OF HYDRAULIC FRACTURING
13 CHEMICALS; MEDICAL EMERGENCIES; PROPRIETARY
14 CHEMICAL FORMULAS.—Section 1421(b) of the Safe
15 Drinking Water Act (42 U.S.C. 300h(b)) is amended by
16 adding at the end the following:

17 “(4)(A) Regulations included under paragraph
18 (1)(C) shall include the following requirements:

19 “(i) A person conducting hydraulic fracturing
20 operations shall disclose to the State (or the Admin-
21 istrator if the Administrator has primary enforce-
22 ment responsibility in the State)—

23 “(I) prior to the commencement of any hy-
24 draulic fracturing operations at any lease area
25 or portion thereof, a list of chemicals intended
26 for use in any underground injection during

1 such operations, including identification of the
2 chemical constituents of mixtures, Chemical Ab-
3 stracts Service numbers for each chemical and
4 constituent, material safety data sheets when
5 available, and the anticipated volume of each
6 chemical; and

7 “(II) not later than 30 days after the end
8 of any hydraulic fracturing operations, the list
9 of chemicals used in each underground injection
10 during such operations, including identification
11 of the chemical constituents of mixtures, Chem-
12 ical Abstracts Service numbers for each chem-
13 ical and constituent, material safety data sheets
14 when available, and the volume of each chemical
15 used.

16 “(ii) The State or the Administrator, as appli-
17 cable, shall make the disclosure of chemical constitu-
18 ents referred to in clause (i) available to the public,
19 including by posting the information on an appro-
20 priate Internet Web site.

21 “(iii) Whenever the State or the Administrator,
22 or a treating physician or nurse, determines that a
23 medical emergency exists and the proprietary chem-
24 ical formula of a chemical used in hydraulic frac-
25 turing operations is necessary for medical treatment,

1 the person conducting the hydraulic fracturing oper-
2 ations shall, upon request, immediately disclose the
3 proprietary chemical formula or the specific chemical
4 identity of a trade secret chemical to the State, the
5 Administrator, or the treating physician or nurse,
6 regardless of whether a written statement of need or
7 a confidentiality agreement has been provided. The
8 person conducting the hydraulic fracturing oper-
9 ations may require a written statement of need and
10 a confidentiality agreement as soon thereafter as cir-
11 cumstances permit.

12 “(B) Subparagraphs (A)(i) and (A)(ii) do
13 not authorize the State (or the Administrator)
14 to require the public disclosure of proprietary
15 chemical formulas.”.

16 **SEC. 303. RISKS OF DROUGHT TO DRINKING WATER.**

17 Part E of the Safe Drinking Water Act (42 U.S.C.
18 300j et seq.) is amended by adding at the end the fol-
19 lowing new section:

20 **“SEC. 1459C. DROUGHT RISK ASSESSMENT AND MANAGE-**
21 **MENT.**

22 “(a) STRATEGIC PLAN.—

23 “(1) DEVELOPMENT.—Not later than 90 days
24 after the date of enactment of this section, the Ad-
25 ministrator shall develop and submit to Congress a

1 strategic plan for assessing and managing the risks
2 of drought to drinking water provided by public
3 water systems. The strategic plan shall include steps
4 and timelines to—

5 “(A) evaluate the risks posed by drought
6 to drinking water provided by public water sys-
7 tems;

8 “(B) compile a comprehensive list of the
9 effects of drought on drinking water provided
10 by public water systems which the Adminis-
11 trator determines may have an adverse effect
12 on human health;

13 “(C) summarize—

14 “(i) the known adverse human health
15 effects resulting from the effects of
16 drought on drinking water included on the
17 list established under subparagraph (B);

18 “(ii) factors that cause drought; and

19 “(iii) factors that exacerbate the ef-
20 fects of drought on drinking water pro-
21 vided by public water systems;

22 “(D) with respect to the effects of drought
23 on drinking water included on the list compiled
24 under subparagraph (B), determine whether
25 to—

1 “(i) establish guidance regarding fea-
2 sible analytical methods to quantify such
3 effects; and

4 “(ii) establish guidance regarding the
5 frequency of monitoring necessary to de-
6 tect such effects;

7 “(E) recommend feasible treatment op-
8 tions, including procedures, equipment, and
9 source water protection practices, to mitigate
10 such effects; and

11 “(F) enter into cooperative agreements
12 with, and provide technical assistance to, af-
13 fected States and public water systems, as iden-
14 tified by the Administrator, for the purpose of
15 managing risks associated with the effects of
16 drought on drinking water.

17 “(2) UPDATES.—The Administrator shall, as
18 appropriate, update and submit to Congress the
19 strategic plan developed under paragraph (1).

