



## Senate bill would ease up on small systems

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WASHINGTON — Three US senators are backing a new bill that would relax some enforcement measures of the Safe Drinking Water Act now applied to small public water systems, and give the small systems more treatment options and financing to comply with water quality standards.

A key provision of the bill, S. 2509, would prohibit the US Environmental Protection Agency (EPA) from enforcing small-system compliance with a federal drinking water standard unless the small system received enough federal funds to pay for the federal share of the upgrade. The bill would set aside \$15 million a year nationally for fiscal years 2008 through 2012 to accomplish this.

Among other provisions, the bill, called the Small System Drinking Water Act of 2007, would:

- Convene a working group — composed of representatives of states, small publicly owned water systems and water treatment manufacturers — to report to Congress within six months on current barriers to the small systems' use for compliance of point-of-use and point-of-entry (POU/POE) technology, package plants (including bottling), and modular units.
- Order EPA to take into consideration more affordability factors when it enforces small-system compliance. In one key section, the bill would "ensure that the affordability criteria are not more costly, on a per-capita basis, to a small public water system than the cost, on a per-capita basis, to a large water system of acquiring feasible technologies ..."
- Provide research and technical assistance to small water systems not currently in compliance with EPA rules, especially those systems out of compliance with the 1998 Disinfectants and Disinfection Byproducts Rule, the 2001 final arsenic rule (implemented in January 2006), the 2006 Stage 2 Disinfectants and Disinfection Byproducts Rule, and the 2006 final Groundwater Rule.

The key provisions would apply to "each public water system that serves fewer than 10,000 individuals," according to the bill language. "Extra weight" in applying affordability criteria would also be given to systems with households below the poverty level.

The bill's principal sponsor is Sen. James Inhofe (R-OK); it is co-sponsored by Sens. Ben Nelson (D-NE) and Chuck Hagel (R-NE).

In a statement accompanying the introduction of the bill in mid-December, Inhofe said: "Municipalities in Oklahoma and across the country continue to struggle to meet federal drinking water standards. Numerous small systems face tremendous challenges with the Disinfection Byproducts (DBP) Stage 1 rule and many other small systems — who traditionally buy water — are now struggling with Stage 2 of the rule."

He added: "If the federal government is going to impose complicated requirements on

water systems, we need to provide them with assistance in implementing those requirements."

The bill has been referred to the Senate's Committee on Environment and Public Works, of which Inhofe is ranking member and Sen. Barbara Boxer (D-CA) is chairman.

The text of S.2509 may be found by clicking [here](#).

To read the full press release from Sen. Inhofe, click [here](#).

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110TH CONGRESS  
1ST SESSION

# S. 2509

To amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available or variance technology has been identified.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2007

Mr. INHOFE (for himself, Mr. NELSON of Nebraska, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available or variance technology has been identified.

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 “Small System Safe  
5 Drinking Water Act of 2007”.

1 **SEC. 2. COMPLIANCE AND ENFORCEMENT.**

2 (a) GUIDANCE.—Section 1412(b)(4)(E) of the Safe  
3 Drinking Water Act (42 U.S.C. 300g-1(b)(4)(E)) is  
4 amended by adding at the end the following:

5 “(vi) GUIDANCE.—As soon as prac-  
6 ticable after the date of enactment of this  
7 clause, the Administrator shall—

8 “(I) convene a working group  
9 composed of representatives from  
10 States, small publicly owned water  
11 systems, and treatment manufactur-  
12 ers, which shall, not later than 180  
13 days after the date of enactment of  
14 this clause, conduct a study of, and  
15 submit to Congress a report on, bar-  
16 riers to the use of point-of-use and  
17 point-of-entry treatment units, pack-  
18 age plants (including water bottled by  
19 the public water system), and modular  
20 units;

21 “(II) develop a model guidance  
22 document based on recommendations  
23 received from the working group  
24 under subclause (I) and similar State  
25 guidance documents for distribution  
26 to States to assist States in regulating

and promoting the treatment options  
described in subclause (I); and

“(III) distribute to small water  
systems—

“(aa) the model guidance  
document developed under sub-  
clause (II); and

“(bb) such other information  
relating to the treatment options  
described in subclause (I) as the  
Administrator considers to be ap-  
propriate.”.

