



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

June 28, 2023

MEMORANDUM

SUBJECT: Allotments of Tribal Set-Asides of the Drinking Water and Clean Water State Revolving Funds; the Small, Underserved, and Disadvantaged Communities Tribal Grant Program; and the Emerging Contaminants in Small or Disadvantaged Communities Tribal Grant Program

FROM: Radhika Fox
Assistant Administrator

A handwritten signature in black ink, appearing to be "R. Fox", is written over the name and title of the sender.

TO: Regional Water Division Directors
Regional Clean Water Tribal Set-Aside Coordinators
Regional Drinking Water Tribal Coordinators

Overview

President Biden signed the Bipartisan Infrastructure Law (BIL), also known as the “Infrastructure Investment and Jobs Act of 2021” (IIJA) Public Law 117-58, on November 15, 2021. The law’s investment in the water sector is nothing short of transformational. It includes more than \$50 billion to the U.S. Environmental Protection Agency (EPA) for water and infrastructure – the single largest investment in water that the federal government has ever made.

The BIL builds upon the successes of existing water programs by providing an additional \$965,020,000 in funding over five years (Table 1) to address tribal water and wastewater infrastructure needs and respond to challenges, such as perfluoroalkyl and polyfluoroalkyl substances (PFAS) and other emerging contaminants, and lead service lines. In addition to \$868,520,000 in five-year BIL funding noted in the [May 27, 2022, implementation memo](#) for the Drinking Water Infrastructure Grants – Tribal Set-Aside (DWIG-TSA) and the Clean Water Indian Set Aside (CWISA) programs, this allotment memorandum includes an additional, estimated amount of \$96,500,000 over five years for the drinking water Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) tribal grant program.

For 2023, this memorandum provides a total allotment of \$238,627,000 in tribal water and wastewater infrastructure funding per the Consolidated Appropriations Act, 2023 (Public Law 117-328) and the BIL. Total tribal funding amounts for the programs included in this funding memorandum are summarized in Table 2 below. This includes \$207,180,000¹ in FY23 BIL funding and \$31,447,000 in FY23 base funding for CWISA, DWIG-TSA and Assistance to Small, Underserved, and Disadvantaged Communities (SUDC) Tribal Grant Program.

¹ This includes \$38,600,000 in EC-SDC FY22 and FY23 funding announced in a [February 13, 2023](#) memorandum.

Table 1: Bipartisan Infrastructure Law Funding for Tribal Water Infrastructure FY 2022 – 2026

Appropriation*	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	5-Year Total
Clean Water Indian Set-Aside (CWISA) BIL General Supplemental	\$38,040,000	\$44,040,000	\$48,060,000	\$52,060,000	\$52,060,000	\$234,260,000
CWISA Emerging Contaminants	\$2,000,000	\$4,500,000	\$4,500,000	\$4,500,000	\$4,500,000	\$20,000,000
Drinking Water Infrastructure Grants – Tribal Set-Aside (DWIG-TSA) BIL General Supplemental	\$38,040,000	\$44,040,000	\$48,060,000	\$52,060,000	\$52,060,000	\$234,260,000
DWIG-TSA Emerging Contaminants	\$16,000,000	\$16,000,000	\$16,000,000	\$16,000,000	\$16,000,000	\$80,000,000
DWIG-TSA Lead Service Line Replacement	\$60,000,000	\$60,000,000	\$60,000,000	\$60,000,000	\$60,000,000	\$300,000,000
Subtotal – CWISA and DWIG-TSA Appropriations	\$154,080,000	\$168,580,000	\$176,620,000	\$184,620,000	\$184,620,000	\$868,520,000
Emerging Contaminants in Small or Disadvantaged Communities Tribal**	\$19,300,000	\$19,300,000	\$19,300,000	\$19,300,000	\$19,300,000	96,500,000
Total for all Appropriations	\$173,380,000	\$187,880,000	\$195,920,000	\$203,920,000	\$203,920,000	\$965,020,000

*Annual DWIG-TSA and CWISA funding is dependent upon percentages established in annual appropriations and cannot be considered final.

**Emerging Contaminants in Small or Disadvantaged Communities funds were not distributed in FY 2022. Note that the annual tribal funding projections for this program are subject to change.

