

# EPA Water Programs Allocation

Summer 2021

RTOC Breakout Session

# AGENDA

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- Welcoming Remarks
- Overview of Clean Water Act Programs
- Overview of Infrastructure Programs
- Questions?



Macroinvertebrate Sampling on the Colorado River

Dan Mosley

CWA Workshop – May 2017



# Clean Water Act Programs

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CWA Section 106

Water Pollution Control Program


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# Clean Water Act Section 106 Program

- Section 106 of the Clean Water Act (CWA) authorizes EPA to provide financial assistance to states and eligible interstate agencies to establish and administer programs for the prevention, reduction, and elimination of water pollution.
- In 1987, Congress amended CWA to include provisions that allow EPA to treat an Indian tribe in a manner similar to a state (i.e., treatment in a manner similar to a state, or TAS) for the purpose of providing Section 106 funding.



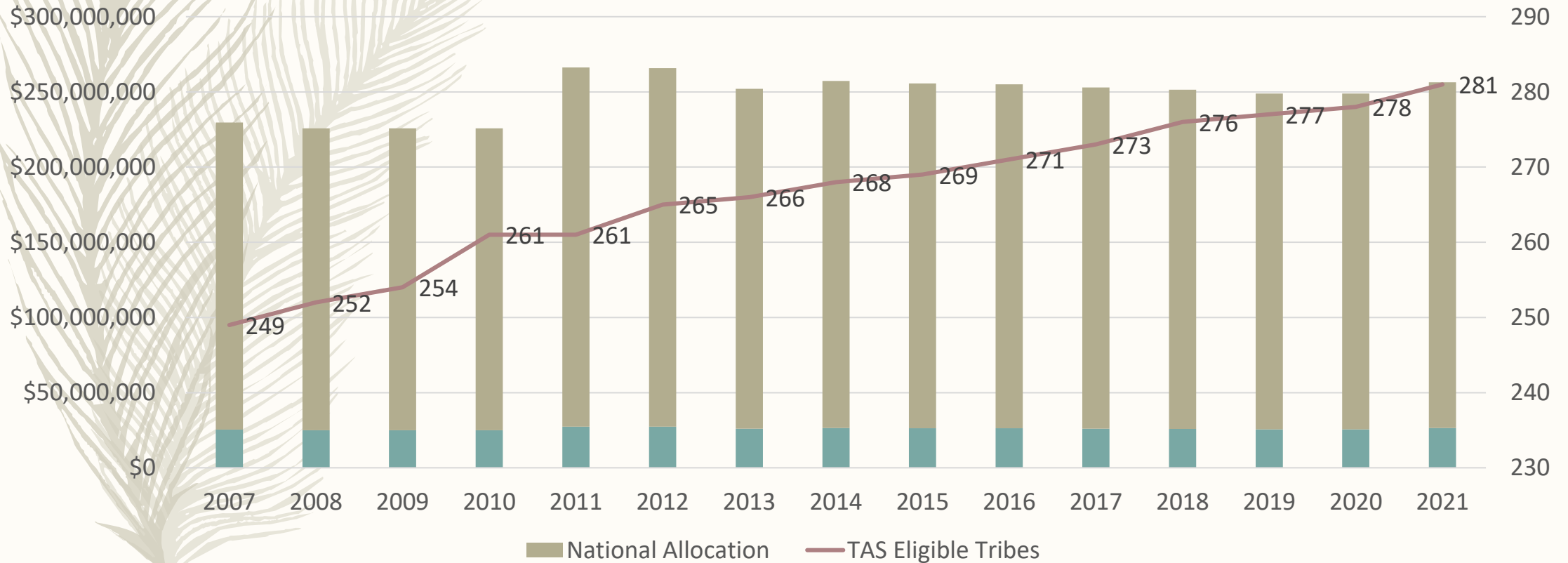
Final Guidance on Awards of Grants  
to Indian Tribes under Section 106 of  
the Clean Water Act



For Fiscal Years 2007 and Beyond

United States Environmental Protection Agency  
Office of Water  
Office of Wastewater Management  
EPA 832-R-06-003

