

September 2021



U.S. EPA Office of Water

National Tribal Water Program Updates

Regarding COVID-19

EPA is continuing to provide important information about COVID 19 as it relates to drinking water and wastewater, as well as information and resources for water utilities for the COVID 19 Pandemic. To view the latest information, please visit EPA's Coronavirus (COVID 19) website.

- [Coronavirus \(COVID-19\) website](#)

News and Announcements

EPA Rescinds Previous Administration's Guidance on Clean Water Act Permit Requirements

On September 16, 2021, EPA rescinded a guidance document entitled "Applying the Supreme Court's County of Maui v. Hawaii Wildlife Fund Decision in the Clean Water Act Section 402 National Pollutant Discharge Elimination System Permit Program" that was issued by the Trump administration on January 14, 2021. With this action, EPA is preserving longstanding clean water protections.

- [Memorandum: Rescission of the January 2021 Guidance Document](#)

On January 20, 2021, President Biden signed Executive Order 13990, "Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis." This Executive Order directed EPA to review all regulations and policies undertaken by the previous administration and rescind or revise any that do not protect public health and the environment. Accordingly, EPA conducted a review of the Maui guidance.

In April 2020, the Supreme Court issued its opinion in County of Maui v. Hawaii Wildlife Fund, addressing the question of whether a Clean Water Act NPDES permit is required for releases of pollutants from a point source to a jurisdictional water through groundwater. 140 S.Ct. 1462 (2020). The Court held that an NPDES permit is required "if the addition of the pollutants through groundwater is the functional equivalent of a direct discharge from the point source into navigable waters." Following the Court's decision, in January 2021, EPA issued a guidance document explaining how to apply the Court's decision in the NPDES program

[Click here for more information.](#)

EPA Announces First Validated Laboratory Method to Test for PFAS in Wastewater, Surface Water, Groundwater, Soils

On September 2, 2021, EPA's Office of Water, in partnership with the Department of Defense's (DoD) Strategic Environmental Research and Development Program, published draft Method 1633, a single-laboratory validated method to test for 40 PFAS compounds in wastewater, surface water, groundwater, soil, biosolids, sediment, landfill leachate, and fish tissue. This draft method can be used in various applications, including National Pollutant Discharge Elimination System (NPDES) permits. The method will support NPDES implementation by providing a consistent PFAS method that has been tested in a wide variety of wastewaters and contains all the required quality control procedures for a CWA. While the method is not nationally required for CWA compliance monitoring until EPA has promulgated it through rulemaking, it is recommended now for use in individual permits

- [Press Release](#)
- [Draft Method 1633 for 40 PFAS Compounds](#)

This draft method can be used in various applications, including National Pollutant Discharge Elimination System (NPDES) permits. The method will support NPDES implementation by providing a consistent PFAS method that has been tested in a wide variety of wastewaters and contains all the required quality control procedures for a Clean Water Act (CWA) method. While the method is not nationally required for CWA compliance monitoring until EPA has promulgated it through rulemaking, it is recommended now for use in individual permits.

- [FAQs on PFAS Methods for NPDES Permits](#)

[Click here for more information.](#)

EPA 2020 COVID-19 Water Sector Survey Summary Report

EPA released a report relaying the results of the 2020 COVID-19 Water Sector Survey. The survey requested information on how the pandemic affected utility function across multiple areas, including chemical and equipment supply-chain, workforce, financial, sampling and analysis, and cyber security concerns.

- [EPA 2020 COVID-19 Water Sector Survey Summary Report](#)

The results highlight the resilience of the water sector in continuing to deliver safe and reliable water services, despite the challenges presented by the pandemic. The report underscores the critical need to invest in the nation's aging infrastructure and workforce, and challenges exacerbated by the COVID-19 pandemic.

The report also describes shortages and supply chain disruptions experienced, heightened water workforce staffing shortages, financial effects, operational difficulties and steps taken to ensure continuity of service.

