



NATIONAL WATER PROGRAM GUIDANCE FY 2023-2024

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Message From the Assistant Administrator of Water: Radhika Fox

As the Office of Water looks forward to celebrating the 50th Anniversary of the Clean Water Act in 2022, we are mindful of both our progress and how much further we need to go as a nation in ensuring every community in the United States has access to clean and safe water. It will take all of us to meet this goal. The Biden-Harris Administration has made several bold commitments that will help us achieve this goal. The Bipartisan Infrastructure Law's¹ investment in the water sector is nothing short of transformational. It includes \$50 billion to the Environmental Protection Agency (EPA) to strengthen the nation's drinking water, stormwater, and wastewater systems—the single largest investment in water that the federal government has ever made. Through the Bipartisan Infrastructure Law, we can improve public health and environmental protection, while creating jobs and setting the stage for long-term economic development. In addition to the opportunities created by the Bipartisan Infrastructure Law, the Fiscal Year (FY) 2023 President's Budget will advance the Office of Water's ambitious goals outlined in the FY 2022-2026 EPA Strategic Plan. The over \$5.8 billion requested will help ensure and expand clean and safe water throughout the nation.



For FY 2023-2024, the Office of Water will focus our attention and resources on the following priorities: addressing and mitigating the effects of climate change; investing in water infrastructure; and accelerating progress to tackle lead and per- and polyfluoroalkyl substances (PFAS). We also will look to deepen our partnerships and scale our work to protect and restore our nations waterbodies and watersheds. The Office of Water will seek to advance equity and environmental justice in all activities while building trust with our partners by following the science, the law, and maximizing transparency in our actions. The Office of Water will bring leadership to these issues through its convening power, targeting existing funding streams, and providing technical assistance and support.

The National Water Program will look to partner with Tribes, states, territories, as-well-as public and private organizations. Only by working with our partners can we achieve the office's ambitious agenda. I am honored and humbled to be the Assistant Administrator for the Office of Water. This is water's moment.

¹ Also referred to as Infrastructure Investment and Jobs Act of 2021 (P.L. 117-58).

SECTION I: Introduction

The National Water Program Guidance (NWPG) describes how the EPA, Tribes, states, territories, and non-governmental partners will work together to protect and improve the quality of the nation's waters. For FY 2023-2024, the Office of Water will build on work already begun under President Biden's Executive Orders (E.O.s) 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* and 14008: *Tackling the Climate Crisis at Home and Abroad*.² In addition, the FY 2023-2024 NWPG outlines support for the priorities reflected in the Agency's FY 2022-2026 Strategic Plan.

When developing the guidance, the Office of Water engaged in early outreach with Tribes and state groups to help identify the most important environmental and human health priority areas for FY 2023-2024. These discussions took place during a series of conference calls and through written correspondence at the national level. The Office of Water carefully reviewed and considered the Tribal and state group comments from these outreach efforts before drafting the guidance.

The "EPA Overview to the National Program Guidance"³ communicates important background and Agency-wide information and should be read in conjunction with this guidance.

Implementation of EPA's FY 2022-2026 Strategic Plan

EPA's FY 2022-2026 Strategic Plan⁴ communicates the Agency's priorities and provides the roadmap for achieving its mission to protect human health and the environment. The Strategic Plan outlines cross-cutting priorities, long-term performance goals, and agency-priority goals. The Office of Water's NWPG focuses on the goals and metrics included in Goal 5: Ensure Clean and Safe Water for All Communities, along with the Office of Water/Office of Land and Emergency Management cross-program Agency Priority Goal and will implement the four cross-agency strategies. The NWPG embeds climate and environmental justice into our work and reflects all three elements of the Strategic Plan. Below is a summary of the key elements of the strategic plan.

Cross-Cutting Strategies:

- Reinforcing science as the central tenet of Agency decision-making.
- Protecting children's environmental health.
- Building back EPA's workforce with particular attention to equity and enhancing mission-support functions to achieve organizational excellence.
- Renewing our commitment to the federal trust responsibility to Tribal nations.
- Renewing our engagement with Tribal, state, territorial and local government partners, stakeholders, the regulated community, and the public.

² E.O. 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, January 20, 2021. Available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

E.O. 14008: Tackling the Climate Crisis at Home and Abroad, January 27, 2021. Available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

³ To learn more, visit: <https://www.epa.gov/planandbudget/national-program-guidances>.

⁴ To read EPA's FY 2022-2026 Strategic Plan, visit: <https://www.epa.gov/planandbudget/strategicplan>.

Long-Term Performance Goals:

- By September 30, 2026, reduce the number of community water systems still in noncompliance with health-based standards since March 31, 2021, from 752 to 500.⁵
- By September 30, 2026, reduce the number of community water systems in Indian country still in noncompliance with health-based standards since March 31, 2021, from 110 to 70.
- By September 30, 2026, leverage an additional \$45 billion in non-federal dollars through EPA's water infrastructure finance programs (Clean Water State Revolving Fund [CWSRF], Drinking Water State Revolving Fund [DWSRF], and Water Infrastructure Finance and Innovation Act [WIFIA]).
- By September 30, 2026, in coordination with other federal agencies, provide access to basic sanitation for an additional 36,500 American Indian and Alaska Native homes.
- By September 30, 2026, provide 2,203 Tribal, small, rural, or underserved communities with technical, managerial, or financial assistance to improve operations of their drinking water or wastewater systems.
- By September 30, 2026, increase by an additional 41,000 square miles the area of watersheds with surface water meeting standards that previously did not meet standards.⁶

FY 2022-2023 Agency Priority Goal

- **Clean up contaminated sites and invest in water infrastructure to enhance the livability and economic vitality of overburdened and underserved communities.** By September 30, 2023, EPA will provide technical assistance to at least 10 communities to help achieve clean and safe water and reduced exposures to hazardous substances.

This is a cross-media Agency Priority Goal. EPA will take a community-centered approach using its overlapping authorities in tandem to assist communities in addressing their priority cleanup and water pollution and infrastructure needs. EPA plans to leverage multiple programs, legal authorities, and funding sources, and apply them in a way that gives control over the planning decisions and investment resources to communities.

Federal Civil Rights Responsibilities, Including Title VI of the Civil Rights Act of 1964

In 1994, Executive Order 12898⁷ was issued to direct Federal agencies to incorporate achieving environmental justice into their mission. The Presidential Memorandum⁸ accompanying that Executive Order required in part, that consistent with Title VI, each Federal agency "...ensure that all programs or

⁵ This baseline is a subset of the 3,508 systems that have been in long-term noncompliance since September 30, 2017.

⁶ The FY 2022-2026 EPA Strategic Plan included a draft baseline: July 7, 2021, baseline of 425,198 square miles of watershed area with surface water that are meeting standards. As of July 2022, the final baseline is 504,605 square miles of watersheds with surface waters not meeting standards.

⁷ E.O. 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994. Available at: <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>.

⁸ Presidential Memorandum on E.O. for Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (pdf). Available at: https://www.epa.gov/sites/default/files/2015-02/documents/clinton_memo_12898.pdf.

activities receiving Federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin.”⁹

EPA has a responsibility to ensure that recipients and subrecipients of federal financial assistance from EPA – including states, municipalities, and other public and private entities – comply with federal civil rights laws that prohibit discrimination on the basis of race, color, national origin (including limited English proficiency), disability, sex, and age, including Title VI of the Civil Rights Act of 1964.¹⁰ EPA’s implementing regulation generally prohibits discrimination in any programs, activities and services receiving federal financial assistance.¹¹ In addition, EPA’s implementing regulations at 40 Code of Federal Regulations Section 7.35 states that programs or activities receiving EPA assistance “shall not directly or through contractual, licensing, or other arrangements on the basis of race, color, or national origin...”:

- Subject a person to segregation or separate treatment.
- Deny a person or group the opportunity to participate as members of any planning or advisory body.
- Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, aid, or benefit provided by the program.
- Use criteria or methods of administration “which have the effect of subjecting individuals to discrimination.”
- Choose a site or location of a facility with “the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination,” among other things.

EPA’s nondiscrimination regulations at 40 Code of Federal Regulations Parts 5 and 7 also contain longstanding procedural requirements applicable to applicants for and recipients (including subrecipients) of EPA financial assistance.¹² These requirements include having a notice of nondiscrimination, nondiscrimination coordinator, grievance procedures, a process for collecting and maintaining nondiscrimination compliance information, and pursuant to Title VI and the Rehabilitation Act of 1973, to developing policies and/or procedures for ensuring meaningful access to programs and activities for individuals with limited-English proficiency and individuals with disabilities. In addition, recipients’ public participation processes must also be implemented consistent with the federal civil rights laws.¹³

⁹ *Id.*

¹⁰ Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) *et seq.* (Title VI); Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C., 29 U.S.C. § 794, Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 *et seq.*; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 *et seq.*; Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92 500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 (1972)); 40 C.F.R. Parts 5 and 7.

¹¹ See 40 Code of Federal Regulations (C.F.R.) Section 7.30.

¹² EPA’s nondiscrimination regulation at 40 C.F.R. Parts 5 and 7 requires recipients to establish and implement their own nondiscrimination programs. See 40 C.F.R. §§ 7.80-7.100.

¹³ See Title VI, 42 U.S.C. 2000(d) *et seq.*; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; *Lau v. Nichols*, 414 U.S. 563, 568-69 (1974) (finding that the government properly required language services to be provided under a recipient’s Title VI obligations not to discriminate based on national origin); 40 C.F.R. § 7.35(a). See also U.S. EPA, Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 69 FR 35602, June 25, 2004. Available at: <https://www.federalregister.gov/documents/2004/06/25/04-14464/guidance-to->

EPA intends to carefully evaluate the implementation of EPA financial assistance programs for compliance with civil rights laws by recipients of EPA funding to ensure that no community is excluded from receiving or denied benefit of funding based on race, color, national origin (including limited English proficiency), age, disability, or sex.

For more information about the federal civil rights laws enforced by EPA, including Title VI, please visit: <https://www.epa.gov/ocr/title-vi-laws-and-regulations> and <https://www.epa.gov/ogc/external-civil-rights-compliance-office-title-vi>.

SECTION II: Priority Areas

The work EPA does every day to advance equity, address the climate crisis, and protect public health has never been more urgent or more critical. Communities need assistance more than ever to improve drinking water, wastewater, and stormwater infrastructure, and to protect and restore water quality and ecosystems health. Achieving these objectives will require a multi-faceted approach and complex actions by a variety of entities. Our primary goal is to assist communities, particularly those that are underserved, in addressing their water challenges and achieving their water quality goals.

