

REGION IX
RTOC WORKGROUP REPORTS
April – June 2011

Tribal Science Council Workgroup:

Water Quality Standards Workgroup:

Solid Waste Workgroup:

CY 2010 and 2011 RTOC SOLID WASTE PRIORITY

Prepared by: Nancy Sockabasin, US EPA Region 9
John Mosley, Pyramid Lake Paiute Tribe

Date Prepared: March 2010 (original), **April 2011 (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: Ensure the safe and effective management of solid waste and promote sustainable and culturally appropriate solutions to address solid waste challenges.

Objective 1: Increase the number of tribes covered by integrated waste management plans (IWMPs) through grants, EPA-sponsored training, and targeted technical assistance. Work with tribes to develop at least 4 new IWMPs – 2 in FY10 and 2 in FY11.

Status: Three plans were completed by tribes in FY10 and four plans have been completed in FY11 that met the 5 Critical Elements. EPA has determined that including these elements in an IWMP ensures the greatest opportunity for success. The Critical Elements include:

1) Description of the community service area, 2) Description of the Tribe's waste management program structure and administration, 3) Description of the Tribe's current and proposed waste management practices, 4) Description of the funding and sustainability and the long-term goals of the Tribe's waste management practices, and 5) Documentation of approval of the IWMP by appropriate governing body.

Objective 2: 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 cooperation between the Region 9 Tribal Solid Waste Team and the Region 9 Tribal Program Office, and increased cooperation and funding opportunities with Region 9 states.

Sub-objective A: Close at least 55 illegal dumpsites – 20 in FY10 and 35 in FY11.

Status: As of end-of-year FY10, 91 dumps were closed or cleaned up. Thus far in FY11, 12 additional dumps have been cleaned up.

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

Status: We are working with a contractor to develop this document. A first draft was completed in early November 2010, revisions are underway and should be completed by the end of 2011. The document includes a decision tree to assist tribes and federal agencies in determining the best approach to close and cover large, managed open dumps in place.

Objective 3: Collaborating with the RTOC Sustainable Infrastructure workgroup, promote sustainable waste collection, recycling, and composting programs for tribes throughout Region 9.

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

Status: On July 15, 2010 the US EPA Tribal Solid Waste Team (TSW Team) met with the Nevada Environmental Managers to discuss next steps in the process to increase recycling rates in Nevada. Options include working with the Environmental Finance Center Region 9 (EFC9), partnering with identified corporate entities, or using New Mexico as a model for rural recycling. EFC9 is partnering with at least one tribe in Nevada to develop a business plan for a potential recycling or green business and may be partnering with additional tribes as resources become available. The business plan will assist the tribe in ensuring that their solid waste management program is sustainable for the long term. EFC9 will also develop a guide to assist tribes in developing their own business plans for potential projects.

The US EPA Tribal Solid Waste Team is currently working on the development of a regional rural recycling initiative and is targeting tribes in Arizona and Nevada for the pilot phase. The Team hopes to partner with corporate entities to provide transportation and recycling drop off centers for tribes in remote locations with limited access to recycling infrastructure.

Sub-objective B: Provide information and outreach to tribes on a variety of topics. This includes a ‘print and fill’ brochure on abandoned vehicle removal and recycling; additional web resources for green casinos and other topics; and at least 2 web success stories. Success story topics could include: tire removal, green casinos, greening your event, recycling programs, transfer site management, and managing a dumpsite after a cleanup.

Status: A “print and fill” brochure on abandoned vehicle removal and recycling is now available on EPA’s website (<http://www.epa.gov/region9/waste/tribal/resources.html>).

We have also made requests to tribes for topics for potential success stories to be featured on the EPA website. The TSW Team also completed updates for our [Funding Resources for Green Building](http://www.epa.gov/region9/greenbuilding/funding.html) webpage (<http://www.epa.gov/region9/greenbuilding/funding.html>) and it is now more comprehensive and inclusive of tribes. In addition, we created a new webpage (<http://www.epa.gov/region9/greenbuilding/building-codes.html>) that lists and describes greener building and energy codes. EPA Region 9 is working with EPA HQ to develop a comprehensive green web resource/tool for tribal casino managers and operators. At least one tribe from Region 9 will be highlighted through a success story on the website. Content for the website was completed by Region 9 and sent to HQ for development in January 2011. The website is expected to be available by mid 2011.

