

DRINKING WATER COMPLIANCE

Internal deliberative pre-decisional - FOR USE BY 2024 PRESIDENT-ELECT TRANSITION TEAM MEMBERS ONLY

ISSUE SUMMARY:

- Small, tribal, and disadvantaged water systems are often the most challenged to maintain compliance and provide critical access to safe drinking water. Small systems serve rural and urban areas across the country and are broadly characterized under the Safe Drinking Water Act (SDWA) as serving 10,000 or fewer people.
- For FY2024, the Public Water System Supervision Program (PWSS) Grant allotments were decreased by approximately \$5.5 million from the previous fiscal year allotments. The grant is essential to ensuring drinking water system compliance and public health protection as it is used by the primacy agencies (which includes states, Navajo Nation, territories, and the EPA regions that directly oversee tribal systems) to administer its primacy agency responsibilities. The decrease in fund directly impacts these programs (e.g., reduction in staff, implementation of existing and new drinking water regulations, and assisting public water systems with aging infrastructure issues).

KEY POINTS:

- The Safe Drinking Water Act requires EPA to establish and enforce standards that public drinking water systems must follow. EPA delegates primary enforcement responsibility (also called primacy) for public water systems to states, tribes and territories if they meet certain requirements. Currently all states except Wyoming, the Navajo Nation, and all U.S. territories have been delegated primary enforcement authority (i.e., Primacy). EPA provides national regulations, guidance, and oversight and directly implements the drinking water program in Wyoming, the District of Columbia, and on all Tribal lands except the Navajo Nation.
- EPA uses data from the Safe Drinking Water Information System (SDWIS) to understand water system compliance nationally. Primacy agencies quarterly submit violations and inventory data to EPA's SDWIS Federal Reporting Services (SDWIS Fed). EPA uses this data to provide oversight and technical assistance programs. The data inform the Agency's financial support programs as well as for implementation and enforcement efforts of the national drinking water regulations, along with emergency preparedness and response efforts.
- In addition to SDWIS Fed, EPA also provides SDWIS State to support primacy agencies' drinking water information management and day to day program implementation. SDWIS State also promotes nationally consistent compliance determinations and enhance data quality. In 2020, under E-Enterprise, EPA initiated a highly collaborative process with states to replace SDWIS State with a new centralized cloud-hosted Drinking Water State-Federal-Tribal Information Exchange System (DW-SFTIES), scheduled for initial uses in early 2026.
- One of EPA's key performance metrics is tracking whether community water systems (CWS) are in compliance with health-based standards. As of the first quarter of 2024, 93% of CWSs were in compliance with all health-based standards.
- Ninety-one percent of community water systems are considered small and serve 10,000 people or fewer.

