



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MEMORANDUM

June 6, 2017

OFFICE OF WATER

SUBJECT: Implementation of Drinking Water State Revolving Fund (DWSRF)-Related Safe Drinking Water Act (SDWA) Amendments in the Water Infrastructure Improvements for the Nation (WIIN) Act

FROM: Peter C. Grevatt, Director
Office of Ground Water and Drinking Water

A handwritten signature in black ink, appearing to read "Peter C. Grevatt", is written over the printed name and title.

TO: Water Division Directors
Regions I-X

This memorandum assists the EPA and states in implementing changes to the DWSRF Program enacted through the SDWA amendments provided in the 2017 WIIN Act. The WIIN Act contains the first significant DWSRF revisions to the underlying SDWA text as it pertains to the DWSRF in the Program's twenty-year history.

The DWSRF is a leading national example of successful cooperative federalism. Since 1997, via federal-state partnerships, nearly \$32.5 billion has been included in drinking water infrastructure loans to communities across the country and nearly \$2.9 billion has been invested in preventative, capacity-building state activities.

Ensuring that our nation's drinking water infrastructure delivers clean and safe water is a critical public health priority for EPA and the states. The DWSRF offers flexible tools for states to help meet this challenge. Additionally, the revisions in the WIIN Act provide further flexibilities to state DWSRF programs. As explained in the attachment, many of the statutory changes to the SDWA through WINN reflect the language that already appears in our existing regulations. However, a few changes, particularly to the DWSRF set-asides, create additional Program flexibilities for state managers to consider.

These changes take immediate effect. With that in mind, please distribute this memorandum to state DWSRF program managers as soon as possible. Questions may be directed to Anita Thompkins, our Drinking Water Protection Division Director, at Thompkins.Anita@epa.gov.

Implementation of DWSRF-Related Amendments in the 2017 Water Infrastructure Improvements for the Nation Act

On December 16, 2016, the President signed the Water Infrastructure Improvements for the Nation Act of 2017 into law. Among its provisions are amendments to the Safe Drinking Water Act §1452 (42 U.S.C. 300j-12) that provide changes to the DWSRF-related program, as summarized in the section specific explanations below. Text in *italics* is new.

WIIN §2102: Preconstruction Work

As amended, the SDWA §1452(a)(2) now states:

(2) Use of funds

(A) In general

Except as otherwise authorized by this *subchapter*, amounts deposited in a State loan fund, including loan repayments and interest earned on such amounts, shall be used only for providing loans or loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in a State loan fund established under paragraph (1), or other financial assistance authorized under this section to community water systems and nonprofit noncommunity water systems, other than systems owned by Federal agencies.

(B) Limitation

Financial assistance under this section may be used by a public water system only for expenditures (*including expenditures for planning, design, and associated preconstruction activities, including activities relating to the siting of the facility*, but not including monitoring, operation, and maintenance expenditures) of a type or category which the Administrator has determined, through guidance, will facilitate compliance with national primary drinking water regulations applicable to the system under section 300g-1 of this title or otherwise significantly further the health protection objectives of this subchapter.

(C) Sale of bonds

Funds may also be used by a public water system as a source of revenue (restricted solely to interest earnings of the applicable State loan fund) or security for payment of the principal and interest on revenue or general obligation bonds issued by the State to provide matching funds under subsection (e), if the proceeds of the sale of the bonds will be deposited in the State loan fund.

(D) Water treatment loans

The funds under this section may also be used to provide loans to a system referred to in section 300f(4)(B) of this title for the purpose of providing the treatment described in section 300f(4)(B)(i)(III) of this title.

(E) Acquisition of real property

The funds under this section shall not be used for the acquisition of real property or interests therein, unless the acquisition is integral to a project authorized by this paragraph and the purchase is from a willing seller.

