Rural Water Policy Advisory [12/4/2017]

Special Focus on NRWA’s Regulatory Activities

NRWA's Regulatory Committee Adopts New Policies: The Regulatory Committee convened on Friday via teleconference and recommended several motions for NRWA. The following day, the NRWA Executive Board of Directors convened in San Antonio and moved to support and monitor the following recommendations:

- U.S. Senator Ben Cardin's (MD) staff briefed the committee on his proposed legislation known as the “Rural and Urban Low Income Community Water Assistance Pilot Program” to provide direct subsidies to low-income customers through a new EPA program. Committee members were skeptical of the concept of a new social program administered through EPA, and local water utilities. Such a program would be more appropriately administered by other agencies.
- The committee reviewed H.R. 3387’s Mandatory Consolidation provision. NRWA continues to urge three key Congressmen (Shimkus-IL, Tonko-NY, and Harper-MS) to modify the provision in order to limit any harm to rural and small communities.
- A motion offered by Florida Rural Water Association committee member Gary Williams to write the EPA in support of allowing non-profit wastewater utilities to be eligible for Clean Water State Revolving Funds was supported unanimously.
- Maryland Rural Water Association committee member George Hanson updated the committee on his participation on the national Lead Service Line Replacement Collaborative.
- Massachusetts Rural Water Association committee member John Sasur offered motion to craft or assemble a comprehensive NRWA statement of policy on needed revisions to the Lead and Copper Rule (Susan's proposal).
- A recommendation to write EPA cautioning the agency on its effort to make enforcement of drinking water contamination a new target and priority for the EPA enforcement office was supported. The concern with EPA's proposed new policy is that EPA compliance data and mandatory public notifications are often confusing to the public on the safety of their drinking water. EPA non-compliance, while regrettable, does not indicate that there is contamination in the public's drinking water supply. The vast majority of violations are for procedural requirements under the rule such as proper monitoring techniques (which are very complicated and require local residents to properly follow complicated procedures), missed monitoring samples, late submission of samples, lab errors, etc. The monitoring procedures need to be followed correctly. However, the public should not conclude this is an indication of contamination and they should know that a very well-governed drinking water supply with impeccable drinking water quality can find itself in violation of these procedures due to their complexity. Currently, there are numerous communities in violation of various federal standards for naturally occurring elements in groundwater where the violation is of no public health consequence relative to the standard. Yet they are in clear violation. Additionally, many communities with drinking water issues (e.g. Flint, Washington, Toledo, Corpus Christi, Charleston, Milwaukee, etc.) were not in violation of EPA rules – calling into question the use of compliance as the main indicator of risk to public health.
- Utah Rural Water’s member (and chairman) of the panel, Paul Fulgham, updated the committee on recent grassroots advocacy in the U.S. Senate. Utah rural water recently briefed Senator Hatch’s office on the need to allow for “electronic-reporting” of EPA Tier 2 public notices (Utah statement to the Senator).

EPA’s National Drinking Water Advisory Council (NDWAC) to Meet This Week: The council is the main public advisory panel to EPA for drinking water issues as authorized under the Safe Drinking Water Act. NRWA Regulatory Committee member Wilmer Melton (City of Kannapolis, North Carolina) was appointed to the NDWAC committee in the spring of 2016. The meeting will be held on December 7-8 (EPA).
**Good Ideas from the Grassroots:** Montana rural water's president, Allen Klem of Miles City, provides a very insightful comment on what the next Lead and Copper Rule should look like: "This rule is a treatment technique rule, NOT a lead line replacement rule. If your water is corrosive it will not only leach the lead out of the pipes but also copper and slowly deteriorate your entire system and the plumbing in homes and businesses… Again, use the current rule as it was intended, it is a treatment technique rule. Non-corrosive water = no problem, corrosive water = problems within your entire system (full comments)."

**Perchlorate Rule Development:** The Natural Resources Defense Council (NRDC) sued EPA last year, arguing that the agency had missed a statutory deadline for proposing a drinking water goal for perchlorate, following the 2011 EPA determination that perchlorate should be regulated. NRDC has won a series of court-ordered deadlines. But the agency has already missed the first deadline which required it to complete a peer review of a model intended to inform where to set such a drinking water standard by October 18. EPA continues to analyze the health effects data and models used to determine a maximum contaminant level goal. On November 28, EPA announced a peer review for January 29 in Washington on how best to model the data for a perchlorate rule. In the face of such delays and difficulties in developing scientific tools, EPA's acting water chief Michael Shapiro suggested at the October ASDWA that the agency could still decide not to regulate the chemical. When asked if not issuing a rule on perchlorate is an option at this point, however, EPA’s Office of Water’s director of Standards and Risk Management Eric Burneson said on November 29, “What the statute says is that the agency having made a regulatory determination, has to proceed toward proposing and promulgating within that time frame.” He added that “the statute doesn't envision the agency changing its mind” on a determination that a drinking water contaminant should be regulated. Burneson acknowledged “there are concerns, particularly within the small systems community,” regarding the feasibility of a final rule. Regarding the modeling, NRDC is faulting EPA for not estimating the number of pregnant women or children that could be affected by exposure to perchlorate in their drinking water, arguing the numbers affected could be in the thousands or tens of thousands. But the Perchlorate Study Group (PSG), which represents makers and users of perchlorate, argues EPA’s modeling is overly conservative. The PSG concludes, "The [EPA] model buttresses the conclusion that no adverse health effects occur from perchlorate exposure levels found in the environment, which are generally less than 4 parts per billion."

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**National Rural Water Association**

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Archives: past editions of this newsletter are available on the internet (link).
House Energy and Commerce Committee Releases Report Explaining the New Safe Drinking Water Act Amendments Legislation (House Report 115-380). NRWA supported the initial version of the bill introduced by Mississippi Representative Gregg Harper on June 27, 2017 (initial version). NRWA President Steve Fletcher (IL) testified before the House of Representatives in support of the legislation (video). However, on June 27, the House Energy and Commerce Committee amended the bill to include a number of new regulatory provisions supported by the Committee Democratic leadership. The committee Republicans and Democrats all voted in favor of the amended version of the legislation. The amended version of the legislation was placed on the House of Representatives “Calendar” on November 1, 2107. This allows the bill to be considered in the full House under an expedited rules (i.e. suspension calendar). Due to the bipartisan support in the Energy and Commerce Committee and the placement of the bill on the House Calendar, it is “likely” the bill will pass the House of Representatives in the coming weeks.

At the annual NRWA conference in Reno in September, the NRWA Regulatory Committee approved a motion to raise “principled concerns” with the new regulatory provisions added to H.R. 3887 in committee, especially the new “Mandatory Consolidation” provision. The committee identified several principled concerns including: current state authorities for condemnation and emergency authorities, limitations on due process for local government, usurpation of local government authority, respect for local democratic policies and processes, the burden and affordability of the new assessments, and allowing corporate water companies to forcibly acquire municipalities. Mississippi Rural Water Association (MRWA) Executive Director, Kirby Mayfield, will be in Washington this week to brief the bill’s sponsor, Representative Gregg Harper, on rural water’s concerns. MRWA will urge the Congressman to modify the problematic provision in the bill before taking it to a vote before the full House of Representatives. If you would like to raise concerns with the legislation with your local House of Representatives’ Member, please see this draft letter for your use.

NRWA also opposed efforts by the so called “plastic pipe lobby” to limit local decisions in determining what type of pipe to use on the federally-funded water infrastructure projects in the legislation. The committee-passed version of the bill included a new provision in the state revolving fund (SRF) program to require water utilities serving a population of more than 10,000 that receive an SRF award to “consider the cost and effectiveness of the relevant processes, materials, techniques, and technologies for carrying out their project” and this consideration be certified to the state. The Committee Report explained that this provision “is not meant to convey a preference for any materials nor to make cost the sole feature of any consideration. Rather, this language is an effort to ensure SRF money is going to projects where recipients have considered both the cost as well as the effectiveness of the relevant processes, materials, techniques, and technologies that public money is purchasing… Importantly, the required consideration is not binding on the decision made by a community. Communities have several reasons for making the decisions that they do and the Committee believes those are discussions that need to occur between community decision makers and the users of the system.”

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Rural Water Policy Advisory [11/20/2017]

Illinois and Utah Rural Water Associations Stand Up for Small and Rural Communities and Against Allowing State Regulators to Force Consolidation Over Community Objections: On Wednesday, Illinois Rural Water’s Executive Director Frank Dunmire and Utah Rural Water’s National Director and NRWA Regulatory Committee Chair Paul Fulgham made presentations to the House Energy and Committee staff and the staff of the Committee’s Chairman, Representative John Shimkus (IL). The two rural water representatives urged the Chairman to drop the “mandatory consolidation” provision in the Committee's Safe Drinking Water Act amendment, HR 3387. The rural water team explained that states currently have powers of condemnation, emergency actions, and receivership that provide for the necessary due process for the citizens of any community in question. The Committee’s new federal authority for state regulatory agencies circumvents current due process to the detriment of local citizens and governments.

NRWA Launches National Partnership to Train Future Water Workers (news).

Congressional Appropriations Update: Congress, faced with a December 8 deadline for agreeing on legislation to keep the government funded through fiscal 2018, may buy themselves just enough time to force their final decisions on FY 2018 spending into the Christmas holidays. Passage of a short-term continuing resolution to fund the government until late December is "almost a certainty," according to key Congressman.

Tax Reform Update: Both the House and Senate tax reform proposals repeal advance refunding bonds after 2017. Public water and sewer utilities issued about $45 billion in advance refunding bonds from 2012 to 2016. According to some bond writers’ groups, if advance refunding bonds are repealed, “municipal bond issuers would be challenged to manage interest rate risks and the cost of borrowing for state and local governments would skyrocket,” and would “likely drive many issuers into the swaps and derivatives markets to find new ways to manage debt issued for infrastructure and capital improvement.” Last week, the U.S. House of Representatives passed their tax bill. The Senate is expected to vote on their version of the tax bill after Thanksgiving.

EPA Administrator Scott Pruitt to Testify Before Key House and Senate Committees in the Coming Weeks: Pruitt will appear before the House Energy & Commerce Committee on Dec. 7 and the Senate Environment & Public Works Committee on Jan. 31.

Minnesota Farmers Think Water Quality Accusations Are Misplaced (news):

- Minnesota water agency finds 73 percent of nitrate pollution in Minnesota River basin comes from agricultural land, 9 percent from municipal wastewater treatment systems, 2 percent from septic systems, and 1 percent from urban runoff.
- University of Minnesota finds for an eight mile stretch of the Mississippi River that runoff from household lawn fertilizers in urban areas was the major source of nitrogen pollution.
- Pet waste produces an equally bad result as livestock waste for urban watersheds, and this may be an issue for rural runoff as well.
- University of Minnesota finds that 76 percent of the phosphorus that goes into city lakes and the Mississippi River in the urban watershed came from pet waste.
- Research shows about 60 percent of overall nitrogen in the Mississippi that creates the Dead Zone can be attributed to farmland runoff.
- Minnesota farmer says, “Our governor has been a little too quick to throw stones at farmers and that’s made farmers want to throw stones back.”
New York Water System Audit Finds Cyberattack Risks: A state audit found that water and wastewater systems may be vulnerable to cyberattacks from weak passwords, computers connected to water and wastewater networks that are used for personal reasons, vendors disclosing city system information on the internet, old software, and lack of attention to new security threats (news).

Michigan Forgives $20 Million More of Flint’s Water Debt - Total State and Federal Aid to Flint Now More than $390 Million: Last week, the Michigan Department of Treasury forgave an additional $20 million of Flint’s debt for water infrastructure. The city borrowed the money between 1999 and 2003 from the state revolving fund to upgrade its water treatment plant. Thousands of Flint residents have been exposed to lead-tainted water (Detroit News).

Jimmy Kimmel Attacks President Trump for Drinking Foreign Water (USAToday).

Senate Confirms Brenda Burman as Bureau of Reclamation Commissioner - First Woman to Lead the Bureau (news).

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Senate Republican Tax Bill Terminates Advance Refunding Bonds, But Retains Private Activity Bonds: An outline of the legislation was released on Thursday that would terminate advance refundings after this year but preserves private activity bonds. The Senate Finance Committee Chaired by Senator Hatch (UT) plans to debate the proposal this week. The House bill which passed out of committee last week also halts advance refundings after this year. According to Congress’s Joint Committee on Taxation, terminating advance refundings would generate $16.8 billion in tax revenue over 10 years. NRWA is considering a plan to persuade Congress to preserve advance refunding bonds. Both the House and Senate tax reform bills preserve the tax exemption on municipal bonds.

New York Times Features the Plastic Versus Iron/Steel Pipe Debate: “Two powerful industries, plastic and iron, are locked in a lobbying war over the estimated $300 billion that local governments will spend on water and sewer pipes over the next decade. Traditional materials like iron or steel currently make up almost two-thirds of existing municipal water pipe infrastructure. But over the next decade, as much as 80 percent of new municipal investment in water pipes could be spent on plastic pipes (NYTimes).”

Lead in Drinking Water in Erie County, New York: After mother installs a water filter on her kitchen faucet, then — and only then — did her daughter’s lead level decrease. Flint water hero and Virginia Tech Professor Marc Edwards said “water is always underestimated.” Testing of the water by the university found lead concentrations of 6.6 parts per billion which is greater than what is allowed in bottled water. Edwards said there is a simple, cost-effective solution for residents concerned about lead in their tap water: install a filter certified to remove lead. “There is no safe level of lead exposure,” said Edwards. Yanna Lambrinidou, an environmental health and policy scholar/activist, describes the EPA lead in drinking water program as “a system driven by willful ignorance and an ideology that goes against the science and against the mission of every department of health (Investigative Post).”

Texas Wants $61 Billion from Feds to “Future Proof” for Next Storm (news).


New Jersey Sets Drinking Water Standard for PFOA: On Wednesday, the state announced that it will become the first state in the nation to set "maximum contaminant levels" for public drinking water systems for perfluorooctanoic acid (PFOA) for 14 parts per trillion and perfluorononanoic acid (PFNA) of 13 parts per trillion.

Study Finds No Link Between Roundup and Cancer: A survey of tens of thousands of U.S. farmers found no significant link between cancer and exposure to glyphosate. However, scientists did find a more than twofold increase in cases of leukemia (Newsweek).

U.S. State Department Warns of Possible Chlorine Gas Disaster in Ukraine: "Russian-led forces" are targeting water treatment facilities, with several near-misses of chlorine gas tanks at the plants (Wash Examiner).

NRWA Continues Pressure on Key Congressmen to Change Mandatory Consolidation Provision in H.R. 3387, Drinking Water System Improvement Act of 2017: After first briefing the House Committee advancing mandatory consolidation legislation, NRWA identified four areas for possible modification: (1) the ease and affordability of assessments, (2) limiting corporate water
companies from forcibly taking over municipalities, (3) limiting forced consolidation of communities where there is not a risk to public health from their drinking water, and (4) limiting forced consolidation where the community believes it is not in their best (public health) interest.

Customers in Alabama File Class Action Suit Against Water Supplier and Companies over PFOA and PFOS: Plaintiffs say illnesses are due to consumption of water contaminated by area chemical companies and sold by the water authority. Companies claim EPA advisory levels are overly conservative. The lawsuit argues the defendants were negligent and reckless and it seeks class-action status for the plaintiffs (news).

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Rural Water Policy Advisory [11/6/2017]

Republican Tax Bill Terminates Private Activity Bonds and Advances Refunding Bonds After this Year: The tax reform package also terminates ALL 501(c)(3) organizations’ tax-exempt bonds. While the tax-exemption for municipal bonds would not be altered, the desirability of municipal bonds as an investment would be diminished somewhat because the threshold for the 39.6% income tax rate would climb. House Republican leaders have said the Ways and Means Committee will start deliberations on the bill on Monday and may take several days for consideration (news).

NRWA Engages on Mandatory Consolidation Provision in H.R. 3387, Drinking Water System Improvement Act of 2017: Thanks to the New York Rural Water Association and their long-term friendship with Congressman Paul Tonko, Ranking Member on the House’s Safe Drinking Water Act subcommittee, NRWA was able to brief the subcommittee on Friday about small and rural community concerns with the bill’s mandatory consolidation provision. The provision would allow for a state regulator to require a municipality to transfer ownership of its water utility to another utility, including a private water company, over the objection of the community. Any comments on the legislation are welcome. If you have a Congressman who is concerned about this provision and willing to raise concerns in Congress, please contact us.

NRWA Engages U.S. Senate Environmental Committee on Privatization and Consolidation: NRWA was invited to participate in another stakeholders forum on Friday with representatives of the Senate Environment and Public Works Committee’s minority staff. The forum was organized by private water industry interests to discuss expanding EPA authority into the operation and management of small and rural community water utilities in order to drive their consolidation. NRWA (invited by the Senate staff) was able to explain that there are currently no impediments to consolidation that require new EPA authority to remedy, that hundreds of such water utility regionalizing actions are occurring each year, that state regulators currently have discretion in administering fines and enforcement actions, etc. One larger rural water district participated in support of the private water groups, raising concerns over local government control and management of small water utilities.

Congress Looking to Extend Fiscal Year 2018 Continuing Resolution Until Next Year (The Hill).

USDA Announces Rural Development State Directors (Announcement & List).

Republicans and Democrats Watch Tuesday’s Virginia Governor's Race as an Indicator of Their Message’s Popularity and the 2018 Mid-terms (CNN).

Portland Exceeds Lead Action Level With No Lead Service Lines: The city tested water from a sampling of 134 homes, and more than 13 percent exceeded the state limit of 15 parts per billion - the third time in five years that Portland exceeded the action level (The Oregonian).

EPA Summary Report of the Peer Review Meeting for Proposed Modeling Approaches for Health-Based Benchmark for Lead in Drinking Water: The EPA report summarizes the discussions at the peer review meeting held earlier this year where the reviewers considered questions related to a potential health-based benchmark for lead in drinking water (EPA).

EPA Overhauled its External Advisory Boards Friday With a New Policy Barring Participation from People Receiving EPA Grants on Any of the EPA Advisory Committees: The intent of the new policy is to reduce conflicts of interest. NRWA supports the local government exemption in the policy - state, local and tribal government representatives get an exemption from the ban on grantees. EPA
NRWA Historical Participation on EPA Advisory Panels:

**EPA Panel**
- EPA National Drinking Water Advisory Council
- DHS Water Sector Coordinating Council
- EPA Lead and Copper Rule Rulemaking
- EPA Nutrient Removal and Secondary Technologies Questionnaire Workgroup
- National Lead Service Line Removal Collaborative
- EPA Arsenic Affordability & POU Review
- EPA Small Entities Panel for Lead & Copper Rule Review
- EPA Local Government Lead and Copper Review
- EPA Small Entities Review Panel for Perchlorate Rule
- DHS EPA Critical Infrastructure Partnership Council
- EPA Implementation of e-NPDES rule
- EPA Climate Ready Water Utility Working Group
- EPA Sustainability Workgroup
- EPA Total Coliform Rule Working Group
- EPA Water Security Working Group
- EPA Affordability Review Panel
- EPA Disinfection Byproducts Rule Stage II
- EPA Disinfection Byproducts Rule Stage I

**NRWA Representative**
- Wilmer Melton
- Steve Wear & Charles Hilton
- John Sasur
- Wayne Graham, Chris Groh, Susan Poe, Jamie Hope and Frank Stuemke
- George Hanson
- George Hanson
- John Sasur & George Hanson
- George Hanson
- Nominated: John Sasur & Mel Aust
- David Baird & George Hanson
- Paul Brayton
- Paul Whittemore
- Mel Aust
- David Baird & Paul Whittemore
- Doug Anderton
- John Trax & Mike Keegan
- Randy Van Dyke & Rodney Tart
- Roy Held

President Trump Claims Most Regulatory Cuts of Any President: “In the history of our country, no president, during their entire term, has cut more regulations than we’ve cut,” President Trump told Republican lawmakers at the White House on Nov. 2.

Yemen’s Cholera Epidemic Continues, Millions of Yemenis Struggling to Access Water (The Guardian).
Rural Water Policy Advisory [10/30/2017]

Flint the Movie: Official Trailer Premieres October 28 on Lifetime (trailer).

Detroit Women’s Convention Highlights Flint Water Issues: A Friday session featured the Flint crisis called “Making Waves: The Flint Healing Stories.” The panelists included several activists from Detroit and Flint who “used everything at their disposal to break the Flint story.” Featured Flint water activist Melissa May said, “This has brought a lot of us together. It’s women, it’s minorities; all the people that typically don't have power are the ones that are taking it back. I think that's something that, when you're in the middle of it you don't realize it. Then every once in a while you sit back and you're like, 'Look at us go. Look at that. I'm doing more than birthing babies and making sandwiches.' I mean, there’s nothing wrong with that, but I’m just saying that we can do things (Salon).”

Republicans to Release Tax Bill Wednesday - NRWA Monitoring Tax-Exempt Bond Provisions: The contents of the tax bill are shrouded in secrecy. The House Ways and Means Committee’s chairman, Kevin Brady (TX), has said he plans to introduce the tax bill on Wednesday and begin considering it in committee the following week. Past tax bills have proposed changes to municipal tax exempt financing to raise federal revenue. The last detailed Republican tax legislation plan was the 2014 Ways and Means Committee’s comprehensive reform discussion draft that placed a surtax on bond interest earned by high income taxpayers which would have the effect of imposing an income tax on otherwise tax-exempt interest earned by investors.

DHS, FBI Warn Companies of Ongoing Cyber Attacks on Critical Infrastructure: The Department of Homeland Security and FBI issued a rare public alert warning owners of U.S. critical infrastructure to battle an ongoing campaign of cyber attacks against their information and control networks. Energy and industrial firms were notified Friday and again Saturday that sophisticated hackers are attempting to penetrate industrial control systems used by the electrical and nuclear power industry, as well as water, aviation, and manufacturing sectors (news).

Video Documentary - Local Water Official says Charleston Park, Florida Has the Worst Well Water Conditions He has Seen and the Community is Full of Children (video).

Charleston Park Leader says Residents Don’t Want to Pay a Water Bill: “They can get bottled water with food stamps but they can’t pay a water bill. In the solutions department, that put us back to square one (newspaper).”

NRWA and Maryland Rural Water Association to Engage Senator Cardin on Legislation to Subsidize Low-income Customers’ Water Bills: The NRWA Regulatory Committee expressed initial skepticism about Senator Cardin’s draft legislation to amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to establish pilot programs that provide funding to water utilities that assist their low-income households in maintaining access to sanitation services and drinking water (draft legislation). Many rural water commenters on the Regulatory Committee did not support having water utilities become social welfare agencies or expanding EPA authority in local rates. Others suggested that existing federal social programs be modified to allow for payment or water bills. After initial conversations with Senator Cardin’s office, however, the NRWA Regulatory Committee agreed on Friday to participate in further discussion with Senator Cardin to try and find common ground on the legislation. Please forward any comments on the legislation to the NRWA Regulatory Committee (contact).

Video Shows Hanford Nuclear Facility Contractors Dumping Radiation-affected Water: TV reporter finds contractor CEO in parking lot for on-camera confrontation (KING-TV).
Environmental Protection Agency to Review How Clean Water Act Affects Job Losses (Reuters).

House Passes Bill Targeting Environmental Settlements: On October 24, the U.S. House of Representatives passed a bill (H.R. 732) that would end a Justice Department practice of entering into settlements that steer funds to third-party groups. The bill bars federal agencies from requiring defendants to donate money to outside groups as part of settlement agreements, and requires that settlement money either goes directly to victims or to the U.S. Treasury.

Scientist Discounts New York Times’ Claim that “Arsenic Reductions in Drinking Water Tied to Fewer Cancer Deaths”: The new assessment is being used to call for lowering the EPA arsenic drinking water standard. However, a leading scientist on the issue, Dr. Steven Lamm, commented, “Note that the reduction only occurred five years after the new standard. That seems too long an interval to be explanatory, and all based on linear no-threshold model. Current evidence on lung cancer refutes that.”

Administrator Scott Pruitt’s Family Getting Death Threats (news).

Aerial Photos of Wastewater Treatment Plant Found in Arrested Man’s Cache of Weapons and Explosives: On October 18, authorities in Pinellas County, Florida arrested a local man after finding a cache of firearms, explosives, and incendiary devices inside his home. During their search, authorities also found maps and aerial photos of nearby critical infrastructure facilities, including a Hillsborough County wastewater treatment plant and multiple schools.

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Rural Water Policy Advisory [10/23/2017]

President Steve Fletcher (IL), Executive Director Gary Williams (FL), and Executive Director Pat Credeur (LA) Featured in Rural Water Video on Importance of Emergency Response Preparation (YouTube).

EPA Announces FY 2017 Technical Assistance Grant: On Friday, EPA announced their Request for Applications (EPA) for this year’s technical assistance initiative. The period for submitting applications ends December 4, 2017. On July 25, 2017, EPA replied to the five Senators acknowledging that the Agency will dedicate the Congressionally-funded technical assistance appropriations to the Grassroots Rural and Small Community Water Systems Assistance Act. There is no mention of the new Act in the EPA request for applications.

Indiana Drinking Water Taste Contest Winner Takes First Place Again: Connersville, Indiana wins for the fourth time in eight years. The Alliance of Indiana Rural Water bestowed the award upon the Connersville Utilities on Wednesday at the Fall Conference in Fort Wayne (news).

DOJ Poised To Issue Guide Clarifying Sessions’ Settlement Directive: On October 19, a U.S. DOJ official said the department may soon issue long-awaited guidance for implementing Attorney General Jeff Sessions’ directive barring third-party payments in settlements that are often used to fund EPA supplemental environmental projects (SEPs). Sessions issued a June 5 directive barring DOJ attorneys from negotiating settlements that require payments to environmentalists and other nongovernmental organizations in consent decrees.

New York Times Feature on How New EPA Leadership Are Changing the EPA Staff Decisions Resulting in Public Health Risk from Drinking Water: Scientists and administrators in the EPA’s Office of Water were alarmed in late May when a top Trump administration appointee insisted upon the rewriting of a rule to make it harder to track the health consequences of the drinking water contaminant perfluorooctanoic acid (PFOA) and therefore harder to regulate it. EPA told the New York Times, “No matter how much information we give you, you would never write a fair piece (NYTimes).”

White House Adds Clues to Deregulatory Agenda: Neomi Rao, administrator of the White House Office of Information and Regulatory Affairs recently stated that a list of rules that federal agencies intend to cut in the upcoming year will appear in the fall regulatory agenda, which is scheduled to be published by the end of November.

President Donald Trump Goes to Twitter to Highlight Rolling Back of EPA Rules: In response to a New York Times story claiming the President has failed to deliver on key campaign promises aimed at rolling back Obama administration policies, the President tweeted a message on October 15 touting a series of environmental and energy decisions he has made, including abandoning the Paris climate agreement, rolling back EPA rules and approving key fossil fuel projects (Twitter).

U.S. Proposes New Cyber Security Controls to Protect Power Grid: U.S. grid operators will have to take measures to guard against the risk of being infected by malware from electronic devices like laptops and thumb drives under proposals put forward by the Federal Energy Regulatory Commission (announcement).

EPA Administrator Scott Pruitt’s Directive to End “Sue-and-settle” Agreements: On October 16, the Administrator signed a directive formally enacting the ban on the agreements along with a memo to agency staff on how to implement it (news).
Environmental Working Group, *Trouble in Farm Country*: EWG headline adds, “Ag Runoff Fouls Tap Water Across Rural America.” Article states, “Federal policies do little to keep farm pollution from getting into tap water in the first place... Nationwide, 97 percent of public drinking water systems with nitrate at or above that level serve 25,000 people or less... Those 1,683 communities are surrounded by millions of acres of cropland on which nitrogen-rich fertilizers and manure are applied every year (EWG).”

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NRWA Presses EPA Inspector General to Look at EPA’s Public Notice Regulations: NRWA briefed the EPA Office of Inspector General’s (OIG) research team last week regarding their evaluation of the public notification rule promulgated under the Safe Drinking Water Act (comments). Our main message to the OIG team was the confusing and misleading content of the EPA required public notices. This may not be main inquiry of the OIG evaluation, but I urged them to consider the issue as the most relevant concern for the EPA rules. Michael Daly with the White Cliffs Mutual Domestic Water Users Association in New Mexico commented, “The EPA version to fill out a CCR starts with ‘Is My Water Safe’, immediately putting people on the alert. Our small system uses Reverse Osmosis and the TDS of the water we give to our customers currently is less than 100 yet the attached CCR lists 8 “contaminants”, including the chlorine we use to be sure the water is safe.”

Should EPA Start Giving Money to Low-income Customers to Help Pay for Water Bills?: Maryland Senator, Ben Cardin is considering sponsoring legislation to amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to establish pilot programs that provide funding to water utilities that assist their low-income households in maintaining access to sanitation services and drinking water (draft legislation). NRWA has been asked to support the legislation which could be introduced soon in the U.S. Senate. In response to last week's request for comments on the legislation from the membership, Brian McManus (board member with Texas Rural Water Association and General Manager of East Rio Hondo Water Supply, Texas) commented, “My conservative vote is no on EPA financial assistance to help people pay their water bill. We are one of the few industries that welfare hasn't touched on the consumer side yet. It would only get bigger and bloat into bureaucracy from there. I really don’t want to have to administer a water stamps program for my utility.”

Former NRWA President, Jim Dunlap, and Two Other Members of New Mexico’s Water Agency Resigned in Protest of State Engineer: Dunlap, who has been involved in New Mexico water policy for five decades, said having a weak commission would not be in the best interest of New Mexico (APNews).

Trump Picks Climate Skeptic to Lead White House Environment Office (more).

Michigan Governor Rick Snyder Denies Misleading the U.S. House of Representatives About his Knowledge of Flint’s Legionnaires’ Disease Outbreak (more).

City of Alameda, California Warns Customers Not to Make Bodily Contact with Their Tap Water (more).

Jim Gulliford will Return to EPA to Serve as Region 7 Administrator: (EPA).

Privatization Roundup:
- Indonesia’s Supreme Court orders the government to protect and manage the supply of water to citizens, hence stop the privatization of the water supply in Indonesia. The verdict was based on the reasoning that Indonesia’s water resources need to be controlled and allocated for the public benefit, hence private companies cannot commercialize and monopolize rights over water sources (more).
- While Terre Haute (IN) is faced with significant financial and operational challenges and needs to modernize wastewater systems to meet environmental standards, selling a public resource to a private corporation is the last thing Terre Haute needs (a citizen).
- In testimony before the House of Representatives Committee on Transportation and Infrastructure, this year, a representative of the American Water company stated, ”There are currently 56,000 community water systems in the United States, and most are quite small, with 92 percent serving fewer than 10,000 persons... As recently as 2002, 98 percent of wastewater systems were municipally owned. Too many of these systems are failing or are experiencing serious violations posing increased risks to public health... Unfortunately, there are statutory and regulatory hurdles that stand in the way of
addressing these significant issues... Another example is the lack of private ownership of water and wastewater systems in a number of states... We suggest encouraging partnerships among public water and wastewater systems in communities which currently rely on under-performing or failing water systems.” The corporate water industry is using this narrative to push for a new federal mandatory consolidation mandate of small water systems in the Safe Drinking Water Act (see section 6, “Mandatory Consolidation”, of H.R. 3387, “The Drinking Water System Improvement Act of 2017”). But, this narrative is simply not true of small community water supplies in the nation. In fact on a statistical basis by population, some categories of small water systems have a compliance rate that is better than large metropolitan water systems. An analysis of the U.S. Environmental Protection Agency’s Safe Drinking Water Information Systems (SDWIS) shows that small community water systems (CWS) serving populations between 3,300 to 10,000 persons have a lower rate of violations with the Safe Drinking Water Act than community water systems serving 10,000 – 100,000 persons and community water systems serving more than 100,000 persons.

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<td>Rate of violations per CWSs</td>
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<td>1.44</td>
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</tbody>
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National Rural Water Association
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(Washington, DC)

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Rural Water Policy Advisory [10/9/2017]

Hurricane Watch: Hurricane Nate weakens to a tropical storm after making U.S. landfall twice. Alabama Power reported Sunday morning that about 59,000 customers were without power, 56,000 of which were in Mobile. In Mississippi, 50,000 customers were without power. More than 10,000 customers were affected by outages in the Florida panhandle. At least 28 people were killed Thursday in Costa Rica, Nicaragua and Honduras. Hundreds were rescued from floodwaters and mudslides. Many lost power and running water. (CNN). PBS update on Puerto Rico’s recovery: 88% without power, 50% without water, and 80% of crops destroyed (PBS).

PBS Special Feature, “[Rural] America Addicted”: “The opioid crisis is devastating communities across the nation. Overdose deaths are at record highs. America’s communities weren’t built to handle the opioid crisis. Across the nation, public services, health care providers and civil servants are overwhelmed by the shared burden of addiction. At their worst, opioids damage communities as severely as they damage individuals (PBS).”

NRWA Responds to EPA Investigator’s Review of EPA’s Public Notice Rules (more).

Government Accountability Office (GAO) Report on EPA’s Oversight of Lead and Copper Rule (LCR): Effective LCR implementation is limited because EPA data is incomplete and some key data such as the presence of lead service lines are not reported (GAO).

Should EPA Start Giving Money to Low-income Customers to Help Pay for Water Bills?: A U.S. Senator has asked NRWA for comments on a legislative proposal to initiate a new federal EPA “Low Income Water Consumer Assistance Program (draft legislation).”

NRWA Asked by Senators to Respond to Private Water Proposals for New Federal Consolidation Policy: Private water lobbyists have been urging Senators to create a new federal consolidation policy for small communities as part of the Senators’ soon-to-be introduced infrastructure legislation. NRWA will be briefing the Senators this week, focusing on the “Fletcher Policy” that allows for local communities to retain authority over decisions of consolidation and privatization (video of President Fletcher’s testimony). At the annual NRWA conference in Reno in September, the NRWA Regulatory Committee also approved a motion “to raise principled concerns in opposition to the ‘Mandatory Consolidation’ provision in U.S. House legislation, H.R. 3387. The committee identified several principled concerns including: current state authorities for condemnation and emergency authorities, limitations on due process for local governments, usurpation of local government authority, and respect for local democratic policies and processes.

President Trump’s Legislative Team Meets with House Lawmakers at the White House on Thursday about the Administration’s Plan for Rebuilding U.S. Infrastructure: The flurry of infrastructure meetings comes as lawmakers and stakeholders have been pressing the administration for more details about Trump’s long-awaited infrastructure package. Representative Cheri Bustos (IL), one of the lawmakers invited to attend the White House’s Thursday morning meeting, said she presented the administration with bipartisan ideas aimed at improving rural infrastructure.

Saint-Gobain to Pay $20M for Vermont Water Chemical Contamination: Last Monday, a Vermont court approved a settlement reached with the company over the contamination of private water wells with perfluorooctanoic acid, a suspected carcinogen. The agreement requires the company to pay $20 million to extend municipal water lines to about 200 homes in the Bennington area (settlement).

NC Utility Head on Drinking Water -- “OK as Far as He Knows”: The head of the agency providing drinking water to more than 200,000 people in and around Wilmington says unregulated and little-studied chemicals in the Cape Fear River don't make the water unsafe as far as he knows (news).
California Proposes First-Ever Water Tax: California’s Senate Bill 623 would generate $2 billion over the next 15 years to clean up contaminated groundwater and improve faulty water systems and wells—particularly in rural areas with agricultural runoff. Under the proposed legislation, the tax on water (95 cents per month) would be for both homes and businesses if passed. It also imposes fees on farms and dairies, roughly $30 million annually, to address some of the contamination caused by fertilizers and other chemicals (news).

Michigan Town Uncovers PFC Contamination 400 Times EPA-Advised Limits: Belmont, MI is the latest town to uncover perfluorinated chemicals (PFCs) in its water sources (TV news).

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Rural Water Policy Advisory [10/2/2017]

Kansas Rural Water Association (KRWA) Stands Up for Rural Development Water Programs in U.S. Senate: On Thursday, KRWA General Manager Elmer Ronnebaum testified before the U.S. Senate Agriculture Committee to advocate for continue funding for USDA’s water programs (video). Elmer’s testimony begins at 2:00 hours. The White House also provided witnesses for the hearing who were questioned on the Administration’s proposal to eliminate the programs in their budget proposal. Congress restored the funding in fiscal year 2018 (documentary). However, it is likely the White House will repropose the elimination of the rural water initiatives in their fiscal year 2019 budget proposal in February.

Privatization Roundup: On Tuesday, Aqua America’s CEO and vice president of the National Association of Water Companies explained to the House Transportation and Infrastructure Committee how private water companies are a solution to small and rural communities’ water issues though more federal consolidation policy (video). On Tuesday, the Washington Post reported that the President has backed off his belief that the private sector can be the source of his infrastructure plan (WaPost). NRWA has been supporting the President’s call for a new infrastructure initiatives (NRWA in the U.S. Senate), however, the association has raised concerns with relying on private financing for the rural and small communities’ water infrastructure (NRWA). On Friday, the Financial Times published an op ed titled, “The pendulum swings against privatization,” stating, “privatization proponents mention the galvanising effect of the profit motive, or the entrepreneurial spirit of private enterprise. Opponents talk of fat cats and selling off the family silver… It is hard to see how water companies will ever truly compete with each other; the logic of geography suggests otherwise. All this matters because the broad lesson of the great privatization experiment is that it has worked well when competition has been unleashed, but less well when a government-run business has been replaced by a government-regulated monopoly (ET).”

With Bottles And Buckets, Puerto Ricans Seek The Water To Survive: "I can live without power," says Wanda Ferrer. "But I can't live without water." Bottled water isn't easy to get. Some stores have water in stock, but the lines are massive. Some municipalities have distributed water from trucks, though many residents in the interior say they haven't seen one. People fill containers with water from a stream near the Puerto Rico Highway 52 in Cayey. People have been without water service in their homes after Hurricane Maria roared through a week ago. Juan Pablo Santos, had tied two 55-gallon barrels to their roof with wire and filled them up before the hurricane. "With the gravity, through the hose, it comes down, and it's like you have running water," Vargas said. Other residents of Puerto Rico's interior are filling up at local springs, where PVC pipes stick straight out of the hillsides along expressways and little roads. They're a regular source of water for some residents here, storm or no storm. After Maria, these springs are more vital than ever. Malin Rivera Malero, filling up a large bucket, says this water is very clean. "There's no water anywhere else," she says. "Except the river," she says, referring to the large Rio Cañas. "And that's dirty, dirty." Still, Alberio plans to boil his water over a wood fire. And other people in line here say they plan to use this water only for cleaning, not for drinking. In the Calabaza River, local residents are bringing laundry in buckets to wash on the banks, drying
their clothes on rocks or makeshift lines. Other people hop in to bathe (NPR).

**Small West Virginia Town Ambivalent About Merger with Rural Water District** (news).

**Diseases of Poverty Identified in Alabama County Burdened by Poor Sanitation:** “Many homes in the county are too scattered for a central wastewater facility, and septic systems are often a poor fit for the dense Black Belt soils, which do not drain well enough to filter waste. There are high-tech septic systems on the market, but the cost — around $10,000 to $12,000 — could consume most of a poor household's annual income. An unknown number of homes instead connect their toilets and sinks to “straight pipes” that send the waste into gullies, creeks, or backyard pits. In these conditions, hookworm and other parasites can thrive (Circle of Blue).”

**President Trump to Address on Roll Back rules at EPA on Monday:** The President is expected to give a major speech October 2, the first business day of the new fiscal year on his deregulatory agenda, amid indications that the administration will likely release additional details on pending deregulatory priorities (news).

**EPA Taps New York State Assemblyman Pete Lopez to Lead Region 2**

**Costs for Rural Towns Surge after Hurricane Harvey Hits Water Systems:** “Patton Village had just started using its new $10 million wastewater treatment system when Hurricane Harvey wrecked it last month. Repairing the wastewater plant could take months and cost hundreds of thousands of dollars that the town doesn’t have. Financial help may come in the form of a grant offered by the U.S. Department of Agriculture (USDA), which gives emergency funds to communities whose water infrastructure has been damaged in a disaster (news).”

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Rural Water Policy Advisory [9/25/2017]

NRWA’s WaterPro Conference Concludes: Attendees heard updates on wide range of topics from high ranking federal officials in the U.S. Department of Agriculture (USDA), the U.S. Environmental Protection Agency (EPA), and other agencies.

- Attendees celebrated the success of NRWA’s grassroots campaign to persuade Congress to save the USDA rural development funding initiatives (see video documentary).
- The Regulatory Committee passed a motion to seek changes to the “mandatory consolidation” provision passed in June by the House Energy and Commerce Committee in H.R. 3387, “The Drinking Water Systems Improvement Act of 2017.”
- The Regulatory Committee also passed a motion to craft comments to the U.S. EPA in support of state sovereignty as the agency considers how to define what are the “Waters of the United States” (NRWA comments).

Florida Rural Water Association’s Update on Irma Recovery Efforts (FRWA).

Kansas Rural Water Association (KRWA) to Testify before House of Representatives on Thursday: KRWA’s General Manager, Elmer Ronnebaum has been invited by the Senate Agriculture Committee to testify in this Thursday’s hearing titled, “Rural Development and Energy Programs: Perspectives for the 2018 Farm Bill” (Senate Committee notice).

Rural Water Clean Water Act Technical Assistance Bill (S. 518) Ready for Senate Action: S. 518, Senator Wicker (MS) and Heitkamp’s (ND) “Small and Rural Community Clean Water Technical Assistance Act,” has been cleared for full Senate consideration. Last week, NRWA was notified that only one Senator, Mike Lee (UT), had placed “hold” on the bill which would keep it from a simple unanimous consent vote in the Senate. Senator Lee raised a concern that the legislation would provide “duplicative” assistance.” Utah Rural Water immediately engaged the Senator to explain that there is no other similar EPA-supported wastewater technical assistance initiative.

Study Linking Lead Levels in Flint to Reduced Pregnancies and Fetal Deaths: Researchers with the University of Kansas and West Virginia University found that fertility rates among Flint women decreased by 12% and fetal deaths increased by 58% between April 2014 and the end of 2015 (news).

House Republicans to Release Tax Bill: The GOP Members will caucus next week in anticipation of releasing their tax reform package soon afterward. NRWA is closely monitoring the formation of the tax package to ensure it contains no adverse changes to water utility tax exempt finding authorities (news).

EPA Begins Review of Possible New Drinking Water Contaminants: On September 18th, EPA announced the start of the review process under Integrated Risk Information System (IRIS) for three chemicals: ethylbenzene, nitrate and nitrite, and chloroform. This is the first step in a process that will likely take several years. EPA’s Third Six-Year Review of Existing Drinking Water Regulations was published on January 11, 2017 and their Fourth Six-Year Review is scheduled to be published sometime in 2018.

Suspect Attempted to Poison Drinking Water of 4,000 Children in India with Rat Poison (news).

Nestlé Makes Billions Bottling Water It Pays Nearly Nothing For: “The company’s operation in Michigan reveals how it’s dominated the industry by going into economically depressed areas with lax water laws (Bloomberg).”
Sewer in London’s East End Menaced by Giant Fatberg: A massive blockage of congealed grease and debris that has been discovered in a portion of London’s 19th century sewer system is expected to take three weeks to remove using hand tools and water jets (NYTimes).

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NRWA’s WaterPro Conference Starts Monday in Reno (WaterPro).

Florida Rural Water Association’s Irma Recovery Efforts (FRWA).

U.S. House of Representatives Votes to Slash EPA Funding: On Thursday, the House passed its version of the EPA fiscal year 2018 spending bill which includes $7.5 billion for the EPA, $534 million below fiscal year 2017 enacted levels. The House also slashed federal accounts on studying climate change.

Repeat Wyoming Best Tasting Water Winner Makes News (news).

President Trump’s Top Water Office to Appear Before Senate This Week: On Wednesday, the Senate Environment & Public Works Committee plans to hear from David Ross, the president’s nominee for EPA’s Assistant Administrator for Water. Mr. Ross currently serves as Wisconsin assistant attorney. “His nomination is receiving high accolades from environmental leaders across the country (EPA).”

EPA Seeks Comments on Approach to Regulating Perchlorate in Drinking Water: EPA is preparing for the second peer review of its novel scientific approach for proposing a standard for perchlorate. The action is unlikely to help ensure the agency meets a court-ordered deadline for completing its review (EPA).

Pennsylvania Proposes New Fees for State Safe Drinking Water Staff: Under the proposal, new annual fees would be instituted for all public water systems based on the number of people they serve. The proceeds of the fees, once implemented, are expected to be approximately $7.5 million per year, and would go to the Safe Drinking Water Program.

Ninety Four Percent Contamination Rate of Plastic Fibers Found in U.S. Tap Water (USA Today).

Section 1926(b) Protection Prevents Oklahoma Rural Water District from Having Service Annexed by Growing City (news).

Texas Section 1926(b) Case Makes New Law in Federal Appeals Court Ruling: In August, the U.S. Fifth Circuit Court held that the Green Valley Special Utility District is entitled to go forward on its injunction to prohibit the City from encroaching on its “sewer” system because the district obtained a loan from USDA to fund its “water” service (ruling). The appeals court reversed the trial court which dismissed the district’s suit holding that section 1926(b) applied only to the system for which the loan was made (water), not the property used to secure the loan (water and sewer system).
Rural Water Policy Advisory [9/4/2017]

Hurricane Harvey Epilogue:

- The Texas Rural Water Association dispatched five generators in the field last week and reported on Wednesday that after a couple of days in the Corpus Christi area visiting several systems and offering assistance, the field staff was heading toward Victoria where operations will be based at the Quail Creek Special Utility District. From there, Circuit Riders will be reaching out to systems in that area and to the north and east of Houston to see if there are any needs we can assist with. Generators were delivered to Cape Caranchua WSC (368 connections) and Nueces Water Control & Improvement District #4 (3880 connections). Holiday Beach Water Supply Corporation (WSC) (700 connections) requested assistance with leaks caused by power poles lifting and breaking the water lines. They requested a two-man crew with a machine to help repair lines and another two man crew to help with locating and turning off meters that are running to damaged homes along with materials to do the work as they do not have any overstock. TRWA's Rural Water Emergency Assistance Cooperative received many offers from non-impacted systems to provide manpower and equipment to systems in need. TRWA reported that water systems were better prepared for a major storm than they were 8-9 years ago.
- On Tuesday, the Louisiana Rural Water Association reported that Circuit Riders who were out helping locate leaks and water systems in the southwest part of the state were getting heavy rain with some flooding in low lying areas of Cameron, Vermillion and Calcasieu parishes - with mandatory evacuations in Cameron Parish. LRWA reported that utilities are holding their own and there had not be any major problems.
- The entire city of Beaumont has lost access to clean water after it lost power at its main pump station along the Neches River and from its secondary source of well water in an adjacent county (PBS Newshour).
- A Texas state agency issued a list of communities under boil order (TCEQ).

Harvey Revives Calls for More EPA:

- **Superfund:** Houston has more than a dozen Superfund sites, many now flooded, with the risk that waters were stirring dangerous sediment (APNews). EPA lashes out at AP reporter by name in scathing press release over “incredibly misleading story (EPA).”
- **Chemical Security Plans:** The top Democrat on the Senate environment committee scolded Trump's EPA for delaying a program meant to prevent incidents like Thursday's explosions at the Arkema chemical plant outside of Houston. Senator Carper suspects that the Arkema plant was lax in meeting its EPA-required risk planning requirements which may have resulted in the blasts (Wash Examiner).
- **Climate Change:** Rising air and ocean temperatures increase the risk that when hurricanes and tropical storms occur, they will bring with them a greater chance of extended rainfall and extensive flooding (NRDC)
- **Community Right to Know:** Arkema, the company that owns the chemical plant on the verge of more explosions, is refusing to provide a chemical inventory and facility map to
the public. The company’s CEO said the company was balancing "the public's right to know and the public's right to be secure (news)."

- **EPA Administrator Pruitt:** While being interviewed on Harvey, Pruitt said the cause and effect of hurricane and climate change conversation is not helping the people of Texas with clean drinking water (BREITBART Radio).

**Harvey Changes the Dynamic in Washington Regarding Fiscal Year 2018 Appropriations:** Congress is expected to approve the first Harvey relief funds as soon as next week with more to follow. Influential House of Representatives Members are urging that Harvey aid not be attached to the debt-ceiling increase. Additionally, the President has lowered the temperature on a threat to veto a temporary Continuing Resolution lasting into December if that “temporary” measure does not include funding for the border wall. President Trump is set to convene congressional leaders at the White House on Sept. 6, but already House and Senate leaders are talking among themselves about what will be expected in the emergency supplemental bill.

**Man Caught on Tape Allegedly Poisoning Couple’s Water Jugs** (Fox News).

**Five Year Old Dies from Swimming in Ocean Contaminated with Sewage** (news).

**Ten Year 1926(b) Battle Continues in Kansas:** The city of Eudora and Douglas County RWD No. 4 are negotiating a decade-long dispute over water service in southern parts of the city. The dispute dates back to 2007 when the city began providing water service to an annexed area south of Kansas Highway 10 which was already being served by RWD 4. In September 2016, U.S. District Judge Julie Robinson issued a summary judgment stating the city could secure service rights to customers within the areas annexed by the city. The current proposal by RWD 4 would establish a $12,000-per-meter price for the city to buy the service rights for the homes within the city limits that were formerly in their district and create a boundary line to separate the two services (news).

**Environmentalists Say Texas Facility Fire Backs Need For Obama Risk Management Plans’ (RMP) Rule:** Environmentalists say the fire at a Texas chemical facility caused by Hurricane Harvey reinforces the need for the Obama-era rule strengthening EPA’s facility accident prevention program with new requirements for hazard analysis and streamlined release of facility data. The Obama EPA’s Jan. 13 final RMP rule sought to update the agency’s Clinton-era RMP regulation with new requirements for facilities to conduct independent audits, analyze safer alternatives, and improve emergency response planning and streamline release of facility data to the public. NRWA urged EPA to withdraw the rule because “it expands and increases the regulatory burden on local governments (NRWA Comments).”

**Chemicals Spilled by an RV Near Open Hydrant Results in Do Not Drink Order in Moab** (news).

**Texas Court Nullifies the Obama Administration's Expansion of the Federal Overtime Rule** (news)
Pittsburgh’s Boil Order Caused by Bird and Animal Droppings on 20-year-old Reservoir Covers (news).

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Kansas Rural Water Association (KRWA) Calls Out Environmental Working Group (EWG) for Misleading Media Report on Drinking Water Quality: "In numerous national publications and media, readers are warned of 'dozens of harmful contaminants in tap water.' EWG developed an online database which allows citizens to enter their zip code and search for their public water system 'to find out exactly which contaminants are in their local water supply.' KRWA started to receive phone calls and emails from water systems and citizens concerned by the information they read on www.ewg.org, so KRWA decided to investigate EWG's tap water database and the accuracy of the data provided. The information is misleading because it uses a much lower 'health guideline' rather than the contaminant levels established by the federal Safe Drinking Water Act as the recognized standard for safe drinking water. For example, Total Trihalomethanes (TTHM) has a 'health guideline' of 0.8 ppb (or µg/L) defined by the California Office of Environmental Health Hazard Assessment as a draft public health goal to protect against cancer. The MCL for TTHM is 80.0 ppb (or µg/L). So for one of the PWSs that KRWA reviewed, Jefferson County RWD No. 13, the system's TTHM result of 29.0 ppb is much lower than the MCL but is above EWG's 'health guideline.' In fact, Jefferson County RWD No. 13 has eight contaminants listed on the system's report, but at the top of the report in small print it states that 'this water utility was in compliance with federal health-based drinking water standards.' KRWA's advice to public water systems and their customers who choose to look up their PWS's data on EWG's tap water database – don't let it scare you (KRWA)."

EWG is promoting the sale of water filters with EWG receiving small donations for filter purchases made on Amazon.

“Last week the entire country was sucker punched by the EWG. They singlehandedly devastated the entire purpose for and the good work done on scores of consumer confidence reports by confusing the public and conflating the distinction between guidelines and MCLs.”

– George Hanson, Maryland Rural Water Association

North Carolina Rural Water Association (NCRWA) on Capitol Hill Raising Concerns with Committee-Passed Bill to Make Significant Changes to the Safe Drinking Water Act: On July 27, the Energy and Commerce Committee unanimously approved H.R. 3387, the Drinking Water System Improvement Act. In order to attract broad bipartisan support, the bill's sponsors included a number of new SDWA provisions (mandatory consolidation, new monitoring requirements, new security requirements, etc). Last week, NCRWA was on Capitol Hill making presentations to its delegation and raising small and rural community issues with the legislation (NCRWA). NRWA's Regulatory Committee will be reviewing those issues this week and discussing the issue with the bill's sponsors. Any changes in the legislation will most likely have to be supported by New York Representative Paul Tonko (ranking member of the subcommittee), Illinois Representative John Shimkus (committee chairman), and Mississippi Representative Gregg Harper (sponsor of the bill).

Massachusetts Legislation to Require Disclosure of Lead Water Lines with Homes Sales (news).

Poland Spring Water is Deceiving Consumers with Bottled Water that Doesn't Meet FDA’s Definition of Spring Water (news).
Claim: “Undermanned” EPA Delays Action on Lead in Drinking Water (Circle of Blue).

Trend – States Setting New Standards for Drinking Water Contaminants: These new standards include perfluorononanoic acid and trichloropropane in New Jersey (news).

Dr. Water attacks President on Water Policy (The Guardian).

President Trump Signs Executive Order (EO) to Speed Infrastructure Development by Streamlining Reviews under the National Environmental Policy Act (NEPA): The Trump EO seeks to limit federal agencies’ environmental reviews of infrastructure projects under NEPA to two years while establishing a series of “accountability” measures for federal agencies involved in the permitting process. The order also will establish the protocol of “One Federal Decision” for major infrastructure projects under which the lead Federal agency will work with other relevant Federal agencies to complete the environmental reviews and permitting decisions needed for major infrastructure projects (White House).
NRWA Praises New EPA Approach to Improve Drinking Water Safety and Compliance (Water World).

**House to Move on Appropriations Bills**: On August 7th, the House Rules Committee announced the packaging of the eight remaining FY 2018 appropriations bills to be considered in the full House as one measure. It is expected that the new bill package would be taken up on the House Floor as soon as Congress returns from the August recess in September (Rules Committee).

**TV Coverage of Louisiana Rural Water Association’s (LRWA) Taste Contest**: “It’s important for us because we’re proud of the product we produce and it’s very important to all our customers,” said Claude Swope of the Houston River Water District. Rusty Reeves with LRWA says aesthetics such as taste, aroma, and clarity are important to consumers so they are important to water professionals as well (TV news).

**Missouri, Arkansas and Wisconsin Report 100% of Communities Use E-Reporting for CCRs**: Last week, NRWA conducted a survey to measure the use of e-reporting for delivery of Consumer Confidence Reports. Unexpectedly, many states reported that the practice was not widespread in their states - some reporting that their state agencies had resisted the federally-approved relief.

**Environmentalists Sue to Stop President's Executive Order (EO) Requiring EPA to Repeal Two Rules for Every New Rule**: The lawsuit brought by Public Citizen, Natural Resources Defense Council and the Communication Workers of America charges that the order is unlawful on its face, preempting statutory requirements at EPA and other agencies and violating a series of constitutional mandates such as the Take Care Clause which requires the president to “take care that the laws be faithfully executed.” Arguments were heard last week in U.S. District Court for the District of Columbia. An appeals court judge challenged the Administration’s lawyer during the hearing when he said, “This executive order applies across agencies and is layered on top of each agency’s rulemaking process itself, without accountability thus far, for how it’s functioning in real time (law360).”

**President Trump Slows Federal Rulemaking to a Crawl in First Six Months – Delivering on Campaign Promise**: According to recent study by the American Action Forum, the number of new federal rules is now at a record low (Fox News).

**Congressional Democrats Challenge Administration on Task Forces Crafting Rules for Repeal**: Top Democrats on the House Oversight and Judiciary Committee are seeking a full list of names and detailed information by August 25 about task forces set up in each federal agency that are charged with recommending rules for repeal, replacement or modification. On February 24, President Trump signed an executive order that directed federal agencies to establish a regulatory reform officer (RRO) and a Regulatory Reform Task Force. In many cases, the names of task force members and their meetings with private-sector advocates have not been made public. NRWA submitted a list of EPA regulations that EPA should consider for repeal, replacement or modification (NRWA).

**New Orleans Braces for New Flooding as it Copes with Power Outages and Failed Pumps** (LA Times).
Attorney General Jeff Sessions Wants a List of All Civil Settlements Reached by the EPA:
Sessions is requesting the list for the past 10 years that include payments to third parties in lawsuits after he banned the practice in June.

Rural Water in Nigeria: The Kwall primary school was built in 1946 without running water or sewage. After 71 years, it still has no toilet facility and pupils and teachers have to use nearby bushes for the bathroom. During the rainy season, the rains wash down all the sewage into a water canal that serves as the main source of water for people and animals in the community. Nigeria's population without access to safe, private toilets is at a staggering 71 percent (over 130 million people), with 25 percent (over 46 million) practicing open defecation (news).

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North Carolina Rural Water Assoc. (NCRWA) Executive Director Stands Up for Membership: In an interview last week, NCRWA’s Daniel Wilson updated us on the situation regarding drinking water from the Cape Fear River (CBS This Morning). Wilson has been drawn into the public and media discussion on the issue while explaining that the responsibility for the chemical, GenX, entering the drinking water supply lies with the manufacturer as opposed to the water utility (news). The Environmental Working Group (EWG) added to public confusion on the issue by releasing a national Tap Water Database claiming that “federal drinking water standards are set at levels above what scientists have indicated results in health effects.” While commenting to the media on EWG’s report, Wilson said, “Utilities are likely always going to be a step behind the development of new chemicals. Regulating the source of man-made contamination is the key, but unless it’s deemed a contaminant, then it can’t be regulated. Therefore, new and emerging contaminants leave us in a reactive state (news).”

Mississippi Rural Water Association (MRWA) Executive Director Reviews Federal “Mandatory Consolidation” Law: In an in-person interview last week in Duncan (OK), MRWA’s Kirby Mayfield explained that he is reviewing the “mandatory consolidation” Safe Drinking Water Act provision recently passed by a U.S. House of Representatives committee. The provision was added to legislation (H.R. 3387) that was originally sponsored by Mississippi Congressman Gregg Harper who asked for Mayfield’s analysis of the provision to ensure it will not be detrimental to rural and small communities. Mayfield indicated he plans to have his review complete by the end of the month.

U.S. News Features New Mexico Small Communities’ Water Struggles and NM Rural Water (U.S. News).

Evacuated Small Pennsylvania Community Learns Hard Lesson from last Week’s Train Derailment: “Expect the worst (news).”

“Federal Employees Step up Defiance of Trump”: “EPA career staffers have openly shredded their superiors within the last several weeks. ‘I think career staff don’t typically speak out publicly unless they feel like there are serious issues and problems going on within the agency’ said a former Obama administration EPA spokeswoman (The Hill).”

EPA Administrator Scott Pruitt Tours Gold King Mine on Anniversary of Spill: Administrator Pruitt said President Obama “failed” to protect the environment while stating, “EPA should be held to the same standard as those we regulate. The previous Administration failed those who counted on them to protect the environment (news).”

Portland Must Pick Filtration or Ultraviolet to Combat Cryptosporidium: It’s estimated to cost between $350 million and $500 million. The rainy winter resulted in 19 detections of cryptosporidium in three months (news).

Cannabis Grower Buys California Town to Build Pot-Friendly Outpost (CNN).

Durham (NC) Pool Chlorine Leak Affecting 43 Adults and Children: Thirty-nine people were actually in the pool at the time of the reported leak. Six children were transported to a local hospital in serious condition (news).
Typo on Kansas University’s Water Tower: We can sympathize (news).

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Brian MacManus of the East Rio Hondo Water Supply Corporation testifies on behalf of the Texas Rural Water Association and the National Rural Water Association (NRWA) before the House of Representatives regarding “The State of Infrastructure in Rural America.” In addition to explaining the need for USDA rural water grants and loans, MacManus critiques the surface water treatment rule in the Q&A exchange (video).

Fixing EPA Technical Assistance Funding: On Tuesday, the House Appropriations Committee approved the fiscal year 2018 Environmental Protection Agency (EPA) appropriations bill. After five years of working to fix EPA technical assistance by having Congress mandate that EPA fund programs small and rural communities find most beneficial – the committee passed that reform on Tuesday. Here is an excerpt from the bill:

“The bill provides $12,700,000 for a competitive grant program to provide technical assistance for improved water quality or safe drinking water, adequate waste water to small systems or individual private well owners. The Agency shall provide $10,000,000 for Grassroots Rural and Small Community Water Systems Assistance Act, for activities specified under Section 1442(e) of the Safe Drinking Water Act (42 U.S.C. 300j–1(e)(8)).”

The Senate Follows the House and Declares Support and Funding for USDA’s Rural Water Initiatives: On Thursday, the Senate Committee on Appropriations approved the FY2018 agriculture appropriations bill and included funding for all the USDA Rural Water initiatives proposed to be eliminated in the President’s Budget (more). Here are some highlights of the bill:

• Loans & grants were funded at $550,383,000 ($571,190,000 last year).
• Circuit Rider funding was increased to $18,000,000.
• Source Water Protection was funded at last year’s level ($6.5 million).
• Wastewater Techs were funded at last year’s level ($20,000,000).

See table comparing levels to House Committee-passed levels and last year’s levels (NRWA funding table).

Trump Administration Releases its First Unified Regulatory Agenda: The federal government’s regulatory agenda announcement includes current and anticipated regulatory actions. EPA’s agenda includes revisions to the Lead and Copper Rule with a proposed date of January 2018 and final rule proposed date of July 2019. Notably absent from the list is the perchlorate rule.

Florida Sinkhole Widens to 235 Feet (news).

EPA Offers Buyouts to 182 Workers in Chicago (news).
New EPA Attitude Could Help with Rural Water Regulatory Agenda: Several recent EPA actions demonstrate an increasing deference to state decisions on water quality standards under the Trump administration, part of what agency and state officials say is a shift to a more hands-off oversight approach if the agency believes a state’s environmental program is generally sound. Kenneth Wagner, senior adviser to EPA Administrator Scott Pruitt for regional and state affairs, said the agency would adopt a new “audit culture” approach that would avoid case-by-case reviews of state-issued permits or state-led enforcement actions if the agency generally believes a state’s environmental programs are working. In Arkansas on July 20, Pruitt informed top state officials that for the first time since 2008, EPA had approved pending state water quality standards and lists of impaired waterbodies. NRWA’s May 15, 2017, comments to EPA on Executive Order 13777, “Enforcing the Regulatory Reform Agenda,” included the following request: “The EPA should respect state crafted programs and the acceptable risk levels in those standards, especially when no contiguous state is challenging its neighboring state’s program.”

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NRWA’s Regional Water Solutions Initiative Pays off in Congress: The annual “Rural Water District Policy Conference” to advance regional rural water solutions has paid off with new Congressional legislation (more).

House Committee Approves NRWA-Supported Compromise SDWA Amendments Legislation: On July 13th, the House Environment Subcommittee, chaired by Representative John Shimkus (IL), advanced legislation that seeks to bring greater investment in the country’s aging drinking water infrastructure as well as facilitate compliance for our drinking water delivery systems (the Drinking Water System Improvement Act). The bill authorizes $8 billion over 5 years for the drinking water revolving loan fund program. NRWA supports subcommittee passage of the bill because it included numerous provisions favorable to small and rural communities (NRWA statement). To become law, the bill would still have to pass the full committee, the House of Representatives, the Senate and be signed (or vetoed) by the President.

House EPA and USDA Water Committee Pass Two Different Policies to Deal with the Controversy over Community Choice of Pipes (PVC versus Iron): This week, the House Appropriations Committee passed a bill to limit reviews of local community choices in projects designated under the USDA rural water initiative. Also this week, the House Environment Subcommittee passed a bill to require Governors to certify that public water systems “consider the costs and effectiveness of relevant processes, materials, techniques, and technologies for carrying out [DWSRF] projects.” The text of both provisions is available here.

Power of a (Kentucky) Association: Kentucky Rural Water Association was in contact last week with their friend and leader of the U.S. Senate, Mitch McConnell, about having the Senator urge the new EPA Administrator to use his authority to fix the EPA technical assistance funding problem by dedicating it to on-site technical assistance versus webinars (more).

EPA Administrator’s Religious Beliefs “Could” Shape Agency’s Direction: “EPA Administrator Scott Pruitt has attended Bible study in Washington with several other high-level administration officials. Pruitt’s pastor says his religious background as being incredibly strong. The Bible has a dual belief in [environmental] stewardship or dominion… Stewardship; God wants people to care for creation… Domination; God has given man control over God's creation… for example, hydraulic fracturing because you are using the resources of the earth to benefit people. There’s also this idea that if God is in control and has a divine plan for the planet, that there isn't really a need to act as a person because God has already preordained what will happen. And so, there were some people who were telling me that that is their concern, if Mr. Pruitt does believe that (E&E News).”

NRWA to Testify on State of Rural American’s Infrastructure on Wednesday: Thank you, Texas Rural Water Association member Brain Macmanus from East Rio Hondo Water Supply Corporation for representing all of rural America as NRWA’s witness at the hearing (U.S. House).

Federal Agency Charged to Prevent Cyber Attacks on Water Utilities Releases Update on How to Classify Data for Recovery Planning, the “Human Element in Cyber Attacks, and Water Systems’ Assessments (U.S. DHS).”

How Much is 130,000 Parts Per Trillion?: A recent probe into perfluorooctanoic acid (PFOA) levels in Hoosick Falls, NY, groundwater uncovered “shockingly” high levels of contamination of groundwater levels of up to 130,000 parts per trillion. The U.S. EPA recommends that PFOA
should be below 70 parts per trillion in drinking water. Furthermore, residents are infuriated by a recent study that shows no increased rate of cancer among residents (news).

The House Appropriations Committee's Interior Subcommittee Approved EPA's fiscal year 2018 Spending Bill on Wednesday (more): The subcommittee included $1,143,887,000 for the Clean Water State Revolving Fund and $863,233,000 was designated for the Drinking Water State Revolving Fund.

Florida Sinkhole Swallows 2 Houses and Prompts Evacuation ("Dramatic" video).

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Privatizing Your Drinking Water Utility: "A decision confronting many small and midsize cities with shrinking populations and chronic budget deficits: whether to sell the public water system to a for-profit corporation. The prospect of offloading these headaches to for-profit water companies — and fattening city budgets in the process — is enticing to elected officials who worry that rate hikes could cost them their jobs... But privatization will not magically relieve Americans of the financial burden of upgrading their water infrastructure. Water customers still foot the bill. And although there is no reliable data to compare the service or safety records of public and private utilities, studies show that in most cases, the tab rises when for-profit companies are involved... Even as more cities consider selling their water infrastructure, others are trying to wrest control of their systems back from private operators, usually because of complaints about poor service or rate hikes. Since private owners are rarely willing to surrender these lucrative investments, cities usually end up pursuing eminent domain in court. That means proving that city ownership is in the public’s interest and then paying a price determined by the court (Washington Post)."

Foreign Hackers Breach over a Dozen U.S. Power Plants: The U.S. Department of Homeland Security (DHS) and the Federal Bureau of Investigation (FBI) sent out a general warning about the cyberattack to utilities and related parties on June 28 with few details on the number of plants affected. U.S. officials claim the intruders could be positioning themselves to eventually disrupt the nation’s power supply. The alert issued to utilities cited activities by hackers since May. Hackers recently infiltrated an unidentified company that makes control systems for equipment used in the power industry, an attack that officials believe may be related (NYTimes).

Louisiana Chlorine Leak Impacts Four and Shelter in Place Warning Issued: A St. Gabriel (LA) industrial plant chlorine leak required four people to receive treatment and caused a shelter in place warning to be issued for a two-mile radius (more).

With More than Half of South Dakota in Drought, Many Rely on Aurora-Brule Rural Water (TV News).

How Much Lead is Acceptable at the Tap: EPA is attempting to determine a "health-based benchmark" which aims to predict the relationship between levels of lead in drinking water and blood lead levels (BLLs). EPA conducted an expert peer review of the alternative approaches in their proposal on June 27-28 (EPA). The agency’s 2015 National Drinking Water Advisory Council (NDWAC) recommendations urged EPA to establish a household action level based on the amount it would take for an infant to have a BLL greater than 5 micrograms per deciliter (μg/dL) based on a healthy infant’s consumption of infant formula made with water.

EPA Seeks Science Advisers for Water Issues: The EPA is accepting nominations for its main science advisory board and six science committees, including one for drinking water (EPA).

EPA’s New Guidance for Renewing Stormwater Permits: EPA recently released a three-part series of documents that assists municipalities with the various requirements of their National Pollutant Discharge Elimination system permits for stormwater. The series spells out the six minimum controls that cities, towns and counties should use to reduce stormwater flows, including measures to curb runoff from construction sites (EPA).

Water Documentary - Toxic Taps: Why Small California Communities Face Unsafe Water: There are about 300 communities in California whose drinking water violates health standards. Residents of rural, low-income communities in California’s Central Valley face some of the worst water quality problems as small and underfunded water systems struggle with contaminated groundwater (YouTube).
Philadelphia - the First City to Set Water Rates Based on Income: More than 40 percent of the city's water utility customers are delinquent in paying their water bills, amounting to about $242 million in uncollected revenue. The city will charge lower water rates for households with incomes at or below 150 percent of the federal poverty line (which is roughly $3,075 a month for a family of four). Participating households will pay between 2 percent and 4 percent of their monthly income which could mean bills as low as $12 a month (more).

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Congress Declares Support and Funding for USDA’s Rural Water Initiatives: Wednesday marked some initial success in one of the most important grassroots Congressional advocacy campaigns in NRWA’s history. The House of Representatives took the initial action on the USDA’s funding bill which included funding for all the USDA Rural Water initiatives proposed to be eliminated in the President’s Budget (more).

- Loans & grants were funded at $472,700,000 ($571,190,000 last year).
- Circuit Riders were funded at last year’s level ($16,897,000).
- Source Water Protection was funded at $6 million ($500,000 below last year).
- Wastewater Techs were funded at last year’s level ($20,000,000).

State rural water associations have been directly urging all representatives and senators to fund the initiatives since the President announced his budget on March 16th. Many state rural water delegations have come to Capitol Hill in the past weeks to press the message forward. Key senators and representatives – including the chairs of the USDA appropriations subcommittee – have also met with state associations back in their states and districts on these issues. NRWA has testified four times in the Congress since the beginning of the year on these issues. Numerous senators and representatives made statements and wrote letters in support of USDA’s water initiatives. A bipartisan group of House Members crafted a dear colleague in support of USDA that was sent to the House appropriations committee.

This continues to be an existential challenge for NRWA, and we remain vigilant in defense of the USDA water initiatives. The association exists precisely for this purpose – and only through the Power of An Association as defined here can success be achieved:

**The Power of an Association:** “Our grassroots network is our strength. By organizing together with a common agenda, we can accomplish what none of us could achieve on our own.” – former NRWA President Doug Anderton (GA), 2014

This initial House appropriations bill was crafted before Congress has agreed on a budget for this fiscal year. Congress will have to agree to some type of budget deal before the final appropriations bills are finalized and we are optimistic that a budget agreement will allow adequate final funding levels for rural water priorities.

Controversy over Community Choice of Pipes (PVC versus Iron) Comes to Congress: “Piping preference,” “open competition,” “forcing PVC pipe into specifications,” and other characterizations of open bidding issues have recently been discussed in state legislatures. The issue is now being considered in Congress as part of the deliberations regarding modifications to the Safe Drinking Water Act’s State Revolving Fund (DWSRF). We expect legislation to modify the DWSRF to be considered in the House of Representatives this summer.

NRWA has objected to any new provision that would usurp local community authority regarding the design of their water utility projects such as a new federal requirement for particular considerations in design or evaluation of water projects that could result in judicial review of local community decisions. A coalition of public interest organizations is urging Congress to support legislation to “require an open, competitive bidding process for materials that will be used in infrastructure projects.” On June 29th, NRWA co-signed a letter to Congress with numerous national water associations and engineering societies “to raise concerns over materials preference legislation that – under the guise of promoting ‘open competition’ – seeks
to legislate technical decisions related to pipes and other materials that should be made by licensed engineers and local communities.” One concept being discussed is to extend the current Clean Water State Revolving Fund provision to the DWSRF (33 U.S.C § 1382(b)(13)). We are being told that there have not been objections to this provision under the CWSRF.

We are very interested in your thoughts and comments on this proposal. Has this CWSRF provision been problematic for your members? If extended to the DWSRF, will it usurp or erode local community authority of design and evaluation for their water infrastructure projects? Thank you for your assistance, and we are also interested in hearing any of your associated stakeholders’ or colleagues’ comments on the issue as well.

Democracy Now Feature Criticizes New Trump Water Official, Dennis Lee Forsgren: The report claims Forsgren and the Trump Administration support removal of environmental safeguards, and they are undoing Obama’s environmental legacy by using “cloak and dagger” tactics, operating “fake” interest groups that lack “authenticity,” and attacking “social movements (Democracy Now).”

EPA Formally Rescinds EPA WOTUS Rule: Administrator Pruitt says action will provide certainty and return power to states (NYTimes).

NRWA Considering Filing Comments to EPA Urging New WOTUS Rule Similar to the State of Florida’s Comments (Florida).

Ten Republican Senators Want Congress to Stay in Session this August (news).

Naegleria Fowleri Detected in 2 Louisiana Water Systems: The state health department advised the public to run baths, shower taps and hoses for at least five minutes before entering the water to flush out the pipes – and asked the water systems to convert their disinfection method to free chlorine for 60 days to ensure that any remaining amoebas in the systems are eliminated (more).

Global "Petya" Ransomware Cyber Attack Causing Severe Problems for Critical Infrastructure: Ukraine's government, national bank, transportation services and largest power companies are bearing the brunt of what appears to be a massive ransomware outbreak that's fast spreading across the world and hitting a significant number of critical infrastructure providers. The Ukrainian government was forced to switch industrial sites to manual as they had to shut down all Windows computers (Forbes).

Chlorine in Pools React with Sunscreen to Create Toxic Disinfection By-Products (more).

Wall Street Journal Feature – “Rural Youth Chase Big-City Dreams, More rural high-school graduates see college not so much as a door to opportunity as a ticket out of Nowheresville,” (WSJ.com).

United Nations Finds Yemen Faces World's Worst Cholera Outbreak: WHO says more than 1,300 people have died and as many as 300,000 could become infected by the end of August (Al Jazeera).
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The Power of an Association Mid-year Review: At half-way through the year, NRWA’s leadership convenes two important sessions (NRWA’s Executive Committee’s upcoming July 8th meeting and last week’s NRWA Regulatory Committee online meeting) to assess the association’s federal policy agenda.

The NRWA Executive Committee will convene the weekend of July 8, and will review all of the associations’ ambitious agenda items including the federal funding priorities that are currently being considered in Congress. Each year, NRWA advocates for the following funding priorities in Congress with the U.S. Department of Agriculture (USDA) and the U.S. Environmental Protection Agency (EPA):

- USDA Circuit Rider Technical Assistance
- USDA Grassroots Source Water Protection
- USDA Wastewater Disposal Technical Assistance
- USDA Water & Waste Disposal Loans & Grants
- USDA Water & Waste Disposal Revolving Loan Funds
- EPA Technical Assistance and Training
- EPA Clean Water State Revolving Fund
- EPA Drinking Water State Revolving Fund

Next week will feature the first Congressional appropriations subcommittee markup of the annual appropriations bills that fund the rural water priorities – the House Agriculture Appropriations Subcommittee announced a Wednesday Markup (more).

In addition to numerous other agenda items, the Executive Committee will review the NRWA Campaign to Save USDA. On March 16, the President proposed to eliminate the U.S. Department of Agriculture’s (USDA) Water & Waste Disposal Loan & Grant Program, and NRWA is actively defending the program’s 72-year record of providing affordable funding to rural communities.

The NRWA Regulatory Committee convened an online meeting last week which included a review of NRWA policy activities for the first half of the year including the following accomplishments:

- Successfully persuaded the House Energy and Commerce Committee to increase the amount of DWSRF funding targeted to small and rural communities and limit additional federal regulatory programs to direct consolidation of small water utilities (House legislation and NRWA President’s committee testimony).
- Responded to President Trump’s request for identification of EPA rules to repeal before any new rule can be proposed. EPA published a notice in the April 13th Federal Register requesting public comments on regulations that may be appropriate for repeal, replacement, or modification (NRWA comments).
- Responded to 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.” NRWA’s response included a comprehensive package of reforms submitted to EPA (comments).
- Successfully petitioned (comments) EPA to delay the effective date of the proposed new Risk Management Plans’ Rule for an additional 20 months to consider significant changes to the previous Administration’s proposed rule (EPA announcement).
• Petitioned EPA (comments) for maximum flexibility under new EPA rule to require water utilities to distribute water samples taken by independent organizations (e.g. Girl Scouts).
• Urged the Senate to pass legislation to expand wastewater technical assistance under the CWSRF. Senate bill S. 518 was introduced by Senators Wicker (MS) and Heitkamp (ND) on March 2nd and passed the Senate Committee on Environment and Public Works on May 17th. Arkansas Rural Water Association’s Executive Director testified in favor of the bill on March 28 (video), urging the committee and the Senate to pass the bill as soon as possible to help small communities with operation of their wastewater utilities and compliance with all the federal regulations.

Other issues currently under review by the Regulatory Committee include proposals to: allow the DWSRF to fund only a portion of a water utility that would allow very large water utilities to receive the disadvantaged communities portion of the SRFs; include new requirements on the DWSRF to ensure consideration of low-cost bids; make non-profit, non-municipal wastewater utilities eligible for CWSRF funding; and comment to EPA on the content of a new Waters of the Untied States rule.

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The Power of an (Idaho) Association: At the new EPA Administrator’s first Congressional hearing on Thursday, Idaho Congressman Mike Simpson made EPA funding for rural water technical assistance a priority issue with the new administrator. Thank you, Idaho Rural Water Association for your advocacy. Only additional Congressional support will solve the EPA technical assistance problem. See video of the exchange between Simpson and Pruitt (YouTube).

Russia Has Cyberweapon that can Disrupt Water Supplies: New report finds the malware, dubbed CrashOverride, is just the second instance of malware specifically tailored to disrupt or destroy industrial control systems. Hackers allied with the Russian government have devised a cyberweapon that has the potential to be the most disruptive yet against systems that Americans depend on for daily life. Russian government hackers have shown their interest in targeting U.S. energy and other utility systems; the Sandworm cyber-espionage campaign is tied to the Russian government (news).

5 Charged With Involuntary Manslaughter in Flint Water Crisis: The director of the Michigan Department of Health and Human Services (HHS) was charged with involuntary manslaughter and misconduct in office, felonies that could lead to as much as 20 years in prison. Dr. Eden Wells, the chief medical executive for the department, was charged with obstruction of justice and lying to a peace officer and could face up to seven years if convicted. The Michigan Attorney General said they had failed to properly alert the public about increases in Legionnaires’ cases, allowing the problem to continue and withholding crucial information from residents who might have avoided the contaminated water had they known about it. Court documents claim the HHS director knew of the Legionnaires’ outbreak by late January 2015, but did not notify the public for another year. At one point, the documents allege, he said that “he can’t save everyone” and that “everyone has to die of something.”

Michigan has Allotted $87 Million to Replace Flint’s Tainted Water Pipes, but is It Necessary?: In a conversation last week with a senior federal government official who will be central to drafting the content of the revised Lead and Copper Rule, it was observed that a new federal requirement that drinking water systems remove and replace all existing lead service lines could cost $30-60 billion dollars nationwide. The official also observed that drinking water systems implementing adequate corrosion control treatment are very effective at reducing at-the-tap lead concentrations, and some communities with no lead service lines have positive tests for lead in their at-the-tap samples.

Congress Starts Appropriations Process: The House Appropriations Committee is beginning to mark up the fiscal year 2018 spending bills, while Republican leaders struggle to devise a budget resolution that would set an overall discretionary spending total for the panel to follow. The first appropriations bill for fiscal year 2018 was advanced last week when the Military Construction and Veterans Affairs Subcommittee passed their initial bill (House Appropriations Committee).
EPA Signals Significant Changes to Obama Risk Management Plans’ (RMP) Rule: EPA is suggesting it plans to make significant changes to an Obama-era facility safety rule, arguing in its announcement delaying the regulation for an additional 20 months that the rule is based on “policy preferences” that could vary between administrations. The agency also intends to raise concerns with the rule not cited in industry petitions (EPA).

U.S. House Could Pass Drinking Water State Revolving Fund Reauthorization by August: Representative John Shimkus (IL), chairman of the House Energy and Commerce’s Subcommittee on Environment, said last week that a bill reauthorizing the drinking water law could pass this summer and then be attached to any Senate-passed infrastructure bill to reach the president’s desk. NRWA President Steve Fletcher (IL) testified before Shimkus’ committee on March 19, detailing all rural water issues with SRFs (House Committee). The committee is expected to mark-up their bill this Wednesday.

North Dakota’s Senator Heitkamp Writes Rural Water Detailing Her Agenda to Save the USDA Water Programs (letter).

Rural Groups Ask Congress to Protect USDA Rural Development Post: Nearly 600 rural organizations from across the country wrote to Congress voicing their opposition to the Administration’s proposal to eliminate the Under Secretary for Rural Development and funding for rural development programs (news).

NC Newspaper Heading, "Dangerous Lead Levels Found in Water Systems across State": Paper reports that "more than 6,000 individual exceedances of lead and copper limits since 2005 and those are just the ones that the state knows about." Paper releases database of individual household sample results and conflates action level with public health level to alarm the public (news).

Congressional Republicans and Democrats Defend EPA Budget at Agency’s First House Hearing (more).

Rural Water Imbedded - Report from Inside the Beltway: Cover story of Sunday’s Washington Post states, “Rural divide: The political divide between rural and urban America is more cultural than it is economic, rooted in rural residents’ deep misgivings about the nation’s rapidly changing demographics, their sense that Christianity is under siege and their perception that the federal government caters most to the needs of people in big cities... While urban counties favored Hillary Clinton by 32 percentage points in the 2016 election, rural and small-town voters backed Trump by a 26-point margin, significantly wider than GOP nominee Mitt Romney’s 16 points four years earlier. The largest fissures between Americans living in large cities and those in less-dense areas are rooted in misgivings about the country’s changing demographics and resentment about perceived biases in federal assistance... Rural residents are nearly three times as likely (42 percent) as people in cities (16 percent) to say that immigrants are a burden on the country (Wash Post)."

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Senators Wicker (MS), Heitkamp (ND), Barrasso (WY), Duckworth (IL), Boozman (AR), and Enzi (WY) Finalize Letter to New EPA Administrator Urging a Fix for EPA Technical Assistance Initiative: The six senators completed a letter on Friday that urges the EPA Administrator to use his discretion to award technical assistance funding through authorities under the Grassroots Rural and Small Community Water Systems Assistance Act (PL 114-98). In December 2015, Congress unanimously passed and the president signed the Act which directs the EPA to provide on-site technical assistance in a manner that is most effective to small and rural communities. The letter states, “By following the authorities under the Act, we are hopeful on-site technical assistance can be reestablished in our states and ultimately make the program more effective and easier for the EPA to implement.”

