

Region 10 EPA Tribal Consortium (RTOC)
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September 11, 2018

Daniel Giddings
U.S. Environmental Protection Agency
Office of Water, Resource Management
1200 Pennsylvania Ave., NW
Washington DC 20460

RE: EPA National Water Program Core Measures

Dear Mr. Giddings:

This letter is sent on behalf of the Tribal Caucus members of EPA Region 10's Tribal Operations Committee ("RTOC"). This letter is not sent on behalf of EPA Region 10 or any employees of EPA, but solely tribal government representatives of the RTOC. These comments are submitted in response to the request for tribal comment regarding EPA National Water Program Core Measures ("Core Measures").

RTOC includes Tribes across Alaska, Washington, Idaho, and Oregon. In each of these territories water is critical to tribal health. Clean water is essential to many Tribes, not just as a source of sustenance, but also for cultural, medicinal, and spiritual reasons. The ability of Tribes to control pollution and protect water quality is vital to the survival of Tribes. Almost no activity has more potential for significantly affecting the economic and political integrity and the health and welfare of all reservation citizens than water use, quality, and regulation. Tribal involvement in the development of National Water Program Measures is imperative for protecting tribal access to clean water.

The RTOC strongly supports the Core Measures that address water quality and human health that impact Tribes. In particular, we strongly support the following measures (with comments in **BOLD** if applicable):

- Number of American Indian and Alaska Native homes provided access to safe drinking water in coordination with other federal agencies. **It is unclear why coordination with other federal agencies is included. We suggest striking that language.**

- Number of American Indian and Alaska Native homes provided access to basic sanitation in coordination with other federal agencies. **It is unclear why coordination with other federal agencies is included. We suggest striking that language.**
- Percent of the population in Indian country served by community water systems that receive drinking water that meets all applicable health-based drinking water standards. **We suggest changing the measure from “percentage of population in Indian country” to “percentage of American Indian and Alaska Native homes.”**
- Percent of ‘person months’ (i.e. all persons served by community water systems times 12 months) during which community water systems in Indian country provide drinking water that meets all applicable health-based drinking water standards. **We suggest expanding the measure of “in Indian country” to include “and Alaska Native Villages.”**
- Number of tribes that currently receive funding under Section 106 of the Clean Water Act that have developed and begun implementing monitoring strategies that are appropriate to their water quality program consistent with EPA Guidance.
- Improve water quality in Indian country at baseline monitoring stations in tribal waters (i.e., show improvement in one or more of seven key parameters: dissolved oxygen, pH, water temperature, total nitrogen, total phosphorus, pathogen indicators, and turbidity).
- Number of Actions completed by states, tribes, and territories to build programs in four areas of wetland management: regulatory, monitoring and assessment, water quality standards, and restoration and protection.
- Number of tribes that have water quality standards approved by EPA.
- Number, and national percent of tribes that within the preceding three-year period, submitted new or revised water quality criteria acceptable to EPA that reflect new scientific information from EPA or other resources not considered in the previous standards. **Change “acceptable to EPA” to “approved by EPA.”**

In addition to these measures, the RTOC suggest that EPA adopt the following Core Measures:

- Number of States and Tribes that have revised water quality human health criteria to reflect accurate fish consumption rates.
- Number of tribal waterbodies not meeting water quality standards.
- Number of TMDLs approved by EPA for tribal waterbodies.

We appreciate the opportunity to comment. The use of tribal-specific measures promotes cooperative federalism in the tribal-federal partnership. Leanness is not mutually exclusive with quality and including tribal representation ought to outweigh administrative efficiency when regulating water is at issue. For this reason, RTOC encourages EPA to engage with Tribes in Region 10 in government-to-government consultation to further understand the significance of these Core Measures.

We appreciate your consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "William (Billy) J. Maines". The signature is written in a cursive style with a stylized initial "W".

William (Billy) J. Maines
Region 10 RTOC, Tribal Caucus Co-chair