



NTWC's Webinar on the 2023 Final CWA Section 401 Water Quality Certification Improvement Rule

On February 20, 2024, the National Tribal Water Council held a webinar on the EPA's 2023 Final Clean Water Act Section 401 Water Quality Certification Improvement Rule. The final rule supports a timely and predictable water quality certification process under CWA Section 401. The final rule became effective on November 27, 2023.

The goal of the webinar was to assist Tribal Nations in understanding the options that may work best for them under the final rule and the necessary elements needed for implementation of these options. By providing Tribal Nations with the understanding of the Section 401 certification pathways, tribes can decide for themselves on how best to protect their water quality and assert their water quality-related goals and values. In this revised rule, eligible tribal nations can obtain treatment in a similar manner as a state (TAS) solely for Section 401 as a certifying authority or as a neighboring jurisdiction under Section 401 (a)(2) without first applying for TAS for water quality standards under CWA Section 303 (c).

The webinar was moderated by NTWC Chairman Ken Norton, of the Hoopa Valley Tribe, and the distinguished panelists were Jill Grant, Jill Grant & Associates; Law Professor James Grijalva, University of North Dakota; and NTWC Region 5 Representative Nancy Schuldt, Fond du Lac Band of Lake Superior Chippewa.

NTWC Chairman Norton provided a brief background and overview of the final rule. Jill Grant provided a legal review of the 401 certification requirements for administering and implementing TAS options. Professor Grijalva discussed the importance of water quality requirements in Section 401 and its application under TAS options for Section 401(a)(1) and 401(a)(2).

Lastly, Nancy Schuldt shared past and present experiences of EPA exercising its oversight duties for determining whether an upstream discharge "may affect" the

Webinar Presenters:



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NTWC Chair
Hoopa Valley Tribe



Jill Grant
Principal Attorney
Jill Grant & Associates, LLC



James Grijalva
Law Professor
University of North Dakota



Nancy Schuldt
NTWC Region 5
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NTWC's Webinar *(continued)*

tribe's waters and aquatic resources that they depend on. Nancy talked about a particular case in which the Fond du Lac Band of Lake Superior Chippewa sued the EPA in order to initiate the 401(a)(2) process. She described that lengthy experience and the result was a win for the tribe.

The recorded webinar is available for viewing on the NTWC website, along with the presentation slides and additional resources shared by NTWC members. To access the webinar recording, please visit: https://mediaspace.nau.edu/media/t/1_gsdelyg5. For additional information on the final rule, please visit: <https://www.epa.gov/cwa-401/final-2023-cwa-section-401-water-quality-certification-improvement-rule>.

NTWC Website: <https://www7.nau.edu/itep/main/ntwc/>



Chauncey Means, NTWC's Newly Appointed Vice Chair

In February 2024, NTWC members selected Chauncey Means as the Vice Chair. He is the Water Quality Administrator for the Confederated Salish and Kootenai Tribes on the Flathead Indian Reservation. Chauncey joined the NTWC in 2022 as the Region 8 representative.

UPDATES & ANNOUNCEMENTS

Climate Change Adaptation for Tribes and Tribal Partners Workshop, May 20-22, 2024

This workshop is co-sponsored by the South Central CASC and will be held on May 20-22, 2024, at the Chickasaw Retreat and Conference Center in Sulphur, OK. Participants are encouraged to register with teams (3-5 people) for relevant collaboration. (e.g., tribal staff and partners on a project). Participants will work with their teams to conduct and integrate climate adaptation into an existing project. The registration deadline is May 4, 2024. To register, please visit: https://docs.google.com/forms/d/e/1FAIpQLSci5MvNNc_O3MICxXRaRIjUSKqcvJpGZHkHM4NNKNYJCYWyXg/viewform

National Association of Wetland Managers - Annual State, Tribal, Federal Coordination Meeting Accepting Applications for Travel Scholarships

Deadline: May 3, 2024

The National Association of Wetland Managers (NAWM) will be hosting its Annual State/Tribal/Federal Coordination Meeting on June 17-20, 2024, in Shepherstown, West Virginia. A limited number of scholarships are available to assist individuals in need to cover travel, lodging and/or registration costs to attend the annual coordination meeting. The deadline to apply is May 3, 2024. For more information, please visit: <https://www.nawm.org/2024-annual-stfc-meeting-scholarship>

National Tribal & Indigenous Climate Conference, September 9-12, 2024

The Institute for Tribal Environmental Professionals (ITEP) is pleased to announce the 2024 Biennial National Tribal and Indigenous Climate Conference (NTICC) to be held in Anchorage, Alaska. The NTICC invites our relatives from tribal nations and Indigenous Peoples to attend, listen, learn and share the important work conducted to protect our tribal cultures, non-human relatives and environment. For additional information, please visit: <https://sites.google.com/view/nticc2024/2024-save-the-date>

TRIBAL CONSULTATION OPPORTUNITIES

EPA's Proposed Rulemaking for Incorporating PFAS Reporting Requirements into NPDES Application Forms

Deadline: April 1, 2024

EPA is initiating consultation and coordination with federally recognized Indian Tribes on a forthcoming proposed rulemaking that seeks to update requirements for several of the existing National Pollutant Discharge Elimination System (NPDES) permit applications to address monitoring and/or reporting of Per- and Polyfluoroalkyl Substances (PFAS). This rulemaking will consider adding Per- and Polyfluoroalkyl Substances reporting requirements to permit applications for new and existing publicly owned treatment works, new and existing manufacturing, commercial, mining, and silvicultural operations, and stormwater discharges associated with industrial activity.

