

# EPA REGION 9 TRIBAL WATER INFRASTRUCTURE PROGRAMS



**Tribal Drinking Water Symposium  
May 23, 2018**

# EPA DRINKING WATER TRIBAL SET-ASIDE PROGRAM

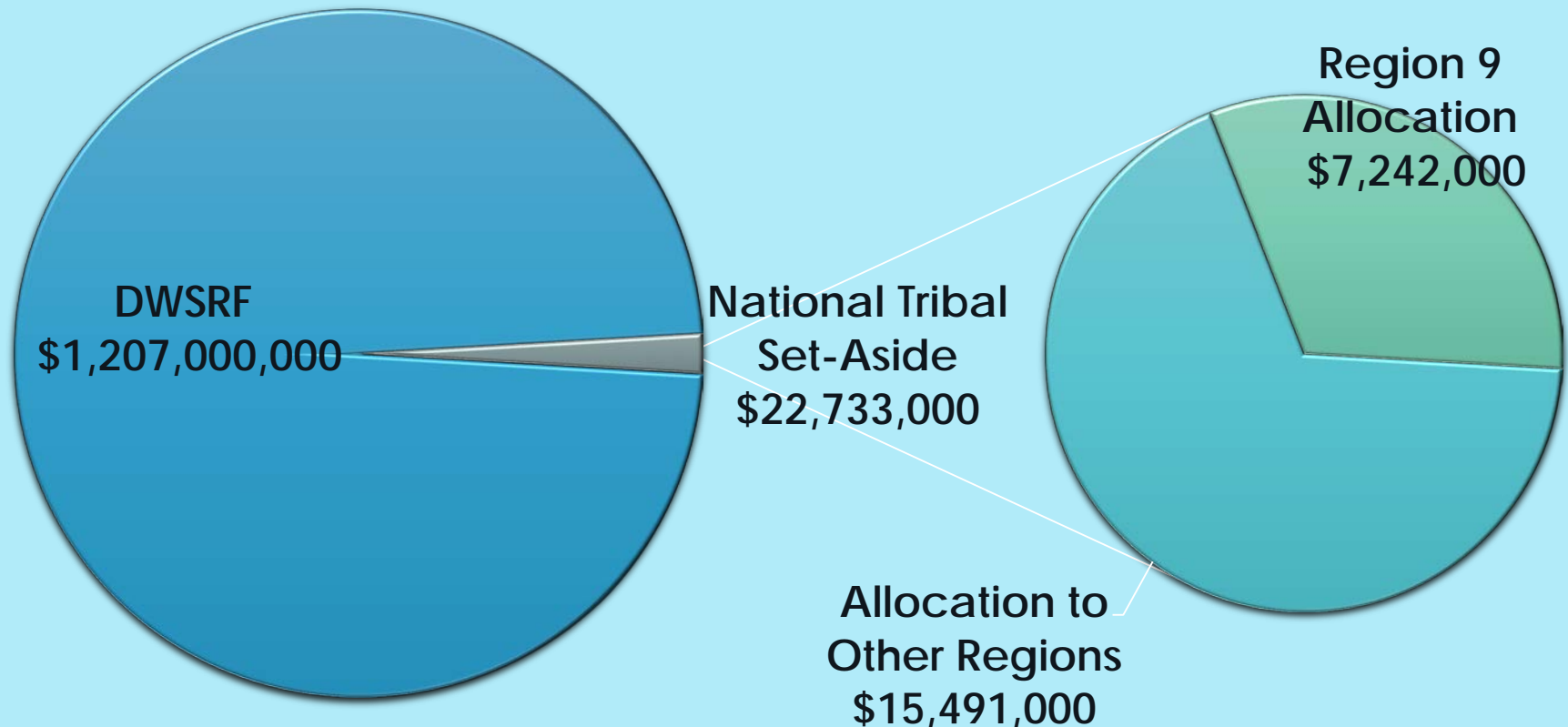


**Arsenic Treatment Plant (Fallon Paiute Shoshone Tribe)**