(F) Loan assistance

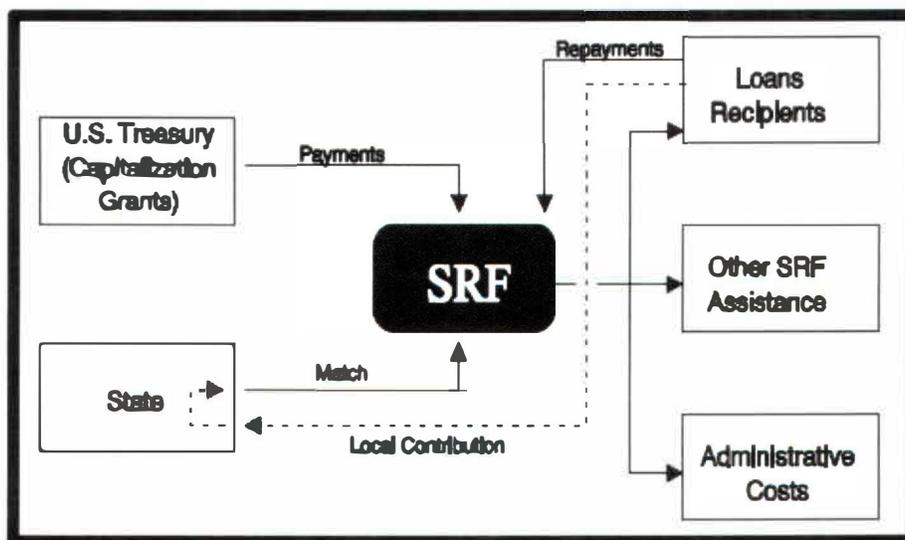
Of the amount credited to any State loan fund established under this section in any fiscal year, 15 percent shall be available solely for providing loan assistance to public water

systems which regularly serve fewer than 10,000 persons to the extent such funds can be obligated for eligible projects of public water systems.

Explanation: In addition to formatting changes, this section explicitly makes planning, design and associated preconstruction activities eligible for DWSRF assistance. These activities were DWSRF-eligible prior to the WIIN amendments, per the DWSRF regulations.¹ Therefore, states may continue using DWSRF funds for these activities.

This section also reaffirms the “local contribution” option for DWSRF state match. Using this approach, loan recipients provide an upfront local contribution and states use this contribution to meet the DWSRF match requirement. These local contributions are cash payments made by loan recipients to secure the loan. States need to provide assurance that the local contribution funds will be available to the DWSRF at the time of capitalization grant award. Funds from the local contribution must flow into the DWSRF on a schedule that complies with DWSRF cash draw regulations. At the latest, the local contribution would need to be deposited into the DWSRF to meet match requirements as the DWSRF draws cash through the federal cash draw process. Figure 1 below illustrates the cash flow process for this option. More information about this state match approach may be found in the *State Match Options for the State Revolving Fund Program* report.²

Figure 1: Local Contribution State Match Option



WIIN §2103: Administration of State Loan Funds

As amended, the SDWA §1452(g)(2) now states:

(2) Cost of administering fund

(A) Authorization

(i) In general

For each fiscal year, a State may use the amount described in clause (ii)-

(I) to cover the reasonable costs of administration of the programs under this section, including the recovery of reasonable costs expended to

¹ 40 CFR §35.3520(c)(1)

² *State Match Options for the State Revolving Fund Program*. U.S. Environmental Protection Agency. February 1997. EPA Document Number 832-B-97-003.

establish a State loan fund that are incurred after the date of enactment of this section; and

(II) to provide technical assistance to public water systems within the State.

(ii) Description of amount

The amount referred to in clause (i) is an amount equal to the sum of-
(I) the amount of any fees collected by the State for use in accordance with clause (i)(I), regardless of the source; and
(II) the greatest of-
(aa) \$400,000;
(bb) 1/5 percent of the current valuation of the fund; and
(cc) an amount equal to 4 percent of all grant awards to the fund under this section for the fiscal year.

