

# EPA National Environmental Justice Community Engagement Call

*April 19, 2022*

Expanding the Conversation



working for environmental justice

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## Housekeeping



Please join by phone or computer, not both



You are on mute, please enter questions and comments into the Q&A pod



If selected to speak during dialogue, please limit comment to 1 minute



Recording and transcript will be available online in the near future

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## En Español

Tenemos interpretación en español disponible para aquellos que prefieren escuchar en español.

- Cómo cambiar el canal de audio en español
- Las personas pueden agregar preguntas en español al módulo de preguntas y respuestas
- Los materiales de la reunión estarán disponibles en español.



*Spanish-language interpretation is available for those who prefer to listen in Spanish.*

- How to switch to Spanish language audio channel*
- Individuals can add questions in Spanish to the Q&A Pod*
- Meeting materials will be made available in Spanish.*

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## Agenda

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**Welcome**

**Mindfulness Moment**

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***EPA Leadership Updates***

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**Overview of EPA's Nonpoint Source Program, §319**

**Dialogue about EPA's External Civil Rights/Title VI Compliance Program**

***Engagement and Dialogue***

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**Upcoming Engagement Opportunities**

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**Closing Remarks**

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***MINDFULNESS  
MOMENT***



The slide features a white background with a decorative orange and red brushstroke in the upper right corner. The text 'MINDFULNESS MOMENT' is written in a bold, italicized, gold-colored serif font. Below this, the 'Mindful EPA' logo is displayed, consisting of a green leaf icon on the left and the words 'mindful' in purple and 'EPA' in blue on the right.

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**Leadership Updates**

***Matthew Tejada***  
*DIRECTOR, EPA OFFICE OF ENVIRONMENTAL JUSTICE*

The slide has a dark teal background with a large, semi-transparent circular graphic on the right side. The text 'Leadership Updates' is centered in a light green, sans-serif font. Below this, the name 'Matthew Tejada' is written in a bold, italicized, dark teal font, followed by his title 'DIRECTOR, EPA OFFICE OF ENVIRONMENTAL JUSTICE' in a smaller, italicized, dark teal font.

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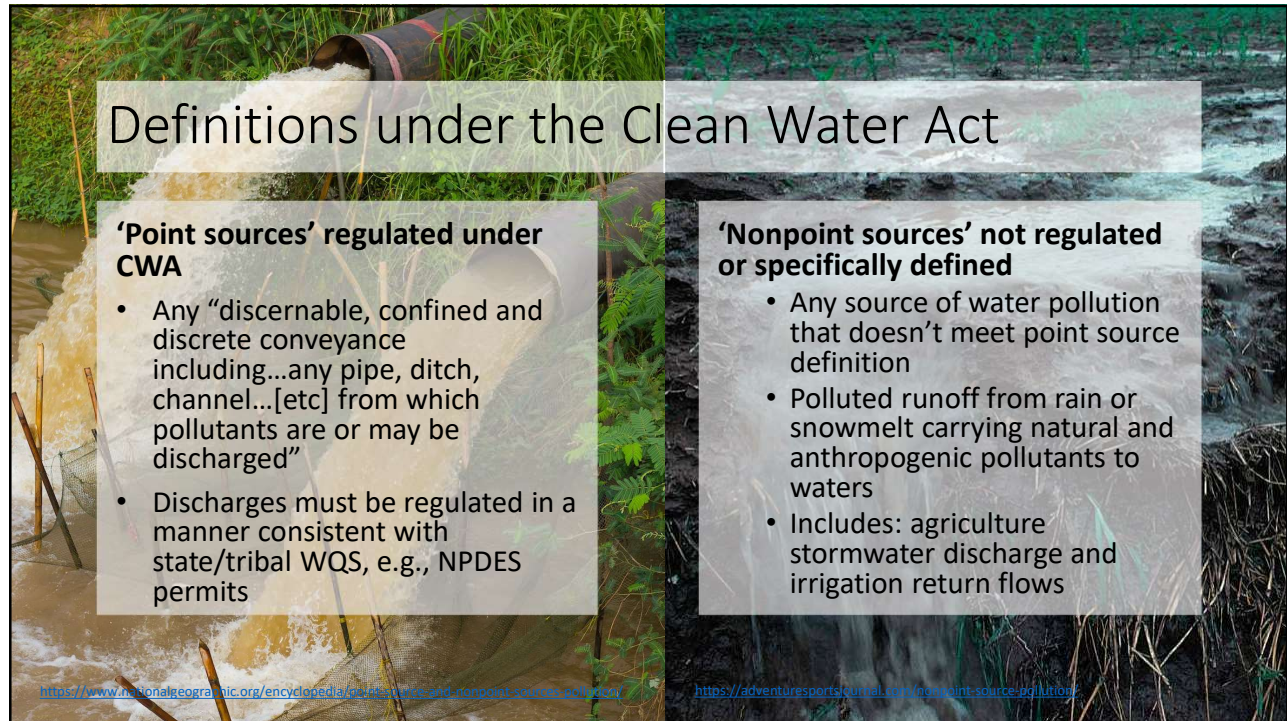


