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Join Us!

ITEP 2019 Tribal Lands and Environment Forum

CONTACT INFO:

Elaine H. Wilson
NTWC Project Manager
(480) 340-2306
Elaine.Wilson@nau.edu

NEWSLETTER

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NTWC Information Sharing & Listening Session

Wednesday, August 21, 2019 | 1:30 - 3:00 PM | San Jacinto Room

The National Tribal Water Council (NTWC) will be holding an Information Sharing and Listening Session at the ITEP 2019 Tribal Lands and Environment Forum on August 21, 2019, at the Palm Springs Convention Center in Palm Springs, California.



2018 TLEF NTWC Listening Session

NTWC will provide a briefing of current water policy/regulatory issues such as Waters of the United States (WOTUS) and Clean Water Act (CWA) 401 Certification. Additionally, NTWC is interested in hearing from Tribes about the challenges and potential implications surrounding the current issues. We hope to see you there!

NTWC Member Spotlight: Colin Larrick



Mr. Colin Larrick has been working in the Ute Mountain Ute Tribe's (UMUT) Environmental Program Department since 2007, and has been managing the Clean Water Act (CWA) 106 Water Pollution Prevention Program since 2009 leading work in water quality monitoring, assessment, permitting, program development and environmental compliance activities. The UMUT Reservation is located on the Colorado Plateau region in the San Juan River basin. UMUT has land and water resources in three states - Colorado, New Mexico and Utah and in two EPA Regions - 8 and 9.

Legacy and ongoing mining operations in headwaters streams, and ongoing energy development in oil, gas, coal and uranium continue to impact our precious water resources in the arid southwest. A lot of Colin's current work efforts and interests are focused on characterizing and advocating for the protection of our sensitive ephemeral and intermittent streams and connected groundwater aquifers.

Consultation Opportunity: Forthcoming Proposal to Revise EPA and U.S. Army Corps of Engineer's Regulations, Compensatory Mitigation for Losses of Aquatic Resources

EPA and U.S. Army Corp of Engineers are initiating consultation and coordination with federally recognized tribal governments on a forthcoming proposal to revise the jointly-promulgated regulations titled "Compensatory Mitigation for Losses of Aquatic Resources" (Mitigation Rule) (40 CFR Part 230, Subpart J and 33 CFR Part 332).

An example of a potential revisions include, but not limited to:

- State/Tribal assumption of the Section 404 program: Under CWA Section 404(g), tribes or states may assume administration of the Section 404 permitting program. The Agencies are interested in clarifying any aspects of the Mitigation Rule that are presenting challenges for tribal/state assumption. As tribes/states have been exploring assumption, they have suggested some clarifications including adding the definition of the term "permitting authority" defined at 40 CFR 230.3(i) to the definitions included in 40 CFR 230.92/33 CFR 332.2, and providing additional clarification regarding bank/ILF review and use in the context of tribal/state assumed programs. We are considering these revisions and any other tribes or states may raise related to assumption and the Mitigation Rule.

EPA's tribal consultation period started June 10, 2019 and ends on **August 9, 2019**. Tribes may submit written comments via email Krystal.L.Bell@uace.army.mil and MitigationRuleTribes@epa.gov. This consultation information is also available on the EPA TCOTS website at: <https://tcots.epa.gov>.

Public Comment Period Open for Proposed Options for Regulating Perchlorate in Drinking Water

On June 26, 2019, EPA published a notice of proposed rulemaking in the Federal Register on a range of options regarding the regulation of perchlorate in public drinking water systems. The comment period is open and closes on **August 26, 2019**. The agency is seeking comment on a proposed National Primary Drinking Water Regulation (NPDWR) for perchlorate to establish a Maximum Contaminant Level (MCL) and a health-based Maximum Contaminant Level Goal (MCLG) at 56 micrograms per liter.

In addition, the agency is seeking comment on three alternative regulatory options:

- An MCL and MCLG for perchlorate set at 18 micrograms per liter.
- An MCL and MCLG for perchlorate set at 90 micrograms per liter.
- Withdrawal of the agency's 2011 determination to regulate perchlorate in drinking water.

Perchlorate is commonly used in solid rocket propellants, munitions, fireworks, airbag initiators for vehicles, matches, and signal flares. Perchlorate may occur naturally, particularly in arid regions such as the southwestern United States and is found as an impurity in hypochlorite solutions used for drinking water treatment and nitrate salts used to produce nitrate fertilizers, explosives, and other products.

