

## Summary of Input from State, Territory, and Tribal Partners for the Office of Water’s FY 2023-2024 National Program Guidance

### Process for Soliciting Early Input

Name of Organization	Venue	Date
<ul style="list-style-type: none"> <li>• Association of Clean Water Administrators</li> <li>• Association of State Drinking Water Administrators</li> <li>• Association of State Wetland Managers</li> <li>• Council of Infrastructure Financing Authorities</li> <li>• Environmental Council of the States</li> <li>• Groundwater Protection Council</li> <li>• National Tribal Water Council</li> <li>• National Tribal Caucus</li> </ul>	Email Soliciting Written Feedback.	8/4/2021
<ul style="list-style-type: none"> <li>• National Tribal Water Council (NTWC)</li> </ul>	Joined a NTWC Meeting to highlight upcoming early engagement opportunities.	8/11/2021
<ul style="list-style-type: none"> <li>• National Tribal Water Council</li> </ul>	Early Engagement Meeting to review and gather additional input.	10/13/2021
<ul style="list-style-type: none"> <li>• Association of Clean Water Administrators</li> <li>• Association of State Drinking Water Administrators</li> <li>• Association of State Wetland Managers</li> <li>• Council of Infrastructure Financing Authorities</li> <li>• Environmental Council of the States</li> <li>• Groundwater Protection Council</li> </ul>	Early Engagement Meeting to review and gather additional input.	11/3/2021

### Highlights of Early Input from States, Tribes and Associations

The National Water Program Guidance (NWPG) communicates operational planning priorities, strategies, key activities, key metrics, and guides grant planning with states, Tribes, and territories. This

document is issued on a two-year cycle, with an optional addendum in the second year to address significant changes not captured in the original guidance. The FY 2023-2024 NWPG will be the first guidance issued under the FY 2022-2026 Environmental Protection Agency (EPA or Agency) Strategic Plan and will reflect EPA's implementation of the President's Budget.

An important phase in developing the NWPG is soliciting feedback from our partners through an early engagement period. For the Office of Water (OW), this phase ran from August 2021 to the beginning of November 2021. During this time, OW received comments and/or recommendations from states, Tribes, and tribal and state groups. The comments and recommendations received during the early engagement period will help in developing the forthcoming NWPG. Below is a summary of the comments, recommendations, and suggestions OW received, organized by topic.

### Comments on OW's Health-Based Violations (HBVs) Breakthrough Metric

- The data collection systems are activated and deactivated throughout the year. As a result, the baseline is constantly changing. The data quality issue is compounded by the practice of adding systems to out of compliance but not immediately removing them from the system when they've returned to compliance.
- The time of exposure is not accurately reflected in the HBVs data. Currently, EPA counts an HBV for four consecutive quarters, regardless of the violations return to compliance status. This practice punishes systems that respond quickly when addressing HBVs and potentially masks those systems that are recalcitrant.
- The HBVs FY 2018-2022 Strategic Plan metric goal does not identify systems that need help, nor does it in any way prioritize those systems whose performance may constitute a threat to public health.
- Currently, the metric does not demonstrate improvement that can be accurately measured over time. Further, the metric alone fails to identify the root causes for HBV reductions or improved compliance.
- There are HBVs that should be excluded from the metric, as they are more of an indication of a lack of technical, and managerial, and financial capacity. One example is if a system lacks a certified operator that triggers the issuance of an HBV. When you investigate why the system is out of compliance you often find it is because of a lack of a certified operator, or a banal reason, such as an unpaid renewal fee or the operator not completing the required contact hours. EPA should refine the metric as not all HBVs are created equal, and some do not necessarily pose similar risks to public health.
- The three-year period may not be appropriate for measuring fluctuations in HBV data. Often, the same water systems will move back and forth into and out of compliance on a rolling basis. Measuring the number of water systems that move into compliance and maintain compliance may be a better metric for determining program success.
- The remaining systems that have been out of compliance since 2017 will be difficult to achieve. Many of these systems are in small communities or are systems that need trained operators.

### Comments on Potential Metrics

- OW should keep the number of metrics small and should not try to measure everything. EPA, in conjunction with states, should develop a priority-setting process that recognizes the need to deemphasize certain noncore program areas where state/interstate resources are not sufficient to continue that work. It is challenging for states to continue to prioritize all federal strategic

goals without increased program funding, especially as the program grows more complicated and confronts new and difficult challenges like per- and polyfluoroalkyl substances (PFAS), harmful algal blooms (HABs), and subsurface discharges that are functionally equivalent to surface water discharges.

- Many activities to address environmental inequities and climate impacts may not easily be captured by metrics. Before the Agency works on developing any related metrics, EPA should hold further discussions and work closely with the states/interstate organizations to identify the activities that are already underway.
- Tribal Water Managers tend to focus on high-quality water resources. To better support tribal discission makers, EPA should work on developing a metric which focuses on degradation of high-quality water resources.
- When considering new metrics, EPA should focus on environmental outcomes rather than on inspections or evaluations.

### Comments on Data Quality

- EPA should work on improving data coordination between states and the Agency. States have consistently shared their concerns regarding the reporting inaccuracies and technical difficulties within EPA's data and reporting systems, such as Enforcement and Compliance History Online (ECHO); Integrated Compliance Information System (ICIS); Grants Reporting and Tracking System (GRTS); and the Assessment, Total Maximum Daily Load Tracking, and Implementation System (ATTAINS). Because EPA relies heavily on these systems to report results, it is critical that Quality Assurance/Quality Control procedures be a high priority.
- The Agency should take the time to fully explain the methodology and share with states how data is being pulled from the systems so that the states understand how their progress is being measured. This can help verify data quality and can easily replicate the results when needed.
- When reporting results, context or the appropriate caveats should be provided to further explain the results. Data can only provide so much information and often does not appropriately capture the activities and programs that states use to meet their clean water goals.

### Comments on Funding

- On average, federal funding makes up around 27.5 percent of state environmental agency's budgets but overall STAG funding has been flat for 19 years. Similarly, tribal funding has been flat. Adequate federal funding and flexibility in the use of those funds will be needed to implement EPA's programs and to continue to deliver successful results.
- Joint governance under E-Enterprise for the environment is a key tool for driving program modernization. Continued investment, support, and modernization of data systems will accelerate the adoption of new more efficient tools to meet our shared goals. States urge continued investment in data systems to improve the interoperability between state and federal databases.

### Comments on the Effects of COVID-19

- EPA should communicate and recognize the impact the COVID-19 pandemic on various metrics. The pandemic and stay at home orders impeded the ability of states and Tribes to conduct normal inspections, compliance monitoring, compliance assistance, formal and informal

enforcement, and other related oversight activities. While states and Tribes, EPA, and related stakeholders have been creative in how they have been moving forward with their day-to-day activities, traditional metrics may not appropriately qualify or quantify these efforts. Further discussion on programmatic options will be needed to support program implementation.

### Comments on Providing Access to Tribal Infrastructure

- EPA should re-establish the Johannesburg commitment to provide access to safe drinking water and basic sanitation throughout the world.

### Next Steps

The Office of Water and EPA regions will consider the early input received from state, territory, and tribal partners in developing the FY 2023-2024 National Program Guidance.