

LAGOON WASTEWATER TREATMENT ACTION PLAN: SUPPORTING SMALL, RURAL, AND TRIBAL COMMUNITIES

Office of Wastewater Management (OWM) Office of Science and Technology (OST) Office of Enforcement and Compliance Assurance (OECA)

2022-2026

LAGOON WASTEWATER TREATMENT ACTION PLAN

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GOALS OF THIS ACTION PLAN

Improve public health and clean waterway protections for small, rural, and tribal communities that rely on lagoon wastewater treatment systems through equitable, accessible, and coordinated technical and financial assistance.



The Lagoon Action Plan identifies key actions the Environmental Protection Agency (EPA) will implement through 2026 to assist small communities with lagoon wastewater treatment systems. Many lagoon communities are low income and economically disadvantaged.

EPA will actively support states, tribes, territories, and others in their work with these small lagoon communities; identify and assist communities that can benefit from the historic infrastructure investments in the <u>Bipartisan</u> <u>Infrastructure Law</u> (BIL) and other financial and technical assistance; and help address public health and water quality concerns associated with ammonia and nutrients to improve compliance with the Clean Water Act (CWA).

The five priority areas in the Lagoon Action Plan are:

 Identifying the Universe of Lagoon Wastewater Treatment Systems Nationally
 Providing Financial and Technical Assistance Tools, Including Tools that Assist Underserved Communities with Accessing Funding in the Bipartisan Infrastructure Law
 Developing Cost and Performance Data for Alternative or Retrofit Technologies that

treat ammonia and nutrients4. Developing Regulatory Support Tools,

Including Tools to Streamline Economic Impact Evaluations

5. Developing Plans for Community Engagement, Communication, and Partnerships to Support the Lagoon Action Plan



Background

S anitation and wastewater treatment is crucial for environmental and public health. Numerous wastewater treatment options exist to meet the specific needs of a community. Lagoon wastewater treatment systems are earthen ponds that break down wastewater using natural biological processes. They can provide costeffective, low maintenance, energy-efficient, and reliable wastewater treatment. Lagoon wastewater systems are often utilized by small, rural, and tribal communities.

In 2011¹, EPA estimated that there were approximately 8,000 lagoons in the U.S. including discharging and non-discharging systems. In EPA's efforts under this Action Plan, EPA found there are over 4,500 discharging lagoon wastewater systems² that do not rely on more advanced supplemental technology; this is about one quarter of the nation's Publicly Owned Treatment Works (POTWs).

Lagoon communities often consist of fewer than 3,000 people. Many communities with lagoons are low-income, lagging U.S. Census national estimates of economic indicators including median household income (MHI), upper limit of the lowest quintile of household income (LQI), and percentage of the population below twice the federal poverty level. Additionally, these small communities often have National Pollutant Discharge Elimination System (NPDES) permit compliance concerns.

Small lagoon communities often struggle to meet water quality requirements for clean water. Control of nutrients and ammonia are two examples of issues faced by these small lagoons systems. New regulatory requirements can require installation of more complex and costly wastewater treatment technology to comply with permits. This can be particularly challenging for small, rural, and tribal communities as they may lack the financial and technical capacity to identify best-fit, most affordable technologies, or process improvements for their lagoon system.

They may also lack capacity to successfully seek funding for infrastructure investments to achieve associated water quality improvements; this can lead to human health, recreational, and aquatic life impacts in the most disadvantaged small communities and lead to environmental justice³ concerns.

Principles of Design and Operations of Wastewater Treatment Pond Systems for Plant Operators, Engineers, and Managers, August 2011, EPA/600/R-11/088, U.S. Environmental Protection Agency, Office of Research and Development, Washington, DC.
 The number of lagoons wastewater systems presented here does not include discharging public lagoon systems with more advanced supplemental treatment, discharging private lagoon systems, or non-discharging public or private lagoon systems.
 Environmental justice is 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. More details on EPA's approach to Environmental Justice can be found at <u>EPA's Environmental Justice</u> webpage.

In 2022, EPA is increasing technical assistance funding to organizations that work with small, rural, and tribal communities with lagoon systems.

In many cases, these small towns or communities require financial and technical assistance to address potential public health concerns and water quality requirements.

States, tribes, territories, and EPA are actively discussing policy and programmatic options to successfully support the large number of geographically dispersed small lagoon communities.

