

Tribal Infrastructure Task Force Meeting Summary
May 9, 2013 2:00 PM – 3:30 PM (Eastern)

A. INTRODUCTIONS AND AGENDA REVIEW (MATT RICHARDSON, EPA)

Dana Baer	Indian Health Service (IHS)
Tedd Buelow	U.S. Department of Agriculture (USDA) Rural Development (RD)
Jennifer Bullough	U.S. Department of Housing and Urban Development (HUD), Office of National American Program (ONAP)
Awilda Fuentes	EPA Office of Wastewater Management (OWM)
David Harvey	EPA Office of Ground Water and Drinking Water (OGWDW)
David Harvey	Rural Community Assistance Corporation (RCAC)
Luke Jones	EPA American Indian Environmental Office (AIEO)
Beth Kittila	Horsley Witten Group, Inc.
Kellie Kubena	EPA OWM
Jacqueline M. Ponti-Lazaruk	USDA RD
Hal Neilson	USDA RD
Deborah Patton	RCAC
Steven Poloncsik	EPA Region 5
Brian Rice	Bureau of Indian Affairs (BIA)
Matthew Richardson	EPA OWM
David Sadler	Tohono O'odham Utility Authority (TOUA)
Michelle Schutz	EPA OGWDW
Kelly Titensor	Department of the Interior, Bureau of Reclamation
Michaelle Wilson	EPA Office of Resource Conservation and Recovery, Office of Solid Waste
Felicia Wright	EPA Office of Water

Matt welcomed participants to the Infrastructure Task Force (ITF) meeting. During the current meeting, Deborah Patton will provide an overview of the Rural Community Assistance Corporation's (RCAC) Tribal Utility Governance (TUG) program. In addition, EPA's efforts to support small communities and tribes in choosing and developing appropriate infrastructure will be discussed.

Matt summarized the presentations and discussions from the February meeting:

- The Bureau of Reclamation presented a small-scale solar-powered desalinization system. This simple system used off-the-shelf materials to help minimize costs so the system could be installed in remote areas such as Navajo Country. The system is designed to serve 300 people.
- Ben Shuman from USDA presented the common engineering report (CER) adopted by IHS, EPA, and USDA, which will help streamline the application process. The next step is to develop an electronic version of the CER.

- USDA presented their streamlining processes in Alaska.
- EPA announced the new homeowner outreach Septic Smart campaign with a new website, door hangers, and homeowner guide that describes how septic systems should be maintained. EPA and HUD are planning to distribute letters from management to remind tribal leaders to take advantage of these materials, and reach out to homeowners about the responsibilities of home ownership.
- David Harvey reported on the ITF operation and maintenance (O&M) cost sub-workgroup that is working on a small pilot survey of nine systems. The group will analyze O&M costs to determine if assets and budgets are sustainable.

B. WELCOME, ITF MEMORANDUM OF UNDERSTANDING RENEWAL, AND RECENT ITF ACCOMPLISHMENTS (KELLIE KUBENA, EPA)

Kellie Kubena welcomed all participants, and shared the news that the eight-year ITF Memorandum of Understanding (MOU) was renewed by all five federal partners. This was announced at the United South and Eastern Tribes (USET) Tribal Utility Summit in Nashville in April. She mentioned that much has been accomplished under the previous MOU, including a renewed focus on sustainability, reaching out to solid waste partners, listening to Tribes, and identifying common issues and road blocks to sustainability. An accomplishment document was developed to be shared with the news of the MOU signing. This document is available on the ITF website and was attached to the confirmation email of this meeting. Participants who have questions or comments can contact Kellie, Sheila Frace, or any of the ITF principals.

On behalf of USDA's secretary, and under-secretary, Jackie Ponti-Lazaruk confirmed that USDA is very pleased to recommit to this effort. The ITF has been very effective in improving access and understanding between agencies, as well as in helping to promote sustainability. The Agencies look forward to continuing to work together with the ITF principals, the ITF team, and the tribes across the country.

C. RCAP'S TRIBAL UTILITY GOVERNANCE INITIATIVE (DEBORAH PATTON, RCAC)

Matt Richardson encouraged meeting participants to follow the presentation provided in advance of the call.

