



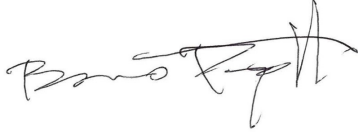
OFFICE OF WATER

WASHINGTON, D.C. 20460

May 22, 2024

MEMORANDUM

SUBJECT: Fiscal Year 2024 Allotments of Tribal Set-Asides of the Drinking Water and Clean Water State Revolving Funds; the Small, Underserved, and Disadvantaged Communities Tribal Grant Program; and the Emerging Contaminants in Small or Disadvantaged Communities Tribal Grant Program

FROM: Bruno Pigott, Acting Assistant Administrator 

TO: Water Division Directors, Regions I-X
Regional Drinking Water Tribal Coordinators
Regional Clean Water Tribal Set-Aside Coordinators

On November 15, 2021, President Biden signed the *Infrastructure Investment and Jobs Act* (P.L. 117-58, 135 Stat. 429), also referred to as the *Bipartisan Infrastructure Law*. The BIL provides \$50 billion to the U.S. Environmental Protection Agency to strengthen the nation's drinking water, wastewater, and stormwater infrastructure – the single largest investment in water that the federal government has ever made. To date, the EPA Regions have funded 133 projects with more than \$105 million through the BIL to address Tribal water infrastructure needs. Working collaboratively through investments like these, the EPA, federal, and Tribal partners are making progress towards President Biden's Justice40 commitment, which aims to ensure that federal agencies deliver at least 40 percent of the overall benefits from certain investments to disadvantaged communities. Thank you to the Regions for your continued leadership and the extensive work of your staff as the EPA, states, territories, and Tribes have made great strides implementing the BIL.

I am writing today to announce the next allotment for FY 2024 totalling \$225,417,000 in Tribal drinking water and wastewater infrastructure funding per the *Consolidated Appropriations Act, 2024 (Public Law 118-42)* and the BIL. Tribal funding amounts for the programs included in this funding memorandum are summarized in Table 1 below. This includes \$195,920,000 in FY 2024 BIL funding (including through the Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Tribal Grant Program), and \$29,497,000 in FY 2024 base funding for Clean Water Indian Set-Aside (CWISA) programs, Drinking Water Infrastructure Grants Tribal Set-Aside (DWIG-TSA) and Assistance to Small, Underserved, and Disadvantaged Communities (SUDC) Tribal Grant Program.

Table 1: Summary of FY 2024 Tribal Funding Allocations

Program	Total Funds Available
Drinking Water Bipartisan Infrastructure Law Funding (BIL)	
Drinking Water Infrastructure Grants – Tribal Set-Aside (DWIG-TSA) General Supplemental	\$48,060,000
DWIG-TSA Emerging Contaminants	\$16,000,000
DWIG-TSA Lead Service Line Replacement	\$60,000,000
Emerging Contaminants in Small or Disadvantaged Communities (EC-SDC) Tribal Grant Program	\$19,300,000
Drinking Water BIL Total	\$143,360,000
Clean Water Bipartisan Infrastructure Law Funding (BIL)	
Clean Water Indian Set-Aside (CWISA) General Supplemental	\$48,060,000
CWISA Emerging Contaminants (EC)	\$4,500,000
Clean Water BIL Total	\$52,560,000
Drinking Water Consolidated Appropriations Act Funding (Base)	
DWIG-TSA Base	\$9,767,000
Assistance to Small, Underserved, and Disadvantaged Communities (SUDC) Tribal Grant Program	\$2,850,000
Drinking Water Base Total	\$12,617,000
Clean Water Consolidated Appropriations Act Funding (Base)	
CWISA Base	\$16,880,000
Clean Water Base Total	\$16,880,000
Subtotal BIL Tribal Drinking Water and Clean Water Funding	\$195,920,000
Subtotal Base Tribal Drinking Water and Clean Water Funding	\$29,497,000
Total BIL and Base Tribal Drinking Water and Clean Water Funding	\$225,417,000

This year’s BIL funding is a part of the \$965,020,000 in funding appropriated under the BIL over five years (Table 2) to address Tribal water and wastewater infrastructure needs. In addition to \$868,520,000 in five-year BIL funding noted in the [May 27, 2022, implementation memorandum](#) for DWIG-TSA and CWISA programs, there is \$96,500,000 in five-year BIL funding for the EC-SDC Tribal grant program. To date, over \$557 million of the \$965 million has been allocated to Regions to address Tribal water infrastructure needs.