20 “(b) INFORMATION COORDINATION.—In carrying out
21 this section the Administrator shall—

22 “(1) identify gaps in the Agency’s under-
23 standing of the effects of drought on drinking water
24 provided by public water systems, including—

1 “(A) the human health effects of drought;
2 and

3 “(B) methods and means of testing and
4 monitoring for the effects of drought on source
5 water of, or drinking water provided by, public
6 water systems;

7 “(2) as appropriate, consult with—

8 “(A) other Federal agencies that—

9 “(i) examine or analyze drought; or

10 “(ii) address public health concerns
11 related to drought;

12 “(B) States;

13 “(C) operators of public water systems;

14 “(D) multinational agencies;

15 “(E) foreign governments;

16 “(F) research and academic institutions;

17 and

18 “(G) companies that provide relevant
19 drinking water treatment options; and

20 “(3) assemble and publish information from
21 each Federal agency that has—

22 “(A) examined or analyzed drought; or

23 “(B) addressed public health concerns re-
24 lated to drought.

1 “(c) FEASIBLE.—For purposes of this section, the
2 term ‘feasible’ has the meaning given such term in section
3 1412(b)(4)(D).”.

4 **TITLE IV—AQUA ACT**

5 **SEC. 401. SHORT TITLE.**

6 This title may be cited as the “Assistance, Quality,
7 and Affordability Act of 2017”.

8 **SEC. 402. PREVAILING WAGES.**

9 Subsection (e) of section 1450 of the Safe Drinking
10 Water Act (42 U.S.C. 300j–9) is amended to read as fol-
11 lows:

12 “(e) LABOR STANDARDS.—

13 “(1) IN GENERAL.—The Administrator shall
14 take such action as the Administrator determines to
15 be necessary to ensure that each laborer and me-
16 chanic employed by a contractor or subcontractor in
17 connection with a construction project financed, in
18 whole or in part, by a grant, loan, loan guarantee,
19 refinancing, or any other form of financial assistance
20 provided under this title (including assistance pro-
21 vided by a State loan fund established under section
22 1452) is paid wages at a rate of not less than the
23 prevailing wages for the same type of work on simi-
24 lar construction in the immediate locality, as deter-
25 mined by the Secretary of Labor in accordance with

1 subchapter IV of chapter 31 of title 40, United
2 States Code.

3 “(2) AUTHORITY OF SECRETARY OF LABOR.—
4 With respect to the labor standards specified in this
5 subsection, the Secretary of Labor shall have the au-
6 thority and functions established in Reorganization
7 Plan Numbered 14 of 1950 (5 U.S.C. App.) and sec-
8 tion 3145 of title 40, United States Code.”.

9 **SEC. 403. USE OF FUNDS.**

10 Section 1452(a)(2)(B) of the Safe Drinking Water
11 Act (42 U.S.C. 300j–12(a)(2)(B)) is amended by striking
12 “(including expenditures for planning, design, and associ-
13 ated preconstruction activities, including activities relating
14 to the siting of the facility, but not” and inserting “(in-
15 cluding expenditures for planning, design, siting, and as-
16 sociated preconstruction activities, for replacing or reha-
17 bilitating aging treatment, storage, or distribution facili-
18 ties of public water systems, or for producing or capturing
19 sustainable energy on site or through the transportation
20 of water through the public water system, but not”.

21 **SEC. 404. REQUIREMENTS FOR USE OF AMERICAN MATE-**
22 **RIALS.**

23 Section 1452(a)(4)(A) of the Safe Drinking Water
24 Act (42 U.S.C. 300j–12(a)) is amended by striking “Dur-
25 ing fiscal year 2017, funds” and inserting “Funds”.

1 **SEC. 405. DATA ON VARIANCES, EXEMPTIONS, AND PER-**
2 **SISTENT VIOLATIONS.**

3 Section 1452(b)(2) of the Safe Drinking Water Act
4 (42 U.S.C. 300j-12(b)(2)) is amended—

5 (1) in subparagraph (B), by striking “and” at
6 the end;

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

9 (3) by adding at the end the following:

10 “(D) a list of all public water systems
11 within the State that have in effect an exemp-
12 tion or variance for any national primary drink-
13 ing water regulation or that are in persistent
14 violation of the requirements for any maximum
15 contaminant level or treatment technique under
16 a national primary drinking water regulation,
17 including identification of—

18 “(i) the national primary drinking
19 water regulation in question for each such
20 exemption, variance, or violation; and

21 “(ii) the date on which the exemption
22 or variance came into effect or the viola-
23 tion began.”.

1 **SEC. 406. ASSISTANCE FOR RESTRUCTURING.**

2 (a) DEFINITION.—Section 1401 of the Safe Drinking
3 Water Act (42 U.S.C. 300f), as amended, is further
4 amended by adding at the end the following:

5 “(18) RESTRUCTURING.—The term ‘restruc-
6 turing’ means changes in operations (including own-
7 ership, management, cooperative partnerships, joint
8 purchasing arrangements, consolidation, and alter-
9 native water supply).”.

