



November 12, 2021

Ms. Holly Green
Director, Planning Division, Office of Planning, Analysis, and Accountability
Office of the Chief Financial Officer
U.S. Environmental Protection Agency
Via email

RE: Docket ID: EPA-HQ-OA-2021-0403: Draft FY 2022-2026 Environmental Protection Agency Strategic Plan

Dear Ms. Green:

The Association of Metropolitan Water Agencies, an organization of the CEOs and general managers of the nation’s largest publicly owned drinking water utilities, appreciates the opportunity to comment on EPA’s draft 2022-2026 Strategic Plan. AMWA is specifically pleased to support EPA’s continued commitment to investing in water infrastructure to ensure economic vitality of underserved communities as well as its commitment to using and leveraging high quality data and identification of emerging issues that may impact strategic plan. EPA should also continue its commitment to gathering high quality data through its monitoring efforts and partnership with state primacy agencies to receive compliance and other data.

AMWA is also supportive of the goals and objectives expressed in EPA’s draft plan, however in many cases, it is unclear on what concrete actions the agency will take to achieve them. There are many measurable objectives stated in the plan, but EPA is largely silent on the accompanying actions to achieve those objectives. AMWA encourages EPA to more specifically define actions it will take to achieve the objectives outlined in the proposed plan, particularly for the new goals.

The rest of AMWA’s comments on EPA’s proposed plan are organized and noted below for Goals 1, 2 3 and 5.

Goal 1: Tackle the climate crisis

AMWA strongly supports the addition of this goal. Climate change is here now and drinking water utilities have been working to understand and address this crisis for more than a decade. AMWA supports the inclusion of the definitions related to climate change, climate resilience and adaptive capacity as including them helps all who review this plan have the same frame of reference as the agency.

BOARD OF DIRECTORS

PRESIDENT Angela Licata New York City Department of Environmental Protection	VICE PRESIDENT John Entsminger Las Vegas Valley Water District	TREASURER Yvonne Forrest Houston Water	SECRETARY Jeffrey Szabo Suffolk County Water Authority	CHIEF EXECUTIVE OFFICER Diane VanDe Hei
Mike Armstrong WaterOne	Cathy Bailey Greater Cincinnati Water Works	Tad Bohannon Central Arkansas Water	Shane Chapman Metropolitan Water District of Southern California	Scott Dewhirst Tacoma Water
Randy E. Hayman Philadelphia Water Department	Robert Hunter Municipal Water District of Orange County	Ghassan Korban Sewerage and Water Board of New Orleans	Carrie Lewis Portland Water District	James S. Lochhead Denver Water
Joe Mantua Beaufort Jasper Water & Sewer Authority	Holly Rosenthal Phoenix Water Services Department	John P. Sullivan, Jr. Boston Water and Sewer Commission	Timothy Thomure Tucson Water	Paul Vojtek Erie Water Works
				Calvin Farr Prince William County Service Authority
				Ron Lovan Northern Kentucky Water District

AMWA also supports the science and disclosure and monetizing the risk of climate change to align with the President's executive order. AMWA further encourages EPA to monetize the risk of doing nothing to address the climate threat and threat of extreme weather events. Providing different ways to consider the monetary impacts of climate change could help communicate the severity and necessity of addressing this issue imminently. Billion dollar weather and climate disasters continue to occur more frequently, with NOAA's NCDC [reporting](#) that between 1980 and 2020 the average number of billion-dollar disasters is 7.8, while the average number between 2016 and 2020 is 16.2.

Federal agencies are working together to address climate change and AMWA urges EPA to consider how EPA might work with the Council on Environmental Quality and other agencies as appropriate to understand how work in other policy areas could potentially negatively affect the push to address and adapt infrastructure to the climate crisis. For example, EPA notes the average number of environmental impact statements it reviews annually. With regard to infrastructure EPA, CEQ and other agencies reviewing projects that require NEPA analyses must consider the need for water supply projects subject to NEPA that are being proposed to address the impacts of climate change on local water supplies. In addition, EPA is well aware of the challenges for cities in balancing resiliency and affordability. If there are unlimited timelines for projects to be in review for NEPA approvals, how will EPA meet its strategic goals to not only address the climate crisis but also Goal 5, Ensuring Clean and Safe Water for All Communities? EPA and other federal agencies must consider how to look across programmatic goals across agencies and also address seemingly competing goals, particularly where NEPA is concerned. Generally, the time and resources required to satisfy the environmental/historical impact studies are directly proportionate to the cost of the project. Publicly-owned utilities will be unable to manage this dichotomy unless reasonable review standards and timelines are adopted.

With regard to Objective 1.2, AMWA supports the five priority actions to increase climate resilience as well as the integration and mainstreaming of climate adaptation into EPA's priorities/programs and operations. These are critical activities to support the realization of this goal.