U.S. Department of Justice (DOJ) Issues Memo Prohibiting Clean Water Act Citizen Suit Settlement Payments to Nongovernmental Entities that are not a Party to the Litigation: The DOJ June 7th memo was issued by Attorney General Jeff Sessions. The memorandum also raises significant questions about how the EPA will handle environmental settlements under the Trump Administration as well as how DOJ will approach settlements resolving citizen suits. DOJ intends to curtail the availability of Supplemental Environmental Projects (SEPs) and organizational community service projects involving payments to third parties. The new policy permits only payments to NGOs that “directly remed[y]… harm to the environment.”

Kentucky Rural Water Takes the Lead on Water System Regionalization Partnerships: According to the sponsors, “Partnerships are gaining ground as a useful option for struggling systems to improve their ability to protect public health through providing safe drinking water. As the states, Congress, the Administration, and civic leaders grapple with aging infrastructure and rising costs associated with maintaining the nation’s 53,000 community water systems, there is an increased call for more partnerships and consolidation of America’s highly fragmented water sector. The National Association of Water Companies (NAWC) and Gary Larimore, Executive Director, Kentucky Rural Water Association, will host a June 22, 2017 webinar on how the Federal and state governments worked closely with cities, local leaders and stakeholders to incentivize the consolidation of many of Kentucky’s water and wastewater systems (Registration).”

Food & Water Watch Urges Congress to Reject Any Plans to Privatize Water Infrastructure: “Americans lose when control of critical assets like our water and roads is given over to Big Banks and corporations. Rates increase while quality decreases and jobs are lost. Trump’s focus on private financing for infrastructure fails to adequately address the unique needs of rural communities, ultimately leaving them high and dry (Food and Water Watch, June 5th).”

Senate to Consider Legislation to Create New Rural Water System in Montana and North Dakota (U.S. Senate): This effort to expand U.S. Bureau of Reclamation rural water funded projects is occurring at the same time the Bureau is telling stakeholders they have no more funding for rural water projects (news).


Congressman Morgan Griffith (VA) Sends Persuasive Letter to Appropriations Committee Explaining the Need for USDA’s Rural Water Program (Rep. Griffith).
Vermont Rural Water Featured at Workshop for Protection of Current and Future Sources of Drinking Water (news).

The White House Thinks it can Sell DC Pre-Civil War, Original Drinking Water Supply Aqueduct for Over $100 million (Wash Post).

President Trump Wants “New Council” to Help Infrastructure Project Navigate the Bureaucratic Maze: At an announcement on Friday, the President announced a concept that would improve transparency by "creating a new online dashboard, allowing everyone to easily track major projects through every stage of the approval process."

Hard Times Come to Much of Rural America: Scarcity of capital for small businesses has accelerated the crisis described in "Rural America Is the New 'Inner City’" by the Wall Street Journal.

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EPA Administrator Scott Pruitt Becomes Focus of the World over Paris Climate Accord Withdrawal: On Friday, the Administrator led the White House press briefing (White House) and represented the Administration on Meet the Press on Sunday. In explaining the decision to withdraw, Administrator Pruitt said that the Paris agreement was a dumb deal because it did not hold India and China accountable and the deal cost the United States more domestically than other countries while not enforcing compliance for those countries.

NRWA Asks Renowned Doctor and Scientist to Serve on EPA Science Advisory Board (SAB): As a result of the new EPA Administrator's recent dismissal of half of the scientists on its advisory board (AP News), NRWA asked leading arsenic in drinking health effects scientist, Dr. Steve Lamm, about accepting NRWA's nomination to the EPA SAB. Unfortunately, Dr. Lamm responded that he was not interested in the appointment.

White House to Ramp up Infrastructure Effort in Coming Days: The White House will start to announce more details about the proposed $1 trillion infrastructure plan over the next week. “Next week, we’re going to announce a few very interesting things,” said Gary Cohn, Trump's National Economic Council director, during a press call on Friday. Privatization has been a central principle in White House’s plan. This week, the President is planning to provide remarks in the White House Rose Garden about his vision for separating air traffic control from the federal government. Cohn said the plan will have “enormous benefits for all citizens” because it will improve function, maintain safety, protect rural and general aviation interests, and cut down on delays. President Trump will also make two public speeches on other infrastructure priorities next week: one on inland waterways in Ohio on Wednesday and another on roads and rails at the Department of Transportation in D.C. on Friday. The infrastructure package, which will use $200 billion to leverage $1 trillion worth of overall investment through private sector involvement, is expected to address a wide range of transportation projects, including veterans hospitals, energy and broadband. See NRWA President Fletcher's comments regarding drinking water privatization before the House Energy and Commerce Committee on May 19, 2017 (President Fletcher testimony).

Harley-Davidson Paints Rural Water Tower in Ryder (ND): Harley is trying to introduce every willing Ryder resident to motorcycling – with the goal of making it the first town in America where everybody has a motorcycle license. Ryder is small, with only 85 residents. "We are all fired up to give it a whirl," said Mayor Jody Reinisch. One local farmer supporting the effort said only one person has opposed the company coming to Ryder and that person is “negative on everything." Some older residents don’t want a lot of partying and noisy motorcycles rumbling through town (news).

Rural Water District #14 (OK) Runs out of Water over the Holiday Weekend: “Customer says, we were without water until Tuesday morning… and my water bill last month was $96… and it is undrinkable and unusable. Manager says it was an ‘over usage problem’ from people visiting from out of town. Board President said an engineer was supposed to get the tower back on-line a month ago but was never heard from (newspaper)."

Cherryville Wins Best Tasting Drinking Water in North Carolina (Gaston Gazette)

Senate Dem Senators Criticize Trump's Proposed Cuts to Rural Programs: Democratic senators from rural states are criticizing President Donald Trump’s proposed budget, saying it would have “significant negative impacts” on rural America. Led by Michigan Senator Stabenow, 29 Democratic senators sent a letter to President Donald Trump on Tuesday. The
letter singled out the rural development cuts and the proposed elimination of an account that pays for rural water and wastewater infrastructure projects (U.S. News).

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“Clearly, He Intends to Prioritize Infrastructure,” says Republican Senator John Barrasso of Wyoming: On Tuesday, the President released his trillion dollar infrastructure bill (White House). In reaction, Senator Barrasso, the chairman of the Environment and Public Works Committee, said, “I plan to work with the administration, and the members of the committee, to move an infrastructure bill which addresses the needs of rural America, as well as the broader needs of the country.” In addition to eliminating all USDA rural development water funding, the President’s plan expands new funding or tax breaks to federal subsidies more targeted to private water companies including the lifting of the cap on Private Activity Bonds and funding of the Water Infrastructure Finance and Innovation Act program (WIFIA). This new focus on privatization of water utilities is occurring at the same time the private water industry and AWWA are pushing for new federal authority to compel small communities to consolidate (private water initiative).

“Nova: Poisoned Water” Premieres Wednesday on PBS: The hour-long documentary lays out the process of how water comes to flow through our taps, and it highlights the importance of understanding what we’re drinking, using the recent events in Michigan as a cautionary tale (PBS).

Alaska, New Mexico, Wyoming, Arkansas, Illinois, Mississippi, North Dakota and Delaware Rural Water Associations’ Effort to Fix EPA Funding: Senators Wicker (MS) and Heitkamp (ND) are sponsoring a Senate letter to the new EPA Administrator (letter), urging him to fix the technical assistance funding issue by directing all the fiscal year 2017 technical assistance funding through a new law (PL 114-98) that requires EPA to give priority to what small communities find is most beneficial. Senators who lead the EPA appropriations subcommittee (Murkowski and Udall) and the EPA authorizing committees (Barrasso, Carper, Boozman and Duckworth) are being urged to co-sign the letter by their state associations.

Water Hauling in Havana (The Guardian).

Paraguay’s Success in Expanding Rural Water Relies on a Model that Gives Responsibility to Local Boards Run by Volunteers (The Guardian).

EPA Takes Action to Postpone Costly Steam Electric Power Plant Effluent Guidelines Rule: The EPA Administrator signed a proposed rule to postpone compliance dates for the effluent limitations guidelines and standards for steam electric power plants (EPA).

Over 300,000 Cholera Cases Could Occur Over the Next Six Months in Yemen (Reuters).

Trump Calls for Cutting EPA Budget by 30%, Cutting 3,800 Jobs (Wash Post).

Thirty-Year Study Shows Urban Areas Becoming More Water Efficient and Most Rural Areas Becoming Less Efficient (Study).

Steve from Maryland Says Change to Waters of US Rule Can’t Come Soon Enough for this California Farmer Being Fined $2.8 Million for Plowing Field (MSN).

EPA Fines Pretty Prairie (KS), with only 300 Service Connections, for Not Having Enough Community Money to Afford Nitrate Removal Treatment (news).
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NRWA President Testifies in House of Representatives: Steve Fletcher, NRWA President from Illinois, explained what would be most helpful for rural and small communities in any new national infrastructure program. Fletcher also set the record straight for the House's drinking water committee on issues of small community consolidation, privatization, technical assistance, state revolving funds (SRF), etc. Other water groups urged the committee to steer more SRF funds to private water compliance, for the federal government to mandate consolidation of small communities, and they advanced private water as the solution to small community challenges (see video of President Fletcher's testimony or read his testimony).

NRWA Submits List of 18 EPA Rules to Repeal or Modify under President's New Initiative (see NRWA comments).

NRWA Supports Extending the Effective Date of EPA's Revised Risk Management Plans' Rule to allow it to Be Rewritten (see NRWA Comments).

Trump May 23 Budget to Include Infrastructure Plan to Rely on Asset Recycling: A White House source said the budget to be released on Tuesday will include $200 billion in federal funds over 10 years to spur investment in the nation’s infrastructure. The funds are to provide incentives for at least $800 billion of infrastructure investment by the private sector and state and local governments. One option likely to be part of the plan is asset recycling in which the federal government offers an incentive to encourage a state or municipality to lease a public asset to the private sector in return for an upfront payment that can be used for other projects that lack funding.

California Judge Strikes Down State's 10 PPB Chrom-6 Drinking Water Standard Because It Harms Low Income Communities (more).

Should SRF Funds be Eligible for Subsidies to support a “Portion” of a Water System: Nashville testified last week that it “supports amending the definition of ‘disadvantaged community’ to include portions of service areas. With this change, more in-need neighborhoods served by America’s largest water systems would become eligible for the same type of additional subsidization to support necessary drinking water infrastructure projects as is already available to many small cities and towns throughout the country (more).”

Philadelphia Adopts a New Rate Plan with Monthly Payment Plan for Households Near or Below the Poverty Line that is linked to How Much They Earn: The program will go into effect on July 1. It will be the country’s first water rate based on income. According to Philadelphia Water Department figures, some 86,000 household accounts – one in five in the city – have had water shut off at least once since April 2012. The income-based rates follow federal poverty guidelines. Philadelphia’s plan sets monthly water bills as a percent of income. A household making zero to 50 percent of the poverty line will pay two percent of monthly income for the water bill, which includes sewer and stormwater charges. A household between 51 percent and 100 percent of the poverty line will pay 2.5 percent of monthly income; a household between 101 percent and 150 percent will pay three percent. The minimum bill will be $12 per month (Philadelphia).

CDC Reports 32 Outbreaks of Cryptosporidium in Pools: Report found incidents doubled from the previous year (Wash Post).

Pittsburgh’s Compliance with the Federal Lead and Copper Rule Results in More Lead in the Water: “Partial replacement of lead water laterals is endangering the health of city
residents, especially children, and should be halted immediately,” said Allegheny County Controller (more).

British Plan to “Reverse Privatize” the Water Supply Could Save Consumers 25% on Water Rates (YouTube).

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Rural Water Policy Advisory [5/15/2017]

NRWA Asks for Maximum Flexibility Under New EPA Rule to Require Utilities to Distribute Water Sample Taken By Independent Organizations (e.g. Girl Scouts): The Water Infrastructure Improvements for the Nation (WIIN) Act, enacted on December 16, 2016, amended several parts of the Safe Drinking Water Act including requirements on how EPA will interact with public water systems upon developing or receiving data. The data includes sources other than a state or public water system that indicate one or more households served by a public water system have drinking water with lead concentrations that exceed the lead action level (NRWA May 12 comments).

Cyberattack Media Coverage: “Biggest Ransomware Attack Ever… 99 Counties… List of Organizations Hacked… It was a U.S. Government Cyber Weapon…”

NRWA to Appear Before House of Representatives Energy and Commerce Subcommittee on Friday to Testify on Safe Drinking Water Act Funding Bill (House of Reps).

Minnesota and Mississippi Rural Water Associations in “Positive” Discussion with Representatives Harper (MS) and McCollum (MN) About House Companion Bill for S. 518.

Mississippi, North Dakota, and Alaska Rural Water Associations Urging Senators to Contact New EPA Administrator to Tell Him to Fix EPA Technical Assistance Funding: Decision could come as soon as Wednesday. Other Senators may be encouraged to join the effort.

Over Half of Toilets Built under Indian Government Program Don’t Have Running Water which makes them Unusable (more).

EPA’s Local Government Advisory Committee Ask for Comments on How to Rewrite Waters of U.S. Rule: “How would you like to see the concepts of ‘relatively permanent’ and ‘continuous surface connection’ defined? How would you like to see the agencies interpret ‘consistent with Scalia’? What should the agencies consider in communicating the final rule to state, local and tribal governments to help them fully understand these regulatory changes and implementing them efficiently and most cost-effectively?”

White House Issues New Cybersecurity Plan on May 11 (White House): Section 2 states, “It is the policy of the executive branch to use its authorities and capabilities to support the cybersecurity risk management efforts of the owners and operators of the Nation's critical infrastructure... identify authorities and capabilities that agencies could employ to support the cybersecurity efforts of critical infrastructure... engage section 9 entities and solicit input as appropriate to evaluate whether and how the authorities and capabilities identified pursuant to subsection (b)(i) of this section might be employed to support cybersecurity risk management efforts and any obstacles to doing so...”

USDA Reorganization Plan to Change Rural Development: Agriculture Secretary Sonny Perdue is revamping the organizational structure of top USDA posts, creating two new undersecretary positions and eliminating the undersecretary for rural development (USDA Report detailing the changes). Johnathan Hladik, with the Center for Rural Affairs, says the new plan would water down the programs aimed at spurring economic growth in rural areas. “We think this is a way to cut funding for this program,” Hladik says, “cut expertise for this program and marginalize this program, above all.” In an initial budget outline, the Trump White House proposed a 21 percent cut to USDA’s discretionary funding. While the organizational changes do not necessarily preview budget changes, rural advocates are worried. “We think when you begin to diminish the specialties within rural development, when you begin to streamline it in a way that just cuts staff members,
cuts dollars and makes it more efficient, you lose the ability to really respond to what is happening on the ground,” Hladik says. Perdue, however, said the organizational change will allow him to take personal ownership of rural programs and that they would “maintain the same structure and still have the same workforce out here in the states and at the USDA.”

In India, Fluorosis from Drinking Water Leaves People Crippled (Local News).

EPA Lets 12 Scientists on Advisory Board Go and Two EPA Science Panelists Resign in Protest (more).

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Final Congressional Budget Agreement Funds All Rural Water Priorities and Increases Rural Development Water Loans and Grants (for fiscal year 2017): On Friday, the President signed the $1.07 billion omnibus spending bill approved by the House and Senate earlier this week. The bill, which will fund the government through September, includes full funding for all rural water technical assistance initiatives including Circuit Riders, Wastewater Technicians, Sourcewater Specialists, and EPA technical assistance. The bill also includes funding for both the USDA and EPA water infrastructure funding initiatives – over $570 million for USDA’s “Rural Utilities Service” rural development water grant and loan initiative. NRWA has been conducting a year-long grassroots campaign in Congress to have this funding increased – and continues the current campaign to persuade Congress to reject the proposed elimination of the initiative in the coming fiscal year.

“We are thankful for the strong support of Congress for this vital public health, environmental and economic development initiative that was demonstrated in the final Congressional budget agreement. Rural and small communities must continue to support their rural water associations that allow us to be heard in Congress on critical issues like funding for USDA rural water infrastructure,” said NRWA President Steve Fletcher, General Manager of the Washington Country Water Company in Nashville (IL).

- USDA Water & Waste Disposal Program: $571,190,000 ($522,365,000 last year)
- EPA Clean Water State Revolving Fund: $1,393,887,000 (level funding from last year)
- EPA Drinking Water State Revolving Fund: $863,233,000 (level funding from last year)

The Power of An Association: Everything NRWA accomplishes, from securing many millions of dollars in technical assistance funding, reducing the regulatory burden from the federal rules, or successfully petitioning Congress for billions of dollars in water infrastructure grants each year, only happens because of your grassroots involvement. Our grassroots network is our greatest strength. And only by all of us acting together can we manifest that strength. By organizing together with a common agenda, we can accomplish what none of us could achieve on our own.

Special Thanks to North Dakota Rural Water: Two weeks ago, North Dakota Rural Water met with their Senator, John Hoeven, who is Chairman of the Senate Appropriations Subcommittee in charge of all USDA funding including all water funding that was proposed for cuts in the Administration’s budget. The Senator told the rural water delegation that he expects USDA funding to remain consistent for the next fiscal year (2018).

Press Release from Senate Chairman Focuses on Rural Water: The following is an excerpt from Senator Hoeven’s press release following the passage of the Omnibus spending bill:

(05.02.17) HOEVEN - FY17 FUNDING AGREEMENT SUPPORTS AGRICULTURE, RURAL COMMUNITIES: As Chairman of the Agriculture, Rural Development and Food and Drug Administration Appropriations Committee, Senator Hoeven Worked to Support Producers, Ag Research, and Rural Communities.

WASHINGTON – Senator John Hoeven, chairman of the Senate Agriculture, Rural Development and Food and Drug Administration Appropriations Committee, today announced that the Fiscal Year 2017 funding agreement provides strong support for North Dakota’s and the nation’s farmers, ranchers and rural communities.
“As chairman of the Senate Agriculture Appropriations Committee, I worked to ensure that our farmers and ranchers have the support they need given the challenges facing farm country due to low commodity prices,” said Hoeven. “This funding legislation supports our producers, provides strong funding for agriculture research and invests in our rural communities.”

Rural Water Circuit Rider – Provides nearly $16.9 million to provide technical expertise and training to rural communities through state-based nonprofit organizations through the Rural Circuit Rider program, which is one of USDA’s most successful public-private partnerships.

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Congress Averts Government Shutdown with Week-long Continuing Resolution: House leaders plan to release a bill as early as Sunday night (April 30th).

Georgia, Mississippi, and Louisiana Work Capitol Last Week: Representatives from the three state rural water associations provided briefings to their Congressional delegations, mainly on the urgency for Congress to restore the proposed elimination of the USDA water initiatives. All three state rural water associations reported positive responses from their delegation for restoring the cuts in the Congressional appropriations process that will continue this summer and into the fall.

Louisiana Rural Water Association (LRWA) Urges Congress to Open-up Clean Water State Revolving Fund to Non-profit Wastewater District: Many rural water wastewater utilities are not technically organized as "municipalities," thereby limiting their access to state Clean Water Funds. On April 26th, LRWA briefed Congressman Graves (LA), chairman of the Clean Water Act Subcommittee in the House of Representatives on merits of the change and asked for his support.

EPA May 2, Listening Session on Water Regulations that Could Be Repealed, Replaced or Modified: The telephone and web conference will be held May 2. NRWA will be attending the event. NRWA participated in a similar event with local government organizations on April 26th at EPA headquarters. The new EPA political team for intergovernmental affairs gave the presentation. They are sincerely asking for a wide range of EPA policies that affect local government for reform, repeal, and modification. Proposals must be submitted by May 15. The EPA Task Force team plans to review all the proposals and assemble them for further action by the end of the month. NRWA is focusing on approximately 19 specific requests for EPA policies to be repealed, replaced or modified listed below. The NRWA Regulatory Committee convened by conference call on Friday and gave tentative approval to the recommendations to EPA and will convene again next week to decide on final approval of the NRWA EPA reform package:

1. Tier 2 public notices eligibility for e-reporting
2. Mandatory health effects information
3. Arsenic Rule review
4. Positive regulatory determination for strontium
5. Public notice requirements for detects of unregulated contaminants
6. Small system variance technology affordability
7. Enforcement Response Policy
8. Total organic carbon percentage removal
9. Point of use technology availability
10. Unreasonable risk level
11. Safety factors used in regulatory determinations
12. Bi-Lateral compliance agreements
13. Simultaneous compliance
14. Reliance on in-home tap sampling results for Lead and Copper Rule from compliance
15. “Feasibility” parity for small and large public water systems
16. Clarity on limits, purpose, and authorities in federal regulations
17. Watershed trading authorities
18. TMDLs effect on NPDES permits
19. Air regulations on emergency generators

Journal Study Finds Sewer Workers operating near a Hospital that Treated Ebola Patients May be at Risk of Contracting the Virus: During the 2014 to 2016 Ebola outbreak, 11 individuals had been treated in the U.S. (Water Environment Research).
EPA Administrator Scott Pruitt said EPA Should Have Responded Faster to Lead Contamination in Flint (MI): On Earth Day, Pruitt said the Obama Administration EPA should have used its emergency authority under Section 1431 of the Safe Drinking Water Act to intervene in Flint (EPA).

EPA Administrator Scott Pruitt says the Trump Infrastructure Plan May Include Funding for Water Projects during his Earth Day Speech (EPA).

Bipartisan Senate Bill Would Reform Federal Rulemaking: The “Regulatory Accountability Act” would amend the 1946 Administrative Procedure Act by requiring federal agencies to conduct cost-benefit analyses. The proposal would also trigger an automatic review process for major regulations, allow hearings on the most significant federal actions and require agencies to inform the public before they plan to begin working on a new rule (Senator Portman).

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Appropriations Deadline Looms: Congress returns this week and lawmakers will be racing to complete a spending package for the rest of the current fiscal year by April 29. The President's Office of Management and Budget (OMB) Director Mick Mulvaney says he believes the Trump Administration and Republican leaders in Congress will be able to avert a government shutdown even as the Administration says it will insist on money to build a wall on the Mexico border (news).

NRWA to Respond to Trump Request for EPA Rules to Repeal: EPA published a notice in the April 13th Federal Register requesting public comments on regulations that may be appropriate for repeal, replacement, or modification. This request follows President Trump’s February 24th Executive Order that, among other things, requires federal agencies to establish a Regulatory Reform Task Force (“Task Force”) to make recommendations targeting specific federal regulations for elimination or modification. The NRWA Regulatory Committee plans to review a package of EPA rules in need of reform on Friday.

Trump’s Infrastructure Plan to Rely on Private Sector: OMB Director Mulvaney said Thursday that the Administration’s plan will spend approximately $200 billion in taxpayer dollars on an infrastructure development plan that would leverage private financing for a total investment of $1 trillion over 10 years. The budget director said the plan won’t be ready until this fall and that there might be a “5-to-1 sort of leverage ratio (news).”

The Power of An Association Comes to North Dakota: Last week, North Dakota Rural Water met with their Senator John Hoeven, Chairman of the Senate Appropriations Subcommittee in charge of all USDA funding including all water funding that was proposed for cuts in the Administration’s budget. The Senator told the rural water delegation that he expects USDA funding to remain consistent for the next fiscal year (2018).

Vermont Department of Natural Resources Tells VT Senators: “Rural Water is an invaluable resource to the state; no other group fills this vital need in Vermont (letter).”

Utah’s Water Quality Board Selects Utah Rural Water’s Dale Pierson for Prestigious Sudweeks Water Award for Outstanding Leadership and Achievement in Water Quality (award).

Wyoming Senator Barrasso Attends Rural Water Conference and Tweets About It (Twitter).

Cyber-Seriousness: Three major U.S. cities struggled to power vital transport infrastructure on Friday. New York’s subway B line lost power for roughly five hours and power outages in Los Angeles and San Francisco occurred at the same time, but officials have yet to determine if the concurring disturbances were related. Power companies in all three regions have yet to elaborate on the cause, though a fire at a substation was the original reason given by San Francisco officials (news). Department of Homeland Security Secretary and retired General John Kelly said last week that hackers are "a tremendous danger to our American way of life" yesterday in his first public speech as secretary. "They target our critical infrastructure," he warned. "Systems throughout America are being bombarded on a daily, even hourly basis — our water treatment plants, our transportation systems, our electric grid, our financial sectors and everything in between." The Secretary asked audience members to think about "what would happen if a major American city lost power," navigation systems went dead or the stock market crashed under pressure from a sophisticated cyberattack.
Idaho Researchers Trace Nitrate Drinking Water Contamination to Septic Systems rather than Agriculture (more): Also detected were personal care products that would originate from a septic system including DEET, codeine, ibuprofen, fluoxetine, sucralose, carbamazepine, sulfadimethoxine, sulfamethoxazole, and disphenhydramine (study).

Trump’s Pick for OMB Regulation Czar has Environmentalists Worried (Wash Post).

Nearly 18,000 Households in Detroit are at Risk for Water Shutoffs (newspaper).

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Illinois Rural Water Association (IRWA) in Discussions with Senator Tammy Duckworth on a Potential U.S. Senate Dear Colleague Campaign to Support USDA Rural Water Funding: IRWA was in DC last week and met with aides to Senator Duckworth about sponsoring a Dear Colleague letter similar to the letter recently finalized in the U.S. House of Representatives. Senator Duckworth is the ranking Senator on the Senate Fisheries, Water, and Wildlife Subcommittee which has jurisdiction over the Safe Drinking Water Act. If your Republican Senator is interested in cosponsoring such a letter, please contact us.

Wisconsin Rural Water Association Featured in News Report on USDA Funding Cuts that Includes Interviews with both Wisconsin Senators on the Issue (news).

President Reiterates, “I'm Committed to Funding a Massive Nationwide Infrastructure Program” on Thursday: The White House has not released details of any plan. Media reports the President’s plan is expected to emphasize cost-saving deregulation and public-private partnerships and tolls rather than deficit spending (CNBC).

Kansas Rural Water Association Analysis Demonstrates Why USDA Funding Works for Rural America and the Limitations of Public-Private Partnerships in Funding Rural Water Projects (KRWA Financial Analysis).

Utah, Idaho, Alaska, Oklahoma, and West Virginia Rural Water Press for Fix to EPA Technical Assistance Funding: Congress is finalizing the federal spending bills for fiscal year 2017 to avoid a government shutdown by April 28. Reports from Congressional sources close to the negotiations report that the EPA budget may simply extend the previously passed fiscal year 2016 budget (i.e. a long-term continuing resolution). The rural water associations are all urging their Members of Congress on the appropriations committee to fix the current EPA technical funding problem in any continuing resolution by making EPA fund a recently passed technical assistance law (PL 114-98).

South Dakota Water Customer "Poaching" Case Shows Strength and Necessity of 1926(b): A federal judge has ruled that Watertown (SD) violated federal law by encroaching on the service area of the Sioux Rural Water System. The city argued that state law gave it a right of first refusal to provide service to customers within three miles of its limits – and that the rural water system does not have adequate water supplies or pressure to provide fire protection (news).

EPA to Use 2 Rulemakings to Repeal and Replace WOTUS: An EPA representative said this last week at an Association of State Wetland Managers meeting. The agency plans to first rescind the Obama administration’s contentious regulation and then work on a new definition for waters of the United States. In repealing WOTUS, the agency would revert to a 1986 definition and would also rely on 2008 guidance from the George W. Bush administration about how to apply that definition.

EPA Asks for Comments on Regulatory Reform: On April 13, EPA published a Federal Register Notice asking for comments on “Enforcing the Regulatory Reform Agenda” under President Trump’s Executive Order (EO) 13777 (EPA announcement). 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.” Comments are due by May 15, 2017. NRWA’s Regulatory Committee will be considering a comprehensive package to submit to EPA on April 29, and the Committee
recently sent the EPA a statement recommending two regulatory reform proposals for consideration under the President’s Executive Order (NRWA).

White House Memo Encourages Early Retirements from EPA (White House).

EPA Employees Organize to Lobby Congress against Proposed Budget Cuts (NPR audio).

White House Names Neomi Rao to Head Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB): OIRA oversees the implementation of government-wide policies and reviews draft regulations.

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Rural Water Policy Advisory [4/10/2017]

Senate Committee Passes Rural Water Clean Water Technical Assistance Bill, S. 518 (U.S. Senate).

Congress on Spring Break for Two Weeks: When they return, they’ll have just five days to pass a new set of spending bills before an April 28th deadline, when existing government funding runs out. They hope to pass a bill that will fill out funding for the remainder of the fiscal year, which runs through September 30, or at the very least pass another short-term spending bill, known as a continuing resolution, to keep the government running at current funding levels.

Final Cosigners of Congressional Rural Water USDA Support Letter: Representatives Hanabusa (HA) and Katko’s (NY) rural water Dear Colleague letter was finalized last week. Cosigners include: Representatives DelBene (WA), O’Halloran (AZ), Tonko (NY), McKinley (WV), Loebsack (IA), Keating (MA), Welch (VT), Walz (MN), Hastings (FL), Heck (WA), Cleaver (MO), Kildee (MI), Speier (CA), Kihuen (NV), Soto (FL), Collins (NY), Larsen (CT), Maloney (NY), Tenney (NY), Bordallo (GU), Peterson (MN), Moulton (MA), Tsongas (MA), Kennedy (MA), Faso (NY), Ellison (MN), Sheaporter (NH), Bobby Scott (VA), McGovern (MA), Neal (MA), Gottheimer (NJ), Plaskett (VI), Vela (TX), Kelly (PA), Dingell (MI), Garamendi (CA), Lujan Grisham (NM), Clyburn (SC), Hartzler (MO), Kind (WI), Kuster (NH), Bustos (IL), Blumenauer (OR), Gabbard (HA), Rochester (DE), Lawrence (MI), Crawford (AR), Raskin (MD), Kilili Camacho Sablan (MP), Richmond (LA), Cramer (ND), Graves (MO), Chaffetz (UT), DeSaulnier (CA), Rouzer (NC), Adams (NC), Jones (NC), Butterfield (NC), Sewell (AL), and Cheney (WY).

NRWA Regulatory Committee Activity: To enhance communication and advocacy, the committee’s new chairman, Paul Fulgham (UT), has scheduled a monthly conference call for the committee. The first conference call was held on March 28th. During the deliberations, the committee adopted the following six motions:

1. Draft statement to EPA clarifying NRWA’s LCR position that compliance monitoring for the LCR should be taken with the distribution system (within the portion of the delivery system that is owned by the water utility, not within privately owned plumbing) – and that NRWA support in-home tap sampling; however, that should not be used for LCR compliance.
2. Approve draft letter to EPA nominating two drinking water regulations for reform under the “Presidential Executive Order on Reducing Regulation and Controlling Regulatory Costs.”
3. Draft letter to EPA and Congress urging regulatory reform on all existing NRWA policy recommendations within the Safe Drinking Water Act (SDWA) and Clean Water Act including a new process for determining affordability/variances and identification of unreasonable risk to health levels.
4. Submit comments for NRWA Risk Management Plans under EPA’s new open rulemaking comment period and include new emphasis on limiting chlorine gas threshold to not less than 800 pounds.
5. Craft letter to EPA urging the Agency to interpret the Clean Water Act State Revolving Fund to allow for eligibility of non-profit, member-owned (special districts) wastewater utilities.
6. Craft letter to EPA urging the Agency to reverse their Unregulated Contaminant Monitoring Rules (UCMRs) policy that changed public notification requirements under UCMR to apply to “detects” versus “risk levels” as had been defined in previous rules.

President Wants Two Billionaire Developers to Lead Infrastructure Plans: In a recent interview with the New York Times, the President said he wants Richard LeFrak and Steven Roth to lead a commission that will make decisions on infrastructure projects (NYTimes). The
President said he plans to attach it to either a tax reform bill or a second try at a health care bill in an effort to make those bills easier to pass.

USGS Finds Neonicotinoids in Treated Drinking Water for the First Time in Iowa (news).

Supreme Will Not Delay Litigation on Waters of the U.S. Rule While Trump EPA Rewrites the Rule (news).

Flint’s Congressman Introduces Legislation to Lower EPA Lead Action Level to 5PPB: On Thursday, Congressman Dan Kildee (MI) introduced comprehensive legislation that would require an update to the Lead and Copper Rule (LCR) within nine months, including lowering the action level of lead permitted in drinking water from its current level of 15 parts per billion (ppb) to 10 ppb by 2020, and to 5 ppb by 2026 (Rep. Kildee).

Trailer Park Wins Best Water in Nebraska: Lexington trailer park wins best tasting water award – declared the best tasting in Nebraska at an annual conference of the Nebraska Rural Water Association (news).

"At Trump's EPA, Going to Work Can Be an Act of Defiance": “It is very hard to be here right now,” said a senior EPA official who has been with the agency for 30 years. Even Bill Ruckelshaus, who was appointed by Richard Nixon to be the first EPA chief and then recruited by Ronald Reagan to restore it when the public grew angry that clean air and water were slipping away on Reagan’s watch, said he had never seen anything like the tumult the agency faced now. EPA employees have been heartened by the cookies some well-wishers have sent, including individual notes written by scores of Americans appreciative of their work and unhappy to see them under siege (LA Times)."

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Rural Water Policy Advisory [4/2/2017]

Power of an Association in the U.S. Senate: Arkansas Rural Water’s Dennis Sternberg tells Congress small and rural communities rely on USDA water funding and it can’t be replaced (Senate Hearing video, see Sternberg and Senator Duckworth exchange at 55:40).

Rural Water House of Representatives’ Support Letter Final Hours: Representatives Hanabusa (HA) and Katko’s (NY) rural water Dear Colleague letter will be open for additional cosigners until Tuesday. Current cosigners include: Representatives DelBene (WA), O’Halleran (AZ), Tonko (NY), McKinley (WV), Loeb (IA), Keating (MA), Welch (VT), Walz (MN), Hastings (FL), Heck (WA), Cleaver (MO), Kildee (MI), Speier (CA), Kihuen (NV), Soto (FL), Collins (NY), Larsen (CT), Maloney (NY), Tenney (NY), Bordallo (GU), Peterson (MN), Moulton (MA), Tsongas (MA), Kennedy (MA), Faso (NY), Ellison (MN), Shea Porter (NH), Bobby Scott (VA), McGovern (MA), Neal (MA), Gottheimer (NJ), Plaskett (VI), Vela (TX), Kelly (PA), Dingell (MI), Garamendi (CA), Lujan Grisham (NM), Clyburn (SC), Hartzler (MO), Kind (WI), Kuster (NH), Bustos (IL), Blumenauer (OR), and Gabbard (HA). New York and Mass. Rural Water are in the lead with six cosigners from each of their states.

NRWA Petitions EPA to Repeal Two Drinking Water Rules under President’s New Executive Order (NRWA, March 27).

Kansas Rural Water Association Held their Annual Conference Last Week and Netted $8,795 for WaterPac.

U.S. and Michigan Taxpayers Pay to Remove Flint Residents’ Lead Lines – Flint Citizens Claim Victory: Under the settlement reached last week, the lead lines will be replaced at no cost to residents. About $47 million for the project will come directly out of state coffers, and $50 million will come from federal coffers. However, one resident-plaintiff continues to believe it is city policy that is at issue, saying “[we] forced a city to change out its pipes… We hope that our fight and our battle is a great example for other cities and states that are facing these same problems. When the government fails to uphold democracy and protect our rights to clean water, we have to stand up and fight.” The Natural Resources Defense Council said that in 2015, 18 million people in the United States got their water from systems that received federal lead violations that year (Truth Out).

NPR Goes to Rural Kansas Water Project to Find that “Rural Trump Voters Embrace The Sacrifices That Come With Support”: “Some of President Trump’s proposed spending cuts would cripple programs that benefit communities full of his rural supporters, but at least in Strong City, Kansas, some say they are ready ‘to bleed a little bit.’ Trump’s proposed budget aims at killing the program that threw a lifeline to the town’s water system (NPR).”

NRWA Regulatory Committee Member Cautions Against EPA’s New Strategic Initiative on Public Notification of Lead Monitoring Results from Independent Entities that Trigger such Utility Public Notification: Maryland Rural Water Association's George Hanson participated in a recent EPA forum on new requirements mandating that “once the EPA receives data indicating that a household has drinking water levels that exceed EPA’s Lead Action Level (0.015 mg/L), public water systems must notify and provide information to homes and communities under EPA’s Draft Strategic Plan. These notifications are in addition to those currently required under the Lead and Copper Rule.” Hanson commented, “So anyone can create a test that anyone can submit to EPA and that triggers the utility into mandatory notification of, at least, the house where the sample was taken. Just start imagining scenarios where this could get out of control.”
Global Water Perspective:

- **Drought in Somalia, South Sudan, Nigeria and Yemen:** "Then the water in the village well began to disappear, turning cloudy, then red, then slime-green, but the villagers kept drinking it. That was all they had. Now on a hot, flat, stony plateau outside Baidoa, thousands of people pack into destitute camps, many clutching their stomachs, some defecating in the open, others already dead from a cholera epidemic (NY Times)."

- **PBS reports Bangladesh's leather industry exposes workers and children to toxic hazards.** Every day, 21,000 cubic meters of untreated tannery wastewater is dumped into the Buriganga River that runs through Dhaka, one of the world’s most densely populated cities (PBS video).

- **Columbia:** Over 200 dead after rivers overflow, toppling homes. Heavy rains sent floodwaters, mud and debris surging through homes in the city around midnight Friday. That left the streets covered Saturday morning in thick sand, mud and tree limbs from the rivers and forest that surround the community. There was little drinking water and no power which forced authorities to suspend the search and rescue effort during the night (TV news).

- As an alternative to a massive regionalization scheme, the **Portuguese** president has approved a new water taxation measure designed to subsidize water and wastewater in rural areas. Proceeds will be ringfenced “to compensate the higher costs incurred by multi-municipal water systems in areas of low population density (news).”

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**National Rural Water Association**

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NRWA Campaign to Save USDA - Week One: On March 16, the President proposed to eliminate the U.S. Department of Agriculture’s (USDA) Water & Waste Disposal Loan & Grant Program. Immediately following the President’s budget proposal, NRWA’s Power of an Association Campaign to Restore Rural Water Funding in Congress began. Updates from week one:

- U.S. Representatives Hanabusa (HI) and Katko (NY) circulated a letter in the House to fund USDA (letter). This will be the main manifestation of Congressional support for USDA.

- North Dakota Rural Water immediately contacted their Senators in support of USDA (letter). North Dakota Senator John Hoeven chairs the subcommittee in charge of funding all USDA initiatives. The Bismarck Tribune newspaper featured the issue in a weekend report (newspaper); see excerpts from the article:

  "Republican Sen. John Hoeven said he was glad to see more military and veterans affairs spending, but wants to make significant changes to the USDA budget.”

  “Eric Volk, executive director of the North Dakota Rural Water Systems Association, considers the funds vital…. ‘Many of these communities in the backlog simply cannot afford private sector financing at the present terms and rates and will not be able to expand/upgrade for business expansion, housing, new users, etc.,’ Volk said in an email.”

- Many state rural water associations initiated grassroots campaigns.

- The President’s USDA Secretary-designee walked back proposed cuts. On Thursday, former Georgia Gov. Sonny Perdue said he had no role in the Trump administration's proposal to cut agriculture programs by more than a fifth in the next fiscal year. "I had no input in the budget," Perdue said at his confirmation hearing in the Senate. Perdue testified that he would speak up for farm and rural priorities, adding that he believes President Trump understands many of his supporters are from small towns and farm country.

- Associated Press asks Vermont Rural Water Association (AP News) for comment and the Albuquerque Journal spends the day with New Mexico Rural Water Association to report on impact (news).

NRWA Before Senate on Tuesday: The U.S. Senate Subcommittee on Fisheries, Water, and Wildlife has invited Arkansas Rural Water Association’s Executive Director, Dennis Sternberg, to testify on March 28 regarding S. 518, The Small and Rural Community Clean Water Technical Assistance Act. Sternberg is expected to testify that small and rural communities in all states strongly support S. 518 and urge the committee and the Senate to pass it as soon as possible to help small communities with operation of their wastewater utilities and compliance with all the federal regulations under the Clean Water Act.

NRWA Regulatory Committee Approves Action to Work with President Trump on Regulatory Reform: On Friday, the NRWA Regulatory Committee approved two regulatory reform recommendations to send to new EPA Administrator regarding the President’s January 30, 2017, “Presidential Executive Order on Reducing Regulation and Controlling Regulatory Costs.” Here is more information on the two recommendations:
President's Budget Eliminates Rural Water: On March 16, the President released his “America First” Budget (text). Page 12 includes the proposal for Congress to eliminate the U.S. Department of Agriculture’s (USDA) Water & Waste Disposal Loan & Grant Program:

“The President’s 2018 Budget: Eliminates the duplicative Water and Wastewater loan and grant program, a savings of $498 million from the 2017 annualized CR level. Rural communities can be served by private sector financing or other Federal investments in rural water infrastructure, such as the EPA’s State Revolving Funds.”

Power of Association Campaign to Restore Rural Water Funding in Congress: Immediately after the release of the President’s Budget, NRWA initiated a campaign to persuade Congress to retain the (USDA) Water & Waste Disposal Loan & Grant Program. Any elimination of the Water & Waste Disposal Loan & Grant program would have to be approved by Congress in the USDA's fiscal year 2018 appropriations bill. The USDA rural water infrastructure funding initiative has been the historical solution for small and rural water infrastructure needs and is largely responsible for the success of delivering water and sanitation to almost every corner of rural America. While we strongly support robust funding for the state revolving funds, the SRFs (or WIFIA) can’t replace the USDA water infrastructure initiative. State associations will be implementing the campaign to persuade Congress to retain the USDA funding initiative over the coming months.

President's Budget Cuts Fallout:
- “EPA is targeted for some of Trump’s most brutal cuts,” (LA Times).
- (Congressional) Agriculture leaders slam Trump's USDA budget cut proposal (Reuters).
- Environmentalists: President's Budget Cuts to USDA Put Rural Water at Risk (NRDC).
- “President Trump’s first budget outline drew resistance on Thursday from his fellow Republicans in Congress as many balked at proposed deep cuts... foreshadowing an intense battle between Congress and the White House over spending in coming months (Reuters).

House Water Infrastructure Hearing Highlights: The House Health and Environment Subcommittee held a hearing this week on drinking water infrastructure (more).
- West Virginia Congressman McKinley asked how to make the SRFs work better for rural water utilities. Large community representative answered that SRFs are primarily focused on rural and small communities (video).
- Natural Resources Defense Council came to the defense of rural water over the proposed funding cuts. Congressman said, ”Rural communities are going to get duped.” (video).
- A private water industry representative recommended more requirements before SRF awards, more consolidation, and more liability protections for private water companies (video).

Federal Officials Warn Rural Water Systems of Cyber Threats (Water Online).

Michigan Governor Announces Plan to Lower Lead Action Level to 10PPB: “By implementing these smarter standards, Michigan communities can better safeguard residents from lead and our residents can be assured that they have access to safe, clean drinking water.” The announcement did not explain why 10 versus 9 or 5PPB was selected (more).

Rural Water Continues to be the Leader in Emergency Response of Water Utilities Impacted by Natural Disasters (Florida Rural Water Association, March 17, Report): “In 2016,
Florida was impacted by two hurricanes. For the Florida Rural Water Association, this meant all of our emergency response equipment (22 larger generators/pumps, 12 smaller generators/VFD units and other equipment) were deployed to assist drinking water and wastewater utilities twice in just a few weeks’ time.”

EPA Delays Effective Date of New Risk Management Plan Rule until June 19th: On March 13th, the new EPA Administrator Scott Pruitt announced his decision to reconsider the Obama administration’s final rule overhauling the agency’s facility accident prevention program (EPA notice). EPA is planning to release a future notice of proposed rulemaking to allow public comment on reconsideration of the rule. The rule requires certain facilities, including many small water utilities, to conduct independent audits, weigh safer technologies, and disclose data to local officials and the public. In 2016, NRWA urged EPA to withdraw the rule because “it expands and increases the regulatory burden on local governments,” (NRWA Comments).

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Rural Water Policy Advisory [3/12/2017]

Special Video Edition

NRWA President Steve Fletcher (IL RWA) Testifies Before House of Representative Committee to Promote USDA Water Initiatives (video).


Private Water is the Solution to Rural Communities' Water Challenges, says Private Utility Representative in Separate House of Representatives Hearing (video).

Economist Tells Congress Private Water and Tax-breaks to Private Equity are Not the Solution to Municipal Water Challenges (video).

White House Press Secretary Responds to EPA Administrator’s Comments on Carbon Dioxide and Global Warming (video).

Print Edition

North Dakota Rural Water Executive Director Featured in Water Online (news).

Senator Rand Paul Offers to Help KY Rural Water on Regulatory Reform: KY RWA’s executive director reports that in a conversation with Senator Rand Paul, the Senator offered to assist KY RWA with modifications to EPA regulations to help small communities in Kentucky. KY RWA reports that expanding the use of e-reporting of EPA mandated notices and limiting unnecessarily alarming public notices are two priorities for reform.

Professor Water Says “NO” to Making Private Water Utilities Eligible for SRF Funding (Twitter).

EPA Warns of Lead in Drinking Water in East Chicago; Provides Bottled Water to Many Homes; Finds High Lead Levels in 40 Percent of the Homes Tested; City Seeks $3.1 Million to Replace Lead Lines; City IN Compliance with EPA Lead Rule (more).

Let's Not Panic About Lead in the Water (Commentary): Following detections of lead in the drinking water in some New York City schools, NYC borough presidents said in a letter, "The tragedy of Flint, Michigan, should not be repeated here." However, a local columnist admonished the politicians by saying, “It’s two completely different situations. And the borough presidents know it… The water in our system is treated. It is lead free. It has long had the reputation for being some of the finest drinking water in the nation… no case of lead poisoning has ever been traced to the water from a city school… we don't need to exaggerate the situation. We don't need to panic parents and cause undue worry about the safety of New York City's water. The water is safe to drink.”

Quarter of All Global Deaths of Children Under Five are Due to Unhealthy or Polluted Environments Including Dirty Water, Lack of Adequate Hygiene, Etc. (World Health Organization).

EPA Rejects Fluoride Action Network Petition to Ban Fluoride in Drinking Water (more).
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NRWA Praises Senate Bill to Provide Clean Water On-site Technical Assistance to Small and Rural Communities: Senators Wicker (MS), Heitkamp (ND) and ten co-sponsoring Senators introduced “The Small and Rural Community Clean Water Technical Assistance Act” (S. 518). Kirby Mayfield, Executive Director of the Mississippi Rural Water Association said, “Senator Wicker continues to be a leader on rural issues in the Congress. He authored and led the effort to pass Public Law 114-98 in the last Congress which mandates the EPA help small and communities, not just fine them (NRWA Statement).”

NRWA President Steve Fletcher (IL) to Testify on Thursday in a House of Representatives Subcommittee on “The Next Farm Bill: Rural Development” (House Agriculture Committee).

Utah Focused on Fixing EPA: Last week, Utah Congressman Chris Stewart announced his appointment to vice-chair of the House EPA funding subcommittee (news). Utah Rural Water is hopeful the Congressman can use his promotion to persuade Congress to fix the EPA funding problem by directly funding PL 114-98 (more).

NRWA Regulatory Committee Update on Recent Federal Water/Regulatory Legislation: Update on House Water Resources Subcommittee hearing on role of the Federal government in addressing water infrastructure, three regulatory reform bills that passed in the House last week, Representative Pallone’s mandatory consolidation legislation, etc. (NRWA).

President Trump Strikes Controversial EPA WOTUS Rule: On February 28, the President issued an executive order that will scale back the U.S. Environmental Protection Agency’s (EPA) and U.S. Army Corps of Engineers’ (Corps) hotly contested “waters of the United States” (WOTUS) rule. The Order instructs EPA and the Corps to balance the interests between protecting waters from pollution and promoting economic growth while respecting the States’ role under the Constitution (White House).

President’s State of the Union Focuses, Again, on Infrastructure (more).

Private Water on Offense: Follow the syllogism: favorable legislation in Congress to promote and mandate consolidation in Congress (more), three-day conference to promote privatization this week (more), favorability within the EPA (more), Presidential emphasis on private funding for infrastructure (more), and private water seeing increased profits (more).

Inspirational – "It gives us a sense of pride and dignity because we take care of our water, take care of our customers," said Weyer (Utah Drinking Water Contest Winner, Fox News, March 2).

Alarm after River in Pyrenees Turns Fluorescent Green (news).

Congressional Republicans React to Reports of Administration Plan to Slash EPA Budget: Last week, Washington was focused on reports that the Trump administration will seek to cut as much as 25 percent from EPA spending. Any EPA funding reductions must pass Congress to become a reality. Representative Tom Cole (OK), a veteran appropriations committee member, said, “In the EPA’s case, their funding has been reduced by over 20 percent since 2011 anyway. They are operating at 1989 staffing levels. So you really want to be sure you are not cutting the meat and muscle with the fat.” Another top Republican appropriator, Representative Mike Simpson (ID), said, “There’s not that much in the EPA, for crying out loud.”

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EPA Administrator Says It Is Understandable that People "Want EPA to Go Away" Because of the Last Administration (video).

EPA Administrator to Start Rolling Back Obama-era Environmental Regulations in an "Aggressive Way": "I think there are some regulations that in the near term need to be rolled back in a very aggressive way. And I think maybe next week you may be hearing about some of those," EPA Administrator Scott Pruitt said on Saturday (news). Three drinking water standards that are in varying stages of EPA regulatory development include strontium, perchlorate, and chromium-6. The three rules have not been finalized by EPA and may present an opportunity for the new Administrator make changes to the past affirmative decisions to regulate by previous EPA Administrators (NRWA comments on strontium and chromium-6).

President Trump is Expected to Rescind Waters of the U.S. Rule as soon as Tuesday (Reuters).

State Associations Get Busy at Fixing EPA Funding: A number of state associations were in contact with key Members of Congress to persuade the EPA funding committee chairs (Senator Murkowski (AK) and Representative Calvert (CA)) to fix EPA technical assistance funding authorized by the recently enacted Grassroots Rural and Small Community Water Systems Assistance Act (PL 114-98) through the Interior, Environment, and Related Agencies Appropriations Act. Since 2011, EPA has used its discretion to reduce effective on-site technical assistance to small and rural communities in Utah by 72% and eliminate all full-time infield technicians (circuit riders). The Act's "preference" provision corrects this problem by requiring that EPA follow Congressional intent and use appropriations for assistance that small and rural communities find is most helpful in their state (Utah's letter to supporter in House of Representatives).

Senator Wicker (MS) and Heitkamp (ND) Stand Up for Rural Water: Thank you to Mississippi and North Dakota Rural Water Associations. Their Senators plan to introduce legislation this coming week to allow states to use a small portion of their clean water state revolving funds for technical assistance similar to the drinking water state revolving funds. We will announce the bill number as soon as it is introduced and encourage all Senators to co-sponsor to quickly move this bill to the White House.

President Goes Green in CPAC Speech: "I want regulation. I want to protect our environment, I want regulations for safety, I want all of the regulations that we need and I want them to be so strong and so tough... But we're going to have regulation. It's going to be really strong and really good and we're going to protect our environment and we're going to protect the safety of our people and our workers, OK?"

President Qualifies Environmental Policy at CPAC: "...But we don't need 75 percent of the repetitive, horrible regulations that hurt companies, hurt jobs, make us non-competitive overseas with other companies from other countries that we don't need."

Over 140 Million Gallons of Raw Sewage Spill into the Tijuana River: California cities and coastal communities just north of the border have complained about a growing stench (news).

EPA Small Systems Webinar on February 28 on Removal of Strontium and Nitrates (EPA).

New York City Stops Pre-flushing in Schools and Finds Higher Lead Concentrations (NYTimes): Marc Edwards, a professor at Virginia Tech who helped uncover the Flint water contamination crisis, told the New York Times that the results show that pre-stagnation flushing can "mask" serious lead problems in schools.
Idaho Dairy Pumps Manure Mixed with Floodwater into Canal; Local Homes Test Positive for E. coli (more).

Wisconsin Legislation Authorizes Cities to Offer Customer Loans to Remove Lead Service Lines (more).

President Donald Trump Signs an Executive Order to Establish Regulatory Reform Officers within Federal Agencies (The White House).

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President Trump Keeps Infrastructure His Priority: Speaking to Supporters in Florida on Friday, the President prioritized tax reform and improvements to America's infrastructure (Reuters).

Trump's Pick in EPA: EPA Administrator Scott Pruitt took the oath of office at the White House Friday afternoon just hours after the Senate cleared his nomination by a vote of 52-46. All but two Democrats present, Joseph Manchin (WV) and Heidi Heitkamp (ND), opposed his nomination. One Republican, Senator Susan Collins (ME), voted against the nomination.

New EPA Administrator to Address EPA Employees on February 21 at noon.

EPA Employees Attempt to Influence U.S. Senate on Who Administers EPA (NY Times): “It is rare,” says an American University expert, “I can’t think of any other time when people in the bureaucracy have done this.” But because Civil Service rules make it difficult to fire federal workers, the show of defiance indicates that Mr. Pruitt will face strong internal opposition to many of his promised efforts to curtail E.P.A. activities and influence. The EPA employees’ union president said, “We plan on more demonstrations, more rallies. I think you will see the employees’ union reaching out to N.G.O.s and having alliances with them. We’re looking at working with P.R. firms.”

Arkansas Senator to Head Senate Water Subcommittee Turns to Arkansas Rural Water: Senator John Boozman (AR) takes the helm of the Fisheries, Water and Wildlife Subcommittee in the U.S. Senate. Arkansas Rural Water Association is planning a briefing for the Senator next week on rural water priorities.

Large Water Utility Plans to Serve Rural Underserved Neighboring Communities: Coachella Valley (California) has formed a new Disadvantaged Communities Infrastructure Task Force to ensure everyone in the region has access to safe and affordable water. The majority of people affected live in the east valley, in historically underprivileged areas such as Mecca and Thermal where almost half the population lives under the poverty line (more).

Michigan Rural Water Association’s (MRWA) Update on State Legislation to Require PVC Pipes in Publicly-Funded Projects: MRWA reported an effort by the American Chemical Association to introduce a bill in Michigan that would require all publicly-funded public works projects to include PVC pipe in the bid documents. This is intended to mandate acceptance of “lowest price,” despite other factors normally considered by the owner/engineer in material selection. The Michigan bill is similar to bills that ACA has pushed in 11 other states over the past three years. An Indiana-based engineer reported that "no such bill has passed due largely to the coalition of water professionals, engineers and similar groups and their members who have taken action to oppose these efforts with their state legislators. It is currently being fought for the second time in Indiana and a third time in South Carolina (Michigan legislation and factsheet circulated by Indiana engineer).”

Copper-Contaminated Drinking Water at Minnesota School Sickens at Least Ten Students (more).

New Jersey Lawmakers to Require Water Utilities to Take Better Care of Themselves Regarding Leaks: A bill advancing in New Jersey's Legislature would require water companies to determine how much water is lost because of leaks and breaks in aging pipes every year (more).

Infrastructure Controls Connected to the Internet are Vulnerable to Ransomware: Researchers showed how a system could be hacked to make drinking water unsafe without alerting any sensors (more).
Hundreds Rally Against Trump over “Science”: Hundreds of protesters gathered in Boston on Sunday to voice opposition to the Trump administration, particularly over issues of climate change (more).

The Limits of Science in Environmental Policymaking: Rural Water has continually asked the EPA the question regarding the level at which a particular element or chemical (arsenic, fluoride, uranium, trihalomethanes, lead, etc.) in drinking water becomes unsafe based on science. EPA has never answered this question which is the main question that consumers want to know about drinking water safety. Also, EPA continues enforcement actions against small communities with less than a part per billion over EPA technology-based standards.

EPA Approves Wisconsin's Variance for Phosphorus Water Quality Limits: EPA has approved Wisconsin's request to grant dischargers a 10-year variance from stringent water quality standards. EPA says the agency approved the multi-discharger variance (MDV) Feb. 6, "after determining it is consistent with all relevant requirements of the Clean Water Act and federal regulations." EPA approved Montana's statewide variance in 2015 which allows dischargers to meet eased standards over the variance's 20-year term. However, environmentalists are challenging that approval in federal district court (National Law Review).
Rural Water Appears before U.S. Senate in First National Infrastructure Congressional Hearing:
In one of the most challenging hearings ever for a rural water witness, Mike McNulty with the West Virginia Rural Water Association and the Putnam Public Service District (WV) represented all small and rural communities' water utilities on Wednesday before the U.S. Senate. The Chairman of the Committee, Senator Barrasso, quoted Mr. McNulty in his opening remarks of the hearing (video). The hearing provided an effective platform for Senators and NRWA to forcefully express the point that infrastructure privatization and tax breaks are not the way to help rural states and communities with infrastructure improvements. The hearing became the locus for the debate on infrastructure between Congress and the White House, and between the two parties. Senators with national ambitions made forceful presentations and questioned the witnesses including Senators Sanders (VT), Booker (NJ), Barrasso (WY), Ernst (IA), Rounds (SD), Duckworth (IL), Cardin (MD), Carper (DE), Capito (WV), etc. In addition to the memorable quotation from Chairman Barrasso of Mike McNulty, Senator Booker directly engaged McNulty on the need to help rural populations without water service and the need for more grant funding to help. Senator Booker seemed to have been compelled by McNulty’s testimony to advance the rural water movement. Senator Capito introduced McNulty and explained the benefit and accomplishments of rural water in Putnam County (WV). Senator Sanders closed the hearing with a speech on the national infrastructure debate. Thank you, Mike McNulty, for a flawless representation of the rural water moment in the very intense and stressful atmosphere (15 minutes of clips from the 2.5 hour hearing).

Fixing EPA: During Congressional briefings last week, numerous Congressional offices expressed support for fixing EPA (Rally pamphlet for “fixing EPA funding”). Some Members of Congress are considering whether to write letters to the Appropriations Committee to support this effort which could become “Dear Colleague” letters allowing for all Members of Congress to co-sign.

Trump EPA Administrator-designee Scott Pruitt Set for Senate Confirmation Vote This Wednesday (more).

Mississippi Rules in Favor of MsRWA and Limits Public Service Commission Authority of Rural Water Utilities (news).

Experts and Environmentalists Fear Confusion for EPA over Trump's "One for Two" Rule Order: The President's January 30th regulatory order says, "Unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed." Berkeley Law professor Dan Farber says the order’s main value serves as a symbol that the administration will not undertake discretionary rulemakings. "It's already clear that the Trump Administration wasn't planning to issue any new rules protecting health, safety, or the environment if they could avoid it... The Executive Order just underlines the point that they have no intention of ever starting this process," Farber writes. An un-sourced "environmentalist" told Inside EPA that, "This absurd and asinine zero-dollar budget in 2017 is a cacophonic message to the agency not to regulate. It's divorced from any obligation to enforce and uphold federal laws." Ken Kimmell, president of the Union of Concerned Scientists, said in a statement that the order will impose a “Sophie's choice” on agencies. "If, for example, the EPA wants to issue a new rule to protect kids from mercury exposure, will it need to get rid of two other science-based rules, such as limiting lead in drinking water and cutting pollution from school buses?" NRWA recently adopted a motion to forward the Trump Administration two discrete and achievable regulatory or deregulatory reform policies.

Government in South Africa Builds Over 1,000 Individual Toilets with No Houses (BBC).

President Trump EPA Weighs Shuttering Enforcement Office: Inside EPA reports that the Trump EPA is weighing a possible shuttering of EPA's Office of Enforcement & Compliance Assurance
(OECA) and returning civil enforcement to program offices. Before EPA's creation, states had primary control over environmental protection.

**Two-year-old Girl in Washington, DC Diagnosed with One of the Worst Cases of Lead Poisoning:** Recently diagnosed with lead poisoning of 120 micrograms ([DC News](https://www.dcnational.com/article/2023/02/07/two-year-old-girl-in-washington-dc-diagnosed-with-one-of-the-worst-cases-of-lead-poisoning)).

**Water Shortage for Chapel Hill (NC) results from Accidental Overfeed of Fluoride** ([more](https://www.chaplain.org/article/2023/02/07/water-shortage-for-chapel-hill-nc-results-from-accidental-overfeed-of-fluoride)).

**Trump Transition Official Details Budget For Trump To Permanently Shrink EPA:** On February 7th, Myron Ebell, the former head of the Trump transition team at EPA, said he hopes that President Donald Trump fulfills his campaign promise to dramatically and permanently shrink EPA by revoking its climate change authority, significantly cutting its staff and budget, and shifting much of its work to states. Ebell said that if the administration is serious about cutting the government's budget and slashing the federal workforce, it will require cuts of $800 million to $1.2 billion from the current $8.1 billion budget, though states would likely receive an increase in their share of EPA-funded grants.

**Hundreds of People in Chad at Risk of Hepatitis from Water Contaminated with Sewage** ([Reuters](https://www.reuters.com/article/us-health-hepatitis-chad-idUSKCN20S07P)).

**Portland Finds Cryptosporidium “in Drinking Water”:** Unlike in most other cities, Portland’s water bureau does not treat its water for cryptosporidium ([news](https://www.aljazeera.com/news/2023/02/9/portlands-water-bureau-does-not-treat-its-water-for-cryptosporidium)). Ultraviolet treatment could cost over $89 million.

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Rural Water Policy Advisory [2/6/2017]

Rural Water Rally 2017 Special Single Issue Edition

Rural Water Comes to Congress: NRWA’s annual Rural Water Rally will begin today in Washington, DC. Your brothers and sisters in the rural water movement will spend the week in the Halls of Congress urging all Members of the House of Representatives and the Senate to make rural water funding a priority in annual Congressional spending bills (more).

Rural Water Comes to the U.S. Senate Debate on Infrastructure Funding: On February 8th, the Senate Environment and Public Works Committee will hold its first hearing on new National Infrastructure issues (Committee announcement). NRWA and West Virginia Rural Water Association board member, Mike McNulty (General Manager of the Putnam Public Service District) will testify on behalf of all rural and small communities’ water utilities. In his prepared remarks, McNulty states, “Our member communities have the very important public responsibility of complying with all applicable regulations and for supplying the public with safe drinking water and sanitation every second of every day. Most all water supplies in the U.S. are small; 94% of the country’s 51,651 drinking water supplies serve communities with fewer than 10,000 persons, and 80% of the country’s 16,255 wastewater supplies serve fewer than 10,000 persons. President Trump has made improving the county’s infrastructure, including water and wastewater, a priority. We are grateful for that. My main point here today is to tell you that if rural and small town America is not specifically targeted in the legislation that would authorize and fund a new water infrastructure initiatives, the funding will by-pass rural America and be absorbed by large metropolitan water developments. Over the last 50 years, through the combined financial assistance of the state revolving funds and the U.S. Department of Agriculture’s rural water grant and loan initiative that has exceeded 100 billion dollars, the country has made great advancements in the standard of living in rural America. Millions of rural Americans now have access to safe public or “piped” drinking water that their parents did not have. Thousands of rural communities now have public sewer or wastewater systems that have allowed for elimination of millions of questionable septic tanks, cess-pools, straight pipes, or worse. This rural water infrastructure development has been the engine of economic development and agricultural technology advances in rural communities, and it has provided for dramatic improvements to the environment and public health.”

Rural Water to Fix EPA Technical Assistance Funding (Instructions).

Rural Water Takes Aggressive Position to Change Numerous Federal Regulations with New Administration and New Congress: The NRWA Regulatory Committee convened on February 4th and adopted numerous regulatory reform positions for the association including approving a motion to identify all existing NRWA active policy items (largely page 2 the Quarterly Report) and forward them to the new administration for consideration, and providing a motion to forward the Trump Administration two discrete and achievable regulatory or deregulatory reform policies: (1) to allow for all mandatory public notices under the Safe Drinking Water Act to be eligible for electronic delivery similar to the change in delivery for Consumer Confidence Reports and (2) to modify the mandatory language in public notices in order to limit unnecessarily alarming the public concerning drinking water safety. The committee also accepted reports from NRWA representatives serving on numerous intergovernmental panels including: Wilmer Melton (NC) on the EPA National Drinking Water Advisory Committee, George Hanson (MND) on the National Lead Service Line Removal Collaborative, Charles Hilton (SC) on the Water Sector Coordinating Council, John Sasur (MA) on the Federal Advisory Committee for Lead & Copper Rule Revisions, and Paul Fulgham (UT) on the AWWA Water Utility Council.

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EPA Goes Rogue to Combat New Administration: A new Twitter account (Rogue EPA, The Resistance) claims to be operated, clandestinely, by current and former EPA employees and is working to oppose the Trump Administration and the Trump-designee to head the Agency. The account has over 170,000 followers and is using Greenpeace's "Resistance" mural that was hung in the DC skyline last week for its backdrop image. On January 27, the group urged people to contact their Senators in opposition to Scott Pruitt's nomination to head the EPA. Pruitt is expected receive a vote in the Senate environmental committee next week and he is likely to become head of the Agency employing the purported operators of the Twitter account.

NRWA to Testify in Senate on Rural and Small Communities’ Perspective of a National Infrastructure Initiative: Mike McNulty with the West Virginia Rural Water Association has been invited to testify before the Senate Environment and Public Works Committee on February 8th as the committee holds its first hearing on the topic of national infrastructure. The topic has become the focus of Congressional leaders after the President made it his main domestic policy issue at the inauguration. This will be rural water's first and best opportunity to ensure any new water infrastructure initiative works for rural America. NRWA's drinking water taste contest is scheduled to occur immediately following the hearing in Washington, DC. State associations should consider bringing a water sample (or more) from their state's winning community contestant to give to their Senator on the committee. It would provide a good example of rural water infrastructure, be a good visual for your Senator at the hearing, and draw attention to your state winner's excellent drinking water. The following Senators are on the committee: Barrasso (WY), Inhofe (OK), Capito (WV), Boozman (AR), Wicker (MS), Fischer (NE), Sessions (AL), Moran (KS), Rounds (SD), Ernst (IA), Sullivan (AK), Carper (DE), Cardin (MD), Sanders (VT), Whitehouse (RI), Merkley (OR), Gillibrand (NY), Booker (NJ), Markey (MA), Duckworth (IL), and Harris (CA).

President Trump to Slash the EPA's Workforce and Budget, Transition Official Says: “The former head of President Donald Trump's EPA transition team said Thursday he expects the new administration to seek significant budget and staff cuts — currently about 15,000 employees nationwide. The source said slashing the agency's size by about half would be a good start (WashExaminer).”

EPA Employees in Tears Because of President Donald Trump: "An anonymous EPA communications career employee told Pro-Publica that 'more than a few friends were coming to work in tears’ each morning as they grappled with balancing the practical need to keep their jobs with their concerns for the issues they work on (Daily Caller).”

Legal Expert Claim President Can't Affect EPA: Jim Burling with Pacific Legal Foundation, a nonprofit property rights group that sues regulators on behalf of businesses and landowners, said the government bureaucracy is entrenched. Burling added, "Who happens to occupy the White House hasn't made that much difference (APnews).”

House to Vote this Week to Overturn Obama Administration Regulations: The House will hold a series of votes to dismantle Obama-era rules using a decades-old law that has only been used once before (more). The Congressional Review Act allows both the House and the Senate to repeal regulations with simple majority votes if those regulations were signed into law within the past 60 legislative days.

The Trump White House Freezes 30 Environmental Protection Agency Rules until March 21: The suspended rules include EPA's rule updating its Risk Management Programs (RMP) facility safety regulation. NRWA urged EPA to withdraw the rule because “it expands and increases the regulatory burden on local governments (NRWA Comments).”
Television News Features Environmental Group's Report on Chromium 6 Occurrence in Louisiana: How do you think the targeted community should respond or what should NRWA be doing to help these communities? The Environmental Working Group (EWG) released the testing results (from the EPA unregulated testing requirements) of drinking water all across the country. The TV news covered the report with the following narrative: "It reports water supplies serving 218 million Americans contain more chromium 6 than California scientists have deemed safe including water systems in Southwest Louisiana. Chromium 6 is genotoxic; it actually can disrupt DNA and lead to mutations and that's what leads to cancer," said David Andrews, a senior scientist at EWG (more).

Scientists Deploy Floating Wetlands at Water Treatment Plant: Researchers tested the water-cleaning abilities of different floating wetland designs in a model wastewater treatment plant at the University of Oklahoma Aquatic Research Facility (photo).
President Trump Highlights Infrastructure Issues in Inaugural Speech (WashTimes).

New White House Homepage Highlights Repeal of EPA WOTUS Rule: "President Trump is committed to eliminating harmful and unnecessary policies such as the Climate Action Plan and the Waters of the U.S. rule (White House)."

Women’s Protest Marches Include Focus on Environment (more).

Rural Water Policy Reader Defends President Trump: One commentator from Louisiana responded to last week’s edition with the following: "Really do not appreciate the negative Trump stories. If we want to hear Trump bashing we can just tune in to the mainstream media." We appreciate the feedback and are always eager to circulate comments.

New York Post, "How Trump Made Small-town America Matter Again (NYPost)."

"EPA Has Made Life Hard for Too Many Americans and That’s About to Change (Chairman/Senator Barrasso, WY)."

Kansas Senator Raises Small Community Compliance Struggles During EPA Confirmation Hearing (video).

Video Summary of New EPA Chief's Senate Confirmation Hearing from PBS Newshour (PBS).

New Nationwide Permits: On January 6, 2017, the U.S. Army Corps of Engineers (Corps) issued its 2017 Nationwide Permits (NWPs) for work in streams and wetlands under Section 404 of the federal Clean Water Act (CWA), replacing the 2012 NWPs that expire on March 18, 2017 (more).

New Administration Said to Push "Deep Cuts" for EPA: President-elect Donald Trump is said to be considering significant EPA budget cuts in his first proposed federal spending plan that will rely on proposals that call for cutting more than half of the agency’s current budget by eliminating or slashing a range of its climate, enforcement, vehicle, fuel and other programs (The Hill). The continuing resolution maintains the agency's current funding level of $8.14 billion through this spring.

Toledo's Water Utility May have to Regionalize to Deal with Extensive Backlog of Delayed Repairs that Played a Key Role in the City's Struggle with Algae (Wateronline).

EPA New Enforcement and Compliance History Online (ECHO) Website Features Improved Drinking Water System Searching (EPA): ECHO provides Public Water System compliance and enforcement data in its facility searches. Enhanced features make it easier to search for violations by specific contaminants and to identify the newest violations. ECHO also now offers a capability to search for lead and copper action level exceedances.

How Mormon Principles and Grassroots Ideals Saved Utah (Politico).

Study Says Farm Wells Result in Parkinson's Disease (Scientific America).

Ontario to Increase Fees on Bottled Water Companies over 100 Fold (more).

City of Tyler (TX), Fined by EPA, says EPA Targeting Cities as a Revenue Scheme (more).

In Key Largo (FL), Three Utility Works Were Killed After Being Overcome by Poisonous Fumes in a Manhole (Yahoo).
Brookhaven (MS) Detects E. Coli in Water (news).

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Four Days until New President, What Does it Mean for Water? In 2015, President-elect Trump said of the EPA, "What they do is a disgrace; every week they come out with new regulations (more)." On Friday, Trump met with a Princeton physicist who says global warming is good for us (WashPost). Trump's pick for EPA "has advocated and stood up for the profits of business... at the expense of people who have to drink the water (NYTimes)." A number of advocacy groups have come-out in support of Trump’s EPA pick saying, “Some claim that Mr. Pruitt opposes clean air and water. This could not be further than the truth. Mr. Pruitt respects and upholds the Constitution, and understands that many of the nation’s challenges regarding clean air and water are best met at the state and local level (more)."

NRWA Tells New Trump EPA How to make it Work for Rural America: On January 9th, NRWA released a letter to the Trump EPA Administrator-designee stating, “Our member communities have the very important public responsibility of complying with all applicable regulations and for supplying the public with safe drinking water and sanitation every second of every day... What small and rural communities want and need is to know how to comply in a simple and affordable manner – and similarly, how to operate and maintain their treatment systems... We urge the EPA to recognize that small and rural communities are a solution, not a problem, to improving public health and protecting the environment (NRWA)."

EPA Morale Plummetts Over Fears Of Budget Cuts, Retaliation Under Trump: According to Inside EPA’s newsletter, "Morale at the agency is plummeting as President-elect Donald Trump prepares to take office Jan. 20, citing uncertainty about the incoming administration’s policy priorities while fearing budget cuts and job losses as well as potential retaliatory actions against employees from administration officials or EPA’s GOP critics in Congress... People are retiring because they don’t want to be here when the new administration comes in... The largest concern is possible actions against lesbian, gay, bisexual or transgender employees, as well as racial and religious minorities... Government employees unions are preparing public campaigns that would oppose [policies] that could cut unions’ power...”

EPA Announces Further Reduction of On-site Technical Assistance for Rural and Small Communities: On January 13th, EPA announced the winners of its fiscal year 2016 technical assistance grants (EPA). This funding source had once supported two full-time on-site technical assistance experts in each state.

Trump EPA Nominee to Appear before Senate Committee on Wednesday (U.S. Senate).

EPA Releases Draft Report on a “Health-based Benchmark” for Lead in Drinking Water: EPA developed a range of potential health-based benchmarks that range from 3 to 56 ppb of lead in water that people actually drink. Much of the public is currently confused by the relevance of the EPA action level for lead in drinking water. An exceedance of the 15 parts per billion of lead action level in any one tap sample is not an indication of the level of lead in the public’s drinking water. EPA developed values under three different approaches for three different age groups of children: 1) formula-fed infants from birth to six months; 2) toddlers from 1- to 2-years old; and 3) all children from birth to 7-years old (EPA draft report). NPR covers recent town hall meeting in Flint and claims that “the only safe lead level in drinking water is zero.” Flint residents crushed and crinkled plastic water bottles to express their distrust – “the water bottles are a symbol of their oppression (NPR).”

EPA Claims it Does Not Have to Compensate for $1 Billion in Damages from Gold King Mine Spill: The agency said federal law grants immunity to government agencies if something goes awry from discretionary action taken by its employees (Reuters).

France Says There is a Real Risk of Cyber Attacks on Water Infrastructure (Reuters).
New Jersey Police Issue Warning about Diversionary Burglary Involving Man Posing as Water Department Worker (more).

Water Expert Elmer Ronnebaum Explains Nitrate Issues in Municipal Drinking Water Wells (Circle of Blue).

Over One-third of U.S. Households Will Be Unable to Afford Water in Five Years (Michigan State University Study).

Satellite Images of California Drought Recovery: Recent color satellite imagery from NASA shows the dramatic changes that have occurred since the same date three years ago: widespread and deep snowpack, greening vegetation, rivers overflowing their banks, and strong river discharge into the Pacific Ocean (images).

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House Passes Bill to Rein in Federal Regulations: On January 5th, the U.S. House of Representatives passed H.R. 26, the Regulations from the Executive in Need of Scrutiny (REINS) Act. The bill would give Congress up to 70 legislative days to vote to approve major federal rules with an annual economic “impact” of $100 million or more issued by regulatory agencies. Without an affirmative vote by Congress, a major rule could not take effect under this legislation. With President-elect Trump set to take office on Jan. 20, Republicans in the House and Senate are more optimistic that the measure will be signed into law. A companion bill, S. 21, was introduced on January 4th.

Senate Chairman Vows ‘Fundamental Shift’ on Environment: Wyoming’s Senator Barrasso formally takes the chair of Senate environmental committee while vowing regulatory rollback. The Senator said he will focus "on measures that will remove red-tape and bureaucratic barriers to economic development while ensuring clean air, land, and water for every American. Over the past eight years, a runaway Environmental Protection Agency has time and again issued cumbersome regulations that have limited job creation and energy development."

Are EPA and Rural Issues Focus of New Presidency?: "A growing source of rural Americans’ anger is the ever-tightening grip of environmental regulations that have less to do with the environment than they do liberal elites’ desire for social engineering and control over ordinary peoples’ lives… Working-class Americans are angry because of the increasing control exerted over their lives by the 1-percent, such as those running environmental pressure groups. Adding insult to injury is the sneering contempt liberal elites have for rural Americans. Natural resource-based communities are being slowly strangled of jobs, opportunities and hope by environmental pressure groups bent on turning rural America into an eco-themed museum... Alienating rural Americans and destroying their communities is self-defeating if the goal is environmental protection but not if the goal is social engineering. Rural Americans are looking for their voices to be heard and their concerns taken seriously by policymakers."

Scott Pruitt, President-elect Trump’s Nominee is "Singled Out" by Senate Democratic Leader Chuck Schumer for Extra Scrutiny (Bloomberg).

Georgia Rural Water Association Attends New Congressman’s Swearing-in Ceremony: Jimmy Matthew was in Washington this week to celebrate his friend Congressman Drew Ferguson’s (GA) swearing in ceremony. Matthews is also closely monitoring the news that former Georgia Governor Sonny Perdue is President-elect Trump’s leading candidate to run the U.S. Department of Agriculture (Newsweek).

Update on EPA POTW Nutrient Survey: EPA notified NRWA of proposed clarifications of its formerly mandatory survey of wastewater utilities (EPA letter).

Excessive Rain, Melting Snow May Cause Worst California Flooding Since 1997 (Accuweather video).

Four Million in Damascus without Water after Springs Targeted, say UN (Reuters).

Attack on Private Water in "The Hill": “The New York Times’ Paul Krugman termed it a ‘privatization scam’ and former Obama assistant Ronald Klain called it a ‘massive corporate welfare plan...’ Trump’s plan could deepen the private industry’s reach, prioritizing corporate profit over people’s access to water... Dozens of U.S. municipalities have taken back public control of water systems they had formerly privatized. Finally, Trump’s plan ignores the solutions that work — public investment and public control of our water systems. Since Philadelphia established the first public water system in 1801, the U.S. has achieved access for 99 percent of its population (The Hill)."
Bentonville Police Use Smart Water Meters As Evidence In Murder Investigation: Investigators believe the perpetrator cleaned up the murder scene because of the amount of water he used in a two-hour window (more).

U.S. Grid in ‘Imminent Danger’ From Cyber-Attack, DOE Study Says: The U.S. Energy Department says the electricity system “faces imminent danger” from cyber-attacks which are growing more frequent and sophisticated, but grid operators say they are already on top of the problem (DOE).

EPA Risk Management Plan Rule Becomes Candidate for Trump Repeal: On Dec 21, EPA announced its final rule updating its Risk Management Programs (RMP) facility safety regulation. NRWA urged EPA to withdraw the rule because “it expands and increases the regulatory burden on local governments (NRWA Comments).” The Environmental Justice Health Alliance (EJHA), part of a broad coalition of labor, environmental and public interest groups that petitioned EPA to tighten oversight of facility safety, says, “Any action to block or repeal these improved safety rules will put Americans in more danger, and undoubtedly at some point cost innocent people their lives.” Because Trump will take office before the RMP rule takes effect, the new administration will have greater flexibility to simply not implement the rule.

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**Rural Water Policy Advisory [1/2/2017]**

The Washington Post Reports Russia Hacked the Electrical Grid in Vermont - Electric Utility Clarifies: On Friday, the Post claimed, "A code associated with the Russian hacking operation dubbed Grizzly Steppe by the Obama administration has been detected within the system of a Vermont utility, according to U.S. officials (WashPost)." However, the claim was subsequently qualified by the Burlington Electric Department which said, "Last night, U.S. utilities were alerted by the Department of Homeland Security (DHS) of a malware code used in Grizzly Steppe, the name DHS has applied to a Russian campaign linked to recent hacks. We acted quickly to scan all computers in our system for the malware signature. We detected the malware in a single Burlington Electric Department laptop not connected to our organization's grid systems." Vermont Public Service Commissioner Christopher Recchia told The Burlington Free Press, "The grid is not in danger (more)."


Cyber Attacks and Water Utilities: In 2014, the federal Industrial Control Systems Cyber Emergency Response Team (ICS-CERT) released its "Monitor" report (link) that featured a cyber incident at a water utility that possibly caused an overflow of the system's wastewater treatment process. A 2014 ICS-CERT report (link) characterizes possible impacts and consequences of cyber-based penetrations in water systems (excess dose of chlorine, no chlorine, damage pumps, bypass in the treatment process, change real-time data within a SCADA system, or loss of the SCADA). ICS-CERT details seven strategies that can be implemented to counter common exploitable weaknesses in "as-built" control systems (Seven Steps to Effectively Defend Industrial Control Systems). ICS-CERT's 2015 Year in Review report found 295 incidents involving critical infrastructure reported in the U.S. with 25 reported in the water sector (report). In 2014, Iowa Rural Water Association reported that one of its member rural water systems was the victim of a cyber breach of its SCADA system. The attack was discovered by ICS-CERT, which subsequently visited Iowa and conducted an on-site assessment for the system free of charge.

More Media Scrutiny of Drinking Water Privatization: Last week, NPR featured water problems in Idaho's Syringa Mobile Home Park: "Since the 1980s, this community of roughly 100 houses has been plagued repeatedly by drinking water problems — including periods with contaminated water or no water at all. Rivers of raw sewage have occasionally gushed out of the ground and formed stinky ponds around homes..." A consumer advocate said, "The heart of the problem with manufactured home communities is that the residents don't own or control the land beneath their homes (NPR)." The following day, NPR featured a success story in Park Plaza, a community in Fridley, MN. NPR found that "When Residents Take Ownership, A Mobile Home Community Thrives..." Before taking over ownership, "the water pipes were so old they would rupture a few times a year, and everybody would go without water — sometimes for days (NPR)."

Section 1926(b) Ensures Fair Resolution in Iowa Service Area Dispute: City of Dubuque purchases rural water system service area for $6.1 million (news video). Territorial (or service area) protection from unfair annexation, condemnation or competition is a priority advocacy issue for NRWA (more).

Federal Agencies Rush to Hire More Employees Before Trump (WashPost).

Federal Agencies Rush to Finalize More Regulations Before New Administration (news).

EPA Helps Flint Receive $100 Million in SRF Grants (news).

Michigan Sewer Collapse Causes Massive Sinkhole, Affecting Two Dozen Homes (news).
EPA Launches Clean Water Act Jurisdictional Determination Website to Show the Types of Waters Regulated by EPA (EPA).

EPA Proposes Rule to Establish Public Notification Requirements for the 182 Combined Sewer Overflows in the Great Lakes (EPA).


EPA Finalizes Clean Water Act (CWA) Pretreatment Requirements for Dental Offices (EPA).

North Dakota $1 Billion Water Project to Serve 35 Municipal and Rural Water Systems (news).

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Rural Water Policy Advisory [12/26/2016]

Reuters Finds "The Thousands of U.S. Locales Where Lead Poisoning is Worse Than in Flint": The examination of lead testing results across the country found almost 3,000 areas with poisoning rates far higher than in the tainted Michigan city. Yet many of these lead hotspots are receiving little attention or funding (Reuters).

EPA Approves New Rule Revising Risk Management Programs [RMP] under the Clean Air Act: The rule will take effect 60 days after publication in the Federal Register (in the coming days). EPA's final rule generally codifies much of the agency's March proposed version, including new requirements that certain facilities conduct third-party audits after incidents and near misses, plan for emergencies with local authorities, and conduct an analysis of whether alternative chemicals or safer processes would improve safety. In May of 2016, NRWA urged EPA to withdraw the rule because "it expands and increases the regulatory burden on local governments (NRWA Comments)." In the final rule, EPA dropped specific requirements for facilities to share information on chemical hazards with local emergency planners. Instead, the EPA rule provides that facilities must share data with local emergency planners during annual meetings though the agency says its new approach will allow local officials to address security concerns on a case-by-case basis. EPA dropped a requirement that facilities make certain facility data available on public websites or libraries, citing security concerns. EPA also dropped proposed requirements for certification of third-party auditors. In addition, EPA dropped a provision seeking to clarify the rule's definition of catastrophic release that would have expanded the number of incidents requiring investigation. We are analyzing the modifications EPA made in the final rule and will be considering a Regulatory Committee policy recommendation to urge the new Administration to take action to block the rule or urge Congress to take action to reject the rule under the Congressional Review Act authorities. Maryland Rural Water's George Hanson commented, "While it is mostly good news for NRWA member utilities, it leaves a lot of questions on the table. In the general sense, it is a reasonable notion that local emergency planners and responders should do table top exercises and have knowledge of chemical inventories in their jurisdiction. However, local emergency planning is in the purview of state and county jurisdictions and the Administrator's powers to promulgate this rule are at least subject to a jurisdictional question. Is EPA the right agency to accede to for this purpose...? Does the rule provide the process for these reviews or define what local agency other than just 'local emergency planners,' or does it just mandate something without a process description?" In August of 2016, President-elect Trump's selection for EPA Administrator, Scott Pruitt, opposed the EPA rule and urged that it be withdrawn (more).

