

115TH CONGRESS
2D SESSION

S. _____

To amend the Safe Drinking Water Act to update and modernize the reporting requirements for contaminants, including lead, in drinking water, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself, Mr. CARDIN, Mr. DURBIN, Ms. BALDWIN, Mr. SANDERS, Mr. WHITEHOUSE, Mr. MERKLEY, Mr. VAN HOLLEN, Ms. HARRIS, Ms. DUCKWORTH, Ms. SMITH, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Safe Drinking Water Act to update and modernize the reporting requirements for contaminants, including 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 “Contaminant and Lead
5 Electronic Accounting and Reporting Requirements
6 (CLEAR) for Drinking Water Act of 2018”.

1 **SEC. 2. ASSISTANCE FOR SMALL AND DISADVANTAGED**
2 **COMMUNITIES.**

3 Section 1459A of the Safe Drinking Water Act (42
4 U.S.C. 300j–19a) is amended by striking subsection (j)
5 and inserting the following:

6 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this sec-
8 tion—

9 “(1) \$230,000,000 for fiscal year 2019; and

10 “(2) \$300,000,000 for each of fiscal years 2020
11 through 2023.”.

12 **SEC. 3. DRINKING WATER QUALITY IMPROVEMENT FOR MI-**
13 **NORITY, TRIBAL, AND LOW-INCOME COMMU-**
14 **NITIES.**

15 (a) DEFINITIONS.—In this section:

16 (1) ADMINISTRATOR.—The term “Adminis-
17 trator” means the Administrator of the Environ-
18 mental Protection Agency.

19 (2) WATER QUALITY TESTING.—The term
20 “water quality testing” means the testing of drink-
21 ing water for the presence of lead or any other con-
22 taminant that poses a public health risk.

23 (b) FORMAL GUIDANCE.—The Administrator shall
24 issue formal guidance to develop a process to protect and
25 improve the drinking water of minority, Tribal, and low-
26 income communities.

1 (c) EXPEDITED WATER QUALITY TESTING.—

2 (1) IN GENERAL.—In developing the process
3 described in subsection (b), the Administrator shall
4 establish and maintain, within the Office of Environ-
5 mental Justice of the Environmental Protection
6 Agency, a process by which a minority, Tribal, or
7 low-income community, as defined by the Director of
8 the Office of Environmental Justice of the Environ-
9 mental Protection Agency, in coordination with the
10 Director of the Office of Ground Water and Drink-
11 ing Water of the Environmental Protection Agency,
12 may request expedited water quality testing of the
13 drinking water of the community for the presence of
14 lead or any other contaminant that poses a public
15 health risk to individuals in the community.

16 (2) RESULTS.—The Administrator shall provide
17 to the requestor the results of an expedited water
18 quality testing carried out in accordance with para-
19 graph (1) in a timely manner.

20 (3) WEBSITE.—The Administrator shall develop
21 and maintain a publicly accessible website through
22 which a request for expedited water quality testing
23 in accordance with paragraph (1) may be submitted,
24 in compliance with applicable Federal law (including

1 regulations) and policies relating to the protection of
2 individual privacy.

3 (4) PERFORMANCE MEASURE.—

4 (A) IN GENERAL.—The Administrator
5 shall develop a performance measure for the ex-
6 pedited water quality testing carried out in ac-
7 cordance with paragraph (1) to determine the
8 average number of days between the date of
9 submission of a request for expedited water
10 quality testing and the date of completion of a
11 request.

12 (B) REPORTING.—The performance meas-
13 ure described in subparagraph (A) shall be pub-
14 lished on the website described in paragraph (3)
15 not less frequently than once each calendar
16 year.

17 (d) ELECTRONIC DATABASE.—

18 (1) IN GENERAL.—The Administrator shall de-
19 velop and maintain an electronic database of water
20 quality and health screening tests that includes the
21 results of any—

22 (A) water system supplier water quality
23 test required under the Safe Drinking Water
24 Act (42 U.S.C. 300f et seq.);

1 (B) health screening, including blood lead
2 test results, aggregated not less frequently than
3 once each month on a geographic scale not
4 smaller than county level, to be coordinated
5 with the Director of the Centers for Disease
6 Control and Prevention, required under section
7 317A of the Public Health Service Act (42
8 U.S.C. 247b-1) and in accordance with the
9 Health Insurance Portability and Accountability
10 Act of 1996 (Public Law 104-191; 110 Stat.
11 1936); and

12 (C) expedited water quality testing carried
13 out in accordance with subsection (c)(1).

14 (2) PUBLIC AVAILABILITY.—The Administrator
15 shall make publicly available the information in the
16 database described in paragraph (1)(A).

