



**American Water Works
Association**

Dedicated to the World's Most Important Resource®

FEDERAL REGULATORY HORIZON

ADAM T. CARPENTER

AWWA GOVERNMENT AFFAIRS

WHO IS AWWA?



- *The American Water Works Association is an international, nonprofit, scientific and educational society*
- *AWWA is the largest organization of water supply professionals in the world*
- *Our membership includes over 4,200 utilities that supply roughly 80 percent of the nation's drinking water and treat almost half of the nation's wastewater*
- *AWWA offers education to water professionals, advocates for safe and sustainable water, and collects and shares water knowledge to help create a better world through better water*



FEDERAL PRIORITIES

Administration

Climate change



Limit Regulatory Burden



Administrator

EPA Core Mission



State Role



Regulatory Efficiency



Office of Water

Waters of the U.S.



Lead in Drinking Water



PFAS



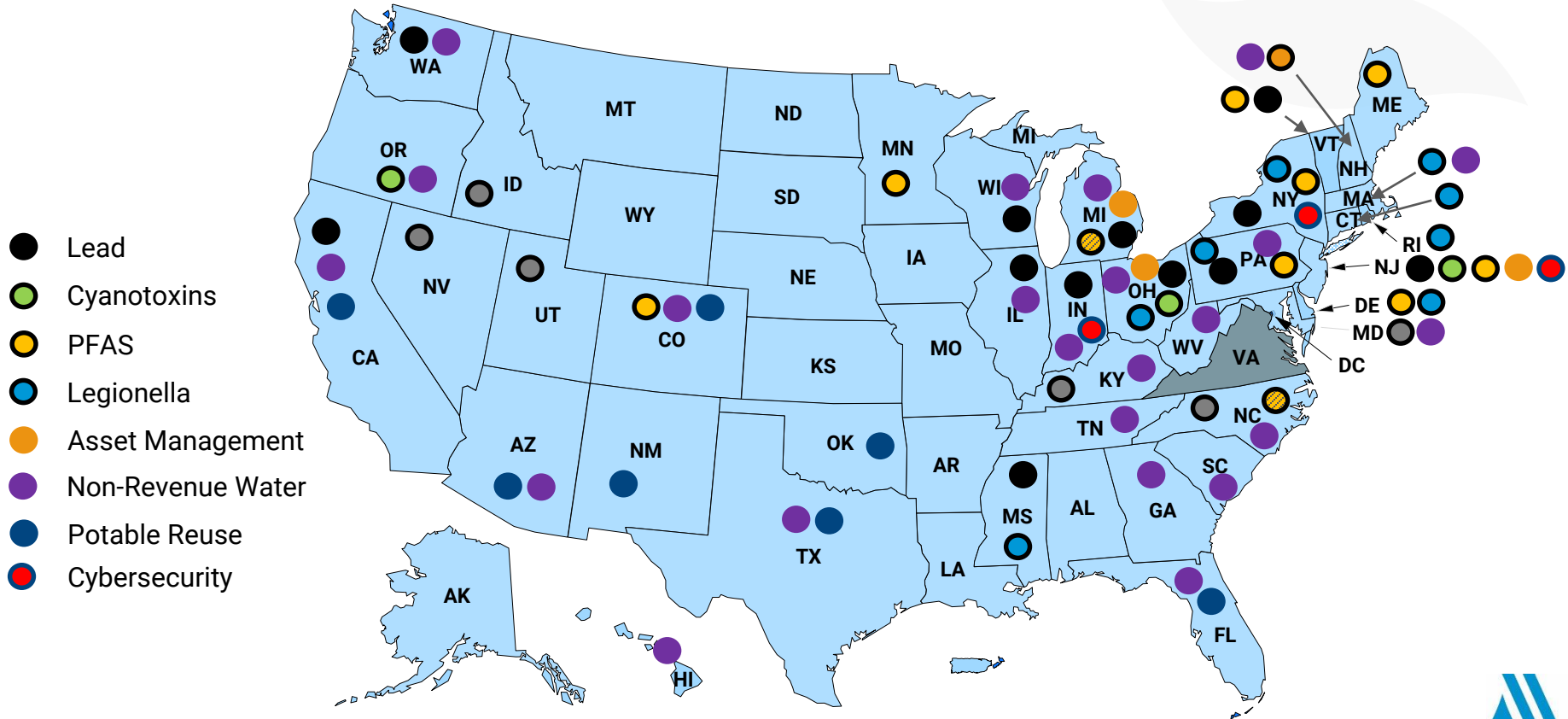
Infrastructure Funding



Recent developments

- Scott Pruitt replaced by Andrew Wheel
- Office-specific priorities vs agency mission