All combined, these drinking water and wastewater funding programs will continue to help to accelerate the implementation of sustainable solutions to some of the most significant water infrastructure challenges facing American Indian Tribes and Alaska Native Villages.¹ The [working relationship among the EPA and the Tribal Infrastructure Task Force](#), including the Indian Health Service, is integral to addressing significant Tribal water infrastructure challenges now and into the future. Regions are encouraged to seek co-funding opportunities with IHS, and to expand areas of collaboration with IHS including in programs funded under the BIL. Since the need for close collaboration to support Tribes has never been greater, Regions are encouraged to establish frequent and consistent communications with Tribes and ITF partner agencies to ensure consideration of the needs for federally-recognized Tribes, and to ensure a whole-of-government, coordinated federal

¹ The EPA section of the Department of the Interior, Environment, and Related Agencies budget included \$39,000,000 for the ANV Program in the agency’s FY 2024 State and Tribal Assistance Grants, or STAG, account. The ANV grant funding is used for the construction of high priority drinking water and wastewater facilities in rural Alaska as well as training, technical assistance, and educational programs in support of sustainable facilities. This ANV funding is only for Alaska Rural and Native Villages and is not discussed in this allotment memorandum.

response. The EPA’s Regions must continue to work closely with Tribes, IHS, and other federal partners to implement the Tribal drinking water and wastewater infrastructure programs included in this memorandum.

Table 2: Bipartisan Infrastructure Law Funding for Tribal Water Infrastructure FY 2022 – 2026

Appropriation*	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	5-Year Total
Clean Water Indian Set-Aside (CWISA) BIL General Supplemental	\$38,040,000	\$44,040,000	\$48,060,000	\$52,060,000	\$52,060,000	\$234,260,000
CWISA Emerging Contaminants	\$2,000,000	\$4,500,000	\$4,500,000	\$4,500,000	\$4,500,000	\$20,000,000
Drinking Water Infrastructure Grants – Tribal Set-Aside (DWIG-TSA) BIL General Supplemental	\$38,040,000	\$44,040,000	\$48,060,000	\$52,060,000	\$52,060,000	\$234,260,000
DWIG-TSA Emerging Contaminants	\$16,000,000	\$16,000,000	\$16,000,000	\$16,000,000	\$16,000,000	\$80,000,000
DWIG-TSA Lead Service Line Replacement	\$60,000,000	\$60,000,000	\$60,000,000	\$60,000,000	\$60,000,000	\$300,000,000
Subtotal – CWISA and DWIG-TSA Appropriations	\$154,080,000	\$168,580,000	\$176,620,000	\$184,620,000	\$184,620,000	\$868,520,000
Emerging Contaminants in Small or Disadvantaged Communities Tribal	\$19,300,000	\$19,300,000	\$19,300,000	\$19,300,000	\$19,300,000	\$96,500,000
Total for all Appropriations	\$173,380,000	\$187,880,000	\$195,920,000	\$203,920,000	\$203,920,000	\$965,020,000

*Annual DWIG-TSA and CWISA funding is dependent upon percentages established in annual appropriations and cannot be considered final.

I. GENERAL UPDATES

The EPA continues to develop and maintain resources to assist states, Tribes, and water systems with BIL implementation, including through capacity building initiatives and grant implementation tools. Some examples include:

- The agency’s [Build America, Buy America](#) website provides links to the BABA Implementation Procedures, webinar recordings, and waiver resources.
- The EPA’s [Water Technical Assistance](#) services support communities to identify water challenges, develop plans, build capacity, and develop application materials to access water infrastructure funding. More information about [WaterTA services and programs](#) and past [WaterTA webinars and presentations](#) are found on the EPA’s websites.

