

Rural Water Issues Advisory [8/11/2019]

NRWA Source Water Protection and New Farm Bill: The Agriculture Improvement Act of 2018 (i.e. the Farm Bill) requires that 10 percent of conservation funding available to farmers through the Natural Resources Conservation Service (NRCS), approximately \$4 billion over the next 10 years, be targeted for source water protection. NRCS implements federal conservation funding programs for farmers and works through state technical committees to prioritize source water protection needs. A [May 6, 2018, NRCS implementation guidance](#) details the new federal source water initiatives and directs every NRCS state conservationist to work with their state technical committee, public water utilities and utilize the state drinking water agencies' delineated source water protection areas that were developed under the 1996 Safe Drinking Water Act to report state source water data to the national NRCS office by September 30, 2019. This data will be used to target the new 10 percent source water set-aside of the conservation program funds. In recent briefings to NRCS, NRWA has discussed the fact that most source water protection plans implemented by drinking water utilities (i.e. local governments) are not captured or included in the state drinking water agencies' SDWA delineations or databases, and that NRCS could expand their initial identification of local priority areas for source water protection to include the source water protection plans developed by the local drinking water utilities (i.e. local governments) under NRWA's Grassroots Source Water Protection initiative. These plans include data (delineations, assessments, and abatement plans) that are often more robust and more closely correlate agricultural activities' impact on local public drinking water quality.

EPA "Exceeded" Its Goals of Cutting Regs: According to the EPA Inspector General, the Trump Administration EPA cut 26 regulations, saving the agency more than \$96 million, and created four new regulations — far more than the 2-to-1 ratio the White House had requested ([ABC News](#)).

USDA Invests in Rural Water: On August 8th, USDA Rural Utilities Service Administrator Chad Rupe announced that USDA is investing \$135 million in 49 projects to improve rural water infrastructure in 24 states ([USDA](#)).

EPA Launches Comment Period for CWA Overhaul: EPA is proposing to modify Clean Water Act regulations to simplify permitting for pipelines and other infrastructure projects as well as restrict states' power under the rule to halt or postpone these projects. [EPA issued the rule Thursday](#), beginning a 60-day public comment period.

EPA Commits To Final RMP Rollback Rule Before 2020: A top EPA official is vowing that the agency will soon send for White House pre-publication review of its final rule to undo Obama-era changes that tightened facility safety risk management plan (RMP) requirements, a surprise move refuting environmentalists' suggestions that the rollback was "dead in the water." The comment came from EPA Office of Land and Emergency Management (OLEM) Deputy Assistant Administrator Steven Cook on August 2nd. The proposed version of the rollback would undo most of the Obama Administration's changes to the program, which generally require facilities to consider safer process, conduct third-party audits, and increase disclosures to local emergency planners. On [May 19, 2016, NRWA commented](#) on the proposal, arguing that, *"The RMP Rule imposes extensive new requirements on covered facilities and on state and local governments. While all of these new requirements are good ideas, they are all currently implemented by local governments to some degree. Local governments' concern with the proposed rule is the ambiguity in what determines compliance with the new requirements in the proposed rule. The issue involves a determination of who is authorized to decide on the content of each element of a risk management plan, whether the local government has the authority to design the content of the plan, or whether a federal regulator will implement a uniform compliance approach or rely on their subjective review. Implementing a uniform regulation for a plan that is dependent on unique local conditions, circumstances, and threats will result in a program that does not mandate certain communities to confront their greatest threats – and some communities addressing low priority or non-threatening risks."*