

# Tribal Water Infrastructure Programs Consultation Opportunity

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MARCH 1, 2023

REGION 9 WATER DIVISION



# Agenda

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- Schedule/Consultation Information
- Emerging Contaminants (EC) Programs
  - Background and Criteria
  - New Proposed Funding Criteria
  - Funding for Sampling Projects
  - Guidance in Development
- Lead Service Line (LSL) Replacement Funding
  - Background and Proposed Funding Approach
  - Proposed Guidance in Development
  - Proposed Process to Utilize Funding
  - Additional Input Requested
- Closing

# Schedule

Date	Event	Contacts/Participants
October 13, 2022	RTOC CWA Workgroup Meeting - EPA provided information related to upcoming early engagement and consultation.	EPA: Nancy Sockabasin and Emmanuelle Rapicavoli
October 20, 2022	EPA sent “early engagement” letter to Tribal Leaders.	EPA: Tomás Torres
October 24-27, 2022	RTOC and Tribal/EPA Conference – EPA provided information related to early engagement and upcoming consultation.	EPA: Tomás Torres, Nancy Sockabasin and Emmanuelle Rapicavoli
December 21, 2022	EPA’s “offer to consult” letter to Tribal Leaders*	EPA: Tomás Torres
January 11, 2023	Informational Webinar for Tribal Leaders and/or their staff.	EPA: Nancy Sockabasin and Karly Ho
February 2023	Presentation and Discussion at RTOC	EPA: Nancy Sockabasin and Karly Ho
February 21, 2023	Last day to request leader-to-leader consultation	Tribal Leaders
March 1, 2023	Consultation Webinar for Tribal Leaders and/or their designated representatives.	EPA: Nancy Sockabasin and Karly Ho
March 21, 2023	Conclude Consultation	
April 2023	Finalize BIL Program Prioritization	EPA

- [Bipartisan Infrastructure Law \(BIL\) Programs for Tribes in Region 9](https://tcots.epa.gov/ords/tcotspub/f?p=106:5::1666:::)
  - <https://tcots.epa.gov/ords/tcotspub/f?p=106:5::1666:::>

## Background: *Drinking Water Tribal Set-Aside Emerging Contaminants Funding and Emerging Contaminants (EC) in Small or Disadvantaged Communities (SDC) Grant*

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Funding eligibilities for both programs:

- Projects that address any contaminant listed in any of EPA’s [Contaminant Candidate Lists](#) are also eligible.
- Focus on addressing per- and polyfluoroalkyl substances (PFAS) in drinking water.
  - PFAS are a group of manufactured chemicals that have been used in industry and consumer products since the 1940s because of their useful properties. Exposure to PFAS May be Harmful to Human Health and there is ongoing research to understand more.
  - [PFAS information here](#)
- Must serve a Public Water System

Program 1 Drinking Water Tribal Set Aside Emerging Contaminants	Program 2 Emerging Contaminants (EC) in Small or Disadvantaged Communities (SDC) Grant
DWTSA Program	Section 1459A Assistance for Small and Disadvantaged Communities Program
	For water systems with population < 10,000

## INITIAL DRAFT CRITERIA

### *Drinking Water Tribal Set-Aside Emerging Contaminants Funding and Emerging Contaminants (EC) in Small or Disadvantaged Communities (SDC) Grant*

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 where there is not an MCL/Regulatory Standard or a health advisory level, but detection constitutes a health risk. 5A: Any PFAS contaminant on the CCL lists 5B: Any other emerging contaminant on the most current CCL list 5C: Any other emerging contaminant not on the current CCL list
Lower Priority	Category 6	Systems where detections are much lower than the MCL/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 not on the current CCL list.

Note: MCLs, Health Advisory Levels, and CCL lists may be updated. The above criteria are designed to consider new contaminants and associated health risks.

## Input Requested:

### *Drinking Water Tribal Set-Aside Emerging Contaminants Funding and Emerging Contaminants (EC) in Small or Disadvantaged Communities (SDC) Grant*

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
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Region 9 is requesting input on the following:

- Feedback on the proposed project prioritization criteria,
- Other than PFAS, classes of emerging contaminants to prioritize, and
- Emerging contaminants that may benefit from a regional sampling program.