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**NPS Pollution Comes From Diverse Sources**

- **Agriculture**
  - Nutrients, sediment, pathogens, pesticides, metals
  - Row crop runoff, irrigation water, animal facilities
- **Onsite septic systems** – nutrients, pathogens
- **Acid mine drainage** – abandoned mines, metals
- **Unregulated urban runoff**
  - Pathogens, fertilizer, pet waste, oil & grease, construction sediment
- **Forestry**
  - Sediment (slides, road construction, fire), temperature
- **Hydro-modification**
  - Dams, channel straightening – sediment, temperature, habitat destruction

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## Definitions under the Clean Water Act

### 'Point sources' regulated under CWA

- Any “discernable, confined and discrete conveyance including...any pipe, ditch, channel...[etc] from which pollutants are or may be discharged”
- Discharges must be regulated in a manner consistent with state/tribal WQS, e.g., NPDES permits

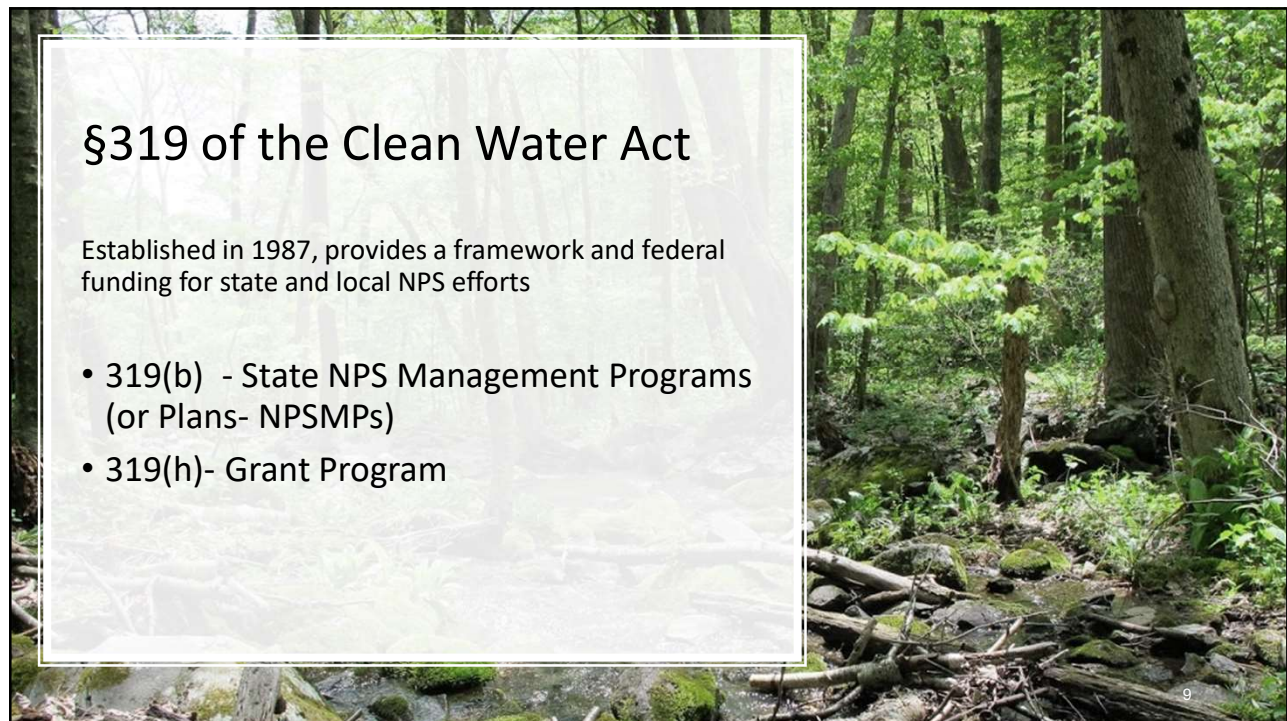
<https://www.nationalgeographic.org/encyclopedia/point-sources-and-nonpoint-source-pollution/>

