

EPA Report

October 17 - 18 2011 RTOC

Air Division

1. Ozone National Ambient Air Quality Standard (NAAQS)

Until recently, EPA was in the process of reconsidering the current ozone standards, which were set at 0.075ppm. However, the reconsideration was returned to EPA. This means that the current 0.075 ppm standard is still in effect, and EPA intends to implement that standard as required under the CAA. In September, Region 9 sent an email to Tribal Environmental Directors to notify them about this development.

If your tribe submitted a recommendation in 2009, we will be taking that under consideration. If you did not submit a recommendation and would like to, or would like to update your 2009 recommendation, please send it to us by October 28, 2011. Region 9 will be sending letters to notify tribes that we believe may be in nonattainment areas, and will be offering consultation. <http://www.epa.gov/air/ozonepollution/actions.html#stand>

2. Tribal Air Quality Designations Policy for National Ambient Air Quality Standards (NAAQS)

Region 9 is working with EPA HQ to develop a Tribal Air Quality Designations Policy that protects air quality in Indian country, engages tribes early and continuously in the designations process, respects tribal sovereignty, acknowledges trust responsibilities, and provides national consistency in tribal designations. Consultation on this policy took place in August 2011. We hope to finalize this policy in time for the upcoming designations process for the Ozone standard. Contact Laura McKelvey of OAQPS, mckelvey.laura@epa.gov.

3. Tribal New Source Review (NSR) Rule

The Tribal NSR Rule was published as final on July 1, 2011 and became effective on August 30, 2011. The Tribal NSR rule creates pre construction air permitting programs for new minor sources and modifications in Indian country, and for new major sources and modifications in Indian country in nonattainment areas. EPA will continue to regulate major sources and modifications on Tribal Land in attainment areas under the Prevention of Significant Deterioration (PSD) Program.

Although the rule became effective on August 30, 2011, it has phased implementation dates: new true minor sources will have 36 months (until September 2, 2014) before having to obtain pre-construction permits; existing true minor sources will not be subject to the requirements of the minor NSR program until they propose a modification. Existing true minor sources will, however, be required to register within 18 months (up to March 1, 2013). New and modified major sources are required to obtain pre-construction permits.

Region 9 will be giving a presentation on the rule during the Annual Tribal Conference on October 20, 2011. In addition, the Institute for Tribal Environmental Professionals (ITEP) and OAQPS will be putting on a training at Pechanga November 1-4, 2011.

<http://www.epa.gov/NSR/actions.html#jun11>

4. Navajo Best Available Retrofit Technology (BART) Federal Implementation Plans (FIPs)

EPA promulgates Federal Implementation Plans (FIPs) in tribal jurisdictions as necessary to protect air quality. BART provisions of the Regional Haze Rule require reductions in emissions of air pollutants that impact visibility. There are two Regional Haze BART-eligible sources on the Navajo Nation: the Navajo Generating Station (NGS) and Four Corners Power Plant (FCPP).

EPA will finalize the FCPP rulemaking after consultation with Navajo Nation. EPA has not yet proposed BART for NGS. EPA requests input as we seek to understand the impact of controls at NGS on tribes prior to our proposal. EPA is currently conducting Government-to-Government Tribal Consultations in accordance with EPA Tribal Policy.

<http://www.epa.gov/region9/air/navajo/index.html>

5. Upcoming Institute for Tribal Environmental Professionals (ITEP) Training

2011

- Oct 25-27 **Meteorological Monitoring** Las Vegas, NV
- Nov 1-4 **New Source Review (NSR)** Temecula, CA
- Nov 15-18 **Tribal Participation in the State Implementation Plan (SIP) Process** Denver, CO
- Dec 13-15 **GIS for Air Quality** Las Vegas, NV

2012

- Jan 18-20 **Air Quality System (AQS)** Las Vegas, NV
- Jan 24-27 **Introduction to Tribal Air Quality** Flagstaff, AZ
- Feb 14-17 **Treatment As State (TAS) and Tribal Implementation Plan (TIP)** TBD
- Mar 5-9 **Air Quality Computations** Flagstaff, AZ
- Apr 2-6 **Air Pollution Technology** Las Vegas, NV
- Apr 24-27 **Weatherization and Indoor Air Quality** Las Vegas, NV
- Jun 5-8 **Emissions Inventory/TEISS** Las Vegas, NV

http://www4.nau.edu/itep/air/training_aq.asp

Communities and Ecosystem Division

Tribal Program Office

1. Guide Book for Building Tribal Environmental Capacity

EPA has extended the comment period on the “Guidebook for Building Tribal Environmental Capacity” (Guidebook) to November 30th, 2011. The Guidebook will establish an overall framework for tribes and EPA to follow in building tribal environmental capacity. It describes program development pathways for a core environmental protection program and for media-specific programs. On the October 27 RTOC presentation, Luke Jones of the American Indian Environmental Office, will provide an update on the guide book and the consultation schedule.

