



ASSOCIATION OF
METROPOLITAN WATER AGENCIES



AMWA'S ADVOCACY UPDATE

AUGUST 2023

WWW.AMWA.NET

TABLE OF CONTENTS



03

WATER POLICY UPDATE

04

PFAS

08

LOW-INCOME WATER RATEPAYER
ASSISTANCE

10

ADDRESSING LEAD SERVICE LINES

11

ENHANCING PREPAREDNESS AND
ENSURING ACCESS TO WATERISAC

12

WATER INFRASTRUCTURE
FUNDING

14

MICROBIAL AND DISINFECTION
BYPRODUCTS RULE REVISIONS

15

ENGAGING FEDERAL ADVISORY
COUNCILS

18

PROMOTING WATER UTILITY
RESILIENCE ACROSS FEDERAL
AGENCIES

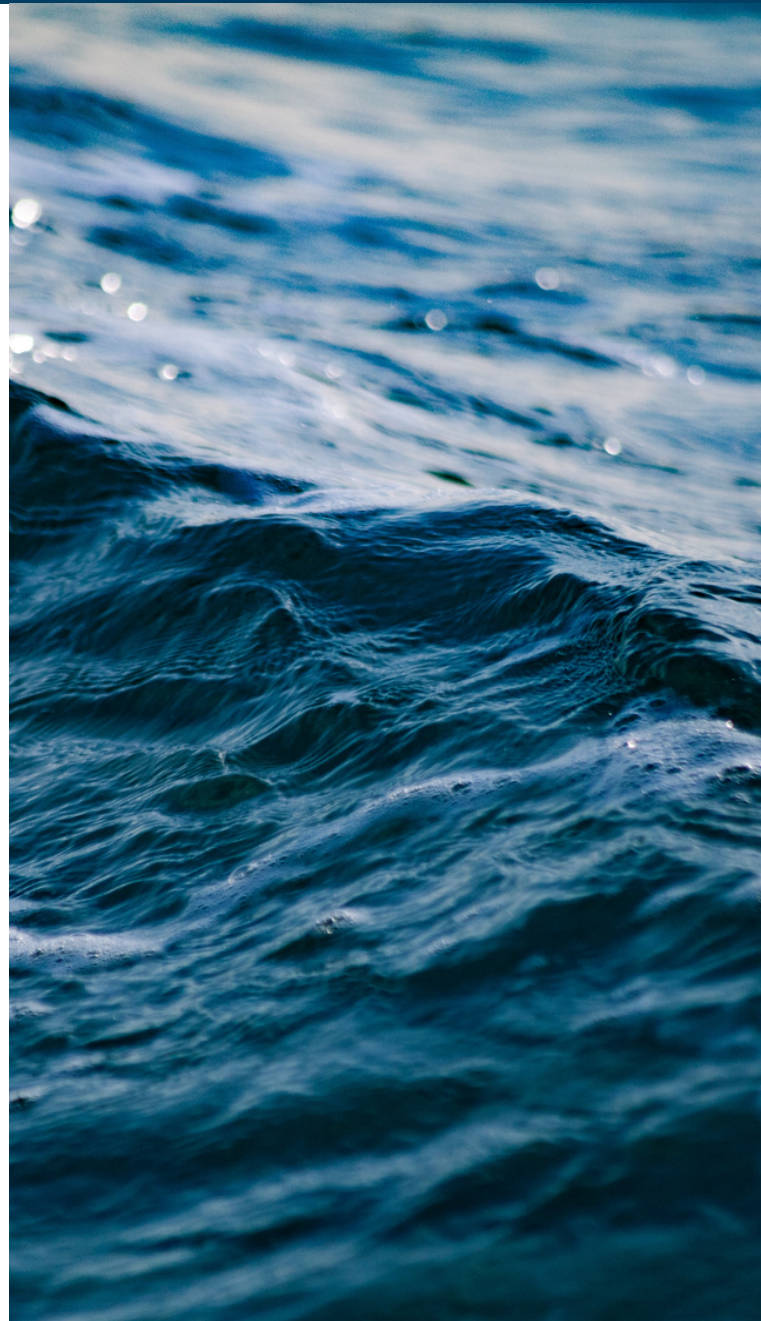
19

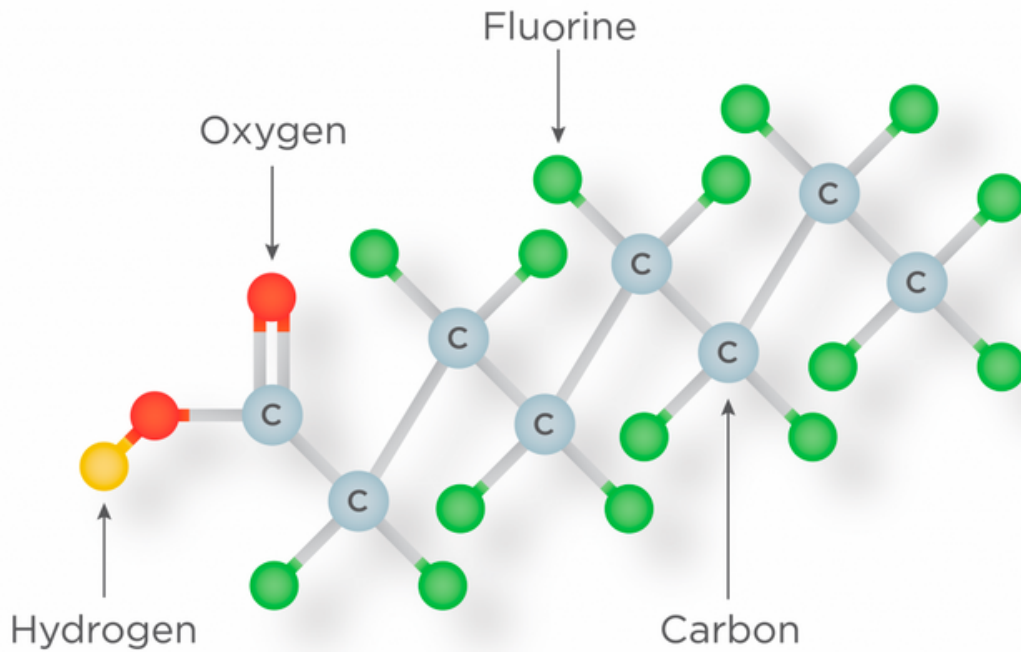
LOOKING AHEAD TO A BUSY FALL

WATER POLICY UPDATE

With Congress recently departing for its August recess, AMWA wanted to provide a brief update on the status of our ongoing legislative and regulatory advocacy activities so far in 2023. In short, we have made a lot of progress over the first seven months of the year to advance the policy priorities we outlined at the outset of the year.

AMWA's Policy Team includes Erica Brown, Dan Hartnett, Brian Redder, Jessica Evans, and Bebe Schaefer, and each played a role in advancing our priorities on Capitol Hill or before federal regulators. Please feel free to contact any of them with questions or comments about these topics, or about how your utility can get more involved in supporting our advocacy in Washington.





PFAS

The association has actively been working on PFAS policy from two angles: commenting on EPA's proposed National Primary Drinking Water Regulations for PFOA, PFOS, and other PFAS, and protecting drinking water systems from environmental cleanup liability for PFAS under CERCLA. On May 30, AMWA submitted a 164-page [comment letter package](#) to EPA on its proposed PFAS National Primary Drinking Water Regulation. The letter comprised nearly 40 pages of AMWA comments as well as a commissioned analysis of EPA's cost-benefit analysis, previous comments, and examples of estimated timelines and costs for PFAS treatment from three AMWA members.

While generally supporting regulation of PFOA and PFOS in drinking water, AMWA's comments made the following points:

- AMWA firmly believes EPA must do more to hold chemical producers and manufacturers financially accountable for their actions, consequently incentivizing them to adopt safer practices, invest in pollution prevention measures, and develop alternative substances that are less harmful to public health and the environment rather than place the majority of the financial burden of PFAS removal from drinking water on the American public.