EPA recognizes that issues related to safe and effective use of lagoons are complex, that there is no 'one size fits all' approach to meeting unique needs of communities, that underserved communities may need particular support to address wastewater challenges, and that collaboration with a range of federal, state and local stakeholders is key to making progress. Through the release of this Lagoon Action Plan and other strategies such as providing technical assistance, EPA is committed to supporting continued efforts to address the spectrum of wastewater needs in communities – and to supporting a range of voices, including from rural and underserved communities, to participate in these important conversations as we move forward.

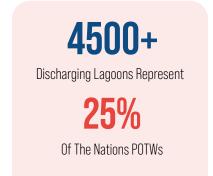
In 2022, EPA is increasing technical assistance funding to organizations that work with small, rural, and tribal communities with lagoon systems and helping ensure they have equitable access to infrastructure improvements and on-the-ground technical assistance. EPA is also supporting research into technologies and process improvements for lagoons.

The BIL provides an additional \$11.7 billion in funding to the Clean Water State Revolving Loan Fund (CWSRF). Forty-nine percent of those funds are available as grants and principal forgiveness loans to communities that meet the state's affordability criteria or for certain project types that meet eligibility requirements, consistent with the CWA. This is a historic opportunity to upgrade clean water infrastructure, including in small, rural, and tribal lagoon communities.

Under this Lagoon Action Plan, EPA will work with states, tribes, and technical assistance providers, such as the Environmental Finance Centers, to help small lagoon communities identify and apply for existing and new sources of financial assistance.

Actions in this plan, such as identifying the universe of lagoons nationally and pinpointing sources of technical assistance and infrastructure funding, can help small communities with lagoon systems be identified and supported in achieving clean water.

EPA is pursuing a holistic approach to provide underserved lagoon communities with sustainable wastewater treatment systems that meet CWA requirements and advance environmental justice and equity. EPA's programs are committed to working together and with partners to help these small lagoon communities.



Target Areas of Support and Action Items

2 3 **Developing Cost and Providing Financial and** Identifying the Universe of \odot \odot Performance Data for Technical Assistance Tools, Lagoons Nationally Alternative and Retrofit Including Tools that Assist Technologies that Treat or Underserved Communities with **Remove Ammonia or Nutrients** Accessing BIL Funding 5 (>)**Developing Cost and Performance Developing Plans for Community Regulatory Support Tools Including** Engagement, Communication and Streamline Economic Impact Partnerships to Support Evaluation the Lagoon Action Plan



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Identifying the Universe of Lagoons Nationally

Objective: There is a need to understand the extent, type, location, and compliance status of lagoon wastewater treatment systems nationwide, as well as the socioeconomic and environmental justice issues of communities that utilize them. An inventory and analysis of nationwide lagoon system data will be used to inform subsequent technical and financial assistance options available to support small communities with lagoons. This inventory will help states, tribes, territories, EPA, and technical assistance providers identify communities potentially in need of support.

Action Item 1.1: Gather information from internal and external groups to obtain lagoon inventory information to better understand the universe of lagoons, including the community size, treatment type, design flow, and demographic, environmental justice, and compliance information. EPA will analyze the data and publish a report describing the universe of lagoons. EPA will make the Lagoon Inventory Dataset available to states, tribes, territories, and technical assistance providers to support targeted assistance activities.

- » Responsible Party: Office of Science and Technology
- » Timeframe for Completion: Complete

Action Item 1.2: Share Lagoon Inventory Dataset internal to EPA and with technical assistance providers, states, tribes and interested stakeholders to help ensure BIL investments reach communities with the greatest need.

- » Responsible Party: Office of Science and Technology and Office of Wastewater Management
- » Timeframe for Completion: Complete

Action Item 1.3: Memorialize Lagoon Inventory Dataset information into existing Agency data systems.

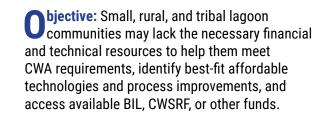
- » Responsible Party: Office of Water and Office of Compliance
- » Timeframe for Completion: Early 2023

Action Item 1.4: Facilitate tracking of technical and financial assistance activities in communities listed in the Lagoon Inventory Dataset.