(B) Additional use of funds

For fiscal year 1995 and each fiscal year thereafter, each State may use up to an additional 10 percent of the funds allotted to the State under this section-

- (i) for public water system supervision programs under section 300j-2(a) of this title;
- (ii) to administer or provide technical assistance through source water protection programs;
- (iii) to develop and implement a capacity development strategy under section 300g-9(c) of this title; and
- (iv) for an operator certification program for purposes of meeting the requirements of section 300g-8 of this title.

~~*if the State matches the expenditures with at least an equal amount of State funds. At least half of the match must be additional to the amount expended by the State for public water supervision in fiscal year 1993.*~~

(C) Technical assistance

An additional 2 percent of the funds annually allotted to each State under this section may be used by the State to provide technical assistance to public water systems serving 10,000 or fewer persons in the State.

(D) Enforcement actions

Funds used under subparagraph (B)(ii) shall not be used for enforcement actions.

Explanation: With these WIIN Act changes, Congress deleted the text (in strikethrough above) mandating the additional 1:1 match for the State Program Management (“10 percent”) set-aside. Therefore, for capitalization grants awarded after December 16, 2016, states are no longer required to provide the additional match to receive this set-aside. For capitalization grants awarded before December 16, 2016, all terms and conditions applicable to those capitalization grants remain in effect. Specifically, states must continue to demonstrate the 1:1 SPM match when drawing from pre-December 16, 2016, capitalization grants.

If states elect to use prior years’ *reserved authority*³ for the SPM set-aside by drawing from a capitalization grant awarded after December 16, 2016, there is no requirement to demonstrate a 1:1 match because those funds are being physically drawn from a capitalization grant awarded after Congress made the statutory change. For example, if a state reserved authority in 2014 to take \$100,000 of SPM set-aside funds from a future year’s capitalization grant and chooses to exercise that authority in

³ 40 CFR §35.3540(d)(2)

2017, if they draw those *reserved authority* funds from a capitalization grant awarded after December 16, 2016, they do not need to demonstrate the additional 1:1 match for those SPM draws.

Note that the requirement to provide a 20 percent match to the entire capitalization grant is unchanged.

In addition to formatting changes, this section also provides states with two additional options to identify the maximum allowable Administration and Technical Assistance (“4 percent”) set-aside that can be reserved for capitalization grants awarded after December 16, 2016. States may take up to: \$400,000, 1/5th of a percent of the current valuation of the fund, or 4 percent of capitalization grants awarded, whichever is greater.

The current valuation of the fund must be a representation of the equity of the DWSRF that fully accounts for its assets and liabilities. This valuation must be verifiable and consistent across the states; therefore, this calculation must be based on the most recent audited financial statements of the DWSRF and must reflect the “Total Net Position” which is defined by the Government Accounting Standards Board as the difference between (a) assets and deferred outflows of resources and (b) liabilities and deferred inflows of resources.⁴ If the “Total Net Position” cannot be derived from audited DWSRF financial statements, a state may still provide a calculation of the current valuation of the fund. However, an auditor must certify that this calculation is accurate and consistent with the definition of “Total Net Position.” The EPA will periodically review and update the definition of the current valuation of the fund to reflect future updates by the GASB. States may present net position for both the loan fund and the set-aside accounts combined for this purpose.

Example: If a state’s DWSRF award is \$8,312,000 in a fiscal year and their current valuation of their DWSRF fund is \$156,172,000:

Option #	Description	Calculation	Result
1	\$400,000	n/a	\$400,000
2	1/5 th percent of the current valuation of the fund	\$156,172,000 * .002	\$312,344
3	4 percent	\$8,312,000 * .04	\$332,480

In this example, Option 1 yields the greater amount amongst the three options. Therefore, the state may take up to \$400,000 from the capitalization grant for Administration and Technical Assistance purposes. States may change their option choice each year and must identify the option they choose for that year in the Intended Use Plan.