# CWA §106 Tribal Water Pollution Control Program Funding History (National)



# CWA § 106 Tribal Water Pollution Control Program Funding Allocation

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- Funds are allocated to the Regions in accordance with the Tribal National Allocation Formula adopted in 1998
- The formula allocates funds to the EPA Regions based on the following factors”
  - # of TAS (FAE) approved tribes within a Region (~\$65,000 per tribe)
  - Population (25%)
  - Reservation Area (25%)
  - Surface Water Area (50%)



CWA Section 319

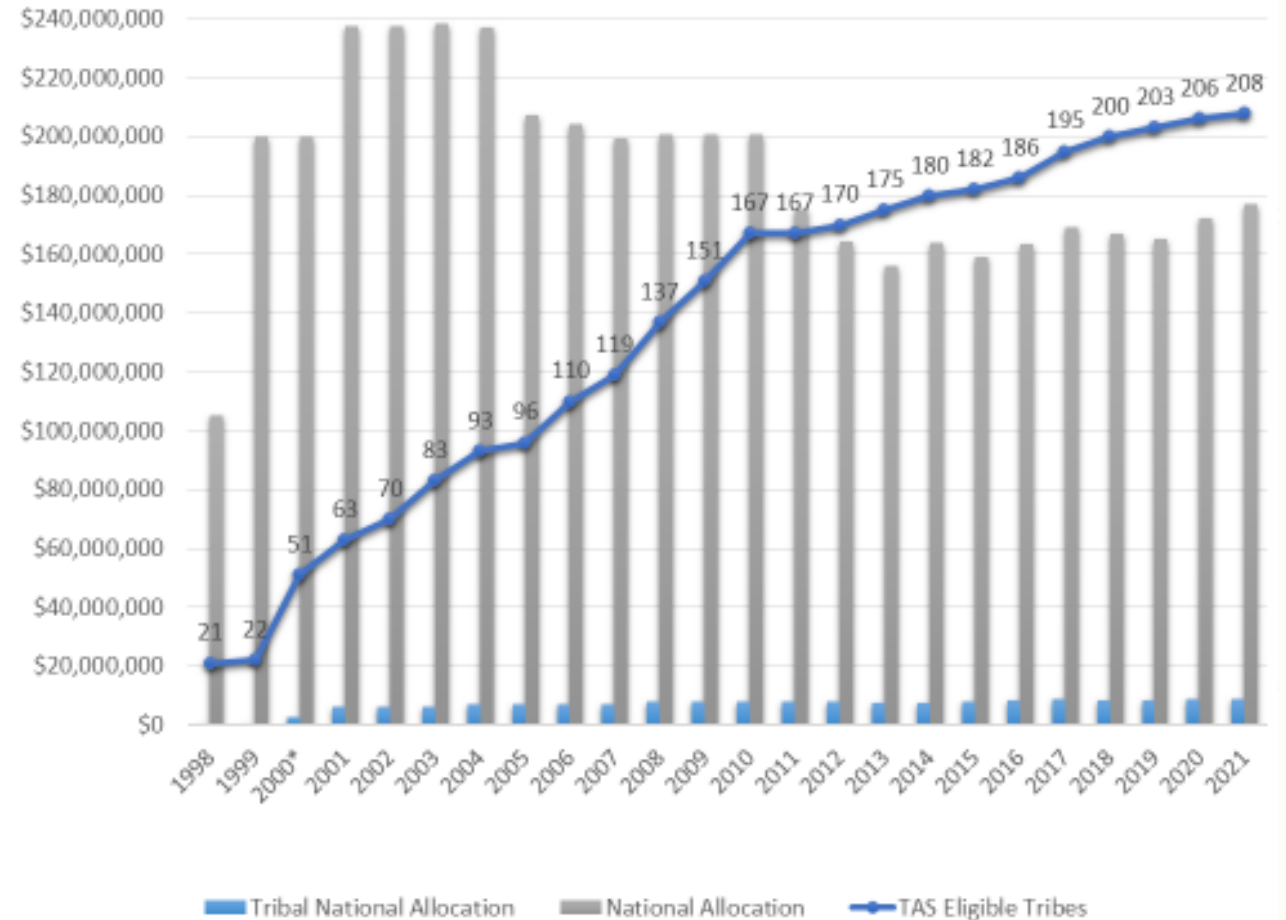
Nonpoint Source Pollution Prevention

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# CWA §319 Tribal Water Pollution Control Program Funding History

