



Tribal PFAS Working Group – A Review of 2022 Activities

At the start of 2022, the Tribal PFAS Working Group took the opportunity to outline several key priority actions that are important and crucial to tribes. Additionally, the NTWC and the Tribal PFAS Working Group developed comment letters on proposed rulemaking actions, contributed to and participated in meetings, webinars, and conferences. The following highlights the activities of the working group for 2022.

PFAS and Your Health: A Resource for Tribal Communities Fact Sheet

The Tribal PFAS Working Group, in collaboration with the PFAS Project Lab, developed a fact sheet titled "*PFAS and Your Health: A Resource for Tribal Communities.*" The fact sheet provides information on the health concerns, exposure pathways, and ways to reduce exposure to PFAS. The Tribal PFAS Working Group would like to thank Kira Mok and the PFAS Project Lab for their assistance in developing the fact sheet. For more information on the PFAS Project Lab, please visit: www.pfasproject.com/.

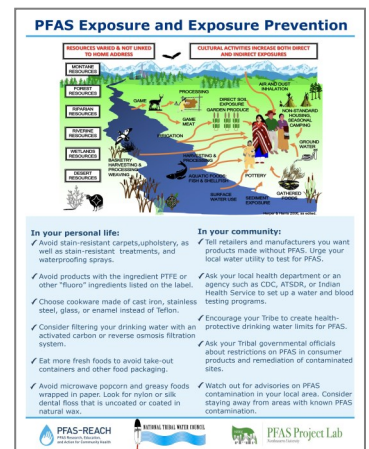


To access the fact sheet, please visit: [http://www7.nau.edu/itep/main/ntwc/Issues/PFAS Publications](http://www7.nau.edu/itep/main/ntwc/Issues/PFAS_Publications)

Policy Response: Developed Comment Letters on Proposed Rulemaking Actions

The Tribal PFAS Workgroup developed comment letter of the following actions:

- EPA's Proposed National Primary Drinking Water Regulation for Per- and Polyfluoroalkyl Substances (PFAS); submitted on February 25, 2022
- EPA's Rulemaking to Designate PFOA and PFOS as Hazardous Substances under CERCLA; submitted on November 7, 2022
- EPA's Reporting and Recordkeeping for Per- and Polyfluoroalkyl Substances under Section 8(a)(7) of the TSCA; submitted on December 21, 2022



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NEWSLETTER
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<https://nau.edu/ntwc>

Tribal PFAS Working Group – A Review of 2022 Activities *(continued)*

Webinars and Presentations

- Presentations provided during the Tribal PFAS Working Group Meetings:
 - Alternative Biomedical Solutions’ PFAS Testing Fundamentals on January 27, 2022
 - Forever Analytical Services’ PFAS Testing on April 14, 2022
 - Abt Associates’ PFAS Uptake in Plants and Biota on May 12, 2022
 - PFAS Hemp Remediation Project on September 8, 2022
- Tribal PFAS Working Group Listening Session at the ITEP Tribal Lands & Environment Forum on August 11, 2022

Webinar recordings are available at the following site: <https://mediaspace.nau.edu/channel/National+Tribal+Water+Council/116196612>

For additional information, please visit the Tribal PFAS Working Group’s webpage at <https://www7.nau.edu/itep/main/ntwc/Issues/PFAS>, or contact Page Hingst, Tribal Science Council, at page.hingst@santeoep.com or Dianne Barton, National Tribal Toxics Council, at bard@crtifc.org.

UPDATES & ANNOUNCEMENTS

EPA’s Virtual Workshop on “Treatment in a Similar Manner as a State” (TAS) for Water Quality Standards – **March 21-23, 2023**

EPA will be hosting a virtual workshop on “Treatment in a similar manner as a state” (TAS) for Water Quality Standards for three consecutive half days, March 21-23, 2023. This workshop will be open to participants from tribes across the United States who are interested in or want a refresher on TAS, specifically tribes interested in administering a water quality standards program under the Clean Water Act. The workshop is intended to provide an opportunity for participants to learn about the TAS application process and to hear directly from tribes with TAS and EPA regional and headquarters staff who work closely with tribes to process TAS applications. Workshop sessions will cover topic areas such as:

- Eligibility for TAS
- Benefits of obtaining TAS
- Steps associated with the TAS application process
- Jurisdiction and legal requirements
- Available funding and capacity building

Registration for this upcoming workshop will open in February 2023.

