NATIONAL GROUND WATER ASSOCIATION SMART WATER POLICIES 2023: LEGISLATIVE PRIORITIES





About The National Ground Water Association

The National Ground Water Association is a not-for-profit professional society and trade association for the global groundwater industry. NGWA is the leading trade association and professional society representing the groundwater industry of **over 100,000 employees**. We are committed to the management, protection, and use of groundwater resources. Our industry of water well contractors, scientists and engineers, manufacturers, and suppliers are actively working to provide safe and clean water to communities across the country.

For more information on our policy priorities and for a digital copy of this policy packet please visit: www.smartwaterpolicies.com

FACTS

- 43 million Americans depend on private water wells
- 44% of Americans depend on groundwater from private and public sources
- 53 billion Gallons of groundwater used daily for irrigation
- 2,854 locations in the U.S. contaminated with PFAS
- 29 states have varying regulatory standards for addressing PFAS
- 61% of America is currently facing drought conditions



Rural America has long faced challenges in accessing clean and safe drinking water. Small communities often struggle financially to invest in water infrastructure and provide appropriate training in groundwater management.

We urge Congress to take the following actions to support access to clean and safe water in rural America:

- Support The Healthy H20 Act, which would provide grants through the USDA to private well owners to purchase point-of-use and point-of-entry water treatment technology.
- Fully fund the U.S. Department of Agriculture's (USDA) Decentralized Water Systems Grant program at \$20 million for Fiscal Year 2024. Please find attached letter for additional details.
- Fully fund the EPA's Rural Water Technical Assistance Program, including \$3 million dollars for the private water well assistance program.
- Urge the E.P.A. to fully implement the Water Supply Cost Savings Act (PL 114-322) and establish a clearing house of cost-saving and alternate drinking water systems focused on water wells. The WSCS should be fully implemented in conjunction with IIJA Section 50104, Assistance for Small and Disadvantaged Communities implementation which provides \$20 million a year for voluntary connection to public water systems.

Workforce and Labor in The Groundwater Industry

Our membership plays a vital role in providing water to rural America where it is estimated more than 40 million people rely on private water wells. We also help drive industries such as agriculture, manufacturing, and mining, across the country.

Unfortunately, due to labor shortages and increasing regulations from the federal government, the groundwater industry is struggling to keep up with its growing demand. This has led to prolonged wait time to service our customers and hinders our ability to grow our workforce and create jobs.

In fact, it is estimated that the groundwater industry, across all sectors, will need an additional 100,000 employees by 2025. This includes those working in groundwater science and engineering.

We recommend that Congress take the following actions to improve workforce development and labor shortages in the groundwater industry:

- Support policies such as the TRUCKS Act, would allow states to issue a new "Small Business Restricted CDL" so ELDT requirements would not affect small businesses with nine CDLs or less.
- Further invest in workforce development programs and programs that promote CDL licensure and CDL training programs. Congress should explore supporting state programs, such as those in Alaska, which reimburse companies for the cost of successful training of new CDL drivers.
- Increase Federal support for STEM programs that include those related to groundwater science such as hydrogeology, geophysics, and water management.



Addressing the National PFAS Crisis: Funding treatment, small systems, and private wells

NGWA has long been a leader in advocating for a national maximum contaminant level (mcl) for PFAS chemicals in drinking water. The long-standing absence of a national mcl has led to regulatory confusion from state-to-state, increasing public anxiety about water quality, and most importantly, the perpetuation of dangerous levels of PFAS in U.S. drinking water.

On March 14, the U.S. EPA announced their newly proposed national mcl for PFAS in drinking water at 4 parts per trillion. While we remain supportive of a national mcl, we are also adamant that there be adequate federal support for our communities and citizens to meet such standards.

NGWA recommends Congress take the following actions in pursuit of a supporting a national standard for PFAS in drinking water:

- Expand funding of PFAS treatment and testing for private water well owners and small rural systems.
- Ensure state and local governments receive needed funding and guidance to comply with new mcl.
- Ensure any new mcl standard be implemented in a time frame that allows for maximum compliance.



Promoting Groundwater Protection: The National Groundwater Monitoring Network

The National Groundwater Monitoring Network (NGWMN), which is operated by the U.S. Geological Survey, is a nationwide network of groundwater monitoring wells from federal, state, and local governments. These monitoring wells provide data on water levels, water quality, lithology, and well construction to a central NGWMN data portal.

The data collected through the NGWMN plays a crucial role in monitoring the health and supply of our nation's groundwater and is an important tool when water policies are being considered. The NGWMN also provides information to assist in better predicting drought conditions, water supply issues, and complications in groundwater quality.

