



July 6, 2022

Michael S. Regan, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Regan:

As EPA implements the Bipartisan Infrastructure Law (BIL), the Local Government Advisory Committee (LGAC) appreciates the opportunity to provide input on the technical assistance and other tools needed to ensure success at the local level.

In December 2021, EPA charged the LGAC with several questions related to BIL. In February 2022, the Committee responded with cross-cutting recommendations for policy and guidance, including strategies for prioritizing equity, environmental justice, and the lived experience of those most impacted by water pollution.

In this round of recommendations, the LGAC now turns to technical assistance, and the tools and resources needed to move funding from EPA to a community in an effective and efficient manner. Many of these recommendations go beyond the scope of BIL implementation and should be read as overarching recommendations for EPA's work implementing programs in communities across the United States. These recommendations were developed by the LGAC's America's Waters and Infrastructure Workgroup and include some crossover with the LGAC's Air and Climate Workgroup, which was also charged with providing input on EPA's technical assistance. It is notable that the two groups independently arrived at some of the same conclusions, and the LGAC asks EPA to give these recommendations due consideration.

While these recommendations include specific ideas for technical assistance, the more important issue is shifting the role of EPA in communities and how it engages with partners, which will be addressed first. The LGAC looks forward to continuing a conversation with EPA as the works progresses.

The LGAC has identified the following recommendations, which are further detailed below.

1. The EPA should understand that it is often perceived as the enforcer at the community level and will need to shift that paradigm if it wants to be viewed as a trusted collaborator. This is best accomplished by proactively seeking to meet local government leaders where they are, including but not limited to joining meetings of municipal leagues, trade associations, federal agencies, and other interested parties.

