

National Tribal Water Council and EPA Monthly Conference Call
Wednesday, December 11, 2024
2:00 – 3:30 P.M. ET

SUMMARY NOTES

I. Introductions (Elaine Wilson, ITEP)

NTWC: Ken Norton (R9, Chair); Chauncey Means (R8, Vice Chair); Dan Kusnierz (R1); Brian Patterson (R2); Andria Greene (R3); Rainee Tetreault (R4); Shaun Livermore (R4, At-Large); Nancy Schuldt (R5); Yolanda Barney (R9, Navajo Nation); Mary Verner (R10); Scott Hauser (R10, At-Large); Ann Wyatt (R10, Alaska)

EPA: Holly Galavotti, Jacob Adler, Daniel Consigli, Robyn Delehanty, Sharon Frey, Rachel Gonsenhauser, Susan Holdsworth, Danielle Anderson, Julian Oliver, James Ray, Matthew Richardson, Sam Russell, Zach Schafer, Amy Weber, Edmond Dunne

ITEP: Nikki Cooley, Elaine Wilson, Elaina Doral

II. NTWC Updates (Ken Norton, NTWC)

Chairman Norton provided an overview of the topics discussed during the previous NTWC-only call.

- **Region 3 Representative**

NTWC welcomed Andria Greene, Environmental Director, of the Upper Mattaponi Tribe as the new Region 3 representative.

- **Infrastructure Task Force (ITF) Meeting**

Chairman Norton will be meeting with the Infrastructure Task Force on December 17, 2024.

NTWC would like to develop a white paper on operations and maintenance challenges in Indian country.

- **Tribal Reserved Rights Rule Webinar**

The National Congress of American Indians, in coordination with the NTWC and the National Association of Wetlands Managers, is planning a webinar on the tribal reserved rights rule.

Chairman Norton will be attending a planning call in late December. The webinar is tentatively scheduled in January 2025.

- **Alaska White Paper**

NTWC has finalized its white paper on the CWA Section 301(h) Waiver of the Asplund Water Pollution Control Facility (WPCF) in Anchorage, Alaska. The white paper will be sent to Region 10 staff and EPA headquarters.

- **Region 7 Representative**

NTWC voted to confirm the appointment of Kayla Vondracek as the Region 7 representative.

Ms. Vondracek is the Water Quality Coordinator for the Ponca Tribe of Nebraska.

- **NTWC Priorities for 2025 & 2026**

NTWC is reviewing and will start drafting its two-year priorities document for 2025 and 2026.

NTWC members held its first planning call on December 5th and the next call is scheduled for December 20, 2024.

III. PFAS Roadmap – Accomplishments and Updates (Zach Schafer, EPA)

Zach Schafer provided an update on the EPA’s Strategic Roadmap and an overview of the accomplishments of the last four years. In November 2024, the EPA released its [PFAS Strategic Roadmap: Third Annual Progress Report](#) that highlights key EPA accomplishments under the national strategy to confront PFAS “forever chemicals.”

The EPA’s approach considers the PFAS lifecycle, looking upstream of the problem, and research and development of methods to address PFAS contamination. Zach Schafer highlighted the accomplishments related to water, which are as follows:

- Established enforceable drinking water standards maximum contaminant levels for PFOA and PFOS in drinking water,
- Designated PFOA and PFOS as CERCLA hazardous substances to require reporting of PFAS releases, and
- Published aquatic life criteria for several PFAS to protect the aquatic environment.

The EPA conducted research on crop uptake and how PFAS affects fish. The EPA also consulted with tribes and provided listening sessions last year.

For more information: <https://www.epa.gov/pfas>

IV. CWA Section 106 Water Pollution Control Grants, Program Assessment Update (Robyn Delehanty, Dan Consigli, Office of Wastewater Management)

Robyn Delehanty provided an update on the program assessment for the CWA Section 106 program and shared the draft document to the NTWC for their feedback.

Robyn Delehanty presented the draft document that is titled “Tribal Work Plan and Budget Narrative Review Project.” The draft document includes the background and purpose of the proposed assessment. The document also includes general questions about the program costs and workplan. The program costs questions will be used to obtain information on general cost information, general personnel information, and salary ranges. The workplan/narrative questions will help to better understand tribal programs, goals, objectives, and outcomes.

