

National Tribal Water Council and EPA Monthly Conference Call
Wednesday, April 8, 2026
2:00 – 3:30 P.M. ET

CALL SUMMARY

I. Introductions (Elaine Wilson, ITEP)

NTWC: Ken Norton (R9, Chair); Chauncey Means (R8, Vice Chair); Rainee Tetreault (R4); Shaun Livermore (R4, At-Large); Deborah Dotson (R6); Joshua Jojola (R6, At-Large); Yolanda Barney (R9, Navajo Nation); Mary Verner (R10); Scott Hauser (R10, At-Large)

EPA: Holly Galavotti; Daniel Consigli, Kendra Forte; Kelly Gravuer; James Ray; Cenilda Ramirez-Santana; Jacob Adler; Jennifer Brundage; Matthew Floyd; Sara Hisel-McCoy; Matthew Richardson; Amy Weber; Rory Hytrek; Gabriella Neusner

ITEP: Elaine Wilson; Elaina Doral

II. NTWC Updates (Ken Norton, NTWC)

- **NTWC Comment Letter on the Tribal Reserved Rights Rule**

The Council is developing its comment letter with assistance from the Technical Advisory Committee (TAC). The draft letter is in review by the TAC team. NTWC plans to share the letter with interested Tribes as a sample letter.

- **Native American Rights Fund's CWA Convening Meeting**

NTWC was invited to the Native American Rights Fund Clean Water Act Convening Meeting on April 14, 2026. Possible topics for the virtual meeting include the "Waters of the U.S." definition, CWA Section 401, and Tribal Reserved Rights Rule. Another topic of discussion is the recent 30-day consultation period.

- **NTWC/EPA 2026 Fall Meeting Location**

The Council selected the Eastern Band of Cherokee Indians as the host location for the fall meeting. NTWC plans to invite former NTWC Vice Chair Michael Bolt.

- **NTWC Core Priorities**

NTWC reviewed and approved the latest draft of its Core Priorities for 2026-2028. The final priorities document will be posted and shared next week.

- **NTWC/EPA 2026 Spring Meeting**

Members reviewed the current agenda for the upcoming spring meeting.

III. EPA Office of Water (Holly Galavotti, OW)

- **Tribal Reserved Rights Rule Tribal Consultation** (Sara Hisel-McCoy)

EPA held a kick-off session on March 31, 2026, for the *Upcoming Proposal to Rescind Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights*. EPA and NTWC had an open discussion on the proposal and kick-off session.

Chairman Ken Norton attended the kick-off session and provided a recap of the tribal voices of concern during the session. Tribes remarked about the 30-day comment period and requested an extension of the tribal consultation opportunity. Tribes also asked for more details from the

EPA Office of Water regarding the legal and policy basis of the proposal to inform their comments.

Chairman Norton stated that comments were presented when the rule was being finalized in 2023. At the time, there was strong support for the rule by EPA, and the rule was supported by CWA provisions. There has been engagement with states to recognize Tribal Reserved Rights in decision-making. NTWC is developing its comment letter for the pre-proposal consultation that includes these points.

Chairman Norton expressed the importance of submitting comments and that tribal comment letters are memorialized, and essential in considering future actions.

Holly Galavotti noted this consultation opportunity is a two-step process. EPA is seeking feedback during this pre-proposal period. Additional information will be available when the proposal is released later. EPA is seeking tribal experiences with the 2024 rule.

Sara Hisel-McCoy shared that EPA is scheduling government-to-government consultations that have been received and may be held shortly past the April 21 deadline. Currently, there are 19 requests for tribal consultations.

For more information: <https://www.epa.gov/wqs-tech/revising-federal-water-quality-standards-regulation-protect-tribal-reserved-rights>

- **Discuss NTWC Spring Meeting agenda**

Holly Galavotti shared the latest agenda and discussed the meeting topics. Currently, there is a slot available on the second day of the meeting, which she asked the NTWC members for suggestions for a topic.

Chair Ken Norton noted that he is working on his opening remarks. He would like to schedule a meeting with Holly Galavotti and Vice Chair Chauncey Means to discuss this further.