**PROPOSED DRAFT CRITERIA including some input:**

***Drinking Water Tribal Set-Aside Emerging Contaminants Funding and Emerging Contaminants (EC) in Small or Disadvantaged Communities (SDC) Grant***

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	Category 6	Systems where the emerging contaminant level causes a technical, cosmetic, or aesthetic issue.
Lower Priority	Category 7	Systems where the emerging contaminant level is much lower than the MCL/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 not on the current CCL list.

Region 9 is requesting input on the following:

- Feedback on the proposed project prioritization criteria,
- Other than PFAS, classes of emerging contaminants to prioritize, and
- Emerging contaminants that may benefit from a regional sampling program.

**Response to Initial Input:**

***Drinking Water Tribal Set-Aside Emerging Contaminants Funding and Emerging Contaminants (EC) in Small or Disadvantaged Communities (SDC) Grant***

Region 9 is requesting input on the following:

- Emerging contaminants that may benefit from a regional sampling program.
- No current plans to initiate a new regional sampling effort
- We will reserve the ability to provide funds to support initial sampling
- We will continue to support our PFAS sampling program and may use this funding to support that effort, if needed

## Additional Guidance Development:

### *Drinking Water Tribal Set-Aside Emerging Contaminants Funding and Emerging Contaminants (EC) in Small or Disadvantaged Communities (SDC) Grant*

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
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### Additional Guidance that will be developed:

- Solicitation for projects will be simultaneous to DWTSA
- Planning projects will use the same ranking criteria and can be used for additional sampling
- Category 5: What constitutes a health risk:
  - State DW MCL and Health advisories
- Category 6: What constitutes a technical, cosmetic, or aesthetic issue:
  - Secondary Standard

# Background: DWTSA Lead Service Line (LSL) Replacement

## **Program 3: DWTSA Lead Service Line (LSL) Replacement**

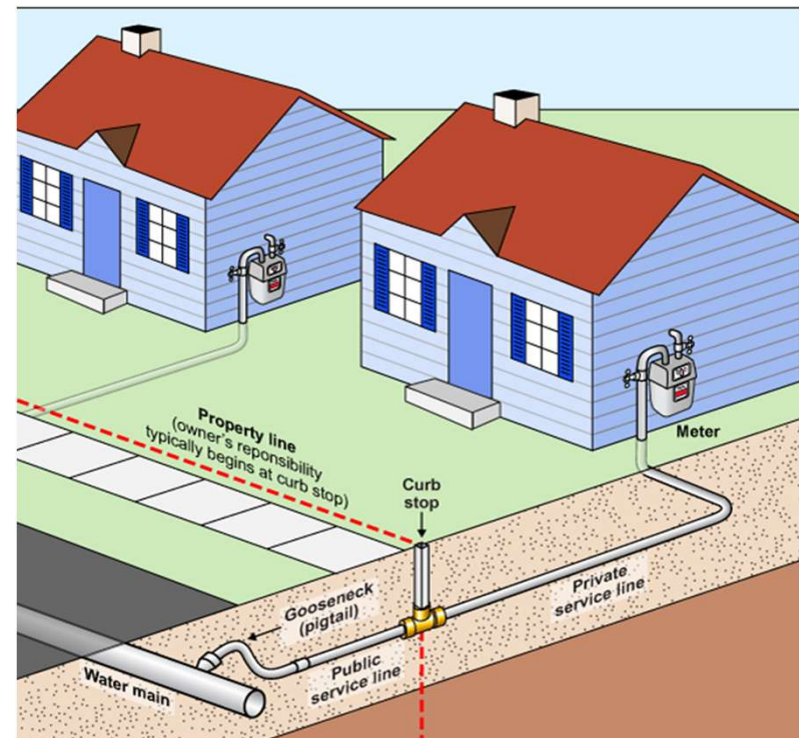
- BIL funding to investigate and remove lead service lines.
- Projects must be otherwise DWTSA eligible and be a lead service line replacement project or associated activity directly connected to the identification, planning, design, or replacement of lead service lines.