17 (e) REGIONAL LIAISON.—

18 (1) IN GENERAL.—In developing the process
19 described in subsection (b), the Administrator shall
20 ensure that not fewer than 1 employee in each re-
21 gional office of the Environmental Protection Agency
22 will serve as a liaison to minority, Tribal, and low-
23 income communities in the relevant region.

24 (2) PUBLIC IDENTIFICATION.—The Adminis-
25 trator shall prominently identify each regional liai-

1 son selected under paragraph (1) on the website
2 of—

3 (A) the relevant regional office of the Envi-
4 ronmental Protection Agency; and

5 (B) the Office of Environmental Justice of
6 the Environmental Protection Agency.

7 (f) COMMUNITY PARTNERSHIP.—The Administrator
8 may make grants to community organizations that rep-
9 resent, operate in, or serve a minority, Tribal, or low-in-
10 come community, as determined by the Administrator, to
11 educate the residents of the community on—

12 (1) contaminants in drinking water that may
13 have an adverse effect on human health; and

14 (2) assistance that the Administrator may pro-
15 vide to residents to identify and address a drinking
16 water contaminant that may have an adverse effect
17 on human health.

18 (g) PUBLIC INTEREST SCIENCE PARTNERSHIPS.—
19 The Administrator may create a partnership with an aca-
20 demic or research institution, including another Federal
21 agency, to conduct or promote science that serves the pub-
22 lic interest by sharing data or costs or engaging in any
23 other activity of mutual benefit—

24 (1) to identify—

1 (A) any contaminant in drinking water
2 that may have an adverse effect on human
3 health; and

4 (B) a significant public health crisis caused
5 by any violation or contamination that—

6 (i) has the potential to have a serious
7 adverse effect on human health that re-
8 quires notice under section 1414(c)(2)(C)
9 of the Safe Drinking Water Act (42 U.S.C.
10 300g-3(c)(2)(C)); or

11 (ii) may present an imminent and
12 substantial endangerment to the health of
13 persons (within the meaning of section
14 1431(a) of the Safe Drinking Water Act
15 (42 U.S.C. 300i(a))); and

16 (2) to measure the risk that a minority, Tribal,
17 or low-income community faces from contaminants
18 in drinking water that may have an adverse effect
19 on human health.

20 (h) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated for the period of fiscal
22 years 2019 through 2023—

23 (1) to carry out subsection (c), \$2,000,000;

24 (2) to provide grants to community partners to
25 carry out subsection (f), \$5,000,000; and

1 (3) to carry out subsection (g), \$10,000,000.

2 **SEC. 4. COMPLIANCE AND INSPECTIONS OF PUBLIC WATER**
3 **SUPPLIES.**

4 (a) **REPORTING NONCOMPLIANCE.**—Section
5 1452(b)(2) of the Safe Drinking Water Act (42 U.S.C.
6 300j–12(b)(2)) is amended—

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

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

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

12 “(D) a list that includes—

13 “(i) any public water system in the
14 State that—

15 “(I) has in effect an exemption
16 or variance for any national primary
17 drinking water regulation;

18 “(II) is in persistent violation of
19 any requirement for a maximum con-
20 taminant level or treatment technique
21 under a national primary drinking
22 water regulation; or

23 “(III) the State or Administrator
24 determines may present an imminent
25 and substantial endangerment to the

1 health of persons (within the meaning
2 of section 1431(a));

3 “(ii) the relevant national primary
4 drinking regulation for the exemption,
5 variance, or violation; and

6 “(iii)(I) the effective date of the ex-
7 emption or variance; or

8 “(II) the date on which the persistent
9 violation began.”.

10 (b) ADVICE AND TECHNICAL ASSISTANCE.—Section
11 1414(a)(1) of the Safe Drinking Water Act (42 U.S.C.
12 300g-3(a)(1)) is amended—

13 (1) in subparagraph (A)—

14 (A) in the matter preceding clause (i), by
15 striking “Whenever” and inserting “The Ad-
16 ministrators shall notify the State and the public
17 water system of noncompliance by the public
18 water system if”;

19 (B) in clause (ii), by striking “pursuant
20 thereto,” and inserting “in accordance with
21 that variance or exemption.”; and

22 (C) by striking the undesignated matter
23 following clause (ii); and

24 (2) by adding at the end the following:

1 “(C) ADVICE AND TECHNICAL ASSIST-
2 ANCE.—

3 “(i) IN GENERAL.—After providing
4 notice of noncompliance to the State and
5 the public water system under subpara-
6 graph (A), the Administrator may provide
7 such advice and technical assistance to the
8 State and public water system as the Ad-
9 ministrator determines appropriate to
10 bring the public water system into compli-
11 ance with the variance or exemption by the
12 earliest date feasible.

