

Region 9 Tribal Newsletter



SUMMER 2020 ISSUE

United States Environmental Protection Agency, Region 9,
Pacific Southwest

Musings from the Director, Tribal, Intergovernmental, and Policy Division

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DON'T FORGET!

The next virtual RTOC is
August 11-13!

See a recap of the last RTOC
and where you can stay up-to-
date on RTOC news on pg. 5

I'm spending a lot more time in stillness lately, observing the birds outside my window, feeling the breeze in my garden, observing my houseplants' bright new growth, watching the neighbor's cat lolling in the driveway. My heart is heavier, my days are busier, and it's harder and harder to feel successful in work as the days pass. The stillness, however, is a gift.

I'm sure that COVID-19 has presented you with new challenges piled precariously on top of the work you had already intended to address and the routine work that usually washes up in your inbox. I hope it also brings some stillness and, perhaps, time for new growth. This is a wonderful time for new connections and new resources...what better time to share with you our newest iteration of the Region 9 Tribal Programs Newsletter!

Throughout the pandemic, the EPA has been hard at work, albeit remotely. We are working to ensure that our programs remain relevant and our expectations around tribal engagement are appropriate to the capacities of tribal governments, which are changing daily. If there are ways in which the Agency could be of service or support, we are here and ready to assist.

I'm so pleased that our tribal programs have revived this platform to share information with and among tribal partners. We hope that we can bring to you a compendium of helpful information that will be useful to you. We hope you find this useful, and that you'll share your ideas for what to include in future issues.

I hope you, your family, and your community are in good health and good spirits. This time we are spending alone together is a challenge, but so important to ensure the well-being of our communities. Please find some time to enjoy a bit of stillness today, and know that I'm thinking of you. If there's any way we can better support you, we are just a phone call or email away, and very eager to help.

Very best wishes,

Laura Ebbert

TRIBAL RESOURCES

COVID-19 Resources

COVID-19 and the Shelter In Place orders have continued to present challenges to tribal communities in Region 9 and beyond. Acknowledging that the health and well-being of tribal members is a priority right now, we at EPA remain available to provide technical assistance, answer questions on EPA-administered programs, and to connect you with experts across government for other matters.

Provided below are some helpful links, including information on disinfecting public spaces and preparing workplaces, to refer to as tribal communities begin to prepare for reopening facilities.

Webpage listing Coronavirus resources for State, Local, and Tribal Agencies: [EPA COVID-19 Resources](#)

Answers to frequently asked questions about Coronavirus: [FAQs from State, Local, and Tribal Leaders](#)

Compilation of resources and answers to frequently asked questions about grants and cooperative agreements: [Grants and COVID-19](#)

Compilation of resources available to tribal utilities to support the operational needs of drinking water and wastewater systems: [Tribal Water Utility Resources](#).

Interim EPA COVID-19 health and safety guidance for employees conducting field activities: [Health and Safety Guidance for Field Activities \(PDF\)](#).

Guidance developed by the CDC and the EPA for disinfecting public spaces: [Guidance for Disinfecting Public Spaces](#).

List of products that meet EPA's criteria for use against SARS-CoV-2: [Disinfectants for Use Against COVID-19](#).

Webpage for OSHA COVID-19 resources, to find information on worker safety, preparing workplaces for COVID-19, guidance for specific industries, OSHA Alerts, enforcement guidance, and more: [OSHA COVID-19 webpage](#).



Hualapai Hilltop; photo by Jeremy Bauer.

TRIBAL CONSULTATION OPPORTUNITIES

A full list of active EPA Tribal Consultation opportunities are available on the EPA's [Tribal Consultation Opportunities Tracking System \(TCOTS\)](#) webpage. If interested, join the TCOTS Listserv by sending a message to Join-epa_tcots@lists.epa.gov to receive email notifications on the latest EPA Tribal Consultations.

Virtual Town Hall on Tribal Consultation and Coordination

During previous meetings, the Region 9 Regional Tribal Operations Committee (RTOC) members identified EPA's consultation practices as a topic that could benefit from additional interaction with EPA senior management and proposed the idea of a stand-alone virtual meeting. On June 23, 2020, a Tribal Consultation and Coordination Virtual Town Hall was hosted by Region 9. Topics covered included a general discussion about the consultation process and what has and has not worked under [EPA's Tribal Consultation and Coordination Policy \(PDF\)](#), among other items. Region 9 is working with the EPA's American Indian Environmental Office on follow-up commitments from this discussion, and would like to thank everyone that attended this interactive and productive event.

