

REGIONAL TRIBAL OPERATIONS COMMITTEE
EPA REGION 9 – GENERAL MEETING
February 4, 2009
Apache Gold Best Western Hotel
San Carlos, AZ

Opening Prayer

Manuel Cooley, Bylas, Arizona

Welcoming/ Opening Remarks

John Wesley, former Tribal Councilman, Bylas District, Bylas, Arizona

- Welcome to San Carlos and Apache Gold Hotel-Casino.
- Personal history.
- RTOC honored Mr. Wesley with blanket.

Welcoming Remarks

Laura Yoshii, Acting Regional Administrator, EPA

- Thanks to San Carlos Apache Tribe for hosting meeting.
- Expressed importance of attending this meeting, as she is EPA's Acting Regional Administrator.
- EPA enjoys being in Indian Country, and will continue commitment to work with RTOC through transition period.
- Met with new Administrator and stressed the importance of continuing to work with Tribes. The experience of visiting Tribal lands is the most powerful thing to gain support.
- The new Administrator wants transparency, openness, and would like to make sure everyone has factual understanding of issues. New Administrator would like to make sure tribes are represented, and looks forward to meeting all of you.
- Region 9 is very well represented at the national level.
- Recognized Salt River Pima Maricopa Tribe for receiving TAS (Treatment as a State) for Air Quality and presented a certificate.

Martin Javier, SRPMIC Tribal Chairman, Acceptance Speech

- Thanks for the welcome.
- It's a great responsibility to protect the environment.
- Thanks to EPA for the quick turn around.
- SRPMIC is surrounded by the city of Phoenix. They have to be at the table with the State and Federal government.
- It is important to be involved with other governments.

Welcoming Remarks

Harrison Talgo, former San Carlos Apache Tribal Chair

- Recognized Laura Yoshii, Clay Bravo, and Clancy Tenley.
- Federal funding started with \$2 million initially under Executive Order of the Clinton Administration, and has grown to \$500 million over the years.
- EPA is the only Federal Agency to establish a network with Indian Tribes.
- Congratulated the RTOC body for achievements.
- Welcome to San Carlos.

Welcoming Remarks/Introductions/Roll Call

Dan Mosley, RTOC Tribal Co-Chair

- Acknowledged tribal leaders present.
- Laura Yoshii, EPA Acting Regional Administrator, will meet with tribal leaders this afternoon.
- Introductions. 95 meeting attendees present.

Review Previous RTOC Meeting Action Items

Lori Lewis, Meeting Facilitator, EPA

- Announcements
- Review of Action Items (See Oct. 2008 Action Item Sheet)
 - Action Item #6 – Jean Gamache
 - Anticipating GAP funding will be flat-lined, but is working with the new administration. This is a good time for tribes to start putting together information. More information will be available at the next RTOC.
 - Action Item #18- Matt Jefferson

- There were initially three tribes in California dealing with this issue. It has been resolved with of the two tribes. The other tribe dealt with turnover and resolution is still in process.
- Action Items will be available on the EPA website.
- EPA personnel will be available after meeting to answer any questions.

Tribal Caucus Report

Dan Mosley, RTOC Tribal Co-Chair

- Review of action items from Tribal Caucus meeting. *(See Action Item Sheet)*
- Brief update regarding RTOC decision to prioritize Owens Valley Travel Fund
 - RTOC Representatives first.
 - Workgroup leads second.
 - Tribal leadership third.
- Update regarding workgroup tribal lead positions
 - Solid Waste Workgroup - new Tribal Lead is John Mosley, Pyramid Lake Paiute Tribe
 - NTAA delegated Syndi Smallwood, Pechanga, and Erica Helms-Shenk, Soboba, as her alternate.
 - Quality Assurance Workgroup - Tribal Lead is still vacant. Syndi Smallwood will coordinate a conference call and report back.
 - National Tribal Grants Council – The Budget Workgroup will nominate someone for a financial programmatic representative position. Anyone with recommendations should contact Dan or Syndi Smallwood.
- Thanked EPA and Gerald Charnholm for setting up the ground breaking of the surface water treatment plant at the White Mountain Apache Tribe. EPA and RTOC made this project a success.

