

# **Federal Regulatory Update**

**PA AWWA SE District and Eastern Section WWOAP  
JOINT SPRING CONFERENCE**

**March 6, 2019**

**Exton, PA**

**Patti Kay Wisniewski, US EPA Region 3**



# Revisions to Consumer Confidence Rule

- Update regulations to incorporate AWIA changes,
  - adding information about corrosion control efforts
  - increase the “understandability” and “accuracy” of information
  - options to deliver CCRs by electronic means
- Utilities serving a population of **10,000 or greater** will need to provide CCRs **twice** each year.
- USEPA has until **October 2020** to create these rules.



## Revised Lead & Copper Rule - Key Issues

- Lead Service Lines – *Do you know where yours are?*
- Corrosion Control Treatment
- Tap Sampling
- Public Education and Transparency
- Copper Requirements
- The 2016 Water Infrastructure Improvement for the Nation Act (WIIN) requires notice of exceedance of AL within 24 hours



# Revised LCR

Expected Proposal date **Fall 2019**

**Please comment on the Proposed Rule!**

## POINT OF USE FILTERS

Point of use, or POU, drinking water filters are used to remove impurities from water at the point that it is actually being used. Although there are others, the POU filters covered in this document are those used in filtration systems that are attached directly to water faucets, inserted into refrigerators for water dispensers and ice makers, or inserted into water pitchers and bottles.



### How do I know if a POU filter has been certified to reduce lead?

There are several American National Standards Institute (ANSI) accredited third-party certification bodies that evaluate POU drinking water filters for lead reduction. Each has a registered trademark that is used on certified products.

Certification bodies require their mark and a statement indicating testing against **NSF/ANSI Standard 53 along with a claim of lead reduction.**  
We recommend that you also look for filters tested against **NSF/ANSI Standard 42 for particulate reduction (Class I)\*.**

The table below provides the certification bodies' approved marks and the text that indicates a filter has been certified for lead reduction capabilities. Some filters can be certified by more than one certification body and have multiple certification marks.

Certification Mark(s)	
<p>Product Listing Directory: <a href="http://info.nsf.org/Certified/DWTL/">info.nsf.org/Certified/DWTL/</a></p>	<p>Product Listing Directory: <a href="http://wqa.org/Find-Products/">wqa.org/Find-Products/</a></p>
<p>Product Listing Directory: <a href="http://pld.iapmo.org/">pld.iapmo.org/</a></p>	<p>Note: For UL, text must be located underneath the mark. The File No. is a unique product identification number.</p> <p>Product Listing Directory: <a href="http://database.ul.com/cgi-bin/XYW/template/LISEXT/FRAME/index.html">database.ul.com/cgi-bin/XYW/template/LISEXT/FRAME/index.html</a></p>
<p>Product Listing Directory: <a href="http://csn.org/testing-certification/product-listing/">csn.org/testing-certification/product-listing/</a></p>	<p><b>Text for NSF/ANSI Standards 42 &amp; 53 next to certification marks:</b></p> <ul style="list-style-type: none"> <li>- Example text on packaging: <i>Tested and Certified by (name of certification body) against NSF/ANSI Standards 42 and 53 for the claims specified on the Performance Data Sheet.</i></li> <li>- Some companies may indicate lead removal in the text, or might simply state NSF/ANSI 53 or NSF/ANSI 42 above or below the mark.</li> </ul>

### Is certification required for POU drinking water filters?

There is no mandatory federal requirement for the use of POU drinking water filters or for testing or third-party certification under the Safe Drinking Water Act. However, consumers can increase their level of confidence by purchasing filters that have been tested by an accredited third-party certification body or bodies for lead reduction and particulate reduction (Class I) capabilities against both NSF/ANSI Standards 42 and 53.

\*Although particulate reduction (Class I) is for aesthetic effects, it is being suggested since some particulates can contain lead.



# Perchlorate

EPA was under a Consent Decree to propose a regulation by October 31, 2018.

EPA requested and was granted by the Court a six month extension; plus extension due to shutdown;  
New deadline is **May 28, 2019**.

Science Advisory Board recommended a different approach than reference dose.





