

## **EPA Report for February 2011 RTOC**

### **Communities and Ecosystems Division**

#### **Tribal Program Office**

##### **1. Associate Director**

Nate Lau is the CED Associate Director assigned to oversee the Tribal Program Office. His other responsibilities include the US/Mexico Border Team and aspects of Division administration. He will have senior leadership on grants, assisting with Division-wide coordination on grants planning, oversight and decisions.

##### **2. Tribal Travel Fund Contact**

Gilbert Pasqua is the coordinator of the Tribal Travel Fund.

Telephone: (415) 972-3788

Email: [Tribal\\_Travel@epamail.epa.gov](mailto:Tribal_Travel@epamail.epa.gov)

To use the fund, Tribal staff should request the travel form and the reimbursement form from Gilbert or your GAP project Officer, fill out the request form and scan/email or fax it to Gilbert Pasqual for EPA approval. Upon completion of travel, the reimbursement form is submitted to:

Rosanna Marrujo or Teri Cawelti  
Owens Valley Indian Water Commission  
46 TuSu Lane  
Bishop, CA 93514  
Business: (760) 873-3300 (760) 873-3320 Fax

##### **3. National Partnership for Environmental Technology Education (NPETE) Training**

Training for Tribal staff on Financial and Administrative Guidance for U.S. EPA Assistance Agreements

March 30-31, 2011

9:00 AM—5:00 PM

EPA Region 9 Building—75 Hawthorne St., San Francisco, CA

Free of Charge

For more information, please visit the project website at [www.petetribal.org](http://www.petetribal.org).

This training is designed to provide Tribes with training in the proper management of Environmental Protection Agency (EPA) funds through assistance awards. It will also cover the Office of Small Business Programs (OSBP) new Disadvantaged Business Enterprise (DBE) Rule.

Upon completion of the training the participants will have a valuable comprehensive manual for future reference in addition to a full under-standing of:

- The assistance agreement award
- Which regulations apply to an assistance agreement award

- How to administer an assistance agreement award
- How to financially manage an assistance agreement award
- The roles and responsibilities of both EPA and the Tribal Nation
- Complete accounting policies and procedures of the assistance agreement award
- Requirements of the new DBE program

**To Register:**

**Contact:** Veronica Swann

**Tel:** (415) 972-3699

**Email:** swann.veronica@epa.gov

#### **4. Update on Consultation Policy**

On December 15, 2010, EPA published its proposed final policy on Consultation and Coordination with Indian Tribes (Policy) for a 60-day public comment period. The proposed Policy builds upon the agency's 1984 Policy and complies with the Presidential Memorandum on Tribal Consultation issued November 5, 2009, directing agencies to develop a plan to implement fully Executive Order 13175. E.O. 13175 specifies that each Agency must have a process that is accountable to establish regular and meaningful consultation and coordination with tribal officials in the development of policies that have tribal implications.

A highlight of EPA's policy is that it sets a broad standard for when EPA should consider consulting with federally-recognized tribal governments and is intended to be broader than what was called for in the President's November 5, 2009 memorandum on tribal consultation.

The goals of the Policy are to:

- Establish clear EPA standards for the consultation process, including defining the what, when, and how of consultation;
- Designate specific EPA personnel responsible for serving as consultation points of contact in order to promote consistency in, and coordination of, the consultation process; and
- Establish a management oversight and reporting structure that will ensure accountability and transparency.

The Policy is available on line at <http://www.regulations.gov> under docket number EPA-HQ-OA-2010-0992.

On January 20, 2011 AIEO convened the first meeting of the EPA Tribal Consultation Advisors (TCAs) to begin developing procedures and guidance for implementing the Tribal Consultation Policy. This first few meetings of the TCAs will focus on identifying what work needs to happen in the short term to prepare for implementation of the policy when it becomes final in the near future.

## **5. Pesticide Program**

The Region 9 Pesticides Office is currently soliciting pesticide special project proposals from eligible tribes and intertribal consortia for FY2011 funding. Region 9 hopes to provide financial assistance to eligible tribal governments or intertribal consortia to carry out projects that assess or reduce risk to human health and the environment from pesticide exposure. The total amount of funding is expected to be approximately \$300,000 with a maximum of \$50,000 per project.

