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Committee on Environment
and Public Works

Washington, D.C.

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ACCESSING CLEAN WATER INFRASTRUCTURE ASSISTANCE: SMALL, RURAL,
DISADVANTAGED, AND UNDERSERVED COMMUNITIES

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Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:03 a.m. in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Markey, Kelly, Padilla, Fetterman, Mullin, Ricketts, Sullivan.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Good morning, everybody. Welcome this beautiful autumn morning. What a beautiful day.

I welcome our witnesses and everybody else who is joining us today here across the Country.

I want to begin by thanking our colleagues and witnesses for joining us this morning, it is like a day-after morning, after some big elections around the Country. We will see after the smoke settles what that looks like.

One of the great things about being on this committee is we actually kind of like each other, Democrats and Republicans, we like to work together. We believe that bipartisan solutions are lasting solutions, and when the elections are over, the elections are over, and let's figure out how to work together and get things done.

I am particularly pleased today that we are going to hear from three witnesses who are uniquely qualified to share your perspectives on the challenges, and when I think of challenges, I think of opportunities. Challenges, I think, are opportunities, very much the same. The challenges faced and the opportunities presented by clean water systems serving small, rural, and disadvantaged communities in Delaware and West Virginia and across our Country.

As many of you know, my family, Shelley has heard it more times than she wants to remember, she has lived her whole life in West Virginia, my family and I, my sister and I started there, in Raleigh County, near Beckley. We lived right by Beaver Creek, which you couldn't swim in, you couldn't drink the water, couldn't eat the fish from Beaver Creek. So we learned early on why that was a problem and why we needed to do something about it.

With that said, often when we talk about water infrastructure in our Country, we tend to discuss drinking water systems that bring water to our homes, to our school, and to our businesses. Yet it is important to note that wastewater and stormwater systems are every bit as vital to the health and well-being of our communities, just as our drinking water counterparts are.

I want to be clear: clean water systems are indispensable. They mitigate pollution, they protect the health of our waterways, they shield communities from stormwater runoff, and they even help us to halt the spread of disease across the Country.

For example, health officials in our State, Delaware, have been able to use data from our wastewater facility in Newcastle County, where about two-thirds of our population lives, in order to track the spread of opioids and diseases like COVID-19. They

have been able to do so thanks in part to the funding and resources from EPA.

These types of public health advances are what we should hope every community in America has the opportunity to embrace.

For over 35 years, Congress has provided Federal wastewater assistance to communities through EPA's Clean Water State Revolving Fund program. In the last 10 years, we have heard from many disadvantaged communities who struggle to compete for these funds.

In addition, aging facilities, rising costs, emerging contaminants, climate change and population shifts have all contributed to mounting financial burdens for wastewater treatment facilities throughout our Nation. These challenges are even worst for small, rural, and disadvantaged communities, which oftentimes have fewer ratepayers and as a result, typically have fewer resources.

Many of these same communities also struggle to effectively administer clean water systems due to a shortage of qualified labor and technical expertise to address growing challenges. Last Congress, our other committee came together and worked to address many of these challenges in the Drinking Water and Wastewater Act.

Some of you may recall, we drafted, we negotiated and we unanimously advanced this bipartisan legislation out of our

committee. It went on to pass the full Senate by a vote of 89 to 2. Senator Capito will tell you that doesn't happen every day, an 89 to 2 vote. It was a day I will never forget.

But our water bill, that bill, combined with the committee's historic highway legislation, served as the foundation of the Bipartisan Infrastructure Law that the President signed into law almost two years ago to the day. In the Bipartisan Infrastructure Law, we provided an unprecedented \$55 billion to improve our Nation's water infrastructure, the largest investment we have ever made of its kind.

As part of that investment, we included more than \$11 billion for clean water infrastructure needs. And I might add, this makes me especially happy, it was all paid for.

The Bipartisan Infrastructure Law also directed EPA to provide nearly half this funding in the form of grants or principal forgiveness. We did so to help address the backlog of wastewater infrastructure projects and support more rural, low-income and disadvantaged communities.

The wastewater investments made through the Bipartisan Infrastructure Law were historic; they were much needed. Yet as I said in our September hearing on the Law's drinking water investments and authorizations, there is more that needs to be done and more that can be done.

I often say that everything I do, I know I can do better.

There is always room for improvement. I think that is true probably for all of us, and it is true here today.

As we all know, water is essential for life, and clean water is essential to our health and well-being. We close by offering some beautiful words of wisdom from the late Dr. Martin Luther King. I think these are good words for us today, these are good words for us any day of the week.

Here is what he said many, many years ago: "No matter who we are, or where we come from, we are all entitled to basic human rights of clean air to breathe, clean water to drink, and healthy land to call home." I agree, we have a moral obligation to provide Americans with clean water access, and these other things as well.

Today's hearing is an opportunity for us to think about how we can better support wastewater services in small, rural, underserved, and disadvantaged communities. Again, we look forward to hearing from our witnesses to gain your insights on your work and to hear your new ideas as well.

Before we do, I want to turn this over to Senator Capito. We have a lot going on, and we are also in different committees. I am supposed to be in another committee right now.

It is hard to be in two places at once, so I am going to ask Senator Capito to take over. I will be back as soon as I can. I know she has other obligations as well.

Thanks so much. Welcome, Senator Capito.

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. [Presiding.] Thank you, Mr. Chairman. We will keep things going here for you.

And thank you all, our witnesses, for being here with us today. It is an important hearing to provide the oversight of the implementation of clean water investments for small and disadvantaged communities under the IIJA. Again, I would like to thank the witnesses for their willingness to testify about this important topic.

This committee values your perspectives on the opportunities and challenges facing this Nation's water infrastructure, some of it is very, very old, as well as your insights into effective solutions. The Drinking Water and Wastewater Infrastructure provisions of the IIJA had a special focus on the infrastructure challenges faced by small, rural, disadvantaged, and underserved communities. Just as the Chairman said, it has been over two years since the enactment. It is easy for stakeholders on the ground and we in the Congress to identify the EPA's implementation if the implementation is working. More importantly, what is not working and how we can improve this.

The IIJA water provisions drafted by this committee authorized \$55 billion in funding for a range of water

infrastructure programs, including targeted grants for small and disadvantaged communities, funding for lead service line replacement, support for innovative water technologies, as well as money for wastewater treatment and stormwater management.

These funding opportunities provide new resources for grants and low-interest loans for technical assistance. These funds can support critical infrastructure upgrades including construction of wastewater facilities and wastewater treatment systems, non-point source pollution management, and measures to manage stormwater and subsurface drainage.

Additionally, the funding can support capacity building initiatives, including workforce development and training programs to help communities build the expertise they need to manage and maintain their water systems for years to come. Despite these significant funding opportunities, many rural, small, and disadvantaged communities are still grappling with aging infrastructure that is in need of repair or replacement, while others are dealing with emerging contaminants like PFAS that require specialized treatment technologies.

At the same time, these communities often lack the resources and the technical expertise needed to address these obstacles leaving them vulnerable to wastewater problems leading to public health risks. These communities may not have the staff or technical capacity to track and apply for grants and

loans as they become available.

That is why the Clean Water Act explicitly empowers the States to determine which of their communities qualify as disadvantaged. The EPA should therefore work with the States to get this money where it is needed as quickly as possible.

Unfortunately, I have significant concerns that the EPA is overstepping its statutory authority to use these funds to affect Administration policy priorities that were not approved by the Congress under the Clean Water Act or the IIJA. The result is unnecessary friction in getting these programs stood up and investments flowing to the communities that need them.

Inconsistent application of Buy America waivers across agencies and even within them has caused delays for projects. More concerning, regulatory guidance on environmental justice and service of the Administration's very vague Justice 40 goal tied to State formula grants appears to be an effort by the EPA to wrestle away the State's statutory authorities under the Clean Water Act.

We all have concerns about disadvantaged communities, urban and rural, minority or low income, receiving the funding that they need and deserve. The States know their communities and their needs the best and what will work over the long haul.

They also realize that water systems do not neatly align within the Justice 40 initiative's preference of using census

tracts to define EJ communities, making the EPA's guidance impractical to implement. The EPA must not sidetrack generational progress that can be made through the IIJA due to a political agenda in this Administration.

These unnecessary obstacles imposed by Federal regulators are leading to delays, uncertainty, and the potential for litigation while allowing historic investments to be eaten up by increased inflation, higher interest rates that we have experienced since the passage of the IIJA. EPA needs to get out of the way and let States and communities get to work.

I will close by saying what everyone in attendance in this room knows and across the Country: water infrastructure investments are critical. They are critical to public health, environmental health, and economic development. The carefully negotiated bipartisan successes this committee has achieved to date for the wastewater section has been ground in the cooperative federalism that is enshrined in the Clean Water Act.

I am hopeful these investments, properly implemented, can create more jobs and drive more economic growth. Those kinds of economic opportunities need to be available everywhere, in my home State and across the Country. I remain committed to working on the issues that are so important to my State of West Virginia and the States of my fellow committee members and across the Country.

Thank you to our panel for everything that you do to keep our Country's water and wastewater systems clean and healthy.

With that, I will introduce our witnesses. First, we will hear from Olga Morales-Pate, the Chief Executive Officer of the Rural Community Assistance Partnership, known as RCAP, well known to me. RCAP is a national network of non-profit partners working to provide technical assistance, training, resources, and support to rural communities. Through its regional network, RCAP has partnered with more than 350 water systems and technical assistance providers to support thousands of communities across the Country.

Thank you for joining us, Ms. Morales-Pate. You are now recognized for five minutes to give your statement.

[The prepared statement of Senator Capito follows:]

STATEMENT OF OLGA MORALES-PATE, CHIEF EXECUTIVE OFFICER, RURAL
COMMUNITY ASSISTANCE PARTNERSHIP, INC.

Ms. Morales-Pate. Thank you, Ranking Member Capito and members of the committee for the opportunity to testify today.

Safe, reliable, and affordable water is the foundation of economic development and public health. Investment in this infrastructure is especially important to ensure that rural areas remain great places to live. Thank you for your work on this very important issue.