- Analysis of data from SDWIS shows that small systems (1.7 times that of large systems) and Tribal-owned systems (2.9 times that of all other ownership types such as private or local government) are more likely to have health-based violations.
- EPA collaborates with multiple partners and provides financial and technical support to systems of all sizes through the Drinking Water State Revolving Fund (DWSRF), Bipartisan Infrastructure Law (BIL) Grant Programs, Technical Assistance grants, Water Infrastructure Improvements for the Nation (WIIN) grants, America's Water Infrastructure Act (AWIA) grants, and Water Infrastructure Finance and Innovation Act (WIFIA) program.
 - DWSRF set asides can be used by states to administer the DWSRF; support PWSS program management; support water system capacity development, operator certification, and wellhead protection programs; finance source water protection; and provide training and technical assistance.
- EPA provides tools and approaches for drinking water systems to meet water quality optimization goals and provide an increased – and sustainable – level of public health protection to their consumers.
- EPA supports systems, states, territories, and tribes to protect public health and ensure that communities with the greatest need have access to safe drinking water and affordable infrastructure improvements.
- Many of the compliance challenges encountered by small systems stem from capacity issues that may be technical, managerial, or financial in nature. EPA oversees assistance programs that are specifically designed to address such capacity issues:
 - Capacity Development Program: SDWA established a tailorable framework through which water systems can acquire the knowledge, tools, and resources they need to address capacity issues and achieve long-term compliance. EPA works with states to deliver capacity-building resources under this framework and to provide national oversight of states.
 - Operator Certification Program: Oversees state operator certification programs and promotes system compliance through minimum professional standards established under the SDWA. This program also offers workforce development resources that help systems with operator recruitment, training, and retention.
 - Workforce Development: In collaboration with federal partners, and input from water sector associations, EPA has developed a report to Congress describing the major challenges affecting recruitment, retention, and training in the water workforce. This report informs workforce development efforts at the state and community levels through its comprehensive summary of workforce development programs and resources that are presently available through the federal government, water associations, or utilities.
 - Tribes disproportionately lack both in-home piped access to drinking water and drinking water quality that meets regulatory requirements. EPA has a long history of partnership with federal partners including the Indian Health Service (IHS) through the Infrastructure Task Force in the implementation of both EPA infrastructure programs and ensuring drinking water regulation compliance in Indian Country. The EPA and IHS collaboration includes ensuring Tribal homes have piped access to safe drinking water and ensuring Tribes have the infrastructure needed to achieve and sustain compliance with drinking water regulations through co-funding of IHS identified projects. The EPA also partners with IHS to provide technical assistance to Public Water Systems (PWS) to ensure Tribal utilities have the technical capacity to comply with drinking water regulations.
 - WaterTA: EPA has several technical assistance initiatives collectively referred to as 'WaterTA.' These initiatives help systems build capacity, enhance resiliency, and maintain regulatory compliance through a variety of community-level services that identify water infrastructure challenges, develop plans, and prepare application materials for access to federal infrastructure funding. Two of these initiatives

focused on compliance are the Area Wide Optimization Program and the Training and Technical Assistance for Small Systems Grants. More detail on EPA's WaterTA initiatives can be found in the WaterTA transition paper.

ONGOING/UPCOMING REVIEWS FOR FY2024:

- **August 2024** – Host the 7th National Capacity Development and Operator Certification Workshop, in partnership with the Association of State Drinking Water Administrators (ASDWA). This is a biennial workshop that promotes collaboration between EPA, states, and technical assistance providers in delivering capacity-building resources that help systems achieve and maintain long-term compliance.
- **2024** – Continue to finalize and award grants under the Water Infrastructure Improvements for the Nation (WIIN) Act and the America's Water Infrastructure Act (AWIA).
- **2024** – Develop guidance, resources, and best practices to assist systems with implementing new requirements.
- **2025** – Conduct targeted trainings for primacy agencies on rules with the most violations nationwide.
- **2025** – Analyze compliance challenges and develop best practices on rules with high violation rate.

KEY EXTERNAL STAKEHOLDERS:

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| <input type="checkbox"/> Congress | <input type="checkbox"/> Industry | <input checked="" type="checkbox"/> States | <input checked="" type="checkbox"/> Tribes | <input type="checkbox"/> Media | <input type="checkbox"/> Other Federal Agency |
| <input checked="" type="checkbox"/> NGO | <input type="checkbox"/> Local Governments | <input checked="" type="checkbox"/> Public | | | |

MOVING FORWARD:

- Continue with EPA's oversight activities which includes regularly reviewing data submitted by primacy agencies to identify community water systems with health-based violations, including trends analysis; conducting PWSS Annual Reviews of each primacy agency (55 total) to document success and areas for improvement; and performing primacy agency program file reviews (e.g., each primacy agency every four years), to ensure consistent compliance determinations and data management. EPA uses information gained to leverage partnerships for solutions that meet a system's needs.
- EPA regularly collaborates with key stakeholders (e.g., Association of State Drinking Water Administrators and the Council of Infrastructure Financing Authorities) regarding such as implementation of the drinking water regulations or water system sustainability.
- EPA and States are cooperating in the planning and design of the Drinking Water State-Federal-Tribal Information Exchange System (DW-SFTIES). The DW-SFTIES Team is currently in the development phase until 2025.