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EPA Response to Tribal Caucus Report

Clancy Tenley, Jan. RTOC EPA Co-chair

(See Action Item Sheet)

- Action Item 0- Follow up on bladed road along US/Mexico border.
Nate Low, EPA - Response will be provided within two weeks.
- Action Item 1- Request for EPA to support not having annual conference at the same time as the National Coordinator's meeting
Nate Low, EPA - Response will be provided within two weeks.
- Action Item 2- Request for additional funding for tribes who have UIC and CWA 106 programs.
Kristin Gullatt, EPA - UIC and 106 Program funding has flat-lined and EPA is expecting the same amount as last year. There may not be a chance of a funding increase. Kristin will keep tribes updated regarding any 319 funding increases.
- Action Item 3- Request support for drinking water/waste water funding through stimulus package.
Linda Reeves, EPA – will be discussed throughout transition.
- Action Item 4- Request for Lisa Jackson to conduct on-site visits to tribes in Region 9.
Laura Yoshii/Clancy Tenley, EPA - Suggested tribes come forward with suggestions for Lisa Jackson's visit.
- Action Item 5- Request clarification regarding what EPA grants can fund cultural resource protection.
Jean Gamache, EPA - This is a huge concern for tribes with limited amounts of funding. There has to be an element of environmental protection in order to use the grant funding for these purposes.
- Action Item 6- Request to have RTOC meetings in less expensive areas other than San Francisco. Why was Oakland chosen?
Jean Gamache, EPA - It is important for EPA staff to get out to Indian Country, but funding is very limited at the agency. Oakland was an option because it's cheaper to stay. Maybe we can compromise to meet everyone's needs. Sacramento is still an option.
- Action Item 7- Request for EPA staff to respond to action items in a timelier manner.
Clancy Tenley, EPA - Please provide specific instances to Jean Gamache or Clancy Tenley.
- Action Item 8- Request for more compliance money for solid waste.
Heather White, EPA - Region 9 was selected as lead region for solid waste issues. Heather is currently working with headquarters to restore set asides for tribes. It is a work in progress.
- Action Item 9 - Request for more travel funds.

Jean Gamache, EPA - Thanks to the Tribal Caucus for drafting travel priorities. The funds were depleted too quickly. They are currently working with Owens Valley to get funds to cover travel to RTOC meetings.

