



## **EPA Announces Final Rule to Protect Water Quality Where Tribes have Treaty and Reserved Rights**

WASHINGTON – Today, May 2, the U.S. Environmental Protection Agency (EPA) announced a final rule that will help protect water quality where Tribes hold and assert rights to aquatic and aquatic-dependent resources. For the first time, this action establishes a clear and consistent national framework for EPA and states to consider Tribal treaty and reserved rights when establishing Water Quality Standards under the Clean Water Act. In addition, this rule advances the Biden-Harris Administration’s commitment to uphold the United States’ treaty and federal trust responsibility to federally recognized Tribes. When implemented, this final rule will better protect waters that Tribes depend on for fishing, gathering wild rice, cultural practices, and other uses.

“President Biden is committed to ensuring that all people have access to clean and safe water. Strengthening our regulations to support Tribes and protect precious water resources is essential,” said EPA Administrator Michael S. Regan. “With this action, EPA is establishing clear rules of the road that will support healthier Tribal communities. We look forward to partnering with Tribes and our state co-regulators to implement Clean Water Act protections consistent with Tribal treaty and reserved rights.”

### **THIS MONTH**

**EPA Announces Final Rule to Protect Water Quality Where Tribes have Treaty and Reserved Rights**

**Biden-Harris Administration Announces \$3 Billion for Lead Pipe Replacement to Advance Safe Drinking Water as Part of Investing in America Agenda**

**Training Resource: Water & Wastewater Sector Cyber Incident Response Webinar**

**Training Resource: EPA Rules and Updates**

**Training Resource: EPA Small Drinking Water Systems Webinar Series: Technical Assistance for Lead**

**Training Resource: Wastewater Lagoon Course, Pierre, SD**

**Training Resource: Community Change Grant**

**Resource: WaterTA**

**Resource: Lead Service Line Inventories (LSLI) Monthly Office Hours – Ask EPA**

**Upcoming Regulatory Deadlines**

**Key EPA Contacts**

Historically, EPA has addressed Tribal reserved rights under the Clean Water Act on a case-by-case basis in state-specific actions. This practice fostered uncertainty for Tribes, states, and entities seeking to comply with Clean Water Act requirements. EPA's final rule provides clarity and transparency by revising the federal water quality standards regulation to better protect Tribal reserved rights under the Clean Water Act. With this action, EPA is ensuring that water quality standards are established taking into consideration Clean Water Act-protected aquatic and aquatic-dependent resources where Tribes hold and assert rights to those resources under federal treaties, statutes, or executive orders. This final regulatory framework will be applied consistently while accounting for local conditions and factors to inform the development of specific water quality standards.

With this action, EPA is honoring the federal trust responsibility and striving to protect Tribal reserved rights related to water resources, consistent with commitments outlined in the agency's 2021 action plan, Strengthening the Nation-to-Nation Relationship with Tribes to Secure a Sustainable Water Future.

"The Tribal Reserved Rights rule protects the rights of Tribal citizens, accorded by treaties, statutes, and other federal laws, to hunt, fish, and gather food in their usual and accustomed territories—including areas under state jurisdiction," said National Tribal Water Council Chairman Ken Norton. "When treaties are honored as the highest law of the land, as the Constitution directs, it is a victory for Tribes across the nation."

"Upholding treaty reserved rights in Ceded Territories is the right thing to do, both for Tribal members and the environment. As stressors such as climate change, pollutants and development harm the environment, it is increasingly important for Tribal members to have the opportunity to exercise their rights in Ceded Territories," said Leech Lake Band of Ojibwe Environmental Director, Brandy Toft. "It is our hope that this rule will assist to preserve the Leech Lake Band of Ojibwe's treaty protected right to harvest resources, such as fish and wild rice for subsistence, for generations to come."

"In the Anishinaabe (or Ojibwe) language, gibimaaji'igomin nibi means 'water is life,'" according to Jason Schlender, Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). "Anishinaabe people recognize that clean water sustains the more-than-human relatives (natural resources) that they rely on to continue their lifeways. It was these lifeways that our member Tribes were protecting when they reserved the right to hunt, fish, and gather on land that they ceded (or sold) in treaties with the United States. GLIFWC welcomes federal actions that will ensure that water quality is improved and sustained to ensure the continued health of our more-than-human relations."

"Elwha Tribe is pleased that the federal rule will ensure that Tribes will be heard," said Lower Elwha Klallam Tribe Vice-Chairman Russell N. Hepfer. "I always advocate for consultation to occur early and often. Water quality is important for our human health and for our resources. More important for our future generations. Elwha Tribes looks forward to consultation with EPA as this rule is implemented."