The EPA plans to reach out to approximately 70 tribes randomly to fill out the assessment. If there are any questions, EPA plans to inform the selected tribes they may reach out to their regional NTWC representative or EPA regional project officer. This initiative is to support a partnership between EPA and the NTWC for data purposes only.

Robyn wanted to ensure that the product developed is what the NTWC envisioned. The EPA requests the NTWC to review the draft document and inform them if there is something missing or other information that needs to be collected. Robyn requested feedback by December 20, 2024.

Questions/Comments

Chairman Norton expressed his appreciation to Robyn, Dan, and the EPA for keeping this initiative moving forward. They have been talking about this project for the past 2 ½ years.

V. Infrastructure Task Force Update (Sam Russell, Matthew Richardson)

The interagency Infrastructure Task Force (ITF) was initially formed in 2007 to establish a working group of representatives from various federal agencies to support the water and wastewater

infrastructure needs in tribal programs. The task force members include the EPA, Indian Health Service, U.S. Department of Agriculture, U.S. Department of Housing and Urban Development, Bureau of Indian Affairs, Bureau of Reclamation, and Centers for Disease Control and Prevention. The NTWC is invited to the ITF meeting on December 17, 2024, and Chairman Norton will be providing remarks and concerns of tribal needs.

A current project the ITF is working on is collecting information from the 8th Drinking Water Infrastructure Needs Survey and Assessment (DWINSA). The EPA is tasked to obtain information about tribal utility technical, managerial, and financial capacity. The EPA is finalizing the questions and anticipates starting to collect data in summer 2025.

Questions/Comments

Chairman Norton asked if the DWINSA has been given to Congress. Sam Russell replied that the report has been published and is available on the EPA website.

Chairman Norton stated that the NTWC plans to develop a white paper on the challenges of operations and maintenance including the certification of operators and retaining operators.

VI. Fish Images to Use with Fish Advisories (Sharon Frey, Office of Science and Technology)

Sharon Frey presented images of a fish for states and tribes to use with fish advisories. The images were developed to educate fish-eating populations on which parts of the fish are safe to eat and which parts, due to contamination, are not safe to eat. The images were pretested with focus groups with individuals who cook and eat the fish they catch, or individuals who receive or buy locally caught fish from others to eat; and in multiple languages to ensure images are understood as intended.

There were numerous focus groups with each group consisting of about 10 people. There were two focus groups consisting only of tribal members. The focus groups were asked questions about their understanding of the image, such as where participants expect to see the images and which part of the fish they eat. The tribal members in their focus groups responded that the parts of the fish that are eaten are the bone, organs, tail, fat, skin, head, fish eggs, fish steak, and fillet. The color scheme was selected to be seen by people with color blindness.

For more information: <https://www.epa.gov/choose-fish-and-shellfish-wisely/fish-images-use-fish-advisories>

To access the image for tribes: <https://www.epa.gov/system/files/documents/2024-12/fish-image-english-native-american-audience.pdf>

Questions/Comments

Chairman Norton asked if there are specific contaminants being looked at in the fish tissue. Sharon Frey replied that there are fish contamination studies that look at mercury, PCBs, and now PFAS. Mercury can bioaccumulate in the fish steak and fillet. It was noted that the National Rivers and Streams Assessment includes information on fish contamination. For more information:

<https://www.epa.gov/choose-fish-and-shellfish-wisely/national-rivers-and-streams-assessment-fish-tissue-studies>

VII. Consultation Opportunities/Announcements

- **EPA Announces the Final Rule to Modernize State and Tribal Implementation of Clean Water Act Program**

On Dec. 11, 2024, the EPA announced the Final 2024 *Clean Water Act Tribal and State Assumption Program Rule*. The 2024 Rule represents the first comprehensive update in 35 years to the agency's regulations governing Tribal or state Clean Water Act Section 404 programs. The *Clean Water Act Tribal and State Assumption Program Rule* establishes the requirements and procedures for authorized Tribes and states to assume and administer the Section 404 program. The 2024 Rule updates, clarifies and streamlines the requirements and procedures making Clean Water Act Section 404 program assumption, administration and oversight more straightforward and transparent. The 2024 Rule responds to many key barriers identified by Tribes and states, as well as responds to stakeholder input received during pre-proposal outreach efforts and during the public comment period. This comprehensive update to the program's regulations will help facilitate Tribal and state assumption of the Section 404 program and ensure consistency with the Clean Water Act requirements.