STATE WATER POLICY DISCUSSION / ACTION



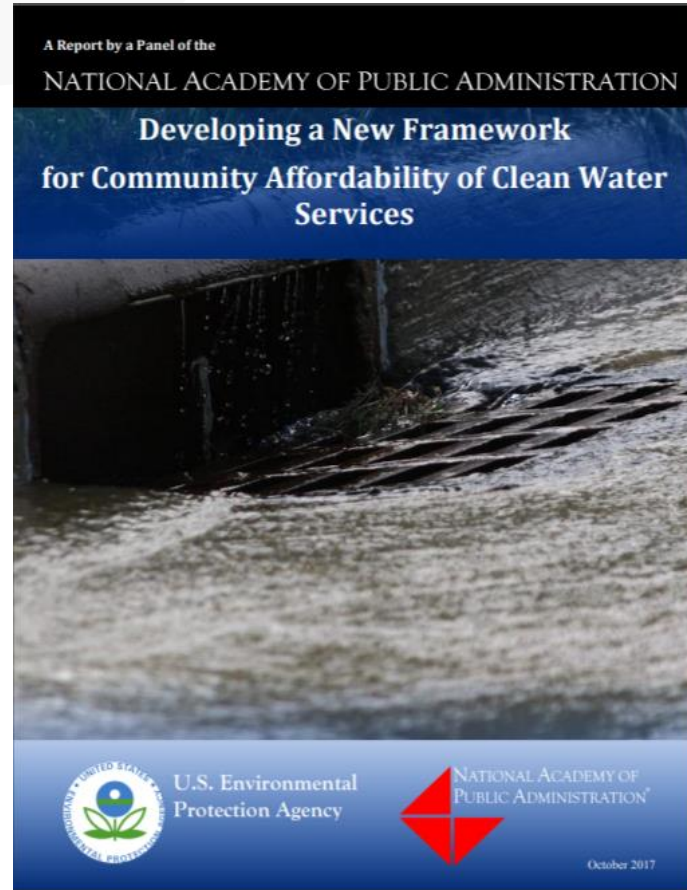
INFRASTRUCTURE FUNDING

AFFORDABILITY

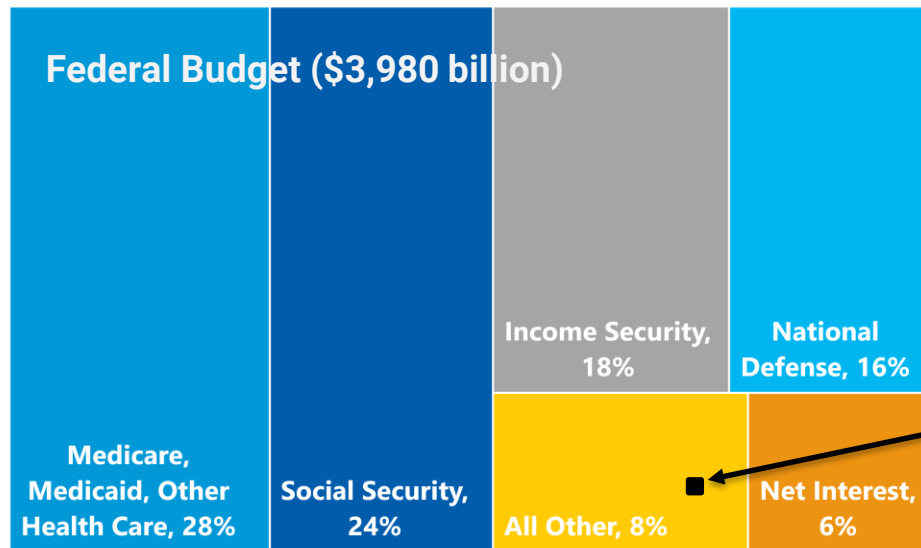
Capacity Development

Integrated Planning

Partnerships



INFRASTRUCTURE FUNDING



Water Infrastructure loan programs - 0.07% of federal budget (0.26% of discretionary spending)