To help communities achieve their goals, the Offices of Water will focus our attention and resources on the following four priorities areas for FY 2023-2024.

- Addressing and Mitigating the Effects of Climate Change.
- Investing in Water Infrastructure.
- Monitoring and Remediating PFAS.
- Protecting and Restoring Waterbodies and Watersheds.

The Office of Water will also work to incorporate four cross cutting themes aligned with the Administration's commitment to follow the science, follow the law, be transparent, and advance justice and equity. These cross-cutting themes explained in detail below, will be integrated within every aspect of our work.

Equity and Affordability - Embed equity and environmental justice in all Office of Water activities.

Not everyone experiences water quality equally. The nation's health and wellbeing are dependent on equitable access to drinking water, wastewater, and water quality planning, but thousands of communities nationwide are burdened by aging systems that threaten public health. In addition, there are communities that have never had adequate water service and infrastructure. Pollution and climate change exacerbate the impacts of the lack of modern infrastructure and contribute to health disparities in these communities.

[environmental-protection-agency-financial-assistance-recipients-regarding-title-vi](https://www.epa.gov/sites/default/files/2020-02/documents/title_vi_public_involvement_guidance_for_epa_recipients_2006.03.21.pdf); U.S. EPA, Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs, 71 FR 14207, March 21, 2006. Available at: https://www.epa.gov/sites/default/files/2020-02/documents/title_vi_public_involvement_guidance_for_epa_recipients_2006.03.21.pdf); U.S. EPA, Procedural Safeguards Checklist for Recipients. Available at: https://www.epa.gov/sites/production/files/2020-02/documents/procedural_safeguards_checklist_for_recipients_2020.01.pdf (rev. Jan. 2020) (which provides a more detailed explanation of nondiscrimination obligations and best practices); U.S. EPA, Disability Nondiscrimination Plan Sample, at https://www.epa.gov/sites/production/files/2020-02/documents/disability_nondiscrimination_plan_sample_for_recipients_2020.01.pdf. (2017).

EPA can play an essential role in addressing these issues and closing the health disparity gap. The Office of Water will work closely with its partners to help identify opportunities to improve water infrastructure, address water quality and drinking water challenges, and help communities access their fair share of Bipartisan Infrastructure Law resources. EPA is committed to prioritizing equity, environmental justice, and the lived experience of those most impacted by water pollution and will work to ensure all communities in America have access to safe drinking water and effective wastewater management. The Office of Water will work to make its efforts to develop solutions to water challenges a more inclusive and community-driven process.

Regulatory Actions - Provide certainty, follow the science, the law, and maximize transparency in our actions.

EPA will ensure that science is respected, elevated, and prioritized in all decisions. Furthermore, equity will be a central consideration in EPA regulatory development. The Agency will continue to improve the effectiveness and efficiency of regulatory programs by conducting meaningful engagement, fostering public participation, and working to advance equity, civil rights, and racial justice across the nation. The Office of Water is committed to making enduring progress on rules, fostering greater trust among the regulated community, the public, and co-regulators, and achieving our shared mission of protecting public health and the environment.

Partnerships - Partner and have transparent, respectful dialogues with public and private sector partners at the federal, Tribal, state, and community levels.

EPA is committed to strengthening collaborative problem-solving among federal agencies, Tribal, state, territorial and local governments, communities, and nongovernmental partners. EPA has demonstrated that collaboration with partners can deliver multiple benefits to achieve common goals. EPA will continue to foster partnerships to protect sources of drinking water and overall water quality.

- **Fostering Tribal, State, Territory, and Community Partnerships:** Environmental and human health protection is a shared responsibility of Tribes, states, territories, communities, and the Federal Government. Due to these unique relationships, the early, meaningful, and substantial involvement of EPA's co-regulator partners is critical to the development, implementation, and enforcement of the nation's environmental programs. With a renewed focus on climate, environmental justice, and children's health, the Office of Water will emphasize frequent and early communication as a keystone of its partnership with Tribal, state, and territorial co-regulators, whose concerns and existing regulatory programs must be thoughtfully considered to develop effective and lasting policies along with non-regulatory solutions to our most pressing environmental challenges. For more information on tribal specific engagement, please see *Section III: Strengthening the Nation-to-Nation Relationship with Tribes*.
- **Improving On-the-Ground Community Engagement:** Meeting communities "where they are," to better understand the lived reality of people and the health and environmental challenges they face, is fundamental to developing effective programs and policies. EPA will meet regularly with stakeholder groups to seek perspectives on Administration priorities and engage early with relevant stakeholder groups on upcoming regulatory actions. EPA also will focus on opportunities like site visits, forums, and convenings to cultivate relationships and stay attuned to the needs and concerns of diverse groups, private sector partners, and others impacted by the Agency. EPA will utilize its geographically based water partnership programs to nurture and expand community engagement using well-established and effective collaboration models.

- **Enhancing Private Sector Engagement:** EPA is committed to working with the business community to advance environmental progress through both its regulatory programs and its wide array of voluntary programs and non-regulatory initiatives.

Office of Water's Strategy for Implementing the Bipartisan Infrastructure Law

The Office of Water will make significant investments in the health, equity, and resilience of American communities. The Bipartisan Infrastructure Law delivers more than \$50 billion to EPA to improve our nation's drinking water, wastewater, and stormwater infrastructure. It is a meaningful down payment on closing America's water infrastructure gap. EPA will work with states to ensure that communities get their fair share of this federal water infrastructure investment. Our primary goal is to assist underserved communities in accessing these funds to improve their infrastructure, while working collaboratively to make progress towards Justice40¹⁴, which aims to ensure that federal agencies deliver at least 40 percent of benefits from certain investments to disadvantaged communities. The Bipartisan Infrastructure Law investments in geographic and place-based programs also means communities will be able to better protect national water treasures and ensure they continue to serve as vital economic and recreational assets. We are working towards providing technical assistance, collaborating with partners, and setting up a structure that can be scaled up and continued even after the Bipartisan Infrastructure Law funds are expended. This funding will put Americans to work in good-paying jobs, support a thriving economy, and increase climate resilience throughout the country.

Addressing and Mitigating the Effects of Climate Change

Make Water a Solution to the Climate Crisis

The impacts of climate change are being felt in communities across the nation, causing real and significant challenges to the social, economic, and environmental systems we rely upon. Climate stress is often experienced as water stress through drought, flooding, and sea level rise, as well as more frequent extreme storms that increase the amount of polluted runoff entering our waterways and challenge the operational and infrastructure resilience of water utilities. Overburdened and underserved communities and individuals are particularly vulnerable to these impacts.¹⁵ Likewise, climate change has direct and cascading effects on water resources that vary across regions and watersheds, presenting a wide range of risks to natural and human systems. Climate change acts as a threat multiplier, exacerbating existing stressors that degrade the quality of our waterways and destabilizing critical water infrastructure we all rely upon.

EPA will take bold steps and align its actions to respond decisively to the climate crisis. The Office of Water will work closely with our water community to drive solutions to the climate crisis, ensuring that our partners play a key role in protecting our coasts, waterways, and water infrastructure. Our approach will utilize place-based partnerships and geographic programs to accelerate climate adaptation and resiliency measures in cities and coastal regions. EPA will also leverage the assistance programs and services provided by initiatives like Creating Resilient Water Utilities and Climate Ready Estuaries to empower communities to identify and assess the challenges climate change poses to their water resources and services. The Office of Water's goal is to support community climate resilience by

¹⁴ For more information on Justice40, visit: <https://www.whitehouse.gov/omb/briefing-room/2021/07/20/the-path-to-achieving-justice40/>.

¹⁵ EPA. 2021. Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts. U.S. Environmental Protection Agency, EPA 430-R-21-003.

investing federal resources in a way that prioritizes those who are hit first and worst by the climate challenge.

Climate change also creates new challenges to achieving the Office of Water's mission to protect, maintain, and restore the integrity of our nation's waters. Achieving water management goals has become more challenging and complex as climate change shifts hydrological patterns outside of historic norms. Climate change can impact water programs in a variety of ways from the development of water quality standards that protect our waterways, to the treatment of drinking water that comes out of the tap. The quantity and diversity of these impacts underscore the importance of climate adaptation and mitigation to the Office of Water's mission, so that drinking water remains safe and aquatic ecosystems continue to provide the many services they confer to our communities.

Developing the Office of Water's Climate Adaptation Implementation Plan

President Biden's Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*¹⁶, required federal agencies to develop Climate Action Plans that describe their Agency's climate vulnerabilities and the steps it will take to bolster adaptation and increase resilience to the impacts of climate change. Released in October of 2021, EPA's 2021 Climate Adaptation Action Plan¹⁷ focused the Agency's attention on five priority actions it will implement to fulfill EPA's mission and increase human and ecosystem resilience as the climate changes, with a primary focus on advancing environmental justice. As part of the plan, Administrator Regan established a new policy on climate change adaptation and directed all EPA offices to update their 2014 Implementation Plans to proactively incorporate climate adaptation throughout all programs, policies, rules, and operations, while working to reduce greenhouse-gas emissions. The Office of Water and other EPA offices will track their progress and, along with applicable recipients of assistance agreements, support the Agency's long-term performance goals for climate adaptation.

The Office of Water's Implementation Plan will outline several priority actions to help the Office of Water integrate climate change into the daily fabric of our work. The priority actions will also support the Agency-wide priorities identified in EPA's Plan and the government-wide approach established by Executive Order 14008. These actions will fall under three main goals:

- **Goal 1:** Improve the Climate Resilience of America's Water Infrastructure. As climate change threatens essential drinking water, wastewater, and stormwater infrastructure, the Office of Water will take steps to enhance the resilience of critical infrastructure.
- **Goal 2:** Protect America's Waters from a Changing Climate. To meet water quality and ecosystem health challenges caused or exacerbated by climate change, the Office of Water must advance climate-informed management strategies for water resources that incorporate the best available climate science.
- **Goal 3:** Advance the Adaptive Capacity and Knowledge of all Water Community Partners. The Office of Water must work internally and with partners to incorporate the latest data, science, and information into trainings, decision-support tools, and other resources that support the

¹⁶ To read the E.O. on Tackling the Climate Crisis at Home and Abroad, visit: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

¹⁷ To read EPA's Climate Adaptation Action Plan, visit: <https://www.epa.gov/system/files/documents/2021-09/epa-climate-adaptation-plan-pdf-version.pdf>.

priorities identified in this plan and help national and community partners make informed choices around the climate risks and impacts confronting them.

