

**OFFICE OF WATER
FY 2003 ENVIRONMENTAL JUSTICE PROGRESS REPORT**

The Office of Water's (OW) mission is to provide clean and safe drinking water for all Americans and improve and restore aquatic environments. To achieve these benefits, OW is committed to integrate environmental justice (EJ) principals as appropriate into its policies, programs and activities to ensure that no segment of the population is disproportionately burdened from adverse human health or environmental effects. The Office of Water FY 2003 Environmental Justice Progress Report reflects the following completed and ongoing activities in each of OW's offices which underscore our attempt to integrate environmental justice on an office-wide basis.

OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WATER

In FY 2003, the Office of the Assistant Administrator for Water worked with and supported the National Environmental Justice Advisory Council (NEJAC) Air and Water Subcommittee Permits Workgroup's efforts to develop a guide and recommendations for improving the integration of environmental justice into environmental permitting. The overarching goal of this document is to identify and recommend useful practices for incorporating EJ concerns into environmental permitting at the Federal, State, regional and local levels. OW sponsored monthly conference calls that provided the Air and Water Subcommittee with an opportunity to meet and continue the development of the draft Guide. OW also sponsors several EJ stakeholders who sit on the Permits Workgroup. In September 2003, the Office of Water and the Office of Air and Radiation cosponsored a face-to-face meeting for the Air and Water Subcommittee Permits Workgroup in Herndon, Va. This meeting allowed the Permits Workgroup the opportunity to focus on several stages of the permitting process and their potential for success in reaching timely decisions on the siting and permitting of new and modified facilities while minimizing disproportionate impacts on low-income and minority communities.

OW also provided a Designated Federal Officer (DFO) and technical support to the NEJAC Air and Water Subcommittee during FY 2003.

OFFICE OF GROUND WATER AND DRINKING WATER (OGWDW)

In FY 2003, OGWDW provided a grant of \$25,000 to the National Black Environmental Justice Network (NBEJN) for outreach activities. The NBEJN is a consortium of grass roots organizations that work nationally on environmental justice issues. NBEJN has an interest in drinking water issues from an ethnic and rural perspective. NBEJN also partners with black farmers to focus on farming and source water issues.

In 2003, OGWDW also provided guidance to the National Black Conference of Mayors Environmental Committee Meeting on drinking water issues and the availability of assistance to small and rural communities.

The Office of Ground Water and Drinking Water participated in the Environmental Protection Agency's (EPA) National Community Involvement Conference held July 22-25, 2003 in Philadelphia, PA. The goal of the conference was to provide an opportunity for community involvement staff from across the country to network and receive professional training on how to better serve their communities. As in previous years, the 2003 conference hosted breakout sessions devoted to environmental justice issues, some of which addressed Tribal, Hispanic and immigrant topics and issues. The Office of Ground Water and Drinking Water contributed \$10,000 to the conference.

Public Water System Supervision Tribal Activities

Grant Management

Approximately \$6 million was set aside from the Public Water System Supervision (PWSS) State Grant Program to support Tribal PWSS programs. Of that \$6M set aside, funds went to the Navajo Nation to support their primacy program, to the Standing Rock Sioux for a DI Tribal Cooperative Agreement, to the Region 10 Alaska Native Village program, and to the EPA Regional offices. Priorities for funding included operator certification, capacity development, and source water protection. Approximately \$13 million was distributed among the Regions from the Drinking Water State Revolving Fund Tribal set-aside. The Regions distributed the funds to Tribes for infrastructure improvement projects and capacity development. A few projects funded included the development of a GIS system, circuit riders for tribal systems, infrastructure replacement, and assistance with developing source water assessment and protection plans.

Operation Certification Program Development

OGWDW continued work on finalizing the Tribal Drinking Water Operator Certification Program Guidelines. The Guidelines were presented to Tribes at the annual Associated Boards of Certification conference in January 2003. All information on the guidelines can be found at the Docket website, www.epa.gov/edocket. The Tribal Operator Certification Guidelines are listed under Docket # OW-2004-0004.