The TSW Team organized two Waste Characterization Trainings, one in September 2010 that was co-hosted by the Yurok Tribe, and one on March 9, 2011 that was co-hosted by the Gila River Indian Community. An EPA contractor led participants through both classroom and field activities to plan an effective solid waste characterization effort. This type of waste characterization is a critical step in developing a comprehensive Solid Waste Management Plan. As importantly, participants discussed how to collect meaningful and useful data to make decisions and take action. The next Waste Characterization Training will be co-hosted by the Reno-Sparks Indian Colony on May 17, 2011. The training will be held in conjunction with a Pay-As-You-Throw (PAYT) Training on May 18, 2011. Experts will discuss PAYT, how it works, impacts, key methods to implement PAYT, and strategies to address political, hauler, and other barriers. Participants will learn about can, bag, sticker, and other options, the pros and cons of PAYT and the power of the PAYT incentive.

Sub-objective C: Maintain communication between US EPA, tribes, federal and state agencies, and other interested organizations. This includes convening events such as the Interagency and RTOC solid waste workgroup meetings.

Status: An RTOC solid waste workgroup session was held at the April 2010 RTOC meeting to discuss improving communication between the TSW Team and tribes. The TSW Team gave a presentation on various waste management topics at the July 2010 meeting of the Nevada Environmental Managers. At the February 2011 RTOC solid waste workgroup session participants discussed challenges involved in implementing waste management programs. The April 2011 will highlight a tribal case study on the Solid Waste Management Program of the Cahuilla Band of Mission Indians. Brian Baharie, Environmental Director, will discuss the successes and challenges in implementing the Tribe's solid waste and recycling program.

Sub-objective D: Create and/or organize solid waste presentations for the Annual Tribal/EPA Conference and other events/meetings. Topics could include green building and composting.

Status: Various presentations were created for the February 2010 Green Casinos Workshop. US EPA Region 9 assisted in developing a Tribal and Rural Communities track for the 25th Annual BioCycle West Coast Conference held in April 2010. The track

included seven tribal presentations, including a presentation by Brian Adkins of the Bishop Paiute Tribe on their innovative food waste composting project. US EPA Region 9 is again assisting BioCycle with their 26th annual conference in April 2011. The Tribal Solid Waste Team assisted in development of a national Green Casino Webinar that was held in August 2010, and also presented on the subject at the OSWER Tribal Lands Forum in San Diego, also in August 2010. The US EPA Waste Management Division organized 6 sessions for the Annual Tribal/EPA Conference. Topics include: waste characterization audits, sustainable healthcare, biofuels, underground storage tank management and cleanup, and composting and food waste management.

Sub-objective E: Conduct at least 2 Green Casino Workshops for tribes by the end of FY11.

Status: A Green Casino Workshop was hosted by the Gila River Indian Community on February 23, 2010. Topics included: food scrap diversion, pollution prevention, and air quality issues. EPA Region 9 partnered with EPA Region 8 and tribal speakers to present a Green Casino Workshop at the National Indian Gaming Association (NIGA) conference on April 4, 2011 in Phoenix, Arizona.

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

Consultation Workgroup:

Budget and Strategic Planning Workgroup:

Air Workgroup:

Quality Assurance Workgroup:

Drinking Water / Waste Water Workgroup:

National Infrastructure Taskforce:

Enforcement and Compliance Assistance Workgroup:

Conference Planning Workgroup:

Emergency Response and Emergency Planning Workgroup:

RTOC Emergency Planning & Response Workgroup Report

Picayune Rancheria

Feb 09, 2011

Attendees:

Angie Proboszcz, US EPA (co-lead) John Woytak, FEMA

Janice Roberts, Lone Pine Paiute Shoshone Sherrie Kelley, QVIR

Melissa Estes, Campo Band of Mission Indians David Edmunds, Pinoleville Pomo

Gerald Temoke, Elko Band Council

Nina Hapner, Stewarts Point Rancheria

Announcements:

- The Havasupai Tribe received a disaster declaration for a flooding event on

December 29, 2010. This is the first FEMA stand alone declaration issued for a Tribe.

