



Western Governors' Association Policy Resolution 08-19

The Safe Drinking Water Act

A. BACKGROUND

1. In 1975 the U.S. Environmental Protection Agency (EPA) set the National Interim Primary Drinking Water Regulation standard for arsenic at 50 parts per billion (ppb). This interim standard was converted to a National Primary Drinking Water Regulation in the 1986 Amendments to the Safe Drinking Water Act. The regulation was subject to revision by 1989. EPA failed to meet the revision deadline, and a citizen suit was filed. From then until 1995, the Science Advisory Board reviewed studies related to health and risk from arsenic. It concluded that there are definitive health effects related to high levels of arsenic exposure, but the relationship at low doses was still in question. The 1996 Safe Drinking Water Act Amendments required EPA to improve the research into the health effects of arsenic, and to issue a proposed regulation by January 1, 2000. On January 22, 2001, a new standard for arsenic at 10 ppb was established.
2. To address these higher costs, EPA has provided significant funding for research and development of more cost-effective technologies to help small systems, and will provide technical assistance and training to operators of small systems. Additionally, funding assistance is available to water systems through the Drinking Water State Revolving Loan Fund.
3. EPA is considering revisions to the Safe Drinking Water Act's (SDWA) "small system drinking water affordability guidance" to address the challenges faced by small systems in providing safe and affordable drinking water to their customers.

B. GOVERNORS' POLICY STATEMENT

1. The Western Governors believe that the Safe Drinking Water Act and the standards established thereunder for drinking water contaminants have been instrumental in ensuring safe drinking water supplies for our nation. The governors further believe that it is essential for the federal government through the EPA to provide technical and financial assistance to the states and water systems to meet the federal requirements. In particular, assistance is needed for small systems for new treatment technologies, and in some cases for operation and maintenance.
2. The Governors support studies by EPA that will provide an increasingly better scientific understanding of the health effects of arsenic in drinking water in the range of levels that are found naturally in drinking water sources in the Western United States.

3. The Governors believe the Drinking Water State Revolving Loan Fund (DWSRF) has been an important tool to provide federal assistance to states and to drinking water systems. The Governors support efforts to increase state flexibility in spending DWSRF funds for disadvantaged communities, such as to the small systems that are impacted by the new arsenic rule. The Governors also ask for the EPA's commitment to increase funding assistance to the states for compliance with the new standard through this fund.
4. The Governors support EPA technical assistance and research to improve both the efficiency and affordability of treatment technologies for arsenic, particularly for small systems. The Governors ask that the EPA give special consideration to feasible technology based on the resources and needs of small water systems. Analysis of the costs of treatment should carefully determine total costs of capital improvements, operation, and maintenance when determining feasible technology that can be applied by small systems.
5. The Governors want to ensure that all of our citizens—both urban and rural—are provided safe, affordable drinking water. However, the Governors had significant questions about aspects of the EPA's affordability guidance that were proposed in 2006. The Governors want to work closely with the EPA to identify cost-effective solutions that will enable all citizens to have access to safe and affordable drinking water. To this end, the Governors urge EPA to convene a broad public stakeholder-driven process that allows states, municipalities, and other interested entities to engage with EPA to fully evaluate all potential options.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Western Governors' Association (WGA) shall post this resolution to its Web site to be referred to and transmitted as necessary.
2. WGA shall work with EPA and the appropriate congressional committees to implement this policy.

This resolution was originally adopted in 1999 as WGA Policy Resolution 99-036, and was readopted in 2002 as Policy Resolution 02-03.

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