

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ADAMS OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 1734, AS REPORTED
OFFERED BY MS. ADAMS OF NORTH CAROLINA**

Page 29, after line 16, insert the following:

1 “(5) DRINKING WATER SUPPLY WELL SURVEY
2 AND PROVISION OF ALTERNATE WATER SUPPLY.—

3 “(A) SURVEY.—Not later than 7 months
4 after the date of enactment of this section, each
5 owner or operator of a surface impoundment
6 shall conduct a survey that identifies all drink-
7 ing water supply wells within one-half mile
8 down-gradient from the established waste
9 boundary of the surface impoundment and shall
10 submit the survey to—

11 “(i) the Administrator; and

12 “(ii) the implementing State, if appli-
13 cable.

14 “(B) INCLUSIONS.—Each survey con-
15 ducted pursuant to subparagraph (A) shall in-
16 clude well locations, the nature of water uses,
17 available well construction details, and informa-
18 tion regarding ownership of the wells.

19 “(C) DETERMINATION OF SAMPLING.—

1 “(i) IN GENERAL.—Not later than 4
2 months after an owner or operator submits
3 a survey under subparagraph (A), the Ad-
4 ministrador or the implementing State, as
5 applicable, shall determine which wells
6 identified in the survey the owner or oper-
7 ator will be required to conduct sampling
8 and water quality analysis for, and how
9 frequently and for what period sampling is
10 required.

11 “(ii) REQUIRED SAMPLING.—The Ad-
12 ministrador or the implementing State, as
13 applicable, shall require sampling and
14 water quality analysis described in clause
15 (i) where data regarding groundwater qual-
16 ity and flow and depth in the area of the
17 surveyed well provide a reasonable basis to
18 predict that the quality of water from the
19 surveyed well may be adversely impacted
20 by coal combustion residuals.

21 “(D) SAMPLING.—

22 “(i) INITIATION.—Not later than 5
23 months after an owner or operator submits
24 a survey under subparagraph (A), the
25 owner or operator shall initiate any sam-

1 pling and water quality analysis required
2 pursuant to subparagraph (C) for constitu-
3 ents associated with coal combustion re-
4 siduals, including, at a minimum, arsenic,
5 lead, hexavalent chromium, vanadium,
6 boron, thallium, molybdenum, and sele-
7 nium.

8 “(ii) INDEPENDENT SAMPLING.—A
9 property owner whose well has been se-
10 lected for sampling and analysis may elect
11 to have an independent third party selected
12 from a laboratory certified by the Adminis-
13 trator or the implementing State, as appli-
14 cable, conduct the sampling and analysis
15 required under this paragraph in lieu of
16 such sampling and analysis being con-
17 ducted by the owner or operator of the sur-
18 face impoundment.

19 “(iii) COSTS.—The owner or operator
20 of the surface impoundment shall pay for
21 the reasonable costs of any sampling and
22 analysis conducted pursuant to this para-
23 graph.

24 “(iv) RIGHT TO REFUSE SAMPLING.—
25 Nothing in this paragraph shall be con-

1 strued to preclude or impair the right of
2 any property owner whose well has been
3 selected for sampling and analysis to
4 refuse such sampling and analysis.

5 “(E) ALTERNATE SUPPLIES OF DRINKING
6 WATER.—If sampling and water quality anal-
7 ysis conducted pursuant to this paragraph indi-
8 cates that water from a drinking water supply
9 well exceeds groundwater quality standards for
10 constituents associated with the presence of coal
11 combustion residuals, the owner or operator of
12 the surface impoundment, in addition to any
13 other applicable requirement, shall replace such
14 water—

15 “(i) with an alternate supply of pota-
16 ble drinking water, as appropriate, not
17 later than 24 hours after the Adminis-
18 trator or the implementing State, as appli-
19 cable, determines that there is such an ex-
20 ceedance; and

21 “(ii) with an alternate supply of water
22 that is safe for other household uses, as
23 appropriate, not later than 30 days after
24 the Administrator or the implementing

1 State, as applicable, determines that there
2 is such an exceedance.

3 “(F) ANNUAL GROUNDWATER PROTECTION
4 AND RESTORATION REPORT.—

5 “(i) IN GENERAL.—Not later than one
6 year after the date of enactment of this
7 section, and each year thereafter, each
8 owner or operator of a surface impound-
9 ment required to conduct sampling and
10 water quality analysis pursuant to this
11 paragraph shall submit a report to the Ad-
12 ministrator or the implementing State, as
13 applicable, that includes a summary of all
14 groundwater monitoring, protection, and
15 restoration activities related to the surface
16 impoundment for the preceding year, in-
17 cluding any replacement of contaminated
18 drinking water pursuant to this paragraph.

19 “(ii) PUBLICLY ACCESSIBLE INTER-
20 NET WEBSITE REQUIREMENT.—Not later
21 than 30 days after submitting a report
22 under clause (i), an owner or operator
23 shall post the report on a publicly acces-
24 sible Internet website established by the
25 owner or operator in accordance with sec-

1 tion 257.107 of title 40, Code of Federal
2 Regulations.

3 “(G) RELATIONSHIP TO OTHER GROUND-
4 WATER MONITORING REQUIREMENTS.—To the
5 extent that any requirement of this paragraph
6 conflicts with a provision of paragraph (2)(B),
7 the requirement of this paragraph shall control.

Page 49, after line 7, insert the following:

8 “(6) IMPLEMENTING STATE.—The term ‘imple-
9 menting State’ means—

10 “(A) a State that has notified the Adminis-
11 trator under subsection (b)(1) that it will adopt
12 and implement a coal combustion residuals per-
13 mit program; or

14 “(B) if a lead State implementing agency
15 has been identified under subsection
16 (b)(2)(C)(i) for such a State, such imple-
17 menting agency.

Page 49, line 8, through page 50, line 17, redesignate paragraphs (6) through (8) as paragraphs (7) through (9), respectively.