Tribal Program  
Clean Water Act Section 319  
Total Allocation vs. Tribal Allocation



\*Tribal National Allocation cap of 1/3 of 1% was lifted in 2000



# Funding for Tribal CWA Section 319 Programs

- Base funds
  - \$30,000 for Tribes with 1,000 square miles or less
  - \$50,000 for Tribes with more than 1,000 square miles
- Competitive funds
  - Up to \$100,000 to implement on-the-ground water quality improvement projects
- Match Required (of total project costs)
  - Non-federal match = 40%
  - Demonstrate financial hardship = 10%
  - Inclusion in a PPG = 5%

CWA Section 104(b)(3)

Wetland Program Development Grants  
("WPDGs" or Wetland Grants)

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# How does the competition work?

- National\* and Regional Requests for Applications.
- Tribal 10% Set-aside began in 2017 (National Competition only).

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- RFAs posted for 45 days. You may apply for both Regional and National Competitions with the same application.
- For both competitions, applicants develop and submit application(s) under one of two Tracks.

## Track One: Tribes and States\*

- Develop or update a Wetland Program Plan and, if you choose, carry out eligible actions,
- or just carry out eligible actions from an existing Plan

## Track Two: Tribes and States\*

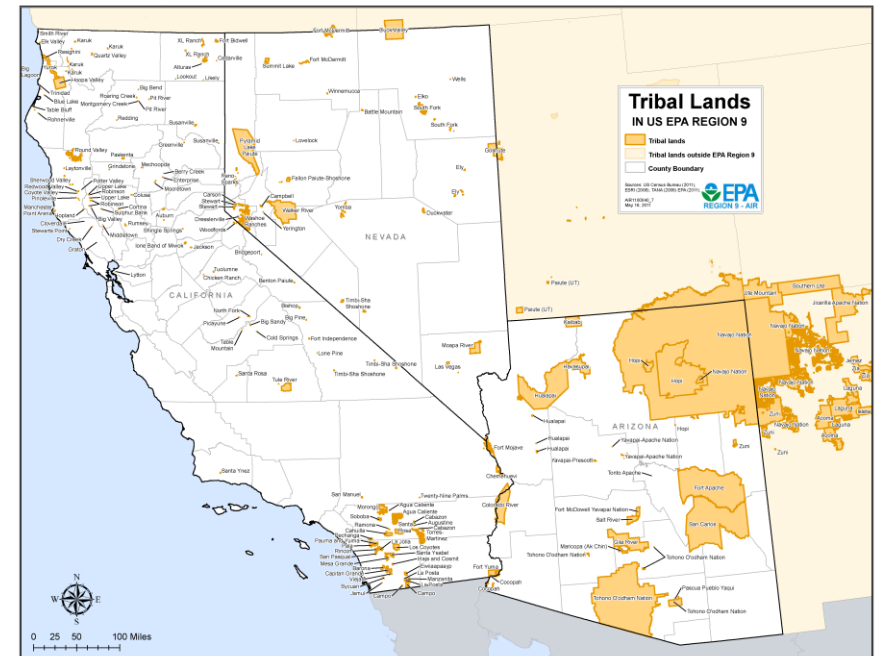
- PLUS local governments, interstate agencies, intertribal consortia, state universities
- Carry out eligible actions from an existing Wetland Program Plan
- Or carry out core elements that will help develop/refine another local wetland program

\*National is Tribal Only

# DWIG-TSA AND CWISA PROGRAM FUNDING

Summer RTOC Breakout Session

July 22, 2021



# REGIONAL ALLOTMENT FORMULAS

- **CWISA:** Total feasible need in the IHS SDS – updated annually
- **DWIG-TSA:** Considers a regional base, Drinking Water Infrastructure Needs Survey and Assessment (DWINSA) data and the total feasible need of water projects in the IHS SDS



IHS Geographic Areas

## DWIG-TSA ALLOTMENT FORMULA

- The “base” funding for each region is current set at 2%
- DWINSA needs consider the long-term infrastructure needs of public water systems on tribal land
- The IHS SDS feasible need includes all water projects serving tribal homes