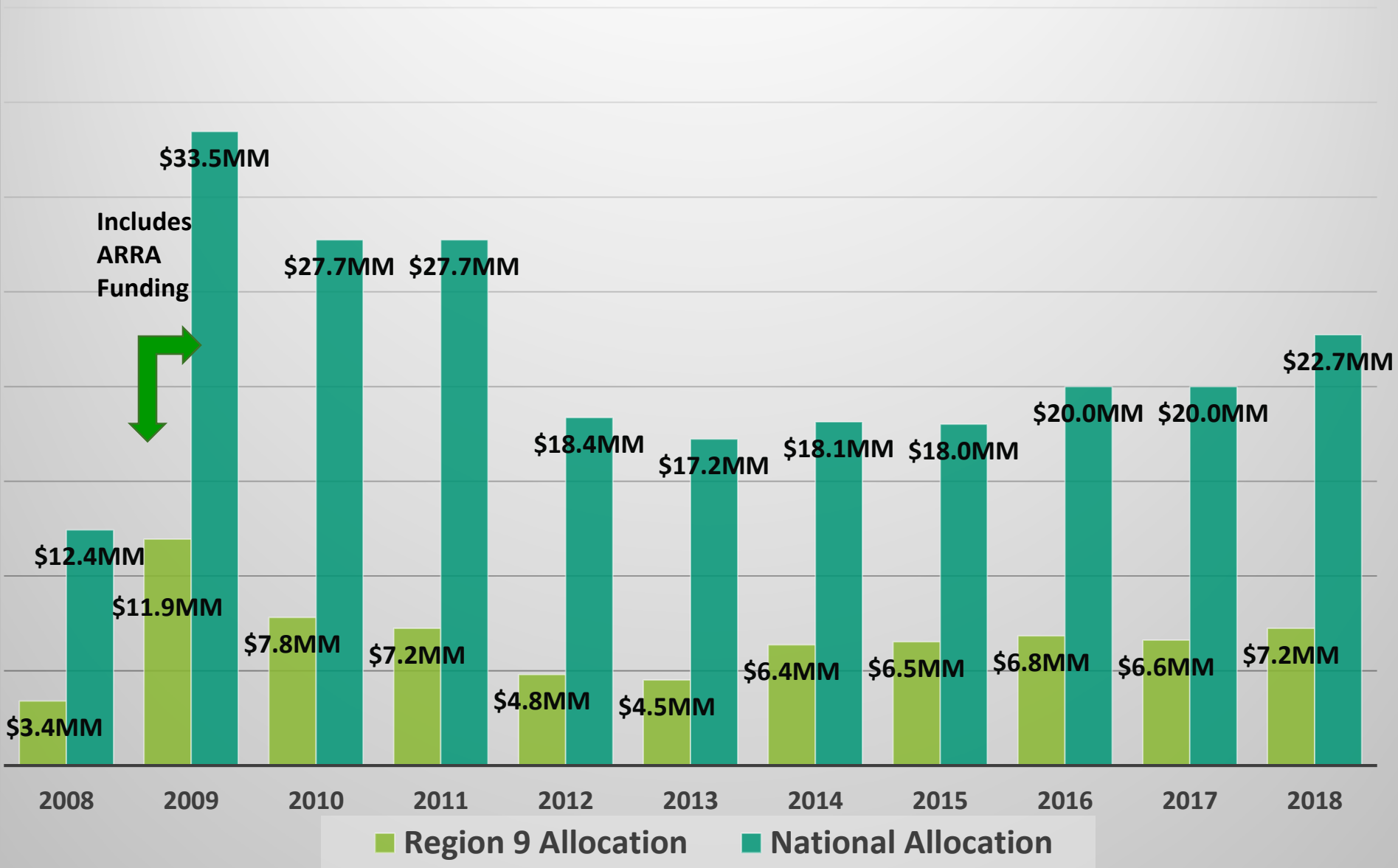
# PROGRAM FUNDING HISTORY

- ▶ 1996 SDWA Amendments Provided for Drinking Water State Revolving Fund
- ▶ Tribal Set-Aside Initially Established at 1.5%, Increased to 2% in 2010, \$20 Million funding Floor added in 2016