Final Revised Definition of “Waters of the United States” Released on December 30, 2022

The U.S. Environmental Protection Agency and Department of the Army (“the agencies”) are announcing a final rule to define “waters of the United States” that is founded on the familiar framework of the pre-2015 regulations and provides additional clarity. This rule has been carefully drafted to establish a durable definition that prioritizes implementation, protects vital water resources, and will withstand the test of time. This action follows through on a regulatory process announced in the summer of 2021.

The agencies developed this rule with considerations for the relevant provisions of the Clean Water Act and the statute as a whole, relevant Supreme Court case law, and the agencies’ technical expertise after more than 45 years of implementing the longstanding pre-2015 “waters of the United States” framework. The final rule also considers the best available science and extensive public comment to establish a durable definition of “waters of

Updates & Announcements *(continued)*

the United States” that supports public health, environmental protection, agricultural activity, and economic growth.

The agencies carefully reviewed their implementation process and prepared additional implementation materials to support this final rule. These documents will be available today on the EPA website at <https://www.epa.gov/wotus/current-implementation-waters-united-states>.

- The agencies have prepared a new **2022 Coordination Memo** to ensure consistency of jurisdictional determinations under the final rule.
- The agencies have also partnered with USDA to prepare a new **2022 Ag Memo** that clarifies the agencies’ roles and programs, and in particular clarifies the prior converted cropland exclusion under the final rule.
- The agencies will use the legal memorandum **Waters That Qualify as “Traditional Navigable Waters” Under Section (a)(1) of the Agencies’ Regulations** (formerly known as Appendix D) to provide guidance for identifying traditional navigable waters.
- The agencies are also retaining the **2020 Ditch Exemption Memo** clarifying implementation of the ditch exemption under Clean Water Act section 404(f).

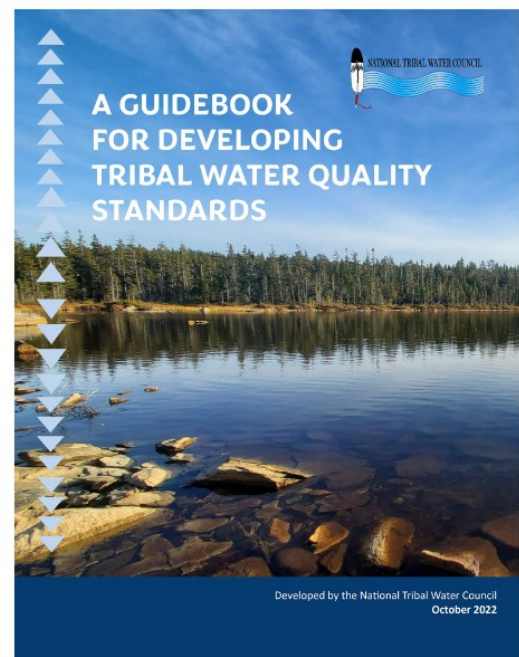
For more information, please visit: <https://www.epa.gov/wotus/revising-definition-waters-united-states>



WEBINAR

**TRIBAL
WATER
QUALITY
STANDARDS
GUIDEBOOK**

**JAN. 26, 2023
1:00 PM MST**



**A GUIDEBOOK
FOR DEVELOPING
TRIBAL WATER QUALITY
STANDARDS**

Developed by the National Tribal Water Council
October 2022

The National Tribal Water Council is hosting an information webinar on it’s guidebook. The webinar will include the importance of first developing a water protection program under tribal laws & values; tribal experiences; and a Q&A session.

Thursday, January 26th
1:00 PM MST

To Join the Webinar:
Zoom Meeting ID: 829 0230 0468
Password: NTWC2023

<https://nau.zoom.us/j/82902300468?pwd=SFJVTkc3WtM2a3ZPcWtWQURnd1RUdz09#success>



Membership Recruitment for Region 10 and At-Large Representatives

Applications Accepted until April 28, 2023

The National Tribal Water Council is a technical and scientific body established to advocate for the best interests of federally-recognized Indian and Alaska Native Tribes in matters pertaining to water. The Council is currently accepting applications from tribal water professionals for two (2) open positions.

Region 10 Representative

This position is open to tribal water professionals employed by a federally recognized Tribe or tribally authorized organization from Region 10 (Alaska, Idaho, Oregon, and Washington).