States continue to have the option to *reserve the authority* to take from future capitalization grants those set-aside funds they have not included in current workplans, as described in the DWSRF regulations at 40 CFR §35.3540(d)(2). In this example, the state could choose to take less than the maximum \$400,000 (e.g., \$350,000) and *reserve the authority* to take the remaining amount (e.g., \$50,000) from a future capitalization grant.

⁴ For more information, please refer to *Statement No. 63 Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position* and other relevant GASB pronouncements.

Any fees deposited in the fund and used by a state to pay for administering the fund or conducting activities under this title will not count against the maximum amount of DWSRF money that may be used for such purposes.

States must continue to “maintain separate and identifiable” set-aside accounts, as instructed in the DWSRF regulations.⁵ Therefore, no matter which of the three options the state chooses for this set-aside, funds must continue to derive from the federal capitalization grant and not be comingled with the loan fund. This continues established DWSRF practice and is consistent with the SDWA,⁶ which specifically lists allowable uses of funds deposited into a state loan fund. Unlike the Clean Water State Revolving Fund’s corresponding section in the Clean Water Act,⁷ “the reasonable costs of administering the fund and conducting activities under this subchapter...” is not listed in the SDWA’s list of allowable use of the funds deposited in the DWSRF loan fund.

WIIN §2108: Water Supply Cost Savings

The following text is not a part of SDWA but a freestanding part of WIIN:

(b) Water System Assessment.—In any application for a grant or loan for the purpose of construction, replacement, or rehabilitation of a drinking water delivery system serving 500 or fewer persons, the funding for which would come from the Federal Government (either directly or through a State), a unit of local government or not-for-profit organization shall self-certify that the unit of local government or organization has considered, as an alternative drinking water supply, drinking water delivery systems sourced by publicly owned—

- (1) individual wells;*
- (2) shared wells; and*
- (3) community wells.*

Explanation: This section requires all DWSRF assistance recipients with 500 or fewer persons served to consider publicly-owned wells (individual, shared or community) as an option for their drinking water supply. Any project involving the construction, replacement or rehabilitation of a drinking water system which is not already using a publicly-owned well for the source are required to self-certify. Assistance recipients should provide signed documentation to the state, prior to signing an assistance agreement, that certifies they evaluated publicly-owned well options for their project and that it was not the best alternative. If the community already uses a publicly-owned well (including a privately-owned well for a public water system) and the project does not involve a new water source, then the self-certification is not needed. The self-certification is only for projects which do not involve a publicly-owned well source to ensure that this was one of the options considered. Assistance recipients and state DWSRF programs should keep this documentation in their project files.

WIIN §2110: Small System Technical Assistance

As amended, the SDWA §1452(q) now states:

(q) Small system technical assistance

The Administrator may reserve up to 2 percent of the total funds *made available to carry out this section for each of fiscal years 2016 through 2021* to carry out the provisions of section 300j–1(e) of this title (relating to technical assistance for small systems), except that the total amount of funds made available for such purpose in any fiscal year

⁵ 40 CFR 35.3550(f)(2)

⁶ Safe Drinking Water Act §1452(f)

⁷ Clean Water Act §1383(d)

through appropriations (as authorized by section 300j–1(e) of this title) and reservations made pursuant to this subsection shall not exceed the amount authorized by section 300j–1(e) of this title.

Explanation: This section re-authorizes the EPA Administrator to take a portion of the Congressional DWSRF appropriation, prior to the calculation of the state allotments, for a small system technical assistance national set-aside. This authorization lasts through 2021. The 1996 SDWA Amendments provided this authorization to the Administrator from 1997 through 2003, but the EPA did not exercise this option during those years.