13 “(ii) CONSIDERATIONS.—In making a
14 determination to provide advice and tech-
15 nical assistance under clause (i), the Ad-
16 ministrator may consider—

17 “(I) the potential for the non-
18 compliance to result in a serious ad-
19 verse effect to human health;

20 “(II) whether the noncompliance
21 has occurred continuously or fre-
22 quently; and

23 “(III) the effectiveness of any
24 past technical assistance effort.”.

1 (c) ADDITIONAL INSPECTIONS.—Section 1414 of the
2 Safe Drinking Water Act (42 U.S.C. 300g–3) is amend-
3 ed—

4 (1) by redesignating subsections (d) through (i)
5 as subsections (e) through (j), respectively; and

6 (2) by inserting after subsection (c) the fol-
7 lowing:

8 “(d) ADDITIONAL INSPECTIONS AFTER A VIOLA-
9 TION.—

10 “(1) IN GENERAL.—After consultation with the
11 States, the Administrator shall, by regulation, pre-
12 scribe the number, frequency, and type of additional
13 inspections that shall be carried out after any viola-
14 tion that requires notice under subsection (c).

15 “(2) REGULATIONS.—The regulations issued
16 under paragraph (1) shall—

17 “(A) take into account—

18 “(i) the difference between—

19 “(I) intermittent or infrequent
20 violations; and

21 “(II) continuous or frequent vio-
22 lations;

23 “(ii) the seriousness of any potential
24 adverse health effect that may be related
25 to a violation; and

1 “(iii) the number and severity of a
2 past violation by a public water system;
3 and

4 “(B) specify the procedure for an inspec-
5 tion after a violation by a public water system
6 that has the potential to cause a serious adverse
7 effect on human health due to short-term expo-
8 sure to a contaminant.”.

9 (3) CONFORMING AMENDMENTS.—

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

12 (i) in subsection (a)—

13 (I) in paragraph (1)(B), by strik-
14 ing “subsection (g)” and inserting
15 “subsection (h)”; and

16 (II) in paragraph (2)(A), in the
17 undesignated matter following clause
18 (ii), by striking “subsection (g)” and
19 inserting “subsection (h)”; and

20 (ii) in subsection (b), in the matter
21 preceding paragraph (1), by striking “sub-
22 section (g)” and inserting “subsection
23 (h)”.

24 (B) Section 1448(a) of the Safe Drinking
25 Water Act (42 U.S.C. 300j-7(a)) is amended in

1 the third sentence of the undesignated matter
2 following paragraph (2) by striking “section
3 1414(g)(3)(B)” and inserting “section
4 1414(h)(3)(B)”.

5 **SEC. 5. ELECTRONIC REPORTING OF TEST RESULTS.**

6 Section 1414 of the Safe Drinking Water Act (42
7 U.S.C. 300g-3) (as amended by section 4(c)(1)) is amend-
8 ed by adding at the end the following:

9 “(k) ELECTRONIC REPORTING OF COMPLIANCE
10 MONITORING DATA.—Not later than 1 year after the date
11 of enactment of this subsection, the Administrator shall
12 issue a final rule that establishes requirements for elec-
13 tronic submission—

14 “(1) by public water systems of all compliance
15 monitoring data—

16 “(A) to the Administrator; or

17 “(B) with respect to a public water system
18 in a State that has primary enforcement re-
19 sponsibility under section 1413, to that State;
20 and

21 “(2) by each State that has primary enforce-
22 ment responsibility under section 1413 to the Ad-
23 ministrator of all compliance monitoring data sub-
24 mitted by a public water system to the State under
25 paragraph (1)(B).”.

1 **SEC. 6. NOTIFICATION TO THE CENTERS FOR DISEASE**
2 **CONTROL AND PREVENTION AND STATE**
3 **HEALTH AGENCIES.**

4 Section 1414(c)(2)(C) of the Safe Drinking Water
5 Act (42 U.S.C. 300g-3(c)(2)(C)) is amended—

6 (1) in clause (iii)—

7 (A) by striking “Administrator and” and
8 inserting “Administrator, the Director of the
9 Centers for Disease Control and Prevention,
10 and”;

11 (B) by inserting “and the appropriate
12 State and county health agencies” after “as ap-
13 plicable,”;

14 (C) by striking “and” at the end;

15 (2) by redesignating clause (iv) as clause (v);

16 and

17 (3) by inserting after clause (iii) the following:

18 “(iv) be provided to each person
19 served by the public water system—

20 “(I) in the first billing statement
21 that the public water system prepares
22 after the date on which the violation
23 occurs; and

24 “(II) in a manner consistent with
25 clause (ii); and”.