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Safe Drinking Water Act Amendments: A Comparison of Selected Legislative Proposals in the 103rd Congress

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SUMMARY

In 1986, Congress amended and reauthorized the Safe Drinking Water Act (SDWA) through FY1991. The amendments (P.L. 99-339) reflected congressional concern that EPA had been slow to regulate drinking water contaminants and that compliance with the law was deficient. The amendments imposed substantial new responsibilities on the Environmental Protection Agency (EPA), State governments, and local private and public water suppliers. A major mandate for EPA was to regulate 83 contaminants in 3 years and 25 contaminants every 3 years thereafter. These regulations are expected to better ensure the safety of public water supplies; however, the cost of meeting the new requirements is proving to be considerable for many States and public water systems.

Several issues have emerged with the implementation of the Federal drinking water program, and various proposals have been offered in the 103rd Congress to address them. This report compares three such proposals, including the Administration's recommendations, S. 1547 (introduced by Senator Baucus), and H.R. 3392 (introduced by Representatives Slattery and Bliley).

All three proposals share a number of common elements, although the details differ. For example, they revise the provision requiring EPA to regulate 25 contaminants every 3 years; increase compliance timeframes and flexibility; and direct EPA to identify technologies appropriate for different size systems. They also increase the statute's emphasis on pollution prevention.

The Administration proposal and S. 1547 both establish a State drinking water revolving loan fund to help communities comply with the Act, and authorize somewhat different fee programs to generate resources to administer the drinking water program. H.R. 3392 proposes the most comprehensive changes to the Act. Provisions unique to H.R. 3392 direct EPA to consider risk reduction benefits when setting standards; require EPA, within 5 years, to revise any regulation that is inconsistent with the standard-setting approach; and require EPA, within 30 months, to eliminate requirements for contaminants that are not occurring in drinking water at levels of concern. Neither the Administration's proposal nor S. 1547 would modify the standard-setting process. Among various other differences, H.R. 3392 deems watershed protection and pollution prevention to be appropriate technology for compliance purposes.

A variety of other proposals have also been introduced in the 103rd Congress, and while it appears that many Members agree on what some of the issues are, no consensus has yet emerged as to what specific changes may be necessary or appropriate.

Safe Drinking Water Act Amendments: A Comparison of Selected Legislative Proposals in the 103rd Congress

INTRODUCTION

In enacting the Safe Drinking Water Act (SDWA) Amendments of 1986 (P.L. 99-339), Congress made substantial revisions to the Act and imposed significant new responsibilities on the Environmental Protection Agency (EPA), State governments, and local private and public water suppliers. The amendments reflected congressional concern that EPA had been slow in regulating contaminants and that State and EPA enforcement of Federal drinking water requirements was deficient. A key change in the law was the institution of a strict schedule for EPA to regulate drinking water contaminants. Specifically, Congress directed the Agency to promulgate regulations for 83 contaminants by 1989 and for an additional 25 contaminants every 3 years thereafter. The number of regulated contaminants will have increased from 23 in 1986 to 112 in 1995.

These regulations are expected to significantly improve the safety of the Nation's public drinking water supplies. EPA estimates, for example, that full implementation of the new lead rule will protect 600,000 children from unsafe blood-lead levels and reduce lead exposures for another 156 million people. Another provision in the 1986 amendments requires water utilities using surface water sources to disinfect and filter drinking water or to meet stringent criteria for remaining unfiltered. The Agency estimates that this rule will prevent a minimum of 80,000 to 90,000 cases of gastro-intestinal illness annually.[1]

The public health gains expected to be realized from the Safe Drinking Water Act are requiring increased expenditures by public water systems. EPA estimates that compliance with the 84 contaminant regulations already promulgated will cost systems $1.4 billion annually beginning in 1995.[2] While the cost increase for the average U.S. household is estimated to be just over $14 per year, the economic impact of the new mandates is expected to be substantial in small communities that have contamination problems. In these communities, household water utility bills could increase several hundred dollars per year. EPA estimates that pending regulations (e.g., the radon and disinfection-by-products rules) could further increase drinking water costs in many small communities.

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[1]Environmental Protection Agency. *Technical and Economic Capacity of States and Public Water Systems to Implement Drinking Water Regulations.* Report to Congress. September 1993. p. i.