The final rule will be effective 30 days after publication in the Federal Register.

## **Biden-Harris Administration Announces \$3 Billion for Lead Pipe Replacement to Advance Safe Drinking Water as Part of Investing in America Agenda**

WASHINGTON – Today, May 2, the U.S. Environmental Protection Agency announced \$3 billion from President Biden's Investing in America agenda to help every state and territory identify and replace lead service lines, preventing exposure to lead in drinking water. Lead can cause a range of serious health impacts, including

irreversible harm to brain development in children. To protect children and families, President Biden has committed to replacing every lead pipe in the country. Today's announcement, funded by the Bipartisan Infrastructure Law and available through EPA's successful Drinking Water State Revolving Fund (DWSRF), takes another major step to advance this work and the Administration's commitment to environmental justice. This funding builds on the Administration's Lead Pipe and Paint Action Plan and EPA's Get the Lead Out Initiative.

Working collaboratively, EPA and the State Revolving Funds are advancing the President's Justice40 Initiative to ensure that 40% of overall benefits from certain federal investments flow to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution. Lead exposure disproportionately affects communities of color and low-income families. The \$9 billion in total funding announced to date through EPA's Lead Service Line Replacement Drinking Water State Revolving Fund program is expected to replace up to 1.7 million lead pipes nationwide, securing clean drinking water for countless families.

"The science is clear, there is no safe level of lead exposure, and the primary source of harmful exposure in drinking water is through lead pipes," said EPA Administrator Michael S. Regan. "President Biden understands it is critical to identify and remove lead pipes as quickly as possible, and he has secured significant resources for states and territories to accelerate the permanent removal of dangerous lead pipes once and for all."

President Biden's Bipartisan Infrastructure Law invests a historic \$15 billion to identify and replace lead service lines. The law mandates that 49% of funds provided through the DWSRF General Supplemental Funding and DWSRF Lead Service Line Replacement Funding must be provided as grants and forgivable loans to disadvantaged communities, a crucial investment for communities that have been underinvested in for too long. EPA projects a national total of 9 million lead service lines across the country, based on data collected from the updated 7th Drinking Water Infrastructure Needs Survey and Assessment. The funding announced today will be provided specifically for lead service line identification and replacement and will help every state and territory fund projects to remove lead pipes and reduce exposure to lead from drinking water.

The Lead Service Line-specific formula used to allot these funds allows states to receive financial assistance commensurate with their need as soon as possible, furthering public health protection nationwide. The formula and allotments are based on need — meaning that states with more projected lead service lines receive proportionally more funding.

Alongside the funding announced today, EPA is also releasing a new memorandum that clarifies how states can use this and other funding to most effectively reduce exposure to lead in drinking water. Additionally, EPA has developed new outreach documents to help water systems educate their customers on drinking water issues, health impacts of lead exposure, service line ownership, and how customers can support the identification of potential lead service lines in their homes.

The Biden-Harris Administration's ambitious initiative to remove lead pipes has already delivered significant results for families across the nation. Today's latest funding will ensure more families benefit from these unprecedented resources, and support projects like these:

- West View Water Authority in Pennsylvania has received \$8 million through the Bipartisan Infrastructure Law to replace 750 lead service lines in underserved areas of the community — primarily in Allegheny County. Of that funding, more than \$5.4 million is forgivable, reducing the overall financial burden on ratepayers and the community.
- In Tucson, Arizona, the city received \$6.95 million in Bipartisan Infrastructure Law funds to develop lead service line inventories for their nine public water systems. The city will use this inventory to develop a plan

to replace lead service lines in the community and improve drinking water quality for residents — many of whom live in low-income and disadvantaged communities.

- Located in between Chicago and Milwaukee, the community of Kenosha, Wisconsin has been at the forefront of the state's efforts to remove 5,000 lead service lines in their community. To accelerate lead service line removal, Kenosha is working with EPA's Bipartisan Infrastructure Law-funded Water TA team to help customers self-inventory their service line material and apply for federal funding to remove and replace lead service lines.
- The Eastern Band of Cherokee Indians, located across western North Carolina, has been selected to receive support from the Bipartisan Infrastructure Law's lead service line replacement funds to conduct service line inventories and prepare preliminary engineering reports for five of the public water systems on their land.

To view more stories about how the unprecedented investments from the Bipartisan Infrastructure Law are transforming communities across the country, visit [EPA's Investing in America's Water Infrastructure Story Map](#). To read more about some additional projects that are underway, see EPA's recently released [Quarterly Report on Bipartisan Infrastructure Law Funded Clean Water and Drinking Water SRF projects](#) and explore the [State Revolving Funds Public Portal](#).