- The 22nd annual Continuing Challenge Hazardous Material Emergency

Response Workshop will be held in Sacramento, CA. on Sept. 6–9. This workshop provides hands-on learning and networking opportunities to all employees in hazardous materials emergency response related fields of employment. Tuition assistance applications will be accepted until April 15th. For additional information go to: <http://www.hazmat.org>

- The next annual meeting of the National Association of SARA Title III

Program Officials (NASTTPO) will be held on April 26 – 28, at the Mission Palms Hotel and Conference Center in Tempe, AZ. All Tribal Emergency Response Commission and (TERC) and Local Emergency Planning Committee (LEPC) members are invited to attend. Registration information is available at <http://www.nasttpo.com/home>

The “mid-year” meeting for NASTTPO will be held on October 12 – 13, in New Orleans, LA. This will be followed by EPA’s CEPP managers meeting on Friday, October 14.

- FEMA’s Emergency Management Institute (EMI) will be hosting a free on-campus course, Emergency Management Framework for Tribal Governments (E580). The course will be held August 22 – 25, at EMI in Emmitsburg, MD.

This course provides tribal leaders with a basic understanding of emergency management principles and their role in leading and directing their Tribes in implementing comprehensive emergency management systems. FEMA will cover the lodging and travel costs, including airfare and transportation to and from home

and to the airport. Applications and additional information can be found at:
<http://www.training.fema.gov/EMI/>

- FEMA Headquarters is developing a workgroup which will work

directly with tribes on NIMS issues.

Discussion:

- Several Tribal reps expressed the need for all-hazard table top exercises. It

was suggested that this could be accomplished in conjunction with GAP training sessions held at EPA's Regional Offices. ACTION: John Woyak and Tessa Badua-Larsen of FEMA and Angie Proboszcz of EPA

- The Tribes would also like to see an increased level of emergency

preparedness activities at the Tribal EPA Conference. ACTION: Angie Proboszcz/EPA.

The following suggestions were made for conference activities:

1. Information stations for CDC, DOE, DOT, EPA, FEMA, and Fire

Organizations

2. TERC/LEPC panel discussion

3. How to set up a Tribal Community Emergency Response Team (CERT)

4. Hazard Mitigation Planning

5. Wildfire Smoke Preparedness & Response

6. Flood Preparedness & Response

7. National Incident Management System (NIMS) overview

8. Radiation Transportation

Charter Workgroup:

Representation Workgroup:

Pesticides Workgroup:

RTOC Pesticide Workgroup Breakout Session Notes

February 9, 2011

Participants: On Phone

Name	Tribe/Organization	Email/Phone
Marcy Katzin	EPA R9	Katzin.marcy@epa.gov
Katy Wilcoxen	EPA R9	Wilcoxen.katy@epa.gov
Pam Cooper	EPA R9	Cooper.pam@epa.gov
Nicole Zinn	EPA HQ	Zinn.nicole@epa.gov
Dan Helfgott	EPA HQ	Helfgott.daniel@epa.gov
Africa Dorame-Avalos	ITCA	
Lorinda Sam	Tohono O'odham Nation	
Suzanne Fluharty	Yurok Tribe	

John Mosley	Pyramid Lake Paiute Tribe	jmosley@plpt.nsn.us
Leon Rofé	Buena Vista Rancheria	leon@buenavistatribe.com
Tansey Smith	ITCN	tsmith@ndep.nv.gov 775.6879483
Reginald Agunwah	Ramona Band of Cahuilla	ragunwah@ramonatribe.com
Marla Bennett	Quartz Valley	marla@qvir.com
Sherrie Kelley	Quartz Valley	skelley@qvir.com
Annette G. Harris	Duckwater Shoshone Tribe	Nette_george.harris@yahoo.com 775.863.0180
Ron Johnny	Summit Lake Paiute Tribe	
Cornelius Antone	Tohono O'odham Nation	
Eric Smith	Cold Springs Rancheria	cstrancheriaeric@netptc.net
Nina Hapner	Kashia Band of Pomo	nina@stewartspointrancheria.com

Reviewed the need for the National Certification and Training Plan

- Worked with EPA Regions and the Tribal Pesticide Program Council over the past 2 years.
- Held 2 webinar/consultation calls in November and December 2010.
- Currently making adjustments to the draft based on comments received from the consultation calls.
- The draft plan is to be submitted to the Federal Register in either March/April 2011.
- Would like to have additional consultation when nearing the completion of the plan.

