

Infrastructure Investment and Jobs Act (IIJA)



The **Infrastructure Investment and Jobs Act (IIJA)**, commonly referred to as the **Bipartisan Infrastructure Law (BIL)** provides significant new funding to improve the condition of infrastructure systems across the country.

Did You know? The IIJA became public law on November 15, 2021 and is the largest investment in the Nation's water infrastructure, climate and public health.



No More
Lead Pipes



High-Speed
Internet Access



Better Roads
and Bridges



Investments in
Public Transit



Upgrade Airports
and Ports



Investment in
Passenger Rail



Network of Electric
Vehicle Chargers



Upgrade Power
Infrastructure



Resilient
Infrastructure



Investment in
Environmental
Remediation



Pollution
Prevention

Cleaner School
Buses

Clean-Up
Revitalization

Water
Infrastructure

EPA INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA) FUNDS

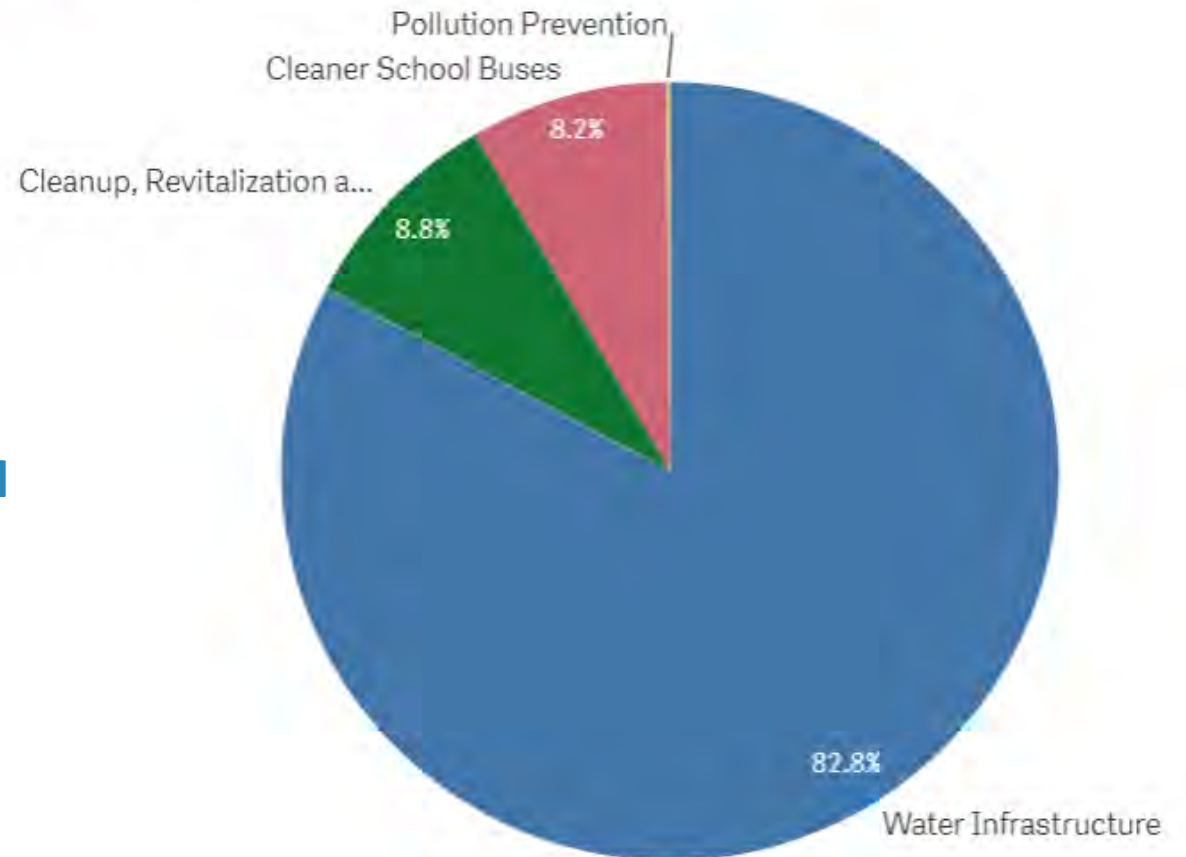
The single largest investment in water that the federal government has ever made - \$50 Billion

Historic funding to clean-up longstanding pollution and redevelop communities - \$3.5 Billion

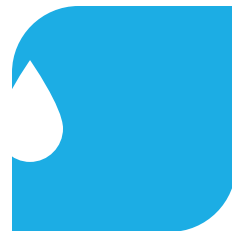
A major investment in electric and low-emission school buses and healthier air for children - \$5 Billion

Increased resources to help businesses reduce toxic pollutants, with a new focus on underserved and overburdened communities - \$100 Million

Cleaner School Buses Pollution Prevention
Cleanup, Revitalization a... Water Infrastructure



