

ASSOCIATION OF STATE DRINKING WATER ADMINISTRATORS

# 2018 Year in Review



# Our Activities By the Numbers

**1** Witness at  
Congressional Hearing

**3** Testimonies Submitted  
to Congress

**6** Formal Comments  
Submitted to EPA

**10** Informal and Early Input  
Comments Submitted to EPA

**44** Webinars  
Hosted

**184** Attendees at  
Spring Member Meeting

**254** Attendees at  
Annual Conference

**\$202,000** For 183 State Staff  
to Travel to Meetings

# Who We Are

**ASDWA is the professional association that serves the 57 men and women (and their staff) who lead and implement state drinking water programs.**

Our members are on the front lines of protecting public health and the environment.



**ASDWA staff are, in many ways, guardians of our nation’s drinking water. We are conveners of ideas, facilitators of conversations, and interpreters that provide insight and context into the complex information that comprises our drinking water legislation and regulations. Ultimately, we are champions for the states. We take the lead on issues that affect states and assert positions to influence the kind of change needed to support them.**

Our members and their staff are public servants in a noble profession – ensuring the safety of the nation’s drinking water. They are on the front lines of protecting public health and the environment. They ensure that over 150,000 water systems in the U.S. comply with the 91 drinking water standards and that monitoring and reporting for the regulations is done properly. Some of our members’ specific responsibilities include:

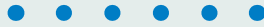
- Conducting regular inspections of the water systems, known as sanitary surveys.
- Ensuring systems have the technical, financial, and managerial capabilities to sustain present and future operations.
- Testing and certifying the water system operators to ensure they have the skills and knowledge to run the treatment plants and distribution systems, as well as certifying that analytical testing laboratories meet strict quality assurance/quality control (QA/QC) criteria.
- Administering loans for system improvements through the Drinking Water State Revolving Loan Fund (DWSRF).
- Managing source water protection programs that minimize contamination of the water going into a treatment plant.
- Reviewing plans and specifications for system improvements to ensure adherence to standard engineering principles, and issuing permits for source water and groundwater use.



# Looking Back

**LISA DANIELS**

*Pennsylvania Department of Environmental Protection  
President, ASDWA*



## DEAR MEMBERS,

Looking back on 2018, I am amazed at the amount of work that ASDWA and its members were able to accomplish. Together, ASDWA submitted public comments to EPA on lead and copper and per- and poly-fluoroalkyl substances (PFAS); developed/delivered testimony on safe drinking water funding and PFAS; provided ongoing support to numerous committees and workgroups; successfully delivered various training sessions and webinars on such topics as cyanotoxins and PFAS treatment; and developed fact sheets and other information to support states in their mission to administer the safe drinking water act and protect public health.

Much of this work was in the area of non-regulatory drivers, where many states are struggling with public health challenges associated with unregulated and emerging contaminants such as cyanotoxins, PFAS and *Legionella*. By working together, we have been able to make great progress.

Looking ahead to 2019, there is still more work to do. I have every confidence that with Mark Mayer at the helm, ASDWA will continue to move us forward and serve as the collective voice for states. I am excited to see what ASDWA and the states can accomplish in 2019!

Finally, I want to thank you for the opportunity to represent this great organization and the member states. It has been my sincere pleasure serving as ASDWA President for 2018. ASDWA's staff and members are some of the most dedicated and talented people I know! Thank you for all you do!

Sincerely,

*Lisa*





# Looking Ahead

**MARK S. MAYER**

*Drinking Water Program Administrator,  
South Dakota Department of Environment and Natural Resources,  
President-Elect, ASDWA*



## DEAR ALL,

Talk about a tough act to follow! Lisa Daniels has done a fantastic job as ASDWA's President this past year. Thankfully, we will continue to benefit from Lisa's expertise and leadership as she continues to serve ASDWA as Past President. I want to thank you for the opportunity to serve as the 2019 President of ASDWA. We are in a unique period for drinking water. Over the past several years, the public's perception of "safe" drinking water has changed, and they are more aware and interested in the work we do each day to protect public health. What I find particularly interesting is that this focus and energy is predominantly driven by unregulated contaminants. I encourage you to continue to work with ASDWA to develop innovative ways to channel this interest in a meaningful and productive way to further protect public health.

