America's Water Infrastructure Act

ADEM's Annual Surface Water Meeting
Montgomery, Alabama
October 23, 2019

America's Water Infrastructure Act (AWIA)

- Enacted October 23, 2018
- Amends, authorizes, and reauthorizes programs and funding related to water resources missions and projects of the U.S. Army Corps of Engineers
- Provisions affecting
  - Water Infrastructure Financing and Innovations Act
  - Water Infrastructure Improvements for the Nation Act
  - Clean Water Act
  - Safe Drinking Water Act (including DWSRF)
- **Includes new/changed requirements impacting Public Water Systems**

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Improved Consumer Confidence Reports (Sec. 2008)

- Federal Revised CCR Rule due to be promulgated by October 2020
  - Increased readability, clarity, and understandability
  - CWS serving 10,000 or more people will need to deliver CCRs twice each year
  - Flexible delivery options consistent with methods described in 2013 EPA policy memo

- AWIA also requires CCRs to identify lead action level exceedances for which corrective action has been required and include information on corrosion control efforts.

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Monitoring for Unregulated Contaminants (Sec. 2021)

- Beginning October 2021, <u>all</u> systems serving ≥3300 must complete UCMR monitoring
  - Subject to availability of funds and lab capacity
- Representative sample of systems serving <3300 required to monitor
- EPA pays analytical costs associated with monitoring at systems serving ≤10,000
- UCMR5
  - Final Rule expected Winter 2021
  - Monitoring 2023-2025
  - Typically 30 Contaminants

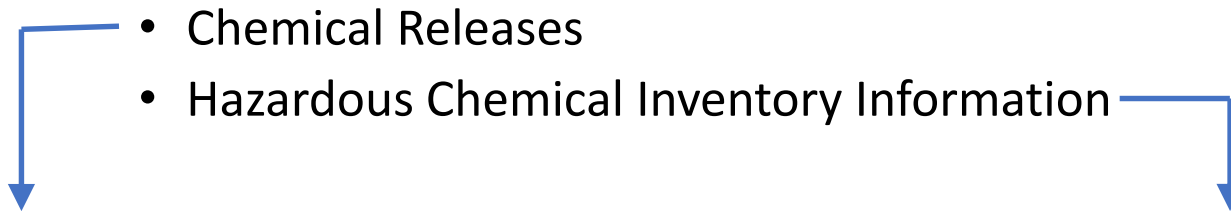# Water System Restructuring Assessments (Sec. 2010)

- Federal Restructuring Rule due to be promulgated by October 2020
    - States must adopt <u>authority to require</u> water systems to <u>assess</u> options for consolidation, ownership transfer, or other restructuring <u>in the event of</u> repeated health-based violations due to lack of technical, managerial, or financial capacity.
    - Rule will not mandate assessments or restructuring by water systems

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Emergency Planning and Community Right-to-Know (Sec. 2018)

- Emergency Planning and Community Right-to-Know Act
  - Facilities required to notify State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC) of
    - Chemical Releases
    - Hazardous Chemical Inventory Information

AWIA
- SERCs immediately notify state drinking water primacy agency
- Primacy agency promptly notifies affected Community Water Systems

AWIA
- Upon request by a Community Water System, SERCs and LEPCs provide chemical inventory information for facilities within the source water protection area of the system

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Risk and Resilience Assessments and Emergency Response Plans (Sec. 2013)

AWIA Section 2013 (a) – (f) and March 27, 2019 *Federal Register* Notice

Replaces SDWA Section 1433 (from 2002 Bioterrorism Act)

Applies to all community water systems serving more than 3,300 people

Conduct Risk and Resilience Assessments and update Emergency Response Plans

Submit **certifications to EPA** by specified deadlines

Review risk assessments and ERPs every five years

Coordinate with local emergency planning committees

Maintain records

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Certification Due Dates

Risk Assessment

Population served **≥100,000**	Population served **50,000-99,999**	Population served **3,301-49,999**
March 31, 2020 DUE	**December 31, 2020** DUE	**June 30, 2021** DUE

Emergency Response Plan (ERP)

Certify ERP no later than 6 months after completion of the risk assessment

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Use of Previous Risk Assessment and ERP

- A CWS may use a risk assessment or ERP developed prior to enactment of the AWIA.

- To meet certification requirements, a previous risk assessment or ERP must:
    - Include all assessment or response components listed in the law.
    - Reflect the current condition of the CWS.

- If required assessment or response components have been omitted, the CWS may add those components.

- If the CWS has undergone modifications, the CWS may update the risk assessment or ERP where needed.

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Risk and Resilience Assessments

Consider risks from malevolent acts and natural hazards

Include:

Pipes/conveyances, source water, water collection/intake, pretreatment, treatment, storage and distribution, electronic, computer, or other automated systems (including security)	Monitoring practices	Financial infrastructure	Use, storage or handling of chemicals	Operation and maintenance	May include capital and operational needs for risk management

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Baseline Information on Malevolent Acts

Helps systems identify malevolent acts to include in risk assessments

Helps systems identify the threat likelihood for malevolent acts

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Baseline Information on Malevolent Acts for Community Water Systems

Office of Water (MC 140)   EPA 817-K-19-001   July 2019

https://www.epa.gov/waterriskassessment/baseline-information-malevolent-acts-community-water-systems

Vulnerability Self-Assessment Tool Web 2.0

- VSAT Web 2.0 can guide you through a risk and resilience assessment that complies with AWIA Section 2013.

- Designed for mobile devices like tablets and iPads as well as PCs.

- Includes embedded tools that assist with estimating risk assessment parameters and resilience.

https://www.epa.gov/waterriskassessment/conduct-drinking-water-or-wastewater-utility-risk-assessment

Emergency Response Plans

Prepare or revise an ERP that incorporates findings from the risk assessment

Include:

Strategies and resources to improve resilience, including physical security and cybersecurity	Plans, procedures, and equipment for responding to a malevolent act or natural hazard	Actions, procedures, and equipment to lessen the impact of a malevolent act or natural hazard, including alternative source water, relocation of intakes, and flood protection barriers	Strategies to detect malevolent acts or natural hazards

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ERP Template Outline

Utility Information

Resilience Strategies

Emergency Plans and Procedures

Mitigation Actions

Detection Strategies

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Submittal of Certifications

Three options for submittal:

1) Secure online portal (Preferred)

   • Easy to use

   • Provides online receipt verification

2) Email

3) Regular mail

Instructions and fillable pdf certification templates
https://www.epa.gov/waterresilience/how-certify-your-risk-and-resilience-assessment-or-emergency-response-plan

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5 Year Review and Revision

- Each CWS must review and, if necessary, revise the risk assessment every five years after the certification deadline
    - Submit a certification to EPA that the CWS has reviewed and, if applicable, revised the risk assessment

- Each CWS must review and, if necessary, revise the ERP every five years following review of the risk assessment
    - Incorporate any revisions to the risk assessment into the ERP
    - Submit a certification to EPA that the CWS has reviewed and, if necessary, revised the ERP not later than 6 months after the CWS has reviewed the risk assessment

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Contact EPA

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