- » Responsible Party: Office of Wastewater Management
- » Timeframe for Completion: Early 2023



Providing Financial and Technical Assistance Tools, Including Tools that Assist Underserved Communities with Accessing Funding in the Bipartisan Infrastructure Law (BIL)



2

EPA will expand the network of technical assistance providers that support rural, small, and tribal communities through grant programs that support technical assistance providers. EPA will also identify and work with partners to clearly communicate existing financial assistance resources available to small communities and how to access them.

Additionally, to help identify what kind of assistance or regulatory options might be appropriate for a community, EPA is developing additional tools to help small communities identify causes of non-compliance or operational challenges and determine the best solution for their situations.

EPA is also developing tools to help rural, small, and tribal communities access financial and technical assistance and/or capital funding or finance.

Action Item 2.1: As part of EPA's Community Assistance Strategy, identify systems from the Lagoon Inventory Dataset that may benefit from assistance in accessing BIL and other funding resources.

- » Responsible Party: Office of Wastewater Management
- » Timeframe for Completion: Ongoing

Action Item 2.2: Expand the network of technical assistance providers that support rural, small, and tribal communities. For example, provide grants to financial and technical assistance providers, such as the Environmental Finance Centers, community assistance organizations, and rural assistance providers, who can help lagoon communities successfully apply for grants and loans. In FY22, EPA released the following request for applications:

- The Environmental Finance Center
- Training and Technical Assistance for Rural, Small, and Tribal Wastewater Systems
- » Responsible Party: Office of Wastewater Management
- » Timeframe for Completion: Ongoing

OTHER FINANCIAL AND TECHNICAL ASSISTANCE RESOURCES TO SUPPORT SMALL, RURAL AND TRIBAL COMMUNITIES WITH LAGOONS AND COMPLIANCE ISSUES

Action Item 2.3: Add the list of technical assistance providers to the Wastewater Technology Clearinghouse

- » Responsible Party: Office of Wastewater Management
- » Timeframe for Completion: Ongoing

Action Item 2.4: Identify financial resources for rural, small, and tribal communities in the Water Finance Clearinghouse.

- » Responsible Party: Office of Wastewater Management
- » Timeframe for Completion: Ongoing

Action Item 2.5: Develop a National Compliance Advisory focused on lagoon wastewater treatment systems that includes a Quick Reference Guide for small facultative and aerated wastewater lagoons. The goal is to better enable small wastewater treatment system utilities to self-diagnose root causes of noncompliance, identify assistance providers, and identify practical solutions and additional resources to optimize performance of wastewater lagoons.

- » Responsible Party: Office of Enforcement and Compliance Assurance
- » Timeframe for Completion: Complete

Action Item 2.6: Develop a Troubleshooting Manual focused on small facultative and aerated wastewater lagoon systems. The goal is to provide operators of these small lagoon systems with a detailed manual that will enable operators to diagnose the root causes of their system's noncompliance and troubleshoot these causes to optimize performance of the system and attain compliance with their NPDES permit.

- » **Responsible Party:** Office of Enforcement and Compliance Assurance
- » Timeframe for Completion: December 2022

Action Item 2.7: Develop a "First Stop Toolbox" together with the Local Government Environmental Assistance Network (LGEAN) to share with communities, states, tribes, territories, and technical assistance providers. The First-Stop Toolbox is intended to guide small community lagoon wastewater facility operators, mayors, or other local decision makers through a sequence of questions and a step-by-step process including technical and compliance assistance, technology options, and capital funding or finance. The Toolbox will include a focus on the associated resources or tools to address ammonia, nitrogen and/or phosphorus compliance challenges.

- » Responsible Party: Office of Enforcement and Compliance Assurance, with support from Office of Wastewater Management and Office of Science and Technology
- » Timeframe for Completion: Late Spring 2023

Action Item 2.8: Develop a document titled "Understanding Lagoon Requirements Under 40 CFR Part 503: Best Management Practices for use or disposal of sewage sludge." The document will only contain information on lagoon treated sewage sludge that will be beneficially used or disposed of and will not contain information on the operation or maintenance of a lagoon.

