



NTWC's Tribal Water Quality Standards Guidebook Webinar

On January 26, 2023, the National Tribal Water Council held its informational webinar on its ***"A Guidebook for Developing Tribal Water Quality Standards."*** The 90-minute webinar included the purpose and the background of the guidebook, tribal legal authority, tribal experiences, and a Q&A session. Webinar presenters included Chairman Ken Norton, Law Professor James Grijalva, and NTWC members Dan Kusnierz, Yolanda Barney, and Nancy Schuldt.

Chairman Norton welcomed the participants and discussed the background of the guidebook development. In 2018, in response to rollbacks of Clean Water Act rules and regulations, the NTWC decided to develop a guidebook to serve as a tool and a guide to assist tribes in developing water quality standards (WQS) under tribal legal authority.

Law Professor James Grijalva discussed developing a tribal water quality program under tribal law and jurisdiction to protect tribal resources in accordance with traditional and cultural values. He provided information on setting standards for water quality by listing all reservation water bodies, uses of water, and determining the level of water quality. In his remarks, he noted that a tribal water quality program should include roles and benefits.

Tribal experiences in developing tribal water quality standards were provided by NTWC members: Chairman Norton (Hoopa Valley Tribe), Dan Kusnierz (Penobscot Nation), Yolanda Barney (Navajo Nation), and Nancy Schuldt (Fond du Lac Band of Lake Superior Chippewa). Chairman Norton shared how the Hoopa Valley Tribe developed their tribally adopted WQS. Dan Kusnierz provided a timeline of the Penobscot Nation's WQS development and the benefits of the WQS for protecting tribal resources. He discussed how his tribe's WQS protect sustenance fishing and water quality for the use of water for cultural and ceremonial purposes.

Webinar Panelists



Ken Norton
NTWC Chairman
Hoopa Valley Tribe



Yolanda Barney
Navajo Nation



Professor James Grijalva
Friedman Professor of Law
University of North Dakota
School of Law



Nancy Schuldt
Fond du Lac Band of Lake
Superior Chippewa



Dan Kusnierz
Penobscot Nation



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NEWSLETTER

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NTWC's Tribal WQS Guidebook Webinar *(continued)*

Yolanda Barney also provided a timeline of the Navajo Nation's development of WQS. The Navajo Nation has received "treatment as a state" (TAS) status for the CWA 303(c) and 401 programs, and recently initiated the process to obtain TAS for the National Pollutant Discharge Elimination System (NPDES) program.

Nancy Schuldt shared how the Fond du Lac Band of Lake Superior Chippewa developed their WQS program. The tribe's program includes antidegradation provisions to protect high-quality waters, which is used for food security and sovereignty.

The webinar was attended by 59 participants. The participants were asked a Yes/No poll question: *Does your tribe have tribally-approved water quality standards?* A total of 29 people responded and the results were as follows:

- 12 participants selected "Yes," and
- 17 participants selected "No."

The webinar recording is now available on the NTWC website: <http://www7.nau.edu/itep/main/ntwc/>. NTWC appreciates the panelists and all participants for attending the webinar.

UPDATES & ANNOUNCEMENTS

Tribal PFAS Working Group Priorities for 2023

The Tribal PFAS Working Group recently reviewed and updated their key priorities for 2023. The working group identified five (5) key priorities, which include the following:

- Continue to identify tribes and coordinate with tribes that are currently impacted by PFAS.
- Continue to develop and identify PFAS tools and resources.
- Enhance and promote the Tribal PFAS Working Group's webpage with current publications, presentation videos, research, and resources.
- Advocate for rulemaking, research, and education actions, with attention to inclusion of tribal lifeways.
- Develop and host informal tribal workshop series on PFAS issues.

The 2023 Tribal PFAS Working Group Priorities can be accessed at: <http://www7.nau.edu/itep/main/ntwc/Issues/PFAS>.

EPA Releases the Final Clean Water Act Section 106 Tribal Guidance

On January 23, 2023, the EPA released the final 2023 Clean Water Act Section 106 Tribal Guidance. The Section 106 Tribal Guidance, which supersedes the 2007 *Final Guidance on the Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act*, underwent significant engagement, input, and consultation with Tribal governments, Tribal partnership groups, and Tribal water quality professionals.

The guidance provides clear, comprehensive, updated, and succinct language that is relevant and applicable to Tribes. It also discusses how Indigenous knowledge can be supported and leveraged using Section 106 funding. The final guidance may be accessed at: <https://www.epa.gov/water-pollution-control-section-106-grants/clean-water-act-section-106-tribal-guidance>



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 voluntary positions.

Region 10 Representative

This voluntary 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

This voluntary position is 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

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
- 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.

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](https://www.regulations.gov/docket/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 has initiated 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. Any revised limitations on the discharge of pollutants from MPP facilities, once completed by final rulemaking, will subsequently be incorporated into National Pollutant Discharge Elimination System (NPDES) permits, potentially reducing pollutant discharges into waters of the United States.

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.

Consultation materials are available on EPA's Tribal Consultation Opportunities Tracking System (TCOTS) website located at: <https://tcots.epa.gov/ords/tcotspub/f?p=106:5::1669:::>

EPA held two identical Tribal Webinar and Listening Sessions on February 6 and February 13, 2023. The EPA's anticipated timeline for the consultation and coordination period on this action is expected to extend from January 9 to 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.