Today's allotments are based on EPA's updated 7th Drinking Water Infrastructure Needs Survey and Assessment (DWINSA) including an assessment of newly submitted information. To date, this is the best available data collected and assessed on service line materials in the United States. Later this summer, EPA will release an addendum to the 7th DWINSA Report to Congress which will include the updated lead service line projections. EPA anticipates initiating data collection, which will include information on lead service lines, for the 8th DWINSA in 2025.

## Training Resource: Water & Wastewater Sector Cyber Incident Response Webinar

The Water and Wastewater Sector has been impacted by various cyber events, including unauthorized access, and ransomware. Continued compromises or failures could cause cascading impacts across critical infrastructure. CISA Region 8 invites you to the Region 8 Water & Wastewater Sector Cyber Incident Response Webinar to learn more.

### OVERVIEW

The webinar will review the Water and Wastewater Sector Cybersecurity Toolkit, including the Incident Response Guide which outlines how water utility owners and operators can expect to work with federal partners as they prepare for, respond to, and mitigate the impact of a cyber incident.

The toolkit consolidates key resources at every level of cybersecurity maturity and provides incident response best practices and information on federal resources to enhance the security and resilience of the Water and Wastewater Sector.

### INTENDED AUDIENCE

Stakeholders from Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming).

- Private and public sector water utility owners and operators, specifically personnel dedicated to cyber incident planning and response.
- Dams sector owners that manage water supply facilities.
- Emergency managers, law enforcement/first responders, security directors, safety personnel, and planners.

### Webinar Details

- Date: Tuesday, 18 June 2024
- Time: 10-11 am MDT
- Registration: Registration is free, but required [here](#).



## Training Resource: EPA Rules and Updates

Midwest Assistance Program will be putting on an EPA Rules and Updates Webinar on May 30 and 31. Here is the agenda:

### Agenda May 30

- 8:00 am -8:15am - Welcome, Introductions, Pre-test
- 8:15 am- 9:30 am - EPA Updates - Lead Service Line Inventory - Lead and Copper Rule
- 9:30 am -11:00 am - Per - and Polyfluoroalkyl Substances (PFAS) Rule -How to Fill Out Inventory Change Forms  
- Loss of Pressure Procedures Agenda

### May 31

- 8:00 am -8:05am - Welcome, Introductions
- 8:05 am- 9:00 am - How to Prepare for a Sanitary Survey- How to Correct a Significant Deficiency
- 9:00 am -10:00 am - Consumer Confidence Reports (CCR) Rule- Revised Total Coliform Rule
- 10:00 am -10:45 am -Wyoming DEQ
- 10:45 am -11:00 am -Wrap up and Post Test

This training may be eligible for Operator Continuing Education Credits; however, consult your Certifying Organization for specific approval.

[Webinar Flyer](#)

[Registration Link](#)

## Training Resource: EPA Small Drinking Water Systems Webinar Series: Technical Assistance for Lead

EPA's Office of Research and Development (ORD) and Office of Water (OW), in collaboration with the Association of State Drinking Water Administrators (ASDWA), host this free webinar series to communicate the latest information on solutions for challenges facing small drinking water systems. The series topics vary each month and are primarily designed for state, territory, and tribal staff responsible for drinking water regulations compliance and treatment technologies permitting. Others may also benefit from the webinars, including water system operators, technical assistance providers, NGOs, local government personnel, academia, and private sector.

Webinars are typically held on the last Tuesday of the month from 2:00 to 3:00 p.m. ET with an optional Q&A session from 3:00 to 3:30 p.m. ET. For more information. Please see the [Small Drinking Water Systems Webinar Series website](#).

### Webinar Details

- Date: Tuesday, May 21, 2024
- Time: 2:00-3:30 p.m. Eastern Time
- Registration: Registration information will be available at the [Small Drinking Water Systems Webinar Series website at a later date](#).

## Training Resource: Wastewater Lagoon Course, Pierre, SD

RATES and the EPA are pleased to offer a free 2-day classroom and field training for wastewater operators on lagoon operation and maintenance.