In addition to the priority actions identified in the plan, the Office of Water will pursue additional adaptation and mitigation actions that support EPA's and the federal government's collective response to climate change. As an example, water reuse can provide a new and more climate-resilient source of potable and/or non-potable water to supplement existing supplies and reduce demand for freshwater withdrawals;¹⁸ the WaterSense¹⁹ program supports climate mitigation by reducing the energy associated with providing water to end users; and implementation of programs that support Geologic Sequestration in onshore and some offshore environments. The Office of Water will closely coordinate internally across our programs, as well as with EPA's regional, geographic, and other National Program Managers program offices, to align climate change initiatives more effectively across EPA. Under a whole-of-government approach, the Office of Water will work with other federal agencies on climate change adaptation and mitigation efforts that cut across organizations to improve the efficiency and effectiveness of this combined federal effort. Together, we will deliver workable solutions that address the climate crisis, protect water quality, and provide equitable environmental outcomes in communities across the country.

Investing in Water Infrastructure

Providing Affordable and Flexible Financing to All Communities

Investing in water creates good-paying short-term jobs and lays the foundation for future economic vitality in our communities. Historically, the United States has drastically underinvested in critical water infrastructure, only meeting 37 percent of the nation's total water infrastructure capital needs in 2019.²⁰ Given the challenges facing the water sector and the nation, EPA will push to increase water infrastructure investments.

EPA has historically funded water infrastructure through the State Revolving Fund (SRF) programs. In 2014, the WIFIA program was created to help communities in new ways by providing low interest loans with long and flexible repayment options. EPA also has relatively new grant programs that target specific infrastructure needs. The Water Infrastructure Improvements for the Nation Act (WIIN) grants aid underserved communities and schools. Water Infrastructure Improvements for the Nation Act and America's Water Infrastructure Act of 2018 strengthened many existing programs within EPA while creating new programs to tackle significant public health concerns and environmental needs.

The Office of Water will follow these objectives:

- **Target resources to underserved communities:** Low-income, smaller, and rural communities are disproportionately impacted by water related challenges. The Office of Water, in line with the Administration's Justice40 and environmental justice commitments, will creatively leverage its

¹⁸ For more information on the Water Reuse Action Plan, visit: <https://www.epa.gov/waterreuse/water-reuse-action-plan>.

¹⁹ For more information on the WaterSense Program, visit: <https://www.epa.gov/watersense>.

²⁰ ASCE and U.S. Water Alliance, *The Economic Benefits of Investing in Water Infrastructure*, 2020. Available at: <http://www.uswateralliance.org/sites/uswateralliance.org/files/publications/The%20Economic%20Benefits%20of%20Investing%20in%20Water%20Infrastructure%20final.pdf>.

resources and influence to help overcome historic hurdles these communities often face in accessing water infrastructure funding.

- **Advance climate resilience:** The Office of Water will develop strategies to encourage that funds be used for climate mitigation, adaptation, coastal and drought resilience, nature-based infrastructure, water conservation and reuse, ecosystem preservation and restoration, and similar activities.
- **Building an inclusive water workforce:** To rebuild the middle class and provide economic opportunity for all, the Office of Water will invest in strategies that bring under-represented communities into the water workforce, train them for the water economy of the future, and promote family-supporting jobs and high-road labor practices.

The Bipartisan Infrastructure Law provides significant additional investments to traditional purposes under the CWSRF and DWSRF (\$11.7 billion each). In addition, the DWSRF was provided \$15 billion for lead service line replacement and \$4 billion to address PFAS and emerging contaminants. The CWSRF was provided \$1 billion for remediation of PFAS and emerging contaminants. A significant portion of the funds will be available to communities as loans with principal forgiveness or grants to eligible recipients.

Technical Assistance: Helping communities find infrastructure funding opportunities.

Many small and overburdened or underserved communities are unaware of funding opportunities, or lack the capacity to develop competitive funding applications, and therefore simply have not applied for SRF loans in the past. To help ensure that low-income, underserved, small, and rural communities can better access the funding, the Office of Water will work with a range of technical experts and trusted stakeholders to:

- Connect recipient communities and state SRF programs through EPA and its partners with available guidance and technical assistance to promote capacity building.
- Leverage frameworks that support both the communities and state SRF programs, such as a funding exchange model. The intent of the framework is to move much of the burden of the funding process to an entity able to successfully assist the communities through the funding process, and the funding Agency can have a pipeline of fundable projects.
- Leverage existing trust-based working relationships with hundreds of communities nationwide through place-based water partnership programs (e.g., geographic programs, National Estuary Program, Urban Waters Federal Partnership) which already serve as facilitators and catalysts for underserved communities to learn, engage, and successfully access major funding sources like SRF and WIFIA.
- Building an engagement, education, and communications plan that leverages on-the-ground communication and multilingual outreach.
- Engage our state²¹ partners who direct benefits and are critical to ensuring overburdened or underserved communities are included and receive SRF benefits. EPA intends to carefully evaluate the implementation of SRF funding under the BIL to ensure compliance with civil rights

²¹ “State” refers to states, territories, and Tribes.

laws. EPA will provide interested states with technical assistance and training to support their compliance with Title VI obligations.

- Seek administrative resources for direct engagement activities with partners and communities.
- Provide technical assistance providers, such as the Environmental Finance Centers, and state SRFs with facility-specific socio-economic, compliance, and environmental justice data on small, rural, and Tribal lagoon systems from existing datasets (e.g., the Office of Water’s Lagoon Inventory dataset, EPA’s Office of Enforcement and Compliance Assurance datasets, etc.) to target assistance to these communities and increase the number of communities that successfully apply for funding.

Lead Service Line Replacement: Reduce exposure to lead in water and removing lead sources from homes and schools.

EPA and the Centers for Disease Control and Prevention agree that there is no known safe level of lead in a child’s blood. Taking action to reduce these exposures can improve outcomes. Lead can enter drinking water when plumbing materials that contain lead corrode, especially where the water has high acidity or low mineral content that corrodes pipes and fixtures. The most common sources of lead in drinking water are lead pipes, faucets, and fixtures. Homes built before 1986 are more likely to have lead pipes that connect the home to the water main, also known as lead services lines. These pipes are typically the most significant source of lead in the water. Among homes without lead service lines, the most common problem is with brass or chrome-plated brass faucets and plumbing with lead solder. To address corrosion of lead and copper into drinking water, EPA is offering the following support:

- **Lead and Copper Rule Revisions:** In 2021, EPA completed the review of the Lead and Copper Rule Revisions under Executive Order 13990 and announced the development of a new regulation, Lead and Copper Rule Improvements, to better protect communities from exposure to lead in drinking water. EPA intends to propose requirements that, along with other actions, would result in the replacement of all lead service lines as quickly as is feasible. EPA also intends to consider opportunities to strengthen tap sampling requirements and explore options to reduce the complexity and confusion associated with the action level and trigger level, with a focus on reducing health risks in more communities. The goal of these potential lead service line replacement regulatory improvements—coupled with non-regulatory actions—is to more equitably protect public health.
- **Funding that Supports Lead Service Line Replacement:** There are still six to ten million lead services lines in cities and towns across the country, many of which are in overburdened and vulnerable communities. Addressing lead in drinking water and removing lead service lines is one of EPA’s top priorities. Administrator Regan is calling for a bold and comprehensive vision for reducing lead exposure, largely, though not solely, through infrastructure loan and grant programs. For example, the DWSRF already permits full lead service line replacement and authorized under WIIN, the Lead Testing in School and Child Care Program Drinking Water Grant creates a voluntary program to assist with testing for lead in drinking water at schools and childcare programs. The Bipartisan Infrastructure Law expanded the authority of the Lead Testing in School and Childcare Program Drinking Water Grant to include remediation and replacement, directly prioritizing the impact of lead exposure to the nation’s most vulnerable population. The Bipartisan Infrastructure Law also provides \$15 billion for lead service line

replacement projects and the associated activities connected to identification, planning, design, and replacement of lead service lines.

- **Protecting Vulnerable Populations by Providing Resources to Schools and Childcare Facilities:** Children living in poverty, particularly from underserved and vulnerable communities are disproportionately at risk of health impacts from exposure to lead in drinking water. EPA chairs a multi-stakeholder, Federal partnership workgroup which provides resources and assistance to test, remove, or remediate lead in schools and childcare facilities. This interagency workgroup works together to provide information on health concerns associated with lead in drinking water and helps develop lead testing programs using EPA's 3Ts (Training, Testing, and Taking Action). The workgroup also helps connect schools and childcare facilities that find lead in their drinking water with funding resources for remediation, such as USDA's Community Facilities Grant Programs.

Water Workforce: Help recruit, train, and retain the next generation water workforce.

Each day communities and businesses depend on America's water infrastructure for daily routines that can range from drinking a glass of water to irrigating the crops that support our food supply. Behind each of these daily routines are the hundreds of thousands of skilled workers that comprise America's Water Sector Workforce. These "water protection specialists" provide our communities with vital water services that protect public health and the environment while driving our nation's economy.

Currently, water utilities face challenges in recruiting, training, and retaining employees. As the treatment approaches and technologies that are used in the water sector become more advanced (e.g., state-of-the-art water reuse technologies), there is a growing need to train and employ water protection specialists with specialized technical skills. This is a real concern for communities around the country, and the gap in a skilled and ready water workforce presents significant operational risks to these drinking and wastewater utilities.²² The loss of these workers has been accelerated because of the COVID-19 pandemic.

EPA's existing Water Sector Workforce Initiative set a foundation for many partners to collaborate and take a wide range of actions to help address the critical need to ensure a trained and diverse water workforce to meet the challenges of the 21st century. The water workforce lacks diversity, and many people of color, low-income, and Indigenous communities have been left out of important, rewarding, and family-supporting careers across the sector. Most jobs in this sector do not require college degrees, and apprenticeship and training programs can prepare people to have high-paying, meaningful professions that support the water sector and economic development in their communities. One of the objectives with Bipartisan Infrastructure Law is to invest in strategies that affords opportunities for individuals from under-represented communities to become part of the water workforce, train them for the water economy of the future, and promote family-supporting jobs and high-road labor practices. The Office of Water will also collaborate with the job-oriented federal partners of the Urban Waters Federal Partnership (e.g., AmeriCorps, utilities, NGO partners) to expand innovative workforce development initiatives in Urban Waters partnership locations and through nationwide communities of practice.

