

REGION IX
RTOC WORKGROUP REPORTS
1st Quarter

Tribal Science Council Workgroup:

Water Quality Standards Workgroup:

Water Quality Standards Subcommittee Report
to Region 9 Tribal Operations Committee
February 2-3, 2010

EPA proposes revisions to Water Quality Standard Regulations.

After 27 years EPA's Office of Water has decided to revise the Water Quality Standards (WQS) Regulations. These regulations have been in place since 1983 with little change and have been subject to various interpretations because of their vague nature. The Office of Water has directed its WQS branch, the Office of Science and Technology (OST), to review sections within the regulations that are unclear. Through outreach to stakeholders (tribal, state and public), the OST will revise the regulations to reflect more specific, concise language. The OST has identified five broad areas in the current WQS regulations that need improvement:

1. Anti degradation Policy
2. Restoration standards
3. Latest science related to WQS
4. The approval process for Treatment-as-a-State
5. Greater transparency in the application process

The goal of this initiative is to provide a clear understanding of WQS regulation language, with the objective of adhering to the Clean Water Act. EPA wishes to finalize this task through proposed rule making by the end of 2010. According to OST, in order to meet this ambitious time frame, contractors will be utilized to conduct outreach activities to all stakeholders. Stakeholder input and comments will be solicited by OST by February 1, 2010. OST ensured that these contractors will be conducting feedback sessions with tribes through the regional RTOCS and NTOC processes. At this time, it is not clear if the agency will implement a direct consultation process with the 560 tribal governments regarding these regulatory changes.

Solid Waste Workgroup:

CY 2008 and 2009 RTOC SOLID WASTE PRIORITY

Prepared by: Heather White, US EPA Region 9
John Mosley, Pyramid Lake Paiute Tribe

Date Prepared: April 2008 (original); **January 2010 (update)**

EPA Division/ Office: Waste Management Division

Name of Priority: Solid Waste

Tribal Caucus Lead: John Mosley, Pyramid Lake Paiute Tribe

EPA Lead: Nancy Sockabasin, EPA Tribal Solid Waste Team

Goal: Improve tribal access to solid waste management programs through interagency and collaborative efforts to address physical infrastructure needs and support for ongoing activities.

Objective 1: Maintain communication between US EPA, Tribes, and other federal agencies.

Sub-objective A: Continue organizing and participating in the interagency solid waste workgroups. Hold at least one meeting in each three Region 9 states (CA, NV, AZ) in each calendar year.

Status: A total of seven tribal solid waste interagency meetings were held in CY08 and CY09. The interagency meetings have greatly increased communication between federal and state agencies and tribes, which has resulted in peer-to-peer networking opportunities and increased grant funding opportunities.

Specific locations/hosts of meetings are as follows: The La Jolla Band of Luiseno Mission Indians hosted a Southern California meeting and the Paiute-Shoshone Indians of the Bishop Community hosted a meeting for the Eastern Sierra tribes. In addition, a state-wide Nevada interagency meeting was hosted by the Inter-Tribal Council of Nevada, Inc. In June 2008, a state-wide meeting was held in Arizona, hosted by Inter Tribal Council of Arizona. Additionally, in July 2008, state-wide meetings were also conducted for California tribes, hosted by the US EPA Region 9, and for Nevada tribes, hosted by the Washoe Tribe of Nevada and California. In CY09, a state-wide Nevada interagency meeting was held in January in Sparks, NV. The Intertribal Council of Arizona is planning an Arizona solid waste meeting in early March 2010. A statewide California meeting is not currently planned because smaller, more location-specific meetings are found to be more productive due to the size of California as well as the multiple IHS, BIA, and USDA offices.

Sub-objective B: Continue to lead the RTOC solid waste workgroup.

Status: A solid waste workgroup meeting was held in January 2008 to discuss tribal interest in green building and, as a follow up to strong tribal interest, a presentation was delivered in April 2008 focused on incorporating green building techniques into home

renovations. In July 2008, the solid waste workgroup meeting focused on transfer stations and included a presentation entitled, *Basics of Transfer Station Development and Operation*, to serve as prep for the training to be held later in the year.

As a result of the growing momentum and the discussions during the RTOC solid waste workgroup meetings, EPA and tribes began work on a Regional Tribal Green Building Strategy, organized the first-ever Tribal Summit at one of the country's largest green building conferences, and successfully recruited the EPA Leadership Development Program participants to select the topic as their multi-year project.

