

ACTION ITEMS
REGIONAL TRIBAL OPERATIONS COMMITTEE
April 13, 2010
REGION 9 EPA

San Francisco, CA

7/16/10

	REQUESTED BY	TASK	WHO	WHEN	STATUS
General					
1	Nevada Marie Barry	Request for Place Based Project Officer to be put back in NV.	TPO Jean Gamache	ongoing	The Region is currently under a hiring freeze and will consider it in FY 2011.
2	Nevada	EPA NEPA comments – is there a way to consult with Tribes that could be impacted? Update consultation protocol regarding regional and inter regional.	Environmental Review Office		The Tribal Program Office is now sending out updates on renewable energy project Notice of Intents (NOIs) and Notice of Availability (NOAs) that have been published in the Federal Register. Info includes name of project, location and comment due dates. A similar process can be replicated for other large scale projects that are proposed in proximity to Tribes if there is an interest. NEPA provides the public with an opportunity to participate in the Environmental Impact Statement (EIS) process. Formal consultation with tribal governments is one component of the EIS process for the lead Federal Agency of a project. EPA is available to coordinate with Tribes on their concerns with projects and will consider these concerns in EPA's review of EISs. EPA is specifically authorized to review and comment in writing on all EISs, however, EPA's review of an EIS is not considered a federal action which would trigger NEPA and formal consultation.

					Energy projects that span multiple regions are assigned a lead region to conduct the NEPA review. The designation of the lead region is an internal matter and is made on a case by case basis in consultation with EPA headquarters and the affected regions.
3	Central California- Robert Columbro	Requests from USEPA a description of their Tribal consultation policy and a letter with an assessment for the Tribes to provide comments on the policy. There was a suggestion that the RTOC consultation workgroup assist in the drafting of the comment form.	Rod Watkins Laura Mayo		Pre-draft comments were solicited by AIEO on 4/14 during a workgroup session. Comments to AIEO were handed in through the close of the RTOC, or emailed to David Guest (guest.david@epa.gov). A draft of the consultation policy is currently out for review by Tribes through July 16, 2010. Please see the AIEO webpage on consultation for further information: http://www.epa.gov/indian/consultation/
4		Request the EPA chain of command for resolving issues.	Jean Gamache	2 weeks	Provided previously, will provide again
5	Arizona	Explore and resolve the issue of non-funding/funding to tribes under the Resource Conservation and Recovery Act (RCRA). RCRA cannot be delegated to tribes. SRPMIC may be the only tribe (other tribes that may have applied – Navajo Nation &	Nancy Sockabasin/ Pat Ekland		EPA Region 9 held several conference calls with HQ to address this issue. Although HQ continues to assert that only those that are delegated authority under RCRA Subtitle C can <i>submit</i> data to RCRAInfo, they will now allow non-delegated states and tribes to <i>receive</i> data from RCRAInfo via RCRAInfo

		Hualapai) that has applied to EPA. RCRA treats tribes as municipalities and RCRA is currently not eligible for delegation to tribes; US EPA's Office of Information and the NEIEN program (National Environmental Information Exchange Network or Exchange Network) will not fund tribes to implement the RCRA information data flow. SRPMIC believe this is inappropriate. Tribes do not have to have federal delegation of a program to collect and submit environmental data to EPA- this is done in water, air, etc., all without federal delegation. SRPMIC would like all tribes to know this prior to applying for NEIEN funds for the RCRA information dataflow and also would like the RTOC and NTOC to research the matter and discuss it with Headquarters, especially the Office of Information.			outbound services. Tribes will now be eligible to apply for NEIEN grants for development of RCRAInfo outbound services.
6		Request from San Carlos Tribe to follow up on an issue raised on October 2009. Two 50 gallon drums of hydraulic fluid spilled and the tribe is looking for funds to help clean up the contaminated area.	Charles Swanson		Tribal Solid Waste Team began contacting EPA programs in March 2009 looking for help for the cleanup of the oil spill on the San Carlos Apache land. We contacted potentially applicable programs, but the clean up was not eligible for the following reasons: Emergency Response Team: Response