10 (b) RESTRUCTURING.—Clause (ii) of section
11 1452(a)(3)(B) (42 U.S.C. 300j–12(a)(3)(B)) is amended
12 by striking “changes in operations (including ownership,
13 management, accounting, rates, maintenance, consolida-
14 tion, alternative water supply, or other procedures)” and
15 inserting “restructuring”.

16 **SEC. 407. PRIORITY AND WEIGHT OF APPLICATIONS.**

17 (a) PRIORITY.—Section 1452(b)(3) of the Safe
18 Drinking Water Act (42 U.S.C. 300j–12(b)(3)) is amend-
19 ed—

20 (1) in subparagraph (A)—

21 (A) in clause (ii), by striking “and” at the
22 end;

23 (B) in clause (iii), by striking the period at
24 the end and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(iv) improve the ability of public
2 water systems to protect human health and
3 comply with the requirements of this title
4 affordably in the future.”;

5 (2) by redesignating subparagraph (B) as sub-
6 paragraph (D);

7 (3) by inserting after subparagraph (A) the fol-
8 lowing:

9 “(B) AFFORDABILITY OF NEW STAND-
10 ARDS.—For any year in which enforcement be-
11 gins for a new national primary drinking water
12 regulation, each State that has entered into a
13 capitalization agreement pursuant to this sec-
14 tion shall evaluate whether capital improve-
15 ments required to meet the regulation are af-
16 fordable for disadvantaged communities (as de-
17 fined in subsection (d)(3)) in the State. If the
18 State finds that such capital improvements do
19 not meet affordability criteria for disadvantaged
20 communities in the State, the State’s intended
21 use plan shall provide that priority for the use
22 of funds for such year be given to public water
23 systems affected by the regulation and serving
24 disadvantaged communities.

1 “(C) WEIGHT GIVEN TO APPLICATIONS.—

2 After determining priority under subparagraphs
3 (A) and (B), an intended use plan shall provide
4 that the State will give greater weight to an ap-
5 plication for assistance if the application con-
6 tains—

7 “(i) a description of measures under-
8 taken by the public water system to im-
9 prove the management and financial sta-
10 bility of the public water system, which
11 may include—

12 “(I) an inventory of assets, in-
13 cluding a description of the condition
14 of the assets;

15 “(II) a schedule for replacement
16 of assets;

17 “(III) an audit of water losses;

18 “(IV) a financing plan that fac-
19 tors in all lifecycle costs indicating
20 sources of revenue from ratepayers,
21 grants, bonds, other loans, and other
22 sources to meet the costs; and

23 “(V) a review of options for re-
24 structuring;

1 “(ii) a demonstration of consistency
2 with State, regional, and municipal water-
3 shed plans;

4 “(iii) a water conservation plan con-
5 sistent with guidelines developed for such
6 plans by the Administrator under section
7 1455(a); and

8 “(iv) a description of measures under-
9 taken by the public water system to im-
10 prove the efficiency of the public water sys-
11 tem or reduce the public water system’s
12 environmental impact, which may in-
13 clude—

14 “(I) water efficiency or conserva-
15 tion, including the rehabilitation or re-
16 placement of existing leaking pipes;

17 “(II) use of reclaimed water;

18 “(III) actions to increase energy
19 efficiency;

20 “(IV) actions to generate or cap-
21 ture sustainable energy on site or
22 through the transportation of water
23 through the public water system;

24 “(V) actions to protect source
25 water;

1 “(VI) actions to mitigate or pre-
2 vent corrosion, including design, selec-
3 tion of materials, selection of coating,
4 and cathodic protection; and
5 “(VII) actions to reduce disinfec-
6 tion byproducts.”; and

7 (4) in subparagraph (D) (as redesignated by
8 paragraph (2)) by striking “periodically” and insert-
9 ing “at least biennially”.

10 (b) GUIDANCE.—Section 1452 of the Safe Drinking
11 Water Act (42 U.S.C. 300j–12) is amended—

12 (1) by redesignating subsection (r) as sub-
13 section (t); and

14 (2) by inserting after subsection (q) the fol-
15 lowing:

16 “(r) SMALL SYSTEM GUIDANCE.—The Administrator
17 may provide guidance and, as appropriate, tools, meth-
18 odologies, or computer software, to assist small public
19 water systems in undertaking measures to improve the
20 management, financial stability, and efficiency of the pub-
21 lic water system or reduce the public water system’s envi-
22 ronmental impact.”.

23 **SEC. 408. DISADVANTAGED COMMUNITIES.**

24 (a) ASSISTANCE TO INCREASE COMPLIANCE.—Sec-
25 tion 1452(b)(3) of the Safe Drinking Water Act (42

1 U.S.C. 300j–12(b)(3)), as amended, is further amended
2 by adding at the end the following:

3 “(E) ASSISTANCE TO INCREASE COMPLI-
4 ANCE.—A State’s intended use plan shall pro-
5 vide that, of the funds received by the State
6 through a capitalization grant under this sec-
7 tion for a fiscal year, the State will, to the ex-
8 tent that there are sufficient eligible project ap-
9 plications, reserve not less than 6 percent to be
10 spent on assistance under subsection (d) to
11 public water systems included in the State’s
12 most recent list under paragraph (2)(D).”.