Prioritizing our efforts will be more important than ever. As we say in South Dakota, there are too many irons in

the fire! Beyond the already complex and significant workload associated with meeting the core requirements of the federal Safe Drinking Water Act, in 2019 state programs will also be addressing issues related to PFAS, HABs, SDWIS Prime's roll out, the impending Long-Term Revisions to the Lead and Copper Rule, lead in school testing, *Legionella*, and numerous workforce changes due to retirements and changing administrations at the state and national level. That's a lot of moving parts!

Our number one priority must continue to be sufficient funding for state programs. As ASDWA's Resource Needs Report indicates, the gap between our current PWSS grants levels and a fully funded program is only growing. Let's work hard alongside our federal partners to support each other's efforts to escalate educating the public and Congress of our fiscal need. We need to embrace cooperative federalism and clearly

define responsibilities and realistic expectations of outcomes based on an equitable distribution of the actual resources available. We've been operating under the premise of doing more with less for years. As we look to core program needs, it is important we build consensus on what the existing funding levels can reasonably sustain.

2019 promises to provide us many challenges, as well as opportunities, to make a difference. The work we do to protect public health and ensure safe drinking water is important work. I am honored to work with people so dedicated and passionate about what they do. I can't think of a better profession to be a part of and look forward to working with the ASDWA staff, board, and all of you in the coming year.

Sincerely,

Mark

**"We are in a unique period for drinking water. Over the past several years, the public's perception of "safe" drinking water has changed, and they are more aware and interested in the work we do each day to protect public health."**



# Elevating Drinking Water as a National Priority

ASDWA continually emphasizes drinking water's importance for public health and the economy.



One of the most important roles ASDWA has is to make sure no one stops thinking about water. Whether that means spending time on the Hill to speak with Congressional staff about drinking water issues, or expanding the reach of our communications to the public by way of social media, ASDWA is constantly working to advance our message of public health protection on behalf of our members. Having safe drinking water is taken for granted by many, so ASDWA continually emphasizes drinking water's importance for public health and for the economy.

## IN CONGRESS

ASDWA continued to build relationships with Congressional members and staff throughout 2018. It is important for ASDWA to be a trusted source for Congressional staff to turn to with questions on impacts of potential legislative changes and to advocate for strong funding for state drinking water programs.

In August of 2018, ASDWA, represented by President Lisa Daniels, testified at the hearing of the House Energy and Commerce Subcommittee on Environment. Lisa's testimony, which included her experience in Pennsylvania, helped spotlight for Congress the challenges states are facing in addressing PFAS.

In 2019, ASDWA will be working hard to strengthen its relationships with key stakeholders on the Hill, and expand its network to reach these critical Members and staff whose decisions impact state drinking water agencies.

## WITH EPA

ASDWA is proud to have a strong relationship with the federal regulators, and engages in daily communication

with EPA staff and leadership. In 2018, ASDWA staff continued to provide EPA with state perspectives to inform the development and implementation of national drinking water regulations. Through conference calls, surveys, face to face meetings, and other discussions, ASDWA provided data and information to EPA on a wide range of drinking water issues throughout the year, including SDWIS Prime, PFAS, *Legionella*, harmful algal blooms, and lead. Additionally, ASDWA staff joined EPA for an on-the-ground tour and meeting at Port Royal, Virginia, and organized a construction tour of a transmission main being installed by Fairfax Water in Virginia.

