



# TRIBAL DRINKING WATER AND INFRASTRUCTURE UPDATES

SUMMER RTOC

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# INTRODUCTIONS

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# SESSION AGENDA

- R9 Tribal Consultation for Water BIL programs
- Fiscal Year 2023 Tribal Water Infrastructure Funding
- PFAS Sampling Program and Proposed PFAS MCL
- Service Line Inventories – Deadline and Requirement
- Cybersecurity Assessments at Public Water Systems
- Tribal Drinking Water Section Organizational Updates



# BIL TRIBAL CONSULTATION SUMMARY

- 90 Day Tribal Consultation ended on March 21<sup>st</sup>
- Funding Prioritization for Emerging Contaminants (EC) Programs
- Guidance and application materials for Lead Service Line Replacement (LSLR) Funding

# *FUNDING TO ADDRESS EMERGING CONTAMINANTS IN DRINKING WATER*

## Two Grant Programs:

- a. Drinking Water Tribal Set Aside – Emerging Contaminants (DWTSA-EC);
- b. Emerging contaminants (EC) in Small or Disadvantaged Communities Grant

## Project eligibilities for both programs:

- Must serve a Public Water System
- Focus on addressing per- and polyfluoroalkyl substances (PFAS) in drinking water.
- Projects that address any contaminant listed in any of EPA's Contaminant Candidate Lists
  - Examples: Manganese, Cyanotoxins and Perchlorate

# EC-SDC ELIGIBILITY AND PROJECT TYPES

- EC-SDC eligibility limited to communities serving fewer than 10,000 people

## Project Types:

- Planning and Design;
- Construction of treatment system to address ECs;
- Sampling, including household water-quality testing;
- Source water activities related to an EC
- Technical assistance and Training
- Public communication, engagement and education

More info on [EC-SDC Tribal](#)



# EMERGING CONTAMINANTS RANKING CRITERIA

Higher Priority	Category 1	Systems exceeding a Maximum Contaminant Level (MCL)/Regulatory Standard or health advisory level for any PFAS compound. 1A: Exceeding an MCL 1B: Exceeding a health advisory level
	Category 2	Systems where any other emerging contaminant (excluding PFAS) exceeds a health advisory level. 2A: Twice the advisory and above 2B: 1.5 times the advisory and above 2C: Above the advisory
	Category 3	Systems where PFAS results are approaching an MCL/Regulatory Standard or health advisory level.
	Category 4	Systems where any other emerging contaminant (excluding PFAS) results are approaching a health advisory level.
	Category 5	Systems with detections of an emerging contaminant at levels that constitute a health risk not covered in categories 1-4. 5A: Any PFAS contaminant on the Contaminant Candidate List (CCL) 5B: Any other emerging contaminant on the most current CCL 5C: Any other emerging contaminant on past CCLs.
	Category 6	Systems where the emerging contaminant level causes a technical, cosmetic, or aesthetic issue.
	Category 7	Systems where the emerging contaminant level is much lower than the MCL/Regulatory Standard or health advisory level. 7A: Any PFAS contaminant on the CCL 7B: Any other emerging contaminant on the most current CCL 7C: Any other emerging contaminant on past CCLs.
Lower Priority		

Category 1-4 regulatory standards and health advisories refer to levels published by EPA.

# HOW TO APPLY FOR INFRASTRUCTURE FUNDING TO ADDRESS EMERGING CONTAMINANTS:

- Region 9's Emerging Contaminant Funding guidance will be announced in Fall of 2023
- Emerging Contaminants funding will utilize the existing DWTSA solicitation process ([DWTSA Website](#))
  - Proposals are due in November
  - Draft Ranking Letters are sent in January/February
  - Final Ranking Letters are sent in Spring
  - Awards are made by end of fiscal year (Oct 1)

