



Comment Clerk

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Water Docket, Environmental Protection Agency

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1200 Pennsylvania Ave. NW

Washington, DC 20460

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RE: Agency Information Collection Activities; Proposals, Submissions, and Approvals: EPA Strategic Plan Information on Source Water Protection

The Association of State Drinking Water Administrators (ASDWA) and the Ground Water Protection Council (GWPC) are pleased to submit the following comments on the proposed Information Collection Request (ICR) on EPA ICR No. 1816.07 (OMB Control No. 2040-0197) for "Agency Information Collection Activities; Proposals, Submissions, and Approvals: EPA Strategic Plan Information on Source Water Protection." ASDWA and GWPC are the professional associations that represent the collective interests of the nation's state drinking water and ground water programs responsible for implementation of Federal Safe Drinking Water Act regulations and voluntary source water and wellhead protection programs and actions. Collectively, the members of our organizations are responsible for reporting on this EPA strategic plan measure and will be most impacted by this ICR. The following comments are intended to broadly address the proposed rule, but they do not necessarily reflect the concerns of individual states.

Overarching Comments

Historically, the majority of state source water protection (SWP) programs have been willing to voluntarily report on the two source water protection measures in EPA's Strategic Plan National Program Guidance. States believe that it is essential for EPA to continue to include these measures to help ensure the importance of source water protection (SWP) for states and EPA and to track progress on SWP implementation actions. While states have been willing to annually report on these measures in the past, a number of states are not receptive to making the change to report the SWP numbers on a quarterly basis.

Recommendation: ASDWA and GWPC recommend that EPA retain the annual reporting requirement rather than changing to quarterly reporting for the two source water protection measures, to maintain the visibility and importance of actions to protect our Nation's drinking water sources.

The Burden Outweighs the Benefits of Increased Reporting

While states believe that these measures are important, they are concerned that they will have to divert an additional portion of their limited resources for increased quarterly reporting, versus the time and resources needed for annual reporting as done previously. State source water protection programs are also concerned that this increased reporting burden will reduce their resources and ability to help water systems conduct or update their source water assessments and develop and implement their source water protection plans. Therefore, this additional reporting effort will also have the unintended consequence of slowing progress documented in the measure itself. This is particularly true for several states that have very small state source water protection programs with no dedicated funding, like South Dakota.

Demonstrating progress on these measures is already very slow because developing and implementing local SWP efforts is a deliberative process involving stakeholder consultation, usually taking well over a year to develop a local SWP plan. Therefore, the numbers reported on these measures each quarter are not likely to change much throughout the year, and the benefits of increased reporting will ultimately be outweighed by the associated burden. Annual reporting is the appropriate timeframe for these source water protection measures.

The Estimate of Burden is not Accurate Due to Highly Variable Reporting Processes in Each State

The estimate of burden for each state to report quarterly on these SWP measures is highly variable depending on their definition of “substantial implementation,” and how they derive the “the number of community water systems (CWS) where risk to public health is minimized through source water protection,” and also whether they use the Safe Drinking Water Information System (SDWIS) or another automated system or collection and tracking method. EPA’s use of information from only three states (Idaho, Oklahoma, and Kentucky) to calculate the respondent burden is not adequate to accurately represent and estimate the burden of information collection and reporting for all states.

Differences in State Definitions for Reporting Measure: State definitions of “substantial implementation” vary widely across the country and as a consequence, different states do not use the same calculation to derive the numbers for the reporting measure. While some states may have simpler methods to calculate the number of CWSs (and their associated populations) that have developed source water protection plans based on state laws or requirements, other states may use multiple factors to derive the numbers by undertaking an extensive process that comprises a review of specific actions for all of their CWS’s.

- **State examples:** Most states do not have SWP laws or requirements. However, Vermont, West Virginia, and Utah require SWP plans for CWSs using both surface and ground water, but may use calculations for implementation actions that are not reflected by just the number of plans. Other states such as Minnesota, Indiana, and Kentucky require wellhead protection plans for ground water systems, and other states such as Connecticut and Washington require SWP planning as part of a water supply plan. Yet other states have state or local laws or requirements that are protective of SWP areas, such as local zoning ordinances and community land use plans that can also count toward the numbers that the states report through these measures. These are just a few examples of the many factors state might use, as appropriate for their state.

Differences for SDWIS Versus Non-SDWIS States: Not every state uses SDWIS/State or a similar data system to track SWP measures, and some states collect information through multiple regional offices.

- **Pennsylvania example:** Pennsylvania has a large number of community water systems (nearly 2,000) and does not use SDWIS for SWP reporting. Nor do they have a fully-developed database or an automatic way to collect this information. They rely on six regional offices and partners to provide the information needed for the SWP reporting measures. It currently takes approximately 4-5 workdays (up to 80 hours) to compile, review and report the numerical information, and it can take an additional half-day (up to 4 hours) to finalize and submit the list of systems (for yearly reporting). Since there is no automated process to collect the information for the federal SWP reporting measures on a rolling basis, their current reporting efforts would essentially multiply the estimated hours by four times, equaling a total of up to 336 hours.

State Reporting Numbers May Not Increase Due to CWS Changes

The number of CWSs in a state may change from year to year when new water systems are created or when larger water utilities take over or consolidate with another smaller system.

- **Delaware example:** Delaware has reported their numbers at around 92% for the past couple of years but was reporting a higher number (at over 95%) for CWSs when the state implemented its local ordinance law in 2007. This reporting number has dropped due to the number of CWSs that have consolidated though the population has stayed steady or increased slightly. With only maybe three or four new CWSs being created a year (at most), the numbers the state reports for the SWP measure are expected to remain the same in the coming years and this added reporting burden is going to pull resources away from additional SWP efforts and actions in the future.

Changes of Numbers for Quarterly Reporting May be Difficult to Calculate

Changes of numbers for quarterly reporting may be difficult to calculate and may be very time consuming.

- **New Hampshire example:** New Hampshire estimates that the annual reporting currently takes them about 30 hours and quarterly reporting would increase the annual burden to about 60-65 hours, while not providing much additional information, because some of the data (e.g., changes in local zoning) can only be updated once per year.
- **Oregon example:** Oregon noted that it would be very time consuming for them to update the reporting numbers based on a new SDWIS database query each quarter, as they have found that the process of correcting numbers for wholesale water systems and purchased or consolidated water systems is very difficult. Given that the reporting numbers don't change much from quarter to quarter, the state would try to alleviate some of the costly burden for pulling and analyzing data from SDWIS four times a year and instead, would choose to do a new SDWIS data analysis only once a year, then build the next three quarterly reports based on the prior year's final numbers, and finish out the year with an updated SDWIS analysis in the 4th and final quarter.

State Workplans Would Have to be Renegotiated for Quarterly Reporting

State workplans would have to be renegotiated to include the increased reporting frequency. Without a statutory or regulatory requirement for states to report on these measures, modifications to reporting requirements must be codified in Title 40, Code of Federal Regulations (40 CFR) or states must agree to the modifications through the grant workplan/negotiation process.

In closing, our state members believe it is essential that the source water protection reporting measures be retained in EPA's National Water Program Guidance to continue to maintain the visibility and importance of source water protection.

Thank you for the opportunity to provide comments. Please let us know if you have questions or would like to discuss these comments in more detail.

Sincerely,



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