



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

SEP 21 2018

OFFICE OF
WATER

Re: Notification of Consultation and Coordination on the Establishment of the Tribal Set-Aside of the Water Infrastructure Improvements for the Nation (WIIN) Act, Section 2107 Drinking Water Grant Program

Dear Honorable Leader,

The U.S. Environmental Protection Agency (EPA) is pleased to initiate a consultation and coordination with federally recognized Indian tribes to obtain input on the establishment of a new tribal drinking water grant program, as authorized by the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act. Specifically, the EPA is seeking your input on the enclosed questions related to the WIIN Act section 2107 Lead Testing in School and Child Care Program Drinking Water grant to help guide the implementation of the grant program.

The WIIN Act addresses, supports, and improves America's drinking water infrastructure, which promotes public health and the protection of the environment. The WIIN Act includes three new drinking water grants, each of which will include a tribal set-aside to support access to safe drinking water in areas governed by tribes. The EPA also received first-time funding in 2018 for the other two drinking water grant programs authorized by the WIIN Act: small and disadvantaged communities, and lead reduction projects. The EPA plans to announce grants under these two programs later this year. The Agency will seek tribal consultation and comment on the remaining two grant programs, section 2104 Assistance for Small and Disadvantaged Communities and section 2105 Reducing Lead in Drinking Water, in the fall of 2018.

This consultation and coordination process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* (<https://www.epa.gov/tribal/forms/consultation-and-coordination-tribes>). The EPA invites you and your designated consultation representative(s) to participate in this process. The Agency's anticipated timeline for the consultation and coordination period is expected to extend from September 21 to October 22, 2018.

Enclosed is a consultation and coordination plan for this action, which includes a description of the action under consultation and the process the EPA intends to follow, including a timeline for the consultation and coordination period and information on how you can provide input on this action. *This information is also available on EPA's Tribal Consultation Opportunities Tracking System (TCOTS) at <https://tcots.epa.gov>.*

Please do not hesitate to contact Leslie Temple, the official EPA contact person for this consultation and coordination process, by email at Temple.Leslie@epa.gov or by phone at (202) 564-4734, should you have any questions related to this action.

I look forward to hearing from you on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Grevatt', with a long horizontal line extending to the right.

Peter Grevatt, Director
Office of Ground Water and Drinking Water

Enclosures

Tribal Consultation and Coordination Plan: Establishment of the Water Infrastructure Improvements for the Nation Act (WIIN Act) Section 2107 Grant Program Tribal Set-Aside

Background:

The Water Infrastructure Improvements for the Nation Act (WIIN Act) of 2016 addresses, supports, and improves America's water resources infrastructure, critical to providing safe drinking water, economic competitiveness, and domestic security. The WIIN Act authorized three new grant programs in sections 2104, 2105, and 2107, appropriated in fiscal year 2018. At this time, the EPA is seeking tribal consultation and comment on the section 2107 Lead Testing in School and Child Care Program Drinking Water grant program. The Agency will seek tribal consultation and comment on the remaining two grant programs, section 2104 Assistance for Small and Disadvantaged Communities and section 2105 Reducing Lead in Drinking Water, in the fall of 2018.

Section 2107 Lead Testing in School and Child Care Program Drinking Water:

Section 2107 of the WIIN Act directs the EPA to establish a voluntary school and child care program lead testing grant "to assist local educational agencies in voluntary testing for lead contamination in drinking water at schools and child care programs under the jurisdiction of the local educational agencies."

This tribal grant program will assist eligible schools and child care programs to test for lead contamination in drinking water. The program will:

- assess lead levels in tribal schools and day cares and establish best practices for a lead in drinking water prevention program,
- improve protection of tribal children's health by reducing lead exposure, and
- enhance community, parent, and teacher trust.

Participation in this lead testing program is voluntary and at the discretion of tribal leadership and facility owners. This program makes assistance available to schools and child care programs that opt in to the program. This grant program does not guarantee funding for testing at all schools and/or child care facilities throughout areas governed by Indian tribes.