The deadline to submit a comment is April 1, 2024. Tribal governments may request one-on-one consultation meetings with the EPA. Please contact Abigail Golder at golder.abigail@epa.gov before March 18, 2024, to make arrangements. Consultation materials are also available on EPA's Tribal Consultation Opportunities Tracking System (TCOTS) website located at: <https://tcots.epa.gov>.

EPA's Approach to Improving Performance Reporting in Agency Grant Programs

Deadline: April 12, 2024

EPA's Office of the Chief Financial Officer (OCFO) invites federally recognized Indian Tribes to provide input on the agency's ideas for improving performance reporting in its grant programs.

The agency has the opportunity to develop a performance reporting framework that articulates common post-award performance elements across grant programs, in order to clarify expectations, reduce reporting burden for grantees, and improve the quality of performance information that is collected across the EPA. The agency is developing guidance to define and explain different components of performance reporting that may be used by grant programs that do not have a performance reporting framework in place.

EPA will hold an informational webinar on March 19, 2024, via Microsoft Teams. See below for details:

- Informational webinar: March 19, 2024 (3:00-4:30 PM EDT), To join the webinar, click [here](#).
Meeting ID: 247 281 199 871, Passcode: AgkYph

The deadline to request for a one-on-one tribal consultation meeting is March 29, 2024. The deadline to submit a comment is April 12, 2024. Consultation materials are available on EPA's Tribal Consultation Opportunities Tracking System (TCOTS) website located at: <https://tcots.epa.gov>.

EPA's Sixth Proposed Unregulated Contaminant Monitoring Rule (UCMR 6) for Public Water Systems

Deadline: June 20, 2024

EPA is initiating consultation and coordination with federally recognized Indian Tribes on the development of the sixth Unregulated Contaminant Monitoring Rule (UCMR) for public drinking water systems. Under the UCMR, EPA collects data for contaminants suspected to be found in drinking water, but that do not have health-based standards set under the Safe Drinking Water Act.

EPA will be holding upcoming webinars to describe potential approaches for developing UCMR 6, which includes prospective drinking water analytical methods and contaminants, possible sampling design, and other monitoring considerations.

Tribal Consultation Opportunities *(continued)*

Webinar Schedule:

- Webinar #1: April 17, 2024 (11:00 AM-5:00 PM EDT)
To register: <https://register.gotowebinar.com/register/9172484874454969434>
- Webinar #2: April 18, 2024 (11:00 AM-5:00 PM EDT)
To register: <https://register.gotowebinar.com/register/4542600839076268125>
- Webinar #3: Informational webinar for Tribal Governments - May 20, 2024 (2:30-4:00 PM EDT)
Microsoft Teams, to join click [here](#).
Meeting ID: 226 544 196 275 | Passcode: UmVDuJ

The deadline to request for a one-on-one consultation meeting is June 10, 2024. The deadline to submit a comment is June 20, 2024. Consultation materials are available on EPA's Tribal Consultation Opportunities Tracking System (TCOTS) website located at: <https://tcots.epa.gov>. For additional information, please visit: <https://www.epa.gov/dwreginfo/information-about-public-water-systems>

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 online, in-person, and blended training.

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

- SDWA Federal Regulations: April 2-12, 2024 (Blended)

To register or to view the 2024 training schedule, please visit: <https://itcaonline.com/programs/environmental-quality-programs/tws-tmap/tws-training-events/>

USGS Webinar Series: Incorporating Climate and Environmental Justice into Research and Resource Management

- March 14, 2024: Skillsets and competencies integral to justice work
- March 28, 2024: Climate & environmental justice at the national scale
- April 11, 2024: Case Studies – Showcasing regional differences in climate and environmental justice applications

To register, please visit: <https://www.usgs.gov/programs/climate-adaptation-science-centers/webinar-series-incorporating-climate-and-environmental>

EPA Air, Climate, & Energy Research Webinar Series

- March 19, 2024: Wildfire Impacts: Beyond Ambient PM2.5 (Toxics, Water Quality)

To register, please visit: <https://www.epa.gov/air-research/air-climate-energy-research-webinar-series>

EPA Water Utility Resilience Workshops and Webinars

- March 21, 2024: Water Contaminant Information Tool (WCIT) – Becoming an Advanced User

To register, please visit: <https://www.epa.gov/waterresiliencetraining/register-water-utility-resilience-workshops-and-webinars-now>

Events & Webinars *(continued)*

EPA Small Drinking Water Training Webinar

- March 28, 2024: Safe Drinking Water Act 101

To register, please visit: <https://www.epa.gov/dwreginfo/drinking-water-training>

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

- March 19, 2024: Environmental Data Management – Best Practices for Achieving and Maintaining Quality within Environmental Data Management
- April 16, 2024: Environmental Data Management – Best Practices for Exchanging Environmental Data
- April 18, 2024: ITRC PFAS Beyond the Basics – Sampling, Analysis, Surface Water & Air Occurrence

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

EPA Small Drinking Water Systems Webinar Series

- March 26, 2024: Harmful Algal Blooms
- April 30, 2024: PFAS Treatment

To register, please visit: <https://www.epa.gov/water-research/small-drinking-water-systems-webinar-series>

EPA Tools and Resources Webinars

- April 4, 2024: Report on the Environment

To register, please visit: <https://www.epa.gov/research-states/epa-tools-and-resources-webinar-series>

EPA Tools and Resources Webinar Series

- April 17, 2024: Tire Crumb Research

To register, please visit: <https://www.epa.gov/research-states/epa-tools-and-resources-webinar-series>

EPA Water Research Webinar Series

- April 24, 2024: Development and Implementation of DNA-Based Biomonitoring to Support Assessment of Aquatic and Human Health

To register, please visit: <https://www.epa.gov/water-research/water-research-webinar-series>



Have a story, idea, or update to share?

Email us at elaina.doral@nau.edu.



NTWC MEMBERS

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

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