### 'Nonpoint sources' not regulated or specifically defined

- Any source of water pollution that doesn't meet point source definition
- Polluted runoff from rain or snowmelt carrying natural and anthropogenic pollutants to waters
- Includes: agriculture stormwater discharge and irrigation return flows

<https://adventuresportsjournal.com/nonpoint-source-pollution/>

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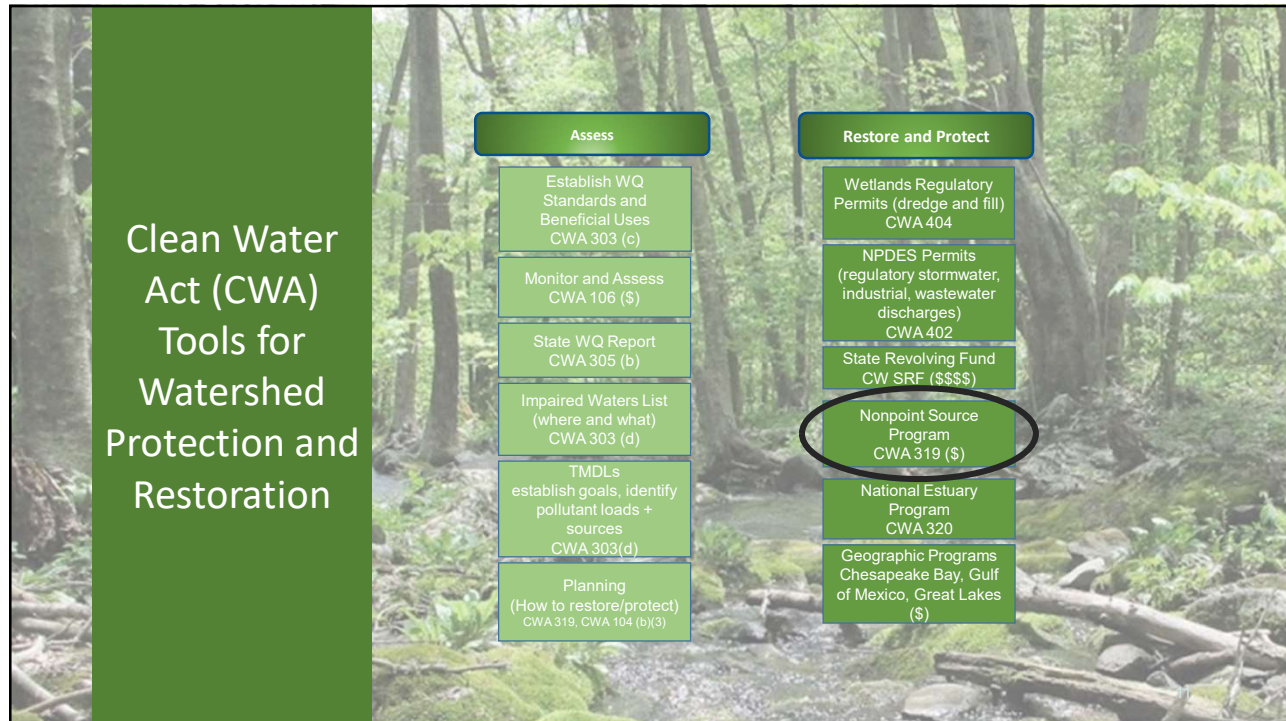


## §319 of the Clean Water Act

Established in 1987, provides a framework and federal funding for state and local NPS efforts

- 319(b) - State NPS Management Programs (or Plans- NPSMPs)
- 319(h)- Grant Program

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## State NPS Management Plans

- Updates every 5 years
- Lays out NPS priorities, focus areas, milestones
- Annual grant workplans derive from NPSMP
- May be opportunity for public comment
- Engagement with wide variety of partners

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## §319 is a National Program, influences State Programs, and Powers Local Watershed Projects

**Funds distributed to states annually based on formula**

- In FY22, \$178M was distributed to states (Tribes \$9.8M); ~ \$1M to ~ \$8.9M per state
- 40% non-federal match required

**Guidelines - Use of funds requires :**

- Watershed projects** – minimum 50% of funds allocated to support on-the-ground projects
- NPS program work/staff**

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## Most states run RFP or other competitive processes and award subgrants for watershed projects

**Nonpoint source funding opportunities**

2019 Nonpoint Source Project Concept Consultation

Project concept papers due by: Oct. 22, 2018 at 5:00 PM

Please submit project concept papers to: [cdphe\\_wspcd\\_npsnointsource@colorado.gov](mailto:cdphe_wspcd_npsnointsource@colorado.gov)