Deborah Patton mentioned that the ITF has made a real difference to tribes, particularly in the southwest. She pointed out that some tribes in Regions 6, 8, and 9 are faced with unique circumstances, including how some are located at the bottom of the Grand Canyon. EPA funding has provided RCAC the opportunity to run the Tribal Utility Governance program.

Slide #4: One of the goals of the Tribal Utility Governance Program (TUG) was to identify 80 technical assistance projects covering the three Regions.

Slide #5: This slide describes the regional Native American Water Masters' Association (NAWMA) workgroups, which offer simultaneous online training with live interaction. Nine new groups were formed (three in California, one in Nevada, one in New Mexico, one in

Montana, one in Oklahoma, one in North Dakota, and one in South Dakota). Each group has developed their local character with local speakers and ideas on how to evolve to address local issues.

Slide #6: The NAWMA working group is providing an opportunity to improve communication between the target audiences, which is often lacking.

Slide #7: The TUG training manual was developed in 2000 and updated in 2006, 2007, and 2012 with input from the tribes. EPA Drinking Water fact sheets are now included. The manual is available as both a printed copy and electronically.

Slide #8: The basics of the TUG program are management and compliance. The goals are to teach management and provide a better understanding of finance. Mentoring between participants often occurs because of the diversity of the attendees.

Slide #9: The take-away messages from the training are that utilities should have well defined standard operating procedures (SOPs), O&M procedures, and a sufficient budget.

Slide #10: The training provides a certificate and certification track. The certificate is not just a certificate of attendance; it is a certification of completion called the Principles of Utility Management for Tribes (PUMT) Certificate. An online version is available for those who cannot attend in person. TUG Level 1 is a certification that involves passing a test, and demonstrating experience and education requirements.

Slide #11: RCAC, EPA, and IHS hold quarterly TUG meetings. A goal of 80 technical assistance projects has been set. These projects will be guided by EPA and IHS with input from NAWMA meetings and operators.

Slide #14: The program has demonstrated the variety of needs, most of which should be addressed. Another lesson learned is the common disconnect between the tribes and the utilities. Many would like to see the implementation of mandatory training.

For the next steps, RCAC would like to see the groups empowered to continue and grow. Without funding, the groups claim that they would not have the time, money, or resources to continue the meetings. They want to be able to continue assisting utilities in becoming independent and sustainable by teaching skills to manage financial and infrastructure needs. These skills are applicable to tribal and rural utilities and communities alike. The Navajo Nation is very interested and wants to be included.

Questions:

The RCAC sounds like a great program based on the same fundamental issues that the ITF is seeking to resolve. USDA provides funding for RCAP work, and has a technical assistance and training grant program that specifically sets aside funds for substantially underserved trust areas or areas in the colonias. This type of program would be eligible for these funds. Has RCAC considered this as an option?

RCAC would be interested in pursuing this further.

The evaluation process measures the percentage improvement, how is this measured?

RCAC helped to develop the test. The same test is given before and after the class, and the results are evaluated to identify improvements in participants' scores.

How would you measure success of the program long term?

One measure is improved compliance with the Safe Drinking Water Act. Success is also achieved when the groups get together and stay together, through ongoing meetings. The groups support the idea of tribal sovereignty, and have developed good working relationships. Reaching a higher level of certification and knowledge would be another measure of long-term success. Technical skills and knowledge have improved each year, and that can be expected to continue.

RCAC is building from the ITF sustainability factors that have been identified by the ITF. Since then, the ITF has been listening to tribes, and one of their major concerns has been utility management and governance. Communication between decision makers, and day-to-day operations are important. Are these topics addressed in these TUG modules?

This is an integral part of this program. Even if the Tribe does not have a formal utility, communication and organization, and formal training are still important and useful. If possible, the utility needs to be run as a business, separate from tribal issues and politics.

If a person fails a test, can they go online to follow up and re-test?

There is no failure rate for the certificate. Participants need to show improvement in the post-test. Participants unable to attend in person can go online to take the test and watch the training to get their certificate.

Do you have statistics on the number of people who are taking advantage of this online option?

The certification test will not be available until August but RCAC has been polling participants to see if they are interested in this option. About 75% of the participants are interested. This would be administered by the Intertribal Council of Arizona (ITCA). The first session for the certificate was posted online and only two people have participated in this option so far. RCAC is still working on spreading awareness of this option. RCAC is getting ready to post the second session and is able to monitor how many people are online, for how long, and whether or not they take the test.