[Click here for more information.](#)

EPA Announces 2021 update of the Human Health Benchmarks for Pesticides (HHBPs)

EPA has published its 2021 update of the Human Health Benchmarks for Pesticides (HHBPs) in drinking water or source water. This update reflects the latest toxicity information available through the pesticide registration and registration review processes and the latest information on potential exposure. HHBPs enable EPA's state, tribal, and local partners to better determine whether the detection of a pesticide in drinking water or source water may indicate a potential health risk and to help prioritize monitoring efforts. EPA first published HHBPs in 2012 and issued updates in 2013 and 2017. The 2021 Update brings the number of HHBPs to 430. EPA provides HHBPs for informational purposes for use by states, tribes, water systems, and the public. HHBPs are not legally enforceable federal standards.

- [2021 Update of HHBPs table and associated fact sheet and technical document](#)

Key changes since EPA's last HHBP update, in 2017, include:

- All 430 benchmarks were calculated with updated exposure assumptions;
- 104 pesticides previously listed in the HHBP table now have updated toxicity values;
- HHBPs for 43 pesticides that were not previously listed in the table were added based on new toxicity values; and
- EPA expanded the 2021 HHBP table to include 24 non-food use pesticides for which data are available; these pesticides have available data because they were registered previously for food-use.

Announcing the release of EPA's Data Export Tool for EPA's Sanitary Survey App for Marine and Fresh Waters

The EPA Sanitary Survey App's Data Export Tool produces a customized report containing all the data collected for one or more surveys. This tool is one of three ways to download data submitted using the EPA Sanitary Survey App for Marine and Fresh Waters.

- [Data Export Tool Instructions](#)
- [Demo of Data Export Tool](#)

The advantage to using the data export tool is that it combines all the data, including photos, into one downloadable file, unlike the other methods (EPA GeoPlatform or the Survey 123 website) that generate multiple data files per survey. The EPA Sanitary Survey App for Marine and Fresh Waters is a mobile application used to conduct routine and annual sanitary surveys for both marine and fresh waters.

[Click here for more information.](#)

Announcing Joint EPA/Army Memo on Section 401 Implementation

On August 23, 2021, EPA and the U.S. Department of the Army issued a joint memorandum regarding implementation of the 2020 Clean Water Act (CWA) Section 401 Certification Rule associated with U.S. Army Corps of Engineers (Corps) permits. EPA and Army are closely coordinating to address challenges and better empower states and tribes to protect public health and the environment.

- [Press Release](#)
- [Joint EPA/Army Memo on Section 401 Implementation](#)

On May 27, 2021, EPA announced its intent to revise the CWA Section 401 Certification Rule to strengthen the authority of states and tribes to protect their vital water resources. While the rulemaking effort is underway, today's joint memorandum provides direction to the Corps related to implementation of the 2020 rule. The joint memorandum directs the Corps to provide the maximum amount of time allowed before finalizing 41 Nationwide Permits (NWP) that were proposed in September 2020 and have not yet been finalized. The joint memorandum also addresses multiple implementation challenges with the 2020 Rule associated with Corps-issued permits, including by directing the Corps to work collaboratively with states and tribes to:

- Identify factors and circumstances that warrant extending the reasonable period of time.
- Resolve procedural deficiencies within the reasonable period of time.
- Identify and address circumstances that may appropriately require permit modifications.

The National Tribal Water Council Is Seeking Applications for New Members

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 to fill two open membership positions:

- **Region 2 Representative:** Open to tribal water professionals employed by a federally recognized tribe or tribally authorized organization from Region 2, which includes the following states: New Jersey and New York.
- **Region 10 Representative:** Open to tribal water professionals employed by a federally recognized tribe or tribally authorized organization from Region 10, which includes the following states: Alaska, Idaho, Oregon, and Washington.

Member duties include but are not limited to:

- Reviewing and discussing water-related issues in Indian country
- Assisting the Council in informing tribes on a wide variety of water issues
- Participating in crafting response documents to policy and/or rule making actions
- Participating in monthly conference calls and attending bi-annual meetings

The Council is seeking individuals that are passionate and vocal about tribal water issues. Tribal water professionals with hydrology experience are encouraged to apply.