TOTAL COMMENT LETTERS BY AGENCY:



EPA: 16



CEQ: 1



USGS: 3



FEMA: 1



NOAA: 2



OMB: 1

- EPA's cost analysis severely underestimates the actual price tag to be faced by public water systems by displaying costs in 2021 dollars before peak inflation and neglecting to recognize supply chain and other issues that will make compliance more expensive. These increased costs will disproportionately affect economically disadvantaged and underserved communities.
- AMWA recommends that EPA allow for a 5-year compliance timeline (the maximum EPA can allow under the SDWA, with states allowed to provide an additional three years on an as needed basis for large systems), as data from our members indicates projects of this magnitude can rarely be accomplished in three years.

- EPA could mitigate rule costs without compromising protection of public health by prioritizing water systems with the highest concentrations of PFAS.

AMWA also spearheaded a joint letter signed by 17 organizations including water sector groups, the National League of Cities, the US Conference of Mayors and CWA state regulators. In August, AMWA will also submit comments on EPA's request for input and data on potential future hazardous substance designations under CERCLA of additional PFAS chemicals.

On Capitol Hill, AMWA has been an active participant in the Water Coalition Against PFAS, a group of five drinking water and wastewater sector organizations working in support of legislation to shield water systems from CERCLA liability related to the legal disposal of water treatment byproducts containing PFAS. AMWA and the coalition played a leading role in developing the “Water Systems PFAS Liability Protection Act” (S. 1430) legislation introduced in May by Sen. Cynthia Lummis (R-Wyo.) that would ensure that polluters bear the cost of cleaning up environmental PFAS pollution. AMWA and the coalition endorsed the proposal upon introduction, and AMWA staff have spoken with dozens of congressional offices about the proposal. We have also engaged with the Senate Environment and Public Works Committee, which in late June circulated draft legislation related mostly to research and development of technologies to help water systems and other entities address PFAS contamination. In July, AMWA submitted comments to the committee on the bill that stressed that the legislation must include CERCLA liability protections for water systems and other passive receivers if it is going to make meaningful progress in the fight against PFAS.

There remains strong opposition among some on Capitol Hill to writing any new liability protections into the CERCLA statute, so this is an area where AMWA members should make their voice heard to their elected officials. AMWA is happy to provide a template letter for utilities to use in writing to Congress on this topic, just request the template from Bebe Schaefer.



In February, Chief Advocacy Officer Dan Hartnett spoke at a Capitol Hill briefing on the importance of protecting drinking water systems from facing liability for PFAS cleanup costs under CERCLA.



**AMWA has
sent**

4

**letters to
Congress and
the Biden
Administration
on PFAS**

LOW-INCOME WATER RATEPAYER ASSISTANCE

During the height of the Covid-19 pandemic AMWA supported Congress' creation of the Low-Income Household Water Assistance Program (LIHWAP), a new program designed to help qualifying households in every state access federal funding assistance to restore water service connections and prevent future disconnections for nonpayment.

But the program is scheduled to end at the conclusion of the 2023 fiscal year on September 30, so AMWA is working to build support for continued funding into 2024, as well as a permanent extension of the program. AMWA's activities so far this year in support of a permanent low-income water assistance program include:

- Collaborating with our water sector colleagues in a report for policymakers that identifies the national low-income water assistance need and outlines several policy options
- Requesting Congress to continue funding LIHWAP at least through the 2024 fiscal year



AMWA prepared Rosemary Menard of the Santa Cruz Water Department to testify in May before the U.S. Senate on water affordability.

- Writing a letter to the editor that was published in the Washington Post urging the creation of a permanent low-income water assistance program
- Aiding our member from Santa Cruz, California, when they testified at a Senate committee hearing in May on water affordability issues.