Supplemental Drinking Water State Revolving Funds for 5 years



GENERAL
SUPPLEMENT - \$11.7B



EMERGING
CONTAMINANTS
SUPPLEMENTAL - \$4B



LEAD SERVICE LINE
SUPPLEMENTAL -
\$15B

Supplemental Clean Water State Revolving Funds for 5 years



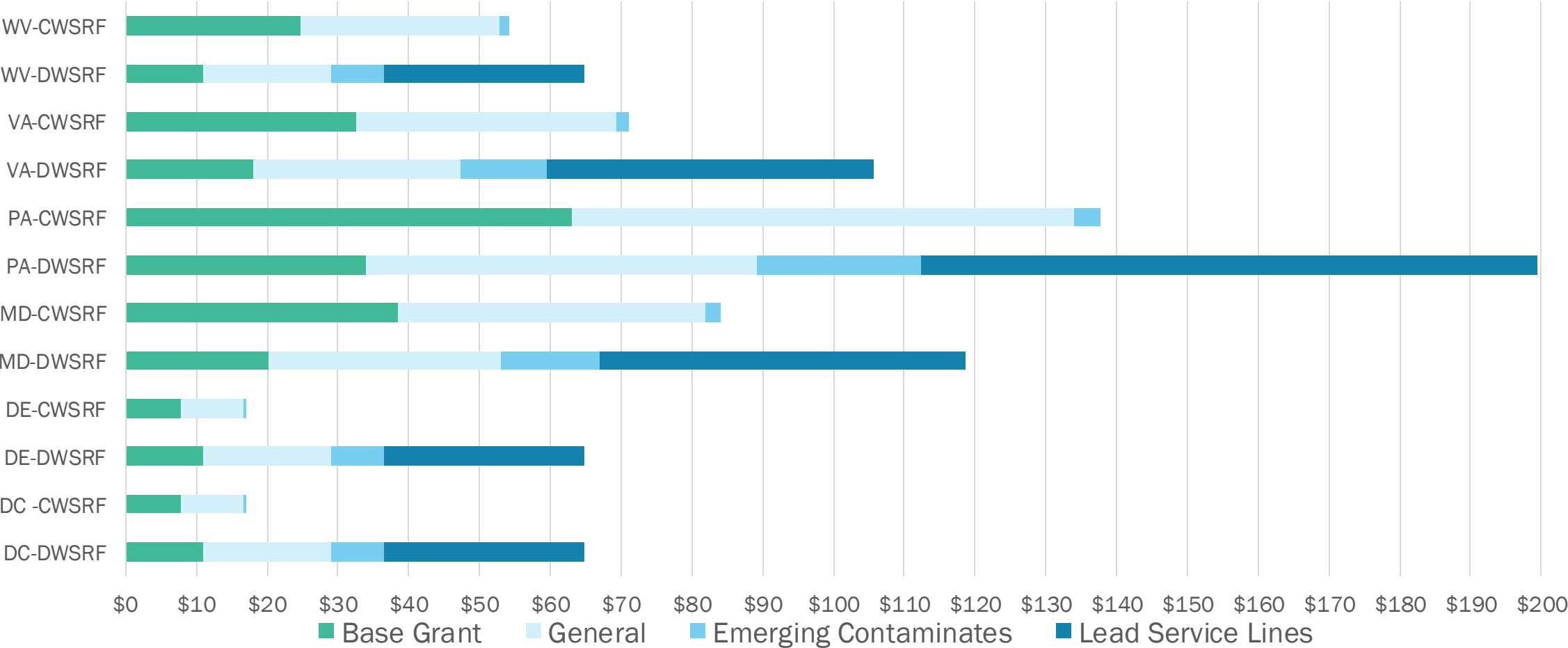
GENERAL
SUPPLEMENT - \$11.7B



EMERGING
CONTAMINANTS
SUPPLEMENTAL - \$1B



FY22 INFRASTRUCTURE DOLLARS PROVIDE R3 STATES WITH LARGE INCREASES ABOVE THE BASE SRF GRANTS (MILLIONS)



BASIC STRUCTURE OF IIJA GRANT FUNDING

IIJA is both a supplemental appropriations act and authorizing statute.

Funds are appropriated for existing EPA grant programs and new grant programs.

In general, IIJA funds will not be placed on existing grants, including PPGs. Supplemental funds will be placed on new grants.

PERIOD OF AVAILABILITY AND TIMING OF FUNDING

IIJA Grant funds are “no year” even if the appropriation account (e.g., Environmental Programs and Management) is traditionally time-limited.

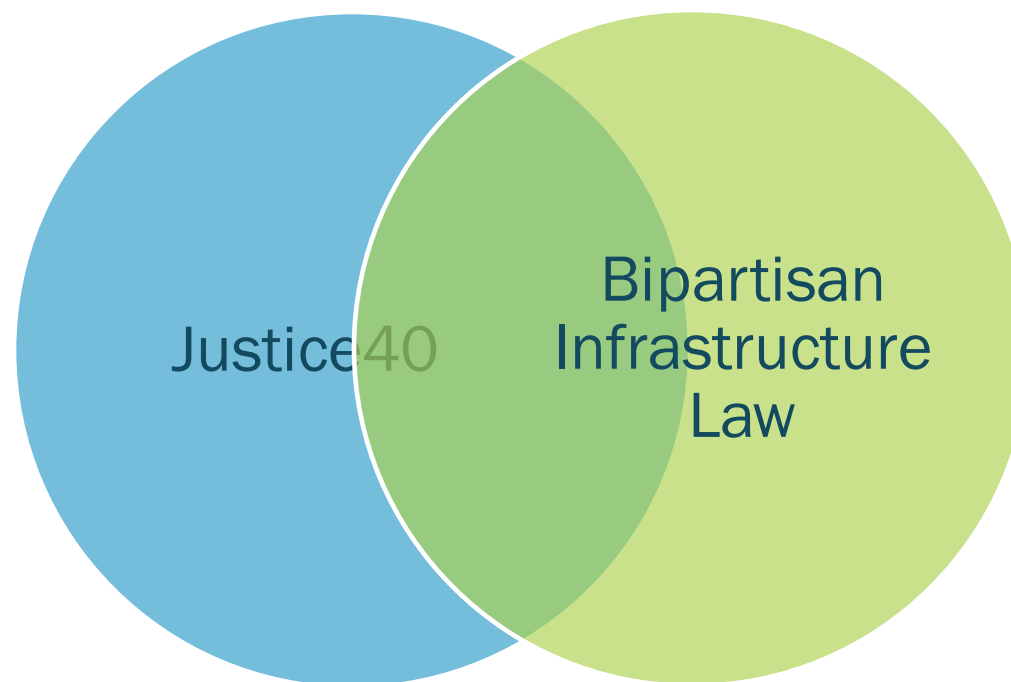
Appropriations are generally made in even amounts for Fiscal Years 2022 through 2026.