[2]Ibid. p. 42-43. EPA estimates that the Surface Water Treatment Rule and the lead and copper rule together account for nearly three-fourths of the costs to public water systems of implementing the first 83 regulations required by the 1986 amendments.

The State administrative burden is also growing with implementation of the Act. States report difficulty in complying with new mandates and note a growing gap between Federal requirements and funding. The law authorizes EPA to pay up to 75 percent of SDWA State administration costs; however, in recent years, the actual EPA contribution, while increasing, has averaged roughly 35 percent of States' program costs. For FY1993, EPA estimated that States needed $304 million to implement Federal drinking water mandates, but that State and Federal resources totalled only $142 million. This leaves a current annual State funding shortfall of approximately $162 million.[3]

The potential costs of implementing existing drinking water standards and the pending costs of 25 additional regulations every three years may be the reason States and communities often point to the Safe Drinking Water Act to illustrate their frustration with what has come to be known as "unfunded Federal mandates." Many Members of Congress and the Administration appear to agree that some revisions to the Act may be in order to reduce the burden on communities and States. The challenge is finding ways to achieve this goal without diminishing the safety of the nation's public water supply.

PROPOSALS IN THE 103RD CONGRESS

Various bills have been introduced in the 103rd Congress to address one or more of the issues that have emerged with the implementation of the Federal drinking water program, particularly since the 1986 amendments. Most proposals, including recommendations offered by the Administration, would authorize EPA to tailor regulations to better meet the needs of small water systems, provide States and public water systems more flexibility, and extend regulation compliance schedules. H.R. 1701 and H.R. 1865, reported from the Committee on Energy and Commerce and the Committee on Public Works and Transportation, respectively, would establish drinking water State revolving loan funds (DWSRFs) to finance projects that facilitate compliance with SDWA regulations. Other proposals (e.g., H.R. 2344 and S. 767) would substantially revise the statute to give States and systems much greater flexibility in meeting Federal drinking water mandates and would reduce the number of those mandates. Another approach, adopted in H.R. 3686, would treat SDWA requirements for States and local governments as recommendations, unless the Federal government fully funded the requirements.

In September 1993, the Administration proposed ten major SDWA reauthorization recommendations to Congress. Key recommendations include establishing a State revolving loan fund, and authorizing user fees, where needed, to help States administer drinking water programs. The Administration also recommends streamlining enforcement authorities, increasing the Act's emphasis on pollution prevention, and replacing the current contaminant regulation schedule (25 every three years) with a more flexible system for contaminant selection.

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[3]Ibid. p. 103.

S. 1547, introduced on October 14, 1993, by Senator Baucus, Chair of the Senate Committee on Environment and Public Works, incorporates many of the Administration's proposals, including a DWSRF but, overall, proposes more comprehensive changes to the Act. Additionally, S. 1547 differs from the Administration's proposal in the details of various provisions. The DWSRF in S. 1547, for example, authorizes more set-asides than recommended by the Administration. The fee proposals also differ; EPA would have a State collect a fee from systems, as needed, to administer the drinking water program, while S. 1547 would authorize EPA to use fees to administer a program on behalf of the State. A unique feature of S. 1547 is the requirement for States to develop management plans for all systems serving fewer than 3,300 persons by 1997 and every three years thereafter. States would develop small system compliance assistance programs that require compliance with standards to the extent practicable and that approve use of alternative small system technologies based on EPA guidance. The Senate bill increases funding for State grants, technical assistance, and drinking water research. Like the Administration's proposal, S. 1547 would strengthen and streamline the Act's enforcement provisions.

H.R. 3392, introduced on Oct. 27, 1993, by Representatives Slattery and Bliley, proposes more substantial amendments than does S. 1547. This bill directs EPA to set standards based on best technology taking risk reduction benefits and cost into consideration (instead of cost of technology as currently directed). Also, EPA regulations must designate best technology for three size categories of systems, rather than just for large systems as currently done. Within 5 years, EPA must revise existing regulations that are inconsistent with the standard-setting approach established by this bill. Neither the Administration's proposal nor S. 1547 would modify the standard-setting process. H.R. 3392 further differs from the two other proposals in that it deems watershed protection and pollution prevention to be appropriate technology for compliance purposes, and requires EPA, within 30 months, to eliminate monitoring, compliance, and enforcement requirements for contaminants that are not occurring in drinking water at levels of public health concern. The bill adds a definition of 'risk reduction benefits and costs' and changes the definition of public water system to encompass 'ownership,' rather than 'control.' This legislation does not include a revolving loan fund, but as mentioned, two such bills are on the Union Calendar in the House.

