

# Rural Water Issues Advisory [4/6/20]

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**Speaker Nancy Pelosi (CA) Says Water Infrastructure Proposal May Have to Wait:** On Friday, Pelosi said the next legislative package should focus on payments to individuals, unemployment insurance, small-business loans and PPE ([CNN](#)).

**Wyoming Rural Water Partners with Governor:** Wyoming Rural Water was cited by their Governor in his letter to Congress ([letter](#)).

**North Carolina Requires Weekly Reporting from Water Utilities on their Customers:** On March 31, Governor Cooper issued Executive Order 124 which prohibits utility shut-offs, late fees, reconnection fees, etc. and requires new weekly reporting by utilities on new measures ([E.O. 124](#)).

**Congress Has Given the Federal Reserve \$454 Billion for Loans for Businesses and Local Governments:** The Fed can leverage the funds which could result in upwards of \$5 trillion in Fed activity. Last week, Treasury released guidelines for airlines, cargo carriers, and security contractors ([Treasury](#)). But no such guidance exists yet for local governments. Treasury must publish procedures for application and minimum requirements for making loans and loan guarantees for states, municipalities, and “eligible businesses” by April 6.

**National League of Cities (NLC) Tells Congress that “Local Governments are Losing Significant Revenue that Cannot Be Recouped for Local Tax Base”:** In NLC’s April 2 letter to Congress, they state, “Without a significant federal intervention for local budget relief, local governments will have no choice but to begin enacting process delays, cuts in services, and lay-offs for critical employees... It is appropriate and necessary for Congress to approve emergency appropriations for direct local budget relief for every city and town, not only for those over 500,000 in population as in the CARES Act... Congress should temporarily provide grants instead of loans to local governments through key federal programs such as the USDA Rural Utilities Service Water and Waste Disposal program and EPA State Revolving Loan fund program ([NLC](#)).”

**Kansas and Missouri Rural Water Explain New Federal Law for Family Medical Leave Act:** U.S. Public Law No: 116-127 (03/18/2020) applies to all municipalities and provides application to employees who have been employed for at least 30 days. Prior to the new law, municipalities with less than 50 employees were not covered by the Act. These provisions will apply from the effective date, 4/1/20 - 12/31/20. Employers are required to post [notices](#) of these new rights (KRWA [E-news](#) 3/24 & MRWA [e-news](#) 4/2 - [poster](#)).

**EPA HQ Forced to “Correct the Record” after “Reckless Reporting” from NYTimes and AP:** On March 30, EPA released [a statement](#) regarding news coverage of their recent temporary compliance [guidance](#). EPA stated, “We strongly encourage the press to actually read EPA’s Temporary Policy before repeating reckless propaganda about it. Instead of including factual information about the policy, outlets such as E&E News, The Hill, the AP, and the New York Times are relying on sources [with] false claims...” EPA’s policy is imperative to public health during an emergency/the pandemic. States are even doing more (thankfully – see [examples](#)) to ensure that state and federal rules don’t divert local governments from maintaining drinking water and sanitation during the crisis. The decisions made each day to maintain local water/sanitation service are numerous and each of the 50,000 communities has a unique set of challenges and limited resources - therefore, uniform policies in this federalized system can have unintended consequences - and be considered unwelcome by the locals depending on the water supply. The priority has to be what is imperative to maintain the essential public health service in each community.

**Carmel (IN) Starts Weekly Testing of City Sewer Workers** ([RouteFifty](#)).

**Vermont Expands Mandatory Disinfection to All NTNCs** ([VT DEC](#)).

**Water Science and New Coronavirus:** Two University of California researchers call for more tests to find out whether water treatment methods are effective in killing SARS-CoV-19 and coronaviruses. The professors conclude that there is an “urgent need for a careful evaluation of the fate and control of this contagious virus in the environment.” The researchers raise concerns with coronavirus colonizing biofilms, aerosolized transmission, and untested methods for effectiveness in wastewater treatment - and call for additional research ([Water-Tech.net](#)).

**Wastewater Testing Could Provide Early Warning of COVID-19 for Communities:** Researchers are working on a new test to detect SARS-CoV-2 in the wastewater of communities infected with the virus. This test would provide an effective and rapid way to predict the potential spread of the novel coronavirus by picking up on biomarkers in feces and urine from disease carriers that enter the sewer system ([ScienceDaily.com](#)).

**Univ. of Chicago Data Show Growing Hot Spots in Rural and Southern Areas:** The university reports that by looking at data at the county level rather than state level, they were able to find trends that were “hidden” in the larger view. According to their researchers, “If you only look at state-level data, a county cluster would have to be extreme to show up, and by then you’re already too late for many of these prevention measures ([data map](#) from the University of Chicago).”