Table 2: Summary of 2023 Tribal Funding Allocations

Program	Total Funds Available
Drinking Water Bipartisan Infrastructure Law Funding (BIL)	
Drinking Water Infrastructure Grants – Tribal Set-Aside (DWIG-TSA) General Supplemental	\$44,040,000
DWIG-TSA Emerging Contaminants	\$16,000,000
DWIG-TSA Lead Service Line Replacement	\$60,000,000
Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Tribal Grant Program	\$38,600,000*
Drinking Water BIL Total	\$158,640,000
Clean Water Bipartisan Infrastructure Law Funding (BIL)	
Clean Water Indian Set-Aside (CWISA) General Supplemental	\$44,040,000
CWISA Emerging Contaminants (EC)	\$4,500,000
Clean Water BIL Total	\$48,540,000
Drinking Water Consolidated Appropriations Act Funding (Base)	
DWIG-TSA Base	\$10,332,000
Assistance to Small, Underserved, and Disadvantaged Communities (SUDC) Tribal Grant Program	\$5,600,000*
Drinking Water Base Total	\$15,932,000
Clean Water Consolidated Appropriations Act Funding (Base)	
CWISA Base	\$15,515,000
Clean Water Base Total	\$15,515,000
Total BIL and Base Tribal Drinking Water and Clean Water Funding	\$238,627,000

*In addition to FY 2023 appropriations for all programs included in this memo, this total also includes FY 2022 appropriations for two drinking water programs: the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Tribal Grant Program and the Assistance to Small, Underserved, and Disadvantaged Communities (SUDC) Tribal Grant Program.

All combined, these water and wastewater funding programs will help to accelerate the implementation of sustainable solutions to some of the most significant water infrastructure challenges facing American Indian Tribes and Alaska Native Villages.² The [partnership between EPA and the Tribal Infrastructure Task Force \(ITF\)](#) partner, the Indian Health Service (IHS), is integral to addressing significant tribal water infrastructure challenges. Regions are encouraged to seek co-funding opportunities with IHS, and to expand areas of collaboration with programs funded under the BIL. EPA's Regions must continue to work closely with tribes, IHS, and other federal partners to implement the tribal water and wastewater infrastructure programs included in this memorandum.

I. GENERAL UPDATES

Build America, Buy America Requirements

The BIL includes the Build America, Buy America Act ("the Act"). The Act strengthens Made in America laws and will bolster America's industrial base, protect national security, and support high-paying jobs. The Act requires that, no later than May 14, 2022, the head of each covered Federal agency shall ensure that "none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States." BABA requirements apply to all funding programs referenced in this memorandum. EPA's [Build America, Buy America \(BABA\) website](#) provides links to the BABA Implementation Procedures, webinar recordings, and waiver resources.

BIL Funding Signage Requirements

EPA recently [issued guidelines for implementing the BIL signage requirements](#). The BIL signage term and condition requires that a physical sign displaying the official Investing in America emblem and EPA logo be placed at construction sites for BIL-funded projects. This requirement applies to BIL-funded construction projects under the DWIG-TSA, CWISA, and EC-SDC programs. This condition has been added to the general terms and conditions for Interagency Agreements between EPA and IHS. Regions are directed to amend existing applicable BIL-funded grants to include this condition, as well as to include it in future BIL grant awards when applicable.

Water Technical Assistance

Technical assistance (TA) is a critical component of EPA's strategy to achieve the goals of the tribal drinking water and wastewater programs referenced in this memorandum. The effectiveness of tribal infrastructure investment programs is highly dependent upon the financial, managerial, and technical capacities of tribal water systems. Regions are encouraged to collaborate with tribes and other federal agencies to ensure that tribal water systems are provided the training and TA that they need. Much of the funding available through this memorandum can be used to support tribes for training and TA activities. This includes the SUDC Tribal grant program, as well as the DWIG-TSA program which allows support for operations and maintenance training and operator certification through tribes and Tribal consortia.

Since 2017, EPA's appropriations have included a provision that up to \$2 million of CWISA funds could be used for TA, training, and educational programs related to the operation and management of tribal wastewater treatment works. For FY2023, EPA and IHS negotiated setting aside \$1 million of

² The EPA section of the Department of the Interior, Environment, and Related Agencies budget included \$39,686,000 for the ANV Program in the Agency's FY 2023 State and Tribal Assistance Grants (STAG) account. The ANV grant funding is used for the construction of high priority drinking water and wastewater facilities in rural Alaska as well as training, technical assistance, and educational programs in support of sustainable facilities. This funding is only for Alaska Rural and Native Villages and is not discussed in this allotment memo.

CWISA funds for tribal wastewater TA activities. This important work through the CWISA program is available to the 12 IHS Areas through an Interagency Agreement between EPA headquarters' and IHS headquarters' offices. Regions can connect tribes to TA funds via their IHS contacts or tribes may reach out directly to their IHS Areas. In addition, [the Clean Water Rural, Small, and Tribal Technical Assistance Program announced the selection of new grantees on April 27, 2023](#), including three grants focused solely on providing clean water TA to tribes.