Tribal Consultation & Public Comment Opportunities *(continued)*

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 held an informational webinar and listening session for tribal leaders and staff on February 15, 2023. **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>

EPA's Proposed Re-Issuance of EPA's General Permit for Ocean Disposal of Marine Mammal Carcasses under the MPRSA

Deadline: April 30, 2023

EPA has initiated consultation and coordination with federally recognized Indian tribes on EPA's proposal to reissue the existing General Permit for Ocean Disposal of Marine Mammal Carcasses, pursuant to the Marine Protection, Research, and Sanctuaries Act (MPRSA), also known as the Ocean Dumping Act. Under the MPRSA, general permits expire after seven years. EPA intends to review and reissue this permit as it is set to expire in 2024, after issuance in 2017. The general permit authorizes federal, state, tribal, and/or local governmental authorities, as well as any Alaska Native, who already may take marine mammals under the Marine Mammal Protection Act and Endangered Species Act, to dispose of all or part of a marine mammal carcasses at sea under MPRSA.

Your tribe may be interested in this general permit because disposal at sea may relate to traditional hunting or whaling practices; however, the permit was developed and intended to avoid interference with such practices. The permit is primarily intended to be used in public health threat situations, for example, after discovery of a carcass washed ashore in an advanced state of decay, and there is not another viable option for the carcass other than disposal at sea. Additionally, during the pre-proposal consultation period, EPA is soliciting input on the reporting requirements described in Section B of the General Permit for Ocean Disposal of Marine Mammal Carcasses. Section B authorizes any Alaska Native to transport and dispose of a marine mammal carcass in ocean waters but requires the permittee to submit a report on disposal activities annually.

EPA plans to hold two identical informational webinar and listening sessions to provide an overview of this forthcoming rulemaking and to receive input from tribal representatives about this action.

- Informational Webinar and Listening Session #1: **March 15, 2023** (3:00 – 4:00 PM ET)
To register: <http://bit.ly/3XsKJss>.
- Informational Webinar and Listening Session #2: **April 5, 2023** (3:00 – 4:00 PM ET)
To register: <http://bit.ly/3Kei47x>.

For more information: <https://tcots.epa.gov/ords/tcotspub/f?p=106:5::1681:::>

EVENTS & WEBINARS

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

The U.S. Environmental Protection Agency's (EPA) [Creating Resilient Water Utilities \(CRWU\)](#) initiative is providing a series of free webinars for tribal water sector utilities and other water sector stakeholders. These webinars focus on building resilience to the impacts of climate change, identifying adaptation strategies, and tribal utility infrastructure financing.

The webinar schedule is as follows:

- March 7 (1:00 – 3:00 PM ET): Introduction to Climate Change Impacts
- March 9 (1:00 – 3:00 PM ET): CRWU Tools for Climate Resilience
- March 14 (1:00 – 3:00 PM ET): Financial Resources for Climate Adaptation Projects

The deadline to register is March 6, 2023. To register, please visit: [www.ihs.gov/ehsc/classes_and_search_under_the_name "EPA CRWU Three Part Webinar Series."](http://www.ihs.gov/ehsc/classes_and_search_under_the_name_EPA_CRWU_Three_Part_Webinar_Series)

2023 Tribal NPS Training Webinar Series

EPA's Tribal Nonpoint Source (NPS) Program is excited to announce a six-part training webinar series covering a variety of programmatic and technical topics to support Tribal NPS management efforts! These webinars are intended for current Tribal Clean Water Act section 319 grantees and Tribal water program managers and staff interested in learning more about strategies to manage NPS pollution. Each webinar will include presentations from Tribal Nations, EPA, and/or NPS partners, and provide an opportunity for peer-to-peer Tribal program discussion and knowledge exchange.

The webinar schedule is as follows:

- March 23: Adopting the Watershed Approach in Managing NPS Pollution
- April 27: Integrating Climate Resilience and Hazard Mitigation in Tribal NPS Work
- May 25: Implementing On-the-Ground Tribal NPS Projects
- June 22: Addressing Agricultural NPS Pollution: Key Partners & Strategies

For information and to register: <https://www.epa.gov/nps/tribal-nps-resources-and-training#training>

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:

- March 16, 2023: Managing ongoing planning, decision-making, and progress tracking amongst Tribal departments and other stakeholders
- April 20, 2023: Coordinating climate adaptation and Tribal disaster and emergency management and public health

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

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

- 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
- March 22, 2023: Microplastics Policies & Research Around the Globe

EPA Small Drinking Water Systems Webinar Series

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

- February 28, 2023: Pathogens
- March 28, 2023: Bipartisan Infrastructure Law

Events & Webinars *(continued)*

National Association of Wetlands Managers Tribal Wetland Programs Webinars

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

- April 20, 2023: Monitoring and Assessment Data Collection and Applications for Tribal Wetland Programs

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

EPA will host 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

To register, please visit: <https://www.eventbrite.com/e/us-epa-tas-for-water-quality-standards-virtual-workshop-mar-21-23-2023-tickets-537598630977>

NTWC MEMBERS

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

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