

National Tribal Water Council and EPA Monthly Conference Call
Wednesday, January 8, 2025
2:00 – 3:30 P.M. ET

SUMMARY NOTES

I. Introductions (Elaine Wilson, ITEP)

NTWC: Ken Norton (R9, Chair); Chauncey Means (R8, Vice Chair); Andria Greene (R3); Nancy Schuldt (R5); Kayla Vondracek (R7); Yolanda Barney (R9, Navajo Nation); Mary Verner (R10); Scott Hauser (R10, At-Large)

EPA: Holly Galavotti, Danielle Anderson, Nizanna Bathersfield, Margot Buckelew, Matthew Castelli, Daniel Consigli, Erica Fleisig, Susan Holdsworth, Gabriella Neusner, Matthew Richardson, Amy Weber, Rory Hytrek, Catherine Brady, Jacob Adler, Edmond Dunne, Rachel Gonsenhauser, Malcolm McDonald

ITEP: Nikki Cooley, Elaine Wilson, Elaina Doral

II. NTWC Updates (Ken Norton, NTWC)

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

- **National Congress of American Indians' Tribal Reserved Rights Rule Webinar**

Chairman Norton has been working with Erica Fleisig and Corey Buffo to coordinate an upcoming webinar on the Tribal Reserved Rights Rule hosted by the National Congress of American Indians (NCAI), in conjunction with the NTWC and other partners. This is a two-part webinar with the first session scheduled on January 23 and the second session scheduled on January 30. The session will include an overview of the opposing litigation presented by the Native American Rights Fund (NARF). Chairman Norton will be the moderator for the first session.

- **Infrastructure Task Force Meeting**

Chairman Norton and Shaun Livermore attended the Infrastructure Task Force (ITF) meeting on December 17, 2024. The NTWC presented a proposal to the ITF to conduct outreach and a survey for operations and maintenance needs and challenges of tribal drinking water facilities. The survey results will be used to develop a white paper.

- **Tribal PFAS Working Group**

The Tribal PFAS Working Group will be meeting on January 16, 2025. The working group reviewed the 6PPD-quinone public comment opportunity and opted to not respond since the EPA was soliciting for case studies.

- **New NTWC Region 7 Representative**

The NTWC welcomed its new Region 7 representative Kayla Vondracek, Ponca Tribe of Nebraska.

- **NTWC Membership Recruitment**

The NTWC continues recruitment to fill two vacancies for the Region 6 and At-Large positions. The NTWC members voted to select a new Region 6 representative.

III. New Tribal Competitive Project Mapper (Margot Buckelew, Office of Wetlands, Oceans, and Watersheds, CWA 319 Program)

Margot Buckelew provided an overview and demonstration of the new Tribal Competitive Project Mapper as part of the EPA Clean Water Act (CWA) 319 Program. The CWA 319 Program has an online database Grants Reporting and Tracking System (GRTS) that provides information on projects funded by the program. The states' nonpoint source programs have reported through GRTS. Recently, EPA added a new component that will show tribal project information from competitive grant recipients only.

During tribal listening sessions, recipients recommended EPA to develop a national Tribal Nonpoint Source (NPS) database to allow Tribal NPS programs to search by NPS pollution source and learn more about Best Management Practices (BMPs). The project provides transparency in program implementation and does not require tribes that use Section 319 to report on indigenous knowledge.

Margot Buckelew showcased the Project Mapper and provided a live demonstration of the website features. The Mapper is accessible at:

https://ordspub.epa.gov/ords/grts/f?p=109:9941:::P9941_WIDGET:N#TOP

If there are any questions, please send an email to tribal319grants@epa.gov or contact your Tribal Regional Coordinator.

Questions/Comments

Vice Chairman Chauncey Means asked if the tribal data is included in the *How's My Waterway* database. He suggested including that in the Request for Proposal (RFP) if the data is added to the *How's My Waterway* database. Margot Buckelew later confirmed that the Grants Reporting and Tracking System (GRTS) data is not included in the *How's My Waterway* database.

Chairman Norton asked if information is available for nonpoint source pollution that goes beyond reservation boundaries. For example, can a user look at a watershed that crosses several state borders to see what states are doing? Margot Buckelew replied that the Project Mapper does not include the combined map. The information is separate at this point. If a NPS intersects tribal boundaries, then the information is included in the map that can be searched by tribal interest.

Vice Chairman Means commented on BMPs and how money goes into the BMP after a grant is concluded. Margot Buckelew replied that it could be considered to include in the Mapper.

