

# Rural Water Issues Advisory [1/13/20]

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## Special Single Issue Edition, **Update on Recent NRWA PFAS Related Activities**

- **NRWA Joins PFAS Receivers' Advocacy Group:** NRWA recently joined a coalition of PFAS "Receivers" (drinking water treatment systems, wastewater treatment facilities, and municipal solid waste landfills) in an effort to educate the public and policymakers on our perspective on PFAS issues. The organizations in the group include: The National Association of Clean Water Agencies, The American Public Works Association, The Water Environment Federation, etc. NRWA is cosponsoring the coalition's "Fact Sheet" on PFAS topics including: ambient levels of PFAS in the environment, the fact that water utilities are not responsible for PFAS in the environment/water, and the idea that policy and regulation should reflect product manufacturer responsibility as well as cleanup, etc. (PFAS Receivers' [Fact Sheet](#)).
- **House Passes Comprehensive PFAS Legislation Over NRWA Objections:** On Friday, the House of Representatives passed [H.R. 535](#) on a 247-159 vote. The House bill would require EPA to add PFOA and PFOS to the list of hazardous substances under Superfund law. The bill also directs the EPA to create standards for PFOA and PFOS in drinking water within two years.
- **NRWA and National Water Association Caution House of Representatives on PFAS Legislation:** On January 8, the group of national water associations signed a joint statement to the House of Representatives expressing opposition to H.R. 535 because the legislation fails to protect water system customers from liability for PFAS cleanup costs. The groups believe that PFAS should be kept out of our nation's water supplies, and that PFAS polluters should be held responsible ([Joint Statement](#)).
- **White House Issues Veto Threat Over House-Passed PFAS Bill ([White House](#)):** *"This bill would supersede existing statutory requirements that require EPA, when regulating chemicals in the environment, to evaluate and weigh the available scientific and technical information about the occurrence of exposures, the health effects of exposures, the treatment options available, the opportunities for meaningful improvement in public health protection, and the significant potential effects on public safety. By doing so, the bill would create considerable litigation risk, set problematic and unreasonable rulemaking timelines and precedents, and impose substantial, unwarranted costs on Federal, state, and local agencies and other key stakeholders in both the public and private sectors."*
- **Vermont Rural Water Association Leads in Emergency Assistance to Communities Detecting PFAS in Drinking Water:** In the last few weeks, Vermont has issued "do not drink" orders to a number (four reported) of small communities that have relied on VRWA technical assistance to the "crises." More orders could be coming as the state implements testing requirements. In Vermont, 590 CWSs and NTNCs were required to test. There are at least three systems with initial results >20 ppt that are waiting for confirmation results. Not all initial results have been received due to the lab backlog and 60+ systems are having to resample. VRWA's Executive Director, Liz Royer, reports that there is limited funding sources to address contamination and that every question answered results in 10 more questions. For example, take the case of the **Mount Holly School**: the small, rural public elementary school (<100 students) has cumulative levels for 5 PFAS = 323 ppt; its assumed source is AFFF; it is financially strapped due to consolidation issues and is looking at cutting bus service because of the lack of funding available for PFAS response; it has no funding available to hire an engineer to go through the 8 "response action alternatives" mandated by the state drinking

water program; and the school has asked VRWA to step in and be their “advocate.” See news coverage of the school ([VTDigger.org](http://VTDigger.org)).

- **New Hampshire Fights Suit Against New State PFAS Rules:** New Hampshire is asking the state’s highest court to strike down a lower court’s preliminary injunction of its water standards for four per- and polyfluoroalkyl substances (PFAS). The challenge led by Plymouth Village Water & Sewer District (a water utility member of New Hampshire rural water) is a potential test case for challenges to state water PFAS standards as New Hampshire is one of the first states to set strict, enforceable drinking water levels for a suite of PFAS, in the absence of federal requirements (PFOA MCL of 12 ppt, PFOS MCL of 15 ppt, PFNA MCL 11ppt, and PFHxS MCL of 18 ppt). The lower court issued a preliminary injunction, and it stayed the order until 2020 to allow for an immediate appeal. The lower court accepted plaintiff’s argument that the state failed to adequately weigh the rules’ costs and benefits ([NH News](#)).
- **Michigan** holds public hearings on state’s plan to regulate numerous PFAS in drinking water ([MLive](#)).
- **NRWA Asked for Comments on Senator Gillibrand’s Clean Water Act PFAS Bill** ([S. 1473](#)).
- **EPA PFAS Actions:** Last week, EPA announced that it was “aggressively addressing per- and polyfluoroalkyl substances (PFAS) as an active and ongoing priority.” Key actions EPA detailed last week include: groundwater guidance for PFOA and PFOS at certain sites covered by federal law, Toxic Release Inventory actions, December 3 action to propose regulatory determination for PFOA and PFOS, work on developing new reliable methods to detect and remove PFAS in drinking water, research on the human health effects of seven of the most common forms of PFAS, and research on reducing PFAS exposure to agricultural operations and rural communities ([EPA statement](#)).

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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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