Question: will the plan have certification training like on other programs?

EPA: The training and certification of this will be done by the state in training and certification. If a tribe already has certification, that stands and tribes can still do their own.

Question: Will EPA also provide certification training? No, just having applicator provide proof of training from states. There is also a private applicator route (no test option) – but most will be state.

Applicators available to apply restricted use pesticides (RUPS) must be from a contiguous area, but the Region has the ability to approve or disapprove.

Certification: Will need to follow the state requirements to maintain a valid certificate.

EPA is responsible for doing the enforcement, not the state, of the certificate.

- How do tribes get EPA to come out and do spot checks to make sure violations are not being done?
- Each regional office will be responsible for enforcement.
- Tribes see a problem with relying on state certification.

If a tribe wants to establish a C&T Plan they can and this will take precedence over the National Plan. Tribal laws can also further restrict applications and the Federal Plan will direct applicators to check with tribal laws.

In draft plan it states that EPA will have a database with listed applicators with name, phone number and state. EPA noted that this is currently not a database open to the public and is working with the attorneys to see if this can be opened to public use.

- How keep a database updated to show who has expired certificates? EPA thinks this is possible. Right now it is just for EPA.
- Tribes want to make sure the working in the plan is clear.
- In this database, if it goes through, can there be tribal contacts added so applicators know who to contact. Region 9 sees this as a possibility.
- Arizona has a state database –can federal do this? EPA noted if they can they will do.
- Some tribes want to make sure tribes have access don't have worry about public access. Example: Department of Justice is allowing tribes to access criminal records. Those who access it have to get clearance. EPA will talk with the attorneys about this possibility.

There will not be additional training resources provided to the state. The applicator fills out a one page form, submits proof of certificate (state, tribal or federal) that shows competence to apply restricted use pesticides (RUPs).

Notification – EPA is asking for suggestions on how to develop a system of notification.

- Tribes would like to see some type of notification on where the application will be occurring.
- Is by having applicators listed by the state enough? EPA asked to maintain notification but EPA is not sure they have the resources to do an in depth database.

It was commented upon that in Nevada and Arizona, the state law doesn't have any jurisdiction over tribal lands, so if the federal agency approves the state certification then that federal agency is enabling the state jurisdiction over the tribes.

An applicator, requesting a federal certification, from EPA, doesn't have any input from the tribe. This needs to change.

- Under what circumstances would EPA deny a state certificate of an applicator? Not sure they would because certification is directly to the applicator not another authority.
- An applicator certified in the same state a tribe is located does not guarantee they understand the circumstances on tribal land v state land. Tribes may utilize their resources differently than a state.

Ended the call 10 minutes before the session and the action items below were discussed by those present in person:

1. Organize a conference call 2 to 3 weeks after the RTOC – Nina
2. Send an electronic copy of the Draft National Certification and Training Plan to those present at the Breakout Session – Nina, within 2 weeks
3. Develop a template letter on the Draft Certification and Training Plan once it is placed into the federal register – Nina by March/April (dependent upon when it is placed in the register)

4. Ask EPA Headquarters to attend and provide a presentation on the latest development of the Certification and Training Plan at the April RTOC Meeting – Nina/Pesticide Programs.

**Pesticide Workgroup
Conference Call Summary
April 14, 2011**

Tribal Attendees: Lorinda Sam, Tohono O’odham; Cornelius Antone, Tohono O’odham; Nina Hapner, Kashia Band of Pomo; Ron Johnny, Summit Lake Paiute Tribe; Tansy Smith, Inter-tribal Council of Nevada; Africa Dorame-Avalos, Inter-Tribal Council of Arizona; and, Marta Burg, RTOC Legal Counsel

EPA Attendees: Marcy Katzin, Pesticide Programs

Tribal Pesticide Program Council (TPPC) Update

The following items of interest from the March TPPC Meeting were noted:

- EPA Headquarters has agreed to continue the webinars on topics requested by tribes. Some of the webinars requested are:
 - o Soil Fumigation
 - o NPDES General Permit
 - o Colony Collapse Disorder
 - o Bed Bugs
 - o Federal Certification
 - o Labeling
 - o Section 18 and 24(c)
 - o Status of POP’s Treaty
 - o Breaking barriers with Spanish

- Certification and Training Plans – Region 8 plan expected to be published in April/May 2011 and the National Plan will follow soon after. There have been no notices received that either have been published as of April 14, 2011.