ASDWA Announces Alan Roberson to Become ASDWA's New Executive Director: On Friday, the Association of State Drinking Water Administrators made the announcement and added that Alan will start his new position on Wednesday, January 11th. Among other accomplishments, Roberson was the Director of Federal Relations at the American Water Works Association (AWWA) for more than two decades where he frequently assisted the rural water membership on numerous Federal Advisory Committees (FACA) and crafting federal regulatory policy. State associations should consider thanking their primary agency for selecting such a welcome new executive director. We will also greatly miss the retiring Jim Taft who has been very helpful to NRWA.

Public Private Partnerships News & Analysis

1. A Dec. 24, feature in the New York Times finds "Water rates in Bayonne have risen nearly 28 percent since Kohlberg Kravis Roberts — one of Wall Street’s most storied private equity firms — teamed up with another company to manage the city’s water system, the Times analysis shows. City officials also promised residents a four-year rate freeze that never materialized. In one measure of residents' distress, people are falling so far behind on their bills that the city is placing more liens against their homes, which can eventually lead to foreclosures."
2. EPA's November national water plan recommends Private Public Partnerships to deal with the small community problem. "Many small and disadvantaged communities experience technical, managerial and financial capacity challenges that can complicate their efforts to sustainably provide safe drinking water to the populations they serve. The number and small scale of these systems is one of the single greatest challenges facing the U.S. drinking water system... A broad range of partnership options are available, ranging from financial or management agreements between water systems, financing agreements including public-private partnerships..."

3. The private water industry (November 2016) is urging President-elect Trump to support changes in federal law to award federal subsidies to private corporations and increase environmental mandates on small communities to drive consolidation (private water industry legislation & Senator Booker legislation).

EPA Releases Third Six Year Review (SYR3) of Drinking Water Rules: EPA found that eight national primary drinking water standards are candidates for regulatory revision: chlorite, cryptosporidium, haloacetic acids, heterotrophic bacteria, Giardia lamblia, Legionella, total trihalomethanes, and viruses. EPA determined that for these contaminants, there is new information on health effects, treatment technologies, analytical methods, occurrence and exposure, implementation, and/or other factors that provide a health or technical basis to support a regulatory revision that will improve public health protection (EPA).

WIFIA Application Process Will Require Oral Presentations To EPA Staff: Acknowledging the need for additional subjectivity into the awarding of federal water subsidies, EPA said on Dec. 13 that the WIFIA program will invite prospective borrowers that have submitted an application to give an oral presentation on the proposed project, followed by a discussion. EPA stated, “The WIFIA program may use the discussion to resolve issues related to the submitted materials and to request additional information and documents that were not part of the application submission.”

High Lead Levels Found in More Than 160 Schools in Mass: Water tests conducted at about 300 public school buildings in Massachusetts this year show that more than half had at least one sample with lead levels above regulatory limits, state officials announced on Tuesday (news).
The Electoral College's Rural Voice: Electors are to meet Monday to vote for the next President. Some electors “say they are defending rural and small-town America against big-state liberalism [big cities]” (AP News). “I feel like the Electoral College gives a very fair perspective, so that those who are in the rural areas are able to have an equal voice with those who are in the urban areas,” said an Oklahoma elector.

"Contaminated Water In St. Joseph, La., Leads To Emergency": On Friday, the governor declared a "Public Health Emergency" and do not drink recommendation for the town of 1,100 after officials found water going to “three” buildings – one of them the town hall – was "contaminated" with lead at 22 parts per billion (NPR).

Penn Town with Two "Elevated" Lead Samples Does Not Declare "Public Health Emergency": Two elevated lead levels were found in 2 samples in Duncannon (PA). In response, the town is conducting more testing, modifying the pH level, continuing to replace old pipes, recommending flushing, using cold water, and replacing plumbing, etc. (news).

Corpus Christi Retrospective:
- Local ABC News' Briana Whitney is continuing updates via Twitter.
- On Wednesday, the public was told a "recent back-flow incident" in the industrial district possibly caused the contamination of the city's drinking water resulting in a do not drink order for the city of more than 300,000 (CNN).
- The chemical "leak" was apparently reported a week earlier, according to an internal email of the regional director for the TX CEQ that indicated a "backflow incident from a chemical tank" was reported Dec. 7 at Ergon Asphalt and Emulsions (AP News).
- Three to 24 gallons of the chemical possibly entered the city's water after an incident.
- Corpus Christi was "delayed" in response because the company required the city to sign a confidentiality agreement to get the specifics of the chemical called Indulin AA-86, an asphalt emulsifier (CNN).
- The city divides distribution systems into three zones of risk for chemicals (news).
- A doctor says level of chemicals in drinking water likely not toxic (NBC news).
- More than half a dozen lawsuits have been filed against the company (Caller-Times New).

CNN Feature Includes Coverage of the Tweets of Citizens: CNN selected the following Tweets in their coverage of Corpus Christi: "Here we go again #CorpusChristi! #ErinBrockovich please come and tell us the #truth."

Erin Brockovich on Russia's RT Television on the Truth about Drinking Water Safety: The activist appeared on RT last week, Dec. 14th, commenting on the Flint situation (video). In addition to stating we "cannot give misinformation," Brockovich agreed that EPA's 15 part per billion action level is a health standard, that there are 110 communities in the U.S. that are worse than Flint, that in providing the public with drinking water health science - governments act as "cabal" to "rig" the science, that the Obama Administration's EPA is "neutered," and that the U.S. drinking water safety system is "broken."

USA Today Feature on Lead Rule Violations in Small Communities: The report relies on EPA compliance data to create a narrative about small and rural community water quality (USA Today). Here’s how USA Today got it wrong (NRWA). USA Today video features a segment on a Coal Mountain (WV) small water supply that can’t afford tests and charges $9.65 a month for water – run by local volunteers (video).

Kettleman City (CA) Gets $10 Million to Reduce Arsenic by .001 PPM (more).
Small New Mexico Private Water Utility Fined $1 Million by State: Animas Valley Water was ordered to pay a $1 million fine for issues that have left many of its 7,000 customers under a boil water advisory since June. Investigations revealed multiple issues including a malfunctioning valve that allowed backwash water to enter the distribution system. The private utility has requested to transfer ownership to a mutual water association (news).

Upstate New York Dairy Truck Dumps 2,500 Gallons of Cream in Creek; HAZMAT Crews Respond (more).

Gary, West Virginia Issues Do Not Drink Order after Water Plant Noticed the Water Turned Black (news).

EPA’s $29 Million, Seven Year Fracking Study Backs Away from Safety Claim of Fracking for Drinking Water: On Tuesday, EPA backed away from its earlier conclusion that hydraulic fracturing has not caused "widespread, systemic" damage to drinking water. The final version includes a broad overview of what EPA called activities and "factors that likely result in more frequent or more severe impacts on drinking water resources," including the use of water for fracking in relatively arid areas and spills of fluids used in the process. The agency also highlighted the possibility that when fracking fluids are pumped into wells with inadequate mechanical integrity, gases or liquids could migrate underground. Senator James Inhofe (OK) called the report "a clear political move to appease disgruntled environmentalists with the keep-it-in-the-ground movement as the Obama administration comes to an end" (EPA Report).

Lower Brule Sioux Tribe’s Rural Water Project’s $1.5 Million in Questionable Spending: An audit by the Interior Department’s Office of Inspector General found a total of $1,440,748 in questioned costs including unsupported compensation to tribal council members and employees beyond their lucrative salaries as council members to serve as “steering committee (Argus Leader News).”

Environmentalists Preparing Attacks on Trump EPA Nominee: Environmental groups are crafting anti-Scott Pruitt ads and urging several Republican senators to oppose the nomination. However, Pruitt is expected to be confirmed given Republicans’ 52-48 majority in the Senate. Democratic Senator Brian Schatz (HI) has said Pruitt’s confirmation is a “litmus test” for lawmakers who have said they accept mainstream climate change science and hopes these attacks will convince enough Republicans to reject Pruitt.

Trump EPA Nominee Backs NRWA Position on Risk Management Plans: Scott Pruitt has opposed EPA’s plan to increase the regulatory burden in the “Modernization of the Accidental Release Prevention Regulations Under Clean Air Act,” writing in a letter to the agency in July that the rule was dangerous and should be withdrawn. In May, 2016, NRWA urged EPA to withdraw the rule because “it expands and increases the regulatory burden on local governments,” (NRWA Comments). EPA wrote to Senator Boxer (CA) in a Nov. 15 letter that the rule is slated for publication in January.

Vermont Permanently Sets Drinking Water Standard for PFOA and PFOS at 20 PPT (more).
Congress Ends With Water Bills: In the final hours of this Congressional session, the Senate passed the "Water Infrastructure Improvements for the Nation Act" -- the "WIIN Act." The nearly $12 billion measure authorizes 30 new Army Corps of Engineers infrastructure projects around the country and now heads to the President’s desk. The final House-Senate Conference agreement does include new public notice requirements for exceedances of the lead action level and for distribution of independently conducted lead tap samples results (text). After a successful campaign from South Carolina Rural Water Association (advocacy), the final House-Senate Conference Committee dropped the changes to the drinking water SRF ranking systems that would have "reduced the number of small disadvantaged water systems from receiving the necessary funds to initiate such programs." The WIIN Act includes a provision intended to limit competition between the new Water Infrastructure Finance and Innovation (WIFIA) program and the SRFs; the bill states that "appropriations made available to carry out WIFIA should be in addition to robust funding for the SRFs... and the appropriations for the SRFs should not decrease for any fiscal year.” The Act also included a provision to allow tribal organizations’ interests to borrow the rural water EPA technical assistance provision that requires EPA to fund the technical assistance that the Indian tribes "find to be the most beneficial and effective.” This should be helpful for the return of rural water EPA technical assistance if the tribal organizations are successful in having funds appropriated specially for this new authorization.

Congress Extends Federal Funding until April 28, 2017: On Friday, the Senate avoided a government shutdown by approving another Continuing Resolution, this time to fund the government through April. In addition to continuing the funding levels from fiscal year 2016, the bill included new water funding, $100 million to assist Flint, Michigan and $20 million for EPA's new WIFIA program. The money intended for Flint will be directed to a new program within the SRF that is limited to states for which the President has declared an emergency, and for drinking water systems that have been the subject of an emergency declaration, among other limitations.

NRWA’s Wilmer Melton Represents Small and Rural Communities on EPA Advisory Council: The U.S. Environmental Protection Agency's (EPA) National Drinking Water Advisory Council (NDWAC) convened on December 6-7 to advise the Agency on a host of current drinking water issues including the EPA's lead rule, new drinking water contaminants, harmful algal blooms, enforcement policies, the recent National Drinking Water Plan, etc. (NRWA news).

Small Community in Kansas Wants Trump to Stop EPA Enforcement of Nitrate Standard (Hutchinson News)


Top Headlines for Trump EPA Nominee (Google):

- Trump's Picks for EPA and Interior Threaten the Future of Clean Water
- Trump's pick of Pruitt to run the EPA spells disaster for the environment
- Donald Trump's EPA Pick Is A Leading Foe Of Clean Water Laws
- CNN Stokes Fear for America's Air and Water under Trump's EPA
- Scott Pruitt, Trumps Climate-Denying EPA Pick, Is Worse Than You ...
- Trump's EPA pick seen as a 'sucker punch' to clean water advocates
- Liberals Are Freaking Out Over Trump's EPA Pick

Trump's EPA Pick Has History of Opposing EPA Regulations: Bloomberg news reports, "Scott Pruitt, President-elect Donald Trump's pick to head the nation's top environmental watchdog will be in a prime position to roll back Obama-era agriculture regulations. Scott Pruitt, Oklahoma's attorney general and frequent critic of the agency he has been tapped to lead, has fought the Obama
administration’s animal welfare and environmental rules. And if he is confirmed as EPA administrator, Pruitt has indicated that he plans to continue the battle. ‘The American people are tired of seeing billions of dollars drained from our economy due to unnecessary EPA regulations, and I intend to run this agency in a way that fosters both responsible protection of the environment and freedom for American businesses,’ Pruitt said in a Dec. 8, statement.”

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Wilmer Melton of the City of Kannapolis (NC), the North Carolina Rural Water Association, and the National Rural Water Association participated in two days of deliberation representing small and rural community interests. Melton was appointed to the NDWAC, chartered under the Safe Drinking Water Act, in 2014 and has used his position as a council member to advance small and rural community water issues including the need for technical assistance, the success of local source water protection efforts, and the need to make federal regulations reasonable and workable in small water utilities.

Melton said, “The direct interaction with all the water leaders in EPA is helpful in educating the Agency to craft new regulations for all sizes of water utilities. This forum gives us the opportunity to raise any small community concerns with the federal drinking water program. Local governments are the primary protector of safe public drinking water and we make sure that is known. The Agency explained their plan to revise the lead rule next year and that they will be reviewing the current disinfection by-products rules. These rules have been some of the most burdensome and complicated rules for our constituency. We also had the opportunity to press EPA on their new initiative to make more drinking water compliance and monitoring data available to the public - we urged the Agency to make sure the information is provided in a manner that gives the public an accurate characterization of data and does not allow for unnecessary alarm.”

(Wilmer Melton, left at table, at EPA NDWAC deliberations – 12/7/2016)
Congress to Pass Massive New Water Legislation this Week: Congressional leaders are expressing optimism that a final agreement on the Water Resources and Development Act of 2016 can be negotiated in the coming days and Congress can pass the bill by the end of the week (and the end of this Congress). Congressman Fred Upton (MI), chairman of the Energy and Commerce Committee, told reporters Wednesday night, “I feel very good about the outcome of where things are going. We’re very close.”

The Power of An Association: Vermont Rural Water Association pressed its Congressional delegation to support final passage and listed the beneficial provisions in the Senate version of the bill (VRWA). One provision would allow for millions of dollars of wastewater technical assistance funding to available to non-profit organizations. Congressional negotiators told us last week that they were persuaded by the arguments raised by South Carolina Rural Water Association (statement) to limit burdensome changes to the state revolving fund application. NRWA urged Congress to retain local democratic authority over certain public notice requirements of drinking water data (NRWA). No word yet on how negotiators have resolved this issue.

NRWA’s Wilmer Melton to Participate on EPA Advisory Committee This Week: North Carolina Rural Water Association’s Wilmer Melton sits on the National Drinking Water Advisory Committee which will convene for two days in Washington to deliberate on all aspects of the federal drinking water program including: the new National Drinking Water Program, Drinking Water Implementation, Emerging Contaminants/Health Advisories, HABs, etc. (agenda).

NRWA to Petition White House to Halt New EPA Risk Management Rule: A coalition of industry trades groups are urging the White House Office of Management and Budget (OMB) to return EPA’s proposed stricter risk management plan (RMP) facility safety rule for further review to the agency (statement). The NRWA Regulatory Committee is likely to take action and urge the White House to return the rule to EPA (NRWA's comments on the proposed rule).

EPA Employees Could Resist Implementing Trump Agenda: An EPA employee told Bloomberg news last week, "Many EPA staffers became disgruntled after President-elect Donald Trump peppered his campaign appearances with critical rhetoric against the agency. Staffers overwhelmingly opposed Trump..." During the campaign, Trump called for “tremendous cutting” at the EPA, adding that staffers “aren’t doing their job” while “making it impossible for our country to compete.” EPA has approximately 15,000 employees. High-level EPA career officials have advised rank-and-file agency employees to refuse contact with any Trump landing team members and anyone from outside the EPA - and avoid internal complaints, emphasizing the need to be “stronger together” which was the slogan of Hillary Clinton's campaign.

Sierra Club Calls Trump EPA Leader One of the Single Greatest Threats to Planet (more).

Foam Fills Philadelphia Streets After Explosion Leaves Thousands Without Power (photos).

EPA Has the Necessary Data to Make Drinking Water Regulation Determination for PFOS and PFOA: EPA does have enough data to make a "preliminary determination" to set an enforceable standard for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). The Safe Drinking Water Act dictates a method and certain findings the Agency must determine and announce before setting a final standard. Last week, the chief of EPA's drinking water standards division acknowledged EPA has the necessary information to make a determination and that any decision would be made by the Trump administration. Using data from EPA's most recent unregulated monitoring rule (UCMR 3 data), sampling from 4,900 water systems showed 95 detected PFOS and 108 detected PFOA.
Kentucky Releases State Annual Water Reports (link).

EPA Enforcement Results in Navajo Tribal Utility Authority Spending $6 Million on Six Wastewater Facilities (EPA).

Congress May Leave Early in an Attempt to Thwart Overtime Rule (more).

Private Water Claims Better Compliance with Safe Drinking Water Act (Twitter): November 28 – a Boil water advisory expanded into Alum Creek and Tornado areas as West Virginia American Water expands the boil water advisory to include 1,100 customers (more). December 3 – Indiana American Water restored service to about 135 customers who were without it, but officials are advising affected residents to boil water (more).

Flint Water Hero's Husband Faces Retaliation from the U.S. Navy: Lee Anne Walters was the first Flint resident to notify the EPA of the city's water problems. Walters' four year old was diagnosed with lead poisoning after being tested in December, 2014, eight months after Flint, Michigan began pumping polluted water from the Flint River. Now her own husband, a Navy sailor, faces retaliation at work for her efforts (RT news).

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House, Senate Appropriations Panels to Pass New Continuing Resolution (CR): Congress returns to work this week. Lawmakers are discussing strategies on how to get the CR passed before a current stopgap expires on December 9. The White House declined to signal support for the plans being discussed in the Capitol.

EPA Wants to Get More Involved in Small System Consolidation: See the Agency’s recent presentation on the topic (link). EPA calls the concept “partnerships.” In legislation supported by the private water industry, "partnership" is defined as "a change in the ownership or the financial, technical, and operational management structure of a water system." Earlier this year, NRWA testified on the subject before the U.S. Senate, stating, "Rural Water supports consolidation and regionalization; it has been our core mission in expanding water service to deliver water to more rural families and enhance economic development. We have consolidated/regionalized many smaller communities and extended new water service to many rural families, communities, underserved areas, farms and businesses. This has been a great benefit to these rural households and small communities. However, the key ingredient in any successful consolidation is local support for the consolidation — and local control of when and how they choose consolidation. Rural Water has led or assisted in more communities consolidating their water supplies than any program, policy or organization. Again, when communities believe consolidation will benefit them, they eagerly agree. However, if communities are coerced to consolidate, one can almost guarantee future controversy."

EPA Employee Morale Down Due to Pending Trump Administration: Several EPA employees told InsideEPA.com that morale at the agency has taken a significant downturn due to the uncertainty about President-elect Donald Trump’s plans for the agency. They charge that the Republican's campaign trail pronouncements threaten to eliminate or curb the agency and undo major Obama EPA rules and that is creating unease among staff. Trump's election marks the first time a candidate who has called for eliminating EPA has won the presidency. “There were people crying in the office the day after the election; we are going to fight to maintain our presence,” a source told reporters.

EPA Administrator Looks Forward to a “Smooth Transition”: Last week, EPA Administrator Gina McCarthy said she will show the new Administration the "breadth of the work of the agency and how well we've done our jobs." The Administrator said the EPA had not yet been contacted by the transition team of President-elect Donald Trump.

SCRWA Advocacy to Ensure SRF Funding Targets Stand Up for Small and Rural Communities is working in Congress: In October, South Carolina Rural Water Association (SCRWA) raised concerns with Senate legislation to change SRF ranking criteria, claiming it would reduce the number of small disadvantaged water systems that receive SRF funding (SCRWA). We heard that the provision has been significantly modified to address SCRWA's concerns in the negotiations occurring between the House and Senate to pass a final bill (WRDA 2016).

Kansas 1926(b) Dispute Lasts over a Decade and Costs Millions: "Representatives of the city of Eudora and Douglas County Rural Water District No. 4 are in talks to resolve a decade-long dispute about the delivery of water service in the city’s southern growth area. The talks come on the heels of a summary judgment favoring Eudora that was issued Sept. 29 in Federal District Court in Kansas City, Kan. In making the ruling, Judge Julie Robinson said the city could go forward with its effort to secure the right to provide water service within its city limits that is part of RWD No. 4 and that the water district has no protection through a federally guaranteed loan it secured in 2004 to deny the transition. Any agreement would require Eudora to compensate RWD No. 4 for its loss of service area" (more).

NYRWA Winner of New York Dept. of Environmental Conservation’s 2016 Environmental Excellence Award: NY Rural Water was selected for “outstanding leadership in adopting innovative
solutions to protect our environment and enhance our economy and for improving and protecting the health of New York’s waters and communities by providing unique and critical services, technical assistance, and training to small, rural communities with populations under 10,000 to help improve and protect water and wastewater facilities. NYRWA’s leak detection program has helped communities save nearly seven million gallons of water each year. Energy efficiency programs are resulting in a cost savings of more than $200,000 to residents.”

Explosion at Kansas Aerosol Plant Threatens Local Drinking Water Supplies: Kansas Emergency Management to evacuate parts of Neodesha after a November 22 aerosol plant explosion that prompted a Stage 3 water emergency and potential chemical contamination (more).

EPA Disapproval of Water Standards Not Reviewable: On Nov. 21, the U.S. District Court for the District of Maine upheld the EPA's motion to dismiss the lawsuit the state filed in September, 2015 over the EPA's disapproval of some of its water quality standards. Federal disapproval of a state's water quality standards cannot be challenged in court, according to an opinion issued by a federal court (Maine v. McCarthy, 11/18/16).

Trump's Opposition to Waters of the U.S. Rule Prompts Questions over Fate of Lawsuit: President-elect Donald Trump's opposition to EPA's Clean Water Act (CWA) jurisdiction rule could result in EPA dropping its defense of the rule and environmentalists involved in the suit taking the lead in defending it. The new Trump Administration could ask the U.S. Court of Appeals for the 6th Circuit for a voluntary remand of the regulation. However, the Obama administration could file an opinion to support the rule in the 6th Circuit case scheduled for Jan. 18. This would complicate matters coming just two days before Trump's inauguration. Another option could be a 6th Circuit ruling against EPA and then the Trump Administration could decide to pull the rule and refuse to defend it in the Supreme Court. During the campaign, Trump stated that he would abolish the WOTUS rule, calling it among “our most intrusive regulations.”

More EPA Regulation of Farms in Iowa, Minnesota, Wisconsin, Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana to Save the Gulf of Mexico: After nearly 20 years of inaction, EPA should push Iowa and nine other states along the Mississippi River to cut nitrogen and phosphorus pollution that contributes to the Gulf of Mexico's dead zone (more).

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Congress to Extend Appropriations Bill into Trump Administration: House and Senate Republican leaders agreed to abandon plans to finish up this year's appropriations bills this fall in order to give the new Congress and incoming Trump administration the final say over Fiscal Year 2017 spending by extending the current Continuing Resolution until March 31. Earmarks could be back by the March 31 deadline as the new Congress and Administration would renegotiate the final FY 2017 appropriations bills. Speaker of the House Paul Ryan has suggested that the House drop its earmark moratorium and begin inserting special projects into the bills. This would require a rules change for Congress which will be up for consideration in January. To correct the problem of the termination of EPA funding on-site technical assistance, the change in the rules to allow for earmarking would have to include the EPA appropriations bill and allow non-profit organizations to be eligible.

NRWA Stands Up for Rural and Small Communities: On Friday, NRWA urged the EPA to rely on voluntary collaboration, outreach training, and on-site technical assistance to ensure compliance with the questionnaire versus enforcement and civil penalties when implementing the Agency's National Study of Nutrient Removal and Secondary Technologies: Publicly Owned Treatment Works (POTW) Screener Questionnaire in the targeted 16,000 communities (NRWA).

Congress to Vote to Repeal Labor Department’s Rule on Overtime Pay: A lead Congressman is forecasting a vote in Congress next year to nullify the Labor Department’s rule allowing more workers to earn overtime pay. Under expedited Congressional procedures, any regulation finalized in the last 60 days of a legislative session can be revisited in the next session and voiding the regulation could be put to a vote. There is renewed optimism in the effort to repeal the federal overtime rule because sending the Congressional "resolution of disapproval" next year may be approved by a President Donald Trump rather than head to a certain veto from President Barack Obama. The overtime rule was finalized on May 23 and would go into effect within the 60 day window if the House or the Senate adjourns by December 9. The Labor Department’s regulation, with an effective date of December 1, will raise the salary level below which employees qualify for overtime pay even if they perform administrative, professional or executive duties. The rule would raise the annual salary threshold from $23,660 to $47,476. An economic adviser to candidate Trump has said the regulation would be very harmful to job creation because it forces companies to rethink whether they are going to hire people.

EPA Finalizes the Fourth Contaminant Candidate List 4: EPA issues the final Fourth Contaminant Candidate List (CCL 4) which includes 97 chemicals or chemical groups and 12 microbiological contaminants (more).

EPA Finalizes Rule on Small Municipal Separate Storm Sewer Systems: EPA announces changes to how small municipal separate storm sewer systems (MS4s) obtain coverage under NPDES permits (more).

Ontario First Nation Water System – “There’s no water in the community”: The problem stems from the following issues: four ruptures that were found in pipes that carry water from a treatment facility to homes; the pump from the water plant itself that is also broken; the community could be without water for two weeks; an outbreak of skin rashes among children, etc. (more).

Doney Park, Coconino County, Arizona Issues Boil Advisory for E.coli (more).

Florida Woman Tampering With and Shutting Off Power at Wastewater System Sites (news).

Both Sides in Syrian War Accused of Using Chlorine Gas Bombs (more).
President-Elect Trump Water Infrastructure Plan Update: The details of the $1 trillion plan have not been revealed (more). The President-Elect touted his infrastructure plan as a top priority, mentioning it in his election-night victory speech. Much of the conversation over the plan includes encouraging private investors to put their money into infrastructure. A concern with this concept is it relies on transferring public assets to private investors in the form of profit versus dedicating all public assets to building the infrastructure. New York Times’ Paul Krugman said, “How is this kind of scheme supposed to finance investment that doesn’t produce a revenue stream? Toll roads are not the main thing we need right now; what about sewage systems, making up for deferred maintenance, and so on? You could bring in private investors by guaranteeing them future government money — say, paying rent in perpetuity for the use of a water system built by a private consortium. But this, even more than having someone else collect tolls, would simply be government borrowing through the back door — with much less transparency, and hence greater opportunities for giveaways to favored interests” (NYTimes).

Illegal Annexation of Rural Water District Costs Oklahoma City $859,904.51: A rural water manager said by the time this case is finally resolved, the city will have spent a “huge amount of taxpayers’ money in a failed attempt to take away territory for which the city never had the right to serve.” The rural water district’s lawyer fees total $389,562 which may be paid by the city as well (more).

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President-Elect Trump: During the campaign, Trump repeatedly pledged to do away with “needless and job-killing” regulations as part of his economic plan, specifically highlighting major Obama-era environmental rules like the Clean Power Plan and the Clean Water Rule. He also pledged to conduct a “targeted review” to identify regulations that inhibit job growth (NYTimes). Trump's transition team website includes a summary of his environment agenda. The incoming administration also pledges to “refocus the EPA on its core mission of ensuring clean air, and clean, safe drinking water for all Americans.” The summary says that the Trump administration will be “firmly committed to conserving our wonderful natural resources and beautiful natural habitats,” adding that “America’s environmental agenda will be guided by true specialists in conservation, not those with radical political agendas.” A Trump transition team of 12-15 people is expected soon at EPA. Trump has selected Myron Ebell, with Competitive Enterprise Institute (CEI), to lead the EPA transition. CEI has studied the impact of environmental regulation in small and rural communities. During the U.N. climate talks in Paris last year, mug-shot posters of Ebell were pasted on walls and lampposts around Paris by an activist group depicting Ebell as a “climate criminal” wanted for “destroying our future” (NYTimes). Ebell said he hoped whoever was elected president would “undo the EPA power plant regs and some of the other regs that are very harmful to our economy.” A lead climate change advocate says, “Donald Trump’s Presidency Could Literally Mean the End of Their World” (Naomi Klein).

Senate and House: Though House and Senate Republicans lost some seats in Tuesday's election, they'll maintain control in the 115th Congress and have a Republican president in the White House (7 new Senators and 53 new House members).

Swearing-In: January 20 2017, swearing in on the steps of the US Capitol at noon.
115th Congress: convenes for the first time on January 3, 2017

Trump Win Prompts House Republicans to Attempt to Pass Continuing Resolution until Spring: Currently, the federal government is funded through a continuing resolution (CR) maintaining FY16 spending through December 9. A senior House Member recently advocated for extending the CR until March or April to allow President-Elect Trump time to set up his administration. Any bill approved by the incoming 115th Congress and Trump Administration is likely to include sharp funding cuts to EPA personnel. Some in Congress are already floating future goals for reducing EPA's size including calls to cut staffing levels in half and even to shut down the agency entirely. However, the future of the state revolving funds (SRFs) may fare better as Trump has signaled support for rising infrastructure funding. Delaying the final appropriations bills until spring could allow for policy riders that bar spending any appropriated funds on the development or implementation of a host of regulatory efforts the GOP opposes such as the Obama Administration's climate agenda and Clean Water Act (CWA) jurisdiction rule. President Obama has indicated he would veto any bills with policy riders.

Key Congressional Committee Changes for Rural Water: House Appropriations Committee Chairman Hal Rogers (KY) is expected to hand over his gavel to Representative Rodney Frelinghuysen (NJ) in the next Congress. That switch is likely to set in motion a revamping of the lineup of subcommittee chairmen. Agriculture Subcommittee Chairman Robert Aderholt (AL) may seek the chairmanship of Financial Services Subcommittee. Representative Ken Calvert (CA) is expected to remain at the Interior-Environment Subcommittee. There will likely be a contested race for Chair of the House Energy and Commerce among Representatives John Shimkus (IL), Greg Walden (OR), and Joe Barton (TX). Long-time rural water supporter Senator Jim Inhofe (OK) is term-limited on the Senate Environment and Public Works Committee which has become the dominion of Wyoming Senator John Barrasso who reportedly was Earl McKinney's surgeon. Chairman Thad Cochran (MS) is eligible to serve two more years as Senate Appropriations
Committee Chair. However, Democrats are preparing to choose a new ranking member for the panel potentially among Senators Leahy (VT), Murray (WA) and Durbin (IL).

**Trump Backs New Infrastructure Program**: One of Donald Trump’s top campaign promises was a trillion-dollar program to build infrastructure including, "Make clean water a high priority. Develop a long-term water infrastructure plan with city, state and federal leaders to upgrade aging water systems. Triple funding for state revolving loan fund programs to help states and local governments upgrade critical drinking water and wastewater infrastructure." The president-elect has vowed that his infrastructure proposal will create “millions” of jobs, likening it to Dwight Eisenhower’s creation of the interstate highway system. The Trump proposal includes financing strategies like tax credits to spur private investment in transportation projects. The plan even includes a favorable principle, "Provide maximum flexibility to the states.”

*With Trump’s Election, a Bonanza for Washington Lobbyists* ([NYTimes](https://www.nytimes.com)).

**National Rural Water Association**
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Congress Returns This Week: Senate Majority Leader Mitch McConnell says passing some type of spending package will dominate the post-election lame-duck session as a current continuing resolution expires December 9 – and he plans to “wrap up” spending for fiscal year 2017 and clear the decks for President-elect Trump. Other Republicans would rather leave this year's spending business for the new president to deal with in the spring (more).

Suspicious Man Caught Trespassing at Chicago Water Supply: Shahroon Augustine entered the Eugene Sawyer Water Purification Plant with a duffle bag. He was charged with trespassing and then vanished. Last year, he was charged with a misdemeanor after Palatine police stopped him with “an ax in the waistband of his pants” and a gym bag containing an expandable baton, duct tape and more. He has failed to appear in court and a warrant has been issued (CBS news).

New Report Finds Hydraulic Fracturing Likely Did NOT Cause Problems with Drinking Water in Pavillion, WY (more).

Kentucky Governor Matt Bevin Attacks the EPA: On November 9, Bevin told a radio station interviewer that “nothing would make me happier than to see his administration say, we’re going to gut the EPA. The EPA is not needed at the federal level... If we gut and/or abolish and get rid of the EPA at the federal level, America would be better, all of our industries would be better, our people would be better, our economy would be better, and the future would be brighter still.” He argued that states can take a leading role on environmental protection without federal oversight or backstops. “There’s not one state in America that wants dirty water and dirty air for its people. Not one. We've got the ability to implement -- we're already the ones that enforce all that action at the state level. Let us continue to do what we are doing and what we can do well without the interference, without the un-elected bureaucrats in Washington, DC, passing down edicts that have no legal standing,”

The Case for Public Blood Tests for PFOA and PFOS: Hoosick Falls, New York, residents are concerned about PFOA contamination in their town's drinking water. One resident was notified that his blood contained 50 parts per billion of PFOA, about 25 times that of the average, while his wife's results showed much less of the chemical at just above the national average of about 2 ppb. Three of their four children had blood levels higher than their father, led by their then almost 2-year-old daughter, who had more than 100 ppb. The mother's levels were probably so low because she passed the chemical to the children during pregnancy and through breastfeeding, an effect well documented by scientific studies. "We just really need to know in terms of the future what we need to expect. We need to know that I have to keep an eye on liver, thyroid issues, in particular, at certain ages." Experts are not confident in saying there are specific blood level thresholds where certain health effects start to occur (more).

Environmentalists Press Departing Administration to Expand EPA Regulatory Authority under Risk Management Plans (more).

Indiana Water Treatment Plant Burglars Came into Contact with E.coli: Authorities in Versailles, Indiana, reported during a November 6 burglary and vandalism incident at a local wastewater treatment plant that the suspected individual came into contact with E. coli strains located in an incubator at the plant site (more).

Small California City's Big Fluoride Debate: In the “charming tourist-destination town” of Healdsburg, located in Sonoma County, a local ballot measure has pitted a tiny but dogged band of activists against an unusual enemy: dentists. Although Healdsburg is small, the state association of dentists has vigorously opposed the measure and poured $20,000 into the effort to defeat it (more).
E. Coli Detected in Nebraska Rural Water District: A boil-water advisory was issued for customers in the Rural Water District 2 in Cass County and parts of Otoe and Lancaster County after E. coli was detected in the water system. The source has not yet been identified (news).

Judge Orders Flint, Michigan to Deliver Bottled Water to Residents: Residents still can’t bathe in the water, let alone drink it. Currently, water is running brown. Resident tells about rashes, breathing problems, growths, GI problems, intestinal polyps, etc. (NPR).

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Rural Water Policy Advisory [11/7/2016]

Election Day Cybersecurity/Terror Update:

- Government officials fear large-scale internet assault on Election Day. Government officials are launching an unprecedented effort to protect critical infrastructure from potential foreign cyber-attacks. NBC senior legal and investigative correspondent Cynthia McFadden reports for TODAY (NBC news).
- The FBI informed New York, Texas and Virginia about possible attacks by the Al Qaeda militant group around Election Day (ABC news).
- Cybersecurity experts are concerned about protection of water utilities. “Personally I’m most worried about the water industry,” said Jim Gillespie whose firm Gray Matter Systems secures industrial-control systems (Wall Street Journal).
- Hacking Competition to Take Down a Water-Treatment Plant (Atlantic Mag).
- Ransomware Is Booming and Companies Are Paying Up (Wall Street Journal).

Enviros to Sue EPA over Numerous Drinking Water Rules’ Deadlines: On Tuesday, the Waterkeeper Alliance notified EPA that it intends to file suit in 60 days for failure to regulate several drinking water contaminants (notice to EPA). This action could result in a federal court order compliance schedule similar to the recent perchlorate regulation lawsuit. The Waterkeeper Alliance suit claims EPA has missed "at least ten non-discretionary duties" for regulating and monitoring contaminants under the Safe Drinking Water Act including missing mandatory statutory deadlines for regulation of six harmful contaminants in drinking water – strontium, tetrachloroethylene, trichloroethylene, acrylamide, epichlorohydrin, and chromium. The group also wants EPA to issue a regulatory determination to move forward with developing a rule for strontium. Similar to the Natural Resources Defense Council's justification for its recent perchlorate lawsuit, the Waterkeeper Alliance stated, “With health crises caused by dangerous contaminants in tap water in numerous communities on the minds of many Americans - for example, lead in Flint, Michigan, microcystin in Toledo, Ohio, and perfluorooctanoic acid (PFOA) in Hoosick Falls, New York - EPA's extensive delays put the public at unnecessary risk.” We did have a meeting today in DC with a leading EPA regulatory expert about the possibility of a legislative solution to this activity (i.e. interests groups forcing promulgation of standards before EPA has completed all the necessary analysis and health effects studies).

USDA Funds Truth of Consequences: USDA announced $331 million in rural water funding awards on November 1. The city of Truth or Consequences in Sierra County, N.M. has been selected for a $715,000 loan and a $4.5 million grant for the second phase of wastewater treatment plant improvements to comply with environmental regulations.

NRWA Participates in National Lead Service Line Replacement Collaborative: Maryland Rural Water Association member George Hanson will represent NRWA on the "Lead Service Line Replacement Collaborative“ next week in Washington to help craft lead service line replacement policies (agenda).

EPA to Host Webinar on Ohio’s Efforts to Reduce Nutrient Pollution: (November 30, 2016).

EPA Releases Report on Progress Made to Reduce Water Pollution from Nonpoint Sources: EPA's national snapshot of work to reduce water pollution from nonpoint sources through the Clean Water Act Section 319 Nonpoint Source Pollution Management Program is here (EPA report).
**EPA Is Planning on a Mandatory Survey for the National Study of Nutrient Removal and Secondary Technologies:** Before finalizing the survey, EPA is soliciting public comments on specific aspects of the proposed information collection. EPA mailed around 15,000 letters to POTWs nationwide to alert them to the study and our plan to field the questionnaire in mid-2017. EPA wants to hear from you and is holding two webinars on Thursday of this week (more).

**New Jersey Water Tower Dome Collapses:** "We have everything under control," says the mayor. The tower remained in operation. A suspected malfunction is believed to have basically sucked the roof into the tank (more).

**WOTUS Update and Explanation:** On Tuesday, a coalition of 31 states filed their joint brief to the U.S. Court of Appeals for the Sixth Circuit which stayed the EPA Waters of the U.S. Clean Water Rule nationwide as it reviews nearly two dozen consolidated challenges to it. According to the coalition, the EPA is using the Clean Water Act to assert its authority over many local waterways including ephemeral streams and dry desert arroyos which should have been under state domain. The states say the "Rule categorically federalizes stream beds that usually carry no water, and features that are connected to navigable-in-fact waters, if at all, only once a century." Some argue this case should be proceeding in the Supreme Court and believe the Sixth Circuit has erroneously established itself as the venue to hear the challenge. EPA and the U.S. Army Corps jointly published the Clean Water Rule in June 2015 to clarify which waters and wetlands fall under the jurisdiction of the act, thereby making them subject to federal discharge and dredge-and-fill permits, oil spill prevention requirements and state water quality certifications, among other programs (more).
Hurricane Matthew Retrospective: Rural Water Associations continue to deliver essential emergency response to disasters - as was the case recently in the southeast with Hurricane Matthew.

North Carolina Rural Water Association (NCRWA) reported contact with approximately 85-100 water utilities after the hurricane’s impact with many needing assistance for months to come. Contacts ranged from providing assistance via the telephone, on-site assistance lasting a number of days, and referral of utilities to contacts who could provide specific assistance (such as the availability of laboratories that could perform microbiological testing) to coordinating mutual aid relief from other communities (such as equipment, personnel, and machinery). For example, the Town of Rowland experienced flooding that washed out its transmission lines and resulted in zero PSI in its distribution system. Over the course of four days, two NCRWA Circuit Riders were able to remain on-site in the community to assist in valving off the mains and interconnecting them with a neighboring county water utility to provide emergency water service, flush and disinfect the systems, conduct bacteriological monitoring, locate a lab to review the samples, and flush and jar test the well to bring it back to operation. During their four day stay in Rowland, the CRs were also able to travel to neighboring water utilities to provide similar on-site assistance. NCRWA’s executive director commented that “in an emergency, all the communities call the Circuit Riders; they know they can help and they trust them.” In addition, he commented that “the preparations are very important to being successful in a response. Being mentally prepared can be as important as the actual response. We had started our preparations a week before the impact and started contact with communities 3-4 days before impact. We were not surprised.”

Florida Rural Water Association (FRWA) was also called to emergency response mode once again. Generators were pressed and FRWA staff spent days reaching out to affected systems in the area to offer assistance. Four semi-trailers and a motor home loaded over with their pieces of equipment pulled out en-route to staging areas in Jacksonville and Port Orange. FRWA staff was hard at work and put in endless days to keep systems up and running while supplying clean drinking water to their customers. One community assisted by FRWA commented, "On behalf of the board and staff of the Alligator Point Water Resources District, I would like to thank you for your recent assistance when our standby generator failed a week before the start of hurricane season. A call to FRWA solved our short-term problem. Jason and Ben provided excellent technical assistance in connecting one of our trailer-mounted emergency generators and also provided our maintenance supervisor with operation and maintenance training on the unit. We can never say thank you enough for everything that FRWA does for Alligator Point." Please see reports from FRWA and NCRWA for more details.

EPA Signals More Enforcement Requirements Under Revised Lead and Copper Rule: The (10/26/16) EPA White Paper does not specifically indicate how EPA will change the current Lead and Copper Rule but rather itemizes a number of subtopics within the rule and explains the range of potential changes EPA will recommend in 2017. For some subtopics (i.e. copper, treatment technique versus a maximum contaminant level (MCL), additional public notice, point of use treatment requirements, new tap health base level, partial lead service line (LSL) replacement, etc.), the White Paper does signal a likely policy change which will make the rule more burdensome for small and rural communities. For other critical subtopics (i.e. mandatory replacement of lead service lines that are under the "control" versus "ownership" of the utility, in-
home monitoring, mandatory LSL replacement), the White Paper does not signal any particular policy the Agency will adopt in the final modifications to the rule (NRWA initial review).

Environmental Groups Press EPA for More Regulation: Dozens of public interest groups asked the President’s Task Force on Environmental Health and Safety Risks to Children to develop a comprehensive federal strategy to address lead and protect the health of children including the following recommendations:

- EPA should require utilities to replace the entire length of lead service lines (―LSLs‖) under their control and ban partial LSL replacements.
- Partial LSL replacements must be banned, and EPA should require utilities to replace the entire length of an LSL under its control, regardless of ownership.
- EPA should require proactive replacement of all lead service lines. LSLs are the main source of lead in drinking water, and the revised LCR should require that all water systems adopt a proactive LSL replacement program that includes numeric LSL replacement benchmarks and enforceable deadlines for meeting them.
- EPA should significantly lower its drinking water action level which is now set at 15 parts per billion (―ppb‖). EPA should establish 5 ppb as the action level for all drinking water.

Michigan Judge Says Residents Can Sue State for Flint Water Contamination: In an opinion issued Wednesday, a state court held the lawsuit can proceed on allegations the state violated the due process clause of the state constitution by failing to protect Flint residents' "bodily integrity" (more).

DWSRF and Capacity Building in Action - Leveraging Resources to Address Lead in Drinking Water: EPA webinars on November 15th will highlight ways in which DWSRF set-asides and infrastructure project assistance can be used to build capacity at drinking water systems (more).

PBS Newshour Features Farmers Contaminating Drinking Water in Iowa: A Des Moines Water Utility Manager said, “It’s the ag folks that really are driving this problem. And in this state, we regulate, and some would argue over-regulate, cities and towns. But we leave unregulated industrial agriculture. And, of course, agriculture is the king of the block. Therefore, leave it alone, and hopefully a voluntary system will bring in conservation practices that will improve water quality. We say, ‘No pun intended, hogwash to that, hasn’t worked, won’t work.’” Farmers attack water utility manager with television commercials (PBS Ethanol Effect).

Chicago Shuts Down Hundreds of Public Drinking Fountains Because of Lead (more). Some fountains displayed startling amounts of lead in the water. Two fountains in the Avalon Park area registered 1,800 parts per billion and 1,200 parts per billion. City releases monitoring data (City of Chicago).

Warren Water (Kentucky) Creates Sustainability in High Schools: A water utility donated water bottle refilling stations to all Warren County high schools in order to offer a healthy drinking option that is convenient and free for students (KYRWA).

National Rural Water Association
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EPA OIG Concludes EPA Had Authority to Act in Flint: EPA's inspector general released a report on Thursday finding that EPA had sufficient authority and information to issue an emergency order to protect residents of Flint from lead-contaminated water as early as June, 2015, seven months before it declared an emergency. The EPA OIG claims the EPA's Midwest region did not issue an emergency order because it concluded that actions taken by the state prevented the EPA from doing so. The report calls that interpretation incorrect and says that under federal law, when state actions are deemed insufficient, "the EPA can and should proceed with an (emergency) order" aimed at "protecting the public in a timely manner" (EPA OIG).

Washington Post's In-Depth Feature on Status of Flint One Year Later: "In Flint, a water crisis with no end in sight... many residents still rely on bottled water... children still must bathe in bottled water... we feel that we don’t really matter... there are Flints everywhere... Scores more have fallen ill from the respiratory illness... I heard children say, 'Am I going to die... If I really could afford to leave, I would... The first sign that their home’s water was tainted came when one of their dogs fell ill... months of unexplained weakness, fatigue and short-term memory problems... slow progress digging up lead service lines across Flint... Mayor knows her city had long been neglected and forgotten... Mental problems, physical problems, financial problems... People feeling ignored, forgotten, lost... If only for a while, the water was something that could comfort and heal, rather than something to fear... protested in a “die-in” on the steps of the Flint water plant... residents realized their water was tainted may have damaged their brains in ways that show up only later" (WashPost).

South Carolina Rural Water (SCRWA) Raises Concerns with Senate Legislation to Change SRF Ranking Criteria: In an October 24 letter to Congress, SCRWA observes, "The Senate passed bill, S.2848, Section 7102 redefines the prioritization and weight given to loan applications for SRF financing. The provision provides a greater weight (better ranking) to applicants that already have the following fiscal sustainability programs in place: asset management, replacement schedule, fiscal plan, energy conservation and water efficiency. We support water utilities developing all of the above mentioned sustainability programs and practices. However, by giving more favorable ranking to systems with these programs already in place, it will reduce the number of small disadvantaged water systems from receiving the necessary funds to initiate such programs. In order to promote these sustainability programs for small water systems, this provision should direct that fiscal sustainability planning is a provision of receiving the funds (part of the overall project outcome) rather that a prior requirement or ranking strategy" (SCRWA).

Kansas Chemical Spill Results in 85 People Needing Medical Care: A plume of noxious gas fogged over parts of Atchison (KS) after two chemicals were inadvertently combined "near" a sewer plant. A local resident used a drone to photograph the spill and said the town was "in total chaos" as the cloud spread (CNN).

Court Orders EPA to Finalize Perchlorate MCL by December 2019: On October 17, EPA and environmentalists reached a consent decree where EPA will issue a final rule no later than December 19, 2019.

EPA Requests Wastewater Utilities to Complete Questionnaire: EPA’s National Study of Nutrient Removal & Secondary Technologies is designed to establish a nationwide baseline for
nutrient removal at publicly owned treatment works (POTWs) and to characterize low-cost options such as operation and management practices that result in improved nutrient control. EPA recently published a Federal Register notice (September 19, 2016) on the proposed initial phase of the study which will collect basic information from all POTWs nationwide through a mandatory questionnaire. Last week, EPA announced two webinars intended to provide background on the study and the agency will specifically focus on demonstrating the content and electronic format of the draft questionnaire on November 2, 2016 and November 10, 2016 (link).

Heavy Rainfall in Rural Pennsylvania Causes 55,000 Gallons of Gas to Leak in Tributary: Flooding has caused a leak of a Sunoco pipeline carrying gasoline in Lycoming County (PA). Emergency plans have been activated in three water systems potentially impacted by this spill (more).

"Water is Life," Native American-Led Resistance to Construction Sites Stops Work on Dakota Access Pipeline: Roughly 140 people were arrested in total amidst the ongoing resistance. One person reportedly delayed work for up to six hours by locking to an excavator. Militarized police have been deployed (video).

Risk Management Plan (RMP) Rule Update: On October 14th, EPA submitted for White House Office of Management & Budget (OMB) pre-publication review of its final revised facility safety rule signaling a potential release of the rule before 2017. Gaseous chlorine, ammonia, and other chemicals that represent at-risk populations surrounding regulated facilities are covered under RMP requirements. EPA’s proposed new RMP rule would impact many water utilities (NRWA May 13, 2016 comments).

New Private Water Industry Promotion Video (link).

USDA Report Finds Livestock Farms Less Likely Than Crop Farmers to Participate in Nutrient Trading Programs (USDA).

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North Carolina Flooding: “Damaging flood waters steal so many things, including the reliable drinking water supplies people usually take for granted… water mains running underneath roads fail in the wake of flooding… We’ve got four feet of water over our only treatment plant… drowned back-up generator at the plant… More than 30 water systems boil their tap water… Pressure got very low and in some cases there was none at all… Finding and sealing off a broken 22-inch mainline pipe on Sunday helped the situation. By the next day, public works crews had found others, shut them down, and could start restoring pressure… Now that dozens of water treatment plants have been exposed to contaminants, it could take weeks for water in some Down East communities to be drinkable (more).”

Congress Asks NRWA How to Improve New Lead Rule Provisions: In response to NRWA’s recent concerns over a House-passed bill to require utilities to distribute third-party lead monitoring results (NRWA), key Congressional staff asked NRWA to submit proposals to improve the legislation.

Florida Rural Water Response to Hurricane Matthew: On Friday, FRWA reported, “The storm churned north along the coast of Florida on Friday of last week, staying far enough offshore to spare the state a direct hit, but still caused flooding, wind damage and power failures. By Friday evening, it was a Category 2 storm, with sustained winds of up to 110 miles per hour…. FRWA was in an emergency response mode once again. Generators were prepped and FRWA staff spent days reaching out to systems in the area affected to offer assistance. Four semi-trailers loaded with over thirty pieces of equipment and a motor home pulled out en-route to staging areas in Jacksonville and Port Orange. Utilities helped utilities. They are the true unsung heroes. Many more utilities volunteered to help and would have been called on if the damage was greater. Many thanks to you for your willingness to assist in the recovery effort. FDEP, FDEM, FlaWARN, and others worked tirelessly! FRWA staff was hard at work and put in endless days to keep systems up and running and supplying clean drinking water to their customers. Their days were filled coordinating, delivering, recovering, loading, unloading, and finally returning the equipment to the FRWA warehouse late Thursday evening (FRWA).”

South Carolina Rural Water (SCRWA) Presses for Final Passage of Massive Water Bill: SCRWA is pressing to have the small and rural community provisions in the Senate-passed bill included the final legislation that is likely to be considered by Congress in December (SCRWA).

Alabama Rural Water Advocates to Retain Tax-Exempt Financing for its Membership: ARWA member Perdido Bay Water District raised concerns in Congress with the IRS proposal to change eligibility for tax-exempt bonds. Perdido Bay Water stated, “If the IRS is successful with this effort, it will affect a great number of water and wastewater systems throughout the state and country (Perdido Bay statement).”

EPA Threatening to withdraw Wisconsin CWA Primacy: EPA plans to spend four days this week in the Madison headquarters of the state Department of Natural Resources paging through files on state enforcement of water pollution laws (more).

Private Water Industry Says Private Water is Cheaper than Public (more).
"Trust in Our Public Water Supply has Never Been Lower": Virginia Tech Professor Marc Edwards spoke about his research into the water crisis in Flint, Michigan. He’s become known around the country for helping expose toxic levels in lead that were covered up by various government agencies (TV news).

New Ohio Law Requires Mapping of Lead Pipes (newspaper).

EPA Delayed Helping Michigan with Water Borne Legionella Outbreak to Give State More Time to "Figure Out" How to Tell Public (more).

California Designs First Statewide Water Affordability Program: The state has begun designing a program to provide state aid to individuals and families who need help paying their water bills. It is determined to be the first to use state funds to subsidize water service for poor residents. “We’ll be collecting a certain amount of money in some way so that it gets to people to help pay their water bill,” said State Water Resources Control Board representative (more).

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Rural Water Associations Respond to Hurricane Matthew: “FRWA preparations began on Thursday in anticipation of Hurricane Matthew. FRWA made sure that the generators were serviced, filled with fuel, and loaded on a trailer for delivery to systems to keep them up and supplying clean drinking water.” FRWA urges first responders to recognize post-traumatic stress with the following statement, “When entering storm-ravaged areas, it can be hard to comprehend the misery and the utter and total destruction of the area. Being prepared to simply get down to work is the best thing responding utilities can do. Be prepared for situations where people are not ready to think and act rationally and may be more worried about their family and their community than providing assistance.” FRWA and FlaWARN have staged 20 large generators, 10 small generators, two 6-inch bypass pumps, three four-inch trash pumps and a trailer equipped with tools, radio and satellite communications, and sleeping accommodations for emergency response personnel. North Carolina Rural Water Association (NCRWA) is on standby with the Circuit Riders and Wastewater Techs prepared for immediate mobilization. All of NCRWA staff has been issued a “Certificate of Post Disaster Re-entry” in the event of curfew and closed storm areas. This certificate will permit reentry for the purpose of delivering or assisting in the distribution of essentials or assisting in the restoration of utility services. NCRWA has established its Command Center in the central part of the state where calls for assistance and dispatching will be handled.

NRWA Urges Senators to Retain Local Control in Lead and Copper Monitoring (NRWA 10/7/16).

NRWA Presses IRS to Withdraw Changes to Tax-Exempt Eligibility Criteria (NRWA 10/7/16).

NRWA Urges EPA to Reject Erin Brockovich Call for National Regulation of Hexavalent Chromium (NRWA 10/7/16).

NRWA Tells EPA that Use of Design Flows Versus Actual Flows for Crafting NPDES Permits Could Harm Small Communities (NRWA 10/7/16).

The Future Success of NRWA's §1926(b) Advocacy is Dependent on your Participation in “Your” Association (NRWA Exegesis).

A Toilet or Safe Drinking Water? The Stark Choice Facing Many People in Rural India (Guardian).

Professor Drinking Water Warns of Limits of Corrosion Control in Flint (news): “As long as the lead pipes are there and filters are not in place, we will never again be able to say water coming through a lead pipe, regardless of how good the corrosion control is, is safe by modern standards not only in Flint but all around the United States ... The only way to be sure the water is safe is to get rid of all the pipes or use a filter.”

Mississippi’s Claim That Tennessee Is Stealing Groundwater Is a Supreme Court First: Mississippi claims that Memphis and its utility company, Memphis, Light, Gas and Water are stealing water from the Memphis aquifer by withdrawing vast amounts of water and causing a "cone of depression" that has spread into DeSoto County. They say that cone of depression is
forcing the groundwater in the Memphis aquifer to move into Tennessee instead of staying within Mississippi's borders (more).

**Iowa Agriculture Secretary Questions EPA Nitrate Standards:** Secretary Northey was asked about his thoughts concerning the federal drinking water standard nitrate limit of 10 parts per million. He said there are “a lot of questions about whether that is the right number” (September 15th).

**Flint Hit with Bacterial Illness as Residents Shun City Water:** Outbreak of shigellosis, a bacterial illness that is easily transmitted when people do not wash their hands (NYTimes).

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Rural Water Policy Advisory [10/3/2016]

New York Times - "About one in five American homes are not on city sewer lines — the legacy of rural poverty has left its imprint...": “We didn’t have anything — no running water, no inside bathrooms,” said John Jackson, a former mayor of White Hall, a town of about 800 in Lowndes County, Georgia that is more than 90 percent black and did not have running water until the early 1980s. “Those were things we were struggling for (NYTimes).”

Congress Adjourns for Elections: Congress adjourned Thursday until November 14th after passing a Continuing Resolution (CR) that extends government funding until December 9th. The President signed the measure on September 29th, one day before the end of the fiscal year. The CR maintains existing funding levels with a half percent across the board rescission. When it returns to Washington after the November elections, Congress will have to complete ALL the annual appropriations bills that fund rural water priorities.

WRDA Update: The House passed its version of the Water Resources Development Act of 2016 (HR 5303) last week. The Senate passed its version of WRDA, HR 2848, earlier this month which included many rural water priorities (NRWA press statement). Congress will attempt to pass a final version of a WRDA bill when it returns in November for the lame-duck session. If no final legislation is reconciled between the Senate and House by the end of this year's Congressional session, the process will have to start over in 2017 with a new Congress. The House and Senate differed on allowing fees to be waived for WIFIA applications (the Senate approved it and the House did not).

Missouri Rural Water Association Speaks Up: In response to the recent Environmental Working Group report on hexavalent chromium in drinking water, MoRWA made the following statement, "However, this special interest group is merely showing detects.....which, in turn, translates to the general public as being unsafe and contaminated. Naturally, news venues are releasing this information and feeding the ignorance. At least one Missouri television station has showcased this information, but the systems brought into question have answered to the public intelligently."

Tanker Crash on I75 Threatens Florida Water Supply: A light sheen appeared in a creek in North Port (FL) after a tanker crash on Interstate 75 last week spilled more than 4,000 gallons of fuel. City officials shut down the main source at the water treatment facility (more).

EPA Moves Forward on Perchlorate MCL: EPA is soliciting public comment on the health effects modeling for perchlorate on thyroid hormones. Comments on the model and the supporting report are due by November 14, 2016 (EPA). In a separate action, EPA and environmentalists have reached an undisclosed tentative settlement in a lawsuit claiming the agency has missed Safe Drinking Water Act (SDWA) deadlines for a perchlorate drinking water standard following a federal district court judge's September 19th finding that the agency missed a two-year deadline under SDWA for issuing a proposed maximum contaminant level (MCL) goal and drinking water regulation for the substance. Neither EPA nor the NRDC has disclosed terms of the pending settlement. Perchlorate is highly soluble in water and once in the body, the chemical clogs up proteins that normally transport iodide into the thyroid gland to form thyroid hormones. In adults, failure to form these hormones can affect things like weight and cholesterol, and in children and prenatal babies it may affect brain development.

Senator Boxer (CA) Wants EPA to Determine What is "Inherently Safer Technology (IST)": Senator Boxer argues that a proposal to overhaul EPA’s Risk Management Plan (RMP) “falls short” of requirements needed to protect workers and communities (Senator Boxer to EPA, September 28, 2016). This issue has implications for water treatment choices by utilities.

Private Water Group Extols the Benefits of Private Water, Safer than Public Utilities (more).
Senator Inhofe Releases Report Detailing the Damage to Local Governments of the EPA Waters of the US Rule: Inhofe said, “It’s time to come together to protect farmers, ranchers, water utilities, local governments, and contractors by giving them the clarity and certainty they deserve and stopping EPA and the Corps from eroding traditional exemptions.” The Senate report claims mere presence of water in soil could give the federal government an opportunity to argue that it has jurisdiction over groundwater on the property (Senate Report).

Is the Idaho Dairy Industry Putting Rural Drinking Water at Risk?: “The average dairy cow might produce 80 pounds of manure and liquids a day; that’s the equivalent of 20 million humans. So that’s like the entire city of Los Angeles dumping their waste untreated across fields in southern Idaho.” An Idaho dairy owner says his operation is not polluting groundwater. Farmer says his 93-year-old mother lives on the farm and drinks the well water. Justin Hayes of the Idaho Conservation League says, “Knowing that the water that’s coming out of the tap would be poisonous to children sounds pretty bad to me. And I think that’s of tremendous concern to people in rural Idaho (Idaho Public Radio).”

What Should You Know, and Do, About the Yahoo Breach: Yahoo’s announcement that state-sponsored hackers have stolen the details of at least 500 million accounts was the largest data breach ever. According to cybersecurity experts, once a hacker breaks into an email account they can easily discover what other online accounts are tied to that address by searching for sign-up emails. Some of those details are sensitive and are also used for verification by banks and possibly government agencies. The Federal Trade Commission (FTC) has released a step-by-step video to users whose personal information may have been exposed in a data breach. This video provides instruction on how to report an incident and develop a personal recovery plan after a data breach has occurred. The U.S. Department of Homeland Security encourages users to review the FTC blog and US-CERT Tips on Avoiding Social Engineering and Phishing Attacks, Safeguarding Your Data, and Protecting Your Privacy.

National Rural Water Association
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Rural Water Policy Advisory [9/26/2016]

**Did Senator Wicker Fix It?** At the request of Mississippi and Kansas Rural Water Associations, Senator Wicker (MS) has been urging EPA to allow for electronic delivery of Tier II public notices for disinfection byproducts violations versus mailing them. Senator Wicker's effort with EPA goes back at least as far as June of 2015 when he wrote EPA regarding the issue ([Wicker to EPA](#)). Kansas Rural Water Association has been advocating for reform of this rule for many years ([KRWA Lifeline 3/2015](#)). Last week, Senate Wicker released a statement from EPA ([EPA, August 2016](#)). While not clearly responding to Wicker's inquiry, the EPA states,

"*Tier 2 requires mail or ‘direct delivery’ with the bill and a method to notify those who do not receive a bill or do not have service connection addresses (such as renters, apartments, nursing homes, etc.). Posting on the internet is allowed as one of the methods to reach those consumers.*"

EPA's January 2013 policy memorandum provides the following interpretation of the Safe Drinking Water Act's mandate to "mail or directly deliver" public notices:

"*EPA interprets the existing rule language "mail or otherwise directly deliver" to allow a variety of forms of delivery of the CCR, including electronic, so long as the CWS is providing the report directly to each customer... Electronic delivery must provide the CCR in a manner that is ‘direct.’ The EPA interprets this rule requirement to mean that CWSs can use paper of electronic communication (e.g., water bill) with URLs to meet their CCR requirement if the URL provides a direct link to the CCR, and if the communication prominently displays the URL and a notice explaining the nature of the link. In addition, the link must take the customer to the entire CCR so that the customer does not have to navigate to another webpage to find any required CCR content.*"

Replace the term "CCR" with "Tier 2 public notices" and you realize just what Senator Wicker has accomplished. In EPA's statement to Wicker, the agency notes that any public notice of disinfection byproducts must occur within 30 days of the violation. Florida Rural Water Association's Gary Williams recently commented that most community water systems in Florida bill monthly which would provide an opportunity to print the URL of the disinfection byproducts violation on the monthly water bill and provide cost savings for the printing, copying and mailing of the public notices.

EPA’s SDWIS database lists over 21,000,000 people living within communities with MCL or treatment technique violations of the disinfection byproducts rules for the third quarter of fiscal year 2015 ([EPA data](#)). KRWA’s analysis found that each public notice costs over $1 per person.

**Large City Consolidation:** Cleveland and East Cleveland, two of the country's poorest cities, are debating whether to merge. Does the “non-viable” East Cleveland deserve a grant to improve its infrastructures in order to take responsibility for its citizens? Both cities agree the state of Ohio needs to provide millions of dollars to repair East Cleveland's crumbled infrastructure and to stanch the city's financial bleeding. However, state lawmakers and Governor Kasich aren't in a giving mood ([more](#)).

**EPA Webinar on Treatment of PFOS and PFAS for Small Drinking Water Systems:** This Tuesday, U.S. EPA will be hosting a small drinking water systems webinar to discuss water treatment methods for removing perfluorinated chemicals from drinking water. The webinar will begin with an overview of the challenges associated with developing an analytical method for 14 PFAAs. This will be followed by a presentation on PFAS, including sources and occurrence data. EPA will present on PFOS treatment applicability and costs, as well as additional treatment data needs ([Register](#)).
EPA Releases New Document to Help Control Legionella Growth in Plumbing: EPA has released a document summarizing the scientific literature on controlling Legionella growth in plumbing found in buildings and facilities. People are exposed to Legionella when they inhale water droplets containing the bacteria. Exposure can lead to the development of a respiratory disease known as Legionellosis (EPA document).

EPA’s Office of Water Announces “Renewed Call to Action to Reduce Nutrient Pollution and Support for Incremental Actions to Protect Water Quality and Public Health”: Last week, in a six-page memo, the Assistant Administrator for water highlighted the urgent need for action to reduce this significant threat to water quality and public health; calls upon states and stakeholders to intensify their efforts in collaboration with EPA; and announces $600,000 in additional support for state planning or implementation of watershed-based, multi-stakeholder projects to reduce impacts to public health from nitrates in sources of drinking water and from nitrogen and phosphorus pollution contributing to harmful algal blooms (EPA memorandum).

Candidate Trump Talks EPA and Water: Last week in Pittsburgh, Donald Trump said, “I will refocus the EPA on its core mission of ensuring clean air, and clean, safe drinking water for all Americans… I believe firmly in conserving our wonderful natural resources and beautiful natural habitats. My environmental agenda will be guided by true specialists in conservation, not those with radical political agendas.”
NRWA's New President Emphasizes “We” Can Succeed: Steve Fletcher, General Manager of Washington County Water Company in Nashville, Illinois, became president of NRWA for the next two years in Orlando on September 14th. At the acceptance ceremony, Fletcher explained his confidence in rural water’s success during his presidency because “we can’t fail,” and when everyone in the rural water movement advances our common agenda, we always succeed. Fletcher noted this is how we continue to accomplish our legislative, regulatory, and funding objectives. Attending Fletcher’s ceremony were the president and vice president of the governing board of the Washington County Water Company. The governing boards, councils, etc. of rural and small water utilities should be the main supporters of rural water activity because it advances their local communities and all small and rural communities – and that is the main reason they participate in local civic activity. If you think NRWA could be doing more to educate local governing boards about this axiom, please let us know.

Senator Inhofe’s Massive Water Bill Passes the Senate: The U.S. Senate passed the Water Resources Development Act (S. 2848) in a 94-3 vote Thursday. The measure would provide $4.8 billion for programs under the Safe Drinking Water Act and Clean Water Act. It contains some funding to address water infrastructure problems in Flint, Michigan and other cities. The bi-partisan bill would be some of the most significant water infrastructure legislation enacted since the passage of the Safe Drinking Water Act of 1996 and the Clean Water Act of 1987. Senator Inhofe’s legislation addresses the priority water policy issues for small and rural communities detailed in NRWA’s press statement [link]. Senator Booker (NJ) proposed an amendment to the bill backed by the private water industry to impact small community consolidation [text] which was not included in the Senate-passed bill.

Senate Amendment to Increase Small Community Monitoring Costs by Over Half a Billion Dollars Rejected: New York’s Senator Gillibrand introduced an amendment to extend EPA unregulated monitoring to all public water systems [more]. NRWA provided a technical analysis of the amendment to the U.S. Senate Environment and Public Works Committee, upon request, on September 12th that showed the new requirement could cost over $590,000,000 [NRWA analysis]. Senator Gillibrand’s amendment was not included in the final package of amendments added to the Senate-passed bill.

Mississippi Rural Water Association Stands Up for Rural and Small Committee at the Public Service Committee: Tomorrow at 1:30pm, MRWA will take its case to the state’s Supreme Court. The case, MRWA v. Mississippi Public Service Commission, will be webcast live [link].

Environmental Working Group to Release Report about Chemicals Found in Your Drinking Water Utility: EWG is currently updating its database on the most recent data it has obtained from state agencies – and will soon be releasing the data to the public. EWG “intends to tell the story of America’s drinking water accurately and in a timely way.” Before publication, EWG is offering water utilities the opportunity to review and verify the data. To review your utility’s data, visit EWG’s database [link] and use username: water and password: utility to access the information. We accessed the City of Cleveland’s data and was provided the following: Aluminum 1 1491.12 ppb - 491.12 ppb 491.12 ppb, Copper 15 65 0 ppb - 112 ppb 11.87 ppb, Lead (total) 4 65 0 ppb - 45.7 ppb 1.02 ppb, Manganese 1 1 7.31 ppb - 7.31 ppb 7.31 ppb, Nitrate & nitrite 47 49 0 ppm - 1.02 ppm 0.34 ppm, Nitrate 56 58 0 ppm - 1.02 ppm 0.33 ppm, Monochloroacetic acid 3 67 0 ppb - 2.77 ppb 0.05 ppb, Dichloroacetic acid 67 67 0.53 ppb - 21.41 ppb 10.23 ppb, Trichloroacetic acid 67 67 2.99 ppb - 14.1 ppb 7.11 ppb, Monobromoacetic acid 67 67 0 ppb - 9.89 ppb 3.05 ppb, Dibromoacetic acid 67 67 0 ppb - 2.71 ppb 1.8 ppb, Total haloacetic acids (HAAs) 67 67 9.99 ppb - 37.04 ppb 22.22 ppb, Chloroform 83 83 2.09 ppb - 28.6 ppb 14.1 ppb, Bromoform 37 83 0 ppb - 0.79 ppb 0.13 ppb, Bromodichloromethane 83 83 2.6 ppb - 13.99 ppb 8.49 ppb, Dibromochloromethane 83 83 1.02 ppb - 0.34 ppm, Monobromoacetic acid 67 67 0 ppb - 6.45 ppb 3.56 ppb, Total trihalomethanes (TTHMs) 83 83 6.21 ppb - 45.91 ppb 26.27 ppb
No More Mailing Direct Public Notices for DBPs Stage II Violations: It appears U.S. Senator Wicker has succeeded in having EPA announce that the public notices may be e-delivered. There has been a long campaign from MRWA and KsRWA in support of this policy. We plan to announce the details later this week.

Advocates Cite Earthquake In Call For Stricter EPA Controls On Fracking: Environmentalists say a recent earthquake in Oklahoma linked to hydraulic fracturing wastewater injection wells which led regulators to shut down operations in the area demonstrate a need for EPA to craft new restrictions on well siting and measures to prevent further quakes as well as stronger remedies for victims such as restitution.

New Jersey Weighs PFOA Drinking Water Limit Stricter Than EPA Advisory: A New Jersey Department of Environmental Protection (DEP) advisory board is proposing a first-in-the-nation enforceable drinking water standard for perfluorooctanoic acid (PFOA), suggesting a level much stricter than EPA's drinking water advisory for the chemical and questioning whether EPA's level would sufficiently protect against cancer (more).

Lack of Public Confidence: Fifty-eight and a half percent of survey respondents in Ohio reported using a water source other than the faucet six weeks after a toxic algal bloom shut down the drinking water system in Toledo. Authors of the study say that it shows the importance of public education about advisories, but it also reveals the difficulty in repairing broken trust (Centers for Disease Control and Prevention).

National Rural Water Association
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NRWA's Annual WaterPro Conference Opens Today: Thousands of small and rural community water leaders descend on Orlando for the conference (agenda). Over the weekend, NRWA's policymaking committees convened and adopted a number of new agenda items including:

- Statement to the U.S. Environmental Protection Agency cautioning promulgation of a new federal standard for hexavalent chromium in drinking water based on incomplete scientific analysis, lack of appropriate affordability review, current state action, and lack of naturally occurring analysis.
- Statement to the U.S. Senate Environment and Public Works Committee supporting Senate position to retain current process for conducting chain of command monitoring program as preferable to the House of Representatives-passed policy of allowing for third party monitoring.
- Approved comments to the U.S. Internal Revenue Service requesting modification or clarification of a proposal to change the definition of "political subdivision" for purposes of eligibility of tax-exempt bonds.
- Statement to U.S. Environmental Protection Agency cautioning the agency on its proposal to use actual flow measures in crafting NPDES permit levels versus the status quo of using design flow measures.

A number of rural water members made presentations on emerging issues for NRWA policy consideration including: problems from poor storage tank design requirements for mesh screen sizes, concerns with standards for bacterial testing new in new transmission lines, concerns with ambiguity of limits of responsibility of the water utility over a consumer’s private property, concerns over loss of water pressure state regulation resulting in unnecessary boil water orders, testing and public notification, etc.

NRWA Regulatory Committee Releases Quality Reports Identifying Cost Savings to Small and Rural Communities from NRWA Advocacy (report).

Senate to Vote on Massive New Water Bill This Week: The Senate as soon as Wednesday is expected to take up a bipartisan, $9 billion measure that would authorize spending on the nation’s water infrastructure. The bill includes $280 million to address the crisis over contaminated drinking water in Flint. Also, the bill includes a new $300 million-a-year water infrastructure grant and loan initiative requested by NRWA that is targeted to small and disadvantaged communities (section 7601). Bill sponsor, Senator Inhofe (OK), takes to Senate floor to explain urgency and extoll the need to help small and rural communities with water issues (video).

New York Senator Proposes Massive New Drinking Water Monitoring Mandate for All Communities: On Thursday, U.S. Senator Kirsten Gillibrand introduced an amendment to the Water Resources Development Act that requires the Environmental Protection Agency to expand water testing for unregulated contaminants to all public water systems. Under the current law, the EPA is only required to test for unregulated contaminants in water systems serving over 10,000 people. "With one-third of all New Yorkers and millions of Americans nationwide getting their drinking water from water sources not subject to testing by the EPA, the Senate must take action immediately to close the loophole that exempts smaller public water systems from inspection," said Gillibrand. "My amendment would do that by requiring the EPA to test for all potential contaminants in all public water supplies. As we have seen from the devastating situation in the Hoosick Falls area, having a smaller population doesn’t mean a community is immune from a dangerous water contamination crisis. I urge all of my colleagues to support this amendment so that the EPA can
better protect our small towns and villages from disasters like the one that took place in Hoosick Falls” (Senator Gillibrand).

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Hermine Impact in Florida Update: Gary Williams, Executive Director of Florida Rural Water Association (FRWA), reported on Saturday:

“As of last night, we have deployed almost all of the emergency response equipment we FRWA/FlaWarn have. You can see the report and deployed equipment tab attached. Everything went out full of fuel, conductor wire, and tabs on GPS locators activated. Fuel could become a concern in a couple days if power remains off at stations with diesel fuel. Systems along the coast continue to struggle maintaining water pressure with wash out of lines, leaks, etc. – but they are all partially or fully operational. We were able to return most back to acceptable pressure yesterday; however, many are on Boil Water Notice. We will continue assisting utilities over the weekend. We haven't had additional or unmet requests as of this morning. We will update reports, equipment and any additional requests ASAP. Thanks for everyone's efforts and help.”

On Thursday, Williams reported:

“FRWA/FlaWarn equipment is being staged near predicted impact zone. I expect a lot of power outages. It has been dry up here for over a week so ground not saturated and roots of big trees are not already in wet ground to cause whole trees to topple and pull out water and sewer lines. We are staging at FRWA office with emergency power supply and should be up and running either way and have computer and communication abilities including satellite phones, two way radios, etc. We have FRWA travel trailer for emergency responder personnel available for deployment. We currently have three large generators out in the field (150 kW generator in St. John’s County, 80 kW generator in Holly Hill and 65 kW at Alligator Point which could be ground zero). We have two smaller generators with VFD’s in Pasco County and Trenton. We have seventeen large generators and eight smaller ones with VFD’s ready in the warehouse. We also have two 6” bypass pumps and three 4” trash pumps. FRWA will utilize our local staff to perform damage assessments, refer to SOP for damage assessment forms, and provide assistance. Additionally, we may have technical staff from around Florida rotate in to assist and relieve local folks if response continues for past 3-4 days. FRWA’s SOP is to have daily reports/assessments to the office by 4:00 pm each day.”

Louisiana Flood Update: Pat Creduer, Executive Director of Louisiana Rural Water Association (LRWA), reported on Saturday: “The LRWA/LAWARN staff has helped approximately 97 utilities that had been placed on ‘Boil Water Notices.’ Each day for the last two weeks, the ‘Emergency Response Teams’ have traveled to the impacted utilities to assist in reestablishing water service and disinfecting to remove boil water notices. We have found that many utilities will have to rebuild their sewer treatment plants because flood waters have totally damaged the facility. LRWA’s Circuit Rider and Energy Conservation staffs are assisting these wastewater systems with rehabilitating their treatment facilities. LRWA continues to offer assistance with the Department of Health and Department of Environmental Quality with any water or wastewater problems. Currently, our staff is out of emergency response mode. But we will continue to visit the utilities in the devastated areas.” LRWA was assessing every impacted water utility day-by-day during the flooding to perform triage and target technical assistance (LRWA disaster tracking assessment).

Why So Few Hurricanes? Hermine is the first hurricane to hit the U.S. in ten years. PBS analyzes the reason while considering the warming of climate and oceans. Experts explain that contrary to popular understanding, climate change models don’t predict more frequent hurricanes, but rather more intense storms. Further explanation shows that current climate models don’t predict short term weather changes such as what may occur over the next decade (PBS).
Rebuilding Joplin, Missouri Five Years After Tornado “Leveled” It: On Friday, PBS featured a segment on the recovery of Joplin, a city which has a larger population now than before the tornado as well as 5 new state-of-the-art schools, 2,000 new homes, a new sewer system, a new electrical grid, etc. (PBS). Missouri Rural Water Association (MRWA) provided immediate technical assistance to Joplin’s water supply on Sunday, May 22, 2011. MRWA’s “Disaster in Joplin” report explains the relief option including the following summary:

A brief survey of damage showed the majority of Joplin did not have power or water and that one of the main wells was not operating. MRWA dispatched nine staff to the area, immediately cleaning debris away from Well #7 so that a generator could be hooked up to the well. By late afternoon, Well #7 was back on-line. Over the next three days, from dawn to dark, MRWA employees assessed thousands of homes where each one represented a water leak, identified meters covered by debris including wrecked cars and trees without any identifiable marking and without any maps for locating them, identified valve box locaters, dispatched backhoes to remove debris, provided assistance at the water treatment plant, water tower, and booster pump station, installed a temporary roof at the clear well to prevent contamination, removed a large tree so that a crane could be moved in to repair structural damage to the tower, used chain saws to cut up and remove the trees so that a generator could be installed, walked city blocks to locate countless water leaks of destroyed homes, discovered major water leaks and shut off mains, etc. On day four, MRWA staff assisted with an emergency water connection to the temporary hospital and restored water pressure to the remainder of Joplin.
Rural Water Policy Advisory [8/29/2016]

Rural Water Continues to be First Responder for Water Utilities Impacted by Natural Disasters:
Just as the Louisiana Rural Water Association is finishing up operations that assisted 69 water utilities in 20 parishes impacted by severe flooding, the Florida Rural Water Association (FRWA) is preparing its state’s water utilities. On Friday, an FRWA representative said, “With a tropical storm projected to hit the state in the next few days, FRWA would like to remind you that we are here to offer assistance. You may email us at frwa@frwa.net or call 800.872.8207 for assistance.” FRWA also released preparation guidance to water utilities (FRWA).

Wall Street Journal Headline – “Use of a Water Disinfectant [Chloramines] Is Challenged”:
"Many experts now say chloramine is creating problems of its own. Researchers have identified hundreds of disinfection byproducts in drinking water, including some that increase in the presence of chloramine and can be more toxic than those regulated by the EPA." Based on its April study, the Water Research Foundation says water utilities looking to reduce levels of disinfection byproducts should avoid chloramine (WSJ.com).

Environmentalists Request NRWA’s Assistance in Fact-checking Their Next Report on Source Water Protection: The Environmental Working Group (EWG) is planning to publish a report on tap water that details the contaminants found in our nation’s drinking water, highlighting the lack of source water protection programs and inadequate funding and regulations (their last similar report was released in 2009). EWG has offered to provide NRWA with an advanced-prepublication database to allow water utilities to comment on the findings before they are released to the public. We plan on contacting any utility contained in the database, assisting in the public education effort, and promoting source water protection.

Kansas Rural Water Association Flags Viral Twitter Photo of Corporeally Submerged Water Utility Worker Fixing a Leak (USAToday).

Phoenix Swimming Pools Contaminated by Cryptosporidium (more).

West Virginia Chlorine Gas Leak Forces Evacuation: On Saturday, a railcar began leaking chlorine gas inside a chemical plant near Proctor (WV) that forced evacuations, road closures in three counties and resulted in two workers at the site to be hospitalized. The leak was first reported around 8:45 a.m. when Marshall County 911 said a chemical cloud from the plant was heading south. The leak was stopped before 2 p.m. (more).

Haverhill, Massachusetts Pays $250,000 for NPDES Violations (more).

Guthrie, Oklahoma Residents Revolt over High Water Rates: The city will vote on a measure to allow a vote of the people instead of a vote by city council to raise rates. The city manager says change would be a negative move because the city uses water and sewer revenue and helps supplement their general revenue budget (more).

Vermont Rural Water Association Releases Annual Report and Forwards to Congressional Delegation (report).

Water Winner - Etowah Utilities Wins Tennessee 2016 Best Tasting Water: “We have worked very hard over the years to provide the people we serve with the highest water quality possible," said Etowah Utilities General Manager John Goins. "We recognize the responsibility to our customers to provide the purest water possible at the lowest possible rate." Judges for the annual competition were: Bobby Goode with the USDA Rural Development; Doug Anderton with National Rural Water Association; Michael Atchley with the Tennessee Department of Environment and Conservation; and Matt Hinkin, the chief meteorologist with Knoxville's WATE-TV. "I've judged the statewide competition
several times now, and I'm always impressed by how much it means to the competitors," noted Hinkin. "The first time I saw the contest officials wearing white gloves in an effort to not smudge my glass, I knew this was a serious matter. It definitely opened my eyes to the importance of the many rural utility districts in Tennessee and the service they provide" (more).

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Louisiana Rural Water Association (LRWA) Responds to Flooding: On Friday, LRWA’s Pat Creduer said, "On Tuesday, there were approximately 86 systems under flood-related boil advisory. As of today, that number has dropped to 59! From what we are seeing, the water systems are quickly being brought up to standard; however, it is the wastewater systems that have been most affected. The wastewater problems are with the lift stations, and those problems range from burnt motors to control panels. We will continue to work with these systems and e-mail you the Disaster Relief Tracking sheet on a daily basis, as well as keep you updated with a brief summary." Earlier in the week, Creduer said, "The LRWA staff is working with over a hundred utilities that are on boil orders. The devastation is comparable to the Katrina/Rita Hurricanes but without the winds and the storm surges. Most roads are impassable, so we have to call the utilities to find out what their needs are. In some areas, the 500-year-old flood stage has already been exceeded."

NRWA Standing Up for States' Rights: This week, the U.S. Court of Appeals for the Eleventh Circuit stayed all proceedings on the EPA Waters (WOTUS) of the U.S. Rule until the Sixth Circuit determines its legality. The Eleventh Circuit said the Sixth Circuit was the obvious court to proceed to decision because it was farther along in the decisional path than the Eleventh Circuit. The WOTUS Rule was jointly promulgated on June 29 by the Environmental Protection Agency and the U.S. Corps of Engineers to clarify which waters and wetlands would fall under federal protection. NRWA will file an amicus brief in the Sixth Circuit in September or October. NRWA is the only water utility association participating in the case. Our brief (working draft) supports limiting federal regulatory authority to the Clean Water Act and the U.S. Constitution.

