

**Tribal Infrastructure Task Force
Call Summary
April 24, 2018**

Attendance

Allen	Cathy	US Environmental Protection Agency (EPA) Office of Waste Management (OWM)
Bennon	Brian	Inter Tribal Council of Arizona, Inc.
Buelow	Ted	US Department of Agriculture (USDA) Rural Development (RD)
Burg	Marta	Tribal Consultant, Eagle Rock, California
Calkins	Mark	Indian Health Service (IHS)
Dorava	Joseph	USDA RD
Frace	Sheila	EPA OWM
Harvey	David	IHS
Kubena	Kellie	USDA RD
Laroche	Darrell	Bureau of Indian Affairs (BIA)
Livermore	Shaun	Poarch Band of Creek Indians
Moravec	Krista	Horsley Witten Group, Contractor
Norton	Ken	Hoopa Valley Tribe, Tribal Environmental Protection Agency
Primrose	Edna	USDA RD
Reddoor	Charles	EPA Office of Land and Emergency Management (OLEM)
Richardson	Matthew	EPA OWM
Russell	Sam	EPA Office of Ground Water and Drinking Water (OGWDW)
Shuman	Ben	IHS
Temple	Leslie	EPA
Terry	Steve	United South and Eastern Tribes
Wilson	Michaelle	EPA OLEM

A. Welcome & Introductions & Quick Review of Action Items from Last Call (Sheila Frace, 5-10 min)

Matt Richardson opened the meeting and Sheila Frace welcomed everyone. She noted that they are trying to hold Infrastructure Task Force (ITF) calls twice a year (and more often if topics require) and asked Matt to review the action items from the last call.

Matt reported that all have been completed. He further commented that the Indian Environmental General Assistance Program (GAP) received an enacted funding amount of

\$65,465,000, a slight increase from the \$64 million last year (which was an action item from the last ITF call).

B. Update of ongoing tribal solid waste activities (Michaëlle Wilson, 10-15 min.)

Michaëlle Wilson provided an update of the ongoing tribal solid waste activities. She reported on Work Team 1 and 2, and Ben Shuman reported on Work Team 3.

Work Team 1 put out a draft report on barriers to sustainable waste programs. The Work Team has been working on incorporating the 250 comments received. It meets weekly, and may soon meet twice a week, to complete revisions by June. At that time EPA will conduct an internal review of the report and the final draft will be submitted to ITF this summer. The Work Team finalized Appendices D and E, and both were posted on EPA's OLEM website on February 21, 2018. Appendix D is a resource directory and searchable tool. Appendix E is a technical assistance directory of providers available to tribes.

Work Team 2 is working on a community engagement strategy. A pilot project with one or more tribes was proposed but they were unable to do it; however, the final document is on the ITF website as a resource.

In 2016, after its review of the quality of data that IHS keeps in its Operation and Maintenance Data System (OMDS) of the Sanitation Tracking and Reporting System (STARS), Work Team 3 developed a report that evaluated open dumps data. The report called to improve data and was finalized and posted on EPA's ITF website. The report concluded that the quality of the data addressing open dumps in Indian Country needed improvements. A recent memorandum of understanding (MOU) between IHS and EPA has six elements:

1. Continue to review open dump data.
2. Collaborate on assessment training for those who enter data. There is a plan for training this summer.
3. Engage in regular assessments and report on solid waste management programs. A draft template form was developed, and will soon be finalized.
4. Incorporate the results of EPA's assessment into IHS' sanitation system where projects are initiated. A timetable will be determined after IHS has done its assessments.
5. Develop and deliver training to improve the effectiveness of solid waste management. This focuses on codes and ordinances training. The first was held in March of 2018 in Phoenix with 25 students. A second course will be held in Reno, July 17-19, 2018. It will build on where the first course left off with the same set of students. There are ongoing discussions of next steps and additional courses. Funding has come from EPA and IHS.
6. Action on cleaning up open dumps and strategies are in development.

Questions and Comments

There were none.