State Revolving Loan Funds

SDWA

- FY 2018.....\$1.163B (Up from \$0.864 B)

CWA

- FY 2018\$1.694B (Up from \$1.394 B)

Other Funding

RUS

- FY 2018 \$0.560B (down from \$0.571B)

WIFIA

- FY 2018 \$0.063B, leveraging \$6.7B in loan capacity (up from \$0.030 billion leveraging \$3.0B)

RECENT DEVELOPMENTS -- LEAD IN DRINKING WATER

War on Lead

Use of Lead Free Pipes, Fittings, Fixtures, Solder and Flux for Drinking Water

Long-Term LCR Revisions

Federalism Consultation

Ideas EPA Added to the Discussion

- Revised sampling protocol
- Limit all partial replacement of lead service lines
- Provision of pitcher filters post-lead service line replacement
- Provision of point-of-use filter prior to lead service line removal
- Including galvanized pipe + lead gooseneck in definition of lead service line

Ideas States Added to the Discussion

- Scale rule requirements to observed lead levels
- Do not include a lot of flexibility in rule requirements

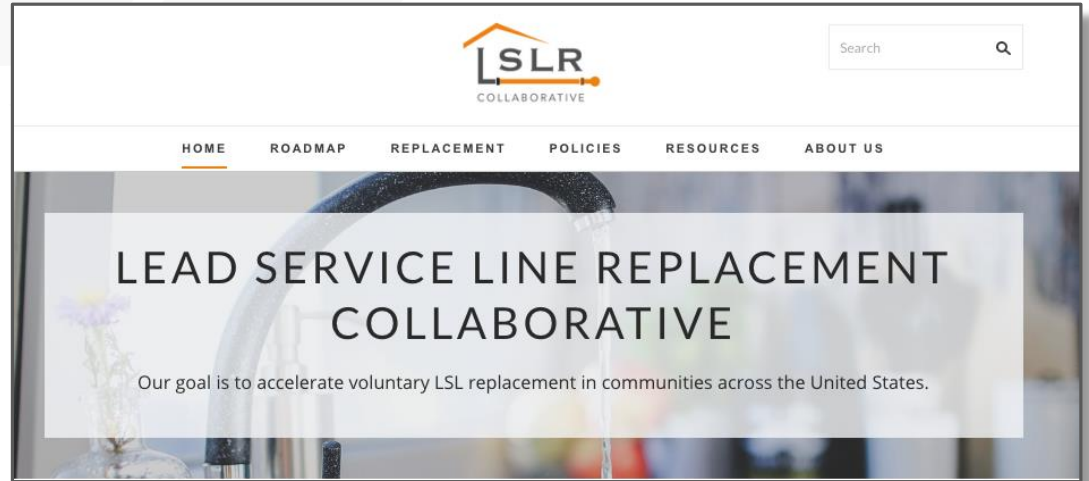
LEAD IN DRINKING WATER

SCHEDULE IN REGULATORY AGENDA

Early 2019 - Proposed rule revisions

February 2020 - Final rule published

February 2023 – SDWA, 3 year implementation framework (+ 2 years for state-approved major capital imp.)



Joel Beauvais Memorandum February 29, 2016

- Insure that you are complying with letter and spirit of current LCR and can document.
- Be transparent about observed lead levels and service line materials.

