**U.S. Environmental Protection Agency, Region 10**

 **Regional Guidelines for Grant Assistance**

**For**



**Drinking Water Infrastructure Grant Tribal Set-Aside Emerging Contaminant Program**

**Introduction**

This document describes how the U.S. Environmental Protection Agency, Region 10 plans to make available grant funds under the Emerging Contaminants in Small or Disadvantaged Communities Tribal program (EC-SDC Tribal Grant Program) and the Drinking Water Infrastructure Grant Tribal Set-Aside Emerging Contaminant Program (DWIG-TSA-EC Program). These programs provide funding for the benefit of Federally Recognized Tribes within Region 10 (Washington, Oregon, Idaho and Alaska). Funds will be awarded through direct grants to Tribes, or funds may be transferred by EPA to the Indian Health Service (IHS) through Interagency Agreements, for the benefit of tribes.

**Overview and Statutory Authority**

The Safe Drinking Water Act (SDWA) of 1974, as amended, (specifically section 1459A) acts as the primary authority for EPA to provide grant assistance for these 2 programs.

The Infrastructure Investment and Jobs Act (aka the Bipartisan Infrastructure Law (BIL)) was signed into law on November 15, 2021, and authorized an unprecedented level of funding to address emerging contaminants in our public and tribal drinking water systems.

For purposes of implementation, this document is intended to supplement the policy guidance provided in EPA’s Emerging Contaminants in Small or Disadvantaged Communities – Tribal Grant Program Implementation Manual (June 28, 2023) hereinafter referred to as the EC-SDC Manual, and the Drinking Water Infrastructure Grants Tribal Set-Aside Program Revised Guidelines (December 2013) hereinafter referred to as the DWIG-TSA Guidelines. Both documents are appendices to these guidelines and serve as the baseline documents for the requirements for these grant programs.

These regional-level guidelines provide some specific information on the processes and procedures that will be used to identify, prioritize, and select projects, to receive funding from the Region’s share of the program funds.

**Link to EPA 2022-2026 Strategic Plan**

These 2 funding programs support Goal 5, Objective 5.1 of the EPA Strategic Plan[[1]](#footnote-2).

**Program Overview and Eligibility**

**PFAS.** On April 10, 2024, EPA announced the final National Primary Drinking Water Regulation (NPDWR) establishing legally enforceable levels, called Maximum Contaminant Levels (MCLs), for 5 individual PFAS, and a hazard index for 2 or more of the 4 PFAS as a mixture.[[2]](#footnote-3) Although these PFAS are now enforceable pursuant to the NPDWR, they also enjoy priority status under these emerging contaminants funding programs

Emerging Contaminants refers to substances and microorganisms, including manufactured or naturally occurring physical, chemical, biological, radiological, or nuclear materials, which are known or anticipated to be in the environment. (ex. Pfas, pharmaceuticals and personal care products). As a general rule, projects that address any contaminant listed on EPA’s Contaminant Candidate List (CCL) are eligible. EPA has determined that PFAS-focused projects will be eligible for funding under these programs. Projects or activities eligible for funding include those, to the extent, that the primary purpose is to address one or more emerging contaminants in drinking water.

The DWIG-TSA-EC Program is intended to directly address emerging contaminants in drinking water distribution systems that service Tribes, with a focus on PFAS. EPA agency-wide guidelines for the implementation of the DWIG-TSA funding program were initially developed in 1998 and revised in 2013. Regional level guidelines were developed in January of 2015 to include specific requirements for tribal applicants in region 10. To be eligible for funding pursuant to this program, projects must otherwise be DWIG-TSA eligible, and the primary purpose must be to address emerging contaminants in drinking water, specifically PFAS. Please refer to the national and regional guidelines in the Appendix section of this document for specific eligibility requirements.

The EC-SDC Tribal Program focuses on assisting public water systems in small Tribal communities to identify and/or remediate challenges related to PFAS and other emerging contaminants. Entities eligible to receive funds pursuant to this program are limited to public water systems that serve a population of less than 10,000 individuals and that lack the capacity to incur sufficient debt to finance the project. Please refer to the EC-SDC Tribal Grant Implementation Manual in the appendix section of these guidelines.

The following is a representative list of EC activities that could be funded under these 2 grant programs, but please refer to the EC-SDC Manual and the DWIG-TSA Guidelines in the appendix section of this document for more specific information on eligible projects:

1. Scoping and Identification
2. Testing or sampling for baseline assessment
3. Research and Testing
4. Planning and Design
5. Treatment
6. Source
7. Storage
8. Water system restructuring, consolidation, or creation
9. Providing households access to drinking water services
10. Technical Assistance
11. Public communication, engagement, and education

Region 10 proposes that tribes will be able to submit one project application that will be considered for both DWIG-TSA-EC and the EC-SDC Tribal funding programs. EPA staff will determine the most appropriate funding program based on all the information in the application. Specific information regarding the application process will be made available in a subsequent Notice of Funding Availability for these programs.

Other Emerging Contaminant Grant Funding

It is important to note that Region 10 currently offers and administers several other grant programs that Tribes are eligible to apply for, to assist with addressing emerging contaminants, (including PFAS) that are not subject to these guidelines. These programs include but are not limited to:

• Drinking Water State Revolving Fund Emerging Contaminant Program

• Clean Water State Revolving Fund Emerging Contaminant Program

• Emerging Contaminants in Small or Disadvantaged Community Program

• Clean Water Indian Set Aside Emerging Contaminant Program

* Public Water System Supervision Grant Program

EPA staff will recommend to the applicant the appropriate program based on information provided in the project application.