To submit comments, visit <https://www.federalregister.gov/d/2019-12773/p-5>. For more information, visit <https://www.epa.gov/dwstandardsregulations/perchlorate-drinking-water>.

Consultation Opportunity: Development of the Fifth Proposed Unregulated Contaminant Monitoring Rule (UCMR) for Public Drinking Water Systems

The 1996 Safe Drinking Water Act (SDWA) amendments require that once every five years EPA issue a new list of no more than 30 unregulated contaminants to be monitored by public water systems. The last Unregulated Contaminant Monitoring Rule (UCMR 4) was published on December 20, 2016 to monitor the chemical contaminants between 2018-2020.

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The Unregulated Contaminant Monitoring Rule program collects data for contaminants suspected to be present in drinking water, but which do not have health-based standards set under the Safe Water Drinking Act. The program's goal is to identify and monitor the drinking water contaminants that present the greatest public health concern.

The consultation period is open for the Fifth Proposed Unregulated Contaminant Rule (UCMR 5) and closes on **September 1, 2019**. A tribal informational webinar is scheduled on Tuesday, August 6, 2019, from 2:30 PM to 4:00 PM EDT. To register, please email Brenda Bowden (bowden.brenda@epa.gov) or Melissa Simic (simic.melissa@epa.gov).

For more information on the UCMR, visit <https://www.epa.gov/dwucmr>.

Consultation Opportunity: Proposed Renewal of the National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activities under the Clean Water Act (CWA)

Under the Clean Water Act stormwater program, specific categories of industrial activities must obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges. Facilities with stormwater discharges from industrial activities in Indian Country must obtain a Multi-Sector General Permit (MSGP) or an individual NPDES permit both issued by the EPA. Currently, no tribe has obtained EPA authorization to administer the NPDES program and the EPA directly implements the program in Indian Country. The MSGP is renewed every five years and the current MSGP will expire in June 2020.

The consultation period opened on July 8, 2019 and closes on **September 9, 2019**. A tribal informational webinar is scheduled on Thursday, August 1, 2019, from 1:00 PM to 2:30 PM EDT. To register: <https://attendee.gotowebinar.com/register/8391415968053613313>

Tribes may submit comments via email to Katelyn Amraen (amraen.katelyn@epa.gov). More information can be found at www.regulations.gov or <https://tcots.epa.gov>.

Consultation Opportunity: Proposed Rulemaking to Develop Uniform National Standards of Performance for Discharges Incidental to the Normal Operations of Vessels under the Clean Water Act (CWA), as amended by the Vessel Incidental Discharge Act

On December 4, 2018, the Vessel Incidental Discharge Act was signed into law, restructuring the way the EPA and U.S. Coast Guard regulate incidental discharges from commercial vessels. Under VIDA, the EPA and USCG are required to develop new regulations for discharges incidental to the normal operation of a vessel, including ballast water, into waters of the U.S. or the contiguous zone from regulated vessels (which are, for the most part, commercial vessels greater than 79 feet in length), and regulations for ballast water discharges alone from small vessels and fishing vessels of all sizes.

The consultation period for this proposed rulemaking opened on July 11, 2019 and closes on **September 11, 2019**. Tribes may submit comments via email to VGP@epa.gov (Subject Line: VIDA Tribal Comments). More information can be found at www.regulations.gov or <https://tcots.epa.gov>.

New Risk Assessment and Emergency Response Plan Requirements for Community Water Systems under America's Water Infrastructure Act (AWIA) & Training Opportunities

The 2018 America's Water Infrastructure Act (AWIA) established new requirements for community (drinking) water systems serving more than 3,300 people to conduct risk and resilience assessments and revise emergency response

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plans (ERPs). The law specifies the components that the risk assessments and ERPs must address and establishes [deadlines](#) by which water systems must certify to the EPA completion of the risk assessment and ERP. Under AWIA, every five years, utilities will be required to certify to EPA that they have reviewed their assessment and made any necessary revisions. No later than six months after completing their risk assessments, systems must also certify completion of emergency response plans that address how the system would respond to threats addressed in the assessment.

For additional information, please visit: <https://www.epa.gov/waterresilience/americas-water-infrastructure-act-2018-risk-assessments-and-emergency-response-plans>.

Training Opportunities:

To help utilities prepare, EPA will be hosting a series of overview webinars and in-person and web-accessible trainings on the new risk assessment and ERP requirements and tools, as noted below. Tribes are welcome and encouraged to participate in any of these training opportunities.