13 (b) ASSISTANCE FOR DISADVANTAGED COMMU-
14 NITIES.—Section 1452(d) of the Safe Drinking Water Act
15 (42 U.S.C. 300j–12(d)) is amended—

16 (1) in paragraph (1), by adding at the end the
17 following: “Such additional subsidization shall di-
18 rectly and primarily benefit such community.”; and

19 (2) in paragraph (3), by inserting “, or portion
20 of a service area,” after “service area”.

21 (c) AFFORDABILITY CRITERIA.—Section 1452(d)(3)
22 of the Safe Drinking Water Act (42 U.S.C. 300j–
23 12(d)(3)) is amended by adding at the end: “Each State
24 that has entered into a capitalization agreement pursuant
25 to this section shall, in establishing affordability criteria,

1 consider, solicit public comment on, and include as appro-
2 priate—

3 “(A) the methods or criteria that the State
4 will use to identify disadvantaged communities;

5 “(B) a description of the institutional, reg-
6 ulatory, financial, tax, or legal factors at the
7 Federal, State, or local level that affect identi-
8 fied affordability criteria; and

9 “(C) a description of how the State will
10 use the authorities and resources under this
11 subsection to assist communities meeting the
12 identified criteria.”.

13 **SEC. 409. ADMINISTRATION OF STATE LOAN FUNDS.**

14 Section 1452(g) of the Safe Drinking Water Act (42
15 U.S.C. 300j–12(g)) is amended by adding at the end the
16 following new paragraph:

17 “(5) TRANSFER OF FUNDS.—

18 “(A) IN GENERAL.—The Governor of a
19 State may—

20 “(i) reserve for any fiscal year not
21 more than the lesser of—

22 “(I) 33 percent of a capitaliza-
23 tion grant made under this section; or

24 “(II) 33 percent of a capitaliza-
25 tion grant made under section 601 of

1 the Federal Water Pollution Control
2 Act; and

3 “(ii) add the funds so reserved to any
4 funds provided to the State under this sec-
5 tion or section 601 of the Federal Water
6 Pollution Control Act.

7 “(B) STATE MATCHING FUNDS.—Funds
8 reserved under this paragraph shall not be con-
9 sidered for purposes of calculating the amount
10 of a State contribution required by subsection
11 (e) of this section or section 602(b) of the Fed-
12 eral Water Pollution Control Act.”.

13 **SEC. 410. STATE REVOLVING LOAN FUNDS FOR AMERICAN**
14 **SAMOA, NORTHERN MARIANA ISLANDS,**
15 **GUAM, AND THE VIRGIN ISLANDS.**

16 Section 1452(j) of the Safe Drinking Water Act (42
17 U.S.C. 300j–12(j)) is amended by striking “0.33 percent”
18 and inserting “1.5 percent”.

19 **SEC. 411. AUTHORIZATION OF APPROPRIATIONS.**

20 Subsection (m) of section 1452 of the Safe Drinking
21 Water Act (42 U.S.C. 300j–12) is amended to read as
22 follows:

23 “(m) AUTHORIZATION OF APPROPRIATIONS.—

24 “(1) IN GENERAL.—There are authorized to be
25 appropriated to carry out this section—

1 “(A) \$3,130,000,000 for fiscal year 2018;

2 “(B) \$3,600,000,000 for fiscal year 2019;

3 “(C) \$4,140,000,000 for fiscal year 2020;

4 “(D) \$4,800,000,000 for fiscal year 2021;

5 and

6 “(E) \$5,500,000,000 for fiscal year 2022.

7 “(2) AVAILABILITY.—Amounts made available
8 pursuant to this subsection shall remain available
9 until expended.

10 “(3) RESERVATION FOR NEEDS SURVEYS.—Of
11 the amount made available under paragraph (1) to
12 carry out this section for a fiscal year, the Adminis-
13 trator may reserve not more than \$1,000,000 per
14 year to pay the costs of conducting needs surveys
15 under subsection (h).”.

16 **SEC. 412. AFFORDABILITY OF NEW STANDARDS.**

17 (a) TREATMENT TECHNOLOGIES FOR SMALL PUBLIC
18 WATER SYSTEMS.—Clause (ii) of section 1412(b)(4)(E)
19 of the Safe Drinking Water Act (42 U.S.C. 300g–
20 1(b)(4)(E)) is amended by adding at the end the following:
21 “If no technology, treatment technique, or other means
22 is included in a list under this subparagraph for a category
23 of small public water systems, the Administrator shall pe-
24 riodically review the list and supplement it when new tech-
25 nology becomes available.”.