- Pilot 18 and 24(c) Program

Update on the FIFRA Section 18 and 24(c) Pilot

There are two (2) sections of the Pilot Program:

1. FIFRA Section 18 allows EPA to register pesticide specifically to address an emergency, which there are 4 types. Either Federal or State can apply for section 18 emergency registrations to EPA. Approval is granted by EPA Office of Pesticide Programs (OPP).
2. FIFRA Section 24(c) allows states to issue registrations for special local needs for existing or imminent pest problems.

Initially, Tribes are not mentioned in either the 18 or 24(c) language. Therefore EPA does not consider pesticide registrations granted under Sections 18 or 24(c) them to be valid in Indian Country.

- In 2004, TPPC asked EPA to find a way to make the use of emergency and special local need pesticides valid in Indian Country. EPA Lawyers decided the Regional Administrator could make a finding to allow the pesticides to be used in Indian Country.
- In 2006 and 2007, 2 pilot programs were established:
 - Yakama Nation; and,
 - A nationwide pilot for soybean rust.
- On December 31, 2007, the pilots expired and OPP asked tribes for input.
- Soybean Rust – no comments received
- Yakama Nation – felt it worked well and had a positive experience
- EPA then adopted a 3-year nationwide pilot program for all tribes under FIFRA Sections 18 and 24(c) for pesticides in all areas of Indian Country, making them lawful to be used in areas of Indian country that are within counties and states where the emergency exemption or special local needs registration pertains.
- November 10, 2008, EPA Headquarters signed and adopted the pilot program. In this tribes were allowed to opt-out via a letter. Hopi (R9) and two tribes in New Mexico opted out.
- The 3-year pilot program expires November 10, 2011.
 - o OPP wants to adopt the pilot as a nationwide policy and is interested in knowing how the current pilot is working;
 - o Is considering eliminating the ability of tribes to opt-out;
 - o In March 2011, EPA Region 9 asked for feedback from tribes with cooperative enforcement agreements;
 - o Consultation expected to occur in late spring/early summer 2011 and have finalization of the policy by November 2011 when the pilot expires; and,
 - o This would apply to more than just agricultural operations.

*Marcy will talk with Pam Cooper before sending a letter to all tribes for information and feedback. The letter will include a summary of the FIFRA 18 and 24(c) Pilot Program. This will be sent to Cornelius to distribute and include a link where more information can be found.

Letter of Request for Region 9 Certification and Training Plan

The draft letter was reviewed. There were very few changes. It was decided to send the letter to Region 9 only at this time. It will be addressed to Jared Blumenfeld with copies to: Keith Takata, Enrique Manzanilla, Kathy Taylor, and Pam Cooper.

The final draft will be sent to Cornelius to distribute to Tribes asking for final review. The letter will be reviewed at the Tribal Caucus Workgroup session and final changes made if necessary. It will then be signed and delivered.

Western Regional Pesticide Meeting (WRPM) -Tribal Pre Meeting update

Africa Dorame-Avalos is seeking topics for the Tribal pre-meeting for May 17, 2011. Topics suggested:

- How can EPA pesticide programs better reach tribes that do not have cooperative enforcement agreements? How do those tribes become aware of the programs available?
- Basic Inspector Training for non-cooperative enforcement tribes.
- Integrated Pesticide Management (IPM) – maybe a case study on how a tribe has implemented IPM in their school or other tribal facilities.
- Pesticide safety
- Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) information – i.e. a notification system in place from the State/County to notify tribes when pesticide applications are conducted on tribal land.

The full Western Regional Meeting is: May 18-19, 2011, Sacramento, CA at the Holiday Inn Capitol Plaza (300 J Street); for more information go to: http://pep.wsu.edu/wrpm/WRPM_11.pdf. The Tribal Pre-Meeting will be held on May 17, 2011 from 8am-11am.

