

**The Contaminant and Lead Electronic Accounting and Reporting Requirements (CLEARR) for Drinking Water Act of 2016**  
**Senator Edward J. Markey (D-Mass.), Ranking Member, Subcommittee on Superfund, Waste Management and Government Oversight**

**Section 2. Assistance for Disadvantaged Communities**

Estimates to replace water pipes in Flint, Michigan top \$1.5 billion. To help drinking water systems finance these costly infrastructure projects, low-interest loans are provided by the Federal government (called State Revolving Funds, SRFs). These low-interest loans are designed to bring public water systems into compliance with national drinking water standards.

This section requires states to provide no less than 6% of State Revolving Funds to assist public water systems that serve disadvantaged communities and report exemptions or persistent violations. It redefines *disadvantaged communities* to more broadly include a portion of a service area, instead of the entire service area.

**Section 3. Drinking Water Quality Improvement for Minority, Tribal, and Low-Income Communities**

Low-income and minority communities are being exposed to some of the worse and most intense pollution in the United States<sup>1</sup>. This section tasks the Office of Environmental Justice within the EPA to develop a system so that members of disadvantaged communities can request in-home water quality tests. Time after time, the appropriate agencies failed to properly test the drinking water in Flint for lead<sup>2</sup> or Legionella<sup>3</sup>, the bacteria responsible for Legionnaires' Disease. Allowing residents to directly request water testing gives them more power to ensure safe drinking water for their families.

The EPA would also be required to develop a database of public health test results that could be relevant to drinking water quality, including test results of elevated blood lead and other contaminant levels from the CDC. Additional information about public health testing results might identify a problem sooner. The EPA is directed to provide grants to community organizations to educate residents on the potential health effects of drinking water contaminants and the assistance that the EPA can provide to ensure safe drinking water. Additionally, the EPA is directed to enter into scientific partnerships to perform research on

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<sup>1</sup> <https://www.washingtonpost.com/news/energy-environment/wp/2016/01/27/its-not-just-flint-poor-communities-across-the-country-live-with-extreme-polluters/>

<sup>2</sup> <http://www.detroitnews.com/story/news/michigan/flint-water-crisis/2016/02/03/flint-water-congressional-hearing/79728072/>

<sup>3</sup> <http://www.detroitnews.com/story/news/michigan/flint-water-crisis/2016/02/23/flint-water-never-tested-legionella/80830930/>

drinking water contaminants and serious public health crises, such as Flint, and the possible effects on the health of the residents.

For fiscal years 2018 through 2022, \$2 million are authorized for in-home water quality tests, \$5 million for community partnerships, and \$10 million for the scientific and research partnerships.

#### **Section 4. Compliance and Inspections of Public Water Supplies**

In an effort to identify and report at-risk drinking water systems, this section requires states to report a list of water systems that do not conform to national primary drinking water standards or may present an imminent and substantial endangerment to human health as part of their intended use plans for SRF funds. The EPA can then provide advice and technical assistance to a state and public water system to help bring those systems into compliance with drinking water regulations.

For frequent or serious violators, this section directs the EPA to develop a system whereby additional escalated inspections can be required when drinking water systems with persistent or serious violations that have the potential to cause an adverse effect on human health. The EPA will take into account the frequency and seriousness of the violation, and the history of violations of the water system when requiring future inspections.

#### **Section 5. Electronic Monitoring.**

Electronic monitoring will bring the testing of public water systems into the 21<sup>st</sup> century, and pave the way for a real-time look at water quality. This section requires the EPA to establish requirements for the electronic reporting of water system compliance data. The faster data are available to the EPA, the quicker the response.

#### **Section 6. Priority of Applications.**

This section adds as an SRF grant priority for applications that improve continuous electronic monitoring and electronically transmit water quality testing results. This could reduce the time between identification of a concern and action.

#### **Section 7. Notification of the Centers for Disease Control and Prevention and State Health Agencies**

This section would require the head of the State agency that has primary enforcement responsibility for drinking water to notify EPA, the Centers for Disease Control and Prevention, and appropriate State and County health agencies when a drinking water violation with the potential to have serious adverse effects on human health occurs, so that the appropriate environmental and public health response can be triggered more quickly.