Additionally, the historic investment through the BIL significantly expanded availability of contract vehicles and partnerships allowing Regions to better leverage program eligibilities to support Tribal infrastructure projects and Tribal water system capacity needs. These eligible activities can include sampling for and conducting planning activities to address PFAS and other emerging contaminants, planning for projects to ensure regulatory compliance, conducting service line inventories to identify the existence of lead service lines, engineering support activities, and building Tribal water system

capacity through additional assistance for operator training and certification activities. Regions are encouraged to work with Tribes to use this funding for infrastructure projects that make water systems more resilient to all threats – whether it is natural disasters, climate change impacts like drought or flooding, or cyber-attacks. Resiliency components and measures can be built into projects and the EPA’s technical assistance resources can help drinking water and wastewater systems build resiliency-related technical, managerial, and financial capacity. For example, project-level recipients can use the EPA’s free cybersecurity evaluation and include steps to address any vulnerabilities in their project plans. More information on the EPA’s tools for water utilities can be found on the following EPA Drinking Water and Wastewater Resilience [website](#).

II. EMERGING CONTAMINANTS

To help Regions with identifying Tribal projects that may be eligible for BIL clean water emerging contaminant funding, the EPA released the [CWISA Emerging Contaminant Funding Eligibility Summary](#) document. Additionally, several case studies highlighting emerging contaminants projects can be found on the EPA [CWSRF Emerging Contaminants website](#). The CWISA-EC funding allocations for the EPA Regions are described in Attachment B, Table B2, below.

On April 10, 2024, the EPA announced the final [National Primary Drinking Water Regulation for six PFAS](#). To comply with the rule, public water systems must complete initial monitoring for these PFAS to determine occurrence within their systems by 2027, followed by ongoing compliance monitoring. Should monitoring show PFAS levels exceeding the maximum contaminant levels, public water systems will have until 2029 to implement solutions. To help Tribal public water systems comply, there is funding through BIL under the EC-SDC Tribal grant program as well as the DWIG-TSA emerging contaminants funding. Both funding sources can be used for the initial sampling and treatment solutions required by the rule. Projects that address PFAS or any contaminant listed on any of the EPA’s Contaminant Candidate Lists (*i.e.*, CCL1 – CCL5) are eligible for drinking water emerging contaminant funding under the EC-SDC Tribal grant program as well as the DWIG-TSA emerging contaminants funding ([see additional information in the June 28, 2023, Tribal implementation memorandum](#)). Please work with Tribal systems in your Regions to make them aware that these funds can be used to help address PFAS or other emerging contaminants in their systems and prepare Tribal water systems for the PFAS rule compliance in 2029. The PFAS NPDWR provides new opportunities to collaborate with the IHS to mitigate PFAS in Public Water Systems serving Tribes. Regions are highly encouraged to share PFAS sampling results with the IHS and partner to assist Tribes with addressing drinking water infrastructure needs.

III. Water Technical Assistance

Water Technical Assistance, or WaterTA, is a critical component of the EPA’s strategy to achieve the goals of the Tribal drinking water and wastewater programs. The effectiveness of Tribal infrastructure investment programs is highly dependent upon the financial, managerial, and technical capacities of water systems serving Tribes. Please collaborate with Tribes and other federal agencies in your regions to let water systems know that training and technical assistance is available and that funding available through the EPA’s funding programs can be used to support Tribes for training and TA activities. This includes opportunities through the SUDC Tribal grant program, as well as the DWIG-TSA program, which allows support for operations and maintenance training and operator certification through

Tribes and Tribal consortia. Opportunities for Tribes to access training, technical assistance, and the operation of wastewater treatment and decentralized systems include the [Rural, Small and Tribal](#) grant program and the CWISA program set-aside funding. Furthermore, the EPA has partnered with TA providers across the country to ensure the availability of direct assistance to support infrastructure development and a broad array of capacity needs. This TA can be requested for consideration directly from Tribal communities through the Water TA request form on the EPA website at: <https://www.epa.gov/water-infrastructure/forms/water-technical-assistance-request-form>.