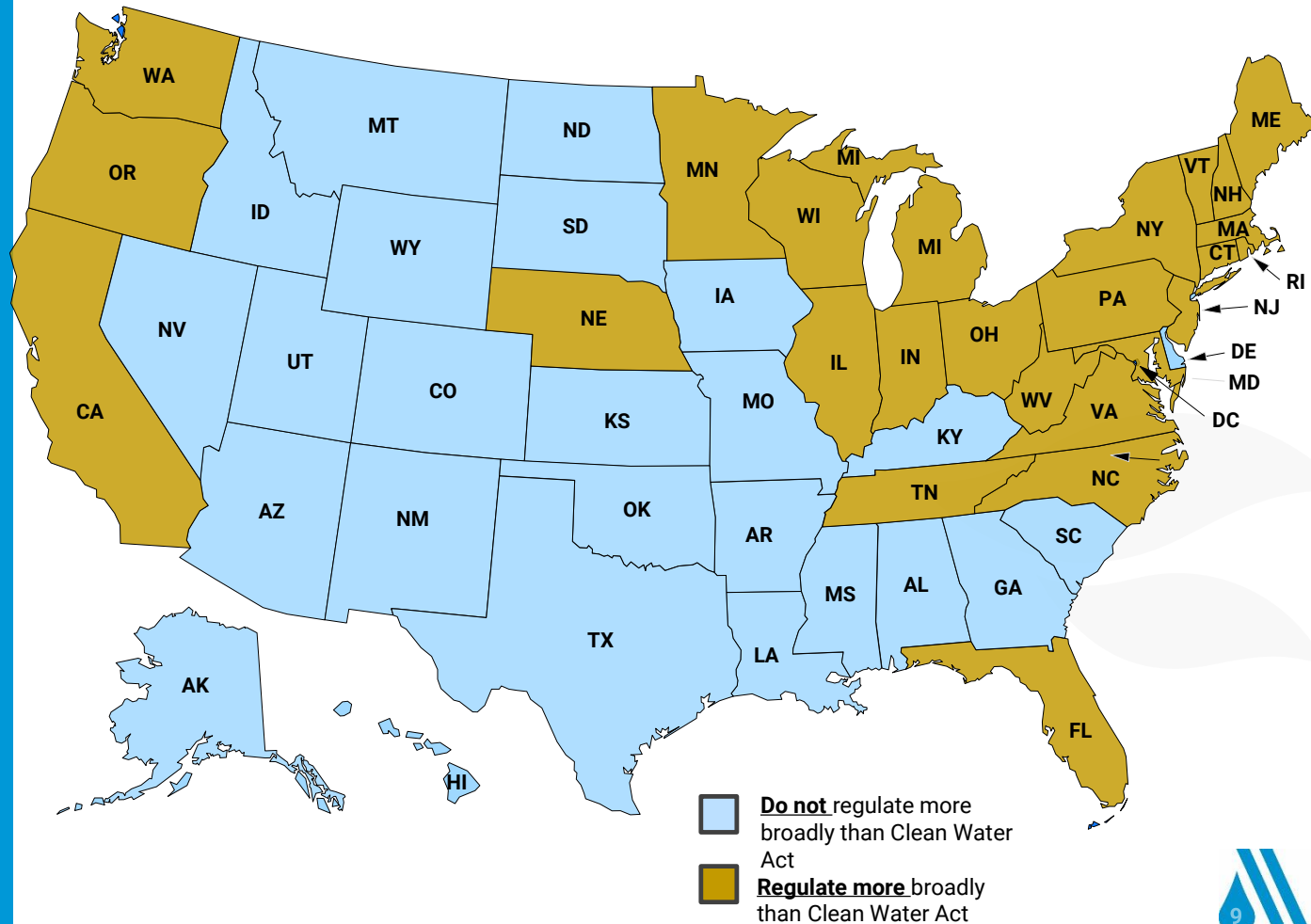
Understand Your Corrosion Control

- Review current practice
- Use the data you already collect
- Expand beyond “required” monitoring
- Evaluate constraints

WATERS OF THE UNITED STATES

Scope of "Waters"
Regulated Pre-Clean Water
Rule

Source: State Constraints.
State-Imposed Limitations on
the Authority of Agencies to
Regulate Waters Beyond the
Scope of the Federal Clean
Water Act. Env. Law Institute
(May 2013)



WATERS OF THE UNITED STATES

“... includes only those relatively permanent, standing or continuously flowing bodies of water “forming geographic features” that are described in ordinary parlance as “streams,” “oceans, rivers, [and] lakes, ...”