Additionally, the historic investment through the BIL significantly expanded the eligibilities of EPA tribal infrastructure programs and those of our federal partners. Projects and activities leading to well scoped and planned projects are eligible under the BIL-funded programs and EPA Regions should leverage this eligibility through contract vehicles, and other resources, to help build and maintain a pipeline of projects supporting tribal communities. These activities can include sampling for and conducting planning activities to address emerging contaminants, planning for projects to ensure regulatory compliance, conducting service line inventories to identify the existence of lead service lines, and more. Furthermore, EPA has partnered with TA providers across the country to ensure the availability of direct assistance to support infrastructure development and a broad array of capacity needs. This TA can be requested for consideration directly from tribal communities through the Water TA request form on the EPA website here: <https://www.epa.gov/water-infrastructure/request-water-technical-assistance>.

The Indian Health Service, Bureau of Reclamation, and other federal partners of the Tribal ITF have substantial resources available through the BIL. Since the need for close collaboration to support tribes has never been greater, Regions are encouraged to establish frequent and consistent communications with ITF partner agencies to ensure consideration of needs for all federally-recognized tribes, and to ensure a coordinated federal response.

Water Security and Climate Resiliency Resources

EPA encourages tribes, water systems, and other stakeholders to incorporate considerations of water security and climate resiliency into the design and implementation of drinking water projects funded under the programs included in this memorandum. EPA has developed several new tools to help water utilities to assess and address various risks related to climate change, water security, and cybersecurity:

- [Creating Resilient Water Utilities \(CRWU\)](#): Tools to assess and address climate change risk and identify long-term adaptation options.
- [Cybersecurity Best Practices for the Water Sector](#): Provides tools and guides for water utilities to reduce cyber risks.
- [Utility Preparedness and Response](#): Webpage dedicated to support water utility for emergency preparedness and response.
- [Water Supply Chain Resilience](#): Webpage dedicated to assist water systems in finding alternative suppliers, technical assistance, and guidance in times of supply chain shortages.

II. DRINKING WATER PROGRAM UPDATES

This memorandum includes regional allotments for a total of \$174,572,000 in funding to improve tribal drinking water infrastructure, of which \$158,640,000 was appropriated under the BIL. This funding will help water systems serving tribes to significantly advance public health protections by improving sustainable and resilient access to safe drinking water, promoting compliance with the National Primary Drinking Water Regulations (NPDWRs), identifying and replacing lead service lines, and addressing PFAS and other emerging contaminants in drinking water. This funding will be administered through two existing EPA drinking water programs – the DWIG-TSA Program and the SUDC Tribal Grant

Program – as well as the newly-established EC-SDC Tribal Grant Program, which was authorized under the BIL. Provided below are specific updates for the drinking water programs since the May 2022 tribal implementation memo.

Funding needs for tribal drinking water infrastructure have increased significantly over the last decade, with total reported funding needs exceeding \$4 billion as documented in EPA’s 7th [Drinking Water Infrastructure Needs Survey and Assessment \(DWINSA\)](#), conducted in 2021. The DWINSA is used to determine the financial needs of the nation’s drinking water infrastructure over the next twenty years. It is also one of the components used to inform EPA’s distribution of funding to Regions for the DWIG-TSA Base and General Supplemental programs as well as the SUDC program. Based on feedback received during tribal consultation, EPA has updated the DWIG-TSA allocation formula and created a distribution formula for lead-specific and emerging contaminant-specific funding. The formulas reflect input from tribes and EPA Regions. These updated formulas only impact how the funds are distributed across the EPA Regions, the total funding amount for these programs is not impacted by formula changes. More information on the DWINSA can be found in the forthcoming 7th DWINSA Report to Congress, which will be made available on the EPA website (www.epa.gov/dwsrf), and details on the revised and new formulas, including feedback from the tribal consultation, can also be found on the EPA website (<https://www.epa.gov/tribaldrinkingwater/drinking-water-infrastructure-grants-tribal-set-aside-program>).

Emerging Contaminants in Drinking Water

This funding memorandum provides allotments for both the first and second years of funding (FY 2022 and FY 2023) appropriated for the EC-SDC tribal grant program, marking the launch of this program that was established and funded under the BIL. The EC-SDC tribal grant program funds projects that address PFAS and other emerging contaminants in small tribal water systems. Projects that address any contaminant listed on any of [EPA’s Contaminant Candidate Lists](#) (i.e., CCL1 – CCL5) are eligible for funding under the EC-SDC tribal grant program as well as the DWIG-TSA emerging contaminants funding (see additional information in [May 27, 2022 tribal implementation memo](#)). Additionally, the EC-SDC tribal grant program can be used to fund activities that encourage a more sustainable and diverse water infrastructure workforce through such activities as emerging contaminant-related trainings for tribal water system operators and local technical assistance providers. Concurrent with this allotment distribution, EPA is releasing the [EC-SDC tribal grant implementation manual](#), which contains detailed information on how EPA will implement this grant program and administer funds to eligible recipients for eligible activities and uses. This funding, in combination with the DWIG-TSA emerging contaminants funds made available under the BIL, will support tribal water systems in detecting the presence and levels of PFAS and other emerging contaminants in drinking water, and facilitating efforts to build and maintain the pipeline of projects to address them.