At-Large Representative

Open to tribal water professionals employed by a federally recognized Tribe or tribally-authorized organization in the United States (Regions 1 through 10).

Member duties include, but not limited, to:

- Participating in monthly conference calls;
- Attending bi-annual meetings; and
- Creating and participating in crafting response documents to policy and/or rulemaking actions.

We are seeking individuals that are passionate and vocal about tribal water issues. Interested candidates must submit the following: application form, letter of interest, and professional resumé. The application packet may be found at the NTWC's website: <http://www7.nau.edu/itep/main/ntwc/>

To express your interest or obtain more information, please contact Elaine Wilson at elaine.wilson@nau.edu or (480) 452-6774.



GRANT OPPORTUNITIES

FEMA Building Resilient Infrastructure and Communities Grant

Deadline: January 27, 2023

The Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) grant program will support states, local communities, tribes, and territories as they undertake hazard mitigation projects, reducing the risks they face from disasters and natural hazards, including wildfires, drought, hurricanes, earthquakes, extreme heat, and flooding. The BRIC program's guiding principles are supporting communities through capability and capacity building; encouraging and enabling innovation; promoting partnerships; enabling large projects; maintaining flexibility; and providing consistency. The deadline for submissions is January 27, 2023. For more information, please visit: <https://www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities>

EPA Environmental Justice Grants

Deadline: April 10, 2023

EPA announced \$100 million in Environmental Justice grant funding. This is the largest amount of environmental justice grant funding ever offered by EPA. This funding, made possible through President Biden's Inflation Reduction Act, marks the largest amount of environmental justice grant funding ever offered by the Agency. EPA has published two Requests for Applications for this funding through the Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement Program and the Environmental Justice Government-to-Government (EJG2G) Program.

The Environmental Justice Collaborative Problem-Solving Program (EJCPS) Cooperative Agreement Program

The EJCPS Program will provide an estimated \$30 million in funding directly to community-based nonprofit organizations (and partnerships of these organizations), with \$5 million reserved for small community-based nonprofit organizations with five or fewer full-time employees. In total, the Agency anticipates funding approximately 50 awards of \$500,000 and 30 awards of \$150,000.

EPA's EJCPS Cooperative Agreement Program provides financial assistance to eligible organizations working on or planning to work on projects to address local environmental and/or public health issues in their communities. The program assists recipients in building collaborative partnerships with other stakeholders (e.g., local businesses and industry, local government, medical service providers, academia, etc.) to develop solutions that will significantly address environmental and/or public health issues at the local level.

The Environmental Justice Government-to-Government (EJG2G) Program

The EJG2G Program (formerly known as the State Environmental Justice Cooperative Agreement program) will provide an estimated \$70 million in funding. Of this, \$20 million will be for State governments to be used in conjunction with Community-Based Organization (CBO) partners, \$20 million will be for local government with CBO partners, \$20 million will be for Federally Recognized Tribal Nations with CBO partners, and \$10 million will be for U.S. territories and remote tribes with limited access to CBO partners. In total the Agency anticipates funding approximately 70 projects of up to \$1 million each for a 3-year project.

The EJG2G Program works to support and/or create model state activities that lead to measurable environmental or public health results in communities disproportionately burdened by environmental harms and risks. These models should leverage or utilize existing resources or assets of state agencies to develop key tools and processes that integrate environmental justice considerations into state governments and government programs.

Under both EJCPS and EJG2G programs, EPA will be giving special consideration to the following focus areas:

- Projects addressing climate change, disaster resiliency, and/or emergency preparedness
- Projects located in and/or benefitting rural areas

Grant Opportunities *(continued)*

- Projects conducting [Health Impact Assessments \(HIA\)](#)

Applicants interested must submit proposal packages on or before April 10, 2023, to be considered for the available funding. Applicants should plan for projects to begin on October 1, 2023.

Pre-application Assistance Webinars

EPA will host pre-application assistance webinars to answer prospective applicant questions about the EJ grant process.

- To attend the first webinar on January 24, 2023 focused on EJCPS, [register here](#).
- To attend the second webinar on January 26, 2023 focused on EJG2G, [register here](#).

For more information, please visit: <https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>

TRIBAL CONSULTATION OPPORTUNITIES

EPA's Notification of Tribal Consultation and Coordination on EPA's Proposal to Revise the Federal Water Quality Standards Regulation to Protect Tribal Reserved Rights

Deadline: March 6, 2023

EPA is continuing consultation and coordination with federally recognized Indian tribes to inform proposed revisions to the federal Clean Water Act water quality standards (WQS) regulation at 40 CFR part 131 that would clarify and prescribe how WQS must protect aquatic and aquatic-dependent resources reserved to tribes in waters subject to state WQS.

