

Rural Water Issues Advisory [11/25/2019]

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NRWA Urges House Energy and Commerce Committee to Exempt Small and Rural Communities from PFAS Superfund Liability: House Democrats, backed by Speaker Pelosi (CA), are aligning behind a PFAS Energy and Commerce Committee plan that was approved largely along party lines by a vote of 31-19 on Nov. 20. The bill, [H.R. 535, "PFAS Action Act of 2019,"](#) provides a range of policies to address PFAS including a requirement that EPA list PFOA and PFOS as hazardous substances under the Superfund law. While the Superfund language is now limited to PFOA and PFOS, another section of the bill would require EPA to list PFAS as hazardous air pollutants as a class under the Clean Air Act, which would have the same effect on potential liability as a Superfund designation. Passage of this legislation is intended to support the separate House version of the National Defense Authorization Act (NDAA) legislation, which also requires EPA to list PFAS as a hazardous substance under the Superfund program. The issue has become a priority for Speaker Pelosi who has personally called for including provisions in the defense bill which is being negotiated between the House and Senate. The Senate version of the bill does NOT include the requirement for Superfund listing of PFAS and House and Senate negotiators are putting the final touches on a defense bill that is slated for release any moment. Senate bill sponsor and committee chairman, Jim Inhofe (OK), is accusing the House Speaker of being inflexible on the PFAS issue ([Tulsa World News](#)). Inhofe said that unless the House PFAS language is in the bill, "the Speaker will not bring the bill up for a vote in the House... Once you make that statement, you know something is not sellable." NRWA is backing the Senate version of the legislation and urged the committee to exempt small and rural communities from Superfund liability in the House bill ([NRWA statement](#)).

NRWA Will be Commenting on EPA Lead and Copper Rule Revisions: We are hearing from numerous states and members about the new EPA proposal. Initial comments are critical of the proposal. We are VERY interested in hearing any comments on the proposal from any RWA members. We did comment on the current rule and those comments are still very relevant as the proposed rule did not correct any of our concerns. Furthermore, the proposed rule compounded many of the problems under the current rule including confusion over the nexus of tap samples and general water quality in the distribution system, the public health relevance of the action level and the new trigger level of 10ppb, the mandated public notice contents, mandatory public notice of specific tap sample to specific homes, water utility requirement to test EVERY school and child care facility in their service area, find and fix requirements for specific homes tested, a new mandatory annual lead line inventory, etc.

- Water groups letter to EPA requesting additional time for comment ([link](#)).
- NRWA comments on the existing rule from a 2018 EPA consultation ([link](#)).

Regulatory Update: The NRWA Executive Committee will convene in early December. The following are selected portions of the Regulatory Report to the committee reflecting recent and active issues important to the constituency.

Recent Examples of Policy Successes (Cost Savings to Membership)

- (9.19.19) House-Senate Conference held on S.1790 - National Defense Authorization Act for Fiscal Year 2020 with [favorable Senate PFAS provisions](#).
- (11.20.19) [EPA finalized](#) changes to the Risk Management Program (RMP) Amendments consistent with [NRWA comments](#).
- (9.25.19) EPA Office of Inspector General [Report endorsing NRWA](#) e-delivery policy for Tier 2 Public Notices.

- (10.22.19) EPA [final rule](#) to repeal the 2015 Clean Water Rule: Definition of “Waters of the United States.”

Recent Policy Actions

- (11.18.19) NRWA Watershed Trading and TMDL Compliance [Comments](#) to EPA
- (11.20.19) NRWA [statement](#) to House Energy and Commerce on PFAS bills
- (11.12.19) NRWA and AWWA [Comments](#) on PFAS Superfund Listings to EPA
- (11.14.19) NRWA, AWWA, NLC, and USCOM LCR [Extension Comments](#) to EPA
- (9.26.19) NRWA Perchlorate Rule [Comments](#) to EPA

Expected Activities and Opportunities in the Near Future

- Modifications to Senators [Cardin/Wicker’s Consumer Assistance Bill](#) (December)
- [LCRR ASDWA](#) Discussion (December)
- LCRR [Comments](#) to EPA (January)
- [EPA PFAS MCL](#) determination (December)
- Tier 2 Public Notice e-delivery [request](#) (December)
- EPA [RRA model](#) for review (January)
- Senate [WRDA legislation](#) (CWA & SDWA authorizations)
- Senator Wicker’s (MS) 2% technical assistance CWSRF [legislation](#)

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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