

Frequently Asked Questions

What does the WIIN Act, section 2107, authorize?

Section 1464(d) of the Safe Drinking Water Act (SDWA), as amended by section 2107 of the Water Infrastructure Improvements for the Nation Act (WIIN), authorizes EPA to award grants to states for assistance in voluntary testing for lead in drinking water at schools and child care programs. As defined in SDWA section 1464(d)(1):

1. Child Care Program- The term ‘child care program’ has the meaning given the term ‘early childhood education program’ in section 103(8) of the Higher Education Act of 1965 (20 U.S.C. 1003(8)).
2. Local Education Agency- The term ‘local education agency’ means:
 - a local education agency (as defined in section 8101 of Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));
 - a tribal education agency (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)); and
 - a person that owns or operates a child care program facility.

The grant program is designed to reduce exposure of children to lead in drinking water at schools and child care facilities. This program is referred to as the *Lead Testing in School and Child Care Program Drinking Water Grant Program*. While EPA has authority under WIIN to establish grant programs, EPA’s authority to obligate grant funds is subject to the availability of appropriated funds.

What is the objective of the grant program?

The principal objective of the assistance to be awarded under this program is to provide grants to states and territories to help assist schools and child care programs to test for lead in drinking water, utilizing EPA’s *3Ts for Reducing Lead in Drinking Water in Schools* guidance or applicable state regulations or guidance regarding reducing lead in drinking water in schools and child care programs that are not less stringent. The goals of the grant program are to

1. Reduce children’s exposure to lead in drinking water
2. Help states target funding toward schools unable to pay for testing
3. Utilize the 3Ts model to establish best practices for a lead in drinking water prevention program
4. Foster sustainable partnerships at the state and local level to allow for more efficient use of existing resources and exchange of information among experts in various educational and health sectors
5. Enhance community, parent, and teacher cooperation and trust

What does the grant requirement mean when it says “the grantee must utilizing EPA’s *3Ts for Reducing Lead in Drinking Water in Schools* guidance or applicable state regulations or

guidance regarding reducing lead in drinking water in schools and child care programs that are not less stringent”?

The grantee must utilize EPA’s *3Ts for Reducing Lead in Drinking Water in Schools* guidance when implementing the program to test for lead in drinking water in schools and child care facilities. The grantee can choose to not use the 3Ts guidance but only when utilizing an applicable existing state program or regulation. The grantee must demonstrate that the state programs or regulation is no less stringent than the following elements outlined in the 3T’s guide:

1. Communication
2. Training
3. Testing
4. Taking Action

To learn more about these elements, please visit <https://www.epa.gov/safewater/3Ts>

Who is eligible to apply for the grant?

Eligibility to apply for and receive funds under the grant program is limited to the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

Is a state eligible to receive funding if the state already has a lead testing in schools and child drinking water program?

Yes, however, if resources are available to a state or local educational agency from any other federal agency, a state, or a private foundation for testing for lead contamination in drinking water, the state or local educational agency should demonstrate that the funds provided from the WIIN grant will not displace those resources.

What is considered an eligible project?

States will ensure that local educational agencies to which the grant funds are being distributed to shall expend grant funds in accordance with:

- The EPA’s *3Ts for Reducing Lead in Drinking Water in Schools* guidance or
- Applicable state regulations or guidance regarding reducing lead in drinking water in schools and child care programs that are not less stringent.
- Make available a copy of the results of any testing for lead in drinking water carried out using grant funds, if applicable, in the administration offices and, to the extent practicable, on the internet website of the local educational agency for inspection by the public and
- Notify parent, teacher, and employee organizations of the availability of the results.

Are Tribes eligible to receive grant funds?

Yes, 6.4 percent of appropriated funding will be set aside to assist tribal educational agencies (including in Alaska Native Villages) in voluntary testing for lead contamination in drinking water at schools and child care programs. The EPA is currently exploring opportunities to implement this grant through regional programs or through Direct Implementation Tribal Cooperative Agreements (DITCAs) with tribal consortia, and is seeking regional and tribal comments. For more information on tribal eligibility, please contact WIINDrinkingWaterGrants@epa.gov.

Are matching funds required?

No

Is the grant competitive or noncompetitive?

Noncompetitive

How do states apply for grant funding?