WIIN §2112: Technical Assistance to Tribal Systems

As amended, the SDWA §1452(i) now states:

(i) Indian Tribes

(1) In general

1½ percent of the amounts appropriated annually to carry out this section may be used by the Administrator to make grants to Indian Tribes, Alaska Native villages, *and, for the purpose of carrying out paragraph (5), intertribal consortia or tribal organizations* that have not otherwise received either grants from the Administrator under this section or assistance from State loan funds established under this section. *Except as otherwise provided*, the grants may only be used for expenditures by tribes and villages for public water system expenditures referred to in subsection (a)(2).

(2) Use of funds

Funds reserved pursuant to paragraph (1) shall be used to address the most significant threats to public health associated with public water systems that serve Indian Tribes, as determined by the Administrator in consultation with the Director of the Indian Health Service and Indian Tribes.

(3) Alaska Native villages

In the case of a grant for a project under this subsection in an Alaska Native village, the Administrator is also authorized to make grants to the State of Alaska for the benefit of Native villages. An amount not to exceed 4 percent of the grant amount may be used by the State of Alaska for project management.

(4) Needs assessment

The Administrator, in consultation with the Director of the Indian Health Service and Indian Tribes, shall, in accordance with a schedule that is consistent with the needs surveys conducted pursuant to subsection (h), prepare surveys and assess the needs of drinking water treatment facilities to serve Indian Tribes, including an evaluation of the public water systems that pose the most significant threats to public health.

(5) Training and operator certification

(A) In general

The Administrator may use funds made available under this subsection and section 300j–1(e)(7) of this title to make grants to intertribal consortia or tribal organizations for the purpose of providing operations and maintenance training and operator certification services to Indian Tribes to enable public water systems that serve Indian Tribes to achieve and maintain compliance with applicable national primary drinking water regulations.

(B) Eligible tribal organizations

Intertribal consortia or tribal organizations eligible for a grant under subparagraph (A) are intertribal consortia or tribal organizations that-

- (i) as determined by the Administrator, are the most qualified and experienced to provide training and technical assistance to Indian Tribes; and*
- (ii) the Indian Tribes find to be the most beneficial and effective.*

Explanation: This section makes training and operator certification activities eligible under the DWSRF tribal set-aside funds. The EPA released a separate memorandum, *Amendments to the Drinking Water Infrastructure Grants Program as Required by the Water Infrastructure Improvements for the Nation Act*, on April 18, 2017, to explain this change. This memo is also attached to this document.

WIIN §2113: Materials Requirement for Certain Federally Funded Projects

As amended, the SDWA §1452(a) now states:

(4) American iron and steel products

(A) In general

During fiscal year 2017, funds made available from a State loan fund established pursuant to this section may not be used for a project for the construction, alteration, or repair of a public water system unless all of the iron and steel products used in the project are produced in the United States.

(B) Definition of iron and steel products

In this paragraph, the term "iron and steel products" means the following products made primarily of iron or steel:

- (i) Lined or unlined pipes and fittings.*
- (ii) Manhole covers and other municipal castings.*
- (iii) Hydrants.*
- (iv) Tanks.*
- (v) Flanges.*
- (vi) Pipe clamps and restraints.*
- (vii) Valves.*
- (viii) Structural steel.*
- (ix) Reinforced precast concrete.*
- (x) Construction materials.*

(C) Application

Subparagraph (A) shall be waived in any case or category of cases in which the Administrator finds that-

- (i) applying subparagraph (A) would be inconsistent with the public interest;*
- (ii) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or*
- (iii) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.*

(D) Waiver

If the Administrator receives a request for a waiver under this paragraph, the Administrator shall make available to the public, on an informal basis, a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and

accompanying information available by electronic means, including on the official public Internet site of the Agency.

(E) International agreements

This paragraph shall be applied in a manner consistent with United States obligations under international agreements.

(F) Management and oversight

The Administrator may retain up to 0.25 percent of the funds appropriated for this section for management and oversight of the requirements of this paragraph.

(G) Effective date

This paragraph does not apply with respect to a project if a State agency approves the engineering plans and specifications for the project, in that agency's capacity to approve such plans and specifications prior to a project requesting bids, prior to December 16, 2016.