C. USDA's new ePER system (Harry Taylor USDA West Virginia state engineer, 10-15 Min.)

Harry Taylor provided an overview of the new electronic Preliminary Engineering Report (ePER) system with a slide presentation. As some background, a 2015 GAO analysis found duplicate efforts when applying for infrastructure funding across federal and state agencies. A PER template was developed in 2013 as a paper copy and available in Rural Utilities Service (RUS) Bulletin 1780-2. A lot of consulting engineers do not follow the bulletin and this resulted in inconsistencies and missing information. An electronic version was created to address these issues. It is not at the level to put it into RD Assist yet, but the online process will produce a PDF that can be submitted to any of the participating agencies. ePER was launched in February of this year. It is being used and deemed successful. About 50 ePERs are in progress.

Harry noted specific features: There is a service area mapping tool that allows you to zoom in and pull up your service area; a life-cycle cost analysis component; population projections are made with data from the US Census; and costs will automatically be completed once the preferred alternative is selected. Each entry point allows you to add notes or upload pictures. Users are specifically identified by the applicant to control who has access to project/report data and information.

USDA is hosting trainings and participating in existing events to showcase ePER. Their goal is to have one for each state by the end of September.

Level 2 eAuthentication is needed. You can go to your RD state office and they can sign people up. USDA is also attending many events. People can sign up for Level 2 eAuthorization at that time as well.

The goal is for consistency in scoping documents and allow for quicker reviews to keep projects moving forward.

For more information, you can call your local RD office, or Harry Taylor or Kellie Kubena at USDA.

Questions and Comments

Steve Terry asked if ePER relies on US Census Bureau for population data.

Kellie responded that yes, it does. You can pull from the Census automatically or if you have specific data, it can be uploaded.

Steve noted that this is important to tribes because they typically do not participate in the Census.

Kellie said USDA will be doing more webinars and trying to get to more meetings to talk about the tool.

Joe Dorava followed up by saying they will be in Columbus, Ohio, at the state offices for a webinar/call-in session next Tuesday through Thursday.

D. Revisiting water infrastructure recommendations

a. Discussion of recommendations from 2011 ITF streamlining opportunities report (all, 50-60 min)

Sheila noted over the last couple of years, ITF has focused work group activity on the solid waste management area, and a lot of progress has been made.

Prior to the solid waste management effort there was a focus on streamlining opportunities and a report of recommendations was drafted in 2011. There has been some work in the National Environmental Protection Act (NEPA) realm lead by the US Department of Housing and Urban Development (HUD), but they thought it might be worthwhile to revisit the recommendations of the 2011 report. Sheila noted that many were of interest because they support the direction of Henry Darwin, EPA's new Chief of Operations, because they are very much focused on streamlining and providing better customer service.

In her review of the 2011 report, she wanted to walk through recommendations in the report and get feedback from current tribal members. There are also some areas where ITF might not have done exactly what was teed up, but have made related progress. Finally, there were some areas they were grappling with to understand if it is something that should be pursued.

Sheila went through the 10 recommendations, providing updates of what has been done and asking for comments from tribal participants as to whether the recommendations meets the mark or are off track.

Marta Burg asked for the specific document Sheila was referencing. It was not sent with meeting materials.

Sheila apologized for not sending it out, but it is on the ITF website.

1. Encouraging ITF members to coordinate funding cycles

Sheila noted this can be challenging. Some agencies have open application windows, including EPA and IHS. Funding cycles are not always consistent and are driven by the appropriations for that year. Sheila remarked that she couldn't recall how many times they've actually received a budget when they were supposed to get it. They have tried to do some things to increase coordination with funding when it does arrive. There is interaction between IHS and EPA when funds come along and they set priorities. They have had other federal partners reach out to

them as well when projects need partners. These projects are typically larger, regional projects that take multi-agency funding. Many times, these projects are broken up into small pieces.

In 2009, they received American Recovery and Reinvestment Act money and additional money from EPA for implementation. With these funds they could coordinate with IHS for the first time in a joint meeting of project officers in the EPA regions and IHS area offices. It was very successful and something they have continued, albeit not as frequently. The last meeting was held in March 2017. It is an opportunity to talk about the programs and align priorities and projects. They are aiming to holding a meeting every other year. While the agencies may not have been able to align funding levels, there has been more coordination between agencies at the local level. Each of the agencies is trying to get the word out to their remote offices to do more coordination rather than just at headquarters.

