

REGION IX
RTOC WORKGROUP REPORTS
April – June 2010

Tribal Science Council Workgroup:

Water Quality Standards Workgroup:

Solid Waste Workgroup:

ACY 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), **July 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: 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: As of mid-year FY10, several plans have been completed by tribes. One of those plans met all 5 Critical Elements that EPA has determined should be included in all tribal IWMPs.

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 Programs 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 mid-year FY10, 27 dumps were closed or 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: A scope of work is being prepared for the possibility of having a landfill expert (contractor) assist in the development of this document.

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.

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. EPA Region 9 is working with EPA HQ to develop a comprehensive green web resource/tool for tribal casino managers and operators. The website should be available by December 2010.

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.

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. The US EPA Waste Management Division is also organizing 3 sessions for the Annual Tribal/EPA Conference. Topics will include: waste characterization audits, sustainable healthcare, and composting and food waste management.

Sub-objective E: Conduct at least 2 Green Casino Workshops for tribes.

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.

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:

DRINKING WATER / WASTEWATER WORKGROUP REPORT

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

Date Prepared: July 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.

PRIORITIES:

Infrastructure Funding

1. American Recovery and Reinvestment Act (ARRA) Funding – see attached status reports
 - 13 drinking water projects: 3 complete/substantially complete, 2 under construction
Contact: Sara Ziff (415) 972-3536
 - 47 clean water projects: 3 complete, 16 under construction
Contact: Erskine Benjamin (415) 972-3561 (Clean Water)

Interagency Coordination

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: Work continues under the Access Implementation Workgroups. In April, Pete Silva, AA for Water, and Jared Blumenfeld, Regional Administrator, toured Navajo and Hopi to learn about access needs.
Contact: Marta Burg (323) 258-1009; Linda Reeves (415) 972-3445
3. Continue to lead the Regional Interagency Drinking Water / Wastewater Workgroup
Status: A meeting is tentatively scheduled during the Annual Tribal Environmental Conference in San Francisco 10/20-22/10. ITCA is organizing a separate multi-agency meeting for Arizona tribes tentatively scheduled for the beginning of October 2010.
Contact: Linda Reeves, Tom Keegan (707) 857-1810 x117, Marta Burg
4. Implement Tribal Water Collaborative Projects – see attached status report
Contact: Linda Reeves

Operation and Maintenance

5. 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).
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

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

August 2010 - public notice

October 2010 - comment period ends

April 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

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 - July 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 9/30/10.

Contact: Bessie Lee, EPA (415-972-3776)

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). Navajo Nation EPA developed draft water hauling guidelines.

Contact: Najam Tariq, Navajo

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: This need was presented to the Arizona Multi-Agency Tribal Infrastructure Collaboration on 7/15/10.

Contact: Linda Reeves, EPA

Projects on Hold

Los Coyotes Well Needed for Planned Community

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

Status: on hold

Contact: Sandra Stoneburner, Los Coyotes

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:

Charter Workgroup:

July 16, 2010

To: Cornelius Antone RTOC Tribal Co-Chairman

RE; RTOC charter workgroup third quarter report

The charter workgroup held a conference call on June 2, 2010. Four members of the workgroup participated in the call which was facilitated by the RTOC legal adviser Marta Berg. The workgroup members discussed the RTOC SOP first draft section I. which includes Tribal Representation on the RTOC, Elections, Alternates, Vacancies, RTOC Representatives Duties, RTOC Tribal Co-Chair, and RTOC Tribal Co-Chair Responsibilities and suggested revisions to be incorporated into the next draft of the SOP. A copy of the revised SOP with comments from the conference call participants was sent to the RTOC Co-Chair for his review and comments. This concludes the charter workgroup report.

Representation Workgroup:

Pesticides Workgroup:

Pesticide Workgroup Conference Call
June 22, 2010
1:00 pm

Participants: Nina Hapner, Kashia; Suzanne Fluharty, Yurok; Marcy Katzin and Katy Wilcoxon, EPA Pesticide Programs; and Sarah Ryan, Big Valley.

National Certification and Training Plan

- EPA Regions received the National Draft Plan on Friday, June 18, 2010. It included a short email and fact sheet.
- There is a conference call between the Regions and Dan Helfgott's Staff at EPA Headquarters the week of July 12, 2010 and EPA comments are due the week of July 23, 2010.
- EPA Regions 8 & 9 have been the most engaged on this process and Region 10 to a lesser degree
- It is important for Tribes to see the draft plan before it is published in the Federal Register
- Region 9 has not yet asked what the timeline is for Headquarters to work with Tribes.
- Katy Wilcoxon, EPA Region 9 Pesticide Programs C&T Lead, has briefly reviewed the draft. It is very similar to Region 8's C&T Plan.
- Pesticide Programs have been asked to pay special attention to:
 - o "Opt in" and Opt out"
 - o Federal Standards v State Standards for Private Applicators (Federal Standards typically weaker than State Standards.)

- Resources to accommodate the implementation of this plan.
- There is concern that EPA Headquarters may not be considering the comments provided from Tribes. We hope they will make revisions accordingly.

*Action Item: Nina will send an email to Dan Helfgott asking for the draft of the National Plan sent to EPA regions before it is published in the Federal Register.

Draft Comment Letter Components to Consider

- Checked boarded Tribal Lands and jurisdiction issues.
- Tribes need to know and approve any applications before they are conducted on Tribal lands.
- Tribes decide what is happening on Tribal Lands not EPA.
- Tribes decide what is applied and who applies.
- Decisions are not made apart from tribes, tribe are participatory in the process.
- There are diverse uses of lands, i.e. private timber, food crops, etc.