Both H.R. 3392 and S. 1547 would increase funding for State program administration grants and drinking water research. They also would direct EPA to consider the occurrence of a contaminant in drinking water as a condition of regulation, and authorize alternate regulatory approaches for anomalous contaminants such as sulfate and radon.

By comparison, the Administration proposal, H.R. 3392, and S. 1547 all would: revise the requirement that EPA regulate 25 contaminants every three years; increase compliance timeframes and flexibility; and, under certain circumstances, permit small systems to use alternative technologies that may not meet a general standard. (H.R. 3392 extends this possibility to systems of any

size.) All three proposals would also increase the statute's emphasize on pollution prevention.

State and local governments and the drinking water industry generally prefer H.R. 3392 to S. 1547, as the House bill is expected to offer more cost savings and regulatory relief. Environmental and health groups oppose H.R. 3392 (especially changes to the standard-setting process) and give mixed support to S. 1457. Environmental concerns involving both bills include the treatment of anomalous contaminants (e.g., radon) and the amount of compliance flexibility contemplated for small systems. EPA's testimony on S. 1547 indicated general agreement on key issues, but suggested narrowing the scope and function of the DWSRF, providing less relaxation of compliance requirements for small community water systems, and adopting stronger pollution prevention provisions.[4] The Administration expressed interest in, but also some doubt as to the feasibility of, an alternative radon control scheme proposed in S. 1547. The Agency has not formally commented on H.R. 3392, and although the bill addresses many of the issues covered in the Administration's proposal, the two approaches often differ.

In Congress, it appears that while many Members agree on what some of the issues are, no consensus has yet emerged as to what specific changes may be necessary or appropriate.

The following table compares the Administration's SDWA reauthorization recommendations with key provisions of H.R. 3392, and S. 1547 (as introduced), both referred to as the Safe Drinking Water Act Amendments of 1993. (For general information on SDWA issues and legislation in the 103rd Congress, see CRS Issue Brief 91041, Safe Drinking Water Act: Implementing the 1986 Amendments.)

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[4]Testimony of Robert Perciasepe, Assistant Administrator for Water, U.S. Environmental Protection Agency, before the Senate Committee on Environment and Public Works. Oct. 27, 1993.

SAFE DRINKING WATER ACT (SDWA) PROPOSALS
Administration/EPA, S. 1547 (as introduced) and H.R. 3392

Comparison of Major Provisions

Provision	Admin./EPA Position	S. 1547	H.R. 3392
State Revolving Loan Fund (SRF) (no existing SDWA provision)	Authorizes the Administrator to enter into a capitalization grant agreement with a State where a State establishes a loan fund and 1) provides a 20% match, 2) State and loan recipients use standard government accounting practices. State must maintain primary SDWA enforcement responsibility to receive capitalization grant.	§3. Authorizes the Administrator to enter into a capitalization grant agreement with a State where a State establishes a loan fund and 1) provides a 20% match, 2) uses loans in compliance with an intended use plan, 3) employs standard government accounting practices and, 4) enacts authority to prevent the establishment of new nonviable public water systems.	No similar provision.
Project eligibility	Eligible uses of loans include capital projects for SDWA compliance, consolidating systems, and source water protection projects. Limited to systems in existence on date of enactment to discourage establishment of new non-viable systems. No funding for: systems that can consolidate, or for monitoring, operations and maintenance, and land acquisition.	Eligible uses of loans include projects for SDWA compliance, consolidating systems, providing alternative water supplies, water conservation, mitigating radon in indoor air, purchasing land for treatment facilities, replacing private wells when they pose significant health threats, and implementing source water protection programs. No funding for: systems that can consolidate or find alternate supply, monitoring, or for operations and maintenance.	
Interest rate	Interest rates on SRF loans may range from 0% to market rate.	0% to market rate loans.	

Provision	Admin./EPA Position	S. 1547	H.R. 3392
SRF Set-asides	4% for SRF administration 1.5% for Indian Tribes 1% for technical assistance/planning	4% for SRF administration 1% for Indian Tribes Greater of 10% or $500,000 for technical/financial management assistance for systems serving fewer than 3,300 individuals. 1% for emergency response Some % for public water system supervision/user fee administration Up to 20% of the balance of the fund in a fiscal year may be used to forgive loan principal for disadvantaged communities. (Defines 'disadvantaged' communities, States may forgive loans to such communities to keep drinking water rates below 1.5% of median household income.)	No similar provision.
Authorization	Authorizes $599 million for FY1994; $1 billion annually for FY1995 through FY1998	Authorizes $600 million for FY1994 and $1 billion annually for FY1995 through FY2000.	

