

# United States Senate

WASHINGTON, DC 20510

November 1, 2019

The Honorable John Barrasso, M.D.  
Chairman  
Committee on Environment & Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Tom Carper  
Ranking Member  
Committee on Environment & Public Works  
456 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper,

As the Committee on Environment & Public Works moves to consider the Water Resources Development Act (WRDA), we respectfully ask for your support and assistance in including the following critical provisions for low income communities, communities of color, rural communities, as well as the Nation. Specifically, we request that you include provisions that will:

**1. Address drinking water and waste water infrastructure affordability challenges.**

The U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (ACOE) have several programs to enable infrastructure upgrades to help drinking water and wastewater utilities maintain their infrastructure. However, as currently structured, these programs require a match that limit or prevent low income communities, communities of color and rural communities from accessing their resources. Eliminating or reducing the match in certain cases will help ensure that all people have quality drinking water and waste water services. Specific policies that should be included in WRDA are:

- Senator Carper's High Default Loan and Loan Forgiveness provision that amends Part E of the Safe Drinking Water Act to create a new grant program to pay high default loan payments and provide loan forgiveness based on a community's demonstrated need for drinking water. Seventy percent of the funds received under the program must be used to assist small and disadvantaged communities.
- Senator Carper's High Default Loan and Loan Forgiveness provision that amends the Federal Water Pollution Control Act to create a new grant program to pay high default loan payments and provide loan forgiveness based on a community's demonstrated need for waste water services. Seventy percent of the funds received under the program must be used to assist small and disadvantaged communities.
- Senator Carper's Small and Disadvantaged Community Funding Waiver, Continuing Authorities Program (CAP) provision that establishes a cost share waiver for a small and disadvantaged communities. This provision promotes the likelihood of CAP projects being implemented across nine differing authorities to communities that are unable to afford the non-federal cost share of a project.



- Senator Carper's Cost-Sharing for Assistance to Small and Disadvantaged Communities provision that makes improvements to the small and disadvantaged communities grant program by eliminating the forty-five percent cost share and instead provides a Federal cost share of one hundred percent.
- Senator Sanders' Report on Water Affordability and Discrimination that studies water affordability, including water rates, shutoffs, and the effectiveness of the State Revolving Fund in promoting affordability and equitable service. The report also investigates discriminatory practices of water and sewer service providers, and public participation in regional water and sewer authorities.

## **2. Address lead in drinking water.**

Too often communities across the country question whether they are providing safe, quality drinking water to their children. One of the biggest sources of water contamination comes from lead, a dangerous neurotoxin that can permanently impact brain development. The Centers for Disease Control (CDC), the EPA, the American Association of Pediatrics and many others find that there is no safe level of lead exposure. For vulnerable populations like young children, pregnant mothers and the elderly, exposure to lead can be life altering.

Evidence is mounting that the lead in drinking water problem the Nation faces is grossly underestimated and inadequately addressed. Lead is found in service lines that provide water to homes and in indoor plumbing. Specific policies that should be included in WRDA are:

- Senator Booker's Emergency Funding for Lead in Drinking Water provision that amends existing authority in 42 U.S.C. 300j-1(b) to ensure that there is a fully authorized fund to provide resources to communities facing lead in drinking water emergencies.
- Senator Carper's Additional Subsidies for Lead Contamination in Drinking Water State Revolving Funds provision that amends the Safe Drinking Water Act to require a State to use twenty percent of a capitalization grant to the State to provide additional lead contamination subsidies to eligible recipients in order to address public health threats from lead contamination. This provision limits the subsidy to a project, or portion of a project with lead, with the exception of disadvantaged communities, who may use the funds to replace any portion of the pipes and fittings if a substantial portion of the pipes and fittings are not lead free.



### **3. Create environmental justice strategies and tools.**

Low income communities, communities of color and rural communities are fundamentally different than many other communities because, in addition to a lack of resources, these communities have multiple threats to public health. Specific policies that should be included in WRDA are:

- Senator Duckworth's Mapping and Screening Tool provision to require the Administrator of the EPA to update and make public an environmental justice mapping and screening tool (such as EJScreen or an equivalent tool). This tool is critical to assist the Agency's efforts to protect public health by providing nationally consistent data. A consistent, scientific approach is especially critical in the context of WRDA, which aims to ensure Americans across the Nation have access to quality, affordable and safe water services. Furthermore, this tool provides policy makers and the EPA with key demographic indicators that can be used to identify communities of concern when seeking to address wastewater and drinking water concerns.
- Senator Duckworth's Implementing Environmental Justice Framework at the Environmental Protection Agency provision that requires the EPA to put forth a framework on how environmental justice issues are implemented at the Agency. This framework will ensure that low income neighborhoods, communities of color, and tribal areas that are disproportionately impacted by environmental burdens like water contamination from industrial plants are prioritized as part of the Agency's mission. By requiring the Agency to have a strategy, this policy will help bring consistency and uniformity to its response to environmental justice issues.
- Senator Duckworth's Implementing Environmental Justice Framework at the U.S. Army Corps of Engineers provision that requires the ACOE to create a framework on how environmental justice issues are implemented at the Agency. The ACOE, which manages our Nation's infrastructure, is on the frontline with communities that are impacted by flooding and dredging. Because many of these projects are located, or directly impact, low income communities and communities of color, it is critical that the ACOE has a plan on how to ensure they are minimizing the adverse impact of their projects while improving the natural environment for these communities.
- Senator Booker's Water as a Human Right provision that every human being has the right to sufficient, safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes, and, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity.

