

TESTIMONY OF
KIRBY MAYFIELD
EXECUTIVE DIRECTOR
MISSISSIPPI RURAL WATER ASSOCIATION

ON BEHALF OF THE
NATIONAL RURAL WATER ASSOCIATION

BEFORE THE
SUBCOMMITTEE ON HEALTH AND ENVIRONMENT
COMMITTEE ON ENERGY AND COMMERCE
U.S. HOUSE OF REPRESENTATIVES

OCTOBER 22, 2015

S. 611, THE GRASSROOTS RURAL AND SMALL COMMUNITY WATER SYSTEMS ASSISTANCE ACT

Good morning, Chairman Shimkus, Ranking Member Tonko and members of the Subcommittee. I am Kirby Mayfield, the Executive Director of the Mississippi Rural Water Association (MsRWA) – a non-profit association of over 500 small and rural communities in Mississippi. I am here to represent the National Rural Water Association (NRWA) which is a nationwide non-profit association with over 31,000 small and rural communities as members. Our members and all small and rural communities have the very important public responsibility of complying with all applicable federal water regulations and for supplying the public with safe drinking water and sanitation every second of every day. Most U.S. water utilities are small; 94% of the country's 51,651 drinking water supplies serve communities with fewer than 10,000 persons, and 80% of the country's 16,255 wastewater supplies serve fewer than 10,000 persons. Small and rural communities often have difficulty providing safe, affordable drinking water and sanitation due to limited economies of scale and lack of technical expertise.

I am very proud that our Congressman on the committee, Representative Gregg Harper, is the sponsor of the Grassroots Rural and Small Community Water Systems Assistance Act in the House of Representatives – thank you very much, Congressman Harper.

Attached to my written testimony is a letter from the New York Rural Water Association to Representative Tonko, stating, *"On behalf of all the rural and small communities in the 20th Congressional District and the state of New York, we are grateful to Congressman Tonko for being the original cosponsor on the Grassroots Rural and Small Community Water System Assistance Act and for your continued assistance to us. We truly appreciate your numerous tours of the local communities' water infrastructure this summer, your invitation to Mayor Keegan from Castleton to appear for the committee earlier this year, and your sponsorship of the AQUA Act which small and*

rural communities support and urge Congress to pass." The letter is endorsed by the 25 New York Rural Water Association members in Mr. Tonko's District.

Mr. Chairman, I used to be a rural water circuit rider for over a decade in Mississippi. A circuit rider is a water operations and compliance assistance technician who travels the state to be available on-site and immediately to any small community that has a water issue. This circuit rider concept was designed and funded by Congress to allow small communities access to technical expertise that is available to most all larger communities. It also allows each small community in every state to have shared access to the assistance. As a circuit rider, I could be in as many as 10 different communities a week checking on their water and sewer systems. I have probably been on-site at over 800 small water utilities in Mississippi. Sometimes the water situation was critical to public health like broken disinfection, contamination, loss of power, or a catastrophic water line break, and I would stay longer to remedy the problem. Sometimes I would just stop by to make sure the local operator was confident in what they were doing to keep the water safe. Local officials and local folks are always more comfortable confiding in one of their peers than a regulatory official or someone trying to sell them something. And local officials are more open to modify their water management practices if the suggestions come from a peer.

This peer networking also results in another positive effect: it allows all the communities to network together and help each other to create a peer dynamic that encourages improvement in all involved. The peer-to-peer relationship with local folks means better communication and more cooperation from the local officials. The most essential element to ensuring the safety of the public's water is the competency and integrity of the operator and local governing officials. Some communities are so small they rely on volunteers. This is something that can't be uniformly regulated because each community has a unique set of challenges and limited ability to pay for services.