Justice Scalia, majority opinion in
Rapanos

Obama Administration

Clean Water Rule
Promulgated
June 2015



Stay Issued
Sixth circuit
October 2015

Trump Administration

Step One Return to
pre-existing rules
proposed July 2017



Step Two Propose a
new definition that
would replace

**Change Date of
Applicability** Published
Feb 2018

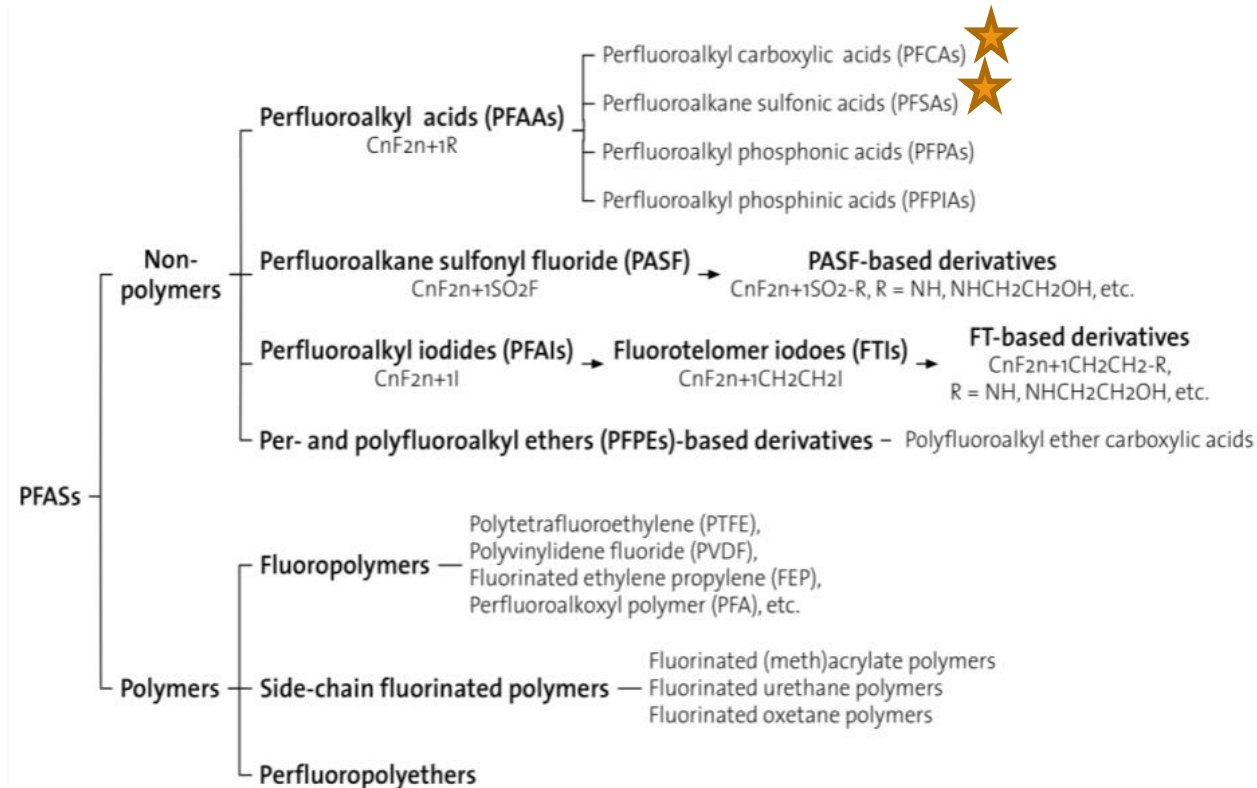
**Recodification of
Preexisting Rule**
Published July 2018

PER- AND POLY-FLUOROALKYL SUBSTANCES

Adequate basis for an MCL?

Regulate PFOA, PFOS, ... PFASs?