A pre-publication version of the final rule along with factsheets and Q&A is on EPA's [CWA 404g website](#).

- **Tribal Water & Natural Resources Conservation Guide**

EPA with coordinating support from the Federal Water Sub Cabinet Tribal Team, released a [Tribal Water & Natural Resources Conservation Guide](#) for Tribal environmental program managers and staff. This guide aims to provide resources to Tribal environmental programs about federal assistance opportunities that can support Tribally led efforts to protect and restore waters, protect air quality, protect wildlife and habitat, prepare for climate change and natural hazards, steward lands, and support and engage Tribal communities. This comprehensive resource guide includes the following:

- An introduction to federal assistance for new Tribal staff;
- Quick reference tables highlighting Tribal-specific funding and technical assistance programs;
- 10+ Tribal case studies highlighting how Tribal programs have completed conservation projects with federal assistance; and
- Examples of federal planning frameworks and tools.

The EPA also published a **federal funding program inventory** as a supplement to the guide, available as a downloadable Excel Workbook that contains basic information about 150+ federal funding programs that can support Tribal conservation work. All these resources and additional information may be found on the EPA's [Tribal Water & Natural Resources Conservation webpage](#).

- **EPA Issues Advance Notice of Proposed Rulemaking to Protect Salmon from 6PPD, Chemical Used in Rubber Products**

On Nov. 14, the EPA issued an advance notice of proposed rulemaking (ANPRM) under Section 6 of the Toxic Substances Control Act (TSCA) to gather information on the potential risks associated with N-(1,3-Dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD) and its transformation product, 6PPD-quinone. In August 2023, the Yurok Tribe, the Port Gamble S'Klallam Tribe and the Puyallup Tribe of Indians submitted a [petition under TSCA Section 21 asking EPA to establish regulations \(pdf\)](#) under TSCA Section 6 prohibiting the manufacturing, processing, use and distribution of 6PPD in tires.

and committed to publishing an ANPRM by Fall 2024 to gather more information that could be used to inform a subsequent regulatory action.

EPA will accept written comments on the ANPRM for 60 days following publication via [docket EPA-HQ-OPPT-2024-0403 at Regulations.gov](#). **Comment period ends Jan. 21, 2025.** To learn more and read the [Advanced Notice of Proposed Rulemaking for 6PPD](#).

- **[EPA's FY25-28 Agency-wide Action Plan to address 6PPD-quinone](#)**
Focuses and coordinates activities across EPA's programs to support:
(1) Efforts to increase understanding of 6PPD-quinone through research, information gathering and outreach;
(2) Efforts of states, Tribes and territories to reduce the impacts of 6PPD-quinone; and,
(3) Innovation of effective interventions and alternatives that incorporate the best available science.

Visit [EPA's 6PPD-quinone webpage](#) for background, resources, data and tools, as well as information about key EPA actions to address 6PPD-quinone.

- **Proposed Permit: 2026 National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP)**

EPA is seeking public comment on a proposed 2026 National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for stormwater discharges from industrial activity. This proposed permit would replace the 2021 MSGP upon finalization. This proposed permit would cover stormwater discharges from industrial facilities in areas where EPA is the NPDES permitting authority.

Refer to EPA's website at <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-proposed-2026-msgp> for more information about the proposed 2026 MSGP. This webpage includes a pre-publication version of the Federal Register notice as well as the proposed permit documents and fact sheet. A notice should be published in the Federal Register soon, which will initiate a 60-day public comment period. For any questions, please contact Alicia Denning at denning.alicia@epa.gov.

- **Proposed rule: Clean Water Act Methods Update Rule 22 for the Analysis of Contaminants in Effluent**

Protecting our nation's waters from contamination starts with understanding the pollutants that may be discharged into them. The Clean Water Act requires EPA to promulgate test methods that analyze pollutants in wastewater. To fulfill this duty, EPA promulgates "Methods Update Rules" that follow and reflect scientific developments over time.

On December 6, 2024, EPA released a proposed rule, titled *Clean Water Act Methods Update Rule 22 for the Analysis of Contaminants in Effluent*, which would add or revise analytical methods, or test procedures, for measuring pollutants (also called parameters) in wastewater. Specifically, EPA is proposing to add new agency test methods for per- and polyfluoroalkyl substances (PFAS) and polychlorinated biphenyl (PCB) chemicals and add methods previously published by voluntary consensus standard bodies such as ASTM International, or other vendors. When finalized, industries, states,

and municipalities would use these methods for reporting under the EPA's National Pollutant Discharge Elimination System permit program.