- » **Responsible Party:** Office of Science and Technology
- » Timeframe for Completion: Fall 2023

3

DEVELOPING COST AND PERFORMANCE DATA FOR ALTERNATIVE AND RETROFIT TECHNOLOGIES THAT TREAT OR REMOVE AMMONIA AND NUTRIENTS

Objective: Municipal lagoons unable to meet more stringent discharge permit limits for ammonia and/or nutrients may benefit from implementing addon technologies and/or onsite retrofits. This effort will focus on gathering and evaluating the cost and performance of several treatment technology options for lagoon ammonia and nutrient removal, including post-lagoon add-on treatment systems and in-lagoon treatment upgrades.

Action Item 3.1: Utilize the Innovative Water Technology Grant Program to solicit innovative research and provide new technical and financial information for lagoon systems. The research will assist in the deployment of demonstrated innovative water technologies that improve effluent quality in lagoon systems serving small communities. Specifically, research is needed on the best available science on consistent performance, especially longterm (three or more years), and the cost effectiveness of lagoon treatment technologies. Research under this grant is intended to address compliance for ammonia and for nutrients such as total nitrogen and total phosphorus. Results of this research can be used by communities, states, tribes, territories, assistance providers, and EPA to analyze wastewater treatment upgrade alternatives for lagoon communities.

- » Responsible Party: Office of Research and Development
- » Timeframe for Completion: Solicitation completed March 2022
- » Timeframe for Grant Completion: 2025 (Option to extend to one additional year)

Action Item 3.2: Obtain cost and performance data for alternative and add-on technologies for lagoon wastewater treatment for ammonia and nutrients from available sources, including results from Innovative Water Technology Grant (see Action Item 3.1). These data will be used to further develop regulatory support tools (see Target Area 4).

TREND

Image by Shutte

- » Responsible Party: Office of Wastewater Management and Office of Research and Development
- » Timeframe for Grant Award: 2022
- » Timeframe for Grant Completion: 2025 (Option to extend to one additional year)

Action Item 3.3: For each technology investigated under Action Item 3.1, place cost and performance information in EPA's Wastewater Technology Clearinghouse and actively share with states, tribes, territories, technical assistance providers, and others.

- » Responsible Party: Office of Wastewater Management
- » Timeframe for Completion: 2025-2026

Developing Cost and Performance Regulatory Support Tools, Including Tools to Streamline Economic Impact Evaluation

Objectives: Small, rural, and tribal communities with lagoon wastewater treatment systems may be unable to meet more stringent discharge permit limits for ammonia and nutrients or may need time to make incremental progress.

In many communities, replacement, or upgrades of these lagoons to meet discharge permit limits could immediately have substantial socioeconomic impacts, such that their residents would bear the brunt of these impacts. While regulatory options exist to adjust CWA requirements, these small communities may not be able to afford the services of consultants to advise them on such options or how to engage with the state or authorized tribe on such regulatory options.

EPA is developing several tools to help small communities and their states/tribes understand when and how to use the regulatory options for adjusting WQS requirements as appropriate. Such tools include streamlined economic analysis tools to determine whether the pollutant treatment options needed to meet existing requirements are affordable and tools that would build on the cost and performance information collected in "Target Area #3" to easily determine appropriate WQS alternatives. Such tools will enable small communities, states, and tribes to have an open dialogue with public input to determine the appropriate regulatory course of action to provide the best water quality without causing undue burden on already disadvantaged communities. Action Item 4.1: Develop a web-based "Individual Lagoon Tool" to facilitate evaluation of the economic conditions of an individual lagoon community when justifying the use of regulatory options to adjust clean water requirements (i.e., Water Quality Standards Variances). This tool will incorporate financial capability indicators consistent with the final Financial Capability Assessment Guidance.

- » **Responsible Party:** Office of Science and Technology
- » Timeframe for Completion: Late Spring 2023

Action Item 4.2: Develop the Small Lagoon Community Economic Streamlining (SLCES) Tool, including revision based on peer review of the Secondary Score predictive model. This tool will facilitate and streamline evaluation of the economic conditions of many lagoon communities at the same time to support justification of regulatory options to adjust clean water requirements (i.e., Water Quality Standards Variances). This tool will incorporate financial capability indicators consistent with the final Financial Capability Assessment Guidance.