Questions or Comments

There were none.

2. Website access in applying for assistance

There have been improvements at grants.gov since 2011 through webpage enhancements. Sheila noted that none of the ITF partners own the website; it is managed by HHS. It might make sense to turn this recommendation over to USDA. Where they've tried to make applications easier is through the USDA effort. Sheila introduced Edna Primrose from USDA.

Edna Primrose talked about RD Apply, which was implemented in 2015. RD Apply is one USDA approach where their customer base and constituents can find a streamlined approach in applying for assistance. RD Apply is a tool to apply online for any water infrastructure funds, including Section 316 set-aside programs. A mobile device can be used also, not just a laptop. You can delegate responsibilities to others to allow access to your application. On the RD side, when looking at and processing applications, they can share information with co-funders based on the application receive. It eases collaboration between federal partners. RD has over 1,000 applications via RD Apply, though not specifically in water programs. Feedback is very good, saying it is user friendly. For them, it's a commitment to customer service.

The second piece is the ePER, which is a testament to the agencies' commitment to partnership, simplifying the application process, and making it electronic.

Questions and Comments

A question was asked how many tribes have used ePER or RD Apply.

Edna responded that they didn't know yet. Through RD Apply, some communities that serve tribes have applied. They can do some research to find out.

Shaun Livermore commented that they've tried to work with their RD state representatives, but they do not seem very knowledgeable about the USDA tribal set-aside program. They are excited that they can directly apply for funding themselves. Over the past three to five years they have tried to get something going, but there has been some turnover at the state level. This is a great advancement and bringing the process into their hands to access funds. He asked about how to get more training related to the new process.

Edna responded that if there is a meeting happening where USDA can do some training, they would like to attend. They provide funding to send technical assistance providers and can also provide training. She can be contacted directly to determine the closest training opportunities. There is some online training with YouTube videos, which can be a start, but it is helpful to have someone with you.

Shaun felt it may be a reason to host a meeting to make it happen. It is a move in the right direction, making the process more user-friendly. It can be intimidating.

3. Online tribal resources and training

Sheila continued that in the 2011 report, tribes interviewed by the work group thought if the funding application process was streamlined, significant training might not be needed. A website was identified with funding opportunities and other resources. They have done two things. First is the creation of www.wateroperator.org a collaboration between Rural Community Assistance Partnership and University of Illinois Urban-Champaign, with seed funding from the EPA. The site aggregates resources for small systems, including information on training events and free resources. It includes a list of tribal assistance providers and a tribal contact list. Second, EPA launched the water finance clearinghouse, which provides local information and resources in making informed decision about their infrastructure. A large database can be filtered for technical and financial resources that are applicable to tribes. EPA is not the only one populating the clearinghouse, but works with its partner agencies to provide up to date information. In the not too distance future, they are looking to add more training modules on topics of interest.

Sheila also mentioned that as documents have been developed through the ITF, they were posted on the website. These include best practices and lessons learned gleaned from the best run tribal utilities: the two-page "Commonalities" document.

Sheila asked if there are other specific online tribal resources that should be made available on the ITF website.

Questions and Comments

Marta noted that she was not properly prepared to provide responses to the recommendations at this time, but the document referenced is a fantastic resource and very interesting. She would love to have the opportunity to discuss it at the next Region 9 Regional Tribal Operations

Committee (RTOC) meeting. She would request time on the agenda to get more meaningful input from the RTOC.

Sheila said there is no timeline, so that would be helpful. Anytime is fine.

Marta noted that she was involved in the 2011 report, but had forgotten about it. She is glad it has been brought back to the forefront.

Matt asked when the meeting will take place.

Marta said July 17-19 in California. While the agenda may already be set, she can share with the tribal co-chair prior to the meeting.

