

114TH CONGRESS  
2D SESSION

# H. R. 6121

To amend the Safe Drinking Water Act with respect to climate resiliency, security, and source water protection planning, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2016

Mrs. CAPPS (for herself, Mr. PALLONE, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Safe Drinking Water Act with respect to climate resiliency, security, and source water protection planning, 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 “Climate Resiliency, Se-  
5 curity, and Source Water Protection Act”.

6 **SEC. 2. CLIMATE RESILIENCY, SECURITY, AND SOURCE**  
7 **WATER PROTECTION PLANNING.**

8 Section 1433 of the Safe Drinking Water Act (42  
9 U.S.C. 300i–2) is amended to read as follows:

1 **“SEC. 1433. CLIMATE RESILIENCY, SECURITY, AND SOURCE**  
2 **WATER PROTECTION.**

3 “(a) SOURCE WATER AND DISTRIBUTION SYSTEM  
4 VULNERABILITY ASSESSMENTS.—

5 “(1) IN GENERAL.—Not later than 24 months  
6 after the date of enactment of the Climate Resil-  
7 iency, Security, and Source Water Protection Act,  
8 each community water system shall submit to the  
9 Administrator source water and distribution system  
10 vulnerability assessments.

11 “(2) IDENTIFICATION OF THREATS.—Assess-  
12 ments submitted pursuant to paragraph (1) shall  
13 identify—

14 “(A) threats to the community water sys-  
15 tem’s source water from industrial activity,  
16 pipelines and storage tanks, contaminated sites,  
17 agricultural activity, and oil and gas explo-  
18 ration;

19 “(B) threats to the community water sys-  
20 tem’s source water and distribution system  
21 from climate change, extreme weather, drought,  
22 and temperature changes; and

23 “(C) threats to the community water sys-  
24 tem’s source water and distribution system  
25 from intentional acts, including intentional con-  
26 tamination, sabotage, and theft of any chemical

1 of interest (as designated under Appendix A to  
2 part 27 of title 6, Code of Federal Regulations,  
3 or any successor thereto).

4 “(3) ASSESSMENT OF ALTERNATIVES.—Assess-  
5 ments submitted pursuant to paragraph (1) shall in-  
6 clude a comparison of the disinfection methods used  
7 by the community water system and reasonably  
8 available alternative disinfection methods, including  
9 a determination of whether reasonably available al-  
10 ternative disinfection methods could reduce the com-  
11 munity water system’s vulnerability to the threats  
12 identified pursuant to paragraph (2).

13 “(4) PERIODIC REVIEW AND RESUBMISSION.—  
14 Each community water system submitting a vulner-  
15 ability assessment pursuant to paragraph (1) shall  
16 review, revise as necessary, and resubmit such as-  
17 sessment not less often than every 5 years.

18 “(5) GUIDANCE.—Not later than 1 year after  
19 the date of enactment of the Climate Resiliency, Se-  
20 curity, and Source Water Protection Act, the Ad-  
21 ministrator shall provide guidance to community  
22 water systems for the preparation of vulnerability  
23 assessments under this subsection.

24 “(b) SOURCE WATER AND DISTRIBUTION SYSTEM  
25 PROTECTION PLANS.—

1           “(1) IN GENERAL.—Not later than 4 years  
2 after the date of enactment of the Climate Resil-  
3 iency, Security, and Source Water Protection Act,  
4 each community water system shall submit to the  
5 Administrator source water and distribution system  
6 protection plans.

7           “(2) MITIGATION OF IDENTIFIED THREATS.—  
8 Plans submitted pursuant to paragraph (1) shall  
9 identify strategies and resources to mitigate the  
10 threats identified in assessments prepared pursuant  
11 to subsection (a).

12           “(3) EMERGENCY RESPONSE PLANNING.—  
13 Plans submitted pursuant to paragraph (1) shall in-  
14 clude specific emergency response plans for the  
15 threats identified in assessments prepared pursuant  
16 to subsection (a).

17           “(4) PERIODIC REVIEW AND RESUBMISSION.—  
18 Each community water system submitting a plan  
19 pursuant to paragraph (1) shall review, revise as  
20 necessary, and resubmit such plan not less often  
21 than every 5 years.

