

National Tribal Water Council and EPA Monthly Conference Call
Wednesday, August 14, 2024
2:00-3:30 P.M. ET

SUMMARY NOTES

I. Introductions (Elaine Wilson, ITEP)

NTWC: Chair Ken Norton (R9); Vice Chair Chauncey Means (R8); Dan Kusnierz (R1); Brian Patterson (R2); Raine Tetreault (R4); Nancy Schuldt (R5); Yolanda Barney (Navajo Nation, R9); Scott Hauser (At-large, R10); Ann Wyatt (Alaska, R10); and Eric Morrison (Alaska, R10)

EPA: Holly Galavotti (OW/IO); Jacob Adler; Danielle Anderson; Rebecca Christopher; Daniel Consigli; Robyn Delehanty; Melissa Dreyfus; Erica Fleisig; Rory Hytrek; Kelly Gravuer; James Ray; Sam Russell; Manjali Vlcán; Amy Weber; Aleah Holt

ITEP: Nikki Cooley; Elaine Wilson; Elaina Doral

II. NTWC Updates (Ken Norton, NTWC)

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

- **NTWC Comment Letter on the Proposed Restructuring of the National Tribal Caucus**
NTWC submitted its comment letter on the proposed restructuring of the National Tribal Caucus on July 22, 2024.
- **EPA Administrator's Determination of the Alaska Fish Consumption**
On August 5th, Chair Norton attended a call with EPA staff to learn more about the EPA's determination to revise the human health criteria and fish consumption rates for the State of Alaska.
- **NTWC Foreword for the EPA Tribal Water and Natural Resources Conservation Guide**
NTWC submitted a foreword for the EPA Tribal Conservation Guide as requested by Steve Epting.
- **Proposed Webinar on the Chevron Deference**
NTWC was invited by the National Tribal Air Association to co-present on the Supreme Court's decision on the Chevron Deference. The webinar is anticipated to be held in October/November 2024.
- **Amended NTWC Bylaws**
NTWC members officially amended NTWC bylaws with a unanimous vote of approval. The bylaws will require the NTWC Chair and NTWC Vice Chair's signatures and will be posted on the NTWC website.
- **Fall NTWC/EPA Office of Water Meeting**
NTWC members reviewed the draft agenda. NTWC looks forward to the meeting and the attendance of EPA staff.

III. EPA's Wastewater Lagoon Tools for Communities, States, and Tribes (Melissa Dreyfus, OST; Jake Adler, OWM)

Melissa Dreyfus provided an overview of the EPA's Lagoon Wastewater Treatment Action Plan and its newest resources and tools. The 2022-2026 [Lagoon Wastewater Treatment Action Plan](#) lists five focus areas, including developing financial and other technical assistance tools; and developing cost and performance regulatory support tools. As of 2022, the [universe of lagoons in the U.S.](#) consists of approximately 4,657 total unique lagoon facilities throughout 45 states and includes 125 tribal facilities. This means lagoons represent approximately 1 out of 4 POTWs.

As part of the action plan, EPA has developed two suites of tools for small communities with lagoon wastewater treatment systems:

- 1) The **First Stop Toolbox** provides troubleshooting and permit compliance assistance to small community lagoon wastewater facility operators and helps guide the user to the best resources to use to return to compliance.
- 2) The **Small Lagoon Community Economic Streamlining (SLCES) Tool** and the **Individual Lagoon Tool (ILT)** offer user-friendly ways to follow the EPA's economic guidance to evaluate whether a WQS variance for ammonia is justified in a community based on the economic impact of installing relevant pollutant controls. The SLCES Tool uses a peer reviewed statistical model that allows for a streamlined analysis of multiple lagoons. ILT provides fields for community-specific customization of the cost estimates and community socio-economic conditions. The two tools will be accompanied by an implementation document describing when each tool might be most useful and how to use the tools' results to construct a WQS variance consistent with the EPA's regulation.

EPA Office of Water plans to release these tools in early fall 2024 and host informational webinars.

For 2025 and 2026, EPA plans to obtain cost and performance data for alternative and add-on technologies for ammonia and nutrients, and add data to the [Searchable Clearinghouse of Wastewater Technologies](#).