In October 2008, the need to form a workgroup that focused on cross-media issues related to green buildings, solid waste, and water infrastructure was identified. As a result, the Sustainable Infrastructure Workgroup was formed. Between November 2008 and March 2009, 3 conference calls and 1 meeting were held to discuss the group's goals and priorities. Funding available through the American Reinvestment and Recovery Act was identified as an immediate and urgent opportunity which the Workgroup took immediate action on. Information was made available on agencies with funding available for green building, alternative energy, and water infrastructure projects. Long term projects started by the Workgroup include partnering with the EPA Leadership Development Program participants to identify barriers as well as developing a questionnaire for tribal governments to determine what is needed for greener, sustainable development on tribal lands.

Since that time, a variety of activities have occurred including: a presentation by the Department of Energy (DOE) on how to apply for the Recover Act Energy Efficiency and Conservation Block Grant funds and to brainstorm ideas of how to utilize these funds most meaningfully; a presentation by the EPA Leadership Development Program Team on their research findings on barriers to sustainable infrastructure development and received feedback from tribes as to whether or not these barriers were accurate; and finally convening five sessions on green building and alternative energy projects during the 2009 Annual tribal/EPA conference. These sessions included participants from Department of Housing and Urban Development, DOE, US Department of Agriculture, Bureau of Land Management, Pinoleville Pomo Nation, Arizona Department of Commerce, and the Indian Health Services.

The Sustainable Infrastructure workgroup will be finalizing their goals and objectives during the February 2010 meeting and at that point, will submit a separate goals and objectives statement and quarterly updates. The solid waste workgroup will continue to meet as an independent group.

Sub-objective C: Provide information and outreach to tribes on a variety of topics. This includes a 'how to' guide on abandoned vehicle removal; additional web resources for Freon removal certification, battery recycling, removal and reuse of abandoned trailers; and web success stories on tire removal and green waste programs.

Status: Additional resources have been added to our website, including 'fill and print' brochures for general waste management and recycling issues, household hazardous

waste, and illegal dumping. In FY09, EPA also developed the '*Tribal Solid Waste Costing Tool*', which provides tribes with information on costs associated with various collection systems and to allow comparison of these options. The guide was reviewed by IHS, Region 9 tribes, and other EPA regional offices before being made final and is now available on the EPA website. A presentation on it's use will be given during the Solid Waste Workgroup session at the February 2010 RTOC meeting in Susanville.

Additionally, in FY09 EPA completed a 'how to' guide entitled, "*Developing an Abandoned Vehicle Program for Tribal Governments*." A presentation on it's use will be given during the Solid Waste Workgroup session at the February 2010 RTOC meeting in Susanville. Both documents are available on EPA's website:

<http://www.epa.gov/region09/waste/tribal/resources.html>

Subobjective D: Create and/or organize solid waste presentations for the Annual Tribal/EPA Conference and other Tribal/EPA meetings.

Status: The Tribal Solid Waste Team organized 10 presentations for the Annual Tribal/EPA Conference in 2008. Sessions included:

- Abandoned Autos – Tips and Considerations for Collecting and Crushing
- Green Building: Reducing Energy Use, Traditional Principles and Modern Implementation
- Tribal Perspectives on Green Building
- Alternative Energy Options
- Greening Tribal Events: Pow Wows, Rodeos, and other Large Scale Gatherings
- Innovative Funding Sources for Open Dump Cleanups
- Open Dumping Enforcement Mechanisms for Tribal Governments
- Electronic Waste (e-waste) Recycling
- Greening Your Casino: Easy Solutions to Save Money and Resources
- Starting a Recycling Program in your Community

The Region 9 Tribal Solid Waste Team's organized 7 presentations for the Annual Tribal/EPA Conference in 2009 and also had a vendor booth to provide additional materials that could not be included in the conference due to the limited number of sessions. Sessions included:

- How Federal Agencies can support Green Building in Indian Country (multiple sessions)
- Tips for writing a winning application for a Tribal Solid Waste Management grant
- The Do's, Don'ts, and How To's of Recycling and Composting
- Greening Tribal Events: Pow Wows, Rodeos, and other Large Scale Gatherings

Additionally, the Tribal Solid Waste Team also conducted a "Greening Tribal Casino's Workshop" in September of 2009 in collaboration with the Shingle Springs Rancheria and has an additional training planned for February 23rd in collaboration with the Gila River Indian Community.

Objective 2: Increase the number of tribes covered by integrated waste management plans (IWMP) through grants, EPA-sponsored training, and targeted technical assistance. Work with tribes to develop at least 2 new IWMPs.

Status: In FY08, 20 new IWMP projects were selected for funding through grants from the EPA Tribal Solid Waste Team and the Tribal Programs Office. Four new IWMPs were completed in FY08. In total, five new IWMP's were completed in FY09.

Objective 3: Increase the number of dumps that are closed or cleaned up on tribal lands. This work will be done through grants, increased partnerships with other federal agencies such as BIA and IHS, increased partnerships with the Region 9 Tribal Programs Office, and increased cooperation and funding opportunities with Region 9 states.