EPA mailed letters to governors on September 21, 2018 announcing this noncompetitive grant. A Notice of Intent to Participate (NOIP) letter from the state governor or designee to the Administrator of EPA is required to certify one state agency as the recipient of funds who has the legal and administrative authority to enter into a grant or cooperative agreement with EPA. NOIP letters are due to EPA on January 11, 2019. Upon receipt, EPA will consider the state agency designated by the governor, the lead agency for the state from that point forward. After receiving all NOIP's, EPA will calculate the final allocations and notify state and territory contacts via e-mail. States and territories must then draft a workplan and budget narrative and send this document to their EPA Regional contacts for review. EPA will review the workplan and budget narrative draft and provide comments so that the state or territory can correct any issues prior to submitting the document in their application on Grants.gov. See *What is the funding schedule* for additional details.

What is the funding schedule?

The steps below outline the procedure and schedule for states to participate in the FY 2018/19 State Lead Testing in School and Child Care Program Drinking Water Grant Program.

1. **September 21, 2018:** EPA Office of Ground Water and Drinking Water (OGWDW) sends to Governors of all eligible states the letter announcing the FY 2019 grant program
2. **January 11, 2019:** Deadline for all participating states and territories to submit a Notice of Intent to Participate (NOIP) to OGWDW via email (WIINDrinkingWaterGrants@epa.gov)
3. **February 22, 2019:** OGWDW will inform the states and territories of their final allocation via email
4. **April 22, 2019:** Deadline for states and territories to submit workplans and budget narratives to their EPA Regional Office for review

5. **May 22, 2019:** Deadline for participating states and territories to submit their application package to www.Grants.gov
6. **August 1, 2019:** Project period for FY 2018 awards begin
7. **July 31, 2021:** Deadline for FY 2018 projects to be obligated.

Please note: This schedule is subject to change and updated guidance will be provided directly to states as needed.

How much money will states receive?

EPA will award approximately \$20 million for the FY 2018 State Lead Testing in School and Child Care Program Drinking Water Grant Program. In accordance with 33 U.S.C. 2201, subject to the availability of appropriations, the program is authorized to be appropriated \$20 million for each of fiscal years 2017 through 2021 to be made available to states, tribes and territories participating in the Program. The allocation is in the form of assistance agreements under the State Lead Testing in School and Child Care Program Drinking Water Grant Program.

If all 50 states, the District of Columbia, and the five qualifying territories participate in the FY 2018 program, then each will be awarded allocated funds based on an algorithmic funding formula that includes factors for population, disadvantaged communities, and lead exposure risk. The allocation formula is similar to the [Public Water System Supervision \(PWSS\) Grant Program](#) allocation and will be applied to the \$20 million appropriated funds.

Not more than 4 percent of grant funds accepted by a state or territory shall be used to pay the administrative costs of carrying out the program. Approximately 6.44% or \$1,278,00 for fiscal year 2018 will be set aside for assistance to tribal educational agencies (including in Alaska Native Villages).

If fewer than all 50 states, the District of Columbia, and the five qualifying territories submit a NOIP in FY 2018, then the formula will be applied to any unclaimed base funds, and these funds will be reallocated to the all participating states' and territories' potential base funding.

How much of the grant funding is set aside for tribes?

Approximately 6.44% or \$1,278,00 for fiscal year 2018 will be set aside for assistance to tribal educational agencies (including in Alaska Native Villages).

Is this one-time funding?

EPA will award approximately \$20 million for the FY 2018 State Lead Testing in School and Child Care Program Drinking Water Grant Program. In accordance with 33 U.S.C. 2201, subject to the availability of appropriations, the Program is authorized to be appropriated \$20,000,000 for each of fiscal years 2017 through 2021 to be made available to states, tribes and territories participating in the Program.

Can Grant funds be used for lead remediation?

No. The *Lead Testing in School and Child Care Program Drinking Water Grant Program* funding can only be used for testing for lead in drinking water in schools and child care facilities utilizing EPA's *3Ts for Reducing Lead in Drinking Water in Schools* guidance or applicable state regulations or guidance regarding reducing lead in drinking water in schools and child care programs that are not less stringent.