1 (b) ASSISTANCE FOR DISADVANTAGED COMMU-
2 NITIES.—

3 (1) IN GENERAL.—Subparagraph (E) of section
4 1452(a)(1) of the Safe Drinking Water Act (42
5 U.S.C. 300j–12(a)(1)) is amended—

6 (A) by striking “except that the Adminis-
7 trator may reserve” and inserting “except
8 that—

9 “(i) in any year in which enforcement
10 of a new national primary drinking water
11 regulation begins, the Administrator may
12 use the remaining amount to make grants
13 to States whose public water systems are
14 disproportionately affected by the new reg-
15 ulation for the provision of assistance
16 under subsection (d) to such public water
17 systems;

18 “(ii) the Administrator may reserve”;
19 and

20 (B) by striking “and none of the funds re-
21 allotted” and inserting “; and

22 “(iii) none of the funds reallocated”.

23 (2) ELIMINATION OF CERTAIN PROVISIONS.—

1 (A) Section 1412(b) (42 U.S.C. 300g–
2 1(b)) of the Safe Drinking Water Act is amend-
3 ed by striking paragraph (15).

4 (B) Section 1415 (42 U.S.C. 300g–4) of
5 the Safe Drinking Water Act is amended by
6 striking subsection (e).

7 (3) CONFORMING AMENDMENTS.—

8 (A) Subparagraph (B) of section
9 1414(c)(1) of the Safe Drinking Water Act (42
10 U.S.C. 300g–3(c)(1)(B)) is amended by strik-
11 ing “, (a)(2), or (e)” and inserting “or (a)(2)”.

12 (B) Section 1416(b)(2) of the Safe Drink-
13 ing Water Act (42 U.S.C. 300g–5(b)(2)) is
14 amended by striking subparagraph (D).

15 (C) Section 1445(h) of the Safe Drinking
16 Water Act (42 U.S.C. 300j–4(h)) is amended—

17 (i) by striking “sections
18 1412(b)(4)(E) and 1415(e) (relating to
19 small system variance program” and in-
20 serting “section 1412(b)(4)(E)”;

21 (ii) by striking “guidance under sec-
22 tions 1412(b)(4)(E) and 1415(e)” and in-
23 serting “guidance under section
24 1412(b)(4)(E)”.

1 **SEC. 413. FOCUS ON LIFECYCLE COSTS.**

2 Section 1412(b)(4) of the Safe Drinking Water Act
3 (42 U.S.C. 300g–1(b)(4)) is amended—

4 (1) in subparagraph (D), by striking “taking
5 cost into consideration” and inserting “taking
6 lifecycle costs, including maintenance, replacement,
7 and avoided costs, into consideration”; and

8 (2) in subparagraph (E)(ii), in the matter pre-
9 ceding subclause (I), by inserting “taking lifecycle
10 costs, including maintenance, replacement, and
11 avoided costs, into consideration,” after “as deter-
12 mined by the Administrator in consultation with the
13 States,”.

14 **SEC. 414. BEST PRACTICES FOR ADMINISTRATION OF**
15 **STATE REVOLVING LOAN FUND PROGRAMS.**

16 Section 1452 of the Safe Drinking Water Act (42
17 U.S.C. 300j–12) is amended by inserting after subsection
18 (r), as added by section 407(b), the following:

19 “(s) BEST PRACTICES FOR PROGRAM ADMINISTRA-
20 TION.—The Administrator shall—

21 “(1) collect information from States on admin-
22 istration of State programs with respect to State
23 loan funds, including—

24 “(A) efforts to streamline the process for
25 applying for assistance through such programs;

1 “(B) programs in place to assist with the
2 completion of application forms;

3 “(C) incentives provided to systems that
4 partner with small public water systems for the
5 application process; and

6 “(D) techniques to ensure that obligated
7 balances are liquidated in a timely fashion;

8 “(2) not later than 3 years after the date of en-
9 actment of the Assistance, Quality, and Affordability
10 Act of 2017, disseminate to the States’ best prac-
11 tices for administration of such programs, based on
12 the information collected pursuant to this sub-
13 section; and

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

16 **TITLE V—INCREASING COMPLI-**
17 **ANCE AND COMMUNITY**
18 **RIGHT TO KNOW**

19 **SEC. 501. STREAMLINING REPORTING AND ENFORCEMENT.**

20 (a) ENFORCEMENT.—

21 (1) ADVICE AND TECHNICAL ASSISTANCE.—

22 Section 1414(a)(1) of the Safe Drinking Water Act
23 (42 U.S.C. 300g–3(a)(1)) is amended—

24 (A) in subparagraph (A), in the matter fol-
25 lowing clause (ii), by striking “and provide such

1 advice and technical assistance to such State
2 and public water system as may be appropriate
3 to bring the system into compliance with the re-
4 quirement by the earliest feasible time”; and

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

6 “(C) At any time after providing notice of a violation
7 to a State and public water system under subparagraph
8 (A), the Administrator may provide such advice and tech-
9 nical assistance to such State and public water system as
10 may be appropriate to bring the system into compliance
11 with the requirement by the earliest feasible time. In de-
12 ciding whether the provision of advice or technical assist-
13 ance is appropriate, the Administrator may consider the
14 potential for the violation to result in serious adverse ef-
15 fects to human health, whether the violation has occurred
16 continuously or frequently, and the effectiveness of past
17 technical assistance efforts.”.

