

**What Does Local Government Think of EPA's Water Program?:** Last week at EPA's Local Government Advisory Committee (LGAC), EPA charged the panel with making recommendations for its National Action Plan for Drinking Water in the wake of the Flint, MI lead contamination crisis. An EPA representative said, *"We need to have a conversation about how we strengthen oversight."* The EPA Administrator told the group that this coming year is "the year of water" where EPA officials will make improving drinking water infrastructure their top priority. The EPA Administrator said, *"It is my obligation to make sure that every community has access to clean drinking water."* Additionally, the Administrator asked the panel of local officials to call their congressional representatives and press for new environmental laws. *"Tell folks on the Hill that if you decide to act in a bipartisan way on environmental issues; we are going to make good."* EPA is asking local governments to *"identify ways in which federal, state, tribal and local governments and utilities can work together to ensure that drinking water infrastructure challenges of low-income environmental justice communities and small systems are being appropriately prioritized and addressed."* In response, the local government advisory panel urged EPA to communicate more directly with local municipalities on its lead-in-drinking water contamination directives, arguing many memorandums issued in the wake of the Flint, MI lead crisis were not received by all municipalities. The panel called EPA's current program an "unreliable and inefficient system of communication, one in which local and tribal officials are the last to know of pressing issues" concerning safe drinking water. **Kansas Rural Water Association** informed us their state has two representatives on the EPA local government panel knowledgeable on rural water issues.

**Michigan Files Criminal Charges against State Regulators for Flint, Can't Identify Any Motive:** On July 29, the Michigan attorney general filed criminal charges against six state employees, alleging their actions contributed to the Flint lead-in-water crisis. The charges were filed against the six individuals including the former state head of drinking water programs who allegedly failed to act or notify appropriate authorities when notified of citizen complaints about the water ([more](#)). What was the motive? Michigan Special prosecutor Todd Flood said, *"I don't have to prove motive, I am not going to get into the motive ([NPR](#))."*

**EPA Preparing for New Administration:** Recently, EPA announced it will

wait until after the presidential election to craft a fiscal year 2018 funding request. On July 27, a representative of EPA's Chief Financial Officer said there has been little work done to prepare a fiscal year 2018 budget thanks to the uncertainty over who will control the White House next year. This means that either Democratic nominee Hillary Clinton or Republican presidential nominee Donald Trump's administration will have to set EPA's budget priorities quickly in order to submit a budget request to Congress.

### **EPA, NRDC in Settlement Talks over Perchlorate Drinking Water**

**Lawsuit:** The Natural Resources Defense Council (NRDC) sued EPA in February for failing to craft a drinking water rule for perchlorate within the two-year Safe Drinking Water Act (SDWA) deadline. The case is now before the U.S. District Court for the Southern District of New York which could set mandatory deadlines for EPA to propose and finalize a perchlorate drinking water rule. However, EPA has requested a delay in the initial hearing for the suit because EPA claims the parties are in discussions over a proposed consent decree. In response, the court has delayed an initial hearing until Aug. 31.

### **Should Fracking Water Be Permitted for Discharge to City Sewer**

**Systems?:** EPA's [June 13, 2016, pretreatment standards](#) for discharges of wastewater from unconventional oil and gas (UOG) extraction facilities set a zero discharge standard for discharges from publicly-owned treatment works (POTW). EPA found inadequate support to find that POTWs can routinely treat all of the pollutants common in shale oil and gas wastewater. Some portions of the oil and gas industry would have liked to see EPA develop pretreatment limits for constituents in the sector's wastewater so it could be treated at municipal treatment plants as opposed to the agency's final decision to issue a zero discharge standard for the sector. On July 21, a Noble Energy employee said there "was a desire to pursue an effective performance standard to pretreat water" so it could be managed by POTWs because they saw "an opportunity to add to the pie of options" for disposing of the sector's wastewater.

### **Cities Challenge Minnesota Nutrient-Related Water Quality Criteria in**

**Court:** The Center for Regulatory Reasonableness (CRR) is challenging EPA's approval of Minnesota's nutrient water quality standards for

measuring the eutrophication of rivers and streams caused by excess nutrients, arguing that the approved methods are not scientifically proven ([brief](#)). The complaint argues that the “levels of BOD and DO flux” occurring in a water body are not indicative of its water quality because these flux levels may be affected “by a host of non-nutrient factors” so it is not possible to conclude they are accurate measures of nutrients such as nitrogen and phosphorous causing excessive algal growth.

**Compromised Storage Tank Leads to *Do Not Drink* Order in**

**California:** July 26, Cal water customers in Palos Verdes Estates were asked to avoid tap water due to a tank breach ([news](#)).

**New Federal Cyber Incident Coordination Policy:** Last week, the federal government released Directive/PPD-41, United States Cyber Incident Coordination, which spells out the lines of responsibility within the federal government for responses to a significant cyber incident, and specifies whom to contact in the government in the event of an incident. The PPD delineates between “threat responses” and “asset responses.” The PPD directs the Department of Homeland Security to lead the effort to write the National Cyber Incident Response Plan. The Plan will set out how the federal government will work with the private sector and state, local, and territorial governments in responding to a significant cyber incident ([The White House](#)). **Flint Michigan Ran Out of Chlorine Tablets on July 16 for the City Water Treatment Plant** ([News](#)).

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