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# ENVIRONMENT: AIR & WATER

COLORADO HOUSE ENERGY & ENVIRONMENT COMMITTEE



# NATIONAL CONFERENCE OF STATE LEGISLATURES (NCSL)

- Bipartisan organization, funded by state legislatures
- Serves the 7,383 legislators and 30,000+ legislative staff of the nation's 50 states, its commonwealths and territories
- Covers every topic of state policy
  - State fiscal policy (appropriations and taxation)
  - State legislative management
  - Energy & Environment
- Activities:
  - ▶ Research and information on topics of interest to the states
  - ▶ Technical assistance and training
  - ▶ Opportunities for policymakers to exchange ideas
  - ▶ Lobbying at the federal level for states' interests



# ENVIRONMENTAL ISSUES

- Water Quality Issues
  - Per- and polyfluoroalkyl substances (PFAS)
  - Private and Public Drinking Water Wells
- Air Concerns
  - Indoor Air Quality (Radon)
  - Outdoor Air Quality



# DRINKING WATER QUALITY

- US EPA estimates that \$334 billion is needed to maintain existing water and wastewater infrastructure through 2026
  - 49,250 Community Water Systems
  - 21,400 Non-Profit Noncommunity Water Systems, Indian Water Systems and Alaska Native Village Systems
- Since 1996, a substantial amount of funding for such projects have come from the SRF programs
  - 1997 – 2016 \$32.5 b for 13,183 projects
- Congressional increased their support in FY 2018
  - Only EPA Program the Trump Administration supported an increase
- Bond markets make up to 65.1% of water project financing in states in 2009
  - Requires ratepayers to cover costs of infrastructure upgrades (through debt service)



# STATE DRINKING WATER REVOLVING FUNDS

- Financial assistance programs set up by the state to help fund local water system projects
- Established to help the local water systems to achieve the health protection objectives under the Safe Water Drinking Act
- Funds up to 80% of State Water Infrastructure Development
- Requires a State Match
- Water treatment, transmission and distribution, source water, water storage, water consolidation, and creation of new systems, Lead Service Lines

“EPA’s Office of Water has essentially become a bank for water districts.”



Peter Grevitt, EPA Office of Water



NATIONAL CONFERENCE OF STATE LEGISLATURES

# PRIVATE WELL WATER

## National Statistics

- Small systems serving less than 25 people are exempt from federal standards
- 10.5 % of the nation gets their water from unregulated systems
  - Includes private well water, small systems and rural areas not served by a utility
- Estimated 20% of private wells have contaminants above EPA estimates
- Water-borne disease outbreaks from private wells increasing according to CDC
- Reverse Osmosis System (ROS) costs around \$500; \$60 a year maintenance; what public health recommends

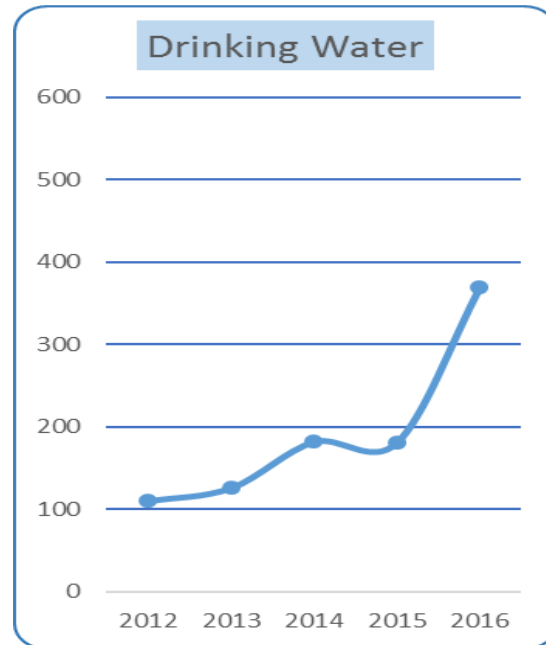
## State Responses

- Iowa provides free testing of water samples from private wells
- New York requires annual testing of private wells
- New Jersey requires testing once every 5 years
- New Hampshire provides low-cost water testing
- Maine initiated new private well water testing and mitigation program
- North Dakota requires oil & gas operations to test wells within ½ mile of their development
- Washington regulates private systems serving 2 or more homes