IV. Workgroup updates (if any)

- [Hypoxia Task Force](#) (Deborah Dotson and Kayla Vondracek, *interim*)
- **National Water Quality Monitoring Council** (Rainee Tetreault)
- **Water Quality Standards Management Association** (Yolanda Barney)
- **Tribal PFAS Working Group** (Elaine Wilson, Shaun Livermore, Dan Kusnierz)
 - Presentation in April
 - National PFAS Conference in June in Tucson, AZ

V. Consultation Opportunities/Announcements

VI. Closing (Ken Norton, Chauncey Means, NTWC)

VII. The NTWC's next monthly call, June 10, 2026

Announcements/Upcoming Meetings:

Consultation Opportunity: Upcoming Proposal to Rescind the 2024 Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights

Consultation period ends April 21, 2026

EPA initiated consultation with federally recognized Indian Tribes on the agency's intention to propose to rescind the 2024 *Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights* ("2024 Rule"). The 2024 Rule revised the EPA's regulation at 40 C.F.R. Part 131 to explicitly require that states consider reserved rights to CWA-protected aquatic and/or aquatic-dependent resources when a federally recognized Tribe holds such rights through federal treaties, statutes, or executive orders and asserts them for consideration in the WQS context. The agency reviewed the 2024 Rule in the context of ongoing litigation brought by 12 states in the U.S. District Court for the District of North Dakota to ensure compliance with the law. As a result of this review, the EPA determined that the 2024 Rule goes beyond the agency's authority under the CWA. The EPA intends to propose to revise the federal water quality standards (WQS) regulation at 40 C.F.R. Part 131 to rescind the agency's 2024 Water Quality Standards Regulatory Revisions To Protect Tribal Reserved Rights. These regulatory provisions are relevant to situations where Tribes assert reserved rights to aquatic or aquatic-dependent resources in waters where states have jurisdiction to establish WQS. The EPA's actions have no bearing on the existence or meaning of any specific Tribal reserved right. The EPA is interested in hearing about Tribes' experiences with the 2024 Rule. The agency intends to use the input received through the Tribal consultation process to inform the proposed rule. For more information please visit: <https://www.epa.gov/wqs-tech/revising-federal-water-quality-standards-regulation-protect-tribal-reserved-rights>

Request for Public Comment: EPA's CWA Financial Capability Assessment (FCA) Guidance

Submit comments by May 26, 2026

EPA invites public comment on its [Clean Water Act \(CWA\) Financial Capability Assessment \(FCA\) Guidance](#). As part of EPA's ongoing effort to ensure effective and practical implementation of the CWA, the agency is revisiting the guidance to improve clarity, address community concerns, and strengthen support for public health protection.

Financial capability is one of several factors EPA considers when evaluating implementation schedules for long-term CWA control plans. The FCA Guidance, most recently updated in 2024, outlines how to assess a community's financial capacity when negotiating schedules under permits and enforcement actions. It also describes methodologies for evaluating economic impacts in water quality standards (WQS) variances, antidegradation reviews, and, where appropriate, decisions to revise designated uses.

EPA requests public comment on ways to more effectively assess the financial capacity of utilities undertaking water infrastructure projects to meet CWA requirements and inform WQS decisions. The agency also welcomes input on additional perspectives or considerations that should be reflected in future updates to the FCA Guidance. Specifically, the agency seeks feedback on approaches to measure the severity and prevalence of poverty in a community, approaches to incorporate cost of living in assessment, approaches to determine compliance schedule length, and approaches and application of the FCA to determine cost in WQS decisions.

EPA Announcement of the Draft CCL 6

Comments due June 01, 2026

On April 02, 2026, EPA published the draft Sixth Contaminant Candidate List (CCL 6). The CCL is a list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulations but are known or anticipated to occur in public water systems. Contaminants listed on the CCL may require future regulation under the Safe Drinking Water Act ([SDWA](#)).

- Federal Register Notice: [Drinking Water Contaminant Candidate List 6 - Draft \(pre-publication copy\) \(pdf\)](#) (738.67 KB)
- Once published in the Federal Register, additional information will be available in the docket folder [EPA-HQ-OW-2022-0946](#) at [regulations.gov](#).

The draft CCL 6 includes 75 chemicals, 4 chemical groups (microplastics, pharmaceuticals, per- and polyfluoroalkyl substances (PFAS), and disinfection byproducts (DBPs), and 9 microbes. EPA is seeking comment on the draft CCL 6 and the process used to select the contaminants. Instructions on how to submit comments are included in the *Federal Register* notice.