

Regulatory Activity Quarterly Report

(3Q 2020)



Cost Savings



Congressional Hearings



Regulatory Legislation



Federal Advisory Councils



Federal Rulemakings

NRWA's Regulatory Committee: *Your Peers Standing Up for You*

Paul Fulgham: Tremonton City, Utah (Chair)
Jim Mackie: East Windsor MUA, New Jersey
Tom Goulette: City of West Point, Nebraska
Jana Littlewood: Bluff View Acres, Alaska
Russ Cooper: City of Monmouth, Oregon
Kevin Mraz: Algoma Sanitary District, Wisc.
Bill Shroyer: City of Sabetha, Kansas

George Crum: Pennsylvania Rural Water Association
Bob Freudenthal: Tenn. Association of Utility Districts
Daniel Wilson: North Carolina Rural Water Association
Jill Miller: South Carolina Rural Water Association
Randy Pleima: Mahaska Rural Water System, Iowa
Gary Williams: Florida Rural Water Association
John Jones: New Mexico Rural Water Association

Trusted Advisors

John Sasur: Mass. Rural Water Association
Jennifer Palmiotto: Granite State Rural Water Association
Chris Kenyon: City of Ionia, Michigan



Send us your comments, ideas or suggestions: keegan@ruralwater.org.

Examples of NRWA Advocacy's Cost Savings to Water Utilities

\$10.2 Million Annually: (June 18, 2020) EPA Decision to Not Regulate Perchlorate

NRWA made four arguments in August 26, 2019 comments for EPA to not finalize an MCL for perchlorate.

\$2 Billion: New Drinking Water Rules for PFAS (Air Force treatment estimate)

NRWA urged EPA (November 21, 2018 comments) to craft non-regulatory levels for PFAS and require the responsible parties to pay for treatment.

\$25 Million: Unregulated Contaminant Monitoring Cost (UCMR5 in 2021)

NRWA urged Congress to require EPA to pay for small community UCMR monitoring. Congress agreed and enacted the provision in the 2018 amendments to the Safe Drinking Water Act (10/23/2018 PL: 115-270).



Historical Examples of Cost Savings to Water Utilities

- 2,000 Utilities' Risk Management Plans Avoided: In January 2017, the White House suspended EPA's rule updating its Risk Management Programs (RMP).
- **\$5,000,000,000** – Strontium Rule: In December 2015, EPA delayed any final decision on a regulation for strontium. NRWA urged EPA to rewrite the proposed rule.
- **\$126,000,000 (annually)** – Consumer Confidence Reports: In 2012, NRWA advocated for the e-delivery of CCRs.
- **\$25,678,187 (annually)** – Revised Total Coliform Rule: In 2006, NRWA was selected for the federal committee to craft the new TCR. This figure represents the savings for not having to mail notices of violation for the TCR.
- **\$11,550,871,000** – Retain Section 1926(b) Protection In 2013, NRWA successfully opposed Congressional efforts to change this core protection for water service areas. This figure is the total USDA debt that is protected by 1926(b).
- **\$3,000,000,000** – The Community Fire Safety Act 2013 In 2013, NRWA supported legislation to exempt fire hydrants from new lead standards which would have required the scrapping of already purchased fire hydrants.

NRWA Participation

National Stakeholders' Committees

- **EPA National Drinking Water Advisory Council** (Jana Littlewood*, Alaska & Kevin Mraz*, Wisconsin)
- **EPA Environmental Finance Advisory Board** (John Jones, New Mexico)
- **Water Information Sharing and Analysis Center ISAC** (David Petersen, Kentucky)
- **EPA Expansion of Disinfection Byproducts** (John Choate, Arkansas)
- **Lead Service Line Removal Collaboration** (Randy Pleima, Iowa)
- **AWWA Water Utility Council** (Paul Fulgham, Utah)



Senator Barrasso (WY) Invites NRWA to Testify in Senate (April 22, 2020)