*Action Item: Nina will work on the beginning of a draft letter to send out to the workgroup on Friday, June 25, 2010.

*Action Item: Schedule another call in the future to discuss the affects of pesticide spray on private lands within tribal boundaries. Concern brought up by Yurok.

RTOC Presentation

Tuesday, Tribal Caucus – cover the draft comment letter and Region 8 Plan

- Why should you care?
- How a National Federal Plan impacts tribes nationwide (need to consider all tribes, not just those with big agricultural operations).
- What it does do, i.e. allow applicators to be certified for RUPs, allows actions against users who misuse RUPs in Indian Country, etc.
- Not getting to see documents in draft before they go to the federal register, etc.

Thursday, Full RTOC

- Katy will be doing a presentation similar to what she gave in Phoenix, Arizona at the Tribal Pesticide Meeting but will focus only on the C&T National Plan. She will redo it and share with Nina.

Note: Special Projects RFP – currently being reviewed by Grants Management Office. It is anticipated to be out the first quarter of fiscal year 2011.

*Action Item: Began incorporating comments from assessments in the Pesticide Discussions at RTOC and Annual Conference. Work with work group to submit topics for Annual Conference.

Office of Enforcement and Compliance Assurance (OECA) Targets

- Discussion for this the need for comments could be done to fill the remaining Presentation for Tuesday Tribal Caucus.

- Al Havinga, OECA, has given us an extra week since comments are due during the RTOC.
- Some of the comments received from tribes at the Tribal Pesticide Meeting: Better consultation, have it more of a partnership, and work on draft compliance assistance for pesticides measure to give to OECA.

*Action Item: have a fact sheet and/or draft comment letter for the Tribes on the OECA Targets. Nina and Marcy will talk on Friday, June 25, 2010 about this.

Other Items

It was decided to forgo having a breakout session since we are doing presentations on both Tuesday and Thursday on Pesticide issues.

Goals and Objectives – the group was asked to look at the current document and begin providing comments.

- Some asked that the format be changed to reflect small tribes and large tribes since some of the needs are different.
- Need to reflect the difference between tribes with pesticide programs and without programs.
- Need to find more grants and projects that can be considered.

Sustainable Infrastructure Workgroup:

RTOC Sustainable Infrastructure Workgroup Meeting April 14, 2010

This workgroup meeting was a series of presentations by organizations invited by tribes. The organizations offer assistance to tribes in the areas of solar installation, green building code development, sustainable building designs and remote internet access. This session focused on the workgroup's priority # 3; *to increase collaboration between tribes, federal agencies and non-profit and private section organizations.*

Guest Presenters:

1. GRID Alternatives
2. Development Center for Appropriate Technology (DCAT)
3. AirJaldi
4. Native American Community Assessment for Renewable Energy and Sustainability (NACARES) at U.C. Berkeley

GRID Alternatives' mission is to empower communities in need by providing renewable energy and energy efficiency services, equipment and training. Since 2001, GRID Alternatives has been working to bring solar electricity and energy efficiency to low-income homeowners, and to provide community members with training and hands-on experience with renewable energy technologies.

GA presented on the Single-family Affordable Solar Homes (SASH) Program, a California Solar Initiative program funded by California ratepayers under the auspices of the California Public Utilities Commission (CPUC) . GA manages the SASH Program on behalf of the CPUC. The goal of the program is to provide qualifying low-income homeowners with access to photovoltaic (PV) systems to decrease electricity usage and bills without increasing monthly household expenses. Tribal homeowners in California are eligible for the SASH program, regardless of whether or not their home is on or off a reservation.

In addition to providing low-income homeowners with reduced electricity bills, the SASH Program can also benefit the communities it serves by leveraging local green-job training and workforce development programs to assist with installing the solar systems. To decrease the expense burden for low-income homeowners, the SASH Program provides eligible homeowners with a higher incentive than the California Solar Initiative (CSI) general market program.

DCAT highlighted opportunities that tribes have to build sustainability, specifically through adopting tribal building codes. Ideas discussed included:

- building sustainability into building codes;
- using building materials that make sense for the climate where the homes are built;
- resources to existing building codes;
- use of alternative technologies that are not mainstream; such as compost toilets, rain water catchment, straw bale.

NACARES is an engineering and sustainability assessment organization based out of U.C. Berkeley and presented on their co-design process when designing homes with, and for residences. NACARES was recently established at U.C. Berkeley and will be working exclusively with tribes, mostly in Region 9. They are currently looking for engineering and architectural projects to work on.

AirJaldi technology is based on the identification, modification and deployment of affordable equipment suitable to the needs and conditions of rural areas. Their networks extend existing Internet broadband services by interconnecting wireless routers to form a network that provides coverage and Internet access to a given area. They demonstrated how the technology could extend coverage to Lake County, CA and also discussed the opportunities for extending coverage to tribes in rural areas, specifically Hopi and Tohono O'odham that were present at the session.

AirJaldi is interested in finding pilot projects for their rural high-speed internet study. Some of the tribes in northern California are moving on this opportunity and other opportunities may be available.

Action Item:

The workgroup was encouraged to invite Bob Goff, Black Rock Solar, and similar groups to talk to our work group about tribal green infrastructure at a future meeting. We will look into these groups, and welcome more suggestions.

Also, we continue to work on identifying greener building codes.

For any questions on this process, please contact:

Michelle Baker at 415-972-3206, or baker.michelle@epa.gov

David Edmunds at 707 643- 6601, or david.s.edmunds@gmail.com

Attendees

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