Hon. Leirion Gaylor Baird, Chair
Lincoln, NE

Ms. Lisa Wong, Vice-Chair
South Hadley, MA

Hon. Ras Baraka Newark, NJ

Hon. Jim Brainard Carmel, IN

Mr. Gary Brown Detroit, MI

Hon. Deborah Cherry Genesee County, MI

Hon. Melissa Cribbins Coos County, OR

Hon. Jose C. Aponte Dalmau Carolina, PR

Hon. Megan Dunn Snohomish County, WA

Hon. Mark Fox Mandan, Hidatsa and Arikara
Nation

Mr. Brian Fulton Jackson County, MS

Hon. Katherine Gilmore Richardson
Philadelphia, PA

Hon. Nick Gradisar Pueblo, CO

Hon. Evan Hansen Morgantown, WV

Mr. Chad Harsha Cherokee Nation

Mr. Zane Hedgecock Raleigh, NC

Hon. Deana Holiday Ingraham East Point, GA

Hon. Ella Jones Ferguson, Missouri

Hon. Kelly King Maui County, HI

Hon. Christine Lowery Cibola County, NM

Hon. Rachel May Syracuse, NY

Hon. Melissa McKinlay Palm Beach County, FL

Hon. Julian McTizic Bolivar, TN

Hon. Alex Morse Provincetown, MA

Hon. Douglas Nicholls Yuma, AZ

Hon. Ron Nirenberg San Antonio, TX

Hon. Neil O'Leary Waterbury, CT

Hon. Satya Rhodes-Conway Madison, WI

Hon. Deborah Robertson Rialto, CA

Mr. Michael T. Scuse State of Delaware

Ms. Valinda Shirley Navajo Nation

Hon. Sylvester Turner Houston, TX

Hon. Lucy Vinis Eugene, OR

Mr. Jeff Witte State of New Mexico

Mr. Rodney Bartlett* Peterborough, NH

Mr. Tom Carroll* Silverton, OH

Hon. Vincent DeSantis* Gloversville, NY

Hon. Kwasi Fraser* Purcellville, VA

Mr. Dave Glatt* State of North Dakota

Hon. Daniel Guzman* Oneida Nation, WI

Hon. Ann Mallek* Albemarle County, VA

Hon. Hattie Portis-Jones* Fairburn, GA

Hon. Christina Sablan* Mariana Islands

Hon. Jeremy Stutsman* Goshen, IN

*Indicates member of Small Communities
Advisory Subcommittee only

Paige Lieberman

Designated Federal Officer, EPA

2. The EPA should develop a network of expertise, using models like the Rural Partners Network, AmeriCorps, Community Action Agencies, and West Virginia's Coal Field Community Grants Facilitation Commission as models, and engaging with area universities. The EPA should share best practices for reaching communities across the federal family.
3. The EPA should engage with water industry associations to work directly with water industry employees and contractors who are already ingrained in communities and understand their water infrastructure needs. These groups can be a conduit for sharing information and resources, and collaboratively address major issues in the water industry.
4. The EPA should publicize points of contact for each state's SRF programs on the EPA website, and share this information widely, to reach communities who have never engaged with the State Revolving Fund programs. The EPA should also post state's intended use plans for the State Revolving Fund programs on its public website.
5. The EPA should provide technical assistance for communities wishing to engage in the State Revolving Fund programs by providing one-on-one support when possible, as well as a series of easy to access tutorials and templates that a state can point a community to, including guidance for developing an application and understanding the future impacts that a new infrastructure project places on a community.
6. EPA should partner with public utilities on workforce development recruitment and training specific to EPA programs, to build a sustainable network of technical experts.
7. The LGAC recommends that EPA Regional Offices support regional collaboration, including everything from consolidating utilities within a region, to connecting communities that are dealing with similar issues, so that they can work together and have a bigger impact on a regional level.
8. EPA should work with states to make the process of getting funding from EPA to a community more efficient, and even developing a related metric to encourage state-to-state competition.

Becoming a Trusted Partner

EPA has a tremendous and daunting opportunity to create a system of long-term, technical assistance for water and wastewater services across the United States. To capitalize upon this opportunity, EPA needs to understand how the Agency is perceived at the community level. Local governments typically interact with EPA in one of two ways. The first is through enforcement actions – whether ordering consent decrees or conducting inspections. The second is through grants, for which local governments expend significant resources to apply. In both instances, EPA is often the one saying 'no'. This is the case regardless of the political leanings of a community, although EPA should also understand that some localities will not be energized to think innovatively about providing technical assistance and reaching new communities.

If EPA wants to be viewed as a trusted collaborator, it first needs to shift that paradigm into one of trust. This could mean developing public awareness campaigns, hosting public listening sessions, or becoming a more visible presence in communities. The LGAC understands that EPA does not have the capacity to step into every problem, but as communities face big, systemic challenges like addressing combined sewer systems and upgrading stormwater infrastructure in the face of a changing climate, EPA can make a difference by offering to collaborate and provide resources. The key will be to work with local, trusted leaders who can help EPA establish this trust.

Building a Network of Expertise

The LGAC understands that EPA is currently working with each state government to determine specific technical assistance needs and identify disadvantaged communities. This is an important step, as state government is crucial to connecting federal and local government. However, if EPA wants to build new, trusting partnerships with communities, then it needs to engage directly with those communities. The LGAC recommends that EPA proactively seek to meet local government leaders where they are, including but not limited to joining meetings of municipal leagues, trade associations, and other interested parties. There is no substitute for one-on-one conversations when it comes to spreading awareness of EPA programs, connecting interested parties to resources, and ultimately building trust in the federal government. While in-person meetings are always more effective, in the post-COVID age online meetings provide additional avenues for the federal government to engage.

Tapping into Existing Organizations

Aside from bringing EPA to communities, EPA can work to build a network of champions for its work. There are numerous ways to achieve this goal. The [Rural Partners Network](#), which the White House recently announced, is a step in this direction. Its whole-of-government mandate will allow communities to look at problems holistically and find solutions that pull resources from multiple federal agencies. The model of embedding experts in local communities will provide two-way benefits. Not only will these individuals share expertise from the federal government on applications, grant management, and other technical concerns; they will also learn the needs and nuances of a local community and share that information back up to the state and federal government. However, the program will only be available to rural communities. While the LGAC understands the value of focusing on these communities, given the complexity of grant management and the SRF, we also recommend that this type of program be available for medium and large communities if replicated by EPA.

