

# FORGOTTEN WATERS

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# THEMES



SOCIAL  
FORGETTING



POWER



LEGAL  
EPIDEMIOLOGY



DETERMINANTS  
OF HEALTH







# SDWA

Water treatment and disinfection one of greatest achievements of 20<sup>th</sup> century

92% consistently meet all health based standards

15 connection, 25 people

Nebraska v. EPA., 331 F.3d 995, 999 (D.C. Cir. 2003)

- Commerce Clause provides constitutional authority for the SDWA and that the Act does not conflict with the Tenth Amendment
- SDWA neither compels states to pass legislation nor enforces the federal standards for drinking water

Boler v. Earley, 865 F.3d 391, 404 (6th Cir. 2017)

- Instead, SDWA regulates states only as public water system owners
- holding that Michigan Department of Environmental Quality (MDEQ) officials were not entitled to absolute immunity).



# WELL WATER POPULATION

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Over 43 million Americans-15% of the population

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Not covered by SDWA→ responsible for maintaining own water

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Largely rural (sparsely populated, distance)

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25-30% of private drinking water well users are in urban areas



# PERI-URBAN

Within commuting distance of public water system

Should be easy fix connect PWS

Municipal Underbunding

- South
- Racism
- Title VI of the Civil Rights Act of 1964 did not include a private right of action to allow private lawsuits based on evidence of disparate impact. *Alexander v. Sandoval*, 532 U.S. 275 (2001)



# CONTAMINATION

USGA 1/5 of the wells had contaminants that exceeded SDWA standards.

1/4 agricultural areas were in exceedance of these standards

34% testing positive for nitrates

99% of emergency department visits for acute gastrointestinal illnesses

Lead levels similar to Flint, Michigan in Wake County, North Carolina

Children 25% increased likelihood of having elevated blood lead levels



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## Increase the proportion of people whose water supply meets Safe Drinking Water Act regulations — EH-03

Objective Overview

Data

Status: Target met or exceeded 

[Learn more about our data release schedule](#)



Most Recent Data:  
**93.0** percent (2020)



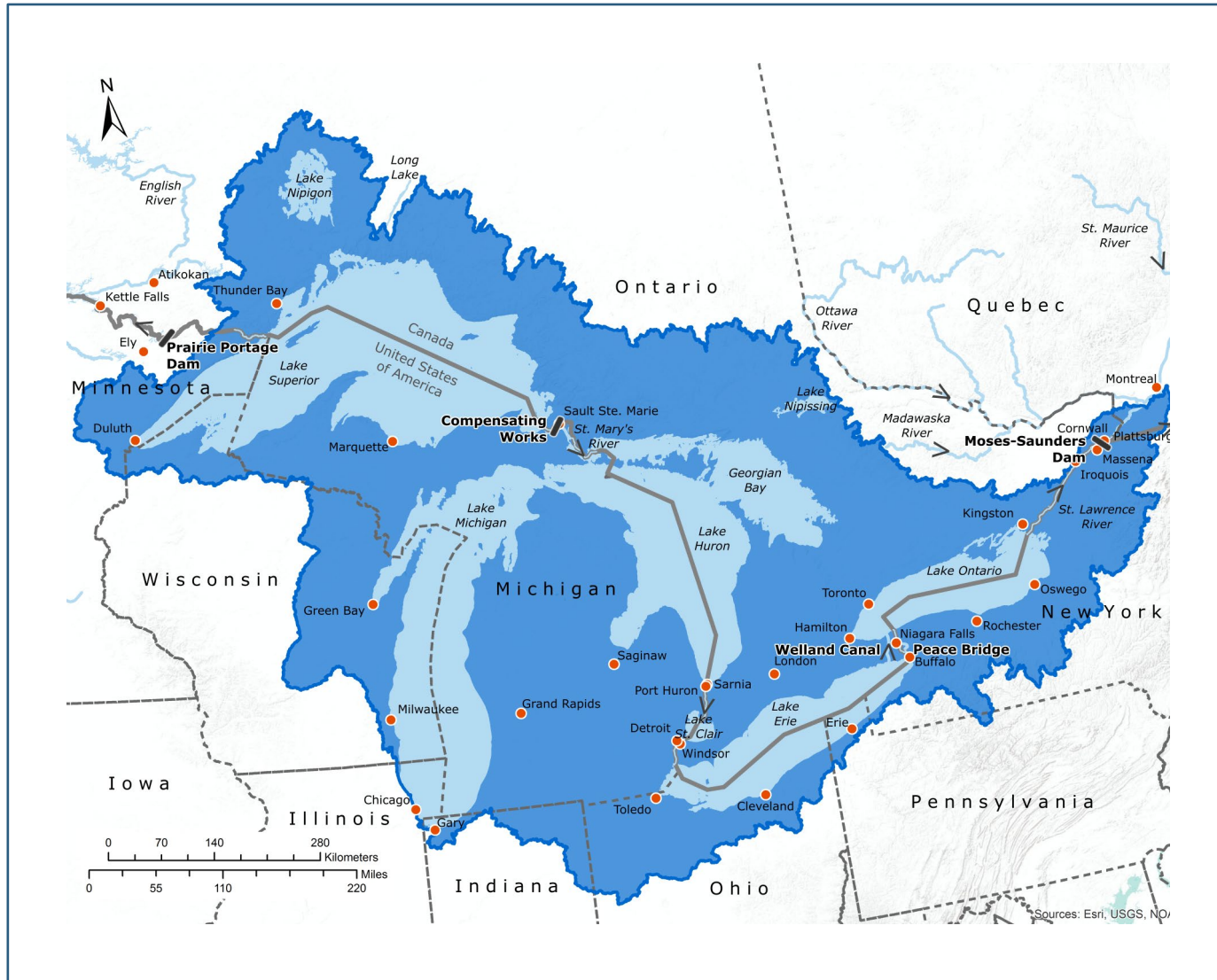
Target:  
**92.1** percent



Desired Direction:  
**Increase desired**

# HEALTHY PEOPLE





# GREAT LAKES WATERSHED

*The watershed of the Great Lakes. Credit: IJC*



## **CURRENT APPROACH**

Federal grants

State Regulation

Well Owner  
Responsibility



## RECOMMENDATION



REA Model

90→ 80

Electric Cooperative  
Corporation Act

Low interest, no  
default loans



Prioritize underserved well  
dependent



No competition between  
underserved communities