Next regulatory determination is due for proposal in first quarter 2019

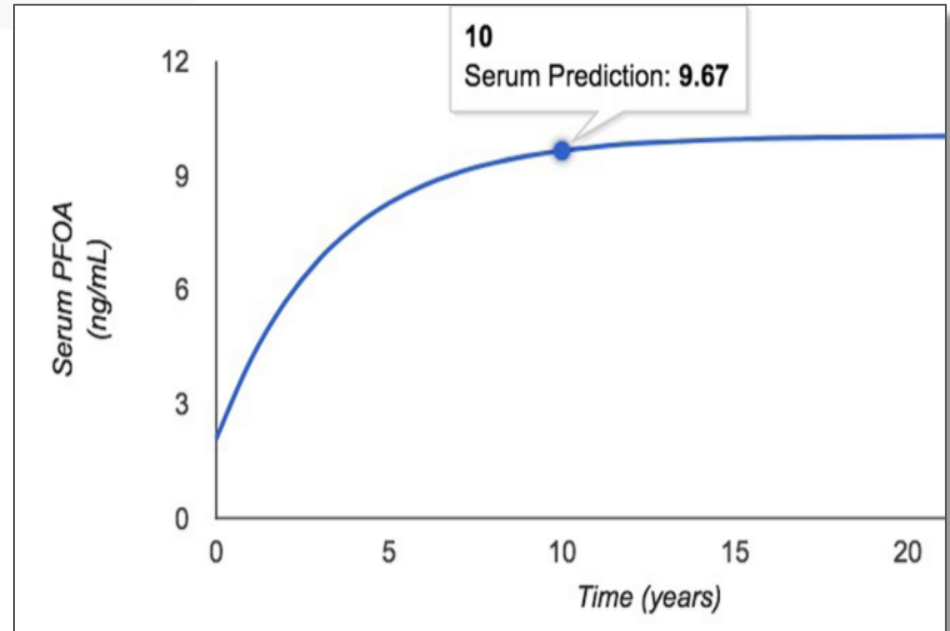


Source: OECD/UNEP Global PFC Group, Synthesis paper (2013)

PER- AND POLY- FLUOROALKYL SUBSTANCES

LOOK BEYOND UCMR3 DATA

Both CDC and EPA have new risk assessments in development



Conditions: starting serum [PFOA], 2.08 ng/mL; water [PFOA], 70 ng/L; serum PFOA contribution other sources, 2.08 ng/mL; $\frac{1}{2}$ -life of PFOA in serum, 2.3 y
Source: Bartell, EHP, October 2017

PERCHLORATE

Negotiated settlement

October, 2018 – Proposal

December, 2019 -- Final



Image courtesy of Paul Herman, Colorado River, Horseshoe Bend, Page, AZ (2012)

UCMR4

Ten of thirty UCMR4 contaminants have short-term health advisories

Health Canada considering health-based MAC for manganese (100 µg/L) and aesthetic objective (20 µg/L)

UCMR4 Analyte	Method Reporting Level (µg/L)	Reference Concentration (µg/L)	Chronic	Short-term	Organ System
Manganese	0.4	300	Y	Y	Neurological
Tebuconazole	0.2	190	Y	Y	Neurological
Microcystins (Total, LA, LF, LR, LY, RR, YR)	0.3 / 0.008 / 0.006 / 0.02 / 0.009 / 0.006 / 0.02	0.3 / 1.6	Y	Y	Liver
Cylindrospermopsin	0.09	0.7 / 3	Y	Y	Liver

UCMR4 - CYANOTOXINS

Finished water monitoring
with ELISA-based method

10-day health advisory

EPA Management
Recommendations, June
2015

Risk Communication
Toolkit, Nov 2016

Step 5: Monitor for Cyanotoxins in Finished Water, Treatment Adjustments and Public Communications

Low Level

Microcystins: $\leq 0.3 \mu\text{g/L}$



Medium Level

Microcystins: $> 0.3 \mu\text{g/L} \leq 1.6 \mu\text{g/L}$



High Level

Microcystins: $> 1.6 \mu\text{g/L}$



Communication

Continue communication with State primacy agency and local health officials on monitoring results.

Notify local public health agency, primacy agency and the public. Recommend use of alternative sources for bottle-fed infants and young children of pre-school age.

Notify local public health agency, primacy agency and the public. Recommend 'Do Not Drink/ Do Not Boil Water' advisory for all consumers.

Treatment Actions

Modify treatment as necessary to keep algal toxins below HA values.

Adjust existing treatment to reduce the concentration to below $0.3 \mu\text{g/L}$ as soon as possible. Modify or amend treatment as necessary.

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Monitoring

Continue sampling raw and finished water at least 2-3 times per week until levels are below quantification in at least 2-3 consecutive samples in raw water, then return to Step 3.

Continue sampling raw and finished water daily until finished water levels are below quantification in at least 2-3 consecutive samples.