The solicitation closes March 25, 2011. For more information, please visit:  
<http://www.epa.gov/region9/funding/tribal-pesticide-rfp.html>

## **6. Toxics Program**

### **National Tribal Toxics Committee**

EPA is forming a tribal committee to provide tribes greater input on issues regarding toxic chemicals/pollution prevention in conjunction with EPA's priority to build strong, effective tribal partnerships. EPA is establishing a National Tribal Toxics Committee (NTTC) to give tribes a forum for providing advice on development of EPA's chemical management/pollution prevention programs affecting tribes. Given the uniqueness of tribal cultures/communities and environmental problems, the forum will help EPA more efficiently address various issues including preventing poisoning from lead-based paint, expanding pollution prevention/safer chemical initiatives in Indian Country, and better evaluating unique chemical exposures on tribal lands. A charter for the new NTTC is being developed; council membership will be formed over the next several months. The first meeting of the NTTC will be held in spring 2011. For more information see: <http://www.epa.gov/oppt/tribal/>

### **Toxic Release Inventory (TRI) Reporting Data for Indian Country**

EPA issued a fact sheet on year 2009 Toxics Release Inventory (TRI) reporting data for facilities located in Indian Country/Alaska Native Villages, analyzing 2009 TRI reporting data of specific interest to federally-recognized tribes/Alaska Native Villages. According to EPA's TRI reporting data, there were 49 TRI-regulated facilities located on 19 Indian Country lands/Alaska Native Villages in 2009. Total disposal or other releases from these EPA-regulated facilities was 9.6 million pounds. Two electrical utilities on Navajo Nation accounted for almost two thirds (64%) of the total. For more information see:

<http://www.epa.gov/tri/tridata/tri09/nationalanalysis/tri-indian-country-alaska.html>

## **Guidelines for Selecting Safe Locations for New Schools**

EPA issued new draft voluntary guidelines to help communities protect the health of students and staff in selecting new school sites. The draft school siting guidelines are being made available for a 90-day comment period. The guidelines have not been finalized and should not be cited, quoted or referenced as representing final EPA guidance. To review the draft guidelines, click on the following link or enter it into your browser: <http://epaschoolsiting.icfi.com/>. Comments will be accepted until 4 PM EST February 18, 2011. Instructions for commenting are provided on the web site. To read the press release visit: <http://epa.gov/schools>. EPA R9 contact: Kathleen Stewart, Regional Children's Environmental Health Coordinator, < [stewart.kathleen@epa.gov](mailto:stewart.kathleen@epa.gov) >.

### **Resource Guide for Tribal Governments: Preventing Childhood Lead Poisoning in Indian Country: R9 prepared/distributed a “Resource Guide for Tribal Governments:**

*Preventing Childhood Lead Poisoning in Indian Country,*” distributed to R9 tribes in January 2011 as follow up to action item raised by Big Valley Rancheria.  
<http://www.epa.gov/region9/tribal/pdf/LeadBasedPaintFinal-Dec2010.pdf>

### **Protecting Health of Children, the Elderly and Community Members from Environmental Hazards and Contaminants**

R9 prepared/distributed information for R9 tribes on “*Protecting Health of Children, the Elderly and Community Members from Environmental Hazards and Contaminants,*” including information on reducing/preventing/managing health effects of asbestos-in-schools, childhood lead poisoning and asthma, and fostering protection of children’s environmental health. We encourage tribes to share this information with your tribal community members, other tribes across the nation, tribal organizations/community groups, and non-tribal partners in protecting health and environmental quality. R9 contacts:

Asbestos-in-schools, Ron Tsuchiya at < [tsuchiya.ron@epa.gov](mailto:tsuchiya.ron@epa.gov) >.

Asthma, Barbara Spark at < [spark.barbara@epa.gov](mailto:spark.barbara@epa.gov) >.

Childhood lead poisoning, David Tomsovic at < [tomsovic.david@epa.gov](mailto:tomsovic.david@epa.gov) > .

Children's environmental health, Kathleen (Katie) Stewart at < [stewart.kathleen@epa.gov](mailto:stewart.kathleen@epa.gov) >.

