

Rural Water Issues Advisory [9/9/2019]

New EPA Perchlorate Rule: On July 26, 2019, the EPA proposed a new drinking water MCL for perchlorate of 0.018 mg/L with a projected “compliance cost” of **\$10.2** million annually. In our [August 26, 2019 comments](#), NRWA made 4 arguments for EPA to not finalize a MCL for perchlorate (one of the proposed options). If successful, this could save public water systems the projected \$10.2 million annually in compliance costs.

New Drinking Water Rules for PFAS: On February 14, 2019, the EPA Administrator announced that EPA will make a determination whether to craft an MCL for PFOA and PFOS, two of the most well-known and prevalent PFAS chemicals, by the end of 2019. In our [November 21, 2018 comments](#), NRWA urged EPA to craft non-regulatory/non-enforcement levels for PFAS and require the responsible parties to pay for treatment. The U.S. Air Force estimates that it will cost them **\$2 billion** to clean-up PFAS-contaminated water. This doesn't include cleanup cost from industry sources.

Unregulated Contaminant Monitoring Cost (UCMR5): [NRWA urged Congress](#) to require that any small communities required to conduct UCMR monitoring should be compensated. The 2018 amendments to the Safe Drinking Water Act require such compensation of communities between 3,300-10,000 persons (5,231 public water systems in EPA's most recent inventory). Some small communities reported approximately **\$5000** per source for UCMR4 testing – multiply this by approximately 5,000 for a potential cost of approximately \$25,000,000 if UCMR5 is as costly as UCMR4.

New Requirement to Update Vulnerability Assessments: All community water systems serving more than 3,300 persons MUST conduct a New Risk & Resiliency Assessment (RRA) and Emergency Response Plan (ERP) by July 2021 (Public Law 115-270). However, NRWA [urged Congress to limit EPA's review authority](#) under the new law over the content of RRAs. Systems only have to certify they have completed the assessment. Assessments conducted by consultants can cost upwards of \$10,000 (or more). NRWA is planning on developing a free RRA tool for small communities which could potentially save upwards of **\$50,000,000** compared to a federal mandate for a specific assessment that would have required a consultant or professional certification.

Mandatory Federal Consolidation Authority: On 11/1/2017, the House Energy and Commerce Committee unanimously passed HR 3387 which included Section 4 "MANDATORY CONSOLIDATION" authority for states or EPA for certain water systems in noncompliance. [NRWA urged](#) the Senate to limit the new federal authority in the final bill. On 9/4/2018, the Senate passed the "American's Water Infrastructure Act" which removed all authority to the states or EPA to mandate the proposed consolidations. The President signed the bill into law on 10/23/2018 which included the Senate version of Section 4 (Public Law No: 115-270). *It is difficult to estimate the monetary value to a community that could have been captured by this new federal regulatory authority.*

Exempting Communities from Potential Superfund Liability from PFAS: In July, 2019, the House of Representatives approved legislation as an amendment to the annual must-pass National Defense Authorization Act that requires EPA to declare within one year that PFAS are hazardous substances under the Superfund law, potentially opening up any water utility with PFAS in their effluent, biosolids, or drinking water treatment residuals to Superfund liability. The House-passed legislation/amendment was not included in the Senate-passed bill. NRWA is currently [collaborating with the other national water associations](#) including AWWA, AMWA, NAWC, NACWA, etc. to exempt water utilities in the final version of the legislation which is likely to pass by October. NRWA is still working on estimated savings to water utilities which could be **immeasurably large**.