

National Tribal Water Council and EPA Monthly Conference Call
Wednesday, July 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); Brian Patterson (R2); Andria Greene (R3); Raine Tetreault (R4); Debbie Dotson (R6); Kayla Vondracek (R7); Yolanda Barney (R9, Navajo Nation); Scott Hauser (R10, At-Large); Eric Morrison (R10, Alaska); Mary Verner (R10)

EPA: Holly Galavotti; Jacob Alder; Danielle Anderson; Daniel Consigli; Erica Fleisig; Jacob Greif; Karen Gude; Rory Hytrek; Jonathan Binder; Lauren Kasperek; Whitney King; Christine Maietta; Lauren Mosesso; Liana Prudencio; James Ray; Matthew Richardson; Teagan Rostock; Greg Schaner; Amy Weber

ITEP: Elaine Wilson; Elaina Doral

II. NTWC Updates (Ken Norton, NTWC)

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

- **Region 10 RTOC Update**

Rick Eichstaedt provided an update from the recent Region 10 RTOC meeting. Several highlighted discussions included proposed FY 2026 EPA funding, Congressional appropriations, and concerns about the rescission of the Tribal Reserved Rights Rule.

- **Comment Letter on the EPA CWA Section 401**

NTWC plans to submit a comment letter on EPA's tribal consultation opportunity for the CWA 401 Certification.

- **NTWC & EPA Fall In-Person Meeting**

NTWC decided to hold its upcoming fall in-person meeting in Sitka, Alaska. The meeting will be hosted by Eric Morrison, Salamatof Tribe.

- **Native American Rights Fund Meeting**

Chair Ken Norton and Vice Chair Chauncey Means plan to attend an upcoming CWA meeting to be hosted by the Native American Rights Fund in Boulder, Colorado. The meeting will be scheduled in October 2025. Other members will join virtually, if possible.

III. EPA Office of Water

- **Hypoxia Task Force – Overview of Task Force participation** (Jake Greif (greif.jacob@epa.gov) and Whitney King (king.whitney@epa.gov), Nonpoint Source Management Branch)

The EPA Hypoxia Task Force is seeking a new member from the NTWC and provided an overview of the task force. The task force was formed in 1997 consisting of members from federal agencies, Tribes, and states within the Mississippi/Atchafalaya River Basin (MARB).

Task force members attend an annual in-person meeting, participate in calls, and inform MARB Tribes with updates. The task force over the years has created action plans. In 2008, the action plan included an agreement for states to implement their own strategies with a dual nitrogen and phosphorus nutrient reduction effort. The goal was reiterated in 2015 with a targeted goal

of reducing the five-year running average areal extent of the Gulf of America hypoxic zone to less than 5,000 square kilometers by the year 2035 with an Interim Target to reduce nitrogen and phosphorus by 20% by 2025.

In 2022, a Gulf Hypoxia Program was established to advance Gulf Hypoxia action plan goals. This included funding of \$60 million over five years to states, Tribes, and HTF partners. There are 15 Tribes participating in the Tribal Gulf Hypoxia Program to support staff, reduce nutrient load, and build capacity.

For more information: <https://www.epa.gov/ms-htf>

Questions/Comments

Chair Ken Norton stated that the HTF is a high priority for the NTWC and selecting a member to be a part of the task force.

Nancy Schuldt asked if there would be a request for a proposal to continue funding for the Tribal Gulf Hypoxia Program. Jake Greif replied no, and the final grant period ends in summer 2029.

- **Tribal consultation: Proposed renewal of the NPDES Stormwater Construction General Permit** (Lauren Mosesso (mosesso.lauren@epa.gov), Greg Schaner (schaner.greg@epa.gov), Office of Wastewater Management)

EPA initiated consultation and coordination with federally recognized Indian Tribes on the proposed renewal of the National Pollutant Discharge Elimination System (NPDES) Stormwater Construction General Permit (CGP). Under the Clean Water Act, stormwater discharges from certain construction activities into waters of the United States must be authorized by a state or EPA-issued NPDES permit.

