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CELEBRATING THE 50TH ANNIVERSARY OF THE SAFE DRINKING WATER ACT

HEARING BEFORE THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE ONE HUNDRED EIGHTEENTH CONGRESS SECOND SESSION

NOVEMBER 20, 2024

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ONE HUNDRED EIGHTEENTH CONGRESS
SECOND SESSION

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CELEBRATING THE 50TH ANNIVERSARY OF THE SAFE DRINKING WATER ACT

WEDNESDAY, NOVEMBER 20, 2024

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 10:15 a.m. in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (chairman of the committee) presiding.

Present: Senators Carper, Capito, Kelly, Padilla, Ricketts.

OPENING STATEMENT OF HON. THOMAS R. CARPER, U.S. SENATOR FROM THE STATE OF DELAWARE

Senator CARPER. I love baseball, as some of you know. This is like a day-night double header. The day game is over and we are about to turn on the lights and play the second half of the double header.

Good morning, everyone, again. I call this hearing to order.

We are gathered here today, as you know, to celebrate the anniversary of the Safe Drinking Water Act, which President Ford signed into law on December 16th, 1974. Today, we will reflect on the impact of the Safe Drinking Water Act and on the work that our committee has done to protect drinking water and to protect public health.

This hearing is also an opportunity to discuss what improvements are needed moving forward to safeguard our Nation's drinking water.

Our work on the Safe Drinking Water Act is personal to me. Some of you may recall, in the Bible there is a verse my mother, as Senator Capito knows, my mother was from Beckley, West Virginia, and she used to drag us to church every Sunday morning, every Sunday night, every Thursday night, and on Wednesday nights. One of the things she wanted to make sure that we internalized was not just the Golden Rule, to treat other people the way you want to be treated, but also to make sure that we took a verse of scripture, Matthew 25, dealing with the least of these, when I was hungry did you feed me, when I was naked, did you clothe me, when I was thirsty, did you give me something to drink. It is right there in the Bible, Matthew 25. Something that is there, and the Golden Rule is in every major religion in the world. Everyone, I do not care if you are Catholic, Jew, Muslim, Buddhist, it is in there for everybody, to treat other people the way we want to be treated.

For me, Matthew 25 and the Golden Rule are things that basically say that we want to make sure that all Americans have ac-

cess to clean, safe, and reliable water services. For example, back in 2017, about 7 years ago, we have three counties in Delaware, in the southernmost county, Sussex County, a small, unincorporated community just outside of Millsboro in the southern part of our State, reached out to me because their drinking water had become contaminated.

I went and sat in the living room of one of the members of this community and heard personal stories of how children could not drink water out of their taps, families could not bathe, and overnight, their property values plummeted. This small community, like so many across America, was dependent on well water. Growing up in West Virginia and Virginia later on, we used well water. That is where we got our water.

Their challenges back in that small community near Millsboro, their challenges led our team to start drafting the first in a series of significant drinking water reform bills over several Congresses, all with a goal of making sure every American has access to safe, clean, and reliable drinking water. The Safe Drinking Water Act is the foundational Federal law that enables us to strive toward that goal.

To understand the significance of the Safe Drinking Water Act, it is important for us to recall the State of our Nation's drinking water in the early 1970's. Before the Safe Drinking Water Act became law in 1974, there was no comprehensive Federal regulation protecting our Nation's drinking water. In 1970, officials found that 90 percent of the drinking water systems surveyed were contaminated. Let me just say that again: officials found that 90 percent of surveyed drinking water systems were contaminated.

Between 1961 and 1970, State health departments, along with supplemental reports, documented nearly 50,000 cases of illness caused by water-borne disease in the United States, 50,000. As a result, Congress got to work. Congress got to work and passed the Safe Drinking Water Act in 1974. It would become the first Federal law to provide a regulatory framework for protecting our Nation's drinking water.

Some of us may recall the Safe Drinking Water Act led to major Federal investments in drinking water infrastructure during the 1970's and the 1980's, including the construction of much of our Nation's drinking water infrastructure. These investments also represented incredible progress for public health.

Unfortunately, over the next few decades, Federal investment did not keep pace within these communities. By 2017, the American Society of Civil Engineers gave our Nation's aging drinking water infrastructure a grade of D, D as in dog, a grade of D. There was a water main break every 2 minutes, that is every 2 minutes, in America. Congress recognized the need for significant investment in water infrastructure, and in 2018, this committee, in frankly, this room, this committee led the efforts to pass America's Water Infrastructure Act, which reauthorized and updated the Safe Drinking Water Revolving Funds for the first time in more than 20 years.

Then in 2021, this committee drafted the Drinking Water and Wastewater Infrastructure Act. This bill served as the foundational piece of the Bipartisan Infrastructure Law, which Senator Capito

and I actually ended up managing on the Senate floor, one of the great honors for me and I suspect for you in the time that I have served here, which President Biden signed into law on November 15th, 2021, another anniversary that we just celebrated.

Speaking of celebrations, today is also the President's birthday. How about that?

In total, the Bipartisan Infrastructure Law invested in an unprecedented \$55 billion to improve drinking water and wastewater systems in communities across our Country. This remains the single largest water infrastructure investment in our Nation's history. Those funds go a long way toward protecting the health and well-being of Americans from coast to coast.

For example, the city of Tucson, Arizona, is using Bipartisan Infrastructure Law funding to treat contaminated well water. The community of Hastings, Nebraska, is using Bipartisan Infrastructure Law funding to inventory lead service lines that the city will then replace. The city of Newark, New Jersey, not to be confused with Newark, Delaware, is using Bipartisan Infrastructure Law funding to evaluate the reliability of their sewer systems.

While the Bipartisan Infrastructure Law has enabled us to make considerable progress, there are still challenges facing our communities that we must address. I have long said that the Bipartisan Infrastructure Law was just a down payment on America's infrastructure needs. Today's hearing is not only an opportunity for us to celebrate the 50th anniversary of the Safe Drinking Water Act, but it is also a chance to chart a path forward to build and rebuild the 21st century water infrastructure that we need to assure that all Americans, all Americans, have access to clean drinking water.

We look forward to hearing from our distinguished panel of witnesses about this important topic. Before we do, I want us to hear from Senator Capito for any comments that she wants to make.

Senator Capito, you are recognized. Thank you.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Mr. Chairman. Thanks to the witnesses who are here today and our members who are here for this important meeting on the past impacts and the future of the Safe Drinking Water Act. Many of the comments I will make will jive with what the Chairman has put forward.

As we celebrate this 50th anniversary of the Safe Drinking Water Act, we must first recognize the remarkable progress that we have made in securing safe, reliable and affordable water across the Country. When Congress passed the Safe Drinking Water Act, contaminants in our drinking water posed serious threats and risks to Americans and our public health.

After its enactment, the Safe Drinking Water Act drove a significant improvement in drinking water quality by establishing enforceable health standards, empowering States and water systems to monitor and manage water quality, and enabling the EPA to intervene when standards were not met.

This framework has been instrumental in ensuring safe, reliable, and affordable drinking water for communities across the State.

Despite these landmark achievements, we still have to recognize that more work lies ahead.

First, in 2021, Congress made an unprecedented investment, and the Chairman talked about this, in the Nation's water infrastructure through the Bipartisan Infrastructure Investment in Jobs Act, IIJA. That investment gives us an opportunity to modernize our drinking water structure, strengthen resilience and address disparities in water access.

The funding particularly targets small and disadvantaged communities aiming also to replace lead pipes, make important infrastructure upgrades, such as upgrading our filtration systems, and addressing emerging threats like PFAS. Despite these significant investments and advancements, many rural and underserved communities still struggle to access Federal resources due to complex processes.

While the Safe Drinking Water Act framework offers the foundation for these communities to receive support, we must also focus on building local capacity, providing technical assistance and addressing the pervasive challenge communities encounter across the EPA's various grant programs. Addressing these issues will empower communities to access needed resources to upgrade their systems and effectively protect our public health.

Second, we must carefully implement Safe Drinking Water Act and IIJA programs in partnership with our State and local governments. Cooperative federalism, which is a principle enshrined in the Safe Drinking Water Act, recognizes that States are best positioned to understand, prioritize, and address the needs of their communities.

Federal programs should complement these State programs, rather than impose one-size-fits-all mandates that complicate funding processes and divert attention from pressing infrastructure needs.

Third, the unprecedented level of funding provided of the IIJA demands rigorous oversight and accountability. As stewards of taxpayers' dollars, we must ensure that these funds are used effectively and transparently, monitoring EPA's administration of funds and maximizing the public health impact of each dollar that is spent. congressional oversight is especially crucial as we work to address emerging contaminants, such as PFAS or forever chemicals, which require careful regulatory approaches that balance scientific rigor with practical feasibility for water systems nationwide. PFAS presents unique challenges because of its persistence in the environment.

The EPA's proposal to classify certain PFAS as hazardous substances under CERCLA, though well-intentioned, would impose financial penalties on utilities that are tasked with cleaning up PFAS that they did not create, and forcing unfair costs onto our local governments and ratepayers. To address this, Congress must exempt these entities or, they are called passive receivers, from CERCLA liability while holding manufacturers and primary contributors accountable. This balanced, science-based approach will allow water systems to prioritize their efforts on providing clean water.

As we look to the future, the legacy of the Safe Drinking Water Act reminds us of the power of bipartisan cooperation, sound science, and shared responsibility across Federal, State and local governments. These values have been central to the Act's success and will continue to guide our efforts to strengthen and protect our Nation's drinking water systems.

As we focus on practical, evidence-based solutions, we honor the Act's spirit and renew our commitment to safe, reliable, and affordable drinking water for all Americans.

In closing, I want to thank all of our Federal, State and local partners and the water professionals who work tirelessly to keep our water systems running safely. I look forward to our discussion today and working to advance our shared mission to protect and enhance America's drinking water.

Thank you.

Senator CARPER. Thank you, Senator Capito.

Let me now recognize Senator Kelly, who is going to introduce our distinguished witness from the Navajo Nation. Senator Kelly, please.

Senator KELLY. Thank you, Mr. Chairman. I am pleased to welcome to the committee the President of the Navajo Nation, Dr. Buu Nygren. President Nygren was elected President of the Navajo Nation in 2022. Upon his election, he made history as the youngest-ever president of the Navajo Nation.

Prior to his election as President, Dr. Nygren served as the Chief Commercial Officer of the Navajo Engineering and Construction Authority. He is a graduate of Arizona State University and has a doctorate from the University of Southern California. He and his wife, Jasmine, live in Red Mesa, Arizona.

I have the honor of working closely with President Nygren on many of the issues that we will be discussing today, including exploring every opportunity to make sure that tribal households throughout the Navajo Nation have access to clean, reliable drinking water, but also cleaning up abandoned uranium mines and securing water rights for the Navajo Nation and other tribes and communities in northern Arizona.

President Nygren, thank you for agreeing to testify in front of the committee today. I know that the committee is going to benefit from your experience as we discuss maximizing the investments made by the Bipartisan Infrastructure Law to improve tribal water infrastructure, and also to get your perspective on what more Congress can do to meet the needs of tribal communities.

With that, Mr. Chairman, I will hand it back over to you. Thank you.

Senator CARPER. Thank you, Senator Kelly.

Next, I am pleased to welcome Hon. Radhika Fox, former Assistant Administrator of the U.S. Environmental Protection Agency, Office of Water, and current Principal of North Star Strategy. Radhika has more than 25 years of experience in executive management, policy, strategy, and operations. She has advanced policies, programs, and initiatives at the intersection of sustainability, infrastructure investment, environmental management, water resources and environmental justice and our economy.

We are also joined today by Cathy Tucker-Vogel, Public Water Supply Section Chief of the Kansas Department of Health and Environment. She has over 30 years of water sector experience in the State of Kansas, where she oversees the Drinking Water State Revolving Fund and the Water Operator Certification programs.

Now, I think we are ready. Radhika Fox, welcome. It is great to see you. We welcome you and thank you again for all your service to our Country.

**STATEMENT OF HON. RADHIKA FOX, PRINCIPAL,
NORTH STAR STRATEGY**

Ms. FOX. Thank you, good morning, Chairman Carper, Ranking Member Capito, and members of the committee. It is really a pleasure to be before you again.

Ranking Member Capito, it is always lovely to see you. It has been a pleasure working with you for several years now on a range of drinking water issues, PFAS, and infrastructure investment. It is great to see you again.

Senator Carper, I want to express my gratitude for your years of service, not only to your home State of Delaware, but to this Nation, to the U.S. Senate, and to our environment. You are going to be deeply, deeply missed.

Senator CARPER. Thank you very much. You can have five or ten more minutes.

[Laughter.]

Ms. FOX. Just 50 years ago there were no national enforceable rules governing the safety of our drinking water. The drinking water that Americans relied on carried discarded chemicals, pesticides, fertilizers and human waste, leading to high rates of disease among children and adults alike.

That is why, in 1974, Congress took bold action and established the Safe Drinking Water Act (SDWA). The Act transformed our expectations, and it saved lives and created jobs. First and foremost, SDWA has improved water quality at the tap by empowering the EPA to set national drinking water standards, saving lives and preventing diseases for countless Americans. It has increased monitoring and compliance requirements, helping us control emerging contaminants and stem potential threats to our drinking water.

SDWA also established the Drinking Water State Revolving Fund, which provides affordable financial assistance for water infrastructure projects that protect public health. It fostered transparency, requiring water systems to share information about the quality of their drinking water with the communities that they serve.

The Safe Drinking Water Act, while many Americans do not even think about it, was truly a game changer in terms of our ability to protect the health and well-being of the American people. During my time at the EPA, I had the honor of working very closely with this committee to continue to make progress for the American people through the implementation of the Safe Drinking Water Act.

I want to take a moment to highlight some of our collective successes over the last couple of years as really an example of what we can accomplish through partnership and collaboration.

Both Senator Carper and Senator Capito already spoke about the Bipartisan Infrastructure Law, and deep appreciation to this committee for their leadership in getting that in place. Of the \$50 billion that was dedicated to water infrastructure investment, EPA has awarded about \$21 billion of those funds to States, tribes and territories, and those resources are really working on behalf of local residents all across the Country.

Alongside the EPA infrastructure funding, we have also developed a robust technical assistance program to do the very thing that you just spoke about, Senator Capito, to ensure that every community has a fair shot at receiving these funds. The Water TA program that was stood up over the last few years is now helping about 3,500 communities across the Country in accessing this funding. It is places like McDowell County in West Virginia, the Makah Tribe in Washington State, with a real focus on building the technical, financial and managerial capacity of these water systems.

EPA also made progress on the regulatory front with a more protective Lead and Copper Rule, establishing the first drinking water standards for PFAS, and other regulations.

I am certainly proud of all of our shared accomplishments, but we have so much more to do. Our work will not be done until every single American has drinking water that is safe, reliable, and affordable. As we look to the future, I want to offer five priorities for our collective work.

First, we must continue to invest in our Nation's water infrastructure. EPA's recent Drinking Water Needs Survey found that in the United States, we have about a \$385 billion need to invest in drinking water infrastructure over the next 20 years, not to mention the need on the clean water side. We need more programs like the Bipartisan Infrastructure Law.

Second, we must modernize water management by rapidly accelerating the adoption of digital tools. There are incredible technologies that exist right now to help improve water quality, water efficiency, and resilience. The Federal Government has a really important role in raising awareness, providing technical assistance and offering funding and incentives to help water utilities embrace these tools.

Third, we must strengthen water management through equitable consolidation. There are over 50,000 water utilities in this Country and many of them struggle to meet regulatory requirements, manage costs and maintain their infrastructure. Equitable consolidation can deliver real results for local residents if it is done well.

Fourth, we have to adopt drinking water policy and investments to help communities with what is increasingly called the water whiplash, this phenomenon of shifts between extreme weather patterns, moving from severe droughts to intense floods and back again. There is a lot we can do on the policy side, flexible water use regulations, encouraging conservation practices, and expanding water recycling that can help communities confront these challenges.

Finally, across all that we do, we must improve outcomes for underserved and disadvantaged communities. Right now, one in three Americans struggles to pay water bills. What good is clean water

if you can not afford to drink it? We need to establish a permanent Federal water assistance program to help struggling families.

In closing, the Safe Drinking Water Act was an extraordinary accomplishment. It set the stage for decades of progress.

The clean and safe drinking water that so many Americans enjoy today would not have been possible if we acted by voluntary action by individual water utilities. It could not have been accomplished by communities and States working independently. We never could have developed and scaled a nationwide effort to test, protect and improve our drinking water without the leadership and reach of the Federal Government.

It is truly an example of the essential work of our Federal Government, what it can and must do to stand for our well-being. As we look back at the last half century and look forward to the next, I hope that will be our lesson and our goal.

Thank you for the opportunity to join you today. I look forward to the discussion.

[The prepared statement of Ms. Fox follows:]

**TESTIMONY OF RADHIKA FOX
PRINCIPAL, NORTH STAR STRATEGY
AND FORMER ASSISTANT ADMINISTRATOR FOR WATER U.S. ENVIRONMENTAL
PROTECTION AGENCY**

BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

NOVEMBER 20, 2024

Good morning, Chairman Carper, Ranking Member Capito, and members of the committee. It is my honor to appear before this committee again. I wanted to begin by appreciating the leadership of this committee and its members on the important subject of safe drinking water. Ranking Member Capito, it has been a pleasure working with you on a range of issues from PFAS to infrastructure investment, and I thank you for your leadership. And I'm grateful to have the opportunity to thank Senator Carper for his years of service to his state, to his country, to the institution of the United States Senate, and to the environment of our nation. I speak often about the important work that is done by public servants, and the impact they can and do make every day. Senator Carper, your work has been an outstanding example of this service. Thank you.

It is a privilege to join you today as we recognize 50 years of significant progress in our nation's commitment to safe drinking water and the health of our families, our communities, our businesses, and our nation.

Clean and safe drinking water is essential. From the moment we wake up in the morning and brew a cup of coffee, to the moment before bed when we brush our teeth, we need safe drinking water. We rely on water from our taps for cooking, washing, and bathing. Each day, Americans drink more than one billion glasses of tap water. Water truly is life.

Before the Safe Drinking Water Act was established in 1974, there were few national enforceable rules or requirements governing the safety of life's most essential resource. Drinking water standards set in 1962 regulated 28 substances, but a survey conducted by the Public Health Service in 1969 showed that only 60 percent of the systems surveyed were delivering water that met those standards. Over half of the treatment facilities surveyed had major deficiencies involving disinfection, clarification, or pressure in the distribution system. We lacked the authority, science, technology, infrastructure, and funding to properly address the problems.

As a result, the water that Americans relied on was full of dangerous and harmful substances. It carried discarded chemicals, pesticides, fertilizers, and human waste. There was no national requirement to test for these substances, and no recourse if any were found. It was a recipe for pollution in our water and high rates of disease in children and adults alike. And for far too long, it was simply the way things were.

It was in the face of this alarming reality that in 1974, Congress took bold action—and established the Safe Drinking Water Act to limit the levels of contaminants in our drinking water and protect public health. The Act was a game changer. It transformed our expectation that when we turn on the tap to pour a glass of water, we should trust that it will be safe because the Congress of the United States established a national floor of protection for all people in America. Today, it continues to safeguard water in communities across the nation. It has saved lives and created jobs. And over the course of the last 50 years, it has set a standard for the way we care for one another and make progress as a nation.

I want to highlight just a few impacts the SDWA has had since its inception. First and foremost, it has improved water quality at the tap. The SDWA empowered the Environmental Protection Agency (EPA) to set national standards for our drinking water for a wide range of harmful pollutants like lead, arsenic, and nitrates. This ensured that drinking water systems had nationwide, consistent, enforceable criteria to meet, which significantly reduced contamination levels and improved water safety. As a result of this federal legislation, we've seen more uniform protection of the American people. The EPA, through its implementation of SDWA, has saved lives, prolonged lives, and prevented diseases for countless Americans.

The United States is blessed with diverse and abundant sources of drinking water. Recognizing the imperative to steward that inheritance, SDWA protected the rivers, lakes, and aquifers that are the sources of our drinking water. Through programs like the Source Water Assessment Program, communities have been able to identify and eliminate risks to their drinking water sources, leading to better-prepared water systems, reducing pollution risks, and reducing treatment costs. As a result, we're not just creating cleaner drinking water; we're ensuring a cleaner environment for all.

At the same time, the law has increased monitoring and compliance requirements. The Act required regular testing and monitoring of public water systems for contaminants, ensuring that potential health risks could

be identified and addressed quickly. This monitoring framework has helped identify and control emerging contaminants, allowing for quicker action on new potential threats.

Meanwhile, the SDWA has helped to generate funding for essential infrastructure improvements. In the 1996 SDWA Amendments, Congress established the Drinking Water State Revolving Fund (DWSRF) to provide affordable financial assistance for water system improvements that communities desperately needed to protect public health. This funding has enabled communities to upgrade infrastructure, reduce contamination, and ensure safer drinking water, especially for small and rural communities with limited resources.

Of course, this law hasn't just imposed essential rules; it has ensured transparency, and brought everyday Americans into the conversation by establishing critical public awareness and right-to-know provisions. The SDWA requires water systems to provide consumers with annual reports that disclose the quality of their drinking water, what contaminants may be present and at what levels, and known potential health impacts.

These are just a few of the groundbreaking provisions that the SDWA has ushered into practice. Together, they have strengthened drinking water safety, improved infrastructure, and empowered communities to manage water quality proactively. And most importantly, they have had a positive impact on millions of Americans' lives. Thanks to the Safe Drinking Water Act, the United States enjoys some of the most reliable and safest supplies of drinking water in the world. More than 300 million people depend on 50,000 community water systems across the country for safe, reliable water every day. Over 91 percent of the population supplied by community water systems receives drinking water that meets all health-based standards.

Beyond the incredible health and environmental outcomes that can be traced back to the passage of the Safe Drinking Water Act, this law has established the foundation that our modern civilization is built on. The American economy runs on clean water. Without it, our restaurants, hotels, hospitals, office buildings, manufacturing plants, and schools cannot survive. When we invest in water, America wins. For every \$1 billion we invest in our water infrastructure, we create more than 15,000 jobs.

As the members of this Committee know, I had the great honor of serving as the Assistant Administrator for Water at the EPA from January 2021 to February 2024. It was an incredible honor to work closely with this

Committee to take additional critical steps to drive the next 50 years progress in ensuring clean and safe drinking water for every American. Let me highlight some of these accomplishments.

The Bipartisan Infrastructure Law allotted more than \$50 billion towards our water infrastructure—an investment that will drive better health outcomes for generations. To date, EPA has announced over \$30 billion of Bipartisan Infrastructure Law funding and has awarded more than \$21 billion of this for water projects across the country to states, Tribes and territories, place-based programs, and more. As a result, more than 1,200 communities have “broken ground” on critical water projects supported by the Bipartisan Infrastructure Law. We are at the beginning of an infrastructure decade; serving as the tip of the spear for an approach that will see these dollars driven to local communities that will feel the economic benefits for generations to come.

Of course, it’s not enough to make funding available. We also have to make it accessible to the communities that need it. That’s why during my time at the EPA we established a robust technical assistance program to ensure that every community across rural, urban, and suburban America has a fair shot at accessing Bipartisan Infrastructure Law funding. EPA’s WaterTA program is now helping 3,500 communities—places like McDowell County, West Virginia, Lowndes County, Alabama, Lynchburg, South Carolina, the Makah Tribe in Washington State build their technical, financial, and managerial capacity.

At the same time, EPA has made solid progress on the regulatory front. Just last month, the EPA announced the final Lead and Copper Rule Improvements (LCRI), which will strengthen regulations to further protect communities from lead exposure in drinking water. The LCRI builds on prior updates by mandating the replacement of lead service lines in 10 years, introduces a more stringent action level for lead, requires increased monitoring, quicker intervention, and greater public transparency on lead levels and the status of lead line replacements. Finally, a decade after the Flint Water Crisis, the American people have a lead and copper rule that is truly protective.

The EPA has also taken action to address emerging contaminants like per-and polyfluoroalkyl substances, known as PFAs—or “forever chemicals.” Exposure to PFAS has been linked to cancer, impacts to the liver and heart, and immune and developmental damage to infants and children. The EPA issued a national, legally enforceable drinking water standard that will reduce PFAS exposure for approximately 100 million people,

prevent thousands of deaths, and reduce tens of thousands of serious illnesses. The national drinking water standards established this year have their roots in bipartisan agreement and action, stemming from decades of tragic PFAS pollution in communities across America, like Parkersburg, West Virginia.

While we have made significant progress in the last 50 years, our work is not done until every single American has clean, safe, reliable, and affordable drinking water. As we look to the future, I believe we should be focused on five core priorities.

First, we must further invest in water infrastructure. I want to applaud this committee for your leadership in the construction of major provisions in the Bipartisan Infrastructure Law—but an investment like this shouldn't be “once in a generation.” Drinking water infrastructure requires regular maintenance, repairs, and replacement. EPA estimates that the United States has \$384 billion in drinking water infrastructure needs over the next 20 years to say nothing of complimentary needs on the clean water side. We need to continue to invest in a system that protects families, enables business, and leads the world. And, as Congress and other institutions increase funding for infrastructure, it is imperative that they provide resources to support the training and deployment of construction and operations workers who are needed to build and maintain water systems for generations to come.

Second, we must modernize water management by rapidly accelerating the adoption of digital tools. Despite accelerated growth in technology developments over the past 50 years, water utilities have traditionally been slow to adopt new intelligent water solutions. We have the technology today to rapidly modernize water infrastructure, improve water quality, achieve efficiencies in operation, and advance resilience to climate change and cyber-threats. The federal government has an important role in helping utilities to understand the significant benefits of using intelligent water solutions across the water sector—by raising awareness, providing greater technical assistance, and offering a mix of funding and incentives.