EPA conducted tribal engagement and consultation on the concepts reflected in this proposed rule between June and September 2021, prior to drafting the proposed rule. This proposed rule reflects input received during the pre-proposal consultation period. This second invitation for consultation and coordination provides tribes an opportunity to share input and comments with EPA on the proposed rule now that it has been released for public review.

The proposed rule was signed by the EPA Administrator on November 28, 2022 and is published in the Federal Register for a 90-day public comment period. The deadline to submit comments is March 6, 2023. EPA will accept public comments at [regulations.gov](https://www.regulations.gov) [Docket ID No. EPA-HQ-OW-2021-0791](#).

For more information, please visit: <https://www.epa.gov/wqs-tech/tribal-consultation-and-coordination-epas-proposal-revise-federal-water-quality-standards>

EPA's Notification of Consultation and Coordination on Effluent Limitations Guidelines and Standards (ELG) for the Meat and Poultry Products Point Source Category (MPP)

Deadline: March 10, 2023

EPA is initiating consultation and coordination with federally recognized Indian tribes on forthcoming proposed revisions to MPP ELG. The MPP ELG regulations cover wastewater discharges from meat and poultry processing facilities, which range from slaughterhouses to renderers. On September 14, 2021, EPA announced its decision to undertake a rulemaking in which the agency will determine whether more stringent limitations and pretreatment standards for meat and poultry products facilities are appropriate and consistent with the technology-forcing statutory scheme and the goals of the Clean Water Act.

Tribal Consultation & Public Comment Opportunities *(continued)*

EPA plans to hold two identical Tribal Webinar and Listening Sessions to provide an overview of this forthcoming rulemaking and to receive input from tribal representatives about this action. To register:

- **Tribal Webinar and Listening Session #1**
 - ◆ Webinar date/time: Monday, **February 6, 2023, 2:00PM EST**
 - ◆ To register: <https://tinyurl.com/EPAMPPELG>
- **Tribal Webinar and Listening Session #2**
 - ◆ Webinar date: Monday, **February 13, 2023, 2:00PM EST**
 - ◆ To register: <https://tinyurl.com/EPAMPPELG>

The deadline to submit comments is March 10, 2023. For any questions, please contact Morgan Teachey, U.S. EPA, Office of Science and Technology, by email at teachey.morgan@epa.gov or by phone at (202) 566-2735. Consultation materials are also available on EPA's Tribal Consultation Opportunities Tracking System (TCOTS) website located at: <https://tcots.epa.gov>.

The U.S. Environmental Protection Agency (EPA) is initiating consultation and coordination with federally recognized Indian Tribes on a proposed rulemaking to address Market-Based Approaches under the National Pollutant Discharge Elimination System (NPDES) Program. The proposed rulemaking would update EPA's regulations to clarify that long-available regulatory flexibilities, such as water quality trading, may be included as NPDES permit conditions to meet applicable effluent limitations, as long as the permit limitations are set at a level necessary to meet local and downstream water quality standards.

EPA's Proposed Rulemaking for Market-Based Approaches under the National Pollutant Discharge Elimination System Program

Deadline: March 15, 2023

EPA is initiating consultation and coordination with federally recognized Indian tribes on a proposed rulemaking for market-based approaches under the National Pollutant Discharge Elimination System Program. The proposed regulations will provide clarity to NPDES permitting authorities, regulated entities, and stakeholders interested in participating in market-based compliance approaches, including water quality trading, under the NPDES program. The action imposes no enforceable duty on any state, local, or tribal governments, or the private sector. The action may affect tribes interested in participating in water quality trading to meet permit effluent limitations for tribally owned facilities or to generate pollutant reduction credits from tribally owned point source or nonpoint source facilities. The action also may be of interest to tribal governments that provide certification under Section 401 of the Clean Water Act for permits that include conditions allowing the use of market-based approaches.

EPA plans to hold an informational webinar for tribal leaders and staff to provide an overview of the revision to its proposed regulatory approach and will provide participants with an opportunity to ask questions and provide comments.

