DRAFT NATIONAL WATER PROGRAM GUIDANCE

FY 2025-2026

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Message from the Office of Water's Leadership

As the Office of Water celebrated the 50th anniversary of the *Clean Water Act* in 2022 and prepares to commemorate the 50th anniversary of the *Safe Drinking Water Act* (SDWA) in 2024, we are mindful of both the progress and how much further we need to go as a nation to ensure that every community in the United States has access to clean and safe water.

The Office of Water continues to prioritize implementation of the Bipartisan Infrastructure Law[1], which elevates the water sector like never before with $50 billion to the United States Environmental Protection Agency to strengthen the nation's drinking water, stormwater and wastewater systems. It is the single largest investment in water that the federal government has ever made, and it is accelerating progress toward improving public health and the environment while creating jobs and setting the stage for long-term economic development. We are focusing on getting federal funding to communities that have historically been left behind through our expanded water technical assistance (WaterTA) efforts. In addition to the opportunities created by the Bipartisan Infrastructure Law, the *President's Fiscal Year 2025 Budget* will advance the Office of Water's ambitious goals outlined in the *FY 2022-2026 EPA Strategic Plan*. The over $5.1 billion requested will help ensure and expand access to clean and safe water throughout the nation.

For FY 2025-2026, the Office of Water will focus on the following priorities: investing in water infrastructure; ensuring equitable access to federal funding through water technical assistance; removing legacy lead pipes that contaminate drinking water; reducing per- and polyfluoroalkyl substances (PFAS) in water; and addressing and mitigating the effects of climate change.

The National Water Programs will look to partner with Tribes, states, territories, as well as public and private organizations. Only by working with our partners can we ensure clean and safe water for all people. We will continue to deepen our partnerships and scale our work to protect and restore our nation's water, including by enhancing the security and resilience of drinking water and wastewater systems against hazards such as cyber-attacks. The Office of Water will seek to advance equity and environmental justice in all activities while building trust with our partners by following the science and the law and maximizing transparency in our actions. The Office of Water will bring leadership to these issues through its convening power, targeting existing funding streams and providing support to our co-regulatory partners.

[1] For more information on the Bipartisan Infrastructure Law, officially known as *Infrastructure Investment and Jobs Act,* please visit the White House's Fact Sheet: The Bipartisan Infrastructure Deal.

SECTION I: Introduction

The National Water Program Guidance outlines how the United States Environmental Protection Agency, Tribes, states, territories and non-governmental partners will work together to protect and improve the quality of the nation's waters. By communicating operational priorities and providing a source for grant guidance, the FY 2025-2026 NWPG builds on the agency's *FY 2022-2026 Strategic Plan* and the *President's FY 2025 Budget*. In addition, the document outlines how the Office of Water will continue to build on President Biden's executive orders tackling climate change, advancing environmental justice and ensuring civil rights are integrated into the agency's mission.[2] The NWPG is intended to be a tool for the EPA's regional offices to use with states and Tribes as they develop annual grant workplans or performance partnership agreements (PPA).

Before developing the guidance, the Office of Water engaged in early outreach with Tribes and states to help identify important environmental and human health priority areas. The outreach took place primarily through written correspondence at the national level. The Office of Water carefully reviewed and considered the comments received from state and Tribal groups. Where applicable, the Office of Water staff addressed the comments received in this document.

Implementation of the EPA's FY 2022-2026 Strategic Plan

The FY 2025-2026 NWPG builds on the EPA's *FY 2022-2026 Strategic Plan,*[3] which communicates the agency's vision, priorities and strategies to accomplish the agency's mission to protect human health and the environment. The plan serves as the framework for annual planning and budgeting. The Strategic Plan renews the EPA's commitment to the agency's three core principles: follow the science, follow the law, and be transparent. The plan adds a fourth foundational principle: advance justice and equity. For the first time, the EPA's plan includes a strategic goal focused exclusively on addressing climate change and an unprecedented strategic goal to advance environmental justice and civil rights. These priorities are integrated throughout the plan's programmatic goals and cross-agency strategies. The EPA's Strategic Plan also includes four cross-agency strategies that articulate essential ways of working to accomplish mission outcomes, including collaborating with Tribal Nations, states, local governments and communities.

The EPA's FY 2022-2026 Strategic Plan Cross-Cutting Strategies:

- Ensure scientific integrity and science-based decision-making.
- Consider the health of children at all life stages and other vulnerable populations.
- Advance the EPA's organizational excellence and workforce equity.
- Strengthen Tribal, state and local partnerships and enhance engagement.

[2] Climate-related executive orders are available at Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, January 20, 2021 and Executive Order 14008: Tackling the Climate Crisis at Home and Abroad, January 27, 2021.

[3] Available at the *EPA's FY 2022-2026 Strategic Plan*

Below is a summary of the water-related goals outlined in the Strategic Plan.

Long-Term Performance Goals:

- By September 30, 2026, reduce the number of community water systems still in noncompliance with health-based standards since March 31, 2021 from 752 to 500.[4]
- By September 30, 2026, reduce the number of community water systems in Indian country still in noncompliance with health-based standards since March 31, 2021 from 110 to 70.
- By September 30, 2026, leverage an additional $45 billion in non-federal dollars through the EPA's water infrastructure finance programs (Clean Water State Revolving Fund [CWSRF], Drinking Water State Revolving Fund [DWSRF], and Water Infrastructure Finance and Innovation Act [WIFIA]).
- By September 30, 2026, in coordination with other federal agencies, provide access to basic sanitation for an additional 36,500 American Indian and Alaska Native homes.[5]
- By September 30, 2026, provide 2,203 Tribal, small, rural or underserved communities with technical, managerial or financial assistance to improve operations of their drinking water or wastewater systems.
- By September 30, 2026, increase by an additional 41,000 square miles the area of watersheds with surface water meeting standards that previously did not meet standards.[6]

FY 2024-2025 Agency Priority Goal:

- **Reduce harmful lead exposure in drinking water through the replacement of lead service lines in communities.** By September 30, 2025, increase the number of lead service line replacements funded to 500,000.[7]

For FY 2024-2025, one of the three Agency Priority Goals focuses on the estimated number of lead service lines replaced through funding from a drinking water program. It is estimated that there are 9.2 million lead service lines in the country. The Bipartisan Infrastructure Law provided $15 billion to accelerate lead service line replacement and associated activities such as development of lead service line inventories. To meet the agency's target of 500,000 lead

[4] This baseline is a subset of the 3,508 systems that have been in long-term noncompliance since September 30, 2017.
[5] Data for this metric come from the Indian Health Service. IHS started tracking this data in a different way, and the EPA will no longer be able to report on this measure. The EPA has retired this measure and is exploring an alternative measure.
[6] The EPA's *FY 2022-2026 Strategic Plan* included a draft baseline: July 7, 2021, baseline of 425,198 square miles of watershed area with surface water that are meeting standards. As of July 2022, the final baseline is 504,605 square miles of watersheds with surface waters not meeting standards.
[7] Based on available data, the EPA estimates that on average 73,000 lead service line replacements have been funded annually. The number of lead service line replacements funded will be tracked quarterly, but the two-year goal is to increase that number to 300%.

service line replacements funded, the Office of Water must allocate Bipartisan Infrastructure Law and other lead service line funds to the states quickly, while simultaneously working with partners to prepare communities and water systems to apply for funding by providing technical assistance to states and communities (e.g., increasing awareness and supporting State Revolving Fund [SRF] application development in disadvantaged communities). The EPA will continue to leverage multiple programs, legal authorities and funding sources to develop and sustain a pipeline of lead service line replacement projects that move toward the vision of a lead-free America.

Federal Civil Rights Responsibilities, Including Title VI of the Civil Rights Act of 1964

In 1994, Executive Order 12898[8] was issued to direct federal agencies to incorporate achieving environmental justice into their mission. The Presidential Memorandum[9] accompanying that executive order required in part, consistent with Title VI, that each federal agency "...ensure that all programs or activities receiving federal financial assistance that affect human health or the environment do not directly, or through contractual or other arrangements, use criteria, methods, or practices that discriminate on the basis of race, color, or national origin." In 2023, Executive Order (EO) 14096 was issued, to further advance racial equity and support for underserved communities. EO 14096 directs all Federal agencies to exercise leadership, develop environmental justice strategic plans, and pursue a whole-of-government approach to advance the Federal government's efforts to deliver real and measurable progress on environmental justice. EO 14096 specifically focuses on strengthening external civil rights enforcement and emphasizes that we must advance environmental justice for all by implementing and enforcing the Nation's environmental and civil rights laws.

The EPA enforces federal civil rights laws that prohibit discrimination on the bases of race, color, national origin (including limited-English proficiency), disability, sex and age, respectively *Title VI of the Civil Rights Act of 1964* (Title VI), *Section 504 of the Rehabilitation Act of 1973* (Section 504), *Title IX of the Education Amendments of 1972* (Title IX), *Section 13 of the Federal Water Pollution Control Act Amendments of 1972* (FWPCA) and the *Age Discrimination Act of 1975* (Age Discrimination Act). All applicants for and recipients of financial assistance from the EPA have an affirmative obligation to comply with these laws, as do any subrecipients of the primary recipient, and any successor, assignee or transferee of a recipient. The ultimate beneficiary of the assistance does not have an obligation.[10]

[8] Available at Executive Order 12898 of February 11, 1994 Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

[9] Available at The White House's Memorandum on the Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

[10] Federal civil rights laws and the EPA's regulation is available at the EPA's Federal Civil Rights Laws (Including Title VI) and the EPA's Non-Discrimination Regulations. See Title VI, 42 U.S.C. 2000(d) et seq.; Section 504 of *The Rehabilitation Act of 1973*, as amended, 29 U.S.C. § 794; Lau v. Nichols, 414 U.S. 563, 568-69 (1974) (finding that the government properly required language services to be provided under a recipient's Title VI obligations not to

The EPA's nondiscrimination regulation at 40 Code of Federal Regulations (CFR) Parts 5 and 7 also contain longstanding procedural requirements applicable to applicants for and recipients (including sub-recipients) of financial assistance from the EPA. These requirements include having a notice of nondiscrimination, a nondiscrimination coordinator, grievance procedures, a process for collecting and maintaining nondiscrimination compliance information, and, pursuant to Title VI and *The Rehabilitation Act of 1973*, developing policies and procedures for ensuring meaningful access to programs and activities for individuals with limited-English proficiency and individuals with disabilities. In addition, recipients' public participation processes must be implemented consistent with the federal civil rights laws.

The EPA furthers recipients' compliance with these obligations through pre-award reviews, technical assistance and training, additional clarifying guidance and enhanced civil rights enforcement. Accordingly, the EPA will carefully evaluate the grants awarded under this Notice of Funding Opportunity to ensure all recipients are in compliance with federal civil rights obligations.[11]

discriminate based on national origin); 40 C.F.R. § 7.35(a). See also EPA, Guidance to EPA Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 69 FR 35602, June 25, 2004 available at the Federal Register's Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; United States EPA, Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs, 71 F.R. 14207, March 21, 2006; EPA, Procedural Safeguards Checklist for Recipients; (rev. Jan. 2020) (which provides a more detailed explanation of nondiscrimination obligations and best practices); EPA, Disability Nondiscrimination Plan Sample (2017).

[11] Pre-award information is available at the EPA's Tips for Completing EPA Form 4700-4.

SECTION II: Priority Areas

The work the EPA does every day to advance equity, address the climate crisis and protect public health has never been more critical or urgent. Communities need more assistance than ever to improve drinking water, wastewater and stormwater infrastructure, and to protect and restore water quality and ecosystems health. Achieving these objectives will require a multifaceted approach and complex actions by a variety of entities. The primary goal is to assist communities in addressing their water challenges and achieving their water quality goals.

To help communities achieve their goals, the Office of Water will focus resources and attention on the following five priority areas:

- Addressing and Mitigating the Effects of Climate Change.
- Investing in Water Infrastructure.
- Providing Technical Assistance.
- Addressing PFAS.
- Protecting and Restoring Waterbodies and Watersheds.

The Office of Water will continue to incorporate four cross-cutting themes that align with the administration's commitment to follow the science, follow the law, be transparent and advance justice and equity. These cross-cutting themes, detailed below, will be integrated into every aspect of the Office of Water's work.