**AWIA 2018:  
Risk Assessments and  
Emergency Response Plans**

# §2013 Community Water System Risk & Resilience

## BT Act 2002

Vulnerability Assessment (VA) →

Terrorism or Intentional Act →

Submit VA to EPA →

Emergency Response Plan →



## AWIA 2018

Risk & Resilience Assessment

All-Hazard

Submit certification to EPA

Prepare/Update & certify to EPA

Directs EPA to recognize voluntary consensus standards

Directs EPA to provide baseline threat info





# Overview

## AWIA Section 2013 (a) – (f)

- Replaces SDWA Section 1433 (from 2002 Bioterrorism Act)
- **Applies to all community water systems serving more than 3,300 people**
- Conduct Risk and Resilience Assessments and update Emergency Response Plans
- Submit **certifications to EPA** by specified deadlines
- Review risk assessments and ERPs **every five years**
- Coordinate with local emergency planning committees
- Maintain records

# Risk and Resilience Assessments

- Consider risks from malevolent act and natural hazards
- Include:
  - Pipes/conveyances, source water, water collection/intake, pretreatment, treatment, storage and distribution, electronic, computer, or other automated systems (including security);
  - Monitoring practices;
  - Financial infrastructure;
  - Use, storage or handling of chemicals;
  - Operation and maintenance; and
  - May include capital and operational needs for risk management

# Emergency Response Plans

- Prepare or revise an ERP that incorporates findings from the risk assessment
- Include:
  - ❑ Strategies and resources to improve resilience, including physical security and cybersecurity;
  - ❑ Plans, procedures, and equipment for responding to a malevolent act or natural hazard;
  - ❑ Actions, procedures, and equipment to lessen the impact of a malevolent act or natural hazard, including alternative source water, relocation of intakes, and flood protection barriers;
  - ❑ Strategies to detect malevolent acts or natural hazards.

# Coordination

- Coordinate with local emergency planning committees when preparing or revising the risk assessment **and** ERP
  - EPA recommends coordination with federal, state, local, and private sector partners

# Record Maintenance

- Maintain the risk assessment and ERP for **5 years after the due date for certification**

# Certification

- Each CWS must certify to EPA that the CWS completed the risk assessment and ERP
  - **Do NOT send** the actual risk assessment or ERP!
  - Include only the CWS name, date of completion, and statement of completion
  - EPA will provide an optional certification template for the risk assessment and ERP

# Certification Due Dates

## Risk Assessment

Population served  
 $\geq 100,000$

March 31,  
2020



Population served  
50,000-99,999

December  
31, 2020



Population served  
3,301-49,999

June 30,  
2021



## ERP

- Certify ERP not later than 6 months after completion of the risk assessment



# Submittal of Certifications

- EPA will provide three options for submittal:
  - 1) Regular mail
  - 2) Email
  - 3) **Secure online portal**
    - ❖ Under development
    - ❖ Will provide online receipt
- Detailed information on submittal procedures will be provided by August 1, 2019
  - Baseline threat information, plus risk assessment and ERP tools, will be published by this date
- EPA requests that all CWS **WAIT** until after August 1, 2019 to submit risk assessment and ERP certifications

# 5 Year Review and Revision

- Each CWS must review and, if necessary, revise the risk assessment every five years after the certification deadline
  - Submit a certification to EPA that the CWS has reviewed and, if applicable, revised the risk assessment
- Each CWS must review and, if necessary, revise the ERP every five years following review of the risk assessment
  - Incorporate any revisions to the risk assessment into the ERP
  - Submit a certification to EPA that the CWS has reviewed and, if necessary, revised the ERP not later than 6 months after the CWS has reviewed the risk assessment

# Use of Previous Risk Assessment and ERP

- A CWS may use a risk assessment or ERP developed prior to enactment of the AWIA
- To meet certification requirements, a previous risk assessment or ERP must:
  - Include all assessment or response components listed in the law; and
  - Reflect the current condition of the CWS.
- If required assessment or response components have been omitted, the CWS may add those components
- If the CWS has undergone modifications, the CWS may update the risk assessment or ERP where needed

# Use of Standards and Tools

- EPA does not require the use any standards or tools to develop a risk assessments or ERP under AWIA
  - CWS are only required to follow the law
- The use of standards (e.g., AWWA methods) and tools from EPA and others is recommended
  - Methods and tools can facilitate the development of sound risk assessments and ERPs
- No method or tool “guarantees” compliance with AWIA
  - The CWS must ensure it complies with all AWIA requirements
  - Alternate methods cannot be used in place of AWIA requirements