Third, we need to enable the strengthening of the water utility sector through consolidation. I understand this is a controversial, and in some places an unpopular concept. I have worked with water systems of all sizes and capacities and share in the deep belief that water is inherently local. Yet, there are approximately 50,000 community water systems in the United States. Most of them are small, serving fewer than 500 people. Many smaller or fragmented systems struggle to meet regulatory standards, manage costs, and maintain infrastructure,

leading to higher risks of contamination, service disruptions, and costly repairs. Consolidation can enable water utilities to address investment gaps; achieve predictable, consistent revenue; build a strong and sustainable workforce; address affordability and environmental justice; provide a stronger basis for local economic growth; support better operational resilience; provide the capacity to meet modern treatment standards; and leverage innovation opportunities in the water sector more readily. However, for utility consolidation to be effective, it must be equitable and guided by the goal of delivering real improvements for the community.

Fourth, we have to adapt drinking water policy and investments in ways that help communities weather the “water whiplash.” Water whiplash describes the abrupt shifts between extreme weather patterns—like severe droughts followed by intense floods—that are increasingly common due to climate change. To manage through such uncertainty, communities and policymakers can invest in more resilient infrastructure, better reservoir and groundwater management, flood-resistant designs, and improving water storage during wet periods to prepare for droughts. Policy solutions include adopting flexible water use regulations, enhancing conservation practices, and expanding water recycling and reuse programs. Together, these strategies can help mitigate the disruptive effects of water whiplash.

Finally, across all that we do we must have an unwavering focus on supporting underserved and disadvantaged communities. We need to address disparities in access to safe, affordable, and reliable drinking water in this country. One in three Americans say they struggle to pay their water bills. What good is having clean water if you can’t afford to drink it? That’s why we need to establish a permanent water assistance program that can help families struggling to pay their water bills. We know that this committee established a pilot program in the Bipartisan Infrastructure Law, and hope this is a program that Congress will fund, and expand and make permanent nationwide, in the near future.

The Safe Drinking Water Act was an extraordinary accomplishment. It set the stage for decades of progress. It has also laid the foundation for the unfinished work we still have to do to ensure every American has access to safe drinking water. And, it’s proof that we can do big things when we come together as a nation.

The safe drinking water that most Americans enjoy today, would not have been possible through voluntary action by individual water utilities or companies. It couldn’t have been accomplished by communities

and states working independently. We could never have developed and scaled a nationwide effort to test, protect, and improve our drinking water without the leadership and the reach of the federal government. And we could not have carried out the ongoing implementation of the Safe Drinking Water Act without the dedication of federal workers who work daily to ensure it is effectively applied.

At a time when the American public is skeptical of the government's ability to take positive action and improve their lives, the Safe Drinking Water Act is an example of the essential work that our government can and must do to stand up for our well-being. It's a demonstration of the most basic mission of our government: to safeguard the rights and interests of its people. And it's a reminder of the power the federal government has to serve the public interest.

The bottom line is this: We can do big things. We can achieve extraordinary progress. With action from Congress, with the courage of our public servants, and with the confidence of our people, we can create the safer, healthier, and more just society that all Americans deserve.

As we look back on the last half-century, and look forward to the next, I hope that will be our lesson—and our goal. Thank you for the opportunity to speak with you today. I look forward to the discussion.

Senator CARPER. We look forward to it as well. Thank you very much, Radhika. Thanks for all of your good work across the years. We are delighted to see you again.

I want to say before, it is not every day that we get to welcome a president to our hearings. This is an important subject, so Mr. President, you are welcomed. Do people ever call you Mr. President?

Mr. NYGREN. Yes.

[Laughter.]

Senator CARPER. I think that would be a great perk. Welcome, Mr. President, and thank you. Please proceed.

**STATEMENT OF HON. DR. BUU NYGREN,
PRESIDENT, NAVAJO NATION**

Mr. NYGREN. Chairman Carper, Ranking Member Capito, thank you.

Senator CARPER. Believe it or not, she pronounces it "Capito." I am sure your name has been mispronounced a time or two.

Mr. NYGREN. Plenty of times. Except around Halloween, when they are pretty good at it.

[Laughter.]

Mr. NYGREN. I want to say thank you so much to the esteemed members of the committee, as well. Ya'at'eeh. I am Dr. Buu Nygren, Navajo Nation President. The Navajo Nation is the largest Native American tribe in the U.S., spanning 17.5 million acres in Arizona, New Mexico, and Utah. We have over 400,000 enrolled members, half residing on the reservation. Under the 1868 Treaty, the United States had a legal and moral obligation to assist the Navajo Nation in addressing the challenges we face in safeguarding the well-being of our people.

Thank you for this opportunity to testify on the 50th anniversary of the Safe Drinking Water Act, which has been vital for ensuring safe drinking water for many, many Navajo families in the Nation. The Act enabled the Navajo Nation to regulate its drinking water systems, marking a significant step for tribal sovereignty and self-determination.

The Navajo Nation's efforts to ensure safe drinking water began with the establishment of the Public Water System Supervision Program (PWSSP) in 1991. This program laid a strong foundation for regulating and monitoring water systems across the Nation. Building on this progress, the Navajo Nation formally adopted the Navajo Nation Safe Drinking Water Act in 1995. This legislation was made to align with the Federal regulations ensuring that all drinking water systems on the Navajo Nation met rigorous safety and compliance standards.

In December 2000, the Navajo Nation became the first federally recognized tribe to attain full authority for implementing the Safe Drinking Water Act. This historic milestone solidified the Nation's authority to oversee and enforce safe drinking water regulations independently.

Today, the PWSSP regulates 26 water purveyors responsible for 171 water systems providing essential oversight to ensure clean and safe drinking water for approximately 169,000 of my tribal

members across the Navajo Nation. The program continues adopting new regulations, ensuring that our water systems comply with evolving safety standards. This includes monitoring and reporting on over 90 contaminants and addressing emerging issues such as arsenic, disinfection by products, and PFAS.

The Public Water System Supervision Program has shown remarkable leadership and innovation in advancing the Navajo Nation's access to safe drinking water. One of its key achievements is developing a formal construction review program, which ensures that all water system designs, new construction and safe system upgrades meets stringent safety and performance standards. This program guarantees that water infrastructure projects are built to last and serve the needs of the Navajo Nation's communities effectively.

Additionally, the program has implemented an operator certificate program to uphold the quality and reliability of water system operations by providing rigorous training and certification for our operators. The program ensures that those managing water and wastewater systems have the expertise to address the challenges and maintain compliance with safety regulations. Collaboration has been central to the program's success.

Through partnerships with the Indian Health Service and the EPA, the program has significantly reduced contamination levels in several Navajo communities, including Aneth, Montezuma Creek, and Greasewood Springs. These efforts involve the construction of water treatment plants, the extension of pipelines to bring clean water to areas that previously relied on less reliable sources. Funding sources like the American Recovery and Reinvestment Act and the Water Infrastructure Improvements for the Nation Act, the Bipartisan Infrastructure Law, have been very instrumental in extending pipelines and upgrading infrastructure in the Navajo Nation.

Despite progress in securing safe drinking water for the Navajo Nation, challenges do remain. Many communities still lack basic water infrastructure. Building pipelines across remote, rugged terrain is very costly and time-consuming, often hindered by logistical and financial constraints. Emerging contaminants like PFAS and PFOA require advanced monitoring and treatment and investments in technology.

Additionally, transitioning to surface water systems to reduce groundwater reliance adds complexities, including staff training, to meet regulatory standards.

We deeply appreciate the support from Congress and Federal agencies which has been very essential in advancing safe drinking water efforts for our people. However, as demands on our water system grows, additional resources are urgently needed. We request restoring our annual grant funding for the Public Water Systems Supervision Program, which was last fully funded 11 years ago in 2014. With increases in costs since then and updated funding levels, it is critical to support enforcements, inspections, operator training, and program sustainability.

In closing, I urge Congress to continue supporting our tribal programs like the Navajo PWSSP, and increase funding for critical infrastructure projects.

Thank you for your time and your continued support. I am here
for any questions that you may have.
Ahehee'on behalf of the Navajo Nation.
[The prepared statement of Mr. Nygren follows:]



The Navajo Nation **DR. BUU NYGREN** *PRESIDENT*

Yideeskáadi Nitsáhákees | Think for the Future

Testimony of the Honorable Dr. Buu Nygren, President of the Navajo Nation Before the U.S. Senate Committee on Environment & Public Works Regarding the 50th Anniversary of the Safe Drinking Water Act

Good Morning, Chairman Carper, Ranking Member Capito, and esteemed members of the Senate Committee on Environment and Public Works. I appreciate the opportunity to provide this testimony on behalf of the Navajo Nation ("**Nation**") regarding the Safe Drinking Water Act of 1974.

The Navajo Nation is the largest Native American tribe in the United States, encompassing over 17.5 million acres, or 27,000 square miles, across rural Arizona, New Mexico, and Utah. The Nation has over 400,000 tribal citizens, about half of whom reside on the reservation.

In 1868, the United States entered into a treaty with the Navajo Nation, committing to provide healthcare, education, and agricultural support and to promote the general welfare of the Navajo people—the Diné forever. This treaty establishes a legal and moral obligation on the part of the U.S. government to assist the Navajo Nation in addressing the myriad challenges we face in ensuring the well-being of our people within our ancestral homelands.

In keeping with the spirit of our government-to-government relationship, as established in the Treaty of 1868, this testimony reflects our perspectives and priorities as we continue to address the important issue of access to safe drinking water.

Navajo Implementation of SDWA

For decades, many Navajo families have struggled with limited access to safe drinking water. The passage of the Safe Drinking Water Act ("**SDWA**") in 1974 marked a significant milestone, allowing the Navajo Nation and other tribes to establish their own drinking water standards and enforce regulations. This empowerment gave tribes the tools to manage water quality within their reservations, a crucial step in addressing the long-standing challenges Native American communities face in securing clean and reliable water sources.

Building on the framework established by the SDWA, several partnerships and initiatives were launched to further address water access and quality challenges on Navajo land. These collaborative efforts sought to develop comprehensive systems for monitoring and improving public water supplies, solidifying the foundation for tribal sovereignty in water resources management.

Through collaboration, the United States Environmental Protection Agency ("**USEPA**"), Region 9, and the Indian Health Service's Office of Environmental Health and Engineering ("**IHS-OEHE**") worked together to inventory drinking water sources and ensure that sanitary survey inspections were conducted. Building on this effort, on December 10, 1986, IHS-OEHE collaborated with the Division of Water Resources to establish the Navajo Public Water

Systems Supervision Program (“PWSSP”) under Title 22, Navajo Tribal Code, Chapter 7, Subchapter 15. This program was guided by the Resolution of the Navajo Nation Council (CD-57-86), which affirmed:

“The Navajo Nation, as a sovereign government, has an obligation to its citizens and all others present within the Navajo Nation to ensure that public water supply systems operating within the Navajo are providing safe, healthy water.”

The program and regulations were formally incorporated into the Navajo Nation Water Code in 1986, laying the foundation for ensuring safe drinking water across the Navajo Nation.

The United States Congress amended the Safe Drinking Water Act (42 USC 300F, et seq.) to authorize tribal governments to assume primary responsibility, similar to states, for regulating and controlling public drinking water supply systems. In July of 1987, a Memorandum of Understanding between the Navajo Tribe and the Navajo Area Indian Health Service established a framework collaboration to support project development and construction reviews, sanitary survey inspections, and support services in the event of a water emergency. Under this agreement, IHS-OEHE worked with the USEPA Region 9 to conduct inventories and routine inspections, ensuring that public water systems were informed of and complied with sampling requirements.

The Navajo Public Water Systems Supervision Program was established in 1991 with the support of a United States Environmental Protection Agency grant. In 1995, the Council reorganized and separated the then Navajo Environmental Protection Commission from the Natural Resources Division. The Commission was renamed the Navajo Nation Environmental Protection Agency. Today, the Navajo Nation Environmental Protection Agency operates as an independent division within the Executive Branch of the Navajo Nation government and is the largest and most sophisticated tribal EPA in the United States.

Since 1991, the Navajo Nation EPA has developed a program to ensure that piped water to homes, businesses, and schools is sampled routinely for several drinking water contaminants and to ensure compliance with the SDWA. The Nation formally adopted the “Navajo Nation Safe Drinking Water Act” on July 31, 1995.

The PWSSP developed the program using 40 Code of Federal Regulations Part 141 and 40 CFR Part 142. The federal Safe Drinking Water Act allows tribes to submit a primary enforcement authority (primacy) application to the USEPA. The application consisted of the Navajo Nation Safe Drinking Water Act, the Navajo Nation Primary Drinking Water Regulations, a list of public water systems, and a jurisdictional map with supporting documents showing the water system in the Navajo Nation. The PWSSP submitted several Navajo codes along with the initial application demonstrating the Navajo Nation's capability, including the Navajo Nation's court policies, the Division of Health's laws, regulations, policies, and other supporting documents.

The Navajo Nation Primary Drinking Water Regulations (“NNPDWR”) was adopted on March 21, 1996, and includes requirements for sampling and reporting of approximately 90

contaminants. The regulations were updated again to include Stage 1 Disinfection by Products, Consumer Confidence Reports, Enhanced Surface Water Treatment, Operator Certification, Minimum Design Standards, Construction Permitting, and Well Head protection, Secondary Drinking Water Standards, Consecutive Systems and Cross Connection Control and Backflow Prevention on April 8, 2004.

Progress with SWDA

Addressing water access challenges involved identifying and addressing the unsafe use of livestock water sources by Navajo families for drinking purposes. During an inventory of public water systems, the IHS-OEHE discovered that many families were hauling drinking water from windmills and other sources intended for livestock. In response, USEPA Region 9 assigned formal public water system identification numbers to these sources to track and regulate their use. At the request of the Navajo Nation Council, USEPA Region 9 removed all livestock sources from the official inventory of public water systems and issued public notices to clarify that these sources were altogether unsuitable for human consumption.

This collaborative effort marked a critical step in safeguarding public health while raising awareness about water safety. Despite these advancements, challenges persist, with thousands of Navajo families still lacking access to piped water. The Navajo Nation remains committed to working with the IHS and other partners to improve access to clean drinking water, ensuring that every family has the resources they need for a healthy and dignified life.

The NNPDWR have made significant strides in aligning with advanced water quality standards to safeguard public health. On July 8, 2010, the NNPDWR were updated to adopt Enhanced Filtration and Disinfection methods to improve water treatment processes and ensure the removal of harmful contaminants. These updates also included Initial Distribution System Evaluations, which assess water quality within distribution systems, and the implementation of Stage 2 Disinfection By-Products (“**DBP**”) regulations to reduce potentially harmful by-products formed during the disinfection process. Additionally, Enhanced Filtration rules were established to address *Cryptosporidium*, a dangerous waterborne pathogen, and the Ground Water Rule was introduced to improve the safety of groundwater systems by requiring robust monitoring and preventive measures.

The most recent update to the regulations occurred on October 22, 2018, including Aquifer Protection measures and the Revised Total Coliform Rule. The Aquifer Protection measures are designed to safeguard groundwater sources from contamination, ensuring a long-term, reliable supply of clean water. Meanwhile, the Revised Total Coliform Rule improves monitoring for coliform bacteria, a key indicator of waterborne pathogens, by emphasizing preventive and corrective actions to reduce the risk of contamination in distribution systems. These comprehensive updates demonstrate the NNPDWR’s ongoing commitment to enhancing water quality and protecting the health of Navajo communities.

USEPA Region 9 is reviewing our primacy application for the Long Term 1, Term 2, interim surface water treatment rule, and the revised total coliform rule. PWSSP also submitted the Short-Term Lead and Copper Rule and the Public Notice Rule for primacy to USEPA Region

9. The program intends to adopt and implement all new drinking water regulations (Lead and Copper rule revisions, PFAS, and PFOA) and completion of lead service line inventories.

USEPA awarded the Navajo Nation PWSSP full primacy on December 5, 2000. The Navajo Nation is the first tribe in the United States to attain primacy in implementing the SDWA on all water systems across its trust lands. The program has continued to adopt new regulations as required by all primacy states and apply for implementation authority over all new regulations adopted by USEPA.

Expansion of Primacy and Design Review Program for Navajo Water Systems

The Western Navajo Agency – the Nation is divided into five (5) agencies for administrative purposes - primacy application was approved on March 22, 2018, bringing the Bureau of Indian Education schools in the Western Agency, along with public schools and businesses, under the authority of PWSSP. This area had previously been impacted by the “Bennett Freeze” until 2009. In 2019, the PWSSP submitted a primacy application for the Eastern Agency to oversee BIE schools in the region. However, revisions to land plans and legal descriptions were requested, and PWSSP is currently working on this to resubmit the application.

Currently, the PWSSP is responsible for regulating 26 water purveyors, overseeing a total of 171 water systems across the Navajo Nation. These systems serve an estimated 169,200 people, providing essential access to clean and safe drinking water for communities spanning vast and diverse areas. The program’s reach is significant, ensuring that water quality and public health standards are met throughout the Nation.

In addition to managing these existing systems, the PWSSP is actively working to expand its regulatory authority. We are in the process of applying for primacy over 17 additional water systems, which serve 4 Navajo communities and 13 schools in the Eastern Agency. This area presents unique challenges due to the complicated land status, requiring careful attention to legal and jurisdictional considerations. Securing primacy over these additional systems is critical for ensuring that more communities and educational institutions receive the oversight and support necessary to maintain safe drinking water and compliance with water quality standards.

The PWSSP is also the first tribal drinking water program to review construction plans and designs for all water systems, for all new construction, and for modifications/upgrades to system components. Before the Design Review Program, the IHS had the only design standards that applied to water systems that they funded and constructed. Other construction companies were installing water infrastructure that was not subject to design standard review. The main concern was the use of substandard materials and engineering. Today, the Design Review Program ensures that all design plans, specifications, and building materials are built to comply with the Navajo Nation Safe Drinking Water Act. System capacity, hydraulic conditions, and changes to treatment processes that affect water quality must be addressed.

The PWSSP developed an operator certification program to ensure that all operators in water and wastewater facilities are trained to have the knowledge and understanding to operate these systems in the Navajo Nation. We will continue to provide training materials, workshops, classroom training, and hands-on training for all operators. We will continue to work with our testing partner, Water Professionals International, to ensure that operators receive fair and applicable testing for all water and wastewater disciplines, levels one through four, with level four being the highest level an operator can achieve certification. We will ensure that other states and certifying entities recognize the Navajo Nation Utility Operators certification program.

Enforcement

The Public Water Systems Supervision Program remains committed to addressing all violations of the Navajo Nation Safe Drinking Water Act. In 2013, PWSSP issued several administrative orders to ensure compliance with water quality standards. Four of these orders are still in place until the affected systems demonstrate that contamination levels for arsenic and disinfection by-products are below the Maximum Contaminant Levels (MCLs). However, progress is being made, and these administrative orders are expected to be lifted by 2025, as the water purveyor has successfully constructed treatment plants to remove arsenic and total organic compounds.

The water purveyor has collaborated with the Indian Health Service's Office of Environmental Health and Engineering, utilized USEPA Indian Set-Aside funds, and secured other funding sources to reduce arsenic and Total Trihalomethanes (TTHMs) in affected communities. These efforts have focused on the communities of Aneth and Montezuma Creek, Utah; Greasewood Springs-Whitecone-Dilcon, Arizona; and Toadlena, New Mexico. These collaborative efforts have made significant progress in improving water quality and ensuring safe drinking water for these communities.

Access to safe drinking water remains a significant challenge for many Navajo communities, as not everyone has access to piped water. A considerable number of Navajo families still rely on hauling water, and some use unregulated sources, which further exacerbates the problem. The PWSSP is committed to ensuring continued collaboration with the Indian Health Service and other federal agencies to fund and construct new drinking water systems, with the goal of reducing the number of households without access to piped water for their primary residences.

Challenges

As progress continues, infrastructure needs will arise, including improvements to electrical capacity and the development of remote communication systems to effectively operate and monitor water systems. Even new construction projects have identified these challenges, underscoring the need for ongoing investment in modern infrastructure to ensure reliable, long-term access to clean drinking water for all Navajo communities. Through these efforts, PWSSP remains focused on addressing these barriers and improving water access across the Nation.

The Indian Health Service continues to expand drinking water lines to homes that still lack access to safe water. One of the primary challenges is the need to install water lines through difficult terrain, such as rock and long distances, which significantly increases the cost and complexity of these projects. Prior to the passage of the Bipartisan Infrastructure Law (BIL) many projects on Navajo lands were deemed economically infeasible and therefore ineligible for IHS funding. The Nation appreciates the BIL funding for the IHS Sanitation Deficiency Program.

Many projects aimed at improving water access across the Navajo Nation have been funded through a combination of IHS funds, Indian Set-Aside funds, and the American Recovery and Reinvestment Act of 2009. For example, a water line extension from Shiprock, NM, to Sweetwater, Red Mesa, Todahaidekani, and Mexican Water (Utah) was made possible by these funding sources, helping to reduce arsenic levels in these communities.

Blending groundwater sources has proven to be an effective method for reducing arsenic and radionuclides in drinking water. To this end, IHS-OEHE collaborated with the Navajo Tribal Utility Authority to install larger diameter pipes, facilitating the blending of groundwater sources and thus lowering arsenic levels in the Four Corners Region of the Navajo Nation. We will continue to work on similar efforts to continue addressing water quality issues and look forward to Congress's continued support of such efforts.

Funding

The construction and completion of the Navajo-Gallup Water Supply Project dramatically advances the progress of delivering clean drinking water to more Navajo communities, specifically in the eastern area of the Navajo Nation. As a result, the Public Water Systems Supervision Program staff are now transitioning from regulating primarily groundwater systems, both basic and advanced, to overseeing surface water treatment systems. This presents new regulatory challenges.

This shift underscores the critical need for a deeper understanding of surface water filtration and disinfection requirements to manage these newly regulated systems effectively. To ensure that staff are equipped to meet these challenges, PWSSP continues to actively seek training resources, providing both classroom education and hands-on field experience. This investment in training is essential for ensuring that the program can successfully monitor, regulate, and report on the operation of these evolving water systems, ultimately ensuring the continued delivery of safe and reliable water to the Navajo communities. However, continued funding will be crucial to maintain this progress, as the complexity of regulating these new systems requires significant resources.

As the Nation continues to develop large clean drinking water projects across the Navajo Nation, the NNEPA Public Water Systems Supervision Program will continue to expand its efforts to ensure safe drinking water for our growing population. With the Safe Drinking Water Act continuously evolving to address emerging contaminants and set new regulatory limits, the NNEPA PWSSP remains committed to keeping pace with these changes. By staying

aligned with the latest federal regulations and requirements, the program will effectively safeguard the health and well-being of our communities while adapting to the evolving landscape of water quality management.

The Navajo PWSSP greatly appreciates the continued support from Congress and USEPA for Tribal Primacy Programs, particularly through funding, training, and program development. To maintain and expand our efforts, we urgently need the restoration of annual grant funding to \$866,666. Since 2019, USEPA has reduced our annual funding support, which has impacted our ability to manage the increasing demands of the program effectively. In addition to our ongoing responsibilities for enforcement, inspections, and program implementation, additional funding is essential to ensure that surface water treatment plants remain compliant with regulations. This funding will also support operator training and certification, which are critical to maintaining the safety and reliability of our water systems.

Commitment and sustained funding

The Safe Drinking Water Act underscores the federal government's enduring commitment to ensuring that every community, regardless of size or location, has access to clean and safe drinking water. This commitment transcends regulatory goals for the Navajo Nation—it is a cornerstone of public health, human dignity, and tribal sovereignty. Safe drinking water is essential for the well-being of Navajo families and for upholding the inherent rights of our people to manage and protect our resources.

We are profoundly grateful for the continued support provided by Congress and federal agencies, which has been vital in advancing safe drinking water initiatives across the Navajo Nation. This collaboration has made significant progress possible, yet the growing demands on our water systems highlight the urgent need for additional action and resources. To maintain compliance with both federal and tribal drinking water regulations, we are requesting the restoration of annual grant funding for the Public Water Systems Supervision Program to \$866,666. This funding is critical to supporting enforcement measures, conducting inspections, providing operator training, and ensuring the long-term sustainability of our water systems. Without these resources, the capacity to address both routine and emerging challenges may be compromised.

The 50-year legacy of the Safe Drinking Water Act stands as a testament to a shared commitment between the federal government and tribal nations to ensure clean water for all. This Act represents more than a regulatory framework for the Navajo Nation—it embodies the promise of sovereignty, health, and dignity for our people. Continued partnership and investment will honor this promise and fulfill the federal government's responsibility to provide clean and safe drinking water to all Navajo communities now and for future generations.

Thank you once again for providing me the opportunity to testify. *Ahéhee'* (Thank you).

Senator CARPER. Good. Thank you so much for joining us, and for your leadership, Mr. President. When is your birthday?

Mr. NYGREN. Christmas.

[Laughter.]

Senator CARPER. You're kidding. That is great.

All right, well, nice of you to join us. Thank you for your leadership.

Cathy Tucker-Vogel, where are you from?

STATEMENT OF CATHY TUCKER-VOGEL, PUBLIC WATER SUPPLY SECTION CHIEF, KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Ms. TUCKER-VOGEL. Good morning, Chairman Carper, Ranking Member Capito and members of the committee. I am from the great State of Kansas. I am the Drinking Water Administrator at the Kansas Department of Health and Environment, but I am also here today representing the Association of State Drinking Water Administrators, whose 57 members represent the drinking water primacy agencies, who work as co-regulators to protect public health through the implementation of the Safe Drinking Water Act.

Senator CARPER. Welcome. We are delighted that you are here. Please proceed.

Ms. TUCKER-VOGEL. In Kansas, I direct the programs that implement the Safe Drinking Water Act with oversight of about 961 public water supply systems in the State of Kansas that are all predominantly small and rural. I oversee the approximately 2,000 water operators in the State of Kansas.

