

Message

From: Jones, Enesta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=65B8E6C6E5CA4A7A9AE85D98A4C8EEDB-EJONES02]
Sent: 8/3/2017 5:55:42 PM
To: Jordan Houston [Ex. 6]
CC: Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]
Subject: Re: Final email

Hi Jordan, thanks for your patience.

Our response -- attributable to an EPA spokesperson -- is below:

Most states have primary enforcement responsibility under the Safe Drinking Water Act, as they do with most statutes of environmental laws like the Clean Water Act, the Clean Air Act, the Toxic Substances Control Act and the Resource Conservation and Recovery Act. EPA still maintains independent federal enforcement authority, and the agency's enforcement staff work closely with states, territories and Tribes to ensure their enforcement activities appropriately address violations of the law.

In 2009, EPA issued a National Drinking Water Enforcement Response Policy that helps states and EPA prioritize public water systems to address. The policy accounts for a number of factors, like type of violation, threat to public health and period of noncompliance, that guide EPA and states as they target systems for enforcement. EPA has discretion in terms of how to respond to a public water system's violations. Case specific responses may include offering additional technical or compliance assistance, issuing informal notices of violation or commencing a formal administrative or judicial enforcement action.

America's drinking water remains among the safest in the world and protecting drinking water is EPA's top priority. More than 90 percent of the country's drinking water systems meet all of EPA's health-based drinking water standards every day throughout the year. Citizens who are concerned about their drinking water and who are served by a public water system can contact their local water supplier and ask for information on contaminants in their drinking water. They are also encouraged to request a copy of their Consumer Confidence Report. This report lists the levels of contaminants that have been detected in the water, including those by EPA, and whether the system meets state and EPA drinking water standards.

Using the 2011 infrastructure needs survey, we found that U.S. systems will require more than \$384 billion in the coming decades for water infrastructure improvements. The cost per person in small communities is more than twice as large as the cost in larger systems. We note that the funds made available by the EPA and state governments are not enough for all the needs that water systems have. The vast majority of systems have to rely almost entirely customers to fund infrastructure improvements. This is often challenging in small poor communities.

In the last five years, the Agency has awarded approximately \$40M to provide training and technical assistance to small public water systems. The funding helps provide training and tools to improve small system operations and management practices, promote sustainability and support EPA's mission to protect public health and the environment. The areas of assistance include asset management, capital improvement planning, fiscal planning and rate setting, water loss reduction, water system collaboration and partnerships, managerial leadership, funding coordination, as well as training and technical assistance to assist in achieving compliance with National Primary Drinking Water Regulations. In the first year of funding, one of the grantees provided more than 2,200 individuals technical assistance and taught more than 100 workshops in all 50 states and in 4 US Territories.

Since its inception, the DWSRF has provided \$9.2 billion to small systems through over 8,000 assistance agreements. In addition to financing infrastructure through loans, states have four DWSRF set-asides award funds they can use to support capacity. On average, States use up to 16% of the allowed 31% of a state's DWSRF capitalization grant to fund capacity building activities such as asset management, and energy/water efficiency to help small systems become sustainable. States have used set-aside funds for a variety of pre-development activities to support small systems including (but not limited to): capital investment project planning, design and engineering to get water system projects "construction-ready" to receive a DWSRF loan; facilitation of water system partnership opportunities for water systems to share costs or joint system management; development of water conservation or energy efficiency programs; facilitated coordination of federal funding for small system projects, and on-site technical support by circuit riders providing managerial and operational assistance.

In addition, we continue to work with our federal partners such as USDA and Department of Veteran Affairs to collaborate on programmatic missions that will enhance the implementation of the drinking water program.

For more information, go here: <https://www.epa.gov/drinkingwatersrf>

Over the next 20 years, the EPA's Drinking Water Needs Survey identified nearly \$384 billion dollars in capital improvement needs to keep pace with the aging of this critical drinking water requirement. Through EPA's DWSRF, we are able to support communities with assistance to maintain this essential component of our system. This year, DWSRF provided \$2.5 B in assistance with a total of cumulative funds available for lending from the DWSRF was \$34.2 B in FY2016. EPA made 698 loans in FY2016. That's a total of 12,881 loans over the life of the program! This year, the DWSRF also provided \$700 M in assistance to communities serving 10,000 or fewer people, where 28% of funds and 73% of loans went to small systems.

Our analysis found that the EPA hasn't set a new contaminant standard since adding uranium to the radionuclide rule in 2000. While there have been other rules published since then, they have been either revisions or treatment techniques that don't measure for specific contaminants. We also found that unregulated contaminants were found in much of the country's water, including PFOA and PFOS that were found in the water of 15 million people, according to UCMR 3 data.