Equity and Affordability – *Embed equity and environmental justice in all Office of Water activities.*

The EPA is committed to ensuring that all Americans have access to essential water services and clean water. The nation's health and wellbeing are dependent on equitable access to drinking water, wastewater and water quality planning. Thousands of communities nationwide are burdened by aging systems that threaten public health. Some communities have never had adequate water service or infrastructure. Pollution and climate change exacerbate the impacts of the lack of modern water infrastructure and have contributed to growing health disparities among the nation's communities.

The EPA can play an essential role in addressing these issues and aid in closing the health disparity gap. The Office of Water will work closely with its partners to help identify opportunities to improve water infrastructure, address water quality and drinking water challenges, and help communities access their fair share of Bipartisan Infrastructure Law resources while prioritizing equity and environmental justice. The Office of Water will continue to make the development of solutions to water challenges a more inclusive and community-driven process.

Regulatory Actions – *Provide certainty, follow the science, the law and maximize transparency in the Office of Water's actions.*

The EPA will ensure that science is respected, elevated and prioritized in all decisions. Furthermore, equity and climate change will be central considerations in the EPA's regulatory development. The agency will continue to improve the effectiveness and efficiency of regulatory programs by conducting meaningful engagement and fostering public participation while working to advance equity and civil rights across the nation. The Office of Water is committed to making enduring progress on rules, fostering greater trust among the regulated community, the public and co-regulators, and achieving the shared mission of protecting public health and the environment.

Partnerships – *Partner and have transparent, respectful dialogues with partners at the federal, Tribal, state and community levels.*

Environmental and human health protection is a shared responsibility of states, Tribes, territories, local communities and the federal government. The Office of Water recognizes that early, meaningful and substantial involvement of the EPA's co-regulator partners is critical to the development, implementation and enforcement of the nation's environmental programs. The Office of Water understands that a keystone of the partnership is the ability for concerns to be expressed and thoughtfully considered so effective, lasting policies can be developed for the nation's most pressing environmental challenges.

The EPA and co-regulators have demonstrated that collaboration with partners can deliver multiple benefits to achieve common goals. To protect sources of drinking water, community resilience and overall water quality, the EPA must continue to foster these partnerships. The EPA is committed to strengthening collaborative problem-solving. To foster cooperation between co-regulatory partners, the Office of Water will continue to emphasize frequent and early communication through open lines of dialogue and regular meetings. For example, the EPA will continue collaboration with partners during regulatory development, permit issuance and other programmatic activities to increase baseline knowledge, generate support for agency decisions and grow ongoing relationships that will enhance implementation of the EPA's programs.

In addition, meeting communities where they are to better understand the lived reality of people and the health and environmental challenges they face is fundamental to developing programs and policies. The EPA will focus on opportunities like site visits, forums and convenings to cultivate relationships to stay attuned to the needs and concerns of diverse groups, private sector partners and others impacted by the agency. The EPA will utilize its geographically based water partnership programs to nurture and expand community engagement using well-established and effective collaboration models.

For more information on Tribal specific engagement, please see *Section III: Strengthening the Nation-to-Nation Relationship with Tribes.*

Office of Water's Strategy for Implementing the Bipartisan Infrastructure Law

The Office of Water is making significant investments in the health, equity and resilience of American communities. The Bipartisan Infrastructure Law delivered more than $50 billion to the EPA to improve the nation's drinking water, wastewater, stormwater and nature-based infrastructure. The EPA is working with states and Tribes to ensure that communities get their fair share of this federal water infrastructure investment. The Office of Water's primary goal is to assist underserved communities in accessing these funds to improve their infrastructure. Since the infrastructure law was implemented, the Office of Water has worked collaboratively with communities across the country to make progress toward the Justice40 goal,[12] which aims to ensure that federal agencies deliver at least 40% of benefits from certain investments to disadvantaged communities.

Bipartisan Infrastructure Law investments in geographic and place-based programs means communities will be able to better protect national water treasures and ensure they continue to serve as vital economic and recreational assets as the climate continues to change. The Office of Water will continue to provide technical assistance, collaborate with partners, and establish a structure that can be scaled up and continued after Bipartisan Infrastructure Law funds are expended. This funding is putting Americans to work in good-paying jobs, supporting a thriving economy and increasing climate resilience throughout the country.

Addressing and Mitigating the Effects of Climate Change

Making Water a Solution to the Climate Crisis

Climate stress is often experienced as water stress through drought, flooding and sea level rise. More frequent extreme storms increase the amount of polluted runoff entering waterways and challenge the operational and infrastructure resiliency of water utilities. Overburdened and underserved communities are particularly vulnerable to these impacts.[13] Climate change has a direct and cascading effect on water resources. It is exacerbating existing stressors that degrade the quality of waterways, destabilizing critical water infrastructure and threatening human health.

The EPA is taking bold steps and aligning its actions to respond decisively to the climate crisis. The Office of Water will continue to work closely with the water community to drive solutions to the climate crisis, ensuring that the EPA's partners play a key role in protecting oceans, coasts, waterways, wetlands, aquifers and water infrastructure. The Office of Water's approach will utilize placed-based partnerships and geographic programs to accelerate climate adaptation and resiliency measures in vulnerable communities and coastal regions. The EPA will leverage the assistance programs and services through initiatives like Creating Resilient Water Utilities. The Office of Water's goal is to empower communities to identify and assess the challenges climate change poses to their water resources and services, and to prioritize federal resources to communities hit first and worst by the changing climate.

[12] Additional information on Justice40 is available at The White House's The Path to Achieving Justice40.
[13] Additional information is available at the EPA's Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts.

In addition to the partner-focused programs, the Office of Water's financing, regulatory and permitting programs will expand efforts to address changing climatic conditions in program development and implementation. Building on the publication and early successes of *The Office of Water Climate Adaptation Implementation Plan* (see more following), climate adaptation considerations will continue to be developed within foundational *Clean Water Act* (CWA*)* programs including water quality criteria, water quality standards, NPDES permitting, CWSRF, DWSRF, WIFIA, Nonpoint Source Section 319 and Wetlands Program Development grants. Further, the Office of Water will implement several climate mitigation activities under SDWA, CWA, and *Marine Protection, Research, and Sanctuaries Act* (MPRSA).

Implementing the Office of Water's Climate Adaptation Implementation Plan

President Biden's Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad,*[14] required federal agencies to develop Climate Action Plans that describe their agency's climate vulnerabilities and steps they will take to adapt to the impacts of climate change. Released in October 2021, the EPA's *2021 Climate Adaptation Action Plan*[15] focused on five actions to fulfill the EPA's mission to increase human and ecosystem resiliency to climate change with a primary focus on advancing environmental justice. As part of the plan, Administrator Michael Regan established a new policy on climate change adaptation and directed all EPA offices to update their 2014 Implementation Plans to proactively incorporate climate adaptation throughout all programs, policies, rules and operations.

The Office of Water's Implementation Plan outlines several priority actions, including training, to help the Office of Water integrate climate change into the daily fabric of work. The Office of Water updated its Implementation Plan in October 2023 to include an additional goal and to refresh the priority actions and measures. These actions fall under four goals:

- **Goal 1: Improve the Climate Resilience of America's Water Infrastructure.** As climate change threatens essential drinking water, wastewater and stormwater infrastructure, the Office of Water will take steps to enhance the resilience of critical infrastructure.
- **Goal 2: Protect America's Waters from a Changing Climate.** To meet water quality and ecosystem health challenges caused or exacerbated by climate change, the Office of Water must advance climate-informed management strategies for water resources that incorporate the best available climate science.
- **Goal 3: Advance the Adaptive Capacity and Knowledge of All Water Community Partners.** The Office of Water must work internally and with partners to incorporate the latest data, science and information into trainings, decision-support tools and other resources that support the priorities identified in this plan and help national and community partners make informed choices around the climate risks and impacts confronting them.
- **Goal 4 (New as of 2023): Reduce Greenhouse Gas Emissions Through Water-Related Authorities.** There are many opportunities within the National Water Program to

[14] Available at The White House's Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad
[15] Available at the EPA's Climate Adaptation Action Plan

mitigate climate change through the reduction of greenhouse gas emissions and to support the goals of the Inflation Reduction Act. Under existing authorities, the Office of Water programs can permit projects that are designed to reduce atmospheric carbon through sequestration, and others are working to incorporate mitigation and advance nature-based solutions that have both adaptation and mitigation benefits. With the addition of this new goal to the Office of Water's Climate Adaptation Implementation Plan, the plan captures more fully the breadth of climate activities occurring throughout the Office of Water.

In addition to the priority actions identified in the Implementation Plan, the Office of Water will pursue additional adaptation and mitigation actions that support the federal government's collective response to climate change. As an example, water reuse can provide a new and more climate-resilient source of potable and/or non-potable water to supplement existing supplies and reduce demand for freshwater.[16] The WaterSense[17] program supports climate mitigation by reducing the energy associated with providing water to end users. Supporting research in geologic sequestration and permitting marine carbon dioxide removal could potentially reduce global greenhouse gas emissions.

The Office of Water will closely coordinate across programs, as well as with the EPA's regional, geographic and other National Program Manager offices, to align climate change initiatives more effectively across the EPA. Under a whole-of-government approach, the Office of Water will work with other federal agencies on climate change adaptation and mitigation efforts that cut across organizations to improve the efficiency and effectiveness of this combined federal effort. Together, the Office of Water and other federal agencies will develop and deliver workable solutions that address the climate crisis, protect water quality and provide equitable environmental outcomes in communities across the country.

Investing in Water Infrastructure

Providing Affordable and Flexible Financing to All Communities

Investing in water creates well-paying short-term jobs and lays the foundation for future economic vitality in communities. Historically, the United States has drastically underinvested in critical water infrastructure, only meeting 37% of the nation's total water infrastructure capital needs in 2019.[18] The EPA has traditionally funded water infrastructure through SRF programs; however, new funds available through the Bipartisan Infrastructure Law have provided a meaningful down payment on closing America's water infrastructure gap.

The Bipartisan Infrastructure Law provided significant additional investments to traditional purposes under the CWSRF and DWSRF ($11.7 billion each). In addition, the DWSRF was

[16] Visit the EPA's Water Reuse and Recycling for more information and the *National Water Reuse Action Plan*.
[17] Additional information available at the EPA's WaterSense Program
[18] ASCE and United States Water Alliance, *The Economic Benefits of Investing in Water Infrastructure,* 2020, available at The Infrastructure Report Card: The Economic Benefits of Investing in Water Infrastructure Failure-to-Act-Water-Wastewater-2020-Final.pdf (infrastructurereportcard.org)

provided $15 billion for lead service line replacement and $4 billion to address PFAS and emerging contaminants. The CWSRF was provided $1 billion for remediation of PFAS and emerging contaminants. A sizable portion of the funds will be available to communities as loans with principal forgiveness or grants to eligible recipients. In addition, the Bipartisan Infrastructure Law created a new $5 billion grant program to help small or disadvantaged communities identify and address emerging contaminants. Since FY 2022, states and the EPA SRF programs have been working together to make changes to meet the Bipartisan Infrastructure Law mandates, to increase SRF assistance to disadvantaged communities and to provide needed funding to communities in a timely and expeditious manner. Bipartisan Infrastructure Law funding is now flowing to communities across the nation. With the addition of the funding, the DWSRF has already provided approximately $4.3 billion in additional assistance to America's drinking water utilities.

Over the last decade, Congress has created new grant programs for the EPA that target specific infrastructure needs. In 2014, the WIFIA program was created to help communities in new ways by providing low interest loans with long and flexible repayment options. The *Water Infrastructure Improvements for the Nation Act* (WIIN) grants aid underserved communities and schools, including through targeted lead testing and reduction programs. WIIN and *America's Water Infrastructure Act of 2018* strengthened many existing programs within the EPA while creating new programs to tackle significant public health concerns and environmental needs, including a new, competitive Drinking Water Infrastructure Resiliency and Sustainability grant program. Given the continued challenges facing the water sector and the nation, the EPA will continue to push to increase water infrastructure investments.