2. Consultation

Policy Statement: “EPA’s policy is to consult on a government-to-government basis with federally recognized tribal governments when EPA actions and decisions may affect tribal interests. Consultation is a process of meaningful communication and coordination between EPA and tribal officials prior to EPA taking actions or implementing decisions that may affect tribes. As a process, consultation includes several methods of interaction that may occur at different levels. The appropriate level of interaction is determined by past and current practices, adjustments made through this Policy, the continuing dialogue between EPA and tribal governments, and program and regional office consultation procedures and plans.”

Consultation at EPA consists of four phases: Identification, Notification, Input, and Follow-up:

1. **Identification Phase:** EPA identifies activities that *may be* appropriate for consultation, using the mechanisms described in section B.2, below. The identification phase should include a determination of the complexity of the activity, its potential implications for tribes, and any time and/or resource constraints relevant to the consultation process. This phase should also include an initial identification of the potentially affected tribe(s).

2. **Notification Phase:** EPA notifies the tribes of activities that may be appropriate for consultation.

Notification can occur in a number of ways depending on the nature of the activity and the number of tribes potentially affected. For example, EPA may send out a mass mailing to all tribes, may contact the tribal governments by telephone, or provide notice through other agreed upon means. EPA normally honors tribal preferences regarding the specific mode of contact.

Notification includes sufficient information for tribal officials to make an informed decision about the desire to continue with consultation and sufficient information to understand how to provide informed input.

Notification should occur sufficiently early in the process to allow for meaningful input by the tribe(s).

3. *Input Phase:* Tribes provide input to EPA on the consultation matter. This phase may include a range of interactions including written and oral communications including exchanges of information, phone calls, meetings, and other appropriate interactions depending upon the specific circumstances involved. EPA coordinates with tribal officials during this phase to be responsive to their needs for information and to provide opportunities to provide, receive, and discuss input. During this phase, EPA considers the input regarding the activity in question. EPA may need to undertake subsequent rounds of consultation if there are significant changes in the originally-proposed activity or as new issues arise.

4. *Follow-up Phase:* EPA provides feedback to the tribes(s) involved in the consultation to explain how their input was considered in the final action. This feedback should be a formal, written communication from a senior EPA official involved to the most senior tribal official involved in the consultation.

The complete consultation policy can be found at:

<http://www.epa.gov/indian/pdf/cons-and-coord-with-indian-tribes-policy.pdf>

Tribes can track EPA's consultation activities at:

<http://yosemite.epa.gov/oita/TConsultation.nsf/TC>

3. 2010 Tribal Accomplishments Report



2010 Tribal Accomplishment report available online at:

<http://www.epa.gov/region9/tribal/success/10/pdf/2010-accomplishments-report.pdf>

4. New Member of the EPA Region 9 Tribal Program Office

The Tribal Program Office would like to welcome a new member. Damian Willson was an educator at the American Indian Child Resource Center in Oakland for two years, and a member of the Board of Directors of Intertribal Friendship House for five years. After earning a degree in Environmental Policy, Analysis, and Planning from U.C. Davis, Damian joined the EPA Tribal Program Office in September.

Contact: Damian Willson (415) 972-3453 or willson.damian@epa.gov.

Toxics Office

1) Proposed Rule Available for Comment: TRI Reporting for Facilities Located in Indian country and Clarification of Additional Opportunities Available to Tribal Governments under the TRI Program.

