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August 29, 2023

Michael S. Regan, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Dear Administrator Regan:

Every person, regardless of who they are, where they live, or how much they earn, is entitled to safe drinking water and clean waterways at an affordable cost. Unfortunately, lower income communities and households as well as communities of color are substantially less likely to have reasonable access to safe drinking water and clean waterways. Accordingly, the National Environmental Justice Advisory Council (NEJAC) has formed a Water Infrastructure Workgroup to identify opportunities for improvements in the water sector, primarily through the vehicle of technical assistance, to lower the barriers for low-income and environmental justice communities so that every community and every person in the United States and its territories can share in the promises of the Safe Drinking Water and Clean Water Acts.

While there are many contributing factors to the challenges faced by environmental justice communities, the NEJAC is specifically focusing on three critical areas for the purpose of this submission to the EPA:

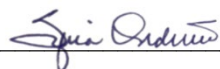
- Opportunities for drinking water and clean water utilities to improve their service to their communities, ultimately acting as anchor institutions, invested in the quality of life for their customers;
- Opportunities to create a more diverse, equitable, just, and inclusive water workforce that more closely reflects the communities that are served; and
- Opportunities to provide more funding and resources to the nation's rural water systems to ensure that even the smallest and poorest communities have reasonable access to safe drinking water and clean waterways.

The key gaps that need to be addressed are those of funding and resources. The Federal Government and EPA have taken tremendous steps forward during the past two years to provide additional funding and resources and to prioritize the needs of environmental justice communities. These efforts are greatly appreciated, and they must be sustained over time to close the infrastructure and resource gaps that have developed in our nation's poorer communities and communities of color for several decades. However, as EPA's water technical assistance charge to NEJAC (Appendix A) indicates, there is still much work to be done in ensuring that funds are accessible to, and used effectively by, environmental justice communities. In this document, we offer recommendations that address these critical challenges.

It should also be noted that the workgroup believes that the implementation of a permanent and effective low income household water affordability program established through the EPA and/or in one or more federal departments (e.g., as an expansion of the U.S. Department of Health and Human Services' Low Income Household Water Assistance Program) is an essential prerequisite to our workgroup's recommendations and aspirations for ensuring that vulnerable households, regardless of demographics, location, or community water system, receive safe and reliable water, wastewater, and drainage services at affordable rates.

The NEJAC would like to thank all the members of the workgroup, particularly the subgroup co-chairs, who worked diligently to develop this report and EPA staff from the Offices of Water and Environmental Justice and External Civil Rights for their collaboration and support as well. We hope that EPA will receive these recommendations favorably and we look forward to receiving a full response at the December 2023 NEJAC meeting.

Sincerely,



Sylvia Orduño, Co-Chair



Na'Taki Osborne Jelks, PhD, Co-Chair

cc: NEJAC Members  
OEJECR Leadership  
Radhika Fox, Assistant Administrator, Office of Water  
Jennifer McLain, Director of the Office of Ground Water and Drinking Water  
Andrew Sawyers, Director, Office of Wastewater Management  
Jonathan Nelson, Senior Advisor for Technical Assistance and Community Outreach  
Office of Water  
Paula Flores-Gregg, Designated Federal Officer

# **The NEJAC's Water Infrastructure Workgroup Recommendations to the United States Environmental Protection Agency on Water Technical Assistance**

*August 2023*

## **UNDERSTANDING THE PROBLEM**

Community water systems provide drinking water to most people of the United States, in addition to treating wastewater and managing stormwater. The quality of drinking water in the U.S. is, on average, among the best in the world and the U.S. Environmental Protection Agency's (EPA) regulatory authority through the Safe Drinking Water Act (SDWA) and Clean Water Act (CWA) has resulted in tremendous public health and environmental quality benefits for more than five decades. However, there are critical gaps in who sees and benefits from high quality drinking water and water infrastructure improvements.

Long-standing and costly infrastructure needs across the nation, in United States territories, Tribal Nations, and Indigenous communities have resulted in widespread concerns about water utility operations, maintenance, solvency, and the quality of water and services that water utilities provide. Systems located in disadvantaged and underserved communities suffering from poor environmental quality (hereafter abbreviated as EJ communities) face special challenges. They are especially likely to oversee systems with aging, dilapidated, and inadequate infrastructure, and often lack sufficient funds to maintain, repair, replace, and upgrade their water systems when the need arises. These systems may also find it difficult to attract and retain qualified employees or face attrition challenges associated with retirement of existing employees, along with significant numbers of staff leaving community water systems for better paying opportunities elsewhere.

The loss of nearly 50% of the water workforce and institutional knowledge in the next decade<sup>1</sup> can lead to operational deficits that have severe public health consequences. Small systems are particularly vulnerable, given their limited tax bases and labor pools to draw from, and they have been found to have more water quality violations than larger systems. Mid-to-large systems in municipalities also struggle to maintain water quality, as they confront problems like low water use in underpopulated areas, toxic plumbing materials including lead service lines, and combined sewer overflows. It is likely that EPA's newly proposed PFAS standards, if adopted, will bring more systems of all sizes into violation of federal law, and will require major investments in both physical and human capital, further straining the capacity of under-resourced utilities.

### **Regulatory and financial challenges in environmental justice communities**

Utilities in EJ communities often see themselves as facing an impossible choice: providing safe, reliable water or providing affordable water. To pay for their many infrastructure and labor needs, they often charge high rates for water, creating financial pressure on low-income residents who must choose between paying their water bills and purchasing other daily essentials. High rates, however, often do not yield enough revenue to cover more than the most basic utility operations and maintenance costs. Rural communities with small population bases and/or decentralized water infrastructure often feel these pressures more acutely. Financing new projects through the private sector puts utilities of limited means in the position of having to accept unfavorable terms and implement higher rates as a result. Consequently, these utilities have great need of state and federal financial assistance in the form of low-interest loans and, preferably, grants and principal forgiveness that do not add to any debt burden that utilities are already carrying.

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<sup>1</sup> <https://www.brookings.edu/articles/water-workforce/>.

Even when funds of this kind exist, utilities and communities of all sizes often struggle to identify, evaluate, and access them. Funding opportunities are not always publicized in a manner likely to reach utilities operating in EJ communities, in part because these utilities may be less likely to have connections to professional networks, grant writers, and technical assistance experts. If a utility does become aware of funding opportunities, it may not perceive their value, or may not have “shovel-ready” projects available and waiting, given limited capacity for long-term planning. Even when utilities wish to apply for funding, they may not have the staff, matching funds, and/or the expertise to do so effectively, or at all.

Utilities that do receive loans or grants oftentimes face difficulties with project evaluation, implementation, and management. For instance, design and engineering services are an essential element of most water infrastructure projects. Utilities serving EJ communities may not have the resources and expertise to independently develop the scope, schedule, deliverables, evaluation criteria, regulatory responsibilities, and other elements of an RFP for engineering services. Community water systems may also lack the resources to maintain new assets and operations, in addition to the staff to sustain any new initiatives that are undertaken. This lack of a trained water workforce is exacerbated in rural communities, where there may be limited willingness or capacity to live and work in (or move to) isolated or sparsely populated areas. In many Tribal contexts, hiring permanent employees rather than temporary, contract labor is a matter of principle, but is not always possible with available funds. Consequently, funding for projects that do not include support for broader capacity building can clash with local priorities or community cultures and create new challenges over time.

### **Building system strength, financial capacity, and stakeholder engagement through technical assistance from the EFCs (Environmental Finance Centers) and the TCTACs (Thriving Communities Technical Assistance Centers)**

Water utilities are more than just purveyors of drinking water, wastewater, and/or drainage services. They are anchoring institutions within the communities they serve that provide for the public health and economic viability of their customers. While most utilities undoubtedly strive to operate with integrity and an emphasis on the public good, they may not always be adept at identifying the full range of a community’s needs, collaborating with local stakeholders to identify and implement worthy projects, or even communicating effectively about their work. Relationships between utilities and water system users may be minimal, nonexistent, or even contentious, and the training utility operators receive often does not prepare them to understand and navigate the complex dynamics of race, class, and power that exist within many communities, especially those that have been underserved and resources underinvested. Utility priorities may also be distorted by the politicization of infrastructure projects by local elites and private sector actors who stand to gain politically or financially from these projects. Utilities that attempt to remain free from political influence yet fail to incorporate community perspectives and preferences into their operations, may end up alienating residents even when they do good work. They also risk causing the community further harm by misallocating resources, overlooking marginalized populations, and exacerbating existing inequalities.

Some utilities do make a concerted effort to engage community members or respond to community feedback. Building more substantive, collaborative relationships with community partners, however, requires capacity not only on the utility side, but on the community side and the “speed of building trust” may fall outside that of a typical project timeline. While EJ communities are home to many impressive community organizations, some lack the capacity and resources to be well-positioned for utility partnerships. Consequently, opportunities for collaboration may be lost even when there is mutual interest.

The various forms of technical assistance (TA) EPA currently provides to utilities to aid with planning, financing, implementing, and evaluating projects, as well as with community engagement, is not always effective, adequate, or accessible, especially when viewed through an EJ lens. Many existing TA providers have historically lacked the resources, training, and perspective to provide the depth and

breadth of assistance that EJ communities need, especially from the perspective of long-term capacity building. Even when their intentions are good, TA providers may behave in a manner that is insensitive to local needs, priorities, and sensibilities. TA providers and contractors can have their own interests and may approach their work in communities as opportunities to enhance their reputations, careers, or simply profit financially, which further strains trust with utilities and other stakeholders. Additionally, the administrative burden associated with receiving EPA's financial support on TA providers makes it challenging for providers to focus on offering services.

