

Rural Water Policy Advisory [12/4/2017]

Special Focus on NRWA's Regulatory Activities

NRWA's Regulatory Committee Adopts New Policies: The [Regulatory Committee](#) convened on Friday via teleconference and recommended several motions for NRWA. The following day, the NRWA Executive Board of Directors convened in San Antonio and moved to support and monitor the following recommendations:

- U.S. Senator Ben Cardin's (MD) staff briefed the committee on his proposed [legislation](#) known as the "Rural and Urban Low Income Community Water Assistance Pilot Program" to provide direct subsidies to low-income customers through a new EPA program. Committee members were skeptical of the concept of a new social program administered through EPA, and local water utilities. Such a program would be more appropriately administered by other agencies.
- The committee reviewed H.R. 3387's Mandatory Consolidation provision. NRWA continues to urge three key Congressmen (Shimkus-IL, Tonko-NY, and Harper-MS) to modify [the provision](#) in order to limit any harm to rural and small communities.
- A motion offered by Florida Rural Water Association committee member Gary Williams to write the EPA in support of allowing non-profit wastewater utilities to be eligible for Clean Water State Revolving Funds was supported unanimously.
- Maryland Rural Water Association committee member George Hanson updated the committee on his participation on the national [Lead Service Line Replacement Collaborative](#).
- Massachusetts Rural Water Association committee member John Sasur offered motion to craft or assemble a comprehensive NRWA statement of policy on needed revisions to the Lead and Copper Rule ([Susar's proposal](#)).
- A recommendation to write EPA cautioning the agency on its effort to make enforcement of drinking water contamination a new target and priority for the EPA enforcement office was supported. The concern with EPA's proposed new policy is that EPA compliance data and mandatory public notifications are often confusing to the public on the safety of their drinking water. EPA non-compliance, while regrettable, does not indicate that there is contamination in the public's drinking water supply. The vast majority of violations are for procedural requirements under the rule such as proper monitoring techniques (which are very complicated and require local residents to properly follow complicated procedures), missed monitoring samples, late submission of samples, lab errors, etc. The monitoring procedures need to be followed correctly. However, the public should not conclude this is an indication of contamination and they should know that a very well-governed drinking water supply with impeccable drinking water quality can find itself in violation of these procedures due to their complexity. Currently, there are numerous communities in violation of various federal standards for naturally occurring elements in groundwater where the violation is of no public health consequence relative to the standard. Yet they are in clear violation. Additionally, many communities with drinking water issues (e.g. Flint, Washington, Toledo, Corpus Christi, Charleston, Milwaukee, etc.) were not in violation of EPA rules – calling into question the use of compliance as the main indicator of risk to public health.
- Utah Rural Water's member (and chairman) of the panel, Paul Fulgham, updated the committee on recent grassroots advocacy in the U.S. Senate. Utah rural water recently briefed Senator Hatch's office on the need to allow for "electronic-reporting" of EPA Tier 2 public notices (Utah [statement](#) to the Senator).

EPA's National Drinking Water Advisory Council (NDWAC) to Meet This Week: The council is the main public advisory panel to EPA for drinking water issues as authorized under the Safe Drinking Water Act. NRWA Regulatory Committee member Wilmer Melton (City of Kannapolis, North Carolina) was appointed to the NDWAC committee in the spring of 2016. The meeting will be held on December 7-8 ([EPA](#)).

Good Ideas from the Grassroots: Montana rural water's [president](#), Allen Klem of Miles City, provides a very insightful comment on what the next Lead and Copper Rule should look like: *"This rule is a treatment technique rule, NOT a lead line replacement rule. If your water is corrosive it will not only leach the lead out of the pipes but also copper and slowly deteriorate your entire system and the plumbing in homes and businesses... Again, use the current rule as it was intended, it is a treatment technique rule. Non-corrosive water = no problem, corrosive water = problems within your entire system ([full comments](#))."*

Perchlorate Rule Development: The Natural Resources Defense Council (NRDC) sued EPA last year, arguing that the agency had missed a statutory deadline for proposing a drinking water goal for perchlorate, following the 2011 EPA determination that perchlorate should be regulated. NRDC has won a series of court-ordered deadlines. But the agency has already missed the first deadline which required it to complete a peer review of a model intended to inform where to set such a drinking water standard by October 18. EPA continues to analyze the health effects data and models used to determine a maximum contaminant level goal. On November 28, EPA announced a peer review for January 29 in Washington on how best to model the data for a perchlorate rule. In the face of such delays and difficulties in developing scientific tools, EPA's acting water chief Michael Shapiro suggested at the October ASDWA that the agency could still decide not to regulate the chemical. When asked if not issuing a rule on perchlorate is an option at this point, however, EPA's Office of Water's director of Standards and Risk Management Eric Burneson said on November 29, *"What the statute says is that the agency having made a regulatory determination, has to proceed toward proposing and promulgating within that time frame."* He added that "the statute doesn't envision the agency changing its mind" on a determination that a drinking water contaminant should be regulated. Burneson acknowledged *"there are concerns, particularly within the small systems community,"* regarding the feasibility of a final rule. Regarding the modeling, NRDC is faulting EPA for not estimating the number of pregnant women or children that could be affected by exposure to perchlorate in their drinking water, arguing the numbers affected could be in the thousands or tens of thousands. But the Perchlorate Study Group (PSG), which represents makers and users of perchlorate, argues EPA's modeling is overly conservative. The PSG concludes, *"The [EPA] model buttresses the conclusion that no adverse health effects occur from perchlorate exposure levels found in the environment, which are generally less than 4 parts per billion."*

National Rural Water Association

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The National Rural Water Association is the country's largest public drinking water and sanitation supply organization with over 30,000 members. Safe drinking water and sanitation are generally recognized as the most essential public health, public welfare, and civic necessities.

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