Senator CARPER. How many people live in Kansas these days?

Ms. TUCKER-VOGEL. Almost 3 million.

Senator CARPER. OK.

Ms. TUCKER-VOGEL. The 50th anniversary of SDWA provides an opportunity for us to celebrate successes and identify approaches to meet our future challenges. The first national interim primary drinking water regulation, published in 1975, and I actually have an original copy here, yes, an original copy of the Federal Register. It was eight and a half pages long, and set maximum contaminant levels for 18 contaminants. Today, the most recent publication of 40 C.F.R. Part 141, which are the Drinking Water Regulations, consists of 343 pages and regulates over 90 contaminants.

You can see over the past 50 years, our workload has increased quite a bit.

Primacy agencies and public water supply systems rely on three programs created in the 1996 amendments to the Safe Drinking Water Act. Those are the State Revolving Fund, which has been mentioned here today, and is the foundation for the implementation of our State drinking water programs.

Since its inception in 1997, the SRFs have provided \$57.3 billion in funding for water system improvements. The SRFs have also provided \$5.1 billion in additional subsidy through principal forgiveness on the loans and many of these projects benefit small and rural communities.

The second program I want to briefly review is the Capacity Development Program, which States have used to help small water

systems achieve and maintain technical, financial, and managerial capacity, and has become an integral part of all State drinking water programs. I would just note that in addition, SDWA prohibits awarding loans to water systems that do not demonstrate TFM capacity.

Finally, the third program I want to highlight is the fact that Congress recognized that a well-trained and qualified work force is necessary for water systems to ensure compliance with regulations. The operator certification program consists of training, examination, work experience and continuing education requirements. Those three are really foundational to the operation of our drinking water programs.

Implementation of SDWA during the past 50 years has significantly improved public health protection. For example, the corrosion control requirements in the 1991 Lead and Copper Rule have reduced exposure to lead from drinking water by 70 percent.

One of the biggest challenges primacy agencies and public water supply systems face is the number and complexity of new and proposed drinking water regulations. In the past 3 years, EPA has published four final regulations and anticipates three more in 2025. Primacy agencies and water systems struggle to meet the implementation challenges that these new regulations impose on our programs.

State primacy agencies really rely on two Federal funding sources to operate their programs. That is the Public Water Supply Supervision grants, and the SRF setasides. Since implementation of the congressionally directed spending in 2022, the base SRF capitalization grants have seen a 45 percent reduction, while the PWSSP grant allocations have increased somewhat, about 16 percent over the last 20 years. This critical source of funding for State programs has not kept up with inflation and expanding program responsibilities.

Other challenges for States and water systems include compliance with Buy America, Build America, Davis-Bacon and American Iron and Steel, the IIJA restriction that only allows subsidies for disadvantaged communities, work force shortages, both at the State and local levels and cybersecurity threats and vulnerabilities.

Although the challenges are many, with improved collaboration between EPA and States, combined with enhanced support from Congress, we can continue to protect the Nation's drinking water. There are actions needed to ensure the achievements of SDWA over the past 50 years will continue for the next 50. congressional actions that we would recommend: provide nationwide waivers for compliance with Build America, Buy America, American Iron and Steel, and Davis-Bacon requirements for public water supply systems serving a population less than 10,000; allow SRF program flexibility to award additional subsidies to address compliance issues regardless of disadvantaged community status; fully fund the SRF capitalization grants; and fund congressionally directed spending from a source other than the SRF capitalization grants; increase the annual PWSSP grant appropriation to \$200 million per year; and provide dedicated funding to address cybersecurity vulnerabilities.

In closing, ASDWA and its members are working very hard every day to ensure the provisions of the SDWA are implemented in the most effective and efficient manner possible. On behalf of ASDWA's members, I want to thank you for your continued investment in America's public water supply systems and the people they serve. You will find more details regarding my comments today in my written testimony.

I would be happy to answer any questions you may have. Thank you for inviting me to speak today.

[The prepared statement of Ms. Tucker-Vogel follows:]

Testimony of Cathy Tucker-Vogel

Past President of the Association of State Drinking Water Administrators

Public Water Supply Section Chief, Kansas Department of Health and Environment

to the

Senate Environment and Public Works Committee

Celebrating the 50th Anniversary of the Safe Drinking Water Act

Wednesday, November 20, 2024



Introduction

Good morning, Chairman Carper, Ranking Member Capito, and Members of the Committee. My name is Cathy Tucker-Vogel, and I am a Past President of the Association of State Drinking Water Administrators (ASDWA), whose 57 members include the 50 state drinking water programs, five territorial programs, the Navajo Nation, and the District of Columbia. ASDWA's members work on the front lines every day to protect public health and drinking water through implementation of the Safe Drinking Water Act (SDWA).

I am also the Drinking Water Administrator for the State of Kansas, where I have worked for over 30 years. I direct statewide programs that implement SDWA through regulatory oversight of 961 public water supply systems and approximately 2,000 water operators.

Thank you for this opportunity to provide ASDWA and its members' perspective on celebrating 50 years of the Safe Drinking Water Act. The provision of safe drinking water is critical for public health protection, as well as economic growth and stability. My testimony today will highlight the successes state drinking water programs achieved through the implementation of SDWA, review some of the challenges experienced, and provide suggestions for future actions to help meet these challenges.

The 50th anniversary of the SDWA provides an opportunity to celebrate successes and identify approaches to meet new and ongoing challenges now and into the future. After the SDWA was signed into law in 1974, the EPA developed the first National Interim Primary Drinking Water Regulations (NIPDWR). This first set of regulations published December 24, 1975, consisted of 8.5 pages, and set maximum contaminant levels for 18 contaminants. In comparison, the most recent publication (July 2024) of 40 CFR Part 141 is 343 pages long and regulates over 90 contaminants. The PFAS regulation alone, published in April 2024, is 226 pages which includes the preamble and other supporting information.

Today, the number of regulated contaminants, combined with the complexity of compliance requirements, has significantly improved tap water safety, but places an oversize burden on state programs and public water supply systems. The 90 plus contaminants now regulated under SDWA have variable monitoring frequencies, locations, and compliance determinations. This creates a significant workload for water systems and state agencies to ensure compliance.

Safe Water Drinking Act Successes

The SDWA has been amended several times since 1974 with some of the most significant changes in the 1996 amendments. The 1996 amendments made several changes to the SDWA including a risk-based process for development of standards, assessing drinking water sources, informing customers of drinking water quality, addressing nonviable small water systems, developing the state drinking water revolving funds, and improving EPA's and states' capacity to administer the program. Primacy agencies and public water supply systems rely heavily on three of the programs created in the 1996 amendments to help ensure compliance with regulations and enhance public health protection.

First, the Drinking Water State Revolving Fund (SRF) is the foundation for implementation of state drinking water programs. First and foremost, the SRF was established in the SDWA to provide funding to assist water systems comply with drinking water regulations. Since its inception in 1997, the SRFs have provided \$28.6 billion in federal investments through capitalization grants, which translates to \$57.3 billion in funding for water systems to make

much-needed infrastructure improvements. A total of 19,560 assistance agreements have provided low-cost financing, with 36% of the funding provided to state-defined disadvantaged communities. In addition to providing below market interest rates, the SRFs have also provided \$5.1 billion in additional subsidy to water systems to help them achieve compliance with regulations, encourage regional projects and/or address aging infrastructure in the form of grants or loan forgiveness. The SRFs frequently support necessary drinking water infrastructure projects in small, rural communities helping them stay resilient against the many challenges they face.

Second, one of the most helpful programs established by the 1996 amendments is the Capacity Development Program. The amendments require states to develop and implement a strategy to help water systems achieve and maintain technical, financial, and managerial (TFM) capacity. Every state strategy is different and designed to meet the unique needs of water systems within each state. Under their capacity development programs primacy agencies have developed technical assistance approaches to encourage implementation of asset management programs, provide regional planning assistance, implement rate-setting assistance, conduct board and council education programs, provide on-site technical assistance, and operator training. Many states have developed assessment tools that are used to help identify water systems that are experiencing challenges achieving and maintaining TFM capacity. Through these assessments states can direct technical assistance to water systems most in need of capacity building, which in turn helps keep them in compliance with drinking water regulations. In addition, the SDWA prohibits awarding loans to water systems that do not demonstrate TFM capacity, unless the loan is conditioned to require the water system to address the cause of the lack of TFM capacity. Again, small, rural systems especially have benefited from assistance provided through implementation of the state capacity development strategies.

Third, Congress recognized that a well-trained and qualified workforce is required for the operation and maintenance of public water supply systems to ensure compliance with drinking water regulations. The operator certification provisions of the 1996 amendments require each state to develop a program for the certification of drinking water operators and ensure that each water system is under the supervision of a certified operator. Operator certification programs consist of training, examination, work experience, and continuing education requirements. As a result of the operator certification program requirements in the SDWA, public water supply systems are better positioned to provide drinking water to their customers that complies with drinking water regulations.

Implementation of the SDWA during the past 50 years, and especially since the 1996 amendments, has significantly improved public health protection. The corrosion control requirements in the 1991 Lead and Copper Rule (LCR) have reduced the exposure to lead from drinking water by 70 percent. In a national study, the median value at sampling locations across the country decreased from > 20 µg/L in 1992-93 to 6 µg/L after 2000 (Brown, et al, 2013). The filtration and disinfection requirements in the 1989 Surface Water Treatment Rule (SWTR) and its enhancements have essentially eliminated Giardiasis and Cryptosporidiosis from drinking water. Finally, even with the increases in the number and complexity of the regulations, the national compliance rate has improved over the last 30 years. The national compliance rate with health-based standards has increased from 94% in 1996 to 96% in 2022, according to [EPA's National Compliance Report](#).

The success of the drinking water programs and improvements in compliance rates discussed above would not be possible without the provision in the SDWA that allows primacy agencies to use a portion of the SRF capitalization grants to support state drinking water programs. These

set-asides allow primacy agencies to implement capacity development strategies, provide operator training and technical assistance and support primacy agency administrative activities.

Safe Drinking Water Act Implementation Challenges

One of the biggest challenges primacy agencies and public water supply system face is the number and complexity of new and proposed drinking water regulations. In the past 3 years, EPA has published four final regulations, published one new proposed regulation, and is under court deadlines to publish two more proposed rules in 2025. It's important to note that Congress mandated some of these changes.

Four Final Regulations

- Lead and Copper Rule Revisions (LCRR) – January 2021
- Per- and Polyfluoroalkyl Substances (PFAS) Rule – April 2024
- Consumer Confidence Report Rule (CCR) – May 2024
- Lead and Copper Rule Improvements (LCRI) – October 2024

Proposed Regulation

- Water System Restructuring Assessment Rule – May 2024

Anticipated Regulation – 2025

- Revisions to the Microbial and Disinfection Byproducts Rules
- Perchlorate Rule

Primacy agencies and water systems do not have the financial or human resources to meet the increased implementation demands these new and proposed regulations will impose on their programs. Primacy agencies struggle to hire engineers experienced in water system treatment plant design review as well as additional personnel to oversee rule implementation. Small water systems will struggle to find operators with the knowledge and experience needed for the advanced treatment processes that will be required for implementation of the new rules.

While compliance with “older” regulations generally meant checking monitoring data against a number, the more recent regulations require a higher level of effort for consultations, reviews, etc. The recent Lead and Copper Rule Improvements (LCRI) and the associated requirements for tracking approximately 20 different certifications water systems must report to primacy agencies is in addition to tracking progress on lead service line replacements. This workload places an undue burden on state programs with more work, but with shrinking resources. ASDWA conducted a Cost of States’ Transactions Study (CoSTS) that estimates that the LCRI will place a significant cost and time burden on states annually, estimating a total of 5,141,769 state staff hours will be needed each year, or 71% of the estimated available state staff time. This time burden translates to over \$300 million a year for state implementation, more than three times the amount of Public Water System Supervision (PWSS) funding allocated for implementation of the Safe Drinking Water Act (SDWA) by Congress. Additionally, CoSTS estimates that the rule will need approximately 799,115 state hours, equating to about \$48 million for initial implementation and transition to the new rule.

State primacy agencies rely on federal funds allocated by Congress to operate their drinking water programs. Some primacy agencies also have state funds available to supplement federal funding to operate their drinking water programs. Federal funding sources include the PWSS Grant and the Drinking Water State Revolving Fund (DWSRF) set-asides. Congressionally

Directed spending has had a negative impact on the availability of set-asides from the base SRF capitalization grant to support state drinking water programs. Since the implementation of Congressionally Directed spending in 2022, the base SRF capitalization grants have seen a 45% reduction. Fortunately, primacy agencies can use set-asides from the Infrastructure Investment and Jobs Act (IIJA) capitalization grants to replace the funding lost from the base grant. However, states will experience major funding cuts when IIJA ends in FY 2026. This could come right when states most need the funding to support implementing the new rules listed above. Without full restoration of SRF base capitalization grants states will have to begin cutting programs and services such as capacity development, operator certification and the provision of technical assistance. More importantly, reduction in the SRF base program grant reduces the funding available for infrastructure improvement projects resulting in fewer loans to water systems to address compliance issues. Losing this funding will impact small, rural communities the most.

Another challenge with use of the IIJA funds is the requirement that additional subsidy be awarded only to state defined disadvantaged communities. In some instances this requirement resulted in loans going to projects such as water line replacement for a disadvantaged community, rather than to a community that is not considered disadvantaged with an MCL violation. While waterline replacement projects help disadvantaged communities with water loss and resiliency, the SRF programs need the flexibility to award additional subsidy to address compliance issues regardless of disadvantaged community status. Even though a small community may not be defined as disadvantaged the cost of addressing compliance issues may be unaffordable without additional subsidy.

The Public Water Supply Supervision (PWSS) Grant is the other primary federal funding source primacy agencies depend on for program implementation. While the PWSS grant allocations have increased somewhat (16%) over the past 20 years, this critical source of funding for state programs has not kept up with inflation, the increased demands from the new regulations and programs, and the costs associated with maintaining a state drinking water program. The PWSS grants are used to support staff salaries including rule managers, inspectors, support staff, and engineers. In Kansas, the PWSS grant partially supports inspectors and district office operations related to public water supply oversight.

As with many industries, public water supply systems are experiencing prolonged workforce shortages. Public water supply systems of all sizes are experiencing staff shortages due to retirement or departure from the water sector for higher paying jobs in other industries that don't require 24/7/365 oversight. Small systems are especially hard hit due to the lack of financial resources to attract and retain younger workers. The loss of institutional knowledge resulting from retirements poses additional risk to public health protection as less experienced operators are required to operate complex water treatment facilities. Hiring new employees when funding is limited poses a concern for the longevity and safety of many drinking water systems.

Staffing challenges are not limited to public water supply systems, states are also experiencing shortages due to retirements and resignations. Along with the need to hire new full-time employees comes the need to educate them with the appropriate knowledge and skills. It takes approximately a year for a rule manager to become fully conversant in a single drinking water regulation. Given the number and complexity of the new rules mentioned above, states will be stressed to keep up with the workload.

States are generally supportive of the Buy America, Build America (BABA), American Iron and Steel (AIS), and Davis-Bacon congressional requirements contained in the various federal

funding programs. However, small public water supply systems do not have the capacity to ensure all requirements are met. These requirements can delay projects and increase the final cost. In addition, some of the federal requirements contained in 2 CFR 200 (Uniform Grant Guidance) are burdensome for small water systems to comply with and challenging for primacy agencies to track compliance. This impacts the ability of primacy agencies to fully utilize grants for Small, Underserved and Disadvantaged Communities (SUDC) and increases the administrative burden of the Emerging Contaminants for Small and Disadvantaged Communities (EC-SDC) grant. The uniform grant requirements make it challenging to help the small and disadvantaged systems these grants were designed for.

One specific challenge states have experienced during the past 3 years associated with implementation of IIJA is the coordination of technical assistance with EPA. EPA has historically contracted with approximately three to four 3rd party technical assistance providers. These TA providers are required to coordinate with primacy agencies on the assistance provided directly to public water supply systems. This coordination has worked well in the past. With the passage of IIJA, EPA established a more robust [direct TA program](#) that includes 3 National and 22 Regional TA providers with the intended purpose of helping small and disadvantaged drinking water systems gain access to the SRF program. While EPA tries to coordinate with primacy agencies on the activities of the SRF TA providers, there is sometimes a disconnect between the primacy agencies and the TA providers. The SRF TA providers are often located outside of the state in which assistance is being provided and they are unfamiliar with state specific requirements and processes. Enhanced coordination among EPA, state primacy agencies and the TA providers is needed.

One final challenge states and public water supply systems face is the cybersecurity threat to public water supply systems across the nation, often associated with international bad actors. This emerging threat to the safety of water produced by public water supply systems is a growing problem that needs immediate attention. States and water systems do not currently have the technical skill set or financial resources to address cybersecurity in a comprehensive manner. Additional, dedicated funding and technical support is needed to ensure states and public water supply systems are implementing sound cybersecurity hygiene practices.

The Path Forward for the Safe Drinking Water Act

Although the challenges are many, with improved collaboration between EPA and states combined with enhanced support from Congress we can collectively continue to protect the Nation's drinking water. States and public water supply systems with support from EPA and Congress have made great strides during the past 50 years to protect public health through implementation of the SDWA. Through the actions suggested below, the achievements of SDWA over the past 50 years can continue for the next 50.

Actions that can be taken by Congress to relieve the burden on states and public water supply systems include:

- Provide nationwide waivers for compliance with Build America, Buy America (BABA), American Iron and Steel (AIS), and Davis-Bacon requirements for public water supply systems serving populations less than 10,000.
- Fully fund the base SRF capitalization grants.
- Fund Congressionally Directed spending from a source other than the SRF capitalization grant.
- Increase the annual PWSS grant appropriation from \$112,000,000 to \$200,000,000.

State primacy agencies and EPA generally work well together under the Cooperative Federalism framework. Recent increased oversight of primacy agency enforcement programs has created some confusion and misunderstanding of the respective roles EPA and states play. Continued dialogue between EPA and primacy agencies is critical to resolving the challenges related to enforcement activities to move forward in a productive manner. It is also important that EPA engage states as co-regulators early and often in any rule making process. A good example of successful engagement is the development of the PFAS regulation. In the final rule, EPA included several recommendations primacy agencies provided in comments on the proposed rule. A problematic example is the approach EPA employed to try and include cybersecurity assessments during a public water supply sanitary survey. In this example, EPA ignored the concerns raised by primacy agencies and moved forward with an interpretative memorandum as a rulemaking. EPA eventually withdrew this rule due to a lawsuit filed by three states. Moving forward, state primacy agencies as co-regulators stand ready and willing to collaborate with EPA in the rulemaking process or when challenges arise related to SDWA implementation. Through a collaborative effort, EPA and states can help public water supply systems ensure the nation's drinking water continues to protect public health.

Conclusion

In closing, ASDWA and its members are working hard every day to ensure the provisions of the SDWA are implemented in the most effective and efficient manner possible. On behalf of ASDWA's members, I want to thank you for your continued investment in America's public water supply systems and the people they serve. I would be happy to answer any questions you may have and thank you for inviting me to speak today.

Senator CARPER. Thank you very much for joining us and for your testimony as well. Our thanks to each of our witnesses. It is great to see you. Some of you have come a long way and we are especially grateful for that.

I believe that we can all agree, probably everybody in this room, probably a lot of the people who are watching this across the Country, I think we can all agree that every American deserves access to clean, safe and reliable drinking water. This hearing commemorates the 50th anniversary of the Safe Drinking Water Act, a piece of legislation that has enabled immense progress toward that goal, and really helped to change the lives and improve the lives of so many people now and in the last 50 years.

Would each of you share with us for a moment your perspective on the importance of the Safe Drinking Water Act for protecting public health? Radhika, please.

Ms. FOX. Yes, thank you, Senator Carper, for the question. I sort of said it in my opening remarks, that SDWA is a game changer. It was an absolutely game changer, because it established a national framework for testing, monitoring and treating our drinking water. As a result, now 91 percent of public water systems are delivering drinking water that meets all national standards. That is an incredible statistic.

Now, we need to be at 100 percent. The drinking water that Cathy, you and your fellow ASDWA members are responsible for regulating, President Nygren, what you are doing on the Navajo Nation, it is because of a national framework that created uniform expectations that we are still working to meet.

Senator CARPER. All right, thank you for that.

Another question for you, Ms. Fox, as our colleagues have heard me say time and time again, bipartisan solutions are lasting solutions. In fact, those words, the first time I heard those words was from Rob Wallace, a close friend of John Barrasso from Wyoming. It was in this room and he was sitting right where you are sitting, Cathy, and he had been nominated by President Trump for a senior position in the Department of Interior. He said to me in his testimony these words. He said, bipartisan solutions are lasting solutions. That is what he said. I think that is something we all agree with, and I think it is one of the secrets to our success in this committee.

The Safe Drinking Water Act is no exception to that. From its initial passage in 1974 all the way through passage of the Bipartisan Infrastructure Law last Congress, all the major legislation that Congress has passed to protect drinking water has been bipartisan. I am particularly proud of the bipartisan efforts of this committee, especially with the leadership of Senator Capito, to pass drinking water infrastructure legislation.

My question for you, Radhika, how has bipartisanship played a role in safe drinking water protections, and what do you see as a future opportunity going forward for bipartisanship in this regard?

Ms. FOX. I feel that I just have to start by thanking this committee for really being a beacon of bipartisanship on water and environmental issues. It was an honor of a lifetime to be able to work with all of you for 3 years.

I do think that the successful bipartisan action this committee has taken on water also reflects the reality for community and for people. Water knows no political boundaries. If you have clean, safe water, you fuel the economy. If you do not, it is a barrier to prosperity.

Interestingly, Senator Carper, just last night I was reading a roundup of various ballot measures at the local and State level that were about water and conservation. They overwhelmingly were supported by voters from New York to Minnesota. I think it is because people understand that there is nothing more essential to life than clean, safe water.

I again want to thank the bipartisan action of this committee. It really has been a beacon of how we can get things done for the people of this Nation.

Senator CARPER. Thank you.

Senator Capito?

Senator CAPITO. Thank you, Mr. Chairman. Thank all of you.

I think we are very much all aligned in terms of saying the value of the Safe Drinking Water Act and as we look forward. I am going to take a little bit different tactic on my questions here, since I have an expert panel in front of me.

I want to start with you, Ms. Tucker-Vogel. I mentioned this in my opening statement. Water systems often receive and encounter PFAS contaminants without producing or intentionally accepting or distributing them.

Given the EPA's proposed PFAS designation under CERCLA, what would the impact be for water systems and consumers of the potential liability that this could place on local utilities that bear no responsibilities? You said you had 900 separate systems. You have to be obviously anticipating and thinking about this.

What is your perspective on the passive receiver issue?

Ms. TUCKER-VOGEL. If you look at the memo from EPA on their discretion on enforcement for PFAS under CERCLA, it does exempt community water systems. Well, I should not say exempt, it says they will use discretion on enforcement at community water systems.

However, it does not mention non-community water systems, non-transient, non-community, which are schools, those non—residential water systems that serve the same people every day. The big one that comes to mind is schools.

We would want to make sure that schools are also included in that discretionary enforcement. Water systems under the new PFAS rule will have to comply. If they do have PFAS in their water, they will have to install treatment in order to be compliant with the new regulation.

Funding will be a big problem. We have done some preliminary sampling in the State of Kansas. We are fortunate that we have only identified, so far, about three or four systems that have detections. We have one system which is a military base, Fort Leavenworth, which has installed treatment. Of course, that is a Federal Government responsibility, so that does not really impact our small systems. They will be very challenged if we have to start installing this expensive treatment for PFAS removal.

Senator CAPITO. OK, thank you. Yes, this is a source of concern, I think, as we move forward.

Radhika Fox, thank you, and good to see you. Thank you for the nice compliments, and I hope you are doing well in the private sector as you have devoted 3 years to us and to your Country. Thank you for that.

While I have you here, I am going to ask you a question about something that occurred while you were in your capacity. You know that the safe drinking level, this maximum containment level (MCL) is something that I was pushing constantly for, set a level that we can understand, measure, and be safe with. The Science Advisory Board was sort of questioning the processes for setting those levels. They identified major flaws in the EPA's approach like inconsistent inclusion and exclusion of epidemiology and animal studies, lack of predefined protocol, insufficient transparency.

What would your response be to that, and how can we improve upon the processes, but also make this MCL level workable for the systems that Ms. Tucker-Vogel talked about? Also the President of the Navajo Nation is going to have to deal with this as well.

Ms. FOX. One thing I will say, Senator Capito, having been at the EPA for 3 years, I absolutely agree and I think Cathy would probably agree with this, too, there are vast improvements we can make to the regulatory development process, creating great efficiency and transparency. From a process perspective, I absolutely agree with you.

On the question of the process that EPA went through to set the level at four parts per trillion, what I recall is that was very much, that was a recommendation that was made by career staff experts who had reviewed hundreds of studies. We arrived at the four parts per trillion because some of the more recent studies from when States had set MCLs showed that PFAS clearly causes cancer. That is what really led to the decision to set that at four parts per trillion.

Senator CAPITO. You do not really have a response to what the Science Advisory Board, the questions that they raised on the setting of this level?

Ms. FOX. I believe that there was robust discussion between the staff who were managing the development of that regulation and the Science Advisory Board.

Senator CAPITO. OK, thank you.

Mr. Chairman, I have to go to my other committee. Thank you all very much.

Senator CARPER. Thank you for this morning. Thank you very much.

Senator CAPITO. Well, I was going to do a big thank-you to you and I feel sort of bad, I have not. I am planning one. It is going to be big.

[Laughter.]

Senator CAPITO. I did name the bill after you, and other things. I did not want anybody who was listening to this to think that I, as the Ranking Member, do not have great appreciation and admiration for not just our working relationship but our personal relationship. Our native West Virginia roots I think have tied us to-

gether very early, very long. I thank you for that. You are just going to be amazed at what I am going to say later on.

