



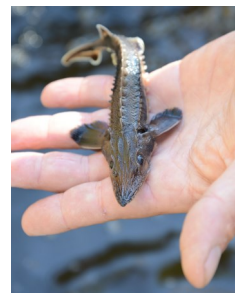
NTWC's Comment Letter on EPA's Proposed Revisions to the Federal Water Quality Standards Regulations to Protect Tribal Treaty Rights

On November 28, 2022, the EPA Administrator signed a proposed rule to revise the water quality standards (WQS) regulation at 40 CFR part 131 to clarify and prescribe how state and federal WQS must protect aquatic and aquatic-dependent resources reserved to tribes through treaties, statutes, executive orders, or other sources of federal law, in waters where those rights exist. The proposed revisions would create a regulatory framework that would be applied case-specifically to help ensure protection of resources reserved to tribes, such as fish and wild rice.

Overall, the NTWC is supportive of the proposed rule. The NTWC did take the initiative to craft and submit a 12-page comment letter that included recommendations on specific provisions of the proposed rule. A sample of the recommendations made by the NTWC are listed below:

- Under the State Review and Revision of WQS section – The NTWC recommends that the EPA adopt a process that requires states to contact all tribes with treaty protected rights within their borders, meet with them separately from the general public, and take their input into account when reviewing WQS.
- The Council recommends the EPA include a dispute resolution procedure within its tribal consultation process when right holders disagree on EPA's conclusions of whether state WQS are protective of the tribal reserved rights.
- Under the Minimum Requirements for WQS Submission section – The NTWC recommends the provision recognize Traditional Ecological Knowledge (TEK) as one method for developing standards protecting tribal reserved rights uses.

To read the entire NTWC comment letter, please visit the NTWC's website at <http://www7.nau.edu/itep/main/ntwc/>. For more information on the proposed rule, please visit: <https://www.epa.gov/wqs-tech/revising-federal-water-quality-standards-regulations-protect-tribal-reserved-rights>



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NEWSLETTER

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VISIT US AT:

<https://nau.edu/ntwc>

UPDATES & ANNOUNCEMENTS

Tribal and State Webinar Series on the Revised Definition of “Waters of the United States” (2023 Rule)

On January 18, 2023, the EPA and the Department of the Army (Army) published the final “Revised Definition of ‘Waters of the United States’” rule in the Federal Register. The rule became effective on March 20, 2023. The agencies developed this rule with consideration of 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. This rule also considers the best available science and extensive public comment to establish a definition of “waters of the United States” that supports public health, environmental protection, agricultural activity, and economic growth.

EPA and Army are hosting a series of webinars in March and April specifically for Tribes and States to learn about the final rule and implementation considerations. All webinars will be held from 2:00-3:30 P.M. (ET) and include time for questions and answers. The schedule for the webinar series is listed below:

- **March 22, 2023: Rule Overview**

This webinar provides an overview of the final rule “Revised Definition of ‘Waters of the United States.’” To register, please visit: https://www.zoomgov.com/webinar/register/WN_Qj6hC1ETQ-o6UyTEyGiTw

- **March 30, 2023: Relatively Permanent Standard**

This webinar focuses on the relatively permanent standard for determining the jurisdictional status of certain waters. To register, please visit: https://www.zoomgov.com/webinar/register/WN_klqGLuAiTa-3xFFxzWBB3g

- **April 5, 2023: Significant Nexus Standard**

This webinar focuses on the significant nexus standard for determining the jurisdictional status of certain waters. To register, please visit: https://www.zoomgov.com/webinar/register/WN_SozIFw5rSResY36LyuEOAw

- **April 12, 2023: Exclusions and Other Topics**

This webinar discusses the rule’s eight categories of exclusions (waters and features that are not “waters of the United States”) and will include time for discussion of any topics not otherwise addressed in the webinar series. To register, please visit: https://www.zoomgov.com/webinar/register/WN_iUDO7OfWTteFRh7oD5XL_A

Participants will have the opportunity to submit questions before each topical webinar, and the agencies will use those questions to inform development of the presentations. Please submit questions in advance to wotus-outreach@epa.gov. Questions must be received at least one week in advance of the webinar to be considered.

The webinars, but not the Q&A sessions, will be recorded and posted to EPA’s website at <https://www.epa.gov/wotus>.