Tuesday, April 19, 2011 (1:00 pm to 2:00 pm PDT) is the next call to discuss topics for the pre-tribal meeting session at the WRPM. Contact Africa Dorame-Avalos for more information.

- April 19, 2011
- 1:00 pm to 2:00 pm PDT
- Number: 1.866.299.3188; Code 2065536123#

Other items

The budget presentations at RTOC will be different than in the past. There presentations will consist of Tribal stories to show why it is critical to support programs.

Recap:

- Marcy Katzin will speak with Pam Cooper about sending a letter to all tribes in Region 9 regarding the Pilot 18 and 24 (c) Program.
- Marcy Katzin will put together a brief summary describing the Pilot 18 and 24(c) Program and include that in the letter.
- Marta Burg will finalize the draft of the Certification and Training request letter to Region 9 and send it to Nina Hapner.
- Nina Hapner will review it and send it to Cornelius Antone for distribution to all tribes.
- Nina Hapner will send the conference call summary notes to the call participants and ask for feedback by Tuesday, April 19, 2011.
- Nina Hapner will send notes from February 14, 2011 and April 14, 2011 Calls to Cornelius Antone Wednesday, April 20, 2011.

Pesticide Workgroup
Conference Call
February 24, 2011
Summary

Participants: Leon Rofé, Buena Vista Rancheria; Al Havinga, EPA HQ-OECA; Nina Hapner, Kashia Band of Pomo; Reggie Agunwah, Ramona Band of Cahuilla; Carol Galloway, EPA OECA (Kansas City); Suzanne Fluharty, Yurok Tribe; Marcy Katzin, EPA-R9; Katy Wilcoxon, EPA-R9; Africa Dorame-Avalos, ITCA; Tansy Smith, ITCN.

Office of Enforcement and Compliance Assurance (OECA) Tribal Funding Guidance – Al Havinga

Overview:

- Spent 2 ½ years developing the guidance to fund pesticide programs and have had continuous dialogue with the Tribal Pesticide Program Council (TPPC) during development.
- This guidance was sent to the Regions January 13, 2011.
- In April 2010 a draft of the guidance was sent to tribes with a 3 month comment period.
- In June 2010 a consultation call was held with tribes.
- Soon after the June 2010, consultations were held within the Regions with tribes.
- Comments were received from the TPPC and some tribes. The TPPC comments were the most extensive ones received.
- The purpose of this guidance is to have consistency between the regional offices and programs.
- There are currently 16 tribes that have compliance and enforcement programs and grant sizes range from \$30-60K per tribe.

Consistency with Tribes

- This was one issue that needed to be addressed.
- The guidance has included a checklist to assist in determining if tribes meet the criteria.
- The checklist is not comprehensive in relation to all the types of inspection targets but this is a living document and items can be added. The EPA Regions will be making the decision on if a target can be included and share this information with EPA Headquarters.

Inspection Targets

- Decided on 75-100 inspection targets; i.e. stores with pesticide products, smoke shops, day cares, etc., in addition to traditional agricultural lands.
- Trying to be as broad as possible.
- Want there to be a minimum of 25 inspections a year but not visiting the same target time after time.

Types of Cooperative Programs

- Agreement with individual tribes.
- Circuit Rider where there are 2 or more tribes involved with one being a host drive.
- If there are other models that might work or tribes want to consider, please let OECA know.

Elements needed for a good program:

- Leadership within the tribe
- Regional support

- Staffing within the tribe – there is typically high overhead for new inspectors and training.

Process

- Simple
- A tribe interested in a program can contact the Regional Office and work through the checklist.
- The Regional Office will contact EPA Headquarters and discuss the program and decided if to be funded.

Performance Expectations are written into the grant agreements.

Currently there is some extra money in the compliance and enforcement program, enough to fund 2 tribes.

Question: This document applies to tribe wanting to come on board, correct? Not Tribes already in the program?

Answer: The 25 inspections will apply to all tribes. The number of inspections is grandfathered in for tribes that already have programs. Any new tribe coming in will need to have 75 to 100 targets than can be inspected. If tribes want to do a circuit rider the number inspections can be a combination from all tribes involved.

Carol Galloway is the new tribal programs contact for FIFRA Inspection Programs. She is in the Office of Compliance Enforcement and Assurance in the Kansas City Office.

