



National Tribal Water Council Newsletter | January 2021, Volume 3, Issue 1

## Tribal PFAS Work Group - Working Collaboratively to Address PFAS: A Review of 2020 Activities & 2021 Planned Activities

### What is PFAS?

Per- and polyfluoroalkyl substances (PFAS) are a group of man-made chemicals that were developed in the 1940s. PFAS are found in many elements within our environment including food packaging, commercial household products, and firefighting foam, among others. PFAS are persistent chemicals and may accumulate in the human body for a long time. PFAS remain in the environment for a long period of time due to their strong chemical bonds. PFAS pose a risk to tribal lifeways, resources, and traditional foods.

PFAS can be found in, but not limited to:



Food packaged in PFAS-contained materials, such as food wrappers.



Living organisms where PFAS may bioaccumulate.



Commercial household products, such as nonstick products.



Facilities that use fire fighting foams that contain PFAS, such as airports.

### Background and 2020 Work Group Activities

The Tribal PFAS Work Group (TPWG) formed in April 2020 to help address and reduce PFAS in Indian Country. The work group is comprised of members of the National Tribal Water Council, Tribal Science Council, National Tribal Toxics Council, and Tribal Waste and Response Steering Committee. Current work group members include Dianne Barton (R10), Page Hingst (R7), Dan Kusnierz (R1), Shaun Livermore (R4), Kathleen Brosemer (R5), Ann Wyatt (R10), Mark Junker (R7), Katie Tiger (R4), and Scott Walz (R5).

Since April 2020, the Tribal PFAS Work Group has been meeting and discussing various activities that would help achieve its objectives and priorities, and at the same time learning and understanding the implications of PFAS in tribal communities. The TPWG developed an informational flyer providing basic information on PFAS and where it can be found. The flyer outlines the TPWG's objectives and priorities.

The work group hosted a listening session at the Tribal Lands and Environment Forum in August 2020, which included a presentation by Dr. Andrew Gillespie with a highlight of EPA's PFAS analytical tool, which currently is available to states and tribes.



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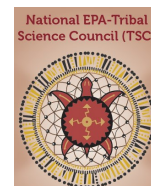
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## Tribal PFAS Work Group: A Review of 2020 Activities & 2021 Planned Activities *(continued)*

The work group holds monthly meetings to discuss upcoming comment opportunities, activities, and learn more about PFAS from subject matter experts. In addition to Dr. Andrew Gillespie's presentation, Mr. Sean Smith of the State of Washington, presented information on how the state is addressing PFAS, such as sampling, treatment, and disposal.



Additionally, on December 18, 2020, the TPWG submitted a comment letter to the State of Washington's Department of Ecology on their draft PFAS Chemical Action Plan. The draft plan outlines how to identify, characterize, and evaluate the use and release of persistent bioaccumulative toxins and includes recommendations to protect human health and the environment.



### 2021 Planned Work Group Activities

The TPWG plans to draft a comment letter on the EPA's Interim Guidance on the Destruction and Disposal of PFAS and materials containing PFAS. The comment period closes on February 21, 2021. Additionally, the work group plans to craft a precautionary principle statement that will outline a general broad statement in regard to TPWG's stance on the use of PFAS.

Other planned work group activities include:

- Locate known PFAS sites in proximity to tribal lands
- Gather PFAS data from Indian Country
- Examine technical assistance needs for:
  - ◊ Identifying potential sources;
  - ◊ Developing studies to examine PFAS in tribal exposure pathways, including subsistence foods and drinking water;
  - ◊ Identifying analytical methods and labs for testing PFAS in tribal foods, wildlife and the environment; and
  - ◊ Assessing and communicating risk.