- Action Item 10- Request for GAP officers to have the same report submittal procedures for all tribes.
Jean Gamache, EPA - Thank you for submitting reports online. All tribes should be submitting GAP reports online. PPG reports are the only reports that are still submitted on paper.
- Action Item 11- Request for EPA to consult directly with Susanville Rancheria
Tim Whillhite, EPA - EPA will consult and a follow up will be provided in two weeks.
- Action Item 12- Request for video conferencing for April RTOC meeting.
Tina Davis, EPA - Response will be provided within two weeks.
- Action Item 13- Request for information/training on new or additional guidelines for storm water and construction projects.
Kristin Gullatt, EPA - A two day storm water training is scheduled for August 2009 in San Francisco. There also will be a conference call in February regarding storm water. Email Kristin or Syndi Smallwood with questions. Kristin will let tribes know by the end of February.
- Action Item 14- Request for pesticide training: Basic Pesticides and Inspector Training
Pam Cooper, EPA - Follow up will be provided in three weeks.
- Action Item 15- Request for EPA's assistance to work with FEMA regarding SDGE ruling and conduct follow up.
Colleen McKaughan, EPA - There is a policy on use of diesel generators in emergency situations. Colleen will forward to Dan. Non-emergency use requires air permits from the EPA Permit Office. Not sure about the SDGE ruling, but will discuss during the Air Workgroup session. Use of generators is calculated by how much you could emit. EPA will share diesel emission retro-fit funding information in workgroup session.
- Action Item 16- Request conference call to discuss federal credentials for tribal pesticide inspectors.
Pam Cooper, EPA - Follow up will be provided in three weeks.
- Action Item 17- Request follow up discussion regarding border/tribal indicators and what needs to be done to move project forward.
Vince Vorg, EPA - Response will be provided within two weeks.
- Action Item 18- Request for an update regarding Pechanga Tribes Air QAPP. Due to time span, their data is now invalid.
Stephanie Valentine, EPA - Pechanga is different from other tribes because they don't use Federal funding. EPA is talking to QA to move them up on the priority list. If approval is ever stuck, tribes should contact Colleen McKaughan or Stephanie Valentine anytime. Update will be provided in two weeks.
- Action Item 19- Request for supplemental meetings to help tribes make educated decisions about air quality issues.
Colleen McKaughan, EPA - Tribes can contact Colleen at (520) 498-0118 to schedule meetings.
- Action Item 20- Are sites still being added to the Superfund list?
Matthew Jefferson, EPA - Yes, sites are still being added to the list, but it is a slow process. Tribes can contact Matthew with any questions.
- Action Item 21- Are states/counties receiving federal funding required to have QAPPs in order to collect data?
Eugenia McNaughton/Susan Chiu, EPA - Yes. Anyone receiving Federal grants must have a QAPP. Any local or state agencies that are conducting the same work without QAPPs may be out of compliance.
- Action Item 22- Timeline is an issue – appropriateness of reviewers and who sets the standards?
No response given
- Action Item 23- Can EPA move the GAP training to the Federal Building in Oakland to cut costs?
Jean Gamache, EPA – EPA will check into moving the training to Oakland and report back within two weeks.

New action item:

- Distribute hotel list for April RTOC meeting.

Gayl Honannie, Hopi Tribe

- Thank you to everyone for sending condolence cards for the loss of Nat Natongla.
- The Hopi Tribe lost a great man.
- Thank you to RTOC for allowing Nat to represent the Hopi Tribe.
- Our prayers are with his family.

National Tribal Operations Committee (NTOC) Report

Clay Bravo, NTOC Chair

- The committee will push the goals outlined in Indian Country.
- The meeting was held in October in Myrtle Beach. Clay Bravo was elected Chair, Ken Norton was elected Vice-Chair, and Stephen Etsitty was elected Secretary.
- Region 9 now has a dominant voice, and they will ensure that the other regional issues are represented as well.
- Large part of the first meeting was spent on organization of records. Second day was spent developing a process for tracking issues.
- Discussed how to respond to RTOCs and other groups throughout Indian Country.
- Spoke with the National Tribal Science Council, to find out how to report information to RTOC, NTAA, NCAI, and get voices from Indian country heard. NTSC is very well organized.
- Had the ability to see who didn't attend meetings. Need representation from regions to make sure issues are brought forward.
- Moved right into transition discussions. Given challenge of reaching out to the Transition Team and did within a week.
- Important things need to be said very soon about how and where funding goes in Indian country.
- Encouraged tribal leaders to write letters informing others of issues important to Tribes. Templates have been established and are available. Even individual tribal members can make a difference.
- Expressed need to work with EPA counterparts.
- Committee created five page document stating \$110 million in funding is needed, and the information from tribes pushed forward.
- The transition team was open to their suggestions, and was willing to hear what tribes wanted. They took all suggestions to move forward, and will report back to the committee.
- Requested a sit down meeting with Lisa Jackson to push Region 9 issues forward.
- There are seven Native Americans serving in the Obama Administration. This is an open door and provides a great opportunity.

New action item

- Template letter about Tribes and stimulus package can be sent to Dan for distribution.