The CGP regulates stormwater discharges from construction activities (including, but not limited to, clearing, grading, excavating, and stockpiling) that disturb one or more acres, or smaller sites that are part of a larger common plan of development or sale that disturb one or more acres in areas where EPA is the permitting authority. EPA is the NPDES permitting authority in most of Indian Country.

This permit is renewed every five years, and the current CGP is scheduled to expire on February 17, 2027. The deadline to submit comments is September 5, 2025. There are two informational webinars on July 22 and 24.

For more information: <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>.

Questions/Comments

Chair Ken Norton participated as a panelist for the National Association of Wetland Managers' webinar on the General Nationwide Permits. He asked if the agency tracks and monitors the CGP on tribal lands and whether they are effective, and if there is a database. Greg Schaner replied that EPA covers 3,600 sites throughout the country per year and ensures the sites comply with effluent guidelines for the construction industry. He noted that there is not a rich amount of data and rely on the sites to implement the controls on their site. The sites are certifying that they are complying. If there is a public complaint, EPA follows up on that.

Chair Ken Norton commented that Tribes often deny these nationwide permits when they have CWA 401 certification as a certifying authority. Tribes have more control over activities under an individual permit for projects in their tribal jurisdiction under CWA 401 certification.

- **Tribal consultation: Upcoming Efforts to Address Implementation Challenges Associated with CWA Section 401** (Lauren Kasparek (kasparek.lauren@epa.gov), Liana Prudencio (prudencio.liana@epa.gov), Office of Wetlands, Oceans, and Watersheds)
EPA initiated consultation with federally recognized Indian Tribes on regulatory uncertainty or implementation challenges associated with the Clean Water Act Section 401 certification process as defined in the 2023 Water Quality Certification Improvement Rule.

There is a 60-day tribal consultation timeline with a comment deadline of September 7, 2025. Written comments may be submitted to cwa401@epa.gov. Additionally, Tribes may submit requests for government-to-government consultation to cwa401@epa.gov. A kickoff webinar is scheduled for July 23, 2025.

EPA has released a Federal Register notice that invites public input. This is a 30-day public input timeline with a deadline of August 6, 2025. EPA hosted two public listening sessions.

Questions/Comments

Chair Ken Norton stated that this is a high priority for the NTWC and plans to comment on this consultation opportunity. The letter will include how the CWA 401 is working in Indian Country and providing real world examples showing the cultural and economic benefits of protecting water quality and support for evaluating a project as a whole and not just the discharge. The NTWC is coordinating with NCAI and NARF as the comments are drafted.

Nancy Schuldt commented that this is a legacy issue for the Fond du Lac Band of Lake Superior Chippewa. The Tribe has been doing 401 certifications for a long time. She asked what would be useful for the agency to consider. Lauren Kasparek replied that the 401(a)(2) questions focus on any data or information about the beginning of the 401(a)(2) process. For example, what parameters should be considered when EPA is determining whether a discharge may affect the water quality of a neighboring jurisdiction.

Scott Hauser discussed how portions of the memo include information that is nebulous, such as what is considered out of scope for CWA 401 certifications. Lauren Kasparek asked if there is anything that needs to be clarified, and to please reach out to the EPA CWA 401 team. The language in the memo was taken from the preamble.

Brian Patterson noted that we are at a critical juncture and NTWC members are here representing their Tribes to work with our federal partners. We expect EPA to be our best advocate and protect the sacred trust responsibility, especially on issues that have been agreed upon such as the Tribal Reserved Rights Rule.

IV. Workgroup updates (if any)

- Hypoxia Task Force – seeking new NTWC representative
- National Water Quality Monitoring Council – Nancy Schuldt and Rainee Tetreault
- Water Quality Standards Management Association – Yolanda Barney

- Tribal PFAS working group – Elaine Wilson, Shaun Livermore, Dan Kusnierz

V. Announcements/Consultation Opportunities

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

NTWC's immediate priority is to pay attention to the proposed spending bill going through the Appropriations Committee and seeing the final outcome. In addition, the CWA 401 is a high priority for the Council and will start to work on comments next week.