[Laughter.]

Senator CARPER. You will get as much time as you want.

Senator CAPITO. It is my 48th wedding anniversary today.

Senator CARPER. Really? Congratulations. That is wonderful.

Senator CAPITO. Worked for Charlie.

Senator CARPER. Tell him we said thanks for sharing you with all of us. Thanks, and thanks for your kind words. See you soon. I think next is Senator Padilla. Senator Padilla, please.

Senator PADILLA. Thank you, Mr. Chair. I really appreciate your holding this hearing to celebrate the 50th anniversary of the Safe Drinking Water Act, which is a bedrock environmental law ensuring safe and clean drinking water for all Americans.

Mr. Chairman, earlier, you referenced the right to clean water, safe water, and reliable water. I also want to add affordable water to that list of important criteria. In the very first hearing that I held as chair of the Subcommittee on Fisheries, Water, and Wildlife, we examined the challenges of water affordability, especially for small, rural, and tribal water systems.

Now, unlike a lot of other types of infrastructure projects that receive Federal funding, drinking water infrastructure is primarily funded by ratepayers. That has become the case. In fact, over 90 percent of a typical water utility's revenue comes directly from customer payments.

As drinking water systems face \$625 billion in infrastructure needs over the next 20 years, what does this mean for working families, the working families that we represent, working families across the Country? It means that many customers are facing water bills that are rising even faster than inflation overall.

My first question for Ms. Fox, I appreciated your testimony on the importance of establishing a permanent water assistance program to help struggling families pay their water bills. That is why I introduced legislation to establish the Low-Income Household Water Assistance (LIWAP) Program. Can you speak more about why a national, permanent assistance program for water is so critical?

Ms. FOX. First of all, thank you for your leadership, Senator Padilla, on this issue of water affordability. As I said in my opening remarks, one in three Americans struggles with the price of their water bills. If you think about the fact that ongoing investment is going to be needed in water infrastructure, this issue of affordability is only going to increase.

It was quite incredible that Congress established the LIWAP program, and that has helped hundreds of thousands of families be able to address arrearages and water affordability costs. More is needed. We need a permanent water affordability program. I am very hopeful that this next Congress will sort of pick up the mantle of your important legislation and get it to the finish line.

Senator PADILLA. Thank you. On a related note, the increased cost is not just for the replacement of some aging infrastructure, the expansion to add capacity. It is not just pipes, it is not just pumps, it is not just the treatment that is needed to meet impor-

tant safety standards. Ongoing operation and maintenance costs are something that is not often considered. It is important to do so.

Again, this milestone, this hearing presents an opportunity to reaffirm our commitment to resilient water infrastructure. The Bipartisan Infrastructure Law should play a historic and pivotal role in helping us address some of these deferred maintenance needs. The operational and maintenance costs are so critical to sustaining these systems, but often receive insufficient attention and funding.

Ms. Fox, given that the incoming Administration has already signaled that they plan to rescind unspent funds for major multi-year investments, can you speak to the importance of continued and focused investments in our Nation's water infrastructure, particularly for ensuring the long-term sustainability of these systems?

Ms. FOX. Absolutely. If you look, Senator, at any of the megatrends in water, what we know is everywhere is becoming more water insecure. Scarcity is an issue, making sure that our water systems are fortified in the face of more uncertain weather patterns. It is absolutely a time to really double down on investment in water infrastructure.

What I can say about the Bipartisan Infrastructure Law, \$21 billion is already out from EPA to States, tribes and territories, like my fellow witnesses said. That money is being put to work in over 1,200 local water infrastructure projects in every State across this Country. Every American is really going to be benefiting from this.

I certainly hope that the incoming Administration will continue to invest the second half of that Bipartisan Infrastructure Law funding as well as work in a bipartisan fashion with Congress to continue to sustain those investments. I really see the infrastructure dollars and the permanent water affordability program as two sides of a coin that really can deliver clean, safe water for the American people.

Senator PADILLA. Thank you very much.

Mr. Chairman, just in closing, I want to remind the members of the committee that we had this hearing, the conversations that we have had since are truly bipartisan. If you look at the rural communities that I referenced earlier, the lower income communities, the tribal communities throughout the Country, it is not Blue States, it is not Red States, it is truly all of us. This is an area where there should be significant bipartisan agreement.

Thank you very much.

Senator CARPER. Thank you as well.

Before I turn to Senator Ricketts, I want to say a word of thanks to both of you for our faithful attendance. You were preceded here by Barbara Boxer, and my guess is if you choose to continue to do this line of work for the years to come, and I hope you will, that you may end up sitting in this seat. If you do not, you will have to share it with this guy right here, because nobody is more faithful in attendance than him.

Senator Ricketts, please. Thank you.

Senator RICKETTS. Thank you very much, Mr. Chairman, and thank you very much for your work here on this committee. It has been a pleasure serving on this committee with you. Thank you for what you have done.

Thank you to the witnesses who have come here today to share their experiences. Together, we celebrate the contributions of water utilities across the Nation and their work to ensure access to safe drinking water. We should celebrate safety.

We should also expect to celebrate transparent and constitutional water regulations under both the Safe Drinking Water Act and the Clean Water Act. Sadly, starting with the Obama administration and now with the Biden Administration, the EPA has pursued implementing the unconstitutional Waters of the United States Rule, otherwise known as the WOTUS Rule. Put forward originally by the Obama administration, now by the Biden Administration, this rule was predictably illegal. The Biden Administration's pursuit of it has only hurt Americans.

The legal ambiguity around the Biden WOTUS Rule acutely impacts Nebraska. Nebraska's economy is deeply tied to agriculture. It is about 20 percent of our State's economy; about one in four jobs are tied to agriculture in Nebraska. About 92 percent of our land area in Nebraska is dedicated to agriculture.

Our farmers and ranchers are the original conservationists. They protect the land, the animals, the waters, because they want to pass that land on to the next generation. We have farmers and ranchers who are third, fourth, fifth, sixth generation.

They depend on protecting those natural resources. They are stewards of the land that know their livelihoods and their families' livelihoods are tied to the health of the land and water they tend.

They tend to the lands. Nebraskans depend on the Federal Government to give them clear and transparent guidance. The Biden WOTUS Rule was the opposite of what Nebraskans needed. It did not have to be so problematic.

Congress gave the EPA clear definitions of intent. The 1972 Clean Water Act established navigable waters as Waters of the United States. The 1972 Clean Water Act says navigable waters 50 times. Congress' intent could not have been more clear on what it was. It was very clear that this is what the EPA had authority to regulate.

Now, I am a biology major, not a sailor. It seems to me the plain water definition of navigable is that you can put a boat on it and you can go someplace. Oh, let's look. Guess what? Merriam Webster agrees with me. What does Merriam Webster say? Deep enough and wide enough to afford passage of ships.

Guess who else also agrees? The Supreme Court. The Supreme Court unanimously ruled that the Biden Administration exceeded its authority on the Clean Water Act, all nine justices. When the court is unanimous, I question if the EPA understands the Clean Water Act. Or maybe the EPA just does not care what the Clean Water Act boundaries are. Either explanation is embarrassing.

Sadly, the damage of this rule did not stop with the Supreme Court decision. The EPA failed to issue clear implementation of guidelines after the illegal rule was struck down. Farmers and ranchers have to guess how to comply with the EPA.

These guidelines are critical. Violation of the Clean Water Act can carry penalties of up to \$64,000 a day. This ongoing regulatory confusion does not just undermine trust in our institutions, it jeopardizes the ability of hard-working Americans to pay their bills,

feed their children, and care for the land and water that they have. They love this land.

Waters of the U.S. is just one example of how the Biden Administration created regulatory uncertainty. Biden's EPA created similar issues with other rules on the Safe Drinking Water Act. They have added costly regulatory burdens for rural and urban water systems impacting Nebraska households.

I am looking forward to a change in leadership at the EPA soon. New leadership will give farmers and ranchers, manufacturers and landowners a transparent and legal regulatory framework, and new leadership will increase American's access to clean, safe, and affordable drinking water.

Again, I look forward to having new leadership at the EPA soon enough, given the regulatory uncertainty that this EPA has created. Thank you very much, Mr. Chairman.

Senator CARPER. Thank you as well.

A question, Radhika, for you. Many of us are still grappling with the results of last month's elections, including what it means for environmental and public health protections going forward. Now more than ever, it is important to remain vigilant about protecting progress that we are making toward clean drinking water.

Ms. Fox, would you please describe what you will be watching out for during the next Administration in terms of drinking water protections? Are there potential policy actions that the Trump Administration might take that concern you? Go ahead.

Ms. FOX. Thank you for that question, Senator. I think as has been a theme of this hearing, the issue of clean, safe water knows no political boundaries. This committee has been a shining example of taking bipartisan action to ensure that every American has access to clean, safe water.

I certainly hope that the next Administration, the Trump Administration, will continue the work and that the next Congress will continue that work. I think if you look at, for example, Senator Carper, the issue of PFAS, this is an area where you and Senator Capito have worked hand in hand on the issue. PFAS affects communities all around the Country.

The PFAS drinking water standard that was established during the Biden Administration really was initiated during the Trump Administration. While I certainly would expect that they will be taking a look at the regulation, I certainly am hopeful that some protection for PFAS is going to be important for the American people.

Same thing with the Lead and Copper Rule. The Trump Administration established the Lead and Copper Rule that the Biden Administration built on. Again, I am hopeful here that even as refinements are made that these protections are maintained.

Senator CARPER. All right. Thank you for that.

This will be a question for each of you. We will start with Ms. Tucker-Vogel.

Based on all of your testimony, it is clear that sustained Federal support is critical to build and rebuild our Nation's drinking water infrastructure. The Bipartisan Infrastructure Law that a number of us on this committee have worked very hard on, and our staffs, has

enabled us to make, we believe, considerable progress. We have also heard about ongoing challenges that remain unaddressed.

I have long said that the Bipartisan Infrastructure Law was a down payment on safe drinking water. Congress will need to take more actions to protect that investment.

Looking forward, I am going to ask each of you to summarize the key considerations for Congress to protect safe drinking water. What should be in a potential future supplemental funding package for drinking water infrastructure? Where do you see agreement with your fellow witnesses? Ms. Tucker-Vogel, will you lead off with that, then we will go to the president, then back to Radhika.

Ms. TUCKER-VOGEL. If you go back to my comments about things, from a State drinking water agency perspective, and the fact that drinking water touches everyone every day in every community, and it is the primary public health protection measure that we can provide to our citizens.

As far as congressional actions, the Buy America, Build America, American Iron and Steel, and Davis-Bacon are really a burden on especially the small water systems that we are primarily talking about and that primarily exist in the State of Kansas.

Providing some relief, maybe some waivers, for those serving less than 10,000 would be very beneficial and allow those small systems to take advantage of the SRF program and the other grant programs, the emerging contaminants for small and disadvantaged communities, and the grants for small, underserved and disadvantaged communities which are outside of the SRF programs, but still very important funding to help these small communities, and allow the SRF programs some flexibility in awarding the additional subsidy grants principal forgiveness in the SRF program, so that a water system that may be having compliance issues, say, with nitrates, in Kansas we are seeing a real uptick in nitrate contamination.

They may not be a disadvantaged community at the point they are making the loan application, but if you start talking about a \$3.5 million nitrate removal treatment plant, the cost of installing that treatment plant could very well tip them over the edge into being a disadvantaged community just by simply the operational costs and the water rates that would have to go along with that to repay the loan.

Providing States some flexibility on how we assign additional subsidy would be very helpful as well.

Senator CARPER. Good. We have been rejoined by Senator Kelly. While he takes his seat, Mr. President Nygren, we will come back to you once Senator Kelly has had an opportunity to get settled in and ask his questions. Then the same question of Radhika. I will just restate that question, actually two questions that are related. I am going to ask each of you to address this.

Looking forward, would you please summarize the key considerations for Congress to protect safe drinking water, and what should be in a potential supplemental funding package for drinking water infrastructure? Where do you see agreement with your fellow witnesses? We will come back once he has asked his questions.

Senator Kelly, thanks for rejoining us.

Senator KELLY. Thank you, Mr. Chairman.

President Nygren, thanks again for joining us today. I want to ask you to expand upon your testimony where you discuss the importance of making sure the tribal communities receive not just funding for physical building infrastructure, but also for staff, training, and work force development to make sure tribes can operate and maintain drinking water systems.

First, can you expand upon what you said during your opening remarks to explain what types of funding the Navajo Nation has received in prior years to administer drinking water programs? I am talking about previous years. What were the types of funding that the Nation received?

Mr. NYGREN. Thank you, Senator. As mentioned in my testimony, we currently receive the Public Water Systems Supervision grant, and we feel like it has not been fully funded since 2014. I have been told that it is about half funded since then. Really to continue to roll out the Safe Drinking Water Act, to make sure that that program is funded, we would really appreciate that.

The other funding that we have gotten is the Source Water Protection Grant. I am told that it was about \$200,000, around that number, that we have received, to try to provide some quality source water prevention from contamination as well.

Then the other grant that we received is to make sure that these grants continue to work together in partnership to have us continue to implement these grants. Sometimes the resources and the dollars we get are not quite enough. The vastness of the Navajo Nation, we have, as I mentioned earlier, about the size of West Virginia, two and a half times the size of Massachusetts. Really, to implement the resources that are needed we have to make sure that we have our personnel to be out in the community, testing, whether it is well water, testing existing water systems that have not been looked at in a long time.

Again, the funding that we get we really hope that we can get it fully funded to make sure that we meet those demands.

Senator KELLY. Even when it is fully funded, do you feel like it is still an insufficient amount of money to do the work you need? Is that correct?

Mr. NYGREN. Yes, definitely. As I was talking with our EPA team, that they have not gone out and evaluated some of the groundwater systems that have like windmills that a lot of our people continue to use, having grown up 19 years, I grew up on well water, and the discussions I had with EPA was, I wonder if the well water that I drank for 19 years, I wonder if it was ever tested.

A lot of communities still use well water, spring water. Some of the spring waters on Navajo, they have had traces of uranium, but sometimes communities just need to drink water to satisfy their thirst. Again, I think that if we were fully resourced above and beyond what we are requesting at the moment, it would really help us. There is still 30 percent of the population that still does not have access to clean, reliable drinking water, because most of them have to haul the water miles and miles at a time.

Senator KELLY. I have a staff member who works for me in-state, who you know, who has to haul water every week. The frequency varies based on the time of year and how much water people tend to use.

Can you talk a little bit about staffing capacity and how the funds that we provide help you administer these programs and why this is so important to tribal communities?

Mr. NYGREN. When it comes to the staffing, we are definitely using the dollars that we can get. Again, we staff them with as many people as we possibly can. But as I mentioned earlier, we have some personnel that continue to try to monitor as much as they can.

As far as the other resources that we have received, I know it is like the ARPA money, the Bipartisan Infrastructure dollars, especially with the Gallup water supply and trying to complete some of those resources, we have really been trying to implement a lot of those working with our Navajo Tribal Utility Authority, some of the bipartisan money that has come down from Congress. We have continued to connect people to water on a month-to-month basis. Again, that is just using existing water sources, and I know at the moment, you are championing one of our biggest water rights settlement the time.

To really continue to build that out, we really need to have a really good idea of how much water we are going to have as we continue to build out some of those clean water efforts.

Senator KELLY. If you know, how many families are getting access via piped water to their homes, on average, each month?

Mr. NYGREN. On average, I think the number that I recently got about a month ago is over the past year we have connected, I think it was about 700 homes over the past year. Again, if you divide that, I am probably not as quick as you at math, 60 something a month.

Senator KELLY. Sixty something. Yes.

I will come back to you, Mr. President, in a second. Ms. Fox, can you describe what ways the Bipartisan Infrastructure Law in the Biden Administration worked to provide additional capacity building assistance to help tribal communities?

Ms. FOX. Absolutely. During my time at the EPA, we established the first-ever tribal water action plan, which was the Biden Administration's commitment to strengthen the nation-to-nation relationship with tribes through the implementation of the Safe Drinking Water Act and the Clean Water Act. That tribal water action plan included several things. One was to invest more in technical assistance to support tribes, and I talked about some of that technical assistance work earlier.

There was also a commitment to help an additional 100 tribes get treatment at State, so they could also be setting and managing the water regulations. Then there were several rulemakings that were really focused on better aligning the implementation of the Clean Water Act with tribal treaty rights.

Of course there is more work to be done. Those were some examples of the efforts that we partook in.

Senator KELLY. Can you think of additional resources you might need or additional authorities that the EPA could benefit from to help tribal communities meet their drinking water needs?

Ms. FOX. I would absolutely agree with the recommendations that President Nygren has already made. I think that we have well established programs for technical assistance, for infrastructure.

We really just need to continue resourcing them, so that we can reach more communities.

Senator KELLY. I think I am a little bit over my time, but one suggestion for President Nygren, when you come back to the committee and the Chair will be Senator Capito from West Virginia, I often talk about the Navajo Nation not being twice the size of Massachusetts, but being almost as big as West Virginia.

[Laughter.]

Senator KELLY. Just for your information.

With that, I will turn it back over to Mr. Chairman.

Senator CARPER. As a native of West Virginia, I would just say, almost heaven, almost heaven, West Virginia. Thank you, Senator Kelly. You have been a great member of this committee. It has been an honor to have served with you, and in the Navy. We are probably the only committee in the Congress where we have two retired Navy captains serving on the same committee in lockstep with a bunch of Republicans and Democrats. Thank you very much.

Senator KELLY. Even though we did not serve in the Navy at the same time.

[Laughter.]

Senator CARPER. That is true. I served when they had wooden ships.

[Laughter.]

Senator KELLY. Cannons.

Senator CARPER. Cannons, there you go.

Before we wrap it up, I would just say, let's go back to the last question. I think we heard from you, Ms. Tucker-Vogel. President Nygren, I would like to hear from you and Radhika on the last question, please.

Mr. NYGREN. Thank you. I believe that one of the things I think about when it comes to how do we continue to promote the Clean Drinking Water Act is to make sure that as we continue to fund our efforts, as I mentioned earlier, the Navajo Nation still has thousands and thousands of people without running water and access to clean drinking water. We need to continue to have that support from Congress, continue to have that support from the EPA, from the Department of Interior and IHS as we continue to partner to make sure that we continue to deploy our efforts to bring water to families every week.

One of the things I also think about, too, is to make sure that some efforts on trying to secure water rights, that is one of the biggest initiatives that we have on behalf of the Navajo Nation, is that we have secured some water rights in the San Juan River on the New Mexico side, the Utah water rights as well.

In Arizona, we are still continuing to fight. Arizona, actually, is 60 percent of the Navajo Nation, and we have not secured our water rights for 60 percent of the Nation as well. That fight, I think if we can continue to get that accomplished and really have a future that the Navajo Nation can plan around that would be amazing to see. As I mentioned in my testimony, bringing water on the Navajo Nation, you have rough terrain, you have rocks, you need trenchers to try to go through the rock to bring water to some of the western part of the Navajo Nation.

There are a lot of challenges. If we can continue to make sure that we can secure our water, our water rights, that would help us tremendously.

Senator CARPER. Good. Thank you for that.

Ms. FOX. Senator, I just want to appreciate you for this hearing, to take a moment to kind of reflect on our progress. I think so often when we do this work, we are thinking about what is next, what are the challenges that we have not dealt with yet.

If you think about it, 50 years ago, Safe Drinking Water Act, 52 year ago, we had the Clean Water Act, two incredibly important canons of environmental regulation. We have gone from human waste in our drinking water, we have gone from rivers on fire because there was so much pollution to really, really incredible progress for the American people because of what this body, Congress, did for the American people.

Then I think about under your leadership, Senator Capito's leadership, we got \$50 billion, so another 50, \$50 billion in funding for water infrastructure, which is really setting the stage for the next 50 years of progress. I think we just have to keep going, continue. We do not always get the policy right; we do not ever have all the money that we need.

Over the last 3 years, 4 years, we have really made progress. I think it is time to just keep going. When we bet on water, America wins.

Senator CARPER. I like that. Let me just ask one last question. Sometimes I ask, is there a question you wish you had been asked today but you were not. If there is one, give us the question and your answer, please. Go ahead.

Ms. TUCKER-VOGEL. I did not quite hear what you said.

Senator CARPER. Sometimes I like to say to the witnesses, especially when we have a lot of concurrence, a lot of agreement, if there is any question that you wish you had been asked but were not.

Ms. TUCKER-VOGEL. A question I wish I had been asked?

Senator CARPER. Yes, you get to ask a question and answer that question.

Ms. TUCKER-VOGEL. One of the things I touched on briefly was work force issues. I think it is very important to recognize we have work force challenges, not only at water systems with the greying of our water operators, if you will. Many of them are retiring. The younger folks are not really interested in working in a public water supply system where you are on call 24-7, 365 days out of the year. Salaries are low.

We have those same problems with State agencies and people that provide the assistance to those water systems.

Looking at ways to perhaps support work force issues, to help grow the work force, to make being a water operator an attractive career for folks coming out of college. I will give you a couple of examples. What we have done in Kansas, our junior colleges, community colleges, are going directly to high schools trying to get high school seniors who may not be interested in going to college into the water sector work.

The National Rural Water Association has an apprenticeship program. Kansas has done, I believe, about 19 water operators have

gone through the apprenticeship program in the last three to 4 years. Nine of them have successfully passed their water operator examinations and are now out working in our small communities.

Those kinds of efforts to shore up work force issues and provide some support to expand our work force issue efforts I think would be very helpful.

Senator CARPER. That is good. I was privileged to serve as Governor of Delaware for 8 years, and chaired the National Governors Association for some of those years. The NGA has what they call a Center for Best Practices. It is a clearinghouse for ideas that may come out of Kansas, out of West Virginia, out of Delaware. We just share them across geographical lines and State lines.

The idea is to figure out what works and do more of that, and to make it easier to share those ideas. What you have just shared with us is another example of that.

President Nygren, do people ever mispronounce your name? Your last name? Mr. President, go ahead. Is there anything you wish you had been asked but have not been?

Mr. NYGREN. I can agree with Cathy, I am glad she brought that up. Work force development in the Nation, especially with the aging work force and trying to continue to entice high school students to really pursue their trades and to give every opportunity so that we can have a lot more people working out in the skilled labor force is really definitely needed, not only there but here on the Navajo Nation as well.

I am definitely glad that question was brought up. Overall, I am just very happy that this committee, as mentioned by everyone on this panel today, we are very appreciative that we have bipartisan support to try to get water to every American. I appreciate your leadership, and thank you so much, Senator Carper.

Senator CARPER. Thank you. People in the future will say, what do you most remember about chairing the Committee on Environment and Public Works? I will say, the last hearing that I chaired. They will say, why is that? I will say, the president was there.

[Laughter.]

Senator CARPER. All right, Radhika.

Ms. FOX. As you know, Senator, I have been asked lots and lots of questions by this committee over the last several years.

Senator CARPER. Yes, you have.

Ms. FOX. I think the question that I wish I was asked is, what is your favorite quality when it comes to Senator Carper. I would say it is your heart.

I want to close with this story.

Senator CARPER. Remember, this is a PG audience.

[Laughter.]

Ms. FOX. Back in June 2021, when I was confirmed by the Senate, I was sitting in my home, it was in the evening, and a phone number I did not recognize showed up on my cell phone. It was Senator Carper. He was on the train home to Delaware, and he called just to say congratulations, and I expect you to do good stuff.

Then he said, because he had met my husband at my confirmation hearing, he said, is your husband there? So I went and got my husband and Senator Carper said, thank you, thank you for sharing your wife with the Country.

Then he remembered that my dad had come out, during COVID, to the confirmation hearing. It was the first time I had seen my dad in months and months because of COVID. He said, is your dad there? I said, my dad lives somewhere else. He said, can you conference him in?

I conferenced my dad in, and I was like, Dad, Senator Carper is on the line for you. He was like, what? You just were so kind to my father, who you know as an immigrant came to this Country from rural India. You remember that story about my father, that he lived in a small village without running water, and that his daughter became the first woman of color to run the water program for the Country. You remembered that.

Senator Carper, I want to thank you for your service, for always doing this work of policy from a place thinking about people and with such a good heart. Thank you.

Senator CARPER. You are kind to say that. Thank you very, very much for that.

Speaking of spouses and parents, Senator Kelly and I spent a lot of years in uniform in the Navy. Back in World War II, especially, a bunch of true heroes, one of those was Bob Dole from Kansas, he ended up as a Senator here. He was a leader. He ran for President, and had an extraordinary career. His wife, Elizabeth, was nominated to serve in a position that required Senate confirmation. It was a great story.

I do not know if they were at this room and this table, but there is a tradition that when people are nominated for Senate confirmable positions that their home State Senator might come and introduce them to the colleagues on the committee. The story is, it is a true story, that when Elizabeth Dole came for her confirmation hearing before the appropriate Senate committee, her husband sat next to her to introduce her. He said these words to his Senate colleagues, Robert Dole, these were his words. He said, "I regret that I have but one wife to give for my Country.

[Laughter.]

Senator CARPER. He has passed, and he left a great legacy here. She is still alive and doing a whole lot of great stuff with her life. Remember us to your family, especially your husband.

A lot of times members of the committee, my colleagues and I, get thanked for our service, for what we do. People have been very kind to Ben Cardin and me and others, Debbie Stabenow, who is stepping down at the end of this year. I have been doing a number of interviews, looking back, legacy kind of interviews, which are interesting and fun.

People ask me, what is my secret to success. I will say, my sister and I picked the right parents. Not a lot of money but good values and deep faith and hard work. A real love for this planet and the idea that we have a moral obligation to protect this creation that we all call home, this planet Earth. I think that is something that goes across party lines in this committee. It is a good thing.