AMWA also supports climate adaptation literacy, but requests that EPA's plan to house a "central repository" for climate science does not conflict with NOAA's repository, which by the name (Climate.gov) appears to have been set up as the government site for climate science and information. Climate.gov also features a climate resilience toolkit with information and approaches for stakeholders from diverse regions and sectors to build adaptive capacity.

AMWA disagrees with EPA's statement on Page 16, "Data related to local impacts and effective actions to reduce risk are not consistent or widely available." This statement is incorrect at worst and misleading at best. For example, in addition to the information climate.gov and the National Climate Assessment that includes regional and local information, NOAA's Regional Integrated Sciences and Assessments (RISA) Programs "builds relationships that help local decision makers and researchers collaborate on adapting to climate change." "RISA expands the Nation's capacity to adapt and become resilient to extreme weather events and climate change. RISA teams accomplish this through applied and co-developed research and partnerships with communities. Furthermore, local and statewide efforts to identify climate risks and actions are well documented at statewide.

If EPA is making this statement in the context of working to provide underserved communities with information to plan and move forward and making smaller, localized communities more climate resilient and sustainable in the future, EPA should better spell this out, particularly since achieving this goal will require finances and investment in workforce to achieve it. The information is available, but smaller communities may need assistance in accessing and understanding the information currently available.

In the case of water utilities, EPA may be planning to continue to work strategically to bring technical assistance, mutual aid, operator training or other forms of assistance for smaller communities. If this is the case, EPA should clearly state so in this document and spell out the tactics the agency will take to achieve this. AMWA also encourages EPA to continue the conversation about the many ways to help smaller systems, including where appropriate, regionalization.

There are also cross-goal objectives that should be considered. For example, by addressing the impacts of climate change to watersheds, the goal (Goal 5) of providing clean and safe water for all communities, can be better supported.

Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights

Under Goal 2, AMWA recommends EPA provide definitions for terms used in this section as it did with Goal 1.

AMWA recommends that this section of the Strategic Plan provide specific strategies or performance goals that clarify what “decisive” actions EPA is proposing or at least considering. AMWA believes that this plan would be strengthened if as part of this Goal, EPA identified at least one decisive action and strategy that could be deployed to more holistically address lead exposures in underserved communities. Many of these communities are beset with lead exposures from multiple sources, including from lead paint, residential soil, lead from premise plumbing, and dietary sources and imported medicines. With regard to addressing environmental justice with respect to lead poisoning particularly among children, EPA should make the connection between addressing lead in water and lead in buildings in this section of the strategic plan and call out its plans to work with other federal agencies to address high lead levels in underserved communities. As noted by the Agency for Toxic Substances and Disease Registry on its website that provides education in lead toxicity in the U.S., ¹lead contaminated household dust is the major high-dose source of lead for Children in the United States today, largely due to the degradation of interior paint in housing built before 1978. EPA should, in its plan, address lead exposure holistically, as it does on its page “Protect your Family from Sources of Lead”, as the risk of lead exposure, particularly among children in underserved communities generally presents itself through multiple media, as noted on EPA’s lead resource page about how to protect one’s family from lead exposure².

Many of these same communities beset by elevated lead exposures from multiple sources may also have failing water and sewer management capacity and infrastructure, as EPA notes on page 36, “*Many small drinking water and wastewater systems are unable to achieve and maintain compliance due to lack of technical, managerial, and financial capacity as well as aging infrastructure, workforce shortages and declining rate bases.* Therefore, AMWA recommends as a strategic action under Goal 2, that EPA call out its plans to work with other potentially involved federal agencies (including HUD, HHS, CDC and others) to address high lead levels in underserved communities. The commitment to work with other federal agencies to reduce exposure to protect families is recognized in part on page 60 where EPA working with HUD commits to completing 100 Superfund lead cleanup projects, but no mention is made is working with HUD on its Healthy Homes projects.

While the Administration’s plans to replace the country’s lead service lines reinforces the commitment EPA and the federal government has made to funding lead service line replacements; AMWA believes the Administration must also strongly support workforce training and development and compliance advisory services to help achieve this goal. For additional concerns and considerations about the federal resources

¹ https://www.atsdr.cdc.gov/csem/leadtoxicity/lead_found.html

² <https://www.epa.gov/lead/protect-your-family-sources-lead>

needed, AMWA reminds the agency of the association's July 30, 2021 comments on EPA's [LCR virtual engagements](#).

Goal 3: Enforce Environmental Laws and Ensure Compliance

AMWA supports the work of EPA's compliance advisors for sustainable water systems (Objective 3.2) because the technical assistance these advisors provide the agency on climate resilience to wastewater and drinking water facilities continues to be of value to the agency.