Rule Training

OGWDW developed and implemented satellite training for interested stakeholders on the Arsenic Rule at ten locations across the country in FY 03. A Stage 1 Disinfectants and Disinfection Byproducts Rule "Train-the-Trainer" course was developed to train technical advisors to small water systems. Tribes attended both the Arsenic Rule and the Train-the-Trainer course.

Publications

The Small Systems Guide to Safe Drinking Water Act Regulations was published in September 2003. Its availability was announced to Tribes November 2003, at the National Tribal Caucus and National Tribal Operations Committee Meeting in Miami, Florida.

Drinking Water State Revolving Fund (DWSRF)

In FY 2003, 71% of the loans made in the Drinking Water State Revolving Fund (DWSRF) program provided were to small systems; the cumulative output for the program is 74%. These results are measured against a goal of 75% by 2005. Continued emphasis on providing loans to systems serving small communities should provide an increase in the cumulative percentage, therefore, the goal of 75% could reasonably be expected to be achieved by 2005. In FY 2003, 26% of the loans were provided to systems serving disadvantaged communities; the cumulative output for the program is 25.8%. The original goal was to have 25% of the SRF loans serve disadvantaged communities by 2005 – a goal that OW is proud to say has been achieved early!

Communication and Outreach

Through an Interagency Agreement between the Office of Research and Development and the Health Resources and Services Administration, the Office of Ground Water and Drinking Water funded a project to educate health care providers, *promotores*, and residents of Texas' Hidalgo County on issues related to drinking water contamination. During the first year of funding, the Hidalgo Safe Drinking Water Project helped educate 50 health care professionals, 23 *promotores* and more than 500 households.

- The program included the establishment of a Border Safe Drinking Water Council, consisting of local water supplier officials, Texas Department of Health epidemiologists, physicians (Hidalgo County and Mexico), nurses (including school nurses), *promotores*, and representatives from sister cities in Mexico. The Council met five times during the contract year and acted in an advisory capacity to help ensure dissemination of a consistent water safety message that was appropriate for Hidalgo County. The Council also worked on identifying information that could lead toward implementation of an effective waterborne-related illness tracking system in the Lower Rio Grande Valley.
- Collaborations were established with Texas Department of Health - Region 11, Center for Housing and Urban Development, Colonias Program, HRSA supported clinics El Milagro Clinic and Clinica del Valle/Robert Wood Johnson Foundation project, Lower Rio Grande Water suppliers, Texas Council on Environmental Quality, representatives from Texas *Promotores* Association and local physicians and nurses. The Office of Research and Development has continued the project through 2004.

AMERICAN INDIAN ENVIRONMENTAL OFFICE (AIEO)

The American Indian Environmental Office is EPA's national program office on Tribal issues, providing leadership and resources for federal, state and local Tribal environmental programs across the U.S. In FY 2003, AIEO actively worked and coordinated activities with groups focused on Environmental Justice issues. AIEO's mission is to protect human health and the environment in Indian Country and to increase the environmental presence for federally recognized Tribes; ; all elements of environmental justice are an inherent part of AIEO's mission.

AIEO provided \$57.1M in General Assistance Program (GAP) funds for basic tribal environmental capacity building. The GAP funds were distributed to Tribes to develop their infrastructure and build the capacity for Tribes to administer their own programs and, in some cases, to position the Tribes to receive EPA statutory delegation to enforce and regulate in Indian Country.

AIEO administered the EPA Tribal Lands Environmental Science Scholarship Program and provided funding to the American Indian Science and Engineering Society. The focus of the scholarship program is to increase the pool of college and university educated Native American students in the environmental sciences. AIEO worked directly with the Washington Center that coordinates the EPA Scholarship Intern Program.