One story, I have said it, I may have said it today but I want to say it again. It is one of my favorite experiences. People say to me, what do you most remember in your 24 years in the Senate. I remember the night we were up all night debating the Inflation Reduction Act, which actually has a lot of clean energy provisions

in it that deal with water and air and so forth. We were debating up until the wee hours of the morning that legislation and the Inflation Reduction Act.

We finally voted about 3 or 4 in the morning and it passed with one vote. Vice President Kamala Harris came out and presided over the Senate for the last vote. It was a 50–50 vote; she broke the tie. I spoke to her afterward, things went crazy and people were celebrating, a lot of crying for some for different reasons on the passage of the Inflation Reduction Act. I think we are finding it is something we can live with and do well, create a lot of jobs across the Country.

I left there, I go back and forth on the train a lot like Joe Biden used to do, but that morning I caught a train around 6 o'clock back to Delaware. We were finished in the Senate and I caught a train and headed back and got up in Wilmington.

I do not know how many of have, in your States, WaWas. We have them all up and down the east coast. I love Wawa. Those of you who are familiar with them probably love it, too.

Anyway, rather than driving home, it was about 7:30 in the morning, I was dead tired, but rather than driving home I said, I am going to go get a cup of coffee at Wawa. I did. I got a small cup of coffee and went to the cashier to pay for it. She knew who I was, and was very kind. I had a small cup.

She said, your money is no good here for a small cup of coffee. That is what she said, isn't that nice? Your money is no good here for a small cup of coffee. I said, can I get a larger cup of coffee? She said no. Your money is no good here for a small cup of coffee.

Then she went on to say this. She said, you have been up all night, haven't you? I said, yes, we have, with my colleagues. She said, I know what you have been doing. She said, I have a son and a daughter, and I want to make sure that they have a planet to grow up on and a planet to grow old on. Think about that. A planet to grow up on and a planet to grow old on. She said, I know that is what you have been working on.

I said, I want to make sure they have a planet to grow up on and grow old on, and hope some day that, my wife and I have several sons. We hope some day to have some grandchildren, and we want to make sure that they have a planet to grow up on and grow old on.

I also want to make sure, and I said this to the lady that morning, I also want to make sure that your kids and everybody's kids have not just a planet to grow up on, I want to make sure they have jobs that they can support themselves and their families. As it turns out, we can do both.

For as long as I have been on this committee, 24 years, that is what we have been, trying to make sure that we do have a planet to grow up on and grow old on, for those who follow us. Also to make sure that the economy of this Country remains vibrant, and it is. To make sure it continues to produce jobs at an incredible pace without going forward into the future.

Let me say to our staff members, those on the Republican side who work under the leadership of Senator Capito, who has been a wonderful colleague and partner on so many things, including today, to express my sympathy that you have to put up with guys

like me from time to time. Really to express my thanks for our staff members who are here, over my right shoulder. I do not see Adam, who is their leader on the staff side. Tell him that some nice things were said about him in his absence.

To the folks on my left here, led by in part by Elizabeth Grace and Courtney, our thanks to all of you.

To members and my colleagues who have been great collaborators for good, it has been a joy. I look forward to coming back and visiting from time to time.

With that, final housekeeping. I want to again thank our witnesses for your time and your testimony, for what you do with your lives. Ensuring access to clean drinking water has been a priority for me throughout my career, since my sister and I were little kids. We lived alongside Beaver Creek outside Beckley, West Virginia, a creek that was so polluted you could not drink it, you could not eat the fish out of that creek. My training, as somebody who cares about the environment, started right there as a little boy.

While the Bipartisan Infrastructure Law is enabling considerable progress toward meeting our Nation's drinking water infrastructure needs, there are still major challenges and opportunities that the Congress needs to address and must address. Today we were able to learn about some of those challenges and consider what communities will need going forward to ensure that all Americans have access to clean drinking water.

We have heard, I think, important perspectives today. There are many more perspectives that can and should inform this important discussion.

To that end, I ask unanimous consent to submit for the record letters from a variety of stakeholders that relate to today's hearing. I would ask unanimous consent for that.

Hearing no objection, that is one of my favorite things I do as the Chair, I wait until none of my colleagues are here, then I make a unanimous consent request. I could ask for the moon, and there is nobody here to object. I have not gotten into any trouble yet. Hopefully I will escape today as well.

[The referenced information follows:]



LEADERS IN WATER

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November 20, 2024

The Honorable Tom Carper
Chairman
Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and
Public Works
United States Senate
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to submit this statement for the record of today's hearing on "The Successes, Challenges, and Future of the Safe Drinking Water Act." AMWA's members provide quality drinking water to more than 160 million Americans from coast to coast, and we commend the Committee for recognizing the landmark 50th anniversary of this hallmark statute with today's hearing.

AMWA first extends its congratulations to Chairman Carper and Senator Cardin as they prepare to conclude their terms serving the public as U.S. Senators. We are grateful for their leadership and dedication to protecting clean drinking water for all. From advocating for water infrastructure upgrades to investments in resiliency and policies to protect public health, their leadership has been pivotal in creating cleaner, more sustainable and affordable drinking water.

The association also recognizes Senator Capito's long track record as a supporter of water infrastructure investment and reasonable regulatory oversight. AMWA looks forward to working with her as this Committee continues its important work in the 119th Congress.

AMWA appreciates the Committee's ongoing commitment to helping the nation's drinking water systems access resources to protect public health and comply with a growing list of regulatory mandates from EPA. Just this year, EPA has finalized new regulations to establish maximum contaminant levels for several per- and polyfluoroalkyl substances (PFAS) in drinking water, designate certain PFAS as hazardous substances, and require the replacement of virtually all the country's publicly and privately owned lead service lines within a period of ten years. These are massive undertakings that the water utilities are prepared to tackle, but compliance with these new mandates will cost tens of billions of dollars – at least – and the bill will

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ultimately be paid by individual water system ratepayers unless the federal government steps in with meaningful assistance beyond what has been provided to date.

Nearly four years ago this Committee developed and approved the Drinking Water and Wastewater Infrastructure Act of 2021, landmark legislation that served as the basis of the Infrastructure Investment and Jobs Act (IIJA) that was enacted as part of the Bipartisan Infrastructure Law (BIL). The funding made available through this legislation has helped public water systems begin to address the myriads of challenges they face, but the work is far from complete. As the Committee recognizes SDWA's 50th anniversary and looks ahead to the 119th Congress, it should redouble its commitment to public health and water quality by reauthorizing expiring water infrastructure programs and setting funding targets that are in proportion to the task at hand.

Water Infrastructure Funding Needs and BIL Support

The current funding and program authorizations included within BIL and IIJA are playing a critical role in ensuring that the nation's drinking water infrastructure will be resilient to the challenges of tomorrow. In particular, the law's nearly \$50 billion worth of additional federal spending on drinking water and wastewater infrastructure over five years is making strides to help systems repair aging water infrastructure and comply with expanded regulatory mandates related to PFAS, lead, and other contaminants.

Water systems across the nation are benefitting from this funding. For example, Pittsburgh Water has secured \$149 million in BIL funding for lead service line replacement and small diameter water main replacement projects, helping the community make progress toward its goal of replacing all lead service lines by 2026.¹ Similarly, the Suffolk County Water Authority in New York has received more than \$1 million from BIL emerging contaminant funding to extend public water service to a community currently served by PFAS-laden private wells.²

However, the national needs far outweigh the funding provided by the BIL. The cost of replacing lead service lines alone – as mandated through the Lead and Copper Rule Improvements (LCRI) promulgated last month – could cost water systems as much as \$12.6 billion annually over ten years.³ Meanwhile, community water systems will face billions of dollars in annual costs to comply with EPA's new drinking water standards for several PFAS chemicals.

In contrast, the BIL provided just \$15 billion over five years *in total* funding dedicated to lead service line replacement, and another \$9 billion over five years to help communities address emerging contaminants like PFAS. But this additional funding is set to expire in 2026 just as communities will be beginning their ten-year sprint to replace all lead service lines pursuant to the LCRI, and gearing up to comply with the new drinking water standards for PFAS. To avoid imposing two massive unfunded mandates on water

¹ <https://www.pgh2o.com/news-events/news/press-release/2024-10-31-epa-stops-pittsburgh-celebrate-lead-service-line>

² <https://www.scwa.com/suffolk-county-water-authority-secures-125-million-for-water-main-extension-project-in-westhampton/>

³ https://www.amwa.net/system/files/linked-files/AMWA_EPA_%202024%20comments%20on%20LCRI.pdf

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systems and their ratepayers, Congress must at minimum extend these lead service line replacement and emerging contaminant funds and ensure they are directed to the communities most in need of assistance.

Lead service line replacement and emerging contaminant funding needs are just part of a larger water infrastructure challenge facing the nation. Last year, EPA released the results of its 7th Drinking Water Infrastructure Needs Survey and Assessment, which found that the nation's drinking water systems require approximately \$625 billion over the next twenty years just to maintain current levels of service.⁴ While the funding provided in the BIL represents an important step forward, it only scratches the surface of the needed long-term investment in our nations water utilities.

Essential IIJA Reauthorizations

Just as this Committee should work toward extending the increased funding for water infrastructure needs provided through the BIL, in the coming year it should also develop legislation to reauthorize several of the critical water infrastructure assistance programs that were authorized or reauthorized as part of IIJA. As Congress has begun to appropriate funds for several of these programs, and EPA has started to make grant funding available, it is essential that the Committee make a commitment to reauthorizing these programs so they can achieve their full potential in the years ahead.

For example, a key initiative authorized as part of IIJA was the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program at EPA.⁵ This program is designed to help drinking water systems withstand the effects of natural disasters, extreme weather, and cyber threats. With funding in hand, communities could begin planning projects to better prepare for increased rain and extreme storms, higher air temperatures, and rising sea levels, while enhancing cyber defenses.

Congress appropriated \$7.25 million for the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program over the 2023 and 2024 fiscal years, and EPA is expected to begin soliciting applications for the funds before the end of the year. However, this \$7.25 million appropriation pales in comparison to the program's fully authorized amount of \$250 million over five years. If fully funded, the program could help scores of communities across the country take meaningful steps to address these emerging threats.

Another key program reauthorized in IIJA was EPA's Reducing Lead in Drinking Water grants, which were established as part of the WIIN Act in 2016. Since 2020, EPA has awarded more than \$70 million in grants through the program to help communities replace lead service lines and otherwise reduce exposure to lead in drinking water. The agency recently announced the availability of an additional \$35 million in funding for the program.⁶ Especially as communities face the daunting task of replacing all lead service lines within the 10-year timeframe dictated by EPA, these funds will play a critical role in ensuring that disadvantaged communities and their ratepayers are not left behind.

⁴ https://www.epa.gov/system/files/documents/2023-04/Final_FAQ_DWINS_4.4.23.v1.pdf

⁵ <https://www.epa.gov/dwcapacity/midsize-and-large-drinking-water-system-infrastructure-resilience-and-sustainability>

⁶ <https://www.epa.gov/dwcapacity/wiin-grant-reducing-lead-drinking-water>

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The current authorizations for the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program and the Reducing Lead in Drinking Water grant program each expire after the 2026 fiscal year. AMWA therefore urges the Committee to prioritize advancing legislation to extend each program – as well as other important IIJA authorizations – to provide communities and water systems with the financial resources necessary to address upcoming regulatory and sustainability challenges.

The Safe Drinking Water Act at 50

Aside from the need to extend BIL funding and IIJA authorizations, the 50th anniversary of the Safe Drinking Water Act provides an opportunity for Congress to consider what works well in the statute, and whether there are potential areas for improvement.

In terms of what works well, AMWA believes that the 1996 Amendments to SDWA took the right approach to establishing a deliberative, transparent, and science-based process through which EPA may consider, propose, and implement national primary drinking water regulations that govern the presence of contaminants in drinking water.

Unlike the 1986 iteration of SDWA, the 1996 Amendments established no quota for new contaminant regulations over time. This was a critical improvement – the 1986 Amendments directed EPA to promulgate 80 new drinking water regulations within three years, and another 25 regulations by 1991. This meant that success was measured by the number of new regulations enacted, thus forcing the agency to attempt to set standards for dozens of contaminants regardless of whether they were likely to be found in the nation's water supplies at levels of concern. In practice, this forced communities nationwide to divert resources toward screening for this growing list of substances rather than focusing their investments on specific contaminants that may pose a greater public health risk. And because publicly owned water systems are directly funded by their ratepayers, these additional compliance costs were paid for by members of the public, some of whom were, just like today, already struggling with water affordability challenges.

EPA never was able to issue all the regulations mandated by the 1986 Amendments, and the 1996 updates to the statute reflected Congress' desire for EPA to consider the ability of water systems to cost-effectively meet new regulatory standards alongside the public health benefits that such mandates could deliver. As the nation marks SDWA's 50th anniversary, AMWA strongly supports the preservation of the transparent, science-based regulatory process that are enshrined in section 1412 of SDWA.

While AMWA supports the overall structure of the 1996 SDWA Amendments, the association is open to working with the Committee to explore areas where the statute could be improved. For example, the association recognizes that the slow pace to develop a final regulation, once the decision to regulate a contaminant has been made, can be frustrating for all parties involved. While the statute requires EPA to publish a proposed drinking water regulation for a contaminant within 24 months after making the decision to regulate, and to finalize that regulation after another 18 months, those deadlines have not always been met. Congress may therefore wish to explore ways to hold EPA to the statutory deadlines for proposing and finalizing deadlines, provided it can be done in a way that still affords the agency a sufficient opportunity to consider all appropriate science and maintain transparency and opportunities for public comment.

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Ultimately, though, AMWA believes it is preferable to develop a sound, scientifically justified drinking water standard, rather than one that is developed quickly.

AMWA further encourages the Committee to explore whether SDWA could benefit from additional clarity related to EPA's authority to develop non-enforceable, non-regulatory Health Advisories (HAs) for any contaminant that is not presently subject to a national primary drinking water regulation. SDWA does not outline criteria or a process for the issuance of HAs, and EPA has framed these advisories as a means to offer "technical information on chemical and microbial contaminants that can cause human health effects and are known or anticipated to occur in drinking water."⁷ But this can send a confusing message to the public and the media, and can lead to an HA being interpreted as a de-facto regulation. AMWA supports the development of a formal process and criteria that govern the development of HAs, with a focus on the risks associated with chemicals in close proximity to water supplies and regional and localized contaminants of concern. When HAs are issued, AMWA encourages EPA to proactively emphasize to the public and media that they do not represent binding regulations.

Finally, it is essential that the Committee recognize the cost that infrastructure renewal and regulatory compliance efforts have on water system ratepayers – particularly those at the lower end of the income scale. Even with the funding provided by the BIL, the vast majority of infrastructure investment and regulatory compliance costs will be passed on to customers through their water and wastewater bills. When these costs escalate – as they did over the decade ending in 2021, when water and sewer rates increased by 43% nationwide⁸ – the service can become unaffordable for the most vulnerable households, leading to a loss of water service and reduced operational revenues for utilities. In response, AMWA supports establishment of a permanent, federal low-income water assistance program that will help vulnerable households maintain access to this vital service. The federal government has long maintained social safety net programs to ensure vulnerable communities have access to essential needs, like nutritional assistance and home heating and cooling. A similar initiative to help low-income households maintain basic drinking water and sanitation services would greatly contribute to the health and economic well-being of the nation.

Addressing New Challenges

SDWA's golden anniversary is also an opportunity for the Committee to consider strategies to help public water systems address new challenges that could not have even been envisioned fifty years ago. Among these new challenges is how to best help water systems access information and resources to protect themselves against physical and cyber threats.

Fortunately, the water sector has developed resources to help drinking water and wastewater systems take steps to increase their preparedness to these risks. Chief among these is the Water Information Sharing and Analysis Center, or WaterISAC. Established in 2002, today WaterISAC is one of more than two-dozen sector-specific ISACs in operation. It collects, analyzes, and disseminates actionable threat information to member drinking water and wastewater systems, while also offering guidance on risk mitigation tools, best practices, and response actions that contribute to an all-hazards resiliency posture.

⁷ <https://www.epa.gov/sdwa/drinking-water-health-advisories-has>

⁸ <https://www.waterworld.com/water-utility-management/press-release/14209257/water-rates-up-43-over-last-decade>

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However, as an independent non-profit organization, WaterISAC receives no state or federal grant funding and therefore operates as a dues-based subscription service. Currently utility staff from roughly 600 water and wastewater systems across the country are members of WaterISAC, but with additional resources access to the service could be broadened to even more water utility professionals across the country.

This is why AMWA supports S. 660, the Water System Threat Preparedness and Resilience Act sponsored by Sen. Ed Markey. The bill would expand WaterISAC participation by authorizing a targeted EPA assistance program that would offset costs incurred by community water systems and treatment works associated with maintaining or initiating WaterISAC memberships. The program would also direct EPA to encourage eligible entities to participate in WaterISAC and to cooperate with WaterISAC on incident data collection and analysis of threats to the water sector.

As the Committee considers legislative options to promote the preparedness and continued operations of drinking water and wastewater systems considering today's threats, AMWA believes WaterISAC is prepared to play a key role. The association is eager to work with you on this priority.

Conclusion

Again, AMWA appreciates the opportunity to submit this statement for the record of today's hearing. The Safe Drinking Water Act has helped promote clean and safe water nationwide for fifty years, and the association values the Committee's partnership in making even greater progress over the next fifty. Thank you, and AMWA and its members are eager to continue to work with you.

Sincerely,



Tom Dobbins
Chief Executive Officer

Cc: Environment and Public Works Committee members



**American Water Works
Association**

Dedicated to the World's Most Important Resource™

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November 20, 2024

The Honorable Tom Carper
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20515

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20515

Dear Chairman Carper and Ranking Member Capito:

The American Water Works Association (AWWA) appreciates the opportunity to provide this statement for the record of today's hearing entitled "Celebrating the 50th Anniversary of the Safe Drinking Water Act: Successes, Challenges, and Charting a Path Forward." As the world's largest organization of water supply professionals, AWWA's membership includes more than 4,300 utilities that supply roughly 80% of the nation's drinking water. Our 50,000 members include utility employees, public officials, engineers, advocates, scientists, educators, and more. In short, our members are responsible for implementing the Safe Drinking Water Act (SDWA) in their communities every day.

The story of SDWA over its first 50 years has been one of continual progress and improvement. In its original form, the law gave EPA broad discretion and authority to regulate contaminants in drinking water. After significant public pressure to regulate more contaminants, Congress amended SDWA in 1986 to require that EPA issue regulations for 83 specific contaminants by 1989 and regulate 25 more every three years thereafter. In 1996, Congress amended the law again to emphasize sound science and feasibility. The Drinking Water State Revolving Fund, created in 1997, provides low-interest loans to help water systems finance infrastructure improvements.

Today, SDWA requires consideration of adverse health effects, occurrence data, and cost-benefit projections. These requirements ensure that the regulatory process prioritizes contaminants that pose the greatest risk to public health. The result has been a dramatic improvement in compliance and health outcomes. Before SDWA's passage in 1974, 40% of US drinking water systems could not meet minimum health standards. By 2022, 96% of water systems met SDWA's health-based drinking water standards.¹

However, despite this success, challenges persist. The Environmental Protection Agency (EPA) estimates that drinking water systems will need to invest \$625 billion over the next 20 years just to maintain current levels of service and meet new demand.² This figure does not include the expected costs required to comply with recently finalized rules for per- and polyfluoroalkyl substances (PFAS) and lead.

¹ <https://www.epa.gov/compliance/providing-safe-drinking-water-america-national-public-water-systems-compliance-report#snapshot>

² <https://www.epa.gov/dwsrf/epas-7th-drinking-water-infrastructure-needs-survey-and-assessment>

While federal programs like the DWSRF and the Water Infrastructure Finance and Innovation Act (WIFIA) provide access to low-cost financing, the burden for funding these investments will fall largely to ratepayers, exacerbating an already growing affordability crisis.

The DWSRF, designed to help water systems upgrade their infrastructure to comply with SDWA, has faced stagnant funding even as regulatory requirements continue to grow. At the same time, Congress has begun to use the DWSRF to fund congressionally directed spending, further hindering a program that has been key to SDWA's success. While the Infrastructure Investment and Jobs Act (IIJA) provided a much-needed boost to the DWSRF, those funds are set to expire in Fiscal Year 2026. Unless Congress takes action to fully fund the DWSRF and separate the program from congressionally directed spending, state primacy agencies will be severely constrained in their ability to carry out successful SRF programs.

SDWA's increasingly complex entanglement with other federal statutes like the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) presents challenges to water systems as well. In April, EPA finalized a National Primary Drinking Water Regulation (NPDWR) for six PFAS, along with a hazardous substance designation for PFOA and PFOS under CERCLA. As a result, water systems may face retroactive, strict, joint and several liability for disposing of PFAS-laden filtration media and residuals, which they only possess due to compliance with the NPDWR and various state requirements. Without liability protections, water systems may have to foot the bill for PFAS twice – once to remove it from drinking water and once to cleanup a Superfund site. This lifts the burden on manufacturers and polluters, while putting additional financial strain on communities.

Ultimately, water systems will make the investments necessary to continue providing safe drinking water that complies with SDWA's health-based standards. In many cases, systems will need to raise rates in order to make those investments. Unfortunately, these rate increases will disproportionately impact low-income households already struggling to pay their water bills. According to a report by the U.S. Department of Health and Human Services, 20% of households are in debt to their water utility and households at 75% of the federal poverty rate pay up to 40% of their monthly income on water and sewer bills.³ Congress can reduce this burden by reauthorizing the Low-Income Household Water Assistance Program (LIHWAP). Over two years, LIHWAP provided \$1.1 billion in water bill assistance to 1.7 million low-income households, helping many maintain access to essential water service⁴. The program lapsed in 2023 and has not been reauthorized or received additional funding.

As the Committee considers legislation to further promote safe and affordable drinking water in America, AWWA encourages you to consider the following recommendations:

- **Fully fund the DWSRF at \$3.25 billion** and discontinue the practice of using the DWSRF to fund congressionally directed spending.
- **Codify liability protections for water systems under CERCLA** to ensure polluters pay for PFAS cleanups, not water systems and their customers.
- **Reauthorize LIHWAP** to help low-income households pay their water bills and maintain access to essential water service.

³ <https://www.acf.hhs.gov/sites/default/files/documents/ocs/lihwap-survey-report-03-14-24.pdf>

⁴ <https://lihwap-hhs-acf.opendata.arcgis.com/pages/annual-reports>

- **Protect source waters from contamination** by encouraging EPA to take early action under statutes like the Toxic Substances Control Act to better protect public health and reduce the cost burden associated with treatment under SDWA.
- **Collaborate with the water sector** to strengthen resilience to cybersecurity threats.

AWWA appreciates the Committee's attention to SDWA on the 50th anniversary of its passage. AWWA's members remain steadfast in their commitment to uphold the promise of SDWA and look forward to working toward a better world through better water – the world's most vital resource.

What is the American Water Works Association?

The American Water Works Association (AWWA) is an international, nonprofit, scientific and educational society dedicated to providing total water solutions to protect public health and assure the effective management of water. Founded in 1881, the association is the largest organization of water professionals in the world.

Our membership includes more than 4,300 utilities that supply roughly 80 percent of the nation's drinking water and treat almost half of the nation's wastewater. Our 50,000 members represent the full spectrum of the water community: public water and wastewater systems, environmental advocates, scientists, academicians, and others who hold a genuine interest in water, our most important resource.

AWWA is accredited by ANSI (American National Standards Institute) as a standards development organization and publishes over 170 Standards that provide valuable information on design, installation, disinfection, performance, and manufacturing of products including pipe, chemicals, storage tanks, valves, meters and other appurtenances; industry-recognized consensus prerequisites; and best practices for water utility management and operations. AWWA unites the diverse water community to advance public health, safety, the economy, and the environment.

Sincerely,



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



David L. Gadis, Chief Executive Officer

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY | 1385 CANAL STREET, SE | WASHINGTON, DC 20003

**Written Testimony of David L. Gadis
Chief Executive Officer and General Manager
District of Columbia Water and Sewer Authority**

Submitted to the U.S. Senate Committee on Environment & Public Works
Wednesday, November 20, 2024

My name is David L. Gadis, CEO and General Manager at DC Water and a member of the National Infrastructure Advisory Council. On behalf of DC Water, I want to thank Chair Carper, Ranking Member Capito and the esteemed members of the committee for the opportunity to provide testimony on a critical issue for our country's future: our water. DC Water's motto, 'Water is Life,' reflects the importance of this topic, not just to those of us in the sector, but to every individual in their daily lives. As we approach the 50th anniversary of the Safe Drinking Water Act (SDWA), we are reminded of both the progress we have achieved since this landmark legislation's enactment, as well as the areas for growth and improvement to ensure a prosperous future.

DC Water's deep commitment to the safety and well-being of our customers is of the utmost importance as we continue our efforts in the furtherance of the SDWA. As the provider of drinking water in the nation's capital, DC Water strives to exceed the water quality standards established by the U.S. Environmental Protection Agency (EPA), meeting even stricter quality levels we have voluntarily imposed on ourselves. The safety of our customers is, and will always remain, our highest priority.

In line with this commitment, the recently finalized Lead and Copper Rule Improvements (LCRI) will mark an important step in enhancing safe drinking water standards nationwide. DC Water has long recognized the importance of removing contaminants from our drinking water to protect our community from related health risks that can come from exposure. Through our 'Lead Free DC' initiative, launched in 2019, we have created an updated inventory of all lead service lines and accelerated their replacements. I am pleased to report that we are on track to meet our goal of removing all lead service lines in the District of Columbia by 2037.



David L. Gadis, Chief Executive Officer

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY | 1385 CANAL STREET, SE | WASHINGTON, DC 20003

It is equally important to recognize the Bipartisan Infrastructure Law (BIL), a groundbreaking initiative that brought about the largest federal investment in water infrastructure to date. BIL has set a powerful precedent for what federal support can achieve in the water sector. I want to thank the entire Environment and Public Works Committee for your leadership in advancing federal funding for our country's water infrastructure through development of this critical legislation.

