



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

OFFICE OF DRINKING WATER

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March 15, 2023

Dear Tribal Leader:

I am writing today to provide information about a rulemaking that the Department of Health (department) is considering initiating for chapter 246-296 WAC- Drinking Water State Revolving Fund (DWSRF) Loan Program to implement requirements of the federal Bipartisan Infrastructure Law (BIL) which provides additional funding for eligible infrastructure projects.

The DWSRF Loan Program is a federal program that provides low-interest loans to help eligible public water systems build, repair, and redesign infrastructure. The DWSRF program's public health protection goals are to support public water systems to provide safe and reliable drinking water to their customers by addressing problems such as replacing aging infrastructure, installing treatment to remove contaminants, restructuring failing water systems, and responding to public health emergency events. Tribal entities are eligible to receive DWSRF money for drinking water infrastructure projects provided the proposed project has not received assistance from the national set-aside for Indian Tribes.

The Department of Health (department) has recently adopted two emergency rules, WSR 23-05-069, February 17, 2023, and WSR 23-06-064, February 27, 2023, to implement requirements under BIL by amending the definition of disadvantaged community, amending loan terms to allow for partial or full loan forgiveness, removing the requirement for a current water system plan or small water system management program for loans for lead service line identification and replacement and remediating emerging contaminants, and making amendments to the project priority rating and ranking criteria. The department is evaluating these changes and will consider permanently adopting these amendments to conform to BIL requirements.

For additional information and to provide written feedback, contact Mike Means, Capacity Development and Policy Director- Office of Drinking Water, (360) 236-3178 or mike.means@doh.wa.gov.

For tribal relations issues, please contact Tribal Relations Director, Tamara Fife, at 360-870-8903, tamara.fife@doh.wa.gov.

Sincerely,

Holly Myers
Director, Office of Drinking Water

cc: Umair A. Shah, MD, MPH, Secretary of Health, Department of Health
Tamara Fife, (Chickasaw) Tribal Relations Director, Department of Health
Candice Wilson, Quatz'tenaut (Lummi), Tribal Policy Director, Department of Health
Jessica Todorovich, Chief of Staff, Department of Health
Kristin Peterson, Chief of Policy, Planning & Evaluation, Department of Health
Elizabeth Perez, Chief of Public Affairs and Equity, Department of Health
Kristopher Holiday, Chief of Strategic Partnerships, Department of Health
Lacy Fehrenbach, Chief of Prevention, Safety and Health, Department of Health
Lauren Jenks, Assistant Secretary of Environmental Public Health Division, Department of Health