My name is Olga Morales-Pate. I am the CEO of the Rural Community Assistance Partnership, a national network of non-profit partners working to provide technical assistance, training, and resources communities in every State and territory, tribal lands and colonias.

RCAP's network consists of more than 350 technical assistance supporting rural utilities with infrastructure development projects from the pre-development stages all the way to operations. Last year, we served over 3.3 million rural and tribal residents and more than 1,600 of the smallest, most distressed communities, with an average population of 1,500 and a median household income of less than two-thirds the national average.

Technical assistance is critical to rural utilities, as they often lack staff capacity, just as you said. Particularly

challenged are wastewater utilities. As natural disasters impact their aging infrastructure and operating costs continue to increase, utilities find themselves making difficult financial decisions, and at times robbing Peter to pay Paul by subsidizing wastewater expenses with drinking water revenues.

For many rural utilities across the Country, Federal grants are the only pathway to critical infrastructure projects, and to ensure ongoing and reliable services for their customers. RCAP is very thankful for this committee's writing and passage of the Water Infrastructure title of the IIJA, the largest investments in water in U.S. history. Dedication of 49 percent of the SRF funding to be disbursed to disadvantaged communities in the form of grants as opposed to loan financing has been a game changer, and we want to thank you for that.

Much of RCAP's technical assistance is funded through EPA programs, particularly those recently under the WRDA bills. RCAP is a proud EPA partner. As a national environmental center, our job is to ensure that this funding gets into the hands of the disadvantaged communities that need it the most.

As we enter the third of five years of this funding, it is important for the committee to consider what is next. In our opinion, our priority is the impending IIJA funding cliff and the need to consider reauthorizing and fully funding the SRF programs at increased levels with dedicated funding available in

the form of grants for both communities and a technical assistance component to ensure their access to these funds.

It is also key for EPA's suite of smaller targeted programs intended for rural communities to reauthorize and fund small water system emergencies, the connection of services from individual household to treatment works, and dedicated funding for decentralized wastewater systems. Without these programs and dedicated funding, small utilities will continue to struggle.

The creation of a Federal Low-Income Water Assistance Program inclusive of rural communities building up from this committee's authorization of a pilot program and a needs assessment is another key priority. As clean water costs grow, a permanent program will provide a lifeline to the lowest income rural households and the systems that serve them.

We know that only 10 percent of the utilities across the Country, regardless of size, have ever received SRF funding. The percentage of small, disadvantaged utilities is even smaller. And it isn't because there is no need, but rather because there is no capacity to apply, compete, and secure these funds.

For that reason, small utilities should be incentivized to be part of regional solutions. Regional projects can help rural communities achieve economies of scale, develop the capacity

they lack, and become sustainable. However, creative funding and technical assistance are also needed for these projects to happen.

To address the growing rural wastewater challenges, RCAP encourages the committee to create a small and disadvantaged community grant program specific to wastewater, like the drinking water program created in 2018. In creating this program, RCAP invites you to take a broad and holistic approach and include capital infrastructure funding for the centralized systems. Flexibilities should be included to help communities and households that are unserved and lacking modern infrastructure, and for systems struggling with operations and maintenance costs.

On behalf of the RCAP network, I want to thank you for your program, for the programs you have created. As you all know, our work is not done. I look forward to your questions and continuing to work with you to ensure all rural people and places have the resources needed to thrive.

Thank you.

[The prepared statement of Ms. Morales-Pate follows:]

Senator Capito. Thank you very much, Ms. Morales-Pate.

Next, I will introduce our second witness. John Byrum is the Executive Director of the Nueces River Authority. The River Authority is a special Texas State agency dedicated to providing safe water services to communities throughout the south Texas Nueces River Basin. Welcome.

STATEMENT OF JOHN BYRUM, EXECUTIVE DIRECTOR, NUECES RIVER
AUTHORITY

Mr. Byrum. Chairman Carper, Ranking Member Capito, and members of the committee, thank you and good morning, for the opportunity to address you here today.

I am honored to serve as the Executive Director of the Nueces River Authority, a subdivision of the State of Texas, created by the legislature in 1935 to protect, preserve, plan, and develop the resources of the 18,000 square miles of the Nueces River Basin. The Authority is governed by 21 board members appointed by the governor of Texas.

The Authority's office is in Uvalde, Texas, the home of former Vice President John Nance "Catus Jack" Nance Gardner, the former Texas governor Dolph Briscoe, and actor Matthew McConaughey. Those are all good memories. It is also the site of one of our Nation's most horrific memories, three blocks down the road from our general offices, which is the site of Robb Elementary School. The lives of those 21 victims still live in our hearts today.

Today's hearing seeks insight on the State Revolving Loan programs for small, rural, and disadvantaged communities. For my part, I began working in the water utilities in 1979. Almost all of my career has been with small and rural providers, and I am proud to be a member of the AA club, holding an A water and A

wastewater license.

The committee is wise to be concerned about clean State water revolving funds and their performance with small, rural, and disadvantaged communities. Although 70 percent of Americans are customers of large drinking water systems, where the State Revolving Loan program has worked well, most community systems in the U.S. are small systems. In fact, the data shows that the small water systems serving 3,000 people or less account for 77 percent of the number of systems in the U.S.

There are not only more small systems, but these small systems have higher rates of water quality non-compliance than the larger systems. In addition, because the small systems lack economies of scale, their customers face heavy financial burdens to meet the clean water investments needed that are currently estimated at more than \$130 billion.

Of the 1,210 cities in Texas, 834 of them or 69 percent are small, serve small communities, less than 5,000 people. First, there is simply just not enough money for the State Revolving Loan Fund or from the general revenues for small and rural needs. In addition to the scarcity of dollars, the programs place hardships on small systems via the requirements necessary to apply, which is a form of access denial by process.

To apply, an application detailing copious financial information and background and a preliminary engineering report

must be submitted. Most small systems have limited credit history; nevertheless they are creditworthy. During my 43 years of professional water career, I have not heard of any entity defaulting on a water loan or grant in Texas. Simply put, the financial information required for the application far exceeds that required by the regulations and guidelines of the Federal program.

An example of how a system is flawed is evident in a recent application for funds from the Uvalde County, Texas Reclamation and Conservation District. This district serves 360 people. The median household income is 44 percent of the average. The water system serving this community has been cited since 2015 for grossly exceeding the amount of contaminant level for arsenic in every sample taken. Their request for \$1.7 million to remove the arsenic from the water supply was not accepted, due to the application not having a preliminary engineering report that met the State guidelines.

This district has one employee who works four hours a day for the water system and four hours a day somewhere else to make a living. Hardly enough to fill out the copious information needed for the application. They did have a study that detailed levels of arsenic in the source water and how they proposed to remove it to safe levels. But it did not meet the requirements of the program. Because of that, these people woke up this

morning drinking water with high arsenic and bathing in that water with high levels of arsenic.

I believe the requirement of a preliminary engineering report that follows those rigid guidelines established in excess of the program requirements is an overreach. My ask today is that the overreaching of State agencies administering the State Revolving Loan funds be audited and forced to comply with the minimum requirements of the program.

I also ask for a greater percentage of the total money to become available for small systems that need it.

Thank you.

[The prepared statement of Mr. Byrum follows:]

Senator Capito. Thank you.

Now, I would like to recognize Senator Mullin to introduce our next witness.

Senator Mullin. Thank you. Shellie is no stranger to this committee. She has been here twice, actually, before. She was here in 2011 and 2021, both times introduced by my predecessor, Senator Inhofe, which we miss him here on the committee.

You have your son, Andrew, with you, is that correct?

Mr. Chard. Yes.

Senator Mullin. You are a senior at the University of Oklahoma, correct? Studying the same, following your mom's footsteps, I guess?

Mr. Chard. Not too closely. I am in Public Administration.

Senator Mullin. Well, I know your mom is a bright and proud graduate of the University of Oklahoma, too. We sure appreciate you here.

Just to give you a little bit about her background, not only has she testified twice in front of this committee, but she has 31 years' experience implementing the Clean Water Act, Safe Drinking Water, and comparable State statutes and operator certification programs, which I was actually a certified operator for many years for wastewater and water. I would imagine there are not too many Senators that have that on their

resume.

She served on the board of directors for the Association of Clean Water Administration, the Groundwater Protection Council, Association for State Drinking Water Administrators, and is currently on the board of the Water Environment Federation. As a lifelong Oklahoman, we are extremely proud to have you here.

And I got to say this, got to put it out there, we worked with DEQ, Department of our Environmental Quality, for many years in our company. I never had the privilege of working with you, I think you had only been there 11 years. And it was always a pleasure. You brought, it really is why we need to make sure that a lot of these regulations are on a State level. There is a big difference between working with DEQ and the EPA. You just, you get it, it is your home, you live there. And you bring a more human touch to it, because it is not always just simply black and white. There has to be, in water terms, a little bit of gray every now and then, to find the final solutions.

So thank you so much for being here, and all our witnesses. Thank you for being here. I appreciate it. I yield back.

Senator Padilla. [Presiding.] Thank you. Your statement, please.

STATEMENT OF SHELLIE R. CHARD, DIRECTOR, WATER QUALITY DIVISION,
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

Ms. Chard. Thank you very much, Senator Mullin, for that very nice introduction. I am so happy to be able to be here before you today. So good morning, all committee members, those who are not able to be here with us, as well as those who are in the room with us. Thank you so much for this opportunity. It is such an important issue, and I am happy to be here to discuss how we can best address the infrastructure funding needs for our small, rural, disadvantaged and underserved communities.

I am Shellie Chard. I am the Water Quality Division Director for Oklahoma DEQ. In addition to my activities in the State and regional area, I have had the opportunity to participate on the national level with various organizations all working to assist our communities with their water and wastewater needs and our workforce development, which is critically important.

Today I want to share with you my perspectives really on three main areas. One, specifically, the obstacles that we see our small, rural, underserved and disadvantaged communities when they are seeking Federal funding. I want to talk a little bit about the gaps that exist in the funding needs of these communities versus what is available or an eligible expense for them.

Also I want to share a little bit about what Oklahoma has been able to do to address some of these obstacles and to help improve infrastructure for all of our citizens.