The BIL, however, marks just the beginning of what is necessary to address the challenges we face today and will face in the years to come. The EPA estimates that \$1.25 trillion will be needed over the next 20 years to restore our nation's out-of-date water infrastructure to meet the needs of the population. The sector faces big challenges ranging from aging and failing infrastructure, devastating cyberattacks, regulating a growing list of contaminants and climate resiliency, just to name a few. These challenges are only expected to grow in complexity and frequency in the future, and we need to be ready to face them.

Without additional federal funding, utilities are left to combat these obstacles on their own, relying on the revenue from customers' bills to fund their efforts. This creates a problematic cycle where utilities are forced to raise rates, further exacerbating water affordability challenges. DC Water is proud to address this by offering some of the largest and most progressive Customer Assistance Programs in the nation to help our customers should they need support, but not all utilities have the fiscal capacity to take an initiative like this on.

As we look forward past BIL, I urge Congress to fully fund water infrastructure and provide the resources our sector will need in the years and decades to come. This includes ensuring robust appropriations to the Clean Water and Drinking Water State Revolving Fund (SRF) programs, funding, and resources to help utilities address lead and PFAS contamination, as well as creating a permanent program to address low-income water customer assistance.

Thank you again to the committee for providing the water sector with this opportunity to provide testimony. I look forward to continuing this discussion and working alongside you to advance these essential policies.



Senate Environment and Public Works Committee
 410 Dirksen Senate Office Building
 Washington, D.C. 20510
 Via email to @epw.senate.gov

Re: 50th Anniversary of the Safe Drinking Water Act

Dear Members of the Committee:

The Initiative on Universal Access to Clean Water for Tribal Communities (UACW) commends Chairman Carper and the Committee for their roles in implementing the landmark Safe Drinking Water Act (SDWA). This historic piece of legislation was enacted in 1974 after nationwide studies of community water systems revealed widespread water quality problems and health risks resulting from poor operating procedures, inadequate facilities, and uneven management of public water supplies. Senator Warren Magnuson, then Chairman of the Senate Commerce Committee, introduced the bill explaining that "ninety percent [of the drinking water systems] failed to meet the biological surveillance criteria of the current drinking water standards for interstate carriers."¹

As a result of the SDWA, the U.S. now has some of the safest drinking water in the world. We have seen decreased outbreaks of waterborne disease, improved taste, reduced pipe corrosion, and avoided costs of bottled water or filter purchases and the need to boil water.² Unfortunately, however, while large numbers of Americans and US residents have benefited from the SDWA, many still face significant water quality challenges. Particularly in Native American communities, clean and safe drinking water is often not universally available. Achieving equity in the availability of clean drinking water to all Americans remains a significant and overarching challenge for the future.

¹ *Congressional Record*, 93rd Congress, January 18, 1973, 1384; The Congress Project, Safe Drinking Water Act of 1974 (2018), [https://www.thecongressproject.com/safe-drinking-water-act-1974#:~:text=The%20Safe%20Drinking%20Water%20Act%20of%201974%20\(%22SDWA%22\),water%20infrastructure%20projects%2C%20promote%20water](https://www.thecongressproject.com/safe-drinking-water-act-1974#:~:text=The%20Safe%20Drinking%20Water%20Act%20of%201974%20(%22SDWA%22),water%20infrastructure%20projects%2C%20promote%20water)

² 25 Years of the Safe Drinking Water Act: History and Trends, U.S. Environmental Protection Agency (1999); National Benefits Analysis for Drinking Water Regulations, <https://www.epa.gov/sdwa/national-benefits-analysis-drinking-water-regulations>.



Native American households are nineteen times more likely than white households to lack indoor plumbing, including a piped water supply. Native Americans are more likely to face water access issues than any other group: 58 out of every 1,000 Native American households lack complete plumbing, as opposed to three out of every 1,000 white households. For Native American communities, race is a more significant predictor of plumbing access than any other factor.³ This is not a random disparity, but rather reflects decades of institutional neglect and a troubling lack of resources devoted to ensuring that Tribal populations receive the same benefits of American society as other communities.

Unacceptable water quality is also a significant factor that excludes many Native communities from the benefits of clean drinking water enjoyed by most Americans. In calendar year 2023, 57% of drinking water systems on reservations had violations of SDWA requirements, compared with 28% of all public systems in the U.S., and the rate of health-based violations was over three times higher in Indian country than for the country in general.⁴ Research further reveals that high percentages of households have water supplies inadequate for public consumption (e.g., Hopi Tribe, Navajo Nation, Crow Reservation).⁵

EPA's Drinking Water State Revolving Fund is an important tool in achieving universal access to clean drinking water. The Drinking Water Infrastructure Grant - Tribal Set-Aside (DWIG-TSA) of the Drinking Water SRF ensures that Tribes can benefit from this funding source, even if they do not have the internal resources to effectively compete for the larger pot of SRF funding. The Bipartisan Infrastructure Law provided a substantial plus-up for the Drinking Water SRF, and a resulting increase for the Tribal Set-Aside, a significant boon for Tribal domestic water infrastructure. For Tribal communities, there is a pressing need for the federal government to organize and deliver this funding in an efficient and effective manner to address historic and enduring infrastructure gaps.

Many Tribes are extremely small communities with few paid staff and little if any experience with the arduous process of applying for federal grants. Tribes frequently do not have

³ Dig Deep, U.S. Water Alliance, Closing the Water Access Gap, at 22 (2019)

⁴ EPA/State Drinking Water Dashboard, <https://echo.epa.gov/trends/comparative-maps-dashboards/drinking-water-dashboard>.

⁵ E.g., Emily Cooksey, et al. (2022). Drinking water and health assessment in a Northern Arizona community. *Human and Ecological Risk Assessment: An International Journal*, 29(1), <https://doi.org/10.1080/10807039.2022.2146575>; Linsey Jones & Jani C. Ingram (2022). Tribal water issues exemplified by the Navajo Nation. *Environmental Health Perspectives*, 130(2), <https://doi.org/10.1289/EHP12187>; John T. Doyle, et al. (2018). Challenges and Opportunities for Tribal Waters: Addressing Disparities in Safe Public Drinking Water on the Gros Ventre Reservation in Montana, USA. *Int. J. Environ. Res. Public Health*, 15(4), <https://doi.org/10.3390/ijerph15040567>.



practiced grant writers to apply for available funding or the engineering expertise to plan and design appropriate facilities. They may lack the resources to select and contract with professional firms to provide these services for the Tribe. We find, anecdotally, that Tribes may not be applying for available grant funding because they lack the personnel and administrative resources to manage a grant should they receive it. Tribes may also lack the administrative and financial capacity to carry out ongoing operation and maintenance for water facilities.

These realities represent significant barriers to achieving universal access to clean water in the United States. Technical assistance to Tribes is urgently needed to help overcome the deficiencies identified above. But the actual provision of, and funding for, technical assistance has been limited. EPA should be encouraged to detail experienced personnel directly to Tribal governments for on-site training and assistance to Tribal communities. This will help to expand Tribes' ability to apply for and manage available grants, and to comply with monitoring and reporting requirements.

EPA should also increase collaboration with local technical assistance providers to bring this assistance directly to Tribal communities.⁶ Organizations like the Rural Community Assistance Partnership and the Inter-Tribal Council of Arizona could be utilized to more broadly provide the necessary education and expertise for Tribes to operate and maintain their systems.⁷ Leveraging expertise from surrounding non-native communities for training and regional operating agreements may also be useful to allow Tribes to achieve internal capacities over time. These agreements would include appropriate cultural awareness training if deemed appropriate through consultation with the affected Tribe.

In addition, a Tribal domestic water system may require funding from multiple federal sources because of eligibility limitations. As just one example, DWIG-TSA funding is not available for compliance monitoring or operation and maintenance. Other sources of federal funding may, however, be suitable for needed activities that EPA cannot provide. As a result, close inter-agency coordination is essential to providing a complete solution to the lack of access to clean and safe drinking water in Tribal communities. The Federal Infrastructure Task Force to

⁶ See Tribal Access Workgroup Report: Strategies for Improving Technical Assistance Delivery in American Indian and Alaska Native Communities (2010), <https://19january2017snapshot.epa.gov/sites/production/files/2015-07/documents/strategies-for-improving-technical-assistance-delivery-american-indian-alaska-native-villages.pdf>.

⁷ See Universal Access to Clean Water for Tribes, Recommendations for Operational, Administrative, Policy and Regulatory Reform (2021) at 37-39, <https://tribalcleanwater.org/wp-content/uploads/2021/11/Full-Report-11.21-FINAL.pdf>.



Improve Access to Safe Drinking Water and Basic Sanitation to Tribal Communities⁸ can be utilized for this purpose and should be continued and strengthened. The reporting required by Executive Order 14112 on Reforming Federal Funding and Support for Tribal Nations⁹ will also be crucial to unveiling additional ways to support a whole of government approach to achieving universal access to clean water for Tribes and avoiding governmental inefficiencies. Another limitation of the DWIG-TSA program is the requirement that drinking water systems receiving funds must be in compliance with SDWA standards or must be brought into compliance by the proposed project. This can particularly disadvantage smaller systems, which may be out of compliance due to a lack of a certified operator on staff, or for failure to conduct sampling at required intervals, violations which may not necessarily affect human health and the environment. Furthermore, unless lack of access to clean drinking water can be attributed to a single issue, such as the need for a new water treatment plant, systems with multiple issues may be ineligible for funding. EPA should provide some flexibility to allow for funding if immediate risks to health and human environment are being addressed, or can be addressed by a proposed project, even if a system is not fully compliant with EPA regulations.

Through the flexibility of the 2016 Water Infrastructure Improvements for the Nation Act, Pub. L. 114-322, EPA Region 9 has also used Drinking Water Tribal-Set-Aside funds to support operator training and certification programs. Region 9 used this authority to expand its funding for Tribal operator certification and O&M training programs in the region through grants and agreements with Tribes and Tribal consortia. Other EPA Regions should utilize this authority to expand technical assistance and training for Tribes.

Finally, the benefits of the increased funding of the Drinking Water State Revolving Fund, and the consequent enhancement of the Tribal Set-Aside are being diminished by earmarks. While earmarks may direct funding to worthy projects, they also circumvent the intended merit-based or needs-based allocation processes of the SRF. The diminution of the Tribal Set-Aside as a result of earmarks is a stark example of a diversion from the goal of addressing equity concerns.

Thank you for the opportunity to provide these comments. We appreciate the Committee's commitment to the goals of the Safe Drinking Water Act and its oversight of the programs

⁸ Federal Infrastructure Task Force to Improve Access to Safe Drinking Water and Basic Sanitation to Tribal Communities, <https://www.epa.gov/tribal/federal-infrastructure-task-force-improve-access-safe-drinking-water-and-basic-sanitation>.

⁹ Executive Order 14112, Reforming Federal Funding and Support for Tribal Nations To Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination, Dec. 6, 2023, <https://www.federalregister.gov/documents/2023/12/11/2023-27318/reforming-federal-funding-and-support-for-tribal-nations-to-better-embrace-our-trust#page-0>



UNIVERSAL ACCESS TO CLEAN WATER
FOR TRIBAL COMMUNITIES

designed to achieve those goals. Congratulations on the 50th anniversary celebration and thank you for your work.

Universal Access to Clean Water for Tribal Communities, tribalcleanwater.org

Heather Tanana (Diné), JD/MPH
UACW Initiative Lead



North American Lake Management Society

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November 20, 2024

Senator Tom Carper
Chair
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Senator Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Re: Hearing on Successes and Challenges and the Future of the Safe Drinking Water Act

Dear Chairman Carper and Ranking Member Capito:

Thank you for the opportunity to provide testimony on the Safe Drinking Water Act (SDWA). We appreciate this committee's commitment to protecting and restoring our nation's drinking water and protecting our drinking water sources.

The North American Lake Management Society (NALMS) is a professional society working to foster the management and protection of lakes and reservoirs in the U.S. In providing this testimony, NALMS recognizes the amazing work done over the last 50 years under the SDWA and the changes that the Drinking Water State Revolving Funds (DWSRF) have achieved. We are concerned about the significant declines in lake water quality and the implications for our nation's drinking water supplies. We offer the following recommendations for amending the SDWA to more fully address the need to protect and remediate pollution in lakes, an important source of drinking water.

Our nation's lakes provide highly valued ecosystem services including drinking water supplies. 70 percent of Americans are served by community water systems using surface waters such as rivers, lakes, and reservoirs as their source for raw water (Sham, 2019). In the last 30 years, water quality in lakes throughout the U.S. has significantly declined (U.S. Environmental Protection Agency, 2024). To safeguard drinking water supplies and the many other benefits lakes provide to communities across the nation, they must be protected where possible and restored where needed.

On August 29, 2024, the U.S. Environmental Protection Agency released results of the 2022 National Lakes Assessment that shows stunning declines in lake water quality over a ten-year period. In 2022, only 7 percent of U.S. lakes in the continental U.S. were considered pristine and unimpacted by nutrient pollution, down from 15 percent in 2012. Meanwhile, lakes heavily impacted by nutrient pollution increased from 19 percent to 30 percent. Nearly two-thirds of our lakes are either impacted or highly impacted by nutrient pollution, up from 57 percent in 2012 (U.S. Environmental Protection Agency, 2024). These lakes are at risk for harmful algal blooms, a condition that, without proactive management, puts drinking water resources at risk of becoming toxic, unfit for consumption, and/or costly to treat.



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In addition to HABs, drinking water sources are experiencing pressures from a myriad of stressors, an example of which is salinization from road salt use. As some of the nation's most pristine lakes become saltier, there are concerns for human health such as hypertension and thyroid issues, as well as for the infrastructure that supplies drinking water such as pipe corrosion and lead leaching (Kelly, n.d.; Hileman, 2023).

Resources for Drinking Water Source Protection

Existing funding strategies are insufficient to reverse the declining water quality trends in U.S. lakes and reservoirs. There is very limited funding to address lake water quality, to protect and preserve high quality lakes, and to support the needed monitoring, diagnostic studies and post-restoration evaluations that are necessary for holistic lake management. The funding that is available often goes to more immediate needs or is not clearly available for remediating legacy pollution in lakes. States and tribes need clear access to funding to specifically target and address the causes of water quality decline in lakes and reservoirs, safeguarding these critical sources of drinking water.

From 1976 to 1995, EPA's Clean Lakes Program (Section 314) was a highly successful funding mechanism for states to create management plans for and clean up individual, publicly-owned lakes. The once successful program has not been funded since the 1990s. Today, Section 319 funding is the primary mechanism to prevent pollution from entering lakes, but it is not meeting the full set of needs. While roughly 20% of the total 319 funding goes to lake, reservoir, or pond projects to prevent non-point source pollution, the funding is not addressing the impacts of legacy pollution that have accumulated in lakes, nor the protection of remaining high-quality lakes, as evidenced by the most recent NLA's findings.

The SDWA, authorized by Congress in 1974 and amended regularly over the last 50 years, could be strengthened to fill the gap to address source water quality. The 1996 SDWA Amendments required states to develop and implement Source Water Assessment Programs. States were required to identify the sources for all public drinking water supplies, delineate the source water contributing areas, identify potential sources of contamination, determine the susceptibility of the water supplies to contamination, and disseminate the results to the public. Most states completed these plans, but few are actually addressing contamination using allowable funding for source water quality.

Drinking water managers must prioritize limited resources between treatment and protection activities, resulting in Source Water Protection (SWP) programs being a low priority. As drinking water treatment costs continue to rise, it is unlikely that the needed resources from SDWA will be prioritized over protection. Further, a lack of awareness and recognition and the largely voluntary nature of SWP have made SWP programs invisible to decision-makers and the general public.

NALMS has collaborated with the American Water Works Association (AWWA) and other groups to raise awareness of the risk of Harmful Algal Blooms and cyanotoxins to drinking water and strategies to reduce that risk (<https://www.nalms.org/habs-drinking-water-webinar-series/>). AWWA continues to recognize the risk of cyanotoxins as a priority topic for federal legislation and policy (<https://www.awwa.org/advocacy-priorities/>).



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Funding for the full suite of lake management tools is critical for safeguarding drinking water supplies. These include water quality monitoring and assessments, diagnostic and feasibility studies, in-lake interventions for waters with legacy nutrient pollution (including but not limited to sediment nutrient inactivation, dredging, aquatic plant management), and protection of remaining high-quality lakes.

In addition, public education and outreach is needed for drinking water managers and communities to understand the importance of restoring, remediating, and protecting our nation's lakes.

Protection of source waters results in reduced water treatment costs, increased public health protection, improved environmental conditions for fish and wildlife and for human health and recreation. NALMS would like to work with the committee to identify and expand opportunities to fund these initiatives under the DWSRF and other programs, as appropriate.

Thank you for your consideration.

Respectfully,

Victoria Chraïbi, Ph.D.
President
North American Lake Management Society

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November 19, 2024

The Honorable Thomas R. Carper, Chairman
The Honorable Shelley Moore Capito, Ranking Member
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito,

The National Congress of American Indians (NCAI) submits this letter for your consideration and for the record of the Committee's November 20, 2024, hearing "Celebrating the 50th Anniversary of the Safe Drinking Water Act." As the Safe Drinking Water Act (SDWA) celebrates its 50th anniversary, we reflect on the progress made in improving access to clean drinking water nationwide, including for Tribal Nations. This milestone highlights both the ongoing and disproportionate challenges that Indigenous communities face in securing safe, clean drinking water and the urgent need to protect our watersheds from water pollution.¹ While the SDWA has contributed significantly to improving water infrastructure across the country, it is crucial that its provisions be strengthened to ensure Tribal Nations receive equitable support in overcoming these persistent challenges.

NCAI has long championed the right to safe drinking water and highlighted the critical infrastructure disparities present throughout Indian Country. Seventy percent of Tribal homes are in need of repair, forty-eight percent of these residences lack access to clean water, and many communities suffer from a lack of various critical infrastructures.² These systemic inequities contribute to poor health outcomes and hinder economic and educational development, making targeted federal investments in infrastructures essential in the role they play in improving the overall quality of life in Tribal communities.

NCAI and Tribal Leaders continue to advocate for federal policies and investments that honor the United States government's trust responsibility to Tribal Nations.³ These policies must ensure that the SDWA and other environmental laws effectively address the unique needs of Tribal communities. For over three decades, NCAI has stressed the need for a 3% set aside at a minimum, in the Drinking Water State Revolving Fund and consistently called on Congress to amend SDWA to better support water infrastructure improvements on Tribal lands.⁴

Recent projects funded through the Bipartisan Infrastructure Law (BIL) demonstrate the power of targeted federal investments to the goals of the SDWA. For example, the Hopi Arsenic Mitigation Project addresses high arsenic levels in the Hopi Tribe's water supply and the Blackfeet Water

Supporting Citations:

1. National Congress of American Indians. (2023). NCAI Resolution NO-23-013. Retrieved from <https://ncai.assetbank-server.com/assetbank-ncai/action/viewAsset?id=5316#>
2. National Congress of American Indians. (2021). NCAI Resolution AK-21-006. Retrieved from <https://archive.ncai.org/AK-21-006.pdf>
3. Former NCAI President and Tribal leaders, such as W. Ron Allen, advocate for federal policies that uphold the trust responsibility to Tribal Nations.
4. National Congress of American Indians. (1995). NCAI Resolution SD-95-087. Retrieved from <https://ncai.assetbank-server.com/assetbank-ncai/action/viewAsset?id=3890&index=0&total=469&view=viewSearchItem>

System Improvement Project will provide safe drinking water to thousands of residents of the lands of the Blackfeet Nation.^{5,6} These projects exemplify the transformative impact of federal funding in improving public health and water infrastructure in tribal communities.

In the light of 50 years of the SWDA and the progress made thus far in Indian Country, NCAI respectfully requests that the Senate Committee on Environment and Public Works maintain a focus to address these persistent challenges and continue to develop opportunities to deliver clean and safe water to all Tribal communities. We must build on this momentum to ensure a future where all citizens of Tribal Nations are guaranteed reliable sources of safe drinking water. As the world's most powerful and economically prosperous nation, a nation that truly values its Tribal Nations and communities as well, we can do no less.

Respectfully,



Larry Wright, Jr.
Executive Director
National Congress of American Indians

CC:

Geoffrey Blackwell, General Counsel and Chief of Staff, NCAI
Cynthia R. Harris, Director, Institute for Environmental Sovereignty, NCAI
Viswatej Attili, Environmental Analyst, Institute for Environmental Sovereignty, NCAI

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5. U.S. Environmental Protection Agency. (2020). Hopi Arsenic Mitigation Project. Retrieved from <https://www.epa.gov/newsreleases/us-epa-awards-over-45-million-environmental-improvements-tribal-lands-america-pacific>
6. U.S. Department of the Interior. (2023). Blackfeet Water System Improvement Project. Retrieved from <https://www.doi.gov/pressreleases/bipartisan-infrastructure-law-supports-580-million-investment-fulfill-indian-water>



**STATEMENT FOR THE RECORD OF
ERIK D. OLSON
SENIOR STRATEGIC DIRECTOR FOR HEALTH
NATURAL RESOURCES DEFENSE COUNCIL
FOR THE
U.S. SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
HEARING CELEBRATING THE 50th ANNIVERSARY OF THE SAFE DRINKING WATER ACT
NOVEMBER 20, 2024**

Substantial progress has been made towards protecting our drinking water supplies since the Safe Drinking Water Act was signed into law by President Ford in 1974. Yet, contamination of drinking water remains the top environmental concern of Americans according to the annual 2024 [Gallup Tracking Poll](#). There is broad bipartisan support from voters across the political spectrum for strengthening drinking water protections. For example, [polling](#) shows that about 9 in 10 voters support a requirement for an EPA rule requiring all lead service lines be replaced by water utilities within 10 years.

As is discussed in my attached brief commentary recently published in Environmental Law Reporter regarding the 50th Anniversary of the Safe Drinking Water Act, EPA has issued about 100 standards over the years and recently adopted standards for six toxic PFAS “forever chemicals.” The SDWA and the Bipartisan Infrastructure Law have invested tens of billions of dollars in water infrastructure. Some EPA standards have yielded big health benefits. After the arsenic standard was strengthened in 2001, tap water levels dropped, preventing thousands of cancers (though a stronger standard for arsenic still is needed to protect public health).

Despite some progress, at bottom the promise of safe drinking water for all remains unfulfilled. Too often public health protection has not been the top priority. Old contaminants like nitrates and lead remain weakly controlled, and emerging threats like Legionella and thousands of chemical concoctions including most PFAS remain unregulated. Even when a court ordered EPA to regulate the toxic contaminant perchlorate, the agency failed. The SDWA’s standard-setting provisions, weakened in 1996, are not up to the task of protecting public health. Utility associations and the chemical industry’s resistance, lobbying, and litigation often have blocked or delayed important new standards.

But this can be fixed. My attached short essay lays out recommendations for improving the Safe Drinking Water Act and our nation’s drinking water protections. It is our hope that Congress, EPA, states, and water utilities will take to heart the public’s ongoing concern about the safety of our water supplies and will make continued progress. Safe drinking water is a human right, and it is incumbent upon all of us to ensure that every American, no matter their income, race or zip code, has safe water flowing from their kitchen tap.

Statement of
The US Water Alliance
to the
Committee on Environment and Public Works
U.S. Senate
For a hearing on
“Celebrating the 50th Anniversary of the Safe Drinking Water Act”
November 20, 2024



**Statement of
The US Water Alliance
Committee on Environment and Public Works
United States Senate
November 20, 2024**

The US Water Alliance is pleased to write today to join the celebration of the 50th anniversary of the Safe Drinking Water Act (SDWA) and provide a few insights into the future of drinking water.

The US Water Alliance is a national nonprofit that advances policies and programs to secure a sustainable water future for all. The Alliance aligns diverse stakeholders—utilities, public agencies, community organizations, environmental groups, agricultural interests, labor, researchers, artists and culture bearers, and others—to find common ground solutions to our nation’s most pressing water challenges. We build a diverse base of One Water champions through mutual discovery, education, and engagement with all who have a stake in our water future. The Alliance builds public and political will for water investment through best-in-class communications initiatives. The Alliance also accelerates the adoption of One Water management approaches to advance a better quality of life for all. We increase capacity for cross-sector collaboration by building a network of One Water changemakers with the skills to make water systems more sustainable and supportive of communities and economies. We also celebrate effective water solutions and leaders to spread and drive innovation. The Alliance spotlights game-changing practices through prizes, challenges, and high-impact convenings. We employ a range of communications modalities to celebrate and spur water innovation and thought leadership.

The Alliance celebrates the many successes of the SDWA in protecting public health and establishing a framework for drinking water utilities of all sizes to operate. We also celebrate the work that many on this Committee, including Chairman Carper and Ranking Member Capito, have done to fund and improve our water infrastructure systems. And we bid a fond farewell to those champions retiring from the Senate after years of work on behalf of the nation’s drinking water, including Chairman Carper, Senator Stabenow, and Senator Cardin (a past recipient of our prestigious US Water Prize in 2020).

It is difficult to overstate the dramatic effect that the provision of treated drinking water has had on public health and life expectancy in this country. The enactment of national, enforceable drinking water standards in the SDWA defeated the patchwork of state regulations and toothless public health advisories that existed prior to 1974, finally creating a national baseline for every water provider to meet or exceed. However, while advanced water treatment technologies have allowed people in the US to enjoy some of the best drinking water in the world, challenges remain, particularly related to contaminants like lead and per- and polyfluoroalkyl substances (PFAS). The federal government must take a holistic approach and continue to make historic investments

across federal agencies aimed at eliminating emerging and legacy contaminants in the water sector—especially in Communities of Color, rural and urban low-income communities, and Tribal communities.