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Announcements

Lori Lewis, RTOC Meeting Facilitator, EPA

- Clancy Tenley will take over as EPA lead, as Laura Yoshii needs to leave early.
- Tribal leaders are meeting with EPA.
- Update on workgroup meeting locations.
- Emergency Response Workgroup – Mike DeSpain and Angie Proboszcz will coordinate a conference call next week. Anyone interested should sign up.

EPA Report

Tina Davis, Communities and Ecosystems Division, EPA

- RTOC meeting documents are available on EPA website.
- RTOC was recognized for reducing paper usage. Estimated used 13000 pieces of paper in 2008.
- The EPA Report (*See PowerPoint presentation*)
 - Tribal Air Funding
 - Ozone Designations
 - Final PM 2.0 Designations
 - Upcoming ITEP Training
 - Community Action for a Renewed Environment (CARE) RFP
 - New Tribal Solid Waste Team Member
 - New Workload Distribution for the Tribal Solid Waste Team
 - Next Green Casino Training
 - 2009 Tribal Resources Conservation Funds Available

- ADEQ Recycling Grant Available Now
- New Superfund Branch
- GAP Deadlines
- April 2009 RTOC
- General Assistance Program (GAP) Workshop
- Eliminating Childhood Lead Poisoning and Using Lead Safe Work Practices
- Authorization of Lead-Based Paint Renovation Programs
- For More Information

New action item:

- Request for tribal casinos to volunteer to co-host Tribal Green Casino Training. Dan will email request with a response deadline of one month.

Stimulus Package Discussion

Clay Bravo

- There was a conference call yesterday regarding how money will be distributed to tribes. Why is IHS being used to move the money? They may not have the capability to get money to tribes.
- How can tribes work with IHS to streamline the process to ensure the funds get to tribes?
- Tribes are encouraged to get with IHS to make sure projects are on the SDS list.
- Some tribal projects are not on this list, but are "shovel ready". How are these going to be funded?
- What about the match? Region 9 could use all of the money. Is this money going to be enough to reach the goals of Indian Country?
- There are other components that tribes need to be aware of so they can benefit from the package. Transportation and energy projects can also be funded through this package, and tribes should have proposals written and ready to submit.
- USDA Rural Development will be getting funding, which is another resource that can be tapped.

Marta Burg

- The National Infrastructure Taskforce wants headquarter representatives from EPA and IHS to do outreach from headquarters to tribes interested in funding. Headquarters is relying on regions to do the outreach. Linda Reeves with EPA has been working on this issue.
- Tribes requested that entities do outreach to all Tribes interested like they have done for
- There will be a presentation on Stimulus Package Update.
- There will be discussions about what kind of projects will be funded by the stimulus package during tomorrow's Drinking Water/Waste Water breakout session.

Stimulus Funding for Tribal Water Infrastructure

Linda Reeves & Loretta Vanegas, EPA

(See Powerpoint Presentation)

- All Proposed Tribal Stimulus Funds
- Proposed EPA Stimulus Funds
- Stimulus Funds for Tribal Water Infrastructure
- R9 Tribal Allocation of Proposed Water Infrastructure Stimulus Funds
- Funding Priorities
- Project Selection
- Award Process
- Weekly R9 Tribal Stimulus Calls
- Other Tribal Outreach
- Next Steps

Presentation discussion

- Clean Water Projects are waste water projects, and storm water projects are not covered. The deadline for projects to be submitted is 2/16.
- Tribes should line up with IHS before deadline.
- Can tribes request funding for equipment?
 - If purchasing equipment addresses a need then it is eligible.
- What about other projects that have not ranked high enough?
 - Consider funding priorities. They are looking at funding access projects or systems that have unsafe drinking water first. The projects that don't get selected, and are important, will face less competition in the future.
- What does the "shovel ready" mean?
 - Projects that are through as much of the planning process as possible, and can begin within 180 days. They are still looking for further guidance.
- IHS is going to receive 638 funding requests and there needs to be someone that can facilitate these projects. Also why do States get longer time period to have projects started?

