



American Water Works  
Association

*Dedicated to the World's Most Important Resource®*

# REGULATORY UPDATES AND TRENDS IMPORTANT TO WATER SYSTEM RESILIENCY

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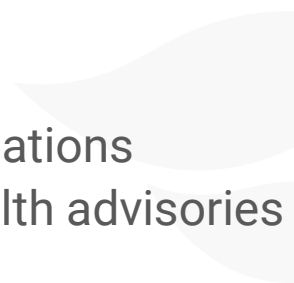
STEVE VIA

AWWA GOVERNMENT AFFAIRS


## **RISK MANAGEMENT**

- **Regulatory processes**
  - **Litigation**
  - **Affordability / sustainability**
  - **Cybersecurity**
  - **Spill Response / Notification**
  - **Contaminants of concern**
  - **Infrastructure**
- 

## MORE STATE – BY – STATE WATER POLICY DISCUSSIONS

- **Unique to individual states**
    - Water supply needs, including reuse
    - Funding strategies for lead service lines
  - **Response to citizen concerns**
    - Per and polyfluoroalkyl substances
    - Lead testing in schools
  - **Post-Flint**
    - “Word for word” reading of regulations
    - Public notification based on health advisories
  - **Good practice adoption**
    - Water loss control
    - Asset management
    - Lead service line mapping
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- Decorative wavy lines in light gray, located on the right side of the slide, partially overlapping the text area.

## MORE LITIGATION

- **U.S. EPA National Compliance Initiative**
    - SDWA
    - Lead
  - **Imminent and substantial endangerment**
    - SDWA (42 U.S. Code § 300i)
  - **Citizen civil action**
    - SDWA (42 U.S. Code § 300j–8)
    - CWA (33 U.S.C. § 1365)
    - RCRA (42 U.S.C. § 6972)
  - **Tort claims**
  - **Civil action for deprivation of rights**
    - Civil Rights Act (42 U.S. Code § 1983)
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## AFFORDABILITY

- **Water Infrastructure Improvement Act**
  - Codifies Clean Water Act integrated planning approach into law
- **National Academy of Public Administration**
  - New Framework for Community Affordability of Clean Water Services
- **America's Water Infrastructure Act**
  - Involuntary consolidation
  - Study of intractable systems

# CYBERSECURITY

**Cyber risk is the top threat facing business and critical infrastructure in the United States.** Government intelligence confirms the water and wastewater sector is under a direct threat as part of a foreign government's multi-stage intrusion campaign, and individual criminal actors and groups threaten the security of our nation's water and wastewater systems' operations and data.

2018, [Cybersecurity Risk & Responsibility in the Water Sector](#), Judith H. Germano

## **SOURCE WATER PROVISIONS OF AWIA**

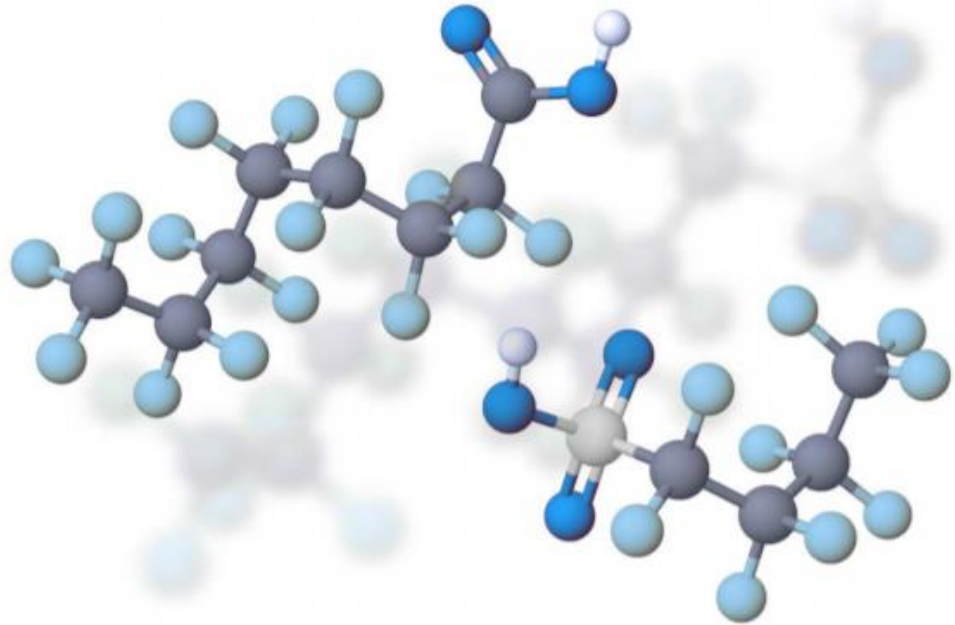
- **State duty to notify community water systems**
  - Release of EPCRA Section 304 chemical
  - Prompt notification
- **State duty to release EPCRA Tier 2 data to community water systems**