VII. The NTWC's next monthly call is scheduled for August 13, 2025

Announcements/Consultation Opportunities:

EPA approved Yurok Tribe's TAS application for the [water quality standards](#) program.

Tribal consultation opportunity: Upcoming Efforts to Address Implementation Challenges Associated with CWA Section 401

Tribal consultation extends to September 7, 2025

The EPA is initiating consultation with federally recognized Indian Tribes on regulatory uncertainty or implementation challenges associated with Clean Water Act Section 401 certification process as defined in the 2023 Water Quality Certification Improvement Rule. 88 FR 66558 (September 27, 2023). The agency's anticipated timeline for the consultation and coordination period is expected to extend for 60 days from July 7, 2025, to September 7, 2025. The notification letter and consultation plan can be found on the EPA's Tribal Consultation Opportunities Tracking System: <https://tcots.epa.gov>. Additional information on CWA Section 401 and this notice can be found on the [EPA's CWA Section 401 webpage](#).

Tribal consultation kick-off webinar:

July 23, 2025, from 2:00 – 4:00 pm ET

[Registration Link](#)

Tribes may submit written consultation comments at any time during the Tribal consultation and coordination process via email to cwa401@epa.gov. If you would like to request government-to-government consultation with the agency on this action, please have your staff contact the agency via email to cwa401@epa.gov by September 7, 2025. For questions, please contact: Lauren Kasperek, cwa401@epa.gov, (202) 564-3351.

Memorandum on Clarification regarding the Application of Clean Water Act Section 401 Certification: On May 21, 2025, [EPA issued a memorandum](#) that clarified the significant but limited role that states and Tribes play in the federal licensing and permitting processes under Clean Water Act Section 401. The direction provided in this memorandum reflects the [existing requirements](#) of the agency's CWA section 401 certification rule issued in 2023, without changes or updates.

Upcoming Listening Sessions and Written Recommendations Docket:

Docket closes August 6, 2025

Separate from the Tribal consultation, on July 1, the agency announced a Federal Register Notice initiating a series of stakeholder listening sessions and a 30-day recommendations docket (Docket ID No. EPA-HQ-

OW-2025-0272) inviting written feedback on regulatory uncertainty or implementation challenges associated with the Clean Water Act section 401 certification process as defined in the 2023 Rule.

Public listening sessions

- July 16, 2025, 1:00 – 4:30 pm (virtual), [Register](#)
- July 30, 2025, 1:00 – 4:30 pm (virtual), [Register](#)

The [notice](#) was published on July 7, 2025. The public has 30 days to provide input on regulatory uncertainty and implementation challenges related to the 2023 Rule. The public comment period closes August 6, 2025.

- The agency specifically seeks feedback on:
 - defining the scope of certification generally and the scope of certification conditions,
 - defining “water quality requirements,”
 - any data or information about how the agency should consider whether a neighboring jurisdiction’s water quality may be affected by discharge for purposes of Section 401(a)(2) and whether there are parameters to consider in making this determination,
 - any data or information on establishing categorical determinations under Section 401(a)(2),
 - any data or information on stakeholder experiences with the 2023 Rule, including certification procedures, the 401(a)(2) process, and the application of treatment in a similar manner as a state solely for Section 401, and
 - any data or information from stakeholders about the application of the 2023 Rule’s scope of certification.

The agency will use this input to determine whether guidance or rulemaking are necessary to address identified areas of regulatory uncertainty or implementation challenges.

Tribal consultation opportunity: Proposed renewal of the NPDES Stormwater Construction General Permit

Comments due September 5, 2025

The EPA is initiating consultation and coordination with federally recognized Indian Tribes on the proposed renewal of the National Pollutant Discharge Elimination System (NPDES) Stormwater Construction General Permit (CGP). Under Clean Water Act section 402(p)(2) and (p)(6) and 40 CFR 122.26(a)(1)(ii), (a)(9)(i)(B) (b)(14)(x), and (b)(15), stormwater discharges from certain construction activities into waters of the United States must be authorized by a state or EPA-issued NPDES permit.