22           “(5) GUIDANCE.—Not later than one year after  
23 the date of enactment of the Climate Resiliency, Se-  
24 curity, and Source Water Protection Act, the Ad-  
25 ministrator shall provide guidance to community

1 water systems for the preparation of plans under  
2 this subsection.

3 “(c) TECHNICAL ASSISTANCE AND GRANTS.—

4 “(1) IN GENERAL.—The Administrator shall es-  
5 tablish and implement a program, to be known as  
6 the Drinking Water Infrastructure Resiliency and  
7 Sustainability Program, under which the Adminis-  
8 trator may award grants in each of fiscal years 2017  
9 through 2021 to owners or operators of community  
10 water systems for the purpose of increasing the re-  
11 siliency or adaptability of the community water sys-  
12 tems to threats identified pursuant to subsection (a).

13 “(2) USE OF FUNDS.—As a condition on receipt  
14 of a grant under this section, an owner or operator  
15 of a community water system shall agree to use the  
16 grant funds exclusively to assist in the planning, de-  
17 sign, construction, implementation, operation, or  
18 maintenance of a program or project consistent with  
19 a plan developed pursuant to subsection (b).

20 “(3) PRIORITY.—

21 “(A) WATER SYSTEMS AT GREATEST AND  
22 MOST IMMEDIATE RISK.—In selecting grantees  
23 under this subsection, the Administrator shall  
24 give priority to applicants that are owners or  
25 operators of community water systems that are,

1 based on the best available research and data,  
2 at the greatest and most immediate risk of fac-  
3 ing significant negative impacts due to threats  
4 described in subsection (a)(2).

5 “(B) GOALS.—In selecting among appli-  
6 cants described in subparagraph (A), the Ad-  
7 ministrator shall ensure that, to the maximum  
8 extent practicable, the final list of applications  
9 funded for each year includes a substantial  
10 number that propose to use innovative ap-  
11 proaches to meet one or more of the following  
12 goals:

13 “(i) Promoting more efficient water  
14 use, water conservation, water reuse, or  
15 water recycling.

16 “(ii) Using decentralized, low-impact  
17 development technologies and nonstructur-  
18 al approaches, including practices that use,  
19 enhance, or mimic the natural hydrological  
20 cycle or protect natural flows.

21 “(iii) Reducing stormwater runoff or  
22 flooding by protecting or enhancing nat-  
23 ural ecosystem functions.

24 “(iv) Modifying, upgrading, enhanc-  
25 ing, or replacing existing community water

1 system infrastructure in response to  
2 changing hydrologic conditions.

3 “(v) Improving water quality or quan-  
4 tity for agricultural and municipal uses, in-  
5 cluding through salinity reduction.

6 “(vi) Providing multiple benefits, in-  
7 cluding to water supply enhancement or  
8 demand reduction, water quality protection  
9 or improvement, increased flood protection,  
10 and ecosystem protection or improvement.

11 “(4) COST-SHARING.—

12 “(A) FEDERAL SHARE.—The share of the  
13 cost of any activity that is the subject of a  
14 grant awarded by the Administrator to the  
15 owner or operator of a community water system  
16 under this subsection shall not exceed 50 per-  
17 cent of the cost of the activity.

18 “(B) CALCULATION OF NON-FEDERAL  
19 SHARE.—In calculating the non-Federal share  
20 of the cost of an activity proposed by a commu-  
21 nity water system in an application submitted  
22 under this subsection, the Administrator shall—

23 “(i) include the value of any in-kind  
24 services that are integral to the completion

1 of the activity, including reasonable admin-  
2 istrative and overhead costs; and

3 “(ii) not include any other amount  
4 that the community water system involved  
5 receives from the Federal Government.

6 “(5) REPORT TO CONGRESS.—Not later than 3  
7 years after the date of the enactment of the Climate  
8 Resiliency, Security, and Source Water Protection  
9 Act, and every 3 years thereafter, the Administrator  
10 shall submit to the Congress a report on progress in  
11 implementing this subsection, including information  
12 on project applications received and funded annually.

13 “(6) AUTHORIZATION OF APPROPRIATIONS.—  
14 To carry out this subsection, there are authorized to  
15 be appropriated \$50,000,000 for each of fiscal years  
16 2017 through 2021.”.

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