# CONTAMINANTS OF EMERGING CONCERN


## EPA's Per- and Polyfluoroalkyl Substances (PFAS) Action Plan

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## WATERKEEPER ALLIANCE VS EPA

- **Alliance asserts that EPA has failed to:**
    - Revise TCE and PCE standards,
    - Revise SWTR requirements,
    - Revise chlorite standard,
    - Regulate hexavalent chromium,
    - Meet deadline for fourth regulatory determination, and
    - Meet deadline for fifth CCL
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# 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

# PERCHLORATE

Negotiated schedule

October, 2018 – Proposal

May, 2019 – Proposal

December, 2019 -- Final

January, 2020



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

## DEVELOPMENTS -- LEAD IN DRINKING WATER

- **Federal Lead Action Plan**
  - Integrated communication tools
- **National Compliance Initiative**
  - Office of Enforcement and Compliance
- **Health Canada Guideline finalized**
  - MAC of 5 µg/L
- **Long-Term LCR Revisions**
  - Proposal this year
- **Current LCR**
  - Strict compliance

# LEGIONELLA

Building equipment uses the same water source that supplies our showerheads and faucets. Without addressing the bacteria entering our buildings from the public distribution system, the issues we face with Legionella are not going to end.

John Letson, Vice President of Plant Operations at  
Memorial Sloan Kettering Cancer Center

## RESOURCES

- **Resiliency Planning**

- M19 Emergency Planning for Water and Wastewater Utilities
- AWWA/ANSI J100-10 (R13) Risk and Resilience Management of Water and Wastewater Systems
- AWWA/ANSI G430-14 Security Practices for Operation and Management
- AWWA/ANSI G440-17 Emergency Preparedness Practices

- **Cybersecurity**

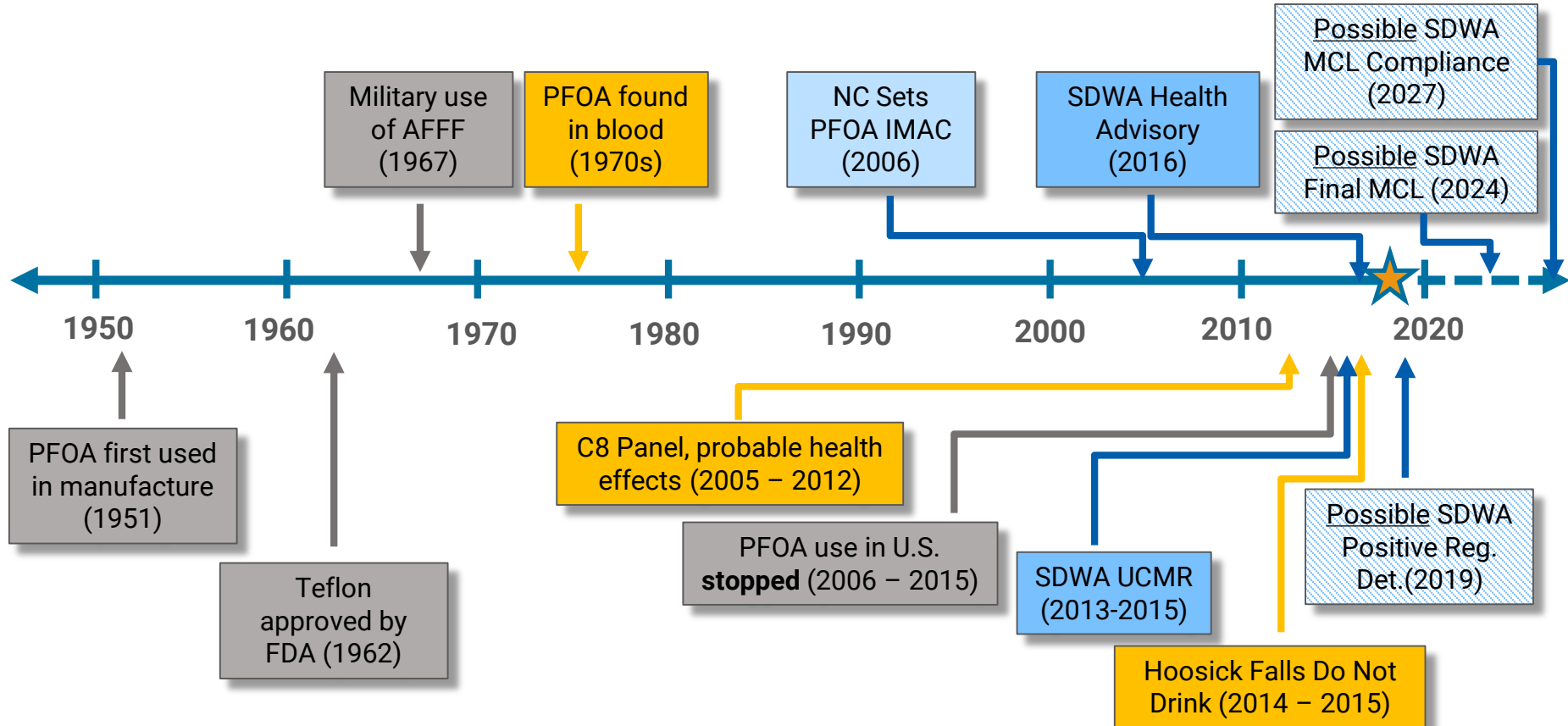
- Cybersecurity Guidance
- Cybersecurity Tool

