

114TH CONGRESS  
2D SESSION

# S. 2535

To provide deadlines for corrosion control treatment steps for lead and copper in drinking water, and other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2016

Mr. BROWN (for himself and Mr. PORTMAN) 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 provide deadlines for corrosion control treatment steps for lead and copper in drinking water, and 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. CORROSION CONTROL TREATMENT STEPS FOR**  
4 **LEAD AND COPPER IN DRINKING WATER.**

5 (a) LEAD AND COPPER IN DRINKING WATER.—Sec-  
6 tion 1412(b) of the Safe Drinking Water Act (42 U.S.C.  
7 300g–1(b)) is amended—

8 (1) by redesignating paragraphs (14) and (15)  
9 as paragraphs (15) and (16), respectively;

1           (2) by inserting after paragraph (13) the fol-  
2           lowing:

3           “(14) LEAD AND COPPER IN DRINKING  
4           WATER.—

5           “(A) DEFINITIONS.—In this paragraph:

6                   “(i) ACTION LEVEL.—The term ‘ac-  
7                   tion level’, with respect to lead or copper,  
8                   means the concentration of lead or copper  
9                   in water described in section 141.80(c) of  
10                  title 40, Code of Federal Regulations (or a  
11                  successor regulation).

12                   “(ii) MEDIUM WATER SYSTEM.—The  
13                   term ‘medium water system’ means a pub-  
14                   lic water system that serves—

15                           “(I) not fewer than 3,300 per-  
16                           sons; and

17                           “(II) not more than 50,000 per-  
18                           sons.

19                   “(iii) OPTIMAL CORROSION CONTROL  
20                   TREATMENT.—The term ‘optimal corrosion  
21                   control treatment’ means the corrosion  
22                   control treatment that—

23                           “(I) minimizes the concentration  
24                           of lead and copper at the taps of  
25                           users; and

1                   “(II) ensures that the corrosion  
2                   control treatment does not cause the  
3                   water system to violate any national  
4                   primary drinking water regulation.

5                   “(iv) SMALL WATER SYSTEM.—The  
6                   term ‘small water system’ means a public  
7                   water system that serves not more than  
8                   3,300 persons.

9                   “(v) STATE AGENCY.—The term  
10                  ‘State agency’ means—

11                   “(I) the agency of the State or  
12                   tribal government that has jurisdic-  
13                   tion over a small or medium water  
14                   system; or

15                   “(II) during any period in which  
16                   a State or tribal government does not  
17                   have primary enforcement responsi-  
18                   bility under section 1413, the applica-  
19                   ble Regional Administrator of the  
20                   Agency.

21                   “(B) CORROSION CONTROL TREATMENT  
22                   STEPS AND DEADLINES FOR SMALL AND ME-  
23                   DIUM WATER SYSTEMS.—

24                   “(i) INITIAL TAP SAMPLING.—Except  
25                   as determined by the Administrator, a

1 small or medium water system shall con-  
2 duct initial tap sampling in accordance  
3 with sections 141.86(d)(1) and 141.87(b)  
4 of title 40, Code of Federal Regulations (or  
5 successor regulations) until the date on  
6 which the small or medium water system—

7 “(I) exceeds the lead or copper  
8 action level; or

9 “(II) becomes eligible for reduced  
10 monitoring under section 141.86(d)(4)  
11 of title 40, Code of Federal Regula-  
12 tions (or a successor regulation).

13 “(ii) CORROSION CONTROL TREAT-  
14 MENT.—Except as determined by the Ad-  
15 ministrator, a small or medium water sys-  
16 tem that exceeds a lead or copper action  
17 level shall carry out the following corrosion  
18 control treatment steps:

19 “(I) WATER SYSTEM REC-  
20 OMMENDATION.—Not later than 120  
21 days after the last day of the moni-  
22 toring period in which the small or  
23 medium water system exceeded a lead  
24 or copper action level, the small or  
25 medium water system shall rec-

1 ommend optimal corrosion control  
2 treatment in accordance with section  
3 141.82(a) of title 40, Code of Federal  
4 Regulations (or a successor regula-  
5 tion).

6 “(II) OPTIMAL CONTROL TREAT-  
7 MENT DEADLINES.—

8 “(aa) CORROSION CONTROL  
9 STUDIES.—

10 “(AA) IN GENERAL.—

11 Not later than 90 days after  
12 the last day of the moni-  
13 toring period in which the  
14 small or medium water sys-  
15 tem exceeded a lead or cop-  
16 per action level, the State  
17 agency may require the  
18 small or medium water sys-  
19 tem to perform corrosion  
20 control studies in accordance  
21 with section 141.82(b) of  
22 title 40, Code of Federal  
23 Regulations (or a successor  
24 regulation).

