

Response to Winter 2023 RTOC Action Items

Identifier	Action Items	Tribal Contact	Lead	Response
1	<p>GAP Guidance: With the new GAP guidance, there are questions regarding workplans and updating ETEPs with new guidance; need clarification from EPA; how to show progress with new guidelines. How are the new ETEPs are going to look; how does EPA want the indicators in the ETEPs? Consistency is very important.</p>	Kerri Vera	Ruben Mojica Hernandez; Willard Chin	The GAP Guidance training modules were emailed to Mervin and Kerri (GAP Workgroup lead) on 4/5 to provide to R9 Tribes: https://www.epa.gov/tribal/indian-environmental-general-assistance-program-gap which covers ETEPs and capacity indicators. Tribes are asked to complete all the modules and then R9 Tribal Branch will assess what further training is needed after the modules have been completed by the Tribes.
2	<p>EJ grants and other grants How can EPA assist Tribes with having a circuit rider / facilitator to help tailor the EJ programs thru application process to meet the needs of the Tribes?</p>	Teri Red Owl	Michael Cloyd	We've heard the ask of "circuit riders" specifically before and are relaying that information and need to our HQ offices. In the meantime, EPA has worked to fund applicants to establish technical assistance centers across the nation providing technical assistance, training, and related support to communities with environmental justice concerns and their partners. The new technical assistance centers will provide training, assistance, and capacity building on writing grant proposals, navigating federal systems such as Grants.gov and SAM.gov, and effectively managing grant funding. These centers will also provide guidance on community engagement, meeting facilitation, and translation and interpretation services for limited English-speaking participants. These centers should be announced by the upcoming EJ session at RTOC and will be discussed further then. We actively welcome feedback from Tribes on what they expect from the Technical Centers and how we can best align their work to assist communities.
3	<p>Funding: there is not enough funding to keep up with salary increases, even with modest increases i.e., COLA/inflation. What can be done to increase funding in water quality funding and GAP funding? All the tribes are dealing with us. The example was the recent COLA increases; Tribes have had to adjust their existing funding to include COLA's; the funding amounts have not increased.</p>	Teri Red Owl	Jason Brush/Ruben Mojica Hernandez	<p>GAP Funding Response: A similar question was brought up at the July 2022 RTOC and then MSD Director, Kerry Drake provided this response. "EPA's appropriated funding has been relatively flat for years, and that when adjusted for inflation, we face many of the same challenges managing ongoing programs. He generally described the federal budgeting process, that the President submits a budget to Congress, and that ultimately, it is Congress's decision regarding what is appropriated, and how much." I would like to add that we did see an increase in what Congress appropriated to the national GAP Program for FY23, which was \$74,750,000 (this was about an \$8million increase from FY22). From this AIEO allocated \$16,625,000 to Region 9. With the R9 funds we plan to use every dollar amount available to support all workplans for FY24 as best we can for each one. These discussions about increase funding should also be had at a national level and not just a regional level. So utilizing the NTOC/NTC is another venue to bring up this issue. - Ruben Mojica Hernandez</p> <p>Water Division Response: Water Division is committed to exploring other funding sources to supplement tribal water programs in addition to educating HQ on the need for additional resources. We encourage tribes to make frequent drawdowns and utilize all awarded funding in a timely manner in order to support the need for additional funding.</p>
4	<p>Mining: is there anything EPA can do to assist Tribes when BLM maybe overlooking Tribal concerns? In particular to endangered species, tiehms buckwheat, that is only found in the one place in the world, but BLM is continue to issue permits. Is there anything that EPA can to help Tribes protect this endangered species.</p>	Teri Red Owl	See #6	Water program is in contact with Nina to address this issue and item 6 & 7, and may include other agencies. David Albright from Water Division had an initial meeting with Nina on February 28 and working on follow-up.