# DRINKING WATER AND STATE LEGISLATURES

## Bills 2012 - 2016



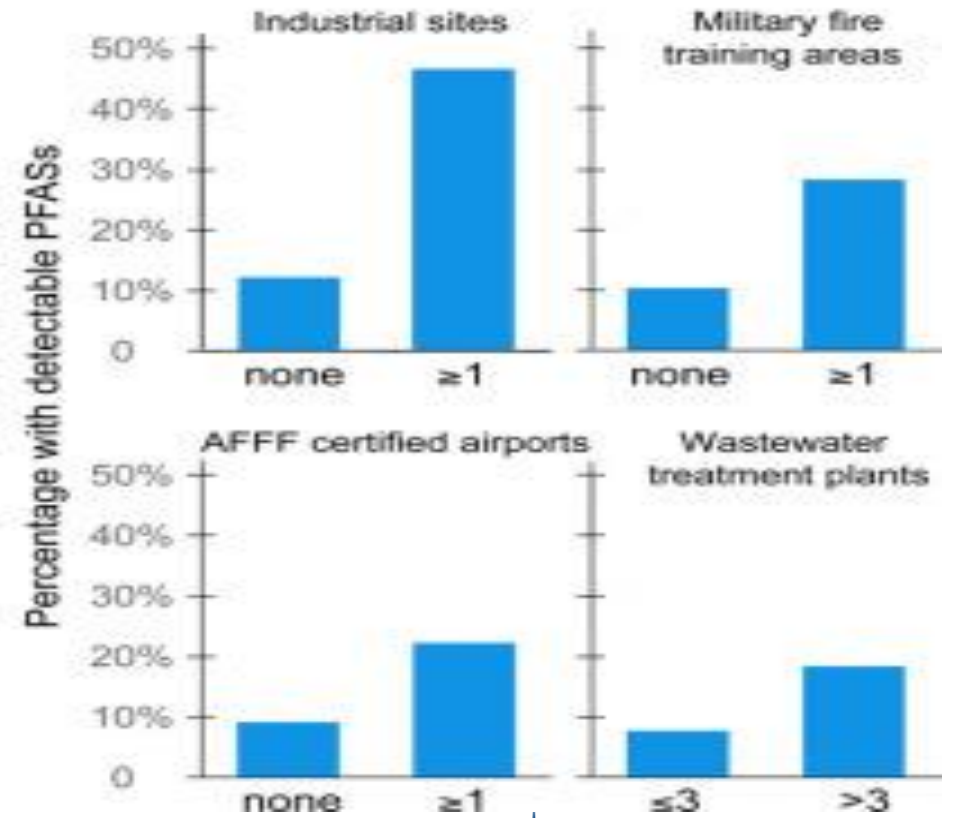
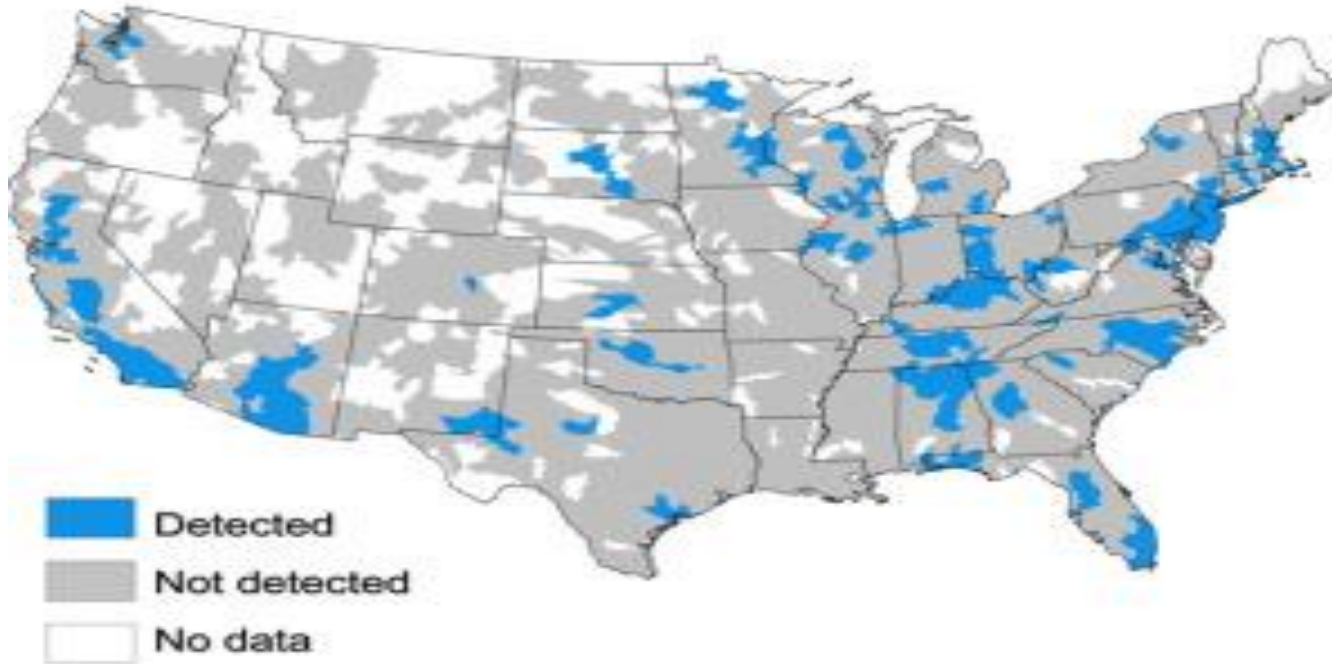
## 51 bills enacted in 2018 in 26 states