Can the TUG Program Manual be easily updated in the future?

The manual is easily updated because it is in an MS Word format. The manual includes forms that tribes can use and modify to meet their specific needs, as appropriate.

It should be noted that the success rate of the certification exam is based on quality and not quantity. The exam requires preparation and experience, and is a good comprehensive test. Study materials are available through ITCA.

Is the test limited to drinking water utility management?

A portion of the test is on drinking water but it really relates to general utility management, budgeting considerations, human resource issues, policy development, and the full spectrum of management theory. It is a complement to the tribal certification program for water and wastewater already in place.

D. EPA'S APPROPRIATE INFRASTRUCTURE PROCESS (KELLIE KUBENA, EPA)

EPA is researching ways to ensure that decision makers have the appropriate knowledge and tools to evaluate whether a recommended infrastructure is appropriate for a community. Two webinars will be held to identify existing gaps, and additional tools and training that would be helpful. Similar to listening sessions EPA has held through the ITF, these are listening webinars, in which EPA will be listening to discussions from a few rural communities. One of the webinars will have a focus on engineering, while the other will be more focused on management. People who cannot attend the webinars, and would like to share their thoughts should contact Kellie or Matt. Information on the webinars will be sent to participants after the meeting.

E. SUSTAINABLE MANAGEMENT OF SMALL & RURAL UTILITY SYSTEMS (MATT RICHARDSON, EPA)

EPA and USDA led a management workshop at the three-day USET Tribal Utility Summit in April, which was designed to help utility operators and managers across the country. The workshop, titled *Sustainable Management for Small Rural Utility Systems*, was the fourth of a workshop series for operators and managers at small systems across the country. During the workshop, the following issues were raised and discussed: ageing infrastructure, difficulties in retaining staff, difficulties in growing financial reserves, and challenges in gaining support from local decision makers. These issues are similar to issues identified by the ITF for tribal systems.

In 2011, EPA and USDA signed an MOU to work together to develop activities to address these challenges. Three items were created under this partnership effort:

1. Management workshops, four of which have been developed so far;
2. An easy to read guidebook for small systems; and
3. Materials for a train-the-trainer workshop, or "workshop in a box."

The workshops were designed to be highly interactive, with the majority of the agenda devoted to table discussions. Participants discussed management opportunities and how to implement those opportunities. They also discussed how to best work with staff and community members. All materials are based on the ten key areas of effectively managed systems, and provide instructions on how to conduct a utility assessment of these management areas. They also help utilities prioritize these management areas, and develop measures to show progress.

In the workshops, and through the guidebook, the first step of the self-assessment is to identify the utility's strengths and weaknesses, and prioritize where resources and efforts could be focused. Utilities ranked the ten management areas and their priorities, and plotted them to identify the critical areas for improvement. For example, participants may identify that the employee leadership and development management area has a low achievement score, and a high

priority score. These materials provide some suggestions on how to resolve these issues (e.g., ensuring that staff members are cross-trained, allowing employees to work non-traditional schedules, developing relationships with neighboring systems). The materials also include suggested measures (e.g., employee turn-over rate, annual total of training hours per employee). The materials help the utility prepare an improvement plan, and identify actions with clear descriptions, the responsible person, required resources, and a timeline for each milestone. EPA and USDA are working together and are using this as an ongoing tool. So far, the sessions have been held in Michigan, California, Georgia, and at the USET conference in Tennessee.

Jacki Ponti-Lazaruk pointed out that USDA is thrilled with what has been developed, particularly the “workshop in a box.” Agencies have limited resources to conduct these trainings, but the materials can be used by others to conduct additional trainings for both tribal and non-tribal entities across the country. Tribes and other communities who use these products and want to provide feedback on how to improve them should contact EPA or USDA.

Have you received any feedback from Tribes?

Tribes at the USET Summit provided very good feedback. Management training had been requested at the previous Utility Summit. Matt Richardson can provide a copy of the feedback summary.

Dave Sadler from the Tohono O’Odham Utility Authority (TOUA) announced that this would most likely be the last meeting he will attend because he is retiring in August. He hopes to continue to work with Tribes and small systems whenever possible, and can do that through an LLC he set up. Dave Sandler had been instrumental in developing the Indian Operator Certification program in 1990, and has been working with colonias, boards, and management groups across the country for many years. He hopes to continue helping these communities after he relocates to Bullhead City near the Colorado River.

