

Category	From	RTOC SPRING 2018 ACTION ITEMS	Who	When	Status (as of 7.16.18)
AIEO	Paul Huetten	Request more involvement from Felicia Wright/AIEO. Can Felicia be more available to tribes and increase transparency re: AIEO activities?	Felicia Wright	next RTOC	Complete. AIEO response: In terms of future AIEO engagement with the R9 RTOC, AIEO is committed to follow-up regularly with the NTC and all RTOCs to share pertinent national program information, such as updates related to the GAP Guidance Evaluation. AIEO is also happy to join future R9 RTOC GAP WG calls when invited and as our schedules permit. As a general matter, AIEO works to address regional tribal program needs as they arise, in close coordination with regional and HQ office tribal program leads, and respond to requests from RTOCs for AIEO participation as they come, while also ensuring we support the EPA regional offices
AIEO	Paul Huetten	Please share TCOTS website.	Tribal Section	next RTOC	Complete. Sent to Paul 5.9.18. <a href="https://tcots.epa.gov">https://tcots.epa.gov</a>
AIR	Tribal Caucus/ Ray Gutierrez	Contact Ray Gutierrez at Cold Springs regarding air monitoring and wildfire smoke issues.	Lauren Maghran	next RTOC	Lauren called Ray on 4/13, 5/10, and sent an email on 5/23 and didn't hear back. Lauren spoke with Charles Pearson from CARB's Emergency Response (Air Program) who indicated that they would be willing to have a conversation with the Tribe and possibly help monitor air quality during wildfire smoke events.
AIR	Nina Hapner -Central CA Tribes	<ul style="list-style-type: none"> <li>Air Quality and Smoke Impacts <ul style="list-style-type: none"> <li>How do you get ambient air quality and smoke impacts covered because of yearly fires in the Sierra? It is in the tribe's work plan already for GAP, but there is no funding for additional tribes to come in for air funding. Just to have Cold Springs at the table for fuel reduction is difficult to cover in GAP.</li> </ul> </li> </ul>	Stephanie Valentine	by next RTOC	Complete. EPA Summary Response: Air Division and the Tribal Section will be meeting to discuss resources available to tribes that are experiencing wildfire smoke impacts. Once we discuss internal resources, we will be reaching out to other groups such as the TAMS center, Cal OES and CARB. Additional resources are also available on ITEP's webinar series about tribes and wildfire smoke. Contact Lauren Maghran of the Air Division's wildfire smoke team.
AIR	Tribal Caucus - in meeting	The Tribal Caucus requests additional follow up on Tribal Air Monitoring in the Salton Sea region.	Willard Chin/ Lauren Maghran	next RTOC	Complete. We are funding an additional monitor at a currently unmonitored area along the northwest shore of the Salton Sea monitoring network
ENFORCEMENT	Emily Luscombe	Need for better coordination between inspections and RTOC schedule (e.g. Coyote Valley had a UST inspection and others come up for the RTOC week without the possibility of rescheduling).	Doug McDaniel	by next RTOC	Complete. Enforcement Division discussed the issue with Coyote Valley personnel. We will continue to emphasize coordination with appropriate tribal environmental managers when scheduling EPA inspections.
ENFORCEMENT	Tribal Caucus - in meeting	The Tribal Caucus requests a cheat sheet/list of enforcement actions on tribal lands, including information on complaints and follow-through	Kathleen Johnson	next RTOC	Complete. List posted to RTOC website: These are the formal enforcement actions taken since FY 2015. Tips and complaints from the public are generally submitted on a confidential basis. Enforcement Division works with the tribal government affected by a specific complaint.
