



May 15, 2017

Scott Pruitt, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: RTOC Comments on Docket ID No. EPA-HQ-OA-0190

Dear Administrator Pruitt:

These comments are sent on behalf of the Tribal Caucus of the Region 10 Tribal Operations Committee (“RTOC”) on Docket No. EPA-HQ-OA-2017-0190. The purpose is to evaluate existing regulations to make recommendations about potential repeal, replacement, or modification.

The RTOC is concerned about the protection of the environment and its natural resources, including the land, water, and air that may impact the health of tribal members and strongly objects to any efforts to weaken protection under existing EPA programs for environmental restoration and protection.

Weakening environmental programs will have substantial impacts on tribal communities in Region 10. Tribal members rely upon treaty-reserved and subsistence resources to supplement their diets.

EPA programs serve an important role in tribal communities beyond just protection of our environment. EPA supports local jobs that benefit the environment and rural economic development, including resource extraction. Tribal environmental programs supported by EPA have a substantial benefit to local, often rural economies. These programs employ tribal members, contractor, and surrounding businesses in work work to protect and restore our air, water, and lands. EPA programs also support education programs, such as outreach activities for schools.

Loss of any of EPA programs not only impacts the health of our local environmental, but also our surrounding economy and education of our children.

EPA needs to protect existing program and consider the following additional comments:

1. Make Local Implementation of Environmental Programs Easier: The RTOC supports efforts to streamline and simplify the process for obtaining tribal delegation of EPA programs under “treatment in the same manner of a state” provisions of the Clean Water Act, Clean Air Act, and other laws. Local delegation ensures that there is local control, as opposed to EPA-directed, of environmental programs. However, the process is long and cumbersome. We request that the process be streamlined.
2. Streamline Grant Application and Reporting Process: The RTOC believes that the process for applying for and administering tribal grants, including reporting, should be simplified. A significant amount of resources (both tribal and EPA) goes into grant administration. This results in less dollars being spent on environmental protection and more in grant administration.
3. Revoke GAP Guidance or Develop Clear Regulations as required by the Statute: EPA should repeal the 2013 Guidance on the Award and Management of General Assistance Agreements for Tribes and Intertribal Consortia (“GAP Guidance”). The GAP Guidance presented new and significant barriers toward the development of capacity and the implementation of solid waste programs, as allowed by the Indian Environmental General Assistance Program Act, 42 U.S.C. § 4368b. This Act specifically calls for funding for planning, developing, and establishing environmental protection programs and the development and implementation of solid and hazardous waste programs. *Id.*

The GAP Guidance greatly restricts the use of funds for solid waste implementation and places roadblocks and restrictions on other uses – all of this interferes with Congress’ intent on providing funds for tribal program development and with local control of environmental programs. Congress directed EPA to develop regulations for the implementation of GAP funds. 42 U.S.C. § 4368b(g). In the absence of revocation of the GAP Guidance, EPA should begin rulemaking to adopt regulations that comply with Congress’ intent in adopting the GAP program.

4. Streamline Environmental Report and Make More Transparent: The RTOC supports the development of regulations that streamline and clarify the reporting of environmental data from permitted facilities. For example, virtually every state has its own submission requirements for month discharge monitoring reports (“DMRs”) from NPDES regulated facilities. Some require paper, some are electronic. Public dissemination often involves a lengthy public records request process, which can be expensive for local and state governments to administer. We support the development of a consistent electronic reporting requirement (across all states and jurisdictions) that provides the data in timely manner in a central EPA-administered database for use by state and local regulatory agencies, as well as making the information easily available to the public.
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5. Revise TSCA Regulations to Protect Water Quality: Regulations implementing the Toxic Substance Control Act (“TSCA”), administered by the EPA, allow for inadvertent production of polychlorinated biphenyls (“PCBs”) are acceptable up to 50 parts per million (“ppm”) in consumer products. These allowances need to be reduced dramatically because they contradict water quality standards developed by the States, which are orders of magnitude lower. For example, the State of Washington’s water quality standards has a PCB limit of 7 parts per quadrillion to protect human health.

The inadvertent production of PCBs makes compliance with those limits extremely difficult and results in products that have significant levels of PCBs. For example, a recent study conducted by the Washington Department of Ecology found that in 216 samples of consumer products, 156 samples were found to have PCBs in levels over parts per billion. A sample of children’s yellow sidewalk chalk 1,060 parts per billion. A cereal package was found to contain 2,320 parts per billion and yellow office products were found to contain 2,310 parts per billion. These are all products that end up in a waste stream that may ultimately become a point source or a non point source of PCB pollution to our waterbodies. Given this, EPA must adjust the TSCA regulations.

Thank you for allowing the RTOC the opportunity to comment on this evaluation process. We request that EPA engage in government-to-government consultation with Tribes in Region 10 prior to taking any action resulting in the loss of any environmental program or tribal funding program.

The RTOC appreciates your consideration of this letter and your action to protect the health of Native people in Region 10.

Sincerely,



William (Billy) J. Maines
Region 10 RTOC, Tribal Caucus Co-chair