## TO THE PUBLIC

ASDWA increased its social media presence in 2018 by evaluating its Twitter presence, developing a Twitter strategy, and adding three staff Twitter accounts to become more vocal and influential in public conversations about drinking water. In 2019, we envision becoming more vocal on Linked In, as well. In addition, the blog posts continue to be a publicly accessible information portal. ASDWA

staff are also planning to update and continue to execute the strategic communications plan they developed in 2018, so that moving forward, ASDWA continues to be strategic and targeted in outreach efforts, focusing these efforts in ways that yield the greatest results.

## WITH PARTNER ORGANIZATIONS IN DC AND BEYOND

In 2018, ASDWA increased its coordination and communication with many other national water organizations. Due to funding cuts at EPA, ASDWA migrated the Source Water Collaborative website to its own domain to keep the site live and functioning. ASDWA staff routinely communicate with industry organizations such as AWWA, AMWA, and NRWA, state associations such as NGA, ECOS, GWPC, and ACWA, and research institutions such as WRF to leverage resources within the industry for the largest impact. The Lead Service Line Replacement Collaborative remains an excellent example of organizations being more impactful by working together.

# Funding the Future: From Authorizations to Appropriations

Funding for the future is becoming critical with the ever-increasing resource demands on state drinking water programs and increased public expectations for the highest quality drinking water. Federal funding from the Public Water System Supervision (PWSS) program has remained flat for the past decade, and increased costs from inflation have resulted in a net 20% decrease in funding over the past 10 years. Flat funding combined with increased resource demands threatens public health.

In addition to core programmatic activities, states are further squeezed by a multitude of non-regulatory activities such as algal toxins, emerging contaminants such as per- and polyfluoroalkyl substances (PFAS), and opportunistic pathogens such as *Legionella*, all of which demand attention and action.

In 2018, ASDWA surveyed the states to develop a national estimate of the additional hours that these non-regulatory activities demanded. This survey effort resulted in [Beyond Tight Budgets](#) – a report that found that the workload increased an average of 4.3%. The total number of increased hours for 2018 for all states is estimated to be 307,824 hours or 148 Full-Time Equivalents (FTEs).

A possible ray of hope is within [America's Water Infrastructure Act of 2018](#). This bill increased authorizations for the PWSS grant to \$125 million for FY 2020 and 2021, from its current level of \$101.9 million. The challenge for 2019 is to move from authorization to appropriations – noting that even if this amount is fully appropriated this would still leave a significant funding gap.

Flat funding combined with increased resource demands threatens public health.





## Navigating Non-Regulated Contaminants

Perhaps the most challenging aspects for drinking water administrators in 2018 was addressing non-regulated contaminants when they occurred in water systems. In 2018, several states took steps forward to address non-regulated contaminants, in some cases, going as far as developing state-level standards or guidelines. Per- and Polyfluoroalkyl Substances (PFAS), *Legionella*, and harmful algal blooms (HABs) created major challenges for state primacy agencies and tested the efficacy of our current national regulatory process.

### PFAS

The ASDWA PFAS workgroup, comprising drinking water program representatives from 27 states, continued to meet and discuss ASDWA member needs and challenges for assessing and addressing PFAS in drinking water, including state efforts to implement EPA's health advisory levels for PFOA and PFOS and for a few states, to develop their own regulations in the absence of a federal standard. In 2018, ASDWA and the workgroup:

- Wrote a letter to EPA and CDC of recommendations for specific actions the two agencies to take to assess and address PFAS in drinking water;
- Created an [ASDWA PFAS web page](#) and two-page [factsheet](#);
- Submitted [comments on the EPA's PFAS Leadership Summit](#);
- Provided [Congressional testimony](#) for ASDWA's President, Lisa Daniels of Pennsylvania, during a PFAS Hearing of the House Energy and Commerce Committee Subcommittee on Environment;
- Conducted a state PFAS survey and developed a [lab testing primer](#);
- Held two [webinars](#) on PFAS analytical methods and treatment;

- Conducted a plenary panel at the ASDWA Annual Conference with five states on developing PFAS standards;
- Developed a [PFAS water utility treatment case study](#);
- Participated in the EPA and state toxicity assessment discussion group; and
- Participated in the Environmental Council of States (ECOS) and cross-association PFAS calls.