Provision	Admin./EPA Position	S. 1547	H.R. 3392
Contaminant Regulation and Selection (§1412)	Removes SDWA provision requiring EPA to regulate 25 contaminants every 3 years, and replaces it with a 2-track system giving the Administrator greater flexibility to regulate contaminants.	*§4(a).* Removes SDWA provision requiring EPA to regulate 25 contaminants every 3 years and gives the Administrator greater flexibility to regulate contaminants.	*§5.* Removes SDWA provision requiring EPA to regulate 25 contaminants every 3 years and gives the Administrator greater flexibility to regulate contaminants.
	In consultation with the Science Advisory Board, EPA is to identify a certain number of contaminants and place them in 2 categories: track 1: immediate regulation from existing data; and track 2: further study - EPA must either regulate, issue a health advisory, or drop the contaminant.	EPA must evaluate for possible regulation: at least 15 contaminants 3 years after enactment and at least 7 contaminants every 3 years thereafter. EPA also must regulate a contaminant if 7 or more Governors petition EPA to do so, unless the Administrator determines that the contaminant does not meet the specified criteria.	EPA must assess occurrence and health data and determine whether regulation is needed or whether additional health effects information is needed. For contaminants not requiring regulation, EPA is to determine whether monitoring under §1445 is to be continued.
	No change proposed in the criteria for selecting contaminants (i.e., EPA must regulate any contaminant that may cause an adverse health effect and that does or may occur in PWSs).	EPA *may* promulgate standards for any contaminant that "the Administrator determines may have any adverse effect on human health and that is known or anticipated to occur in public water systems in a concentration or frequency that indicates a public health concern." *(Current law states 'shall' promulgate...)*	Within 3 years after enactment and every 5 years thereafter, EPA is to promulgate maximum contaminant levels (MCLs) for contaminants that occur in drinking water (based on national occurrence data base created under §1445) and that are of public health concern.
		§4(a). EPA must establish a data base on the occurrence of unregulated contaminants in PWSs, to include such monitoring information as EPA requires.	*§13.* EPA must establish within 2 years a national data base on the occurrence of regulated and unregulated contaminants in PWSs.
		§4(b). EPA must review rules every 6 years. *(3 years in current law)*	Each regulation must include a schedule for periodic review.

Provision	Admin./EPA Position	S. 1547	H.R. 3392
Standard Setting (§1412(b))	No change in current practice proposed.	No change in current practice proposed.	*§5.* Modifies existing standard setting process. For all future regulations, EPA is to establish MCLs based on best technology *taking risk reduction benefits and cost into consideration.* Watershed protection and pollution prevention shall be considered appropriate best technology for compliance purposes. Within 30 months, EPA must review all previous regulations and eliminate monitoring, compliance and enforcement requirements for any regulated contaminant which does not occur at levels of public health concern, based on national occurrence data base created under section 13. Within 5 years, EPA must revise any regulation not consistent with new approach.

Provision	Admin./EPA Position	S. 1547	H.R. 3392
Small System Best Available Technology (§1412 & §1416) (see also variance discussion below)	EPA is to designate small system BAT, and may include technologies that do not consistently meet the general standard (MCL) but are less costly than conventional BAT; additional requirements such as source water protection may be applied as part of small BAT; the State would review/approve a system's notice of intent to use small system BAT and any renewal requests. Small systems are eligible for small system BAT only if they cannot achieve compliance through restructuring or consolidation; apply to State for the waiver.	*§5(b).* When issuing regulations, EPA must also publish guidance for technologies appropriate for systems serving fewer than 3,300 individuals. EPA must include low-cost technologies, and may include technologies that might not attain an MCL provided they do not pose unreasonable health risks.	*§5.* When issuing regulations, EPA is to designate BAT for systems serving fewer than 1,000 persons, serving between 1,000 and 10,000, and serving more than 10,000.
Existing regulations	No position taken.	Within 2 years, EPA must issue small system technology guidance for Phase II and Phase V rules, and Surface Water Treatment Rule (SWTR). For small systems not in compliance with these rules, compliance is stayed for up to 3 years after a State small system plan is submitted, or until the date established in a compliance program. (See small system discussion below.)	Within 5 years, existing regulations must be revised, as necessary, to be made consistent with new factors.