5	What is the EPA policy on lithium recycling? What are the programs that EPA has that are involved with recycling lithium? Because Lithium ions are completely recyclable.	Nina Hapner	Jenny Stephenson	<p>EPA (ORCR) is working on two projects directed within the Bipartisan Infrastructure Law that impact lithium-ion batteries. Congress allocated \$10 million to EPA to develop battery recycling best practices and \$15 million to develop battery labeling guidelines which are intended to promote battery recycling. Lithium batteries are a large and growing portion of the battery supply. The best practices are intended to be implemented by state, tribal, and local governments, including U.S. territories and the District of Columbia, that are technically and economically feasible to carry out by battery collection and recycling programs. Best practices will also consider environmentally sound actions and safety for waste management workers and optimize the value and use of material derived from the recycling of batteries. The battery labeling guidelines and communication materials for battery producers and consumers (about the reuse and recycling of critical materials from batteries) are intended to promote battery recycling. The purpose of the labeling guidelines and the communication materials is to improve battery collection and reduce battery waste by—identifying battery collection locations and increasing accessibility to those locations; promoting consumer education about battery collection and recycling; and reducing safety concerns relating to the improper disposal of batteries.</p> <p>EPA agrees that the increase in the lithium battery recycling rate is important as the number of lithium batteries from electronics and electric vehicles hit the waste stream in growing amounts in the coming years. Responsible recycling of these batteries both returns valuable materials such as critical minerals to the economy for use in new batteries and removes batteries from the municipal waste stream where they can cause a fire hazard to workers and communities.</p> <p>In addition to the best practices that we are developing, there are some regulatory considerations around hazardous and universal waste when collecting and recycling lithium batteries as they are likely to be hazardous wastes when managed at end of life. We are working to spread information about those considerations to handlers and recyclers to ensure safe management and real recycling of lithium batteries. Additional information: https://www.epa.gov/infrastructure/battery-collection-best-practices-and-battery-labeling-guidelines</p>
6	What is EPA role with the protection of the ground water (not just mining, over drafting) and how can we utilize EPA? Quantity is impacting quality with tribal resources. Water quality versus quantity; the die off of fish in the river in Yurok, the tribe fought with EPA, the quantity does not impact quality; working on mining issue, how can you assist with this?	Nina Hapner	David Albright	Water program is in contact with Nina to address this issue and item 4 & 7, and may include other agencies. David Albright from Water Division had an initial meeting with Nina on February 28 and working on follow-up.
7	Request EPA to assist with scheduling a meeting with other federal agencies to have a discussion on how agencies can assist Tribes specifically on ground water issues.	Nina Hapner	Danielle Angeles	Water program is in contact with Nina to address this issue and item 4 & 6, and may include other agencies. David Albright from Water Division had an initial meeting with Nina on February 28 and working on follow-up.
8	ETEP / Capacity Indicator Trainings for Region 9. Have multiple trainings throughout R9 in central locations, preference to not be held in San Francisco. A topic for the training: How to incorporate cultural activities/TEK with new guidelines?	Meyo Marrufo	Ruben Mojica Hernandez; Willard Chin	The GAP Guidance training modules were emailed to Mervin and Kerri (GAP Workgroup lead) on 4/5 to provide to R9 Tribes: https://www.epa.gov/tribal/indian-environmental-general-assistance-program-gap which covers ETEPs and capacity indicators. Tribes are asked to complete all the modules and then R9 Tribal Branch will assess what further training is needed after the modules have been completed by the Tribes. EPA is also working on updating their "Cultural Activities & EPA Indian Environmental General Assistance Program Funding" factsheet and will seek input from the RTOC GAP workgroup.
9	Request the Region 9 Office (Regional Administrator) to discuss with Headquarters a National meeting/conference of the RTOCs. Given the size of this potential conference, it could be open for all Regions RTOCs and for full tribal caucuses to have an option to attend as well as EPA staff to attend. The request would also include the regions for funding individual sessions (Tribal Staff / EPA Staff)	Meyo Marrufo & Lisa Gover	Laura Ebbert	Region 9 has reached out to OITA/AIEO leadership regarding this request and is awaiting a response.