On January 31, 2023, EPA held a webinar titled [Drinking Water BIL Emerging Contaminants Funding Options](#). This webinar provided an overview of the BIL emerging contaminant funding eligibilities, a review of EPA’s Contaminant Candidate List (CCL), two state program case studies, and an opportunity to ask and answer questions.

Lead Service Lines

In August 2022, EPA released the [Guidance for Developing and Maintaining a Service Line Inventory](#) to support water systems with their efforts to develop inventories and to provide states with information for oversight and reporting to EPA. The guidance provides essential information to help water systems

comply with the Lead and Copper Rule Revisions requirement to submit an initial inventory of service line materials by October 16, 2024.

Building Drinking Water System Capacity Resources

EPA has added several new guides to its Simple Tools for Effective Performance (STEP) Guide Series, which is designed to help owners and operators of small drinking water systems gain understanding on how to build technical, managerial, and financial capacity. The following new guides may be useful to Regions, tribes, and water systems as they work to implement tribal drinking water funding programs:

- [Asset Management: A Handbook for Small Water Systems](#)
- [Taking Stock of Your Water System: A Simple Asset Inventory for Very Small Drinking Water Systems](#)
- [Setting Small Drinking Water System Rates for a Sustainable Future](#)

III. CLEAN WATER PROGRAM UPDATES

This memorandum regional allotments of \$64,055,000 in funding for improvements to tribal wastewater infrastructure, of which \$48,540,00 was appropriated under the BIL. This includes \$4,500,000 in funding to address PFAS and other emerging contaminants in wastewater via the CWISA Program.

Emerging Contaminants in Wastewater

For the eligible use of emerging contaminants funds, BIL states that “funds provided under this paragraph in this Act shall be for eligible uses under section 603(c) of the Federal Water Pollution Control Act that address emerging contaminants.” Section 518 of the CWA states that monies will be used “...for the development of waste treatment management plans and for the construction of sewage works to serve tribes...” CWISA eligible activities include project planning and design, infrastructure construction, and project oversight.

Appendix B of the March 8, 2022, [BIL SRF Implementation Memo](#) provides the CWSRF definition for emerging contaminants, which also applies to the CWISA BIL emerging contaminants funding. The main categories of emerging contaminants include but are not limited to: PFAS and other persistent organic pollutants, biological contaminants and microorganisms, some compounds of pharmaceuticals and personal care products, nanomaterials; and microplastics/nano plastics.

EPA recognizes that information about the presence and extent of emerging contaminants might be limited for tribal wastewater utilities. Regions are encouraged to focus on the identification of emerging contaminants and supporting preliminary engineering activities that will lead to a well scoped and ready-to-fund projects in future fiscal years of this program. Costs associated with planning and design that may be funded include: (1) Preparation of a preliminary engineering report (PER); (2) Development of planning and design documentation including collection of necessary data; and (3) Travel costs associated with planning and design, site inspections, and construction administration.

The IHS Sanitation Deficiency System (SDS) prioritization system has not previously focused on emerging contaminants in wastewater, and EPA is currently assessing the best programmatic approaches and procedures to support tribal clean water emerging contaminants projects. As such, the FY 2023 CWISA BIL emerging contaminants funding of \$4.5 million will not be immediately allocated to the Regions. Instead, Regions may request funding to add an eligible emerging contaminants project to Interagency Agreements with IHS or in direct grants to tribes. Regions are encouraged to work with their IHS areas or directly with tribes to determine if selected projects for CWISA funding should include emerging contaminants project elements. If applicable, Regions should reach out to the CWISA contact, Matthew Richardson (richardson.matthew@epa.gov), to reprogram emerging contaminants

funds for use in the Region. Regions can also work with tribes and IHS areas for clean water emerging contaminants stand-alone projects that meet the BIL CWSRF eligibility requirements under the CWISA program. EPA may also use transfer authorities discussed in the CWISA Guidance.