ENFORCEMENT	Jill Sherman (NAEPC), in meeting	NAEPC requests additional clarification and transparency around the process of approving a credentialed UST inspector, including: a protocol for regional and/or HQ approval of certification requests, the timeline for the training and approval process, relevant HQ and Regional points of contacts for tribal questions and concerns throughout the approval process, and further clarification as to why tribes are held to a different standard for credentials than EPA contractors. A proposed protocol would be: 12 months to complete training; once training is completed and documents are sent to Region 9 they should have 30 days to review, then certify the training. As for agreements, EPA should establish a sample agreement to be used by a tribe for inspections and once agreements are obtained and submitted to EPA Region 9 then they have another 60 days to approve the agreements, if needed. Once all agreements and training is certified then EPA Region 9 should have 30 days to issue the credential. Additionally NAEPC requests EPA delivers an owner-operator training workshop for interested tribes in July.	Kathleen Johnson	next RTOC	<p>Complete. We recognize that the credentialing process for the NAEPC UST inspector took longer than desirable. The credential issuing process and requirements are specified in this 2004 HQ guidance: <a href="https://www.epa.gov/compliance/guidance-issuing-federal-epa-inspector-credentials-authorize-employees-statetribal">https://www.epa.gov/compliance/guidance-issuing-federal-epa-inspector-credentials-authorize-employees-statetribal</a>. This guidance does not apply to tribal consortia.</p> <p>In order for a credential to be issued by Region 9, there must be a HQ-approved Authorization Agreement in place. For a consortium this requires inter-governmental agreements with the tribal governments where the facilities to be inspected are located. We will continue to work with OECA to ensure that the credentialing process goes more smoothly for tribal consortia in the future.</p> <p>EPA is participating in the NAEPC owner-operator UST training workshop in June 2018.</p> <p>Headquarters (OECA) contacts: Jonathan Binder, 202-564-2516 Julie Tankersley, 202-564-7002 R9 contacts: Eric Magnan (FIFRA enforcement), 415-947-4179 Doug McDaniel (UST enforcement), 415-947-4106</p>
EPA SMT	Nina Hapner -Central CA Tribes	<ul style="list-style-type: none"> <li>Budget <ul style="list-style-type: none"> <li>Tribes would like an update of what is happening at EPA with the budget cuts, where are the cuts occurring and how are they going to affect Tribes.</li> </ul> </li> </ul>	Alexis Strauss	by next RTOC	Complete. Responded to in meeting.
EXCHANGE NETWORK	Lisa Gover	For eManifest, tribes are not being treated as co-regulators (i.e. are being treated like general public and are not being made aware of hazardous materials being transported on tribal lands). Request that EELC report back as to how tribes are treated in eManifest.	Jessica Snyder	by next RTOC	Complete. Nicole Motoux contacted R9 eManifest contact for further clarification.

GAP	Alan Bacock a.bacock@bigpineaiute.org	Remove the ETEP eligibility criteria for GAP funding. The statutory requirements for GAP funding eligibility does not include the completion of an ETEP. The current philosophy of this administration is that guidance shall not create new rules. Since neither the ETEP eligibility requirement nor the reduced funding level to only work on ETEP activities are consistent with statutory requirements it is mandatory that GAP funding be provided to eligible recipients. GAP funding eligibility must not be contingent on having an approved ETEP by 12/31/18 as specified in the FY19 GAP Funding Announcement on page 10.	AIEO	by next RTOC	Complete. AIEO response: The 2013 Guidance and the October 2017 memo from Jane Nishida finalizing boilerplate language for all regional GAP solicitations are still in effect. As we continue with the GAP Guidance Evaluation, OITA will consider tribal comments on the connection between ETEPs and GAP funding eligibility in the current guidance, which are included in the tribal feedback already under review.
GAP	Tribal Caucus	What's the status of the GAP Online revamp?	Felicia Wright	by next RTOC	Complete. AIEO response: In June 2018 AIEO deployed GAP Online 3.0 after a productive "user testing" phase in April with 12 EPA testers and 7 grantee testers. The new and improved version of GAP Online is more user-friendly with enhancements that respond to tribal user feedback, such as browser neutrality, pre-loaded capacity indicators, easier navigation within both the work plan and performance reporting modules, and more streamlined communication between the grantee and project officer. Grantees that are interested in being Early Adopters of GAP Online 3.0 during July – September of 2018 should contact their GAP project officer. All GAP Online users will transition to GAP Online 3.0 during Fiscal Year 2019. Stay tuned for more information about the transition.
GAP	Tribal Caucus	Would like to see a plan for how EPA is showing the benefits of GAP to Congress? Have yet to see a report out on the IG response.	Felicia Wright/ Kate Fenimore	by next RTOC	Complete. AIEO response: AIEO is working on this on two fronts. One is through the new national approach to gathering and sharing GAP Success Stories. AIEO will be presenting on the recent pilot at the TLEF in August and can share the presentation with the R9 RTOC GAP Workgroup via email and in a subsequent call/webinar, if desired. Secondly, AIEO is focusing closely during the GAP Guidance Evaluation on ways to improve the way GAP grantee accomplishments are tracked and reported to AIEO to generate a national summary of program results, building on and refining the program reforms put in place since the 2008 EPA Inspector General Report.