Sub-objective A: Close at least 40 illegal dumpsites – 20 in FY08 and 20 in FY09.

Status: Seventy-two dumps were closed or cleaned up on Region 9 tribal lands in FY08. A total of sixty-six dumps were addressed in FY09.

Sub-objective B: Provide leadership on the national dump closure workgroup, which will address issues related to Part 258 regulations and soil sampling.

Status: Region 9 held the first national conference call in March 2008. The Workgroup explored what legal options are available for the development of this type of document and will begin development of a best management practices guide. This project was selected as a focus area by the national program and development began in mid-FY09.

Sub-objective C: Develop process for gathering open dump inventory data and priorities from tribes.

Status: The Tribal Solid Waste Team worked with the Tribal Program Office to include language in the GAP Solicitation to encourage tribes to provide additional data when they submit clean up proposals with their GAP Workplans.

Objective 4: Research and develop a document to showcase open dumping enforcement mechanisms and techniques to enforce against illegal dumping of solid waste. Document will be completed by December 31, 2008.

Status: The document has gone through EPA Tribal Solid Waste Team review and is currently under review by the Office of Regional Council.

Objective 5: Promote sustainable waste collection and recycling programs for tribes throughout Region 9.

Sub-objective A: Create and present a tribal-specific Transfer Station Training.

Status: EPA worked with the Institute for Tribal Environmental Professionals to develop and conduct a course on Creating and Managing Tribal Transfer Stations. The course was held September 30 – October 2, 2008 and was hosted by the Pala Band of Luiseno Mission Indians. The course included site tours of the Pala and La Jolla Transfer Stations, as well as classroom sessions on understanding your waste stream; deciding what you need; working with tribal government and the community; siting, design, and construction; management and operations; and creating a sustainable program. The course was attended by approximately 25 tribal representatives.

EPA is considering an additional training in 2010 but limited funding resources may make this impossible. If this is the case, we will prioritize this training for 2011 if there is still significant tribal interest.

Sub-objective B: Work with tribes and state contacts to increase recycling rates on tribal lands in Nevada.

Status: The Tribal Solid Waste Team worked with the Environmental Finance Center, Region IX (EFC9) to complete a project that explores recycling market opportunities for tribes in Nevada. EFC9 attended the Nevada Tribal Interagency Solid Waste Workgroup meeting in July 08 and January 09 to discuss current tribal recycling practices and what needs exist for future projects. The final report was distributed to all Nevada tribes in December 2009. EPA is currently considering a similar project in Arizona.

Sub-objective C: Create outreach materials for recycling programs, including information on the benefits of recycling.

Status: Several ‘fill and print’ brochures on general waste management and recycling issues were developed in FY08 and FY09. In FY10, EPA will create one additional ‘fill and print’ brochure modeled after the new publication, *Developing an Abandoned Vehicle Cleanup Program for Tribal Governments* guide. The new ‘fill and print’ brochure is expected to be out for tribal review and comment in late FY10. All documents are available on the EPA website:

<http://www.epa.gov/region09/waste/tribal/resources.html>

Sub-objective D: Provide information on electronic waste recycling in anticipation of the digital television transition.

Status: A presentation was given at the April RTOC on the digital television transition. Information on the transition was added to our website and a presentation on electronic waste recycling, including additional information on the transition, was delivered at the 2008 Annual Tribal/EPA Conference in October in San Francisco.

Sub-objective E: Begin research into creating/promoting a Federal bottle bill to encourage recycling on a national level.

Status: Research has begun, and a proposal was submitted for students at the Goldman School of Public Policy, at UC Berkeley to work on this project. Although the project was not selected in 2009, it was resubmitted for consideration in 2010. EPA will hear in February 2010 if the project was selected.

Reporting Dates: Quarterly at each RTOC

Assistance Needed from EPA and Tribes: Participation in workgroup activities, meetings, conference calls; contribution to written documents; collaboration with local, regional, and national partners.

For Further Information, Please Contact:

Nancy Sockabasin, EPA Tribal Solid Waste Team, (415) 972-3772

Heather White, EPA Tribal Solid Waste Team, (415) 972-3384

John Mosley, Pyramid Lake Paiute Tribe, (775) 574-0101 x13

Consultation Workgroup:

The Consultation Workgroup did not meet.

Budget and Strategic Planning Workgroup:

The RTOC Budget Workgroup held one conference call during this quarter. The following is a summary of that discussion. The workgroup is also sent information out to Tribal representatives throughout the quarter.

Attendees:

Marie Berry, Washoe

Lisa Gover, Campo

Erica Helms-Schenk, Soboba

Dan Mosley, Pyramid Lake

Alex Cabillo, Hualapai

Don Bay, Hualapai

Cornelius Antone, Tohono O'odham

Syndi Smallwood, Pechanga

Marta Burg, Legal Counsel

Discussion:

- The 2012 Budget presentation will be given to the new RA at the April 2010 RTOC.
- The Transition presentation will be given at the same time so it was discussed on how not to duplicate efforts. The Transition presentation can include budget information within its 7 modules, anything outside of those modules but within the budget will be presented separately.

