

National Tribal Water Council and EPA Monthly Conference Call
Wednesday, July 10, 2024
2:00 – 3:30 P.M. ET

SUMMARY NOTES

I. Introductions (Elaine Wilson, ITEP)

NTWC: Chair Ken Norton (R9); Brian Patterson (R2); Shaun Livermore (At-large, R4); Rainee Tetreault (R4); Celeste Hockings (R5); Eric Morrison (Alaska, R10); Ann Wyatt (Alaska, R10); Mary Verner (R10); Scott Hauser (At-large, R10)

EPA: Holly Galavotti (OW); Danielle Anderson (OST); Margot Buckelew, Daniel Consigli, Robyn Delehanty, Colin Dyroff, Aleah Holt, Rory Hytrek, James Ray, Matthew Richardson, Sam Russell, Amy Weber, Jacob Adler, Susan Holdsworth

ITEP: Elaine Wilson, Elaina Doral

NTWC TAC: Charlie Schlinger

II. NTWC Updates (Ken Norton, NTWC)

Chair Ken Norton provided a highlight of the topics discussed during the previous NTWC-only call.

- **Comment Letter on the Proposed Restructuring of the National Tribal Caucus**

The Council is drafting the letter and plans to have the final comment letter by July 25, 2024.

NTWC plans to share the letter with the American Indian Environmental Office and the National Tribal Caucus. On June 25th, Chair Norton participated in a call among tribal partnership groups and the NTC Vice Chair.

- **EPA Administrator's Recommendation to Update the State of Alaska Water Quality Standards**

NTWC requests a briefing and additional information from EPA Region 10 or headquarters on possible or available fish consumption studies for Native and non-Native communities. NTWC supports Alaska Native subsistence rights and fisheries. Holly Galavotti noted that the deadline to comment on the proposed rule is August 9, 2024.

- **White Paper on Alaska Issues**

NTWC is pleased to hear more about the CWA 301(h) Waiver in Alaska during today's call and plans to continue working towards finalizing the white paper.

- **NTWC/EPA Fall Meeting**

NTWC is planning for the meeting in Fond du Lac and creating an agenda. The next planning call is July 15, 2024.

- **Chevron Deference Decision**

NTWC would like additional information on the recent Supreme Court's decision on the Chevron Deference and its potential impact. Chair Norton requested for a future conversation and information from the Agency. Holly Galavotti stated the EPA has not released a statement at this time.

III. FY24 Tribal Water Program Funding (Holly Galavotti, EPA OW)

Holly Galavotti provided highlights of the EPA Office of Water's FY 2024 tribal funding from the following programs: Clean Water and Drinking Water State Revolving Funds, Bipartisan

Infrastructure Law, Clean Water Act grants, and Safe Drinking Water and Water Infrastructure Improvements for the Nation Act grants.

Questions/Comments

NTWC has been coordinating with the National Tribal Caucus (NTC) to provide a united voice. There are concerns about the reduction of funding for the tribal set aside due to congressional earmarks. NTWC and NTC have been working to increase the percentage from 2% to 5%. There is a need in Indian Country as highlighted in the DWINSA report.

Chair Norton noted the decrease in funding for the drinking water SRFs and CWA 106 Tribal grants. During the CWA Tribal Forum, tribes discussed conducting regulatory actions and the need for funding to take on those actions. The EPA Office of Water plans to conduct an analysis of Tribal Section 106 program work plans to determine how grant funds are utilized. It is important to have the information and surveys, such as DWINSA, to demonstrate the need and help with the discussion to provide appropriate funding levels.

Scott Hauser requested assistance to identify and/or obtain technical expert assistance regarding an award under the Climate Pollution Reduction Grant program.

Rainee Tetreault inquired about funding amounts for the Wetlands Program Development Grant. The amount was not provided by the call date and Holly Galavotti will provide the information once it is received.

Chair Norton shared that the NTWC and NTC coordinate in order to raise the issue to EPA Administrator and the EPA Administrator can report the issue to Congress. Chair Norton asked for an update on the invite from the Infrastructure Task Force. A call with Matthew Richardson, Sam Russell, and Chair Norton will be coordinated by Holly Galavotti to discuss what to focus on.

IV. Nonpoint Source Grants Reporting and Tracking System (GRTS) (Margot Buckelew, EPA)

Margot Buckelew presented on the EPA's [Grants Reporting and Tracking System](#), which is an online database for collection and display of water project information under the CWA Section 319 program. Currently the platform only displays state project information publicly. EPA is developing a new component that will allow viewing of Tribal project information from competitive grant recipients only. The data will include sources of pollution, pollutants to be addressed, and management measures. EPA is not requiring indigenous knowledge to be reported.

The next step is convening a Tribal staff user group to review and provide feedback in late August. In early fall 2024, EPA will review the feedback and plans to release the Explorer in late fall. An invitation was given to NTWC members to join the review panel.

Questions/Comments

Chair Norton stated the Hoopa Valley Tribe had competitive projects on watersheds in 2009. How can tribes go back to the project data? Does a tribe work with its region or headquarters?

Margot Buckelew stated that the requirement has been in place for the past two competitive grant cycles. The EPA has data since 2013 but has not made it public yet. After review, tribes will be contacted and will have an opportunity to look at past projects and data. Additionally, some

historical data is in the database but this data will need further Quality Assurance before it is released.

V. Discussion of CWA 301(h) Waiver in Alaska (Mathew Martinson, NPDES Program; Jamey Stoddard, EPA Region 10; Erin Seyfried, R10 - Section Manager NPDES Permitting Activities)

This segment of the meeting consisted of an open discussion of the CWA 301(h) Waiver for the Asplund Wastewater Treatment Facility in Anchorage, Alaska.