## FY18 Tribal Set Aside Funding from DWSRF



# Drinking Water Tribal Set Aside Funding History 2008 through 2018



# TYPES OF FUNDABLE PROJECTS

Treatment Facilities

Access

Replacing Critical Infrastructure

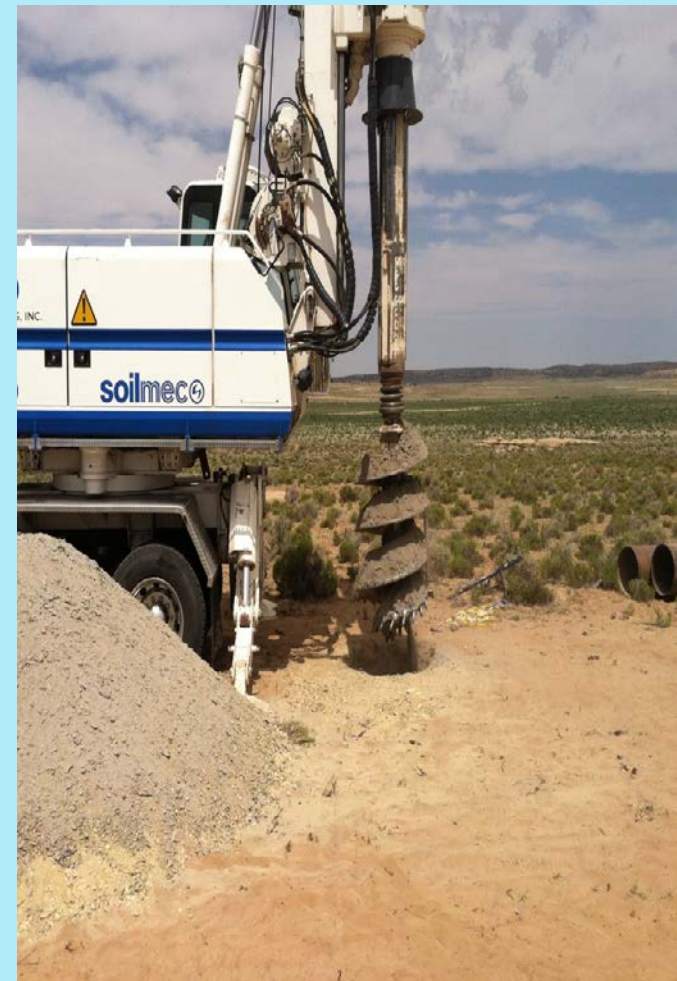
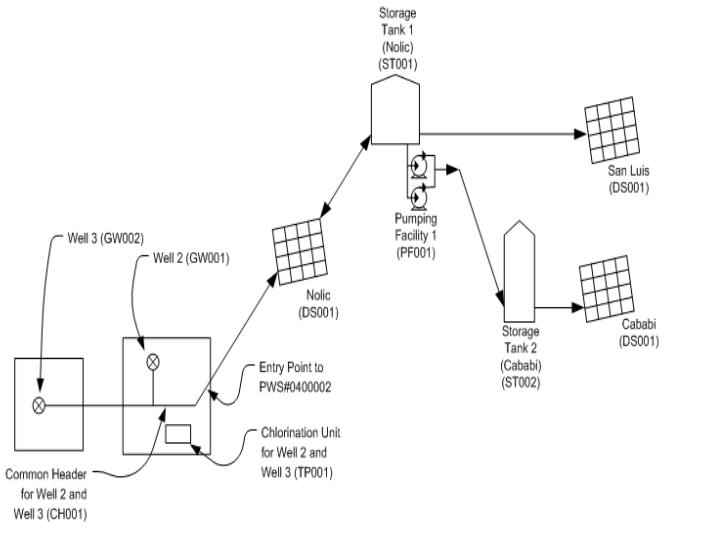


# TYPES OF PROJECTS CONTINUED

New Sources,  
Conservation, Efficiency

Expansion,  
Consolidation,  
Development of a  
New PWS

Develop  
Planning  
Documents



# WE CAN'T FUND....

- ▶ Compliance monitoring;
- ▶ Operation and Maintenance;
- ▶ Projects intended primarily for future growth;
- ▶ Land acquisition;\*
- ▶ Dams, or rehabilitation of dams;
- ▶ Water rights;



# WE CAN'T FUND CONTINUED...



- ▶ Projects needed primarily for fire protection.
- ▶ Reservoirs (except for finished water reservoirs and those reservoirs that are part of the treatment process and are located on the treatment facility property);
- ▶ Projects that serve mainly commercial uses, including livestock watering;



# ELIGIBILITY REQUIREMENTS

- Public Water Systems serving tribal communities;
- Both community and non-profit, non-community water systems are eligible;
- System may not be in significant noncompliance with National Primary Drinking Water Rules, unless project brings system into compliance;
- Certified Operator now required prior to award of funds for the project;
- Preliminary Engineering Report (PER) is required as a part of the application for construction funding;
- Utility has technical, managerial and financial capacity to run the water system.