Sheila noted that they can also share information on the ePER system, RD Apply, EPA's clearinghouse, and wateroperator.org for input on those items as well.

Marta noted that she has heard mixed reviews on the tools that are supposed to be user-friendly.

4. Increased use of IHS SDS lists

Sheila continued that the SDS lists takes into consideration a number factors including public health, contributions by the tribe, etc. One recommendation was that rather than everyone having their own priority lists, increase the use of the SDS lists to determine projects.

Sam Russell summarized that on EPA's drinking water side, there has been more flexibility in project selection where Regions have increased their use of SDS.

Questions and Comments

Shaun concurred. Their region is beginning to look at the SDS list when extra funds are available. He's had others reach out to them to fund projects with other dollars.

Marta suggested taking a regional approach. While more reference to the SDS list could be a benefit, in Region 9, high priority needs are not in the SDS or, if they are, are considered lower priority. Some of the guidance documents for the state revolving fund for safe drinking water does not rely on SDS. There should be a mechanism to fund projects that wouldn't get ranked higher on SDS but are still meeting a high need.

5. Optimizing funding and phasing projects

Sheila continued that phasing projects has been done to make more efficient use of federal funding. This primarily occurred when projects were not fully planned, preliminary planning and design were done first, or where there were large projects and competing needs.

Ben Shuman reported that when they score and rank projects in SDS and move to the top of the list, they emphasize that these projects are in the fundable range, that is, they are ready to fund and not going to sit for several years. They put a huge emphasis on ensuring that planning and the ePER is in place, so when funds are applied, the project is ready to fund. It may not necessary be shovel-ready, but funding-ready and able to move on within a year.

Kellie commented that USDA has a planning and design grant program, called Special Evaluation Assistance for Rural Communities and Household (SEARCH), used for scoping, planning, or other ways to help communities get their projects construction-ready. All their states have two per year with some flexibility to do more. Funds come out of their regular grant dollars, and they can be as flexible as they can to get projects ready.

Questions and Comments

Shaun suggested that the recommendation should be tweaked to reflect phasing projects based on the time it takes to complete. If a project is going to take six to eight months to go through planning and design, that is phase 1 and phase 2 is construction. This keeps progress moving along.

6. Identification of funding for operations and maintenance

Sheila noted this is challenging. What can be funded are planning and design, and construction of facilities. There are a number of opportunities through existing programs, such as public water supervision and IHS' circuit rider program. New at EPA in 2017 is its authority from Congress to use some of its clean water set-aside funds for training on operations and management for drinking water utilities. This is a new opportunity to work with IHS to get more circuit riders out there and more over-the-shoulder training.

The 2016 Water Infrastructure for Improvements to the Nation (WIIN) Act expanded the authority of EPA's drinking water funds to allow the money to be used for training and technical assistance for tribal water utilities in addition to drinking water infrastructure construction.

Sam added that the Association of Drinking Water Administrators and EPA co-host a national capacity development and operator certification workshop. This year a new tribally-focused track has been added. It will be held in Indianapolis, August 8-10. August 8 will be a tribally-focused day and tribally-focused sections will be mixed throughout the other days. If anyone is interested, they can email Sam at Russell.sam@epa.gov. It's the first of its kind and they are looking forward to it.

Questions and Comments

Shaun commented that this is a huge need and it's great to have more flexibility to address it. He does have a concern that these flexible funds are put towards projects that count. As it gets

its feet underneath it, and the direction is set, it's important to have discussion on what is going to be most effective. It is critical that we calculate our steps to make sure funds are being used in the greatest area of need and effectively.

Sheila asked if it is worthwhile to have a discussion about metrics.

Shaun responded yes, and which areas of need are more easily addressed, or where dollars have a greater impact. One of the biggest concerns for them is if drinking water infrastructure grant money is going to be taken out of that pot and used on other projects, we need to make sure we are getting the biggest bang for the buck. Frank discussions with agencies, organizations, and operators could help focus some of those funds into areas with greater impact.