- **CA SCA 4** - Ensures that affordable water is available to all Californians
- **CA A 277 (Act No. 438)**- Authorizes the State Water Resources Control Board to establish the Water and Wastewater Loan and Grant Program to provide funding to eligible applicants for specified purposes relating to drinking water and wastewater treatment.
- **IA S 513 (Chap. 169)** - establishes a Water Quality Infrastructure Fund
- **ME H 321 (Chap. 230)**- establishes a system designed to help ensure public health, improves testing for and treatment of contaminants or properties in residential private drinking water wells.
- **ME S 426 (Chap. 28)**- Provides one-time appropriations from the General Fund for treatment of contaminated private drinking water wells
- **NC H 436 (Act No. 138)** - Provides for uniform authority to implement system development fees for public water and sewer systems in North Carolina
- **WI A 226 (Act No. 69)** - assistance for remediating contaminated wells and failing wastewater treatment systems



# EPA STUDY OF PFAS IN GROUND WATER

## Hydrological units with detectable PFASs





# PFAS, PFOA, PFOS, GEN X LEGISLATION

- [MI H 4320 \(Chap. 201\)](#) – U. S. Department of Defense shall reimburse the state for costs associated with PFAS and environmental contamination response at military training sites and support facilities.
- [NH H 485](#) - DES will set drinking water standards and groundwater quality standards (AGQS) for PFOA (perfluorooctanoic acid) and PFOS (perfluorooctanesulfonate) to 20 parts per trillion (ppt), as compared to the current AGQS of 70 ppt.
- [NY S 4386](#) - Authorizes the Department of Health to establish maximum levels for perfluoroalkyl carboxylic acids (PFCAs) and (PFSAs) perfluoroalkyl sulfonic acids in public drinking water.
- [NC H 189, S 222](#) – “GENX” and other emerging contaminants; directs the department of health and human services to establish health goals for per- and polyfluoroalkyl substances; directs the department of environmental quality to cooperate with any audit of the NPDES permit program; directs the department of environmental quality to share water quality data with states
- [NC H 56 \(Chap. 209\)](#) - the General Assembly finds that the discharge of the poly-fluoroalkyl chemical known as "GenX" into the Cape Fear River and provides funding for impacted local public utilities for the monitoring and treatment of GenX and to support the identification and characterization by scientists, engineers, and other professionals of GenX in the Cape Fear River.
- [VT S 10 \(Act No. 55\)](#) - Provides that a person who released perfluorooctanoic acid into the air, groundwater, or surface water, or onto the land is strictly, jointly, and severally liable for the costs of extending the water supply of a public water system