IV. ALLOCATIONS

Information on allotments for Tribal drinking water and wastewater infrastructure funding programs is provided in the following attachments:

Attachment A: Tribal Drinking Water Infrastructure Allotments by Region

- FY 2024 DWIG-TSA Base Consolidated Appropriations Allotment
- FY 2024 DWIG-TSA BIL General Supplemental Allotment
- FY 2024 DWIG-TSA BIL Emerging Contaminants Allotment
- FY 2024 DWIG-TSA BIL Lead Service Line Replacement Allotment
- FY 2024 EC-SDC Tribal Grant Program BIL Allotment
- FY 2024 SUDC Tribal Grant Program Allotment

Attachment B: Clean Water Indian Set-Aside Allotments

- FY 2024 CWISA Base Consolidated Appropriations Allotment
- FY 2024 CWISA BIL General Supplemental Allotment
- FY 2024 CWISA BIL Emerging Contaminants Allotment

cc: Andrew Sawyers, Director, Office of Wastewater Management
Jennifer McLain, Director, Office of Ground Water and Drinking Water
Wynne Miller, Deputy Director, Office of Wastewater Management
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Veronica Blette, Acting Associate Director, Water Infrastructure Division
Marietta Echeverria, Drinking Water Capacity and Compliance Assistance Division
Ronald Bergman, Deputy Director, Drinking Water Capacity and Compliance Assistance Division
Cathy Allen, Supervisor, Sustainable Communities and Infrastructure Branch
Katie Foreman, Supervisor, Tribal and Water Resources Assistance Branch

Attachment A

Fiscal Year 2024 Tribal Drinking Water Allotments by Region

This memorandum provides Regional allotment information for a total of \$155,977,000 in FY 2024 funding to improve Tribal drinking water infrastructure, which includes \$143,360,000 in funding appropriated under the BIL and \$12,617,000 in funds appropriated under the *Consolidated Appropriations Act, 2024* (P.L. 118-42). This funding will help water systems serving Tribes to significantly advance public health protections by improving sustainable and resilient access to safe drinking water, promoting compliance with the National Primary Drinking Water Regulations, identifying and replacing lead service lines, and addressing PFAS and other emerging contaminants in drinking water.

The *Lead and Copper Rule Revisions* require initial service line inventories to be completed by October 16, 2024. To aid in completing the inventories, in 2022, the EPA released the [Guidance for Developing and Maintaining a Service Line Inventory](#) to support water systems with their efforts to develop inventories and to provide states with information for oversight and reporting to the EPA. The guidance provides essential information to help water systems comply with the *Lead and Copper Rule Revisions* requirement to submit an initial inventory of service line materials by October 16, 2024. More recently, the EPA released a memorandum that provides information on implementing projects with the Drinking Water State Revolving Fund to address identified lead service lines, for more information see the memorandum on [Implementing Lead Service Line Replacement Projects Funded by the Drinking Water State Revolving Fund](#). Additionally, as described in the Emerging Contaminants section of this memorandum, utilities have until 2027 to complete their initial PFAS monitoring and until 2029 to address potential non-compliance with the PFAS NPDWR.

This memorandum communicates \$60 million in BIL Lead Service Line Replacement allocations and an additional \$35.3 million for emerging contaminants available this year to help public water systems serving Tribes to identify and address lead service lines and emerging contaminants like PFAS. Regions are highly encouraged to conduct outreach to Tribal utilities about these requirements, and to ensure they have the resources necessary to achieve compliance.

The EPA's Regional Offices administer this funding through the [Drinking Water Infrastructure Grants – Tribal Set-Aside \(DWIG-TSA\) Program](#); the [Small Underserved and Disadvantaged Communities \(SUDC\) Tribal Grant Program](#); and the [Emerging Contaminants in Small or Disadvantaged Communities \(EC-SDC\) Tribal Grant Program](#). Each Region has a unique set of funding program processes, procedures, and timelines for the administration of these funds. Tribes are encouraged to [contact their EPA Regional Office](#) for information on how to apply for Tribal drinking water funding. General information about projects and activities eligible for funding, entities eligible to receive funds, and other eligibility specifications for each funding program can be found on the [EPA's Tribal drinking water website](#). A summary of the allotments to the EPA's Regional Offices for all drinking water funding programs included in this memorandum can be found in the table below.