However, EPA is far from the only entity that must be committed to improving TA offerings and outcomes. States play a crucial role in shaping the type, quality, and quantity of assistance that reaches EJ communities. But not all states have positioned themselves to provide TA in a manner that is consistent with EJ principles – for example, they may have restrictive definitions of which communities are defined as “disadvantaged” and are thus eligible for assistance. In some instances, it may be best for EPA to assist directly; in others, it may be better to encourage or require states to modify or expand their approach to providing technical assistance.

### **Workforce development as a critical component of equitable economic opportunity and the distribution of federal resources**

It is important to recognize the diversity of communities and infrastructure needs across municipal, rural, Tribal, colonias, and unincorporated communities. Rural and Tribal communities may be particularly distrustful of EPA or those representing EPA based on past experiences.

Successful, sustainable, and equitable workforce development (WFD) projects among residents in economically disinvested communities and/or areas with elevated levels of poverty and/or unemployment have lacked adequate resources and support within community water and decentralized systems. To meet the technical, administrative, and community engagement needs of today's water systems requires a great deal of training, apprenticeship, employment preparation, and job and career mentorships for the long-term investment of long-term employees in the water sector. Additional “wrap-around” assistance for WFD program success is an important means of supporting equitable inclusion. This includes assistance with transportation, childcare, household stability resources (e.g., mortgage, rental, taxes, and utility aid), counseling, budgeting/financial management, and other support resources.

Bringing in outside help can be beneficial, but only if it is done with the right spirit and with protection for the underserved communities. Workforce development opportunities for residents and customers of community water systems must be direct targets and outputs in water system strategic plans for infrastructure projects and resource allocations.

### **The NEJAC's 2018 charge report recommendations on infrastructure needs**

In 2016, the EPA Office of Water charged the NEJAC to provide recommendations on the critical infrastructure needs in vulnerable water systems and EJ communities. The council was asked to identify tools and best practices to assist communities with technical, financial, operational, and managerial capacity-building; stakeholder engagement; education; and partnerships; plus, environmental justice concerns along with infrastructure needs for planning, design, and construction.

The NEJAC's extensive report, the [EPA's Role in Addressing the Urgent Water Infrastructure Needs of Environmental Justice Communities](#), offered eight goals to achieve access to clean, affordable water and sanitation for all communities and to ensure public health for impacted communities, particularly:

1. Governments treat water as a human right.
2. Request Congress to allocate more funding to help communities with infrastructure building, oversight, and public health protection.

3. Promote affordable water and wastewater rates.
4. Prioritize issues in EJ communities.
5. Involve EJ communities meaningfully in infrastructure decisions.
6. Build community capacity in water systems.
7. Support innovative technologies.
8. Be accountable and rebuild public confidence and trust in regulations.

We are pleased to note that since that time several of these goals have been delineated in EPA Office of Water policy objectives, programmatic standards, and funding priorities, along with significant outcome support from the Office of Environmental Justice (elevated last year to a national program, the Office of Environmental Justice and External Civil Rights). Additionally, congressional mandates and provisions to EPA have aimed to address dire national infrastructure needs and risks to community water systems, decentralized rural systems, Tribal water systems, household access and affordability needs, and overall public health, especially after the COVID-19 pandemic demonstrated significant water and sanitation-related system vulnerabilities and human consequences.

These broad recommendations must continue to be reviewed and assessed for action and implementation, alongside several sub-recommendations within each goal, which are salient to the recommendations in this report. The NEJAC provides a summary of these in Appendix B.

With its summary of current findings and review of prior report findings and results, the NEJAC offers the following set of recommendations toward the EPA's effort for more impactful and justice-oriented provisions of technical assistance provisions.

In addition, the Water Infrastructure Workgroup is suggesting a list of nine issues that NEJAC consider for future EPA Charges. This list is presented in Appendix C. It is not all inclusive, and the workgroup recommends continued consultation between the NEJAC and OW.

## CHARGE RECOMMENDATIONS

The following recommendations describe specific actions EPA must take to inform and strengthen TA efforts and to ensure that communities can obtain TA at all levels to address environmental, public health, affordability, and climate resiliency needs impacted by underinvestment in and underperformance of water infrastructure. These recommended actions are organized based on topics included in the NEJAC Water Infrastructure Working Group Technical Assistance Charge, issued September 28, 2022 (see Appendix A for the charge):

- I. General TA needs and overcoming barriers to accessing TA.
  - II. Actions to strengthen community engagement.
  - III. Actions on data and metrics for evaluating impacts and outcomes.
  - IV. Actions focused on immediate relief.
  - V. Actions focused on improving workforce development in EFCs and TCTACs.
  - VI. Other recommendations, challenges, and concerns.
  - VII. Examples of TA promising practices in municipalities.
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### I. General TA needs and overcoming barriers to accessing TA

#### A. *Community eligibility for TA*

- Establish clear definitions of “disadvantaged” and “underserved” communities that are consistent across offices and programs. As an initial step toward clarifying these definitions, produce a report on how these terms are currently defined across all 50 states.
- At regular intervals, evaluate and report on the effect of existing definitions for identifying disadvantaged communities, and how differing definitions are affecting the provision of TA from state to state. Evaluation must:
  - Assess how the definitions and criteria work in practice.
  - Evaluate if definitions or criteria are preventing TA from getting to disadvantaged/underserved communities because of population caps on the definition of disadvantaged communities
  - Evaluate if definitions or criteria are preventing TA from getting to disadvantaged/underserved populations within larger communities that at the community-wide scale are not themselves classified as disadvantaged/underserved.
  - If it is found that current metrics are missing these populations:
    - Develop a strategy for identifying these populations and assessing/addressing their needs.
    - Coordinate with and assist utilities in the analysis of water infrastructure data at the census block group level.
- Conduct a proactive information/education effort to increase awareness among utilities and EJ communities of EJSscreen, The Climate and Economic Justice Screening Tool (CEJST), and other tools for identifying disadvantaged/underserved communities. It should be noted that these tools do not provide robust access to data outside of the contiguous United States or for U.S. territories, however. In addition to using these tools, other efforts must be pursued to incorporate data on race and ethnicity and additional indicators that reflect historical marginalization and



underinvestment in various infrastructure and essential service projects (e.g., include indicators of cumulative impacts of harm caused by economic disinvestment, violence, and the war on drugs, as stated in the Restore Reinvest Renew (R3) funding strategy utilized in Illinois.<sup>2</sup>).

#### *B. Increasing awareness of TA opportunities*

- Comprehensively identify utilities in EJ communities and proactively reach out to those communities to inform them of technical assistance opportunities.
  - Collaborate with state environmental departments/agencies to identify communities using EJScreen, CEJST, and other tools.
  - Sustain proactive outreach efforts. Contact every utility identified above within six months of identifying communities in need (12 months after starting the identification process). Outreach to those communities must inform and promote assistance opportunities, resources, and provide points of contact.
  - Outreach efforts require resources. Provide sufficient staffing in the EPA Regions so they have the capacity to contact and communicate with utilities and impacted communities.
- Determine where the bottlenecks are in their information-sharing exchange. Even though EPA has a lot of information and resources, many communities and community leaders indicate they often do not receive the information.
- Establish a user-friendly, centralized “TA-website” that displays all TA opportunities in an accessible and comprehensible manner.

#### *C. Identifying needs and solutions*

- Help utilities to assess the EJ context in which they are operating and to identify stakeholders who have historically been left out of decision-making and/or are experiencing cumulative social, economic, and health impacts. Assist utilities in identifying needs within these populations and encourage state departments and TCTACs to be involved in this process. Conduct vulnerability assessments as a means of establishing priorities for action and investment.
- Provide TA to communities to collect and report data that can be used to inform infrastructure needs assessments.
  - Create a needs assessment toolkit or similar resource.
  - Provide community science resources and training if community members are involved in the collection and analysis of data.
- Prioritize solutions that optimize “triple-bottom-line” (economic, environmental, and social) benefits, factoring in not only cost, but community and environmental benefits.
- Engage and involve communities, ensuring that members of the community are key participants in the identification of needs and development of solutions. (*See “Actions to strengthen community engagement” below.*)

#### *D. Supporting the design and engineering of projects*

- Provide procurement templates to utilities as well as additional TA in developing and reviewing RFPs to procure necessary services.
- Collaborate with states’ State Revolving Fund (SRF) programs and encourage those programs to provide design engineering services and construction management as part of the scope of services

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<sup>2</sup> See details of indicators to expand equitable funding to disadvantaged communities: <https://r3.illinois.gov/>.



eligible for SRF loans. Likewise, encourage applicants to incorporate design and engineering services as an element of their funding applications.

- Set clear expectations of TA providers to prioritize lower-maintenance, reliable infrastructure solutions that leverage automation where that increases reliability and lowers the burden on post-construction operations and maintenance.