Hexavalent Chromium Update: Last week, the Environmental Working Group (EWG) and Erin Brockovich wrote EPA urging for a federal standard for hexavalent chromium arguing that the lack of a federal standard under the Safe Drinking Water Act (SDWA) is causing confusion among the states. The groups are critical of lowest state standard (California’s standard of 10 ug/L), saying it reflects an underestimate of the benefits and an overestimate of the water treatment costs (EWG letter). EPA has not determined that an MCL is necessary under the SDWA and is currently conducting an Integrated Risk Information System (IRIS) assessment for the health effects of hexavalent chromium. EWG is reacting to the resignation of a top state health official in North Carolina in protest over Gov. Pat McCrory and his staff’s questions about warnings directed at some residents whose tap water comes from wells likely tainted by hexavalent chromium from nearby Duke Energy coal-burning facilities.

Rural California Town Gets Running Water Three Years After Drought Dried up Wells: Guillermina Avila, 55, and her husband, Leonicio Ramirez, 62, work on farms picking grapes and have been without water since their well went dry three years ago. Leonicio would drive a van to Terra Bella twice a week and fill tanks with non-potable water. Once home, he transferred that water to buckets. So when utility workers arrived Thursday and began tearing up the road to install a water line, Tania said her family felt relief. Perhaps that’s why, after holding up a pitcher of water for the camera on Friday, Leonicio happily dumped the water on his head (LA Times).

PBS Feature on How Septic Tanks Imperil Florida Ecosystem (PBS News Hour).

Maryland NICU Closed Due to Potentially Fatal Bacteria in Water Pipes: A neonatal intensive care unit at a Maryland hospital was temporarily shut down after the discovery of potentially deadly bacteria in the water pipes (Wash Post).

Headline, "They Sprang up Years Ago across the State, Rural Water Associations Designed to Bring Clean Water to Small Communities": "But growth and age and rising costs take their toll. And now some customers are unhappy now. It's nasty," said Amy Ball, who lives on Tudor Road outside of Ecru" (Pontotoc Mississippi).
In Rural Wisconsin, Well Water Tainted by Manure Spread on Nearby Farms: "Since at least 2004, about 30 percent of tested wells in Kewaunee County have had unsafe drinking water, but operators of industrial-scale feedlots questioned if the tests were representative and if cows were the source" (news).

National Rural Water Association
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EPA's Science Advisory Board (SAB) Question's EPA Conclusion that Fracking is Safe for Drinking Water Sources: In June, 2015, EPA concluded that "we did not find evidence that these mechanisms [fracking] have led to widespread, systemic impacts on drinking water resources in the United States" (EPA draft report). The EPA report in question was originally requested by Congress in 2009 to determine if fracking could contaminate drinking supplies. Last week, the EPA SAB released an evaluation and critique of the draft study that questioned EPA's assertion that fracking operations had not led to "widespread, systemic impacts on drinking water resources." The committee said that this conclusion had not been backed up "quantitatively" by the agency, adding that the report "did not clearly describe the system(s) of interest (e.g., groundwater, surface water), the scale of impacts (i.e., local or regional), nor the definitions of ‘systemic’ and ‘widespread’" (EPA SAB report).

In Syria, 2 Million Residents Of War-Ravaged Aleppo Now without Running Water: Aleppo lost its running water supply on July 31 after attacks on an electricity transmission station that powers the city's pumps. Another power line to the pumps was installed on Aug. 4, but less than a day later, the new power line was also damaged and intense battling has prevented new repairs. Taps have now been dry for eight of the past nine days (NPR).

David with Kentucky Rural Water (KRWA) Raises Concern over EPA Proposed Change in NPDES Process: On May 18, EPA proposed revisions to the National Pollutant Discharge Elimination System (NPDES) regulations. EPA claimed the changes would not reopen the regulations for comprehensive revision. However, a member of KRWA flagged a provision (Design Flow for POTWs (40 CFR 122.45(b))) in the EPA proposal that would provide permit writers with additional flow options for calculating water quality-based effluent limits. Some have criticized EPA's proposal because allowing permit writers to use additional flow options (not just design flow) for calculating water quality based effluent limitations could restrict using existing wastewater treatment to its full capacity. We are very interested in your comments (contact us)!

Does the IRS Proposal to Change the Definition of Political Subdivisions Impact Rural Water?: John with New Mexico Rural Water cautions that the IRS's proposed new rules for changing the definition of "political subdivisions" for eligibility to issue tax-exempt bonds may impact state decisions for determining political subdivisions. In New Mexico, this could be an issue with some community water systems, the so-called "mutual domestics" which are different from municipalities. Please contact us if you believe this IRS proposal will adversely impact you state.

Over 6 Million People Have Carcinogens in Their Drinking Water According to Harvard: A study released Aug. 9 showed that polyfluoroalkyl and perfluoroalkyl substances (PFASs) were detected in drinking water supplies near industrial sites, military bases and wastewater treatment plants. It is the first report to link contamination to these facilities. PFASs have been used in a range of industrial and commercial products that includes pots and pans, and even though some of these chemicals have been discontinued, they persist in people and wildlife (Detection of Poly- and Perfluoroalkyl Substances (PFASs) in U.S. Drinking Water Linked to Industrial Sites, Military Fire Training Areas, and Wastewater Treatment Plants).

EPA Inspects Small New York Water Systems and Issues Administrative Order: EPA Region 2 is threatening fines up to $37,500 a day on the village of Tarrytown, NY to bring its drinking water system into compliance with the Lead and Copper Rule. Lead was found in concentrations above the EPA action level—15 parts per billion—in four out of 31 samples taken in recent monitoring. The EPA order requires Tarrytown to send notices to consumers about the sampling results, provide technical explanations and inform consumers of steps they can take to reduce exposure to lead in drinking water (EPA Order). The order also requires public education
through paid advertising, displays in public areas, e-mails, meetings, household notices or other forms of outreach.

**EPA’s FY 2015 Performance Data for the National Water Program Released:** Among the key highlights relating to drinking water is the following finding: 90% of community water systems met all applicable health-based standards through approaches that include effective treatment and source water protection ([EPA report](#)).

**EPA’s Sustainable Systems Team Webinar on Tools to Help Small Systems Manage Workloads, Recruit Operators and Contract Operators (August 16).**

**EPA Sends Final UCMR4 For OMB Review:** EPA has sent for White House review the [final version of their Unregulated Contaminant Monitoring Rule 4](#) (UCMR4) which will require monitoring for 30 currently unregulated contaminants.

**Department of Homeland Security Announces Onsite Cybersecurity Assessments for 2015:** The 112 assessments focused on cybersecurity and resilience for critical infrastructure facilities, including drinking water and wastewater utilities - 35% of these assessments involved the water and wastewater sector. Key trends identified include pervasive issues related to virtual machines, remote access, virtual local area network (VLAN) use, bring your own device (BYOD) risks, use of cloud services, and ICS network monitoring ([DHS 2015 Assessments](#)).
Alabama Rural Water Warns New IRS Proposal to Change Definition of "Political Subdivision" Could Have Major Impact on Water Utilities: On February 23, the Internal Revenue Service proposed new rules for political subdivisions issuing tax-exempt bonds that critics claim will completely change the way water infrastructure has been financed in a number of states. This regulation is significant because it proposes that an entity that is not a "political subdivision" cannot issue tax-exempt bonds. The new definition states an entity is a political subdivision that can issue tax-exempt bonds only if it meets a three-prong test -- it must exercise sovereign powers, serve a governmental purpose, and be governmentally controlled. The requirement to be governmentally-controlled is new. Some rural utility districts have been set up to issue tax-exempt bonds to finance water utility projects. The IRS wants political subdivisions to be controlled by state or local governments or a group of elected officials that do not constitute a "private faction." The proposed rules would take effect beginning 90 days after they are finalized. However, they would not apply to existing tax-exempt bonds or to refundings that do not extend the maturities of the underlying bonds. Also, there would be a three-year transition period under which entities in existence "prior to 30 days after the proposed rules are published" could continue to issue tax-exempt bonds while restructuring to comply with the new rules. The new definition is a reaction to a 2013 case where the IRS concluded that the Village Center Community Development District in Florida was not a political subdivision and therefore could not have issued millions of dollars of tax-exempt bonds as it did from 1993 to 2004 because its board was and will always be controlled by the developer rather than publicly elected officials.

Historically, the determination of whether an entity was a political subdivision was based on whether it had the right to exercise substantial sovereign powers such as the power to tax for services. The IRS commented, "We'll put water systems into the pot of those that we do not want to—with zeal—disrupt and we'll consider the impact on them carefully as we move forward."

What Constitutes "Control": In its proposal, the IRS would provide at least three benchmarks of rights or powers that constitute control. These would be the right or power to: both approve and remove a majority of an entity's governing body; elect a majority of the governing body of the entity in periodic elections of reasonable frequency; and approve or direct the significant uses of funds or assets of the entity in advance of those uses. The IRS provides two facts and circumstances tests that serve as brackets to determine if there is governmental control. One, the number of private persons controlling an electorate "is always unreasonably small" if the combined votes of the three voters with the largest share of votes determine the outcome of an election regardless of how the other voters vote. Second, the number of private persons controlling an electorate "is never unreasonably small" if determining the outcome of an election requires the combined votes of more voters than the 10 with the largest share of votes. "For example, control can always be vested in any electorate comprised of 20 or more voters that each have the right to cast one vote in an election without giving rise to a private faction," the IRS said.

Attorney Seeks Wider House Oversight Probe Of EPA's Handling Of PFOA: An attorney who has long urged EPA to address drinking water contaminated by perfluorooctanoic acid (PFOA) is suggesting the House oversight panel broaden its probe of EPA's response to PFOA water contamination in a New York community to consider the agency's nationwide handling of the chemical's contamination of drinking water. The attorney who has
represented plaintiffs potentially exposed to perfluorinated chemicals (PFCs) in their drinking water from DuPont's Washington Works facility in West Virginia suggests lawmakers expand their examination into whether EPA delayed taking action to warn residents of the village of Hoosick Falls, NY about unsafe levels of PFOA in their drinking water.

**Missouri and Utah Rural Water Release New Homepages Last Week** *(MRWA and URWA)*.

**Drinking Water Disinfection Chemical Turned into Weapons in Syria:** Last Monday, bombs suspected to contain chlorine gas were dropped on a town in Syria. About 30 people, mostly women and children, have been affected *(BBC)*.

**EPA Releases Guidance for Drinking Water Officials on How to Use Public Health Data to Detect and Respond to Drinking Water Contamination:** The *July 2016 Guidance* offers recommendations on how utilities can identify and collaborate with public health partners to generate and monitor data for disease clusters.

**DHS Plans To Postpone Overhaul Of CFATS Chemicals List To Future Rule:** The Department of Homeland Security (DHS) is postponing significant revisions to the list of chemicals covered under its industrial facility security program. Last week, a DHS official said major changes to the covered chemicals listed in Appendix A of the CFATS regulation are unlikely. Through CFATS, DHS regulates the security of facilities holding threshold amounts of chemicals on the program's "Appendix A" list. OSHA regulates facility processes that could threaten worker safety through its process safety management standard (PSM), and EPA seeks to reduce off-site consequences through its risk management plan facility accident prevention program (RMP). OSHA is considering expanding PSM to cover new chemicals.

**Black Lives Movement Urges Action on Environmental Racism and Drinking Water:** The Movement for Black Lives released a *policy platform* on August 1. The organization says environmental racism has led to lack of access to clean and safe water. The policy agenda also criticizes the increasing privatization of water.

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**National Rural Water Association**

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What Does Local Government Think of EPA's Water Program?: Last week at EPA's Local Government Advisory Committee (LGAC), EPA charged the panel with making recommendations for its National Action Plan for Drinking Water in the wake of the Flint, MI lead contamination crisis. An EPA representative said, "We need to have a conversation about how we strengthen oversight." The EPA Administrator told the group that this coming year is "the year of water" where EPA officials will make improving drinking water infrastructure their top priority. The EPA Administrator said, "It is my obligation to make sure that every community has access to clean drinking water." Additionally, the Administrator asked the panel of local officials to call their congressional representatives and press for new environmental laws. "Tell folks on the Hill that if you decide to act in a bipartisan way on environmental issues; we are going to make good." EPA is asking local governments to "identify ways in which federal, state, tribal and local governments and utilities can work together to ensure that drinking water infrastructure challenges of low-income environmental justice communities and small systems are being appropriately prioritized and addressed." In response, the local government advisory panel urged EPA to communicate more directly with local municipalities on its lead-in-drinking water contamination directives, arguing many memorandums issued in the wake of the Flint, MI lead crisis were not received by all municipalities. The panel called EPA's current program an "unreliable and inefficient system of communication, one in which local and tribal officials are the last to know of pressing issues" concerning safe drinking water. Kansas Rural Water Association informed us their state has two representatives on the EPA local government panel knowledgeable on rural water issues.

Michigan Files Criminal Charges against State Regulators for Flint, Can't Identify Any Motive: On July 29, the Michigan attorney general filed criminal charges against six state employees, alleging their actions contributed to the Flint lead-in-water crisis. The charges were filed against the six individuals including the former state head of drinking water programs who allegedly failed to act or notify appropriate authorities when notified of citizen complaints about the water (more). What was the motive? Michigan Special prosecutor Todd Flood said, "I don't have to prove motive, I am not going to get into the motive (NPR)."

EPA Preparing for New Administration: Recently, EPA announced it will wait until after the presidential election to craft a fiscal year 2018 funding request. On July 27, a representative of EPA's Chief Financial Officer said there has been little work done to prepare a fiscal year 2018 budget thanks to the uncertainty over who will control the White House next year. This means that either Democratic nominee Hillary Clinton or Republican presidential nominee Donald Trump's administration will have to set EPA's budget priorities quickly in order to submit a budget request to Congress.

EPA, NRDC in Settlement Talks over Perchlorate Drinking Water Lawsuit: The Natural Resources Defense Council (NRDC) sued EPA in February for failing to craft a drinking water rule for perchlorate within the two-year Safe Drinking Water Act (SDWA) deadline. The case is now before the U.S. District Court for the Southern District of New York which could set mandatory deadlines for EPA to propose and finalize a perchlorate drinking water rule. However, EPA has requested a delay in the initial hearing for the suit because EPA claims the parties are in discussions over a proposed consent decree. In response, the court has delayed an initial hearing until Aug. 31.

Should Fracking Water Be Permitted for Discharge to City Sewer Systems?: EPA's June 13, 2016, pretreatment standards for discharges of wastewater from unconventional oil and gas (UOG) extraction facilities set a zero discharge standard for discharges from publicly-owned treatment works (POTW). EPA found inadequate support to find that POTWs can routinely treat all of the pollutants common in shale oil and gas wastewater. Some portions of the oil and gas industry would have liked to see EPA develop pretreatment limits for constituents in the sector's wastewater so it could be treated at municipal treatment plants as opposed to the agency's final decision to issue a zero
On July 21, a Noble Energy employee said there "was a desire to pursue an effective performance standard to pretreat water" so it could be managed by POTWs because they saw "an opportunity to add to the pie of options" for disposing of the sector's wastewater.

Cities Challenge Minnesota Nutrient-Related Water Quality Criteria in Court: The Center for Regulatory Reasonableness (CRR) is challenging EPA's approval of Minnesota's nutrient water quality standards for measuring the eutrophication of rivers and streams caused by excess nutrients, arguing that the approved methods are not scientifically proven (brief). The complaint argues that the "levels of BOD and DO flux" occurring in a water body are not indicative of its water quality because these flux levels may be affected "by a host of non-nutrient factors" so it is not possible to conclude they are accurate measures of nutrients such as nitrogen and phosphorous causing excessive algal growth.

Compromised Storage Tank Leads to Do Not Drink Order in California: July 26, Cal water customers in Palos Verdes Estates were asked to avoid tap water due to a tank breach (news).

New Federal Cyber Incident Coordination Policy: Last week, the federal government released Directive/PPD-41, United States Cyber Incident Coordination, which spells out the lines of responsibility within the federal government for responses to a significant cyber incident, and specifies whom to contact in the government in the event of an incident. The PPD delineates between “threat responses” and “asset responses.” The PPD directs the Department of Homeland Security to lead the effort to write the National Cyber Incident Response Plan. The Plan will set out how the federal government will work with the private sector and state, local, and territorial governments in responding to a significant cyber incident (The White House).

Flint Michigan Ran Out of Chlorine Tablets on July 16 for the City Water Treatment Plant (News).

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The Next President on EPA: Republican presidential nominee Donald Trump would seek to purge the federal government of officials appointed by Democratic President Barack Obama and could ask Congress to pass legislation making it easier to fire public workers, Trump ally, Chris Christie, said last week. "As you know from his other career, Donald likes to fire people," Christie stated in a closed-door meeting last week. Christie also said that changing the leadership of the Environmental Protection Agency, long a target of Republicans concerned about over regulation, would be a top priority for Trump should he win in November (Reuters). Democratic presidential candidate Hillary Clinton has pledged to increase funding for water infrastructure and to protect vulnerable populations from being exposed to lead through drinking water and paint. Part of her $275 billion infrastructure plan would include the creation of a $25 billion national infrastructure bank to provide loans, loan guarantees and other types of credit enhancement. Clinton's “plan to fight for environmental and climate justice” calls for eliminating lead as a major public health threat within five years and devoting up to $5 billion toward replacing lead paint in homes schools, child-care centers and to “remediate lead-contaminated soil.” She has also pledged to enhance the criminal provisions of the Safe Drinking Water Act (SDWA), adding criminal provisions to the Lead Disclosure Rule; improving the lead inspection standards of the Renovation, Repair and Painting Rule; and increasing the penalties for violations of the Occupational Safety and Health Act. The Republican Party’s 2016 platform proposes getting rid of the Environmental Protection Agency (EPA). “We propose to shift responsibility for environmental regulation from the federal bureaucracy to the states and to transform the EPA into an independent bipartisan commission, reads the GOP platform.

Colorado Small Water Utility Intentionally Contaminated with Marijuana Compound: "Hugo's 740 residents were told to stop drinking the water after the town's water supply tested positive for THC, the psychoactive chemical in Colorado's most famous cash crop. The town's Public Works Department investigated and found signs of tampering and 'forced entry' at one of the wells that supply the town's drinking water (NYTimes).

EPA Charges Environmentalist Who Exposed Flint Lead Contamination for Securing Lead Violations' Data (Twitter).

Mass. Municipal Stormwater Utilities Sue EPA Over Stormwater Permits: Small municipalities Massachusetts claiming that the separate storm sewer system (MS4) permit is unlawful because it goes beyond anything in the water law or current agency rules filed a petition for review July 18 with the U.S. Court of Appeals for the District of Columbia Circuit (Court Brief).

Mysterious Green Slime Bubbles Up from Sewers in Utah Town (photos and video).

City Sabetha (KS) Assistant City Administrator Nominated to Represent Kansas on the NRWA Board of Directors (news).

The EPA Finds Water Infrastructure Needs totaling $655 Billion for Next Ten Years: On July 12, EPA reiterated the results of an EPA-commissioned survey: drinking water ($384 billion) and wastewater ($271 billion). In response to the funding challenge, on July 21st, Carol Comer, director of Indiana Department of Environmental Management recommended regionalization, or consolidating several small water utility systems that lack resources.

Hydrogen Sulfide Exposure Result in Fatality of Wastewater Worker in Texas (more).

EPA Webinar on Lead and Copper Tap Sampling Requirements for Small Systems, Elevated Levels of Lead in the Drinking Water in Flint, and Corrosion Control Optimization (July 26).
California to Sett MCL 1,2,3-trichloropropene (TCP) of Five Parts Per Trillion: The chlorinated hydrocarbon is unregulated in drinking water at both the federal and state level. “The small communities we represent strongly support the recommendation,” said the Community Water Center (more).

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Senator Cornyn (TX) Signals Coming Collapse of Appropriations Process for this Congress: Top Senate Republicans and Democrats are already at odds over a stopgap government spending measure that will almost certainly be necessary in September to stave off a shutdown. Lawmakers have already been debating whether to write a short-term government spending measure that runs into December or a six-month stopgap measure that would expire in March under a new Congress and president (more).

Former Water Operator of Sebring, Ohio Faces Criminal Charges over Public Notice: The former operator of the Sebring water system is facing criminal charges and a maximum fine of more than $2 million for allegedly failing to notify residents about potentially hazardous lead levels in their drinking water. The charges are two counts of "recklessly failing to provide timely notice of individual lead tap water results to affected consumers within 30 days of receiving lab results (an unclassified misdemeanor), and one count of recklessly failing to provide timely system-wide public education within 60 days of the end of the lead and copper monitoring period (an unclassified misdemeanor)." If he is found guilty on all three counts, the operator faces a maximum fine of more than $2 million (at $10,000 per day per violation on each count) and up to 12 years in jail. However, a judge could impose a lesser sentence. The charges arose from the operator's handling of lead and copper sampling tests in the fall of 2015. After the first round of testing showed that an action-level exceedance had occurred, the operator ordered two more rounds of testing which produced similar results. That prompted an Ohio EPA official to inform him that "continuing to collect additional samples in an effort to get below the lead action level at that point in time at the end of the monitoring period was unacceptable." Ohio EPA provided multiple written documents to the operator. But the operator disregarded the outreach from Ohio EPA and failed to meet the state's notification requirements (more).

Some States and Water Utilities Balk at Disclosing Locations of Lead Water Lines: Drinking water regulators in about a dozen states expressed varying degrees of resistance or concerns about the EPA's directive encouraging water systems to voluntarily give consumers easy access to what utility companies know about homes receiving drinking water through lead service lines. "We do not have the initial materials inventory from systems readily available and do not intend to spend valuable staff resources sifting through microfilm to find this information," South Dakota's water regulatory agency told the EPA (USAToday).

More Than 20 Water Utilities in West Virginia Affected by Severe Flooding Two Weeks Ago, Some Still in Recovery Operations (more).

Decision to Deliver Contaminated Water to Flint Could have been Based on Race: EPA's office of civil rights may initiate an investigation against the Michigan Department of Environmental Quality (Bloomberg).

EPA and the U.S. Endowment for Forestry and Communities Award Source Water Protection Grants to Nine Watershed Projects (more).

Kansas in Elmer Asks What Happens to the U.S. Midwest When the Water's Gone as Ogallala Aquifer is Being Drained: A recent National Geographic feature covers how for the past 60 years, the Ogallala Aquifer has been pumped out faster than raindrops and snowmelt can seep back into the ground to replenish it. As a result, the aquifer has declined by more than 60 percent in parts of western Kansas during that period. In some parts, it is already exhausted. The decline is steady now, dry years or wet (Nat Geo).
George in Maryland Raises Concern over New EPA Attention to Arsenic in Drinking Water: EPA will host a webinar on July 21, "Communicating Risk and Engaging Communities: Arsenic and Well Testing." Could this effort lead to a larger movement toward regulation?

Earthquakes, Oil & Gas, and Oklahoma: State regulators are investigating a recent cluster of earthquakes in Oklahoma City and all oil and gas activity nearby. The state issued a series of directives in February aimed at reducing earthquakes, asking the operators of nearly 250 injection wells in northwestern Oklahoma to reduce the amount of wastewater they inject underground by 40 percent (more).

Texas Moves on Chrom6: The Texas Commission on Environmental Quality (TCEQ) has released for public comment a draft assessment of the human health risks of ingesting hexavalent chromium (Cr6). The assessment uses non-linear cancer risk modeling which could increase pressure for EPA to take a similar approach in its pending analysis (TCEQ analysis). TCEQ's draft assessment contrasts with the EPA draft Integrated Risk Information System (IRIS) assessment of Cr6 EPA released in 2010, which used linear modeling. In 2014, California finalized a drinking water standard based on an assessment similar to EPA's 2010 draft of 10 ppb.

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House Democrats Urge Reauthorization of Safe Drinking Water Act: The top Democrats on the House drinking water committee wrote the Chairman last week pressing for hearings "to explore the need for amendments to this landmark public health law, which has not been updated in twenty years... We cannot afford to ignore the problem any longer. We urge you to hold hearings and bring comprehensive legislation before the Subcommittee and then the full Committee to address this national crisis." The letter says the hearings "should explore EPA's ability to set healthy protective drinking water standards under the 1996 amendments, measures to address lead exposure in communities and schools, drinking water facility security, the need to repair and replace deteriorating drinking water infrastructure, and the use of Safe Drinking Water Revolving Loan Funds [SRFs]." The letter cites the recent rural drinking water law, The Small and Rural Community Water Assistance Act, as an example of successful collaboration (letter).

The Limits of Water Utility Consolidation: After Hurricane Katrina, Mississippi used over $600 million in federal funding to create a regional utility to promote consolidation of utility systems and increase efficiency in services. A state sponsored review committee has found that the utility may be overbuilt, finding that "infrastructure is being built to accommodate significant future growth that might not materialize... resulting in increased per-customer cost for infrastructure maintenance." The state review panel received complaints regarding wasteful spending, lack of transparency in making project/spending decisions, and conflicts of interest. According to the review committee, supporters of the new regional utility district argued it was needed because after a storm, "smaller communities and their utility providers may be unable to recover quickly because they lack the resources and because smaller utility systems might be poorly maintained and might not be adequate to meet the needs of the service area" (review committee's report). We have heard recent reports that small water utilities are resisting combining with the new utility because, even with the millions of dollars in federal subsidies, the size of the utility makes the water service too expensive.

Tempers Flare at Contentious July 6 EPA House of Representatives Hearing (video).

EPA Chief Says All 50 States Following Lead Drinking Water Rule: All 50 states told the Environmental Protection Agency they're in line with federal standards for implementing the Lead and Copper Rule for drinking water in the wake of the crisis in Flint. In a letter to state regulators Thursday, EPA Administrator Gina McCarthy said the agency received responses from all 50 states stating that their protocols and procedures for finding lead and copper in drinking water were consistent with EPA guidance. McCarthy initially asked for a review in late February (state responses). A number of states wrote of the challenges they face in trying to boost the availability of public information “because of limited information technology resources and/or concerns with privacy and security.” Also last week, EPA sent a letter to states in response to their reports (EPA letter).

Lawmakers Tested After Lead Found in US Capitol Office Water Fountains: Last week, Congress provided blood lead level testing to House Members and staff after lead levels were found to be "slightly above the [Environmental Protection Agency] standard" in drinking water in one of the House office buildings (more).

Good News Reported in Kentucky, Tennessee, Nevada and Massachusetts:

- Report: Kentucky’s Drinking Water Continues Excellence in Quality (more).
- City of Memphis and the Consolidated Public Water Supply District #1’s (TN) 2016 Compliance Reports Reveal Zero Violations (more).
- Braintree (MA) Meets or Surpasses All Federal and State Drinking Water Standards According to Water Quality: “Drinking water provided by the department is
of the highest quality," declares the overview of the six-page report. "We’re proud to share our results with you" (more).

Local Board of Aldermen in Tennessee May Have to Rebid Work to Replace Water Meters after Dispute Between City Engineer and Construction Company: Mayor says, “I just want to do what is in the best interest of the citizens of Erin” (more).

Jury Awards $5.1 Million in Compensatory Damages Against DuPont for Perfluorooctanoic Acid (PFOA) Release: The verdict found in favor of plaintiff David Freeman who alleged the company's releases of PFOA at its Washington Works Plant in Parkersburg, WV polluted his drinking water and, as a result, caused him to suffer from testicular cancer and other injuries (more).

Federal Court Allows Flint SDWA Citizen Suit to Move Forward: A U.S. district court determined in a July 7 ruling that it has the authority and is the appropriate venue to review environmentalists' Safe Drinking Water Act claims against the city and state and denied the defendants' call to dismiss the suit. The environmentalists, including the Natural Resources Defense Council, are asking for the defendants, including the Michigan treasurer, the members of the Flint Receivership Transition Advisory Board, the city of Flint and its city administrator, to replace all lead service lines in the community at no cost to residents (ruling).

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Senator Inhofe Presses U.S. Senate to Pass Massive Water Infrastructure Bill: The Oklahoma Senator took to the Senate floor on Wednesday to make the case for passage of the Water Resources Development Act of 2016 (video of Inhofe Senate speech). Senator Inhofe’s speech featured NRWA and Oklahoma Rural Water Association’s testimony from an April hearing. Additionally, Senator Inhofe released a support letter, with 31 Republican signers, to the Senate leadership (letter). NRWA and state associations have been urging Senators to sign the letter.

Members of Congress Urge Lower Lead Action Level: On Thursday, a letter signed by 61 Members of Congress was sent urging the U.S. Environmental Protection Agency (EPA) to lower the federal standard for lead in drinking water so that it better reflects the latest science on the brain-damaging toxin (letter). The letter calls for reducing that number to 10 parts per billion, in line with World Health Organization (WHO) guidelines for lead contamination. In February, we warned against conflating EPA and WHO standards in a letter to the City of Ionia, Michigan:

"The public should know that the World Health Organization (WHO) and U.S. Environmental Protection Agency’s (EPA) standards for lead concentrations in drinking water are measured for different purposes and they should not be conflated. The WHO and EPA standards require different monitoring protocols to make determinations, and the monitoring results for the EPA standards are not what the WHO recommends to determine compliance with their guidelines... It is a fundamental flaw to compare monitoring results for the EPA action level to determine compliance with the WHO provisional guidelines. The WHO guidelines are developed to apply to running water rather than first draw drinking water. The EPA test results are neither designed nor intended to capture lead levels of water ingested, and the EPA action level is not a health-based level, but rather a surrogate of excessive corrosivity in the water."

NRDC Lead Rule Violations Report Causes Alarm: "Millions of Americans may have drunk lead-contaminated water last year. A new report from the Natural Resources Defense Council says more than 5,000 water systems around the country had lead violations in 2015" (MI public radio).

NRWA Cautions Drawing Conclusions from NRDC report: A violation of the federal rule does not necessarily indicate that there is lead in the public’s drinking water supply. The vast majority of violations are for procedural requirements under the rule such as proper monitoring techniques (which are very complicated and require local residents to properly follow complicated procedures), missed monitoring samples, late submission of samples, lab errors, etc. None of the monitoring violations correspond to a finding of lead in the drinking water. The monitoring procedures need to be followed correctly. However, the public should not conclude this is an indication of contamination and it should know that a very well-governed drinking water supply with impeccable drinking water quality can find itself in violation of these procedures due to their complexity. Concerned public citizens should find out exactly what was the cause of any violation in their community in order to judge this for themselves.

New WIFIA Policy Includes New Fees: On May 23, EPA released proposed protocols for WIFIA applicants that included a requirement for applicants to pay $100,000 in fees as part of the initial project proposal. Smaller applicants (populations <25,000) would be required to pay $25,000 in fees. A separate credit processing fee could run an average of $200,000 per project application. Comments are due by July 22 (more).

City of Dubuque (IA) 1926(b) Case Costs $625,000 in Legal Fees: The controversy is ongoing with suits in state and federal courts. The facts appear to make this a straightforward case in favor of the rural water district. However, the city is continuing litigation thereby increasing the cost for both the district and the city. High legal fees directly decrease public resources available to cities and rural
water districts to provide drinking water service. To limit this effect (i.e. litigation), numerous courts have provided rulings designed to show lawyers clearly and unambiguously how the law works.

"The service area of a federally indebted water association is sacrosanct. Every federal court to have interpreted § 1926(b) has concluded that the statute should be liberally interpreted to protect FmHA-indebted rural water associations from municipal encroachment." North Alamo Water v. City of San Juan, Texas (1996)

Smelly, Thick Algae in south Florida Waters Fouls Treasured Beaches and Results in State of Emergency: Lawmakers blame the federal government, saying the algae crisis is fueled by freshwater flows from Lake Okeechobee controlled by the US Army Corps of Engineers. Some residents blamed the governor, saying he hasn't done enough to curb pollution from farms north of the lake (more).

Crittenden-Livingston County Water District (KY) on Boil Order from Algae: Crews poured a chemical into the Cumberland River to kill the algae (more).

Man Thought New Zealand Water Treatment Plant Was Meth Lab: A man with a mental illness detained two water workers for three hours while he searched a rural water treatment plant for meth under the mistaken belief it was a *Breaking Bad*-style methamphetamine production operation (more). The intruder began licking some of the glassware in the facility and snorted chlorine from a sealed sack, evidently under the impression that the residue and powder were methamphetamine.

Severe Water Sewage Pollution Clouds the Olympic Games in Rio: The Brazilian government promised to install eight treatment plants on Rio's polluted rivers. They built just one. They promised to treat 80 percent of the sewage flowing into Guanabara Bay, but are only treating about half (news video).

The National Rural Water Association
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NRWA Presses Senate to Take up Water Bill: Senator Inhofe (OK) is urging the Senate Leadership to call up S. 2848, the Water Resources and Development Act of 2016, for a vote before their scheduled mid-July summer break. Inhofe is circulating a letter to the Leadership for Senate Republicans to sign advocating Senate Floor consideration of the bill (letter). Last week, state rural water associations were also urging their Senators to sign the letter. The following Senators have indicated they will sign: Inhofe (OK), Cassidy (LA), Kirk (IL), Graham (SC), Capito (WV), Vitter (LA), Boozman (AR), Barrasso (WY), Wicker (MS), Tillis (NC), Crapo (ID), Sullivan (AK), Alexander (TN), Rounds (SC), McCain (AZ), Heller (NV), Risch (ID), Murkowski (AK), and Rubio (FL).

Erin Brockovich Defends Alabama Rural Water Manager from Governor's Criticism: After the local water manager in Alabama issued a do not drink recommendation on June 2 due to industrial chemicals in the drinking water, the governor said, "I am confident that there is no health-related crisis based on the water quality... My office... [was] not aware that this decision was being contemplated prior to it being announced." Brockovich said on June 5, "I applaud the work and efforts [of the] General Manager... He is a man of integrity and honesty who has come forward to properly inform his consumers. He has been advising his consumers constantly for over three years about the PFOS and PFOA contamination...[and he] commenced litigation a year ago to cost recover from the negligent manufacturer of these toxic chemicals, further protecting his consumers from the high cost of cleanup...[and he] is a man of integrity" (more). The governor adopted a policy which recommends that expectant mothers, women who are breast-feeding, and infants who use formula mixed with water consider avoiding tap water. The policy provides no such warnings for the general population. The problem with the governor's policy is that it does not answer the questions of exactly how old an infant can be to safely drink PFOS/PFOA tainted water, what is the upper limit of PFOS/PFOA tainted water a child can drink, and whether parents want to provide their children tainted water at all. The local general manager did not have the comfort of avoiding those essential questions when he had to make the decision that mattered.

New Jersey Rural Water Association (NJRWA) Security Expert: Rick Howlett, Executive Director with NJRWA, has been selected by the U.S. EPA for its Focus Group to provide input into updating the federal guidance to assist drinking water and wastewater utilities with developing/enhancing their Emergency Response Plans (ERPs). EPA stated in the announcement, "Based on your extensive expertise in the Water Sector, we would like to invite you to be a member of this focus group."

Arkansas Section 1926 Attorney Heartsill Ragon Recovers Lost Taps and Cash Penalty for Rural Water District (more).

MIT Monitors City Sewer System Wastewater to detect Public Health Threats from Bacteria, Viruses, Chemicals, Disease, and Crime (PBS).

Ohio Wants to Take Control of Mobile Home Park over SDWA Violations (more).


Drinking Water in Three Colorado Cities Contaminated with Toxic Chemicals (more).

Uxbridge (MA) Water Contaminated with E. Coli Issues Boil Advisory (more).

EPA Bans Disposal of Fracking Wastewater at Public Treatment Plants (June 13, EPA announcement).

La Grulla (Texas) Water Storage Tank Collapses on Water Valves (more).
Arizona Corporation Commissioners Pass New Rules Controlling Small Water Companies:
Under the policies passed Friday, the Arizona utility regulators’ proposals include faster rate hikes, interim managers to take over in emergencies, and grants for needed repairs, among other ideas (more).

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Thanks for the Memories: Thank you for rural water photos of aging and deteriorating water infrastructure submitted last week (including this fish in the bar screen photo from Florida). Next week, we will assemble the photos and brief explanations and report them to you and the U.S. Senate Environment and Public Works Committee to assist in its effort to pass S. 2848, the 2016 Water Resources and Development Act.

Senate Releases EPA Spending Bill: Last week, the House and the Senate Appropriations Committees passed their versions of the FY17 EPA appropriations bill. Both bills included provisions to address the Flint, Michigan water crisis. The House bill allows states to use a portion of DWSRF funds to reimburse communities for previously incurred debt for projects that reduce lead in drinking water, and the committee report accompanying the bill would direct states to give “to the greatest extent possible” weight to projects on state DWSRF priority lists that would “remove lead pipes from existing infrastructure.” The Senate bill allows states affected by an emergency declaration related to lead in drinking water to use a portion of its DWSRF funds to buy or restructure debt communities incurred to address the contamination.

FY2017 EPA Appropriations

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Jim Fay, General Manager of Champlain Water District (VT) Stands Up for Public Drinking Water Against Misleading Journalist: “The Guardian newspaper’s assertions earlier this month of ‘cheats’ in testing water for lead in Vermont are false and should be retracted, says Fay…” (more).

EPA Administrator Pens Letter to Flint: The June 17 letter says that local and state leaders must find a solution for Flint’s over-sized water distribution system which is too big for the water demand of the city and could potentially inhibit certain safety measures. Moreover, the letter contends that Flint has inadequate staffing, support and other resources to address issues from the safety of water to the water rates. The letter also identifies capacity development concerns with the city and state, citing EPA involvement in “the technical, managerial and financial capacity to operate the system in compliance with the Safe Drinking Water Act” (EPA letter).

EPA Proposes Revisions to the NPDES Program: We need your help in reviewing the recently released EPA proposal to make “specific targeted changes” to the existing NPDES regulations. We are especially interested to know if the changes regarding permit applications, the water quality-based permitting process, and permit objection process are favorable for Rural Water (EPA proposed changes).

NIMBYs Stop Texas Rural Water District Water Tower Storage: See this story about a Rural Water District’s struggle to find a home for a needed water tower over objections from residents (story).

Lake City (PA) Wastewater Operator Admits Dumping Pollution: The operator admitted June 10 that he failed to properly test and treat wastewater, dumped pollutants into a Lake Erie tributary and falsified records to conceal his actions from 2010 – 2012 (more).

U.S. House of Reps. to Vote Next Week to Overturn Pillar of Environmental Movement: Rep. Ratcliffe’s (TX) Separation of Powers Restoration Act, a bill to limit agencies’ federal rulemaking authority, is headed to the floor for a vote next week. The bill would overturn the Supreme Court’s
1984 decision in Chevron USA v. the Natural Resources Defense Council which held that courts should defer to agencies’ interpretations of “ambiguous” statutes written by Congress.

**EPA Questions CWSRF Allotment Formula:** The distribution of federal funds to states under the Clean Water SRF reflects neither the changes in state population over the last three decades nor the infrastructure needs for utilities to meet the Clean Water Act requirements, according to an EPA analysis published this week (EPA report). EPA suggests revisions to the allocation formula. The three options presented by EPA take into account the agency’s needs survey, last updated in 2012, population changes, water pollution measurements, and the use of federal funds to attract outside money.

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Tell Me Your Problems: The U.S. Senate is planning to consider a massive water bill, S. 2848 - the 2016 Water Resources and Development Act (WRDA), in June. To ensure the small and rural community water provisions in the bill are retained in the final bill, we need to make the case for rural and small communities by demonstrating the need for water funding to Congress. Specifically, we need pictures of your problem (i.e. examples of aging, antiquated or deteriorating water infrastructure that needs replacing – and where the community is struggling to afford the cost of necessary water projects). If you know of a community in your state struggling to afford a needed project, please send us its name and we will contact its officials. For example, Evergreen Rural Water Association Circuit Rider Derek Zock discovered a wood stave in the City of Morton (WA) while searching for leaks a week ago (photo). The city has mostly old steel water mains and has more than 50% water loss. See the full article of this effort and analysis of S. 2848 on NRWA's WaterPro Community website (link).

NRWA’s Regulatory Committee (Your Peers Standing Up for You): The committee met last week in Washington DC and approved a motion to draft an association statement to the U.S. Senate raising concerns with a provision of H.R. 4470, “Safe Drinking Water Act Improved Compliance Awareness Act.” It is likely a version of this bill will pass by the end of the summer. The bill was crafted in response to the Flint Michigan lead crisis and passed by the House of Representatives in February. The problematic provision is below. Please contact us if you have any comments on the provision:

“If the Environmental Protection Agency develops or receives, from a source other than the State or the public water system, data, which meets the requirements of section 1412(b)(3)(A)(ii), indicating that the drinking water of a person served by a public water system contains a level of lead that exceeds a lead action level promulgated under section 1412, the Administrator shall require an appropriate employee of the Agency to forward such data to the owner or operator of the public water system and to the State in which the exceedance occurred within a time period established by the Administrator. If an owner or operator of a public water system receives a notice under clause (i), the owner or operator, within a time period established by the Administrator, shall disseminate to affected persons the information described in subparagraph (C).”

Tropical Storm Colin Preparation: Colin passed through Florida last Tuesday (more). Water utilities largely survived the storm without incident. However, Florida Rural Water Association (FRWA) was in full preparation mode on Monday. FRWA Executive Director Gary Williams provided a video-teleconference update on preparations late Monday, June 6th (Williams’ video update).

Environmentalists Oppose Montana’s 20 Year Variances to Numeric Nutrient Criteria: Environmentalists are asking a federal district court to vacate EPA’s approval of Montana water quality standards that allow general variances charging that the novel variance is not supported by science and is arbitrary, capricious and an abuse of discretion under the Administrative Procedure Act. Montana’s approach has been closely watched by NRWA because it allows for flexibility that could be used in other states. Earthjustice and Upper Missouri Waterkeeper lawyers have filed in federal district court charging the variance fails to fulfill the basic purpose of water quality criteria because it does not describe the desired or achievable water quality condition.

Hardball Water Politics: Arkansas Senator Boozman has blocked Senate approval of Jane Nishida to be an assistant administrator at the Environmental Protection Agency over concerns about a TMDL modeling issue in the Illinois River Watershed.
EPA Webinar on “Contaminants of Emerging Concern in Source and Treated Drinking Water:” This presentation will discuss findings from an EPA and USGS study on June 29th (more).

IRS Proposal to "Clarify" Definition of a "Political Subdivision" for Determining Eligibility for Issuing Tax-exempt Bonds: The February 23 IRS proposal includes a new test that requires a political subdivision to be an entity that serves a public purpose and is "governmentally controlled." Some water utilities are concerned about meeting the "public purpose" definition since many bonds that are issued by water districts can often benefit private property owners.

Help Us Make EPA E-reporting for Bio-solids Compliance Better: EPA is looking for volunteers to test their new e-reporting compliance process. If you would like to work with EPA on behalf of small and rural communities to test the new reporting systems, please contact us.

Sewage Released in Rio de Janeiro Waters Result in Drug Resistant Bacteria in Olympic Venues: Scientists have found dangerous drug-resistant "super bacteria" off beaches in Rio de Janeiro that will host Olympic swimming events (Reuters News).

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Rural Water Policy Advisory [6/6/2016]

Senator Inhofe Pledges to Pass Massive Senate Water Bill This Year: Appearing before the NRWA Regulatory Committee on Friday, an aide to Senate Inhofe was emphatic about the Senator’s plans to get the 2016 Water Resources Development Act (S. 2848) passed this year. The aide said Inhofe is currently in discussions with Senate leadership about bringing the bill to the Senate floor this month and outlined his strategy for Senate passage and moving the bill to passage in the House of Representatives. The Inhofe aide said the small and rural community provisions in the bill were a priority for the Senator including:

- $100 million for the state revolving funds (SRF),
- $20 million for small communities under a new program within the SRFs,
- a New Clean Water Act technical assistance program that has language to direct EPA to use the funds for assistance that small communities find most beneficial - mirroring the recent drinking water technical assistance changes, and
- a Provision to allow states to use 2% of their Clean Water SRF to fund technical assistance.

The Inhofe representative told NRWA that the Senator wants to direct the new funding in the bill to communities that are in the most need of water infrastructure funding and invited rural water to provide examples of small communities with aging or failing water infrastructure to help him make his case to the Senate. Please contact us if you have any good examples, and especially if you have images/photos from your members. Mississippi Rural Water Association (MRWA) submitted a report for help with this effort which will likely end up being used on the Senate Floor during the bill’s consideration. Mississippi’s report includes this historical anecdote: “The Town of New Augusta’s water and sewer system was installed in 1941. It was dug and installed by hand by Japanese POWs.”

In Colorado, Farmers and Cities Battle over Water Rights: Cities are buying up all water rights in rural communities and “drying” up their way of life (NPR).

Newspaper Features 33 Cities Who Cheat on Lead Testing to Hide Lead Levels: Mass. Rural Water Association Board Member John Sasur called the article “very inflammatory.” The following cities are cited as cheating by at least one of three strategies: flushing, removing aerators, or drawing water too slowly (Guardian).


More Than 100,000 Customers in Alabama Told Not to Drink Their Tap Water: On Thursday, West Morgan-East Lawrence Water Authority said their water could be contaminated with fluorinated organic chemicals (PFOA and PFOS), chemicals that federal health officials have linked to cancer. The warning comes after the U.S. Environmental Protection Agency issued an advisory on May 19 that lowered the safe level for compounds known as PFOA and PFOS in drinking water. The water utility did not say how much of the chemicals were found in the water, only that the level could be potentially dangerous (Reuters News).
Rural Water Associations Continue to be the Main Emergency Responders for Water Emergencies: On May 24th and May 25th, the Louisiana Rural Water Association along with the Arkansas Rural Water Association and Florida Rural Water Association hosted the 2016 Emergency Response Training in Kinder, LA. The conference featured over 60 attendees representing approximately 20 state rural Water associations. The training provided the attendees with a classroom setting as well as very informative hands-on demonstrations which included: down power line safety, fuel cleaning, generator sizing and connection, communications equipment (Mobile Command Center), proper handling of chlorine/chemicals, by-pass pump and trash pump operations, as well as line location and ground penetrating radar demonstrations. The 2017 Emergency Response Training will be held in Florida.

EPA Opens WIFIA Draft Application Materials for Public Comment: The public comment period is open until July 22, 2016 (more).


Chlorinator Malfunction Causes Boil Order in Greenwich, NY (more).

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Rural Water Policy Advisory [5/30/2016]

House Moves EPA Appropriations Bill: A House Appropriations Committee subcommittee on Wednesday approved the fiscal year 2017 appropriations bill for the Environmental Protection Agency (EPA). The bill includes funding for a number of initiatives important to small and rural communities such as:

- $2,521,410,000 - for the EPA Environmental Program Management Program Account which includes $15,000,000 for technical assistance competitive grants similar to last year's provision.
- $1,070,000,000 - for the drinking water state revolving fund.
- $1,000,000,000 - for the clean water state revolving fund.
- $109,700,000 - for the states' public water system supervision program.
- $164,915,000 - for §319 Nonpoint Source grants.
- $50,000,000 -- for the new WIFIA program.

The House Appropriations Subcommittee cut the SRFs by $186,620,000 and increased WIFIA by $50,000. NRWA was the only national water association urging the Subcommittee to keep the funds within the SRFs.

NRWA Regulatory Committee - Your Peers Standing Up for You: The committee will meet this week to craft rural water policy on a number of current issues. The committee will be reviewing its quarterly report on rural water policy activity which has been released in an info graphic format for the first time (Reg. Committee Quarterly Report). The report includes the O'Connell Report which quantifies the cost savings to the members of NRWA advocacy and the Susar Report with its list of recent actions and positions taken by the committee. These two reports are named after the current and past chairmen of the committee who called for the reports to better educate the membership on the purpose of the committee (and the association).

EPA Warns of Eight Water Facilities in Alabama with PFOA/PFOS: EPA issued a health advisory on May 19th stating that eight facilities in Alabama showed higher than recommended concentrations of perfluorooctanoic acid and perfluorooctanesulfonic acid (more).

Chemical Company to pay $6 Million West Virginia Community to Remove PFOA: Chemours will install activated carbon filters to eliminate traces of C8, also known as perfluorooctanoic acid, from the water supply in Vienna, West Virginia. After the EPA disclosed the new guidelines, the Vienna Water Department advised residents not to drink city water. In February, tests paid for by the city of Vienna found five of its wells had C8 levels just above 0.01 parts per billion. Investigations revealed that more than 1.7 million pounds of C8 had been released into the region's water, soil and air between 1951 and 2003 (more).

Corpus Christi (Texas) Under Boil Order Resulting from Nitrogen-rich Runoff from Rain (more).

Nebraska County Cuts Ties with Consolidated Rural Water System: The Washington County Board of Supervisors is washing its hands of the county's rural water system. Last week, the county board voted to request that the county be removed from an interlocal agreement and requested to be paid a lump sum of $182,467 (more).

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Rural Water Policy Advisory [5/23/2016]

The Power of An Association Comes to the U.S. Senate by way of Kansas: Last week, the Senate Appropriations Committee passed the Fiscal Year 2017 USDA Spending Bill that included NRWA requested funding levels for circuit riders, wastewater technicians, source water technicians and grants & loans. Senator Moran, the subcommittee chairman who authored the bill, lists funding for rural water as his priority in announcing the passage of the legislation (announcement).

EPA’s PFOA and PFOS New Health Advisory Level: On May 19, EPA announced that it has established a health advisory level (HAL) for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS). The new HAL of 70 parts per trillion (ppt) is a lifetime HAL for the combined concentrations of PFOA and PFOS. This HAL is replacing EPA’s 2009 provisional short-term PFOA and PFOS health advisories of 0.4 and 0.2 parts per billion (ppb).

- EPA is not recommending treatment or enforcement for communities with exceedances. EPA recommends additional sampling and communities are advised to contact their respective primary agency.
- Six public water systems in New York state (and additional communities in New Hampshire and Vermont) have detected PFOA in their supplies in excess of the EPA’s new guidance standard. The contamination has been linked to factories that used PFOA in their manufacturing processes, in some cases dating back decades (more).
- New England rural water associations have been providing technical assistance including flushing to some impacted communities.
- New Jersey Rural Water Board Member Jim Mackie commented that water systems in proximity to airfields and fire training academies where foaming techniques were practiced could be at risk. The Defense Department had been relying on EPA’s less stringent short-term health advisory levels to guide cleanups of PFCs found on fire-fighting training sites. DOD has identified 664 fire training sites across the country where PFCs have been used.
- In the PFOA health advisory, EPA says studies of animals showed negative developmental effects, liver toxicity, kidney toxicity, negative immune effects and testicular and kidney cancer. "Overall, the toxicity studies available for PFOA demonstrate that the developing fetus is particularly sensitive to PFOA-induced toxicity," the health advisory says.

States Argue 6th Circuit Cannot Preclude 11th Circuit Appeal: A coalition of 11 Southern states is arguing that the U.S. Court of Appeals for the 6th Circuit’s decision to hear suits over EPA’s Clean Water Act (CWA) jurisdiction rule cannot preclude the coalition’s 11th Circuit appeal. The coalition argues that suits over the rule should be heard first in district court, and that the 6th Circuit’s ruling is not binding on the 11th Circuit.

NRWA to File Brief in Circuit Court to Oppose EPA’s Water of U.S. Rule: NRWA will likely be the only national water utility association taking action in the courts. We are currently planning to file an Amicus Brief in the Sixth Circuit Court of Appeals around July 7, 2016 (NRWA draft brief).

Corpus Christi issues Boil Advisory After Nitrogen Runoff Contaminants found in City’s Water (more).

Ohio Moves to Regulate Harmful Algal Blooms: The new state rule will go into effect June 1. All public water systems that use surface water will be required to monitor and report the occurrence of cyanobacteria and harmful algal blooms (HAB). The new rules establish microcystin action levels (more).
Cedartown Water (GA) Can't Find Water Operator: The city manager said the city is having a hard time finding qualified employees to replace a position at each of the city’s two water treatment plants. An early retirement program resulted in the loss of highly qualified water operators (more).

Southeast White County Water Association (AR) Votes to Investigate Employees: Before an overflowing crowd, water association officials apologize for their previous lack of oversight and are putting safeguards in place to prevent employee theft in the future. Two former employees were able to make tens of thousands of dollars in unauthorized charges on credit cards and accounts paid by the association. The board admitted that the former manager was the only person keeping an eye on the company credit card issued to her. A recent audit will now be reviewed not only by the prosecutor but also the USDA, State Legislative Auditor, and possibly the Arkansas State Police (more).

Hood River County (OR) Voters Ban Nestlé’s Bottling Plan: County voters have approved a ban on commercial water bottling, blocking a $50 million bottling plant Nestlé wants to build in the Columbia River Gorge. Supporters of the measure said they didn’t trust Nestlé with their local water resources, especially after last year’s drought. Native American tribes said the spring water the company was targeting for commercial use is used in religious ceremonies and shouldn’t be sold for profit (more).

 Consolidation Fight in Texas: It’s been about five months since the Public Utility Commission ruled the city of Georgetown could take control of the water underneath the Chisholm Trail Special Utility District, the first time in history a Texas city acquired the water rights of a special utility district. The opposition has filed a suit in the Texas Court of Appeals. A former member of the now-dissolved Chisholm Trail board who wanted the Georgetown merger spoke last week to a group of Central Texas Tea Party members in Belton and said taxpayers are footing the bill for a futile legal effort on the part of the opposition stakeholders.

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Chemical Company to pay $6 Million West Virginia Community to Remove PFOA: Chemours will install activated carbon filters to eliminate traces of C8, also known as perfluorooctanoic acid, from the water supply in Vienna, West Virginia. After the EPA disclosed the new guidelines, the Vienna Water Department advised residents not to drink city water. In February, tests paid for by the city of Vienna found five of its wells had C8 levels just above 0.01 parts per billion. Investigations revealed that more than 1.7 million pounds of C8 had been released into the region's water, soil and air between 1951 and 2003 (more).

Corpus Christi (Texas) Under Boil Order Resulting from Nitrogen-rich Runoff from Rain (more).

Nebraska County Cuts Ties with Consolidated Rural Water System: The Washington County Board of Supervisors is washing its hands of the county's rural water system. Last week, the county board voted to request that the county be removed from an interlocal agreement and requested to be paid a lump sum of $182,467 (more).

National Rural Water Association
Contact: Mike Keegan, Policy Analyst <keegan@ruralwater.org> (Washington, DC)
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Archives: past editions of this newsletter are available on the internet (link).
The Power of An Association Comes to the U.S. Senate by way of Kansas: Last week, the Senate Appropriations Committee passed the Fiscal Year 2017 USDA Spending Bill that included NRWA requested funding levels for circuit riders, wastewater technicians, source water technicians and grants & loans. Senator Moran, the subcommittee chairman who authored the bill, lists funding for rural water as his priority in announcing the passage of the legislation (announcement).

EPA’s PFOA and PFOS New Health Advisory Level: On May 19, EPA announced that it has established a health advisory level (HAL) for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS). The new HAL of 70 parts per trillion (ppt) is a lifetime HAL for the combined concentrations of PFOA and PFOS. This HAL is replacing EPA’s 2009 provisional short-term PFOA and PFOS health advisories of 0.4 and 0.2 parts per billion (ppb).

- EPA is not recommending treatment or enforcement for communities with exceedances. EPA recommends additional sampling and communities are advised to contact their respective primacy agency.
- Six public water systems in New York state (and additional communities in New Hampshire and Vermont) have detected PFOA in their supplies in excess of the EPA's new guidance standard. The contamination has been linked to factories that used PFOA in their manufacturing processes, in some cases dating back decades (more).
- New England rural water associations have been providing technical assistance including flushing to some impacted communities.
- New Jersey Rural Water Board Member Jim Mackie commented that water systems in proximity to airfields and fire training academies where foaming techniques were practiced could be at risk. The Defense Department had been relying on EPA's less stringent short-term health advisory levels to guide cleanups of PFCs found on fire-fighting training sites. DOD has identified 664 fire training sites across the country where PFCs have been used.
- In the PFOA health advisory, EPA says studies of animals showed negative developmental effects, liver toxicity, kidney toxicity, negative immune effects and testicular and kidney cancer. "Overall, the toxicity studies available for PFOA demonstrate that the developing fetus is particularly sensitive to PFOA-induced toxicity," the health advisory says.

States Argue 6th Circuit Cannot Preclude 11th Circuit Appeal: A coalition of 11 Southern states is arguing that the U.S. Court of Appeals for the 6th Circuit's decision to hear suits over EPA's Clean Water Act (CWA) jurisdiction rule cannot preclude the coalition's 11th Circuit appeal. The coalition argues that suits over the rule should be heard first in district court, and that the 6th Circuit's ruling is not binding on the 11th Circuit.

NRWA to File Brief in Circuit Court to Oppose EPA’s Water of U.S. Rule: NRWA will likely be the only national water utility association taking action in the courts. We are currently planning to file an Amicus Brief in the Sixth Circuit Court of Appeals around July 7, 2016 (NRWA draft brief).

Corpus Christi issues Boil Advisory After Nitrogen Runoff Contaminants found in City’s Water (more).

Ohio Moves to Regulate Harmful Algal Blooms: The new state rule will go into effect June 1. All public water systems that use surface water will be required to monitor and report the occurrence of cyanobacteria and harmful algal blooms (HAB). The new rules establish microcystin action levels (more).

Cedartown Water (GA) Can’t Find Water Operator: The city manager said the city is having a hard time finding qualified employees to replace a position at each of the city’s two water treatment plants. An early retirement program resulted in the loss of highly qualified water operators (more).
Southeast White County Water Association (AR) Votes to Investigate Employees: Before an overflowing crowd, water association officials apologize for their previous lack of oversight and are putting safeguards in place to prevent employee theft in the future. Two former employees were able to make tens of thousands of dollars in unauthorized charges on credit cards and accounts paid by the association. The board admitted that the former manager was the only person keeping an eye on the company credit card issued to her. A recent audit will now be reviewed not only by the prosecutor but also the USDA, State Legislative Auditor, and possibly the Arkansas State Police (more).

Hood River County (OR) Voters Ban Nestlé’s Bottling Plan: County voters have approved a ban on commercial water bottling, blocking a $50 million bottling plant Nestlé wants to build in the Columbia River Gorge. Supporters of the measure said they didn’t trust Nestlé with their local water resources, especially after last year’s drought. Native American tribes said the spring water the company was targeting for commercial use is used in religious ceremonies and shouldn’t be sold for profit (more).

Consolidation Fight in Texas: It’s been about five months since the Public Utility Commission ruled the city of Georgetown could take control of the water underneath the Chisholm Trail Special Utility District, the first time in history a Texas city acquired the water rights of a special utility district. The opposition has filed a suit in the Texas Court of Appeals. A former member of the now-dissolved Chisholm Trail board who wanted the Georgetown merger spoke last week to a group of Central Texas Tea Party members in Belton and said taxpayers are footing the bill for a futile legal effort on the part of the opposition stakeholders.

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Rural Water Policy Advisory [5/16/2016]

The Power of An Association Comes to North Dakota: North Dakota Rural Water Association is urging its senator to expand the U.S. Department of Homeland Security program to include a Security and Emergency Response Circuit Rider (NDRWSA, May 12). North Dakota joins Mississippi, West Virginia and Louisiana Rural Water Associations who have been pressing this enterprise. If you would like to see your senator participate in this effort in your state, please contact us.

NRWA Participates at the Convening of National Collaborative to Remove Lead Water Lines: Delaware Rural Water Association Circuit Rider Sherrie Turner and Maryland Rural Water Association Board Member George Hanson participated in the first meeting of the national Lead Service Line Replacement Collaborative (charter & participating organizations). The Collaborative includes most national water organizations, environmental groups, public health advocates, state agencies, local health organizations, etc. Turner was encouraged after the two-day meeting in Washington DC, saying, “I hope to help this group identify solutions that are helpful and workable in small and rural communities, considering the challenges and limited resources in our membership.” Hanson added, “If we are successful in identifying a workable solution for small communities to voluntarily adopt, it should serve as a preferred alternative to a new uniform regulatory solution.”

Flint Water Heroes to Address to NRWA Regulatory Committee: Professors Marc Edwards and Yanna Lambrinidou have graciously agreed to present to the Regulatory Committee on June 3rd in Washington, DC. The Washington Post calls Edwards “the heroic professor who helped un-cover the Flint lead water crisis” (WashPo). Dr. Edwards credits Dr. Lambrinidou with the successful effort to expose lead contamination in the City of Flint. Lambrinidou, president of Parents for Nontoxic Alternatives, believes the weaknesses in regulation that caused the problem have not been fixed. Dr. Lambrinidou was appointed to the EPA Lead Rule revisions work group and filed a minority report objecting to the work group’s recommendations to the EPA. If you have a question you would like addressed by the professors, please send it to us.

NRWA Considers Urging EPA to Withdraw Plan for More Regulation on Risk Management Plans: EPA’s proposed new rule (Accidental Release Prevention Requirements: Risk Management Programs (RMP), March 14, 2016) regulates a number of community water systems that use the threshold amount of hazardous chemicals. The proposed rule expands and increases the regulatory burden on these community water systems. The NRWA Regulatory Committee is reviewing draft comments to submit to the EPA (link). If you have any comments on the rule that we should include, please contact us.

St. Johns County Water Utility (FL) Detects E. Coli in Raw Water: The utility issued a boil water notice for approximately 37,000 customers in St. Augustine after testing of raw water samples uncovered the presence of E. coli bacteria (more).
City of Franklin (TN) Spends Over $300,000 to Settle Citizen’s Suit: The city and the Harpeth River Watershed Association have reached a settlement agreement over the long-standing lawsuit against the city concerning pollution into the Harpeth River. The association, which filed the federal lawsuit in 2014, accused the city of illegally polluting the Harpeth River. The lawsuit led to a countersuit, input from federal regulators, and costly legal fees for the city (more).

Sean Hannity Urges People Not to Drink Tap Water: On Friday, the radio talk show host explained that he categorically does not drink tap water, does not trust the people who supply it, and recommends people use home treatment to clean their tap water. The Sean Hannity show is the second most popular radio talk show with an estimated 12½ million weekly listeners.

Rural Water’s Global Coverage

- **Documentary - Kenya’s Water Women**: Captivating documentary of women in rural Kenya records the work of these rural water organizers as they organize communities to develop clean water sources, pay for the service, and train locals on operation of their new drinking water systems (Al Jazeera).

- **BBC - The Ganges Feature**: The Ganges River is one of the greatest rivers on Earth but it is dying, according to the BBC. It is revered in India but it is also the sewer that carries away the waste from the 450 million people who live in its catchment area. Pollution from the factories and farms of the fastest-growing large economy in the world – and from the riverside cremation of Hindu true believers - has turned its waters toxic (BBC).

- **Reader Responds**: In reply to last week’s coverage of the United Nations admonishment to the U.S. on the Flint lead in drinking water crisis, a reader in rural Maryland responds with the following comments: “Like the UN has nothing more serious to worry about than to have their pious human rights experts stick their noses into the Flint problem? Their time would be better spent making sure that clean water is provided to the half a billion people throughout the world who do not have access to clean water- an effort that is primarily being led by the U.S. with American funding…”

**National Rural Water Association**

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World Focuses on Flint's Drinking Water Compliance with EPA Lead Rule: President Obama visited Flint this week and blamed the crisis with the city's drinking water on supporters of less government which has been covered by the media as a political attack on Republicans (video). The United Nations is weighing whether to insert itself in the probe into contaminated drinking water for residents of Flint after a trio of U.N. human rights experts in Switzerland said that racism and class discrimination may have played a key role in the scandal. The human rights complaint could be lodged in order to ensure that other U.S. municipalities don't make the same mistakes that local, state and federal officials made in handling Flint's water supply needs (more). The local pediatrician credited with identifying the contamination criticized the President's visit by saying, "I talked to a lot of people who were really, really upset about the president's speech... They were happy until he drank the water and said everything was going to be OK (in the future) because there are people hurting now... But there's no money that came with it."

NRWA Participating in National Lead Collaborative this Week: The first meeting of the members of the Lead Service Line Replacement Collaborative will occur on Thursday, May 12th (agenda). The Collaborative's objective is to create a roadmap and tools to support community initiatives to accelerate lead service line replacement (charter). Organizations participating in the Collaborative include: National Association of County and City Health Officials, American Public Health Association, American Water Works Association, Association of Metropolitan Water Agencies, Association of State Drinking Water Administrators, Blue Green Alliance, Children's Environmental Health Network, Clean Water Action, Environmental Defense Fund, Justice and Sustainability Associates, National Association of County and City Health Officials, National Center for Healthy Housing, National Environmental Health Association, National Rural Water Association, National Association of Water Companies, Natural Resources Defense Council, Rural Community Assistance Partnership, and Trust for America's Health. If you would like to attend the meeting in person or by teleconference, please contact us.

The "Power of An Association" Comes to Mississippi: Mississippi Rural Water Association (MRWA) released a new video this week that features Governor Bryant, Pete Boone, USDA State Director Trina George, and other officials. The video explains how Rural Water protects communities from harm caused by regulations. The Governor explains how he turns to Rural Water versus "bureaucrats." The video also features Rural Water emergency response (YouTube).

BBC News Feature Juxtaposes Drought in India to Drought in California: Impacts of drought in California include having to ask for water in restaurants while in India, women walk five miles to draw water from hand dug wells to carry water on their heads back to their villages (BBC).

Wisconsin Providing State Funding to Help Homeowners Remove Lead Pipes: The Department of Natural Resources said it will use its Safe Drinking Water Loan Program to provide funding to disadvantaged communities to help homeowners replace lead laterals. Milwaukee, which has about 70,000 homes with lead laterals, meets the criteria for a disadvantaged community. The money to homeowners would not have to be repaid. The DNR said it is taking advantage of a recent decision by the U.S. Environmental Protection Agency that allows greater flexibility in allocating federal-funded loans for water infrastructure projects (more).

California Spends $3.2 Million to Treat Uranium in Trailer Park with 36 Households: The trailer park detected a combined uranium level of 20.8 pCi/L (source).

Washington to Spend $48 Million to Resettle Louisiana Community Hit by Climate Change: The first time U.S. taxpayers will fund a plan for climate change refugees will occur in Isle de Jean Charles, Louisiana (New York Times).
Democratic Senator Heitkamp (ND) is Advocating for Congress to Enact Legislation Defining "Waters of the United States": To resolve the controversy and confusion over the scope of the Clean Water Act, the Senator says Congress should make the decision. The "failure of judicial review to provide clear guidance" on when smaller waters are subject to the CWA "means, if I'm going to solve it, I'm going to legislate," Heitkamp said at an April 20 Senate Committee hearing (speech). Senator Heitkamp said she will "continue to work on legislation" to define U.S. waters. "I think after at least 20 years of Supreme Court [rulings], we should take some responsibility for the definition." Also, Senator Heitkamp has cosponsored S. 1140, a bill sponsored by Sen. John Barrasso (R-WY), which would force EPA to withdraw the CWA rule and develop a new version after undergoing an extensive round of consultation with states and other stakeholders.
The “Power of an Association” Comes to the U.S. Senate: The Senate Environment and Public Works Committee approved its bi-partisan water funding bill, sponsored by Senators Inhofe (OK) and Boxer (CA), on Thursday. Senate Bill S. 2848, the Water Resource Development Act of 2016, includes numerous new water funding proposals including NRWA requests that we have been pressing for a number of years and most recently requested in testimony before the committee on April 7th. Robert Moore, board member with Oklahoma Rural Water Association, testified for NRWA at the hearing. The bill includes $100 million for the state revolving funds (SRF) and specifically $20 million for small communities under a new program within the SRFs. It also includes a new Clean Water Act technical assistance program that has the language to direct EPA to use the funds for assistance that small communities find most beneficial - mirroring the recent drinking water technical assistance changes. The legislative package also includes the "Hubbard fix," a provision that allows states to use 2% of their Clean Water SRF to fund technical assistance. The bill is expected to receive a vote before the Senate in May or June.

House Republicans Want to Decimate EPA: The House of Representatives' Republican Study Committee (RSC) released its environmental policy plans for this year (April 22 Report). The group calls for major EPA budget cuts and a host of regulatory reform legislation that would limit EPA’s ability to promulgate and enforce new rules. The group calls the EPA "a job-killing agency that is out-of-control..." In addition to calling for a freeze on new regulations until the next inauguration, the RSC’s agenda incorporates many pending regulatory reform bills including H.R. 427 which would require majority votes in both chambers of Congress to approve agencies’ major rules; H.R. 1155 which would require agencies to repeal or loosen older rules when they enact new ones as well as tightening retrospective review of existing rules; H.R. 712 which would add public disclosure requirements to increase "transparency" in agencies' regulatory settlements; and H.R. 527 which would strengthen the Regulatory Flexibility Act's requirements for agencies to consult with the Small Business Administration on rules' impacts to small businesses.

Mari, the 8-Year-Old Girl Who Wrote President Obama to Come to Flint: Mari, who is known around town as “Little Miss Flint,” plans to show the commander-in-chief how the city’s lead-contaminated water supply has changed her neighbors’ lives when the President visits next Wednesday. Mari has scars on her arms from the tainted water and a few rashes that are less prominent. Mari said she plans to ask Obama how hard it is to work in the White House and how many bedrooms are in his home. As for the first thing she plans to do, the little girl said, “I’m going to give him a big hug” (Time).

Iowa State Legislature and Farmer Backs State Legislation to Reform Board of Directors of a City that is Suing Iowa Farmers to make it More Rural (news).

What Was the Motive of the Two State Regulators and One Flint Operator Charged by the Michigan Attorney General?: Last summer, after tests showed Flint’s drinking water had excessive lead, Flint water operator Mike Glasgow went to his office at the city’s water treatment plant and talked on the phone with two employees with the Michigan Department of Environmental Quality. The state regulators, Stephen Busch and Michael Prysby, “insisted” that Glasgow alter a July 2015 report and exclude two test sites, thereby reducing the lead level in the tested water. That move lowered the average lead level below the threshold that would have required residents to be notified of the dangerous lead levels in the water supply, according to the state’s warrant request. There is no report, however, on their motive. Glasgow, 40, faces one felony conviction of tampering with evidence, and one misdemeanor of willful neglect of duty. Glasgow was opposed to the switch in water sources. Professor Marc Edwards of Virginia Tech, whose research helped expose Flint’s water troubles, is listed as a person who could be called as a witness for the prosecution.
USA Today Reports on State and Local Activity for Posting Lead Water Line Maps on the Internet: Starting June 1, Mississippi will require water systems to submit an annual inventory or map of lead service lines and lead plumbing in their systems. The information will be posted on the state’s website (USA Today).


Rural Women Are More Receptive to Environmental Concerns than Men: In Minnesota, women will be paid to persuade resistant farmers to care and do something about the state’s increasingly polluted waterways (Governing magazine).

EPA Webinar: On May 11th, there will be a webinar on new tools and resources for drinking water and wastewater utilities for drought response, natural disasters, and analytical preparedness (register).
WIFIA Exposed by Senator Boxer at Senate Hearing:

Senator Boxer tells EPA Administrator that WIFIA should not “replace” the state revolving funds (SRFs) as EPA is attempting to do (video).

EPA Administrator tells Senate Committee that cuts in SRFs are offset by increases in WIFIA (video) causing Senator Boxer to admonish EPA.

EPA Administrator testifies before the Senate (April 21, 2016) explaining that they will fund $64 million for small and rural communities technical assistance but not on-site/circuit rider technical assistance (video). It is up to Congress to “mandate” that EPA use some portion of this $64 million to help small and rural water communities in ways that they find beneficial by directing the funding to the Grassroots Rural and Small Communities Assistance Act (PL 114-98) in the Fiscal Year 2017 EPA Appropriations Bill.

Louisiana State Legislature Presses St. Joseph Mayor If He Would Drink His Community’s Yellow and Brown Water: Louisiana Rural Water Association (LRWA) Executive Director Pat Credeur was called on to provide expert advice, and he told the legislature that LRWA circuit riders said the water plant is not being maintained. He said 25 leaks were found in the water system and that the town produces 19 million gallons but only sells 1.9 million (more).

Communicating Lead to the Public:

- Utah Rural Water’s guidance on lead and building your public’s confidence in its drinking water supply (RWAU Guidance).
- Last week, NRWA interviewed drinking water scientist Dr. Joseph Cotruvo. Dr. Cotruvo’s key message is that the media coverage of the lead in drinking water issue is not providing the public with scientific and objective information on lead, public health, exposure, and best practices. A summary of that interview is to be published next week.
- Michigan Rural Water Association Executive Director Tim Neumann says in his magazine’s next issue that, “It is important while what is going on in Flint we use this opportunity to educate our communities on what is involved in the process of making sure they have clean safe potable water coming out of their faucets every day. There are numerous ways for lead to enter the drinking water system from main repair or replacement to service line replacement, changing of...
the water meter and any internal plumbing work the homeowner performs can all cause lead to enter drinking water. Even removing all lead service lines homeowners could still have lead entering their drinking water depending on how old their home is and the internal plumbing fixtures in the home. It is important then that there is education provided to the homeowner even after lead service lines and/or water mains are replaced (excerpted).”

- NRWA on effort in conflating the World Health Organization guidance level of 10 parts per billion (ppb) with EPA action level of 15 ppb (NRWA).

On Wednesday, Michigan Attorney General Bill Schuette charged the "Good Guy" Water Operator in Flint, Mike Glasgow, whose Family Was Drinking the Water, with Criminal Charges (Democracy Now video).

Earth Day 2016 with USDA, Illinois and Vermont Rural Water Associations (Vermont and Illinois).

New Alaska Water and Sewer Advisory Committee Passes Legislature: The new commission will evaluate the full scope of the water and sewer infrastructure problem in rural Alaska including looking at the number of homes without safe water and sewer, the programs and funding that currently exist to support the infrastructure, and past efforts to remedy the issue (more).

India Uses Massive Train to Transport Rural Water: Trains – each carrying more than half a million liters of water – are being used to move water to drought regions (video).

EPA’s Two-part Webinar Series Discussing the Lead and Copper Rule (LCR): A May 11th and May 18th webinar will cover lead and copper federal requirements, health effects and sources, monitoring requirements, 90th percentile calculations, requirements to inform the public, and requirements related to treatment changes and new sources (register).

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Lead in Drinking Water Dominates Washington This Week, Again:

- EPA's water chief told Congress that the Agency is busy working to revise the Lead and Copper Rule and will have a final rule ready in 2017 (hearing video). EPA Assistant Administrator for Water Joel Beauvais appeared before the House Energy and Commerce Committee and was repeatedly pressed on when a new rule with be ready. All indications are that the new rule will prevent any more Flints. EPA and Congress are focusing on recommendations from the National Drinking Water Advisory Council (NDWAC) for revisions. NRWA board member Wilmer Melton (NC) was appointed to the NDWAC and NRWA board member John Sasur (MA) was a member on the NDWAC panel that crafted the report on revisions to the current lead rule.

- NRWA will participate in a new national lead outreach effort with water associations, the environmental community, the public health community, and state regulators called Lead Service Line Replacement Collaborative. Delaware Rural Water Association Circuit Rider Sherrie Turner and Maryland Rural Water Association board member George Hanson are planning to participate on behalf of all of rural water.

- A new Michigan lead rule was proposed by the Governor this week. The new rule would lower the limit for lead in drinking water to 10 parts per billion from the current federal standard of 15, provide annual testing for lead at schools and day cares, and require local governments to create inventories of lead service lines and develop plans to replace them. Is this an improvement and should rural water comment on this effort as it will be likely be a precursor to changes in the federal rule?

- EPA's Flint water hero Miguel Del Toral signaled monitoring changes in federal lead rule. "The EPA's Miguel Del Toral says... that the method or sampling protocol that’s used to measure the amount of lead in drinking water is not effective. ‘Our sampling protocol is not really capturing the high lead that’s there,’ he says. Everywhere, not just in Chicago. It’s a national issue" (NPR).

- John with NM rural water forwarded us AWWA's report that NBC News' Investigations Unit is currently surveying water utilities in cities across the country to find out how water is being tested for lead in schools.

- Is lead action exceedance a result of bad sampling? Oklahoma water operator said, "Getting a proper water sample takes time, and it’s a hassle for many residents. We feel that some of our failures were just bad sample protocol because when we go back and follow the protocol to the T, we seem to pass it" (news).

- Maryland Senator Cardin introduced a host of bills to address lead in drinking water and water infrastructure (Senator Cardin) and requested comments from NRWA. Please forward any comments to the NRWA Regulatory Committee (email).
U.S. Senate Tables Flint Financial Package Including WIFIA after Senator Lee (UT) Objects: Last week, the Senate set aside the proposed Flint bailout bill that included $70 million for WIFIA and $100 for the SRFs. The Rural Water Association of Utah has been working with Senator Lee to educate the public that WIFIA can't be used to fund cities with challenging economies like Flint (RWAU statement).

Utah Rural Water Board Member Attends AWWA's Water Utility Council in Representing You (Rural Water): Paul Fulgham with Utah rural water attended the AWWA Water Utility Council meeting in Washington last week while representing NRWA on the Council. Please contact us if you would like to see Paul's report that includes important observations and policy suggestions for NRWA including source water protection, new rules of risk management plans, and lead rule revisions.

House Increases USDA Rural Water Funding after Hawaii Representative Takai Takes the Lead: The House Appropriations Committee released its fiscal year 2017 spending bill last week. The House Committee's bill includes over $533 million for water and sanitation infrastructure in rural and small communities. The bill also includes your requested levels for circuit rider technical assistance and source water protection. Congressman Takai organized 56 U.S. Representatives to write the House Appropriations Committee (letter) advocating for the essential funding.

New England Rural Water Associations Recognized as Leaders in Emergency Response: EPA is hosting a Water Emergency Preparedness Workshop in Massachusetts on May 17th. The purpose of this workshop is to enhance community preparedness and resiliency in the event of a water service disruption. This event is being planned by the U.S. Environmental Protection Agency (EPA), Vermont Rural Water Association (VRWA), Massachusetts Water Works Association (MWWA), Massachusetts Department of Environmental Protection (MassDEP), New Hampshire Department of Environmental Services (NHDES), Granite State Rural Water Association, New England Water Works Association (NEWWA), and Massachusetts Rural Water Association (MassRWA).

News Feature on The Alliance of Indiana Rural Water's Statewide Emergency Preparedness Initiative (newspaper).

In Public Meeting, Fresno County Supervisor Tells Opponents of Water Rate Increases that "Your Leftist Buddies in Northern California Are to Blame" (news video).

China’s Rural Water Supply Is Over 80% Undrinkable (NYTimes).

Japanese City Covered in Mysterious Foam after Earthquake (news).
The Power of An Association Comes to the U.S. Senate: Thanks to Oklahoma, Mississippi, and Wyoming Rural Water Associations, the interests of all small and rural communities were recognized at the Senate’s water hearing on Thursday.

- **Mississippi’s Senator Wicker** makes compelling speech on the need for EPA technical assistance and how EPA has eliminated technical assistance while increasing the regulatory burden on small communities in Mississippi ([C-SPAN video](#)).

- **Oklahoma Rural Water Association Board Member Robert Moore** speaks for all of rural water on how the federal government should fund water projects ([C-SPAN video](#)).

- **Wyoming’s Senator Barrasso** explains the need for on-site technical assistance and questions the EPA arsenic rule ([C-SPAN video](#)).

- **Senator Boxer** says the Water Infrastructure Finance and Innovation Act (WIFIA) has to be fixed for rural water ([C-SPAN video](#)).

The Power of An Association: By organizing together, we can accomplish what none of us could accomplish individually.

The Power of Corporate Water: In addition to being a positive hearing for rural water, the private water industry showed its strength. Corporate water interests ([NAWC](#) and [AWWA](#)) used their appearance to press for more federal subsidies for private water utilities. The private water advocates have convinced many Senators on this committee that WIFIA would unlock millions in new (private) investment in water projects and does not compete with the SRFs. Senators don't disagree with NRWA policy that funding that could be used for the SRFs should not be used to fund WIFIA - they have just not heard the message.

FBI Warns of Cyber-Attacks on Power Grid: The FBI has begun warning infrastructure companies about the threat of cyber-attacks on the U.S. power grid, according to a new report ([more](#)).

John Douglas, The Best of Rural Water: John is an operator at Rural Water District No. 2, Trego County, and is recognized by the Kansas Rural Water Association as "Operator of the Year" ([news](#)).


Millions of People in Bangladesh Still Drinking Arsenic-laced Water ([Guardian UK](#)).

Trumann City (AR) Rescinds Previously Approved Ordinance to Consolidate City with Trumann Rural Water: Mayor Barbara Lewallen read an ordinance rescinding approval of the consolidation. The previously passed ordinance allowed for the transfer of city funds to pay off Trumann Rural Water's indebtedness in the amount of $45,020.36 ([more](#)).

House Safe Drinking Water Act Committee to Deal with Lead Next Week: The House Energy & Commerce Committee to Hold Lead in Drinking Water Hearing and Status of Related Legislative Proposals.
Upcoming EPA Webinars: Disinfection Byproducts (DBPs) Regulatory Issues and Solutions Webinar (April 8), Lead and Copper Rule (LCR) Optimal Corrosion Control Treatment (OCCT) Evaluation (April 14 and April 19), and LT2 Source Water Monitoring Webinar (April 8).

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Nevada, Mississippi, Utah and Alaska Rural Water Stand Up for Rural Water: These states all received positive responses from their key Congressmen/Senators on the EPA Appropriations Subcommittee last week in the effort to persuade Congress to fix EPA funding. Alaska Rural Water met with the Senate EPA Appropriations Subcommittee Chair’s chief of staff in Alaska last week. Mississippi had the Senate Appropriations Full Committee Chair’s chief of staff featured at its annual conference. Nevada, Utah and Idaho all heard that their committee members would contact the chairman urging him to fix the EPA funding issue – all three states relied on their grassroots members for success (thank you Jerome, Idaho – Kingsbury, Nevada – and Woodscross, Utah).

NRWA to Appear before the U.S. Senate on Thursday: NRWA has been invited to testify in the Senate this Thursday on behalf of your interests. Robert Moore with Marshall County Water (OK) and board member of Oklahoma Rural Water Association will be representing Rural Water. The first draft of the testimony is available for your review (link). The hearing is likely to move to regulatory issues including Flint, Michigan. The committee chairman is Senator Inhofe (OK) and ranking senator is Senator Boxer (CA). John Sasur, NRWA national director from Massachsetts said, “on behalf of the thousands of small systems across America, I would like to thank Oklahoma Rural Water Association in their building of such a positive relationship with their Senator Inhofe and most importantly their efforts to have Congress hear directly from a local water system about our successful national mission.”

Congress Turns to Appropriations: The Senate returns Monday with appropriators deciding which of 12 annual spending bills they will mark-up first. Senate appropriators plan to hold their first markup on April 14th; they want to move bills to the floor before May 15th.

New Book’s Page Are All Individual Water Filters (CNN video).

Verizon Data Breach Report: The report includes the hack of a water utility’s payment system and process control system. According to the report, the hacker exploited several vulnerabilities and manipulated a chemical feed and water flow which actually is a fictionalized narrative of a compilation of hacks against more than one organization, perhaps even in different countries. The story of the Kemuri Water Company is fiction (more).

Atlantic Magazine Says Water is Too Cheap: “There’s a classic economic paradox about the price of water and value, and it comes from Adam Smith: Why do diamonds cost more than water? The comparison is meant to demonstrate how pricing works—that even though water is essential for human survival, our economy puts prices on things based on scarcity and value (and marginal utility). As long as water remained abundant, the cheapness of water would likely not change. But the price of water has come into serious question as drought-struck California and Western states debate whether water is too cheap” (The Atlantic).