As the Office of Water and co-regulatory partners continue work to address the growing challenges facing the nation's water sector, the focus will be to:

- **Target Resources to Underserved Communities:** Low-income, small and rural communities are disproportionately impacted by water-related challenges. The Office of Water, in line with the administration's Justice40 and environmental justice commitments, is creatively leveraging its resources and influence to help overcome historic hurdles these communities often face in accessing water infrastructure funding. For FY 2023, the EPA's DWSRF provided a record amount of approximately $1.8 billion in assistance to about 600 disadvantaged communities. The EPA recognizes that many small and overburdened or underserved communities are unaware of funding opportunities or lack the capacity to develop competitive funding applications, and therefore simply have not applied for SRF loans in the past. To help ensure that low-income, underserved, small and rural communities can better access the funding, the Office of Water leverages the efforts of its water technical assistance priority area (described later in this document) to help these communities.
- **Advance Climate Resilience:** The Office of Water will develop strategies to encourage that funds be used for climate mitigation, adaptation, coastal and drought resilience, nature-based and green infrastructure, water conservation and reuse, ecosystem preservation and restoration, and similar activities.

- **Build an Inclusive Water Workforce:** To rebuild the middle class and provide economic opportunity for all, the Office of Water will invest in strategies that bring underrepresented communities into the water workforce, train them for the water economy of the future and promote family-supporting jobs and high-road labor practices.

Lead Service Line Replacement: *Reduce exposure to lead in water and remove lead sources from homes and schools.*

The EPA and the Centers for Disease Control and Prevention agree that there is no known safe level of lead exposure for children. Taking action to reduce these exposures can improve health outcomes. Children living in communities overburdened by pollution and other health and social stressors—often communities of color and lower socioeconomic status—are at greater risk. For example, lead-based paint, lead service lines and plumbing fixtures containing lead are more likely to be found in older houses in lower-income areas. Communities of color may also face greater risk due to the legacy of redlining, historic racial segregation in housing and reduced access to environmentally safe and affordable housing. Industrial sources of lead are more likely to be closer to lower-income neighborhoods and communities of color where soils in residential and public places can be contaminated.

Lead can enter drinking water when plumbing materials that contain lead corrode, especially where the water has high acidity or low mineral content that corrodes pipes and fixtures. The most common sources of lead in drinking water are lead pipes, faucets and fixtures. Homes built before 1986 are more likely to have lead pipes that connect the home to the water main, also known as lead services lines. Lead service lines are typically the most significant source of lead in the water. Among homes without lead service lines, the most common problem is with brass or chrome-plated brass faucets and plumbing with lead solder. To address corrosion of lead and copper into drinking water, the EPA is offering the following support:

- **Lead and Copper Rule Revisions:** In 2021, the EPA completed the review of the Lead and Copper Rule Revisions under Executive Order 13990 and announced the development of a new regulation, Lead and Copper Rule Improvements, to better protect communities from exposure to lead in drinking water. In FY 2024, the EPA proposed the Lead and Copper Rule: Improvements regulatory action. The proposed rule requirements would result in the replacement of all lead service lines as quickly as feasibly possible. The EPA proposed to consider opportunities to strengthen tap sampling requirements and explore options to reduce the complexity and confusion associated with the action level and trigger level, with a focus on reducing health risks in more communities. The goal of these potential lead service line replacement regulatory improvements—coupled with non-regulatory actions—is to protect public health more equitably.
- **Funding that Supports Lead Service Line Replacement:** There are still six to ten million lead service lines in cities and towns across the country. Addressing lead in drinking water and removing lead service lines is one of the EPA's top priorities. Administrator

Regan is calling for a bold and comprehensive vision for reducing lead exposure largely through infrastructure loan and grant programs. For example, the DWSRF already permits full lead service line replacement. The Bipartisan Infrastructure Law provides $15 billion dedicated to lead service line replacement projects and the associated activities connected to identification, planning, design and replacement of lead service lines. The WIIN Reducing Lead grant can also be used for lead service line replacement. Authorized under WIIN, the Lead Testing and Reduction in School and Child Care Program Drinking Water Grant creates a voluntary program to assist with testing for lead in drinking water at schools and child care programs. The Bipartisan Infrastructure Law expanded the authority of the Lead Testing in School and Child Care Program Drinking Water Grant to include remediation and replacement, directly prioritizing the impact of lead exposure to the nation's most vulnerable population.

- **Protecting Vulnerable Populations by Providing Resources to Schools and Child Care Facilities:** Children living in poverty are disproportionately at risk of health impacts from exposure to lead in drinking water. The EPA chairs a multi-stakeholder, federal partnership workgroup that provides resources and assistance to test, remove or remediate lead in schools and child care facilities. This interagency workgroup works together to provide information on health concerns associated with lead in drinking water and helps develop lead testing programs using the EPA's 3Ts (Training, Testing and Taking Action). The workgroup also helps connect schools and child care facilities that find lead in their drinking water with funding resources for remediation, such as the United States Department of Agriculture's (USDA) Community Facilities Grant programs.

Water Workforce: *Help recruit, train and retain the next generation of the water workforce.*

Each day communities and businesses depend on America's water infrastructure for everything from drinking a glass of water to irrigating the crops that support the nation's food supply. Behind each of these daily routines are the hundreds of thousands of skilled workers that comprise America's water sector workforce. These water protection specialists provide communities with vital water services that protect public health and the environment, while driving the nation's economy.

Currently, water utilities struggle to recruit, train and retain employees. As treatment approaches and technologies in the water sector become more advanced (e.g., state-of-the-art water reuse technologies), there is a growing need to train and employ water protection specialists with technical skills. The gap in a skilled and ready water workforce presents significant operational risks to drinking and wastewater utilities.[19]

The EPA's existing Water Sector Workforce Initiative set a foundation for many partners to collaborate and take a wide range of actions to help address the critical need to ensure a trained and diverse water workforce to meet the challenges of the 21st century. The water workforce lacks diversity, and many people of color and those from low-income or Indigenous

[19] Additional information on the EPA's American Water Sector Workforce Initiative document, including the skill gap in the water workforce sector, is available at the EPA's American Water Sector Workforce Initiative.

communities have been left out of important, rewarding and family-supporting careers across the sector. Apprenticeship and training programs alone can prepare people to have high-paying, meaningful professions that support the water sector and economic development in their communities. One of the objectives of the Bipartisan Infrastructure Law is to invest in strategies that afford opportunities to individuals from underrepresented communities to become part of the water workforce, train them for the water economy of the future, and promote family-supporting jobs and high-road labor practices. The Office of Water will also collaborate with the job-oriented federal partners of the Urban Waters Federal Partnership (e.g., AmeriCorps, utilities, non-governmental organizations [NGOs] and academic partners) to expand innovative workforce development initiatives in Urban Waters partnership locations and through nationwide communities of practice.

The Office of Water has been leading a multi-year, interagency effort with the United States departments of Agriculture, Education, Labor and Veterans Affairs to develop a report to Congress about the major challenges faced by the water and wastewater utility workforce. The report offers a comprehensive summary of workforce development programs and resources that communities can leverage toward training, recruiting and retaining knowledgeable staff.

Cybersecurity: *Assist water and wastewater utilities to prepare, identify, respond and recover from cyberattacks.*

The frequency and potential severity of cyberattacks against critical water infrastructure continues to grow. Many critical infrastructure facilities have experienced cybersecurity incidents that led to the disruption of a business process or critical operation. Cyberattacks on water or wastewater utilities' business, enterprise or process control systems can cause significant harm by:

- Upsetting treatment and conveyance processes by opening and closing valves.
- Overriding alarms or disabling pumps or other equipment.
- Defacing the utility's website or compromising the email system.
- Stealing customers' personal data or credit card information from the utility's billing system.
- Installing malicious programs like ransomware, which can disable business enterprise or process control operations.

These attacks can compromise the ability of utilities to provide clean and safe water to customers, erode customer confidence and result in financial and legal liabilities.

Many water and wastewater utilities, particularly small systems, lack the resources for information technology and security specialists to start a cybersecurity program. Some utilities believe that cyberattacks do not present a risk to their systems or feel that they lack the technical capability to improve their cybersecurity.

The EPA will ensure that the water sector is aware of threats posed by cyberattacks and provide resources and assistance to states and systems so they understand how to prepare for, identify, respond to and recover from cyberattacks.

The DWSRF may be used to develop effective cybersecurity practices and measures at drinking water systems.[20] The set-asides can be used to conduct assessments and to develop improvement plans and emergency response strategies. The loan fund can be used to fund the installation of cyber-related infrastructure, which may include upgrading information technology and operational technology.

Providing Water Technical Assistance

Ensuring Equitable Access to Water Infrastructure Funding Through Water Technical Assistance

All communities deserve access to clean, safe and reliable water. But too many communities across America face challenges in providing safe drinking water, wastewater and stormwater services to their residents. Ensuring eligible communities have access to congressionally appropriated funds, especially funds from the Bipartisan Infrastructure Law, is a critical aspect of administering the SRF and grant programs. The EPA recognizes that existing environmental gains cannot be preserved, nor further progress achieved, unless states, Tribes, local governments and NGOs have the resources to develop and sustain environmental projects. To aid in that effort, the EPA is providing Water Technical Assistance (WaterTA) to help communities build their capacity and address compliance challenges.

Water utilities and communities may request technical assistance support by filling out a short online WaterTA Request Form.[21] The EPA then reviews eligibility and coordinates with their state to determine the best way to meet their needs.

The EPA's WaterTA Implementation Memo: *Ensure all communities have access to free assistance.*

WaterTA helps communities identify water challenges, develop plans to build technical, financial and managerial capacity, and develop application materials to access water infrastructure funding. The EPA collaborates with states, Tribes, territories, community partners and other key stakeholders to implement WaterTA efforts. The result is more communities with access to federal funding, which leads to more communities with safe, reliable water services.[22] The Office of Water's WaterTA guidance includes the following values and approaches that should inform every aspect of implementing WaterTA programs: [23]

[20] More information available at the EPA's Supporting Cybersecurity Measures with the DWSRF
[21] Available at the EPA's Water Technical Assistance Programs.
[22] A summary of the EPA's WaterTA and the resources available to local municipalities, Tribes, communities and entities eligible for the EPA water infrastructure funding programs is available at the EPA's Water Technical Assistance (WaterTA).
[23] Additional information is available at the EPA's Water Technical Assistance Programs.

- **Target and Focus on the Needs of the WaterTA Recipient:** Direct WaterTA is provided via direct interactions with water utilities and communities. It will include concrete actions that put communities on the path to accessing SRF funding. Direct WaterTA goes beyond one-time workshops, webinars, trainings or conferences and instead involves the services identified in the table below.
- **Meet Technical Assistance Recipients Where They Are:** Direct WaterTA starts with what the water utility/community needs to make progress, then works to deliver support. Technical assistance services will be informed by the technical, managerial and financial constraints of the technical assistance recipient.
- **Culturally Competent and Engages Broader Community:** Direct WaterTA should be provided in a culturally competent manner, cognizant of community sensitivities, to support the recipient of technical assistance in building community trust. In each community, efforts will be made to support technical assistance recipients to engage the broader community.
- **Partner with States, Tribes, and Territories:** The EPA and WaterTA providers will partner with state SRF, clean water and drinking water programs, along with Tribes, territories, other federal agencies, local governments and community groups, to meet the technical assistance needs of communities. Every aspect of the EPA WaterTA – from the work itself to how the EPA and its WaterTA providers facilitate meetings and participate in discussions – should be done through a lens of partnership. When an element or approach of the EPA's WaterTA does not work for a partner entity, efforts should be made to understand the challenge and then collaboratively develop solutions in a manner that respects differing opinions and approaches, while adhering to the EPA requirements.
- **Coordinate to Complement Existing Technical Assistance Efforts and Avoid Duplication:** The EPA and WaterTA providers will work closely with states and other federal partners to avoid multiple WaterTA providers contacting the same community or duplicating the provision of WaterTA services. This includes coordinating with other EPA-funded technical assistance providers such as the Environmental Justice Thriving Communities Technical Assistance Centers and the Technical Assistance for Brownfields program. The EPA and WaterTA providers will also coordinate to streamline interactions with states, avoiding multiple WaterTA providers making similar requests for information to the same state agency.
- **Be Proactive:** The EPA and WaterTA providers will proactively collaborate with states, Tribes and territories to offer technical assistance. The agency recognizes that it can be a burden for communities to access technical assistance services on their own and that many communities get stuck at some point in the process.

