

## Rural Water Issues Advisory [10/16/2019]

**EPA Administrator Tweets About Speech at NRWA Conference:** *"I'm honored to speak at the @NRWA WaterPro Conference and discuss issues that impact so many Americans including cleaning up PFAS. Working to ensure rural Americans have safe drinking water has been a goal of mine since my first tour at EPA and continues today (Twitter)."*



**Senate Begins Water Resource Legislation:** The Senate Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA) committee is set to begin its biannual water resources legislation [next week with an opening hearing](#) on water priorities. The committee was in discussions last week with the Wyoming Association of Rural Water Systems' Executive Director Mark Pepper about testifying on rural water priorities. Unfortunately, the panel has been limited to a few witnesses and NRWA was asked to submit written testimony to the committee. This biannual legislation (i.e. the Water Resources Development Act, WRDA) has become the main vehicle for modifying the CWA and SDWA in the last three versions (see the significant reauthorization of the 2018 [America's Water Infrastructure Act](#)). NRWA will be crafting legislative priorities for this version of the bill and encourages all members to [submit to us](#) any recommended changes to the CWA and SDWA that would be helpful to small and rural communities. Mark Pepper was fortunate to be seated next to the Senate Environment and Public Works Committee (EPW) Chair, Senator John Barrasso (WY), on the plane ride from Nashville last week. Pepper educated the Chairman on a number of rural water issues. Your Senator may not be the Chairman of the Senate EPW Committee, but thanks to the Power of an Association, Wyoming Association of Rural Water Systems "Has Your Back." Chairman Barrasso (WY) has proposed numerous favorable laws and bills in the past year to benefit Wyoming's small and rural communities (and those of all the others states). Thank you WARWS!



(10/23/2018) President Trump signs Senator Barrasso's "America's Water Infrastructure Act" into law. The legislation addresses priority small and rural community water issues with the following provisions:

- § 4103, Technical Assistance for Treatment Works
- § 4201, WIFIA Financing for State Loan Funds
- Title II, extends SRF loan duration & forgiveness of principal
- § 4304, Water Infrastructure and Workforce Investment

On June 27, the Senate passed Senator Barrasso's PFAS legislation (S. 1790) which includes the following beneficial provisions:

- § 6723, Limitation on civil enforcement for local communities of any new regulation
- § 6724, Dedicated funding for communities affected: \$100,000,000 a year through 2024, not less than 25% for small communities
- § 6722, Funding for unregulated contaminant monitoring for small communities

**On Thursday, the Trump EPA Repealed the Obama EPA's Waters of the U.S. Rule:** EPA Administrator Andrew Wheeler signed the [final rule](#) on 9/12/2019 to repeal the 2015 Clean Water Rules: Definition of "Waters of the United States" (2015 WOTUS Rule), which restores the regulatory text that existed prior to the 2015 rule. The Trump EPA has concluded that the 2015 Rule did not implement the legal limits on the scope of the agencies' authority under the Clean Water Act (CWA) as intended by Congress and reflected in Supreme Court cases, including the court's articulation of the significant nexus test.

**Congress Looking at Continuing Resolution to Keep the Government Open Until November 21:** Current funding for the federal government will expire on September 30 and Congress will need to take action by then to avoid another shutdown. Congressional Democrats and Republicans appear to be supporting a continuing resolution that lasts into November, shortly before Congress leaves for its Thanksgiving break.

**Congress Presses Chemical Company Executives on PFAS:** Executives from three of the biggest chemical makers sought to dismiss culpability for toxic PFAS chemicals during a lengthy hearing in Congress on Tuesday. The companies; 3M, DuPont and Chemours denied accusations based on internal company memos that some claim showed they had decades' worth of evidence about the danger posed by the substances. *"There is no cause and effect for adverse human effects at the levels that we are exposed to,"* said a 3M senior vice president during the hearing ([The Guardian](#)).