

**National Tribal Water Council and EPA Monthly Conference Call**  
**Wednesday, May 8, 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); Shaun Livermore (At-large, R4); Raine Tetreault (R4); Nancy Schuldt (R5); Scott Hauser (R10); Mary Verner (R10)

**EPA:** Holly Galavotti, Danielle Anderson, Brenda Bowden, Rebecca Christopher, Robyn Delehanty, Erica Fleisig, Lindsey Foote, Rory Hytrek, Rachel Kaiser, Dylan Laird, Jared Martin, Kristie Moore, Tomeka Nelson, Gabriella Neusner, Joseph Oswald, James Ray, Matthew Richardson, Melissa Simic, Lynn Stabenfeldt, Sharon Vazquez, Amy Weber

**ITEP:** Elaine Wilson, Elaina Doral

**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 National Tribal Caucus Restructuring**

NTWC discussed a strategy to develop a comment letter. With the deadline extended to August 9, 2024, it allows additional time for tribes to develop their comments.

- **2024 NTWC/EPA Spring Meeting Action Items**

NTWC reviewed the list of action items and plan to reach out to Holly Galavotti regarding a few of the items.

- **White Paper on Alaska Issues**

NTWC discussed the 301(h) waiver for the John M. Asplund water treatment facility, which is a topic of the white paper.

- **2024 NTWC/EPA Fall Meeting**

NTWC is starting to plan for the fall meeting and will be hosted by the Fond du Lac Band of Lake Superior Chippewa in September.

**III. Office Of Water's Draft FY 2025-2026 National Program Guidance** (Jared Martin, Kristie Moore, Tomeka Nelson)

Jared Martin provided information on the draft FY 2025-2026 National Program Guidance. The EPA released the draft guidance for public comment and tribal consultation. The deadline to submit comments was June 4, 2024.

The five priority areas in the guidance include water infrastructure investing, addressing and mitigating climate change, addressing PFAS, providing water technical assistance, and protecting and restoring waterbodies and watersheds.

The draft guidance includes provisions for tribes, such as strengthening the relationship with tribes and protecting tribal waters. The guidance includes promoting a robust coordination, meaningful consultation, honoring the federal trust responsibility and protecting reserved rights. For protecting tribal waters, the guidance will include updates on the tribal baseline water quality standards and

tribal reserved rights. The tribal metrics will be the same as the metrics in the FY 2023-2024 guidance.

For more information, please visit: <https://www.epa.gov/planandbudget/national-program-guidances-npgs>

#### **Questions/Comments**

Chairman Norton asked about the addition of the measure that includes coordination with other federal agencies that have responsibilities with drinking water and wastewater oversight. Kristie Moore replied that the EPA had issues with obtaining data from the IHS for both the drinking water measure and sanitation. The OGWDW didn't include a corresponding measure in the Strategic Plan because of similar issues. However, they do have a Tribal measure that looks at systems in significant non-compliance.

#### **IV. Clean Water Indian Set-Aside Grant Program Measure (Matthew Richardson, OWM)**

Matthew Richardson presented on the Clean Water Indian Set-Aside Grant program measure and the recommendation to update it. The Clean Water Indian Set-Aside program has been a long-standing grant program and provided to tribes for planning, design and construction of wastewater infrastructure.

The program measure is tracking the "number of American Indian and Alaska Native homes provided access to basic sanitation, in coordination with other agencies." The current measure derives from the United Nations Millenium Development Goal to reduce by half by 2015 the number of homes lacking access to basic sanitation services. The Indian Health Service oversees the data through the Sanitation Tracking and Reporting System (STARS).

The EPA recognizes the need to review the measure and make changes. Data in support of this measure was received from IHS STARS and was not collected by EPA. Beginning in about 2020, the methodology by which IHS tracked individual tribal homes data was updated, and IHS started tracking these data in a different manner. EPA is no longer able to use the same methodology in this measure. Given the above, OWM continues to work closely with IHS to ensure the federal government addresses the ongoing need for wastewater sanitation services in Tribal communities and proposes a new measure to more accurately capture the work of the EPA in addressing these needs. The new proposed measure is 'Number of CWISA awards processed annually'.