# REGION 9 HEALTH RANKING PRIORITIES

- Bacteriological contamination;
- unfiltered surface water;
- surface water not meeting the surface water treatment rule;
- significant deficiencies and sanitary defects;



# HEALTH RANKING PRIORITIES

- Water Supply serving fewer than 30 gallons/capita/day.
- Chemical contamination exceeding the MCL. Arsenic is higher ranking than other contaminants.
- Water Supply deficiency resulting in water outages up to 150 gallons/capita/day
- Other health related deficiencies



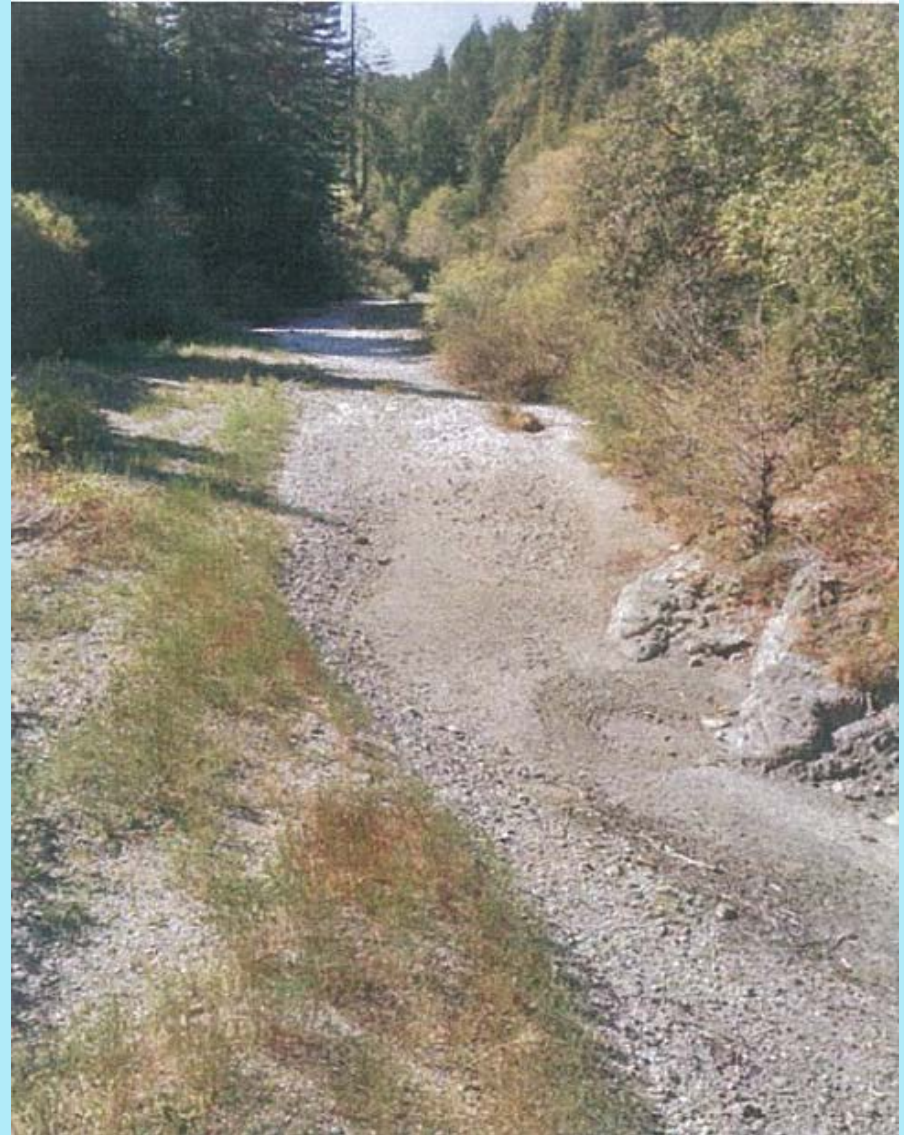
**WATER FROM  
THIS WELL  
IS NOT SAFE  
TO DRINK**

**This water has been tested and found to exceed Navajo EPA and U.S.EPA human drinking water standards for uranium or other contaminants.**

**Navajo Nation policy is that livestock-use-only wells are not to be used for human drinking water.**

# DROUGHT AND CONSERVATION INCENTIVIZED CHANGES TO RANKING CRITERIA

- Health ranking category to increase supplies at water systems serving 30 or fewer gallons per person per day;
- EPA can require a funding contribution at water systems that consume over 150 gallons per capita per day, for project costs correlated with water usage.