### Legionella

In 2018, ASDWA formed a workgroup for *Legionella* and developed an action plan for assisting states with *Legionella* occurrence and regulating building water systems that have installed treatment to mitigate *Legionella* growth. From this plan, ASDWA began to develop two projects in late 2018 — one on operator certification and *Legionella* treatment systems in buildings, and the other on the range of regulatory and non-regulatory options for states to address *Legionella* in building water systems. Both projects are expected to be available in 2019.

### Harmful Algal Blooms (HABs)

HABs and cyanotoxins continued to impact water systems in 2018, as demonstrated by the June 2018 HAB incident in Salem, Oregon that led to the development of a cyanotoxin monitoring regulation for Oregon. To help all state drinking water programs address water system impacts from HABs and cyanotoxins, ASDWA continued to share information with its members about current activities and resources. In 2018, the association held a plenary panel at the Annual Conference on how states are implementing EPA's 10-day health advisory levels for microcystin and cylindrospermopsin, and also conducted two cyanotoxins webinars on analytical methods and treatment.





## ASDWA and ACWA Team Up to Tackle Emerging Contaminants

Realizing that water systems and their regulators are often tasked with addressing contaminants from upstream polluters, ASDWA and the Association of Clean Water Agencies (ACWA) embarked on a project to identify points in the regulatory processes for all federal agencies where emerging contaminants should be a focus. The project brought together ASDWA and ACWA members to develop recommendations on approaches for addressing contaminants to the ASDWA and ACWA Boards. The recommendations will be presented to the respective Boards in early 2019.

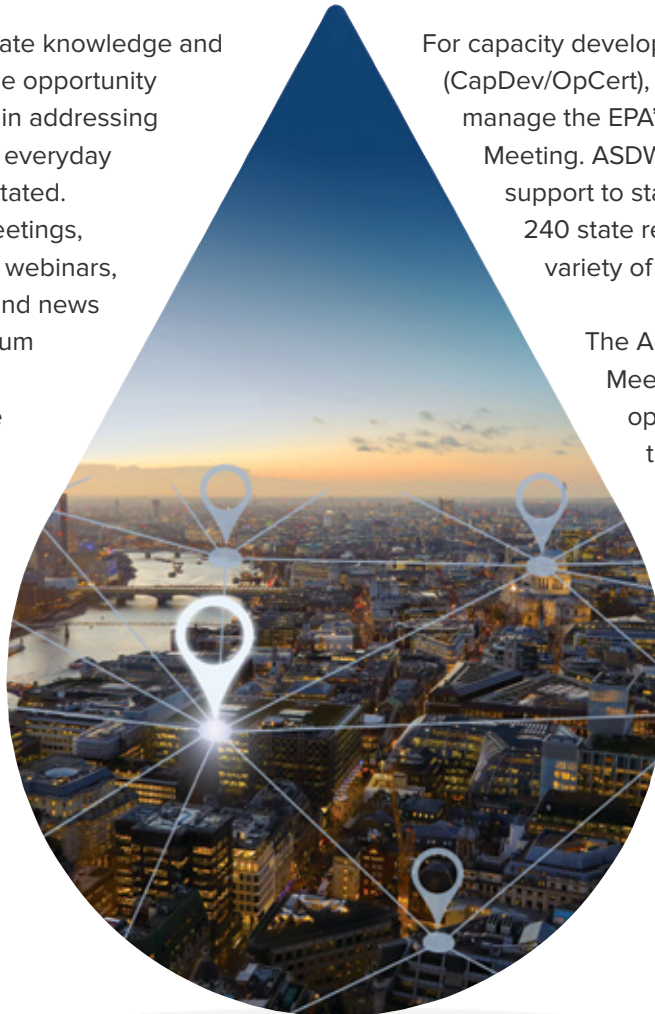
# Fostering State-to-State Connections

The importance of state-to-state knowledge and information exchange, and the opportunity to share unique experiences in addressing the drinking water programs' everyday challenges cannot be understated. Through a combination of meetings, conferences and workshops, webinars, discussion forums, surveys, and news blogs, ASDWA provides a forum for states to learn from each other and exchange effective solutions to drinking water issues across the nation.