NTWC Tribal Water Quality Standards Guidebook Webinar Recording

On January 26, the National Tribal Water Council held an informational webinar on its [“A Guidebook for Developing Tribal Water Quality Standards.”](#) The 90-minute webinar included the purpose and background of the guidebook, tribal legal authority, tribal experiences, and a Q&A session. Webinar presenters included NTWC Chairman Ken Norton, Law Professor James Grijalva, and NTWC members Dan Kusnierz, Yolanda Barney, and Nancy Schuldt. The webinar recording is now available on the NTWC website: <http://www7.nau.edu/itep/main/ntwc/>.



Updates & Announcements *(continued)*

EPA Virtual Listening Sessions on the PFAS Strategic Roadmap

EPA has announced a series of upcoming virtual listening sessions on [EPA's PFAS Strategic Roadmap](#) starting on February 28 and continuing through late April. The virtual session on the PFAS Strategic Roadmap will focus on each EPA Region, as well as a session specifically dedicated to the perspectives of EPA's Tribal partners. Each session will provide opportunities for communities to share feedback directly with EPA Regional and program leaders to inform the implementation of the actions described in the Roadmap.

- **Tribal Listening Session on April 6, 2023; 2:00 PM ET**

Additional details for the Tribal session and registration information – as well as details on other sessions – is available at the [Regional PFAS Community Engagement Sessions website](#). Tribal officials and members are welcome to attend and participate in one of the upcoming Regional sessions if it is more convenient for them.

Request for Nominations for the National Drinking Water Advisory Committee

EPA is now accepting nominations of qualified candidates to be considered for three-year appointments to the National Drinking Water Advisory Council (NDWAC or Council). The 15-member Council was established by the Safe Drinking Water Act (SDWA) to provide independent advice, consultation, and recommendations to the EPA Administrator on matters relating to activities, functions, policies, and regulations under the SDWA. EPA is soliciting nominations to fill anticipated vacancies in 2023 with three-year appointments from December 2023 through December 2026.

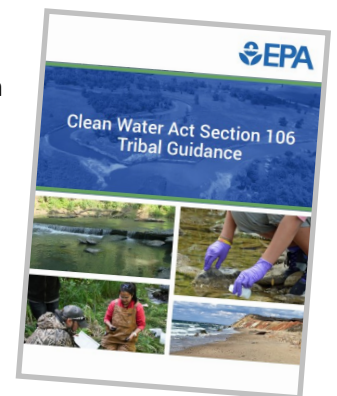
EPA is seeking nominees from the general public; appropriate state and local agencies concerned with water hygiene and public water supply; and representatives of private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply, including nominees associated with small, rural public water systems.

Nominations are due by April 12, 2023. For more information about the NDWAC's request for nominations, please visit: <https://www.federalregister.gov/documents/2023/03/13/2023-05109/national-drinking-water-advisory-council-request-for-nominations>. Also, please visit the NDWAC's website (<https://www.epa.gov/ndwac>) for additional information about the NDWAC.

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 14, 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 14, 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>

Grant Opportunities *(continued)*

EPA's Climate Pollution Reduction Grants

Deadline: June 15, 2023

EPA's Climate Pollution Reduction Grants program will provide noncompetitive planning grant opportunities for federally recognized Tribes, tribal consortia, and U.S. Territories interested in participating in the Climate Pollution Reduction Grants program. The Climate Pollution Reduction Grants (CPRG) program will provide grants to states, territories, tribes, air pollution control agencies, and local governments to develop and implement plans for reducing greenhouse gas emissions and other harmful air pollution. Section 60114 of the Inflation Reduction Act provides an investment of \$5 billion to support these efforts to develop and implement strong, local greenhouse gas reduction strategies. This two-staged grant program provides funding of \$250 million for noncompetitive planning grants, and \$4.6 billion for competitive implementation grants.

The CPRG program will provide significant resources to state, territory, local, and tribal governments to develop ambitious climate action and air pollution reduction plans and to implement measures from those plans. For more information including grant guidance and information on how to apply, please visit: <https://www.epa.gov/inflation-reduction-act/climate-pollution-reduction-grants>.