1                   “(BB) DEADLINE.—  
2                   Not later than 1 year after  
3                   the date on which the State  
4                   agency requires that the cor-  
5                   rosion control studies de-  
6                   scribed in subitem (AA) be  
7                   conducted, the small or me-  
8                   dium water system shall  
9                   complete the corrosion con-  
10                  trol studies in accordance  
11                  with section 141.82(e) of  
12                  title 40, Code of Federal  
13                  Regulations (or a successor  
14                  regulation).

15                  “(bb) DESIGNATION BY THE  
16                  STATE.—If the State agency does  
17                  not require the small or medium  
18                  water system to perform the cor-  
19                  rosion control studies described  
20                  in item (aa), not later than 90  
21                  days after the last day of the  
22                  monitoring period in which the  
23                  small or medium water system  
24                  exceeded the lead or copper ac-  
25                  tion level, the State agency shall

1 designate optimal control treat-  
2 ment in accordance with section  
3 141.82(d) of title 40, Code of  
4 Federal Regulations (or a suc-  
5 cessor regulation).

6 “(cc) INSTALLATION.—Not  
7 later than 1 year after the date  
8 on which the State agency des-  
9 ignates optimal control treatment  
10 described in item (bb), the small  
11 or medium water system shall in-  
12 stall the optimal corrosion control  
13 treatment in accordance with sec-  
14 tion 141.82(e) of title 40, Code  
15 of Federal Regulations (or a suc-  
16 cessor regulation).

17 “(III) FOLLOW-UP SAMPLING.—  
18 Not later than 2 years after the date  
19 on which a State agency designates  
20 optimal control treatment described in  
21 subclause (II)(bb), the small or me-  
22 dium water system shall complete fol-  
23 low-up sampling in accordance with  
24 sections 141.86(d)(2) and 141.87(c)

1 of title 40, Code of Federal Regula-  
2 tions (or successor regulations).

3 “(IV) REVIEW.—Not later than  
4 180 days after the date on which a  
5 small or medium water system com-  
6 pletes the follow-up sampling de-  
7 scribed in subclause (III), the State  
8 agency shall—

9 “(aa) review the installation  
10 of optimal control treatment in  
11 the small or medium water sys-  
12 tem; and

13 “(bb) designate optimal  
14 water quality control parameters  
15 in accordance with section  
16 141.82(f) of title 40, Code of  
17 Federal Regulations (or a suc-  
18 cessor regulation).

19 “(V) COMPLIANCE AND TAP SAM-  
20 PLING.—Following the review con-  
21 ducted under subclause (IV), the  
22 small or medium water system shall—

23 “(aa) operate in compliance  
24 with the State agency-designated  
25 optimal water quality control pa-



1 parameters in accordance with sec-  
2 tion 141.82(g) of title 40, Code  
3 of Federal Regulations (or a suc-  
4 cessor regulation); and

5 “(bb) continue to conduct  
6 tap sampling in accordance with  
7 sections 141.86(d)(3) and  
8 141.87(d) of title 40, Code of  
9 Federal Regulations (or successor  
10 regulations).”.

11 (b) CONFORMING AMENDMENTS.—Section 1415(e)  
12 of the Safe Drinking Water Act (42 U.S.C. 300g–4(e))  
13 is amended—

14 (1) in paragraph (2)(A), by striking  
15 “1412(b)(15)” and inserting “1412(b)(16)”; and

16 (2) in paragraph (7)(A)—

17 (A) in clause (ii), by striking  
18 “1412(b)(15)” and inserting “1412(b)(16)”;  
19 and

20 (B) in clause (iii), by striking  
21 “1412(b)(15)(A)” and inserting  
22 “1412(b)(16)(A)”.

1 **SEC. 2. DISCLOSURE OF PUBLIC HEALTH THREATS FROM**  
2 **LEAD EXPOSURE; SHORT-TERM REMEDY.**

3 (a) EXCEEDANCE OF LEAD ACTION LEVEL.—Section  
4 1414(c) of the Safe Drinking Water Act (42 U.S.C. 300g–  
5 3(c)) is amended—

6 (1) in paragraph (1), by adding at the end the  
7 following:

8 “(D) Notice of any exceedance of a lead  
9 action level or any other prescribed level of lead  
10 in a regulation issued under section 1412, in-  
11 cluding the concentrations of lead found in a  
12 monitoring activity or any other level of lead  
13 determined by the Administrator to warrant no-  
14 tice, either on a case-specific or more general  
15 basis.”;

16 (2) in paragraph (2)—

17 (A) by redesignating subparagraphs (D)  
18 and (E) as subparagraphs (E) and (F), respec-  
19 tively; and

20 (B) by inserting after subparagraph (C)  
21 the following:

22 “(D) EXCEEDANCE OF LEAD ACTION  
23 LEVEL.—Regulations issued under subpara-  
24 graph (A) shall specify notification procedures  
25 for an exceedance of a lead action level or any

1 other prescribed level of lead in a regulation  
2 issued under section 1412.”;