# DWIG-TSA ALLOTMENT FORMULA

Allotment formula proposed in 2013 National Guidance was intended to more heavily weight homes that do not have access to piped water

Using data obtained from DWINS and IHS CDP (and in the future HITS), the allotment factor for each Region is calculated by the following formula.

$$\text{Region A Allotment Factor} = 0.5 \times \left( \frac{((\text{DL 4 homes} + \text{DL 5 homes}) \times 2) + \text{DL 3 homes}}{\text{in Region A}}}{((\text{DL 4 homes} + \text{DL 5 homes}) \times 2) + \text{DL 3 homes}} \text{ in IHS CDP (or HITS)} \right) + 0.5 \times \left( \frac{\text{DWINS AI}^* + \text{ANV Cost Data for Region A}}{\text{DWINS AI} + \text{ANV Total Cost Nationwide}} \right)$$

\*AI – American Indian

Each Regional allotment of the DWIG-TSA funds is then determined by the following formula.

$$\text{Regional A Allocation} = (2\% \times \text{DWIG TSA Appropriation}) + ((82\% \times \text{DWIG TSA Appropriation}) \times \text{Region A Allotment Factor})$$



# UPCOMING OPPORTUNITIES TO CONSULT

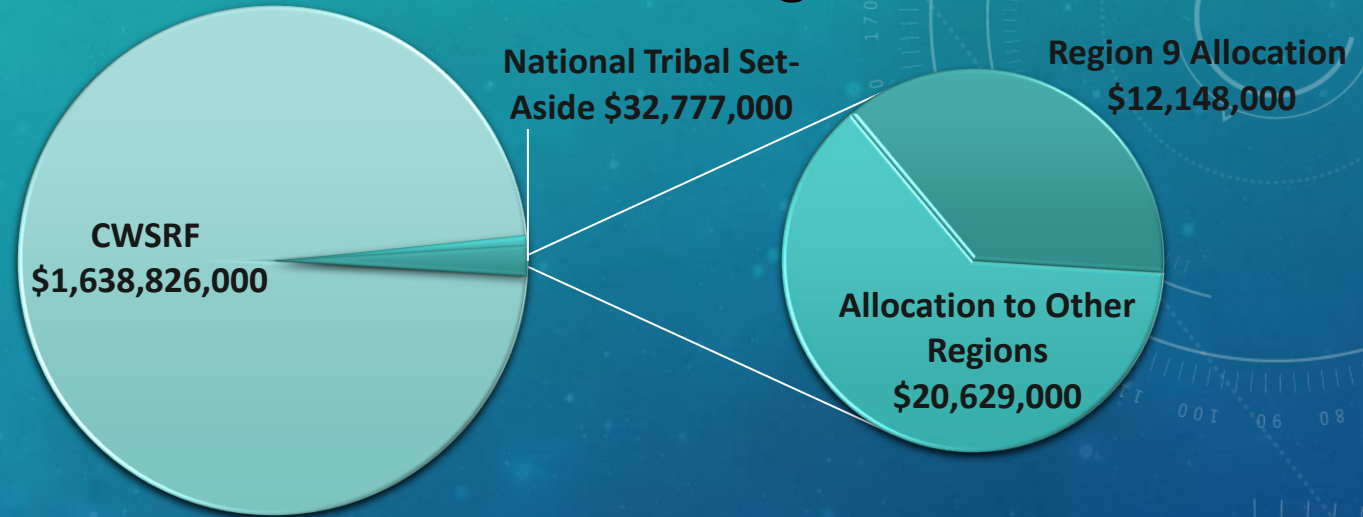
- In 2021, Region 3 received a DWIG-TSA Allotment for the first time
- EPA plans to consult with Tribes later this year regarding the regional DWIG-TSA allotment formula



