



May 24, 2021

The Honorable Frank Pallone
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Paul Tonko
Chairman
Subcommittee on Environment and
Climate Change
U.S. House of Representatives
Washington, DC 20515

The Honorable David McKinley
Ranking Member
Subcommittee on Environment and
Climate Change
U.S. House of Representatives
Washington, DC 20515

RE: Water sector statement on “The CLEAN Future Act and Drinking Water: Legislation to Ensure Drinking Water is Safe and Clean”

Dear Chairman Pallone, Ranking Member McMorris Rodgers, Chairman Tonko, and Ranking Member McKinley:

The undersigned organizations represent a wide range of public drinking water systems in the United States; large and small, urban and rural, public and private. As the Environment and Climate Change Subcommittee holds a May 25 hearing on “The CLEAN Future Act and Drinking Water: Legislation to Ensure Drinking Water is Safe and Clean,” we write to share our concerns with a number of proposals that will be considered.

Earlier this year, each of our organizations appreciated the opportunity to work with members of the Senate Environment and Public Works Committee as that panel developed legislation that became S. 914, the Drinking Water and Wastewater Infrastructure Act of 2021. This comprehensive, bipartisan legislation would reauthorize and establish a number of vital drinking water and wastewater infrastructure programs and was overwhelmingly approved by the Senate by a vote of 89-2. In addition to reauthorizing core EPA programs like the Drinking Water State Revolving Fund and the Water Infrastructure Finance and Innovation Act (WIFIA), the bill included additional provisions to help public drinking water systems of all sizes make their infrastructure more resilient to the effects of climate change and extreme weather, to help communities and homeowners remove and replace lead service lines, to enhance technical assistance and to take the first steps toward establishing a low-income water ratepayer assistance program within EPA. Each of these provisions was strengthened by input from our water utility sector and other stakeholders, and as a result our organizations were among the many voices that offered strong support for the bill.

Our organizations now urge the Environment and Climate Change Subcommittee to initiate a similar comprehensive stakeholder engagement and consultation on the corresponding suite of drinking water infrastructure legislation that is the subject of the May 25 hearing. While we have

appreciated your past assistance and attention to the concerns of local governments and the public drinking water utilities across the U.S., such as during the crafting of the America’s Water Infrastructure Act of 2018, we believe a number of the bills on the hearing agenda include significant flaws that, if enacted, would have adverse effects on the public’s drinking water supplies.¹ We are eager to engage the Subcommittee to detail our concerns with the various bills and make ameliorative suggestions.

We appreciate that the legislation before the Subcommittee does include provisions to reauthorize the Drinking Water State Revolving Fund, programs to help community water systems harden their physical and cyber infrastructure, and initiatives to address lead in school buildings. However, they also include other provisions that may undermine regulatory integrity, impose resource-intensive mandates, or prevent water systems from taking appropriate steps to collect payment for water service to maintain overall sustainability. Additionally, the legislation misses an opportunity to remedy environmental justice issues for rural communities that are associated with the difficulty they often face in complying with federal environmental regulations and affording public water infrastructure, or to prioritize the policies that would result in the greatest public health advances for rural and small-town America like enhanced technical assistance, funding and education.

Should the subcommittee wish to address these issues, our organizations stand ready to work with members from both sides of the aisle to develop water infrastructure legislation that can garner a level of support comparable to the bipartisan product of the Senate.

Sincerely,



G. Tracy Mehan III
Executive Director, Government Affairs
American Water Works Association



Diane VanDe Hei
Chief Executive Officer
Association of Metropolitan Water Agencies



Robert F. Powelson
President and Chief Executive Officer
National Association of Water Companies



Matthew Holmes
Chief Executive Officer
National Rural Water Association

¹ Specific provisions within the proposals before the Subcommittee that raise significant concerns among our organizations include:

- Eliminating provisions from Section 1412 of the Safe Drinking Water Act that allow EPA to ensure that a national primary drinking water regulation appropriately balances compliance costs and public health benefits (H.R. 3291);

- Requiring EPA to finalize national primary drinking water regulations for specified contaminants under deadlines and using considerations that are inconsistent with the established standard setting process of the Safe Drinking Water Act (H.R. 3291, H.R. 3267);
- Offering funding to cover the outstanding debts and arrearages of water ratepayers only if a public water system refrains from pursuing collections against delinquent bills, or disconnecting customers for nonpayment, for a period of five years – a requirement that would remove any incentive for a utility customer to pay a water bill for the next half-decade (H.R. 3291, H.R. 3292);
- Offering low-income water ratepayer assistance only to states that prohibit water service disconnections or interruptions – apparently including service interruptions for routine maintenance or emergency repairs – during any of the multiple national or regional public health emergencies that are typically declared by the Department of Health and Human Services in a given year (H.R. 616);
- Requiring public water systems, within a 10-year timeframe, to “fully replace” all lead service lines except for privately-owned lines where the owner has declined replacement – a task that could only be accomplished by carrying out some number of partial lead service line replacements, which the legislation would also ban in non-emergency situations (H.R. 3300);
- Requiring public water systems to enter private residences to install filters on “all primary drinking water taps served by the community water system with lead service lines,” an exercise that would consume tremendous resources and require the cooperation of millions of individual homeowners (H.R. 3300);
- Authorizing grants to help water systems to remove PFAS from drinking water, which may only be spent on treatment technologies that EPA determines to be “effective at removing all detectable amounts” of PFAS – a standard that likely cannot be met with current technology (H.R. 1512, H.R. 3291); and
- Authorizing grants to help water systems replace lead service lines, with a requirement that “any recipient of funds ... shall offer to replace any privately owned portion of the lead service line at no cost to the private owner” – language that could be interpreted to require any water system that receives any amount of program funds to permanently pay for all future private-side lead service line replacement costs, even after this federal assistance has been exhausted (H.R. 1512, H.R. 3291).