

Rural Water Policy Advisory [9/24/2018]

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On September 10, The House & Senate Water Committee Leaders Announced a Comprehensive Water Resources Infrastructure Bill: The “[America’s Water Infrastructure Act of 2018](#)” makes significant improvements and modifications to the Clean Water Act, the Safe Drinking Water Act (SDWA) and the Water Infrastructure Finance and Innovation Act. On September 13, the House of Representatives unanimously approved the legislation and sent it to the Senate. Senator Barrasso (WY), sponsor of the legislation in the Senate and Chairman of the Environment and Public Works Committee is leading the effort to pass the bill in the Senate and have it sent to the President (see the Senator's September 18 speech urging for passage, [YouTube](#)).

Barrasso stated, “*The Act is the most significant drinking water legislation in decades. This bill invests in repairing aging drinking water systems. For the first time since 1996, Congress will authorize the Drinking Water State Revolving Funds.*” Title II of the legislation includes 23 new SDWA provisions summarized below.

America’s Water Infrastructure Act of 2018 TITLE II (amendments to the Safe Drinking Water Act)

Section 2001. Indian reservation drinking water program; annual authorizes \$20 million in grants to certain Indian tribes to connect, repair, expand existing drinking water services or improve water quality, pressure, or water services.

Section 2002. Clean, safe, reliable water infrastructure; permits states to use a portion of their Drinking Water State Revolving Loan Fund to protect source water in areas delineated by that state in its source water protection plan.

Section 2003. Study on intractable water systems; requires a group of federal agencies to study and report back to Congress on intractable water systems and the barriers they face to delivering potable drinking water. An intractable water system serves fewer than 1,000 persons; where the owner or operator is unable or unwilling to provide safe drinking water, has effectively abandoned their water system or fails to maintain it, or has defaulted on their loans.

Section 2004. Sense of Congress relating to access to nonpotable water; expresses the Sense of Congress that access to non-potable water for industry can relieve supply challenges for potable water in water-stressed regions of the country.

Section 2005. Drinking water infrastructure resilience and sustainability; provides grant opportunities for states to assist or otherwise carry out necessary and appropriate activities concerning contaminated drinking water, provided by a public water system or underground source of drinking water, in an underserved and disadvantaged community when an imminent and substantial endangerment is present.

Section 2006. Voluntary school and child care program lead testing grant program enhancement; authorizes \$25 million in each of fiscal years 2019, 2020, and 2021 for technical assistance to aid in identifying lead in drinking water at schools and day care centers.

Section 2007. Innovative water technology grant program; authorizes \$10 million in grants in fiscal years 2019 and 2020 for competitively awarded grants to develop, test, and deploy innovative water technologies or provide technical assistance to deploy these technologies.

Section 2008. Improved consumer confidence reports; requires community water systems, serving more than 10,000 persons, to provide a CCR to each customer of the system at least biannually. Also requires EPA to improve the format of the consumer confidence report to increase understandability and usefulness to non-technical readers on the quality of their water.

Section 2009. Contractual agreements; permits an owner or operator of a public water system to enter a contractual agreement for significant management or administrative functions of its public water system to correct its identified violations.

Section 2010. Additional considerations for compliance; permits either a state with primary enforcement responsibility for SDWA or EPA, if the state does not have that authority under SDWA to require the owner or operator of certain public water systems to assess their options for consolidation, transfer of ownership, or other activities to get that system into compliance if: (1) the public water system in question has repeatedly, even despite efforts to correct it, violated one or more SDWA requirements and this lack of compliance is likely to adversely affect human health; (2) consolidation or transfer of the public water system is feasible, including feasibility based upon geographic considerations, technical concerns, access to capital, and chances for long-term success; and (3) consolidation, transfer or ownership or other actions could result in greater compliance with national primary drinking water regulations. For certain actions undertaken pursuant to this section, liability protection is provided for outside entities that aid the utility in getting back into compliance.

Section 2011. Improved accuracy and availability of compliance monitoring data; requires the EPA, in coordination with the States, public water systems, and other interested stakeholders to create a strategic plan for improving the accuracy and availability of monitoring data.

Section 2012. Asset management; encourages the use of asset management by drinking water delivery systems.

Section 2013. Community water system risk and resilience; replaces the provisions in SDWA regarding anti-terrorism activities and instead, in line with existing water system practices, creates requirements for assessing risks from malevolent acts, including terrorism, and resilience to natural hazards and emergency response plans to those threats by community water systems serving more than 3,300 persons.

Section 2014. Authorization for grants for State programs; authorizes appropriations for the Public Water System Supervision grants at \$125 million in fiscal years 2020 through 2021.

Section 2015. State Revolving Loan Funds; makes changes regarding requirements on the use of State Revolving Loan Funds (SRF) as well as eligible uses. The section also moves existing prevailing wage requirements on SRFs into the SDWA, reinvigorates the use of the SRF for state source water protection planning, asks EPA to collect information on best management practices for SRFs, requires the EPA's national drinking water needs survey to include a report on lead pipes, and permits states to increase the amount of SRF loans they make to economically disadvantaged communities and permits an additional 10 years for repayment of these loans to the state.

Section 2016. Authorization for source water petition programs; authorizes funding in fiscal years 2020 and 2021 for the execution of voluntary source water protection plans based upon state source water protection plans.

Section 2017. Review of technologies; authorizes \$10 million for EPA to review existing and potential methods, means, equipment, and intelligent systems or other smart smart-technology to specified purposes.

Section 2018. Source water; amends the Emergency Planning and Community Right to Know Act to help community water systems better understand real and potential threats to the source water they treat for drinking water.

Section 2019. Report on federal cross-cutting requirements; requires GAO study compliance with a state or local environmental law that may be substantially equivalent to federal cross-cutting requirements.

Section 2020. Assistance for areas affected by natural disasters; authorizes \$100 million in funding over the next two fiscal years to aid areas that since January 1, 2017 have received a major federal disaster declaration.

Section 2021. Monitoring for unregulated contaminants; authorizes EPA, subject to funding, to require drinking water systems serving between 3,300 and 10,000 persons to be part of unregulated contaminant monitoring. Also authorizes funding to pay for costs associated with those tests by this group of public water systems.

Section 2022. American iron and steel products; extends the requirements on purchases of iron and steel components using DWSRF monies be manufactured in the United States for five fiscal years.

Section 2023. Authorization for capitalization grants to States for State Drinking Water Treatment Revolving Loan Funds; authorizes over \$4.4 billion in appropriations, over three years, for capitalization grants awarded to state drinking water revolving loan funds. The amounts are: \$1.174 billion in fiscal year 2019, \$1.3 billion in fiscal year 2020, and \$1.95 billion in fiscal year 2021.

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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