NPR Goes in for Water Stories: Lead pipe removal in Madison (WI) and Lansing (MI) are feature stories. PFOA in New Hampshire and New England are also featured. The featured community in New Hampshire hit with PFOA is a former state drinking water contest winner.

Smugglers Abduct Water System Worker in New Mexico (more).

Governor Speaks at Nebraska Annual Conference (TV news).

Nuclear Plant Leak Threatens Groundwater in Florida (NY Times).

The Story of New York City’s Water Supply (NY Times).

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EPA Tells Congress It Has $42 Million for Assisting Small Communities, But None for Rural Water On-Site and Circuit Rider Assistance: Last Tuesday, in a Congressional hearing on the EPA budget, Congressman Simpson (ID) asked EPA about technical assistance for small communities. The EPA Administrator told the House Interior Subcommittee that they have reserved $42 million for this objective, but will not use any of it in a manner that will be helpful at the local level (video 39:30).

Persuading Congress to Fix EPA Funding: Over the last five fiscal years, the EPA has reduced the level of on-site assistance available to small communities by approximately 75%. To reverse this trend, NRWA has urged the Congressional Committees responsible for the EPA budget to fully fund ($15 million) the recently enacted Grassroots Rural and Small Community Water Systems Assistance Act (Act) which mandates that EPA use Congressional appropriations in the most helpful manner for small and rural communities. All Members of the House and Senate are urged to contact the key Congressional Committee Chairs to “fix the EPA funding problem by funding the new Act.”

House Chairs: Chairman Rogers (KY) and Calvert (CA)  
Senate Chairs: Chairman Cochran (MS) and Chairwoman Murkowski (AK)

We have not heard that the Committees have been persuaded on the need to change the current process and replace it with the new Act. Please contact us if you Representative or Senator is willing to help. The Chairs need to know that the new law needs to be funded clearly in the EPA’s budget, or else the funding does not get to your state’s rural and small towns.

Wyoming Explicates: After viewing the Congressional hearing on the EPA budget, Wyoming rural water executive director Mark Pepper sent the following memorandum to his Congressional delegation:

The battle line has been drawn by EPA Administrator Gina McCarthy. Without Congresses support to fully implement the overwhelming intent of Congress as expressed in the Grassroots Rural and Small Community Water Systems Assistance Act which requires the EPA to prioritize funding for training and technical assistance; “the types of technical assistance that are most beneficial to those communities, based on input from those communities,” Wyoming communities will be adversely affected.

Administrator McCarthy speaking at an appropriations committee hearing indicated that “the agency has different strategies for using that funding including the new water finance center.” i.e., $22 million to universities and academics to create webinars. Communities have spoken for many years, since 2007 when Congress eliminated the earmark for this funding, that “boots on the ground” is the preferred delivery vehicle for this training. Since 2007, Congress has provided funding to the EPA with the intent that it be used for boots on the ground. EPA has interpreted Congressional intent by reducing the boots on the ground portion from a high of $12.5 million to the current $4 million and now seeks to eliminate the funding altogether in defiance of Congressional intent. Do we want communities ravaged by floods like the recent Northern Louisiana
flooding, or Wright, WY tornadoes of several years ago, the Kaycee, WY flooding a few years ago or Lusk, WY just recently, being required to access a website or webinar or call some eastern university "automated help line" to get help, or rely on experienced, boots on the ground technicians who can provide onsite training and technical assistance, especially during an event?

It is clear that the EPA's intent is directly contradictory to the intent of Congress in passing S. 611. We hope that all of you will encourage Sen. Enzi, Sen. Barrasso and Rep. Lummis to send the message loud and clear to the EPA about Congressional intent by supporting fully funding the unanimously enacted Grassroots Rural and Small Community Water Systems Assistance Act in the EPA funding bill.

Please let me know if you have any questions, need additional information or if we can be of any assistance in this effort.

**National Rural Water Association**
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NRWA Regulatory Committee Standing Up for You: Today, the committee released its policy memorandum to the newly chartered Congressional panel for federal regulation reform (memorandum). The committee identified “a number of federal regulations that could be modified or reformed to improve and enhance federal water regulations for small and rural communities… We hope you can implement modifications to current EPA regulatory policy to improve the national water program, enhance public health and better protect the environment.” Regulations selected for reform by the committee include: Tier 2 public notices, EPA enforcement policy, total organic carbon percentage removal, point of use technology, sensitive water treatment plant location data more readily available for public access via the internet, new initiatives to enhance source water protection, cyber security implementation in water utilities, unregulated contaminant monitoring, regulation of storage tanks, watershed pollution trading policy, affordability and environmental justice, lead and copper rule revisions, and emergency generators and peak shaving programs.

Penn. Rural Water Association (PRWA) Delegation Urges House Clean Water Chairman to Fix Clean Water SRF: PRWA representatives briefed House Clean Water Committee Chairman Bill Shuster on a host of wastewater issues including technical assistance, funding, combined sewer overflows, consolidation, etc. The main request of the rural water delegation was for the Chairman to advance two clean water technical assistance policies (CWA policies). The Chairman told the group that he plans to have a comprehensive water bill released in April. The South Carolina Rural Water Association has also been collaborating with one of its Congressmen to introduce legislation to advance these policies.

Hawai‘i Rural Water Association (HRWA) Receives Congressional Certificate of Commendation: The association received the award from Representative Gregorio Kilili Camacho Sablan of the Northern Mariana Islands for “outstanding contributions to response and recovery of the Northern Mariana Islands to Typhoon Soudelor.” HRWA Executive Director Mahana Gomes said, “I’m very proud of our team. Our Circuit Rider, Jason Zufelt, was on the ground for 11 days assisting the recovery.” Zufelt said, “I suggested isolating different villages to keep water in the storage tanks. It made it easier to charge the system over a small area instead of a larger area, and it helped isolate leaks.”

Highlights of This Week’s Flint Coverage: The attention on Flint, the EPA, and other water utilities continues with two House hearings this past week.

- South Carolina turns to Rural Water to assist with lead in water - South Carolina Water Association to find out what’s causing lead exceedances for 28 systems (USA Today).
- Second Flint water hero emerges during House hearings. EPA employee Miguel Del Toro who sounded the early warnings in the water in Flint. Congressman says Del Toro deserves Congressional Medal of Honor during hearing. Del Toro warned EPA last year, “This is no surprise. Lead lines + no treatment = high lead in water = lead poisoned children.”
- Congressmen tell EPA Administrator to resign (Google).
- VA Tech Water Professor Edwards testifies and blames EPA (video).
- Michigan Governor blames “career bureaucrats lacking common sense at state and EPA.”
- EPA Administrator says VA Tech Water Professor “doesn’t understand we have to work within the systems… how the law works.”
- Committee Chairman Chaffetz (UT) asks EPA Administrator, “So why do we even need an EPA?”
- PBS’ Judy Woodruff says Flint recriminations are about politics (PBS Flint feature). During the reporting, Prof. Edwards says there is a problem in all major cities with lead pipe, 70 percent of those cities would have to tell people water is unsafe and “EPA has left all Americans in harm’s way.”
- USA Today video of how lead gets into the water supply (video).
- Ohio changes Lead and Copper Rule for sate. Claims EPA rule does not go far enough (Ohio).
Amicable Consolidation in Arkansas: Trumann City Council approves an ordinance to consolidate with Trumann Rural Water by purchasing the $3 million rural water system for around $45,000 – the amount of debt in the rural water system. Rural water employees were allowed to keep their jobs, vehicles, and property. Walmart is an issue – When Walmart was being built, Rural Water could not provide the pressure needed for Walmart's sprinkler system. Trumann Water Works put in the water lines but didn’t receive usage payments from Walmart since that money went to Trumann Rural Water.

Oklahoma Fines London-based Severn Trent Environmental Services $1 Million for Drinking Water Violations: The company is the operator of Hugo’s water treatment plant. The penalty will be used to help small Oklahoma communities upgrade water treatment facilities as part of a settlement. The company-run utility had numerous violations, including improper monitoring and low chlorination (more).

Jackson, Mississippi under Boil Order from Storm: Approximately 170,000 residents to boil their water and limit water use after severe rains and mechanical issues cause a system outage (more).

Arsenic-tainted Water Fine to Drink, Texas Says: Drinking water for at least 82,000 Texas residents has tested positive for high levels of arsenic in recent years, but state officials have told people they don’t need to find an “alternative water supply,” according to the Environmental Integrity Project (more).

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Louisiana Rural Water Association Responds to Flooding: Record Louisiana floods continue. LRWA reports they have dispatched response crews to affected communities (NBS News Video).

Flint, D.C. Politicians Trying to Take Advantage of Flint Crisis: The Virginia Tech professor who discovered toxic lead levels in Flint’s drinking water said he finds a federal aid bill for the Michigan city as “just spreading [money] around so many different government agencies, who frankly…don’t even have Flint’s best interests at heart,” according to a Heritage Foundation blog (Heritage Foundation News).

Are Your Senators and Congressmen Supporting You? All Members of Congress have been asked to sign a letter circulated in Congress that asks Senator Murkowski and Congressman Calvert (Chairman of the Interior, Environment and Related Agencies Appropriations Subcommittee) to fix the EPA funding issue by fully funding the new Grassroots Rural and Small Community Water Systems Assistance Act, PL 114-98 (list of cosigners).

House of Reps. Flint Hearings This Week: The House Oversight and Government Reform Committee is scheduled to hold two hearings this week to review the government’s response to the ongoing water crisis in Flint, Michigan. Tuesday’s hearing will feature testimony from former EPA Region 5 Administrator Susan Hedman and former Flint emergency manager Darnell Earley, and EPA Administrator Gina McCarthy and Michigan Governor Rick Snyder are scheduled to testify before the committee on Thursday.

Ohio Semi-truck Crash Spills Drilling Waste Into Reservoirs: Truck hauling waste from a well overturns sending about 5,000 gallons of waste water into a field, a creek, and eventually into one of the village’s reservoirs (more).

Clark County Nevada Water Reclamation District Cyber-Hacked: Computer system was attacked late Friday night. Computers were shut down as a precaution but operations at all seven treatment facilities and customer service centers were not affected (more).

New England Governors Ask EPA Guidance on PFOA: In a joint letter, the governors of Vermont, New York, and New Hampshire urge EPA “to expeditiously review the best available science on this contaminant, and provide uniform guidance to states that our health and environmental officials can use in assessing the safety of our drinking water.” EPA has established a provisional short-term health advisory value 0.0004mg/L. Each of the three states behind the letter has been dealing with PFOA contamination of public water supplies and/or private wells above EPA’s health advisory level, with the contamination of water supplies (letter) becoming a deep concern for their communities. New York is spending $10 million to install 1,500 private well water treatment systems to plan for a new water system in one community.

Whales on Water Tower Scare Vultures in Virginia: (Lovettsville, VA).

EPA Seeks Review of Perchlorate Health Effects Modeling: EPA recently announced a request for independent experts to peer review “the draft Biologically Based Dose-Response [BBDR] model for perchlorate in drinking water and the draft model support document.” Natural Resources Defense Council (NRDC) filed against the agency in February for failing to propose a drinking water standard for perchlorate within two years of the agency's determination in 2011.

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Flint Water Hero Takes to CSPAN to Blame EPA on the Same Day (Feb. 29) EPA Announces New Lead Policies: Virginia Tech’s Dr. Mark Edwards (engineer) appeared on C-Span to talk about EPA’s Lead and Copper Rule. Dr. Edwards: complimented Michigan Governor Snyder; referenced George Orwell and Arthur Miller to characterize Flint; said cost is an issue in determining safe water; said lead pipes are not the largest problem - but galvanized pipes; blamed EPA and said EPA has turned a “blind-eye”; blamed state civil servants, not mayor, not emergency management, not governor; said emergency manager did not make the decision; said the lead is coming from in the house; said DC lead problem was worse; said that in DC, federal agency ran the entire water system; said DC was 20-30 times worse than Flint; said CDC covered it up; was outraged about what CDC and EPA did in DC; said without water civilization ends; said Flint Senate deal will not help Flint; said money needs to be directed to Flint, but spreading money around to various government agencies that don’t take lead in water seriously will not help; said Flint health crisis has been over since October; and finally, said Michigan Gov. is top expert on federal lead rule. EPA announced its new lead polices predicated on the Flint experience on Feb. 29 (EPA new lead polices) saying, "We will be meeting with every state drinking water program across the country to ensure that states are taking appropriate actions to identify and address lead action level exceedances and fully implementing and enforcing this important rule."

Arthur Miller’s Adapted Play "Enemy of the People" Review: The play uses a water contamination issue in a small town as an allegory to the conflict between the freedom and the suppression of speech. The local doctor finds the springs in the town are contaminated by a tannery. Town official with a financial incentive to suppress the news tells the doctor to "be reasonable, act with discretion, and if you value your career, deny danger of the water." Doctor tells the officials, "You and the administration insisted on building that water system where it is to save money and now you are afraid to admit it; the water is poison; we are getting rich peddling poison; this is a revolution; we will expose every lie that we live with; and there is a conspiracy against the truth."

Water Prof. Edwards and Senator Mike Lee (UT) Oppose Senate Flint Water Relief Package: Utah Senator Mike Lee is blocking the Senate $220 million in aid bill intended to help the Flint Michigan water crisis. The Senator said, "Congress has special mechanisms for emergency spending when it is needed, but to date Michigan's governor has not asked us for any, nor have Michigan's Senators proposed any. Contrary to media reports, there is no federal 'aid package' for Flint even being considered. The Senate legislation is meant to federalize the nation’s water infrastructure financing system. The state of Michigan has an enormous budget surplus this year and a large rainy-day fund, totaling hundreds of millions of dollars. Governor Snyder has requested $200 million of that from the state legislature for Flint this year. Relief and repair efforts are already in the works. The people and policymakers of Michigan right now have all the government resources they need to fix the problem."

Should States Have a Right of First Refusal over WIFIA Funding?: The most recent Atlantic magazine features a water article covering "Alejandra Fierra who lives with her husband in the Hueco Tanks colonia, where they bought land in 1987. They still don’t have access to running water or a sewer system. When her children were growing up, she would pour water from a well into a tub and wash them, one, two, three in the same water. She does the same for her dishes. She gets a delivery of a 2,500 gallon water tank for bathing and washing, and buys bottled water from Walmart for drinking and cooking. In Montana Vista, a colonia some 22 miles east of El Paso, the septic tanks of the 2,400 families who live there frequently overflow, creating rivers of sewage in their backyards. In the summer, the smell can be horrific. She loves her home and her neighborhood, but she doesn’t understand why it has taken so long to put in a sewer system." Last week, the U.S. Senate reached agreement on a Flint financial aid package which includes $70 million to start a new federal program that can’t be used to help the Montana Vista colonia (or any colonia) or the City of Flint. Instead of targeting the water funding to communities most in need, the EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program subsidizes low-interest loans to large water projects (including corporately-owned water companies) that can demonstrate an investment-grade rating. Should states have the right of first refusal on the funding for the new federal program to commit the funds to their state funding program?
The Week to Show Support for Your State Association on Congressional Letter: Every Member of Congress can show their support for small and rural communities by co-signing the House and Senate Dear Colleague letters. In addition to the "Fix EPA Funding" letters, Congressman Takai (HI) has circulated a House letter in support of USDA funding priorities (all letters). We will be circulating all the current co-signers early this week.

Representative Tonko (NY) Introduces Drinking Water SRF Reauthorization Bill: H.R. 4653, Assistance, Quality, and Affordability Act of 2016 would significantly increase funding authorization levels for local communities with water infrastructure deficiencies. Rep. Tonko said, "The Flint water crisis has brought attention to our nation’s aging water infrastructure and what can happen when we try to cut corners in state budgets, but the discussion cannot end in Michigan. Cash-strapped local governments struggle each year to find sufficient funds for repair and replacement of essential water infrastructure. Between the steady decline in federal funding and the growing need for more support from Washington, greater burden has fallen upon local governments at a time when they simply cannot shoulder it. From simple water main breaks that bring everyday life to a screeching halt to larger disasters that harm a generation of lives, it’s well past time to get real about the funding levels that are needed to bring our water infrastructure into the 21st century" (bill summary).

Wisconsin Health Officials Testing Water for Elizabethkingia Bacteria: An outbreak of unusual bacteria has sickened 44 people in southern Wisconsin and left 18 dead. Lab tests suggest a common source of the bacteria, called Elizabethkingia. But the investigation which started in January has not revealed the source, health officials said (more).

Flint Resident Wonders if Lead Caused Her Miscarriage: Nakiya Wakes had dreams of making a new start with her two children when she moved to Flint, Michigan in June, 2014. But five weeks into her pregnancy, her hopes of a fresh beginning came crashing down. “I see something from the city of Flint saying that pregnant women and people 55 and over should not be drinking this water,” Wakes said. “I was like are you serious, and I’m just coming home to losing my babies? And now just, it could have been the water that did this” (CNN).

Iowa Xenia Rural Water District Responds to Alarming New Coverage: "Like other municipal and rural water providers, Xenia’s very reason for existing is to protect public health, and Xenia Rural Water District takes very seriously our commitment to provide safe drinking water... We vigorously disagree that Xenia’s actions indicate an attempt to “cover up the problem” as suggested in the article. We broadly communicate through every reasonable means available to us because we believe it best serves the customers we are committed to protecting" (more).

Wenona Water Superintendent Recognized: The Illinois Rural Water Association, the largest rural utility association in the state, selected Mitch McCaw as its Water System Operations Specialist of The Year (more).

Mosul Dam Engineers Warn It Could Fail at Any Time, Killing One Million: Iraqi engineers involved in building the Mosul dam 30 years ago have warned that the risk of its imminent collapse and the consequent death toll could be even worse than reported. They pointed out that pressure on the dam’s compromised structure was building up rapidly as winter snows melted and more water flowed into the reservoir, bringing it up to its maximum capacity, while the sluice gates normally used to relieve that pressure were jammed shut (Guardian).
Tornado Destruction Report from LRWA: Tornado kills three, injures dozens in Louisiana and Mississippi. At least 3 people are killed and over 30 others injured. Circuit Riders respond to total destruction in RV/trailer park site in St. James Parish. The water system does not lose pressure. The operator specialist is able to valve off the trailer park. The water treatment facility is approximately a mile away and is not touched by the tornado. Louisiana Rural Water Association (LRWA) offers assistance and generators to the community. All customers are receiving good, clean, clear drinking water (photos taken by Circuit Rider Timmy Lemoine at the Convent). In Plaincourtville in Assumption Parish, strong winds topple elevated tower. Water system never loses pressure but boil order issued as a precaution (photos taken by Circuit Rider Ken Terry).

Flint Crisis Provides Opportunity for WIFIA: The Senate reached a bi-partisan agreement on a Flint financial aid package which includes $100 million for all states’ drinking water state revolving funds. Senator Inhofe (OK) was successful in including $70 million in the deal to start the new federal program, the Water Infrastructure Finance and Innovation Act (WIFIA). WIFIA provides subsidized low-interest loans to large water projects (including corporately owned water companies) that can demonstrate an investment-grade rating (33 USC § 3907). Flint has "no current ratings for the City. Prior ratings were withdrawn as the City's financial position led to consideration of the City being placed into receivership," according to the City's Annual Financial Report 6/30/2015. The deal must still pass the Senate and House before being presented to the President. WIFIA supporters claim, "While the SRFs have done good things, most states are unable to finance projects over $20 million and a tool to finance these larger infrastructure projects is needed." A review of state SRFs project reveals that SRFs fund many projects over $50 million, $100 million and some over $1 billion. It appears every large project receives SRF funding.

Perchlorate: The NRDC is suing the EPA for failing to craft a drinking water standard for perchlorate (NRDC compliant), saying the Flint drinking water crisis shows the need to curb toxins in water. In February 2011, EPA said that the agency should craft such a drinking water limit for perchlorate triggering the two-year clock under SDWA for issuing the limit.

Lawton Michigan Issues Boil Water Advisory After Finding E. Coli: Officials have no idea about source of contamination (more).

PFOA in New York: EPA is facing pressure to disclose and address elevated levels of perfluorooctanoic acid (PFOA) in affected communities following the agency's recent decision to lower its unenforceable health advisory level that EPA is using for drinking water contaminated with PFOA in Hoosick, New York. On Jan. 28, EPA advised residents of the Hoosick Falls, NY, community not to consume drinking water with levels of PFOA above 100 parts per trillion which is a more-stringent level than its existing short-term exposure advisory level of 0.4 ppb for the chemical. New York officials have also called on EPA to address PFOA contamination nationally by lowering its health advisory for the chemical and expeditiously adopting an enforceable drinking water standard for it. EPA's UCMR data shows the presence of PFOA exceeding the UCMR reporting level in a number of public water supplies. A law firm has taken EPA's raw data from the UCMR on PFOA to create a list of public drinking water supplies across the country that have reported levels of PFOA in their water during the 2013-2015 collection period. NRWA has no governing policy on this type of situation. Pat McCool with Kansas Rural Water Association cautions, "In Kansas I think that PFOA might be found in some PWSs; cytotoxins found at some PWSs using surface water; and perchlorate not found in any or maybe a few PWSs."

Senators Blame EPA for Flint: A February 16, 2016 report from the non-partisan Congressional Research Service seems to indicate that some of the new authorities contained in H.R. 4470 already exist. The report observes that the SDWA mandates that EPA notify residents of drinking water
contamination if their state government fails to do so. “States have first-line enforcement responsibilities to compel systems to comply with SDWA regulations. However, SDWA Section 1414 provides that, when EPA finds that a water system is not in compliance, EPA must notify the state and system and provide assistance to both in order to bring the system into compliance. After 30 days, if the state has not initiated enforcement action, EPA must do so. EPA has not used this authority in Flint,” reads the report. The CRS report is being highlighted by U.S. Senators who questioned the EPA Administrator on whether she was aware of lead contamination in Flint before the public become aware of the situation (Senate letter to EPA). Pat McCool with Kansas Rural Water Association comments, "The problem in Flint is high lead levels in children's blood; a contributing and necessary cause may be that local government employees, state government employees, and EPA employees made wrong decisions or did not address the matter earlier on. I cannot conceive of a situation like Flint occurring in Kansas by the way the system (regulations, monitoring, KDHE data review) is set up in Kansas. The only way it would occur is by people committing fraud in sampling, very poor judgement by KDHE employees, or conditions in water quality change occurring that should be recognized by operators and KDHE. Hopefully, it does not occur in Kansas or elsewhere again.”

**Zika and Public Water and Sanitation:** According to the New York Times, "Cities in the tropics, the climate zone most favorable to the mosquito, have undergone explosive growth: Humanity passed a milestone a few years ago when more than half the population had moved to urban areas. But spending on health care and on basic public health infrastructure, like water pipes and sewers, has not kept pace. Mosquito control has also faltered in recent decades. The mosquito lays its eggs in containers of water, of a sort that are especially common in the huge slums of Latin American cities. With unreliable access to piped water, people there store water in rooftop cisterns, buckets and the like. Old tires and other debris can also become mosquito habitat. Water storage near homes is commonplace in areas where Zika has spread rapidly," (NYTimes).

**Lead in the Water in Jackson, Mississippi:** See television coverage of city officials discussing issues including references to Beyoncé and accusations made as a result of being a Democratic city in a Republican state (news).

**Iowa Rural Water Is "Essentially Poison"**: At seven-tents of one part per billion above the federal standard, a customer said, “That’s when I found out it was essentially poison.” That was for June nitrate levels in water that the Xenia Rural Water District got from the city of Boone. The customer believes that cities and counties in Iowa should notify residents through emergency management systems when water is unsafe. That way, residents could get a text (similar to an Amber Alert) that testing has revealed excessive pollutants in the water (more).

**Wheeling, West Virginia Oil Spill Potentially Contaminating Water**: The mayor of Pine Grove urged residents to avoid the water until it is tested after heat transfer oil was released and reached the North Fork of Fishing Creek. The Pine Grove Water Works water intake was closed indefinitely while authorities monitored the spill (more).

**EPA Proposes Revisions to its Risk Management Program**: To Improve chemical process safety and further protect communities and first responders, the U.S. Environmental Protection Agency (EPA) is proposing a revision of its Risk Management Program (RMP) regulations. The new EPA proposal: requires "the consideration" of safer technologies and alternatives by including the assessment of Inherently Safer Technologies and Designs in the Process Hazard Assessment; requires third party audits and root cause analysis to identify process safety improvements for accident prevention; modifies emergency planning and preparedness requirements; and modifies access to information to the public (EPA).
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Is Up to Congress to Fix EPA: The effort to have Congress fund the Grassroots Rural and Small Community Water Systems Assistance Act is centered on the House and Senate Dear Colleague letters that show who in Congress wants to fix EPA funding. Currently there are Representatives Harper (MS), Tonko (NY), Graves (MO), Grayson (FL), Connolly (VA), Bishop (UT), Kirkpatrick (AZ), Lujan (NM), Cramer (ND) and Senators Wicker (MS), Heitkamp (ND) and Inhofe (OK). Please contact all other Representatives and Senators and urge them to support you and cosign.

10,467 Parts per Billion on 924 Barney Ave, Flint: Detroit News published new lead in drinking water monitoring results in Flint (map and results).

Water Associations Tell EPA and DHS Not to Share Sensitive Water Data: The Department of Homeland Security is updating their regulations for the Protected Critical Infrastructure Information (PCII) Program and considering sharing protected sensitive critical infrastructure information voluntarily shared with regulatory agencies. Current regulations do not allow regulatory agencies to access or use PCII for regulatory purposes. NRWA and the national water association are planning on send a joint statement to the EPA and DHS stating, “Our associations do not support changing the (PCII) Program to allow regulatory agencies to access PCII information. Providing regulatory agencies with access to PCII information could affect the willingness of the water and wastewater systems sector to share sensitive critical infrastructure protection information with the Department Homeland Security (DHS) and other homeland security and law enforcement agencies. Such a change would run counter to the fundamental understanding of the PCII Program: that reporting of highly sensitive security information is protected in order to promote information sharing.”

EPA Says New Procedure for Lead Testing Coming: Robert Kaplan, the acting Midwest administrator for the Environmental Protection Agency, says there is finally good news on that front. The EPA will begin rolling out better testing procedures in about a month. “We want to make sure we capture the peak of the lead, the worst case,” Kaplan says (CBS news).

Senator Bernie Sanders and Erin Brockovich Oppose Chloramines: “The use of chloramines, a combination of chlorine and ammonia to treat water, and other money-saving tricks have no place in our drinking-water rules” (USA Today). In the last few years, the City of Los Angeles and numerous other cities have implemented the use of chloramines to treat their drinking water to comply with federal standards.

South Carolina Lead in Drinking Water Occurs in Mobile Home Parks: State regulator says, “We just want to try and determine what the factors are that may be leading to some of these small, rural systems having exceedances… Absolutely, people should be concerned, no level of lead is safe. It doesn’t matter how small it is, or how much it exceeds the federal limit” (more).

Hoosick Falls in Upstate New York Coping PFOA in Their Water: First discovered the problem a year and a half ago, and every level of government failed to properly respond for months. Some local residents were not eager to go public with the water contamination story, worried that their property values could plunge and the factory could leave, costing them jobs. Students at the local high school held a forum and press conference. "What? We've been drinking poison water all of our lives" (more)?

NRDC Sues EPA to Force MCL for Perchlorate Citing Flint (more).

Oklahoma Earthquakes Getting Stronger (more).

Insecticide Added to Drinking Water to Kill Mosquitos in Brazil (NPR).
Black Drinking Water in Texas City Where City Officials under Federal Investigation: Residents of Crystal City, Tex., started posting photos of their dark drinking water Wednesday night, a day after Mayor Ricardo Lopez was arrested at a city council meeting for allegedly shoving a woman (more).

National Rural Water Association
Contact: Mike Keegan, Policy Analyst <keegan@ruralwater.org>
(Washington, DC)

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Rally Success: State association representatives met with each of their Congressmen and Senators last week to encourage action on Rural Water funding. All of Rural Water's funding agenda is determined every year by Congress. *It is always about Congress.*

House Passes Lead Rule Legislation: The House of Representatives passed H.R. 4470, the Safe Drinking Water Act Improved Compliance Awareness Act, on Wednesday. The bill must still be considered in the Senate. "The bill wouldn't have prevented the state from making the mistakes it made, but it would have caught it a lot sooner," said the sponsor, Representative Kildee (MI). NRWA's Regulatory Committee is reviewing the legislation for policy positions and association actions. How and what NRWA should say about the legislation is important considering the House passed the bill by a vote of 416-2, and much of the public believes such legislation will make its water safer. The bill makes exceedance of the lead action level similar to a maximum contaminant level violation for purposes of public notice. It also allows monitoring results for compliance conducted by independent interests to become mandatory public notice opportunities for the water utility. Please provide your comments to the NRWA Regulatory Committee (comment).

The Power of a Hawai'i Rural Water Association (HRWA): HRWA's representative, Congressman Takai is likely to circulate a Dear Colleague letter in the House that supports all rural water USDA priority funding (circuit riders, source water, and grants & loans). This letter will be circulated to all state associations as soon as it is final - and all Members of the House will be able to cosign. A Mississippi Senator is also considering a similar effort in the Senate.

Flint Update: E-mails released show the dialogue among the operator, state regulators, and consulting engineers on foregoing corrosion control (APnews). Hero activist who exposed Flint said she "bullied" EPA into changing their decision in a Lead and Copper Rule revisions process and EPA capitulated (more). Presidential candidate Hillary Clinton said, "It isn't right that kids I met in Flint on Sunday were poisoned because their governor wanted to save money" (NYTimes). Michigan Governor Rick Snyder said, "There were bureaucrats, state government that made mistakes in common sense and judgment, there were mistakes at the EPA."

EPA Releases Budget Request: On Tuesday, the agency released all its funding recommendations for fiscal year 2017. EPA is requesting increases for many of its functions and is requesting a reduction in the state revolving funds by $257 million. To help small communities, the agency is requesting the following:

- "for [EPA] Drinking Water Programs by over $12 million to expand the technical, managerial, and financial capabilities of drinking water systems to reliably provide safe drinking water to their customers now and into the future. This investment... promotes... public and private collaboration."
- "Twenty million dollars and 12 staff will support the Water Infrastructure Finance and Innovation Act (WIFIA) program. The WIFIA program will also work to support investments in small communities and promote public-private collaboration."
- "$22 million is included through Drinking Water Programs and Surface Water Protection for technical assistance, training, and other efforts to enhance the capacity of communities and states to plan and finance drinking water and wastewater infrastructure improvements."
- "funding for the Environmental Finance program... grants to a network of university-based Environmental Finance Centers which deliver financial outreach services, such as technical assistance, training, expert advice, finance education, and full cost pricing analysis to states, local communities and small businesses."
- "Continue the partnership with the American Water Works Association (AWWA) and the Association of State Drinking Water Administrators (ASDWA) to encourage and support states, drinking water utilities, and local communities in redoubling their efforts to identify drinking water systems vulnerable to threats to source waters, revisit their source water assessments, and take steps to ensure that adequate preventative and response measures are in place."
- "-$12,700,000 (reduction), elimination of the [rural water] grant program since states are best positioned to develop technical assistance plans for their water systems..."

**WIFIA Update:** The EPA Budget requests $20 million in EPA water grants funding to start the Agency’s new Water Infrastructure Finance and Innovation Act (WIFIA) program that will provide subsidized low-interest loans to large water projects (including corporately-owned water companies) that can demonstrate an investment-grade rating. The Agency’s Budget also requests a reduction of approximately $257 million for the Clean Water and Drinking Water State Revolving Funds (SRFs). To help understand this new federal water infrastructure program and its impact on the SRF, we are asking any interested university-based academic organization (or expert) the following questions (Miss. State University). If you have a university-based water expert who would be willing to assist with these questions, please contact us.

**Power of a Pennsylvania Rural Water Association:** After meeting with the Chairman of the House Clean Water Act committee who was recently appointed to the Speaker's new regulatory reform committee, PRWA forwarded Rural Water’s package of regulatory reform (Reg. Reform agenda) and Rural Water's priority Clean Water Act funding (CWA agenda). If you have a representative on either the House Transportation and Infrastructure Committee or the Senate Environment and Public Works Committee who wants to help your state's small and rural communities, please contact us.

**AWWA’s Reg. Guru Moves-On:** Alan Roberson announces retirement after 25 years of leading the drinking water regulatory agenda for all drinking water organizations. Roberson often helped the small and rural community agenda including DBPs rule negotiations, TCR revisions, LCR rule revisions, and federal security policies. Roberson is photo’d here with NRWA's representatives while negotiating a new TCR rule in 2007 (5 mins, 20 secs).

**U.S. Senator Heidi Heitkamp Announces Rural Water Projects and Rural Water Rally Meetings on Radio:** The Senator joins her brother and News & Views host Joel Heitkamp (Joel is a former rural water utility general manager) with good news for water projects in need of subsidization (broadcast). The Senator talks about rural water preventing any type of lead contamination.

**Georgia Schools and Hospitals Closed after High Turbidity** (news).

**Louisiana Town Deals with 'Vomit' Tap Water** (more).

**North Carolina Boil Water Advisory Caused Water Main Break by Private Contractor** (more).

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**National Rural Water Association**

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(Washington, DC)

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Water Quality Activist Heroes: Virginia Tech’s Dr. Mark Edwards (engineer) and Dr. Yanna Lambrinidou (medical ethnographer) are two activist heroes. *The Washington Post* calls Edwards, “the heroic professor who helped uncover the Flint lead water crisis” (*WashPo*). He teaches a course on ethics and heroism at Virginia Tech. He tells his students that everyone has it in them to be heroic. Edwards said, “I get up every day with such a sense of purpose; I wish everyone could experience something like that once in their life.” Edwards sees his role as continuing to hold the government accountable to the residents of Flint. “I didn’t get in this field to stand by and let science be used to poison little kids,” Edwards said. Dr. Edwards credits Dr. Lambrinidou with the successful effort to expose lead contamination in the City of Flint. Lambrinidou, president of Parents for Nontoxic Alternatives, believes the weaknesses in regulation that caused the problem have not been fixed.

Edwards and Lambrinidou Say Local Water Authorities Game the System to cover up Lead in the Water (*NBC*): Dr. Lambrinidou says that gaming the system can keep a utility in compliance while, "you can have severe citywide contamination that is causing miscarriages, fetal deaths and elevated child lead levels." Lambrinidou claims costs that drive the conduct to avoid non-compliance requires remedial measures. "The remedial measures can be costly to them in terms of both money and public trust," Lambrinidou said. In 2014, EPA did not select Dr. Lambrinidou for its National Drinking Water Advisory Committee Panel recommending revisions to the current federal Lead and Copper Rule (*page 34*). After convening the panel, EPA later added Dr. Lambrinidou after protests (disclosure: NRWA representative John Sasur was appointed to the panel).

VA Tech Holds Jan. 28th Seminar to Explain in Detail Its Activities in Flint: During a lively seminar, engineering students explain how they discovered Flint has a 90th percentile of 26.8 parts per billion of lead in first draw samples, how the project allowed them to "work toward a common goal... to cement interpersonal bonds...,” and that Flint has lead service lines in 50% of homes. VA Tech’s provost says its 21st century university integrates scientific discovery and societal impact, and Flint is the true classroom. The dean of the college of engineering calls VA Tech’s Flint Water Study team courageous, a word he does not use lightly. VA Tech considers “high lead” in Flint to be tests with over 5 parts per billion. VA Tech contacted all citizens with high lead to explain the situation. Students say they should be very proud of themselves. Flint consumers have high rates, $150 a month on average. The VA Tech team was joined by Concerned Pastors for Social Action, ACLU of Michigan, Democracy in Action, and What Are You Fighting For. Highlights *Daily Show* for commentary. Students say working in Flint has changed their lives and gives them hope for the future. Dr. Edwards: warns of a new dark age if science does not work with the community; said the most powerful force in the universe is a mother worried about her child; said no one is safe until the corruption in the agencies that deal with science, engineering, and health is corrected; hopes for bi-partisan legislation; and added that agencies are corrupt because cowards get to keep their jobs while whistle blowers lose their jobs (*YouTube*).

Michigan Governor Called to Resign in Wake of Flint Water Scandal (*CNN*): Michael Moore and Matt Damon join effort calling for governor’s resignation.

Michigan Attorney General Thinks Water Billing Wrong: Michigan’s top prosecutor said that it’s an “outrage” that residents of Flint are being forced to pay for water that’s unsafe to drink — and his office may take action to stop the billing (news).

NRWA’s Regulatory Committee Reviews NRWA Policy After Flint (please contact us if you would like to review the committee notes).

Flint Crisis Results in Call for Lead Action Level to Go to Zero (*CBS news*).

EPA Promotes NDWAC LCR Process: In a January 21st, 2016 statement, EPA said, “EPA is committed to
improving the public health protection provided by the Lead and Copper Rule and is actively considering revisions to the rule. EPA’s primary goal is to improve the effectiveness of the rule in reducing exposure to lead and copper from drinking water. To help shape an updated rule, EPA has engaged with a broad range of stakeholders and experts. In December 2015, the agency received extensive recommendations from our National Drinking Water Advisory Council and from other concerned citizen groups. The agency will carefully evaluate these recommendations, national experience in implementing the rule, and the experience in Flint to develop a proposed revision to the rule – which we expect to propose for comment in 2017.”

Vermont Water Utility General Manager Shows How to Communicate Effectively, Honestly and Competently with Public and Press (VT news).

Flint Water Crisis “a Racial Crime”: Michael Moore says the water crisis in Flint is a "version of manslaughter." Flint is about racism, he said. NAACP President and CEO Cornell Brooks drew a direct connection between Flint's socioeconomic factors and the toxic drinking water. "Environmental Racism + Indifference = Lead in the Water & Blood," he tweeted (CNN).

Senator Reid Said the Senate Should Focus on Other Municipal Water Supplies beyond Flint: The Senate should focus on other municipal water supplies beyond Flint, he said. "We have a lot of communities around this country who have lead pipes, and a very deteriorating water system," said Senator Reid.

Congress Responds to Flint: Senators and Congressmen craft legislative proposals to expand public reporting requirements of lead testing and provide hundreds of millions of dollars for Flint to replace lead pipes. Senate bill S. 2466, the “Improving Notification for Clean and Safe Drinking Water Act,” would require communities to notify the public whenever lead monitoring activities detect “any exceedance of a lead action level or any other prescribed level of lead” regulated by the Safe Drinking Water Act (SDWA). The bill would direct EPA to notify the public about concentrations of lead in the water system discovered during monitoring if the state does not do so in a timely manner. Michigan Federal Representatives also crafted another legislative proposal to authorize up to $400 million for a new emergency infrastructure program under the SDWA to help Flint “replace or fix lead-contaminated water pipes, to hire new personnel, and to cover the cost of technical assistance provided by the EPA.” The legislation would also allow the state to forgive Flint’s outstanding Drinking Water State Revolving Fund debts.
Flint Update

- **Michigan, EPA Fight Over Drinking Water:** EPA announced in an emergency order Thursday that it plans to take over lead sampling in Flint after sharply criticizing local and state officials in the handling of the city's water crisis, saying repeated delays and a lack of transparency continue to pose "an imminent and substantial" danger to residents (news).

- **Environmental Groups Use Flint to Stop Beneficial Modifications to Lead and Copper Rule (LCR):** NRWA representatives (John Sasur, MA and Wilmer Melton, NC) were appointed to the EPA committees proposing changes to the current LCR. John and Wilmer were successful in including two important changes to the LCR in the final recommendations that were widely supported (including the Natural Resources Defense Council). A group of environmental organizations is now opposing the proposed changes, however, and specifically targeting the two priority NRWA changes to the LCR while using the Flint crisis as its *raison d'être*. In its comments to the EPA, the group highlights the NRWA priorities stating:
  1. "**Monitoring:** The Report recommends replacing the LCR’s monitoring program with the following 2-part program: ‘1) a more robust WQP monitoring program to improve process controls for CCT, and 2) voluntary customer initiated sampling... to provide direct information to consumers that they can use to reduce potential exposures to lead from drinking water... and to provide ongoing information to the PWS to identify and correct unanticipated problems...’ This proposal is deeply misguided."
  2. "**Sample invalidation:** Under the current LCR, a PWS can request that its state invalidate tap water samples for a limited number of reasons such as damage to the sample container or error in laboratory analysis. The Report asserts that this closed list of sample invalidation criteria leads to instances in which ‘samples that are obvious ‘outliers’ and don’t represent the water that is normally consumed and should not be used as a basis for treatment changes or public education’ must be accepted. The Working Group urges EPA to ‘expand the invalidation criteria’ to reflect this concern. This proposal would create an unnecessary and potentially disastrous loophole."

EPA gets to make the final determination on how the recommendations could become revisions to the LCR.

**Public Confidence: Tampa Bay Water Says Problems in Flint, Michigan Couldn’t Happen Here** (more).

**Turkish Media Reports ISIL Plan to Poison Turkey’s Drinking Water with “Tularemia”:** Today's *Zaman* (Turkish Daily News) reports that a recent intelligence report on the Islamic State in Iraq and the Levant (ISIL) has revealed its plan to attack Turkey by poisoning the country's water sources and thereby causing the spread of disease throughout the country (news). California Rural Water Association Water Security Expert Keith Jones cautions, “Often people will discount the ability of tularemia to contaminate a water system at all, much less to a level high enough to cause harm. The Centers for Disease Control indicate humans can become infected with the bacterium Francisella Tularensis through several routes including ingestion of contaminated water. The CDC also states that humans can be exposed as a result of bioterrorism. Although tularemia can be life-threatening, most infections can be treated successfully with antibiotics. It’s not just the tularemia mentioned originally however, the U.S. Army Chemical and Biological Defense Command have identified numerous agents that could contaminate 1 million gallons of water with less than a quart of the agent..."
and be fatal to humans. There are basically two types of attacks we should consider: Denial of Service and Contamination to Generate Casualties. All attacks, independent of desired effect or success will compromise public trust, which is why water operators should treat this warning with much caution.” A 2013 tularemia outbreak in northeastern Turkey was associated with drinking contaminated tap water, affecting 55 persons. Drinking tap water during the likely exposure period was significantly associated with illness. Findings showed the tap water source had been contaminated by surface water, and the chlorination device malfunctioned (source).

Fixing EPA Funding: Rural Water supreme supporters Senator Wicker, Senator Heitkamp, Congressman Harper, and Congressman Tonko are set to release a letter in Congress urging full-funding of the recently passed Grassroots Rural and Small Community Water Systems Assistance Act. Last week, Idaho Rural Water Association asked its Congressman, Mike Simpson (ID), to become a rural water champion on the EPA Appropriations Subcommittee (IRWA).

Florida Vandals Open 20 Lines and Drain 400K Gallons from Drinking Water Supply (more).

Former Traill Rural Water District (ND) Manager Accused of Misappropriating $100K in Funds for the Grocery Store and Restaurants (news).

Indiana Wants Regional Water District to Charge All Customers the Same Cost for Service: To help, the state has provided a recent $5 million grant to reduce costs (news).

Florida Rural Water Association (FRWA) Sues EPA: FRWA filed an expedited complaint in the U.S. District Court for the Northern District of Florida, saying that the EPA Waters of the U.S. Rule “far exceeds the federal government’s powers under the Commerce Clause, fails to afford protections guaranteed by the Due Process Clause, contravenes the Clean Water Act’s text, misinterprets U.S. Supreme Court precedent, subverts applicable notice-and-comment requirements, masks its true fiscal impact through a flawed economic analysis, and is otherwise arbitrary and capricious.” NRWA is filing a similar brief at the national level as soon as that court opens the docket (likely in February).

Water Research Foundation (WRF) and American Water Works Association (AWWA) Request Help from Rural Water Member Utilities: By participating in a research project to help utilities better manage emergencies (survey request). For more information, see Rural Water Association of Utah announcement.

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A Turkish media source is reporting that a recent intelligence report on the Islamic State in Iraq and the Levant (ISIL) has revealed its plan to attack Turkey by poisoning the country's water sources and thereby causing the spread of disease throughout the country.

Full Article Text (Today's Zaman):
A recent intelligence report on the Islamic State in Iraq and the Levant (ISIL) has revealed its plan to attack Turkey by poisoning the country's water sources and thereby causing the spread of disease throughout the country.

According to the intelligence report, signed by İstanbul Vice Governor Nurullah Naci Kalkancı on Jan. 15, ISIL used mustard gas, anthrax and chlorine, which it took by force from the Syrian regime, in several attacks in Iraq and Syria. The intelligence report, labeled “confidential,” was sent to all security units in İstanbul.

The report states that the biggest biological threat Turkey faces is called “tularemia,” a deadly venom obtained from rodents. Among the symptoms of tularemia-related diseases are high fever, headache, a feeling of weakness, nausea, vomiting and diarrhea, according to the report. The report emphasizes that Turkish health experts do not have much information on tularemia cases, unlike other European countries.

The report states that it is very hard to diagnose the disease because its symptoms resemble those of many other diseases, and in the event of an ISIL attack on Turkey with this poison, many lives in Turkey might be lost because of late diagnosis. The report also states that ISIL plans to poison potable water supplies, water in reservoirs and other watersources.

Tularemia was first used in Manchuria by the Japanese. It was later used during World War II on German and Soviet soldiers. The United States planned to use it at the end of the 1960s as part of its biological weapons program, but decided against it.

According to the report, ISIL also wants to spread the plague throughout Turkey, emphasizing that the İstanbul Police Department’s Intelligence Unit has intensified its efforts to prevent such an attack.

A US news report notes that ISIL used mustard gas in the Aug. 11 attack in Makhmour. Similar reports had surfaced in recent years, including in connection with an attack by ISIL militants in neighboring Syria. An ISIL attack in which it reportedly used sarin gas in Syria left 60 people dead.

Hytham Qassap, who is among the suspects accused of seeking to acquire chemical materials that could be used to produce sarin gas for radical groups in Syria, was released during the first hearing of their trial in a court in Adana in October 2013. The suspects, one Syrian and five Turks, were detained in May in an Adana police operation on suspicion of seeking to obtain materials used in the production of chemical weapons. Initial reports said two kilograms of highly toxic sarin gas were also seized in the operation, a claim authorities later denied. The chemical materials seized can be used to manufacture sarin gas, news reports say.
Power of a (Minnesota) Association: Minnesota Rural Water Association's (MRWA) friend in Congress (Congresswoman McCollum) is the ranking member on the House EPA funding subcommittee. MRWA recently urged the Congresswoman help MRWA and NRWA to fix the EPA funding problem by funding the recently passed Grassroots Rural and Small Community Water Systems Assistance Act versus providing the funding at EPA's discretion. To ensure that occurs this year, we need a Democrat and Republican on each of the EPA funding subcommittees (House and Senate) to volunteer to take a special subcommittee lead on this effort. If you have a member on the EPA funding subcommittee (in addition to Representative McCollum) willing to help your state by taking the lead on this effort, please contact us. U.S. Senators on this subcommittee include: Murkowski (AK), Udall (NM), Alexander (TN), Cochran (MS), Blunt (MO), Hoeven (ND), McConnell (KY), Daines (MT), Cassidy (LA), Feinstein (CA), Leahy (VT), Reed (RI), Tester (MT), and Merkley (OR). U.S. Representatives on this subcommittee include: Calvert (CA), Simpson (ID), Cole (OK), Joyce (OH), Stewart (UT), Amodei (NV), Jenkins (WV), Pingree (ME), Kilmer (WA), and Israel (NY). We would ask them to: learn the issue, make the Chairman aware of the importance of the issue, and be the lead advocate for the funding on the subcommittee.

EPA Announced FY 2015 Training and Technical Assistance Funding Awards: Of the total $12.7 million appropriated by Congress to help your states' small and rural communities, EPA selected the following organizations and amounts: $5.7 million to Rural Community Assistance Partnership (RCAP), $5.178 million to National Rural Water Association (NRWA), and $1.8 million to University of North Carolina-Chapel Hill (UNC-Chapel Hill) as the lead for the Environmental Finance Center Network (EFCNet). NRWA's funding from this account was $13 million in FY 2010. The Grassroots Rural and Small Community Water Systems Assistance Act was passed by Congress to ensure technical assistance is funded in the most beneficial manner.

Rain Leaks on Chemical Disinfectants in Storage in Brazil, Resulting Chemical Smoke Sends 66 to Hospital (more).

Minnesota Government Makes Rural Water a Priority Agenda Item in State of the Union, Promises $167 Million to Improve Water Infrastructure (more).

NRWA's Grassroots Raise Issue with EPA's New Fourth Unregulated Contaminant Monitoring Rule (UCMR4): Rural water Steve of Maryland comments: "For water systems whose source water comes from confined aquifers not under the influence of surface waters, is there any relief in the UCMR4 for having to test for potential surface water contaminants (i.e. cyanotoxins)? This is an unnecessary expense from which relief should be built into the regulations. For the organization that I used to manage, that operated 27 water systems, most of which were medium to small systems, the combined testing cost can be enormous. Florida Rural Water Association forwarded some cost estimates: the three Cyanotoxin Proficiency Testing Programs (CPTPs) being offered this year are intended to satisfy the increasing demand for conformity assessment for cyanotoxin analysis. The first two programs focus on source and finished drinking water, 2016-01 targets microcystins and has four samples fortified with one or more microcystin congeners of LR, RR, YR, LA and/or LF, 2016-02 targets anatoxin-a and cylindrospermopsin. Four samples will also be provided. Two versions of each program are available. The 'A' version, $450.00, provides sufficient sample for analysis using instrumental analysis. The 'B' version, $350.00, will provide sufficient sample for analysis using ELISA, RBA and/or PPIA."

Angry Residents Voice Earthquake Concerns in Oklahoma (ABCnews)

Flint's Drinking Water Crises Updates:
• **The President** has declared that an emergency exists in Flint and ordered federal aid to supplement state and local response efforts due to the emergency conditions in the area affected by contaminated water. FEMA is authorized to identify, mobilize, and provide at its discretion equipment and resources necessary to alleviate the impacts of the emergency. Emergency protective measures, limited to direct federal assistance, will be provided at 75 percent federal funding. This emergency assistance is to provide water, water filters, water filter cartridges, water test kits, and other necessary related items for a period of no more than 90 days.

• **Gov. Snyder** declared an emergency and has asked the President to issue an emergency declaration amid the Flintwater crisis, saying the needs of people "far exceed the state's capability." Snyder said emergency measures could cost $41 million, including $10 million for a three-month supply of clean drinking water and millions more for filters, filter cartridges and water testing kits.

• **Federal prosecutors** said that they're working with the U.S. Environmental Protection Agency on an investigation into problems with lead in Flint's water supply.

• "**EPA knew about Michigan water problem in April that led to Flint, Mich.'s, drinking water crisis... The state did not take action at the time, nor did EPA. EPA head did not know what kind of action they could legally take. A legal opinion which wasn't ready until November,"** (more).

• "**The percentage of children younger than 5 with elevated lead levels nearly doubled after the [source water] switch, from 2.1% to 4%. In city wards with the highest levels of lead in water, the numbers with high BLL jumped from 2.5% to 6.3%; in two wards, the levels more than tripled. In one home, water levels averaged 2,000 ppb... One sample from that home had lead levels reaching 13,000 ppb. Lee Anne Walters’ son, Gavin, had BLL that rose from 2 to 6.5 mcg/dL after the switch,"** (Forbes).

**NRWA on WOTUS Rule:** NRWA's attorney (Michael Bogert with Parsons Behle & Latimer) recently notified NRWA that he has completed a first draft of the NRWA amicus brief challenging the Rule (working draft). Michael Bogert is interested in any comments from NRWA members regarding definitions of “tributary” and “adjacency” as they appear in the Rule’s construct for the “significant nexus” determinations. If you have any comments or examples of what might be the prospective, predicted application of the WOTUS Rule, please forward them to us. The filing of the NRWA brief will likely occur in the U.S. Sixth Circuit soon after that court announces its decision on jurisdiction of the various pending suits, likely by late January or early February.

**EPA Highlights New Effort to Increase Private-Corporate Functions in Water Utilities:** EPA's Water Infrastructure and Resiliency Finance Center (WIRFC) hosted a discussion and celebration of its first anniversary on January 14th. EPA said one of the main goals for the Center is to find new money to support public-private partnerships. EPA's budget includes $50 million to fund the WIRFC (EPA).

**Movie Review of "Written on Water":** Documentary on the harsh landscape of the High Plains of Texas and a small town's fight to stay alive against the decline of the life-giving Ogallala Aquifer (trailer).

**How Much Hexavalent Chromium and Vanadium in Drinking Water is Too Much?:** North Carolina Department of Environmental Quality officials expressed alarm that the newly calculated screening level for hexavalent chromium in wells, 0.07 parts per billion, was too tough. Public water systems have only to meet a far higher federal standard for total chromium of 100 ppb which includes hexavalent chromium. While 424 of 476 well owners got “don’t-drink” advisories, only 12 wells broke federal water standards. The Assistant Environment Secretary said, “It’s incredibly confusing to the consumer.” California set the nation's first “public health goal” for hexavalent chromium in drinking water: 0.02 ppb, even lower than North Carolina’s screening level. But in setting a regulatory standard in 2014, California set a much higher bar of 10 ppb (more).
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New Report Links West Virginia Chemical Spill To Water Privatization: The Civil Society Institute/Boston Action Research concludes that West Virginia American Water (WVAW), a subsidiary of the American Water Company, was unprepared for the Jan. 9, 2014, drinking water contamination event because the company spent too much of its resources on "dividend payments" to investors that could "otherwise be invested in the system." The authors conclude that customer experience with West Virginia American Water is similar to the experience of other American Water Company customers around the country and that the inadequate and widely criticized operations of private water companies globally have fomented a movement to remunicipalize privatized water utilities (more).

"The Men Responsible for Keeping Wellsville's Water Plant Award-winning Are Brent Roberts, Dana Harris, and Wayne Stonemetz": Village residents have benefited from a water system since 1883, when the water system was established. In 1916, a new intake dam and chamber was built using 2-inch-thick pine planks (more).

Missouri Rural Water Association's Guidance on Obtaining FEMA Assistance (more).

Fighting Fires in Rural Areas More Challenging: Issues highlighted by last week's fire in rural Missouri. "Drop tanks were used. This is the system that is used in rural areas. The reason is because there are no fire hydrants in rural areas. [Designers] did not want fire hydrants in rural water system because most of the lines are 4 inches or less. If departments were to utilize hydrants in rural areas, the vacuum that would be created by hooking up to lines that are that small could cause major damage to the entire system. Tank trucks that carry water hold about 2,000 pounds. Firefighters empty the tankers and then have to leave to refill them," (more).

ASDWA's New President: June Swallow, the Drinking Water Administrator for Rhode Island, is the new Association of Safe Drinking Water Agencies President. Administrator Swallow said, "I predict that 2016 will bring a greater focus on legionella and other water quality issues related to distribution system operations and premise plumbing..."

Governor Branstad and U.S. Secretary of Agriculture Tout Water Tax Initiative: The plan would dedicate a one-cent sales tax to finance water quality projects to help farmers implement conservative measures that reduce farm chemical runoff (more).

Campaign Urges Latino Families To Trust Tap Water: The Delta Dental of Colorado Foundation and Westwood Unidos are implementing a new campaign to tell Latino families to trust water from the tap. The groups say over half of the Latino families don't drink tap water. Research has shown that minorities generally use bottled water more than whites (Public Radio).

Wall Street Journal Report Finds Rural Hospitals Not As Good As Urban Hospitals (WSJ).

EPA Publishes Determinations from the third Contaminant Candidate List (CCL3): EPA decided not to regulate four contaminants and deferring one other. The Agency choose to not make a final regulatory determination for strontium (EPA).

EPA Public Stakeholder Webinar on Unregulated Contaminant Monitoring Rule (UCMR4) This Wednesday: EPA will discuss “the proposed UCMR4 monitoring requirements, analyte selection and rationales, analytical methods, laboratory approval process and other aspects of the proposed rule.”
The UCMR4 was published in the Federal Register on December 11, and, once finalized, will require large public water systems to monitor for up to 30 chemical contaminants or contaminant groups between March 2018 and November 2020. In line with EPA’s recent emphasis on understanding algal blooms’ and resulting algal toxins’ potential impacts on drinking water, the proposed UCMR4 focuses heavily on cyanotoxin analyses, with ten of the 30 contaminants to be sampled under UCMR4 being cyanotoxins (more).

Water Book Author Says that "Water Problems Are A Surrogate for Bad Government": In the introduction to his book Let There Be Water, author Seth Siegel recounts the reasons for dire warnings of imminent world-wide water shortages, the outcome of which is predicted to be global “water wars.”

Hackers Take Down Power Grid in Ukraine (more), Iranian Hackers Breach Dam in New York (more).

National Rural Water Association
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(Washington, DC)

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Archives: past editions of this newsletter are available on the internet (link).
Rural Water Policy Advisory [1/4/2016]

House of Reps. Drinking Water Committee Chairman Tours Rural Water to Promote New EPA Funding Law: "Congressman John Shimkus (R, Illinois-15) today joined local leaders in Sandoval, Dieterich, Marshall, and Lawrenceville to announce the availability of technical assistance for rural water systems. The new law reauthorizes $15 million each year through 2020 for the U.S. Environmental Protection Agency’s (EPA) technical assistance program for small, public water systems, and requires EPA to target the training and technical assistance funds appropriated by Congress to programs most beneficial to small and rural communities. 'A major source of financial stress for small and rural drinking water supply systems is compliance with EPA regulations,' Shimkus explained. These communities need access to technical professionals to help find the most cost-effective way to identify repair and replacement options for their systems, and to comply with EPA standards. Shimkus was joined at each location by Illinois Rural Water Association (IRWA) Executive Director Frank Dunmire. Dunmire said, 'the significance of the law goes beyond guaranteed funding, because it provides more money after several years of cuts. At one time $20 million in federal money was available annually for the training and technical assistance program. When full funding existed the IRWA provided 39 training session each year that served 1,800 people in 631 water systems and represented 149 hours of continuing education units. During the years of $4 million appropriations most of the money went to universities rather than state water associations. The universities designed webinar training for water plant operators. The downside to that approach is many rural areas are lagging behind in digital development to support programs like webinars. We feel this bill stands a good chance to get money funneled back into small systems for training.' EJ Water CEO Bill Teichmiller said, 'it's a big win for us, [it] will go toward complying with an increasing number of environmental mandates,' including reports on the 160 contaminants found in a typical drinking water supply. Clark Edgar Rural Water District Manager Kevin Conover said, 'we appreciate more money being available to IRWA to expand support services to rural water districts. Our district's three licensed operators can obtain the required continuing education units through paid conferences or fee-based online programs. The free training programs from IRWA help reduce expenses and the technical assistance for leak detection is invaluable for the district that covers 650 square miles,' (news and Congressional press release).

Fix EPA Funding 2016 Agenda: How does rural water direct the enthusiasm, in Congress behind the passage of the Grassroots Rural and Small Community Water Systems Assistance Act, to having the new law funded this year. They key Congressional leaders managing the EPA budget are Senator Cochran (MS), Senator Murkowski (AK), Congressman Rogers (KY) and Congressman Calvert (CA). Persuading anyone of these leaders to fund the new law (versus the status quo of providing EPA with discretion over the funding) would likely mean success. Congressman Shimkus will likely be a leader in this effort, along with the legislation's sponsors: Senator Wicker (MS), Senator Heitkamp (ND), Congressman Harper (MS), and Congressman Tonko (NY). If your Member of Congress is willing to help, please contact us.

New York Times' Detailed Report on Large California Water District's Political Operations: "A water utility on paper, Westlands in practice is a formidable political force, a $100 million-a-year agency with five lobbying firms under contract in Washington and Sacramento, a staff peppered with former federal and congressional powers, a separate political action committee representing farmers and a government-and-public-relations budget that topped $950,000 last year (NYTimes)."

United Nations Finds Eight Out of Ten People Without Drinking Water Live in Rural Areas (United Nations).
EPA's Best Management Practice Implementation Decreases Phosphorous Loading in Local Watersheds (EPA).

Gas Leak Forces Closure of the Danvers Department of Public Works (MA): Treatment plant forced to shut down on December 29 until further notice after 2 chemicals used at the plant were mixed together, resulting in a gas leak that sent 1 employee to an area hospital (more).

Congressional Calendar for 2016 (calendar).

Alabama Governor Awards $25,000 to Alabama Rural Water Association: Association to provide training to rural water system employees to detect and repair leaks and prevent future breakages in water lines. Funding for the grant was provided by the U.S. Department of Energy and is administered by the Alabama Department of Economic and Community Affairs (more).

Former North Dakota Traill Rural Water District Manager Faces Felony Offense for Mismanagement of Multimillion-dollar Water Project (more).

Mississippi Flood News: "High Ridge (MO) water plant resumes operation as area residents pick up bottled water on Saturday. The water plant at High Ridge, offline since Wednesday, began operations again Sunday morning. Residents are being advised to continue boiling water before drinking it or cooking until the purification reaches a safe level. The plant serves about 20,000 people in an area south of St. Louis in Jefferson County. Anheuser-Busch has assisted in the relief effort by supplying nearly 85,000 cans of drinking water to areas struck by floodwater. Pumping operations at the Grand Glaize sewage treatment plant in Valley Park should be restored by the end of the day Sunday, which means area residents could see their basements empty faster. Metropolitan Sewer District spokesman said Saturday that he does not know when the treatment plant, which was shut down Thursday morning to prevent serious damage, will be back online. As a result, untreated sewage will continue to be released into the Meramec. In Fenton, where the sewage treatment plant was swamped Monday night, MSD crews are working to pump the water out of the plant so they can get inside and assess the damage. Until that happens, there is no way to estimate when the plant will be back up and running (more)."
**Rural Water Policy Advisory [12/28/2015]**

**The Power of An Association Ends for 2015**

**Funding Accomplishments**: Congress continued all rural water initiatives (circuit riders, source water, wastewater techs., and EPA technical assistance). NRWA's campaign to have Congress continue the funding next year (Fiscal Year 2017) as already begun. NRWA's annual Rural Water Rally will be held on February 8-10, 2016 in Washington, DC.

**Fix EPA Funding Accomplishment**: NRWA has been advocating for reform of the EPA technical assistance appropriations process since 2008 with the beginning of the anti-earmark efforts in Congress. Initially, Appropriations Subcommittee Chairman Norm Dicks (WA) suggested (to NRWA former Presidents Fred Sheldon and Rodney Tart) that NRWA support reauthorization legislation to solve the problem of EPA funding terminations during long-term Continuing Resolutions and various anti-earmark policies. Many Congressmen and Senators have championed the legislation over the last 7 years including: Wicker MS, Heitkamp ND, Inhofe OK, Matheson UT, Harper MS, Tonko NY and Etheridge NC. In addition to mandating in law a new process for EPA to implement in awarding funding, the recently enacted legislation has also creates a new level of attention in Congress to review EPA funding decisions and understanding the rural water on-site assistance is the most valuable use of EPA appropriations. We plan on urging for funding of the authorization in fiscal year 2017. We also plan to support similar legislation to EPA technical assistance under the Clean Water Act.

**Full text of Public Law 114-98**: AT THE FIRST SESSION, Begun and held at the City of Washington on Tuesday, the sixth day of January, two thousand and fifteen

To amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Grassroots Rural and Small Community Water Systems Assistance Act”.

SEC. 2. FINDINGS.
Congress finds that—
(1) the Safe Drinking Water Act Amendments of 1996 (Public Law 104–182) authorized technical assistance for small and rural communities to assist those communities in complying with regulations promulgated pursuant to the Safe Drinking Water Act (42 U.S.C. 300f et seq.);
(2) technical assistance and compliance training—
(A) ensures that Federal regulations do not overwhelm the resources of small and rural communities; and
(B) provides small and rural communities lacking technical resources with the necessary skills to improve and protect water resources;
(3) across the United States, more than 90 percent of the community water systems serve a population of less than 10,000 individuals;
(4) small and rural communities have the greatest difficulty providing safe, affordable public drinking water and wastewater services due to limited economies of scale and lack of technical expertise; and
(5) in addition to being the main source of compliance assistance, small and rural water technical assistance has been the main source of emergency response assistance in small and rural communities.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) to assist small and rural communities most effectively, the Administrator of the Environmental Protection Agency should prioritize the types of technical assistance that are most beneficial to those communities, based on input from those communities; and

(2) local support is the key to making Federal assistance initiatives work in small and rural communities to the maximum benefit.

SEC. 4. FUNDING PRIORITIES.

Section 1442(e) of the Safe Drinking Water Act (42 U.S.C. 300j–1(e)) is amended—

(1) by designating the first through seventh sentences as paragraphs (1) through (7), respectively;

(2) in paragraph (5) (as so designated), by striking “1997 through 2003” and inserting “2015 through 2020”; and

(3) by adding at the end the following:

“(8) NONPROFIT ORGANIZATIONS.—

“(A) IN GENERAL.—The Administrator may use amounts made available to carry out this section to provide grants or cooperative agreements to nonprofit organizations that provide to small public water systems onsite technical assistance, circuit-rider technical assistance programs, multistate, regional technical assistance programs, onsite and regional training, assistance with implementing source water protection plans, and assistance with implementing monitoring plans, rules, regulations, and water security enhancements.

“(B) PREFERENCE.—To ensure that technical assistance funding is used in a manner that is most beneficial to the small and rural communities of a State, the Administrator shall give preference under this paragraph to nonprofit organizations that, as determined by the Administrator, are the most qualified and experienced in providing training and technical assistance to small public water systems and that the small community water systems in that State find to be the most beneficial and effective.

“(C) LIMITATION.—No grant or cooperative agreement provided or otherwise made available under this section may be used for litigation pursuant to section 1449.”.

Speaker of the House of Representatives

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Congress Finalizes Appropriations Bills: Congress approved a $1.1 trillion spending package on Friday that avoids a government shutdown and funds federal agencies through next fall. In a surprise, the House overwhelmingly approved the measure in a 316-113 vote. The Senate later backed the bill 65-33, sending it to President Barack Obama, who signed it into law Friday afternoon. The bill included funding to continue all rural water initiatives (circuit riders, sourcewater, wastewater techs., and EPA technical assistance). NRWA's campaign to have Congress continue the funding next year (Fiscal Year 2017) as already begun. NRWA's annual Rural Water Rally will be held on February 8-10, 2016 in Washington, DC.

Congress Zeros Out WIFIA: Congress included no funding for the new EPA Water Infrastructure and Innovation Act (WIFIA) program. WIFIA allows large and private water communities access to federal water subsidies without having to demonstrate any economic or public health exigency (like the state revolving funds require). WIFIA competes with the SRF for limited EPA water infrastructure subsidies and funding was very tight for water infrastructure in this bill and WIFIA was zeroed out.

Wyoming Rural Water Helps Every State Association: Not every state association has a very close relationship with the Senate EPA funding committee, but Wyoming does and we are grateful for that relationship. Late last week, the Wyoming Association of Rural Water System (WARWS) heard from the Senate that bill (S. 611) to fix the EPA funding problem was passed too late in the Congressional session to be included in the final appropriations bill. Their Senate contacts did indicate a willingness to try and fix the situation next year. Sounds like a plan to end the five-year long situation.

The Significance of S. 611, The Grassroots Rural Water Grassroots Rural and Small Community Water Systems Assistance Act: In addition to fixing the EPA funding program, the bill could very well be the first environmental statute that recognizes civic virtue in federal law and makes the federal government start to help people and communities provide safe drinking water as an alternative to penalizing them. Senator Heitkamp statement, House Commerce Committee statement, and Senator Wicker statement on S. 611 passage,

EPA's Fall Regulatory Agenda Includes Two Drinking Water Actions: Each spring and fall, federal agencies, including EPA, publish a Regulatory Agenda listing the regulatory actions that are underway or planned (link). The EPA Office of Water is planning action on two drinking water regulatory issues: implementation of the Reduction of Lead in Drinking Water Act (2011) and a review of the Ground Water Rule (GWR). If you have any concerns with these two issues, please contact the NRWA Regulatory Committee.

American Water Takeover in Rural West Virginia: Highlights, "only one guy can tell you where to find every water pipe in the district... American Water is going to have a hard time finding all these pipes... There's a lot of places up in these hollows that have never been mapped... Before public water, the residents couldn't buy white clothes... We have city water, and we're proud as punch to have city water. It's nice... The large leaks have forced the district into debt... The district has refused to pass costs on to its customers... To American Water, the proposal to take over the district is the customers' best option... If American Water makes the purchase, the rates will go up to $23.20 a month, a 19 percent increase. On top of that, the debt from the public service district will be pushed off to the customers. They'll pay $6.98 a month for the next 10 years, which would be a 54.7 percent increase. Those are hard costs for a community that is largely low income (more)."
Flint, Michigan Issues State of Emergency After Threat of Lead Poisoning: Officials found elevated levels of lead in its drinking water supply following the city change in water source (more).

Syria's Bombed Water Infrastructure: Water is playing an increasingly important role in the Syrian Civil War. ISIS claims that water facilities were targeted by air strikes from both the Russian Federation and the Combined Joint Task Force (video).

NRDC Plans To Sue EPA Over Perchlorate Drinking Water Rule Delay: The Natural Resources Defense Council (NRDC) is planning to sue EPA over the agency's failure to propose a drinking water standard for the rocket fuel ingredient perchlorate within two years of former Administrator's determination that the agency should do so. EPA announced in February 2011 that it had reconsidered the decision reached by predecessor Administration. EPA's 2011 decision that perchlorate should be regulated triggered a two-year statutory clock, allowing the agency two years to propose a maximum contaminant level goal (MCLG) for perchlorate by February 2013. Similarly, a statutory deadline of 18 months for a final rule, or maximum contaminant level (MCL), follows the deadline for the MCLG.

Congress Rejects Great Lakes CSO Elimination: The final Congressional budget agreement for Fiscal Year (FY) 2016 rejected a proposal for dischargers to the Great Lakes to eliminate combined sewer overflows (CSO) and the use of blending during wet weather events. The CSO elimination policy provision was included in Senate Appropriations Committee's version of the bill and rejected in the final version signed into law last week.

EPA Releases Draft Phase II Stormwater Rule: EPA released a pre-publication version of the proposed Municipal Separate Storm Sewer System (MS4) General Permit Remand Rule last week. The proposal will likely be published in the Federal Register before the end of the month with a 75-day public comment period (more).

A Glass of Clean Drinking Water Contains 10 Million Bacteria: Researchers in Sweden have discovered that our drinking water is to a large extent purified by millions of "good bacteria" found in water pipes and purification plants (more).

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The Power of An Association, North Dakota Rural Water's President Obama Connection: On Friday evening, North Dakota Rural Water (NDRW) told us that "the President signed the rural water technical assistance bill (S. 611) today." The announcement has not yet been released by the White House. NDWA got the scoop from Senator Heitkamp, an original cosponsor of the legislation.

NRWA Fixed the Fund; in 2016, We Need to Fund the Fix: The objective of S. 611, the Grassroots Rural and Small Community Water Systems Assistance Act, is to stop the current EPA technical assistance funding process that has resulted in approximately a two-thirds reduction in technical assistance in your state over the last four years - and require a new process that begins to correct the problem. Now that the law has been changed, Congress will have to fund the new law in the fiscal year 2017 EPA appropriations legislation next year. This will likely become a key focus of our 2016 agenda.

House Passes Bill to Ban Microbeads: The House of Representatives last week passed 1321, the "Microbead-Free Waters Act, a bill to phase out the manufacture and sale of products with microbeads."

EPA Unregulated Contaminant Monitoring Rule (UCMR 4) Webinar: A presentation will include key aspects of the UCMR 4 proposal such as monitoring requirements, analysis of selection and rationale, analytical methods, the laboratory approval process and groundwater representative monitoring plans (January 13, 2016).

Can the Paris Climate Negotiations Succeed If Water Is Ignored?: "Water is not just a ‘victim’ of climate change; it offers answers to climate change. Water companies are typically energy intensive, between 10% and 35% of operational costs are on energy consumption. The water sector contributes between 2-5% of global carbon emissions, as well as contributing towards other greenhouse gas emissions, including nitrogen oxides and methane that have larger multiplier effects on global warming (Dr. Bergkamp)."

Pumped Dry: The Global Crisis of Vanishing Groundwater (USA TODAY).

Oklahoma Water District Manager Accused of Stealing More Than $100,000 from District with Fraudulent Checks (more).

Wisconsin Study on Agriculture and Resulting Nitrates in the Water Supply Fins Water Utilities Shouldering the Cost (more).

Groundwater Rule Results in E. Coli Positive in Raw Water (Oldsmar, FL)

Risk Communication with the Public: EPA tells Hoosick Falls (NY) that the agency has no money to help with perfluorooctanoic acid contamination of their drinking water. EPA replies to funding request with mandate to inform the public about the contamination. Resident says, "It’s not good enough; not telling anybody about it is reprehensible (more)."
**EPA Webinar on Reduction of Lead in Drinking Water:** A presentation on the nature of lead and copper occurrence and relationships to water quality and use will include discussion of available sampling strategies to identify and isolate the occurrence of leaded materials in building drinking water system configurations (December 15, 2015).

**Public Works Department Spills 2,000 Gallons of Oil in Drainage Ditch** ([more](#)).

**U.S. Court of Appeals for the 6th Circuit Hearing on WOTUS Rule Jurisdiction:** On December 8th, appellate judges held oral arguments to consider suits over the agency’s Clean Water Act (CWA) jurisdiction rule. At issue is whether the EPA WOTUS Rule will be contested in a myriad of district courts of which the appellate court has exclusive jurisdiction to hear legal challenges.

**Does Arsenic in Drinking Water Have a Threshold Level Where a Small Amount Can Be Safe?**: EPA's Integrated Risk Information System (IRIS) assessment program will include novel risk specific dose calculations in the pending assessment of arsenic’s human health risks. An expert close to the process said of the arsenic assessment, “There are no assumptions of linearity... and no assumptions of threshold, either.”

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Congress Passes EPA Funding Reform Bill and Sends to President Obama: On November 30th, the House of Representatives approved S. 611, “The Grassroots Rural and Small Community Water Systems Assistance Act.” The bill passed the Senate on May 18, 2015 and the National Rural Water Association expects President Obama to sign the bill into law with enthusiasm. Small and rural communities are very grateful to Senators Wicker (MS) and Heitkamp (ND) - and Representatives Harper (MS) and Tonko (NY) for sponsoring the legislation and guiding it to passage in Congress. This is likely the most significant safe drinking water policy enacted since the passage of the Safe Drinking Water Act in 1996.

- Kirby Mayfield, Executive Director of the Mississippi Rural Water Association, said, “Of the hundreds of millions of dollars provided to the EPA by Congress each year, small and rural communities will tell you they get the most benefit from the dollars provided to on-site technical assistance initiatives. Small communities want to ensure quality drinking water and comply with all federal mandates and this new law will provide the technical resources that many small communities lack to meet this mission. It is essential that the person providing technical assistance is an expert in the operation and maintenance of a water supply, not just expert in the rules and regulations. This ensures that assistance providers will be able to educate the community on “how to” comply versus merely explaining that they must comply. These on-site technical experts are called Circuit Riders. This Circuit Rider concept was designed and funded by Congress to allow small communities access to technical expertise that is available to most all larger communities. The Act directs the EPA to target Congressional funding for the most beneficial assistance to small and rural communities. This provision would make implementing the program easier for EPA by providing greater clarity of the intent of the Congress. The ‘preference’ provision in the bill reduces (or eliminates) the subjectivity for EPA in administering technical assistance appropriations.”

- Eric Volk, Executive Director of the North Dakota Rural Water Association, said, “We are grateful for Senator Heitkamp’s help and assistance to the country’s over 50,000 small and rural communities that are trying to provide safe and clean water to their citizens every day. The Senator’s bill ensures that the most helpful and environmentally beneficial initiatives are available to rural communities. This approach is truly unique in the federal effort to protect the environment because it accomplishes progressive environmental protection with the support of the local communities. Small communities comprise more than 90 percent of the water supplies in the country. However, due to a lack of economies of scale, it is often more difficult for small towns to comply with federal rules, afford the latest technology, and have access to technical experts.”

- Pat Scalera, Executive Director of the New York Rural Water Association, said, “All the small and rural community members of the New York Rural Water Association Water Systems thank Congressman Tonko for your continued help and assistance. We appreciate your efforts and leadership in cosponsoring the Grassroots Rural and Small Community Water System Assistance Act, your numerous tours of the local communities’ water infrastructure this summer, your invitation to
Mayor Keegan from Castleton to appear for the committee earlier this year, and your sponsorship of the AQUA Act."

West Virginia, Mississippi, Louisiana, and Wyoming Rural Water Press for Implementing S. 611 Immediately: These states urged their Senators to include S. 611 in the final FY2016 EPA appropriations bill to correct the current problem that is allowing EPA to use its discretion in keeping most of the Congressional funding from helping rural and small towns (the funding has been cut by over half in the last few years by EPA). Retaining EPA discretion for another year will result in another year of ineffective use of appropriations and curtailment of assistance to small and rural communities.

Montana News Features Rural Water to Highlight Passage of S. 611 (Billings Gazette).

Private and Large Water System Success on Expanding WIFIA: Congress passed a provision last week to direct additional federal subsidies to the WIFIA program. The new WIFIA program will compete with the state revolving funds for limited EPA water infrastructure dollars. WIFIA is designed to channel the federal water subsidies to large and private water systems. WIFIA supporters are acknowledging Senators Inhofe (OK) and Boxer (CA) - and Representatives Gibbs (OH) and Shuster (PA) for their success (more).

EPA Proposes New Unregulated Contaminant Monitoring Rule (UCMR 4): The rule will generate data on the occurrence of unregulated contaminants in drinking water, the number of people potentially being exposed, and an estimate of the levels of that exposure. UCMR 4 identifies analytical methods for water system monitoring for a total of 30 contaminants/groups, consisting of ten cyanotoxins/groups, two metals, eight pesticides plus one pesticide manufacturing byproduct, three brominated haloacetic acid groups of disinfection byproducts, three alcohols, and three semi-volatile organic chemicals (more).

New England Rural Water States Sourcewater Presentation: Shaun Fielder reports, "I was lucky enough to join Liz Royer (VRWA source protection specialist) and the following representing rural water yesterday in Lowell, Ma at the New England Interstate Water Pollution Control Commission (NEIWPC): Marc Cohen (Atlantic States), Andrew Madison (Granite State RW), Susan Breau (Maine RWA), Liz Royer and me (VRWA), Bruce Young (Mass RW), Steve Winkley (NYRWA). The group was asked to present to the NEIWPC Groundwater / Source Water Protection Workgroup on rural water collaborative efforts on groundwater and source protection planning activities with systems, EPA regional contacts and primacy offices. It was an extremely productive meeting and each of the New England Affiliates and New York team members had time to discuss a particular project and included focus points on ongoing and positive communications with EPA regional offices as well as their given primacy contacts. A number of Region 1 contacts attended as well as representatives from the given primacy offices and additionally Deirdre Mason (ASDWA), Lorraine Joubert (URI) and Andrew Stone (American Groundwater Trust). Very impressive to hear presentation information from Marc, Andrew, Susan, Liz, Bruce, and Steve. Kira was quick to point out she has a very working relationship with all New England Affiliates / contacts and there were some very positive discussions about rural water's ability to get various and varied projects completed by pulling various interests together. I am confident NEIWPC and others attending will continue to work with and reach out to rural water for various collaborative efforts/projects connected to source protection planning and beyond."

Missouri County Indicts City Collector for Theft of Water: Former employee did not bill water to her parents’ home while she was the city collector (more).
Marlin (TX) Without Water After Filters Clog (more).

Effort to Drill to Earth’s Mantle Could Trigger Mega Quake (more).

U.S. Dep’t. of Homeland Security (DHS) Warns of Dorkbot: DHS stated that Dorkbot is a botnet used to steal online payment, participate in distributed denial-of-service (DDoS) attacks, and deliver other types of malware to victims’ computers. According to Microsoft, the family of malware used in this botnet “has infected more than one million personal computers in over 190 countries over the course of the past year (more).”

Erie (IL) Under Drinking Water Alert for High Levels of Nitrates: Residents were urged to drink bottled water while authorities continued to monitor nitrate levels (more).


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Wyoming, Utah and Washington rural water associations change the politics of WIFIA: After Congressional contacts from Washington, Wyoming, Utah rural water associations, news reports are now mentioning that the WIFIA fix may not be included in the final Highway Bill being negotiated on Capitol Hill (news). "Though the Senate included language in its version of the bill to remove the ban on tax-exempt financing in the WIFIA program, Shuster declined to include any water infrastructure provisions in the House version passed Oct. 22, preferring a clean bill without any non-transportation provisions (Water Policy Report, Nov. 2). WIFIA advocates say it is unlikely the funding fix will be included in the final transportation bill and have begun looking to other legislative avenues for the provision, such as a standalone bill that would strike the tax-exempt municipal provision from 2014 Water Reform & Redevelopment Act that authorized the program and a possible 2016 water resources reauthorization bill." Thank you Washington, Utah and Wyoming rural water associations.

Speculation that Congress May Enact a New Law to Fix EPA Technical Assistance on Tuesday: Congress returns from break this week. This Tuesday will be the first opportunity for the House of Representatives to consider S. 611, "The Grassroots Rural and Small Community Water Systems Assistance Act."

People Willing to Pay $6 Billion to Implement Chesapeake Bay TMDL: A new EPA study concludes that residents value improved water quality in the Chesapeake Bay at up to more than $6 billion per year ("A Stated Preference Study of the Chesapeake Bay and Watershed Lakes"). EPA conducted the survey by asking residents of 17 states within the Chesapeake watershed and the District of Columbia whether and how much they would be willing to pay each year to preserve or improve specific aspects of water quality in the bay, such as water clarity and fish populations.

White House Releases Formal Rulemaking Schedule: The fall Unified Agenda, released late last week, reveals the Administration’s latest plans for regulations currently in the works at agencies across the federal government. The EPA’s planned new water regulations include: Review of the Ground Water Rule (more), Municipal Separate Storm Sewer System General Permit Remand Rule (more), Unregulated Contaminant Monitoring Rule 4 (more), and Management Standards for Hazardous Waste Pharmaceuticals (more).

Water Lobbyists Hacked on Legislative Strategy Conference Call: An audio recording of a strategy session by major trade association lobbyists includes a discussion on how the lobbyists plan to have Congress repeal the WOTUS rule by the end of the year (audio of call).

Two Persons in Santa Paula (CA) Plead Guilty in November 2014 Chemical Explosion at the Santa Clara Waste Water Plant: A volatile mixture of domestic waste and chemical sodium chlorite led to the rear of a vacuum truck exploding (more).

EPA Video to "Reduce Wasted Food This Holiday Season": More than 96% of the food we throw away ends up in landfills, producing methane, a potent greenhouse gas which contributes to climate change (video).
“Water is Safe to Drink Despite EPA Warning”: People in Auburn (KS) received a warning about their water and violations for standards for maximum levels of haloacetic acids. The public notice was issued after further monitoring had indicated that the levels were within acceptable limits (more).

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NRWA’s Fix EPA Funding Campaign Advances: The House of Representatives’ Energy and Commerce Committee reports, “On November 18, 2015, the Energy and Commerce Committee unanimously passed S. 611, the Grassroots Rural and Small Community Water Systems Assistance Act. The legislation helps smaller and rural communities across the country deal with the technical and financial challenges of regulations under the Safe Water Drinking Act (more).” The House of Representatives is expected to take up the bill on December 2, 2015. The Mississippi Rural Water Association’s Executive Director testified before the committee on October 22, 2015 that the bill’s "preference provision reduces (or eliminates) the subjectivity for EPA in administering technical assistance appropriations. It would be a simple exercise for EPA to ask each technical assistance provider competing for funding to simply demonstrate to what extent small community water systems find their proposal to be ‘most beneficial and effective’ (Mayfield).”