<http://www.epa.gov/region9/tribal/news-features/news10/tribal-asbestos-oct2010.pdf>

<http://www.epa.gov/region9/tribal/news-features/news10/tribal-asthma-oct2010.pdf>

<http://www.epa.gov/region9/tribal/news-features/news10/tribal-lead-info-oct2010.pdf>

<http://www.epa.gov/region9/tribal/news-features/news10/tribal-childhealth-oct2010.pdf>

## **Air Management Division**

### **1. Gila River Indian Community (GRIC) Tribal Implementation Plan (TIP) Approval**

- On January 19, 2011, EPA finalized approval of GRIC’s TIP. This TIP is the most comprehensive tribal air quality plan in the country.
- The plan provides a framework for protecting air quality on the Reservation, including ordinances, a permit program, civil and criminal enforcement, air monitoring, and an emissions inventory.

- **More information:** <http://www.epa.gov/region9/air/actions/gila-river.html>.

## **2. Pinal County, AZ Designation/Redesignation**

- In late January, EPA designated an area in western central Pinal County as nonattainment for the 2006 24-hour PM<sub>2.5</sub> standard. Designations for GRIC and Ak-Chin have been deferred pending consultation. Tohono O'odham, San Carlos Apache, Salt River Pima – Maricopa, and Fort McDowell were designated unclassifiable/attainment
- EPA has proposed to redesignate a portion of Pinal County as non-attainment for PM<sub>10</sub>. Consultation with potentially affected tribes is ongoing.
- EPA is currently evaluating comment received on its PM<sub>10</sub> redesignation proposal and plans to take final action by summer 2011.
- **More information:** Ginger Vagenas, [vagenas.ginger@epa.gov](mailto:vagenas.ginger@epa.gov)

## **3. Best Available Retrofit Technology (BART) Federal Implementation Plans (FIPs) for Power Plants on Navajo Nation**

- EPA promulgates FIPs in tribal jurisdictional areas as necessary to protect air quality. BART provisions of the Regional Haze Rule require reductions in the emissions of air pollutants that impact visibility. There are two Regional Haze BART-eligible sources on the Navajo Nation: Navajo Generating Station (NGS) and Four Corners Power Plan (FCPP).
- August 2009 - EPA issued the Advanced Notice of Proposed Rulemaking (ANPRM) to seek public input on two factors for NGS and FCPP - cost effectiveness and visibility benefits.
- FCPP rulemaking proposed October 6, 2010.
- EPA will be publishing a Supplemental Proposal in the Federal Register by mid-February, which will provide our analysis of an alternative-to-BART proposed by Arizona Public Service, provide information on public hearings, and extend the public comment period beyond March 18, 2011.
- Proposed rulemaking on NGS anticipated summer 2011.
- More information: <http://www.epa.gov/region9/air/navajo/index.html#proposed>; Anita Lee, [lee.anita@epa.gov](mailto:lee.anita@epa.gov).

## **4. Tribal New Source Review (NSR) Rules**

- EPA is preparing to finalize Tribal NSR Rules in Spring 2011. These rules were proposed in 2006 and will apply to minor sources of air pollution on tribal lands.
- Once the rules are finalized, EPA will be doing outreach and education through trainings and webinars.
- Region 9 will be conducting a training session at an upcoming RTOC.
- **More information:** Anita Lee, [lee.anita@epa.gov](mailto:lee.anita@epa.gov).

## **5. Tribal Clean Air Act Funding for FY 12**

- Proposals were due January 2011 and are being reviewed.
- Tribes notified of their funding status—summer 2011.
- **More information:** Sara Bartholomew, [bartholomew.sara@epa.gov](mailto:bartholomew.sara@epa.gov).

## **6. Community Action for a Renewed Environment (CARE) Request for Proposals (RFP)**

- CARE is a community-based program that works with county and local governments, tribes, non-profit organizations and universities to help the public understand and reduce toxic risks from numerous sources.
- RFP for FY12 CARE funding announced January 20, 2011, \$2 million available nationally.
- Applications due March 22, 2011.
- EPA will conduct three Webcasts to answer questions from prospective applicants about the application process on February 8 and 23, and March 2 from 1:00 p.m. to 3:00 p.m.
- More information: <http://www.epa.gov/care/>

### **7. Upcoming Institute for Tribal Environmental Professionals (ITEP) Trainings**

- [February 7-11, 2011: Air Quality Computations](#)
- [March 1-4, 2011: Treatment as State \(TAS\) and Tribal Implementation Plan \(TIP\)](#)
- For more information see: [http://www4.nau.edu/itep/air/training\\_aq.asp](http://www4.nau.edu/itep/air/training_aq.asp)

## **Waste Management Division**

### **1. Free Waste Characterization Audit Training**

EPA is looking for 3-4 tribes to host this training. A free waste characterization audit will be conducted for the host tribe.