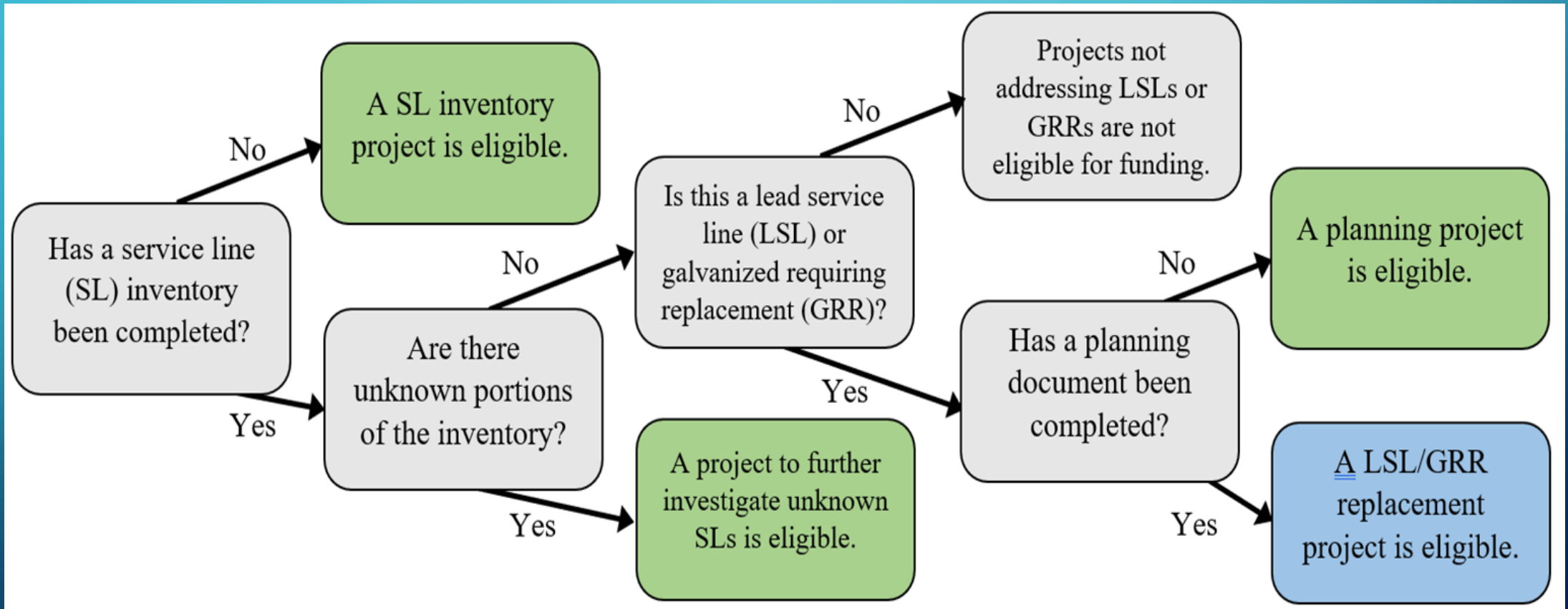


## DWTSa LEAD SERVICE LINE REPLACEMENT (LSLR)

- BIL funding to investigate and remove lead service lines.
- Projects must be otherwise DWTSa eligible and be a lead service line replacement project or associated activity directly connected to the identification, planning, design, or replacement of lead service lines.