(b) ENFORCEMENT OF NATIONAL PRIMARY DRINK-  
ING WATER REGULATIONS.—

(1) VARIANCE TECHNOLOGIES.—Section  
1412(b)(15)(A) of the Safe Drinking Water Act (42  
U.S.C. 300g-1(b)(15)(A)) is amended—

(A) by redesignating clauses (i) through  
(iii) as subclauses (I) through (III), respec-  
tively, and indenting appropriately;

(B) by striking “(A) IN GENERAL.—At  
the” and inserting the following:

“(A) TECHNOLOGIES.—

“(i) IN GENERAL.—At the”; and

1 (C) by adding after the matter following  
2 subparagraph (A)(i)(III) (as redesignated by  
3 subparagraph (A)) the following:

4 “(B) AFFORDABILITY.—In establishing af-  
5 fordability criteria under this subparagraph, the  
6 Administrator shall—

7 “(i) in determining whether a treat-  
8 ment technology or treatment technique is  
9 affordable, include consideration of costs  
10 associated with complying with all relevant  
11 regulations promulgated in accordance  
12 with this Act and the Federal Water Pollu-  
13 tion Control Act (33 U.S.C. 1251 et seq.)  
14 with which a municipality or small public  
15 water system may be required to comply;

16 “(ii) give extra weight to households  
17 the total income of which is below the pov-  
18 erty level, and to communities that meet  
19 the affordability criteria of a State estab-  
20 lished in accordance with section  
21 1452(b)(3)(A)(iii), as determined by the  
22 Administrator; and

23 “(iii) ensure that the affordability cri-  
24 teria are not more costly, on a per-capita  
25 basis, to a small public water system than

1           the cost, on a per-capita basis, to a large  
2           water system of acquiring feasible tech-  
3           nology described in paragraph (4).”.

4           (2) STATE REVOLVING LOAN FUNDS.—Section  
5       1452 of the Safe Drinking Water Act (42 U.S.C.  
6       300j–12) is amended—

7           (A) by redesignating subsections (n), (o),  
8           (p), (q), and (r) as subsection (o), (p), (q), (r),  
9           and (s) respectively; and

10          (B) by inserting after subsection (m) the  
11          following:

12       “(n) ENFORCEMENT.—Before initiating any enforce-  
13       ment action, the Administrator or the State shall ensure  
14       that sufficient funds have been made available under this  
15       title to assist each public water system that serves fewer  
16       than 10,000 individuals in meeting requirements under  
17       the regulation.”.

18       (c) RENEWAL OF EXEMPTION.—Section 1416(b)(2)  
19       of the Safe Drinking Water Act (42 U.S.C. 300g–5(b)(2))  
20       is amended by striking subparagraph (C) and inserting  
21       the following:

22               “(C) In the case of a system that does not  
23               serve more than a population of 10,000 and  
24               that needs financial assistance for the necessary  
25               improvements, an exemption granted under

1 clause (i) or (ii) of subparagraph (B) may be  
 2 renewed for such period as the State determines  
 3 to be appropriate, if the system establishes that  
 4 it is taking all practicable steps to meet the re-  
 5 quirements of subparagraph (B).”.

6 (d) RESEARCH, TECHNICAL ASSISTANCE, INFORMA-  
 7 TION, AND TRAINING OF PERSONNEL.—Section 1442 of  
 8 the Safe Drinking Water Act (42 U.S.C. 300j-1) is  
 9 amended—

10 (1) in subsection (e)—

11 (A) in the first sentence, by striking “The  
 12 Administrator” and inserting the following:

13 “(1) IN GENERAL.—The Administrator”;

14 (B) in the second sentence, by striking  
 15 “Such assistance” and inserting the following:

16 “(2) TYPES OF ASSISTANCE.—Assistance pro-  
 17 vided under paragraph (1)”;

18 (C) in the third sentence, by striking “The  
 19 Administrator” and inserting the following:

20 “(3) AVAILABILITY OF ASSISTANCE.—The Ad-  
 21 ministrator”;

22 (D) in the fourth sentence, by striking  
 23 “Each nonprofit” and inserting the following:

24 “(4) CONSULTATION WITH STATE.—Each non-  
 25 profit”; and



1 (E) by striking the fifth sentence and all  
2 that follows through the end of the subsection  
3 and inserting the following:

4 “(5) ASSISTANCE IN COMPLYING WITH  
5 RULES.—The Administrator shall ensure, to the  
6 maximum extent practicable, that each water system  
7 serving fewer than 10,000 individuals that is re-  
8 quired to comply with Federal drinking water rules  
9 receives adequate technical assistance and training  
10 to meet the requirements of those final rules, includ-  
11 ing through assistance to be provided by qualified  
12 nonprofit associations with expertise in public water  
13 systems.

14 “(6) PRIORITY.—The Administrator shall give  
15 priority for assistance under this section to water  
16 systems that, as of the date of enactment of this  
17 paragraph, are not in compliance with, as deter-  
18 mined by the Administrator—

19 “(A) the final rule entitled ‘Disinfectants  
20 and Disinfection Byproducts’ and published by  
21 the Administrator on December 16, 1998 (63  
22 Fed. Reg. 69390);

23 “(B) the final rule entitled ‘Arsenic and  
24 Clarifications to Compliance and New Source  
25 Contaminants Monitoring’ and published by the

1 Administrator on January 22, 2001 (66 Fed.  
2 Reg. 6976);

3 “(C) the final rule entitled ‘Stage 2 Dis-  
4 infectants and Disinfection Byproducts Rule’  
5 and published by the Administrator on January  
6 4, 2006 (71 Fed. Reg. 388); and

7 “(D) the final rule entitled ‘Ground Water  
8 Rule’ and published by the Administrator on  
9 November 8, 2006 (71 Fed. Reg. 65574).