A typical on-site contact could include ensuring the water service is protected and secure, discovering and repairing a faulty gas chlorination system, assisting a community to remove and replace the filtration media, training a new operator to run that particular treatment system, finding engineering and construction errors in a new sewer system, implementing a non-point pollution prevention plan, solving lead and copper rule problems, or completing all the paperwork for funding programs including the state revolving funds (SRFs). It is often more difficult for small communities to access SRF funds than large communities due to the administrative burden. Often the assistance saves thousands of dollars for the community and keeps the systems in long-term compliance with EPA rules – and it is the only assistance available to the community.

Drinking water safety is not a good fit for a regulatory model because everyone wants to provide safe water. Local water supplies are operated by people who are locally elected and whose families drink the water every day. Enforcement may not be the best way to help a small disadvantaged community provide better drinking water. What locals want and need is someone they trust to teach them how to comply in a simple and affordable manner – and similarly, how to operate and maintain their treatment system. Often this means being available to travel to the community on nights,

weekends and during disasters – when the problem occurs. Each community's water infrastructure is unique which means technical assistance must be available to address that community's particular problem. This is why circuit riders must be available to travel directly to local communities on their time schedule – and have hands-on operational experience in many different water systems. Additionally, it is essential that the assistance provider only represents the community's interest in order to identify the most economical solution and provide the best advice for local decision-makers.

Regarding the Grassroots Rural and Small Community Water Systems Assistance Act, small and rural communities urge the subcommittee to approve the bill for the following reasons:

- This year's House Environmental Protection Agency (EPA) appropriations bill (H.R. 2822) directs about one-half of one percent of the agency's internal budget (Environmental Programs and Management) to drinking water technical assistance. Of billions of dollars provided to EPA by Congress each year, small rural communities will tell you they see and feel the most benefit from the dollars provided to on-site technical assistance. The bill reauthorizes the Safe Drinking Water Act technical assistance provision and mandates that the EPA target Congressional funding for the most beneficial assistance to small and rural communities (section 4 (b)). Currently EPA has discretion to keep most of the appropriations from funding the most beneficial assistance in Mississippi and other states (because EPA is not mandated to use Congressional funding where it is most beneficial from the perspective of small and rural communities).

Section 4. (B) PREFERENCE- To ensure that technical assistance funding is used in a manner that is most beneficial to the small and rural communities of a State, the Administrator shall give preference under this paragraph to nonprofit organizations that, as determined by the Administrator, are the most qualified and experienced and that the small community water systems in that State find to be the most beneficial and effective.

- The “preference” provision in the bill ensures EPA will follow Congressional intent in administering technical assistance appropriations by clearly stating the principled public policy in statute. This provision would make implementing the program easier for EPA by providing greater clarity of the intent of the Congress.
- The “preference” provision reduces (or eliminates) the subjectivity for EPA in administering technical assistance appropriations. It would be a simple exercise for EPA to ask each technical assistance provider competing for funding to simply demonstrate to what extent small community water systems find their proposal to be “*most beneficial and effective.*” This could be as simple as quantifying statements from small communities. Counting or quantifying statements from small communities is more measurable and less subjective than the current process. There are numerous organizations currently providing technical assistance with Congressional appropriations and all could equally compete for future appropriations under the act. However, this would ensure the funding is used to fulfill Congressional intent and meritorious public policy principles. Opposition to this preference provision is

opposition to using Congressional technical assistance appropriations in a manner most beneficial for small communities.

- Small and rural communities are very hopeful the bill can be enacted in the remaining weeks of this Congressional session and be operative in this appropriations cycle. Currently, the small and rural communities are struggling under new federal regulations, complex funding program applications, and continuing mandatory operator training requirements. Many small communities are now trying to implement the new disinfection by-products rule for the first time. The rule is 134 Federal Register pages long. It is just starting to be enforced in many small and rural communities. It is very complex, confusing, and burdensome. We need help as soon as possible.

Thank you again for the opportunity to appear before the Subcommittee and discuss this very important public health issue for small and rural communities. We are very eager to be of any assistance possible and we are looking forward to engaging you on additional water and environmental issues. I would be happy to entertain any questions from Subcommittee Members.