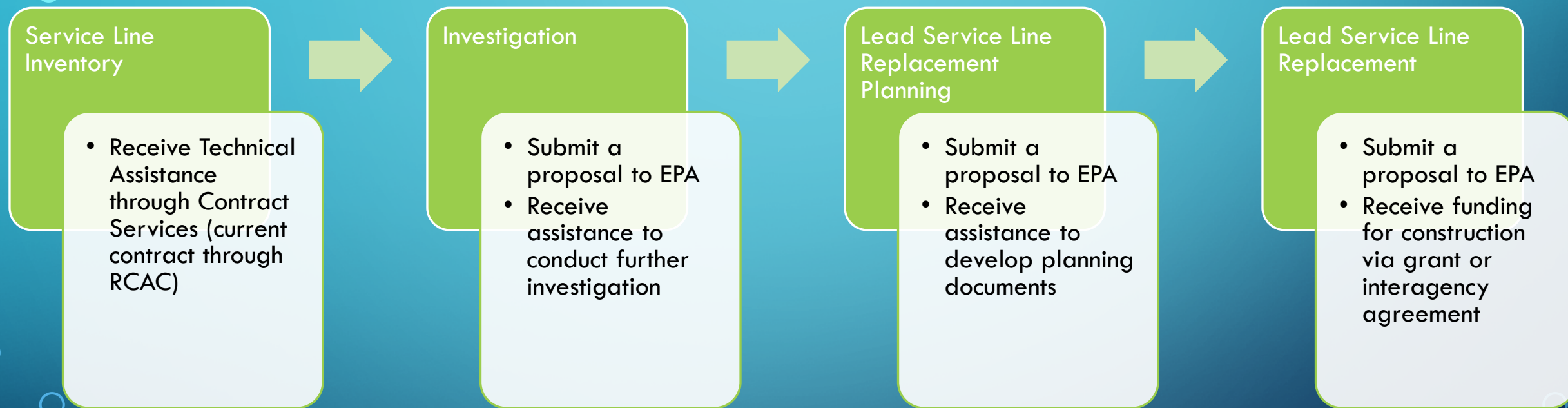


# DWIG-TSA LEAD SERVICE LINE (LSL) REPLACEMENT FUNDING METHODOLOGY





# HOW TO OBTAIN ASSISTANCE UNDER DWNTSA LSL PROGRAM:



<https://www.epa.gov/tribal-pacific-sw/r9-dwntsa-lslr>



# FISCAL YEAR 2023 TRIBAL INFRASTRUCTURE FUNDING

Funding Program		Region 9 Allocation	National Allocation
DWTSA Base		\$2.9M	\$10.3M
DWTSA BIL Supplements		\$12.4M	\$44M
CWISA Base (inc. Navajo)		\$3M	\$14.5M
CWISA BIL Supplements (inc. Navajo)		\$9.2M	\$44M
DWTSA Emerging Contaminants (EC) Program		\$6.3M	\$16M
DWTSA Lead Service Line (LSL) Replacement Program		\$26.6M	\$60M
Emerging Contaminants in Small and Disadvantaged Communities (EC-SDC) Program	2022 (delayed)	\$7.6M /year	\$19.3M /year
	2023		
Small, Underserved, and Disadvantaged Communities (SUDC) Grant Program	2022 (delayed)	\$747k	\$2.6M
	2023	\$835k	\$3M



# PFAS PROPOSED REGULATION

- Draft Rule Published  
March 29, 2023
- Comment period closed  
May 30, 2023
- <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