# PFAS IN COLORADO

## PFAS in Colorado

- Identified in drinking water wells in El Paso County (Widefield aquifer), Commerce City and Boulder County
- Widefield aquifer is downstream from Peterson AFB, Air Force working with county to mitigate threats
  - Purchasing water from Pueblo
  - Providing ROS treatment systems for private wells
- Detected in wells in Commerce City, no defined source
- Detected in wells near firefighting training; use of aqueous film forming foam (AFFF) high in PFAS; using safer alternative
- Colorado has no regulatory authority to require cleanup
- Tests in Widefield have shown between 400 to 81,000 ppt of PFAS in drinking water; state follows EPA standard of 70 ppt
- Water systems serving over 10,000 had to test for PFAS; systems serving <10,000 and private water wells were not tested

## EPA Response to PFAS

- Health-based standard (not regulatory) of 70 ppt
  - Standard has decreased 10x earlier level
  - Technology allows for much stricter standard setting
- EPA using SuperFund and Safe Drinking Water Act to require cleanup
  - Superfund allows to charge persons liable (i.e., Air Force)
- Feds and States lack a regulatory infrastructure to handle PFAS
- CDC biomonitoring shows majority of US population has PFAS



# INDOOR AIR QUALITY

## EPA's Indoor Air Quality Program

- No EPA mandate or delegation to the states
- No Federal IAQ Act
- Provide guidance on radon, mold, VOCs
- Support with outreach grants

## Radon in Colorado

- Naturally occurring gas emitting from the ground; concentrates in basements
- 2<sup>nd</sup> leading cause of lung cancer, after smoking
- 20,000 deaths annually in US
- Much of Colorado is high risk for radon
- Mitigated by building homes radon-resistant (RRNC)
- Can mitigate existing homes with active or passive systems
- Standard is 2 to 4 pCi/L
- January is Radon Action Month; CDPHE gave away all radon test kits in 1 day in 2019



# OUTDOOR AIR QUALITY

- Governed by the Clean Air Act; states must submit State Implementation Plans (SIPs) to demonstrate how they plan to meet attainment standards
- Front Range out of EPA's air quality attainment level for Ozone
- Most Ozone comes from motor vehicles and oil & gas wells
- Colorado working with EPA on new State Implementation Plan (SIP) to reduce Ozone levels in the state



# LEAD IN WATER

- [CA A 746](#) - Requires a community water system that serves a school site of a local educational agency with a building constructed before a given date to test for lead in the potable water system of the school site. Requires the community water system to report its findings to the school site.
- [DC B 29](#) amends the Healthy Schools Act of 2010 to require the Department of General Services to locate drinking water sources and install and maintain filters for reducing lead at all drinking water sources in public schools, requires certain water tests.
- [MN H 2](#) - the commissioners of health and education shall jointly develop a model plan to require school districts to accurately and efficiently test for the presence of lead in water in public school buildings serving students in kindergarten through grade 12.



# LEAD SERVICE LINES

- California adopted a lead service line replacement program in 2016; in 2017 the state enacted [S 427](#) to establish a timeline for the replacement.
- The appropriation bills in New York ([A 2007](#)) and Pennsylvania ([H 674](#)) provide financing options to replace lead service lines. Colorado enacted [H 1306](#) which requires the testing of lead in public schools.
- District of Columbia enacted a similar provision ([B 29](#)). Illinois [S 1943](#) provides waivers from testing for lead in school buildings. Maryland also requires periodic testing for the presence of lead in schools ([H 270](#)).
- New Jersey provided reimbursement for schools testing for lead in water ([A 4284](#)). Virginia [S 1359](#) requires each school board to implement a plan to test potable water for lead.







Doug Farquhar

Environmental Health

National Conference of State Legislatures

[Doug.farquhar@ncsl.org](mailto:Doug.farquhar@ncsl.org)

720.856.1397