Something I think that is really important that we all remember, and that is that the setting of Federal standards do not protect public health and the environment. It is the implementation of those standards that protects public health and the environment. For small, rural, disadvantaged and underserved communities, the Federal infrastructure is key to their ability to comply with regulatory limits and protect their way of life. In addition, this funding allows these communities to compete for new and expanding industries which provide opportunities for economic growth and provide opportunities for residents to work in their home town and to support other local businesses.

In 2021, the American Society of Civil Engineers released its Infrastructure Report Card, which graded drinking water infrastructure a C-minus and wastewater infrastructure a D-plus. This illustrates the condition of important water and wastewater infrastructure.

While there are signs of improvement, including increased use of asset management in the industry, innovative technologies that are being introduced, restorative and preventive actions by water and wastewater systems, these take money and a properly

trained workforce. Economic prosperity is dependent on sustained infrastructure investment at all levels of government. Delaying investments in water and wastewater infrastructure increases capital costs in the long run and elevates the risk of catastrophic failures.

Oklahoma is a State that encompasses approximately 70,000 square miles and has a population just under 4 million people. Approximately 75 percent of those residents are served by one of the 1,274 public water supply systems and one of the 772 publicly owned treatment works to treat their wastewater. Many of these water and wastewater systems serve populations under 500. Without the Federal infrastructure funding, they would be unable to provide water and sanitation services to their citizens.

These vulnerable communities face many obstacles in securing infrastructure funding. These include the need to navigate the various requirements of the different funding programs offered, the need to pay for engineering and planning services prior to making application, and confusion about how to comply with certain acts like Build America Buy America Act, and the requirement that emergent contaminants be identified prior to being eligible for funding.

There are important needs that Federal funding could be expanded to include, such as certain operation and maintenance

costs, planning and monitoring costs, and industrial pre-treatment facility construction. The State of Oklahoma helps to address these obstacles and gaps in cooperation and collaboration with key partners. The funding agency coordination team, composed of State, Federal, and tribal funding agencies, meets with communities to help them build their funding package. Contracts with Oklahoma Rural Water Association consultants and agreements with tribal nations allow for low-cost or no-cost technical assistance.

One key policy point that we can all agree on is that all levels of government must come together to fund infrastructure. It is necessary to protect public health, the environment and economic prosperity.

Thank you for the opportunity to come before you today and participate in this important conversation. I look forward to working with you, the Federal agencies and all stakeholders as we work to protect public health and the environment and prosperity. Thank you.

[The prepared statement of Ms. Chard follows:]

Senator Padilla. Thank you very much.

Thank you to all three witnesses. As you can tell, both Senators Carper and Capito have stepped away to other committees, and will be back momentarily. In the meantime, that provides an opportunity for me not just to preside, but to ask my questions first, followed by Senator Mullin.

Thank you all for your participation today. It is clearly an important topic that we care a lot about, the Clean Water State Revolving Fund, and what it means, particularly for our underserved communities across the Country. I think it is safe to say we all agree that there is no reason why anyone living in the wealthiest country in the world should lack access to clean, affordable water, water for drinking purposes, water for sanitation.

But it has evolved into a multi-jurisdictional, multi-committee, multi-agency challenge. But I am glad to see there is a collective commitment in the Senate to tackle it.

In California alone, there is more than 100,000 miles of sewer lines, more than 900 utility providers and treatment plants. That is why this last July, California initiated a first of its kind study in the State to assess the needs of California's wastewater systems over the next 40 years, including identifying the particular challenges faced by tribal, rural, and unincorporated communities.

What we know also is that wastewater should not be wasted water. Instead, we should see it as a critical resource that can be recycled as part of our drought resiliency strategies.

The burden of unsafe and unaffordable water disproportionately impacts low-income communities and communities of color. The data is clear. Many rural communities, including tribal communities, farm worker communities, and communities near sites of legacy industrial contamination practically pay twice for water: once for the contaminated water flowing through their taps and once again for the cost of bottled water that they have to rely on.

Unlike other forms of infrastructure, like bridges and roads, clean drinking water is not primarily funded by tax revenues. Instead, more than 90 percent of the average utility's revenues comes directly from constituents' water bills, their ratepayers.

While there are many important Federal grant and loan programs to help water systems offset costs that would otherwise overburden ratepayers, programs like WIFIA and the SRFs, not every water system is equipped to access these programs, whether due to staffing or other capacity challenges.

With all that being said, my first question is both for Ms. Morales-Pate and Mr. Byrum. In both of your testimonies, you mentioned that small and disadvantaged communities lacked the

resources or economies of scale to access SRF grants and loans. What specific policies would you suggest to make the SRFs more accessible to these communities? Ms. Morales-Pate?

Ms. Morales-Pate. Thank you, Senator Padilla and members of the committee. Thank you for your question.

In my opinion, and having 20 years of experience, 12 of those years being a technical assistance provider, flexibility. Flexibility is the key, in my opinion, to being able to allow communities to use the non-traditional approaches. We cannot look at every community as being centralized the only solution. Because that is not only not financially viable for a lot of us communities, but sometimes demographically makes no sense. So thinking outside of the box and funding outside of the box is important, in my opinion.

Mr. Byrum. I agree with Ms. Morales-Pate in that there are communities that can take portions of their monies in loans and then portions in grants. I do know of a situation where the money was tied to 70 percent grant and 30 percent loan. The water bill in this small community in Angelina County would have been over \$90 a month for an area where the median income is way low.

So I think allowing some flexibility to the States to administer more of that in the grant stage would certainly help in those situations in Texas.

Senator Padilla. A follow-up question: how helpful would a permanent water rate assistance program be to help small towns and the utilities that serve them to ensure they have stable funding for operations and maintenance and help them provide safe and reliable water to the community, regardless of income?

Ms. Morales-Pate. That kind of a system would be very beneficial for communities, and important to have some sort of supplemental funding to help them out. We haven't had anything like that, but it would be good to have an opportunity to supplement some of those expense, especially for the very small.

Senator Padilla. Mr. Byrum?

Mr. Byrum. That would help with the license to operate. That is one of the big issues we have in Texas now, is finding licensed operators. So I think something like you are talking about, great assistance, but also some type of educational, technical educational program assistance, where the local technical college can train more operators to become utility operators would certainly be helpful, too.

Senator Padilla. This is a continuation in many ways of a conversation we have had at the subcommittee level, exploring both a permanent basis program, similar to what we have on the natural gas side, because we don't want people to freeze in the winter time. So we are building bipartisan support for something on the water side.

I appreciate your point about the workforce piece as well, especially for smaller utilities and smaller jurisdictions. People need trained, whether it is folks who work on the line or even at the management level. A lot of times in smaller communities, it is the same individual in charge of the water system that is in charge of the broadband deployment, that is in charge of other things. So supporting that capacity would be helpful.

Senator Capito is ready to go. We will turn to Senator Mullin. Welcome back.

Senator Mullin. Thank you. Adding to this line of question, adding to what was said on the operator side of it, fortunately, math was always a real strong point of mine. But I was shocked when I went to go take the test of how much math was included. I was shocked at the amount of math that was required for the operating test. When you start looking at rural towns, a lot of the people that are in the water department, they are laborers, they are workers. Most of them do not have what I would consider a degree in it.

So for them to take the test is very difficult. And there has to be some type of development. At the time when I took mine, there was one class that you could take. There was one company that operated it, one in Tulsa, one in Oklahoma City. In my class, when I took it, I was the only person that passed.

There wasn't even anybody else that passed it. And these were all individuals that needed to take it.

So we need to be thinking about this in real development, so John, you are absolutely correct.

Shellie, I will turn to you, because that is where my questions are going to be, not that we don't like Texas, we really enjoy beating them at football. But our kids are born doing this.

[Laughter.]

Senator Mullin. Ms. Chard, in your experience as Director of Water Quality, how does water infrastructure investment contribute to economic development for local communities in Oklahoma?

Ms. Chard. It is much needed, and it can have significant impact. A great example is the small city of Inola, Oklahoma, just under 1,800 population. They were able to work with the State Department of Commerce, our SRF funding programs, our State financial assistance programs, and were able to obtain about \$60 million in funding in order to do some engineering planning to construct and improve water and wastewater infrastructure. They were able to attract an international paper company to come and build on a site there.

Senator Mullin. One of the largest in the Country, I believe.

Ms. Chard. It is one of the largest in the Country. They now have a new neighbor, a solar panel company has built the first facility in the U.S. in Inola, Oklahoma. The port area, Port of Catoosa, has now expanded. There is the Port of Inola, so that we can ship goods in and out.

Senator Mullin. For everybody to understand, it is a water port in Oklahoma. I know it is not thought about, but we actually have a port.

Ms. Chard. It is the most inland port in the United States. There was an American Cup yacht that was registered out of there a few years ago.

They have brought in about 1,400 jobs, and a total of about \$1 billion investment in a community of 1,800. They couldn't do that without water and wastewater infrastructure money. The questions these companies asked us were, is there enough land, and then immediately, do we have enough potable water, do we have adequate wastewater treatment services. That is what is allowing this incredible growth.

Senator Mullin. I think a lot of people take that for granted, too. The small town that I live in, Westville, we have a factory. It is a small town of less than 1,200 people. We have one factory called Baldor Electric, where 600 of the 1,200 are employed. So you get another factory coming in, it means a lot. We had a candle factory coming in, and a lot of people, we

take the water for granted. You just assume it is going to be there inside the United States. It is something that we really don't even think about.

They built the factory, and we couldn't get the water suppression for the sprinkler system approved, because we didn't have enough water pressure. The building sat vacant forever. Now there is a box company there, and instead of employing a few hundred people, it employs about 25 people.

This is just one of the examples, if we would have had the resources, this could have had a huge economic impact. But because the Federal funding has so many strings attached, and there are so many hoops that you have to jump through, a lot of these small towns, they just don't have the ability to do it. They just can't get there.

I think that is what we are hearing from John, that is what we are hearing from all of our witnesses. We need flexibility if we are really going to go after the rural areas. It is an economic engine. It drives the economy. We are here to try and help. But sometimes we are also the ones that create the barriers.

Thank you all for being here and your testimony. This is one of those areas that is odd, but we are all on the same page on. I yield back.