Interested candidates must submit an application form, letter of interest and professional resumé. Please refer to the Council's [membership application information packet](#) for additional details.

For more information, please contact Elaine Wilson, Project Manager for the National Tribal Water Council, Institute for Tribal Environmental Professionals, Northern Arizona University, at elaine.wilson@nau.edu or (480) 452-6774.

[Click here for more information.](#)

[Public Engagement Opportunities](#)

EPA's Office of Research and Development's Cumulative Impacts Listening Sessions

EPA's Office of Research and Development (ORD) is hosting Tribal Listening Sessions in September. These listening sessions are being offered to help us better understand the concerns facing your tribal environmental, natural resources or health agency with respect to cumulative impacts (we also plan to hold separate listening sessions with state and local agencies). By participating in the listening sessions, you will hear an overview of ORD research related to cumulative impacts and have the opportunity to convey concerns and research interests early in EPA's research planning process: your input can help inform the research needed to better protect human health and the environment in ways that assess and account for cumulative impacts.

- [Listening Session Flyer](#)
- [Invitation and Guiding Questions](#)

A Tribal Listening Sessions was held virtually on September 16, 2021 and an identical session will be held on:

- September 23, 2021; 3:00 PM - 5:00 PM - [Register](#)

[Click here for more information.](#)

Training, Workshops, and Webinars



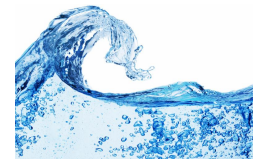
Industrial Pretreatment Program Audits of Municipal WWTPs: What to expect, how to prepare, and common findings

This [Technical Assistance Webinar Series](#) supports the joint EPA and Authorized State [Significant Noncompliance \(SNC\) Rate Reduction National Compliance Initiative \(NCI\)](#). The SNC NCI is aimed at improving surface water quality and reducing potential impacts on drinking water by assuring that all Clean Water Act (CWA) - National Pollutant Discharge Elimination System (NDPES) permittees are complying with their wastewater discharge permits.

Pretreatment programs protect municipal wastewater treatment plants from operational interference or pass-through due to non-sanitary pollutants from industrial and commercial sources. In this webinar, EPA presenters will describe the steps that are involved by EPA or the State in conducting a pretreatment audit of POTW. Equally significant, the presenters will advise what POTWs can do to prepare for an EPA audit of its authorized pretreatment program. Both small and large system operators and program coordinators will benefit from the information, as well as those POTWs that do not yet have a pretreatment program but may need one.

When: Sept. 22, 2021; 1:00 PM - 2:30 PM ET

[Click to Register.](#)



Valuing Aquatic Ecosystem Health at a National Scale: Modeling Biological Indicators Across Space and Time

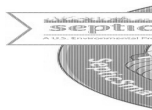
EPA's Office of Research and Development hosts the [Water Research Webinar Series](#) to share current research activities and results. Through innovative science and engineering, EPA's researchers are developing cost-effective, sustainable solutions to 21st century complex water issues. The scientific results and innovative technologies developed support EPA's mandate to protect the chemical, physical, and biological integrity of our Nation's water resources, and to ensure safe drinking water and water systems.

This webinar will discuss this comparison, implications for estimating benefits of preserving aquatic resources, and forthcoming work to link the observed-to-expected ratio of taxonomic composition (O/E) with water quality and habitat models, which would forecast changes in O/E resulting from future regulatory action.

- [Webinar Flyer](#)

When: Sept. 29, 2021; 2:00 PM - 3:00 PM ET

[Click to Register.](#)



SepticSmart Week 2021 Announcement - Save the Date

EPA, supported by state and local governments, the private sector, communities, and academia, will sponsor its ninth SepticSmart Week 2021. This annual event focuses on educating homeowners and communities on the proper care and maintenance of their septic systems.

- [Save the Date Flyer](#)

EPA's SepticSmart initiative is a nationwide public education effort offering educational resources to homeowners, local organizations, and government leaders to explain how septic systems work and provide tips on how to properly maintain them. This SepticSmart Week 2021, EPA supports public awareness about the important role septic maintenance plays in local water quality and shares helpful tips.