# WIIN ACT CHANGES

- ▶ WIIN Act (December 2016) provided regions flexibility to fund Operations and Maintenance and Operator Certification TRAINING to eligible tribes and tribal consortia.
- ▶ In FY17 we used \$50k in de-obligated DWTSAs funds to provide operator certification training through the Inter-Tribal Council of Arizona.

## INTER TRIBAL COUNCIL OF ARIZONA, INC.

Whereas, **Your Name** ID No. **0000**

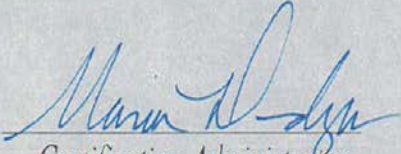
has fulfilled the eligibility requirements to be a Certified Tribal Operator.  
The Inter Tribal Council of Arizona, Inc. hereby issues this certification for

### WATER DISTRIBUTION - LEVEL 1.

This professional certification has been issued in accordance with the rules and guidelines of the Tribal Water Systems Operator Certification Program, which is approved by the U.S. Environmental Protection Agency under the National Tribal Drinking Water Operator Certification Program [75 Federal Register 48329 (Aug. 2010)].

Certification No.: **0000** Issued: **8/5/2016** Expires: **8/5/2019**



  
Certification Administrator

EPA Issues  
Grant to Tribe  
or IA to  
Indian Health  
Service (July-  
September)

Solicitation  
Announcement  
Early  
September



Project  
Proposals  
Due early  
November

EPA Sends  
Draft Ranking  
Letters Mid-  
December

Responses to  
EPA Due Mid-  
February

EPA Makes  
Final Ranking  
and Funding  
Decisions  
(April-June)

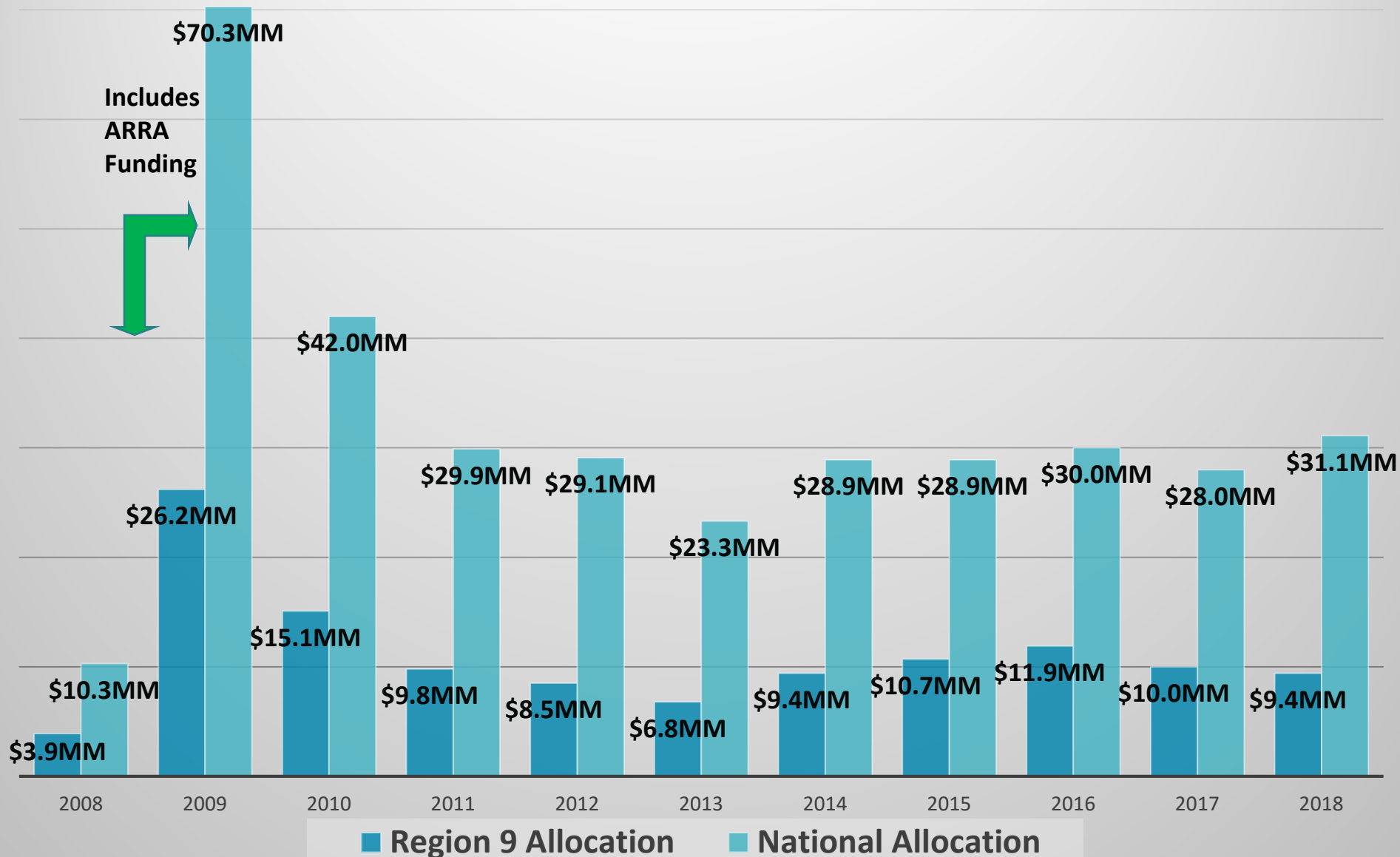
# DWTSA Process from Solicitation to Award



