

ACTION ITEMS
WINTER REGIONAL TRIBAL OPERATIONS COMMITTEE
January 2015

	REQUESTED BY	TASK	WHO	WHEN	STATUS
General					
1	Eastern California	<p>Federal Interagency Group Potential Projects</p> <p>It was shared that EPA is now the chair of the Tribal Affairs Committee of the Federal Regional Council. Tribes were concerned that the interagency group did not include representation for tribes to share their concerns directly to the group nor hear the discussions.</p>	<p>Laura E.</p> <p>David Albright (DW issues)</p>	As needed	<p>EPA has been welcoming senior leadership from the FRC to RTOC meetings in 2014, and we will continue to do so in 2015 as FRC members' schedules allow. The FRC itself is made up of senior leaders from federal agencies collocated in the western region, and exists to improve communication among those agencies on a variety of topics. The FRC does have a tribal workgroup, made up of staff representatives of the member agencies. EPA is not the lead for the FRC Tribal Workgroup, but is providing leadership in development of a 2-year strategic plan for that group. As that plan is developed, we will provide further updates to the RTOC, and will continue to seek opportunities to engage RTOC leadership with FRC leadership as possible! (Laura Ebbert)</p>
4	Central California	Request for 2014 RTOC Reps Retreat minutes/agenda			<p>This was posted in early 2014 on the RTOC website; we can re-send the link to central CA reps if needed.</p>
5		Request for EPA to organize webinar on New GAP work plan to discuss such items as capacity building, indicators, outcomes, ETEP among others (All).	Laura	Status at next RTOC	<p>EPA presented seven sessions on these topics at the Annual Conference in October. We would be happy to re-deliver that content via webinar for those who were unable to attend. We will have a planning discussion with Central CA Reps at Spring 2015 RTOC to discuss a</p>

					planning schedule to roll out a webinar series on these topics.
6		Request for presentation on Grants and Management Office at Spring RTOC – Getting an updates such as new OMB circular 87, 133, etc.			Done! Sara Russell was here this morning! Please send any additional questions you might have to Mariela Lopez so she can pass those along.
7		Request for presentation on Genetically Modified Organisms (GMO's) by APHIS (Sarah Ryan).	Pam Cooper/Laura	May RTOC	The Region 9 Pesticides Office is working with the EPA Office of Pesticide Programs and USDA APHIS to schedule a webinar on GMO's, tentatively to be held on June 11, 2015. Will announce when all speakers confirm.
8		Share RTOC Manual binder/Handbook and solicit comment from caucus (Nina Hapner).			Done!
9		What is happening to the data we collect using 106 funds? Tribal water quality data has possibly never been used by the State of California in the 303d listings (evaluations of waterbodies for impairment and the establishment of TMDLs). Currently, the state says there is a communication problem between CEDEN (the state database) and WQX. In addition, the CEDEN database incorporates a very small percentage of what is actually being monitored in water bodies i.e., it does not incorporate raw water data from surface drinking water data from water purveyors, it does not incorporate any Tribal data, it does not incorporate any stormwater monitoring data from any parties.	Gail follow up with Sarah	2/13	Gail Louis followed up with Sarah Ryan.

		How is this compliant with the Clean Water Act and what can be done to change this situation?			
10		"Request for a Revised Total Coliform Rule break-out session to allow time for EPA Drinking Water update on implementation of new rule requirements (Level 1 and 2 System Assessments and correction actions) and to prepare for what could be provided to Tribes at the upcoming May 2015 Drinking Water Conference."	David Albright		May RTOC was not too late, and a Drinking Water Workgroup Session is planned for Thursday, May 14.
11	Southern Ca.	All EPA grants must be submitted via grants.gov starting February 16th. The issue was brought up as to if all Tribes are aware of this and are they ready?			We encourage tribes to NOT wait until the day – or even the week – of a grant's due date to make sure you have everything you need to access grants.gov. Please see the checklist posted at EPA Region 9's grants webpage or contact the grants.gov helpline for assistance. (Sara Russell can assist)
12		Funding for drought and drought mitigation projects by the EPA?	Laura and Gail	As needed	EPA continues to make capacity building activities associated with drought mitigation assistance available through GAP, and this was a focused part of our FY15 notification document. Drought mitigation implementation activities were a focus of the FY15 SDWA solicitation, as well. More information about the type of project the requestor is interested in will be helpful; Several other federal agencies are also providing funds for short and long term mitigation activities. (Laura Ebbert and Gail Louis can assist)
13		Vacation pay on grants, is there a way to write vacation pay into a grants fringe benefits? If an			Benefits, including leave, are a component of a tribe's personnel policies; some tribes may allow