					to petroleum spills is limited to spills that potentially will impact a water body. Underground Storage Tank (UST) Program: Funds can only be used for petroleum releases from USTs. Surface spills unrelated to USTs are not covered. Brownfields Program: Assessments are designed to evaluate unknown contaminants. Based on recent conversations with the San Carlos Apache Tribe, they will receive assistance from another agency to remove the contaminated soil from the site.
7	Eastern California	Request Sensitivity Training for EPA PO, more aware of correspondence.	TPO		EPA has ongoing training. If there is a specific issue, the tribe can raise it to EPA's upper management.
8		Explanation on funding amount from EPA. Ask EPA to be more cognizant when co-hosting events.	General Information for all EPA Staff		Region 9 agrees.
9		Follow up on action items from media breakout sessions at Annual Conference. Action request: To date still haven't received anything from EPA lead.	On going		None of the Division Director Sessions had action items, except for Communities and Ecosystems Division (CED) and Water Division. Any Division Director power point presentations will be placed on the Tohono O'odham Conference website.
10		EPA new NOX standard. The new standard does not mention Tribes when considering additional sites for monitoring. Why are tribes not	Air		Additional monitoring sites for the new NO2 standard will mostly focus on areas with large populations and that have concentrated mobile source emissions.

		included in the language?			This does not usually include tribes. There is also a requirement to site NO2 monitors to help protect communities that are susceptible and vulnerable to NO2 related health effects. These will be up to the Regional Administrator to choose, and tribes could be considered; the process has not yet been completed.
11		Why is there no mention of R9 Tribes in EPA climate change summary?	Ben Machol		EPA needs clarification of what is meant by the "EPA climate change summary." We refer to the climate change section of our newly-designed R9 website (http://www.epa.gov/region09/climatechange/), in which there is a section on tribes. This describes two tribes in Region 9 that have collaborated with partners to develop renewable energy, and provides links to additional resources for tribes. (National Congress of American Indians and two with the Department of Energy)
12		106 template needs to add Hot Springs because water quality is different. Revise template to include springs and Hot Springs.	Water Kristin Gullatt		The Data Team within WTR-10 has made the change requested within the WQAR Template.
13		WQX need to include a comment field to flag data as being from first storm event for tribes who can only do surface water sampling from storm events.	Water Kristin Gullatt		Region 9 has asked the STORET Team at HQs to make the storm event change in the WQX Template as requested by Region 9 tribes. Tribes currently have the ability to indicate storm event data by using the free-text Comment column (the last column) located in the Results Tab of the WQX Template
14		Does a tribe have to be on the SDS	Drinking Water		Tribes do not have to be on the SDS list

		list to apply for DWSAF and why is it a requirement because not all tribes are willing to work with I.H.S?	Linda Reeves		to apply for and receive EPA Drinking Water Set-Aside funds.
15		Pesticide priorities should include the ability of Tribe's to do compliance assistance not just enforcement. EPA has historically pushed toward enforcement.	Pesticide Program		The Region 9 Pesticides Office is working with tribes on pesticide inspection and enforcement programs. A compliance assistance measure will be developed and presented to the Office of Enforcement and Compliance Assistance for consideration.
16		<u>Border 2012</u> There have been issues with BECC handling EPA funds; they request task changes after EPA has approved the tasks and will not award funds until BECC's changes are made - these tasks have already been approved by EPA and should not be required to be changed by BECC.	Jose Garcia, Mexico Border Program		EPA works very closely with the BECC to ensure that each and every project is implemented and monitored according to EPA grant guidance and regulations. EPA is consulted by the BECC prior to requesting any changes that may affect a project's scope or budget.
17		Why has BECC been chosen as the entity to handle EPA funds for Border projects?	Jose Garcia		As a binational institution, the BECC was chosen to partner with EPA in issuing a binational RFP to better serve the needs of border communities. Through this partnership, EPA is now able to fund projects with Mexican communities and stakeholders more efficiently and cost-effectively. Finally, EPA also sits on the BECC/NADBank Board which ensures additional quality assurance and control.
18		How much money does EPA pay BECC to manage Border funding?	Jose Garcia		The BECC receives approximately 10% of the total RFP funding amount to administer all aspects of the RFP, including evaluation of the proposals,

					coordination with grantees, and management of the projects once they are selected.
19	Northern CA. Ken Norton	Request for response from EPA regarding letter on 401 certification issue.	Water		A response from Alexis Strauss to Chairman Masten was completed June 15, 2010.
20		Why is the Berry Creek Rancheria requested to GPS SW sites when some of these sites are sacred sites.	Michelle Baker		The Tribal Solid Waste Team contacted Berry Creek and informed them that submission of GPS data for open dumps that are also sacred sites is not required. If a tribe decides to submit that data, EPA will input it into our database. If a tribe would like to withhold that information, please contact the Tribal Solid Waste Team.
21		The Timbisha Tribe moving to the Eastern CA. geographical area. Corn has not received a reply back from the Tribe.	Corn Antone (Ongoing)		