Development of the Fiscal Year 2022-2023 National Program Manager Guidance

In late June 2020, the EPA initiated the development of the two-year Fiscal Years 2022-2023 National Program Guidance (NPG), which provide operational priorities and strategies to protect human health and the environment, consistent with the priorities in the President's Budget and EPA's Strategic Plan. Early engagement with state, territory, and tribal partners will extend through the end of October 2020 and is focused on identifying common priorities to inform development of the NPGs. Internal and external reviews, including consultation and coordination with federally recognized tribes, are scheduled to take place in January-March 2021. For more information about this work, please visit [EPA's National Program Guidances](#) webpage.



Jacumba Wilderness, California. Photo by Jeremy Bauer.

REGULATORY NEWS

The EPA provides some external links in this newsletter for informational purposes only. The EPA cannot attest to the accuracy of non-EPA information provided by any third-party sites or any other linked site. The EPA does not endorse any non-government websites, companies, internet applications or any policies or information expressed therein.

Memo: Small Quantity Generator Re-Notification Requirement

The memo addresses three implementation questions related to the 40 CFR 262.18(d) requirement for small quantity generators (SQGs), those facilities that generate more than 100 kilograms, but less than 1,000 kilograms of hazardous waste per month, to re-notify as active generators: the timeframe to re-notify, what form the re-notification must take, and how to deactivate SQGs that are no longer active. The first deadline for the SQG renotification provision is September 1, 2021 in states where it is in effect. This re-notification requirement is currently effective in authorized states that have adopted the Generator Improvements Rule, as well as non-authorized states (Iowa and Alaska), Indian Country and most U.S. Territories.

Document Date: April 22, 2020

To view the signed memo, visit: [SQG Requirements Page](#).

Final Rule: Clean Water Act, Section 401 Certification Rule

On June 1, 2020, the EPA finalized the “Clean Water Act Section 401 Certification Rule” to implement the water quality certification process consistent with the text and structure of the Clean Water Act (CWA). The final rule establishes procedures that promote consistent implementation of CWA Section 401 and regulatory certainty in the federal licensing and permitting process. The final rule also, for the first time, provides a holistic analysis of the statutory text, legislative history, and relevant case law informing implementation of CWA section 401. The final rule will become effective 60 days after the date of publication in the *Federal Register*.

Document Date: June 1, 2020

To read the final rule and to learn about the Clean Water Act Section 401 water quality certification process, please visit: [Overview Section 401](#).

Final Rule: The Navigable Waters Protection Rule

On April 21, 2020, the EPA and the Department of the Army (Army) published the Navigable Waters Protection Rule to define “Waters of the United States” in the Federal Register. For the first time, the agencies are streamlining the definition so that it includes four simple categories of jurisdictional waters, provides clear exclusions for many water features that traditionally have not been regulated, and

Continued from pg. 2

defines terms in the regulatory text that have never been defined before. Congress, in the Clean Water Act, explicitly directed the Agencies to protect “navigable waters.” The Navigable Waters Protection Rule regulates traditional navigable waters and the core tributary systems that provide perennial or intermittent flow into them.

Document Date: April 21, 2020

For more information about the Navigable Waters Protection Rule, please visit: [Navigable Waters Protection Rule \(Step Two\)](#).

PROGRAM UPDATES

General Assistance Program (GAP)

Highlighting Indian Environment GAP Success Stories

Today, the EPA announced the official launch of the Indian Environmental General Assistance Program (GAP) Success Story National Pilot, highlighting the agency’s efforts to partner with tribes to protect the environment and human health in Indian country. GAP Success Stories are featured in a web-based application that combines maps with text, images and multimedia elements, known as story maps, allowing the user to visually locate GAP Success Stories across all EPA regions.

Check here for the [Full Press Release](#) and here for the [Success Stories and Story Map](#).

Press Release: June 11, 2020

GAP-Eligible Activities for Wildfire Prevention, Preparedness, and Response

This Region 9 document provides information on what activities are both eligible for EPA’s General Assistance Program (GAP) funding and may help tribes prepare in advance for wildfire events. Contact information for wildfire response resources are also provided.

[GAP Eligible Activities for Wildfire Prevention \(PDF\)](#)

Document Date: June 3, 2020

Environmental Justice Program

Introducing the Region 9 Environmental Justice Program

The Region 9 Environmental Justice Program has a new team of passionate individuals with a mission to ensure that EPA actions provide *fair treatment* and *meaningful involvement* of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. For meaningful involvement to exist people must have **suitable outreach** for engagement and involvement with potentially affected communities, **opportunity** to participate in decisions about activities that may affect their environment and/or health, a **recognition** that their contributions have the ability to influence the regulatory agency's decision, and **consideration** of community concerns within the decision making process.