The EPA is seeking feedback on whether to delete the measure or develop a new measure that is tracked by the EPA. As next steps, OWM continues to ensure the federal government addresses the ongoing need for wastewater sanitation services in tribal communities.

#### **Questions/Comments**

Chairman Norton asked if the Clean Water Indian Set-Aside drinking water allocation formula will change. Matthew Richardson replied there will be no change to the allocation formula.

Chairman Norton asked about the program measure and how it will be tracked based on the amount allocated to the EPA under the Clean Water Congressional allocations. Matthew Richardson replied yes that the proposed measure will be tracked by measuring how many awards are distributed. The annual allocation is approximately \$32 million.

Shaun Livermore mentioned that feedback from other regions has been that funding hasn't gone that far and working together hasn't been that easy. Also, there are issues with getting projects on the SDS list to get funding. Tribes should get the opportunity to get their projects on the list. Matthew Richardson thanked Shaun for his comment and will take that into consideration. He also acknowledged the staff needed to fill out the documentation for the SDS list.

**V. Development of the Sixth Proposed Unregulated Contaminant Monitoring Rule (UCMR 6) for Public Water Systems** (OGWDW: Brenda Bowden, Rachel Kaiser, Melissa Simic)

The Office of Groundwater and Drinking Water provided high-level information on the development of the proposal for the Sixth Unregulated Contaminant Monitoring Rule (UCMR 6) for Public Water Systems to promote the Tribal consultation meeting on May 20, 2024. Every five years the EPA issues a list of unregulated contaminants to be monitored by public water systems (PWSs). The information collected through UCMR provides the EPA, states, Tribes, and communities with scientifically valid data on the national occurrence of priority contaminants in drinking water. The data collected during monitoring serve as a primary source of occurrence and exposure information that helps the Agency make determinations about future drinking water regulations and other actions to protect public health under the Safe Drinking Water Act (SDWA).

The EPA initiated Tribal consultation on March 10, 2024, to discuss UCMR 6 development and accepted comments until June 20, 2024. The EPA held a public webinar in April and conducted consultation with the states as well to support proposal development. In 2025, the EPA will publish the proposal for a 60-day public comment period and plans to publish the final rule in late 2026. The EPA anticipates that the five-year UCMR 6 cycle will span the period from January 2027 to December 2031, with sample collection during 2028-2030. Additional outreach, communication resources, and trainings will be conducted throughout the UCMR 6.

For more information, please visit: <https://www.epa.gov/dwucmr/learn-about-unregulated-contaminant-monitoring-rule>

**VI. Announcements/Upcoming Meetings**

- **Final Rule: Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights**  
<https://www.epa.gov/wqs-tech/revising-federal-water-quality-standards-regulation-protect-tribal-reserved-rights>
- **CWA Tribal Forum** in DC, May 14-15, 2024, 50 Tribal participants. Thank you to Chairman Norton, Nancy Schuldt and Yolanda Barney for presenting!
- **Tribal and Indigenous Climate Intensive**, June 10-14, 2024
  - A four-day training series aimed at helping Tribes prepare for climate impacts, draft adaptation plans, conduct vulnerability assessments, and access grant or technical assistance opportunities to address their climate needs.
  - Audience: Tribal staff and EPA POs and Staff who serve Tribes and indigenous communities.
  - Each session has a different registration link, you must register for each session separately.
  - **Overview Sessions** (click the link to register for both sessions)
    - Monday, June 10, 1-2:50 pm ET: [Conducting a Vulnerability Assessments and Writing a Climate Action Plan](#)