Provision	Admin./EPA Position	S. 1547	H.R. 3392
Variances and Exemptions (§1415 & §1416)	State may grant to a small system a renewable exemption from any BAT if the system cannot meet the MCL, cannot restructure and cannot afford small system BAT. (See small system technology discussion above). In granting exemptions, the State would consider: 1) intended improvements in health risks; 2) the resources of the affected community; and 3) whether an alternative would pose an unreasonable level of health risk. system cannot restructure nor afford any BAT and the exemption would not pose an unreasonable health risk. As a condition of primacy, States must implement programs to prevent new non-viable systems and assess existing system viability.	§5. Generally replaces variances and exemptions with a small system compliance program: **Small system management plans:** States must submit to EPA for approval, by Oct. 1997 and every 3 years thereafter, a drinking water supply plan for managing PWSs serving fewer than 3,300 persons. The plan must: identify and describe each system including treatment provided, exemptions granted, population projections; identify nonviable systems; identify opportunities for consolidation of systems, and for developing alternative water supplies; establish criteria for assessing the financial capabilities and needs of systems; and identify opportunities for more cost-effective monitoring. The State is to assign each system that is not in compliance to 1 of 2 groups: (1) systems the State will work with to develop a compliance program; or (2) systems that have the capacity to comply with an MCL considering funding from State loan funds and the Rural Development Administration. States must develop one-third of compliance programs within 5 years after submitting plan, and all programs within 10 years. Systems must comply with an MCL within 3 years of plan approval. States may grant a 2-year extension to complete implementation.	§7. Authorizes States to issue one or more variances to any size system that: (1) cannot afford best available technology (BAT) or other technology approved for the system size category and, (2) cannot feasibly connect with another water source. Such systems must comply with a best available affordable technology (BAAT) that may include public education and notification, and alternative technologies that may fail to meet an MCL but do not pose an unreasonable risk to health. States must review variances every 3 years. EPA, in consultation with States, shall develop affordability guidance within 18 months of enactment. §8. Repeals SDWA §1416 re: exemptions.

Provision	Admin./EPA Position	S. 1547	H.R. 3392
Compliance Periods (§1412(b)(10))	Authorizes EPA to specify up to 60 months for compliance with regulations if construction is needed.	*§4(b).* Compliance period for new regulations is extended from 18 months (in current law) to not later than 3 years after promulgation.	*§5.* Each regulation is to include a compliance schedule, taking into account the time needed to plan, design, finance and construct treatment facilities; monitoring requirements are not in effect for at least 24 months.
Extensions (§1416(b)(2))		Permits compliance extensions for up to 2 years if a system cannot make needed capital improvements within the normal compliance period and the system has 1) obtained or identified a source of financial assistance in an intended use plan; or 2) entered into an enforceable agreement to consolidate.	
		For small systems not in compliance with Phase II and Phase V rules, and the Surface Water Treatment Rule (SWTR), compliance is stayed for up to 3 years after a State small system plan is submitted, or until the date established in a compliance program. (See small system discussion below.)	If a State determines, based on EPA criteria, that a public water system must filter its water, the State shall establish a schedule for the system to comply, taking into account the time needed to plan, design, finance, and construct filtration facilities and adjust operating practices.

Provision	Admin./EPA Position	S. 1547	H.R. 3392
Monitoring Requirements (§1412(b))	No position taken.	*§4(c).* Authorizes EPA to modify a regulation to remove monitoring requirements for systems that have not detected the regulated contaminant for 2 monitoring rounds, and (i) the contaminant has been detected in fewer than 5% of all PWSs and exceeds the MCL in fewer than 0.5% of PWSs; or (ii) the contaminant has not been detected at more than 75% of the MCL in any PWS. For systems serving fewer than 10,000 persons, EPA or the State may waive additional quarterly monitoring requirements if a cancer causing contaminant is not found in a previous test.	*§5.* EPA is to eliminate monitoring, compliance and enforcement requirements for those contaminants which, based on the national occurrence data base, are not occurring in drinking water at levels of public health concern. *§13.* The Administrator may take into consideration system size and the contaminants likely to be found in a system's drinking water. Compliance monitoring regulations shall permit States to tailor monitoring requirements for any individual system or class of systems based on occurrence data and other information.