#### *E. Diversification of TA providers and offerings*

- As recommended by Hansen and Hammer (2022)<sup>3</sup>, “increase the number of assistance providers available to help potential applicants.” TA providers must reflect a diversity of cultural perspectives and a wide range of expertise.
- Develop TA resources such as guidance documents, instruction manuals, and webinars that are available and accessible to a broad range of stakeholders within a community, including community groups, faith institutions, small businesses, and others. Resources must be written and presented in a manner that accounts for linguistic and cultural diversity, as well as variation in literacy skills.
- Borrowing from the Superfund program, establish water infrastructure-focused Technical Assistance Grants that allow communities to hire independent experts to evaluate plans and technical data and represent the community’s interests.
- To further encourage TA providers, EPA must ease the administrative burdens associated with receiving EPA’s support. EPA must consider a tiered system where organizations that have received grants for many years and performed well on audits, may have fewer administrative tasks. EPA must also give organizations more time or more flexible deadlines for completing administrative tasks.
- Improve the capacity and learning across TA providers by:
  - Creating portals for peer-to-peer engagement between TCTACs, EFCs, EJ small grants administrators, etc.
  - Have a “Gathering of TA providers” and learn from the TA providers who are on the ground working with communities. This must be a mandatory meeting per region to have TCTACs, EFCs, SRF, and grant makers come together quarterly to discuss projects, community engagement, etc. This may prevent duplication of efforts, create comradery among TA providers instead of competition, provide EPA project officers with a wide view of their region from different angles so that adjustments can be made to deliverables and strategies.
  - Contact Rural Community Assistance Corporation (RCAC), Rural Community Assistance Partnership (RCAP), Rural Water, Water Alliance, and Tribal Consortia, and develop a “promising practices” handbook with examples from these organizations. Also, provide time and funding for these agencies to commit to this.

#### *F. Applying for assistance*

- Encourage states to simplify the SRF application process – for example, by implementing a rolling acceptance policy and enabling online submission of materials (see Hansen and Hammer 2022).<sup>4</sup> As an initial step, create a task force focused on finding opportunities to simplify the application process across states. The task force must ensure that simplification benefits utilities

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<sup>3</sup> Katy Hansen and Becky Hammer, “[A Fairer Funding Stream: How Reforming the Clean Water State Revolving Fund Can Equitably Improve Water Infrastructure across the Country](#)” (2022).

<sup>4</sup> Ibid.

serving EJ communities, rather than making it even easier for larger, better-resourced utilities to outcompete these utilities for funds.

- Encourage states to take responsibility for conducting environmental assessments for SRF projects. As Hansen et al (2021) note, “Iowa has used DWSRF set aside to fund staff to complete environmental reviews for all SRF projects, reducing applicants’ responsibilities.”<sup>5</sup>

#### G. *Accessing financing*

- For communities that are at their debt service cap, and are therefore unable to borrow additional funds:
  - Provide TA to EJ communities to refinance their existing debt, especially if some of it is older SRF debt.
  - Evaluate the feasibility of extending the payback period for loans targeted at components of water infrastructure capital projects with exceptionally long service lives (e.g., water mains and sewer lines).
  - Assist utilities in developing *pro forma* financial forecasts to assess whether yearly operations and maintenance savings from an SRF project potentially outweigh the increase in debt service, ultimately reducing overall net annual obligations.
  - Explore funding mechanisms to assist communities in paying for water operations and maintenance support.
- Provide TA to help applicants access other sources of funding if needed to supplement SRF resources or to comply with matching requirements.
- Expand the use of the “funding navigator model,”<sup>6</sup> where a funding navigator serves as a community advocate and financial broker, assisting communities to:
  - Navigate the process of applying for and managing awards.
  - Evaluate the advantage of various financing options (e.g., length of the loan and the interest rate).
  - Connect communities with the resources they need to apply for and manage awards.
- Encourage states to fully utilize the amount of funding in their SRF loans, including TA set-asides. Unused funds must be banked for future use, with clear and explicit future use plans.
- Increase TA funding for the specific purpose of helping utilities apply for DWSRF funds, either through their DWSRF programs or other funding sources (for example, California’s SAFER program<sup>7</sup>).
- Support multi-year funding for technical assistance that allows utilities to carry out projects that are larger in scope and take more time to complete.

#### H. *Implementing projects*

- Ensure that construction deliverables include a strong and clear operations and maintenance plan and training assistance.

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<sup>5</sup> Katy Hansen, Sara Hughes, Andrea Paine, and James Polidori, “[Drinking Water Equity Analysis and Recommendations for the Allocation of the State Revolving Funds](#)” (2021).

<sup>6</sup> Ibid.

<sup>7</sup> <https://www.waterboards.ca.gov/safer/>

- Direct EJ communities to operations assistance resources, such as RCAP and Rural Waters, where applicable.
- Assess whether projects are being implemented in a manner that prioritizes the interests of local government leadership at the expense of residents and identify strategies for discouraging the politicization of infrastructure projects.

## **II. Actions to strengthen community engagement**

### *A. Local stakeholder engagement*

- Direct TA providers to engage with a variety of local stakeholders including local government, utilities, community organizations, and schools when appropriate. Some of these community engagement efforts must take a “bottom-up” approach, working directly with community members to define priorities, understand the best method for communicating with the community, and ensuring that government officials and utilities are not the only entities setting the agenda for how TA is solicited or used.
  - Require that expertise in community engagement is used as a criterion in selecting TA providers. TA providers that cannot demonstrate community engagement expertise should be expected to acquire that expertise through hiring or partnering with entities who have a proven track record with community engagement. TA providers must aim to gain community trust and manage their relationships in a culturally aware and competent manner specific to the communities they are working with. TA providers must also consider the historical and current relationship with government the community may have; this is particularly relevant to Tribal communities for which federal agencies have trust responsibility and may have self-determination policies.
  - Require each regional EFC team to formally partner with local community partners, with representation from across the area served by a particular EFC.
  - Establish advisory boards for national EFCs composed in part of frontline community members, with explicit criteria that ensure diversity of representation and that groups are authentically engaged with the relevant issues at the community level.
  - Require TA providers to do quarterly (or more frequent during periods of high activity) public community updates on the work and progress to keep people informed. Providers must also have clear ways (e.g., hotlines, email addresses) for community members to reach out and raise concerns or ask questions on an ongoing basis.
  - Require TA providers to translate communication materials into all relevant languages spoken in the communities served.
  - Encourage TA providers to participate in established community events rather than holding separate outreach efforts.

### *B. Technical assistance accountability*

- Develop mechanisms that allow communities to hold TA providers accountable.
  - Establish an accountability hotline or a designated contact at the agency to receive concerns—anonously or otherwise—from community members about providers of TA or the use of TA resources in their communities.
  - Make resources available to investigate these concerns as appropriate, in ongoing consultation with affected community members, and to provide explanations for any action or inaction in response to concerns.

- Ensure that TA providers and contracted consultants offer clear and comprehensive training to local elected leaders (e.g., city council, township officials, mayors, city managers, and water board members or trustees) about the scope of work, needs assessments, regulatory responsibilities, and other information to ensure that local governments can successfully manage or takeover operations and maintenance when the TA or consultant contracts end.

#### *C. State outreach and engagement*

- Require states to demonstrate that they have completed robust outreach and community engagement to be considered in compliance with funding rules and civil rights obligations. Work with state agencies to establish public participation standards, with those standards shaped by incorporating public feedback.
- Develop and promulgate guidance for utilities about how to interact with communities around projects, while stressing that there is no “one-size fits all” approach to community engagement but rather community engagement strategies need to be tailored to local concerns and considerations.

#### *D. EPA regional engagement and consultation*

- Each EPA regional office must establish stronger and more transparent engagement and consultation efforts with community water systems, decentralized systems, and Tribal system stakeholders to promote greater activity and support.
- Provide support for EJ community and community-based organizations (CBOs) engagement in public forums for EPA engagement, particularly when event fees and/or travel costs are incurred.
- The Agency’s regional offices must consider collecting and disseminating information about project solicitations and public input opportunities within their territories.

#### *E. Community capacity-building*

- Provide resources and guidance for community members and CBOs that want to position themselves for more effective collaboration with utilities on a project-by-project or on an ongoing basis. For example, provide information about how to partner with utilities and provide lists of similar groups already in existence.
- Engage local water system advisory councils and support facilitation and public outreach efforts.

#### *F. Assist with Tribal administrative burdens*

- Meet Tribal communities where they are. EPA subscribes to a very linear, deliverables-oriented approach that is not the best way to work with Tribal communities. The process needs to be more circular, allow input from a greater number of people, allow for multiple levels of review and revision, and be verifiable without the burden of mountains of paperwork. There must be a way to show the work and talk about it (these are mainly cultures centered around oral traditions) and celebrate accomplishments without the level of written reports currently required.

### **III. Actions on data and metrics for evaluating impacts and outcomes**

#### *A. Data acquisition and mapping: water systems, EJ communities, and climate change*

- Help states develop a clearer picture of their water systems, including more detailed and accurate maps of system boundaries, utility assets and vulnerabilities, customer types, and environmental conditions related to impacts from climate change.

- Gather updated and more comprehensive data on water systems serving vulnerable customers that experience environmental justice and cumulative impact risks and consider an EJ indicator for water system analyses.
- Ensure that predictive tools for rainfall events and flooding impacts are based on updated climate data and reflect the potential for more frequent and/or more intense rain events resulting from climate change.
- Help utilities to integrate topographic and hydrologic conditions with reported data on urban flooding and sewer backups to assess risks and potential impacts more accurately at the census tract level. In some communities, urban flooding and sewer backups are underreported due to a lack of knowledge or distrust of local authorities.

