



Tribal Informational Webinar and Listening Session #1: Consultation and Coordination on the Implementation of the Indian Reservation Drinking Water Program

June 4, 2024, 2:00 pm – 3:00 pm EDT

Presented by: Julian Oliver

Agenda

1. Welcome
2. Background on new Tribal funding program
3. Potential impacts of program on Tribes
4. Feedback requested on program implementation
5. Tribal consultation timeline

Welcome

- This is the first of two listening sessions that will be held to provide information on the 60-day Tribal consultation period on implementation considerations of the Indian Reservation Drinking Water Program.
- **Any feedback received during this listening session will be collected and considered along with all other feedback received during the consultation period.**
- Feedback may be provided at anytime during the 60-day consultation period via email.
 - **Contact: Julian Oliver, oliver.julian@epa.gov**
- The consultation letter was sent on May 21, 2024, and is available at
<https://tcots.epa.gov/ords/tcotspub/f?p=106:5::1857:::>

Background Information

- The Indian Reservation Drinking Water Program is a new funding program established under the 2018 American Water Infrastructure Act (AWIA), amended under the Bipartisan Infrastructure Law (BIL) in 2021, and initially funded under the Consolidated Appropriations Act of 2023.
- The Safe Drinking Water Act (SDWA) at 42 U.S.C. § 300j–3c directs the EPA to use 50 percent of appropriated funds for 10 eligible projects on Indian reservations serving federally recognized Tribes in the following river basins:
 - **Upper Missouri**
 - **Upper Rio Grande**
 - **Columbia**
 - **Lower Colorado, and the**
 - **Arkansas-White-Red River Basins**

Background Information

- **Funding:** The Consolidated Appropriations Act of 2023 provided \$4,000,000 of funding for the program, with an additional \$4,000,000 provided for FY24. **A requirement of the program is to use at least 50% of funds for 50 projects in the five river basins. Fifty percent of total funding provides an average of \$80,000 per project and 100% use of funding could provide an average of \$160,000 per project.**
- **Eligible projects:**
 - Occur on a reservation serving a federally recognized Indian Tribe.
 - Improve water quality, water pressure, or water services at a public water system *or*
 - Improve water quality or sanitation or wastewater services at a treatment works.
- **Eligible awards:** grants and contracts with Tribes, intertribal consortia, public or private agencies, institutions, organizations, and individuals; and interagency agreements.

Potential Impacts to Tribes

- The Indian Reservation Drinking Water Program is intended to fund projects that will improve the delivery of drinking water or wastewater services to communities located on Indian reservations.
- **Tribes will be the sole recipient of support from this program which received appropriations of \$4,000,000 for each of the last two years.**
- The program will support Tribes in making improvements to the operations and services of public water systems, sanitation or wastewater treatment facilities.

Seeking Feedback: Implementation Considerations for the Indian Reservation Drinking Water Program

- Given the relatively small amount of funding available through this program, with respect to total infrastructure costs and number of projects required to be supported, the EPA is considering administering the funding program in a way that can leverage existing infrastructure projects and programs.
- For example, **one option is to administer the program through an interagency agreement between the EPA and a federal partner for the entire \$8,000,000 in appropriations.**

Seeking Feedback: Implementation Considerations for the Indian Reservation Drinking Water Program

- Included in the implementation of the program could be a focus on the distribution of projects in the five river basins **to address the underlying causes of regulatory non-compliance**.
- Under this program configuration, projects could include, in addition to the congressionally directed priorities, **a variety of types of assistance to Tribal systems to improve compliance with existing regulations, enhance capacity in systems through training and technical assistance, and protect public health**.

Seeking Feedback

Through this consultation and coordination process, the EPA seeks to better understand Tribal priorities with respect to the implementation of the Indian Reservation Drinking Water Program. **Specifically, the EPA seeks to understand Tribal priorities in the following potential implementation areas:**

1. **Focusing program implementation on supporting drinking water quality compliance with the National Primary Drinking Water Regulations.**
2. **Focusing program implementation on activities to address issues of non-compliance at drinking water and wastewater systems.**
3. **Leveraging existing infrastructure projects and federal programs to implement the program.**

Tribal Consultation & Coordination Process Timeline

Date/Time	Event
May 21, 2024	Initiation of the 60-day Tribal consultation period.
June 4, 2024	Tribal Informational Webinar and Listening Session #1: Implementation of the Indian Reservation Drinking Water Program
June 11, 2024	Tribal Informational Webinar and Listening Session #2: Repeat: Implementation of the Indian Reservation Drinking Water Program
July 8, 2024	Deadline to request one-on-one consultation meetings with the EPA.
July 22, 2024	End of 60-day consultation and coordination period. The EPA then evaluates and considers comments received.

Opportunities to Participate

- The consultation period for Tribal input on this proposal will remain open for 60 days (May 21, 2024-July 22, 2024) and will include two listening sessions via webinar.
- This listening session is the first of two. The EPA will hold a second listening session via webinar on June 11, 2024, from 2:00-3:00 pm (EDT).
- **Written comments and requests for individual government to government consultation may be submitted to: Julian Oliver, Email: oliver.julian@epa.gov. Written responses may be provided at anytime prior to July 22, 2024.**
- The consultation letter and related consultation information in the EPA's Tribal Consultation Opportunities Tracking System (TCOTS) located at <https://tcots.epa.gov/ords/tcotspub/f?p=106:5::1857::::>.

