

EPCRA, Water, & LEPCs

Recent incidents prompted amendments to certain provisions under EPCRA. A release compromised the drinking water of approximately 300,000 residents in nine counties for more than two weeks. The incident resulted in the issuing of a “Do Not Use” order to the community and caused approximately 600 residents to seek medical attention. Due to this and other incidents that affected community water systems, the America’s Water Infrastructure Act (AWIA) amended EPCRA Section 304 on October 23, 2018.

Responsibilities Under New Amendment

The amendments require states and tribal agencies to notify the drinking water primacy agency, or if there is no drinking water primacy agency, community water systems, of any reportable releases. It also amends it to add a new subsection that requires SERCs and TERCs to perform the following actions to provide information to the drinking water primacy agency:

- Promptly notify the state agency of any reportable release.
- Provide all the information collected under Section 304(b)(2) from the initial notification.
- Provide the follow-up written report received under Section 304(c).

Recommendations for LEPCs

While the AWIA amendments do not require LEPCs and TEPCs to directly notify the drinking water agency or the community water systems, EPA encourages the sharing of any information on releases that affect community water systems, especially releases involving transportation. EPA also encourages LEPCs and TEPCs to reach out to the community water systems to participate in implementing and exercising the local emergency response plan.