²² For more information on the skill gap in the water workforce sector please read EPA's American Water Sector Workforce Initiative document, visit: https://www.epa.gov/sites/default/files/2020-11/documents/americas_water_sector_workforce_initiative_final.pdf

Cybersecurity: Assist water and wastewater utilities to prepare, identify, respond, and recover from cyber-attacks.

The frequency and potential severity of cyber-attacks against critical water infrastructure continues to grow. Many critical infrastructure facilities have experienced cybersecurity incidents that led to the disruption of a business process or critical operation. Cyber-attacks on water or wastewater utility business enterprise or process control systems can cause significant harm, such as:

- Upset treatment and conveyance processes by opening and closing valves, overriding alarms, or disabling pumps or other equipment.
- Deface the utility's website or compromise the email system.
- Steal customers' personal data or credit card information from the utility's billing system.
- Install malicious programs like ransomware, which can disable business enterprise or process control operations.

These attacks can compromise the ability of water and wastewater utilities to provide clean and safe water to customers, erode customer confidence, and result in financial and legal liabilities.

Many water and wastewater utilities, particularly small systems, lack the resources for information technology and security specialists to assist them with starting a cybersecurity program. Utility personnel may believe that cyber-attacks do not present a risk to their systems or feel that they lack the technical capability to improve their cybersecurity.

EPA will ensure that the water sector is aware of threats posed by cyber-attacks and provide resources and assistance to states and systems, so they understand how to prepare for, identify, respond to, and recover from cyber-attacks.

Monitoring and Remediating Per- and Polyfluoroalkyl Substances

Taking Concrete Actions to Tackle Per- and Polyfluoroalkyl Substances

Remediating PFAS is an urgent public health and environmental issue facing communities across the United States. PFAS have been manufactured and used in a variety of industries in the United States and around the globe since the 1940s, and they are still being used today. Because of the duration and breadth of use, PFAS can be found in surface water, groundwater, soil, and air—from remote rural areas to densely-populated urban centers. A growing body of scientific evidence shows that exposure at certain levels to specific PFAS can adversely impact human health and other living things. Research is also underway to better understand the health effects associated with low levels of exposure to PFAS over long periods of time, especially in children. Children may be more sensitive to the harmful effects of PFAS and can be exposed more than adults.

Federal, Tribal, state, territorial, and local governments need to exercise increased and sustained leadership to accelerate progress to clean up PFAS contamination, prevent new contamination, and make game-changing breakthroughs in the scientific understanding of PFAS. The EPA Council on PFAS developed a strategic roadmap²³ to lay out EPA's whole-of-agency approach to addressing PFAS. To deliver needed protections for the American people, the Roadmap sets timelines by which the Agency plans to take specific actions during the first term of the Biden-Harris Administration. The strategic roadmap builds on and accelerates implementation of policy actions identified in the Agency's 2019

²³ To read EPA's PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024, visit: https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf.

Action Plan²⁴ and commits to bolder new policies to safeguard public health, protect the environment, and hold polluters accountable.

Many known and potential sources of PFAS contamination (including military bases, airports, industrial facilities, and waste management and disposal sites) are located near people of color, low-income, and Indigenous communities. When taking action on PFAS, EPA will ensure that overburdened and vulnerable communities have equitable access to solutions. The Office of Water intends to:

- Undertake nationwide monitoring for PFAS in drinking water.
- Establish a National Primary Drinking Water Regulation for Perfluorooctanoic acid (PFOA) and Perfluorooctane sulfonic acid (PFOS).
- Publish a list of contaminants, including PFAS groups, that are currently not subject to any proposed or promulgated national primary drinking water regulations, but are known or anticipated to occur in public water systems.
- Restrict PFAS discharges from industrial sources through a multi-faceted Effluent Limitations Guidelines program.
- Leverage National Pollutant Discharge Elimination System (NPDES) permitting to reduce PFAS discharges to waterways.
- Publish a multi-laboratory validated analytical method for 40 PFAS and publish updates to PFAS analytical methods to monitor drinking water.
- Publish final recommended ambient water quality criteria for PFAS, including aquatic life criteria for PFOA and PFOS and human health criteria for PFAS when final toxicity assessments are available.
- Monitor fish tissue for PFAS from the nation's lakes and evaluate human biomarkers for PFAS.
- Finalize list of PFAS for use in fish advisory programs.
- Conduct a risk assessment for PFOA and PFOS in biosolids.
- Develop risk communication materials for specific PFAS actions and coordinate with co-regulators and other stakeholders prior to release.

Both the CWSRF and DWSRF have funds eligible for use to address PFAS, as does the Public Water System Supervision Grant. Additionally, the Bipartisan Infrastructure Law provides \$10 billion in relief for communities impacted by PFAS and other emerging contaminants, including \$4 billion for the DWSRF, \$1 billion for the CWSRF, and \$5 billion for Small and Disadvantaged Communities drinking-water grants.

Protecting and Restoring Waterbodies and Watersheds

Delivering Integrated and Diverse Solutions to Water Challenges

Pollution and degradation of lakes, rivers, streams, wetlands, and coastal and ocean waters endangers aquatic ecosystems, threatens the safety of drinking water, compromises water quality planning and flood protections, impacts commercial and recreation opportunities, and reduces the natural benefits these resources provide to communities. The effects of pollution on ecosystems and communities are made worse by the changing climate. EPA needs to use a suite of regulatory and non-regulatory programs to protect and improve water quality and ecosystem health in the nation's watersheds—as well as estuarine, coastal, and ocean waters. EPA will work collaboratively with our partners and stakeholders to establish innovative, location-appropriate programs to achieve the Agency's goals,

²⁴ To read EPA's 2019 PFAS Action Plan, visit: https://www.epa.gov/sites/default/files/2019-02/documents/pfas_action_plan_021319_508compliant_1.pdf.

including identifying and considering environmental justice and Title VI concerns where appropriate, and delivering results for overburdened and vulnerable communities. Outlined below are some key actions the Office of Water will be working on during FY 2023 – FY 2024.

Actions to Protect and Improve Water Quality

Revise Definition of Waters of the United States: In conformance with the President’s Executive Order 13990,²⁵ which directs federal agencies to review certain agency actions promulgated, issued, or adopted under the previous administration, EPA and the Department of the Army have proposed to revise the regulations defining “waters of the United States” that were in place until 2015, with updates consistent with relevant Supreme Court decisions. The agencies also anticipate proposing a separate, second rulemaking process that would build on this regulatory foundation with the benefit of additional stakeholder engagement. This matters because the definition affects the extent to which the CWA protects waters, including Section 303 (water quality standards, listing of impaired waters and total maximum daily loads [TMDLs]), Section 311 (Oil Spill Programs), Section 401 (state/Tribal Certification), Section 402 (Pollutant Discharge Permits), and Section 404 (Discharge of Dredged and/or Fill Material). Thus, the goal of these rulemakings is to better protect our nation’s vital water resources that support public health, afford environmental protection, support agricultural activity, foster economic growth, and support thriving communities.

Reconsider and Revise the Clean Water Act Section 401 Certification Rule: In conformance with the President’s Executive Order 13990, EPA reviewed the 2020 Certification Rule. Consequently, in May 2021, EPA announced that it would revise the 2020 Certification Rule and is proposing to revise the longstanding regulations, promulgated in 1971. This matters because it provides the states and authorized Tribes an important tool to help protect the water quality of federally regulated waters within their borders.

Update the Clean Water Act Section 404(g) State and Tribal Dredged and Fill Program Regulations: Section 404 of the Clean Water Act (CWA) requires a permit be issued prior to the discharge of dredged or fill material into “waters of the United States.” CWA Section 404(g), allows states and Tribes the option to assume administration of a Section 404 program for certain “waters of the United States.” In response to state and Tribal requests for clarity, EPA is drafting a proposal to revise the 1988 regulations which will address program requirements, implementation, enforcement, and EPA oversight. This rulemaking is key to assisting states and Tribes interested in actively managing the discharge of dredged and fill material into their aquatic resources consistent with the CWA.

Promulgation of Tribal Baseline Water Quality Standards Under the Clean Water Act: EPA is developing a proposed rule to establish Tribal baseline water quality standards for waters on Tribal land that do not have water quality standards in effect for CWA purposes. This rulemaking recognizes the importance of Tribal waters and the need to better protect the water resources on which Tribes rely. Over 80 percent of Tribal land currently does not have water quality standards in effect for CWA purposes. Establishing baseline water quality standards would ensure human health and environmental protection for these waters and would help support Tribes’ interests in protecting their water quality.

Revisions to the Federal Water Quality Standards Regulations to Protect Tribal Reserved Rights: EPA is considering changes to the water quality standards regulations at 40 Code of Federal Regulations Part

²⁵ To read E.O. 13990, visit: <https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>.

131 to explicitly and sustainably protect Tribal reserved rights (e.g., treaty rights) in state waters, consistent with existing legal obligations. Many Tribes hold reserved rights to resources through treaties and equivalent agreements with the United States government on lands and waters where states have jurisdiction to establish water quality standards. The regulation changes being considered are intended to help states and EPA protect aquatic and aquatic-dependent resources reserved to Tribes in treaties and equivalent agreements when establishing, revising, and reviewing water quality standards.

Evaluate Water Quality Standards: Water quality standards are the foundation for a wide range of programs under the CWA. They serve multiple purposes including establishing the water quality goals for a specific waterbody, or portion thereof, and serve as a target for CWA restoration activities such as TMDLs. EPA will establish priorities for states that will include updates to states standards, climate change adaptation, and environmental justice. In addition, EPA will also update key Water Quality Standards Handbook Chapters on Antidegradation, Designated Uses and Water Quality Standards Variances to assist states, authorized Tribes, and territories in implementing their water quality standards, including focus on climate adaptation.

Develop Ambient Water Quality Criteria: EPA will continue to develop new and updated national recommended ambient water quality criteria for the protection of human health and aquatic life pursuant to CWA Section 304(a). EPA will update existing water quality criteria to reflect the latest science and develop new criteria for emerging contaminants and other priority chemicals to meet the needs of Tribes and states. The Agency will place special emphasis on engaging with underserved communities in the review and setting of state water quality standards. This work will help empower these communities to secure adequate water quality standards for their local waters and to drive attainment of those standards through technical assistance and stakeholder engagement.