For more information, please visit: <https://www.epa.gov/lagoons>

Questions/Comments

Chair Norton asked how many lagoon facilities are being used compared to mechanical treatment systems, and how many are in compliance for both state and tribal facilities. Jake Adler replied that he did not have information on hand comparing state and tribal systems. However, the 4,657 known lagoons in the country, including those lagoons on the [Universe of Lagoons Report](#) map, are usually the primary source of wastewater treatment for that community. Many of the lagoons are in compliance, but around 50% have had recent compliance issues, most often with BOD, TSS, ammonia, or data reporting.

IV. Review the NTWC Fall Meeting Agenda (Holly Galavotti, OW)

Holly Galavotti provided an update on the EPA staff that will be in attendance for the fall meeting.

Questions/Comments

Chair Norton requested for a conversation with Amy Weber and Felicia Wright regarding the restructuring of the National Tribal Caucus. Chair Norton would like to continue the conversation about the ITF as well.

V. CWA 106 Supplemental Guidances (Robyn Delehanty and Dan Consigli)

Dan Consigli provided an update on the supplemental guidances to support the CWA Section 106 Tribal Guidance. There are two new CWA Section 106 supplemental guidances. For more information, please visit: <https://www.epa.gov/water-pollution-control-section-106-grants/clean-water-act-section-106-tribal-guidance>

- Developing a Tribal Water Quality Program Monitoring Strategy - <https://www.epa.gov/system/files/documents/2022-12/developing-tribal-water-quality-program-monitoring-strategy.pdf>
- Tribal Data Management for WQX Submission - <https://www.epa.gov/system/files/documents/2022-12/tribal-data-management-wqx-submission.pdf>

VI. Consultation Opportunities/Announcements

- **EPA Consultation Opportunities**
 - Indian Reservation Drinking Water Program - The consultation period extended to **August 30, 2024**.
- **Announcements**
 - Review opportunity: Tribal Water & Natural Resources Conservation Guide - highlights federal funding and other resources, as well as Tribal case studies featuring federally supported conservation efforts. The review period ends **August 23, 2024**.
 - Tribal Wetland Program Development Grant Notice of Funding Opportunity
 - Applications are due **October 1, 2024**.
 - Approximately \$3.8M in federal funding to be available for assistance agreements depending on funding availability and other applicable considerations.
 - The Final FY 2025-2026 National Program Guidances (NPGs) and accompanying Response to Comments documents are now available on EPA's [NPG Website](#).
 - The 2021 Lead and Copper Rule Revisions (LCRR) require water systems provide notification to persons served by known or potential service lines containing lead. These notifications are required 30 days after completion of the initial service line inventory, and annually thereafter. The EPA has developed templates to assist water systems in developing their notifications, and has created a fact sheet summarizing these requirements. Please refer to this link to explore these tools: [[LCRR Implementation Tools](#)].
 - On July 31, 2024, EPA posted a revised version of the [Technical Support Materials: Developing Alternative Recreational Criteria for Waters Contaminated by Predominantly Non-Human Fecal Sources](#) document. The document was revised to correct an error in the computer code in Appendix E specific for adenovirus that was identified after the publication of the original version in April 2024. Specific details about the revisions are discussed in the [Errata document](#) posted with the revised Technical Support Materials document.

- The TSM describes a quantitative microbial risk assessment (QMRA)-based approach to develop RWQC for waters predominantly affected by non-human fecal contamination. The TSM is a user-friendly guide that describes the process in a step-by-step approach with example scenarios. This document describes the scientific basis for alternative criteria, the technical steps users should follow, and how risk assessors can perform the analyses needed to develop alternative water quality criteria, including the compilation of supporting documentation, such as sanitary survey and water quality data, and identify technical and policy decision points for consideration.
- For more information, visit EPA's [Recreational Water Quality Criteria and Methods](#) website.

VII. Closing (Ken Norton, NTWC)

VIII. The NTWC's next monthly call is scheduled for September 11, 2024

Discussion of EO 14112: Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our [EPA] Trust Responsibilities and Promote the Next Era of Tribal Self-Determination