



2008 Tribal PWSS Program Grants Fact Sheet

What is EPA's PWSS Tribal Support Program?

The Public Water System Supervision (PWSS) program was authorized by Congress in the 1974 Safe Drinking Water Act (SDWA) to establish and enforce health protection standards for the drinking water produced by water systems that serve the public throughout the country. The SDWA authorized EPA to delegate "primary enforcement responsibility" (Primacy) for the PWSS program to states as long as they meet certain requirements. Since FY1976, Congress has appropriated funds under the SDWA for grants to help states develop and implement these PWSS Primacy programs.

The SDWA was amended in 1986 to allow Indian tribes to be treated as states and assume PWSS Primacy as long as they meet the necessary requirements. In cases where Tribes do not seek and assume Primacy, EPA, through its Regional offices, serves as the Primacy agent and implements the PWSS program. To date, the Navajo Nation is the only Indian tribe to have sought and received Primacy for the PWSS program.

What are the PWSS Tribal Support Grants?

When the SDWA was amended to allow Indian tribes to assume PWSS Primacy, it also allowed EPA to make grants to tribes that wanted to develop, and carry out, PWSS programs. Beginning in FY1989, EPA has reserved a portion of the funds that Congress annually makes available for State PWSS programs to carry out the PWSS programs on tribal lands. The reserved funds are used for three purposes: for grants to tribes that have received PWSS Primacy; for activities that will assist tribes in developing programs that will eventually lead to Primacy; and to assist EPA's Regional offices in directly implementing a PWSS program on tribal lands (in the absence of a delegated tribal program).

What activities are funded by the grants?

PWSS programs enforce the goals of the SDWA and ensure that public water systems comply with requirements, and standards, equivalent to the National Primary Drinking Water Regulations. The PWSS grants are used to support the conduct of the program. Some of the key activities of a PWSS program include:

- developing and maintaining drinking water regulations;
- developing and maintaining an inventory of public water systems throughout the state;
- developing and maintaining a database to hold compliance information on public water systems;
- conducting sanitary surveys of public water systems;
- reviewing public water system plans and specifications;
- providing technical assistance to managers and operators of public water systems;
- carrying out a program to ensure that the public water systems regularly inform their consumers about the quality of the water that they are providing;

- certifying laboratories that can perform the analysis of drinking water, which will be used to determine compliance with the regulations; and
- carrying out an enforcement program to ensure that the public water systems comply with all of the established requirements.

Who is eligible to receive a grant?

Any federally recognized tribe that has received Primacy for the PWSS program, or any tribe that has been granted "Treatment as a State" (TAS) as provided for in the SDWA §1451 and is developing a PWSS program, is eligible to receive a grant. The grant program funds are also available to EPA's Regional offices to assist tribes with Primacy program activities, and to directly implement PWSS programs on tribal lands in the absence of an approved tribal program.

How are the grant funds managed?

The available funds are allotted, by formula, among EPA's Regional offices. The Regional offices are responsible for managing the funds -- making any Primacy or Primacy support awards to carry out the PWSS program on tribal lands, or to directly implement a PWSS program on tribal lands in the absence of a delegated tribal program.

How are the grants allotted among the EPA Regions?

Grant funds are distributed by formula on the basis of tribal population (20%) as contained in the most currently available US Census Bureau information; tribal land area (10%) as contained in the most currently available US Census Bureau information; the number of community and non-transient non-community water systems located within tribal land area boundaries (56%) and the number of transient non-community water systems located within tribal land area boundaries (14%), all water system inventories being provided by the EPA Regional offices or tribes with Primacy. The formula also ensures that no Region's allotment shall be less than 95 percent of its prior year allotment.

Note: Community water systems provide drinking water to the same people year-round. Non-transient non-community water systems serve at least 25 of the same people for more than six months in a year but not year-round (e.g., schools or factories that have their own water source). Transient non-community water systems provide water to places like gas stations and campgrounds where people do not remain for long periods of time.

Why are grant allotments sometimes referred to as "Tentative" and other times as "Final"?

EPA calculates the allotments twice for each fiscal year. Tentative allotments are based on the amount of funding that is requested in the federal budget for the upcoming federal fiscal year. The budget is normally released in February of each year and the Tentative allotments are calculated a month or two later. The Tentative allotments are only planning targets. Once EPA receives an appropriation from Congress for the new fiscal year, the allotments are recalculated based on the funds that are actually available. These are the Final allotments and represent the actual amount of funds that will be distributed to EPA's Regional offices for the PWSS Tribal Program. This step normally occurs within a few months after the start of the new federal fiscal year. When the amount of funds appropriated is the same as the budget request, the Tentative and Final allotments are identical.

Is there a requirement for a "match" or a "maintenance of effort"?

Yes. The SDWA allows EPA to provide "up to 75 percent of the applicant's approved work plan." The EPA Regional offices may, however, increase the federal share to 90 percent under certain circumstances.