For the Area Wide Optimization Program (AWOP), ASDWA helped facilitate Regional Meetings and organized and ran the National AWOP meeting. ASDWA also organized and ran the Data Management Users Conference (DMUC).

For capacity development and operator certification (CapDev/OpCert), ASDWA helped organize and manage the EPA's 2018 CapDev/OpCert National Meeting. ASDWA continues to provide travel support to state staff and in 2018 sponsored 240 state representatives to attend a wide variety of meetings.

The Annual Conference and Member Meeting continue to be an important opportunity for Administrators and their staff to interact with ASDWA members. This year ASDWA added a new component to the Annual Conference, the New Administrators' Breakfast, which gave an opportunity for new Administrators to learn about the member benefits ASDWA provides, to get to know the members of ASDWA's Board of Directors, and to meet their peers.



## Digging Deep on Data

The public's expectations for timely and accurate drinking water quality data has skyrocketed in the past several years. In many cases, the annual Consumer Confidence Report (CCR) that is published the summer after the calendar year of data doesn't match up with the expectation for "just-in-time" information.

ASDWA continues to work with EPA in the development and implementation of SDWIS Prime, the new cloud-based software that states and territories will use to implement their drinking water programs, as well as report to EPA. ASDWA continues to provide the states'

perspective and expertise on the software, and facilitated multiple meetings between the states and EPA to work on the details of this important software.

Additionally, ASDWA continues to look for opportunities to "dig deep on data" to develop policy recommendations that are based on data and information as opposed to anecdotes. Solid data plays a big role in educating and informing decision-makers on the states' perspective.

# Linking with Stakeholders on Lead

Minimizing lead exposure in drinking water is a complex and multi-faceted endeavor. ASDWA is working hard to link stakeholders in this important conversation. ASDWA's members have been implementing the current Lead and Copper Rule (LCR) since it was originally published in 1991, as well as the minor revisions in 2004 and the short-term revisions in 2007. As such, ASDWA's members have a breadth and depth of knowledge on the details of LCR implementation that EPA needs to incorporate into the Long-Term Revisions to the LCR (LT-LCR). ASDWA's members have recently gained additional regulatory experience post-Flint by taking actions such as reviewing materials and lead service line (LSL) inventories, corrosion control treatment (CCT) and water quality parameter (WQP) monitoring that go beyond the regulatory requirements of the 1991 LCR.

From the perspective of state primacy agencies, ASDWA's goal for the LT-LCR is to continue to protect public health and to simplify the regulatory requirements, so that water systems, state primacy agencies, consulting engineers, technical assistance providers, contract operators, and anyone else working to provide safe drinking water can read and understand them.

In 2018, ASDWA developed extensive [comments](#), as well as a cost model, in response to EPA's Federalism Consultation. A key component of ASDWA's comments was the development of regulatory "bins" based on the 90th percentile of lead samples that had increasingly stringent regulatory requirements as the 90th percentile increased.

The [Costs of States' Transaction Study \(CoSTS\)](#) was developed as part of ASDWA's Federalism Consultation to develop a national estimate for the additional reviews of distribution system inventories, lead sampling plans, corrosion control plans, and public notification plans, as well as additional technical assistance needed to implement the LT-LCR. CoSTS estimated that the LT-LCR could increase states' workload across the U.S. by up to one million hours per year, depending on the regulatory option selected for the LT-LCR. This would be a significant additional demand on states' resources in a time of chronically underfunded state and territorial drinking water programs.