Provision	Admin./EPA Position	S. 1547	H.R. 3392
Enforcement (§1414)	Strengthens and streamlines enforcement provisions. Administrative, civil and criminal enforcement strengthened to reflect consistency with other environmental laws (increase penalty caps, etc.). Strengthens lead plumbing materials enforcement. Enhances inspection authorities. Eliminates pre-enforcement review of administrative orders. Waives sovereign immunity.	*§6(a).* Creates a new SDWA Part G: Enforcement. Generally shifts Act's emphasis from compliance to enforcement. Provides consistent administrative, civil, and criminal enforcement authority, which is strengthened and made consistent with Clean Water Act (CWA); authorizes compliance orders and administrative penalties up to $10,000/day, and civil penalties up to $25,000/day. States are to provide annual reports on compliance to EPA; EPA is to provide a summary of State reports to Congress. 2 year moratorium on enforcement for State approved consolidation. *§ 16.* Waives sovereign immunity.	*§5.* EPA is to eliminate monitoring, compliance and enforcement requirements for those contaminants which, based on the national occurrence data base, are not occurring in drinking water at levels of public health concern.
Public notification (§1414(c))	No position taken.	*§6(b).* EPA is to prescribe in regulation the form, manner, and frequency for giving notice of violations. Rules must specify notification procedures for violations with potential serious health effects. Notice of serious violations must be given within 24 hours; less serious violations must be reported annually.	*§6.* Within 15 months, EPA is to amend public notification regulations to reflect the seriousness of violations. Notice of serious violations must be given as soon as possible but within 14 days; less serious violations at least annually. EPA must provide guidance re: form, manner and content of notice. States, working with systems, determine the form, manner and content of notices. EPA may also require a system to notify consumers of unregulated contaminant levels. Violations of notification requirements are subject to a civil penalty of $25,000.

Provision	Admin./EPA Position	S. 1547	H.R. 3392
Lead Control (§1417)	Strengthens lead plumbing materials enforcement.	*§7.* Within 2 years, EPA is to issue regulations establishing health-based performance standards for maximum leaching levels of lead from new pipes and fixtures. Amounts of lead in plumbing fittings and fixtures in commerce are to be reduced to 7% in 4 years to 4% in 7 years. Violation of the ban on use of lead solder (P.L. 99-339) is made an enforceable violation of the Act.	No similar provision.
Anomalous Contaminants (no existing provision)	No position taken.	*§8.* Radon: EPA is to promulgate a radon MCL and an alternative MCL with a risk level equal to that of radon in outdoor air. Systems may comply with the alternative level if the State or the system has an indoor air radon program. The program must include education, testing, and radon mitigation measures for new home construction. State must approve alternative compliance programs. Radon test required for all homes in high radon risk areas to receive Federal financing assistance. *§4(e).* Sulfate: EPA may regulate a contaminant in lieu of sulfate if greater health protection is gained.	*§5.* EPA rules for radionuclides, disinfection byproducts, sulfate, and corrosion byproducts shall consider: 1) health benefits relative to control in other media; 2) costs; and 3) availability of technology that is effective in the field for a range of water qualities, and does not have adverse effects on other elements of water quality, on other media re: treatment residuals, or on the efficacy of other water treatment processes. EPA is to promulgate disinfection regulations within 48 months.
Point of Use Devices (new §1419)	No position taken.	*§9.* EPA is to establish a program to determine the effectiveness of point of use drinking water treatment devices. EPA is to require manufacturers to: 1) submit data on the effectiveness of devices; and 2) provide information to consumers.	No similar provision.