Attachment A; Table A1: Summary of Tribal Drinking Water Infrastructure FY 2024 Allotments by Region

FY 2024 Tribal Drinking Water Allotments							
Funding Program	DWIG-TSA Base (non-BIL)	BIL DWIG-TSA General Supplemental	BIL DWIG-TSA Emerging Contaminants	BIL DWIG-TSA Lead Service Lines	BIL EC-SDC	SUDC (non-BIL)	Total Per Region
Region 1	\$36,000	\$175,000	\$121,000	\$66,000	\$146,000	\$10,000	\$554,000
Region 2	\$184,000	\$907,000	\$168,000	\$1,017,000	\$203,000	\$54,000	\$2,551,000
Region 3 ²	\$26,000	\$126,000	NA	NA	NA	NA	\$152,000
Region 4	\$128,000	\$629,000	\$387,000	\$2,251,000	\$467,000	\$37,000	\$3,899,000
Region 5	\$469,000	\$2,308,000	\$1,678,000	\$2,300,000	\$2,024,000	\$137,000	\$8,916,000
Region 6	\$1,259,000	\$6,196,000	\$1,471,000	\$5,471,000	\$1,774,000	\$368,000	\$16,539,000
Region 7	\$216,000	\$1,063,000	\$185,000	\$661,000	\$223,000	\$63,000	\$2,411,000
Region 8	\$1,677,000	\$8,250,000	\$1,965,000	\$9,827,000	\$2,370,000	\$491,000	\$24,580,000
Region 9	\$2,753,000	\$13,544,000	\$6,291,000	\$27,403,000	\$7,588,000	\$805,000	\$58,384,000
Region 10	\$3,019,000	\$14,862,000	\$3,734,000	\$11,004,000	\$4,505,000	\$885,000	\$38,009,000
Totals	\$9,767,000	\$48,060,000	\$16,000,000	60,000,000	\$19,300,000	\$2,850,000	\$155,977,000

² Region 3 determined they have already received sufficient funding from the DWIG-TSA EC, DWIG-TSA LSLR, EC-SDC, and SUDC programs to meet the needs of Public Water Systems service Tribes in Region 3 and are declining additional funding from these programs for FY 2024.

Attachment B
Fiscal Year 2024 Clean Water Indian Set-Aside Allotments

This memorandum provides FY 2024 Clean Water Indian Set-Aside allotments of \$52,560,000, funded through the BIL, and \$16,880,000, funded through the *Consolidated Appropriations Act, 2024* (Public Law 118-42), for a total of \$69,440,000. The CWISA allocations described herein are based on the previously distributed memorandum from the EPA's Office of Water to the Regional Water Division Directors dated April 3, 2024, [Fiscal Year 2024 Allotments for the State Revolving Fund Provisions of the Bipartisan Infrastructure Law and Base Program Funding](#). Table B1, below, lists the FY 2024 CWISA funding allotments to the EPA Regions based on the percent of wastewater (sewer) need identified in each of the 12 IHS areas. Information on the EPA's CWISA program, including eligibility requirements and the CWISA Program Guidelines (2015) can be found at the [CWISA Program](#) website. The [EPA's Headquarters and Regions](#) will continue to administer the CWISA funding in close cooperation with the IHS Division of Sanitation Facilities Construction Program.

The IHS Sanitation Deficiency System, or SDS, database maintains an inventory of sanitation deficiencies and projects to address those deficiencies for new and existing Indian homes and communities. As described in the 2015 CWISA Guidance, Regions are to identify projects based on the IHS SDS priority lists.

The 24 SDS lists were provided electronically by Matthew Richardson on March 14, 2024, and are available upon request. Regions should also consult the previously provided "Information Requirements for Implementing the Clean Water Indian Set-Aside Program Guidance Summary," which identifies the project-level details to be provided by each Region such that funds may be reprogrammed to each Region and is available upon request.

On [May 27, 2022](#) and [June 28, 2023](#), the EPA released the CWISA BIL allotment implementation memoranda which supplement the [2015 CWISA Program Guidelines](#) with information on the EPA's approach to implementing the funding programs under CWISA appropriated through the BIL.

The EPA's Regions should obligate funds under Interagency Agreements or direct grants by September 30, 2024, or the funds could be subject to Congressional rescission. Furthermore, funds that are not obligated under an Interagency Agreement or a direct grant by September 30, 2025, could be reallocated to a different EPA Region.

The EPA Headquarters collects and summarizes CWISA data related to: (1) program performance, (2) fund expenditures and utilization, and (3) inter-agency coordination and collaboration. In support of the above, [CWISA Regional Coordinators](#) are expected to provide CWISA data on a regular and as needed basis. This may require regional coordinators to track individual project details.

For those Regions considering the transfer of funds between CWISA and the DWIG-TSA programs, please contact headquarters staff.

