

**AMENDMENT TO H.R. 3898
(AS ORDERED REPORTED BY THE COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE)
OFFERED BY MS. SIMON OF CALIFORNIA**

ADD AT THE END THE FOLLOWING:

SEC. 22. COMMUNITY NOTIFICATION AND EMERGENCY PROTECTIONS.

The Federal Water Pollution Control Act is amended by adding a new section:

'SEC. 404A. COMMUNITY WATER PROTECTION PROVISIONS.

(a) **PUBLIC NOTIFICATION REQUIREMENT.**—Any permit issued under section 402 or 404 that authorizes discharge meeting any of the following criteria shall require the provisions specified in paragraph (2):

(1) **COVERED DISCHARGES.**— (A) Any discharge within 5 miles upstream of a public drinking water intake; (B) Any discharge within the same watershed as, and hydrologically connected to, a reservoir, river, or stream that serves as a source of public drinking water; (C) Any discharge within 2 miles of a terminal reservoir, water treatment facility, or aqueduct discharge point that serves as part of a public drinking water supply system; or (D) Any discharge that the Administrator or State determines could reasonably affect public drinking water quality based on hydrological modeling, historical flow patterns, or contaminant transport analysis.

(2) **REQUIRED PROVISIONS.**—Permits for discharges described in paragraph (1) shall require:

(A) Advance notification to affected water utilities and communities of the permitted discharge, including specific pollutants authorized, maximum discharge volumes, and monitoring requirements;

(B) Real-time or daily water quality monitoring at the permittee's expense for pollutants of concern, with data transmitted electronically to affected water utilities;

(C) Within 2 hours of detection or discovery during normal business operations, and within 12 hours for after-hours events;

(D) Annual public reporting of all monitoring data in accessible formats, including online databases and public meetings in affected communities; and

(E) Financial assurance mechanisms to ensure resources are available for emergency response, alternative water supply provision, and remediation in the event of contamination.

(b) **EMERGENCY AUTHORITY PRESERVATION.**—Notwithstanding any limitation on enforcement in this Act, including those under section 401(e) or 404(t)(3), the Administrator retains emergency authority to take immediate action to protect public health when a discharge or potential discharge presents an imminent and substantial endangerment to public drinking water supplies, including authority to:

(1) Issue emergency orders requiring immediate cessation or modification of discharges;

- (2) Require provision of alternative water supplies at the responsible party's expense;
- (3) Order immediate remediation measures;
- (4) Recover all costs from responsible parties; and
- (5) Assess penalties for violations that threaten public drinking water.

(c) ENVIRONMENTAL JUSTICE CONSIDERATIONS.—In implementing this section, the Administrator and States shall:

- (1) Prioritize notification and monitoring requirements for discharges that could affect drinking water sources serving environmental justice communities, as defined by the Council on Environmental Quality;
- (2) Ensure all notifications and public reports are provided in languages spoken by affected communities; and
- (3) Provide technical assistance to under-resourced water utilities serving disadvantaged communities to implement monitoring and response capabilities.

(d) NO PREEMPTION OF STATE PROTECTIONS.—Nothing in this Act shall be construed to preempt more stringent State or local water quality standards, monitoring requirements, public notification procedures, or enforcement authorities related to protection of drinking water supplies.

(e) PROTECTION OF ENCLOSED CONVEYANCE SYSTEMS.—For water supply systems that utilize aqueducts, pipelines, or other enclosed conveyance infrastructure, the notification and monitoring requirements of subsection (a) shall apply to:

- (1) Discharges at or upstream of the point where water enters the enclosed conveyance system; and
- (2) Discharges within the vicinity of terminal reservoirs, treatment facilities, or other locations where water exits enclosed conveyance and becomes vulnerable to contamination before treatment or distribution."