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**Testimony of
Mark Pepper, Executive Director
The Wyoming Association of Rural Water Systems
And on behalf of
The National Rural Water Association
Before the
Subcommittee on Fisheries, Water, and Wildlife
Senate Committee on Environment and Public Works
Subject
Implementation of the Drinking Water and Wastewater Infrastructure Act
April 5, 2022**

Good morning, Chairwoman Duckworth, Ranking Senator Lummis, and Members of the Subcommittee. Thank you for the opportunity to appear virtually. I was in DC most of last week with small water systems including the Town of Ten Sleep, Wyoming, who took home the Silver Medal at the Great American Water Taste Test. And Congratulations Madam Chair, the Lake Egypt Water District from Illinois was crowned the Gold Medal winner of the contest. It is an honor to testify today on behalf of small and rural communities like Ten Sleep and Lake Egypt Water District. I am Mark Pepper, the executive director of the Wyoming Association of Rural Water Systems - a nonprofit association of 255 small water systems in the state. I am also testifying on behalf of the National Rural Water Association, which has a membership of over 30,000 small and rural water systems.

On behalf of small and rural communities, we appreciate the U.S. Congress for the enactment of the bipartisan "Infrastructure Investment and Jobs Act" or the "Infrastructure bill." This legislation and its approximately 50 billion dollars in water infrastructure funding will be remembered as one of the most significant public drinking water and wastewater initiatives, especially in rural America.

Congress included numerous beneficial provisions for rural and disadvantaged communities in the Infrastructure Bill, including access to new funding that will help them overcome their challenges of lack of technical capacity such as the expansion of technical assistance, subsidized funding, or grants targeted to the communities with the greatest need which are often rural and small.

As with any large piece of legislation, it would appear there are a number of "who for what art thou" language provisions along with "mays" and "shalls" and the Administrator will issue rules and

guidance that we will all need to work through as we endeavor to assist water systems in utilizing this funding.

In Wyoming, much of the water and wastewater infrastructure is 40-60 years old and needs replacement and upgrade. This includes drinking water lines, sewer collection systems, water storage tanks, pumps, and treatment systems, IT and physical safeguards. Additionally, our current drought is forcing many communities to find new water sources and driving up consumers' water bills.

In Wyoming, our Department of Environmental Quality administers both the drinking water and clean water SRF's. However, the process remains cumbersome for most rural and small communities to complete without the assistance of consulting engineers or technical assistance providers and get on the department's Intended Use Plan. The infrastructure law will infuse three times the traditional amount of state revolving funding in fiscal year 22 in addition to the traditionally appropriated amount included in the fiscal year 22 Omnibus Appropriations Act. When contemplating the massive amount of new funding being pumped into the existing system over the next five years, I am reminded of the line from the movie *Jaws*, "*We're gonna need a bigger boat.*"

The U.S. EPA has announced they will be making 50 million dollars in technical assistance available this year to meet this challenge. We are grateful that Congress allowed states to use up to two percent of the funding for technical assistance in the Act, which can also be used to meet the challenge.

We also understand the important need to eliminate lead water lines from our utility systems and customer service lines. This will be a daunting task to perform the inventory projects so water systems will have the information necessary to then address potential replacement projects. To that end, our association as well as many other state rural water associations have partnered with 120Water. 120Water is a company that has developed predictive modeling and database search tools to help all systems in compiling the data needed for the initial inventory. The revised Lead Copper Rule requires this inventory be completed by October, 2024. Once the inventory is completed, systems should have the data necessary to apply for funding. This partnership along with the availability of increased technical assistance resources will go a long way to achieving this goal.

Many rural and small community local government leaders will need to be educated on the new funding opportunity as well as the needs of their particular water infrastructure in order to craft a project and submit it for funding. A "project development" Circuit Rider could be used to go "council meeting to council meeting" in small communities to provide technical assistance for project planning and application.

In closing, Madam Chairwoman, small and rural communities thank you for the opportunity to appear before the Subcommittee today, express our strong support of the Infrastructure Bill, and acknowledge the numerous opportunities this committee has provided rural America to testify and be included in the crafting of federal water and environmental legislation.

Additional comments for the record:

Our member communities have the fundamental public responsibility of complying with all applicable regulations and supplying the public with safe drinking water and sanitation every second of every day. However, most water supplies in the U.S. are small; 91% (45,273) of the country's 49,708 community drinking water supplies serve communities with fewer than 10,000 persons, and 81% (40,258) serve communities with fewer than 3,300 persons.

In Wyoming, 308 of the state's 317 community water systems serve communities with fewer than 10,000 persons. In Illinois, 1,536 of the state's 1,764 community water systems serve communities with fewer than 10,000 persons.

Small and rural communities have more difficulty affording public drinking water and wastewater service due to low population density and lack of economies of scale. This challenge is compounded by rural communities' lower average median household incomes and their higher poverty rates. Likewise, we have a much more challenging time complying with Safe Drinking Water Act and Clean Water Act regulations due to small communities' lack of technical resources. While we have fewer resources, we are regulated in the exact same manner as a large community. Many small communities have only one operator with multiple duties beyond water treatment. On the other hand, a large community may have a team of technical experts, including engineers, chemists, and highly trained operators - all as part of their full-time staff.

Small community water infrastructure projects can be more challenging to fund because they are smaller in scale – meaning numerous, very complicated applications have to be completed and approved instead of one large project. This is compounded by the reality that small communities lack the administrative expertise or additional time constraints to complete the necessary application process efficiently.

- Approximately 72 percent of clean water SRF funding is awarded to large communities (EPA's Clean Water State Revolving Fund Annual Review).
- Approximately 71 percent of drinking water SRF funding is awarded to large communities (EPA's Drinking Water State Revolving Fund National Information Management System).

For this technical assistance to be successful in small and rural communities, it needs to be provided on-site, directly to the community by someone they trust with the experience to ascertain what the community needs as far as a project and the ability to help them complete the initial funding application. The USDA Circuit Rider program should serve as the model to expand technical assistance to implement the Bipartisan Infrastructure Law. Circuit Riders are experienced technicians who travel directly to small communities to assist them one-on-one with each community's specific water issues. They are trusted because they are former small-town operators and only work on behalf of the town - free of charge and with no enforcement authority.

In addition to the lack of technical assistance, another challenge that small and rural communities face in implementing the Act are acute supply chain shortages. Currently, there is a shortage of engineers and contractors necessary to plan and begin new water projects in all communities. We are also experiencing supply chain shortages of essential water projects supplies like pipes, meters, valves and other components. We also see delays in the acquisition of water treatment

and disinfection chemicals - mainly caused by a shortage of hazardous materials' certified truckers. This is forcing some communities to run alarmingly low on the chlorine necessary to make sure drinking water is safe for the public.