**Resources:**

- Project Concept Paper Instructions
- 2018 Colorado's Section 303(d) List of Impaired Waters, and Monitoring

**Department of Environmental Quality**

*To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.*

**MEMORANDUM**

TO: All Interested Parties

FROM: Jennifer Zyglaris, WDEQ Nonpoint Source Program Coordinator

DATE: July 16, 2018

RE: Request for Proposals for Federal Fiscal Year 2019 Section 319 Funds

Final Proposal Submission Deadline: Friday, September 14, 2018

The Nonpoint Source Program (NPS Program) of the Wyoming Department of Environmental Quality (WDEQ), Water Quality Division (WQD) is pleased to announce that it is now accepting proposals for projects to be awarded under Section 319(a) of the Clean Water Act for federal fiscal year 2019 (FY19). Section 319 grant funds allocated for the State are available each year on a competitive basis to agencies and organizations that will implement projects to reduce nonpoint source pollution to surface and ground water of the State. The goal of the Wyoming NPS Program is: "To identify sources of nonpoint source pollution to surface water and ground water of the State of Wyoming and to prevent and reduce nonpoint source pollution such that water quality standards are achieved and maintained." Projects should be designed to help the NPS Program achieve this goal.

**Targeted Runoff Management Grant Program**

The Targeted Runoff Management (TRMG) Grant Program offers competitive grants for local governments for controlling nonpoint source (NPS) pollution. Grants reimburse costs for agriculture or urban runoff management practices in targeted, critical geographic areas with surface water or groundwater quality concerns.

**Grants Available to Control Nonpoint in Illinois**

Government and other organizations to protect water quality in Illinois. Projects helping directly to nonpoint source pollution. Funds can be used for the general plans including the development of information education programs and for other practices.

Through Section 319(a) of the Clean Water Act and administered the program within the State of Illinois in 40 percent. The program period is two years unless otherwise specified.

Use application forms:

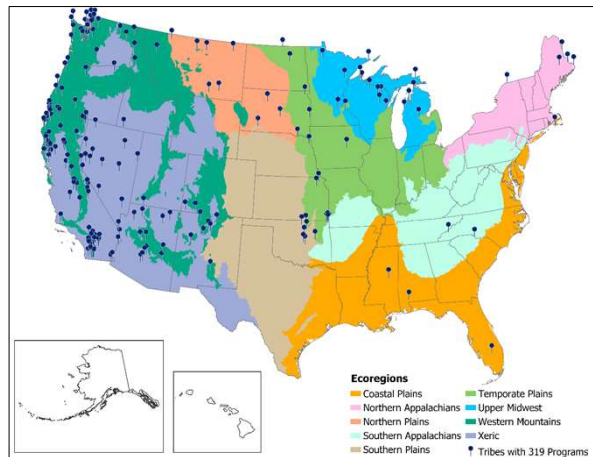
- Small-Scale Agriculture 3202 Application Form (8700-3052) (04/17)
- Small-Scale Agriculture 3202 Instructions (04/17)

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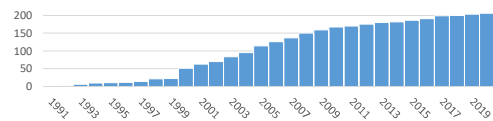
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## Tribal NPS Program

- CWA §518(f) authorizes EPA to treat federally recognized Tribes in a manner similar as states and award grants to eligible tribes.
- Like states, §319 tribal NPS efforts are guided by NPSMPs and assessment reports.
- Some important differences:
  - Partnerships & leveraged funding play a central role in tribal NPS efforts
  - Integrated with CWA section 106
  - Unique challenges (e.g., staff turnover, implementing watershed approach)



Tribal NPS programs are located in all US ecoregions. Current tribal land areas range from <math><1\text{mi}^2</math> to more than 24,000  $\text{mi}^2$ .



There are currently **208 tribes** eligible under §319. Since 2010, on average 5 new tribes have become eligible each year.

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## The Watershed Approach

- §319 projects must be guided by Watershed Plans
- Watershed plans provide **technical basis for project success** related to pollutant loads, critical source areas to be treated, BMPs with greatest impact
- Watershed plans are a **frame for engaging stakeholders** and landowners throughout the project.
  - Without local capacity and landowner engagement, projects don't get off the ground

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## Hundreds of Engaged Partners

- More than 1,000 partner organizations are currently involved in over 1,800 active projects.
- NPS success takes local action and people—communities, agencies, conservation districts, watershed groups, and landowners willing to say “yes” to adopting practices.