F. SELECT PROGRAM REPORT OUT & RURAL UTILITY SYSTEMS (MATT RICHARDSON, EPA)

Kellie Kubena mentioned that Andrew Sawyers is the new office director for the EPA office of wastewater management, after James Hanlon, the previous director retired following a long and distinguished career. He has not yet been briefed on the wastewater side of the Tribal activities but is familiar with the ITF work from when he was in the Office of Ground Water and Drinking Water. The website will be updated to reflect this change.

Jacki Ponti-Lazaruk also mentioned that USDA has had a change in their leadership. Doug O'Brian, the former deputy under-secretary, will be acting under-secretary, until a permanent under-secretary has been selected and confirmed. Patrice Kunesh, from the Department of Interior will be moving to USDA shortly to become the new deputy under-secretary. She is also a member of the Standing Rock Sioux Tribe. In addition, a USDA budget has been approved, and funds have been made available. Loan and grant funds are available, including the tribal set-aside funds. Some of the funds were spent under the continuing resolution, and several projects have been approved and are awaiting funding. This will leave about nine million dollars available for tribal projects between now and the end of the fiscal year. For additional

information on applying for this funding, interested parties should contact the local USDA rural development office, and can contact Jacki or Tedd Buelow, who will help identify the right point of contact.

Tedd Buelow mentioned that the Rosebud Sioux Tribe solid waste transfer station has been completed. Funds are usually used for water projects, but USDA funding can also be made available for solid waste projects. The Tribe will be able to collect their waste in a more efficient manner, requiring less time and equipment, and will be able to include a recycling program. Matt Richardson will forward a link to meeting participants with additional information regarding this project.

USDA has been working on a fact sheet on substantially underserved trust areas and how the statute that relates to them is being implemented at the Rural Utilities Service (RUS). Language was added to the last Farm Bill authorizing the RUS to offer special terms and rates, and other arrangements for loans and grants towards water, electric, and telecommunications projects. A rulemaking has been conducted, the rules are in place, and USDA wanted to share information on what it means, and how things will work. This fact sheet will be shared with the group as soon as it is ready. In the meantime, Tribes are encouraged to apply for these funds. Tedd Buelow is not aware of any direct requests from Tribes in the eligible utility areas at this time.

USDA has a new senior advisor for Tribal Affairs at the department level. The new director of tribal relations is Leslie Wheelock, who used to work at the National Congress of American Indians. She comes from the United Indian Community in Wisconsin. Leslie and Tedd will both be attending the National American Indian Housing Council conference next week.

USDA RUS is working on codifying the streamlining processes that were agreed upon by federal agencies, including USDA, IHS, EPA, and the State of Alaska regarding the Rural Alaskan Village Grant. Proposed regulations will be issued, and an opportunity to comment will be provided.

David Harvey mentioned that five of the nine O&M pilot interviews have been completed to date. The team hopes to have the remainder of the interviews completed by the end of June with a report to follow.

G. THANK YOU & NEXT ITF CALL (MATT RICHARDSON, EPA)

Felicia Wright mentioned that the National Tribal Water Council met with EPA's Assistant Administrator for water during a three-day conference. During the conference, infrastructure was discussed. The Tribes' main message was to request that no infrastructure funding cuts be made for Tribal projects. Outcomes of the broader discussions held during the conference will be further discussed during the next meeting.

Action Items

- Participants who have questions or comments regarding the ITF MOU renewal or the 2-page ITF accomplishments report may contact Kellie Kubena, Sheila Frace, or any of the ITF principals.
- People who cannot attend the two upcoming listening webinars, and would like to share their thoughts should contact Kellie Kubena or Matt Richardson.
- Tribes and other communities who have used the sustainable management tools developed by EPA and USDA, and want to provide feedback on how to improve them should contact EPA or USDA.
- For additional information on applying for USDA tribal set-aside funding, interested parties should contact their local USDA rural development office, or email Jacki Ponti-Lazaruk and Tedd Buelow.
- Matt Richardson will forward a link on the Rosebud Sioux Tribe solid waste project to meeting participants.
- The USDA fact sheet on RUS funding under the Farm Bill will be shared with the group as soon as it is ready.

The next ITF call has not been scheduled yet, but it is tentatively set up for sometime in August.