- New data to update the charts and numbers included within the presentation will need to be added. Syndi and Marta will contact Jean Gamache to get assistance from EPA staff.
- Requested time on the RTOC Agenda to update the Tribal Representatives attending the meeting. The Budget Presentation will be discussed with the Transition Presentation update. There will not be time on Wednesday during the EPA/Tribal meeting. It was agreed to also meet after the Tribal Caucus meeting Tuesday evening to continue working on the budget request.
- Syndi will send out an email with a list of Goals with people who can assist included. The list was discussed on the call with some people volunteering to assist - others not on the call and thought to have expertise in a field were also included – these will need to be confirmed.

Goal 1 – Air and Global Climate Change – Syndi

Goal 2 – Clean and Safe Water – Alex

Goal 3 – Land Protection and Restoration – Marta

Goal 4 – Healthy Communities and Ecosystems – Corn/Nina/Alex

Goal 5 – Compliance and Environmental Stewardship – Marta/Erica

Air Workgroup:

The RTOC Air Workgroup held one conference call during this quarter. The following is a summary of that discussion. The workgroup is also sent information out to Tribal representatives throughout the quarter.

Attendees:

Becky Ross, San Manuel

Lisa Gover, Campo

Jaclyn Listo, Tohono O'odham

Cornelius Antone, Tohono O'odham

Helen Waquiu-Salazar, Pechanga

Syndi Smallwood, Pechanga

Chris Lee, TAM's

Mehrdad Khatibi, ITEP

Lydia Scheer, ITEP

Mave Foley, EPA R9 Air Division

Stephanie Valentine, EPA R9 Air Division

Sara Bartholomew, EPA R9 Air Division

1. EPA Updates:

- USEPA Administrator Lisa Jackson met with Tribes in Arizona. The Inter-Tribal Council of Arizona set-up a round table discussion for the Tribes and the Administrator visited Salt River.

- Gina McCarthy, AA for the USEPA Air Division visited a few Tribes in Arizona also. Tohono O'odham, Gila River, and the Border area were visited At Tohono O'odham Ms. McCarthy visited an area showing climate change effects on native plants. She is very interested in working with Tribes especially on designations. NOTE: Ms. McCarthy used to be on the Climate Registry – Tribes can still join the registry.
- The Ozone designation process continues; NTAA is setting up a conference call for the Tribes (there was no further information on the call). The comment period will be in late December of this year.
- An issue specifically affecting Tribes in Arizona will be discussed with Tribes there through outreach and consultation with the EPA.
- The NSR final rule is expected in late fall of this year.

2. ITEP Updates:

- The announcement for the Director position is being finalized.
- Sue Wotkyns has been hired to develop climate change programs and she is working on the next climate change course which will be held in late spring.
- If there is any technical assistance needed contact Mehrdad Khatibi, Interim Director 523-0946 Mehrdad.Khatibi@nau.edu
- Lydia requested feedback on topics for ITEP courses, please contact her with your input; Lydia Scheer, Training Coordinator 523-6887 Lydia.Scheer@nau.edu
- A new Technical Indoor Air course is in development along with a new Air Monitoring Network Assessment course.

3. TAM's Updates:

- Virgil Masayesva award nominations are due by January 29th. Visit the TAM's website to download the nomination form. <http://www4.nau.edu/itep/virgil>
- There are two positions open on the TAM's Steering Committee with nominations due on January 29th. Visit the TAM's website to download the nomination form. <http://www4.nau.edu/tams/committee/index.html>
- The National Tribal Forum (NTF) will be held July 13-15, 2010 in Albuquerque, New Mexico.
- Questions contact Chris Lee, TAMS Co-Director 702/784-8278 Christopher.Lee@nau.edu

4. NTAA Updates:

- The NTAA State of Air in Indian Country is almost ready for release, the draft can be reviewed at <http://www.ntaatribalair.org/announcements.html>
- The NTAA is updating its website which should be completed by the end of February 2010.
- The next NTAA Executive Committee face-to-face meeting will in March, please contact Syndi at ssmallwood@pechanga-nsn.gov with any information or questions you would like brought to the meeting.

5. R9 RTOC Budget/Transition Presentation:

- The Budget Workgroup met and has begun working on the 2012 Budget Presentation to the new Regional Administrator at the April RTOC.
- The Budget and Transition presentations will be presented together in an effort not to duplicate any information.
- More updates and information will be available at the RTOC meeting in February on the Tuesday, the day of the Tribal Caucus. If you would like to offer input please contact Syndi at ssmallwood@pechanga-nsn.gov to be added to the Budget Workgroup.