AIEO also coordinated the Senior Environmental Employment (SEE) program providing \$240K in funding to the National Senior Citizens Education and Research Center (NSCER). The NSCER administers the funds to the Regions to develop positions that work directly with Tribes. The Senior Environmental Employment Program's role in this mission is to assist tribal governments in developing environmental protection programs in cooperation with federal and state environmental protection efforts. The program provides training and technical assistance in compliance with the Executive Order 13175 Consultation and Coordination with Indian Tribal Governments.

AIEO provided input into the development of the National Environmental Justice Advisory Council Strategic Plan for Environmental Justice. A staff member served as the Alternate Designated Federal Officer and assisted the Indigenous Peoples Subcommittee (IPS) develop the document, "Meaningful Involvement and Fair Treatment in Tribal Environmental Programs."

AIEO provided training, both at EPA Headquarters and Regional offices on, "How to

Work Effectively with Tribes.” This valuable tool is used to enhance the coordination and understanding of EPA staff and Tribal governments’ relationships.

AIEO funds and facilitates national and regional meetings that bring together Tribal representatives from a wide variety of Tribal environmental groups to discuss and make decisions on health and environmental issues which effect them. The meetings enable Tribal representatives from all over the US to train, communicate and help each other develop and implement tribal environmental programs. One such national meeting was held on the Miccosukee Reservation near Miami, Florida, November 5-6 2003, where EPA programs and regions, EPA Tribal Caucus representatives, EPA Tribal Science Council, and other Tribal representatives from pesticides and toxics advisory groups attended. During the meeting, the group developed recommendations and action items for collaboration during FY 04 & FY 05. The group plans to focus on environmental protection in Indian country.

OFFICE OF WETLANDS, OCEANS AND WATERSHEDS (OWOW)

The Office of Wetlands, Oceans, and Watersheds (OWOW) remains committed to environmental justice. During 2003, OWOW has undertaken a number of initiatives in cooperation with other organizations concerned about environmental justice issues. Many of these initiatives have provided training and outreach for tribes, minority or lower-income localities. Other initiatives have involved working with these communities to help ensure their needs are taken into account in environmental regulatory decision making.

Tribal Workshops on Preparing Nonpoint Source Control Management Programs

Nonpoint source pollution remains a significant problem in Indian country. OWOW has developed detailed multi-day Tribal workshops to assist Tribes in preparing Nonpoint Source Pollution Control Management Programs under Clean Water Act Section 319 to become eligible for obtaining program grants available to all federal recognized Indian Tribes, and to implement successful watershed projects. Since 1998, approximately 20 Tribal Workshops have been held throughout Indian country. OWOW plans to continue holding workshops, as requested by interested Tribes, with a particular focus on areas of the country which have had relatively fewer workshops in the past.

These workshops cover requirements for Tribes in developing assessments of nonpoint source pollution impacting reservation waters, preparations of the Tribal Nonpoint Source Management Program that identifies priority projects and best management practices needed to mitigate nonpoint pollution problems, and the details needed to apply for Treatment As State (TAS). These requirements are necessary for Tribes to become eligible for project grants authorized by the Clean Water Act sections 319(h) and 518. In addition, as more and more Tribes have attained eligibility for and received 319 grants (more than 70% of Indian country is now eligible), the workshops are increasingly focusing upon the development and implementation of watershed projects. Tribal

Nonpoint Source Pollution Control Management Plans ensures effective coordination among all levels of government to address water quality problems associated with nonpoint sources. This training program, and the likely increase in number of Management Plans and grant applications, increase such cooperation.

OWOW has also increased the amount of Section 319 funding for Tribes, from \$6 million in FY 03 to \$7 million in FY 04.

Outreach to Local Disadvantaged Communities Regarding Wetlands and Watershed Issues

OWOW has an active program of outreach to schools and other organizations in low-income or minority communities. One of the most effective ways of achieving environmental justice is for community members to better understand the importance of water quality to their health and neighborhood. Such understanding encourages the community itself to take a direct role in protecting its aquatic resources.