Senator Capito. [Presiding.] Thank you. Thank you,

Senator.

I am going to begin my questioning kind of where Senator Mullin left off, and that is on the flexibility issue. This is for you, Ms. Chard. I will call you Shellie.

[Laughter.]

Senator Capito. I talked in my opening statement about EPA's role to ensure State implementation complies with law and regulatory requirements. We realize that you all know your communities better, and individualized communities, especially in the very rural systems, better than anybody else.

Can you discuss how the EPA is utilizing a one-size-fits-all approach to environmental justice to prioritize certain projects over another, even if they may not quite align with the specific needs and priorities that you see in your State?

Ms. Chard. Thank you, Senator. This is an area where we see a squeaky wheel kind of approach. We hear a lot about a particular contaminant, and then suddenly across the Country everyone must treat for this contaminant or must take action. Some areas in Oklahoma where we have seen, we hear a lot about PFAS and those kinds of contaminants. While those are critically important to address, we see a lot of iron and manganese that we would like to address. That is the pressing need for some of our communities. But that is not the same priority.

Senator Capito. What happens to those? Do those fall further down the list, or do they qualify for the Federal funding? How does that impact those systems?

Ms. Chard. It could be either of those two options. In many cases, it may be something that is simply, well, that is not high enough priority, so you have to spend a set amount of money addressing something else. In some cases, we have to move to some of our State funding options, which do not have the Federal backing. But we are able to utilize our flexibility where we would like to be able to partner with our Federal funds in order to assist these communities in addressing those areas that are most important.

Even in a State like Oklahoma, where we have, the eastern side of the State has very different water quality than the western side of the State, groundwater versus surface water, different aquifers, hydrogeology is very different, we feel like we can better identify what will help our communities most as opposed to just one size fits all.

Senator Capito. Thank you for that very comprehensive answer.

I don't have tribal communities in my State, but does this have an outsized effect on the tribal communities in terms of being able to meet their particular needs if it doesn't fit into the particular niche of the EPA?

Ms. Chard. All small, rural, underserved, disadvantaged communities face these same issues. It is very important that no matter whether they are a tribe or a rural water district or a municipality, they struggle with the one-size-fits-all approach. We try very hard to work with them to help identify processes that can assist them in meeting their specific infrastructure needs.

Senator Capito. Ms. Morales-Pate, in terms of the capacity issue, this is a, I have been on a bill for many, many years with Senator Booker to try to get more professional, more young people interested in professional water management. I guess it either sounds boring or it wouldn't be enough to raise a family on, when as Senator Mullin was talking about, the test is not a layup. It is a lifetime of employment and a very good career pattern.

How are you through your organization trying to help with that issue?

Ms. Morales-Pate. We provide technical assistance and training. Training is a big component of the work we do out in the field.

To your point about keeping that capacity in the communities, one of the challenges that we have, in my opinion, there are two pieces to this situation. One is the training piece. But the other part is the retention. We can train all

day long. But if the communities do not have the ability to offer competitive salaries and competitive benefits, the retention part becomes a problem.

So what happens with our communities is they end up becoming the training ground for larger utilities.

Senator Capito. Right.

Ms. Morales-Pate. It is a real challenge.

Senator Capito. Law enforcement has the same issue.

Ms. Morales-Pate. Yes.

Senator Capito. Mr. Byrum, I loved this quote you gave us: access denial by process, meaning the gobbledy-gook of getting all this put together, applications, Ms. Chard talked about it a little bit, what is the solution there? Is it a simplification? Is it to quit loading up guidance, they give you guidance all the time, it is not really a regulation, it is a guidance from the Federal? Is it, give the State all of the authorities?

Where is the solution here to simplify this process to get the money where it really needs to go?

Mr. Byrum. We were talking about flexibility. It is kind of one of those things where if you give States all the authority, well, then they still need some flexibility in there somewhere, I think. One State might be harder than the other, or whatever.

I really believe in the case of Rialitos-Concepcion, the

Duval County people I was talking about earlier, they got up this morning and drank water that was in excess of arsenic. That would be different than someone maybe in the eastern part of Texas where they have a city of 3,000 and they may not have the same issues. It may be a different issue there.

So I think that there is room for some latitude there with the States, giving the minimum requirements of the Federal. So I think that what we need to do is go back and find out just what the States are requiring over and above those Federal guidelines.

Senator Capito. Right.

Mr. Byrum. I believe there are some differences there that, if we were to relax those back down to the Federal guidelines, I think in a lot of these cases, we might be okay.

Senator Capito. That is interesting. Do you or any of your systems test for PFAS right now?

Mr. Byrum. We just entered a contract with someone to test for PFAS down around the Gulf Coast. So yes, we are just starting that.

Senator Capito. Do you have any experience with that, Ms. Chard?

Ms. Chard. Yes, we do have some of our systems, our drinking water systems are of course participating in the Unregulated Contaminant Monitoring Rule 5, where they are

monitoring for a variety of PFAS. And then we have some of our larger systems that are monitoring not only drinking water but wastewater, at their wastewater treatment facility, their biosolids. They are monitoring inside their collection systems to detect where they may be receiving PFAS.

Senator Capito. What about you?

Ms. Morales-Pate. Yes. We do a lot of training across the Country, so part of the training we do is to train operators to test, to do their own sampling. So we have been doing that. Some of the regions have State-specific.

One of the challenges, I guess, is that every State is handling it differently. So some of the States are doing the sampling in all their inventories. So there are different levels. We are in all 50 States and the territories, and everybody is like on different levels, but we are definitely involved in that, and educating the communities, the operators, the decision makers and all about the implications and potential solutions.

Senator Capito. Okay, thank you.

Senator Fetterman?

Senator Fetterman. Thank you. Thank you very much.

Gosh, I love clean water. I find it useful all the time. Maybe you can relate. I believe in it. I think it is great.

But Ms. Morales-Pate, I just want to ask about corporate-

private water. Just me, and I don't speak for anybody else, but I don't think that something like water should be for profit, profit for basic kinds of water service. And I am not talking about bottled water that you get from a Sheetz or a WaWa, usually Sheetz in Pennsylvania, over a WaWa. It is a scandal, but we won't get into that.

[Laughter.]

Senator Fetterman. But at any rate, I do think for utilities and things like that, I believe it should belong in the public. Because it belongs to the public and it should remain there as well.

In Pennsylvania now, two companies control water for 3.8 million residents here in Pennsylvania. I don't think that is what it should be. In Pittsburgh a couple of years ago, there was an attempt to consider selling the public water. Of course, people rightfully pushed back. It was stopped.

I think it can be often too easy to allow private companies, cheap EPO, it is a buy-up, those kind of wastewater ones as well, too. So, really, my question is, can opening the door for private wastewater cause the same problem we have seen with drinking water?

Ms. Morales-Pate. Senator Fetterman, members of the committee, thank you for your question. I appreciate the question. One of the comments that I made earlier was about

regionalization and regional solutions. One of the problems and one of the challenges that we have seen over 50 years of the RCAP is that it is increasingly complicated for small communities to be able to be sustainable. We have been at RCAP looking at regional solutions. By that I mean working with communities to make informed decisions on what are the best options for them.

So when I ask about flexibility in the spending, I am talking about, specifically talking about funding planning studies that evaluate all the options, privatization should be one of those options to be evaluated, but it should not be the only option that communities are presented with.

Too often in our communities where that has been the solution, we find communities without voice, without the opportunity to weigh in on the rates, without the opportunity to weigh in on their future. So is there room for it? Yes. The process in my mind is what hasn't been done correctly, and it is not necessarily being enforced at any level.

So opening it up, I am not sure that we can close it. What we can do is put a system in place that evaluates all the alternatives, so that decision makers, as I said before, are able to make informed decisions and can weigh out the pros and cons on every option, from governance to operations to management, to financial implications at five years, ten years

and down the road. That would be my recommendation.

Senator Fetterman. What I think about in this kind of question is Flint. How did that go really well? And that is shocking, that in our Nation something like that where you are poisoning residents as well. Flint is a larger version of the community that I was mayor and where I currently live, it is like fundamentally communities that are kind of left behind or devalued in a way. I just think that is why I am really concerned about the privatizing, or where can we get the water from the cheapest source. It is like, ship it on through as well.

It is about other issues, too, in fact, infrastructure as well, lead and everything.

But at any rate, communities, it sounds like privatizing water isn't the answer. I think I have been clear about that. What other kinds of solutions might work instead?

Ms. Morales-Pate. I have been working on regionalization efforts and bringing communities together to create economies of scale while protecting their community identity. Every community wants to be protected, just like any of us here, we want to be able to keep that identity. But the flexibility and the support from States on legislation aimed at, and even from the Federal Government, on how that happens, I think it is very important.

If we are not able to make a difference on the small system challenges, we should probably consider what else are we not doing that maybe we should start looking at, and let the local decision makers make those decisions, but make that an option. Right now it is not in a lot of our States across the Country.

Senator Fetterman. Madam Chairwoman, perhaps 30 more seconds?

Senator Capito. Sure.

Senator Fetterman. Thank you. Also, and perhaps for my colleague in Oklahoma, fracking in my State can often contaminate waters. That is another water safety issue, too. Then when you have privatizing or things, sometimes there have been issues about some of the private companies being held accountable to the contamination. I want to make that point too, it is not just an urban issue, it can actually be a rural one, too.

I thank you for the indulgence.

Senator Capito. Thank you. Senator Mullin, did you have another question?

Senator Mullin. Yes, I can go on that, I have to unpack that fracking comment. John, first of all, honestly, I get to know your sense of humor all the time, and I find it interesting to me. Seriously, I think we would have a lot of fun sitting down and having conversations.

Fracking, when you start talking about fracking, though, I mean, when you start talking about where the aquifer is and the fracking that takes place, we are so far below that that I don't know if there is actually a case that can be found --

Senator Fetterman. That was not a shot at you or anyone. You are a State that fracks.

Senator Mullin. John, I know that. I was actually giving you a comment about your sense of humor. I enjoyed the water part. I am dead serious. But I was just trying to say about the fracking, fracking isn't causing water contamination. This is being debated, we have talked about this multiple times, and we understand this. We have been bragging for a long time in Oklahoma.