Marta concurred with Shaun's comments. The tribes in Region 9 find this to be a significant need. Additionally, training and technical assistance is needed but may not meet all the needs. Having some more thoughtful discussion about how available funds should be spent, maybe at the regional level, is a good idea. Overall, she said that of the 10 recommendations in the 2011 report, this is the highest priority for Region 9.

Ted Buelow asked to make two announcements. One, they continue to support training and technical assistance, but they need to be more effective in marketing what's available. Eleven USDA awards were made to nonprofits, but he did not know how well tribes knew about those opportunities. He asked if ITF could help. In FY 2019, they will have another \$800,000 for rural water systems and tribes, and could use the help to get the word out.

Brian Bennon asked about the time frame for these opportunities.

Ted responded that they are usually advertised in late fall with applications due in early spring. The appropriations were made in March, so no RFP yet.

Since they were close to the end of the meeting time, Sheila suggested they consider recommendations 7, 8, 9, and 10 together. They are about the federal family and how they play together:

- Better at MOUs

Over the years personnel have move between agencies and it can be helpful with continuing conversations and moving work forward.

- Reducing variations in funding processes

This is very much an agency by agency issue with internal guidance. They will continue to try to get improvement in the funding processes.

- Standardizing the environmental review process

If this is explored more, it can be combined with O&M resources.

Ben reported the progress they had in this recommendation. In 2011, ITF developed a summary of agency NEPA procedures. In 2014, HUD convened a workgroup that evaluated ways to coordinate opportunities for tribal housing and related infrastructure. The workgroup continues to meet and with representatives across agencies. The Council of Environment Quality is also involved. The workgroup developed recommendations in 2015 and are on HUD’s website. Since then, the workgroup has been engaged in a draft interagency MOU that encourages the use of NEPA efficiency tools and adoption of the agencies’ NEPA documents, which is in its final stages of review. The workgroup is developing an implementation plan to back the 2015 report. It will discuss how to prioritize recommendations and move them forward.

Sheila noted if you are interested in hearing more of the outcomes from the NEPA effort, they can discuss it at a future meeting. If you have thoughts after this meeting on any of the recommendations, please share with them. She asked for any closing thoughts.

No further questions or comments were offered.

Meeting concluded.

Action Items from 4/24/18 tribal ITF call:

Responsibility	Action Item	
All tribal members	For future ITF calls, if there are certain topics of interest you’d like to hear about or presentations you’d like to make please contact either Sheila Frace (Frace.Sheila@epa.gov) or Matthew Richardson (Richardson.Matthew@epa.gov)	
EPA OLEM ITF contacts	Solid waste sub-group #1 report expected in summer 2018	
M Richardson	Share USDA’s upcoming ePER trainings, ePER webpages, wateroperator.org & EPA’s water finance clearing house	COMPLETED see below & attached
USDA	For the October ITF call, report back on the number of tribal communities that have used RDApply and ePER	
All	Consider reviewing the 2011 Recommendations report here: https://www.epa.gov/tribal/infrastructure-task-force-application-processes-and-recommended-paperwork-streamlining and provide feedback on what tasks/tools/actions the ITF should consider next	

Responsibility	Action Item	
K Kubena	Forward to Matt R Lisa Chesnel contact information	COMPLETED
K Kubena / S Livermore	Exchange contact information	COMPLETED
All	Commit to attending full member tribal ITF calls approximately every 6 months (dependent upon schedules)	

Attached are flyers for the upcoming trainings in OH and SC by USDA-RD, or you can attend one of the webinars. To register see:

- (1) Ohio Training event: May 3rd, 2018 - <https://attendee.gotowebinar.com/register/6095571905661400067>
- (2) South Carolina event: June 21st, 2018 - <https://attendee.gotowebinar.com/register/8119969626394221315>



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USDA-RD ePER:

<https://www.rd.usda.gov/programs-services/all-programs/water-environmental-programs/electronic-preliminary-engineering>

UDSA-RD RDApply:

<https://www.rd.usda.gov/programs-services/rd-apply>

RCAP/Univ of Illinois

<http://wateroperator.org/>

EPA's Water Finance Clearing House

<https://ofmpub.epa.gov/apex/wfc/f?p=165:1>