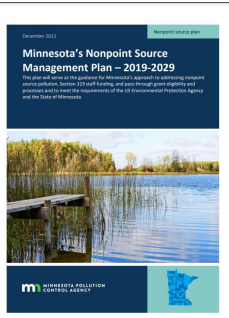
Partner Type	Percentage
Local	42%
State	31%
Federal	13%
Other	13%


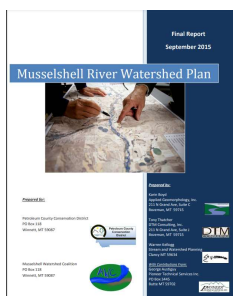
National Distribution of Partner Types

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## Points of Engagement in the Nonpoint Source Process

- Update of nonpoint source management plans
- Watershed plans and project selection
- Sharing results and success

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## Recent Success Stories Examples



### Iowa: Watershed Work Reduced Nutrients and Restored Native Freshwater Mussels in Lime Creek ( 2018)

- Local farmers formed the Lime Creek Watershed Council to encourage practices that reduce erosion
- Mussel species found went from 0 in 1998 to 6 in a 2011 survey.

### Minnesota: Community's Commitment to Installing Management Practices Restores Mitchell Lake (2019)

- Upstream practices and in lake treatment reduced phosphorus and algal growth.
- Over 500 local community members from: the city Lake Association, Riley-Purgatory-Bluff Creek Watershed District, University of Minnesota, and Hennepin County.



### Stream Daylighting Restored Atlanta's Candler Park Brook

- In the 1950s, **Candler Park Brook, Georgia** was piped into underground culverts and confined in a surface concrete channel.
- Decades later, Candler Park Brook was restored through culvert removal, daylighting, and riparian planting. The City of Atlanta and a coalition of community, environmental and municipal partners participated

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### **NPS Program Policy Memo:**

#### *Near-term Actions to Support Environmental Justice in the Nonpoint Source Program*

Issued to State and Territory NPS programs on September 27, 2021.

- Acknowledges the role of the Section 319 program in benefitting communities via watershed projects and other actions.
- Strongly encourages state actions in FY22 to assess and advance delivery of NPS benefits to disadvantaged communities.
- Commits EPA to take actions in support of this goal, including committing to an ongoing dialogue with the NPS community as this work goes forward.

Olympic National Park  
Native land of the Coastal Salish and Quinault

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## Initial Listening Sessions: January - February

Held 8 listening sessions:

- Regional groups (all)
- Tribal/Indian Nation specific

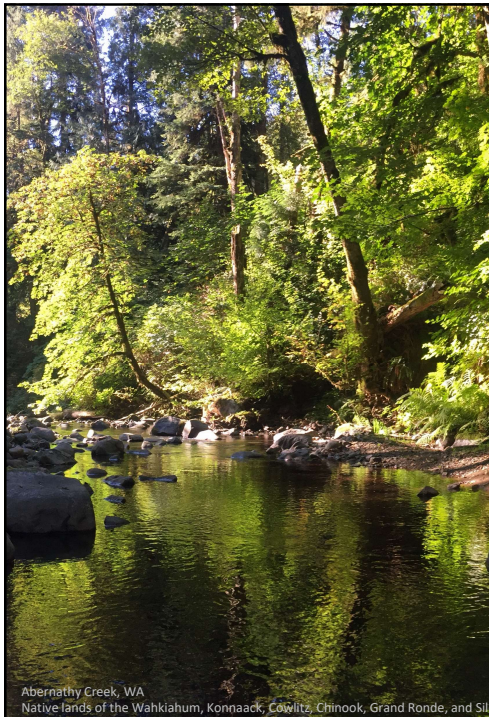
### Goals:

1. Provide all grantees with an opportunity to share their experiences and perspectives on equity and inclusion in NPS program work.
2. Help EPA identify specific actions the national NPS program could consider to support these efforts.

Attendee	Totals	All Grantee	Tribal
EPA Regional Staff	65	33	32
State	71	71	0
Tribe/Nation	93	38	55
Territory	2	2	
No Affiliation Indicated	24	23	7
<b>Total:</b>	<b>267</b>	<b>167</b>	<b>94</b>
HQ EPA Staff	10		
Other (facilitators)	2		

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Abernathy Creek, WA  
Native lands of the Wahkiakum, Konnaack, Cowlitz, Chinook, Grand Ronde, and Siletz

