



2915 S. 13th Street, Duncan, OK 73533  
580.252.0629 | nrwa.org

March 27, 2017

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Administrator Pruitt:

On behalf of the National Rural Water Association (NRWA), we wish to congratulate you on your nomination to be Administrator of the United States Environmental Protection Agency (EPA). NRWA is the largest community-based water organization in the country. We are headquartered in Oklahoma and have over 31,000 small and rural community members (various forms of local governments). Our member communities have the very important public responsibility of complying with all applicable regulations and for supplying the public with safe drinking water and sanitation every second of every day.

On January 9, 2017, we wrote an introductory letter to offer our assistance in partnering with you to implement your agenda and to be a “rural resource” on drinking water safety, environmental protection, and quality wastewater service in rural and small town America.<sup>1</sup>

We are writing to you today to recommend two U.S. Environmental Protection Agency regulations that should be candidates for regulatory reform under the President’s January 30, 2017, **“Presidential Executive Order on Reducing Regulation and Controlling Regulatory Costs.”**

First, federally mandated Tier 2 public notices issued under the Safe Drinking Water Act (CFR §141.203 Tier 2 Public Notice) should be eligible for e-reporting or other new and innovative methods for public distribution similar to public notices under EPA’s January 3, 2013 policy for “CCR Rule Delivery Options.” Adoption of this regulatory reform policy could save small and rural communities millions of dollars in public funding, provide more timely information to the public, and allow for enhanced availability of information to the public by archiving the disclosure material on the internet (as opposed to a one-time mailed notice). EPA’s Safe Drinking Water Information System (SDWIS) fiscal year 2016 database lists over 30,000,000 persons in communities with Tier 2-type maximum contaminant level (MCL) or treatment technique (TT) violations with EPA drinking water rules.<sup>2</sup> A 2015 assessment by the Kansas Rural Water Association found that each Tier 2 public notice costs over \$1 per customer (printing, copying and mailing).<sup>3</sup> U.S. Senator Roger Wicker inquired about such regulatory relief to the EPA on June 11, 2015; however, no such relief has been announced by EPA.<sup>4</sup>

Second, we urge you to modify the mandatory health effects information crafted by EPA as part of the mandatory public notices. Our concern is the current EPA information is unnecessarily alarming the public regarding the safety of their drinking water. Many violations of EPA standards are not necessarily an indication of unsafe drinking water (i.e. a temporary exceedance for a small fraction of a part per million that is causing the public to stop drinking their water and not trust their local government).

<sup>1</sup> [www.ruralwater.org/Administrator\\_Pruitt.pdf](http://www.ruralwater.org/Administrator_Pruitt.pdf)

<sup>2</sup> <http://ruralwater.org/tier2.jpg>

<sup>3</sup> <http://www.krwa.net/portals/krwa/lifeline/1503/018.pdf>

<sup>4</sup> <http://www.ruralwater.org/wicker.pdf>

*The National Rural Water Association is the country’s largest public drinking water and sanitation supply organization with over 31,000 members. Safe drinking water and sanitation are generally recognized as the most essential public health, public welfare, and civic necessities.*

For fiscal year 2014, EPA lists 2,135 maximum contaminant level (MCL) violations of DBPs standards: 477 of those exceedances include no recorded level; 110 of the 416 violations for the haloacetic acids standards (HAA5) are for exceedances equal to or less than 5 parts per billion (PPB); and 174 of the total 1,252 violations for total trihalomethanes standards (TTHMs) are for violations equal to or less than 5 PPB. It is our understanding that this category of DBP violations requires Tier 2 Public Notice (direct mailing of the violation to consumers with mandated alarming language specified by EPA) which often results in alarming the public to the point they are afraid to drink the water. For example, after a DBP violation of two thousandths (.002) of a part per million, the local news station in Menominee, Michigan (WFRV, 4/3/2015) reported, *"Residents in Menominee, Michigan are Questioning the Safety of their Drinking Water... Last week, [a consumer] got a notice in the mail saying the Menominee city water system recently violated a drinking water standard. The supply tested high for trihalomethane, a disinfection by-product. 'It was kind of a slap in the face when I got this and I thought, here I'm paying for a commodity and I'm not really sure that it's safe,' explained [the consumer]. 'I don't think I'm the only one in the city that feels that way... I'm actually looking into getting a whole house water filtration system,' she added. 'I don't trust our water anymore...'"*

What the public wants to know most is whether there is a public health significant difference between 80 parts per billion and 82 parts per billion of THMs occurring in their water. Some states have been compelled to issue additional public notices to warn consumers of the significance of EPA mandated warnings (Kentucky Department for Environmental Protection, May 9, 2005).<sup>5</sup>

Thank you for your attention to these two immediate regulatory reform proposals. In the coming days, we will be cataloging the numerous regulatory reform proposals that we have previously submitted to the Agency for your consideration. We appreciate your consideration of these proposals and look forward to working with you on these and many other issues regarding EPA's water programs and regulations.

We urge the EPA to recognize that small and rural communities are a solution, not a problem, to improving public health and protecting the environment. Enhancing drinking water and wastewater quality in small communities is more of a resource issue than a regulatory problem. Most small community non-compliance with the Safe Drinking Water Act and Clean Water Act can be quickly remedied by on-site technical assistance and education. The current EPA regulatory structure is often misapplied to small and rural communities because every community wants to provide safe water and meet all drinking water standards. After all, local water supplies are operated and governed by people whose families drink the water every day and people who are locally elected.

In closing, we look forward to collaborating with you on efforts that improve drinking water safety and environmental protection in rural and small communities. Congratulations again on your nomination to serve the country as the next Administrator of the U.S. Environmental Protection Agency, and we wish you the very best.

Sincerely,



Sam Wade  
Chief Executive Officer

cc: Peter Grevatt

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<sup>5</sup> [www.ruralwater.org/kydbps.pdf](http://www.ruralwater.org/kydbps.pdf)