EPA's proposed rule would also withdraw seven PCB mixtures (Aroclor) parameters. In addition, EPA is proposing to simplify the sampling requirements for two volatile organic compounds and make a series of minor corrections to existing tables of approved methods. This proposed rule does not mandate when a pollutant must be monitored nor whether to establish a discharge limit for a parameter.

The agency will accept public comments on the proposed rule for **30 days** upon its publication in the Federal Register. For more information on this proposed rule, visit the [EPA's Clean Water Act Methods website](#).

- **Tribal Consultation: Proposed Revisions to National Primary Drinking Water Regulations for Microbial and Disinfection Byproducts**

The EPA is developing proposed revisions to these National Primary Drinking Water Regulations to improve public health protection by reducing drinking water exposure to microbial contaminants and disinfection byproducts.

The consultation period extends from November 1, 2024, to December 31, 2024. Comment letters should be submitted via email to: MDBPRevisions@epa.gov. You may submit any questions and requests for individual government-to-government consultation to Rachel Gonsenhauser by email at gonsenhauser.rachel@epa.gov. Rachel Gonsenhauser can also be reached by phone at 202-564-3256.

Additional information and current activities related to the proposed revisions to the Microbial and Disinfection Byproducts National Primary Drinking Water Regulations can be found at: <https://www.epa.gov/dwsixyearreview/potential-revisions-microbial-and-disinfection-byproducts-rules>.

- **Tribal Consultation Opportunity: Interim Framework for Advancing Consideration of Cumulative Impacts**

The EPA is initiating a 90-day consultation and coordination process with federally recognized Tribes and Indian Nations on the EPA's Interim Framework for Advancing Consideration of Cumulative Impacts (Framework), released in draft form. This draft Framework is a foundation for EPA to develop consistent approaches for incorporating cumulative impacts into EPA's programs. The purpose of this Framework is to inform EPA staff and decision-makers to improve how the Agency protects human health and environment to prevent future harm by identifying, analyzing, and addressing cumulative impacts. EPA is building on significant experience at the Agency and across the country as Tribes, Indian Nations, communities, municipalities, states, and federal programs devise methods and employ fit-for-purpose approaches consistent with existing information and data availability to analyze and consider cumulative impacts in actions or decisions that directly affect peoples' lives.

EPA anticipated timeline for the consultation and coordination period is expected to extend from Thursday, November 21 to Friday, February 21, 2025. During this period, three identical, 90-minute informational sessions will be conducted.

- Wednesday, January 15, 2025, 1:00pm-2:30pm ET. Join the second informational session at this zoom link: https://usepa.zoomgov.com/webinar/register/WN_eR21zX0aTlqP_bfjahQxIQ
- Thursday, January 30, 2025, 2:00pm-3:30pm ET. Join the third information session at this zoom link: https://usepa.zoomgov.com/webinar/register/WN_EccClx90TsSEKJ7-rF54PA
- The notification letter is available on [EPA's Tribal Consultation Opportunities Tracking System \(TCOTS\)](https://tcots.epa.gov) at <https://tcots.epa.gov>.
- You can [visit EPA's website](https://www.epa.gov) to access the Interim Framework, a fact sheet, and additional information on providing public comments on the Framework.

For more information: <https://www.epa.gov/cumulative-impacts>

- **Request for comment on EPA Grants Performance Reporting Forms**

The EPA has been developing a performance reporting framework that provides clarity on common reporting elements in grant programs. This work has two aims: (1) Clarify expectations and reduce burden for grantees; and (2) Improve the quality of performance information that is collected across the Agency. The Agency-wide approach seeks to clearly define categories of information (e.g., outputs, outcomes) linked to program objectives, and to promote the consistent collection of information in line with federal reporting requirements.

EPA offered consultation on this project with federally-recognized Tribes between March 4 2024 and April 12 2024, pursuant to [EPA's Policy on Consultation and Coordination with Indian Tribes](#). During that process and throughout other consultations, EPA received input describing how the agency's use of a narrative format for grant reporting can increase burden on small community-based grantees and first-time grantees. After considering this feedback, EPA has developed three performance reporting forms for optional use by Agency grant programs, geared toward new and small grant programs currently using narrative reports.

