

Rural Water Issues Advisory [8/5/2019]

EPA Issues New Security Guidance and Security Templates: On August 1, EPA released their "[Baseline Information on Malevolent Acts for Community Water Systems](#)," a document for water systems to use to identify and take steps to reduce the risk they will experience if a particular threat occurs or deter a threat from occurring. EPA also announced the availability of their [template and instructions](#) that will assist water utilities with developing an Emergency Response Plan (ERP) in accordance with America's Water Infrastructure Act of 2018 (AWIA) Section 2013(b). The Act requires community water systems serving populations greater than 3,300 to develop or update their ERP that incorporates findings of the mandated new Risk & Resiliency Assessment (RRA) which must be completed, prior to the ERP, and certified to EPA by July 2021 under [Section 2013](#) of the Act ([NRWA explanation of the RRA mandate](#)). The new mandates were crafted by Congress to "use much of the architecture and policy objectives" from the 2002 mandate to conduct Vulnerability Assessments and Emergency Response Plans. For compliance with the 2002 mandate, most all small communities utilized the [NRWA](#) compliance vulnerability assessment. NRWA is exploring a similar effort to make this new mandate as cost-effective and manageable as possible.

Michigan Congressman Opposes Exempting Communities from Potential Superfund Liability from PFAS: In July, the House of Representatives approved legislation as an amendment to the annual must-pass National Defense Authorization Act that requires EPA to declare within one year that PFAS are hazardous substances under the Superfund law ([text](#)). NRWA urged the sponsors of the amendments to modify their legislation to limit any adverse impact on rural and small communities ([NRWA, July 9, 2019](#)). This past week, the lead sponsor of the proposal, Congressman Kildee (MI), indicated that he would not support exempting public water and wastewater systems from the potential Superfund liability in the legislation. The House passed legislation/amendment was **not** included in the Senate passed bill in June ([Rural Water Issues Advisory, 7/1/2019](#)). NRWA is currently crafting a response and advocacy plan to impact the final Congressional bill with other national water associations including AWWA, AMWA, NAWC, NACWA, etc. The following is a portion of our working draft joint statement to Congress:

"Congress should not hold community drinking water and wastewater facilities liable for PFAS contamination caused by PFAS products that we now realize should not have been allowed into commerce in the United States. Designating PFAS as Superfund hazardous substance could also create liability for communities that encounter PFAS in their water treatment activities. Once PFAS is removed from water, it then must be disposed of. A water utility that properly disposes of or discharges treatment byproducts or residuals containing PFAS, in a manner consistent with applicable laws, must not be held liable under CERCLA for future costs associated with PFAS cleanup. Those costs and responsibilities must remain with the original polluters that introduced PFAS into the environment. Failure to protect water utilities from this liability would victimize the public twice: once when they are forced to pay to remove PFAS from their water, and again when they are forced to pay to clean up PFAS elsewhere. If Congress does designate PFAS as a hazardous substance under CERCLA, an exemption for water and wastewater treatment residuals should be included."

U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency (CISA)

Recommendations for Local Governments to Safeguard Against Ransomware Attacks: CISA and partners including the National Governors Association assert that "the growing number of such attacks highlights the critical importance of making cyber preparedness a priority and take the necessary steps to secure our networks against adversaries." The recommendations include "[Three Steps to Resilience against Ransomware](#)," which are: 1) "Back-Up Your Systems – Now (and Daily)"; 2) "Reinforce Basic Cybersecurity Awareness and Education"; and 3) "Revisit and Refine Cyber Incident Response Plans." The statement also includes links to resources from each of the statement's author organizations with further information about ransomware and planning for cybersecurity incidents.

Australian Federal Court Rules that Kimberly-Clark's Flushable Wipes Are Flushable: The Federal Court found the wipes are not the only contributing factor to sewage blockages. The wipes were advertised as "flushable" in contrast to other products which warned consumers against flushing them. But the Federal Court recently ruled that the plaintiff's case failed. The judge found that sewerage blockages have many causes and they were not limited to the disposal of "non-flushable" wipes into toilets. There was no evidence that risk to sewerage systems materialized except the "insignificant extent" demonstrated by the small number of complaints, said the judge ([ABC News](#)).

Harrisburg (PA) Considers Selling Water Authority to Private Company: New fair market value law means the sale of its water supply could garner more than \$250 million. Local official says private companies would be likely to have more money than the struggling water authority to get infrastructure projects done. A recent study from the Pennsylvania Municipal Authorities Association shows privatization led to a 60 percent rate increase for residents on average ([WITF News](#)).

Democratic Presidential Candidate Marianne Williamson Links Drinking Water Contamination in Flint and South Carolina with Racism, Hatred and Physical Forces During Debate - “Just the tip of the iceberg,” ([CNN Video](#)).

Reporter Finds Some Details of New EPA Lead Standards ([Bloomberg News](#)).

[National Rural Water Association](#)