CWA Section 303(d) Water Quality Assessment, Listing of Impaired Waters and TMDL Vision: The 303(d) Program State-EPA Vision, established in 2013, has been a successful model of State-EPA cooperation.²⁶ The CWA Section 303(d) program is at a once-in-a-decade inflection point in setting program direction, as EPA and states, territories and Tribes collaboratively develop a second-round “Vision” for the next ten years of the program, to be in place by September 2022. Like the 2013 Vision, the 2022 Vision will encourage strategic and innovative approaches for states, territories, and authorized Tribes to implement the requirements of CWA Section 303(d) and best use their resources to leverage partnerships and restore and protect water quality.

Protecting and Restoring Aquatic Resources, including Wetlands and Streams: EPA’s Wetlands program will continue to provide technical and financial assistance to Tribal, state, and community partners to protect and restore wetlands and other water resources in the United States. To enhance implementation capabilities in the CWA Section 404 program as well as state and Tribal wetlands programs, EPA is developing stream and wetland assessment methods, providing training to permit application reviewers, designing technical tools for evaluation of compensatory mitigation, revising the CWA Section 404 state and Tribal regulations, and providing other resources and support for adapting to and mitigating the effects of climate change.

Advancing Ocean and Coastal Protection: Pollution from trash, maritime and land-based sources, sea level rise and other effects of the changing climate, have left these ecosystems and our coastal communities vulnerable to degraded water quality, hypoxic zones, habitat loss, and diminished fish,

²⁶ To read more on the CWA Section 303(d) Vision, visit: <https://www.epa.gov/tmdl/new-vision-implementing-cwa-section-303d-impaired-waters-program-responsibilities>.

shellfish, and coral population. Addressing these many challenges requires EPA to work closely with other federal agencies, Tribal, state, territorial, and community partners. EPA's national strategy for improving the condition of coastal and ocean waters includes the following key elements:

- Prevent and control pollution from the ocean dumping of dredged material and other materials in the ocean through EPA's Marine Protection, Research and Sanctuaries Act (MPRSA) permitting and site designation, management, and monitoring program, which implements London Convention treaty requirements in the United States.
- Evaluate requests to designate new ocean disposal sites or expand the capacity of existing sites under MPRSA to address the increased amount of dredged material from infrastructure projects.
- Develop strategies to regulate sub-seabed sequestration of carbon dioxide and marine geoengineering (e.g., ocean-based carbon dioxide removal and solar radiation management).
- Develop strategies to protect and restore the quality of coastal and marine habitats, such as estuaries and coral reefs, from many stressors, including climate change.
- Develop strategies and programs to address emerging environmental threats to marine and coastal water quality such as ocean acidification and aquatic trash and debris.
- Expand Trash Free Waters Program activities to support actions in more communities and co-develop (with EPA's Office of Land and Emergency Management) a national trash management strategy.
- Provide strategic foresight and decision support to accelerate coastal resilience and adaptation to climate change via the Climate Ready Estuaries Program.

Geographic and Place-Based Programs: EPA and its partners will advance progress to protect and restore ecologically, economically,²⁷ and intrinsically valuable watersheds across the nation through its geographic and place-based programs, such as the National Estuary Program and Urban Waters Federal Partnership, by strategically focusing on the biggest threats to their ecosystems and associated human health issues. Using a collaborative watershed approach, these programs incorporate in their environmental protection work the principles of environmental justice and Tribal reserved rights. EPA's leadership, at the regional and national levels, provides a foundation using technical expertise, science-based support, and funding to develop long-term strategies and actions to improve water quality, restore habitat, and foster sustainable human use. Through these programs, EPA plays an important role as a convener and facilitator with federal, Tribal, state, territorial, and community partners to align resources and authorities within regional, watershed, and basin-scaled networks. More specifically, EPA's geographic and place-based programs deliver technical and financial assistance to solve problems and support healthy, climate-resilient ecosystems that address water quality, water infrastructure, nutrient pollution, habitat loss, treaty rights, equity, and environmental justice. The Bipartisan

²⁷ The economic value of coastal recreation in the United States – for beach going, angling, bird watching, and snorkeling/diving – has been estimated by the National Oceanic and Atmospheric Administration to be in the order of \$20 billion to \$60 billion annually. To learn more, visit: https://estuaries.org/wp-content/uploads/2020/02/The-Economic-and-Market-Value-of-Coasts-and-Estuaries-What%E2%80%99s-at-Stake_2008.pdf

Infrastructure Law provides an additional investment of \$1.7 billion for geographic programs and \$192 million for

Deepen Collaborative Partnerships with Agriculture: Support State and Tribal Programs and Use the Clean Water Act Framework to Reduce Nutrient Pollution

Nutrient pollution is one of America's most widespread, costly, and challenging environmental problems, and is caused by excess nitrogen and phosphorus in the air and water. Too much nitrogen and phosphorus in the water causes algae to grow faster than ecosystems can handle. Significant increases in algae harm water quality, food resources and habitats, and decrease the oxygen that fish and other aquatic life need to survive. Some algal blooms are harmful to humans because they produce elevated toxins and bacterial growth that can make people sick if they are exposed to polluted water, consume tainted fish or shellfish, or drink contaminated water. Scientists predict that climate change will intensify many of the problems impacting freshwater and marine environments. These effects, along with nutrient pollution, might cause harmful algal blooms to occur more often, in more waterbodies and to be more intense. Algal blooms endanger human health and the environment and can negatively impact economies across the United States, including increasing drinking water costs where blooms are present in source waters.

To address this challenge, EPA will engage the United States Department of Agriculture (USDA) leadership to build and maintain connections and momentum; expand engagements with agricultural stakeholders and highlight their success; and deepen on-the-ground collaboration with USDA, Tribes, states, territories, and stakeholders in key geographic areas. We will strongly encourage states to use a "one water" approach to deliver a range of water quality benefits including protection of sources of drinking water, water-based economies, ecological health, and habitat.

The Office of Water will champion innovative financing and use the flexibility of the CWA regulatory framework to spur development of more effective technologies, drive market-based approaches, including water quality trading, third-party credit aggregation and banking, and stronger agriculture-water sector partnerships. The Office of Water will continue to co-chair the Hypoxia Task Force which is a central forum for five federal agencies, 12 Mississippi River Basin states, and Tribal representatives to coordinate and advance the massive effort to decrease nutrient loads in an effort to reduce the size, severity, and duration of hypoxia in the Gulf of Mexico and improve local water quality.²⁸ The \$60 million provided by the Bipartisan Infrastructure Law will further support partnership efforts and implementation of nutrient reduction strategies; prioritizing strategies that support overburdened and vulnerable communities. Finally, EPA will continue to evolve and implement the CWA regulatory framework. Technology-based controls for point sources, development and implementation of strong water quality standards, and strategies for addressing nutrients at a watershed scale remain critical. The CWA regulatory authorities are the foundation for much of the nation's progress to date on nutrient pollution and can provide both an incentive and backstop for collaborative approaches.

²⁸ To learn more about the Gulf of Mexico Hypoxia Task Force, visit: <https://www.epa.gov/ms-htf>.

SECTION III: Strengthening the Nation-to-Nation Relationship with Tribes

For Tribes, access to clean water is essential to public health, environmental protection, cultural activities, and subsistence practices. Long-standing water challenges in Indian country are negatively impacting Tribes. Tribal communities are more likely than other populations in the United States to lack access to wastewater services and piped drinking water. The COVID-19 pandemic has highlighted the need to address this persistent problem as safe drinking water for hydration, handwashing, and hygiene helps reduce the risk of virus transmission. Barriers to addressing these and other water-related challenges for Tribes include:

- A significant shortfall of funding to address water infrastructure needs.
- A lack of water quality standards that enable full implementation of the CWA on Tribal waters.
- The need for training, professional development and retention of qualified Tribal water and wastewater operators and program managers.

The Biden-Harris Administration is committed to upholding the United States' trust responsibility to the 574 federally recognized American Indian Tribes and Alaska Native Villages (Tribes). The Office of Water will help deliver on this commitment by supporting Tribal nations as they protect and steward their waters. In support of the Biden-Harris Administration's focus on strengthening the Nation-to-Nation Relationships,²⁹ EPA's Water Program, working in close collaboration with EPA's Office of International and Tribal Affairs (OITA), EPA regional office leadership, and the National Tribal Water Council, developed a Tribal action plan, *Strengthening the Nation-to-Nation Relationship with Tribes to Secure a Sustainable Water Future*.³⁰ This Action Plan is the Office of Water's roadmap for supporting Tribal nations as they protect and steward their waters. The plan calls for rooting decisions in sound science, enacting policy with an explicit and intentional focus on supporting Tribal water governance, and continually consulting with Tribal government partners.

In accordance with EPA's 1984 Indian Policy, the Action Plan acknowledges the unique government-to-government relationship between the federal government and federally recognized Tribes. Consistent with Strategy 4 of the *FY 2022-2026 EPA Strategic Plan, Strengthen Tribal, State, and Local Partnerships and Enhance Engagement*, and pursuant to its Tribal Action Plan, the Water Program will continue to improve relationships with Tribes through partnerships, outreach, and consultation. The Office of Water will seek out and equitably distribute infrastructure funding, advance core water programs with measurable Tribal benefits, and partner with Tribes to enhance the capacity of Tribal environmental programs. EPA will look for more opportunities to support climate resiliency in Tribal communities and on Tribal lands and will strive to further integrate principles of equity and environmental justice into our work with Tribes. The actions outlined in the Action Plan are important steps by the Biden-Harris Administration to uphold federal trust responsibilities.

²⁹ For more information on the White House's Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, visit: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>.

³⁰ For more information on the White House's Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, visit: https://www.epa.gov/system/files/documents/2021-10/2021-ow-tribal-action-plan_508_0.pdf.