Chairman Norton asked if the project is being shared at the regional level, such as the Regional Tribal Operations Committees (RTOCs). Margot Buckelew replied that an email was sent to grantees and regional project coordinators.

IV. Baseline Rule Status (Danielle Anderson, Office of Science and Technology)

On December 20, 2024, the EPA signed a notice to withdraw the proposed rule from the Federal Register. As provided in the withdrawal notice, the EPA plans to focus its resources to support tribes that are seeking to obtain treatment as a state (TAS) and/or developing water quality standards under the CWA.

For more information: <https://www.epa.gov/wqs-tech/withdrawal-proposed-rule-tribal-baseline-water-quality-standards>

Questions/Comments

Chairman Norton asked if the EPA's priority listing includes the Baseline Rule. He noted that funding is available through the American Indian Environmental Office and if it can be used for direct implementation for tribes that need assistance for CWA permitting activities. There are direct implementation opportunities with the AIEO.

Chairman Norton stated the NTWC will be developing a written response for the incoming administration addressing the gap in clean water protection in Indian Country.

- V. Proposed Update to the Office of Civil Enforcement's 2007 Questions and Answers on the Tribal Enforcement Process** (Matthew Castelli, Office of Enforcement and Compliance Assurance)
Matthew Castelli provided an overview of the Office of Civil Enforcement's proposed update to the *2007 Questions and Answers on the Tribal Enforcement Process*. The consultation will help to improve processes and update the 2007 document.

The EPA is initiating consultation with federally recognized Tribes on a proposed update to the Office of Civil Enforcement's *2007 Questions and Answers on the Tribal Enforcement Process* ("Questions and Answers"). The Questions and Answers document implements the Office of Enforcement and Compliance Assurance's *Guidance on the Enforcement Principles Outlined in the 1984 Indian Policy* to ensure compliance at federally regulated facilities in Indian country. Informational webinars will provide background information on the updated Questions and Answers document and will respond to questions. The informational webinars will be held on the following dates and times:

- Thursday, January 23, 2025; 3:00 p.m. - 4:00 p.m. Eastern;
- Wednesday, January 29, 2025; 3:00 p.m. - 4:00 p.m. Eastern;
- Monday, February 3, 2025; 3:00 p.m. - 4:00 p.m. Eastern; and
- Tuesday, February 11, 2025; 3:00 p.m. - 4:00 p.m. Eastern.

The meeting links and additional information about the webinars are available in the Consultation Letter/Plan and on EPA's Tribal Consultation Opportunities Tracking System (TCOTS). At any point in the Tribal consultation process, Tribes may submit written comments and questions to Matt Castelli via email at castelli.matthew@epa.gov.

Questions/Comments

Chairman Norton is glad to hear about the informal non-compliance component, such as administrative non-compliance, be included in the consultation. The NTWC members will participate in one of the webinars and provide feedback.

Vice Chairman Means inquired about variances and provided a media specific example. Matthew Castelli replied that this consultation is not media specific but offers exclusive general applicable principles.

Scott Hauser stated that the tribes he works for have headwaters that present a challenge for the tribes to implement treatment as a state (TAS) and its requirements. He asked if this is included in the document. Matthew Castelli replied that the document does not include TAS. EPA supports

tribes seeking to obtain TAS. However, when that is not available that's when the document helps with direct implementation.

VI. Reminder - CWA Section 106 Water Pollution Control Grants, Program Assessment (Dan Consigli, Office of Wastewater Management)

Comments on the draft program assessment are to be submitted to Dan Consigli, Office of Wastewater Management, by January 10, 2025.

VII. Workgroup Updates

Representatives from the following workgroups/committees provided updates during the meeting.

- **Hypoxia Task Force** (Celeste Hockings, R5) *No updates; not in attendance*
- **National Water Quality Monitoring Council** (Nancy Schult, R5; and Rainee Tetreault, R4) *No updates; not in attendance*
- **Water Quality Standards Management Association** (Yolanda Barney, R9, Navajo Nation)
The Water Quality Standards Management Association (WQSMA) will meet in March. This month's meeting was canceled due to the National Day of Observance for the 39th President Carter. Yolanda Barney shared the EPA's announcement of its release of three draft chapters of the Water Quality Standards Handbook for public comment.

To provide comments on the draft WQS Handbook chapters, please visit www.regulations.gov/docket/EPA-HQ-OW-2024-0517. All comments need to be submitted through the Docket, identified by Docket ID No. EPA-HQ-OW-2024-0517. The 90-day public comment period is open through March 12, 2025. See additional information on page 8.