Another potential model is the U.S. Department of Agriculture's (USDA) [circuit rider program](#). Currently, this program contracts with the National Rural Water Association (NRWA) to provide day-to-day support in managing water systems serving communities under 10,000 residents. This model brings individuals into communities to proactively identify what work is needed, connect resources, and then complete the work. The AmeriCorps program could also be leveraged, placing motivated individuals in communities across the country to address local needs specific to water and wastewater infrastructure. Using this program would also serve to address water workforce development needs, as most AmeriCorps volunteers are just embarking on their careers. Community Action Agencies (CAA) are another model to consider. There are more than 1,000 CAAs across the country – local private and public non-profits that carry out the work of the Community Action Partnership (CAP), a federal program funded by Community Services Block Grants. CAAs work directly with low-income community members and offer a range of services designed to promote the self-sufficiency of a community. Water utilities have been especially effective in working with the program to support disadvantaged communities.

EPA could also position its Environmental Finance Centers to build a technical assistance network of local experts. For example, EPA could offer a Request for Proposal to create neighborhood water and sewer infrastructure investment centers. Cities, towns, and villages could work with these centers to assess and validate their water and sewer needs and then create an online portal of qualified contractors to present rough order of magnitude estimates for each project identified. Such a system could also benefit states, who could access these documents and work with EPA to obtain appropriate funding.

Developing New Partnerships

Many states are already developing programs to address the needs noted above. The State of West Virginia recently enacted legislation to create a [Coalfield Communities Grant Facilitation Commission](#), whose objective is to direct federal dollars to revitalize coal communities. The highlights of this program – which is detailed to the right – include providing matching funds, vocational training for displaced coal workers, and a holistic view of addressing community issues.

Universities are also working to provide real-world applications for their students by working with local communities. On the West Coast, communities in Oregon invited graduate students at the University of Oregon to complete SWOT assessment of small water systems. These assessments were then used to identify issues and develop an action plan.

Building a network of individuals and organizations who have consistent engagement, rather than just a one-off check-in with the federal or state government, will reap benefits. The LGAC encourages EPA to either institutionalize a model at the federal level that will achieve these goals, or to work with state governments as they create their own. The LGAC also recommends that EPA work across the federal family to share these ideas for reaching local communities, and to work together, when possible, to minimize the volume of communication coming to local governments from the federal level.

Reaching New People

EPA needs to understand that many communities in need of EPA's support aren't even aware of the programs available to them, particularly the State Revolving Fund. If they are aware, many have never applied, due to the complex administrative process involved or because of a match requirement. The LGAC recommends using established municipal leagues, city, and county associations – groups that are already closely aligned with the communities they serve – to bridge this gap. EPA's Office of Congressional and Intergovernmental Relations already has established relationships with many of these at the national level and could be a gateway to establishing partnerships at the state and local level. Additionally, states may have entities, such as the West Virginia Public Service Commission, that regularly interact with and provide information to small community water systems. Again, it will be important to provide regular, face-to-face interaction with these groups by joining meetings and forging meaningful partnerships. Sharing information in a newsletter or listserv is well-intentioned, but it is not always effective in reaching large numbers of new people.

Language from West Virginia House Bill 4479, creating the Coalfield Communities Grant Facilitation Commission:

To maximize the resources of the state and to create a resource for entities and persons interested in applying for grants that need assistance with grant proposal and applications, the commission shall coordinate and administer a specialized subcommittee of the commission made up of representatives of ... all institutions of higher learning in the coal field counties and regions of this state to provide assistance in the development of grants and grant applications by persons or entities that need assistance in designing, preparing, or implementing a grant proposal submission to a governmental or private entity providing grants. This assistance shall include:

- (1) Training of persons to have expertise in developing, applying for, and administering grants;*
- (2) Providing technical assistance to the commission on administration and facilitation of grant assistance applications;*
- (3) Any other actions or initiatives that assist the commission and promote the goals of this article.*