The Action Plan focuses on the following priority areas:

- **Promote Robust Coordination and Meaningful Consultation with Tribal Nations:** The Office of Water will partner with EPA's Office of International and Tribal Affairs to ensure robust and sustained consultation with Tribes. It will also regularly engage Tribal representatives via advisory boards and engagement processes across our programs. Further, the Office of Water will deepen its collaboration with the National Tribal Water Council to help ensure two-way communication and foster collaboration between Tribal programs and EPA.
- **Strengthen and Expand Water Governance in Indian Country:** Fostering Tribal self-governance and Tribal regulation of environmental resources is essential to fulfilling the federal government's trust responsibility. The Office of Water will seek to implement regulations, policies, and guidance that align with the ability of Tribes to implement environmental programs and protect Tribal waters and aquatic resources.
- **Increase Infrastructure Funding and Capacity Development:** The Office of Water manages several funding programs that support infrastructure development for Tribes, including the SRF program set-asides, Public Water System Supervision (PWSS) Tribal Support Grants, the Underground Injection Control (UIC) Tribal Assistance Grants, and WIIN grants. The Office of Water also provides programmatic funding to support Tribal water quality programs through grants such as the water pollution control and nonpoint source programs (CWA Sections 104(b)(3), 106 and 319). The Office of Water will work collaboratively with Tribes to maximize the impact of available funding programs.
- **Honor the Federal Trust Responsibility and Protect Tribal Reserved Rights Related to Water Resources:** The Office of Water recognizes that in some circumstances, EPA has an obligation to take action to protect Tribal waters and aquatic resources. The Office of Water will continue rulemaking efforts and directly implement CWA and Safe Drinking Water Act (SDWA) programs in Indian country where Tribes have not taken on these authorities.

Tribal Funding within The Bipartisan Infrastructure Law: Most of the Law's funding supports water infrastructure improvements, replacement of lead service lines, and addresses emerging contaminants. For Tribes, funding will flow through the existing SRF Tribal set aside programs. The SRF Tribal set asides, which are established through Congressional appropriations, are anticipated to be two percent of total Clean Water and Drinking Water SRF Bipartisan Infrastructure Law program funding, respectively.³¹

- EPA administers the Clean Water SRF Tribal set aside funding primarily through Interagency Agreements with the Indian Health Service (IHS). EPA regions work with the IHS and Tribes to identify, prioritize, and select water infrastructure projects to receive funding. Tribes can then manage their grants either through a direct grant from EPA or request to have the IHS implement the project on their behalf.
- EPA administers the Drinking Water SRF Tribal set aside through regional programs that coordinate with local Tribes and the IHS to establish priorities and with project implementation.

³¹ For more information on Bipartisan Infrastructure Law funding for Tribes visit: <https://www.epa.gov/infrastructure/investments-Tribal-communities>.

Tribes can then manage their grants either through a direct grant from EPA or request, at the discretion of the IHS, to partner with IHS on implementation.

The Biden-Harris Administration's relationship with Tribes is built on respect for Tribal sovereignty and self-governance, honoring federal trust and treaty responsibilities, and conducting regular, meaningful, and robust consultation with Tribal nations. EPA will communicate with Tribes and share more detailed information, as it becomes available, on the critical resources in the Bipartisan Infrastructure Law, how these resources can improve Tribal communities, and how Tribes can access them.

SECTION IV: Grant and Loan Guidance

EPA promotes flexibility in grant work planning necessary to address the environmental and health priorities of Tribes, states, and territories. Through the National Environmental Performance Partnership System (NEPPS), EPA encourages the use of Performance Partnership Agreements (PPAs) and Performance Partnership Grants (PPGs)³² as vehicles for continuous collaboration and for increasing administrative, financial, and programmatic flexibilities for Tribes, states, and territories.³³ In addition, regions can consider established EPA-Tribal Environmental Plans (ETEPS) to assist in conducting federal environmental program activities in Indian country, including direct implementation and technical and financial assistance.

Beach Monitoring and Notification Grants

EPA awards grants under authority of the Beaches Environmental Assessment and Coastal Health Act to eligible states, territories, and authorized Tribes with approved water quality standards with beaches on ocean and Great Lakes coasts to develop and implement programs to monitor their beaches and notify the public when it is not safe to swim. During each swimming season, state and local health and environmental protection agencies monitor the quality of water at the nation's beaches. When bacteria levels in the water are too high, these agencies notify the public by posting beach warnings or closing the beach. The grants help local authorities monitor beach water quality and notify the public of conditions that may be unsafe for swimming. The grant guidance, information about the grant allotment formula, and annual allotments to states, territories, and Tribes can be found at <https://www.epa.gov/beach-tech/beach-grants>.

Public Water System Supervision Grant Guidance

The Public Water System Supervision (PWSS) grant program is fundamental to the implementation of the national drinking water program and is a key oversight tool utilized in partnership with the states³⁴ and Tribes to provide safe drinking water to the American public. Grants are provided to states with primary enforcement authority to implement and enforce National Primary Drinking Water Regulations

³² For general information on NEPPS, visit: <https://www.epa.gov/ocir/national-environmental-performance-partnership-system-nepps>. For information on environmental programs eligible for inclusion in a PPG, visit: <https://www.epa.gov/ocir/nepps-implementing-performance-partnerships>.

³³ Reference EPA's Office of Congressional and Intergovernmental Regulations FY 2023-2024 National Program Guidance for information on NEPPS, PPA and PPG FY2023-2024 priorities, visit: <https://www.epa.gov/planandbudget/national-program-guidances>.

³⁴ "State" refers to states, territories, and tribes with primacy.

(NPDWRs). The NPDWRs set forth monitoring, reporting, compliance tracking, and enforcement elements. Grant funds are used by states to:

- Maintain compliance data systems.
- Compile and analyze compliance information.
- Respond to and enforce against violations.
- Certify labs.
- Conduct lab analyses.
- Conduct sanitary surveys.
- Draft new regulations and legislative provisions where necessary.

PWSS Grant Activities

Building on the ongoing efforts of grantees to implement the PWSS program, FY 2023-2024 priority activities for the PWSS grantees, including those directly implementing programs in Indian country, should include the following:

- Taking targeted actions, such as training and technical assistance, to support efforts to reduce the number of health-based violations.
- Submitting primacy packages for all NPDWRs to reduce the backlog of unsubmitted or unapproved packages.
- Completing sanitary surveys in a timely manner to meet the requirements of the law.
- Seeking opportunities to implement policies that will enhance program collaboration with the DWSRF, WIIN and the Capacity Development programs to address noncompliance among vulnerable systems.
- Ensuring that compliance data submitted to the Agency is accurate, complete, and submitted in a timely manner.
- Addressing rule implementation of the Microbial, Disinfectants, and Disinfection Byproducts Rule, which represents the largest number of health-based violations, including the Revised Total Coliform Rule, Ground Water Rule, the Stage 2 Disinfectants and Disinfection Byproducts Rule, and the Long-term 2 Enhanced Surface Water Treatment Rule.
- Continuing to address simultaneous compliance challenges with the Lead and Copper Rule.
- Devoting a proportion of each PWSS grant to ensuring that data are effectively managed, and that required data are submitted to EPA such that 1) water system compliance determinations are consistent with federal and state regulations; 2) corrective actions associated with data file reviews and annual program reviews are implemented; and 3) PWSS grantees submit to EPA the required inventory, compliance, and enforcement data.

The PWSS grant allotments are based on factors such as population, geographic area, and PWSS inventory. The PWSS grant policy, and allotment formula can be found at:

<https://www.epa.gov/dwreginfo/public-water-system-supervision-program-water-supply-guidance-manual>.

The PWSS national program is updating PWSS program-specific guidance and reference for regions that focuses on federal regulatory requirements and grants management policies in FY 2022.

State-by-state allotments and the total amount available to each region for its Tribal support program can be found at: <https://www.epa.gov/dwreginfo/final-allotment-fy-2021-public-water-system-supervision-pwss-state-and-Tribal-support>.

The *Guidance and Tentative Grant Allotments to Support PWSS Programs on Tribal Lands* can be found at: <https://www.epa.gov/sites/production/files/2015-09/documents/fy2008-tent-Tribal-pwss-program-memo-guidance.pdf>.

Drinking Water State Revolving Fund Guidance

This document for FY 2023-2024 includes guidance for state recipients of DWSRF program capitalization grants.³⁵ Grant recipients are expected to conduct their programs to help achieve the goals, objectives, and measures specified.

The Bipartisan Infrastructure Law amends the DWSRF-authorizing section of the SDWA and appropriates three new supplemental appropriations into the DWSRF each year between FY 2022 and FY 2026, inclusive. These supplemental appropriations total approximately \$30.7 billion in funds over those years. These appropriations are in addition to “base” appropriations anticipated each year.

The Bipartisan Infrastructure Law amends SDWA 1452 to:

- Reauthorize the DWSRF through 2026.
- Offer states new methods of delivering additional subsidy to underserved communities.
- Increase the amount of required additional subsidy that states must provide to underserved communities.
- Make the American Iron and Steel procurement provision permanent.
- Add a new “Build America, Buy America” procurement requirement.

The Bipartisan Infrastructure Law contains provisions for several grants to be administered separately as part of the DWSRF program. They are briefly explained below.

General Supplemental: The Bipartisan Infrastructure Law provides DWSRF funding for any DWSRF-eligible project and activity. States will apply for a capitalization grant with a ten percent state match in FY 2022 and FY 2023, and 20 percent state match in FY 2024-2026. The states provide below-market interest loans and principal forgiveness or grants under this appropriation.

Lead Service Line Replacement Supplemental: The Bipartisan Infrastructure Law provides DWSRF funding for eligible projects limited to lead service line replacement and associated activities related to identification, planning, design, and removal of lead service lines. States will apply for a capitalization grant with no state match required. The states provide below-market interest loans and principal forgiveness or grants to replace lead service lines under this appropriation.

Emerging Contaminant Supplemental: The Bipartisan Infrastructure Law provides DWSRF funds for eligible projects addressing Emerging Contaminants with a focus on PFAS. States may apply for a

³⁵ For more information on DWSRF grant programs, visit: <http://www.epa.gov/dwsrf>.

capitalization grant with no state match required. The states will provide principal forgiveness and grants to fund drinking water infrastructure projects to address emerging contaminants, with a focus on PFAS, under this appropriation.

Further guidance to states on the implementation of Bipartisan Infrastructure Law can be found at: <https://www.epa.gov/dwsrf/bipartisan-infrastructure-law-srf-memorandum>.

In FY 2023-2024, EPA and states should take all appropriate and timely steps to ensure that all CWSRF and DWSRF funds move as expeditiously as possible from EPA through states and into high priority projects, consistent with sound program oversight, achieving the public health protection objectives of the SDWA. This includes a continued emphasis on cash flow modeling and assisting drinking water systems in most need of financial and technical assistance.

States, at their discretion, may reserve up to approximately 31 percent of any DWSRF capitalization grant for “set-asides” to fund DWSRF program administration, small system technical assistance, state program management, and local assistance. This includes:

- Support for the state PWSS programs.
- State-wide operator certification programs.
- State-wide capacity development planning.
- System source water protection.
- System level capacity development actions.