Criteria for Hosting Audit Training:

- The tribal facility has adequate space to safely conduct the waste audit with up to 20 people participating (neighboring tribes will be invited to participate);
- There is sufficient solid waste to conduct a waste characterization audit (at least 2,000 lbs);
- The Tribe has staff to assist in coordinating the training with U.S. EPA and waste hauler (if applicable);
- The tribe can provide 18 months of solid waste generation and disposal data (volume, weight, cost/ton) and any past solid waste studies. (*Ideal, not required*)
- The Tribe agrees to share environmental results for public educational and outreach purposes.

Contact: Michelle Baker (415) 972-3206 or [baker.michelle@epa.gov](mailto:baker.michelle@epa.gov)

### **2. Source Reduction Assistance Grant Program**

- Funding opportunity number: EPA-HQ-OPPT-2011-03

- Submission date: February 24, 2011, 11:59 pm (EST)
- **Overview:** EPA anticipates having up to \$130,000 per region to support pollution prevention (P2)/source reduction projects that encourage broad environmental concepts – greenhouse gas (GHG) reduction, toxic and hazardous materials reduction, resource conservation, efficient business practices and P2 integration activities. techniques, surveys, studies or use research, investigations, funding.

Contact: Leif Magnuson, (415) 972-3286

[Magnuson.leif@epa.gov](mailto:Magnuson.leif@epa.gov)

### **3. Web Features Wanted!**

What: We are looking for success stories to feature on our website. If you have any solid or hazardous waste project that you would like EPA to highlight, please contact us. Topic ideas for stories include: Greening your event, casino, or housing; managing a dumpsite after cleanup; or any other recycling, composting, or cleanup programs.

Why: Get the word out about your great project!

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

Contact: Charles Swanson (415) 947-4219, or

[swanson.charles@epa.gov](mailto:swanson.charles@epa.gov)

## **Water Division**

### **1. Source Water Assessment and Protection Program (SWAP) Funding Announcement**

EPA Region 9 intends to award over \$290,000 through Direct Implementation Tribal Cooperative Agreements (DITCAs) ranging in size from approximately \$25,000 to \$85,000 for SWAP activities. The purpose of the funding will enable federally recognized tribes and eligible tribal consortia within EPA Region 9, who operate at least one public water system (PWS), to identify and assess any possible threats (potential sources of contamination) to their public drinking water supply sources and to develop protection measures to protect these sources against those threats. EPA Region 9 has been accepting proposals according to the following proposal submission schedule: Proposals received by December 15 will be awarded by May 15. Proposals received by March 25 will be awarded by August 15. **EPA Region 9 has received no proposals for SWAP DITCA funding as of February 3, 2011.**

Please contact: Jamelya Curtis at (415) 972-3529 or [curtis.jamelya@epa.gov](mailto:curtis.jamelya@epa.gov) for hard copies or for more information. <http://www.epa.gov/region9/water/tribal/pdf/FY11Guidance.pdf>

**2. EPA Region 9 Water Division will be co-hosting several trainings throughout the Pacific Southwest in several different areas in the water programs including:**

- Proper Functioning Condition (PFC) Trainings - *Contact Person, Robert Hall, (415) 947-4123, [hall.robertk@epa.gov](mailto:hall.robertk@epa.gov)*  
March 22-24, 2011, La Posta Reservation - Julie Dome, [jdome@lptribe.net](mailto:jdome@lptribe.net)  
April 5-7, 2011, Hoopa Reservation - Ken Norton, [kenpnorton@gmail.com](mailto:kenpnorton@gmail.com)
- Quality Assurance (QA) Trainings funded by the Bureau of Reclamation, Native American Affairs Program, Mid-Pacific Region - *Contact Persons: John Fields, [JFields@usbr.gov](mailto:JFields@usbr.gov) and Robert Hall, [hall.robertk@epa.gov](mailto:hall.robertk@epa.gov)*
  - Establishing an Environmental Monitoring Program: Carson City, NV, April 2011
  - Quality Assurance Project Plan, and Data Validation and Assessment: Carson City, NV, May 2011
  - Sample Collection Protocol: Big Valley Rancheria, June 2011
- EPA Office of Research and Development (ORD) Southwest Ecosystem Services Research Program Workshop for Tribes: Santa Ynez Reservation, May 24-26, 2011.  
*Contacts: Robert Hall, (415) 947-4123, [hall.robertk@epa.gov](mailto:hall.robertk@epa.gov) and John Lin, (702) 798-2171, [lin.john@epa.gov](mailto:lin.john@epa.gov)*

**3. Clean Water Act (CWA) Section 106 - Water Pollution Control Program Funding Announcement**

Purpose:

The Water Pollution Control Program assists Federally-recognized Indian Tribes with achieving environmental results by developing institutional capacity for administering water quality programs to protect, improve, and enhance natural resources.