However, the WIIN Act, *Reducing Lead in Drinking Water Grant (\$10M in FY18) -§2105* creates a new grant program for lead reduction projects. Eligible entities include community water systems, non-governmental organizations, tribal water systems, nontransient noncommunity water systems, and municipality or state, interstate, or inter-municipal agencies. Eligible projects include projects or activities the primary purpose of which is to reduce the concentration of lead in water for human consumption. Priority will be given to disadvantaged communities with an action level exceedance in the last three years or to address lead levels in school, daycare, or other facility that primarily serves children. The Request for Assistance (RFA) will be released in late 2018. To learn more, contact WIINDrinkingWaterGrants@epa.gov.

Can all schools facilities use grant funding for testing, including private or charter schools?

The award to states will provide assistance in voluntary testing for lead contamination in drinking water at schools and child care programs as defined in SDWA section 1464(d)(1):

(A)Child Care Program- The term 'child care program' has the meaning given the term 'early childhood education program' in section 103(8) of the Higher Education Act of 1965 (20 U.S.C. 1003(8)).

(B)Local Education Agency- The term 'local education agency' means:

- 1. a local education agency (as defined in section 8101 of Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));*
- 2. a tribal education agency (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)); and*
- 3. a person that owns or operates a child care program facility.*

The term "local educational agency" as defined in section 8101 of Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) means a public board of education or other public authority legally constituted within a State to administer a service for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or recognized in a State as an administrative agency for its public elementary schools or secondary schools. For example this would include public school districts, Educational Service Agencies, such as Boards of Cooperative Educational Services (BOCES), Intermediate Educational Units, and those Charter Schools that operate as LEAs under State law. Private schools are not included within the definition of LEA.

States can also use grant funding to test lead in drinking water at public and private child care facilities.

The program is designed to reduce exposure of children, who are most vulnerable, to lead in drinking water at schools and child care facilities. EPA recognizes that states may not be able to test all schools and child care facilities through this grant; as such, EPA recommends prioritizing those facilities where children may be more vulnerable to lead exposure. Grant funding to child care programs and local educational agencies should be prioritized to target the following:

1. Schools and child care programs in underserved and/or low-income communities [e.g., schools with at least 50% of the children receiving free and reduced lunch and Head Start facilities];
2. Elementary and child care facilities that primarily care for children 6 and under; and
3. Older facilities that are more likely to contain lead plumbing; schools built before 1986 are more likely to have lead pipes, fixtures and solder.

Can tribal private schools receive money to test for lead in drinking water?

Eligible tribal schools is defined in the National Environmental Education Act as *a school or community college which is controlled by an Indian tribe, band, or nation, including any Alaska Native village, which is recognized as eligible for special programs and services provided by the US to Indians because of their status as Indians and which is not administered by the Bureau of India Affairs (BIA)*. Therefore, any school, public or private, that serves federally recognized Native populations, and is not BIA, is eligible.

Can Grant funds be used to replace water fountains or to remediate lead contamination in school or child care drinking water?

Grant funding can only be used to establish and implement a lead testing program utilizing EPA's *3Ts for Reducing Lead in Drinking Water in Schools* guidance or applicable state regulations or guidance regarding reducing lead in drinking water in schools and child care programs that are not less stringent. Grant funding cannot be used to replace fountains, fixtures, lead lines or any remediation activity.

However, the WIIN Act, *Reducing Lead in Drinking Water Grant (\$10M in FY18) - \$2105* creates a new grant program for lead reduction projects. Eligible entities include community water systems, non-governmental organizations, tribal water systems, nontransient noncommunity water systems, and municipality or state, interstate, or inter-municipal agencies. Eligible projects include projects or activities the primary purpose of which is to reduce the concentration of lead in water for human consumption. Priority will be given to disadvantaged communities with an action level exceedance in the last three years or to address lead levels in school, daycare, or other facility that primarily serves children. The grant will be solicited in a Request for Assistance (RFA), which will be released in late 2018. To learn more, contact WIINDrinkingWaterGrants@epa.gov.

Is there a set aside for the administration of the grant?

Yes, four percent of the state's total project costs may be used to cover administrative type costs (e.g. personnel, benefits, travel, and office supplies).

Does the Governor of the state need to request grant funding?

A letter from the state governor or designee to the Administrator of EPA is required to certify one state agency as the recipient of funds who has the legal and administrative authority to enter into a grant or cooperative agreement with EPA.