For additional information about the Tribal PFAS Work Group, please contact Page Hingst ([page.hingst@santeeoep.com](mailto:page.hingst@santeeoep.com)) or Dianne Barton ([bard@critfc.org](mailto:bard@critfc.org)). For more information on PFAS, please visit: [Per- and Polyfluoroalkyl Substances \(PFAS\) | US EPA](#)



## Updates and Announcements

### 2013-2014 National Rivers and Streams Assessment Report

The National Rivers and Streams Assessment (NRSA) report is one of the four National Aquatic Resource Surveys (NARS) collectively designed to assess the quality of America's water resources. The report describes the results of a nationwide statistical survey that was conducted in the summers of 2013 and 2014 by EPA and its state, tribal, and federal partners.

The EPA is requesting comments on the methodologies for conducting the NRSA assessment.

The report and its related documents may be found at: [National Rivers and Streams Assessment 2013-2014 Results | National Aquatic Resource Surveys | US EPA](#)

## Updates and Announcements *(continued)*

### **NEW! 2021 National Pollutant Discharge Elimination System Multi-Sector General Permit**

The U.S. Environmental Protection Agency (EPA) issued the 2021 National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for stormwater discharges from industrial activity on January 15, 2021. This final permit will become effective on March 1, 2021 and replaces the 2015 MSGP, which expired on June 3, 2020. The 2021 MSGP covers stormwater discharges from industrial facilities in areas where EPA is the NPDES permitting authority and establishes requirements for eligibility, Notice of Intent, effluent limits, inspections, monitoring, and other conditions for 29 sectors of industrial activity. For more information, visit EPA's Industrial Stormwater website: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>.

### **NEW! Informational Webinar for Tribes on EPA's Interim Guidance on Destroying and Disposing of certain PFAS Containing Materials**

EPA OLEM will host a tribal-specific webinar to further explain EPA's Interim guidance on destroying and disposing of certain per- and polyfluoroalkyl substances (PFAS) -containing materials (not consumer products).

- January 29, 2021; 1:00 - 2:30 PM, EST - [Register](#)

### **NEW! EPA Signed Final 2021 Financial Capability Assessment for CWA Obligations**

On January 12, 2021, EPA signed a federal register notice finalizing the 2021 Financial Capability Assessment (FCA) for Clean Water Act (CWA) Obligations. The 2021 FCA helps communities accurately demonstrate the financial burdens they face and increases EPA's transparency as it consistently applies FCA methodologies across the country.

When announced in the Federal Register, EPA intends that the recommended expanded matrix for water quality standards (WQS) decisions in Appendix D, along with the [electronic spreadsheet tools for the public sector](#), would replace the worksheets and calculations for the public sector sections of the [Interim Guidance for Water Quality Standards](#). This replacement would then guide states and authorized tribes in determining the degree of economic impact for use in WQS decisions for public entities including revisions to

designated uses, WQS variances, and antidegradation reviews. To access the pre-publication FR notice and other documents, please visit: [Economic Guidance for Water Quality Standards | Water Quality Standards: Regulations and Resources | US EPA](#)

### **NEW! EPA releases 2019 Toxics Release Inventory National Analysis Report**

On January 12, 2021, EPA released its 2019 TRI National Analysis. The TRI tracks the management of certain chemicals from the information reported to EPA each year by facilities located in the U.S. in industry sectors such as manufacturing, metal mining, electric utilities, and hazardous waste management. The data reported to TRI are compiled in a publicly available EPA database. To access the report, please visit: [Introduction to the 2019 TRI National Analysis | Toxics Release Inventory \(TRI\) National Analysis | US EPA](#)

### **NEW! EPA's Transportation Stormwater Permit (MS4) Compendium**

This webinar will discuss EPA's "Transportation Stormwater Permit Compendium," a compendium of excerpted permit language from MS4 permits and other resources that can be used and/or tailored for transportation-specific MS4 permits. The webinar will discuss characteristics specific to transportation MS4s and roadway runoff, and will provide example excerpts of State DOT MS4 permits.