# EPA CLEAN WATER INDIAN SET-ASIDE PROGRAM (CWISA)



# Clean Water Indian Set Aside Funding 2008 through 2018





# ELIGIBILITY REQUIREMENTS

- ▶ All Federally recognized tribes are eligible
- ▶ EPA provides funding for wastewater projects that are highly ranked and listed on the IHS SDS list
- ▶ **NO** matching grant funds required

# CWISA ELIGIBLE PROJECTS



- ▶ Project Planning, design, and preparation of PER
- ▶ Infrastructure construction and major sewer rehab
- ▶ Collector sewer pipelines
- ▶ On-site wastewater treatment systems (septic systems)
- ▶ Project follow-up and drafting as-built drawings of funded wastewater projects

# CWISA CAN'T FUND:

- ▶ Cost of Operations & Maintenance (O&M) of the wastewater facility
- ▶ Repairs to treatment systems in emergency situations
- ▶ Indoor residential plumbing facilities
- ▶ Construction of wastewater treatment works that don't provide service to residential homes (e.g. casinos, truck stops, etc.)

# PROJECT SELECTION

- ▶ Eligible wastewater projects are selected and funded from the final Indian Health Service's (IHS) Sanitation Deficiency Systems (SDS) List
- ▶ Preliminary Engineering Reports (PER) are required for selected projects.
- ▶ **IMPORTANT:** Contact your IHS Area Office to discuss your project and how to include within your Area SDS list
- ▶ Selected projects are awarded through Interagency Agreements (IAs) with IHS or an EPA direct grant to the tribe



# EPA TRIBAL SET-ASIDE TRANSFERS

Clean Water



Drinking Water

# TRANSFER AUTHORITY

- ▶ In FFY 2012, Congress provided EPA with the authority to transfer funds between the DWTSAs and CWISAs
- ▶ Region 9 utilized this authority in FY13, FY14, FY15, FY16 to transfer CWISA funds to DWTSAs projects.



# EPA TRIBAL BORDER INFRASTRUCTURE PROGRAM (TBI)



Pauma Band of Mission Indians



Manzanita Band of Mission Indians

# ELIGIBILITY REQUIREMENTS

- For tribal water/wastewater infrastructure projects within 62 miles north of the U.S. / Mexico Border
- Wastewater and drinking water infrastructure projects are eligible
- Project selection is based on utilizing the IHS SDS List and DWTSA Solicitation to make final project decisions



