

Rural Water Issues Advisory [11/11/2019]

States Taking the Lead on Drinking Water Regulation: Much of NRWA's advocacy efforts since the passage of the Safe Drinking Water Act and the Clean Water Act have been focused on the federal level (i.e. Congress and the U.S. Environmental Protection Agency). However, we are not witnessing a trend where states are leaning toward promulgating new and disparate regulations. Connecticut, Massachusetts, Vermont, Michigan, New Hampshire, Maine, Iowa, Nebraska, California, etc. are all adopting new rules for such substances including PFAS, perchlorate, dioxane, lead, elimination of land application of biosolids, manganese, etc. Further compounding the dynamic are reports that EPA is pressuring states to take regulatory action in the space where EPA does not have current regulations ([example](#)). How should a national advocacy association respond to state activity? Please provide any thoughts or comments you may have on the issue ([comment](#)).

NRWA and National Water Groups Considering Petitioning EPA on PFAS Superfund Listing: In its PFAS Action Plan, EPA committed itself to determining if it could regulate individual PFAS, such as PFOA and PFOS, as hazardous substances. NRWA and the other national water associations are evaluating the need to petition EPA to resist such a determination because identifying PFOA, PFOS, PFNA and a number of other PFAS as hazardous substances would make local communities liable under the Superfund law for actions by manufacturers and industrial users of PFAS. While EPA has not pursued actions historically against local communities for the cost of cleanup under Superfund, the law allows potentially responsible parties to sue municipalities to contribute to cleanup costs.

EPA Says It Will Decide on PFAS MCLs by End of the Year: On Thursday, EPA announced its plan for assessing the toxicity of several PFAS. As part of that [announcement](#), EPA said, *"By the end of the year, EPA will issue its proposed regulatory determination for PFOA and PFAS which is the next step in the drinking water standard setting process outlined in the Safe Drinking Water Act."*

The New York Times on New Water Book: In the just published book, "Troubled Water: What's Wrong with What We Drink," author Seth Siegel argues that the crisis in Flint, Michigan was part of a much larger problem: widespread acceptance of dangerous contaminants in our drinking water. Siegel added that the country's sprawling network of 51,500 water utilities — many of them problematic — should be consolidated. Government agencies, at the federal, state and local levels, should put more emphasis on public health when regulating the utilities. "This is a problem that's completely fixable using existing technology at affordable prices," says Siegel ([NYTimes](#)).

New Hampshire Rural Water's Executive Director Warns of Public Reaction to Hollywood's New Water Movie: Dark Waters (release date November 22), starring Mark Ruffalo, Anne Hathaway, and Tim Robbins, is inspired by the experience of Parkersburg, West Virginia where a tenacious attorney (Ruffalo) uncovers a secret that connects a growing number of unexplained deaths due to water contamination from the DuPont Corporation.

The Water Research Foundation Releases Report on Forms Partnerships Between Utilities: The authors claim that despite the considerable benefits offered by regional collaborations, the number of such agreements has been fairly limited ([report](#)).

Congressional Activity on New PFAS Law Stalled: Last week, Senate Armed Services Chairman Jim Inhofe (OK) made statements that cast doubt on inclusion of PFAS provisions in the annual defense bill. However, Senate environmental committee lawmakers said PFAS language remains in play on the bill, despite comments Inhofe made to the contrary on Tuesday. Senator Carper (DE) said there's "broad agreement" about the Senate's PFAS language, and *"a fair amount of consensus in the Senate that a much narrower proposal dealing with Superfund hazardous designation could and should ride with the package"* ([NRWA on Senate PFAS provisions](#)).

ASDWA Releases EPA's Extensive SDWA Regulatory Activity List for Next 3 Years ([ASDWA](#)).

Last Week's First-ever Presidential Forum on Environmental Justice: Forum was held on Friday night in South Carolina and hosted by Democracy Now!'s Amy Goodman and former EPA official Mustafa Ali. Senators Elizabeth Warren and Cory Booker, Tom Steyer, Marianne Williamson, John Delaney and Joe Sestak took part ([Democracy Now video](#)). Drinking water and wastewater are major contributors to environmental justice complaints.