All relevant Federal agencies, including the ACOE and the EPA, should consider water and sanitation as human rights when revising, adopting or establishing policies, regulations and grant criteria when those policies, regulations and criteria are pertinent to the uses of water described in this section.

- Senator Booker's Water Workforce Program provision that will reauthorize the Water Infrastructure and Workforce Investment Program (Sec. 4304 in WRDA 2018). This competitive grant program assists in the development and utilization of innovative activities related to workforce development and career opportunities in the water utility sector. The funds are to be used for targeted internships, apprenticeships, pre-apprenticeships and post-secondary bridge programs for skilled water utility trades that provide on the job training,



skills development, test preparation for skilled trade apprenticeships and advanced training in the water utility sector. Funding could also be used for education programs designed for elementary, secondary and higher education students to inform people about the role of water and wastewater in their community and increase awareness of career opportunities and connect students to water utility careers.

- Senator Whitehouse and Booker's Port Air Quality Improvement provision that will establish a grant program to reduce emissions at ports including through the advancement of port electrification, installation of renewable energy technologies, utilization of electric vehicles, use of clean fuels, micro-grid development, distributed energy and transmission, equipment, ferries, and vessels, as well as improvements in efficiency.

#### **4. Provide waste water and drinking water access to communities.**

More than half of drinking water violations occur in systems that serve 500 people or less. From Appalachia to Vermont to the Texas borderlands, millions of rural Americans are subject to unhealthy and sometimes illegal levels of contaminants in their drinking water. As the economic gap separating rural America from its urban and suburban counterparts continues to grow, this basic inequality is set to become more entrenched and more dangerous without federal investment. Specific policies that address these issues and should be included in WRDA are:

- Senators Booker, Jones and Capito's Residential Decentralized Wastewater Improvement Act that will build off the new eligibility included in Section 4107 of WRDA 2018 and allow the new eligibility to be used to provide grants to low and moderate income households for connecting homes to existing wastewater infrastructure or installing or upgrading individually-owned decentralized wastewater systems.
- Senator Carper's Connection to Public Water System provision that amends the Safe Drinking Water Act to create a grant program that allows the States to reimburse a utility for a homeowner that has submitted receipts for connection to a municipal drinking water system. We also request Sen. Carper's provision that amends the Federal Water Pollution Control Act to create a grant program that allows the States to reimburse a utility for a homeowner that has submitted receipts for connection to a municipal or private wastewater system.
- Senator Carper's Source Water Petition Program provision that amends the Safe Drinking Water Act's Source Water Petition Program by specifically allowing counties acting on behalf of unincorporated areas to submit a source water quality protection partnership petition to the State.

#### **5. Provide technical expertise and grant assistance to tribal communities.**

Indigenous communities face severe disparities in water-related infrastructure maintenance and improvement and water contamination. Tribal systems also face unique concerns associated with insufficient funding, complex jurisdictional challenges and legal and regulatory gaps. Specific policies that address these issues and should be included in WRDA are:

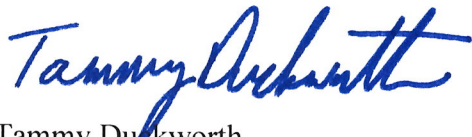
- Senator Sanders' Technical Assistance to Rural and Small Municipalities and Tribal Governments provision that increases the funding available to provide technical assistance to rural and small municipal and tribal governments.



- Senator Sanders' Tribal Drinking Water provision that increases the percentage of the Safe Drinking Water State Revolving Loan Funds available for tribes.
- Senator Sanders' Caño Martín Peña Ecosystem Restoration provision that requests a report summarizing the path forward for an expedited completion of the Caño Martín Peña channel ecosystem restoration in Puerto Rico.

If we can provide you with any more information, please feel free to contact staff supporting the Environmental Justice Caucus' work, Radha Adhar at (202) 224-2324 and Adam Zipkin at (202) 228-3916. Thank you in advance for your attention and consideration of these important requests.

Sincerely,



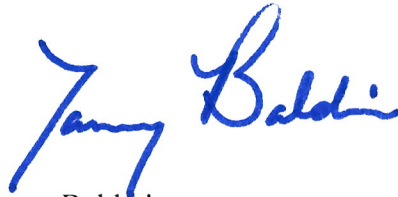
Tammy Duckworth  
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United States Senator



Cory Booker  
Co-chair, Environmental Justice Caucus  
United States Senator



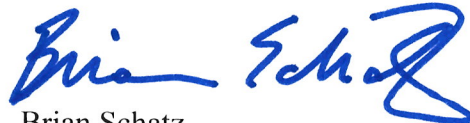
Doug Jones  
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Tammy Baldwin  
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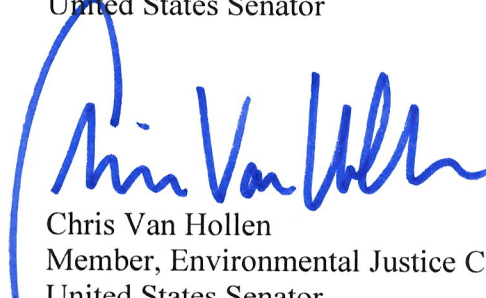
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