Question: How many tribes have programs that aren't enforcement and compliance?

Answer: Contact Carol Galloway and Mary Powell via email and they can give you the number of tribes with programs.

2013 Budget Presentation – Reminder for Videos and Pictures

- Marcy Katzin, EPA Region 9 send pictures with narrative for pesticide accomplishments.
- Africa Dorame-Avalos, ITCA has some pictures of harvesting from a few tribes in Arizona, but no video. She will send those to Nina Hapner with some narrative.
- Suzanne Fluharty, Yurok, has some video of basketweavers but isn't sure it would be appropriate. After some discussion, it was decided that it would be a good example on other uses in the landscape that pesticides have an effect upon (subsistence living) and push for there to be more funding for education, training, and integrated pesticide management (IPM).

Formal Request to EPA to have a Region 9 Certification and Training Plan

- Reviewed the drafted language.
- Suggested to add language and examples that will strengthen the argument for a Region 9 C&T Plan underlying need, uniqueness in the region, etc.
- Redraft the language and send it out either Friday or Monday and talk with Marta Burg. It will be shared before the final is sent to RTOC Co-Chair.
- Have the letter ready by April RTOC.

Tribal Pesticide Projects RFP

- Out now! Proposals due March 25, 2011
- Go to <http://www.epa.gov/region9/funding/tribal-pesticide-rfp.html> for more information.
- If there are questions, please contact Allen Demorest at Region 9 EPA.

Other items

Office of Pesticide Programs (OPP) Pilot Program

- OPP has had in place a pilot program for 1 ½ years that enabled certain pesticides to be used in situations they are not approved for on tribal lands to deal with soybean rust.
- OPP would like to make this a permanent policy Fall 2011.
- The pilot program allowed an opt-out choice to tribes but the permanent policy will not. This would allow pesticide registrations issued to states or by states valid on Tribal Lands.
- Tribes are being asked for comments.
- Marcy Katzin will send the document on the pilot program to Nina to send out to the group.

Recap

- Redraft the language on the Region 9 C&T Plan and send out for comment.
- Send out OPP Pilot Program information to Pesticide Workgroup once received from Marcy.
- Next Call – Thursday, April 14, 2011, 10:00 am PST
 - a. Pilot Program update
 - b. Update from TPPC
 - c. Draft letter for the C&T Region 9 Plan

Clean Water Act:

Clean Water Act Workgroup Report Region 9 Tribal Operations Committee April 26 – 28, 2011

The following items were reported on by Ken Norton from the National Tribal Water Council:

EPA clarifies water quality standards regulatory revisions.

EPA has held two conference calls with tribes regarding the proposed revisions to the national water quality standard regulations. General response from tribes has focused on whether the proposed revisions could open the door for members of the public to question a tribe's legal authority in administering their water quality standards (WQS) program and questioned whether the two conference calls constitute "consultation" to tribal governments.

As follow up to these questions Mr. Fred Leutner from EPA's Office of Science and Technology assured National Tribal Water Council (NTWC) that nothing in the proposed revisions would require a tribe or EPA to reconsider a tribe's eligibility for treatment in similar manner as a state (TAS) for water quality standards. The Clean Water Act requires Tribes with certified WQS to hold public hearings once every three years (triennial review) for the purpose of reviewing their WQS and as appropriate to modify and adopt standards. During this review process if a tribe receives any comments that question their TAS eligibility, the tribe can respond that the comments are not germane to the triennial review.

In regards to the consultation concern, the NTWC suggested that the two conference calls held with tribes coupled with the letters that were sent to all 564 tribal leaders about the regulatory changes cannot be considered as consultation, but as a mechanism for sharing information with Tribes. Mr. Leutner noted that EPA's consultation plan for WQS regulatory revision will require direct consultation with tribes during the pre-proposal, post-proposal, and final rulemaking stages of the WQS rule. The EPA Office of Water's Tribal Consultation Advisor would be working with other Tribal Consultation Advisors across the Agency and AIEO to ensure that the approach EPA uses is consistent with the national policy and that the Water Quality Standards regulations revision will be a pilot in this effort.

CWA Workgroup Contacts:

Ken Norton, Hoopa Valley Tribe
Janis Gomes, EPA R9 (WTR-10)