- **Tribal PFAS Working Group** (Shaun Livermore, R4, At-Large; Dan Kusnierz, R1; and Elaine Wilson, ITEP)
The Tribal PFAS Working Group held an open house webinar on December 12, 2024, featuring a presentation on "PFAS in the Southern Plains" by Isabella Gandara, a Massachusetts Institute of Technology student. The working group will meet on January 16, 2025, to discuss its upcoming 2025 priorities and the possibility of responding to the *Draft National Recommended Water Quality Criteria for the Protection of Human Health for PFOA, PFOS, and PFBS* consultation opportunity.

VIII. Announcements & Consultation Opportunities (Holly Galavotti, EPA)

Announcements:

- **U.S. EPA Releases Allotment Memo for the Voluntary School and Child Care Lead Testing and Reduction Tribal Grant Program**

EPA announced the FY 2021 - FY 2024 combined allotments for the [Voluntary School and Child Care Lead Testing and Reduction Tribal Grant Program](#) for participating Tribal Consortia. A total of \$7.2 million in funding is available under this program, which provides non-competitive grants to Tribal Consortia to implement lead testing and remediation activities in schools and child care facilities serving Tribes. The attached memo includes allotment amounts for each of the participating Tribal Consortia that submitted to EPA a letter of intent to participate in the program by the deadline specified in the [May 16, 2024 funding announcement](#). The state and territories allotments for this program were released in a memo signed on [August 12, 2024](#).

Questions about this program or the FY21-FY24 allotments can be directed to Gabriella Neusner (Neusner.gabriella@epa.gov).

Consultation and Comment Opportunities:

- **Tribal Consultation Opportunity: Proposed National Primary Drinking Water Regulation for Perchlorate; Comments due February 28, 2025**

The EPA is initiating consultation and coordination on the forthcoming proposed rulemaking, the National Primary Drinking Water Regulation for Perchlorate, as required by recent court orders. The EPA is developing the proposed regulation to improve public health protection by reducing perchlorate exposure from drinking water. The proposed rule would impact owners and operators of public water systems subject to the rule requirements as defined by the Safe Drinking Water Act, along with primacy agencies that enforce drinking water regulations in their jurisdiction. There are approximately 1,000 Tribal public water systems and the Navajo Nation has primacy for over 170 public water systems. The consultation materials are available on EPA's Tribal Consultation Opportunities Tracking System (TCOTS) website at: <https://tcots.epa.gov>.

Two identical informational webinars will be conducted:

- **January 14, 2025, 1:30pm – 3:00pm ET**
To register for this webinar date, please visit:
<https://www.eventbrite.com/e/1116780272859?aff=oddtcreator>
- **January 15, 2025, 1:30pm – 3:00pm ET**
To register for this webinar date, please visit:
<https://www.eventbrite.com/e/1116780272859?aff=oddtcreator>

Contact Erin Partlan at (202) 564-0155 or email at partlan.erin@epa.gov for questions. Comment letters should be submitted via email to NPDWRperchlorate@epa.gov.

- **Tribal Consultation Opportunity: Interim Framework for Advancing Consideration of Cumulative Impacts; Comments due February 21, 2025**

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.

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_bfjahQxlQ
- **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>

- **Comment Opportunity: Draft National Recommended Water Quality Criteria for the Protection of Human Health for PFOA, PFOS, and PFBS; Comments due February 24, 2025**

The EPA has released draft national recommended health-based levels (human health criteria) for three per- and polyfluoroalkyl substances (PFAS) in water bodies. The three PFAS are perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), and perfluorobutane sulfonic acid (PFBS). Human health criteria are not legally enforceable, rather they are information for local entities to consider when making local decisions about water quality.

The EPA will accept written comments on the draft human health criteria for 60 days upon publication in the Federal Register. Section 304(a) of the Clean Water Act (CWA) directs the EPA to develop and publish water quality criteria that accurately reflect the latest scientific knowledge about the effects of particular pollutants on human health and welfare. The EPA's CWA Section 304(a) human health criteria are recommendations to states and Tribes authorized to establish their own water quality standards under the CWA. Once final, these recommended criteria can be used by states and authorized Tribes to develop their own water quality criteria that help protect people from exposure through consuming water, fish and shellfish from inland and nearshore water bodies that may be contaminated by any of these PFAS. For more information: <https://www.epa.gov/wqc/human-health-water-quality-criteria-pfas>

- **Comment Opportunity: EPA Issues Advance Notice of Proposed Rulemaking to Protect Salmon from 6PPD, Chemical Used in Rubber Products; Comments due Jan. 21, 2025**

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. [EPA granted this petition in November 2023](#) and committed to publishing an ANPRM by Fall 2024 in order to gather more information that could be used to inform a subsequent regulatory action.