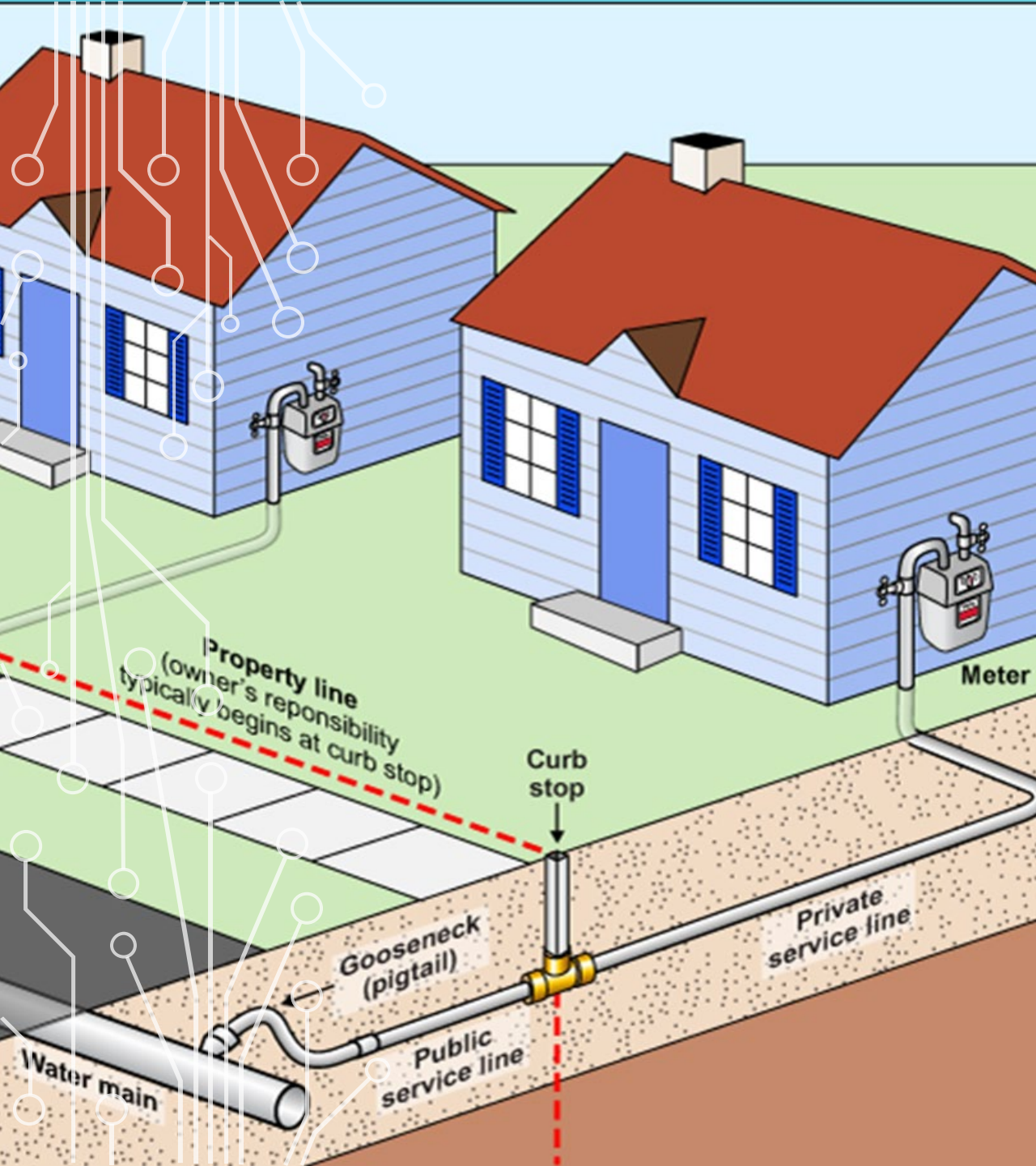
# Proposed MCLs (PFOA, PFOS) + Hazard Index

Compound	MCLG (ppt)	MCL (ppt)
PFOA	0	4
PFOS	0	4
PFNA	1 (unitless)	1 (unitless)
GenX Chemicals		
PFHxS		
PFBS		



# VOLUNTARY PFAS SAMPLING PROGRAM

- EPA is offering sampling for 25 PFAS compounds at entry point and raw water sources
- No cost to Tribal water systems: sample analysis, supplies, and shipping
- Follow-up sampling where we find detections
- Opportunity to meet initial regulatory sampling requirements
- RCAC provides sample collection training to the water system operator
- If interested, reach out to your drinking water program manager




# SERVICE LINE INVENTORIES

# DEADLINES

- Initial inventory is due to EPA by **October 16, 2024**
- RCAC Technical Assistance Providers are available to assist water systems to complete initial inventories.
- Depending on make up of inventory, updates are due at end of each tap sampling monitoring period (but no more frequently than annual)





# CYBERSECURITY UPDATES

- EPA issued interpretive rule requiring primacy agencies to assess the cybersecurity of “operational technology” used by a public water system when conducting sanitary surveys.
  - SCADA systems, programmable logic controllers, and remote telemetry units.
- Eighth Circuit Court of Appeals issued a “stay” pending rule challenge.
- EPA continues to offer free technical assistance to water systems to voluntarily assess cybersecurity practices and through our Cybersecurity Evaluation Program and Technical Assistance Program:
  - <https://www.epa.gov/waterresilience/forms/epas-water-sector-cybersecurity-evaluation-program>

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The background is a blue gradient. In the corners, there are decorative white line art elements resembling circuit boards or neural networks, with lines and small circles.

QUESTIONS?