## Workgroups and Next steps:

### Grantee-specific Groups:

1. Territory (Robert Goo)
2. Tribal/Indian Nation (Steve Epting)

### Topic Workgroups (all grantees):

3. Technical capacity (Adrienne Donaghue)
4. Partnerships and funding (Margot Buckelew)
5. Baseline analysis (Ellie Flaherty)

### Local Group Listening Sessions

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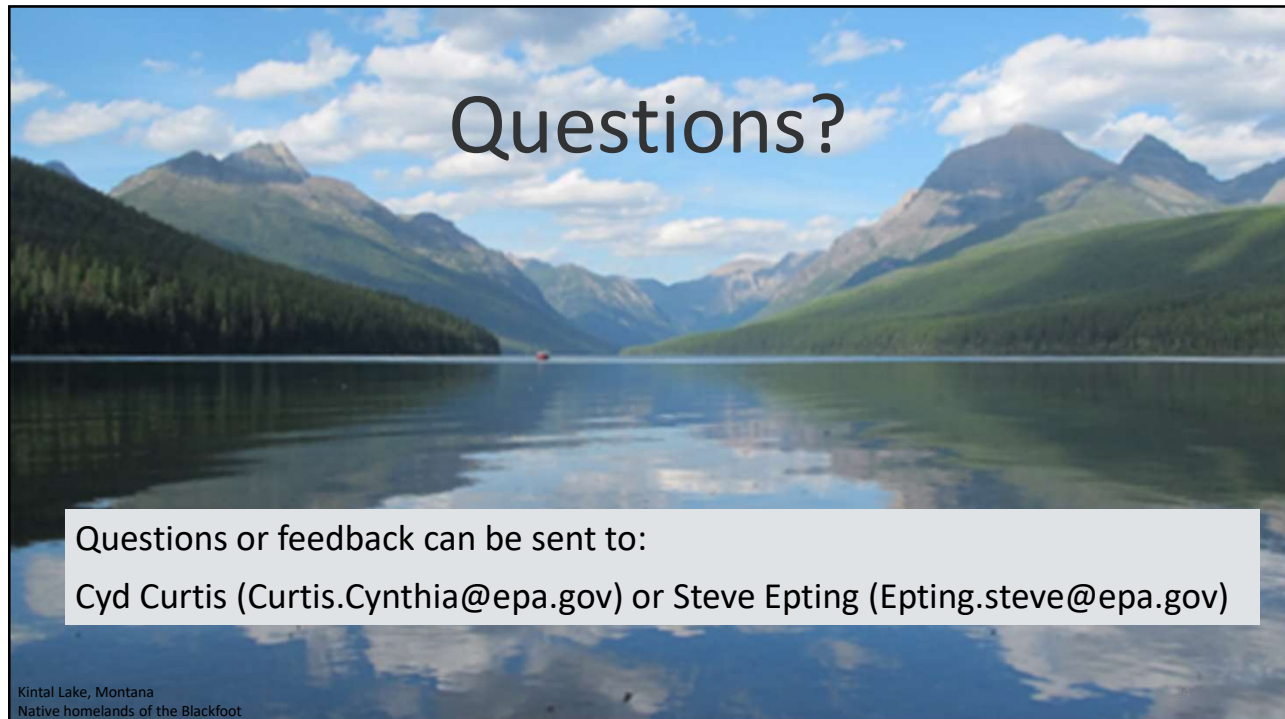
## Local Community Listening Sessions

If you are interested in participating in a listening session, [please sign up through our Eventbrite Registration](#) for one of the following dates:

- May 17<sup>th</sup> 1-2:30 Eastern
- May 18<sup>th</sup> 1-2:30 Eastern
  - Mississippi River Watershed/Gulf of Mexico focus
- May 24<sup>th</sup> 6-7:30 Eastern
- May 25<sup>th</sup> 3-4:30 Eastern

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## Questions?

Questions or feedback can be sent to:

Cyd Curtis ([Curtis.Cynthia@epa.gov](mailto:Curtis.Cynthia@epa.gov)) or Steve Epting ([Epting.steve@epa.gov](mailto:Epting.steve@epa.gov))

Kintal Lake, Montana  
Native homelands of the Blackfoot

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## TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

-Civil Rights Act of 1964, Title VI, 42 U.S.C. § 2000d

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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
- 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.

