

NRWA Regulatory Committee: Your Peers Standing Up for You



- Paul Fulgham (Chair)**
Tremonton City, Utah
- Bob Freudenthal**
Tennessee Association of Utility Districts
- Tom Goulette**
City of West Point, Nebraska
- Daniel Wilson**
North Carolina Rural Water Association
- Jana Littlewood**
Bluff View Acres, Alaska
- Jill Miller**
South Carolina Rural Water Association

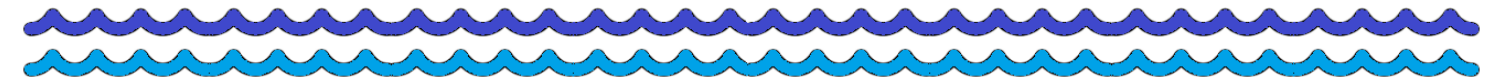
- George Crum**
Pennsylvania Rural Water Association
- Jim Mackie**
East Windsor MUA, New Jersey
- Earl McKinney**
Wyoming Association of Rural Water Systems
- George Hanson (Vice Chair)**
Chesapeake Ranch Water, Maryland
- Wilmer Melton**
City of Kannapolis, North Carolina
- Randy Pleima**
Mahaska Rural Water System, Iowa

The Regulatory Committee is a standing panel of NRWA board members and state association executive directors that recommends federal policy positions. Currently, the committee is chaired by the Rural Water Association of Utah's national director, Paul Fulgham, who is Public Works Director of Tremonton City, Utah. Much of the committee agenda over the last six months has been dictated by the election of President Trump. The new President has been very busy enacting new federal environmental policies, mainly through Executive Orders and appointing the new Administrator, Scott Pruitt. Since the beginning of 2017, Chairman Fulgham has convened monthly Committee meetings (via online conferences), and adopted the following policy initiatives:

Under Deliberation
<ul style="list-style-type: none"> • H.R. 3387, House SDWA legislation (consolidation, vulnerability assessments, security assessments, CCR reporting, new UCMR monitoring, project "materials" review, etc.)
To Be Completed
<ul style="list-style-type: none"> • Allowing SRFs to fund a portion of a community (position) • Lead and Copper Rule revisions (letter to EPA) • WOTUS comments on definition (comments, 9/29/017) • Clean Water Act SRF eligibility (comments or legislation) • House Legislation: (S. 518 companion) CWA technical assistance legislation
Completed
<ul style="list-style-type: none"> • Senate Legislation: (S. 518) CWA technical assistance legislation • Comments: Risk Management Plans' Rule delay • Comments: Executive Order, Regulatory Review • Comments: Executive Order, 2 for 1 regulatory development • Comments: Lead and Copper Rule, EPA's Draft Strategic Plan • Congressional testimony: (House Agriculture Committee, 7/17/2017) Farm Bill • Congressional testimony: (Senate Environment & Public Works, 3/28/2017) S. 518 • Congressional testimony: (House Energy and Commerce, 3/19/2017) H.R. 3387 • Congressional testimony: (Senate Environment & Public Works, 2/8/2017) Infrastructure • Request: for ASDWA to make the determination on e-delivery for Tier 2 violations

Please send us your comments, ideas and suggestions: keegan@ruralwater.org
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(September 2017, Washington, DC)



National Rural Water Association Regulatory Committee Quarterly Report



Cost Savings | Congressional Hearings | Legislation | Advisory Councils | Rulemakings



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

"We urge you to allow local governments the authority to choose when to merge, consolidate or enter into any type of private partnership."



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

"Local officials will confide in their peers more than a regulator or consultant, and more open to modify practices from peer suggestions."



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

"Small and rural communities have a much more challenging time complying with federal permits due to the lack of technical resources."



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

"Rural water infrastructure development has been the engine of economic development in rural communities."



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

"While we have fewer resources, we are regulated in the exact same manner as a large community."



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

"Our communities have the very important public responsibility of supplying the public with safe water every second of every day."



TO: U.S. Environmental Protection Agency, Document: 2017-07500
Agency/Docket Numbers: EPA-HQ-OA-2017-0190 (FRL-9961-60-OP)
FROM: National Rural Water Association (contact: Mike Keegan, Analyst)
DATE: May 15, 2017
RE: Executive Order 13777, "Enforcing the Regulatory Reform Agenda"

Headquartered in Duncan (Oklahoma), the National Rural Water Association (NRWA) is the non-profit association of the federated state rural water associations with a combined membership of over 30,000 small and rural communities. NRWA is the country's largest water utility association and the largest community-based environmental organization. State Rural Water Associations are non-profit associations governed by elected board members from the membership. Our member utilities have the very important public responsibility of complying with all applicable U.S. Environmental Protection Agency (EPA) regulations and for supplying the public with safe drinking water and sanitation every second of every day.