But when you start talking about Flint, Michigan, Flint wasn't a private company. That was actually public works. And there is a huge difference between that. And I think John and I and maybe Shelley and all of us could actually discuss what happened and some of the chemical reactions that caused some of the discoloration that took place because of the electrolysis it caused because of some of the chemicals that eroded, some of the coating that was on some of the distribution pipes. You could go through this process and actually discuss what happened there.

But it was poor management. That was what ended up coming

out. Public-private partnership is something that might be able to work. I mean, everybody is paying a water bill. Sometimes government may not move, not sometimes, government just doesn't move as fast as private industries. Private industries can bring a solution and can do it in a very effective way. It is not that income isn't coming in; there is a tremendous amount of income that comes in in these places.

It is just, because of the barrier that is there that is keeping public and private partners from actually being able to come together, are we actually losing technology that could help us be more efficient. I mean, there isn't any of us that would just allow a water leak to continue on our place of business. We wouldn't just let it pour through the concrete. We wouldn't let it just continue to flow in our front yard or flow underneath our house. We would fix it.

Yet rural water, that is their biggest challenge. There are rural water departments in Oklahoma that are losing 50 percent of their water because of the distribution system. And there are solutions to that. But it may take private industry to go in and invest in those industries. Think of what quality that would help in the amount of water that we would be saving.

So we have to think outside the box when we are talking about delivering these systems and what is working and what is not. No one can say that we can't improve. And sometimes we

try to improve in Congress by regulating, by demanding that these small, rural water permits can't have more than a 20 percent loss or we are going to fine you X amount of dollars.

If they could fix it with the money, they would already have it fixed. I mean, what good is that going to do? That is just going to penalize them, and then they are not going to be able to deliver the water. Who is going to come in and take it over?

I mean, it is insane, some of the regulations that are coming out of these systems. It is just that, this is why I was talking to Shelley earlier about, it is better to be regulated at a local level because they bring the human side to it. It is not just black and white. Not every system is the same. Every system is different, every water that you are treating is going to be different. Every time you get water from a different place, it brings in its own challenges of how to treat it, even if it is being treated at the same plant, is that not right, John?

Senator Fetterman. Right.

Senator Mullin. So one size does not fit all, and it will not fit all. And we need to give these States and these local municipalities and these rural waters flexibility to be able to do their job. We all want to drink water, because guess what, if you live there, there's a good chance you are drinking the

water you are treating. There is a pretty good incentive by itself. I don't think you need any more incentive than that, right?

Real quick, one question I have, ma'am, in your view, what are the biggest challenges small and rural communities are facing right now? I just ranted on that, but I am going to ask you the question?

Ms. Chard. Of course. There are so many challenges that they are facing. What we see right now is trying to help them get the infrastructure funding that they need so that they can comply with the regulations they are required to comply with. We need to be able to help them, technical assistance angle, they have rate issues because they don't have the expertise to set appropriate rates. They may not have the technical expertise to run the facilities that have been designed and built for them.

They are paying very low wages, not because they want to, but because that is the money that they have. And that is a huge challenge for them, is to be able to pay a rate that those operators, when they get them certified, can stick around and work in their home communities.

We also see challenges in trying to go through some of the basics in order to apply for funding related to the emerging contaminants. PFAS has come up here, other contaminants. Some

of the infrastructure funding, they have to have already sampled and identified that those contaminants are present before they can get funding to do anything to further study, to further identify the extent of that contamination.

So that is something that is definitely a challenge for them, is how do they get the money to find out if they have a problem so they can get the Federal money then to address a problem. So there are several things like that, training, you mentioned the math aspect of operator licenses and workforce development. That is absolutely a huge issue, and we have seen where for one of the community colleges in Oklahoma, Rose State College, was designated an environmental training center. So they have funding, and they do a lot of training with our operators on those basic skills, getting their skills up to date.

We also have a program where we are working with some of the Oklahoma correctional facilities to train low-risk offenders who are likely to be released soon. They work at the treatment facilities at the correctional facilities, so that they then may be staying in those communities working for the municipality. We kind of solve a couple of different problems at the same time.

Senator Mullin. I appreciate that. I have sat through many hours at Rose State continuing education classes. So I

have been on that campus a lot.

I yield back. Thank you.

Senator Capito. Thank you. Senator Markey?

Senator Markey. Thank you, Madam Chair.

About 30 percent of Massachusetts families rely on decentralized septic systems to deal with their wastewater. Unfortunately, climate change-induced sea level rise, combined with more frequent and intense storms, causes flooding that drives up maintenance and operation costs.

Without access to resource to repair these septic systems, sewage starts leaking into the environment. In fact, on Cape Cod, failing septic systems are a leading cause of water pollution.

Now, apart from funding to address combined sewer overflows, we also need to help homeowners on decentralized wastewater systems to cope with these costly climate fueled stressors in order to fully protect public health and the health of the environment.

So Ms. Morales-Pate, what would you change about the current way the Federal Government funds these infrastructure projects to make assistance more accessible to these communities?

Ms. Morales-Pate. Senator Markey, thank you for your question, members of the committee.

Flexibility I think is the one thing we keep saying over and over again this morning. Climate change is really pushing us in the direction that it is causing us to think outside of the box. A centralized system is really not the only solution for communities. We work in all 50 States and the territories, and we have plenty of communities that are on septic tanks.

To your point, climate change is creating challenges that are really not funded by anybody. So the responsibility falls back on homeowners. I come from the Colonias area down in New Mexico. I can tell you that a septic tank costs more than some of the mobile homes that people live in. That is a problem.

Senator Markey. And you are saying it is climate related?

Ms. Morales-Pate. It is climate related.

Senator Markey. Yes. So these people living with a problem they didn't create, they never assumed when they were buying, and now they are left with the responsibility of dealing with something and they need help.

Ms. Morales-Pate. That is correct. Current funding that we have doesn't really allow the homeowner at the individual level to apply for and to receive --

Senator Markey. You want flexibility in the program so it can be used for projects like this?

Ms. Morales-Pate. Flexibility to be able to address -- I think the responsibility that we have to protect the groundwater

sources applies across the board, applies to all of us.

Senator Markey. Okay, so do you think the Federal Government should create a program, a grant program for small and rural and disadvantaged communities, even low-interest loans? Should there be something intentional, specific, for rural communities?

Ms. Morales-Pate. I believe yes, Senator Markey, I believe that is necessary. It is definitely a gap that we are missing right now. Some of the States have it; not every State does.

Senator Markey. Okay, so let me move on. Small, rural, and disadvantaged communities who rely on centralized and decentralized wastewater systems often lack the resources to do the assessments, the planning and the grant writing necessary to access Federal support for wastewater infrastructure. That is why I fought hard to ensure that the Drinking Water and Wastewater Infrastructure Act of 2021 had a new provision to support technical assistance for these communities.

Ms. Morales-Pate, can you speak more to the wastewater technical assistance needs of these communities, and the role that non-profit organizations like the Rural Community Assistance Partnership can play in helping to fill this expertise gap?

Ms. Morales-Pate. Thank you for your question. Certainly, as technical assistance providers, we work with communities at a

comprehensive level. So we work with communities on the water side and on the wastewater side. It is very important to take a comprehensive approach to the solutions that these communities need to have.

Sustainability is very important. If we are not intentional on the work with this community sometimes, what ends up happening is that you have the water side subsidizing the wastewater side. So the average community member that we work with has not worked and doesn't understand how these projects operate, how they get funded. So it is a function of a technical assistance provider to guide them through this process.

On average, we stay with these communities anywhere from seven to ten years, especially for wastewater project development. It is a long-term relationship; it is a relationship of trust where we are probably the only constant piece throughout the development of these projects, so that they, to make sure that they --

Senator Markey. So the Federal technical assistance grants have helped you --

Ms. Morales-Pate. Yes, sir.

Senator Markey. -- to provide expertise to communities, otherwise who would have no expertise at all?

Ms. Morales-Pate. Correct.

Senator Markey. So that is absolutely critical.

Finally, with your indulgence, Mr. Chairman, I appreciate it. I am proud to work on this committee with you, Mr. Chairman, on much-needed clean and safe drinking water funding in the Infrastructure Investment and Jobs Act, which has started to make its way to disadvantaged communities in Massachusetts and beyond. In Massachusetts, communities are using this funding to replace dangerous lead pipes that contaminate our drinking water and threaten our children's health.

So first, I am concerned that the formula for lead service pipe replacement is disadvantaging Massachusetts, which has a dire need for funding. Second, I know we still have a lot of work to do.

Ms. Morales-Pate, what can the Federal Government do to help ensure that all communities have lead-free pipes?

Ms. Morales-Pate. Again, I think it is, part of the work that we do is working with communities on the inventories, what is actually on the ground and how do we get them funded and how do we get that replaced, and how do we get that health hazard out of the communities. The flexibility of the funding, both in the dollars and the timing, is critical, especially for small communities that lack the capacity to do all this work.

Senator Markey. Thank you.

Mr. Chairman, I was elected in a special election, because

my predecessor passed away in 1976. And I found the first letter that I wrote in 1976, and it was to the EPA on lead in housing in the poorest communities of Massachusetts and how it was exposing children to lead.

Here we still are in 2023, we are having a hearing on lead pipes and the need to ensure that States and non-profit partners get the help they need on a universal basis to deal with this legacy of lead having been used as a way in which paint is put on walls or water is transmitted throughout our society, and maybe they were well-intentioned at the time, but science has caught up to it and we need that additional funding.

I thank you again for all of your leadership on this over all these years, Mr. Chairman. And I thank our great panelists for your instruction to the committee on these issues. Thank you.

Senator Carper. [Presiding.] Thank you. Senator Markey and I have been privileged to work together for a long time. In 1976, when he was first elected, I was first elected States Treasurer of Delaware. Nobody wanted to run. We had the worst credit rating in the County. And I said, I will run. I was about three years out of the Navy, and I got to run.

Senator Markey. I will say this. That was not true for my first race. Twelve people were running.

[Laughter.]

Senator Markey. I was raising \$30,000 to win the race, and on my first poll, in the 12-way race, I was at 3 percent with a 5 percent margin of error in my own poll, meaning I could have been minus 2 in that first poll. So I wish I was in your position to say, we want you, Tom, there is one guy to fill this seat.