The CGP regulates stormwater discharges from construction activities (including, but not limited to, clearing, grading, excavating, and stockpiling) that disturb one or more acres, or smaller sites that are part of a larger common plan of development or sale that disturb one or more acres in areas where EPA is the permitting authority. EPA renews this permit every five years, and the current CGP is scheduled to expire on February 17, 2027. EPA is the NPDES permitting authority in most Indian country lands. Additional information about the CGP can be found at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>.

EPA’s anticipated timeline for the consultation period is from July 7 to September 5, 2025.

Two identical Tribal informational webinars:

- July 22, 2025
2:00-3:15 p.m. ET
To join the Webinar, use this [link](#).

Alternatively, you can dial in by phone at (202) 991-0477 and use 682 738 612# as the conference ID number.

- July 24, 2025
12:00-1:15 p.m. ET
To join the Webinar, use this [link](#).
Alternatively, you can dial in by phone at (202) 991-0477 and use 573 220 046# as the conference ID number.

Tribes may submit written consultation comments and request one-on-one consultation meetings via email to Lauren Mosesso at mosesso.lauren@epa.gov.

Press Release: EPA Will Revise Wastewater Rules to Support Electric Energy Reliability and Unleash American Energy

EPA announced the agency's intent to update the 2024 Effluent Limitations Guidelines (ELGs) for Steam Electric Power Generating Units. This summer, EPA intends to take the next step to advance this action by proposing to extend compliance deadlines for many of the zero-discharge requirements in the 2024 Rule and the deadline for facilities to decide whether to submit a Notice of Planned Participation. EPA also intends to explore other flexibilities to promote reliable and affordable power generation. This initial rulemaking will also seek additional information on zero-discharge technologies, including cost and performance data. This information will help EPA determine whether to move forward with a second rulemaking to address zero-discharge technologies and other flexibilities to ensure the U.S. electric utilities can better meet projected energy demand over the next decade. The scope of this second rulemaking could also address unmanaged combustion residual leachate, another type of wastewater.

EPA's Draft Biosolids Risk Assessment for PFOA & PFOS

Comments due August 14, 2025

EPA extended the public comment period for the [Draft Sewage Sludge Risk Assessment for Perfluorooctanoic Acid \(PFOA\) and Perfluorooctane Sulfonic Acid \(PFOS\)](#) 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.

National NPS Biennial Workshop will be held October 27 – 29, 2025 in Baton Rouge, LA.

This event offers an opportunity for CWA Section 319 state, territorial, and Tribal grantees to convene on national programmatic and knowledge sharing and technical assistance. The national NPS program and planning committee are developing robust Tribal specific sessions, workshops, and networking opportunities. Outreach for Tribal speakers and session participants will be happening throughout the summer. If you are interested to be involved with planning, please reach out to Margot Buckelew (Buckelew.margot@epa.gov). Additionally, if interested to attend, registration is open and you may [Register for the workshop here](#).

EPA – Pacific Northwest Tribal Clean Water Act Training

Who: Tribal water quality and water resources staff

When: November 17-20, 2025

Where: Tulalip Resort Casino, 10200 Quil Ceda Blvd., Tulalip, WA 98271

The training will address Clean Water Act (CWA) programs including Section 106, Section 319, Section 303(d), water quality standards, and wetlands and will be useful to Tribes who work on these programs or are interested in pursuing Treatment in a similar manner as a State (TAS) status for one or more programs. The training workshop will be targeted to Tribes who conduct water quality monitoring, issue water quality certifications, and address water quality issues, nonpoint source pollution, and impaired waters/TMDLs. Tribal staff from across the country are invited, although there will be a focus on examples and applications for Tribes in the Pacific Northwest.

The training workshop is free to attend and registration is open!

<https://nawm.org/trainings/pacific-northwest-tribal-clean-water-act-training>