

**National Tribal Water Council and EPA Monthly Conference Call**  
**Wednesday, April 9, 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); Dan Kusnierz (R1); Brian Patterson (R2); Rainee Tetreault (R4); Shaun Livermore (R4, At-Large); Nancy Schuldt (R5); Kayla Vondracek; Yolanda Barney (R9, Navajo Nation); Scott Hauser (R10, At-Large); Eric Morrison (R10); Mary Verner (R10)

**EPA:** Holly Galavotti, Jacob Adler; Danielle Anderson; Jonathan Binder; Margot Buckelew; Kyle Carey; Erica Fleisig; Rory Hytrek; Kate Meyers; Gabriella Neusner; Elise O’Dea; James Ray; Matthew Richardson; Laura Shumway

**ITEP:** Nikki Cooley, Elaine Wilson; Elaina Doral

**II. NTWC Updates** (Ken Norton, NTWC)

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

- **Waters of the United States (WOTUS)**

The NTWC and National Tribal Caucus will be drafting a joint comment letter on the proposed revised definition of WOTUS. The letter will focus on the technical guidance and advocate for tribal boundaries in interstate waters. NTWC plans to submit the letter by April 23, 2025.

- **EPA’s Draft Sewage Sludge Risk Assessment for PFOA & PFOS**

The Tribal PFAS Working Group and NTWC are drafting a letter on the EPA’s draft sewage sludge risk assessment. The deadline to submit the letter has been extended to August 14, 2025.

- **Spring In-Person Meeting**

NTWC would like to include a discussion on funding during the spring in-person meeting. Funding cuts have resulted in loss of personnel and poses health and environmental risks to tribes.

**III. EPA Office of Water**

- **Revised Definition of “Waters of the U.S.” Tribal Consultation** (Laura Shumway, Office of Wetland, Oceans, and Watersheds)

The EPA and the U.S. Department of the Army initiated consultation with federally recognized Indian Tribes on certain key topics related to the implementation of the definition of “waters of the United States.” On March 12, 2025, the agencies announced their intent to undertake a rulemaking to revise this definition in light of the Supreme Court’s decision in *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023) with a focus on clarity, simplicity and improvements that will stand the test of time.

The agencies specifically seek feedback and examples on defining “continuous surface connection,” including what it means to “abut” a jurisdictional water; defining “relatively permanent” and identifying relatively permanent tributaries in the field; and which

characteristics can provide clear and implementable distinctions between jurisdictional and non-jurisdictional ditches.

There is an upcoming Tribal listening session on April 30, 2025 (1:00-3:00 P.M.). Here is the [Registration](#) link.

**Questions/Comments:**

The NTWC is preparing a comment letter on the memo. Chair Ken Norton asked questions about tributaries, continuous flow, and adjacent wetlands. NTWC plans to encourage the agencies to include language for proper definitions and implementation.

Eric Morrison asked if the EPA is reviewing the disposal of grey water in international waters. He was asked about this issue by the Region 10 director. Laura Shumway noted that grey water would not fall under the WOTUS rule. It would depend on where the jurisdictional water is and which programs apply.

- **Agenda for the NTWC Spring Meeting in DC – May 21 and 22, 2025.**  
There are no updates.

**IV. Workgroup updates (if any)**

- **Hypoxia Task Force** (Celeste Hockings, R5) No updates; not in attendance
- **National Water Quality Monitoring Council** (Nancy Schult, R5; and Rainee Tetreault, R4)
- **Water Quality Standards Management Association** (Yolanda Barney, R9 Navajo Nation)
  - [Water Quality Standards workshop in Iowa hosted by ACWA, April 22 – April 24.](#)
- **Tribal PFAS Working Group** (Elaine Wilson, ITP; Shaun Livermore, R5 At-Large; and Dan Kusnierz, R1)

The next meeting is scheduled on April 10, 2025. The working group is working on drafting a comment letter for the EPA's Draft Biosolids Risk Assessment for PFOA and PFOS.

**V. Consultation Opportunities/Announcements**

**VI. Closing** (Ken Norton, Chauncey Means, NTWC)

**VII. The NTWC's next monthly call is scheduled for May 7, 2025 – We may skip this call due to the Spring meeting.**

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**Announcements:**

**Revise Definition of the "Waters of the United States" Tribal Consultation**  
**Tribal Consultation period closes May 20, 2025**  
**Recommendations docket closes April 23, 2025**

The EPA and the U.S. Department of the Army are conducting a series of listening session to solicit feedback on key aspects of the definition of "waters of the United States" or WOTUS. Registration is open

for a virtual webinar listening session for Tribes on Zoom. Virtual registration will end at noon one day before the session.