Senator Carper. Two months after I was elected, Pete du Pont was elected. Remember Pete du Pont? He was a former Congressman, then Governor, and turned out to be a great governor, a great mentor for me.

Senator Markey. Yes, the du Ponts and the Carpers, you guys were growing up together.

Senator Carper. We wish we could have half, even a quarter of their money. But anyway, Pete du Pont, two months after the election, was giving his first State of the State address. I am sitting in the back of Legislative Hall, next to crusty old Democratic Senator Thurman Adams. Pete du Pont announced in the State of the State address that year that we were bankrupt. And the State Senator Adams turned to me and said, Treasurer Carper, now you know why nobody wanted to run for Treasurer.

[Laughter.]

Senator Carper. But it has turned out okay.

Senator Markey. It turned out okay for us, but not for people who have lead in their pipes.

Senator Carper. There you go. Get the lead out.

Senator Markey. We still haven't solved it. Thank you, Mr. Chairman.

Senator Carper. Thanks so much.

Next, Senator Ricketts, you are on. Thanks so much. Thanks for joining us. Thanks for all your work.

Senator Ricketts. Thank you, Chairman Carper, for holding this important hearing about drinking water and wastewater systems and how it impacts rural communities and the implications. So thank you very much.

I believe I went over my time yesterday quite significantly, so you were very indulgent and kind yesterday, Senator Markey. Thank you.

Next month, the EPA is expected to release proposed rulemaking regarding meat and poultry producers effluent guidelines and standards. I joined my senior Senator Fisher from Nebraska in sending a letter to the EPA encouraging them to work with small meat and poultry processing plants to ensure that regulations are practical, science-based, and without imposing undue burdens on many of these facilities that are oftentimes small businesses.

The EPA itself estimated the initial cost of compliance is \$800,000 for facilities processing one million pounds of meat a year, which is probably not very much. I was actually talking

to a meat processing facility on Saturday night, a gentleman who runs it. He has about 260 people, and he is estimating it is going to cost millions of dollars to be able to apply. He said, we can probably make that work, but smaller facilities are going to be much more challenged.

So Ms. Chard, I assume that Oklahomans share our concerns with regard to the EPA missing the mark on this rulemaking. Could you elaborate on the need for practical, science-based regulations, especially as it applies to effluent guidelines and meat processing facilities?

Ms. Chard. Yes, thank you, Senator. Effluent limitation guidelines serve a purpose, setting that national standard. This does speak a little bit to a topic from earlier about one size does not necessarily fit all. We do in Oklahoma have large meat processors, but we have significantly more that are one or two or three or ten people tops that work there that are processing a very small number of animals a year.

Where I see one of the potential issues with these effluent limitation guidelines on those smaller processors is where maybe they are located in a rural community, they don't have their own wastewater treatment. They may be looking at trying to discharge to the municipal system. The way that the regulations are set up, that does still put those same discharge limits on those processing plants, regardless if they are going to a water

body or to a treatment plant.

That can be very challenging. It can be very challenging in how do you fund the necessary pre-treatment that goes into those systems. As it is now, the municipality can obtain that funding, not the actual industry who is required to construct it, build it, operate it, maintain it. So that is particularly challenging.

If we don't take into account the difference in size, that is a very different volume of water. It may be different makeup depending on the type of animals, the type of pretreatment, the type of processing process that they utilize. All of those processes factor in to what makes sense and what doesn't make sense as opposed to here is the limit, everybody, good luck.

Senator Ricketts. Right. Thank you very much, Ms. Chard, for that excellent answer about all the implications of that. I really appreciate it.

It really highlights that many water systems, especially those in small, rural communities are concerned about the one-size-fits-all, and also the costs that go along with it and how they are going to be able to manage that, especially when they have a limited ratepayer base and so forth. One of the ways is obviously through the EPA and some of the dollars they have available.

Ms. Chard, through the award decision process, is it your

opinion that EPA has taken an unbiased approach to delivering these dollars or have projects been prioritized which tie water infrastructure to climate goals?

Ms. Chard. I am not sure that I can accurately speak completely to that. What I can say with confidence is EPA does establish what eligibility criteria and types of projects that are available to receive funding. That is a requirement, then, that the States, if they want to receive that money to do loans or grants, anything that the Administration puts in those requirements and the State is obligated to enforce that is well.

Senator Ricketts. Have you seen, though, that they have put climate goals as part of that, versus we are just talking about some of these effluent standards, which are more directly related to the business of processing the meat, have they tied some of these dollars to climate goals? Have you seen that as part of the requirements they have put out?

Ms. Chard. I suppose that when you look at some of the stormwater funding that is available, that is definitely related to climate change and rainfall events. That absolutely is part of the conversation.

The effluent limitation guidelines are technical limits that are established through the Office of Science and Technology, which is very different from the funding arm of EPA. But all of those topics are very much part of the conversation,

part of the guidance.

Senator Ricketts. All right, thank you.

Can I have just one more question, Mr. Chairman?

Senator Carper. You may.

Senator Ricketts. Thanks. So as these dollars have gone out to communities, what issues have arisen in both the application and implementation process? I am talking about broader, not just on the effluent guidelines, but anything at all. What are some of the things that you have seen with regard to especially impacting small and rural communities with regard to the application process or the implementation process of getting these dollars to help them?

Ms. Chard. Great, Senator, thank you very much. Something that we definitely see, of course, we have talked about the challenges sometimes of making application and of being able to afford the planning and the study documents that have to come before those applications happen.

But something that we see that doesn't get talked about very often that definitely we see in Oklahoma and across the Country impacting these small, rural, and disadvantaged communities, we have permits that are five year duration. So we have limits that take effect, they will borrow millions of dollars, construct treatment equipment in order to meet the new limits. The permit has now expired, it has been five years,

they are getting a new permit. And now they may have new limits that take effect and they still have maybe 5, 10, 15 years left to repay a loan and now they are looking at how they can obtain funding to meet that next challenge.

So certainly, long-range planning becomes very important, and the rate at which new requirements go onto wastewater treatment facilities.

Senator Ricketts. So again, if I can understand what you are saying, I got a five-year permit, I took out a bunch of money to be able to meet the requirements of that five-year permit. Now that five-year permit expires. I still haven't paid off the loans for the equipment I bought already, and now there is more stringent requirements, the requirement to go out and borrow even more money to be able to meet those requirements. Is that fair?

Ms. Chard. Absolutely.

Senator Ricketts. And so what would be a solution? Would it be to extend the life of the permits to be longer? How will we address that?

Ms. Chard. I think reevaluating permit timelines definitely makes sense. Five years is what was established in the Clean Water Act in 1972. It may be time to take a look at, does 10 years make more sense, or maybe you have to put additional guardrails on it, so that we are looking at site-

specific characteristics of the receiving water.

But that would definitely be something that would be beneficial for all of the compliance dates that come in. It would also be beneficial if there is funding, that can be additional grant funding or a criteria to move to a higher grant percentage versus loan percentage. Are those compliance issues, the indebtedness factor, those are some things we could think about.

Senator Ricketts. Great. Thank you very much, Ms. Chard.

Ms. Chard. Thank you.

Senator Carper. Senator Sullivan, your timing is impeccable. Are you ready to take the handoff from Senator Ricketts?

Senator Sullivan. Yes.

Senator Carper. You are recognized. Go ahead.

Senator Sullivan. [Remarks off microphone.] I appreciate your holding this hearing. I think it is a topic that is all too often overlooked. It is a huge issue in Alaska, in my State.

There is usually debate about aging infrastructure here, that big issue with the town in Michigan, Flint. But that was a big problem, no doubt about it. But my constituents were like, well, I get aging infrastructure, what about communities with no infrastructure? What about communities with no water and sewer,

none? No flush toilets, American citizens.

By the way, in my State, some of the most patriotic Americans, Alaska Natives, serve at higher rates in the military than any other ethnic group. Then they go home from wars they serve in, they go to communities with what we call in Alaska honey buckets, which are not very sweet smelling, despite the name.

So can I ask the witnesses first, the first question is, don't you think that when we have these kind of programs, it is kind of like the same argument we have with broadband connectivity, that the Federal funding and programs should be focused on the communities that don't have anything?

I have over 30 communities in my State that don't have any flush toilets or running water. During the pandemic, the CDC was like, wash your hands five times a day, and they were like, we don't have running water. America. It is really horrendous, a topic I care deeply about.

Could I just get from each of you a view on that? Maybe we will start with you, Ms. Chard.

Ms. Chard. Thank you, Senator. Absolutely, we have to do better at funding infrastructure.

Senator Sullivan. But the priorities should be --

Ms. Chard. I would say, rather than focusing on compliance with regulatory standards, maybe it is compliance with

construction in addition to the replacement. But you have to have it first. You can't protect public health without water and sanitation.

Senator Sullivan. Yes. How about you, Mr. Byrum?

Mr. Byrum. Absolutely. Those services, we are seeing that in the southern part of our base, in our 18,000 square mile base, and we are seeing a lot of heavy nutrients added to the Gulf Coast area because of lack of services like wastewater service, maybe lack of septic services that we are taking care of, septic tanks and those that are taken care of.

A few of those programs we have had we did get some money. We live in a State where they will put some money together to fund wastewater on-site septic facilities replacements. In those few programs that we have administered, we have had enough to replace like 50 septic tanks, 50 septic services. But we have had applications for well over 150 of those.

So it is a big problem not only in, and I am certainly sure it is a problem in Alaska, but it is a problem in other areas too. So yes, that needs to be a priority.

Senator Sullivan. Okay. Ms. Morales-Pate?

Ms. Morales-Pate. Thank you, Senator Sullivan. I happen to work with the Rural Community Assistance Corporation, which is the western RCAP. Alaska was one of my territories.

Senator Sullivan. I know you have a lot of experience.

Ms. Morales-Pate. I do have a lot of experience.

Senator Sullivan. What is your view? Don't we need to get the Federal dollars to the places that don't have anything first?

Ms. Morales-Pate. Yes.

Senator Sullivan. It seems pretty obvious.