- [Using a Responsible Management Entity \(RME\) to Manage Tribal Onsite \(Septic\) Wastewater Treatment Systems](#)
- [Homeowner's Guide for Tribal Communities](#)

SepticSmart Week 2021 encourages homeowners, wastewater professionals, and state, tribal, and local officials to design and maintain effective systems to safeguard your family's health, protect the environment, and save money.

[Click here for more information.](#)



UPDATED DATES AND INFO: EPA Tribal Wetlands Virtual Workshop

EPA is pleased to announce a virtual EPA Tribal Wetlands Workshop, open to tribes in the Northern Great Plains and Rocky Mountain ecosystems who have, or are planning, wetlands protection programs. A separate training on building collaboration skills among tribes will be offered to those interested. This workshop is being cooperatively developed by EPA staff and tribal representatives from the region.

Workshop Goals:

- Enable tribes to learn together methods of protecting and managing wetlands and other aquatic resources, sustainably and with cultural sensitivity, in challenging times.
- Explore the value of tribal collaboration as a tool for efficient and culturally appropriate protection of wetlands, and begin the process of establishing a foundation for the formation of an intertribal coalition for these regions.

Anticipated agenda will support the needs and interests of a range of participants, including program administrators, in-the-field technical staff, and wetlands program leaders.

- Building Tribal Coalitions for Mutual Learning and Support (commitment requested, space is limited):
 - Training sessions and guidance on forming and sustaining coalitions

Announcing EPA's 10th Annual Campus RainWorks Challenge

EPA is pleased to launch its [10th annual Campus RainWorks Challenge](#), a green infrastructure design competition for American colleges and universities that seeks to engage with the next generation of environmental professionals and showcase the environmental, economic, and social benefits of green infrastructure practices. Stormwater pollution is a problem that impacts public health and water quality in communities across the country. The Campus RainWorks Challenge invites today's students to become part of the solution.

To learn more about Campus RainWorks check out the official [2021 Campus RainWorks Challenge Competition Brief](#). The brief contains details on the challenge's design categories, submission requirements, and rules for participation.

- **Registration: September 1 - October 1, 2021**
- **Deadline for Entries: December 10, 2021**
- **Winners Announced: Spring 2022**

Please share this announcement with college students and faculty in your networks. If you have questions about the Campus RainWorks Challenge please direct them to RainWorks@epa.gov.

- Initiate collaboration development
- Build on current collaboration efforts
- Skill-building for Wetlands Protection (open to all; sessions will be recorded):
 - Developing wetland program plans
 - Funding opportunities (proposal and grant writing)
 - Specific challenges facing tribes today (legal, financial, ecological, administrative, rules and enforcement)
 - “Virtual field visits” via videos of wetlands work on tribal lands

When (UPDATED): 6 Half day sessions on September 22-23 & September 27-30, 2021

- 8 AM - 12:30 PM PT / 9-1:30 MT / 10-2:30 CT / 11-3:30 ET

Important update: The special training/workshop session “Building Tribal Coalitions for Mutual Learning and Support,” originally scheduled for September 20-21, 2021, will be rescheduled as a follow-up workshop later in the fall/winter, to build capacity and take the next steps toward building a tribal coalition in these eco-regions.

[Click to Register.](#)

You must register to receive a calendar invitation with Zoom meeting instructions. If you have any questions in the meanwhile, please contact Cameron Hager at chager@cbi.org.

For additional information, please contact Maggie Osthues at mosthues@cbi.org.

Past Webinars of Interest

Minimizing Water Use in Mechanical/HVAC Systems

On September 15, 2021, [EPA’s WaterSense program](#) hosted a webinar how to reduce water waste in cooling towers and steam boilers, optimize chilled water systems, and address equipment that uses single-pass cooling water. Ralph Owens from Global ROC, LLC presented a case study on increasing cooling tower efficiency for a building in Houston, TX.