Continue to Invest in Water Infrastructure

Communities of all sizes across the US are facing substantial challenges repairing and replacing water infrastructure that is quickly reaching the end of its useful life. Many communities do not have the financial resources to make the necessary investments to meet federal water quality standards and face significant practical and political challenges in enacting rate structures to raise adequate capital and make the improvements that are needed. Water infrastructure needs continue to multiply as chronic underinvestment in federal water infrastructure financing programs is compounded by an evolving regulatory landscape. Local ratepayers will continue to bear the brunt of this problem with more people facing challenges being able to afford their water bills. A [recent survey](#) from the Value of Water Campaign revealed that 30 percent of voters find their water service to be unaffordable, nearly triple what the same survey found just six years ago.

A [recent study](#) by the American Society of Civil Engineers and the Value of Water Campaign found that the spending gap (the gap between what we are currently spending on water infrastructure and the total existing need) is \$91 billion annually. This amount is a significant reduction from the amount estimated in a similar 2020 analysis by the two organizations (down from \$109 billion annually) thanks in large part to investments from the American Rescue Plan Act (ARPA) and the Infrastructure Investment and Jobs Act (IIJA).

When the federal government began mandating quality standards for wastewater discharge through the Clean Water Act, it also recognized that forcing local governments to spend billions of dollars to upgrade facilities and equipment to comply with regulatory burdens was impractical. So, it included the construction grants program and later the Clean Water State Revolving Fund (SRF) to help avoid foisting the responsibility of maintaining water standards and the costs of managing upstream pollution onto local ratepayers alone. But the Safe Drinking Water Act had no such provisions and drinking water utilities had no federal investment until the drinking water SRF was created in the 1990s.

We call on Congress to close the gap between the authorized and appropriated funding levels and fully fund the SRF. This gap has amounted to \$11.75 billion since 2022. Fully funding the SRF helps to ensure that the Clean Water Act and the Safe Drinking Water Act support water that is both healthy and accessible and that sensible management of drinking water and wastewater does not impoverish small and rural communities. We also call on Congress to reauthorize the IIJA levels of water funding as the new water infrastructure investment baseline. According to that same American Society of Civil Engineers and Value of Water Campaign [study](#), doing so over a 20-year period would save

\$134 billion in service disruption costs to businesses, \$531 in personal expenditure losses, \$136 billion in healthcare costs, \$659 billion in GDP losses, and 200,000 job losses.

Preserving the spirit of SDWA also includes reforming the current system of congressionally directed spending that has risen over the last few years. More and more of the annual capitalization grants for the SRFs have been diverted to pay for congressionally directed spending on projects, up \$3.73 billion since 2022. The Alliance is not fully opposed to this system as many projects funded in this way would not otherwise be realized, especially in communities without debt capacity (even for principal forgiveness loans). These project payments do not revolve back into the SRF and thus do not feed back into available funding for water infrastructure, as is the spirit of the SRF. Instead of directing SRF funds, Congress should establish a separate authorization for congressional priority projects for water infrastructure while preserving SRF allocations. This will provide greater transparency and equity for funding water infrastructure projects without supplanting state-directed water infrastructure funding.

In addition to general infrastructure support, Congress should specifically focus on lead and PFAS funding. Continuing to focus additional funding on eliminating lead service lines across the country will be critical to finally resolving what is arguably the greatest remaining legacy drinking water contaminant. We must also focus attention and funding on PFAS remediation. Consumer and commercial products are key contributors to PFAS contamination. The persistent nature and expensive clean-up costs of PFAS mandate a focus on upstream manufacturing and halting the flow of PFAS-containing products that contribute to the contamination of food, drinking water, and the environment. To reduce additional exposure to PFAS, its use must be restricted immediately. Congress should restrict the manufacture and sale of PFAS in all consumer products and require PFAS manufacturers to report the production, distribution, and sale of all PFAS-containing products publicly. Congress should also establish a tax on PFAS manufacturers, with proceeds supporting the full cost of testing, filtration, disposal, and risk borne by water utilities.

Preserve and Expand Technical Assistance

Along with investment in water infrastructure, Congress should prioritize preserving and expanding technical assistance (TA) structures established in the wake of the IJA investments. TA is the essential conduit for infrastructure funding programs, ensuring that small, rural, and poor communities that lack engineering expertise and financial application capacity can obtain federal funding for needed water infrastructure projects. TA helps communities achieve the kinds of results Congress aims for when it makes laws—everything from regulatory compliance and workforce development to lead pipe removal and climate adaptation.

The reinvigorated system of TA is working well and making profound changes across the nation, particularly in poor, rural, and small communities. The National Environmental

Finance Centers (EFCs) established to ensure access to new water funding are making significant progress in assisting communities. So far, nearly 2,800 communities have been or are being assisted by these EFCs, and despite the often years-long assistance process, more than 40 have already applied for funding with many more on the way. This work complements TA provided by other agencies (like USDA's rural utilities service) and states, helping build the network of support needed by thousands of communities to access the financial, engineering, and management expertise they need to sustainably invest in their water infrastructure. Just as water and wastewater services are needed by communities, so are these technical assistance services. Regardless of the type and scale of federal funding available at any given time, water must run from your tap no matter your situation.

Unlock and Incentivize Regional Solutions

The extent of a partnership between utilities can vary widely from simple mutual aid or joint purchase agreements to the consolidation of multiple systems. Partnering with a knowledgeable nonprofit or a successful neighboring utility are proven ways for systems to solve common problems like purchasing affordable supplies, training system operators, establishing a sustainable customer base, and more. Incentivizing voluntary partnerships between utilities will greatly benefit small, struggling systems and their customers. Previously noncompliant utilities will be better able to provide safe, reliable water and wastewater services to their customers and small, struggling utilities will better access operational and capital capacity. Combined operations can pave the way for a larger number of customers to support capital improvements and operations, presenting the opportunity to lower costs per customer. Currently, EPA regulations hold good-neighbor utilities liable for the infractions they are assist nearby struggling utilities to rectify. An atmosphere that incentivizes these helpful partnerships will make better use of scarce resources and advance safe, reliable water services for all.

Another way to incentivize utility partnerships is to prioritize projects that include regionalization and consolidation where they make sense, using life cycle cost calculations. Pooling resources and streamlining services through consolidation may help address both necessary investments and water affordability concerns. Including life cycle cost analysis at the inception of a project allows for greater anticipation of costs and more accurate rate projections. Project applications designed with these considerations in mind can be given increased priority by SRF managers and EPA's Office of Water for WIFIA applications. Section 2009 of Congress' America's Water Infrastructure Act of 2018 (AWIA) looked to address this but has not yet been fully implemented.

The Alliance was pleased to see progress in implementing Section 2010 of AWIA in the EPA's recent Water System Restructuring Assessment proposed rule. If finalized in its current form, it would grant state primacy agencies (or EPA in states without primacy) a new authority to mandate restructuring assessments. The rule itself does not require states to exercise this authority, and indeed many states lack the administrative capacity and funding to do so. This may also require changes to state statutes and regulations.

Nevertheless, the Alliance intends to follow this rule closely and work with states and other stakeholders to bridge the gap toward equitable and community-supported regional approaches, which may include utility restructuring and consolidation.

At the very least, Congress should pass additional legislation to incentivize voluntary partnerships between struggling utilities and good-neighbor utilities by reducing federal liability concerns for the good-neighbor utility for a short, defined period while they are executing the partnership. Congress should also establish financial incentives for large utilities to evaluate and implement regional partnerships and technical assistance programs to help smaller or less-resourced utilities participate in the evaluation and implementation of regional partnerships and consolidation activities.

Water Workforce

Between one-third to half of the water workforce is eligible to retire in the next 10 years, creating a water workforce crisis. This is particularly true in rural communities, many of which have inadequate staff levels and qualified prospective candidates. Investing in the water workforce can meet the water sector's critical workforce needs and expand economic opportunities across the nation. The next generation of the water workforce must be prepared to modernize the sector, reflect and respond to the communities they serve, and ensure regulatory compliance in the face of escalating costs and environmental challenges.

Congress authorized a competitive grant program for workforce development in Section 4304 of AWIA to train workers to operate and maintain water systems throughout the country, creating pathways to well-paying jobs. With so many jobs potentially opening soon, this is an opportune time to modernize and diversify the water workforce to meet the challenges of the coming decades. Congress should continue to appropriate money for this AWIA program and expand funding.

Concluding Remarks

The Alliance thanks the Committee for the opportunity to submit this statement for the record. Investing in our water infrastructure, building on our technical assistance, and supporting regional solutions and approaches must be critical components of ensuring the success of the next 50 years of the Safe Drinking Water Act. We look forward to working with the Committee on these vital issues.



TESTIMONY OF

Kishia L. Powell

General Manager and Chief Executive Officer

On behalf of

WSSC Water (Washington Suburban Sanitary Commission)

Submitted to the

U.S. Senate Committee on Environment and Public Works

November 20, 2024

Overview

I am Kishia Powell, the General Manager and CEO of the Washington Suburban Sanitary Commission, or WSSC Water. I thank Chairman Carper, Ranking Member Capito, and all members of the committee for holding today's hearing and giving me the opportunity to provide testimony.

Established in 1918, WSSC Water is the largest water/wastewater utility in Maryland and among the largest in the nation. Our service area spans approximately 1,000 square miles in Prince George's and Montgomery counties in Maryland, just outside our nation's capital.

We have the honor of serving more than 1.9 million residents, schools and businesses as the largest water and wastewater utility in the State of Maryland and the eighth largest in the country. Through \$9 billion in infrastructure assets, including two drinking water treatment plants, six water resource recovery facilities and over 11,000 miles of pipeline, we deliver safe, clean drinking water and recover vital resources through innovative wastewater treatment processes.

We take deep pride in carrying out this mission, as evidenced by our crystal-clear water quality record, which includes zero Safe Drinking Water Act violations in WSSC Water's 106-year history.

Water Sector Needs and Progress

As we honor the 50th anniversary of the Safe Drinking Water Act this year and during today's hearing, it is important to recognize and celebrate the progress water leaders and policymakers have collectively made in protecting drinking water quality. Critically, we must also look to the future and how we will build on this progress to address the major challenges before us now and over the next 50 years of SDWA.

Funding Needs

While the needs of the water sector are complex, addressing them largely centers around ensuring adequate, sustained investment. WSSC Water and utilities across the nation face a wide range of challenges associated with recruitment and retention of a skilled workforce; changing regulations that require significant investments beyond annual operation and maintenance costs; the impacts of a changing climate; increasingly prevalent cybersecurity threats; and addressing aging infrastructure assets.

We must take all of this on while ensuring water remains affordable for our customers. This is a significant challenge, as customer bill payments make up the primary source of utility revenue. In fact, the federal share of water infrastructure investment in recent years is below 10 percent, leaving ratepayers to cover the overwhelming majority of the financial burden for our operations. This disparity wasn't always the case, as the federal cost-share of water utility capital investment was as high as 63 percent in 1977.¹

As we have seen this disinvestment in recent decades, investment needs have only grown. According to the EPA, our nation's drinking water and wastewater systems need over \$1.25 trillion in investment over the next 20 years, simply to get our current systems into a state of good repair.^{2 3} WSSC Water alone is projected under this same analysis to make up at least \$10 billion of that figure – the fourth-highest investment need of any U.S. water utility.⁴ Without increased, sustained federal funding, this financial burden will largely fall on the backs of our customers – the families and small businesses we serve and the local economies we support every day.

Bipartisan Infrastructure Law

Through the work of this committee, the water title of the Bipartisan Infrastructure Law (BIL) made strong progress towards addressing investment needs. The largest investment in water infrastructure in the history of the U.S., BIL appropriated nearly \$50 billion in supplemental funds through the Clean Water and Drinking Water State Revolving Funds (SRFs) for traditional capital investments, replacement of lead service lines, and remediation of emerging contaminants.

WSSC Water has been awarded over \$260 million over the past three years from the SRFs through the state of Maryland, supported by EPA's capitalization grants that were significantly increased under BIL. We are putting these dollars to work to accelerate critical water main replacements, sanitary sewer reconstruction projects, lead service line inventory and replacement efforts, our innovative Piscataway Bioenergy Project (which had its [ribbon cutting last month](#)) and much more.

Leveraging EPA funding through a program reauthorized under BIL, WSSC Water, in partnership with the City of Baltimore and several regional workforce development stakeholders, received \$914 thousand to form a regional workforce development collaborative. The Chesapeake Water Workforce Network is currently being stood up

¹ <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/reports/49910-infrastructure.pdf>

² <https://www.epa.gov/system/files/documents/2024-05/2022-cwns-report-to-congress.pdf>

³ https://www.epa.gov/system/files/documents/2023-09/Seventh%20DWNSA_September2023_Final.pdf

⁴ <https://www.globalwaterintel.com/articles/25-us-water-systems-confronting-runaway-investment-demands>

and, once launched, will support the development of a robust, diverse and skilled water workforce in Maryland, thanks in part to the work of this committee.

While BIL's renewed injection of investment has made great strides in chipping away at the sector's funding shortfall, further, sustained assistance is needed, particularly as the legislation is set to expire in the coming years. Congress must build on BIL's down payment to ensure our sector is resourced with the tools to address the wide range of challenges before us and continue to fulfill our mission of providing our customers with safe, reliable and affordable water – a foundational building block of healthy, thriving and equitable communities.

Low-Income Assistance

Another top priority for WSSC Water and utilities across the U.S. is establishing long-term low-income water customer assistance funding.

Water bills are becoming increasingly unaffordable for many of the lowest-income households across the United States. According to the U.S. Department of Health and Human Services (HHS), water is the fastest growing household utility cost nationwide, and bills have risen an estimated 43.2% between 2012 and 2021, significantly outpacing the rate of inflation.⁵ This is due to a combination of factors previously mentioned that are driving up the cost of delivering water services – decreasing federal investment, aging infrastructure, increasing regulatory requirements, climate and cyber threats and more.

A nationwide, permanent low-income assistance program for water would address this by targeting assistance to the households with the greatest levels of need. This would also allow utilities serving a large share of low-income households to ensure financial stability of their operations, filling in gaps left by fluctuations in customer arrearages. For decades there have been federal programs for the most vulnerable individuals to access fundamental household needs such as housing, energy bills, groceries, and medicine – we must create this same safety net for access to water, an equally critical resource for healthy, thriving communities.

I thank this committee for recognizing this need by authorizing the creation of a low-income water customer assistance pilot program at the Environmental Protection

⁵ <https://www.acf.hhs.gov/sites/default/files/documents/ocs/water-survey.pdf>

Agency (EPA) in BIL. However, while this program has been authorized for several years, it has unfortunately not yet received a dollar in appropriations.

Congress also included \$1.1 billion in COVID-relief packages for the creation of an emergency low-income assistance program – the Low Income Household Water Assistance Program (LIHWAP). This program provided key relief to utilities and the families they serve during and after the pandemic but has since run out of funding. WSSC Water leveraged this program and other federal and state resources during the pandemic to direct over \$10.2 million in financial assistance to over 5,500 customers.

While COVID served to exacerbate water affordability issues, they existed long before the pandemic and have persisted after. A 2023 analysis from AMWA, NACWA, and other water sector organizations shows that the nationwide need for low-income assistance remains as high as \$7.9 billion.⁶

Conclusion

On behalf of WSSC Water and water utilities across the country, I thank the committee for its past support of the water sector and for the opportunity to submit testimony.

In the five decades since the inception of the Safe Drinking Water Act, we have made immense progress in expanding access to high-quality, safe and reliable drinking water in communities across the U.S., but much more work must be done. I thank the committee for its leadership in advancing the historic water infrastructure investments in Bipartisan Infrastructure Law and look forward to continued collaboration as we build on these efforts now and in the years to come.

⁶ https://www.nacwa.org/docs/default-source/resources---public/report.pdf?sfvrsn=4e4cc161_2

Senator CARPER. Final housekeeping. Senators will be allowed to submit questions for the record through the close of business on December 4th. We will compile those questions, we will send them to each of you, and we are going to ask you to respond to us by December 18th.

Anything else? No. With that, it is a wrap. This hearing is adjourned. Thank you all.

[Whereupon, at 11:50 a.m., the hearing was adjourned.]



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #AK-21-006

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SOUTHWEST

Joe Garcia
Ohkay Owingeh Pueblo

WESTERN

Amber Torres
Walker River Paiute Tribe

CHIEF EXECUTIVE OFFICER

Dante Desiderio
Sappony

NCAI HEADQUARTERS

1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

TITLE: Calling on the President and Congress to Prioritize Tribal Infrastructure Funding in any National Package

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, for decades, the federal government has recognized that Indian Country has sub-standard infrastructure in every sector, as documented in the Quiet Crisis Report of 2003, and the Broken Promises Report of 2018; and

WHEREAS, 70 percent of Native homes are in need of repair, 48 percent of Native households lack access to clean water, over 20,000 miles of surface transportation consists of unimproved earthen or gravel roads, 40 percent of Tribal households lack broadband, and there are hundreds of crumbling Tribal health and education facilities that impact life expectancy and education attainment; and

WHEREAS, Chronic underfunding increased AI/ANs vulnerability to the coronavirus-19 (COVID-19) pandemic and resulted in our communities having, at times, the highest per-capita COVID-19 infection, hospitalization, and Death rates in the United States.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) urges the President of the United States and the United States Congress to fulfill their trust and treaty responsibilities, to establish and fully fund a n infrastructure package that includes the needs of Tribal Nations; and

BE IT FURTHER RESOLVED, that NCAI urges the Federal government to promptly pass a funding package that addresses the critical infrastructure needs of Tribal Nations; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2021 Mid Year Conference of the National Congress of American Indians, held June 20, 2021 - June 24, 2021, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary

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 Pechanga Band of Luiseno Indians

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 Cheyenne and Arapaho Tribes of Oklahoma

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 Pueblo of Santo Domingo

WESTERN
Randi Lone Eagle
 Summit Lake Paiute Tribe

EXECUTIVE DIRECTOR
Larry Wright, Jr.
 Ponca Tribe of Nebraska



The National Congress of American Indians
Resolution #NO-23-013

TITLE: Calling on Environmental Protection Agency (EPA) to Ban the Manufacturing, Processing, and Use of 6PPD in Tires

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the tribes are united by salmon and steelhead; and

WHEREAS, salmon are in crisis, with populations threatened by habitat destruction, warming waters, and toxic stormwater runoff; and

WHEREAS, N-(1,3-Dimethylbutyl)-N'-phenyl-p-phenylenediamine ("6PPD"), is used in the manufacture of tires as an antioxidant and antiozonant to prevent tire degradation; and

WHEREAS, 6PPD is transformed into 6PPD-quinone (6PPD-q) by exposure to ozone, which is released into the environment in tire dust and tire fragments and conveyed to streams and rivers through stormwater runoff; and

WHEREAS, 6PPD-q is the second most toxic chemical to aquatic species ever evaluated by the Environmental Protection Agency; and

WHEREAS, 6PPD-q is ubiquitous in urban runoff and surface waters; and
WHEREAS, 6PPD-q is acutely toxic to coho salmon, rainbow trout, steelhead trout, and other aquatic organisms; and

WHEREAS, 6PPD-q has been shown to be lethal to adult coho salmon within hours of exposure; and

WHEREAS, 6PPD-q has been repeatedly found in the environment at concentrations above the recorded LC50 values for coho salmon, rainbow trout and steelhead; and

WHEREAS, the high toxicity and ubiquity of 6PPD-q released from 6PPD-containing tires presents an unreasonable risk to the environment; and

WHEREAS, stormwater management measures cannot prevent 6PPD-q from entering the aquatic environment and harming salmon, steelhead, rainbow trout and other aquatic species; and

WHEREAS, the continued manufacturing, processing, and use of 6PPD in tires presents an unreasonable risk of injury to the environment because that use exposes aquatic organisms to levels of 6PPD-q that cause acute toxicity and mortality with severe population effects; and

WHEREAS, there is no safe level of 6PPD in tires and no warning or label requirements will eliminate the risk from tires using 6PPD because the formation and release of 6PPD-q is the intended, inherent and foreseeable result of using 6PPD in tires; and

WHEREAS, the Yurok Tribe, the Port Gamble S'Klallam Tribe, Coquille Tribe, and the Puyallup Tribe have petitioned the EPA under the Toxics Substances Control Act to prohibit the manufacturing, processing, and use of 6PPD in tires.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) supports the request of all of its Tribal Member Nations and the petition by Yurok Tribe, Port Gamble S'Klallam Tribe, Coquille Tribe and the Puyallup Tribe to EPA to ban the use of 6PPD in tires; and

BE IT FURTHER RESOLVED, that the NCAI Land & Natural Resources Committee requests that the NCAI Executive Board follow up with a letter to EPA concerning this resolution; and

BE IT FURTHER RESOLVED, that the NCAI calls for EPA to ban the manufacturing, processing, and use of 6PPD in tires no later than January 1, 2030; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2023 Annual Convention of the National Congress of American Indians, held November 12-17, 2023, in New Orleans, Louisiana, with a quorum present.



Mark Macarro, President

ATTEST:



Nickolaus Lewis, Recording Secretary



*National
Congress of
American
Indians*

Executive Committee

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gaishkibos
Chippewa

First Vice President
Susan Masten
Yurok

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Chippewa Cree

Juneau Area
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Yup'ik

Minneapolis Area
Marge Anderson
Mille Lacs Ojibwe

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Chickasaw

Northeast Area
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Executive Director
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Resolution SD-95-097

Title: To Support the Proposed Amendments to the Safe Drinking Water Act

WHEREAS, we the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, a supply of clean and safe drinking water is vital to the preservation of the health and safety of tribal people; and

WHEREAS, the protection of community water systems in Indian country has often been unfunded and ignored by the federal government and the Environmental Protection Agency; and

WHEREAS, the federal government and the EPA have trust and statutory responsibilities to protect the drinking water systems of Indian people; and

SD-95-097

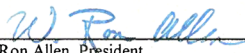
WHEREAS, Senate Bill 1316 seeks to amend the Safe Drinking Water Act to include a 1.5% set-aside for Indian tribes and Alaska Native villages in the Drinking Water State Revolving Fund. The bill authorizes the EPA to make direct grants, as well as loans, to Indian tribes and Alaska Native villages for the improvement of public water systems. The bill authorizes up to 10% of any unobligated funds from the Revolving Fund to be allocated to Indian tribes and Alaska Native villages. The bill requires the EPA to do both a needs assessment and progress reports on compliance and enforcement on Indian and Alaska Native lands; and

WHEREAS, the Safe Drinking Water Act and these amendments support the sovereignty of Indian Nations and Alaskan Native villages over their lands;

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby support the above listed amendments to the Safe Drinking Water Act under Senate bill 1316.

CERTIFICATION

The foregoing resolution was adopted at the 1995 Annual Convention of the National Congress of American Indians, held at the Town and Country Hotel in San Diego, California, on October 29 - November 3, 1995 with a quorum present.


W. Ron Allen, President

ATTEST:


S. Diane Kelley, Recording Secretary

Adopted by the General Assembly during the 1995 Annual Convention of the National Congress of American Indians, held at the Town and Country Hotel in San Diego, California, on October 29 - November 3, 1995.

11/19/24, 4:27 PM

Bipartisan Infrastructure Law Supports \$580 Million Investment to Fulfill Indian Water Rights Settlements | U.S. Department of the Interior

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Funding will help develop infrastructure projects that fulfill the terms of Tribal water settlements

02/02/2023

Last edited 02/02/2023

Date: Thursday, February 2, 2023

Contact: Interior_Press@ios.doi.gov

WASHINGTON — The Department of the Interior today announced a nearly \$580 million allocation to continue fulfilling settlements of Indian water rights claims using funding from President Biden's Bipartisan Infrastructure Law and the Reclamation Water Settlements Fund.

"Water is a sacred resource, and water rights are crucial to ensuring the health, safety and empowerment of Tribal communities. Through this funding, the Interior Department will continue to uphold our trust responsibilities and ensure that Tribal communities receive the water resources they have long been promised," said **Secretary Deb Haaland**. "I am grateful that Tribes, some of whom have been waiting for this funding for decades, are finally getting the resources they are owed with the help of this crucial funding from President Biden's Bipartisan Infrastructure Law."

The Bipartisan Infrastructure Law invests more than \$13 billion directly in [Tribal communities](#) across the country. That includes \$2.5 billion to implement the Indian Water Rights Settlement

11/19/24, 4:27 PM

Bipartisan Infrastructure Law Supports \$580 Million Investment to Fulfill Indian Water Rights Settlements | U.S. Department of the Interior

Completion Fund, which will help deliver long-promised water resources to Tribes, certainty to all their non-Native neighbors, and a solid foundation for future economic development for entire communities dependent on common water resources.

The Department will allocate nearly \$460 million from the Bipartisan Infrastructure Law's Indian Water Rights Settlement Completion Fund this year for settlements enacted prior to November 15, 2021, and \$120 million from the Reclamation Water Settlement Fund. The Reclamation Water Settlement Fund was created by Congress in 2009 and receives \$120 million in mandatory funding annually from 2020 through 2029.

There were 34 [congressionally enacted Indian Water Rights settlements](#) as of November 15, 2021, when the Bipartisan Infrastructure Law was signed. Indian reserved water rights are vested property rights for which the United States has a trust responsibility. Federal policy supports the resolution of disputes regarding Indian water rights through negotiated settlements. Settlement of Indian water rights disputes breaks down barriers and helps create conditions that improve water resources management by providing certainty as to the rights of all water users who are parties to the disputes.