-40 CFR 7.35

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# OIG REPORT



U.S. ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

*Compliance with the law  
Operating efficiently and effectively*

## Improved EPA Oversight of Funding Recipients' Title VI Programs Could Prevent Discrimination

Report No. 20-E-0333

September 28, 2020

TITLE  
VI

"No person... shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."  
Civil Rights Act of 1964

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## EXTERNAL CIVIL RIGHTS COMPLAINT DOCKET

- Growth in Caseload
- Geographic Scope of Cases
- Diversity of Entities Involved in Complaints
- General Issues Addressed
- Greater Transparency



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## Specific ECRCO Commitments to Strengthen the External Civil Rights Program

**OGC Response to EPA OIG:**

- Developing and implementing a plan to complete systematic compliance reviews.
- Developing and issuing guidance.
- Revising the Pre-Award Form 4700-4 review process to verify pre-award compliance.
- Developing and delivering training for DCROs and EPA regional staff.

**In EPA's Strategic Plan:**

- Ensuring State recipients of EPA financial assistance have foundational civil rights programs in place.
- Working with EPA programs and regions to integrate environmental justice considerations and achieve civil rights compliance.
- Initiating proactive post-award civil rights compliance reviews.
- Initiating and completing audits (Pre-Award 4700-4 Forms).
- Undertaking information sharing sessions and outreach and technical assistance events (ECRCO and OEJ).

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## EPA's Commitment to Strengthening Civil Rights

### Strategic Plan Goal 2

- Take Decisive Action to Advance EJ and Civil Rights
- Embed EJ and civil rights in EPA's programs, policies & activities
- Strengthen civil rights enforcement

### Agency Equity Action Plan

- Strengthen EPA's external civil rights compliance program and ensure that civil rights compliance is an agency-wide responsibility
- Pre & post award compliance activities, including affirmative compliance reviews
- Clear and strong civil rights guidance with training and TA
- Timely and effective investigations and resolutions
- Communication with overburdened communities
- Increase transparency
- Interagency collaboration

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## ALL OF EPA COMMITMENT



**Furthermore, as civil rights vigilance is an EPA-wide responsibility, EPA will:**

- Engage all EPA program and regional offices in civil rights compliance activities to identify whether recipient programs and activities are consistent with civil rights laws.
- Communicate requirements and expectations to EPA staff through education, training, outreach, and technical assistance to enhance civil rights enforcement awareness and strengthen intra-agency collaboration.
- Include applicable civil rights requirements in EPA non-civil rights guidance, program strategic planning, environmental policy directives, rulemakings, enforcement, and siting and permitting decisions by EPA recipients.

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Engagement Session & Dialogue

WRITE	RAISE	LIMIT
<p>WRITE ANY COMMENTS/QUESTIONS IN THE Q&amp;A POD</p>	<p>WHEN PROMPTED, RAISE YOUR HAND TO ASK A QUESTION OR PROVIDE INPUT</p> <ul style="list-style-type: none"> <li>• USING A PHONE? PRESS *9 TO RAISE YOUR HAND</li> </ul>	<p>PLEASE LIMIT QUESTIONS OR COMMENTS TO 1 MINUTE</p>

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## Upcoming Engagement and Training Opportunities

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EPA's Office of Water invites you to join a listening session on its draft Climate Adaptation Implementation Plan  
**Monday, May 2, 2022**  
**3:30 p.m. - 5:00 p.m.**  
**EDT**

Please register:  
<https://www.zoomgov.com/meeting/register/vJlsc-6hrDMuHTa4C3HBN-xGaMtsNfr1Vkw>

For assistance with registration or for special accommodations, please contact [meetings@erg.com](mailto:meetings@erg.com)

**EPA's Office of Water (OW) has developed a draft Climate Adaptation Implementation Plan!** This new Plan builds on EPA's Agencywide Climate Plan (October 2021) and will serve as a strategic roadmap for priority actions that OW will take around financial assistance, program implementation, research, and training to integrate climate change adaptation considerations throughout EPA's OW. Consistent with the goals of the Administration's Justice40 commitment, and throughout the implementation of these Plans, EPA is committed to addressing the disproportionate impacts of climate change on those who are most vulnerable, including low-income communities and communities of color, and to working with states, tribes, and local communities to increase their adaptive capacity.

**We invite you to attend our upcoming listening session** specifically for our EJ and Equity focused stakeholder organizations to hear your perspectives on OW's draft Plan and discuss your climate adaptation priorities.