- » Responsible Party: Office of Science and Technology
- » Timeframe for Completion: Late Spring 2023

OTHER REGULATORY SUPPORT TOOLS

Action Item 4.3: Develop other regulatory support tools that incorporate the cost and performance data from Action Item 3.2. These "Phase 2" tools will allow states, authorized tribes, and small communities to incorporate any additional technologies identified in Action Item 3.1 where cost and performance data are available into discussions and evaluations. These tools would further facilitate identifying what can be feasibly done to achieve or make progress towards clean water goals and to support decisions on whether methods such as land application are possible alternatives to discharge. The Phase 2 tools would be incorporated into upgraded versions of the Individual Lagoon Tool and SLCES Tool.

- » Responsible Party: Office of Science and Technology
- » Timeframe for Completion: 2026

Action Item 4.4: Disseminate and provide training on the regulatory support tools. Develop training materials, user guides, and webinars for different audiences for Individual Lagoon Tool, SLCES, and "Phase 2" regulatory support tools. Work with partners such as technical assistance providers, the Local Government Environmental Assistance Network, states, tribes, territories, and sector associations such as the Water Environment Federation and its member associations to share and distribute materials.

- » Responsible Party: Office of Science and Technology
- » Timeframe for Completion: Initiate within 1 month after completion of related action item in Target Area 4.





Objective: EPA will develop and disseminate communication materials to accompany the rollout of each action item in Target Areas 1-4 of this Lagoon Action Plan. EPA will design these materials for the relevant audiences such as states, tribes, technical assistance providers, small communities, federal agencies, and nongovernmental organizations.

Throughout this process, EPA will identify and engage stakeholders to ensure EPA benefits from their experience, expertise, and networks.

EPA will also work to employ the stakeholder's preferred methods of communication when sharing information about resources, tools, and financial and technical assistance efforts.

Action Item 5.1: Prepare communications and outreach materials for relevant audiences for each action item in this Lagoon Action Plan. States, tribes, territories, technical assistance providers, and small communities will benefit from detailed information on technical assistance and access to financial assistance resources such as trainings, user guides, guidance documents, and webinars.

- » Responsible Party: Multiple Offices
- » Timeframe for Completion: Ongoing, as described in each action item

Action Item 5.2: Work with EPA regions, states, tribes, territories, industry sector associations, and technical assistance providers to inform small communities that these EPA and other tools and resources exist and to provide information on how to access them. Web and printed forms of communication such as fact sheets, websites, social media accounts, webinars, distribution lists, and contact sheets can be used to raise awareness of these resources to small communities.

- » **Responsible Party:** Multiple Offices
- » Timeframe for Completion: Ongoing

Action Item 5.3: Partner with organizations that work with small, rural, and tribal communities (such as RCAP, NRWA, ACWA, WEF, LGEAN) and circuit rider programs to ensure that information and assistance reaches small, rural communities.

- » Responsible Party: Multiple Offices
- » Timeframe for Completion: Ongoing

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TABLE 1: ACTION ITEMS SUMMARY TABLE

Target Area of Support	Action Items	Lead Office	Timeframe of Completion
Identifying the Universe of Lagoons Nationally	1.1: Gather information from internal and external groups to obtain lagoon inventory information to better understand the universe of lagoons, (e.g., community size, treatment type, demographic, compliance information etc.).	OST ¹	Complete
	1.2: Share Lagoon Inventory Dataset internal to EPA with TA providers, states, and interested stakeholders to ensure BIL investments reach communities with the greatest need.	OST/OWM ²	Complete
	1.3: Memorialize Lagoon Inventory Dataset information into existing Agency data systems.	OWM/OECA ³	2023
	1.4: Facilitate tracking of technical and financial assistance activities in communities listed in the Lagoon Inventory Dataset.	OWM	2023
Providing Financial and Technical Assistance Tools, to Assist Underserved Communities with Accessing BIL Funding	2.1: Identify systems from the Lagoon Inventory Dataset that may benefit from assistance in accessing BIL resources.	OWM	Ongoing
	2.2: Expand the network of technical assistance providers that support rural, small, and tribal communities (e.g., provide grants to financial and technical assistance providers).	OWM	Ongoing
	2.3: Add the list of technical assistance providers to the Wastewater Technology Clearinghouse.	OWM	Ongoing
	2.4: Identify financial resources for the rural, small, and tribal communities in the Water Finance Clearinghouse.	OWM	Ongoing
	2.5: Develop a National Compliance Advisory focused on lagoon wastewater treatment systems that includes a Quick Reference Guide for small facultative and aerated wastewater lagoons. The Guide will enable small WWTP utilities to self-diagnose root causes of noncompliance, identify assistance providers, practical solutions, and additional resources to optimize performance of wastewater lagoons.	OECA	Complete
	2.6: Develop a Troubleshooting Manual focused on small facultative and aerated wastewater lagoon systems to provide small lagoon operators with a detailed manual that will enable them to diagnose the root causes of their system's noncompliance and troubleshoot these causes to optimize performance of the system and attain compliance with their NPDES permit.	OECA	2022
	2.7: Develop a "First Stop Toolbox" together with LGEAN to share with communities, states, tribes, territories, and technical assistance providers. The First-Stop Toolbox will guide operators and/or local decision-makers working with lagoon wastewater systems through a step-by-step process to help communities find solutions to their lagoon wastewater concerns. The tool will focus on the associated resources to address ammonia, nitrogen, and/or phosphorus compliance challenges.	OWM/OST/OECA	2023
	2.8: Develop a document titled "Understanding Lagoon Requirements Under 40 CFR Part 503: Best Management Practices for use or disposal of sewage sludge."	OST	2023