*B. Technical assistance metrics*

- Identify concrete capacity-building/empowerment metrics and require that providers of TA incorporate these into their reports. This must involve community testimony about the extent to which capacity-building and empowerment efforts have been successful and sustainable. Have TCTACs keep a list of contractors with capacity-building expertise and monitor these contractors for capacity-building effectiveness.
- Require that utilities/TA providers respond to public comment, document these responses, and document instances when the input from the community resulted in a change to the proposed project. When community suggestions are not accepted, this must also be explained.
- Require regular progress reporting on implementation of technical assistance activities every six months. The progress reports must track and evaluate the effectiveness of the technical assistance initiatives. This report will serve as an essential tool in identifying areas that require further attention, ensuring that continuous improvements are made to better serve communities.

*C. Workforce development metrics*

- Regular reporting must include metrics on workforce development efforts such as inputs, outputs, and outcomes. Reporting must utilize metrics-based approaches which provide Justice, Equity, Diversity and Inclusion (JEDI) oversight and intentional focus on engagement of underrepresented populations and progress on JEDI approaches. Reporting must be sensitive to potential barriers of success and provide ongoing support to employees. Goals for the reporting process must consider 75% of new jobs created by contracts or procurements entered by partnering utilities, 15% set aside for local workforce when outside contractors manage projects.
- Workforce development parameters for residents in economically disinvested communities and/or areas with high levels of poverty and/or unemployment must include pre-training and training projects, pre-apprentice and apprentice programs, employment and test preparation classes, pre-employment certification program support, skilled trade and career ladder mentorship, trainee and apprentice materials, and wrap-around service placements such as assistance with transportation, child care, budgeting/financial management, household stability resources (e.g., mortgage, rental, taxes, and utility aid), counseling, and other support resources. Other data to track includes:
  - Job interviews and hires by demographic characteristics (age, race, age, gender, sexual orientation, skill sets) and residency.
  - Number of pre-internships, internships, and externships available, number of applicants, number of interns completed, zip codes and demographics of above.
  - Number of trainings and certifications available, number of applicants, number of trainings completed, zip codes and demographics (race, age, gender, sexual orientation) of above.

- Number of short-term jobs available, i.e., less than 90 days, along with the number of applicants, number hired, ZIP codes and demographics for above.
- Number of permanent jobs available, i.e., equal to or greater than 90 days, along with the number of applicants, number hired, ZIP codes and demographics for above.
- Number of internal promotions, ZIP codes and demographics.

#### IV. Actions focused on immediate relief through Environmental Finance Centers

##### A. *EFCs' National Water/Wastewater Agency Response Network (WARN)*

- Ensure that EFCs designated by the agency support networks such as National Water/Wastewater Agency Response Network (WARN). WARN can be particularly beneficial for utilities serving small and disadvantaged communities, as these areas may lack the resources to address emergencies independently. An EFCs support for WARN must include:
  - **Financial Planning and Management.** EFCs must assist water systems in developing robust financial plans and management strategies, helping them allocate resources for emergency preparedness and response. This includes guidance on accessing funding for infrastructure improvements, which can increase a utility's ability to withstand and recover from emergencies.
  - **Collaboration and Networking.** EFCs must facilitate partnerships among utilities, state and local governments, and other stakeholders involved in environmental finance and infrastructure management. These collaborations can help promote the adoption of WARN networks and foster a culture of mutual aid and resource-sharing.
  - **Resilience and Sustainability.** EFCs must help utilities develop sustainable financing solutions and improve their infrastructure to build more resilient and equitable water and wastewater systems. This must include education about using renewable energy and standby/backup systems as part of water infrastructure updates. Education about emergency preparedness must also include technical, managerial, and financial assessments. This, in turn, can reduce the severity of disruptions during emergencies and enhance the effectiveness of WARN networks.
  - **Policy and Regulatory Support.** EFCs must provide guidance on navigating the complex landscape of policies and regulations related to environmental finance, which can help utilities better understand their obligations and identify opportunities to participate in programs such as WARN.
  - **Residential customer rate assessments.** EFCs must assist with studies and analyses of vulnerable water systems that cannot support operational and infrastructure costs through higher rates on low-income customers and/or communities experiencing disparities and environmental quality disparities and EJ cumulative health impacts.

#### V. Actions focused on improving workforce development support in EFCs and TCTACs

##### A. *Build water workforce into SRF-eligible projects*

- Embed workforce opportunities into the plans and specifications for the SRF-eligible water projects that EFCs and TCTACs help to develop and implement. The idea is to help build equity and local employment capacity-building into the bidding process.
- In selecting the kinds of projects that will be implemented through the SRF program, the EFCs and TCTACs must be encouraged to use EPA's Augmented Alternatives Analysis evaluation program because it helps the community to select projects from a triple bottom line (community



benefit, environmental benefit, and cost benefit) standpoint, instead of the customary lowest cost bottom line approach. Using this type of analysis tool increases the likelihood for green projects and the corresponding need for green community job opportunities, especially in historically disinvested areas with stormwater or drainage problems. However, the use of an Augmented Alternatives Analysis will need additional review against the EPA's Water System Restructuring Rule to ensure community water systems with long-standing resource, capacity, and affordability problems that serve EJ communities address inequitable and inadequate access to SRF funding, particularly through grants and principal forgiveness.

- EPA needs to recognize, encourage, and possibly give grant application points to TA providers who have or plan to have robust JEDI policies. In one example, the Rural Community Assistance Corporation (RCAC) reviewed their requirements for employment for our water and wastewater TA provider positions and realized there were barriers. In response they eliminated requirements for a college degree and 10 years of experience. This enabled them to hire within the communities that they serve and ease the workforce issues.

#### *B. Outside contractors*

- Bids for plans and specifications must consider the following requirements when working with outside contractors, i.e., a business or entity that does not have a primary base of operations within the boundaries of the water utility or municipality and/or that employs less than 50% of its workforce from within the same boundaries.
  - **Exemption fee.** Outside contractors must pay an exemption fee if the contractor is exempted from local hiring practices, unless there is a shortage of skilled workers in that locality. For example, many tribes have *Tribal Employment Rights Offices*, and typically negotiate a fee on contracts if outside contractors do not honor local hiring practices. When that is cost prohibitive, the Tribal Employment Rights Office Director, or a separate Commission develops and implements policies for outside companies coming in to work on Tribal projects. However, this solution may not work where there are not enough skilled workers; or they may simply avoid working in communities that assess fees to outside contractors. For example, Little Big Horn College, Montana, and surrounding areas are economically depressed after coal mines were shut down. There is a general lack of resources and skilled workers in the area. Local plumbers and other skilled workers avoid coming into the community because they do not want to pay the fees assessed to outsiders.
  - **Local training.** Outside contractors must provide training to the local workforce, or a local business, so that locals can grow capacity and learn on the job.
  - **Dedicated spending.** Outside contractors must devote spending 15% of construction costs to EJ community members, organizations, and/or member-owned business enterprises. This helps ensure there are resources for outside contractors to hire locally from the community.
  - **Community benefits.** Outside contractors must include community benefit projects of at least \$500,000 in value, so that the locals can grow capacity and learn on the job.
- Construction cooperatives
  - Communities must be encouraged to create community-based construction cooperatives to build place-specific institutional knowledge. In one example of this, the Ute Mountain Tribe's community-owned construction company is a stand-out Tribally owned business entity nationally, with expertise in water infrastructure projects in the west. When they



build infrastructure on the reservation, they can streamline those contracts to their own construction company.

- The actual program(s) selected for each individual city would be worked out in coordination with the EJ city and its community, tailored to the needs and preferences of those communities. The guidance from EPA would be:
  - Choosing one of these kinds of programs and embedding it in the contract specifications for bidding, and
  - Working the chosen program in concert with the EJ community being served.
- Further, agreements with outside contractors coming into EJ communities must be reviewed by EPA to ensure sufficient oversight and local hiring practices.
- EPA must aim to implement the best practices outlined in the Water Environment Federation's (WEF) [Compendium of Successful Water Workforce Practices](#) and the Brookings Institute article on [Renewing the Water Workforce](#).

#### *C. EJ Training within EFCs and TCTACs*

- Each EFC or TCTAC must have access to an EJ workforce development expert who can provide training to staff on EJ workforce development issues. Staff at these centers must also have ongoing access to people with EJ workforce development expertise, whether that be arranged through a partnership with local community-based organizations or other types of entities, which can help deliver outreach, recruitment and wrap-around services to EJ communities.
- The creation of workforce development training modules, booklets, and films for infrastructure needs at the regional and state level would be helpful for county and local materials to support educational needs, especially in EJ communities.
- Other topics to be covered during EJ training include discussion of historical underinvestment in EJ communities; JEDI hiring practices; near-term mass retirement of water sector professionals; best practices knowledge sharing.