- NGWA urges Congress to instruct the USGS to provide a report on the cost and implementation timeline of adding PFAS chemicals to those monitored throughout the NGWMN.
- NGWA supports funding the NGWMN at its current level until a determination may be made on the additional cost of including PFAS to NGWMN



It's estimated that 69% of agricultural irrigation is provided by groundwater. Because of this heavy reliance on groundwater to produce our nation's food the NGWA urges Congress to draft and pass a bi-partisan Farm Bill in 2023.

The NGWA supports the following issues to conserve and protect agricultural groundwater use: **Support EQIP & other USDA conservation programs:**

- Increase Environmental Quality Incentives Program funding available to food producer. Farmer demand for EQIP resources far outstrips available funding, necessitating significantly more resources for EQIP, to ensure that farmers can invest in efficient irrigation technologies and services to ensure water-related conservation priorities are addressed.
- Allow new irrigation system EQIP eligibility to help farmers adapt and become more resilient in the face of a changing climate. EQIP only allows operations that have irrigated two out of the last five years to be eligible for the program. Removing this requirement will help new irrigators start out equipped with efficient systems, tools and strategies, which would lessen their reliance on disaster assistance and crop insurance due to crop loss from drought.
- Incentivize management that leads to multiple environmental benefits, including water quality and responding to a changing climate. Advanced irrigation management leads to less runoff and nutrient leaching and can promote energy efficiency and groundwater conservation.
- Instruct the USDA to pursue opportunities with federal agencies to develop managed aquifer recharge and water recycling programs in agricultural areas impacted by prolonged drought and aquifer depletion.

Water of the United States

The U.S. Environmental Protection Agency and the U.S. Department of the Army published on December 30, 2022 their final rule establishing a new definition of "waters of the United States" (WOTUS). The final WOTUS rule published by the agencies expands federal jurisdiction over various bodies of water and tributaries that may have a hydrological impact on navigable waters or water that has been traditionally defined under WOTUS. These include creeks, marshlands, and some rivers and lakes across the United States.

The definition of WOTUS has been in a constant state of change over the last decade which has led to uncertainty and jurisdictional confusion for states, localities, small business, and farmers. This confusion has only increased with the EPA's increasing interest in expanding the jurisdiction of WOTUS.

NGWA has been a long-time opponent to WOTUS expanding its jurisdiction over groundwater and other bodies of water traditionally managed by states and regional water authorities.

• NGWA urges Congress to pursue legislative solutions that will ensure groundwater's exclusion from WOTUS and scale back the expanding jurisdictional footprint of the WOTUS rule.





SUPPORTING DOCUMENTS

The Healthy Drinking Water Affordability Act (The Healthy H2O Act)

Legislation that would provide direct assistance to rural communities, households, and non-profits to test their drinking water and fund filtration technology to provide safer drinking water.

Problem: Rural communities have historically been overlooked by federal investments when it comes to addressing drinking water challenges, especially those who are dependent on private wells.

Solution: We can protect public health and use voluntary solutions to address a key gap in drinking water safety, by **ensuring people have tools to:**

- Test their drinking water
- Understand the impact of health contaminants found in their water sources
- Access a solution that best fits their situation

Untreated health contaminants threaten water quality for millions of people. Across the United States, communities face threats to their drinking water from a number of contaminants, including lead, arsenic, nitrates, volatile organic compounds (VOCs), PFOA, PFOS, hexavalent chromium-6, and others. Public water systems monitor for these threats and treat water before it is distributed to points of consumption. However, nearly 23 million households rely exclusively on groundwater delivered through private wells for their drinking water. This water is not subject to the same regular oversight and testing for contamination, which can delay the identification of and response to health threats. Children are especially vulnerable to water contaminants such as lead and PFAS, and water filtration systems can often provide relief for families upon installation.

Solutions are available but access and use needs to be increased to protect public health. There are many ready-to-use technologies for testing and water treatment at the point of consumption. The challenge is that many people do not realize they may be at risk or understand how to identify an effective treatment solution. Low-cost technology solutions installed at the faucet or within a building can provide short-term and ongoing protection from known and emerging water contaminants. These solutions are especially critical because they provide a rapidly deployable solution to newly discovered water contamination. These water issues are often overlooked by existing federal water programs since they mostly focus on assistance for public water systems.

The Healthy Drinking Water Affordability Act or "Healthy H2O Act" would drive positive public health benefits for millions of rural, underserved communities (populations of 10,000 or less), with persistent water challenges that lack near-term solutions to contamination by:

- Providing grants to conduct water quality testing and the purchase, installation, and maintenance of point-of-use or point-of-entry water treatment systems that remove or reduce health-based contaminants from drinking water.
- Having the U.S. Department of Agriculture (USDA) directly provide grants to individuals and licensed child-care facilities in addition to non-profits who are equipped to help people go through the process of testing and then finding and installing a water treatment product to address their situation.
- Requiring water treatment systems funded through the program be third-party certified to address the health-based contaminant found in their drinking water.