GAP	Jacquelyn Barnum jbarnum@cabazonindians-nsn.gov Shawn Muir smuir@29palmsbomi-nsn.gov	How is progress under GAP reported to EPA Head Quarters? Please provide copies of reports to tribes.	GAP Workgroup	by next RTOC	Item forwarded to GAP Workgroup for review.
GAP	Melody Sees melodysees@gmail.com	What is the basis for the change in signature requirements for Tribal representative participation in Tribal Consortia? Why is the new requirement different from the GAP Guidance and why isn't EPA recognizing tribal resolutions?	GAP Workgroup	by next RTOC	Complete. Response delivered in meeting and summarized: EPA does certainly recognize individual tribal resolutions in support of a consortium's annual proposal. The matter of NAEP's alternatives for producing documentation is in review by AIEO, and we look forward to the outcome of their review.
GAP	Dave Burt dburt@rincontribe.org	The dates shared in the FY19 Funding Announcement are conflicting with information shared to Tribes by POs. What is EPA's timeline for the ETEP submittal process for Tribes to be eligible to have FY19 workplans approved?	Laura Ebbert	by next RTOC	Complete. Response delivered in meeting and summarized: With apologies, R9 had to include untouched stock language from AIEO in our notification that created confusion. We are doing our best to clearly communicate YOUR due dates in your guidance letter and other materials. TEP submittal should follow the individual timelines negotiated in tribal work plans. Note that a TEP must be finalized in order for R9 to process an award for FY19 funding. The Tribal Section's very last day to submit for approvals an award for timely funding is 7/30/18; materials will be due in advance of that date to allow for evaluation and processing of the award. Any materials received after that date may not support a timely FY19 award to the Tribe. In a normal funding year, our next opportunity to issue funds is December. While the TEP is needed to process the FY19 award, R9 has until 9/30 to negotiate and finalize the ETEP with the Tribe. In limited cases because of timeframes for EPA processing, that finalization may extend into Q1 of FY19.
GAP	Dave Burt dburt@rincontribe.org	If a Tribe has made a decision that the TEP is to focus only on activities which are GAP eligible, can the TEP be limited to include only GAP eligible activities?	Laura Ebbert	by next RTOC	Complete. Response delivered in meeting and summarized: The GAP Guidance indicates the ETEP must cover all of a Tribe's work under EPA programs. This issue is not negotiable at the regional level.
GAP	Follow up from last RTOC issues list. Tribes feel this was not adequately addressed in the last RTOC	If Tribes do not receive, or receive reduced, GAP funding due to not having ETEPs in place or for any other reason, how will EPA utilize this funding?	Laura Ebbert	by next RTOC	Complete. Responded to in meeting and summarized: Requests currently far exceed anticipated GAP funding. Funds allocated to Region 9 for GAP awards can only be used for that purpose. The Tribal Section funds core capacity building work at all eligible tribes first. All remaining funds are distributed among tribal
GAP	Nevada Tribes: Clifford Banuelos cbanuelos@ndep.nv.gov	We are concerned that our FY '19 GAP awards are going to be significantly reduced and feel that EPA should have done a better job communicating issues they had with our proposals in January and February, and did a better job impressing upon us the importance of attending the GAP sessions at the annual conference.	Laura Ebbert	by next RTOC	Complete. Responded to in meeting and summarized: Thank you for your feedback. We will endeavor to better impress upon tribes the value of coaching calls, GAP training at RTOCs, and the GAP track at the annual conference. Where work plans or budgets needed significant work, we have allowed tribes to revise materials and apply with more thorough work plans and budgets, which we will use to reconsider funds if warranted.

GAP	Nina Hapner -Central CA Tribes	<ul style="list-style-type: none"> <li>ETEPs</li> <li>If ETEPs meet the terms of the language for the GAP guidance. How would we use it in terms of the work plans?</li> <li>How do we reference the ETEP in the GAP work plans (i.e. measurements section, discussion area)?</li> </ul>	Laura Ebbert	by next RTOC	Responded to in meeting and summarized: An ETEP that could also double as a work plan would need to contain all of the required elements of a work plan (components, commitments, work years, component costs, long term outcomes, intermediate outcomes, outputs, timeframes) across the period of the ETEP. For more information, consult your PO. Indicators that tie back to those in your ETEP should sit in the "measures" section of GO.