- Webinar date: Wednesday, **February 15, 2023** (1:00 PM-3:00 PM EST)
- To register: https://www.zoomgov.com/webinar/register/WN_ji9pmygfQrqWPx8k6QGbaA.

The deadline to submit comments is March 15, 2023. consultation materials are also available on EPA's Tribal Consultation Opportunities Tracking System (TCOTS) website located at: <https://tcots.epa.gov/ords/tcotspub/f?p=106:5::1671>

EVENTS & WEBINARS

Inter Tribal Council of Arizona, Inc. – National Tribal Water & Wastewater Operator Training & Certification Program

The Inter Tribal Council of Arizona, Inc. National Tribal Water and Wastewater Operator Training and Certification Program is providing live online training. Each course consists of sequential lessons that are provided in a series of live online classes that are 3-hours in length.

Upcoming courses include, but are not limited to, the following:

- Wastewater Treatment Level 1: February 22 to March 29, 2023
- Water Treatment Level 1: February 12 to 24, 2023

To register or to view the 2022 training schedule, please visit: <https://itcaonline.com/programs/environmental-quality-programs/tws-tmap/tws-training-events/>

U.S. Department of Energy 2023 Tribal Energy Webinar Series

- January 25, 2023: Federal Funding for Tribes

To register, please visit: <https://register.gotowebinar.com/register/4835949434998891867>

North Central Region Water Network Webinar

- January 26, 2023 (2:00 PM CT): Drought Planning and Preparedness

To register, please visit: https://uwmadison.zoom.us/webinar/register/WN_I7XRW7R9SLux7gkOlldq4g

National Association of Wetlands Managers Tribal Wetland Programs Webinars

- February 16, 2023: Developing Your Tribal Wetland Program

To register, please visit: <https://www.nawm.org/nawm/nawm-webinarscalls/4840-epa-region-10-tribal-wetland-training-webinars>

Tribal Climate Health Project's Tribal Health and Adaptation Peer-Learning Roundtable Webinars

The Tribal Climate Health Project has developed training to assist Tribes to begin to prepare, cope, build resilience to, and recover from the health and other impacts of climate change.

This advanced training from the Tribal Climate Health Project is for Tribal-serving practitioners, including environmental and health professionals, who have gained some level of transferable, real-world climate and health knowledge and experience through their work with Tribes. This training is open to Tribes and Tribal-serving professionals throughout the United States who work within the intersections of climate change, health, and community well-being.

Below is the upcoming schedule:

- February 16, 2023: Preparing dynamic and actionable adaptation plans that protect Tribal health and wellbeing
- March 16, 2023: Managing ongoing planning, decision-making, and progress tracking amongst Tribal departments and other stakeholders

For the complete schedule and more information about the webinars, please visit: <http://ped.palatribe.com/tcha-webinar-vi/>

Contaminated Site Clean-Up Information (CLU-IN) Training

- February 23, 2023: Environmental Data Management – Real Life Application of Data Management Planning and Field Data Collection Best Practices
- March 2, 2023: Strategies for Preventing and Managing Harmful Cyanobacteria Blooms Part 1
- March 7, 2023: Microplastics
- March 9, 2023: Strategies for Preventing and Managing Harmful Cyanobacteria Blooms Part 2

To register, please visit: <https://clu-in.org/training/>

Events & Webinars *(continued)*

A Meeting of Sacred Waters 2023 on February 16, 2023

A Meeting of Sacred Waters is a hybrid gathering that provides a space for sharing Indigenous worldviews, values, and perspectives to reclaim the health of the world's water sources. Participants may attend online or in-person. The meeting is being held on February 16, 2023, in Phoenix, Arizona. The registration fee is \$75 in-person or \$50 online. For more information, please visit: <https://web.cvent.com/event/0996cab6-b666-40a8-a789-1488c95cecb5/websitePage:06af4aea-ce0e-4dae-b3fe-a83859c279a9>

EPA's National Climate Resilience Training for the Tribal Water Sector

Register by March 6, 2023, at www.ihs.gov/ehsc/classes.

EPA's Creating Resilient Water Utilities (CRWU) initiative is providing a series of **free** webinars for tribal water sector utilities and other water sector stakeholders.

- March 7, 2023: Introduction to Climate Change Impacts
- March 9, 2023: CRWU Tools for Climate Resilience
- March 14, 2023: Financial Resources for Climate Adaptation Projects

NTWC MEMBERS

For more information on our members, visit [Meet the Council](#).

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