3 (3) by redesignating paragraphs (3) and (4) as  
4 paragraphs (5) and (6), respectively; and

5 (4) by inserting after paragraph (2) the fol-  
6 lowing:

7 “(3) NOTIFICATION OF THE PUBLIC RELATING  
8 TO LEAD.—

9 “(A) EXCEEDANCE OF LEAD ACTION  
10 LEVEL.—Not later than 15 days after the date  
11 of being notified by the primary agency of an  
12 exceedance of a lead action level or any other  
13 prescribed level of lead in a regulation issued  
14 under section 1412, including the concentra-  
15 tions of lead found in a monitoring activity or  
16 any other level of lead determined by the Ad-  
17 ministrator to warrant notice, either on a case-  
18 specific or more general basis, the Adminis-  
19 trator shall notify the public of the concentra-  
20 tions of lead found in the monitoring activity  
21 conducted by the public water system if the  
22 public water system or the State does not notify  
23 the public of the concentrations of lead found in  
24 a monitoring activity.

25 “(B) RESULTS OF LEAD MONITORING.—

1           “(i) IN GENERAL.—The Administrator  
2           may provide notice of any result of lead  
3           monitoring conducted by a public water  
4           system to—

5                   “(I) any person that is served by  
6                   the public water system; or

7                   “(II) the local or State health de-  
8                   partment of a locality or State in  
9                   which the public water system is lo-  
10                  cated.

11           “(ii) FORM OF NOTICE.—The Admin-  
12           istrator may provide the notice described  
13           in clause (i) by—

14                   “(I) press release; or

15                   “(II) other form of communica-  
16                  tion, including local media.

17           “(4) SHORT-TERM REMEDY FOR LEAD IN  
18           DRINKING WATER.—

19                   “(A) IN GENERAL.—In the case of an ex-  
20                   ceedance of a lead action level or any other pre-  
21                   scribed level of lead in a regulation issued  
22                   under section 1412, including the concentra-  
23                   tions of lead found in a monitoring activity or  
24                   any other level of lead determined by the Ad-  
25                   ministrator to warrant notice under paragraph

1 (3), not later than 7 days after the date on  
2 which notice is provided to the public under  
3 paragraph (3), the State that has primary en-  
4 forcement responsibility under section 1413  
5 shall provide a short-term remedy, including  
6 bottled water or a water filtration system, to  
7 each affected household.

8 “(B) NONPRIMARY STATES.—In a State in  
9 which the State does not have primary enforce-  
10 ment responsibility under section 1413, the  
11 public water system shall provide the short-term  
12 remedy described in subparagraph (A).”.

13 (b) CONFORMING AMENDMENTS.—Section 1414(c)  
14 of the Safe Drinking Water Act (42 U.S.C. 300g-3(e))  
15 is amended—

16 (1) in paragraph (1)(C), by striking “paragraph  
17 (2)(E)” and inserting “paragraph (2)(F)”;

18 (2) in paragraph (2)(B)(i)(II), by striking “sub-  
19 paragraph (D)” and inserting “subparagraph (E)”;  
20 and

21 (3) in paragraph (3)(B), in the first sentence,  
22 by striking “(D)” and inserting “(E)”.

1 **SEC. 3. CONSUMER CONFIDENCE REPORTS.**

2 Paragraph (6) of section 1414(c) of the Safe Drink-  
3 ing Water Act (as redesignated by section 2(a)(3)) is  
4 amended—

5 (1) in subparagraph (A)—

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

8 “(i) REGULATIONS.—

9 “(I) IN GENERAL.—The Admin-  
10 istrator”;

11 (B) in the second sentence, by striking  
12 “Such regulations shall provide a” and insert-  
13 ing the following:

14 “(II) INFORMATION ON REGU-  
15 LATED CONTAMINANTS.—The regula-  
16 tions described in subclause (I) shall  
17 contain the following:

18 “(aa) DEFINITIONS AND  
19 STATEMENTS.—A”;

20 (C) in the third sentence, by striking “The  
21 regulations shall also include a” and inserting  
22 the following:

23 “(bb) CONTAMINANTS IN  
24 DRINKING WATER.—A”;

1 (D) in the fourth sentence, by striking  
2 “The regulations shall also provide” and insert-  
3 ing the following:

4 “(cc) TOLL-FREE HOT-  
5 LINE.—A provision”; and

6 (E) by adding at the end the following:

7 “(ii) POSTING ON WEBSITE.—Each  
8 State water regulatory authority shall post  
9 the annual consumer confidence report of  
10 each community water system on the  
11 website of the State regulatory agency.”;

12 (2) in subparagraph (B), by inserting after  
13 clause (vi) the following:

14 “(vii) An educational statement about  
15 lead in drinking water in accordance with  
16 section 141.154 of title 40, Code of Fed-  
17 eral Regulations (or a successor regula-  
18 tion).”.

○