

EMERGING CONTAMINANTS FAQs on Funding for Communities

We've learned a lot about the dangers of toxic substances since Congress passed the 1976 Toxic Substances Control Act, the law that regulates the manufacture and use of chemicals. Today we face growing evidence that a range of emerging and unregulated contaminants are showing up in our drinking water and wastewater. Emerging contaminants are defined as substances and microorganisms, including manufactured or naturally occurring physical, chemical, biological, radiological, or nuclear materials, which have no national regulatory standard but have recently been found in natural streams, often because of improved analytical chemistry detection levels. They potentially have a harmful impact on aquatic life and people who drink the water or eat fish from contaminated waters. These contaminants can include substances found in personal care products, pharmaceuticals, industrial chemicals, pesticides, and microplastics.

The 2021 Bipartisan Infrastructure Law (BIL) provided \$5B to address emerging contaminants in wastewater and drinking water over the next five years (2022-2026). The funds—\$1B for clean water and \$4B for drinking water—go to the states through each state's Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF), which were established to help water systems better protect public health. In February 2023, EPA announced the availability of \$2B of this funding for the fiscal year that ends on September 30, 2023.

What emerging contaminants will the funding address?

Because Congress was clear in the law that these funds should focus on projects addressing perfluoroalkyl and polyfluoroalkyl substances (PFAS), EPA expects states to actively solicit and prioritize projects that address the challenges of PFAS in drinking water, whether they are found in public water systems or in the surface and ground water sources for the water systems. PFAS are a group of over 12,000 chemicals found in many different consumer, commercial, and industrial products. States also have the flexibility to fund projects for any unregulated contaminant identified on EPA's [five Drinking Water Contaminant Candidate Lists](#). EPA specifically mentions that the chemical perchlorate and the bacteria Legionella, both listed contaminants, are eligible for funding. If a state wants funding for an unregulated contaminant that is not on one of the Contaminant Candidate Lists, the state must discuss that contaminant with EPA before submitting a funding application.

Why did the law make PFAS a priority?

The use of PFAS is widespread, and these chemicals are persistent in the environment. Many PFAS are found in the blood of people and animals around the world. In the U.S., PFAS are found in water, air, fish, and soil at many locations. Scientific studies have shown that certain PFAS chemicals are linked to harmful health effects in humans and animals. Currently there is no enforceable federal standard limiting PFAS in drinking water, although some states have set their own standards in the absence of federal regulations. EPA has determined that PFAS-focused projects will be eligible for this funding regardless of whether EPA establishes a national drinking water standard for individual PFAS or a group of PFAS.

How does a community know whether their drinking water contains PFAS?

Communities should contact their drinking water systems to ask about existing PFAS monitoring data. Drinking water systems were required to conduct some PFAS monitoring in 2013 to 2015 and are being required to conduct more extensive monitoring in 2023 to 2025. Communities should also consult EPA's interactive webpage "[PFAS Analytic Tools](#)." This webpage consolidates information from multiple national databases and includes data on PFAS permitted discharges to waterways, reported spills containing PFAS compounds, facilities historically manufacturing or importing PFAS, federally owned locations where PFAS is being investigated, transfers of PFAS-containing wastes, PFAS detection in fish and surface water, and drinking water testing results. The Environmental Working Group has also published an [interactive map](#) that shows locations where military, public, and private drinking water systems have found detectable levels of PFAS in 50 states and two territories.

Who receives funding to address these emerging contaminants?

EPA awards grants non-competitively to states and territories so they can fund projects investigating and reducing emerging contaminants in drinking water treatment and wastewater treatment plants in small and disadvantaged communities. Since these contaminants are unregulated, drinking water treatment plants do not usually monitor or treat them so they make their way into customers' tap water. Wastewater treatment plants also do not monitor or treat for them, so these contaminants are in the wastewater discharged into nearby waterways or in the solids that settle out of the wastewater and are sold as fertilizer or disposed of as waste. Both the untreated wastewater and solids can contaminate surface and groundwater used for drinking water.

In the spring of 2022, EPA asked states and territories that want to receive this funding to submit Letters of Intent identifying their lead agency and contact information. Based on these letters, EPA allocated funds to each state and territory (Puerto Rico, Guam, US Virgin Islands, American Samoa, and Commonwealth of the Northern Mariana Islands). Funding allocations were based on a formula that includes factors such as population, number of water systems, and data related to emerging contaminants.