Many of OWOW's training and outreach initiatives focus on children. For example, over the last two years OWOW's Wetlands Division has partnered with EPA Region 3, the District of Columbia Department of Health (DCDH) Living Classrooms, and others to conduct a "Wetlands Day" at DC's youth camp, "Camp Riverview." Throughout the week, the kids participated in hands-on activities focusing on watersheds, the air cycle, wetlands, soils, and wildlife. OWOW staff conducted a full day of wetland activities with 80 kids and teenage counselors attending the camp. Letters written by the students indicate that the program provided by Camp Riverview sparked their sincere interest and concern for their community's watersheds and wetlands. OWOW plans to stay involved in this camp and encourage county-sponsored youth camps to supplement camp fun with environmental educational activities nationwide.

OWOW continues to look for opportunities to work with communities interested in restoring their wetlands and other aquatic resources. For example, OWOW staff worked with a group of 4th and 5th graders from PR Harris Education Center in Washington, D.C. on an educational project to restore wetland plants at Kingman Lake on the Anacostia River. Partners in the project included the D.C. Department of Health Watershed Protection Division, U.S. Army Corps of Engineers, Americorps, and other organizations. Following the activity, EPA managers led an award ceremony to recognize the contributions of the students to the improved health of the Anacostia River and Chesapeake Bay.

Partnering to Protect Wetlands through the Five Star Program

The Five Star Restoration Program was established so EPA can work with its partners for education through community-based wetlands restoration projects in watersheds across the U.S. The National Association of Counties, the National Fish and Wildlife Foundation,

and the Wildlife Habitat Council have joined together with EPA for this effort. Funding for the program is provided by OWOW and the National Marine Fisheries Service's Community-based Restoration Program for selected projects in coastal areas.

The Five Star Challenge Grants Program develops knowledge and skills in young people through restoration projects that involve multiple and diverse partners, including local government agencies, elected officials, community groups, businesses, schools, youth organizations, and environmental organizations. Its objective is to engage five or more partners in each project to contribute funding, land, technical assistance, workforce support or other in-kind services that match the program's funding assistance. Consideration for funding is based upon the project's educational and training opportunities for students and at-risk youth, the ecological benefits to be derived, and the project's social and economic benefits to the community. This last criteria result in the Five Star Program contributing to environmental justice efforts.

EPA's funding levels for the Five Star Program were modest, averaging \$10,000 per project. Additional funding provided by various partners helps fund projects that make meaningful contributions to communities. At the completion of each partnership will have experience and confidence with a demonstrated record of accomplishment, and will be well-positioned to take on similar projects in the future. For more information, see: <http://nfwf.org/programs/5star-rfp.htm>.

An example of a successful Five Star initiative is a recent project involving Washington, D.C. Schools in the Anacostia and Potomac River Watersheds on Submerged Aquatic Vegetation (SAV) Restoration. This project involved restoration of SAVs, which serve as critical feeding, nursery, and refuge habitats for a number of ecologically and economically valuable species. SAV Restoration is a priority in the Chesapeake Bay Watershed.

Environmental Justice Issues As Part of NEPA Analyses - Clean Water Act Permitting

Procedures under the National Environmental Policy Act (NEPA) help identify and address environmental justice concerns. NEPA calls on Federal agencies to analyze the environmental effects of Federal actions, including human health, economic, and social effects on minority and low-income communities. NEPA also emphasizes the importance of public participation in the decision making process.

As part of its participation in NEPA review of Clean Water Act permits under Section 404, OWOW staff has worked to ensure environmental justice concerns were taken into account. An example of how NEPA review helps to further environmental justice is the St. Johns Bayou and New Madrid Floodway Project. EPA had concerns about this proposed flood protection project near East Prairie, Missouri, and held meetings with representatives from a small minority community to help ensure that flood control and