Explanation: This section inserts the American Iron and Steel, or AIS, provision into the SDWA. However, it only extends the requirement through federal fiscal year 2017. See attached *Effective Until April 28, 2017. Application of American Iron and Steel Requirements for Drinking Water State Revolving Fund Projects for Fiscal Year 2017* memorandum released on April 7, 2017, for more information. Note that EPA may issue additional memorandums at a later date if a provision regarding AIS is included in future appropriations.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 18 2017

OFFICE OF WATER

MEMORANDUM

SUBJECT: Amendments to the Drinking Water Infrastructure Grants Program as Required by the Water Infrastructure Improvements for the Nation Act

FROM: Anita Thompkins, Director
Drinking Water Protection Division
Office of Ground Water and Drinking Water 

TO: Regional Drinking Water Program Managers
Regions I-X

The purpose of this memorandum is to provide direction on the implementation of the Drinking Water Infrastructure Grants Tribal Set-Aside Program (DWIG-TSA) as it relates to the new requirements established in the Water Infrastructure Improvements for the Nation Act (WIIN Act; PL 114-322). The WIIN Act has expanded the activities that qualify for DWIG-TSA funding to include training and operator certification for operators of public water systems (PWSs) serving Indian Tribes. Section 2112(b)(2) of the WIIN Act amends Section 1452(i) of the Safe Drinking Water Act (SDWA) to add the following provision: *“the Administrator may use funds made available under this subsection and section 1442(e)(7) to make grants to intertribal consortia or tribal organizations for the purpose of providing operations and maintenance training and operator certification services to Indian Tribes to achieve and maintain compliance with applicable national primary drinking water regulations.”*

Background

The 1996 amendments to SDWA established the Drinking Water State Revolving Fund (DWSRF) and allowed EPA to set-aside funds to improve the infrastructure of drinking water systems that serve tribes. The EPA is authorized to set-aside 2% of the DWSRF into the DWIG-TSA for grants to improve the infrastructure of drinking water systems that serve tribes.

Certified operators are critical to ensuring proper function of PWSs for both regulatory and public health reasons. Operator certification helps protect human health and the environment by establishing minimum professional standards for the operation and maintenance of PWSs. The National Primary Drinking Water Regulations also require certain PWSs to be operated by “qualified personnel”; which is interpreted as certified operators. Furthermore, in order to qualify for DWIG-TSA funding of necessary infrastructure improvements, the operator in charge of a PWS must maintain certification at or above the minimum appropriate level.

Despite the regulatory and public health benefits of having a certified operator, small PWSs, including those serving Indian Tribes, often experience great difficulty in maintaining required certification levels. Currently, the EPA is able to provide \$6.8 million in grant funding to achieve operator certification with the Public Water System Supervision (PWSS) grant funds. The PWSS grant program allows Tribes to be treated as a state and provides Direct Implementation regarding operator certification under the EPA

National Operator Certification contract. Additionally, the Training and Technical Assistance to Improve Water Quality and Enable Small Public Water Systems to Provide Safe Drinking Water grant provides funding to technical assistance providers for training and operator certification programs.

It is important to invest in both infrastructure and operator training to provide the greatest impact on human health and the environment. Infrastructure investments allow the EPA to both increase and ensure access to safe drinking water, while investments in training, technical assistance and operator certification promotes proper operation of water systems and safeguards investments in infrastructure. Thus, a balanced investing approach is necessary to ensure long-term sustainability for the greatest public health impact.