NRWA appreciates the opportunity to comment on EPA's request to seek input on regulations that "are outdated, unnecessary, or ineffective; impose costs that exceed benefits..." Rural and small communities support the Administration's objective to reform federal regulations that, while well-intended, are having an adverse effect on public health by mandating that local communities and consumers pay the cost of federal compliance that they don't believe is resulting in the most preferred public health or environmental policy. This dynamic is especially acute and problematic on economically disadvantaged populations. We are recommending eighteen EPA Safe Drinking Water Act (SDWA) and Clean Water Act (CWA) policies for modification through this process. Most all of our recommendations have been submitted to the Agency previously and each is referenced with the original document provided to the Agency for explanation.

1. Tier 2 public notices eligibility for e-reporting (page 2)
2. Mandatory health effects information (page 3)
3. Arsenic Rule review (page 5)
4. Positive regulatory determination for strontium (page 6)
5. Public notice requirements for detects of unregulated contaminants (page 8)
6. Small system variance technology affordability (page 10)
7. Enforcement Response Policy (page 13)
8. Total organic carbon percentage removal (page 14)
9. Point-of-use technology availability (page 14)
10. Unreasonable risk level (page 22)
11. Safety factors used in regulatory determinations (page 22)
12. Bi-Lateral compliance agreements (page 24)
13. Simultaneous compliance (page 24)
14. Reliance on in-home monitoring for the Lead and Copper Rule (pages 25-28)
15. "Feasibility" parity for small and large public water systems (page 30)
16. Total Maximum Daily Load Modeling (pages 31-41)
17. Total Maximum Daily Load Implementation and Watershed Trading (page 42-51)
18. State water quality standards (pages 52-53)

NRWA Advocacy Saving You Money

\$590,000,000 – Senator Gillibrand Amendment to Extend UCMR to All

Rejected Senate amendment to extend EPA unregulated monitoring to all public water systems. NRWA provided a technical analysis of the amendment to the U.S. Senate Environment and Public Works Committee, upon request, on September 12th.

Calculating – Risk Management Plan

In January 2017, the White House Freezes 30 federal rules including EPA's rule updating its Risk Management Programs (RMP) facility safety regulation. NRWA is lobbying against the proposed EPA changes.

Recent NRWA Action and "Potential Cost Savings":

- **Waters of the U.S. Rule** (The final rule was stayed by the U.S. Circuit Court in October, 2015. NRWA is filing a motion in the U.S. Circuit Court to repeal the rule).
- **Federal Storage Tanks Regulation** (An EPA proposal was made in November, 2014).
- **EPA Public Release of Water Utility Data** (In 2015, EPA proposed making water plant location data available on the internet. NRWA is lobbying against the release).

\$5,000,000,000 – Strontium Rule

In December 2015, EPA delayed any final decision on a regulation for strontium. NRWA urged EPA to rewrite the proposed rule because it did not include any affordable compliance option for small and rural communities.

\$2,200,000,000 – Perchlorate Rule

In February 2016, an environmental group sued EPA for missing the compliance date for finalizing a new rule for perchlorate. NRWA has urged EPA to reverse its 2011 decision to craft a regulation and re-affirm the EPA's 2008 decision not to regulate perchlorate.

\$126,000,000 (annually) – Consumer Confidence Reports

In 2012, NRWA advocated for the e-delivery of CCRs. Following a supportive vote in the U.S. Senate, the EPA granted the option which will save millions of dollars each year.

\$25,678,187 (annually) – Revised Total Coliform Rule

In 2006, NRWA was selected for the federal committee to craft the new TCR. This figure represents the savings for not having to mail notices of violation for the TCR. The benefit of not having to send misleading public notices to the public is "priceless."

\$11,550,871,000 – Retain Section 1926(b) Protection

In 2013, NRWA successfully opposed Congressional efforts to change this core protection for water service areas. This figure is the total USDA debt that is protected by 1926(b).

\$146,629,000 – Non-regulatory Cybersecurity Policy

Currently, NRWA is lobbying to stop legislation and new regulations mandating that water utilities adopt a federal cyber-security plan. This cost estimate is based on what it would cost for a consultant to implement such a plan in every small community water system.

\$3,000,000,000 – The Community Fire Safety Act 2013

In 2013, NRWA supported legislation to exempt fire hydrants from new lead standards which would have required the scrapping of already purchased fire hydrants.