

*Questions for and Answers from Sarah Pillsbury*  
**New Hampshire Drinking Water Administrator &  
President of the Association of State Drinking Water Administrators**

**Pursuant to February 15, 2013 Hearing  
of the House Subcommittee on Environment & the Economy**

**The Honorable John Shimkus**

1. *You devote part of your testimony to talking about the importance of State drinking water program officials living and working in the communities served by the programs they administer and how it's personal for them. Could you please elaborate for me, perhaps using an example of your own, as to why you consider this a plus?*

The reason that it's advantageous for state drinking water program officials to live and work in the communities served by their drinking water programs is that they are acutely aware of the range of issues confronting their programs and are thus able to tailor their programs to meet these challenges. They are very familiar, for instance, with the numbers and types of water systems, the capabilities of those systems, and the prevailing political and economic climate in which those water systems operate. New Hampshire has predominately small (i.e., serving less than 500 people) water systems that require our one-on-one assistance in order to shore up their technical, managerial, and financial capacity. States are also knowledgeable about any special challenges associated with various parts of the state. For instance, in New Hampshire, there is a considerable amount of naturally occurring radon in sources of drinking water in some parts of the state. Radon is not the subject of a national regulation, but must be addressed at the state level to ensure adequate protection for those affected communities.

2. *How much of the work that your member agencies do is strictly part of Federal legal requirements under the Safe Drinking Water Act? How would you contrast that with the work your own state ask you to do outside of the Federal obligations? What types of activities are your members engaged in outside of these Federal efforts?*

As the question rightly implies, states undertake a wide array of activities that are above and beyond the Federal minimums. They perform these tasks to ensure that a comprehensive state drinking water program, designed to fully protect the health of the citizens of the state, is in place. These include activities such as hands on technical assistance and training of water systems; source water protection; and outreach to customers. As a rough estimate, I might suggest that 60-70% of a state's workload is driven by Federal requirements and the remaining 30-40% are state-driven activities. However, the number and type of "extra" activities each state takes on varies generally – and, indeed, it may vary from year to year; depending upon initiatives underway in any given year at both

the Federal and state levels (e.g., whether or not a new Federal rule has recently been promulgated).

3. *Your testimony talks about other partnerships for training and technical assistance. Could you please discuss these. What are you trying to obtain from them and how do they help your members with their mission?*

State and regional affiliates of organizations such as the National Rural Water Association (NRWA), the Rural Community Assistance Partnership (RCAP), the American Water Works Association (AWWA), and the network of EPA-created Technical Assistance Centers & Environmental Finance Centers are all key partners in providing technical assistance and training for water systems – especially, small water systems. These organizations extend the reach and breadth of state drinking water programs. They perform tasks that are beyond the capability and expertise of state drinking water programs or which state drinking water program personnel may not have the time or resources to perform. In partnering with these organizations, states seek to match the technical assistance and training needs of water systems with the most capable provider of that service. Activities could include tasks such as training town councils to ensure that they understand the value of their water system and the needs for their full support of the system; training on conducting energy audits at water treatment systems; training on drinking water system resiliency and preparedness; and training on operating a treatment facility to remove a particular contaminant (or contaminant group). It is important to note that, while these partnerships are important to the success of state drinking water programs, their effectiveness varies depending on the willingness of each partner to focus on shared priorities and communicate results

4. *You testify that state drinking water programs are challenged by contaminated source waters and “emerging contaminants.” Could you please elaborate on this point and states themselves are doing to tackle this problem?*

Both ground and surface water sources of drinking water across the country can be and often are contaminated with a host of contaminants from municipal and industrial activities. Although other statutes (e.g., CWA, TSCA, RCRA, CERCLA) impose some controls over these activities, contamination of sources of drinking water may still occur. Some of the contaminants are fairly readily identified and removed. Others (e.g., perchlorate, MTBE, perfluorinated compounds, pharmaceutical and personal care products) are hard to detect and even more challenging to remove. Those contaminants for which relatively little is known are sometimes referred to as “emerging.” The pace of Federal drinking water regulatory development does not always keep pace with the proliferation of these contaminants. Moreover, not all contaminants require a national regulation – they may only be of consequence in a particular state or part of the country. States must still take actions that afford adequate protection to the citizens of their states – irrespective of what may be happening at the Federal level. The first and typically most effective way to deal with such contaminants is prevention – i.e., keeping them out of or minimizing their presence in

sources of drinking water. Thus, states actively work with a variety of partners in order to leverage other tools and programs to this end. Many states also have their own state regulations for contaminants for which Federal regulations have not yet been established. All of the above-described activities are resource-demanding and are why I argued, in my testimony, for more appropriate levels of Federal support for state drinking water programs.

5. *Your testimony briefly mentions hydraulic fracturing. What type of coordination exists between ASDWA and GWPC members to promote better understanding of produced waters?*

State drinking water programs are typically in a different part of a state government from the agency that has purview over oil and gas extraction activities in a state. Thus, it is incumbent on state drinking water administrators and their staffs to fully coordinate with their state Oil & Gas and Underground Injection Control program counterparts (i.e., GWPC and IOGCC members). State drinking water programs would typically provide – to their sister agencies -- information about ground and surface water intakes of public water systems as well as available source water monitoring data (including trend data). State drinking water program staff, in turn, would typically receive -- from their colleagues involved in permitting oil and gas extraction activities -- information about types and location of extraction wells as well as characteristics and quantities of produced waters. We believe communication and coordination among state agencies is critical, as the question implies.

#### **The Honorable Henry A. Waxman**

Congressman Waxman has asked a number of questions regarding my Bureau's approach to dealing with coal ash and drilling muds (and associated wastes). The regulatory activities in question are not under the purview of my program, nor was this subject part of my testimony. I am thus not able to respond to the questions posed. We believe these questions are more appropriately directed to the witnesses from the Environmental Council of the States (ECOS) and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO).

#### **The Honorable Janice D. Schakowski**

1. *Would requiring pre- and post-drilling testing of groundwater help you identify and address potential sources of drinking water contamination in New Hampshire?*

Yes, we support the approach of performing pre- and post- drilling testing.

2. *Could pre- and post-drilling testing help administrators in all states where fracking occurs identify and address potential sources of drinking water contamination?*

Yes; but while pre/post testing can be a useful tool, it should be left to individual state agencies to decide, on an "as needed" basis, whether to require such testing. Issues that need to be resolved, at a state level, in terms of specifying such testing are: how deep to drill the test wells, where to site such wells, and which constituents to test for.