# HISTORICAL TRIBAL BORDER INFRASTRUCTURE FUNDING 2001 THROUGH 2017



# EPA Contact Information

<b>Drinking Water Tribal Set Aside (DWTSA)</b>	<b>Emmanuelle Rapicavoli</b> <a href="mailto:rapicavoli.emmanuelle@epa.gov">rapicavoli.emmanuelle@epa.gov</a> , 415-972-3969 <b>Website:</b> <a href="https://www.epa.gov/tribal/region-9-drinking-water-tribal-set-aside-program">https://www.epa.gov/tribal/region-9-drinking-water-tribal-set-aside-program</a>
<b>Clean Water Indian Set-Aside (CWISA)</b>	<b>California Area: Loretta Vanegas</b> , (415) 972-3433 ( <a href="mailto:vanegas.loretta@epa.gov">vanegas.loretta@epa.gov</a> )  <b>Navajo Area: Howard Kahan</b> , (415) 972-3143 ( <a href="mailto:kahan.howard@epa.gov">kahan.howard@epa.gov</a> )  <b>Tucson and Phoenix Areas:</b> <b>Nancy Sockabasin</b> , (415) 972-3772 ( <a href="mailto:sockabasin.nancy@epa.gov">sockabasin.nancy@epa.gov</a> )  <b>Jason Brush, Manager</b> , (415) 972-3483 ( <a href="mailto:brush.jason@epa.gov">brush.jason@epa.gov</a> )  <b>Website:</b> <a href="http://www.epa.gov/region09/water/tribal/tribal-cwa.html#Four">http://www.epa.gov/region09/water/tribal/tribal-cwa.html#Four</a>
<b>Tribal Border Infrastructure</b>	<b>Lawrence Maurin</b> ( <a href="mailto:maurin.lawrence@epa.gov">maurin.lawrence@epa.gov</a> ) (415) 972-3943 <b>Loretta Vanegas</b> <a href="mailto:vanegas.loretta@epa.gov">vanegas.loretta@epa.gov</a> (415) 972-3433

# IHS Contact Information

## Sanitation Facilities Construction Program Directors

**California Area Office**

**Chris Brady**

[Chris.brady@ihs.gov](mailto:Chris.brady@ihs.gov)

(916) 930-3981 ext. 340

**Navajo Area Office**

**Roger G. Slape**

[roger.slape@ihs.gov](mailto:roger.slape@ihs.gov)

(928) 871-5857

**Phoenix Area Office (includes NV)**

**Eric Matson**

[eric.matson@ihs.gov](mailto:eric.matson@ihs.gov)

(602) 364-5056

**Tucson Area Office**

**Cathie Frazier**

[cathie.frazier@ihs.gov](mailto:cathie.frazier@ihs.gov)

(520) 295-5643

# WIFIA PROGRAM

The Water Infrastructure Finance and Innovation Act (WIFIA) program accelerates investment in our nation's water and wastewater infrastructure by providing long-term, low-cost, supplemental credit assistance under customized terms to creditworthy water and wastewater projects of national and regional significance.



# ELIGIBILITY

## Eligible borrowers

- Local, state, tribal, and federal government entities
- Partnerships and joint ventures
- Corporations and trusts
- Clean Water and Drinking Water State Revolving Fund (SRF) programs

## Eligible projects

- Projects that are eligible for the Clean Water SRF, not withstanding the public ownership clause
- Projects that are eligible for the Drinking Water SRF
- Enhanced energy efficiency projects at drinking water and wastewater facilities
- Brackish or seawater desalination, aquifer recharge, alternative water supply, and water recycling projects
- Drought prevention, reduction, or mitigation projects
- Acquisition of property if it is integral to the project or will mitigate the environmental impact of a project
- A combination of projects secured by a common security pledge or submitted under one application by an SRF program



# IMPORTANT PROGRAM FEATURES



Minimum project size for large communities.



Maximum time that repayment may be deferred after substantial completion of the project.



Minimum project size for small communities (population of 25,000 or less).



Interest rate will be equal to or greater than the U.S. Treasury rate of a similar maturity.



Maximum portion of eligible project costs that WIFIA can fund.



Projects must be creditworthy.



Maximum final maturity date from substantial completion.



NEPA, Davis-Bacon, American Iron and Steel, and all federal cross-cutter provisions apply.



# APPLICATION PROCESS

## Project Selection

- Notice of Funding Availability
- Letter of Interest submission
- Letter of Interest evaluation
- Invitation to apply

## Project Approval

- Application submission
- Application evaluation
- Term sheet
- Application approval

## Negotiation and Closing

- Negotiation activities
- Credit agreement execution



# CONTACT US

Website: [www.epa.gov/wifia](http://www.epa.gov/wifia)

Email: [wifia@epa.gov](mailto:wifia@epa.gov)

Sign-up to receive announcements  
about the WIFIA program at  
<https://tinyurl.com/wifianews>

Arielle Gerstein

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202-566-1868