- February 3, 2021; 2:00 - 3:00 PM, EST – [Register](#)

### **Vessel Sewage Management Strategies Webcast Recording**

Vessel sewage discharges may negatively impact human health and the environment. The recorded webcast provides information on how discharges from recreational, commercial, and military vessels are regulated under the Clean Water Act, highlighting vessel sewage regulations and management strategies.

The recording and presentation slides are available on EPA's Watershed Academy webpage here: <https://www.epa.gov/watershedacademy/vessel-sewage-management-strategies-webcast>.

## Tribal Consultation and Public Comment Opportunities

### **Tribal Consultation Opportunity: Criminal Negligence Standard for State Clean Water Act 402 and 404 Programs** **Ends: February 1, 2021**

The EPA is proposing a rulemaking that would revise the implementing regulations for the Clean Water Act (CWA) Section 402 National Pollutant Discharge Elimination System (NPDES) and the CWA Section 404 Dredged and Fill permitting program. The proposed regulation seeks to clarify that States, Tribes, and Territories that have been approved or are seeking approval to administer the permitting programs under CWA Sections 402 and/or 404 are not required to have the same criminal intent standard that is applicable to EPA under CWA Section 309.

Currently, there are no federally recognized tribes that have been approved to administer CWA programs under Section 402 or 404. Tribes may obtain a better understanding of the applicable criminal intent standard for neighboring approved state programs and the overall process for state permitting.

The consultation period will end on February 1, 2021. Information on this consultation opportunity can be found at <https://tcots.epa.gov/>.

### **Tribal Consultation Opportunity: Revising the Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act** **Ends: March 15, 2021**

The EPA is initiating consultation and coordination on the revisions to the Final Guidance on Awards of Grants to Indian Tribes under Section 106 of the Clean Water Act. The guidance serves as the primary guidance for Section 106 tribal grant recipients and grant project officers. The goal of the revisions is to improve existing guidance and ensure it serves as a water quality program development roadmap.

The consultation period will end on March 15, 2021. The EPA will be hosting two informational webinars that include time for questions. The two webinar dates are as follows:

- February 2, 2021 (2:00 - 3:00 PM EDT) [Registration \(gotowebinar.com\)](#)
- February 11, 2021 (2:00 - 3:00 PM EDT) [Registration \(gotowebinar.com\)](#)

Information on this consultation opportunity and related materials can be found at <https://tcots.epa.gov/>.

## Events and Webinars

### **Inter Tribal Council of Arizona, Inc. - National Tribal Water & Wastewater Operator Training and 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:

- Level 1 Wastewater Collection: February 22 to March 10, 2021
- SDWA Training: March 17-29, 2021
- SDWA Training: April 2-14, 2021

For more information, training schedule, and to register, please visit: <https://itcaonline.com/programs/environmental-quality-programs/tws-tmap/tws-training-events/>

## Events and Webinars (*continued*)

### EPA Small Systems Monthly Webinar Series

- February 23, 2021: Lead and Copper
- March 30, 2021: PFAS Occurrence and Treatment
- April 27, 2021: Very Small Systems

For more information, please visit: <https://www.epa.gov/water-research/small-systems-monthly-webinar-series>

### EPA Water Research Webinar Series

- February 24, 2021: Fit-for-Purpose Water Updates and Life Cycle Comparisons of Non-potable Reuse Scenarios
- April 28, 2021: Enhanced Aquifer Recharge: Influence of Stormwater on Groundwater Quality and Aquifer Recharge

For more information, please visit: <https://www.epa.gov/water-research/water-research-webinar-series>

### Native American Water Association

The Native American Water Association is a non-profit organization that provide tribal water and wastewater operators, managers, utility commissions, and tribal leadership with training and technical assistance.

- February 11, 2021 (1:00 PM MST): Nitrification/Denitrification Summary and Problem Solving
- February 21, 2021 (1:00 PM MST): System Managers: Membrane Bioreactor Activated Sludge Operations

For more information, please visit: [Native American Water Association Events](#) | [Eventbrite](#)

## NTWC Members: For more information, visit [Meet the Council](#)

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