Examples of Services that Qualify for WaterTA

EPA WaterTA aims to assist communities with applications for accessing and utilizing federal funding for quality infrastructure and reliable water services. The EPA's technical assistance can cover a various services, from planning and assessing a potential water improvement project to

providing management support. The following table includes a few examples of services the EPA's WaterTA providers can offer.

Planning and Assessment	Project Development	Partnerships and Engagement	Funding and Financing	Program Management Support
Community Engagement	Preliminary Engineering Reports	Ongoing Engagement and Outreach	Rates and Revenue Analysis	Bid Support
Plan Development and Coordination	Lead Service Line Inventories	Decision-Maker and Board Education	Financial Planning	Change Order Review
Studies and Assessments	Project Design	Water Systems Partnerships	Identify Funding Options	Project Inspection
Asset Management	Environmental Reviews	Capacity-Building	Application Support	Domestic Preference and Davis Bacon Assistance

Note: WaterTA cannot provide direct assistance to federal facilities or individuals/individual households.

Key Water Technical Assistance Programs

In recent years, the Office of Water has expanded its technical assistance efforts to help more communities address their water quality challenges. Following is a selection of WaterTA programs available to local municipalities, Tribes, communities and other eligible entities.[24]

Environmental Finance Centers: There are 29 Environmental Finance Centers[25] available to help communities across the country access federal funding for infrastructure projects that improve public health and environmental protection. The Environmental Finance Centers will deliver targeted technical assistance to local governments, states, Tribes, territories and NGOs to protect public health, safeguard the environment and advance environmental justice.

Through the Environmental Finance Centers grant program, technical assistance providers will help communities develop and submit project proposals, including SRF applications for Bipartisan Infrastructure Law funding. The Environmental Finance Centers will support underserved communities with technical assistance to identify and implement sustainable infrastructure solutions. These entities will provide technical assistance services to advance equitable health and environmental protection. The Environmental Finance Centers have a requirement to coordinate with the other technical assistance providers (e.g. Environmental

[24] A complete list of WaterTA programs is available at the EPA's Water Technical Assistance Programs. https://www.epa.gov/water-infrastructure/water-technical-assistance-programs.
[25] Additional information on the EPA's Environmental Finance Centers.

Justice Thriving Communities Technical Assistance Centers, the EPA's Office of Land and Emergency Management Technical Support Centers, etc.) to ensure that work is not duplicative and is making the best use of federal funding. As work continues to expand for all technical assistance providers, the program offices are meeting on ways to best coordinate on-the-ground activities and work across technical assistance programs.

Rural, Small and Tribal Community Training and Technical Support for Clean Water: In 2023, the EPA announced nine organizations selected to provide technical assistance to rural, small and Tribal communities to help municipalities plan for and access funding for projects eligible under the CWSRF. This program supports local municipal wastewater and decentralized wastewater technical, managerial and financial capacity development to improve compliance and protect water quality.

Training and Technical Assistance for Small Systems Funding: In May 2023, the EPA announced four awards to provide training and technical assistance to small drinking water and wastewater systems as well as private well owners. This program aims to improve water quality and build capacity and long-term sustainability of small system operations.

Bipartisan Infrastructure Law Technical Assistance Pilots: The EPA will continue to share resources and lessons learned from three targeted Bipartisan Infrastructure Law WaterTA initiatives started in 2022. The three pilot initiatives were:

- **H_2O Community Solutions Teams**, which have supported 29 communities in assessing water infrastructure needs, while making progress in accessing federal Bipartisan Infrastructure Law funding.
- **Closing America's Wastewater Access Gap**, in partnership with USDA's Rural Development, is assisting 11 underserved areas with significant decentralized wastewater needs (or no wastewater infrastructure at all) to access funding.
- **Lead Service Line Replacement Accelerators** – the EPA partnered with Connecticut, New Jersey, Pennsylvania and Wisconsin to accelerate lead service line replacement and support access to funding across approximately 40 communities.

Get the Lead Out Initiative: Building on the Lead Service Line Replacement Accelerators, the EPA launched the Get the Lead Out Initiative in November 2023 to expand lead service line technical support nationwide.

Closing America's Wastewater Access Gap: In 2024, the pilot effort will expand to further assist communities across the country with decentralized wastewater access needs.

Engineering Support Services: In 2024, the EPA will provide access to engineering services to complement WaterTA efforts and to assist communities in completing preliminary engineering reports or other technical documentation that is needed to support applications for infrastructure funding assistance. This new WaterTA program element responds directly to a gap identified by states and technical assistance providers.

Lagoon Action Plan: In 2024, the EPA will move to provide tools and technical assistance in cooperation with states and regions in support of the Lagoon Action Plan released in 2023.[26]

Addressing PFAS

Taking Concrete Actions to Tackle PFAS Contamination

PFAS contamination is an urgent public health and environmental issue facing communities across the United States. PFAS have been manufactured and used in a variety of industries in the United States and around the world since the 1940s, and they are still being used today. Because of the duration and breadth of use, PFAS can be found in surface water, groundwater, soil and air from remote rural areas to densely populated urban centers. A growing body of scientific evidence shows that exposure to specific PFAS at certain levels can adversely impact human health and other living things. Research is also under way to better understand the health effects associated with low levels of exposure to PFAS over prolonged periods of time, especially in children. Children may be more sensitive to the harmful effects of PFAS and can be exposed more than adults.

Federal, Tribal, state, territorial and local governments need to exercise increased and sustained leadership to accelerate progress to clean up PFAS contamination, prevent new contamination and make game-changing breakthroughs in the scientific understanding of PFAS. The EPA Council on PFAS developed a strategic roadmap[27] to lay out the EPA's whole-of-agency approach to addressing PFAS. To deliver needed protections for the American people, the roadmap sets timelines by which the agency plans to take specific actions. The Office of Water is responsible for several critical actions in the PFAS Roadmap within its SDWA and CWA authorities.

Many known and potential sources of PFAS contamination (including military bases, airports, industrial facilities, and waste management and disposal sites) are located near people of color and low-income and Indigenous communities. When acting on PFAS, the EPA will ensure that overburdened and vulnerable communities have equitable access to solutions. Consistent with the commitments in the EPA's PFAS Strategic Roadmap, the Office of Water intends to:

- Complete nationwide monitoring for PFAS in drinking water under the Fifth Unregulated Contaminant Monitoring Rule.
- Implement the National Primary Drinking Water Regulation for PFAS proposed in March 2023 and scheduled for finalization in early 2024.
    - The Office of Water will facilitate a state EPA workgroup to support the development of relevant and useful tools and resources for the successful

[26] Additional information on the Lagoon Action Plan is available at the EPA's Lagoon Wastewater Treatment Systems.
[27] Available at the EPA's *PFAS Strategic Roadmap: EPA's Commitments to Action 2021-2024*

implementation of the final National Primary Drinking Water Regulation for PFAS.

- Restrict PFAS discharges from industrial sources through a multifaceted Effluent Limitations Guidelines program, including upcoming proposed rules in 2024 for organic chemicals, plastics and synthetic fibers and for metal finishing, and a future proposed rule for landfills.
- Leverage NPDES permitting to reduce PFAS discharges to waterways.
    - The Office of Water will continue to work with the EPA's regional offices and state partners to make progress on the recommendations contained in the EPA's December 2022 memorandum on "Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs."
- Continue to address PFAS by validating and codifying analytical methods, developing and publishing ambient water quality criteria and benchmarks, monitoring fish tissue for PFAS and finalizing a list of PFAS for use in fish advisory programs.
- Finalize a risk assessment for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) in biosolids to help direct future management of biosolids contaminated with these PFAS.
- Develop risk communication materials for specific PFAS actions and coordinate with co-regulators and other stakeholders prior to release.

Both the CWSRF and DWSRF have funds eligible for use to address PFAS, as does the Public Water System Supervision (PWSS) Grant. Additionally, the Bipartisan Infrastructure Law provides $10 billion in relief for communities affected by PFAS and other emerging contaminants, including $4 billion for the DWSRF, $1 billion for the CWSRF and $5 billion for the Emerging Contaminants in Small or Disadvantaged Communities drinking water grants.

Protecting and Restoring Waterbodies and Watersheds

Delivering Integrated and Diverse Solutions to Water Challenges

Pollution and degradation of lakes, rivers, streams, wetlands, coastal and ocean waters endanger aquatic ecosystems, threaten the safety of drinking water, compromise water quality planning and flood protections, impact commercial and recreation opportunities, and reduce the natural benefits these resources provide to communities. The effects of pollution on ecosystems and communities are made worse by the changing climate. The EPA needs to use both regulatory and non-regulatory programs to protect and improve water quality and ecosystem health in the nation's watersheds as well as estuarine, coastal and ocean waters. The EPA will work collaboratively with partners and stakeholders to establish innovative, location-based programs to achieve the agency's goals, including identifying and considering environmental justice and civil rights concerns. For example, in 2024, EPA's Watershed Academy will be releasing a public, practitioner learning module to showcase opportunities for the EPA and its partners to better integrate environmental justice into water quality work under the Clean Water Act.

Actions to Protect and Improve Water Quality

Supporting Implementation of the Definition of Waters of the United States: In August 2023, the EPA and the Department of Army issued a final rule to amend the final Revised Definition of Waters of the United States rule to conform the definition to the United States Supreme Court's May 25, 2023 decision in the case of *Sackett v. EPA*. The agencies are committed to taking actions to improve implementation of the definition of "Waters of the United States." The agencies will continue to provide trainings to Tribes, states and the public as appropriate to promote clarity and consistency and will continue to post materials and outreach opportunities to the EPA's website.

Supporting Implementation of CWA Section 401 Water Quality Certification Improvement Rule: In September 2023, the EPA revised the water quality certification regulations to support an efficient and predictable certification process that is consistent with the water quality protection and cooperative federalism principles central to CWA Section 401. The EPA will continue developing implementation materials (e.g., templates, trainings) for states, Tribes, federal agencies and project proponents to support implementation of the final rule. Additionally, the EPA will develop additional implementation materials specifically geared toward Tribes interested in obtaining treatment in a similar manner as a state (TAS) for Section 401 through the new TAS provisions under the final rule.

Update CWA Section 404(g) State and Tribal Dredged and Fill Program Regulations: Section 404 of the CWA requires a permit be issued prior to the discharge of dredged or fill material into "Waters of the United States." CWA Section 404(g), allows states and Tribes the option to assume administration of a Section 404 program for certain "Waters of the United States." In response to state and Tribal requests for clarity, the EPA proposed to revise the 1988 regulations, which will address program requirements, implementation, enforcement and EPA oversight. This rulemaking is key to assisting states and Tribes interested in actively managing the discharge of dredged and fill material into their aquatic resources consistent with the CWA.

Promulgation of Tribal Baseline Water Quality Standards Under CWA: The EPA is finalizing a rule to establish Tribal baseline water quality standards for waters on Tribal land that do not have water quality standards in effect for CWA purposes. This rulemaking recognizes the importance of Tribal waters and the need to better protect the water resources on which Tribes rely. Over 80% of Tribal land currently does not have water quality standards in effect for CWA purposes. Establishing baseline water quality standards would ensure human health and environmental protection for these waters and would support Tribes' interests in protecting their water quality.

Revisions to the Federal Water Quality Standards Regulations to Protect Tribal Reserved Rights: The EPA is finalizing a rule to the water quality standards regulations at 40 CFR Part 131 to explicitly and sustainably protect Tribal reserved rights (e.g., treaty rights) in state waters, consistent with existing legal obligations. Many Tribes hold reserved rights to resources through treaties and equivalent agreements with the United States government on lands and waters

where states have jurisdiction to establish water quality standards. The regulation changes being considered are intended to help states and the EPA protect aquatic and aquatic-dependent resources reserved to Tribes in treaties and equivalent agreements when establishing, reviewing and revising water quality standards.