- **Webinar for Tribal Water Systems on EPA's Updated Risk Assessment and Emergency Response Plan Tools:**
Date/Time: August 20, 2019; 1:00 PM - 2:30 PM EDT
To register: <https://www.eventbrite.com/e/us-epa-tribal-updated-risk-assessment-and-emergency-response-plan-tools-registration-63910943352>
- **Webinar on EPA's Updated Risk Assessment and Emergency Response Plan Tools:**
Dates/Times: August 22, 2019; 1:00 PM - 2:30 PM EDT and September 5, 2019; 1:00 PM - 2:30 PM EDT
To register: <https://www.eventbrite.com/e/us-epa-updated-risk-assessment-and-emergency-response-plan-tools-registration-62724761450>.
- **In-Person Training Sessions**
In addition, EPA is hosting a series of one-day, in-person and web-accessible training in each EPA Region, starting in the Fall of 2019. For more information: <https://www.epa.gov/waterresilience/americas-water-infrastructure-act-2018-risk-assessments-and-emergency-response-plans#TNG>.

EPA Guidance on Clean Water Act Water Quality Certification

On June 7, 2019, EPA released guidance on Section 401 of the Clean Water Act (CWA) that provides recommendations to clarify and streamline the 401 certification process and to promote greater investment in and certainty for national infrastructure projects while continuing to protect local water quality.

The guidance provides clarification and recommendation in the following main focus areas:
Statutory and regulatory timelines for review and action on a CWA Section 401 certification;
The appropriate scope of CWA Section 401 certification conditions; and
Information within the scope of a state or authorized tribe's CWA Section 401 review.

EPA's new guidance, which replaces EPA's prior interim guidance from 2010, also provides additional recommendations to federal agencies, states and authorized tribes to promote early collaboration and coordination through the 401 certification process. EPA was directed by executive order to develop proposed new rules modernizing the agency's CWA Section 401 implementing regulations by August 8, 2019.

To read the guidance and to learn about the CWA Section 401 water quality certification process, please visit <https://www.epa.gov/cwa-401>.

Grant Opportunities

Assistance with Climate Change Adaptation Planning

Close Date: August 30, 2019

As part of a National Science Foundation-funded study, Virginia Tech and EcoAdapt are excited to offer support for up to eight communities to undertake a stakeholder-driven climate change vulnerability assessment and adaptation planning workshop (1-2 days). The goal of these workshops is to build local capacity for climate change adaptation, improve understanding about local climate change vulnerabilities, and develop implementable adaptation responses. Following the workshop, each community will receive a climate adaptation action plan focused on specific issues identified and discussed during the workshop.

Applications must be submitted by Friday, August 30, 2019. EcoAdapt will notify applicants whether their community has been selected in the fall of 2019. The application can be accessed at: <https://docs.google.com/forms/d/e/1FAIpQLSeo7U3apU6vN14nFXOTmCqzIGmOmhleXIO67mp4Yk9bxNHfw/viewform>

U.S. Department of Interior – Fish and Wildlife Service: Coastal Program

Close Date: September 30, 2019

**Please consult with your regional Coastal Program office before developing or submitting an application.*

The Coastal Program is a voluntary, community-based program that provides technical and financial assistance through cooperative agreements to coastal communities, conservation partners, and landowners to restore and protect fish and wildlife habitat on public and private lands. Eligible projects must align with the Department of Interior priorities, specifically (1) Creating a conservation stewardship legacy; (3) Restoring trust with local communities; and (8) Modernizing our infrastructure.

To learn more about the Coastal Program, visit <https://www.fws.gov/coastal/>. The grant information is available on www.grants.gov.

Visit www.grants.gov for other federal grant opportunities.

Upcoming Events

ITEP 2019 Tribal Lands & Environment Forum

This year's conference theme is *A National Conversation on Tribal Land and Water Resources*.