A final recommendation for outreach is to connect directly with water industry employees and contractors. There are companies across the country already on the road, attending municipal meetings,

working directly with water and sewerage departments, and learning about community needs. These companies could serve as a valuable conduit for information. The LGAC recommends connecting with groups like the American Water Works Associations, American Public Works Association, National Groundwater Association, National Association of County Engineers, and the Water Environmental Federation. While EPA already has partnerships with these groups at a national policy level, the LGAC recommends deepening these relationships by tapping into its membership and working collaboratively to address major issues. Aside from current members, the LGAC recommends seeking out retired members of these groups. There is a tremendous amount of knowledge drain in the water industry right now, due to recent and impending retirements. Many of these individuals were ready to end their career but still want to be engaged. The LGAC encourages EPA to look to these individuals as potential resources for providing technical assistance to water systems and training a new water workforce.

Specific Technical Needs

The specific technical assistance needs for a community will of course depend on specific communities. For this reason, the LGAC recommends that EPA build a system of assistance that covers a broad range of issues and can respond with agility. One simple step that EPA could take is to publicize points of contact for each state's SRF programs on the EPA website, and to share this information widely. Having that individual identified would be helpful to communities trying to navigate the SRF process.

EPA seems to understand that some communities – particularly smaller communities – may need help identifying available funding streams and working through each step of an SRF application. In these instances, the best option would be to provide one-on-one support, but a series of easy to access tutorials and templates that a state can point a community to, would also be beneficial. These resources should also help local governments understand the future impacts that a new infrastructure project places on a community, including the impact on user rates and affordability. It's also important that training opportunities are provided well in advance of any application deadline.

Other communities have the capacity to successfully apply for and receive grants but face significant challenges in meeting the day-to-day administration and reporting requirements. While this is a complex problem needing multiple approaches, the LGAC recommends that EPA partner with public utilities on workforce development recruitment and training specific to EPA programs. By building the human resources capacity to accomplish such tasks, more communities will be able to apply for and benefit from programs like the SRF.

Another issue identified by the LGAC is that in many regions neighboring communities end up competing for the same funding. The LGAC recommends that EPA Regional Offices work to connect communities and municipalities that are dealing with similar issues, so that they can work together and have a bigger impact on a regional level. This could include joint applications for funding or setting up peer-to-

Regional Consolidation

One systemic barrier to providing technical assistance to communities is the fact that there may be dozens of unique utility services in any given region.

Building capacity and awareness in every one of them is an overwhelming task.

In some parts of the country utilities have consolidated so that they can operate more efficiently. For example, in 2016 the Great Lakes Water Authority was formed to serve 112 communities and 3.8 million residents of Southeast Michigan. The results have been lowered user rates, cleaner water, and an ability to support small communities with the resources and expertise of the whole region.

EPA can play a role in incentivizing utilities to consolidate. While the main benefit would be to the communities, it would also be easier for EPA to connect with regional authorities rather than each individual community.

peer exchanges to share best practices. The LGAC recommends that EPA post all state intended use plans for the State Revolving Funds to its public website, to increase transparency and awareness among communities. The LGAC also recommends that EPA support state-led or regional campaigns to build public awareness and support for common issues like lead service line replacement.

Finally, the LGAC recommends that EPA work with states to make the process of getting funding from EPA to a community more efficient. Some states thrive in this process, but others would benefit from EPA incentivizing them to improve, and even developing a related metric to encourage state-to-state competition.

Conclusion

The EPA has a historic opportunity to develop capacity in communities across the country that will ensure long-term sustainability of water infrastructure. The LGAC appreciates the opportunity to provide its input and offers its expertise as this work is implemented.

Sincerely,

A handwritten signature in black ink, reading "Leirion Gaylor Baird". The signature is fluid and cursive, with the first name "Leirion" being the most prominent.

Leirion Gaylor Baird, LGAC Chair

A handwritten signature in blue ink, reading "Michael T. Scuse". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael T. Scuse, LGAC Water Workgroup Chair