

# Rural Water Policy Advisory [12/11/2017]

**Congress and President Agree to Keep Government Open for Another Two Weeks:** On Friday, the President signed a spending bill to avoid a government shutdown and keep the federal government running through December 22. Congressional leaders and the White House have yet to reach agreement on a final funding deal for fiscal year 2018. Failure to reach agreement could lead to another shutdown showdown as the December 22 date approaches or another extension of the deadline into next year becomes necessary ([PBS news](#)).

**Senator Cardin Open to Recrafting Legislation After Meeting with NRWA Regulatory Committee on December 4:** Maryland Senator Ben Cardin's office expressed interest in modifying the small communities' provision of his legislation ([Low-Income Water Customer Assistance Programs Act of 2017](#)) to extend direct water bill subsidies to consumers following comments from the Regulatory Committee.

**NRWA Asked to Join Effort to Codify EPA's Water Transfer Exemption Rule:** A number of national organizations including the Western Governors' Association are cosigning a Congressional letter calling for the codification of the [EPA's 2008 National Pollutant Water Transfer Rule](#). The rule has been highly contested in the federal courts with a New York district court overturning the rule in 2014, and a subsequent appeals court ruling earlier this year upholding the rule. Please contact [us](#) if your water utility is affected by this issue.

**Held Hostage By Hackers, North Carolina County Refuses To Pay Ransom:** Mecklenburg County was hit with an initial phishing attack Tuesday, infecting 48 of roughly 500 county computers. The county manager made the decision not to pay the hackers, triggering a second wave of attacks Thursday. The county manager said the best advice for now is to limit your use of emails containing attachments, and try to conduct as much business as possible by phone or in person ([NYTimes](#)).

**Apartment Building Wins Maine's Water Taste Contest:** Town Hall Apartments won bragging rights Thursday in the Maine Rural Water Association's 31st annual Best Tasting Water contest. The Greater Augusta Utility District won in the disinfected category. Maine's contest has categories for treated and untreated water ([TV news](#)).

**Arsenic in Drinking Water Scientist [Dr. Steven Lamm](#) has Requested a Briefing with NRWA:** We anticipate that Dr. Lamm may be challenging the conclusion of recent reports in the New York Times that the EPA arsenic rule has led to few cancer deaths ([NYTimes](#)).

## **New Trend? Is the New EPA Softening Federal Environmental Enforcement by Respecting States?**

- EPA is defending its decision to work with Alabama on improving the state's Clean Water Act (CWA) permitting program rather than revoking the state's authority to issue discharge permits as environmentalists had sought, arguing the CWA provides broad discretion in how to respond to such petitions and that requiring automatic withdrawal proceedings is contrary to cooperative federalism. In this case, EPA denied environmentalists' petitions seeking withdrawal of Alabama's permitting authority in the U.S. Court of Appeals for the 11th Circuit.
- At a December 5 American Law Institute seminar, EPA enforcement officials said they want states to take the lead as part of a push to give local officials co-regulator status. A Waterkeeper attorney countered that deferring to states will draw more lawsuits from advocacy groups.
- The EPA is urging state regulators to consider taking the lead on environmental cases within their boundaries, according to EPA's deputy assistant administrator for enforcement and compliance assurance at the seminar.
- A recent [Region 7 letter](#) to Missouri says EPA officials will reduce oversight of the state's enforcement efforts which could signal a broader administration push to defer to states with delegated authority. The EPA letter states the agency will only review permits for "legal

sufficiency" rather than "policy choices" possibly implying that Obama-era policies were not based on legal requirements and are being modified. An Environmental Integrity Project representative said "They're basically saying we'll be lightening up... There's a lot of loaded language there that is code."

- EPA Administrator Scott Pruitt [testified on Thursday](#) before a House of Representatives committee. Pruitt explained his agenda to reform the EPA and better align it with the statutory authority provided to the agency. For example, Pruitt said he plans to propose a new Clean Water Act Waters of U.S. rule by April that would provide for more state discretion over regulation of smaller water bodies than the 2015 rule enacted by the Obama administration. In a separate visit to Iowa on December 1, Pruitt said in a speech to the state's electric cooperatives, "A true environmentalist takes care of the land while using the bountiful natural resources to raise food. We need to be partners, not adversaries, when it comes to these natural resources."

**EPA's National Drinking Water Advisory Committee (NDWAC) Met in D.C. Last Week:** The NDWAC panel convened for two days December 7-8. NRWA Board of Directors' member Wilmer Melton from North Carolina represents small and rural community interests on the panel. EPA's presentations included an update on the agency's actions to revise the Lead and Copper Rule and to craft a new drinking water rule of perchlorate.

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**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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