EPA will accept written comments on the ANPRM via [docket EPA-HQ-OPPT-2024-0403 at Regulations.gov](#). Learn more and read the [Advanced Notice of Proposed Rulemaking for 6PPD](#).

- **Comment Opportunity: Proposed Permit: 2026 National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP); Comments due February 11, 2025**

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.

- Webinar on the proposed 2026 MSGP for Industrial Discharges on January 16, 2025, at 1:00 pm ET. [Register for the webinar](#)

For any questions, please contact Alicia Denning at denning.alicia@epa.gov.

- **Comment Opportunity: EPA's Draft Comparison of Aquatic Life Protective Values for Pesticides; Comments due January 27, 2025**

The EPA is seeking comment on draft analyses of water quality values for pesticides that would be protective of aquatic life under the Clean Water Act. In support of registration decisions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the EPA has developed aquatic life benchmarks for pesticides, or concentrations below which pesticides are not expected to be a concern for aquatic organisms. This draft analysis indicates that those benchmarks developed by EPA's Office of Pesticide Programs (OPP) could also be used as aquatic life protective values under the Clean Water Act.

The agency's analyses show that the values developed under these statutes are similarly protective of aquatic life and that OPP's aquatic life benchmarks could also serve as Clean Water Act aquatic life protective values either as Section 304(a)(1) criteria or Section 304(a)(2) informational benchmarks for pesticides. State and Tribal governments can consider using the EPA's aquatic life protective values in their water quality protection programs, such as for monitoring and for developing water quality criteria. The EPA will accept public comments on the draft analyses document, [Comparison of Aquatic Life Protective Values Developed for Pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act \(FIFRA\) and the Clean Water Act \(CWA\)](#), and potential application of OPP aquatic life benchmarks for Clean Water Act 304(a) purposes for 30 days upon announcement in the Federal Register. [View the draft document and learn how to provide comments.](#)

- **Comment Opportunity: 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](#).

- **EPA Releases Three Draft Chapters of the WQS Handbook for Public Comment; Comments due March 12, 2025**

EPA released three draft Water Quality Standards (WQS) Handbook chapters for a 90-day public comment period. The WQS Handbook provides a plain language discussion of the relevant regulatory and statutory requirements and the EPA's recommendations for how states, authorized Tribes and U.S. territories can develop and implement WQS consistent with both. The WQS Handbook also serves as a one-stop resource to facilitate a nationally consistent interpretation of the EPA's WQS regulation at [Title 40, Part 131 of the Code of Federal Regulations](#) (CFR). Finally, the WQS Handbook provides useful information for regulated entities and the public when engaging in the WQS development and implementation process.

In 2015, the EPA revised its Part 131 WQS regulation. Based on questions received during that revision process, experiences from implementing the revised regulation, and input the EPA sought from states and authorized Tribes, the agency has updated Chapter 2 on **Designated Uses**, Chapter 4 on **Antidegradation**, and developed a new chapter on **WQS Variances** to include the EPA's most recent WQS programmatic policy and guidance to implement the regulation at 40 CFR Part 131.

The EPA will hold three informational webinars during the public comment period to provide an overview of the chapters and an opportunity for participants to ask clarifying questions. The webinars will **not** be an opportunity to provide comments (see *How to Provide Comments* below). Each webinar will cover the same material.

- **General public webinar:** February 4, 2025, 12pm ET to 2pm ET
- **States and U.S. territories only webinar:** February 4, 2025, 2:30pm ET to 4:30pm ET
- **Tribes only webinar:** February 6, 2025, 12pm ET to 2pm ET

[Registration is now open](#). Registration will close at 5pm on Friday, January 31st. The deadline to request translation or interpretation services or other accommodations is January 21st.

To provide comments on the draft WQS Handbook chapters, please visit www.regulations.gov/docket/EPA-HQ-OW-2024-0517. All comments need to be submitted through the Docket, identified by Docket ID No. EPA-HQ-OW-2024-0517.

The 90-day public comment period is open through March 12, 2025. After March 12, 2025, the EPA will consider comments received when finalizing the three chapters. The EPA recommends downloading the documents to facilitate review. Once finalized, the EPA will provide the two revised chapters on Designated Uses and Antidegradation and the one new chapter on WQS Variances in the "Use the Handbook" section of this website.

- IX. Closing (Ken Norton, NTWC)**
- X. The NTWC's next monthly call is scheduled for February 12, 2025**