Ms. Morales-Pate. It is very obvious. I will say that it has been one of the hardest boulders to push up the hill, because we don't have the infrastructure on the ground then to develop those projects, to manage those projects, to own those projects. So in my mind, yes, we need the physical infrastructure, but we also need to invest in the human element that will make those projects sustainable to address the needs of those communities.

Senator Sullivan. Yes. Thank you.

I just want to mention one other thing. I always bring this chart out; I am going to bring it out again. This is a chart that I like to highlight in Alaska. It shows life expectancy changes in the last 25 years in America, and the State and the region of my State that has had the most increase in life expectancy of any State in the Country, from 1980 to 2014 was Alaska. Up to 13 years of increased life expectancy, which to me is like hey, that is the most important indicator of policy success there can be, the people you represent, are they

living longer. I think that is pretty obvious.

I bring this up because a lot of this has to do with resource development, job opportunities, but a lot of it has to do with this. Water and sewer are basic services that most Americans think, of course every American has flush toilets and running water. No, that is not the case.

So I always like to remind people, hey, when you are shutting down opportunities, when you are shutting down resource development, yes, oil and gas, we need it, the Native people in my State certainly are really focused on this. Matter of fact, the leaders from the North Slope Borough are in town right now, the elected leaders, tribal leaders, Alaska Native Corporation leaders. They tried to meet with Secretary Haaland seven times in a row since they have been here. Seven times. She won't meet with them. Crazy. I don't know why that is happening. It is happening again today.

But I want to thank the witnesses. It is a really, really important issue. Again, Mr. Chairman, I think the idea of prioritization of the places that don't have anything to begin with, and then you can upgrade Flint, Michigan, and other things. But I think it is really an issue of fairness and it looks like all the panelists would agree with that approach.

Thank you again, Mr. Chairman, for holding this important hearing. Thank you.

Senator Carper. Thanks for joining us.

We have votes that have just been announced on the Floor. Another committee I serve on, the Finance Committee, is voting on legislation involving PBMs. They are trying to figure out how to provide pharmaceuticals to people, particularly seniors, in a more affordable way. We have the three of you who are going to help us wrap up this hearing, so there is a lot going on. You have come on an interesting day.

I get to travel around the Country a fair amount, around the world, actually. You probably do too. One of the questions I ask people wherever I go is, what brings you joy in your life. I ask that a lot, what brings you joy in your life. Believe it or not, the answers are pretty similar. For the most part, people say, I like helping people. I like helping, I hear it all over the time, from all over the Country, Alaska, Delaware, you name it.

One of the ways we can help people is to make sure we are meeting the drinking water needs, and also their wastewater sanitation needs. The comments of Senator Sullivan are really very much on point.

I have a couple questions I am going to ask you, and then I am going to head off, join my colleagues on the Finance Committee vote, and then go vote on the Floor. So again, thank you so much for joining us today.

The first question I am going to ask is, Ms. Morales-Pate, do you pronounce your name Morales-Pate?

Ms. Morales-Pate. Yes.

Senator Carper. I want to call it Paté, but that would probably get me into trouble with your family.

Ms. Morales-Pate. My husband might have an issue with that.

[Laughter.]

Senator Carper. I am sure. Well, I will try to stay out of trouble with him, and you.

A question, if I could, for you and Mr. Byrum. It is an honor for me to serve on this committee with Senator Capito and our colleagues, Democrat and Republican, where the Bipartisan Infrastructure Bill actually began, right here in this room. Major pieces of the Inflation Reduction Act began in this room, Water Resources Development Act, right here in this room. If the walls of this room could talk, it would say a lot. A lot of the work we do is actually across the aisle in a bipartisan nature. I am proud to be part of the committee, honored to lead it with Senator Capito.

I am also proud of the committee's work to improve wastewater infrastructure for communities large and small, especially underserved communities that Senator Sullivan and others have talked about. The Bipartisan Infrastructure Bill

that I mentioned, which was signed into law by the President almost exactly two years ago provides over \$55 billion for drinking water and wastewater infrastructure, including almost \$12 billion in supplemental funding for the Clean Water State Revolving Funds.

That said, much of the funding was meant to help small and underserved communities, as you know. Yet we have continued to hear that these communities, too many of these communities are having trouble accessing the funds because they do not compete well or that the community is only being offered a loan, not a grant.

My question for the two of you, if I could, and then I will ask other questions of you, Ms. Chard. First, Ms. Morales-Pate, Mr. Byrum, here is my question for the two of you. Will you please share with us some examples of how underserved communities are struggling to access these funds?

I will say that again. Will you please share with us some examples today of how underserved communities are struggling to access these funds? The second question is, why is it important? Why it is important for the Federal Government to offer grant programs in addition to loan programs?

Ms. Morales-Pate, would you go first?

Ms. Morales-Pate. Thank you for your question, Senator Carper.

One of the struggles that we seek, and it was mentioned before by the fellow panel members, has to do with the requirements for a PER, a preliminary engineering report. In the communities that we work with, the kind of funding needed to complete a PER sometimes is just not there. A lot of our State are not offering planning dollars.

So that is the very first step. If we cannot get them to that step, then we really don't even have a chance.

Other challenges that are also part of it is financing. We need to provide financials for the last three years. In some cases, we are talking about finances that have been put together in a shoebox with just receipts. Sometimes they don't even have a budget put together that has been approved that supports the operations of the utility. So it is working on this finances and going back.

Sometimes it is leadership that has changed, the members or the decision makers have changed over time, and we don't have all the paperwork necessary to begin to put a solid application together. There is more to be said, but I will turn the rest of my time.

Senator Carper. I am going to ask you to hold it right there. I have just been contacted by the Senate Finance Committee. They are now voting on important prescription-related issues. They need me to be there to vote. I am going

to recess this hearing for probably less than 10 minutes, and come right back. When I come back, Mr. Byrum, you are up.

Don't go anywhere.

We are standing in recess. Thank you.

[Whereupon, the committee was in recess from 11:39 a.m. to 11:45 a.m.]

Senator Carper. The committee will come to order.

I think we passed the baton to Mr. Byrum. Mr. Byrum, same question. If you want me to repeat the question, I will. Okay, sure.

This is a two-part question. I asked both of you if you would share with us some examples of how underserved communities, how underserved communities are struggling to access some of the funds that we are talking about, State Revolving Funds and the monies for wastewater infrastructure. But some examples of how underserved communities are struggling to access these funds. The follow-up question is, why is it important for the Federal Government to offer grant programs in addition to loan programs? Why is it important to offer both? Go ahead.

Mr. Byrum. Thank you, Senator Carper. First of all, we had a conversation before about your service in Corpus Christi and learning to fly there in Corpus Christi. Thank you very much for your service, by the way.

Senator Carper. I loved it.

Mr. Byrum. We are safe today because of folks like yourself.

Senator Carper. Thank you so much.

Mr. Byrum. One of the things that you probably flew over back in the day was a place called Baffin Bay. I don't know if

you remember that term or not, but it is a great fishing place, it is hypersaline, very unique situation. The people around Baffin Bay have experienced --

Senator Carper. I don't know if I remember Baffin Bay. I remember going to bullfights down on the border of Mexico.

[Laughter.]

Senator Carper. At the end of the night, I think there was about seven or eight bullfights there, but at the end of the night, it was bulls five, matadors two. Not a fair fight. Back to you.

[Laughter.]

Mr. Byrum. These people living around the Bay have experienced some water quality issues. We went to researching that as a subdivision of the State that is protected resources. We went down and researched that and some other political subdivisions and action committees did that. They found that 58 percent of the nutrients in the bay, the high nutrient load in Baffin Bay was contributed from human sources.

Senator Carper. What percentage?

Mr. Byrum. Fifty-eight percent. The other 42 percent was from agricultural and wildlife sources, which are easy enough to treat also. But the problem is, the people need money. These are poor communities. When you trace that back up, Petronella Creek, which feeds into Baffin, one of the tributaries into

Baffin Bay, you find that the wastewater treatment plants there were built under Public Law 92-500, a great law back in the late 1970s, that funded 75 percent, EPA funded 75 percent of these wastewater plants, and 25 percent local. They were able to build wastewater plants, and they have served their purpose.

The problem is, they are at the end of their operational life. They have tried to get funding through the State Revolving Loan Fund and grants, and they just haven't been able to get there. Again, they are poor communities. The median income in these communities is well below the national average. And they just can't access them.

So what we are trying to do is put together a regional plan to address the needs of the 58 percent, the lion's share of that is from these wastewater plants. They had to have the grant the first time to build the plant and build the facilities. They need it again so they can rebuild the facilities some 50 years later.

Senator Carper. All right, thank you.

My next question, Ms. Chard, we will get you into the action here. I am going to ask this question of all three of you, and ask you to lead us off. Many disadvantaged communities face significant environmental challenges and have extensive infrastructure needs. That is true in Delaware and I think 49 other States as well. Certainly, it is true in Alaska, as we

have heard.

These communities have historically struggled to access Federal funding, as we mentioned earlier. In part this is because they have lacked the technical expertise, we heard this again and again, they have lacked the technical expertise to navigate the application process.

Yesterday, EPA announced it was expanding the Lead Service Line Accelerator program. For most people, they would say, what is that? But it was an important announcement. This is a technical assistance program that is helping communities identify lead lines and to make plans for their removal. EPA is also helping these communities with their State Revolving Fund applications.

Question, starting with you, ma'am. Will you please explain the importance of technical assistance for disadvantaged communities? What more could the Federal Government do to help disadvantaged communities be more competitive in the State Revolving Fund application process? Ms. Chard?

Ms. Chard. Great, thank you, Senator. Something I am very proud of that we have done in Oklahoma is we take that technical assistance challenge away. We invite in our communities, we will find communities that have similar compliance issues, have them all come in at the same time. We work through the application process with them. We can connect them to either

EPA contracted technical assistance providers or other technical assistance providers in the State. We have a relationship, of course, with RCAP and also National Rural Water.

We also have formed a funding agency coordination team in Oklahoma, where we invite communities in and help them put together those funding packages, so that it maybe that they would benefit from a particular Federal loan, a particular Federal grant from another agency. And then a loan or a grant from Indian Health Service, a tribal nation, or the State financial assistance programs.

