

## Rural Water Issues Advisory [7/22/2019]

**Senators Float Consolidation Legislation:** Two U.S. Senators are circulating draft legislation to promote “partnerships” among U.S. drinking water supplies ([text](#)). There is currently no legal, structural or regulatory impediment to communities entering into voluntary partnerships, regional utilities, privatization, shared/contract services, etc. The private water industry supported this type of legislation in the last Congress. That effort resulted in the negotiated compromise [Section 2010](#) of America’s Water Infrastructure Act of 2018 which allows for “mandatory” consolidation assessments with some protections for local citizens. AWIA’s compromised provisions are better for local communities than the attached draft because it allows for the local citizens to have more ability to choose the compliance option that is best for them.

**EPA Announces Policy to Improve Enforcement and Compliance by Partnering with States:** On July 11, EPA announced a final policy to enhance effective partnerships with states in civil enforcement and compliance assurance work ([EPA](#)). In March of 2017, NRWA told EPA to recognize that *“small and rural communities are a solution, not a problem, to improving public health and protecting the environment. Enhancing drinking water and wastewater quality in small communities is more of a resource issue than a regulatory problem. Most small community non-compliance with the Safe Drinking Water Act and the Clean Water Act can be quickly remedied by on-site technical assistance and education. The current EPA regulatory structure is often misapplied to small and rural communities because every community wants to provide safe water and meet all drinking water standards. After all, local water supplies are operated and governed by people whose families drink the water every day and people who are locally elected.”*

**EPA In-depth Analysis of Stage 2 DBPR Compliance:** On July 3rd, EPA released their [Stage 2 DBPR and Consecutive System In-Depth Analysis](#). The highest number of health-based violations for community water systems (CWSs) was the Stage 2 DBPR, and more than half of the CWSs in violation were consecutive systems. EPA will host a webinar on August 6th at 1PM EDT to discuss the findings of this report and answer questions ([EPA](#)).

**EPA Starts UCMR5:** EPA is considering a number of changes to the next version of its Unregulated Contaminant Monitoring Rule (UCMR5). Every five years, EPA must publish a list of no more than 30 unregulated contaminants to be monitored by public water systems. EPA uses the occurrence data collected through the UCMR to support its determination of whether to regulate specific contaminants in the interest of protecting public health. EPA is considering allowing only 90 days for laboratories to post the data and only 30 days for utilities to review that data. Last year, NRWA supported a change in the Safe Drinking Water Act that would require EPA to pay for the cost of all UCMR expenses for small communities. EPA’s slides on the implementation of UCMR5 include reference to this recent change in the law: [Slide 13](#), *“America’s Water Infrastructure Act of 2018, SDWA was amended in 2018 by Public Law 115-270, Require PWSs serving between 3,300 and 10,000 to monitor subject to the availability of appropriations and sufficient laboratory capacity to accommodate the analysis.”*

**EPA May Expand Lead Monitoring to Schools and Day-Cares:** EPA’s proposed revisions to the Lead and Copper Rule (LCR) are expected to be released in the next month. In a speech last week, the Administrator said EPA is considering mandatory testing of lead levels in drinking water at schools and day care centers. *“We’ll be proposing a new regulation that will help identify the lead pipes around the country that need to be replaced more quickly, and also take a look at mandatory testing for schools and day care centers and that proposal should be out sometime over the next month,”* Wheeler said on the Heritage Foundation’s Daily Signal podcast released July 19.

**Denver Thinks EPA's Lead and Copper Rule (LCR) Does Fit in Denver:** The city is requesting special consideration from the regulators so it does not have to comply with the current requirements of the LCR rule. In exchange for the special consideration, the water utility is offering to spend more than \$300 million replacing up to 90,000 lead service lines. The EPA has prescribed adding orthophosphate for control corrosion by March of 2020. However, the addition of orthophosphate to drinking water could cause millions of dollars in damage to the South Platte River watershed and would cause wastewater treatment costs to rise ([Coyote Gulch](#)).