

# Rural Water Issues Advisory [6/17/2019]

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## Special Single Issue Edition: The Senate's Comprehensive PFAS Legislation

**The Power of An Association:** Senate bipartisan agreement on comprehensive PFAS legislation includes several Rural Water positions ([NRWA Senate testimony](#), May 22). The leadership of the Senate Environment and Public Works Committee, including Chairman John Barrasso (WY), Ranking Senator Carper (DE), and Senator Capito (WV) released their legislative agreement on Thursday ([text of legislation](#)) to manage the federal response to per- and polyfluoroalkyl substances (PFAS) in drinking water (including groundwater sources). The agreements include a path to Senate passage as an amendment to the Senate's must pass 2020 National Defense Authorization Act.

The legislation would require EPA to set an enforceable drinking water limit within two years for at least the two best-studied chemicals in the class, PFOA and PFOS, and would require the agency to decide whether to craft limits for additional chemicals as it publishes formal conclusions about their toxicity. Most notably, the Senators included the Rural Water position of limiting civil enforcement against any community that is not responsible for the contamination in their drinking water supply. The legislation prohibits any civil enforcement of the violation for five years after the final rule is effective. NRWA will likely be advocating for a permanent limitation on enforcement. The important precedent set by this legislation is the first-ever and bipartisan agreement that civil enforcement on local governments is not the appropriate federal drinking water enhancement policy and will be prohibited for at least for five years. In addition to the prohibition on civil enforcement, the legislation requires EPA to pay for Unregulated Contaminant Monitoring Regulation costs for small communities, authorizes a new \$100 million annually in state revolving funds directed to communities with PFAS contamination, and sets-aside 25% of the new funding for small communities

The agreement contains legislative provisions to federal environmental statutes other than the Safe Drinking Water Act:

- Requires EPA to finalize a rule under the Toxic Substances Control Act to limit new uses of the chemicals and issue guidance on how to dispose of them.
- Requires PFAS manufacturers to provide information to EPA.
- Requires EPA to list a subset of PFAS chemicals on the Toxics Release Inventory which would require facilities to publicly report their emissions of the chemicals.
- Creates a federal task force to address the threats posed by contaminants like PFAS.
- Directs EPA to finalize a guidance on PFAS disposal.

Senate Majority Leader Mitch McConnell (KY) has indicated that the defense bill could be considered in the Senate as early as next week.

A special thank you to Wyoming Association of Rural Water Systems (WARWS) for having such a good friend in Senator Barrasso. Your Senator may not be the chairman of the Senate Environment and Public Works Committee, but through the Power of An Association, WARWS represents all state rural water associations' agenda.

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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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