



UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF WATER

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

**FROM:** Lynda Hall, Chief, Nonpoint Source Management Branch,  
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**TO:** State and Territorial Section 319 Nonpoint Source Program Managers and Staff

It is a priority of the U.S. Environmental Protection Agency (EPA) to integrate environmental justice considerations into EPA programs, plans, and actions and to ensure equitable and fair access to the benefits from environmental programs for all individuals.<sup>1, 2</sup> EPA's Nonpoint Source (NPS) Section 319 program is devoted to the protection and restoration of waters from sources of NPS pollution. In delivering this work, the program benefits thousands of communities and individuals through the work of State, Territorial, and Tribal NPS programs. EPA recognizes that water quality and climate change impacts can disproportionately affect urban and rural communities that are predominately of color, indigenous, linguistically isolated, low-income, and/or impacted by other stressors.<sup>3</sup>

Consistent with the Justice40 initiative, EPA is committed to ensuring that the benefits of cleaner water provided by the Section (§) 319 program reach disadvantaged communities.<sup>4</sup> The purpose of this memo is to communicate that commitment, encourage action in FY22 by state NPS programs, and commit to actions by the national NPS program in FY22 even as we await more specific guidance on the implementation of Justice40.

State and Territorial ("state") NPS programs<sup>5</sup> can undertake an array of actions to sustain or expand efforts that benefit disadvantaged communities. Approximately half of §319 funding goes to watershed projects that improve community waterways, often via state-run Request for Proposal processes or through direct implementation by state agencies. Through watershed-based planning, community and stakeholder engagement has long been a cornerstone of these §319 projects, ensuring that those affected have a voice in the process.<sup>6</sup> Watershed planning and NPS project implementation are key opportunities to expand engagement and investment in disadvantaged communities. EPA acknowledges that actions are underway in some states to prioritize NPS projects or other program actions to benefit communities that have been disadvantaged or overburdened by economic and environmental impacts.

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<sup>1</sup> <https://www.epa.gov/newsreleases/epa-administrator-announces-agency-actions-advance-environmental-justice>

<sup>2</sup> <https://www.epa.gov/environmentaljustice>

<sup>3</sup> Estimating economic damage from climate change in the U.S <https://science.sciencemag.org/content/356/6345/1362/tab-figures-data>

<sup>4</sup> The Office of Management and Budget (OMB) Justice40 interim guidance includes a broad definition of disadvantaged communities <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

<sup>5</sup> EPA recognizes that Tribal NPS programs also implement actions that benefit disadvantaged communities. The actions listed below focus on opportunities for programs covered by the [Nonpoint Source Program and Grants Guidelines for States and Territories](#)

<sup>6</sup> <https://www.epa.gov/nps/handbook-developing-watershed-plans-restore-and-protect-our-waters>

We applaud these efforts and strongly encourage all states to begin incorporating actions to enhance environmental equity into their §319 funding programs, such as:

- Prioritize projects that benefit disadvantaged communities by awarding more points in subaward proposal scoring or other means.
- Conduct capacity building in disadvantaged communities to enhance their ability to engage in NPS projects and grants (e.g., funding a local community “ambassador” to coordinate community engagement in watershed efforts).
- Provide a full or partial waiver of non-federal match requirements for projects in disadvantaged communities.<sup>7</sup>
- Include Tribes as eligible entities in §319-funded watershed project solicitations to expand the communities that may benefit from these projects.
- Undertake an analysis of NPS projects in the state relative to EJSCREEN or state data layers on income, linguistic isolation, or other factors. Use this analysis to determine the current allocation of funds to disadvantaged communities, and then develop program plans to increase funding to these communities.
- Develop and implement targeted outreach to disadvantaged communities when updating 5-year NPS Management Plans that describe state NPS priorities and priority watersheds.

While not a new §319 Guidelines requirement, EPA strongly encourages these or other state actions to incorporate analysis, policies, priorities, and engagement that put more focus on disadvantaged communities in the delivery of NPS program benefits.

Towards this goal, EPA’s national NPS program will take the following actions:

- Provide analytical assistance using data layers characterizing disadvantaged communities to inform watershed projects and other actions by state NPS programs. This includes EJSCREEN training and hosting forums for states to share their own approaches and data.
- Undertake an analysis of §319 Grants Reporting & Tracking System (GRTS) data and EJSCREEN layers to provide an initial picture of §319-funded projects and disadvantaged communities.
- Consider additional actions to increase NPS program support for disadvantaged communities, such as providing future guidance on §319 funding flexibilities (e.g., use of §319 project funds for capacity-building in disadvantaged communities).
- Begin scoping how to apply OMB Justice40 interim guidance to the §319 program, such as describing the potential benefits provided by the program and a method for tracking these benefits.
- Consider minimum investment thresholds in disadvantaged communities, how to track these investments, and how to measure their impact.
- Explore opportunities to increase §319 funding for Tribal NPS programs, which may be used to support disadvantaged communities.
- Convene national dialogues to share approaches, lessons, and best practices among state and federal programs such as the Urban Waters Federal Partnership.
- Seek input on these actions and share progress via quarterly updates.

The EPA’s national NPS program is committed to learning, sharing, and effectuating these efforts to ensure that the benefits of NPS pollution controls are delivered to disadvantaged communities. We recognize that there will be a shared learning process and that our efforts will strengthen as we explore, share experiences, implement approaches, and assess progress.

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<sup>7</sup> Note: A state grantee must still meet the statutory 40% match requirement for the grant as a whole. States have flexibility to choose how to meet this match requirement.

We welcome input and suggestions on how to advance this goal. Please contact Cyd Curtis ([curtis.cynthia@epa.gov](mailto:curtis.cynthia@epa.gov), 202-566-0340) with your input or any questions regarding advancing support for disadvantaged communities in the national NPS program.

CC:

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