Evaluate Water Quality Standards: Water quality standards are the foundation of a wide range of programs under the CWA. They serve multiple purposes including establishing the water quality goals for a specific waterbody and serve as a target for CWA restoration activities such as Total Maximum Daily Loads (TMDLs). The EPA will establish priorities for states that will include updates to states' standards, climate change adaptation and environmental justice. The agency will emphasize engaging with underserved communities in the review and setting of state water quality standards. This work will help empower these communities to secure adequate water quality standards for their local waters and to drive attainment of those standards through technical assistance and stakeholder engagement. In addition, the EPA will also update key *Water Quality Standards Handbook*[28] chapters on Antidegradation, Designated Uses and Water Quality Standards to assist states, authorized Tribes and territories in implementing their water quality standards, including focus on climate adaptation.

Develop Ambient Water Quality Criteria: The EPA will continue to develop new and updated national recommended ambient water quality criteria for the protection of human health and aquatic life pursuant to CWA Section 304(a). The EPA will update existing water quality criteria to reflect the latest science and develop new criteria for emerging contaminants and other priority chemicals to meet the needs of states and Tribes. As new and updated criteria are developed, the EPA will also work to develop technical support materials aimed at assisting states, territories and Tribes with adopting the criteria and implementing them through the TMDL and NPDES programs.

Prioritize and Screen Pollutants in Biosolids: The CWA requires ongoing prioritization and assessment of chemicals found in biosolids. The EPA developed a draft standardized framework for sewage sludge chemical risk assessment, a risk-based methodology for prioritizing and screening chemicals found in biosolids. This framework underwent EPA Science Advisory Board review in 2023. The EPA will consider the advisory board's recommendations as it moves to finalize the framework and begins to prioritize and screen chemicals found in biosolids.

CWA Section 303(d) Water Quality Assessment, Listing of Impaired Waters and TMDL Vision: *The 2022-2032 Vision for the CWA 303(d) Program* (2022 Vision)[29] identifies opportunities to effectively manage CWA Section 303(d) program activities to achieve water quality goals for the nation's aquatic resources. The 2022 Vision articulates a renewal of the initial *2013 Long-Term Vision* through several goals and focus areas. The goals highlight opportunities to implement 303(d) program activities in the following categories – Planning and Prioritization, Restoration, Protection, Data and Analysis and Partnerships. The focus areas provide four cross-cutting themes of national, regional and local importance to consider in 303(d) program

[28] Available at the EPA's Water Quality Standards Handbook
[29] Available at the EPA's Vision for the Clean Water Act Section 303(d) Program

implementation – Environmental Justice, Climate Change, Tribal Water Quality and Program Development, and Program Capacity Building.

Protecting and Restoring Aquatic Resources, Including Wetlands and Streams: The EPA's Wetlands program will continue to provide technical and financial assistance to Tribal, state and community partners to protect and restore wetlands and other water resources in the United States. To enhance implementation capabilities in the CWA Section 404 program as well as state and Tribal wetlands programs, the EPA is developing stream and wetland assessment methods, providing regular onboard training and continuing education to permit application reviewers, designing technical tools and improving data management to better support the implementation and evaluation of compensatory mitigation, revising the CWA Section 404 state and Tribal regulations, and providing other resources and support for adapting to and mitigating the effects of climate change. In recognition of the importance of maintaining and restoring a diverse landscape of streams and wetlands that provide multiple clean water and habitat benefits, the EPA is cataloguing the approaches available to monitor and evaluate dynamic stream and wetland systems historically underrepresented in compensation and monitoring programs. The EPA, in collaboration with the Army Corps of Engineers, is also developing regional streamflow duration assessment methods for identifying in a single site visit whether streams are perennial, intermittent or ephemeral, an important factor in determining CWA jurisdiction, conducting impact and compensation assessment, setting appropriate water quality standards and informing other federal, state, Tribal and local program efforts to protect and restore their water resources. The EPA is partnering with states and Tribes to implement the National Aquatic Resource Surveys and report on condition and trends in the nation's lakes, wetlands, rivers and streams.

Advancing Ocean and Coastal Protection: Pollution from maritime and land-based sources, sea level rise, and other impacts from the changing climate, have left ocean and coastal ecosystems and communities vulnerable to degraded water quality, hypoxic zones, habitat loss, and reduced fish, shellfish and coral populations. Addressing these challenges requires the EPA to work closely with partners from other federal agencies, Tribes, states, territories and local communities. The EPA's national strategy for improving the condition of coastal and ocean waters includes the following key elements:

- Maintain the United States' leadership in London Convention and London Protocol activities to allow for continued participation in the development of international regulations and guidelines for ocean protection to reduce and prevent the pollution caused by ocean dumping. The EPA serves on the United States delegation to the annual Meetings of the Parties and leads the United States delegation to the annual Meetings of Scientific Groups.
- Prevent and control pollution from the ocean dumping of dredged material and disposition of other materials in the ocean through the EPA's MPRSA permitting and site designation, management and monitoring program, which implements London Convention treaty requirements in the United States.
- Designate new MPRSA sites or expand the capacity of existing sites under MPRSA to address the increased amount of dredged material from infrastructure projects.

- Regulate ocean-based climate mitigation activities under the MPRSA including marine carbon dioxide removal and solar radiation management to ensure protection of human health, the marine environment and other uses of the ocean.
- Develop strategies to protect and restore the quality of coastal and marine habitats, such as estuaries and coral reefs, from many stressors, including ocean acidification and climate change.
- Develop strategies and programs to address emerging environmental threats to marine and coastal water quality such as ocean acidification and aquatic trash and debris.
- Strengthen the existing Trash Free Waters program emphasis on disadvantaged communities and finalize, in partnership with the EPA's Office of Land and Emergency Management, the Save Our Seas 2.0-mandated *Draft National Strategy to Prevent Plastic Pollution.*[30] Provide strategic foresight and decision support to accelerate coastal resilience and adaptation to climate change via the Climate Ready Estuaries program.
- Implement the fourth National Coastal Condition Assessment in partnership with states and Tribes to track changes in the chemical, physical and biological integrity of the nation's coastal estuarine resources.

Geographic and Place-Based Programs: The EPA and its partners will advance progress to protect and restore ecologically, economically and intrinsically valuable watersheds across the nation through its geographic and place-based programs, such as the National Estuary Program and Urban Waters Federal Partnership, by strategically focusing on the biggest threats to their ecosystems and associated human health issues. Using a collaborative watershed approach, these programs incorporate in their environmental protection work the principles of environmental justice and Tribal reserved rights. The EPA's leadership at the regional and national levels provides a foundation using technical expertise, science-based support and funding to develop long-term strategies and actions to improve water quality, restore habitat and foster sustainable human use. Through these programs, the EPA plays a key role as a convener and facilitator with federal, Tribal, state, territorial and community partners to align resources and authorities within regional, watershed and basin-scaled networks. More specifically, the EPA's geographic and place-based programs deliver technical and financial assistance to solve problems and support healthy, climate-resilient ecosystems that address water quality, water infrastructure, nutrient pollution, habitat loss, treaty rights, equity and environmental justice. The Bipartisan Infrastructure Law provides an additional investment of $1.7 billion for geographic programs and $132 million for the National Estuary Program to protect and restore coastal waters.

Deepen Collaborative Partnerships with Agriculture: *Support state and Tribal programs, and use CWA framework to reduce nutrient pollution.*

Nutrient pollution, caused by excess nitrogen and phosphorus in the air and water, is one of America's most widespread, costly and challenging environmental problems. National Aquatic Resource Surveys conducted by the EPA, states and Tribes report that nearly half of rivers,

[30] Available at the EPA's Draft National Strategy to Prevent Plastic Pollution

streams and lakes are rated poor for elevated levels of nitrogen or phosphorus.[31] Too much nitrogen and phosphorus in the water causes algae to grow faster than ecosystems can handle. Significant increases in algae harm water quality, food resources and habitats, and decrease the oxygen that fish and other aquatic life need to survive. Some algal blooms are harmful to humans, because they produce elevated toxins and bacterial growth that can make people sick if they are exposed to polluted water, consume tainted fish or shellfish or drink contaminated water. Scientists predict that climate change will intensify many of the problems impacting freshwater and marine environments. These effects, along with nutrient pollution, might cause harmful algal blooms to occur more often, in more waterbodies and more intensely. Algal blooms endanger human health and the environment and can negatively impact economies across the United States, including increasing drinking water costs where blooms are present in source waters.

To address this challenge, the EPA will engage USDA leadership to build and maintain connections and momentum, expand engagements with agricultural stakeholders, highlight their success and deepen on-the-ground collaboration with USDA, Tribes, states, territories and stakeholders in key geographic areas. The National Water Quality Initiative is one example of strong collaboration among EPA, USDA and states.[32] The EPA will strongly encourage states to use a one-water approach to deliver a range of water quality benefits, including protection of sources of drinking water, water-based economies, ecological health and habitat.
The Office of Water will champion innovative financing and use the flexibility of the CWA regulatory framework to spur development of more effective technologies, build stronger agriculture-water sector partnerships, and to drive market-based approaches, including water quality trading, third-party credit aggregation and banking. The Office of Water will continue to co-chair the Hypoxia Task Force, which is a central forum for five federal agencies, 12 Mississippi River Basin states and Tribal representatives to coordinate and advance the effort to reduce the size, severity and duration of hypoxia in the Gulf of Mexico and improve local water quality through decreasing nutrient loads.[33]

A total of $60 million provided by the Bipartisan Infrastructure Law will further support partnership efforts and implementation of nutrient reduction strategies, prioritizing strategies that support overburdened and vulnerable communities. Finally, the EPA will continue to evolve and implement the CWA regulatory framework. Technology-based controls for point sources, development and implementation of strong water quality standards, and strategies for addressing nutrients at a watershed scale remain critical. The CWA regulatory authorities are the foundation for much of the nation's progress to date on nutrient pollution and can provide both an incentive and backstop for collaborative approaches. The EPA will modify the NPDES regulations to clarify that water quality trading and other market-based approaches can be used to support compliance with NPDES permit limits. The EPA will also continue to support state efforts to control point sources by collaborating with states to develop resources,

[31] Additional information at the EPA's National Aquatic Resource Surveys
[32] Additional information available at National Water Quality Initiative | Natural Resources Conservation Service (usda.gov).
[33] Additional information available at the EPA's Mississippi River/Gulf of Mexico Hypoxia Task Force

including trainings, case studies and summaries of state approaches to reduce nutrient pollution and implement market-based approaches.

SECTION III: Strengthening the Nation-to-Nation Relationship with Tribes

For Tribes, access to clean water is essential to public health, environmental protection, cultural activities and subsistence practices. Long-standing water challenges in Indian country are negatively impacting Tribes. Tribal communities are more likely than other populations in the United States to lack access to wastewater services and piped drinking water. Barriers to addressing these and other water-related challenges for Tribes include:

- A significant shortfall of funding to address water infrastructure needs.
- A lack of water quality standards that enable full implementation of the Clean Water Act on Tribal waters.
- The need for training, professional development and retention of qualified Tribal water and wastewater operators and program managers.

The Biden-Harris administration is committed to upholding the United States' responsibility to the 574 federally recognized American Indian Tribes and Alaska Native Villages. The Office of Water will help deliver on this commitment by supporting Tribal Nations as they protect and steward their waters. In support of the Biden-Harris Administration's focus on strengthening the Nation-to-Nation relationships,[34] the EPA's Water Program worked in close collaboration with the EPA's Office of International and Tribal Affairs, the EPA regional office leadership and the National Tribal Water Council to develop a Tribal action plan, *Strengthening the Nation-to-Nation Relationship with Tribes to Secure a Sustainable Water Future*.[35] This action plan is the Office of Water's roadmap for supporting Tribal Nations as they protect and steward their waters. The plan calls for rooting decisions in sound science, enacting policy with an explicit and intentional focus on supporting Tribal water governance and continually consulting with Tribal government partners.