So that technical assistance funding that Congress makes available definitely plays a big role. If we can keep that money going to technical assistance providers, whether they be a private company, a non-profit or State agencies, that can go a long way to assisting our communities.

Senator Carper. Thank you for that.

I am going to repeat the questions, Mr. Byrum. Two questions. Will you please explain the importance of technical assistance for disadvantaged communities? That is one. The second half of the question is, what more could the Federal Government do to help disadvantaged communities be more competitive in the State Revolving Fund application process?

Mr. Byrum. Great question. I am not sure that one answer will fit every bill. Again, it is the flexibility that we have

been talking about.

But in this case, it is super important that they get that technical assistance they need. We have a relationship with Communities Unlimited down in Texas. They provide that in a lot of the areas in our basin where we serve. But this technical assistance will go a long way. But it is not going to go all the way, because they still have the issue of trying to produce the reports and the financials out of this black box to apply for loans.

So I think there needs to be some flexibility there. We are looking at municipal governments with steady revenues. We are not looking at a private industry that just got started that is trying to prove a credit, improve up their credit.

So I believe there is some room there that we can relax some of those financial requirements with the application, and possibly up front fund some of the preliminary engineering. If a detailed preliminary engineering report is required at that point, then somehow or other these small communities need help funding that preliminary engineering.

Senator Carper. Thank you for that.

Ms. Morales-Pate, please, same question, same two questions.

Ms. Morales-Pate. Thank you for the question. Both of them are very important. Obviously, the technical assistance

piece is what we do. Technical assistance provides the work within the communities individually in helping them build the capacity.

Let me just say a little bit about the work that we do. We work with volunteers. These are community volunteers who are doing a second job that they are not getting paid for. So it is very important for them to lean on and guide them through this process.

One of the things I would like to say that I think is very important is, as we are talking about small communities, we consider 100 percent grant. Because even that itself doesn't mean that it is going to exempt them from all the requirements that are needed. They still will have to check a lot of boxes to get that money. They still have to meet a lot of the requirements.

But what is really keeping a lot of these communities from being able to succeed is the lack of expertise, the lack of economies of scale. So when we work with communities that are primarily operated and managed by volunteers, it takes a consistent set of technical assistance providers to see those projects through to the other side.

As far as what else can be done, one of the things that I haven't mentioned but I think is important to say is that the guidelines and the requirements are not designed for the size

communities that we are discussing. From that point, we have a disadvantage. They are designed for municipalities that have the capacity, that have the staff, that have the resources, and we are competing with that. When that is something that our communities are going up against, our chances of success have pretty much been taken away from us.

So it really takes technical assistance that is very committed to stay on top of those projects to make sure that communities succeed. But we need to do something about those requirements.

Senator Carper. Good, thank you.

My next question would be for Ms. Chard and Mr. Byrum. Let me start with you, Ms. Chard.

Wastewater systems that serve small and rural communities typically have a relatively small ratepayer base from which to finance infrastructure projects. This makes it challenging for them to afford local cost shares for water infrastructure projects without ballooning costs for ratepayers.

At times, this may mean that critical maintenance is delayed, and sometimes it is actually forgotten. This only leads to more expensive repairs later on, and this kind of stuff we have seen in Jackson, Mississippi.

My question, Ms. Chard and Mr. Byrum, have you observed small and rural communities deferring needed maintenance and

systems improvements? That is the first part of the question, have you observed small and rural communities deferring needed maintenance and system improvements?

Secondly, would you provide any or could you provide for us a couple of examples maybe of delayed maintenance being a problem for public safety and the environment? How can Congress help?

Ms. Chard. I will give you a one-word answer to your first question, and that is, absolutely.

Senator Carper. I don't get many one-word answers. Could you be more definitive?

[Laughter.]

Ms. Chard. As far as what have we seen, we absolutely see the delayed maintenance. On the drinking water side, we sometimes see issues of, do we comply with one standard or another standard, because we can't afford to comply with both, so it is choose the lesser of two evils, which is very unfortunate.

On the wastewater side, years ago I was in the city of Lawton, Oklahoma, and as they were, the garbage truck was sitting at a stoplight, it sank up to its bumper because the sewer line beneath it collapsed. The reason it collapsed was they knew it had leaks, they knew it had cracks, but they had not been able to make the needed repairs. So they had a main

sewer line that now had a trash truck sitting on top of it.

Senator Carper. Say that again? Had a what sitting on it?

Ms. Chard. Trash, a garbage truck sank up to its bumper and was sitting at a stoplight. The road collapsed. The trash truck went down to its bumpers because the sewer main collapsed due to lack of maintenance. That is a pretty substantial issue.

We have seen cases where, in northeast Oklahoma, that we had treatment plants fail and they went from not treating well to essentially discharging raw sewage into a river that is known for kayaking and floating the river. It is kind of rite of passage, everybody has done it at least once.

So now there was raw sewage in that pristine water body because of lack of maintenance.

Senator Carper. That is a pretty good example. Do you want to yield to Mr. Byrum?

Ms. Chard. Yes.

Mr. Byrum. The answer is yes, they do defer maintenance. In some of the lower part of our basin, and the western Nueces County, it has actually gotten to the point in the collection system, and eventually it will rain again. During the last big rains we had there, they had to shut the school system down because, shut some elementary school systems, some junior high systems down, some buildings, because the sewage was backing up in the floor drains.

This is an issue, an issue that has to be taken care of. The only way these people are going to do it is through some grants, because they are poor communities.

Senator Carper. Okay. We don't always give our witnesses a shot, but any closing thoughts you want to leave with us before we wrap it up and I go vote on the Floor? Ms. Morales-Pate, just a very brief closing thought?

Ms. Morales-Pate. Senator Carper, thank you for the opportunity. Certainly, it is very much welcomed from the RCAP network to have the opportunity to bring up the issues that we deal with as technical assistance provider on the ground every day.

When we are talking about the sustainability of communities across the Country, we cannot have a conversation about economic development and sustainability if we are not talking about sustainable infrastructure on the ground. That being water and wastewater. For some of our communities, that reality is not going to happen unless we have grant dollars available to get them there. We cannot build the vertical infrastructure if the horizontal infrastructure is not there to support that.

So I really appreciate the opportunity for this conversation. I invite you to reach out to us for any questions. We will give you examples of how we work with communities every day and what more can be done. But certainly,

I would once again stress the importance of considering grants to really be talking about long-term solutions for rural America. Thank you.

Senator Carper. Thank you, ma'am.

Mr. Byrum, closing thought?

Mr. Byrum. I can't thank you enough for allowing us to come up and talk. I am leaving here really pumped. I am really motivated, because the line of questioning, the comments seem to be right on track with what we are seeing.

Senator Carper. Good.

Mr. Byrum. I am convinced that we are going to find a way to make the State Revolving Loan Funds work for the smaller cities just as good as it has worked for the larger cities. It has done a very good job with the larger metropolitan areas. I am confident after leaving here today we will find a way to make it flexible enough and provide enough grant monies that it will work for the small rural communities, too. Thank you.

Senator Carper. You bet. I think there is a Chinese word for danger that is also a word for opportunity. Henry Ford, I never met Henry Ford, but I like to quote him. He once said this, I think it is relevant to what we are doing here today. He used to say, and I appreciate your positive, upbeat comments, but Henry Ford used to say, if you think you can, or you think you can't, you are right. Isn't that good?

Okay, Ms. Chard, do you want to take us home?

Ms. Chard. Thank you so much, Senator Carper, for holding this hearing and for the work that this committee does. We are all in it together. We do have to figure this out.

I think I will go back to something I said in my opening statement, and that is setting standards doesn't protect public health and the environment or promote economic prosperity. It is figuring out how to comply that is going to protect our public health. We need the assistance at all levels of government to ensure that our small, rural, disadvantaged communities get to come along with the large, well-populated, well-funded cities.

I think we have to remember that we are all in it together, and partnership and collaboration is what it is going to take. I would love to be able to continue this dialogue with the committee, however you would see fit. We have to figure it out. Thank you so much.

Senator Carper. Our thanks to all of you. Thank you for putting up with the stop and go that we are going through right now. When you have all these committees that are meeting and voting, and we are voting on the Senate Floor and trying to do the Lord's work here, it can be challenging.

Before closing, I want to thank all of you for taking the time to be with us today. Thanks very much for sharing your

insights and opinions with us. It is enormously helpful.

I want to thank out staffs. We are Democrats and Republicans here, and we actually like each other, and we like working together, we like getting things done. I mentioned some of the major, major legislation that was literally formulated right here in this committee in the last couple of years, signed into law by the President.

One of my favorite quotes that we had in a hearing in another committee I used to chair was, bipartisan solutions are lasting solutions. I will never forget that. Senator John Barrasso was a witness before us on the Homeland Security, and that is what he said. I think it was the Homeland Security Committee. He said, "Bipartisan solutions are lasting solutions." We are pretty good at those.

You have helped make us be a little bit better by your testimony today and by your responses to the questions that I have asked. Again, our thanks to not just the members who were able to come, I know they are all busy, but I want to thank especially the staffs who make it possible for us to do this work on behalf of the people of this Country.

This is the end of the hearing, my staff gives me this boilerplate language. I will read it, or get into trouble. Again, I want to thank all of you for joining us today, some have come quite a way. Thanks for sharing your perspectives on

clean water infrastructure systems for disadvantaged and underserved communities. There are a bunch of them in every State that we have in this Country. We look forward to our continued bipartisan work together to support these communities.

Before we adjourn, I need to address just a couple of formalities. Senators will be allowed to submit written questions for the record by close of business on Wednesday, November 29th. I will ask Senators to submit any written questions they have for the record by the close of business on Wednesday, November 29th. We will compile those questions and we will send them to each of you. We will ask you to reply to us by noon of that day.

[Laughter.]

Senator Carper. No, not really. Just wanted to make sure you are listening. We will ask you to reply to us by Wednesday, two weeks later, Wednesday, December 13th.

That, as we say in Delaware, is a wrap. Thank you so much. God bless. We are adjourned.

[Whereupon, at 12:07 p.m., the hearing was adjourned.]