There will be specific tracking and reporting requirements for IIJA funded grants – IIJA funds cannot be comingled with regular appropriations.

IIJA PROGRAMS ARE SUBJECT TO PRESIDENT'S JUSTICE 40 INITIATIVE

As stated in Executive Order 14052, Bipartisan Infrastructure Law programs are subject to the President's Justice40 Initiative - which provides that **40% of the benefits of relevant climate, clean energy, affordable and sustainable housing, clean water, and other investments flow to disadvantaged communities.**

**excerpt from the [Guidebook to the Bipartisan Infrastructure Law for State, Local, Tribal, and Territorial Governments, and other Partners](#)*



OTHER IIJA PROVISIONS IMPACTING PROJECTS – BUILD AMERICA, BUY AMERICA

- **Title IX of IIJA, Build America, Buy America (BABA), establishes new domestic preference requirements that impact all EPA grant programs that fund infrastructure projects.**
- **All grant funding obligated for “infrastructure projects” on or after May 14, 2022, that use iron, steel, manufactured products, and fund construction unless EPA waives the requirement.**
- **Infrastructure projects are essentially those involving construction, alteration and repair of water systems, buildings and real property.**
- **OMB to provide guidance on compliance—terms and conditions will be necessary.**

FOR MORE GRANTS AND INFRASTRUCTURE FUNDING INFORMATION, JOIN OUR AFTERNOON SESSIONS.

- **1:00 - Utilizing EPA Grants to Improve Your Community: How to Search, Identify, and Apply for EPA Grants**
- **2:00 - Small Grants, Big Change: Successfully Leveraging Small EJ Grants and Other Resources**
- **3:00 - Think Small Business First, It's a Win/Win! The Benefits of Using Small and Disadvantage Businesses**
- **3:00 - Revitalizing Communities through Successful Brownfields Funding**
- **3:00 - Building Green and Resilient Infrastructure through Bipartisan Infrastructure Law (BIL) Opportunities**

FUNDAMENTALS OF ENVIRONMENTAL JUSTICE (EJ)

Region 3
U.S. Environmental Protection Agency



June 14, 2022

Presenter

Office of Communities, Tribes and Environmental
Assessment (OCTEA)

Samantha Phillips Beers

Director

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215-814-2627

Presentation Summary

- Overview of Environmental Justice
 - Fair Treatment
 - Meaningful Involvement
- Summary of Federal Executive Orders
 - Executive Order 12898
 - Executive Order 13985
 - Executive Order 14008 (+ Justice40)
- Overview of Recent Legislation
 - American Rescue Plan Act of 2021
 - Infrastructure Investment and Jobs Act of 2021
- Introduction to EJ and Title VI Tools
 - EJScreen
 - Climate and Economic Justice Screening Tool (CEJST)

OVERVIEW OF ENVIRONMENTAL JUSTICE

Why EJ Matters?

“Every person in the United States has the right to clean air, clean water, and a healthier life no matter how much money they have in their pockets, the color of their skin, or their zip code.”

Michael S. Regan
EPA Administrator



What is Environmental Justice (EJ)?

- EPA defines environmental justice as the **fair treatment** and **meaningful involvement** of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Equality, Equity, Justice

Equality



The assumption is that everyone benefits from the same supports.

This is equal treatment.

Equity



Everyone gets the support they need.

This is the concept of “affirmative action” – thus, producing equity.

Justice



All 3 can see the game without supports or accommodations because the cause of the inequity was addressed.

The systemic barrier has been removed.

EJ Movement

- The **EJ Movement**...
 - Seeks to meaningfully involve those who are politically disenfranchised and/or economically incapable of making significant changes in their neighborhood.
 - Strives to end the environmental racism arising from the abuse and neglect of the local environment.
 - Seeks to systemically address and redress the disproportionate burden placed on low-income and minority communities.

SUMMARY OF FEDERAL EXECUTIVE ORDERS

Federal Executive Orders

- Executive Order 12898:
Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (2/11/94)
- Executive Order 13985:
Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (1/20/21)
- Executive Order 14008:
Tackling the Climate Crisis at Home and Abroad (1/27/21)

J40 Overview & Interim Guidance

Justice40 is a government-wide initiative to deliver at least forty percent of the overall benefits of certain federal investments to disadvantaged communities.