Eric Morrison requested the contact information for Robert Anderson at the Department of Interior. In the past, Robert Anderson agreed to write a paper on subsistence rights.

Chair Norton deferred to Charlie Schlinger, NTWC Technical Advisory Committee member, who is working on the NTWC's white paper. Charlie asked, "What are the elements for a complete application package for renewal?" Jamey Stoddard replied that an updated application is due mid-2025 and includes a 301(h) questionnaire, NPDES application, and associated background work. The EPA is working with the State of Alaska on updating the mixing zone analysis. As part of the permit and 301(h) analysis, EPA reviews effluent data, water quality monitoring, and endangered species.

The Asplund facility was last permitted in 2005. The permits are for five (5) years and if they don't get renewed, the permit continues. The applicant provides updated information on what is currently happening at the facility and within the receiving water.

Scott Hauser commented that he works closely with National Oceanic Atmospheric Administration (NOAA) fisheries and had discussion about beluga whales and other endangered species. He asked if EPA has conducted an Endangered Species Act (ESA) consultation with NOAA fisheries for the beluga whales. Jamey Stoddard replied that the beluga whales were placed on the endangered species list in 2008. It is EPA's obligation to conduct consultation as part of the permit renewal process. Pre-work is being done.

Eric Morrison indicated he will be part of a team that will be conducting water samples at the Cook Inlet area. The Asplund facility releases [approximately 25,000 gallons] of wastewater a day. This not only impacts beluga whales but affects clams and salmon. He noted that it is important to establish traditional uses and territories for Alaska Native Villages. Additional research needs to be done to show how the pollution from the facility is affecting Alaska Native Tribes' subsistence.

It was noted that 301(h) waivers are not issued to new wastewater facilities and a number of facilities with a 301(h) waiver is decreasing. The EPA designs a permit that is protective of the receiving water and the facility needs to be in compliance with its NPDES permit.

Charlie Schlinger inquired about a letter sent by the National Resource Defense Council in 2015. He asked, "Was the letter considered to be valid by EPA?" The reply was that EPA did receive the comment letter, but there was no formal response.

The focus for EPA right now is our 301(h) renewals in southeast Alaska, Asplund will be next. EPA will be working with other agencies to ensure the permit is protective of the species within the area.

VI. EPA Consultation Opportunities

- **Indian Reservation Drinking Water Program**

- The consultation period (May 21 to July 22, 2024) was extended to August 30, 2024.
- **National Tribal Caucus reorganization as a Federal Advisory Committee (FAC) under the Federal Advisory Committee Act (FACA)**
 - Tribal Consultation period extended to August 9th.
- **[EPA Determines that Alaska's Water Quality Standards Need to be Updated Based on More Accurate Fish Consumption Rates to Protect Communities from Toxic Pollution](#)**
 - Tribal Consultation Notification email from Adam Baron (R10)
 - Consultation meetings conclude by **Friday, August 9, 2024**, so that input from Tribal governments can be reviewed and considered in advance of publication of a potential proposed rule in the Federal Register.
 - Following an EPA proposal of new and revised human health criteria for Alaska or a final water quality standards submittal from the state, there will be opportunity for further Tribal consultation and coordination.

VII. Announcements/Upcoming Meetings

- **New EPA Website: Climate Resources for Tribes**
 - <https://www.epa.gov/tribal/epa-national-climate-resources-tribes>
- **2024 Tribal Exchange Network Conference [Tribal Data: Sharing stories, Supporting the future](#)**
 - Spokane, Washington (and Online), October 16-17, 2024 (pre-conference training sessions on October 15)
 - Share Your Story! Give a mini-workshop or demonstration, show off a StoryMap, or present your latest data project to attendees at the TENC24.
 - Use our [online form](#) to submit your proposal today (deadline: June 27, 2024)
 - The [TENC24](#) aims to expand Tribal capacity for environmental data sharing, management, and analysis through informational, interactive sessions that foster connection and collaboration opportunities, and strengthen Tribal participation in the Exchange Network.
 - The [Tribal Exchange Network Group \(TXG\)](#) and the [Institute for Tribal Environmental Professionals \(ITEP\)](#) host this FREE event for Tribal staff and other partners working with environmental data, particularly those seeking to leverage information technology solutions to streamline their work and enhance data management capacity. Others who may benefit from attending include those serving in Tribal leadership roles, Tribal staff developing and/or supporting information technology (IT) tools or systems, and other collaborators.
 - Sessions will be conducted in-person at the Northern Quest Resort in Spokane, Washington and online through Zoom Events. Online registration and additional details available soon!
 - **For more information contact NEIEN@nau.edu.**
- **WHCNAA Tribal Leader Consultation on Improving Mining on Public Lands**
 - The White House Council on Native American Affairs (WHCNAA), in conjunction with the U.S. Department of the Interior (DOI) and Department of Energy (DOE), will conduct four (4) Tribal Leader Consultations regarding the September 2023 [Recommendations to Improve Mining on Public Lands](#) report. Materials for a consultation letter summarizing the recommendations and a copy of the 2023 report were sent by email. You can submit written comments to whcnaa@bia.gov. **Written comments are requested by August 31, 2024.** Additional information can be found here: <https://www.bia.gov/tribal-critical-minerals-initiative>.

VIII. Closing (Ken Norton, NTWC)

IX. Upcoming

- Next NTWC and NTWC/EPA monthly calls: August 14, 2024.