Quality Assurance Workgroup:

Drinking Water / Waste Water Workgroup:

Prepared by: Linda Reeves, EPA Lead; Tom Keegan, Tribal Lead; Marta Burg, RTOC Legal Advisor

Date Prepared: January 19, 2010

GOAL: The Drinking Water / Wastewater Workgroup's goal is to improve tribal access to drinking water and wastewater sanitation through regional and national efforts, and interagency and collaborative efforts to address both physical infrastructure needs and support asset protection activities, including protecting and increasing funding.

OBJECTIVES:

1. American Recovery and Reinvestment Act (ARRA) Funding

The Access Subgroup recommended that the American Reinvestment and Recovery Act (ARRA) funds be used to provide access to safe drinking water and basic sanitation in Indian Country. EPA implemented this recommendation and it is expected that the ARRA funds will accelerate progress to achieve the access goal.

- See attached status report of EPA Region 9 tribal drinking water and wastewater projects. One drinking water project is complete, and 32% of drinking water ARRA funds are for projects under construction.
- On 10/21/09, USDA conducted an Application Fair at the Tribal Environmental Conference for its ARRA and other funding programs.
- EPA, IHS and USDA provided an update on ARRA water infrastructure funds at the Annual Tribal Environmental Conference
- EPA's 2010 budget continues the ARRA funding levels, tripling the FY 08 CWTSA, doubling the FY 08 DWTSA, and increasing the tribe set-asides from 1.5% to 2%.

Contact: Linda Reeves (415) 972-3445, Loretta Vanegas (415) 972-3433

2. Participate in the National Infrastructure Task Force and Access Subgroup to achieve the Goal to Increase Tribal Access to Safe Water by 50% by 2015

Status: The Infrastructure Task Force (ITF) recently signed a response endorsing the Access Implementation Plan (see attached). The ITF response acknowledges that the access goal

cannot be achieved with existing funding levels, but noted that much progress can be made by the Access Implementation Workgroups. An ITF tour of Navajo is tentatively planned for Spring 2010.

Contact: Marta Burg (323) 258-1009; Linda Reeves

3. Continue to lead the Regional Interagency Drinking Water / Wastewater Workgroup

Status: Next meeting tentatively scheduled for the week of the summer 2010 RTOC.

Contact: Linda Reeves, Tom Keegan (707) 857-1810 x117, Marta Burg

4. Implement Tribal Water Collaborative Projects

Status: see attached status report

Contact: Linda Reeves

5. Develop a tribal small system drinking water monitoring assistance program – Develop programs to lower tribal sampling and analysis costs through bulk discounts at labs and achieve greater compliance with the Safe Drinking Water Act.

- ITCA Monitoring Assistance Program

Status: ITCA has partnered with the Yavapai Apache Tribe to pilot a Monitoring Assistance Program.

Contact: Patrick McMullen ITCA (602) 258-4822, Kevin Ryan (415) 972-3806

- California Rural Water Association (CA RWA) Preferred Provider Program

Status: CA RWA created a preferred provider program for its members which offers numerous discounted services, including laboratory analytical services at an average 20% discount (see calruralwater.org). Currently 12 tribes in California are CA RWA members, eligible to receive these discounts.

Contact: Dustin Hardwick CA Rural Water Association (800) 833-0322

6. Coordinate with IHS and BIA

Status: Marta Burg drafted a paper on O&M Funding Authorities for use during IHS consultation meetings. The paper was shared with Reno Franklin of the Kashia Band of Pomo Indians who heads an IHS/Tribal Consultation Board.

Contact: Marta Burg, Linda Reeves

7. Support tribal asset protection projects

Status: Asset protection is an eligible GAP task. EPA is reviewing the \$2.7M of FY 10 GAP asset protection tasks submitted by 29 tribes. Since FY 07, GAP has provided a total of \$630K to 30 tribes.

Contact: Erica Yelensky (415) 972-3021

8. Change California regulations to ensure that tribal wastewater operators can use their experience working at tribal facilities to obtain California wastewater operator certification

Status: The Office of Operator Certification (OOC) is in the process of amending the Operator Certification Regulations, Sections 3670-3719.19, Chapter 26, Title 23, of the California Code of Regulations.

Proposed Timeline

April 2010 - public notice

July 2010 - comment period ends

October 2010 - program approval

January 2011 - regulations take effect

Announcements regarding the regulation amendments will be posted on the OOC website http://www.waterboards.ca.gov/water_issues/programs/operator_certification/index.shtml and email notifications sent to OOC mailing list. To receive OOC announcements, please subscribe to “Wastewater Operator Certification” email list at:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.