This is another area where individual utilities weighing in with their members of Congress will bring attention to the importance of LIHWAP, the value it brings to community water systems and ratepayers, and the necessity of lawmakers acting to continue the program. Bebe Schaefer is working to set up virtual meetings with congressional staff where utilities can explain the importance of continuing the program. Please contact her if your utility is interested in participating in a meeting.



AMWA CEO Tom Dobbins (right) participated in an April panel of water sector leaders on the need for a permanent low-income water assistance program.

200+

contacts made with congressional offices

100+

meetings with congressional staff

11

bills endorsed

20

letters sent to Capitol Hill

ADDRESSING LEAD SERVICE LINES

Starting last year, AMWA championed the development and introduction of legislation to help communities more effectively finance full lead service line replacements, and this year the association worked with its partners on Capitol Hill to reintroduce the Financing Lead Out of Water (FLOW) Act at the start of the 118th Congress.

Sponsored by Rep. Dan Kildee (D-Mich.) and Sen. Michael Bennet (D-Colo.), the FLOW Act (H.R. 1407 / S. 726) would allow public water systems to issue tax-exempt bonds for lead service line removal projects without going through the IRS "private business use test."

The test requires communities to determine which homes are rental properties or the location of home-based businesses before tax-exempt bond proceeds may be used to pay for the replacement of a privately-owned lead service line. This adds months of work and expense to the process. The FLOW Act currently has bipartisan support in the House of Representatives with 17 cosponsors, along with six Democratic cosponsors in the Senate. Congressional staff say the measure is positioned for potential inclusion in any year-end package of tax extenders legislation that Congress may consider this year or next, but again, water systems should make their voice heard to their representatives and senators in support of the FLOW Act. AMWA can provide a draft support letter for water systems to use in communications with lawmakers, please contact Bebe Schaefer for the template.

ENHANCING PREPAREDNESS AND ENSURING ACCESS TO WATERISAC

AMWA recognizes the importance of water systems being prepared to face a variety of physical, cyber, and natural threats. One of the best ways to do so is to participate in WaterISAC, the water sector's dedicated information sharing resource that collects, analyzes, and disseminates actionable threat information to member utilities across the country.

However, WaterISAC receives no direct federal funding to sustain operations, and only several hundred of the nation's 50,000 drinking water and 16,000 wastewater systems have full access to its services and expert threat analysis.



In response, this year AMWA has worked with lawmakers to explore what the federal government can do to promote participation and increase access to WaterISAC. The result is the Water System Threat Preparedness and Resilience Act (H.R. 1367 / S. 660), legislation introduced by Sen. Ed Markey (D-Mass.) and Rep. Jan Schakowsky (D-Ill.) that would authorize a targeted EPA program that would offset WaterISAC membership costs for drinking water and wastewater systems. The measure is based upon an existing Energy Department program to promote E-ISAC participation, and AMWA aims to find a place for the proposal in any larger water infrastructure or security legislation that Congress may develop in the coming months.

In March, AMWA led a [water sector letter](#) in support of the legislation and continues to engage lawmakers to educate them on the value of WaterISAC and the importance of increasing participation among water and wastewater systems.

WATER INFRASTRUCTURE FUNDING

While AMWA strongly supported the 2021 Bipartisan Infrastructure Law's inclusion of nearly \$50 billion in new funding over five years to support drinking water and wastewater infrastructure investment, we recognize that the nation's actual water infrastructure need is far greater. EPA estimates that drinking water systems alone require at least \$470 billion over the next twenty years just to maintain current levels of service, and this figure does not account for additional costs related to compliance with new regulatory mandates.



Randy Hayman of the Philadelphia Water Department testified on behalf of AMWA at a Senate hearing on Bipartisan Infrastructure Law implementation in March.