ASDWA will continue to work with its drinking water partners as the lead conversation continues. ASDWA plans to develop additional comments when the proposed LT-LCR is published sometime in 2019.





## The Importance of Partnerships

One of ASDWA's most important roles is as a connector of information and sharing those connections with other similarly-minded groups. The drinking water community has a stronger voice with EPA and Congress and other decision-makers when we're together than apart. The past year found ASDWA working even more closely with its state environmental association partners such as the Association of Clean Water Administrators (ACWA) and the Environmental Council of States (ECOS). Alan Roberson, ASDWA's Executive Director, received ACWA's Environmental Partnership Award at ACWA's Annual Meeting in August 2018.

Protecting public health through high quality drinking water remains at the core of what ASDWA's members strive for day in and day out. ASDWA continued its collaborations with the Association of State and Territorial Health Officials (ASTHO) and the Centers for Disease Control and Prevention (CDC), particularly on emerging contaminants such as per- and polyfluoroalkyl substances (PFAS).

As co-chair of the Source Water Collaborative (SWC) with the Groundwater Protection Council (GWPC), ASDWA worked closely with GWPC

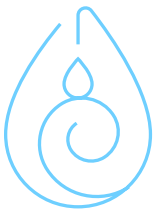
and EPA as SWC management moved from EPA to the SWC members. ASDWA transitioned to hosting and updating the SWC website.

ASDWA continues its participation with the Lead Service Line Replacement Collaborative. This diverse group of public health, water utility, environmental, labor, consumer, and housing organizations met in late 2018 to continue its work on encouraging communities and developing resources to accelerate the full replacement of lead service lines (LSLs) through local collaborations, prior to any regulatory requirements in the Long-Term Revisions to the Lead and Copper Rule (LT-LCR).



The drinking water community has a stronger voice with EPA and Congress and other decisionmakers when we're together than apart.

# Federal Forecast: Changes from America's Water Infrastructure Act of 2018



Landmark legislation was passed in October with the enactment of PL 115-270, [America's Water Infrastructure Act of 2018 \(AWIA\)](#) which amended the Safe Drinking Water Act. With 27 provisions in the law affecting drinking water, the effects of this legislation will play out over the next several years at EPA.

AWIA increases authorization for the Public Water System Supervision Grants from \$100 million through 2003 to \$125 million for each FY 2020 and 2021, and authorizes the DWSRF Capitalization Grants at \$1.17 billion for FY 2019; \$1.3 billion for FY 2020; and \$1.95 billion for FY 2021. In 2019, one of ASDWA's top priorities will be educating Congress on the importance of fully appropriating these authorizations so that state drinking water agencies can carry out their missions to protect public health.

The legislation includes a voluntary lead-testing-in-schools provision that authorizes additional funding for the existing WIIN grants for EPA to provide information on financing options for addressing lead contamination in schools and child care centers, and also authorizes funding for a new EPA grant program to provide assistance to local educational agencies to replace water fountains manufactured prior to 1988.

The law also introduces changes to participation in the Unregulated Contaminants and Monitoring Rule, and requires public water systems serving between 3,300 and 10,000 to monitor for unregulated contaminants if there is sufficient lab capacity. This requirement is also contingent upon the appropriation of the authorized funding.

ASDWA members can also expect changes to the Consumer Confidence Reports (CCRs), which will now be required to be distributed twice per year for water systems serving more than 10,000 customers. Language around corrosion control will also be required in CCRs. Additionally, EPA will have to revise the CCR regulations within two years to increase readability, understandability, and accuracy.

Changes to the DWSRF include: expansion of eligibilities and uses, changes to requirements for funds for disadvantaged systems, and the requirement for the costs of full lead service line replacement (both public and private sides) to be included in the next cycle of the Drinking Water Needs Survey.