Every 5 years, EPA develops a list of unregulated contaminants that are known or anticipated to occur in drinking water and which may require regulation called the Contaminant Candidate List. EPA uses this list of unregulated contaminants to prioritize research and data collection efforts to help the Agency determine whether it should regulate a specific contaminant. To review EPA's most recent CCL, visit: www.epa.gov/ccl

Additionally, once every five years, EPA issues an Unregulated Contaminant Monitoring Rule (UCMR) to identify up to 30 unregulated contaminants to be monitored by large public water systems (PWSs) and a subset of small PWSs across the U.S. To review EPA's most recent UCMR information, please visit: www.epa.gov/ucmr

EPA has promulgated a number of drinking water regulations since the 1996 amendments to the Safe Drinking Water Act in consultation with states, EPA's National Drinking Water Advisory Council, the Science Advisory Board and/or other interested stakeholders. These regulations have been designed to protect public health from issues ranging from arsenic, pathogens, and disinfection byproducts in drinking water, to public notification regarding contaminants in drinking water supplies.

Additionally, the SDWA requires EPA to consider three criteria when making a determination to regulate emerging drinking water contaminants:

-The contaminant may have an adverse effect on the health of persons

-The contaminant is known to occur or there is a high chance that the contaminant will occur in public water systems often enough and at levels of public health concern
-In the sole judgment of the Administrator, regulation of the contaminant presents a meaningful opportunity for health risk reductions for persons served by public water systems EPA last issued a Drinking Water Contaminant Candidate List in 2016. The CCL 4 is a list of 97 chemicals or chemical groups and 12 microbial contaminants that are known or anticipated to occur in public water systems and that may require regulation. For more information, see link: <https://www.epa.gov/ccl/contaminant-candidate-list-4-ccl-4-0>

EPA has conducted extensive engagement with stakeholder groups and the public to inform potential revisions to the LCR. In December of 2015, EPA received comprehensive recommendations from the National Drinking Water Advisory Council (NDWAC) and other concerned stakeholders on potential steps to strengthen the LCR. EPA is carefully evaluating the recommendations from these groups. In addition, EPA is giving extensive consideration to the national experience in implementing the rule as well as the experience in Flint, MI, as we develop proposed revisions to the rule. Read more in the EPA LCR White Paper: <https://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions>

Please also see the Office of Inspector General's report on drinking water: <https://www.epa.gov/office-inspector-general/report-epa-taking-steps-improve-state-drinking-water-program-reviews-and>

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Ex. 6

"The root of all joy is gratefulness."

On Jul 28, 2017, at 12:56 PM, Jordan Houston <Ex. 6> wrote:

Hi Enesta,

Thank you so much for your help on this project thus far. We're wrapping up and have some findings specific to the EPA we would like to run by you to get comments on. These findings may appear in our story.

Our analysis showed that active systems serving 63.2 million people in the U.S. (not including territories) violated SDWA quality standards (health-based) more than twice during the past decade. Those systems were primarily located in small communities.

- What does the EPA do to ensure that systems that violate quality standards multiple times or have persistent compliance issues are brought back into compliance?
- This is nearly a fifth of the country. How can residents know that their water is safe to drink when this many people are served by systems that have delivered unsafe water multiple times? How can they trust that the systems are being monitored properly when systems violate monitoring and reporting standards hundreds of times?
- Have there been any audits done on the quality of the SDWIS data in recent years? The most recent we found was from 2011 by the Government Accountability Office, which found significant gaps. What has been done to resolve these omissions and errors since then?

Using the 2011 infrastructure needs survey, we found that U.S. systems will require more than \$384 billion in the coming decades for water infrastructure improvements. The cost per person in small communities is more than twice as large as the cost in larger systems.

We note that the funds made available by the EPA and state governments are not enough for all the needs that water systems have. The vast majority of systems have to rely almost entirely customers to fund infrastructure improvements. This is often challenging in small poor communities.

- What steps is the EPA taking to provide support to small systems?
- Has the EPA's position on the importance of water infrastructure and small system support changed since it published its action plan last year?

Our analysis found that the EPA hasn't set a new contaminant standard since adding uranium to the radionuclide rule in 2000. While there have been other rules published since then, they have been either revisions or treatment techniques that don't measure for specific contaminants. We also found that unregulated contaminants were found in much of the country's water, including PFOA and PFOS that were found in the water of 15 million people, according to UCMR 3 data.

- What steps is the EPA taking to address emerging contaminants?
- What is the reason that so few drinking water regulations have been published since the 1990s?
- How is the EPA approaching rule revisions such as those to the lead and copper rule and other contaminants like nitrates?

Feel free to respond to any thing not specifically asked in these questions. If you'd like to set up an on-the-record interview to address our findings, we would be more than happy to arrange a call.

Thank you for your help on this. We're looking to get a response by next Wednesday.

Thanks,

Jordan