Contact: Tom Keegan, Linda Reeves

9. Continue outreach and education on tribal water infrastructure and asset protection needs and solutions, through NTOC, National Congress of American Indians and other national tribal organizations

Status: Workgroup members have been actively participating in discussions with representatives of the NTOC, NCAI, NTEC and NTWC to ensure a consistent message is being presented regarding tribal drinking water and wastewater related needs. NTOC met with the Obama Transition Team, focusing on the Strategic Plan, Transition document, and the ARRA, and contributed to the national 2011 budget presentations to support the goals for all tribes and to ensure that accurate information regarding tribal needs has been communicated to the new administration.

Contacts: For NCAI and NTEC coordination, contact Clay Bravo at (928) 769-2255, Ken Norton (530) 625-1004, and Marta Burg; for NTOC coordination, contact Clay Bravo; for National Tribal Water Council coordination, contact Ken Norton and see

<http://nationaltribalwatercouncil.org/>.

10. Access State funding for tribal drinking water and wastewater – Barriers to tribal access to state funding will be evaluated, including access to California bond funds and SRF funds.

Contact: Marta Burg

11. Workgroup Transparency

Visit the Workgroup website (blog):

<http://rtocwaterworkgroup.blogspot.com/>

Username: RTOCwaterworkgroup

Password: waterworkgroup

Contact: Linda Reeves

Status of Tribal Water Collaborative Projects and Needs January 2010

Projects Ongoing

Big Valley Drinking Water and Wastewater

Need: Numerous trailers lack access to drinking water.

Status: IHS provided \$120,000 of ARRA funds for a feasibility study to address the need. IHS is developing Scope of Work for feasibility study. Contact: Sarah Ryan, Big Valley; Dave Mazorra, IHS (916-930-3960, x345)

Hopi Drinking Water Supply for First and Second Mesa

Need: EPA is providing DWTSA funds for a new water source to address arsenic needs in First and Second Mesa. Arsenic treatment options are not feasible due to the presence of vanadium in the water supply which interferes with many of the arsenic treatment. The entire project will cost \$15-20M, requiring a phased approach with the participation of many agencies.

Status: EPA will award Phase 1 funds by 6/30/10.

Contact: Jason Crownholm, IHS (928-537-0578); Bessie Lee, EPA (415-972-3776)

Hualapai Water Storage Tank and Transmission Line

Need: The Tribe seeks funding for a 60 mile pipeline on top of the canyon and a 20 mile pipeline coming up the canyon to address their needs.

Status: The Tribe requested EPA ARRA funding to rehabilitate the Peach Springs well, pump house and pipeline to eliminate water outages. The Tribe received funding for a water hauling truck from the Bureau of Reclamation and continues to seek other collaborative partners to complete the project. The Tohono O'odham Utility Authority offered Hualapai a water storage tank; however, the cost to move the tank was greater than the cost to purchase a new tank.

Contact: Alex Cabillo, Hualapai

Los Coyotes Well Needed for Planned Community

Need: Water source needed for planned tribal housing area in the lower water system.

Status: Tribe is in discussions with Walking Shield, an Indian assistance organization that can help mobilize resources from the Military Reserve Readiness program.

Contact: Sandra Stoneburner, Los Coyotes

Navajo Feasibility Study for Homes Lacking Access

Need: A feasibility study is needed to evaluate alternatives to serve homes lacking access.

Status: EPA funded a Navajo Water Hauling Feasibility Study and Pilot Program through the Navajo Nation Department of Water Resources (DWR). CDC has offered to provide assistance in developing a Water Safety Plan to support the water hauling program.

DWR, with input from the Navajo Interagency Water Needs Working Group, is preparing a White Paper on alternative to serve homes lacking access.

Contact: Yolanda Barney, Navajo; Linda Reeves, EPA

Navajo Wastewater Program

Need: Navajo is developing a wastewater program and seeks funding and sample ordinances to assist in drafting wastewater regulations and minimum design standards.

Status: Aspects of developing a wastewater program are eligible for EPA 106, GAP and Source Water Protection funds. Navajo included wastewater related activities in its application for FY10 Source Protection funds. Sample tribal ordinances are available at:
<http://www.narf.org/nill/triballaw/index.htm>.

Contact: Yolanda Barney, Navajo

Tohono O'odham Modular Bathrooms

Need: Funds are needed to connect over 200 homes that cannot be connected to existing public water systems because they lack indoor plumbing. With funding, the Tohono O'odham Tribal Utility Authority can construct modular bathrooms for these homes using tribal labor.

Status: On 10/22/09, the Tohono O'odham Housing and Environmental Departments, TOUA, IHS, HUD, USDA and EPA met to discuss this need. USDA can fund the modular bathroom after the projects are complete. The tribe is pursuing possible funding sources to cover the initial cost of the modular bathrooms, which can then be reimbursed by USDA.