### Training Details

- Date: June 4-5, 2024
- Location: Ramkota Hotel and Convention Center, Pierre, SD
- [Training Flyer](#)
- [Training Registration](#)

## Resource: Community Change Grant Program

EPA's new Environmental and Climate Justice Community Change Grants program (Community Change Grants) will invest approximately \$2 billion in Inflation Reduction Act funds in environmental and climate justice activities to benefit disadvantaged communities through projects that reduce pollution, increase community climate resilience, and build community capacity to respond to environmental and climate justice challenges. These place-based investments will be focused on community-driven initiatives to be responsive to community and stakeholder input. EPA expects most awards will be between \$10-20 million for multi-faceted projects addressing a range of pollution, climate change, and other priority issues. For more information and a list of eligible activities, [please click here](#). This grant is now open and the deadline to apply is November 2024. To learn more about the grant, view a recording of the December informational [webinar here](#). Free Technical Assistance to help in preparing a grant application is available and can be accessed [here](#).

[Click here for more information](#)  
[Deadline to apply is November 21, 2024](#)

## Resource: WaterTA

All communities deserve access to clean, reliable water. Yet too many communities across America face challenges in providing safe drinking water, wastewater, and stormwater services to their residents. The [Bipartisan Infrastructure Law](#) presents an unprecedented opportunity to address water infrastructure needs by providing \$50 billion in new funding – the [largest federal investment in water in the history of our nation](#). New and existing EPA [Water Technical Assistance \(WaterTA\) programs](#) will be utilized to support effective implementation of the Bipartisan Infrastructure Law.

### What is WaterTA?

EPA's free Water Technical Assistance (WaterTA) supports communities to identify water challenges, develop plans, build capacity, and develop application materials to access water infrastructure funding. To implement WaterTA,

EPA collaborates with states, tribes, territories, community partners, and other key stakeholders. Learn more about [WaterTA services and programs](#).

### **Help for Your Community**

EPA WaterTA aims to assist communities with applications for federal funding, quality infrastructure, and reliable water services. If your community is facing water infrastructure challenges and could benefit from support, we encourage you to learn more about [who can receive WaterTA and the challenges WaterTA can help your community address](#) then complete and submit a webform request by clicking on the link below:

[Request Water Technical Assistance for Your Community](#)

### **Resource: Lead Service Line Inventories (LSLI) Monthly Office Hours – Ask EPA**

Jill Minter, Lead Service Line (LSL) Coordinator, and Erica Wenzel, Lead Copper Rule and LSL Specialist, will be holding virtual Lead Service Line Inventories monthly office hours, from 10am to 11am Central Time, and at the same time on the 3<sup>rd</sup> Wednesday of every month. This will be a time for operators and managers to ask EPA any questions on developing lead service line inventories as well as hear questions from other operators. An email will be sent out each month to tribal public water system contacts with the LSLI Office Hours Teams meeting link, which is also copied below.

If interest is high, we can schedule additional LSLI Office Hours. We are thinking that holding monthly LSLI Office Hours will be an efficient way to answer questions and share information that may be common to multiple systems. The forum should also provide a good opportunity to learn from other operators who are also developing inventories and facing similar challenges. Do consider attending to listen in even if you do not have questions to ask that month. While we have scheduled monthly Office Hours, please know that water system operators and managers are always welcome to contact EPA with questions by email or by phone as well.

Monthly Meeting Info (3<sup>rd</sup> Wednesday of every month):

#### **Microsoft Teams meeting**

**Join on your computer, mobile app or room device**

[Click here to join the meeting](#)

Meeting ID: 216 909 557 054

Passcode: e2Efid

[Download Teams](#) | [Join on the web](#)

#### **Or call in (audio only)**

[+1 202-991-0477,,904938593#](#) United States, Washington DC

Phone Conference ID: 904 938 593#

[Find a local number](#) | [Reset PIN](#)

### **Upcoming Regulatory Deadlines**

Date	Event	Location
Last day of every calendar month	Last day to collect monthly total coliform samples	Sites approved on your RTCR sample plan
10 <sup>th</sup> of every month	Last day for EPA to receive total coliform and DBP samples collected during the previous month	N/A

## Key EPA Contacts

### Region 8 Tribal Team

Motaz Zarooq – Denver, CO Office – 303-312-6780 – [zarooq.motaz@epa.gov](mailto:zarooq.motaz@epa.gov)

Colby Brakke – Pierre, SD Office – 605-945-1192 [brakke.colby@epa.gov](mailto:brakke.colby@epa.gov)

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Joe Faubion – Helena, MT Office – 406-457-5005 – [faubion.joseph@epa.gov](mailto:faubion.joseph@epa.gov)

Other R8 Drinking Water Employee Contact Information Can be Found [Here](#).

This newsletter can be viewed online by visiting: <https://www.epa.gov/region8-waterops/epa-region-8-tribal-drinking-water-monthly-newsletter>.

If you would like to be added or removed from this newsletter distribution list, please email [brakke.colby@epa.gov](mailto:brakke.colby@epa.gov).