Wyoming Association of Rural Water Systems’ (WARWS) Advocacy Helps All Rural Water Associations: Last week, WARWS took the initiative to contact the Senate EPA appropriations committee (Chaired by Senator Murkowski, AK) and urge that the operative provisions of S. 611 be used to implement all EPA technical assistance funding in the next fiscal year. The committee responded to WARWS that it is aware of rural water's support for S. 611. The congressional appropriations committees are finalizing this year’s appropriations bill this week, and we are in a race to pass S. 611 into law for it to be operative in this appropriations cycle. Another year of the current EPA discretion in administering funding will be another year of ineffective use of appropriations by the Agency and curtailment of assistance to small and rural communities. Thank you, WARWS.

Wyoming and Utah Rural Water Stand Up for the SRFs: A House-Senate Conference Committee is attempting to finalize a comprehensive transportation bill before the end of the year. The committee is considering a provision to dedicate more funds to the Water Infrastructure Finance and Innovation Act (the so-called WIFIA fix). WIFIA proponents have told Congress that "WIFIA is for projects that fall outside the scope of the SRFs because of their size and cost..." However, the federal Safe Drinking Water Act (i.e. the SRF authorization) does not limit eligibility for funding based on size or cost. New York City is budgeted to receive funding for 25 SRF projects this year; five project costs are over $100 million, and one project cost is over $1 billion (cite). This does not account for NYC’s wastewater projects. Moreover, large communities receive the majority of SRF funds. The SRFs do not give preferential treatment to small communities. Rather, they target federal water subsidies to the projects with the greatest need (financial and public health need). Utah and Wyoming rural water associations contacted their Senators on the conference committee in support of the state revolving funds (Utah rural water and Wyoming rural water). If your association would like to stand up for the SRFs, please use the Utah and Wyoming examples with the members of the conference committee.

Representatives are: Bill Shuster (PA), John Duncan (TN), Sam Graves (MO), Candice Miller (MI), Rick Crawford (AR), Lou Barletta (PA), Blake Farenthold (TX), Bob Gibbs (OH), Jeff Denham (CA), Reid Ribble (WI), Scott Perry (PA), Rob Woodall (GA), John Katko (NY), Brian Babin (TX), Crescent Hardy (NV), Garret Graves (LA), Peter DeFazio, Jerrold Nadler (NY), Corrine Brown (FL), Eddie Bernice Johnson (TX), Elijah Cummings (MD), Rick Larsen (WA), Michael Capuano (MA), Grace Napolitano (CA), Daniel Lipinski (IL), Steve Cohen (TN), Albio Sires (NJ) and Eleanor Holmes Norton (DC). Senators are: Inhofe (OK), John Thune (SD), Orrin Hatch (UT), Lisa Murkowski (AK), Deb Fischer (NE), John Barrasso (WY), John Cornyn (TX),
Barbara Boxer (CA), Sherrod Brown (OH), Bill Nelson (FL), Ron Wyden (OR), Charles Schumer (NY) and Dick Durbin (IL).

**NPR Feature Claims No Keystone Pipeline Means More Water Contamination**: Some worry the Obama administration's decision to reject the Keystone XL pipeline will lead to a significant increase in the amount of crude being shipped by rail (NPR).

**Six earthquakes of magnitude 2.5 or larger have been recorded in Oklahoma**: The Oklahoma Corporation Commission announced Friday plans to shut off four disposal wells within 3 miles of Thursday’s earthquake activity near Crescent (more).

**Wisc. Legislature Passes Bill to Exempt Purchase of Construction Materials for Municipal Projects from Sales Tax** (more).

**Windstorm in Oregon, Idaho, Washington, and Colorado Knocks Out Power for 366,000 Customers** (more).

**Mississippi Rural Water Association Featured in Congressional Town Hall Tele-Conference Call with Congressman Harper with 3,500 Callers**: Congressman Harper (MS) recognized MsRWA and the work it does for small communities. Also, he expects S. 611 to pass and be signed by the President.

**Supreme Court Review Of Chesapeake TMDL**: Agriculture and homebuilding groups have petitioned for high court review of *American Farm Bureau Federation (AFBF), et al. v. EPA, et al.*, and overturn a July 6 opinion by a unanimous three-judge panel of the U.S. Court of Appeals for the 3rd Circuit that deferred to EPA’s reading of the CWA to back its authority on the Chesapeake TMDL.

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National Rural Water Association

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[subscribe]
EPA Funding Fix Progresses: On Friday, Kirby Mayfield (MsRWA) was told by Congressman Harper (MS) that the bill to fix the EPA funding problem (S. 611) will be considered by the House Committee on Energy and Commerce on Tuesday. The bill has passed the appropriate House Subcommittee and the U.S. Senate. The hearing will be webcast on the Committee’s website. The Majority Members of the Committee have agreed not to offer any amendments.

Please contact your Minority Members of the Committee to urge them to pass the bill without amendment for the following reasons.

The small and rural communities in your state urge you to approve the bill without amendment or modification. As mentioned in our testimony last month:

- Small and rural communities are very hopeful the bill can be enacted in the remaining weeks of this Congressional session and be operative in this appropriations cycle.
- Amendment of the bill will almost certainly result in delaying passage until next year and no proposed modification necessitates this delay (additional legislative polices should be advanced separately).
- Your state has witnessed a decrease in technical assistance (EPA compliance help) to small and rural communities, over the last four years, with the corresponding increase in EPA discretion of the appropriations. Enactment of S. 611 will begin to correct this.
- Currently, the small and rural communities are struggling under new federal regulations, complex funding program applications, and continuing mandatory operator training requirements. Many small communities are now trying to implement the new disinfection by-products rule for the first time. The rule is 134 Federal Register pages long. It is just starting to be enforced in many small and rural communities. It is very complex, confusing, and burdensome. We need help as soon as possible.

Ministry Members of the Committee: Frank Pallone (NJ), Bobby Rush (IL), Anna Eshoo (CA), Eliot L. Engel (NY), Gene Green (TX), Diana DeGette (CO), Lois Capps (CA), Michael Doyle (PA), Jan Schakowsky (IL), G. K. Butterfield (NC), Doris Matsui (CA), Kathy Castor (FL), John Sarbanes (MD), Jerry McNerney (CA), Peter Welch (VT), Ben Ray Lujan (NM), Paul Tonko (NY), John Yarmuth (KY), Yvette Clarke (NY), David Loebsack (IA), Kurt Schrader (OR), Joseph Kennedy (MA), and Tony Cardenas (CA).

WIFIA Provision Debated Between the House and Senate: Large water utilities are pressing Members of a House-Senate Conference Committee, negotiating a transportation bill, to include more federal funding for WIFIA to allow for subsidized funding to large water projects (more).

Australian Rural Communities Warned to Chlorinate After Waterborne Parasite Kills Three Children (more).

100 Million People at Risk of Entering Poverty by 2030 from Climate Change (World Bank).

AL Rural Water to the Rescue: A 10-year water leak in Cherokee finally repaired after workers from the Alabama Rural Water Association pinpointed the exact location of the leak using listening devices and other equipment, potentially saving the town tens of thousands of dollars (more).
At Least 12 Cars Disappeared into Sinkhole at Restaurant in Mississippi (more).

Fountains in Spain Turned Gory Shade of Red: A study showed that the "blood rain" was teeming with microscopic freshwater algae called Haematococcus pluvialis, which produce a red pigment when they're stressed (more).

EPA Launches E-Newsletter on Infrastructure Financing: EPA is developing a new quarterly email newsletter called Water Finance E-News. It will provide updates for those seeking and providing project funding. The newsletter will cover EPA's Clean Water State Revolving Fund, Water Infrastructure and Resiliency Finance Center, Water Infrastructure Finance and Innovation Act Program, Clean Water Indian Set-Aside, Alaska Native Villages and Rural Communities Grant Program, and the U.S.-Mexico Border Water Infrastructure Program. It will report on the latest program developments, training, and tools from these programs (EPA).

Wisc. Drinking Water Contamination: Lynda Cochart’s water from her private well was so poisoned by salmonella, nitrate, E. coli and manure-borne viruses that one researcher compared the results from her Kewaunee County farm to contamination in a Third World country. She suspects the problem is related to the county’s proliferation of large livestock operations, although testing did not pinpoint the source (more).

Lexington (KY) Chlorine Leak at Water Plant Evacuates Walmart (more).

USGS Study - Storage and Treatment of Liquid Waste from Landfills Doesn’t Remove All Contaminants, Including Pharmaceuticals: New research from the U.S. Geological Survey details that even after the storage and/or treatment of leachate – liquid waste that moves through or drains from a landfill – it can still contain a multitude of chemicals and reflects the diverse nature of residential, industrial, and commercial waste discarded into landfills in the United States. Emerging chemicals of concern include pharmaceuticals, hormones, household products, and industrial chemicals. Pathways to the environment include discharge to streams, seepage into groundwater, diversion to wastewater treatment plants, and even onsite spraying or irrigation (more).

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Top U.S. Arsenic Scientist Publishes More Studies Contradicting EPA Arsenic in Drinking Water Risk Assessment: In 2003, Dr. Steven Lamm informed the EPA Administrator of the scientific "flaws" in the current arsenic rule (Lamm 2003). Last week, Dr. Lamm forwarded to us his most recent works that further contradict the EPA assessment of arsenic:

- July 2015, American Journal of Epidemiology: Identifies problems with the methodology and the conclusions drawn from Steinmaus' arsenic in water in Chile study (Lamm 2015).
- October, 2014, Environmental Science and Policy: "In the last 10 years, a number of epidemiological analyses have been published or presented that demonstrate a data distribution consistent with a carcinogenic threshold in the range of 100–200 mg/L (ppb) [about 150 ppb]... The documents in which EPA developed their unit risk values are no longer operative, as EPA withdrew them in January 2013 and is currently making a re-assessment of the methodology and data basis for a determination of the carcinogenic potency of arsenic in drinking water. This new assessment is to be based on the totality of the epidemiological and toxicological literature on cancer with respect to arsenic levels in drinking water rather than limit it to a single study whose exposure data has not been validated. The attempt to quantify the carcinogenic risk from small differences of low-level arsenic exposure is premature, based on the most recent science" (Lamm 2014).
- September 2014, Toxicology: "There is a discontinuity in the cancer slope factor or risk from arsenic exposure that occurs in the range of 100–200 ug/L. Above these levels, there are significantly positive risks, while below these levels there are not. The analysis reveals within this dataset an intrinsic non-linearity in the cancer risk. The literature speaks to this discontinuity, but this is the first demonstration within a single dataset that shows the discontinuity across the full exposure range and where the low-dose data are not compromised with high-dose data" (Lamm 2014).
- February 2013, Regulatory Toxicology and Pharmacology: "The cancer rates are higher among the low-dose (<150 lg/L) villages in the Blackfoot-disease (BFD) area than in the southwest Taiwan region. However, among the low-dose villages in the BFD area, cancer risks suggest a negative association with well water arsenic levels. Positive differences from regional data seem attributable to non-arsenic ecological factors" (Lamm 2013).

Sacramento Residents Exposed to Carcinogens (Disinfection Byproducts) in the Drinking Water: Investigative TV journalist exposes the drinking water supply and warn the public (ABC). Public scared to drink tap water due to cancerous and birth defect causing disinfection byproducts.

USDA Provides $314 Million in Water and Waste Infrastructure Improvements in Rural Communities Nationwide: Secretary Tom Vilsack today announced loans and grants for 141 projects to build and improve water and wastewater infrastructure in rural communities across the nation. USDA is awarding $299 million for 88 projects in
the Water and Waste Disposal Loan and Grant Program and $15 million for 53 grants in the Emergency Community Water Assistance Grant program (more).

Oklahoma Wastewater Treatment Plant Worker Accused of Embezzling $900,000: Employee allegedly used public works authority credit cards to make unauthorized purchases (more).

House Passes Transportation Bill without WIFIA: Last week, the House of Representatives approved a six-year transportation policy bill that did not include the provision to allow tax-exempt debt and loan proceeds from the new Water Infrastructure Finance and Innovation Act (WIFIA). In July the Senate passed its transportation policy bill (the “DRIVE Act,” H.R. 22) that included the repeal of the existing ban on funding water infrastructure projects through a combination of WIFIA loans and tax-exempt debt. The House and Senate will now attempt to reconcile the two competing transportation bills in a conference committee.

Vermont Rural Water (VRWA) Comments on State’s New Plan on Combined Sewer Overflow Control Policy: "VRWA strongly recommends an approach that reviews all CWA required improvements such as TMDL, MS4, etc. and allows for investments first and foremost that will give the most pollution reduction per dollar invested... [A]t the user level and if costs for future improvements have to be absorbed by users alone for all regulations, without a prioritization approach, this will not be an achievable goal... [A] 4-hour response time will be impractical for many systems. This issue was discussed at the hearing and a point was made that only one wastewater system in the state has 24-hour staffing" (VRWA).

Mining Dam Bursts in Remote Region in Brazil Killing 15, Many More Missing, and Devastating Mudslides (more).

Vicksburg Mississippi Power Outage at Water Plant Forces Boil Order and School Shutdowns (more).

EPA's New Small Drinking Water and Wastewater Systems Research: EPA researchers develop and demonstrate treatment technologies and approaches so that communities and state primacy agencies can be assured that they will be successful in removing contaminants of interest (more).

Bureau of Reclamation Funding Opportunity for Energy Efficiency (more).

EPA Proposing Ban on Pesticide Chlorpyrifos: To protect against risks from exposure through drinking water in some watersheds, EPA released a pre-publication version of a Federal Register notice, signed Oct. 28. “EPA has determined that safe levels of chlorpyrifos in the diet may be exceeded for people whose drinking water is derived from certain vulnerable watersheds throughout the United States,” EPA says in the notice. “This primarily includes those populations consuming drinking water from small water systems in heavily cropped areas where chlorpyrifos may be used widely.”

Cyber Hygiene for Control System Security: Excerpt: "Cisco is projecting that by 2020, 50 billion devices will have web connections. At the same time, network intrusions are on the rise and the annual global cost of digital crime exceeds $445 billion. Companies across the globe are facing the reality that their data, intellectual property, and control systems are at risk. Once
a rarity, incidents of hackers compromising high-profile companies are becoming commonplace. Prior to the advent of the Internet, little thought was paid to securing the data connection to the components of a water treatment plant or power transmission substation. Today, attackers realize that targeting a company’s network is easier and less expensive than a physical attack. As part of an effort to engage control systems owners and operators across the 16 critical infrastructures sectors, the Industrial Control Systems Cyber Emergency Response Team (ICS-CERT) recently delivered a presentation at the May 2015 Industrial Control Systems Joint Working Group Spring Conference in Washington, D.C. that listed top ten NIST categorized vulnerabilities and recommended mitigation for each” (David Oliver, Idaho National Laboratory).

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House Subcommittee Passes EPA Technical Assistance Funding Fix Bill: On Wednesday, the Environment and the Economy Subcommittee (Chaired by Rep. John Shimkus, IL) approved S. 611, The Grassroots Rural and Small Community Water Systems Assistance Act – companion legislation to H.R. 2853 (introduced by Subcommittee Vice Chairman Gregg Harper, MS). S. 611 would help alleviate the financial burden EPA’s drinking water regulations have placed on small and rural drinking water supply systems. There was quite a lot of discussion during the mark-up of the bill which you can review through the video (YouTube).

Looking for Help Convincing Senator Inhofe (OK): In response to last week’s article on the new Water Infrastructure and Innovation Act (WIFIA), a reader lamented the news that one of our most supportive senators is in favor of the WIFIA provision in the Congressional transportation bill (more). It now appears that Senator Inhofe will be a determining factor in whether the WIFIA provisions become law. Last week, the House did NOT include the WIFIA provisions in its version of the transportation bill (more). The final determination of the WIFIA provisions will likely come down to the House-Senate conference committee with the House's rejection of WIFIA in competition with the Senate's support. Senator Inhofe will be the Senate Chairman of any such conference committee. If your Senator is interested in urging Senator Inhofe to reject the WIFIA provision that allows federal water infrastructure subsidies to circumvent eligibility of your state's most needy communities (more), please contact us.

NRWA New Representative on AWWA Water Committee Reports: Utah Rural Water's Paul Fulgham was recently appointed to the AWWA Water Utility Council (WUC). The WUC is interested in many of the same regulatory issues as NRWA. See Paul’s very interesting and comprehensive report from the recent WUC meeting in Denver (Fulgham report).

PBS Covers New Cali Desalinating Water System: Is desal the answer to California's drought (PBS)?

Florida Rural Water Files Suit against EPA WOTUS Rule: In the Sixth Circuit, FRWA officials filed suit stating they "challenge the validity of a Final Rule [entitled the ‘Clean Water Rule’] adopted jointly by the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers (collectively ‘Respondents’).”

Wisc. Rural Water Announces (WRWA) New Funding Program: WRWA announced new financing options available to all Wisconsin units of Government called SIMPLE Loans. SIMPLE Loans are designed to be a quick, easy and low-cost alternative to conventional bond sales. WRWA can finance just about any project or asset as long as it is owned and operated by a unit of government. These projects or assets include the following categories: sewer and water facilities, street & improvements, equipment, buildings & improvements, refunding of existing debt, temporary or construction financing, USDA interim loans and preliminary engineering costs (more).

Cyber Vulnerability: Flaws in Rockwell PLCs expose operational networks. Rockwell Automation released firmware updates and mitigations addressing several vulnerabilities in its 1400 programmable logic controllers (PLCs) and its MicroLogix 1100 products including a buffer overflow bug that remotely crashes affected devices or executes arbitrary code. The updates and mitigations also addressed a denial-of service (DoS) bug dubbed "FrostyURL" that can be exploited to crash MicroLogix PLCs via a specially crafted uniform resource locator (URL) sent...
to victims through email, and a cross-site scripting (XSS) vulnerability that can be exploited to inject malicious JavaScript code in a device’s Web server, among others (more).

**Congressional/White House Budget Deal Clears the Way for Appropriations Bills to Pass:** The negotiated agreement would increase discretionary spending by $80 billion above sequester-level spending caps, with the increase split evenly between defense and nondefense programs. Congress normally would pass 12 individual bills to fund each area of the federal government, but the Dec. 11 deadline virtually assures that Congress will instead approve a sweeping, all-inclusive omnibus appropriations bill.

**Senate Passes Cybersecurity Bill:** Last week, the Senate overwhelmingly passed the Cybersecurity Information Sharing Act which aims to help prevent massive data breaches of consumer data by offering legal protections to companies that would enable them to share more information about their networks and hacker threats with the government and other businesses. The White House has backed the legislation, giving the bill a good chance of being signed into law once it is reconciled with a similar version passed by the House earlier this year.

**Wastewater Spill Threatens Private Wells:** Nearly 2 million gallons of wastewater spilled into the Brazos River in Texas after heavy rains, Waco city officials announced October 26. Officials recommended that residents with private wells located within a half-mile of the plant’s location should only use distilled or boiled water, while crews worked to contain and disinfect the discharges (more).

**Senate Leader to Push Bill on Rewrite of Waters Rule:** Senate Majority Leader Mitch McConnell (KY) plans to file a motion Nov. 2 to move a bill that would require a rewrite of a rule intended to clarify Clean Water Act jurisdiction over the nation’s waters and wetlands. The bill would require the EPA and the U.S. Army Corps of Engineers to write a new clean water rule no later than Dec. 31, 2016, and include only streams that have enough flow to transport pollutants at levels that would impair traditional navigable waters.

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"Of the Billions of Dollars Provided to EPA, Small and Rural Communities see the Most Benefit from the Small Portion Directed to Rural Water Technical Assistance": Kirby Mayfield (Mississippi Rural Water Association) appeared before Congress last week on your behalf to urge passage of S. 611, the bill to fix the EPA funding problems (see 26:13 in hearing video). Members of Congress explained how they are planning to pass the bill in short order.

NRWA Standing Up for the SRF: The House Transportation Committee passed a comprehensive infrastructure bill that does not include the Water Infrastructure Finance and Innovation Act (WIFIA) provision. Many large water utility associations advocated for the WIFIA provision in the bill (more). The provision supported by WIFIA allows federal water infrastructure subsidies to circumvent eligibility of your states’ most needy communities (more). NRWA had cautioned the House of Representatives not to include the WIFIA provision and urged that the new federal funds could be better spent for water infrastructure by allowing the interest on a U.S. Department of Agriculture guaranteed water infrastructure loan to be tax-exempt. This would ensure that the new federal subsidies (or tax breaks) are directed to community water projects that are in the greatest need and most limited in financial resources. The Senate bill included the WIFIA provision in their version of the transportation bill sponsored by Senator Inhofe (more).

Allowing Tier 2 Public Notices to be delivered on the Internet: After testifying in the House of Representatives, MsRWA met with its Senate representatives about legislation allowing e-delivery of Tier 2 notices. If your Senator is interested in sponsoring such legislation, please contact us.

St. Mary River Watershed Association's (MD) New 3 Dimensional Oyster Reefs: This is the first fully 3 dimensional reef to be reconstructed in the Chesapeake Bay since over 218,000 acres of the historic reefs were mined to the bottom by the early 1900’s. The reef will serve as a demonstration model for restoring the water quality and ecology of the Bay by restoring its keystone algae filtration system.

Michigan Regulator Admits Mistake in Flint's Drinking Water Lead Contamination: The state regulator issued a statement to address the mishandling of federal protocol for corrosion control (more).

American Water Acquires Five Penn. Water Systems: "We continue to expand our footprint in the wastewater space," said the company's president (more).

Senate to Take up Cybersecurity Bill this Week: The Cybersecurity Information Sharing Act (CISA) will offer legal liability protections to companies, including water utilities, to encourage them to share data on hacking threats with the government.

Okmulgee's (OK) Month Long Boil Order for E. Coli: "We have to go by DEQ's guidelines to get off of this," said Water District 4 Board Vice-Chairman Kenneth Flanary. "Basically, the chlorination isn't as strong as it used to be. By the time it reaches the end of our line, it's low (more)."
Dr. Water Speaks at *New York Times* Water Conference: See keynote from Dr. Peter Gleick ([YouTube](https://www.youtube.com)).

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Congress Returns: With eight weeks left in the Congressional session, lawmakers confront two possible inflection points for a government shutdown (November 3 deadline to raise the debt ceiling and December 11 as the stopgap appropriations bill expires). They must also choose a new Speaker of the House.

Mississippi Rural Water before House of Representatives on Fixing EPA: MRWA Executive Director Kirby Mayfield is scheduled to appear before the House Subcommittee on Health and the Environment during its hearing on S. 611, legislation to fix the EPA technical assistance funding problem. The following members are on the subcommittee: John Shimkus (IL), Gregg Harper (MS), Ed Whitfield (KY) Joe Pitts (PA), Tim Murphy (PA), Bob Latta (OH), David McKinley (WV), Bill Johnson (OH), Larry Bucshon (IN), Bill Flores (TX), Richard Hudson (NC), Kevin Cramer (ND), Fred Upton (MI), Paul Tonko (NY), Kurt Schrader (OR), Gene Green (TX), Diana DeGette (CO), Lois Capps (CA), Michael F. Doyle (PA), Jerry McNerney (CA), Tony Cardenas (CA), and Frank Pallone, Jr. (NJ). North Dakota's Congressman on the panel contacted the North Dakota Rural Water Association last week about the hearing. We will be publishing talking points for state associations to share with members of the subcommittee and urging all panel members to make statements in support of their state rural water association and the bill (S. 611).

NRWA Stands Up the SRF & House Committee Leaves WIFIA Out of Transportation Bill: The House is planning to mark up a long-term transportation funding bill on Oct. 22. The Transportation and Infrastructure Committee announced Wednesday that the long-awaited hearing will take place one week before the scheduled Oct. 29 expiration of the current law that authorizes the federal government's transportation spending. The House Committee proposal did not include the WIFIA provision to reform the limitation on use of tax-exempt financing in combination with WIFIA loans (more). The Senate passed a transportation bill earlier this summer that did include the WIFIA provision. NRWA has urged caution for Congress regarding WIFIA because the new funding program is designed to circumvent the SRFs' targeting for communities in the greatest need (more). If new federal funding is available to implement WIFIA, NRWA asks why is this new source of federal funding not available to the SRFs that fail to meet the current demand. If you would like to engage your Representatives on the House Transportation Committee in support of the SRFs and a better water funding policy, please contact us.

Changing the Clean Water SRF to Allow for Technical Assistance: Last week, Louisiana Rural Water joined West Virginia and Minnesota Rural Water in urging their Congressmen and Senators to support the change in the Clean Water SRF (more).

DHS Circuit Riders: Last week, Louisiana, Utah and Michigan Rural Water Associations briefed a number of Members of Congress on water topics including a need for a new circuit rider initiative to manage all the new emergency response and security issues facing water utilities.

**WOTUS Update**: The U.S. Court of Appeals for the 6th Circuit has issued an order blocking EPA from implementing its Waters of the U.S. (WOTUS) jurisdiction rule for the entire country while it decides whether it has authority to hear suits over the rule. The appeals court's order says challengers have shown "a substantial probability of success on the merits," citing flaws in how the rule defines a "significant nexus" between waterbodies and EPA and the Corps' alleged failure to give notice that it was considering many of the provisions included in their joint final rule.

**Wisc. Fight Over High-Capacity Wells**: Large farms and other high-capacity well users versus the environment and other property owners — Wisc. Senate committee takes action on bill to allow large wells to live on indefinitely by allowing their owners to rebuild them and move them slightly without permits (more).

**New Book by Disaster Recovery Expert Says Water Service is Most Important and Government Gets in the Way**: In a recent interview, a disaster recovery expert said, "Getting the sewer and wastewater system operating was the No. 1 priority." In the immediate aftermath of Hurricane Katrina, he was worried about the outbreak of norovirus because of sanitation problems. But the sewer system wasn't his only problem... "[other] state officials provided no help and hindered recovery efforts. Competing governmental agencies set up their own command center and refused to provide any help (more)."

**Towns Test Positive for E. Coli and Negative for Fecal**: Stoughton (Mass.) officials continue to test drinking water after testing positive for E.coli but did not detect any actual fecal contaminants (more).

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E-reporting of DBP Public Notices Versus Mailing Them: Senator Wicker's (MS) inquiry to EPA regarding the disinfection byproducts rules has precipitated a number of high-level policy conversations in Washington (Wicker/EPA exchange). One conversation resulted in an EPA regulation expert's conclusion that EPA's 2013 policy allowing for e-reporting of Consumer Confidence Reports extends to the delivery of Tier 2 public notice requirements for violations of disinfection byproducts rules. Kansas Rural Water Association has been advocating for reform of this rule for many years (KRWA Lifeline 3/2015).

U.S. 6th Circuit Blocks EPA from Implementing WOTUS: An Oct. 9 order by two appellate justices (with one dissent) enjoins implementation of the WOTUS rule while the court weighs whether it has authority to hear suits over the rule. The Clean Water Act is unclear on whether challenges to nationally applicable rules issued under the water law must be heard in federal district or appellate courts, prompting myriad lawsuits at both levels. NRWA recently approved the filing of a friend of the court brief in opposition to the EPA rule. The 6th Circuit's decision ends the fragmented implementation of the rule that took effect Aug. 28 when U.S. District Court for the District of North Dakota Chief District Judge Ralph Erickson issued a more limited order that blocked the rule only within the 13 states.

Fixing CWA SRF Update: WVRWA and MinnRWA have been active in the campaign to convince Members of Congress to change the Clean Water Act to allow a small portion of the SRF to be used for state technical assistance funding (more). Last week, WVRWA’s representatives briefed their Senator on the issue and we expect the Senator to raise the issue with the EPA Appropriations Subcommittee.

EPA Emergency Preparedness Webinar: For Water Utilities through All Types of Emergencies on November 10 (more).

Colorado RWA Announcement for Small Communities Water and Wastewater Grant: “CRWA received this announcement from the Colorado Department of Public Health & Environment (CDPHE) - Water Quality Control Division and wanted to pass on this information and opportunity to our Water and Wastewater Systems!” (more).

December Government Shutdown: The current Continuing Resolution expires on December 11. To avoid a shutdown, Congress and the White House must find a long-term or another short-term compromise to prevent a shutdown. Any deal will need to reconcile current federal spending caps, pay for any increase in spending above the current caps, make any potential changes to mandatory spending programs, and repeal certain tax breaks. Congress is also facing deadlines on expanding the debt limit, highway funding, tax extenders and appropriations legislation – and a possible comprehensive budget deal with the White House.

California Takes on Mandatory Water System: From ASDWA, “In June, California enacted a new law that allows the State Water Resources Control Board (where the drinking water program is now housed) to ‘...require certain watersystems that consistently fail to provide safe drinking water to consolidate with, or receive an extension of service from, another public water system. The consolidation can be physical or managerial.’ While the state
has long encouraged voluntary consolidations or restructuring, the ongoing severe drought and resulting water emergencies experienced by both small and disadvantaged communities provides much of the impetus for this new direction. Starting with technical assistance to analyze the system’s problems and recommend a course of action, the next step entails discussions with the affected system and nearby public water systems. Factors to be considered before any consolidation can be undertaken include the capacity of the neighboring system; geographical separation; infrastructure improvement costs; costs and benefits to both systems; and access to financing for the resulting consolidated entity. The two systems then have a six-month window to develop a consolidation plan. Should that not happen, the State Board may order the two systems to consolidate” (more).

Alaska Legislature Gets Update on Rural Water Projects: “Frequent regulatory changes to federal drinking water standards continually push rural water systems in place out of compliance and add to the fiscal need, said state official... A fairly large number of very small communities, 31 of them with about 3,500 homes, which comprise 17 percent of rural Alaska communities, remain unserved by water and sewer systems” (more).

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(Washington, DC)

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Rural Water Policy Advisory [10/5/2015]

The Power of (a State) Association: To correct the current EPA technical assistance funding problem (where EPA has used its administrative discretion to reduce the amount of technical assistance available to small and rural communities), rural water-friendly Senators and Congressmen have introduced legislation to limit EPA discretion with the force of law (S. 611 & H.R. 2853). Last week, New York Rural Water Association (NYRWA) heard from its key Member of Congress that he would support immediate passage of the bill without modification - ensuring the necessary bipartisan support for expedited consideration of the legislation. Congressman Tonko (NY) is an original cosponsor of H.R. 2853 and the ranking Democratic Member on the committee of jurisdiction. In announcing the good news, NYRWA stated, "Congressman Tonko has become one of the leading supporters of water issues in small and rural communities in the entire Congress. Rep. Tonko is a cosponsor of H.R. 2853, invited the Village of Castleton to testify in Congress, conducted a water field tour this summer, and is considering changes to the SRF to be more helpful to small communities. Please thank him on email or when he stops by your community. In closing, all small and rural communities in New York and the rest of the country will benefit from your actions. This is the reason we have the New York Rural Water Association (and the National Rural Water Association); by all of us working together on a common objective we can accomplish things for small and rural communities that none of us could achieve on our own." After announcing the good news to its membership, NRYWA received the following reply from one of its members, "Glad I could be of some help. Let me say the work that you and your staff does is outstanding. It's a comfort to know that New York Rural Water Association is there to help anyone, and lend a helping hand if necessary."

The Power of An Association Con't.: "Congressional Champions" are Members of Congress who are supportive of their state rural water association to the point where they are willing to personally take a leadership position in advancing federal rural water policies (examples). During the rural water annual conference last week, Minnesota and West Virginia volunteered to ask their friends in Congress to become rural water champions in the effort to change the Clean Water State Revolving Fund to allow a small portion of the funds to be used for providing technical assistance (more).

NRWA Asks EPA for Changes to Their Water and Wastewater Regulations (more).

Iowa State Law Intended to Limit Section 1926(b) Protection Delays Rural Water Federal Court Ruling: A U.S. District Court judge for the Northern District of Iowa has stayed a federal lawsuit against the City of Dubuque filed by a rural water provider pending resolution of a related state court case. Attorneys representing the city claimed the association violated state law by failing to provide the city notice of its intent to provide water service within two miles of city limits (more).

"Florida Water Officials Say They Use the EPA's Grants to Fund the Florida Rural Water Association" (more).

EPA's Water Infrastructure and Resiliency Finance Center Launches New Website: EPA's Water Infrastructure and Resiliency Finance Center has a revamped website that
communities can reference for financing drinking water, wastewater and stormwater infrastructure (more).

"We Were Paying to Poison our Kids": Lead in Michigan city's water hits children. Flint declared a public health emergency this week after a dangerous spike in its water's lead levels. But parents say they've been "screaming" about the issue for months in an area where water prices are among the Country's highest (more).

Vulnerabilities Found in Several SCADA Products: DHS published advisories identifying vulnerabilities in supervisory control and data acquisition (SCADA) products, including a privilege escalation bug in Resource Data Management's Data Manager that could allow an attacker to change the passwords of users, a cross-site request forgery (CSRF) that an attacker could use to perform actions on behalf of authenticated users, and other vulnerabilities in IBC Solar and EasyIO products (more).

Rural Water District Confiscates Fire Department's Equipment Over Swimming Pool Fill-ups (more).

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State Associations Press for EPA Funding Reform: At the annual rural water conference in Oklahoma City this weekend, numerous state association representatives voiced frustration with the current EPA technical assistance funding problem. Over the last four years, EPA has used its administrative discretion to reduce the amount of technical assistance available to small and rural communities (more). To correct the situation, rural water friendly Senators and Congressmen have introduced legislation to limit EPA discretion with the force of law (S. 611 & H.R. 2853). The legislation has passed the Senate and the Republican leadership of the House Energy and Commerce committee wants to pass the bill in committee and then by the full House of Representatives soon after. To accomplish this, they need bipartisan support from the committee’s Democratic leadership (Congressmen Tonko, New York and Pallone, New Jersey) to pass the bill without modification. This weekend, state association representatives supported a nationwide campaign to have their states' Democratic Congressmen urge Congressman Tonko to support passage of H.R. 2853 immediately and without modification.

NRWA Policy Committee Adopts Ambitious Agenda: The NRWA Regulatory Committee convened this weekend in Oklahoma City and voted to support a number of new national policy reform initiatives and join the legal effort to contest the recent EPA Waters of the U.S. Rule (WOTUS). The committee consists of John O'Connell NYRWA), Jim Mackie (NJRWA), George Crum (PRWA), Gary Williams (FRWA), Bob Freudenthal (TRWA), Daniel Wilson (NRWA), George Hanson (MdRWA), and Wilmer Melton (NCRWA). The committee voted to forward a statement to EPA with 14 concerns on the following water policy issues: Senator Wicker Tier 2 public notification, de minimis violations, EPA enforcement policy, total organic carbon percentage removal, point of use technology availability, EPA making water treatment plant location data more readily available, source water protection, cybersecurity implementation in water utilities, unregulated contaminant monitoring, new regulations for finished water storage facilities, watershed pollution trading policy, affordability, environmental justice, and lead and copper rule revisions (full statement). Additionally, the committee voted to craft an Amicus Curiae brief on behalf of NRWA and immediately file it in the appropriate federal court contesting EPA's WOTUS rule. NRWA is currently the only water utility association supporting a legal challenge to the EPA rule.

New York Rural Water to Go Grassroots: NYRWA is planning this week to initiate a grassroots campaign to urge Congressman Tonko to support immediate passage of H.R. 2853. NYRWA will activate all their members in the Congressman's district to advocate on behalf of all small and rural communities.

Congress to Pass Short-term Extension to Fiscal Year to Dec: "There will be no government shutdown at the end of the month," according to House Speaker John Boehner. The Senate is expected to pass a continuing resolution next week that will pass the House (WashPost).

Administrator McCarthy Signs NPDES Electronic Reporting Rule: The final rule provides authorized NPDES programs with more flexibility for implementation, providing more time for the transition from paper to electronic reporting and more flexibility in how they can grant electronic reporting waivers to facilities (more).

EPA Webcast on Low-Cost Modifications for Wastewater Utility Nutrient Reduction, Oct. 15 (more).
Dane County (WI) Offers $1 Million to Help Local Communities Construct Stormwater Management Facilities to Capture Phosphorus-laden Debris (more).

Peanut Executive in Salmonella Case Faces Life: In what experts called the first food-poisoning trial of American food processors, a top executive was convicted of knowingly shipping salmonella-tainted peanut butter from his plant in Blakely, Georgia. Investigators found a leaky roof, roaches and evidence of rodents, all ingredients for brewing salmonella. They also uncovered e-mails and records showing food confirmed by lab tests to contain salmonella was shipped to customers anyway (more).

Spectrum (UT), Residents and 100 Businesses Under Boil Alert for Fecal Coliform Bacteria (more).

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Special Single Issue Edition: Make EPA Follow Congressional Intent

The Republican leadership of the committee that is considering the bill to fix EPA technical assistance funding (H.R. 2853) wants to pass the bill in committee (Energy and Commerce Committee) and then have it passed into law by the full House of Representatives soon after.

To accomplish this they need bipartisan support from the committee Democratic leadership (Representatives Tonko, New York and Pallone, New Jersey) to pass the bill without modification. Congressman Tonko has been a very strong supporter of New York Rural Water Association and is an original cosponsor of H.R. 2853 with Congressman Harper (MS). This campaign is focused on taking up the bill in committee without modification immediately (so that it will impact this year's EPA funding). Their support will demonstrate bipartisan support for the legislation allowing for expedited consideration and passage of the bill.

Last week, New York Rural Water Association (NYRWA) was in contact with Representative Tonko on the issue. Also last week, NYRWA urged their state’s Democratic Congressmen to contact Congressman Tonko to urge his support (NYRWA statement).

Please contact us if you are interested in joining the campaign!
Brinkmanship Between Congress and White House over Government Shutdown: All sides dig-in in as end of fiscal year approaches. No path to avoid shutdown yet. House Speaker facing insurrection (more).

New Proposal to Require Lead and Copper Rule Released: The Lead and Copper Working Group of the National Drinking Water Advisory Council has completed its deliberations on issues associated with the long term revisions to the Lead and Copper Rule (final report).

West Virginia Rural Water Association Takes Action: WVRWA is urging its Congressman on the Safe Drinking Water Act committee of jurisdiction to protect the SRFs as the House considers repeal of the Water Infrastructure Finance and Innovation Act (WIFIA) prohibition on using tax-exempt financing in combination with WIFIA loans.

NRWA Asked to Respond to EPA Senate Statement: In its response to Senator Wicker on EPA's statement, NRWA is planning to explain why the current EPA Tier 2 public notice process is scaring consumers away from drinking public water. For example, after a DBPs violation of one-half of a part per million in Menominee, Michigan, the local news station (WFRV, 4/3/2015) reported, "Residents in Menominee, Michigan are Questioning the Safety of their Drinking Water... Last week, [a consumer] got a notice in the mail saying the Menominee city water system recently violated a drinking water standard. The supply tested high for trihalomethane, a disinfection by-product. 'It was kind of a slap in the face when I got this and I thought, here I'm paying for a commodity and I'm not really sure that it's safe,' explained [the consumer. 'I don't think I'm the only one in the city that feels that way... I'm actually looking into getting a whole house water filtration system,' she added. 'I don't trust our water anymore..."

Salmonella Outbreak Kills Two, Sickens hundreds in the U.S. from Imported Cucumbers (more).

Philadelphia Develops Income-based Water Rate for its Poorest Residents (more). It is a city with 40 percent of payers behind on their water bills and delinquent payments totaling $259 million.

ICS Flaw Disclosures at High Levels Since Stuxnet Attack: New report finds dramatic increase in disclosed industrial control system (ICS) vulnerabilities, including almost 50 new vulnerabilities discovered in 2015 through mid-July (more).

Award-winning Connersville Water Could Be Bottled: The Alliance of Indiana Rural Water recently named Connersville as having the best-tasting water in Indiana, an award
the city also won in 2010 and 2012. The local economic development agency is looking into actually bottling that award-winning water (more).

**Campaign for the International Day for Rural Women, October 15, 2015:** Themes include claiming the rights to development, education, health and wellbeing, safe water, adequate housing, land and inheritance, and peace.

**AP Finds 180 Million Gallons of Wastewater Spills from Oil and Gas Development (more).** “You’re going to have spills in an industrial society,” said the Independent Petroleum Association of America.

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Congress Returns to Face End of Fiscal Year, WIFIA, Fixing EPA Funding, Gov't Shutdown, and More: Congress returns to Washington on Sept. 8 after a month-long recess with just a few weeks remaining before the end of the fiscal year. Congress must pass legislation extending the fiscal year beyond Oct. 1 to avoid a government shutdown. The President took to the airways over the weekend to announce he will veto any extensions that contain policy riders and do not remove budget constraints (more). The federal highway/transportation program is also expiring this fall (Oct. 29). Congress last extended the program in July. The Senate has since passed a long-term transportation authorization bill and now the House may try and pass its own version of a long-term reauthorization before the deadline. The Senate bill includes a provision to repeal the Water Infrastructure Finance and Innovation Act (WIFIA) prohibition on using tax-exempt financing in combination with WIFIA loans. NRWA has raised concerns with this Senate provision (more). If you have a House Member who would like to help in this effort, please contact us. Additionally, legislation to fix the EPA technical funding problem likely needs to pass by this fall to be operational for next year's EPA appropriations (FY2016). The legislation has passed the Senate (S. 611). However, it appears the House legislation (H.R. 2853) is stalled in the House Energy and Commerce Committee over an effort to modify the legislation which effectively kills the legislation for this year.

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- Most of the violations with a recorded contamination level are for a naturally occurring substance
- 9906 total violations for fiscal year 2014 (FY 2014).
- 5239 have no recorded contaminant level.
- 2648 violations are for total coliform (TCR) which EPA no longer considers a violation or health threat, however, the new policy is not effective until April 2016.
- 1,176 violations are for the arsenic rule, 297 of those violations are for an exceedance equal to or less than 2 parts per billion (PPB).
- 232 violations are for the fluoride rule, 221 of those violations are for an exceedance equal to or less than 2 parts per million (PPM).
- 331 violations are for the gross alph standard, 204 of those violations are for an exceedance equal to or less than 10 picoCuries per liter (pCi/L).
- 428 violations are for radium 226/228, 206 of those violations are for an exceedance equal to or less than 2 pCi/L.
- 262 violations are for the uranium standard, 58 of those violations are for an exceedance equal to or less than 10 pCi/L.
- 2,135 violations are disinfection by-products standards, 477 of those are disinfection by-products standards, 477 of those an exceedance include no recorded level, 110 of the 416 violations for the haloacetic acids standards (HAA5) are for exceedances equal to or less than 5 PPB, 174 of the total 1252 violations for total trihalomethanes standards (TTHMs) are for violations equal to or less than 5 PPM.
EPA Touts Flexibilities In Draft Rules For Pharmaceutical Disposal: On August 31, The EPA signed a proposed new hazardous waste pharmaceuticals rule under the Resource Conservation & Recovery Act (RCRA). The proposed rule states, “EPA is proposing a new set of sector-specific regulations to improve the management and disposal of hazardous waste pharmaceuticals at healthcare facilities... This proposed rule also intends to clarify the regulatory status of a major practice used by healthcare facilities for management of unused and/or expired pharmaceuticals, known as reverse distribution.” Some pharmaceuticals are regulated as RCRA hazardous waste when discarded, but healthcare facilities have reported difficulties in complying with EPA waste regulations for a number of reasons, the new pharmaceutical rule’s preamble says. These include: healthcare workers who are not knowledgeable about the RCRA hazardous waste regulations but are often involved in the implementation of the regulations; difficulty in knowing which of thousands of items in its pharmaceutical inventories are hazardous wastes when disposed; and the fact that some active pharmaceutical ingredients are listed as acute hazardous wastes which are regulated in small amounts. EPA says it intends to reduce the amount of pharmaceuticals that are disposed of down the drain and to address the overlap between EPA’s RCRA hazardous waste regulations and the controlled substances regulations of the Drug Enforcement Administration (DEA). NRWA, the country’s largest water utility association, has long supported polices and initiatives to reduce the amount of pharmaceuticals entering our waterways. NRWA will work to make the new EPA pharmaceuticals rule a success in keeping our drinking and surface water safe and healthy.

EPA, States Spar Over Reach Of Judge’s CWA Jurisdiction Rule Injunction: Chief District Judge Ralph Erickson of the U.S. District Court for the District of North Dakota’s Southeastern Division asked the agency and the states suing over the WOTUS rule for briefs by Sept. 1 on whether the judge’s order blocking the agency’s rule should apply nationwide or only in the 13 states (more).

President Goes to Alaska and Promotes the USDA Rural Water Initiative (The White House)

MRWA Announces 50th anniversary Celebrations: “Created in 1966 as the Water District Association of Missouri, MRWA has grown from an organization of approximately 40 utilities representing only public water supply districts, to our present organization of nearly 900 utilities representing not only public water supply districts, but municipalities, subdivisions, schools, and private industry. Several special events are planned for next year’s conference including unique giveaways, presentations, and specialized training. As a part of our celebration, we’ve created a special logo to commemorate the event. The 50th Anniversary Logo incorporates the original hand pump design used in the early MRWA logos with the characteristic waves seen in our present logo. Look for this logo in promotional materials and notices associated with our 50th anniversary.”

New EPA Tool Helps Rural Communities Assess Smart Growth Opportunities: Many rural communities across the country face challenges in aging populations, lack of quality affordable housing, economic decline, childhood poverty, and depletion of treasured natural landscapes. These rural communities have limited resources and planning capacity to help manage tough growth and development decisions. EPA’s new tool, the Smart Growth Self-Assessment for Rural Communities, responds to these challenges. The tool helps villages, towns, and small cities evaluate their policies to create healthy, environmentally resilient, and economically robust places. By identifying gaps in policies, plans,
codes, and zoning regulations, rural communities are better positioned to tailor solutions that meet their particular needs (more).

**Erie County (OH) Rural Water Commission Controversies Playing out in Newspaper:** Article includes stories on defective water lines, improper installation, water rate hike of 10.5 percent, surprise vote to raise the water rates and combine the county’s two water districts, decision to skip stone bedding, failure to attract the number of customers predicted, debt of $12.4 million, $3 million engineering contract that is called "staggering amount by industry standards," "chameleon accounting," and commission tells reporters "this is our meeting, not your meeting... You don't write up stories, you make them up" (more).

**Gretna (Louisiana) Issues Boil Water Advisory for E.coli:** The bacteria was detected during testing (more).

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Sampling of Mississippi Primacy Agency Comments on WIFIA: "Sending funds to those WIFIA projects may conflict with the state’s master plan and its state health protection goals… There is currently no indication as to how WIFIA will interact with the State primacy agencies on the projects i.e., plan and specifications review, environmental reviews, etc.… How does the federal government know what the individual states need in the way of infrastructure….? They won’t know… WIFIA will most likely limit the state’s involvement… In the current economic situation the country is facing, the funding “pie” is finite. A slice of that pie for WIFIA will come at the expense of the SRF… States, if they choose, can leverage from the market for additional appropriations. As those [WIFIA] benefits already exist in the existing SRFs, the effort to staff up (at EPA) and create the new program seems wasteful and unnecessary… The solution to infrastructure is not a new program, but increased funding of the existing, proven one… AWWA representatives were once again presenting the merits of what WIFIA could do for state primacy officials. One of their main statements was how WIFIA could be used to fund the “big” projects that the SRF couldn’t. However when pressed, the AWWA representative could not recall a single project in the entire country where the SRFs had turned the system away for the project being too big to handle (full comments)." At the same time Congress and EPA are moving to divert SRF funding to WIFIA, New Mexico reports on the increasing financial challenges for small and poor community water systems. The Upper Arroyo Hondo Mutual Domestic Water Consumers Association (Taos County) recently reported high levels of uranium in its water supply. Similar issues were discovered with fluoride levels in the water provided to 800 people served by another small water system in Llano Quemado. In both cases, the communities are facing staggering rate increases for customers. In Hondo, base rates went from $7 a month to $65 (more).

Anger is An Energy: A number of state executive directors have expressed surprise, frustration, incredulity, etc. in the EPA’s trend of directing technical assistance funding to universities, internal EPA priorities, and consultants – especially when Congress believes it is providing the funding for EPA to help small communities comply with federal standards. Some have suggested that NRWA should change our historical support for the EPA funding in light of the agency’s actions. Another option is to pass a new law that mandates that EPA follow Congress’s intent in how to utilize the technical assistance funding (more). Such a law has passed the U.S. Senate (S. 611) and is awaiting action in the House (H.R. 2853).

Senator Wicker Asks EPA about the Necessity of Tier 2 Public Notices for Disinfection Byproducts Violations (DBPs): EPA responds with this "answer."

North Dakota Federal District Court Blocks EPA ‘Waters of the United States’ (WOTUS) Rule: Last week, the North Dakota district court granted a preliminary injunction blocking implementation of the EPA WOTUS rule defining “waters of the United States” under the Clean Water Act. The suit was filed by 13 states (Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota and Wyoming) that claimed that the WOTUS rule is a threat to state sovereignty because it asserts federal jurisdiction over wetlands and waters that should be state controlled. The district court concluded that the states were likely to succeed on the merits as the EPA had adopted an “exceptionally expansive” view of its own jurisdiction under the CWA. EPA has announced that it will apply the WOTUS rule in states that did not join this suit, resulting in a confused situation in which the scope of asserted federal regulatory jurisdiction will be more expansive and more well-defined in some states than in others. Subsequently, the district court responded with an order for supplemental briefing on whether the injunction “applies nationally or in a limited geographic area.” Briefs are due on Tuesday.
"Everybody on my Block Wants Rural Water": In Leonard (ND), residents want to bring in rural water service to address concerns some have about health risks from arsenic found in many drinking wells in the area. One resident was found to have 127 parts per billion of arsenic in his water — more than 12 times the maximum recommended. Jerry Blomeke, manager of Cass Rural Water, explained the financing needed to complete the project (more).

Summer Break; Utah City Officials Show Their Water Treatment Plant to Congressman Chris Stewart (more).

New Water Chlorinator Could Save 1.5 Million Children: The Zimba automated chlorinator fits onto community taps and hand pumps, automatically making up to 8,000 liters of water drinkable before needing a refill. The best part: it has no easily breakable moving parts, and doesn't require electricity. The device is essentially a large box — about the height of a bedside nightstand but much thinner — preloaded with chlorine that can be hooked up to a water source. The pressure of the incoming water triggers the release of the right amount of sodium hypochlorite solution. The freshly chlorinated water flows out from the tap. The device can be hooked to most water sources, from hand-pumps to water faucets, within 30 minutes. The downside of traditional ways of chlorinating water with tablets is that people might forget to follow through (NPR).

Navajo Farmers Reject EPA Claim of Water Safety After Mine Spill: Farmers along the San Juan River have voted to keep irrigation canals closed for at least a year following a spill of toxic sludge at a Colorado gold mine. Farmers don't want to risk contaminating the soil for future generations. "I am furious that the U.S. EPA has placed the Navajo Nation into this position," said the Navajo Nation Tribal President Russell (more).

Water Wars Are a Myth: Water expert says doom and gloom predictions of increasing battles around the world over water are a myth, with only a handful of disagreements over shared waters leading to armed conflict (more).

Kentucky Drinking Water Taste Contest Winner: Lewisport's water apparently is Kentucky's best among rural systems. It will now move on to national competition. Lewisport, with a population of just more than 1,700, is in Hancock County along the Ohio River in Western Kentucky. Lewisport is something of a legend in rural drinking water competitions, having won for the past six years (more).

Vicksburg (MS) Water Issues Boil Order: Officials issued a boil water notice for thousands of Vicksburg residents after power loss (more).

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EPA Can't Consider Risk of Some Drinking Water Violations: EPA told a U.S. Senator last week that the Safe Drinking Water Act "does not allow for consideration" of violations that are so small they don't present a risk to public health. The Senator asked EPA about this issue because alarming EPA mandated public notices are causing the public to turn away from their drinking water.

Senator Inhofe Warns of WOTUS: The Oklahoma Senator and former NRWA Green Key recipient is concerned the EPA's Waters of the U.S. rule could subject sewer and stormwater systems to federal authority under the rule for the first. Inhofe stated in a letter to EPA that "under your new rule, the Army and EPA are claiming the authority to regulate not only current streams and wetlands, but land where streams and wetlands may have existed long before the enactment of the Clean Water Act... Many stormwater and sewer systems were built in areas that under the new rule may be considered 'tributaries'... Since they are not covered by the exclusions for ditches and stormwater management features, they may be regulated 'waters of the United States' under the new final rule" (Inhofe letter).

California's Central Valley Subsistence: The ground is sinking faster than ever in the face of intensified groundwater pumping in the parched agricultural area, according to NASA (more).

Gold King Mine Spill: Internal documents released late Friday show managers at the U.S. Environmental Protection Agency were aware of the potential for a catastrophic "blowout" at an abandoned mine that could release "large volumes" of wastewater laced with toxic heavy metals (AP News). Western senators demand answers in IG probe of the EPA spill (more).

EPA Funds Eight Universities and RCAP for Technical Assistance: Under the EPA Environmental Financial Center (EFC) Grant Program, the agency recently named EFCs: University of Southern Maine, Syracuse University, University of Maryland, University of North Carolina/Chapel Hill, Michigan Technical University, University of New Mexico, Wichita State University, CA State University/Sacramento, and RCAC. The programs will build capacity of communities and private parties to: develop, implement, and support sustainable public-purpose water and other environmental infrastructure systems; support environmentally and fiscally sustainable environmental infrastructure, including ensuring the resiliency and security of that infrastructure; provide computer-based and other financial and outreach tools to communities (particularly small and disadvantaged ones) to help them more effectively manage watersheds and water systems; and improve drinking water and wastewater utility water conservation, energy efficiency, management, and capital planning. Awardees were selected through a competitive grants process.

Wisconsin Watershed Controversy: Wood County Board proposes monitoring of farms' manure and fertilizer use. A coalition of dairy producers has called the measure legally questionable and "potentially counterproductive," while an environmental law firm contends the county is on solid legal ground (more).

Flaws in SCADA Systems: The Dept. of Homeland Security published six advisories after security researchers from Elastica discovered several remote and local file inclusion, weak password hashing, insecure authentication, hardcoded credentials, weak cryptography, and cross-site request forgery (CSRF) vulnerabilities, among others affecting Web-based Supervisory Control and Data Acquisition (SCADA) human machine interfaces (HMI) used by multiple organizations (more).

Third Louisiana Public Water Supply Site Tests Positive for Brain-Eating Amoeba (more).
California Proposal for New Statewide Tax on Water Bills: The Association of California Water Agencies (ACWA) is reporting that there are signs that a proposed public goods charge or other tax on water bills could emerge in the state legislature. ACWA states, "Establishing a permanent statewide tax on water bills under the heading of emergency drought relief is illogical and misleading… a tax on water bills paid by a subset of Californians is not the solution. Further, by redistributing local ratepayer dollars to areas that have been unable to fund water system investments, agencies that already have made significant investments in water efficiency and local water supply needs would be unfairly penalized. A public goods charge on water also would make it more difficult and costly for agencies to fund critical local projects and programs."

Variable Water Rates: Definition - where higher income households bear a greater burden than lower income households on a community's water obligations. In 2014, EPA released a Financial Capability Assessment Framework. Environmentalists had hoped that EPA would include language on variable water rates in the framework. The framework does not preclude a municipality from implementing such programs, but environmental groups have argued that it might not be in a utility's interests to consider such factors unless there is pressure from EPA headquarters.

Enviros Want to Strengthen Disclosure of RMP Data: Green groups are urging EPA in a forthcoming proposal to improve public access to data showing risks from catastrophic chemical releases at industrial facilities, arguing online access would drive facilities to use safer substances. EPA has said it will consider requests for mandating inherently safer technology (IST) as part of revisions the agency is scheduled to propose to its Risk Management Plan (RMP) facility safety program in September.

Frackers Using Wastewater: A top shale oil producer has signed an 11-year, $117 million deal with the city of Odessa, Texas that will guarantee it access to millions of gallons of treated municipal wastewater each day for use in nearby oilfields. Deliveries of the so-called effluent are expected to start at the end of the year (more).
Is Tier 2 Public Notice Appropriate for DPBs Violations, Or Is Tier 1 Public Notice More Appropriate? Should NRWA support legislation to correct the problem? Any thoughts or comments you may have are appreciated. Disinfection Byproducts Rules (DBP) violations result in mandatory notification of state primacy agencies within 48 hours and Tier 2 public notice which requires notification to customers. Many of these violations are for de minimus exceedance of the standards; less than one or two parts per billion above the regulated levels or standards. In 2014, there were 1,789 violations for DBP rules. The resulting prescriptive and alarming public notification of violations is causing some consumers to avoid drinking the public water. Some states have been compelled to issue additional public notices to warn consumers not to pay attention to the EPA mandated warnings.

Chlorine Gas Bombs in Iraq: British troops training Kurdish soldiers in Iraq are at risk of a chemical weapon attack launched by Islamic State militants who have developed rockets filled with chlorine gas for the first time (more).

Chemical Explosion Devastates Chinese Town: First firefighters on the scene sprayed water on calcium carbide, one of the dangerous chemicals being stored. Calcium carbide reacts with water to create acetylene, a highly explosive gas (more). The acetylene explosion could have detonated the ammonium nitrate. The two blasts were about 30 seconds apart, the second much larger than the first.

Kansas Rural Water Supports New NRWA Policy to Allow for POE Technology (KRWA comments).

Small Town Democracy: City of Oxford Council meeting includes the following agenda item, "Request permission for two water plant operators to attend MS Rural Water Association and MS Department of Environmental Quality fall training in Tupelo at a cost of $175.00 each" (more).

Rikers Inmate Tests Positive for Legionnaires’ Disease: Shower heads and six cooling towers suspected (more). North Carolina pharmaceutical plant discovers Legionnaires’ disease in routine testing - in two external cooling towers (more).

Konawa (OK) Water Supply Detects E. Coli (more).

New Jersey Water Privatization: A trend in New Jersey involves the acquisition of publicly owned water utilities by investor-owned utilities such as Aqua America, American Water, United Water, Middlesex Water, or their peers. Recent (and controversial) changes to state law make outright sales even easier. Some think public utilities are not acquiring other public utilities because public water utility managers are not interested in anything that makes their system more complicated -- physically or politically. Are municipal utilities standalone systems with no natural partner that limits consolidation with all of the benefits for increased technical capabilities, shared finances? New Jersey has many examples in which a municipal system is sold to an investor-owned utility for cash. The municipality often will use that cash for general government purposes, not to improve the water utility or pay back its customers. Most municipal utilities were built using customer dollars, connections fees from developers (which ultimately are paid by their customers), and grants or low-interest loans from the state and federal governments. In nearly all cases, local property taxes didn’t pay for the system. If cash from the new buyer goes to the municipality, you can bet that the investor-owned utility isn’t providing that cash out of kindness. It is a business decision, and it expects to
recover every dollar from their customers. The result is that the customers pay twice -- for the original system and its upkeep, and to repay the cash that went to the municipality (Professor Van Abs, Rutgers).

More Than 300,000 Homes in England Under Alert for Cryptosporidium Caused by Animal Excrement: United Utilities is advising customers to boil their water (more).

EPA Posts Several Waiver Requests Received for “American Iron and Steel (AIS)” Requirements: The AIS provision requires CleanWater State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) assistance recipients to use iron and steel products that are produced in the United States (more).

EPA Launches New CWSRF Website: The website covers all facets of the program (more).

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The Power of An Association: The Chairman of the NRWA Regulatory Committee has made it a priority to calculate the specific cost savings to small and rural communities of NRWA’s advocacy. See the latest compendium of cost savings (link).

EPA Accidentally Spills Wastewater from Colorado Mine into the Animas River Turning River Bright Orange (video new PBS).

NRWA to Questions the EPA Release of Sensitive Water Treatment Plant Data to the Internet (more).

Is Point of Use the Solution?: Some states prohibit the use of Point of Use (POU) treatment as a compliance option for violations of federal standards. However EPA states, "One way Congress sought to help systems meet Safe Drinking Water Act challenges was by explicitly allowing systems to install point-of-use (POU) and point-of-entry (POE) treatment devices to achieve compliance with the National Primary Drinking Water Regulations (NPDWRs)… Centrally managed POU and POE treatment strategies have proven especially useful in rural areas and small communities where constructing, upgrading, or expanding a central treatment plant would be too expensive or would require a degree of technical expertise not readily available. Given the improving effectiveness and decreasing costs of POU and POE treatment equipment, small systems should consider the adoption of a POU or POE treatment strategy to achieve compliance with the NPDWRs... The Environmental Protection Agency (EPA) has approved centrally managed POU and POE treatment devices as a means to achieve compliance with maximum contaminant levels (MCLs)." Should NRWA advocate that POU be an option for compliance with federal standards or leave that decision up to each state?

Senate Leader Plans for End of Year Appropriations Strategy: Senate Leader McConnell (KY) is planning for fall budget negotiations with three priorities for the year-end talks that will dominate Congress starting next month: (1) keep the government open, (2) avoid a federal default and (3) avoid alienating his conservative base. If enough in Congress refuse to offset discretionary spending increases with mandatory spending cuts, then a continuing resolution that locks in current funding levels for another year is a likely outcome. The President has promised to oppose any spending bills that increase defense but not non-defense spending levels. The majority of Senate Republicans oppose raising both accounts if it means adding to the deficit.

Houston Neighborhood Says Drinking Water Filled With Worms (more).

Senate Passes HR 212, the Drinking Water Protection Act: The bill calls for EPA to develop a strategic plan to assess and manage risks associated with cyanotoxins in drinking water provided by public water systems.

Maryville (MO) Issues Boil Advisory Due to Elevated Manganese Levels (more).

Cyber Vulnerability: Security researchers at Dragos Security discovered at least 11 vulnerabilities in control switches being used in industrial control systems (ICS) across multiple sectors that could allow an attacker to execute man-in-the-middle (MitM) attacks to cause control systems to shut down a plant or process or force an ICS into a hazardous state. Researchers believe that the attacks are being exploited in the wild, and that the vulnerabilities are made possible by poor authentication protocols and cryptographic integrity (more)
The Louisiana Rural Water Association's Water System Operator of the Year, Sharon Gillum: Ms. Gillum was given the honor at the annual awards banquet during the LRWA's 30th annual Training and Technical Conference in Lake Charles, LA. Gillum was selected as this year's winner for her dedication to providing safe drinking water and helping to maintain a cleaner environment through her efforts in the water and wastewater industry in the state of Louisiana (news).

Wood County (WI) Plan to Monitor Large Farms' Water Impact: To more closely monitor how large farms use manure and chemical fertilizers, the county will hire a full-time employee whose primary job would be to increase the number of nutrient management plans farms file and step up enforcement of those plans (more).

GAO Reviews SRFs: "Most of the 21 states GAO reviewed said that they have taken actions to enhance the financial management of their SRF programs, but that they generally cannot sustain their SRF funds without continued federal grants or changes to their programs, such as decreasing SRF program assistance or increasing revenue. Selected states' actions were aimed at three general areas: (1) raising SRF revenue directly, such as by charging higher administrative fees to borrowers; (2) increasing loan volume, which increases loans but does not necessarily increase revenue; and (3) improving financial planning, which can increase the number of loans, interest earned, or both." (GAO Report).
Congress Recesses: Congress has adjourned for a five week summer recess. The Appropriations Committee will use the summer recess to being the groundwork for a stopgap Continuing Resolution (CR) and potential omnibus. Some sort of CR will be needed before October 1 to keep the government open.

Senate Passes Bill to Advance WIFIA, House Action Expected in the Fall: The Senate included a provision in their recently passed transportation bill to eliminate the current prohibition on the use of tax-exempt municipal bonds in combination with funds under the WaterInfrastructure Finance and Innovation Act (WIFIA). Under the current law, WIFIA loans are limited to covering a maximum of 49 percent of a project’s total anticipated cost, and tax-exempt financing (such as municipal bonds) may not be used to pay for the remaining 51 percent. The House is expected to take up their version of a transportation bill in the fall.

Primacy Agencies and WIFIA: Utah Rural Water has shared the rural water effort (Senate statement) to question the WIFIA modification with their friends at the Utah primacy agency. NRWA is very interested in any comments from state primacy agencies on this issue.

Creative Solutions from California Rural Water to Deal with Drought: CRWA member, Herlong Public Utility District is exploiting USDA Rural Development Rural Home Repair loans and grants to connect homeowners to their new sewer system that is under construction.

Denver Water Debates Fluoridation (more).

Legionnaires’ Disease Outbreak in New York City: Four fatalities from 65 cases. Five cooling towers in the South Bronx have been found to be contaminated with legionella bacteria, which can sicken people when water droplets are released into the air from the towers. Some Bronx residents, fearful that their tap water was contaminated, have taken to drinking bottled water (NYTimes).

House Passes REINs Act: The Regulations from the Executive in Need of Scrutiny (REINS) Act passed the House last week. The bill calls for House and Senate approval of any new major rule before it takes effect as a deterrent for costly regulations that stymie economic growth. A Senate companion bill, S. 226, has been introduced.

Contamination Results in New Water System in Wisconsin: State officials are proposing a new municipal water system for the village of Unity as a solution to widespread groundwater contamination discovered last year. The cost of the community well is estimated at $1.5 million. EPA’s emergency response superfund will likely cover 100 percent of the cost of the project (more).

Naegleria Fowleri Detected in Louisiana Drinking Water: State officials have confirmed the presence of a brain-eating amoeba at a waterstation in Ascension Parish which serves 1,800 residents in a small community. Officials have ordered a 60-day chlorine burn to eliminated any remaining threat (more).

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**Campaign to Fix EPA Funding:** The legislation to mandate that EPA follow Congressional intent has been passed by the Senate (S. 611). The challenge now for NRWA is to press for the bill (H.R. 2853) to pass the House. For this to occur the House Energy and Commerce Committee must advance the bill to the House Floor (this is typically accomplished by having the committee pass the bill). NRWA is urging the committee to take quick action on the bill, and not attach any additional provisions to the bill, to allow an enacted bill to be operative in this fiscal year.

**NRWA and Food & Water Watch Stand Up for the SRFs:** Last week, the Senate started debate on the a comprehensive transportation reauthorization bill (more). The Senate version of the bill includes a provision to remove the ban on use of tax-exempt financing under the WaterFinance Infrastructure and Innovation Act (WIFIA). The House version of the bill does not include the removal of the ban. Last week, NRWA and Food & Water Watch urged the Senate to use the additional funding (tax-breaks) needed to pay the cost of removing the ban by used for the SRFs or USDA's water initiative (NRWA statement and Food & Water Watch statement). In countering NRWA's statement, WIFIA supporters state, “WIFIA is for projects that fall outside the scope of the SRFs because of their size and cost...” However, the Safe Drinking Water Act does not limit eligibility for SRF funding based on size or cost (e.g. New York City is budgeted to receive funding for 25 DWSRF projects this year, five project costs are over $100 million and one project cost is over $1 billion (cite). Moreover, large communities receive the majority of SRF funds.

**ISIS Using Chlorine Gas from Water Utility:** "ISIS likely took chlorine from water purification plants in areas it overran. In related attacks, about 40 troops and Shia armed fighters were slightly affected by the chlorine, showing symptoms consistent with chlorine poisoning, such as difficulty in breathing and coughing,” (Aljazeera News).

**EPA Region 10 Chief Calls for Conservation Partnerships:** Appearing at the National Association of Conservation Districts summer meeting, EPA Region 10 Administrator Dennis McLerran said, “We sometimes take a bad rap at EPA - sometimes we deserve that, oftentimes it’s a lot of rhetoric. Sometimes we use the hammer to bring people to the table, but we can use a ‘velvet hammer’ in some instances. The key to this is for people to actually work with their local NRCS program, their local conservation district and have practices that don’t get them to that place in the first place.”

**Iowa Chlorine Leak Prompts Evacuation:** A chlorine leak at Clear Lake’s Water Treatment Plant prompted an evacuation of surrounding homes and HAZMAT crews (more).

**Amid Epic drought, California Farmers Turn to Water Witches (more).**

**Training:** RCAP and AWWA no cost training in Ohio, Indiana, Utah, Washington, Florida, Minnesota, Louisiana, and South Dakota. EFCN and AWWA Host “Setting Water Rates using a Complimentary Excel-based Model” Webinar (more).

**AWWA’s Community Engineering Corps (CE Corps) Helps Small, Underserved Towns:** “Everybody has heard of Doctors Without Borders and lawyers who do pro bono work – but volunteer engineers? In February 2014, the Community Engineering Corps (CE Corps) was created to help communities throughout the United States that are too poor or small to hire help. It is a partnership of the American Water Works Association, the American Society of Civil Engineers (ASCE) and Engineers Without Borders—USA (EWB-USA). In the CE Corps’ first year, 25 communities submitted applications for assistance. A team of engineers reviews each application to determine the nature of the project and whether the community truly can’t afford engineering services. So far, 20 of the project applications have been approved and are in various stages of development (ASDWA).

**EPA Webinar on Corrosion Control for Drinking Water Systems (July 28).**
NRWA Stands up for the SRF Update: Proponents of the Water Infrastructure Finance and Innovation Act (WIFIA) are urging Congress to repeal the ban on the use of WIFIA loans and tax-exempt debt as part of the temporary extension of the highway trust fund that is likely to pass Congress in the coming weeks (more). The House of Representatives approved a temporary extension of the current transportation program on July 15. The House-passed legislation did not include the repeal of the WIFIA ban on tax-exempt financing. Senate leaders have not announced whether they will attempt to pass a similar temporary extension or a multi-year transportation bill. Senate action is expected this week. NRWA will be urging Senators on the Finance Committee, who would have to approve the repeal of the ban, to consider that WIFIA allows federal water infrastructure subsidies to circumvent eligibility of their states’ most needy communities, and that the funds (i.e. the cost of removing the ban) for WIFIA could be better spent for water infrastructure by allowing for the interest on a U.S. Department of Agriculture guaranteed water infrastructure loan to be tax-exempt. This would ensure that the new federal subsidies (or tax breaks) are directed to the community water projects that are in the greatest need and most limited in financial resources.

Appropriations Update: Most all Congressional appropriations bills have passed the House and Senate appropriations committees. However, final passage of these appropriations bills appears to be contentious and a short-term continuing resolution (CR) to extend the fiscal year and keep the government open is a near certainty. Senate Democrats are threatening to filibuster appropriations bills on the Floor in order to force Republicans into budget talks designed to increase federal spending. The House has been stalled in moving bills to Floor over controversial votes that caused the House leadership to pull some appropriations bills from consideration. Assuming a short-term CR passes, Congress will likely try to assemble an omnibus appropriations package. But the path to an omnibus may be equally troubled as Democrats may object to the current binding overall federal spending levels that include the threat of sequestration. The White House has threatened to veto any spending bill that would hold to the sequester. If Congress cannot find a path to pass an omnibus package, a scenario for a yearlong CR could evolve.

New Study Finds Contaminants in California Public Water Supplies (more).

Water Privatization Trends: Global trend – around 180 cities in 35 countries have returned control to municipalities in the past 15 years, including Jakarta (more).

Wisconsin DNR Says Drinking Water Supply Remained Safe and Affordable in 2014: WI Rural Water says the good news about the state’s drinking supply is “thanks to shared efforts by local water suppliers, the state, and professional associations.” Public water systems continued their strong performance during the year, with 95.5 percent or 10,904 of 11,420 systems meeting all health-based standards, a level virtually unchanged from the prior year. “Wisconsin’s public water systems serve their communities well, providing citizens with a safe, reliable and affordable supply of drinking water,” said Jill Jonas, director of DNR’s Bureau of Drinking Water and Groundwater (more).

DHS Webinar on California’s Adaptation Strategies and Challenges for Addressing Changing Precipitation Patterns and Drought on July 24, 2015 (Register).

Five in Custody for Trying to Poison Drinking Supply in Kosovo: A group suspected of a terrorist plot to contaminate the water supply in the Kosovar capital of Pristina has been apprehended following exhortations on recent videos released by the Islamic State to poison the country’s food and water supplies (NY Times).
Scientists Report Progress in Combating Cryptosporidium: In the developing world, small children, especially small malnourished children, are very susceptible to death from Cryptosporidium. A new technology called CRISPR is making it far easier to modify the genes of Cryptosporidium to find ways to treat against it (Nature Journal).

EPA Webinar: Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR): On July 30th, EPA will hold a webinar to discuss the 2nd round of LT2ESWTR source water monitoring, analysis of source water samples, and reporting requirements (register).

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Campaign to Fix EPA Funding Moves to House of Representatives: Recently, Congressmen Harper (MS) and Tonko (NY) introduced legislation in the House to fix the EPA funding problem (H.R. 2853, news feature). NRWA is urging the House leadership to consider the bill using an expedited process and we should have news on this effort in the coming week. Similar legislation has already passed the U.S. Senate (S. 611). Also last week, Congressman Jenkins (WV) asked the EPA appropriations committee whether passage of H.R. 2853 could impact this year's EPA appropriations funding and he received a positive reply. The legislation would mandate in law that EPA prioritize technical assistance funding to initiatives that are the most helpful to small and rural communities.

NRWA Standing Up for the SRFs: Last week, NRWA urged the House Ways and Means Committee to direct all federal water infrastructure subsidies to the SRFs (and similar initiatives based on merit) versus diverting these subsidies to WIFIA (news feature).

NRWA to Support States’ Legal Challenge to EPA’s WOTUS: On July 11, the NRWA Executive Committee overwhelmingly approved the NRWA Regulatory Committee and the NRWA Maryland Board Member’s motion to support the over two-dozen states suing the U.S. EPA. The states claim the EPA’s Waters of the US Rule provides the agency with expansive authority not contained in the Clean Water Act or ruled as legal by the U.S. Supreme Court (Rapanos 2006). Regulatory Committee and MD rural water member, George Hanson, proposed, “Based on the position that NRWA has taken on this matter it may be a good opportunity to express that position by authoring an Amicus Brief for the Plaintiff states and use that venue to go on record supporting our members and their end users… I make this recommendation for your consideration.” The motion was adopted over the weekend at the NRWA Executive Committee meeting. Hanson proposed filing an Amicus Curiae brief in each federal court that is hearing a challenge to the rule.

States suing over the WOTUS Rule:
- U.S. District of ND’s (ND, AK, AZ, AR, CO, ID, MO, MT, NE, NV, SD, WY, NM)
- U.S. Southern District of OH (OH, MI)
- U.S. 5th Circuit and U.S. Southern District of TX (TX, LA, MS)
- U.S. Southern District of GA (WV, AL, FL, GA, KS, KY, SC, UT, WI)

Florida Boil Water Caused by Car Crash: In Lehigh Acres, a 12-inch water main was damaged July 5 following a car accident that cut waterservices to more than 2,000 Lehigh Acres residents (more).

Vermont Rural Water Works to Prevent Blue-Green Algae Toxin Contamination: With support from the VT Department of Health, VRWA will assist 9 transient water systems that have Lake Champlain sources with Emergency Response Plan development/creation. The ERP is specifically targeting how those given systems will operate in the event of a blue-green algae incident at or near their source. Vermont is now using a health advisory level that is more stringent than EPA guidelines.

EPA Defends Itself against Constitutional Criticisms Of CWA Jurisdiction Rule: EPA in its response to comments on its final Clean WaterAct (CWA) jurisdiction rule rejects claims raised by industry and states that the rule runs afoul of the Constitution's Due Process provision and 10th Amendment. This is a preview of arguments the agency is likely to raise in response to suits over the rule citing the constitutional claims. In addition to the legal challenges, EPA is also fending off attacks on the rule from Congress that include fiscal year 2016 appropriations bill riders to block the regulation. EPA claims the rule relied on over 1,000 peer-reviewed publications and considered more
than 2 million comments it received on the proposed version of the rule. EPA says the rule is consistent with the Constitution.

The Great Plains' Looming Water Crisis: About 30 percent of the aquifer's water has already been pumped out of the ground. An additional 39 percent is expected to be gone in the next 50 years (Bloomberg News).

Data Shows High Nitrate Levels Plague 60 Iowa cities (more).

ASDWA Identifies States' Collaboration with WARNs: Findings from 32 states on their experiences with their respective state WARNs were released recently. In addition, a webinar that showcased five different state-WARN collaboration models was held. These are part of a series of examples and opportunities that may inspire other states and WARNs to work more closely to create their own success stories (more).

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Committee Negotiating Revisions to Lead and Copper Rule Wraps-up Deliberations: NRWA’s representative on the EPA committee negotiating revisions to the LCR, John Sasur, attended the last in-person meeting of the Lead and Copper Rule revisions working group on June 24-25 in Washington. See John's excellent summary of the work group’s deliberations and the consequences for our membership (Sasur 6/2015).

NRWA on WOTUS: Should NRWA join many of the states in suing EPA in federal court over the agency’s recently finalized Waters of the U.S. Rule (WOTUS)? NRWA Board Member George Hanson (MD) commented, "Based on the position that NRWA has taken on this matter, it may be a good opportunity to express that position by authoring an Amicus Brief for the Plaintiff states and use that venue to go on record supporting our members and their end users... This is an excellent opportunity to advocate against the cost and affordability of regulation as well as project the real concerns over the threat to small and medium water and wastewater utilities that will have substantial permitting and other regulatory burdens placed upon them in the course of performing their mission."

"The EPA and the U.S. Army Corps of Engineers published the final Clean Water Rule in the Federal Register on June 29 (EPA). Based on the official publication date, the rule will be in full effect on August 28, 2015. However, with official publication also comes the ability to file legal challenges. Lawsuits filed in several federal courts already count 27 states among the plaintiffs challenging the Clean Water Rule under numerous statutes as an overreach of federal authority.

Plano, Texas Felled Their Large Water Tower and Posted it to YouTube (YouTube).

EPA Offers Technical Assistance to Communities Developing Action Plans that Use Local Foods to Drive Neighborhood Revitalization (EPA Application).

Section 1926(b) Controversy Iowa: Municipality tries to use new state territorial law to subvert 1926(b) protection (more).

June Rainfall Sends Near-record Phosphorus Levels into Lake Erie: The high phosphorus level raises the prospect of another huge toxic algae bloom this summer in Lake Erie. Farmers are said to be responsible for spreading manure on their fields prior to planting corn and soybeans (more).

PBS on Well Drilling and California Drought: More and deeper wells - and less groundwater (PBS)

EPA National Water Program Releases 2015 Workplan: The Workplan lays out the actions that the EPA National Water Program plans to take in 2015 to implement the "EPA National Water Program 2012 Strategy: Response to Climate Change" (2012 Strategy). The 2012 Strategy describes long-term goals for the management of sustainable water resources in light of climate change. It is intended to be a roadmap to guide program planning and inform decision-makers during the Agency's planning and budgeting process. The 2015 Workplan builds on work conducted in 2012-2014 and is structured around five long-term programmatic areas: water infrastructure; watersheds and wetlands; coastal and ocean waters; water quality; and working with Tribes (EPA).

EPA Promotes Using CWSRF Loan Funds for Clean Energy: From EPA Newsletter: The Crisfield (MD) wastewater treatment plant now has a 300-foot wind turbine thanks to a $3.6 million Clean Water State Revolving Fund loan from the state. It's estimated that wind power will provide up to $200,000 in savings per year, with excess power to be sold back to the utility supplier. With MDE
providing an additional $3.1 million in principal forgiveness, Crisfield's investment in clean energy will pay for itself quickly and provide long-term environmental and economic benefits.

**White House Issues Veto Threat Against EPA Spending Bill** ([The White House](https://www.whitehouse.gov)).

**Washington State Trains Inmates for Wastewater Jobs**: "Wastewater treatment is my way out of crime. This is my savior," said a participant who is serving a four-year sentence for burglary ([more](https://www.whitehouse.gov)).

**EPA Toughens Standards for Underground Storage Tanks**: The EPA has finalized updated rules for underground storage tanks, the first major regulatory changes in more than 25 years. The final rule will require stronger tanks that are less likely to leak and the use of secondary containment systems for new and replaced tanks and piping ([more](https://www.epa.gov)).

**Antibiotic-resistant Bacteria in our Waterways**: Recent work from scientists highlights an emerging threat — the persistence of antibiotics and the development of antibiotic-resistant bacteria in our waterways. Antibiotics get through wastewater systems that were never designed to cope with them and could be fostering drug resistance, increasing the likelihood that swimmers will contract a drug-resistant infection ([more](https://www.epa.gov)).

"**American States Water Company Purchases Rural Water Company**" ([more](https://www.epa.gov)).

**Major World Aquifers Losing Alarming Amounts of Water**: New satellite data shows the Earth's largest underground aquifers are losing water at troubling rates. A NASA study finds 21 of the world’s 37 largest aquifers have provided more water than has been replaced, putting them at a sustainability tipping point. Researchers say the water reserves have been depleted by human activity including agriculture, population growth and mining.

**Good Press for Good Work**: "Johnson City's drinking water exceeds federal standards" ([more](https://www.epa.gov)).

**Kentucky Primacy Says, "Kentucky's Drinking Water Continues Excellence in Quality, Reliability, Annual Report Shows"**: Data from Kentucky's 446 public water systems shows they consistently produce excellent quality water and are nearly always in compliance with the Safe Drinking Water requirements" ([more](https://www.epa.gov)).

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*National Rural Water Association*

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Special Single Issue Edition on NRWA Policy Creation: All NRWA policy is created by the NRWA Board of Directors and is typically initiated by NRWA committees made up of board members and state association executive directors. The NRWA Regulatory Committee convened last weekend (June 20, 2015) in Washington DC to review a number of active policy issues and craft a number of policy positions that will be referred to the full NRWA Board of Directors. Issues considered by the Committee included: NRWA's seat on the National Drinking Water Advisory Committee, Lead and Copper Rule Revisions, EPA's Nutrient Programs, WOTUS, Disinfection Byproducts Rule, Water Privatization, Fluoridation, 7 USC Section 1926(b), etc. (see full agenda). The committee will consider any policy suggestion from any member of a state rural water association.

Cost Savings to RWA Members: A priority of the current Regulatory Committee Chairman (from New York Rural Water Association) is to demonstrate and document the cost savings to member communities of NRWA policy initiatives. Some recent examples include: Consumer Confidence Reports e-delivery = $126,000,000 (annually), Revised Total Coliform Rule = $25,678,187 (annually), and Non-regulatory Federal Cybersecurity Policy = $146,629,000 (full explanation). Last weekend, the NRWA Regulatory Committee identified some new policy initiatives to advance to further save members funding including: e-delivery of Tier II public notices, elimination of in-home sampling for lead and copper, and stopping the EPA from regulating storage tank inspections.

New Policies Crafted by Regulatory Committee: New policy measures the committee approved last weekend include:

- Raise eight concerns with the current version of a new Lead and Copper Rule using NRWA's representative on the EPA advisory committee (NRWA's eight concerns).
- Support a limitation on federal regulatory authority of water systems' water quality to the terminus of the distribution system; the property line of the customer - the private property of the customer. Some stakeholders in the Lead and Copper deliberations are advocating for the water utility, in some cases, to be responsible for service line on the customer's property.
- Provide a statement to EPA opposing new regulatory authority for inspections/standards of storage tanks. This has been proposed by EPA.
- Determine if the new WOTUS rule extends federal authority beyond the Supreme Court's delineation in their most recent (Rapanos) case.
- Have unregulated contaminant monitoring results be made publicly available but not part of the consumer confidence reports.
- Nominate three NRWA representatives to EPA's advisory committee considering changes to their Risk Management Plans' program.
- Support Senator Wicker's effort to provide relief under the Stage II Disinfection Byproducts Rule.
- Oppose (with statement) EPA's recent decision to release sensitive water utility location data to the internet.
- Reiterate NRWA's position that the decision to fluoridate drinking water should be made at the local community level.
- Support local community authority in rate-making determinations. This is a reaction to a popular policy trend in DC to have wealthier customers pay more than others.
What is NRWA Doing for Members?: At the recent In-Service conference attended by all state association staff, a prominent and highly respected state association executive director asked this question. He was asked this by his board of directors during a conversation of membership dues. In addition to this *Power an Association* pamphlet, Kansas Rural Water Association featured an article in their magazine with a comprehensive compendium of NRWA policy activities. If any member of any association has a suggestion for any policy initiative, please contact us.