TRI Proposed Reporting for EPA is taking an important step in proposing to provide Tribal governments with more opportunities to fully participate in the TRI Program. With the newly published proposed rule, "Toxics Release Inventory (TRI) Reporting for Facilities Located in Indian country and Clarification of Additional Opportunities Available to Tribal Governments under the TRI Program," the Agency is proposing to require facilities located in Indian country to submit TRI reports to EPA and the appropriate Tribe, rather than to the State in which the facility is geographically located. The proposal would also more explicitly clarify the provision that Chief Elected Officials of Tribes have the same opportunities as Governors of States to petition EPA to request that individual facilities located within their Indian country be added to TRI, and that a particular chemical(s) be added to or deleted from the TRI chemical list. The proposed rule can be accessed at: <http://www.epa.gov/tri> *Comments must be received on or before November 29, 2011.*

Contact: Louise Camalier, Office of Environmental Information, 202-566-0503

2) EPA Opens Discussion Forum on Potentially Broadening the Scope of Industry Sectors Covered by the Toxics Release Inventory

EPA invites interested stakeholders to provide input on a variety of topics related to EPA plans to potentially broaden the scope of industry sectors covered by the Toxics Release Inventory (TRI). EPA is considering adding or expanding coverage of the following industry sectors: Iron Ore Mining, Phosphate Mining, Solid Waste Combustors and Incinerators, Large Dry Cleaning, Petroleum Bulk Storage, and Steam Generation from Coal and/or Oil.

For further information about the action under consideration and to provide input, visit TRI's Exchange website on Regulations.gov: www.regulations.gov/exchange/topic/trisectorsrule. *EPA currently plans to have the discussion forum open for approximately 30 days.*

3) Save the Date & Call for Abstracts: 2012 National Training Conference on the Toxics Release Inventory (TRI) and Environmental Conditions in Communities: April 11 - 13, 2012, Washington, DC

(See attached file: 2012 TRI Conference Call for Abstracts.pdf)



2012 tri conference call for abstracts.pdf

Waste Management Division

WASTE CHARACTERIZATION TRAINING

EPA Region 9 is holding a **Waste Characterization Training** course on November 3, 2011. An EPA contractor will lead 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 will discuss how to collect meaningful and useful data to make decisions and take action. Space is limited and available on a "first come, first serve" basis. Please note that anyone who participates is **required** to provide and wear their own steel-toed boots, safety vest, hard hat, work gloves, and safety glasses for the training.

Where: Morongo Band of Mission Indians Reservation
Public Works
47350 Foothill Road
Banning, CA 92220

Date: **Thursday, November 3, 2011**

Time: 9:00 am - 4:00 pm

Contact: Nancy Sockabasin
sockabasin.nancy@epa.gov
415-972-3772

Hotel: A limited number of rooms, at a rate of \$79+tax/night, have been set aside at the Morongo Casino Resort and Spa Hotel. To make a reservation, call 1-888-MORONGO and provide the group code: 1102WCT and reference the Solid Waste Characterization Training Group. The hotel is located at 49500 Seminole Drive in Cabazon, CA.

For those looking for more information on waste characterization CALRECYCLE has a useful page:<http://www.calrecycle.ca.gov/wastechar/>

TRIBAL GREEN BUILDING CODES WORKGROUP

The RTOC Sustainable Infrastructure Workgroup has been leading a national Tribal Green Building Codes Workgroup to support culturally relevant, sustainable and affordable housing for tribes. On June 23-24, 2011, an historic summit of tribal leaders; federal agency, non-profit and academic representatives; architects; and lawyers was held in Denver at the U.S. Environmental Protection Agency office. This National Tribal Building Codes Summit was the first to bring together tribal and federal leaders to advance green building code development and was organized by the recently developed national Tribal Green Building Codes Workgroup which consists of more than 50 representatives. The Workgroup is committed to providing support and technical assistance for tribes interested in adopting green and culturally-appropriate building codes and standards and/or developing tribe-specific systems to ensure safe, sustainable, affordable, and culturally-appropriate buildings on tribal lands.

The Workgroup holds monthly calls every 3rd Thursday of the month. Tribal environmental, cultural, and housing contacts are invited to participate.

To join the group, please contact Michelle Baker at baker.michelle@epa.gov, or David Edmunds at david.s.edmunds@gmail.com.

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

RESOURCE CONSERVATION PROFESSIONAL TRAINING

The nonprofit California Resource Recovery Association, funding in part by a grant from EPA, has developed a Resource Conservation Professional Certification program offering training in zero waste, recycling, composting, construction and demolition materials management, public outreach, and extended producer responsibility. Certified professionals must complete courses, testing, and implement a project that reduces waste. Over 40 tribal members have participated in the training, and a project completed on the Morongo Casino Resort and Spa Project recycled 567 tons of materials. Ongoing training is being provided throughout California and scholarships are available for an expanded job training program funded by the Department of Labor with Los Angeles area community colleges.