#### *D. Recommendations for wrap-around services, to be provided in partnership with other local entities.*

- EPA has funding for infrastructure and must include provisions for EJ community workforce development to utilities. EPA partnerships with nonprofits and the philanthropic community must include supporting workforce development where the Federal government lacks jurisdiction or local expertise. In one example of this, the Overbrook Environmental Education Center relied on Community Problem Solving grants to work with AmeriCorps /Climate Corps to create green jobs that solved EJ issues.
  - **Work with partners to enhance the workforce development pipeline.** Consider partnerships with high schools, trade schools, community colleges, trade unions, technical schools, Tribal colleges, historically Black colleges and universities (HBCUs), community-based organizations, faith-based organizations, community action programs (CAPs), and local work investment boards (WIBs). Recruitment must not just focus on youth, but those community members who are most in need, particularly in environmental injustice-impacted households. An example of this practice is the [San Francisco Baywork Program](#), which was established as a partnership among community colleges, technical schools, unions, and water utilities to create an employment pipeline. Participants from the communities go through the trade schools, technical schools, and community colleges with union support for funding of the classes. Upon completion, participants are employed by one of several utilities. Alternatively, this work can focus

on educating these audiences about careers in the water sector, the variety of available jobs, the explanation of water systems, and impacts on the environment.

- **Trust building through workforce development.** Residential customers of community water systems that have not adequately addressed water quality, affordability and access issues tied to infrastructure problems and costs often express mistrust of utility operators. Customer relations can be improved among EJ populations, in part, by utility employment workshops to encourage local water systems' engagement and workforce opportunities, including a stipend for participation. One example from Kansas involved inviting local youth to participate in a workshop where they learned how to monitor water, and then went out to the field and tested the water quality of local water systems. For participation in the 2-3 hour workshop the youth received a \$50 stipend. Detroit demonstrates a city that could benefit from this intervention as the city's bankruptcy proceedings resulted in cuts to the water department's labor force and an increase in contracts to vendors whose employee wages were less than those of the city's unionized worker contracts. Along with the city's investment in smart meters and remote readings, water department workers were less visible and available to engage with customers, especially in neighborhoods where infrastructure concerns and affordability problems have emerged among disgruntled residents and small businesses. These same neighborhoods would benefit from workforce development programs in the water department to simultaneously address city goals to reduce poverty and increase its percentage of employed residents at living wages.
- **Childcare.** A core component of low-income worker success includes adequate support for the care of minor children. This family-centered approach ensures worker training sustainability. For example, DC Water provided childcare support in their workforce development program funded by the District Department of Employment Services (DOES).
- **Funding for education.** Develop a budget for \$25,000 per individual for skilling up training and ask utilities to match funds. Similar budgets are used for successful training programs in the energy sector.
- **Housing.** Ensure that housing is adequate to support the individual to show up to work consistently and on time. A housing unstable person will have a challenging time being part of a stable workforce. Housing needs to be secure to support stability. For instance, Indigenous persons often live in overcrowded homes, frequently housing 10-15 people in a single-family home. Historically, Indigenous communities live with extended families, and that has not changed but the overcrowding can be a symptom of poverty.
- **Transportation.** Ensure that public transportation in EJ communities is adequate to support the individual to show up to work consistently and on time. This is particularly important to consider for rural areas where residents rely on the local public transit to get to work.
- **Affordable utilities (energy, internet, phone).** Ensure that the costs are reasonable, and the workforce development participant has budgeted for them.
- **Culturally appropriate wellness support.** Consider historical obstacles for communities with EJ concerns when offering care, immediate responses or relief in communities with dire conditions, and partnering with community organizations that have better insight into the needs of community members.

- **Letters of recommendation.** In cases where the recipients of the workforce development support are formerly incarcerated or have custody issues, it is important to provide letters of recommendation for parole officers or judges.
- **Provide financial support through a “benefits cliff” of six (6) months.** Typically, when someone gets a job, after 3-6 months Sec 8, EBT, and healthcare all end at the same time. There is no ramp down in services and the pay cannot make up for loss of benefits. Programs must budget \$1,000 for miscellaneous cost of living expenses to provide a cushion.

*E. Types of water workforce development opportunities.*

- **Create green/climate change mitigation jobs that require shorter training times.** These shorter training times are more accessible to EJ community members and can translate to jobs in local parks and recreation departments. Types of skills falling under this category may include installation of rain barrels, cisterns, and other ways to capture water, and gray water systems. Or, in rain-heavy environments, this could mean installation of backflow preventers in combined sewer systems. For places with lead pipes, installation of lead faucet filters may be relevant. Any green job certification must be nationally recognized.
- **Internships and Externships.** Create curricula that are different from the traditional classroom-style learning to help break down historical and cultural barriers for EJ participants. Develop certification programs with the specific intent of having those people move into jobs in the local utilities after middle schools, high schools, and colleges. For example, internships such as the PowerCorps programs in Philadelphia and Camden, New Jersey, provide at-risk youth with full-time jobs for a six-month internship, plus job training, life skills training, individual counseling, and job placement assistance after the internship. At-risk youth develop skills in the community like creating rain gardens or green spaces, which soak up stormwater and prevent flooding. After a six-month internship, recruits get job placements either with utility or somewhere else with landscaping or utility-type work. Ninety percent (90%) of the participants finished the PowerCorps program.
- **Pre-employment training and certifications.** It is important to recognize the difference between internships or externships, and training that offers employment afterwards. Apprenticeships typically offer jobs afterwards, whereas pre-apprenticeships do not. Each has their benefits. Funding needs to be flexible enough to offer apprenticeships and OJT (on-the-job training). Two examples of this include the National Association of Clean Water Agencies which has a water sector for labor training initiative where construction contractors provide apprenticeships. The National Rural Water Association also has a nationwide apprentice program geared towards small drinking water and wastewater utilities.
- **Advancement opportunities for career development.** Employment optimization programs designed to ensure that each employee can reach his or her true potential. A water utility’s success depends on the success of its workers. To optimize the performance of our utilities, we must help our workers achieve their professional potential. Employee training programs that help workers realize their potential are essential to a successful water utility operation.
- **Leadership and project management need more people trained in these skills.** Prioritize funding for Leadership & Project Management Trainings for EJ community members. There is a need for project managers who have the skills to lead and manage others to get the work done. Many green jobs, like green scaping and tree plantings require that the local workforce have good leaders who have initiative and can solve problems.
- **Mentorships and job shadowing.** An excellent way to offer insights into the types of work available through the water sector is through formal or informal mentoring of potential candidates

by current employees and/or through job shadowing. EFCs and TCTACs must encourage the development of these initiatives to build EJ community interest in the work of community water systems and their ability to offer low educational barrier entry and competitive pay. Such opportunities can allow local mentees and customers to learn how the utility responds to and can expedite concerns such as lead service line replacement and water quality concerns. For example, local and county water utilities like those in Los Angeles, Santa Clara (CA), Sonoma (CA), Denver, Baltimore, Oakland County (MI), and High Point (NC) offer job shadowing for potential candidates who are interested in walking through job sites, exploring water system operations and assets, and learning about local job and career pathways.

## VI. Other recommendations, challenges, and concerns for vulnerable utilities and communities

### A. *System consolidation or regionalization*

- Regionalization or consolidation efforts can reduce costs and create an “economy-to-scale” to improve regulatory performance and utility service for some customers of community water systems such as system sharing and joint procurement.
  - **Consolidation.** Support the momentum and potential benefit of shared services of operators across smaller water and wastewater utilities (particularly for rural communities) whenever EPA or a TA provider promotes consolidation as a solution for utilities they must:
    - Share guidelines about community-guided or benevolent consolidation.
    - Make sure there is a federal watchdog overseeing consolidation, particularly if the change is from a public to a private utility. TCTACs could play this role.
    - Have a funding stream for communities and regions that are choosing to consolidate to promote effective stakeholder engagement along with administrative transition and systems management support.
  - **Regionalization.** Promote thoughtful and intentional engagement specific to the relevant communities. Regionalization of two or more individual water systems could take the form of consolidated billing or even a co-op of parts (e.g., utilities buy common parts in bulk and share costs) through the combining of system maintenance, operations, and/or fiscal management. An example of Tribal “regionalization” of water utilities (who are not connected physically) is the Alaska Rural Utility Collaborative.
- **Racial equity analysis.** Any consideration of regionalization or consolidation, particularly in communities that have experienced water quality or low-income household unaffordable service concerns and/or EJ problems, must include an analysis of local utility operating experiences and system histories through a racial equity lens that includes an examination of affordability, community representation, operational outcomes, and exposure to risk.<sup>8</sup>
- **EPA engagement among affected utility customers.** EPA must take steps to gather local perspectives from all communities involved and ensure that these are informing decision-making. This must include public listening sessions regarding the Water System Restructuring Assessment Rule (RIN: 2040-AF96) for input from community-based organizations, impacted residents, and environmental justice stakeholders before completing work on a Notice of Proposed Rulemaking.

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<sup>8</sup> Keller, Justin. 2021. “The missing component in water service regionalization debates: equity.” Metropolitan Planning Council. Accessed at: <https://www.metroplanning.org/news/10245/The-missing-component-in-water-service-regionalization-debates-equity>.

- **EPA Office of Water must expand its water surveys inquiries.** This would expand the Safe Drinking Water Information System (SDWIS) data pertinent to water systems, particularly to learn about drinking water safety, access, quality, and affordability vulnerabilities among residents in EJ communities. This would include mapping with EJSCREEN, CEJST and other mapping tools to assist with the Enforcement and Compliance History Online (ECHO) website to aid in data collection and analysis for overlapping concerns in EJ communities and/or in community water systems with reported SDWA non-compliance. It should be noted that current federal mapping tools don't always include robust data for geographies beyond the lower 48 states. Alaska, Hawaii, and United States territories need to be better represented in these tools to take full advantage of what they can provide.