18 (2) ADDITIONAL INSPECTIONS.—

19 (A) IN GENERAL.—Section 1414 of the
20 Safe Drinking Water Act (42 U.S.C. 300g–3) is
21 amended—

22 (i) by redesignating subsections (d)
23 through (i) as subsections (e) through (j),
24 respectively; and

1 (ii) by inserting after subsection (c)
2 the following:

3 “(d) ADDITIONAL INSPECTIONS FOLLOWING VIOLA-
4 TIONS.—

5 “(1) IN GENERAL.—The Administrator shall,
6 by regulation, and after consultation with the States,
7 prescribe the number, frequency, and type of addi-
8 tional inspections to follow any violation requiring
9 notice under subsection (c). Regulations under this
10 subsection shall—

11 “(A) take into account—

12 “(i) differences between violations
13 that are intermittent or infrequent and vio-
14 lations that are continuous or frequent;

15 “(ii) the seriousness of any potential
16 adverse health effects that may be in-
17 volved; and

18 “(iii) the number and severity of past
19 violations by the public water system; and

20 “(B) specify procedures for inspections fol-
21 lowing a violation by a public water system that
22 has the potential to have serious adverse effects
23 on human health as a result of short-term expo-
24 sure.

1 “(2) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—Nothing in this subsection shall be construed or applied to modify the requirements of section 1413.”.

5 (B) CONFORMING AMENDMENTS.—

6 (i) Subsections (a)(1)(B), (a)(2)(A),
7 and (b) of section 1414 of the Safe Drinking Water Act (42 U.S.C. 300g–3) are
8 amended by striking “subsection (g)” each
9 place it appears and inserting “subsection
10 (h)”.

12 (ii) Section 1448(a) of the Safe
13 Drinking Water Act (42 U.S.C. 300j–7(a))
14 is amended by striking “1414(g)(3)(B)”
15 and inserting “1414(h)(3)(B)”.

16 (b) ELECTRONIC REPORTING OF COMPLIANCE MONITORING DATA TO THE ADMINISTRATOR.—

18 (1) REQUIREMENT.—Section 1414 of the Safe
19 Drinking Water Act (42 U.S.C. 300g–3), as amended,
20 is further amended by adding at the end the following:
21

22 “(k) ELECTRONIC REPORTING OF COMPLIANCE
23 MONITORING DATA TO THE ADMINISTRATOR.—The Administrator shall by rule establish requirements for—
24

1 “(1) electronic submission by public water sys-
2 tems of all compliance monitoring data—

3 “(A) to the Administrator; or

4 “(B) with respect to public water systems
5 in a State which has primary enforcement re-
6 sponsibility under section 1413, to such State;
7 and

8 “(2) electronic submission to the Administrator
9 by each State which has primary enforcement re-
10 sponsibility under section 1413 of all compliance
11 monitoring data submitted to such State by public
12 water systems pursuant to paragraph (1)(B).”.

13 (2) FINAL RULE.—Not later than 12 months
14 after the date of the enactment of this Act, the Ad-
15 ministrator of the Environmental Protection Agency
16 shall issue a final rule to carry out section 1414(k)
17 of the Safe Drinking Water Act, as added by para-
18 graph (1).

19 **SEC. 502. CONSOLIDATION.**

20 (a) MANDATORY ASSESSMENT AND CONSOLIDA-
21 TION.—Subsection (i) of section 1414 of the Safe Drink-
22 ing Water Act (42 U.S.C. 300g–3), as redesignated by
23 section 501(a)(2), is amended by adding at the end the
24 following:

1 “(3) AUTHORITY FOR MANDATORY ASSESSMENT
2 AND MANDATORY CONSOLIDATION.—

3 “(A) MANDATORY ASSESSMENT.—A State
4 with primary enforcement responsibility or the
5 Administrator (if the State does not have pri-
6 mary enforcement responsibility) may require
7 the owner or operator of a public water system
8 to assess options for consolidation, or transfer
9 of ownership of the system, as described in
10 paragraph (1), if—

11 “(i) the public water system has re-
12 peatedly failed to comply with one or more
13 national primary drinking water regula-
14 tions;

15 “(ii) such consolidation or transfer is
16 feasible; and

17 “(iii) such consolidation or transfer
18 could result in greater compliance with na-
19 tional primary drinking water regulations.

