



February 3, 2014

The Honorable Ben Cardin  
Chair  
The Honorable John Boozman  
Ranking Member  
Senate Subcommittee on Water and Wildlife

Dear Senators,

As the Senate Water and Wildlife Subcommittee convenes a hearing to conduct an "Examination of the Safety and Security of Drinking Water Supplies Following the Central West Virginia Drinking Water Crisis," the American Water Works Association (AWWA) and the Association of Metropolitan Water Agencies (AMWA) would like to share our thoughts on how states and EPA can best help water systems prepare for and respond to such emergency situations.

First and foremost, chemical storage facilities that could pose a risk to nearby sources of drinking water must be held to the highest standard of safety and security. This should include regulatory oversight that includes strong leak detection and spill control capabilities, a robust emergency response plan, and speedy notification of nearby water utilities of any incident that releases a chemical into water supplies.

This last point about spill notification is critical, because it sets the stage for all response and recovery activities that will follow. If a water utility is not told that a certain chemical has entered its source waters, it may not be detected until it reaches homes and businesses throughout the community. Conversely, timely notification by a chemical facility may allow a utility to react quickly with a range of responses such as closing intakes, adjusting treatment, switching to alternate supplies, targeting water quality monitoring, and rapidly providing customers with any appropriate water use advisories. This latter approach is certainly preferable from a public health – and a public confidence – perspective.

Of course, the more comprehensive a spill notification is, the more effective the water utility's response can be. Any new law or regulation that requires chemical spill notifications should mandate the inclusion of all available information on the substance that was spilled, how much

was spilled, how that chemical behaves in water, what treatment measures or techniques are most effective to remove that chemical, what the human health risks are at given concentrations, and any guidance that may be available for dealing with the chemical. Again, quickly getting this information into the hands of water treatment experts will greatly improve the chances of a successful response.

Even with meaningful notification requirements in place, the risk of a water contamination event will always remain. To minimize impacts when such an event does occur, EPA needs to help water utilities answer the basic question of, "what should the utility do with the contaminated water?" Existing EPA guidance essentially says to store the water or get an NPDES permit to flush the system. In practice, storing all the water in a utility distribution system means the utility must entirely cease operations, while typical NPDES permits might not be issued in a timely manner. Neither of those is a workable solution in the midst of an emergency. We urge the Committee to ensure that EPA works with water organizations such as ours to develop workable answers to the problem of managing contaminated water.

Finally, we know that any new water quality protection activities to be carried out by EPA or state primacy agencies will come with a cost. And while we are sympathetic to the realities of the federal government's current fiscal climate, most state governments are operating under very tight or declining budgets as well. Therefore any new chemical facility-monitoring program enacted under SDWA must include a sufficient authorization to offset at least some of the implementation costs. Otherwise, these new activities will come at the expense of other ongoing water quality oversight activities or badly needed infrastructure investments.

Again, AWWA and AMWA deeply appreciate the subcommittee's interest in addressing potential threats to drinking water from chemical spills. Our associations, and our water utility members across the country, look forward to working with you to develop effective solutions to this important issue in the weeks and months ahead.

Sincerely,



Tom Curtis  
Deputy Executive Director for Government Affairs  
American Water Works Association  
202 628-8303



Diane VanDe Hei  
Executive Director  
Association of Metropolitan Water Agencies  
202 331-2820

Cc/ The Honorable Barbara Boxer, Chair, Senate Committee on Environment & Public Works  
The Honorable David Vitter, Ranking Member  
Membership, Senate Subcommittee on Water & Wildlife