The following settlements will receive funding this year:

Settlement	Total
Aamodt Litigation Water Rights Settlement	\$30,500,000
Ak-Chin Indian Water Rights Settlement Operations, Maintenance & Replacement	\$22,000,000
Animas-La Plata (Colorado Ute) Operations, Maintenance & Replacement	\$3,300,000
AZ Water Settlements Act Implementation - San Carlos Irrigation Project Rehabilitation	\$18,225,000
Blackfeet Water Rights Settlement	\$45,279,000
Confederated Salish Kootenai Tribes - Montana Water Rights Protection Act	\$156,937,000
Crow Tribe Water Rights Settlement	\$30,000,000

Gila River Indian Community -Pima Maricopa Irrigation Project	\$79,000,000
Navajo-Gallup Water Supply Operations, Maintenance & Replacement	\$2,000,000
Navajo-Gallup Water Supply Project	\$137,000,000
Navajo-Utah Water Settlement	\$39,114,000
Nez Perce Water Rights Settlement Operations, Maintenance & Replacement	\$6,700,000
San Carlos Apache Tribe (Distribution System)	\$1,500,000
So. Arizona Water Rights Settlement - Farm Extension	\$8,000,000

###

11/19/24, 4:27 PM

Bipartisan Infrastructure Law Supports \$580 Million Investment to Fulfill Indian Water Rights Settlements | U.S. Department of the Interior

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U.S. Department of the Interior
Stewarding Conservation and Powering Our Future



1849 C Street NW, Washington, DC 20240

We Need an Act for the 21st Century

By Erik D. Olson

Fifty years ago, President Ford signed the Safe Drinking Water Act amid reports of scores of waterborne disease outbreaks, widespread microbial contamination, and a public outcry about the chemical contamination of tap water in New Orleans and nationwide.

Substantial progress has been made since then. EPA issued about 100 standards over the years and recently adopted standards for six toxic PFAS “forever chemicals.” The SDWA and the Bipartisan Infrastructure Law have invested tens of billions of dollars in water infrastructure. Some EPA standards have yielded big health benefits. After the arsenic standard was strengthened in 2001, tap water levels dropped, preventing thousands of cancers.

However, at bottom, the promise of safe drinking water for all remains unfulfilled. Too often public health protection has not been the top priority. Old contaminants like nitrates and lead remain weakly controlled, and emerging threats like *Legionella* and thousands of chemical concoctions including most PFAS remain unregulated. Even when a court ordered EPA to regulate the toxic contaminant perchlorate, the agency failed. The SDWA’s standard-setting provisions, weakened in 1996, are not up to the task of protecting public health. Utility associations and the chemical industry’s resistance, lobbying, and litigation often have blocked or delayed important new standards.

Moreover, noncompliance is widespread. Utilities serving tens of millions of Americans commit tens of thousands of violations annually, ranging from serious health standard violations to failures to test. Only about one in ten violations face for-

mal enforcement and fewer receive penalties. Despite right-to-know requirements, the public is rarely aware of contamination. In Flint and other cases, threats were long allowed to fester, with false safety assurances.

While water in many better-off communities is relatively safe, contamination can occur anywhere and is more likely to afflict low-income communities and communities of color. Black communities and small rural communities are at disproportionate risk. Two million Americans lack running water and sanitation, especially Indigenous people. Although the Bipartisan Infrastructure Law importantly targets funding to disadvantaged communities, it will take many years and many additional billions to fully address this threat. And low-income people often cannot afford their water bills.

But we can fix this. We have a vision for the future.

Much as our grandparents and great grandparents did when water systems were built, we must again make investing in public health and modernizing our water systems a top priority. We can use state-of-the-art technologies that address a full suite of contaminants to avoid the “contaminant of the month club.” We can target investments to those communities most in need. Systems struggling to comply should be helped with funding and, with full community input, restructuring if needed. Safe tap water is far more efficient, climate- and environment-friendly, and cheaper than bottled water, which has become a go-to response for people concerned about water safety.

We also must ensure the right-to-know and honest public education. Utilities, states, and EPA must be forthright. People constantly reassured that their water is perfectly safe won’t want to pay for new investments. And since most improvements will still be funded by rate revenue, we need equitable rate

design and direct assistance for low-income households.

Another way to reduce costs to ratepayers and to minimize health threats is to require effective source water protection. We must strictly limit or eliminate the manufacture, use, and discharge of dangerous chemicals like PFAS, and crack down on inadequate industrial and commercial pretreatment and poor control of surface and groundwater pollution.

In sum, we need a 21st century Safe Drinking Water Act. Strong protections and investments in protecting our drinking water are wildly popular, supported by voters of all political stripes. We could enter a new era of safer water for all by investing at least \$20 billion per year federally in our water infrastructure (since over \$1 trillion is needed), and establishing strong, enforceable source-water protection and polluter-pays provisions.

The new law also should overhaul the broken standard-setting provisions. If the lead rule expected in October doesn’t fix the problem, a new act should. And we need effective affordability provisions, including a national low-income water assistance program and provisions to authorize and encourage equitable rate designs. There are other crucial improvements needed as well, such as strengthened citizen suit provisions and technical assistance grants to the public in communities with significant noncompliance.

With a strong new law, a robust new commitment by utilities and regulators to protecting the public, and real public engagement, finally every American will be able to turn on their kitchen tap and feel secure that they can trust that their water is safe. It’s a basic human right.

Erik D. Olson is the senior strategic director for health at the Natural Resources Defense Council and has worked on drinking water issues since starting in EPA’s Office of General Counsel in 1984.



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U.S. EPA awards over \$45 million for environmental improvements on tribal lands in America's Pacific Southwest as 28th Annual EPA Tribal Conference ends

October 21, 2020

Contact Information

Michael Alpern (alpern.michael@epa.gov)

415-264-3311

SAN FRANCISCO – Today is the final day of the three-week 28th annual EPA Pacific Southwest Tribal Conference. For the first time, the conference went completely virtual, bringing together hundreds of tribal stakeholders and key officials from government to network as well as to learn about and engage on important topics surrounding tribal environmental issues. To mark the conference's conclusion, the U.S. Environmental Protection Agency (EPA) is announcing nearly \$45 million in funding to tribes in the Pacific Southwest to invest in environmental protection programs and water infrastructure.

"EPA grants put resources into the hands of tribes to do the real work on the ground – protection of air quality and water quality, management of solid and hazardous waste, cleaning of lands, building capacity, and reaching communities through outreach and

education,” said **EPA Pacific Southwest Regional Administrator John Busterud**, addressing tribes in the region at the virtual conference.

EPA grants to tribes in the Pacific Southwest will support water quality monitoring, watershed protection and restoration, water and energy efficiency, and wastewater recycling and treatment. Tribes will also leverage EPA funding to support efforts that advance clean water and air and environmental protection of tribal lands.

EPA awards nearly \$17 million in funding to 20 tribes in Arizona

In Arizona, EPA is funding cleanup of open dumps, developing programs to monitor, protecting and improving air quality, and ensure public awareness of these efforts. Additional examples of work being funded include:

Navajo Nation will conduct environmental job training for former sawmill employees near Red Lake Chapter House.

White Mountain Apache Tribe will oversee asbestos abatement on several abandoned cabins around Hawley Lake to repurpose the popular recreational area for camping to generate additional revenue for the tribe.

Hopi Tribe will leverage \$1.3 million in funding towards the Hopi Arsenic Mitigation Project, a new regional water system that will deliver arsenic compliant drinking water to four Hopi communities, serving 869 homes.

EPA awards over \$4 million in funding to 16 tribes in Nevada

In Nevada, EPA funding will support reservation-wide recycling programs, pilot curbside recycling, and develop programs to monitor, protect and improve air quality while also building public awareness of these efforts. Additional examples of work being funded include:

The **Confederated Tribes of the Goshute Reservation** are receiving technical assistance to assess an old day school building. This assistance will help facilitate the tribe's plan to renovate the building into tribal offices.

The **Washoe Tribe of Nevada and California** is receiving technical assistance to evaluate potential contamination at two properties in the Dresslerville Community. The tribe's redevelopment plan includes developing a community resource center

preserving and showcasing the culture of the tribe.

The **Pyramid Lake Paiute Tribe** Water Quality Program will work with EPA and local partners to better understand and address factors that led to widespread beach closures at Pyramid Lake in 2020 after the detection of harmful algal blooms and cyanotoxins.

EPA awards nearly \$24 million in funding to 89 tribes in California

In California, EPA is providing \$1.3 million to assist the Indian Health Service to install emergency generators for seventeen tribes to power public water and wastewater treatment systems during power shutdowns. Tribes in California will also use EPA funding to develop programs to monitor, protect and improve air quality, and build public awareness of these efforts. Additional examples of work being funded include:

Pala Band of Mission Indians will expand their residential curbside Household Hazardous and Universal Waste (HHUW) pickup program, promote source reduction, and develop training and education materials for peer-to-peer training with other tribes.

Coyote Valley Band of Pomo Indians will develop a disaster resiliency plan and emergency operations training center to develop the capacity to respond to community environmental impacts following natural disasters.

Fort Bidwell Indian Community will conduct a waste characterization to evaluate the feasibility to build a transfer station tailored to the Community's waste stream and develop options to establish and fund a waste management system.

Virtual Conference Concludes Today

EPA hosted a three-week virtual conference starting October 6th to focus on a variety of tribal environmental issues. 620 registered participants attended and presented on sessions that included:

- Post-Fire Restoration on Washoe Land.
- Developing a Tribal Indoor Air Quality Program.
- Showcase of EPA's Greenhouse Gas Evaluation Tools for Organizations.
- Unidentified / Unregistered Public Water Systems in Indian Country.

- The History of Air Quality on the Gila River Indian Community.
- Tribal Drinking Water Team Updates.

For more information on the tribal conference, please visit: <https://www.tribalepa.com>

✉ <https://www.tribalepa.com/>.

November is Native American Heritage Month

EPA's Pacific Southwest Region encompasses more than half of all tribal lands in the United States and works on a government-to-government basis with 148 federally recognized tribes. EPA recognizes tribal governments as the primary parties for setting standards, making environmental policy decisions, and managing programs for reservations.

For more information, please visit <https://www.epa.gov/tribal/region-9-tribal-program> <https://epa.gov/tribal/region-9-tribal-program>.

Learn more about the EPA's Pacific Southwest Region <https://epa.gov/pacific-southwest-media-center>. Connect with us on Facebook <https://www.facebook.com/eparegion9> and on Twitter <https://twitter.com/eparegion9>.

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Last updated on May 24, 2024

U.S. Senate Environment and Public Works Committee Safe Drinking Water Act Hearing

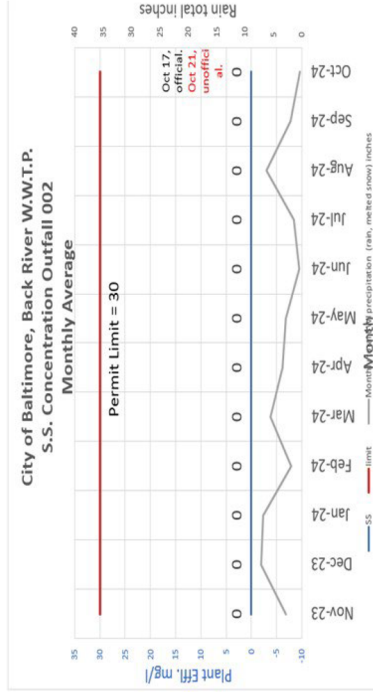
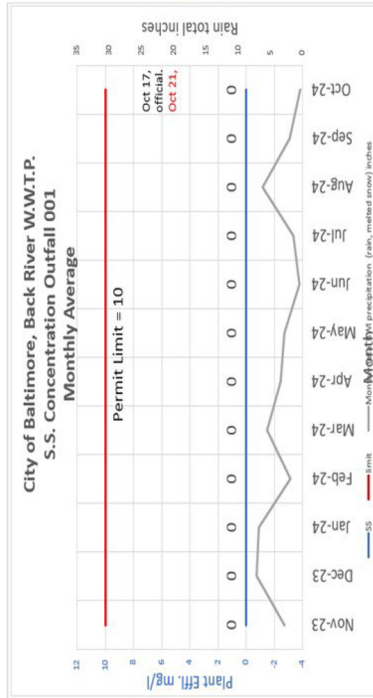
November 20, 2024





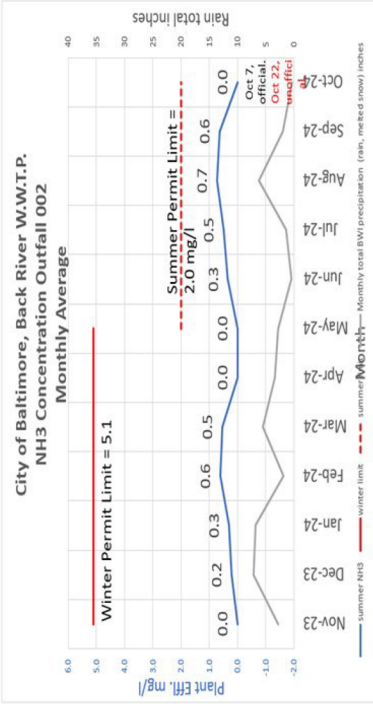
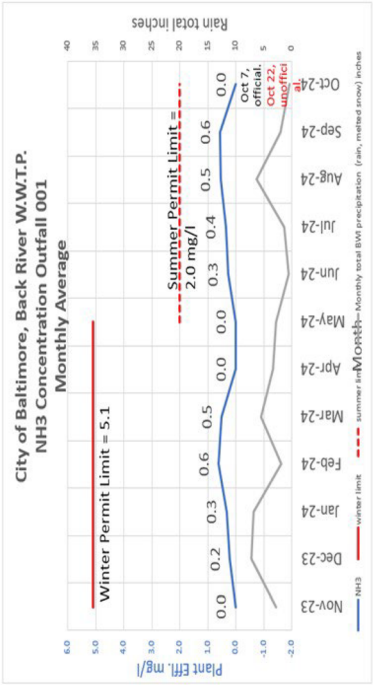
Improved Treatment Plant Water Quality

Suspended solids from treated wastewater is significantly lower than permitted levels



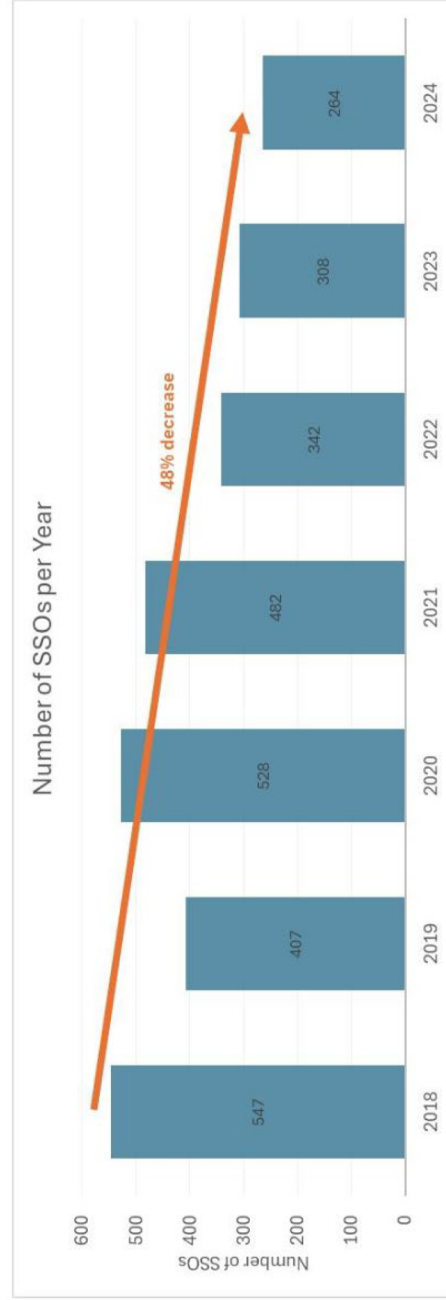
Improved Treatment Plant Water Quality

Nitrogen levels from treated wastewater is significantly lower than permitted levels

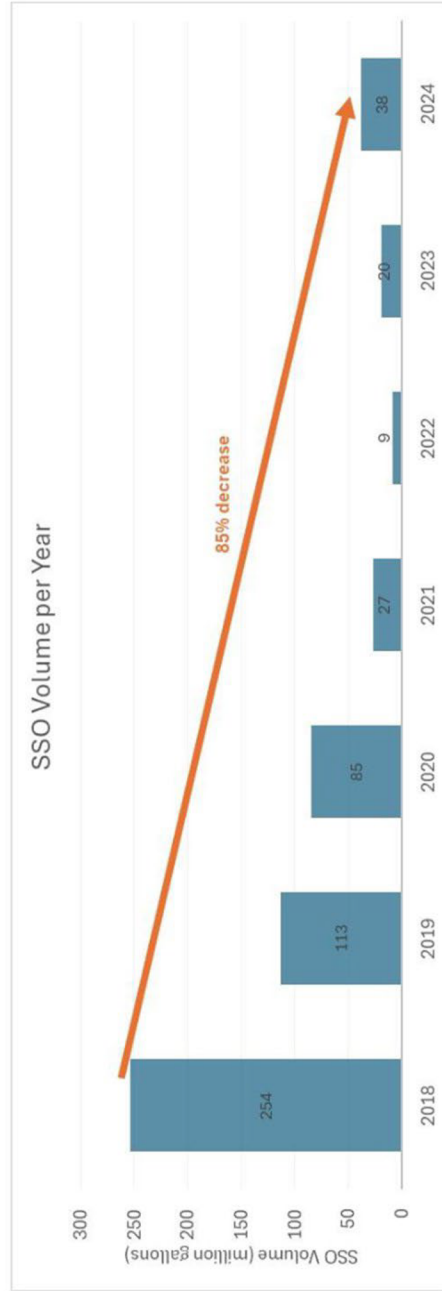


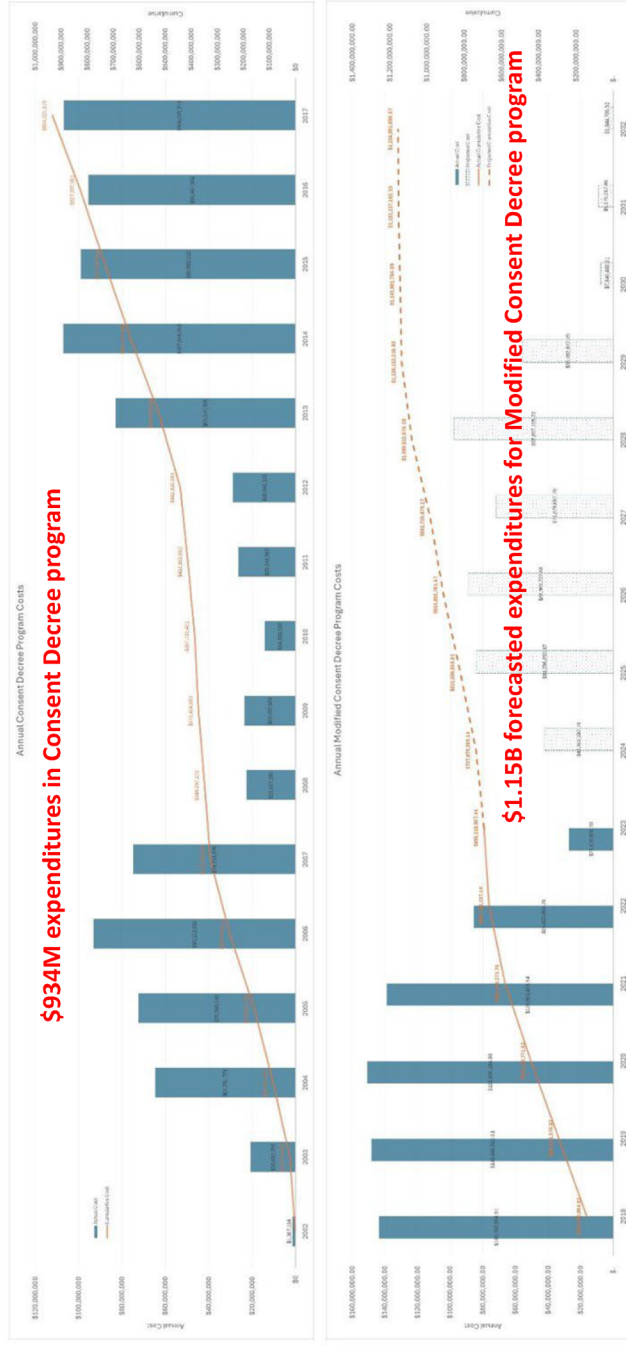


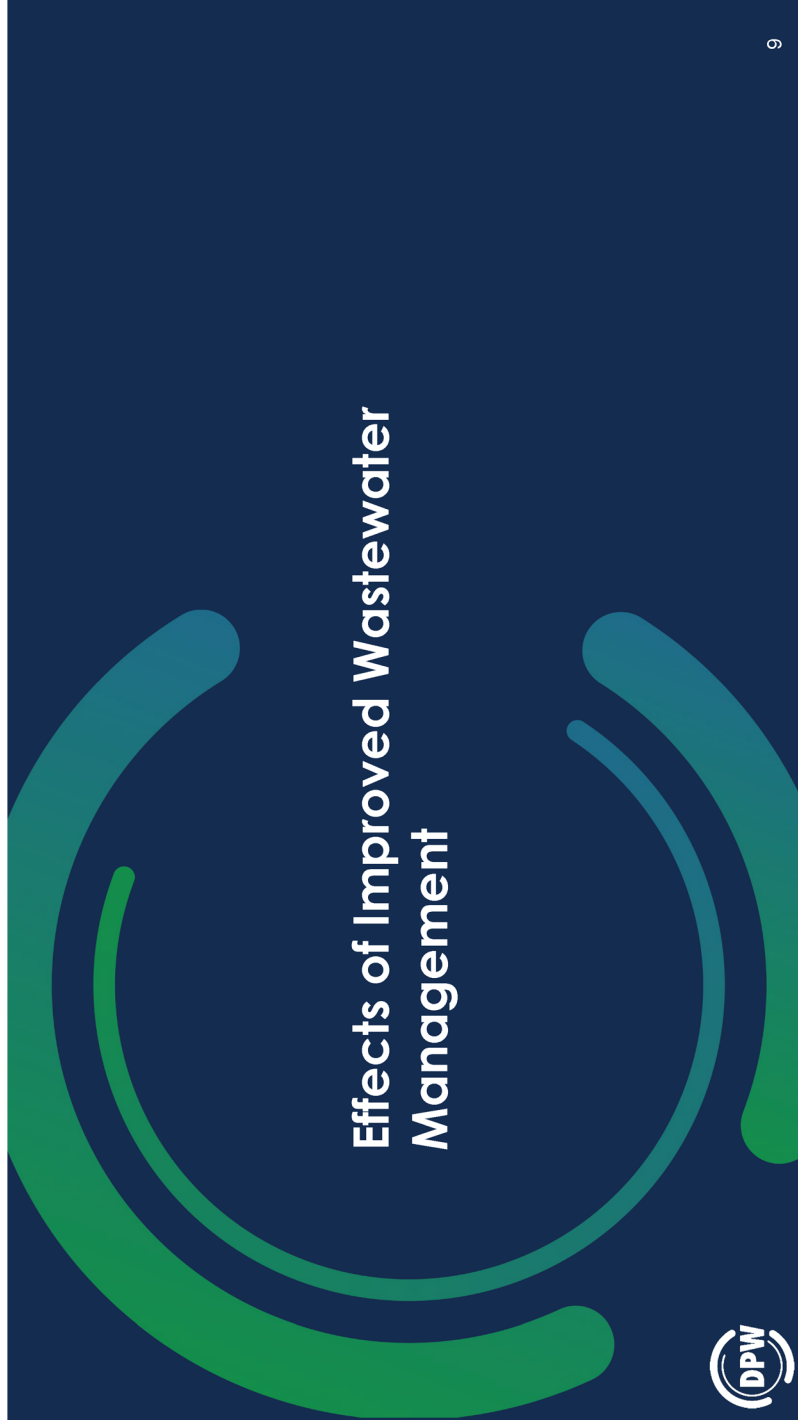
Continued Reduction in SSO Events



Dramatic Decrease in SSO Volume







Decreased E. Coli in Baltimore Watersheds

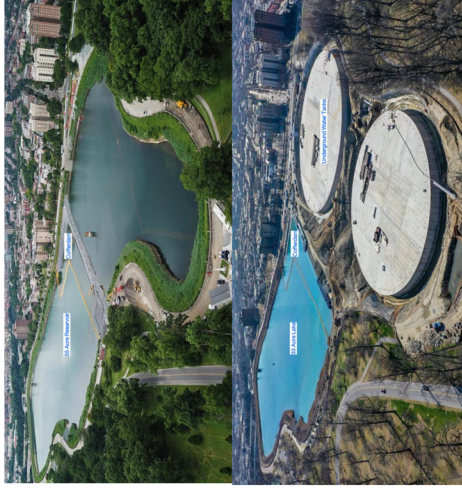
Watershed	Subwatershed	Site	Fiscal Year						2018-2024 Per Difference	
			2018	2019	2020	2021	2022	2023		2024
Back River	Herring Run	Harford Road	345	618	893	402	195	234	231	-33%
	Herring Run	Pulaski Highway	162	297	385	196	195	178	152	-6%
	Moore's Run	Biddle & 62 nd Streets	1,093	896	557	481	418	432	328	-70%
Jones Falls	Moore's Run	Western Run	326	1,223	297	262	225	163	337	3%
Gwynns Falls	Gwynns Falls	Purnell Drive	816	692	826	937	347	183	266	-67%
	Gwynns Falls	Hilton Street	348	298	302	1,024	235	213	184	-47%
	Gwynns Falls	Washington Boulevard	2,668	2,164	947	1,606	734	1,053	1,085	-59%





Ensuring Drinking Water Quality and Public Health

- 2010 – Entered into Administrative Order to cover finished water reservoirs
- December 2023 – Commissioned last 2 underground tanks (Druid Lake and Ashburton)
- Covered reservoir program cost = \$400M+



Druid Lake underground tank



Ashburton underground tank



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