20 “(B) MANDATORY CONSOLIDATION.—A
21 State with primary enforcement responsibility
22 or the Administrator (if the State does not have
23 primary enforcement responsibility) may require
24 the owner or operator of a public water system
25 to submit a plan for consolidation, or transfer

1 of ownership of the system, as described in
2 paragraph (1), and complete the actions re-
3 quired under such plan if—

4 “(i) the owner or operator of the pub-
5 lic water system completed the assessment
6 required under paragraph (A), but did not
7 complete consolidation or transfer of own-
8 ership;

9 “(ii) since completing such assess-
10 ment, the public water system has failed to
11 comply with one or more national primary
12 drinking water regulations; and

13 “(iii) such consolidation or transfer is
14 feasible.

15 “(C) REGULATIONS.—Not later than 2
16 years after the date of enactment of the Safe
17 Drinking Water Act Amendments of 2017, the
18 Administrator shall promulgate regulations to
19 implement this paragraph.

20 “(4) FINANCIAL ASSISTANCE.—Notwith-
21 standing section 1452(a)(3), public water systems
22 undertaking consolidation or transfer of ownership
23 pursuant to this section may receive assistance
24 under section 1452 to carry out such consolidation
25 or transfer.

1 “(5) PROTECTION OF NON-RESPONSIBLE SYS-
2 TEM.—

3 “(A) IDENTIFICATION OF LIABILITIES.—

4 An owner or operator of a public water system
5 submitting a plan pursuant to this section shall
6 identify as part of such plan—

7 “(i) any potential liability for damages
8 arising from each specific violation identi-
9 fied in the plan of which the owner or op-
10 erator is aware or should be aware; and

11 “(ii) any funds or other assets avail-
12 able to satisfy such liability that are avail-
13 able, as of the date of submission of such
14 plan, to the public water system that com-
15 mitted such violation.

16 “(B) RESERVATION OF FUNDS.—A public
17 water system that has completed consolidation
18 with another public water system pursuant to a
19 plan approved or required pursuant to this sec-
20 tion shall not be liable in a civil action for any
21 damages arising from a specific violation identi-
22 fied in such plan, except to the extent to which
23 funds or other assets are identified pursuant to
24 subparagraph (A)(ii) as available to satisfy such
25 liability.”.

1 (b) RETENTION OF PRIMARY ENFORCEMENT AU-
2 THORITY.—

3 (1) IN GENERAL.—Section 1413(a) of the Safe
4 Drinking Water Act (42 U.S.C. 300g–2(a)) is
5 amended—

6 (A) in paragraph (5), by striking “; and”
7 and inserting a semicolon;

8 (B) by redesignating paragraph (6) as
9 paragraph (7); and

10 (C) by inserting after paragraph (5) the
11 following new paragraph:

12 “(6) has adopted and is implementing proce-
13 dures for requiring public water systems to assess
14 options for, and complete, consolidation or transfer
15 of ownership, in accordance with the regulations
16 issued by the Administrator to implement section
17 1414(i)(3); and”.

18 (2) CONFORMING AMENDMENT.—Section
19 1413(b)(1) of the Safe Drinking Water Act (42
20 U.S.C. 300g–2(b)(1)) is amended by striking “of
21 paragraphs (1), (2), (3), and (4)”.

22 **SEC. 503. WATER VIOLATIONS INVENTORY.**

23 Section 1414 of the Safe Drinking Water Act (42
24 U.S.C. 300g–3), as amended, is further amended by add-
25 ing at the end the following new subsection:

1 “(l) EPA MANAGEMENT OF DATA.—

2 “(1) ESTABLISHMENT OF INVENTORY.—Not
3 later than one year after the date of enactment of
4 the Safe Drinking Water Act Amendments of 2017,
5 the Administrator shall establish and maintain in a
6 computer data base an inventory based on data sub-
7 mitted to the Administrator under this section re-
8 garding violations and exceedances. The Adminis-
9 trator shall make these data publicly accessible and
10 searchable by zip code and county, and available in
11 appropriate languages.

12 “(2) REPORT ON HOT SPOTS AND DISPROPOR-
13 TIONATE IMPACTS.—Not later than 2 years after the
14 date of enactment of the Safe Drinking Water Act
15 Amendments of 2017, and annually thereafter, the
16 Administrator shall submit to the Committee on En-
17 ergy and Commerce of the House of Representatives
18 and the Committee on Environment and Public
19 Works of the Senate a report on any dispropor-
20 tionate impacts on communities of particular demo-
21 graphic categories as shown by the data in the in-
22 ventory under paragraph (1).”.