To ensure the appropriate balance between financing capital projects to improve the delivery of safe water and funding non-capital set-aside assistance for water systems, the PWSS program in each state has the lead responsibility for determining the priority for providing these two forms of assistance to water systems. This balance of funding priorities is to be reflected in the state’s intended use plan (IUP). The SDWA requires that states submit an annual IUP that details how the state will use DWSRF program funds, including new capitalization grants, as well as other grant funds, repayments, and other resources. The Project Priority List is a cornerstone element of the IUP and presents all the capital projects awaiting DWSRF assistance in priority funding order. The SDWA further requires states to include a “Fundable List” showing the specific projects that the state anticipates being ready to proceed to receiving assistance that year. Additionally, the SDWA requires states to submit set-aside work plans detailing how set-aside funds will be used. The SDWA also requires states to submit, biennially, a report that explains how DWSRF funds were used. Finally, the SDWA requires states to submit annual data on program performance. Auditing is required to the extent laid out in the Single Audit Act.

EPA regions perform annual on-site reviews of state programs, including project file reviews and transaction testing. These reviews serve as EPA’s baseline monitoring for the DWSRF.

The DWSRF grant allotments are based on the Drinking Water Needs Survey’s results. State-by-state allotments, territorial funds, and the total amount available to each region for Tribes is available at: www.epa.gov/dwsrf.

Emerging Contaminants in Small and Disadvantaged Communities Guidance

FY 2022 guidance will include technical and implementation guidance for recipients of the emerging contaminants funding under SDWA 1459A, enacted and appropriated through the Bipartisan Infrastructure Law. The document will support grant recipients through the expected planning and

execution of their programs, including achieving the goals, objectives, and reporting measures of the program.

The Bipartisan Infrastructure Law amends the subsections (a) through (j) of section 1459A of the SDWA (42 U.S.C. 300j-19a). The amendment includes appropriations of \$5 billion between FY 2022 and FY 2026 to address emerging contaminants in small and overburdened or underserved communities. The Bipartisan Infrastructure Law provides these grant funds for eligible projects addressing Emerging Contaminants with a focus on PFAS. States will prioritize the grants to assist public water systems in small and overburdened or underserved communities that are unable to finance activities needed to comply with drinking water regulations as well as respond to drinking water contaminants. The grant program aids communities that have no household drinking water or wastewater services or are served by a public water system that violates or exceeds any maximum containment level, treatment technique, or action level. Unlike the broader funding under SDWA 1459A, Bipartisan Infrastructure Law prioritizes the funding to focus on small and underserved communities in addressing emerging contaminants, including PFAS. The underserved criteria in the traditional grant program are not required. There is no state match.

EPA will release further guidance to states on the implementation and allocation of emerging contaminants funding in 2022. It will be available on the WIIN grant website:

<https://www.epa.gov/dwcapacity/water-infrastructure-improvements-nation-act-wiin-act-grant-programs>.

Lead Remediation Supplemental: The Bipartisan Infrastructure Law expands the WIIN *Lead Testing in Schools and Child Care Drinking Water Grant* program with funding for eligible grant work to include compliance monitoring and reduction/remediation. Additionally, it expands on the eligible recipients to include Tribal consortia, public water systems located in states that do not directly participate in the grant program; and to qualified nonprofit organizations. The Bipartisan Infrastructure Law expands the WIIN *Reducing Lead in Drinking Water Grant* program to include all lead service line replacement as eligible, not just public-owned lead service line replacements.

EPA will release additional guidance to eligible recipients on the implementation of lead remediation and/or replacement activities funded through the grants in FY 2022. It will be available on the WIIN grant website: <https://www.epa.gov/dwcapacity/water-infrastructure-improvements-nation-act-wiin-act-grant-programs>.

Underground Injection Control Grant Guidance

State³⁶ and Tribal grant recipients are expected to implement their programs to help achieve the goals, objectives, and measures specified in this guidance.

The overall objective of the Underground Injection Control Grant (UICG) grant program is to protect public health by enforcing minimum requirements to ensure that:

- All injection is authorized under either general rules or specific permits.

³⁶ 40 CFR 144.3 “State” means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or an Indian Tribe treated as a State.

- Injection well owners and operators do not site, construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity that endangers an USDW.
- Injected fluids stay within the well and the intended injection zone.
- No injection occurs which allows for the introduction of any contaminant into an USDW if the presence of that contaminant may cause a violation of any primary drinking water standard or otherwise adversely affect public health.

To assist owners and operators of UIC facilities in meeting these objectives, grantees will need to adopt a variety of approaches and coordinate efforts with other groundwater protection programs. FY 2023-2026 priority activities for the UIC grant fund recipients should include the following:

- Maintaining program capacity to implement UIC program requirements for all classes of wells.
- Ensuring that Class I, II and III (salt solution) wells that lose mechanical integrity are returned to compliance.
- Addressing high priority Class V wells.
- Submitting data through EPA's UIC Data Application.

The Bipartisan Infrastructure Law provided provisions for a separate grant to be administered separately as a part of the UIC program. The grant would provide funds to state, and Tribal government agencies that oversee underground injection activities to prevent contamination of underground sources of drinking water from fluid injection practices. This provision targets funding to address Class VI wells utilized for carbon sequestration. Eligible entities shall use grants to defray the expenses related to the establishment and operation of a Class VI primacy program.

Clean Water State Revolving Fund Guidance

This document for FY 2023-2024 includes guidance for state recipients of CWSRF program capitalization grants. Grant recipients are expected to conduct their programs to help achieve the goals, objectives, and measures specified.

The Bipartisan Infrastructure Law amends the CWSRF-authorizing section of the CWA and appropriates two new supplemental appropriations into the CWSRF each year between FY 2022 and FY 2026, inclusive. These supplemental appropriations total approximately \$11.7 billion in funds over those years. These appropriations are in addition to "base" appropriations anticipated each year.

The Bipartisan Infrastructure Law amends CWA Title VI to:

- Reauthorize the CWSRF through FY 2026.
- Offer states new methods of delivering additional subsidy to underserved communities and eligible project types defined under CWA 603(i).
- Increase the amount of required additional subsidy that states must provide to underserved communities and eligible project types defined under CWA 603(i).
- Allows states to use up to an amount equal to two percent of their annual capitalization grant to aid nonprofit organizations or state, regional, interstate, or municipal entities to provide

technical assistance to rural, small, and Tribal publicly owned treatment works.

- Add a new “Build America, Buy America” procurement requirement.

The Bipartisan Infrastructure Law contains provisions for several grants to be administered separately as part of the CWSRF program. They are briefly explained below.

General Supplemental: The Bipartisan Infrastructure Law provides CWSRF funding for any CWSRF-eligible project and activity. States will apply for a capitalization grant with a ten percent state match in FY 2022 and FY 2023, and 20 percent state match in FY 2024-2026. The states provide below-market interest loans and principal forgiveness or grants under this appropriation.

Emerging Contaminant Supplemental: The Bipartisan Infrastructure Law provides CWSRF funds for eligible projects addressing Emerging Contaminants. States may apply for a capitalization grant with no state match required. The states will provide principal forgiveness and grants to fund drinking water infrastructure projects to address emerging contaminants under this appropriation.

Further guidance to states on the implementation of Bipartisan Infrastructure Law can be found at: <https://www.epa.gov/dwsrf/bipartisan-infrastructure-law-srf-memorandum>.

Nationally, EPA will continue to strengthen oversight of the program through effective implementation of its federal requirements. EPA will continue to work with states to increase demand through marketing and outreach, including providing technical assistance (e.g., surveys and focus groups) to CWSRF programs to identify state-specific marketing opportunities, and identifying exceptional projects for national recognition through the CWSRF Performance and Innovation in the CWSRF Creating Environmental Success program.

In FY 2023-2024, EPA and states should take all appropriate and timely steps to ensure that all CWSRF and DWSRF funds move as expeditiously as possible from EPA through states and into high priority projects, consistent with sound program oversight, achieving the environmental and public health protection objectives of the CWA and SDWA. This includes a continued emphasis on cash flow modeling and assisting drinking water systems in most need of financial and technical assistance.

Water Infrastructure Finance and Innovation Act Guidance

The Water Infrastructure Finance and Innovation Act (WIFIA) program is a government bank that provides long-term, low-cost supplemental loans for regionally and nationally significant water and wastewater infrastructure projects. Eligible public and private borrowers can finance a wide variety of wastewater, drinking water, water reuse, stormwater, and other water quality improvement capital projects with WIFIA loans. Borrowers applying for WIFIA loans must be creditworthy and demonstrate that they can repay the federal government over the loan’s term. For more information, visit: <https://www.epa.gov/wifia>.

Clean Water Act Section 106 Grant Guidance

Grant recipients are expected to conduct their programs to help achieve the goals, objectives, and measures specified in this guidance. In addition, the Section 106 website³⁷ includes specific guidance³⁸ for state, interstate, and Tribal grant recipients in these Section 106 grant guidance areas.

Section 106 grant guidance covers water pollution control program activities including: water quality standards, water quality monitoring, impaired waters listing and TMDL development, 401 certification, 404 permitting, and NPDES permitting, enforcement and compliance. High priority activities for EPA for FY 2023-2024 include:

- Support state's and Tribes' adoption of sound, scientifically defensible water quality criteria to protect designated uses.
- Coordinate with states, territories, and Tribes to implement National Aquatic Resource Surveys (NARS) to assess the quality of the Nation's coastal waters, lakes and reservoirs, rivers and streams, and wetlands using a statistical survey design.³⁹
- Support enhancements to monitoring programs addressing additional state and Tribal priorities.
- Support implementation of the Assessment TMDL Tracking and Implementation System (ATTAINS) data flow for submission of Integrated Reporting under CWA Sections 303(d) and 305(b) through technical assistance and Exchange Network Grants;
- Work with states, territories, and tribes on listing of impaired waters and on priority TMDLs, other restoration plans, and protection approaches under the CWA Section 303(d) Program Vision; support tribes interested in adopting and implementing CWA Section 303(d) listing and TMDL program for reservations;
- Incorporate new NPDES regulations, policies and other programmatic changes, continued implementation of significant actions identified during permit and program quality reviews, ensure state and territory NPDES permit application forms are as stringent as current regulations for EPA application forms, continued implementation of the NPDES Electronic Reporting Rule and where appropriate, identify environmental justice and Title VI civil rights factors that could inform the development of effective approaches within the authority of the NPDES program.
- Support states and tribes interested in assuming the Section 404 dredged and fill permit program and provide technical assistance in program development and implementation to ensure programs are consistent with the CWA; and
- Encourage states and territories to, as appropriate, propose monitoring requirements at facilities where PFAS are expected or suspected to be present in wastewater and stormwater

³⁷ To view Section 106 grants website, visit: <https://www.epa.gov/water-pollution-control-section-106-grants>.