In July 2021, the Office of Management and Budget released Interim Guidance to initiate implementation of this mandate across the federal government.

- Each agency will assess all relevant programs and determine which programs will be part of the J40 initiative.
- OMB has already selected certain agency programs (including six programs at EPA) to participate in a pilot process to immediately begin implementing the J40 mandate on an accelerated timeline.

J40 EPA Pilot Programs

OMB selected the following six EPA programs as pilot programs to maximize benefits from resources that are directed to disadvantaged communities:

- Drinking Water State Revolving Fund
- Clean Water State Revolving Fund
- Brownfields Program
- Superfund Remedial Program
- Diesel Emissions Reductions Act Program
- Reducing Lead in Drinking Water

OVERVIEW OF RECENT LEGISLATION

Recent Legislation

Federal legislation in 2021 has also expanded EPA's capacity to support and integrate EJ throughout the nation:

- American Rescue Plan Act of 2021
 - ARP provides \$100 million for EPA to address health outcome disparities from pollution and the COVID-19 pandemic, including \$50 million to advance EJ.
- Infrastructure Investment and Jobs Act of 2021
 - IIJA includes \$55 billion for clean drinking water and \$21 billion for environmental remediation as well as funding streams for other environmental investments such as power infrastructure; physical and natural system resilience; airports, ports, and waterways; transit systems; and roads, bridges, and major projects.

Direction from EPA Administrator

“I’ve directed every office within my agency to **prioritize and focus on environmental justice**, whether that be through our regulatory process, our policies, or our enforcement.

...

[T]he resources that we will get from [the Infrastructure Investment and Jobs Acts of 2021] as it relates to investing in clean drinking water, as well as looking at the resources that will be remediating legacy pollution, like in our Superfund sites and brownfield sites, will have a **focus on environmental justice and equity** as we deploy these resources.”

- Michael S. Regan, EPA Administrator

INTRODUCTION TO EJ AND TITLE VI TOOLS

EJ and Title VI Tools and Guidance

- EJScreen:

<https://epa.gov/ejscreen>

- Climate and Economic Justice Screening Tool (CEJST):

<https://screeningtool.geoplatform.gov/>

- Title VI Guidance – pending:

Permitting and Cumulative Impacts

Foundational Non-Discrimination Requirements

Thank You

**Office of Communities, Tribes and Environmental
Assessment
Region 3
U.S. Environmental Protection Agency**



U.S. ENVIRONMENTAL PROTECTION AGENCY

Climate Adaptation Action Plan

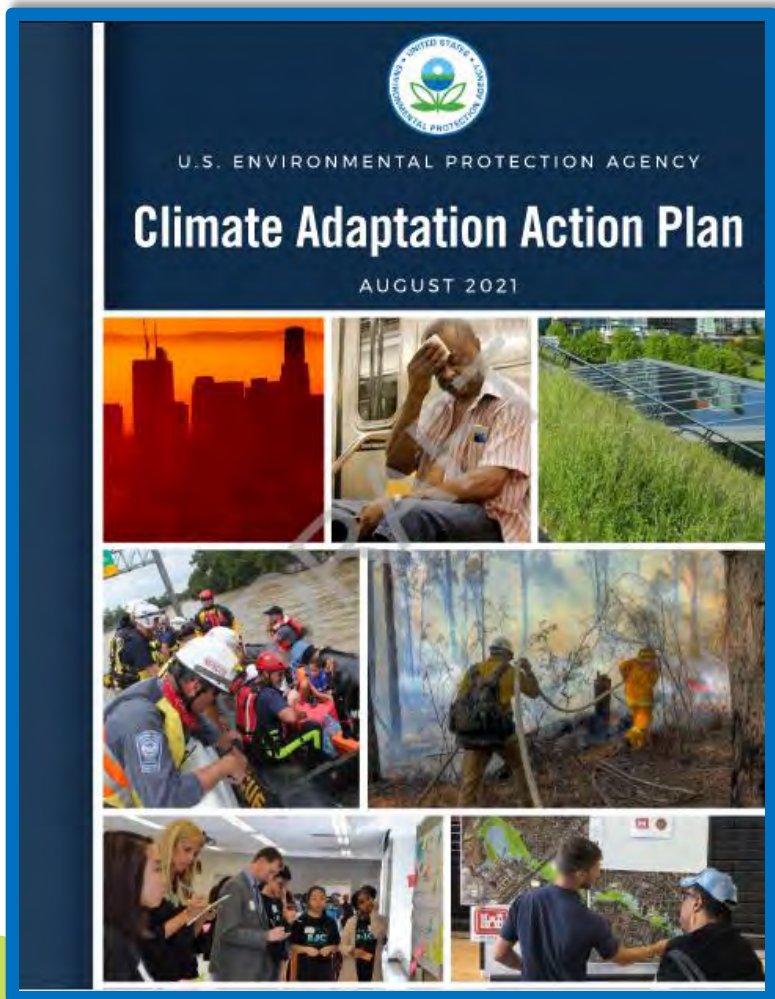
OCTOBER 2021



AN OVERVIEW OF THE DRAFT REGION 3 CLIMATE ADAPTATION IMPLEMENTATION PLAN

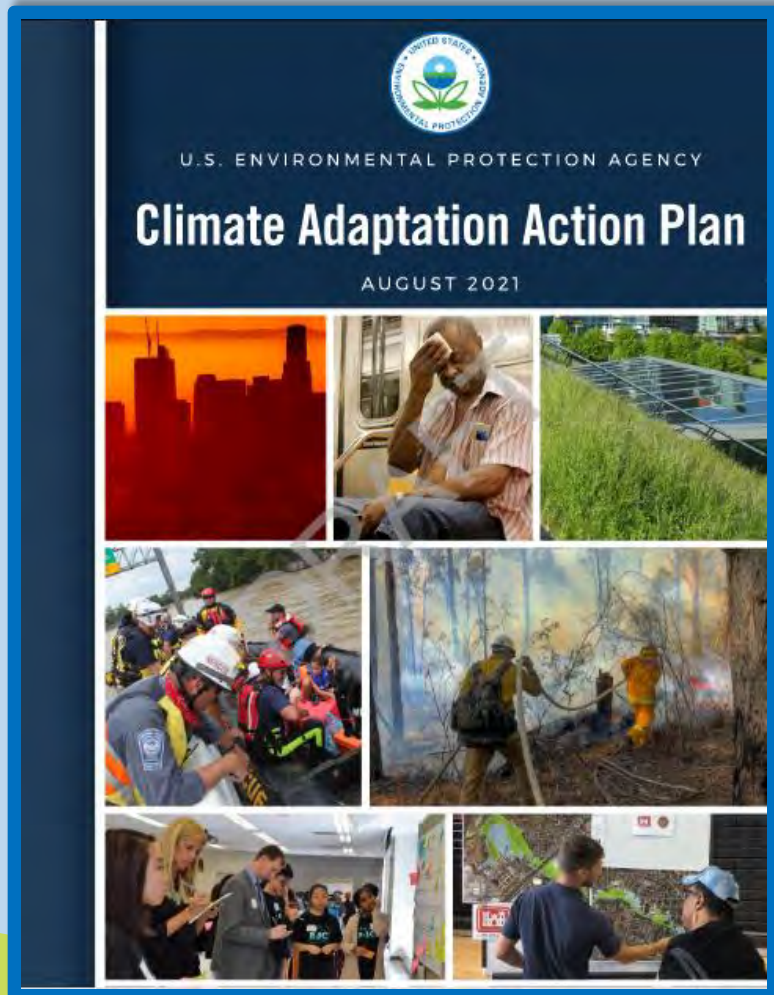
MAY 25, 2022

EPA 2021 Climate Adaptation *Action Plan*



- Required of all agencies by [EO 14008](#)
- Developed by the *Office of Policy* (OP) with input from members of the *Cross-EPA Climate Adaptation Workgroup*
- Includes a policy statement signed by Administrator Regan (26 May 2021)
- Reviewed and approved by CEQ and OMB
- Finalized in August, released October 7th

EPA 2021 Climate Adaptation *Action Plan*



Climate Adaptation Vision:

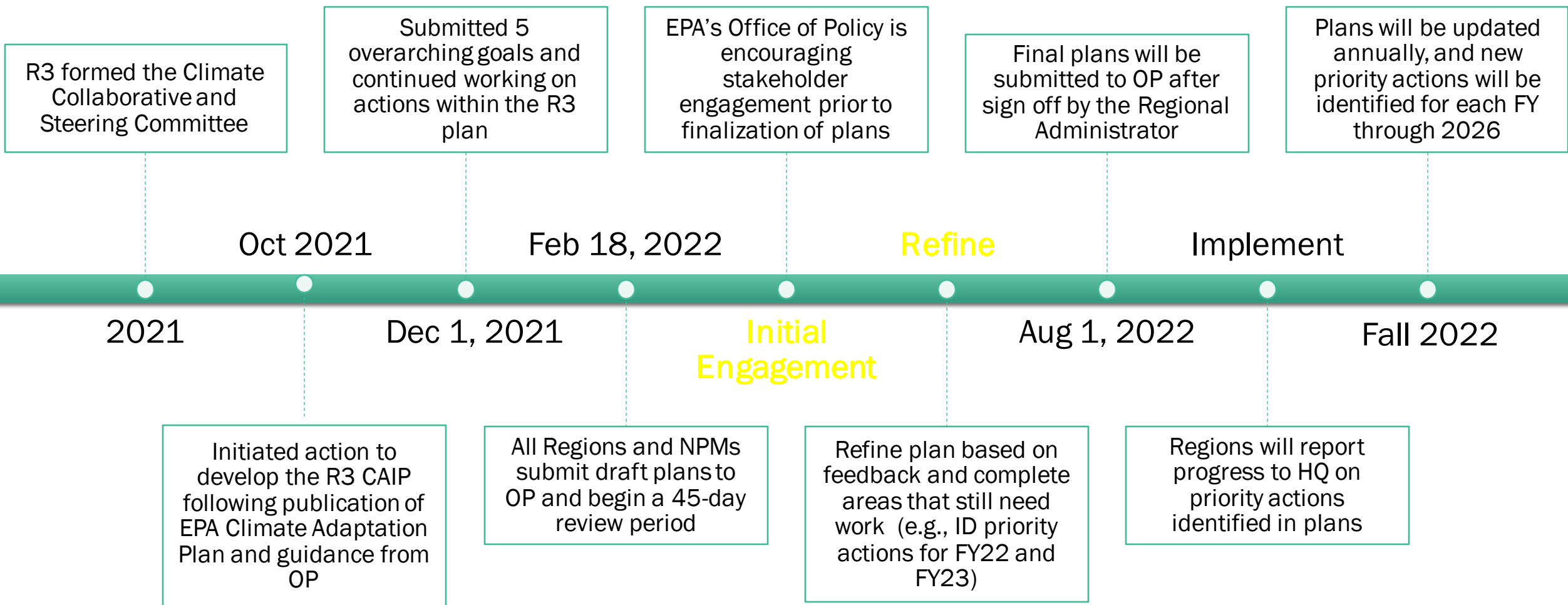
The Environmental Protection Agency continues to fulfill its mission of protecting human health and the environment even as the climate changes and its disruptive impacts increase.