Tribal Set-Aside

The EPA will award approximately \$1.2 million for fiscal year 2018 to help tribal schools and child care programs assess lead levels in drinking water. The proposed tribal allotment from the \$20 million grant program is based upon the tribal set-aside of the Public Water System Supervision (PWSS) Program allocation.

Eligibility

The WIIN Act defines a tribal education agency according to section 3 of the National Environmental Education Act (20 U.S.C. 5502), which states "'tribal education agency' means a school or community college which is controlled by an Indian tribe, band, or nation, including any Alaska Native Village, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians and which is not administered by the Bureau of Indian Affairs."

Schools administered by the Bureau of Indian Affairs (BIA) are ineligible to receive funding under this grant program. School officials interested in implementing a lead testing program in a facility that is ineligible to participate in this grant program should contact their Regional EPA office to identify available options for implementation.

Potential Impacts to Tribes

The EPA will award a total of \$20 million dollars nationwide to support lead testing in school and child care facility drinking water and protect public health. An estimated \$1.2 million will be awarded through tribal set-asides to support activities to assess lead in drinking water in schools and child care facilities serving tribal populations.

Opportunities for Tribes to Participate

Through this consultation and coordination process, the EPA seeks to better understand tribal priorities with respect to the WIIN Act Lead Testing in School and Child Care Program Drinking Water tribal set-aside grant program. Specifically, the EPA seeks to understand tribal priorities in the following areas:

1. Factors that the EPA should consider in the prioritization of schools to be included in the project. Examples include prioritization of facilities serving young children aged 0-6 years, size of student population served, and the age of the facility.
2. Factors that the EPA should include in the geographic distribution of funds in order to prioritize the schools and child care facilities that are most in need of this assistance. Examples include: the population of children aged under 4 years and 5-18, or number of public water systems.

The tribal consultation and coordination process table below lays out the process and timeline for government-to-government consultation and coordination. The combined goal for these efforts is to ensure there is sufficient information for tribal officials to make informed decisions about consultation and to understand how to provide informed input.

The tribal consultation letter, consultation and coordination plan, and related consultation information and materials are available online via the EPA's *Tribal Consultation Opportunities Tracking System (TCOTS)*, located at: <https://tcots.epa.gov>.

At any point in the tribal consultation process, tribes may submit written comments to:

1. Email: Temple.Leslie@epa.gov
2. Mail: U.S. Environmental Protection Agency, Office of Water, Office of Ground Water and Drinking Water, Mail Code: 4606M, 1200 Pennsylvania Ave., NW, Washington, DC 20460, Attention: EPA WIIN Act Grant Program Tribal Consultation.

To assist in providing feedback, tribes may also use the feedback collection template (enclosed and also available via the TCOTS website located at: <https://tcots.epa.gov>), to collect information on the WIIN grant tribal set-aside program for the Lead Testing in School and Child Care Program Drinking Water grant.

As noted below, the EPA intends to hold two informational webinars for tribal governments on October 11, 2018, and October 17, 2018, from 2:00 p.m. to 3:00 p.m., eastern time. The webinars will provide an

overview of the WIIN Act grants and answer any questions. To access the webinar, please visit <https://epawebconferencing.acms.com/wiingrantribalconsultation/>.

Tribal Consultation and Coordination Process and Timeline

Date	Event	Contact Information
September 21, 2018	Tribal Consultation period begins	EPA Contact: Leslie Temple
October 11, 2018	Informational Webinar for Tribes	2:00 – 3:00 p.m., eastern time Join the webinar via: https://epawebconferencing.acms.com/wiingrantribalconsultation/ For audio, please call: 202-991-0477; conference ID: 5277657
October 17, 2018	Informational Webinar for Tribes	2:00 – 3:00 p.m., eastern time Join the webinar via: https://epawebconferencing.acms.com/wiingrantribalconsultation/ For audio, please call: 202-991-0477; conference ID: 5277657
October 22, 2018	Tribal Consultation period ends	EPA Contact: Leslie Temple