Tribal water program topics – water quality, drinking water, and habitat restoration (including wetlands, streams and fisheries) will also be included with breakout sessions, trainings and field trips. For registration information, visit: http://www7.nau.edu/itep/main/Conferences/confr_tlef

- August 19-22, 2019; Palm Springs, California



Palm Springs Convention Center

Events (continued)

Native American Water Association - Available Trainings

The Native American Water Association provides Tribal water and wastewater operators, managers, utility commissions and Tribal leadership with training and technical assistance. For more information on the training events, please visit <https://www.eventbrite.com/o/native-american-water-association-22061331832>

- **Sustainable Management of Rural and Small Water Systems and Wastewater MBR, SBR, Plants and Lagoon Systems**
Registration Fee: Free; August 27-30, 2019
Indian Pueblo Cultural Center; Albuquerque, NM
- **Understanding Certification Math and Cyber Security**
Registration Fee: \$500-\$575; October 22-24, 2019
South Point Hotel Casino; Las Vegas, NV

Inter Tribal Council of Arizona, Inc. – Tribal Operator Certification Training

This course is for tribal drinking water treatment facility operators. Course topics include, but not limited to, intro to surface water, groundwater and wells, water treatment processes, regulatory compliance, Safe Drinking Water Act, water safety, and math relating to water facility operations. For more information, visit http://itcaonline.com/?page_id=2987

- **Tribal Utility Management**
August 12-16, 2019; Scottsdale, AZ
- **Small Wastewater Treatment Lagoons Training**
September 4-5, 2019; Acoma, NM
- **Wastewater Collection - Level 2**
September 9-13, 2019; Hopland, CA

RCAC Available Training

Rural Community Assistance Corporation (RCAC) is a nonprofit organization that provides training, technical assistance, and resources for rural communities. For more information, visit: https://www.events.rcac.org/rcac/calendar.asp?Cal_View=YEARVIEW&Cal_Day=1&Cal_Month=8&Cal_Year=2019

- **Basic Financial Management for Operators & Managers**
August 27, 2019; Bishop, CA
- **Lead & Copper - Online**
September 4, 2019 (10:00 AM-12:00 PM)
- **Water Treatment Techniques - Online**
September 25, 2019 (10:00 AM-12:00 PM)

8th Annual Conference Tribal Water Law

This year's conference will focus on resiliency and adaptability, plus how we can thrive during this time of critical demand of water. Examples of conference topics include Indian Water Rights, Tribal Nonpoint Source Management, and legislation updates. The registration fee for this event is \$895/person. For more information, please visit <https://cle.com/>

- September 26-27, 2019; Scottsdale, AZ



Mississippi River

Resources

U.S. EPA Small Systems Monthly Webinar Series

Upcoming webinar topics include:

- August 27, 2019 - Increasing Analytical Laboratory Preparedness

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

EPA Office of Water Webinar

- July 25, 2019 (1:00 PM - 2:30 PM EDT) Chemical Contaminant Rule, Part 3: Waivers and Reporting, and Recordkeeping
- September 5, 2019 (2:00 PM – 3:30 PM EDT) Lead Service Line Replacement: Large Utility Perspectives
- September 19, 2019 (2:30 PM - 4:00 PM EDT) Lead and Copper Rule: Tiering Criteria and Developing a Sampling Pool

For more information, visit <https://www.epa.gov/dwreginfo/drinking-water-training>

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

Ken Norton

*Hoopa Valley Tribe
Region 9 (NTWC Chair)*
kenpnorton@gmail.com

Michael Bolt

*Eastern Band of Cherokee Indians
Region 4 (NTWC Vice Chair)*
michbolt@nc-chokeee.com

Daniel Kusnierz

*Penobscot Indian Nation
Region 1*
dan.kusnierz@penobscotnation.org

Rene Rickard

*Tuscarora Nation
Region 2*
rrickard@hetf.org

Shaun Livermore

*Poarch Band of Creek Indians
Region 4*
slivermore@pci-nsn.gov

Kathleen Brosemer

*Sault Ste. Marie Chippewa
Region 5*
kbrosemer@saulttribe.net

Nancy Schuldt

*Fond du Lac Band of Lake Superior
Chippewa, Region 5*
nancyschuldt@fdlrez.com

Micco Emarthla

*Seneca-Cayuga Nation
Region 6*
memarthla@sctribe.com

Denise Jensen

*Winnebago Tribe of Nebraska
Region 7*
denise.jensen@winnebago-tribe.com

Colin Larrick

*Ute Mountain Ute Tribe
Region 8*
clarrick@utemountain.org

Lee Anna Martinez-Silversmith

*Navajo Nation
Region 9*
leeanna.martinez09@yahoo.com

Phillip Cerna

*Coeur d'Alene Tribe
Region 10*
philc@cdatribe-nsn.gov

Eric Morrison

*Salamatof Tribe
Region 10*
emorrison@salamatoftribe.org

Ann Wyatt

*Klawock Cooperative Association, Tribe
Region 10 – Alaska*
annwyatt@klawocktribe.org

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email: itep@nau.edu