Development of Regional and National Program *Implementation Plans*

“I am directing my leadership team, including assistant administrators, general counsel, associate administrators and regional administrators, to update the agency’s 2014 Plan and to proactively incorporate climate adaptation planning into the agency’s programs, policies, rules and operations, while we also work to reduce greenhouse-gas emissions. Specifically, I direct all EPA offices to work with the Office of Policy to complete or update their Implementation Plans, as relevant...”

Michael S. Regan
EPA Administrator
May 26, 2021

IMPLEMENTATION PLAN TIMELINE



Region 3 Implementation Plan Organization

- Chapters 4-8 are programmatic.
- Chapters 9-11 are cross-programmatic.
- There are 33 actions across the plan:
 - CH 4 (Air): 4
 - CH 5 (Water): 11
 - CH 6 (Communities): 6
 - CH 7 (Chemicals): 3
 - CH 8 (Enforcement): 5
 - CH 10 (Capacity Building): 3
 - CH 11 (Outreach): 1

Contents

Policy Statement by the Regional Administrator

Chapter 1: Introduction

Chapter 2: Regional Programmatic Vulnerability Assessment

Chapter 3: Priority Actions

Chapter 4: Ensure Clean and Healthy Air for All Communities

Chapter 5: Ensure Clean and Safe Water for All Communities

Chapter 6: Safeguard and Revitalize Communities

Chapter 7: Ensure Safety of Chemicals for People and the Environment

Chapter 8: Enforce Environmental Laws and Ensure Compliance

Chapter 9: Utilizing Science for Climate-Resilient Decision Making

Chapter 10: Developing Climate Leaders for Tomorrow

Chapter 11: Communication and Engagement Strategy

Chapter 12: EPA Region II Managed Facilities & Operations

Training and Outreach

Develop internal capacity and incorporate training and education on climate change when engaging with communities and partners

Community Infrastructure and Disaster Resilience

Build climate resilience and support disaster mitigation in infrastructure and facilities projects wherever possible

Watershed/Ecosystem Health

Build partnerships and take a systems approach to climate adaptation in programs and actions

Region 3 Climate Adaptation Implementation Plan

Overarching Goals

Program Integration and Decision Support

Support pilot projects and innovative approaches to integrate climate and environmental justice into our work (this is an area to test and try things out as we learn and engage in multiple areas)

Mapping and Tools

Support development of datasets and tools needed to better characterize climate impacts on programs and projects

Priority Action Title	Infrastr.	Decision	Tools	Ecosyst.	Training
<ul style="list-style-type: none"> Finalize Region III Climate Adaptation Implementation Plan 					
<ul style="list-style-type: none"> Deploy the EPA Region III Climate National Priorities List (NPL) Flooding and Vulnerability Tool. 					
<ul style="list-style-type: none"> Support climate resilient infrastructure. 					
<ul style="list-style-type: none"> Build and maintain coastal climate resiliency through Blue Carbon resources. 					
<ul style="list-style-type: none"> Engage Region III Tribes in a meaningful dialogue on climate change adaptation and resilience. 					
<ul style="list-style-type: none"> Implement the Chesapeake Bay Program Climate Directive. 					
<ul style="list-style-type: none"> Assess air monitoring vulnerability. 					
<ul style="list-style-type: none"> Support Federal Facilities with resilience goals. 					
<ul style="list-style-type: none"> Advance understanding and implementation of climate-resilient Best Management Practices (BMPs). 					

Fiscal Year 2022

Fiscal Year 2023

Finalize Region III Climate Implementation Plan.

Deploy the National Priorities List Flooding and Vulnerability Tool.

Assess air monitoring vulnerability.

Support Federal Facilities with resilience goals.

Support climate resilient infrastructure.

Understand and implement climate-resilient BMPs.

Build and maintain coastal resiliency through blue carbon resources.

Engage Region III tribes on climate change adaptation and resilience.

Implement the Chesapeake Bay Program Climate Directive.

Priority Action: Finalize Region III Climate Adaptation Implementation Plan

Finalizing the Region III Climate Adaptation Implementation Plan is one of the Priority Actions for fiscal year 2022. It involved updating the 2014 climate vulnerability assessment, developing actions and Priority Actions for fiscal years 2022 and 2023, and coordinating across regions and national programs to eliminate overlap of effort and identify synergies.



Priority actions represent the subset of Region III climate work that will be reported to headquarters.



Deploy the EPA Region III Climate National Priorities List (NPL) Flooding and Vulnerability Tool.

