

## HR 5320

### Assistance, Quality, and Affordability Act of 2010

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Environmental Protection

**Introduced:** May 18, 2010

**Current Status:** Read twice and referred to the Committee on Environment and Public Works.

**Latest Action:** Read twice and referred to the Committee on Environment and Public Works. (Aug 5, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/5320>

## Sponsor

**Name:** Rep. Waxman, Henry A. [D-CA-30]

**Party:** Democratic • **State:** CA • **Chamber:** House

## Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Markey, Edward J. [D-MA-7]	D · MA		May 18, 2010

## Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Reported by	May 19, 2010
Environment and Public Works Committee	Senate	Referred To	Aug 5, 2010

## Subjects & Policy Tags

### Policy Area:

Environmental Protection

## Related Bills

No related bills are listed.

Assistance, Quality, and Affordability Act of 2010 - (Sec. 2) Amends the Safe Drinking Water Act (SDWA) to reauthorize and increase funding for the drinking water state revolving fund (SRF) for FY2011-FY2015.

Revises provisions concerning technical assistance given to small public water systems to help them achieve and maintain compliance with national primary drinking water regulations, including by: (1) authorizing the Administrator to give such assistance directly or through grants or cooperative agreements with nonprofit organizations; (2) authorizing assistance for implementing source water protection programs, increasing water or energy efficiency, operating sustainable energy infrastructure to produce or capture sustainable energy on site or through water transport, and implementing water security enhancements; and (3) giving priority to applicants that will promote compliance with such regulations, public health protection, and long term sustainability of small public water systems.

Prohibits funds made available for such assistance from being used for earmarks and lobbying expenses. Prohibits any portion of a SRF from being used for lobbying expenses. Requires 3% of the total amount made available for such assistance to be used for technical assistance to public water systems owned or operated by Indian Tribes.

(Sec. 3) Requires the Administrator of the Environmental Protection Agency (EPA) to ensure that laborers and mechanics employed by a contractor of a construction project funded thorough the SRF are paid prevailing wages as determined under the Davis-Bacon Act.

(Sec. 4) Revises provisions concerning the use of drinking water SRFs by: (1) repealing provisions authorizing the use of SRFs as a source of reserve and security for leveraged loans; (2) authorizing the SRF to be used for conducting preconstruction activities, replacing or rehabilitating aging treatment, storage, or distribution facilities of public water systems, or producing or capturing sustainable energy on site or through the transportation of water through the public water system; and (3) setting forth provisions concerning using state loan funds as security for payment of bonds and using SRF's interest earnings as revenue for payment of bonds.

(Sec. 5) Prohibits funds made available by a state loan fund to be used for a project for the construction, alteration, maintenance, or repair of a public water system unless the steel, iron, and manufactured goods used in such project are produced in the United States, unless the Administrator finds that: (1) applying such requirement would be inconsistent with the public interest; (2) steel, iron, and manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of steel, iron, and such goods will increase the cost of the overall project by more than 25%.

(Sec. 6) Revises provisions concerning state intended use plans for SRF funds, including by requiring plans to: (1) include a list of water systems that have an exemption or variance for national primary drinking water regulation or that are in persistent violation of the requirements for any maximum contaminant level or treatment technique under such regulation; (2) give priority for the use of such funds to public water systems affected by a new national primary drinking water standard and serving disadvantaged communities; (3) give greater weight to an application for assistance if it describes measures to improve the management and financial stability of the system, is consistent with state and local plans, includes a water conservation plan that is consistent with guidelines developed for such plans, and describes measures to improve the efficiency of the system or reduce the system's environmental impact; and (4) reserve at least 6% of funds received by the state through a capitalization grant to be spent on assistance to disadvantaged public water systems.

(Sec. 7) Amends the Public Health Services Act to define "restructuring" to mean changes in operations, including ownership, management, cooperative partnerships, joint purchasing arrangements, consolidation, and alternative water supply.

(Sec. 8) Requires each state to publish and update a list of projects that are eligible for assistance from SRF funds at least biennially (currently periodically).

Authorizes the Administrator to provide guidance, tools, methodologies, or computer software to assist small systems in undertaking measures to improve the system's management, financial stability, and efficiency or to reduce the system's environmental impact.

(Sec. 10) Increases the portion of SRF funds that: (1) states may use to administer their programs; and (2) the Administrator may reserve for grants for the Virgin Islands, the Northern Mariana Islands, American Samoa, and Guam.

Authorizes the transfer of funds between the drinking water SRF and the Clean Water Act's state revolving fund.

(Sec. 14) Requires the Administrator, if no technology, treatment technique, or other affordable means to achieve compliance with a maximum contaminant level established by a drinking water regulation is listed for a category of small public water systems, to periodically review the list and supplement it when new technology becomes available. Revokes provisions concerning granting variances for compliance with a drinking water regulation requirement specifying a maximum contaminant level or treatment technique.