- EPA will research the 638 issue. The States do have different timelines. The states have a longer time period to get funding out to communities for projects. Tribes have only 30 days for projects to be ready to go. EPA has tried to educate the lawmakers, but tribes can have more of an impact.
- EPA has a list of committee members that tribes can contact. The list can be distributed.

New Action Items:

- Lorretta Vanegas/Linda Reeves will send Email to clarify deadline date for stimulus funding project proposals by February 6th.
- Linda Reeves will research whether or not funding EPA gives to IHS can be given to tribes as 638 funds and report back within two weeks.

Transition Document- Presentation and Discussion

Marta Burg

- There will be a new Regional Administrator possibly by the next RTOC meeting. RTOC should be ready to show priority issues and detailed briefing of these issues.
- Sara Ryan is creating a multi-media presentation and documents will be prepared. An email will be sent out to tribes asking for their input and submittals for the document. This will need to be coordinated with the EPA document to avoid any duplication.
- The new administrator may or may not have experience working with tribes.
- Would like RTOC to review the final draft document and provide feedback.

Treatment as a State Discussion

- How do other organizations recognize tribal authority, and why do tribes need TAS and TAR?
 - Tribes indicate which portion of the Clean Air Act (CAA) they want responsibility for. If other organizations do not consult with tribes that have TAS, they will be contacted. This is to recognize tribes that have developed air programs.
- Other jurisdictions are not adhering to authorizations, and the legal definitions of TAS need to be clearly defined.
 - Tribes should contact their Project Officer for guidance regarding TAS, and keep contacting until they get the answers they need.
 - The Water Division gets a whole team together to answer all questions regarding TAS for water. The Air team may need to do the same thing.
 - When Water Quality Standards are approved by the EPA, all other upstream entities should be adhering to TAS.

Direct Implementation Tribal Cooperative Agreement (DITCA) discussion

- Has there been any tribal enforcement funding under DITCA's? What examples are there to support tribal enforcement measures?
 - There are enforcement grants under the pesticide programs.
 - DITCA's are grants provided to tribes to complete things the EPA couldn't.
 - The 638 type program used to get funding to tribes. The way EPA is funded through Congress will not work for tribes.
 - There is funding language from Congress for tribes to use DITCA's but there is no funding attached. The language is there but there are no funds.
 - There may be other ways EPA can support enforcement. A DITCA was used for PWSS funding supporting enforcement. There are enforcement grants through the Office of Enforcement and Compliance Assurance (OECA), and some state funding supports enforcement.
- How are other tribes using DITCA's?
- Resource Conservation and Recovery Act Authority – Expanding solid waste issues
 - GAP – 16 years planning and we need to be doing something. This issue may need to be brought forward. The GAP funding needs to be more flexible to tribes.

EPA Transition Document Feedback

Laura Yoshii, EPA

- Provide the new administrator with the short version.
- EPA will help set up the initial meeting as it gives the most impact.
- Add a portion of NTOC into the document.
- The political leadership is the audience of NTOC.
- Clarify leadership roles – who's who and flag issues.

Solid Waste Discussion

- There is a lack of funding for cleaning open dumps and sustaining programs. Where should we target our requests?

- The Intra-agency Solid Waste Workgroup. Funding has dried up so tribes will need to talk with agencies to get them back to the table.
- Different components of agencies could fund certain portions of solid waste. Tribes need to start getting word back to the group.
- Is the National Infrastructure Taskforce different from the Intra-agency Solid Waste Workgroup?
 - Yes, they are separate committees. EPA agencies have been trying to get them back to the table.
 - Funding for transfer sites is in the Infrastructure Stimulus Package. Gary Hentz, IHS Director of Construction, is meeting with congressional leaders. Tribes should contact him and ask him to mention it.
- Are there other sources of funding that tribes should research for solid waste enforcement, operation, and maintenance?
 - Most of the funding allocated to Heather's program cannot be used for operation and enforcement.
- Why won't EPA fund operation and maintenance for tribes?
 - This issue should be addressed in the transition document to the new Administrator.