1 **SEC. 504. IMPROVED CONSUMER CONFIDENCE REPORTS.**

2 Section 1414(c)(4) of the Safe Drinking Water Act
3 (42 U.S.C. 300g-3(c)(4)) is amended by adding at the end
4 the following new subparagraph:

5 “(F) REVISIONS.—Not later than 24
6 months after the date of enactment of the Safe
7 Drinking Water Act Amendments of 2017, the
8 Administrator, in consultation with the groups
9 identified in subparagraph (A), shall promul-
10 gate revisions to the regulations issued pursu-
11 ant to subparagraph (A) to increase the effec-
12 tiveness and understandability of consumer con-
13 fidence reports.”.

14 **TITLE VI—STUDIES AND**
15 **TECHNOLOGY**

16 **SEC. 601. REAL TIME MONITORING TECHNOLOGY RE-**
17 **SEARCH GRANTS.**

18 (a) GRANT PROGRAM.—Not later than 1 year after
19 the date of enactment of this Act, the Administrator of
20 the Environmental Protection Agency shall establish a
21 grant program to provide funds to projects to develop
22 technology for real-time monitoring of drinking water con-
23 taminants. Grants awarded under this section shall be
24 awarded on a competitive basis after solicitation and eval-
25 uation of proposals.

1 (b) PROJECTS.—Projects eligible for funding under
2 the grant program established under this section include
3 projects for the—

4 (1) development of new hardware and tech-
5 nology, or improvement of existing hardware or tech-
6 nology, that monitors contaminants in drinking
7 water in real-time; and

8 (2) development of software that assists in real-
9 time monitoring of contaminants in drinking water.

10 (c) REPORT TO CONGRESS.—Not later than 3 years
11 after the date of enactment of this Act, the Administrator
12 shall submit to the Committee on Energy and Commerce
13 of the House of Representatives and the Committee on
14 Environment and Public Works of the Senate a report de-
15 scribing the projects funded under the grant program es-
16 tablished under this section and the technology that has
17 been developed as a result of such projects.

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

1 **SEC. 602. PRESENCE OF PHARMACEUTICALS AND PER-**
2 **SONAL CARE PRODUCTS IN SOURCES OF**
3 **DRINKING WATER.**

4 Subsection (a) of section 1442 of the Safe Drinking
5 Water Act (42 U.S.C. 300j-1) is amended by adding at
6 the end the following:

7 “(11) PRESENCE OF PHARMACEUTICALS AND PER-
8 SONAL CARE PRODUCTS IN SOURCES OF DRINKING
9 WATER.—

10 “(A) STUDY.—The Administrator shall carry
11 out a study on the presence of pharmaceuticals and
12 personal care products in sources of drinking water,
13 which shall—

14 “(i) identify pharmaceuticals and personal
15 care products that have been detected in
16 sources of drinking water and the levels at
17 which such pharmaceuticals and personal care
18 products have been detected;

19 “(ii) identify the sources of pharma-
20 ceuticals and personal care products in sources
21 of drinking water, including point sources and
22 nonpoint sources of pharmaceutical and per-
23 sonal care products;

24 “(iii) identify the effects of such pharma-
25 ceuticals and personal care products on hu-

1 mans, the environment, and the safety of drink-
2 ing water; and

3 “(iv) identify methods to control, limit,
4 treat, or prevent the presence of such personal
5 care pharmaceuticals and products.

6 “(B) CONSULTATION.—The Administrator shall
7 conduct the study described in subparagraph (A) in
8 consultation with the Secretary of Health and
9 Human Services (acting through the Commissioner
10 of Food and Drugs), the Director of the United
11 States Geological Survey, the heads of other appro-
12 priate Federal agencies (including the National In-
13 stitute of Environmental Health Sciences), and other
14 interested stakeholders (including manufacturers of
15 pharmaceuticals and personal care products and
16 consumer groups and advocates).

17 “(C) REPORT.—Not later than 4 years after
18 the date of the enactment of this paragraph, the Ad-
19 ministrator shall submit to the Congress a report on
20 the results of the study carried out under this para-
21 graph.

22 “(D) DEFINITIONS.—In this paragraph:

23 “(i) The term ‘personal care product’ has
24 the meaning given the term ‘cosmetic’ in section

1 201 of the Federal Food, Drug, and Cosmetic
2 Act.

3 “(ii) The term ‘pharmaceutical’ has the
4 meaning given the term ‘drug’ in section 201 of
5 the Federal Food, Drug, and Cosmetic Act.”.

6 **SEC. 603. WATER LOSS AND LEAK CONTROL TECHNOLOGY.**

7 Part E of the Safe Drinking Water Act (42 U.S.C.
8 300j et seq.), as amended, is further amended by adding
9 at the end the following:

10 **“SEC. 1459D. WATER LOSS AND LEAK CONTROL TECH-**
11 **NOLOGY.**

12 “The Administrator shall—

13 “(1) not later than 5 years after the date of en-
14 actment of this section, develop criteria for effective
15 water loss and leak control technology to be used by
16 public water systems; and

17 “(2) implement a program through which a
18 manufacturer of such technology may apply, on a
19 voluntary basis, for certification of compliance with
20 such criteria.”.