		employee hasn't taken a vacation during the fiscal year of a grant, can the vacation funds be drawn down and used at another time?			employees to carry unused leave from one year to the next. For more information about personnel policies and questions about compliant approaches to leave, please contact your Grants Specialist. (Sara Russell can assist) Talk with your grants specialist/PO
14	Eastern CA (Allan and Mel, etc.)	They are in non-attainment right now. Main goal is protecting cultural resources. EPA comes in and say will they have to be in compliance now with the standard of PM10.	Stephanie	2 weeks	Stephanie has followed-up with Alan.
15	Ronnie Ben	Website is not consistent when looking at notice of intent for contractors. Couple of years ago he asked EPA to provide clarity.	David Smith	2 weeks	Further assistance on EPA contracting can be referred to Alex Kramer, our Contracting Officer. We will have Alex reach out to Ronnie to clarify the question and respond.
16	Emily Luscombe	Is there a pot of money that small land based tribes can go to with CWA 106 water issues?	Gail/Danielle	2 weeks	Gail Louis has responded.
17		Send out link to Grants.gov webinar registration (to tribes)	Laura Ebbert	1/29/15	Done! Link was sent via Corn.
18		Check on having training in Las Vegas (at Financial Center)	Sara	By May RTOC	Update will be provided during grants update at Spring RTOC.
19		Continue addressing / identifying solutions to GAP guidance issues	Laura Ebbert Marta Burg others	1/30/ off pen hour 8- 9:30	On-going.
20		Fracking involves injecting chemicals into a hole in the ground-how does EPA's UIC regulations come into play? How does EPCRA apply (re disclosure of fracking fluid "proprietary cocktail")	David Albright	By or at May RTOC	A core element of the SDWA's UIC program is setting requirements for proper well siting, construction, and operation to minimize risks to underground sources of drinking water. The Energy Policy Act of 2005 excluded hydraulic fracturing, except when diesel fuels are used, for oil, gas or geothermal production from regulation under the

				<p>UIC program. This statutory language means that hydraulic fracturing operations are only regulated under the UIC program when diesel fuels are used. EPA has developed UIC permitting guidance specific to oil and gas hydraulic fracturing activities using diesel fuels. Although developed specifically for hydraulic fracturing where diesel fuels are used, many of the guidance's recommended practices are consistent with best practices for hydraulic fracturing in general. The guidance outlines for EPA permit writers, where EPA is the permitting authority, (i) existing Class II requirements for diesel fuels used for hydraulic fracturing wells, and (ii) technical recommendations for permitting those wells consistently with these requirements. In addition to the guidance, EPA issued an interpretive memorandum which clarifies that Class II UIC requirements apply to hydraulic fracturing activities using diesel fuels, and defines the statutory term "diesel fuel" by reference to five chemical abstract services registry numbers. The other linkage of hydraulic fracturing to the UIC program relates to the disposal of flowback or produced water from hydraulically fractured production wells. In many regions of the U.S., underground injection is the most common method of disposing of fluids or other substances from hydraulic fracturing operations, such as shale gas extraction. Disposal of flowback and produced water via underground</p>
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21		Follow-up on request from Nevada tribes for Climate Change-adaptation training	Laura Ebbert	1 Month	Update will be provided at Spring RTOC Meeting.