

ACTION ITEMS
 REGIONAL TRIBAL OPERATIONS COMMITTEE
 October 14, 2014

| | REQUESTED BY | TASK | WHO | WHEN | STATUS |
|---------|---------------------|--|-----|------|--|
| General | | | | | |
| 1 | Southern California | Gap Guidance: USEPA is attempting to decrease or eliminate Solid Waste Funding for cleanup and implementation, which is clearly in CFR to provide assistance to Tribes. | | | Per the GAP Guidance and Guidebook, clean-up and closure of open dumps are allowable activities for programs that are established or in development (including the completion of an ISWMP), for Tribes that are not developing Solid/Hazardous Waste programs, clean-up and closure activities will only be funded when the dump presents an imminent and substantial endangerment to the community. (See Section E.4 Program Implementation: Tribal Waste Management and UST Program Implementation of the GAP Guidance and Guidebook) |
| 2 | | Gap restrictions upon training of Tribal Water Operators: It is understandable we cannot conduct implementation but during turnover in staff and certification acquirement this should be an allowable training for GAP. This also brings to question why Upper level staff with credentials are unable to conduct overseeing management of water system and conduct training. More training opportunities need to be available for all environmental programs. RCAC is very limited on support activities and is not available throughout the year. The Los Coyotes Band would like to request assistance with having courses available to PWSS staff. | | | Per the GAP Guidance, training and overseeing of a Public or Private Drinking Water System would fall under the category of implementation due to its ongoing nature. The training would not be a planning or development activity for the Tribe, and therefore would not qualify as an eligible capacity building effort under the GAP program. Tribal grant recipients may also review Appendix IV of the GAP Guidance and Guidebook where matrices are provided of eligible (left column) and ineligible (right column) CWA and SDWA activities. The appendix indicates that "In general, the ongoing operation and implementation activities in the right hand column are eligible for funding through water program grants." Tribes should seek funding for initial and ongoing certification activities through water program grants as GAP cannot |

| | | | | |
|---|--|---|--|---|
| | | | | support activities of this nature. |
| 3 | | <p>GAP Travel and outreach: funding appears to be limited when creating proposals for travel to conferences, meetings, on reservation activities, and RTOC. \$3000 is not sufficient for Conference, 4 RTOC meetings and other local meetings.</p> | | <p>Funding is limited across all EPA programs, and the Tribal Section attempts to be consistent and fair across the board when making funding decisions, including travel. There is no set level for tribal travel budgets, and Project Officers take into account the relative remoteness of tribal offices when commenting on proposed travel budgets.</p> <p>Tribes can access the Tribal Travel Fund for any travel that is GAP eligible (including RTOC Travel) if they have exceed their funding for travel in their GAP grant.</p> |
| 4 | | <p>GAP 4 year closeouts and Individual Program end of year closeouts</p> <p>I was actually responsible for coming into 4 year closeout taking over Tribal EPA Director Position at end of 1st quarter during FY13/14. The extended activities which were not included in the workplan created some extra work in which I was forced to conduct and resolve issues with past grants. I would like to suggest that USEPA GAP Program Officers and Managers should work with Tribes to allow for these activities which can extend into the 2nd and 3rd quarter depending upon communication and responses from USEPA. These activities need to be planned for in advance when writing grants so that Tribal Program Staff will have time available to conduct activities without creating burden or delays with commitments during FY. This activity will also support the decreasing of commitments during 4</p> | | <p>EPA GAP Project Officers, are willing to negotiate with Tribes to improve planning of workplan items especially in situations as described in the action item.</p> <p>If you have trouble negotiating more time with your Project Officer, feel free to contact Laura Ebbert, Manager, Tribal Section – ebbert.laura@epa.gov or 415-974-3561.</p> |

| | | | | | |
|----|-----------------------|---|----------------|--|--|
| | | year cycle allowing Tribes to have adequate time for ongoing discussions with USEPA. | | | |
| 5 | | GAP Outreach: Tribes will be recommended or required to develop Community Environmental Education Outreach Plan in the near future. Once Tribes develop a plan will this now be considered Implementation which will eliminate or decrease outreach funding. | | | Will need to know more about what a Community Environmental Education Outreach plan is to answer this action item. We should review further at the January RTOC meeting. |
| 6 | | Capacity Indicators: Tribal Capacity indicators should be representable upon actual tasks, staff duties and responsibilities, and capabilities to manage and complete commitments in programs. | | | Grantees should feel free to talk with their Project Officers about indicators that make sense with their workplans. We will be holding office hours on Thursday if you wanted to ask more questions in person. |
| 7 | Raised by Sarah Ryan | Follow up to #2 on July list: Find out projected dates for federal standards(cynobacteria) | Gail Louis-EPA | 10/31/14 2 weeks to Sarah 11/15/14 1 month RTOC | Gail Louis followed up directly with Sarah Ryan on this action item. |
| 8 | Arizona Tribes | Could tribes utilize GAP funds to charge for personnel time associated with conducting tribal consultation meetings with USEPA officials? | | | Per the GAP Guidance and Guidebook, Section B.6 Methods for establishing consultation policies can be worked on, and anything outside of that should be discussed with project officer since every situation is different. |
| 9 | Raised by Nina Hapner | Identify different EPA & other flow charts that will be helpful for RTOC & esp. new members. E.g. brief history process flowcharts | Laura E.-EPA | 1 month 11/15 | Complete: Org Charts were provided by Laura Ebbert to Nina Hapner. |
| 10 | | Fracking issues: a. Provide Marla Stanton (Wells Band) with contact info. | Laura E.-EPA | 1 week 10/24 | A. Laura is following up with Marla directly. B. See Section below for answer. C. Session will be occurring at January |