IV. ALLOCATIONS

Information on allotments for tribal water and wastewater infrastructure funding programs is provided in the following attachments:

Attachment A: Tribal Drinking Water Infrastructure Allotments by Region Summary

Attachment B: Drinking Water Infrastructure Grants – Tribal Set-Aside (DWIG-TSA) Allotments

- FY 2023 DWIG-TSA Base Consolidated Appropriations Allotment
- FY 2023 DWIG-TSA BIL General Supplemental Allotment
- FY 2023 DWIG-TSA BIL Emerging Contaminants Allotment
- FY 2023 DWIG-TSA BIL Lead Service Line Replacement Allotment

Attachment C: Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Tribal Grant Allotments - Includes FY 2022 & FY 2023 EC-SDC Tribal Grant Program BIL Allotment

Attachment D: Small, Underserved, and Disadvantaged Communities (SUDC) Tribal Grant Allotments - Includes FY 2022 & FY 2023 SUDC Tribal Grant Program Consolidated Appropriations Allotment

Attachment E: Clean Water Indian Set-Aside (CWISA) Allotments

- FY 2023 CWISA Base Consolidated Appropriations Allotment
- FY 2023 CWISA BIL General Supplemental Allotment
- FY 2023 CWISA BIL Emerging Contaminants Allotment

Attachment A

Tribal Drinking Water Infrastructure Allotments by Region Summary

A summary of the allotments to EPA Regional Offices for all drinking water funding programs included in this memorandum can be found in the table below.

FY 23 Tribal Drinking Water Allotments							FY 22 Tribal Drinking Water Allotments*		Total
	DWIG-TSA Base	BIL DWIG-TSA General Supplemental	BIL DWIG-TSA EC	BIL DWIG-TSA LSLR	BIL EC-SDC	SUDC	BIL EC-SDC	SUDC	
Region 1	\$38,000	\$160,000	\$121,000	\$66,000	\$146,000	\$11,000	\$146,000	\$10,000	\$698,000
Region 2	\$125,000	\$532,000	\$168,000	\$1,071,000	\$203,000	\$36,000	\$203,000	\$32,000	\$2,370,000
Region 3	\$27,000	\$115,000	\$12,000	\$9,000	\$14,000	\$8,000	\$14,000	\$7,000	\$206,000
Region 4	\$135,000	\$577,000	\$387,000	\$2,176,000	\$466,000	\$39,000	\$466,000	\$35,000	\$4,281,000
Region 5	\$478,000	\$2,037,000	\$1,676,000	\$2,303,000	\$2,022,000	\$137,000	\$2,022,000	\$122,000	\$10,797,000
Region 6	\$1,343,000	\$5,723,000	\$1,470,000	\$5,186,000	\$1,773,000	\$384,000	\$1,773,000	\$344,000	\$17,996,000
Region 7	\$281,000	\$1,197,000	\$185,000	\$542,000	\$223,000	\$80,000	\$223,000	\$72,000	\$2,803,000
Region 8	\$1,989,000	\$8,480,000	\$1,964,000	\$9,871,000	\$2,369,000	\$569,000	\$2,369,000	\$509,000	\$28,120,000
Region 9	\$2,920,000	\$12,446,000	\$6,286,000	\$26,568,000	\$7,583,000	\$835,000	\$7,583,000	\$747,000	\$64,968,000
Region 10	\$2,996,000	\$12,773,000	\$3,731,000	\$12,208,000	\$4,501,000	\$857,000	\$4,501,000	\$766,000	\$42,333,000
Total	\$10,332,000	\$44,040,000	\$16,000,000	\$60,000,000	\$19,300,000	\$2,956,000	\$19,300,000	\$2,644,000	\$174,572,000
*FY 2022 funding for the BIL EC-SDC and SUDC tribal grant programs is being allocated in combination with the FY 2023 funding for these programs.									

Attachment B

Drinking Water Infrastructure Grants – Tribal Set-Aside (DWIG-TSA) FY 2023 Consolidated Appropriations and BIL Appropriations Allotments

This memorandum provides fiscal year (FY) 2023 DWIG-TSA allotments for \$130,372,000 in funding provided through the Consolidated Appropriations Act, 2023 (Public Law 117-328) and the BIL. The DWIG-TSA allocations described herein are based on the previously distributed memorandum from Radhika Fox, Office of Water’s Assistant Administrator, to the Regional Water Division Directors: dated April 3, 2023, [FY 2023 Allotments for the Drinking Water State Revolving Fund based on the Seventh Drinking Water Infrastructure Needs Survey and Assessment](#). The table below provides information on Regional allocations for the four distinct appropriations for DWIG-TSA Programs.

Information on EPA’s DWIG-TSA program, including eligibility requirements and the DWIG-TSA Program Revised Guidelines (2013) can be found at the [DWIG-TSA Program website](#). On May 27, 2022, EPA released [Implementation of the Tribal Water Infrastructure Appropriations in the BIL](#) Memorandum, which supplements the DWIG-TSA Program Guidelines with information on EPA’s approach to implementing the funding programs under the DWIG-TSA appropriated provided through the BIL. This includes the BIL General Supplemental funds, BIL Emerging Contaminants funds, and BIL Lead Service Line Replacement Funds.

If you have any questions about the DWIG-TSA Programs, please contact Sam Russell at Russell.Sam@epa.gov.