Certification program and scholarship information is available at: <http://www.crra.com>

NEW GREEN CASINO WEBSITE

A new National Green Casino website is now online:

<http://www.epa.gov/oswer/tribal/casino/index.html>

The website provides information and tools for tribes on the numerous opportunities to promote a variety of environmentally preferable options. Facilities that have modified the way they conduct business have reported a variety of improvements including reduced worker health and safety related issues, increased cost savings, and significant improvements in the overall environment of the resort and/or casino.

Water Tribal Office

1. National CWA 106 & 319 Water Quality Conference

EPA is pleased to announce the 2011 National Tribal Water Quality Conference, Posuwageh (Water Meeting Place), Where Clean Water Act Sections 106 and 319 Meet on November 14–17, 2011 at the Hilton Buffalo Thunder Resort and Casino, Santa Fe, New Mexico

DESCRIPTION

EPA is co-hosting a national conference with Pueblo of Pojoaque for all tribes with water quality programs, or those who wish to begin water quality programs. The conference will highlight the blended nature of the Clean Water Act Section 106 and Section 319 programs.

CONFERENCE FORMAT

Classroom study including general sessions, breakout sessions by level and topic, specialized trainings, and field experience in surrounding tribal work areas. Field experiences will include practicing skills essential to maintaining a CWA 106 program and viewing projects funded through a CWA 319 program.

REGISTRATION INFORMATION

Registration is now available. There will be a \$50 registration fee for each participant. For information about the registration, draft agenda, and lodging, please go to the conference website at: <http://water.epa.gov/polwaste/nps/tribal/conference2011index.cfm>

CONTACT INFORMATION

For more information you can contact Nancy Arazan at arazan.nancy@epa.gov, Robyn Delehanty at delehanty.robyn@epa.gov, or Tiffany Eastman, EPA Region 9 Tribal CWA Section 319 Program Coordinator, at eastman.tiffany@epa.gov.

2. CWA Section 319 FY2012 Funding Availability Notices

- BASE Funding - The FY2012 Region 9 due date for all base funding requests is March 1, 2012. Please submit a draft, proposed work plan and budget for base funding only to your CWA Project Officer by no later than March 1, 2012.
- COMPETITIVE Funding - The FY2012 Request for Proposals (RFP) is anticipated to be posted in October or November with a anticipated due date on or around December 2, 2011. Stay tuned for more information!

CONTACTS - If you have any questions about the CWA Section 319 program or funding process, please contact your CWA Project Officer, or Tiffany Eastman, EPA Region 9 Tribal CWA Section 319 Coordinator, at 415-795-2435 or eastman.tiffany@epa.gov or Audrey L. Johnson at 415-972-3431 or johnson.audrey1@epa.gov.

3. CWA Section 106 FY2012 Funding Availability

The FY 2012 Region 9 due date to receive CWA 106 funding is February 1, 2012. Please submit a draft, proposed workplan and budget to your CWA Project Officer.

CONTACTS - If you have any questions about the CWA Section 106 program or funding process, please contact your CWA Project Officer, Danielle Angeles at (415) 972-3441 or angeles.danielle@epa.gov or Wendell Smith at (415) 972-3421 or smith.wendell@epa.gov

4. Introducing the 2012 Water Programs for Tribes Planner – Will be available in early November

WANTED: High Quality Photos to be included in the new 2013 Water Programs for Tribes Planner

- High Quality Photos
 - o High Resolution
 - o Clear Images]
- Types of Photos we need
 - o People in Action
 - o Beautiful Scenery
 - o Completed Projects

Please send all photo submissions to: Christopher Chen – chen.christopher@epa.gov

5. Region 9 Webinar for Tribes on NPDES Pesticides General Permit (PGP) Requirements and How to Submit an Application: In response to a 2009 decision by the Sixth Circuit Court

of Appeals (*National Cotton Council, et al, vs. EPA*), EPA is developing an NPDES Pesticides General Permit (PGP) for point source discharges from pesticide applications to Waters of the U.S. As of October 31, 2011, NPDES permit coverage will be required for certain pesticide applications. The PGP will provide coverage in areas where EPA is the NPDES permitting authority, which includes most Tribal lands. The Region 9 Water Division and Pesticides Office are collaborating to provide a webinar for tribes to help explain permit requirements and what steps tribes need to take to comply. For more information on the PGP, visit

<http://www.epa.gov/npdes/pesticides>.

Date and time of webinar: Thursday, November 10 from 10 - 11:30 AM San Francisco time (PST). More information will follow. For more information about the webinar, contact Marcy Katzin at katzin.marcy@epa.gov or (415) 947-4215