Contact: Linda Reeves, EPA

Projects on Hold

Resource Clearinghouse

Need: Tribes can help each other by sharing surplus equipment/infrastructure/resources through a clearinghouse which will include the categories the retired equipment can be used for, recognizing that federal design specifications may limit use of clearinghouse equipment. A tribal website could list the needs and resources to share, similar to the CalWARN emergency response resources.

Status: on hold

Contact: no lead

Septic Tank Access Risers

Need: Access risers are need for all existing septic tanks.

Contact: no lead

Projects Completed

No new projects were completed this quarter. See summaries of 8 completed collaborative projects on workgroup website:

<http://rtocwaterworkgroup.blogspot.com/>

Username: RTOCwaterworkgroup

Password: waterworkgroup

National Infrastructure Taskforce:

Enforcement and Compliance Assistance Workgroup:

Conference Planning Workgroup:

Emergency Response and Emergency Planning Workgroup:

- I. October 20, 2009
Desert Diamond Casino & Hotel
Tucson, Arizona

Attendees:

Alfreida Jake, Tribal co-lead, Elko Band Council
Kay Henry, Tohono O'odham
Angie Proboszcz, EPA co-lead
Julie Garcia, Tohono O'odham
Beverly Daukei, Gila River
Ian Zabarte, Moapa Band of Paiutes
Becky Ross, San Manuel Band
Mike DeSpain, Mechoopda
Ron Johnny, Summit Lake
Jeanine Jussila, Agua Caliente
Brint Foster, Mechoopda
Brad Cass, Smith River Rancheria
Robert Columbro, Shingle Springs Rancheria
Tessa LaFazio, Smith River Rancheria
Duane Masters, Sr., Ft. McDermitt
Alex Cabillo, Hualapai
Cynthia Naha, Lone Pine
Lisa Gover, Campo Band

1. Several training and conference opportunities were discussed.
2. Alfreida Jake provided a presentation on the importance of Tribal Community Emergency Response Teams (CERT). She also discussed the development and accomplishments of the Elko Band CERT. Additional information on CERT can be found at:
<http://www.citizencorps.gov/cert/>
3. Round table discussion on tribal emergency planning/response issues and accomplishments.
4. Emergency Preparedness Funding: Tribes should take advantage of any available Department of Homeland Security (DHS) grant funding. Further information on DHS preparedness grant

programs is available at www.dhs.gov and www.fema.gov/grants or by contacting Tessa Badua-Larsen/FEMA Tribal Liaison, at (510) 627-7185 or teresita.badua-larsen@dhs.gov

5. Tribes must be in compliance with the National Incident Management System (NIMS) requirements in order to receive federal preparedness grants. Information on NIMS can be found at <http://www.fema.gov/emergency/nims/> Questions on NIMS can be directed to Susan Waller, NIMS Coordinator, FEMA Region 9 at susan.waller@dhs.gov or (510) 627-7275

Charter Workgroup:

Prepared By:: Robert Columbro, Tribal Lead

Date Prepared: January 26, 2010

WORKGROUP ACTIVITIES:

During the last quarter, the workgroup has developed a detailed list of issues that it proposes be addressed in Standard Operating Procedures to supplement the RTOC Charter. These include the following:

I. Tribal Representation on the RTOC	a. Qualifications b. EPA's Election Procedures c. Alternates d. Vacancies e. Representative Duties f. Tribal Co-Chair
II. NTOC Representatives	a. Qualifications b. Selection Procedures c. Alternates d. Representative Duties
III. RTOC Meetings	a. Schedule and Location b. Conduct of Meetings c. Decision-Making Procedures
IV. Tribal Caucus	a. Functions b. Conduct of Meetings c. Decision-Making Procedures
V. RTOC Workgroups	a. Functions; Duration; Composition b. Workgroup Lead Responsibilities c. Reporting Requirements
VI. RTOC Charter Review/Amendment	a. By Tribal Caucus b. By EPA
VII. SOP Approval and Amendments	a. By Tribal Caucus b. By EPA

We will ask for input on this list from the Tribal Caucus in February. We will then schedule a series of conference calls/meetings to start adding details to each of these categories. We will continue to invite Tribal input as the details get developed, and to identify important issues that should be sent to the Tribal Leaders for input and direction before the document gets finalized.

Representation Workgroup:

Pesticides Workgroup:

Participants: Pam Cooper, EPA; Suzanne Fluharty, Yurok; Africa Dorame-Avalos, ITCA; Nina Hapner, Kashia; Cornelius Antone, Tohono O'odham; Lorinda Sam, Tohono O'odham; Alan Demorest, EPA; Marcy Katzin, EPA; Neil Abbot, Ak-Chin

Tribal Pesticide Assessment Results

- Sarah Ryan and Nina Hapner are on the RTOC Agenda to discuss the preliminary results with the RTOC Body. The group will discuss this further at the RTOC Breakout session.
- The next steps we need to take, such as training and funding will be discussed at the RTOC Breakout Session.
- Updated maps – The maps will be ready by the end of January. Marcy Katzin will send poster sizes to both Sarah Ryan and Nina Hapner.