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(link).
Congress Produces Appropriations Bills: Last week, the House and Senate Appropriations Committees approved versions of the EPA appropriations bill and the House Agriculture Appropriations Subcommittee approved its version of the USDA appropriations bill.

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<th>Senate FY2016</th>
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EPA Negotiating Panel Releases New Draft of Lead and Copper Rule Revisions: NRWA’s representative on the EPA committee negotiating revisions to the LCR, John Sasur from Mass Rural Water Association, will attend a two day negotiating session on the issue this coming week (proposal). The NRWA Regulatory Committee met over the weekend to review the proposal and identified eight concerns with the draft: new requirements for record keeping, new water quality parameter testing, confusing health effects conclusions, new public notice requirements, possible expanded copper compliance, requirement to remove all lead service lines, new expanded testing, and need for additional technical assistance.

California Police Telling People to Lock Their Water Taps (more).

Water Thieves Stealing "Liquid Gold" in the Middle of the Night (more)

Congressional Hearing on Use of Chlorine Gas Bombs in Syria: A panel of witnesses recounted Wednesday for a House committee how Syria President’s regime has used chlorine gas weapons (more).

New Potable Water Purification Device Utilizes Salt and Water Disinfectant Water: It takes less than 20 seconds for the device to make the active disinfectant for about 5 gallons of water (more).

Tennessee Chlorine Leak Shuts Down River Traffic: A chlorine leak spilled into the Hiwassee River creating a 40-feet chemical cloud over the water and prompting officials to stop nearby river traffic (more).

Columbus Fights to Keep Drinking Water Safe: Algae and chemicals from farms and industry create a daily — and costly — challenge. Nitrates that flow from farm fields and lawns into Columbus’ public drinking water. Bacteria including E. coli, herbicides such as Atrazine, and algae must be measured, filtered and treated (more).
From Our Readers: Rural Water Steve from Maryland writes: "the terrorist who attacked the Columbian water treatment plant, let's not overlook that ISIS's has on several occasions in Iraq and Syria fought for control of several dams in order to control their strategic economic and military value. In arid areas such as Iraq and Syria, he who controls the water supply controls the people. When government forces took back control of several of the dam's ISIS tried to destroy them before they had to withdraw."

Alabama Rural Water to the Rescue: The Alabama Rural Water Association, last Tuesday, began investigating Hobson City's recent spate of leaks and months-long trend of lost water which in recent months has lost as much as 60 percent of the water it carries. The association will spend several days checking the town's water lines. (more).
**Rural Water Policy Advisory [6/15/2015]**

**Senator Wicker's Week:** Mississippi Senator Roger Wicker's bill to fix the EPA funding problem passed the Senate on Wednesday ([S. 611 passage](#)). Senator Heitkamp, the original co-sponsor of the legislation, quoted ND rural water in her announcement of the passage of the legislation: “We are grateful for Senator Heitkamp’s help and assistance to the country’s over 50,000 small and rural communities that are trying to provide safe and clean water to their citizens every day, said Eric Volk, Executive Director of the North Dakota Rural Water Association. The Senator’s bill ensures that the most helpful and environmentally beneficial initiatives are available to rural communities. This approach is truly unique in the federal effort to protect the environment because it accomplishes progressive environmental protection with the support of the local communities. Small communities comprise more than 90 percent of the water supplies in the country. However, due to a lack of economies of scale, it is often more difficult for small towns to comply with federal rules, afford the latest technology, and have access to technical experts.” The day after that important Senate action, Senator Wicker petitioned the U.S. EPA questioning the need for sending unnecessarily alarming public notices to consumers under the EPA disinfection byproducts rules ([Senator Wicker letter to EPA Administrator](#)). This unnecessary and costly mandate was best identified by Kansas Rural Water Association ([McCool, March, 2015](#)).

**House and Senate Take Up EPA Funding:** Last week, the House EPA appropriations subcommittee passed their version of the EPA fiscal year 2016 funding bill. The Senate is expected to release their version of the bill next week. The House bill contained $12.7 million for technical assistance, $1,018,000,000 for the Clean Water State Revolving funds, down by more than $430 million, and $757,000,000 for the Drinking Water State Revolving funds, nearly $150 million below its current level. Funding for EPA was decreased nine percent. Absent from the bill approved by the subcommittee was funding for the new Water Infrastructure Finance and Innovation Act (WIFIA).

**Wyoming Rural Water Explains the Need for Congressional Involvement in EPA Funding:** In an effort to direct EPA technical assistance to the most helpful initiatives, Wyoming Rural Water explains to the Senators the impact of the few years of technical assistance funding decisions on the state's small communities ([WARWS memo](#)).

**TMDL Confusion and Burden in Small Communities:** Many small communities face costly compliance burden and confusion from implementation of local TMDLs that impact their wastewater permits. The small of Village of Marcellus, New York could not comprehend facing over $5 million in compliance cost for a new permit. The community's Congressman (Katko -NY) inquired to EPA about the possibility of relief from the compliance burden. EPA responded that the state of New York can provide the identified relief to the community and allow the community to find a less expensive method of compliance by implementing some non-point source abatement programs ([Congressman Katko and EPA response](#)).

**Colorado Town Left without Water for More Than 8 Days:** Ruptured water main has town leadership "running around like a chicken with its head cut off" trying to manage the situation ([more](#)).

**Colombian Water Supply Blown Up by Rebels:** A water plant in southwestern Colombia was attacked by a guerrilla fighter who detonated a high power explosive device that destroyed the facility and disrupted service to some 13,000 people ([more](#)).

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NRWA and National Water Associations Urge Senate to Include Relief for Water Utilities (Senate letter).

Water System Hacked: Last week, the U.S. DHS reported the "hacking" of a U.S. water utility's website by an apparent supporter of the Islamic State using the moniker "Phenomene Dz." The main page of the utility's website was defaced with a message from the hacker. The hack also left the website inaccessible for visitors. The message from the hacker states, "We Will Continue Hacking Your WebSites to Send OUR MESSAGE."

Columbus (OH) Issues Do-not-drink Warning & Farmers and Water Utilities Fight in Ohio over Farm Fertilizers in Drinking Water: "We’re basically offsetting the cost of industrial agriculture on the backs of ratepayers when we have to do all these upgrades because of the way we do agricultural practices," said an Ohio environmentalist. “If we want to grow food, we have to fertilize, so we need to find the technologies and the techniques that allow us to both grow food and keep the water clean,” a farmer representative said (more).

The Deadly Dangers Of Drinking Too Much Water (more).

Point of Use Treatment Versus Central Treatment: An engineer commented on last week’s coverage of the Minnesota Department of Health report on drinking water violations during 2014 (more). The engineer commented that one community with a reported violation, Elk New Market, Minnesota, has 1,259 households. The city is going to build an $8 million treatment plant to remove radium. That calculates out to $6,354 per household (connection) which is in the range ($6,000 - $8,000) for small water systems in Kansas constructing nitrate removal systems. Point of use treatment (POU) could remove the radium for $500 - $1,500 per connection.

ISIS Recruiting Foreigners to Build High-Tech Chlorine Bombs (more).

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Power of An Association Update: Much of rural water's national agenda is accomplished by Members of Congress who support policy measures that help their state associations and the small and rural communities in their respective states. Currently, Congressmen Westmoreland (GA), Graves (GA), and Jenkins (WV) are marshalling the effort in the House of Representatives to fix the EPA funding issue. Senators Wicker (MS) and Heitkamp (ND) are the leading the effort in the Senate. Senator Wicker is also considering action to allow electronic delivery of disinfection byproducts violations in the same manner as the CCRs. It can take just one Member of Congress to make a lasting and important impact. We need additional Congressional support to advance important rural water initiatives including: eliminating total organic carbon, new rural water energy program, clean water technical assistance set-aside, supporting the SRFs by opposing directing SRF funds to WFIA, and allowing interest on USDA guaranteed loans to be tax-exempt.

NRWA Rural Water Districts Meeting: What is the most important element in making an association successful? Answer: enthusiasm. At last week’s rural water district meetings, a number of large regional rural water district managers made enthusiastic comments on new ideas for advancing and enhancing the rural water district mission. The managers explained why districts are unique and what new initiatives would be helpful for districts.

TMDLs Can be Modified: Recently, a Congressman forwarded a letter from a mayor facing burdensome TMDL-NPDES compliance in his small town. The mayor’s letter asked about various ways to make the TMDL more workable. The state had indicated that the EPA would not allow for such consideration. However, the EPA responded that ALL of the options the mayor asked about were available to the small town "if" the state wanted to allow the use of the options. We plan to make the EPA response publicly available next week.

Dr. Lamm Flags New Studies Questions Disinfection Byproducts Health Effects: "Disinfection of drinking water is regarded as one of the major public health achievements of the twentieth century, resulting in drastic reductions in diseases such as cholera and typhoid fever. However, potentially hazardous disinfection by-products (DBPs) can form when water treatment chemicals interact with other compounds in the water. Some animal toxicity and human epidemiological studies have suggested that individual chlorination DBPs may be associated with an increased risk of birth defects, spontaneous abortion, delayed puberty, and reduced sperm quality... In [this] study, the researchers reported no adverse effects on fertility, pregnancy, pup survival, or birth weight at any dose in the animals, and no effects on survival or birth weight in the animals. This could suggest that the reproductive and developmental outcomes observed in previous studies may not be due to the regulated DBPs (new study)."

House Republicans Call for Review of EPA Grants: Two top Republicans have asked the Government Accountability Office to scrutinize U.S. EPA’s management of environmental grants. Energy and Commerce Chairman Fred Upton (MI) and Oversight and Investigations Subcommittee Chairman Tim Murphy (PA) believe EPA doesn’t have performance measures in place to track the environmental results of grants and question how EPA monitors the

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results achieved through its grants and to what extent EPA follows best practices in managing its grants workforce.

Chinese Cyber Attacks Result in Calls for More Federal Legislation (more).

EPA Says Fracking is Safe for Drinking Water Supplies (InfoWars).

Houston Floods: The city reported that 3 wastewater treatment plant service areas were impacted by historic flooding that caused the declaration of disaster (local news).

Golden State's Toilet to Tap: Support for a controversial process that purifies wastewater into drinking water is gaining momentum in California. The Orange County Water District treats wastewater that would normally drain into the Pacific Ocean with a rigorous three-step purification process that includes microfiltration, exposure to UV light and hydrogen peroxide which kills everything left behind. It's so clean that some people complain the water actually has no taste (CBS).

Minnesota Drinking Water Report Scares the Public: The Minnesota Department of Health discovered 19 municipal water systems around the state with bacteriological, arsenic and radioactive elements in their drinking water during 2014. The report said residents were advised to consult with their doctor if they have any special concerns (more).

Green Group Spend $1.8M on Campaign to Support WOTUS Rule: Environment America yesterday announced the biggest outreach campaign yet in support of the controversial water rule finalized by the Administration last week. The $1.8 million effort touting the "Waters of the U.S." rule includes paid advertising, organized phone calls to Senators and face-to-face outreach to more than 250,000 households in key states.
Rural Water Districts' Forum in DC ‘This Week: NRWA will convene the first-ever forum to discuss rural water district issues. A number of federal government officials will address the forum on Tuesday morning. Topics for Tuesday afternoon include: Lead and Copper Rule revisions, consolidation, disinfection byproducts rules, nutrient trading initiatives, water privatization, federal funding, unregulated monitoring requirements, etc.

Administration Releases Improved Final Water of US Rule: On May 27, the EPA finalized the Clean Water Rule to regulate streams and wetlands. EPA stated, "One in three Americans get drinking water from streams that lacked clear protection from pollution without the Clean Water Rule. Finalizing the rule helps protect 117 million Americans’ health. Farms across America depend on clean and reliable water for livestock, crops, and irrigation. Activities like planting, harvesting, and moving livestock across streams have long been exempt from Clean Water Act regulation; the Clean Water Rule doesn’t change that. The final rule doesn’t create any new permitting requirements for agriculture, maintains all previous exemptions and exclusions, and even adds exclusions for features like artificial lakes and ponds, water-filled depressions from construction, and grass swales -- all to make clear our goal is to stay out of agriculture’s way. Just like before, a Clean Water Act permit is only needed if a waterway is going to be polluted or destroyed -- and all exemptions for agriculture stay in place (The White House).” NRWA is conducting a technical and legal review of the WOTUS rule. From our initial review, the final rule appears to be an improvement over the earlier proposal in that it clearly acknowledges that some wetlands and waters are not covered or regulated by the federal government under the Clean Water Act. The Supreme Court had ruled that the federal regulatory authority over regulating local land-uses was limited under the Clean Water Act and the Constitution - and this version of the rule appears to clearly comply with that conclusion. The clarifications on exemptions of certain ditches, for stormwater control and water delivery infrastructure will be widely supported by local government. The open question is whether this rule clearly has the same demarcation of federal authority that was established by the Supreme Court in Rapanos. If it is determined to still be expansive, then it will quickly be challenged again in the courts. Another potential issue could be whether the rule is determined to be consistent with Rapanos but stakeholders still object to the scope of federal regulation, then Congress would have to get involved to craft any remedies for those stakeholders. What has been missing in the debate from the local government perspective is that just because certain waters are not regulated by the federal government does not mean they are not protected. States and local governments have jurisdiction over those waters and are more accountable to the people who depend on the quality and safety of those waters. For long-term efficient protection of water resources and for avoiding opposition to regulation, it is essential that the people who depend on the resource take responsibility for protecting it.

Cali Rural Water Staff Takes on Polluting Bottle Water Facility: "Dustin Hardwick, Director of Resource Development at the California Rural Water Association, believes the situation may be even worse for local residents due to a water bottling plant that is polluting the aquifer beneath it with arsenic and other toxic chemicals" (Huff Post).

Chlorine Bombs have become the “Chemical Weapons of Choice” for the Islamic State: There is a growing threat of an attack involving chemical weapons by UK radical Muslims who return from Iraq and Syria. Some of the bombs used in Iraqi cities reportedly contained chlorine which raised concerns that the militants could produce similar explosives once they return to the United Kingdom (more).
EPA Decides to Release More Sensitive Water Utility Data on Internet (more).

EPA Small System Technical Assistance Trends Toward Web Events: In the 1970s, NRWA began an initiative to provide on-site technical assistance to small communities to help with water service, O & M, and compliance. NRWA identified three essential elements that make technical assistance work: (1) Accountability to Local Communities: For the assistance to be most helpful, it has to be designed by the communities that need the assistance and work only on behalf of their own best interest. Regulators and experts often design programs that are not what the communities believe is most beneficial or focused on their priorities. (2) On-site assistance: Assistance must be available in the community that focuses on that community’s particular problem. Often this means being available to travel to the community on nights, weekends and during disasters – when the problem occurs. (3) Peer Experts: Communities need to know “how” to comply and operate their water utilities (not that they “must” comply). Technicians (Circuit Riders) must have technical experience in operating water utilities and be peers of the people with whom they are working to be most persuasive and establish confidence. Until 2011, Congress mandated that technical assistance be consistent with these three principles. The recent trend has been to provide EPA with more discretion on how to use technical assistance funding and this has resulted in more web-based training by academics, consultants, and organizations like the Environmental Finance Center Network (EFNC) and AWWA are hosting this upcoming webinar, "Find Money in the Water System Budget: Energy Management Project Ideas, Prioritization, and Implementation (more)."

Detroit Starting to shut off Water Again: 64,769 delinquent residential customers owe the city’s water department a combined $48.9 million. The Mayor is proceeding with the shutoff orders over the wishes of city council members (more).

EPA Record Civil Penalty against New York’s Westchester County: The County will pay roughly $22 million to treat unfiltered surface water for cryptosporidium (more).

EPA Water & Power Resiliency Webinar on July 29 (register).

New Congressional Budget Office Report on Water Infrastructure Spending Since 1956 in Four Charts (more).

Researchers Find that Methadone and Wastewater Disinfectants Create New Carcinogen Commonly Found in Drinking Water (PBS).

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Inspiration -- "Surround Yourself with Rural Water People" Who Have a "Love and Passion" for Safe Water: See the new NC Rural Water president's inaugural address to membership (YouTube).

Georgia and West Virginia Rural Water Associations Stand up for Rural Water: GA Congressmen Westmoreland and Graves, and WV Congressman Jenkins have recently urged the House EPA Appropriations Committee to include the operative provision of S. 611 in the EPA appropriations bill. Last week, this group of luminaries received a positive response from the committee on their request. All Members of the Appropriations Committee are urged to make the same request to the committee. Please contact us if your Representative can help.

Section 1926(b) Expert Attorney to Address Rural Water Conference: Steve Harris will provide an update on 1926(b) news and law at the NRWA Rural Water Districts Forum (link) on June 3rd in Washington. If you would like to attend the presentation via teleconference, please contact us. Harris represented Creek County Rural Water District No. 2 in Oklahoma in their case against the City of Glenpool, Oklahoma in the U.S. Northern District of Oklahoma. This case was settled on May 16 (30 days before the federal jury trial was to begin). The City of Glenpool agreed to pay Creek-2 $1,000,000 ($500,000 on settlement signing, and $125,000 per year for 4 years) plus additional payments (royalty and connection fees) for 37 years. Harris said, "It is difficult to estimate the full extent of future royalties and connection fees over such a long period of time (and those fees increase based on a corresponding increase in the Consumer Price Index over 37 years) but we expect those future fees to approximate $7,000,000 (not discounted to present value). As far as I know, the Creek-2 case was the largest 1926(b) encroachment case ever filed – involving more than 3,000 water consuming households and businesses."

Pipeline that Leaked Thousands of Gallons of Oil onto California Coast Had No Shut-off Valve: The pipeline was the only one of its kind in the area without an automatic shut-off valve. Its original owner fought – and won – a late 1980s court battle to skirt the requirement (AP News).

More California Upcoming Water Restrictions: June 1st is the start-date for monitoring by water suppliers. In one case, the Inyo County Board of Supervisors had to choose between an across-the-board 25-percent reduction or a two-day a week ornamental and turf irrigation restriction for the three communities with county-run water systems. California gives community service districts and mutuals the authority to enforce in the case of droughts or shortages declared by the district.

President Warns of National Security Threat from Climate Change: On Wednesday, the President said that climate change is a growing and "serious threat" to national security, tying severe weather to the rise of the extremist group Boko Haram in Nigeria and the civil war in Syria (WashPost). "Climate change constitutes a serious threat to global security, an immediate risk to our national security," the President told Coast Guard Academy graduates. Referring to water utility infrastructure, the President commented that, "In Miami and Charleston, streets now flood at high tide. Along our coasts, thousands of miles of highways, roads, railways and energy facilities are vulnerable." EPA plans to help defend against adverse impacts of climate change with a series of workshops called “Free Climate Workshops for the Water Utility Sector: Get hands-on training through EPA’s Climate Resilience Evaluation and Awareness Tool” (register and schedule) - and “EPA’s Coastal Resilience” workshops (more). Additionally, EPA budgets $50,000,000 next year to "work with states and communities to promote innovative practices that advance water system and community resiliency and sustainability" (FY2016 Budget, p. 28).

Bureau of Reclamation Announces Drought Response Funding Opportunity: Two new grant opportunities, Drought Resiliency Project Grants and Drought Contingency Planning Grants are available for water districts (more).
Cross Connection Nightmare: Residents of the City of Lockport (NY) are being advised not to drink the tap water after a contractor accidentally put a lawn product into the pipes this morning. Officials say the water system experienced a "backflow event resulting in a lawn hydro seed product being introduced into the water supply" (TV news).

Senators Introduce Rural Water Projects Completion Act: The legislation will establish a guaranteed annual investment of $80 million from the Reclamation Fund to upgrade eligible rural water systems for 20 years (more).

Bill to Ban Microbeads Approved by House Energy Subcommittee: Legislation that would ban the sale and distribution of toothpaste, facial scrubs and other personal care products containing microbeads starting on January 1, 2018 was approved May 14th on a voice vote by the House Energy and Commerce Subcommittee on Health. The Microbead-Free Waters Act of 2015 (H.R. 1321) would amend the Federal Food, Drug and Cosmetic Act to phase out microbeads.

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Archives: past editions of this newsletter are available on the internet (link).
Senator Wicker Asks How Can He Do More for Rural Water: Mississippi Senator Roger Wicker is leading the effort in Congress to fix the EPA funding issue. He is a lead co-sponsor on S. 611, the Grassroots Rural and Small Community Water Systems Assistance Act, which could be considered in the U.S. Senate as soon as this summer. Last week, the Senator asked what else he could do to help small and rural communities with water issues. NRWA briefed his office on four rural water priorities (expect to see action soon).

1. Making EPA's "Water Quality Trading Policy" work in small communities. Many small communities in Mississippi and the other states are facing very expensive wastewater treatment costs caused by more stringent EPA wastewater permits. EPA's program for reducing nutrients to surface waters (their Total Maximum Daily Load program) is resulting in lowering nutrient permit levels for community wastewater systems. EPA allows communities to "trade" with local farmers who can more economically reduce nutrients to surface water by implementing land-use and agriculture manure management programs. The communities would be willing to pay for the agriculture practices because they are far less costly and prevent more nutrients from reaching the surface waters. However this innovative trading does not work in practice. For example, the City of Mound Bayou, MS, has approximately 2,300 persons and is facing $7,000,000 to comply with their new wastewater permit. They believe implementing some agricultural related non-point source nutrient reduction initiatives that are impacting the same receiving stream in the immediate area could achieve a greater reduction in nutrient loading to the stream for a fraction of the cost of expanding their centralized wastewater system (letter of request from Mound Bayou to state). However, there is no workable process for allowing this compliance alternative to work in Mississippi and the other states.

2. Currently, hundreds of small communities around the country are having to mail out quarterly letters of violation to every consumer in their community for violations of EPA's Stage II Disinfection Byproducts Rule. These public notification letters (requirements) are burdensome to small communities (analysis). EPA has allowed for similar public notices to be made publicly available by publishing them to the internet, posting the internet address on all water bills, and allowing any consumer without internet access to request a mail copy (1/3/2013, policy for the electronic delivery). Allowing these letters to be similarly disclosed would be very helpful to small communities.

3. Additionally, these Stage II notices are misleading to consumers (cite) and issued for de minimus violations (cite). This requirement should be revised to avoid wasting local resources and misleading the public.

4. Dedicating EPA water infrastructure appropriations to the new EPA WIFIA federal funding program versus retaining those funds within the state revolving funds (SRFs) will cause states with concentrations of economically disadvantaged communities (like Mississippi, Alaska, New Mexico, etc.) to be net losers of federal water infrastructure funds because the SRFs target funding to communities most in need (for compliance, economics, and public health). Moreover, WIFIA eliminates the targeting and allows
federal tax-payer dollars to be used to subsidize corporations (explanation). Supporters of WIFIA claim WIFIA "scores" lower than SRFs, but that is not accurate because SRFs can leverage funding equal to WIFIA.

California Drought Situation Dire As Neighbors Steal Water From Neighbors (more).

NRWA’s Representative on EPA Advisory Committee Makes Powerful Association Presentation: Wilmer Melton with NC Rural Water Association was appointed by the EPA Administrator to the National Drinking Water Advisory Council (NDWAC). Last week, Wilmer made a presentation at the NCRWA annual conference explaining all the policy initiatives NRWA and Wilmer are advancing on behalf of the membership. Wilmer reported an overwhelming positive response from the grassroots (Wilmer’s PPT).

An Ex-Hippie Fights Big Pharma Before the Supreme Court: The Supreme Court will meet later this week on the case that could open the floodgates for local governments looking to mandate that drug manufacturers pay for environmentalist-crafted programs to collect and dispose of unused prescription drugs. In 2012, California’s Alameda County decided that it would no longer pay for its prescription drug take-back program and enacted an ordinance requiring any company with a drug that was sold in or brought into the county to take responsibility for the disposal of unused prescription drugs. One of the leading local officials administering the program referred to himself last week as an aging hippie (more).

House Votes to Block EPA WOTUS (more).

Cyber-attacks Hit Oil & Gas Industry: Researchers discovered a unique targeted attack campaign dubbed Phantom Menace that has infiltrated and stolen credentials from 10 international oil and gas maritime transportation companies since August 2013, via a spear-phishing email containing a fake Adobe PDF file (more).

WISC.’s Numeric Phosphorus Standards: Wisconsin’s science-based standard for controlling phosphorus pollution would trigger capital costs of more than $6 billion to Wisconsin utilities and businesses over 20 years, according to a state review. The Wisconsin DNR will submit the state’s petition for a variance to the EPA to allow permit point-source dischargers to extend their compliance timelines and engage in less expensive, fee-based compliance strategies that address phosphorus pollution coming from agricultural land, a major source of the nutrient (more).

New Community Resources Website Launched: A website has been launched to help local officials and community members find information for improving the environment, public health and quality of life (more).

Small Drinking Water Systems Webinar on Cyanotoxins on May 26: EPA will hold a webinar on current water treatment and distribution system optimization for cyanotoxins (register).

Iran Building Cyber-warfare Capabilities to Attacks on Global Critical Infrastructures: The internal report sent to U.S. businesses last week by the Overseas Security Advisory Council concludes that Iran’s offensive cyber-capabilities have evolved in recent years, making the nation a sophisticated cyber-adversary. The report identified four trends in

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Iranian cyber-activities: Retaliation, coordination between cyber and political strategy, increased technical sophistication, and a focus on attacking critical infrastructure such as water (more).

**National Rural Water Association**

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**Rural Water Policy Advisory [5/11/2015]**

**Campaign to Fix EPA Funding:** [S. 611](#), "The Grassroots Rural and Small Community Water Systems Assistance Act," recently passed committee in the U.S. Senate. Last week, the committee leadership "paired" the bill with another bill which means it can be taken directly to the Senator Floor for unanimous consent passage without deliberation or objection.

**West Virginia Rural Water Association Stands up for Rural Water:** Last week, one of WVRWA’s Representatives on the House Appropriations Committee urged the EPA Appropriations Subcommittee to include the **operative provision** of S. 611 in the EPA appropriations bill. For this to occur in this appropriations cycle, we will need additional Members of the Appropriations Committee to make the same request to the committee. Please contact us if your Representative can help.

**Members of the House Appropriations Committee:** Rogers (KY) Frelinghuysen (NJ), Aderholt (AL), Granger (TX), Simpson (ID), Culberson (TX), Crenshaw (FL), Carter (TX), Calvert (CA), Cole (OK), Diaz-Balart (FL), Dent (PA), Graves (GA), Yoder (KS), Womack (AR), Fortenberry (NE), Rooney (FL), Fleischmann (TN), Herrera Beutler (WA), Joyce (OH), Valadao (CA), Harris (MD), Roby (AL), Amodei (NV), Stewart (UT), Rigell (VA), Jolly (FL), Young (IA), Jenkins (WA), Palazzo (MS), Lowey (NY), Kaptur (OH), Visclosky (IN), Serrano (NY), DeLauro (CT), Price (NC), Roybal-Allard (CA), Farr (CA), fattah (PA), Bishop (GA), Lee (CA), honda (CA), McCollum (MN), Israel (NY), Ryan (OH), Ruppersberger (MD), Schutlz (FL), Cuellar (TX), Pingree (ME), Quigley (IL), and Kilmer (WA).

**Crafting a New Lead and Copper Rule:** The panel crafting changes to the LCR released its latest proposal with modifications to the rule’s monitoring and corrosion control provision ([proposal](#)). NRWA submitted comments questioning a number of provisions in the proposal ([NRWA Comments](#)).

**Environmentalist on LCR Panel Has Her Say on AWWA:** In response to the latest proposal for changes to the current Lead and Copper Rule, one of the four environmentalists on the panel said, "In 2008 [AWWA] took positions known to be antithetical to public health... Peer review and transparency are critical, but AWWA and its journal JAWWA are not known for their strength on this front... The history of lead in water since 2004 is marred by precisely these kinds of influences -- highly dubious science shaping local and national policy decisions as well as public understanding and behavior vis-a-vis lead at the tap. AWWA’s troubling record on lead in water in relation to consumer protection and public health is actually the reason that last year both Miguel Del Toral and Marc Edwards terminated their membership from the association... Given that when it comes to lead in water AWWA seems to suffer from a serious blind spot, I do not support naming them as a group that should be trusted to develop reliable research on CCT (or any other matter pertaining to lead in water)... I sincerely hope that AWWA will decide to change its path and regain the trust both of communities affected by lead in water and of the people in the lead corrosion world it has disappointed... Whether we realize it or not, and whether we like it or not, the history I chose to highlight puts a spotlight on institutional and systemic failure to embrace best available science that lies at the heart of solutions to the problem in front of us. To silence this history... simply favors the point of view of those in power who have the privilege to always be at the negotiating table, make authoritative claims about "the facts," write the history, and drive the agenda for the rest of us... I think it's common knowledge that policy-making in the absence of historical understanding can be dangerous... the consequences for large numbers of innocent people can be devastating." NRWA supports AWWA on the LCR negotiating panel and depends on AWWA for much of the technical analysis needed for discerning the issues presented.

**New York Times on Tiered Pricing for Water:** "Because of the huge gap between tiers, the biggest consumers effectively subsidize everyone else, shielding poorer residents from feeling the full brunt of rate increases." To conserve water, many large cities in America now use a tiered-pricing system in

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which residents who use more water pay higher rates than those who use less, but some have been loath to raise rates much at all. “I like fish, but I’m not giving up my lawn for some smelt,” says a consumer, only half-joking. “Let those fish die up north. There’s a cycle of life” (NYTimes).

**Florida Rural Water Association Reduces Pharmaceuticals in Water:** FRWA continues to work with their membership to help educate everyone on pharmaceutical disposal. Recently, FRWA was approached by Mallinckrodt Pharmaceutical and (CADCA) Community Anti-Drug Coalitions of America to partner with them to help with a pilot study (more).

**Youngstown (OH) Liquid Chlorine Leak Freezes in Large Puddles** (more): Fire officials are warning citizens to avoid the area around the plant and keep sheltered in place with doors and windows closed.

**NAS Study Finds Fracking in Homeowners Well** (more).

**EPA Issues First Health Advisory for Algal Toxins:** The report will guide states and drinking water utilities in determining whether their water supplies are safe for consumption. Microcystin can cause fever and vomiting, and longer-term exposure can lead to gastroenteritis and liver and kidney damage. EPA recommended that children younger than school age avoid levels of microcystin higher than 0.3 micrograms per liter and that all other ages avoid levels exceeding 1.6 micrograms per liter. The World Health Organization recommendation is 1 microgram per liter. Harmful algae blooms are fed by fertilizers washing off farm fields and suburban lawns and are nurtured by warm water temperatures. EPA estimates that between 30 million and 48 million people use drinking water from lakes and reservoirs that could be vulnerable to algal toxin contamination (EPA).

**USDA Announces $112 Million in Rural Water Loans and Grants** (USDA)

**North Carolina Issues Warning about Wells Near Dumps:** A warning to residents living near coal ash pits was issued after 152 private wells tested near dumps failed to meet standards and tested positive for high levels of lead, vanadium, and hexavalent chromium (more).

Will Rep. Westmoreland (GA) be the Next Rep. Etheridge (NC)?: At the urging of the Georgia Rural Water Association, Rep. Westmoreland (GA) went directly to the Chairman of the House EPA Appropriations Subcommittee (Rep. Calvert - CA) this week to urge the subcommittee to consider including the operative provision of H.R. 654 in the EPA appropriations bill to fix the EPA funding problem. The provision requires EPA to use Congressional funding to help small communities versus allowing EPA the discretion to fund EPA priorities. After the termination of EPA technical assistance funding in 2008, Rep. Etheridge (NC) went directly to the House EPA Appropriations Subcommittee to have the initiative reinstated the following year at a level of $11,000,000. Most all the major national accomplishments in rural water's history have come from Congressmen or Senators taking personal action to advance the agenda of their state association such as Senator Cochran (MS) starting the grassroots source water initiatives, Congressman Traxler (MI) starting the wellhead protection program, Senator Domenici (NM) repealing the monitoring requirements for EPA chemical regulations, and many more examples. It can take just one Member of Congress to make a lasting and important impact.

Senate Committee Unanimously Approves S. 611: Senators Wicker (MS) and Heitkamp's (ND) legislation, "Grassroots Rural and Small Community Water Systems Assistance Act," is one of the most important and necessary water policy reforms in this Congress. The bill reauthorizes the Safe Drinking Water Act (SDWA) technical assistance provision enacted in 1996. Expiration of this authorization has caused essential assistance to be terminated in some years and limited in others. Small and rural communities rely on local/on-site grassroots technical assistance and training (authorized under the Wicker-Heitkamp-Harper bill) for compliance with the myriad of federal EPA regulations, avoiding EPA fines, and operating drinking water and wastewater supplies. According to small and rural communities, this local initiative is the most effective environmental protection effort for drinking water & wastewater, ground water, source water, and compliance with the SDWA and Clean Water Act. Kirby Mayfield, Executive Director of Mississippi Rural Water Association said, "Thank you Senator Wicker for your help and assistance to the state’s over 1,000 small and rural communities that often struggle to comply with all the mandates and meet local water needs. Water quality is one of the most pressing public health concerns in rural Mississippi and essential for long-term economic sustainability. However, due to a lack of economies of scale, it is often more difficult for small towns to comply with federal rules, afford the latest technology, and have access to technical experts. Complicated federal regulations are often more expensive in rural and small communities, than in large communities. Senator Wicker has long supported these types of rural initiatives that are results oriented, non-regulatory, less bureaucratic, less expensive and result in better water. Small communities thank the Senator for sponsoring the bill."

EPA Supports a "Network of Circuit Riders" to Help Rural Communities: The EPA Administrator made the statement before the U.S. Senate on Wednesday (video 35:00).

New Water Sector Cybersecurity Strategy Workgroup Report Findings: "Throughout Workgroup discussions, an overarching strategy narrative emerged, describing the current condition of cybersecurity in the Water Sector, including use of the NIST Cybersecurity Framework, as well as the key elements of a strategy to increase use of the Cybersecurity Framework by the Water Sector. The Workgroup has found that the Water Sector is currently well supported by tools and guidance that enable use of the Cybersecurity Framework. These tools and guidance deliver improvements in the overall cybersecurity posture of Water Sector utility participants. The most widely used Water Sector-specific resource for implementation of the NIST Framework is the AWWA cybersecurity Guidance Tool (AWWA Tool) and the corresponding AWWA Process Control System Security Guidance for the..."
Minnesota City Sues Makers of Flushable Wipes: The City of Wyoming (MN) filed a class-action lawsuit on April 23 against six makers of wet wipes, claiming the flushable wipes cause harm to plumbing and municipal systems (more).

Lawmakers to Consider National Ban on Microbeads: Illinois, Colorado and New Jersey have enacted laws to require companies to phase out the use of plastic particles called microbeads from personal care products, and at least a dozen other states are considering doing the same. Now Congress will take its first whack at the issue, with lawmakers on the House Energy and Commerce Subcommittee on Health examining a bill that has the backing of high-profile lawmakers and would phase out the plastic substances by 2018 under H.R. 1321, or the "Microbead-Free Waters Act."

U of Wisc. Startup Removes Phosphorus from Wastewater in a Crystal Called Brushite (more).

San Francisco Requires Pharmaceutical Companies to Finance Safe Disposal of Drugs (more).

Senators John Barrasso (WY) and Donnelly (IN) Sponsor Bill to Define WOTUS: S. 1140 would require the EPA to write a new clean water rule no later than Dec. 31, 2016, and include only streams that have enough flow to transport pollutants at levels that would impair traditional navigable waters (more).

Top 30 Targeted High Risk Cyber-Vulnerabilities: Cyber-threat actors continue to exploit unpatched software to conduct attacks against critical infrastructure organizations. As much as 85 percent of targeted attacks are preventable. This Alert provides information on the 30 most commonly exploited vulnerabilities used in these attacks, along with prevention and mitigation recommendations (DHS).

Dairy Farmer Sentenced to Home Arrest: In North Carolina, a dairy owner was sentenced last year to four years of probation, including six months of home detention, and received a $15,000 fine for discharging cow manure in the French Broad River. According to EPA, the dairy did not check or maintain the levels of waste in their containment lagoons. This led to the spillover of 11,000 gallons of cow manure in the river.

House Bill to Gut EPA (more).
Rural Water Policy Advisory [4/29/2015]

**Senate Environment and Public Works Committee Passes S. 611**

On Wednesday, April 29, 2015, the Senate Environment and Public Works Committee unanimously approved S. 611, Senator Wicker (MS) and Heitkamp's Grassroots Rural and Small Community Water Systems Assistance Act. All small and rural communities support the legislation and are grateful for the leadership and assistance from Senators Wicker (MS) and Heitkamp.

The legislation represents some of the most important and necessary water policy reform. The bill reauthorizes the Safe Drinking Water Act (SDWA) technical assistance provision enacted in 1996. Expiration of this authorization has caused essential assistance to be terminated in some years and limited in others. Small and rural communities rely on local/on-site grassroots technical assistance and training (authorized under the Wicker-Heitkamp-Harper bill) for compliance with the myriad of federal EPA regulations, avoiding EPA fines, and operating drinking water and wastewater supplies. According to small and rural communities, this local initiative is the most effective environmental protection effort for drinking water & wastewater, ground water, source water, and compliance with the SDWA and Clean Water Act.

Kirby Mayfield, Executive Director of Mississippi Rural Water Association said, “thank you Senator Wicker for your help and assistance to the state’s over 1,000 small and rural communities that often struggle to comply with all the mandates and meet local water needs. Water quality is one of the most pressing public health concerns in rural Mississippi and essential for long-term economic sustainability. However, due to a lack of economies of scale, it is often more difficult for small towns to comply with federal rules, afford the latest technology, and have access to technical experts. Complicated federal regulations are often more expensive in rural and small communities, than in large communities. Senator Wicker has long supported these types of rural initiatives that are results oriented, non-regulatory, less bureaucratic, less expensive and result in better water. Small communities thank the Senator for sponsoring the bill.”

Small and rural communities have the very important public responsibility of complying with all applicable federal regulations and for supplying the public with safe drinking water and sanitation every second of every day. Most U.S. water utilities are small; 94% of the country’s 51,651 drinking water supplies serve communities with fewer than 10,000 persons, and 80% of the country’s 16,255 wastewater supplies serve fewer than 10,000 persons. Small communities want to ensure quality water and stay in compliance—rural water provides them the shared technical resources to do it. The technicians or Circuit Riders are experienced operators / technicians / teachers that travel the entire state, day-in and day-out, providing immediate on-site assistance. They assure the most effective use of scarce funding and ensure problems are solved for the least expense.

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Campaign to Fix EPA Funding: The Senate Environment and Public Works Committee announced it will vote on S. 611, the Grassroots Rural and Small Community Water Systems Assistance Act, on Tuesday, April 28, 2015 (announcement).

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Israel's Desalinization Miracle: PBS features the success in Israel where desal accounts for 50% of the country's drinking water. Desal is taking the country from a drought posture to a water surplus posture (PBS).

Well-drillers' Legislation: With HR 1160, the well-drilling industry supported legislation that would establish a Drinking Water Technology Clearinghouse to promote private wells as an alternative to public drinking water systems. We previously reported that, if enacted:

- The bill would likely delay and increase the cost of extending public water lines to disadvantaged populations waiting decades for drinking water access;
- The bill would provide a new opportunity for litigation to oppose expansion of public drinking water (which has been a problem in the past);
- The bill would codify a false premise that private well proliferation and public water expansion are similar in mission. Note: To the contrary, public water expansion is a community decision to expand community infrastructure under community (versus private homeowners) responsibility. It also provides for economic development and the future interests of the community.

Additionally, it should be noted that private wells are not regulated under the Safe Drinking Water Act and are susceptible to contamination (CDC).

Movie Review of “Boom: North America's Explosive Oil-By-Rail Problem” (Trailer): For five years, a boom in oil production has been taking place in the Bakkan Shale region of North Dakota. Oil from the Bakkan is transported across the U.S. and Canada by rail to refineries on the coasts – how many of these trains pass through drinking water watersheds each day? Experts claim there is lack of safety inspections and widespread use of unsafe rail-cars.

Mirobeads Pass Through Wastewater Plants: Samples from New York water treatment plants show plastic microbeads are passing through the systems and into waterways (NY Attorney General's Office). Microbeads were detected at facilities that were of widely varying size and locations and that used a range of treatment processes. Scientists have previously found microbeads in the Great Lakes and assumed they came through water treatment systems, but detecting them in the water systems confirms that hypothesis, researchers said.

Wisc. Assembly Approves Microbead Ban: The State Senate last month approved the measure, and it now goes to Governor Walker. The small bits of plastic, known as microbeads, are added to products for their abrasive qualities. They can be washed down sinks and toilets and eventually make their way to

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Rural Water Policy Advisory [4/27/2015]
public waterways. Scientists say the pellets absorb toxins and fish confuse them for food, potentially harming shore birds and possibly humans who eat the fish (more).

**DHS Cyber-Security Team Year in Review Report:** The Industrial Control Systems Cyber-Emergency Response Team's (ICS-CERT) report released Friday concludes that the cyber-threat to power grids, water supplies and other key systems is still growing. Of the 16 areas deemed "critical" by DHS, energy companies reported the most cyber-events last year -- accounting for 79 of the 245 security incidents shared with ICS-CERT. Those cases ranged from simple phishing e-mail attacks to a months-long hacking effort that hijacked software updates for equipment used in the energy and manufacturing industries. ICS-CERT also said 2014 brought "exploitation of zero-day vulnerabilities in control system devices," a reference to software flaws known only by the hacker at the time of an attack. "Zero-day" vulnerabilities are normally among the most prized assets in a hacker's arsenal, although researchers say they are easier to find in ICS components than in widely used platforms such as Microsoft Windows.

The "Cyber-security Divide": Recently, a senior cyber-security strategist at the Idaho National Laboratory said, "There is a range of utilities in our country...They have different levels of resources all the way from the largest, with some of best security operations in the country, all the way down to a 100 person co-op in Vermont that I interviewed that has one security guy whose other jobs are security and building maintenance." As a very rough rule of thumb, a company with fewer than 1,000 employees doesn't have resources to employ a chief technology officer with cyber-security expertise, the strategists said.

**House Passes Cyber-Bills:** Last week, the House approved a pair of cyber-security bills designed to promote data protection and information sharing on cyber-threats. H.R. 1731, the “National Cyber-security Protection Advancement Act,” and H.R. 1560, the “Protecting Cyber-Networks Act” would: set parameters for sharing sensitive cyber-threat information; authorize network operators to monitor networks for cyber-threats and take “defensive measures” when threats are identified; and provide liability protections for activities related to carrying out these objectives. The bills' sponsors say these provisions will encourage stakeholders across various industries and infrastructure sectors to share cyber-threat information and build robust cyber-defenses. NRWA and other national water associations supported passage and were successful in having water supplies be included in all liability exemption provisions and ensuring the bills were non-regulatory (water associations' statement). The two bills will now move on to the U.S. Senate, where lawmakers are expected to begin debate soon on their own cyber-security proposal.

**CDC on Community Fluoridation:** "For 70 years, community water fluoridation has played a major role in improving the nation’s oral health. Because of the dramatic role it has played in the reduction of tooth decay, CDC named it as one of 10 great public health achievements of the 20th century. As you know, community water fluoridation is one of the most practical, cost-effective, equitable and safe measures communities can take to prevent tooth decay and improve their oral health. Water fluoridation’s biggest advantage is that it is the best method of delivering fluoride to all members of the community, regardless of age, education, income level or access to routine dental care. The benefits of fluoride’s effectiveness extend throughout life, resulting in fewer and less severe cavities. In fact, each generation born since the implementation of water fluoridation has enjoyed better dental health than the generation that preceded it. CDC’s Division of Oral Health is excited to inform you that on Monday, April 27, 2015, the U.S. Department of Health and Human Services is announcing the final Public Health Service (PHS) recommendation for the optimal fluoride level in drinking water to prevent tooth decay. We hope you will use this opportunity to show your support for the health and benefits of community water fluoridation. To support your communication efforts, the Division of Oral Health will share a set of materials on Monday at 10:00 a.m. ET with a one-hour embargo. Please be on the lookout for more details Monday morning, and thank you for your support (CDC)."

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**DHS Cyber-Security Team Year in Review Report:** The Industrial Control Systems Cyber-Emergency Response Team’s (ICS-CERT) report released Friday concludes that the cyber-threat to power grids, water supplies and other key systems is still growing. Of the 16 areas deemed "critical" by DHS, energy companies reported the most cyber-events last year -- accounting for 79 of the 245 security incidents shared with ICS-CERT. Those cases ranged from simple phishing e-mail attacks to a months-long hacking effort that hijacked software updates for equipment used in the energy and manufacturing industries. ICS-CERT also said 2014 brought "exploitation of zero-day vulnerabilities in control system devices," a reference to software flaws known only by the hacker at the time of an attack. "Zero-day" vulnerabilities are normally among the most prized assets in a hacker's arsenal, although researchers say they are easier to find in ICS components than in widely used platforms such as Microsoft Windows.

**The "Cyber-security Divide":** Recently, a senior cyber-security strategist at the Idaho National Laboratory said, "There is a range of utilities in our country...They have different levels of resources all the way from the largest, with some of best security operations in the country, all the way down to a 100 person co-op in Vermont that I interviewed that has one security guy whose other jobs are security and building maintenance." As a very rough rule of thumb, a company with fewer than 1,000 employees doesn't have resources to employ a chief technology officer with cyber-security expertise, the strategists said.

**House Passes Cyber-Bills:** Last week, the House approved a pair of cyber-security bills designed to promote data protection and information sharing on cyber-threats. H.R. 1731, the “National Cyber-security Protection Advancement Act,” and H.R. 1560, the “Protecting Cyber-Networks Act” would: set parameters for sharing sensitive cyber-threat information; authorize network operators to monitor networks for cyber-threats and take “defensive measures” when threats are identified; and provide liability protections for activities related to carrying out these objectives. The bills’ sponsors say these provisions will encourage stakeholders across various industries and infrastructure sectors to share cyber-threat information and build robust cyber-defenses. NRWA and other national water associations supported passage and were successful in having water supplies be included in all liability exemption provisions and ensuring the bills were non-regulatory (water associations’ statement). The two bills will now move on to the U.S. Senate, where lawmakers are expected to begin debate soon on their own cyber-security proposal.

**CDC on Community Fluoridation:** "For 70 years, community water fluoridation has played a major role in improving the nation’s oral health. Because of the dramatic role it has played in the reduction of tooth decay, CDC named it as one of 10 great public health achievements of the 20th century. As you know, community water fluoridation is one of the most practical, cost-effective, equitable and safe measures communities can take to prevent tooth decay and improve their oral health. Water fluoridation’s biggest advantage is that it is the best method of delivering fluoride to all members of the community, regardless of age, education, income level or access to routine dental care. The benefits of fluoride’s effectiveness extend throughout life, resulting in fewer and less severe cavities. In fact, each generation born since the implementation of water fluoridation has enjoyed better dental health than the generation that preceded it. CDC’s Division of Oral Health is excited to inform you that on Monday, April 27, 2015, the U.S. Department of Health and Human Services is announcing the final Public Health Service (PHS) recommendation for the optimal fluoride level in drinking water to prevent tooth decay. We hope you will use this opportunity to show your support for the health and benefits of community water fluoridation. To support your communication efforts, the Division of Oral Health will share a set of materials on Monday at 10:00 a.m. ET with a one-hour embargo. Please be on the lookout for more details Monday morning, and thank you for your support (CDC)."

National Rural Water Association
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**House Begins Appropriations Markups:** A House Appropriations subcommittee last week passed the Energy and Water Appropriations bill. More subcommittee markups should follow soon. The subcommittee included a provision to prevent the Army Corps from using funds to implement a "Waters of the United States" rule. The EPA appropriations bill (also known as the Interior, Environment, and Related Agencies Appropriations bill) will likely be one of the last to be considered this spring-summer because it is one of the most controversial bills. NRWA has urged the EPA Subcommittee to direct EPA to use any technical assistance in the most beneficial manner for small communities. Just this weekend, West Virginia Rural Water Association was told by one of their Congressman that he would support this policy with the Subcommittee. Thanks and go WVRWA!

**Lead and Copper Rule (LCR) Rewrite Update:** NRWA’s representative on the EPA committee negotiating revisions to the LCR, John Sasur from Mass Rural Water Association, will attend a two-day negotiating session on the issue. John's panel has just produced a negotiating straw-document for discussion next week. At some point, John will have to decide if this is a proposal that NRWA can support. We need your comments to help us make the best decision for the membership. Please contact us with comments (LCR comments).

**Innovative Concept for Reducing Agriculture Non-point Source Pollution from New York:** The City of Cortland has proposed a novel solution for reducing nutrients in the Chesapeake Bay. The city is currently treating local dairy waste and converting the waste into energy (gas) and environmentally benign solids (compost). The city is considering upgrading/expanding their treatment facility (their digester) to treat additional local dairy cow manure that is currently being stored or land-applied. The city has contemplated increasing the capacity of their digester and considered changing the location so that it could treat animal manure from the surrounding farms at no cost to the farmers (some of whom have non-working digester or land-applying manure). The resulting energy could pay for the transportation of the animal manure. Their proposal has caught the attention of the next Senate Democratic Leader, Senator Charles Schumer (NY). The city will be briefing the Senator’s office this week on the concept.

**NRWA/AWWA Cooper Survey Completed:** The survey is completed and has been analyzed by some leading water quality scientists. The findings are being finalized and seem to show there are likely to be more systems in the “corrosive” water bins than anticipated. The findings will be distributed first to water representatives on the LCR negotiating panel and presented to EPA on Tuesday afternoon. Soon after that we plan on making the conclusions public.

**Illinois Rural Water Association to the "Rescue":** IRWA took control of Moecherville Water District after government foreclosed because of failure to repay the reconstruction loans in a timely manner. The former water district board president was charged with stealing $30K, eventually forcing the district into foreclosure. The board president faces 15 counts of disposal and conversion of property, three counts of filing a false tax return, and one count of making a false statement, according to the U.S. attorney’s office (more).

**In Memoriam, James Farley:** "Throughout his career, he incorporated many water supply districts that brought water to towns and rural areas that were not served by public water systems. He enjoyed his water districts. He enjoyed the camaraderie of the water boards and he enjoyed being able to keep them out of the difficulties that water districts sometimes get into. He was a forming member of the Missouri Rural Water Association and in 2014, and he was awarded its 2014 annual Outstanding Service Award for more than 50 years of service," (more).
Iranian Hackers Infiltrating Electrical Switching Stations and Other Key U.S. Networks:  According to a study released last week by cybersecurity firm Norse Corp. and the American Enterprise Institute, Iran has been attacking supervisory control and data acquisition (SCADA) systems. Dell revealed in its annual threat report that attacks against SCADA systems doubled in 2014, including 51,258 attacks in the U.S.

Wisc. Large Farm Disputes Whether it Pollutes Drinking Water Well: Three environmental groups have accused the 4,000-cow dairy farm of causing or contributing to pollution by spreading millions of gallons of liquid manure on local fields and called on the EPA to investigate.

NRWA on Fluoridation: Last week, we heard from a number of you that NRWA's position on fluoridation should be that it is a local decision. NRWA's Regulatory Committee will likely reaffirm this policy at the June Regulatory Congress.

EPA Webinars on Challenges for Small Water Systems: On April 28, "Understanding End Water Quality in Hospitals and Other Large Buildings" will focus on ways state, local, and small system personnel can deliver high quality drinking water to their customers.

PBS Features Water Electric Turbine Housed in Large Municipal Water Pipes:

ASDWA, ACWA, and GWPC's CWA-SDWA Toolkit Webinars: On April 28th, state and EPA water managers are encouraged to attend and registration is open to anyone else who would like to participate.

WOTUS Update: The EPA is “working hard” to ensure that the final Clean Water Act jurisdiction rule “gets over the finish line,” despite facing congressional threats to return the rule to the drawing board, EPA Administrator McCarthy told water and wastewater officials April 13. She said the final clean water rule, also known as the waters of the U.S. rule, will be released soon.

Do Farmers Have a Right to Pollute Downstream Drinking Water: Iowa farmers are weighing a lawsuit filed in federal court by the state’s largest water utility against leaders of three rural Iowa counties. Too little has been done, the lawsuit says, to prevent nitrates from flowing out of farm fields into the drinking water.

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CORRECTION for Rural Water Policy Advisory [4/13/2015]
The following statement from today's edition is retracted: “EPA Delays Rural Water Technical Assistance Funding: EPA just announced the delay because the agency is reviewing whether the assistance is necessary.” We apologize for the inconvenience.

EPA Delays Rural Water Technical Assistance Funding: This is the funding for rural water association technical assistance. EPA just announced the delay because the agency is reviewing whether the assistance is necessary. This EPA technical assistance funding has been reduced by approximately 2/3 since Congress stopped earmarking the funding to state associations 4 years ago. The funding once provided for two full-time state association staff and now only can fund a part-time person. As rural water on-site EPA funding continues to decline and become unstable, the Agency is expanding its internal spending on small community water initiatives. The agency's current budget includes many millions in EPA programs intended to help small communities with water issues (EPA Budget Analysis).

Fix EPA Technical Assistance Funding: NRWA is requesting that the operative provision in H.R. 654 be included in the EPA appropriations bill with the standing of law. We are requesting full funding of the authorization: $15,000,000. This is the only portion of EPA's internal $2.5 billion budget that assists small and rural communities with EPA water mandates. We think including this provision in the appropriations bill is the only way to ensure EPA follows Congressional intent to help the small communities versus allowing EPA the discretion to fund EPA priorities. If your Congressman is on the House Appropriations Committee and is supportive and willing to ask the Chairman or Ranking Member to help, please contact us. **Members of the House Appropriations Committee:** Rogers (KY) Frelinghuysen (NJ), Aderholt (AL), Granger (TX), Simpson (ID), Culberson (TX), Crenshaw (FL), Carter (TX), Calvert (CA), Cole (OK), Diaz-Balart (FL), Dent (PA), Graves (GA), Yoder (KS), WOMACK (AR), Fortenberry (NE), ROONEY (FL), Fleischmann (TN), Herrera Beutler (WA), Joyce (OH), Valadao (CA), Harris (MD), Roby (AL), Amodei (NV), Stewart (UT), Rigell (VA), Jolly (FL), Young (IA), Jenkins (WA), Palazzo (MS), Lowey (NY), Kaptur (OH), Visclosky (IN), Serrano (NY), DeLauro (CT), Price (NC), Roybal-Allard (CA), Farr (CA), Fattah (PA), Bishop (GA), Lee (CA), Honda (CA), McCollum (MN), Israel (NY), Ruppersberger (MD), Schultz (FL), Cuellar (TX), Pingree (ME), Quigley (IL), and Kilmer (WA). It could only take one Member of the Committee to support the change to make it happen. This is a similar situation to 2009 when Congressmen Dicks (WA) and Etheridge (NC) reestablished the EPA technical assistance funding after it had been absorbed by the EPA.

Should NRWA Support, Oppose, or Be Neutral on Fluoridation: AWWA is reaffirming its support of drinking water fluoridation. Last week, the NRWA regulatory committee reviewed NRWA’s fluoridation policy that neither supports nor opposes fluoridation. Our position is that it is a local community decision. This policy will likely be reaffirmed at the NRWA Regulatory Committee Congress in June, 2015. If you would like to comment on this policy or any other NRWA policies, please contact us (Reg. Comments).

Indiana Congressman Introduces Legislation to Question Rural Water Expansion: **HR 1160**, sponsored by Congressman Marlin Stutzman (IN), is supported by the well-drilling industry and would establish a Drinking Water Technology Clearinghouse where the Administrator of the Environmental Protection Agency and the Secretary of Agriculture would disseminate information on cost-effective, innovative, and alternative drinking water delivery systems, including systems that are supported by wells. The supporters of the bill have no examples of public drinking water supplies that were extended where private wells would have been preferable. If enacted, the bill would likely delay and increase the cost of extending public water lines to disadvantaged populations waiting decades for drinking water access. Also, the legislation would provide a new opportunity for litigation to oppose expansion of public drinking water (which has been a problem in the past). The bill would also codify
a false premise that private well proliferation and public water expansion are similar in mission. To the contrary, public water expansion is a community decision to expand community infrastructure under community (versus private homeowners) responsibility. It also provides for economic development and the future interests of the community.

**California Water Cuts to be Administered by Water Utilities**: The mandate to cut water use by 25 percent will have varying effects on residents across the state. Communities with the highest per capita use could be forced to cut daily consumption by as much as 35 percent under a preliminary plan released by state officials. Residential water use, which accounts for 12 percent of the total use in the state, tends to be heaviest in Southern California where the climate is hot and dry, as well as in wealthier neighborhoods ([map of cuts](#)).

**Is Anyone Celebrating National Drinking Water Week?** ([Google](#))

**Crime Wave in Farm Country - Stealing Water**: As wells have gone dry and water prices have soared, thieves are increasingly targeting rural farms as they start to understand that anything water-related is a potential bonanza. They’re taking the water hoses, taking the copper wiring and stealing the water pumps from the farmers ([more](#)).

**California Delta’s Water Mysteriously Missing**: Huge amounts of water are mysteriously vanishing from the Sacramento-San Joaquin Delta — and the prime suspects are farmers whose families have tilled fertile soil there for generations ([more](#)).

**EPA's New "Dashboard" on Compliance**: EPA released a new Safe Drinking Water Act (SDWA) dashboard on April 7. The web-based application draws on data from EPA's Enforcement and Compliance History Online (ECHO) website, providing easy access to publicly available compliance information. The dashboard allows users to generate a variety of data for any public water system as well as perform statistical and trend analyses ([more](#)).

**White House Starts Review of WOTUS**: The Administration’s high-profile clean water rule has been submitted to the White House for review, moving the regulation a step closer to becoming final ([more](#)).

**EPA Makes the Case for WOTUS by Showcasing EPA Employee’s Life**: "It still comes back to what I learned in elementary school — water flows downhill. We need clean water upstream to have clean water downstream. We can’t protect our rivers, lakes, and coastal waters if we don’t protect our streams and wetlands. That’s why we’re finalizing the Clean Water Rule. Right now 60 percent of streams and millions of acres of wetlands aren’t clearly protected. We all live downstream and need that water to be clean. People often ask me about the best thing they can do for clean water. I say to spread the word about how much it matters to you and your family and friends. Here is an easy way to do that: take a photo holding this #CleanWaterRules sign. Post it to Facebook. Twitter or Instagram with #CleanWaterRules and give your reason why ([more](#))."

**PBS Newshour Features Basic Rural Water Supply in Nicaragua**: A rural water chlorinator in Nicaragua uses no electricity or pumps - just the container and the tablet. Dozens have been installed in remote mountainous communities in this Central American nation. In one community, 380 residents of the village will have safe water at almost no additional cost. The device costs just $150. Its plastic pipes and chlorine tablets are available locally. Community leaders are instructed to monitor chlorine levels and to change the tablets periodically ([PBS - 3:10 seconds](#)).

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Ohio Supreme Court Says TMDLs and WQSs Must be Derived from Formal Rulemaking: On March 24, 2015, the Ohio Supreme Court announced its decision in the Fairfield County (OH) case that according to their attorney will "significantly impact hundreds of wastewater dischargers across Ohio and is likely to set precedent on a national scale." The county appealed a phosphorus limit in its NPDES permit, asserting that the TMDL-based limit was substantively and procedurally flawed. The state supreme court resoundingly rejected the Ohio EPA's arguments that TMDLs and its 1999 Phosphorus Report were only "guidance." The county's attorney said, "there are only a handful of states that we know of that require their TMDLs to go through rulemaking before they can be used to impose NPDES permit limits (more)."

New York Rural Water Supports Local Water Tours for Ranking Congressman on Key Water Committee (local news).

ICYMI, California Imposes Its First-Ever Mandatory Water Restrictions (more).

New York Rural Hosts Demonstration of New WaterStep Unit Donated by HD Supply: On Wed., neighboring state rural water associations attended a demonstration of new emergency purification system that will be housed at New York Rural Water Association and available to all surrounding states.

USGS Video; The Quality of Our Nation’s Groundwater – An Invisible and Vital Resource: The video presentation covers the occurrence of contaminants in groundwater, how natural features and human activities can affect groundwater quality, and how models are being used to predict contaminant concentrations in unmonitored areas and inform water-resource management decisions (YouTube).

New Fracking Study in Science Magazine Says Methane in Water Are Unrelated to Fracking: The new study of 11,309 drinking water wells in northeastern Pennsylvania concludes that background levels of methane location of hundreds of oil and gas wells that tap hydraulically fractured, or fractured, rock formations. The finding suggests that fracking operations are not significantly contributing to the leakage of methane from deep rock formations, where oil and gas are extracted, up to the shallower aquifers where well water is drawn. The result also calls into question prominent studies in 2011 and 2013 that did find a correlation in a nearby part of Pennsylvania. There, wells closer to fracking sites had higher levels of methane (ScienceMag).

EPA Launches Water Utility Response On-The-Go Mobile Website: New EPA tool makes accessible from the field information and tools that water utility operators and their response partners may need during an emergency (EPA).

EPA Stakeholder Meeting and Webinar on Potential Revisions to Regulations for the Prohibition on Use of Lead Pipes, Solder and Flux: On April 14, 2015, EPA will hold a public meeting to obtain input on potential revisions to regulations for the Prohibition on Use of Lead Pipes, Solder and Flux (EPA).

Big City Water; San Francisco Drinking Water's Sour Smell and Bitter Taste is Safe: Officials say it is the result of algae in an area reservoir that shouldn't affect the water’s safety (more).

Big City Water II; DC's Rusty Water Not a Safety Issue (DC News).

Big City Water III; American Water Warns of Scam Saying the President is Paying Your Water Bill: The scam, which has been reported in a number of states, claims that President Obama is
providing credits or applying payments to utility bills. Customers are asked to provide their social
security numbers to apply for the program. The scammers then give customers a phony bank routing
number (more).

Big City Water IV; Past of London Evacuated After Sewer System Fire Results in Thick Black
Smoke and Flames from Manhole Covers: (photos & video).

Hormone-mimickers Widespread in the Great Lakes from Waterwater Systems: Researcher
finds insidious and concerning health impacts on aquatic creatures from hormone-disrupting
compounds – called alkylphenols – making it through wastewater treatment plants and contaminating
rivers and fish in the Great Lakes and Upper Mississippi River regions (more).

Character Counts! Terry Brown, Operator at Rural Water District No. 5, Butler County,
Recognized as Operator of the Year: The award was presented this past week during the Kansas
Rural Water Association's 4th Annual Conference & Exhibition. As district operator, Brown migrated
the district from contract labor towards purchase of its own equipment for trenching and repair work.
This change has helped the District realize annual cost reductions of $50,000 to $100,000. Brown
also created and maintains a current computer GIS map of the district including all lines, meters,
hydrants and valves. Brown and other staff currently oversee about 370 miles of pipeline, two
separate water sources, five pump stations and four water storage tanks (more).

EPA Public Right to Know Policy's Unintended Consequences: Menominee (MI) consumer is
worried about her water. "Yesterday was the first day I actually went out and bought bottled water,"
says consumer. Last week, she got a notice in the mail saying the Menominee city water system
recently violated a drinking water standard. The supply tested high for trihalomethane. "I'm actually
looking into getting a whole house water filtration system... I don't trust our water anymore (more)."
NRWA Regulatory Update: This report was crafted for a state association board meeting and details a few active NRWA policy initiatives. The NRWA Regulatory Committee has identified two priority regulatory reform priorities for the association for 2016: (1) Wastewater: reform of EPA's over-burdensome TMDL program that is resulting in unnecessarily burdensome NPDES permits, and (2) Water: relief under the EPA Lead and Copper Rule which is being negotiated now by an EPA panel. NRWA is represented on the panel by a small water system manager from Mass. Rural Water Association. NRWA's Regulatory Committee Chairman (John O'Connell with New York Rural Water Association) has made actions that result in cost savings for the membership a priority for NRWA's advocacy campaign (Regulatory Cost Savings Documentary). The most likely issues for additional relief and cost savings in the coming year are: access to TMDL trading, DBPs rule relief, and LCR in-home monitoring relief.

Global Chemical Weapons Organization Investigates Chlorine Gas Attacks in Syria: Chlorine gas is used in a "systematic" way in Syria's four year civil war (link).

EPA Backs More Subsidies for Private Water Corporations and Funding for EPA: EPA says it is progressing on its rollout and implementation of the Water Infrastructure Finance and Innovation Act – and EPA sees WIFIA as a source of funding for the agency. At a policy meeting last week, an EPA official said the agency plans to charge fees to borrowers to cover the cost of administering WIFIA and that EPA sees a possible $25 million appropriation this year as funding that could be used for EPA hiring. The EPA official said the agency was excited about WIFIA following stakeholder meetings on the program. EPA also explained that WIFIA funding would be used to subsidize about 5 to 10 percent of the total amount needed for a given project. The EPA official explained their proposal to use approximately $50 million in the coming year to create a new EPA initiative to explore innovative new ways of providing financing (EPA's budget proposes cutting $53 million from the SRFs).

As EPA Proposes to Steer Water Funding to Larger/Wealthier Communities and Private Corporations, the State of California Proposes to Help Disadvantaged Communities: Legislation proposed in the California legislature would create a state office to target help to poor communities (more).

EPA Sponsored "President's Award" Goes to Private Water System: The press release notes that the winner, Pennsylvania American Water, "a subsidiary of American Water (NYSE: AWK), is the largest water utility in the state... American Water is the largest publicly traded U.S. water and wastewater utility company" (press release).

News Reporter Exposes Irresponsible Water Operators: "The door at the entrance to drinking water storage tanks at Gun Hill is damaged... miscreants can contaminate water, thus posing a threat to the lives of residents... sacks of chlorine powder can been seen lying abandoned... wild weeds can be seen growing over the tanks... curious tourists sometimes entered the tank area with impunity... business community ensured the safety of storage tanks by keeping a close eye on tourists" (more).

NY Times Features the Worst Drinking Water System Situation Imaginable: Flint (MI), changed water sources, consumers buy soda to avoid the water, water has a blue tint, smells like mothballs, high rates, city in receivership, fecal contamination, THMs violations, etc. (NYTimes).
**Public Meetings of EPA’s SAB Drinking Water Committee and EFAB:** EPA announced the next meeting of its Science Advisory Board (SAB) Drinking Water Committee. The meeting will be held April 29 – 30 in Washington and SAB committee members will discuss the recently proposed draft of the Fourth Contaminant Candidate List (CCL4). Public comments for consideration are required to be submitted by April 22. EPA also announced a meeting of its Environmental Financial Advisory Board (EFAB) May 14 – 15, also in Washington. Topics to be discussed during the May meeting include water infrastructure financing, financing operations and maintenance at green sites and EPA’s Water Infrastructure and Resiliency Financing Center.

**Senators Launch Online Hub to Hear about EPA Rules and Cut the Red Tape:** Senators James Lankford (OK) and Heidi Heitkamp (ND) launched a new webpage to take comments on federal regulations. Lankford and Heitkamp are chairman and ranking member, respectively, of the Homeland Security and Governmental Affairs Subcommittee on Regulatory Affairs and Federal Management (homepage).

**Office of Cyber and Infrastructure Analysis Releases Water Reports:** The U.S. Department of Homeland Security’s Office of Cyber and Infrastructure Analysis (OCIA) released two documents pertaining to the water and wastewater sector. **Infrastructure System Overview Water Systems** is intended to give analysts, policymakers, and homeland security professionals a baseline understanding of how water and wastewater systems function and how they are managed. **Extended Water Outage Infrastructure System Overview** presents a basic analysis on the effects of drinking water and wastewater service outages on users, both in short-term and long-term horizons. It also discusses water system restoration, issues to consider during recovery, and water system redundancy. As with the previous product, this document may be particularly helpful in educating other stakeholders such as government and business leaders.

**EPA Warns PA Is Lacking on Farmers’ Anti-runoff Plans:** EPA’s review of Pennsylvania’s animal agriculture programs was prompted by Pennsylvania not meeting its nutrient-reduction targets in 2013 (more).

**Senate Passes Bill to Modify Efficiency Standards for Large Water Heaters** (more).

**Texas Rural Water Testifies on Project to Pump and Sell Millions of Gallons of Groundwater a Day from Hays County to Austin:** One public official said that Texas is governed by "the rule of capture" which means a landowner can pump unlimited amounts of water underground and isn't liable for harm to a neighbor's well (more).

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Hawaii Rural Water Kicks A(loha): At the end of last week, Hawaii Congressman Mark Takai organized a joint letter signed by 50 Members of the House of Representatives to the appropriations committee in support of rural water funding (letter and cosigners). Additionally, Congressman Takai has indicated he will consider an amendment to the EPA appropriations bill to ensure funding is used in the most beneficial manner for small and rural communities. The Hawaii Rural Water Association has set the standard for advocacy this year with every one of their House Members signing letters to the appropriations committee and both of their Senators co-sponsoring the Senate legislation to fix the EPA funding problem (S. 611).

Looking for Leaders on House Appropriations Committee: Rural Water is attempting get support on the House Appropriations Committee to fix the EPA funding situation. If your Member of the House Committee would be willing to ask Committee Chair Ken Calvert (CA) to include the operative provision of H.R. 654 in the EPA appropriations bill, please contact us. We think including this provision in the appropriations bill is the only way to ensure EPA follows Congressional intent (to help the small communities in Oklahoma and the other states) versus allowing EPA the discretion to fund their own priorities.

Rural Water Expert Jim Maras Leaves CoBank: Long time rural water supporter, advocate, and expert Jim Maras has left CoBank. We contacted Jim last week to offer any support and assistance. Jim can be contacted at <marasinmd @aol.com>.

EPA Supporting WIFIA: The top EPA water official said last week that EPA is waiting for Congress to appropriate funds so it can start offering loans and loan guarantees under the newly created water infrastructure financing program. “Should Congress choose to fund it, we will be ready to go,” said EPA’s deputy assistant administrator for water. The EPA official added that the WIFIA program was set up to supplement the state revolving fund program, not replace it. AWWA held its DC fly-in last week and was advocating for the repeal of the ban on the use of tax-exempt bonds for WIFIA-backed drinking water projects. Rural Water circulated a briefing paper to Congress last week titled, “Policy Questions That Should Be Answered Regarding SRFs and New Water Infrastructure Initiatives.” The briefing paper includes numerous citations and reports - and concludes with the question, “Which Does Your State Prefer, the SRFs or WIFIA?” The paper is available online (link).

Arsenic Scare: Lawyers sue wine companies for arsenic in wine at levels up to four and five times the maximum amount EPA allows for drinking water (more). A former NRWA board member commented that “the defendants could convince the court that they are innocent because the EPA standard is flawed for the reasons identified by Dr. Lamb’s findings.”

NY Times on Green Farming: Specifically soil-conservation farming is a movement that promotes leaving fields untilled, “green manures,” and other soil-enhancing methods that produce crops that thrive even during droughts or flooding. The practice limits degraded soils that wash away easily in heavy rain, taking nitrogen and other pollutants with it into rivers and streams (NY Times).

Colorado Senator is Praised by Colorado Rural Water for Supporting Small and Rural Communities (more).

EPA to Send Waters of the U.S. Rule to the White House Office of Management and Budget (more).

What is causing the harmful algal blooms in Lake Erie?: While total phosphorus loads to Lake Erie have remained relatively stable since the mid-1990s, soluble phosphorus loads have been steadily increasing (more).

Chlorine Wastewater Treatment is Interacting with Pharmaceuticals and Strengthening Dangerous Microbes (more).

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**Why Isn't Your Senator Supporting Your Association?**: Sixteen of 100 U.S. Senators have endorsed the legislation (S. 611) to fix the EPA technical assistance funding process (Senators Wicker-MS, Barrasso-WY, Bennet-CO, Blunt-MO, Boozman-AR, Crapo-ID, Enzi-WY, Franken-MN, Heitkamp-ND, Hirono-HI, Inhofe-OK, Klobuchar-MN, Moran-KS, Risch-ID, Schatz-HI, and Tester-MT). States with both Senators supporting rural water include: Hawaii, Wyoming, Minnesota, and Idaho.

**Strontium Update**: An EPA decision on whether to regulate strontium in drinking water is expected by early 2016 and it may be four years before a perchlorate rule goes into effect, according to EPA officials. EPA still has the option not to develop a regulation at all for strontium under the Safe Drinking Water Act. In 2011, EPA decided to regulate perchlorate and is currently in the process of determining the enforceable level (MCL). The delay in a final perchlorate MCL is a result of EPA's crafting of the model (physiologically based pharmacokinetic, or PBPK, model versus other types of models more typically used by the agency). Once an MCL is set and a final rule is published, the Safe Drinking Water Act requires another three years before the rule goes into effect.

**LCR In-Home Monitoring Relief Opposed**: NRWA's negotiator (John Sasur, Mass RWA) on the EPA panel recommending modifications to the current LCR rule reports that environmentalists on the panel are pushing back on NRWA's proposal to eliminate the rule's requirement for in-home testing by the consumer. EPA has appointed four environmental community members on the negotiating panel and one representative of small communities. An additional concern is that the members of the environmental community don't represent the public (or any constituency), but they are driving the process. This conclusion is based on the fact that the EPA continually appoints the same staff from the environmental community to serve on negotiating panels.

**NRWA/ AWWA Copper Survey**: The survey is needed to collect data to negotiate a new EPA copper drinking water rule. Many water supplies are concerned that the results of current in-home testing are not reliable and not an appropriate basis for requiring corrosion control treatment. An alternative approach would involve requirements specific to lead and determining whether water is corrosive to copper based on water quality parameters measured at sample points in the distribution system. As of Tuesday over 600 systems completed the survey (KS 85, TN 59, FL 58, UT 48, NY 37, CA 30, WI 22, MT 18, AR 17, IN 16, MN 16, CO 15, PA 14, MA 12, IL 10, MI 10, OH 10, WA 10, OR 8, TX 8, GA 7, NE 7, KY 6, AZ 5, ME 5, SC 5, CT 4, IA 4, ID 4, WV 4, AK 3, DE 3, LA 3, MO 3, NC 3, NH 3, NJ 3, VA 3, MD 2, NM 2, NV 2, OK 2, RI 2, SD 2, MS 1, ND 1, VT 1 and WY 1). Systems may complete the survey until April 2, 2015.

**MTBE Spills After Boats Collide**: Two ships in the Houston ship channel, one carrying 216,000 barrels of the gasoline additive MTBE, collided and began spilling an unknown amount of MTBE into the water (more).

**Thieves Posing as Water Workers**: Hillsboro (OR) police are warning the public to be safe and be aware of activity by utility worker impostors. Police recently received a report of two male suspects who gained access to a water customer's residence by posing as employees (more).

**Canada Oil Tanker Train Explodes**: Again this week, tanker cars carrying Alberta tar sands oil derailed. This time it occurred two miles outside Gogama, Ontario, with at least 35 cars going off the rails and at least seven cars igniting. Five cars landed in the Makami River, prompting a warning to residents not to drink the water as well as to stay inside to avoid possible toxic effects from the fire (more).
Maryland’s Thirsty Kids Act: A bill to ensure students have access to water throughout the day was considered in Congress recently. But as a final vote neared, opponents of the bill — mostly Republicans — continued to attack it, saying it would lead to unintended consequences. Among them: The water bottles would become a classroom disruption, allowing kids to constantly ask to leave to refill them or go to the restroom (more).

GAO Report on Rural Water: Published at the end of February, the report found that small communities do not have the number of users needed to share the cost of major infrastructure projects while maintaining affordable user rates (GAO).

USGS Finds Chemicals Discharged from Wastewater Systems Getting into Groundwater: Pharmaceuticals in treated wastewater effluent discharged to the stream are transported into adjacent shallow groundwater (more).

EPA Promotes Water Privatization: This week, the head of EPA outlined plans to cut wastewater funding by 23% in 2016, and bridge the gap through increased private investment. The EPA chief said that the US should consider more public-private partnerships to account for the difference (more).

CA Drought Means Ultra-deep Wells: Suppliers plan to tap into water that fell to earth nearly 20,000 years ago, drilling deeper into water supplies that date back to the ice age. Some see a future disaster in mining water that cannot be readily replaced (more).
Senators Wicker (MS) and Heitkamp (ND) Re-introduce FIX EPA Funding Legislation: This past week, the Senators introduced S. 611, the Grassroots Rural and Small Community Water Systems Assistance Act. The bill was cosponsored by fourteen other Senators. The bill would fix the current EPA funding process by mandating in law that EPA follows Congressional intent by prioritizing the type of technical assistance is most beneficial for small and rural communities.

All Members of Congress Should Cosponsors the Bill (more).

News Release from Senator Wicker: Wicker, Heitkamp Introduce Rural Water Bill Bipartisan Proposal Would Enable Small Communities to Meet Safe Drinking Water Standards

WASHINGTON – U.S. Senators Roger Wicker, R-Miss., and Heidi Heitkamp, D-N.D., have introduced bipartisan legislation to help small and rural communities comply with “safe drinking water” regulations.

“Many communities face daunting costs when attempting to meet the terms of federal drinking water rules,” said Wicker. “These mandates are further complicated when access to technical experts is limited. This bill would enable municipalities to attract funding and technical assistance in their efforts to provide safe, clean drinking water to their citizens.”

“Connecting North Dakota communities is at the heart of what it means to be at home in our state, and making sure our rural towns have the resources they need to access clean drinking water is a key part of that connection,” said Heitkamp. “Growing up in a small town like Mantador, I’ve long understood the challenges in making a few resources go a long way. That’s why I’m working with Senator Wicker today to reauthorize a critical program that engages our federal government with our rural communities by giving small towns across this country the technical assistance they need to improve and protect their water supplies. We can keep our rural communities connected to safe, reliable drinking water systems, and I’ll keep building relationships with our federal partners, and working toward practical policy measures to make that a reality.”

The “Grassroots Rural and Small Community Water Systems Assistance Act,” S. 611, would reauthorize the “Safe Drinking Water Act’s” (SDWA) technical assistance and training provision for $15 million per year over the next six years. Wicker and Heitkamp introduced similar legislation during the 113th Congress.

More than 50,000 small and rural communities, comprising more than 90 percent of the drinking water supplies in the country, are responsible for providing safe, clean water to their citizens. The Environmental Protection Agency’s technical assistance and training provision assists these communities in securing the necessary technical expertise to improve and protect their water resources. The initiative has been effective in ensuring implementation of the SDWA in rural areas.


Rural Water Circuit Riders and Field Technicians Have Their Day in Congress: On Friday, for the time ever, Congress held a hearing on "Drinking Water Challenges Facing Small and Rural Communities". Four rural water members, Mayor Everette Hill (MS), Mayor Joe Keegan (NY), KT Newman (MS), and Bobby Selman (MS), represented all small communities before the House Energy and Commerce Subcommittee on Environment and the Economy. The rural water representatives told the well-attended committee hearing that all small and rural communities depend on the on-site technical assistance provided by state rural water associations for compliance, training and operations & maintenance. The committee initially convened the hearing to review the Grassroots Rural Water and Small Community Drinking Water Assistance Act, but expanded the hearing’s scope to cover drinking water related issues including the state revolving funds, USDA grants & loans, and EPA regulations. We are grateful for excellent representation provided by all the rural water witnesses (video of the hearing, testimony, photos of the hearing).

- Mayor Hill, "In Como, Mississippi, the wastewater system is failing because of its age and inability to meet its current EPA permit. The cost to update Como’s sewer system to be compliant is approximately 2 million dollars. The Como drinking water system needs an additional 1.0 million dollars in upgrades. Como is just like thousands of other small communities in the Delta and the other states, they need a grant-rich infrastructure funding program like the USDA’s rural development program, and they need access to someone they can trust for technical advice, on-site assistance, and help with managing the funding application process."

- Bobby Selman, "I want thank my Congressman, Gregg Harper for his support and assistance to all small public water systems across the country for sponsoring the Grassroots Rural and Small Community WaterSystems Assistance Act. It directs the EPA to prioritize the type of technical assistance that small communities find is most beneficial. The rural water type of on-site technical assistance is what all the small communities in Mississippi and the other states rely on for help with compliance, operations, emergencies, line break, loss of water, setting rates, and training for operator certification. I am told that Congress funds the EPA’s internal management budget for hundreds of millions of dollars every year. Small and rural communities want Congress to know that the only benefit we get comes from the small portion of the EPA funding that is directed to on-site technical assistance provided by what we call circuit riders."

- Mayor Keegan, "I want to emphasize the essential assistance we receive from New York Rural Water Association technical assistance and explain why it is so helpful. The association has circuit riders that are on call throughout the state that will come and assist us immediately including evenings and weekends. We depend on them just like every other small community."

- KT Newman, "Recently, many of the small communities in the Delta have received violations for a new EPA regulation referred to as the disinfection byproducts rule. Once the disinfection byproducts rule is violated, many small communities are forced to spend limited resources to report these violations to the consumers... causing pandemonium in these small communities."

EPA Testifies to Congress on New EPA Climate Change Circuit Riders (video).

The Winter of Broken Pipes: Baltimore has thousands without water, residents flush toilets with melted snow (more). Thousands without water in Pike County, KY due to a combination of freezing temperatures, ice accumulation, power outages, and frozen pipes (more). Estill County
critical water shortage and boil water advisory due to a water shortage caused by residents running water to prevent frozen pipes. A power outage at the waterplant, in addition to freezing leaks and breaks have added to the demand of water and have caused more than 1,500 county residents to be without water service or experience low water pressure (more).

**NRWA & AWWA Copper In Drinking Water Survey Open Until April**: the data from the survey will assist in pressing for relief on the EPA committee negotiating revisions to the Lead and Copper Rule. The current proposal before the committee would separate copper from the rule and make compliance with the copper standard a function of water chemistry versus in-home testing. Florida, California, and Indiana has the most respondents to the survey (FL 22, CA 18, IN 14, AR 13, NY 12, CO 8, MI 8, MN 8, IL 7, MT 6, PA 6, TN 6, KY 5, TX 5, WA 5, NE 4, OH 4, OR 4, WI 4, AK 3, AZ 3, IA 3, MO 3, NH 3, ID 2, CT 2, DE 2, GA 2, MD 2, ME 2, NC 2, NJ 2, NV 2, OK 2, UT 2, KS 1, LA 1, MA 1, SC 1, VA 1, VT 1, WV 1). The survey takes about 10-15 minutes to complete (survey).

**National Weather Service Designated March 15-21 as Flood Safety Awareness Week**: More than half the states are planning events that recognize the need for flood safety outreach initiatives. Their website connects you to links for individual state flood response activities, including a clickable, interactive map, and other helpful resources on educational materials and available resources for flood awareness, prevention, and response.