In accordance with the EPA's 1984 Indian Policy, the action plan acknowledges the unique government-to-government relationship between the federal government and federally recognized Tribes. Consistent with Strategy 4 of the EPA's *FY 2022-2026 Strategic Plan*, *Strengthen Tribal, State, and Local Partnerships and Enhance Engagement,* and pursuant to its Tribal Action Plan, the Water Program will continue to improve relationships with Tribes through partnerships, outreach and consultation. The Office of Water will seek out and equitably distribute infrastructure funding, advance core water programs with measurable Tribal benefits and partner with Tribes to enhance the capacity of Tribal environmental programs. The EPA will look for more opportunities to support climate resiliency in Tribal communities and on Tribal lands and will strive to further integrate principles of equity and

[34] Additional information on the Biden-Harris administration's focus on strengthening the Nation-to-Nation relationships is available at The White House's Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships.

[35] Available at the EPA's *Strengthening the Nation-to-Nation Relationship with Tribes to Secure a Sustainable Water Future* action plan

environmental justice into work with Tribes. The actions outlined in the action plan are important steps by the Biden-Harris administration to uphold federal trust responsibilities.

The Tribal Action Plan focuses on the following priority areas:

- **Promote Robust Coordination and Meaningful Consultation with Tribal Nations:** The Office of Water will partner with the EPA's Office of International and Tribal Affairs to ensure robust and sustained consultation with Tribes. It will also regularly engage Tribal representatives via advisory boards and engagement processes across programs. Furthermore, the Office of Water will deepen its collaboration with the National Tribal Water Council to ensure two-way communication and foster collaboration between Tribal programs and the EPA.
- **Strengthen and Expand Water Governance in Indian Country:** Fostering Tribal self-governance and Tribal regulation of environmental resources is essential to fulfilling the federal government's trust responsibility. The Office of Water will seek to implement regulations, policies and guidance that align with the ability of Tribes to implement environmental programs and protect Tribal waters and aquatic resources.
- **Increase Infrastructure Funding and Capacity Development:** The Office of Water manages several funding programs that support infrastructure development for Tribes, including the SRF program set-asides, Public Water System Supervision Tribal Support Grants, the Underground Injection Control Tribal Assistance Grants and WIIN grants. The Office of Water also provides programmatic funding to support Tribal water quality programs through grants such as the Wetland Program Development Grant, Water Pollution Control and Nonpoint Source programs (CWA Sections 104(b)(3), 106 and 319). The Office of Water will work collaboratively with Tribes to maximize the impact of available funding programs.
- **Honor the Federal Trust Responsibility and Protect Tribal Reserved Rights Related to Water Resources:** The Office of Water recognizes that in some circumstances, the EPA has an obligation to take action to protect Tribal waters and aquatic resources. The Office of Water will continue rulemaking efforts and directly implement CWA and SDWA programs in Indian country where Tribes have not taken on these authorities.

CWA Tribal Forum: The Office of Water will organize the 2024 CWA Tribal Forum to be held in May 2024. The forum will focus on a more advanced understanding of CWA authorities most relevant to Tribes and the implementation of those authorities in Indian country. The forum is intended for Tribes with experience administering water quality programs that are interested in taking a deeper dive with CWA implementation. The forum will include discussions led by Tribal representatives and the EPA on such topics as challenges, benefits and available tools.

Tribal Funding within the Bipartisan Infrastructure Law: Most of the law's funding supports water infrastructure improvements and lead service line replacement and addresses emerging contaminants. For Tribes, funding will flow through the existing SRF Tribal set-aside programs. The SRF Tribal set-asides, which are established through congressional appropriations, are

anticipated to be 2% of total CWSRF and DWSRF Bipartisan Infrastructure Law program funding, respectively. [36]

- The EPA administers the CWSRF Tribal set-aside funding primarily through interagency agreements with the Indian Health Service. The EPA's regional offices work with the IHS and Tribes to identify, prioritize and select water infrastructure projects to receive funding. Tribes can then manage their grants through a direct grant from the EPA or request to have the IHS implement the project on their behalf.
- The EPA administers the DWSRF Tribal set-aside through regional programs that coordinate with local Tribes and the IHS to establish priorities and support project implementation. Tribes can then manage their grants through a direct grant from the EPA or request, at the discretion of the IHS, to partner with the IHS on implementation.

The Biden-Harris administration's relationship with Tribes is built on respect for Tribal sovereignty and self-governance, honoring federal trust and treaty responsibilities, and conducting regular, meaningful and robust consultation with Tribal Nations. The EPA will communicate with Tribes and share more detailed information on the critical resources in the Bipartisan Infrastructure Law, how these resources can improve Tribal communities and how Tribes can access them as information becomes available.

[36] Additional information on Bipartisan Infrastructure Law funding for Tribes is available at the EPA's Investments in Tribal Communities.

SECTION IV: Grant and Loan Guidance

The EPA promotes flexibility in grant work planning to address the environmental and health priorities of Tribes, states and territories. Through the National Environmental Performance Partnership System (NEPPS), the EPA encourages the use of PPA and Performance Partnership Grants[37] (PPG) as vehicles for continuous collaboration and for increasing administrative, financial and programmatic flexibilities for Tribes, states and territories.[38] In addition, regional offices can consider established EPA-Tribal environmental plans to assist in conducting federal environmental program activities in Indian country, including direct implementation and technical and financial assistance.

Beach Monitoring and Notification Grants

The EPA awards grants under authority of *The Beaches Environmental Assessment and Coastal Health Act* to eligible states, territories and authorized Tribes to develop and implement programs to monitor their beaches and notify the public when it is not safe to swim. Eligible states, territories and Tribes must have approved water quality standards with beaches on ocean or Great Lakes coasts. During each swimming season, state and local health and environmental protection agencies monitor the quality of water at the nation's beaches. When bacteria levels in the water are too high, these agencies notify the public by posting beach warnings or closing the beach. The grants help local authorities monitor beach water quality and notify the public of conditions that may be unsafe for swimming. The grant guidance, information about the grant allotment formula, and annual allotments to states, territories and Tribes can be found at the EPA's Beach Grants.

Public Water System Supervision Grant Guidance

The PWSS grant program is fundamental to the implementation of the national drinking water program and is a key oversight tool utilized in partnership with states[39] and Tribes to provide safe drinking water to the American public. The Office of Water recognizes the key role of states as co-regulators of the drinking water program, and the importance of EPA-state coordination on implementation issues. The Office of Water intends to engage state program representatives in implementation activities for the PFAS rule and for actions on Lead and Copper Rule Revisions and Lead and Copper Rule Improvements. In addition, the Office of Water also recognizes the importance of consistent communication with state drinking water programs from the EPA. The Office of Water will meet regularly with the Office of Enforcement

[37] General information is available at the EPA's National Environmental Performance Partnership System (NEPPS). Information on environmental programs eligible for inclusion in a PPG is available the EPA's NEPPS: Implementing Performance Partnerships.

[38] The EPA's Office of Congressional and Intergovernmental Regulations FY 2023-2024 National Program Guidance for information on NEPPS, PPA and PPG FY 2023-2024 priorities referenced are available at the EPA's National Program Guidances (NPGs).

[39] "State" refers to states, territories and Tribes with primacy.

and Compliance Assurance and primacy agencies to discuss Public Water System program priorities, improve coordination and collaboration, and avoid duplication of effort.

PWSS grants are provided to states with primary enforcement authority to implement NPDWRs. The NPDWRs set forth monitoring, reporting, compliance tracking and enforcement elements. Grant funds are used by states to:

- Maintain compliance data systems.
- Compile and analyze compliance information.
- Respond to and enforce against violations.
- Certify labs.
- Conduct lab analyses.
- Conduct sanitary surveys.
- Draft new regulations and legislative provisions where necessary.

Public Water System Supervision Grant Activities

Building on the ongoing efforts of grantees to implement the PWSS program, FY 2025-2026 priority activities for the PWSS grantees, including those directly implementing programs in Indian Country, should include:

- Taking targeted actions, such as training and technical assistance, to support efforts to reduce the number of health-based violations and reduce consumer exposure to contaminants. Programs should look comprehensively at community needs to identify approaches to ensure sustainable compliance and should coordinate with the Office of Water's technical assistance effort to provide assistance.
- Submitting primacy packages for all NPDWRs to reduce the backlog of unsubmitted or unapproved packages.
- Completing sanitary surveys in a timely manner to meet the requirements of the law and supporting water systems in addressing any deficiencies found.
- Seeking opportunities to implement policies that will enhance program collaboration with the Drinking Water State Revolving Fund, *Water Infrastructure Improvements for the Nation Act* and the Capacity Development programs to address noncompliance among vulnerable systems.
- Ensuring that compliance data submitted to the agency are accurate, complete and submitted in a timely manner.
- Addressing implementation of the new PFAS rule, and the Lead and Copper Rule Revision requirements effective in 2024, including lead service line inventories. Continuing to implement the Ground Water Rule and the Stage 2 Disinfectants and Disinfection Byproducts Rule, which represents the largest number of health-based violations.
- Continuing to address simultaneous compliance challenges with the Lead and Copper Rule. Devoting a proportion of each PWSS grant to ensuring that data are effectively managed and that required data are submitted to the EPA such that water system

compliance determinations are consistent with federal and state regulations; corrective actions associated with data file reviews and annual program reviews are implemented; and PWSS grantees submit to the EPA the required inventory, compliance and enforcement data.

The PWSS national program is updating PWSS program-specific guidance and reference for the EPA's regional offices that focuses on federal regulatory requirements and grant management policies in FY 2024. The PWSS grant policy, and allotment formula can be found at Public Water System Supervision Program Water Supply Guidance Manual. The PWSS grant allotments are based on factors such as population, geographic area and PWSS inventory.

The *Guidance and Tentative Grant Allotments to Support PWSS Programs on Tribal Lands* can be found at Final FY 2008 Guidance and Tentative Grant Allotments to Support Public Water Systems Supervision (PWSS) Programs on Tribal Lands Memorandum.

Drinking Water State Revolving Fund Guidance

This document for FY 2025-2026 includes guidance for state recipients of DWSRF program capitalization grants.[40] Grant recipients are expected to conduct their programs to help achieve the goals, objectives and measures specified.

The Bipartisan Infrastructure Law amends the DWSRF-authorizing section of the SDWA and allocates three new supplemental appropriations into the DWSRF each year between FY 2022 and FY 2026, inclusive. These supplemental appropriations total approximately $30.7 billion over those years. These appropriations are in addition to base appropriations anticipated each year.

The Bipartisan Infrastructure Law amends SDWA 1452 to:

- Reauthorize the DWSRF through 2026.
- Offer states new methods of delivering additional subsidies to underserved communities.
- Increase the amount of required additional subsidies that states must provide to disadvantaged communities.
- Make the American Iron and Steel procurement provision permanent.
- Add a new Build America, Buy America procurement requirement.

The Bipartisan Infrastructure Law contains provisions for several grants to be administered separately as part of the DWSRF program.

[40] Additional information on DWSRF grant programs available at the EPA's Drinking Water State Revolving Fund (DWSRF)

General Supplemental: The Bipartisan Infrastructure Law provides DWSRF funding for any DWSRF-eligible project and activity. States will apply for a capitalization grant with a 20% state match in FY 2024-2026. The states provide below-market interest loans and principal forgiveness or grants under this appropriation.

Lead Service Line Replacement Supplemental: The Bipartisan Infrastructure Law provides DWSRF funding for eligible projects limited to lead service line replacement and associated activities related to identification, planning, design and removal of lead service lines. States will apply for a capitalization grant with no state match required. The states provide below-market interest loans and principal forgiveness or grants to replace lead service lines under this appropriation.

Emerging Contaminant Supplemental: The Bipartisan Infrastructure Law provides DWSRF funds for eligible projects addressing emerging contaminants with a focus on PFAS. States may apply for a capitalization grant with no state match required. The states will provide principal forgiveness and grants to fund drinking water infrastructure projects to address emerging contaminants, with a focus on PFAS, under this appropriation.

Further guidance to states on the implementation of the Bipartisan Infrastructure Law can be found at the EPA's Bipartisan Infrastructure Law SRF Memorandum.

