



ASSOCIATION OF
METROPOLITAN
WATER AGENCIES

Promote Safe and Accessible Drinking Water in 2024

AMWA's members are the nation's largest publicly owned drinking water systems, and take pride every day in delivering safe and clean water to Americans from coast to coast. We aim to elevate drinking water as a priority of policymakers in 2024 through an agenda that ensures that all people have an opportunity to access clean, safe, and affordable drinking water in their own communities.

WHAT IS AMWA?

Founded in 1981, AMWA is the nation's only policy-making organization solely for metropolitan drinking water systems. Our members provide quality drinking water to more than 160 million people across the United States.

For more information, please get in touch with us!



Ensure affordable drinking water for all



Hold polluters accountable under CERCLA for PFAS pollution



Invest in drinking water infrastructure



Pass the FLOW Act to finance lead service line replacement



Leverage WaterISAC to expand preparedness and resilience



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AMWA'S 2024 DRINKING WATER AGENDA



Ensure affordable drinking water for all

Today the cost of basic water service poses a challenge to many low-income households, particularly for those in vulnerable communities. As many as 21 million households nationwide may face challenges in paying their water bills; and aging water infrastructure, cybersecurity protections, and expanded regulatory mandates are expected to put additional upward pressure on local water rates in the coming years. All of these factors have contributed to the growing cost of drinking water service rising 43% over the last decade.

AMWA believes that federal, state, and local levels of government must work together to ensure that everyone can pay their water bills without imposing undue hardship on financially vulnerable households. While many large water systems operate customer assistance programs, their reach is often limited by state laws that restrict the ability of utilities to use ratepayer revenue to offset the water bills of other customers. In order to fully address water affordability for low income households, congress must incorporate water ratepayer assistance into the federal safety net.

HOW DO WE HELP ALL HOUSEHOLDS MAINTAIN WATER SERVICE? PROVIDE A LONG TERM AUTHORIZATION FOR LIHWAP.



Support S.3830, the LIHWAP Establishment Act, sponsored by Sen. Alex Padilla (D-Calif.). The bill would reauthorize the LIHWAP program, ensuring continued assistance to help low-income customers maintain essential water service. Since its creation during 2021, LIHWAP aided over 1.4 million households nationwide, filling a critical gap for low income households that already receive energy, food, and rental assistance.



Once LIHWAP is authorized, we support ongoing discretionary funding for the program to ensure continued assistance for low income water ratepayers.

"The need for low-income household water assistance is not temporary and is just as important to public health and economic development as other vital needs such as home energy and nutrition. The federal government has offered low-income assistance for these other priorities for decades, so we urge you to acknowledge the equal importance of access to water and continue funding for LIHWAP."

– Letter to Congress from more than 150 stakeholder organizations, October 18, 2023



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Hold polluters accountable under CERCLA for PFAS pollution

EPA has proposed designating PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), but this could expose water systems to environmental site cleanup liability when they dispose of water treatment byproducts containing these chemicals after filtering them out of raw water supplies.

In response, Sen. Cynthia Lummis (R-Wyo.) has introduced **S. 1430, the Water Systems PFAS Liability Protection Act**. The legislation would ensure that drinking water and wastewater systems that properly dispose of water treatment byproducts containing PFAS can not be held liable for site cleanups under CERCLA -- thus ensuring this responsibility remains with the actual polluters who introduced PFAS into the environment in the first place.

HOW DOES S. 1430 HOLD POLLUTERS ACCOUNTABLE?

-  CERCLA liability protections are only offered to public water systems and treatment works that dispose of PFAS in compliance with all applicable laws, during or following the water treatment process.
-  No liability protections are offered to entities that handle or release PFAS with gross negligence or willful misconduct.
-  Builds upon EPA's "enforcement discretion" policy by preventing polluters from suing water and wastewater systems under CERCLA to offset their own site cleanup liability.

"Passage of the 'Water Systems PFAS Liability Protection Act' is therefore necessary to guarantee drinking water, wastewater and stormwater system ratepayers are entirely protected from incurring the likely billions of dollars of costs of cleaning up environmental PFAS pollution caused by others."