environmental needs were appropriately balanced. The proposed project would impact approximately 13,000 acres of wetlands, including bottomland hardwood forested wetlands, and require adequate compensatory mitigation. The New Madrid Floodway portion of the proposed project would provide flood protection to not only agricultural lands in the area but also for the community of Pinhook. Pinhook is a small community of approximately 50 minority individuals. The proposed flood protection for Pinhook would both protect the community and agricultural lands owned by community members, as well as protect important infrastructures that connect Pinhook to nearby communities. Although the environmental criteria used to review projects involving impacts to wetlands and other aquatic resources do not specifically include environmental justice elements, EPA felt that the needs and concerns of Pinhook were an important part of project evaluation. During the review process, EPA representatives met with representatives of Pinhook to understand their perspectives. The citizens' perspectives were taken into account in the NEPA analysis and final project configuration.

OWOW intends to continue using the NEPA process to help ensure that community and environmental justice concerns about potential health, economic, and societal impacts from projects are appropriately taken into account.

Recruit Interns From Diverse Communities and Backgrounds

OWOW joins EPA in seeking to have a diverse workforce. One important component of that workforce are summer interns, hired to work on specific projects at EPA Headquarters. The interns return to their communities with a better understanding of Federal environmental decision making and opportunities for community involvement. OWOW participates in a number of programs to help recruit minority and lower-income candidates, including the Hispanic American Colleges and Universities (HACU) summer internship program, and the Washington Center Native American Leadership Program. The perspective these interns bring to Headquarters has been invaluable in a wide variety of projects. Staff often receives feedback from former interns on their efforts to help their communities have a greater voice in environmental decision making in their neighborhoods.

OFFICE OF WASTEWATER MANAGEMENT (OWM)

Protecting the Health of Small Under-Served Communities

FY03, the Office of Wastewater Management provided financial and technical assistance

to under served communities in obtaining adequate wastewater treatment systems, and to help them meet the Clean Water Act requirements.

Through OWM's rural community assistance program funding of \$1.3 million, 17 states conducted workshops for owners and operators of wastewater systems. Technical assistance was made available to 209 rural and low income, tribal and minority communities in 38 states. OWM's state-based Operator Training Program provided more than 620 wastewater facility operators with on-site technical assistance to help resolve their noncompliance problems. This ensured that Americans living in communities served by these facilities have improved levels of public health and environmental protection.

OWM also provided more than \$60 million in grant assistance to Indian tribes and Alaska Native Villages to help construct 147 drinking water and wastewater systems. Many of these residents received sanitation services for the first time. Through cooperative agreement efforts with the National Environmental Training Center for Small Communities and the Small Flows Clearinghouse, at West Virginia University, OWM made training and information available to environmental trainers who work with small wastewater facility operators, community leaders, and local officials. Classroom training on a variety of wastewater and drinking water topics was also offered.

OFFICE OF SCIENCE AND TECHNOLOGY (OST)

The Office of Science and Technology has worked to produce major water pollution control regulations, guidelines, methods, standards, science-based criteria and studies that are critical components of national programs that protect all people and the aquatic environment.

Outreach and Communication

In FY 2003 a brochure written in the Spanish language was produced that is entitled "Before You Go to The Beach." The brochure provides information in Spanish about health risks associated with swimming in polluted water, and who to contact if water at a beach is contaminated.

Annual Forum on Contaminants in Fish

The Annual Forum on Contaminants in Fish took place October 20-22, 2002 in Burlington, Vermont. Representatives of 47 states, 30 tribes, six Federal agencies, several

Canadian provinces and other interested organizations attended the forum. The forum provides a major outreach opportunity to targeted populations, e.g., women, children, minority and low-income populations, etc., regarding the risk associated with consumption of contaminated fish.

Special Initiatives

Completion of the task to generate a risk-based database for fresh water fish consumption by October 2003 was dependent upon the Office of Prevention, Pesticides, and Toxic Substances (OPPTS) incorporation of 2000 U.S.Census block-level income data into the Risk Screening Environmental Indicator (RSEI) models. This prerequisite was completed in May 2003. Draft data sets are expected to be produced by April 2004. OST has provided significant funding for this special initiative.