A lead service line is defined

- a service line made of lead
- a galvanized service line
- goosenecks, pigtails, and connectors

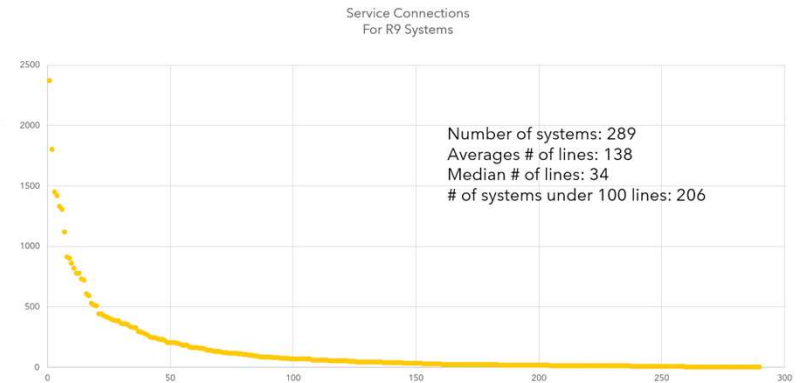
LSL=Lead Service Line

GRR=Galvanized Requiring Replacement



# Background: Service Line Inventory Requirement

- 2021 Lead and Copper Rule Revisions requires all community and non-transient, noncommunity water systems to develop a service line inventory and submit it to EPA by October 16, 2024
- Region 9 requires the inventory form to be filled out in order to complete this requirement



Public Water System Service Line Inventory Form							Complete?	Service Line Material			Building Plumbing Material				
Approval date:						Yes	P - Plastic			G-Galvanized					
PWS ID:	PWS Name:					Type	Total	C - Copper			C - Copper w/non-lead solder				
Submission Date:						Non-Lead	0	UNK - Unknown			CLS - Copper with lead solder				
Person Filling Out Inventory:						Lead	0	UNK-NOLG - Unknown - Unlikely to contain lead or galvanized			O - does not contain Pb solder-Cu-galvanized				
Total Number of Service Lines:						GRR	0	UNK-LG - Unknown - May contain lead and/or galvanized			UNK - Unknown				
Ownership of Service Lines:						Unknown	0	G - Galvanized							
If Ownership mixed, where is split?						Pb Connectors	0	Lead							
All Service Lines Originally Install After 1989?								DI - Ductile Iron							
If "yes", documentation source:						If 'Yes', no further responses required		CI-L - Lined Cast Iron							
Use at least one of these two columns			If 'No', ALL Blue Columns are Required						CI-U - Unlined Cast Iron			All Green Columns are Optional			
Street Address (separate entry for each service connection)	Site ID (other unique identifier)	Lead Connector Currently Present? (e.g., Gooseneck, Pigtail, Other)	Current Public Service Line Material (PWS Owned) (if 2 different materials fill out both columns)		Was Public Service Line Material Ever Previously Lead?	Public Side Verification Source	Current Customer Service Line Material (if 2 different materials fill out both columns)		Customer Side Verification Source	Year Service Line Installed/Year Structure Built (enter oldest possible year if exact year not known)	How many Service Lines does this Row Represent?	Comments (Include Record Number)	Alternative Location Identifier	Building Type	Current Building Plumbing Material 1
			Material 1	Material 2			Material 1	Material 2							

# Eligible Projects: DWTTSA Lead Service Line (LSL) Replacement

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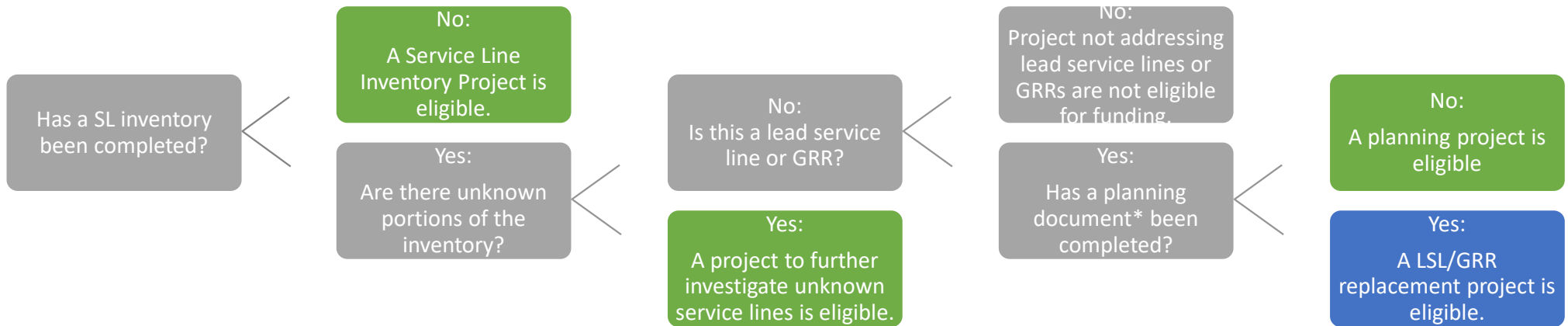
Eligible projects include:

Service Line Inventory Project – Investigatory Work	Lead Service Line Replacement Project
Developing and completing service line inventories, including locating and mapping lead service lines, and investigating unknown service lines	Replacement of lead service lines, including the replacement of lead-containing goosenecks, pigtails, connectors, and galvanized service lines that are currently or ever were downstream of a lead service line or service line of unknown material.
Providing technical assistance to small water systems undertaking service line inventories	Providing technical assistance to small water systems undertaking construction projects
	Preparing planning documents for construction projects

# Proposed Funding Methodology: DWIG-TSA Lead Service Line (LSL) Replacement

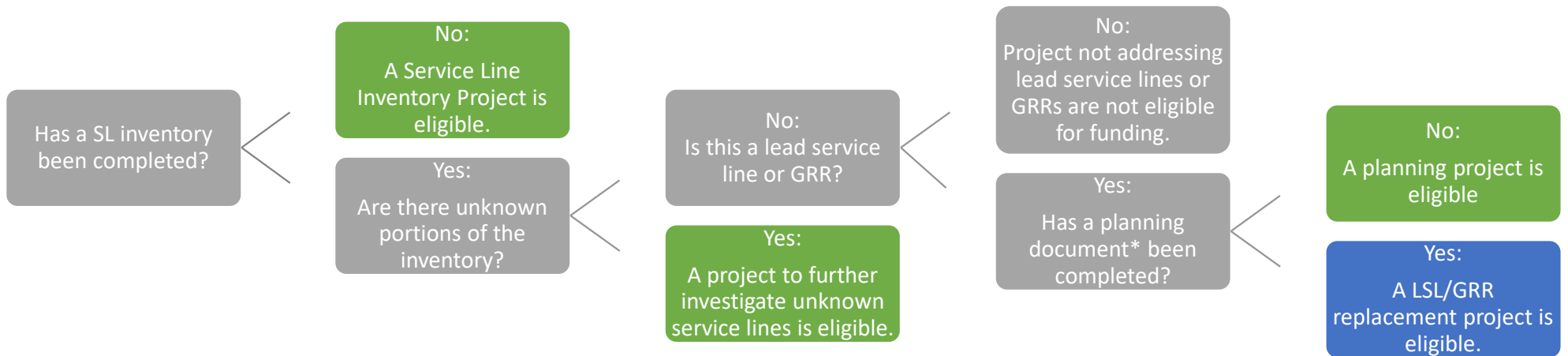
Region 9 anticipates that there will be sufficient funding to complete service line inventories and lead service line replacement projects for all eligible water systems.

The Region plans to develop a funding flow chart and guidelines to streamline the administrative processes:



Possible requirements for a planning document prior to construction: the description of the construction mechanism, timeline for completion, detailed cost estimate, and documentation that the required rights-of-way permissions have been secured.

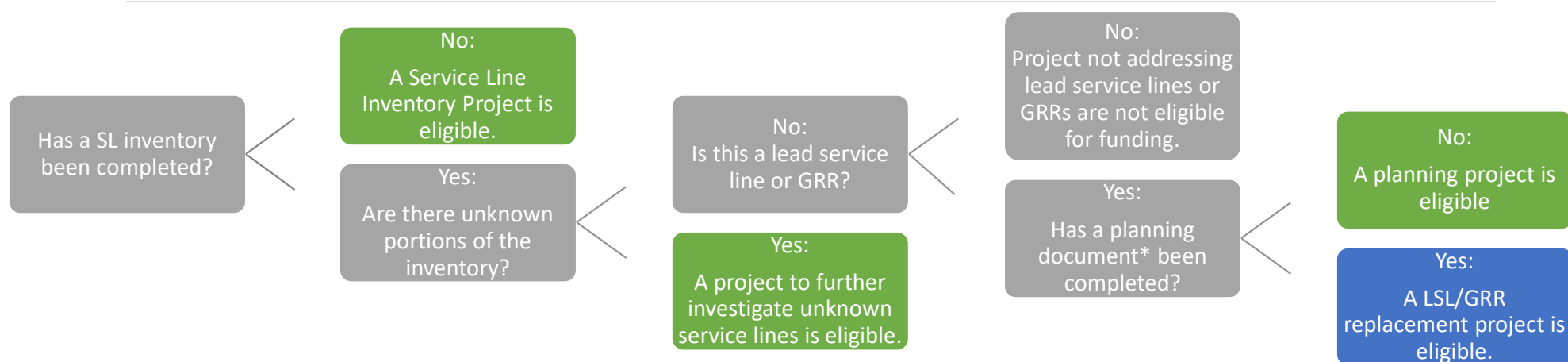
# Guidance Progress: DWIG-TSA Lead Service Line (LSL) Replacement