*B. Technical assistance and EPA coordination across programs and offices.*

- To facilitate the effective implementation of TA recommendations across the agency, the Office of Water, Office of Environmental Justice and External Civil Rights, and other appropriate EPA Offices must hold regular stakeholder meetings focused on streamlining the process of delivering technical assistance, to make it more efficient and impactful for the communities it serves. This will enable EPA to present TA opportunities more consistently and efficiently.
- EPA must commit resources and funds to an “open work plan” or a transparent and engaged process to foster relations and gain trust with communities and organizations.
- EPA and other federal agencies must consider creating an EJ-focused workforce think tank with U.S. Department of Labor (DOL), U.S. Department of Energy (DOE), U.S. Department of Commerce (DOC), and other relevant federal agencies.
- Expand EPA’s Innovative Water Infrastructure Workforce Development Grant Program. We applaud EPA’s initiative in this project and ask that it expand its scope into more EJ communities with partnerships among CBOs, non-profits, Tribal governments, and local water utilities. This program also offers considerable opportunities to continue the WFD technical assistance training and job programs through community colleges and local collaborations.

*C. Contaminated private residential wells and failing septic systems*

- Although EPA does not regulate private wells, water quality and quantity of private wells remains a concern for rural EJ communities. EPA must:
  - Work with other agencies that do have authority over well water and septic systems to address this gap. TCTACs may be available to help private well and septic system owners.
  - Expand, fully fund, and proactively advertise its existing private well technical assistance and grant program.
  - Pursue through EPA the responsible parties along with notifying and protecting the owners, if pollution from another source (e.g., from an industrial facility) is identified through other investigation activities, such as the Superfund program.
  - Improve outreach in underserved rural communities about residential wells. There must be a multi-pronged approach to getting information and help to as many communities as possible— direct one-on-one assistance must be supplemented with as many multi-media outreach efforts as possible (e.g., webinars, how-to guides, informational website, etc.).

*D. Issues facing colonias and impoverished unincorporated areas*

- Colonias face similar issues to those faced by all utilities operating in EJ communities but also often feel the disproportionate impacts of drought and extreme weather events. EPA must consider TA for drought planning and climate change adaptation.
- Unincorporated areas with significant numbers of residents living in poverty and without adequate water and sanitation infrastructure, resources, expertise, and capacity to draw economic investment and provide for basic needs must be among TA and TCTAC priorities.

*E. Lead service line workforce development training programs*

- Create a water workforce training program for EJ community members to be trained in lead service line replacement in the near-term. Apprenticeship programs focused on the replacement of lead pipes will develop skills such as plumbing, pipe fitting, etc., which will be beneficial for the entire water sector.

*F. Consider watershed restoration as part of infrastructure work*

- **Support Indigenous-led ecosystem restoration of watersheds.** For example, the North Fork Mono Tribe leads a Cultural Burning Process in the High Sierras every Spring when the ground is still moist from the rains. They increase the absorbency of the meadows to slow the water down. The Sierra Nevada has 10,000 meadows, of which 70% need to be restored and 25% are gone altogether. Three feet canals in the meadows are restored into deeper six feet deep channels that hold the water longer-term, throughout the snow melt. Conifers, cedars, and pine trees, and other non-native vegetation such as blackberries and thistles were removed from several sites in the Sierra mountains in Northern California. Larger oak trees are selected and protected from the smaller trees that act as fire ladders which prevent catastrophic fires that burn everything, including the oak canopy that the Tribe targets for protection. Within several years of thinning out the vegetation, three springs came back to an adjacent meadow. The Tribe returns to the restoration sites throughout the seasons, as it is an important part of the cultural burns to note the returning species, and the types and quality of the resources that return to the sites. Observing how the previous burn affected the plants and animals is important to inform the next burn.
- **De-pave impervious surfaces and create green spaces.** While the western half of the country deals with drought and water shortages, the eastern half of the country often has too much water, from severe rain events, leading to flooding, sewage spills and overflows, etc. De-paving impervious surfaces and creating green spaces not only serve as public green space amenities for EJ communities, but also have a functional benefit in soaking up stormwater to reduce flooding and overflows. There are green infrastructure jobs to both install and maintain these rain gardens, parks, bioswales, etc., as well.

*G. Low-income household affordability program*

- EPA must promote and encourage the implementation of a permanent and effective low-income household water affordability program, such as the expansion of the Low Income Household Water Assistance Program (LIHWAP). Providing a safety net for low-income households would enable them to receive water services at an affordable rate while giving water utilities the ability to charge the base rates needed to implement and sustain the infrastructure and staffing levels required for optimal drinking water and clean water services.



## VII. Examples of Technical Assistance promising practices in municipalities

- ***City of Albuquerque and the Town of Cimarron, peer-to-peer assistance supported with independent experts.*** Cimarron had been on a boil water alert for several weeks, partly because Cimarron had only one operator who had departed before a replacement could be found. This was brought to the attention of independent experts (Moonshot Missions) by the New Mexico Department of the Environment. Due to proximity and other connections, Moonshot Missions arranged for Albuquerque to send an operator to evaluate and provide free peer-to-peer service to get the system back in operation within a few hours.
- ***Benton Harbor, Michigan, Community Water Council, Technical assistance provided by independent experts.*** Safe Water Engineering, a Michigan consulting company, worked with the local community-based organization to review technical reports and water quality data in Benton Harbor and determined whether the published data were consistent with public statements about water quality and safety from the EPA; Michigan Department of Environment, Great Lakes and Energy; and the City of Benton Harbor. This stemmed from the CBO's emergency petition (along with 20 Michigan-based and national organizations) asking the EPA to order safe drinking water due to elevated levels of lead contamination in the system. Safe Water Engineering gave presentations to the community to help them understand the status of ongoing work in the community and at the water treatment plant. Technical assistance also included media interviews and media education about the ongoing water crisis to help increase the audience reach in Benton Harbor with information about their water quality. This increased education and information allowed residents to better advocate for themselves in resolving the ongoing water crisis in their own community. The technical assistance was possible because of an ongoing grant that allowed the technical expert to review and respond quickly to current information. Another critical factor for success was access to publicly available data. Transparency and access to data was essential for using limited resources effectively and enabling Safe Water Engineering to identify the ongoing water challenges and offer valuable services to the community.
- ***Benton Harbor, Michigan, Department of Treasury Management and Budget technical assistance provided by independent experts.*** Safe Water Engineering provided technical assistance support for the Michigan Department of Treasury Management and Budget; Michigan Department of Environment, Great Lakes, and Energy; Abonmarche Consultants; and the Benton Harbor Water Department. Safe Water Engineering advised on the preparation of comprehensive specifications for a lead service line replacement contract to ensure that all lead service lines in the community of Benton Harbor were identified and replaced, and procedures to document the work and protect public health were used consistently throughout the contract process. The utility and community benefited by replacing 99.5% of all lead service lines in the city in less than one year. Replacement protocols consistent with the AWWA full lead service line replacement and flushing standard were enforced, ensuring that residents were protected during and after the work in their homes. This technical assistance was successful because the entities in charge of issuing the RFP had access to appropriate technical expertise at the right time. They were willing to incorporate revisions in the contract documents when approached with recommendations from a technical expert. Because there was no wait for a contract mechanism to be put in place, the parties were able to collaborate quickly and publish the comprehensive project for bids. The resulting lead service line replacement contracts were enforceable and resulted in health protections and comprehensive work for all Benton Harbor residents. Having standing funding and contract mechanisms to quickly identify and hire specialized technical expertise to supplement the broad technical expertise available at water utilities and state departments would allow this successful TA collaboration to be replicated more frequently.