Inventory & Assessment
Climate Assessment



Program Integration &
Decision Support



Mapping & Tools



Inventory & Assessment
Climate Assessment



Mapping & Tools

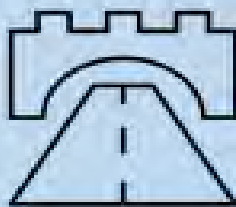


- **Finalize, and deploy (including staff training) the newly developed joint ORD and EPA climate change mapping tool.**
- **This tool can be used to model and predict flood-related impacts on Superfund Sites for future events and in real time to measure effects of a current storm.**
- **Deployment of training- track number of employees trained FY22**
- **Development of a SOP for use FY22**
- **Implementation of tool for standard use/ track number of times utilized FY23/24**



Support climate resilient infrastructure.

Community Infrastructure
& Disaster Resilience



Program Integration &
Disaster Support



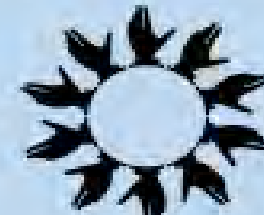
Mapping & Tools



Water and
Wastewater



Training & Outreach



Build climate resilience into water, wastewater and stormwater infrastructure throughout EPA Region III by:

- ***Providing technical assistance and training to water and wastewater systems.***
- ***Providing climate tools to states, local governments and water and wastewater.***
- ***Encouraging states to prioritize projects and provide technical assistance to disadvantaged communities.***
- ***Encouraging states to incorporate climate resilience criteria into their SRF priority ranking systems.***
- ***Collaborating with states to focus Bipartisan Infrastructure Law (BIL) SRF funding towards water and wastewater system resilience and reduce the GHG footprint of the water industry.***
- ***Ensuring states fully implement the Floodplain Management Executive Order as it applies to SRF projects.***
- ***Advising states on the Emergency Use options under SRF and the EPA/FEMA Disaster memo.***



Build and maintain coastal climate resiliency through Blue Carbon resources.

Community Infrastructure
& Disaster Resilience

Program Integration &
Decision Support

Mapping & Tools

Watershed and
Ecosystem Health

Training & Outreach

- **Blue carbon** is the term for carbon captured by the world's ocean and coastal ecosystems, including sea grasses, mangroves, and salt marshes (carbon sink).
- **Identify and actively engage with a historically underserved or marginalized coastal community** within the Chesapeake Bay watershed to address coastal climate adaptation and resilience challenges.
- **Identify, analyze, and implement solutions** incorporating blue carbon resources to address local challenges and related priorities.
- **Develop and transfer methods, approaches, data, or tools** that can be used by the community to **monitor and sustain resilient solutions**.
- **Collaboration between CBPO, LSASD, WD and ORD and linked to other regional Blue Carbon efforts.**



Engage Region III Tribes in a meaningful dialogue on climate change adaptation and resilience.

Community Infrastructure
& Disaster Resilience

Program Integration &
Decision Support

Mapping & Tools

Watershed and
Ecosystem Health

Training & Outreach

- Host a standalone **climate adaptation workshop** for federally recognized tribes in FY2023.
- Use the Regional Tribal Operations Committee (**RTOC**) as a forum for ongoing climate change adaptation information sharing, training, and capacity building.
- **Exchange information with the National Tribal Science Council** on national tribal climate change adaptation needs and directions, as appropriate.
- Support and encourage the use of **General Assistance Program (GAP) grants, and other available funds for climate change adaptation**, as particular funds allow (e.g., education of staff and members, assessing their community and environment, and developing climate change adaptation plans).



Implement the Chesapeake Bay Program Climate Directive.

Community Infrastructure
& Disaster Resilience

Program Integration &
Decision Support

Mapping & Tools

Watershed and
Ecosystem Health

Training & Outreach

The CBPO will provide core management, scientific, facilitation, technical, and staffing support to build capacity of CBP to prepare for and respond to climate change and advance core elements of the Climate Directive:

- *Address threats of climate change in all aspects of the partnership's work by **integrating science and adaptation***
- ***Prioritize communities and habitats most vulnerable** to ever increasing risks*
- ***Apply the best scientific, modeling, monitoring, and planning capabilities** of the Chesapeake Bay Program*
- ***Connect Chesapeake Bay restoration goals with emerging opportunities** in climate adaptation, mitigation, and resilience.*



Assess air monitoring vulnerability.

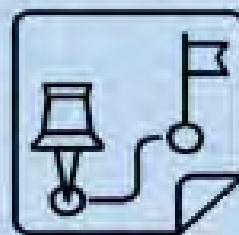
Community Outreach & Citizen Involvement



Program Integration & Cross-Sector Support



Mapping & Tools



Outreach and Communication



Climate Assessment



- Evaluate EPA Region III's Ambient Air Monitoring Infrastructure to identify which sites may be vulnerable to flooding, extreme weather, or other climate impacts, and create a plan of action to address these vulnerabilities.
- Number of monitors evaluated
- Steps taken to address vulnerabilities
- Plan created.



Support Federal Facilities with resilience goals.

