

America's Water Infrastructure Act of 2018 Risk and Resilience Assessments and Emergency Response Plans

On October 23, 2018, President Trump signed into law, “America’s Water Infrastructure Act of 2018.” This legislation will make significant changes to the Clean Water Act, the Safe Drinking Water Act (SDWA), and the Water Infrastructure Finance and Innovation Act. Title II of the legislation includes 23 new SDWA provisions, including Section 2013, “Community Water System Risk and Resilience.” I recently participated in an EPA feedback meeting to learn more about this provision and how this will affect community water systems (CWS).

Risk and Resilience Assessments

The new law includes requirements for community water systems (CWS) to conduct Risk and Resilience Assessments and Emergency Response Plans. Section 2013 requires CWSs that serve over 3,300 persons to assess the risks to, and resilience of, their systems. The new assessment must include a review of the following six elements:

1. the risk to the system from malevolent acts (terrorist or intentional acts) and natural hazards (extreme weather);
2. the resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems (including the security of such systems) utilized by the system;
3. the monitoring practices of the system;
4. the financial infrastructure of the system;
5. the use, storage, or handling of various chemicals by the system;
6. the operation and maintenance of the system.

The assessment may also include an evaluation of capital and operational needs for risk and resilience management for the system.

CWSs that serve a population of 100,000 or more must submit certification to EPA that the system has completed the assessment by March 31, 2020; CWSs that serve a population of 50,000 or more, but less than 100,000 must submit certification to EPA by December 31, 2020; and CWSs that serve a population of greater than 3,300 but less than 50,000 must submit certification to EPA by June 30, 2021. Certification can be submitted through an online database, via email, or by mail.

All CWSs must review their assessment at least once every five years and determine if the assessment needs to be



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revised. The CWS must, again, submit certification to EPA with the following information:

- information that identifies the CWS submitting the certification;
- the date of the certification;
- a statement that the CWS has conducted, reviewed, or revised the assessment.

Emergency Response Plans

All CWSs conducting Risk and Resilience Assessments (RAA) must also prepare or revise their Emergency Response Plans (ERP) to incorporate findings of the RAA. CWSs will have six months following the completion of their RAA to complete their plan and submit certification to EPA. An ERP must include the following elements:

- strategies and resources to improve the resilience of the system, including the physical security and cybersecurity of the system;
- plans and procedures that can be implemented, and identification of equipment that can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the CWS to deliver safe drinking water;
- actions, procedures, and equipment which can obviate or significantly lessen the impact of a malevolent act or natural hazard on the public health and the safety and supply of drinking water provided to communities and

KRWA will continue to stay in communication with EPA regarding how KRWA can be of assistance to systems with these new requirements.

individuals, including the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers; and

- strategies that can be used to aid in the detection of malevolent acts or natural hazards that threaten the security or resilience of the system.


CWSs are to coordinate with local emergency planning committees when preparing or revising an RAA or an

ERP. CWSs will be required to maintain a copy of their RAA and ERP for five years.

Although the mandates identified in this new law will not take place until the years 2020 and 2021, it's important for systems to be aware of what new requirements are on the horizon. Also, the process of developing a risk assessment can be time consuming. It is not a task that can be put off until the last minute. KRWA will continue to stay in communication with EPA regarding how KRWA can be of assistance to systems with these new requirements.

Monica Wurtz began work with KRWA in October 2013. She previously worked at the Kansas Department of Health and Environment and also worked at US EPA Region 7 for four years. Monica is considered a national expert on various drinking water regulations.





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