

# WATER DIVISION UPDATES

- ◆ **Water Quality Standards** – Tribal Baseline & Reserved Rights
- ◆ **Bipartisan Infrastructure Law Opportunities**
- ◆ CWA 106 Final Guidance
- ◆ Defining “**Waters of the United States**”
- ◆ Clarifying Water Quality **Certification (401) Rules**

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# TRIBAL BASELINE WATER QUALITY STANDARDS

- Goal: Provide a common minimal protection standard for tribal waters
- Pre-proposal tribal consultation  
June 15-September 13, 2021
- On schedule:
  - Expect “early 2023” public proposal
  - Second tribal consultation opportunity.





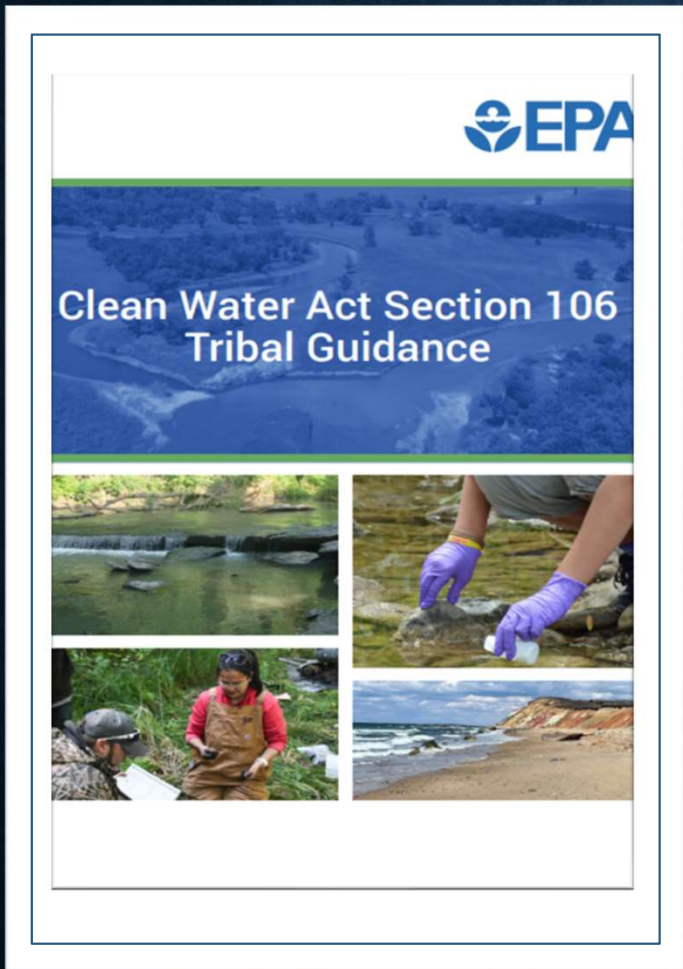


## **TRIBAL RESERVED RIGHTS**

- Rule published November 28, 2022.
- Two national tribal listening sessions January 24 & January 31, 2023.
- Request consultation by February 28, 2023.
- Written comments by March 6, 2023.



# CWA 106 GUIDANCE REVISION



- January 13, 2021 – EPA initiated consultation and coordination with Tribes to seek input on recommended changes
- January 13 – March 15, 2021 – first comment period
- April 21, 2021 – solicited tribal participation in being a member of the workgroup
- June 13, 2022 – August 15, 2022 – second comment period
- January 23, 2023 – Revised CWA 106 guidance was published

# TRIBAL BIL WATER INFRASTRUCTURE CONSULTATION

<https://tcots.epa.gov/ords/tcotspub/f?p=106:5::1666:::>

## INPUT REQUESTED

Emerging Contaminants	<ul style="list-style-type: none"><li>• Proposed project prioritization criteria,</li><li>• Emerging contaminants that should be prioritized, and</li><li>• Emerging contaminants where more data/sampling should be collected.</li></ul>
Lead Service Line Replacement	<ul style="list-style-type: none"><li>• Proposed flow chart to prioritize funding,</li><li>• Required planning documentation, and</li><li>• Developing well-scoped and ready-to-fund projects.</li></ul>

## SCHEDULE

02/16/2023	RTOC Presentation and Discussion
02/21/2023	Last day to request leader-to-leader consultation (email: <a href="mailto:sockabasin.nancy@epa.gov">sockabasin.nancy@epa.gov</a> )
03/01/2023	Consultation Webinar for Tribal Leaders and/or their designated representatives.
03/21/2023	Conclude Consultation

# WATERS OF THE UNITED STATES

- Final rule
  - Signed Dec 2022
  - Published Feb 2023
  - Effective March 20, 2023
- Implementation outreach planned for Early 2023





## **CLEAN WATER ACT SECTION 401 RULE**



- Proposed 401 Improvement Rule published on June 9, 2022.
- Public Comment period closed on August 8, 2022.
- Agency intends to finalize the rule in Spring 2023.

# **WATER BREAKOUT SESSIONS**

- 9:45am (B Room) – Drinking Water Session
- 1:30pm (B Room) – WOTUS & 401 Certification