The way the CWISA program funds are to be distributed and projects identified are described in:

- [Clean Water Indian Set-Aside Program Guidance](#) (October 2015), and
- [CWISA Grant Program – Answers to Frequently Asked Questions](#) (November 2015).

The IHS SDS³ priority lists are to be used to select projects for CWISA funding. The SDS lists are from the annual SDS database snapshot. The entire SDS priority list for each IHS area is composed of two separate files. One file is a list of “included” projects in each area which is IHS’s official list of projects that are reported to Congress. The second file is of “excluded” projects in each area, which are projects contained in the SDS but are not reported to Congress as eligible IHS projects. Together, the two files make up the entire SDS priority list for each area. CWISA funds may be used to fund projects that are listed on either the included or excluded lists.

The EPA Regional boundaries differ from IHS area boundaries. Some Regions share the same SDS priority lists since several IHS areas are covered by more than one EPA Region. Some IHS areas include more than one EPA Region. Similar to previous years, please work with your counterparts in the other Regions and IHS areas to identify projects for CWISA funding. Select projects based on the Project Selection chapter in the CWISA Guidance.

The EPA Regions are expected to advise the local IHS area offices and Tribes on project selections. The Tribes themselves are to determine how they would like to receive CWISA funding. Funding can be provided either through a direct EPA grant to the Tribe or through an Interagency Agreement with IHS, who will manage the project through a Memorandum of Agreement, or other similar mechanism, with the Tribe.

After the EPA Regions have consulted with the appropriate parties and identified projects, they will submit to the EPA Headquarters key information for each project. The information is identified below and is requested within two months of issuance of this guidance to meet either your Region’s award deadlines, or the EPA Interagency Agreement Shared Service Center deadline:

1. Project name
2. Project description
3. Tribe/ANV name
4. IHS area name
5. IHS SDS number
6. SDS priority number
7. Amount of CWISA funds requested
8. Total project cost
9. Number of homes served by the project
10. Funds to be distributed through a direct grant with a Tribe or an IA with IHS, and
11. Project type (piping, treatment, onsite, planning, etc.)

The funds will be accessible to each Region once this information is received and reviewed by Headquarters staff. Once the projects are funded the CWISA coordinator will also require the EPA grant or IA number and the IHS Project Data System number (if awarded through an IA with IHS). Once the projects are funded, Regions are asked to populate the Tribal Direct Implementation Nexus, or TDI Nex, system.

The TDI Nex tool unites existing data systems to (1) assist oversight of CWISA funds and (2) describe the CWISA progress. Information from the IHS’s Project Data System and the EPA’s finance systems

³ For further details about IHS’ SDS see the “2019 SDS Guide – Final” at: <https://www.ihs.gov/dsfc/resources/>.

form the backbone of the TDI Nex. Once projects are started, Regions are highly encouraged to track projects using the TDI Nex system. Gathering information through TDI Nex allows the Office of Water to respond to EPA management, Congress, Tribes, and other stakeholders that request information on the accomplishments achieved through the program. Regions should update the entry for each project following the award of funding, with the assigned IA number and IHS Project Data System Project Number. TDI Nex is designed to require regional input once, at the start of each project.

Section 608 of the *Clean Water Act* and Section 1452(a)(4) of the *Safe Drinking Water Act* have provisions concerning use of iron and steel made in the United States. This does not apply to CWISA funding because the Tribes receive these funds as grants, or through IAs, and the funds are not put into a revolving loan fund. However, if a project utilizes both CWISA and State Revolving Loan funds, American Iron and Steel provisions must be incorporated into all project contracts regardless of funding source consistent with Federal law. For projects managed through an IA with IHS, IHS's iron and steel regulations and policies apply.

The EPA's Disadvantaged Business Enterprise program requirements for procurement activities under assistance agreements are described in 40 CFR Part 33. For projects managed through an IA with IHS, IHS's DBE regulations and policies apply. For projects managed through a direct grant between the EPA and a Tribe, the EPA's grant terms and conditions specify DBE requirements. (For further information see the EPA's DBE website at: <https://www.epa.gov/grants/disadvantaged-business-enterprise-program-under-epa-assistance-agreements-dbe-program>.)