EPA Region	DWIG-TSA Base	DWIG-TSA BIL General Supplemental	DWIG-TSA BIL Emerging Contaminants	DWIG-TSA BIL Lead Service Line Replacement	FY 23 Total per Region
Region 1	\$38,000	\$160,000	\$121,000	\$66,000	\$385,000
Region 2	\$125,000	\$532,000	\$168,000	\$1,071,000	\$1,896,000
Region 3	\$27,000	\$115,000	\$12,000	\$9,000	\$163,000
Region 4	\$135,000	\$577,000	\$387,000	\$2,176,000	\$3,275,000
Region 5	\$478,000	\$2,037,000	\$1,676,000	\$2,303,000	\$6,494,000
Region 6	\$1,343,000	\$5,723,000	\$1,470,000	\$5,186,000	\$13,722,000
Region 7	\$281,000	\$1,197,000	\$185,000	\$542,000	\$2,205,000
Region 8	\$1,989,000	\$8,480,000	\$1,964,000	\$9,871,000	\$22,304,000
Region 9	\$2,920,000	\$12,446,000	\$6,286,000	\$26,568,000	\$48,220,000
Region 10	\$2,996,000	\$12,773,000	\$3,731,000	\$12,208,000	\$31,708,000
Total:	\$10,332,000	\$44,040,000	\$16,000,000	\$60,000,000	\$130,372,000

Attachment C

FY2022 and FY 2023 BIL Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Tribal Grant Allotments

The BIL appropriates funds for and authorizes the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Tribal Grant Program, which focuses on addressing emerging contaminants, including perfluoroalkyl and polyfluoroalkyl substances (PFAS), in drinking water served by public water systems in small tribal communities. This attachment includes the FY 2022 and FY 2023 combined EC-SDC Tribal Grant funding allotments to EPA Regions for a total of \$38,600,000 in funding to support American Indians and Alaska Natives.

Concurrent with this allotment distribution, EPA is releasing the EC-SDC Tribal Grant Implementation Manual, which contains detailed information on how EPA will implement this grant program and administer these funds to eligible recipients for eligible activities and uses. This document is posted online at: <https://www.epa.gov/tribaldrinkingwater>.

Earlier this year, EPA released a separate memo and implementation manual pertaining to the \$1.891B in FY 2022 and FY 2023 combined funding designated for grant allotments to the states and territories through the [Emerging Contaminants \(EC\) in Small or Disadvantaged Communities \(SDC\) grant program](#).

If you have any questions about the EC-SDC Tribal Grant Program, please contact Gabriella Neusner at Neusner.Gabriella@epa.gov.

EPA Region	FY 2022 Regional Allotment	FY 2023 Regional Allotment	Total: FY 2022 and FY 2023 Combined Allotment
Region 1	\$146,000	\$146,000	\$292,000
Region 2	\$203,000	\$203,000	\$406,000
Region 3	\$14,000	\$14,000	\$28,000
Region 4	\$466,000	\$466,000	\$932,000
Region 5	\$2,022,000	\$2,022,000	\$4,044,000
Region 6	\$1,773,000	\$1,773,000	\$3,546,000
Region 7	\$223,000	\$223,000	\$446,000
Region 8	\$2,369,000	\$2,369,000	\$4,738,000
Region 9	\$7,583,000	\$7,583,000	\$15,166,000
Region 10	\$4,501,000	\$4,501,000	\$9,002,000
Total:	\$19,300,000	\$19,300,000	\$38,600,000

Attachment D

FY 2022 and FY 2023 Assistance to Small, Underserved, and Disadvantaged Communities (SUDC) Tribal Grant Consolidated Appropriations Allotments

The Water Infrastructure Improvements for the Nation (WIIN) Act established the Small, Underserved, and Disadvantaged Communities grant to assist public water systems to achieve or return to compliance with Safe Drinking Water Act (SDWA) requirements. This attachment includes the FY 2022 and FY 2023 combined SUDC Tribal Grant funding allotments to EPA Regions to support activities in American Indians and Alaska Natives. EPA has released a separate memo pertaining to the funding designated for grant allotments to the states and territories through the [Small, Underserved, and Disadvantaged Communities Grant Program](#).

Information about implementation of the SUDC Tribal Grant Program, including eligible uses of these funds, can be found on the [SUDC Tribal Program web page](#).

If you have any questions about the SUDC Tribal Grant Program, please contact Laura Montoya at Montoya.Laura@epa.gov.