**General information on OW's listening sessions and related EPA climate adaptation activities is available at:**

- EPA's Climate Adaptation Action Plan: <https://www.epa.gov/climate-adaptation/climate-adaptation-plan>
- EPA's FY 2022-FY 2026 Strategic Plan: <https://www.epa.gov/planandbudget/strategicplan>

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## Closing

- ❑ **Next National EJ Community Engagement call:**
  - **May 17, 2022, at 2 p.m. Eastern**  
<https://www.epa.gov/environmentaljustice/national-environmental-justice-community-engagement-calls>
- ❑ **Subscribe to EPA's Environmental Justice listserv:**
  - For up-to-date information about EJ funding opportunities, events, and webinars:
  - Send a blank email to: [join-epa-ej@lists.epa.gov](mailto:join-epa-ej@lists.epa.gov)
- ❑ **Follow us on Twitter:**
  - @EPAEnvJustice
- ❑ **Send follow-up questions or comments to:**
  - [Environmental-Justice@epa.gov](mailto:Environmental-Justice@epa.gov)



# Drinking Water Infrastructure Resilience and Sustainability Grant

## Overview

The Safe Drinking Water Act (SDWA), as amended through the 2018 America's Water Infrastructure Act, authorizes the Environmental Protection Agency to establish the Drinking Water System Infrastructure Resilience and Sustainability Program, which is a grant program for small, underserved and disadvantaged public water systems.

The statutory language under SDWA section 1459A(l), as amended through AWIA, includes the following as eligible entities:

- (1) a public water system;  
a water system located in an area governed by an Indian Tribe; or  
a State, on behalf of an underserved community;
- and**
- (2) serves a community—
  - (A) that is underserved; **or**
  - (B) that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State to be a disadvantaged community; **or**
  - (C) with a population of less than 10,000 individuals.

This section of SDWA authorizes EPA to award grant funds to eligible projects or activities that increase resilience to natural hazards. The statutory language describes what may be an eligible projects or activities, including the following:

## Types of Activities

Eligible activities for funding include planning, design, construction, implementation, operation, or maintenance of a program or project that increases drinking water system resilience to natural hazards through –

- (A) the conservation of water or the enhancement of water use efficiency;
- (B) the modification or relocation of existing drinking water system infrastructure made, or that is at risk of being, significantly impaired by natural hazards, including risks to drinking water from flooding;
- (C) the design or construction of desalination facilities to serve existing communities;
- (D) the enhancement of water supply through the use of watershed management and source water protection;
- (E) the enhancement of energy efficiency or the use and generation of renewable energy in the conveyance or treatment of drinking water; or
- (F) the development and implementation of measures to increase the resilience of the eligible entity to natural hazards.

**Natural Hazards** include earthquake, tornado, flood, hurricane, wildfire, drought, and freezing or hydrologic change that threatens the functioning of a community water system.

## Timeline

The announcement for the grant is anticipated for release in calendar year 2022. Please check the website routinely for further information, including the announcement about the grant competition:

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

In addition to the grant development, the Agency has available resources to support drinking water resiliency. Multi-hazard resilience may address risks from wildfires, drought, hurricanes, extreme heat, flooding, earthquakes, landslides, sea level rise, winter storms, and more. These resources can help facilitate addressing multiple hazards that address both immediate, pressing needs as well as decisions that protect long-term investments. Below are a few of those resources that can be made available to states, localities, and all communities.

## Sampling of EPA Tools Available to Enhance Drinking Water Resilience

### Route to Resilience Interactive Tool

EPA's Route to Resilience Tool (RtoR) uses brief videos and an easy to navigate interface to guide users through the process of building their own unique Roadmap to Resilience report. The RtoR presents five stops along the "Route" (Assess, Plan, Train, Respond, and Recover) where utility personnel learn what it means for their utility to be resilient, and what tools and resources are available for their utility to become resilient. RtoR 2020 contains an updated version of the Roadmap report, which now includes America's Water Infrastructure Act (AWIA) water sector related products. To download the Route to Resilience tool, visit:



<https://www.epa.gov/waterresilience/route-resilience-2020-drinking-water-and-wastewater-utilities>

### Vulnerability Self-Assessment Tool

The online Vulnerability Self-Assessment Tool (VSAT) offers a streamlined assessment of risk and resilience for drinking water and wastewater utilities. It assists utilities in assessing the potential impacts from both man-made and natural disasters in accordance with AWIA requirements and provides actions to enhance security and resilience. To get started, visit:

<https://vsat.epa.gov/vsat/>

### Climate Resilience Evaluation and Awareness Tool (CREAT) Risk Assessment Application for Water Utilities

CREAT is an online tool that assists water sector utilities in assessing climate-related risks to utility assets and operations. Throughout CREAT's five modules, users consider climate impacts and identify adaptation options to increase resilience. To get started, visit:

<https://www.epa.gov/crwu/climate-resilience-evaluation-and-awareness-tool-creat-risk-assessment-application-water>

For additional information about enhancing drinking water resiliency, visit:

<https://www.epa.gov/waterresilience/technical-support-products-and-services-list>