

Rural Water Issues Advisory [1/14/2019]

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(Special Single Issue Edition)

All Community Water Systems (CWSs) Serving More Than 3,300 Persons MUST Conduct a New Risk & Resiliency Assessment (RRA) and Emergency Response Plan (ERP) by July 2021

On October 23, 2018, President Trump signed into law the “American Water Infrastructure Act” ([Public Law 115-270](#)). NRWA had been lobbying to make the bill as beneficial as possible for small and rural communities (NRWA [10/10/18 statement](#)).

Title II of the the legislation includes [twenty-three new Safe Drinking Water Act \(SDWA\) provisions](#) including [Section 2013](#) which, according to the authors, “uses much of the architecture and policy objectives” from the 2002 SDWA mandate to conduct Vulnerability Assessments and Emergency Response Plans. For compliance with the 2002 mandate, most all small communities utilized the [NRWA/Association of State Drinking Water Association Model](#) compliance vulnerability assessment. NRWA is exploring a similar effort to make this new mandate as cost-effective and manageable as possible.

The new law requires community water systems serving more than 3,300 persons to assess the risks to, and resilience of, their systems. The new assessment must include a review of six elements:

1. The CWS's risk from malevolent acts and natural hazards;
2. The resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems (including the cyber security of such systems) utilized by the CWS;
3. The community water system monitoring practices;
4. The financial infrastructure of the community water system, including cyber protections, for infrastructure of the CWS;
5. The CWS's use, storage, or handling of various chemicals; and
6. The CWS's operation and maintenance.

The law states that CWSs “*may*” include an assessment and evaluation of capital and operational needs for its risk and resilience management. The law introduces that term “malevolent act” in place of the terms “terrorist attack or other intentional acts,” which is intended include malevolent, terrorist and intentional acts. The inclusion of the term “natural hazards” is intended to include extreme weather. EPA is required to publish baseline information on the provisions and threats description in law by August 1, 2019.

CWSs serving a population of 100,000 or more persons must submit their certification to EPA by March 31, 2020; CWSs serving a population of between 50,000 and 99,999 persons must submit their certification by December 31, 2020; and CWSs serving a population between 3,301 persons

and 49,999 must submit their certification by June 30, 2021.

All CWSs must review their assessment every 5 years from the certification date to determine whether its assessment needs to be revised and again submit a certification to EPA that it has reviewed (and revised if applicable) its assessment. CWSs are only required to submit three pieces of information to EPA during the certification:

1. The identity of the community water system submitting the certification;
2. The date of the certification; and
3. A statement that the community water system has conducted, reviewed, or revised the assessment.

Emergency Response Plans

All CWSs conducting the new Risk and Resilience Assessments (RRAs) must also prepare or revise their Emergency Response Plan (ERP) that incorporates findings of the new RAA and also certify to EPA no later than six months after completion of its RAA. Emergency Response Plans must include four elements:

1. Strategies and resources to improve the resilience of the CWS, including the physical and cyber-security of the CWS;
2. Implementable plans and procedures and identification of equipment that can be utilized in the event of a malevolent act or natural hazard that threatens the ability of the CWS to deliver safe drinking water;
3. Actions, procedures, and equipment that can obviate or significantly lessen the impact of a malevolent act or natural hazards on public health and the supply of drinking water; and
4. Usable strategies to aid in the detection of malevolent acts or natural hazards that threaten the security or resilience of the CWS.

CWSs are mandated, *“to the extent possible,”* to coordinate with existing local emergency planning committees established under the Emergency Planning and Community Right-To-Know Act when preparing or revising RAAs and ERPs. CWSs are required to maintain a copy of their RAAs and ERPs for five years.

Alternative compliance with the RAA and ERP requirements is permitted by complying with technical standards that EPA has recognized. This provision in the Act recognizes the federal government's existing practice of recognizing technical standards developed or adopted by *“third-party organizations or voluntary consensus standards bodies”* that carry out the policy objectives of or activities. NRWA and AWWA jointly participated in the development of this provision with the understanding that there was no requirement for EPA to require any particular standard and to prohibited EPA from reviewing the content of the assessments.

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The National Rural Water Association is the country's largest public drinking water and sanitation supply organization with over 30,000 members. Safe drinking water and sanitation are generally recognized as the most essential public health, public welfare, and civic necessities.

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