Provision	Admin./EPA Position	S. 1547	H.R. 3392
Drinking Water Supply Protection (§1427)	Recommends that States, in cooperation with public water suppliers and local governments, be required to develop and implement a Source Water Protection Program for groundwater and surface water, focussing on pollution prevention. Program would consist of a "mandatory" state/local baseline protection program, and may include a voluntary "enhanced" local program. Incentives: allows EPA approval of alternate monitoring and treatment requirements for "enhanced" programs (i.e., comprehensive and enforceable programs). Source water protection projects eligible for DWSRF. Allows citizen/PWS suits against pollution sources in protected areas, where there is evidence that a release of regulated contaminants may cause or contribute to a significant threat.	*§10.* Revises and expands sole source aquifer demonstration program and wellhead protection program to provide protection of drinking water sources, including surface water. Systems are authorized to develop applications for designating a water supply protection area. A State may develop a statewide program of measures to complement local efforts. Incentives: source protection plan may propose alternative monitoring if supported by pollution prevention measures (EPA, not States, approve plans); CWA SRF and nonpoint source funds may be used to implement programs. For grants to local governments or planning authorities for developing drinking water supply areas: authorizes $20 million annually FY1992-FY2000; 20% applicant match. For grants for State programs to protect water supply areas: authorizes $20 million annually FY1992-FY2000; 50% State match. *§14.* For State ground water protection grants: authorizes $20 million annually FY1994-2000; 50% State match.	*§5.* Watershed protection and pollution prevention are to be considered appropriate best technology for purposes of complying with regulations.

Provision	Admin./EPA Position	S. 1547	H.R. 3392
Tampering (§1432)	No position taken.	*§12.* Expands definition of, and penalty for, tampering. Cross-connections are defined as tampering.	*§10.* Prohibits cross-connections into systems.
Research, Education, and Certification (§1442)	No position taken.	*§13.* Authorizes $20 million annually for drinking water research; clarifies general research authorities. Requires EPA to approve State operator certification programs and requires all systems to have a certified operator within 4 years after enactment. Within 1 year of enactment, EPA is to publish guidelines setting minimum certification standards. Requires several reports to Congress on the long term availability of drinking water supply. Consolidates various authorities for education and training and authorizes $10 million annually for these purposes. Continues authority for assistance to small systems and extends authorization of $10 million annually through FY2000.	*§11.* Authorizes $20 million annually for drinking water research. Requires EPA to develop and disseminate minimum guidance for certification of laboratories and operators.
State PWSS Grants (§1443)	Not in EPA recommendations.	*§14.* For State PWS Supervision (PWSS) grants: $100 million annually FY1994-FY2000; increases State match from 25% to 50%.	*§14.* $100 million for FY1994; $124 million for FY1995; $150 million for FY1996-FY1998. Retains 25% State match.

Provision	Admin./EPA Position	S. 1547	H.R. 3392
Fees (No existing SDWA provision)	Proposes an adjustable SDWA fee which States may use to supplement existing State resources. Fees would be deposited in State-established drinking water funds. Fee may be used for source water protection, other SDWA services and functions, etc. Fee available to EPA if EPA withdraws primacy.	*§14.* EPA is authorized to collect fees to support the costs to EPA for administering the PWSS program in non-primacy States. Fees are to be collected from systems serving more than 3,300 individuals in such a State. Federal fees are to be deposited into a Public Drinking Water System Supervision Fund established in the Treasury to be used by EPA to administer programs in non-primacy States. If sufficient funds for Federal program implementation are not appropriated from the fund, EPA may use up to 5% of drinking water SRF funds to implement programs. Beginning in FY1997, EPA is to assume implementation of a drinking water program in any State where the program is not effectively implemented or adequately funded.	No similar provision.
Citizen Suits (§1449)	Allows citizen/PWS suits against pollution sources in protected areas, where there is evidence that a release of regulated contaminants may cause or contribute to a significant threat.	*§17.* Permits citizen suits to seek penalties. Revises prohibition against suits for past violations where there is evidence that the violation has been repeated.	*§15.* Prohibits citizen suits against systems that are in compliance with the terms of an administrative compliance order, administrative consent agreement, or judicial consent decree.

Provision	Admin./EPA Position	S. 1547	H.R. 3392
Definitions (§1401)	No changes proposed.	*§3.* Adds new term 'nonviable public water system' defined to mean a PWS that a Governor determines is unlikely to attain compliance on a sustained basis but excludes systems that will substantially improve existing conditions that pose a public health threat. *§18.* 'Public water system' is revised to exclude noncommunity systems that provide bottled water and post 'no consumption' signs.	*§3.* Definition of 'primary drinking water regulation' is amended to conform to the standard setting process in H.R. 3392. 'Public water system' is amended to target 'ownership,' rather than 'control.' 'Contaminant' is amended to include only substances which are of concern to public health or welfare. Adds new term *'risk reduction benefits and costs'* defined to mean "the public health benefit achieved by changing the level of a contaminant from one level to another, taking cost into consideration."

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