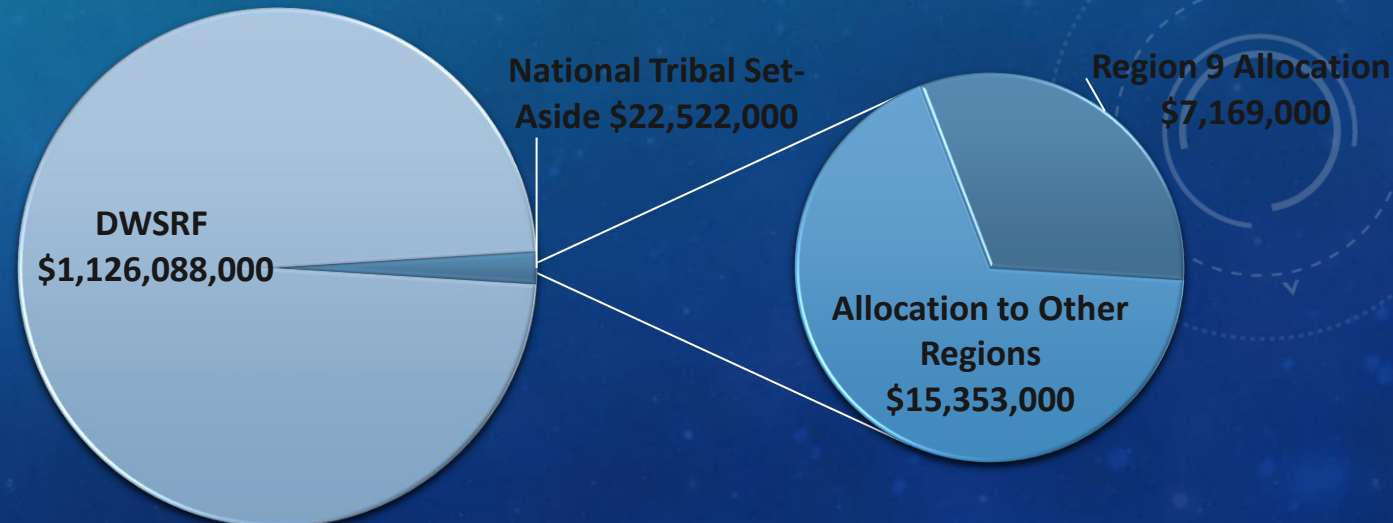
# NATIONAL SRF SET-ASIDES

- CWISA: 2% of the total SRF allocation, \$30M funding floor
- DWIG-TSA: 2% of the total SRF allocation, \$20M funding floor