Lead Discussion

- There was a nationwide EPA goal to eliminate lead poisoning by 2010 but funding was cut. Why were there funding cuts?
 - Budget cuts are coming from places other than EPA. It may be a good idea to include this issue with the transition document for the new Administrator.

Budget Discussion

- RTOC does not have an active budget group to gather and raise budget information to the national level. Should there be a separate budget process? Should it be part of the transition process?
- It's important for RTOC to prepare a budget outline for proposal. 2010 will be the first budget affected by the new administration. Work with Tribal Co-Chair and EPA Co-Chair for assistance.
- The Budget Workgroup will be holding a conference call to elect a new tribal lead. What is the NTOC and national level budget process?
- NTOC has asked headquarters to brief, but everything has been put on the back burner for the transition document. It is on the list of action items.
- Region 9 will help lead the national level. The region 9 document has been the lead for other regions. There is a meeting scheduled in April to discuss the timeframe.

New Action Items:

- Colleen McKaughan will follow up with Curtis Miller regarding TAS conversation within two weeks.
- Anyone with questions regarding TAS for water should contact Kristin Gullatt. On-going
- Jean Gamache will provide a summary of how other tribes are using DITCA's.
- Heather White will provide update on the status of the Intra-agency Solid Waste Workgroup by the next RTOC meeting.
- Budget Workgroup will hold a conference call about Tribal Lead the end of February. .
- Russell Cook will send Budget and QA Workgroup contact list to Syndi Smallwood within one week.

2009 Conference Update

Lorinda Sam, Tohono O'odham Nation

- The dates for the annual conference will be October 21-23.
- RTOC meetings will be held October 19-20.
- The conference will be hosted by the Desert Diamond Hotel Casino in Tucson, AZ
- Website will be up by April 1st to book rooms, Also, to accept nominations for Conner Byestewa award nominations.
- Conference registration will begin after May 1st.
- A call for topics will be sent in July.
- The conference workgroup will meet tomorrow to plan.

RTOC Priorities Update- Priority Leads

Heather White, Waste Management, EPA

Solid Waste

(See PowerPoint presentation and website)

- Solid Waste Priorities- Five objectives and associated sub-objectives
- Objective 1: Communication and Coordination
- Objective 2: Develop Integrated Solid Waste Management Plans
- Objective 3: Close Open Dumps
- Objective 4: Enforcement
- Objective 5: Sustainable Waste Collection and Recycling
- Possible Future Projects
 - Region 9 is sub-lead region for Tribal Solid Waste

New Action Item:

- If tribes need transfer station training again, please contact Heather White within two weeks.

Marta Burg

DW/WW Workgroup

- Sub-goals include working with the National Infrastructure Taskforce.
- The last quarter mainly focused on the stimulus package.
- We need to focus on how many jobs are being created in Indian Country.
- Ursula Brinks in Budget & Planning can give a time schedule.

Review Action Items/ Evaluation Forms/ Next RTOC Meeting Location/Closing Comments, Action Items

Lori Lewis, Meeting Facilitator, EPA

- Highlighted action items that are time critical.
- If you are going to be providing information you can send copies to Dan.
- Submit nominations for Region 9 Environmental awards are due by February 8th. Information can be found on the Region 9 EPA website.
- Possible projects for the stimulus package are due to EPA by February 16. Tribes can contact Loretta Vanegas for Clean Water and Linda Reeves for Drinking Water.
- Comments on the EPA 30 day turnaround on money to be given out.
- New tribal lead budget workgroup conference call ASAP to start work on the budget process.
- Action Items: 2 Weeks
- Announcements about breakout sessions.

RTOC Meeting Closes

EPA Networking Session – EPA and Tribal staff available meet

Cultural Event/Dinner- Sponsored by the San Carlos Tribal Council

Minutes submitted by
Fannie Ely and Russell Cook
Pyramid Lake Paiute Tribe