State Pesticide Resource Information Sites

- In line with the current Goals and Objectives, education and information is one area the group has identified. Some tribes within the Region know where to locate information on pesticide usage within the state they reside, but not everyone. The following workgroup members will work on compiling the information together for Region 9 Tribes and try to have information to Nina Hapner by the last week of January. If possible, the information will be made available at the February RTOC.
 - o California: Nina Hapner and Suzanne Fluharty
 - o Arizona: Africa Dorame-Avalos, Cornelius Antone and Lorinda Sam
 - o Nevada: Pam Cooper
- EPA Pesticide Programs will work on updating the Region 9 website information.

Documents out for Comment

- There was no agreement to comment on the following dockets:
 - o Draft Guidance for Pesticide Registrants on Pesticide Drift Labeling – Docket EPA-HQ-OPP-2009-0628 (March 30, 2010); website: <http://www.regulations.gov/search/Regs/home.html#docketDetail?R=EPA-HQ-OPP-2009-0628>; and,
 - o Petition to Protect Children from Pesticide Drift; Notice of Availability – Docket – EPA-HQ-OPP-2009-0825 (March 30, 2010); website: <http://www.regulations.gov/search/Regs/home.html#docketDetail?R=EPA-HQ-OPP-2009-0825>
- It was agreed upon to continue to have documents regarding pesticides brought forth.
- Some tribes have ordinances stating no pesticide spraying.
- EPA will keep tribes informed when submitting comments on behalf of tribes on items placed in the federal register.

Items of Interest up for Discussion

- **Beg Bugs:** It appears bed bug infestations are working their way from East to West. EPA Staff are aware of this and are currently determining what pesticides can be used to treat them. EPA Region 9 will keep tribes informed on this issue.
 - o Being considered for use on the East Coast is Propoxur. There is a Receipt of Application for Emergency Exemption; Solicitation of Public Comment – Docket EPA-HQ-OPP-2009-0856; comments are due Jan 21, 2010). Website: <http://www.regulations.gov/search/Regs/home.html#docketDetail?R=EPA-HQ-OPP-2009-0856>
- **Total Release Foggers:** This topic has been raised nationally and everyone is encouraged to educate their communities. Several illnesses reported between 2001 and 2006 from misuse of this product.
 - o Main problem - **People aren't reading the labels.**
 - o Some states are pushing to have this listed at a restricted use pesticide.
 - o Foggers are inexpensive and the main tool people use to control pests within the homes. If it becomes restricted, the fear is that people will find a more toxic and harmful method to remove pests.
 - o EPA is following this and will keep tribes informed.
- **Endangered Species – California**
 - o Office of Pesticide Programs (OPPS) is in the process of implementing protection measures for salmonids for Malathion, Diazinon and Chlorpyrifos.
 - o EPA Headquarters sent out draft county bulletins regarding consultation on biological opinions – This is out for review.
 - o Protection measures are related to what the US Fish & Wildlife Service says is needed to protect the salmon.
 - o There are 40 county bulletins that include salmon runs in California.
 - o Ultimate impact when this is final - pesticide registrants with active ingredients will be required to change labels to add protection measures for where there is salmon habitat – this will be enforceable.
 - o Region 9 Pesticide Programs Office will be working with Tribal Program Office to see how this will affect tribes.
 - o For more information contact Allen Demorest, Region 9 EPA Pesticide Programs.
- **OECA Priorities (Office of Enforcement Compliance Assistance)**
 - o Region 9 EPA is watching two candidate priorities: Pesticides at Day Care facilities and Worker Protection.
 - o Website: <http://www.epa.gov/oecaerth/data/planning/priorities/index.html>

RTOC Breakout Session

- **Thursday, February 4, 2010, 10:30am – 11:45 am**
 - o Review and evaluate our current Goals and Objectives
 - o Tribal Pesticide Assessment Results and next steps
 - o Endangered Species update

Follow Up:

- State pesticide information for Region 9 to Nina by the last week of January, if possible.
The information will be made available at the February RTOC, if possible.
 - o California: Nina Hapner and Suzanne Fluharty
 - o Arizona: Africa Dorame-Avalos, Cornelius Antone and Lorinda Sam
 - o Nevada: Pam Cooper
- EPA Pesticide Programs will update the Region 9 website information.
- EPA Pesticide Programs will keep tribes updated on the Bed Bug and Total Release Fogger issue.