

Rural Water Policy Advisory [7/9/2018]

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EPA Administrator Resigns; What Does it Mean for Rural Water?: EPA leader Scott Pruitt resigned this week after numerous scandal accusations ([NPR](#)). Deputy Administrator Andrew Wheeler will become the acting head of EPA. Pruitt was in the process of modifying numerous EPA rules and advancing new initiatives within EPA. Rural Water has supported many of the proposals for regulatory modification that Pruitt was advancing. We have been participating in the following issues that were under consideration in the Pruitt EPA:

- **WOTUS:** On February 28, 2016 the President issued an executive order that will scale back the hotly contested EPA “waters of the United States” (WOTUS) rule. On September 27, 2017, NRWA filed [comments to the EPA](#) supporting the crafting of a new WOTUS rule that is consistent with the Constitution’s requirement for agencies to create regulatory certainty and respect the sovereign powers of the states as defined by the Supreme Court. NRWA’s comments supported interpreting the term “navigable waters” in a manner consistent with the opinion of the Supreme Court in their most recent and clear ruling on the matter in *Rapanos v. United States* that ensures that the small and rural communities’ waters are protected in the most beneficial manner for the population affected and those who must bear the cost of the regulation.
- **PFAS MCL:** On May 22, 2018, Administrator Pruitt announced a multi-media effort to address contamination from PFAS, stating that EPA will “take the next step” to evaluate the need for a drinking water standard for PFOA and PFOS. NRWA is crafting comments on the issue which could urge Congress and the EPA to resist a call for a national Safe Drinking Water Act MCL for PFAS and instead urge for consideration of alternative federal initiatives to “assist” communities dealing with PFAS contamination.
- **Perchlorate MCL:** EPA is under a court order to [propose a perchlorate regulation](#) by October 31, 2018. NRWA endorses the AWWA statements to EPA on April 9, 2018 and April 5, 2016 regarding the problematic precedent of using the current model for determining an MCL.
- **EPA Use of Cost-Benefit Assessments:** On [June 7, 2018 EPA announced](#) it will accept comments on how the agency estimates costs and benefits in the rulemakings. NRWA comments could include the following subject areas: arbitrariness of cost-benefit analysis rationale under the SDWA, lack of consistency in use of peer-review costs and benefits’ science under the SDWA, lack of adequate small water systems cost analysis under the SDWA, and lack of “void for vagueness” reviews of certain costs and benefits SDWA authorities.
- **Comprehensive EPA Regulations Review:** EPA is managing the President’s Executive Order (EO) 13777 on “Enforcing the Regulatory Reform Agenda.” The order directs federal agencies to establish a Regulatory Reform Task Force to evaluate existing regulations and “make recommendations to the agency head regarding their repeal, replacement, or modification.” On May 17, 2017, NRWA provided EPA with a comprehensive package of reforms ([comments](#)).
- **Risk Management Plans Rule (RMP):** On June 9, 2017, Administrator Pruitt signed a final rule to further delay the effective date of EPA’s January 2017 final RMP rule for 20 months until ([EPA](#)). In our May, 2016 comments, NRWA urged EPA to reject the proposed changes to

the rule ([NRWA](#)) because the “RMP Rule imposes extensive new requirements on covered facilities and on state and local governments.”

- **EPA Technical Assistance Funding:** In 2012, EPA was provided discretion over the allocation of annually appropriated Safe Drinking Water Act technical assistance funding. The Agency used that discretion to eliminate the two full-time circuit rider-type positions that were operating in all states. NRWA and numerous U.S. Senators have been urging the EPA Administrator to give preference to the technical assistance that small communities find to be most beneficial and effective when awarding technical assistance grants. Senator John Barrasso (WY) is planning on sending [a letter](#) to the Administrator urging him to fix the EPA technical assistance funding problem. All Senators are encouraged to co-sign the letter.

[National Rural Water Association](#)

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