Region 9 is planning to develop additional guidance and templates based on some of the input made so far:

- Guidance for water systems if a LSL/GRR/lead component found – templates to inform homeowners, best practices
- Template communications for water systems to distribute to homeowners prior to potholing
- Template communications for water systems to distribute to homeowners prior to construction

# Input Requested: DWIG-TSA Lead Service Line (LSL) Replacement

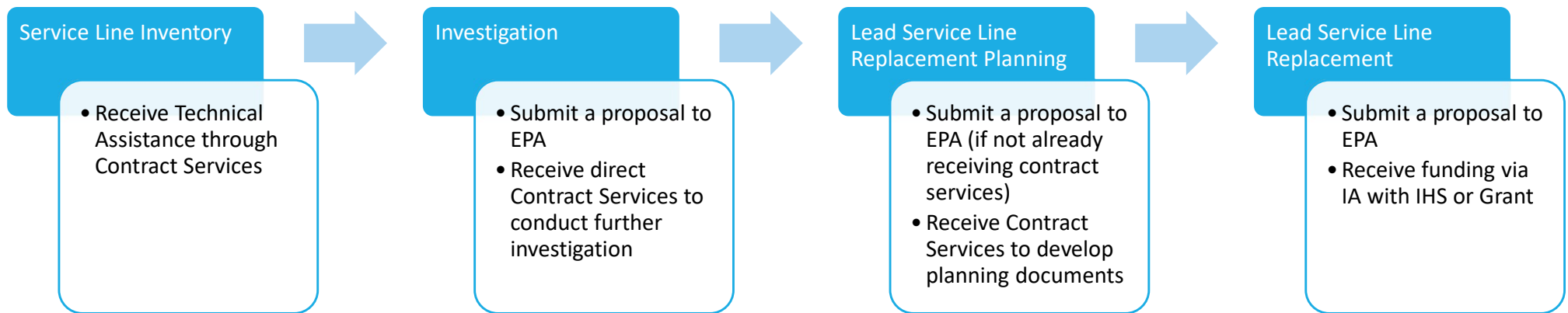


Possible requirements for a planning document prior to construction: the description of the construction mechanism, timeline for completion, detailed cost estimate, and documentation that the required rights-of-way permissions have been secured.

Region 9 is requesting input on the following:

- Feedback on the proposed flow chart to prioritize funding, and
- Required planning documentation prior to funding a lead service line replacement project, and
- Other considerations to assist Tribes in developing well-scoped and ready-to-fund lead service line replacement projects.

# Proposed Process to Utilize Funding: DWTSA Lead Service Line (LSL) Replacement



We are planning to have contract services available for the following:

- Training to complete service line inventories
- Records Review and Investigation
- Planning Activities

Guidance will be developed for obtaining a grant to conduct the service line inventory:

- Sufficient technical, managerial, and financial capacity of the water system
- Substantial grant award \$ amount or if grant is only funding option

# Additional Input Requested

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Lead Service Line Replacements for tribal homes that are on state regulated water systems are eligible for this funding.

- What is the best approach to ensure that these service lines get replaced/funded if they are eligible?

Proposed approach:

- 1) Reach out to tribes for information about homes/service lines that they would like to check on
- 2) Reach out to the state regulator to inquire about the inventory/service line status
- 3) If there is an eligible project, EPA would connect the appropriate parties to move forward with funding

# Reminders

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**March 21, 2023**

Conclude Consultation

Written comments can be submitted directly to Nancy Sockabasin [sockabasin.nancy@epa.gov](mailto:sockabasin.nancy@epa.gov)

# Contact Information

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