**Forbes Magazine Covers Scientists’ Warnings on COVID-19 Fecal-oral Transmission** ([Forbes](#)).

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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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## **Rural Water Issues Advisory [3/30/20]**

**Federal Relief Legislation Includes \$150 Billion for States/Big Cities, \$454 Billion in Loans for Businesses, Local Governments, Etc. and \$45 Billion for FEMA:** The President signed the “Coronavirus Aid, Relief, and Economic Security (CARES) Act” on Friday. Relevant provisions include:

- \$150 billion for the Coronavirus Relief Fund for state, local governments and tribal governments to be distributed proportional to population, for necessary expenditures by the governments due to COVID-19 public health emergencies. The law excludes local governments less than 500,000 people ([text](#)). States are guaranteed at least \$1.25 billion each though some states will receive far more. The state legislatures’ association has calculated the amount each state will receive ([NCSL](#)).
- \$454 billion to invest in Federal Reserve facilities to provide protection for banks lending to states, municipalities, and businesses in the form of liquidity. See Senate Banking Committee analysis for more details about state, municipality, and business assistance ([Senate](#)).
- \$45 billion in critical aid for states and localities to respond to the coronavirus through FEMA’s [Disaster Relief Fund](#) (DRF) that reimburses state and local expenses for costs incurred under emergency and major disaster declarations.

**Drinking Water and Wastewater Regulatory and Enforcement Relief During Pandemic from EPA, Iowa, Massachusetts, Missouri, and Kansas:** On March 26, EPA announced a [temporary policy](#) regarding agency discretionary enforcement of environmental legal obligations during the COVID-19 pandemic. The policy allows for enforcement discretion for certain civil violations including public water systems regulated under the Safe Drinking Water Act. The policy emphasizes the actions that a regulated

entity must take when compliance with regulatory obligations is “not reasonably practical.” These actions include minimizing the effects and duration of any noncompliance caused by COVID-19 and documenting the nature and dates of non-compliance as well as “best efforts” taken to comply at the earliest opportunity. Importantly, the EPA policy applies to federal actions, and indicates that authorized states or tribes may take a different approach to any non-compliance under their own authorities. In addition to the EPA policy which is limited to enforcement discretion, some states are implementing their own policies which include rule changes to address the pandemic.

- **Iowa DNR** ([March 20, 2020](#)): Advises communities to contact state field offices if flexibility is needed for monitoring requirements, operator-in-charge certification, public notices, monthly operations report deadlines and extends consumer confidence reports’ deadline for 3 months (to July 1, 2020).
- **Massachusetts DEP COVID-19** ([March 24, 2020](#)): Details procedure for alternate bacteriological sampling locations without prior approval, use of outside spigot or hydrant, enforcement forbearance consideration for lack of collecting a sample, modification of DBP sample locations, etc.
- **Missouri DNR Regulatory Relief Due to COVID-19** ([March 24, 2020](#)): Provides guidance on how agencies will work to accept alternate reporting schedules, where appropriate, recognizing that timely reporting may be challenging for entities with significantly reduced workforces.
- **Kansas Rural Water Association** ([March 24, 2020](#)): *“Public water supplies in Kansas are NOT required to take total coliform tests from private residences. All coliform sampling must be done according to a written plan, but the plan can include businesses and other public places. Most systems prefer these public places because they are much more convenient to collect samples from. During the COVID-19 pandemic, water suppliers can focus on other sample sites that are on the approved plan. The Kansas Dept. of Health & Environment (KDHE) has allowed systems to select an alternate site that is not on the sampling plan as long as the sampler provides a written reason why the original site was not accessible. KDHE always discourages sampling from outdoor faucets or yard hydrants, but in the COVID-19 sampling protocol, they have included a recommended procedure for disinfecting and sampling from outdoor faucets.”*
- **The Oregon Department of Environmental Quality**: *“DEQ will continue to exercise reasonable enforcement discretion within its authority when deciding whether to pursue potential violations caused by pandemic-related disruptions. **Documentation:** DEQ requests that regulated entities document the pandemic-related disruptions to their operations. In addition, DEQ requests that regulated entities justify how disruptions to operations have caused or may cause non-compliance [[Oregon.gov](#)].”*

### **EPA Writes Governors to Request that Water and Wastewater Workers Are Considered Essential Workers by State Authorities When Enacting Restrictions** ([March 27, 2020](#)).

**Latest on Coronavirus in Wastewater Systems:** *“While research on coronavirus surrogates and tougher to kill viruses has shown that coronavirus has the potential to remain viable in aquatic environments for hours to days, many of these studies also have shown that water and wastewater disinfection practices (chlorine/chloramine, peracetic acid, or ultraviolet irradiation) protect public health. Also, coronavirus seems to be more susceptible to disinfectants than the bacteria, such as E. coli, that we monitor to demonstrate water safety for consumers. Utilities regularly monitor these indicator organisms and disinfectant doses to ensure we are treating water effectively to protect public health. Our water workforce – operators, maintenance personnel, utility crews, laboratory technicians, collection system workers, and custodial staff – all work in the proximity of human wastewater every day. This wastewater contains pathogens such as adenovirus, Salmonella, Cryptosporidium, Hepatitis A virus, and more. The water sector has become extremely diligent when it comes to engineered and administrative controls, personal protective equipment, and good hygiene practices because we want to keep our crews safe, not just during the coronavirus outbreak but every day. Considering our heightened awareness and protective measures when it comes to working with wastewater every day, it makes sense that the OSHA has stated that no additional personal*

*protective equipment is necessary to protect our staff from coronavirus.” -- Rasha Maal-Bared, Chair of WEF’s Waterborne Infectious Disease Outbreak Control Subcommittee ([WIDOC, 3/27/20](#)).*