The Environmental Justice Program provides support to Region 9 in meeting the EPA's environmental justice mission through:

- Ensuring the mission is carried through for our stakeholders including governmental partners (States, Tribes, Pacific Islands) and communities which reside within the jurisdiction of those partners including within the U.S.-Mexico border region;
- Equipping Region 9 staff with the knowledge, understanding, tools and resources to follow through with the Agency's EJ goals in their work;
- Advocating for communities within the Agency and providing a space that they can come to for support;
- And being a resource for the Agency on EJ matters

The Environmental Justice Program is made up of six members that form a diverse multidisciplinary team within the Tribal, Intergovernmental and Policy Division.

Announcement!

The Region 9 Environmental Justice team is excited to announce that the Navajo Nation Environmental Protection Agency has been selected as one of the recipients for the 2020 Environmental Justice Collaborative Problem-Solving Grant Awards. With this award the tribe will build their capacity to address community and environmental health, housing, job training, and workforce development impacts resulting from the closure of Navaho Forest Products Industries Facility in the Navajo Nation.



Ruben Mojica-Hernandez

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coordinate the work of the Environmental
Justice Program. Please contact them with any
questions or concerns.



Alan Bacock

GRANT OPPORTUNITIES

This section will include information for upcoming grant opportunities in future issues. Stay up-to-date on federal grant opportunities by using the [Grants.gov search page](#).

TRAINING AND TECHNICAL ASSISTANCE

Training opportunities in this newsletter are either hosted, funded, or sponsored in collaboration with EPA. Any links to websites outside of EPA are provided for additional information that may be useful or interesting to our readers. EPA can neither attest to the accuracy of these third-party sites nor endorse any nongovernment websites, companies or applications.

July 15
10-12 PST

Keys to Success: Water Recycling in Tribal Communities

This free webinar will help tribes learn what it takes to be successful in developing and implementing wastewater reuse and stormwater capture and use projects. The training is a product of the recently issued national [Water Reuse Action Plan](#).

- Why should tribes recycle water?
- How can wastewater be recycled, and how can stormwater be captured for use?
- How have tribes already had success with reuse projects?
- How do we ensure reuse protects human health and water resources?
- What are the key steps in developing and implementing successful reuse projects?
- What support do tribes need to help pursue water reuse projects?

To register for this webinar, [Click Here](#)

July 21
11am PST

Introduction to Oil Spill Prevention, Control, and Countermeasure Regulation

This webinar will acquaint participants with the tools and resources available to assist tribes in understanding the scope and implementation of the SPCC regulations for aboveground storage of oil, the EPA inspection process, spill notification, and response. The instructional material will acquaint participants with the tools and resources available to assist tribal environmental programs, elected government officials, and tribal members in understanding the scope and implementation of the EPA Oil Program and SPCC regulation, and discuss the EPA inspection process. Interested participants can [register here](#).

First Session:**July 28****Developing Small-Scale Transfer Stations on Tribal Land**

U.S. EPA is offering a free online training course, “Developing Small-Scale Solid Waste Transfer Stations on Tribal Lands.” The course will consist of four real-time, interactive webinars held from 10am – 12pm Pacific Time on Tuesdays and Thursdays from July 26 – August 6.

The training objectives for this course include: evaluating options for transfer stations or community convenience areas serving smaller populations; right-size a transfer facility for your needs with interactive discussions; and understanding siting concerns and resource needs for conceptual design, site preparation, construction, and operation of small transfer stations or community drop-off sites. [Check here for more information.](#)

August**17– 20****Institute for Tribal Environmental Professionals (ITEP) Tribal Lands and Environment Forum: A Virtual Gathering**

ITEP is hosting the Tribal Environmental Lands Forum virtually this year and will feature live online events, on-demand prerecorded sessions, and virtual field trips. The ITEP, the Tribal Waste and Response Steering Committee (TWAR SC), and U.S. EPA’s Office of Land and Emergency Management (OLEM) host the Tribal Lands and Environment Forum annually. Topics highlighted at the TLEF include solid and hazardous waste management, brownfields, underground storage tanks and leaks, Superfund, Emergency Response, as well as cross-media issues. This is a great opportunity for tribal professionals, federal staff, and people affiliated with universities, nonprofits, industry, and other groups. [Check here for more information.](#)



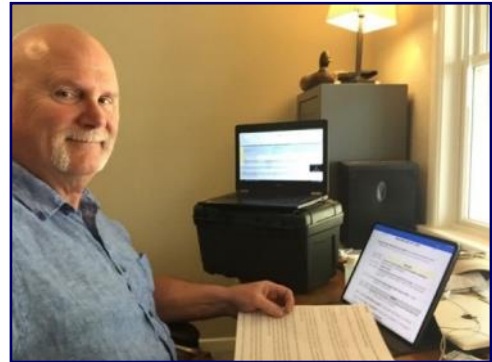
Organ Pipe Cactus National Monument. Photo by Jeremy Bauer.