TRIBAL CONSULTATION OPPORTUNITIES

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:::>

Tribal Consultation & Public Comment Opportunities *(continued)*

EPA's Effluent Limitations Guidelines and Standards for the Organic Chemicals, Plastics and Synthetic Fibers Point Source Category (OCPSF ELG)

Deadline: May 8, 2023

EPA has initiated consultation and coordination with federally recognized Indian tribes on forthcoming proposed revisions to the Organic Chemicals, Plastics and Synthetic Fibers (OCPSF) Effluent Limitations Guidelines and Pretreatment Standards (ELGs). This ELG revision is focused on facilities that manufacture per- and polyfluoroalkyl substances (PFAS). Revised limitations on the discharge of pollutants from OCPSF facilities, once finalized by rule, would subsequently be incorporated into National Pollutant Discharge Elimination System (NPDES) permits for direct dischargers, and permits or other control mechanisms for indirect dischargers, potentially reducing pollutant discharges into waters of the United States.

PFAS can be found in the environment and in humans across the world as they have been, and continue to be, released into the environment. On September 14, 2021, EPA announced its decision to undertake a rulemaking to determine whether more stringent limitations and pretreatment standards for PFAS manufacturing facilities are appropriate and consistent with the technology-forcing statutory scheme and goals of the Clean Water Act.

EPA plans to hold two identical Tribal Webinar and Listening Sessions on April 13 and April 24, 2023. These webinars will be an opportunity for EPA to provide an overview of this forthcoming rulemaking and to receive input from tribal representatives about this action.

- **Tribal Webinar and Listening Session #1: April 13, 2023, 1:00 PM Eastern Time**
To register: https://www.zoomgov.com/webinar/register/WN_efCipikCQYWEuxo1PMgZ0A
- **Tribal Webinar and Listening Session #2: April 24, 2023, 11:00 AM ET**
To register: https://www.zoomgov.com/webinar/register/WN_efCipikCQYWEuxo1PMgZ0A

The deadline to submit comments is May 8, 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::1686::::>. For any questions, please contact Erica Mason, U.S. EPA, Office of Science and Technology, by email at mason.ERICA@epa.gov or by phone at (202) 566-2502.

Proposed Revisions to EPA's Consultation Policy and Treaty Rights Guidance

Deadline: May 19, 2023

EPA's Office of International and Tribal Affairs has initiated tribal consultation and coordination with tribes on proposed revisions to EPA's tribal consultation policy and guidance for discussing tribal treaty rights when consulting with tribes. **The consultation and coordination period are scheduled from March 1, 2023 – May 19, 2023.**

- **Informational Webinar: March 22, 2023, 12:00-1:30 P.M. (ET)**
Microsoft Teams video link (recommended): [CLICK HERE](#)
Dial-In option (audio only) number: 571-429-6099; Conf. ID: 947 710 534#

Additional information is available in the consultation notice and plan, and also via TCOTS here: <https://tcots.epa.gov/ords/tcotspub/f?p=106:5::1644::::>

EVENTS & WEBINARS

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:

- 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>

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

- Water Distribution – Level 1: May 8-19, 2023 (Online)
- Wastewater Math: June 13 to July 11, 2023 (Online)

To register or to view the 2023 training schedule, please visit: <https://itcaonline.com/programs/environmental-quality-programs/tws-tmap/tws-training-events/>

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:

- April 20, 2023: Coordinating climate adaptation and Tribal disaster and emergency management and public health
- May 18, 2023: Conducting advanced planning to prepare for adaptation project implementation

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

EPA Watershed Academy's Hazard Mitigation Planning and Water Resource Management Module

This module is intended for water quality and hazard mitigation professionals that are interested in integrating water quality issues and/or nature-based solutions into state or local Hazard Mitigation Plans (HMPs), and highlights the benefits of working across water quality and hazard mitigation programs. Modules in this series can be used as training tools to help planners from both worlds explore activities of mutual interest and benefit. Case studies and examples are provided to assist hazard mitigation planners with integrating water resource programs into HMPs and help watershed planners understand the synergies between water resource plans and HMPs. To begin the course, please visit: <https://www.epa.gov/watershedacademy/hazard-mitigation-module>.

Events & Webinars *(continued)*

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

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

- April 6, 2023: Environmental Data Management – Best Practices for Exchanging Environmental Data
- April 13, 2023: ITRC PFAS Introductory Training
- May 2, 2023: Environmental Data Management – Best Practices for Achieving and Maintaining Quality within Environmental Data Management

EPA Small Drinking Water Systems Webinar Series

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

- March 28, 2023: Bipartisan Infrastructure Law
- April 25, 2023: Manganese

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 Water Utility Resilience Workshops and Webinars

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

- March 22, 2023: Water Contaminant Information Tool (WCIT): Learning the Basics Webinar

NTWC MEMBERS

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

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