GAP	Nina Hapner -Central CA Tribes	How do indicators work with ETEPs and work plans. Discussed that this seems straight forward, so maybe the question isn't clear? Is this referencing the capacity indicators? There was discussion on where and how the indicators should be included. What is the recommendation of EPA to their POs when discussing indicators and ETEPs?	Laura Ebbert	by next RTOC	Complete. Discussed in GAP Workgroup.
GAP	Tribal Caucus	Please provide the informal process for dispute resolution when tribes are not in agreement with decisions from their PO or Project Manager.	Laura Ebbert	by next RTOC	Complete. Responded to in meeting and summarized: Disputes should be resolved at the lowest level, as per R9's 1999 policy (LINK), but unresolved issues can be elevated as needed. Every EPA employee has an immediate supervisor, who is the correct person to whom to elevate unresolved concerns.
GAP	Tribal Caucus - in meeting	Provide accounting of the number of tribes receiving GAP funding.	Laura Ebbert	next RTOC	Complete. Sent to Alan Bacock.
GAP	Brandi Brown (Redwood Valley)	Please clarify how council members can be funded for travel under individual grants and the tribal travel fund.	Laura Ebbert	next RTOC	Complete. Travel policy documents available on RTOC website.
GAP	Rob Roy	Why can't EPA just allow GAP to be used for any purpose tribes identify (whether implementation or capacity building)?	Laura Ebbert	next RTOC	Grant statutes, regulations, policies, orders, and guidance each put bounds around the use of federal funds. Specific to GAP, there are restrictions on implementation identified in the statute and guidance.
GAP	Norma Contreras	What is the purpose of TAS? Why do we have to get permission from EPA to say something affects us? <i>Not sure this is an action item.</i>	Laura Ebbert	next RTOC	Comment is noted.
GENERAL EPA ADMIN	Nina Hapner -Central CA Tribes	<ul style="list-style-type: none"> <li>New DOI changing number of regions nationwide-- is EPA going to adopt a similar mapping structure (to the one being proposed by BIA)?</li> <li>How will the proposed new regional mapping effect programs? Based on BIA changes and will EPA be adopting these changes?</li> <li>Is there a plan in place to start the dividing?</li> <li>Tribes in the southern part of central California are unaware of this. Is this for Tribes are EPA?</li> </ul>	Jeff Scott/Laura Ebbert	by next RTOC	Responded to in meeting and summarized: EPA is in the Executive Branch. The Department of Interior appears to be exploring organizing all DOI bureaus under a consistent 13 regions; they currently have 10 bureaus operating 40 overlapping regions. This exploratory action and any ultimate outcome do not affect the EPA. We are unfamiliar with DOI's progress in this exploratory effort, and suggest you speak with your BIA representative for further information.
GMO	Nina Hapner -Central CA Tribes	<ul style="list-style-type: none"> <li>Grants available on Grants.gov</li> <li>Ongoing issue on when grants are available on the Grants.gov.</li> <li>Tribes were told when the notices go out for grants they can also be found on Grants.gov, but it does not appear to be current yet.</li> </ul>	Susan Chiu	by next RTOC	Complete. GMO will be presenting Grants.gov topic at the next RTOC and will also be inviting one of the Tribes to present with us since we don't have "recipient" access to Grants.gov. We assume "when the notices go out to grants..." means guidance letters/applications .... We think the issue is related to locating the application forms; GMO is working on providing additional guidance/information to the recipients. We'll share this updated guidance at the upcoming RTOC.
SUPERFUND	Yerington Paiute Tribe and Walker River Paiute Tribe	What access has Atlantic Richfield been granted to Yerington Paiute Tribal land and Walker River Paiute Tribal land? How were Tribes notified of this access?	Enrique Manzanilla	by next RTOC	Complete. The original access agreement between ARC and YPT was signed by both parties in 2010 and modified by amendment in 2011 and 2013. ARC has proposed a third amendment to continue delivering bottled water and sampling groundwater monitoring wells on the reservation property. EPA understands that YPT objected on the basis of Tribal sovereignty to the inclusion of NDEP access under ARC's proposed amendment. Recent correspondence between ARC and NDEP indicates they have agreed to strike NDEP access from the agreement. We understand that the language of this amendment is currently under negotiation between ARC and YPT. EPA is unaware of any proposal to grant ARC additional access to Walker River Paiute Tribal Lands under any access agreements, if they exist, between WRPT and ARC. EPA is not a party to and thus does not have a role in the negotiation of the access agreements.