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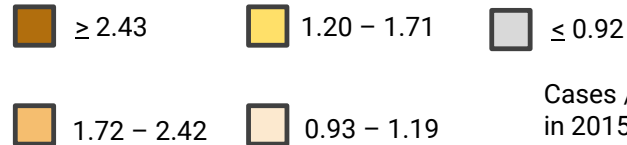
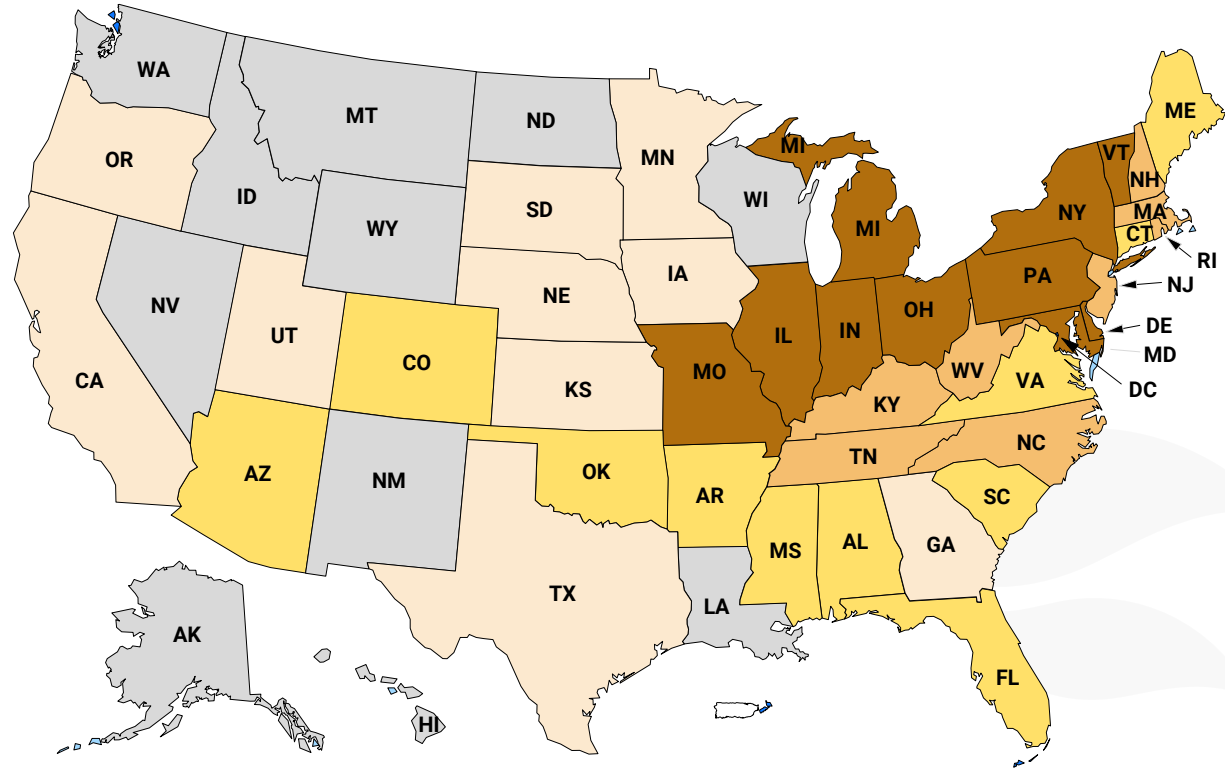
LEGIONELLA

CMS Memo impacts roughly 22,000 hospitals and nursing homes.