**MD Governor Releases Revises Phosphorus-limiting Regulations**: Ag groups support, environmentalists oppose (more).

**California’s 10 PPB Drinking Water Standard for Chromium-6 Not Feasible** (more).

**Wisconsin Department of Justice to Take Lead in Prescription Drug Disposal Program** (more).

**California’s Drought Increases Thieves Opening Hydrants to Steal Water** (more).

**High School Students in Rotterdam (NY) Publish Report on Water Rates**: Instead of paying a flat fee, the study found municipalities across the state charge more for metered water. This metered water policy would increase the amount of income and allow the water department to maintain, update, and improve the water system more often and effectively, according to the student’s report. Town officials asked the students to study the water system and rates after a summer when several water main breaks caused problems for residents and business owners. Rotterdam residents pay $75 for water after the Town Board raised the fee from $25 last February in order to generate more revenue for repairs (more).

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**National Rural Water Association**

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Help NRWA & AWWA Make the LCR Better by Completing Copper Survey: Water utility associations, including NRWA, are currently pressing for relief on the EPA committee negotiating revisions to the Lead and Copper Rule (EPA committee). One proposal before the committee would separate copper from the rule and make compliance with the copper standard a function of water chemistry versus in-home testing. NRWA & AWWA need to know what the impact of such a new rule construct would be in small and rural communities before agreeing to any new proposal. Please help us by completing a survey on your groundwater chemistry (survey). We are hoping for a strong response from small systems from as many states as possible. If there were any portion of the U.S. where groundwater could be identified as “corrosive to copper” it is the upper Midwest. However, water corrosive to copper could easily be an issue elsewhere – we may just lack knowledgeable input from other regions of the country. The data from this survey is critical in allowing NRWA & AWWA to craft a new rule that is helpful to water utilities.

Congress to Hold Hearing on Rural Water: A House Energy and Commerce Subcommittee has scheduled a hearing this Friday on small and rural community drinking water issues. The Committee has requested that a number of small communities testify at the hearing. The predicate of the hearing is the Grassroots Rural and Small Community Water Systems Assistance Act (link). However, the scope of the hearing has evolved into the broader topic of small community water issues due to the bipartisan interest of helping small communities on the Committee. Up to four rural water association members are likely to testify at the hearing.

NC Rural Water in Talks with Congressmen Over Mailing Relief for DBPs Violations: During the Washington Rally a number of North Carolina Congressmen expressed interest in helping advance relief for small and rural communities from burdensome federally mandated reporting requirements from the Tier II Public Notice Regulations for Quarterly Violations under the EPA Stage II Disinfection Byproducts Rules. NCRWA is currently discussing possible avenues for relief. Please let us, or NCRWA, know if your Congressman is interested in supporting such relief for your state.

Grassroots Rural and Small Community Water Systems Assistance Act Fact Sheet (link).

ND Senator Hoeven Praises ND Rural Water in Video Message (link).

WV Water Supply Issues Boil Order After Voluntary Shut Down Resulting from Train Crude Oil Spill (more). The oil spilled could reach Cincinnati's water supply 285 miles downstream. If that happens, the city’s waterintakes will be shut for the third time in 13 months (more).

Kaylen Solis Wins Minnesota Rural Water Association 2015 Poster Contest (more).

Rural Water Cyber Security Initiative to Rely on Priority Preventative Actions: Recent cyber attacks including the BlackEnergy campaign exploited previously unknown vulnerabilities in control systems devices. Once inside the network, the threat actors added remote access tools along with other capabilities to steal credentials and collect data about the network. All the victims in these campaigns had their control system directly connected to the Internet without proper security implemented. NRWA will begin promoting that water systems isolate ICS networks from the internet, minimize network exposure for all control systems devices, locate control system networks and devices behind firewalls, isolate control systems from the business network, employ secure methods such as Virtual Private Networks, remove, disable, or rename any default system accounts wherever possible, and implement account lockout policies in the coming weeks.
China's Rural Water Policy: China's ministry of health reports that at least 323 million people, one-third of the rural population, was exposed to unsafe supplies. From 2006 to 2011, the government invested $17.5 billion in rural tap water projects (more).

EPA's Emergency Planning Checklist to Guide Utilities: Covers preparedness, response and recovery actions for the following incident types: drought, earthquake, extreme cold and winter storms, extreme heat, flooding, hurricane, tornado, tsunami, volcanic activity and wildfire (more).

Septic Systems Moving Man-made Pollutants to Groundwater: Pharmaceuticals, hormones and personal care products associated with everyday household activities are finding their way into groundwater through septic systems according to the U.S. Geological Survey (more).

EPA Reviewing Montana Numeric Nutrient Criteria Variance Plan: EPA could decide within the next few weeks whether to approve Montana's revised plan to allow general and individual variances to stringent numeric nutrient criteria for up to 20 years. Under the general variance approved in 2012, dischargers of more than 1 million gallons per day would have to meet an effluent standard of 1 milligram per liter (mg/L) for total phosphorus and 10 mg/L for total nitrogen; dischargers of less than 1 million gallons would be held to a standard of 2 mg/L total phosphorus and 15 mg/L total nitrogen. Every three years the dischargers will have to assess whether the technological or economic factors are in place to ratchet those standards down, ultimately reducing discharge limits to between 0.006 and 0.124 mg/L for phosphorus and between 0.130 and 1.358 mg/L for nitrogen. The variance is set to be phased out in 20 years.

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The Power of An Association: State rural water association delegations combed the halls of Capitol Hill last week urging Congress to fund what is working (NRWA priorities). At the annual "Rural Water Washington Rally" general session on Tuesday morning there was a palpable sense of enthusiasm in the rural water movement and for fixing the EPA by passing a new law to require the Agency to follow Congressional intent in awarding technical assistance funding (more). We plan on updating the list of Congressmen and Senators who are cosponsoring the "Grassroots Rural and Small Community Water Systems Assistance Act," this week.

"Easthampton (MA) Drinking Water Judged Best in the U.S. at National Conference," (more).

Kansas and Oklahoma Rural Water Press for Relief from DBP Stage II Public Notice: Both associations made impressive presentations to their Senators' offices on the need for relief from DBP public notice - citing the cost of mailings, the misleading nature of the mandated language, and the complexity of the monitoring (Kansas exposé).

Flawed TMDLs Being Enforced in Small Communities: One TMDL in Marcellus (NY) to cost the small town up to $5,000,000. The TMDL regulator will not allow the community an opportunity to use watershed trading, update the model based on better data, conduct a peer review like in other TMDLs, or include all relevant studies in the model. Technical TMDL expert Bill Kramer analyzes the substance of the TMDL and finds it lacking (Kramer analysis).

Bill Requiring EPA Strategic Plan Preventing Algal Blooms in Drinking Water Advances: H.R. 212, the Drinking Water Protection Act passed the Energy and Commerce Committee with bipartisan support this week (more).

New WIFIA Comment: During a meeting with senior congressional staff reviewing EPA's budget request for WIFIA funding (last week), two new arguments were made in favor of creating the new water funding program within EPA: (1) funding WIFIA would allow for more of the SRF funding to be available for small communities, and (2) that WIFIA is simply another tool in the funding toolbox for water projects. Both of these points made by WIFIA proponents are disingenuous. WIFIA does not allow for more of the SRF to be available for small communities because large projects are not limited from continuing to compete for SRF funds and small communities don't receive any preferential status under the SRFs. WIFIA is not another tool in the toolbox because it is limited to large and wealthier communities, and private water companies at the expense of more disadvantaged communities. WIFIA limits EPA water subsidies from being available to all communities, prioritized based on need.

EPA Posts Latest Results from the Third Unregulated Contaminant Monitoring Rule (UCMR): Most UCMR3 contaminants were well below any health reference levels. Only strontium, chlorate, and 1,4 Dioxane have results above the reference concentration in more than 5% of systems (EPA webpage).

Developing: DBP Stage II compliance resulting in less chlorine in distribution systems and over-flushing (wasting) treated water.


World Has Not Woken Up to Water Crisis Caused by Climate Change (IPCC).

USDA Funding Available for Household Water Well System Program (USDA).

Cyber-attacker Hacks MO Water System and Extorts Financial Ransom: This week, MO rural water reported that a member's network was infected with a Crypto Wall Virus through a suspected email. The virus encrypted the system's files including billing software so they were not accessible until a $500 ransom was paid. The utility said, "As bad as we hated to, we paid the fee and now we are back up and running."

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Rural Water Policy Advisory [2/9/2015]

Rural Water In Washington This Week: State rural water association delegations are in Washington DC this week to urge Congress to continue to fund what is working including circuit riders, source water protection, technical assistance and training, and infrastructure funding. In addition to funding priorities, rural water delegations will be urging Congress to "Fix EPA Funding by Making EPA Follow Congressional Intent" (more).

White House Environmental Budget Request: The Administration released their fiscal year 2016 budget request this week. EPA is requesting funding for a new "Circuit Rider" program. "Coordination of community work also will be achieved by leveraging NGO and academic efforts to support non-EPA “Circuit Riders” to work with the Administration’s existing Place-Based Climate Action Champions to provide on-the-ground technical assistance to multiple communities, specifically focused on improving community adaptation and resiliency in response to climate change and extreme weather events. To support this community coordination work, the agency will deliver second generation, community focused tools that are interactive, user-friendly, and build upon and hone existing platforms to both (1) better connect communities to the multitude of agency and other federal resources (primarily websites) available to address their needs and (2) align geospatially the agency’s available information and data within the GeoPlatform.” EPA did not request funding for rural water Circuit Riders, technical assistance or training.

EPA to Consider Regulating Manganese: John Sasur with Mass Rural Water reports, "I just found out that our MA primacy agency along with others have submitted nominations to the proposed EPA CCL list. Manganese was on the first CCL list, but EPA made a negative determination. It is presently on the secondary list which is unenforceable. But now a number of recent Mn studies shows the concern for neurological effects to small children. MA has recently required all PWS’s to test for Mn across the state to determine regulatory impact on an as yet undetermined state MCL. I anticipate it being set soon. A number of other states have already set .5mg/L as a trigger for public notification. So now, Mn is on the draft CCL4 list and EPA is specifically calling out that they want more comments on Mn. EPA is mainly looking for comments based on data or other reports (scientific or epidemiological based). I don’t know how many systems this will impact here in MA as they have not tabulated results nor set standards. Treatment will most likely be filtration. So just a heads up as what MA (or CA) does, eventually so does EPA. Some other notables that are on the CCL4 list include: 1,4. dioxane, PFOS, Chlorate, and Molybdenum."

NPR on Cover Crops and Better Water (NPR).

Indiana Ammonia Leak at Bottling Plant Prompts Emergency Response (more).

EPA to Post Location of Water Treatment Plants on Internet (more).

Actor Matt Damon Starts New Global Water Initiative: “Buy a Lady a Drink,” seeks to raise funds and awareness around water issues in the developing world. The title of the social impact campaign refers to the time and effort it takes for women in poor, water-scarce countries to collect clean water for their families — a combined 200 million hours per day, according to the organization. The idea is to buy a specially-designed chalice through the website, and each sale will provide one person with up to five years of clean water (campaign promo video).

Environmental Groups Unhappy with New Maryland Governor: Gov. Larry Hogan said at his State of the State address yesterday that the ongoing cleanup effort for the Chesapeake Bay wasn’t working. Hogan cited environmental groups’ own report card on the bay's health which awarded a D+ this month, unchanged since 2012 - to argue that "our current strategy for protecting and restoring our greatest natural asset is failing.” The governor is proposing to remove a stormwater fee used to fund restoration projects and to rescind a regulation limiting the use of fertilizers at Eastern Shore farms (more).
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EPA Administrator Suggests WOTUS Rule May Slip Beyond April Deadline: At a Feb. 4 joint House-Senate hearing on the rule, the EPA Administrator said the agency will "not be rushing" the final version of the regulation. Instead, she said the agency wants to assess the more than 800,000 comments received to date on the proposed rule. At the hearing, Senator Fischer (NE) asked whether EPA would commit to a final rule that does not assert jurisdiction on the basis of "groundwater connections" to downstream waterbodies. EPA replied that the agency heard many "legitimate concerns" on the proposal and said, "we're not rushing finalizing this rule until we've finished going through comments" and can address stakeholders' concerns.
The Power of An Association - NRWA’s Priority LCR Reform Issue Included in First Draft: NRWA is being represented by John Sasur, with Mass. Rural Water Association, on the EPA negotiating committee crafting changes to the current Lead and Copper Rule. Last week, the panel released a first draft proposal for changes to the rule (link). Included in this first draft was the elimination of in-home customer monitoring. The report states, "Implementation of this approach over time has revealed numerous challenges. Recruitment of customers to take in-home samples is difficult. Customers are not professional samplers and, thus, may implement the sampling protocols inconsistently. Research on sampling protocols has shown that sampling results may vary, and not necessarily consistently, based on the configuration and length of lines from the water main to the sampling tap and whether the sample is a first draw or a subsequent sample intended to reflect water that had been in a LSL for some time... Thus, the LCRWG recommends a shift in the functions of monitoring at the tap and of water quality parameter (WQP) monitoring in the LCR." John Sasur will be in Washington this week (Feb. 4, 2015) to attend the next negotiating meeting.

New Law Allows CWASRF to Fund Energy Assessments and Audits (more).

Brazil’s Biggest City May Cut Water Service to 2 Days a Week (more).

Private Calf. Water Company Delivers Black Smelly Water (more).

President’s Budget Released Monday to Feature New $478 Billion Infrastructure Initiative (more).

NRWA Presses for Technical Assistance Fund Within the CWASRF (more).

Gold Fund in Common Wastewater Sludge (more).

EPA Webinar on American Iron and Steel Requirements Under the State Revolving Funds on February 4 (more).

EPA Webcast on Lessons Learned from Watershed Assessment in USDA’s Conservation Effects Assessment Project on February 5 (more).

State Agency Associations’ CWA-SDWA Toolkit Introductory Webinar on February 3, to Cover Protecting Drinking Water Sources (more).

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Senator Wicker (MS) and Heitkamp (ND) Press for Quick Senate Action on EPA Funding Reform Bill: The two Senators plan to re-introduce S. 864, the bill to mandate that EPA follow Congressional intent in awarding technical assistance funding, at the end of this week. The Senators have requested that all Senators interested in supporting the bill (by becoming an original cosponsor) contact them by the end of the week. If you Senator is willing to support, please have them contact Brandon Elsner with Senator Wicker or Tracee Sutton with Senator Heitkamp to become cosponsors. The Senators report that Senate environmental committee Chairman Inhofe will be quickly moving a package of environmental bills through the committee and they hope that the reintroduced version of S. 864 will be in that initial package. Please contact us with any questions or for assistance with your Senators’ questions.

White Announces New Water Funding Initiative for USDA and EPA Focused on Private Equity: On Friday, the White House released its 21st-century infrastructure plan to bring private sector capital and expertise to bear on improving our nation’s water supplies. The Administration is launching a new Water Finance Center at the Environmental Protection Agency and highlighting the progress of the Rural Opportunity Investment Initiative at the Department of Agriculture to help local and state governments access federal loan and grant programs to get more projects off the ground. The Administration also announced a new set of infrastructure tax proposals that will level the playing field for projects that combine public and private investment so that local and state governments can more easily work with the private sector to advance the public interest (The White House).

NRWA Funding Levels For FY2016: The NRWA Legislative Committee convened last week to adopt funding level requests for this Congress. The funding requests go before the NRWA Executive Committee this coming week for final approval (Committee adopted funding levels).

Cattle Drown In Reservoir After Ice Breaks: An estimated 100 cattle drowned when they fell through the ice on a reservoir that straddles the South Dakota-Nebraska border (more).

Environmental Controversy Causes City Council to Implode: Independence (WI) is without a functioning City Council after losing half of its members. Recently, one member of the council died and two others resigned over a frack-sand mine dispute (more).

Citizens’ Suit in South Carolina: Congaree Riverkeeper filed a federal lawsuit yesterday saying the South Carolina Department of Health and Environmental Control and U.S. EPA aren't enforcing pollution control laws for the Carolina Water Service plant. The Clean Water Act authorizes individuals or organizations to conduct enforcement actions on regulated wastewater utilities. NRWA has long opposed this extra-judicial form of enforcement (more).

New Study to Strengthen the Case for Waters of US Rule: On Thursday, EPA released the final version of a critical scientific report that underpins the Administration's proposal to increase the number of streams and wetlands getting automatic Clean Water Act protection. The report is to the foundation for the planned unveiling of a final water rule this spring. The report draws a direct line between streams and wetlands and larger downstream water bodies. EPA says the scientific literature clearly shows that wetlands and open waters in riparian areas and
floodplains are physically, chemically, and biologically integrated with rivers via functions that improve downstream water quality (more).

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NRWA Participates in DHS Cyber Protection Forum: On Thursday, the Department of Homeland Security sponsored a Critical Infrastructure Partnership Advisory Council (CIPAC) Malware Outreach Meeting to brief critical infrastructure representatives of recent malware vulnerabilities and for DHS to obtain private sector perspectives and recommendations for potential outreach activities. DHS has been responding to sophisticated cyber-exploitation campaigns against U.S. critical infrastructure Industrial Control Systems (ICSs). These campaigns have involved two different sets of malware labeled Black Energy and Havex, both of which appear to be ICS focused. The characteristics of this activity include the use of ICS zero-day vulnerabilities, malicious ICS payloads, and specific targeting of the operations environment across a variety of sectors. During the forum, NRWA urged DHS to craft a basic checklist for actions to protect rudimentary ICSs that could be accomplished and measured in this circuitual infrastructure sector. NRWA said such basic protective actions would be welcomed and quickly adopted. It would also allow for targeting of additional technical assistance to communities that are overwhelmed or technically under-resourced. Having water utilities take responsibility for basic protective actions will result in them becoming more educated and more capable and eager to adopt more sophisticated measures. The DHS Assistant Secretary for Infrastructure Protection responded positively to NRWA's suggestion and offered to implement further action.

NRWA Reviews Policy for Communities to Charge Wealthier Customers More for Water: After a recent comment by the top EPA water official that water utilities can use a variable rate scheme as a strategy to make "unaffordable" regulations (more) affordable, the NRWA Regulatory Committee and some selected advisers considered the merit of such a policy (see Committee discussion). The Committee responded with a unanimous sentiment to oppose the varying rate and income concept. The Committee is expected to advance disapproval of the idea/policy to the NRWA Board of Directors for adoption.

EPA Announces More Regulations: Recently, EPA released its biannual list of upcoming regulations (EPA Report). One proposal on the list is the Finished Water Storage Facility Inspection Requirements Addendum to the Revised Total Coliform Rule. EPA is planning to propose an addendum to the Revised Total Coliform Rule (RTCR) to strengthen public health protection by including finished water storage facility inspection (SFI) requirements. EPA is planning to propose and request comment on requirements for public water systems to inspect at least periodically the interior and exterior of their finished water storage facilities and to correct any sanitary defects found. Any potential requirements would apply to all public water systems that have one or more finished water storage facilities. Target date for proposed rule: June 2015 (link). Florida Rural Water Association (FRWA) Executive Director Gary Williams, invited to represent the perspective of small and rural water communities at the EPA form on this topic in October (agenda, FRWA comments, and background of proposal), said, "I still maintain, as I did on the investigative EPA webinar where they judged support and must have felt they have enough to move forward with regulation from support they got from the stacking deck with supporters, that this effort, rule or guidance is not needed. I see this as a states' issue where conditions and tanks are different everywhere. Leave it up to each state to determine need and action needed. Those States that stated they need EPA to do a regulation so they can adopt and have an easy route to a state rule adoption need to do their jobs in their states if they need a tank program in their state. One size fits all will be unworkable in some states and locations. I can forward my presentation and information provided at the webinar on behalf on Rural Water if it would be helpful."
NRWA Urges USDA Rural Utility Service (RUS) to Not Let New Law Harm Their Success: RUS is implementing the provisions of Section 6019 of the Agricultural Act of 2014 (2014 Farm Bill) relating to water and waste disposal direct and guaranteed loans. NRWA commented, "We are very grateful for USDA’s continued support for providing economically disadvantaged rural and small communities with water grants and low-interest loans to build and improve drinking water and sanitation to rural America. This grand enterprise of providing safe drinking water and sanitation to rural areas through USDA funding has resulted in dramatic improvements in rural public health, a clean environment, and economic development. The need for USDA support continues today. We urge the Agency to implement Section 6019 in a manner that will ensure that USDA’s successful mission continues and that no unintended consequences occur from adoption of this new provision that could compromise USDA’s important and historical success (NRWA comments)."

Homeland Security Chairman Warns of Cyber Pearl Harbor (more).

Investor Comes to Rural USA Looking for Best Bottled Water: "Investment team owns a lake and spring and about 500 acres of land up Sweetwater Canyon, north of Dotsero and abutting the Flat Tops Wilderness. Analysis of the water from that spring, shows uncommon purity, natural alkalinity and a host of beneficial electrolytes, such as calcium and magnesium (more)."

New RTCR Implementation Materials: The State Implementation Guidance Document will provide guidance to states, tribes and the EPA. It contains EPA’s current policy recommendations for complying with the RTCR (document).

New Environmentalists Web Page Tracks How States Handle Water Leaks: A group claims that few states have policies requiring that water losses be tracked and quantified, hoping to draw attention to the problem with a Web page unveiled last week. Water loss taking the form of above ground breaks or underground leaks can be caused by a variety of factors, including aging infrastructure or varying pressure changes in a system. Across the country, aging pipes cause more than 237,000 water infrastructure breaks each year, costing $2.8 billion in lost revenue annually (NRDC).

PBS Coverage of Bill Gates Sampling Drinking Water from New Waste to Water Technology (PBS).

National Rural Water Association
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New Congress Convenes This Week: The 114th Congress convenes on Jan. 6 with Republicans controlling both chambers. First on the list of legislative priorities, according Senate Majority Leader McConnell, will be the Keystone XL oil pipeline. The President said that he will "defend gains that we've made on environment and clean air and clean water." Representative Gohmert (TX) said Sunday that he will challenge Speaker Boehner (OH) as Speaker in the new Congress. The new Senate Environment and Public Works Committee Chairman, Senator James Inhofe (OK), has gone on record saying that his main focus as the incoming chairman will be transportation and infrastructure. Even though infrastructure is his top priority for now, Inhofe confirmed that he will continue to fight climate-related environmental regulations. NRWA infrastructure priorities that we will urge Senator Inhofe to advance include: making the Clean Water Act State Revolving Fund (CWASRF) more like the Drinking Water SRF, allowing technical assistance to be a funded program under the CWASRF, and increasing funding for the SRFs and USDA rural water infrastructure initiatives.

NRWA Cosponsors EPA Webinar on the Proposed NPDES Electronic Reporting Rule: On January 15, EPA, NRWA, WEF, and NACWA will host the webinar to provide a review of the Proposed NPDES e-Reporting Rule, an overview of comments received, and an explanation of the purpose of the Supplemental Notice and additional information. Everyone interested is encouraged to attend (more).

Executive Directors, Kentucky, and Kansas Rural Water Advance New Rural Water Policies: In response to last week's request for comment on the NRWA 2015 policy agenda, FRWA Executive Director Gary Williams crafted a comprehensive analysis of all important policy initiatives from the state executive directors. Kentucky Rural Water staff provided some outstanding points regarding needed changes to stage 2 DBPs, CCRs, RTCR, etc., and Kansas Rural Water commented on additional needed changes to DBP rules (all comments).

"It's not easy working the holidays because you have to leave your family and stuff. But you kind of get some peace of mind knowing that you're supplying thousands of people with drinking water." While many slept in to celebrate their day off from work, water utility workers spent every holiday working (more from Newark, NJ).

NY Hazmat Team Responds to Sulfur Dioxide Spill at Waste Water Treatment Facility (more).

Florence (TX) Water Turns Brown from New Treatment (more).

EPA and Environmental Groups Raise Option of Setting Water and Wastewater Rates That Vary with Income Level: In reaction to attempts to make regulations more affordable, EPA has explained that utilities can place a greater water and sewer bill burden on higher-income households and hold back rate increases on lower-income customers. NRWA is revising our policy on this concept and would like to hear from you on what rural and small communities believe is in their best interest regarding this policy.

New Chemical Facility Anti-Terrorism Standards Retain Water/Wastewater Exemption: President Barack Obama signed a four-year extension of the Chemical Facility Anti-Terrorism Standards program on December 18th following unanimous approval by the House and Senate. This four-year extension is great news for water utilities and users of chlorine gas because it does not contain IST (Inherently Safer Technology) language that would mandate users to consider switching to an alternate disinfection technology. It also retains the exemption for water and wastewater utilities as advocated by NRWA. The monetized savings for water utilities not having to complete a mandated CFATS plan is approximately $146,629,000.
• **The Global Rural Water Enterprise**: The new Prime Minister Modi government in India undertook a significant step in 2014 to make the country free from open defecation under an ambitious plan to implement the Rural Water Supply and Sanitation Project for Low Income States. The project is aimed at providing improved piped water supply covering approximately 17,400 habitations. The mission aims at attaining a 100 per cent open defecation free India by 2019, the 150th birth anniversary of Mahatma Gandhi. The main objective of the program is to bring about an improvement in the general quality of life in the rural areas by promoting cleanliness/hygiene, eliminating open defecation, and accelerating sanitation coverage in rural areas.

**National Rural Water Association**

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Crafting the 2015 Policy Agenda: NRWA is currently assembling our policy agenda for next year. We are eager to hear from you on what should be the priority agenda items. The following policy items are currently being considered: increase the USDA rural water grant & loan amount, fix the EPA technical assistance funding process, Lead and Copper Rule reform, allow small and rural communities access to watershed trading for NPDES compliance, reform the current TMDLs system, KS RWA’s reform of the public notice requirements for disinfection by-products rule, eliminate TOC as a maximum contaminant level, allow for states to use a portion of SRF funding for technical assistance, fund a circuit rider for emergency response, repeal MCLs for naturally occurring contaminants, exempt small and rural communities from lead content standard for existing inventories, reform the variance process to make it workable, identify unreasonable risk to health of drinking water contaminants, limit federal water subsidies to private corporations, and many more. If you have an important policy that should be advanced by NRWA, please contact us. All of our accomplishments come from the grassroots, and only by organizing together with a common purpose can we realized the power of an association (Power of An Association 2014 Report & 2103 Documentary).

Kansas Rural Water Association Wants to Eliminate Public Notice for DBPs (more).

Former Pres. Bush 43 EPA Water Boss to Maryland: MD governor-elect, Larry Hogan, revealed some of the people he wants to see helping him run the state. Ben Grumbles worked for years at the EPA will serve as Maryland’s Secretary of Environment (more).

City of Dallas Water Workers Rescue Colleague from Truck in Water (more).

Over 200 Children Fall Ill After Drinking Water Contaminated from Ruptured Pipeline in India (more).

Cyber Warning: easily exploitable NTP vulnerabilities put ICS operators at risk. Researchers with Google’s Security Team identified and reported several vulnerabilities in the Network Time Protocol (NTP) which could allow low-skilled attackers to crash the NTP daemon or execute arbitrary code using publicly available exploits (more).

Copper Theft Impacts to Critical Infrastructure: posted by the DHS Information Network (more).

Water Expert Celebrities in 2014 on the Importance of Water: "I have alkaline water filters in my kitchen sink and on my shower heads, so it’s purified and alkaline. I learned about the benefits of alkaline in your body from studying nutrition, and there are many ways to do it," Miranda Kerr; "Your body is so happy when you drink water," Cindy Crawford; "Full of healing power #ILoveWater," Gwyneth Paltrow; "I drink three liters of water a day," Elle MacPherson; "I just think it’s good to just take care of yourself and get massages and drink water," Paris Hilton; "Drinking 8 glasses of water a day is so '90s," Nicole Richie; "I hate when I’m on a flight and I wake up with a water bottle next to me like oh great now I gotta be responsible for this water bottle." Kanye West; "Drink water between meals instead of with them so that the digestive juices will not be diluted," Jane Fonda; "In New York City, I can drink tap water, but at my farm, it’s not so great," Martha Stewart; "Drinking water works," Doutzen Kroes; "Bosian rose water, Angelina’s favorite drink," The Telegraph, on Angelina Jolie; "I've Bin Drinking Distilled Water For So Long That When I Drink Normal Water It Feels Like I'm Swallowing Huge Chunks Of Aluminum," Jaden Smith; and "Water is so boring," Lindsay Lohan.

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Rural Water Policy Advisory [12/22/2014]

- **NRWA, Assisted by SCRWA, Comments on EPA's Regulatory Determination 3:** The Safe Drinking Water Act (SDWA) directs EPA to publish a list of contaminants (referred to as the Contaminant Candidate List, or CCL) to assist in priority-setting efforts. SDWA also directs the Agency to select five or more contaminants from the current CCL and determine whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). EPA is accepting public comment on the preliminary regulatory determinations for five CCL 3 contaminants. EPA is making preliminary determinations to regulate strontium in drinking water and to not regulate four contaminants (i.e., dimethoate, 1,3-dinitrobenzene, terbufos, and terbufos sulfone). NRWA's comments relate to the following topics:

  1. Urge the Agency to consider including the Arsenic Rule for the Third Six-Year Review considering new and evolving science
  2. Concerns about the positive regulatory determination for strontium
  3. Concerns about unintended consequences of federal standards for naturally occurring elements
  4. Concerns about the public notice requirements for detects of unregulated contaminants
  5. Urge the Agency to correct the existing affordability policy before promulgating any additional NPDWRs

- **South Carolina Rural Water Association (SCRWA) Raises Concerns Over UCMR3:** SCRWA led in efforts to urge the EPA to reconsider the current requirement that PWSs report UCMR contaminants to the public on CCRs at the minimum reporting level (MRL) rather than at occurrences exceeding a conservative health reference level (HRL) or maximum contaminant level goal (MCLG). To put this request in context in South Carolina, during UCMR3, of the 70 PWSs sampled to date all 70 of the systems had UCMR detections, thus requiring public notification. Many of these systems had detects found in each sample at every sampling point triggering numerous notifications, thus creating a lengthy CCR, regardless of the absence of violations in their routine monitoring and operations. NRWA included the policy statement from Charles Gray with Chesterfield County Rural Water (SC) in the EPA comments. Gray commented that unregulated contaminants are, "by definition, unregulated elements and/or compounds found in water samples. The term "contaminant" has a negative connotation for customers, when another, less alarming and more accurate term could be used if a utility is going to be required to report findings." Gray's full statement is included in the NRWA comments.

- **Man Rescued After Falling into Water Tank:** La Jolla (CA), a worker was rescued and transported to an area hospital after falling approximately 20-feet into an empty underground water tank on Dec. 12. The man and another individual were climbing out of the tank after coating its interior with an epoxy before the fall which raised concerns about the possibility of exposure to fumes in a confined space.

- **NRWA, EPA, NACWA and WEF Webinar on NPDES E-Reporting Rule on Jan. 15:** On December 1st, EPA published the Supplemental Notice for the proposed the NPDES Electronic Reporting Rule in the Federal Register. This supplemental notice by EPA is intended to highlight some of the key issues raised during the public comment period for the proposed rule (which would require electronic reporting rather than paper-based reporting for most NPDES information); the supplemental notice also provides some clarifications and describes additional possibilities under consideration by EPA (register).

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• **Senate Committee Assignments:** Senate Republican leadership has already announced that four newly-elected Republican freshmen will have a coveted Appropriations Committee seat. Shelley Moore Capito (WV), Bill Cassidy (LA), Steve Daines (MT), and James Lankford (OK) are all new to the Senate but are experienced legislators having previously served in the House. The full Committee is expected to name Senator Thad Cochran (R-MS) as chairman and Majority Leader Mitch McConnell (R-KY) expects to retain his seat as a panel member but not a subcommittee chair. Senate Democrats have also offered Appropriations Committee assignments to veteran Senators Tammy Baldwin (WI), Christopher Murphy (CT), and Brian Schatz (HI). The Environment & Public Works Committee, incoming Chairman James Inhofe (R-OK), has selected Senators Capito (WV), Mike Rounds (SD) and Dan Sullivan (AK) to join his Committee.

• **Congressional Panel Approves Funds For WIFIA:** from AWWA, "In a pivotal development toward realizing AWWA’s vision of the Water Infrastructure Finance and Innovation Act, Congress approved spending legislation for the 2015 fiscal year that includes funding to set up the WIFIA program... While the WIFIA portion of this omnibus bill does not include funding for project loans, it does provide the full $2.2 million Congress authorized earlier this year for the US Environmental Protection Agency to set up the WIFIA program. We have been hearing on the Hill that Congress believes WIFIA is a great, new idea, and in providing this funding to get the program established, Congress has proven that it believes in WIFIA. Next we will focus on obtaining appropriations so the WIFIA program can issue the actual loans. This will be a key topic at our annual Fly-In this spring."

• **USGS Finds Massive High Plains Aquifer in Steep Decline:** The High Plains Aquifer that underlies parts of eight states from South Dakota to Texas has significantly declined in the past six decades, particularly since 2011, according to a new report that warns the aquifer could shrivel in the face of sustained drought ([USGS](https://www.usgs.gov/)).

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**National Rural Water Association**

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Rural Water Policy Advisory [12/15/2014]

Appropriations Update: Last night, after much acrimony, the Senate passed the $1.1 trillion fiscal year 2015 spending bill and the President is planning on signing it (WashPost). The rural water funding priorities were included at the levels below. The bill includes an iron and steel (Buy American) de minimis waiver option that EPA may issue and “green infrastructure” provisions that are mandatory for wastewater loans but are discretionary for state drinking water loan programs. Also last week, EPA released its awards for the fiscal year 2014 technical fund (EPA announcement).

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*does not include additional Farm Bill funding

EPA Office of Water Forum: NRWA participated in the U.S. EPA’s Office of Water Associations’ forum this week with EPA Deputy Assistance Administrator Ken Kopocis. NRWA requested the watershed trading concept for achieving NPDES compliance be placed on the agenda. We presented the innovative “Delaware Trading Concept,” and urged EPA to adopt this concept. DAA Kopocis was receptive and suggested further discussion on how to implement more trading agreements in NPDES permits. George Hanson’s idea of allowing federal Supplemental Nutrition Assistance Program (SNAP) subsidies to pay water bills was also discussed at the meeting. Another water association raised the issue first raised by Hanson on an EPA federal advisory committee looking at affordability of drinking water rules (2012 Report, page 23).

Lead and Copper Rule Rewrite: John Sasur’s EPA panel considering changes to the Lead and Copper Rule is starting the negotiating part of their deliberations. The panel is assembling a straw-draft to begin negotiating. John has been asked for small and rural community policies to be included in the initial straw-draft. Based on comments from state associations and the field staff/experts, we have identified key issues as priority changes for the LCR. We would appreciate any comments on this proposal.

Unknown Leak Losing One-third of Town’s Water: Castine (ME) is looking for a 20,000 to 25,000 gallon-a-day leak from the town’s water supply. Customers are required to limit daily consumption for bathing, dish washing, laundry and general usage. The community may have to truck in water to fill its reservoir (more).

State Agencies Raise Concerns Over WIFIA Program (comments filed this week).
**EPA Training Webinar for NCWS**: The webinar on how to more effectively reach, educate and regulate non-community water systems features Utah Rural Water’s Vern Steel (more).

**Louisiana Water Utility Works Indicted for Not Taking Chlorine Tests**: Two St. John the Baptist Parish water system workers were supposed to collect water samples to ensure that the water met the state-mandated residual chlorine levels. However, an indictment charges they falsified their sampling data. The workers’ attorney described their clients as “scapegoats,” and said the workers were simply following their training and supervisor’s order in the collecting and recording of water samples and data (more).

**NJ Water Utility Water Sentenced to 3-year Prison Term Falsifying Tests**: A top official and engineer at the East Orange Water Commission admitted to hiding elevated levels of tetrachloroethylene. The former official said he had taken water samples for testing after the contaminated wells were turned off for a few days. He said he knew this would skew the test results to avoid any cleanup costs associated with the wells (more).

**PBS Features California Drought**: No jobs, no animal feed, changing landscape, reservoirs drying up, groundwater taxed, $75 billion state bond program, and more wells being drilled (PBS coverage).

**Ireland Protests Metering of Their Water**: Mass protests over a water tax were being held this week in Dublin, denouncing government’s plan to charge citizens for tap water. Until now, water in Ireland has been paid for out of basic taxation. The initial deadline for households to register for the new charge came and went October 1 with widespread refusals, and crowds have blocked Irish water workers from installing meters in many working-class neighborhoods (more).

**DC Water Line Break**: Reporter covering water line break splashed by passing car (video).

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Watch the NRWA President at 40th Anniversary of Safe Drinking Water Act (SDWA): On December 9 at the National Press Club (livestream), NRWA President Charles Hilton (SCRWA) will focus his remarks on successful local, state, and federal partnerships. The EPA Administrator is scheduled to speak at 1:00 pm following a video message from Vice President Mondale. The Minnesota Department of Health published a primer documentary on the SDWA featuring Vice President Mondale (Youtube).

Chlorine Gas Attack in Chicago: Several thousand people were evacuated from a hotel in suburban Chicago when an “intentional” chlorine gas incident at the hotel sent 19 people to hospitals early Sunday. Hazardous materials technicians found the source of the chlorine gas, what appeared to be powdered chlorine, in a stairwell at the ninth floor, according to a statement from police (ChiTrib).

House Republican Plan to Avert Government Shutdown: To prevent a government shutdown when the current stop-gap government spending bill expires on December 11, Republicans plan to move a package of 11 of the 12 annual appropriations bills to fund federal agencies through the remainder of the fiscal year - the so-called "cromnibus" bill. However, some of the most conservative Members in the House have suggested the leadership plan wasn’t going to be enough to compel them to vote in favor of the cromnibus bill.

The New Congress: Convening in January, the leadership of the new Congress will advance their new environmental policy agenda. NRWA is assembling a drinking water and wastewater reform agenda for consideration in the new Congress (including Safe Drinking Water Act (SDWA) reforms, total maximum daily load reforms, cybersecurity initiatives, etc.) Oklahoma Senator Inhofe, 2010 NRWA Green Key Environmental Award winner, will become the Senate Environment and Public Works Committee Chair. The incoming environmental policy leadership has identified reauthorization of both state revolving funds as a priority. NRWA will continue to advance pro-SRF polices versus diverting funding to new initiatives like the Water Infrastructure Financing and Innovation Act (WIFIA). NRWA will be supporting the House environmental committee's SRF reauthorization bill (Assistance, Quality, and Affordability Act) for the drinking water SRF and supports making the clean water SRF more like the drinking water SRF (white paper). Please contact us if you have a suggestion for a federal environmental policy that should be included in the NRWA agenda.

EPA Enforcement Study: NRWA, Texas Rural Water Association, and Kansas Rural Water Association are participating with the EPA Inspector General on their study of the effectiveness of the EPA Office of Enforcement and Compliance Assurance drinking water compliance program.

SCADA Hacking Report: Iranian hackers have breached the networks of 50 organizations from 16 countries, including the United States, leading to the possibility that the state-sponsored cyber thieves have left those affected extremely vulnerable, according to a report from the IT security firm Cylance (more). The attack, which was named Operation Cleaver, is believed to be the most sophisticated documented cyber bombardment carried out by the Iranian regime to date. The report says that the hackers may have stolen information that could allow them to access and corrupt Industrial Control Systems (ICS) and Supervisory Control and Data Acquisition (SCADA) systems.

Technology: The largest city in Punjab, India uses satellite pictures and GIS to track illegal connections to the water and sewer system. As much as 25% of homeowners are tapping the water
supply illegally in some parts of the city. Many residents have paid the dues to avoid disconnection (more).

**NYTimes on LA's Conservation**: Los Angeles has reduced its reliance on outside sources of water. The city now consumes less water than it did in 1970, while its population has grown by more than a million people. San Francisco has become a leader in using recycled wastewater for nonpotable purposes like toilet flushing and gardening while reducing its per capita water use to 46 gallons a day. All the water in any watershed — whether tap water, groundwater or toilet water — must be considered part of a constantly circulating hydrological whole (**NYTimes**).

**60 Minutes on Water**: A recent feature covered the depleting water supply and efforts at turning wastewater into drinking water (**60 Minutes**).

**Customer Affordability Considerations in Water Rate Setting Webinar**: The Environmental Finance Center (EFC) webinar shows how communities best serve low income customers and still pay costs (**Register**).

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Rural Water Policy Advisory [12/1/2014]

Appropriations Update: Republican leaders are beginning to coalesce around a strategy to avoid a
government shutdown by the end of the current continuing resolution on Dec. 11. The proposal would
fund nearly the entire government through Sept. 2015, but immigration related funding would be
renewed on a short-term basis. The strategy is designed to keep the government open and deal with
the President's executive order on immigration. The plan has been called the “CROmibus” – a
combination of CR; the short-term funding bill, and an omnibus; the longer-term way to fund the
government that includes the 12 annual funding bills. Congress returns to Washington Dec. 1, just 10
days before government funding is set to expire. If the CROmibus includes the EPA budget as a long-
term Continuing Resolution (CR) provision, then the EPA technical assistance funding directive will not
be included and the funding will be absorbed by the agency (same as FY 2011). If your Senators
would like to avoid this outcome, please have them contact Senators Wicker (MS) and Heitkamp (ND)
in support of including their legislation (S. 864) in the final CROmibus.

West Virginia Rural Water Leads State Source Water Protection Review After Charleston Crises: After a chemical leak entered a West Virginia drinking water treatment plant in January, contaminating water for about 300,000 West Virginians, state lawmakers set up a commission to study, among other things, how much source water plans will cost. According to media report, Amy Swann, director of the West Virginia Rural Water Association chairs the group that came up with the cost estimate (news).

EPA CWA Affordability Policy: On Nov. 24, EPA issued its framework for assessing a municipality’s
ability to pay for infrastructure upgrades needed to comply with Clean Water Act (CWA) mandates,
which includes a set of new factors enforcement officials may consider in negotiating compliance
schedules for permits and consent decrees, such as bankruptcies, natural disasters and other
qualitative factors agency advisers urged earlier this year (EPA’s “Financial Capability Assessment
Framework”).

EPA Extends Comments Period for Pretreatment Standards for Dentists: Responding to a request
from NRWA and others, EPA is providing a 60 day extension from the original deadline of December
22, 2014 for new pretreatment standards for dental practices (proposed rule). The proposal would
require dentists to comply with requirements for controlling the discharge of dental amalgam pollutants
into POTWs. NRWA is collecting comments from state associations on the impact of the rule on the
membership (comments).

Are TMDLs Over-regulating POTWs and Absolving Non-Point Sources?: On Monday, EPA said
Vermont’s plan to improve Lake Champlain’s water quality does not go far enough to comply with
federal regulations (news). The EPA is requiring Vermont to cut phosphorus pollution in Lake
Champlain by 36 percent. The state’s plan aims to reduce phosphorus runoff from farms, roads, cities
and forests. But, that plan does not go far enough, according to the EPA’s latest phosphorus models.
Vermont Rural Water Association commented that, "If reductions in loading from non-point source are
not achieved and then even if direct discharge went to zero on phosphorus it is not possible to achieve
an overall loading reduction of 36% for the lake. Vermont wastewater facilities are doing their part on
this issue and these efforts represent a major success story. During the 1970’s, wastewater facilities
made up nearly half of the total phosphorus load to Lake Champlain. As a result of significant capital
investments since 1991, these same direct discharges have reduced their phosphorus loading to the
lake by 83%; now estimated load is just above 3%."
**Ebola in Wastewater:** Matthew Arduino, chief of the CDC Clinical and Environmental Microbiology branch said earlier this month that information currently available from the CDC and the World Health Organization suggests that although Ebola is not a foodborne, waterborne or airborne illness, and it is transmitted through direct contact with "infected bodily fluids," such a blood, vomit and feces. It is believed that the virus can survive in water, outside of the host, though sources still differ on how long it can live outside the host. Arduino said that Ebola is an "enveloped" virus similar to the human immunodeficiency virus, making it easier to disinfect and sanitation worker protocols for Ebola would be similar to other viruses, such as wearing face masks, goggles and gloves - and that with the current limited cases in the U.S., the risk to sanitation workers is low.

**EPA Memo on Surrogates for Stormwater Pollutants:** States will no longer be expected to use surrogates for specific stormwater pollutants in their plans to restore impaired waters, EPA announced on Wed. ([EPA memorandum](https://www.epa.gov)). Instead, states ought to establish clear, specific and measurable requirements and numeric effluent limits where feasible to address stormwater discharges under National Pollutant Discharge Elimination System (NPDES) permits.

**Growing Number of Petitions to Withdraw State NPDES Authority:** According to EPA, about 19 petitions are seeking to withdraw the delegated authority of states to operate their NPDES permit programs. When states fail to adequately operate NPDES groups can petition the EPA to suspend that authority and take over management of the program. Kentucky, West Virginia and Virginia are being targeted by environmental groups including the Sierra Club.

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Campaign to Fix EPA funding: Congressional appropriators are struggling to find an overall funding approach that would allow the government to continue operations past Dec. 11. Appropriators will meet immediately after the Thanksgiving break to decide how to move forward. The Omnibus appropriations approach (which would be best for rural water) seems to be less popular among the most conservative Members who prefer to issue a short-term Continuing Resolution (CR) to delay a final appropriations deal until the next Congress when they have full control of both chambers. The sponsors of the legislation (S. 864) to fix the EPA funding issue need more supporters on the Senate Appropriations Committee to be successful in their effort to have the legislation included in the final appropriations bill. If your Senator is on the EPA appropriations committee (Senators Reed, Murkowski, Feinstein, Leahy, Tester, Udall, Merkley, Cochran, Alexander, and Blunt, Hoeven) and will support fixing the EPA funding problem, please contact us. Senator Hoeven has expressed his support; thank you North Dakota!

Lead and Copper Survey: Thanks to the states who replied to the LCR survey. Results vary from state to state (i.e. old vs. new), from Utah who replied that they have no lead service lines of any significant length, to New York who estimated 60% of small community water systems still have lead goosenecks or service lines at various points in their distribution systems, to New Jersey who estimated 100% of high samples would change if re-sampled by a competent sampler.

SRF Grants Survey: Thanks to the states who replied the SRF survey. It appears that most every state (sans New York) uses their grants portion of the SRFs to fund economically disadvantaged communities (all replies).

News Intersects Policy: California wastewater vacuum truck explodes from unknown chemical substance (more).

News Interests Policy: North Dakota police investigating fire hydrant vandalism that released 100,000 gallons of water (more).

Cyber-Warnings: Last week, the U.S. National Security Agency and Cyber Command Director Michael Rogers testified before the House Select Intelligence Committee. The Director testified that unnamed foreign nations and groups have gained the technical capability to take down control systems that operate U.S. power grids, water systems, and other critical infrastructure (more). Other federal officials are warning that Iran will unleash cyber-warfare on U.S. companies if negotiators are unable to reach a nuclear deal by Monday that would require Tehran to limit its nuclear program. “As soon they believe it’s to their advantage to begin again in more aggressive cyber activity toward the United States, they’re going to do it,” said House Intelligence Committee Chairman Mike Rogers (MI).

CDC Releases Ebola Safety Guidance for Sewage Workers (more).

House Hearing on Toledo Drinking Water Crisis: On Wednesday, a House Energy and Commerce subcommittee held a hearing on the algae contamination of Lake Erie drinking water and this summer's outbreak that rendered Toledo area tap water undrinkable. The Ohio EPA urged a comprehensive national approach to the issue, including a thorough study of the
substances' health effects, research on what makes the algae produce toxins, and a
determination of the best methods to detect and treat algae blooms (hearing recording).

**States and EPA Clean/Safe Water Toolkit:** The toolkit identifies opportunities to reduce
pollution in drinking water sources by using Clean Water Act tools, provides examples of on-the-ground implementation, and shows how state clean water programs can leverage the high value that consumers place on public health protection and safe drinking water to increase public support for addressing surface and ground water quality challenges more effectively. The Clean Water Act-Safe Drinking Water Act State/EPA Workgroup plans to distribute the document to EPA and will hold webinars to delve into the Toolkit in detail and promote implementation (toolkit).

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EPA Lead and Copper Rule Rewrite: Last week, the Environmental Protection Agency (EPA) finished the first part of the process for making recommendations for changes to the Lead and Copper Rule (LCR) known at the issues analysis. This analysis took all of 2014, breaking down the rule into four key categories: corrosion control, sampling, health effects, and lead service line (LSL) replacement. NRWA is represented on the EPA negotiating panel by Mass. RWA’s John Sasur. Last week, the panel covered the lead service line replacement issue. Some points raised included: lead service lines have seeded homeowners’ premise plumbing with lead that can be released in the future (after the LSLs are removed), homeowners are misled about the danger of lead in drinking water, the environmentalist on the panel said water utilities need to consider themselves as agents of public health not just providers of water service, location of LSLs should be public not the topic of neighborhood gossip, and the mandate to remove partial LSLs has resulted in harm to the public. Sasur was able to raise the concept of eliminating in-home monitoring for communities with no LSLs and a history of clear sampling. Starting early next year, the panel moves into a negotiating process to try and find agreement on recommended changes to the current LCR.

EPA Director Recognizes Operators: At the closing of the LCR discussion last week, the EPA Director of Standards (for drinking water rules), Eric Burneson, emphasized his belief that drinking water utility operators “have dedicated their lives to public health protection” in his closing remarks to the EPA LCR panel.

Campaign to FIX EPA Funding: Now that the election is over, the campaign to fix EPA funding continues. NRWA is pressing to have legislation (S. 864) to fix the EPA technical assistance funding process, by requiring EPA to follow Congressional intent, included in the final EPA appropriations bill (to be considered in the lame-duck Congress in Nov. and Dec.). The Senate cosponsors of the bill (Senators Wicker - MS and Heitkamp - ND) need your Senators’ support. Please urge your Senators to contact them expressing their support for including the legislation in the final appropriations bill. If S. 864 is not included in the final appropriations bill and Congress passes a long-term CR, the EPA technical assistance funding directive will not be included and the funding will be absorbed by the agency (same as FY 2011). Also, the bill corrects the status quo where EPA is provided the discretion to prevent about half of the assistance from making it to your state.

WOTUS: On Friday, NRWA submitted comments on the joint rulemaking between the EPA and the U.S. Army Corps of Engineers (Corps) to define “Waters of the United States” (WOTUS), and to more clearly delineate which waters are subject to federal jurisdiction under the Clean Water Act (CWA). NRWA commented, "While we encourage the federal government to protect U.S. water supplies and resources, small and rural communities respect the limited authority provided to the federal government by the U.S. Constitution and the CWA. NRWA respectfully urges the Agency to withdraw the Proposed Rule and propose a different rule that is consistent with the Constitution and CWA – and respects the States’ primary responsibility over the lands and waters within their borders and gives local communities clear guidance as to when the CWA’s requirements apply."

Pretreatment Standards for Dentists: Last week, NRWA urged EPA to provide a 60-day extension of the comment period for the proposed rule, Effluent Limitations Guidelines and Standards for the Dental Category, published on October 22, 2014. The rule would establish pretreatment standards for the over 100,000 dental offices that place or remove amalgam fillings, substantially affecting publicly owned treatment works (POTWs) with pretreatment programs. The proposal requires all dental offices to install and maintain dental amalgam separators that achieve a 99 percent reduction of total mercury, follow best management practices (BMPs), and submit annual certification reports to their POTW or other pretreatment control authority.

How Does Your State Spend Their SRF Grants: For the last few years, Congress has mandated that states use approximately 20 percent of their state revolving funds to make grants. It may be your
understanding that these grants were to be dedicated to economically disadvantaged communities. However this is not the case, states have discretion over how the grants are awarded. In New York, the state did not consider economic need in awarding the grants and dedicated all the grants to green projects regardless of economic need. Conversely, Florida’s grants are all for disadvantaged communities. We are interested to know how your state uses their grants’ portion of their SRF (respond).

**NRWA and President Obama on Water Infrastructure:** The President prioritized infrastructure as a policy for the new Congress next year (more). NRWA will be urging the White House to focus on the water infrastructure initiatives that are working (and why) in his policy formation. We will be urging his attention to the USDA Rural Water Initiative and EPA State Revolving Funds. New ideas and initiatives like WIFIA, private public partnerships, and private activity bonds that increase the amount of public funding used to subsidize private companies should not supplant the water initiatives that are working and underfunded.

**EPA Webinar on SDWA Regulatory Determinations:** On December 9, 2014 to discuss the agency’s preliminary regulatory determinations for select Contaminant Candidate List 3 (CCL 3) contaminants. EPA has made preliminary determinations to regulate strontium in drinking water and to not regulate four other contaminants (announcement).

**USGS Reports Low U.S. Water Use:** The country reached its lowest recorded level of water use since before 1970. According to the report, about 355 billion gallons of water per day were withdrawn for use in the entire U.S. during 2010. Water withdrawn for thermoelectric power was the largest use nationally, with the other leading uses being irrigation, public supply and self-supplied industrial water, respectively (USGS).

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EPA NDWAC Meeting: The National Drinking Water Advisory Council (NDWAC), EPA’s primary and comprehensive consultation venue, met this week in DC. NRWA representative Wilmer Melton (NCRWA) was officially seated on the panel (press release) at this session. Top EPA officials provided comprehensive briefings on current EPA initiatives, including enforcement targeting, lead and copper rule revisions, VOC testing, algae-related toxins, contaminate candidate listing, strontium regulation, etc. Interesting comments from EPA included: MCLs could be moving to lower levels as testing methods become more sensitive and are able to test to lower concentrations; EPA has no plans to craft a new regulation covering storage tanks; and health effects data on microcystin are limited and result in uncertainty. Melton raised rural water circuit rider type technical assistance as a solution for educating small communities on rule compliance and for training small and tribal community operators. Melton also was selected to participate on a NDWAC workgroup looking at new solutions for addressing algae-related toxins in drinking water sources. This initiative was a request of the panel from EPA water office director Peter Grevatt who moderated the two-day meeting.

Appropriations: Senator Reid says he wants to move an Omnibus appropriation bill before the end of the year (more). However, many others in the Senate think Congress may pass a long-term Continuing Resolution (CR) as in fiscal year 2011. In 2011, a very friendly and charitable EPA leadership attempted to fund rural water technical assistance under their discretion. However, an expired technical assistance authorization prevented EPA from continuing the funding (more). The existing CR expires on December 11. Congress is scheduled to be in session between Nov. 12 and 20 and Dec. 1 and 12.

Black Energy Malware: News agencies reported this week that Black Energy malware may have already infected many water utilities (ABC news). ICS-CERT has determined that users of HMI products from various vendors have been targeted in this campaign, including GE Cimplicity, Advantech/Broadwin WebAccess, and Siemens WinCC. At this time, ICS-CERT has not identified any attempts to damage, modify, or otherwise disrupt the victim systems’ control processes. ICS-CERT has not been able to verify if the intruder’s expanded access beyond the compromised HMI into the remainder of the underlying control system (ICS-CERT).

WOTUS: Comments on EPA’s “Waters of the U.S.” proposed rule are due by Friday (EPA). The NRWA Board passed the following policy on the rule in Seattle, “(1) Explore new coalitions with other organizations actively opposing the WOTUS rule, (2) craft NRWA letter to EPA clearly stating position for EPA to not extend federal authorities beyond the limits determined by the Supreme Court (Rapanos) and other issues, and (3) refrain from cosigning the water associations comments.”

LCR Revisions Update: EPA has released last week’s webinar on lead service line replacement (webinar). The webinar presents all the current understanding, experiences, and studies on the topic. Also, EPA has released the meeting minutes from the LCR negotiating session that covered sampling (minutes). At this meeting, NRWA raised the issue of finding an alternative to in-home sampling. Mass. RWA John Sasur returns to DC this week to attend the LCR lead service line replacement negotiations meeting.

Ebola Webinar: On Nov.4, NRWA and a number of national water associations hosted a webinar entitled “Wastewater Worker Safety – Addressing Concerns on Ebola in Wastewater.” Presenters from CDC and other sources shared information and research on what is known about Ebola. Soon to be released guidance from CDC and other sources will be updated as more data and information become available. A recording of the webinar is available (link).

Effort to Allow CWASRF to Fund Technical Assistance: See draft policy statement (link).

EPA Webinar on NCWSs: A webinar on non-community water system compliance titled “New Technology to Reach and Regulate Non-Community Water Systems” will be held on Dec. 2 (register).

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Is Tier 2 Public Notice Appropriate for DPBs Violations, Or Is Tier 1 Public Notice More Appropriate? Should NRWA support legislation to correct the problem? Any thoughts or comments you may have are appreciated. Disinfection Byproducts Rules (DBP) violations result in mandatory notification of state primacy agencies within 48 hours and Tier 2 public notice which requires notification to customers. Many of these violations are for de minimus exceedance of the standards; less than one or two parts per billion above the regulated levels or standards. In 2014, there were 1,789 violations for DBP rules. The resulting prescriptive and alarming public notification of violations is causing some consumers to avoid drinking the public water. Some states have been compelled to issue additional public notices to warn consumers not to pay attention to the EPA mandated warnings.

Chlorine Gas Bombs in Iraq: British troops training Kurdish soldiers in Iraq are at risk of a chemical weapon attack launched by Islamic State militants who have developed rockets filled with chlorine gas for the first time. (more)

Chemical Explosion Devastates Chinese Town: First firefighters on the scene sprayed water on calcium carbide, one of the dangerous chemicals being stored. Calcium carbide reacts with water to create acetylene, a highly explosive gas. The acetylene explosion could have detonated the ammonium nitrate. The two blasts were about 30 seconds apart, the second much larger than the first.

Kansas Rural Water Supports New NRWA Policy to Allow for POE Technology (KRWA comments).

Small Town Democracy: City of Oxford Council meeting includes the following agenda item, "Request permission for two water plant operators to attend MS Rural Water Association and MS Department of Environmental Quality fall training in Tupelo at a cost of $175.00 each". (more)

Rikers Inmate Tests Positive for Legionnaires’ Disease: Shower heads and six cooling towers suspected. North Carolina pharmaceutical plant discovers Legionnaires’ disease in routine testing - in two external cooling towers. (more)

Konawa (OK) Water Supply Detects E. Coli (more).

New Jersey Water Privatization: A trend in New Jersey involves the acquisition of publicly owned water utilities by investor-owned utilities such as Aqua America, American Water, United Water, Middlesex Water, or their peers. Recent (and controversial) changes to state law make outright sales even easier. Some think public utilities are not acquiring other public utilities because public water utility managers are not interested in anything that makes their system more complicated -- physically or politically. Are municipal utilities standalone systems with no natural partner that limits consolidation with all of the benefits for increased technical capabilities, shared finances? New Jersey has many examples in which a municipal system is sold to an investor-owned utility for cash. The municipality often will use that cash for general government purposes, not to improve the water utility or pay back its customers. Most municipal utilities were built using customer dollars, connections fees from developers (which ultimately are paid by their customers), and grants or low-interest loans from the state and federal governments. In nearly all cases, local property taxes didn’t pay for the system. If cash from the new buyer goes to the municipality, you can bet that the investor-owned utility isn’t providing that cash out of kindness. It is a business decision, and it expects to
recover every dollar from their customers. The result is that the customers pay twice -- for the original system and its upkeep, and to repay the cash that went to the municipality (Professor Van Abs, Rutgers).

**More Than 300,000 Homes in England Under Alert for Cryptosporidium Caused by Animal Excrement:** United Utilities is advising customers to boil their water (more).

**EPA Posts Several Waiver Requests Received for “American Iron and Steel (AIS)” Requirements:** The AIS provision requires CleanWater State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) assistance recipients to use iron and steel products that are produced in the United States (more).

**EPA Launches New CWSRF Website:** The website covers all facets of the program (more).

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The Power of An Association: The Chairman of the NRWA Regulatory Committee has made it a priority to calculate the specific cost savings to small and rural communities of NRWA’s advocacy. See the latest compendium of cost savings (link).

EPA Accidentally Spills Wastewater from Colorado Mine into the Animas River Turning River Bright Orange (video new PBS).

NRWA to Questions the EPA Release of Sensitive Water Treatment Plant Data to the Internet (more).

Is Point of Use the Solution?: Some states prohibit the use of Point of Use (POU) treatment as a compliance option for violations of federal standards. However EPA states, "One way Congress sought to help systems meet Safe Drinking Water Act challenges was by explicitly allowing systems to install point-of-use (POU) and point-of-entry (POE) treatment devices to achieve compliance with the National Primary Drinking Water Regulations (NPDWRs)... Centrally managed POU and POE treatment strategies have proven especially useful in rural areas and small communities where constructing, upgrading, or expanding a central treatment plant would be too expensive or would require a degree of technical expertise not readily available. Given the improving effectiveness and decreasing costs of POU and POE treatment equipment, small systems should consider the adoption of a POU or POE treatment strategy to achieve compliance with the NPDWRs... The Environmental Protection Agency (EPA) has approved centrally managed POU and POE treatment devices as a means to achieve compliance with maximum contaminant levels (MCLs)." Should NRWA advocate that POU be an option for compliance with federal standards or leave that decision up to each state?

Senate Leader Plans for End of Year Appropriations Strategy: Senate Leader McConnell (KY) is planning for fall budget negotiations with three priorities for the year-end talks that will dominate Congress starting next month: (1) keep the government open, (2) avoid a federal default and (3) avoid alienating his conservative base. If enough in Congress refuse to offset discretionary spending increases with mandatory spending cuts, then a continuing resolution that locks in current funding levels for another year is a likely outcome. The President has promised to oppose any spending bills that increase defense but not non-defense spending levels. The majority of Senate Republicans oppose raising both accounts if it means adding to the deficit.

Houston Neighborhood Says Drinking Water Filled With Worms (more).

Senate Passes HR 212, the Drinking Water Protection Act: The bill calls for EPA to develop a strategic plan to assess and manage risks associated with cyanotoxins in drinking water provided by public water systems.

Maryville (MO) Issues Boil Advisory Due to Elevated Manganese Levels (more).

Cyber Vulnerability: Security researchers at Dragos Security discovered at least 11 vulnerabilities in control switches being used in industrial control systems (ICS) across multiple sectors that could allow an attacker to execute man-in-the-middle (MitM) attacks to cause control systems to shut down a plant or process or force an ICS into a hazardous state. Researchers believe that the attacks are being exploited in the wild, and that the vulnerabilities are made possible by poor authentication protocols and cryptographic integrity (more)
The Louisiana Rural Water Association’s Water System Operator of the Year, Sharon Gillum:
Ms. Gillum was given the honor at the annual awards banquet during the LRWA’s 30th annual Training and Technical Conference in Lake Charles, LA. Gillum was selected as this year’s winner for her dedication to providing safe drinking water and helping to maintain a cleaner environment through her efforts in the water and wastewater industry in the state of Louisiana (news).

Wood County (WI) Plan to Monitor Large Farms’ Water Impact: To more closely monitor how large farms use manure and chemical fertilizers, the county will hire a full-time employee whose primary job would be to increase the number of nutrient management plans farms file and step up enforcement of those plans (more).

GAO Reviews SRFs: "Most of the 21 states GAO reviewed said that they have taken actions to enhance the financial management of their SRF programs, but that they generally cannot sustain their SRF funds without continued federal grants or changes to their programs, such as decreasing SRF program assistance or increasing revenue. Selected states’ actions were aimed at three general areas: (1) raising SRF revenue directly, such as by charging higher administrative fees to borrowers; (2) increasing loan volume, which increases loans but does not necessarily increase revenue; and (3) improving financial planning, which can increase the number of loans, interest earned, or both.” (GAO Report).
Congress Recesses: Congress has adjourned for a five week summer recess. The Appropriations Committee will use the summer recess to being the groundwork for a stopgap Continuing Resolution (CR) and potential omnibus. Some sort of CR will be needed before October 1 to keep the government open.

Senate Passes Bill to Advance WIFIA, House Action Expected in the Fall: The Senate included a provision in their recently passed transportation bill to eliminate the current prohibition on the use of tax-exempt municipal bonds in combination with funds under the WaterInfrastructure Finance and Innovation Act (WIFIA). Under the current law, WIFIA loans are limited to covering a maximum of 49 percent of a project’s total anticipated cost, and tax-exempt financing (such as municipal bonds) may not be used to pay for the remaining 51 percent. The House is expected to take up their version of a transportation bill in the fall.

Primacy Agencies and WIFIA: Utah Rural Water has shared the rural water effort (Senate statement) to question the WIFIA modification with their friends at the Utah primacy agency. NRWA is very interested in any comments from state primacy agencies on this issue.

Creative Solutions from California Rural Water to Deal with Drought: CRWA member, Herlong Public Utility District is exploiting USDA Rural Development Rural Home Repair loans and grants to connect homeowners to their new sewer system that is under construction.

Denver Water Debates Fluoridation (more).

Legionnaires' Disease Outbreak in New York City: Four fatalities from 65 cases. Five cooling towers in the South Bronx have been found to be contaminated with legionella bacteria, which can sicken people when water droplets are released into the air from the towers. Some Bronx residents, fearful that their tap water was contaminated, have taken to drinking bottled water (NYTimes).

House Passes REINs Act: The Regulations from the Executive in Need of Scrutiny (REINS) Act passed the House last week. The bill calls for House and Senate approval of any new major rule before it takes effect as a deterrent for costly regulations that stymie economic growth. A Senate companion bill, S. 226, has been introduced.

Contamination Results in New Water System in Wisconsin: State officials are proposing a new municipal water system for the village of Unity as a solution to widespread groundwater contamination discovered last year. The cost of the community well is estimated at $1.5 million. EPA’s emergency response superfund will likely cover 100 percent of the cost of the project (more).

Naegleria Fowleri Detected in Louisiana Drinking Water: State officials have confirmed the presence of a brain-eating amoeba at a waterstation in Ascension Parish which serves 1,800 residents in a small community. Officials have ordered a 60-day chlorine burn to eliminated any remaining threat (more).
**Campaign to Fix EPA Funding:** The legislation to mandate that EPA follow Congressional intent has been passed by the Senate (S. 611). The challenge now for NRWA is to press for the bill (H.R. 2853) to pass the House. For this to occur the House Energy and Commerce Committee must advance the bill to the House Floor (this is typically accomplished by having the committee pass the bill). NRWA is urging the committee to take quick action on the bill, and not attach any additional provisions to the bill, to allow an enacted bill to be operative in this fiscal year.

NRWA and Food & Water Watch Stand Up for the SRFs: Last week, the Senate started debate on the a comprehensive transportation reauthorization bill (more). The Senate version of the bill includes a provision to remove the ban on use of tax-exempt financing under the WaterFinance Infrastructure and Innovation Act (WIFIA). The House version of the bill does not include the removal of the ban. Last week, NRWA and Food & Water Watch urged the Senate to use the additional funding (tax-breaks) needed to pay the cost of removing the ban by used for the SRFs or USDA’s water initiative (NRWA statement and Food & Water Watch statement). In countering NRWA’s statement, WIFIA supporters state, “WIFIA is for projects that fall outside the scope of the SRFs because of their size and cost...” However, the Safe Drinking Water Act does not limit eligibility for SRF funding based on size or cost (e.g. New York City is budgeted to receive funding for 25 DWSRF projects this year, five project costs are over $100 million and one project cost is over $1 billion (cite). Moreover, large communities receive the majority of SRF funds.

**ISIS Using Chlorine Gas from Water Utility:** "ISIS likely took chlorine from water purification plants in areas it overran. In related attacks, about 40 troops and Shia armed fighters were slightly affected by the chlorine, showing symptoms consistent with chlorine poisoning, such as difficulty in breathing and coughing," (Aljazeera News).

**EPA Region 10 Chief Calls for Conservation Partnerships:** Appearing at the National Association of Conservation Districts summer meeting, EPA Region 10 Administrator Dennis McLerran said, "We sometimes take a bad rap at EPA - sometimes we deserve that, oftentimes it's a lot of rhetoric. Sometimes we use the hammer to bring people to the table, but we can use a 'velvet hammer' in some instances. The key to this is for people to actually work with their local NRCS program, their local conservation district and have practices that don't get them to that place in the first place."

**Iowa Chlorine Leak Prompts Evacuation:** A chlorine leak at Clear Lake’s Water Treatment Plant prompted an evacuation of surrounding homes and HAZMAT crews (more).

**Amid Epic drought, California Farmers Turn to Water Witches** (more).

**Training:** RCAP and AWWA no cost training in Ohio, Indiana, Utah, Washington, Florida, Minnesota, Louisiana, and South Dakota. EFCN and AWWA Host “Setting Water Rates using a Complimentary Excel-based Model” Webinar (more).

**AWWA’s Community Engineering Corps (CE Corps) Helps Small, Underserved Towns:** "Everybody has heard of Doctors Without Borders and lawyers who do pro bono work – but volunteer engineers? In February 2014, the Community Engineering Corps (CE Corps) was created to help communities throughout the United States that are too poor or small to hire help. It is a partnership of the American Water Works Association, the American Society of Civil Engineers (ASCE) and Engineers Without Borders—USA (EWB-USA). In the CE Corps’ first year, 25 communities submitted applications for assistance. A team of engineers reviews each application to determine the nature of the project and whether the community truly can’t afford engineering services. So far, 20 of the project applications have been approved and are in various stages of development (ASDWA).

**EPA Webinar on Corrosion Control for Drinking Water Systems** (July 28).
NRWA Stands up for the SRF Update: Proponents of the Water Infrastructure Finance and Innovation Act (WIFIA) are urging Congress to repeal the ban on the use of WIFIA loans and tax-exempt debt as part of the temporary extension of the highway trust fund that is likely to pass Congress in the coming weeks (more). The House of Representatives approved a temporary extension of the current transportation program on July 15. The House-passed legislation did not include the repeal of the WIFIA ban on tax-exempt financing. Senate leaders have not announced whether they will attempt to pass a similar temporary extension or a multi-year transportation bill. Senate action is expected this week. NRWA will be urging Senators on the Finance Committee, who would have to approve the repeal of the ban, to consider that WIFIA allows federal water infrastructure subsidies to circumvent eligibility of their states’ most needy communities, and that the funds (i.e. the cost of removing the ban) for WIFIA could be better spent for water infrastructure by allowing for the interest on a U.S. Department of Agriculture guaranteed water infrastructure loan to be tax-exempt. This would ensure that the new federal subsidies (or tax breaks) are directed to the community water projects that are in the greatest need and most limited in financial resources.

Appropriations Update: Most all Congressional appropriations bills have passed the House and Senate appropriations committees. However, final passage of these appropriations bills appears to be contentious and a short-term continuing resolution (CR) to extend the fiscal year and keep the government open is a near certainty. Senate Democrats are threatening to filibuster appropriations bills on the Floor in order to force Republicans into budget talks designed to increase federal spending. The House has been stalled in moving bills to Floor over controversial votes that caused the House leadership to pull some appropriations bills from consideration. Assuming a short-term CR passes, Congress will likely try to assemble an omnibus appropriations package. But the path to an omnibus may be equally troubled as Democrats may object to the current binding overall federal spending levels that include the threat of sequestration. The White House has threatened to veto any spending bill that would hold to the sequester. If Congress cannot find a path to pass an omnibus package, a scenario for a yearlong CR could evolve.

New Study Finds Contaminants in California Public Water Supplies (more).

Water Privatization Trends: Global trend – around 180 cities in 35 countries have returned control to municipalities in the past 15 years, including Jakarta (more).

Wisconsin DNR Says Drinking Water Supply Remained Safe and Affordable in 2014: WI Rural Water says the good news about the state’s drinking supply is “thanks to shared efforts by local water suppliers, the state, and professional associations.” Public water systems continued their strong performance during the year, with 95.5 percent or 10,904 of 11,420 systems meeting all health-based standards, a level virtually unchanged from the prior year. “Wisconsin's public water systems serve their communities well, providing citizens with a safe, reliable and affordable supply of drinking water,” said Jill Jonas, director of DNR's Bureau of Drinking Water and Groundwater (more).

DHS Webinar on California’s Adaptation Strategies and Challenges for Addressing Changing Precipitation Patterns and Drought on July 24, 2015 (Register).

Five in Custody for Trying to Poison Drinking Supply in Kosovo: A group suspected of a terrorist plot to contaminate the water supply in the Kosovar capital of Pristina has been apprehended following exhortations on recent videos released by the Islamic State to poison the country’s food and water supplies (NY Times).
Scientists Report Progress in Combating Cryptosporidium: In the developing world, small children, especially small malnourished children, are very susceptible to death from Cryptosporidium. A new technology called CRISPR is making it far easier to modify the genes of Cryptosporidium to find ways to treat against it (Nature Journal).

EPA Webinar: Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR): On July 30th, EPA will hold a webinar to discuss the 2nd round of LT2ESWTR source water monitoring, analysis of source water samples, and reporting requirements (register).

National Rural Water Association
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Rural Water Policy Advisory [7/13/2015]

Campaign to Fix EPA Funding Moves to House of Representatives: Recently, Congressmen Harper (MS) and Tonko (NY) introduced legislation in the House to fix the EPA funding problem (H.R. 2853, news feature). NRWA is urging the House leadership to consider the bill using an expedited process and we should have news on this effort in the coming week. Similar legislation has already passed the U.S. Senate (S. 611). Also last week, Congressman Jenkins (WV) asked the EPA appropriations committee whether passage of H.R. 2853 could impact this year's EPA appropriations funding and he received a positive reply. The legislation would mandate in law that EPA prioritize technical assistance funding to initiatives that are the most helpful to small and rural communities.

NRWA Standing Up for the SRFs: Last week, NRWA urged the House Ways and Means Committee to direct all federal water infrastructure subsidies to the SRFs (and similar initiatives based on merit) versus diverting these subsidies to WIFIA (news feature).

NRWA to Support States’ Legal Challenge to EPA's WOTUS: On July 11, the NRWA Executive Committee overwhelmingly approved the NRWA Regulatory Committee and the NRWA Maryland Board Member’s motion to support the over two-dozen states suing the U.S. EPA. The states claim the EPA's Waters of the US Rule provides the agency with expansive authority not contained in the Clean Water Act or ruled as legal by the U.S. Supreme Court (Rapanos 2006). Regulatory Committee and MD rural water member, George Hanson, proposed, “Based on the position that NRWA has taken on this matter it may be a good opportunity to express that position by authoring an Amicus Brief for the Plaintiff states and use that venue to go on record supporting our members and their end users... I make this recommendation for your consideration.” The motion was adopted over the weekend at the NRWA Executive Committee meeting. Hanson proposed filing an Amicus Curiae brief in each federal court that is hearing a challenge to the rule.

States suing over the WOTUS Rule:
U.S. District of ND’s (ND, AK, AZ, AR, CO, ID, MO, MT, NE, NV, SD, WY, NM)
U.S. Southern District of OH (OH, MI)
U.S. 5th Circuit and U.S. Southern District of TX (TX, LA, MS)
U.S. Southern District of GA (WV, AL, FL, GA, KS, KY, SC, UT, WI)

Florida Boil Water Caused by Car Crash: In Lehigh Acres, a 12-inch water main was damaged July 5 following a car accident that cut waterservices to more than 2,000 Lehigh Acres residents (more).

Vermont Rural Water Works to Prevent Blue-Green Algae Toxin Contamination: With support from the VT Department of Health, VRWA will assist 9 transient water systems that have Lake Champlain sources with Emergency Response Plan development/creation. The ERP is specifically targeting how those given systems will operate in the event of a blue-green algae incident at or near their source. Vermont is now using a health advisory level that is more stringent than EPA guidelines.

EPA Defends Itself against Constitutional Criticisms Of CWA Jurisdiction Rule: EPA in its response to comments on its final Clean WaterAct (CWA) jurisdiction rule rejects claims raised by industry and states that the rule runs afoul of the Constitution's Due Process provision and 10th Amendment. This is a preview of arguments the agency is likely to raise in response to suits over the rule citing the constitutional claims. In addition to the legal challenges, EPA is also fending off attacks on the rule from Congress that include fiscal year 2016 appropriations bill riders to block the regulation. EPA claims the rule relied on over 1,000 peer-reviewed publications and considered more
than 2 million comments it received on the proposed version of the rule. EPA says the rule is consistent with the Constitution.

**The Great Plains' Looming Water Crisis:** About 30 percent of the aquifer's water has already been pumped out of the ground. An additional 39 percent is expected to be gone in the next 50 years (Bloomberg News).

Data Shows High Nitrate Levels Plague 60 Iowa cities (more).

**ASDWA Identifies States' Collaboration with WARNs:** Findings from 32 states on their experiences with their respective state WARNs were released recently. In addition, a webinar that showcased five different state-WARN collaboration models was held. These are part of a series of examples and opportunities that may inspire other states and WARNs to work more closely to create their own success stories (more).

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LCR Negotiation Panel Releases Proposed New Rule: The stakeholders' panel negotiating changes to the Lead and Copper Rule has release a straw-man proposal (link). NRWA representative on the panel, John Sasur with Mass. Rural Water Association, will be in Washington in two weeks to continue negotiations on the proposal. NRWA is advocating for changes to the rule to make it more reasonable and more protective of public health (NRWA LCR policy summary).

NRWA to Press for Safe Drinking Water Act and Clean Water Act Improvements in the New Congress: NRWA will be pressing three priority polices for reforms to the Safe Drinking Water Act, the Clean Water Act, and for federal water infrastructure policy - see the NRWA Regulatory Committee agenda for details on the three priority polices for each topic (agenda).

Republicans Organize New Committees to Better Target EPA: The "House GOP’s new top watchdog," Representative Chaffetz (UT) plans to intensify oversight of the U.S. EPA in the 114th Congress, spotting everything from alleged restrictions on federal lands to employee misconduct (more). Senators Lankford (OK), and Ron Johnson (WI) organize new Subcommittee on Regulatory Affairs and Federal Management to discourage unnecessary regulation (more).

President Emphasizes Privatization as Solution for Water Infrastructure: (more).

Brothers Steal $500K Worth of Sewer Covers in Philadelphia Suburbs: Took more than 1,000 of the $475 covers and sold them to a scrap dealer for $9 each (more).

Yellowstone River (MT) Oil Pipeline Break and Spill Contaminants Tap Water: The town of Glendive began detecting the contaminant benzene in its drinking water on Monday, two days after the spill. The pipeline has had a history of trouble, including weak welds made in the 1950s. The segment under the river had been replaced in the 1960s or 1970s, but pipeline owner doesn’t know how or with what type of pipe it was replaced (more).

New USGS Reports Describe Groundwater Vulnerability to Contamination: One in every five samples of groundwater used as a source for drinking contains at least one contaminant at a level of concern for human health, according to a new U.S. Geological Survey (report).

New Maryland Governor Quickly Halts State Nutrient Rule Set to Become Effective Next Week (more).

Men Posing as Water Utility Workers Burglarize Home (more).

Public Panic Over THM Public Notice: "Serious rashes on children and unexplained illnesses" in Flint (MI). "Residents wonder if their tap water is safe to drink." "Children have become ill after drinking the water." "Nearby facility disconnects to Flint water." "Tests show water has low levels of TTHMs." "Detroit water department offers to reconnect Flint to system for $12 million more per year." "Nobody drinks the water," (TV news).

EPA Office of Water Agenda: In an interview with Bloomberg, a top EPA official said the Agency's drinking water program in 2015 will focus on new and revised regulations for contaminants and a health advisory for several algal toxins, the underground injection control program, resiliency to extreme weather events and water reuse. In the regulatory arena, the agency will decide whether to regulate the contaminant strontium in drinking water. In its ongoing activities to regulate perchlorate.
in drinking water, the agency expects to finalize a model in 2015. In addition, the agency’s National Drinking Water Advisory Committee is expected to finish in mid-2015 a recommendation on how to address lead service lines in the distribution system—the biggest challenge in revising the agency’s Lead and Copper Rule.

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Dear Board of Directors and Executive Directors: the Rural Water Washington Bullets newsletter is evolving into the Rural Water Policy Advisory, which will feature a weekly summary of current rural water policy activities. Welcome to the first edition:

**Appropriations Update:** This week, House Appropriations Committee Chairman announced that he is preparing to advance an Omnibus Appropriations Bill after the election (more). However, there is no certainty Congress will have the votes to pass an Omnibus bill by the end of the year. Other possible outcomes include a full-year Continuing Resolution (like fiscal year 2011), or another temporary Continuing Resolution until the next Congress convenes. An Omnibus is likely the most favorable outcome for rural water funding priorities (NRWA Omnibus priorities).

**CWSRF Technical Assistance Funding:** South Carolina Rural Water Executive Director Jill Miller is advancing an idea for Congress to change the recently passed amendments to the Clean Water Act State Revolving Fund (CWSRF) (link) that includes a new provision to make loans for technical assistance (section 5003). Many believe this was a drafting error in the legislation and the intent of the provision was to make grants for technical assistance an eligible program under the CWSRF. Miller plans to have a policy statement published on the issue this week.

**State WARNS Meeting:** State Association Representatives: Dale Pierson (UT), Jill Miller (SC), Pat Creduer (LA), Kevin McLeod (ID), Jeff Ford (AR) and Tim Neumann (MI) attended the state Water/Wastewater Agency Response Network (WARN) meeting last week in Atlanta - representing their state WARN. Each state WARN gave a summary of their recent activities (more).

**NRWA Ebola Virus and Water Related Safety Advisories (link).**

**Melten to be Seated on EPA Advisory Council This Week Representing NRWA:** NCRWA National Director Wilmer Melton will attend his first meeting of the National Drinking Water Advisory Council this week. EPA will provide a comprehensive briefing on their entire drinking water agenda and taking comments from the council (agenda).

**Cyber Attack Warnings:** The Industrial Control Systems Cyber Emergency Response Team (ICS-CERT) issued an advisory/warning about an ongoing attack campaign targeting industrial control systems. Dragonfly and now Black Energy are targeting industrial control systems (ICS-CERT).

**WIFIA Update:** EPA announced this week that "recycled" SRF funds may be used for WIFIA projects (more). At the WIFIA listening session last week, WIFIA supporters told EPA that WIFIA funding should not be targeted to the communities most in need -- that is the problem with the status quo; it rewards poorly operated utilities. Alliance of Indiana Rural Water Executive Director Connie Stevens commented, "Most in need, does not necessarily mean poorly operated utilities. I know of many small utilities that are doing an admirable job on a shoestring budget. They do deserve special consideration for funding."

**DHS Circuit Riders:** last Monday, Louisiana Rural Water Association Executive Director Pat Creduer briefed Senate DHS Appropriations Subcommittee Chair, Senator Landrieu’s office on the need to expand a circuit rider type initiative into DHS to assist with state emergency response networks, cybersecurity protection, and chemical security. Wyoming Association of Rural Water Systems National Director Earl McKinney presented a similar request to Senator Barrasso’s office.

**EPA Emergency Preparedness Webinar, November 13, 2014 (register).**

**EPA’s New SDWA Contaminant:** EPA recently made a preliminary determination to regulate strontium in drinking water (EPA).

**ISIS Uses Chlorine Gas for Terrorism -** American security officials are investigating a new report that Islamic State militants had used chlorine gas as a weapon (more).

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• One, federally mandated Tier 2 public notices should be eligible for e-reporting or other new and innovative methods for public distribution similar to public notices under EPA’s January 3, 2013 policy for “CCR Rule Delivery Options.” Adoption of this regulatory reform policy could save small and rural communities millions of dollars in public funding, provide more timely information to the public, and allow for enhanced availability of information to the public by archiving the disclosure material on the internet (as opposed to a one-time mailed notice).

• Two, the mandatory health effects information crafted by EPA as part of the mandatory public notices should be modified. Our concern is the current EPA information is unnecessarily alarming the public regarding the safety of its drinking water.

**EPA Investigating Employees Secretly Opposing Administration:** EPA has one or more open law enforcement investigations into employees using encrypted text messages to coordinate their resistance to the Trump administration, according to EPA’s Office of General Counsel. The General Counsel recently wrote in a letter that records regarding employees using the encryption app, Signal, and the agency’s efforts to retrieve those records were “part of one or more open law enforcement files” (EPA letter).

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