[Click here for past webinar recordings.](#)

Tribal Consultation Opportunities

Revising the Definition of “Waters of the United States”

EPA and the U.S. Department of the Army, (“the agencies,” hereafter) are initiating consultation and coordination with federally recognized tribes on the agencies’ effort to revise the definition of “waters of the United States.” On June 9, 2021, the agencies announced their intent to initiate a new rulemaking process that restores the regulations in place prior to the 2015 Clean Water Rule defining “waters of the United States,” amended to be consistent with relevant Supreme Court decisions. The agencies also anticipate developing a second rulemaking informed by states, tribes, and stakeholder feedback that further refines and builds upon that regulatory foundation. A second consultation will be initiated as the agencies move closer to working on that second rule.

- [Consultation Letter](#)
- [Consultation and Coordination Plan](#)

The agencies most recently revised these regulations in 2020 with the Navigable Waters Protection Rule: Definition of “Waters of the United States,” 85 Fed. Reg. 22,250 (April 21, 2020), which amended the regulations found at 33 CFR Part 328 and 40 CFR Part 120.

On January 20, 2021, President Biden signed Executive Order 13990, titled Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, 86 Fed. Reg. 7037 (published January 25, 2021, signed January 20, 2021). Executive Order 13990 directed federal agencies to review rules, including the Navigable Waters Protection Rule, issued in the prior four years that are, or may be, inconsistent with the policy stated in the order. Consistent with this Executive Order, the agencies have completed their review of the Navigable Waters Protection Rule and have decided to initiate a new rulemaking to revise the definition of “waters of the United States,” as referenced above.

The agencies hosted two identical Tribal Consultation Kick-off Webinars on August 19 and 24, 2021. The webinars were an opportunity for EPA and the Army to provide an overview of this forthcoming rulemaking and to receive input from tribal representatives about this action.

To help ensure tribal partners and co-regulators have the opportunity to provide early, substantial, and meaningful input on this important issue, the comment period has been extended.

- [Notification of Extension of Tribal Consultation Comment Period](#)

Comment Deadline (EXTENDED): October 4, 2021

[Click here for more information.](#)

For any questions, please contact Rose Kwok, U.S. EPA, Office of Wetlands, Oceans, and Watersheds, at CWAwotus@epa.gov or (202) 566-0657; and Stacey Jensen, Office of the Assistant Secretary of the Army for Civil Works at usarmy.pentagon.hqda-asa-cw.mbx.asa-cw-reporting@mail.mil or (703) 459-6026.

EPA/AIEO Tribal Consultation on GAP Funding Allocation

On July 19, 2021, EPA's American Indian Environmental Office (AIEO) initiated a 120-day tribal consultation with federally recognized tribes to receive input on how to improve the national allocation of the Indian Environmental General Assistance Program (GAP) funds. In the current national allocation methodology, EPA provides \$110,000 per federally recognized tribe. However, a 2008 OIG report included a recommendation that AIEO revise its allocation methodology to take into account tribes' environmental needs and prior progress.

- [Consultation Letter and Consultation and Coordination Plan](#)

AIEO hosted an introductory call for Tribal Leaders on August 3 and a series of regional webinars and listening sessions.

- [Scheduled Consultation & Coordination Activity Information](#)

Comment Deadline: November 17, 2021

For any questions, please contact Lisa Berrios by email at berrios.lisa@epa.gov or by phone at (202) 564-1739.

[All EPA tribal consultation materials including letters and consultation plans are available on EPA's Tribal Consultation Opportunities Tracking System \(TCOTS\). To search information on an action \[click here.\]\(#\)](#)

ABOUT

The National Tribal Water Program Updates is a monthly e-newsletter created to provide time-sensitive information and important engagement opportunities and activities of interest for tribes related to the Safe Drinking Water Act and Clean Water Act. Included information may pertain to: tribal consultations, funding announcements, training opportunities, future meetings and conferences, and recent news and announcements from the Agency.

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To ensure receipt of the National Tribal Water Program Updates E Newsletter and associated updates, please be sure to check your Spam/Junk folders periodically and adjust the approved senders settings on your respective email platforms.