SUPERFUND	Yerington Paiute Tribe and Walker River Paiute Tribe	Please provide clarification on how EPA will help with the completion of the MOU's.	Enrique Manzanilla	by next RTOC	Complete. EPA continues to believe that the 3-way MOU is a supportable framework to ensure tribal participation and engagement in site decision-making and remedy implementation. We continue to be interested in comments from both tribes on the 01/05/2018 version shared by letter from RA Alexis Strauss. EPA looks forward to meeting with both Tribes and with NDEP to collaborate on finalizing the MOUs.
SUPERFUND	Yerington Paiute Tribe and Walker River Paiute Tribe	We have heard that EPA is putting together a document that defines what constitutes consultation with the Tribes in regards to the Anaconda Superfund. Is this true and will that language be retroactive?	Enrique Manzanilla	by next RTOC	Complete. EPA sent letters on 04/06/2018 to WRPT and YPT that reviewed our consultation activities related to the Anaconda site and explained how the Tribe's input was considered in the final deferral action, consistent with the EPA 2011 consultation policy. EPA remains committed to and will continue with Tribal engagement and consultation under the deferral scenario.
TRIBAL SECTION	Tribal Caucus - in meeting	Please provide a follow-up session on eManifest that includes relevant EPA contacts.	Laura Ebbert	next RTOC	Complete. Nicole Motoux contacted Lisa Gover to discuss.

WATER	Melody Sees melodysees@gmail.com  John Parada jparada@augustinetribes.com Shawn Muir smuir@29palmsbomi-nsn.gov Dave Burt dburt@rincontribe.org	Can we have more time on the RTOC agenda to discuss WOTUS?	Alan Bacock/Kate Fenimore	by next RTOC	In progress. Noted for next RTOC agenda planning.
WATER	Tribal Caucus	Are there any more spots available for CWA forum in DC?	Danielle Angeles	by next RTOC	Complete. There are available spots and Danielle has connected Lionel with that information.
WATER	Tribal Caucus	Were approved to use 106 funds to do a WQS training in Region 9. Request additional training to happen on a reoccurring basis (e.g. every 2 years, which used to be the standard frequency).	Danielle Angeles	by next RTOC	In progress. Forwarded to Danielle 5.8.18. Reminder sent 6.22.18
WATER	Dave Burt dburt@rincontribe.org	Did RTOC or NTC submit comments on the new Lead and Copper Rule? Can the deadline for comments be extended? Some Tribes expressed interest in commenting but missed the deadline.	Jason Brush	by next RTOC	Complete. Initial evaluation found that EPA posted on its website all 86 comments received on the LCR Federal Consultation. It does not appear that there were any comments submitted by NTOC, RTOC or from any tribes.
WATER	Nina Hapner -Central CA Tribes	<ul style="list-style-type: none"> <li>• Cannabis grow <ul style="list-style-type: none"> <li>o Will there be Environmental Regulations of Cannabis grows established for ordinances?</li> <li>o Can we reference Cannabis waste in our Solid Waste Management Plans?</li> <li>o A large concern is clean up for trespass grows in the forests.</li> </ul> </li> </ul>	Tomas Torres/Danielle Angeles	by next RTOC	EPA Summary Response: EPA grant funds may not be used to support any aspect of marijuana economic development activities. Tribes may address all relevant solid waste management issues, including issues generated by external actors, in their Solid Waste Management Plans. The EPA defers to Department of Justice directives on any related enforcement matters. For additional information please see: <a href="https://www.justice.gov/opa/press-release/file/1022196/download">https://www.justice.gov/opa/press-release/file/1022196/download</a>
WATER/PESTICIDES	Renee Stanford (Karuk)	Marijuana cultivation impacts watershed program, with close creeks etc. Is there funding for training and addressing issues around illegal pesticide removal?	Tomas Torres/Patti TenBrook	next RTOC	In progress. Item added to list of possible training topics for Annual Conference.