- Letter to Sen. Lummis, May 2, 2023



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Pass the FLOW Act to finance lead service line replacement

In late 2023 EPA proposed a new rule that will require community water systems to replace all remaining lead service lines nationwide -- **a task that could cost as much as \$90 billion**, according to estimates by the American Water Works Association. While The Bipartisan Infrastructure Law is providing \$15 billion over five years in support of this effort, much of the cost will ultimately fall upon individual water systems and their ratepayers.

Some communities have already embarked upon comprehensive lead service line replacement programs financed through tax-exempt bonds, but they have encountered IRS red tape that slows down the process. In response, Rep. Dan Kildee (D-Mich.) and Sen. Michael Bennet (D-Colo.) have introduced the **Financing Lead Out of Water (FLOW) Act (H.R. 1407/S. 726)** to remove administrative hurdles to lead service line replacement initiatives.

HOW DOES THE FLOW ACT HELP?



Today, if a water system attempts to finance the full replacement of a lead service line with tax-exempt bonds, it must first obtain a "private letter ruling" from the IRS certifying that a disproportionate amount of the bond proceeds would not support work at in-home businesses or rental properties.



These requirements add months of work and expense to the process, as the water utility must document whether each property with a private lead service line is a rental property, or the location of a home-based business.



The FLOW Act would simply amend the tax code to allow community water systems to use tax-exempt bonds to pay for private-side lead service line replacement without navigating the IRS red tape.

"We strongly support the FLOW Act to help the nation's water systems replace lead service lines and protect public health."

Letter from eight water and municipal sector organizations to Sen. Bennet and Rep. Kildee, March 10, 2023



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Invest in drinking water infrastructure

The Infrastructure Investment and Jobs Act of 2021 (IIJA) provided an historic infusion of nearly \$50 billion worth of additional federal spending on drinking water and wastewater infrastructure over five years. **However, over the next 20 years, EPA estimates that the water sector needs \$750 billion worth of investment just to maintain current levels of service.**

WHAT DOES CONGRESS NEED TO DO?

 Provide fully funded appropriations for EPA's water infrastructure assistance programs in the 2025 fiscal year, including:

- The Drinking Water SRF: Authorized at \$3.25 billion
- WIFIA: Authorized at \$50 million
- The Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program: Authorized at \$50 million
- Reducing Lead in Drinking Water Grants: Authorized at \$100 million

"Drinking water systems will need \$625 billion for pipe replacement, treatment plant upgrades, storage tanks, and other key assets to ensure the public health, security, and economic well-being of our cities, towns, and communities."

— U.S. EPA's 7th Drinking Water Infrastructure Needs Survey and Assessment, September 2023



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Leverage WaterISAC to expand preparedness and resilience

The Water Information Sharing and Analysis Center (WaterISAC) collects, analyzes, and disseminates actionable threat information to the water sector. 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 the service -- potentially leaving thousands of communities vulnerable.

With access to WaterISAC public water systems will receive details on physical, cyber and other threats, tools for analyzing risks, expert threat analysis, and regular advisories and updates. In 2021 Congress authorized a program to support increased access to the energy sector's ISAC, and AMWA supports duplicating that model to support access in the water sector.

HOW CAN WE HELP MORE WATER SYSTEMS ACCESS THESE RESOURCES?

 Introduced by Sen. Ed Markey (D-Mass.) and Rep. Jan Schakowsky (D-IL), the Water System Threat Preparedness and Resilience Act (S. 660/ H.R. 1367) will expand WaterISAC participation across the water sector by authorizing an EPA program that would increase awareness of WaterISAC throughout the water sector and offset WaterISAC membership costs for drinking water and wastewater systems.

 This new EPA program will also direct the agency to encourage eligible entities to participate in WaterISAC, and to cooperate with WaterISAC on incident data collection and analysis of threats to the water sector.

"WaterISAC collects, analyzes, and disseminates actionable threat information to member drinking water and wastewater systems, while also offering guidance on risk mitigation tools, best practices, and response actions that contribute to an all-hazards resiliency posture."

– Letter to Rep. Schakowsky and Sen. Markey, March 3, 2023



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