Additional changes include authorization for states to require a public water system to assess options for consolidation; and requirements for the state emergency response commissions to notify state agencies of any release that requires public notification, and for those agencies to notify downstream water systems.

Some of the new provisions will require EPA to revise or develop new regulations that will ultimately require new primacy packages for the states to reflect the revised regulations. Additionally, some of the requirements are contingent on funding, which adds to the complexity of implementation. ASDWA will be working with Congress through the appropriations process and with EPA to optimize implementation of the new provisions.



# Time of Transition

**ALAN ROBERSON**

*Executive Director, ASDWA*



## DEAR ALL,

My second year as ASDWA's Executive Director has been as interesting and challenging as my first year, and to be honest, I don't see that changing over the next several years. I have been fortunate to have a great staff, a committed Board, and a cadre of experts at the state and territorial agencies that I can rely on to navigate these challenging waters (pun intended).

Looking back at 2018, it's been a time of transition in four areas:

1. New hires;
2. Changes in ASDWA's membership;
3. New amendments to the Safe Drinking Water Act (SDWA); and
4. Changes in the "big picture" for drinking water.

ASDWA's staff will undergo a major transition in 2019 with the retirement of both Darrell Osterhoudt and Bridget O'Grady, with a combined 40 years of service at ASDWA. Fortunately, the ASDWA Board approved funding for hiring new staff, and Wendi Wilkes and Kevin Letterly joined ASDWA this past summer. This substantial overlap will hopefully allow ample opportunity for Bridget and Darrell to share their combined knowledge, which includes a wide range of issues, such as security and preparedness, CCR and PN, AWOP, capacity development,

operator certification, DWSRF, funding and financing, and legislation and regulation.

Second, I have been amazed by the number of new Administrators that have come on board since I started at ASDWA in 2017. A combination of retirements, promotions and job transfers within government has led to 17 new Administrators since January, 2017. We are working to help with these transitions by providing opportunities for peer networking, starting with a New Administrators' Breakfast at the Annual Conference in Des Moines this year. We will continue to look for ways to optimize the sharing of information between all the Administrators in the coming years.

Third, Congress passed (and the President signed) S. 3201, America's Water Infrastructure Act (AWIA). While it didn't contain as many foundational changes as the 1996 SDWA Amendments, AWIA has more than 20 changes to the SDWA, and it's not completely clear how EPA will respond to these mandates as many of them depend on future appropriations. It's also not clear how many of these new mandates will trickle down, but ultimately, some will require additional work for states and territories.


Compounding these three transitions is the shift at the federal level from regulatory drivers to non-regulatory drivers for drinking water. During my first 15 years in drinking water (1991-2006), EPA finalized 12 regulations and I felt like I was running just to keep up. Since 2006, however, with the final Groundwater Rule, EPA finalized the Revised Total Coliform Rule (RTCR), but that's been it.

Instead, over the past several years, we have seen a transition to non-regulatory drivers such as PFAS, algal toxins, *Legionella*, and SDWIS Prime, that all require an inordinate amount of states' time and resources. States are struggling to cope with the political and public pressures to develop their own-state level standards in the absence of national standards. It's going to be a bumpy ride for some states to work through their own regulatory development processes with limited time and resources, and with limited experience in evaluating health effects and treatment options, or in the development of cost-benefit analyses. It's never a simple process to develop a drinking water regulation.

ASDWA will continue to work to help states do their jobs in this time of transition. On our internal agenda for 2019 is to create our first ever three-year strategic plan for 2020-2022, which will help us focus efforts in the right places at the right time.

My thanks to Lisa for her steady hand and wise counsel in navigating these challenging waters. More to come!

Sincerely,

  
Alan

ASSOCIATION OF STATE DRINKING WATER ADMINISTRATORS

# 2018 Year in Review



**Association of State Drinking Water Administrators**

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