RTOC UPDATES

The Regional Tribal Operations Committee (RTOC) is a working committee of EPA and tribal personnel co-chaired by an EPA representative and a tribal representative. EPA designates its RTOC representatives through internal mechanisms. All tribes within Region 9 are considered members of the RTOC. Tribal representatives to the RTOC are selected through government-to-government communication, by tribal leaders in various geographical areas within Region 9.

Spring RTOC Recap

On April 28-30, Region 9 RTOC co-chairs Mervin Wright Jr. (Pyramid Lake Paiute Tribe) and Laura Ebbert (EPA) convened the Spring RTOC virtually. Office of International and Tribal Affairs (OITA) Assistant Administrator Chad McIntosh and American Indian Environmental Office (AIEO) Director Scott Mason provided updates about the EPA's operating status and the efforts AIEO and regional offices are making to communicate with tribal environmental offices and answer questions about grants impacted by COVID-19. Additional topics included a budget overview, emergency management, and water program updates.

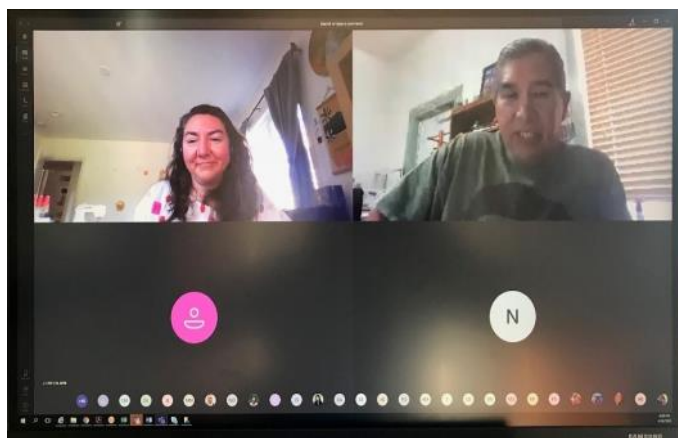


Chad Macintosh, Assistant Administrator of EPA's Office of International and Tribal Affairs (OITA)

Despite the challenges of convening online, tribal staff and EPA staff were able to discuss environmental priorities, celebrate successes and provide a space for constructive and productive dialogue during the meeting, with over 150 participants attending. Presentations and materials from the meeting can be found here: [Region 9 Spring RTOC](#)

Summer RTOC News

The Summer RTOC will take place August 11- 13 and will also be convened virtually. Topics will include air monitoring, water reuse, and others. Registration and updates are available on our [Region 9 RTOC Page](#).



Laura Ebbert (EPA) and Mervin Wright Jr. (Pyramid Lake) convening the Spring RTOC

Call for R9 Tribal Project Success Stories!

Do you have an environmental project that you are proud of and would like to have highlighted in an upcoming R9 newsletter? Please notify your EPA Project Officer or send an email to : R9TribalNewsletter@epa.gov. While we cannot guarantee your story will be used in any particular issue, we would like to develop and highlight one for each quarterly issue. The projects should have an environmental focus and have been funded using federal grants and/or programs.

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cy Division (TIP-3),*
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***Protecting Human
Health and Environment***

Helpful Links:

R9 Tribal Programs:

<https://www.epa.gov/tribal/epas-pacific-southwest-tribal-program-region-9>

Follow Region 9 EPA on Facebook!

<https://www.facebook.com/EPAregion9>

Follow us @EPAregion9 on Twitter!

<https://twitter.com/EPAregion9>

Get in Touch!

Do you have an idea for an upcoming newsletter? Do you have a question or comment about an article in this issue? Please submit ideas, questions, tribal success stories, original photos, or other feedback to the R9 Tribal Newsletter Coordinator, Jeanette Sasek, at:

R9TribalNewsletter@epa.gov



California poppies, Spring 2020, by
Jeanette Sasek



Yosemite Valley, by Jeanette Sasek