EPA Region	FY 2022 Regional Allotment	FY 2023 Regional Allotment	Total: FY 2022 and FY 2023 Combined Allotment
Region 1	\$10,000	\$11,000	\$21,000
Region 2	\$32,000	\$36,000	\$68,000
Region 3	\$7,000	\$8,000	\$15,000
Region 4	\$35,000	\$39,000	\$74,000
Region 5	\$122,000	\$137,000	\$259,000
Region 6	\$344,000	\$384,000	\$728,000
Region 7	\$72,000	\$80,000	\$152,000
Region 8	\$509,000	\$569,000	\$1,078,000
Region 9	\$747,000	\$835,000	\$1,582,000
Region 10	\$766,000	\$857,000	\$1,623,000
Total:	\$2,644,000	\$2,956,000	\$5,600,000

Attachment E

FY 2023 Clean Water Indian Set-Aside (CWISA) Base Consolidated Appropriations and BIL Allotments

This memorandum provides fiscal year (FY) 2023 CWISA allotments of \$48,540,000 funded through the BIL and \$15,515,000 funded through the Consolidated Appropriations Act, 2023 (Public Law 117-328) for a total of \$64,055,000. The CWISA allocations described herein are based on the previously distributed memorandums from EPA's Office of Water to the Regional Water Division Directors: dated March 30, 2023, [FY 2023 Clean Water State Revolving Fund Base Allotment Availability](#) and February 24, 2023, [FY 2023 Procedures and Allotments for the Clean Water State Revolving Fund Provisions of the BIL](#). The table below lists the FY 2023 CWISA funding allotments to the EPA Regions based on the percent of wastewater (sewer) need identified in each of the 12 IHS areas. Information on EPA's CWISA program, including eligibility requirements and the CWISA Program Guidelines (2015) can be found at the CWISA Program website (<https://www.epa.gov/small-and-rural-wastewater-systems/clean-water-indian-set-aside-program>). EPA HQ and Regions will continue to administer the CWISA funding in close cooperation with the IHS Division of Sanitation Facilities Construction Program.

The IHS Sanitation Deficiency System (SDS) database maintains an inventory of sanitation deficiencies and projects to address those deficiencies for new and existing Indian homes and communities. As described in the CWISA Guidance, Regions are to identify projects based on the IHS SDS priority lists.

The 24 SDS lists were provided electronically by Matthew Richardson on April 20, 2023, and are available upon request. Regions should also consult the previously provided "Information Requirements for Implementing the Clean Water Indian Set-Aside Program Guidance Summary," which identifies the project-level details to be provided by each Region such that funds may be reprogrammed to each Region.

On May 27, 2022, EPA released the [Implementation of the Tribal Water Infrastructure Appropriations in the BIL](#) Memorandum, which supplements the CWISA Program Guidelines with information on EPA's approach to implementing the funding programs under CWISA appropriated through the BIL.

EPA Regions should obligate funds under Interagency Agreements or direct grants by September 30, 2023, or the funds could be subject to Congressional rescission. Furthermore, funds that are not obligated under an Interagency Agreement or a direct grant by September 30, 2024, could be reallocated to a different EPA Region.

The scope of tracking and reporting CWISA funded projects ranges from individual project details to national aggregate data on program performance and outcomes. EPA headquarters collects and summarizes data related to 1) program performance, 2) CWISA fund expenditures and utilization, and 3) inter-agency coordination and collaboration. In support of the above, CWISA Regional Coordinators are expected to provide CWISA data on a regular and as needed basis.

For those Regions considering the transfer of funds between CWISA and the DWIG-TSA programs, please contact headquarters staff.

The way the CWISA program funds are to be distributed and projects identified are described in:

- [Clean Water Indian Set-Aside Program Guidance](#) (October 2015), and
- [CWISA Grant Program – Answers to Frequently Asked Questions](#) (November 2015)

The IHS SDS priority lists are to be used to select projects for CWISA funding. The SDS lists are from the annual SDS database snapshot. The entire SDS priority list for each IHS area is composed of two separate files. One file is a list of “included” projects in each area which is IHS’s official list of projects that are reported to Congress. The second file is of “excluded” projects in each area, which are projects contained in the SDS but are not reported to Congress as eligible IHS projects. Together, the two files make up the entire SDS priority list for each area. CWISA funds may be used to fund projects that are listed on either the included or excluded lists.

EPA regional boundaries differ from IHS area boundaries. Some Regions share the same SDS priority lists since several IHS areas are covered by more than one EPA Region. Some IHS areas include more than one EPA Region. Similar to previous years, please work with your counterparts in the other Regions and IHS areas to identify projects for CWISA funding. Select projects based on the Project Selection chapter in the CWISA Guidance.

EPA Regions are expected to advise the local IHS area offices and tribes on project selections. The tribes themselves are to determine how they would like to receive CWISA funding. Funding can be provided either through a direct EPA grant to the tribe or through an Interagency Agreement (IA) with IHS, who will manage the project through a Memorandum of Agreement (MOA), or other similar mechanism, with the tribe.

