

Throughout the month of February, the Environmental Protection Agency (EPA) commemorated the progress that has been made on protecting America's waters as part of the year-long celebration of the agency's 50th Anniversary. EPA highlighted different aspects of water policy throughout the month, including their work on clean water infrastructure, issues at the nexus of water quantity and quality, and safe drinking water, among others. EPA Assistant Administrator for Water Dave Ross said: "In honor of EPA's 50th anniversary, it is important to take a moment to reflect on the progress we have made in protecting our nation's waters to help support our health, our environment and our economy."

Water Infrastructure

EPA focused on the investments the agency has made to enable critical water infrastructure development and maintenance through the Clean Water and Drinking Water State Revolving Funds (SRF), and the more recent Water Infrastructure Improvements for the Nation (WIIN) Act and the Water Infrastructure Finance and Innovation Act (WIFIA) loan program. EPA has contributed \$45B to the Clean Water SRF since 1988, providing \$138B in financial assistance through low cost loans to 41,000 projects. Since 1997, EPA has contributed \$21B to the Drinking Water SRF, providing more than \$41B in financial assistance to 15,000 projects. In 2017, EPA issued 14 WIFIA project loans, ranging from \$21M to \$699M. These loans and loan guarantees total more than \$3.5B in assistance to fund \$8B in water infrastructure projects and created 15,000 jobs.

Water Quality-Quantity Nexus

EPA highlighted progress on protecting and conserving surface waters across the nation. "EPA is proud of the significant progress we have made in protecting and restoring our nation's waters, particularly our surface waters. Many of our lakes, rivers and streams that were once severely contaminated now support healthy aquatic ecosystems and the surrounding communities," said Ross. "Working with the agency's federal, state, local, tribal and water sector partners, we continue driving progress that protects the environment and human health."

At the beginning of February, EPA co-hosted a Gulf of Mexico Hypoxia Task Force meeting where USDA announced its intent to make \$17.5M available in 2020 to support its Mississippi River Basin Healthy Watersheds Initiative, and more than \$38M to support agricultural producers in 300 small watersheds across the nation. These funds will help improve water quality, restore wetlands and enhance wildlife habitat. Other programs that protect the nation's surface waters include EPA's Section 319 Program, which has helped to restore 250,000 acres of lakes and ponds and 10,000 miles of rivers and streams since 2005; EPA's National Estuary Program, which has protected and restored 2 million acres of estuary habitat since 2000; and the Five Star and Urban Waters Restoration Grant Program, which has helped communities restore 4,316 acres of land and wetlands since 2013.

EPA also discussed their role in ensuring reliable water supplies under changing environmental conditions. Over the next decade, 40 states anticipate some freshwater shortages within their borders. On February 27, the National Water Reuse Action Plan (WRAP) was unveiled to help address water security throughout the country. The WRAP is a collaborative effort that represents the first of its magnitude in the water sector, and builds the business case that water reuse is an important part of the strategy. Over the past year, EPA worked with other federal agencies, water organizations, and members of the private water sector to identify and develop 37 actions, with 200 implementation milestones, that will move the sector forward.

At the press event, EPA Administrator Andrew Wheeler, Department of Interior Secretary David Bernhardt, U.S. Department of Agriculture Secretary Sonny Perdue, and White House Council on Environmental Quality Chairman Mary Neumayr joined state, tribal, and water sector partners in praising the collaborative work that had gone into developing the WRAP, led by EPA Assistant Administrator for Water David Ross.

"A reliable water reuse program provides great opportunity for alternatives to existing water supplies across the nation to enhance water security, sustainability, and resilience for communities, rural and urban alike, across the country," said Wheeler. "By launching this phase of the National Water Reuse Action Plan, federal agencies are driving progress on this national priority and delivering on President Trump's commitment to ensuring a reliable supply of water for our nation."

Notably, multiple members of the "WWater Subcabinet" gave remarks about the contributions their respective agencies are committed to and their excitement about continuing to work together across the federal family. These representatives

included: Tim Petty, Assistant Secretary for Water and Science at the Department of the Interior; Brenda Burman, Commissioner of the U.S. Bureau of Reclamation; Daniel Simmons, Assistant Secretary of the Office of Energy Efficiency and Renewable Energy at the Department of Energy; and Ryan Fisher, Principal Deputy Assistant Secretary of the Army Civil Works. In addition, Marcia Bernicat, Principal Deputy Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, discussed their plans to take the WRAP international and encourage other countries to adopt water reuse policies.

PFAS

EPA highlighted its efforts to improve drinking water standards to protect public health. It currently regulates more than 90 contaminants found in drinking water, and each year reviews new contaminants to determine if regulation is necessary. On February 20, EPA released preliminary regulatory determinations for perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) in drinking water. These determinations are part of a broader effort to help communities address per- and polyfluoroalkyl substances (PFAS) under the PFAS Action Plan, EPA's first multi-media, multi-program communication and research plan to help communities deal with PFAS contamination. The agency will be seeking public comment on these determinations for 60 days after the notice is published in the *Federal Register*.

In addition to the proposal to regulate PFOS and PFOA, EPA is also proposing to not regulate six other contaminants on the fourth Contaminant Candidate List: 1,1-dichloroethane, acetochlor, methyl bromide, metolachlor, nitrobenzene, and Royal Demolition eXplosive (RDX). The preproposal can be found at https://www.epa.gov/sites/production/files/2020-02/documents/ccl_reg_det_4_preliminary_frn.webposting.pdf.

The current regulatory action is a key part of the Action Plan, as is a new validated method to more accurately test for eleven other types of PFAS that was published in December 2019. These actions complement recommendations for addressing groundwater contaminated with PFOS and PFOA and funding for research to better manage PFAS in agriculture. The Action Plan can be found at <https://www.epa.gov/pfas/epas-pfas-action-plan>.

"The Trump Administration's efforts under the PFAS Action Plan over the past year represent the first time in EPA's 50-year history that we have tapped all of our program offices to address an emerging contaminant of concern like PFAS - and our EPA staff efforts have been unprecedented," said EPA Administrator Andrew Wheeler.

Lead and Copper

Protecting children from lead in drinking water is also a priority for EPA, which has proposed a new Lead and Copper Rule to improve actions required by water systems that detect lead. The rule revisions set a new trigger level of 10 ppb that will require more proactive planning to remove lead service lines (LSL) in those communities, though the action level of 15 ppb stays the same. It also creates a national LSL inventory, adjusts sampling procedures, requires public notification of action level exceedance within 24 hours, and requires schools and childcare facilities to test their water. Many advocates are concerned that the EPA is missing an opportunity to develop health-based standards for lead and copper, especially given the more robust information available on the impacts to public health compared to when the rule was first developed.

Other EPA Efforts

The agency also recognized the importance of recruiting a new generation of water utility operators, as one-third of the existing workforce is eligible to retire in the next ten years. On September 24, 2019, EPA announced its Water Workforce Initiative which will support cities and communities facing staffing shortages. Ross concluded, "Together, we are leading efforts to address these challenges to protect public health and the environment while supporting the economy - today and for future generations."

Clean water advocates have criticized EPA's anniversary celebration, citing recent and proposed regulatory changes believed to reduce environmental protections for water. Specifically mentioned were the upcoming changes to the definition of Waters of the United States (WOTUS), proposed efforts to limit the Clean Water Act's Section 401, which gives authority to states and tribes to approve or condition federal permits and licenses to ensure state water quality standards are met, and proposed changes to the National Environmental Policy Act.