# EPA Risk Assessment and ERP Products for AWIA Compliance (1)

Product	Description	Availability (projected)
Federal Register Notice	<ul style="list-style-type: none"><li>AWIA requirements and EPA implementation planning</li></ul>	Mar 31, 2019
Compliance Fact Sheet	<ul style="list-style-type: none"><li>User-friendly version of requirements, EPA compliance planning and tools</li></ul>	April 15, 2019
Technical Assistance Primer	<ul style="list-style-type: none"><li>Information on certification reporting, FAQs, and compliance support and tools</li></ul>	June 1, 2019
Baseline Threat Information Document	<ul style="list-style-type: none"><li>Baseline information on malevolent acts relevant to CWSs</li></ul>	August 1, 2019

# EPA Risk Assessment and ERP Products for AWIA Compliance (2)

Product	Description	Availability (projected)
VSAT 2.0 and ERP Tool	<ul style="list-style-type: none"><li>Assist with development of AWIA compliant risk assessment and ERP</li></ul>	Aug 1, 2019
Webinars	<ul style="list-style-type: none"><li>Training on AWIA compliance, certification procedures, EPA tools</li></ul>	Aug 1, 2019
Guidance to Small Water Systems	<ul style="list-style-type: none"><li>Guidance on risk assessment and ERP for water systems under 3,300 people</li></ul>	Oct 1, 2019
Videos	<ul style="list-style-type: none"><li>Overview of compliance requirements and procedures, 5-year review cycle</li></ul>	Oct 1, 2019
Ongoing Outreach	<ul style="list-style-type: none"><li>Engage states, associations, and private sector on implementation</li><li>Updated informational website</li><li>Conference presentations, social media</li></ul>	Ongoing



**Stay  
Tuned For  
Updates!**

## America's Water Infrastructure Act of 2018: Risk Assessments and Emergency Response Plans

On October 23, 2018, America's Water Infrastructure Act (AWIA) was signed into law. The law requires community (drinking) water systems serving more than 3,300 people to develop or update risk assessments and emergency response plans (ERPs). The law includes components that the risk assessments and ERPs must address, and establishes deadlines by which water systems must certify to EPA completion of the risk assessment and ERP.

EPA's Water Security Division is currently working to develop the tools, resources and procedures that water systems need to comply with Section 1433 of the AWIA. This site will be updated with new information as that work progresses.

<https://www.epa.gov/waterresilience/americas-water-infrastructure-act-2018-risk-assessments-and-emergency-response-plans>



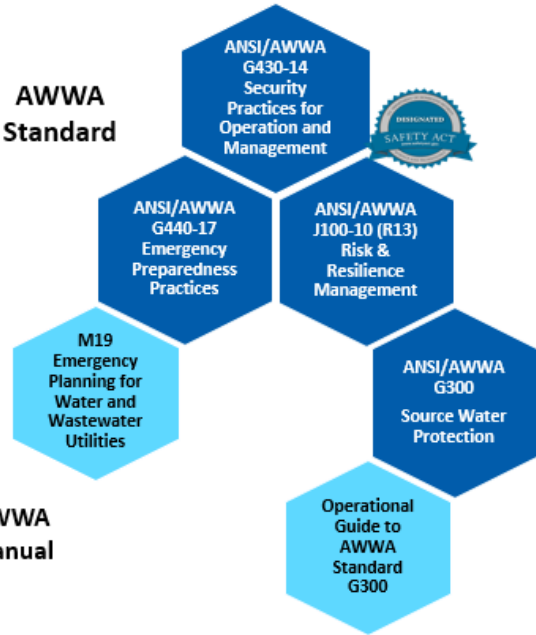


# Develop an all-hazards approach to risk and resilience management

AWWA Utility Risk and Resilience Certificate Program Coming Soon!

Online Course Length: 10 hours/1.0 CEUs

# AWWA Risk & Resilience Resource Suite



# §2018 Source Water

Timeframe	Key Implications
<b>Effective Immediately</b>	State must promptly notify a community water system of a release impacting source waters
<b>Effective Immediately</b>	Access to EPCRA Tier II data from any facility within a delineated source water area





# Questions?

**Patti Kay Wisniewski**

**215-814-5668**

**Wisniewski.patti-kay@epa.gov**