(Sec. 16) Authorizes the Administrator to provide advice and technical assistance to a state and public water system to bring the system into compliance with drinking water regulations. Requires the Administrator to promulgate regulations to prescribe the number, frequency, and type of additional inspections following inspections.

(Sec. 17) Provides that prohibitions on the use of lead pipes, solder, and flux do not apply to pipes, pipe and plumbing fittings, and fixtures (pipes) that are used exclusively for nonpotable services. Revises the definition of "lead free" to mean not containing more than 0.2% lead when used with respect to solder and flux and no more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes. Prescribes a formula to use in calculating the weighted average lead content of pipes. Applies such exemption to the prohibition and the definition 36 months after this Act's enactment.

(Sec. 18) Requires the Administrator to provide for the testing of a covered substance if the substance may be found in sources of drinking water and a substantial population may be exposed to such substance. Provides that a substance is not subject to testing if it is already subject to an equivalent evaluation or the Administrator has already determined the effect of the substance on the endocrine system. Requires the Administrator, if a substance subject to testing is derived from the degradation or metabolism of another substance, or is used in or generated by the manufacture of another substance, to provide for such testing of the covered substance by the importer or manufacturer of the other substance.

Requires the Administrator, in carrying out the Estrogenic Substances Screening Program: (1) no later than one year after this Act's enactment, to publish a list of at least 100 substances for testing of endocrine disrupting substances that may be in drinking water, a plan for the identification of additional substances for testing with the goal of testing all substances that have been placed on the Drinking Water Preliminary Contaminant Candidate List, and a schedule for issuing test orders for all such additional substances no later than 10 years after this Act's enactment; (2) to give priority in selecting substances for listing to substances that pose the greatest public health concern; (3) issue test orders for at least 25 substances on the list by the end of each of the first four years and all substances on the list by the end of the

four-year period; (4) no later than two years after the enactment of this Act, to publish guidance on developing and updating protocols for testing of possible endocrine disruptors; (5) no later than two years after this Act's enactment, to determine whether sufficient scientific information has been developed to warrant updating the screening protocols developed under the Federal Food, Drug, and Cosmetics Act for substances that may be found in sources of drinking water; (6) no later than five years after this Act's enactment and every three years thereafter, to determine whether to revise such screening protocols for such substances; (7) no later than 180 days after this Act's enactment, to publish an electronic, publicly searchable database that contains information regarding the testing program; and (8) within six months after receipt of testing results, to determine whether to take administrative action related to the substance.

Authorizes any person to petition the Administrator to add a substance to the list or identify a substance pursuant to the plan.

Requires the Administrator within a year of this Act's enactment and every three years thereafter to report to specified congressional committees on identifying and testing potential endocrine disruptors.

Defines "endocrine disruptor" to mean an exogenous agent or mixture of agents that interferes or alters the synthesis, secretion, transport, metabolism, binding action, or elimination of hormones that are present in the body and are responsible for homeostasis, growth, neurological signaling, reproduction and developmental process, or any other effect that the Administrator has designated as an endocrine effect.

(Sec. 19) Requires the Administrator study and report to Congress on the presence of pharmaceuticals and personal care products in sources of drinking water, which shall identify: (1) pharmaceuticals and personal care products that have been detected in sources of drinking water and the levels at which they have been detected; (2) sources of pharmaceuticals and personal care products in sources of drinking water; (3) the effects of such products on humans, the environment, and the safety of drinking water; and (4) methods to control, limit, treat, or prevent the presence of such products.

(Sec. 20) Requires the Administrator to promulgate a rule to establish requirements with respect to electronic reporting.

(Sec. 21) Provides that the budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

## Actions Timeline

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- **Aug 5, 2010:** Read twice and referred to the Committee on Environment and Public Works.
- **Aug 2, 2010:** Received in the Senate.
- **Jul 30, 2010:** Mr. Markey (MA) moved to suspend the rules and pass the bill, as amended.
- **Jul 30, 2010:** Considered under suspension of the rules. (consideration: CR H6431-6440)
- **Jul 30, 2010:** DEBATE - The House proceeded with forty minutes of debate on H.R. 5320.
- **Jul 30, 2010:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H6431-6436)
- **Jul 30, 2010:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H6431-6436)
- **Jul 30, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 1, 2010:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 111-524.
- **Jul 1, 2010:** Placed on the Union Calendar, Calendar No. 297.
- **May 26, 2010:** Committee Consideration and Mark-up Session Held.
- **May 26, 2010:** Ordered to be Reported (Amended) by the Yeas and Nays: 45 - 1.
- **May 19, 2010:** Subcommittee Consideration and Mark-up Session Held.
- **May 19, 2010:** Forwarded by Subcommittee to Full Committee (Amended) by the Yeas and Nays: 18 - 13 .
- **May 18, 2010:** Introduced in House
- **May 18, 2010:** Referred to the House Committee on Energy and Commerce.
- **May 18, 2010:** Referred to the Subcommittee on Energy and Environment.