- Testimony of Dan Coughlin, Wyoming Association of Rural Water Systems
- America's Water Infrastructure Act of 2020
- The Drinking Water Infrastructure Act of 2020
- Reauthorizes Both CWA and SDWA SRFs
- Increases Grant Funding for Small Communities
- Expands EPA Technical Assistance (Water & Wastewater)
- Includes Senate Wicker's bill for 2% of CWA SRF for Technical Assistance
- Rejects Privatization Provision to Drive Consolidation Over Local Choice



Representing You Before Congress



Steve Fletcher (Illinois)
U.S. House of Representatives
May 19, 2017



Dennis Sternberg (Arkansas)
U.S. Senate
March 28, 2017



Brian Macmanus (Texas)
U.S. House of Representatives
July 17, 2017



Kirby Mayfield (Mississippi)
U.S. House of Representatives
October 22, 2015



Mike McNulty (West Virginia)
U.S. Senate
February 8, 2017



Robert Moore (Oklahoma)
U.S. Senate
April 7, 2016

Upcoming Major Rulemakings



- **Improved Consumer Confidence Reports:** by 10/23/2020, regulations to increase the readability, clarity, and understandability of consumer confidence reports, etc.
- **State Authority for Mandatory Assessment for Consolidation:** by 10/23/2020, regulations for states to require certain noncompliant public water systems to assess options for consolidation, or transfer of ownership of the system, etc.
- **Congressional legislative proposal to mandate federal moratorium on water disconnects for lack of payment:** Several bills introduced in 2020, including H.R. 6800 (The Heroes Act), would establish versions of a national disconnection moratorium for certain consumer utilities. The moratorium in these bills would apply to electric utilities, as well as other utilities (e.g., natural gas, telecommunications, and water).

Recent Policy Actions

- (10/20 pending) **Congressional Statement** on Federal Moratorium on Drinking Water Disconnects.
- (9/14/20) **NRWA Testimony** for House Hearing entitled, “There's Something in the Water: Reforming Our Nation's Drinking Water Standards.” *NRWA cautions Congress regarding the Safe Drinking Water Act’s mechanism of setting federal uniform regulatory standards for rural and small communities.*
- (9/18/20) **EPA request** to for assistance in implementation of watershed trades as part of NPDES permits.
- (9/14/20) **Comments to EPA** regarding variance decision for Denver Water, *EPA should provide small and rural communities the same opportunity for variances.*
- (6/10/20) **NRWA comments to EPA** on preliminary regulatory determination PFOS and PFOA under the Safe Drinking Water Act (SDWA).
- (6/3/20) **Joint association letter** to Administrator Wheeler on PFAS in EPA’s regulatory determination.
- (5/20) **Support in principle** for Senator Shaheen’s Legislation (and now Barrasso) on expanded “use of funds” under the (DWSRF for PFAS).
- (5/12/20) **NRWA letter of support** for Senate WRDA bills to Chairman Barrasso.
- (4/20/20) **Testimony in the U.S. Senate** in *support of Barrasso WRDA legislation.*
- (2/11/20) **Comments to EPA** on EPA proposed regulatory revisions to the lead and copper rule - *urging the Agency to craft a new rule that decouples the current regulatory requirements on water utilities from results of tap sampling.*

Recent Success Examples



- **New Update Vulnerability Assessments:** All CWSs (> 3,300 persons) MUST conduct a New Risk & Resiliency Assessment (RRA) and Emergency Response Plan (ERP) by July 2021 (Public Law 115-270). NRWA **successfully** 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 and EPA developed a free RRA tool for small communities.
- **Exempting Communities from Potential Superfund Liability from PFAS:** In Congress, NRWA is currently **successfully** collaborating with the other national water associations including AWWA, AMWA, NAWC, NACWA, etc. to exempt water utilities from any PFAS hazardous substance declaration in law or regulation to would potentially open up any water utility with PFAS in their effluent, biosolids, or drinking water treatment residuals to Superfund liability.