Deadline:

Draft proposals due to your CWA Grants Project Officers on February 1, 2011

For more information, please contact your CWA Grants Project Officer or Danielle Angeles. Region 9's FY 2011 Funding Opportunity for Tribal Water Pollution Control Program Grants link : <http://www.epa.gov/region09/water/tribal/tribal-cwa.html#wtrpollution>

**4. FY 2011 Tribal Nonpoint Source Base Funding Announcement**

If your tribal environmental program is interested in receiving Nonpoint Source (Clean Water Act - Section 319) Base Funding, please submit draft work plans and budgets by March 1, 2011 to your CWA Grants Project Officer. Eligible tribes can receive \$30,000 or \$50,000 (dependent on land area) to develop and implement polluted runoff control programs and watershed based plans that address critical water quality concerns and achieve positive environmental results. If you have any questions regarding this program or the due date, please contact your CWA Grants Project Officer or Tiffany Eastman ([eastman.tiffany@epa.gov](mailto:eastman.tiffany@epa.gov)) and Audrey L. Johnson ([johnson.audreyL@epa.gov](mailto:johnson.audreyL@epa.gov)).

## 5. Consultation with Tribes on revising the Response to Climate Change Strategy

The U.S. Environmental Protection Agency Region 9 (EPA) has been seeking to consult with tribal governments concerning the revision of the EPA National Water Program (NWP) *Response to Climate Change Strategy (Strategy)* during November 2010 through January 2011. The *Strategy* was an initial effort to evaluate how best to meet our clean water and safe drinking water goals in the context of a changing climate. EPA began implementing the current *Strategy* in 2008 and is now revising it for 2012 and beyond. Tribes and states also will have another opportunity to comment on the draft revised *Strategy* during the public comment period in summer 2011.

Consultation letters were sent to all Tribes (Chairpersons and Environmental Directors) in EPA Region 9 in November 2010. If you are interested in participating in the *Strategy* revision process, we ask for your recommendations and input to the *Strategy* by February 1, 2011. Consultation options include: 1) direct phone call; 2) electronic mailings; or 3) a face-to-face meeting. We also conducted three webinars in December 2010 and January 2011 as another optional method for consultation. We look forward to working with you and your staff as we revise the *Strategy* as it pertains to water resources on tribal lands. For more information, please go to [www.epa.gov/region9/climatechange/tribalconsult/](http://www.epa.gov/region9/climatechange/tribalconsult/). Please refer staff to Cheryl McGovern at 415-972-3415 for additional information.

## 6. Wetlands Program Plans

EPA is interested in working with you on developing a Wetland Program Plan (WPP), either now or in the future. In February 2010 and at the October 2010 Annual Tribal/EPA Conference, EPA Region 9 announced and encouraged Tribes and States to develop WPPs. Ideally, a WPP would be a brief document that describes the Tribe's wetland goals and actions planned over the coming 3 to 6 years. WPPs help Tribes focus their wetland protection and restoration work, plan their program's course towards achieving their goals, and communicate their intent and needs to EPA. WPPs are not required, but are strongly recommended.

The FY 2011 Wetland Program Development Grant (WPDG) RFP is not finalized as yet, **it is likely that Tribes who have an EPA-accepted WPP, or propose to develop a WPP for their WPDG project, may receive additional points in the FY 2011 WPDG competition.** EPA Region 9 anticipates that the Region 9 FY 2011 RFP for the WPDGs will be posted in March 2011.

If you are interested in developing a WPP and having EPA review and accept it before the FY 2011 RFP is issued, please contact Suzanne Marr at [marr.suzanne@epa.gov](mailto:marr.suzanne@epa.gov) or 415-972-3468 and begin work on your WPP as soon as possible.