The Healthy H20 Act has received support from 25+ organizations including the Water Quality Association, RCAP, National Groundwater Association, IAPMO, Water Systems Council, American Supply Association, and NSF International.

> Supporting Organizations Water Quality Association American Supply Association California Ground Water Association Eastern Water Quality Association (EWQA) Florida Water Quality Association (FWQA) Illinois Association of Groundwater Professionals International Association of Plumbing and Mechanical Officials (IAPMO) Iowa Water Quality Association International Code Council (ICC) Kentucky Groundwater Association Michigan Groundwater Association Minnesota Water Well Association Minnesota WQA (MWQA) Montana Water Well Drillers Association National Groundwater Association Nebraska On-Site Wastewater Association Nebraska State Irrigation Association Nebraska Water Leaders Academy Nebraska Well Drillers Association **NSF** International Ohio Water Quality Association (OWQA) Pacific Water Quality Association (PWQA) Rural Community Assistance Partnership (RCAP) Texas Water Quality Association (TWQA) The Groundwater Foundation Water Council of Milwaukee Water Quality Association of Wisconsin Water Systems Council Water Well Trust Well Drillers Association of Wisconsin

The Honorable Martin Heinrich Chair, Subcommittee on Agriculture U. S. Senate Appropriations Committee Washington, DC 20510

The Honorable Andy Harris Chair, Subcommittee on Agriculture U.S. House of Representatives Washington, DC 20515 The Honorable John Hoeven Ranking Member, Subcommittee on Agriculture U. S. Senate Appropriations Committee Washington, DC 20510

The Honorable Sanford Bishop Ranking Member, Subcommittee on Agriculture U.S. House of Representatives Washington, DC 20515

Dear Chairs and Ranking Members:

On behalf of the undersigned coalition representing rural technical assistance providers, associations, environmental policy organizations, and private well and decentralized wastewater professionals, we respectfully ask for the U.S. Department of Agriculture's (USDA) Rural Decentralized Water Systems Grant program to be fully funded at \$20 million for Fiscal Year 2024.

This USDA program has a track record of success in supporting loans and grants of up to \$15,000 to low-and moderate-income households in rural areas for the use of private water well and decentralized, onsite wastewater system installation, treatment, or upgrades in areas not served by a public utility.

The program received an expanded authorization in the *Agricultural Improvement Act of 2018*, allowing onsite wastewater recycling projects to also qualify for support. By expanding the program, it strengthens existing federal resources that can be used to assist in the financing of private wells, water treatment, and wastewater systems for those rural Americans most in need.

As you know, there are more than 15 million private wells that provide drinking water to over 47 million people. More than a million homes across the country lack adequate plumbing and nearly 200,000 homes lack a sewage system altogether, according to recent data from the U.S. Census Bureau. Moreover, roughly 85 million Americans depend on decentralized septic systems to treat and manage their wastewater. The challenges facing rural communities are unique, as they often do not have the financial and technical resources available to larger municipalities, which makes expanded investment in this program so critical.

Providing the full funding of \$20 million to the Rural Decentralized Water Systems Grant program will protect the health and safety of Americans on private wells or septic systems, rural communities, and the source water they rely on each day. We look forward to working with your committee throughout the appropriations process to support the unique needs of rural Americans.

Sincerely,

FY'23 Supporters

California Groundwater Association Colorado Professionals in Onsite Wastewater Earthjustice Florida Groundwater Association Groundwater Foundation Illinois Association of Groundwater Professionals Kansas Small Flows Association Kentucky Groundwater Association Michigan Ground Water Association Michigan Onsite Recycling Association Minnesota Onsite Wastewater Association Minnesota Water Well Association Missouri Smallflows Organization Montana Water Well Drillers Association National Association of Wastewater Technicians National Environmental Health Association National Environmental Services Center National Ground Water Association National Onsite Wastewater Recycling Association Natural Resources Defense Council Nebraska On-Site Waste Water Association Nebraska Well Drillers Association Northern Brownfields Assistance Center North Dakota Onsite Wastewater Recycling Assoc. Ohio Onsite Wastewater Association Ohio Water Well Association Pennsylvania Groundwater Association Rural Community Assistance Partnership Tennessee Onsite Wastewater Texas Onsite Wastewater Association Virginia Water Well Association Washington Onsite Sewage Association Water Systems Council Water Well Trust, Inc. West Virginia University Energy Institute Wisconsin Onsite Water Recycling Association Yankee (New England) Onsite Wastewater Assoc.