Eligibilities Under WIIN Act Amendments

Previously, the DWIG-TSA funds were reserved exclusively for infrastructure projects, meaning that technical training and operator certification were not eligible to receive these funds. Under the WIIN Act, these activities are now eligible for DWIG-TSA funding, to include training events and operator certification programs and exams. However, activities related to the daily operations and maintenance of a small drinking water system remain ineligible for DWIG-TSA funding. EPA regional offices will have the authority to allocate funding based upon the needs of their regions, determining the appropriate balance of infrastructure and technical assistance and training investments within the above parameters. The EPA regions will maintain flexibility in allocating the funds as needed, which may be adjusted from year-to-year. In any fiscal year, no more than 30% of the amount of that year's DWIG-TSA allocation can be used to fund training, technical assistance and operator certification. Funding for operation and maintenance activities are not eligible under this new flexibility.

National DWIG-TSA guidelines will be updated during FY17. The guidelines can be applied to funding from any fiscal year and are not limited to funds from fiscal years after the WIIN Act was signed. Use of these funds must be reported in Tribal Direct Implementation Nexus (TDI Nex) in accordance with standard reporting procedures.

If you have any questions, please contact Maria Lopez-Carbo at Lopez-Carbo.Maria@epa.gov.

CC: Tribal Coordinators, Regions I-X



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 7 2017

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Effective Until April 28, 2017. Application of American Iron and Steel Requirements for Drinking Water State Revolving Fund Projects for Fiscal Year 2017.

FROM: Anita Maria Thompkins, Director
Drinking Water Protection Division

A handwritten signature in black ink, appearing to read "Anita Maria Thompkins".

TO: Water Management Division Directors
Regions I-X

On December 10, 2016, the President signed Public Law 114-254, the "Further Continuing and Security Assistance Appropriations Act, 2017" (hereinafter referred to as the Continuing Resolution or CR) which provides fiscal year (FY) 2017 appropriations for continuing projects and activities of the Federal Government through April 28, 2017. This law extends funding for the Drinking Water State Revolving Fund for the time period of October 1, 2016 through April 28, 2017, with the same conditions that were made applicable by the language of the FY 2016 appropriation act, including the requirement for the use of American Iron and Steel (AIS) products in projects receiving financial assistance from the DWSRF.

We have received inquiries about the impact of recent legislation on the AIS provisions. On December 16, 2016, the President signed P.L. 114-322, the "Water Infrastructure Improvements for the Nation (WIIN) Act," which also included the DWSRF AIS requirement for FY 2017. However, the AIS language in the WIIN Act included an exemption for projects for which the engineering plans and specifications were approved by the State prior to the date of enactment. This exemption language was not included in the CR or the FY 2016 appropriation. The Government Accountability Office has asserted that continuing resolutions are meant to maintain the status quo. In addition, when two laws potentially conflict, the Supreme Court has strived to harmonize the laws to give maximum effect to both. Lastly, there is a presumption that Congress has not repealed a provision unless an intent to repeal is clear and manifest. Applying those principles here, there is no clear and manifest indication in the WIIN Act that Congress meant to repeal the provisions of the FY 2016 appropriation act (and subsequent CR). By its own terms, the WIIN Act exemption language states that the DWSRF AIS requirement imposed by "this paragraph" (*i.e.*, the Safe Drinking Water Act as amended by the WIIN Act) does not apply in the case of state-approved engineering plans and specifications. That language does not speak to DWSRF AIS requirements imposed by other laws. Therefore, the language of the FY 2016 appropriation act would continue to apply.

Therefore, all assistance agreements starting October 1, 2016 through April 28, 2017 must include the AIS requirement regardless of when the engineering plans and specifications were approved. If there is an additional CR, or if the Environmental Protection Agency (EPA) receives an FY 2017 appropriation,

the EPA will have to review that language to determine what, if any, effect might be given to the WIIN language.

If you have any questions, please contact Kiri Anderer (202-564-3134 or anderer.kirsten@epa.gov).

cc: Ronald Bergman, Associate Director, Drinking Water Protection Division
Felecia Fort, Associate Branch Chief, Infrastructure Branch, Drinking Water Protection Division
Kirsten Anderer, Environmental Engineer, DWSRF
Jorge Medrano, Environmental Engineer, DWSRF