| | | | | | |
|----|----------------------|--|---|-------------------------------|--|
| | | <p>b. Follow up on "using pesticides in fracking process"</p> <p>c. Session at January RTOC in Reno</p> | <p>Pam Cooper-EPA</p> <p>Pesticides Workgroup</p> | <p>1 month 11/15</p> | <p>RTOC.</p> |
| 11 | Requested by USFWS | <p>Provide any comments on the eagle scoping proposed rule. Send to: Eliza_savage@fws.gov Heather_beeler@fws.gov</p> | <p>All tribes</p> | <p>12/15/14</p> | <p>Ongoing</p> |
| 12 | | <p>Tuba City-More discussion w/EPA About tribal ARARs and the tribe (Hopi) being a concurring agency through the RI/FS process.</p> | <p>Nancy Lindsay</p> | <p>10/31/14</p> | <p>Complete: Nancy Lindsay worked with Clancy Tenley and Jeff Dhont (Tuba City Dump Remedial Project Manager) to coordinate a written follow-up with Lionel Puhuyesva. Lionel acknowledged receipt of the message and further discussions will be ongoing as part of Jeff's normal communication with the Hopi Tribe re: the CERCLA process at Tuba City Dump.</p> |
| 13 | | <p>Grants.gov-who gets the grants when they are submitted through grants.gov?</p> <p>A. The grants office in R9</p> | <p>Sara Russell</p> | | <p>Complete</p> |
| 14 | | <p>GAP- info sheet on joint evaluation</p> | <p>Laura</p> | <p>11/15/14 (1 month)</p> | <p>Document has been completed and is pending ORC Review – should be distributed in February, 2015.</p> |
| 15 | | <p>Tribal Caucus Review 1/2014 Retreat and bask in our accomplishments</p> | <p>Corn/Nina</p> | <p>January RTOC</p> | <p>Will be covered at January RTOC meeting.</p> |
| 16 | Raised by Gayle-Hopi | <p>Grants.gov only one person @ my tribe is authorized to input apps, which is a concern. What can EPA do to allow more than one person access?</p> | <p>Sara Russell</p> | <p>2 weeks</p> | <p>Is it possible for more than one person in an organization to have the ability to submit applications in Grants.gov?</p> <ul style="list-style-type: none"> • Yes – Grants.gov allows multiple Authorized Organization Representatives (AORs) to be registered within an organization • AORs must be authorized by your organizations' E-Biz Point of Contact • Learn more at: http://www.grants.gov/web/grants/applicant/organization-registration/step-4-aor-authori |

| | | | | | |
|----|------------------|--|-----------------|--|--|
| | | | | | zation.html |
| 17 | Raised by [NAME] | Use of e-cigarettes and impact on indoor air | Priyanka Pathak | | <p>Complete: As we discussed, I have confirmed with the Indoor Environments Division (IED) at EPA Headquarters that EPA does not have a position on e-cigarette smoke and is not likely to develop one in the near future. IED is following the issue with CDC, NIH, FDA and other federal agencies. The World Health Organization is also currently deliberating on this issue.</p> <p>Find more info at the end of the document.</p> |

Action Item #17 (continued):

Available online is the 2014 publication from *Circulation, Journal of the American Heart Association*, *E-Cigarettes: A Scientific Review*, for anyone who is interested in reading it. According to this paper, e-cigarettes vapors do contain chemicals that are toxic to human health; they are not just pure water vapor. The concentration of toxicants in the vapor varies product to product. In the Health Effects section on page 1978, it is explained that propylene glycol, one of the base ingredients of the liquid in e-cigarettes, is a known lung and eye irritant. Heating it can result in the formation of a carcinogen, propylene oxide.

There is much to be learned about the toxic effects of e-cigarettes; more studies need to be done, especially about the long-term exposure effects. Therefore, it would be wise and precautionary not to use e-cigarettes, in the presence of children, pregnant women, and those with respiratory problems. On page 1981 the authors provide advice to clinicians on what to tell patients who may smoke e-cigarettes:

"...although e-cigarette aerosol is likely to be much less toxic than cigarette smoking, the products are unregulated, contain toxic chemicals, and have not been proven as cessation devices. The patient should also be advised not to use the product indoors or around children because studies show that bystanders may be exposed to nicotine and other toxins (at levels much lower than cigarettes) through passive exposure to the e-cigarette aerosol."

Action Item #10 (B)

The fracking process uses antimicrobial pesticides. Seems some chemicals were being used as biocides, but were not labelled as pesticides.

"Labeling Biocide Fracking Fluid" session was hosted Jeff Comstock, SFIREG/POM in 2013. Jeff provided an overview of the March 2013 AAPCO meeting hydrofracking session focusing on the issue of developing state certification programs for the hydrofracking use. Currently, no state has such a program. Some states, like Vermont require all commercial applicators to be certified for restricted and general use pesticides. In other states this requirement is only applicable to commercial applicators for hire. Other states have no such requirements for general use pesticides. SRFIREG will follow up with the Certification & Training Assessment Group (CTAG). Two other issues discussed were state concern with industrial products not registered as pesticides being used as **biocides and EPA's environmental assessment** of this use pattern.