Pursuant to the Paperwork Reduction Act, EPA must obtain approval from the Office of Management and Budget (OMB) via an Information Collection Request (ICR) before its programs can use these forms.

The General Grants Performance Reporting ICR proposal is following OMB's [standard clearance process](#) for approval, and **will be open for public comment for 30 days between December 11, 2024 and January 10, 2025. Documents for this ICR package – including the Supporting Statement A and the three reporting forms with accompanying instructions** – can be found on [Regulations.gov](https://www.regulations.gov) using Docket ID [EPA-HQ-OCFO-2024-0107](#). Comments may be provided at any point during the public comment period. Submit your comments, referencing Docket ID Number EPA-HQ-OCFO-2024-0107, to EPA online using www.regulations.gov (our preferred method), by email to Docket_OMS@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

If you have any questions or would like further information about this effort, please reach out directly to EPA Evaluation Officer Katherine Dawes (dawes.katherine@epa.gov) and Senior Social Scientist Aarti Iyer (iyer.aarti@epa.gov).

- **Data Analyst Opportunity- Open to Tribal Government Employees**

Opportunity for Tribal government employee with research or analytical skillset to gain transferable experience in data management principles, data analysis, and training development. EPA's Office of Information Management & Office of Water are seeking a data analyst for a 6-month full-time or 12-month part-time temporary assignment via the Intergovernmental Personnel Act (IPA). This will be a telework position with any travel paid by EPA. Details of the position are negotiable with salary and benefits paid by EPA during the assignment. More information can be found on the [Tribal Environmental Information Resources website](#). **The announcement closes Friday, January 17, 2025.**

- **Climate United Next Program: Helping deploy the next generation of community clean energy projects**

Rural, tribal, and low-income communities are most in need of climate solutions that deliver energy independence and resiliency, lower costs, reduce pollution, and improve public health. Thanks to the Greenhouse Gas Reduction Fund, we have an unprecedented opportunity to unlock access to capital for clean energy projects in underserved communities; but many of them need pre-development funds, support, and technical assistance to access project capital.

That's why we're launching Climate United NEXT, a pre-development grant program to help nonprofit organizations, state and local governments, Indian tribes, and Institutions of Higher Education (IHE) accelerate early-stage clean energy projects through planning to project financing. Through grant funding for planning, technical assistance, and community engagement, communities will identify solutions that meet their unique needs and lay the groundwork for projects including solar, green buildings, and electric transportation.

Program Goals

- Help communities successfully deploy projects that reduce greenhouse gas emissions, reduce pollution, and lower energy costs.
- Increase the capacity of community-based organizations so that they can access federal and state financial assistance and other forms of capital for climate projects.
- Build demand and help transform the market for community-benefitting zero emission technologies in LIDACs across the country.
- Provide equitable access to clean technologies for underserved communities and geographies, such as rural and Native communities.

Climate United has ambitious goals of ensuring that 60% of its financial assistance is deployed in what the EPA has defined as Low Income and Disadvantaged Communities, 20% in rural communities, and 10% in Native communities. Climate United NEXT will provide pre-development grant funding to all of these communities in the coming months and years.

Eligible Uses of Funding

- Feasibility & environmental impact studies
- Project planning
- Technical assistance for funding opportunities
- Community engagement
- Related pre-development activities

Process - Pre-development grants of up to \$300,000 will be awarded over the course of multiple application rounds. **The first round of Climate United NEXT grants will support clean energy**

projects in Native communities and will be open to non-profit organizations, state and local government entities, Indian tribes, and Institutions of Higher Education (IHE).

The [deadline to apply](#) for the first round of Climate United NEXT grants is January 10, 2025, with awards announcements planned for late February. [Join us on December 6th at 2pm ET for an informational webinar](#) about the first round of applications.

Climate United will solicit applications for funding in each cycle by sector. We are starting this Fall with projects focused on benefiting Native communities. In 2025, we will have additional rounds focused on other underserved market segments. We intend to provide up to \$30M in grant funding over the next five years to equip small- and mid-sized organizations to unlock public and private capital for climate projects

VIII. Closing (Ken Norton, NTWC)

IX. The NTWC's next monthly call is scheduled for January 8, 2024