³⁸ To read the Section 106 grant guidance, visit: <https://www.epa.gov/water-pollution-control-section-106-grants/final-section-106-supplemental-grant-guidance-states>.

³⁹ To learn more about NARS, visit: <https://www.epa.gov/national-aquatic-resource-surveys>.

discharges, using EPA's recently published analytical method 1633, which addresses 40 unique PFAS.

Clean Water Act Section 319 Grant Guidance

Section 319 of the CWA awards grants to states, territories, and Tribes to manage polluted runoff programs and implement local projects to restore and protect water quality impacted by nonpoint source pollution (NPS).⁴⁰ Section 319 grants are awarded via an allocation formula. Under FY 2021 appropriation levels, funding ranged from about \$1 million to \$8 million per state. States strategically guide the funds to priorities in their NPS Management Plan, supporting state staff, monitoring, watershed restoration projects, technical assistance, and other activities. The current Tribal set-aside is the greater of \$8 million or 5 percent of the national Section 319 appropriation (5 percent was \$9 million in FY 2021).

States structure their NPS programs to fit state needs and priorities, develop five-year NPS Management Plans, and take the lead in project selection, management, and water quality monitoring. EPA applies guidelines for the allocation and effective utilization of federal funds, as well as provides programmatic oversight and assistance, technical assistance, and a national framework for measures reporting and success documentation.

Funds address diverse sources of polluted runoff with at least half of funds implementing on-the-ground projects to address problems such as acid mine drainage, unpermitted urban runoff, failing septic systems, and streambank erosion.

At the national level, program priorities are to:

- Continue supporting state, territory, and Tribal programs with programmatic and technical assistance.
- Continue Section 319 program and funds management.
- Annually approve state and Tribal workplans and issue grants.
- Advance equity and inclusion in the delivery of NPS water quality benefits.
- Ensure Section 319 funds are targeted in a technically sound and effective approach to address priority NPS pollutants and impairments identified in the grantee's NPS management program plan.
- Provide national leadership partnering with federal programs, in particular building on our longstanding relationship with USDA, as well as growing a partnership with Federal Emergency Management Agency to focus on the co-benefits of water quality projects and risk reduction from natural hazards such as flooding and drought.
- Provide leadership for national scale NPS initiatives including the National Water Quality Initiative with USDA and the Gulf of Mexico Hypoxia Task Force with five federal agencies and 12 Mississippi River basin states.

Wetland Program Development Grants

In 1990, the Wetland Program Development Grants (WPDGs) were funded to support state and Tribal

⁴⁰ To learn more about Section 319 grant funding or to read the current grant guidance, visit: <https://www.epa.gov/nps/319-grant-program-states-and-territories>.

wetland projects and state wetland strategic plans.⁴¹ The program goal is to build state, Tribal, territory, and (to a lesser extent) local wetland programs. Program vehicles included: regional Request for Applications (RFA) for states, Tribes, territories, interstate agencies, and intertribal consortia; Tribal-only RFAs for Tribes and intertribal consortia; National RFAs for non-profit NGOs, interstate agencies, and intertribal consortia; a Five-Star RFA for non-profit NGOs, interstate agencies, and intertribal consortia; and a National Association of Wetland Managers noncompete assistance agreement. Thus far, there have been 51 states and territories, over 70 Tribes (not including intertribal organizations), and many local governments that have received funding for activities authorized under CWA Section 104(b)(3) for research, investigations, experiments, training, demonstrations, surveys, and studies.

WPDG regulations indicate that these funds must be competed and require a 25 percent match. However, if placed in a PPG, it may be as low as five percent for states and territories and 0 percent for Tribes.

⁴¹ To learn more about Wetland Program Development Grants, visit: <https://www.epa.gov/wetlands/wetland-program-development-grants-and-epa-wetlands-grant-coordinators>.

SECTION V: FY 2023 National Water Program Measures

Subject Area	Measure Language	Comments/Notes
Infrastructure	Billions of non-federal dollars leveraged by EPA water infrastructure finance programs (State Revolving Funds and Water Infrastructure Finance and Innovation Act)	
Infrastructure	Number of Tribal homes provided access to basic sanitation, through federal coordination.	New Tribal metric added to EPA's FY 2022-2026 Strategic Plan
Infrastructure	Number of Tribal, small, rural, or underserved communities provided with technical, managerial, or financial assistance	Includes Tribal component
Infrastructure	Number of drinking and wastewater systems and water sector partners provided with resiliency training	
Infrastructure	The number of program evaluation reports (PERs) finalized within 90 days of the completion of state DWSRF annual reviews (count)	
Infrastructure	The number of program evaluation reports (PERs) finalized within 90 days of the completion of state CWSRF annual reviews (count)	
Drinking Water	Community water systems still in noncompliance with health-based standards since March 31, 2021	
Drinking Water	Community water systems in Indian country still in noncompliance with health-based standards	New Tribal metric added to EPA's FY 2022-2026 Strategic Plan
Drinking Water	Percent of community water systems in compliance with health-based standards	
Drinking Water	Systems Out of Compliance Due to Lead and Copper Rule Violations	
Drinking Water	Strengthen the technical, managerial, and financial capacity of drinking water systems	
Drinking Water	PWSS program reviews completed by EPA regions for each primacy agency in the corresponding year	
Drinking Water	State PWSS rule primacy applications in backlog	
Underground Injection Control	EPA Permit Backlog - New UIC	

Subject Area	Measure Language	Comments/Notes
NPDES⁴²	Number of existing EPA-issued NPDES individual permits in backlog	Includes Tribal component
NPDES⁴³	Number of applications for new EPA-issued NPDES individual permits in backlog	Includes Tribal component
NPDES⁴⁴	Number of facilities covered by EPA-issued NPDES general permits in backlog	New metric Includes Tribal component
NPDES	Percent of existing state-issued NPDES individual permits in backlog	New metric
NPDES	Percent of facilities covered by state-issued NPDES general permits in backlog	New metric
TMDLs	Square miles of priority areas covered by TMDLs, other restoration plans, or protection approaches	
TMDLs	Backlog of EPA action on TMDLs	
Impaired Waters	Annual increase in square miles of watersheds with surface water meeting standards ⁴⁵	
Impaired Waters	Square miles of watersheds previously impaired due to nutrients that now meet standards	
Impaired Waters	Backlog of EPA action on 303(d) Lists	
Impaired Waters	Outstanding State submission of 303(d) lists	
Impaired Waters	Number of primarily NPS-impaired waterbodies partially or fully restored by NPS program actions	
Water Quality	Report on the quality of the nation's waters - percent of samples processed	EPA, State, and Tribal National Aquatic Resource Surveys

⁴² For NPDES permit backlog metrics, existing permits (both individual and general) are considered backlogged when they have been administratively continued for 180 days or more.

⁴³ For this NPDES permit backlog metric, applications for new permits are considered backlogged 365 days after a complete application has been received.

⁴⁴ For all NPDES general permit backlog metrics, construction stormwater permits are excluded due to the unique nature and ever-changing, large universe for those permits.

⁴⁵ EPA recognizes that additional waters may be listed as impaired, (e.g., as new data) and information become available for assessments and WQS are changed/developed. EPA establishes a universe of impaired waters as part of the Strategic Planning process. It is from this universe that progress is measured. Any new impaired waters that are added during in a state's subsequent bi-annual Integrated Report do not count against this measure but would be reflected in subsequent Strategic Plan universes.

Subject Area	Measure Language	Comments/Notes
Water Quality Standards	Percent of water quality standards actions taken within the 60- or 90-day statutory deadlines	
Water Quality Standards	Number of Tribes with EPA approved water quality standards	Tribal metric
Water Quality Standards	Number of Tribes with TAS for water quality standards	Tribal metric
Water Reuse Action Plan	Total number of actions to advance water reuse (both active and complete)	
Climate Adaptation	The Office of Water is still developing metrics to track progress towards meeting our climate adaptation goals.	New metrics TBD
Bipartisan Infrastructure Law	The Office of Water is still developing metrics to track progress towards meeting our Bipartisan Infrastructure Law Implementation goals.	New metrics TBD
Justice40/Environmental Justice	The Office of Water is still developing metrics to track progress towards meeting our Justice 40 and/or Environmental Justice goals.	New metrics TBD

SECTION VI: Key Contacts

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APPENDIX

List of Acronyms

Acronyms	Term
APG	Agency Priority Goal
Tribes	American Indian Tribes and Alaska Native Villages
ATTAINS	Assessment TMDL Tracking and Implementation System
CWA	Clean Water Act
CWSRF	Clean Water State Revolving Fund
CFR	Code of Federal Regulations
DWSRF	Drinking Water State Revolving Fund
EOs	Executive Orders
ETEPS	EPA-Tribal Environmental Plans
FY	Fiscal Year
IHS	Indian Health Service
IUP	Intended Use Plan
MPRSA	Marine Protection, Research and Sanctuaries Act
NARS	National Aquatic Resource Surveys
NEPPS	National Environmental Performance Partnership System
NPDES	National Pollutant Discharge Elimination System
NPDWR	National Primary Drinking Water Regulations
NWPG	National Water Program Guidance
NPS	Nonpoint Source Pollution
OITA	Office of International and Tribal Affairs
PFAS	Per- And Polyfluoroalkyl Substances
PFBS	Perfluorobutane Sulfonic Acid
PFOA	Perfluorooctanoic Acid
PFOS	Perfluorooctane Sulfonic Acid
PPAS	Performance Partnership Agreements
PPGS	Performance Partnership Grants
PFOA	Primary Drinking Water Regulation for Perfluorooctanoic Acid
PERS	Program Evaluation Reports
PWSS	Public Water System Supervision
RFAS	Request for Applications
SDWA	Safe Drinking Water Act
SRF	State Revolving Fund
EPA	Environmental Protection Agency
TMDLS	Total Maximum Daily Loads
UIC	Underground Injection Control
UICG	Underground Injection Control Grant
USDW	Underground Source of Drinking Water
USDA	United States Department of Agriculture
WIFIA	Water Infrastructure Finance and Innovation Act
WIINA	Water Infrastructure Improvements for the Nation Act
WPDG	Wetland Program Development Grants