After EPA Regions have consulted with the appropriate parties and identified projects, they will submit to EPA headquarters key information for each project. The information is identified below and is requested within two months of issuance of this guidance to meet either your Region's award deadlines, or the IASSC deadline:

1. Project name
2. Project description
3. Tribe/ANV name
4. IHS area name
5. IHS SDS number
6. SDS priority number
7. Amount of CWISA funds requested
8. Total project cost
9. Number of homes served by the project
10. Funds to be distributed through a direct grant with a tribe or an IA with IHS, and
11. Project type (piping, treatment, onsite, planning, etc.)

The funds will be accessible to each Region once this information is received and reviewed by headquarters staff. Once the projects are funded the CWISA coordinator will also require the EPA grant or IA number and the IHS Project Data System (PDS) number (if awarded through an IA with IHS). Once the projects are funded, Regions are asked to populate the Tribal Direct Implementation Nexus (TDI Nex) system.

The Tribal Direct Implementation Nexus (TDI Nex) tool unites existing data systems to (1) assist oversight of CWISA funds and (2) describe the CWISA progress. Information from IHS’s PDS and EPA’s finance systems form the backbone of the TDI Nex. Once projects are started, Regions are highly encouraged to track projects using the TDI Nex system. Gathering information through TDI Nex allows the Office of Water to respond to EPA management, Congress, tribes, and other stakeholders that

request information on the accomplishments achieved through the program. Regions should update the entry for each project, following the award of funding, with the assigned IA number and IHS PDS Project Number. The TDI Nex tool is designed to require regional input once, at the start of each project.

Section 608 of the Clean Water Act and Section 1452(a)(4) of the Safe Drinking Water Act have provisions concerning use of iron and steel made in the United States. This does not apply to CWISA funding because the tribes receive these funds as grants, or through IAs, and the funds are not put into a revolving loan fund. However, if a project utilizes both CWISA and State Revolving Loan (SRF) funds, American Iron and Steel provisions must be incorporated into all project contracts regardless of funding source consistent with Federal law. For projects managed through an IA with IHS, IHS's iron and steel regulations and policies apply.

EPA's Disadvantaged Business Enterprise (DBE) program requirements for procurement activities under assistance agreements are described in 40 CFR Part 33. For projects managed through an IA with IHS, IHS's DBE regulations and policies apply. For projects managed through a direct grant between EPA and a tribe, EPA ensures compliance to this by including DBE requirements in the grant terms and conditions. (For further information see the Office of Grants and Debarment (OGD) intranet site at: http://intranet.epa.gov/ogd/policy_training_compliance_content.htm.)

If you have any questions about the CWISA Program, please contact Matthew Richardson at Richardson.Matthew@epa.gov.

FY 2023 CWISA Allotments

IHS Area	EPA Region	Sewer Need*	Percent of Total Need	FY23 BIL CWISA Funding Level	FY23 BASE CWISA Funding Level	FY23 CWISA Total
Albuquerque	6 & 8	\$62,241,045	16.78%	\$7,391,000	\$2,436,000	\$9,827,000
Anchorage	10	\$86,806,738	23.41%	\$10,309,000	\$3,397,000	\$13,706,000
Bemidji	5	\$18,767,802	5.06%	\$2,229,000	\$735,000	\$2,964,000
Billings	8	\$22,439,745	6.05%	\$2,665,000	\$878,000	\$3,543,000
California	9	\$9,430,771	2.54%	\$1,120,000	\$369,000	\$1,489,000
Great Plains	7 & 8	\$49,916,933	13.46%	\$5,928,000	\$1,954,000	\$7,882,000
Navajo	9	\$32,068,811	8.65%	\$3,808,000	\$1,255,000	\$5,063,000
Nashville	1, 2, 4 & 6	\$1,270,212	0.34%	\$151,000	\$50,000	\$201,000
Oklahoma	6 & 7	\$22,147,530	5.97%	\$2,630,000	\$867,000	\$3,497,000
Phoenix	8 & 9	\$35,158,857	9.48%	\$4,175,000	\$1,376,000	\$5,551,000
Portland	10	\$29,696,061	8.01%	\$3,526,000	\$1,162,000	\$4,688,000
Tucson	9	\$909,590	0.25%	\$108,000	\$36,000	\$144,000
Total (Infrastructure)		\$370,854,095	100.00%	\$44,040,000	\$14,515,000	\$58,555,000
Emerging Contaminants **	All			\$4,500,000	n/a	\$4,500,000
Training & TA ***	All			n/a	\$1,000,000	\$1,000,000
Total				\$48,540,000	\$15,515,000	\$64,055,000
* Sewer need based on the IHS SDS feasible need from IHS Systemwide HQ #20031 (12/23/2022)						
** The CWISA Program is allocated \$4.5 million of emerging contaminant (EC) funds for tribes in FY 2023, as per the BIL.						
*** Authorized to set aside up to \$2M for training and TA.						