Community Infrastructure
& Disaster Resilience

Program Integration &
Decision Support

Mapping & Tools

Watershed and
Ecosystem Health

Training & Outreach

- *Federal Facilities Enforcement (FFE) has been **difficult to achieve** in a timely manner.*
- *Targeting federal facilities **located in river valleys or in coastal areas** may be able to support resiliency plans for sea-level rise and worsening flooding, as a supplement to monetary penalties.*
- *Many federal facilities are in **non-attainment areas** where the use of emergency generators in the summer ozone season may have an increased impact on air quality and climate health.*
- ***Chemical storage upgrades** provide opportunities in low lying areas that may be another area for resiliency to combat sea level rise and worsening flooding.*
- *Number of inspections/offsite compliance monitoring conducted*
- *Potential Mitigation Projects undertaken*



Advance understanding and implementation of climate-resilient Best Management Practices (BMPs).

Community Infrastructure
& Disaster Resilience

Program Integration &
Decision Support

Mapping & Tools

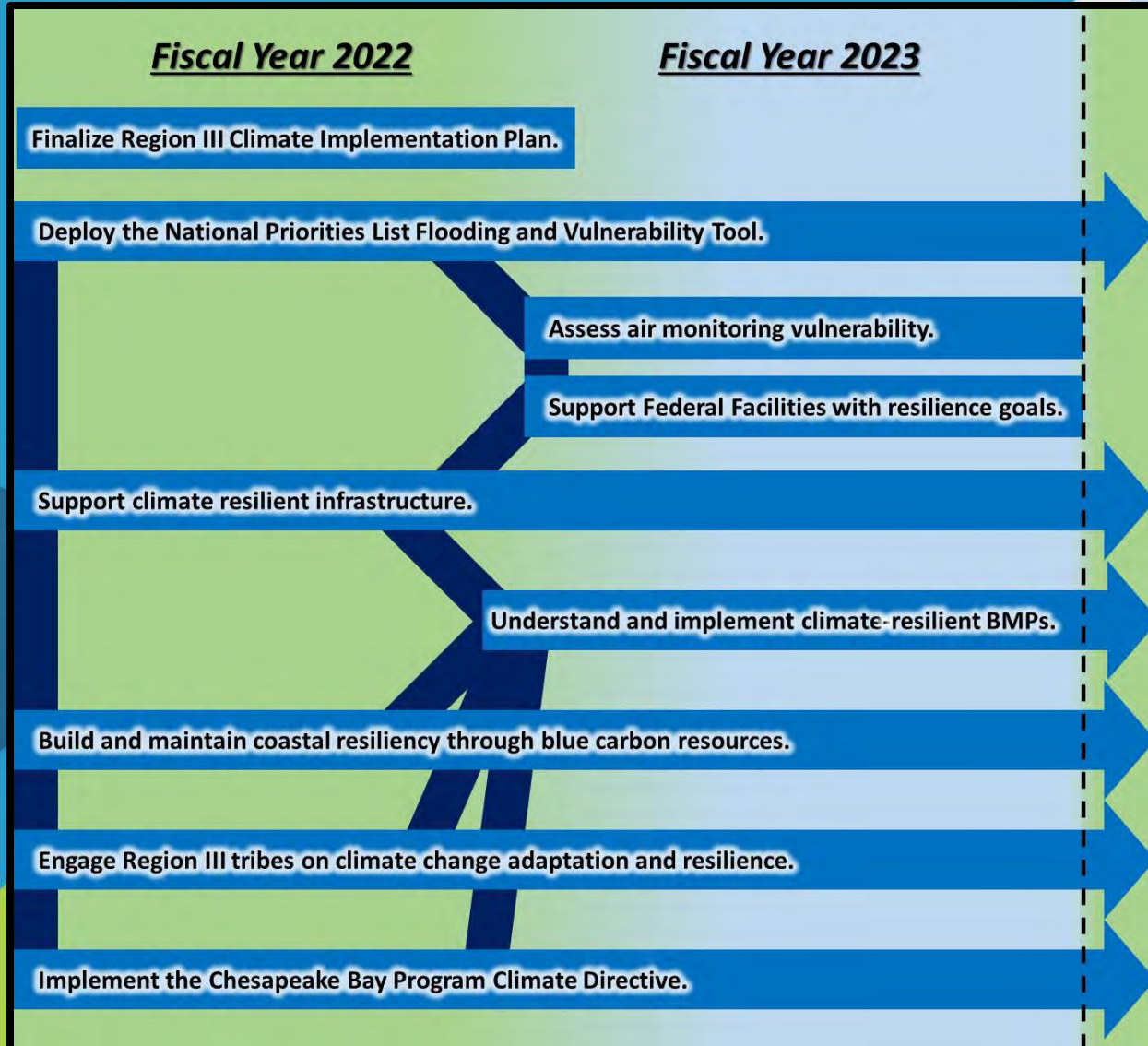
Watershed and
Ecosystem Health

Training & Outreach

- *Is a **component of the Chesapeake Bay Program Climate Directive** goal to “apply the best scientific, modeling, monitoring and planning capabilities of the Chesapeake Bay Program.”*
- *Further data and research are needed to understand the **climate change impacts and adaptation options on BMP performance**.*
- *There is currently **limited data on BMP climate resilience** (i.e., pollutant removal performance, maintenance, shelf life, siting and design) and adaptation co-benefits for living resources and habitat.*
- *Working closely with Chesapeake Bay Program partners, the Chesapeake Bay Program Office will take steps to develop a **better understanding of BMP responses**, including new and other emerging BMPs, to climate change conditions and support implementation of climate adapted BMPs.*



**MID-ATLANTIC
REGION**



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