# THANK YOU

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# A Case Study Example: PFOA





# UCMR4

Contaminant	MRL (ug/L)	# of PWSs w/ results	# of PWSs w / results > MRL	# of PWSs w / results > Ref. Conc.
germanium	0.3	1,181	145	--
manganese	0.4	1,183	987	19
alpha- hexachlorocyclohexane	0.01	1,031	2	2 / 02
oxyfluorfen	0.05	1,026	1	0
tebuconazole	0.2	1,018	1	0
total permethrin	0.04	1,028	3	0 / 0
tribufos	0.07	991	2	0
o-toluidine	0.007	1,043	10	--
quinoline	0.02	1,044	25	25 / 1
1-butanol	2.0	1,059	24	0
2-methoxyethanol	0.4	1,060	10	--
2-propen-1-ol	0.5	1,060	3	0
"total microcystins"	0.3	831	4	4 / 0
anatoxin-a	0.03	846	14	--
cylindrospermopsin	0.09	846	1	0 / 0
HAA5 (regulated)	NA	1,068	1,049	79
HAA6Br	NA	1,071	1,040	--
HAA9	NA	1,068	1,050	--



# 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

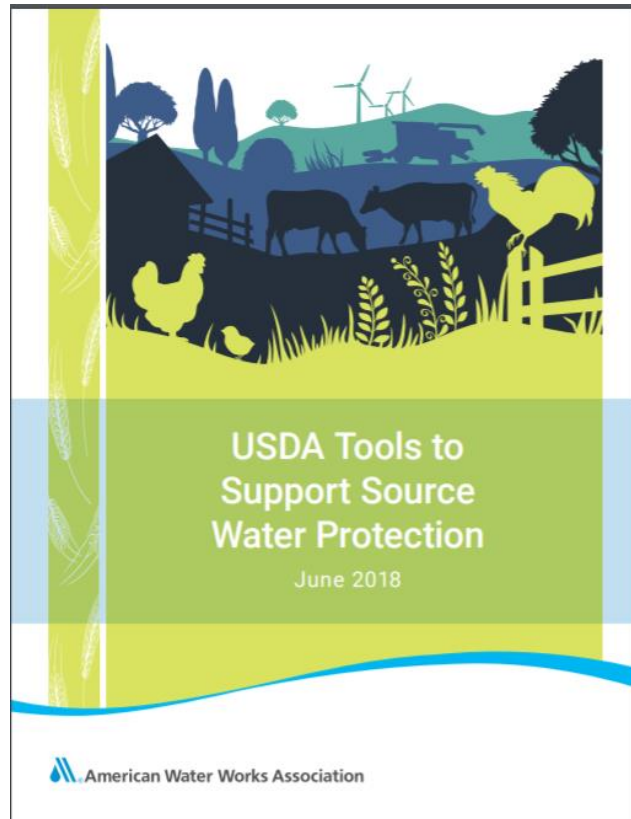


Photo: Stone Purcell, NRCS (Steven/Speidel)

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](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>