**Funding**

Pursuant to BIL, funds for these programs will remain available until expended and are exempt from the matching/cost share requirement set forth in section 1459A of the SDWA[[3]](#footnote-4). Grant funds can be used to pay 100% of project costs.

Region 10 will initially provide a notice of funding availability for these programs that allows for an open and continuous application period but reserves the right to adjust to a semi-annual application period that begins in January and October of each calendar year, depending on interest in the programs and availability of funds.

**Prioritization**

Consistent with the direction provided in the DWIG-TSA Guidelines and the EC-SDC Tribal Manual,Region 10 is proposing the following criteria to prioritize projects to receive funding from the EC-SDC Tribal Grant Program and the DWIG-TSA-EC Grant Program, with primary consideration given to projects that address PFAS, followed by projects addressing other contaminants on the CCL list and/or existing contaminants that present a public health risk:

**Higher Priority:**

|  |  |
| --- | --- |
| Category 1 | Projects whose primary purpose is to reduce levels of any PFAS compound in drinking water for a public water system where those levels: 1A: Exceed an MCL or proposed MCL 1B: Exceed a health advisory level  |
| Category 2 | Projects whose primary purpose is to reduce levels of any emerging contaminant in drinking water from a public water system, including those listed on any CCL, that exceed a health advisory level.  |
| Category 3 | Projects whose primary purpose is to reduce levels of any emerging contaminant in drinking water from a public water system, where levels are approaching or are near an EPA regulatory standard or health advisory level. |
| Category 4 | Projects whose primary purpose is to reduce levels of any emerging contaminant in drinking water from a public water system, including those listed on any CCL, where that contamination causes a technical, cosmetic, or aesthetic issue such as those with secondary standards: 4A: Any PFAS contaminant on the CCL lists 4B: Any other emerging contaminant on the most current CCL list 4C: Any other emerging contaminant listed on a previous CCL list |
| Category 5 | Projects whose primary purpose is to reduce levels of any emerging contaminant in drinking water from a public water system, including those listed on any CCL, for which there is not an EPA regulatory standard or a health advisory level, but exceeds a published state regulatory standard or health advisory level:5A: Any PFAS contaminant on a CCL list5B: Any other emerging contaminant on the most current CCL list5C: Any other emerging contaminant on previous CCL lists |

**Lower Priority:**

|  |  |
| --- | --- |
| Category 6 | Projects whose primary purpose is to reduce levels of any emerging contaminant in drinking water from a public water system, where levels are much lower than the Mandatory Candidate List/Regulatory Standard or health advisory level.  6A: Any PFAS contaminant on the CCL lists  6B: Any other emerging contaminant on the most current CCL list  6C: Any other emerging contaminant listed on a previous CCL list |

**The Indian Health Service**. Region 10 currently coordinates with the Indian Health Service (IHS) to utilize EPA grant funding for various projects that benefit Tribal water/wastewater systems. One primary area of coordination takes the form of an Interagency Agreement (IA) whereby EPA transfers funds to IHS, and IHS administers projects on behalf of the tribe. IHS uses its Sanitation Deficiency System (SDS) to prioritize projects for purposes of addressing existing sanitation deficiencies within Tribal and ANV communities. Although tribes have the option of an IA or applying directly to EPA, the IA process has been primarily utilized by region 10 for the DWIG-TSA program. Tribes requesting that IHS administer a project on their behalf must work with their designated IHS office for project inclusion on the SDS list. EPA will verify that projects selected for funding through the direct grant application process are not included on the IHS SDS list for funding.

As of the date of these guidelines, several PFAS contaminants are now subject to maximum contaminant levels which may be prioritized on the IHS-SDS List. Based on the successful coordination between EPA and IHS, these programs will provide additional assistance in addressing contamination and sanitation concerns within water systems that serve tribes.

**State of Alaska**

The SDWA authorizes EPA to award grants to the State of Alaska on behalf of public water systems serving ANV’s. Award of funds to the state of Alaska for the benefit of ANV’s may only occur when the village makes a request to the state to administer the project and the state agrees to manage the project on their behalf.

**Program Changes/Updates**

EPA will make changes and updates to these guidelines and/or appendices as needed to comply with national and regional policies and guidance and to stay current on funding allocations. Tribes will be properly notified in advance of any proposed change or update, including the opportunity to provide review and comment prior to finalization.

**Program Contact Information**

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**List of Appendices**

Appendix 1. Emerging Contaminants in Small or Disadvantaged Communities – Tribal Grant Program: Implementation Manual, June 2023:

 <https://www.epa.gov/system/files/documents/2023-06/EC-SDC%20-%20Tribal%20Implementation%20Document_Final%20508%20compliant.pdf>

Appendix 2. Drinking Water Infrastructure Grants Tribal Set-Aside Program Revised Guidelines Final, December 2013:

<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100MAGP.txt>

Appendix 3. Guidelines Drinking Water Infrastructure Grants (DWIG) Tribal Set-Aside (TSA) Program EPA Region 10 January 2015. (hardcopy attached)

Appendix 4. National and Regional Funding Allocations. (hardcopy attached)

1. <https://www.epa.gov/planandbudget/strategicplan> [↑](#footnote-ref-2)
2. PFNA, PFHxS, HFPO-DA, and PFBS [↑](#footnote-ref-3)
3. Cost share may be considered when one or more projects provide beneficial use to commercial populations or otherwise meet commercial or non-Tribal interests. [↑](#footnote-ref-4)