10 “(7) ENFORCEMENT ACTION.—Before initiating  
11 any enforcement action, the Administrator or the  
12 State shall ensure that sufficient funds have been  
13 made available under this title to assist each public  
14 water system that serves fewer than 10,000 individ-  
15 uals in meeting requirements under the regulation.”;  
16 and

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

18 “(f) RESEARCH AND DEVELOPMENT PILOT  
19 PROJECTS.—

20 “(1) IN GENERAL.—The Administrator shall es-  
21 tablish a research pilot program (referred to in this  
22 subsection as the ‘program’) to explore new tech-  
23 nologies or approaches that public water systems  
24 may use to comply with a public drinking water  
25 standard promulgated under this Act.

1           “(2) RESPONSIBILITIES OF ADMINISTRATOR.—

2           In carrying out this subsection, the Administrator  
3           shall—

4                   “(A) establish an application process that  
5                   includes criteria that may be used to assess  
6                   water systems applying for participation in the  
7                   program;

8                   “(B) based on applications received under  
9                   subparagraph (A), select 20 communities with  
10                  various populations and water sources in dif-  
11                  ferent regions of the United States for partici-  
12                  pation in the program;

13                  “(C) fund projects that develop or imple-  
14                  ment new technologies or approaches for imple-  
15                  mentation of Federal drinking water standards;  
16                  and

17                  “(D) coordinate projects with the Arsenic  
18                  Water Technology Partnership program of the  
19                  Department of Energy.

20           “(3) TECHNOLOGY TRANSFER AND DISINFEC-  
21           TION STRATEGIES.—The Administrator shall carry  
22           out a pilot program to conduct research into tech-  
23           nology transfer issues and disinfection strategies re-  
24           lating to drinking water, including risks associated

1 with the migration to chloramines for the purpose of  
 2 water disinfection.

3 “(4) FUNDING.—

4 “(A) AUTHORIZATION OF APPROPRIA-  
 5 TIONS.—There is authorized to be appropriated  
 6 to carry out this subsection and subsection (e)  
 7 \$15,000,000 for each of fiscal years 2008  
 8 through 2012.

9 “(B) LOBBYING EXPENSES.—No portion  
 10 of any State revolving loan fund established  
 11 under section 1452, and no portion of any  
 12 funds made available under this subsection,  
 13 may be used for lobbying expenses.

14 “(C) TRIBAL ASSISTANCE.—Of the amount  
 15 made available under subparagraph (A) for a  
 16 fiscal year, at least 3 percent shall be used for  
 17 technical assistance to public water systems  
 18 owned or operated by Indian Tribes.”.

19 (e) CONTAMINANT STUDY AND REPORT.—

20 (1) ESTABLISHMENT OF PANEL.—The Adminis-  
 21 trator of the Environmental Protection Agency (re-  
 22 ferred to in this subsection as the “Administrator”)  
 23 shall establish a panel of experts composed of not  
 24 more than 6 members appointed by the Adminis-  
 25 trator, of whom—

1 (A) 1 member shall be selected by the Ad-  
2 ministrator;

3 (B) 1 member shall be appointed based on  
4 the recommendation of State water administra-  
5 tors;

6 (C) 3 members shall be appointed based on  
7 the recommendation of associations rep-  
8 resenting public water systems; and

9 (D) 1 member shall be appointed based on  
10 the recommendation of the National Academy  
11 of Sciences.

12 (2) DUTIES.—The panel of experts shall—

13 (A) conduct a review of studies on the  
14 health effects of exposure to arsenic and dis-  
15 infection byproducts; and

16 (B) not later than 180 days after the date  
17 of enactment of this Act, submit to the Com-  
18 mittee on Environment and Public Works of the  
19 Senate and the Committee on Energy and Com-  
20 merce of the House of Representatives a report  
21 that includes—

22 (i) the results of the review; and

23 (ii) an assessment of the most recent  
24 scientific findings relating to the health ef-  
25 fects of exposure to the substances de-

1           scribed in subparagraph (A), including a  
2           comparison of studies and research con-  
3           ducted after the date on which maximum  
4           contaminant levels and maximum contami-  
5           nant level goals for those substances were  
6           established in accordance with section  
7           1412 of the Safe Drinking Water Act (42  
8           U.S.C. 300g-1).

○