In FY 2025-2026, the EPA and states are taking appropriate and timely steps to ensure that all CWSRF and DWSRF funds move as expeditiously as possible from the EPA through states and into high-priority projects, consistent with sound program oversight, achieving the public health protection objectives of the SDWA. This includes a continued emphasis on cash flow modeling and assisting drinking water systems in most need of financial and technical assistance. The Bipartisan Infrastructure Law Lead Service Lead Replacement and Emerging Contaminants eligibilities are consistent with, and often broader than, requirements that have been proposed under the PFAS rule and the Lead and Copper Rule Improvements.

At their discretion, states may reserve up to approximately 31% of any DWSRF capitalization grant for set-asides to fund DWSRF program administration, small system technical assistance, state program management and local assistance. This includes:

- Support for the state PWSS programs.
- State-wide operator certification programs.
- State-wide capacity development planning.
- System source water protection.
- System-level capacity development actions.

To ensure the appropriate balance between financing capital projects to improve the delivery of safe water and funding non-capital set-aside assistance for water systems, the PWSS program in each state has the primary responsibility for determining the priority for providing assistance to water systems. This balance of funding priorities is to be reflected in the state's

intended use plan. The SDWA requires that states submit an annual intended use plan that details how the state will use DWSRF program funds, including new capitalization grants, as well as other grant funds, repayments and other resources. The Project Priority List is a cornerstone element of the intended use plan and presents all the capital projects awaiting DWSRF assistance in priority funding order. The SDWA further requires states to include a fundable list showing the specific projects that the state anticipates being ready to proceed to when receiving assistance that year. Additionally, the SDWA requires states to submit set-aside workplans detailing how set-aside funds will be used. The SDWA also requires states to submit a biennial report that explains how DWSRF funds were used. Finally, the SDWA requires states to submit annual data on program performance. Auditing is required to the extent laid out in The Single Audit Act.

The EPA's regional offices perform annual on-site reviews of state programs, including project file reviews and financial performance analysis. The EPA headquarters conducts transaction testing. These reviews serve as the EPA's baseline monitoring for the DWSRF and are the culmination of the regional office's oversight of the SRF programs. These reviews also reinforce priorities and build a framework for ongoing conversations over the next fiscal year. The annual review guidance and checklists have been substantively edited and restructured to institutionalize SRF priorities and to make it easier to use and understand. The revisions include highlighting the Bipartisan Infrastructure Law priorities reflected in the March 2022 Bipartisan Infrastructure Law Memo[41] – themes also reflected in the Office of Water priority areas of climate change, equitable access, remediating PFAS and investing in water infrastructure.

The DWSRF grant allotments are based on the Drinking Water Needs Survey's results. State-by-state allotments, territorial funds and the total amount available to each region for Tribes is available at Drinking Water State Revolving Fund.

Emerging Contaminants in Small and Disadvantaged Communities Grant Program

This new $5 billion grant program was authorized under SDWA 1459A and enacted and appropriated through the Bipartisan Infrastructure Law. The initial implementation guidance, published in February 2023, includes technical and implementation guidance for recipients of the emerging contaminants funding, which is administered non-competitively to states and territories, with a Tribal program set-aside. The document supports grant recipients through the expected planning and execution of their programs, including achieving the goals, objectives and reporting measures of the program. The EPA distributed $2 billion, the first two years of allotments, in February 2023, and the program is working with recipients to make the initial awards.

Eligible activities include:

[41] Available at the EPA's Implementation of the Clean Water and Drinking Water State Revolving Fund Provisions of the Bipartisan Infrastructure Law Memorandum.

- Efforts to address emerging contaminants in drinking water that would benefit a small or disadvantaged community on a per-household basis.
- Technical assistance to evaluate emerging contaminant problems.
- Programs to provide household water quality testing, including testing for unregulated contaminants.
- Local contractor training.
- Activities necessary and appropriate for a state to respond to an emerging contaminant.

The Bipartisan Infrastructure Law amends the subsections (a) through (j) of Section 1459A of the SDWA (42 U.S.C. 300j-19a). The amendment includes appropriations of $5 billion between FY 2022 and FY 2026 to address emerging contaminants in small and overburdened or underserved communities. The Bipartisan Infrastructure Law provides these grant funds for eligible projects addressing emerging contaminants with a focus on PFAS. Projects that address a contaminant listed in any of the EPA's Contaminant Candidate Lists are also eligible. States will use the grants to assist public water systems in small or disadvantaged communities that are unable to finance activities to comply with drinking water regulations and to respond to drinking water contaminants. There is no state match requirement.

The EPA will release updated guidance to states on the implementation and allocation of emerging contaminants funding in FY 2024, along with new annual allotments. This information will be available on the Emerging Contaminants in Small or Disadvantaged Communities grant website.

Voluntary School and Child Care Lead Testing and Reduction Grant Program

The Bipartisan Infrastructure Law expands the WIIN Lead Testing in Schools and Child Care Drinking Water Grant program with funding for eligible grant work to include compliance monitoring and lead reduction and remediation activities, in addition to testing. Additionally, it expands on the eligible recipients to include Tribal consortia, public water systems located in states that do not directly participate in the grant program and qualified nonprofit organizations. The Bipartisan Infrastructure Law expands the WIIN Reducing Lead in Drinking Water Grant program to include all lead service line replacement as eligible, not just public-owned lead service line replacements.

The EPA released additional guidance to eligible recipients on the implementation of lead remediation and/or replacement activities funded through the grants in FY 2023. It is available on the WIIN Act grant programs website.

Small, Underserved, and Disadvantaged Communities Grant Program

This grant program is designed to help public water systems in small, underserved and disadvantaged communities meet and comply with SDWA regulations by providing funding for

drinking water projects and activities. Funding is awarded to states, territories and Tribes on a noncompetitive basis. Examples of qualifying project activities include, but are not limited to:

- Treatment.
- Transmission and distribution.
- Source.
- Storage.
- Creation of new systems.
- Consolidation.
- Household water quality testing, including for unregulated contaminants.
- Providing households access to drinking water services.
- Assistance to increase technical, managerial and financial capacity.
- Drinking water contamination response efforts.

Implementation guidance is available on the EPA's WIIN Grant: Small, Underserved, and Disadvantaged Communities Grant Program website.

Underground Injection Control Grant Guidance

State and Tribal grant recipients are expected to implement their programs to help achieve the goals, objectives and measures specified in this guidance.[42]
The overall objective of the Underground Injection Control (UIC) Grant program is to protect public health by enforcing minimum requirements to ensure that:

- All injection is authorized under general rules or specific permits.
- Injection well owners and operators do not site, construct, operate, maintain, convert, plug, abandon or conduct any other injection activity that endangers an underground source of drinking water.
- Injected fluids stay within the well and the intended injection zone.
- No injection occurs which allows for the introduction of any contaminant into an underground source of drinking water if the presence of that contaminant may cause a violation of any primary drinking water standard or otherwise adversely affect public health.

To assist owners and operators of UIC facilities in meeting these objectives, grantees will need to adopt a variety of approaches and coordinate efforts with other groundwater protection programs. FY 2023-2026 priority activities for the UIC grant fund recipients should include:

[42] 40 CFR 144.3 "State" means any of the 50 states or commonwealths, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands or an Indian Tribe treated as a state.

- Maintaining program capacity to implement UIC program requirements for all classes of wells.
- Ensuring that Class I, II and III (salt solution) wells that lose mechanical integrity are returned to compliance.
- Addressing high-priority Class V wells.
- Submitting data through the EPA's UIC Data Application.

The Bipartisan Infrastructure Law authorized a UIC Class VI grant program to be administered separately from the UIC Grant. The UIC Class VI grant program will provide funds to state and Tribal government agencies for the establishment and implementation of UIC Class VI primacy programs that oversee underground injection activities in UIC Class VI wells to prevent contamination of underground sources of drinking water. UIC Class VI wells are utilized for carbon sequestration.

Further guidance on the implementation UIC program can be found at the EPA's Underground Injection Control Grants.

Clean Water State Revolving Fund Guidance

This document for FY 2025-2026 includes guidance for state recipients of CWSRF program capitalization grants. Grant recipients are expected to conduct their programs to help achieve the goals, objectives and measures specified.

The Bipartisan Infrastructure Law amends the CWSRF-authorizing section of the CWA and appropriates two new supplemental appropriations into the CWSRF each year between FY 2022 and FY 2026, inclusive. These supplemental appropriations total approximately $11.7 billion in funds over those years. These appropriations are in addition to base appropriations anticipated each year.

The Bipartisan Infrastructure Law amends CWA Title VI to:

- Reauthorize the CWSRF through FY 2026.
- Offer states new methods of delivering additional subsidies to underserved communities and eligible project types defined under CWA 603(i).
- Increase the amount of required additional subsidies that states must provide to underserved communities and eligible project types defined under CWA 603(i).
- Allow states to use up to 2% of their annual capitalization grant to aid nonprofit organizations or state, regional, interstate or municipal entities to provide technical assistance to rural, small and Tribal publicly owned treatment works.
- Add a new Build America, Buy America procurement requirement.

The Bipartisan Infrastructure Law contains provisions for several grants to be administered separately as part of the CWSRF program.

General Supplemental: The Bipartisan Infrastructure Law provides CWSRF funding for any CWSRF-eligible project and activity. States will apply for a capitalization grant with a 20% state match in FY 2024-2026. The states provide below-market interest loans and principal forgiveness or grants under this appropriation.

Emerging Contaminant Supplemental: The Bipartisan Infrastructure Law provides CWSRF funds for eligible projects addressing Emerging Contaminants. States may apply for a capitalization grant with no state match required. The states will provide principal forgiveness and grants to fund drinking water infrastructure projects to address emerging contaminants under this appropriation.

Further guidance to states on the implementation of the Bipartisan Infrastructure Law can be found at the EPA's Bipartisan Infrastructure Law SRF Memorandum.

The EPA will continue to strengthen oversight of the program through effective implementation of its federal requirements. The EPA will continue to work with states to increase demand through marketing and outreach, including providing technical assistance (e.g., surveys and focus groups) to CWSRF programs to identify state-specific marketing opportunities and identifying exceptional projects for national recognition through the CWSRF Performance and Innovation in the CWSRF Creating Environmental Success program.

In FY 2025-2026, the EPA and states should take all appropriate and timely steps to ensure that all CWSRF and DWSRF funds move as expeditiously as possible from the EPA through states and into high-priority projects, consistent with sound program oversight, achieving the environmental and public health protection objectives of the CWA and SDWA. This includes a continued emphasis on cash flow modeling and assisting drinking water systems in most need of financial and technical assistance.

CWA Section 604(b) Grant Guidance

Each year, under Section 604(b), the EPA provides noncompetitive funding to states and territories to conduct essential water quality management planning and management activities jointly with area planning organizations.[43] Eligible activities include characterizing the quality of waterbodies, the impacts of pollution on human health and the environment and developing strategies to protect high-quality waters and restore degraded waters. Under section 604(b), approximately 1% of each state's or territory's CWSRF capitalization grant amount(s) (or $100,000 if greater) is reserved to carry out planning under sections 205(j) and 303(e) of CWA.

In June 2022, the EPA issued interim implementation guidelines,[44] which provide information on how the EPA will administer Section 604(b) grants for FY 2022-2026 as states and territories

[43] Additional information about Section 604(b) Grants is available at the EPA's Water Quality management Planning Grants.
[44] Available at the EPA's Interim Implementation Guidelines for Clean Water Act Section 604(b) Water Quality Management Planning Grants for Fiscal Years 2022 through 2026 Memorandum

utilize approximately $127 million in additional funding provided by the Bipartisan Infrastructure Law. The guidelines help states and territories build on their successes and more fully integrate equity, environmental justice and climate considerations into water quality planning efforts.

Water Infrastructure Finance and Innovation Act Guidance

The WIFIA program is a government bank that provides long-term, low-cost, supplemental loans for regionally and nationally significant water and wastewater infrastructure projects. Eligible public and private borrowers can finance a wide variety of wastewater, drinking water, water reuse, stormwater and other water quality improvement capital projects with WIFIA loans. Borrowers applying for WIFIA loans must be creditworthy and demonstrate that they can repay the federal government over the loan's term. For more information, visit the EPA's Water Infrastructure Finance and Innovation Act website.