- Register [Listening Session for Tribes](https://usepa.zoomgov.com/webinar/register/WN_r0XBEEn3tSpWHIOZYw7TZ3Q): April 30, 2025 from 1:00 - 3:30 p.m. ET (Virtual)  
[https://usepa.zoomgov.com/webinar/register/WN\\_r0XBEEn3tSpWHIOZYw7TZ3Q](https://usepa.zoomgov.com/webinar/register/WN_r0XBEEn3tSpWHIOZYw7TZ3Q)

### **Joint Guidance on Continuous Surface Connection**

On March 12<sup>th</sup>, the EPA and the Department of the Army issued a [memorandum](#), which provides guidance to the agencies' field staff regarding implementation of "continuous surface connection" in response to requests for clarification on the scope of adjacent wetlands in light of the Supreme Court's decision in *Sackett*. Consistent with this guidance, and under both regulatory regimes currently in effect across the country due to ongoing litigation (*i.e.*, the Amended 2023 Rule and the pre-2015 regulatory regime as informed by *Sackett*), the agencies are interpreting "continuous surface connection" to mean abutting (or touching) a requisite jurisdictional water.

The agencies seek the participation of Tribes and their representative associations in the upcoming Tribal listening session and invite your written input for the recommendations docket, Docket ID No. EPA-HQ-OW-2025-0093. You are also welcome to participate in the listening sessions for the public. The agencies' [notice](#) announcing a series of listening sessions and a 30-day written recommendations docket is available on the [EPA's website](#). The recommendations docket will be open until April 23, 2025. The agencies specifically seek feedback on: defining "continuous surface connection," including what it means to "abut" a jurisdictional water; defining "relatively permanent" and identifying relatively permanent tributaries in the field; and which characteristics can provide clear and implementable distinctions between jurisdictional and non-jurisdictional ditches. 30-day Recommendations Docket ID No. EPA-HQ-OW-2025-0093  
<https://www.regulations.gov/>

### **Tribal Consultation**

In addition, the U.S. Environmental Protection Agency and the U.S. Department of the Army initiated consultation with federally recognized Indian Tribes on certain key topics related to the implementation of the definition of "waters of the United States." On March 12, 2025, the agencies announced their intent to undertake a rulemaking to revise this definition in light of the Supreme Court's decision in *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023) with a focus on clarity, simplicity and improvements that will stand the test of time.

The anticipated timeline for the Tribal consultation and coordination period is expected to extend for 60 days from March 21, 2025, to May 20, 2025. The Tribal consultation notification letter and plan and **the slides from the Tribal consultation kick-off webinar are available** on EPA's Tribal Consultation Opportunities Tracking System (TCOTS) website at: <https://tcots.epa.gov/ords/tcotspub/f?p=106:5::2194::::>. Tribes may submit written consultation comments at any time during the Tribal consultation and coordination process via email to [CWAwotus@epa.gov](mailto:CWAwotus@epa.gov).

### **Proposed 2026 Multi-Sector General Permit**

#### **Public comment period extended to May 19, 2025**

The proposed 2026 NPDES Multi-Sector General Permit (MSGP) for stormwater discharges from industrial activity 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.

Comments must be submitted on [www.regulations.gov](https://www.regulations.gov) for docket ID EPA-HQ-OW-2024-0481.

For more information: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-proposed-2026-msgp>

## **EPA Draft National Recommended Ambient Water Quality Criteria for PFAS**

### **Comments due April 25, 2025**

On February 21, 2025, the EPA extended the public comment period for the [Draft National Recommended Ambient Water Quality Criteria for the Protection of Human Health for Perfluorooctanoic Acid, Perfluorooctane Sulfonic Acid, and Perfluorobutane Sulfonic Acid](#) for an additional 60 days. The agency will accept written comments from the public on the draft human health criteria through April 25, 2025.

## **EPA's Draft Biosolids Risk Assessment for PFOA & PFOS**

### **Comments due April 16, 2025**

On February 21, 2025, the EPA extended the public comment period for the [Draft Sewage Sludge Risk Assessment for Perfluorooctanoic Acid \(PFOA\) and Perfluorooctane Sulfonic Acid \(PFOS\)](#) for an additional 30 days. The agency will accept public comments on the draft risk assessment through April 16, 2025.

On January 14, 2025, the EPA [released a draft risk assessment](#), or scientific evaluation, of the potential human health risks associated with the presence of toxic PFAS in biosolids, also known as sewage sludge. The findings of the draft risk assessment show that there may be human health risks associated with exposure to the “forever chemicals” PFOA or PFOS with all three methods of using or disposing of sewage sludge – land application of biosolids, surface disposal in landfills, or incineration. Once finalized, the assessment will help the EPA and its partners understand the public health impact of forever chemicals in biosolids and inform any potential future actions to help reduce the risk of exposure. Learn more about the EPA's [Draft Sewage Sludge Risk Assessment for PFOA and PFOS](#) and other recent actions to address [PFAS in Biosolids](#).

## **EPA's Three Draft Water Quality Standards (WQS) Handbook Chapters**

### **Comment period ends April 11, 2025**

On December 12, 2024, the EPA released three draft Water Quality Standards (WQS) Handbook chapters for a 90-day public comment period. *The EPA has extended this public comment period an additional 30 days. The comment period will now end on April 11, 2025.* All comments must be submitted through the [Docket](#). The EPA's [WQS Handbook page](#) includes instructions for providing comments. If you've already submitted comments prior to the public comment period extension, you do not need to resubmit your comments as they are already incorporated into the public record.