CDC views *Legionella* as one of many biofilm associated opportunistic pathogens

Presence **does not equal** risk

Installing treatment creates consecutive PWSs



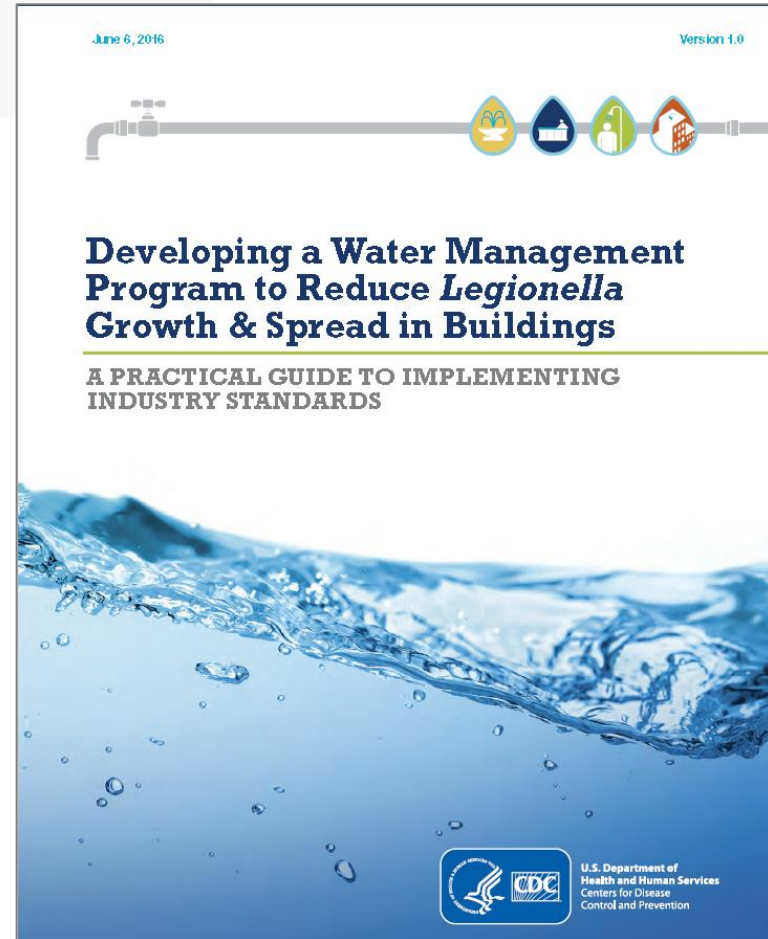
Cases / 100,000 persons
in 2015

LEGIONELLA

Its not just about health care settings

*ASHRAE Standard 188: Legionellosis:
Risk management for building water
systems*

*ASHRAE Guideline 12-2000:
Minimizing the risk of legionellosis
associated with building water
systems*



FARM BILL CONSERVATION TITLE

Importance of source water
protection

Work with State
Conservationist (Jack
Bricker)

Opportunities already exist

Natural Resources Conservation Service, Virginia

Personnel Directory, April 2018

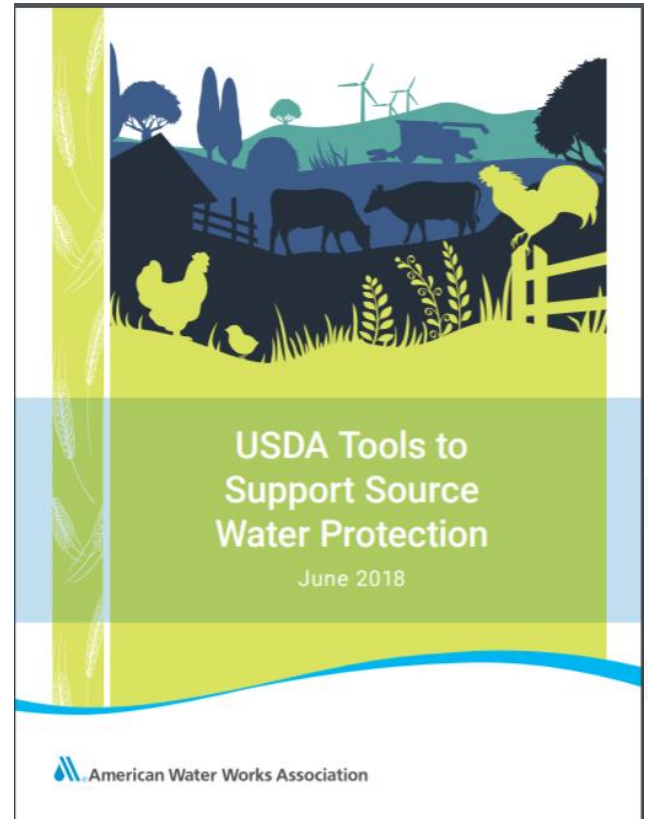


Photo: Diane Furuey, NRCS (Beeman/Speidel)

NRCS is committed to providing quality conservation assistance, products and support while maintaining standards, ensuring accountability and striving for improvement.

Available at:

https://www.nrcs.usda.gov/wps/PA_NRCSConsumption/download?cid=nrcseprd1263014&ext=pdf



Available at:

<https://www.awwa.org/Portals/0/files/legreg/documents/USDASWPreport.pdf>

THANK YOU

QUESTIONS?

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