- ***The Building Sustainable Earth Community of Kansas City*** worked with the River Keepers to host educational workshops on water quality testing, inviting youth of color to participate. The youth were paid a \$100 stipend for participating in a 2-hour workshop. The event attracted a lot of attention by local community members who were previously distrustful of EPA and helped communities build trust with EPA and other environmental institutions. The goal was to rebuild trust with communities, respect the dignity of community members, strategically reach the bottom 40% of EJ populations who are unlikely to get employed, and work with people at the bottom to rise to the top 50% of the employable workforce that is most likely to have a job and career. The interns from local high schools were paid \$100 cash for a 2-hour project. River Keepers had a grant from EPA to test water in schools, they did it with high school and middle school students in partnership with the Building Sustainable Earth Community, a CBO. A key factor for the success of the program was hiring a community liaison respected by kids and the community to connect and track students. They needed a person to help kids trust and feel wanted as well as to break down barriers and resolve conflicts where tensions naturally arise.
- ***Camden County Municipal Utilities Authority and the City of Camden, peer-to-peer assistance.*** A more resourced utility (Camden County MUA) assisted a low-income, less resourced community via peer-to-peer utility assistance. This assistance included applying for SRF funding on behalf of the city (as well as open space grant funding, brownfields funding, etc.), and undertaking project management and oversight for the city. Camden lacked the capacity to apply for funding or manage the projects that were being funded but, with the technical assistance, they were able to get important water infrastructure projects implemented and funded, resulting in environmental and public health benefits for its residents.
- ***Camden County Municipal Utilities Authority (MUA) and the City of Philadelphia, peer-to-peer assistance.*** Camden County MUA was looking to implement a green infrastructure program to optimize triple bottom line benefits accruing from its long-term Combined Sewer Overflow Control Plan. Camden County sought help from the City of Philadelphia which had successfully implemented such a program. Philadelphia provided Camden County with a blueprint on how it had accomplished its program, and advice on how to scale it down to Camden's size.
- ***ChicoTEK*** trains and certifies both Indigenous and non-Indigenous ecosystem restoration workers with traditional ecological knowledge (TEK) relating to restoring watersheds in Northern California. A decade ago, ChicoTEK partnered with the City of Chico to create a native seed library at a local park but had received no funding to do the work. Over a decade, using TEK, ChicoTEK built up a seed library of beneficial plants that they would then use to restore watersheds in similarly arid climates. These seeds were adapted to the local climate and were more resilient than the commercially available seeds, saving the organization a lot of money that they would have spent if they had to purchase less resilient seeds from outside vendors. ChicoTEK also does not use any heavy machinery, opting to use handheld, people-powered tools to do work that typically is done with the use of bulldozers and other heavy equipment. The aim is to save on biofuel, a fuel that is required if using heavy machinery in watersheds. However, the fuel is so expensive that other outfits spend the bulk of their budgets on fuels and machinery and have little left to pay staff. ChicoTEK instead centers and values its staff and pays \$200/day to receive training, and then \$35/hour for entry-level positions after individuals are certified in TEK to restore sloughs and the landscapes around sloughs. Other contractors laughed at them at first, but they have had better success and restore watersheds at a fraction (25%) of the traditional costs by saving on seeds and fuels.
- ***DC Water.*** Community partners recruit and send DC Water candidates for training or placement. DC Water reviews the candidates for immediate placement or consideration for technical skills training. Upon completion of the training program, DC Water collaborates with a trainer, who will also arrange a job fair, add graduates to DC Water's database, and share profiles of graduates

with DC Water’s contractors. Contractors will consider the candidate for apprenticeship and other employment opportunities. Larger firms will also participate in the targeted career fairs. Some examples of their apprenticeship programs include:

- Building and Grounds Maintenance Worker (2-year apprenticeship).
  - Painter (3-year apprenticeship).
  - Utility Systems Operator (5-year apprenticeship).
  - Utility Service Worker (2-year apprenticeship).
  - Maintenance Services Worker (Mechanical, 4-year apprenticeship).
- **Indiana Finance Authority Apprenticeship Programs.** These programs provide apprenticeships in water and wastewater treatment operations. These programs can be further improved by including apprenticeships for O&M of Green Infrastructure projects for stormwater management.
  - **The Overbrook Environmental Education Center** (“Overbrook Center”), based out of Philadelphia, has been preparing candidates from EJ communities for the workforce for 21 years. Their success speaks for itself, boasting graduates who have moved on to secure full-time employment with Philly’s utility companies and numerous graduates now working in supervisory roles. They teach traditional competency skills such as land care, GSI (green stormwater infrastructure), landscaping, tree care, and stormwater management.<sup>9</sup> The secondary aspects of the training include essential soft skills such as communication, working in teams, self-management, self-care-- all essential parts of the work, which all shape a candidate’s work ethic. They teach cultural competency skills and how to communicate better with people from diverse cultures and languages. Additionally, they teach candidates the value of their work for the communities they serve. Most people do not just work for money, the work must also feed their souls. There’s value in emotional intelligence, respect for people, and informed consent. The Overbrook Center partners with eight universities to create a pipeline of apprenticeships and positions of employment, saving industry and municipalities money overall, for training their workforce.
    - Through the Tree Philly Program, workers are employed by non-governmental organizations (NGOs) in vulnerable neighborhoods in Philly. The funding is supplemented by private grants. Graduates have moved on to work for the City’s Parks Department.
    - Through the Philly Green Ambassador Program, frontline ambassadors provide climate education and relief. They are “meaning makers” that speak about climate change in a parochial way that helps community members be more receptive to the information. Meaning makers communicate information clearly and openly and work hard to determine the level of information that workers have and build knowledge from that point, ensuring that participants can fully engage in the education process. Workers are employed full-time by NGOs for four months to work on specific environmental projects, looking at water and wastewater and piloting a program to determine the number of lead service lines in the communities they serve. It is approximately four times more cost effective to clean the streets than to collect the same debris in stormwater catchment

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<sup>9</sup> A study published in 2022 showed a strong correlation between the lack of trees in urban areas with gun violence. “Simulated achievement of 40% baseline tree cover was associated with reductions in firearm violence, with the largest reductions in highly deprived neighborhoods. Advancing tree equity would not disrupt the fundamental causes of racial disparities in firearm violence exposure but may have the potential to help mitigate those disparities” <https://pubmed.ncbi.nlm.nih.gov/36115422/>.

systems. The contamination from chemicals such as PFAS is mitigated by avoiding these debris from decomposing in the stormwater.

The Overbrook Center will soon be piloting the Resilient Equity and Capacity-Building Hub (REACH) and will engage their neighbors in focus groups to better understand the needs of the communities before they seek to be understood. Their co-production process even assists universities and NGO partners to learn how to share power and influence the funding accrues to them.

- ***Perth Amboy and Paterson, NJ, Technical assistance provided by independent experts.*** The cities of Perth Amboy and Paterson had prepared long term CSO control plans, as required by the New Jersey Department of Environmental Protection. These plans were very costly, which would be especially difficult for these low-income communities. Independent expert Moonshot Missions reviewed the long-term plans and recommended modifications that reduced the cost of Perth Amboy's program by over \$80 million and Paterson's by over \$25 million, without impacting the environmental or public health outcomes.
- ***PowerCorps Philadelphia.*** Philadelphia Water is a partner with PowerCorps Philadelphia. PowerCorps is a community organization that reaches out to young people in economically disadvantaged parts of the city, to give them the kind of basic job skills training to get them to the point where they are ready to apply for full time employment. The Philadelphia Water Department has recruited people from the PowerCorps program directly into their organization. This is a notable example of partnering with organized community organizations that have the skills and the credibility in the community to bring them in as part of the recruitment and retention process.
- ***Tribal Circuit Rider Programs.*** Tribal Circuit Rider Programs are successful in providing TA to multiple communities in need. For example, in Region 9 the Rural Community Assistance Corporation (RCAC) is the grantee that is implementing this program. Additionally in Region 6 there is the Capacity Assistance Program; New Mexico has six small communities (including two Tribal) that will receive TA from EPA for 12-16 months.
- ***Washington, DC; Council of the District of Columbia.*** The Council of the District of Columbia hired Safe Water Engineering to conduct a third-party review of the DC Water Lead Service Line Replacement Plan. The objectives of this technical assistance project were to review the program approach, educate the Council on the information and strategies included in the Lead-Free DC Plan, and identify the opportunities for improvement. A technical expert was necessary to educate the council on questions to ask and opportunities to seek clarification and additional data and help them identify real opportunities for cost savings and public health protections in achieving their goal to remove all lead service lines in Washington, DC by 2030. This technical assistance allowed the DC Council to prepare and introduce legislation that specifies technical requirements that will allow them to meet their goal, reporting requirements that will allow them to better track progress, and community engagement requirements that will assure that residents are informed, and practices are being followed in the field to protect workers and residents during construction. This was effective because the DC Council had the budget for this work and made it a priority. This approach can be valuable in less-resourced communities that may not have the budget available to directly hire an independent contractor for this type of technical assistance.
- ***Workforce development program: Energy Efficiency for All.*** This is a collection of coalitions in 12 states that work to build power to advance racial equity, and environmental and energy justice through energy-efficient, healthy, and affordable housing in frontline communities that have been disinterested and experience historical inequities and disproportionate energy burdens. The coalitions include a variety of community advocacy organizations and partners in housing, health, energy-efficiency, and environment.

- Recruitment: focuses on Title One schools / EJ communities and goes into schools and Boys & Girls Clubs to talk to students and parents about environmental justice issues and the energy sector. The program provides information in a simplified pamphlet that has lots of infographics (and cartoons).
- Training: Trainees receive 12 weeks of training total, with 6 weeks in the classroom and 6 weeks on the job. The program also provides life skills training including budgeting, housing, healthy living, healthy eating, how to get to work on time, how to plan commute and timing, opening a bank account, supporting getting a driver's license, and getting a loan to buy a car.
- Post program: Participants have guaranteed job placement for one year with partnering utilities. Training is followed by 12 months of support as needs arise. The program pays participants to sit in the classroom (\$250), but they only get \$150 cash, the \$100 is held in an escrow account. The program opens a bank account for them and does direct deposit into that account; the account is released to them when they complete their six weeks of initial classroom training and certifications.
- Other benefits: \$5000 is reserved for "wrap around" expenses per individual. This money can be used as an emergency fund, to pay for things like the cost of getting a driver's license. \$1000 is given for tools and attire for job. Uniforms are important for trainees to feel safe and comfortable. Our trainees get uniforms that say, "Lead in Training" and the utility they work for.
- Program administration: Thirteen percent (13%) of the allocated funds go to the overall administrative costs of the program. For a successful program, a program Coordinator tracks budget and allocations. The program budgets \$25,000 for each trainee. A \$25,000 investment for job training per trainee equals a return on investment of approximately \$893,000 in taxes paid over the lifetime of a working individual.

