

Rural Water Issues Advisory [9/23/2019]

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WOTUS & PFAS Collision in House Hearing:

- **House Water Committee Chairman and Trump Administration Clash on Which Waters EPA Should Regulate** ([YouTube.com](#)).
- **New York Freshman Congressman Presses EPA on MCL for PFAS at Hearing - EPA Responds**, “*They will follow the SDWA process* ([YouTube.com](#)).” EPA top water official does not commit to finalizing MCL for PFAS by saying, “*That is the process that Congress has established.*” Contentious exchange ensues; Congressman explains that some of his constituents are “*losing their lives*” from PFAS in drinking water.
- **Hoosick Falls (NY - pop. 3,500) Citizen Testifies How He Detected PFAS in Drinking Water from the Death of His Father with Google Search** ([YouTube.com](#)).

Maui Withdraws Their Supreme Court Water Case: The Maui County Council voted 5-4 on September 20 to settle County of Maui v. Hawai'i Wildlife Fund, a case testing the fundamentals of the scope of the Clean Water Act. The case had been scheduled for Supreme Court oral argument on November 6. The case centers on whether Maui needs a Clean Water Act permit for disposal wells where treated wastewater mixes with groundwater and ends up in the ocean. The statute mandates permits for pollution that moves from a distinct point source to a federally regulated waterway. Groundwater is not such a waterway, but the ocean is. In 2008, Maui's U.S. Court of Appeals sided with environmentalists who said the county needed an NPDES permit for the groundwater discharge. Florida Rural Water Association supported Maui's arguments in an amicus brief.

Private Water Goes Grassroots: State subsidiaries of American Water Corp. have been urging state rural water associations to support [federal SDWA legislation](#) to help private water utilities take over “distressed” drinking water systems. Some small communities believe privatizing their water utility is in the best interest of their citizens. Last week, the Village of Glasford's (IL) Mayor said the sale of their water and wastewater systems to Illinois American Water is “*in the Village's best interest... Residents will not only have better quality water and sanitary service, but needed critical investments will also be made under Illinois American Water ownership. The partnership also provides significant net proceeds to help fund other village needs and priorities. We welcome Illinois American Water to our community* ([Illinois American Water](#)).” American Water's share price has increased 154% over five years and 12% over the last quarter ([Google](#)).

State Counter-suits Could Repeal the Trump Repeal of the Obama WOTUS Rule: Last week, the Trump EPA repealed the previous Administration's WOTUS Rule ([EPA](#)). However, some states are likely to raise legal challenges in local federal court to hold the Trump EPA move unlawful and revive the 2015 standard either nationwide or at least in the states where it remained in effect as a result of the complicated litigation history. In response, some local federal courts could grant preliminary injunctions that would block the repeal from taking effect while litigation plays out.

EWG Report on U.S. Drinking Water Contamination: A new analysis by the Environmental Working Group calculated the health impacts of 22 carcinogenic contaminants across nearly 50,000 public water systems in the U.S. The results of the study show that chemical contamination in tap water may cause up to 100,000 more cancer cases in the U.S. over a lifetime. Most of the risk comes from naturally-occurring arsenic, disinfection byproducts, and radioactive contaminants ([Fox News](#)).

DOD Stresses Government-Wide Approach In PFAS Task Force Principles: On September 17, the Pentagon released the operating principles for its PFAS Task Force. Pentagon officials also said they expect to see a rise in the number of bases with known or suspected PFAS releases, beyond the 401

previously cited, and an increase in the \$2 billion DOD roughly estimated PFAS cleanups would cost the military. In its operating principles, DOD says that the task force's purpose is to *“provide strategic leadership and direction to ensure a coordinated, aggressive, and holistic approach on DOD-wide efforts to proactively address PFAS (DOD).”*

WEF Campaign to Oppose Federal Legislation to List PFAS Under Superfund and Open Up Water and Wastewater Utility to Superfund Liability (WEF). *“Specifically, the amendment by Rep. Debbie Dingell (D-MI) would mandate additional PFAS regulation for water under CERCLA. This has the potential to be very problematic for wastewater utilities. Biosolid management in particular could be made subject to the Superfund law, which could place PFAS remediation costs on utilities and ratepayers. PFAS industrial producers and industrial users should be responsible for remediating it in our environment, but CERCLA’s strict and retroactive liability requirements could place the burden on PFAS receivers, such as wastewater and drinking water agencies (WEF).”*

National Rural Water Association

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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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