Reference

All small and rural communities must comply with federal drinking water regulations (under the Safe Drinking Water Act) or face fines of \$25,000 a day. The paperwork alone can cost communities thousands of dollars for compliance.

<u>EPA Rule/Mandates</u>	<u>(# of Federal Register Pages)</u>
Arsenic Rule	91 pages
Chemical Rules	27 pages
Lead and Copper Rule	64 pages
Radionuclides Rule	47 pages
Uranium Rule	77 pages
Filter Backwash Rule	20 pages
Ground Water Rule	88 pages
Enhanced Surface Water	44 pages
LT 1 Surface Water Rule	33 pages
LT 2 Surface Water Rule	134 pages
1 Disinfect-Byproducts Rule	87 pages
2 Disinfect-Byproducts Rule	134 pages
Surface Water Rule	57 pages
Total Coliform Rule	26 pages
Public Notification Rules	23 pages
Operator Certification	7 pages
Vulnerability Assessments	27 pages
Unregulated Monitoring	31 pages

Summary of H.R.2822 — 114th Congress (June 18, 2015)

Mr. Calvert, Making appropriations for the Department of the interior, environment, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

Science and Technology	\$704,918,000
Environmental Programs and Management	\$2,472,289,000
Office of Inspector General	\$40,000,000
Buildings and Facilities	\$34,467,000
Hazardous Substance Superfund	\$1,088,769,000
Leaking Underground Storage Tank Trust Fund Program	\$91,941,000
Inland Oil Spill Programs	\$17,944,000
State and Tribal Assistance Grants	\$2,979,829,000
\$1,018,000,000 for the Clean Water State Revolving Funds	
\$757,000,000 for the Drinking Water State Revolving Funds	
\$5,000,000 in the area of the United States-Mexico Border	
\$10,000,000 for the State of Alaska	
\$75,000,000 for CERCLA	
\$50,000,000 for the Energy Policy Act of 2005	
\$20,000,000 for targeted airshed grants	
\$1,044,829,000 for miscellaneous States, tribal and local grants	



October 22, 2015

The Honorable Paul Tonko
U.S. House of Representatives
Washington, DC 20515

Dear Representative Tonko:

All the small and rural community members of the New York Rural Water Association Water Systems thank you for your continued help and assistance. We appreciate your efforts and leadership in cosponsoring the Grassroots Rural and Small Community Water System Assistance Act, your numerous tours of the local communities' water infrastructure this summer, your invitation to Mayor Keegan from Castleton to appear for the committee earlier this year, and your sponsorship of the AQUA Act.

With over 1400 members, NYRWA is the largest membership organization representing small water/wastewater systems in the state. Our members include villages, towns, municipal water and sewer districts, county authorities, state and federal institutions/facilities, schools and colleges, investor-owned water utilities, homeowner associations, and privately owned systems such as mobile home parks. Our association is run by and for small and rural communities. We assist communities and systems to comply with complex regulations and to protect the public health and environment through on-site technical assistance, specialized training, and as a liaison to the government. Our hands-on practical technical assistance is provided at no cost on a wide variety of topics such as state and federal regulations, reporting, fiscal management, initial and continuing training needs, source water protection, system operation and maintenance.

Sincerely, Pat Scalera and the NYRWA 20th District Members

**Village of Altamont
City of Cohoes
Delanson Water Department
Town of Glenville
Town of Guilderland
Town of Halfmoon
Hannaford Brothers Co.
Town of New Scotland
Village of Ravena
Village of Round Lake
Village of Stillwater
Town of Waterford
Town of Westerlo**

**Castleton-on-Hudson
Village of Fort Plain
Village of Fultonville
Grafton Lake State Park
Village of Hagaman
Hampton Manor/Hillview E. Greenbush WD
Village of Nassau
Village of Palatine Bridge
Town of Rensselaerville
Town of Schdack
Village of Voorheesville
West Hill Water Company**