Even in Congress' constrained budget environment of 2023, AMWA is advocating for strong and necessary investments in the nation's drinking water infrastructure. In March the association testified before the Senate Environment and Public Works Committee on implementation of the BIL and how the funding will help communities across the country. Earlier in the year the association wrote to the White House to request full funding for the Drinking Water State Revolving Fund, WIFIA, and several other water infrastructure assistance programs. Last month AMWA wrote to House appropriators to register strong opposition to proposed cuts to EPA's water programs. While the association is encouraged that an EPA spending bill approved by Senate appropriators in July would hold the line on water infrastructure spending and continue to fund several of AMWA's priority programs, we will be asking all our members to contact their elected officials on the importance of maintaining water infrastructure funding as the FY24 appropriations debate heats up this fall.



**AMWA has
sent**

4

**letters to
Congress on
water
infrastructure
funding
priorities**

MICROBIAL AND DISINFECTION BYPRODUCTS RULE REVISIONS

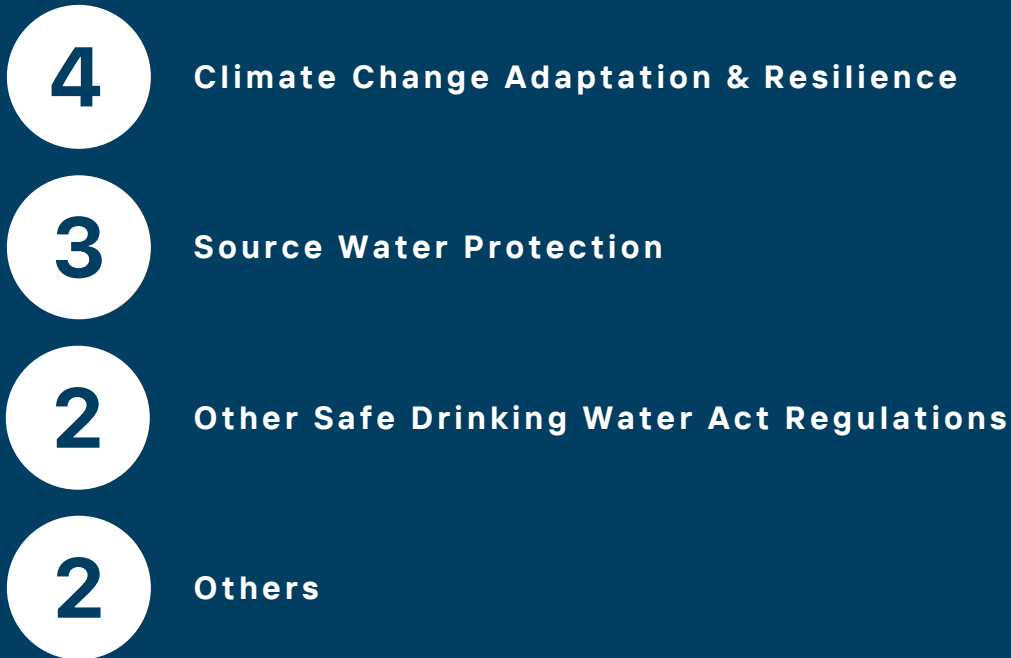
AMWA has been heavily involved in the Microbial and Disinfection Byproduct (MDBP) Rule Revisions process. In Spring of 2022, the National Drinking Water Advisory Council (NDWAC) MDBP Rule Revision Working Group was formed to explore and identify potential revisions to these existing rules. The group has convened eight times virtually and most recently held its ninth meeting on June 27-29, 2023, in-person in Washington DC.

AMWA nominated Santa Cruz Water Department Water Director Rosemary Menard to represent the large system perspective on the group, and staff have been supporting her and other Working Group members throughout the process. At the June meeting, the group discussed target areas for revisions, and Working Group members formed smaller subgroups to draft potential recommendations on these areas. AMWA is working with group members to identify information to assist in deliberations. These subgroups will focus on topics such as premise plumbing, source control, environmental justice, oversight and capacity issues, and others.

AMWA will continue to provide support to members of the Working Group as the draft report is developed. The next meeting will be held virtually on September 14. An agenda and registration are not yet available, but the meeting will likely focus on the development of the draft recommendations based on the work of the subgroups. AMWA will be following this meeting closely and reporting on developments to members.