1. OST: Office of Science and Technology

2. OWM: Office of Wastewater Management

3. OECA: Office of Enforcement and Compliance Assurance

4. ORD: Office of Research and Development

TABLE 1: ACTION ITEMS SUMMARY TABLE

Target Area of Support	Action Items	Lead Office	Timeframe of Completion
Cost and Performance Data for Alternative and Retrofit Technologies	3.1. Utilize the Innovative Water Technology Grant Program to solicit innovative research and provide new technical and financial information for lagoon systems. Research under this grant is intended to address compliance for ammonia and for nutrients such as total nitrogen and total phosphorus.	ORD⁴/OST/OWM	2022
	3.2. Obtain cost and performance data for alternative and add-on technol- ogies for lagoon wastewater treatment for ammonia and nutrients from available sources, including results from Innovative Water Technology Grant (see Action Item 3.1). This data will be used to further develop regulatory support tools (see Target Area 4).	OWM	2025
	3.3. For each technology investigated under Action Item 3.1, place cost and performance information in EPA's Wastewater Technology Clearinghouse and actively share with states, tribes, territories, technical assistance providers, and others.	OWM	2026
Developing Regulatory Support Tools, Including Tools to Streamline Economic Impact Evaluations	4.1: Develop a web-based "Individual Lagoon Tool" to facilitate evaluation of the economic conditions of an individual lagoon community when justifying the use of regulatory options to adjust clean water requirements (i.e., Water Quality Standards Variances).	OST	2023
	4.2: Develop the Small Lagoon Community Economic Streamlining (SLCES) Tool, including revision based on peer review of the Secondary Score predictive model. This tool will incorporate financial capability indicators consistent with the final Financial Capability Assessment Guidance.	OST	2023
	4.3: Use the Cost and Performance Data from Action Item 3.2 to develop other regulatory support tools (Phase 2 tools). These tools will allow states, authorized tribes and small communities to incorporate any additional technologies identified in Action Item 3.1 and upgraded versions of the Individual Lagoon and SLCES Tools.	OST	2026
	4.4: Disseminate and provide training on the regulatory support tools. Develop training materials, user guides, and webinars for different audiences for Individual Lagoon Tool, SLCES, and "Phase 2" regulatory support tools. Work with partners such as technical assistance providers, LGEAN, states, tribes, and other stakeholders to share and distribute materials.	OST	2026
Developing Community Engagement, Communication and Partnerships to Support the Lagoon Action Plan	5.1: Prepare communications and outreach materials for relevant audiences for each action items in this Lagoon Action Plan. The information provide will benefit States, tribes, technical assistance providers, and small communities in need of technical and financial assistance.	OST/OWM	Ongoing
	5.2: Work with EPA regions, states, tribes, and other stakeholders to inform small communities of these EPA tools and provide information on how to access them. Different communication channels and materials (fact sheets, websites, social media accounts, etc.) will be used and developed to raise awareness of these resources in small communities.	OST/OWM	Ongoing
	5.3: Partner with organizations that work with small, rural, and tribal communities (such as RCAP, NRWA, NCWA, WEF, LGEAN) and circuit rider programs to ensure that information and assistance reaches small, rural communities.	OST/OWM	Ongoing