Goal 5: Ensure Clean and Safe Water for All Communities

EPA's goal of ensuring clean and safe water for all communities is paramount for the agency and the Office of Water, Office of Wastewater Management and Office of Wetlands, Oceans and Watersheds.

With regard to Objective 5.1, AMWA urges EPA to recognize that supporting safe and resilient infrastructure includes having local agencies determine what is the best water supply portfolio for their unique community situation, in context of state regulatory agency oversight. On a related note, page 48 states that EPA will promote and certify operators. As this is traditionally a state function, AMWA urges EPA to better explain how it will support state regulatory agencies in this endeavor.

With regard to the guidance documents EPA is completing to assist communities in identifying lead service lines, to prioritize their replacement, AMWA urges EPA to make these documents available in advance of the compliance deadlines for the revised LCR. This is a request AMWA has consistently made in comments to EPA about the LCR.

As cybersecurity challenges have persisted despite EPA's development and implementation of past cybersecurity programs for the water sector, it is vital for the agency to collaborate with the sector to ensure the effectiveness of future programs and initiatives. AMWA notes this draft's assertion that the current cybersecurity environment "gives urgency to federal-state engagement" and is concerned by the fact that, while the draft acknowledges the provision of resources to the sector, it does not place similar emphasis on collaboration with utilities themselves. AMWA's members are among the tier of utilities that complied with the risk and resilience assessment and emergency response plan requirements of America's Water Infrastructure Act of 2018 at rates in excess of 99 percent (99.82 percent and 99.08 percent, respectively), demonstrating their dedication to protecting the communities they serve.

As the owners and operators of their systems, utilities can offer unparalleled insights into their unique threat environments and the technical details of their control systems and system components. Incorporating such insights into the planning process ensures EPA will develop and implement programs that reflect the technical and operational realities of utilities and offer meaningful and sustainable contributions to community security. AMWA also encourages EPA to strengthen its collaboration with WaterISAC to ensure actionable threat information is made available to utilities in a timely manner. In the spirit of increased information sharing, and to bolster utilities' source water protection efforts, we also urge EPA to share through WaterISAC any information related to the plan's statement that "the threat of cyber terrorism will increase the potential for oil and chemical releases."

AMWA continues to support an integrated approach to leveraging CWA tools to protect source water (Page 50) and supports EPA's long-term goal to increase, by an additional 41,000 sq miles, the area of watershed with surface water meeting standards not previously met (Objective 5.2). AMWA supports EPA's desire to improve tools for early and rapid detection of harmful algal blooms and pathogens in recreational waters.

AMWA also strongly supports the agency in its pursuit of partnerships, such as with the Hypoxia Task Force and U.S. Department of Agriculture, to protect sources of drinking water and overall water quality.

However, AMWA finds it curious that EPA does not have an objective related to addressing these longstanding problems with nutrient pollution in watersheds and the Gulf of Mexico. AMWA recommends EPA consider adding an objective specifically related to addressing nutrient pollution as this continues to be a huge problem. The ecological risk of nutrients is immense and the risk to drinking water supplies continues to be problematic for many utilities around the country, particularly those in agricultural areas. Similarly, AMWA supports EPA's plans to implement programs to prevent or reduce nonpoint source pollution

As mentioned in our comments under Goal 1, watershed protection is tied to climate change. Extreme weather events and climactic shifts can negatively affect watersheds, whether due to the runoff from flooding negatively affecting the watershed, or the degradation due to due to wildfires and drought. EPA should consider a section in its strategic plan that addresses how its goals can be addressed and supported across one another. Protecting the environment and achieving these goals will be in part, a function of how well EPA tackles its goals and objectives with a systems approach to environmental management and resilience.

AMWA supports EPA's plans to reconsider and revise the 2020 CWA Section 401 Certification rule, as this provides states and authorized Tribes an important tool to help protect the water quality of federally regulated waters within their borders. As drinking water utilities, AMWA members' top priority is protecting public health and the treatment of source waters is key to providing safe and reliable drinking water. Preventing contaminants from entering these source waters is paramount to providing safe drinking water in a cost-effective manner. AMWA urges EPA that when reconsidering this rule, the agency is cognizant of the rule's impact on source waters, particularly those used for drinking water, craft a rule that is protective of these vital resources. Finally, on a related note, AMWA supports EPA's plans to implement programs to prevent or reduce nonpoint source pollution, including nutrients and plastic pollution.

Thank you for the opportunity to comment. Should you have any questions, please direct them to Erica Brown, Chief Strategy and Sustainability Officer at brown@amwa.net.

Sincerely yours,



Diane VanDe Hei
CEO

Cc: Radhika Fox, EPA OW
Jennifer McLain, EPA OGWDW
Andrew Sawyers, EPA OWOW