Tribes are allotted 2% of each year's appropriation for emerging contaminants (approximately \$20M in Fiscal Year (FY) 2022) as an allocation to EPA regional offices under the Drinking Water Infrastructure Grants Tribal Set-Aside Program. Regional offices will develop the procedures and schedule for the annual selection of projects and activities, obligation of funds, and distribution of these grants to tribes.

What types of projects are eligible for emerging contaminant funding?

EPA is encouraging states and territories to request FY 2022 funds to conduct comprehensive reviews of both the emerging contaminant and the regulated contaminant needs of water systems serving small or disadvantaged communities. The data will be used to develop a list of small or disadvantaged communities to be included in each year's request for these grants. The planning, design, and conduct of this review are all eligible for funding. Communities receiving these funds must meet the Safe Drinking Water Act's (SDWA) definition of a small system with insufficient capacity or the state's definition of a disadvantaged community.

EPA has committed to work with states and territories to ensure they use the tools for technical assistance and the DWSRF set-asides in this grant program to help communities identify their needs, develop projects, and complete preliminary engineering steps needed to apply for construction funding for upgrades to wastewater and drinking water treatment systems. Funds can be used to monitor surface and groundwater, investigate the source of contamination in both wastewater and drinking water treatment plants, conduct household water testing, and plan and design treatment projects. EPA will also ensure that states and territories make funds available to communities for public education and outreach on emerging contaminants so residents understand how wastewater and drinking water projects will protect their health and improve the environment.

When will funds be made available?

In February 2023, EPA published an [Emerging Contaminants in Small or Disadvantaged Communities Grant Implementation document](#). Regions, states, and territories began developing work plans detailing the intended use of the funds for projects and activities addressing emerging contaminants. States must provide sufficient detail in the work plans to support the prioritization of communities with the greatest needs. All awarded projects are expected to take no more than six years to complete. EPA is encouraging states and territories to submit their applications as soon as possible since funding will be awarded before the end of FY 2023. EPA regional offices will approve grant applications and award funding. EPA has published a [list of state and EPA regional office contacts for these grants](#).

In the future, application packages must be submitted to the EPA regional offices by August 31 of each fiscal year in which the appropriations are available. States and territories should work with the regions to determine the activities to be funded and provide sufficient detail in the work plans on how those determinations were made, develop a timeline for each phase of a proposed project through completion, and describe the expected public health and/or environmental results. States should submit draft work plans to the EPA regions for review before submitting the final to ensure the plans contain all the information needed for EPA to award the grants. States must make a commitment to proceed with work plan activities within one year after receipt of the grants and to draw down funds expeditiously.

How can communities influence the state/territorial funding request?

The emerging contaminant funds must be provided to small or disadvantaged communities. Because SDWA defines “small communities,” communities cannot influence that definition. The SDWA defines a small community as one with a population of less than 10,000 individuals that the EPA Administrator determines does not have the capacity to incur debt sufficient to finance a project or activity under a grant program. Communities do have the ability to influence how states define “disadvantaged communities” because SDWA gives the state/territory the discretion to define that term based on affordability criteria. States and territories will use their own affordability criteria to generate the Small or Disadvantaged Communities List identifying eligible communities for emerging contaminant funding. If a community is not on that list, the community will not be eligible for these grants.

Communities should contact the state and provide written comment on their state’s definition of

disadvantaged community if the affordability criteria are not consistent with other laws, including non-discrimination statutes such as Title VI of the Civil Rights Act of 1964. Communities should also provide written comment on their state's affordability criteria if the state does not consider two or more of the factors that EPA recommends for assessing whether the technical, managerial, and financial capacity of a community water system is inadequate. In the document "[Emerging Contaminants in Small or Disadvantaged Communities Grant Implementation](#)," EPA recommends consideration of the following factors to assess whether a water system serves a disadvantaged community:

- 1) EPA's draft Climate and Economic Justice Screening Tool determines census tracts served by systems are disadvantaged;
- 2) CDC's Social Vulnerability Index shows high vulnerability (75th percentile or above);
- 3) Minimal staff (fewer than 3 full-time employees for systems of 3,300 to 10,000 people, fewer than 2 full-time employees for systems under 3,300 people);
- 4) Contract operator not on site on a daily basis;
- 5) Poor financial condition;
- 6) No asset management plan;
- 7) No multi-year budget;
- 8) Inadequate financial controls; and
- 9) No high-speed internet.

These FAQs were compiled by Betsy Southerland, former Director of Science and Technology in EPA's Office of Water.