

NOTE TO EPA - Please include a DATE of when a response will be completed for each Action Item.

| Identifier | Action Items                                                                                                                                                                                                                                                                                                                 | Tribal Contact                                                                                                                                                                                                                                                  | Lead                                                                      | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Deadline | Notes |
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| 1          | The Tribes request unbiased research on how EPA is assessing the impacts of data centers? What can EPA do to assist Tribes with understanding how data centers will impact Tribes?                                                                                                                                           | Syndi Smallwood                                                                                                                                                                                                                                                 | Office of Land and Emergency Management (OLEM): Brownfields and Superfund | <p>While the EPA has not conducted independent research on the impacts of data centers, EPA's Office of Land and Emergency Management (OLEM) which oversee Brownfields (OBLR) and Superfund (OSEM) programs, posted materials on the EPA website in response to the Executive Order on Accelerating Federal Permitting of Data Center Infrastructure. The data center materials developed by these offices are designed to assist communities who want to attract this type of development as they work to redevelop their brownfield or Superfund sites. OBLR does not have any research that assesses the environmental impacts of data centers. POC: Aimee Storm (storm.aimee@epa.gov) &amp; Christine Lottie (lottie.christine@epa.gov)</p> <p>Data centers may require federal permits depending on their location, operations, resource usage, etc. Those permits may require an environmental impact analysis under NEPA that would be developed by the lead federal agency. Our Environmental Review Program is not aware of any such projects currently proposed in Region 9. There may be projects that do not require federal permits, but do fall under local or regional government jurisdiction or permitting authority.</p> <p>Please find additional information on the following EPA websites for program-specific information related to data centers.</p> <ul style="list-style-type: none"> <li>• Brownfields: <a href="https://www.epa.gov/brownfields/reuse-considerations-data-centers-brownfield-sites">https://www.epa.gov/brownfields/reuse-considerations-data-centers-brownfield-sites</a></li> <li>• Superfund: <a href="https://www.epa.gov/superfund-redevelopment/reuse-considerations-data-centers-superfund-sites">https://www.epa.gov/superfund-redevelopment/reuse-considerations-data-centers-superfund-sites</a></li> <li>• Redevelopment Guidance Document: <a href="https://www.epa.gov/system/files/documents/2026-01/guidance-on-the-redevelopment-of-superfund-and-brownfield-sites-as-ai-data-centers.pdf">https://www.epa.gov/system/files/documents/2026-01/guidance-on-the-redevelopment-of-superfund-and-brownfield-sites-as-ai-data-centers.pdf</a></li> <li>• Air – <a href="https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-resources-data-centers">https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-resources-data-centers</a></li> <li>• Water Reuse - <a href="https://www.epa.gov/newsreleases/epa-launches-water-reuse-action-plan-20-advance-agencies-core-mission-and-strengthen-us">https://www.epa.gov/newsreleases/epa-launches-water-reuse-action-plan-20-advance-agencies-core-mission-and-strengthen-us</a></li> <li>• Landfills - <a href="https://www.epa.gov/lmop/power-self-sustaining-microgrid-including-data-center">https://www.epa.gov/lmop/power-self-sustaining-microgrid-including-data-center</a></li> </ul> |          |       |
| 2          | If EPA is proposing to cut RTOC from 4 meetings to 2, explain where the cost savings from this budget reduction will go to?                                                                                                                                                                                                  | Kerri Vera                                                                                                                                                                                                                                                      | AIEO - Lisa Berrios                                                       | The cost-savings will remain in the Region's GAP allocation to be awarded to Tribes and intertribal consortia to support on-the-ground Tribal program development and solid waste implementation activities in approved GAP workplans.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |          |       |
| 3          | With the increase in wildfires, there is concern over PHOS-check being used. Is there an update on development of an NPDES permit? Northern CA Tribes request that EPA take the lead making sure that other federal agencies (BLM, Forest Service), are providing information on the safety concerns with rural communities. | Monica Hiner                                                                                                                                                                                                                                                    | Tomas Torres<br>- Prasad & Sahrye                                         | <p>The May 2023 court decision (FSEEE v. USFS) found that the U.S. Forest Service violated the Clean Water Act by unpermitted aerial fire suppressant discharges into navigable waters without a National Pollutant Discharge Elimination System (NPDES) permit. However, the court did not ban the practice, allowing the agency to continue use while pursuing a permit. EPA HQ is processing an NPDES permit application from the Forest Service. In February 2026, EPA HQ requested additional time from the court prior to submitting a draft to OMB for review.</p> <p>Tomas Torres discussed this issue with leadership at the CA SWRCB. They were interested in learning more and discussing this issue with the Tribal Water managers who brought this to our attention. We would like to connect Grant Johnson, Hans Voight and Monica Hiner with State Board leadership to continue the discussion.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |          |       |
| 4          | (Assistance Requested by NAEPC): NAEPC needs assistance reaching the Water Quality Assurance Division (Audrey Johnson) to request approval for the NAEPC QAPP. NAEPC reached out to their PO who has been unable to contact the Water Quality Assurance Division on NAEPC's behalf to solve this issue. Please contact       | <p>RTOC Rep on behalf on NAEPC -Kerri Verra</p> <p>Jill Sherman-Warne, NAEPC Executive Director at <a href="mailto:jill@naepc.com">jill@naepc.com</a> and Helen Medina, NAEPC Financial Manager at <a href="mailto:hmedina@naepc.com">hmedina@naepc.com</a></p> | Kerry Drake                                                               | <p>Additional edits were requested by the QA Branch and sent by the PO on 7/15/2026. The Project Officer worked with the QA Branch &amp; NAEPC to communicate the necessary update to the QAPP. The QA office is now waiting on the updated QAPP from NAEPC before the review.</p> <p>We encourage all QA documents submitted to EPA R9 for review include both the Project Officer and the Quality Assurance Branch. Please submit quality assurance documents and inquiries to <a href="mailto:R9-QAB@epa.gov">R9-QAB@epa.gov</a>.</p> <p>To ensure timely action on Tribe-specific issues, EPA encourages individual concerns to be raised to specific Program contacts (i.e. Project Officers, then to subsequent management), before it is elevated to the RTOC Tribal Caucus. If there are any questions about who to contact within EPA, please feel free to reach out to the RTOC Coordinator, Abigail Gamet at <a href="mailto:gamet.abigail@epa.gov">gamet.abigail@epa.gov</a>.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |          |       |
| 5          | Tribes in R9 request formal Tribal Consultation on the decision to reduce four in person RTOC meetings to two.                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                 | AIEO - Lisa Berrios                                                       | <p>EPA has decided to prioritize the use of GAP resources to fund on-the-ground Tribal environmental program development and solid waste implementation activities. To support this priority, EPA has reduced the number of GAP-funded in-person RTOC meetings to two per year. EPA is not offering Tribal consultation on this decision.</p> <p>EPA's Policy on Consultation with Indian Tribes does not anticipate Tribal consultation on all aspects of the Agency's work and specifically includes exceptions related to administrative personnel and certain budgetary decisions.</p> <p>EPA must meet its responsibility under the Indian Policy while ensuring the fiscally responsible distribution of Congressionally appropriate funds. Congress has consistently appropriated approximately \$72 million for GAP in recent years; however, the cost of the activities that GAP supports has steadily increased. EPA's streamlining of the number of GAP-funded in-person RTOC meetings seeks to maintain meaningful engagement opportunities while supporting activities that meet the unique needs of GAP recipients.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |          |       |