Subsequent meetings of the Working Group are tentatively scheduled for October 5 and October 31, 2023. Once the report is finalized, the Working Group will provide it to the NDWAC, which in turn will provide recommendations on these issues to EPA. The agency then has until September 30, 2027, to propose and finalize a rule unless it determines that the existing MDBP rules are no longer appropriate for revision.

TOTAL COMMENT LETTERS BY ADVOCACY AREA:



ENGAGING FEDERAL ADVISORY COUNCILS

AMWA has focused its advocacy efforts on engaging with federal advisory councils through submitting member nominations to three such councils, including the National Drinking Water Advisory Council (NDWAC), the Climate Adaptation Science Centers Advisory Council, and NOAA's Science Advisory Board.

The NDWAC provides EPA with advice and recommendations on the national drinking water program. Additionally, EPA engages the NDWAC on key issues, allowing EPA to gain broad input regarding the delivery of safe drinking water to the nation's consumers.



The Climate Adaptation Science Centers Advisory Council, which, once established, will advise the Secretary of the Interior on the operations of the USGS National and Regional Climate Adaptation Science Centers. The National and Regional Climate Adaptation Science Centers create independent and collaborative research on climate change vulnerability and adaptation, including studying impacts to water supply and developing best practices for water management at regional scales.

NOAA's Science Advisory Board advises the Under Secretary of Commerce for Oceans and Atmosphere on long- and short-range strategies for research, education, and the application of science to resource management and environmental assessment and prediction. NOAA tools and data are essential for many AMWA utilities to produce and implement long-term climate adaptation plans.

AMWA member representation on federal advisory boards ensures that the Secretaries and other federal leadership hear the perspectives and advice of AMWA members as they develop the regulations, research, and tools that affect water utilities every day.

Furthermore, AMWA continued to advocate the needs of its members by providing a briefing to federal councils on infrastructure security and environmental justice. In May, AMWA briefed the National Infrastructure Advisory Council (NIAC) working group on water sector security with information on key threats to water security and policy solutions. The NIAC considers cross-sector critical infrastructure security and resilience issues and makes recommendations to the President. This summer, AMWA also delivered a [letter](#) to the White House Environmental Justice Advisory Council, which advises the Chair of CEQ and the White House Environmental Justice Interagency Council, outlining the national need for full water infrastructure investment as an environmental justice issue.





**AMWA has
nominated**

6

**member utility
officials to
serve on
federal
advisory
boards**

PROMOTING WATER UTILITY RESILIENCE ACROSS FEDERAL AGENCIES

AMWA continues to advocate for members by engaging with federal agencies beyond major regulatory actions. For example, AMWA has submitted comments outlining the needs and concerns of water utilities and the threats they face due to climate change in four comment letters to different agencies, including [CEQ](#), [EPA](#), [NOAA](#), and [FEMA](#). In addition to summarizing member needs, these letters provide a basis for building working relationships with federal agencies to discuss federal agency priorities and methods to partner in developing data, projects, and information water utilities rely on.

Furthermore, this year, AMWA has advocated for resilient drinking water infrastructure by engaging the EPA as it developed three programs under the Inflation Reduction Act (IRA) – the Climate Pollution Reduction Grants, the Greenhouse Gas Reduction Fund, and the Environmental and Climate Justice block grant program – providing examples of eligible projects and advocating for inclusion of water utilities in these programs. Many resilience programs established under the IRA will create another potential pool of funding for public water utilities to access.



LOOKING AHEAD TO A BUSY FALL

We don't expect the pace to slow down this fall when Congress returns to Washington and EPA and other federal agencies move ahead with their regulatory agendas. AMWA will continue to keep its member utilities informed of the latest advocacy activities and policy developments, and we urge all of our members to stay engaged with us by communicating with elected officials and taking the opportunity to participate on one of AMWA's committees. Please feel free to contact any [AMWA staff member](#) for information on how to get involved.

