

Rural Water Issues Advisory [10/18/2019]

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EPA's New Lead and Copper Rule (LCR) - "Hope Springs Eternal": NRWA met with the Washington staff of all the other national water associations and ASDWA last week regarding potential changes, clarification, and questions for the new LCR which was [published](#) on Wednesday. Among the issues discussed was the proposed rule's mandate for water utilities to begin lead testing in schools and child care facilities. In [a tweet](#) on Wednesday, ASDWA's executive director, Alan Roberson, flagged a recent news article from Virginia that features 27 schools whose water tested over the EPA action level. Notably, Roberson commented that these types of stories will become commonplace "if" lead testing in schools and child care facilities ends up in final revisions. ASDWA may well be the most persuasive stakeholder in convincing EPA to make changes in the proposal.

NRWA, AWWA, NAWC, Conference of Mayors and League of Cities Signed Joint Letter to EPA Urging for Extension of Deadline for Commenting on LCR Revisions ([letter](#)).

NRWA and AWWA Send Statement to EPA Urging the Agency NOT to Allow Water Utilities To Be Exposed to Superfund Liability for PFAS That Pass Through Their Utilities ([letter](#)).

Will Congress Include PFAS Superfund Provision in Must Pass Defense Bill?: "Truthout" reported on Thursday that the House-passed provision forcing EPA to designate all PFAS as Superfund hazardous substances may be dropped in the final bill. *"Now, however, it's become apparent that Democratic leadership is buckling to the demands of the Pentagon to strip the measure from the NDAA."* The article reports that House Chairman Smith (WA) said, *"I will not hold up the defense bill over that PFAS provision, as much as I feel like it should be addressed... We're not going to grab something from some other committee's jurisdiction and jam it into our bill."*

U.S. District Court for the Northern District of California Holds Hearing on Environmentalists' Suit to Mandate EPA Set Low Level for Fluoride in Drinking Water: Last week, the [court heard arguments](#) over whether the plaintiffs have standing to sue and whether there is sufficient evidence to show the fluoride exposure led to harm the plaintiffs claim. The outcome will determine whether the case proceeds to trial in February. Health advocates filed suit in 2016 to try to force EPA to reduce fluoride exposure. The EPA denied the petition, and the groups sued. During the hearing, plaintiffs claimed fluoride in drinking water has caused "millions of headaches."

Kansas Wholesaler (Rural Water District) and City Purchaser Dispute Water Quality Problems On Twitter ([Twitter](#)): Mayor to district, *"The District has not addressed the root cause as to how water with a high turbidity level was allowed to infiltrate the system... It is not my intention to engage in a public spat with the District; however, my residents were impacted by this incident and have lost confidence in one of the most basic services for which they pay a premium. The residents of Spring Hill deserve answers beyond the circular reasoning that the water was dirty because dirty water infiltrated the system."*

The New York Times Reports EPA Will Adopt Rule to Require Disclosure of All Data Used to Support Agency Rulemakings: The [Times reported](#) that EPA, in recent days, submitted an updated version of its Strengthening Transparency in Regulatory Science rule to officials at the Office of Management and Budget, signaling that the EPA intends to finalize the controversial proposal in 2020. The new rule would allow the EPA to consider only studies where the underlying data is made available. Critics say that would restrict the use of research that includes sensitive personal data and hamstringing the agency's ability to protect Americans from toxic chemicals, air pollution and other risks. NRWA supported the proposed rule in [August of 2018](#) when it stated, *"Considering that rural and small communities are controlled and governed by people who are locally-elected, all data, scientific studies and discretionary administrative decisions underlying federal actions that supercede local decisions*

should be made 'publicly available in a manner sufficient for independent validation' and with clear explanation of discretionary decisions. NRWA fully supports a new regulation that requires use of peer-reviewed information, consistent data evaluation procedures, data transparency, and reproducible scientific assessments."

Illinois - "How to plug big-time shortfalls in police and fire pension funds? Some cities are selling sewer systems for big bucks": Alton (IL) sold its sewer system for \$53.8 million, which was used to reduce pension liability for police and firefighters. An expert in Illinois politics and government warned that selling off city assets could be a bad move, particularly if the sale provides only a quick, bandage repair to a long-term pension problem. He said once a city sells its sewer system, there's little chance the city will ever own it again. The Illinois professor said he wouldn't be surprised if more municipalities look into selling their utilities in order to patch up their pension funds. Water companies may in fact be pushing this, hoping to get the assets at a discounted price because the city's already under a lot of fiscal pressure ([local news](#)).

"People are Fighting Water Privatization Right Now from Chile to the Rust Belt": Residents of St. Clairsville are pushing back against the small Ohio city's proposed sale of its water and wastewater systems. The company vying to take over the city's water has a long history of buying up public water systems and hiking rates. The non-profit, "In the Public Interest," recently published a guide to help public decision-makers and community members understand the risks of water privatization deals ([ITPI](#)).

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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