## FY21 Tribal Set Aside Funding from CWSRF

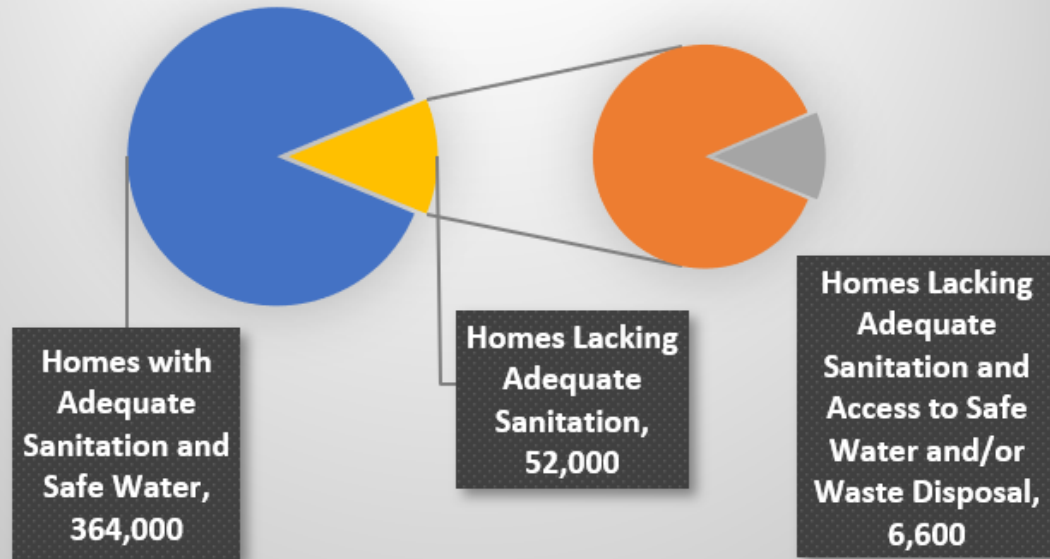


## FY21 Tribal Set Aside Funding from DWSRF

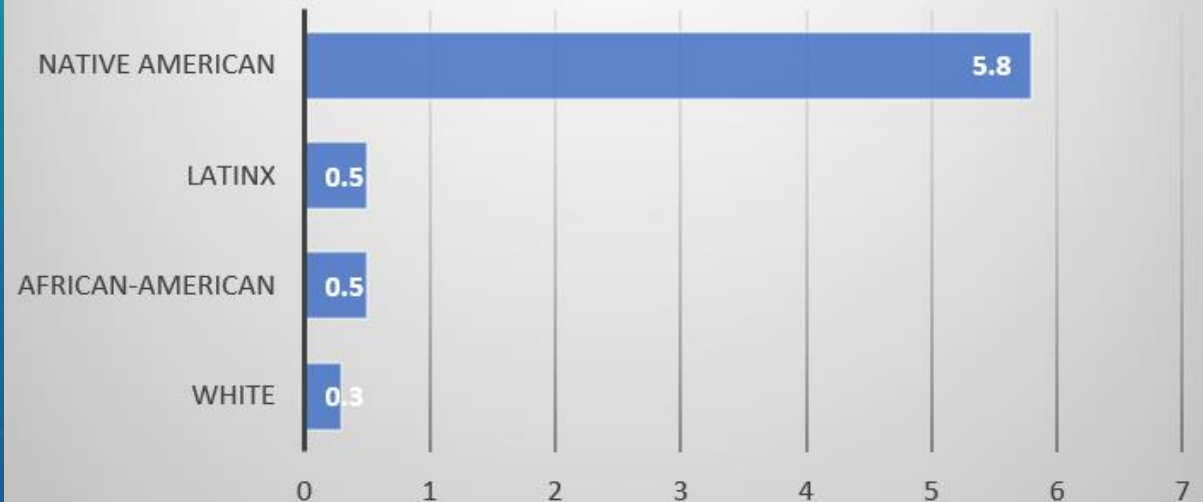


# NATIONAL SRF SET-ASIDE ALLOCATION - DISPARITIES

## Access for American Indian and Alaska Native Homes



## Percent of Households Lacking Complete Plumbing

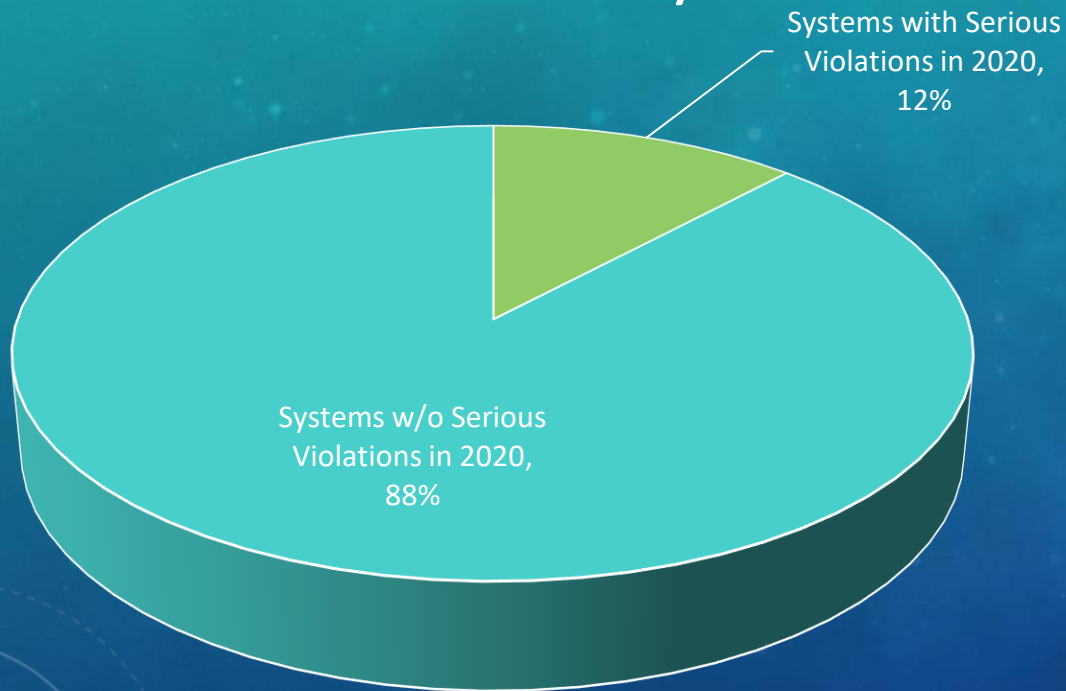


<https://www.ihs.gov/newsroom/factsheets/safewater/>

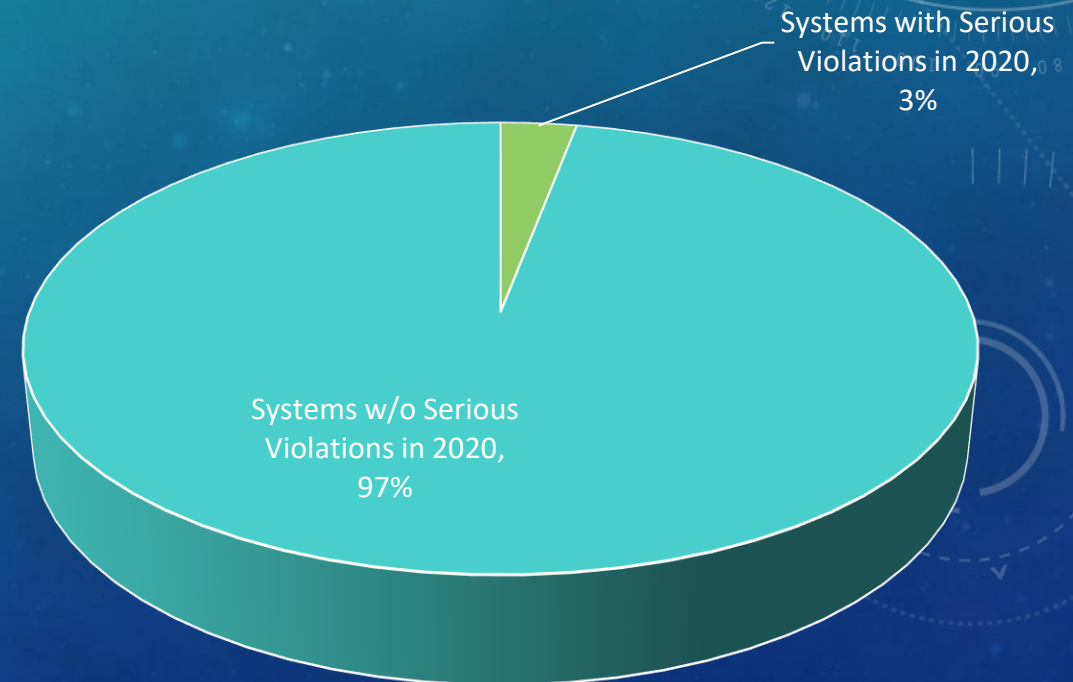
[http://uswateralliance.org/sites/uswateralliance.org/files/publications/Closing%20the%20Water%20Access%20Gap%20in%20the%20United%20States\\_DIGITAL.pdf](http://uswateralliance.org/sites/uswateralliance.org/files/publications/Closing%20the%20Water%20Access%20Gap%20in%20the%20United%20States_DIGITAL.pdf)

# NATIONAL SRF SET-ASIDE ALLOCATION - DISPARITIES

## Public Water Systems Indian Country



## Public Water Systems Outside Indian Country



# O+M FUNDING TO SUPPORT TRIBAL WATER UTILITIES

- Funding for Operation and Maintenance (O&M) continues to be a need for tribal water systems.
- EPA does not have the authority to fund O&M.
  - IHS has an authority that has not yet been funded.



# REGION 9 CONTACTS

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**DWTSA Website:** <https://www.epa.gov/tribal/region-9-drinking-water-tribal-set-aside-program>

**CWISA Website:** <https://www.epa.gov/small-and-rural-wastewater-systems/clean-water-indian-set-aside-program>



ANY  
QUESTIONS