- Tuesday, June 11: 1-2:50 pm ET: [Overview of EPA Programs, Technical Assistance, Capacity Building and Funding for Climate Change](#)
- **EPA Program and Partnership Group Sessions:**
  - Each session will be led by a program office and their [Partnership Group](#).
  - Tuesday, June 11, 3-4:30 pm ET, [ORD and the Tribal Science Council: Tribal work addressing Climate Change](#)
  - Wednesday, June 12, 12-1:30 pm ET, [OCSP and the Tribal Pesticide Program Council: Pesticides and Climate Change](#)
  - Wednesday, June 12, 1:30-2:50 pm ET, [OEJECR and the National Environmental Justice Advisory Council: Environmental Justice and Climate Change](#)
  - Wednesday, June 12, 3-4:20 ET, [OLEM and the Tribal Waste and Response Steering Committee Climate in Tribal Cleanup, Prevention, and Response Programs](#)
  - Thursday, June 13, 12-1:30 pm ET, [OW and the National Tribal Water Council, Climate Priorities in the Water Program](#)
    - EPA provides presentation on the Office of Water Climate Adaptation Implementation Plan (Elizabeth Skane, 10 min)
    - NTWC (Chairman Norton) presents water-related climate priorities (5 min)
    - NTWC (Daniel Stone - Upper Snake River Tribe Foundation) presents water-related climate case study (25 – 30 min)
    - Discussion/question time
  - Thursday, June 13, 1:30-2:50 pm ET, [OAR and National Tribal Air Association, Climate Impacts on Air Quality and Health](#)
  - Thursday, June 13, 3-4:20 ET, [OCSP and the National Tribal Toxics Council: Toxics and Climate Change](#)
- **EPA's Virtual Water Quality Standards Academy - June Session**

Registration is free and open to the public. Registration will close on May 22<sup>nd</sup>, or when capacity is reached.

The 6-day *virtual* WQS Academy session will be held Monday June 3<sup>rd</sup> to Friday June 7<sup>th</sup>, and Monday June 10<sup>th</sup>. The session will be held 11:30am to 4:30pm ET.

[Please click here to register.](#)
- **NTWC/EPA Fall In-person Meeting** will be at Fond Du Lac Band of Lake Superior Chippewa in Minnesota the week of Sept. 23

## VII. Consultation Opportunities

- **National Tribal Caucus reorganization as a Federal Advisory Committee (FAC) under the Federal Advisory Committee Act (FACA)**
  - Tribal Consultation period: April 11 to August 9
- **FY 2025-2026 National Program Guidance**
  - Tribal consultation April 23 – June 4.
  - May 16, 2 - 4 pm ET: FY 2025-2026 National Program Guidance Informational Teleconference with Tribes (links in the consultation letter)
  - July 8, EPA posts final FY 25-26 National Program Guidance online.

- Visit EPA's National Program Guidances webpage for comment template:  
<https://www.epa.gov/planandbudget/national-program-guidances-npgs>.
- **Consultation Opportunity: Development of the Sixth Proposed Unregulated Contaminant Monitoring Rule (UCMR 6) for Public Water Systems**
  - Consultation period – March 10 – June 20, 2024
  - Informational webinar for Tribal governments on May 20, 2024, from 2:30 p.m. – 4:00 p.m. Eastern Time, (Teams meeting link in the consultation letter).
- **Proposed research permit application** pursuant to the *Marine Protection, Research and Sanctuaries Act* to conduct a scientific research study of a marine carbon dioxide removal technique in ocean waters offshore of Massachusetts and New Hampshire.
  - Consultation and coordination: Begins Feb. 14 for a minimum of 60 days.
  - Notice of a complete permit application - Spring 2024
- **General permit for the Ocean Disposal of Marine Mammal Carcasses**
  - Conducting a second round of tribal coordination for tribes located in the Puget Sound area.
  - 60-day consultation period April 3 - June 3.

**VIII. Closing** (Ken Norton, NTWC)

Chairman Norton thanked Jared Martin for providing an overview of the program guidance; Brenda Bowden and Rachel Kaiser presenting on the monitoring rule; and Matthew Richardson providing information on the set-aside program measure.

**IX. Upcoming**

- Next NTWC and NTWC/EPA monthly calls: June 12, 2024