

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6393

To allow certain small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. YOUNG of Alaska (for himself and Mr. SIMPSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To allow certain small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, 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 “Small Community Op-  
5 tions for Regulatory Equity Act of 2010”.

1 **SEC. 2. EXEMPTION FOR NONPROFIT AND MUNICIPAL**  
2 **SMALL PUBLIC WATER SYSTEMS RESPECT-**  
3 **ING NATURALLY OCCURRING CONTAMI-**  
4 **NANTS.**

5 The Safe Drinking Water Act (42 U.S.C. 300f et  
6 seq.) is amended by inserting after section 1416 the fol-  
7 lowing:

8 “EXEMPTION FOR NONPROFIT AND MUNICIPAL SMALL  
9 PUBLIC WATER SYSTEMS RESPECTING NATURALLY  
10 OCCURRING CONTAMINANTS

11 “SEC. 1416A. (a) EXEMPTION.—A State exercising  
12 primary enforcement responsibility for public water sys-  
13 tems under section 1413 (or the Administrator in any non-  
14 primacy State) shall exempt any nonprofit or municipal  
15 small public water system that submits a request in ac-  
16 cordance with subsection (b) from the requirements of any  
17 national primary drinking water regulation for a naturally  
18 occurring contaminant.

19 “(b) REQUEST.—To seek an exemption under this  
20 section, a nonprofit or municipal small public water sys-  
21 tem—

22 “(1) shall submit a written request to the State  
23 exercising primary enforcement responsibility with  
24 respect to the system (or the Administrator in any  
25 nonprimacy State); and

1           “(2) shall include in such request a finding  
2 under subsection (c).

3           “(c) ECONOMIC FEASIBILITY.—

4           “(1) FINDING.—To seek an exemption under  
5 this section, a nonprofit or municipal small public  
6 water system must find that compliance by the sys-  
7 tem with the national primary drinking water regu-  
8 lation involved is not economically feasible.

9           “(2) NO REVIEW.—A finding by a nonprofit or  
10 municipal small public water system under this sub-  
11 section shall not be subject to judicial or administra-  
12 tive review.

13           “(d) DEFINITIONS.—In this section:

14           “(1) The term ‘municipal’, with respect to a  
15 small public water system, means owned or operated  
16 by a municipality.

17           “(2) The term ‘naturally occurring contami-  
18 nant’ includes arsenic, radon, radium, uranium, any  
19 microbial pathogen (including *Cryptosporidium* and  
20 *Giardia lamblia*), and any contaminant that is a dis-  
21 infection byproduct (including bromate, chlorite,  
22 haloacetic acids, and total trihalomethanes).

1           “(3) The term ‘small public water system’  
2           means a public water system serving 10,000 or  
3           fewer persons.”.

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