CWA Section 106 Grant Guidance

Grant recipients are expected to conduct their programs to help achieve the goals, objectives and measures specified in this guidance. In addition, the Section 106 website[45] includes specific guidance for state, interstate and Tribal grant recipients in these Section 106 grant guidance areas.

Section 106 grant guidance covers Water Pollution Control program activities, including water quality standards, water quality monitoring, impaired waters listing and TMDL development, 401 certification, 404 permitting, and NPDES permitting, enforcement and compliance. High-priority activities for the EPA for FY 2025-2026 include:

- Supporting states' and Tribes' adoption of sound, scientifically defensible water quality criteria to protect designated uses.
- Coordinating with states, territories and Tribes to implement National Aquatic Resource Surveys to assess the quality of the nation's coastal waters, lakes and reservoirs, rivers and streams, and wetlands using a statistical survey design.[46]
- Supporting enhancements to monitoring programs addressing additional state and Tribal priorities.
- Supporting implementation of the Assessment TMDL Tracking and Implementation System (ATTAINS) data flow for submission of integrated reporting under CWA Sections 303(d) and 305(b) through technical assistance and Exchange Network Grants.
- Working with states, territories and Tribes on listing of impaired waters and priority TMDLs, other restoration plans, and protection approaches under the CWA Section 303(d) Program Vision. Support Tribes interested in adopting and implementing CWA Section 303(d) listing and TMDL program for reservations.

[45] Available at the EPA's Water Pollution Control (Section 106) Grants
[46] Additional information available at the EPA's National Aquatic Resource Surveys

- Incorporating new NPDES regulations, policies and other programmatic changes, continue implementation of significant actions identified during permit and program quality reviews, ensure state and territory NPDES permit application forms are as stringent as current regulations for the EPA application forms, continue implementation of the NPDES Electronic Reporting Rule, consider impacts due to climate change in the permitting process, and where appropriate, identify environmental justice and Title VI civil rights factors that could inform the development of effective approaches within the authority of the NPDES program.
- Supporting states and Tribes interested in assuming the Section 404 Dredged and Fill Permit program and provide technical assistance in program development and implementation to ensure programs are consistent with the CWA.
- Encouraging states and territories to, as appropriate, propose monitoring requirements at facilities where PFAS are expected or suspected to be present in wastewater and stormwater discharges, using the EPA's recently published analytical method 1633, which addresses 40 specific PFAS.

CWA Section 319 Grant Guidance

Section 319 of the CWA awards grants to states, territories and Tribes to manage polluted runoff programs and implement local projects to restore and protect water quality impacted by nonpoint source pollution (NPS).[47] Section 319 grants are awarded via an allocation formula. Under FY 2023 appropriation levels, funding ranged from about $1 million to $9 million per state. States strategically guide the funds to priorities in their NPS Management Plan, supporting state staff, monitoring, watershed restoration projects, technical assistance and other activities.

In FY 2023, the EPA set aside 7.6% of the annual Section 319 appropriation to Tribes and articulated a long-term target of increasing the Tribal Section 319 set-aside to 12% to meet Tribal NPS program needs more fully. In FY 2024, there are 214 federally recognized Tribes eligible for Section 319 grants. The EPA continues to see active program growth in the Tribal NPS program, with an average of four Tribes becoming newly eligible for Section 319 grants each year.

States, territories and Tribes structure their NPS programs to fit their needs and priorities, develop five-year NPS Management Plans and take the lead in project selection, management and water quality monitoring. The EPA applies guidelines for the allocation and effective utilization of federal funds. It also provides programmatic oversight and assistance, technical assistance, and a national framework for measures reporting and success documentation.

Funds address diverse sources of polluted runoff with at least half of funds implementing on-the-ground projects to address problems such as acid mine drainage, unpermitted urban

[47] Additional information about Section 319 grant funding and the current grant guidance is available at the EPA's 319 Grant Program for States and Territories

runoff, failing septic systems and streambank erosion.

At the national level, program priorities are to:

- Continue supporting state, territory and Tribal programs with programmatic and technical assistance.
- Continue Section 319 program and funds management.
- Annually approve state and Tribal workplans and issue grants.
- Advance equity and inclusion in the delivery of NPS water quality benefits.
- Advance climate resilience and adaptation through technical support and reporting approaches.
- Ensure Section 319 funds are targeted in a technically sound and effective approach to address priority NPS pollutants and impairments identified in the grantee's NPS management program plan.
- Provide national leadership partnering with the EPA programs (e.g., CWSRF) and federal programs, in particular building on the Office of Water's longstanding relationship with USDA, as well as growing a partnership with the Federal Emergency Management Agency, to focus on the co-benefits of water quality projects and risk reduction from natural hazards such as flooding and drought.
- Provide leadership for national scale NPS initiatives including the National Water Quality Initiative with USDA and the Gulf of Mexico Hypoxia Task Force with five federal agencies and 12 Mississippi River Basin states.

Wetland Program Development Grants

Since 1990, the Wetland Program Development Grants have been funded to support state, Tribal and territorial wetland projects and wetland strategic plans.[48] The program goal is to build state, Tribal, territory and (to a lesser extent) local wetland programs. Areas of funding include monitoring and assessment, regulatory development, voluntary restoration and wetland water quality standards. Program vehicles included regional Request for Applications (RFAs) for states, Tribes, territories, interstate agencies, and intertribal consortia; Tribal-only RFAs for Tribes and intertribal consortia; national RFAs for non-profit NGOs, interstate agencies, and intertribal consortia; a Five-Star RFA for non-profit NGOs, interstate agencies, and intertribal consortia; and a National Association of Wetland Managers noncompete assistance agreement. Thus far, there have been 51 states and territories, over 70 Tribes (not including intertribal organizations), and many local governments that have received funding for activities authorized under CWA Section 104(b)(3) for research, investigations, experiments, training, demonstrations, surveys and studies.

The Wetland Program Development Grants regulations indicate that these funds must be

[48] Additional information about the Wetland Program Development Grants is available at the EPA's Wetland Program Development Grants and EPA Wetlands Grant Coordinators.

competed and require a percentage match. However, if placed in PPG, it may be as low as 5% for states and territories and 0% for Tribes.

SECTION V: FY 2025 National Water Program Measures

Subject Area	Measure Language	Comments/Notes
Infrastructure	Billions of non-federal dollars leveraged by the EPA water infrastructure finance programs (SRF and WIFIA)	
Infrastructure	Number of American Indian and Alaska Native homes provided access to basic sanitation	Data for this metric come from the Indian Health Service. The IHS started tracking this data in a different way, and the EPA will no longer be able to report on this metric. The EPA is exploring an alternative measure.
Infrastructure	Number of Tribal, small, rural or underserved communities provided with technical, managerial or financial assistance	Includes Tribal component
Infrastructure	Number of drinking and wastewater systems and water sector partners provided with resiliency training	
Infrastructure	The number of program evaluation reports (PERs) finalized within 90 days of the completion of state DWSRF annual reviews (count)	
Infrastructure	The number of PERs finalized within 90 days of the completion of state CWSRF annual reviews (count)	
Drinking Water	Community water systems still in noncompliance with health-based standards since March 31, 2021	
Drinking Water	Community water systems in Indian country still in noncompliance with health-based standards	Tribal metric added to the EPA's FY 2022-2026 Strategic Plan
Drinking Water	Percent of community water systems in compliance with health-based standards	
Drinking Water	Systems Out of Compliance Due to Lead and Copper Rule Violations	
Drinking Water	Number of lead service line replacements funded	New metric beginning in FY 2024

Subject Area	Measure Language	Comments/Notes
Drinking Water/Environmental Justice	Number of lead service line replacements funded in disadvantaged communities (as defined by states)	New metric beginning in FY 2024
Drinking Water	Number of engagements that improve technical, managerial and financial capacity of drinking water systems	
Drinking Water	Public Water Supervision System (PWSS) program reviews completed by the Regions for each primacy agency in the corresponding year	
Drinking Water	State PWSS rule primacy applications in backlog	
Underground Injection Control	The EPA Permit Backlog - New UIC	
NPDES[49]	Number of existing the EPA-issued NPDES individual permits in backlog	Includes Tribal component
NPDES[50]	Number of applications for new the EPA-issued NPDES individual permits in backlog	Includes Tribal component
NPDES[51]	Number of facilities covered by the EPA-issued NPDES general permits in backlog	
NPDES	Number of applications for new NPDES individual permits for facilities on Tribal lands in backlog	
NPDES	Number of existing NPDES individual permits for facilities on Tribal lands in backlog	
NPDES	Percent of existing state-issued NPDES individual permits in backlog	
NPDES	Percent of facilities covered by state-issued NPDES general permits in backlog	

[49] For NPDES permit backlog metrics, existing permits (both individual and general) are considered backlogged when they have been administratively continued for 180 days or more.
[50] For this NPDES permit backlog metric, applications for new permits are considered backlogged 365 days after a complete application has been received.
[51] For all NPDES general permit backlog metrics, construction stormwater permits are excluded due to the unique nature and ever-changing, large universe for those permits.

Subject Area	Measure Language	Comments/Notes
Total Maximum Daily Loads (TMDLs)	Square miles of priority areas covered by TMDLs, other restoration plans or protection approaches	
TMDLs	Backlog of the EPA action on TMDLs	
Impaired Waters	Annual increase in square miles of watersheds with surface water meeting standards[52]	
Impaired Waters/Bipartisan Infrastructure Law	Percent of NEP BIL Funds Award	
Impaired Waters	Square miles of watersheds previously impaired due to nutrients that now meet standards	
Impaired Waters	Backlog of the EPA action on 303(d) Lists	
Impaired Waters	Outstanding State submission of 303(d) lists	
Impaired Waters	Number of primarily NPS-impaired waterbodies partially or fully restored by NPS program actions	
Water Quality	Report on the quality of the nation's waters - percent of samples processed	The EPA, state, and Tribal National Aquatic Resource Surveys
Water Quality Standards	Percent of water quality standards actions taken within the 60- or 90-day statutory deadlines	
Water Quality Standards	Number of Tribes with the Clean Water Act effective Tribal or federal water quality standards	Tribal metric
Water Quality Standards	Number of Tribes with treatment in a similar manner as a state for water quality standards	Tribal metric
Water Reuse Action Plan	Total number of actions to advance water reuse (both active and complete)	

[52] The EPA recognizes that additional waters may be listed as impaired, (e.g., as new data) and information become available for assessments and water quality standards are changed/developed. The EPA establishes a universe of impaired waters as part of the strategic planning process. It is from this universe that progress is measured. Any new impaired waters that are added during a state's subsequent bi-annual Integrated Report do not count against this measure but would be reflected in subsequent strategic plans.

SECTION VI: Key Contacts

Subject Area	Contact Name	Email
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APPENDIX

List of Acronyms

Acronyms	Term
ATTAINS	Assessment TMDL Tracking and Implementation System
CWA	Clean Water Act
CWSRF	Clean Water State Revolving Fund
DWSRF	Drinking Water State Revolving Fund
EPA	United States Environmental Protection Agency
FY	Fiscal Year
IHS	Indian Health Service
MPRSA	Marine Protection, Research and Sanctuaries Act
NEPPS	National Environmental Performance Partnership System
NGO	Non-Governmental Organization
NPDES	National Pollutant Discharge Elimination System
NPDWRs	National Primary Drinking Water Regulations
NPS	Nonpoint Source Pollution
NWPG	National Water Program Guidance
PFAS	Per- And Polyfluoroalkyl Substances
PFOA	Perfluorooctanoic Acid
PFOS	Perfluorooctane Sulfonic Acid
PERS	Program Evaluation Reports
PPA	Performance Partnership Agreement
PPG	Performance Partnership Grant
PWSS	Public Water System Supervision
RFA	Request for Applications
SDWA	Safe Drinking Water Act
SRF	State Revolving Fund
TAS	Treatment in a Similar Manner as a State
TMDL	Total Maximum Daily Load
UIC	Underground Injection Control
USDA	United States Department of Agriculture
WaterTA	Water Technical Assistance
WIFIA	Water Infrastructure Finance and Innovation Act
WIIN	Water Infrastructure Improvements for the Nation Act