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## **APPENDIX A**

### **NEJAC Water Infrastructure Working Group Technical Assistance Charge**

**Issued on September 28, 2022**

Through the creation of this charge, EPA seeks the advice and expertise of the National Environmental Justice Advisory Council (NEJAC), whose formal recommendations will be provided to the EPA Administrator. The NEJAC charge is as follows:

Provide recommendations for informing and strengthening Technical Assistance (TA) efforts of the Office of Environmental Justice and External Civil Rights (OEJECR) and the Office of Water (OW) to ensure communities with EJ concerns can obtain TA at all levels – particularly for community water systems, decentralized systems (including rural communities on wells and septic), and/or non-existent infrastructure, to address their priority environmental, public health, affordability, and climate resiliency needs and reduce longstanding and cumulative negative health impacts.

Reference EPA’s plans for TA as expressed in the OW Environmental Finance Centers (EFC) request for applications (RFA), OEJECR’s EJ Thriving Communities TA Centers (TCTAC) RFA, and other materials provided to the NEJAC. Recommendations may include identifying TA needed to support access to EPA funding for communities experiencing environmental injustice impacts and to address challenges related to drinking water, wastewater, stormwater, drainage, and environmental impacts due to climate change. Consider identifying documents, tools, and resources that communities may need to benefit from TA offerings. Also consider socioeconomic and demographic factors in EJ communities that may negatively impact their ability or capacity to apply competitively or successfully, including factors related to local governance structures, financing, and other capacity and expertise barriers.

Additional recommendations may include and are not limited to the following topics:

- EPA initial engagement strategies to assist local utilities in easily accessing TA,
- strategies for proactive outreach to connect communities to TA,
- examples of TA promising practices,
- strategies to build community trust at the start of TA projects,
- strategies to keep communities informed during TA projects,
- strategies to utilize available data to inform transparent TA delivery and implementation,
- input on other key challenges or concerns that may arise during the provision of TA, and
- meaningful metrics or evaluations to determine impacts and outcomes.

Consider historical obstacles for communities with EJ concerns to access TA and the need for immediate responses or relief in communities with dire conditions. Also consider recommendations for community organizations and residents to inform and partner in accessing and implementing TA programs, projects, and resources.

Connect the recommendations with EJ engagement and policy-making best practices, including the EPA’s Equity Action Plan, prior NEJAC letters and charge report recommendations to the EPA Administrator, Justice40 objectives and guidance, principles for working with EJ communities, and any relevant materials supporting the development of measurable outcomes through meaningful engagement and improved civic capacity. The NEJAC work groups will engage in information exchange with the appropriate Tribal-EPA partnership groups, such as the National Tribal Water Council, National Tribal Air Association, National Tribal Caucus, etc. Recommendations will be informed by statutory and regulatory requirements and constraints of EPA programs.

## APPENDIX B

### Overview of 2018 NEJAC Water Infrastructure Report

The NEJAC's 2018 report to the EPA Office of Water's charge, EPA's Role in Addressing the Urgent Water Infrastructure Needs of Environmental Justice Communities, offered eight goals to achieve access to clean, affordable water and sanitation for all communities and to ensure public health for impacted communities. Within each goal were several subarea recommendations that we highlight here to continue the advancement of infrastructure improvements and EJ community engagement for water system quality, access, affordability, and regulatory consideration.

1. Governments treat water as a human right.
  - a. Change the culture.
  - b. Change the policy.
  - c. Enforce the Safe Drinking Water Act and promote municipal water rights policies.
2. Request Congress to allocate more funding to help communities with infrastructure building, oversight, and public health protection.
  - a. EPA should bring together federal, state, and local government, non-profit, and community stakeholders to request Congress to significantly increase its appropriations for water infrastructure investments and programs.
  - b. EPA should encourage states to prioritize and provide grants or loan forgiveness to environmental justice communities.
  - c. EPA should support capacity building and apprentice programs by prioritizing grants for training and retaining water infrastructure professionals in environmental justice communities.
3. Promote affordable water and wastewater rates.
  - a. EPA should strongly condemn the practice of utilities and municipalities shutting off water to vulnerable low-income residents and encourage water utilities to implement effective water affordability programs.
  - b. EPA should encourage municipalities and utilities to adopt equitable rate structures.
  - c. EPA should update its affordability measures based on low-income affordability ratios.
  - d. EPA should urge states to require companies who bottle water in a state to contribute to help ensure all state residents have access to affordable, clean water.
4. Prioritize issues in EJ communities.
  - a. EPA should filter its current data and tolls through an environmental justice lens to identify water issues in environmental justice communities.
  - b. EPA should encourage municipalities and other water utilities to use the Health Impact Assessment Framework.
  - c. EPA should include drinking water issues in EJSCREEN.
5. Involve EJ communities meaningfully in infrastructure decisions.
  - a. EPA should facilitate local and regional partnerships as a strategy of meaningfully engaging with the community.
    - i. Deliberate, consistent community engagement.



- ii. Transparency in decision-making.
    - iii. Open back-and-forth communications.
    - iv. Collaboration between planners, agency regulators, and the community.
  - b. EPA and local water authorities should change their public input processes to meaningfully involve impacted communities.
  - c. EPA should encourage Regional Offices to make frequent and personal contact within EJ communities.
    - i. Identify and prioritize funding needs.
    - ii. Build partnerships for technical support.
    - iii. Better serve Tribes.
  - d. EPA and states should provide education grants for technical associations to educate local residents and utilities about drinking water and wastewater infrastructure solutions.
  - e. To best encourage and support partnerships, EPA should serve as a helpful resource, reaching out to offer support and providing information.
6. Build community capacity in water systems.
- a. EPA should encourage water utilities to use best practices by offering training and supporting existing successful training programs like the Water Boards Leadership Institute.
  - b. EPA should encourage communities to share Lessons Learned.
  - c. EPA should consider supporting partnerships where efficiently run water utilities acquire failing systems.
  - d. EPA should help EJ communities secure funding to support capacity building and ensure water infrastructure projects are viable in the long term.
  - e. EPA should encourage Regional Offices to facilitate partnerships.
  - f. EPA should designate and implement EJ training modules to bring together stakeholders.
  - g. EPA should facilitate EJ communities to engage in more effective emergency response planning for water.
  - h. EPA should design and implement effective quarterly outreach training for all Regions' EJ Capacity Development Coordinators.
    - i. Establishing equal partnerships.
    - ii. Building trust by focusing on community input.
    - iii. Leading community training programs.
    - iv. Supporting healthy volunteer culture.
    - v. Making initial direct contact.
    - vi. Incentivizing widespread participation.
    - vii. Responding before and after a water emergency.

- i. EPA should direct the Regional Offices to conduct an aggressive campaign of significant, sustained outreach by each Region’s EJ coordinator to local municipal governments about water infrastructure.
  - j. EPA should update and expand its web-based engagement tools to consider and incorporate environmental justice issues.
  - k. EPA should assist communities in providing job training opportunities to ensure communities have access to qualified professionals to operate and maintain water systems.
    - i. Build a water and career pipeline for youth and adults.
    - ii. Use proactive, inclusive hiring requirements for construction and non-construction careers.
    - iii. Align workforce training programs with employers needs at a regional level.
7. Support innovative technologies.
- a. EPA should establish a Household Action Level for lead and copper in drinking water, and support innovative local and state efforts for lead exposure prevention and lead service line replacement.
  - b. EPA should develop legally enforceable limits to protect people from PFOA and PFOS exposure.
  - c. EPA should address threats from agricultural runoff pollution.
  - d. EPA should support potable reuse projects that use advanced tertiary treatment like UV and membrane filtration to address contaminants of emerging concern.
  - e. EPA should award innovation grants to utilities in EJ communities with limited capacity.
  - f. EPA should strategically direct water saving devices to low-income homeowners and rental communities.
  - g. EPA should help communities expand wastewater treatment and reuse by offering financial assistance for reuse technology.
  - h. Be accountable and rebuild public confidence and trust in regulations.
  - i. EPA should listen and quickly respond to communities when they speak out about contamination concerns.
  - j. EPA should enforce regulatory compliance within EJ communities.
  - k. EPA should step in sooner when states and local governments fail to protect communities from contaminated water and sewage issues.
  - l. EPA should help educate the communities about risks to their water.
  - m. EPA should conduct performance evaluations of Regional Administrators on their commitment to EJ communities.

## **APPENDIX C**

### **Issues for Future Consideration**

Below is a list of issues that the Water Infrastructure Workgroup is suggesting that NEJAC consider for future EPA Charges. This list is not all inclusive, and the workgroup recommends continued consultation between the NEJAC and OW.

1. Source Water Protection for the protection of water sources that serve both public water systems and private well water sources.
2. Drinking water quality standards are protected from chemicals and emerging contaminants that have a negative impact on public and environmental health (e.g., PFAS/Lead/Fluoride/Chromium VI and others).
3. Exploring potential collaboration/regionalization option for community water systems, while ensuring these efforts are community and utility driven.
4. Addressing climate change impacts on water infrastructure.
5. Combined Sewage Overflow (CSO) Mitigation in EJ Communities
6. EPA Water and Environmental Justice Performance Scorecard
7. Industrial wastewater pre-treatment to ensure waste is not discharged directly into waterways.
8. Affordability of water, which will include discussion about assistance programs, infrastructure upgrades to promote water conservation, public outreach/education, rates, etc.
9. Tribal water systems in Indian Country and Alaska Native Villages.