




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

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OFFICE OF WATER

MEMORANDUM

SUBJECT: Amendments to the Drinking Water Infrastructure Grants Program as Required by the Water Infrastructure Improvements for the Nation Act

FROM: Anita Thompkins, Director
Drinking Water Protection Division
Office of Ground Water and Drinking Water 

TO: Regional Drinking Water Program Managers
Regions I-X

The purpose of this memorandum is to provide direction on the implementation of the Drinking Water Infrastructure Grants Tribal Set-Aside Program (DWIG-TSA) as it relates to the new requirements established in the Water Infrastructure Improvements for the Nation Act (WIIN Act; PL 114-322). The WIIN Act has expanded the activities that qualify for DWIG-TSA funding to include training and operator certification for operators of public water systems (PWSs) serving Indian Tribes. Section 2112(b)(2) of the WIIN Act amends Section 1452(i) of the Safe Drinking Water Act (SDWA) to add the following provision: *“the Administrator may use funds made available under this subsection and section 1442(e)(7) to make grants to intertribal consortia or tribal organizations for the purpose of providing operations and maintenance training and operator certification services to Indian Tribes to achieve and maintain compliance with applicable national primary drinking water regulations.”*

Background

The 1996 amendments to SDWA established the Drinking Water State Revolving Fund (DWSRF) and allowed EPA to set-aside funds to improve the infrastructure of drinking water systems that serve tribes. The EPA is authorized to set-aside 2% of the DWSRF into the DWIG-TSA for grants to improve the infrastructure of drinking water systems that serve tribes.

Certified operators are critical to ensuring proper function of PWSs for both regulatory and public health reasons. Operator certification helps protect human health and the environment by establishing minimum professional standards for the operation and maintenance of PWSs. The National Primary Drinking Water Regulations also require certain PWSs to be operated by “qualified personnel”; which is interpreted as certified operators. Furthermore, in order to qualify for DWIG-TSA funding of necessary infrastructure improvements, the operator in charge of a PWS must maintain certification at or above the minimum appropriate level.

Despite the regulatory and public health benefits of having a certified operator, small PWSs, including those serving Indian Tribes, often experience great difficulty in maintaining required certification levels. Currently, the EPA is able to provide \$6.8 million in grant funding to achieve operator certification with the Public Water System Supervision (PWSS) grant funds. The PWSS grant program allows Tribes to be treated as a state and provides Direct Implementation regarding operator certification under the EPA

National Operator Certification contract. Additionally, the Training and Technical Assistance to Improve Water Quality and Enable Small Public Water Systems to Provide Safe Drinking Water grant provides funding to technical assistance providers for training and operator certification programs.

It is important to invest in both infrastructure and operator training to provide the greatest impact on human health and the environment. Infrastructure investments allow the EPA to both increase and ensure access to safe drinking water, while investments in training, technical assistance and operator certification promotes proper operation of water systems and safeguards investments in infrastructure. Thus, a balanced investing approach is necessary to ensure long-term sustainability for the greatest public health impact.

Eligibilities Under WIIN Act Amendments

Previously, the DWIG-TSA funds were reserved exclusively for infrastructure projects, meaning that technical training and operator certification were not eligible to receive these funds. Under the WIIN Act, these activities are now eligible for DWIG-TSA funding, to include training events and operator certification programs and exams. However, activities related to the daily operations and maintenance of a small drinking water system remain ineligible for DWIG-TSA funding. EPA regional offices will have the authority to allocate funding based upon the needs of their regions, determining the appropriate balance of infrastructure and technical assistance and training investments within the above parameters. The EPA regions will maintain flexibility in allocating the funds as needed, which may be adjusted from year-to-year. In any fiscal year, no more than 30% of the amount of that year's DWIG-TSA allocation can be used to fund training, technical assistance and operator certification. Funding for operation and maintenance activities are not eligible under this new flexibility.

National DWIG-TSA guidelines will be updated during FY17. The guidelines can be applied to funding from any fiscal year and are not limited to funds from fiscal years after the WIIN Act was signed. Use of these funds must be reported in Tribal Direct Implementation Nexus (TDI Nex) in accordance with standard reporting procedures.

If you have any questions, please contact Maria Lopez-Carbo at Lopez-Carbo.Maria@epa.gov.

CC: Tribal Coordinators, Regions I-X