



# USET

SOVEREIGNTY PROTECTION FUND

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Transmitted via email to:  
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July 28, 2017

Raffael Stein  
Director, Water Infrastructure  
Division Office of Wastewater Management  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, DC 20460

Dear Mr. Stein,

We write on behalf of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) to provide comment on the Environmental Protection Agency (EPA) solicitation of consultation and coordination with federally-recognized Tribal Nations on the agency's new authority under the Clean Water Indian Set Aside (CWISA) grant program that would allow the agency to use a portion of this budget for training, technical assistance, and education for the operation and maintenance of Tribal wastewater treatment systems. We appreciate the opportunity to provide comment on how funding will be administered for wastewater training and technical assistance, and strongly support the new authority under CWISA for these services.

USET SPF is an intertribal organization comprised of twenty-six federally recognized Tribal Nations, ranging from Maine to Florida to Texas<sup>1</sup>. USET, the 501(c)3 sister organization to USET SPF, has offered Tribally-driven water and wastewater operator training and certification since 2002. In 2010, USET became a member of the Association of Boards of Certification and in 2012, our Tribal Drinking Certification Program became EPA-approved.

As EPA moves forward with consulting with Tribal Nations on implementing the recent authority authorized under the Consolidated Appropriations Act of 2017 (Public Law 115-31) which would use a portion of CWISA budget for funding for wastewater technical services, our member Tribal Nations urge EPA to consider the following:

### **Preference for Tribally-Governed Organizations with Existing Programs**

Preference for CWISA training and technical assistance funding should be given to those Tribal Nations and Tribally-governed organizations that have existing programs which offer technical assistance and training to Tribal utilities in the treatment of wastewater. This includes Tribally-administered programs that have existing partnerships with EPA and have an existing board certification process. For 15 years, USET has provided wastewater technical assistance programs for Tribal Nations to achieve and maintain compliance with the Clean Water Act. These efforts are achieved through providing technical assistance,

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<sup>1</sup> USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

including onsite technical assistance for operations and maintenance, asset management, and professional development through its affiliation with the Association of Boards of Certification. In addition, our program is governed and managed by Tribal Nations, their leaders, and a Certification Board that upholds Tribal sovereignty and oversees the Tribal water programs we administer. Furthermore, the training and technical assistance services USET provides through our wastewater program is approved through standards set by EPA.

EPA should ensure that this set-aside funding is prioritized for Tribal Nations and Tribally-governed organizations who have experience in administering not just wastewater technical assistance, but in administering comprehensive utility management programs, as well.

### **Funding for Tribally-Governed Organizations**

USET SPF strongly believes entities eligible for technical assistance funding should include Tribally-governed organizations, in addition to Tribal Nations and exclude non-Tribal entities. As a provider of these services to Tribal Nations, we often have to compete with universities and other non-Tribal rural water programs for funding to ensure that wastewater infrastructure remains functional and maintain access to basic sanitation services for Tribal communities. In the past, our programs have often not been able to effectively compete in previous grant cycles, as our programs do not offer services to non-Tribal entities. However, we are uniquely situated to meet Tribal needs in a way that respects Tribal sovereignty and culture.

As stated previously, USET has existing wastewater training and technical assistance programs for Tribal Nations that administer their wastewater programs. USET's program, as well as a similar program operated by the Inter-Tribal Council of Arizona, is overseen and managed by Tribal Nations and has demonstrated the full capacity to understand the needs of Tribal communities. The programs managed under these Tribally-governed organizations recognize and uphold Tribal sovereignty and Tribal code. Additionally, these programs are already approved to train and certify Tribal utility operators through standards set by EPA. Tribally governed drinking water and wastewater utility programs have the ability to regulate and protect the environment, including the waters, within Tribal communities. This approach is central to the exercise of Tribal sovereignty and self-determination.

### **Regional Balance**

Finally, the EPA must achieve regional balance when disbursing these funds. It is our hope that funding for technical assistance will not be limited to a specific region, and will be disbursed in manner that is consistent with the diversity that exists across Indian Country and those programs that provide services to various Tribal communities.

### **Conclusion**

USET SPF strongly encourages the EPA to disburse CWISA funding consistent with the goal of promoting Tribal sovereignty and self-determination. We also urge the agency to prioritize awards for existing, certified and Tribally-governed programs that facilitate Tribal management and protection of lands and environmental resources. On behalf of USET SPF, we thank you for the opportunity to provide written comments during this consultation period and we appreciate the commitment of EPA to increase access to functional sanitation infrastructure. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at [LMalerba@usetinc.org](mailto:LMalerba@usetinc.org) or 202-624-3550.

Sincerely,



Kirk Francis  
President



Kitcki A. Carroll  
Executive Director