Regarding class exceptions from certain regulations in 40 CFR Part 35, Subpart I, similar to the recent appropriations acts, the FY 2024 appropriations act states:

... Provided further, That for fiscal year 2024, notwithstanding the provisions of such subsections (g)(1), (h), and (l) of section 201 and section 518(c) of the Federal Water Pollution Control Act, funds reserved by the Administrator for grants under section 518(c) of the Federal Water Pollution Control Act may also be used to provide assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: ...

To effectuate this provision, first contained in the *Consolidated Appropriations Act, 2017* (P.L. 115-31), the National Policy, Training and Compliance Division of the EPA's Office of Grants and Debarment approved deviations, also referred to as class exceptions, from 40 CFR Part 35, Subpart I, 35.2030(a)(2), 35.2034(b), 35.2100(a), 35.2113(a), and Appendix A, A.2.a for the *Clean Water Act* CWISA program grants to Tribes under CWA Section 518. The approval of the class exceptions, by the terms of the approval, "will remain in effect for each of the fiscal years in which Congress includes these provisions, or substantially similar provisions, in the Agency's appropriations act." (The class exception approval is available upon request.)

Attachment B; Table B1: FY 2024 CWISA Allotments

IHS Area	EPA Region	Sewer Need*	Percent of Total Need	FY24 BIL CWISA Funding Level	FY24 Base CWISA Funding Level	FY24 CWISA Total
Albuquerque	6 & 8	\$29,818,368	8.64%	\$4,154,000	\$1,459,000	\$5,613,000
Anchorage	10	\$94,915,468	27.51%	\$13,220,000	\$4,644,000	\$17,864,000
Bemidji	5	\$19,516,340	5.66%	\$2,719,000	\$955,000	\$3,674,000
Billings	8	\$21,053,070	6.10%	\$2,933,000	\$1,030,000	\$3,963,000
California	9	\$9,905,010	2.87%	\$1,380,000	\$485,000	\$1,865,000
Great Plains	7 & 8	\$42,661,685	12.36%	\$5,943,000	\$2,087,000	\$8,030,000
Navajo	9	\$36,341,920	10.53%	\$5,062,000	\$1,778,000	\$6,840,000
Nashville	1, 2, 3, 4 & 6	\$2,397,207	0.69%	\$334,000	\$117,000	\$451,000
Oklahoma	6 & 7	\$38,676,150	11.21%	\$5,387,000	\$1,892,000	\$7,279,000
Phoenix	8 & 9	\$12,477,345	3.62%	\$1,738,000	\$610,000	\$2,348,000
Portland	10	\$34,201,125	9.91%	\$4,764,000	\$1,673,000	\$6,437,000
Tucson	9	\$3,060,663	0.89%	\$426,000	\$150,000	\$576,000
Infrastructure Total	All	\$345,024,351	100%	\$48,060,000	\$16,880,000	\$64,940,000
EC Total **	All			\$4,500,000	n/a	\$4,500,000
CWISA Total	All			\$52,560,000	\$16,880,000	\$69,440,000

* Sewer need based on the IHS SDS feasible need from IHS Systemwide HQ #20074 (12/01/2023)
 **Detailed Regional EC allocations described in Table B2 below.

FY 2024 CWISA BIL Emerging Contaminants Allotment

This memorandum also provides FY 2024 CWISA Emerging Contaminants allotments. The CWISA-EC allocations described herein are based on the previously distributed memorandum from the EPA’s Office of Water to the Regional Water Division Directors: dated February 1, 2024, *Clean Water Indian Set-Aside – Emerging Contaminants Program Guidance*. That memorandum articulated that each EPA Region’s CWISA-EC funding distribution is calculated by the percent of CWISA infrastructure funds distributed to each Region in the past five years. It also provided an attached CWISA-EC Eligibility Summary guidance document that is now available on the [Clean Water Indian Set-Aside website](#).

Attachment B; Table B2: FY 2024 CWISA-EC Funding Allocations by EPA Region

EPA Region	Percent of CWISA Distribution FY18-22	FY24 CWISA-EC Total
1	0.8%	\$35,000
2	1.1%	\$48,000
3	0.0%	\$0
4	0.1%	\$4,000
5	6.5%	\$292,000
6	8.3%	\$374,000
7	0.9%	\$41,000
8	15.4%	\$695,000
9	34.4%	\$1,546,000
10	32.6%	\$1,465,000
Total	100.00%	\$4,500,000